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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, September 5, 1996*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Breathe upon us, O God, the breath of life, speak to us in the depths of our hearts, look upon us with favor, hold us in Your strong arm and at the end of time, grant us Your peace that passes all human understanding. We place these petitions before You, gracious God, for You have been our help in ages past and You are our hope for years to come. As You have given us our very lives, so You give us the blessings that make each day possible and make each opportunity an occasion for serving others in their need. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California [Mrs. SEASTRAND] come forward and lead the House in the Pledge of Allegiance.

Mrs. SEASTRAND led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 740. An act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3060. An act to implement the Protocol on Environmental Protection to the Antarctic Treaty.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain ten 1-minutes on each side.

TROUBLE IN IRAQ

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the trouble in Iraq was in the north, so we shot missiles in the south, 27 the first day, 17 the next day, then 1. A missile a day is not going to keep Saddam away. We know that we must and we do support the President's military action. He is the Commander in Chief and in times of this type of international crisis, we must remain united as a people and as a Congress, reflecting the wishes of our people.

But, Mr. Speaker, we also need to have the White House explain fully the long range goals and targets of this military action so that the American people will know that they do not have to face the prospect of another missile attack or another reaction by Saddam or a reaction to that action by our Armed Forces. What is the overall final policy envisioned by the White House? We need to know that so that we can support it as Congress should, and so that the American people will know what to support.

THE DOLE-GINGRICH TAX PLAN

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, the folks who brought us the Government shutdown are back at it. Cut taxes on the rich, they say, and cut Medicare and student loans to pay for it. The Dole-Gingrich tax plan, some $600 billion in tax breaks mostly for the rich, will mean ever bigger cuts in Medicare, ever bigger cuts in student loans, ever bigger cuts in environmental protection than the original Gingrich plan.

The Dole-Gingrich plan will mean fewer Medicare services and fewer student loans. The Dole-Gingrich plan will mean higher Medicare premiums, higher Medicare copayments, higher Medicare deductibles, and higher costs for middle-class students getting student loans.

The Dole-Gingrich plan will mean Medicare beneficiaries who are now paying about $46 a month in premiums will see their premiums approaching $100 a month.

Mr. Speaker, not cuts in Medicare and student loans to pay for tax breaks for the wealthy. It simply does not make sense.

DEMOCRATS HOOKED ON SPENDING

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, the liberal Democrat leadership will be holding mock hearings today for the sole purpose of criticizing the Republican plan to cut taxes by 15 percent.

Liberal Democrats just can't stand the idea of Americans keeping what they earn. For some reason, they love big government; they love spending billions and trillions of hard-earned tax dollars on Washington-based bureaucracy.

Today at their hearing, liberal Democrats will bring the old arguments that Republicans want to slash programs to the elderly to pay for tax breaks for the rich. But these arguments have been thoroughly rejected by the American people. Congress has proven that we can have substantial tax relief while saving sensitive programs, like Medicare, from bankruptcy.

The difference here is that Republicans trust the American people. Families should have the freedom to do

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

what they want with their own money. Liberal Democrats love big government and they love the big taxes needed to run it.

BOB DOLE'S ECONOMIC PLAN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, Bob Dole's economic plan does spell disaster for the millions of Americans who depend on Medicare. His proposal for a close to $600 billion tax cut could result in $300 billion in Medicare cuts. That is not my number, that is the Congressional Budget Office which is controlled by the Republicans. It calls the cuts draconian. They say that Medicare beneficiaries would probably find their own costs rising substantially, that is a direct quote, if $300 billion in Medicare cuts were required. Mr. Dole says he plans to pay for this tax cut by closing corporate loopholes.

Get a hold of the New York Times this morning where this is the following quote from the New York Times:

> During Mr. Dole's 27 years in the Senate, he has proved himself to be a master at engineering the very sorts of special tax breaks for constituents and corporations that he now decries. And recipients of those breaks in turn have been among Mr. Dole's most generous contributors.

Let me say this to you, that he was also very proud that he voted against Medicare, 1 of 12 to do that. Who do you trust to deal with the Medicare system, Mr. Dole or the Democrats who have stood here to defend Medicare every single day for the last 20 months against the Republican onslaught?

TEENAGE DRUG USE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, here is a headline from the Greenville News out of South Carolina, 2 weeks ago: "Twice as Many Teens Using Drugs as in 1992."

Mr. Speaker, why do we have this headline? Why is it teen drug use has exploded? There are probably many plausible theories, but I think the most important is the attitudes of those in positions of authority. In the 1980's, the Reagan administration told young people to just say no.

But in 1993, when Bill Clinton first took over as President, he slashed the budget of the Office of National Drug Policy. Then, his administration hired about 40 staffers who had to be placed in a special drug program because they admitted to using hard drugs such as crack cocaine only a few months before going to the White House.

Mr. Speaker, when we have an administration that takes a casual view of adult drug use, its no wonder we have headlines like this.

IRS AUDIT OF COLLEGE COURSE

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I believe it is time for Members of this House to stand up to intimidation. A letter has been sent from the chairman of the Committee on Ways and Means, Mr. ARCHER, to the Commissioner of the Internal Revenue Service, Ms. Richardson, intimating that she should not continue with the audit of the two courses that were given in Georgia on which the Speaker was a party. They were at the Reinhardt College and the Keenesaw State University.

These audits that are ongoing are legitimate audits of a not-for-profit foundation that was possibly used for political purposes. Yet Mr. ARCHER has written to the Commissioner asking her not to continue with the audits. That is intimidation. Never, I have been here 20 years, I have never known a chairman of the Committee on Ways and Means ever try to intimidate an IRS commissioner.

ANOTHER VIEW ON IRS AUDIT

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, the gentleman who just spoke referring to the IRS audit of the course did not point out that this may be the only college course given for credit that has been audited in the history of this country. I wonder why. The IRS is also auditing the Christian Coalition, the National Rifle Association, and Pat Robertson. I wonder if they are auditing the AFL–CIO.

This is perhaps the most biased, the most tendentious, the most politically active IRS in the history of this country. And the chairman of the Committee on Ways and Means has a right to ask for an explanation. He did not order anyone to stop. He asked for an explanation. It is time that they explain their political activity.

MORE ON THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS. Murderers, terrorists, rapists, child abusers, even traffic violators are also innocent until proven guilty. It had been good enough for Madison, Jefferson, Washington, good enough for everyone except the Internal Revenue Service. The Internal Revenue Service says taxpayers should remain guilty and have to prove themselves innocent in tax court. And they said, Congress, if you change the burden of proof law it will cost us billions of dollars. Unbelievable, Congress.

Could you imagine Madison saying to Jefferson, discussing the Bill of Rights, Tom, this is great stuff but it costs too much? Beam me up. You want to talk about family values. The IRS, NEWT GINGRICH, picking on political targets.

Congress, put this thing in order. It is time to change the law. A taxpayer is a citizen, too. They should be innocent until proven guilty. Bring your damn case or do not bring it right. Think about that. I am asking Congress to change the burden of proof in a tax case and start treating taxpayers like American citizens. I yield back the balance of these laws.

REPORT ON TEENAGE DRUG USE

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, 2 weeks ago, the Department of Health and Human Services released a shocking report on teenage drug use. Here are some of the findings: Overall drug use for 12- to 17-year-olds, from 1992 to 1995 is up 78 percent; marijuana use up 105 percent in the same age group during the same period; marijuana use, in just the last year: up 37 percent; LSD use, 1992–95: up 183 percent; LSD use in just the last year: up 54 percent; cocaine use, 1994–95: up 166 percent. In just 1 year.

It used to be that the White House encouraged our young people to just say no. Today, the White House just says nothing about this explosion of teenage drug use.

The Clinton war against drugs has been a failed war against drugs. And now we see the consequences.

BACK TO SCHOOL

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, in my home State of California, which is being called the epicenter of the school enrollment explosion, 5.5 million students are returning to school this week, 100,000 more than last year. Nationwide enrollment is expected to rise by 7 percent over the next 6 years. Instead of responding to this crisis, the majority, however, is contributing to it by proposing tax cuts on the rich while voting to cut education spending by 7 percent, 7 percent below 1995 levels.

President Clinton, on the other hand, and the Democrats want to help our schools, help our schools prepare for the future by ensuring that every child enters the classroom ready to learn, by training more teachers and raising learning standards through Goals 2000, by expanding the use of technology in our classroom and by making college more affordable.

Mr. Speaker, it is time to make education our No. 1 priority and ensure that every student enters the classroom ready to learn and has the opportunity.

DRUG USE AMONG TEENS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, I looked at this survey that has been completed by HHS about drug use among teenagers. I do not get it. I am confused about why.

Here we have got overall drug use that has doubled in the last 4 years. Remember that after there was a substantial decline, Mr. Speaker, during the 1980's and the early 1990's, in the past 4 years overall drug use has nearly doubled. Marijuana use is up 105 percent. LSD is up 183 percent. Cocaine is up 166 percent. Inquiring minds wants to know why.

☐ 1015

Why, Mr. Speaker, what has changed? What has happened? What can we look to? What is the explanation?

Mr. Speaker, I was the first invitee at a townhall meeting for the homeless in Cleveland about a week ago, and I asked those people what is the No. 1 problem that got them to this situation that they find themselves in, and they said drugs.

WE NEED THE TRUTH ABOUT TAX CUTS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the question should be asked this morning as we move into this process where the American people will make choices: "What does a 15-percent tax cut do for you or for those Americans who are looking for a better life?"

We do not need political rhetoric. We do not need confusion. We need the truth.

It is interesting that my colleagues on the other side of the aisle want to now use the straw man of teenage drug use, something that all of us abhor, something that is necessary to prevent, when they are the very ones asking for almost a $600 billion tax cut that benefits those making over $100,000 so that, one, we can cut the drug-free schools program. As a member of the Committee on the Judiciary, that is what they cut, cut the DARE Program that enhances and gives our children the incentive not to take drugs.

Mr. Speaker, I believe in prevention, but a tax cut does nothing but to scare seniors by causing a $300 billion cut in Medicare, it cuts the environment and, likewise, it cuts our opportunities for education.

Let us tell the truth. This 15 percent across the board has no basis in fact. There is no way to tell how it can be done. There is no way to say that it will improve your life. Please realize what the truth is. Fight against those tax cuts and let us educate our children.

SET AN EXAMPLE ON DRUG TESTING

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, as my colleagues know, back in the early 1980's Ronald Reagan, at my urging, enacted random drug testing on the military. At that time over 25 percent of our active military were using drugs in one form or another. Once we put random drug testing into effect, within 4 years it had dropped from 25 percent down to 4 percent.

What is happening in America today is so frightening with 12- and 13-year-olds using marijuana and a 137-percent increase, 14- and 15-year-olds now increasing by 200 percent. Something has got to be done.

On opening day of the next Congress I will introduce a rule change to the House which will set the example bringing Members of Congress and their staff under random drug testing rules. We need to set the example. We need to go back to just say no to our young people so that they know it is important.

I hope my colleagues will support my rule change on January 3, 1997.

DOLE TAX CUT BAD FOR SENIORS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I have no fear of taking a drug test, and I suggest we do it here on the floor of the House.

Let me talk about the cuts that we have in safe and drug-free schools, the same people we have heard this morning talk about the increase in drug use, and yet this majority Republican Congress cut $99 million out of safe and drug-free schools that the President requested, again the DARE programs.

But that is not what I want to talk about today. Mr. Speaker, I really wanted to talk about the proposed spending of all the political career of Senator Dole as a budget balancer and now calling for a 15 percent tax cut. This sounds great and all of us would like to have one, but how are we going to pay for it? In recent history, if there is any indication, it will be paid for by cuts in education, by cuts in the Medicare needs for seniors, and of course, remember last year when Senator Dole bragged about voting against the creation of Medicare in 1965. Now he says he wants to preserve and protect it.

Mr. Speaker, I am concerned that after November 5, if that happens, we will then hear about where those cuts are going to come, and they are going to come from education, from Medicare for seniors and from programs that we need to plan for the 21st century.

GINGRICH AUDIT

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, it has come to my attention that a colleague of mine is trying to intimidate the IRS. In today's Washington Times, I read that Republican leaders are upset that the IRS is making an inquiry into the corporate funding of Speaker GINGRICH's courses at two Georgia schools. It seems that the Republican leadership is not pleased with the timing of the inquiry just 2 months before the election.

But, as my colleagues know, the information about the audit was not leaked by the IRS. In fact, it was the schools involved who told the press that these IRS audits were taking place.

Mr. Speaker, the audit is not new. It has been underway for some time. There is no political motive here. The American people deserve to know if one of their public servants has been a party to anything even remotely illegal, like the possible illegal corporate funding of these courses.

Perhaps it is ill-timed, but Speaker GINGRICH's constituents deserve to know the truth.

LAY OFF, MR. ARCHER

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, this morning the Associated Press reported that the chairman of the House Ways and Means Committee, BILL ARCHER, has sent an intimidating letter to the Internal Revenue Service concerning an investigation the IRS has launched into a partisan political course NEWT GINGRICH taught at two Georgia colleges.

The IRS has good reason to investigate Speaker GINGRICH. Allegations regarding the Speaker's abuse of tax exempt organizations have swirled for more than 2 years.

Mr. Speaker, it is fitting and appropriate for the IRS to investigate the serious allegations of misuse of nonprofit organizations by Speaker GINGRICH. Mr. ARCHER ought to keep his hands off and let the IRS do its job. Not even the chairman of the powerful Ways and Means Committee can protect the Speaker from the justice he is due.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to this request.

The SPEAKER pro tempore (Mr. HUTCHINSON). Is there objection to the request of the gentleman from New York?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 4, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR SPEAKER GINGRICH: Having accepted your appointment to the Committee on Agriculture, I hereby submit to you my resignation from the Committee on Small Business.

It has been a great honor for me to serve under the capable leadership of Chairwoman Meyers, and it is with deep regret that I leave her committee. However, I will continue to work closely with her and the committee to protect the interests of America's small business community.

With best wishes, I am
Sincerely,

DAVID FUNDERBURK,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, September 4, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 389(d)(2) of Public Law 104-127, I hereby appoint the following individual to the Water Rights Task Force:

Mr. Richard Roos-Collins of California.

Yours very truly,

RICHARD A. GEPHARDT.

APPOINTMENT OF CONFEREES ON H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Senate amendments, thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that in resolving the differences between the House and the Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3675, be instructed to disagree to Senate Amendment Numbered 150.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. WOLF. Mr. Speaker, I support the motion offered by the gentleman from Wisconsin [Mr. OBEY] and accept the motion.

Mr. OBEY. I thank the gentleman.

Since the gentleman from Virginia [Mr. WOLF] has accepted the motion, I see no need to debate it. I appreciate the gentleman's position.

The SPEAKER pro tempore. Do both Members yield back their time?

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin [Mr. OBEY].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. WOLF, DELAY, REGULA, ROGERS, LIGHTFOOT, PACKARD, CALLAHAN, DICKEY, LIVINGSTON, SABO, DURBIN, COLEMAN, FOGLIETTA, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. BEVILL moves that the managers on the part of the House at the conference on the disagreeing vote of the two Houses on the bill H.R. 3816 be instructed to insist on the House position in respect to section 510 of the House-passed bill prohibiting the imposition by the Tennessee Valley Authority of a performance deposit on persons constructing docks or making other residential shoreline alterations.

Mr. BEVILL. Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. First, does the gentleman seek time?

Mr. BEVILL. No, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Indiana [Mr. MYERS] seek time?

Mr. MYERS of Indiana. Mr. Speaker, we accept the amendment.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Alabama [Mr. BEVILL].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MYERS of Indiana, ROGERS, KNOLLENBERG, RIGGS, FRELINGHUYSEN, BUNN of Oregon, PARKER, LIVINGSTON, BEVILL, FAZIO of California, CHAPMAN, VISCLOSKY, and OBEY.

□ 1030

UNITED STATES ARMED FORCES PROTECTION ACT OF 1996

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 517

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3308) to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on National Security. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HUTCHINSON). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL] and welcome him back from a very productive trip, I understand, to North Korea, where there is a serious famine going on.

Pending yielding that time, Mr. Speaker, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 517 is a structured rule providing for the consideration of H.R. 3308, the Armed Forces Protection Act of 1996. The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking member of the Committee on National Security. The rule provides that after general debate, the bill shall be considered for amendment under the 5-minute rule, and makes in order only those amendments printed in the report of the Committee on Rules.

Those amendments are as follows: an amendment offered by the gentleman from South Carolina [Mr. SPENCE] making technical clarifications, debatable for 10 minutes. That is equally divided between them; an amendment offered by the gentleman from Maryland [Mr. BARTLETT], the gentlewoman from Idaho [Mrs. CHENOWETH], and the gentleman from Ohio [Mr. TRAFICANT], pertaining to the wearing of U.N. insignia by U.S. Forces. That amendment is debatable for 40 minutes and, of course, is equally divided as well. And an amendment offered by the distinguished gentlewoman from Colorado [Mrs. SCHROEDER] adding an additional reporting requirement of the projected U.S. financial share of U.N. operations, which will be debatable for 20 minutes, again equally divided.

The rule further provides that amendments may be considered only in the order specified, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the minority was offered 1 hour on a substitute of their choice, and they have chosen not to accept that, so there will not be a minority substitute offered here today. They did have that opportunity, should they have wanted to do it.

Mr. Speaker, this rule attempts to accommodate the concerns of those Members who submitted amendments, yet provides for expeditious consideration of this important bill during the abbreviated week. It is a good rule and I would certainly urge its adoption.

On the bill itself, I would just like to make some quick observations. For the past several months I have served as the Republican leadership's point man on the issue of the U.N. control of U.S. Forces. I am pleased to see this legislation before us prior to us adjourning in about 3 weeks from now. It is an excellent bill, and I commend the chief sponsor, the gentleman from Maine, Mr. LONGLEY, as well as the gentleman from South Carolina, Chairman SPENCE, and the gentleman from California, Mr. DELLUMS, for their work in getting this bill to us at this point.

This legislation is very similar to language in last year's defense bill that President Clinton specifically cited as one of the reasons he vetoed the measure. In my view, that was a mistake, but unfortunately, it fits a pattern established by this President of allowing our military forces to be dragged into multinational and other missions which have little or no bearing on our national interest of our national security.

This unwise tendency resulted in tragedy in Somalia, losing American military lives, and squandered scarce military resources down in Haiti. It presently has our forces embroiled in a complex quagmire in Bosnia. And a question now arises as to what will happen in Iraq, where there is some concern there, certainly on my part there is concern, because we know that this is not the same situation as Desert Storm, when we saw one country invading the boundaries of another. Now it is a civil strife within the boundaries of a country. I just think we have to really take a close look at just how much involvement we are in there.

Mr. Speaker, this legislation obviously does not address all aspects of the problem. It simply ensures American command of U.S. Forces in U.N. operations, except in extraordinary circumstances. But that is a great start. By stipulating that our Armed Forces only serve under U.S. military commanders, this legislation will, in turn, ensure that these young men and women who serve in our uniform will put their lives of the line for American and only American national interests.

Why should it be otherwise, Mr. Speaker? U.S. military personnel swear to defend the United States, not the United Nations. U.S. military personnel swear to obey a chain of command leading to the President of the United States, not Boutros-Ghali or someone else. That is why this is good legislation and that is why I trust we will pass this bill overwhelmingly today with bipartisan support.

Mr. Speaker, I include for the RECORD the following information on the amendment process under special rules:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 4, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open[2]	46	44	82	59
Structured/Modified Closed[3]	49	47	39	28
Closed[4]	9	9	18	13

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS—Continued

[As of September 4, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Total	104	100	139	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 4, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 4, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	O	H.R. 3755	Labor/HHS Approps	PQ: 218–202 A: voice vote (7/10/96).
H. Res. 473 (7/9/96)	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3396	Defense of Marriage Act	A: 290–133 (7/11/96).
H. Res. 475 (7/11/96)	O	H.R. 3756	Treasury/Postal Approps	A: voice vote (7/16/96).
H. Res. 479 (7/16/96)	O	H.R. 3814	Commerce, State Approps	A: voice vote (7/17/96).
H. Res. 481 (7/17/96)	MC	H.R. 3820	Campaign Finance Reform	PQ: 221–193 A: 270–140 (7/25/96).
H. Res. 482 (7/17/96)	MC	H.R. 3734	Personal Responsibility Act	A: 358–54 (7/18/96).
H. Res. 483 (7/18/96)	O	H.R. 3816	Energy/Water Approps	A: voice vote (7/24/96).
H. Res. 488 (7/24/96)	MO	H.R. 2391	Working Families	A: 228–175 (7/26/96).
H. Res. 489 (7/25/96)	MC	H.R. 2823	Dolphin Conservation Program	A: voice vote (7/31/96).
H. Res. 499 (7/31/96)	MC	H.R. 123	English Language Empowerment	A: 236–178 (8/1/96).
H. Res. 516 (9/4/96)	O	H.R. 3719	Small Business Programs	
H. Res. 517 (9/4/96)	S	H.R. 3308	Armed Forces Protection	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 517 is a modified closed rule which will make in order H.R. 3308, a bill to prohibit placing U.S. military forces under control of foreign commanders in U.N. military or peacekeeping operations.

I do not have any problems with the rule. My concerns are on the substance of the bill. This bill is unnecessary. It is probably unconstitutional. And it will interfere with the President's ability to use U.S. military troops for humanitarian and peacekeeping missions around the world.

I am proud of the role that our service men and women have played saving lives and providing humanitarian relief around the world. I have been to Somalia, Bosnia, and other places where United States troops have worked with our allies to make extraordinary contributions to the peoples of those regions.

I have seen the results of these missions with my own eyes. Starving people are fed, the sick are cared for, and the homeless provided shelter. These are good things that we should encourage.

These kinds of missions not only help others. They can boost the morale of our own Armed Forces and provide valuable training.

I fear this bill could greatly diminish the U.N. peacekeeping efforts and our ability to contribute to those efforts.

There is no need to tie the President's hands with this bill. Moreover, this bill represents a dangerous overreach by Congress into the constitutional powers of the Commander in Chief.

Finally, I have a concern over the timing of the bill. As we debate this measure, our Armed Forces are participating in a joint military exercise to patrol the no-fly zone over Iraq. The situation is tense.

Mr. Speaker, now is not the time to debate a bill that will take away power from our Commander in Chief. We need to stand by the President and show our support at this critical time.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DORNAN], one of the most valuable and respected Members of this body and a member of the Committee on National Security.

Mr. DORNAN. Mr. Speaker, I wanted to take some time on the rule. I thank the chairman of the Committee on Rules for that, and also I will speak on the bill because there is nothing about this legislation that is going to in any way inhibit American military forces going on humanitarian missions and helping people around the world who find themselves in distress, either through man's inhumanity to man or through the forces of our Creator, the weather, nature, or starvation, which is generally a combination of both, more leaning on the man's inhumanity to man side.

I just came back yesterday from a trip to some of our air bases in England and some of our intelligence facilities. As almost all of us will do, we asked to have breakfast set up with our constituents, usually enlisted people and noncommissioned officers. Then we will do the same at lunch and then at dinner, maybe meet with some of the commanding officers and senior NCO's. I did that. This piece of legislation came up. Of course, being professionals in the field, they were not even aware, because they are so busy, dedicated to doing what they do, and the men and women are doing it so well.

We discussed what would be acceptable on, for example, a food mission. My friend, the gentleman from Ohio [Mr. HALL], there is no more decent person that I have ever served with in two decades here, wants to reach out and help people around the world. But they said an armband would suffice to indicate that you are part of some humanitarian effort, a vivid colored arm band. Sometimes in a dangerous area it can even be what we call day-glo colors to indicate this is a peaceful emission.

But to ask someone to wear headgear, to ask them to wear insignias that are sewn onto the uniform, that replace or require the taking off of parts of the uniform of the United States of America, which is the country to whose Constitution every military person and everyone in this Chamber and in the U.S. Senate has sworn to protect and uphold, that is asking our military men far too much.

We can reach out to people. They know from our aircraft coming in that it is a U.S. effort. Nobody has the heavy military airlift that we do, the brand new C–17, the C–5 Galaxy, the stretch C–141s, or the incomparable C–130 Hercules, going everywhere in the world. We do not take and repaint our aircraft.

But I noticed in Bosnia that they were spraying all the white U.N. vehicles with European, what they call woodlands camouflage. When I asked on both trips that I went there, just in the last year, I said, who owns these vehicles; as we would say in California, who has the pink slip, it is still the U.N. So I said, when we pull out of here with this NATO mission, then the vehicles will be painted white again and go back to U.N. control? That is right.

So we have in the White House now a team that is almost compulsive, until very recently, about putting U.S. forces under foreign international command. The whole problem that allowed the killing to go on in Bosnia for 2½ of the 3½ years was that the White House was insistent upon putting us under U.N. command, when the only thing people there would have respected was a NATO command, which is totally different, because it has a ratified treaty from the last 1940's, ratified from the U.S. Congress. In other words, it follows legitimate constitutional authority as set down in the greatest document, our Constitution, ever written to guide a people and its government.

I would just like to point out to the gentleman from Ohio [Mr. HALL], that he has probably unknowingly touched on one of the major, if not the major, constitutional debates of our time. That is, our President is not a dictator. When Reagan was in the White House, I listened to a lot of heartfelt pleas from the other side vis-a-vis Central America, that there were things the President could not do without coming to this Congress.

There is a very simple line in the Constitution that says "In time of war," and war, that meant declared war. Just read the writings of our Founding Fathers: In time of war the President shall be the Commander in Chief. It is about 18 words, 16 words. Then there is a comma and there is another 18 words, "or when the militia is called to active duty." Of course that meant then the National Guard, our Minutemen, in principle.

This Congress is the only body that can debate and decide, other than in defense of emergencies, and it is debatable whether what is going on right now in Iraq is a defensible emergency when we are choosing sides between Kurdish groups that are stupidly killing one another after Saddam Hussein has mortared and shelled and machinegunned with helicopter gunships their women and children, and we seem to be leaning toward the side that is dealing with the world's greatest terrorist state, Iran.

This is a constitutional problem. That our Congress was not informed over this action is outrageous. Let us continue to debate that.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DELLUMS], former chairman of the Committee on Armed Services.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to oppose the rule for debate on the bill, H.R. 3308. I do not do so, Mr. Speaker, because I believe the rule offered by the Committee on Rules is unfair. In fact, I believe that under the circumstances of their mandate to bring this bill to the floor, the Committee on Rules has been fair, it has been evenhanded, in attempting to construct a rule that would allow for various amendments and for general debate on the issue that is before the body.

□ 1045

The reason, Mr. Speaker, that I oppose the rule is because I believe the whole issue presented by H.R. 3308, whether or not the Congress should interfere with the President's exclusive powers under the Constitution as commander in chief of our Nation's military forces has not, and I repeat and underscore for the purposes of emphasis, has not received the deliberation and the attention that it deserves in the committees of appropriate jurisdiction.

Mr. Speaker, I would remind you that earlier in this Congress the gentleman from Illinois [Mr. HYDE], from the other side of the aisle, our distinguished chairperson of the Committee on the Judiciary, offered an amendment that would have undone the War Powers Resolution, despite broad sentiment in the body that the War Powers Resolution has indeed not worked to properly balance congressional and Presidential powers.

The effort of the gentleman was defeated, at least in part, Mr. Speaker, because of the articulated views of some of us in these chambers that matters of this weight should not be legislated initially on the floor of this body. That is why there is a committee process that allows for significant discussion, debate, deliberation, and articulation prior to a piece of legislation coming to the floor of this body.

With all due respect to our chair, the chair of the Committee on National Security, the gentleman for whom I have great respect, the gentleman from South Carolina [Mr. SPENCE], I noted in my additional views to the committee report on this very bill, H.R. 3308, that our committee made only the most cursory examination of this issue, held no dedicated hearings on this issue, did not hear from constitutional experts on the wisdom of such a course, and marked up the bill under pressure to move quickly to the floor.

Mr. Speaker, we should step back and take a comprehensive look at all of the war powers issues that the cold war's end raises for this Nation. These are significant issues here. We now find ourselves in unprecedented and unchartered waters. It requires the highest and the best in us. We should be substantive and deliberative as we embrace these difficult questions, not a quick rush to judgment to make some thinly veiled political statement. These are massive constitutional issues that require that we look at the world as it is evolving.

Mr. Speaker, we have reached across the aisle and are serious in doing so to work with our colleagues in the other party to craft such a comprehensive look, and I hope that we do so. It is in that spirit that I urge defeat of the rule in order that we will be able to proceed with caution and with the dignity and seriousness that is both worthy of the very complex and important issue that is before the Chamber.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I must say to the previous speaker, the gentleman from California [Mr. DELLUMS] who I just have the greatest respect for, and he earned that respect when he was chairman of the Committee on National Security, and we all do respect him. However, I just am concerned in that he spoke eloquently about how fair this rule is.

Mr. Speaker, I would just say to the gentleman, this is a deliberative body. This is where we debate the issues. And this matter, the identical matter, has been before this body four times and has already passed this body. It passed under H.R. 7 last year. It was a part of the contract for America that we passed. It was in last year's defense bill. This year it was marked up, as I understand it, under regular procedure.

Again, this is not something we need constitutional lawyers to tell us what to suggest to the President, and that is really all it is, because the President does have the prerogative of, if this is a national interest or national security issue of the country, he has the prerogative not to follow through.

I happen to be one that does not support the War Powers Act. I think the whole act was unconstitutional. This does not interfere with that. This simply says that we want our American troops to serve only under American command, and by golly, that is what we are going to get one way or the other.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

First, I appreciate his compliment; second, to say to the gentleman, if the gentleman would recall, back in the early 1970's when we debated the War Powers Act, this gentleman was zealous in defending the congressional war powers. I was one of very few Democrats in this Chamber, very few Members, who opposed the War Powers Act on the grounds that it watered down and diluted a very powerful and clear statement in the Constitution that Congress should have the right to declare war.

What we are looking at here is a question of congressional prerogatives on the one hand and executive prerogatives on the others. These are substantive issues that we need to debate. With all due respect to the chairman of the Committee on Rules, I dissent from him on one significant point. What is the reason why we have a committee process and a subcommittee process? That is because at the subcommittee we hold the appropriate hearings, we do all of the substantive detail, we do bring in experts so that we make informed judgments. Each time a committee brings a bill to this floor, the 435 Members of Congress should feel certain that that committee did its job substantively.

What I am saying to the gentleman, that was not done in this instance. We can deliberate here, but this is not the first place that this bill ought to be discussed. I thank the gentleman for his generosity.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, let me just say that I agree with the gentleman. I know that he was a strong, staunch opponent of the War Powers Act along with myself and the gentleman from Illinois [Mr. HYDE] and many others. But let me just say that this matter has been debated on this floor many, many times. It is no different than the constitutional amendment to prohibit the physical desecration of the flag. We know the issue. It is a very simple issue. That is why it should be brought to a vote on this floor.

Mr. Speaker, I urge support of the rule and the bill.

Mr. GOSS. Mr. Speaker, I rise in strong support of this rule. The rule before us makes in order four amendments: a manager's amendment, one that has bipartisan support and two offered from the minority, including a full substitute. I think most people will agree that given the limited time remaining in this Congress we have managed to report a fair and responsible rule for the consideration of this very important legislation. Mr. Speaker, this bill raises the important question of whether or not U.S. troops will be put under foreign command or forced to wear uniforms other than those of the U.S. Armed Forces. Many Americans find these notions abhorrent and I am unalterably opposed to placing our troops under anyone not directly accountable to the American people and Congress. There has been some misunderstanding about what H.R. 3308, the U.S. Armed Forces Protection Act seeks to accomplish. So let us be clear: would this bill make it more difficult for U.S. Forces to become entangled in international peacekeeping missions? Yes. Would it absolutely prohibit our involvement in these efforts? No. Since the end of the cold war, the number of United Nations peacekeeping missions has soared. Even so, there are no clear guidelines for U.S. participation in these adventures. Our experiences in Somalia, Bosnia, and Haiti have taught us a number of important and costly lessons. The bill before us works to make the President more accountable when deploying our troops as part of international efforts. It would prohibit the use of taxpayer's money to pay for U.S. participation in U.N. efforts unless: the President certifies that the mission is in the national interest, sets forth clear command and control arrangements, outlines the anticipated costs and most importantly provides an exit strategy for U.S. troops. These are all sensible and necessary steps. I strongly urge my colleagues to support passage of these important safeguards—we owe it to the American people and we owe it to the dedicated men and women who serve our country in the Armed Forces.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HUTCHINSON). Pursuant to House Resolution 517 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3308.

□ 1054

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3308) to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to open the debate on H.R. 3308, the United States Armed Forces Protection Act of 1996, which was introduced this past April by the distinguished gentleman from Maine [Mr. LONGLEY], a valued member of the Committee on National Security.

This legislation should look very familiar to my colleagues as the House has attempted on several occasions to extend protections to United States service personnel who are placed under foreign commanders in the United Nations peacekeeping or military operations. Were it not for President Clinton's veto of last year's defense authorization bill, these protections would already be the law of the land.

Let me briefly revisit this legislation's history, which makes clear the long record of bipartisan concern over placing American troops under U.N. command. H.R. 3308 had its genesis in section 1041 of the fiscal year 1994 Defense Authorization Act back when my colleagues on the other side of the aisle were in the majority. Section 1041 required the Secretary of Defense to submit to Congress a formal report "whenever the President places United States military forces under the operational control of a foreign officer as part of the U.N. operation."

Last year, the House considered and passed very similar legislation several times. This issue was first addressed in H.R. 7, the National Security Revitalization Act. The fiscal year 1996 Defense Authorization Act also contained virtually identical language, and a modified version of the provision was contained in the conference report which was passed by both the House and the Senate. But despite the clear bipartisan vote of the Congress on this issue, President Clinton vetoed the defense bill, due in no small part on his objection to this issue.

Yet this is eminently reasonable and practical legislation. Critics will argue that this legislation infringes upon the President's constitutional prerogatives. Let me make clear, this legislation is not a prohibition. It simply imposes and additional step any President must take before committing young American men and women to serve under the flag of the United Nations.

It is an entirely appropriate policy restriction that simply requires any President to certify their subordinating U.S. forces to U.N. command is in the Nation's security interest prior to deploying our forces on such a command arrangement. This straightforward limitation is the unfortunate, but necessary result of the administration's willingness, seen from Somalia to Bosnia and from Macedonia to Haiti, to subordinate American interests to those of the United Nations.

Contrary to those who would assert that this legislation is no more than an exercise in U.N. bashing, I believe it necessary that it recognize the U.N.'s limits as articulated by Secretary General Boutros Boutros-Ghali himself. Last year the Secretary General acknowledged that the United Nations does not have "the capacity to deploy, direct, or command and control peace enforcement operations * * * and it would be folly to attempt to do so at the present time." Under these circumstances, the litmus test for any President wanting to subordinate U.S. military forces to U.N. command ought to be strict.

President Clinton's opposition to this bipartisan legislation, which was taken to the point of vetoing last year's defense bill, compels us to consider it again. I urge my colleagues to once again send an unequivocal and bipartisan signal to the President and the American people by supporting H.R. 3308.

Mr. Chairman, I ask unanimous consent that the gentleman from Maine [Mr. LONGLEY] manage the remainder of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I noted during the debate on the rule, I do not think that our very valuable committee process has succeeded fully in considering the weight and the merit of the issue before us. I would not reiterate that argument here.

Despite that fact, I think that much has been said to illuminate the pitfalls and the shortcomings of adopting H.R. 3308.

□ 1100

Mr. Chairman, these pitfalls and shortcomings are very real traps that ensnare us when we fail to set aside politics in favor of policy, public relations in favor of public education, and short-term advantage against the long-term interest of our Nation.

Let me say why I oppose this bill in as precise a manner as I can, Mr. Chairman.

Foremost, I believe that this legislation will work mischief that will place at increased risk the lives and safety of our men and women in uniform. It would do so for several reasons. First, it will restrict the President from quickly and with confidence in its ultimate effectiveness, from establishing command relations that best meet the military situation our troops may face.

Second, by virtue of the message we send to potential allies in these actions, and that is that we do not trust your officers, we make it more likely that we will go it alone than we will participate in coalition efforts which, as I perceive it as the world is evolving to the 21st century, more often than not, should and will be the order of the day. Going it alone obviously increases the risk to our men and women in uniform. It seems to me that that is not discussable or debatable. That is clearly a fact.

U.S. troops in numerous conflicts, Mr. Chairman, including the War of Independence up to the operation that we referred to as Operation Desert Storm, have been placed under foreign command. So what is all the hoopla here? From the very first war that was dedicated to forming this Nation to the last time we sent troops to wage war in the context of the Persian Gulf we have had American troops under foreign command. There is nothing, Mr. Chairman, in our military history that says this per se is problematic. Nothing. And I would challenge my colleagues, if they can find it historically, to raise the issue on the floor, and I will say, point well taken.

Former military leaders have eloquently set out in a letter to the Speaker of this House, Speaker GINGRICH, why this is both unnecessary and indeed dangerous. I quote from a letter signed by, among others, former Joint Chief Chairman General David Jones that was went to our Speaker, the gentleman from Georgia, during the debate on H.R. 7 when this issue arose.

I quote: "We urge rejection of the restrictions on the President's command and control authority as unnecessary, unwise and militarily unsound," end of quote.

I am opposed to this bill because I believe it is a strategic oxymoron, Mr. Chairman. As we have entered into the post-cold-war era, both of our Presidents who have governed in this time have come to understand the desirability and the common sense in pursuing coalition actions and in doing so through the United Nations, when possible.

This is not a party issue, Mr. Chairman. It should not be a party issue. This is common sense. We have an unparalleled opportunity to craft new mechanisms for avoiding conflict, dampening it when it arises, controlling it when it flares up and in stopping aggression, if we must, that are only realizable if we promote, not denigrate, multinationalism and internationally sanctioned peace operations.

Finally, Mr. Chairman, I oppose this bill because I believe it tramples on the President's unique and exclusive authority as commander in chief. I say this as one of the most zealous guardians of congressional war power. As I said in the context of the discussion on the rule, I was one of the few people in this body that voted against the War Powers Act on the grounds that it diluted what is clearly stated as congressional war-making powers in the Constitution of the United States.

Further, Mr. Chairman, I have sued Presidents, taken them to Federal court, and would again, to defend this body's prerogative to declare war and authorize troop deployments to conflicts. I would have voted for legislation that compels such prior authorization and opposed the War Powers Resolution because I believed it gave the Presidents a blank check to go first and seek our approval second.

But I would hasten to point out, Mr. Chairman, that respect for constitutional prerogative is a two-way street, one which we must be prepared to walk on in both directions.

I will not repeat the constitutional arguments laid out in my additional views on the committee report. We worked long and hard and laboriously on those views. They have been widely read by many, extremely well received by most. I urge my colleagues to read those views. I do not have time to go into all of that now.

Suffice it to say that I believe that the Framers of our Constitution actively considered the question, should the Congress be involved in the command and control of our military forces, and they answered the question with a resounding no.

Read the Federalist Papers. They debated this question specifically. They did not want this body involved in command and control. They said no. Consider this statement from the Federalist Papers, and I quote:

> The President of the United States is to be the commander in chief. The propriety of this provision is so evident in itself that little need be said to explain or enforce it. They saw this as obvious.
>
> Of all the cares and concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.

Mr. Chairman, while the United Nations did not exist and peacekeeping was not a part of the lexicon of the Framers of the Constitution, nothing about these operations suggests that the principle that the legislature has no business in establishing command relations is any less true of them than of warfare.

Should we be concerned with command relationships, Mr. Chairman? The answer is yes. Should we seek information from the President on what they are? Yes. Should we seek to establish them or proscribe the choices any President might make in advance of considering the requirements of a military operation? I say no; the Framers of the Constitution said no. We should be informed people, but we are moving beyond simply being informed.

Finally, Mr. Chairman, for these reasons and others, I urge that the committee reject the bill and that we allow the deliberative process of congressional committees to work this issue in a more comprehensive manner that is sure to produce a better product.

Mr. Chairman, I reserve the balance of my time.

Mr. LONGLEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in strong support of this legislation. It is a good bill, a sound bill, and a bill which we need for our national security interests and for the men and women who serve our country in uniform.

Let me first commend my good friend, the gentleman from Maine, JIM LONGLEY, for his outstanding work on this bill. As a Marine Corps reserve officer who served in Desert Storm and in Bosnia, JIM LONGLEY brings real-life experience and insight to this issue.

It is particularly frustrating if not downright dangerous to see the growing tendency of this administration to cede operational control of U.S. forces to the ill-equipped, ill-prepared bureaucratic United Nations. Yes, there are times when we must act in concert with our allies, perhaps often, and yes, there are occasions when the United Nations can help defuse a crisis. But when U.S. lives and interests are at stake, the American public expects and demands that Americans be at the helm.

No one questions the capability of the U.S. military. We have the best-trained, best-equipped men and women in the world. To project and command military forces over great distances is something that few nations can do, and no nation can do it better than the United States. Yet this capability does not come without a price. Every year thousands of troops are engaged in either real-life or training operations which hone this capability, often at great human risk. And they should remain under U.S. control.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the distinguished gentleman from California [Mr. DORNAN] quoted the Constitution of the United States. I would like to read the relevant passage. I know he is a learned colleague and would not like to speak in error.

Section 2 of the Constitution states, "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States," and it goes on, he must require, et cetera, et cetera.

I am simply saying to the gentleman from California that he misinterpreted or misquoted the Constitution of the United States. The President is indeed the Commander in Chief of our Armed Forces.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, today Congress provides what the American people are asking for. Today America begins to tell Boutros Boutros-Ghali that he cannot send our sons and daughters to war, that only the Congress and the American President can do that.

The Constitution gives Congress the power to declare war and the President the authority of being Commander in Chief as the gentleman has just indicated. We must be cautious in protecting that.

As an original cosponsor of this bill, I believe it is imperative that we establish our authority and the authority of the President.

No American should be placed in harm's way by anyone other than the American Congress and the American President.

Our soldiers should risk their lives only when U.S. national security interests are at stake. I do not believe that the Secretary General of the United Nations even knows what our national security interests are.

During this debate, many of my colleagues will say that this is simply a political exercise, something to give Bob Dole to use against Bill Clinton. If we wanted that, that has already been done. He has already vetoed this concept once before. So that has been done. Of course we know that he changes his position a lot in an election year, so maybe he will again.

We can never again allow another Somalia. Because U.S. interests became intertwined with U.N. interests, 19 Americans lost their lives. This must never happen again.

Let us pass this legislation and send a message to the American soldiers that we will never again send them on an ill-defined, fuzzy U.N. mission. We never again, Mr. Chairman, should be in a position of having American young people risk their lives under a U.N. flag with a U.N. patch and under U.N. command and control. If they are going to risk their lives, it ought to be under American command and control.

I urge my colleagues to vote for this bill.

Mr. DELLUMS. Mr. Chairman, I yield myself 2 minutes.

Let me first state to my distinguished colleague from Colorado, he began his remarks by saying Boutros Boutros-Ghali should not be able to send American troops anywhere in the world. Mr. Chairman, who is arguing with that? That is not what this bill deals with. We have already said, and I have already said, I am prepared to go all the way to court.

I took President Bush to court in order to preserve the prerogative of Congress when many of my colleagues did not have the heart to do it. This is not what this debate is about. This is not Congress' war-making power. This is about command and control once a decision is made to deploy. So I would hope that in the context of the few meager moments we have to debate this bill that we stay relevant to what the substantive nature of the bill is.

I would go further and quote from this administration's policy on reforming multilateral, multinational peace operations dated May 1994:

> The President retains and will never relinquish command authority over U.S. forces. On a case-by-case basis, the President will consider placing appropriate U.S. forces under the operational control of a competent U.N. commander for specific operations authorized by the Security Council. The greater the U.S. military role, the less likely it will be that the United States will agree to have a U.N. commander exercise overall operational control over U.S. forces.

☐ 1115

That is what this President is saying. Let us remove the politics from this discussion. Let us remove the bumper strip of rhetoric from the discussion. Let us not insult each other's intelligence. Let us not denigrate the responsibility we have on the floor. Let us stay focused on the substantive nature of the issues before us, whether or not we should step on the President's prerogatives in command and control. If they are legitimate differences, then let us know that debate.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from California [Mr. HUNTER], the distinguished chairman of the Subcommittee on Procurement.

Mr. HUNTER. Mr. Chairman, I just wanted to go over the language of the provision itself and what it does because the operational and tactical control that is vested in the President and his subordinates in the American chain of command is a very precious thing not just to people that are in the military forces but to their parents, to their families, to the people who rely on somebody who is accountable for that young person who may be in a life or death combat situation.

I want to point out to my colleagues that we do not detract from the President's ability to, on a very limited basis, cede that operational and tactical control to, yes, a foreign commander if it is a unique situation; but we require a certification. It is a thorough certification.

First, with respect to David Jones, former chairman of the Joint Chiefs and his problems with this certification, if the President does not have time to give the certification well in advance, which is what we would like to have, because we want the White House to think about this, we want them to think it through, then he can give it after he has made the deployment.

Mr. Chairman, nonetheless, we go through some fairly important areas. We ask the President when he does this certification to set forth a description of the national security interest. We do not think that is unfair or unreasonable, that would be advanced by the placement of United States forces under the United Nations operational or tactical control. We ask him to tell us that. We ask him to tell us the expected size and composition of the U.S. forces involved. We think that is reasonable. We ask him to explain the precise command and control relationship between the U.S. forces involved and the U.N. command structure. We think that is reasonable.

We ask him to explain to us the extent to which the U.S. forces involved will rely on forces of other countries for security and defense. I think this element is a very important one. The degree to which we rely on forces, those Americans that might be under operational or tactical control of a U.N. commander that agree that we are going to rely on the forces of other countries for security and defense, that our forces will see their security depend on somebody else, we think that is a very important element for the President to lay out.

So we ask the President to lay out concisely these very important elements. We do not deprive him of his constitutional authority. We just require him to certify. We think that is reasonable.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. PETERSON], my distinguished colleague.

Mr. PETERSON of Florida. Mr. Chairman, I rise today in strong opposition to H.R. 3308. This bill is bad foreign policy. It is bad military policy.

Even the title of the bill is wrong. Instead of the title of the bill being Armed Forces Protection Act, it should be titled the Armed Forces Greater Exposure Act. By passage of this bill, we destroy our successful national policy and collective security. We are saying to our allies, we do not trust you and that you are not reliable. That is a bad message.

Further, without the burdensharing that comes with the development of collective and coalition security with our allies, the United States must go it alone. That means that we must deploy more troops and carry a greater fiscal burden in any operation that we feel is in our national interest. I cannot understand my Republican colleagues who have for years said that we cannot be the world's policemen. How do they compare that against what is in this bill that essentially says, United States, you must go it alone?

Furthermore, as an aside, what an incredibly critical time to be talking about this. When we are trying to hold together a very, very important coalition in Iraq and we are at the same time telling those partners in this coalition: Hey, we really do not trust you guys; we are really not sure whether you are reliable enough to be with us in this thing. Very, very bad policy, very bad timing.

Mr. Chairman, from a military standpoint, this bill is an absolute disaster. Now, from an experiential circumstance, I know a little bit about this. It has been from 26 years as a fighter pilot in the Air Force, serving a significant amount of time in combat. I know something about command relationships. This bill ties the hands of the commander, the Commander in Chief, No. 1. But perhaps even more importantly, it restricts the field commanders' ability to deploy forces in the field, even perhaps at the potential of causing the loss of lives.

The military leaders of this country unanimously find the restrictions starting out unnecessary, they are redundant, they are also unprecedented. We are changing how we run our military, my colleagues. This is micromanagement of the U.S. military. And they also find it especially burdensome to the point, I think, it would cause us harm.

They correctly point out that the U.S. joint service doctrine that governs our collective security arrangements with our allies are impeccably thought out, have been tested over and over, and they work. It just works. Why screw up a good deal?

Mr. Chairman, the bill also undermines the proven and effective protocols established by the document. Finally, Secretary Perry, Chairman Shalikashvili, all oppose this for the right reasons, because it causes harm to our command structure.

Last year one of my former commanders, Gen. David C. Jones, a former commander of the Joint Chiefs of Staff, wrote in a reply to a similar circumstance here. He said in his statement: In the post-cold war world, it will remain essential that the President retain the authority to establish command arrangements that are best suited to the needs of future operations. From time to time it will be necessary and appropriate, this is a commander speaking now, appropriate to temporarily subordinate elements of our forces to the operational control of competent commanders from allied or other foreign countries.

This man is telling it like it is.

Mr. Chairman, this is a poorly thought out bill. It is really just a political statement, in my view. It will cause great harm to the effective command and control of our Armed Forces. Let us stand here today, this is an opportunity, let us stand here today and send a bipartisan relationship message to all of the men and women who are bravely serving our country today and tell them, as we have told them in a bipartisan fashion in the past, that we do indeed care about them and that we do indeed care about their safety.

This bill does not improve the safety of our armed services men and women. It is a disgrace that we are taking this bill up today. This is an absolute vote "no."

Mr. LONGLEY. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from California [Mr. DORNAN], distinguished chairman of the Subcommittee on Personnel.

Mr. DORNAN. Mr. Chairman, I did not realize that I only get a minute or I would not have used the 3 minutes in the rule on the uniforms. The chain of command is far more important. What we are responding here, what the whole Congress is responding to is certainly not a disgrace. It is a response to the administration's repeated subordination of U.S. interests to the U.N. agenda.

Mr. Chairman, I want to put in the RECORD myth No. 1, that it is an infringement of presidential authority; No. 2, that PDD–25 already protects our troops; No. 3, there are precedents for placing U.S. troops under foreign control; and myth No. 4, that it will limit troop deployment in emergencies.

In the rule, when I was discussing the Constitution, I transposed my thoughts. Yes, it is 16 words, as I said. The President is the Commander in Chief, even in peacetime. And I was correct, it is 18 words referring to the militia, now meaning the National Guard. But in section 8 of article I, all the powers of raising and maintaining armies and navies and how to uniform and where to send them and to declare war, all of that is the House.

Mr. Chairman, this chart shows when you go in the field to see how this really breaks down, when Vice President AL GORE unfortunately said on April 14, 1994, I would like to extend my condolences to the families of those who died in service to the United Nations, and I know our former colleague would like to take that back, look at this chain of command, men died in Somalia because the chain of command was so complicated, we could not get one of the Indian 14 T–72 tanks or one of the dozen M–60 tanks from Italy to break through the blockades across those roads and rescue 4 Rangers who died, who bled to death out of the 19 killed.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding time to me. I am in one of the most uncomfortable positions that I have been in in this Congress because I find myself on the opposite side from a man I revere and respect, the gentleman from South Carolina, Chairman FLOYD SPENCE, and some very, very good friends of mine, like the gentlemen from California, DUNCAN HUNTER and DUKE CUNNINGHAM. But I rise to oppose H.R. 3308.

I know that the argument has been made that generals from the beginning of our history, foreign generals have assumed command, beginning with Lafayette. But, Mr. Chairman, the fact is that the U.N. is posing an entirely different situation now. What we need to do now is pull back from the position that we find ourselves in, begin to operate under the law. And then once, if war is declared and we are in the middle of war, of course, as we did in World War II in that great victory, we can combine our forces, as we did when we combined the forces to make the allied forces, and we were victorious.

Mr. Chairman, I want to very briefly review the history of command and control of the Armed Forces. The U.S. Constitution, article II, section 2 states that the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into actual service of the United States; again, when called into service.

To clarify the point, Hamilton wrote, in Federalist Papers No. 74: The President of the United States is to be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into actual service of the United States. The propriety of this provision is so evident in itself, Hamilton wrote, that little need be said to explain or enforce it. Again, Mr. Chairman, when called into service are the key words in the Constitution.

Then the War Powers Act, the United Nations Participation Act that we are extending even further with this bill, the War Powers Act allows the President to send troops to hot spots without congressional approval for up to 60 days.

□ 1130

But no, those troops are to remain within U.S. command and control. Nothing in the War Powers Act allows for U.N. foreign command and control over U.S. troops. The integrity of the U.S. chain of command is still intact even after the War Powers Act, and I do not like the War Powers Act.

But, Mr. Chairman, I urge my colleagues to read the clear, plain language of section 2 or section 3 of this bill. The other side of the coin, the United Nations Participation Act, specifically provides that when we contemplate a deployment in the United Nations chapter 6, peace observation, no prior congressional approval is required. That U.S. participation in U.N. chapter 6 millions is limited to 1,000 noncombatant troops who will not be in harm's way.

Finally today, though, we have H.R. 3308. the fact is, Mr. Chairman, H.R. 3308 allows the President of the United States to place America's sons and daughters under U.N. foreign control without congressional input and without the operation of law or without a congressional vote, only a certification from the President that these are the reasons why he called American troops up and placed them in harm's way. H.R. 3308, section 3, states that the U.N. foreign control over U.S. Armed Forces is allowed, again, if the President only certifies. The bottom line of H.R. 3308 would allow the President to put our sons and daughters in harm's way.

I will just wind up and say that as a student of history I think that this bill is extending the President's powers much further than what presidential candidate Dole stated and what our Republican platform says. Please consider that.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I would like to thank my friend from Idaho for her remarks because they were my concerns about this bill. I was the only member of the Committee on National Security to vote against this bill when it came to our committee, and the reasons I voted against it were those that were expressed by my colleague. I had a problem with the wording that said that the President should consult closely with Congress regarding any United Nations peace operation that could involve U.S. combat forces. More than consulting is required.

The U.N. Participation Act of 1945, as amended in 1949, says very clearly that in any U.N. Chapter 7 operation that the approval of the Congress is involved. Essentially every one of the U.N. operations has been Chapter 7. There has never been a Chapter 6.

I want to express my thanks to the gentleman from Maine, Mr. LONGLEY, and particularly to chairman SPENCE for helping to work out this problem. The concerns of my colleague from Idaho have been addressed in the manager's amendment which will come shortly, which addresses my problems with this part of the bill.

I had a second problem with the bill, and that is that all that was required for our young men and women to be required to wear the insignia of the United Nations was a certification by the President. I thought that this was a violation of article 1, section 9 of the Constitution, and I have an amendment which will subsequently come to the floor which will address this problem.

So both of the problems that I originally had with this bill, which were similar to those that my friend from Idaho had, are addressed in the manager's amendment which will come up next and with my amendment which will follow that, so I now am in full support of the bill, and I hope that, having corrected these defects in the original bill, that my colleague from Idaho will also be in full support of these bills after these amendments have been passed.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I support this bill because it protects our fighting men and women from incompetent leadership at the U.N., military leadership.

I am chairman of the Subcommittee on Commerce, Justice and State in the Committee on Appropriations that funds the U.N. contributions that we make, as well as the peacekeeping contributions that we give to the United Nations. We have been working to limit U.S. support for additional so-called peacekeeping operations and to reduce the U.S. burden, the share that we are required to pay for those missions. During the last 3 years we have seen this phrase, aggressive multilateralism, carried to an extreme, run amok, if my colleagues will, because we were involved at one time in around 18 U.N. peacekeeping missions around the world simultaneously, and I found out at one point in time—it has been improved somewhat—but at one point in time there were some 40 people at the United Nations attempting to manage 18 worldwide military operations in extreme circumstances in some instances. It just would not work. They were not working on weekends; they were working only regular hours. If one got in trouble in Somalia or somewhere else where we were involved in a peacekeeping operation after 5 o'clock New York time until 8 o'clock the next morning, "Sorry, we are out of business," the phones did not answer. On weekends, the same thing.

How can we run military operations in that fashion? I do not want American forces exposed to that kind of incompetent leadership as we saw in Somalia, the results of that and the deaths of several beloved United States soldiers, and so I support this bill. They have incompetent leadership;

they have incompatible communications gear, among other things. I urge the adoption of the bill.

Mr. LONGLEY. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I am pleased to join the distinguished principal sponsor of this legislation, the gentleman from Maine [Mr. LONGLEY], and the distinguished chairman of our Committee on National Security, the gentleman from South Carolina [Mr. SPENCE], in urging the House to adopt H.R. 3308, the United States Armed Forces Protection Act of 1996.

This legislation is the culmination of almost 4 years of effort on this side of the aisle to curb the misguided impulse of this administration to subordinate the finest fighting men and women in the world, our U.S. Armed Forces, to the command of the United Nations.

We all remember the disaster that this administration's excessive reliance on the United Nations led us to in Somalia. This legislation is intended to reduce the risk of similar U.N. peacekeeping disasters in the future.

At the same time, the legislation is carefully designed to preserve flexibility for the President to respond as needed, and in coordination with the United Nations if necessary, to unexpected threats to our national security.

Though some are sure to complain that this legislation interferes with the President's constitutional prerogatives as Commander in Chief, nothing could be further from the truth. Contrary to what some have claimed, the President does not have inherent constitutional authority to put U.S. Armed Forces under the operational control of whomever he pleases.

The fact is that this legislation stops well short of some of the things that we clearly could do consistent with the Constitution, such as prohibit foreign operational control of U.S. forces altogether, or require Senate confirmation of foreign commanders whom the President wants to put in charge of our forces.

Title 10 of the United States Code already contains a legal requirement that senior U.S. military officers be confirmed by the Senate before they are put in command of U.S. forces. Opponents of this legislation should be glad that we have not sought to extend that requirement to foreign military officers, as we clearly could do.

In 1993 and again in 1994, Mr. SPENCE and I offered amendments to the defense authorization bill very similar to the legislation before us. Regrettably, both of those amendments were defeated on party line votes.

Legislation along these lines was included in the Contract With America, and was approved by the House in 1995 in the bill H.R. 7. Regrettably, when that provision reached President Clinton as part of the defense authorization bill for 1996, he cited that provision as one of his reasons for vetoing the bill. In order to get that bill enacted, Mr. SPENCE was forced by the President to agree to drop this vital provision from their bill.

It is time, Mr. Chairman, to right that wrong. It is time to enact this vital provision from the Contract With America, and to give the brave men and women of our Armed Forces the protection they deserve.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank my colleague for yielding, and I rise in opposition to this bill because I am very troubled by what it really means long term.

As one of the people who talked about burden sharing and the fact that the United States should not be a 911 number for the world, and another fact out there is the President is trying very hard to hold an alliance together in the no-fly zone, to try and keep this alliance solidified, I think the timing of this bill is terribly dangerous. I think it goes against what so many of us have advocated in trying to get the rest of the world to pull a stronger oar. We all understand why we had to stand there and be Atlas-like in the post-World War II period, because the rest of the world was devastated, but today many of our allies have rebuilt, and yet they still want to cast all of that on our shoulders, and what we are doing with this bill is giving them one more reason why they say, "You clearly want to go it alone."

Now let me point out some things that I think are terribly important. No. 1, this bill does not even differentiate between humanitarian missions and combat missions. As my colleagues know, those are two very major distinctions. No. 2, everybody, and we have got testimony from different officers of the U.S. military, everyone agrees that U.S. troops are under command and control of the United States even in these missions, that only operational oversight is delegated to whoever that officer might me, and under that operational authority any U.S. soldier is not to do anything that is in violation of U.S. law or U.S. policy.

And so as a consequence we all know every country in the United Nations is hesitant about surrendering total control. But someone has to kind of outline the operational control so people do not fall over each other and really make tremendous mistakes. We have been doing that forever. So people are getting that mixed up, and here what we are doing is blurring that line and trying to get people very excited about that.

The gentleman from California [Mr. DELLUMS] has spoken about what the gentleman from North Carolina [Mr. JONES] has said. We have got testimony from many other military officers, including the U.S. officer who was in charge of the Haiti mission, who was both under the United Nations and under the United States, explaining how this is harmful. So I think there are many, many reasons that we really should slow down and look at this.

□ 1145

We also have testimony, and we have had people saying that if this bill had been in effect at the time President Bush tried to assemble the world against Saddam Hussein, he could not have done it.

Now, think about that. Think about that. Here we are, trying to reassemble that coalition, to stand up to Saddam Hussein, so here we come with this. What kind of message is that? So we go forward and as we advocate more and more that the rest of the world is to take its justifiable role, and it must play a role, we cannot do this for the whole world when we are only 3 percent of the world's population. If we are going to insist that everybody else does that, what are we saying when we pass this bill?

I understand the politics of it, but I just hope people read it and read what our very own military people say about it and our very own Defense Department says about it.

I thank the gentleman from California for his quiet leadership in this, in trying to bring some common sense to a heated debate.

Mr. LONGLEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I have heard a lot of different speakers talk. Let me say from personal experience, I served on 7th Fleet staff and was in charge of all defense of Southeast Asia countries. That included both the host countries as well as our allied countries. That was Team Spirit, Tangent Flash, Cobra Gold, and others in Southeast Asia.

Let me tell the Members why I support this bill. We need our troops under U.S. command. Let me give a classic example. In Somalia, the administration changed the mission from humanitarian to going after General Aideed. The administration then reduced the amount of forces, making us vulnerable, and at the request of armor from our own military commanders, the administration denied that request. It took 7 hours to get to our Rangers in Mogadishu. We lost 18 Rangers under U.N. control. They had tanks and armor available to get in to those troops. We had a person die because they bled to death, because we could not get to them.

All we are asking for is that our troops are guided and administered and operationally controlled by U.S. commanders and that they have the power to request assets at the same time.

Another case, in Bosnia. Remember when this country bombed Bosnia-Herzegovina? Not even the President of the United States or the Vice President of the United States or the Secretary of Defense of the United States knew that U.S. troops were committed to war in Bosnia-Herzegovina, because the United Nations, under Boutros Boutros-Ghali, ordered it. We are saying we want our troops to fall under U.S. control. We think that is very, very important, Mr. Chairman.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, what we have here is an unfortunate debate at a time when it is important to send a signal that the country is united behind the President, our Commander in Chief. At this very moment, we have dealt with military action against Iraq for purposes that are bipartisan in support, for international reasons. Yet, once again, if this bill passes, and I can hear a train moving, the message is going to be the United States again is going it alone, snubbing their nose at the United Nations. Right now with our allies we have had difficulty getting them to back some of our actions in Iraq. So we are sending an unfortunate message at a very unfortunate time.

Be that as it may. What I think is clear in this debate is this: No. 1, the reason we are having this debate is, I think appropriate, the fact that we have to be very careful when we have limited, temporary operational control of foreign commanders. This has been critically important to our constituents. They worry about this. But what we are doing in this bill, the requirement for Presidential certification before putting U.S. forces under U.N. operation and control, is unacceptable. It is also unconstitutional.

Why do we want to tie the hands of the President of the United States? The President is the Commander in Chief. He has to have the discretion to place U.S. military units under limited temporary U.N. operational control if that is the most effective way to ensure our security interests.

What this bill does, it infringes on the exclusive constitutional prerogatives of the President as Commander in Chief to determine command and control assignments. The discretion to place U.S. military units under limited operational control of foreign commanders has been part of our Nation's security policy since its founding. The reality is it has worked well, because our military leaders know it is important to not place any of our troops in any danger and they know the sensitivity to this issue of the American people. So why do we not let our military, our Commander in Chief, make these choices, instead of coming in here, passing a bill that basically says, United Nations, you cannot do anything. We are going to be the world's policeman. That is the message we are sending.

Under longstanding U.S. policy, and here it is, I am going to read it because it is critically important, this is the Clinton administration policy on reforming multilateral peace operations, May of 1994:

"The President retains and will never relinquish command authority over U.S. forces. On a case-by-case basis, the President will consider placing appropriate U.S. forces under the operational control of a competent U.N. commander for specific operations authorized by the Security Council. The greater the U.S. military role, the less likely it will be that the United States will agree to have a U.N. commander exercise overall operational control over U.S. forces.

Mr. Chairman, we do not need this bill. This is not the right time to do it also, at a time when our country is undertaking military action. Let us support the Commander in Chief. Let us not make this bill a big issue.

Mr. Chairman, I include for the RECORD the following information regarding U.N. command and control:

UNITED NATIONS COMMAND AND CONTROL

The President retains and will never relinquish command authority over U.S. forces. On a case by case basis, the President will consider placing appropriate U.S. forces under the operational control of a competent UN commander for specific operations authorized by the Security Council. The greater the U.S. military role, the less likely it will be that the U.S. will agree to have a UN commander exercise overall operational control over U.S. forces.

The Clinton Administration's Policy on Reforming Multilateral Peace Operations—May 1994

Serious threats to the security of the U.S. still exist in the post-Cold War era. When our interests dictate, the U.S. must be willing and able to fight and win wars, unilaterally when necessary. Circumstances will arise, however, when multilateral action best serves U.S. interests in preserving or restoring peace. The U.S. cannot be the world's policeman; and properly constituted, UN peace operations can be an important instrument for collective action.

Since our nation's founding, the discretion to place U.S. military units under limited, temporary operational control of foreign commanders has been part of our nation's security structure. From the siege at Yorktown during the Revolutionary War to battles in Europe and the Pacific during WWII to Operation Desert Storm, U.S. forces have an occasion been under the tactical control of foreign commanders.

The requirement in H.R. 3308 for a Presidential certification before putting U.S. forces under UN operation control is unacceptable. As the Commander-in-Chief, the President must have the discretion to make the decision to place U.S. military units under limited, temporary UN operational control if that is the most effective way to ensure U.S. security interests. This bill infringes on the exclusive constitutional prerogative of the President as Commander-in-Chief to determine command and control arrangements.

The President retains and will never relinquish command authority over U.S. forces, even when they are temporarily under the operational control of competent UN command. Our uniformed military leadership agrees that this restriction is an unnecessary step which would damage U.S. flexibility in protecting U.S. interests.

Q AND A ON UN COMMAND AND CONTROL

Background: H.R. 3308 would restrict the ability of the President to assign forces to mission he deems are in the national interest by putting restrictions on participation in UN operations. Specifically, the proposed legislation would require the President to present a series of certifications that are unreasonable and probably unconstitutional.

Q: Do you support H.R. 3308 on UN Command and Control?

A: First let me make one thing very clear: the chain of command in the U.S. military is and always will be inviolate. It runs from the President through the respective service chains of command to every soldier, sailor and airman in the military. That command relationship is never broken.

Having said that, United States military history is replete with examples of the U.S. military serving under foreign command: from the revolutionary war, through both World Wars and in the Gulf War.

As Commander in Chief, I also need the flexibility, when it serves our national interest—and when conditions warrant, to reserve the option to allow U.S. units to serve in allied coalitions, under foreign operational control.

I agree with the implied message of the bill that the assignment of our military personnel in these types missions must be very carefully considered—and I can assure you that with the best advise of my military advisors—that I do that in every case.

H.R. 3308 unduly restricts the flexibility of the Commander in Chief through a series of certifications and other restrictions, and I would veto it if it were to reach my desk in its current form.

COMMAND AND CONTROL OF U.S. FORCES
(H.R. 3308)

Background: H.R. 3308, presently in the HCONS Committee, limits the placement of U.S. forces under UN operational or tactical control by denying funding for U.S. forces placed under UN control. The exception is if you certify that it is in the national security interests of the United States to do so.

Points:

The requirement in H.R. 3308 for a Presidential certification before putting U.S. forces under UN operation control is unacceptable. Since our nation's founding, the discretion to place U.S. military units under temporary operational control of foreign commanders has been part of our nation's security structure. From the siege at Yorktown during the Revolutionary War to Operation Desert Storm, U.S. forces have on occasion been under the operational control of foreign commanders.

As the Commander-in-Chief, I must continue to have the discretion to make the decision to place U.S. military units under temporary UN operational control if that is the most effective way to ensure U.S. security interests. This bill infringes on my constitutional prerogative as Commander-in-Chief to determine what the correct command and control arrangements are to achieve U.S. interests.

Even when circumstances dictate that it is best to act multilaterally to serve U.S. interests, I will never relinquish command authority over U.S. forces, even when they are temporarily under the operational control of competent UN command.

Mr. LONGLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. McKEON].

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 3308, the Armed Forces Protection Act.

The need for this legislation is apparent. From 1948 to 1982, there were eight instances where the United States participated in a mission where members of our military were placed under a foreign commander. In the 5 years since Desert Storm, however, there have been three instances: The 1992 U.N. Protection Force in the former Yugoslavia, the 1993 U.N. Humanitarian Force in Somalia, and the NATO Implementation Force in Bosnia. Because of the increasing number of these missions, this issue needs to be addressed.

We have had many debates in this Chamber about the unfocused nature of these recent missions. H.R. 3308 clarifies the use of our own forces in these situations and seeks to avoid the intervention of our troops in areas where we do not have a clear national security interest.

The President still maintains ample latitude in overseeing the deployment of U.S. troops under H.R. 3308. Finally, the Congressional Research Service has analyzed H.R. 3308 and determined that it is consistent with the powers of Congress in sections eight and nine under article one of the Constitution.

I urge a "yes" vote on the bill.

Mr. LONGLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am not going to bring the A frame. Before I run out of time, what is wrong with the U.N.'s command, it brought about the death of 19 Americans. Two of them got the Medal of Honor for begging three times to go down and save the lives of Ward Officer Michael Durant's crew. They ended up saving Durant. The other three crew members and those two men, their bodies were so abused that it cannot be discussed in public out of sensitivity for the families. The word beheading comes to mind.

Here is General Hoar, Central Command, goes right down to the Army Rangers with General Harrison in between. When they got pinned down and were trapped all night long with four of the young Rangers bleeding to death, five of our Delta Force men murdered and five of the helicopter crews and two Tenth Mountain divisions.

Over here is the Turkish commander. I had lunch with him over there a week after this tragedy, a fortnight after, Lieutenant General Bier, nice man. He told me he wanted more control. I did not say anything to ruin his lunch. Now you come down to Montgomery; great guy, takes me up on a Blackhawk over the battlefield. When I asked about the Rangers, he said, they are not under my command.

General Montgomery says, they are not under my command. They are under General Harrison's command. I said, who is General Harrison? He is the commander of Operation Ranger, another two-star. He had a mortar land at his feet. It was a dud. We would have lost a two-star General in Clinton's first adventure out into the rough world, putting our troops under foreign command.

Then we come down to this mixed-up command down here, and the end result was what I rushed my words saying at the end of my first remarks: 14 T-72 India tanks, and when I had said to Generals Montgomery and Harrison, why did you not use one of those tanks to run through these hastily made roadblocks instead of getting the United Arab Emirates and the Mountain Division guys killed, they said, we did; and they called Delhi and it was a Sunday. How about the Italians? They call Rome. Sorry, it is a Sunday, we cannot do this.

This is unbelievable, this compulsion under Halperin, before he left in a huff after getting those men killed and seeing our friend, Les Aspin, go down in flames. This bill is an absolute necessity. We should have a unanimous vote in favor of it.

Mr. LONGLEY. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Ohio [Mr. TRAFICANT].

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 2 minutes.

Mr. TRAFICANT. No. 1, Mr. Chairman, I do not oppose what the President has done in Iraq. I support his actions.

No. 2, I think there is a very good shot of the Democrats reclaiming the House, and my chairman for the Committee on Armed Services will be the gentleman from California, RON DELLUMS. I think he has done a great job.

I want to talk a little bit about a big sinkhole for American dollars, talking about another issue. We are talking about military and humanitarian aid here. Look, we send soldiers with guns, we do not send a welcome wagon. We do not send the United Way here.

Second of all, I want to talk about policy. I think we have gone too far. We have given the Presidents so much latitude they now deploy troops and engage in activities, and then, under the War Powers Act, they come back to us and give us the courtesy of a conference. Beam me up, here.

I think it is time to get back to the Constitution. There is nothing wrong with Congress setting the parameters under which we engage. The Commander in Chief keeps our troops ready, but when the people tell the Commander in Chief when those troops should be deployed, then that Commander in Chief takes over, not until then, Mr. Chairman.

No one person in America can set America into war. I think it is that policy. I am hoping, I am hoping leaders like the gentleman from California [Mr. DELLUMS] will get us back to that. I think the most important thing the Founders talked about and the biggest debate was the declaration of war powers; that in England that royalty could just go ahead and set the troops, but in America, no one person can. I think this is heart and soul. I think it goes back to the Constitution. Let us set the parameters.

By God, let us give the President authority to do it once we say it shall be done, because in America, no one person can unilaterally take those actions. That is why I support this bill. I support my amendment that our troops are not under any foreign command, but more importantly, our amendment that they are not wearing any other patches from anywhere else. They could be there, but by God, they wear an American and United States uniform. Our troops do not pledge allegiance to the United Nations, they pledge allegiance to the United States of America.

I think the bill, although it has some concerns, can be worked out. I support it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will advise our guests in the gallery that manifestations of approval or disapproval are not permitted.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Colorado [Mr. SKAGGS].

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] is recognized for 2 minutes.

□ 1200

Mr. SKAGGS. I thank the gentleman for yielding me this time.

Mr. Chairman, it is sad that an issue of this importance and significance, both constitutionally and for national security policy, should be manipulated, really for election year purposes, here in the closing weeks of this session of Congress. This bill is ill advised for both constitutional law and practical reasons, and even more fundamentally, for constitutional policy and reciprocity reasons.

The first point: It undermines absolutely essential responsibilities and authorities that have to be retained in the person of the Commander in Chief, the President of the United States. The impracticality of trying to comply with the waiver provision, which I am sure is held up as some saving aspect of this, but is really a sham, is astounding. It requires a President to predict the unpredictable, to foresee the unforeseeable, to promise the unpromisable. It does not work.

Second, constitutional policy: I agree with my colleague from Ohio, Mr. TRAFICANT, this body ought to be standing up for its responsibilities under the war powers clause. But if we want future Presidents to respect our prerogatives and our power and our responsibilities, we need to respect the constitutional prerogatives and authorities and powers granted to the President in the Constitution.

To the extent that this bill basically gives the back of our hand, for the convenience of a nice political slogan, here a couple of months before the election, gives the back of our hand to the important constitutional prerogatives of the President of the United States, we are in no place down the road a year or two or five from now to stand up for the institutional responsibilities of the Congress under the war powers clause. We will be in a poorer position then to argue as we should and as we ought to have the courage to argue: Mr. President, that is our call whether we go to war, not yours.

But if we are arguing that it is our call, how he arranges the command structure of the Armed Forces, how in the world are we credible on that much more profound issue in the future?

Mr. Chairman, this bill's defects are so severe that it deserves to be defeated. These defects are ones not only of constitutional law, but also of constitutional policy.

The bill is unconstitutional in its attempt to place limits on the President's role as Commander in Chief. I also think that it should be rejected as a matter of policy. This attempted interference with the President's authority under the Commander in Chief clause will invite further Presidential disrespect for Congress' prerogatives under the war powers clause, and so will undermine an essential area of comity between the executive and legislative branches. If we want the President to respect Congress' constitutional prerogatives, we must respect his.

Some may say that the waiver provisions protect the President's proper authority. But the fact is that even if including workable waiver provisions could save the bill from constitutional attack, the waiver and certification requirements in this bill are not workable. As drawn, they would require the President to see the unforeseeable, or to be forced to choose between a dissembling assertion of knowing what cannot be known and an improper abdication of constitutional authority.

Mr. Chairman, time and again, this Congress has treated the Constitution with minimal regard. This reckless measure continues that unfortunate pattern. I bringing it to the House floor today, too many on the other side of the aisle clearly put a higher priority on bumper-sticker politics than on proper respect for the historic and constitutionally guaranteed authority of the President to command the Nation's Armed Forces.

Article II, section 2 of the Constitution, states that the "President shall be Commander in Chief" of the U.S. Armed Forces. This bill seeks to circumvent that part of the Constitution by placing severe limits on the President's ability to carry out his central national security duties. In my opinion, it should be defeated for this reason, if for no other.

The Department of Justice agrees. In a legal opinion, the Assistant Attorney General has recommended that the President veto the bill because it "unconstitutionally constrains the President's exercise of his constitutional authority as Commander in Chief." I'm including this Justice Department opinion at the end of this statement. This opinion cites clear and longstanding legal authority to support a fundamental proposition: "There can be no room to doubt that the Commander in Chief Clause commits to the President alone the power to select the particular personnel who are to exercise tactical and operational control over U.S. forces," The opinion explains further:

> In the present context, the President may determine that the purposes of a particular U.N. operation in which U.S. Armed Forces participate would be best served if those forces were placed under the operational or tactical control of an agent of the U.N., as well as under a U.N. senior military commander who was a foreign national . . . Congress may not prevent the President from acting on such a military judgment concerning the choice of the commanders under whom the U.S. forces engaged in the mission are to serve.

Even if the bill were free of serious constitutional flaws, it would not be in our real national interest. Starting with the War of Independence, the United States has conducted joint military operation with allies. In the real world, such arrangements will be possible only with allies on a basis of reciprocity—that is, we must occasionally be willing to have our forces under the command of others if we expect allied forces to be placed under the operational control of Americans. We simply can't expect to work effectively with our allies unless we are prepared to share operational control in appropriate cases.

If we refuse to ever do this, ever to share command, in future crises we may be forced to go it alone or to do nothing. This may serve the political posturing of isolationists in Congress and elsewhere, but it will not serve American interests.

Many of the most significant military triumphs in our history were coalition efforts that included military command shared with our allies. In 1918, during World War I, some 2 million Americans served alongside French and British armies under the overall coordination of a French general. During World War II, United States and United Kingdom commands and staffs worked as a team to carry out combined Allied operations against the Axis powers. The North Atlantic Treaty Organization [NATO], created in 1951, has always used an integrated command structure. And in 1991, during Operation Desert Storm, General Swartzkopf placed a United States brigade under the operational control of the French, just as other allied forces were under the operational control of United States forces.

In fact, as Members should be aware, right now a U.S. Army division serves under the U.N. flag in Korea, under operational control of a South Korean general. This bill directly threatens the continuation of this arrangement and the essential international cooperation on security matters it represents.

This history demonstrates how from time to time our ability to place our forces under an ally's operational control—or to take such control of an ally's forces—has enhanced our ability to establish and maintain alliances and to fashion international coalition efforts when circumstances make that the best way for us to pursue U.S. national interests.

This bill politicizes national security and threatens to impair the Presidency's ability to make effective foreign policy and national security decisions. It should not have been brought to the floor, and it should not pass. If the United States is to remain a leader on the world stage, Congress must continue to recognize and respect that the President—every President—has the constitutionally prescribed authority as Commander in Chief to decide how to deploy American forces.

Mr. Chairman, we all know what's going on here. The bill's prohibition on U.S. troops under U.N. operational or tactical control plays to the frustration many citizens feel about U.S. participation in the peacekeeping and peacemaking and humanitarian relief actions of the U.N. But the bill ignores the real world requirements of dealing with threats to international security. It should not pass.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGAL COUNSEL,
Washington, DC, May 8, 1996.

MEMORANDUM FOR ALAN J. KRECZKO, SPECIAL ASSISTANT TO THE PRESIDENT AND LEGAL ADVISER TO THE NATIONAL SECURITY COUNCIL

From Walter Dellinger, Assistant Attorney General.

Re H.R. 3308.

This memorandum responds to your request for our views as to the constitutionality of H.R. 3308, a bill that would limit the President's ability to place United States armed forces under the United Nations' ("U.N.") operational or tactical control. We believe that the bill is unconstitutional, and strongly recommend that the President veto it.

Section 3 of H.R. 3308 would add a new section 405 to chapter 20 of title 10, United States Code, to read as follows: "Except as provided in subsection (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations operational or tactical control, as defined in subsection (f)."

Proposed subsection 405(f) provides that elements of the armed forces shall be considered to be placed under U.N. operational or tactical control if they are under the operational or tactical control of an individual who is acting on behalf of the U.N. in a peacekeeping, peacemaking or similar activity, and if the senior military commander of the U.N. force or operation is either a foreign national or a U.S. citizen other than an active duty U.S. military officer.

Proposed section 405 thus bars the President from placing U.S. armed forces participating in U.N. peacekeeping operations under the U.N. operational or tactical control, as so defined.

Two subsections set out exceptions to the prohibition.[1] Subsection 405(c) provides that the limitation does not apply if Congress specifically authorizes a particular placement of U.S. forces under U.N. operational or tactical control, or if the U.S. forces involved in a placement are participating in operations conducted by the North Atlantic Treaty Organization.

Subsections 405(b) and (d) together provide that the President may waive the limitation if he certifies to Congress 15 days in advance of the placement that it is "in the national security interests of the United States to place any element of the armed forces under United Nations operational of tactical control," and provides a detailed report setting forth specific items of information within eleven district categories.[2] If the President certifies that an "emergency" precluded compliance with the 15 day limitation, he must make the required certification and report in a timely manner, but no later than 48 hours after a covered operational or tactical control is initiated.

The proposed amendment unconstitutionally constrains the President's exercise of his constitutional authority as Commander-in-Chief. Further, it undermines his constitutional role as the United States' representative in foreign relations. While "[t]he constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping," *United States* v. *O'Brien*, 391 U.S. 367, 377 (1968), Congress may not deploy that power so as to exercise functions constitutionally committed to the Executive alone for that would "pose a 'danger of congressional usurpation of Executive Branch functions.'" *Morrison* v. *Olson, 487 U.S. 654, 694 (1988) (quoting Bowsher* v. *Synar*, 478 U.S. 714, 727 (1986)). Nor may Congress legislate in a manner that "'impermissibly undermine[s]' the powers of the Executive Branch, *Commodity Futures Trading Comm'n* v. *Schor*, [478 U.S. 833 (1986)] at 856, or 'disrupts the proper balance between the coordinate branches [by] prevent[ing] the Executive Branch from accomplishing its constitutionally assigned functions, '*Nixon* v. *Administrator of General Services*, [433 U.S. 425 (1977)] AT 433." *Morrison*, 487 U.S. at 695. Even though there are areas in which both Congress and the President have a constitutional voice, and in which Congress, therefore, may rely on its own constitutional authority to seek to guide and constrain presidential choices, it may not impose constraints in the areas that the Constitution commits exclusively to the President, See, e.g., Letter for Richard Darman, Director, Office of Management and Budget, from Bruce Navarro, Deputy Assistant Attorney General, Office of Legislative Affairs (Feb. 2, 1990) (finding provision of Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, limiting President's ability to receive spies as ambassadors unconstitutional even though President could waive limitation if it was in the national security interests of the United States to do so).

Article II, §2, of the Constitution declares that the President "shall be Commander in Chief of the Army and Navy of the United States." Whatever the scope of this authority in other contexts, there can be no room to doubt that the Commander-in-Chief Clause commits to the President alone the power to select the particular personnel who are to exercise tactical and operational control over U.S. forces. See *Fleming* v. *Page*, 50 U.S. (9 How.) 603, 615 (1850) ("As commander-in-chief, [the President] is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual. . . .). Indeed, the major object of the Clause is to "vest in the President the supreme command over all the military forces,—such supreme and undivided command as would be necessary to the prosecution of a successful war." *United States* v. *Sweeny*, 157 U.S. 281, 284, 284, (1895). See also *Nordmann* v. *Woodring*, 28 F. Supp. 573, 578 (W.D. Okla, 1939) ("as Commander in Chief, the President has the power to employ the Army and the Navy in a manner which he may deem most effectual"); "The Federalist" No. 69, at 465 (Alexander Hamilton) (Jacob E. Cooke ed., 1961) ("[The Commander in Chief power] would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the confederacy. . . ."). William Howard Taft, "The Boundaries Between the Executive, the Legislative and the Judicial Branches of the Government," 25 Yale L. J. 599, 610 (1916) (the Commander-in-Chief Clause precludes Congress from "order[ing] battles to be fought on a certain plan" or "direct[ing] parts of the army to be moved from one part of the country to another."); George Sutherland, "Constitutinal Power and World Affairs" 76–77 (1919) ("in the actual conduct of military operations, in the field where the battles are being fought, in the movement, disposition and discipline of the land and naval forces, the Commander-in-Chief is supreme,"). As Attorney General (later Justice) Robert Jackson explained, "the President's responsibility as Commander in Chief embraces the authority to command and direct the armed forces in their immediate movements and operations designed to protect the security and effectuate the defense of the United States, . . . [T]his authority undoubtedly includes the power to dispose of troops and equipment in such manner and on such duties as best to promote the safety of the country. "Training of British Flying Students in the United States," 40 Op. Att'y Gen. 58, 61–62 (1941).

It is for the President alone, as Commander-in-Chief, to make the choice of the particular personnel who are to exercise operational and tactical command functions over the U.S. Armed Forces. True, Congress has the power to lay down general rules creating and regulating "the framework of the Military Establishment," *Chappell* v. *Wallace*, 462 U.S. 296, 301 (1983); but such framework rules may not unduly constrain or inhibit the President's authority to make and to implement the decisions that he deems necessary or advisable for the successful conduct of military missions in the field, including the choice of particular persons to perform specific command functions in those missions. Thus, for example, the President's constitutional power to appoint a particular officer to the temporary grade of Marine Corps brigadier general could not be undercut by the failure of a selection board, operating under a general statute prescribing procedures for promotion in the armed services, to recommend the officer for that promotion. "Promotion of Marine Officer," 41 Op. Att'y Gen. 291 (1956). As Attorney General Rankin advised President Eisenhower on that occasion, "[w]hile Congress may point out the general class of individuals from which an appointment may be made . . . and may impose other reasonable restrictions . . . it is my opinion that the instant statute goes beyond the type of restriction which may validly be imposed. . . . It is recognized that exceptional cases may arise in which it is essential to depart from the statutory procedures and to rely on constitutional authority to appoint key military personnel to positions of high responsibility." *Id.* at 293, 294 (citations omitted).[3] In the present context, the President may determine that the purposes of a particular U.N. operation in which U.S. Armed Forces participate would be best served if those forces were placed under the operational or tactical control of an agent of the U.N., as well as under a U.N. senior military commander who was a foreign national (or a U.S. national who is not an active duty military officer). Congress may not prevent the President from acting on such a military judgment concerning the choice of the commanders under whom the U.S. forces engaged in the mission are to serve.

Moreover, in seeking to impair the President's ability to deploy U.S. Armed Forces under U.N. operational and tactical command in U.N. operations in which the United States may otherwise lawfully participate. Congress is impermissibly undermining the President's constitutional authority with respect to the conduct of diplomacy. See, e.g., *Department of Navy* v. *Egan*, 484 U.S. 518, 529 (1988) (the Supreme Court has "recognized 'the generally accepted view that foreign policy was the province and responsibility of the Executive'") (quoting *Haig* v. *Agee*, 453 U.S. 280, 293–94 (1981)); *Alfred Dunhill of London, Inc.* v. *Republic of Cuba*, 425 U.S. 682, 705–06 n. 18 (1976) ("[T]he conduct of [foreign policy] is committed primarily to the Executive Branch."); *United States* v. *Louisiana*, 363 U.S. 1, 35 (1960) (the President is "the constitutional representative of the United States in its dealings with foreign nations"); "Acquisition of Naval and Air Bases in Exchange for Over-Age Destroyers," 39 Op. Att'y Gen. 484, 486 (1940) (Jackson, Att'y Gen.) (the Constitution "vests in the President as a part of the Executive function" "control of foreign relations"). U.N. peacekeeping missions involve multilateral arrangements that require delicate and complex accommodation of a variety of interests and concerns, including those of the nations that provide troops or resources, and those of the nation or nations in which the operation takes place. The success of the mission may depend, to a considerable extent, on the nationality of the commanding officer, or on the degree to which the operation is perceived as a U.N. activity (rather than that of a single nation or bloc of nations). Given that the United States may lawfully participate in such U.N. operations, we believe that Congress would be acting unconstitutionally if it were to tie the President's hands in negotiating agreements with respect to command structures for those operations.[4]

It might be argued that section 405 does not impose a significant constraint on the President's constitutional authority because it grants the President the authority to waive the prohibition whenever he deems it in the "national security interest" of the United States to do so, provided he reports his decision to execute a waiver to Congress 15 days in advance. If he certifies that an emergency is present, he may avoid the 15 day limitation and make a report in a timely manner, but no later than 48 hours after troops are placed under U.N. command. Thus, functionally, section 405 effects only a conditional ban on the President's constitutional authority to control the tactical and operational deployment of U.S. forces.[5] Congress cannot, however, burden or infringe the President's exercise of a core constitutional power by attaching conditions precedent to the exercise of that power. Attorney General Brownell put the matter well:

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[1] Footnotes are at end of article.

"It is recognized that the Congress may grant or withhold appropriations as it chooses, and when making an appropriation may direct the purposes to which the appropriation shall be devoted. It may also impose conditions with respect to the use of the appropriation, provided always that the conditions do not require operation of the Government in a way forbidden by the Constitution. If the practice of attaching invalid conditions to legislative enactments were permissible, it is evident that the constitutional system of the separability of the branches of Government would be placed in the gravest jeopardy." "Authority of Congressional Committees to Disapprove Action of Executive Branch," 41 Op. Att'y Gen. 230, 233 (1955).

Similarly, then-Assistant Attorney General Rehnquist opined: "Even in the area of domestic affairs, where the relationship between Congress and the President is balanced differently than it is in the field of external affairs, virtually every President since Woodrow Wilson had had occasion to object to certain conditions in authorization legislation as being violative of the separation of powers between the Executive and the legislative branch. The problem would be met in exacerbated form should Congress attempt by detailed instructions as to the use of American forces already in the field to supersede the President as Commander-in-Chief of the armed forces." William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, "The President and the War Power: South Vietnam and the Cambodian Sanctuaries," 21 (May 22, 1970).[6]

We are mindful that Congress has framed its restriction on placing troops under U.N. control as a prohibition on the obligation or expenditure of appropriated funds. That Congress has chosen to invade the President's authority indirectly, through a condition on an appropriation, rather than through a direct mandate, is immaterial. Broad as Congress' spending power undoubtedly is, it is clear that Congress may not deploy it to accomplish unconstitutional ends.[7] In particular, as our Office has insisted over the course of several Administrations, "Congress may not use its power over appropriation of public funds 'to attach conditions to Executive Branch appropriations requiring the President to relinquish his constitutional discretion in foreign affairs,'" 16 Op. O.L.C. 18, 30 (1992) (preliminary print) (quoting 14 Op. O.L.C. 38, 42 n.3 (1990) (preliminary print) (quoting 13 Op. O.L.C. 311, 315 (1989) (preliminary print)).[8]

Accordingly, we believe that H.R., 3308 is unconstitutional, and strongly recommend that the President veto it.

FOOTNOTES

[1] There is also an exception made for ongoing operations in Macedonia and Croatia.

[2] As detailed in subsection 405(d), the report must include eleven distinct elements. It must set forth (1) a description of the national security interests that would be served by the troop placement; (2) the mission of the U.S. forces involved; (3) the expected size and composition of the U.S. forces involved; (4) the precise command and control relationship between the U.S. forces involved and the U.N. command structure; (5) the precise command and control relationship between the U.S. forces involved and the commander of the U.S. unified command for the region in which those U.S. forces are to operate; (6) the extent to which the U.S. forces involved will rely on other nations' forces for security and defense and an assessment of the capability of those foreign forces to provide adequate security to the U.S. forces involved; (7) the exit strategy for complete withdrawal of the U.S. forces involved; (8) the extent to which the commander of any unit proposed for the placement would at all times retain the rights to report independently to superior U.S. military authorities and to decline to comply with orders judged by that commander to be illegal or beyond the mission's mandate until such time as that commander has received direction from superior U.S. military authorities; (9) the extent to which the U.S. retains the authority to withdraw any element of the armed forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged; (10) the extent to which the U.S. forces involved will be required to wear as part of their uniform a device indicating U.N. affiliation; and (11) the anticipated monthly incremental cost to the U.S. of participation in the U.N. operation by U.S. forces proposed to be placed under U.N. operational or tactical control.

[3] The Acting Attorney General's opinion relied chiefly on Congress' inability to undermine the President's authority under the Appointments Clause, U.S. Const. art. II, #2, rather than on the promotion procedure's effect on the Commander-in-Chief power. The President's appointment power is not at issue here, because the foreign or other nationals performing command functions at the President's request would be discharging specific military functions, but would not be serving in federal offices. See Memorandum to Andrew Fois, Assistant Attorney General, Office of Legislative Affairs, from Richard L. Shiffrin, Deputy Assistant Attorney General, Office of Legal Counsel. Re: Defense Authorization Act at 2n.1 (Sept. 15, 1995). Nonetheless, we believe that the reasoning under the Commander-in-Chief Clause closely parallels that under the Appointments Clause.

[4] Past Presidents have committed U.S. forces to foreign command. For example, at a time of great military and diplomatic exigency during the First World War, President Woodrow Wilson agreed, after discussions with our allies, to place U.S. forces under General Foch, as French commander. General Pershing called on General Foch at his headquarters to say, "[i]nfantry, artillery, aviation, all that we have are yours; use them as you wish." 8 Ray Stannard Baker, "Woodrow Wilson; Life and Letters" 60 (1939). *See also id*, at 62 (President Wilson's telegram to General Foch, stating that "[s]uch unity of command is a most hopeful augury of ultimate success"); *id*, at 69–70 (resolution of Supreme War Council, stating that General Foch "is charged by the British, French and American Governments with the coordination of the action of the Allied Armies on the Western Front; to this end there is conferred on him all the power necessary for its effective realization").

[5] Arguably, section 405 effects a complete ban on the use of appropriated funds to support troops under U.N. control in circumstances when the President would find such a deployment advisable but not strictly in the national security interest of the United States. We doubt, however, that such a circumstance is more than hypothetically possible. If the President found it advisable to place U.S. forces under U.N. control, then, *ipso facto*, it would be in the national security interest to place those troops under U.N. control. To the extent that a contrary circumstance could truly arise, then section 405 is unconstitutional.

[6] In a footnote to the text quoted above, Mr. Rehnquist added: "All of these Presidents have stated in one way or another that just because Congress concededly may refrain from appropriating money at all, it does not necessarily follow that it may attach whatever condition it desires to an appropriation which it does make."

[7] See *United States* v. *Klein*, 80 U.S. (13 Wall.) 128 (1872) (appropriations act unconstitutionally intruded on President's pardon power); *United States* v. *Lovett*, 328 U.S. 303, 316 (1946) (appropriations power misused to impose bill of attainder); cf. *Metropolitan Washington Airports Auth*. v. *Citizens for the Abatement of Aircraft Noise, Inc.*, 301 U.S. 252, 271 (1991) (Congress may not use its power over Federal property to achieve ends by indirect means that it is forbidden to achieve directly); *Frost & Frost Trucking Co*. v. *Railroad Comm'n*, 271 U.S. 583, 594 (1926) (State legislature cannot attach unconstitutional condition to privilege that it may deny). See also "Mutual Security Program—Cutoff of Funds from Office of Inspector General and Comptroller," 41 Op. Att'y Gen. 507, 530 (1960) (Att'y Gen. Rogers) ("the Constitution does not permit any indirect encroachment by Congress upon [the] authority of the President through resort to conditions attached to appropriations"); "Constitutionality of Proposed Legislation Affecting Tax Refunds," 37 Op. Att'y Gen. 56, 61 (1933) (Att'y Gen. Mitchell) ("This proviso can not be sustained on the theory that it is a proper condition attached to an appropriation. Congress holds the purse strings, and it may grant or withhold appropriations as it chooses, and when making an appropriation may direct the purposes to which the appropriation shall be devoted and impose conditions in respect to its use, provided always that the conditions do not require operation of the Government in a way forbidden by the Constitution."); "Memorial of Captain Meigs," 9 Op. Att'y Gen. 462, 469–70 (1860) (concluding that appropriations bill that contained condition that money be spent only under supervision of congressionally-designated individual was invalid); William P. Barr, contribution to symposium on "The Appropriation Power and the Necessary and Proper Clause," 68 Wash. U.L.Q. 623, 628 (1990) ("Congress cannot use the appropriations power to control a Presidential power that is beyond its direct control"); Harold H. Koh, 'Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair," 97 Yale L.J. 1255, 1303 n.218 (1988) (citing support for view that Congress acts unconstitutionally if it refuses to appropriate funds for President to carry out his constitutional responsibilities); Kate Stith, "Congress' Power of the Purse," 97 Yale L.J. 1343, 1351 (1988); Louis Henkin, "Foreign Affairs and the Constitution" 115 (1972) ("Congress cannot impose conditions which invade Presidential prerogatives to which the spending is at most incidental").

[8] See also "The President's Compliance with the 'Timely Notification' Requirement of Section 501(b) of the National Security Act," 10 Op. O.L.C. 159, 169–70 (1986) ("[W]hile Congress unquestionably possesses the power to make decisions as to the appropriation of public funds, it may not attach conditions to Executive Branch appropriations that require the President to relinquish any of his constitutional discretion in foreign affairs.").

This limitation on legislative power has also been acknowledged by Members of Congress. See Orrin Hatch, contribution to symposium, "What the Constitution Means by Executive Power," 43 U. Miami L. Rev. 197, 200–01 (1988) ('constitutional foreign policy functions may not be eliminated by a congressional refusal to appropriate funds. The Congress may not, for example, deny the President funding to receive ambassadors, negotiate treaties, or deliver foreign policy addresses. . . . Congress oversteps its role when it undertakes to dictate the specific terms of international relations."); Eli E. Nobleman, "Financial Aspects of Congressional Participation in Foreign Relations," 289 Annals Am. Acad. Pol. & Soc. Sci. 145, 150 (1983) (citing remarks of Representative Daniel Webster, objecting on constitutional grounds in 1826 to appropriations rider that purported to attach instructions to United States diplomats).

Mr. LONGLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise today in strong support of H.R. 3308, which would establish important limitations on the President's ability to place U.S. troops under United Nations or other foreign command. It would clarify that the President must certify that placing U.S. troops under foreign control is in the national interest and that Congress must have a role in approving such actions.

Given the recent involvement of U.S. troops in peacekeeping missions in Somalia, Bosnia, Macedonia, and Haiti—sometimes under the operational control of foreign commanders—this measure is most timely.

The Constitution is itself silent on this matter, and the President is using a self-prescribed directive to guide his actions. I believe this is too important an issue for such treatment. The Constitution expressly gives the Congress the power and responsibility to declare war, "raise and support Armies," "provide and maintain a Navy," and "make all Laws which shall be necessary and proper for carrying into Execution" such powers. The Congress clearly has important prerogatives in this regard.

Mr. Chairman, I congratulate Representative LONGLEY for introducing this important measure, and urge its support.

Mr. LONGLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there has been a lot of discussion about what is in this bill and what is not in this bill. I would like to discuss what is in the bill and focus on that and conclude the debate on that basis.

First of all, we are talking about the fact that U.N. operations have become of late a much more common phenomenon.

Second, we have seen in the last several years commitments of United States forces to U.N. operational control in places like Haiti, Croatia, Macedonia, including over 22,000 American forces now deployed in Bosnia. We have seen the recent unfortunate experience of the commitment of American forces in a combined United States-U.N. operation in Somalia that led to the tragic death of 18 valiant Rangers.

What we are also recognizing in this piece of legislation is that despite the many deficiencies that we have seen in the conduct of U.N. operations, we recognize that there may be situations where it is in the national security interest of the United States to participate in them, and we have made appropriate provisions for that.

I would also point out that I stand here as a Member who has on at least 3 occasions broken with his own leadership to oppose his leadership's efforts to, in my view, interfere with the authority of the President of the United States, including most recently I spoke on the resolution that was on the floor that would have in my view interfered with the President's ability to successfully conclude the Dayton Peace Accords.

Again, I am proud to do that when I think it is in the best interests of this country to do so. Yet, I think it is clear that we need to recognize that the United Nations is not a military organization.

I heard earlier remarks referring to the fact that there are sometimes humanitarian missions and sometimes there are war-fighting missions. The bottom line, as the gentleman from Ohio [Mr. TRAFICANT] said, is that when you send an American soldier overseas with a rifle, by its very nature, it involves the risk of war or warfighting, and we need to operate on that basis.

We have made provisions for four separate situations wherein the President can commit forces if he deems it in the best interests of the United States. We have provided a 15-day time line in the event that he sees the necessity for a commitment of American forces before he needs to file any kind of certification.

We have provided for an emergency commitment of American forces where he has the opportunity to provide justification within 48 hours. We have also provided exceptions for, yes, if Congress were to authorize that action, or if it is an operation commenced under the NATO forces, if our forces were to be committed in fulfillment of our commitment to NATO.

However, I think we also need to spend a minute to talk about what are we talking about in terms of certifying. We are talking about that we want an outline of what is the national security interest involved, what is the mission going to be? What kinds of forces? What are the command and control relationships? What are the command and control relationships between the American commander and the unified American command that is responsible for that region of the world? All entirely reasonable and this should be done anyway.

But what we are doing is saying: Mr. President, provide that to the Congress.

I want to end on a personal note, because when we look at the incident in October 1993 of those 18 Rangers that were killed in Mogadishu, 2 of them were from my State, M. Sgt. Gary Gordon was awarded the Medal of Honor, Sgt. Tommy Fields was killed in action.

When you look at that operation, you see that they did have armor as part of the force. The problem was that the armor was under the command of another country, and when the first bullets flew, the tanks and the armored personnel carriers abandoned our troops in the field. We need to prevent that from happening in the future.

Mr. PAYNE of New Jersey. Mr. Chairman, few institutions have enabled the expression of the noblest ideas of humankind as has the United Nations. Listen to the words that begin the Charter of the United Nations written 50 years at the end of World War II:

> We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
>
> to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
>
> to establish conditions under justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
>
> to promote social progress and better standards of life in larger freedom, and
>
> for these ends to practice tolerance and live together in peace with one another as good neighbors. . . .

Listening to those words and seated at the conference to establish the United Nations in San Francisco in April 1945 were Mary McLeod Bethune of the National Council of Negro Women, Mordecai W. Johnson of Howard University, W.E.B. DuBois and Walter White of the NAACP.

These are not just words. After speaking with the brave and noble men that serve under U.N. command, I can conclude that they are proud to be a part of a military that brings together all countries that have common interest. A U.N. representative from MINURSO stationed in Tundouf said, "It allows me to make my life count for something and it allows me to give back to the ones that are less fortunate than I." The United Nations is a sum of the whole of all nations.

The command and control of armed forces of the United Nations are men and women that make sure that our enemies are kept at bay, that regional security and peace are more than just words, and prevention of further aggression by any one state. The War Powers Act is not absolute. The United States cannot be the world's policemen. We need the United Nations.

Chapter VII, article 51 of the U.N. Charter states that if an armed attack occurs against a member of the United Nations, we must take the measures necessary to maintain international peace and security.

This is the wrong time to implement this bill. Iraq has violated international law, Security Council Resolution 688. Our vital national interests are at stake. Bosnia, Haiti, and other countries that require chapter VI type activities are vital to protect the weak from the strong.

This bill is wrong, it ties the President's hands. In peacetime, they protect us. I cannot with good conscience support this bill, the United States Armed Forces Act. I would like to just conclude that multilateralism does matter.

Mr. WELDON of Florida. Mr. Chairman, as a U.S. Army veteran myself, I rise in strong support of H.R. 3308, the United States Armed Forces Protection Act. This bill takes important steps to ensure the protection of our troops overseas. While it may not go as far as some of us would like, it makes considerable progress to ensure that we protect the interests of those who risk their lives by putting on the uniform of the U.S. military.

We remember what happened earlier in the Clinton administration, in Somalia, where our United States troops had to rely on U.N. forces for backup. It cost 19 of our men and women in uniform their lives. I will not allow their lives to be forgotten. I will continue aggressively to ensure that our men and women in uniform do not have to rely on the United Nations for backup that may or may not come.

H.R. 3308 extends proper protection to the men and women of the U.S. Armed Forces, who have been sent to serve in U.N. peacekeeping operations. In particular, the bill prohibits U.S. service members form performing duties under the administrative or tactical control of foreign officers, unless the President certifies to the Congress that such command relationships serve the national security interest of the United States.

The bill also directs the President to submit to the Congress first, the national security interest that will be advanced by their mission;

second, the size, composition, and involvement of the U.S. forces; third, the command and control relationship of involved U.S. forces and the U.N. command structure, and fourth the exit strategy for U.S. forces. It also requires that members of the armed forces be informed of their unit's mission and their chain of command in any operation to which their unit has been assigned.

I also fully support provision which will ensure that our men and women in uniform are not required to wear the insignia of the United Nations or any other foreign entity. I have cosponsored legislation that would protect our men and women from this, and am pleased to support it here today.

Finally, I would add that this is the fourth time this Congress has had this issue under consideration. Unfortunately, President Clinton has rejected this proposal before. Perhaps he will change his mind on it and sign the bill this time.

Mr. GOODLING. Mr. Chairman, I rise today in support of H.R. 3308, hopefully the final step in a journey which began long ago by Members who doubted the wisdom and constitutionality of placing U.S. troops under foreign command.

We began with a letter to President Clinton in opposition to Presidential Review Directive 13, which later became Presidential Decision Directive 25. We carried on that fight in committee, arguing with the State Department about the tragic deaths of American heroes in Somalia, including Randall Shughart from my district.

We included a prohibition on foreign command deployments in the Contract With America and worked to have it included in Defense authorization bills, all the while tightening loopholes.

We thought we were successful in attaching these provisions to last year's Defense authorization bill. That bill also included a number of provisions that would improve the quality of life for American service personnel. Unfortunately, that bill was vetoed by the President.

We stand here today with a clean bill, dealing solely with the issue of foreign command of American troops. In recent years, foreign command—and U.N. command in particular—has not served the United States well.

A great amount of confusion surrounded our deployment in Somalia, confusion that directly resulted in the deaths of American Rangers. Never again do I want to be placed in a position of explaining the needless deaths of American servicemen because of ineffective command and control arrangements.

This bill will prevent future Somalias. It states simply that Americans will not serve under foreign command, unless the President reports it is in our best interest. It allows for our continued involvement in NATO, and would not impact existing operations in Macedonia and Croatia.

In short, the bill will restore wisdom and stability to any future deployments. I thank Chairman SPENCE and Chairman GILMAN for their leadership on this issue, and I urge all Members to offer this bill their support.

Mr. POSHARD. Mr. Chairman, I rise today in support of H.R. 3308, the U.S. Armed Forces Protection Act. The American people have made it clear that they want any American role in United Nations peacekeeping missions to be well structured and in the best interests of our country, with the safety of our troops being at the forefront of these considerations. I believe that this legislation goes a long way toward ensuring this by demarcating and preserving the role of Congress in the process of placing American troops in such situations. The intent of this measure is to be absolutely certain that when U.S. troops are involved in U.N. peacekeeping operations that they will be serving under American leadership. Further, the process by which the President will outline such missions to Congress can only aid the planning and support mechanisms critical for success. In my view, H.R. 3308 is not about restricting the actions of any President, but about making sure that the executive and legislative branches are on the same page when U.S. troops take part in actions sponsored by the United Nations.

I have supported provisions of this legislation when they have appeared in other bills, notably H.R. 1530 and H.R. 2540. The spirit of the latter is included in H.R. 3308 via the Bartlett, Chenoweth, and Traficant amendment and prohibits the wearing of the U.N. insignia by U.S. troops without the authorization of Congress. This should prevent future unfortunate incidents such as the events surrounding the dismissal of Michael New.

Mr. Chairman, in closing, I would like to emphasize that my vote today should not be construed as one against the United Nations, as I firmly believe that this body has a role to play in international relations. As evidenced in the Gulf War, the U.N. can be an effective coordinating device for the international community during times of crisis, thereby promoting the interests of the United States at a reduced cost from acting unilaterally. Also, the United Nations provides invaluable leadership on such issues as world hunger, which have historically been embraced by the U.S. populace. Rather, my vote is for the men and women that serve their country bravely as part of the U.S. Armed Forces. I urge my colleagues to support H.R. 3308, and I appreciate the opportunity to share my thoughts on this matter.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3308 is as follows:

H.R. 3308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Armed Forces Protection Act of 1996".

SEC. 2. FINDINGS AND CONGRESSIONAL POLICY.

(a) FINDINGS.—Congress finds as follows:

(1) The President has made United Nations peace operations a major component of the foreign and security policies of the United States.

(2) The President has committed United States military personnel under United Nations operational control to missions in Haiti, Croatia, and Macedonia that could endanger those personnel.

(3) The President has deployed over 22,000 United States military personnel to the former Yugoslavia as peacekeepers under NATO operational control to implement the Dayton Peace Accord of December 1995.

(4) Although the President has insisted that he will retain command of United States forces at all times, in the past this has meant administrative control of United States forces only, while operational control has been ceded to United Nations commanders, some of whom were foreign nationals.

(5) The experience of United States forces participating in combined United States-United Nations operations in Somalia, and in combined United Nations-NATO operations in the former Yugoslavia, demonstrate that prerequisites for effective military operations such as unity of command and clarity of mission have not been met by United Nations command and control arrangements.

(6) Despite the many deficiencies in the conduct of United Nations peace operations, there may be unique occasions when it is in the national security interests of the United States to participate in such operations.

(b) POLICY.—It is the sense of Congress that—

(1) the President should consult closely with Congress regarding any United Nations peace operation that could involve United States combat forces and that such consultations should continue throughout the duration of such activities;

(2) the President should consult with Congress before a vote within the United Nations Security Council on any resolution which would authorize, extend, or revise the mandate for any such activity;

(3) in view of the complexity of United Nations peace operations and the difficulty of achieving unity of command and expeditious decisionmaking, the United States should participate in such operations only when it is clearly in the national security interest to do so;

(4) United States combat forces should be under the operational control of qualified commanders and should have clear and effective command and control arrangements and rules of engagement (which do not restrict their self-defense in any way) and clear and unambiguous mission statements; and

(5) none of the Armed Forces of the United States should be under the operational control of foreign nationals in United Nations peace enforcement operations except in the most extraordinary circumstances.

(c) DEFINITIONS.—For purposes of subsections (a) and (b):

(1) The term "United Nations peace enforcement operations" means any international peace enforcement or similar activity that is authorized by the United Nations Security Council under chapter VII of the Charter of the United Nations.

(2) The term "United Nations peace operations" means any international peacekeeping, peacemaking, peace enforcement, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations.

SEC. 3. PLACEMENT OF UNITED STATES FORCES UNDER UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"§405. Placement of United States forces under United Nations operational or tactical control: limitation

"(a) LIMITATION.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations operational or tactical control, as defined in subsection (f).

"(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of an element of the armed forces under United Nations operational or tactical control if the President, not less than 15 days before the date on which such United Nations operational or tactical control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing an element of the armed forces under United Nations operational or tactical control, the President may place such forces under such operational or tactical control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such operational or tactical control becomes effective.

"(c) ADDITIONAL EXCEPTIONS.—(1) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces under United Nations operational or tactical control if Congress specifically authorizes by law that particular placement of United States forces under United Nations operational or tactical control.

"(2) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces in an operation conducted by the North Atlantic Treaty Organization.

"(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

"(1) Certification by the President that it is in the national security interests of the United States to place any element of the armed forces under United Nations operational or tactical control.

"(2) A report setting forth the following:

"(A) A description of the national security interests that would be advanced by the placement of United States forces under United Nations operation or tactical control.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(E) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(F) The extent to which the United States forces involved will rely on forces of other countries for security and defense and an assessment of the capability of those other forces to provide adequate security to the United States forces involved.

"(G) The exit strategy for complete withdrawal of the United States forces involved.

"(H) The extent to which the commander of any unit of the armed forces proposed for placement under United Nations operational or tactical control will at all times retain the right—

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with.

"(I) The extent to which the United States will retain the authority to withdraw any element of the armed forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(J) The extent to which United States forces involved will be required to wear as part of their uniform any badge, symbol, helmet, headgear, or other visible indicia or insignia that indicates affiliation to or with the United Nations.

"(K) The anticipated monthly incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations operational or tactical control.

"(e) CLASSIFICATION OF REPORT.—A report under subsection (d) shall be submitted in unclassified form and, if necessary, in classified form.

"(f) UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.—For purposes of this section, an element of the Armed Forces shall be considered to be placed under United Nations operational or tactical control if—

"(1) that element is under the operational or tactical control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

"(2) the senior military commander of the United Nations force or operation is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty.

"(g) INTERPRETATION.—Nothing in this section may be construed—

"(1) as authority for the President to use any element of the armed forces in any operation; and

"(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"405. Placement of United States forces under United Nations operational or tactical control: limitation.".

(b) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (a), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

SEC. 4. REQUIREMENT TO ENSURE THAT ALL MEMBERS KNOW MISSION AND CHAIN OF COMMAND.

(a) IN GENERAL.—Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§656. Members required to be informed of mission and chain of command

"The commander of any unit of the armed forces assigned to an operation shall ensure that each member of such unit is fully informed of that unit's mission as part of such operation and of that member's chain of command.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"656. Members required to be informed of mission and chain of command.".

The CHAIRMAN. No amendment shall be in order except those printed in House Report 104–774, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on an amendment, and reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 104–774.

AMENDMENT OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPENCE:

Page 3, after line 18, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(1) the President should fully comply with all applicable provisions of law governing the deployment of the Armed Forces of the United States to United Nations peacekeeping operations;

Page 10, line 19, strike out "and".

Page 10, line 22, strike out the period, close quotation marks, and period at the end and insert in lieu thereof "; or".

Page 10, after line 22, insert the following: "(3) as superseding, negating, or otherwise affecting the requirements of section 6 of the United Nations Participation Act of 1945 (22 U.S.C. 287d).".

Page 11, beginning on line 4, strike out "as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR)".

Page 11, line 8, insert after "Macedonia" the following: "as part of the United Nations force designated as the United Nations Preventive Deployment Force (UNPREDEP)".

Page 11, line 10, insert after "1992," the following: "and Resolution 983, adopted March 31, 1995,".

Page 11, line 12, insert after "Croatia" the following: "as part of the United Nations force designated as the United Nations Transitional Administration for Eastern Slavonia, Baranja, and Western Sirmium (UNTAES)".

Page 11, beginning on line 13, strike out "Resolution 743, adopted February 21, 1992," and insert in lieu thereof "Resolution 1037, adopted January 15, 1996,".

The CHAIRMAN. Pursuant to House Resolution 517, the gentleman from South Carolina [Mr. SPENCE] and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is a technical and clarifying amendment that should be noncontroversial. The amendment does three things. First, it adds a new finding stating that the President should fully comply with all applicable laws when deploying United States forces to participate in United Nations peacekeeping operations. This is a useful clarification to ensure there is no ambiguity on the relationship between this legislation and other applicable statutes governing the participation of United States forces in United Nations operations.

The second component of the amendment would specifically clarify that this bill in no way supersedes, negates or otherwise affects the United Nations Participation Act.

Finally, the bill makes minor conforming changes and updated references to a number of United Nations Security Council resolutions that have changed since this bill was introduced.

Again, I believe all of these things are useful and necessary minor changes, and I urge my colleagues to support the amendment.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we do not rise in opposition to the amendment and there is no organized opposition, so that 5 minutes is not useful. I would simply concur in the explanation of the amendment offered by my distinguished colleague from South Carolina, Mr. SPENCE.

The amendment provides that the President must act consistent with United Nations Participation Act, simply stating that the President must act consistent with appropriate laws. In this gentleman's humble opinion, that is noncontroversial, and I would echo the sentiments of my colleagues, that it is, A, noncontroversial and, B, that it is, in part, technical.

I would urge my colleagues to adopt the amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I just want to rise to thank the gentleman from South Carolina [Mr. SPENCE]. The problems have been corrected by this manager's amendment, which was the primary reason I was the lone vote against this bill in committee.

I am very appreciative of the assistance of Chairman SPENCE in making this bill a very much better bill.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I want to quickly clarify my position.

If the President puts our sons and daughters in harm's way and under the United Nations control, he must get congressional authorization. Chairman SPENCE's manager's amendment does clarify that and makes it a much better bill.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–774.

AMENDMENT OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, the gentleman from Ohio [Mr. TRAFICANT] and I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. BARTLETT of Maryland: At the end of the bill, add the following new section:

SEC. 5. PROHIBITION ON REQUIREMENT FOR MEMBERS OF THE ARMED FORCES TO WEAR UNIFORM ITEMS OF THE UNITED NATIONS.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 777. Insignia of United Nations: prohibition on requirement for wearing

"No member of the armed forces may be required to wear as part of the uniform any badge, symbol, helmet, headgear, or other visible indicia or insignia which indicates (or tends to indicate) any allegiance or affiliation to or with the United Nations except in a case in which the wearing of such badge, symbol, helmet, headgear, indicia, or insignia is specifically authorized by law with respect to a particular United Nations operation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"777. Insignia of United Nations: prohibition on requirement for wearing.".

Page 9, strike out lines 11 through 16.

Page 9, line 17, strike out "(K)" and insert in lieu thereof "(J)".

The CHAIRMAN. Pursuant to House Resolution 517, the gentleman from Maryland [Mr. BARTLETT] and a Member opposed, each will control 20 minutes.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. TRAFICANT], a coauthor of the amendment, be allowed to control half of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] will control 10 minutes of the time in support of this amendment.

The gentleman from Maryland [Mr. BARTLETT] is recognized.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer today is very simple. It will prohibit any member of the Armed Forces from being forced to wear any badge, symbol, helmet, head gear, or other visible insignia which indicates allegiance or affiliation to the United Nations unless specifically authorized by Congress.

The centerpiece of my amendment is our soldiers' status. Many of our military personnel believe that when they don their battle dress uniforms with accoutrements from the United Nations, they become U.N. soldiers. Indeed, in some cases they are placed under the operational control of a U.N. commander who has not taken an oath to defend the Constitution, but has rather taken an exclusive oath of allegiance to the United Nations.

The concern of our men and women of the Armed Forces is corroborated by Vice President AL GORE who, during a funeral for the soldiers who died in a friendly fire accident over Iraq, in an attempt to console the families, said the following, and I quote: "I offer my condolences to the families of those who died in the service of the United Nations," end quote.

Clearly, in at least the Vice President's mind, our soldiers were fighting as U.N. soldiers. We must never allow this to happen again.

Second, one brave U.S. Army medic, Specialist Michael New, had the courage to challenge the President's policy of requiring our troops to wear the uniform of the United Nations. It is important to remember that Michael New was not anti-U.N. He served with distinction in other U.N. operations, specifically, in Kuwait. However, in that operation Specialist New was required to wear the uniform of the United States, not the U.N. insignia.

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When Michael New was ordered to go to Macedonia as part of Operation Able Sentry, he was told he would be required to wear the blue beret and soldier patch of the United Nations. Believing that he had no allegiance to the United Nations, he questioned the authority of this order. For his faithfulness to the United States, Michael New was court-martialed and given a bad conduct discharge which will follow him for the rest of his life.

Mr. Chairman, the amendment I offer today will not affect Michael New or his case. However, it will prevent this situation from ever happening again. Our servicemen and women must always fight as U.S. soldiers and must never be asked to choose allegiances between the United States and the United Nations.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to join forces with the gentleman from Maryland [Mr. BARTLETT] on this amendment. I believe that this has come to light in the case of Michael New. I believe it does pose some significant military questions that must be answered and resolved, and I believe the case for such resolution rests in the Congress of the United States.

Some people say there is micromanagement here. I do not quite believe that. I think everybody agrees that our military personnel must follow orders. There must be a chain of command and a disciplinary structure which ensures the operational integrity of their missions, and the structure of their management and command.

However, this has gone on maybe a little far with the case of Michael New, sent over to do peacekeeping work in Macedonia. Sometimes I question all this peacekeeping. I think we need a little peacekeeping at our borders and some of our cities, but that is not the point. Michael New went along with the program, but had a serious question of wearing insignia, patches, and berets, that signified the U.N. operation.

As you know, Michael New was court-martialed. All of the legal activities have been contrary to the wishes certainly of the Michael New legal dilemma. Michael New has lost almost every single legal skirmish he has had over the issue. But I want to say here on the House floor today that Michael New presents to the Congress a legitimate concern about how far we have gone beyond some practicality here.

What did Michael New say? He is not covered by this decision. He says, "I will go, I will serve my country, but I'm only going to wear that uniform of the United States of America."

I think Michael New in his defeat has offered Congress an opportunity to reflect upon themselves and put some sanity back into this whole operation of so-called peacekeeping. We do not send soldiers over with guns because of all these humanitarian concerns. They are there because they are in imminent danger.

I firmly believe that this amendment is very strict and straightforward. It would remove section (J) from this bill, and it would say that when our troops are dispatched on official business, in harm's way, they will wear an American, United States of America, uniform, and they will wear only that uniform because the Congress today said so. If there is a compelling reason for that to be waived, the Congress of the United States shall approve that decision.

I am one that believes the Congress has allowed too much authority to the White House. This is not a slap at President Clinton. This is taking a look at the operations of Congress and what the Constitution sets out for us. Congress declares war, Congress sets the parameters by which we operate, and Congress instructs. Within that charge, the Commander in Chief runs the operation, never deploys those troops without our approval, never engages in harm's way without our approval and, by God, I think we should repeal the War Powers Act where a President could take a unilateral action and give us the courtesy of some conference.

So I think the Michael New case burns at Congress, and it should. I think Michael New, twice-decorated veteran, was certainly not insubordinate to his country, and I think he underscores the fact that when our young men and women walk into that recruiting office and they take the oath, they take it to the Untied States of America, not to the United Nations.

I will say one last thing about the United Nations. Congress should be investigating that sinkhole of patronage. There is more patronage and corruption at the United Nations than there would be in most of the scarred political processes that we discussed in our legendary history.

Mr. Chairman, with that, I support the amendment. I am hoping the Congress would support the amendment. It is not an attempt to in fact micromanage. It is an attempt to right a wrong. It is an attempt to stand up for those soldiers and troops that say "I'm putting my life on the line, but by God I will wear our uniform," and, finally, I think it is time to take a look at the Constitution. The Constitution is quite clear, if we want to take broad interpretation and analysis, "No person holding any office of profit or trust shall, without the consent of Congress, accept any present, emolument, office or title of any kind whatsoever, from any kind prince or foreign state."

We can provide and participate in all these U.N. activities but, by God, we could wear our uniform. The world knows it, they understand it, and they respect it a hell of a lot more than that beret.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would again advise our guests that manifestations of support or opposition are not permitted from the gallery.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what this amendment is all about is that it prohibits U.S. forces from wearing U.N. insignia without congressional authorization. We can rap, get emotional, and hit bumper strip accords to gain applause from the gallery. Easy to do. I know how to do it. I have done it for 30 years. Easy to do. What is not easy is to confront the issue on substantive grounds and address the issue in significant terms, not for applause but for what is important, the reality of what we are dealing with.

Some have said, "We don't want to pledge allegiance to the United Nations."

This is not about pledging allegiance to anyone. That is a copout. That is a game. I challenge any Member who makes that statement to prove it. But uninformed, unelightened public opinion will applaud that comment, because it is rooted in ignorance. It is rooted in fallacious ideas. Where are we asking any American troop? I served in the U.S. Marine Corps. Nobody asked me to pledge allegiance to the United Nations.

What this is about is wearing insignia. When I was in the Marine Corps, if I violated a lawful order, I was court-martialed. Anyone in this room who served in the military knows that.

My distinguished colleague from Ohio, whom I love, talked about one person who said, "No, I'm not going to wear the U.N. insignia." Who told him to wear the U.N. insignia? Was it Boutros Boutros-Ghali, who you keep raising as this big bogeyman on the floor, again to gain uninformed, unenlightened emotional applause.

No, it was an American military officer that said, "We will wear these uniforms." No foreign government. No U.N. American.

I say to my colleague and all Members in this Chamber, the day that you open the door and say a military person has a right to violate a direct lawful order, forget about it. Forget about it.

What are you saying to yourselves? What are we saying to our people? What are we saying to our children when we make this comment? No, you can only abide by the laws that you agree with? Is that the society we are talking about? There are a whole lot of people out there that take that position. We call them criminals.

Military, that is a whole other kind of world out there when we start talking about violating a direct lawful order. Why do people wear insignias? One, is to make sure that we all know who is on the same team. When you are dealing with a variety of different countries with different uniforms, there needs to be something there that says, "Hey, we're all in this together, different colors, different languages."

Mr. Chairman, the Judge Advocate General of the Army has said, and I quote, "Soldiers have a duty to obey lawful orders. To allow soldiers the right to pick and choose which lawful orders they want to obey would, without question, utterly destroy good order and discipline in the ranks."

How many times have my colleagues here talked about good order and discipline?

Congress, Mr. Chairman, should not interfere with the U.S. military's ability to set rules and regulations which enhance military discipline and protect soldiers' lives.

This is not about a campaign slogan. This is not about applause. This is about saving people's lives.

For this reason, the Veterans of Foreign Wars, the people who went out there and put their lives on the line, whether we agreed or disagreed with why they were out there, they were out there because the country made that decision. While opposed to placing U.S. troops in operations exclusively under U.N. command, and they have taken that position, on this particular amendment, on this issue, has stated that it cannot condone Specialist New's action in refusing a direct and lawful order. My colleagues postulate an amendment based on a violation of a lawful order.

Col. Harry Summers, a highly decorated retired U.S. Army Colonel and a nationally syndicated columnist called Specialist New's conviction "necessary and proper," and he noted, "Conscience is a slippery slope indeed, for if soldiers obey the dictates of their conscience and refuse to obey the orders of their military and civilian superiors, democracy itself is imperiled."

I believe in conscience, and I support people who conscientiously stand up and say, "I choose not to wage war." I believe in that. Or people who say, "I conscientiously choose not to want kill another human being." I believe in that.

Once you are there and start playing this game, you are going down a very slippery slope.

Understand, Mr. Chairman, what is being said here beyond the applause. This endangers U.S. military safety. Why am I saying that? Wearing common identifying insignia is a proven—not hypothetical, not experimental—proven way for individual members of military units to enhance their own safety and prevent potentially deadly confusion in the field. It can also protect one from friendly fire. Everybody knows who is on the same team, Mr. Chairman.

This is a especially important when units from different nations wearing different basic uniforms are serving together in an operation. Restricting the use of such insignia and markings could contribute to increased casualties for American personnel serving in these operations.

If we want to debate whether they ought to be in the operations, we can agree or disagree on that. I believe that the body politic ought to allow for honest debate on issues. We can discuss whether they ought to be there or not. I have got my point of view. You have yours. But once they are there, this is about the safety of the very lives that you all stand up and talk about reversing so much.

□ 1230

Further, a recently adopted international convention provides important legal protections to U.N. peacekeepers and can bring enforcement actions against those who attack them. These protections are available only to personnel who have clearly identified themselves as U.N. peacekeepers by the use of standard insignia. U.S. personnel could be deprived of equal international legal status merely for want of a U.N. patch. Something very bizarre, Mr. Chairman, and extreme about that.

U.S. courts have consistently upheld the right of the military to establish rules and regulations which contribute to military discipline. Hopefully, at the end of the day the larger objective, the safety of our American military forces. I keep repeating, it is about life. It is not about somebody's election. It is not about some uninformed, unenlightened emotional applause. It is about looking at the substantive issue here.

We can throw in the little code words, but this is about the insignia. We ought to stay focused on what the debate is. If you want to debate war powers, I am with you. You want to challenge Presidents who talk about taking troops unilaterally, I am with you. This is about putting on an insignia that I believe is dangerous.

Goldman versus Weinberger, 1986, states that to accomplish its mission the military must foster instinctive obedience, unity, commitment and esprit de corps. The military need not encourage debate or tolerate protest to the extent such tolerance is required by the civilian state under the first amendment.

Brown versus Glines, 1980, states that military personnel must be ready to perform their duty whenever the occasion arises, to ensure that they are always capable of performing their mission promptly and reliably. The military services must insist upon "a respect for duty and a discipline without counterpart in civilian life."

The courts have ruled on this. So we offer an amendment because one person says, I do not want to wear this U.N. insignia in the military. This is violation of a lawful order of an American commander. Anybody that says that that is wrong, stand up, prove it to me now. You cannot. The man was given a lawful order by an American person, American military person. Now, if you can violate that, then what other laws can somebody slip by? I want to paint a swastika on some black guy's barracks. Hey, it is cool. You can do this. We offer an amendment to say it is fine to do that. We would not. There is no one here that would have the audacity. I respect everyone in this Chamber that no one would come to that level of absurdity. You are close to it here. You are close to it here.

So one guy says you can wear a patch but do not wear the head gear. Now we are getting to a level of nuance that is almost comical.

Mr. Chairman, I would conclude by saying I think this is a terrible amendment. It should never have come this far. I believe in my heart of hearts, I believe to a moral certainty that there are Members in this Chamber who know how bizarre this amendment is, who have served in the military, who understand what insignia is really all about and understand what safety is really all about. And in their guts they know whether they will stand up on the floor and talk about it is another matter, whether they will vote appropriately is another matter, but they know what command and control is. They know what good order and discipline is, and they know what violation of a lawful order is all about.

This is not about allegiance. This is about an insignia that keeps good order, good discipline, and safety among the troops. If we could come back to that, this amendment would disappear.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this bill is not, this amendment is not about Michael New, and that is something of a distraction. But since he has been brought into it, I would simply say that he and all of our other military personnel have been told not to obey an unlawful order. Whether or not this is a lawful order is now being tested in the courts. The courts will decide whether or not it was a lawful order.

Second, none of our troops can be sent on a U.N. mission without the permission of the Congress, because the U.N. Participation Act says that chapter 7, they have all been chapter 7, the Congress must give permission. If they get permission to deploy the troops, they can give permission to wear the insignia if that is necessary.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, if I could have the attention of my friend, the gentleman from California, Mr. RON DELLUMS, and he knows where I come from, I would like to explain to you why that for many of us this is very, very important.

First of all, I agree with the gentleman; I would not disobey a lawful order that was given to me, even though I disagreed with it. There is a chain of command in the military and a proper procedure that you should follow through.

I would also say that in my young years, I also made a lot of mistakes, and Michael New and others, I think, I do not think it was necessarily a mistake. I think that is what we are trying to alleviate here in this particular case, where we do not put our young men and young women in this situation. I talked about Somalia a minute ago, but I would be remiss unless I talked about Lebanon under a Republican administration. I am not talking either one here. Then also in Bosnia, where I think it is important that the President knows. There is another case in which helicopters were shot down in a free fly zone. The U.N. controlled it. The AWACS was not notified. The F-15's were not notified. We lost two helicopters. Under those circumstances, I think if this body let us, our people know that they are under U.N. control, then that is fine. All we are trying to do is alleviate that particular situation.

I do not need a U.N. patch to let me know, no more than my friend that served in the Marine Corps knows or I have no doubt that there is anyone that when we serve with a foreign country that the U.S. Marine Corps uniform, the U.S. Navy, Air Force, whatever it happens to be, who we represent. All we are saying is that to wear that patch, it should require this body, who also agrees to allow them to serve under the United Nations.

What causes one to pick up a flag on the battlefield or charge a hill, it is pride. We have a lot of pride in our U.S. military.

Mr. TRAFICANT. Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I rise today to oppose this amendment in the strongest possible terms. I certainly want to associate myself with the comments of our ranking member. I thought he was elegant in performing really the task here of explaining why it is so important that we shut down this amendment.

We cannot be selective and arbitrary in enforcement of military orders. I remember in my first military assignment, I looked around and it was interesting, we all had the same uniform on. In that process, we all transformed ourselves into a team. It made us better. Not only that, but it identified us from all of the other individuals in other units throughout that area.

Each new assignment I took I put on a new insignia. I put on a new insignia and identified myself with a new team. That new team than took on a new relevance to my life and to all of those around, and all the other military organizations throughout the world knew who we were.

Mr. Chairman, to prohibit U.S. forces from wearing the U.S. identification marks on their person while serving in authorized U.N. operations is wrong-headed and dangerously unsafe.

Incidentally, why do we hate the United Nations so much? Why? With the United Nations and NATO, we have preserved peace on the planet for all practical purposes for the last 40 years. Where is the failure of the United Nations? It is not a failure.

Yes, there are problems in the United Nations. We do not have to endorse everything they do. But in the overall, they have been very successful.

Has everyone forgotten here, incidentally, the extreme difficulty we have had in identifying friend and foe in military operations? Anybody here in the military?

Have we forgotten, too, the multiple sets of friendly fire that we have had in our own military experiences on the battlefield because we could not identify our own people? Now we are going to say we are going to invite ourselves into a United Nations operation without identifying ourselves to the Pakistanis, to the French, to whomever else we are with. How is it that they are going to identify us? This is going to make us a target. Not only is it going to make us a target from the foe, it is going to make us a target of our friends. It makes no sense.

Finally, this amendment establishes the most outrageous congressional micromanagement of military activities I have ever witnessed. This is a precedent that we will come to regret deeply in the months and years ahead. It is not too late, it is not too late to avoid this mistake. Just vote no on this outrageous amendment.

Mr. TRAFICANT. Mr. Chairman, I yield myself 2 minutes and 30 seconds.

I think the statement by Mr. DELLUMS was not only eloquent but very intelligent. I do take some exception to it, though.

I think with WTO, GATT, United Nations, trilateral commissions, council of foreign relations, I think we are getting a little diluted on allegiance around here. I might be seen as a nationalist and some people call me an isolationist, but by God I am American. That is where my allegiance is.

I wanted to say this to the chairman, did Rosa Parks stand up against what was considered a lawful order in Montgomery? Yes, it was a civilian for sure. But Rosa Parks felt it was wrong. She was willing to bear the burden. She was willing to endure wrath, maybe be shot and killed, but she believed in the Constitution. Rosa Parks was being treated unconstitutionally.

Michael New went to his commanders, yes, it is about New. But one American has changed the tide of history many times. Rosa Parks, Martin Luther King, maybe Michael New, because the only recourse is here in Congress. What did Michael New say? He went to his commander and said, I will do it, show me the constitutionality of it. Show me, because I do not want to do it, but show me.

For lack of an answer, it is recorded and I want it quoted on the House floor here today, the commander's answer was, take this as an answer, it looks fabulous. It looks fabulous.

Yes, Michael New violated an order. He suffered great pains for it. But that, in a microcosm, has brought the issue to the final resolver of issues, the people, the Congress of the United States. And I think, yes, this will tone down some of this madness of dilution of allegiance. I think it is there. I think the Congress should address it.

In the little bit of time I have left, let me say this, we can talk about all these substantive issues, but it was individual Americans who took issue. It was those individual Americans, the Rosa Parks who stood there and said, by God, I do not know what Constitution you are interpreting but I interpret it differently.

☐ 1245

Mr. Chairman, that is what Michael New said, and we have come down to the Constitution on military activity. I do not think the Constitution even applies anymore. We have surrendered it.

So let us stay focused on it. There is no one here that is trying to make any political statements. I think it is a viable issue; let us stay on that issue.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, this is as good a debate as we have had on this House floor in a long, long time, but it is because of the quality of intellectual potency of the two gentlemen on this side of the aisle and some over here. But the gentleman from Ohio [Mr. TRAFICANT] beat me to the punch about a letter from a Birmingham jail. What civil disobedience is all about, whether it is Jesus or Gandhi or Reverend Martin Luther King, is a measured response to a law one thinks is illegal and taking the consequences.

I picked up the telephone, as the chairman of the Subcommittee on Military Personnel of the Committee on National Security, and called Michael New in Germany a year ago, before all of this started, and I advised him to obey an order, even if he thought it was unlawful. I had just come back from Macedonia.

I have to correct something I said earlier. We were repainting all our Blackhawk helicopters pure white. The men called them white hawks. I flew on one. It made me a little uncomfortable. They could tell what they were, but up in Bosnia they were taking Dutch and Ukranian U.N. forces, stripping them of their blue braids, taking their shoes off and taking their weapons away from them and chaining them to minor little tactical targets. That is how much respect some people in that God forsaken place had for U.N. personnel.

But I said to Michael New, "Obey this order. Macedonia is fascinating." I did not say he would look fabulous. I said, "I know what you mean. I know how important headgear is and certain regalia," and, as the gentleman from Florida [Mr. PETERSON] said, "Yes, insignias that identify you with a small or tactical team. Ask our Green Berets how they feel about their green beret."

He said, Congressman, in all due respect I cannot put on that foreign regalia. I took an oath to defend the U.S. Constitution and wear its uniform.

I said, "Are you married?"

He said, "No."

I said, "Are your parents behind you?"

He said, "Yes sir."

I said, "You're walking into a mine field. They're going to come down on you with a court marshal hammer."

He said, "Sir, I'm ready to take my medicine."

I said, "Well, we may readdress this sometime in the Congress, but I can't back you up through the court marshal, but I do think the order you've been given is illegal."

Now I think it is unlawful. I think he stood up against an unlawful order, and it is for us, and I will take an hour special order tonight to go into this in more detail to eventually correct what happened to him.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

Let me go very quickly, first, to the constitutional question raised by the gentleman from Ohio.

If we interpret an insignia as an emolument or a title, then the gentleman's argument about the Constitution would be relevant and would make sense. I do not think an insignia is a bestowing of title or providing an emolument. It is simply what it is, marking an insignia.

Second, both of my colleagues have raised the issue of protest and raised Rosa Parks for various obvious reasons. I am an African American here, but I do not shirk from that. There are points at which protest in this gentleman's opinion not only make sense but that laws ought to be changed in order to address the issues being raised by the protest. But there are certainly some issues raised by some protest that should not require change in law. I believe this is one of them, and I stand resolute on that point.

Third, we are now talking about the final point and come to it, gentlemen from California, Ohio. In the military, my colleagues are talking about a unit of people. Now remember there are many of my colleagues in here who opposed gays in the military, as bizarre as that position is. Why did they do it? Because they think that it violates unit cohesion.

Now military force is unit cohesion, and when somebody says I am not going to obey, we have got the life and safety of everyone around them depending on that level of cohesion. Why can you not see that this is also a safety issue beyond politics?

Mr. Chairman, I reserve the balance of my time.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Idaho [Mrs. CHENOWETH] who is an original cosponsor of this amendment.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from Maryland for yielding this time to me.

Mr. Chairman, I just want to also clear up some things. This amendment again is not about Michael New, but he certainly initiated the discussion, he is a brave young man, and I just wanted it clear in the RECORD that in Michael New's trial the judge took judicial notice that this was a lawful order, and they were never able to debate the fact that this was not a lawful order.

Michael New took 3 months to make his final decision. He studied, he consulted with everyone from his commanders clear up to the Congress. He was very precise and his thinking pattern was very deliberate.

Congress determines what the regulations for the uniforms should be, and this was not a lawful order that was given to Michael New, and his oath says I will obey lawful orders. The uniform is very, very, very important to the military, as we heard from the gentleman from California [Mr. CUNNINGHAM]. If we doubt that, ask Admiral Boorda. Well, we cannot now, but the uniform was very, very important to that man, and we saw the outcome of that.

This amendment is a good amendment and makes good policy and good sense for the Congress. The men and women in the Armed Forces did not take an oath to Boutros Boutros-Ghali, nor to wear the U.N. baby blue. That was not their oath.

The CHAIRMAN. The Chair would advise the gentleman from Maryland [Mr. BARTLETT] that he has 1½ minutes remaining and the gentleman from California [Mr. DELLUMS] has the right to close.

Mr. TRAFICANT. Mr. Chairman, might I inquire how much time exists on all sides?

The CHAIRMAN. The gentleman from Maryland [Mr. BARTLETT] has 1½ minutes remaining, the gentleman from Ohio [Mr. TRAFICANT] has 2½ minutes remaining, and the gentleman from California [Mr. DELLUMS] has 3 minutes remaining.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that 1 of my minutes be given to the gentleman from Maryland for him to yield as he sees fit.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BARTLETT of Maryland. I appreciate that very much and yield that 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of this amendment. Never in the history of the United Nations have so many troops been committed to so many costly and diverse missions. Nowadays the United Nations muscle, its blue-helmeted soldiers, seem to be everywhere. The United States alone has contributed over 48,000 personnel to U.N. missions around the globe, and as has been stated today, regrettably the United States has undertaken the practice of placing our U.S. military personnel under the operational control of the United Nations and its commanders.

But, Mr. Chairman, I just would like to remind everyone that our men and women in the Armed Forces have taken an oath to defend the Constitution of the United States, not the U.N., and if our men and women in the armed services are willing to risk their lives serving this country, they have the right to serve under U.S. command wearing a U.S. uniform.

We must also remember that our Armed Forces do serve the blue, but I will tell my colleagues it is the red, white and blue of our Nation's flag and not the blue of the United Nations.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for 1½ minutes.

Mr. TRAFICANT. Safety is a two-edged sword. I do not think there is anything wrong with an insignia. But I think that should be an American insignia, that the world should know that if they shoot one of those soldiers, by God, they are not shooting somebody from the U.N. peacekeeping force, they are shooting an American, and there is nothing here that says we cannot put an insignia on peacekeepng activities.

But I think what is here deals with the individual plight of an American that felt he was wronged and it should be righted, and it has come to the place of final decision. Where should Michael New go? To Knesset? Should he go to the Diet? Should he go to some parliament? Michael New took the fall. He, like Rosa Parks and others in our history, took a stand. Now we have got to make a decision.

I know exactly how I feel. Damn it, create an American insignia that lets the world know:

"When you shoot this soldier, by God, you are shooting and American, and don't do it because the Congress of the United States will come after you with a Commander in Chief."

I think it is time this whole delusion of allegiance be addressed. I think we are, often, too many damn allegiances around here.

What we are saying today is:

"You put that insignia on, make an American insignia. Someone shoots one of our people, they're just not shooting at some U.N. peacekeeping force, because I will tell you what. Peacekeepers don't wear guns."

I am hoping we pass this amendment.

Mr. BARTLETT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Maryland is recognized for 1½ minutes.

Mr. BARTLETT of Maryland. Mr. Chairman, relative to the issue of allegiance, I would just like to say it is my understanding that all of the commanders in Macedonia take an exclusive oath of allegiance to the United Nations.

I would like to say to my friends on the other side of the aisle that this is not an issue of safety or identification. Our troops have performed spectacularly in past U.N. operations in which they wore the standard U.S. uniform. I think everybody recognizes a U.S. soldier.

Second, a bright baby blue cap and shoulder pads do not make our troops any safer. I believe this is equivalent to when we removed the brass from our officers' battle dress uniforms. However, if the administration determines it is absolutely necessary for our troops to wear some kind of additional identification, Congress has the power to authorize such wear. Although the Clinton administration has chosen to ignore U.S. law, all U.N. peacekeeping operations that are mandated under chapter 7 of the U.N. charter must receive prior congressional approval before such a deployment. Therefore, there is ample opportunity for Congress to authorize the wear of such identification symbols if they are needed and requested.

Mr. Chairman, this amendment is about what our military is; it is about what our military stands for and what our soldiers' allegiances are. If my colleagues oppose this amendment and do not believe that things we attach to a uniform are significant enough to warrant this debate, I ask them to remember for a moment the tragic case of Adm. Jerry Boorda. Uniforms are symbols of what we are. They represent our values and our culture.

I urge my colleagues to support the Bartlett-Chenoweth-Traficant amendment.

Mr. DELLUMS. To close debate, Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, insignias are important. Uniforms are important. All of us who have served understand that. This amendment is important too. I believe, however, it is a politically inspired and arbitrary amendment. It is, if one thinks about it, it is at the bottom a political end run around the jurisdiction and authority of our military commanders who say to those within their charge:

Wear this particular color helmet or headgear or insignia, not only for the purpose of showing friendship to your comrades from another nation who fight besides you to protect freedom around the world, but for your own safety as well.

This Congress would say those commanders are wrong, we politicians, in the safety of this House, know better.

□ 1300

Mr. Chairman, I have a feeling this is about more than just one soldier who does not know how to obey orders. I think it is about multinational military missions, or, as the gentleman from Ohio refers to them, too damned many allegiances.

In this century alone, the United States military has taken part in 15 multinational military missions, from the 2,000 soldiers and marines in the British-led 8-nation force in 1900 responding to the Boxer Rebellion in China through the 2 million U.S. soldiers in World War I under the armed allied command of French Marshall Ferdinand Foch to the most well-known, widespread, and successful military venture in history, the Allied operations of World War II in Europe. The United States and United Kingdom's commands were interlayered, and United States units were often subordinated to the British commanders numerous times, including in Italy, in Normandy, and the China-Burma-Indian theater. Those experiences made the U.S. military a strong proponent of coalition warfare and a world leader besides.

The point to keep in mind here is the purpose of multinational efforts is to create a military advantage for our people, to create the safety for our Armed Forces. Never has any U.S. President, including, of course, this one, who ordered a multinational arrangement, never for a second has one of those Presidents lost direct control.

It is for the Armed Forces of the United States to follow the commands of the Commander in Chief, to follow the commands of their military commander. Do not let one soldier who would not do that decide what the laws of this land shall be.

Mr. CRANE. Mr. Chairman, I rise today in strong support of the Bartlett amendment to the United States Armed Forces Protection Act, H.R. 3308. This amendment, which will prohibit U.S. military personnel from being forced to wear the uniform or any visible insignia of the United Nations unless authorized by Congress, was prompted by the Michael New case.

Specialist Michael New is a two-time decorated veteran. While serving in Macedonia, Specialist New refused an order to wear the uniform of the United Nations. Specialist New refused to wear the U.N. uniform and insignia because he had taken an oath to protect and defend the U.S. Constitution from enemies foreign and domestic not the United Nations or its charter. As result of Specialist Michael New's actions he was court martialed, convicted, and dishonorably discharged.

I support his decision not to wear the United Nations' uniform. Unfortunately, this amendment comes too late for Specialist Michael New. However, it will insure that no American will be put in Michael New's situation. Never should an American soldier be forced to choose allegiances between the United States and the United Nations.

As to the broader issue regarding U.S. and U.N. troops serving together, for the past few years I have heard from many constituents concerned about U.S. troops serving under United Nations' control and command. Constituents back home in my district do not want the President to put U.S. troops under the command and control of the United Nations. Mr. Chairman, we need to pass this amendment and the underlying bill in order to ensure that the President does not place our troops in harms way in U.N. uniforms under U.N. control.

Mrs. SMITH of Washington. Mr. Chairman, I support both the Bartlett amendment and the Spence amendment to H.R. 3308.

The Bartlett amendment will prohibit U.S. military personnel from being forced to wear the uniform or any visible insignia of the United Nations unless specifically authorized by Congress. Article II, section 2 of the U.S.

Constitution gives the President of the United States the sole responsibility as the Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called in to actual service of the United States. Therefore, I firmly believe that wearing any emblem from any foreign nation or international organization is unconstitutional. Currently, the bill only requires the President to certify to Congress the extent to which U.S. troops would be required to wear U.N. insignia. With the adoption of the Bartlett amendment, the President will be required to seek congressional approval before requiring U.S. troops to wear U.N. insignia.

In regard to the adoption of the Spence amendment to the bill, I believe this provision is an important change that will allow me to support the bill. This amendment recognizes the law and provisions within the Constitution of the United States as "superseding, negating, or otherwise affecting the requirements of section 6 of the United Nations Participation Act." Consequently, this provision clarifies that the U.S. commanding authority will always supersede any U.N. authority and command regarding the participation of U.S. troops.

With the inclusion of these amendments, I urge my colleagues to vote for this legislation to restore America's sovereignty from the United Nations.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Maryland [Mr. BARTLETT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 130, not voting 29, as follows:

[Roll No. 404]

AYES—276

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
(TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mink
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Young (FL)
Zimmer

NOES—130

Abercrombie
Ackerman
Barrett (WI)
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Clay
Clement
Coleman
Collins (MI)
Conyers
Coyne
Cummings
DeLauro
Dellums
Dicks
Dixon
Doggett
Dooley
Durbin
Edwards
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Houghton
Hoyer
Jackson (IL)
Jefferson
Johnson, E.B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Kolbe
LaFalce
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Martinez
Matsui
McDermott
McHale
McKinney
Meehan
Meek
Millender-
McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran
Morella
Murtha
Neal
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (FL)
Porter
Rangel
Reed
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Stupak
Thornton
Torres
Towns
Velazquez
Vento
Volkmer
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates

NOT VOTING—27

Chapman
Chrysler
Collins (IL)
de la Garza
Deutsch
Engel
Fields (TX)
Ganske
Geren
Gibbons
Greene (UT)
Hansen
Harman
Hayes
Kingston
Lantos
Markey
Nadler
Pomeroy
Rose
Sanford
Smith (MI)
Studds
White
Wilson
Young (AK)
Zeliff

□ 1321

The Clerk announced the following pairs:

On this vote:

Mr. Sanford for, with Mr. Deutsch against.

Mr. Hansen for, with Mr. Nadler against.

Mr. FOX of Pennsylvania and Ms. JACKSON-LEE of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 404, If I had not been late arriving for the vote I would have voted "yes."

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, during rollcall vote No. 404, I was unavoidably detained at a meeting off the Hill. I regret that I was absent for this vote.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104–774.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: On page 9, line 21, insert before the period the following: "and the percentage that such cost represents of the total anticipated monthly incremental costs of all nations expected to participate in such operation."

The CHAIRMAN. Pursuant to House Resolution 517, the gentlewoman from Colorado [Mrs. SCHROEDER], and a Member opposed will each control 10 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

This amendment is about burdensharing. It is a very key amendment, because it basically only asks that when the President engages in the rest of the reporting requirements, that they also report to the Congress what percentage of the estimated total cost of the mission will be picked up by the United States.

I do not think it is any great secret in this body that the United States always contributes way more than troops. Although troops are our most precious commodity, we contribute the intelligence, we are also contributing AWACS support, communications support, and any number of other things. If this amendment passes, it would say that we would have to also put in there what the cost of that is. I think we should get credit for that in our missions.

I must also say that having chaired the burden-sharing panel in the 100th Congress that so much of my colleagues served on, and served on with distinction, our committee has had a long attempt to try and figure out how we get these numbers under control, because as we look at our military allies, they are also our trading competitors. They love to kind of shift some of the costs to us. We think, whether we decide to do the cost shifting or not, it ought to be open, it ought to be out there, and the American public ought to know about this.

Mr. Chairman, in 1988, at the request of Chairman Aspin, I chaired the first and only panel in Congress to look at defense burdensharing. We looked at what our contributions to international defense compared to that of our allies, and examined the role that international trade plays in international security. The panel came up with several findings, many of which hold true today. The panel's report found that:

The United States bears a substantially higher defense burden than its allies.

Europe and Japan did not contribute to world security proportionate with their economic abilities. Global trading powers have more than a regional responsibility to defense.

The United States should not pay the lion's share of defense.

As long as the United States shows a willingness to bear a disproportionate share of the defense burden, then our allies will allow us to do so. If we indicate our reluctance to pay a disproportionate share, then our allies will assume their fair share.

Since then, Congress has taken up the issue of burdensharing and passed important tools. In 1994, the House implemented a formula to gain increased contributions for our troops stationed in Europe. Most recently, we passed an amendment authored by Mr. SHAYS of Connecticut that would require additional contributions from countries where U.S. military forces are permanently stationed. The amendment was adopted by a vote of 353 to 62.

My amendment provides a one more tool to gauge whether the United States is paying too much for U.N. military deployments. It would require the President to report the percentage of the estimated total cost that the United States would bear. In this time of budget constraints, the taxpayers deserve to know how much of the world's security is being paid for by the United States. Support the Schroeder amendment.

In 1994 the United States accounted for 34 percent of the world's military expenditures and 61 percent of NATO's expenses. Since fiscal year 1992 we've reported spending of over $8 billion on international peacekeeping.

Mr. Chairman, I understand from the distinguished chairman of the committee that he would be willing to accept this amendment, and I am happy to yield at this time to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I am aware of the amendment of the gentlewoman from Colorado [Mrs. SCHROEDER]. I know of no objection on our side of the aisle to it. I would like to commend her for the amendment. It gives us additional information on the cost and cost-sharing arrangement associated with United Nations operations. I am prepared to accept the amendment.

Mrs. SCHROEDER. Mr. Chairman, I think the gentleman from South Carolina [Mr. SPENCE] very, very much for accepting the amendment, because I really do think it is in the history of the panel.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to say this is an appropriate amendment for the gentlewoman to have come forward with and get unanimously approved as she ends her very distinguished tenure here, because she really, more than anybody else, began to call people's attention to it, and we need to continue to work on this.

Mr. Chairman, we cannot read a study of the economic success of the tigers of East Asia without learning of the essential contribution of free American military protection to their economies as an element in their economic development. Our European allies continue to scale down. We are in a situation now where we are responding as we see fit for an emergency in the Middle East and many of our European allies who are the beneficiaries of our largesse are nowhere to be found in our support.

One of the most important mistakes we make today, to our own misfortune, is to continue to subsidize at the cost of tens and tens of billions of dollars a year the wealthy nations of Europe and the increasingly wealthy nations of Asia.

□ 1330

This is an important reaffirmation of that. It is appropriate that the gentlewoman from Colorado be the one once again to bring this to us. But we have a lot more work to do. This is a very good step. It will show what we know to be the case, the enormous disparity between what the American taxpayers put forward and what is put forward by nations in Europe and Asia that could very well afford to do more.

Mrs. SCHROEDER. I thank the gentleman from Massachusetts for his hard work in this area, too. It did not used to be so popular.

Mr. Chairman, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to simply applaud the gentlewoman from Colorado for being the lightning rod, if you will, on this issue years before I even entered Congress.

Let me offer to say to you that many of us as Americans will agree that the Marshall plan was right. It, in fact, offered to rebuild the infrastructure and the opportunities for our European neighbors and others. We thought that was right. Americans are charitable people. But if there is one issue that comes to me in my townhall meetings, it is the question of why we are spending so much money overseas on someone else's military problems.

This amendment is a commonsense approach. Obviously it will be our burden to carry on your legacy in years to come, to emphasize the importance of maintaining the cost of money spent by the United States at the United Nations as it relates to our own defense budget. This one that will require congressional intervention and also to get a report from the President is clearly the right way to go. I simply want to add my accolades and as well my commitment to continue to work on this effort with those who are already working in order to respond to some very good questions from my constituents and constituents around the Nation. Let us be fair but let us not carry the overburden of responding to the needs of those around the world. Let us keep peace, which is what the gentlewoman is trying to do, but let us do it in a fair and equitable manner. I thank the gentlewoman for yielding.

Mrs. SCHROEDER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3308) to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes, pursuant to House Resolution 517, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPENCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 109, not voting 25, as follows:

[Roll No. 405]

YEAS—299

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)
Zimmer

NAYS—109

Abercrombie
Ackerman
Baldacci
Becerra
Beilenson
Berman
Bevill
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chenoweth
Clay
Clayton
Coleman
Collins (MI)
Costello
Coyne
Cummings
DeLauro
Dellums
Dicks
Dixon
Doggett
Dooley
Eshoo
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jefferson
Johnston
Kaptur
Kennedy (RI)
Kennelly
LaFalce
Leach
Lewis (GA)
Lewis (KY)
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moran
Morella
Oberstar
Olver
Owens
Payne (NJ)
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Richardson
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Stupak
Thornton
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates

NOT VOTING—25

Chapman
Chrysler
Collins (IL)
Conyers
de la Garza
Deutsch
Engel
Fields (TX)
Ganske
Geren
Gibbons
Hansen
Harman
Hayes
Kingston
Lantos
Myers
Nadler
Rose
Sanford
Studds
Walker
Wilson
Young (AK)
Zeliff

□ 1355

The Clerk announced the following pairs:

On this vote:

Mr. Sanford for, with Mr. Nadler against.

Mr. Deutsch for, with Mrs. Collins of Illinois against.

Mr. BRYANT of Texas and Mr. MINGE changed their vote from "yea" to "nay."

Mr. FAZIO of California and Mr. FARR of California changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3308.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection the request of the gentleman from South Carolina?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3517) "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3845) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes.

PROVIDING FOR CONSIDERATION OF H.R. 3719, SMALL BUSINESS PROGRAMS IMPROVEMENT ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 516

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3719) to amend the Small Business Act and Small Business Investment Act of 1958. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. The first three sections and each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1400

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 516 is an open rule providing for consideration of H.R. 3719, the Small Business Programs Improvement Act of 1996. This rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Small Business. The rule waives points of order against the bill and its consideration for failure to comply with clause 2(l)(2)(B) of rule 11, which requires rollcall votes to be printed in committee reports. In addition, the rule waives points of order against the committee amendment in the nature of the substitute for failure to comply with clause 5(a) of rule 21, which prohibits appropriations in an authorization measure. Mr. Speaker, this rule continues two approaches that have been used during the 104th Congress. First, the rule accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule does not require preprinting, but simply encourages Members to take advantage of the option in order to facilitate consideration of amendments on the House floor and to inform Members of the details of pending amendments.

Second, House Resolution 516 provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the vote immediately follows another recorded vote and that the voting time on the first in a series of votes is not less than 15 minutes. This will provide a more definite voting schedule for all Members and hopefully will help guarantee the timely completion of this important legislation.

Finally, House Resolution 516 provides for one motion to recommit, with or without instructions, as is the right of the minority members of the House. Mr. Speaker, this is a standard open rule. The Rules Committee was informed that a limited number of Members wish to modify the bill through the amendment process, and the rule permits those members who have amendments every opportunity to offer them.

Because of our current fiscal restraints and the commitment of the 104th Congress to balance the budget, the Committee on Small Business and its Chair, JAN MEYERS, diligently worked with the minority members of the committee to provide the House with some fiscally responsible improvements. I want to commend JAN MEYERS and ranking minority member JOHN LAFALCE for a work product that will preserve these small business lending programs, assist entrepreneurial Americans and encourage job creation.

This Congress has already passed legislation that would control the rising costs of Federal regulations and provide needed tax relief for small businesses. This bill adds another level of assistance to small businesses by assuring that these lending programs continue to operate efficiently and within the limits of the budget.

H.R. 3719 was favorably reported out of the Committee on Small Business, as was the open rule by the Rules Committee. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of the bill.

Mr. Speaker, I include for the RECORD the following material:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 5, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open[2]	46	44	82	59
Structured/Modified Closed[3]	49	47	39	28
Closed[4]	9	9	18	13
Total	104	100	139	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 5, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 5, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 5, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	O	H.R. 3755	Labor/HHS Approps	PQ: 218–202 A: voice vote (7/10/96).
H. Res. 473 (7/9/96)	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3396	Defense of Marriage Act	A: 290–133 (7/11/96).
H. Res. 475 (7/11/96)	O	H.R. 3756	Treasury/Postal Approps	A: voice vote (7/16/96).
H. Res. 479 (7/16/96)	O	H.R. 3814	Commerce, State Approps	A: voice vote (7/17/96).
H. Res. 481 (7/17/96)	MC	H.R. 3820	Campaign Finance Reform	PQ: 221–193 A: 270–140 (7/25/96).
H. Res. 482 (7/17/96)	MC	H.R. 3734	Personal Responsibility Act	A: 358–54 (7/18/96).
H. Res. 483 (7/18/96)	O	H.R. 3816	Energy/Water Approps	A: voice vote (7/24/96).
H. Res. 488 (7/24/96)	MO	H.R. 2391	Working Families	A: 228–175 (7/26/96).
H. Res. 489 (7/25/96)	MC	H.R. 2823	Dolphin Conservation Program	A: voice vote (7/31/96).
H. Res. 499 (7/31/96)	MC	H.R. 123	English Language Empowerment	A: 236–178 (8/1/96).
H. Res. 516 (9/4/96)	O	H.R. 3719	Small Business Programs	
H. Res. 517 (9/4/96)	S	H.R. 3308	Armed Forces Protection	A: voice vote (9/5/96).

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Georgia [Mr. LINDER] for yielding to me the customary 30 minutes of debate time, and I yield myself such time as I may consume.

Mr. Speaker, as my colleague on the Committee on Rules has just explained, this is an open rule. It sets no limit on the number of amendments that may be offered and it does not limit debate time. It is the kind of rule most of us would like to see more often and as such we support it.

We do not oppose the waivers that the rule provides, including the waiver of the point of order for failure to comply with the rule prohibiting appropriations in an authorization measure. The waiver appears to us to be purely technical in nature.

The legislation this rule makes in order, H.R. 3719, the Small Business Programs Improvement Act, has bipartisan support, although there are concerns about several of its provisions and about the goals of the bill. The ranking member of the Committee on Small Business, the gentleman from New York [Mr. LAFALCE], outlined many of those concerns in his additional views which we commend to our colleagues.

For instance, Mr. LAFALCE expressed concern about the amount of 7(a) loan guarantees that will be made available in fiscal year 1997. That is the primary financial assistance program operated by the SBA, and it is vitally important to the success of many small businesses. Changes that mean more small businesses will be denied access to this federally guaranteed loan program should be made with the greatest care.

Many of us are also concerned about the direction the legislation takes in delegating more authority to the private sector to carry out programs under the SBA. We think it is important to remember that the private sector does not always operate programs more efficiently at a lower cost or better than the Government does. We would simply caution against overreliance on the private sector or privatizing simply for the sake of privatizing.

As a Member whose district was seriously affected by a major disaster, the Northridge earthquake of 1994, I can attest to the importance of the SBA's Disaster Loan Program. In fact, the main frustrations, Mr. Speaker, that our constituents felt in dealing with the SBA were usually caused because the agency simply did not have enough people to help those individuals who were seeking assistance.

Because of our involvement with so many people applying for disaster assistance loans through the SBA, I was especially pleased to note that the Committee on Small Business recognizes the importance of aiding citizens in need and that in the committee's opinion, at least, disaster assistance is one of the few clear-cut areas in which the Government should, in fact, be involved in the lives of our citizens.

Mr. Speaker, we congratulate the chairwoman of the Committee on Small Business, the gentlewoman from Kansas [Mrs. MEYERS], and the ranking member of the committee, the gentleman from New York [Mr. LAFALCE], for the cooperation they have shown in bringing this bipartisan bill to the floor.

I would also like to take this time to give a special word of thanks to the chairwoman, our good friend from Kansas, for her outstanding work as a member of the committee and as its chairwoman during this Congress. Her decision not to run for reelection is a huge loss to this institution. We are in great need of more people like Mrs. MEYERS who legislate in a civil and a fair manner. Her grace and her charm and her intelligence will be missed, but we wish her the best in her well-deserved retirement.

Mr. Speaker, to repeat, this is an open rule. Any concerns about the bill and its direction can be fully addressed under the provisions of that rule. We urge our colleagues to approve the rule so that we can proceed with the consideration of this legislation and the amendments to it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, in closing, let me urge Members to support this rule. Let me add to the kind comments of the gentleman from California about the gentlewoman from Kansas [Mrs. MEYERS] who is retiring. The elegant gentlewoman has led this committee well for the last 2 years and she will be sorely missed.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House and Senate of the following titles:

July 1, 1996:

H.R. 3029. An act to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse."

July 2, 1996:

H.R. 2803. An act to amend the anti-car theft provisions of title 49, United States Code, to increase the utility of motor vehicle title information to the State and Federal law enforcement officials, and for other purposes.

July 3, 1996:

H.R. 3525, An act amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

July 9, 1996:

H.R. 1880, An act to designate the United States Post Office building at 102 South McLean, Lincoln, Illinois, as the "Edward Madigan Post Office Building";

H.R. 2437, An act to provide for the exchange of certain lands in Gilpin County, Colorado;

H.R. 2704, An act to provide that the United States Post Office building that is to be located at 7436 South Exchange Avenue, Chicago, Illinois, shall be known and designated as the "Charles A. Hayes Post Office Building"; and

H.R. 3364, An act to designate the Federal building and United States courthouse located at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon Federal Building and United States Courthouse".

July 18, 1996:

H.R. 2070, An act to provide for the distribution within the United States of the United States Information Agency film entitled "Fragile Ring of Life"; and

H.R. 2853, An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria.

July 19, 1996:

H.R. 1508, An act to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park.

July 21, 1996:

H.R. 3121, An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

July 24, 1996:

H.R. 419, An act for the relief of Benchmark Rail Group, Inc.; and

H.R. 701, An act to authorize the Secretary of Agriculture to convey lands to the city of Rolla, Missouri.

July 29, 1996:

H.R. 248, An act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

July 30, 1996:

H.R. 2337, An act to amend the Internal Revenue Code Act of 1986 to provide for increased taxpayer protections.

August 3, 1996:

H.R. 497, An act to create the National Gambling Impact and Policy Commission;

H.R. 1627, An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; and

H.R. 3161, An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.

August 5, 1996:

H.R. 3107, An act to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes.

The President has approved the following:

July 2, 1996:

S. 1136, An act to control and prevent commercial counterfeiting, and for other purposes; and

S. 1903, An act to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, as the "Bill Emerson Bridge", and for other purposes.

July 5, 1996:

S. 1579, An act to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act").

July 29, 1996:

S. 966, An act for the relief of Nathan C. Vance, and for other purposes; and

S. 1899, An act entitled the "Mollie Beattie Wilderness Area Act".

SMALL BUSINESS PROGRAMS IMPROVEMENT ACT OF 1996

The SPEAKER pro tempore. Pursuant to House Resolution 516 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3719.

□ 1408

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the union for the consideration of the bill (H.R. 3719) to amend the Small Business Act and Small Business Investment Act of 1958, with Mr. COLLINS of Georgia in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentlewoman from Kansas [Mrs. MEYERS] and the gentleman from New York [Mr. LAFALCE] each will control 30 minutes.

The Chair recognizes the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 3719, the Small Business Programs Improvement Act of 1996, and I urge my colleagues to support this bill which is pro-small business and pro-government efficiency.

The Committee on Small Business reported out H.R. 3719 on July 18, 1996, by a unanimous vote of the Committee after intensive bipartisan work. Mr. LAFALCE, and I spent many hours together working out the details of the provisions. I am pleased to say that we are able to move H.R. 3719 through the Committee in an atmosphere of bipartisan cooperation.

The overall theme of this legislation, is better management of the loan programs. SBA guaranteed loans provide approximately $10 billion in life-giving capital to small businesses every year. The 7(a) Guaranteed Loan Program, the largest loan program at the SBA, will provide over $7 billion in financing to small businesses this year. As volume in the loan programs has increased, SBA staffing has decreased. I believe these events can be compatible, but only if the SBA relies on its private sector partners to carry out the day-to-day operations of making, servicing, and liquidating loans.

SBA does not have the manpower or resources to be a retail operation. They cannot efficiently process every loan, or handle the liquidation of each loan that goes into default. This is clear from the new subsidy rates—rates that have dramatically increased due to low recovery rates on liquidated loans. The time period for liquidating loans is substantially longer than the average in the private sector. It is time for the SBA to move the liquidation function to the private sector, where our bank and nonbank lending partners conduct these types of actions everyday, and harness those efficiencies. SBA must assume the role of monitoring our lending partners, not trying to recreate operations that are done faster and better in the private sector.

The Committee on Small Business realized the SBA's limitations and took decisive action in this bill, H.R. 3719, to turn more functions of SBA lending programs over to the private sector. In the 7(a), 504, and disaster loan programs, pilot projects have been created, giving lenders the freedom to liquidate defaulted loans and to service disaster loans. This should increase our returns, and improve service delivery in our loan programs. SBA simply cannot handle the load currently on its plate, as reflected in the increased subsidy rates.

Other critical provisions in H.R. 3719 are those dealing with the 504 or Certified Development Company Program. As you may know, when the President released his budget for fiscal year 1997, we were hit with dramatically higher estimates of the subsidy rates for the 504 and 7(a) guaranteed loan programs. Last year, the Committee on Small Business moved legislation which reduced the subsidy rate in the 504 program to zero, making it a self-financed program which requires no appropriated funds. While the committee was disappointed and frustrated by the SBA's and OMB's inability to notify us in a timely way about these new estimates, we are, nonetheless, committed to returning the 504 program to a zero subsidy.

A combination of new fees, to be shared by the lenders, the certified development companies, and the borrowers, and several program management improvements in H.R. 3719, including the liquidation pilot project, result in the maintenance of a zero subsidy rate for the 504 program. It is vital that this lending program, which provides long-term financing for expanding small businesses to purchase new physical space or equipment, continue to help small businesses and our economy grow. As my colleagues probably know, the 504 program is the only SBA lending program with a job creation requirement. While no one likes to place additional fees on small business borrowers, that is the only way to keep this important program going, as no funds were requested by the administration, or appropriated for the 504 program for fiscal year 1997.

H.R. 3719 also addresses some management issues in the 7(a) program, and requires an extensive, private sector study of the subsidy rate calculations done by SBA and the OMB. I hope this study will unlock the mysteries of the OMB subsidy rate assumptions and prevent future year surprises in this calculation. As with the 504 program, the committee has moved more of the day-to-day responsibilities for the loan programs to our most trusted private sector partners, our preferred lenders or PLP's. Under H.R. 3719, the preferred lenders will be provided with the full authority and responsibility to liquidate their own loans. The SBA has delegated many responsibilities to the PLP's, but has retained most of the liquidation functions with the agency. In addition, certified lenders [CLP's] will be able to conduct their own liquidations, with the assistance and oversight of the SBA. The committee believes the private sector may be able to perform this function faster and more efficiently, maximizing returns to the Government.

In addition, the committee has required that the Low Documentation or Low Doc Program, which is an abbreviated form for the borrower seeking a guaranteed loan of $100,000 or less, be conducted only by PLP's, CLP's, or lenders with significant small business lending experience. This program, which was a pilot initiated by the SBA, has proven to be very popular among borrowers and banks, alike. However, the committee has received a good deal of anecdotal evidence suggesting that many lenders who have little or no small business lending experience, and no experience with SBA loans, are doing large volumes of low doc loans. As the Low Doc Program now comprises about 25 percent of the 7(a) program volume, the committee felt it important to act to preserve the integrity of SBA's own regulations, which stipulate that low doc is for use by our most experienced lenders. The committee also places a limitation on any new pilot programs. The administration may experiment and try out new ideas and concepts to meet small business' needs. However, no pilot may comprise more than 10 percent of the 7(a) program volume. As the committee has seen, the program's subsidy rate is very sensitive to changes in the portfolio composition. Any pilot deemed successful can be statutorily created through the legislative process.

Other provisions in the bill continue to echo the theme of more reliance on the private sector to carry out the functions of SBA programs. We increase slightly the interest rate on disaster loans, from a formula based upon one-half of the Treasury rate for 30 year loans to three-fourths of Treasury. This increase will lower the subsidy rate from 16.5 percent to approximately 12.3 percent, according to CBO. This slight adjustment will continue to provide disaster victims a real low-cost, long-term loan for disaster recovery, while stretching the taxpayer dollars needed to fund this program a lot further. H.R. 3719 also requires the SBA to contract out to private entities the servicing of 10 percent of the loans in our disaster portfolio. This pilot should show that the private sector can perform this function at less cost than the SBA and, hopefully, lead to a complete contracting out of this function.

Finally, H.R. 3719 reauthorizes the Small Business Competitiveness Demonstration Program. This program eliminates small business set-asides in four categories of industry, as long as small business participation in these industries are at least 40 percent. This innovative demonstration program has worked well, allowing all businesses to compete for Government contracts on an equal footing, without locking small business out of the process, or into a certain number or type of projects. Our bill does require extensive reporting on the progress of this program, to ensure that it is not operating to small businesses detriment.

Mr. Chairman, there are a lot of important program improvements in H.R. 3719, improvements that will result in better service from the Federal Government for small business. But more importantly, H.R. 3719 will preserve essential long-term lending programs for small business. The Committee on Small Business is pleased to be able to bring this legislation before the House this week, legislation which has been endorsed by such groups as the U.S. Chamber of Commerce, the National Association of Certified Development Companies, the National Association of Government Guaranteed Lenders, and the Independent Bankers Association of America. We will be doing a great service to the small businesses of our Nation, and to the taxpayer, by enacting H.R. 3719, and I urge my colleagues to strongly support this measure.

□ 1415

Mr. Chairman, I reserve the balance of my time.

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I generally support the provisions of this bill, the Small Business Programs Improvement Act of 1996.

As originally introduced, there were a number of problems with the bill. However, our gracious Chair, Mrs. MEYERS, delayed official committee action on the bill, thereby facilitating a number of private discussions. The result was the offering of joint amendments in committee which were agreed to on a bipartisan basis.

Since then, we have continued our negotiations which have now been finalized with a manager's amendment. As further amended with this amendment, this legislation has been greatly improved and deserves the support of the membership.

I appreciate the consideration of the committee, and its Chair, Mrs. MEYERS, in examining the matters raised by me and other members of the minority.

I also want to note at this point that I have enjoyed working with Chair MEYERS during the past 2 years. I do want to note, parenthetically, that I enjoyed working with her more during the 103rd Congress when she was the ranking minority member, but she has been a true gentle lady during this Congress and has made my transition to that role as painless as possible.

On behalf of the minority Members of the Committee, I want to wish her and her husband the best of wishes in the future years. JAN, enjoy your well-earned retirement.

Mr. Chairman, this is a bill which is necessary. Without the fee increases in the Certified Development Company Program, there would be no program next year. Thus I reluctantly support the fee proposals because the alternative would be much worse.

The bill also extends several expiring programs this year, and more importantly authorizes the continuation of all SBA programs next year. Members are certainly aware how difficult it is to enact an authorization bill in the first few months of a Congress, and this bill eliminates that problem.

I also support a number of the pilot programs in the bill. I am not one who believes that the private sector can do everything better and at less cost, as some argue.

I am willing to have a realistic and meaningful comparison of the results when loan functions are handled by private sector contractors as compared to Government employees. I believe that Federal employees are very dedicated and will prevail in this type of comparison. But it is appropriate to perform the pilot tests.

I also want to point out that previously I expressed concern about the amount of 7(a) loan guarantees which will be made available next year.

It is my understanding that the proposed Federal funding, when added to funds expected to be unused this year, will result in a 7(a) program level next year of $6.5 billion to $7 billion.

Originally, most projections were that demand would exceed this amount probably by $2 billion. It now appears, however, that usage of the program is below prior projections this year.

Also, the other body has proposed additional Federal funding which will augment the size of the program.

Thus I am now concluding that there may be no necessity to increase fees for this program. This is not certainty, however, and I caution my colleagues that there may be a shortage of loan money next year.

I know of no opposition to the bill, and I compliment Mrs. MEYERS for her work and that of her staff.

Mr. Chairman, I reserve the balance of my time.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank my colleague and friend for yielding this time to me very briefly to speak in favor of the Small Business Improvement Act, and I want to applaud her diligence and the ranking minority member's diligence in working out this bill. I will not repeat what has already been said because it has been fully articulated.

I did want to rise today though to pay special appreciation to my colleague and friend, the gentlewoman from Kansas [Mrs. MEYERS], for all the work she has done. She has been a tireless advocate of small business throughout the United States, and she understands that that is where the future of our economy is. We are going to miss her sincerely, but I think I wanted to speak for all the Members and wish her well in her future endeavors and say "Thank you for all the work you have done for small business in America. We will always be indebted to you."

Mr. LAFALCE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I want to thank the distinguished ranking member, and I too want to lend my voice to a classmate of mine that will be leaving us, the gentlewoman from Kansas [Mrs. MEYERS]. We came in here together, and she has been an absolute gentlewoman all the way through, and we are proud to serve with the gentlewoman, and, no, we are not going out together after this or anything, but I mean that. I do not think words can say enough.

I am rising today about an issue that deals with the 504 program and some perceptions and guesstimates by the OMB that I think are troublesome and could be problematic, and I will be offering an amendment in this regard, and I am glad to have the support of the ranking member, and I want to explain it briefly.

For example, the 504 program has been very cost effective. It spurred the economies of Ohio and the Nation, and over the past 10 years over $5 billion in 504 program loans have helped create over half a million jobs, more than 47,000 in Ohio alone, Mr. Chairman. But the recent OMB evaluation will severely undermine the viability of this particular program. In my opinion, the evaluation underestimates the program's strength and overestimates its weaknesses.

Now Members of the Ohio delegation, both Democrat and Republican, have written in fact to Mr. Jacob Lew, Acting Director of OMB, and we cited these particular cases.

The Traficant amendment would basically say that it is the sense of Congress that the subsidy models prepared by OMB relative to loan programs sponsored by the Small Business Administration have a tendency to overestimate potential risks of loss and overemphasize historical losses that may be unique or not truly reflective of the success of the program as a whole.

So consequently what the amendment does, it mandates the independent study in section 103(h) of this bill with hopes of placing it in the bill, of improving the ability of OMB to more accurately reflect the budgetary implications of some of these programs that have had a great effect on revitalization of our Nation.

So with that, I just wanted to let the Committee know that we have been working on this for some time and this is a vehicle which, in fact, can accommodate our concerns.

The Members from Ohio that signed on with me were: DAVE HOBSON, SHERROD BROWN, STEVEN LATOURETTE, THOMAS SAWYER, MARTIN HOKE, MARCY KAPTUR, and ROBERT NEY. So this has already been sent, it is a bipartisan move, we in Ohio are concerned. We think it is valid for the Nation and it does not in fact change anything in the bill. It supports that language which is in the bill and will clarify that concern we have.

So with that I want to thank the gentleman from New York [Mr. LAFALCE] for the time, and I hope for consideration.

□ 1430

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume, and would like to associate myself with the remarks of the gentleman who represents the second best Air Reserve base in the United States.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the distinguished chair of the Committee on Small Business for yielding to me.

Before I engage the gentleman from New York [Mr. LAFALCE] and the gentleman from Texas [Mr. BENTSEN] in a colloquy, I would just like to add my remarks to those of my colleagues, complimenting the distinguished chair for her excellent leadership. There is no stronger advocate for small business in the Congress, but what has really been extraordinary is the gentle firmness with which she has led the committee in the last year and a half. It has made it just a pleasure to serve on the committee with her. I want to wish her all the best in her future endeavors. I would thank her again for yielding for this colloquy.

Mr. Chairman, I would like to clarify our intent with respect to the language in this bill dealing with securitization. This provision was dealt with extensively during the committee markup of H.R. 3719. Between the gentleman from Texas [Mr. BENTSEN] and the gentleman from New York [Mr. LAFALCE] the distinguished ranking member of the committee, and myself.

It is my understanding this provision grants SBA the authority, if they deem necessary to exercise it, to protect the agency's interests by requiring lenders to retain exposure of up to 10 percent of the loans being securitized. This in no way mandates the holdback or exposure requirement in all cases.

I would like to ask the gentleman from New York if that indeed is his understanding.

Mr. LAFALCE. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from New York.

Mr. LAFALCE. Yes, Mr. Chairman, the permissive nature of the amendment is reflected in the manager's amendment that will be offered shortly.

Mr. BENTSEN. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Texas.

Mr. BENTSEN. The provision also states, Mr. Chairman, that any holdback or exposure requirement should be applied uniformly to both banks and nonbanks alike, thereby ending the prohibition on banks for selling the nonguaranteed portion of certain SBA loans, but also provides the SBA the discretion to accept alternative risk retention provisions.

It is my understanding that acceptable alternative risk retention provisions such as, but not limited to, the reserves required to achieve an investment grade rating would be applied on a lender-by-lender basis based on the structure of the securitization and the historical loan performance of the lender. Is that correct?

Mr. LAFALCE. That is very correct, Mr. Chairman. The manager's amendment explicitly permits alternative risk retention measures and the lender-by-lender application of this requirement is also reflected in the committee report that accompanies this bill.

I might want to add that it was precisely because of the arguments advanced by the gentleman from Missouri [Mr. TALENT] and the gentleman from Texas [Mr. BENTSEN] that the committee report language embodied basically the arguments that they advanced during the markup, and the manager's amendment makes those technical changes to ensure that their wishes and desires were fully accommodated, and the language of the report was fully accommodated.

We are especially grateful, I think, too, for the real-life experience that the gentleman from Texas [Mr. BENTSEN] brought to the committee deliberations on this issue, because of his experience with securitization on Wall Street. His experience was invaluable.

Mr. TALENT. Mr. Chairman, I reclaim my time to continue the colloquy, and also add my compliments to the gentleman from Texas [Mr. BENTSEN]. He does have real-life experience in this area.

It is my understanding these provisions are not intended to impair the future use of securitization structures already in the market, and approved by SBA as providing adequate protection to the agency, that have proven effective in expanding capital availability.

I would ask the gentleman from New York [Mr. LAFALCE] if that is indeed correct.

Mr. LAFALCE. If the gentleman will continue to yield, Mr. Chairman, yes, and this too was discussed in the markup and was also reflected in the committee report.

Mr. BENTSEN. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for his assistance in this issue. We worked closely to correct it so it would not become burdensome and it would create and expand capital available to small businesses.

I thank the gentleman from Missouri [Mr. TALENT] for his work on this, as well, and for bringing it to the forefront. I look forward to working in a bipartisan fashion in the future towards establishing a level playing field between depository institutions and nonbank financial institutions in their efforts to supply needed capital to the small business community.

Mr. TALENT. Mr. Chairman, I thank the gentleman from New York [Mr. LAFALCE] for helping to clarify the securitization issue, an issue that is critically important to increasing the pool of capital available to small businesses. I also look forward to continuing efforts to foster an efficient securitization market for small business loans.

Mr. LAFALCE. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, I also want to add my comments to the retiring gentlewoman who chairs the Committee on Small Business, and want to note that she has brought a degree of civility that the rest of us will emulate. Although we may be in disagreement, she certainly has a spirit of discourse and deliberation that all of us appreciate, and we will miss her caring and gentle hand.

Mr. Chairman, I rise today in full support of H.R. 3719, the Small Business Program Improvement Act. Although the bill is not perfect, I believe that, on the whole, it is a great first step toward bringing down the cost of the Small Business Administration's most popular programs while maintaining their availability and accessibility.

First, H.R. 3719 marginally increases the fees charged to participants in the 504 Certified Development Corporation Program. This program has been successful. Unfortunately, in the absence of additional appropriations, this is the only way by which to reduce the subsidy rate to zero and assure the continuation of this program in the next fiscal year.

Second, this legislation removes burdensome restrictions which prevents banks from selling the nonguaranteed portion of the SBA loans on secondary markets, making the 7(a) loan program more attractive to commercial bankers.

Finally, the bill continues the prohibition against locating Small Business Development Centers at institutions other than places of higher education, thereby confirming the role of SBDC's as, first and foremost, places to gather impartial information and to receive guidance and counseling.

These provisions, combined with others, Mr. Chairman, make H.R. 3719 a good first step toward ensuring the continued viability of many of SBA's most popular programs and allows the SBA to reduce administrative costs associated with those operations. Therefore, Mr. Chairman, I encourage my colleagues to join with me in support of H.R. 3719.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, before entering into a colloquy with the gentlewoman from Kansas, I, too, want to add my praise, as a former small businessman of 30-plus years, for the work and the stewardship of the gentlewoman from Kansas [Mrs. MEYERS] as chair of this committee and as ranking member prior to that. She has been a tremendous asset to small business across America. I congratulate her, and I, too, wish her well.

Mr. Chairman, H.R. 3719 would eliminate the eligibility of lending institutions to make low documentary loans to preferred, certified, and lenders with "significant experience" I guess in quotes, in making small business loans. I understand that these provisions would have the Small Business Administration clarify, through regulations, the definition of "significant experience" in making low documentary small business loans.

I would ask the gentlewoman, could she clarify the intent of these provisions?

Mrs. MEYERS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Nebraska. I yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Chairman, the committee is concerned that some inexperienced lenders making low doc loans do not have the expertise necessary to administer these loans. However, the committee strongly believes that lenders that have had a long history of making small business loans and processing loan guarantees should not be ruled out of making these loans. It is the committee's intent that the SBA issue regulations that would preserve the ability of such institutions to continue making these low doc loans.

Mr. BARRETT of Nebraska. Mr. Chairman, would the gentlewoman then believe that a bank with 28 years of making small business loans, processing SBA loan guarantees, including low doc guaranteed loans, would qualify as an institution with significant experience?

Mrs. MEYERS of Kansas. Certainly, the SBA should take into account the fact that many small lending institutions have been making small business loans for years. The intent of this provision is to provide the SBA with better policing authority to restrict access to lenders without the experience or guidance from the SBA necessary to efficiently and effectively administer low doc loans.

Mr. BARRETT of Nebraska. Mr. Chairman, I again thank the chairwoman for yielding to me, and I thank her for her clarification.

Mr. LAFALCE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 3719, the Small Business Programs Improvement Act, and commend both the chairwoman, the gentlewoman from Kansas [Mrs. MEYERS], and the ranking member, the gentleman from New York [Mr. LAFALCE] for their work in drafting a truly bipartisan bill that all the Members can support.

Although this bill may receive less notice than others, it is extremely important in providing capital formation for America's small businesses, and it is a tribute to our retiring chair that it is being brought up and hopefully will be signed into law.

Drafting this bill is not an easy task. Committee on Small Business members faced many difficult decisions and there were closed votes on many important issues during the markup. However, the bill before us today is a true collaboration between Republicans and Democrats on the committee, and marks the most significant bipartisan effort I have seen since serving on this committee.

This bill makes several changes to SBA programs do reduce the taxpayers' contribution. It privatizes certain SBA functions, removes restrictions on banks for selling the nonguaranteed portions of certain SBA loans on the secondary market, and reduces certain fees that SBA pays the lenders in cases of default.

Finally, the bill reauthorizes certain SBA programs for fiscal years 1997 and 1998, including the 7(a) loan, the 504 Development Company loan, disaster loan, and microloan programs. Included in the reauthorization of the 504 program is a new fee on borrowers and participants in the program to lower the taxpayer subsidy rate of the program and begin the road to self-sufficiency.

Finally, I want to thank the gentleman from Missouri [Mr. TALENT], the gentlewoman from Kansas [Mrs. MEYERS], and the gentleman from New York [Mr. LAFALCE], for their work in addressing the loan securitization issue.

During the committee markup, the gentleman from New York [Mr. LAFALCE], the gentleman from Missouri [Mr. TALENT], and I discussed the language of Mr. LAFALCE's securitization amendment and the possible negative effects it might have on existing participants. Mr. LAFALCE agreed to change the amendment to reflect the ability of the administration to require a loss reserve of up to 10 percent when circumstances require it, rather than a flat 10 percent, as originally proposed.

We made further clarification by stating that the SBA would have the authority, if necessary, to require lenders to securitize the nonguaranteed portion of the SBA 7(a) loans to retain some level of exposure in the security, not to exceed 10 percent of the amount of the loan.

Last, the amendment was modified to state the reserve requirements be determined solely by an institution's status as a depository institution or a nonbank lender. Although this is reflected in the committee report, the legislative language contradicted the committee intent. I am pleased that all parties could agree to include the new language in addressing an inadvertent wording problem and that this issue could be worked out and corrected in the manager's amendment.

I urge my colleagues to support this bill and the Meyers manager's substitute amendment.

Mr. CONYERS. Mr. Chairman, I rise today in support of H.R. 3719, the Small Business Programs Improvement Act of 1996. H.R. 3719 will better the ability of the Small Business Administration [SBA] to restructure and cut costs in critical areas of the 7(a) Loan Guarantee Program and the 504 Certified Development Company Program. These programs are both at risk of understanding in the coming fiscal years and will benefit greatly from the reforms provided in this act. However, there are components of H.R. 3719 which must be addressed in order to protect minority and women small business owners who apply for SBA loans.

H.R. 3719 greatly limits the ability of lenders to use the Low Documentation [LowDoc] loan program of the 7(a) Program. The LowDoc Program began as a pilot project in 1994 and has since spread successfully across the country. The program provides a significantly shortened one-page application for a SBA guarantee for loans of $100,000 or less. Minority and women-owned small businesses disproportionately apply for these smaller loans. Therefore, the LowDoc Program has had great success in recruiting more women and minority small business owners to the 7(a) Program. In addition, because of the reduced paperwork required of the lending institution in LowDoc loans, the program has increased the participation of smaller lenders who have been found to be more likely to lend to smaller businesses. The SBA has been criticized in recent years for overlending to larger small businesses at the determent of smaller small businesses. The LowDoc Program is one of the devices the SBA has created to successfully address this complaint.

H.R. 3719 severely limits the LowDoc Program by restricting which lenders can make LowDoc loans. Under the act, only those lenders who are preferred, certified or have significant experience in making small business loans can make LowDoc loans. These categorizations will greatly limit the number of lenders who can make LowDoc loans. In particular, the number of small lending institutions able to provide LowDoc loans will be greatly reduced. Thus, H.R. 3719 acts to limit accessibility to LowDoc loans.

According to Representative MEYERS, H.R. 3719 limits access to LowDoc loans on the basis of anecdotal evidence that LowDoc loans are high risk. However, the SBA has shown that there is no reason to believe that LowDoc loans are more risky than other loans, and, in fact, they may be even less risky. The SBA has found that both the currency rate, the rate of payments made on time, and the default rate on LowDoc loans are as good or better than those for other SBA loans.

There appears to be little reason to alter the LowDoc Loan Program given that the program has made the 7(a) loan program more accessible to minority and women-owned small businesses, to all smaller businesses, and to small lending-institutions. In addition, the program has proven to be a relatively safe loan program. The changes to the LowDoc program are simply an example of the micromanaging which exists throughout H.R. 3719 and which is not necessary to successfully reform the SBA. However, I am confident that these problems can be worked out through amendments and in conference committee. Therefore, I restate my support of H.R. 3719 and commend the bipartisan effort which led to its creation.

Mr. POSHARD. Mr. Chairman, I rise before you today in support of the Small Business Improvement Act, H.R. 3719.

Before speaking on the merits of the legislation, let me take this opportunity to thank the Chair of this committee, my colleague from Kansas, Congresswoman MEYERS, who has been not only a good chair of the committee but a good Member of the House and a good friend. On behalf of the people of the 19th district, I wish her well in her future endeavors.

This bill makes individuals who have suffered from all types of disasters eligible for loans from the Disaster Loan Program. While I certainly believe we should respond to people in need after a natural disaster, I believe we must make sure that the primary focus of these efforts are on sudden, natural disasters, such as tornadoes, and floods, and as we are all watching today, hurricanes and tropical storms. In my district we deal with sudden disasters on a yearly basis and we must be capable of responding to these situations at any given moment, and it is imperative that the resources are in place.

Having expressed those reservations, I do rise in support of the bill and urge my colleagues to support H.R. 3719 and thank the Chair and my ranking member, Congressman LAFALCE, for their efforts in bringing this bill before us today.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have always been a supporter of small business, both in my district and throughout the Nation. Small business is the motor of our economic engine, it supplies most of the jobs and at least half of the economic activity. It is my firm belief that the Government should do everything it can within reason to assist small businesses in succeeding. The Small Business Administration has been instrumental in the development, growth, and success of thousands of businesses and should be commended for its work and efforts. The SBA General Store in my district in Houston is a prime example of how this agency has played an important part in the expansion and growth of our economy.

While all of this is true, in these difficult times of tight budgets we must trim costs, where we can, but we must do so while still striving to achieve our basic goals. We must not be too short-sighted and slash and burn budgets and programs, doing more harm than good in the long run. Instead we must carefully prune away what we can, leaving the fruits intact. H.R. 3719 takes a reasonable approach at reforming some of the SBA's loan programs.

I support small business, the President supports small business, and I encourage all of my colleagues to do the same.

Mr. TORKILDSEN. Mr. Chairman, the Small Business Programs Improvement Act of 1996 reforms business loan programs administered by the Small Business Administration [SBA]. Specifically, the bill reduces subsidy rates for commercial development and disaster loans, directs the SBA to privatize certain aspects of the loan application and approval process to expedite service to potential borrowers, and ensures adequate Federal funding to carry out SBA programs.

H.R. 3719 includes an amendment I offered, which was adopted during the full committee markup of this legislation, regarding disaster assistance loans. My amendment accomplished two things: No. 1, it made an addition to the definition of a disaster under section (3)(k) of the Small Business Act by inserting language regarding ocean conditions; and No. 2, it set an effective date, for the amendment, with respect to any disaster occurring on or after March 1, 1994. I offered this amendment in an attempt to help remedy problems affecting the fishing industry in Gloucester and other areas in Massachusetts.

The Commonwealth requested disaster assistance from the U.S. Small Business Administration. The request was made on behalf of the fishermen of Essex, Bristol, and Barnstable Counties, all who have suffered severe economic losses because of the collapse of cod, yellow tail flounder, and haddock fisheries in their region, and the closing of certain areas to fishing by the Federal Government. Incredibly, this request was denied by the SBA.

Knowing that the vast majority of these fishermen and processors are small business owners, this small addition to the definition of disaster assistance is a logical way to help. It is clear that the Federal Government's actions precipitated this sudden closure after years of pronouncements that the situation was under control, and therefore, the request was justified.

Mr. Chairman, this is a good bill for small business and I urge my colleagues to support it.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in strong support of the manager's amendment. H.R. 3719 attacks the small businesses in my Congressional district and for that matter across the Nation. I am especially incensed by the manner in which this bill treats innocent victims of natural disasters and am therefore pleased with the changes to the Disaster Loan Program included in the manager's amendment.

The Small Business Administration's Disaster Loan Program helps victims of natural disasters rebuild and get back on their feet. The Northridge earthquake had a devastating impact on southern California. From the point at which the earthquake struck, on January 17, 1994 until June 30, 1996 the Small Business Administration provided 124,180 loans, totaling $4.5 billion to businesses and individuals that may not otherwise have been able to rebuild.

And I will remind my colleagues that it is not just California that benefits from the disaster loans. Even as we speak, millions of people along the East Coast are preparing for the potential devastation that may be caused by hurricane Fran.

While my thoughts and my prayers are with the potential victims of hurricane Fran, I am committed to do all I can to ensure that if they do suffer damage, that they are given all available assistance to rebuild their lives and their economy.

Low interest disaster loans are key to the economic recovery of an area after a disaster has hit. The manager's amendment I am pleased to report, would cap the interest rate at 7 percent. In the last 6 years California alone, which has certainly seen its share of disasters, has received 165,373 loans totaling over $5.5 billion. Given the importance of small businesses to any economy, I believe that these loans have been instrumental to the economic recovery that the State has achieved.

The changes to the Disaster Assistance Program are but one reason I support this amendment. Overall I believe that it makes the bill more responsive to the needs of our Nation's small and emerging businesses and I therefore urge my colleagues to support the manager's amendment.

Mr. BALDACCI, Mr. Chairman, I am pleased we are prepared to approve this important bill authorizing certain programs in the Small business Administration. The Small Business Committee, on which I serve, has worked diligently to reach accord on certain differences with regard to policy. As a result, we have been able to produce a responsible authorization bill that protects popular SBA programs while reducing the Federal Government's share of expenses. Given the growing popularity and need for such programs, these changes were necessary to instill a sense of commitment in all participants.

As a freshman Member of Congress, I am particularly pleased to have legislation I introduced earlier this year included in this authorization bill. This is my first legislative initiative to be approved by the full House, and I hope it will be enacted into law. My legislation will encourage banks to make capital available to small firms that want to export their goods. It does so by increasing the guarantee rate on export loans backed by the SBA. The change was necessary because the SBA guarantee rate for export working capital loans was reduced in legislation approved last year, creating a disparity between the rate offered to small businesses by the SBA, and the rate offered to larger businesses by the Export-Import Bank. Prior to the 1995 legislation, SBA and the Export-Import Bank harmonized their export loan programs to ensure that all borrowers—big businesses and small businesses—would have the same loan terms. Both provided a 90 percent guarantee rate on loans. My legislation returns the SBA guarantee rate to 90 percent, the same level as that offered by the Export-Import Bank.

It is widely believed that the reduction in SBA's guarantee rate for export loans had a chilling effect on small business lenders, who were required to incur greater risk. A recent letter from the Trade Promotion Coordinating Committee indicated that over half of the lenders polled, small lenders in particular, would retreat from making trade finance loans to small businesses due to increased risk. The letter, signed by the Secretary of Commerce, the SBA administrator, the Ex-Im Bank chairman, and the director of the U.S. Trade and Development Agency, urged reharmonization of the rates.

In addition, a recent GAO study noted that the guarantee rate is critical for funding original loans, and that a higher rate is particularly important when the lender or borrower is new to export. This is precisely the audience SBA serves in an effort to increase small business exports.

I'm pleased that my legislation was added to the bill. It's important to me because it recognizes the critical role of trade and exports to the economy of Maine and the Nation. Figures from the Department of Commerce underline the incredible potential of foreign markets. According to them, every $1 billion in increased trade creates approximately 20,000 manufacturing jobs and 40–60,000 service and support jobs. Moreover, wages associated with exported goods are some 20 percent higher than those related to nonexports.

Reharmonizing the guarantee rate could have very positive effects for our economy, as well as small business exporters, one of the fastest growing segments of the exporting community. As a member of the Small Business Committee, I am constantly seeking ways to help smaller companies expand and succeed. It is my strong belief that small businesses will benefit from increased trade. Promoting exports is one of the best means to this end. Encouraging new small business exports is an important, nonpartisan public policy objective.

I urge my colleagues to support this important legislation.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by title as an original bill for the purpose of amendment and pursuant to the rule, the first three sections and each title are considered as read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on an amendment; and (2) reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Programs Improvement Act of 1996".

Mrs. MEYERS of Kansas. Mr. Chairman, I ask unanimous consent that the entire committee amendment in the nature of a substitute be considered as read printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Administrator defined.
Sec. 3. Effective date.

TITLE I—AMENDMENTS TO SMALL BUSINESS ACT

Sec. 101. References.
Sec. 102. Risk management database.
Sec. 103. Section 7(a) loan program.
Sec. 104. Disaster loan program.
Sec. 105. Microloan demonstration program.
Sec. 106. Small business development center program.
Sec. 107. Miscellaneous authorities to provide loans and other financial assistance.
Sec. 108. Small business competitiveness demonstration program.
Sec. 109. Amendment to Small Business Guaranteed Credit Enhancement Act of 1993.
Sec. 110. 1998 authorizations.
Sec. 111. Level of participation for export working capital loans.

TITLE II—AMENDMENTS TO SMALL BUSINESS INVESTMENT ACT

Sec. 201. References.
Sec. 202. Modifications to development company debenture program.
Sec. 203. Required actions upon default.
Sec. 204. Loan liquidation pilot program.
Sec. 205. Registration of certificates.
Sec. 206. Preferred surety bond guarantee program.

SEC. 2. ADMINISTRATOR DEFINED.

In this Act, the term "Administrator" means the Administrator of the Small Business Administration.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on October 1, 1996.

TITLE I—AMENDMENTS TO SMALL BUSINESS ACT

SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 102. RISK MANAGEMENT DATABASE.

Section 4(b) (15 U.S.C. 633) is amended by inserting after paragraph (2) the following:

"(3) RISK MANAGEMENT DATABASE.—

"(A) ESTABLISHMENT.—The Administration shall establish, within the management system for the loan programs authorized by subsections (a) and (b) of section 7 of this Act and title V of the Small Business Investment Act of 1958, a management information system that will generate a database capable of providing timely and accurate information in order to identify loan underwriting, collections, recovery, and liquidation problems.

"(B) INFORMATION TO BE MAINTAINED.—In addition to such other information as the Administration considers appropriate, the database established under subparagraph (A) shall, with respect to each loan program described in subparagraph (A), include information relating to—

"(i) the identity of the institution making the guaranteed loan or issuing the debenture;

"(ii) the identity of the borrower;

"(iii) the total dollar amount of the loan or debenture;

"(iv) the total dollar amount of government exposure in each loan;

"(v) the district of the Administration in which the borrower has its principal office;

"(vi) the borrower's principal line of business, as identified by Standard Industrial Classification Code (or any successor to that system);

"(vii) the delinquency rate for each program (including number of instances and days overdue);

"(viii) the number of defaults in each program (including losses and recoveries);

"(ix) the number of deferrals or forbearances in each program (including days and number of instances); and

"(x) comparisons on the basis of loan program, lender, Administration district and region, for all the data elements maintained.

"(C) DEADLINE FOR OPERATIONAL CAPABILITY.—The database established under subparagraph (A) shall be operational not later than March 31, 1997, and shall capture data beginning on the first day of the first quarter of fiscal year 1997 beginning after such date and thereafter.".

SEC. 103. SECTION 7(a) LOAN PROGRAM.

(a) SERVICING AND LIQUIDATION OF LOANS BY PREFERRED LENDERS.—Section 7(a)(2)(C)(ii)(II) (15 U.S.C. 636(a)(2)(C)(ii)(II)) is amended to read as follows:

"(II) complete authority to service and liquidate such loans without obtaining the prior specific approval of the Administration for routine servicing and liquidation activities, but shall not take any actions creating an actual or apparent conflict of interest.".

(b) CERTIFIED LENDERS PROGRAM.—Section 7(a)(19) (15 U.S.C. 636(a)(19)) is amended to read as follows:

"(19)(A) CERTIFIED LENDERS PROGRAM.—

"(i) ESTABLISHMENT.—In addition to the Preferred Lenders Program authorized by the proviso in section 5(b)(7), the Administration is authorized to establish a Certified Lenders Program for lenders who establish their knowledge of Administration laws and regulations concerning the guaranteed loan program and their proficiency in program requirements.

"(ii) SUSPENSION AND REVOCATION.—The designation of a lender as a certified lender shall be suspended or revoked at any time that the Administration determines that the lender is not adhering to its rules and regulations or that the loss experience of the lender is excessive as compared to other lenders, but such suspension or revocation shall not affect any outstanding guarantee.

"(B) UNIFORM AND SIMPLIFIED LOAN FORMS.—In order to encourage all lending institutions and other entities making loans authorized under this subsection to provide loans of $50,000 or less in guarantees to eligible small business loan applicants, the Administration shall develop and allow participating lenders to solely utilize a uniform and simplified loan form for such loans.

"(C) LOW DOCUMENTATION LOAN PROGRAM.—The Administrator may carry out the low documentation loan program for loans of $100,000 or less only through Preferred Lenders and Certified Lenders, or lenders with significant experience making small business loans. The Administration shall give special consideration to lenders who have made loans under the authority of this section. The Administrator shall promulgate regulations defining the experience necessary for lenders other than Preferred or Certified Lenders for participation as a lender in the low documentation loan program no later than 90 days after the date of enactment of this subsection.

"(D) AUTHORITY LIQUIDATE LOANS.—

"(i) IN GENERAL.—Lenders participating in the Certified Lenders Program shall have authority to liquidate loans made with a guarantee from the Administration.

"(ii) APPROVAL.—The Administrator has the authority to require a certified lender to request approval of a routine liquidation activity, and if the Administrator does not approve or deny a request made by a certified lender within a period of 3 business days, such request shall be deemed to be approved.

"(E) LOW DOCUMENTATION LOAN PROGRAM SUBSIDY RATE.—The Administrator shall with the assistance of the Director of the Office of Management and Budget establish and monitor, on an annual basis, the subsidy rate for the low documentation loan program, independently of other loans authorized by this section.".

(c) LIMITATION ON CONDUCTING PILOT PROJECTS.—Section 7(a) (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

"(25) LIMITATION ON CONDUCTING PILOT PROJECTS.—

"(A) IN GENERAL.—Not more than 10 percent of the total number of loans guaranteed in any fiscal year under this subsection may be awarded as part of a pilot program which is commenced by the Administrator on or after October 1, 1996.

"(B) PILOT PROGRAM DEFINED.—In this paragraph, the term 'pilot program' means any lending program initiative, project, innovation, or other activity not specifically authorized by law.".

(d) SECURITIZATION OF UNGUARANTEED PORTIONS OF SBA LOANS.—Section 5(f)(3) (15 U.S.C. 634(f)(3)) is amended by adding at the end the following: "The Administration may not prohibit a lender from securitizing the nonguaranteed portion of any loan made under section 7(a). In order to reduce the risk of loss to the government in the event of default, the Administration shall require all lenders securitizing, or requesting Administration approval for the securitization of the nonguaranteed portion of any loan after August 1, 1996, to retain exposure of up to 10 percent of the amount of the loan, which percentage shall be applicable uniformly to both depository institutions and other lenders.".

(e) CONDITIONS ON PURCHASE OF LOANS.—

(1) SERVICING FEE.—Section 5(g)(5) (15 U.S.C. 634(g)(5)) is amended by adding at the end the following:

"(C) In the event the Administration pays a claim under a guarantee issued under this Act, the servicing fees paid to the lender from the earliest date of default to the date of payment of the claim shall be no more than the agreed upon rate, minus one percent.".

(2) PAYMENT OF ACCRUED INTEREST.—Section 7(a)(17) is amended—

(A) by striking "(17) The Administration" and inserting "(17)(A) The Administration"; and

(B) by adding at the end the following:

"(B) Any bank or other lending institution making a claim for payment on the guaranteed portion of a loan made under this subsection shall be paid the accrued interest due on the

loan from the earliest date of default to the date of payment of the claim at a rate not to exceed the rate of interest on the loan on the date of default, minus one percent.".

(f) PLAN FOR TRANSFER OF LOAN SERVICING FUNCTIONS TO CENTRALIZED CENTERS.—

(1) IMPLEMENTATION PLAN REQUIRED.—The Administrator of the Small Business Administration shall submit a detailed plan for consolidating, in one or more centralized centers, the performance of the various functions relating to the servicing of loans directly made or guaranteed by the Administration pursuant to the Small Business Act, addressing the matters described in paragraph (2) by the deadline specified in paragraph (3).

(2) CONTENTS OF PLAN.—In addition to such other matters as the Administrator may deem appropriate, the plan required by paragraph (1) shall include—

(A) the proposed number and location of such centralized loan processing centers;

(B) the proposed workload (identified by type and numbers of loans and their geographic origin by the Small Business Administration district office) and staffing of each such center;

(C) a detailed, time-phased plan for the transfer of the identified loan servicing functions to each proposed center; and

(D) any identified impediments to the timely execution of the proposed plan (including adequacy of available financial resources, availability of needed personnel, facilities, and related equipment) and the Administrator's recommendations for addressing such impediments.

(3) DEADLINE FOR SUBMISSION.—The plan required by paragraph (1) shall be submitted to the Committees on the Small Business of the House of Representatives and Senate not later than February 28, 1997.

(g) PREFERRED LENDER STANDARD REVIEW PROGRAM.—Not later than 60 days after the date of enactment of this Act, the Administrator shall issue a request for proposals regarding the standard review program for the Preferred Lender Program established by section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)). The Administrator shall require such standard review for each new entrant to the Preferred Lender Program.

(h) INDEPENDENT STUDY OF LOAN PROGRAMS.—

(1) STUDY REQUIRED.—The Administrator shall conduct a comprehensive assessment of the performance of the loan programs authorized by section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 661) addressing the matters described in paragraph (2) and resulting in a report to Congress pursuant to paragraph (5).

(2) MATTERS TO BE ASSESSED.—In addition to such other matters as the Administrator considers appropriate, the assessment required by paragraph (1) shall address, with respect to each loan program described in paragraph (1) for each of the fiscal years described in paragraph (3)—

(A) the number and frequency of deferrals and defaults;

(B) default rates;

(C) comparative loss rates, by—

(i) type of lender (separately addressing preferred lenders, certified lenders, and general participation lenders);

(ii) term of the loan; and

(iii) dollar value of the loan at disbursement; and

(D) the economic models used by the Office of Management and Budget to calculate the credit subsidy rate applicable to the loan programs.

(3) PERIOD OF ASSESSMENT.—The assessments undertaken pursuant to paragraph (2) shall address data for the period beginning with the first full fiscal year of the implementation of each loan program described in paragraph (1) through fiscal year 1995.

(4) PERFORMANCE BY THE PRIVATE SECTOR.—

(A) CONTRACTOR PERFORMANCE.—A private sector contractor shall be used by the Administrator to conduct the assessment required by paragraph (1) and to prepare the report to Congress required by paragraph (3).

(B) SOLICITATION AND AWARD.—The contract shall be awarded pursuant to a solicitation issued not later than 60 days after the date of the enactment of this Act, which shall provide for full and open competition. The Administrator shall make every reasonable effort to award the contract not later that 60 days after the date specified in the solicitation for receipt of proposals.

(C) ACCESS TO INFORMATION.—The Administrator shall provide to the contractor access to any information collected by or available to the Administration with regard to the loan programs being assessed. The contractor shall preserve the confidentiality of any information for which confidentiality is protected by law or properly asserted by the person submitting such information.

(D) CONTRACT FUNDING.—The Administrator shall fund the cost of the contract from the amounts appropriated for the salaries and expenses of the Administration for fiscal year 1997.

(5) REPORT TO CONGRESS.—

(A) CONTENTS.—The contractor shall submit a report of—

(i) its analyses of the matters to be assessed pursuant to paragraph (2); and

(ii) its independent recommendations, with respect to each loan program, regarding—

(I) improving the Administration's timely collection and subsequent management of data to measure the performance of each loan program described in paragraph (1); and

(II) reducing loss rates for each such loan program.

(B) SUBMISSION BY CONTRACTOR.—The contractor shall submit the report required by subparagraph (A) not later than 6 months after the date of the contract award.

(C) SUBMISSION TO CONGRESS.—The Administrator shall submit the report received from the contractor pursuant to subparagraph (B) to the Committees on Small Business of the House of Representatives and the Senate within 30 days of receipt of the report. The Administrator shall append his comments, and those of the Office of Management and Budget, if any, to the report.

(i) GENERAL ACCOUNTING OFFICE STUDY.—

(1) IN GENERAL.—The General Accounting Office shall conduct a comparison of the cost of liquidation for—

(A) loans guaranteed under the Preferred Lenders Program that are authorized by section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and liquidated by the Preferred Lenders;

(B) loans made and liquidated by, Preferred Lenders, but not guaranteed under the authority in section 7(a); and

(C) loans guaranteed by the Small Business Administration under the authority in section 7(a) and liquidated by the Administration, taking into account all of the related costs incurred by the Federal Government.

(2) REPORT.—Not later than 9 months after the date of enactment of this Act the General Accounting Office shall deliver the results of the study to the Committees on Small Business of the House and Senate.

SEC. 104. DISASTER LOAN PROGRAM.

(a) INTEREST RATE.—Section 7(c) (15 U.S.C. 636(c)) is amended by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively, and by inserting after paragraph (5) the following:

"(6) DISASTERS COMMENCING AFTER OCTOBER 1, 1996.—Notwithstanding any other provision of law, the interest rate on the Federal share of any loan made under subsection (b)(1) and (b)(2) on account of a disaster commencing on or after October 1, 1996, shall be in the case of a homeowner, or business, or other concern, including agricultural cooperatives, unable to obtain credit elsewhere, at the rate prescribed by the Administration but not more than $\frac{3}{4}$ of the rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 percent per annum as determined by the Administrator, and adjusted to the nearest $\frac{1}{8}$ of 1 percent.

"(7) LIABILITY.—Whoever wrongfully misapplies the proceeds of a loan under subsection (b) shall be liable to the Administrator in an amount equal to $1\frac{1}{2}$ times the original principal amount of the loan.".

(b) PRIVATE SECTOR LOAN SERVICING DEMONSTRATION PROGRAM.—

(1)(A) DEMONSTRATION PROGRAM REQUIRED.—The Administration shall conduct a demonstration program, within the parameters described in paragraph (2), to evaluate the comparative costs and benefits of having the Administration's portfolio of disaster loans serviced under contract rather than directly by employees of the Administration.

(B) INITIATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administration shall issue a request for proposals for the program parameters described in paragraph (2).

(2) DEMONSTRATION PROGRAM PARAMETERS.—

(A) LOAN SAMPLE.—The sample of loans for the demonstration program shall be randomly drawn from the Administration's portfolio of loans made pursuant to section 7(b) of the Small Business Act and include 20,000 loans for residential properties and 5,000 loans for commercial properties.

(B) CONTRACT AND OPTIONS.—The Administration shall solicit and competitively award one or more contracts to service the loans included in the sample of loans described in subparagraph (A) for a term of 2 years with 5 2-year options, each to be awarded subject to subparagraph (C).

(C) ASSESSMENTS OF PERFORMANCE.—Prior to award of any contract option, the Administration shall assess the costs and performance of each contractor and compare such costs and such performance to the costs and performance of servicing disaster loans by employees of the Administration. The Administrator shall not exercise a contract option if the cost of performance of the loan servicing by the contractor exceeds the cost of performance of the loan servicing by employees of the Administration. The Administrator may terminate the contract during its initial term (or any subsequent option period), based upon performance and cost criteria specified in the solicitation and included in the contract.

(D) DISPOSITION OF GOVERNMENT FURNISHED PROPERTY.—The contract shall require the contractor to—

(i) maintain the confidentiality of the loan files furnished by the Administration; and

(ii) return such loan files and other Government-furnished property within a specified period after expiration (or termination) of the contract.

(3) TERM OF DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—The demonstration program required by paragraph (1) shall commence on the first day of the first fiscal year quarter after the award of the contract and continue through the last day of the fiscal year quarter at the expiration of the 2-year contract period or any subsequent contract option.

(B) EARLY TERMINATION.—If the Administrator terminates each contract pursuant to paragraph (2)(C), the demonstration program shall end on the effective date of such termination.

(4) REPORTS.—

(A) INTERIM REPORTS.—The Administrator shall submit to the Committees on Small Business of the House of Representatives and Senate interim reports on the conduct of the demonstration program not later than 60 days prior to the expiration of the initial 2-year contract performance period, each subsequent option period, or termination of a contract. The contractor shall be afforded a reasonable opportunity to attach comments to each such report.

(B) FINAL REPORT.—The Administrator shall submit to the Committees on Small Business of the House of Representatives and Senate a final report within 120 days of the termination of the demonstration program.

(c) DEFINITION OF DISASTER.—(1) Section 3(k) (15 U.S.C. 632(k)) is amended by striking "ocean conditions" and inserting "ocean conditions, or government action (regulatory or otherwise)".

(2) For the purposes of this Act this amendment shall be considered effective with respect to any disaster occurring on or after March 1, 1994.

SEC. 105. MICROLOAN DEMONSTRATION PROGRAM.

(a) TECHNICAL ASSISTANCE GRANT REQUIREMENTS.—Section 7(m)(4) (15 U.S.C. 636(m)(4)) is amended—

(1) in subparagraph (A) by striking "25 percent" and inserting "20 percent"; and

(2) in subparagraph (B) by striking "25 percent" and inserting "35 percent".

(b) IMPLEMENTATION OF GUARANTEED MICROLOAN PILOT PROGRAM.—

(1) ACTION REQUIRED.—The Administrator shall implement or submit a detailed report explaining the impediments to the implementation of a Guaranteed Microloan Pilot Program pursuant to section 7(m)(12) (15 U.S.C. 636(m)(12)) addressing the matters described in paragraph (2) by the deadline specified in paragraph (3).

(2) CONTENTS OF IMPLEMENTATION REPORT.—In addition to such other matters as the Administrator may deem appropriate, the plan required by paragraph (1) shall include any identified impediments to implementation of a Guaranteed Microloan Pilot Program that, in the opinion of the Administrator, require amendments to the program's authorizing legislation, and if such impediments are identified, includes recommendations for such statutory changes.

(3) DEADLINE FOR SUBMISSION.—The plan required by paragraph (2) shall be submitted to the Committees on Small Business of the House of Representatives and Senate not later than December 1, 1996.

(c) LIMITATION ON FUNDING.—In the event that the Administrator shall fail to submit the report required by subsection (b)(1) by the deadline specified in subsection (b)(3), none of the amounts appropriated to carry out the Microloan Program authorized by section 7(m)(12) of the Small Business Act (15 U.S.C. 636(m)(12)) during fiscal year 1997 may be expended until such time as the pilot program is implemented or the report is submitted.

SEC. 106. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

(a) ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) DUTIES.—Section 21(h) (15 U.S.C. 648(h)) is amended to read as follows:

"(h) ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS DEVELOPMENT CENTERS.—

"(1) APPOINTMENT AND COMPENSATION.—The Administrator shall appoint an Associate Administrator for Small Business Development Centers who shall report to an official who is not more than one level below the Office of the Administrator and who shall serve without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS–17 of the General Schedule.

"(2) DUTIES.—

"(A) IN GENERAL.—The sole responsibility of the Associate Administrator for Small Business Development Centers shall be to administer the small business development center program. Duties of the position shall include, but are not limited to, recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefore, selecting applicants to participate in this program, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information between small business development centers and conducting audits of recipients of grants under this section.

"(B) CONSULTATION REQUIREMENTS.—In carrying out the duties described in this subsection, the Associate Administrator shall confer with and seek the advice of the Board established by subsection (i) and Administration officials in areas served by the small business development centers; however, the Associate Administrator shall be responsible for the management and administration of the program and shall not be subject to the approval or concurrence of such Administration officials.".

(2) REFERENCES TO ASSOCIATE ADMINISTRATOR.—Section 21 (15 U.S.C. 648) is amended—

(A) in subsection (c)(7) by striking "Deputy Associate Administrator of the Small Business Development Center program" and inserting "Associate Administrator for Small Business Development Centers"; and

(B) in subsection (i)(2) by striking "Deputy Associate Administrator for Management Assistance" and inserting "Associate Administrator for Small Business Development Centers".

(b) EXTENSION OR RENEWAL OF COOPERATIVE AGREEMENTS.—Section 21(k)(3) (15 U.S.C. 648(k)(3)) is amended to read as follows:

"(3) EXTENSION OR RENEWAL OF COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—In extending or renewing a cooperative agreement of a small business development center, the Administration shall consider the results of the examination and certification program conducted pursuant to paragraphs (1) and (2).

"(B) CERTIFICATION REQUIREMENT.—After September 30, 2000, the Administration may not renew or extend any cooperative agreement with a small business development center unless the center has been approved under the certification program conducted pursuant to this subsection; except that the Associate Administrator for Small Business Development Centers may waive such certification requirement, in the discretion of the Associate Administrator, upon a showing that the center is making a good faith effort to obtain certification.".

(c) TECHNICAL CORRECTION.—Section 21(l) (15 U.S.C. 648(l)) is amended to read as follows:

"(l) CONTRACT AUTHORITY.—The authority to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the administration has entered a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administration provides the applicant with written notification setting forth the reasons therefore and affording the applicant an opportunity for a hearing, appeal, or other administrative proceeding under the provisions of chapter 5 of title 5, United States Code.".

SEC. 107. MISCELLANEOUS AUTHORITIES TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE.

(a) FUNDING LIMITATION; SEMINARS.—Section 7(d) (15 U.S.C. 636(d)) is amended—

(1) by striking "(d)(1)" and inserting "(d)"; and

(2) by striking paragraph (2).

(b) TRADE ADJUSTMENT LOANS.—Section 7(e) (15 U.S.C. 636(e)) is amended to read as follows:

"(e) [RESERVED].".

(c) WAIVER OF CREDIT ELSEWHERE TEST FOR COLLEGES AND UNIVERSITIES.—Section 7(f) (15 U.S.C. 636(f)) is amended to read as follows:

"(f) [RESERVED].".

(d) LOANS TO SMALL BUSINESS CONCERNS FOR SOLAR ENERGY AND ENERGY CONSERVATION MEASURES.—Section 7(l) (15 U.S.C. 636(l)) is amended to read as follows:

"(l) [RESERVED].".

SEC. 108. SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) EXTENSION OF DEMONSTRATION PROGRAM.—Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3890) is amended by striking "September 30, 1996" and inserting "September 30, 2000".

(b) REPORTING OF SUBCONTRACT PARTICIPATION IN CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES.—Section 714(b)(5) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3892) is amended to read as follows:

"(5) DURATION.—The system described in subsection (a) shall be established not later than October 1, 1996 (or as soon as practicable thereafter on the first day of a subsequent quarter of fiscal year 1997), and shall terminate on September 30, 2000.".

(c) REFERENCES TO ARCHITECTURAL AND ENGINEERING SERVICES.—

(1) IN GENERAL.—The Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3889 et seq.) is amended in subsections (a)(3) and (d) by striking "surveying and mapping" and inserting "surveying, mapping, and landscape architecture".

(2) DESIGNATED INDUSTRY GROUPS.—Section 717(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3894) is amended by inserting "standard industrial classification codes 0781 (if identified as pertaining to architecture services)," after "(if identified as pertaining to mapping services),".

(d) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Section 716 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3893) is amended—

(A) in subsection (a), by striking "fiscal year 1991 and 1995" and inserting "each of fiscal years 1991 through 1999";

(B) in subsection (a), by striking "results" and inserting "cumulative results"; and

(C) in subsection (c), by striking "1996" and inserting "1999".

(2) CUMULATIVE REPORT THROUGH FISCAL YEAR 1995.—A cumulative report of the results of the Small Business Competitiveness Demonstration Program for fiscal years 1991 through 1995 shall be submitted not later than 60 days after the date of the enactment of this Act pursuant to section 716(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note; 102 Stat. 3893), as amended by paragraph (1) of this subsection.

SEC. 109. AMENDMENT TO SMALL BUSINESS GUARANTEED CREDIT ENHANCEMENT ACT OF 1993.

(a) Section 7 of the Small Business Guaranteed Credit Enhancement Act of 1993 (Public

Law 103–81; 15 U.S.C. 634 note) is repealed effective September 29, 1996.

(b) CLERICAL AMENDMENT.—The table of contents for the Small Business Guaranteed Credit Enhancement Act of 1993 (Public Law 103–81; 15 U.S.C. 631 note) is amended by striking the item relating to section 7.

SEC. 110. 1998 AUTHORIZATIONS.

Section 20 (15 U.S.C. 631 note) is amended—

(1) in subsection (p), by striking "authorized for fiscal year 1997" and inserting "authorized for each of fiscal years 1997 and 1998";

(2) by striking subsection (p)(3)(B) and by inserting the following:

"(B) $268,000,000 in guarantees of debentures; and";

(3) in subsection (q)(1) by striking "fiscal year 1997" and inserting "each of fiscal years 1997 and 1998"; and

(4) in subsection (q)(2) by striking "year 1997" and inserting "years 1997 and 1998".

SEC. 111. LEVEL OF PARTICIPATION FOR EXPORT WORKING CAPITAL LOANS.

Section 7(a)(2) (15 U.S.C. 636(a)(2)) is amended by adding at the end the following:

"(D) PARTICIPATION UNDER EXPORT WORKING CAPITAL PROGRAM.—Notwithstanding subparagraph (A), in an agreement to participate in a loan on a deferred basis under the Export Working Capital Program established pursuant to paragraph (14)(A), such participation by the Administration shall be equal to the rate specified under this paragraph as in effect on the day before the date of the enactment of the Small Business Lending Enhancement Act of 1995.".

TITLE II—AMENDMENTS TO SMALL BUSINESS INVESTMENT ACT

SEC. 201. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.).

SEC. 202. MODIFICATIONS TO DEVELOPMENT COMPANY DEBENTURE PROGRAM.

(a) DECREASED LOAN TO VALUE RATIOS.—Section 502(3) (15 U.S.C. 696(3)) is amended to read as follows:

"(3) CRITERIA FOR ASSISTANCE.—

"(A) IN GENERAL.—Any development company assisted under this section or section 503 of this title must meet the criteria established by the Administration, including the extent of participation to be required or amount of paid-in capital to be used in each instance as is determined to be reasonable by the Administration.

"(B) COMMUNITY INJECTION FUNDS.—

"(i) SOURCES OF FUNDS.—Community injection funds may be derived, in whole or in part, from—

"(I) State or local governments;

"(II) banks or other financial institutions;

"(III) foundations or other not-for-profit institutions; or

"(IV) the small business concern (or its owners, stockholders, or affiliates) receiving assistance through a body authorized by this title.

"(ii) FUNDING FROM INSTITUTIONS.—Not less than 50 percent of the total cost of any project financed pursuant to clauses (i), (ii), or (iii) of subparagraph (C) shall come from the institutions described in subclauses (I), (II), and (III) of clause (i).

"(C) FUNDING FROM A SMALL BUSINESS CONCERN.—The small business concern (or its owners, stockholders, or affiliates) receiving assistance through a body authorized by this title shall provide—

"(i) at least 15 percent of the total cost of the project financed, if the small business concern has been in operation for a period of 2 years or less;

"(ii) at least 15 percent of the total cost of the project financed if the project involves the construction of a limited or single purpose building or structure;

"(iii) at least 20 percent of the total cost of the project financed if the project involves both of the conditions set forth in clauses (i) and (ii); or

"(iv) at least 10 percent of the total cost of the project financed, in all other circumstances, at the discretion of the development company.".

(b) GUARANTEE FEE FOR DEVELOPMENT COMPANY DEBENTURES.—Section 503(b)(7)(A) (15 U.S.C. 697(b)(7)(A)) is amended by striking "0.125 percent" and inserting "0.8125 percent".

(c) FEES TO OFFSET SUBSIDY COST.—Section 503(d) (15 U.S.C. 697(d)) is amended to read as follows:

"(d) CHARGES FOR ADMINISTRATION EXPENSES.—

"(1) LEVEL OF CHARGES.—The Administration may impose an additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under subsection (a).

"(2) PARTICIPATION FEE.—The Administration shall also impose a one-time fee of 50 basis points on the total participation in any project of any institution described in subclause (I), (II), or (III) of section 502(3)(B)(i). Such fee shall be imposed only when the participation of the institution will occupy a senior credit position to that of the development company. Such fee shall be collected by the development company, forwarded to the Administration, and used to offset the cost (as such term is defined in section 502 of the Credit Reform Act of 1990) to the Administration of making guarantees under subsection (a).

"(3) DEVELOPMENT COMPANY FEE.—The Administration shall collect annually from each development company a fee of 0.125 percent of the outstanding principal balance of any guaranteed debenture authorized by the Administration after September 30, 1996. Such fee shall be derived from the servicing fees collected by the development company pursuant to regulation, and shall not be derived from any additional fees imposed on small business concerns. All proceeds of the fee shall be used to offset the cost (as such term is defined in section 502 of the Credit Reform Act of 1990) to the Administration of making guarantees under subsection (a).".

(d) EFFECTIVE DATE.—Section 503 (15 U.S.C. 697) is amended by adding at the end the following:

"(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (c) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 1997.".

SEC. 203. REQUIRED ACTIONS UPON DEFAULT.

Section 503 (15 U.S.C. 697) is amended by adding at the end the following:

"(g) REQUIRED ACTIONS UPON DEFAULT.—

"(1) DEADLINES.—

"(A) INITIAL ACTIONS.—Not later than the 45th day after the date on which a payment on a loan funded through a debenture guaranteed under this section is due and not received, the Administration shall—

"(i) take all necessary steps to bring such a loan current; or

"(ii) implement a formal written deferral agreement.

"(B) PURCHASE OR ACCELERATION OF DEBENTURE.—Not later than the 65th day after the date on which a payment on a loan described in subparagraph (A) is due and not received, and absent a formal written deferral agreement, the Administration shall take all necessary steps to purchase or accelerate the debenture.

"(2) PREPAYMENT PENALTIES.—The Administration shall, with respect to the portion of any project derived from funds set forth in section 502(3)—

"(A) negotiate the elimination of any prepayment penalties or late fees on defaulted loans made prior to September 30, 1996;

"(B) decline to pay any prepayment penalty or late fee on the default based purchase of loans issued after September 30, 1996; and

"(C) for any project financed after September 30, 1996, decline to pay any default interest rate higher than the interest rate on the note prior to the date of default.".

SEC. 204. LOAN LIQUIDATION PILOT PROGRAM.

(a) IN GENERAL.—The Administrator shall carry out a loan liquidation pilot program (in this section referred to as the "pilot program") in accordance with the requirements of this section.

(b) SELECTION OF DEVELOPMENT COMPANIES.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall allow not less than 15 development companies authorized to make loans and issue debentures under title V of the Small Business Investment Act of 1958 to participate in the pilot program. The development companies admitted shall agree not to take any action that would create a potential conflict of interest involving the development company, the third party lender, or an associate of the third party lender. In order to qualify to participate in the pilot, each development company shall—

(1) have a minimum of 6 years experience in the program established by such title V;

(2) have made, during the last 6 fiscal years, an average of 10 loans per year through the program established by such title V; and

(3) have a minimum of 2 years experience, either independently or through an agent, in liquidating loans under the authority of a Federal, State, or other lending program.

(c) AUTHORITY OF DEVELOPMENT COMPANIES.—The development companies selected under subsection (b) shall, for all loans in their portfolio of loans made through debentures guaranteed under title V of the Small Business Investment Act of 1958 that are in default after the date of enactment of this Act, be authorized to—

(1) perform all liquidation and foreclosure functions, including the acceleration or purchase of community injection funds; and

(2) liquidate such loans in a reasonable and sound manner and according to commercially accepted practices.

(d) AUTHORITY OF THE ADMINISTRATOR.—In carrying out the pilot program, the Administrator shall—

(1) have full authority to deny participation in the pilot program or rescind the authority granted any development company under this section upon a 10-day written notice stating the reasons for the denial or rescission; and

(2) implement the pilot program no later than 90 days after the admission of the development companies specified in subsection (b).

(e) REPORT.—

(1) IN GENERAL.—The Administrator shall issue a report on the results of the pilot program to the Committees on Small Business of the House of Representatives and the Senate. The report shall include information relating to—

(A) the total dollar amount of each loan and project liquidated;

(B) the total dollar amount guaranteed by the Administration;

(C) total dollar losses;

(D) total recoveries both as percentage of the amount guaranteed and the total cost of the project; and

(E) a comparison of the pilot program information with the same information for liquidation conducted outside the pilot program over the period of time.

(2) REPORTING PERIOD.—The report shall be based on data from, and issued not later than 90 days after the close of, the first eight 8 fiscal quarters of the pilot program's operation after the date of implementation.

SEC. 205. REGISTRATION OF CERTIFICATES.

(a) CERTIFICATES SOLD PURSUANT TO SMALL BUSINESS ACT.—Section 5(h) of the Small Business Act (15 U.S.C. 634(h)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) by striking "(h)" and inserting "(h)(1)";

(3) by striking subparagraph (A), as redesignated by paragraph (1) of this subsection, and inserting the following:

"(A) provide for a central registration of all loans and trust certificates sold pursuant to subsections (f) and (g) of this section;"; and

(4) by adding at the end the following:

"(2) Nothing in this subsection shall prohibit the utilization of a book-entry or other electronic form of registration for trust certificates. The Administration may, with the consent of the Secretary of the Treasury, use the book-entry system of the Federal Reserve System.".

(b) CERTIFICATES SOLD PURSUANT TO SMALL BUSINESS INVESTMENT COMPANY PROGRAM.—Section 321(f) (15 U.S.C. 6871(f)) is amended—

(1) in paragraph (1) by striking "Such central registration shall include" and all that follows through the period at the end of the paragraph; and

(2) by adding at the end the following:

"(5) Nothing in this subsection shall prohibit the use of a book-entry or other electronic form of registration for trust certificates.".

(c) CERTIFICATES SOLD PURSUANT TO DEVELOPMENT COMPANY PROGRAM.—Section 505(f) (15 U.S.C. 697b(f)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) by striking "(f)" and inserting "(f)(1)";

(3) by striking subparagraph (A), as redesignated by paragraph (1) of this subsection, and inserting the following:

"(A) provide for a central registration of all trust certificates sold pursuant to this section;" and

(4) by adding at the end the following:

"(2) Nothing in this subsection shall prohibit the utilization of a book-entry or other electronic form of registration for trust certificates.".

SEC. 206. PREFERRED SURETY BOND GUARANTEE PROGRAM.

(a) ADMISSIONS OF ADDITIONAL PROGRAM PARTICIPANTS.—Section 411(a) (15 U.S.C. 694(a)) is amended by adding a new paragraph (5), as follows:

"(5)(A) The Administration shall promptly act upon an application from a surety to participate in the Preferred Surety Bond Guarantee Program, authorized by paragraph (3), in accordance with criteria and procedures established in regulations pursuant to subsection (d).

"(B) The Administration is authorized to reduce the allotment of bond guarantee authority or terminate the participation of a surety in the Preferred Surety Bond Guarantee Program based on the rate of participation of such surety during the 4 most recent fiscal year quarters compared to the median rate of participation by the other sureties in the program.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to applications received (or pending substantive evaluation) on or after October 1, 1995.

The CHAIRMAN. Are there any amendments?

AMENDMENTS OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. Mr. Chairman, I offer an en bloc amendment.

The Clerk read as follows:

Amendments offered by Mrs. MEYERS of Kansas:

Page 7, line 24, strike "3" and insert "5".

Page 9, line 5, strike "shall" and insert "may".

Page 9, line 8, strike "after August 1, 1996".

Page 9, line 11, after "lenders" insert "unless the Administrator determines that the lender, on a case by case basis, has undertaken other agreements which retain an acceptable exposure to loss by the lender in the event of default of a loan being securitized".

Page 17, line 9, after "percent" insert "but not to exceed 7 per centum per annum".

Page 33, line 18, strike "0.8125" and insert "0.9375".

Page 38, line 5, after "funds" insert ", subject to such company obtaining prior written approval from the Administrator before committing the agency to purchase any other indebtedness secured by the property: *Provided*, That the Administrator shall approve or deny a request for such purchase within a period of 5 business days".

Page 38, line 8, after "practices" insert "pursuant to a liquidation plan approved by the Administrator in advance of its implementation. If the Administrator does not approve or deny a request made by a certified development company within a period of 5 business days, such request shall be deemed to be approved".

Mrs. MEYERS of Kansas (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, the manager's amendment at the desk is a compromise designed to remedy a few possible flaws in the underlying bill. I want to thank the gentleman from New York [Mr. LAFALCE], the SBA, and the gentleman from Missouri [Mr. TALENT], and the gentleman from Texas [Mr. BENTSEN], and others who have contributed their time and assistance with this amendment, and I ask my colleagues to support it.

Mr. Chairman, the amendment is very simple and I will briefly explain its provisions.

In title I, it amends section 103 to extend the amount of time the Small Business Administration has to respond to liquidation plans and requests from certified lenders participating in the 7(a) loan program from 3 days to 5. This change is added because the need was recognized to give the SBA a little more time to respond to such requests.

The amendment also changes the securitization provision in section 103 to clarify the intent of the committee. Currently, non-bank lenders in the 7(a) program may sell the nonguaranteed portion of their 7(a) loans on the secondary market, thereby freeing up funds for further much needed small business lending. Unfortunately, banks are not accorded the same privileges. H.R. 3719 changes that and also requires the SBA to determine whether a lender, bank or non-bank, needs to keep a reserve. Mr. TALENT and Mr. BENTSEN felt that the language needed further clarifications and we gladly accommodated that request in this amendment.

In section 104 of H.R. 3719 the committee proposes an amendment to place a limit of 7 percent on the interest rate charged for disaster loans to homeowners and businesses without credit available elsewhere. This cap is lower than the maximum interest rate of 8 percent charged to those with credit available to them, but still reflects the committee's desire to balance the need to control costs and our desire to aid those afflicted by disasters.

The manager's amendment also amends section 203 to adjust the increase in the fee imposed on borrowers in the section 504 loan program. This adjustment is necessary to bring the subsidy rate for this program down the last bit to achieve a zero subsidy rate. The committee is not pleased with having to take these steps but our alternative is to abandon a vital job creating program.

Finally, the amendment makes some further adjustments in the pilot liquidation program for the certified development companies participating in the 504 program. The amendments will require the development companies to obtain SBA approval prior to obligating the agency to purchasing any indebtedness needed to speed the liquidation process. In addition, the amendment requires that development companies file liquidation plans with the SBA to help the agency track the progress and activities of the pilot program participants.

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Mr. LAFALCE. Mr. Chairman, I strongly support the manager's amendment. I think it adds significantly to the merit of the bill. Most importantly, I want to thank the gentlewoman from Kansas [Mrs. MEYERS] for being so gracious and so conciliatory in the discussions not only of the bill but, most recently yesterday and today, the manager's amendment. She was extremely conciliatory, and that made it so much easier to come to the floor. I want to thank the gentlewoman again.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Kansas [Mrs. MEYERS].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of title II insert the following new section:

It is the sense of the Congress that the subsidy models prepared by the Office of Management and Budget relative to loan programs sponsored by the United States Small Business Administration have a tendency to:

1. Overestimate potential risks of loss and;

2. Overemphasize historical losses that may be anomalous and do not truly reflect the success of the programs as a whole.

Consequently, Congress mandates the independent study in Section 103(h) with hopes of improving the ability of the Office of Management and Budget to more accurately reflect the budgetary implications of such programs.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, as I had stated in the general debate and with the sound advice and counsel of the gentleman from New York [Mr. LAFALCE], our ranking Democrat, and the gentlewoman from Kansas [Mrs. MEYERS], our great chairwoman, I am concerned about some of the pessimistic and at times incorrect assumptions that have been made by the OMB. Let there be no mistake. I think especially with the 504 program it has caused problems.

I am a strong supporter of this bill, but my amendment really reemphasizes the fact that in that independent study, section 103–H, there are several new areas to be presented that the Congress is looking at relative to OMB evaluations, and that is overestimation of potential risks of loss, and at times an overemphasis on historical losses that may not be necessarily accurate and truly reflect the success of the programs as a whole.

Mr. Chairman, the 504 program is very important, as I said earlier, a half-a-million jobs, 47,784 for Ohio. I think by some of their estimates it has caused that program, the subsidy concern, to be really, really problematic. So Members on both sides of the aisle in Ohio joined forces with me. I brought it to our committees. All it does is reemphasize what we have done, but it again emphasizes those specific points that I think speak to this issue. And if it does not resolve, we will basically handcuff communities from the 504 program.

So with that, I thank the gentlewoman for the time. I appreciate her being so considerate. We have been working on this for some time, and I am glad that this vehicle today is here and we can play a part in it like this. I ask for my colleagues' support on this amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to state that I have no objection to the Traficant amendment. Indeed, it echoes the directive in H.R. 3719 to have an independent study of OMB's assumptions in subsidy rate calculations. It certainly expresses the frustration that I think was felt by me and the gentleman from New York [Mr. LAFALCE] and the entire committee over this year's subsidy rates. I do not think anybody was at fault. But being told in October that the subsidy rate is one thing and in March that it has changed dramatically made it difficult for all of us. Therefore, I would be happy to accept the gentleman's amendment.

Mr. LAFALCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support primarily the thrust of the amendment. I do want to point out that I might have worded it a bit differently had I drafted it, but I do not want to quibble on words. The thrust of it is something I concur with.

This is not a case of shooting the messenger because of the message. No, this is a case of really stating our puzzlement at this sudden about-face and our wondering whether or not the underlying assumptions of the reconsidered subsidy rate are truly valid. It is our way of underscoring our désire to have the OMB not only come out and tell us that something is dramatically different but showing us precisely what their economic assumptions were to validate their new conclusions.

Mr. Chairman, I think it would have been helpful if they could have done that. I think that this amendment will help ensure that they do that in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. COLLINS of Georgia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3719), to amend the Small Business Act and Small Business Investment Act of 1958, pursuant to House Resolution 516, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAFALCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 406]

YEAS—408

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly

Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
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Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)
Zimmer

NOT VOTING—25

Canady
Chrysler
Collins (IL)
Conyers
de la Garza
Deutsch
Dooley
Durbin
Engel
Fields (TX)
Ganske
Geren
Gibbons
Hansen
Harman
Hayes
Kingston
Lantos
Nadler
Quillen
Rose
Sanford
Williams
Young (AK)
Zeliff

□ 1514

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MEYERS of Kansas. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3719.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

PERSONAL EXPLANATION

Mr. KINGSTON. Mr. Speaker, I was unavoidably absent from rollcall votes Nos. 402, 403, 404, 405, and 406 because of a mandatory evacuation in my hometown of Savannah, GA, due to Hurricane Fran's approach to the Georgia coastline. If I had been present I would have voted "yes" on all five of these votes.

PERSONAL EXPLANATION

Mr. CHRYSLER. Mr. Speaker, on rollcall vote Nos. 404, 405, and 406, I was unavoidably absent.

Had I been present, I would have voted "yea" on the Bartlett amendment—rollcall vote No. 404—prohibiting the U.S. Armed Forces from being forced to wear U.N. insignia.

I would have voted "yea" on final passage of the United States Armed Forces Protection Act, H.R. 3308—rollcall vote No. 405.

I would have voted "yea" on final passage of the Small Business Programs Improvement Act, H.R. 3719—rollcall vote No. 406.

BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2428) to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Page 2, line 8, after "striking" insert: "the title heading and".

Page 2, strike out line 15 and insert: Samaritan";

(C) in subsection (b)(7), to read as follows:

"(7) GROSS NEGLIGENCE.—The term 'gross negligence' means voluntary and conscious conduct (including a failure to act) by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.";

Page 2, strike out all after line 15, over to and including line 11 on page 3 and insert:

(D) by striking subsection (c) and inserting the following:

"(c) LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY PRODUCTS.—

"(1) LIABILITY OF PERSON OR GLEANER.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

"(2) LIABILITY OF NONPROFIT ORGANIZATION.—A nonprofit organization shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to needy individuals.

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the person, gleaner, or nonprofit organization, as applicable, constituting gross negligence or intentional misconduct."; and

Page 3, after line 11 insert:

(E) in subsection (f), by adding at the end the following: "Nothing in this section shall be construed to supersede State or local health regulations.".

Page 4, after line 1 insert:

(c) CONFORMING AMENDMENT.—The table of contents for the National and Community Service Act of 1990 is amended by striking the items relating to title IV.

Mr. GOODLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Pennsylvania?

Mr. CLAY. Mr. Speaker, reserving the right to object, although I do not intend to object, I ask the gentleman from Pennsylvania [Mr. GOODLING] to offer an explanation of his request.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, on July 12 the House passed H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act, which would have the effect of increasing the donation of food products to needy individuals and their families. This legislation also paid tribute to one of the finest Members of this body with whom I have had the privilege to serve, Bill Emerson.

The Senate has now acted on this legislation and returned it to this body for final action. The only major change to the bill is the inclusion of language that makes it explicit that nothing in the act supersedes State or local health regulations. It also makes minor clarifying changes with respect to the definition of gross negligence.

Mr. Speaker, the threat of liability often inhibits the donation of food to feed the needy. Individuals and corporations who are interested in donating food often do not because they are afraid of what will happen should such food cause harm to recipients. This legislation eliminates the threat of liability, except in instances of intentional harm and gross negligence, and it deserves our support.

Mr. Speaker, the legislation meant a great deal to Bill Emerson and its enactment into law will be a fitting tribute to a man who was committed to improving our Federal nutrition programs and to ensuring that needy families do not go to bed hungry.

Bill Emerson was a great Member of Congress. He was a man of the highest character who devoted himself to the cause of reducing hunger and to making this country and this House a better place. My thanks also to the gentlewoman from Missouri [Ms. DANNER], a cosponsor of this important legislation, and a driving force in its enactment.

Mr. Speaker, for Bill Emerson and all the needy families who depend on food donations, I would ask the House give final approval to H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

Mr. CLAY. Mr. Speaker, reclaiming my time, I thank the gentleman for his explanation.

Mr. Speaker, I rise to support the Bill Emerson good samaritan food donation bill, and I commend my colleague, the gentlewoman from Missouri [Ms. DANNER], for her leadership on this issue. Nothing in this bill supersedes State or local health regulations. However, by establishing national liability standards, this bill will encourage and enable restaurants, grocers and other donors to help feed the hungry.

In addition, Mr. Speaker, to bridging the gap between willing donors and needy families, passage of this bill is a fitting tribute to Bill Emerson's efforts to combat hunger throughout his career in this Congress, and I urge my colleagues to adopt the measure.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California, [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, a short time ago we lost one of the most valued Members of this body, Bill Emerson. Today the House has an opportunity to pay tribute to our friend and colleague.

One of Bill Emerson's highest priorities during his tenure in this body was to ensure that our Nation's neediest citizens did not go hungry. One of his final efforts in this regard was to work with the gentlewoman from Missouri [Ms. DANNER] to pass H.R. 2428, a bill which would give the Model Good Samaritan Food Donation Act the full force of Federal law. It was Congressman Emerson's strong belief that enactment of this legislation would increase donations of food to the needy.

On July 12, 1996, this legislation, renamed the Bill Emerson Good Samaritan Food Donation Act in his honor, passed the House of Representatives. The Senate completed action on H.R. 2428 prior to the August recess and has returned the bill to this body for final consideration. The gentleman from Pennsylvania, Chairman GOODLING, has outlined the minor changes made to this legislation by the Senate.

Mr. Speaker, we now have opportunity to approve this legislation and send it to the President. At the same time, we will be paying one final tribute to Bill Emerson.

On behalf of Bill Emerson and the needy individuals who will benefit from enactment of this legislation, I urge my colleagues to give final approval to H.R. 2428.

Mr. CLAY. Mr. Speaker, continuing my reservation of objection, I yield to the gentlewoman from Missouri [Ms. DANNER], one of the chief sponsors of the bill.

Ms. DANNER. Mr. Speaker, today, as the House votes on the Bill Emerson good Samaritan Food Donation Act, it brings to an end a long, but very satisfying, legislative journey, one in which I was privileged to be joined by my friend, the late Congressman Bill Emerson.

This legislation, which will encourage more businesses to donate food to the hungry, is a fitting tribute to a man who consistently demonstrated an enormous capacity for compassion for the hungry and the less fortunate. Every time another business is willing to donate food and every time another hungry person receives some of that food, it adds to the legacy of Bill Emerson's service to our Nation, as well as his commitment to fighting hunger.

Bill knew, as I do, that we have a responsibility to make certain that those of us who are blessed with ample supplies of food assist those who are not.

As the St. Louis Post Dispatch recently editorialized in support of this bill, "In a Nation that throws away over 13 billion pounds of food annually, it is shocking that even one case of malnutrition exists."

The issue of wasted food was troubling for Bill Emerson, it was troubling for me, and I know that other Members of this body agree that we must act to address this issue.

This is a national issue, but I think it is important to remember that this legislation stems from a local concern. I want to thank Harold Martin, an active community volunteer in the Sixth District of Missouri, who contacted me after a major corporation in St. Joseph stopped donating food, citing the patchwork of different State laws that they had to comply with in order to donate food. That did not make sense to Harold, it did not make sense to Bill Emerson, and it did not make sense to me. That is why I am pleased that the House of Representatives and the Senate also understand what many less fortunate Americans already know, a hungry person is not going to refuse day old bread or perfectly edible leftover food.

Thank you, Harold, and thank you, Bill, for each of you have given in your respective ways a voice to the hungry voices that will now be heard.

Mr. CLAY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Pennsylvania?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2428.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring from the distinguished majority leader the schedule for today, the rest of the week, and next week.

Mr. Speaker, I yield to the gentleman from Texas, Mr. ARMEY.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding. I am pleased to announce the House has concluded its legislative business for the week. We will meet next Monday at noon, 12 o'clock, September 9, for a pro forma session. Of course, there will be no legislative business and no votes will be taken that day.

On Tuesday, September 12, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We hope to consider H.R. 3056, the County Health Organization Act on the Corrections Day Calendar.

We will also take up a number of bills under suspension of the rules, a list of which will be distributed to Members' offices as soon as it becomes available. Members should note, however, that we will postpone any recorded votes until 12 o'clock noon on Wednesday.

Mr. Speaker, on Wednesday, September 11, the House will meet at 9 a.m. We will then recess immediately for a joint meeting to receive the Prime Minister of Ireland. After the joint meeting on Wednesday and for the duration of the week, we hope to consider a number of appropriations conference reports, among these energy and water, transportation, and the Department of Defense.

Next week we also hope to appoint conferees on H.R. 2202, the Immigration and National Interest Act of 1996.

We will have legislative business concluded by 2 p.m. on Friday, September 13, and hopefully even before that. I thank the gentleman for yielding me the time.

Mr. BONIOR. Can I ask my friend from Texas about next Friday. There has been some discussion about whether or not we are going to have votes next Friday. As my friend from Texas knows, Rosh Hashanah begins on Friday and it will not be possible for Members to get home in time for the holiday if we do have votes. I was wondering if my colleague is factoring that into his decisions for the end of next week.

Mr. ARMEY. If the gentleman will yield, let me thank the gentleman. The gentleman is absolutely correct. We are acutely aware of the fact people must be home, and the fact is some Members need to travel some distance. So we have Friday under scrutiny with respect to that very important consideration, and I hope to be able to make an announcement at the early part of the week as things develop.

Mr. BONIOR. I thank my colleague. I wish him a good weekend, wherever he may be this weekend.

Mr. ARMEY. I thank the gentleman, and I wish the same for the gentleman.

ADJOURNMENT TO MONDAY, SEPTEMBER 9, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 10, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 9, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, September 10, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, SEPTEMBER 11, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, September 10, 1996, it adjourn to meet at 9 a.m. on Wednesday, September 11.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING SPEAKER TO DECLARE A RECESS ON WEDNESDAY, SEPTEMBER 11, 1996, TO RECEIVE IN JOINT MEETING THE PRIME MINISTER OF IRELAND

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, September 11, 1996, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency John Bruton, Prime Minister of Ireland.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF MONGOLIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit a report concerning emigration laws and policies of Mongolia as required by subsections 402(b) and 409(b) of title IV of the Trade Act of 1974, as amended ("the Act"). I have determined that Mongolia is in full compliance with the criteria in subsections 402(a) and 409(b) of the act. As required by title IV, I will provide the Congress with periodic reports regarding Mongolia's compliance with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1996.*

☐ 1530

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SECURITY OF KURDISH MINORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, the Kurdish people are an ancient people. There are 30 million of them. They live in Turkey, in Iraq, in Iran, in Syria, and they are an oppressed people within each of those societies.

None of those countries wants the Kurdish people to be united. They see it as in their interest to keep them divided and fighting. Whenever possible they supply arms to various sides and take advantage of them through propaganda and other means to manipulate them.

Today the media may be focused on what has been done with cruise missiles, but innocent Kurdish people are being killed and the situation in northern Iraq is extremely grave, Mr. Speaker. That situation was precipitated, I believe, by our State Department's failure to take seriously the need to bring the Kurdish sides, the Kurdish factions, together and to stop their exploitation by all sides and to respect their rights as human beings.

Mr. Speaker, when I sat down with representatives of the State Department in July, they had no information that Iran might attempt to cross the border in northern Iraq to attack the KDPI bases there, and when Iran in fact did so, less than a week later, no protest was heard from our Government, no action was taken. Yet at that time when Iran crossed the border, it was inevitable, Mr. Speaker, that the Iraqis would see that incursion into their territory as violating their sovereignty and would move north.

They have done so obviously in great force, but the fact that they had not done so during the previous 5 years, since the beginning of Operation Provide Comfort, is clear evidence that the reason that they did so at that time was the incursion of Iran into northern Iraq.

We did nothing about it, to head it off. We did nothing to take the division of the Kurds seriously between the PUK and the KDP, and I believe that was the beginning of the problems that we are now experiencing in that area.

Today the Iraqi Republican Guards, many of them dressed in Kurdish garb, are in Kuysangaq, they are in Sulaimaniya, they are going door-to-door looting Kurdish homes, and innocent people are being killed and dying and we are doing nothing about it.

On the northern border, the Turkish border, Turkey has taken advantage of the situation to declare a 3- to 6-mile wide zone, not in Turkey but in Iraq, that they are presently clearing, with 35,000 Turkish troops and armored personnel carriers in that region, moving out people who are living in villages, killing those that resist and creating a no-man's-land along their border.

Mr. Speaker, this situation is a grave and serious one for which the United States has great responsibility, and it is not enough just to send cruise missiles to the southern part of Iraq and say that we are stopping aggression.

The aggression is continuing to this moment. It is continuing almost on all sides. And the people that are caught in the middle are innocent people who have been taken advantage of for centuries by the places where they are found within societies where in each case they are in the minority and are being severely oppressed. It is time that the President of the United States and that this country stand up for the rights of these people who need our help as perhaps never before.

ETHICS COMMITTEE REPORT

The SPEAKER pro tempore (Mr. COOLEY). Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, these words were spoken by a Member of this House several years ago: The 435 Members of the House should look at all the facts, should have available to them all the reports and all the background documents, and the American people should have the same.

Who was the Member of this body who spoke those remarks back in March of 1989? None other than the Speaker, the present Speaker of the House, NEWT GINGRICH. What was he talking about at that time? Well, our illustrious, imperial Speaker was talking about a report that had been filed by the special counsel, Richard Phalen, in the investigation by the Ethics Committee of the charges that GINGRICH had brought against then Speaker Jim Wright.

Let us bring it down to today. Where are we today? Well, we have a special counsel for the Ethics Committee. The special counsel has been looking into the question of whether or not the nonprofit foundations, 2 of which are in Georgia, were improperly using their funds for political purposes or purposes other than not-for-profit purposes. Who was the person in charge of these foundation funds? None other than our Speaker.

Well, the report has been filed, was filed almost a month ago with the Ethics Committee. But it has disappeared. You do not hear anything about it. I say to my Speaker today, I will repeat the same words that he spoke back in March of 1989. I will repeat it again: The 435 Members of the House should look at all the facts, should have available to them all the reports.

Where is the report, Mr. Speaker? Why can other Members of this House not see the report that has been filed by special counsel?

We are no different than you were in 1989. We are entitled to that report. Yet he and his cohorts keep it submerged. Why? Well, I would guess that maybe why is that it is not such a favorable report to the Speaker. Because if it was favorable, guess what, folks? We would have seen it. The whole public, everybody would have seen it by now, media, everybody, big press conference, but we are not seeing that. So my guess is that it is maybe not real bad but it is bad enough that they want to submerge it.

They want to get out of here by the 27th of September. We are not going to be very many days before that happens. And then it all disappears. Nobody will see hide nor hair of that report probably until after the election, if you see it then.

Folks, I believe, as the Speaker said back in March of 1989, that every Member of this body is entitled, and all the taxpayers—by the way, the taxpayers paid for this, one-half million bucks, that is special counsel has done in investigating this by the Ethics Committee, authorized by the Ethics Committee, one-half million dollars of taxpayer money. Now you cannot even find out what was in the report.

I say it is time that this House insisted on seeing a copy of the report. The media should have a copy of it. Anybody in the general public should have a copy of it. Why not? Why not? Because it is come election time and I do not think the Speaker wants anybody to know what was in that report because of the impact it would have on the election process.

Well, if there is something wrong in that report and if something was done by the Speaker or the foundations which he controlled, his people controlled, was done wrong, it should all come out. The Speaker should be not above the general public. I nor anybody else in this House should put ourselves above the law, but that is what I read into this.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, is the gentleman saying the gentleman has been unable to get this report? Is that what you are saying?

Mr. VOLKMER. I have not asked for it but I know that it has not been made public. I am now publicly asking for a copy of the report. Yes, I have asked for it.

Mrs. SCHROEDER. You are now asking for that report.

Mr. VOLKMER. I am demanding it. I think I will demand it not just for myself but for all 435 Members of this House.

Mrs. SCHROEDER. I thank the gentleman.

SPECIAL COUNSEL'S REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I came to the floor and I was going to talk about Shannon Lucid. I want to tell you, I really admire this woman astronaut. We put her up in space and we seem to forget to bring her back. This poor soul has been trapped up in space for a very long time. Now it appears that the hurricane is delaying picking her up again.

I think that she has probably got the best sense of humor in the world. She said it is like being trapped in a very, very small camper with all your children on rainy days and you can never get out. So I hope we bring her back very soon, and when we bring her back we give her some kind of an award for incredible patience. She is showing us what revolutionary patience can really be all about.

I must say, I want to switch and talk about what the gentleman from Missouri was talking about, because I thought he brought up some very interesting points. The reason that this body would spend that kind of money for a special counsel is because of the trusteeship that we all hold. We are all here because taxpayers have sent us here and we are supposed to follow the law. This is a government of laws and not of men. That is what makes it so unique.

In other countries, if you are an elected official, very often you are considered above the law. But not here. So when the Ethics Committee looked at some of these charges, they thought they were serious enough to hire a special counsel.

What I heard the gentleman from Missouri saying is that now his report has been filed. It is over 100 pages. No one has seen it. We have not heard anything about it. I did read in the paper this morning a very troubling article that maybe the committee will not deal with this until after the election.

☐ 1545

So I do not know what they are going to do with it, put it on ice, shred it, hope the hurricane hits it and blows it away. I mean what is the point? Why can Members not see what this report is? Why cannot taxpayers, why cannot the public or why does not the committee deal with it? And I think that is what he was trying to ask.

I know I was very surprised because I cannot figure out what is going on here. I thought we were going to have votes today until 7 or 8 o'clock. All gone. There are supposed to be votes tomorrow; tomorrow is gone. Monday is gone. Tuesday is gone. I do not know if we are ever going to vote again.

Now, hey. I am packing and getting ready to go. These are gifts to me. That is terrific. But what are we doing and what are we ducking and what are we running from and how come they keep saying we are going to have votes, and then they change it, and then we find out there is all this unfinished business that no one else can see, even though we all got to help pay for it, and that is the very serious business about does this body have the gravatus to deal with our own and to deal with reports that this body paid for to be done? I think that the average American will be very upset if we say:

"Oh, no, we are not going to deal with that until after the election."

Why would we not deal with that until after the election? I cannot understand why we would even consider not dealing with that until after the election. This is very important. When you are on a 2-year term you should really finish the business of that term in that 2 years, because people are going to get to decide whether or not they want to renew our contract come November 5 for people who are running again.

So if it is true that the committee is really thinking about not doing anything about this until after the election, I think this body should all be aware of that, and we ought to put people on record as to whether or not they agree with that decision because I do not think the American people would agree with that decision, and I think it is a real violation of our trusteeship.

I have always said government is not a fungus, it can thrive in sunshine, and I think they expect us all to be able to explain ourselves. If people do not want to disclose, they do not have to run for office. But we do expect people who run for office to play by these rules and put them out there.

So I thought the gentleman from Missouri had some very serious questions, and while I had a very funny 5 minutes done about sending Shannon into space and I hope we come get her, she has been up there before Easter, I am now beginning to think maybe the next thing is we are going to send this report into space, or it may as well be in space because we do not seem to be able to get ahold of it and see what is happening, and we do not seem to have any business to do, so there is no reason to come here.

So as I leave this body, I hope every Member thinks about that and says the public will be very angry if we do not finish this serious ethnics charge that has come in front of the Speaker.

WHEN WILL WE STOP THE IMPERIAL PRESIDENCY?

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, we adjourned regular legislative business, or ended regular legislative business, so early that it is in the middle of the day. It is only 10 minutes to 1 out in California and still the morning in Hawaii, so I am going to take advantage of this opportunity and try to keep my good friend from Texas, Mr. GONZALEZ, interested by covering three different topics. The first thing I would like to cover is Iraq.

I want to associate myself with the remarks of Mr. PORTER of Illinois. There is great suffering going on in northern Iraq. I thought that the Kurdish people would maybe reach a period of tranquility here. They are one of these sad ethnic groups that spread over three, actually four, nations, with the geographic lines changing over the past several centuries multiple times. The only Nation that I can think of that has been cut up into four different nations like this is the once great nation of Armenia, now down to less than a fourth of its original size; the first nation as a nation to embrace Christianity in the 300's, the fourth century, and now we learn about these Kurdish people dividing among themselves, starting to kill one another. We had an opportunity here diplomatically to move in after Operation Provide Comfort was sent to that area of northern Iraq by President George Bush. Secretary of State Jim Baker visited. I recall telling President Bush when he called me for the only hospital visit I remember having in my life, and I was in the hospital for 3 or 4 days for some surgery, and President Bush called me on my birthday, April 3, 1991, and he said:

"Bob, we need you, get out of there."

And I said, "Can we talk business?"

And he said, "What?" He said, "In the hospital you want to talk business?"

I said, "Mr. President, draw a line in the hills. The way you drew a line in the sand, draw a line in the mountains."

And he said, "Bob, there are forces in Washington that would like to see Iraq spin into at least three different nations."

And I said, "Well, if you'll look at the television, which I have been looking at a lot in the last 2 days, you will see that they are beating your brains out. Kurdish women are coming into our camps along the Turkish-Iraqi northern border with children on their shoulders that have already frozen to death."

Fortunately with each day it was getting a fourth of a degree warmer, and he said, "Well, we're looking at it."

The media then began to just savagely attack President Bush. This is within days of the 4-day land war in Iraq ending on the 27th of December. Here it was less than 5 weeks later and they are beating his brains out. Within a few days he did draw that line in the hills of northern Iraq and organized Operation Provide Comfort.

Well it is hard to believe that 6 years ago this coming March, 5½ years ago now, and the Kurds are still suffering. Iraqi troops in the north, as Mr. PORTER said, are beating in doors, shooting people. They opened up with savage artillery fire a few days ago into Irbil, the so-called capital of the Kurdish people in the northern area.

Why Mr. Clinton neglected this area of the world for almost his entire first term is beyond me. We do have strategic interests in the area because a dictator like Saddam Hussein can just destroy oil prices around the world. He was driving faster than anybody believed toward nuclear, biological and chemical warfare capability. It remains a fact that we were never able to discover a single Iraqi scud missile.

This last week I have been in Great Britain visiting some of the best intelligence sites outside of the United States proper in the world. There is a new news center at the RAF base at Moesworth, which was our second GLCM base in Great Britain. Fortunately with the dissolution of the evil empire out of the Kremlin, we were able to shut down those GLCM bases in Sicily and the two in Great Britain and stop the one in Germany before it had even gone operational, and we had all of these new facilities built for the GLCM, the GLCM missiles in Great Britain, and we put in there something that is called the JAC, the Joint Analysis Center. I went in there last Thursday, watched in the clearest way possible, beyond anything I have ever seen of intelligence capability so far, watched the buildup of the Iraqi troops. Unless the President has taken the course of Jimmy Carter and disregarded his daily intel briefings, which Carter did in a few instances, then he could claim ignorance. But I have to believe his National Security Council was keeping him briefed on this buildup of power, and I managed to evaluate for the third time the F-16—excuse me the F-15 E, the strike eagle fighter at Lakenheath, which is not only the world's greatest operational fighter but the best we have in all of Europe, Asia, and Africa, and flew a simulated bombing mission up to Scotland, fought our way through British tornadoes electronically defending the area.

That is just absolutely astounding how you can accomplish a real mission all electronically, bomb a target, shoot down aircraft or get shot down yourself. We did the shooting now this time, fought our way back from aggressor F-15 E's, and as amazing as this system is, the strike eagle, constantly updating the software packages in it from the time that I first flew it in March 1990, just a few months before Saddam Hussein came across the Kuwaiti border, the southern border of Iraq, on August 2. In spite of its capabilities, not a single F-15 E was able to find in the field a scud missile during the whole course of the air war and the 4 days of the ground war in 1991.

And at Farmborough, the air exposition there, the Russian Su-37 did not debut during Monday's open in the Farmborough exposition, but that night, as I was walking and looking at some of the Russian equipment on the flight line, the Su-17 taxis out. It is a beautiful looking aircraft. It still astounds me how a nation so poverty stricken, so incapable of making a class radio, a television, a refrigerator, an automobile; this is Russia I am speaking of; how they can make a fighter this beautiful and capable is beyond me.

The Su-37 taxis out, it is dusk, its landing lights and all of its lighting equipment is on. It makes a match performance takeoff, racks it over the orange cones that they set up to have as the line beyond which you cannot fly near the crowd. I realized then that they were probably putting on a performance for the authorities, the British authorities, at Farmborough to show their max demonstration, a flight which are not allowed to do in our military because it is so beyond the envelope, as pilots say, so on the danger edge.

If you lose one engine in that two-engine aircraft, it is a definite crash, and this Su-37 that is now available for export to countries like India, through an arrangement with China, where after the first few they would start building an aircraft totally capable of equaling the performance of our F-15 E strike eagle. The pilot goes through some opening maneuvers, then comes across the field in powered slow flight, pulls up or powers up, rather, into perfectly vertical flight and expecting to see him do what is called the cobra, which he pushes the tail up beyond the vertical and then slowly powers back and recovers. Instead he goes through the cobra manuever, flops on its back and does what I can only call a snap loop.

I mean only a biplane, a little tiny highly stressed sports biplane can do what this massive, maybe 20-ton aircraft could do, and that is pull through and turn on its axis, on the horizontal axis wings in the tightest loop—it is not even a loop, a snap loop—and recover and power out of it and accelerate.

The point is the Russians are in the field before we are, even though we have done this at our test center at Edwards Air Force Base with vectored thrust, where you take the engine nozzles at the rear of the aircraft and vary them so that you get this vectored thrust change, thereby augmenting in an amazing way the control services, your air runs, your elevator and the rudder on the vertical stabilizer.

□ 1600

The Russians making this airplane available for export means that on this floor in the 105th Congress next year we must again protect against the shortsighted FR-22 Lockheed-Boeing-General Dynamics Lightning 2, is what I think they will finally nickname the F-22.

It is amazing how people in this country, with all of the history that has taken place just in this century, from the Wright Brothers flying at Kittyhawk on December 17, 1903, to this December 17, in 93 years from a little aircraft that could only be powered 120 feet. That is almost the wingspan of one of our new unmanned aerial vehicles, the Global Hawk, which I spent the better part of a morning examining in its hangar. The first one is due to fly soon down at Teledyne Ryan in San Diego. I stole some time away from the convention. This Global Hawk can loiter for almost 2 days without a man, bringing this dazzling type of data downlinked to our intelligence facilities so we can observe the brutal antics of a dictator like Saddam Hussein.

So here we are in a fast-moving world, all in this the bloodiest century in history. We see a dictator bragging that he has outlasted George Bush, Brian Mulroney, Margaret Thatcher, Francois Mitterrand, Prime Minister Ohara in Japan. He has outlasted them all, in some cases double turnovers like Mulroney to Kim Campbell to now the new, let us call it labor liberal government in Ottawa. He is so cocky. He is there on television yesterday saying that we will not face him man to man, as though we had not cleaned his clock in Desert Storm. He is talking about we are hitting him with technology.

Then, of course, in Tehran, on Tehran radio and television they are talking about us, the Great Satan, child pornography, 1.5 million abortions a year, runaway divorce, runaway pornography. And now we are killing humble Iraqi soldiers, who they killed millions of in their war back in the 1980's; that we are doing it with technology that comes in out of the night that no one can see. It is just astounding how the Clinton administration has rallied the Arab world against us.

Jordan, who is getting some of our advanced military equipment, will not support us in this. Great Britain always stands beside us, but in all the French papers today are saying that this is nothing more than a cynical election final quarter stunt by Clinton.

Mr. Speaker, it is with some trepidation that I criticize the moves that Mr. Clinton has made, but I am going to just ask 10 questions today that I want the 1 million-plus audience that follows C-Span, particularly on a day when we are through with legislative business so quickly, I want to ask these questions. If somebody wants to take them down, Mr. Speaker, be my guest. I would recommend you call them in to the successful talk shows around this country and ask these questions, as some of the more important ones come toward the end. Some of them people have already thought about.

Here is the first of the 10: Why was Congress not notified? Constitutionally he should get our permission for aggressive activities like this. This is not defending the United States. This is not what Thomas Jefferson talked about when people yelled at him to use our young embryonic Navy to punish the Barbary pirates along the Tripoli coast of North Africa.

Jefferson said very clearly, I can only use our small military and our Navy, and there was not much Army at all, in a defensive way if the United States, the colonies, the 13 colonies, are attacked. Only then. By then it was 14 colonies, the 15th about to become a State. Only with these young 15 American States can I use our military, small military power defensively. Offensively, like sailing across the Atlantic to the Mediterranean and punishing the Barbary pirates, for that I need congressional authority.

And he got it 10 times, through John Adams, his predecessor, through Jefferson, through his successor, Madison, up through John Quincy Adams. Ten times this Congress, in that Chamber just a few yards away, authorized, the Chamber that we were in from 1807 through 1857, and the small rooms on the Senate side before that, through the British burning it August 24, 1814, 10 times this Congress said, you will, by order, as the President, go after the Barbary pirates.

Now all of a sudden where is that congressional authority? We have a scholar at the Library of Congress, professor Lewis Fisher, who has written a brilliant book. and I hope next year we have a 2-year, 3-year debate, multiple special orders like this with dialog back and forth on why we have allowed an imperial Presidency to grow through Republicans and Democrats. Now we have a President burning up 50 million dollars' worth of cruise missiles, sea-launched Tomahawks and air-launched Alcum, 50 million dollars' worth with no loss of life on our side.

But I had a very long commentary with Regis Philbin and Kathie Lee, holding up these New York headlines this morning saying "Victory for Clinton, War is Over," and Regis flippantly, I am sure he thought better of it later, said "I like wars where nobody dies." There is no such thing as nobody dying. Peasants, personnel in Iraq who man these surface to air sites we destroyed, they are dead. It is their misfortune that they live in a country with an evil dictator.

Mr. Speaker, our official reporters of debate are excellent in titling these 5-minute or 1-minute or 60-minute special order speeches. If we choose, they will use our title. I would say that the title of this first section of my special order would be "When do we stop the imperial Presidency?"

That is question No. 1. Why was Congress not brought into the decision process; subquestion: why were we not even notified, those of us on the intelligence committees: Senator STROM THURMOND, chairman of Armed Services, the gentleman from South Carolina, FLOYD SPENCE, both ex-Army and Navy officers, chairman of National Security, why was not Mr. SPENCE notified? Why were not the two chairmen, Medal of Honor winner BOB KERREY, Senator from Nebraska, the gentleman from Texas, LARRY COMBEST, chairman on our side; why were we not notified of this operation?

No. 2. Why has there been no attack against the actual Iraqi army in the North that violated the United Nations amendments and has done the killing? The forces in the North are untouched. We attacked targets in the South. Is that because they are softer targets? Maybe, because we have more air power out of the South? Is it because Turkey will not support us in this?

We have now a fundamentalist government in Turkey. The brilliant lady President in Turkey was defeated, so I guess it is that Turkey will not let us use Incirlik, the equivalent of Operation Proven Force. I was there the day the land war started in Incirlik on February 24.

Because of a courageous Air Force officer who will not be named, I was able to go on a combat mission with a KC–135 out of Dias Tek, right over the Iraqi-Turkey border, refueling our F–111's, our 15's, our 16's. They were going down the very flight we refueled went down to Sulaimniya and blew up a nuclear missile facility just on the outskirts of Baghdad.

Incirlik was important. More Iraqi fighters were shot down by our fighter pilots who came down from Spangdahlen and Bitburg and Shusterburg than were shot down by the fantastic 33rd fighter wing out of Eglin Air Force Base, FL. In the North they were the ones that captured or shot down the Iraqi fighters fleeing to Iran, where they were confiscated anyway, in that peculiar relationship between this Persian nation and this Arabic nation, Iran and Iraq, but no punishment for the Iraqi army that has done the killing, and is killing today. Or it will be morning soon over there, and it will be another day of killing, and Clinton is claiming victory here in the United States.

He did it in the most unseemly way: in the Oval Office, with Vice President GORE at his side, not a briefing at the Pentagon, not bringing Shalikashvili, our four-star Chairman of the Joint Chiefs into his office, but sitting there, for all the world like two aging schoolboys, discussing this technological short combat with 44 cruise missiles and one F–16 Falcon punishing a surface-to-air site for painting them with their radar.

If the Clinton administration did know of the troop movements beforehand and failed to act, was the administration then encouraging through its nonaction, encouraging this Iraqi attack to counter a growing influence in the region by Iran?

No. 3. Was there some geopolitical reasoning behind this? I rather doubt it, but it is a fair question.

No. 4. If the U.S. actions were a response to the Iraqi attack on one of the two major Kurdish factions, why was the no-fly zone not extended in the North? Why was the no-fly zone extended in the South? The Kurdish cities of Sulaimaniya and Kirkuk, they are both outside of the no-fly zone in the North. Now are they going to be the likely targets for next week if Saddam Hussein decides that is his course of action? Which leads me to other questions later on.

No. 5. Iraq, as I said from my own intelligence fact-finding in the field in Great Britain just these last few days. If Iraq has been moving troops to that region for at least half a month, 3 weeks, did the Clinton administration warn Iraq that the U.S. was going to respond militarily if any attack occurred against the Kurds?

We could see the artillery pieces lining up. There was almost a feeling in Europe that, well, maybe they were not going to do it, it was just a show of force. You could see the way the troops were deployed they were going to attack Irbil. So where was the warning here? Where is the discourse between nations to say to Saddam Hussein, if you do that, here is the result? Or is there a suspicion that it was politically advantageous to let Saddam Hussein move, and then you have a quick little action, and a certain person running for the highest elected office in the world suddenly looks decisive? It is more than cynicism to analyze that in a fair way.

No. 6. Why did the administration not respond when Iran recently attacked one of the two Kurdish factions, the one backed by Baghdad, which led to Iraq's decision to retaliate against the Iranian-backed Kurdish faction? Why did we not respond then when the initial fighting started a while ago? It was not ever in the press. They were busy at the Democratic convention.

No. 7. Why is our military response only minimal and nonthreatening to the Iraqi forces in the North?

No. 8. Will the United States escalate its response if Iraq attacks the aforementioned Sulaimaniya or Kurkuk? Or what if its forces just remain in the region? They are still occupying Irbil. There are some reports they are pulling out, but not all of their forces.

They are still occupying what is considered the capital of the Kurdish part of Iraq. Irbil is where the two helicopters that were shot down April of 1994 in that horrible friendly fire mess where two F–15 pilots destroyed their careers, they are through flying, got either out of the AIr Force or leaving it. One is gone and one is about to leave. We shot down two U.N.-controlled H–60 Blackhawks with 13 people on each one, and the majority of those people were Americans: a tragedy. Where were they heading? Toward Irbil, which is above the no-fly zone. So now Saddam Hussein has total control, if he chooses over Sulaimaniya and Kirkuk.

No. 9. What attempts are made to gather allied and other Middle Eastern support for further action? This is where former President George Bush shined. He brought together not a dozen nations, not 15, not two dozen, 28 nations in the allied coalition. He even brought the declining Gorbachev on board. It was an amazing feat of diplomacy for George Bush and Jim Baker, the Secretary of State, to build this coalition. Who is with us? As I mentioned, not the French, not Turkey. Just our standby mother country, Great Britain.

□ 1615

No. 10, and this is the most important question of all: What is the next step for our United States? What is our response? What is the follow-through? This is what all the thoughtful retired military analysts are saying on CNN and the three networks. It is amazing. This is the reason, the imperial presidency, that our debate was so important today about the Armed Forces Protection Act.

Now, I have the votes here, and if anybody is just getting home, Mr. Speaker, following these two votes today, let me tell our military across the world that both the Bartlett amendment, of which I was an original cosponsor and helped him get through and get to the floor to join the United States Armed Forces Protection Act, the vote on the Bartlett amendment was 276 to 130. We only lost 11 Republicans; we picked up 65 Democrats, a lot of absentees today because last night and today are comeback days from a long district work period, 28 people were not voting today, 276 to 130, but the final passage on BARTLETT's amendment was to not have American forces wearing the uniforms of other countries, the blue beret, sewing on patches.

I said during the debate that there is nothing wrong with an arm band, military policemen put on an arm band, Shore Patrol wear it, take it off during off duty; nothing wrong with a temporary arm band.

When the French went into Rwanda, they did not put on any uniforms. They told the warring factions there that if anybody killed a Frenchman, they would meet, and the translation is almost perfect, with more violence than they had ever conceived of in their lives; and in French uniforms, they protected the French force, clearing the way for our C–5's, our big Galaxies, to come into Goma and free the people from the genocidal slaughter in Rwanda that is now taking place in the country next to it in Burundi.

When we go in with those big C–5's, or C–1's, 41's, we do not paint powder blue on the U.S. flag. They know that is the American flag coming in there.

As I said in the debate today, what good did it do in Bosnia on the Serbian-Muslim confrontation line to have U.N. forces there trying to protect Srebrenica and Zepa, two U.N.-protected sanctuary enclaves and that is where some of the worst genocidal slaughters took place. After they had taken the weapons away from the U.N. forces with their blue helmets and blue berets, the Ukrainians, the Dutch, one of the Scandinavia units, took their shoes off of them, took their weapons away, took their U.N. blue berets and ground them in the dirt and then handcuffed them or tied them to small tactical targets in the area. So much for respect for the U.N. regalia that they put over their uniforms. Unbelievable.

So it was important that that pass 276 to 130.

But final passage, the United States Armed Forces Protection Act itself, if we did not have 26 not-voting absentees today, we would have passed 300, which is always a huge victory around here. As it is, the vote is 299 to 109. We only lost five Republicans this time, and we picked up 81 Democrats to say that the United States forces will not be put under U.N. command or foreign command, and that means unless there is a treaty like NATO, which is approaching its 50th anniversary, where we train military maneuvers together several times a year, where the officer corps has the same training standards, where the NCO corps meets and trains together year in and year out and the treaty with NATO was ratified constitutionally in the U.S. Senate, and debated in this, the appropriations House, for the funding to satisfy it.

Clinton's veto last year of the defense authorization bill made this legislation that was passed today necessary, and it will be taken up soon in the Senate, and I predict it will pass there. Our Congress has repeatedly passed measures extending protection to our U.S. troops in the field that have been under command in U.N. peacekeeping operations. I discussed the Somalia operation.

Mr. Speaker, I am the last Congressman out of Somalia. I came out of there just a few days after the slaughter of our Rangers, the world's greatest and I mean, bar none, helicopter regiment in the world, the 160th Aviation Special Operations regiment up at Fort Campbell, and of course our great Delta force where five men were killed, two of them won the Medal of Honor, for demanding three times to go down on the ground and try to rescue Michael Durrant's crew. At least they rescued Warrant Officer Durrant.

Now, were it not for Clinton's veto of last year's authorization bill, we could not even get it in the authorization bill; hence, this freestanding legislation. These protections would already be the law of the land if he had not demanded that we take out the big three. No U.S. under foreign command, no misadventures like Somalia, Haiti and Bosnia without congressional constitutional debate and approval or rejection, and the third one was no missile defense of America's homeland. Those three big geese he took out.

But when he signed the bill on February 10th in the Rose Garden, what did he attack? BOB DORNAN's legislation that he had to sign into law, honorably discharging people who had contracted in one or two cases innocently, not through their own conduct, a philandering husband bringing it back to a sergeant wife, but in the other 1,000 cases, by breaking the U.S. military code, the uniform code of military justice, by the smallest category, putting a dirty needle in their arm, using drugs, that is a prima facie case and a zero tolerance military case of somebody who should not be on active duty, a tiny little percentage of that, a smaller percentage of those who disobeyed their commanders' orders not to go to houses of prostitution where the prostitutes were 100 percent infected with a fatal venereal disease, and the biggest category of all, which is a prima facie violation of the UCMJ laws against sodomy.

One thousand people would have been discharged August the 10th if the Democrats and a handful of Republicans, who fortunately are retiring from the U.S. Senate, demanded that the Dornan language be taken out when we passed that continuing appropriations bill back in April, and out the law came.

What I am going to discuss, the point here, is something else that I got signed into law, the Bob Dole-Ben Gilman law, the first rewrite since 1942 of how we handle American men and women missing in combat situations; and now with the recently passed authorization bill, seven provisions were gutted out of that law that Clinton signed on February 10th of this year, 1996, and we will have hearings next week, markup of a bill, a freestanding bill just like this, on which I already have a record number of cosponsors, including you, Mr. Speaker, because I have every Republican in the House, 235 of us, Mr SANDERS, our only Independent, the gentleman from Vermont, and 30 Democrats bringing on more and more every day.

Then we have to find the vehicle to stop these protections for POW's being stripped out of the law before we adjourn here on Friday, the 27th of this very month.

So those were important debates today, and it impacts upon what is happening in Iraq at this very moment, if Clinton just arbitrarily decides to back up the high technology of the missiles with actual airmen or Army forces, Special Ops forces on the ground.

Mr. Speaker, it is important that I point out on the Bartlett amendment, that 276 vote was it, the 276 winning vote that Admiral Boorda tragically, in a depressed state of mind, made an important judgment call and destroyed himself. Yes, threw himself back into God's arms. There is never cause for that unless someone is in a deeply depressed state, and it appears he was and God will be merciful, but he killed himself over $1, or $1.50, a little V, a little Roman number V that you put on a Navy commendation medal that says valor was involved and that he won it off the coast of Vietnam.

Whatever slight question there was there, he had taken the V off of his ribbons, two commendation ribbons, the year before. Why he would have let Newsweek, on a hounding mission, drive him to this desperation where he goes to the oldest Navy post in the world, the Navy Yard down on the Anacostia River, and shoots himself in the heart, why he would do that, I do not know. But it shows him how important medals, ribbons, regalia, berets, as I said on the floor, an Army Green Beret, how they feel about their green beret.

Ask British paratroopers how they feel about their red beret, or our paratroopers. Ask the Navy Seals, who wear black berets, how they feel about their particular main designating uniform, and you will see that there is a big difference between an arm band and asking someone to sew on a patch over their patch or to wear a belt or a helmet or a beret that is the color of the United Nations.

And get this, I was not able to get the time to put this in the RECORD. You are an ex-Army officer, Mr. Speaker, from Oregon, our Speaker pro tem today. Are you aware, and this is in an article from the Washington Times, June 26th, by a U.N. official, American official at the United Nations, Joe Sills, S-I-L-L-S. He is director of the U.N. Information Center right here in the District. He conceded June 27th, in an article that he wrote, that U.N. commanders, not U.S., U.N. commanders, but all the other U.N. commanders, I do not know about the Brits, that shockingly, they take an oath of exclusive allegiance to the United Nations. An oath of exclusive allegiance to the United Nations, and they sign an employment contract with the U.N. that transforms them into U.N. military; in other words, U.N. mercenaries.

That was the situation with the Finnish officer in command, used to be a Communist country, when I was visiting there this very week last year, and that is the situation that I think the Scandinavian officer that is in charge now. There was some controversy between Mr. DELLUMS and myself over my putting two thoughts together on the Constitution. Well, I usually carry a Constitution in my pocket, and I wanted to put in the RECORD at this point, Mr. Speaker, exactly the words in this just amazing document that when you read it, it is so short.

I faxed this out of a standard almanac and when you take it, it is only four pages, two pieces of paper, just seven articles before you get to the 10 original articles in the Bill of Rights, the added amendments, just 7 amendments in the original articles. And in article I is where it delineates the powers of Congress. It is 130 words, only.

But in article II, the subservient article, it is only 16 words about the President being the commander in chief, and here are those very 16 words: The President shall be commander in chief of the Army and Navy of the United States. And then there is a comma, followed by 18 more words, because we did not have a standing Army, and a very small standing Navy, and of the militia of the several States, when called into the actual service of the United States.

And except for emergencies, who calls them into active service? What we now would call the Reserves and the National Guard, not militia, we do, the Congress.

So there are the President's 34 words, 16 and 18, involving the militia. Here are the key 130 words in the first article of our Constitution, section 8, the powers of Congress.

□ 1630

There are many things about borrowing money, regulating commerce, the rule of naturalization, how to coin money, punishment of counterfeiting, post offices, all these domestic issues come before the following. Here begins the 130 words.

We start with the 5 words at the beginning, so it is actually 135 words:

"The Congress shall have power," colon, and those other things I mention, and it comes, "Shall have power to declare war, grant letters of Marque and Reprisal." A little 18th century language in there. "To make rules concerning captures on land and water."

That means the capture of our people. That means the Congress decides when someone is a prisoner of war, not Lyndon Baines Johnson saying they are detained by a hostile power. Anyone captured in Southeast Asia, therefore, in Loas, in Cambodia and in the north of Vietnam and the south, they called our captured people air pirates or war criminals, never the dignity of the term prisoner of war, basically not right until the very end. But of course once Nixon had come into office under Melvin Laird, they were called POW's. Actually once we got rid of McNamara with his ignominious and disgraceful resignation on Leap Year Day in 1968, the bloodiest month of the war, he walks off the battlefield drenched in blood, symbolically, with hundreds of POW's up in Hanoi being tortured, at least 12 tortured to death, 100 executed in the villages. Once he walked off we started calling them properly, our missing, prisoners.

So to make rules concerning capture on land and water. Here come the powerful words that are on a plaque right outside the main door of the Armed Services, now the Committee on National Security: "To raise and support armies." And then a side though at still to this day for over two centuries dictates our budget process. We would all like to have some kind of continuity of 2, 3, 5 years on the defense budget but we are restrained by this amazing document. "But no appropriation of money to that use"—supporting armies—"shall be for a longer term than 2 years."

"To provide and maintain a Navy." The reason Navy is singular and armies are plural is because we did have different armies fighting in the Revolutionary War, George Washington, the South and support for his troops but under different command in the Carolinas and Georgia. So Navy meant they were only looking at the Atlantic. They could not foresee yet a full-time presence, the 6th Fleet in the Med or the 7th Fleet in the Pacific. So Navy is singular.

But to raise and support armies, to provide and maintain a Navy, that is this Congress. That means uniforms, equipment, what type of aircraft, what pay, what type of recruiting and how many people will be in uniform. That is why when Presidents in both parties stand on their high horse about their Defense budget, they propose. We decide what the defense structure of our America will be and we will fund it properly.

Now, it continues, these 135 words: "To make rules for the Government and regulation of the land and naval forces." Whether or not there will be homosexuals on active duty is not Clinton's call, it is the call of this Congress.

They would not even have a vote on this House floor. The few voices for recruiting homosexuals, male and female, no vote in this House. They tried to do all that in star chamber, behind the scenes, roll us in the conference committees.

"To provide for calling forth the militia." There it is. Except in emergency, a hurricane or something with Governors having their proper—I am coming to that—control of the militia, that is, the National Guard, but to provide for calling forth the militia, the Reserves and the National Guard.

"To execute the laws of the Union, suppress insurrections and repel invasions." That is a repeating of the declaration of war power of this Congress over the President, the 16 words, that he is the commander when the fighting starts that we declare because you cannot have 535 commanders.

Next. "To provide for organizing, arming, and disciplining of the militia." When you call up the Guard, we decide what discipline they will be under.

"And for governing such part of them"—the Reserves—"as may be employed in the service of the United States, reserving to the States respectively"—we are a Federal system—"the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress," this U.S. Congress. I wanted it on the record. The imperial Presidency, out of control once again, must be debated finally, this delineation of power, in the 105th Congress. We do not have time to do it over the next 3 weeks. We have to pass 12 spending bills, and as we just heard announced by the gentleman from Texas [Mr. ARMEY], our majority leader, we are going to roll votes on Tuesday. So when we come back in Wednesday at noon for voting, there goes another week, and then we are down to a few productive days until we adjourn on September 27 and the majority leader told me he intends to stick to that prediction on the 27th. Now, end of the military constitutional part of my remarks.

Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. COOLEY). The gentleman from California has approximately 14 minutes.

Mr. DORNAN. That is enough to discuss this tragedy.

Mr. Speaker, I am looking at the new Time magazine. Donald Rumsfeld, who served 10 years in this Congress, served well, was appointed as one of the youngest Secretaries of Defense, I think the youngest in the history of our Nation, by Jerry Ford, although he only got to serve a year in that distinguished post. I understand that on Meet the Press this weekend—I was, as I said, in Great Britain at an air base—my wife tells me that Rumsfeld was asked about the Richard Morris mess and that he said, "It doesn't matter." That is what it says on the cover of Time: The Morris Mess. He said, "It doesn't matter." He dismissed it. Well, I think it does matter. Here is the architect of Clinton's comeback based on family values and small issues.

Clinton stood right below the Speaker, at that second lectern, in his State of the Union and said clearly, the era of big Government is over. So he had to deal with little things. And he mentioned about three dozen in his acceptance speech at the Democratic Convention in Chicago. But we see him dealing with little things, mostly involving our future children, his 1 daughter, my 3 daughters, 2 sons, and 11 grandchildren, God willing, this December. I have got a higher stake in this than the Clintons.

And he talks about school uniforms, which my kids wore, 5 times 8, yes, 40 years my children wore school uniforms, not in high school but 5 children times 8 years of grade school, they wore school uniforms. And police uniforms. How many speeches have I made dedicated to our men and women wearing blue and Khaki, who put their lives on the line for us domestically around this country, to the increasing violence level and crime.

And military. And obviously when I am having breakfast with enlisted people and sergeants and lunches and dinners, which is what a lot of us do who are on the Armed Services or Committee on National Security traveling, when I meet with them, sometimes it is outspoken, sometimes it is in just half sentences or half thoughts buried beneath the discourse. The morale in our military is better than the morale in our Secret Service or our FBI because they are further away, the ones I see in the field, from some of the disgraces and scandals that take place in this country.

I will bring a chart to this floor next week showing how many of Clinton's associates through all of his political career are dead, in jail, disgraced, out of the public eye. It is astounding. I had a Democrat who I will not mention tell me in this aisle, just before we adjourned in August, that it is dangerous to be a friend of the Clintons. You end up either dead or in prison or indicted. That is from a Texan, a good man.

Here is this cover and, I think it creates a problem for our teachers across this country. Here are, I cannot call them the Morrises, because like Hillary in the first gubernational term from 1979 through January 1981, Hillary did not use the name Clinton, she used her maiden name, and I guess Morris's wife does not use it because it is not in the whole article for eight pages. It is Eileen McGann. Dick Morris and wife Eileen McGann back home in Connecticut last Friday.

This is what adultery gets you, the cover of Time magazine. He was on last week's Time magazine, a rather handsome picture of Clinton with him in a little cutout sitting on his shoulder, like that old Disney cartoon of the devil and the angel, and he is sitting there and it says "The man who has the President's ear," and he is back on the cover of Time.

I asked the Library of Congress, they gave me a guesstimate, going to have the figures for me when I get back to my office, I guess, of how many Time magazine covers in a 52-week calendar period are devoted to human beings, because we have some covers on vitamins, on crime, or housing, sometimes a racehorse like Secretariat taking the Triple Crown will hit, it will be on Time, Newsweek, and U.S. News. But how many people are honored or dishonored with a Time magazine cover? Very few 2 weeks in a row. You have to be a President or a Prime Minister with a war starting to get back-to-back covers. I think Nixon did it for unhappy reasons, but here is Dick Morris on the cover of Time magazine 2 weeks in a row.

And this cover is not because of an affair with some person that he fancied he was in love with at work, away from his lawyer wife Eileen McGann in Connecticut, not a one night stand like some weak businessman juicing up in a topless bar and betraying his wife. This is a $200-an-hour call girl, hooker for 10 months on a $500-a-night Democratic campaign donation, people who fund the Democratic party.

My mailing list would collapse, my donations, which is I think the best balance of PAC money—2 or 3 percent—to small donations, to itemized people, that is $200 or up, I think I have got the best balance of anybody in either party in the House—but mine would collapse, those small little unitemized donors, if they thought that I was living at $500 a night, and that is on the candidate.

This guy is a consultant and he is eating up Democrat money, big chateaubriand meals at night. The basic rate is $440 a night at the Jefferson Hotel up on 15th street. That is where he is meeting with this call girl, call woman, Reynolds, whatever this prostitute calls herself. She was on Hard Copy last night, kids across America watching this.

What does a school teacher do, Mr. Speaker, when they have to explain to kids that for high-powered 10-month adultery, your wife will pose with you on the cover of Time. And listen to her article here. Of course she writes, "Let he who is without sin throw the first stone."

And then it is a 6-page article. "Even if this destroys me," he says. Destroys him? He signed a book contract with Random House today, Mr. Speaker. How many millions will that involve, publicly giving this scandal to the Nation? She ends with these words, McGann: "I didn't want to question him on the details. I thought it would bring further hurt."

I do not think I believe that. I see you smiling ear to ear. No questioning on the details.

"It was too soon," she said. Oh, the crockery flies later, after the book deal is signed. She says, "Let he who is without sin cast the first stone. My advice, that we just had to get past it. I accepted Dick's apology. Dick and I talked about the story again that night. He was very, very upset."

How was she feeling? Was her heart seized with pain, or is this the Hillary school, if you can reflect and bask in the glory of the power, that you will take these hammer blows and insults.

"But he was forlorn. I thought it would be destructive to ask about the details and to try and find out what was true."

☐ 1645

I am sure. As the young people would say, yeah, sure.

"On Friday, we had lunch on our little terrace overlooking our garden."

Oh, how prosaic. How utterly Victorian hypocrisy this all is.

"There were these press creatures lurking in the wildlife preserve behind our house trying to take pictures."

Why would they do that, when you can get a picture of them in their dining room, a picture of them in their garde, if you have the Time Magazine contract to follow up on last week, and the picture posed, these are the dining room curtains, you can see if from the little dinner scene. I guess there are no children. How would they be devastated in the Morris-McGann household if there were children?

But she said, "Our golden retriever named after Disraeli has been following Dick around offering him comfort."

Oh, the golden retriever is giving his comfort, and she is accepting his apologies.

"Tomorrow a friend is going to bring us another puppy, which I am going to name Bismarck, and we will call him Bizzy."

I don't understand the Bismarck connection there. He went down in flames.

"Maybe that will help. We are going to try to heal. The Random House book contract will help."

This is pathetic. I will ask you something you already know, Mr. Speaker: We had an Air Force three star general leave the command, the Southern Command, for one brief adulterous situation, and leave his beloved U.S. Air Force in disgrace.

If this was a CEO of any corporation in America, I think the pressure from the stockholders would say it is all over. It happened to DeLorean when he was CEO of Pontiac. He lost becoming chairman of General Motors over something far less than this. Any military officer I know in America, it would be the end of their career.

But what does he get? A call the next day from the leader of the free world, from Hillary Clinton, and from Vice President AL GORE. I wonder if they were trying to fend off a Vincent Foster nightmare, to make sure he was doing okay, is why they called.

What is happening to our country, Mr. Speaker? What is going on in the United States of America, that we are unable to absorb a scandal for the importance that it has, and dismiss all this stuff, as though it does not count and it does not reflect upon the highest office in the land.

We are in for a tough 4 years if the Dole-Kemp team cannot catch and close the lead and dismiss the self-serving adventure of my friend Ross Perot, who I had always considered a patriot for what he had done for our POW's and our missing men in particular.

I do not know what the next 60 or so days are going to bring us, but if this country is going to tolerate and glorify this kind of scandal at the top, then our decline as a civilization is proceeding at a faster collapsing rate than I had ever assumed.

When I would think Richard Morris, who claims to be a Republican, would ponder, is what was read in the homily and in the Gospel at Lincoln Heath Air Force Base where I went to mass Sunday.

First it says in the epistle, Peter's letter to the Romans, do not conform yourself to this age. Romans 12, verses 1, 2. And then the gospel, this last Sunday, Matthew 16, 21 to 27, whoever would save his life in this world, will lose it. But whoever loses his life for My sake will find it.

This is Jesus speaking.

What profit would a man show if he were to gain the whole world and ruin himself in the process? Even getting a book contract. What can a man offer in exchange for this very self?

I like the old translation, what does it profit a man to gain the whole world and lose his soul?

The Son of Man will come with His father's glory accompanied by His angels, and when He does, he will repay each man according to his conduct.

My advice for the Morrises would be to disappear into a retreat, a decent obscurity; forget the lousy book contract, and try and rebuild your life again with some dignity.

For our voters across this country, I would tell them this, and I am going to say it over and over in the next 3 weeks with as many special orders as I can get: Mr. Speaker, November the 5th is not just an IQ test for every voter in this Nation who bothers to go to the polls. It is a morality test. If you do not vote for Dole and Kemp, you flunk a morality test in this United States of America in the year of our Lord 1996, and you flunk the IQ test too.

ISSUES CONFRONTING CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I would like to address a series of issues this afternoon. Last month we watched the Republican Convention, and Bob Dole called it a success. I think that convention was probably more remarkable for what was not said than what was said. In 4 days' time, there was no mention of the Contract on America; there was no mention of the Gingrich revolution; there was no mention of the freshman class.

Mr. Speaker, from what I could tell, the Speaker himself spent the convention in the witness protection program. He was not available, he was not seen.

Four years ago the Republicans said "Read our lips." Two years ago they said "Read our contract." This year they said, "Please don't read our program."

The Republican platform was written by the folks who put together what we have been arguing about rather vociferously over the past, oh, I would say a year and a half, the same folks that put together the Medicare cutting and the education slashing and the Medicaid dicing and the environmental chopping program that we have been trying to repel here in the Congress.

Now, my colleagues may not want to talk about it, but we remember and the American people remember, they remember Medicare, they remember the Speaker saying he wants Medicare to wither on the vine. They remember my friend DICK ARMEY saying Medicare was a program he would have no part of in a free world. They remember Bob Dole bragging about his vote against Medicare back in 1965.

The Gingrich think tank newsletter, which was issued, the first one I believe, volume 1 of that newsletter, had this banner headline: "For freedom's sake, eliminate Social Security." I will repeat that again. Mr. GINGRICH's own think tank in their first, I believe it was their first, newsletter that they published had this headline in their newsletter: "For freedom's sake, eliminate Social Security."

So you not only have an attack on Medicare, we have an attack on Social Security.

Now, what is so devastating about this is that we are talking about programs that affect a portion of our population, a rather huge portion of our population, that is on a fixed income. I quite frankly did not realize how fixed that income was until a study was released by the Department of Labor that showed that 60 percent of the seniors in this country have incomes of $10,000 a year or less. That includes their Social Security and any annuity that they may have.

That is quite remarkable, when you think that that large a segment of the American population with that relatively meager income would be the target on two of the programs that provide the foundation for their income, Social Security and Medicare, of our new Republican majority.

Senior citizens will remember, Mr. Speaker, the fact that they were arrested when they came here to protest cuts in Medicare. They were arrested in this Capitol. Two hundred seventy billion dollar cut in Medicare, they will remember that, in order to take that, put it in the pot, and use it for tax breaks that primarily went to the wealthiest individuals and corporations in our society.

They will remember the double premiums, the raiding on nursing homes and those regulations that were established to get rid of the abuses in nursing homes in our society, and doing away with that entirely in the budget bill that my colleagues on this side of the aisle presented to us.

I will say also that the American people will remember the cuts in education, the biggest cuts in the history of this country in education. Tens of thousands of kids, they tried to kick off student loans. One million kids kicked off math and reading programs; 48,000 kicked off Head Start; 23 million kids eliminated from the DARE Program and the Safe and Drug-Free Schools Program. That is the program that teaches our kids to say no to drugs, to say no to gang violence. It teaches them the values that are necessary for them to lead a healthy and productive life as children and as adolescents.

All of these things were attacked, and we stood up, we said no. The President said no and vetoed these bills. We had the support of enough Members to make sure that those vetoes were not overridden. So I think the American people are going to well remember the rather sorry and, if I may take it a step further, pathetic record of this Congress with respect to education. The seniors will certainly remember this Congress, this Republican-led Congress' efforts with regard to Medicare and Medicaid.

And if you are interested in the environment, which is the future, it is what we have, what we really have borrowed, we have no right to despoil, that we pass on to our children and grandchildren, hopefully in the form of clean air and clean water and unspoiled lands, the American people are going to remember this Congress going after the environment. Twenty-five percent cut to the environmental protection in this Congress in their budget bill; efforts to stop EPA enforcement and Superfund cleanup; efforts to stop going ahead with safe drinking water programs.

We have drinking water problems all over the country now. In this city it is not recommended that you drink out of the tap. There are places all over the country where that is the case because the water is not safe. The reason it is not safe is because parasites are getting into the system, parasites like cryptosporidium that got into the drinking water system in Milwaukee. One hundred four people were killed because of that; 400 became seriously ill.

These problems are about us around the country, and we need to do something to upgrade these systems. They do not last forever. Once you build them, there are no assurances that

that road or bridge or sewer system or water system is going to be there. You have to maintain it. You have to refurbish it. You have to replace it.

But what happened in this Republican-led Congress? They voted to slash the funding to do those things, to stop raw sewage dumped into our drinking water, which is a big problem in my own area. We have been working to make sure that Lake St. Clair, which is the lifeblood of the Metropolitan Detroit Area with respect to water and fishing and recreation and many other things, is severely ill. We are trying to upgrade the sewage systems in the Metropolitan Detroit Area to make sure that that lake survives and is used in the productive way that it has historically been used.

But they voted to cut the sewer grant money. I have a community in Marysville up in my district, St. Clair County, a huge multimillion dollar grant, would have been slashed, done away with, had their proposal gone into effect. So local sewage projects have been frozen.

Of course, we are going to remember families because of the raid that they allowed, the Republican Congress, on pensions, allowed corporations to go in and raid pension funds of employees. That is not their money. That is the money of the employees. They worked for that money, they earned that money, and they have every right to expect when they retire that those pension dollars are going to be there for them, not siphoned off by some corporate heads to pay for expansion overseas, where their jobs are going to eventually go, or pay for increased salaries of their executives. Executive salaries already in this country have reached levels proportionate to the average worker salaries that are reaching really obscene levels.

Back in the 1960's, the average CEO's salary was about 12 times more than the average worker. It steadily climbed until today it is 187 times more than the average worker. If you go to the top 30 corporations in America, it is 225 times more.

And what do they want to do? They want to get in there and take the pension money of people who have worked and struggled to put together a life for themselves once they retire. It is one of the worst, inhumane, cruel things you can do to a person and a family.

☐ 1700

There are people who work every day who take a good part of that day while they are working daydreaming about the day that they can retire, enjoy themselves, take a little trip with their family, work in the yard. I do not know about my colleagues, but I have too often faced case work in my district where an individual will wake up and the company is gone and their pension is gone with them, just vanished. Or this example: They find a little note in their mailbox that says, well, because your health insurance premiums have increased so much, we are going to deduct that from your pension.

So they end up with virtually no pension in order to cover the cost of their health premiums. It goes on every day in this country. It affects literally thousands and thousands and thousands and hundreds of thousands of people. And this Congress wanted to allow corporations to come in and continue the raid on workers' pensions.

I think it is important to remember this Congress shut down the Government twice, shut it down. I remember colleagues coming down on this side of the aisle into this well before these microphones saying, let us shut it down, let us shut it down; not understanding that there are some functions that the Government has to do: road service, police protection, military service, things that are important to the functioning of the country. Yet, they came down here and closed the Government twice.

Of course, they tried mightily to block the minimum wage. We brought the minimum wage to the floor five times to get a vote to take it up, and we were rejected each and every time. But do you know what? On each vote we got a little closer to a majority. They finally realized over there that this is going to pass. They figured out that the gentleman from Michigan [Mr. BONIOR] and his motions were eventually going to get enough votes, and they were going to be left in the short.

So, after blocking and delaying and ducking for over a year, they finally brought the bill to the floor. We passed actually a pretty good bill. I might add that my colleagues on this side of the aisle added some very good provisions with respect to small business that I think added to that bill and made it more acceptable and workable for the small business community. I applaud them for that action. But it took almost 1½ years to get that done because they just do not understand or sense or feel the agony of having to work for $4.25 an hour. You cannot raise a family on $4.25 an hour. That is less than $8,500 a year. What happens when people make $4.25 an hour? They end up working two jobs, three jobs, a lot of overtime.

When they do that, they are not home when their kids get home from school. They are not there to teach them right from wrong. Father is not there for little league or soccer practice. He is not there for dinner conversations. Then the whole fabric of civil society starts to unravel and the social pathologies, delinquencies, gang violence, drugs, all these things get manifested and blown up to the point where they become serious social problems in our society.

So the minimum wage, while it may seem simple and it may not affect a lot of people, it affected 10 million people, most of them adults, about 66 percent of those adults and most of those women with children. It was important because it was a symbol that this Congress wanted to say that, when you work, you ought to be rewarded for your work and that work was better than welfare.

As we move people off welfare, we have got to be able to pay them decent wages so they can maintain themselves and their families. But our colleagues on this side of the aisle spent a good part of the year deciding that was not going to happen.

Of course, the Republican leadership on this side of the aisle eventually voted against the minimum wage altogether at the end anyway. The gentleman from Texas [Mr. ARMEY] voted against it, the majority leader. He said he would fight it with every fiber of his being and he did. He lost, but he voted against it at the end.

I suspect we should commend him for it, because he lived up to his word; but it was not with his help that we were able to provide an $1,800 increase in salary a year for these 10 million American workers who need it in order to raise their families and live a decent life. It is still too low, but we made some efforts to increase it for the first time in 40 years. I think those folks who supported that ought to feel good about that. The gentleman from Ohio [Mr. BOEHNER], the caucus leader, the conference leader in the Republican Party, he voted against it. The gentleman from Texas [Mr. DELAY], their No. 3 person, the whip voted against it.

So as we get ready to wrap up this Congress, and we are coming very close to that, Mr. Speaker, we probably have a couple, 3 weeks left here. I must say it has been quite a disappointment. But we have been able to withstand a lot of the onslaught by the Republican majority on the Medicare front, the Medicaid front, education, the environment, and some of these worker issues. But the people will speak, as they do every 2 years. They will have the opportunity to make a judgment on whether they approve of the work of this Congress or whether they do not approve of the work of this Congress.

I am anxious to take this case to the American people and to my district. I think what we have seen in this Congress is a squandering of a lot of valuable time to deal with the issues that people really care about, the issues that folks talk about around the kitchen table.

What do they talk about? Do they talk about, as the gentleman from Connecticut [Mr. SHAYS] said last night on the House floor, proxy voting? Is that important for the American people? He got up here and made a little speech last night about how proud he was of getting rid of proxy voting. I agreed with him, I supported that. But that is not what people talk about.

What they talk about is pensions. They talk about how they are going to afford to get an education for their kids to go to college. They talk about whether their drinking water is safe. They talk about what kind of job and what protections they have on their job. They talk about things that affect them on a daily basis.

What they want is an opportunity to be successful, and what we need to do is provide them the opportunity so they can be successful themselves, not have to worry about that pension going kerplooey on them after 20 or 30 years of work. We ought to make pensions portable, that is what we ought to be doing instead of letting corporations come in and raid pensions.

Mr. Speaker, we ought to make it portable so that if you move from this job one year to another job, you carry your pension with you and it builds up. It is an easy thing to do. It is not that complicated. But that is what we ought to be focusing on. We ought to be focusing on the opportunities for their children to go to college. It is expensive to go to college, anywhere between $10,000 and $15,000 a year if you are going away. Some places it is as high as $20,000 and $25,000. Those families cannot afford that.

What are we doing about it? What we ought to be doing, as the President has suggested and we have suggested, is providing about a $10,000 tax deduction for these families to send their kids to school. That would help. That is something that they could get excited about.

And leave those student loans alone. They are there for a reason. They work. Education is the best investment we can make in this country. It has historically been so. In my lifetime it started after the Second World War with the GI bill. They made a huge difference in the human resource potential and capability of this country.

The National Defense Act that occurred a decade or so later made a big difference. So we put student loans into effect so students could afford to go to school without having to pay exorbitant interest rates once they left school. Now in this Congress an attempt to roll back student loans. I guess what irritates me about that is a lot of the newer Members on the Republican side of the aisle got through college on student loans. PHIL GRAMM got through school on students loans. NEWT GINGRICH got through college on student loans. In fact if it was not for student loans they would not be where they are today, which is the only good reason from my perspective to be against student loans. A little joke, but nonetheless, they want to pull the ladder up now and not let anyone else climb it.

That is not the way I think the country ought to operate. We work best when we pull together as a community, each helping one another, making opportunities for each other, not alone, not as rugged individualists, but working as a community. It is what really is great about America, the sense of community, going into neighborhoods across this country and watching all the activities that occur.

George Bush was absolutely right. Maybe he did not use the best phrase, but remember when he said he was excited about this thing called 1,000 points of light. I thought it was a pretty good phrase, but a lot of people made fun of it. What he was talking about was community. He was talking about folks coming together at the PTA, the little league, the ethnic clubs, the sports groups, the folks that work the Habitat for Humanity crowd, all these different organizations out there doing things, giving to the community, giving to others, being creative, the Rotary, the Lions, the religious organizations. It is really what this is all about. It is pulling together, people pulling together, not individuals doing it on their own.

It takes a community today to raise a child. It starts in the home. It starts with the parents. Of course, they are the core, but it takes more than that. It takes safe streets, it takes good schools. It takes great teachers. It takes a lot of things to make this work. We have got to get back to that. We have got to get back to that.

In conclusion, let me just say, Mr. Speaker, I hope that this next Congress, whomever is in charge, and I hope it is us, but we will find out in about 2 months, will adopt this sense of community and this spirit that has brought us forward over these past 200 years in this country, because it really is what is at the heart of America.

If we do that again, I think we will hopefully become a more collegial body and work together to talk about the issues that are so important to the American people, the things they talk about at the kitchen table, at the picnic table, the things that are really important to them, and get away from this whole notion that the world revolves around line item vetoes or proxy voting or unfunded mandates.

I mean, some of these things may procedurally be important to do, but really, it is not really where folks want us to laser in on their problems. They want us to focus in on the things that they care about: their education, their pensions, their health care, their wages. Those are the things that matter. And their families, their families, making sure that the family works together, stays together, operates as a unit.

With that, Mr. Speaker, I wish you a good evening.

FIGHTING CRIME TO PROTECT THE AMERICAN DREAM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 20 minutes.

Mr. CHRISTENSEN. Mr. Speaker, during the month of August, I had the opportunity to spend some quality time with my fellow Nebraskans. During that month I knocked on over 3,500 doors and discovered that, willing or not, people are beginning to focus on the elections just 61 days away now.

The November elections are going to be very historic for, as a nation, we are poised to get ready for the 21st century, where we will set the course for flagship America and where that course will go into many uncharted waters.

This November, we are going to be selecting a helmsman to lead our Nation into the next century to steer that Nation, to steer our Nation on a safe and steady course. This November, we will decide whether to elect the reform Congress, one that I believe has accomplished more in over a generation than any other Congress, or return to the status quo of higher taxes, bigger Government, bloated bureaucracy, unprecedented arrogance that came with 40 years of one-party Democratic rule.

I heard the former speaker talk about the fact that it takes a village to raise a child. It does not take a village to raise a child. It takes a parent. It takes two parents. It takes people that care about a child to raise that child up right.

I think that is what this November election is going to be about: restoring the American dream for that child. To each of us it means a little bit different. To some it means going to college. To others it might mean owning a home. To others it might mean being an entrepreneur and starting your own business. It means getting married to some and starting a family.

☐ 1715

As a Member of Congress I believe that the American dream has got to be centered around a few very core issues. One is balancing this country's budget to begin to pay off he $5 trillion worth of debt that hangs around our children's necks, to give them an opportunity to live in a debt-free society full of opportunity, opportunity awaiting them in the 21st century. Restoring the American dream means freeing Flagship America of the anchor of taxes and regulation and letting working families keep more of their hard-earned money and providing better opportunity for them all. Restoring the American dream means streets where seniors can stroll safely into the night and schools where children can learn without fear for their life and fear walking to school in the morning without their parent beside them.

And that is what I would like to talk with you about this evening, the violent crime and illegal drugs that are casting a long cold shadow over the American dream, for without safe streets, secure schoolyards and a drug-free future, no other element of the American dream is possible. We must have safe streets, secure schools, and a freedom from the fear for us to accomplish that American dream. I believe this is possible, and I believe we can achieve it.

You know, in Nebraska we are very fortunate. Generally we have been spared the worst of crime. The crime and horror stories that are played out on the TV screens which you see in Chicago and Los Angeles and Houston and New York does not normally happen in Omaha, but sadly that is no longer true. You know, I grew up in the rural part of Nebraska. I can remember when we left our door unlocked and the keys in the pickup. But no longer can you do that. In Omaha last year alone we had 41 killings, 8 more than in 1994. Omaha's police arrested 20 percent more juveniles in 1995 then they did in 1994. And that shadow, the shadow of crime, even took one of our brave men in blue.

You know, two studies have been released most recently that show that we are losing the war on drugs. The Health and Human Services study showed that drug abuse is climbing among our teens, putting them on a crash course with history. The study showed that drug use by our children doubled in the last 3 years. Monthly use of LSD and other halucinogens leapt 183 percent from 1992 to 1995, and 54 percent in last year alone. Cocaine shot up 166 percent; marijuana grew at 141 percent. In 1992, 1 in 20 kids dabbled in these poisons at least once a month. But last year 1 in 10 used these drugs regularly, twice as many. District 66 schools, the west side schools in my district, released a study just a couple days ago that showed that marijuana use is increasing at every grade level.

If we are to rebuild the American dream, it is here where we must begin, in our schools, in our communities, stone by stone and brick by brick. We must rebuild the foundation of this great Nation to insure freedom from fear, freedom from drugs, to achieve the opportunity for the American dream for everyone, and this new Congress has laid down the cornerstone in this historic fight.

This past year the Congress took on significant steps to make our streets safer in the quest of that American dream. We unanimously approved the Victim Restitution Act. The bill instructs courts in Federal criminal proceedings to require convicted offenders to pay restitution to their victims. The fact that we passed this Victim Restitution Act without a single dissenting vote tells me that Congress has changed and that we can work in a bipartisan fashion. Nowadays we all agree that criminals should have to pay for their misdeeds literally.

We also approved the Exclusionary Rule Reform Act which would allow prosecutors in Federal court to use evidence gathered by law enforcement officials acting in good faith. Today criminals are frequently acquitted on technicalities only because the officers investigating unknowingly stepped over some arbitrary line. We should never allow a typographical error on a warrant to be used by some slick criminal defense attorney to put a vicious criminal back on the street. I am hopeful that this bill can be approved by the other body and sent to the President soon for his signature.

We also passed the effective Death Penalty Act to limit the number of appeals of convicted felons on death row. Currently those on death row can file almost unlimited appeals, tying up the courts and using the process to escape their sentence. We have seen that again and again in Nebraska where vicious killers like "Whack 'Em" Willie Otey and John Joubert were able to cheat justice for decades. Finally the people won out, and they are put to death this year.

Now that this legislation has been signed into law, I am hopeful that justice will soon become more swift and much more certain. We passed the Violent Criminal Incarceration Act which provides resources to States for prison construction and also contained truth-in-sentencing provisions intended to make convicted criminals serve more of their prison terms that they are given.

We passed the Criminal Alien Deportation Improvements Act which strengthens our ability to deal with aliens who are convicted of serious crimes while they are in the United States. It is a shocking fact that our Federal prisons now hold more than 25 percent non-U.S. citizens. Since 1980 the number of alien inmates has skyrocketed 600 percent. Why on earth should our States pay hundreds of millions of dollars a year to incarcerate foreign drug dealers?

In the House we also passed legislation that would double the penalties for most crimes against children and against senior citizens. This legislation sends a simple and clear message to criminals that if you are so cowardly and so craven that you must prey upon the most vulnerable Americans, then plan on becoming a permanent resident of cell block B.

We also passed Megan's Law. This important legislation requires law enforcement officials to notify communities and families when a convicted sex offender is released and moves into their neighborhood. No longer will our families live in fear from the unknown. It is bad enough that some convicted sex offenders are ever released. At the very least we should let people know when they move into their neighborhood.

Working closely with my good friend Representative LIGHTFOOT, chairman of the Appropriations Subcommittee, we passed legislation that will place the Integrated Ballistic Imaging System, better known as IBIS, into the Omaha law enforcement communities. This will allow our law enforcement officials to "fingerprint" bullets used in the commission of a crime and match them up with the gun they came from.

This will make crime solving a whole lot easier for those charged with the duty of protecting us and be able to really lock the key on those convicted of a crime using a gun.

Finally, after a lot of hard work, we were able to get "high drug-trafficking" States like Nebraska earmarked with a $5 million to help us put a plug on the evils of drugs flowing down Interstate 80. It is still waiting approval over in the Senate, and we are working with Senator LOTT to try to get that through.

But I believe that each of these measures are an important factor in fighting the increased drug usage in our country, because I believe each bill, brick by brick, gets us closer to restoring that American dream.

Besides the bills that we passed here in the House, I introduced two bills that I believe will bring us closer to restoring the American dream and bringing safety to our streets and secure schools. One was my prison reform bill. On this issue I have to admit I have got some critics. Some people have said that prisoners are overcrowded. Some people have said that prisons are uncomfortable. Some people have even told me that prisoners are denied access to recreation.

To my critics I say:

So what? For too long, liberal judges, and slick criminal defense attorneys and misguided policies have turned our prisons into playhouses. To fix that, I sponsored legislation that makes it clear once and for all that our prisons are not country clubs.

First, my legislation would require prisoners to work 48 hours each week. If both parents in middle-class families are forced to work just to make ends meet, at the very least we should demand that those who have broken our laws and terrorized our families should put in an honest day's work as well.

Second, the Christensen bill requires Federal prisoners to study at least 12 hours per week.

Part of the role of the prison is to prepare convicted criminals to reenter society. It is not their choice whether to spend that time playing cards or getting their GED. It is our choice.

Third, my bill prohibits the use of weight lifting equipment in Federal prisons by Federal prisoners. Why should taxpayers be forced to pay for criminals to become stronger and more deadly so that they can prey upon our families once they reenter society? Our prisons are not for recreation, they are for incarceration.

Fourth, the Christensen bill would ban the use of televisions in Federal prisons, with a narrow exception for educational purposes. So long as just one Nebraska family cannot afford the luxury of cable television, then not one Federal prisoner should have it either.

It is time we quit treating our Federal prisons like Holiday Inns. Finally, the Christensen bill seeks to end frivolous prison litigation. Inmates right here in Nebraska, in my district, have claimed violations and have used taxpayer dollars to fight their claims in court for not having meals of their choice, complaining about soggy toast and cold hamburgers, cruel and unusual punishment because Nebraska taxpayers would not pay for a nose job. Even a right to child pornography in prison, despite the fact that the inmate was serving a sentence for first degree sexual assault on a child and manufacturing child pornography. Try finding those rights in the Constitution! But some slick criminal defense attorney probably would make that claim. The bottom line is that these lawsuits are nuts, and they must stop, and they will.

The second piece of legislation that I sponsored makes it clear that the problem with guns in our society is not the guns but the felons who use them for a criminal purpose. I call my bill the Hard Time for Gun Crimes Act. This bill would dramatically increase the penalties for possessing, brandishing, and discharging a firearm during the commission of a Federal felony.

For instance under my bill if you fire a gun during the commission of a Federal crime, if it is the first offense you will get 30 extra years in jail. If it is the second offense, you will get a minimum of 50, 50 extra years in jail.

The key message is that we have had it with gun related violence. Americans have zero tolerance for gun crime so our justice system should as well too. I think we should keep those who would misuse guns in jail and not let them walk the streets as they have done in the past. No more slick criminal defense attorneys pushing criminals to freedom through legal loopholes, no more soft sentences before the judge, no more legal gymnastics setting criminals free after a fraction of their allotted time in jail. My bill sends a very clear message:

If you want to use a gun to commit a felony, plan on spending the next few decades behind bars, no exceptions.

□ 1730

I believe that the new Congress has brought about true change. We have worked hard to balance the budget for the first time in a generation, just as we said we would. We worked hard to reduce the burden of big government on hardworking Americans and job-creating businesses, just as we said we would.

As I have laid out here today, we have worked very, very hard to make our streets safe and our schools more secure, just as we said we would. We are doing it so we can restore the American dream for every child, for every family, for a brighter and safer 21st century, because I believe together, in a bipartisan fashion, that this Congress has had a number of successes, and that together, and in future Congress, we can continue to build a future for that child, and that child than can be raised by his own parents, not the village, but by his family, for a bright and safe 21st century.

REPORT FROM INDIANA

The SPEAKER pro tempore (Mr. COOLEY). Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes

Mr. MCINTOSH. Mr. Speaker, I rise today to give my report from Indiana. Each weekend my wife Ruthie and I travel across the State of Indiana, and often we meet good people who are taking responsibility for making our communities a better place to live. In my book, these people are Hoosier heroes, Hoosier heroes because they work and sacrifice to make a difference.

Today I would like to recognize many of those individuals involved with the Lincoln Central Neighborhood Family Center in Columbus, IN, as Hoosier heroes. There are 5,000 people who live in this neighborhood, one of the older parts of Columbus. The families who live in the Lincoln Central neighborhood may be considered poor in financial terms. There are 40 percent of them who are under the poverty line. Eighty percent of the children from that neighborhood are on free or reduced lunches. But I want to submit, Mr. Speaker, that they are rich in spiritual materials, because citizens from around the city came together to form a community group to help rebuild, to clean, and to make Lincoln Central a better place to live.

They are people like Hutch Schumaker, a local businessman and community leader, who donated his time to make sure that the planning was in place and the community was behind the effort to improve Lincoln Central neighborhood; people like Randy Allman, who is the coordinator of the Lincoln Central neighborhood group, who is responsible for conversion of the armory into single apartments for senior citizens; and Kate Garvey, who is a local resident. She has been very active in the planning committee, making sure people from the community are involved in this effort.

Then there is Diane Doup, who is the activities coordinator. She is responsible for allowing folks to come in and tour. She took me and then later Ruthie on a tour of the neighborhood so we could witness firsthand the remarkable efforts of the citizens of this neighborhood, taking charge of their own lives to build a better future.

Citizens in the Lincoln Central neighborhood come from one of the poorest areas in the inner city of Columbus, but by joining together to improve, strengthen, and secure a better way of life, their mission is very simple. I want to quote to you today, Mr. Speaker, from their mission statement:

> To create a safe and caring neighborhood where individuals are treated with respect and live in harmony in their community.

It first started in 1994, when hundreds of volunteers from around Bartholomew County, including local churches, businesses, and other groups, joined with the 5,000 neighborhood members in Lincoln Central neighborhood to work together. Along with some of the local service agencies, they took charge in a resolve to meet the needs of their community.

When I was there I toured around the neighborhood in August and I happened to see some of their projects. I was greeted by proud residents who were eager to show me how they were improving their neighborhood. They began by buying up some of the old houses, getting them purchased so they could resell them to families who needed them. Now those houses have been fixed up and painted up and are some of the best-looking houses on the block. These families have been allowed to move in and they have a better hope for the future.

The neighbors have come together and they bought up one house next to an old play lot and have torn it down, and are converting the entire area into a new playground for the kids of Lincoln Central neighborhood. I saw many dilapidated old homes that they have targeted for refurbishment and renewal, so those who are less fortunate will have a better place to live.

What is so remarkable is one of the comments I heard from Jerry Combest, a resident. He told me, as an organization, we are looking for a hand up, not a handout. We want to help make our lives better for ourselves. That comes through in the spirit from the members of the Lincoln Central neighborhood. They are not sitting back and asking somebody else to take charge of their lives and their neighborhood. They want to take responsibility and fix up their own neighborhood. These good people are leading the way as examples in Columbus, IN. I am proud of their good work.

I want to say that everybody involved with the Lincoln Central neighborhood has earned the title of Hoosier hero.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today through Tuesday, September 10, on account of official business.

Mr. GEREN of Texas (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. SANFORD (at the request of Mr. ARMEY), for today, on account of assessing the effects of Hurricane Fran on his district.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. VOLKMER) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. PORTER) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today.

Mr. PORTER, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. VOLKMER) and to include extraneous matter:)

Mr. CLAY.
Mr. LANTOS.
Mrs. KENNELLY.
Mr. SANDERS.
Mr. VENTO.
Mr. KENNEDY of Rhode Island.
Mr. BONIOR.
Mr. COYNE.
Ms. DELAURO.
Ms. WOOLSEY.
Mr. MURTHA.

(The following Members (at the request of Mr. PORTER) and to include extraneous matter:)

Mr. RADANOVICH.
Mr. FIELDS of Texas.
Mr. BARRETT of Nebraska.
Mr. TORKILDSEN.
Mr. MYERS of Indiana.
Mr. FLANAGAN.
Mr. MARTINI.

(The following Members (at the request of Mr. MCINTOSH) and to include extraneous matter:)

Mr. DINGELL.
Mr. GILLMOR.
Mr. SAXTON.
Mr. CRANE.
Mr. PASTOR.
Mr. GOODLING.
Mrs. LINCOLN.
Mr. MINGE.
Mr. MYERS of Indiana.
Mr. DIXON.
Mr. REED.
Mr. PAYNE of New Jersey.
Mr. VISCLOSKY.
Mr. FRANKS of New Jersey.
Mr. EVERETT.
Mr. THOMPSON.
Mr. CONYERS.
Mr. TOWNS.
Mr. KING.
Mr. POSHARD.
Mr. MCINTOSH.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 740. An act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe;

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes;

H.R. 3517. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes;

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes; and

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes.

ADJOURNMENT

Mr. MCINTOSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, September 9, 1996, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4809. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining the Public Housing Development Regulations (FR-3569) received August 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4810. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (FR-2880) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4811. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Congregate Housing Services Program Streamlining (FR-4033) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4812. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining of the Nehemiah Housing Opportunity Grants Program (FR 4090) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4813. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Technical Amendment to the Section 8 Certificate and Voucher Conforming Rule (FR 4119) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4814. A letter from the Assistant Chief Counsel, Office of Thrift Supervision, transmitting the Office's final rule—Loans in Areas Having Special Flood Hazards [No. 96-82] (RIN: 1550-AA82) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4815. A letter from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting the joint annual report of the Thrift Depositor Protection Oversight Board and the Resolution Trust Corporation for the calendar year 1995, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking and Financial Services.

4816. A letter from the Assistant Secretary, Department of Education, transmitting Final Regulations—Indian Fellowship and Professional Development Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Economic and Educational Opportunities.

4817. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule—Scaffolds Used in the Construction Industry (RIN: 1218-AA40) received August 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions to Permit Requirements, Definitions and Administrative Requirements [TN-146-2-9608a; FRL-5554-6] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Final Regulations for Revisions to the Federal Test Procedure for Emissions from Motor Vehicles [FRL–5558–3] (RIN: 2060–AE27) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4820. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [FRL–5556–8] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4821. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Washington and Oregon [FRL–5601–6] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4822. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of New York [FRL–5556–2] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4823. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Maryland 1990 Base Year Emission Inventory [FRL–5603–1] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4824. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Interim Approval of Operating Permits Program; South Coast Air Quality Management District, California [FRL–5559–1] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4825. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Modification of Secondary Treatment Requirements for Discharges into Marine Waters [FRL–5601–2] received August 23, 1996, purusuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4826. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Promulgation of Reid Vapor Pressure Standard; Michigan [FRL–5542–1] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4827. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Wyoming; Corrections [FRL–5560–4] received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4828. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia—1990 Base Year Emission Inventory [FRL–5603–3] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4829. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia—1990 Base Year Emission Inventory [FRL–5603–5] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4830. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities [FRL–5389–9] received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4831. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Regulations Requiring On-Board Diagnostic (OBD) Systems—Acceptance of Revised California OBD II Requirements [FRL–5602–3] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4832. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution District [FRL–5557–2] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4833. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments. FM Broadcast Stations (Hawesville, Kentucky and Tell City, Indiana) [MM Docket No. 94–156] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4834. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents [Docket No. 95N–0253] (RIN: 0910–AA48) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4835. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Order Execution Obligations [Release No. 34–37619] (RIN: 3235–AG66) received August 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4836. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a cooperative Synthetic Theater of War [STOW] Project Arrangement [PA] with the United Kingdom (Transmittal No. 18–96), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4837. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 96–61), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4838. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96–67), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4839. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office [TECRO] in the United States for defense articles and services (Transmittal No. 96–68), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4840. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Singapore for defense articles and services (Transmittal No. 96–62), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4841. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96–60), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4842. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–69), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4843. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–66), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4844. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 104–259); to the Committee on International Relations and ordered to be printed.

4845. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's major final rule—Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018–AD69) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4846. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Certification and Funding of State and Local Fair Housing Enforcement Agencies (FR 3322) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4847. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Revision of HUD's Fair Housing Complaint Processing (FR 4031) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4848. A letter from the Assistant Secretary of the Army for Civil Works, Department of the Army, transmitting the Department's final rule—Pamlico Sound and Adjacent Waters, North Carolina, Danger Zones, Alligator Bayou off St. Andrew Bay, Florida, and

Suisan Bay, West of Carquinez Straits at the Naval Weapons Station, Concord, California, Restricted Areas (13 CFR Part 334) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A; to the Committee on Transportation and Infrastructure.

4849. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Protective Breathing Equipment (Federal Aviation Administration) [Docket No. 27219; Amendment No. 121–261] (RIN: 2120–AD74) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4850. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes, Excluding Model A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–263–AD; Amendment No. 39–9724; AD 96–17–14] (RIN: 2120–AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4851. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech (Raytheon) Model BAE 125 Series 1000A and Model Hawker 1000 Airplanes (Federal Aviation Administration) [Docket No. 95–NM–166–AD; Amendment No. 39–9723; AD 96–17–13] (RIN: 2120–AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4852. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 382, 382B, 382E, 382F, and 382G Series Airplanes [Docket No. 95–NM–10–AD] (RIN: 2120–AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4853. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes (Federal Aviation Administration) [Docket No. 95–CE–94–AD; Amendment No. 39–9722; AD 96–17–12] (RIN: 2120–AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4854. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–181–AD] (RIN: 2120–AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–124–AD] (RIN: 2120–AA64) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4856. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Provincetown Harbor Swim for Life, Provincetown, MA (U.S. Coast Guard) [CGD01–95–169] (RIN: 2115–AE46) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4857. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—New York Super Boat Race, New York (U.S. Coast Guard) [CGD01–96–072] (RIN: 2121–AA97) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4858. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—MTV Music Awards Fireworks Display, East River, New York (U.S. Coast Guard) [CDG01–96–100] (RIN: 2115–AA97) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4859. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Mississippi Blawkhawks Water Ski Show Upper Mississippi River Mile 633.0–634.0 McGregor, IA (U.S. Coast Guard) [CGD08–96–039] (RIN: 2115–AE46) received August 26, 1996, pursuant to 5 U.S.C. 301(a)(1)(A); to the Committee on Transportation and Infrastructure.

4860. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vessel Traffic Service New York Area (U.S. Coast Guard) [CGD 92–052] (RIN: 2115–AE36) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4861. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment (National Highway Traffic Safety Administration) [Docket No. 95–87; Notice 2] (RIN: 2127–AF78) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4862. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Penalties: Streamlined Enforcement Procedures for Certain Security Violations (Federal Aviation Administration) [Docket No. 27873; Amdt. No. 13–26] (RIN: 2120–AF36) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4863. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket No. 96–ANE–19; Amendment 39–XXXX; AD 96–15–06] (RIN: 2120–AA64) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4864. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming Model TIO–540–S1AD Reciprocating Engines (Federal Aviation Administration) [Docket No. 91–ANE–29; Amendment 39–9470; AD 91–21–01 R1] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4865. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc.-Manufactured Model AH–1, HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P Helicopters (Federal Aviation Administration) [Docket No. 96–SW–11–AD; Amendment 39–9741; AD 96–12–26] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4866. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B Helicopters (Federal Aviation Administration) [Docket No. 96–SW–07–AD; Amendment 39–9739; AD96–12–25] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4867. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada Ltd. Model 222, 222B, 222U, and 230 Helicopters (Federal Aviation Administration) [Docket No. 96–SW–08–AD; Amendment 39–9740; AD 96–18–15] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4868. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. (formerly Britten-Norman) BN–2A and BN2A MK. 111 Series Airplanes (Federal Aviation Administration) [Docket No. 96–CE–16–AD; Amendment 39–9748; AD 96–18–21] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4869. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Smithfield, NC (Federal Aviation Administration) [Airspace Docket No. 96–ASO–11] received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4870. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Tampa, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–12] received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4871. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rochester, MN (Federal Aviation Administration) [Airspace Docket No. 96–AGL–1] received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4872. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 60 Airplanes (Federal Aviation Administration) [Docket No. 95–NM–240–AD; Amendment 39–9725; AD 96–18–01] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4873. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; American Champion Aircraft Corporation Models 8KCAB, 8GCBC, 7GCBC, 7ECA, 7GCAA, and 7KCAB Airplanes (Federal Aviation Administration) [Docket No. 96–CE–36–AD; Amendment 39–9726; AD 96–18–02] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4874. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada Ltd. Model 206L, 206L–1, and 206L–3 Helicopters (Federal Aviation Administration) [Docket No. 95–SW–13–AD; Amendment 39–9729; AD 96–18–05] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4875. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–138–AD; Amendment 39–9728; AD 96–18–04] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4876. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–243–AD; Amendment 39–9727; AD 96–18–03] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4877. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320–111, –211, and –231 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–249–AD; Amendment 39–9730; AD 96–18–06] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4878. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10 and –15 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–204–AD; Amendment 39–9735; AD 96–18–11] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4879. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28666; Amdt. No. 1749] (RIN: 2120–AA65) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4880. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28667; Amdt. No. 1750] (RIN: 2120–AA65) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4881. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28665; Amdt. No. 1748] (RIN: 2120–AA65) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4882. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bellanca, Incorporated Models 17–30, 17–30A, 17–31, 17–31A, 17–31TC, and 17–31ATC Airplanes (Federal Aviation Administration) [Docket No. 95–CE–54–AD; Amendment 39–9731; AD 96–18–07] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4883. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech (Raytheon) Model BAe 125–800A and –1000A, and Model Hawker 800 and 1000 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–165–AD; Amendment 39–9733; AD 96–18–09] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4884. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 and A310 Series Airplanes Equipped With General Electric Model CF6–80 Engines (Federal Aviation Administration) [Docket No. 95–NM–175–AD; Amendment 39–9734; AD 96–18–10] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4885. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–237–AD; Amendment 39–9736; AD 96–18–12] (RIN: 2120–AA64) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4886. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Elimination of Regulations Concerning the Public Lands Highways Discretionary Funds Program (Federal Highway Administration) [FHWA Docket No. 95–28] (RIN: 2125–AD69) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4887. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Motor Vehicle Content Labeling (National Highway Traffic Safety Administration) [Docket No. 92–64; Notice 9] (RIN: 2127–AG46) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4888. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability (Revenue Procedure RP–242645–96) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4889. A communication from the President of the United States, transmitting a report concerning his actions in response to the ITC safeguards investigation of broom corn brooms, pursuant to section 203(b)(1) of the Trade Act of 1974; to the Committee on Ways and Means.

4890. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1997 Rates (RIN: 0938–AH34) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4891. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on proliferation of missiles and essential components of nuclear, biological, and chemical weapons, pursuant to 22 U.S.C. 2751 note; jointly, to the Committees on National Security and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 3863. A bill to amend the Higher Education Act of 1965 to permit lenders under the unsubsidized Federal Family Education Loan program to pay origination fees on behalf of borrowers; with amendments (Rept. 104–775). Referred to the Committee of the Whole House on the State of the Union.

Committee on Economic and Educational Opportunities. House Resolution 470. Resolution expressing the sense of the Congress that the Department of Education should play a more active role in monitoring and enforcing compliance with the provisions of the Higher Education Act of 1965 related to campus crime (Rept. 104–776). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3640. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; with an amendment (Rept. 104–777). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BASS:

H.R. 4026. A bill to assist the State of New Hampshire in examining the historical significance of the Berlin, NH, area; to the Committee on Resources.

By Mr. FRANKS of New Jersey:

H.R. 4027. A bill to amend the Food Stamp Act of 1977 to forbid recipients of food stamp benefits to resell, or to barter, food acquired with such benefits; to the Committee on Agriculture.

By Mr. LATOURETTE (for himself and Mr. DINGELL):

H.R. 4028. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the U.S. Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; to the Committee on Resources.

By Mr. NADLER:

H.R. 4029. A bill to improve aviation security by requiring air carriers to install certain explosive detection equipment at airports and to use explosive resistant cargo containers on aircraft, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself and Mr. TORRICELLI):

H.R. 4030. A bill to terminate ocean dumping at the Mud Dump Site and other sites within the New York Bight Apex off of the coast of New Jersey; to the Committee on Transportation and Infrastructure.

By Mr. RIGGS:

H.R. 4031. A bill to provide that the provision of the Fair Labor Standards Act of 1938 on the accounting of tips in determining the wage of tipped employees shall preempt any State or local provision precluding a tip credit or requiring a tip credit less than the tip credit provided under such act; to the Committee on Economic and Educational Opportunities.

By Mr. RIGGS:

H.R. 4032. A bill to promote balance between natural resources, economic development, and job retention in northwest California, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 4033. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to ensure that Federal agencies give priority to reducing paperwork burdens on small businesses having 50 or fewer employees; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. GILCHREST, Mr. LOBIONDO, and Mr. SMITH of New Jersey):

H.R. 4034. A bill to terminate ocean dumping at the Mud Dump Site off the coast of New Jersey; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself, Mr. OBEY, Mr. NEUMANN, Mr. KLUG, Mr. PETRI, Mr. ROTH, Mr. BARRETT of Wisconsin, Mr. MILLER of Florida, Mrs. MEYERS of Kansas, Mr. RAMSTAD, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. SABO, and Mr. MINGE):

H.R. 4035. A bill to rescind the consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. GILMAN):

H.R. 4036. A bill to strengthen the protection of internationally recognized human rights; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. MORAN, Mr. KENNEDY of Massachusetts, Ms. ROS-LEHTINEN, Mr. MILLER of California, and Mr. FALEOMAVAEGA):

H.R. 4037. A bill to impose certain sanctions on countries that do not prohibit child labor; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR:

H.J. Res. 190. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a U.S. citizen on account of birth in the United States unless both parents are either U.S. citizens or aliens lawfully admitted for permanent residence at the time of the birth; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. HAYWORTH.

H.R. 103: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. CUMMINGS.

H.R. 777: Mr. BAKER of Louisiana.

H.R. 778: Mr. BAKER of Louisiana.

H.R. 809: Mr. LUCAS.

H.R. 858: Mr. MEEHAN, Mr. BRYANT of Tennessee, Mr. METCALF, Mr. BISHOP, and Mr. GORDON.

H.R. 942: Ms. NORTON, Mr. OLVER, and Mr. TORKILDSEN.

H.R. 1073: Mr. BENTSEN.

H.R. 1074: Mr. BENTSEN.

H.R. 1229: Mr. SANDERS.

H.R. 1402: Mr. RAHALL.

H.R. 1416: Mr. FALEOMAVAEGA.

H.R. 1863: Mr. CUMMINGS.

H.R. 2006: Mr. UNDERWOOD.

H.R. 2190: Mr. EDWARDS.

H.R. 2270: Mrs. MYRICK.

H.R. 2416: Mr. TORRICELLI, Mr. PAYNE of New Jersey, and Mr. ANDREWS.

H.R. 2470: Mrs. CUBIN.

H.R. 2489: Mr. BAKER of Louisiana, Mr. DELAY, Mr. DEUTSCH, Mr. ENSIGN, Mr. FROST, Mr. JOHNSTON of Florida, Mr. LONGLEY, Mr. MCHUGH, Mr. RANGEL, and Mr. WATTS of Oklahoma.

H.R. 2508: Mr. LAFALCE, Mr. COLLINS of Georgia, Ms. RIVERS, and Mr. FOLEY.

H.R. 2548: Mr. JOHNSON of South Dakota.

H.R. 2582: Ms. NORTON

H.R. 2651: Mr. LUCAS and Mrs. VUCANOVICH.

H.R. 2727: Mr. WELDON of Florida.

H.R. 2749: Mr. SKEEN.

H.R. 2807: Mr. EHLERS, Mr. ROMERO-BARCELÓ, and Mr. GREENWOOD.

H.R. 2834: Mr. MCNULTY.

H.R. 2892: Mr. DURBIN and Mr. MOAKLEY.

H.R. 2951: Mrs. MORELLA.

H.R. 2976: Mr. CRAMER, Mrs. MALONEY, and Ms. SLAUGHTER.

H.R. 2994: Mr. BOEHLERT.

H.R. 3000: Mr. LUCAS.

H.R. 3151: Mr. REED.

H.R. 3153: Mr. PETERSON of Florida.

H.R. 3182: Mr. HORN.

H.R. 3226: Mr. BALDACCI and Mr. HOBSON.

H.R. 3307: Mr. PICKETT.

H.R. 3337: Ms. HARMAN.

H.R. 3477: Ms. FURSE, Mr. ROMERO-BARCELO, and Mr. THOMPSON.

H.R. 3482: Ms. NORTON and Mr. SANDERS.

H.R. 3504: Mr. ACKERMAN, Mr. BAKER of Louisiana, Ms. BROWN of Florida, Mr. FLANAGAN, Mr. JACOBS, Mr. MANZULLO, Mrs. MYRICK, Mr. STEARNS, and Mr. WATTS of Oklahoma.

H.R. 3636: Mr. HUTCHINSON.

H.R. 3645: Mr. MANTON, Mr. SHAYS, Mr. OBEY, and Mr. WELDON of Pennsylvania.

H.R. 3648: Mr. BONIOR.

H.R. 3688: Mr. GEJDENSON.

H.R. 3733: Mr. DELLUMS.

H.R. 3752: Mr. POMBO, Mr. WELDON of Florida, Mr. HASTINGS of Washington, and Mr. DUNCAN.

H.R. 3775: Mr. KLUG.

H.R. 3799: Mr. EWING, Mr. DURBIN, Mr. SKELTON, Mr. HOSTETTLER, Mr. MCINTOSH, Mr. LEWIS of Kentucky, Mr. WELDON of Florida, Mr. BEREUTER, and Mr. LEACH.

H.R. 3803: Mr. ROMERO-BARCELÓ, Mr. DAVIS, Ms. NORTON, and Mr. OXLEY.

H.R. 3836: Mr. FOX.

H.R. 3837: Mr. ACKERMAN, Mr. FROST, Mrs. THURMAN, Mrs. MEEK of Florida, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. LAFALCE, Mr. GUTIERREZ, Mr. TORRES, Mr. FLAKE, Ms. MILLENDER-MCDONALD, and Ms. SLAUGHTER.

H.R. 3849: Mr. CLEMENT, Mr. MCKEON, and Mr. DORNAN.

H.R. 3853: Mr. GORDON and Mr. CRAMER.

H.R. 3863: Mr. GUNDERSON, Mr. MASCARA, Mr. ACKERMAN, Mr. DELLUMS, and Mr. UPTON.

H.R. 3889: Mr. BONO, Mr. CALVERT, Mrs. SEASTRAND, Mr. BAKER of California, Mr. MOORHEAD, Mr. HOUGHTON, Mr. PACKARD, and Mr. POMBO.

H.R. 3905: Mr. BLUTE, Mr. CHRISTENSEN, and Ms. SLAUGHTER.

H.R. 3923: Mr. RAHALL, Ms. MOLINARI, Mr. CLEMENT, Mr. WELLER, Mr. HOLDEN, Mr. FRISA, and Mr. CRAMER.

H.R. 3927: Mr. GONZALEZ, Ms. LOFGREN, Mr. WATTS of Oklahoma, Mr. BROWN of California, Mr. BRYANT of Texas, Mr. BALDACCI, Mr. FRAZER, Ms. NORTON, Mr. GILMAN, Ms. VELAZQUEZ, and Mrs. SCHROEDER.

H.R. 3939: Mr. BEREUTER.

H.R. 3952: Mrs. MINK of Hawaii.

H.R. 3966: Mr. NEY, Mr. MANZULLO, Mr. HILLEARY, Mr. DINGELL, and Mr. FALEOMAVAEGA.

H.R. 4006: Mr. MCINTOSH, Mr. PETRI, and Mr. LUCAS.

H.J. Res. 97: Ms. KAPTUR.

H.J. Res. 127: Mr. ROGERS.

H. Con. Res. 10: Mr. CALVERT.

H. Con. Res. 50: Mr. VISCLOSKY.

H. Con. Res. 51: Mr. TRAFICANT and Mr. STUMP.

H. Con. Res. 145: Mr. FOX.

H. Con. Res. 195: Ms. FURSE, Mrs. THURMAN, Mr. LANTOS, Mr. MARTINEZ, Mr. SABO, Mr. DEFAZIO, and Mr. MANTON.

H. Con. Res. 200: Mr. RAHALL, Mr. ACKERMAN, and Ms. SLAUGHTER.

H. Res. 449: Mr. ENSIGN, Mr. JOHNSTON of Florida, Mrs. MYRICK, and Mr. WATTS of Oklahoma.

H. Res. 470: Mr. ACKERMAN and Mr. BAKER of Louisiana.

SENATE—*Thursday, September 5, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have created us to praise You. Forgive our pride that takes the place of praise in our hearts. So often, we want to be adequate in our own strength, to be loved by You because of our self-generated goodness and to be admired by people because of our superior performance. Pride pollutes everything; it stunts our spiritual growth, creates tension in our relationships, and makes us people difficult for You to bless. Most of all, our pride separates us from You, Dear Father. Life becomes bland, truth becomes relative, and values become vitiated. We lose that inner confidence of convictions rooted in the Bible and Your revealed truth. Now in this quiet moment, we praise You that You break the bubble of the illusion that with our own cleverness and cunning we can solve life's problems. You give us back our sense of humor so that we can laugh at ourselves for thinking that we can make it on our own. We humble ourselves before You and ask to be filled with Your Spirit. Now, with our minds and hearts firmly planted on the Rock of Ages, we greet the ambiguities of this day with the absolutes of Your truth and guidance. In the name of our Savior and Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. For the information of all Senators, this morning the Senate will begin 30 minutes of debate on two of the appropriations conference reports. At approximately 10 a.m., following the debate, the Senate will proceed to two consecutive rollcall votes, the first vote being on the adoption of the military construction appropriations conference report, to be followed by a vote on the D.C. appropriations conference report. After those votes, the Senate will resume consideration of the VA-HUD appropriations bill.

Last night, we were able to reach an agreement on a limitation of amendments to that legislation, and I hope that any Senator with an amendment on the list will offer the amendment early today so that we can complete action on this very important appropriations bill. Rollcall votes should be expected throughout the day and into the evening, if necessary.

I do point out that there were 38 amendments on the list that was worked out last night. I presume a number of them are place holders or would be offered depending on whether other amendments are offered. I hope we will not go through that exercise too long today and we can get on with the very serious amendments and vote on them so that we can move on to other appropriations bills.

I want to emphasize beginning today that I want to work in good faith with the Democratic leadership and with all of our colleagues to complete this appropriations bill and the remaining four. But in order to do that, it is going to take real cooperation. We have a limited number of days, and already I am getting the sneaking suspicion that there is a slow rolling process already being planned by the delay, by the lack of real progress yesterday, by the number of amendments. And if that is going to be the way things are handled, it is going to leave me with no option other than to take serious actions, including forcing votes, which can be done, night sessions, even having to go into the weekend, or pulling down important bills.

Veterans and Housing and Urban Development, I do not think my colleagues on the other side of the aisle want to be held responsible for blocking or delaying unnecessarily consideration of a bill that funds the veterans programs and the HUD programs. So let us start off on a positive note. I think we struggled through that a little bit yesterday, but we are working together at this point.

We are going to continue to work to see if we can get an agreement on an Iraq resolution. There is a meeting at 10 o'clock on that. I hope we can go forward in a positive way and get our work done.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the leadership time is reserved.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will turn to the consideration of the conference report accompanying H.R. 3517, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 30, 1996.)

The PRESIDING OFFICER. There shall now be 20 minutes of debate on the conference report equally divided in the usual form.

The Senator from Montana.

Mr. BURNS. Mr. President, I thank the Chair very much. We have been working very closely with my ranking member, Senator REID, from Nevada. He has one little duty to perform before he comes to the floor. I would hate to start without him here because we have worked so closely on this piece of legislation.

I will suggest the absence of a quorum until he arrives.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the conference report on the military construction appropriations bill for fiscal year 1997.

Mr. President, the conference report is within the revised 602(b) budget allocation for both budget authority and outlays.

The conference agreement is $850 million over the President's budget request. This amount is the same as what will be authorized in the armed services conference report. This conference agreement is $1.2 billion under the amounts approved by the conferees last year.

Mr. President, I believe the military construction budget is not being adequately funded. We have never recovered from the reductions that were made in anticipation of the base realignments and closures.

I want to give the Pentagon fair warning. During this period of troop reductions and base closures throughout the United States and the world, we should have been dramatically modernizing our defense infrastructure.

It is no longer business as usual. We must address these mounting deficiencies.

I would like to mention briefly some provisions in this conference agreement. First, the conferees approved $2.5 billion for implementation of the base realignment and closure decisions. This amount includes $1.2 billion for the 1995 round. There is also $776 million for environmental cleanup of these facilities. We have now funded the majority of BRAC requirements. Now we must make sure these funds are being correctly spent.

Mr. President, $4 billion of this appropriation is for housing the families of our military. This is 41 percent of our appropriation. I am happy to say this percentage is growing. It was 38 percent last year. We must address the quality of life issues we have ignored for so long.

Also, we have created a new initiative which will start to relieve some of the burden of providing adequate housing for our single soldiers. It is like Secretary Perry's efforts for family housing.

Mr. President, the conference agreement provides an additional $185 million for the National Guard. This includes additional funding for planning and design. The Army National Guard especially needs this funding to properly execute their construction program.

I am confident that the President will not veto this bill. This bill includes funding for Incirlik, Turkey, where our Air Force has been flying the mission over the northern part of Iraq. Also, there is funding for Aviano, Italy, where our Air Force and Marines fly missions over Bosnia. We must all support our troops at this critical time.

There is one issue my colleagues should be aware of. We have tied funding for the Army programs overseas to the Army National Guard. For years we have directed the Army to start supporting the Reserve components. Each year they have chosen to ignore the direction of the Senate.

Mr. President, the appropriations conferees took a strong course of action on this issue. This year we have language which directs the Army to program $75 million for the Army National Guard. Officers within the Army have suggested that it is only report language. They do not think they need to follow our direction unless it is in bill language. What they do not understand is that this body supports the citizen soldier. We know that we will call on them if we ever have to face another major conflict. The Army has not figured this out. I want to put them on record. The Army is going to have a difficult time, until they start supporting the Guard.

On a brighter note, we have included a sense of Congress which calls for the Secretary of the Army to name a new administrative facility, at Redstone Arsenal, AL, the Howell Heflin Complex. This is a small tribute to one of the great Senators of our time. I wish my friend well and hope he enjoys his coming years.

Mr. President, this is good bill. It is a bill that meets the demands of our national security interests. I urge the Senate to approve the conference action on this issue.

I now yield the floor and ask for the comments of the ranking member of this committee who has just been a joy to work with. We have worked on this a long time and, being very comfortable with the bill, I think it warrants passage. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it has been a pleasure to work closely with the distinguished chairman on this measure. We have had an open, bipartisan approach to the problems of family housing, Reserve and Guard forces, and the other matters in the bill. We have not had any significant disagreements. I believe that this is a good product, and I hope that the Senate will support it overwhelmingly. I thank at this time the majority staff director, Jim Morhard and his assistant Warren Johnson, for their work and cooperation with my staff, Dick D'Amato a member of the Appropriations Committee assigned to me to work on this and other appropriations matters. B.G. Wright also of the Appropriations Committee, also has made a significant contribution. I publicly commend Peter Arapis and Jerry Reed of my personal staff who have dedicated many hours to the completion of this legislation.

Mr. President, as I indicated, I am pleased to join with the distinguished chairman of the subcommittee, Senator BURNS from Montana, in presenting this conference report on military construction for fiscal year 1997 before the Senate. Mr. President, I fully support the recommendations in this bill. I compliment the chairman of the subcommittee, the distinguished Senator from Montana [Mr. BURNS], for his excellent work and that of his staff.

The chairman of the subcommittee and I have again this year, enjoyed an open and productive working relationship in bringing the recommendations in this bill to the Senate.

This bill, reported here today is $1.195 billion lower than last year's appropriated amount, and is also $50 million lower than the construction bill proposed by the House of Representatives.

Again this year, our bill strives to improve the quality of life for the Nation's military service members. This military construction bill emphasizes housing initiatives, both for families and improved housing for single service members. It provides $4.1 billion for the construction, operation, and maintenance of family housing, and to the Homeowner's Assistance Program.

I would like to be able to say that spending this $4.1 billion takes care of all the housing needs of our military, but it does not come close. We are going to have to continue working on that.

I add, Mr. President, in time of crisis, we rely heavily on the Guard and Reserve. During the gulf war crisis, we called upon the Guard and Reserve to bear more than their share of the burden, especially based on how we have funded them in the past. This year's administration request included no, I repeat, no major construction projects for the Army National Guard. This practice is completely unacceptable. Administration requests including no major construction projects for the Army Guard mandates that we seriously review any Member request for its worthiness, and there are many worthy and badly needed projects, without which, our Reserve Forces could not continue to function. It simply would be unfair to not give them some consideration simply because they have been ignored by the Pentagon.

The committee continues to support the NATO Security Investment Program, however it is concerned that member nations are not properly helping to defray construction program costs. The committee therefore urges the Secretary to seek increased contributions from our allies. A requirement for preposition exists in Southwest Asia, however, we have no treaty relationships with our allies there. Although we should proceed with such projects, we should secure long-term bilateral agreements and assume full cost-sharing arrangements prior to the initiation of any construction projects in the region.

The subcommittee has added certain needy projects to the administrations request: $850 million was added to the budget that would include $220 million for Guard and Reserve projects, and over $258 million in badly needed family housing.

I commend the chairman for taking the many requests from Senators to include projects in this bill. This is necessitated, annually, in large part, because the Department of Defense has again, as it has in the past, refused to adequately fund the construction projects for the National Guard, requiring the subcommittee to review many worthy projects suggested by Senators and the National Guard and to come up with a fair and equitable solution to the problem.

To have people come and say, and there are only just a few, come and say, "The Pentagon did not request it, how possibly could we be seeking money here?" We are doing it because it is the right thing to do, the only thing to do, and Senator BURNS and I greatly appreciate the support the subcommittee has received in our support for the Guard and Reserve.

The administration requested only $7 million for Army National Guard construction, compared to $137 million appropriated in fiscal year 1996, and that amount was well below the previous year's $188 million appropriation. This is a 95-percent reduction in only 1 year. This type of request is incomprehensible and irresponsible. To help try to balance the scale, the subcommittee used strict criteria to evaluate many worthy projects suggested by Members, and a strong effort was made to take all Members' interest into consideration. We could not fulfill all the requests, but we did our best.

While no Senator that I am aware of has been fully satisfied, I think the result is as fair and equitable as possible, given the significant budget constraints that we are working under.

Again, I express my appreciation to the chairman of the subcommittee for his fine work on this legislation. I again ask the Senate to overwhelmingly support this legislation.

Mr. DOMENICI. The pending military construction conference agreement provides $9.982 billion in new budget authority and $3.140 in new outlays for military construction and family housing programs for the Department of Defense for fiscal year 1997.

When outlays from prior-year budget authority and other completed actions are taken into account, the outlays for the 1997 program total $10.375 billion.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the Active Forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The conference report falls within the revised section 602(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's revised allocation.

The bill provides important increases over the President's request for 1997, and I urge the adoption of the conference report.

Mr. President, I ask unanimous consent that a table showing the relationship of the conference report to the subcommittee's section 602(b) allocation be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MILITARY CONSTRUCTION SUBCOMMITTEE SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1997. Dollars in millions]

Category	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed		7,204
H.R. 3517, conference report	9,982	3,140
Scorekeeping adjustment		
Adjusted bill total	9,982	10,344
Senate subcommittee 602(b) allocation: Defense discretionary	9,983	10,375
Adjusted bill total compared to Senate subcommittee 602(b) allocation: Defense discretionary	−1	−31

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. INOUYE. Mr. President, I wanted to take just a few moments to commend Senators CONRAD BURNS and HARRY REID, the chairman and ranking member of the Military Construction Subcommittee. The conference report for the fiscal year 1997 Military Construction Appropriations Act that has been put before the Senate is an excellent product. It protects the interests of the Senate, and more importantly, it addresses the needs of our men and women in uniform.

This conference agreement represents a compromise between the House and the Senate, and I am aware that many items of interest to Members of both the House and the Senate had to be scaled back or deferred. Nonetheless, I am convinced that Chairman BURNS and Senator REID brokered a good deal for the Senate.

I understand that there are several projects which were supported by the Senate in both the appropriations and authorization processes that are funded in this conference agreement, but for which no funds are specifically authorized in the conference report filed by the Armed Services Committee. I am hopeful that legislation will be enacted by the end of this session which will clarify the position of the Congress that these programs should be considered authorized and I will work to that end.

Once again, I wanted to thank Senators BURNS and REID for their leadership on this matter and I urge all my colleagues to support this conference report.

Mr. MCCAIN. Mr. President, for several years now, I have tried to restrain Congress' propensity to add hundreds of millions of dollars of unrequested, low-priority projects to the military construction budgets. I have tried to amend the military construction bills when they come before the Senate to strike these add-ons, but I have failed. I have tried to impose reasonable criteria for evaluating Members' requests for add-ons, and although the Senate agreed to abide by these criteria, there are still projects added that do not meet the criteria.

This year, Mr. President, is no different.

Since 1990, the Congress has added more than $6 billion to the military construction accounts. That's almost $1 billion in pork-barrel spending every year. This bill increases the amount of waste by another $850 million. Where will we stop this endless pork-barreling using taxpayers dollars?

When the Senate passed the military construction bill for fiscal year 1997, it contained $700 million in unrequested funding. The House added $900 million to the request for military construction, and I assumed that a conference agreement would probably split the difference between the bills. But I find, in reviewing this conference bill, that it contains $850 million in unrequested funding. Apparently, in the interest of protecting as many Senators' add-ons as possible, the Senate conferees decided to go more than halfway toward the House position.

Mr. President, I am amazed to find that this bill even includes an add-on for Arizona. But that add-on of $6.7 million is small potatoes compared to the magnitude of the add-ons for some States.

There were 13 States that received more than $20 million in add-ons in this bill. Of those 13 States, 6 States received more than $30 million in add-ons, 3 received more than $40 million in add-ons. And one State received a whopping $55 million in add-ons.

Mr. President, I am not going to take up the time of the Senate by listing all the add-ons in this bill. The information is there in the conference report, for those who care to review it. I will only say that I am shocked and saddened that, with the severe shortfalls in other high-priority military requirements, the Congress is wasting so much money on pork-barrel projects like these.

This is the same Congress that argued successfully for an $18 billion increase in the defense budget over the past 2 years, principally because military modernization had been cut drastically by the Clinton administration. That is why I am puzzled that we waste nearly $1 billion of this year's $11 billion add-on for military construction projects.

While the Defense authorization and appropriations bills this year provide an additional $6 or $7 billion for procurement, this amount is only about one-third of the $21 billion needed to meet General Shalikashvili's target of $60 billion per year for procurement of modern weapons systems. We still have a $14 or $15 billion shortfall in urgently needed modernization funding. Yet we are wasting $850 million on unrequested, low-priority military construction projects. It just does not make sense to me.

Mr. President, I mentioned the criteria the Senate adopted 2 years ago to evaluate Members' requests for military construction add-ons. I am somewhat gratified to learn that the close scrutiny focused on military construction projects has succeeded in forcing at least some degree of control on the process. The majority of the projects in this bill meet four of the five criteria established 2 years ago for Senate consideration of unrequested military construction projects. The projects are: mission essential; not inconsistent with BRAC; in the FYDP; and executable in fiscal year 1997.

But none of the projects meet the fifth criterion, which requires the added funding to be offset by a reduction in some other Defense account. And five of the projects in this bill, totalling $23.7 million, are not even authorized, although I suspect political pressure will result in an authorization of each of them at some future time.

Mr. President, I know there are some very good aspects of this bill. It does provide funding for high-priority quality of life projects, including child care centers and family housing projects. It includes a provision which will give the Guard and Reserve components the opportunity to come to Congress with a long-term plan to meet their military construction requirements. For these provisions, I applaud my colleagues on the Military Construction Subcommittee.

But $850 million is a lot of taxpayer dollars to waste. How do we explain to the American people why we need $11 billion more for Defense this year, when we spend $850 million for projects that do little or nothing to contribute to our Nation's security?

I know this bill cannot now be amended, and my words will have little effect on the final vote on this bill. But I cannot stand aside and allow a bill laden with $850 million in pork-barrel spending to pass the Senate without objection. I will vote against this bill, and I will urge the President to veto this measure when it comes to his desk. And Mr. President, I will continue to fight against the stubborn congressional tradition of wasteful, pork-barrel spending.

I ask unanimous consent that a list of unauthorized projects and the States receiving the largest benefits be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Unauthorized projects in military construction conference

	Millions
Hawaii—Army aviation support facility	$5.9
Kansas—Consolidated education center	6.7
Iowa—Aircraft arresting system	1.35
Louisiana—Bachelor enlisted quarters	4.8
Mississippi—Quaywall extension	4.99
Total	23.74

States received largest share of add-ons

[In millions of dollars]

Texas	55.983
Hawaii	45.58
Nevada	40.855
Virginia	34.969
North Carolina	34.21
Florida	30.248
Montana	27.2
New Mexico	27.1
Mississippi	24.7
Georgia	24.252
Kentucky	23.0
California	22.85
Indiana	22.0

Mr. GLENN. Mr. President, I will vote today in opposition to the military construction appropriations conference report. The conference report adds $850 million to the President's budget request. Like its authorization counterpart, virtually all of the projects added to the budget request are the result of requests made by Members of the House and Senate.

I am gratified that some discipline has been adopted in this annual process in that added projects now meet what I consider to be minimal requirements like meeting a national security requirement and being in the Pentagon's 5-year plan. Nevertheless, I cannot support a process that results in hundreds of millions of dollars being added to the military construction budget based merely on Members requesting funding for those projects.

Mr. BOND. Mr. President, as cochairman for the National Guard Caucus I rise to comment on the process of funding our Nation's military construction needs.

The Senate, in the past years, has voted to appropriate necessary military construction funds to offset the neglect of administrations in order to make sure that the defense infrastructure would be adequately funded.

The Senate this year was again forced by the Clinton administration to make sure that the defense infrastructure would be adequately funded.

Active Force infrastructure has traditionally been adequately funded with the Guard Forces traditionally underfunded. Why has it been this way, many have asked, and the answer which is whispered through the Halls of this building is that the Congressmen and Senators will take care of it, and we have and we do and we will because we care about the welfare and readiness of the National Guard and Air National Guard even if some administration officials do not.

The administration this year funded the Army Guard to the tune of $7 million, $7 million for the entire Army Guard infrastructure for all 50 States and Puerto Rico; $7 million.

For the entire Army Guard Force. If the Senators here respect our citizen soldiers, then they must rectify this shoddy treatment of those who protect us. My colleagues on the committee have done just that and they have done it with strict adherence to a rigorous set of standards for these necessary quality of life and readiness projects.

The committee considered each of the programs added to this year's military construction bill for its executability in fiscal year 1997, its being of the highest priority for the base commanders and National Guard tags, its inclusion in the FYDP, and its overall necessity to quality of life and readiness. Currently, this is the only venue we have to maintain infrastructure readiness and essential and housing projects which were designated as critical by each State's adjutant general. I urge all Senators to support the men and women of the Guard and support the Guard's ability to carry out its missions.

Mr. BURNS. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Montana has 4 minutes, 15 seconds remaining.

Mr. BURNS. Again, I thank my friend from Nevada for his support and contribution to this subcommittee this year. We could not have put this bill together without him and his staff. He is backed by an able staff that understands what is needed and how to get it done: Dick D'Amato, B.G. Wright, and Peter Arapis.

I also thank Jim Morhard on the committee staff, Julie Lapeyre in my office, Warren Johnson, and Mazie Mattson.

Mr. President, I know of no other further debate on this conference report. I think it is a fair and equitable conference agreement and I urge its approval by the Senate.

So, Mr. President, I urge the adoption of the conference report and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I understand we have about 4 minutes left on the debate on the MilCon appropriations conference report. I ask unanimous consent to yield back all remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the conference report accompanying H.R. 3517 will be laid aside.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous report, the Senate will now proceed to the consideration of the conference report accompanying H.R. 3845, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3845) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 1, 1996.)

The PRESIDING OFFICER. There shall now be 10 minutes for debate on the conference report equally divided in the usual form.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I am pleased to bring before this body the conference report on the District of Columbia appropriations. Needless to say, the city is having difficult times, and it is important that we expeditiously dispense with the conference report.

This report does not reflect my own views in each instance, nor the individual views of the Senate conferees. It is the result of true compromise with our colleagues in the House. The conference report provides for Federal funding of slightly less than $719 million and overall spending of $5.1 billion within the District of Columbia.

I regret that, again, this year the conference report dictates to the city how it will spend its own funds on controversial social issues. The conference report continues current law on subjects of both abortion and the District's domestic partners legislation.

Unlike the Senate-passed appropriations bill, the conference report provides that no funds, Federal or local, may be used to fund abortion except in the case of rape, incest or when the life of the mother would be endangered. Likewise, no funds may be used to implement the domestic partners legislation adopted by the District 4 years ago.

I am pleased, however, that these were the only divisive issues in the conference this year and that we are bringing the conference report before the Senate in early September rather than the following April, as last year.

The major budget differences between the House and Senate bills was the inclusion in the House bill of a deficit cap of $40 million. Under the consensus budget submitted to the Congress by the council, the financial authority and the Mayor, the deficit was projected to be some $99 million out of total spending of $5.108 billion in fiscal year 1997.

The House bill permitted a deficit of only $40 million, leaving it to the city to determine where the additional savings would be found. The conference report adopts a modification of the House proposal with a deficit cap of $74 million for fiscal year 1997. This figure is roughly halfway between the House and Senate versions and represents the substantial progress toward a balanced budget that was called for in last year's legislation, establishing both the financial authority and the District's current budget process.

While not explicitly addressed in this legislation, let me state my own view that the budget which will be developed for fiscal year 1998 should also show substantial progress towards fiscal balance. While I can only speak for myself, I believe the budget deficit for fiscal year 1998 should be in the $30 million to $40 million range, not the over $90 million deficit projected in the current financial plan.

Let me briefly touch on two other issues. First, the conference report largely adopts the city's consensus budget, and the architects of that budget—the council, the financial authority and the mayor—must be commended for working together to draft it. That budget process was sometimes bumpy, but no more so than our own.

Second, while we need to achieve a balance of this budget by fiscal year 1999, that fiscal balance will be very tenuous until we provide the District with help on issues outside the jurisdiction of the Appropriations Committee. My colleagues know that we cannot balance the Federal budget in the Appropriations Committee. That committee cannot balance the District's budget for very long either.

Once we have worked with the city's elected officials and the financial authority to squeeze every last penny out of the budget, I believe we will be faced with problems in entitlements programs, such as Medicaid and pensions, that will require Federal assistance to solve.

I thank my colleagues on the committee for their cooperation. Senator KOHL, my ranking member, has been of great assistance, a great cooperator, as has Senator CAMPBELL. I deeply appreciate the guidance and support from Senator BYRD and Chairman HATFIELD. I am deeply sorry that this marks the last appropriations bill I will manage during Chairman HATFIELD's tenure. I will miss his leadership. It has been extraordinary working with him, and he has been a comfort to me when I have faced difficult issues.

Finally, I wish to recognize the excellent work of the staff of the subcommittee: Terry Sauvain of the minority and Tim Leeth of the majority. Had Tim delayed his departure to the control board a few weeks, he would have sat here and had all kinds of praise heaped upon him for his almost two decades of service to Members of both sides of the aisle. Instead, he will have to accept our thanks from afar.

Mr. President, before I conclude, let me move on to the District of Columbia and its problems. The headlines have been speaking to us daily about the difficulties. Before we recessed for August, we already recognized that the city had water problems, and we appropriated in this bill a million dollars to try to help solve that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JEFFORDS. Thank you, Mr. President.

Mr. KOHL. Mr. President, I yield another 2 minutes to Senator JEFFORDS.

Mr. JEFFORDS. I thank my friend. Also, I would like to mention the problems of the schools. We are well aware of them. The Senate tried to accommodate the problems with respect to the opening of schools, but we were unable to do so by the close of this last session. We are working very hard now, working with Senator KOHL and the House, to provide ways to fund the repairs to the schools without using Federal funds.

But I will also say, it is obvious we need to have the management of the school system looked at and dealt with, as we have with the city itself. Second, we have to keep them separate from school reform, which is also essential and necessary. We have set up a process for doing that. So I am hopeful by next year we will not have to stand here and defend the serious problems that we have in the D.C. school system today.

I yield the floor.

Mr. KOHL. Mr. President, I request 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank you.

Mr. President, I rise today in support of the conference report for the fiscal year 1997 District of Columbia appropriations bill.

Mr. President, the conference report for the fiscal year 1997 District of Columbia appropriations bill includes $718 million in Federal funds and $5.02 billion in District of Columbia funds. This figure is $1 million more in Federal funds and $29 million less in District of Columbia funds than in the original Senate version of this bill.

This conference report has my signature and my vote for final passage. The District's financial situation demands as much. But I do have reservations: in particular, the inclusion of the Hose of Representatives' position on abortions and domestic partners. As you may know the Senate version of the District of Columbia Appropriations bill, which passed unanimously, contained language allowing the city to use non-Federal dollars to fund certain abortion services and domestic partner benefits. Use of Federal moneys to provide these services was prohibited, but the District could use its own money. For its part, the House of Representatives; version of the bill prohibited the use of all funds, including District Funds, in support of these services.

We have been here before. This is not a new debate. In fact, the House position represents current law. But as a proponent of a woman's right to choose, I oppose that position both on substantive grounds and because it is too broad an incursion into home rule. On the issue of domestic partners, again we should show some measure of restraint when it comes to an issue on which the local electorate—through its duly elected officials—has spoken.

Mr. President, I compliment the chairman of the subcommittee, Senator JEFFORDS, and thank him for his hard work in representing the views of the Senate in conference. The House conferees were tough, but fair, negotiators. They, too, deserve thanks for their cooperation.

I urge my Senate colleagues to adopt the conference report on behalf of all those who visit, live, and work in the Nation's Capital.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the first vote will be on the conference report accompanying H.R. 3517. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—92

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frahm
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—6

Bradley
Brown
Glenn
Harkin
Kerry
McCain

NOT VOTING—2

Hatfield
Murkowski

The conference report was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The question now occurs on the conference report to accompany H.R. 3845, the appropriations for the District of Columbia. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—83

Abraham
Akaka
Ashcroft
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feinstein
Ford
Frahm
Frist
Glenn
Graham
Grams
Grassley
Gregg
Harkin
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Simpson
Specter
Stevens
Thompson
Thurmond
Warner
Wyden

NAYS—15

Baucus
Brown
Burns
Faircloth
Feingold
Gorton
Gramm
Hatch
Helms
Lautenberg
Shelby
Smith
Snowe
Thomas
Wellstone

NOT VOTING—2

Hatfield
Murkowski

So the conference report was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the conference report was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, we are not in a quorum call, are we?

The PRESIDING OFFICER. No, we are not in a quorum call.

Mr. LOTT. Mr. President, I am glad that we have adopted those two important appropriations conference reports.

I would like for us to continue to move forward and try to make progress now on a series of amendments with regard to the VA-HUD appropriations bill.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 3230

Mr. LOTT. Mr. President, with regard to the conference report to accompany the Department of Defense authorization bill, I ask unanimous consent that at 10:30 on Monday, September 9, the Senate proceed to the consideration of the conference report to accompany the Defense authorization bill, that the conference report be considered as having been read; further, that there be 4 hours for debate to be equally divided between the chairman and the ranking minority member on the Armed Services Committee with an additional 1 hour under the control of Senator JOHNSTON, with the vote to occur on the conference report at 2:15 p.m. on Tuesday, September 10.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Start at 10:30 for 4 hours on Monday?

Mr. LOTT. Yes. Actually, it is 4 hours to be equally divided with 1 hour under the control of Senator JOHNSTON, so there is a total of 5 hours. I really wonder about the need for that length of time, and I had hoped to start earlier—9 o'clock or 9:30 or 10. But at the request of the distinguished Senator from Georgia, we are going to begin at 10:30. So, first of all, we are agreeing to more time, and I wonder about that need.

Mr. FORD. I am not worried about how the watch is made here. I am just worried about the time. So we start at 10:30. There will be 4 hours equally divided, and then an additional hour. That will be all done on Monday?

Mr. LOTT. That would all be done on Monday. That is correct.

Mr. FORD. Then we vote on Tuesday.

Mr. LOTT. That is correct.

Mr. FORD. I thank the majority leader.

Mr. LOTT. Mr. President, I would like to say that we expect to get other work done on Monday. Hopefully, we will be able to spend some time on the Interior appropriations bill, and there is still a strong likelihood or even a probability that we will have a recorded vote or votes on Monday night after 5 o'clock. I advised our conference at our policy luncheon on Wednesday that that would be my intent.

I just do not see how we can get our work done in the next 30 days if we do not have any votes late on Wednesday night, if we do not have any votes all day on Monday, if we do not have any votes on Tuesday morning. I am perfectly willing to do most of this without votes, but I have to do what is necessary to try to keep our attention and get focused on the work and try to produce results. But this is a fair agreement, and I appreciate that. That is the way we need to continue to try to work. As the Democratic leader and I have talked, we will just take it one step at a time. This is one more positive step. As to what we have to do on Monday night, that will be determined by what happens today, tonight, and in the morning. If we make progress, we have good cooperation, it may be that we will not need recorded votes on Monday night. But we will continue to work, and as soon as we make a final determination with regard to Monday night, we will notify all Senators so they can plan what time to come back in here. I have urged our colleagues to be back in here by sundown on Monday so that we can get work done. I hope that we will do that.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader? Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 2053

Mr. LOTT. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER. The majority leader is correct.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2053) to strengthen narcotics control reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances.

Mr. LOTT. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. The bill will be placed on the calendar.

The PRESIDING OFFICER. The bill is being placed on the calendar under rule XIV. Objection is heard.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. The clerk will report H.R. 3666.

The legislative clerk read as follows:

A bill (H.R. 3666) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997.

The Senate resumed consideration of the bill.

Mr. LOTT. Mr. President, one final question in that I see the leader is still here. He has an amendment at the desk, and it is obviously one that there is a great deal of interest in on all sides. I wonder if he is ready to lay down his amendment. If we could do that here in the next few minutes and get a time agreement, that would help us get moving on what obviously is an amendment with a lot of interest.

Mr. DASCHLE. Mr. President, I would not be able to lay it down until 11 o'clock, but I think I could lay it down within the next 15 minutes. I have a couple of conflicts that I need to address, but I will be ready to do that in the not too distant future.

Mr. LOTT. I believe that will be fine. I appreciate it.

Mr. President, I believe we have amendments the managers can act on in the meantime, and we will be ready to go around 11 o'clock.

Mr. BOND. Mr. President, we have made good progress on the bill so far. As the majority and minority leader discussed, we do have one major amendment, the veterans health care amendment, the veterans entitlement amendment, to be proposed by the minority leader. We were hoping to get a time agreement on that.

As I look down the list, there are a number of amendments relevant to the VA-HUD bill, and I ask Senators to come to the floor. Some of these I still hope can be worked out by agreement and taken without a vote. A couple people on our side of the aisle have suggested that they want votes but would be willing to take very short time agreements on them. For the most part, we hope to be able to finish those.

There are quite a few amendments that are not relevant to the VA-HUD bill. I hope they can be held for bills which are related to the subject matter. There are some on both sides. Nobody has a monopoly on those. But if we are to continue the very important work of the many agencies that are included in this bill, we really do need to get this measure passed, sent to conference, worked out, and sent to the President. As I have stated on previous occasions, lifting the ceiling on the Ginny Mae loans will permit the sale of mortgages from the Veterans' Administration and FHA which otherwise would come to a halt.

There is a matter, a very important matter, with continuing the availability of flood insurance that is dealt with in this measure. I urge my colleagues on both sides not to put in amendments which more appropriately belong on other measures or which are likely to lead to extensive discussions. We are open, ready for business, and we would like to get this resolved in the daylight. It would be a real pleasure to pass one in the light of day, and if we work cooperatively, we have a chance of doing that today.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I share the goal of the Senator from Missouri to move in a well-paced way on this bill. I wonder, while we are waiting for the Democratic leader to come to offer his veterans medical care amendment, if we could have a quorum call and let us look at some of the amendments that maybe we could zip trip through once there is concurrence. Maybe while we are waiting for the Democratic leader to come we could actually dispose of some of those amendments.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, we have three amendments, I think, that have been cleared on both sides.

AMENDMENT NO. 5187

(Purpose: To amend the Housing and Community Development Act of 1974 and for other purposes)

Mr. BOND. First, I send an amendment on behalf of Senator HOLLINGS to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. HOLLINGS, proposes an amendment numbered 5187.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. . COMMUNITY DEVELOPMENT BLOCK GRANTS.

Section 102(a)(6)(D) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(6)(D)) is amended—

(1) in clause (iv), by striking "or" at the end;

(2) in clause (v), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(vi) has entered into a local cooperation agreement with a metropolitan city that received assistance under section 106 because of such classification, and has elected under paragraph (4) to have its population included with the population of the county for the purposes of qualifying as an urban county, except that to qualify as an urban county under this clause, the county must—

"(I) have a combined population of not less than 210,000, excluding any metropolitan city located in the county that is not relinquishing its metropolitan city classification, according to the 1990 decennial census of the Bureau of the Census of the Department of Commerce;

"(II) including any metropolitan cities located in the county, have had a decrease in population of 10,061 from 1992 to 1994, according to the estimates of the Bureau of the Census of the Department of Commerce; and

"(III) have had a Federal naval installation that was more than 100 years old closed by action of the Base Closure and Realignment Commission appointed for 1993 under the Base Closure and Realignment Act of 1990, directly resulting in a loss of employment by more than 7,000 Federal Government civilian employees and more than 15,000 active duty military personnel, which naval installation was located within 1 mile of an enterprise community designated by the Secretary pursuant to section 1391 of the Internal Revenue Code of 1986, which enterprise community has a population of not less than 20,000, according to the 1990 decennial census of the Bureau of the Census of the Department of Commerce.".

Mr. HOLLINGS. Mr. President, I rise to offer an amendment which will permit Charleston County and the city of North Charleston, SC, to improve coordination and to increase their capacity in building a more viable urban community. This legislation will assist both the city and county in providing affordable housing and suitable living environments and by expanding economic opportunities for a number of the county's low- to moderate-income citizens. Charleston County contains two entitled cities: the city of Charleston and the city of North Charleston. With the population of these two cities excluded, the county has too small a population to qualify for a CDBG entitlement. Two recent developments, the BRAC decision to close the Charleston Naval Base and Shipyard and the designation of an area adjacent to the city of North Charleston as an enterprise community, have increased the need for coordinated planning and development by the county and the city of North Charleston. That Charleston County is not entitled and has to compete with other communities in the State for CDBG funds has hindered the area's ability to do the meaningful long-range planning required to recover from base closure and to respond to the opportunity provided by the enterprise community designation.

The city of North Charleston has entered into a cooperative agreement with Charleston County to relinquish its entitlement to allow the county to qualify. This will not only enable the county to expand capacity building in the two neighborhoods that were designated as enterprise communities, but will enhance the capacity of the entire region to respond to the myriad problems and opportunities created by closure of the Charleston Naval Base and Shipyard. This amendment is budget neutral and breaks no new ground; it merely follows precedent set by numerous other communities across the nation that have found a cooperative, coordinated approach to community development eliminates duplication and directs more of their dollars to the intended beneficiaries. I urge its acceptance.

Mr. BOND. Mr. President, this is a measure dealing with the availability of CDBG funding in the city of Charleston. It makes changes in the boundaries of the city.

This has been cleared on both sides by the authorizing committee, and at a time when the city of Charleston once again is facing the potential disastrous impact of hurricanes, we think this is a very worthwhile change, and urge its adoption.

Ms. MIKULSKI. Mr. President, this side not only has no objection to the amendment, we concur with it. It allows Charleston County and the city of North Charleston, SC, to merge for purposes of CDBG consideration. We think it will make the agency more effective and efficient. We support the Hollings amendment and really wish the people of Charleston Godspeed as they face Hurricane Fran.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5187) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5188

Mr. BOND. Next, on behalf of Senator BENNETT, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. BENNETT, proposes an amendment numbered 5188.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, line 19, strike "$969,000,000" and insert "$969,464,442.

On page 29, line 5, strike the period, and insert a colon and the following: "*Provided further*, That of the total amount provided under this head, the Secretary shall provide $755,573 to the Utah Housing Finance Agency, in lieu of amounts lost to such agency in bond refinancings during 1994, for its use in accordance with the immediately preceding proviso."

Mr. BENNETT. Mr. President, in the early 1980's, a period of extraordinarily high interest rates, it was necessary for Congress to appropriate additional money to HUD for its section 8 program for new projects just then coming on line, to cover the high cost of financing. The "financing adjustment factor" or its acronym "FAF" was an additional amount of rent subsidy under the section 8 program that enabled thousands of privately owned apartments to be built and occupied by very low income families, elderly, and disabled persons.

Even with tax exempt bonds issued by State and local housing finance agencies [HFA's], interest rates were so high as to require the additional FAF subsidy. In my State of Utah, the HFA issued bonds in 1982 and 1983 to finance the FHA insured mortgage loans for 16 multifamily projects assisted with project-based section 8 rent subsidies and the extra FAF subsidy. It is clear that without FAF, the projects would not have been built and some 600 units of housing for very-low-income people would not have been available.

One of the conditions of FAF was that the HFA's had to agree to refund their bonds when interest rates fell. The purpose of the refunding was to reduce mortgage debt service paid by HUD through the extra-high rent subsidies. Here was a program designed to provide assistance while it was needed and then to end the subsidy when it was no longer needed.

The Stewart B. McKinney Homeless Assistance Act of 1988 provided that State HFA's were entitled to receive 50 percent of the savings generated by the refunding of the bonds, but the HFA's were required to use their share of the savings to provide housing assistance to persons below 50 percent of the area median income.

In 1991, HUD and the Utah HFA entered into an agreement that provided for a mechanism where HUD would continue paying the high rent subsidies to the project owner, and for a trustee to collect the savings not needed to pay the new lower bond debt and to split it between HUD and the Utah HFA. The format of the agreement between HUD and the Utah HFA was commonly called a trustee sweep and, although it is the only agreement of its kind the Utah HFA has entered into, it was commonly used by HUD and other HFA's. The agreement between HUD and the Utah HFA provided that the HFA could be reimbursed for money it spent to assist very low income families.

The agreement between HUD and the Utah HFA also contained a clause in which both HUD and the HFA agreed to not consent to or encourage any of the project owners to refinance their mortgage held by the Utah HFA.

In 1992 and 1993, at the first date it could contractually do so, at HUD's request, the Utah Housing Finance Agency refunded its bonds and fulfilled its obligation that had been set out 10 years earlier. The stage was set for the Utah HFA to spend its own funds to help very low-income families with their housing needs, relying on the agreement with HUD that the HFA would be reimbursed for its outlay of money.

The Utah HFA, relying on its agreement with HUD, spent its own funds on CHAMP, a nationally recognized homeownership program that has enabled hundreds of very low-income families, many of them single parents, to purchase inexpensive homes with CHAMP's downpayment and closing cost assistance. These hard working, but low-paid families now have what for many is their only chance of raising their children in the stable environment of the American Dream, a single-family home. Utah HFA spent its funds with the certainty that it would be reimbursed by the FAF savings from its agreement with HUD.

In October 1994, HUD, in breach of the agreement with the Utah HFA, consented to the request of six project owners enabling them to refinance their projects. The owners obtained new mortgage loans and prepaid the Utah HFA loans in full. Five of the six developments are continuing to receive the additional FAF rent subsidy.

The owners' refinancing was only possible by maintaining the section 8 contract rents at the very high subsidy levels, including that portion which was from the FAF. The owners will maintain the same or higher monthly debt service payments, because their new loans have a lower rate than the original loans, but with a much shorter term. HUD chose not to reduce the contract rents, but instead chose to consent to the refinancing, and appears to have breached its agreements with the Utah HFA. The result of this tragedy is that the project owners will benefit from taxpayer money originally intended to finance high-interest debt, and more recently, very low-income people under the McKinney Homeless Assistance Act. The owners will enjoy the developments free from debt at about the same time the section 8 HAP contracts expire. It is possible the owners will convert the developments to market rentals at that time, and reap an extraordinary windfall at the expense of the public, as a result of HUD's decision to maintain the high contract rents allocations to the development.

Sadly, HUD could have prevented this from happening but it did not. HUD is the section 8 HAP contract administrator for the Utah projects. The Utah HFA plays no role in the HAP contracts.

The HAP contacts require HUD's prior written consent to a refinancing, and HUD, through the Denver regional office, gave that consent, and perhaps even encouraged the refinancing by entering into an amendment of the HAP contract which provides for the sharing of the contract rent savings with the owner, even though HUD agreed not to encourage or consent to a voluntary repayment.

Numerous documents, statutes, agreements, and good sense show that the owners were not entitled to these moneys. The HUD decisionmakers stood behind one phrase in the HUD 1987 statute, in the face of overwhelming conflicts with other defensible documentation. The HUD decisionmakers allowed form over substance to rule their decision.

The HAP contracts, the Utah HFA bond indentures and official statements, the agreements between the owners and the agency, the CONGRESSIONAL RECORD, FAF appropriations, and the agreement between HUD and the Utah HFA all point to the simple fact that HUD was obligated to pay contract rents only to the extent necessary to maintain the financial viability of the developments. Nothing should have convinced HUD to donate these moneys to the owners of the developments.

HUD's action in this matter frustrates the public purpose of the McKinney Act, and the original FAF appropriations.

Accordingly, I have been working with HUD to see if a solution could be arranged which satisfies all parties. Back when Secretary Cisneros came before the committee I submitted questions regarding this matter. I continued to work with HUD and the result is the amendment I am proposing today. In fact, this amendment was drafted by HUD. I have gone about resolving this matter with the utmost care, involving the all parties in what, I believe, is an equitable solution.

Mr. BOND. Mr. President, this deals with a problem the State of Utah has had, its Housing Finance Agency, with HUD. It is $755,000 that is in dispute. We believe this amendment is necessary to resolve the matter. As I understand it, HUD has no objection to this. I ask for the immediate adoption of the amendment.

Ms. MIKULSKI. Mr. President, this side has no objection to the amendment. It does correct a problem created by HUD for the State, for the Utah Housing Finance Agency. It goes back to Senator BENNETT's predecessor, Senator Garn, who was ranking on the committee. We are happy it is finally resolved, and urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5188) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5189

(Purpose: To prohibit the use of amounts made available under the Act to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction)

Mr. BOND. On behalf of Senator FAIRCLOTH, I send to the desk an amendment which repeats the provisions carried in last year's appropriations measures regarding free speech and the Fair Housing Act.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. FAIRCLOTH, proposes an amendment numbered 5189.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. 2 . FAIR HOUSING AND FREE SPEECH.

None of the amounts made available under this Act may be used during fiscal year 1997 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

Mr. FAIRCLOTH. Mr. President, I rise today to offer an amendment to H.R. 3666 that will bring fairness and common sense to the way in which our Nation's housing policies are carried out. As you know Mr. President, I introduced a bill last August, the Fair Housing Reform and Freedom of Speech Act of 1995 that would overturn the Supreme Court ruling in City of Edmonds versus Oxford House.

In that case, a home for 10 to 12 recovering addicts and alcoholics was located in a single family neighborhood. The city told Oxford House that they would have to apply for and receive zoning approval since the home would have violated the city's local zoning code that placed limits on the number of unrelated persons living together.

Rather than going through the governmental process, Oxford House filed a claim with the Department of Housing and Urban Development saying that they were above the zoning process. HUD investigated the individuals and city officials who had objected to the placement of this home. Regrettably, the Supreme Court ruled that these individuals had violated the Fair Housing Act.

In the past, HUD has prosecuted people under the Fair Housing Act who have protested group homes coming into their neighborhoods. One of the most notable of these cases was the incident involving three residents in Berkeley, CA. HUD eventually dropped their suit because of the public's outrage. HUD has told us that they have discontinued this practice. I hope they have—but this amendment makes sure that they do.

The Congress clearly intended an exemption from the Fair Housing Act regarding the number of unrelated occupants living together. In fact, the Fair Housing Act expressly authorizes "any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling." (Title 42, U.S. Code, Section 3607(b)(1)).

However, HUD, saying that it has authority from the Fair Housing Act, has repeatedly intimidated people in the past who spoke out with possible prosecution. HUD's actions have been blatant violations of these individuals' rights to freedom of speech. Anybody has the right to speak their mind in opposition to something and seek legal action against what they believe is an injustice. HUD is trying to use its authority as a weapon to silence legitimate free speech.

My amendment will make some delineation of the parameters of the Fair Housing Act. We need to preserve this act to prevent real discrimination in housing, but we should not be using this act to pursue agendas that silence individuals rights to free speech.

Thank you Mr. President. I urge my colleagues' support of this amendment.

Ms. MIKULSKI. Mr. President, we also concur with the amendment. I have been informed Secretary Cisneros has agreed to the amendment. Senator SARBANES, the ranking member of the Banking Committee does, and so do I, because what this does is prohibit HUD from suing people or groups protesting HUD activities. It was based on suits HUD brought against groups protesting group homes. HUD accused them of Fair Housing Act violations. It was a really needless and heavyhanded intrusion on citizens' rights to organize about their own neighborhoods, something I most enthusiastically support.

I support the Faircloth amendment and so do the appropriate people on my side of the aisle. Therefore, we urge the adoption of this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5189) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we have several more amendments that have come to us. We will take a few moments to discuss those. If my colleague has no further comments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I think we have the basic agreement for a time on the Daschle amendment on the VA amendment. I propose that there be 4 hours equally divided on this amendment with one-half hour on the minority side allocated to Senator BYRD, that there be no second degrees, and at the end of that time a vote occur on or in relation to the amendment.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, that agreement is acceptable on this side. I think we can accommodate that schedule. I know Senator BYRD wanted to have some time, and this will accommodate his interests. So I hope that we can agree.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I just ask the managers of the bill, if we spend 4 hours on this amendment—and there are a dozen amendments pending, or something like that—it certainly is our hope we could finish the bill today. If we are going to spend 4 hours on one amendment, that does not make that look very likely. I do not understand why it would take 4 hours. I do not understand why it would take more than an hour.

Mr. DASCHLE. Mr. President, we could take 10 or 20 hours, too. We are trying to accommodate the majority. The amendment has 25 cosponsors. I cannot recall exactly how many of our cosponsors have indicated an interest in talking, but I have assurances that the Senator from West Virginia would like 30 minutes alone. We will continue to work as we did last night to come up with a finite list, but I thought it was a concession to the majority to limit this to 4 hours, 2 hours on a side.

So if that is not acceptable, we can just begin without a time agreement and maybe we can do it in less time. Maybe it will take twice as long, but that is up to the majority.

Mr. NICKLES. Also, does the request say "up to 4 hours"?

Mr. DASCHLE. We will always be able to yield back time. So that implication is always part of the agreement. But if 4 hours is unacceptable, perhaps we ought to begin the debate and see how long it takes.

Mr. President, I object to the agreement. I object to the agreement, and we will just begin.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I was not going to object. The Senator from South Dakota can object if he wants to. I think 4 hours is too long. I think if we have an interest in passing this bill, we need to move forward on several amendments and we need to move forward expeditiously. Four hours on one amendment does not seem appropriate if that is our goal and objective to finish.

If people want to string it out, I do not doubt we could spend all day on an amendment and probably spend all day on several amendments, but that does not finish the bill and does not get the work done.

We happen to have five appropriations bills that we need to finish just through the Senate. Again, this Senator is not going to object to the request. But I think all Senators are going to have to realize, if they have an amendment on the list and they really desire to bring it up—and I know there are some amendments on there that people do not intend to offer, and I hope that is the case—we need to shorten our sights, make speeches maybe later in the evening or something, but move forward expeditiously on these amendments, vote on the amendments and dispose of them.

I shall not object to the unaminous-consent.

Mr. DASCHLE. Mr. President, I have an amendment at the desk, but I will not ask that it be read at this time. I will simply begin the debate and we will offer the amendment at a later time, several hours from now probably.

Mr. President, according to the Congressional Budget Office, approximately 2,785 children of Vietnam veterans suffer from spina bifida, a serious birth defect that requires lifelong care. That has already been established. A March report from the National Academy of Sciences suggests that a connection between these children's disabilities and their parents' exposure to agent orange in Vietnam is a very real and growing problem.

Today, along with 25 of my colleagues, I am offering an amendment to acknowledge the Federal Government's share of responsibility for these children's care. Spina bifida occurs when the spinal cord does not close fully early in pregnancy. It is a complex disability. It requires coordinated care for many medical specialists, including neurosurgeons, neurologists, orthopedists, pediatricians, internists in adult years, psychologists, physical therapists, dietitians, and social workers.

Children with spina bifida often go through a series of operations in early childhood followed by special care, therapy and treatment throughout their lives. Many are wheelchair bound. Others can walk with assistance. There is a high survival rate. But these victims of this horrendous disease face daily challenges few of us will ever fully comprehend.

Picture a 10-year-old child leaving for school in a specially equipped schoolbus, but only after first running through an obstacle course known to most of us as a house, to get from her bed to the electric wheelchair that takes her to a bathroom where she is learning to control continence through a catheter, and on through a house designed to accommodate the special needs of someone living with a disability.

During the day, this fifth grader must attend many classes with her peers but also must spend part of the day in special education classes to overcome learning disabilities that are often associated with spina bifida and to go to physical therapy to ensure continued mobility and development.

After school, the child is picked up by her mother, who had to take the afternoon off, in a special transport van to go to a hospital for her biannual checkup with a multidisciplinary team. She may have bladder therapies, a renal ultrasound or urologic tests. She may be checked for seizures or scoliosis. She and her parents will be taught self-care skills for bowel management, intermittent catheterization and intervention for urinary tract infections, all this in addition to regular pediatric checkups.

Before leaving, she is referred to her psychiatrist the following week to discuss depression and socialization issues. Her nurse asks her about her latex allergy, which is a common secondary condition, and reminds her to avoid bandages, balloons and other products containing latex.

Later, at home, the family sits down to a low-fat meal to keep weight problems at bay as she does her homework, practices transfer techniques to move her between wheelchair and bed, and finally goes to sleep.

Fortunately, these kids are tough. Depending on severity, many are able to live very full and productive lives, though not a day goes by that they are not reminded of their disability.

Mr. President, the National Academy of Sciences announced in March new findings that suggest evidence of a link between exposure to agent orange and the presence of spina bifida in Vietnam veterans' children. The report was required by the Agent Orange Act of 1991 that was Public Law 102-4.

The first National Academy of Sciences report published in 1993, as many of our colleagues recall, created a four-tiered classification system for health problems associated with agent orange exposure.

Category 1 was sufficient evidence of an association. Evidence in this category is sufficient to conclude without any question that there is a positive association.

Category 2 is the limited/suggestive evidence of association. In this category evidence suggests the association, but there is an inability to rule out, with confidence, confounding, chance or bias, so there is not unequivocal, absolute, conclusive proof that the connection exists.

Category 3 is inadequate or insufficient evidence to determine whether an association exists. That is a category where available studies are insufficient to permit a conclusion about the presence or absence of an association.

And category 4, the limited/suggestive evidence of no association whatsoever, where studies are mutually consistent in not showing a positive association between any level of exposure and the presence of a condition.

The Department of Veterans Affairs provides disability compensation to Vietnam veterans suffering from conditions in the first and second categories. The National Academy of Sciences has now placed for the first time spina bifida in the second category of diseases for which there is the limited/suggestive evidence of the association.

Mr. President, the law requires that in cases where the evidence for an association is equal to or outweighs the evidence against the association, the Secretary of Veterans Affairs resolve the benefit of the doubt in favor of the veteran and provide the disability compensation. That is consistent with the law providing presumptive disability compensation to veterans of all previous wars. The Agent Orange Act of 1991 gave the authority to the Secretary to make these decisions based upon the neutral, scientific and very respected National Academy of Science reports which are required in the law that I mentioned earlier.

This amendment is required because the Secretary does not have the authority to provide for compensation to veterans' children. While birth defects in their children has been many veterans' biggest concern, we have never before faced a situation where we now have very real, tangible evidence, based upon National Academy of Sciences' information, and the tremendous work and effort done by many others who contributed to this report. The Agent Orange Act did anticipate this situation and specifically asked the National Academy of Sciences to investigate the connection between exposure and reproductive effects and birth defects in veterans' children.

In March, I submitted for the RECORD a statement supporting these findings and raising the issues that needed to be addressed. So, as required by the 1991 law, the Department of Veterans Affairs reviewed the National Academy of Sciences report. In May, the President announced, among other things, his intention to pursue legislation that would provide an appropriate remedy for these veterans and their children.

Again, let me emphasize, in this category 2, the National Academy of Sciences has concluded that there is more evidence to suggest the connection than there is lack of evidence to suggest that there is no connection. So there is a strong degree of evidence, statistically significant scientific evidence, that has brought the National Academy of Sciences, for the first time, to the conclusion that they reached earlier this year and has brought the Secretary and the President to the conclusion they have reached.

So the time now has come, Mr. President, for us to respond, as we have responded at each and every one of the junctures that we have faced during this very difficult period for many victims of Agent Orange. This amendment addresses this situation in what I view to be a very reasonable way. It is sensitive to the needs of the children and our responsibility to them, but at the same time it is cognizant of the fact that these children are not veterans. That must be taken into account, as well.

This amendment would provide comprehensive health care, vocational rehabilitation, and a monthly stipend to eligible children. Eligibility, of course, is a very important factor to be considered here. The veteran must have served in Vietnam and must now be in a situation where they are experiencing or have clearly become victims of the spina bifida disease.

Health care would be provided by or through the Veterans' Administration. We anticipate that most of the care would be provided via contract by experienced spina bifida care providers. It would provide for up to 4 years of vocational training, and monthly payments of $200, $700, or $1,200 would be provided, depending on the level of disability. The proposal reflects months of efforts by the administration, by others, including Senators KERREY and ROCKEFELLER, Congressman LANE EVANS, veterans service organizations, and groups representing persons with spina bifida.

It is fully offset with a noncontroversial provision included in both the Democratic and Republican reconciliation bills last year. It requires that veterans wishing to file liability claims against the VA show negligence, as is done in the private sector, to be entitled to benefits for whatever claims may be derived as a result of the filing by the veteran. Currently, a veteran may file for service connection for any injury occurring in a VA facility without showing whether it resulted from negligence or an accident. So, both the budgets of the Republicans and the Democrats included a provision to clarify the responsibility of the VA in cases of claims involving veterans who file that may not at all be related to negligence on the part of the VA. That clarification creates a surplus from which part of the funds to be paid out in this amendment will be derived.

Savings from the provision come from averting future cases—no benefits are cut. Excess savings are directed to deficit reduction, allowing the VA and the Veterans' Affairs Committee to count these savings toward future responsibilities in the next reconciliation bill.

Mr. President, the VA-HUD appropriations bill is certainly the most appropriate vehicle for this, 20 years later. It seems to me that after every one of the debates and all of the cases that we have had to make on this floor and in the House of Representatives on behalf of veterans who have been exposed to an unusual set of circumstances that go all the way back to the early 1970's, where mysterious diseases have occurred and ultimately have been found to be related to their exposure in Vietnam—obviously, each and every one of those cases involving yet additional evidence has led to a debate that dealt with the appropriate way with which to respond to this additional evidence. We now have the evidence of yet another unfortunate effect of that military service. We have the evidence. We have the law on our side. And now we have the appropriate solution.

Given the limited amount of time left this year and the proposal by the majority leader for moving the schedule between now and the end of this month, there is likely no other opportunity for us to address this issue in the remaining days of this legislative session.

Mr. President, some would argue that we should not legislate on an appropriations bill, but they are oftentimes the ones who have supported legislation on an appropriations bill on prior occasions during this Congress. In fact, on March 16, 1995, the vote was 42–57 to allow legislating on an appropriations bill. On that day, the practice became something that would now be considered to be appropriate, given the circumstances of that vote and the ruling by the Chair and the commitment on the part of the body to overrule the Chair on that occasion. So the precedent has been set. Legislating on appropriations is now something that is not out of order, and no points of order can be brought on that particular issue.

This amendment, Mr. President, has very strong support from the American Legion, from the Veterans of Foreign Wars, from the Vietnam Veterans of America, from a real leader in this whole effort now for almost 25 years, Adm. Elmo Zumwalt—who has probably experienced the effects of agent orange on his family more graphically and unfortunately than perhaps anybody else in the country, given the fact that his son was exposed and died of his exposure to agent orange and his grandson is suffering from a learning disability they believe to be related to his son's exposure—the Spina Bifida Association of America, the Consortium of Citizens with Disabilities, the American Association of University Affiliated Programs for Persons with Developmental Disabilities, and, of course, the administration.

Mr. President, we have to make a commitment to these children. They may not be large in number, but those 2,000 children are every bit as much victims of those circumstances faced by our soldiers in Vietnam as the soldiers were themselves. We placed their parents, men and women, in harm's way in service to their country. We asked them to risk their lives and their health so that others could remain free. We did not, however, ask them to give their children's lives and health. We told them that we would take care of them and their families when they return, whether they were injured or not. Some of those injuries were immediately apparent, but others have revealed themselves over time. We bear the responsibility for the consequences of our actions and our policies, for the injuries suffered by those veterans, even those unforeseen, and even those in their children. This amendment does it as best we can under these circumstances. I urge its adoption.

I yield the floor.

Mr. BOND. Mr. President, before the minority leader leaves, there are a number of things I would like to clarify with him. What is the basis of the number of children who have spina bifida, who are children or offspring—and I suppose now many are grown into adulthood—what is the basis of that number?

Mr. DASCHLE. The basis of the number is simply the number we have been able to calculate of those children of agent orange veterans who were exposed to agent orange and who are now victims of spina bifida. So you have a very limited population. That population is first limited by the number of Vietnam veterans in Vietnam exposed to agent orange and, second, to those children of veterans who fall into that category.

Mr. BOND. They have not actually counted this number. This is an estimate, is it not?

Mr. DASCHLE. That is as hard a count as the VA currently has.

Mr. BOND. I understand this is just an estimate based on an assumption from a study that if there is a connection, this number of offspring of veterans would have spina bifida, is that correct?

Mr. DASCHLE. I am told by staff that this is the best estimate the Congressional Budget Office has been able to derive in consultation with the Department of Veterans Affairs.

Mr. BOND. But it is an estimate?

Mr. DASCHLE. It is an estimate.

Mr. BOND. Based on a study of a small number of people where there were slightly larger incidence of spina bifida in this study than in the normal population, is that correct?

Mr. DASCHLE. That is not correct. The distinguished chairman of the committee misstates, I think, the report by the National Academy of Sciences. The National Academy of Sciences has indicated that, in the category 2 determination, there is a greater association of spina bifida victims in cases involving veterans affected by agent orange than in the nonexposed population. That is, there is a greater likelihood that spina bifida has occurred as a result of that exposure than there is not.

Mr. BOND. That is an estimate based on one study. You are extrapolating from that study?

Mr. DASCHLE. Well, the law requires us to base it on the National Academy of Sciences' report, which is based on several studies. The National Academy of Sciences is required, under the law of 1991, to review the scientific literature and evidence to provide us with an assessment of the health-related difficulties that may be in evidence as a result of exposure in Vietnam, including those especially related to children. In accordance with the law, the National Academy of Sciences has now said that spina bifida is one disease where a clear association can be drawn.

In working with the National Academy of Sciences, the Congressional Budget Office, and the VA, there has been an estimate provided, for budgetary purposes, of the number of children who would be directly affected.

That estimate is the one I gave earlier. That is only an estimate, but it is the best estimate, given the circumstances and the studies that have now been done.

I don't believe it is a very significant matter for us to be debating the question as to whether it is 2,500, or 2,800, or 3,200. The estimate was made the way CBO estimates are normally made. The real question is: What do you do when you have a veteran exposed to agent orange, who now has a child with spina bifida? What the law says is that we give the veteran and his or her family the benefit of the doubt. In following through with the law, the Department of Veterans Affairs has done just that.

Mr. BOND. Well, Mr. President, I might say to the distinguished minority leader, this is one of the problems we get when there is a legislative matter on which there have been no hearings in the Senate. We are attempting to determine the basis of that assumption here on the floor of the Senate.

This should properly be done in a Veterans' Affairs Committee hearing. As I understand what the minority leader says in his arguments—and none of us have any question about the pain and difficulty that a family with a child born with spina bifida goes through. What we are asking is whether there is a reasonable basis in fact. Now, as I understand it, all of these assumptions are based on something called the ranch-hand study, is that correct?

Mr. DASCHLE. That is not correct.

Mr. BOND. What is the basis of it then, the study, the basis of the assumptions that you are making?

Mr. DASCHLE. The basis of the assumptions is, as I said earlier, that the law requires the National Academy of Sciences to review all of the outstanding information, all of the scientific data that is available currently, including but not limited to the Ranch Hand study, assess that data and make a determination based upon that assessment as to whether an association exists. By law, they are required to do that. By law, they have.

Having done that, by law, the Secretary of Veterans Affairs, the President, and 26 of us in the Senate—as well as more in the House—are now responding. The law required that we give the benefit of the doubt to the veteran. Now, there have been those who have historically opposed that presumptive disability compensation in the law. But it is the law. What we are now saying is that the law must extend to the children, as it has been extended to agent orange victims in the past, over the objections, I might add, of a few of my colleagues. Again, Public Law 102-4 has been passed; it is the law, and it is our responsibility to live up to our commitments.

I might also add, in response to the distinguished chairman's comment about a hearing, the National Academy of Sciences' report linking agent orange exposure to spina bifida was issued in March. The President announced his commitment to a legislative solution in May. The request for committee hearings on the NAS findings was issued 2½ months ago and was never answered—over 2½ months ago. We never had any commitment to a hearing. Now, there is a hearing scheduled for sometime this month, but not on the exploration of issues dealing with this amendment. There has been ample time and notification to deal with this issue. There has been absolutely no response.

I know the distinguished Senator from Wyoming has a very busy schedule, and I don't, in any way, imply that he is not interested and has not been personally kind to me in many of the requests that I have made of him. But on this issue I think the record speaks for itself. There has not been committee attention given to this issue this entire year. Now, suddenly scheduling an unrelated hearing—unrelated hearing—2 weeks before adjournment is not going to allow us to address this issue. We know what the law says, and we know what the National Academy of Sciences' report has concluded. We know that there is an association.

All we are simply doing here is saying let's make sure that the VA has the ability to follow through with what the law requires in providing the benefits to veterans and their families under these very, very difficult circumstances, albeit very limited, perhaps to as few as 2,500 cases.

I yield the floor.

Mr. BOND. Mr. President, let me ask the minority leader when the legislation to provide this was introduced. When did you introduce legislation to provide these benefits?

Mr. DASCHLE. Mr. President, we introduced the legislation this summer, sometime in July.

Mr. BOND. Well, since we went out of session in August, and it was introduced in the latter part of July, it would not be unreasonable that legislative hearings could not be held on a bill which had not been introduced, is it?

Mr. DASCHLE. Well, Mr. President, I just say that, obviously, you don't need a bill to hold hearings on something that was already announced all the way back last March. Last March, the National Academy of Sciences made their announcement and the Secretary and the President made their decisions in May. I would think that alone would trigger hearings and some response on the part of the Senate Veterans' Affairs Committee. That was not done.

So, obviously, our only recourse was to follow through with the legislation that we introduced.

Mr. SIMPSON. Mr. President, I will have further remarks later. But since the distinguished minority leader is here, I will say that I personally know of his deep, deep interest in agent orange issues. The Senator from South Dakota and I have been bandying that about for many a year. We will continue to do so, because I continue to insist—and the law insists—that we stick with sound medical and scientific evidence, period.

We do not deal with these issues on the basis of emotion or fear. This makes it very difficult because there is no sound medical or scientific evidence that dioxin does anything related to birth defects except for one study of a highly exposed group called the "ranch-hand study."

Remember, too, that there was a civil suit against the producers and manufacturers of herbicides containing dioxin. It was to be the greatest class action of all time. It was to destroy huge corporations in America and bring them to their knees for producing this substance. What happened to that suit? It was settled for less than $200 million. The judge recommended that the plaintiffs settle because there wouldn't be any way they could prove through the testimony what they had to prove to show sound medical and scientific evidence linking dioxin to what had happened to the plaintiff class. They settled for an amount that would amount to a few thousand dollars each for members of the class, perhaps $6,000, $7,000, or $8,000 each. And that settlement really was the beginning of what has come to pass with regard to an issue that never seems to go away.

But I commend my friend, TOM DASCHLE. He is a fighter for veterans. I am a veteran, too. I do not enjoy getting into these things. I chair the Veterans' Affairs Committee.

But to my knowledge there has never been a request for a hearing on this bill because this bill didn't come before the U.S. Senate until July 29, and we went out days after that. I do not hold many hearings on bills that I do not have before me. This bill was presented July 29.

The amendment speaks of the law and what we do to follow the law. The law requires us to say, for each disease reviewed by the Academy, "the extent that available scientific data permit meaningful determinations, A, whether a statistical association with herbicide exposure exists taking into account the strength"—the word is "strength"—"of the scientific evidence of the appropriateness of the statistical and epidemiological method used to detect association."

There is no "strength" in the report that the minority leader cites. It was a subject of "bias, confusion, and confounding," according to the Institute of Medicine. And I shall quote that later in my remarks.

The second part of it was the increased risk of the disease among those exposed to herbicide during service in the Republic of Vietnam during the Vietnam era; and, C, "whether there exists a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease."

That is the law. So it was not something that the Veterans' Affairs Committee was escaping. But I certainly wanted the record to be so totally clear on what the subject is because there is no solid, strong data to support any plausible biological mechanism.

I have cited the law. I shall have more to say later. But this is the first time—I hope the leader will listen to my remarks. And I see the ranking member of the Veterans' Affairs Committee is on the floor. I hope that he will become involved in the debate, if that is appropriate, and I think it is. This will be the very first time that we have ever extended any form of entitlement to a dependent class based on the health of the dependant, rather than the disability or death of the parent. I have no idea where this precedent would take us, but I can tell you that in our reconciliation instructions there are not many places to get the funding needed to pay for it.

So I hope that every single Member who is sponsoring this amendment will tell us where we are going to get the money because we are already committed to using the Gardner decision money for other purposes. I hope that will be heard again and again and again as we get into talking about reprogramming or doing this, or doing that—that we have allocated the Gardner decision money. Gardner was a decision which could be described by a nonlawyer as "bone headed." Nevertheless, we will correct that, and we have allocated those resources. They are gone.

So if this passes, and the Veterans' Committee is then called upon to meet it's reconciliation instructions, then I am going to have to, as chairman and with my good colleague from West Virginia as ranking, sit down and decide where we are going to get the money. I know there will be an argument about reprogramming and stuff that no one will understand. But that is the issue. That is one of the issues.

The other issue is when you link the word "veteran" and innocent, disabled children you have to wade through a lot of emotion as well as facts. They have linked those words here. And it will be my purpose to try to show that the people who were in Vietnam and exposed were treated very fairly and always on the basis of sound medical and scientific evidence.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, going back to the basic questions and assumptions, again I note the difficulty we have as we are asked on an appropriations bill to approve legislation to establish a new entitlement program.

Did I understand the minority leader to say that he believes it is entirely appropriate for an appropriations bill to include a new entitlement program which has not been the subject of hearings in an authorizing committee, and which the chairman of the authorizing committee opposes on an appropriations bill? Is this the new procedure we follow?

Mr. DASCHLE. Mr. President, I remind my dear friend that he voted to cause this to be the new procedure in March 1995. He voted to overrule the Chair when the Chair ruled that you could not legislate on an appropriations bill. He was one of those who said no; that we think now that appropriations bills are appropriate vehicles with which to legislate. So he set the precedent. We are simply saying we are willing to live now with that precedent. With respect to this case, I thank him for doing so. But he was the one who did it. I do not think this is necessarily a good practice. But in this case I am very grateful to him for having voted for it so I can offer this amendment and not be called on a point of order.

Mr. BOND. Mr. President, there will be a point of order. Who knows? There may be several of them.

But let me ask the minority leader if he does not agree that there are instances of legislation on appropriations bills where the authorizing committee has agreed that it is appropriate to make changes which could not be made in the normal course of business and whether it has not been the agreement of the leadership that on this appropriations cycle we would only include legislation which had the approval of the authorizing committees? Was the minority leader not involved in that leadership discussion?

Mr. DASCHLE. I was certainly not involved in any discussion of that kind. That is news to me.

Mr. BOND. Mr. President, I am sorry that the word has not gotten around. I was under the impression that the full leadership of this body had said that we were not going to attempt a broad range of authorizing activities where the authorizing committee objected. Certainly in this instance I think there are many questions which legitimately should be resolved before the authorizing committee.

I wonder if the minority leader is familiar with the testimony which was produced in the House by the principal investigator on the one study, a "ranch-hand study," which examined the possibility of a link between dioxin and offspring with spina bifida, and the fact this investigator testified before the House appropriations committee concluded in his testimony by saying that "The Institute of Medicine has recently interpreted available evidence on spina bifida and exposure to herbicide as 'suggestive of an association' but 'limited because chance bias and confounding could not be ruled out with confidence' the results of our study of ranch hand veterans and comparisons were apparently important to the Institute of Medicine in reaching their conclusion. However, it is my opinion that the accumulated evidence does not yet establish that there is a cause-and-effect relationship between herbicide exposure and spina bifida today."

Is the Senator familiar with that testimony?

Mr. DASCHLE. I sure am. I appreciate the fact that the Senator from Missouri has raised the question because it confirms really what the National Academy of Sciences also says. It says that the evidence today does not suggest a direct, unequivocal cause-and-effect relationship—and the law specifically does not require one. All the National Academy of Sciences says is that there is more evidence to suggest that there is a relationship than there is evidence to suggest that there is not.

The National Academy of Sciences is that body to which we turn for the best assessment as to what the relationship is so that the Secretary and we may determine what our actions ought to be based upon the available scientific data. Based upon that and only that, we are concluding once more, as we have done on so many occasions, that the presumption must go to the veteran—not to the Government, not to the chemical companies, not to anybody else but to the veteran.

We have to assume that if there is some doubt and if the weight of evidence suggests that there is more data in favor of the relationship than there is not, the benefit of the doubt ought to go to the veteran and his family. We have done that on compensation. We have done that on medical care. And now we are doing it on a very narrow focus: spina bifida today in children of victims of agent orange in the first place.

That is what we are saying. As the Senator from Missouri knows, we debate the same issue with respect to tobacco constantly—you have Senators here who raise the issue of tobacco, and there is a debate about how much data suggests a direct link. But you still have companies that suggest there is no link. I am one who does not agree with that. But yet we base our policy on the linkage that exists, the overwhelming evidence that does exist that there is a connection between exposure and a disease. So we are doing now with agent orange once more—providing a link based upon the scientific link that we have described in the law itself and that is supported by evidence from the Centers for Disease Control studies, the ranch hand study, and other evidence.

Mr. BOND. Mr. President, the legal link is merely that there are suggestions, there is not evidence, and this is one of the facts that would be brought out were there to be a hearing. Perhaps the minority leader could tell us what kind of services the potential beneficiaries of this amendment are now receiving. Are they now receiving federally supported care? Are they receiving privately supported care?

Mr. DASCHLE. I can tell the Senator from Missouri that they are not receiving any assistance today from the VA.

Mr. BOND. That is not the question. Are they receiving Federal assistance in any form?

Mr. DASCHLE. That would depend, of course, on what their circumstances are. If they are Medicaid eligible, they might be eligible for a small amount of assistance in health from Medicaid, but there is virtually no assistance, as the Senator knows, through Medicaid for the number of different obstacles that I described in my earlier remarks that a child faces as they have to address the many complications outside of just the health complications for which they must endure every day. There is no assistance there.

So I cannot tell the Senator today how much Medicaid assistance they may be getting, how much assistance they may be getting through AFDC. That is not the issue. The issue is, what is the VA doing? And the answer to that question is zero, nothing. They cannot do anything. That is the purpose of this amendment.

Mr. BOND. Mr. President, I think we have now seen why this is such a difficult question, because there is no arguing with the fact that individuals suffering from disabling diseases, particularly such as spina bifida, which is a congenital birth defect, which, in most severe cases, can cause paralysis, deserve our compassion. There are some studies underway which have shown that one of the causes of spina bifida is a lack of folic acid. This is a disease, this is a defect which deserves our greatest attention because it is a debilitating, truly awful disability, and the compassion with which the minority leader speaks is justifiable.

We all have compassion for these people, but we are considering an appropriations bill today. It is the most tortuous reasoning to say, when the minority leader has waited until July 29 to introduce a piece of legislation, and then without hearings in the relevant authorizing committee expects without the hearings and over the objection of the authorizing committee which wishes to explore what is clearly questionable scientific evidence on which any findings should be based, that this should be put in an appropriations bill. This would be an entitlement program stuck on an appropriations bill. As the chairman of the Veterans Committee has already pointed out, the so-called offset has already been used for the entitlement.

The Senate Veterans' Affairs Committee marked up a bill just prior to the August recess. No Member raised the issue and, as I said, the Senate Veterans Affairs Committee has held no hearings on it.

There are many issues which need to be considered regarding the provision of benefits to children with spina bifida. They have not been discussed and debated in a normal legislative process. A view expressed by the Disabled American Veterans executive director, David Gorman, in a May 1996 letter to the VA Secretary said:

> Because the basis of [these children's] entitlement is dissimilar to both the conventional direct and derivative eligibility for VA programs, benefits for them would appear to be beyond the parameters of traditional VA benefits, and more properly under the scope of other compensatory programs. Benefits for these children might be more appropriately included under authority and appropriations for military claims.

Similarly, the Vietnam Veterans of America wrote to the Secretary in April stating:

> We urge you to specifically request the VA task force seek outside expertise from both governmental and nongovernmental entities on these issues. VVA aims to ensure that the appropriate questions are being considered and addressed by policymakers in the VA and Congress.

The Vietnam Veterans Association raised a number of questions which need answering such as how many veterans' families are affected by spina bifida. We have only an estimate based on a flawed study which led to the assumption for the numbers which the minority leader gave. And the minority leader has been unable to tell us what governmental or nongovernmental services might already be available to these veterans and families and what agencies should be tasked with providing health care and compensation.

The Veterans' Administration does not even know how many offspring of veterans of Vietnam are actually affected by this terrible disease, their ages, their degree of disability, or the extent to which they are already receiving Federal assistance, nor does the VA have any firm estimate on the cost of care and compensation.

These are very important issues. These are truly critically important issues to the families affected. They deserve the attention and deliberation of this body but, I suggest, through the normal legislative process. The views of the veterans service organizations certainly should be taken into consideration on this important issue. Their views—and there are views on both sides—deserve the proper forum of hearings in the authorizing committee. As I noted, some of the organizations do support and some do not support the Daschle amendment.

There are much greater problems with this, and the minority leader brushed them off. But the amendment sets several precedents. First, to my knowledge, expanding entitlements on an appropriations bill has not been done—to my knowledge.

If there is ever an instance in which the American people can see why the Federal Government is spinning out of control, it is when on the basis of limited scientific evidence, not hard scientific evidence, without hearings, without legislative consideration of all points of view, without even knowing how many people are affected and what other benefits are available, a brandnew entitlement program is set up; it is set in motion without consideration of its impact.

When young people ask us how did the Federal Government spending get out of control, this is probably one small example. It is an example, where there are people who have a severe birth defect. We are concerned about them. But we are setting up a Government program without reliable scientific knowledge on what the cause is or how it is going to be dealt with. Are we dealing with all of the children of veterans who deserve this kind of help? What about the children of gulf war veterans who suffer from heart-wrenching disabilities, possibly as a result of their parents' service? This amendment opens up a whole host of questions which deserve to be considered through the normal legislative process.

But let us be clear about the scientific basis. Has there been a scientifically established link between exposure to agent orange and spina bifida in offspring? The answer is no. There has been only "limited/suggestive evidence" of an association based on a single study. The author of that study says: Do not rely on it. The cause of spina bifida is unknown. Work is going forward on the folic acid approach.

The VA's task force report on agent orange, issued in May in response to the National Academy of Sciences/Institute of Medicine update on agent orange, said "Most of the studies cited did not show statistically significant differences. Notwithstanding these scientific questions, sufficient data exist of a possible association that the task force concluded that spina bifida meets the liberal standards set forth in Public Law 102-4," the Agent Orange Act of 1991.

The task force report also said:

> The Task Force believes the legal standard governing the finding of a "positive association" under P.L. 102-4 is an imperfect framework for analyzing the relevant scientific evidence and, further, raises a risk that VA's findings of a "positive association" may be misinterpreted to mean more than they do. The Task Force is concerned that VA's finding of a "positive association" under the liberal standard of P.L. 102-4 may be misconstrued as reflecting a scientific judgment that a causal association exists between herbicide exposure and a particular disease. The

Task Force emphasizes that its conclusions made for the limited purposes of P.L. 102-4 do not reflect a judgment that a particular health outcome has been shown to be caused by, or in some cases even definitely associated with, herbicide exposure under the standards ordinarily governing such conclusions for purposes of scientific inquiry and medical care.

The NAS looked at one study referred to as the "Ranch Hand" study. The author of this so-called Ranch Hand study said his own findings did not support a conclusion of linkage between herbicide and spina bifida. He said before a House hearing earlier this year: "It is my opinion that the accumulated evidence does not yet establish that there is a cause-and-effect relationship between herbicide exposure and spina bifida." The NAS noted that the studies relative to spina bifida had "methodological limitations such as small sample size and possible recall bias" which mean that further study is required.

And finally, there is at least one study which would seem to contradict an association between herbicide exposure and spina bifida. An herbicide production plant exploded in the town of Seveso, Italy, with residents exposed to substantial quantities of herbicide. A study on the frequency of birth defects in Seveso failed to demonstrate any increased risk of birth defects.

Let us be clear about the impact of this amendment on other veterans entitlements. Because the so-called Gardner decision is being used to offset this new entitlement, the effect is that the Veterans' Affairs Committee, in meeting its reconciliation instructions next year, will be forced to cut veterans entitlements in other areas to pay for this entitlement.

I should also add that the benefits which would be authorized to veterans' offspring in some cases would exceed compensation benefits currently provided to service-connected veterans. One must question whether this is fair and appropriate.

And finally, Mr. President, while the costs of compensation would be offset in this amendment by reducing benefits related to the "Gardner decision," there is no provision to cover medical costs. VA would be required to provide comprehensive health care benefits—at an estimated cost of at least $14 million a year. VA would have to absorb these additional costs—at a time when VA's medical care budget, as requested by the President and recommended by the committee, is estimated to cover only those veterans currently served by the VA medical system. We would have to take away health care from those who are already served to meet these new benefits.

It seems to me, to expand medical benefits to an additional population will mean the care of those veterans—the vast majority of whom are service-connected disabled or very low income—will be put at risk.

And I should also add that the medical benefits which would be authorized are more generous that VA's current authorities for medical care to veterans. These issues deserve close study and debate. That, I think, can only occur in the authorizing committee in an appropriate legislative consideration.

I think it is highly inappropriate to play election year politics with such an important issue as this one. I think we have normal legislative procedures which should be followed to determine whether there is any scientific evidence suggesting that we should provide this entitlement, this expanded entitlement. Trying to place it on an appropriations measure is, I think, inappropriate and totally unwarranted.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the minority leader.

Mr. DASCHLE. I will be very brief because I note the distinguished ranking member of the Veterans' Affairs Committee has been here for some time and wants to be heard on the matter. Let me just respond to three issues raised by the distinguished Senator from Missouri.

First of all, as to the matter of the offset, let me emphasize, Gardner has not been used. Gardner has not been used. That is, the offset has not been allocated. The reason it has not been allocated is that we have not passed a reconciliation bill. No reconciliation bill has passed which delineates its usage. So, clearly, that funding has not been allocated. It is available. I do not think there is any question about that. I ask my colleagues to show me where, in what reconciliation bill, we have delineated the utilization of Gardner.

Second, let us not debate Ranch Hand all over again. The Ranch Hand Study and many other studies were debated, and we made our decisions based upon the evidence available in 1991. We passed the Agent Orange Act overwhelmingly, virtually unanimously, in 1991. That battle was fought 5 years ago—beginning even longer ago. That law, now on the books 5 years, simply says when there is a positive association, when there is a connection that has been made by the National Academy of Sciences, that connection be recognized by the VA and be dealt with; we have dealt with all of the other diseases that have now been officially connected.

There are a number of those diseases that fall in category 1 and category 2. Chloracne is in that category. Non-Hodgkin's lymphoma is in that category. Soft-tissue sarcoma, Hodgkin's disease, porphyria cutanea tarda, multiple myeloma, respiratory cancers of the lung, larynx and trachea, prostate cancer, acute and sub-acute peripheral neuropathy—all of those are in categories 1 and 2. If we do not act on this amendment in a favorable way, the only category 1 or 2 disease that will not be on the list officially recognized will be spina bifida.

We will be saying spina bifida is different than all the diseases I have just listed here. We are going to say that we are going to not abide by the law, not abide by the guidance given by the National Academy of Sciences. We are going to say we know better than the National Academy of Sciences. We are going to say that even though we asked for evidence related to birth defects, we are not interested in facing the consequences of that evidence.

I hope we do not make that mistake. I hope we do what we have done in every one of these other cases. With respect to every one of these diseases, we have acknowledged the connection, we have made the commitment to our veterans experiencing these diseases. The time to do it for spina bifida is this morning, is today. Let us get it done.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am really amazed to listen to the debate across the aisle, and the fervor, really, the fervor about an amendment which would actually end up saving a lot of money; a debate in which they are determined that these kids with spina bifida are not going to have any help. There is a real determination about this. This is not just a mild philosophical discussion. There is a sense of outrage that spina bifida kids could get this kind of help.

I find that interesting. Maybe they could get some help from the 15-percent tax cut. I don't know.

The Senator from Missouri used the phrase "spinning out of control" over costs that will come, in 1997, to $3.179 million for medical care—spinning out of control. Actually, the Senator from Missouri said $14 million. He is wrong. It is $3.179 million for medical care. Spinning out of control.

This is very interesting. I say to my esteemed chairman that we have never done anything on Gardner. He talked about correcting Gardner. He is wrong about that. We have never corrected Gardner. Some said it could be done. It has not been done. That is a statement that is inaccurate, and my colleagues who are listening, and their staffs, I hope they will understand that.

The Senator from Missouri was talking about Gardner, using Gardner money to take away from veterans benefits. You cannot use Gardner money for veterans benefits. Gardner money is not a cash benefit for veterans. It has only to do with potential Government liability. It is not a source of funding for veterans benefits, another mistake by the Senator from Missouri.

"Normal legislative process"—sacred all of a sudden—"normal legislative process." Some of us feel very strongly about Persian Gulf war veterans and some of the mysterious illnesses which are occurring in tens of thousands of people across this country. No, nobody has been able to really prove anything to this point, but there is no normal legislative process.

In fact, there was no interest on the part of the majority in even taking up this matter over the past 2 years in the Veterans' Affairs Committee. This is a subject which has gotten a great deal of attention, but not in the Veterans' Committee.

I, in fact, as the ranking member, held—it was not even a hearing, it was kind of a meeting, about the Persian Gulf war illnesses—and was chewed out up and down for doing something that would never again be allowed in the Veterans' Committee, for trying to come to the rescue of Persian Gulf war veterans.

Incidentally, some of those veterans have kids who, in a sense, although the word "entitlement" is not exactly true, we have already established that the Department of Veterans Affairs will allow medical examinations for the deformed children of some of these Persian Gulf war veterans, and there are a lot of them. That has been established. That is now being done. That is now in the law. They will be carefully examined by the Department of Veterans Affairs.

But there is not any normal legislative process because there is no interest. There is no interest in the deformed children. There is no interest in these Persian Gulf war mystery illnesses, which are no mystery to me. I don't care if anybody has proved it. You cannot take a 20-year-old, send him to the Persian Gulf, and do what they did over there—which I will not get into now—and the Defense Department denied all of it until they had to admit that when they blew up a group of chemical bombs, maybe one of the divisions had been exposed a little bit. But that was just a minor thing, according to the Department of Defense, and they said if they had to do it all over again, they would do it exactly the same way. That is what the head of health for the Department of Defense said, a very sensitive position.

So what the Senator from Missouri and the Senator from Wyoming have to understand, which I thought they would, is that war has changed. We are not talking about missiles. We are not talking about neutron bombs. We are not talking about hand-to-hand combat. We are not talking about tank warfare. We are talking about what started back in the First World War with mustard gas, in a very small sense, and we were unprepared for that. And then the atomic experimentation, which we carried out as a country, and we were unprepared for that. Thousands of soldiers were radiated, and the Government refused to do anything about it. It said, "You can't prove it."

Then along comes agent orange. They say it is just incidental if you are getting cancer or anything of that sort. You happened to have been in Vietnam in an agent-orange-exposed area. We do not seem to be able to show that we can prove this is enough, although I think we could there. Admiral Zumwalt, and a lot of other people, were pretty firm on that.

War is changing, and I hope the other side is noticing that. We are getting into the century of toxins, of chemicals. We do not have the big Russian bear anymore. We have the little horrendous dictators like Saddam Hussein and Muammar Qadhafi. They build their little bombs, and their little bombs are not filled with explosives, they are filled with chemicals and toxins that will destroy peoples' nervous systems.

"Spinning out of control," "normal legislative process," "first time we've ever had an entitlement"—the world is changing, I say to my colleagues; war is changing, and it would be a good thing to take notice of.

I would like to have a hearing on this subject, the changing nature of war, but we will not have one. We will not have one this month. We will not have one next month if we are in session, I guarantee you that, because the chairman will not do it. No, I am sorry, the Gardner amendment was not corrected. And, yes, there are some of us over here who do want to help children, some of us over here who do have a bias toward children. If evidence is, by and large, 50–50, we will lean toward the children, particularly in the case of spina bifida. All of that, unfortunately, was just a prelude to my remarks. I felt a need to respond.

Incidentally, if the Senator from Wyoming is so unhappy about the precedent which was set in the agent orange decision by the Congress in the Vietnam war, then why doesn't he introduce legislation to repeal it? He talks about it all the time. Why not then introduce legislation to repeal it and count the votes? If that was wrong, if the proof was not sufficient, then introduce legislation to repeal it.

I applaud the Democratic leader and his amendment to provide help and monetary support to veterans' children with spina bifida. I am going to talk about it. This is a tragedy that cries out for normal legislative process, and if you can't get it, then faster action.

It also cries out for acceptance of Government responsibility. Spinning out of control—spinning out of control, $3 million in 1997 for medical care for spina bifida children born to Vietnam veterans. I mean, you have about 1,500 to 4,000 of these spina bifida babies being born each year, but the number is going down because of improved maternal diet. It has been going down for the last decade.

There are many arguments against, as the Senator from Missouri pointed out, amending an appropriations bill in this way. The minority leader made the same argument, and those are arguments I would be generally inclined to support. Being the junior Senator to the senior Senator from West Virginia, those are arguments I would almost be bound to support.

But here is one Senator from West Virginia who is willing to give a great deal of leeway and the benefit of the doubt when a compelling need comes about, to meet our responsibility to a class in our society called children. That is what we are doing by this amendment of the minority leader.

A little background. Under the agent orange law that we enacted in 1991, the Government assumed responsibility for health outcomes. If somebody does not like it, repeal it if they can, but that is what we did under the law. We assumed responsibility for health outcomes of that particular war, the Vietnam war, where there was at least a positive association of the war with the disease.

That law required the VA to contract with the National Academy of Sciences—and here we are doing the same thing on this. The National Academy of Sciences was charged with reviewing ongoing research on illnesses resulting from agent orange exposure in Vietnam. I seriously doubt there are many Senators on either side of the aisle who really questioned whether there is a relationship between agent orange and cancer, and the other different perils that it caused.

In March of this year, the National Academy of Sciences found limited or suggestive evidence for connecting service in Vietnam with a number of additional diseases, including spina bifida, in children of those who served in Vietnam. Creating a new entitlement for dependents? Yes. Because when you get into this kind of toxic stuff, dependents are affected, like they were in the Persian Gulf war through the chemical combinations and toxins that were used there. Dependents are affected. Reproductive activities are affected. Women are affected. Kids are affected. Have you seen the pictures? Have you visited the kids? Has anybody on that side of the aisle visited the kids, visited the families, talked with them? I do not know.

But this is extremely important. It is the National Academy of Sciences that made this finding, Mr. President, not the Congress, not the Veterans' Committee, not the House, not the Senate, not the President, not the VA. The National Academy of Sciences.

The President immediately established a task force within the Department of Veterans Affairs to make recommendations to him based upon what the NAS—the National Academy of Sciences—had reported. The VA task force recommended, among other things, the enactment of legislation that is now provided by the Democratic leader's amendment. Everything sounds pretty much in order to me.

On May 28, President Clinton announced that the Government would meet its responsibility to the children of Vietnam veterans. We did it with agent orange. Nobody has tried to repeal that that I am aware of. Now we have a new classification, new evidences, dependents, children showing up with problems. And the President said that he would send the Congress legislation to take care of Vietnam veterans' children who develop spina bifida.

The decision for the Government to take responsibility for children of veterans exposed to these environmental hazards—toxic hazards of war—is precedent setting. It surely is. It absolutely is, because the nature of war is changing. It is not without controversy, as is clear on the floor this morning, but it is what I call a leadership decision. And I applaud the President for making that decision.

The hazards of war are changing. It is so obvious. It is so obvious, Mr. President. It seems so obvious, but evidently it is not. Witness the great difficulty that the Government has had in discovering the causes of the vast array of illnesses that have followed service in the Persian Gulf war. The injuries of that war in the great majority of cases have not resulted, once again, from guns or missiles, but rather from environmental or other toxic exposures.

Once again, we have not had a chance to have a hearing on this. The normal legislative process was not followed, which is the reason that the minority leader and some of us have had to resort to approaches of this sort. There are new types of dangers that our soldiers will increasingly face in future conflicts. That is assured. That is why, as chair and now ranking member of the Committee on Veterans' Affairs, I made and am making a significant effort to oversee the Government efforts regarding environmental exposures to our military men and women. And it has not been a pretty sight.

The Defense Department, in one of the greatest stonewalls of all time, but in keeping with their record going all the way back to the First World War, denies any responsibility for anything happening to the soldiers that they are responsible for.

Part of the bargain in the Vietnam war, and also the Persian Gulf war—but here we are talking about Vietnam with these children—yes, the soldiers, men and women, signed up and went over to serve, but it was not part of the bargain that the children which they might have upon return from service, who might potentially be affected, would be part of this deal. These children were not sent to Vietnam. They did not sign up for the risks of service. There seems to be benefit-of-the-doubt type evidence that they were harmed, however.

So the question comes again, do we favor the $3 million expenditure in 1997 for medical care for the horrible consequences they suffered—or do we ignore them, ignore them because it is a new type of entitlement or it has not followed the legislative process? I mean, this is a stunning difference between the two sides of the aisle.

The question before us today is whether the Government owes responsibility to children born to those who served in an earlier war, children born with a disabling condition called spina bifida. Now let us talk a little bit about the problem.

Mr. President, the problem can be immensely horrible, and it is in the case of spina bifida. It is not brought on by any action by the children. It is not brought on by any action by the parents. These are truly innocent victims. My colleagues may not want to hear some of the horrendous problems these children face, but they are going to, because we all need to understand a little bit about the nature of what is at stake here.

Spina bifida, SB, means "split spine." It is a defect of the neural tube, the embryonic structure that evolves into the brain and the spinal cord. It results from the failure of the spine to close properly in the first month of pregnancy.

There are three types of spina bifida, the most common of which is occulta, which is not disabling and is not included in the amendment before us.

What is covered in the proposed amendment are the two much more severe forms of spina bifida. In these forms, a cyst holding the spinal cord membranes, nerve roots of the spinal cord, or the cord itself, usually malformed, pokes through an open part of the spine; or there may be, in fact, no cyst, but only a fully exposed section of the spinal cord and the nerves.

Affected babies are at a high risk of infection until the back is closed surgically, and varying degrees of other problems remain even if the surgery is successful. Estimates of the number of children born with spina bifida range from 1,500 to 4,000 each year. As I indicated before, that number is going down as maternal diet and pregnancy testing are improving. All of this has been declining over the last decade.

The types of problems that these children develop vary, sometimes significantly, depending on the particular spinal nerves that are involved. But their conditions are serious, often severely disabling, and for all, lifelong. Curable? No. Lifelong? Yes.

Now, there are three primary areas of disabling function: The central nervous system, which is the brain and the spinal cord; the urologic system, which are the kidneys and the bladder; and the musculoskeletal system, which are the bones and muscles. Common primary medical problems include hydrocephalus, which occurs when the cerebrospinal fluid is unable to drain normally and fluid collects around the brain, resulting in an enlarged head; serious bladder problems due to lack of muscle control—urinary tract infections are very common, and kidney problems can result; bowel control problems; orthopedic conditions, including partial or complete paralysis, depending on where the defect shows on the spinal cord; and a variety of problems involving dislocated joints, misshapen bones, bowed legs, and foot deformities.

It is not a lot of fun. It is also very common for these children to develop a whole host of secondary medical problems as a result of this, including obesity, high blood pressure, heart disease, bone fractures, seizures, eye disorders—due to pressure on the optic nerve—and a life-threatening latex allergy.

In addition, learning disabilities are a constant and lifelong reality for children with spina bifida. Now, remember, we have had learning through the school systems as it has been over the past couple of centuries; and we are now, after the deregulation of the telecommunication industry, entering into a whole new age where children are going to be expected to be able to handle much more complex learning procedures through computers and all the rest. So learning disabilities are going to be a horrible, lifelong reality for children with spina bifida, as they already are. Poor short-term memory, lack of organizational skills, lack of eye-hand coordination, needs for special education and other kinds of support are common.

Finally, there are a plethora of social development and psychological problems which plague these children for all their lives. Put yourself in the condition that I have just described for the last 7 or 8 minutes. I invite my colleagues to put their children in that condition. We have all seen spina bifida kids. We all know what they look like, what happens. We all know the love they get from their parents, but we all know what a fundamentally incurable, horrible condition it is. I, as one Senator, want to say that I am willing to give these children a huge benefit of the doubt as we did in the agent orange bill.

I turn to the controversy of determining the cause of these problems. Now, looking at the science and the law, opponents of providing health care to spina bifida children will honestly and genuinely argue that the scientific evidence of the connection between service in Vietnam and spina bifida is either lacking or flawed, or both. And for sure, there are those who argue against caring for any Vietnam veterans for agent orange exposure.

But, Mr. President, I believe we in Congress are particularly ill-suited to be the determiners of what is and what is not "good science." Those are debates and discussions best left to the scientists themselves, not to politicians. But the determination is great to replace scientific review with political debate and bias.

The fact is that with only a few exceptions, the maladies previously identified by the National Academy of Sciences as statistically connected with service in Vietnam can also be statistically related to other causes, as well.

The scientific proof, as I understand it, is not an open-and-shut case with regard to those earlier diseases and illness findings. I readily acknowledge it is not an open-and-shut case regarding spina bifida.

However, Mr. President, this is, in fact, exactly what the 1991 agent orange law intended. We, as a Nation, decided then that we would give the benefit of the doubt to those who served our country in Vietnam. What we decided then was to task the NAS with the scientific determination as to the strength of the evidence of connection of a disease or illness. No more and no less.

Based upon those NAS findings, we directed the Department of Veterans Affairs to make a determination of whether there was a "positive association"—meaning at least 50 percent of the credible evidence supported a conclusion that a health outcome was related to Vietnam service. In fulfilling their job, the NAS established in 1993 four categories of the association of health outcomes. The minority leader referred to these. One, sufficient evidence of association. Two, limited or suggestive evidence. Three, inadequate or insufficient evidence. Four, limited or suggested evidence of no association.

It was in the second category, "limited or suggestive evidence," that the NAS earlier this year placed spina bifida in its report—for the first time. It is based upon this NAS finding that the VA task force concluded there was sufficient evidence to establish a positive association of military service and spina bifida.

The question then becomes whether "limited or suggested evidence of an association"—which the task force described as "several studies [that] suggest apparent increases in risk in offspring of Vietnam veterans"—whether that is sufficient to support the Government's assuming financial responsibility.

That is an appropriate question for debate, but one we have already answered in this body and in this Congress and in the law, by enactment of the 1991 agent orange law. What this amendment does today is fully in accordance with that law.

Now, the legislation proposed by the Democratic leader, and as suggested by the Department of Veterans Affairs, would establish a health care program for children with spina bifida, and a three-tiered compensation program paying either $200, $700, or $1,200 a month, depending on the degree of disability. The compensation program would not, as I understand it, entail new costs, since it is offset by savings of other veterans' programs, and the health program's small cost would be absorbed in the VA medical care account.

Because no one knows for sure how many children will qualify for the health care or monetary benefits, the costs are uncertain. Estimates range from 700 to 3,000 spina bifida children of a parent who served in Vietnam and where this positive association was established.

CBO has informally advised—and they speak for us—that about 2,785 children probably would be eligible to participate—2,785 children—at a total cost of perhaps $4 million annually for health care. This is a real, real, budget buster. This is, in fact, a very small amount of money, when one considers that lifetime health care costs for those who have spina bifida range from $294,000—which comes from the Centers for Disease Control—to over $750,000—and that comes from the Spina Bifida Association—per child for comprehensive health care. But since many of the health care costs are in the early years of life, and the proposed amendment is not retroactive, the health care costs would be much, much less than these estimates.

The monetary portion of the benefit is intended to offset the varied expenses that these children and their families face other than direct health care. One can well imagine that this would include such things as special education and training, lost wages or work limitations, or independent living needs. It is not very hard to imagine that. Under the Democratic leader's amendment, the Secretary of Veterans Affairs would establish, by regulation, three levels of disability, corresponding to the three tiers of payments intended to supplement other funds available to these children from either public or private sources.

Again, CBO estimates that the compensation and vocational costs of the amendment would be fully offset and would, in fact, result in a net savings of $4.2 million in 1997 and $525 million through 2002.

So I conclude, Mr. President, that the question we will answer today is whether we will honor the commitment we have often stated to our men and women in uniform. I am sure somebody will stand up and take that one apart with all kinds of anger, rage, and whatever else. But that is what we have committed to do. That is the mission statement above the door at the Department of Veterans Affairs office building.

We are dealing with a new kind of precedent-setting entitlement, yes, because we have moved into a new era of warfare. I am sorry, but in the Persian Gulf, there are kids that are born with deformities. There is something called "burning semen," what some Persian Gulf veterans' wives have called "shooting fire," which nobody wants to talk about; wherein the soldier, be it a male, who served up front in the Persian Gulf war, when he is having sexual relations with his wife and some sperm maybe hits her in the leg, an enormous red welt develops. We have never had to talk about things like that before, but we do now because it is different now.

Some of these kids from the Persian Gulf war are being born deformed. Have we done anything to really help them? No. Has the Defense Department admitted anything is wrong whatsoever? No, of course not, not since World War One have they ever done that.

Now we are dealing with spina bifida, coming from the Vietnam war. Positive association was established, leaning toward the child, toward the veteran was established, by law, in 1991. So we will have this question answered today. There are those who want to go by normal legislative procedure, which would not happen, and who are, for whatever reason, incredibly reluctant to help children in a situation in which money would be saved by so doing.

Spina bifida is horrible. I repeat, it is horrible. My wife and I have four children. None of them has that. I thank God that none of them do. I am overwhelmed with caring. One man I met on the subway yesterday whose child has spina bifida talked to me about her. It has nothing to do with Vietnam, but he talked about just the problems of that.

So I come very close to my ending here. In that 1991 law, Mr. President, we decided that the scientific test of our commitment would not be a 100 percent, totally black or white, test of cause and effect. We decided that as a matter of law. It was not intended to be an absolute test of cause and effect. It was intentionally balanced in favor of our soldiers, which now includes their offspring, because the world and wars have changed.

Those we have directed to make these decisions now tell us that there is evidence—albeit limited or suggestive evidence—of the causal connection for spina bifida in children and the service of their parents in Vietnam. As I understand it, the evidence is considered close to a 50–50 proposition; that is, the causal connection is as likely as not.

In such cases, I am totally comfortable with giving a strong presumption in favor of the children of American service members, at least until such time as scientific evidence suggests a more positive association—or a less positive one, a negligible one, or a nonassociation.

This is not an area of absolutes. But if I am to err, Mr. President, as I often have and surely will in the future, I choose to err on the side of assuming a responsibility, of assuming a benefit of the doubt, of assuming the care of the children of the war.

I thank the Presiding Officer and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will be very brief. I thank the Senator from West Virginia for his very personal, very eloquent, and very powerful statement. The Senator from Wyoming, the chairman on this committee, has been gracious enough to let me speak.

Mr. President, I am proud and honored to be a cosponsor of this important and historic amendment introduced by the distinguished and able Democratic leader, Senator DASCHLE. This amendment would enable the VA to extend health care and other benefits, including a monthly stipend, to Vietnam veterans' children suffering from spina bifida, a serious, disabling neural tube birth defect that requires lifelong care.

While I recognize that this amendment is unprecedented in that it would authorize the VA for the first time to provide health care and related benefits to children of veterans, there is no question in my mind that it is fully justified. The humane and courageous decision of the President and Secretary of Veterans Affairs Brown to request that spina bifida in the offspring of Vietnam veterans be considered service-connected was based on a National Academy of Sciences [NAS] study released in March 1996 that found evidence suggesting a link between veterans' exposure to agent orange and the occurrence of spina bifida in their children.

Mr. President, it is important to note that NAS used the same scientific criteria to conclude that there is a credible link between parental exposure to agent orange and the occurrence of spina bifida in their offspring as it had previously used in a 1993 NAS study that found a connection between veterans' exposure to agent orange and the incidence of respiratory cancers and multiple myeloma. Since Vietnam veterans suffering from these diseases already are receiving VA benefits based on the NAS findings and a subsequent determination that these conditions are presumptively service-connected, it is only fair that spina bifida-afflicted children of Vietnam veterans should also be provided with appropriate VA benefits.

Moreover, I would like to underscore the fact that both the 1993 and 1996 NAS studies were mandated by the Agent Orange Act of 1991, which passed the Senate 99 to 0. That act also stipulated that reproductive disorders and birth defects must be accorded special attention to ascertain whether or not compensation is warranted. The 1996 NAS report leaves little doubt about the wisdom of focusing on birth defects and that at least for the innocent and tragic victims of spina bifida there is little doubt that compensation is warranted.

Vietnam veterans have long been concerned that their military service jeopardized the health of their children and some of their worst fears now appear to have been confirmed. Some of the children of American soldiers exposed to agent orange are now paying a terrible price. Moreover, the cost of caring for a child with spina bifida can devastate a family financially. There is no question that the Federal Government has a moral responsibility to help veterans whose children suffer from spina bifida meet their children's health care and other special needs. These children are innocent victims of the Vietnam war. The least we can do is to provide them with the benefits they need and clearly deserve.

Mr. President, again, I am very proud to be an original cosponsor of this amendment. I count as one of my blessings all of the teaching that the Vietnam vets, and really the veterans community, have done in Minnesota. They have really been my teachers. I want to say that I have immersed myself in issues important to them. I have tried to do my very best. I am really proud of a lot of my work, in the main, not because of me, but because——

The PRESIDING OFFICER. The Chair advises the Senator that he might need to adjust his microphone.

Mr. WELLSTONE. The microphone seems to be going on and off. Let me try this. Can the Chair hear me?

The PRESIDING OFFICER. Yes.

Mr. WELLSTONE. Mr. President, I believe that this amendment is very important. Again, it comes from work with Vietnam vets and their families and others in the veterans community.

I thank Secretary Brown for his humane recommendation that spina bifida in the offspring of Vietnam vets be considered service connected. I know it is based on the National Academy of Sciences study.

Mr. President, if you think about it, these children really are innocent victims of the Vietnam war. If I had to err, I would rather err on this side. I do not believe this is a huge appropriation of resources. I believe this is the right thing for us to do.

I think, at least to me—sometimes I do not feel like people in our country realize this—it has been amazing how many veterans and their families fall between the cracks and still do not get the kind of health care that they truly deserve. In this particular case there are just too many families who have this struggle, too many children of Vietnam vets, too many children, I say again, who are innocent victims of this war, too many children who need our help, and I think this amendment is a very important step in the direction of providing assistance to families, to Vietnam vets, and to the children of Vietnam vets. I believe that this help is long overdue.

Mr. President, I have met too many Vietnam vets who have struggled—some of whom have died—because of exposure to agent orange. It is, I think, the least we can do to provide this assistance to their children.

Mr. President, I hope that our colleagues on both sides will give this amendment introduced by the minority leader very strong support. I know in very good faith my friend—I consider Senator SIMPSON really to be a friend, somebody for whom I have tremendous respect—is in disagreement. But from my own heart, I think it is the right thing to do. I think we can help children. I think we can help families. I think it is part of our commitment to Vietnam vets. I think they deserve the assistance.

I am very proud to be a cosponsor of the amendment.

I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank my friend from Minnesota. I have worked with him on various issues having to do with Parkinson's disease, mental health, and veterans' issues. He is a member of the Senate Veterans' Affairs Committee. I have come to very much appreciate the things he has debated, and to have a better understanding of him throughout. I think respect for each other is what the Senate is about. We can have serious partisan differences. Senator ROCKEFELLER and I have more serious partisan differences than most two people on the floor. But that need not interfere with our ability to legislate.

I thank the Presiding Officer.

Mr. President, again I want to commend Senator BOND for his work. He has done yeoman work on this issue. Senator DASCHLE, as I say, and I have been batting this one around longer than you would believe because Senator DASCHLE believes deeply that, whether we are going to find anything or not, we must keep looking for something with regard to a linkage of dioxin and disease. I wish it were that easy. It is not.

In the beginning of my remarks I stated that if there was something there before to establish such a link, there would have been a lot of plaintiffs who would have never settled the case when they were having a great old time suing everybody that ever introduced herbicides containing dioxin. You may be assured of that. Attorneys in the class action would have never turned around and gone backward if they had known there was any possible way to prove this tie because it would be jackpot day for trial attorneys on that one, and the jackpot day did not come. Such a link has not been proven, and the only group that has any credibility in this about exposure is the Ranch Hand study.

So no wonder the proponents of the amendment say ignore the Ranch Hand study when it does not support their cause. Those were the people who bathed in it, put it in the barrels, unloaded it, kicked it out of the aircraft, and there is no more serious difficulty with that cohort of people than with people who were nonveterans and not in Vietnam. I do not know how many times we have to say that. There have been no increase in birth defects in that group.

Again, the Ranch Hand study is the people most exposed. But there is one thing, or two or three things that I would like to say in response to my friend from West Virginia. The Senator from West Virginia and the Senator from South Dakota keep saying to us in a litany, a mantra, that the NAS study shows that 50 percent of the studies show an association and 50 percent of them do not show an association. That is not so, my colleagues. All of the studies examined for the first report of the Institute of Medicine in 1993 were deemed not to have sufficient evidence to show an association with birth defects. All of them for 1993. After 1993, one new study was put forward by the NAS—the Ranch Hand study. Proponents have grasped the NAS classification of this study as having limited/suggestive value as a proof of association. But that study, according to its own principal investigator, who testified at a hearing in the House, shows no association whatsoever.

The other disturbing thing to me is that we continue to hear the use of "emotion, fear, guilt," suggesting that somehow we don't want to do something for these children. This is a horrible disease. To me it is more than talk. I have been involved in fundraising for spina bifida. I have been out there raising money for this disease in tributes to others where I participated for fundraising activities long before this issue ever came before this body. I do not need anyone to check my credentials on how I care about these people. It is a horrible disease. It is not even worth talking about in trying to say that somehow those who are opposed to this amendment are less caring or are poised to do ugly things to the most fragile in our society. I am disgusted by that kind of argument. You can go ahead and continue to make it, and I will continue to be disgusted by it. That type of outrage is the type of debate that is presented. We are not talking about a 15-percent tax cut. We are not talking about partisanship. In my experience there are many partisans in this body, but the Senator from West Virginia is one of the best. I do it, too. But this does not have anything to do with who cares for children. It does not have anything to do with who values the kids. It does not have anything to do with who cares more. We all care just as much for our fellow human beings as anyone from West Virginia or Wyoming or New York. We are all here as caring individuals.

So the continuing use of "emotion, fear, guilt" is not attractive to this Senator. Every one of us knows the problems of spina bifida. Every single one of us should, or certainly will, after this debate.

Let me tell you, ladies and gentlemen, we do a lot for the people with spina bifida. Maybe the VA does not do anything for people with spina bifida, but the Government does. So how many duplicative programs are you going to have, or are you just going to have an appeal to emotion and then a press release about what you did for veterans? I am a veteran. I am very proud to be a veteran. Some of the most unbelievable arguments on the other side—I am not relating this to the Senator from West Virginia or the Senator from South Dakota—come from the people who have not even been in the Civil Air Patrol. I must say I get a belly full of that one, too.

Let us tell our colleagues what we do for people in this kind of horrible extremity. Anyone under 21 falls under the Early Periodic Screening and Diagnostic Testing Program, the EPSD Program of Medicare, for those in extremity, the horror stories, the wretched, the beat up, the people we hear talked about here as if only some of us cared about those people. Under Medicaid, this program provides for everything that a medical professional deems necessary for treatment and rehabilitation—everything. When the child reaches 21, then the State determines what will be covered above and beyond the Federal minimum standards. Those standards are inpatient, outpatient, nursing home, home health aid, drugs, x rays, medical doctors, nurse practitioner visits, and dental. All of that is provided to people who are in need as a result of the disease, the horrible disease of spina bifida. Therefore, this amendment is redundant, but that fact is never mentioned.

And then there is a final point which nobody seems to pick up, but I have to keep throwing it out. The Shriners—the Ancient Order of Nobles of the Mystic Shrine—is a Masonic organization, and even though these organizations are sometimes held in some different lights than they were 50 years ago, let me tell you what the Shriners do, ladies and gentlemen. They have a string of hospitals that are solely for crippled children. And do you know what? They will provide free care for every single child with spina bifida in the United States, period. No Government bucks. No grants. No nothing. This is their job, to provide this care for people who cannot afford to do anything and to do it free of charge, no questions asked. And they want me to express that to my colleagues one more time. That point apparently has not been heard in this debate, and is often shuffled to the bottom.

There are people who do things in America because they love other people and not because they love them more. Because we all are that way. We are a compassionate nation. I do not know anybody in this body, Democrat or Republican, who sits around at night figuring out how to do less for children, do less for seniors, do less for the disenfranchised or the powerless or the minorities in our country. I do not know anybody. That is ugly, ugly stuff that does not fit. It does not fit.

Now, there was a comment earlier that if we are upset about the agent orange legislation, we should repeal it. No way. I would not repeal it. It gave the NAS some excellent direction. I voted for it. Unfortunately, in this case it did not fulfill its promise. Unfortunately emotion and fear and guilt overwhelmed sound medicine and science one more time.

There was comment that there had been no interest in Persian Gulf injuries and on activities relating to that war. That is not so. That is in total error. With me as chairman of the committee and Senator ROCKEFELLER as ranking member, we have not maybe legislated on the things that he would have legislated if he were chairman, but that is called seniority and it is called who is in charge. If that changes next time, I am certain that I will not be present for the activity, but if my friend from West Virginia is chairman of the Veterans' Affairs Committee, he will have a whole new agenda and a busy one at that. But I can tell you the Congress has legislated—oh, we have, indeed—with the Persian Gulf. We have enacted benefits upon benefits. We have enacted health care. We have enacted research and all of those programs are now on the books, ongoing, and you cannot say that this Congress or this chairman has not been vitally involved in the process. We have done what we had to do.

Now, we have another little item which has come to the attention of all of us, I hope, a letter dated August 29 received September 3 with the yearly progress report of the ongoing Ranch-Hand study. It went to the committee, but I think it should be in your hands and we will see that it is in the hands of the Members before the vote. You want to look at it if you can cut through the emotion, the fear and the stuff that goes with this issue. As I say, I have been here 18 years, and it is tough enough when you mention the word "veteran," but when you mention the word "veteran" and "innocent disabled children," then the engines are fully cranked. But there is not any way to pay for this one if we have to go back to reconciliation and redo our work. And I want every single sponsor of this amendment to tell me where we should get the money if we lose the money that we had in here for reconciliation because of the use of the Gardner decision here. I really want to hear that. Maybe you could give me book, page, and hymn number as to where you are going to get the scratch to do this and pay for 214 million bucks over 6 years.

But let us get back to the real issue raised by the legislation that I voted for and very proudly too. That legislation was filled with language that talked about:

> Sound medical and scientific evidence. . . . Scientific evidence and reasoning. . . . Statistical association. . . . Strength of the evidence. . . . The increased risk of the disease. . . . The plausible biological mechanisms. . . . The causal relationships.

This is the language of the bill.

> All other sound medical and scientific information. . . . Statistically significant. . . . Capable of replication. . . . Withstand peer review.

They did not do any of that here. None of it. None of it. I think that there may have been simply a professional lapse by NAS in a very complicated task which they clearly took very seriously, and I do not denigrate that in any way. But I can tell you what the law says. I can read that very clearly.

But in the Ranch-Hand study update that we just received, and which will be on your desks, listen to this sentence:

> The data provides little or no support for the theory that paternal exposure to Agent Orange and its dioxin containment is associated with adverse reproductive outcomes.

That is in pretty good English. What it really means is they did not find a thing in the Ranch Hand study, not a thing that would cause an adverse reproductive outcome. Those are the Ranch-Hand persons. They keep saying, look at the Ranch-Hand study because the Ranch-Hand study was the guys that took the real hits. But the Ranch Hand study found there is no real difference of any statistical order.

Then remember what we have done for these veterans who think that dioxin may have been the cause of their diseases. We have provided service upon service upon service to them. When I came here, we were providing $20 billion for veterans and today it is $40 billion, and there are 3 million fewer veterans. To have somebody say to me that we do not provide for our veterans is just not so. So I hope that you will look at your report from the Ranch-Hand study. I think it would be important.

And let me just say that I have set a hearing for this, and the reason I set a hearing is because a bill came in. And I guess the reason the bill came in is because of frustration. But you cannot have a hearing based on frustration. The bill came in July 29. Then we left here. So I set a hearing for September 18 and was ready to go ahead with it but the ranking member told me he cannot be here then. My friend from West Virginia could not be here for that date. So I said we'll set another date.

So to say that I am not receptive and helpful and cooperative is just not so.

We have had the normal legislative process. It is called a bill is "considered." We could get that chart that they hand out to the school kids. You put in a bill and it is referred to a committee. Then you have hearings. However, we have had nothing on this measure—nothing. I will have that hearing and it will be done at a time mutually convenient with my friend from West Virginia. To think the statement is made we are not interested in taking up the issue and that we have ignored, or not paid proper attention to the Persian Gulf veterans—it is not so. And that we have no interest in children—boy, that one has to go somewhere else for some other debate.

So, we will have the hearing. Hopefully, it will match the time of my colleague, my good friend from West Virginia. I tried to accommodate him. If I cannot, I am going to have the hearing anyway. In fact, there came a time a few months ago where he had a hearing. He just called it. So I showed up. I thought that would be interesting, that I might join in the fun.

So those are things that happen when you have the type of activity where you have a breakdown in staff, which happens here often—jealousies, pettiness, all the things which go with the human condition here as well as out in the local community. We do not do things any differently here than you do in your hometown. I have often said, people who are looking to us for perfection are often people who do not have any perfection in their own lives, so they try to say, "You do it. Mine is a mess, so we expect perfection out of you." They will never get perfection out of here, and that is the joy of legislating and that is why the country works.

I am willing to give children the benefit of the doubt. Who is not? I am willing to give veterans the benefit of the doubt. Who is not? Who has not? For Heaven's sake, yes, Congress is poorly suited to evaluate what is good science. But scientists are not, and that is why we should leave it with them. With only a few exceptions, this is surely an extraordinary venture for us, to open a new entitlement program at a time when everybody in this country knows that the entitlements are simply sucking us away. When you provide this kind of thing for people, like you do with any other entitlement, it is automatic. And it has to be paid. If you do not pay it, you get sued by the recipient.

So we do nothing about entitlements, and there will be nothing done between now and November 5, in this country, by any of us here or by either Presidential candidate that will have a single thing to do with the one thing that is just draining the core out of America, and that is Medicare, Medicaid, Social Security, Federal retirement, and interest on the national debt. And the saddest irony is those who talk all day long about the kids and the veterans and all the rest will find, in the year 2012, according to the bipartisan committee report of Senator KERREY and Senator Danforth, there will be nothing left for transportation, education, defense or any other thing—WIC, WIN, Head Start or any other thing you want or really lust for or must have, because all the resources will have been used by those five items I just described: Medicare, Medicaid, Social Security, Federal retirement, interest on the national debt. That is your legacy.

Then what will we do with the poor? The kids? The veterans? You tell me. Because we cannot even stop the COLA. We cannot even cut down a cost-of-living-allowance for a senior citizen who lives in Sun City with a cabin in the mountains and a couple of homes and a couple of cars. We cannot even get the COLA reduced for those people. We cannot even "affluence test" them, because it is a violation of America.

I will be waiting for that debate. I shall report on it from the banks of the Ishawooa Creek, and the Bobcat Ranch, southwest of Cody, WY—when I finish alerting the young people as to what is going to happen to them, that is.

That is why I wear this tie. This is for young people. A young man came up the other day. He was 18. He had his hat on backward, kind of a mouth-breathing exercise. He said, "What is going to happen to us? Who speaks for us?"

"Well," I said, "why don't you speak for yourselves? We gave you the right to vote and only 15 percent of you use it. Don't come whimpering around to me." He said, "OK." So then he put his cap on correctly and went, breathing the vapors, in the other direction. That is why I wear this tie. Because I tell people between 18 and 40, this tie, with chickens on it, if they do not get off their fannies and do something about it, they will be picking grit with the chickens when they are 65.

We will see how that works. I intend to get involved with groups, young, third millennium, and others, because if you really, really care about the poor and the disenfranchised and the seniors and the veterans, then get off your fanny and do something with the issues that are eating our lunch instead of just tapping around the edges, fearful of what may happen if you act.

Well, as I say, it is very difficult to enter a debate like this because there are some words that lead to immediate emotion and the voting of taxpayer money without any further thought when they are uttered within this Chamber. Those words include "veterans," and "innocent disabled children." Now there is a way to combine them in one amendment. If this amendment is to be decided on the basis of the emotions evoked by these words, we can cease right here and save the Senate's time. And it is too bad there is not a time agreement on this amendment. My remarks, I told them, would be about 30 minutes, because I have a hunch there will be a lot of people who will come in here. Maybe not. But, if the Senate is actually willing to look at this issue closely and honestly, and with absolute facts, then there are issues that must be raised.

First of all is the fact that this amendment, to an appropriations bill, mind you, would create a brandnew program with brandnew benefits for a new population of previously unserved beneficiaries. Whatever the merits of the proposal, it is clearly an attempt to enact authorizing legislation on an appropriations bill and is, therefore, out of order. I think that will be presented by my friend from Missouri. I will not be so bold as to suggest this amendment would be the first time the Senate has approved authorizing legislation on an appropriations bill, but we should ask ourselves if this is the proper legislative process for creating new entitlements.

If it is, then, I earnestly suggest the Senate would consider eliminating the authorizing committees altogether. We would save the taxpayers the cost of funding committee operations and save our colleagues the time and effort that we know takes place as we do our work, in what is oftentimes a tedious process.

I can understand how, in some cases, a Senator might want to circumvent the committee process, bring an amendment directly to the floor of the Senate. He might do so in absolute frustration. I understand that one. That is, if an authorizing committee bottled up an important measure, never giving it a hearing, never giving proponents a chance to make their case. But, if this proposal has never seen the light of day, if it has never been debated, if Senators with an interest in the issue have never had a chance to even listen to or participate in a discussion on the merits of the proposal, the fault cannot be with the Committee on Veterans' Affairs. The bill was introduced July 29. As I say, within days of introduction we recessed to allow the Presidential nominating conventions to take place. Now, having returned with bags hardly unpacked, we find before us an amendment creating a huge precedent-setting new entitlement. If this proposal has never seen the light of day, it is not because it has been forgotten in some committee's "hold" box. This amendment has not seen the legislative light of day because not enough time has elapsed for the legislative sun to even rise.

This amendment creates a new entitlement and the constraints of the Budget Act apply. I note the amendment's budget neutrality is obtained by reversing the Supreme Court's Gardner decision. I mentioned that before. That may seem like esoterica of the first order to you, but, without going into detail, that decision expanded an existing veterans' benefit in a way that was never intended by the Congress.

But I also note the fiscal year 1997 budget resolution, which is still in effect, includes savings from the reversal in Gardner and the assumptions behind the reconciliation instructions for the Committee on Veterans' Affairs. That is what it is. The savings from reversing Gardner are the foundation of the veterans committee bill that we will report out, if we are called upon to achieve $5.271 billion in 6 years savings needed to comply with the budget resolution.

If those savings are used instead to pay for this bill, they will not be available to the committee. That means we would have to do something else to reduce veterans' benefits.

The amendment's use of Gardner savings is not an offset, I say to my colleagues. It merely shifts the responsibility of finding an offset off the back of the amendment and into the lap of the Veterans' Affairs Committee. Period.

Costs of the amendment will not be borne by some abstract bookkeeping account. The costs will be borne by yet unidentified beneficiaries of whatever program the Veterans' Committee is forced to attack to compensate for this amendment's use of Gardner's appeal.

All the groups are not for this amendment. I have heard nothing from the DAV, the Disabled American Veterans. You would think you would hear from them. You know what they are thinking: This is going to take money away from disabled veterans to give to dependents of veterans. We have never done that with this kind of an entitlement, ever. They know that.

So do the Paralyzed Veterans of America. You have not seen anything from them. They do not dare speak out, but they are not aboard here in the letters of support, because they know there will be one population that will really be hammered in this process, and that is those who are disabled; veterans who are disabled, not the children of veterans who are disabled.

This amendment is rooted in a study did not prove anything and whose significance is reduced by confusion and bias and confounding.

This amendment is wholly premature. Yes, the administration has proposed legislation on this subject. That was received July 25 when it was slipped under the Veterans' Committee door. So, there was not much opportunity to look at this one.

I think we should have more than 4 or 5 legislative days in the light of day before reaching the Senate floor. But the objections to this amendment are not limited to procedural questions of jurisdiction and process.

I also believe the amendment is fundamentally flawed on the merits. Sure, there are a lot of unresolved questions to be resolved in a calm and reflective manner before the Senate goes forward with such an expensive and expansive program, but the amendment hangs or predicates itself on several assumptions.

First is that exposure to herbicide causes spina bifida, a serious defect in the exposed father's children.

Second, that Vietnam veterans were, in fact, exposed, and every single link in that chain of reasoning is subject to dispute. This is the kind of thing that is best resolved through the complete legislative process: introduce the bill, solicit evidence, comments, hold hearings, seek review of experts and interested parties on both sides, hold a markup, consider amendments, and then bring the bill to the floor.

This amendment has short circuited that process. That is what we do here, and as a legislator who has been doing this stuff for 30 years, who appreciates beautifully the wisdom of the legislative process, I am greatly saddened by that. In 30 years, I have never been an administrator, never wanted to be President, never wanted to do anything but legislate. If you are doing it right, it is very dry work. It is not about emotion, it is not about press releases; it is about hard work. But I can't change that.

We will have to compress the entire legislative process into a few minutes, so here it is. Here we go. It will not take long.

Does a father's exposure to herbicides cause spina bifida in his children? There is very little evidence to support that assertion even though, as a result of all the furor over the years surrounding agent orange, the bookshelves have literally groaned under the weight of studies of the health effects of herbicides, but few, if any, of those studies have ever pointed to spina bifida.

Were Vietnam veterans generally exposed to a material amount of agent orange? Whatever evidence, or lack of evidence, for association between exposure and disease, the only actual empirical evidence of exposure that is available to us does not support the theory that Vietnam veterans were generally exposed to agent orange.

Look at these charts—two of them—which depict measured blood dioxin levels found in two population samples. This upper chart shows a level found in a sample of 646 Vietnam veterans. The lower chart shows the levels found in a control group of 97 veterans who did not serve in Vietnam.

In each case, the vertical scale is the percentage of the sample population; the horizontal scale is the specific dioxin, TCDD, measured in parts per trillion, ppt.

In both groups, veterans who served in Vietnam and veterans who did not serve in Vietnam, the percentage of subjects begins to rise at a measured dioxin level of 2 ppt, peaks at about 3 and tails off into scattered individuals—that is what these symbols are, individuals, not groups—at about 10 parts per trillion.

By the way, these levels are consistent with measured blood dioxin levels for the general American population, which are in the same range of 0 to 20 parts per trillion.

So there it is. "ND" means nondetectable. Then you see this rise, then down, and after that, there is no effect at all up into 20 parts per trillion—nothing. This is the veteran population who were in Vietnam, and this is non-Vietnam veterans, and the charts are exactly the same—exactly the same. That is the kind of data you never consider when you are just using emotion. Those are studies from the CDC.

In short, based upon those samples, Vietnam and non-Vietnam veterans cannot be distinguished from each other on the basis of the measured dioxin levels in their blood, and neither group can be distinguished from the American population.

So the only evidence available to us, based on measured blood levels of dioxin in veterans, is not consistent with the hypothesis that service in Vietnam exposed most veterans to material amounts of agent orange.

Yes, I know, that is difficult. I am sure someone will be coming here to get in the fray, and I will be waiting for that.

Let me show you a second chart showing measured dioxin levels in several different populations. This chart depicts blood dioxin levels of numerous populations and compares the level found in Vietnam veterans, presumed to be exposed, with the levels found in populations known—known—to have been exposed.

So let's look at that. We are not guessing here. We are going to talk about populations known to be exposed. The horizontal scale is blood dioxin levels in parts per trillion. The top group depicts the measured blood dioxin levels for Vietnam ground troops with high, low, and medium opportunities for exposure, as well as the measured level of the control group known not to have been exposed.

All these groups have identical, and low, levels of blood dioxin. That finding is consistent with the hypothesis that Vietnam veterans do not have material exposure to agent orange. The level for the control group and the exposed group are the same. Let's go to the next little chart. We find a group of bars down there depicting the measured dioxin levels in a control group and in four categories of the Ranch Handers. Now Ranch Handers, a cohort of about 2,700 people, if I recall, 2,300, are the Air Force personnel who did the actual agent orange spraying.

Of course, that would be the group we used in our studies. And why not? We knew what they were doing. I point out that you should know what they were doing. They were mixing it, loading it, labeling it, spraying it, kicking it out of the helicopters with an open lid, and cleaning it up. That is who they are.

For the control group and the Ranch Hand officers the measured blood dioxin levels are rather low. And their level is about equal to the level found in the ground troops. But the levels for the enlisted Ranch Hand personnel are elevated, a finding which you would expect for people who actually mixed, loaded, sprayed and cleaned up the agent orange.

A little lower on the chart we find the third grouping of measured blood dioxin levels. These are levels measured in workers with known occupational exposures to dioxin. They are measurements for a group of German industrial workers and New Zealand agricultural sprayers. Then there are the levels found in the most exposed quintile, as the phrase is used in graphs, of an occupational study conducted by the U.S. National Institute of Occupational Safety and Health. That study broke its subjects down into five quintiles with progressively greater opportunity for exposure.

The measured blood dioxin level increases proportionately with exposure, as one would expect. Except for the lowest exposure NIOSH group, that is the National Institute of Occupational Safety and Health subjects, all occupationally exposed groups have measured blood dioxin levels higher than both Ranch Handers and Vietnam veterans.

Then finally—and you have heard mention of this extraordinary disaster—the bottom bar shows the measured blood dioxin levels for residents of Seveso, Italy, a town heavily exposed to dioxin as a result of a horrible accident where they were exposed to dioxin as a result of an industrial accident.

The chart shows that the blood levels for Seveso residents who developed chloracne, which is a known effect of dioxin—no one argues that—are higher than the blood levels of those who did not. And we would certainly expect that. I ask my colleagues to note that the scale of this chart is exponential above 100 parts per trillion—off the chart, if you will. And the chart documents the fact that Seveso residents have measured dioxin blood levels which are thousands of times higher than that found in any Vietnam veterans, Ranch Handers or non-Ranch-Handers.

And this is the reason for the chart. All of the followup studies of the individuals whose blood serum dioxin level are documented on the chart do not report any increased rates of spina bifida in the children of these heavily exposed individuals. Remember that these are people, individuals with documented heavy exposure to dioxin. In the case of the Seveso residents with chloracne, the measured blood dioxin levels are over 10,000 times greater than that for Vietnam veterans.

If spina bifida were associated with exposure, we would find increased rates of spina bifida in these populations. And there is none. And the greatest increases would be in the population with the highest measured blood dioxin levels. And there are none.

In fact, the only group with any increase in the rate for spina bifida is in the Ranch Hand group. And as we will see, the principal investigator of the Ranch Hand study has testified before this Congress that limitations in that study mean that this finding should not be used to draw conclusions about birth defects. That is what the principal investigator said. That testimony I will be glad to present to my colleagues.

The documented higher dioxin levels for enlisted Ranch Handers—compared to other Vietnam veterans—also means that even if someday there were to be a valid study showing adverse effects in these Ranch Handers, those conclusions may not be applicable to the Vietnam population as a whole.

This would be especially true if the proposed application of such a study would be to support the creation of a new entitlement applicable to all Vietnam veterans. I noted earlier, the Ranch Hand study is not such a study according to its principal investigator.

So both of those charts are based on actual measurements. Both are taken from the 1996 update of the Institute of Medicine, the IOM, agent orange report. I will be glad to share this with anyone who may wish to have it. This update is the foundation for both Secretary Brown's prostate cancer decision and Senator DASCHLE's spina bifida amendment. And where did they come from? They originated with the CDC and they came from the IOM, the Institute of Medicine. This is the same report that has been relied upon by the very capable minority leader. We are using this same thing.

In enacting the old Public Law 102-4, which I was involved in, the Congress enacted a three-part standard for determining if there was an "association."

Mr. President, I ask unanimous consent that portion of the statute be printed in the RECORD. I have previously spoken about it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASE.—(1) For each disease reviewed, the Academy shall determine (to the extent that available scientific data permit meaningful determinations)—

(A) whether a statistical association with herbicide exposure exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

(B) the increased risk of the disease among those exposed to herbicides during service in the Republic of Vietnam during the Vietnam era; and

(C) whether there exists a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease.

Mr. SIMPSON. The statute talked about statistical association, increased risk and casual relationship. So that is where we are. The IOM, the Institute of Medicine, said there is "limited suggestive evidence" of an association between exposure of a father and spina bifida. That is largely based on the Air Force Ranch Hand study. The study found that three Ranch Hand children were born with spina bifida.

Do not stop there. The same study also found that the total rate for birth defects in Ranch Handers is comparable to that of the control group. How is that possible? Well, it is quite logical, because when statisticians break aggregate or average data down into its component parts, individual values start to spread out away from the norm. So it is with the Ranch Hand children.

For example, while the Ranch Hand spina bifida value is high, the Ranch Hand cleft palate value is low—zero in fact. The low value for cleft palate does not mean that agent orange prevents cleft palate any more than the high value for spina bifida means that agent orange causes that birth defect or even there is an association between the two.

I remember an old phrase that said, "If you torture data long enough with statistics, they will eventually confess." And that is what has happened here. If you torture data long enough with statistics, eventually it will confess.

One other thing with a thought experiment. I think I will shorten my remarks in the interest of moving on through this day. But we could go on and make all sorts of comparisons about the health of the House Members and the Senate Members and whether they have this or have that. We could all find that they have more kidney disease, more heart disease in one body or another, and you could play with that stuff all day and all night. You are going to find those differences. But we are trying to use sound medical and scientific evidence because that is what the law says.

There is a name for this scientific sin of combing raw data until you find data skewed in the direction you want to go and then formulating a hypothesis on that finding. That is called "data mining." And using the Ranch Hand study as the basis for forming a conclusion, rather than using the findings as the basis for forming a hypothesis for testing, is to commit the sin of data mining.

I think you want to remember that the principal investigator for this study, Dr. Joel Michalek, testified before a House committee that his findings did not support the conclusion that there is a linkage between spina bifida and agent orange. That is it. That is the only evidence we have. We are ignoring that?

The academic reviewers for the journal Epidemiology drew no attention to, or conclusions from, the birth defect findings when they published the Ranch Hand study.

The IOM said this, "any positive conclusion is vulnerable to chance, bias and confounding." And so all I can do is present my colleagues with the facts. Others can come to present the emotion. And they will be here. And I will continue to try to present the facts. There is not one of us here—and certainly not this Senator—that does not care about people who have spina bifida or care about Admiral Zumwalt's son, a tragic thing. And that dear and remarkable American feels that agent orange is the destruction of that fine young man. And that may well be. No one—no one—cares less for those people. I hope we can keep that out of debate. When we come to the debate, bring facts. Everyone is entitled to their own opinion, but nobody is entitled to their own facts.

There have been thousands of studies of veterans, farmers, agriculture workers, and industrial workers who either were or are presumed to have been exposed to herbicides or their component chemicals, and all of those studies—every single one of them —provide little support for the theory that Agent Orange causes spina bifida. Dioxin does cause chloracne, and that is why we have made it a presumptive disease. It may cause other things, and that is why we made other diseases presumptive diseases.

But the use of the Ranch Hand study to support making birth defects presumptive, as is being done today, is to use the study for a purpose disavowed by its principal investigator. That has to be at least heavy in your consideration.

With that, I see my colleagues have fled or have absented themselves from the Chamber, so I probably should fill the void, but I think the word should go out we are certainly ready to proceed with the debate or yield back time. I am ready to do that, but I do not wish to cut off anyone in the debate, either the minority or the majority side. So rather than have a quorum call, I shall proceed. However, let the word go out through the network that if anyone wishes to debate this issue further they should present themselves. If not, we can conclude the debate and go to the procedural motion that will be made by the Senator from Missouri.

Again, I want to reiterate that we really do some good things for people who have this disease. I have cited that. But I think one of the most unique is the private sector, the remarkable group known as the Shriners, those fellows you see in the parade with the fez—older now, but just as caring and loving of their fellow man and woman, and especially children. They provide care for any child in this Nation with spina bifida, and especially if you cannot afford to pay. In fact, that is really the requirement. They will treat that child only if the parents can afford to pay nothing. There is never any reimbursement. Those remarkable people support those hospitals, and you do, too. I want that clearly said.

We are always talking about, what can the private sector do? How can they begin to take the burden off Medicare and Medicaid? This is one way. We put a redundant program together just so we can not say that the VA has not done anything for these victims. Even though others are serving them, we still want the VA to do it. That is how we get to a $6 trillion debt within the next few years—a $5.2 trillion debt—even if we balance the budget. Under all these horrible proposals described by some of my brethren, the budget will be balanced in the year 2002, but the debt will be $6.2 trillion.

Half the American people believe that we all got together and balanced the budget, and that may be so. That would mean the deficit will be gone; whether it is $160 billion or $200 billion, just pick your figure. But, Members, the debt of the United States will have marched on like "Old Man River." That is why everybody is asleep. The debt, after balancing the budget in the year 2002, the debt will then have gone to 6.2 trillion bucks. Why is that? Is that the ghost of Ronald Reagan doing that? Is that Clinton doing that? No. Right here. This is where we do it—Democrats and Republicans do it. We do it to get reelected.

You just saddle this new group of human beings with a burden that they can never, never tolerate and do it for the best reasons—the children, the veterans, the seniors. No affluence testing, no measurement of what you put in and what you get out, no measurement of your net worth. That game is going to end—not in my time, but it will end—because there is no way it can be sustained.

It is as if we are talking about messing with the deck chairs on the *Titanic*, which has been partially lifted and then returned to the depth, which is about where we are with the debt. There is no way to arrange these deck chairs unless you do something with Medicare, Medicaid, Social Security, Federal retirement and the national debt interest, period.

So maybe we can hear less about those who care less—if I hear that again, I will be wanting to toddle right over here from my office—or that somehow one party cares more than another about human beings. That is pure balderdash. It is ugly. It is crude. It does not fit, because I do not know anybody in the Democratic Party or the Republican Party that is interested in doing a number on anyone of the lesser of society. We are interested in trying to do something to see that there is something left for those people in 10 or 20 years. If that is cruel, I am proud to join that pack, because I think that is the greatest abrogation of responsibility for our generation, to just leave a tattered pile of IOU's for a bunch of young people who apparently are not paying attention or who know that there will not be anything in the till for them anyway.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I join my distinguished colleague from South Dakota, Senator DASCHLE, today as a cosponsor of the Agent Orange Benefits Act Amendment of 1996. I find myself year after year after year giving voice to those Vietnam veterans who still are suffering as a result of their service in Vietnam. Thirty years ago agent orange was sprayed in Vietnam—30 years ago—and we are still debating the bias of each individual analyzing the evidence of its health impact on the veterans and their children. The families who suffer deserve our cooperation. It is time to stop debating and move forward.

This amendment does just that. It takes another crucial step forward in repaying our debt to those who have served their country. In some cases, that is a dear debt, indeed.

The legacy of Vietnam has cast its dark shadow on many aspects of our daily lives, changed the way many of us think and view war. Today we seek to address the shadow that has been cast over some children of Vietnam veterans.

Mr. President, the amendment we are proposing today would extend health care and related benefits to children of Vietnam veterans who suffer from spina bifida, a serious neural tube birth defect that requires life-long care—provided, of course, the children were conceived after the veterans began their service in Vietnam. These children have become the next innocent victims, victims in a long line, who are suffering from the effect of agent orange.

Senator DASCHLE, Senator ROCKEFELLER, I and many others have worked for the past decade to try to bring to a fair and just resolution the questions surrounding agent orange and the effects it has had on the men and women who faithfully served this country. In 1991, we coauthored the agent orange Act of 1991 which required the Institute of Medicine—part of the National Academy of Sciences—to conduct a scientific review of all evidence pertaining to the connection between exposure to agent orange and other herbicides used in Vietnam and subsequent occurrence of health-related conditions. As a result of this law, a report was issued by the National Academy of Sciences in March 1993 and it was to be followed by biennial updates for the next 10 years.

The first report published by the National Academy of Sciences in 1993 created four categories to classify the level of association between certain health conditions and exposure to agent orange. Category I contains conditions for which there is sufficient evidence of an association. Category II contains conditions for which there is limited or suggestive evidence of an association. After 1993, the VA provided compensation for all conditions contained in categories I and II. Conditions for which there is inadequate or insufficient evidence to determine whether an association exists were placed in category III and compensation was not provided for them.

When the latest of the NAS biennial updates was issued in March of this year, it cited new evidence supporting the link between exposure to agent orange and the occurrence of spina bifida in children of veterans who served in Vietnam. The NAS panel moved "spina bifida in offspring" from category III into category II, based on the results of three epidemiological studies which suggest that a father's exposure to herbicides may put his children at a greater risk of being born with spina bifida. The Ranch Hand Study, which examined a group of veterans who were directly involved with spraying 19 million gallons of chemical defoliant in Vietnam during the war, was the largest of these studies. Over the past 2 years the results of the Ranch Hand study have been reanalyzed by the U.S. Air Force, and this new analysis reinforced evidence of a connection between agent orange exposure and spina bifida in offspring that had been found in other studies. This ultimately led to the committee's conclusion that there is limited or suggestive evidence of an association. I ask unanimous consent to place an article in the RECORD that discusses at length the basis of these findings.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of the American Medical Association, Apr. 10, 1996]

NEW IOM REPORT LINKS AGENT ORANGE EXPOSURE TO RISK OF BIRTH DEFECT IN VIETNAM VETS' CHILDREN

(By Joan Stephenson)

New Evidence reveals a tentative link between exposure to chemical defoliants that were used in the Vietnam War and an increased risk of spina bifida in veterans' children, according to a recently issued report by the National Academy of Sciences' Institute of Medicine (IOM).

The congressionally mandated report, Veterans and Agent Orange: Update 1996, is the second in a series of biennial reassessments of the health effects of Agent Orange and other herbicides. In addition to noting limited or suggestive evidence of an increased risk of the birth defect in exposed veterans' children, it said that new studies confirm the 1994 report's finding that there is sufficient evidence that exposure to these chemicals is linked with soft tissue sarcoma, non-Hodgkin's lymphoma, Hodgkin's disease, and chloracne.

The report also described "limited or suggestive" evidence, based on studies of occupational exposure to herbicides or dioxin outside of Vietnam, that exposure may be linked with acute, transient peripheral neuropathy. However, a link between chornic peripheral neuropathy and exposure to these chemicals was not supported by the overall data.

THOUSANDS EXPOSED

United States military forces sprayed nearly 19 million gallons of herbicides, including more than 11 million gallons of Agent Orange, over Vietnam between 1962 and 1971, to strip vegetation that helped conceal enemy troops. Thousands of US troops were exposed to varying doses of these chemicals, which were sprayed from airplanes and helicopters, from boats and ground vehicles, and by soldiers wearing equipment mounted on their backs.

After a 1969 report that concluded that one of the chief chemicals used in Agent Orange could cause birth defects in laboratory animals, use of Agent Orange was halted in 1970. All herbicide spraying in Vietnam ended by 1971.

"Since that time, some of the 3 million Americans who served in the Vietnam War have wondered whether their exposure to herbicides may have caused them to develop cancer, or caused their children to have birth defects," said David Tollerud, MD, MPH, of the University of Pittsburgh (Pa) School of Medicine, at a press briefing. To address these concerns, Congress passed the Agent

Orange Act of 1991, authorizing the National Academy of Sciences to review studies concerning the health effects of herbicide exposure and to reevaluate the evidence every 2 years for 10 years as new evidence accumulates, noted Tollerud, chair of the IOM committee that produced the report.

As in the first IOM report, the diseases were classified into four categories according to the strength of evidence (or lack thereof) linking health effects with herbicide exposure.

The top category includes conditions for which there is "sufficient evidence" of a positive association with exposure to herbicides of dioxin (a trace contaminant of herbicides). The second classification involves diseases in which "limited or suggestive evidence" suggests such an association—meaning that at least one high-quality epidemiologic study has found a link, but that the evidence is not conclusive enough to rule out chance or study bias influencing the results. The other two categories involve conditions for which there is "inadequate or insufficient evidence" to determine whether a link exists, or "limited or suggestive evidence of *no* association."

OPERATION RANCH HAND

The finding of "limited or suggestive" evidence of an increased risk of spina bifida in children fathered by veterans exposed to herbicides was based on three epidemiologic studies, the largest of which involved a reanalysis of a group of nearly 900 Operation Ranch Hand veterans who were directly involved in the handling and spraying of herbicides in Vietnam.

In the Ranch Hand study, researchers found three cases of spina bifida (plus one case of another neural tube defect, anencephaly) among 792 liveborn infants, compared with no cases occurring in a comparable group of children fathered by nonexposed veterans, for a rate of nearly four cases per 1,000 births. The rate of spina bifida in the general population is about five cases per 10,000 births.

Two other epidemiologic studies reviewed by the committee—the Centers for Disease Control and Prevention (CDC) Vietnam Experience Study and the CDC Birth Defects Study—also suggest an association between herbicide exposure and increased risk of spina bifida in children. But the report noted that while all three studies were of relatively high quality, methodologic limitations such as small sample size and possible recall bias mean that further study is required to confirm this apparent link.

Based on several occupational studies outside of Vietnam, the report also added acute, transient peripheral neuropathy lasting weeks, months, or longer to the list of health effects for which there is limited or suggestive evidence of an association with herbicide exposure.

Other diseases classified in this category in the first IOM report included prostate cancer, multiple myeloma, and respiratory cancers (of the lung, larynx, or trachea), and the new report reconfirmed those findings. Studies completed since the first report resulted in a reclassification of the evidence linking porphyria cutanea tarda and herbicide exposure from "sufficient" to "suggestive." New studies also prompted the committee to downgrade the classification of skin cancer from "suggestive" to "insufficient evidence of an association."

A QUESTION OF EXPOSURE

Unlike the other findings of the IOM report, the conclusions about an apparent link between spina bifida and herbicide exposure were based on studies of Vietnam veterans. However, most of the evidence reviewed by the committee about possible health effects from exposure to the herbicides used in Vietnam came from studies of people who were exposed to these chemicals either on the job or in industrial accidents.

Tollerud noted that a severe lack of information about the exposure levels of individual troops hindered the IOM committee's ability to assess the herbicide-related health risks faced by Vietnam veterans.

"Except for particular groups, such as those involved in Operation Ranch Hand and other groups directly involved in spraying operations, information on the extent of herbicide exposure among veterans is virtually nonexistent—and this limits how far we can interpret data [from studies of nonveterans] with respect to the veterans themselves," he said.

The majority of experts on the IOM committee agreed that it's not currently possible to quantify the degree of risk to Vietnam veterans from exposure to herbicides and dioxin. However, two committee members, Bryan Langholz, PhD, and Malcolm Pike, PhD, both of the University of Southern California, Los Angeles, School of Medicine, said that studies indicate that measuring trace levels of dioxin, which lingers in the body for years, and extrapolating backward could provide a useful measure of a veteran's original exposure.

If this method provides such a valid estimate—an assumption that many experts on the committee dispute—studies that measure blood levels of the chemical in Vietnam veterans would suggest that most veterans, particularly those who did not participate in herbicide spraying, were not exposed to very high levels of the chemicals, said Langholz.

Scientists hope that ongoing and future research efforts will help reduce some of the uncertainty about exposure levels of veterans. One possibility is the development of historical exposure reconstruction models, which involves combining existing data on such factors as the paths flown by airplanes involved in herbicide spraying with information on specific troop movements and meteorological conditions when spraying occurred, to determine levels of exposure of veterans. The Department of Veterans Affairs and the IOM are working together to solicit research proposals for such studies, said Tollerud.

Another area that still needs to be addressed is the possible health effects of herbicide exposure in the women who served in the Vietnam War, particularly potential reproductive effects and diseases that are usually or only seen in women, such as breast cancer and cancers of the female reproductive organs. The Department of Veterans Affairs is currently identifying and enrolling such women in studies to examine this issue.

"We hope that by the time the review process comes around in 2 years that there will be new information to address the gaps in knowledge that we now have about [herbicide-related] health effects in these women," said Tollerud.

Prepublication copies of Veterans and Agent Orange: Update 1996 are available from the National Academy Press by telephone (800) 624-6242 or (202) 334-3313 (Washington, DC, metropolitan area). The report's executive summary is available on the World Wide Web at http://www.nap.edu/nap/online/veterans/.

Mr. KERRY. The Secretary of Veterans Affairs, as mandated by the 1991 law, initiated a comprehensive review of the 1996 NAS report and made consequent policy recommendations to the President. Subsequently, in May, President Clinton announced that the administration would propose legislation to aid Vietnam veterans' children who suffer from the disease spina bifida.

Our amendment fulfills that commitment by recognizing and accepting responsibility for one of the serious health care needs of veterans' families that the preponderance of evidence suggests stems from the tragic effects of agent orange.

Since 1985, Vietnam veterans have been eligible for free health care from the Veterans' Administration for conditions that are related to exposure to agent orange. Veterans' disability compensation has been awarded to veterans affected by several agent orange-related illnesses including non-Hodgkins lymphoma, soft tissue sarcoma, Hodgkin's disease, chloracne, respiratory cancers, multiple myeloma, and, most recently, prostate cancers and acute and subacute peripheral neuropathy.

There are those who will stand before us today and argue that there is not enough credible evidence to make a positive association between exposure of a veteran to agent orange and the occurrence of spina bifida in that veteran's children, and that, accordingly, there are not sufficient grounds to add it to the list of conditions I have just mentioned. I will say again today what I said first back in May 1988, and repeated just last month:

> It is offensive to veterans to tell them that there is not enough "scientific evidence" to justify compensation . . . The evidence is in their own bodies, and even worse, in the bodies of their children.

Both the President and the Secretary of Veterans Affairs, Jesse Brown, have asked that spina bifida in veterans' offspring be considered service connected. If we do not act on this proposal today, we may not be able to do so this Congress. It will be pushed aside because of the tight schedule due to the election cycle this year. For 30 years many issues surrounding Vietnam have been put aside to be dealt with another day by different people. Mr. President, we cannot let this continue—we must act today and allow the pain to be eased for the children and their families who are suffering. This bill will grant the VA the necessary means to finally start providing needed care to these children who carry the scars of a war they never saw or fought.

I know that there is still controversy about the effects of agent orange. There may always be controversy, just as there may always be controversy about the Vietnam war itself. We as adults know that most frustrating of all this world's realities: there are some things we as human beings can never know for certain and which, therefore, always will be controversial. But we must set aside the controversy—or put it behind us—to enable suffering children to receive the care and treatment they need when responsible, intelligent people acting in good faith can look back and discern the source of that suffering.

This is not just a theoretical concern to me, Mr. President. There are real human beings in my State of Massachusetts who are among the American veterans and family members whose lives have been effected by spina bifida.

I want to compliment the Democratic leader for his tenacious, exemplary leadership on this difficult issue. He has struggled valiantly to secure fair treatment for those who sacrificed so greatly for our Nation by their service in Vietnam. I thank him for permitting me to join him in bringing this amendment before the Senate today.

I also want to commend the distinguished Senator from West Virginia, Senator ROCKEFELLER, the former chairman of the Veterans Affairs Committee who now serves as its ranking Democrat. I hope the veterans of our Nation, those who served in Vietnam and those who served in other conflicts, realize what kind of friend—but, more importantly, what kind of effective advocate—they have in JAY ROCKEFELLER. His work and the work of his staff on this legislation were crucial, and I express my appreciation to them.

Mr. President, we must not permit our inaction or our lack of absolute certitude to make some of the children of our Vietnam veterans the last victims of the Vietnam war. I urge my colleagues to support this amendment.

Mr. BYRD. Mr. President, I am a cosponsor of the amendment offered by the distinguished Democratic Leader, Senator DASCHLE. This amendment, which is supported by the Vietnam Veterans of America and the American Legion, attempts to address a very painful legacy of the Vietnam conflict. It provides comprehensive health care and a very modest monetary allowance to the children of Vietnam veterans who suffer from spina bifida as a result of their fathers' exposure to the chemical defoliant Agent Orange during the the Vietnam conflict over twenty years ago.

Mr. President, the history of Agent Orange exposure has been sad, even shameful. After the Vietnam conflict, as veterans suffered, administration after administration failed to aggressively investigate the cause of their illnesses. Now, some twenty-two years after the end of the conflict, additional medical conditions are still being linked to exposure to Agent Orange. Just this spring, prostate cancer and peripheral neuropathy were added to the list.

For twenty-two years, the genetic legacy of Agent Orange exposure has been denied, although reproductive disorders and birth defects in their children have been among the Vietnam veterans' greatest Agent Orange-related health concerns. A congressionally-required National Academy of Sciences report of March, 1996, cited new evidence of a link between Agent Orange exposure and the occurrence of spina bifida in the children of exposed veterans. While not conclusive, the evidence persuaded the Secretary of Veterans Affairs to propose legislation to provide for these unfortunate children.

This amendment is necessary because, while the Department of Veterans Affairs has recommended that spina bifida in Vietnam veterans' children be recognized as service-connected, the VA does not have the authority to extend health care or other benefits to children of veterans. Separate legislation authorizing this service connection, which Senator DASCHLE introduced in July with my support, is unlikely to be passed in the limited time remaining in this Congress.

Mr. President, spina bifida is a crippling birth defect caused by the improper development of the vertebrae or spinal cord, resulting in varying degrees of paralysis of the lower limbs. The damage is permanent and incurable. Treatment includes surgery, medication, physiotherapy, and the use of assistive devices like braces, crutches, or wheelchairs. These are not conditions that are outgrown; spina bifida victims must learn to control and live with these dysfunctions. Ongoing therapy, medical care, and/or surgical treatments are necessary to prevent and manage complications throughout an individual's life.

These children are the hidden victims of the Vietnam conflict. They are the sad legacy of war, an uncounted and unwanted cost of conflict. As a nation, as a Congress, we spend hundreds of billions of dollars preparing for and conducting military operations. We are profligate spenders on the front end of a military operation—nothing is too good for the troops, and you can't have too much of a good thing.

But when it comes to the tail end of a military operation, the aftermath of conflict, we become parsimonious and begrudging. We provided for the veterans of the Vietnam conflict, but only after years of study and review. We have been even slower to address these secondary casualties, the children with spina bifida.

Mr. President, there is considerable reluctance to admit to the delayed costs of conflict, let alone to plan and budget for these costs. If we required veterans' health care and compensation to be included in our cost estimates before we began a military operation, we might think twice about committing our troops. And if we acknowledge the potential effect of military operations and the exposure to hazardous materials on the next generation, as I believe we should, these cost estimates can only rise.

I am glad that, finally, the government is meeting its responsibility to provide for the Vietnam veterans children with spina bifida. They are casualties of war as surely as if they were hit by a bullet. I am only sorry that it took so very long, and that we cannot do more.

In the Vietnam conflict, there was agent orange. In the Persian Gulf, there now exists the possibility that U.S. troops were exposed to chemical warfare agents, which can also cause birth defects. I offered an amendment to the Defense authorization bill that would have provided health care for the children of Persian Gulf veterans who have birth defects or catastrophic illnesses while research is conducted to investigate the possible link between these childrens' conditions and their parents' possible exposure to chemical warfare agents or other hazardous materials.

I asked that these poor children and their families be given the benefit of the doubt, that they not face the same long and difficult road traveled by the Vietnam veterans and their children. Some argued that I have attempted to set a bad precedent in providing health care before the science has been conducted to prove the link between cause and effect. Well, I would rather be accused of an excess of compassion than its dearth. It has been 5 years, and no research has been conducted. Under $30 million a year is needed to care for these children, and to provide relief to these families. Of the hundreds of billions spent each year on the military establishment, I do not find $30 million an excessive amount to treat the smallest and weakest of our military families. Similarly, the price tag associated with providing for the children with spina bifida is modest. It is not an economic hardship to address our responsibility to these children.

Before each conflict, we talk about what national security interests are at stake. Mr. President, if our children, our future generation, are not our most vital national security interest, then what have we fought for? Hazardous exposures have long been associated with the battlefield, but now that science can confirm that such exposures affect our children and our future, we must not shirk from acknowledging our responsibility. In the Gospel of Mark, we are reminded of the Lord's words: "suffer the little children to come unto me, and forbid them not: for such is the kingdom of God." Senator DASCHLE has offered an amendment that would address the health care needs of the children who are the innocent victims of the Vietnam conflict, and in doing so, he brings us all a little closer to the kingdom of God. I commend Senator DASCHLE for his compassion and his effort on the behalf of these children. I am a cosponsor of this amendment, and I urge my colleagues to support it.

Mr. FEINGOLD. Mr. President, I rise today in strong support of the amendment offered by the distinguished Democratic leader, Mr. DASCHLE. I am proud to be an original cosponsor of this amendment.

Mr. President, many statements have been made here on the Senate floor over the years about the need to honor the debt we owe our Nation's veterans. If there ever was a nonpartisan issue, it is the need to keep the promises we made to those who sacrificed by defending this great Nation and the principles it stands for.

We have a long and proud history of compensating our veterans for injuries and wounds they sustained in combat situations. Millions of veterans have had to endure sickness, disability, and even paralysis as a result of their military service and we must continue to ensure that there is adequate funding for research as well as for the facilities and medical care needed to care for these men and women.

During the course of the Vietnam war, thousands of our service personnel who returned from Southeast Asia were stricken with ailments associated with exposure to the chemical herbicide known as agent orange. After years of pressure from veterans organizations and distinguished Americans such as Adm. Elmo Zumwalt, Jr., the former Chairman of the Joint Chiefs of Staff, the Government finally began to provide health care and other important benefits to veterans suffering from exposure to agent orange.

That is why Vietnam veterans have been eligible for free VA health care for agent orange-related conditions since 1985 and that is why disability compensation has been provided to Vietnam veterans for ailments that are believed to be directly related to exposure to agent orange such as non-Hodgkin's lymphoma and respiratory cancers.

Today, I join the distinguished minority leader in offering the U.S. Senate an opportunity to make another down payment on that often talked about debt that we owe our veterans. The amendment that we are offering today will extend health care and related benefits, including a monthly monetary allowance, to the children of Vietnam veterans suffering from spina bifida.

Spina bifida is a neural tube birth defect that requires lifelong care. As has already been pointed out, a recent report from the National Academy of Sciences has provided new evidence demonstrating a link between the occurrence of spina bifida in the children of veterans to a veteran's exposure to agent orange and other toxic herbicides in Vietnam. In light of the empirical data that does indeed demonstrate a correlation, I believe it is the Federal Government's responsibility to ensure that these children receive the necessary medical care to treat this ailment.

We will surely hear criticism today on the Senate floor that this legislation will create another entitlement program that the Government cannot afford. Mr. President, this Nation made a decision long ago that our courageous service members were entitled to certain benefits, most importantly access to quality medical care for health problems that arise as either a direct or indirect result of their service to this country. We are talking about innocent children here, who have been stricken with a serious, disabling condition as a result of their father's service in Vietnam. Is there definitive proof of this? No. Is there a strong likelihood that this is the case? Yes, and so long as the evidence suggests such a correlation exists, we must continue to fulfill our obligation to our veterans and their families.

I am also pleased that this legislation is fully funded with a cost offset. By reforming the Gardner decision—a move that even the major veterans organizations recognize needs to be made —this legislation is fully paid for with additional savings being dedicated to reducing the Federal budget deficit.

Mr. President, this legislation has the strong backing of a number of organizations, including the Vietnam Veterans of America, the Veterans of Foreign Wars, the American Legion, the Spina Bifida Association of America, and the Clinton administration. I want to commend the Democratic leader for his longstanding leadership on this and other issues important to our Nation's veterans. Our veterans have fulfilled their commitment to this Nation, and we must fulfill our commitment to them.

I urge my colleagues to support the amendment and I yield the floor.

Mr. THURMOND. Mr. President. I rise today to discuss the amendment offered by the minority leader to the VA/HUD appropriation bill. This amendment would authorize the Department of Veterans Affairs to provide comprehensive medical care, vocational training benefits, and compensation benefits for certain children of Vietnam veterans who are born with spina bifida.

The proponents of the amendment offer an emotional argument. I am very concerned about those who suffer from this condition. I recognize that these children and their families face many challenges and financial burdens.

The issue before us, however, is not whether spina bifida is or isn't a horrible condition. No Senator would argue otherwise. I am confident that each of us has compassion for the children and their families. As a veteran myself, I have been an ardent supporter of our Armed Forces and veterans. I have voted in favor of benefits for all veterans, including those exposed to agent orange and Persian Gulf war veterans.

What this body must determine, is what legislation is appropriate at this time. I do have concerns about this amendment, as it is offered on this appropriations measure.

Historically, benefits for dependents of veterans have been based on the death or disability of the veteran. This amendment would, for the first time, authorize VA to provide benefits to a person not a veteran based on a possible relationship between that individual's disability and a veteran's service. The committee of jurisdiction should carefully consider such an unprecedented extension. However, no such hearings have occurred to fully examine the consequences of extending benefits. Therefore, I consider this amendment to be premature.

Under this amendment, children of veterans would be provided comprehensive medical care. The Veterans' Affairs Committee recently approved an extensive overhaul of eligibility rules and priorities for health care. Under that legislation, veterans would be enrolled into the VA health care system, with a cap on total health care expenditures. The extension of medical care to dependents of veterans will result in a decrease of medical care to veterans.

Next, the amendment provides for vocational training benefits and for compensation. Under the proposed framework, the Secretary of Veterans Affairs would pay a monthly stipend, based on the level of disability. These benefits would not be paid out of discretionary funds, but, as a new entitlement program, are considered mandatory spending. Because it would affect direct spending, a spending offset will be required. Again, the Veterans' Affairs Committee would be required to pay for this new entitlement to dependents of veterans, of unknown costs, by reducing benefits established for veterans. I believe that creating a new entitlement on this appropriation measure is inappropriate.

Finally, I have reservations regarding the underlying merits of the study on which the amendment is based. In short, the science is inconclusive. The Institute of Medicine stated the study shows limited/suggestive evidence of an association between exposure to herbicides and spina bifida. The principal investigator of the primary study on this issue testified earlier this year before a House committee that the study is inadequate to establish a cause and effect relationship. The VA task force that reviewed the Institute of Medicine report noted that scientific questions remain. Because scientific questions remain, it would be prudent to further study and resolve all open issues before embarking on a new entitlement program that would take away from existing veterans' benefits.

Mr. President, because this amendment is premature, is inappropriate for an appropriation bill, and is based on inconclusive science, I will not vote to amend the VA-HUD appropriations bill as proposed by the amendment. Again, I emphasize my support for veterans, my concern and care for the children with spina bifida and their families. I am sure the Congress will continue to review this issue and address the open questions in a more appropriate forum.

Ms. MIKULSKI. Mr. President, I rise to support Senator DASCHLE's amendment. I join such groups as the American Legion, Vietnam Veterans of America, Veterans of Foreign Wars, and Disabled American Veterans in supporting this effort initiated by the President and spearheaded in the Senate by the minority leader.

Senator DASCHLE's amendment seeks to help the innocent victims of a war fought long ago. Just as there are lingering psychological wounds from the war, there are veterans and their families who struggle with the lingering physical impacts every day. This amendment will provide health care and benefits to children of Vietnam veterans who suffer from spina bifida, believed to be caused by their fathers being sprayed with agent orange.

I have a long record of fighting for our Nation's veterans. I have fought for adequate health care and benefits funding as both the chair and ranking member of the VA-HUD Subcommittee.

I've fought to ensure vets receive quality of service and effective and accessible VA facilities. I also worked to make sure the VA provided the services especially appropriate for women veterans.

I am determined that we never forget America's veterans. They fought to protect Western civilization, preserve freedom, and defend democratic governments. They fought overseas to protect those of us at home.

I am determined that promises made must be promises kept. We must say thanks to vets with concrete actions, not just flowery rhetoric. Medals are nice, but the Nation has a responsibility to help veterans who risked their lives and returned home to find their lives and the lives of their children changed forever.

The minority's leader's amendment reminds us that many Vietnam vets were exposed to agent orange. A March 1996 National Academy of Sciences report noted that exposure to that substance may cause spina bifida in veterans' children.

The VA estimates that up to 2,000 children of Vietnam era veterans may be impacted. This amendment ensures that they would be provided appropriate health care and monthly benefits.

And furthermore, this amendment is paid for. The minority leader's amendment includes an offset that more than covers the anticipated cost of these expanded benefits.

While some would say this is an issue that can wait, and calls for further study, I say we really should not wait. We must not forget that spina bifida is an incurable disease that isn't going away for those affected. Those kids cannot wait one more year, for one more study. It may be easy for some of us to forget the war, or not to quite remember the war. For all of those who like to go into parades and talk about what they want to do to help the veterans, I believe that for many veterans who served in Vietnam, one of the ways we can show our respect is to make sure that children who have birth defects because of what their fathers were exposed to in Vietnam are protected. That is what the vets would like. They fought a war. We can call it a war. We should call it a war, and we should remember that. Yes, they want the GI benefits and, yes, they appreciate the VA medical care. But I know of no Vietnam vet that would not be proud of the fact that we looked out for their children.

There is concern about the study. Some say the linkage between agent orange and spina bifida for children of the vets is too skimpy. But I want to bring out the fact that the law that was passed related to agent orange says that there only need be a positive association, not a definitively determined cause and effect.

So the National Academy of Sciences shows that there is a positive association between agent orange and these children who have spina bifida. That is what Senator DASCHLE is standing on. We support him. We are supported by the VA and so many other groups. I hope when the Democratic leader offers his amendment, it is one of those that passes 99 to 0. We really don't need to make the children of Vietnam veterans subject of a heated debate on the floor. That outlines my thoughts in the area. If there is substantial debate, I anticipate that I may participate even further on this. I hope my colleagues will give this very serious consideration.

Mr. BOND. Mr. President, we are waiting for somebody to offer an amendment. We have heard that people are on the way. We would like to get the amendments offered. We have a limited list. If there are any who have amendments on which a vote might be needed, we ask them to contact the floor and come forward. We would like to move forward. I hope we can get time agreements and finish up the bill this evening. But at this juncture we are depending upon the Members who wish to offer amendments. I invite any and all of them to come forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. BOND. Madam President, earlier today we were worrying about whether we could get a 4-hour time agreement to limit debate on the amendment that the minority leader is going to offer. There was a good couple of hours, 2½ hours, of debate, and the amendment has not been offered. We are open to do business.

If anybody has arguments for or against it, I would invite him or her to come present those arguments. I understand the minority leader is temporarily involved in another hearing and has not been able to present his amendment. There is no amendment pending.

We welcome anyone who wants to discuss the bill or discuss amendments which they will offer. This is the prime time of day when we ought to be doing the business of the Senate. This is the third day we have been on this bill. The ranking member and I have been here, ready and willing to move forward. We are running short of time in this legislative session, and we have this and a number of other very important measures to conclude.

So I make an earnest plea to people on both sides of the aisle who want to talk about this bill, or particular issues, to come forward and do so, please. Let us use the time of the Senate productively. We are here. We are ready. We are waiting to do business. We welcome such views and such enlightenment as our colleagues would wish to share with us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHEMICAL WEAPONS

Mr. INHOFE. Madam President, the Senate will soon be asked to ratify the Chemical Weapons Convention. The intent of this treaty is to implement a worldwide ban on the production, possession, and use of chemical weapons, which is something we would all agree to; if it were something that was enforceable or verifiable, that we would be a party to. However, most of the experts I have talked to—people like

Caspar Weinberger, Jeanne Kirkpatrick, William Clark, I even had a conversation with Dick Cheney—have serious questions as to whether or not this is in the best interests of the United States.

The problem we have, one of many problems, but the major problem we have with the CWC, the Chemical Weapons Convention, is that it does not include those countries that pose the greatest threat to our Nation's security. I am talking about Libya and Iraq, North Korea, Syria. They are not a part of this. Even if they were a part, I would not believe they would actually live up to their commitment. But, again, they are not. Some countries have signed onto the treaty but they have not ratified it. We seem to be acting as if all those countries that have signed the treaty ultimately will ratify it. I do not believe that is the case.

Even in the case of Russia, if they did, the Senator from North Carolina here can remember, back in 1990, when the Russians and the United States, then the Soviet Union and the United States, had a bilateral destruction agreement, yet the Russians have not lived up to it—not because they do not want to, necessarily; because they say they cannot afford to. In fact, they said if you in the United States expect us in Russia to live up to the bilateral destruction agreement of 1990, it will cost you approximately $3.3 billion. I do not anticipate there will be a lot of support for that.

They keep saying 160 countries have signed the treaty. This is fine, but they are the wrong countries. We do not have a problem, a threat of chemical warfare with Great Britain, with France, with Sweden, with these countries. It is the countries who are not a part of this that pose the threat.

The compliance with the Chemical Weapons Convention is not verifiable. Countries like China, India, Iran, Pakistan, and Russia have signed the Chemical Weapons Convention, but our ability to verify their compliance is doubtful at best. I think the best quote I can give is from the former CIA Director James Woolsey, who was the CIA Director under Democratic Presidents. He said:

> The chemical weapons problem is so difficult from an intelligence perspective that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale.

The U.N. inspectors, after the agreement was reached with Iraq back in 1991, have had all kinds of opportunities to look for chemical weapons in Iraq, yet many have gone undetected. So we will be asked to ratify this. I serve notice now I will be among the leaders in opposition to that ratification. I feel it is very similar to the ratification of the START II agreement. The START II agreement was an agreement that would force us back into a posture that we found ourselves in in 1972 with the ABM Treaty, which was with, at that time, the Soviet Union. It does not do any good for us to downgrade our nuclear capability, as was the case there, if we have 25 to 30 nations who are building a nuclear capability, who have weapons of mass destruction, who are working on the missile means of delivering them. I see a parallel here, an analogous situation.

What good does it do for us to agree to destroy all of our chemical capability if we are allowing those rogue nations that pose the greatest threat to the United States to still be able to have theirs?

I think one of the phoniest arguments, though, is on terrorism. I hope no one will give much credence to that. The President and his administration contradicted themselves the other day when the President was trying to lead us into this notion that, if we ratify the Chemical Weapons Convention, somehow it will make it more difficult for terrorists. He said:

> If the Chemical Weapons Convention were in force today, it would be much more difficult for terrorists to acquire chemical weapons.

Then a short while after that, in a response, Warren Christopher said:

> It is difficult to predict what impact the CWC will have on actual terrorist use of chemical weapons, as the CWC was not designed to deal with this threat.

He was exactly right.

So I hope we are not lulled into a false sense of security by ratifying a convention that is not verifiable and that is not participated in by those parties and those countries that pose the greatest threat to the United States.

I come from Oklahoma, and if a terrorist was able to get enough explosive power to blow up the Murrah Federal Office Building to the extent it happened there, I can assure you that the terrorists will also be able to get chemical weapons.

So, Madam President, I hope my colleagues share my concern about this, the harmful impact of the chemical weapons convention on our Nation's security, and will join me in opposing the ratification of this flawed agreement.

I yield the floor.

Mr. HELMS. Will the Senator yield?

Mr. INHOFE. Yes.

Mr. HELMS. I especially appreciate the Senator's comments, because there is so much confusion, so many extravagant statements have been made, Madam President, about how much good this convention will do, this treaty.

As I mentioned yesterday, Senator Sam Ervin, my first colleague from North Carolina when I came to the Senate—a pretty good constitutional lawyer—used to comment that the United States had never lost a war or won a treaty, meaning that we got short shrift by accepting so many treaties that didn't do the country any good.

But the thing that bothers me, I say to my colleague, and I am sure it does to him, is that so many—even in this Chamber, I am sorry to say—are willing to disregard the fact that the White House has stonewalled about allowing the Senate to have documents that the Senate is entitled to have with respect to this treaty. They refused, in some cases, they have obfuscated, they have made all sorts of excuses, and I am happy that the distinguished majority leader, Mr. LOTT, has talked to Mr. Panetta, and there is some indication that these documents are going to be made available to the Senate.

Mr. INHOFE. Will the Senator yield on that point?

Mr. HELMS. Certainly.

Mr. INHOFE. It is my understanding that as chairman of the appropriate committee, you made a request sometime ago for all of these documents in order for us to deliberate this, to debate this, to determine whether or not this was in the best interest of our Nation's security. Have you received any response so far to your request?

Mr. HELMS. Half hearted responses in a few cases. In large measure, the administration has stonewalled the matter and refused to release the actual documents.

The intelligence community of our Government unanimously say that this treaty has many aspects that are perilous to the security of the United States.

But in any case, I thank the Senator for his comments and for his role in trying to protect the people of this country from a treaty or a convention that is unwise, as in this case. I thank the Senator.

Mr. INHOFE. I thank the Senator, too.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. HELMS. Madam President, what is the pending business?

The PRESIDING OFFICER. H.R. 3666.

Mr. HELMS. There is no amendment to the bill pending?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Therefore, it is open to amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 5191

(Purpose: To increase funding for drug elimination grants)

Mr. HELMS. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. BOND, Mr. FAIRCLOTH, Mr. MCCAIN and Mr. COVERDELL, proposes an amendment numbered 5191.

Mr. HELMS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for grants to entities managing or operating public housing developments, Federally-assisted multifamily-housing developments, or other multifamily-housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by private sources, to reimburse local law enforcement entities for additional police presence in and around such housing developments; to provide or augment such security services by other entities or employees of the recipient agency; to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments; and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: *Provided*, That such grants shall be made on a competitive basis as specified in section 102 of the HUD Reform Act."

Mr. HELMS. Madam President, I believe the pending amendment has been approved on both sides.

Mr. BOND. Madam President, if I may interrupt, with respect to my colleague from North Carolina, I think there was one additional change that had been suggested by the minority side. I have not seen whether that was incorporated.

Mr. HELMS. I think it already has been.

Mr. BOND. On behalf of my ranking member, I want to be sure that has been incorporated. They have worked very closely with us. We appreciate their cooperation, and we particularly appreciate your work on this. I apologize for interrupting. I wanted to make sure that change had been made in the amendment submitted to the desk.

Mr. HELMS. It is certainly no problem. I suppose we are talking about on page 39, after line 10 * * * "developments supported by", inserting the words "nonprofit private sources". Is that it?

Mr. BOND. Yes.

Mr. HELMS. That is the amendment that was submitted.

The PRESIDING OFFICER. Is there any further debate on the amendment?

Mr. BOND. Madam President, I was going to make a few comments in support of the amendment, and I suggest that we await the arrival of the ranking member before actually moving to adoption of the amendment.

Mr. HELMS. Yes, and I have a few remarks.

Mr. BOND. The Senator from North Carolina has some comments, as I will, on this measure. We do want to wait for the ranking member before moving to acceptance of the amendment.

I thank the Chair, and I thank my colleague.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the pending amendment will markedly increase efforts to eliminate the scourge of drugs and crime in public housing project by increasing funding by $20 million for local housing authorities to stimulate the fight against drugs.

These programs help curb crime within public housing neighborhoods by providing funds to housing authorities that can be used to employ more law enforcement or security personnel, to establish voluntary tenant patrols and to sponsor programs designed to reduce illegal drug use in and around public housing developments.

Most public housing residents are law-abiding citizens who deserve to live in a community free of crime, drugs, and fear. Unfortunately, this is not the reality for many public housing tenants who instead are faced with daily assaults by drug dealers and criminals who not only rob them of their freedom, but also rob them of their dignity.

Many public housing projects are incubators for crime and drug dealing. Children sell and use drugs and, even worse, children shoot other children. This violence spreads throughout our cities and jeopardizes all citizens.

The Foreign Relations Committee, of which I am chairman, held a hearing recently on international drug trafficking and its effect on local communities. Among the witnesses were two law-enforcement officers from my home State and a member of the "blood" gang, who described the effects of street-level drug dealing in detail. One thing that was clear after their testimony was that we have seen only the tip of the iceberg.

While there is no one solution to the problem of illegal drug use, it is clear that any long-term solution must empower the residents to take back their streets and enable them to live safely in their homes.

The epidemic of drug use among juveniles has been confirmed by recent statistics which show that since 1992, teenage drug use in general has increased by 105 percent, marijuana use by 141 percent, and cocaine use by 166 percent. Drug abuse and the crime it spawns are rampant in public housing projects. The war against drug use and drug-related crime in public housing communities must be fought and won in the neighborhoods themselves. Enhanced law enforcement is critical to prevailing in the war on drugs. Towards that end, the additional funds provided by this amendment will allow local housing authorities to hire more cops and security guards to protect their residents.

Recently, there have been a number of stories that have documented the crime that occurs in these neighborhoods. Here are just a few examples:

March 30, 1996—"Already this month, two young men have been shot and killed in Durham's public housing communities, one in front of a crowd of young children." (The News & Observer)

July 24, 1996—"There is evidence that increased trafficking along the U.S. 64 corridor from Raleigh is occurring, and that public housing is a target for drug dealers." (The News & Observer)

August 17, 1996—"When Durham police found 18-year-old Germaine DeMarco Ansley shot and bleeding to death in Few Gardens last month, they knew there must be a witness in the crowd gathered around his body, but no one at the public housing complex would talk." (The News & Observer)

It's time to stand up with the folks who live in these communities and help them to rid themselves of the fear and crime in their neighborhoods.

Experience has shown that the residents themselves—who are most directly affected by drugs and drug-related crime—can do a lot to turn the tide against drugs when given the opportunity.

The success of the drug elimination grants is rooted in the fact that people who live in public housing are encouraged to save their own neighborhoods. And maybe, just maybe, we can prevent a few murders, stop a few drug deals, and give children the opportunity to grow up in a safe environment.

Mr. President, this program is effective, and it is working well in my home State of North Carolina as well as across the Nation. Through the use of this grant the following areas have shown marked success: The Durham Housing Authority reported that in 1994, there were 33 drug-related evictions in Durham public housing. The Charlotte Housing Authority reported that in 1994, the crime rate fell by 8.7 percent overall, and by 12.4 percent in the target neighborhoods when the drug elimination program was implemented. There were 104 drug arrests and 26 drug-related convictions.

The Greensboro Housing Authority reported that in 1993—the first year of administering a Police Neighborhood Resource Center at the Hampton Homes Development—violent crime dropped by more than 40 percent. Similar statistics have been shown across the Nation indicating the effectiveness of combating the war on both drugs and crime.

Mr. President, with these programs in place, local housing authorities and residents are doing their part to rid cities of drugs and their terrible consequences. I urge Senators to support this amendment, which will be offset by reductions taken from general administrative expenses, that will increase funding for this necessary and successful drug-fighting venture.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I would like to comment on the amendment offered by the Senator from North Carolina. And as we do, I sincerely hope that the people of North Carolina are spared any damage from Hurricane Fran. We know your cousins in South Carolina are bracing for some pretty heavy weather. And as another coastal State, we know what these things mean. So I just, in a spirit of cordiality and collegiality, want the people to know in the Carolina's that we, in Maryland, are worried about them and are thinking about them.

Mr. HELMS. The Senator is most thoughtful. Of course, on behalf of the people of North Carolina, I thank her. I will say that the southeastern part of North Carolina and northeastern part of South Carolina, the people in both areas, as the saying goes, are living on a diet of finger nails right now. I thank the Senator.

Ms. MIKULSKI. We are very happy about the fact that this subcommittee that has so many wonderful agencies in it also funds emergency management. And right now, Senator BOND and I, in trying to decide how FEMA will meet its obligations, are also on those diets of finger nails, or any other one that might work, I might add.

Madam President, I think the amendment offered by the Senator from North Carolina indeed has merit. The whole idea of getting drugs out of public housing has been something that we have supported for many years. When I chaired this subcommittee I had the good fortune of working with the Vice Presidential nominee, Mr. Jack Kemp, who was the Secretary of HUD, and now Mr. Cisneros, on a focused approach to get drugs out of public housing. It was always our belief that public housing should be a steppingstone to a better life and not to be an incubator for drug dealers.

In the course of watching this effort develop, we were aware that there were certain gaps in the program. What were those gaps? That often the grand program to get drugs out of public housing was limited only to public housing, those horrendous, horrific high-rise public housing projects that often were tools of neighborhood destabilization rather than tools of empowerment.

But also we saw something else, that where the Federal Government has subsidized housing in other areas, that they too have presented problems. In my own home State of Maryland, there was a project called Riverdale in a suburban area. And it was owned by the private sector. We thought, oh, gosh, this was going to be terrific. Get rid of all the issues in public housing. But what did we see? A scurrilous landlord who did not do maintenance, who did not work with the county in being able to screen the residents, did not use the section 8 subsidies to modernize, keep the building fit for duty.

Guess what? It took on all of the trappings of the negative aspects of public housing, became poorly maintained, with neighborhood destabilization, and became an incubator of crime.

There were no funds to help the local police department or whoever to really deal with this. I think that is wrong. And what I like about the Helms amendment is that it will include those entities that are Federally assisted, multifamily housing developments or other multifamily housing developments for low-income families, supported by non-Federal entities.

That means that we will be able to make sure that whatever the Federal Government is involved with, we are going to make sure it is fit for duty, and fit for duty not only in terms of maintaining the physical structure, but, through the work of Senator BOND and myself, Senator D'AMATO and Senator SARBANES here, we now have something called "one strike, you're out,"—"one strike, you're out"—which means that if you have been arrested for a criminal act, you were not going to stay in public housing or section 8.

We are not going to subsidize criminal behavior if we are on the watch. We are going to get them out so that the poor people who want to see Federal help as a tool to be able to empower themselves to a better life—we want to help them, but we do not want to subsidize people who are part of the problem. We want to help people become part of the solution. That is why we like the conceptual framework of the Helms amendment.

I must say, I have pause about creating an earmark in CDBG. The reason I like CDBG, otherwise known as community development block grant money, is because community development block grant money was to be a block grant, maximum flexibility, minimum micromanagement by the Federal Government, so that local governments could best decide how to meet their needs. The rural needs of Maine are very different than the bustling metropolis of Baltimore City in the Baltimore-Washington corridor. Who could do what?

So at this time I do not think we should fuss about budget over that. I am going to support the Helms amendment here on the floor of the U.S. Senate. I will be happy to adopt it just on a voice vote. I understand the leadership from the other side of the aisle is considering the vote.

First of all, to Senator HELMS, I congratulate him on his thought—and his staff—behind this. I think it is about time we start really thinking about how, when the Federal Government spends its money, the taxpayers feel satisfied, and we should be creating opportunities, opportunities for the poor to help themselves. I believe now with our strong, no nonsense zero tolerance one-strike-you-are-out approach combined with the grant program and the initiative of the Helms amendment, that we can start making sure anything that the Federal Government is involved in in neighborhoods is not a tool of neighborhood stabilization, but a tool of empowerment.

I look forward to supporting this amendment by whichever vehicle is best to move it. I yield the floor.

Mr. BOND. Madam President, I thank my ranking member for her very strong and supportive words. I heartily concur with them. I extend my particular thanks to the Senator from North Carolina who gave us a reality check and really brought back to our attention the fact that crime, lawlessness, and insecurity, fear for personal safety, is a grave problem that affects everybody who lives in many of these assisted housing projects.

By targeting these funds for assistance for law enforcement agencies, I think the Helms amendment is going to go a long way toward improving safety and security for families and for the individuals in assisted housing. This is different from some of the programs that we already have. Many of the drug elimination grants are grants for a broad scale of activities. They are generally limited to Federal housing activities.

This amendment says that the CDBG funds can be used not only for federally assisted multifamily housing developments but for other multifamily housing developments for low-income families supported by non-Federal Government entities or similar housing developments supported by nonprofit private sources. So this gives us an opportunity to provide assistance not just to a federally assisted housing program but to a State, a city, or a private not-for-profit entity with a multifamily-housing development. These are the people who are most at risk. These are the people who have the most to lose if a foothold for crime, for drug activities, gets into one of these developments.

My colleague from Maryland points out a very important fact that a lot of people seem to overlook. It was Congress that said one strike and you are out. I think that kind of get tough with the people who have shown they do not deserve to receive taxpayer-supported housing assistance is a very large step in the right direction.

I have talked to an awful lot of residents in my State who have expressed fear or concern for their public safety, and if we can tell them that if one of their neighbors is convicted of a crime of drug use that they are out, they will feel better. With the funds available under the Helms amendment to include extra policing and extra drug/law enforcement efforts, we can take another significant step toward ensuring that these developments and the people who live in them—the families, the individuals, the elderly in many instances who right now are often held hostage in their own apartments, their own homes—these people will be safer.

Incidentally, we spoke yesterday about the repeated efforts that we have made in this subcommittee, in the authorizing committees, to let the local housing authorities designate some housing as elderly only, or some as disabled only, or some as mixed, because there have been grave problems all across the country—in many of those units, certainly some in my State—where there is a mixture of disabled and elderly in the same housing. The elderly are very fearful, in some instances because of criminal behavior.

Along with the one-strike-you-are-out policy and the additional resources available under the Helms amendment, I think we are going to take some significant steps toward assuring these people of safety in their own homes. That, along with food and shelter is certainly one of the most basic and compelling needs we ought to provide to those of our citizens who need our assistance.

I commend the Senator from North Carolina for giving us a boost, getting us started on this right track. I thank my colleague from Maryland who, as always, made improvements on it. I expect shortly we will either move to formal passage or adopt this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Needless to say, I am so grateful to both managers of this bill for their kind comments about the amendment.

Just to be sure that the amendment is modified as agreed to with the distinguished Senator from Maryland, I send a modification to the desk and ask that the amendment be modified.

The PRESIDING OFFICER. The Senator has that right. Without objection, the amendment is modified.

The amendment (No. 5191) is modified, as follows:

On page 39, after line 10, insert the following new paragraph:

"Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for grants to entities managing or operating public housing developments, Federally-assisted multifamily-housing developments, or other multifamily-housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by non-profits private sources, to reimburse local law enforcement entities for additional police presence in and around such housing developments; to provide or augment such security services by other entities or employees of the recipient agency; to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments; and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: *Provided*, That such grants shall be made on a competitive basis as specified in section 102 of the HUD Reform Act."

Ms. MIKULSKI. I ask the Senator from North Carolina, is that adequate nonprofit clarification?

Mr. HELMS. Yes.

Madam President, I ask unanimous consent that Senator BOND, Senator COVERDELL, Senator FAIRCLOTH, and Senator MCCAIN be identified as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in support of the amendment. I have enjoyed listening to the remarks of the Senators from Maryland, Missouri, and North Carolina about the importance of the amendment.

I bring a little bit of a unique personal experience to this. The first public housing was erected in my home city of Atlanta, GA, in the early 1930's, and dedicated by President Roosevelt. Today, there is more public housing in my capital city than any other city in America, save one, per capita.

To reinforce the importance of this amendment, let me say there have been numerous revelations of late with regard to drug activities in these projects. It is even suspected in our housing projects that drugs are being sold with impunity and have become the hub of a distribution system.

I have said many times that one of the great changes in the current drug epidemic that we are experiencing is the age of the audience infected. It has moved from age 16, 17, and 18 to 8, 11, 12, and 13. Many of these youngsters in these housing projects are being recruited systematically into becoming instruments of drug transactions themselves. It is an absolute tragedy.

One of the other ramifications, Mr. President, is that when these gangs begin to set up these instruments of distribution in housing projects and they come upon a disagreement, it is not unusual for the resolution to be a shootout. Very recently, in one of these drug-related shoot outs, an 8-year-old girl, Kimberly Session, was shot, and two of her friends were wounded, as she was playing at McDaniel-Glenn public housing project. Absolutely innocent—just out playing in her neighborhood. They are not even safe in their home.

Four-year-old Monica Rose Mae Carr was shot as a drug-related gang pumped 40 rounds into an apartment unit, striking her in the heart as she lay asleep.

In Atlanta public housing two-thirds of those affected by the drug crisis in the housing projects are women and children, 97 percent African American. In an analysis of the effect of violent crime, half of Atlanta's low-rise public housing units, the violent crime rate is 60 percent higher than the immediate neighborhood that surrounds it—all related to drug distribution, drug transaction, and drug gangs.

So in Atlanta, we are experiencing the cost and effect of rampant drug violations in crime and use in our housing projects. So I come to the floor briefly to echo support for the amendment offered by the Senator from North Carolina. It is well targeted, well-meaning, and it will have a very positive effect on a lot of our young people, not only in Atlanta, but throughout the country.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Ms. MIKULSKI. Mr. President, I know that the Democratic leader has no reservations about a vote occurring. The majority leader is testifying and would like a short quorum call. I suggest the absence of a quorum, and I believe we should notify Members that a vote will be forthcoming.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENT ORANGE BENEFITS

Ms. MOSELEY-BRAUN. Mr. President, I salute the minority leader, TOM DASCHLE, for sponsoring the Agent Orange Benefits Act of 1996 which creates the benefits package for the children of Vietnam veterans who suffer from spina bifida, a congenital disease that requires lifelong medical care. Approximately 2,700 of our citizens would be eligible for the benefits conferred by this amendment.

Mr. President, you would think that legislation which help the sick children of our soldiers—children who have developed debilitating medical problems as a result of their parents' service in the Armed Forces who sacrificed to preserve the freedom and independent way of life that we all enjoy—that such a thing would be free of controversy. However, some of my colleagues are holding up this amendment. And quite frankly I think those reasons can only be characterized as puzzling. While I respect those who oppose this legislation on procedural grounds, I point out that what is being proposed in this amendment is not unprecedented. It is consistent with our overarching responsibility to legislate in the public interest that this amendment is put forward today.

The opposition's argument that the scientific evidence does not clearly establish a link between dioxin and other herbicides and spina bifida is particularly troubling. While it may be true that earlier studies did not show a nexus between spina bifida and agent orange, the most recent National Academy of Sciences Institute of Medicine study, entitled, "Veterans and Agent Orange; Update 1996," suggests more than a casual nexus between the horrible condition of spina bifida and the use of agent orange. Based on that study, which was commissioned by the Veterans' Administration in 1991, Veterans' Administration Secretary Jesse Brown moved to provide presumptive compensation to the children of Vietnam veterans who are suffering from spina bifida.

Arguments that the Government does not have irrefutable proof and scientific certainty of the link between dioxin and herbicide and spina bifida beg the issue. It is a scientific fact, as the most recent NAS study confirms, that there is more than a casual connection between agent orange and spina bifida. Given this fact, I believe it is prudent—not to mention compassionate—that we err on the side of the innocent children who have been stricken with this horrible disease.

Furthermore, arguments regarding the proliferation and the cost of entitlement I think only serve to obfuscate or cloud the issue and fail to address the issue at hand, which is our responsibility to the children of those who bravely served our country during the Vietnam war.

I would like to point out—you have heard me make this argument before—that the truth is in America no one goes without help. Everyone gets helped. Every child with spina bifida who has been a victim of this situation will get health care treatment one way or the other. The only question is who will pay for it. Whether or not it is a family that is required to pay for the cost associated with the lifelong health care associated with this horrible illness, or whether or not it is the insurance companies which, of course, means that all of us who have private insurance pay more—whether or not it will be the ratepayers who pay—the insurance company bills will be made higher because, as you know, for those who are insured it does not cover the universe of people in this country who will need health care.

So here is really an efficient way of addressing these health care costs for which there has been a causal connection as demonstrated by the NAS study and, frankly, by common sense and observation.

The fact that we have so many people with spina bifida, which is showing up among the children of Vietnam veterans who were exposed to agent orange, ought to compel us to give the benefit of the doubt to those children and to the servicemen and women who served our country and deserve better than to be called upon to be put in jeopardy if they are not going to be able to pay for their children's health care because of their service.

Most important, the opposition places process over what I think is our duty, whether it is fairness, or whether it is our obligation or compassion, and does nothing to improve the well-being of innocent children who have been stricken by this disease.

I believe that we have a responsibility to care for the health of those who served in our Nation's armed services, particularly those who answered the Nation's call to duty in defense of democracy in a military conflict.

When our men and women joined the military we promised to give them the best training, the finest equipment, and to care for them and their families should they become casualties of war. Passage of this amendment is simply an acknowledgment of that commitment. While these brave men and women sacrificed for our community as a whole, it seems to me that it is our duty to keep our promise to them and to provide some means for the kind of support and medical expenses associated with this devastating disease.

We have a contract with our veterans—a contract that is both irrevocable and inviolate. If we break this contract we send a disturbing message to our men and women in uniform that America is giving lip service to their sacrifice and to their service and that we cannot be counted on to honor the commitment should there be a situation occur such as the birth of a child with a debilitating disease; that is, to care for them or their dependents should they become disabled as a result of their service to our Nation, and it ought to be something for which there is unanimous support by our citizens and society. I can think of nothing that would more adversely affect and impact the morale of those now serving in our Armed Forces than to turn our back on them for the condition of their sick children.

Mr. President, our responsibility and obligation to our veterans was best articulated by the most favorite of the favorite sons and daughters of my State of Illinois, Abraham Lincoln, who in his second inaugural address said: "To care for him who shall have borne the battle, and for his widow and his orphan * * *" Today, of course, we would acknowledge the contribution and participation of the men and women in our military in the defense of our country. That change notwithstanding, President Lincoln's words are as valid today as when they were first 131 years ago. In the spirit of our obligation "To care for him who shall have borne the battle, and for his widow and his orphan," or his children I think is embodied in Senator DASCHLE's amendment. I hope that we will recognize those arguments, notwithstanding the overarching responsibility that we have in this situation to support this legislation. It is sensible for us to do so. It is the important thing for us to do, and certainly it is in keeping with our inviolate commitment to the veterans.

So I rise in strong support of the amendment, and I hope that our colleagues will support it as well.

Thank you, Mr. President.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the role.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5191

Mr. BOND. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Amendment 5191 offered by the Senator from North Dakota.

Mr. BOND. Mr. President, I think we are ready to go to a rollcall vote.

But before I ask for the yeas and nays, I will advise my colleagues that while we have been at work here our colleague, Senator ABRAHAM and his wife, Jane, are the proud parents of a healthy baby boy. We offer them our congratulations and our very best wishes.

On the Helms amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question now is on agreeing to amendment No. 5191, as modified. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—2

Hatfield
Murkowski

The amendment (No. 5191), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOND. I move tolay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 5192

(Purpose: To require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes)

Mr. BRADLEY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself, Mrs. KASSEBAUM, Mr. FRIST, and others, proposes an amendment numbered 5192.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BRADLEY. Mr. President, this is an amendment that deals with the Newborns Act. It is an attempt to require at least 48 hours for a childbirth.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 5193 TO AMENDMENT NO. 5192

(Purpose: To require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes)

Mr. FRIST. Mr. President, a number of my colleagues have expressed concern regarding a provision in the amendment just sent to the desk which appears to have a conflict in it. I wish to offer a second-degree amendment at this time to clarify the intent of the legislation. Specifically, language was added to the section on postdelivery care to clarify that it is the attending provider, in consultation with the mother, that determines the appropriate location for followup services in combination with an earlier discharge which is less than 48 hours. It is confusing as initially written because the amendment appears to give the mother the option of demanding home care regardless of the attending provider's assessment of their individual needs.

This decision is most appropriately made in cooperation with the provider and the mother. Therefore my second-degree amendment strikes the language which appears to conflict with this intent.

The PRESIDING OFFICER. Does the Senator intend to offer this amendment at this point?

Mr. FRIST. Yes, I do.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for himself and Mr. BRADLEY, proposes an amendment numbered 5193 to amendment No. 5192.

Mr. FRIST. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. FRIST. Let me just briefly close by saying one other thing that this second-degree amendment does. The amendment guards against monetary incentives directed at discharging mothers and babies before the attending provider feels it is appropriate. Specifically, my second-degree amendment provides language sought by health plans to provide that nothing in this bill interferes with rate negotiators between a plan and a provider.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I welcome the second-degree amendment by the distinguished Senator from Tennessee. I do think he clarifies my own intent in the original amendment. I believe that it is important. It adds to the purpose of the original amendment.

Mr. President, the amendment I have offered and that has been second-degreed by the distinguished Senator from Tennessee I think is a very important amendment. His is offered on behalf of himself and me. I offered mine on behalf of myself and him, as well as the distinguished chairman of the committee, Senator KASSEBAUM, the ranking member Senator KENNEDY, Senator DEWINE, Senator MURRAY.

Mr. President, I ask unanimous consent that all 52 cosponsors of this amendment be listed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COSPONSORS

The following Senators have cosponsored the Newborns' and Mothers' Health Protection Act as of September 5, 1996.

Bill Bradley.
Nancy Kassebaum.
Bill Frist.
Jay Rockefeller.
Barbara Boxer.
Barbara Mikulski.
Paul Sarbanes.
Patty Murray.
Mike DeWine.
Harry Reid.
Claiborne Pell.
Edward Kennedy.
Paul Simon.
Paul Wellstone.
Carol Moseley-Braun.
Richard Bryan.
Wendell Ford.
Frank Lautenberg.
Daniel Inouye.
Ben Nighthorse Campbell.
Robert Kerrey.
Mitch McConnell.
Carl Levin.
Jesse Helms.
Charles Grassley.
Pete Domenici.
John Kerry.
Olympia Snowe.
Alan Simpson.
Patrick Leahy.
John Glenn.
Charles Robb.
Ted Stevens.
Diane Feinstein.
Joe Biden.
Rod Grams.
Alfonse D'Amato.
Ernest Hollings.
Kay Bailey-Hutchison.
Herb Kohl.
Bob Graham.
John Warner.
Pat Moynihan.
Chris Dodd.
John Breaux.
Larry Pressler.
Arlen Specter.
Bill Cohen.
James Inhofe.
Max Baucus.
Byron Dorgan.
Ron Wyden.

Mr. BRADLEY. Of these cosponsors, 19 are Republican. So this is a bipartisan amendment and a bipartisan bill. What the bill does is very simple. It says that insurers are required to allow 48 hours, up to 48 hours, for a woman in the hospital after giving birth and requires insurers to allow up to 96 hours if that birth is a Caesarean section.

If the mother and her doctor choose to leave the hospital in less than 24 hours, less than 48 hours, she is permitted to do so. There is nothing in this bill that says that she cannot leave earlier. Followup care will be provided if she leaves earlier.

Mr. President, why is this amendment needed? Why are we offering this amendment? The answer is because all of us, I am sure, have received reports of women in our respective States being required to leave a hospital prior to 48 hours, in some cases prior to 24 hours. In California, for example, in 1994, for 1 in 6 babies that were born, the mother had to leave the hospital in less than 24 hours. That is for 90,000 births.

The problem here is that some illnesses do not develop until the second day. If the mother were in the hospital, they would be able to detect it and deal with it. A good example is jaundice, which does not really develop until the second day. Heart defects are another. What happens is that the mother is pushed out of the hospital. She goes home after 12, 14 hours, 16 hours, 26 hours. In the second day jaundice is detected, or worse, a heart defect, and the mother is rushed back to the hospital at a much greater cost.

In New Hampshire, for example, there was the study that showed that women who leave the hospital in less than 48 hours have a 50-percent increased risk of readmission to the hospital, a 70-percent increase in risk to be readmitted at the emergency room. So in the long run, by saying that someone has to leave in 24 hours, you are really saying it is going to cost more, it is going to cost more because the readmission and the treating of the more serious illness could have been avoided had she been in the hospital when it was first detected.

So, Mr. President, the need here is very clear. It is kind of common sense. I mean, my distinguished cosponsor on this bill, Senator FRIST, refers to a safe haven of time, 48 hours. That is why it is needed. Who supports this amendment and this bill? It is supported by the American Medical Association. The American Academy of Pediatrics supports this. The College of Obstetricians and Gynecologists supports this.

In fact, the Academy of Pediatrics, their recommended guideline is 48 hours. Gynecologists and obstetricians, 48 hours is the guideline they set. That is how we arrived at this number. Why 48 hours? Because the doctors in question recommended that. The obstetricians and gynecologists stated that, if we keep the 24-hour limit, "it could be the equivalent of a large uncontrolled, uninformed experiment on women and babies."

We all want to reduce health care costs. We can do so without jeopardizing the health of mothers and their newborns. Again, who makes the decision? That is really the question here. We believe that the person who makes the decision should be the doctor and the mother, that the decision should not be made by an accountant in a distant office seeking cost savings and forcing women out of hospitals within 12 to 14 hours after they have given birth to their child.

This is the basic question: Who makes the decision? We have stories all across the land of doctors who have been put under great financial pressure to discharge in 24 hours or less or they will be dropped from health plans.

So, Mr. President, this is needed because there is a clear health problem with women who are discharged too early. The 48-hour and 96-hour for Caesarean section limits were set pursuant to the guidelines of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists.

A number of States have already acted on this. Twenty-eight States have passed laws requiring a 48-hour limit. Why, then, do we need a national law, people ask. You need a national law obviously for the other States that have not passed it, but even if all of them passed it, you would still have many in a State that would be unaffected by the State law.

For example, we need a Federal law to get at the so-called ERISA plans, the self-insured plans, the plans of large companies like Boeing, IBM, 3M, Dupont, and others. They would not be affected by a State law because they are self-insuring ERISA, controlled by Federal law.

There is also another problem, at least in my State of New Jersey. There is a State law that says you have 48 hours, but the law says the State has no authority to regulate insurance companies that are headquartered in a different State, Mr. President. So there are large numbers of people who are not covered then, of course, in States like Kansas, Missouri, New Jersey, Pennsylvania, New York. You might have a 48-hour law in a particular State, but you might have a hospital in another State, and when you gave birth to the child in a hospital in another State, you would not be covered by the 48 hours and you would be pushed out of the hospital in 24 hours.

That, not coincidentally, would have been the case in my own family when our daughter was born. The birth was delivered across the line in New York—24 hours, you are out.

We need this national law in order to make sure women have 48 hours to stay in a hospital. There are some places, for example, in Kansas, 40 percent of the companies—only 40 percent—would be subject to regulation under just a State law. In some States, 75 percent of the women are uncovered because State laws do not and cannot reach them as they are now written.

Now, Mr. President, this is an issue that came to my attention because I had several letters from women who had been subjected to this rigid 24-hour-and-you're-out policy. Drive-through deliveries is what they are called. There was an article about it, after this came to my attention, in Good Housekeeping magazine, and someone, the author of the article, put a little box in the article that said if you care about this issue, write to Senator BRADLEY.

Mr. President, I have received, since that article appeared about a year and a half ago, more mail than I have received on any one issue, with the exception of interest and dividend withholding, in my entire 18 years. I received over 85,000 pieces of mail from women and families of women in this country who have been pushed out of the hospital in less than 24 hours. Now, I do not intend to read a long list of these letters—85,000 is a long time. We want to move this amendment as quickly as possible. Let me share two with you.

The McCloskeys, who live outside Philadelphia, write:

> Our daughter Shannon was discharged from the hospital approximately 27 hours after birth. After only 8 hours at home, she went into seizures and we had to rush her back to the emergency room. She was diagnosed with streptococcus. The timing of our arrival at the hospital was critical, and we feared for her life. The doctor told us that if we had arrived at the hospital 15 minutes later, she would have been dead.

Linda Dunn of Knoxville, TN, writes:

> We almost lost my grandson, Brantley, because of an early hospital release. Brantley was one month premature and was born via a Caesarean section. In spite of this, he was released with his mother only 36 hours after the birth. Within 20 minutes of arriving home, Brantley choked, quit breathing, and was rushed to Children's Hospital in Knoxville, where he was placed in neonatal intensive care and noted as having "a serious, life-threatening episode." The frightening part of the scenario was that if I had not been trained in infant resuscitation at my prior job, the baby would simply be dead.

Mr. President, if the baby were in the hospital, the baby would not have been even risking death. In the first 48 hours when some baby started to turn sort of a greenish color and jaundiced, it would be recognized and dealt with immediately. You are a first-time mother and you have a child, you are forced out of the hospital, you do not know quite what to do and you arrive home with the baby. In the first 24 hours you have a life-threatening health problem; you do not have anybody to turn to. Mr. President, that is why we need this bill.

I might also say that there were people who say you will not get any support from the insurance industry or HMO's, that they are the bad guys here. Mr. President, that is not necessarily so. We have letters of endorsement for this bill from one of the largest HMO's in the country, Kaiser

Permanente. We have an endorsement from the HIP plan of New York-New Jersey.

Mr. President, this bill has 52 cosponsors, 33 who are Democrat, 19 who are Republican. This passed out of the Labor and Human Resources Committee 14 to 2. In the House, the leader on this legislation is a Republican, GERALD SOLOMON, with GEORGE MILLER as his No. 1 helper in this effort. They have over 150 cosponsors.

It is time to do this amendment. It is time to do it now. I hope we will pass it on this bill and that we will send it to conference and hopefully the conference will hold this amendment, say to those hundreds of thousands of women out there who are going to give birth in the next 6 months that you are not going to be rushed out of the hospital. You will have a little time to take care of the health problem of your child if it should develop. You will have a little time to gather yourself after an exhausting delivery. You will have a little time to get you and your baby off to a right start, a healthy start, because the U.S. Senate saw fit on this bill at this time to say that 48 hours is not too much to require an insurance company to give you after giving birth.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Delaware.

Mr. BIDEN. I want to thank Senator BRADLEY. This issue was called to my attention by someone reading Good Housekeeping who asked me why everybody was writing to BRADLEY. I contacted Senator BRADLEY and wanted to know more about what he was talking about because I was hearing about this and found it hard to believe. You hear so many rumors today, so many people are upset about HMO's—much of it legitimate, some of it not legitimate—that you hear these horror stories.

Quite frankly, when I first heard this back in my home State, I really did not believe that some HMO's and insurance companies were actually doing this. I did not think it was a joke, but I thought it was a clear misunderstanding on the part of the people who were saying this was happening—24 hours and you are out.

This is, quite frankly, very scary. The potential danger is real. Think back, those of you women and men on this floor when you were young parents, to the first child you had and think back to when you brought that child home. I know this is a distant memory for some of us, myself included, but remember how it was. You brought that baby home, and when your wife turned and handed the baby to you, your first concern was maybe, "Is it going to break?" Or, "I don't know what I am going to do here, I'm not sure." Then your wife, no matter how instinctively good a mother she is, used to go, in the first couple days the baby was home, and literally lean over the crib to make sure the baby was breathing. How many of you actually leaned over the crib and stuck your ear down to see if you could literally hear the baby breathing? The reason I point that out is the baby was healthy. Your children were, 99 percent of the time, healthy and nothing was wrong. But the point is, you didn't know. There are so many young mothers. The tragedy is that there are teenagers giving birth to children. The tragedy is that there are thousands of unwed mothers out there. What do they do when they go home—you may say that maybe they shouldn't be in that position, but they are—without anybody even having an opportunity to instruct them on how to deal with the baby, what to look for? These are very basic little things, just basic things.

So I contacted the Delaware Medical Association and other doctors in Delaware. I wanted to know what their view on this was before I cosponsored Senator BRADLEY's bill. I was pleasantly surprised when the leading pediatricians and ob/gyn's showed up at a meeting I held and they unanimously supported the Bradley proposal. It was unanimous. Usually, you get some kind of heat when the Government is going to indicate that something must be done or when the Government is going to dictate something. In this case, it would dictate that an insurance company can't throw you out in 48 hours or 24 hours if the doctor says no. But here you had all these doctors, who are no fans of Government intervention, every one of them saying this is important. I will not take the time now to recount what they said because we want to move along. But, they gave me specific story after story, incident after incident, in just that one long breakfast meeting, of specific cases they had personally handled. This was 21 or 22 pediatricians and obstetricians. It amazed me. The intensity of their political views and the variation of their views was wide.

So the only real mystery to me is, why in the devil is it taking us so long to pass this? That is the real mystery. The mystery to me is no longer if it is needed; the mystery is no longer that enough Members of Congress want it; the mystery to me is, who is stopping it? Why? Who is stopping this? Why isn't it done already?

Now, you know the fact of the matter is that this is not the usual vehicle to pass this. I understand my friend from New Jersey concluded that he is getting all kinds of promises that we can bring this up and will have a chance to vote on it. I have not had a chance to speak to him about this point, but I assume the reason he is attaching it here is that his patience is running a little thin. He wants to make sure that before we go out of session we get a chance to act on something that clearly a majority of people want. So the biggest mystery to me is not why it is needed, not why it is important, not why do doctors support it, not why do mothers support it, but why hasn't it been done?

Now, I know that speed was not what my colleague was known for on the court—I am only joking, Senator. I want to make it clear that he could go to his left and right and he could do everything on the court. He is a Hall of Famer. But the fact of the matter is, the reason it is not being done is not for the lack of my friend's pushing it. Although I imagine we are going to hear that this is not the vehicle—the HUD appropriations bill—to put this on, we are running out of runway and running out of time. A lot of women and a lot of children are at risk. Some would say, oh, what difference does it make to wait another month? In another month we are out of here, which means waiting until next year, and waiting until next year means the end of the next year. So the health and safety of hundreds of thousands of women and children are at risk here. It is a really basic proposition.

Let me conclude by reiterating one point. A lot of my colleagues and individuals have asked me about this. And because they have not focused on it, I suspect, they did not understand one of the first points the Senator made when he took the floor, and that is, why don't they do it at the State level? Why not get this done at the State level? The Senator explained ERISA. The bottom line of this is that, in Delaware, only about 15 percent of the people with health insurance would be affected by a State law that my State is passing. My State is passing a law saying leave it to the doctor to decide. Notwithstanding that, those State legislators have come to me and said, we need a national law, because even with the State acting, and acting promptly, only 15 percent—15 percent—of the people with health insurance would be positively affected by the State law. To put it another way, the other 85 percent are out. They are out, without Federal legislation.

I see Congressman SOLOMON on the floor. I thank him for his leadership. I thank Senator BRADLEY on this side for calling my attention to this and making me realize that this was not some exaggerated criticism of HMO's—which I honestly thought was the case when I first heard it in my State, that this was one of these horror stories that had been blown out of proportion. It is real, it is genuine, and the bottom line is that this will make a difference in the lives of mothers and their children. We should not wait any longer.

I thank the Chair.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, the bill before us, the Newborns' and Mothers'

Health Protection Act of 1996, does one very simple thing. I refer to it as a "safe haven." It guarantees a safe haven for care of mothers and their newborn infants during the immediate postdelivery period. That period of time is 48 hours after delivery, that postdelivery period. I have been very aware of the potential for having Government get too involved, but it does this without excessive interference by the Government in the health care system.

As background, maternity care today—many people don't know this—is the most frequent reason for hospitalization today. Hospital stays of 24 hours or less have indeed become the norm in many parts of the country for those routine, uncomplicated vaginal deliveries. Sometimes hospitalizations are as short as 12 hours and even 6 hours. However, adopting this approach of a 6-hour discharge, or even a 12-hour discharge, to the general population, and not being able to predict every time which child will have a ventricular arterial contraction or a defect, it has not proven to be uniformly successful.

This bill ensures appropriate coverage. Let me make it clear. It does not mean 48 hours for everybody in the hospital. People can still be discharged at 12 hours or 24 hours. What this bill says is that the insurance company does not decide when you are discharged, but it is you, the mother, in consultation with the physician. The physician and mother decide, the two of them, not an insurance company.

Why has all of this become an issue today in 1996 when it was not an issue 8 or 10 years ago? Over the last several years, we have seen how these progressively shortened hospital stays have, in some cases, hurt new mothers and their infants. These cases that will be referred to have been brought to the attention of physicians, have been brought to the attention of the American people, and have been brought to the attention of the U.S. Congress. Problems for both the mothers as well as the infants—either one of them—can simply occur with too early a discharge.

Today with the evolution of care in our rapidly changing health care system there are certain dynamics which can and do raise their heads that encourage too early discharge overruling the mother and overruling what the physician regards as being in the best interests of that child or that mother. The decision for discharge should remain with the health care provider in consultation with the mother.

Changes in maternity stay have occurred over the last 2 decades. We only need to look back at older brothers and sisters and see how long they were in the hospital, or how long we were kept in the hospital and compare it to today. Mothers used to stay in the hospital routinely for 5 days or more. At the same time—remember this is not that long ago—infants were frequently isolated from mothers and brought to them only at nursing time. And mothers were heavily sedated during birth. And fathers very, very rarely were present at the delivery of their infants and children.

Over time—again it has been over the last 30 years—this type of delivery environment was recognized as being abnormal and unacceptable to many people—to parents who asked for more, and who won more appropriate care for this most natural of all events; that is birth. But increasing emphasis was placed on returning home as soon as possible. Many people wanted to get back home.

This legislation does not discourage innovation, creativity, new environments in which this delivery can be carried out; this birthing can be carried out. Alternatives to hospital delivery have become available. We now have birthing centers under the supervision of other types of health care providers, not just physicians, but midwives. All of this experience which has occurred in the last 20 years has taught us much about what is necessary, what is not necessary, what is safe, and what is not safe for the delivery during a normal pregnancy. Midwives carefully screen their mothers for such deliveries, prepare the parents for this experience, and visit their patients shortly after discharge.

And in this framework of carefully-crafted policy mothers and their newborns are frequently ready—yes, ready—to return home as early as 6 hours after delivery. But then on the flip side insurers—again not all insurers—but insurers seeing these results have been attracted by the successful outcomes and by the opportunity to decrease costs and free up funds which can be utilized elsewhere in the system—all of that can be a laudable goal. But an overvigorous institution of a policy of early discharge without enough attention paid to potential consequences when this approach is inappropriately applied has resulted in the situation in which we find ourselves today.

Health care providers—that is physicians and midwives—frequently feel undue pressure to discharge a mother and her infant before they believe it is in the best interest of their patients. We just simply cannot let that happen. I concluded that in this limited situation in which there has been excess interference in the exercise of a physician's best interest of the patient, a physician's responsibility for his or her patient, Federal legislation is justified.

Very quickly, what does this bill do? Number one, as I said, it provides a safe haven of time during which those making the decision about discharge are those most directly involved—the mother—and the health care provider. Many times I will hear from my medical colleagues who will tell me that sometime in that 48- or 96-hour period a health care provider will receive a phone call, and say, "We need to encourage your patient to leave earlier." Then you may think it is in the best interest of that patient. That is simply unsatisfactory today.

No. 2, this bill guarantees that in those cases where the provider in consultation with the mother decides that a mother and her newborn can safely leave the hospital before 48 hours, that the insurer, if they say they are in the business of covering maternity benefits during that 48-hour period, will provide coverage for these timely postdelivery care situations.

That is very important because some people come, and say, "You are forcing people to stay in the hospital for 48 hours." We are not. The provider and the mother decide about discharge. If it is before 48 hours, timely care must be given by that insurance company.

No. 3, this bill guarantees that there will no longer be undue pressure in the form of a monetary incentive to either the mother or the health care provider to discharge in less than 48 hours.

This bill does not do several things. Again, to understand the bill fully, we need to look at those things.

First, this bill does not require a mother and her newborn to stay any fixed time in the hospital.

Second, this bill does not require that a mother go to a hospital to deliver her infant. It allows other types of environments. It allows innovation within our changing health care system.

Third, it does not preempt laws or regulations passed by any State that provide already as much or more protection for the mother and her infant than is provided in this bill.

Many mothers are ready for early discharge, and many health care systems have the appropriate safeguards in place for this to occur, but not all, and that is why we need this legislation. With time more will provide appropriate prenatal preparation and follow up. However, now and in the future, it should always be the health care provider in consultation with the mother who will decide when the mother is ready to go home with her newborn child and to what environment.

The amendment before the Senate guarantees this period of time which I call a safe haven for this decision-making process to be carried out. It is the best and the only way to support the successful transition for mother with child to mother caring for child.

What will be appropriate for health care in the 21st century? There is no way for us to predict now and, thus, in this bill we have the flexibility to allow innovative solutions to the problems that may face us in the future. It is not a rigid bill.

Professional organizations such as the American College of Obstetrics and Gynecology and the American Academy of Pediatrics have endorsed the bill. Some managed care plans have endorsed the bill as well. The National Association for Home Care has endorsed the bill. The American Medical Association supports the bill and their comment is basically that this bill does not dictate medical practice nor lock medical care into statute. It restores the clinical autonomy of doctors and their patients to make the best decision about health care for women and their newborns. It provides flexibility for early discharge when both the mother and physician agree on an abbreviated stay.

It is also endorsed by the American Nurses Association, the Association of Women's Health, Obstetrics and Gynecologic Nurses, the March of Dimes Birth Defect Foundation, the Consortium for Citizens with Disabilities, the American Association for University Affiliated Programs, and a number of other organizations.

Mr. President, I opened by saying that I am not a fan of big Government intruding into our health care. But in very specific situations—situations where the care of patients is being restricted in many ways I think to the detriment of society—there is a point for Government to stand up. At the same time we must guard against a one-size-fits-all health care system, or to use the Federal Government to micromanage those difficult cost-benefit tradeoffs that every health care plan must make.

However, I do believe that there are times when it is appropriate for Government to provide guidance by setting national rules. This is one of those times. The challenge is to do so in a way that protects the individual but still allows the necessary flexibility for the system to respond appropriately and in a timely manner to a rapidly changing health care environment.

This bill does exactly that. Therefore, I urge all of my Senate colleagues to join me in supporting this important and timely piece of legislation.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I only want to ask a question. I am not going to speak.

Parliamentary inquiry, Mr. President. After this amendment is disposed of, is there some pending business by order or what will be the pending business?

The PRESIDING OFFICER. After the Bradley and Frist amendment is disposed of, the bill will be open for further amendment.

Mr. DOMENICI. Is there a time agreement on the amendment that is pending?

The PRESIDING OFFICER. There is not.

Mr. DOMENICI. And do I understand then a Senator taking the floor and getting recognized with an amendment would be the pending business after the disposition of this amendment? Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I would like to state to the Senate that when this matter is disposed of, I do intend with the aid and assistance of my able friend, Senator WELLSTONE, to call up the compromise Domenici-Wellstone mental health coverage issue as an amendment if possible yet today before we finish.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent that after this amendment is disposed of, the Domenici-Wellstone amendment be next in line.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I reserve the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Does the Senator know I asked unanimous consent that our amendment be brought up?

Mr. DOMENICI. Yes. I had to reserve the right to object in behalf of the leadership because the manager deserves an opportunity to pass judgment on whether that should be granted.

Mr. WELLSTONE. I see.

Mr. President, I will just take a moment. I certainly thank Senator BRADLEY and Senator FRIST and other Senators for their leadership, and I am very proud to be a cosponsor of this amendment. I just want to make four points. The first one is the point the Senator from Delaware, [Mr. BIDEN] made.

I come from a State where very simple legislation has now been passed with overwhelming support. The problem is, as with so many of the self-insured plans, that people because of ERISA are just not covered at all. In Minnesota I think it is about only 40 percent of the people, actually a quite smaller percentage in Delaware. So we really have to do this at the Federal level to provide this protection for women, their husbands and their children.

My second point, an alarming one, is that too many health plans are refusing to provide the postpartum coverage both women and their physicians feel is necessary. Senator DOMENICI and I are going to talk about mental health. That is another example where too often in the plans you find discrimination or you sort of find a point where some of the limits set are arbitrary. That is exactly what is going on here. This is really an effort to deal with what some people call the drive-through deliveries.

I think this amendment is long overdue. It is not that often we can pass an amendment or a piece of legislation which so clearly connects to people's lives—women's lives, children's lives, husbands' lives, families' lives.

This is an extremely important amendment.

Again, point one is that we do need to do this at the Federal level to provide this coverage to people in the United States.

My second point is that we do have these drive-through deliveries.

Three, as referred to by my colleague from Tennessee, nobody is mandating that a mother stay in the hospital 48 hours. My daughter, Marcia, had a boy several months ago and in a day was more than ready to go home. But what I am worried about is the bottom line becomes the only line, and what you have is people discharged out of the hospital when they should not be and when they are in need of more assistance or when their babies are in need of more assistance. So I think it is extremely important on those grounds.

And the final point, which is different, is that I think this amendment and the fine work that was done in the House of Representatives speaks to a broader question. We are not going to get to it today, but I really do think that what is going on in the country is a major concentration of power in health care. The fact that there have not been a lot of changes taking place in the 104th Congress does not mean that there are not major changes taking place all around the country.

These are rough figures; I am just speaking from memory here, but something like the nine largest insurance plans control over 60 percent of the managed care plans in our country today. I am not trying to make any conspiracy argument, but what I am trying to say is when you move toward this kind of concentration of power and you find situations when women and their babies are leaving the hospitals, really forced to leave the hospitals because they do not have the necessary coverage where they should be there that extra day, that points to a larger set of problems, and I think we need to legislatively figure out how to build more accountability into the system, how to make sure some of the care givers are involved in setting some of these standards, how to make sure that there is more consumer protection, how to make sure that while we move forward with cost cutting or cost containment, all of which we need to do, the bottom line is not the only line because when it comes to the health of a mother and her newborn or when it comes to the concerns of families, there is nothing more precious than good health.

That is what this amendment speaks to in a very dramatic and very direct way, and I am very pleased to be an original cosponsor.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise in strong support of this amendment. I believe it is a major step toward insuring health for newborn babies and for their mothers. For the last few decades, we have made great progress in medical care, pregnancy and childbirth. I have had the occasion, as my wife has, to see this firsthand. My wife, Fran, had our eight children over a pretty widely spaced period of time. We have had children in the 1960's and 1970's, the 1980's, and the 1990's. So we have seen a lot of changes.

The progress during this period of time has certainly been measurable. In 1968, for example, when our first child, Patrick, was born, there was relatively little in the way of prenatal education for the mother. Since then, with each new child, we have seen some truly remarkable improvements: Prenatal child birthing courses now for both parents, ultrasound, fetal monitoring during labor to detect problems, birthing rooms which have done a lot to make the whole process much easier and certainly much more humane. Fran and I have watched all of these innovations as they were introduced, refined and perfected, and we can both testify that as a result of these improvements today's mothers are better prepared to deal with their pregnancies in a healthy way and better prepared to give birth.

All that being said, we still have a long way to go if we want to make sure new mothers and their babies get the care they need. This amendment addresses one of the key areas in which we need to make substantial improvements. We can no longer ignore the fact that today's new mothers and their babies are often being moved out of hospitals far faster than a real concern for their health would allow. This is being done without any real consideration for what else needs to be done to compensate for that quick movement out of the hospital, what kind of additional care the mother and child need if the hospital stays are shorter and shorter, and shorter. Often, as we have already heard in the Chamber today, the mother and the baby are moved out of hospitals just 24 hours after the child is born, in some cases even less than that.

If you talk to doctors, as I have, they will tell you that they are under a tremendous amount of pressure to keep the new mothers moving out the hospital door. The pressure is coming on the doctors, coming on the mothers. It is coming on the hospitals. I think it is wrong. I think it is unconscionable. This is a decision, as Dr. FRIST said just a moment ago, that should be made between the mother and the doctor. That is who should be involved in this decision. It is a decision that should be based on the best interests of the mother and the child. It should not, frankly, be a business decision.

When our son Patrick was born in 1968, my wife, Fran, stayed in the hospital with him for almost 5 days. That was standard operating procedure in Hamilton, OH, in 1968. When our last child, Anna, was born in 1992, Fran stayed in the hospital for 36 hours, about a day and a half.

This trend is not bad in and of itself. In some cases, a mother might want to leave the hospital sooner rather than later. For example, back in January 1987, my wife Fran had just given birth to our son Mark, when a blizzard threatened to hit. In fact, she gave birth between two blizzards—one had come, then we went to the hospital, then we were worrying about the second one coming. So for her the choice was clear: either leave the hospital after a day and a half, or risk being stuck there for up to a week. Fran chose to take Mark home. That is what she did. The blizzard came just a few hours after we got home.

But it is not, therefore, a question of mandating hospital stays. Government should not be in the business of doing this. All we are trying to do with this amendment is to make sure it is the mothers and their doctors who are making this important choice, a choice that affects the health of the mother and the child.

It is also important that we not look at the number of hours mothers spend in the hospital as if it were an isolated issue or an isolated problem. I think we need to pay greater attention to the overall issue of postnatal care. The way my wife Fran likes to put it, it is time to make the same kind of investment in improving postnatal care as we have invested in prenatal care in recent years.

Let me tell another story which I think illustrates this. Last year, our daughter Jill gave birth to our second grandchild. At 10:55 p.m. on a Wednesday, the birth took place. At 2 a.m., Thursday morning, just about 3 hours later, Jill was being taught how to bathe the baby and other necessary information. At 7:30 that morning, they started marching Jill through three or four separate videos on child care. And by noon on Friday, she and the baby were out the hospital door. Jill, at least, was exhausted.

We all realize the doctors and nurses who take care of our young mothers and their babies are the best in the world. They are true professionals with the best combination of competence and compassion. But they have an incredibly long checklist—that is literally what it is today—a long checklist of things that they have to teach the new mother. Frankly, they do not have enough time to teach it in. Sometimes we forget the new mother needs some time to rest, too, especially after an exhausting labor, during which she may well have missed a night's sleep. Longer hospital stays very well may be an answer to these problems.

But, in addition to that, we have to look at the overall issue, the overall issue of postnatal care. Frankly, there ought to be more followup care for the mothers and their babies. As we heard in testimony in our committee, and as my daughter-in-law Karen just experienced when she had her baby, the enlightened insurance companies, the enlightened HMO's, are now building into the policy, building into the plan, this type of postnatal care, because the fact is that most doctors do not require a followup visit for a week or two. Frankly, as parents, sometimes it is hard to take a new baby out before then. We, therefore, need to consider the importance of followup in-home visits. This kind of followup care can make a huge difference, a huge difference in the welfare of the child.

We had an experience, I think, that would shed a little light on this as well. Our youngest child, Anna, was born 5 weeks early, but she appeared to be healthy and had no medical problems. My wife, Fran, and our daughter Anna, were sent home after 36 hours. But after a few days, Anna began to look slightly yellowish. Fran and I really were not worried. We knew it was common for breast-fed babies to become slightly jaundiced. Fran was watching her, and about the fifth day she took her to the doctor. It turned out Anna's bilirubin level was dangerously high. Even as experienced and educated parents—seven other children—we had not noticed the change and had not noticed how fast the change was occurring. If Fran had not taken her in when she did, there could have been medical complications. This whole incident was particularly scary for us. We felt we knew the danger signals, but we obviously missed them.

This is a case of a mother and father who had seven children, who had been through this before. If it was tough for us, can you imagine how difficult it must be for a young mother, with no experience at all, to detect some of these medical problems? Therefore, we need to do more in this area. In fact, when we were considering this legislation in the Labor and Human Resources Committee, some of my colleagues and I added the provision requiring a study of post partum care. I think this study is very important and is, in fact, included in the pending amendment.

Let me conclude by saying that today we are making, I think, a very good beginning. It is a very good beginning to deal with a problem that I have seen firsthand, a problem I have discussed with doctors and a problem that I have discussed with other constituents.

So, I commend my colleague from New Jersey, my colleague from Tennessee, and the other cosponsors of this amendment for the work they have done, the work they have done to refine the amendment and the work they have done to bring it to the floor of the Senate today.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I rise in strong support of the Bradley amendment. I want to say to my colleague before he leaves the floor, I am going to miss him from this Senate. This is a perfect example. This is a Senator who understands what makes a difference in the lives of real people and goes after these issues with great skill.

I am so delighted to rise as, I think, the first Senator here who has ever actually given birth to testify that this is a very important amendment. I believe it will save lives. I believe it will spare families a great deal of heartache.

I will explain that. First of all, it is just incomprehensible to me that there would be a one-size-fits-all prescription being put out by so many of the HMO's today, when, in fact, each particular case is different from the one before. Not all women have an easy time giving birth. Not all babies have an easy time being born. There are so many complications, there are so many differences, so many problems. Senator DEWINE spoke, I think, from the heart, about having the seventh child and still almost missing a serious problem. I am going to address that in my remarks, I say to my friend.

I think it is important to note that this amendment really gives the flexibility where it belongs, to the patient and to the doctor. I strongly believe that, in any medical procedure, any medical issue, that is where the decision belongs, in the hands of the patient and the hands of the doctor. Childbirth is one of the most incredible experiences a woman can have. It is probably the most exciting—more exciting than winning elections. And, I have to say, it is also very difficult. It is usually very painful. Even in the best of circumstances, where everything just goes according to the book, if there is such a book, it is hard on the woman and it is hard on the baby—even a perfect birth.

In the old days when my mother gave birth to me—and that's the old days—she stayed in the hospital for a week or longer. When I had my children, I stayed in the hospital for several days. It was very important, because I gave birth to premature babies, and they were there in little incubators. In those days, they did not even let you hold the babies, but I so wanted to be close to them, and I was able to stay in the hospital several days while I got stronger, and I watched them happily grow stronger.

When my daughter gave birth just a year ago, or so, the hospital figured she would stay in for 24 hours. She asked her doctor if she could stay in for 2 days. She felt she needed that extra day. Fortunately, he intervened on her behalf and she got to stay in for 48 hours and was very grateful for that.

I do not think that should be a gift from an insurance company. I think that ought to be something that is absolutely a right of a patient. When we have gone from women staying in the hospital for a week or 10 days down to where they are being thrown out after a day, believe me, women are not any stronger today physically than they were then. It is the same thing. So it just doesn't add up.

Particularly new mothers need that option, it seems to me. They need to know how to nurse their children. That may sound strange, but I want to say for the benefit of my colleagues that nursing a baby takes a little bit getting used to. You have to learn how to do it. That added day in the hospital is very important to become comfortable with your baby, to understand the signs to look for if there is trouble. And that brings me to the issue that Senator DEWINE spoke about, the jaundice.

The fact is that many babies do become jaundiced, and it is easy to treat it with light, if you know what to look for. But many of these mothers, because it takes a while for the jaundice to develop, are out of that hospital within 24 hours and are not prepared, and terrible consequences can flow from that.

In the case of my own grandchild, they noticed something right before they left. They told her to watch for jaundice, and it happened. They had to come over and bring the little light boxes into the home.

So I just want to say to my colleague, that added chance, that extra 24 hours can make a great difference. I am very glad he put in the RECORD that Kaiser Permanente supports this. They are a huge HMO in California. I could not be more proud of them for that.

Again, I thank my colleague for bringing an issue to the floor of the Senate that is extremely important to the families of America. I am so proud that I had a moment or five or six to speak to your amendment.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

Mr. President, I, too, rise to speak in support of the Bradley-Frist amendment. I am going to be very brief this afternoon, but I did want to take a minute or two and discuss a General Accounting Office report that I will have coming out next week. The General Accounting Office has summarized a number of findings in a report for me, which report will be available next week, and I would like to discuss those findings very briefly.

First, it seems to me that, if you pass this important legislation, our country increases the odds that the next generation gets off to a healthy start. That is what this legislation is all about: getting off to a healthy start.

As I mentioned, I asked the General Accounting Office a number of months ago to help the Congress identify the risks attributable to foreshortened hospital stays for mothers and their newborns, as well as to analyze health care plans on how well they provide postpartum care.

The General Accounting Office has given me a letter, Mr. President, that I will make a part of the RECORD this afternoon, but I would like to summarize very briefly just four of the findings in the General Accounting Office report that they will have next week.

The first is the General Accounting Office has pinpointed studies analyzing readmission statistics that indicate that babies staying less than 48 hours do, in fact, have a higher rate of rehospitalization for health problems.

The General Accounting Office concludes that not every early discharge is a danger to each and every child, but certainly there are studies that do indicate that readmission statistics demonstrate that babies staying less than 48 hours do, in fact, have a higher rate of rehospitalization.

Second, the General Accounting Office has found that a number of the discharge plans are simply that they are just a drive-by delivery with no at-home follow up to ensure that the mother and the child are doing well.

Third, the General Accounting Office has found that while a number of the States do have laws on the books that deal with this practice, not all of the insured individuals, and certainly some of the most vulnerable of America's families, are protected by these laws. So I think it is fair to conclude that there is a very significant variation with respect to consumer protection in terms of State laws, and I think that, too, makes a compelling argument for the Bradley-Frist legislation.

Fourth—and I close with this point, because I think it is the most significant one and, in and of itself, makes the case for the Bradley-Frist bipartisan legislation—the General Accounting Office has found that a significant number of plans offer doctors alternative financial incentives for early discharge and significant penalties for keeping young mothers and babies in the hospital longer than the plans would like. So what we have—and I point out that this will be the first Government study looking at this problem—is already significant evidence that two sets of disincentives to good health for young families exists on the basis of the GAO report: first, the question of plans offering financial incentives for early discharge and, second, the matter of heavy penalties that the GAO has found in a number of instances for keeping young mothers and babies in the hospital longer than the plans would like.

What it comes down to—and I sure hope we get a unanimous vote in a few minutes with respect to this legislation—is that this Congress has a chance to put some votes behind all of the family-friendly rhetoric.

I am very hopeful that the Bradley-Frist legislation will pass on a bipartisan basis. I think that the Senator from New Jersey has contributed so much, but what an important bill on which to finish a stellar career.

Mr. President, I ask unanimous consent to have printed in the Record the letter from the General Accounting Office to which I referred.

There being no objection, the letter was ordered to be printed in the Record, as follows:

GAO, Health, Education, and
Human Services Division,
Washington, DC, September 4, 1996.

Hon. Ron Wyden,
U.S. Senate.

Dear Senator Wyden: To contain costs, some health care plans have adopted guidelines to shorten hospital stays associated with maternity care—the most common condition requiring hospitalization. Some plans have limited hospital coverage for mothers and their newborns to a maximum of 24 hours after delivery. As a result, between 1980 and 1994, the percent of 1-day postpartum hospital stays rose from about 9 percent to about 40 percent of all births. Many in the medical community have voiced concerns that these shortened stays expose newborns to undue risks.

To better understand the issues involved, you asked us to (1) identify the risks that are attributable to short hospital stays for maternity care, (2) examine health plan actions to ensure quality postpartum care for short-stay mothers and newborns, and (3) determine state responses to concerns about patient protection. To do this study, we analyzed pertinent trend data and interviewed medical experts and representatives from hospital maternity programs, managed care organizations, home health agencies, medical specialty societies, and health care trade associations. In briefing your staff on our work, we noted that our report would be available by the end of next week. In the interim, you asked us to summarize the results of our work. Our key findings include the following:

Guidelines issued by the American Academy of Pediatrics suggest—notwithstanding the presence of complications—either minimum 2-day stays for vaginal deliveries and 4-day stays for caesarean sections or shorter stays if: (1) Medical stability criteria are met, (2) the decision on length of stay is agreed to by physician and patient, and (3) provisions are made for timely, comprehensive followup care delivered by a maternity care professional.

Neither researchers nor medical experts agree about the direct effect of short stays on maternal and newborn health. Using hospital readmission rates as an indicator of adverse outcome, one recent study shows no association between the number of days a newborn spends in the hospital and the rate of readmission, while other studies show increased risk for newborns discharged within 48 hours of birth.

Some plans allow physicians flexibility to apply early discharge policies selectively. In addition, they have programs of maternity care services that include intensive prenatal assessment and education and comprehensive followup care provided within 72 hours of discharge by a trained professional at home or in a clinic. We found, however, that some plans with shortened postpartum stays do not provide adequate prenatal education or appropriate followup services. For example, some plans' followup care consists of a phone call rather than an actual home or office visit.

Early discharge policies have prompted more than half the states to enact laws that regulate the length of maternity stays but vary widely in degree of consumer protection and do not apply to all insured individuals. For example, states vary on whether the law specifies stay minimums, identifies discharge decision makers, or mandates number of home visits covered, among other things. The laws are also limited in jurisdictional scope in that they: (1) Do not apply to plans that are exempt from state regulation under the Employee's Retirement Income Security Act of 1974 (ERISA) or (2) may not apply to individuals living in one state but working and receiving insurance in another.

Federal legislation has been introduced to make maternity care more consistent nationally and available to all privately insured women. The Senate is considering S. 969, Newborns' and Mothers' Health Protection Act, which would mandate a minimum 48-hour hospital stay for normal vaginal deliveries and 96-hour stays for caesarean section deliveries unless the attending provider, in consultation with the mother, makes the decision to discharge early and coverage is provided for prescribed timely followup care. Timely care is defined as care provided in a manner that meets the health care needs of the mother and newborn, provides for appropriate monitoring of their conditions, and occurs within 24–72 hours immediately following discharge. These provisions are consistent with the findings contained in our forthcoming report.

We hope that this information meets your needs in considering proposed federal legislation on hospital length of stays for maternity care. Please call me on (202) 512–7119 if you or your staff have any questions regarding the issues discussed above.

Sincerely yours,

Sarah F. Jaggar,
Health Service Quality and
Public Health Issues.

Mr. WYDEN. Mr. President, I yield the floor and will make for the Senators a copy of the General Accounting Office's findings a matter of the Record. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

I am so glad Senator Bradley came to me sometime back in October about this legislation and asked if I could become a cosponsor, which I readily did. I have not been a mother myself, but I have been around mothers. I am the husband of one, the father of two, and potentially the grandfather of five.

In any case, this Newborns' and Mothers' Health Protection Act, as it is formally titled, will be beneficial to countless mothers and their newborn children, because it will restore health care decisions to those best suited to make them—the mothers and their doctors—while making certain that new mothers and their babies are allowed to remain in the hospital at least 48 hours following natural births and 96 hours after Caesareans.

As Senators have already pointed out several times, in some instances new mothers and their babies are forced to leave the hospital as early as 8 hours after delivery because insurance companies often refuse to pay the bills otherwise.

It simply is unconscionable to require a new mother and her doctor to make this decision based on arbitrary insurance deadlines. That is what the distinguished Senator from New Jersey had in mind. I compliment him on this amendment and I am honored to be a cosponsor.

I am not alone in my contention that mothers and their physicians are better able to determine what is needed to promote a mother's and child's health rather than some arbitrary insurance deadline.

As a matter of fact, a Dartmouth-Hitchcock Medical Center study concluded that babies released earlier than 48 hours after birth had a 50-percent greater chance of needing readmission to the hospital and a 70-percent increased risk of emergency room visits.

Mr. President, the too-early discharges so often lead to jaundice which afflicts approximately one-third of newborns, dehydration resulting from breast-feeding difficulties and infections. Although these conditions are of course treatable, each must be diagnosed quickly, within 3 to 5 days, lest they result in brain damage or worse.

Mr. President, in recent years hospitals around the Nation have reported an increasing number of babies being readmitted to hospitals with complications of dehydration and jaundice.

A Virginia infant suffered dehydration-induced brain damage, and severe dehydration of a Cincinnati baby led to the amputation of his leg. The truth is that these tragedies could have been prevented with longer hospital stays.

Back in the 1970's, postbirth hospital stays were about 4 or 5 days for routine normal births, and 1 to 2 weeks for Caesareans. According to the Centers for Disease Control, the median length of hospitalization between 1970 and 1992 for mothers having normal births declined by 46 percent, from 3.9 to 2.1 days, and by 49 percent for mothers having Caesareans, from 7.8 to 4 days.

There is broad agreement, I think, about the importance of reducing health care costs and I agree with that. While I am convinced that this goal can best be accomplished through less, not more, Federal regulations, I also insist that the well-being of mothers and babies must not be compromised in the process. This amendment addresses a unique, isolated problem which can be addressed by a carefully crafted Federal rule. And that is exactly what Senator BRADLEY has done. And I compliment him for offering this amendment.

In short, Mr. President, the Newborns' and Mothers' Health Protection Act of 1996, will ensure that arbitrary insurance guidelines do not override the objective of healthy births.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BROWN). Who seeks recognition?

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I suggest the absence of a quorum.

Mr. CHAFEE. I wonder if the Senator would withhold that.

Mr. BRADLEY. I withhold.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, when I heard about this amendment of the Senator from New Jersey originally, my first thought was, why is the Federal Government getting involved in deciding how long hospital stays are? It seemed to me that was a matter that quite properly should be handled by States. And indeed in my State we have handled it. We have a bill, the best as I understand it, that is very similar to the suggestion of the bill proposed by the Senator from New Jersey.

Indeed, I made notes of the Senator's remarks. He indicated that some 28 States have taken action. That does not mean they have gone the complete route—and the Senator can obviously explain that further—but I take it some 28 States have dealt with this matter of how long a hospital stay should be or could be.

So I will confess that my original reaction was unfavorable to the Senator's proposal. However, two things happened. For one thing, my daughter called me. She has four children and she has some views on this subject. And also the ERISA point that the Senator raised. And I would like to explore that if I might.

Finally, the so-called Frist amendment. I am not sure exactly what the Frist amendment does. But my first question would be, of the Senator from New Jersey, as I understand it—first, I want to say, I listened to his arguments. One of his arguments is that you need a national law because you might have the State wherein the individual resides on a town right on the border of another State where the hospital is that serves that town, and the other State does not have the legislation.

However, I thought the most telling argument he made was the so-called ERISA argument. That is, as I understand it, that because ERISA applies to those corporations that have interstate health care plans, that the ERISA law prevents the State government—and we dealt with this, of course, when we were dealing with the health care business in 1994—the ERISA prevents the State law from getting involved with the plans that are covered by the ERISA statute.

I had not thought of that. And so first, if the Senator would be good enough to explain a little bit on that. Is that point correct?

Mr. BRADLEY. Mr. President, I say to the distinguished Senator from Rhode Island, yes, the Senator is correct. For example, we have had on the floor today the Senator from Delaware speaking. One of the largest employers in his State is DuPont. And we had the Senator from Minnesota speaking. One of the larger employers in his State is 3M. Each has what is known as a self-ensured ERISA plan. And under a State law, in Minnesota or Delaware, as each of the Senators has testified today on the floor, it could not reach those plans in requiring them to allow 48 hours for delivery. Only this Federal law would achieve that objective.

Mr. CHAFEE. So your point is, to follow it up, it only would be a Federal law that would deal with that situation. The State law could not affect it.

The second point that would be helpful—maybe I should address this to the Senator from Tennessee. I am not sure exactly what the Frist amendment is. What does it do?

Mr. BRADLEY. I think I can answer. Essentially, the differences between the first- and second-degree amendments are minimal. The only difference relates to a deletion of the sentence that essentially is inconsequential but was confusing, and the second-degree amendment adds a sentence that gives some flexibility to health plans.

Mr. CHAFEE. Now, is this the so-called Kaiser Permanente language? Is that in the first amendment?

Mr. BRADLEY. I say to the Senator that in the first amendment is language that does allow some flexibility, and I think it would be in the first amendment. I think Kaiser Permanente endorsed both the first- and the second-degree amendments.

Mr. CHAFEE. Now, the final question, the number of States that have dealt with this you say is 28 in total or in part?

Mr. BRADLEY. The answer to the question is yes, 28 States have passed laws that require insurers to provide 48 hours for a delivery, coverage for 48 hours for delivery.

As the Senator has pointed out, there are a few gaps there. One is the ERISA problem; the other is the problem of the hospital that is across a State line in a State that is uncovered. Then there is the New Jersey problem. I guess some other State law might have that problem, but in New Jersey the State passed a law that said that the State requirement of 48 hours would apply to only those insurance companies that were headquartered in New Jersey. So you could be headquartered in another State and you would not be covered. This could get at that issue as well.

Mr. CHAFEE. I thank the Senator for that description.

As I say, I am troubled by the U.S. Congress getting involved in an issue like this. I found the explanation, particularly the ERISA argument, to be a very telling argument.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, just to sort of further clarify, the Kaiser Permanente language was basically a clarification of the way it was written. It was written in the bill that if you are discharged in fewer hours than 48 hours—this bill says you have a safe haven for 48 hours and followup care has to be somewhere—you have to have care for 48 hours. You cannot be dumped out of the hospital after 6 hours, and that is the end of it.

What Kaiser said is you need to make it clear that it is the health care provider who determines, in consultation with the mother, as to where that followup care is delivered. In other words, it is not just up to the mother as to where the followup care during the 48 hours was delivered. That was written into the bill.

My amendment was to clarify that further.

Mr. CHAFEE. Mr. President, I think that is an important point. I will give my qualifications in the area. I had six children. I suppose that would give me some knowledge about this subject.

As I understand it, if a mother should choose to leave in 24 hours—obviously, that is a big savings to the insurance company; say it cost $1,000 a day in a hospital, and I do not think that is outrageous and that suggestion is pretty much on the mark, or something like that—it may well be that the mother would vastly prefer being home but have some help at home, and maybe that help would extend for 5 days. How do you handle that?

Mr. FRIST. The health care plan can put whatever they want in. It has to be a minimum of 48 hours coverage. That coverage can be in any facility that the mother and the physician decide—not the health insurance plan—that they decide, during that 48-hour period. After that 48 hours after vaginal delivery or 72 hours after a C-section, it can be dictated by the insurance company.

Mr. CHAFEE. So in other words, the mother could say, "I want to go home in 24 hours," but she would get the care, somebody at home would care, if she wanted, for the next 24 hours?

Mr. FRIST. That is right. It could be at home, a followup clinic, a birthing clinic. That is why it was important in this bill to give the flexibility. We do not know how babies will be delivered 4 years from now.

Initially, it was fairly rigid, 48 hours in the hospital. Now the bill is flexible enough to say for 48 hours you are covered, and it can be in the setting that you and your doctor decide, not some insurance company or not somebody sitting 500 miles away behind a telephone.

Mr. CHAFEE. Thank you.

Mr. BROWN. Mr. President, the Bradley amendment denies consumers the right to select the type of insurance coverage they wish to purchase. While I would hope all policies would include the type of maternity coverage he suggests, for the Federal Government to mandate it is a mistake. It establishes a precedent that consumers are no longer free to choose. I thus oppose the amendment.

Ms. MOSELEY-BRAUN. Mr. President, I want to take this opportunity to express my support for the Bradley amendment.

A few weeks ago Congress made an important step in the right direction of adding necessary reform to our health care system. By limiting exclusions for pre-existing conditions and by making health insurance coverage portable, we answered the concerns of millions of Americans that they will lose their access to health care. While I believe universal health coverage should be the ultimate goal, the Health Insurance Reform Act represented a practical, incremental, and caring attempt to deal with the real health care problems facing so many Americans, based on their everyday realities.

Similarly, the Bradley amendment makes an important step in the right direction. It is hard to conceptualize that the growing trend among health insurers is to force new mothers and their infants to leave the hospital 24 hours after an uncomplicated vaginal delivery and 72 hours after a cesarean section. In many cases, 24 hours is not sufficient time to recover physically from the birth, not to mention have time to learn essential child care information. You would think that this alone would be sufficient to warrant allowing new mothers to stay longer in the hospital. Having a mother who is strong and prepared to care for her new child will avoid unnecessary return visits to the hospitals due to insufficient care.

It is also important to note that many of the health problems newborns face such as dehydration and jaundice do not appear until after the first 24 hours of life. If undiagnosed, these easily treatable conditions can lead to brain damage, strokes, and in the worst case scenarios, death. There is no justification against monitoring babies that we know may be at risk for clearly preventable health conditions.

I do not believe that this bill is the panacea for health problems facing mothers and newborns in this Nation. The proportion of babies born at low birth-weight in the United States has been rising since 1984, and is now at its highest level since 1976. Nearly 300,000 babies, 7.2 percent of all those born in 1993, were born at low birth-weight. These infants were more vulnerable to infant death and serious health problems, such as developmental delays, cerebral palsy, and seizure disorders, as a result of their shaky start in life.

We need to focus more attention on making our children healthy on the front-end so that we never have to have a discussion about how long a new mother and baby should stay in a hospital. In 1993, almost 200,000 children were born to women who received either no prenatal care or prenatal care after the first trimester of their pregnancy. Good prenatal care can reduce rates of low-weight births and infant mortality, thus preventing disabilities and savings billions of dollars which are spent each year on caring for very sick newborns.

While the Bradley amendment is far from the total answer to the health problems of new mothers and their children, we should not underestimate the importance of what we will be achieving if this policy becomes law. Protecting the ability for mothers and infants to remain in the hospital up to 48 hours for vaginal deliveries and 96 hours for cesarean births has been endorsed by all four major medical groups which involved in maternal health and caring for newborns: the American Medical Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, and the American Nurses' Association.

I want to conclude by congratulating Senators BRADLEY, KASSEBAUM, and FRIST for their leadership and for all the hard work they have put in to building momentum for this important amendment. I strongly urge the Senate to adopt the Bradley amendment. I urge all of my colleagues to think about how much this bill means to Americans all across this country, and how critically necessary it is to make this improvement in our health care system. This amendment is another good step in the right direction.

Mr. KENNEDY. Mr. President, I commend my colleagues, Senator BRADLEY and Senator KASSEBAUM, for their leadership in bringing this important legislation before the Senate for consideration. Current trends in health care financing have created a clear need for this legislation. Doctors are under increasing pressure from insurance companies to discharge mothers and newborns earlier and earlier.

Until a few years ago, the birth of a child was typically followed by a 4-day hospital stay for the mother and her newborn, so that mothers had time to recover from labor and delivery, and learn about the care of their infants. Health care providers had adequate time to watch the initial development of the newborns carefully, to assure that the babies were healthy. This initial period of expert observation is critical, since it means early diagnosis and immediate response and treatment when complications develop.

Now, however, the length of stay following a normal delivery is commonly only a day or two, and in many cases, even less.

To some extent, this change results from better medical management of childbirth, and greater responsiveness to women's desire for a less hospital-centered and more family centered experience of childbirth. But the dominant motivation behind these shortened stays, however, is the financial incentive to reduce the cost of childbirth, which is the most common cause of hospitalization in the United States. Profit, not sound medical judgement is driving the increasingly serious problem of drive-through deliveries.

The guidelines of the major medical societies provide for at least 2 days of hospitalization after a normal delivery, to give mothers adequate time to recover and learn to care for their infant in a restful atmosphere where professional help is immediately available.

Serious harm can result if a mother and her newborn are released too soon. Conditions such as jaundice and dehydration typically do not appear until after the first 24 hours of life. Recent research in Massachusetts shows that babies discharged less than 1 day after birth have a 25 times higher rate of not being screened for treatable congenital disorders, compared with babies who stay longer.

Many serious condition are not easy to detect. Long-term disabilities—even death—may result. Congress should not acquiesce in irresponsible insurance industry practices that put profits ahead of families and the bottom-line ahead of babies. This legislation will guarantee that mothers and their doctors—not insurance companies—decide when to leave the hospital after childbirth.

This legislation was written in accord with the recommendations of the two leading medical societies with expertise in this area—the American College of Obstetricians and Gynecologists, and the American Academy of Pediatrics. They endorse this amendment. There is clear agreement among these experts that hospital stays should range from 48 hours for normal deliveries to 96 hours for cesarean sections.

By adopting this legislation, the Senate will not be requiring mothers and newborns to stay in the hospital unnecessarily. In many cases, mothers, in consultation with their doctors, will elect to go home early. But this amendment will guarantee that patient choice and medical judgment guide this decision—not insurance company orders.

I urge the Senate to support this important legislation. It has broad, bipartisan support. It is endorsed by the American Academy of Pediatrics, the American College of Obstetrics and Gynecologists, the American Medical Association, the American Nurses Association, the Association of Women's Health, Obstetric, and Neonatal Nurses, and the March of Dimes Birth Defects Foundation. It is appropriate—indeed overdue—for the Federal Government to set these minimum standards for health and safety. Newborns should not be placed at risk for the sake of insurance industry profits.

Ms. MIKULSKI. Mr. President, I rise today in support of the newborns' and mothers' health protection amendment. I am proud to be a cosponsor of this legislation. This amendment is about family friendly health care. It puts the care of mothers and babies before the financial interests of insurance companies. It puts into practice what we have always preached—to honor the mother and to defend motherhood.

This amendment requires that insurance companies provide coverage for care for a minimum of 48 hours after a vaginal delivery and 96 hours after a caesarean section. It allows mothers and infants to be discharged earlier if there is appropriate follow-up care. This is consistent with the practice guidelines issued jointly by the American College of Obstetricians and Gynecologists [ACOG] and the American Academy of Pediatrics [AAP].

What I like about this amendment is that what we explicitly state as our values, we implicitly practice in public policy and public law. What we do with this legislation is ensure that mothers and their babies receive the care that they need, that is deemed appropriate by their physicians. On both sides of the political aisle, we talk about putting families first. This amendment does that. It puts value on motherhood.

This whole movement around providing care for 48 hours or 96 hours or whatever is medically appropriate came from mothers themselves. Then it was the movement of the extraordinary medical facilities that were willing to step forward and even defy the insurance companies. St. Agnes Hospital in my hometown of Baltimore insisted that they would provide this care if they had to do it out of a charitable endowment or if we all had to pitch in and do bake sales. St. Agnes took a stand—they were going to assure that mothers and their babies got what they needed when they needed it. That resulted in the Maryland general assembly acting—and now I am proud to say that Maryland has a law that really mirrors in many ways what we are doing in the Federal legislation.

So, I salute Senator BRADLEY for offering this amendment, but I also salute the mothers who organized, and the doctors and medical facilities who defied the insurance companies. I want to see managed care, but I don't want to see doctors managed. There is a fundamental distinction. We have to start getting our priorities straight and decide where we are going to be making our decisions. And in the case of newborns and their mothers—I believe decisions need to be made in the delivery room and not the boardroom.

I urge support for this amendment.

Ms. SNOWE. Mr. President, as a cosponsor of the Newborns and Mothers Health Protection Act, I am extremely pleased to rise in support of this amendment to the VA/HUD appropriations bill. My colleague from New Jersey, Senator BRADLEY, has worked steadfastly and diligently for well over a year to bring this important bill to the floor, and I commend him for his tireless efforts. I share his concern over the growing practice of what has come to be known as drive-thru deliveries, and I believe that this practice of discharging new mothers and their infants too soon after delivery is simply unacceptable.

This amendment requires health plans to provide coverage for a minimum hospital stay for a mother and her newborn infant following delivery, in accordance with established medical guidelines. These guidelines, developed in 1983 by the American College of Gynecologists and Obstetricians and the American Academy of Pediatrics, recommend that mothers remain in the hospital for 48 to 96 hours after giving birth, depending on the type of delivery. Shorter hospital stays are permitted if the physician, in consultation of the mother, determines that is the best course of action. For those mothers and newborns who leave the hospital after staying less than 48 or 96 hours, followup care within 72 hours of discharge must be provided in order to monitor both the mother and the infant during this vulnerable time.

Since 1970, the average hospital stay for newborns has been cut almost exactly in half. Today, many insurers provide for only a 24-hour stay for deliveries, while some medical plans call for discharging women within 8 to 12 hours of a birth. Usually, women are not informed of these policies until they are already in the hospital. Many doctors who decide, based on their best medical judgment, that their patients should stay beyond the short timeframe are overruled by insurance companies. Others are unduly pressured to release these women and their babies prematurely.

There are certain myths surrounding the impact of this bill, so I would like to clarify what this bill does not do. It does not mandate how long a mother and baby must stay in the hospital. It simply states that these patients may stay in the hospital up to the minimum period recommended by established medical guidelines. Insurers are permitted, and even encouraged, to develop alternatives to inpatient care, and to allow doctors, in consultation with their patients, to select the type of care which is most appropriate for a mother and her baby.

I believe that this bill is one of the most important pieces of legislation this Congress has and will consider in the 104th Congress. To date, stories abound about women whose infants have suffered physical harm and even death as the result of early discharge policies. No woman or family should have to endure such tragedy.

Often, doctors are not able to detect certain health problems in infants within the first 12 or 24 hours after birth. For example, doctors may be unable to detect jaundice—a disorder which may lead to permanent brain damage—within the first day after birth. Other infants have been released before their doctors had time to test them for PKU—an easily treated metabolic disorder that causes mental retardation if not detected early enough.

In addition, early discharge deprives mothers of important opportunities to learn how best to care for their infants, including proper breast feeding techniques. Problems with breast feeding can cause infants to suffer severe medical complications—even death—from dehydration. Hospitals report that increasing numbers of women and their children are returning for care after discovering problems such as life-threatening infections that could have been caught if the mother and child had been able to stay in the hospital just a little bit longer. While the financial costs of hospital readmissions resulting from early discharge can be astronomic, the human costs can be truly tragic.

Twenty-eight States have passed maternity stay laws similar to this bill, including my home State of Maine. However, State legislation alone does not sufficiently protect the women of America and their newborns. For example, many women are not protected by State legislation because they work for employers with self-insured plans shielded by Federal ERISA preemption. In addition, women who live in one State and work in another may find themselves vulnerable without Federal legislation.

Don't we owe it to the women of America and to our very youngest citizens—those who are only a few days old—to ensure that they enjoy the full protections and benefits of one of the best health care systems in the world?

There is nothing more precious than the birth of a child. There is nothing more tragic than the death of an infant that could have been prevented. That is why we must leave it to doctors, not insurers, to decide how long women stay in the hospital following delivery in accordance with established medical guidelines. I urge my colleagues to join me in supporting this important amendment.

Mr. FAIRCLOTH. Mr. President, I would like to comment briefly on the amendment offered by Senator BRADLEY, the Newborns' and Mothers' Health Protection Act.

Supporters of this legislation contend that it is becoming a widely used cost-containment practice of health insurers to force the premature discharge of mothers and their newborns from the hospital following childbirth. In other words, insurance companies supposedly are improperly influencing doctors' medical decisions regarding the appropriate lengths of stay for mothers and newborns following childbirth. The remedy proposed in this amendment would require insurance companies to cover at least 48 hours of inpatient care following an uncomplicated vaginal delivery and 96 hours following a cesarean delivery.

Mr. President, I certainly share the concerns which have been expressed in this debate regarding the health and safety of mothers and their newborn children. I am troubled, however, over the construction of this legislation. Not only would this amendment become the first Federal law to mandate health insurance benefits, it also comes dangerously close to being a statutory prescription for the practice of medicine.

I believe that no one is more qualified than a woman's doctor to judge how long that woman and her newborn child should stay in the hospital following childbirth. Just as I believe that an insurance company has no business second guessing this decision, I firmly believe that the Government also has no prerogative to interfere.

While I realize that this legislation does not require a woman and newborn to spend 48 hours in the hospital after childbirth; the construction of this amendment, and the specification of 48 and 96 hours of coverage, strongly implies that these figures are some sort of legally significant standard for the length of stay.

The sponsors of this legislation argue that legislation is necessary to ensure that mothers and newborns are assured an appropriate hospital stay following childbirth. Obviously, the appropriate length of stay will depend on each mother and child individually, and the attending doctor is the most qualified authority to make this decision. I am concerned that, according to this amendment's construction, the decision of the doctor is made an exception to the legislation's 48 and 96 hour standards, rather than the rule.

If it is necessary to pass legislation to assure the health and safety of mothers and newborns, then we should do it by protecting the authority of doctors to make medical decisions regarding their patients, free from interference from both insurance companies and the Government. We should not replace insurance company interference with Government interference.

Mr. BRYAN. Mr. President, I am pleased to be a cosponsor of the Newborns' and Mothers' Health Protection Act of 1996 introduced by Senators BILL BRADLEY, NANCY KASSEBAUM, and BILL FRIST.

This bipartisan legislation—with the support of 52 Senate cosponsors—will help ensure that newborns and their mothers will have the best possible beginning.

Unfortunately, a pattern has begun to develop throughout this country of pushing mothers and their newborns out of the hospital too quickly. Too often, some health insurance plans covering the costs of childbirth offer very limited benefits for post partum hospital stays.

Sometimes the coverage is limited to as little as 24 hours, which in many cases is not long enough to ensure that a mother and her infant remain healthy after their hospital discharge. Sometimes doctors have found that insurers refuse to agree to longer hospital stays, even when the doctor argues the mother and newborn need to remain in the hospital longer.

It is the first couple of days following the birth of a child that are the most critical to ensure the long-term health of both the infant and mother. Many mothers have difficulty in learning how to properly breast feed, putting their infants at risk of inadequate nutrition in their first days of life. Likewise some mothers are just not physically capable of providing for a newborn's care needs within 24 hours of giving birth.

Medically, many health problems experienced by newborns do not show up until after the first 24 hours of life. These include jaundice and dehydration, and other conditions that only health professionals can detect. Early hospital discharges can mean these conditions go undetected until it is too late.

The length of a hospital stay is a question that should not be driven by the limitations of an insurance policy, but should be the joint medical decision of the mother and her physician.

Under this bill, if both the mother and her doctor agree that a shorter post partum stay is acceptable, the stay can be shortened. However, in these situations—and this is the key distinction—the decision will still be a medical one, rather than a financial one.

This bill will require all health care insurance plans, which offer maternity benefits, to cover post-partum stays of at least 48 hours after a vaginal birth, and at least 96 hours after a caesarean section. The bill's hospital stay requirements are consistent with post childbirth guidelines of the American College of Obstetricians and Gynecologists, and the American Academy of Pediatrics.

This bill will end these drive-through baby deliveries, which push mothers and their newborns out of the hospital before they are medically ready to go home. Such drive-through deliveries put the health of both mothers and their babies at risk. A mother and her newborn's homecoming should be a time of celebration, not a time of trepidation because neither was ready to leave the hospital.

In August, the Centers for Disease Control and Prevention released its study of New Jersey's maternity stay law. Following enactment of The State's law, the CDC found that new mothers who had problem free deliveries were the mothers who had stayed in the hospital approximately 10 to 12 hours longer than mothers had prior to the law. The CDC research appears to indicate that just a few hours longer in the hospital can result in major improvements in the health of both the mother and the newborn baby. The importance of those few more hours cannot be underestimated.

Many managed care plans place the care of the mother and newborn infant at the forefront.

But many other managed care plans appear to have put the bottomline of profitability ahead of the real medical needs of newborns and their mothers. Those managed care plans should view this bill as a heads up. Cutting medical costs will not be allowed to undermine the quality of health care.

We all acknowledge the need for controlling health care costs, and support efforts to curtail unnecessary spending. But there also must be a reality check when cost cutting goes so far, that the quality of health care is endangered.

We want every newborn child to have the best chance for long-term health. I urge my colleagues to join in supporting this legislation to give mothers and newborns the assurance that their health needs will always be paramount.

Mrs. FEINSTEIN. Mr. President, I am pleased to support Senator BRADLEY's amendment to require health insurance plans to cover hospital maternity stays for 48 hours for routine deliveries and 96 hours for cesarean deliveries.

The issue here in whether the decision on how long a mother and her newborn stay in the hospital is based on the mother's health or the insurance company's bottom line.

I believe it is a medical decision that should be made by a doctor and a patient.

Before 1970 the median length of stay in this country for routine deliveries was 4 to 5 days. By 1992, the median stay dropped to 2.1 days.

In 1991—the latest year for which figures are available—nearly 40 percent of newborns in California were discharged in fewer than 24 hours.

And the problem seems to be even worse today.

Some insurers limit coverage of postpartum hospital care to 1 day or 12 hours.

One large California HMO has reduced coverage to 8 hours.

These are not generally doctors determining that it is in their patients' best interest to be discharged sooner. The reduction in hospital care is the result of insurance companies making that decision based on how much they want to pay—and the real cost is being borne by patients—mother and child—in greater health risks.

There are many medical reasons why a longer hospital stay may be necessary. Some medical conditions do not manifest in 10 or 24 hours after delivery, such as jaundice, heart murmurs, circulatory disfunctions and fevers.

Early discharges can also exacerbate medical problems:

Studies presented to the Senate Labor Committee have shown that early release of infants can result in the baby having jaundice, feeding problems, respiratory difficulties, metabolic disorders and infections.

In fact, a New Hampshire study of hospital readmission rates found that babies discharged at less than 2 days of age have a 70 percent increased risk of facing an emergency room visit.

Early discharge not only increases health risks, in many cases, it is so much more costly.

A Pasadena women and her 6-week premature infant were discharged after only 23 hours of delivery. The baby was readmitted to the hospital for jaundice and dehydration 2 days later, costing an extra $20,000—$1,000 that had to be paid by the family.

Let me give some examples of the human impact of this problem:

A Los Angeles woman was released 15 hours after giving birth because of limited insurance coverage. Two days later, her baby was hospitalized for malnutrition—the infant had difficulty with lactation and breast feeding.

A San Francisco woman had to leave the hospital 23 hours after delivery against her doctor's advice, even though her baby was 5 weeks premature. The baby was in the emergency room less than 2 days later, and was readmitted to the hospital for dehydration and jaundice.

Another California mother was discharged less than 14 hours after deliver. The next morning she was shaking, feverish, and nauseous. She was diagnosed as having a staph infection and was readmitted to the hospital for 4 days.

Sometimes these stories have tragic endings.

Leigh Fallon, of Petaluma, CA entered the hospital on July 25, 1994. After 2 days of labor with extraordinary complications, she had an emergency caesarean section.

The mother had a high fever and great physical distress. Her baby boy developed jaundice, was being treated with antibiotics, and was diagnosed with a heart murmer.

Still, under pressure from their insurance company, Leah and the baby were discharged 72 hours after birth. The baby was rushed to the hospital a few days later and did not survive emergency heart surgery.

Perhaps nothing could have saved Leah's baby. But clearly, the decision to discharge such a fragile patient was made in the interest of saving money instead of saving a life.

Medical decisions should be made by medical professionsals—not insurance companies. That is what they are trained to do.

Twenty-nine States have enacted legislation or regulations to curb what's called drive-through deliveries. In California, the legislature failed to come to agreement on legislation at the close of the current session. California voters, instead, will face two ballot measures which include regulations on the subject this November.

This is a national problem, and Congress must set a uniform standard in the interest of public health.

I urge my colleagues to join me in voting for the newborns and mothers bill.

Mr. BRADLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, as an original cosponsor of the legislation before us, I would like to say how pleased I am that we are ready now to vote on what I think is a very important and useful piece of legislation. I have been proud to work with Senator BRADLEY and Senator FRIST, and I appreciate the efforts of those who have offered some very constructive improvements in the language that have helped to clarify some concerns that existed.

I have visited maternity floors at a number of hospitals. I must tell you, I think this amendment will provide an increased sense of security, particularly to first-time mothers, who will now feel that they can remain in the hospital a bit longer if necessary. Some will ask, "Why not even longer?" Well, how do we know the correct length of stay in each situation? This should be decided on an individual basis. But we do know that even an additional 24 hours is going to make a difference. For some, it will make a big difference—where there is no family available to offer support when they come home and, particularly, as I mentioned, with first-time mothers, where there is uncertainty about what lies ahead. I say thank you to all who have spent a great deal of time and effort on this amendment. It is a very constructive and beneficial piece of legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF VOTE

Mr. HELMS. Mr. President, it was called to my attention that last evening there must have been some confusion. I take responsibility for it. I don't know what happened. I was incorrectly identified as voting against the motion involved in vote No. 267.

I ask unanimous consent that it be in order for me to have my vote recorded as voting in the affirmative in that instance instead of in the negative.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the vote on the Frist amendment No. 5193 occur at 5:35 p.m. today, and immediately following that vote, the Senate proceed to vote on or in relation to the Bradley first-degree amendment, as amended, if amended; further, that immediately following that vote, Senator DOMENICI be recognized to offer an amendment regarding mental health, which was previously listed as a Wellstone amendment, and that the preceding occur without any intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I strongly support the amendment of the distinguished Senator; the amendment to my amendment. I hope we adopt it unanimously by a large, overwhelming vote, and hopefully we will be able to move forward. It is an amendment that would confirm that insurers have to allow 48 hours for delivery of a child by a mother in the hospital, 96 hours for cesarean section. The Senator's changes are merited and important. It is a pleasure to work with him. I look forward to the 5:35 hour so that we can vote. Maybe we can move sooner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The hour of 5:35 having arrived, the question is on agreeing to the amendment of the Senator from Tennessee. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—2

Hatfield
Murkowski

The amendment (No. 5193) was agreed to.

AMENDMENT NO. 5192, AS AMENDED

The PRESIDING OFFICER. The vote now occurs on the Bradley amendment as amended. The question is on agreeing to the amendment.

The amendment (No. 5192), as amended, was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5194

(Purpose: To provide health plan protections for individuals with a mental illness)

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to offer an amendment.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I just wanted to tell the Senators this is going to be the Domenici, Wellstone, et al., amendment that we have voted out here before on mental illness. I do not believe we are going to take more than 40 minutes on the entire amendment. We will ask for the yeas and nays. I would just like to make sure everybody understood that.

Shortly, I am going to send to the desk an amendment on behalf of myself, Senator WELLSTONE, and a number of Senators who have asked to be cosponsors, including Senator SIMPSON, CONRAD, KENNEDY, INOUYE, REID, DODD, GRASSLEY, KASSEBAUM, BURNS, HARKIN, and MOYNIHAN, and I send the amendment with the cosponsors to the desk and ask for its immediate consideration. I ask Senator CHAFEE be added, and Senators HATFIELD and DORGAN also.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. WELLSTONE, Mr. SIMPSON, Mr. CONRAD, Mr. KENNEDY, Mr. INOUYE, Mr. REID, Mr. DODD, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. BURNS, Mr. HARKIN, Mr. MOYNIHAN, Mr. CHAFEE, Mr. HATFIELD and Mr. DORGAN, proposes an amendment numbered 5194.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE ___—MENTAL HEALTH PARITY

SEC. ___01. SHORT TITLE.

This title may be cited as the "Mental Health Parity Act of 1996".

SEC. ___02. PLAN PROTECTIONS FOR INDIVIDUALS WITH A MENTAL ILLNESS.

(a) PERMISSIBLE COVERAGE LIMITS UNDER A GROUP HEALTH PLAN.—

(1) AGGREGATE LIFETIME LIMITS.—

(A) IN GENERAL.—With respect to a group health plan offered by a health insurance issuer, that applies an aggregate lifetime limit to plan payments for medical or surgical services covered under the plan, if such plan also provides a mental health benefit such plan shall—

(i) include plan payments made for mental health services under the plan in such aggregate lifetime limit; or

(ii) establish a separate aggregate lifetime limit applicable to plan payments for mental health services under which the dollar amount of such limit (with respect to mental health services) is equal to or greater than the dollar amount of the aggregate lifetime limit on plan payments for medical or surgical services.

(B) NO LIFETIME LIMIT.—With respect to a group health plan offered by a health insurance issuer, that does not apply an aggregate lifetime limit to plan payments for medical or surgical services covered under the plan, such plan may not apply an aggregate lifetime limit to plan payments for mental health services covered under the plan.

(2) ANNUAL LIMITS.—

(A) IN GENERAL.—With respect to a group health plan offered by a health insurance issuer, that applies an annual limit to plan payments for medical or surgical services covered under the plan, if such plan also provides a mental health benefit such plan shall—

(i) include plan payments made for mental health services under the plan in such annual limit; or

(ii) establish a separate annual limit applicable to plan payments for mental health services under which the dollar amount of such limit (with respect to mental health services) is equal to or greater than the dollar amount of the annual limit on plan payments for medical or surgical services.

(B) NO ANNUAL LIMIT.—With respect to a group health plan offered by a health insurance issuer, that does not apply an annual limit to plan payments for medical or surgical services covered under the plan, such plan may not apply an annual limit to plan payments for mental health services covered under the plan.

(b) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed as prohibiting a group health plan offered by a health insurance issuer, from—

(A) utilizing other forms of cost containment not prohibited under subsection (a); or

(B) applying requirements that make distinctions between acute care and chronic care.

(2) NONAPPLICABILITY.—This section shall not apply to—

(A) substance abuse or chemical dependency benefits; or

(B) health benefits or health plans paid for under title XVIII or XIX of the Social Security Act.

(3) STATE LAW.—Nothing in this section shall be construed to preempt any State law that provides for greater parity with respect to mental health benefits than that required under this section.

(c) SMALL EMPLOYER EXEMPTION.—

(1) IN GENERAL.—This section shall not apply to plans maintained by employers that employ less than 26 employees.

(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

(C) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

SEC. ___03. DEFINITIONS.

For purposes of this title:

(1) GROUP HEALTH PLAN.—

(A) IN GENERAL.—The term "group health plan" means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974) to the extent that the plan provides medical care (as defined in paragraph (2)) and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

(B) MEDICAL CARE.—The term "medical care" means amounts paid for—

(i) the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body,

(ii) amounts paid for transportation primarily for and essential to medical care referred to in clause (i), and

(iii) amounts paid for insurance covering medical care referred to in clauses (i) and (ii).

(2) HEALTH INSURANCE COVERAGE.—The term "health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

(3) HEALTH INSURANCE ISSUER.—The term "health insurance issuer" means an insurance company, insurance service, or insurance organization (including a health maintenance organization, as defined in paragraph (4)) which is licensed to engage in the business of insurance in a State and which is subject to State law which regulates insurance (within the meaning of section 514(b)(2) of the Employee Retirement Income Security Act of 1974), and includes a plan sponsor described in section 3(16)(B) of the Employee Retirement Income Security Act of 1974 in the case of a group health plan which is an employee welfare benefit plan (as defined in section 3(1) of such Act). Such term does not include a group health plan.

(4) HEALTH MAINTENANCE ORGANIZATION.—The term "health maintenance organization" means—

(A) a federally qualified health maintenance organization (as defined in section 1301(a) of the Public Health Service Act),

(B) an organization recognized under State law as a health maintenance organization, or

(C) a similar organization regulated under State law for solvency in the same manner and to the same extent as such a health maintenance organization.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

SEC. 04. SUNSET.

Sections 1 through 3 shall cease to be effective on September 30, 2001.

SEC. 05. Federal Employee Health Benefit Program. For the Federal Employee Health Benefit Program, sections 1 through 3 will take effect on October 1, 1997.

Mr. DOMENICI. Mr. President, first, I thank Senator WELLSTONE early on in the debate on this bill that is pending. He had the good sense to put the amendment in, and, thus, it became relevant under the unanimous-consent decree.

I thank him for his generosity in permitting me to call up his amendment, which is commonly known as the Domenici-Wellstone amendment. I am not going to take a lot of time. The U.S. Senate has heard me argue this issue a number of times.

I do believe in the 5 weeks that we have been gone—many of us at home—I think a lot of U.S. Senators and a lot of House Members have been approached in their respective States and districts with reference to the need to adopt this amendment and to make it part of the substantive law of this land.

I am counting on that, because I believe the U.S. Senate will adopt it by a rather overwhelming margin. But I do want to say to those who wonder whether or not we are just offering an amendment again that has passed and then did not see the full rising Sun and the beauty of daylight as a piece of legislation because the House had denied it in conference, that we clearly intend for the U.S. House to take a very serious look at this, even though it is in a conference and they have already passed the HUD and independent agencies bill.

I believe before this bill is finally conferenced that there will be many House Members on both sides of the aisle who will indicate their support. How we will go about doing that within the technical rules of the U.S. House, I am not prepared yet to discuss, but a number of House Members, both Republican and Democrat, want to help us get this amendment before the President as part of this appropriations bill.

Having said that, let me make sure that Senators and that those out in the audience, called America, whether it is families of severely mentally ill young people, or whether it is small businesses, or whether it is big businesses in the United States, this amendment is not the bill that passed that brought concern as to the cost to business. This is a very simple proposition.

This bill, let me make it clear, does not mandate mental health services or determine charges. It does not require parity for copayments and deductibles. It does not require parity for inpatient hospital stays or outpatient limits.

This amendment, as presented, does not cover substance abuse, and it does not cover chemical dependency. It excludes Medicare and Medicaid, to be handled separately in legislation with reference to those statutory benefits. It allows for managed care and mental health carve-outs, does not apply to individual health coverage, and exempts small businesses with 25 or fewer employees.

So I guess with that clearly understood, one might ask, what does it do? Essentially, this is a compromise to begin down the path of parity and nondiscrimination for the mentally ill people in this country who have health insurance. It does just two very fundamental things.

The aggregate lifetime coverage on an insurance policy and the annual payment limits, Mr. President, must be the same for mental health coverage as for the physical health coverage.

In simple terms, if heretofore you bought an insurance policy and it covered mental health, with whatever conditions are attached—normally down here well into the policy it would say the aggregate lifetime coverage is $50,000, and up here in the bolder print it might say the coverage for everybody in this policy, not otherwise provided for, is $1 million. So if you get sick from cancer or a heart condition or tuberculosis or, God forbid, any of the serious illnesses, the lifetime coverage is $1 million under that policy.

But if you get schizophrenia when you are 16 or 18, which is within the age, between 17 and 32 or so, you might get that dread mental disease, this policy that I was just alluding to that is out there now would say mental health is covered, mental illness, but it would say for that one, you only get $50,000 worth of aggregate lifetime coverage.

This Domenici-Wellstone amendment says that will not be legal anymore, for it says if you choose to write that policy or if you choose to buy coverage as a big company and you buy a $1 million aggregate coverage for your employees for their illnesses, then if you want to cover them for mental illness, you have to cover them lifetime for $1 million also.

And if the annual payment limit, for those are common also —you may have a $1 million aggregate for your lifetime, but it may only cover $50,000 a year as the annual, or $100,000—it says that figure, too, for the annual limits has to be the same for the coverage provided for mentally ill people as for others with physical ailments covered in an insurance policy.

Frankly, Mr. President, I say to my fellow Senators, from where we started, I will confess to everyone, this compromise truly—truly—dramatically reduced our expectations and our hopes. But we understand. We have dramatically reduced the scope.

We understand that the first bill that cleared the Senate with 68 votes required the same exact coverage for the mentally ill as you provide for anyone else, for other illnesses. And we understand there was a concern about that in terms of how much it might cost. There was some concern expressed about what kind of treatment is treatment of the mentally ill. Is it just an ordinary visit to a psychiatrist because you have marital difficulties or because you have a very temporary kind of depression?

So what we decided to do was to scale back our desire and our hope for parity for this very important part of the American population and say let us get started by eliminating the hoax that exists in many cases where mentally ill people think they have coverage, but when you look at the fine print, the aggregate lifetime coverage is so small as compared to the coverage for other illnesses that, in many cases, it is a shock to those who have a family member who comes down with manic depression or severe depression or schizophrenia or one of the bipolar illnesses.

So we, to make it clear again, do not mandate the copayments. If you want to differentiate by having different copayments for mentally ill people and the coverage you provide, that is your privilege, that will be negotiated. That will be there in big companies as they work out how they are going to cover people. We do not mandate that parity to go down that far. We say just parity at the top, parity for the aggregate and parity for the aggregate annual.

We are starting down a path of at least beginning to understand that there are indeed millions of Americans who have members of their family with these dread diseases. Believe you me, the stereotype of old as to how these happen, where they come from, are all out the window. They did not come because a mother mistreated a child. They did not get schizophrenia because somebody neglected them for 10 years. These are very, very serious illnesses of the brain. Someday we will tie those down into very, very understandable physical treatments with medicines and other things which are already making dramatic, dramatic progress for this part of our population.

So we have a chance to just send a little ray of hope to the millions of American people, hundreds of thousands of families who have this kind of situation that heretofore your companies, if they are insuring you and your family through your employment, if they cover you for mental illness, then it will not be trivial coverage, it will not be a scaled-down coverage so insignificant that it hardly, hardly deserves being called coverage, because if you get schizophrenia or one of your children do or they get manic depression or they become seriously depressed where it becomes chronic for any period of time, anybody in this room knows those $50,000 lifetime limits do not cover it at all no more than they would cover for somebody who is desperately ill with cancer and needs 10 operations and chemotherapy and 6 months in the hospital. That $50,000 would be gone in 5 months or 3 months.

So we get a little bit of what we call parity. And we move just a little bit further away from the rampant discrimination that besets coverage for the mentally ill men, women, teenagers, young people across this land.

I repeat, when you vote for this tonight, many of you will have heard—many of the men and women in the Senate on their trips home and certainly many House Members in their districts will have heard from the Alliance for the Mentally Ill, thousands and thousands of their members. I have already run into two Senators who met their membership at home. And some were joking, I say to Senator WELLSTONE, because they seem to say your name right but they seem to say my name wrong. So they say you have to support that "Dominichi"-Wellstone bill. But that is all right just so long as we all understand what it is.

So Mr. President, at this point I am going to yield to Senator WELLSTONE. But I am wondering if we could get a time agreement to satisfy—we have a second-degree amendment being offered here. Before I agree to a time agreement, I want to see it. So I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will be relatively brief because I know there are several other Senators who want to speak tonight. Senator KENNEDY has spent many of his years as a Senator fighting on behalf of parity and fairness for people struggling with mental illness, and others.

Mr. President, on April 18 of this year, 68 Senators voted for our amendment. This was really an amendment that said we ought to end the discrimination. There ought to be full parity for the treatment of mental illness in our country. I think what the Senate was saying—68 Senators, which is really a significant vote—was that for too long the stigma of mental illness has kept many in need from seeking help and for too long it has prevented policymakers from providing the help. We heard from a number of Senators who spoke in very personal terms about their own families and their own experiences—Senator CONRAD, Senator SIMPSON, and Senator DOMENICI.

Mr. President, their testimony was eloquent and powerful. But in addition I want to point out tonight that there are also very sound policy reasons for supporting this amendment. I will not describe our amendment. Senator DOMENICI has already done so. But I do want colleagues to know that it is just an incremental step forward, but a significant one.

What we are saying is that when it comes to lifetime caps and annual caps, at least have parity there so that we do not have a situation where there is a million-dollar cap for someone who is struggling with cancer or heart disease and then you find out that if someone is struggling with mental illness all together it is a $40,000 cap or an annual cap of only $10,000.

This amendment would really help many families in our country who right now, given the present arrangement, which is an arrangement of discrimination and stigma, just face economic catastrophe. People just go bankrupt. People go under all too often.

So, Mr. President, this amendment is incremental. It is not full parity, but it would be an enormous step forward. As I said, it is not just the personal stories. Certainly I could talk about this tonight in very personal terms. We have done that already. But there are sound policy reasons. The MIT Sloan School of Management reported in 1995 that clinical depression costs American business $28.8 billion in lost productivity and worker absenteeism.

In addition, there are too many people in prison who should not be. There are too many children who could be doing well in school who do not do well. There are too many families under tremendous strain that do not need to be under so much strain. I mean, in many ways we talk so much about the importance of supporting families.

If we could pass this amendment tonight with a huge vote, and then work hard and get the support in the House—and I think we will. Senator DOMENICI is right, so many families and so many people who have struggled with this have been active. One of the things that has changed through organizations like the National Alliance of the Mentally Ill and others is that people no longer will accept the idea that because they have to struggle with mental illness they are somehow women or men of less worth or less substance or less dignity. People are speaking up for themselves.

I think if we get a really strong vote tonight—and I think we will—I think you will see many of those families working hard with Members of the House and we will pass this. And we should, Mr. President. It would make an enormous difference.

I said to my colleague, Senator DOMENICI, and I have said to other friends as well, that the only thing that troubled me that evening—I will never forget; I was very proud to be a part of this—was that at the very end the expectations of all of the people that had just risen, the hopes would just be dashed and people would end up just being devastated and discouraged and feel like it all was for naught.

We did not make it on the insurance reform bill, but this is not just a symbolic exercise tonight. We are hoping to get a huge vote from Republicans and Democrats alike. I think we have the support for this. Then we are hoping that in conference committee this stays in and this becomes the law of the land. It is not full parity, it is just incremental, but what a difference it would make. What a difference it would make for families that are struggling with mental illness. Mr. President, what a difference it would make.

I do not guess this is the most important reason, but what a difference it would make for all of the families that now are speaking for themselves and talking to Senators and talking to Representatives.

I see Senator CONRAD, and I talked about what the Senator said on the floor on April 18. I said I would never forget those words. I see he is here to speak. I do not want to cut into the time of others.

However, I think it is only old data and old ideas that have kept us from covering mental health the same way we cover other real illnesses, whether they are acute or chronic. Congress should pass this. The Senate should pass this amendment. We should pass it by a huge margin. It is a necessary and affordable step toward ending the stigma and discrimination against Americans suffering from mental illness.

Let me repeat one more time: This vote tonight, the larger the margin the better, will be a necessary and affordable step that we as Senators have taken toward ending the stigma of discrimination against Americans suffering from mental illness. Colleagues, Democrats and Republicans alike, to take that step is no small accomplishment.

I yield the floor.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Sarah Vogelsberg, a fellow in my office, be given the privilege of the floor during the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, few forms of discrimination are crueler, more counterproductive, and more widespread than those inflicted on the mentally ill and their families. Lack of adequate insurance coverage for the severely mentally ill is a major factor leading to homelessness—and hopelessness. Illness is a tragedy for any family. Mental illness is a triple tragedy because the inevitable strain of coping with the illness is compounded by the unfair stigma associated with the illness and the lack of adequate insurance coverage to make treatment affordable.

Five million Americans suffer from serious mental illnesses every year. Few Americans do not have a family member, a friend, or a coworker, who has been touched by these tragic illnesses.

The financial burden of serious illness can be crushing, whether the illness is mental or physical, whether schizophrenia, heart disease, or cancer. For the majority of Americans, health insurance provides protection against the cost of treating heart disease, cancer, or other physical diseases, but this protection is shamefully less available for mental illnesses. There is no discrimination in insurance coverage against victims of heart disease or cancer, but there is vast discrimination against those afflicted with mental illness, and it is time for Congress to end it.

Every year, one in five Americans is afflicted by severe mental illness. Even mental illnesses that are less severe in the sense they are not chronic or do not have a clear biological basis can be devastating to individuals and families. Transient depression can lead to suicide. Mental health problems can result in divorce, child abuse, job loss, failure in school, delinquency, and substance abuse. The health costs of treating severe mental illness is $27 billion a year. The total cost of treating all mental illness is $70 billion a year.

Even these figures are far from reflecting the true cost of mental illness because such illnesses are often inappropriately treated in the health care system at a high cost with poor outcomes. It is estimated that adequate treatment for mental illness would save 10 percent of overall medical costs.

And these are only the direct costs. The indirect costs of severe mental illness—lost productivity, disability, and premature death—exceed $40 billion a year, and the indirect costs of all mental illnesses are far higher than that.

Mental illness is treatable and often curable. And treatments are becoming more effective every year. In fact, treatment for even very severe mental disorders is more effective than angioplasty, one of the most common treatments for heart disease.

Yet, insurance discrimination against mental illness is rampant, despite the fact that mental illness can be as devastating as any physical illness, despite the fact that good mental health care can actually save money, despite the heavy burden that mental illness places on millions of Americans and their families. Only about 11 percent of all employer-sponsored health plans cover treatment of mental illness as generously as treatment of other illnesses. Two-thirds of such plans place dollar limits on outpatient treatment. Eighty percent have more restrictive hospital coverage for mental illness.

Senator DOMENICI and Senator WELLSTONE offered a landmark amendment to end this injustice when the Kassebaum-Kennedy health insurance bill was considered by the Senate. Their full parity role made sense.

Five States have already adopted comparable laws. None has experienced significant cost increases as a result. If it works for Maryland, Minnesota, Maine, Rhode Island, and New Hampshire, it can work for the rest of the country.

Here is what the Governor of New Hampshire said:

> In the 2 years since I signed this bill, this has proven to be an affordable and effective piece of legislation. . . I urge you to pass similar health reform legislation on the national level.

The Governor of Minnesota said:

> Since the enactment of [our] law, there has not been a significant cost increase . . . I encourage you to support the Domenici-Wellstone amendment.

The Governor of Maine said:

> Our experience with serious mental illness has indicated that providing responsive and supportive coverage upfront . . . is not only the proper public policy, but also has positive economic impact with very little upfront costs for our State.

The Domenici-Wellstone amendment, as has been pointed out, was approved by the Senate by an overwhelming 68–30 bipartisan vote. President Bill Clinton urged that it be enacted into law. Unfortunately, it was dropped in the House-Senate conference because of the opposition of our House Republican conferees.

Now on this bill we have another chance to do the right thing. The pending amendment is a compromise—a worthwhile downpayment on this basic issue. Under the amendment, the annual dollar limit and lifetime dollar limit for mental health services covered by insurance could not be less than the limits set for other health services.

The amendment does not address many other special limits often imposed on mental health services, such as higher copayments, limits on outpatient visits, or limits on hospital days. Like the original amendment, it does not limit in any way legitimate cost containment steps to assure that care is necessary and effective.

The cost of this amendment is minimal. At most, it may lead to a rise of four-tenths of 1 percent in health insurance premiums, according to the Congressional Budget Office. Other analyses estimate the costs may even be lower. And none of these cost estimates take into account the savings that better mental health care will provide.

Opponents contend this proposal is an unjustified interference with the rights of employers. We heard the same objections to the minimum wage, to laws outlawing racial discrimination in employment, to the Americans With Disabilities Act, and to child labor laws. The opponents were wrong then, and they are wrong now.

Americans with mental illnesses and their families deserve a simple justice from employers, from the health insurance industry, and from their Government. This is the Congress that can begin to show the common sense, the compassion, and the basic fairness that the mentally ill and their families deserve. I urge the Senate to adopt this amendment.

I join in paying tribute to my two colleagues and friends, Senator DOMENICI and Senator WELLSTONE for their efforts. They have fought long and hard to make this amendment a reality. Every family that will ever have a loved one who will need mental health care is in their debt. I also want to mention Tipper Gore, the Vice-President's wife, who has done so much to increase understanding of the need to improve mental health coverage and has worked so hard for mental health parity. Finally, President Clinton's untiring efforts in this cause deserve special commendation.

I urge the Senate to adopt this amendment—and I urge the Senate conferees to hold firm this time, so that the House extremists will fail, and that this long overdue measure will go to the President for signature.

This amendment has a special meaning for me and my family. In 1963, the first Presidential message on mental illness in history was sent to the Congress by President Kennedy. This message resulted in the passage of the first program to establish community mental health centers and provide community-based services for the mentally ill. And I am proud that, as chairman of the Committee on Labor and Human Resources, I had the opportunity to send to the full Senate President Clinton's Health Security Program, providing for full parity and comprehensive coverage of mental health services for every American. I believe the day will yet come when we will enact a program that assures the basic human right to health care for every American, whatever their wealth—and whatever their illness.

Mr. President, this Senate owes a great sense of appreciation to our two colleagues for fighting for this modest but enormously significant and most important program. I hope it will be carried by an overwhelming margin.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I want to join my colleague, Senator KENNEDY, in commending Senator DOMENICI and Senator WELLSTONE for offering this amendment.

The Senate has concerned itself with this issue several times in the past. Previously, when Senator DOMENICI and Senator WELLSTONE offered this amendment—a much broader amendment than this one—we got 68 votes on the floor of the U.S. Senate. In the reconciliation bill, I had this passed in the Finance Committee, and it passed on the floor of the Senate on reconciliation. So the Senate has considered a much broader version of mental health parity than we are considering tonight. This only relates to parity on lifetime and annual caps for mental illness. It is a small part of the parity provision that previously passed with an overwhelming vote on the floor of the U.S. Senate.

Now, Mr. President, this is a beginning. It is an important beginning, and we ought to make the start. It is the right thing to do. We ought to treat a mental illness in the same way that we treat a physical illness.

Mr. President, the last time I spoke on this matter before my colleagues, I talked about an experience I had when I was the assistant tax commissioner in the State of North Dakota. We had a receptionist who was struck by a mental illness. I recounted her case. I don't want to take the time of my colleagues tonight to repeat the specifics of that matter, but I will simply say that she was a young, vibrant woman, who one day was healthy—perfectly healthy, radiantly healthy—and the next day she thought the pictures on the walls were talking to her. Her life was badly damaged. In fact, she ultimately tried to take her own life.

Mr. President, it was in dealing with that case that I learned that, in this country, insurance policies frequently discriminate against those with mental illness. And it is a very serious matter, this matter of discrimination, because if you are so unfortunate as to have a loved one or a family member or, God forbid, you yourself are stricken, you will quickly find out that the coverage in most policies is dramatically different for a mental illness than a physical illness.

For example, annual caps, typically, for mental illness are $10,000 a year. For physical illness they are $100,000 or $250,000 a year, which is a dramatic difference. Believe me, if you are part of a family that has this awful thing happen to you, and you are up against those kinds of limits, you will find out very quickly that this can drain your family's finances. This can be devastating, not only in terms of the personal tragedy, but in terms of the financial tragedy that follows, as well.

Mr. President, this is a modest proposal. According to CBO, on average, this would increase health insurance premiums by .16 percent, not 16 percent, not 1.6 percent, but .16 percent.

Mr. President, this is the right thing to do. We ought to take this step. I hope my colleagues will join in on a bipartisan basis in passing the Domenici-Wellstone amendment. I thank the Chair and yield the floor.

Mr. SIMPSON. Mr. President, I am very proud to be a cosponsor of the Domenici-Wellstone amendment, which provides for just a small measure of mental health "parity." I am also a cosponsor of the freestanding bill, S. 2031, the Mental Health Parity Act of 1996, which was introduced on August 2. I am—and will remain—deeply committed to this cause. I sincerely believe that the manner in which we address this singular issue will speak volumes about the true nature of the 104th Congress.

I want to emphasize as clearly as I can that this amendment does not ask for anything grand or far reaching. It would merely require health plans to provide parity with respect to lifetime caps and annual payment limits. In other words, if an existing health plan has a lifetime cap or an annual limit on what it will spend for medical or surgical services, that plan must either include services for mental illness in that total or have a separate ceiling for mental illnesses that is no more restrictive than the ceiling for medical and surgical services.

This very limited proposal would apply only in these two areas—for lifetime caps and for annual payment limits. It would not require "parity" for copayments or deductibles or any other aspects of health coverage.

Considering that the Senate has previously voted—on April 18, by a margin of 68 to 30—for an amendment that would have required a much more sweeping version of mental health "parity," it surely seems to me that the pending amendment—which is so very limited in scope—should pass by an even larger vote. I would look forward to that.

But those of us who have been involved in this cause have learned not to take a thing for granted. Even if we are to win this vote, we know that we will confront myriad further roadblocks as this measure works its way though the legislative process in the remaining weeks of this session.

I still have a bit of a hollow feeling about our failure to include this reasonable compromise in the health insurance reform bill. In a bill that was so packed full of "mandates"—which is exactly what the health insurance bill consisted of—somehow this mental health provision was singled out as some terrible mandate that would "cost too much."

As much as I don't want to believe this, my gut instincts tell me that this outcome most surely had something to do with discrimination against the mentally ill. This Congress should not make this mistake a second time. I urge my colleagues to support the pending amendment.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise with a heavy heart to address this subject. I say heavy heart because no one could fail to be moved by the very eloquent statements that the distinguished Senator from New Mexico has made on this floor concerning this problem, both now and in the past. He has brought to light the problem that, I think, affects many Americans and has focused our attention on a very difficult aspect of the current health care policy.

On the major tenet that suggests that there are differences in coverage in this area, I must say, the Senator is exactly right. That certainly conforms with my understanding. There are differences in coverage with regard to mental health. He has eloquently put the case that many of the citizens who suffer from these infirmities suffer tremendous consequences because of the lack of insurance coverage in that area. I think he has done an excellent job in articulating the difficulties visited upon their families, not only because of the illness, but because of the nuances in the insurance policies.

Why would one rise to voice concerns? It is simply this, Mr. President. As this body requires coverage, or in this case sets limitations, fixes limitations, what we also do is not only help people out who are on the receiving end, but we establish the precedent that it is for the Government to decide what kind of coverage you purchase, not the person who is paying for it.

Mr. President, let us be very specific. If this amendment passes, consumers will be denied the right to pick the terms of coverage, or negotiate the terms of coverage they wish with an insurance company. We will have had the Government make that decision and not the consumers. Now, I put it to Senators that it is important for consumers to have choices. I must say that I think it is commendable that the Senators' underlying amendment does not mandate the mental health coverage. It still leaves that open. I do hear—and I think he and others have acknowledged it—that it may have a tendency to have people drop mental health coverage from their policies, if this passes in its present form.

What we do if we pass this is say that consumers are no longer allowed to make a choice as to the limitations on the mental health coverage that they purchase. What we are saying is, you are going to have to buy a policy that will conform with these guidelines, even though you don't want to. Now, Mr. President, I believe that consumers ought to retain that choice. I believe it is fair to require people to offer coverage, with the commensurate costs that it may involve, but I don't think it is appropriate for us to take that decision away from consumers. Thus, Mr. President, I do rise with an amendment that I think clarifies the issue.

AMENDMENT NO. 5195 TO AMENDMENT NO. 5194

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 5195 to amendment No. 5194.

At the appropriate place in the amendment, insert the following:

Notwithstanding the provisions of this title, consumers shall retain the freedoms to choose a group health plan with coverage limitations of their choice, even if such coverage limitations for mental health services are inconsistent with section 2 of this title.

Mr. BROWN. Mr. President, the amendment is very simple and it is very direct. It simply retains the matter of choice in the consumer. If you think the consumer ought to be able to purchase the protection that they wish, you will want to vote for this amendment because it makes it clear that consumers can end up making that choice themselves. If you wish to deny the consumer the right to purchase the coverage that they prefer, you will want to vote against the amendment.

Mr. President, I think underlying this is a very important principle. Should we force people to buy coverage they do not want to buy? There are good arguments on both sides, incidentally. I will certainly concede that. I will concede that the case the distinguished Senator from New Mexico brings for his amendment is one of the most heart-rending and eloquent presentations I have ever listened to.

So, Mr. President, I also believe it is important in this land of freedom to retain freedom of choice for consumers. Thus, I offer my amendment here on the floor.

Mr. DOMENICI. Mr. President, I do not know if there are any other Senators who want to speak in behalf of the Domenici-Wellstone, et al., amendment. I understand the Chair would like to speak. I will personally relieve him shortly so he can speak. But let me make a comment about the Brown amendment, after which I will move to table it once Senators who want to speak have had an opportunity to do so.

Let me just make a case here. Fellow Senators, we just passed a Kassebaum-Kennedy health reform bill. What did we say in it with reference to preexisting conditions? We said insurance companies can no longer deny coverage because of preexisting conditions. We could have had a distinguished Senator like the Senator from Colorado—and he is distinguished—come to the floor and say, "But we ought to have the consumers retain the right to choose." So we could offer an amendment here that would have said it. But we need to protect the consumers' choice.

So we are saying you have to do this; you have to cover the preexisting conditions, but the consumer ought to have the choice, and he ought to be able to opt out. You see what that did. Nobody dared do it—not even my distinguished friend from Colorado—because that produced what we all call cherry picking. It permits people to offer coverage at the lowest possible rate denying coverage to many, many people and leaving those to somebody else.

I cited here on the floor where cherry picking came from. I thought it came from the basketball player where, when the fellow didn't want to get into the game of getting rebounds, he stood out on the side over there and let the other people do all the work. And he would run down, and they throw him the ball, and he would get to cherry pick the basket.

What the Senator is doing here in this amendment, which sounds great, is he is taking a provision that we are offering that says simply the following: If an insurance company chooses to cover mental health—let me repeat; if they choose to cover mental health. Implicitly they do not have to cover mental health. I would assume they will offer policies without coverage for mental health. I assume that exists today. It will exist tomorrow. It will exist a year from now if this becomes law. Companies will offer policies with no mental health coverage, and that is available for those consumers who want to choose that. But it will also offer mental health coverage. All we are saying is, if you choose to offer that coverage, then you must offer two things—only two things: The annual amount to be paid for the illness and treatment must be the same for physical as for severe or mental illness. You can't have two different annual payments. As to the lifetime aggregate coverage, you cannot have two different ones, if you cover mental health.

So, in a sense, I say to my fellow Senators, this choice is already provided for because insurance companies are going to provide ample choice. They are going to say we are not covering mental health. Would you like to buy that kind of policy? We are only saying if they choose to cover mental health that these two characteristics, qualities, must be present.

If the Senator chooses to say, for those companies that choose to write insurance policies that have mental health and, therefore, have this kind of coverage, people ought to be able to say, "I opt out of a portion of it." Then I submit we are right back where we started where we do not have coverage for the mentally ill because people who do not have any problems will opt out of it, and there will not be coverage under even those cases where policies have it expressly because the decision has been made—because the decision has been made—to include it.

So from my standpoint, I will very soon move to table this. I say to everyone that I think, if it were adopted and implemented literally, I believe we will have done away with the kind of coverage we seek to provide within the confines of a policy that the offset chooses—coverage for mental illness.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Very briefly, I say openly that I could go through in a kind of logical way all of the specifics of it. But I believe the amendment of my good friend from Colorado guts this amendment in the second degree. I think what he most objects to is the idea of any kind of standard. We just voted on a standard. That is what we just did. That is the vote we just took. It was 98 votes where we said, "Look, when it comes to the whole issue of the mother-child, we want to make sure there is at least a 48-hour period of time." That is what we just did. We are now saying in a very incremental way that when it comes to the mental health area we ought to deal with this discrimination and we ought to make sure that, at least with the lifetime or annual caps, you have some parity. If you begin to say, "I am all for the plans, but I do not want to have a situation where in fact there has to be in mental health coverage an equality with caps," then you move away from the whole strength of this.

So this is the opposite of the perfecting amendment. This amendment guts this legislation. I hope that it will be defeated resoundingly.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Colorado.

Mr. BROWN. Mr. President, if I could, I would like to address the comments of the two previous speakers.

With all respect to my good friend from Minnesota, let me suggest that the vote we just had, at least in my view, is not quite the same as he implied. The record vote we just had was on the Frist amendment that perfected the Bradley amendment. I voted for that because it did improve the Bradley amendment. I certainly would confess to the Senator with regard to the underlying Bradley amendment that there are significant similarities, and I think he makes a valid point there. One difference, I might point out, is the cost differential for that very modest step, first, I might say, which is something that I hope would be in all policies, which is dramatically different than what I believe the cost impact with regard to the mental health coverage is.

Second, Mr. President, with regard to the statement of the distinguished Senator from New Mexico with regard to his point in regard to choice being still present, if his amendment passes, I think that is a valid point if either choice is retained. Unfortunately, the choice, though, as to whether or not you have any mental coverage, if you do not want to go with the higher limit, you have to drop all coverage, this amendment would make it clear that you retain the choice as to the level of coverage. I think that is the crux of it.

Why is that significant? It may be possible to afford 10,000 dollars' worth of coverage, or 100,000 dollars' worth of coverage, or 1 million dollars' worth of coverage. But it may not be possible to pay for $10 million of coverage. Does that mean, if you can't go with the higher level, that you are not allowed to have any choice at all? Unless the Brown amendment passes, the second-degree amendment, that is exactly what it means. If the Brown amendment passes, it means that you are allowed to have choices as to the coverage levels you may wish for mental health.

It seems to me that is fundamentally a question of choice and an important part of it. And it is vital for our consumers to retain that option.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I have listened to this debate with great interest. I find myself philosophically agreeing with the Senator from Colorado about the issue of choice, but I intend to oppose his amendment because it ignores the reality of our current health care structure and raises an issue that I have raised before and will raise again and again and again as we deal with the health care circumstance.

He uses in his amendment the word "consumers." The fact is that consumers do not buy health insurance. Individual consumers do not buy health insurance except in very rare cases. Companies buy health insurance. Employers buy health insurance.

In my view, that is one of the main things that is wrong with our health care system, that individual consumers are not allowed choice. We are forced to take whatever our employers decide to choose on our behalf.

I have said on this floor before I had a better health care plan before I came to the Senate than I have now. Why? Because the employer for whom I worked did a better job from my point of view than the U.S. Government does in choosing plans. If I were an individual consumer buying health care the way I buy an automobile, I would have chosen to bring that health care plan with me when I came from one employer to the other employer. But because of the way our health care system is structured, we are not allowed to do that. We, as individual consumers, are not allowed to make those kinds of choices. So let us understand that when the Senator from Colorado talks about consumers making choices, he is using the language of the marketplace that simply does not apply in health care.

We had a long battle on this floor for many weeks over the idea of allowing individuals to set up savings accounts from which they could purchase health services. We finally had a compromise saying that we would only allow 750,000 people to do that. If we cannot find a more dramatic statement than that fact that underlies that consumers, that is, individuals, are not allowed to make these kinds of decisions, then I do not know where we would find a more dramatic statement.

I would like in coming Congresses to restructure the system around medical savings accounts and around consumer choice. I think that is the ultimate solution, and if we get to that point, then I think we can consider the amendment of the Senator from Colorado. But when we are stuck with the circumstance we are stuck with now where decisions are made by somebody other than individuals, I think the amendment of the Senator from New Mexico is an appropriate one, and I intend to oppose the second-degree amendment and support the amendment of the Senator from New Mexico.

Mr. BROWN. Will the Senator yield for a question?

Mr. BENNETT. I would be happy to yield for a question.

Mr. BROWN. It is my understanding the Senator has favored letting employers give employees choices. Would I be fair and accurate in saying that, if the DOMENICI amendment passes, it would preclude employers offering, making available to their employees a choice as to the various levels of mental health coverage if they differ?

Mr. BENNETT. It is my understanding, in response to the Senator's question, that an employer would not be precluded from offering whatever he wanted. From my own experience as an employer, let me describe to the Senator what we offered to our employees. Under the cafeteria plan proposal, we say to our employees that we have x number of benefit dollars. You tell us how you want us to spend them on your behalf. And under a cafeteria plan approach—a 125(c) plan, I think it is described in the Tax Code—an employer could say, here is a mental health care plan of x amount of coverage. Here is a mental health care plan of y amount of coverage. Here is a mental health care plan of z amount of coverage. And here is a physical health care plan of x amount of coverage, and you get to pick.

The employee under those circumstances could say, "I want $10,000 of coverage in mental health care under this plan, and as a second option, I want a plan that has $1 million worth of physical coverage."

Yes, I get, in effect, the same thing the Senator is talking about, but I have to buy two plans to do it and there is nothing in the current law or nothing in the Domenici-Wellstone amendment that would prevent an employer from offering that kind of circumstance.

Mr. BROWN. To follow up, if I may, my understanding of the reading of the Domenici amendment is that he does exempt from these limitations restrictions to small employers. That, I think, is a commendable aspect of his amendment. But I do not see an amendment that provides the exemption that the Senator just talked about. As a matter of fact, the way I read the amendment—and perhaps the Senator will want to clarify it or set me straight on it—the way I read it, it says precisely that you cannot do what the Senator describes, that you cannot have a plan that has $1 million for physical coverage and $100,000 for mental health coverage.

Mr. BENNETT. You cannot have a single plan that has that discrimination, but if under a 125(c) cafeteria plan you say we are going to offer separate plans and you buy both, you could get that effect if the employee made that kind of choice.

Mr. BROWN. I appreciate the Senator making that point. I think it is a very important point, that you do retain that option at least in the cafeteria plan.

Mr. BENNETT. That is right. An employer who does not have a cafeteria plan would not face that option. But if by passage of this we encourage employers to move to a 125(c) plan, a cafeteria plan, I think that is all to the good. My underlying point is that the consumer does not make these choices, which I think is wrong and needs to be changed at some point when we restructure our health care system.

Mr. BROWN. If the Senator would permit me another.

Mr. BENNETT. Surely.

Mr. BROWN. It is this Senator's view that the option that the Senator just described for the employer about the cafeteria plan, which I think is an important option, is the option that ought to be preserved for other consumers who do not fit in the small employer option.

Mr. BENNETT. I agree with the Senator, but I do not think this legislation is the place in which to do it.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Texas.

Mr. GRAMM. Mr. President, what we have before us is a very bad amendment with very good intentions. What this amendment in essence is saying is that we in the Senate know better than employers and workers what kind of health insurance coverage they need.

This amendment overrides the decision making of those workers who are affected by this amendment, and a very large portion of the population of the country will be affected.

We are going to say to them that we know better. You may think that you want different limits for traditional physical health insurance than mental health coverage, but we know better than you and are going to make you buy the coverage with increased mental health limits. The incredible paradox is that the only way you can escape this is to drop mental health coverage altogether.

This is an unfunded mandate. If we had a proposal before us tonight to raise taxes to provide this benefit, I doubt it would get 30 votes. But what we have is a proposal tonight where "Big Brother" Congress, know-it-all Congress, perfect-insight Congress, is going to say that even if you are a young worker and are having trouble buying health insurance and remaining competitive in the job market, we are going to force you to balloon your mental health coverage, as commendable as that might be.

How wonderful it would be if everybody in America could afford this coverage. But what we are saying is, if you have any mental coverage in your plan, we are going to make you pay for a coverage limit up to the amount you have for traditional physical ailments. In the process we are going to drive up the cost of health insurance. We are going to reduce the choices that people have. The Senator from Colorado is saying if you want to mandate that insurance companies offer the coverage, then do it, but do not make people buy it if they do not want it.

I would like to remind my colleagues—none of whom are having difficulty buying health insurance—that even though this may sound great from our point of view, the problem with private health insurance is young working couples are having trouble paying for the health insurance they have. And, to the extent that this bill drives up the cost of hiring people, it will cost people their jobs, it will force companies who cannot afford to provide this benefit to eliminate all mental health coverage, and it will force working families to do without, because every penny that goes towards health insurance comes right out of the pocket of the worker. Every economic study done, including studies by the administration, count fringe benefits as part of the wage package. What we are doing to young couples who are trying to make ends meet, who want health insurance in case Johnny falls down the steps, is saying that you are going to have to pay for this extensive mental health coverage whether you want it or not. This amendment says that Congress supposedly knows what is better for you than you yourself do—it assumes that Congress is capable of making better decisions.

I totally and absolutely reject this. We adopted an amendment similar to this, but we adopted it when the majority leader, Senator Dole, made it clear that we were never going to see it emerge from conference—yet we ended up in conference with serious negotiations about really doing this.

I, frankly, think it is outrageous that, on an appropriations bill, we are getting ready to mandate that working people and businesses provide a benefit, whether they want it or not; that they pay for it, whether they want it or not; and we are doing exactly what the American people are continually outraged about: injecting our value judgments over theirs. We are saying that we know better than you know—that you really need this expanded mental health coverage, even if you do not want it and even if you can not afford it.

The point is, mental health care may be a wonderful thing. If we could snap our fingers and have everybody in America covered, it would be great. The truth, however, is that we cannot. This is expensive coverage. It is not an accident that private health insurance policies normally have differentials. In fact, in many cases, people do not have mental health coverage.

We have not had a tremendous amount of experience with mental health coverage under a third party payment system, where the insurance company is paying for it. I know we can get into a lengthy debate about experience of various States. I have seen estimates as high as 15-percent increase, if you force people to pay for mental care for alcohol and drug rehabilitation. I do not know how to pull that apart. But the point is, whatever the costs, how dare we, in the freest society in the history of the world, attempt to play God by telling people what kind of health insurance they must have.

I think the amendment that has been offered by the Senator from New Mexico is perfectly reasonable—more than reasonable. It simply says to insurance companies: You do not really live in a free society, you can not decide what product you want to sell, instead we are going to mandate that you sell this policy. Indeed, we are going to use the police power of the State to make you sell this policy. But, at least the Senator from Colorado says: We are not going to force young working couples, whose jobs might be threatened, whose ability to afford physical health insurance might be threatened—we are not going to make them buy it.

It seems to me that is the issue. In terms of somehow relating this to medical savings accounts, that is the most contorted logic I have ever heard in my life. The point of medical savings accounts is that, under the current tax law, if you buy low-deductible insurance it is tax free. But if you buy high-deductible insurance and you put the difference in a savings account, then you have to pay taxes on that difference. In essence, we are making people, through the Tax Code, buy low-deductible insurance. We are putting people in a position where, when they are buying health care, it is like going to the grocery store and having a grocery insurance policy, where 95 percent of what you put in your grocery basket is going to be paid for by grocery insurance. Needless to say, if you had such a policy, you would eat differently, and so would your dog—this is part of the problem.

What medical savings accounts do is expand choices. What the Domenici amendment does is limits choices. What gives us the right to say that people should be forced to buy health insurance that provides coverage which they otherwise would not choose to buy? Who are we to say that we have made this value judgment, that mental health care and physical health care are equal? Furthermore, who are we to say that if you have a policy which has a certain limit on physical care, and if you have any element of mental care in that policy, you are going to be forced to have the same limits on mental health care as well?

Let me tell you what this amendment would do. This amendment would drive up the cost of health insurance, it would drive up payroll costs, it would increase the cost of employing workers, and, therefore, people would lose their jobs.

Some courageous Members were willing to stand up and be counted upon on the issue of the minimum wage. How is this issue any different? How is this at all different? The plain truth is, this is not different. What this amendment would do is impose an unfunded mandate on workers and businesses. This will drive up unemployment. It will limit freedom. It will drive up the cost of health care. It will reduce the number of people who are covered by health insurance. And, finally, in the most perverted provision of this amendment, it will induce people to drop mental health coverage rather than face these expanded limits.

So, I know we have danced around this issue before. I know that, in a form people thought would go to conference and die there, we have voted on this before. I was proud to vote against it then and I am going to be proud to vote against it now. I think the Brown amendment is an amendment that makes the underlying amendment dramatically better. Because what the Brown amendment says, in its simplest form, is people have to offer this coverage for sale, but you do not have to buy it.

If you believe in freedom, if you believe in the right of people to choose you will vote for the Brown amendment. I would remind my colleagues who talked about lack of choice—there is a choice. If you do not like the health insurance your employer is providing, you do have an option. We do not have indentured labor in this country. We do not allow the enforcement of indentured labor contracts. People have a right to change jobs, and in fact people change jobs every day because of health insurance, because they want it and they want to expand their freedom.

This is an amendment that limits freedom. This is an amendment that is an unfunded mandate of the worst sort. This is an amendment which has the Congress choosing for consumers, choosing for their employers, and I think it is absolutely wrong. I strongly oppose the underlying amendment and I strongly support the Brown amendment, which simply tries to preserve consumer choice.

I would think that the authors of the underlying amendment would accept the Brown amendment because all the Brown amendment says is that, while the insurance coverage has to be offered, if the consumer does not want it, cannot afford it, feels it threatens his or her job, or if it threatens the viability of the company, you do not have to buy it. You either believe in freedom or you do not.

If you believe in freedom, you are not for the Domenici amendment. If you believe in freedom, you are for the Brown amendment. Those are strong words but they are words that exactly fit the case before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have heard the distinguished Senator categorize the words of my good friend, the occupant of the chair, as "preposterous," or what was it you chose to say, Senator? I think that is probably a good paraphrase.

Let me suggest the entire debate by the Senator from Texas has been preposterous. First, it is wrong on the facts; and, second, it is wrong on the logic; and, third, it is a gross exaggeration if ever I have heard one. So, let me tell you the facts. And the Senator might do well to listen, because they are the facts.

Mr. GRAMM. I will listen.

Mr. DOMENICI. And I appreciate it, if you will.

First of all, the only way we have been able to judge the cost of these various insurance changes is to get the Congressional Budget Office to tell us. Let me tell you what they said about this amendment. Sixteen one-hundredths of 1 percent possible increase. Sixteen hundredths of 1 percent possible increase. Caveat, they said—caveat, we are not taking into consideration that it will probably be substantially less, if we know the effect of managed care and HMO's.

Would anybody gather from the argument of the distinguished Senator from Texas that we are talking about that? Let me convert it to an insurance policy's average costs: $6 to $8 a year. That is the choice between freedom and servitude, $6 a year, or $8.

That is freedom from being in jail or being forced to be indentured—$6 or $8 a year.

Let me talk about eliminating choice. I just asked what the conference report on the Kassebaum-Kennedy bill passed by, how many votes. I looked and found my good friend, the Senator from Texas, voted for that. Though I might suggest to him—and I am his good friend—when he makes an argument I do not agree with, I make it as forcible as he, perhaps not as intellectually as he.

Having said that, I noted he voted for that bill. Mr. President, if ever you wanted to make an argument about eliminating freedom of choice, that was the bill to do it on, because you no longer have any choice to say, "I don't want to buy insurance that covers the preexisting condition of my neighbor." Right? You say, "I want another insurance policy, because I want the right to choose between coverage of preexisting conditions or not."

Let me suggest, if there are degrees of freedom, you just waive freedom there in an astronomical way, and if you are losing some freedom here, you are losing it in a little, tiny, almost immeasurable quantity.

So let me repeat to the U.S. Senate what this issue is about. This issue is about whether or not you want to take a little tiny step toward providing some kind of parity of treatment under insurance policies in this land to those who suffer mental illness.

Let me tell you what it does not do. It does not require the kind of coverage, the amount of copayment, the deductibles. Those are all left up to the insurance companies. All it says, I say to my friend from Kentucky, is if you write an insurance policy that covers mental illness, then write it for the aggregate coverage level that is identical to the coverage level for physical illnesses. Is that a monumental thing? Most policies aggregate between $500,000 and $1 million. That is what you are saying: If you write one with mental illness, do not put one in at $50,000 and cancel at $1 million. Just put 1 million dollars' worth of coverage.

I repeat, this is not a huge imposition of new costs on anyone. My friend from Texas says there is no experience with the coverage of mental illness. That is absolutely wrong. There is plenty of experience with the coverage of mental illness. There are all kind of insurance policies out there with coverage of mental illness without discrimination on the aggregate amount. Many companies already know what it will cost, and they know what it will save.

All we are suggesting is that there are a few million American families out there who think they have insurance coverage, and they find that their 17-year-old daughter away at college got depression in her freshman year—could not make a choice, all of a sudden could not sleep, all of a sudden gets deathly sick, and all of a sudden the doctors say she has severe depression.

All of a sudden they say, "Well, we have insurance." They wake up and ask somebody. Surely, if the father of the house had a heart attack, he can stay in a hospital 6 weeks. He can get 300,000 dollars' worth of surgery. But for that daughter, if you look at the policy, and it probably said $50,000. And they thought they had insurance. If you have severe depression and get hospitalized and then have to have the treatment that follows it, $50,000 is not even going to begin to care for them, just like $50,000 will not touch bypass surgery and all of the rehabilitation that comes with it, or severe cancer with six operations and chemotherapy.

That is all we are saying. If you are going to write an insurance policy, insurance industry of America, businesses in America, if you are going to cover your employees and you are going to cover physical ailments and mental illness, just make sure that the aggregate amount is the same.

That is not making any huge, momentous decision for the populace of the United States. It is a very simple, forthright, practical approach to insurance coverage.

As a matter of fact, the only reason they are writing it out of the policies now and writing it lower is because it is cheaper. When people start finding out and asking about it and wanting it, then they will cover them, but in many instances, it is already too late. But if you make it that they must have these aggregates in all of the policies, I repeat, the denial of freedom is so insignificant and the cost is so insignificant that it is a trivialization, it trivializes the use of the words "denying freedom of choice." It is truly turning monumental words that we cherish and worry about, like "freedom," and attaching those to something as insignificant as what we have just described here on the floor.

Mr. President, I move to table the Brown-Gramm amendment and ask for the yeas and nays.

Mr. GRAMM. I ask the Senator to withhold so that I might respond.

Mr. DOMENICI. How much time would you like?

Mr. GRAMM. I want time to respond, or I can suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from New Mexico withhold?

Mr. DOMENICI. I will let the Senator respond.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, every Member of the Senate voted for the Kassebaum-Kennedy bill. I stood on the floor and made it very clear that by moving toward community rating, we were driving up health insurance costs.

What I wanted was medical savings accounts as a method to promote competition and empower the consumer to make rational choices. Like most bills, it represented a tradeoff: an expansion of freedom in one area, a reduction of it in another. I see no expansion of freedom here.

No. 2. If this provision really costs one-sixth of 1 percent, why isn't it a matter of course in insurance policies? If this provision is so cheap and so good, why is it not provided?

I will offer another amendment saying that if, under this provision, the cost of insurance rises more than 1 percent that this provision will be void, and we will see if that will be supported.

Everyone who has ever argued that we should diminish freedom to promote a political objective has said that the political objective is big and the diminution of freedom is small. The point remains and is irrefutable that under this amendment, we are going to make you buy coverage that you may not want. We are going to make employers provide coverage that they may not be able to pay for unless they drop mental health coverage altogether. I believe that this is clearly a step in the wrong direction.

Obviously, any of us can stand up and talk about things that any family would like to have. Wouldn't any family in America like to have comprehensive mental health care when a 17-year-old child in college comes down with severe depression? Obviously, they would. But there are also a lot of families who would like to have a 17-year-old in college.

There are a lot of people who would like to have better jobs than they have. The point is, life is about choices. Life is about choices that we have to make in a free society.

Senator BROWN says that we can require insurance companies to offer the policy. But the Domenici amendment says you also have to buy the policy.

You have to buy this coverage whether or not you want it, whether or not you can afford it, and whether or not it threatens your job or your company. Why? Because we, the Congress, in our infinite wisdom, have decided that this is something you need to have.

It seems to me, if there was just one clear message in the last election, it was stop making decisions for us in Washington, let us make decisions for ourselves.

If this policy really cost one-sixth of 1 percent, then let people choose to buy it, let companies decide to offer it. I do not believe it will cost one-sixth of 1 percent. I believe we are talking about a very expensive rider to insurance policies.

I think that this rider is going to drive up the cost of health insurance and, in effect, deny people who are having trouble buying insurance the ability to cover themselves or their child should he or she fall down, break an arm, or, God forbid, be in an accident. We are going to jeopardize their ability to have any health insurance at all. Further, we are going to jeopardize their ability to have a job, and are going to induce many companies to drop health coverage altogether. Soon people will find out that if they have a child that has a mental problem, they will not even have $50,000 of coverage, let alone coverage equal to the rest of their policy.

The point is this, if this is so cheap, if this is so irrelevant from the point of view of cost, why not let people choose it on their own? Or better yet, why not have the insurance company be required to provide it and then let people decide if they want it based on their analysis of cost and benefits? Or are they so foolish, are the American people so naive, so unaware of their own needs and their own wants that they must have us tell them what they need? I do not think so.

It seems to me that the Brown amendment has the saving grace of letting people choose. You force the insurance companies to offer this coverage whether they want to offer it or not, but at least you let people decide if they want it. I cannot understand, for the life of me, why people are opposed to this. If really this coverage costs one-sixth of 1 percent, we would all want it; we would all choose it. The only reason you would not let people choose it on their own is if you do not believe that one-sixth of one percent number, or you believe that people would not choose it. The point is, freedom is the right to make wrong decisions as well as to make right decisions. I simply go back to a fundamental point which, in my opinion, despite all the wonderful speeches you can give about this—Bismarck once said, "Never does a socialist stand on stronger ground than when he argues for the best principles of health."

Who can stand and argue against somebody having coverage for a physical or mental ailment? No one can. We all want it. We wish we could magically make it happen. But we should not make it magically happen by mandating that people have it, by forcing people to pay for it whether they want to or not, without knowing what it costs, without knowing the ramifications of this, all on an appropriations bill at 7:30 p.m. at night in the month that we are going to adjourn the Senate.

I think that this amendment violates everything that many of us claim that we stand for. I do not doubt the good intentions, nor have I ever doubted the good intentions, of the Senator who is offering this amendment. But this is bad public policy. It flies in the face of everything the 1994 election said because it denies people the right to choose.

If we want to preserve this right to choose, not for the insurance companies, but for the consumer, then it is critical that the Brown amendment be adopted.

I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I shall not prolong the debate. We have had excellent comments by both sides. I appreciate the very thoughtful comments that Senator DOMENICI has made and Senator GRAMM has made because I think they enlighten debate.

I hope Members, when they vote on this, will do one thing: look at the amendment and read it. And let me just read the words because I think they are important to focus on. Here are the words of this amendment:

> Consumers shall retain the freedom to choose a group health care plan with coverage limitations of their choice even if such coverage limitations for mental health services are inconsistent with section 2 of this title.

Mr. President, that is all this amendment does. It retains, in the consumer, the right to choose.

I yield the floor, Mr. President.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I believe we have had debate on this. I just want to, one more time, suggest that what is missing from the Senator from Texas' discussion is—I would put it this way—there was total misunderstanding as I listened to him talk about severe mental illness and the marketplace and the neighborhoods of America. Because that illness has been so stigmatized for so long, it has even stigmatized the insurance policies of this land.

We started out 30 or 40 years ago recognizing that we came out of the Dark Ages with reference to severe mental illness and crazies and loonies, and we started understanding that people really were sick. Yet, we dragged everybody kicking and screaming to understand that a mother or a father with a child with schizophrenia had nothing whatsoever to do by way of treatment or care with that child getting sick.

Pretty soon we got to recognize that even that famous old Dr. Freud was wacko because you could not talk people out of mental illness. You can have them on the sofa and chair and talk until you are blue in the face, and if you are a schizophrenic, you are sick. What happened is, society just resisted that. And I guess part of it is that every now and then somebody who is mentally sick kills someone and there we are again talking about "those people."

But let me tell you, there are millions of Americans who have members of their family with one of these dread illnesses. All we are suggesting in this measure, and I repeat, if an insurance company writes insurance that covers mental illness—now if you want choice, understand, they do not have to cover mental illness—but if they choose to, we just say, let us get rid of the stigma and cover them in total dollar coverage to the same extent you cover the other illnesses.

If they want to triple the copayment, I say to Senator KENNEDY, because they want to keep people away from psychiatrists, there is nothing in this measure that says they cannot do that. We are just saying, when you insure somebody that is mentally ill, and they get real sick, make sure they are the same limitations on total coverage that people who get cancer or diabetes or tuberculosis or triple bypass have. And that is all it says.

That is the reason it is not going to cost very much. The amendment that passed early on, where we mandated coverage and we mandated parity of actual literal coverage, was very, very different. And my friend from Texas might have made a very serious argument there, but in this case that is not the situation.

So I believe, to say if you are writing mental health coverage it has to have these limits and turn around and say, on the other hand, even if you have done that, insurance company, we have the right to say, well, lower the level and give us another kind of coverage with less of that because we want freedom of choice—the choice is clear.

You can buy an insurance policy without mental health coverage or you can buy in the manner discussed so eloquently on the floor by the Senator from Utah, if that applies. So having said that, I move to table and ask for the yeas and nays.

Mr. GRAMM. Mr. President, I ask the Senator on one point to allow me to respond.

Mr. DOMENICI. I would be pleased to.

Mr. GRAMM. I do understand. I grew up in a household with someone who had mental illness. I grew up in a household where nobody had health insurance. We did not have health insurance for physical or mental ailments. But the point is, if you are going to mandate coverage, then you will end up with more people who have no health insurance, and you are going to have more people without jobs.

The point is that under this amendment you lose your right to choose. To keep a policy that has limited mental health coverage, you either have to take no mental health coverage or take coverage equal to that set for physical illness coverage. The Brown amendment gives you choice. It seems to me that is what we want.

My problem here is not that I do not understand. My problem is that I do understand. My problem is that I do understand what this does economically. I do understand that this takes away from people the right to choose. That is why I am opposed to it. There certainly is no politics in opposing this amendment. We should all be for giving everybody everything. Unfortunately, we live in a world where people have to choose. When we choose for them, they not only have less freedom, they do not get to choose to spend their money as they would choose to spend it.

I believe families know better than we do. Even though our intentions may be wonderful and even though we may wish everybody had mental health coverage, families have to make hard choices when they have to pay. Businesses have to make hard choices. All I am saying is let them choose. If you want to make insurance companies provide the coverage, do not make people buy it. Have it available. Let them look at the cost. If it costs one-sixth of 1 percent, they will buy it if they want it. I would certainly buy it at that cost.

My fear is we are going to find out later this is a very costly add-on, and we are going to price people out of the health insurance they have now, and they are going to end up with both physical and mental ailments, and they will not be covered for either.

Mr. WELLSTONE. I know my colleagues are anxious to move forward. Although there is so much I want to say for the record, I yield.

Mr. DOMENICI. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI], are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD], would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—75

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Cochran
Cohen
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Grassley
Harkin
Heflin
Hollings
Hutchison
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson

Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—22

Abraham
Ashcroft
Brown
Campbell
Coats
Craig
Faircloth
Frahm
Gorton
Gramm
Grams
Gregg
Helms
Inhofe
Johnston
Kempthorne
Kyl
Lott
Mack
McCain
Nickles
Smith

NOT VOTING—3

Hatch
Hatfield
Murkowski

The motion to lay on the table the amendment (No. 5195) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, for the information of all Members, we are working now on getting a UC typed up that would lay out how the time will be used for the next hour. We are in the process now of typing up an agreement that would lay out the debate, and the votes over the next hour and a half. I think that would allow us to make good progress and be able to get to the conclusion of the VA-HUD bill, and either go to final passage after that, or, depending on a couple of other things, we are working on final passage and could have stacked votes Tuesday morning. But we will have that worked out momentarily.

The next thing we will do is to go to the next pending amendment for a vote. Senator GRAMM I believe has a second-degree amendment.

THE DEFENSE OF MARRIAGE ACT

Mr. LOTT. In the meantime, I ask unanimous consent that the Senate now turn to consideration of Calendar No. 499, H.R. 3396, the Defense of Marriage Act.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. LOTT. I move that the Senate proceed to the H.R. 3396, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 3396, the Defense of Marriage Act:

Senators Trent Lott, Bob Smith, Conrad Burns, Rod Grams, Larry E. Craig, Judd Gregg, Jim Inhofe, Hank Brown, Don Nickles, Dan Coats, Chuck Grassley, Craig Thomas, Frank H. Murkowski, Lauch Faircloth, Richard Shelby, Slade Gorton, Phil Gramm.

Mr. LOTT. Mr. President, I want our colleagues to know that I have been discussing this back and forth with the Democratic leader. He was aware that I was going to do this. We are working on a number of other issues that are not directly related necessarily to this. We also have an understanding that we are working out on exactly what time this vote might occur.

But I have just filed a cloture motion on the motion to proceed to H.R. 3396. Under rule XXII, the cloture vote will occur—we will either have this occur on Monday or agree to a time on Tuesday. I believe we are going to agree to a time on Tuesday when this vote will occur. So I think we are getting cooperation on that.

If we continue to work toward an agreement on the VA-HUD appropriations bill, and go ahead and get started next on the Interior appropriations bill, then we would probably have this vote on Tuesday morning around 10 o'clock. But we will make that official later on.

I now withdraw the motion to proceed.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The motion is withdrawn.

The Democratic leader.

Mr. DASCHLE. I just wanted to take a moment to explain that it is not our desire necessarily to hold up this piece of legislation. There is support on our side as well. Unfortunately, the majority leader has not been able to work out an agreement with us to accommodate a number of Senators on our side who wish to offer amendments. It was for that reason that I objected tonight.

Obviously, we will have a good debate about the bill. It will be my hope we could offer amendments, but at least at this time it does not appear to be likely. We will continue to work together and try to find a way to resolve these issues, but at least tonight that has not been resolved.

I yield the floor.

Mr. LOTT. I yield the floor, Mr. President.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, while the distinguished majority leader is here, I would just like to state I think Senator GRAMM is going to offer an amendment which I will accept, and then we will vote on the Domenici-Wellstone amendment as amended by the Gramm amendment.

AMENDMENT NO. 5196 TO AMENDMENT NO. 5194

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 5196 to amendment No. 5194.

Mr. DOMENICI. Could we have order, Mr. President.

The PRESIDING OFFICER. The Senator will suspend.

The Senate is not in order. Senators will take their conversations to the cloakroom, please, so the Senator from Texas can be heard.

The Senator from Texas.

Mr. GRAMM. Mr. President, it is a very short amendment. It will minimize the debate if we just have it read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the appropriate place in the amendment, insert the following: Notwithstanding the provisions of this title, if the provisions of this title result in a one percent or greater increase in the cost of a group health plan's premiums, the purchaser is exempt from the provisions of this title.

Mr. GRAMM. Mr. President, this amendment says that if Senator DOMENICI is wrong, and there are more than de minimis costs in expanding this coverage, and those costs exceed 1 percent, then the purchaser of that policy would be exempt.

I think this is a good stopgap measure. If the Senator is right and this coverage can be provided for one-sixth of 1 percent, then it will be provided. If it raises the cost of the policy more than 1 percent, the purchaser of the policy would be exempt.

I think it does improve the underlying amendment, and I am grateful the Senator has accepted it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, consistent with everything I knew when I brought the amendment to the floor, the cost should not exceed a 1 percent increase, and therefore, in good faith to the Senators who supported me and supported the amendment, I accept this amendment as further evidence of what I have been saying in the Chamber for the last hour and a half.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment by the Senator from Texas.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, after working with the Democratic leader, I ask unanimous consent that the following amendments be the only amendments in order between now and 9:30 p.m.; that any votes ordered with respect to those amendments be stacked to begin at 9:30. They are as follows: Gramm second-degree amendment to Domenici, Domenici-Wellstone, Harkin Veterans' Administration amendment, Daschle spina bifida, and the Lott-Daschle Iraq resolution.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, only for the purposes of clarification, it is my understanding that the spina bifida amendment will either be up or down or a tabling motion. Is that correct?

Mr. LOTT. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object.

Mr. LOTT. Mr. President, let me consult before I respond completely on that point. Let me double check with the managers of the bill to make sure.

Is there something we can do in the interim while we make sure of the answer to that question?

Mr. GRAMM. Sure. Finish the amendment.

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Texas.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 5196) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Do we have the yeas and nays ordered on the underlying amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered on the underlying amendment.

Mr. DOMENICI. I ask for the yeas and nays on the Domenici-Wellstone amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Let me renew the unanimous-consent request and read it from the beginning again, because there have been some changes already.

I ask unanimous consent that the following amendments be the only amendments in order between now and 9:30, that any votes ordered with respect to those amendments be stacked to begin at 9:30. They are as follows: Since we have already dealt with the Gramm second-degree amendment to Domenici, the first vote beginning at 9:30 would be Domenici-Wellstone, followed by a motion to table the Harkin amendment, followed by a vote on a point of order on germaneness on the Daschle spina bifida amendment, followed by a vote on the Iraq resolution.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. There was not objection to that?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. On the final passage of VA-HUD, they are checking on that. That could also occur tonight or will occur stacked with other votes on Tuesday, probably beginning at 2:15. But the leader and I have discussed this, and I have his commitment that we will either do it tonight or we will do it in stacked votes on Tuesday. So we will basically be prepared to complete the VA-HUD appropriations bill either tonight, depending on one other outstanding issue, or we will definitely have the final vote on it at 2:15 on Tuesday. And we will plan on asking consent there be 10 minutes between these votes beginning at 9:30, so if Members stay in the Chamber, we could get them done quickly. And you will have time here now to get a bite to eat, and we will start this series of votes at 9:30 and hope we can wrap it up tonight.

Ten-minute votes, 10-minute votes, not between each vote.

Mr. President, let me go ahead and ask that now.

When the votes occur at 9:30, I ask unanimous consent that they be 10-minute votes; that there be 2 minutes between each vote equally divided to explain briefly exactly what the vote is, so Members will make sure they understand exactly what the vote is.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I see the Senator from Iowa is present. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 5197

(Purpose: To provide that funding for veterans medical care shall not be reduced to states)

Mr. HARKIN. I send an amendment to the desk on behalf of Senator MOYNIHAN, myself, and Senator SPECTER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. MOYNIHAN and Mr. SPECTER, proposes an amendment numbered 5197.

At the appropriate place, add the following:

SEC. . Without regard to any provision in this bill, no plan for the allocation of health care resources (including personnel and funds) used or implemented by the Department of Veterans Affairs among the health care facilities of the Department shall reduce the funding going to any state for veterans medical care for the fiscal year ending September 30, 1997, below its fiscal year 1996 level of funding if the total funding provided for veterans medical care in fiscal year 1997 exceeds the fiscal year 1996 funding level.

Mr. HARKIN. Mr. President, I wanted to have the amendment fully read so all Senators and staff watching on their television sets would know exactly what this amendment is all about.

The veterans of the United States have earned the right to decent health care and medical care. They have risked their health and their lives to secure the liberties that we all enjoy. As we allocate scarce dollars for veterans' health care, we must ensure that no State is unfairly cut. That is why I am rising here to offer an amendment that will ensure that no State will lose funding for veterans' health care this year if the overall budget for veterans' medical care increases, which it does in this bill. The budget goes from $16.6 billion in fiscal year 1996 to $17 billion in this bill, an increase of about 2.4 percent.

Why this amendment? Yesterday this body voted for an amendment by Senator MCCAIN that calls for changes in the funding formula for veterans' health care. I hope my colleagues understand the full impact of that amendment. I want to make sure my colleagues know the amendment that was adopted yesterday goes far beyond a mere study of the funding formula. I listened to some of the debate yesterday, and I talked with some Senators. They said to me, "This is just a study of the funding formula."

That amendment, adopted yesterday, calls for implementation of the plan without further action by Congress. Let me read the relevant part of that amendment.

(d) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) ["shall" implement the plan developed under subsection (a)] not later than 60 days after submitting the plan to Congress under subsection (c), unless within that time the Secretary notifies Congress that the plan will not be implemented in that time and includes with the notification an explanation why the plan will not be implemented in that time.

That is the end of it.

So subsection (d) says the Secretary shall implement the plan within 60 days, not later than 60 days. It does not say that Congress has to do a darn thing. He just has to submit it to Congress, and then within 60 days, he has to implement it, unless within that time he submits or notifies Congress that the plan will not be implemented and spelling out the reasons why it will not be implemented.

I hope we all understand the full force and effect of this. The Secretary of Veterans Affairs will submit a plan to Congress for reorganization. The McCain amendment says it shall be implemented not later than 60 days, unless the Secretary turns right around and tells Congress, "Oh, no, we don't want to implement it, and here are the reasons why we shouldn't."

That is about as bizarre as you can get, that the Secretary would come up with an implementation plan and then turn right around and tell Congress, "But it's no good, and we don't want to implement it."

I urge my colleagues, each and every one of the Senators here, to call your regional network director to find out what the amendment will do to their States. I think you may be in for some surprises, because the VA, without notice to all of us, is already working to phase in a change in payments to the States over the next 2 years, and that change, which is similar to that called for under the McCain amendment this body adopted, would result in substantial cuts to many States' VA medical care budgets, even with the 2.4 percent increase that this bill provides nationally.

The draft VA plan would significantly cut funds to Iowa. I only found out about the cuts because of an article in the August 23 issue of the Cedar Rapids Iowa Gazette that indicated that veterans centers in Iowa and Nebraska would be receiving $12 million less in fiscal year 1997 than in fiscal year 1996. This reduction was confirmed by John T. Carson, director of the Central Plains Network, in a letter to my office.

Mr. President, this article goes on to show that there are going to be huge cuts in Iowa and in Nebraska, at least, under this article, and others, even though the total amount of money for VA health care is increased next year.

I have a letter from Mr. Carson spelling out the details of what it would mean for Network 14. The fiscal year 1996 base of distribution is $268,035,000. The recommended fiscal 1997 allocation is $255,942,000, a difference of over $12 million less for that network, even though the funding nationally is going up.

Mr. President, I ask unanimous consent that this article and the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cedar Rapids Iowa Gazette, Aug. 23, 1996]

VA OFFICIAL WARNS OF FUTURE IOWA CUTS

(By Lyle Muller)

Iowa City.—Iowa's Veterans Affairs medical centers may have to cut more jobs next year if they cannot trim non-personnel expenses, a VA official said Thursday.

Any cuts would follow the 100-plus scheduled for after Oct. 1 at VA hospitals in Iowa City, Des Moines and Knoxville.

"One of the worrisome things is, will we have to continue that next year?" Tom Carson, director of the Department of Veterans Affairs' regional office, said in Iowa City.

"I believe we all hope that we do not face what we faced this year," he said, referring to a year of furloughs and finally decisions to cut jobs during the federal budget year that begins Oct. 1. "It's a major troubling item we have facing us for fiscal year 1997."

Carson said he expects the three Iowa centers and three more hospitals he oversees in Nebraska to spend $12 million less next budget year than they received in federal funding this year.

The centers, which make up the VA Health Administration's Central Plains Network, would be able to spend $256 million next budget year, according to current plans.

That is about 4 percent less than this year's $268 million and marks a radical change from what Carson previously was expecting. Until this week, plans called for boosting spending at the Iowa and Nebraska centers by 2.5 percent.

Carson was in Iowa City for a monthly meeting with the directors of the Iowa and Nebraska centers. The anticipated funding cut was to receive most of the attention, he said.

On Tuesday, Iowa City's VA Medical Center announced it will eliminate 39 jobs after Oct. 1.

Gary Wilkinson, director of the 1,200-employee, 165-bed Iowa City center, said he expected to spend $72.6 million next budget year. That will be adjusted, however, because it reflected a 2.5 percent increase, he said.

"This last year we were in financial trouble; there's no question about that," Wilkinson said. "We decided there was this number of people that we couldn't afford."

Eliminating 39 jobs at the Iowa City center will save about $1 million, officials there estimate.

The Des Moines center announced last month that it will drop 25 jobs. Knoxville has targeted 32 filled positions and 18 vacant ones for elimination.

DEPARTMENT OF VETERANS AFFAIRS,
NETWORK 14, MIRACLE HILLS
PARKVIEW PROFESSIONAL CENTER,
Omaha, NE, August 23, 1996.

PETER REINECKE,
Legislative Director, Senator Harkin's Office, U.S. Senate, Washington, DC.

DEAR MR. REINECKE: Thank you for your inquiry regarding the projected FY 97 budget for Network 14. As VHA changes its reimbursement methodology to a capitation system, the following resource adjustment occurs for Network 14:

Network 14:	
FY 96 Base for Distribution	$268,035,000
Recommended FY 97 Allocation	255,942,000
Difference	12,093,000

The specific details of the allocation methodology can be developed at your request. Mr. Steve Varnum, our Chief Financial Officer, is the best person to discuss this issue. Unfortunately, he is on vacation until September 3. If it is agreeable, we will have him call you on that day to discuss the allocation methodology.

We have asked each medical center for information on Category C veterans per your request. We will fax the information to you by September 3, 1996, if this is satisfactory.

Please contact us for any additional information you need.

Sincerely,

JOHN T. CARSON,
Director, Central Plains Network.

Mr. HARKIN. Mr. President, if that article had not appeared, I probably would have blindly gone forward and voted for the McCain amendment and voted for this bill, assuming that Iowa would get a 2.4 percent increase in its VA health care budget. After all, that is what is in the bill. The bill contains a 2.4 percent increase.

If we do not adopt the amendment that I just sent to the desk, I am concerned that my colleagues from the Midwest and many other States will also see massive cuts.

All my amendment does is ask for a little fairness in allocating the veterans health care budget. Our veterans in Iowa are older than the national average. We have the highest percentage of citizens over age 85 in the Nation—the highest. The health care that these, our oldest, veterans require is much more expensive than that for the general veteran population.

Any capitation funding formula that does not adequately account for these factors will be grossly unfair to States like Iowa, and the McCain amendment does not do the job. In fact, the amendment of the Senator from Arizona was specifically revised to strike the factoring in of the medical condition and, thus, the cost of caring for veterans from the distribution formula.

Let me repeat that. The Senator from Arizona specifically revised his amendment to strike the factoring in of the medical condition and, thus, the cost of caring for veterans from the distribution formula.

My friend, the Senator from Arizona, argues that the sheer number of veterans moving to his State creates an unfairness, but it is the younger, healthier, and generally better off retired vets who are moving to the sunshine States. It is the older, the sicker, and the poorer vets who are increasing in other States like Iowa. As a result, the McCain amendment and the VA draft plan are grossly unfair to our States.

While on the surface it may sound very nice to say we ought to allocate the money for just every veteran, that every veteran ought to count the same in allocating the money. On the surface it sounds generally reasonable that, if you have more veterans in one State, they ought to get proportionally more than veterans in another State if that State has fewer veterans. But what about a State like Iowa or New York or Pennsylvania or Wisconsin or Indiana, or a lot of other States, where, again, our populations are older and they are poorer and they require this VA medical help?

I suppose my friend from Arizona might say, "Well, they are moving to Arizona," but I am sorry, Mr. President, that is not the case. It is the younger, the healthier, and the more prosperous ones who are moving to Arizona. What we are left with are those who are older and sicker and poorer, and they cost more to care for, especially in a rural area. This has to be taken into account.

It would be grossly unfair to equate an 80-year-old veteran, let's say, who is making $12,000 a year or less and living in Iowa and has severe health problems with a 65-year-old veteran fully mobile who has moved to Arizona and plays golf every day. So the formula that the VA comes up with has to take the medical condition into account.

Mr. DASCHLE. Will the Senator from Iowa yield? I apologize for interrupting.

Mr. HARKIN. I will be delighted to yield, if I do not lose my right to the floor.

Mr. DASCHLE. Without losing his right to the floor. We have a number of pieces of legislation that have to be addressed in the next hour. We anticipated, given what the Senator from Iowa indicated to me that he only had 10 minutes, that it would take 10 minutes. We have now used a half hour of that time allotted. He certainly did not consume it all. But I am wondering whether it would be appropriate to get a unanimous-consent agreement that the time on the Harkin amendment will be terminated at 8:45 to allow other amendments to be debated so that we can assure the opportunity to vote on all of these at 9:30, as the unanimous-consent request was proposed.

Mr. HARKIN. I say to my leader, I thought it would only take about 10 minutes. I only wanted to make my point on them. I think the Senator from Arizona is probably going to rebut them. I am sorry. I apologize, I did not know we had a 9:30 time.

Mr. MCCAIN. Mr. President, reserving the right to object, the Senator from Florida and I do not intend to take a lot of time. We understand what the distinguished Democratic leader is saying. In 2 or 3 minutes we can rebut the arguments of the Senator from Iowa.

I think it is very important we provide courtesy to other people with other amendments so they will have ample time, too. So, please, don't base your continued conversation on the fact that the Senator from Florida and I will take a lot of time. We don't need a lot of time, frankly, to rebut your arguments.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the time on the Harkin amendment, with appropriate responses from the Senator from Arizona and others, be limited to no more than 20 minutes.

Mr. BOND. Mr. President, reserving the right to object, I think there are a couple minutes for both the Senator from Arizona and the Senator from Florida. I had 5 minutes. We started this at 8 o'clock. And I notified the Senator from Iowa we were trying to get going. If we could divide this. He has had an opportunity. If he could take 5 more minutes, and we could have 10 minutes.

Mr. HARKIN. I did not start at 8 o'clock. I apologize to my friends on the floor. I have been talking now for just a little over 7 minutes. I started about 7 minutes ago.

Mr. DASCHLE. Mr. President, 8:16 is when we were told from the desk you started. That is not the point. How much more time does the Senator from Iowa need?

Mr. MCCAIN. I would take 2 minutes. I do not know about the Senator from Florida.

Mr. GRAHAM. Two minutes.

Mr. DASCHLE. That is 4 minutes. The Senator from Missouri had 5 minutes. That would be 9 minutes. How much time does the Senator from Iowa need?

Mr. HARKIN. Ten minutes.

Mr. DASCHLE. Mr. President, I propound the unanimous-consent request 20 minutes to be divided, 2 minutes, 2 minutes, 5 minutes and 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, this body is making a major change in the dark, without adequate information of its impact on the States. I have asked the VA for a State-by-State breakdown of their draft reallocation plan so I could share it. However, the VA will not provide it to me. They will not provide it to me.

After begging and pleading for information, I found out that 8 of the 22 regional networks are scheduled to receive cuts under the draft plan. I believe that more would be cut under the McCain amendment because the VA is phasing in their change over 2 years. Under the draft VA plan, networks could see cuts as high as 15 percent next year alone.

Mr. President, I have an incomplete list of States and these networks that would be cut, up to 15 percent, despite a 2.4 percent increase in this bill. They are Iowa, Nebraska, California, Nevada, Michigan, Illinois, Indiana, Wisconsin, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, New Hampshire, Maine, Pennsylvania, West Virginia, Delaware, and Vermont. This is an incomplete and unofficial list. I have derived it from information provided by VA officials. So I want to assure you that this is not in any way complete.

Let me tell you about the probable impact on Iowa veterans.

Until a month ago the regional network for Iowa and Nebraska was counting on a budget increase commensurate with the proposed 2.4-percent increase in the VA medical budget for fiscal year 1997. Even with this increase there have been significant layoffs at our hospitals and an increase in the number of veterans being turned away from medical care. They are being told "tough luck."

Let me just relay a couple of the stories. One of the Iowa veterans who has been shut out has multiple sclerosis. He qualifies for Social Security disabilities. But Medicare does not come close to covering all his medication costs. He is classified as a category C veteran because his wife works and makes about $18,000.

Mr. President, let me remind you category C veterans are treated at the discretion of the VA. Because of the tight budgets, this veteran is being turned away without warning after coming to rely upon the Veterans' Administration for help. He is justifiably angry he is being dropped by the Government. He is worried about his medication bills. He and his wife are trying to be independent, but they need help from the VA medical center to make it.

There is another Iowa veteran who has diabetes, back problems, depression. He is on Social Security disability, Medicare. He has bought Medicare supplemental. He has been going to the VA medical center for his medications which cost over $10,000 a year. If he were single he would be eligible for VA medical services. But his wife makes about $25,000 a year. He is classified as category C. The local VA medical center has turned him away because of tight budgets. This veteran who faithfully served this country is trying to decide between dropping most of his medication for diabetes, depression and pain or separating from his wife.

Mr. President, can we in good conscience do this to our veterans?

A third Iowa veteran had rectal cancer. He had his anus, rectum, part of his colon, and part of a lung removed. He has had painful chemotherapy and radiation therapy. Despite all this, he is managing to keep a small business going, but he has been told he earns too much, cannot come back to the VA medical center for treatment. He is now faced with giving up his business just so he can get medical care.

These three veterans are far from unique in Iowa. And now, if Iowa is subject to this big cut, as opposed to a 2.4-percent increase in the Nation, it will get much, much worse.

This amendment has the support of the American Legion in Iowa, the Iowa AMVETS, the Iowa VFW.

Mr. President, I ask unanimous consent that letters from them be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION DEPARTMENT
OF IOWA, OFFICE OF THE DEPARTMENT SERVICES OFFICE,
September 5, 1996.

Hon. TOM HARKIN.

DEAR SENATOR HARKIN: It was brought to our attention that you are going to be presenting an amendment before Congress proposing funding for the Department of Veterans Affairs medical centers not be reduced to the states.

We wanted you to know that The American Legion, Department of Iowa, wholeheartedly approves of this proposed Amendment.

We have many veterans who fall into the VA's Category C (veterans who make too much money to receive VA Health Care), and we do not wish any other veterans to be cut from the system.

The veterans of the United States deserve better treatment from our government and we hope that you are also working on getting rid of the "categories" that prohibit certain veterans from receiving health care they so desperately need. They served our country and believed our country would be there for them. It is ironic that the government called on them—yet will turn around and cut the funding for the veterans at the drop of a hat.

We thank you for your support and hope that your proposal is victorious.

Sincerely,

KRISTIN WALDRON,
Senior Claims Representative.

AMVETS,
DEPARTMENT OF IOWA,
Des Moines, IA, September 5, 1996.

To: Senator TOM HARKIN.
Attn: Kevin Aylesworth.
From: Robert O. Steben, National Service Officer, American Veterans of World War II, Korea, and Vietnam (AMVETS).

On behalf of the American Veterans of WWII, Korea, and Vietnam, I want to express our sincere support for your effort to ensure that funding for veterans medical care shall not be reduced to states.

We have many veterans who are already feeling the effects of cuts in services to veterans who had been receiving discretionary services. Further cuts would be devastating. . . . These veterans have served our country without concerns for their lives—many were wounded and died to save our country from tyranny. The least we can do for them is maintain 1st class medical programs for them—if it were not for the veterans we wouldn't have the comforts we all enjoy in this Great United States.

ROBERT O. STEBEN, AMVETS,
National Service Officer, Iowa.

VETERANS OF FOREIGN WARS,
DEPARTMENT SERVICE OFFICER,
Des Moines, IA, September 5, 1996.

Senator TOM HARKIN,
Attn: Kevin Aylsworth.

Dear Sir: The Veterans of Foreign Wars, Department of Iowa, supports your proposal to retain equitable and appropriate funding for Iowa's veterans, and wish to thank you for your continued efforts on their behalf.

Very truly yours,

M. TERRY LIPOVAC,
Department Service Officer.

Mr. HARKIN. Mr. President, I ask my colleagues, what is the Department of Veterans Affairs planning to do to the veterans of your State? We are doing something here in the dark without any information on their impact on the States. My amendment simply says this, that if there is an increase like there is in this bill, that no State will get less than what they did last year.

That means that Mr. MCCAIN in Arizona and perhaps Mr. GRAHAM in Florida and other sunshine States, they can get the increase, but at least do no harm. That is what my amendment does. It borrows from the adage: First, do no harm. We are about to rush in, make rash changes in the VA medical care funding allocations, and in a lot of our States, a lot of veterans are going to get hurt.

So let us not do any harm. All my amendment says is—we will cede the increase—but let us next year hold the States harmless, that no State will get a cut next year. And then let us see what the VA's plan really does when they come to Congress next year. I reserve the balance of my time.

Mr. BOND. Mr. President, the Senator from Arizona has agreed that his 2 minutes can be allocated to the Senator from Florida. So I ask the full 4 minutes be allocated to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, this amendment which was adopted overwhelmingly by the Senate, today being the third or fourth instance in which this amendment has been adopted, speaks to a simple principle. And that is, that the Nation's commitment to provide for the health care of its veterans is a national commitment, and that that commitment runs to individual veterans, not to them through the State in which they happen to live.

These facilities that provide the services are facilities of the Federal Government, financed and administered under laws that we enact. Our responsibility is to individual veterans. The principle of this amendment is that those veterans should be treated equitably.

The fundamental operative provision of the amendment which this Senate has adopted is that the Department of Veterans Affairs, among the health care networks of the department, shall allocate health care resources so as to assure that veterans who have similar economic status and eligibility priority and who are eligible for medical care have similar access to such care regardless of the region of the United States in which such veterans reside, a fundamental principle of fairness. And that, Mr. President, has been the objective of the Veterans' Administration for over a decade.

Prior to 1985, the Veterans' Administration followed the principle that the Senator from Iowa is advocating we return to. And that is, that you look first at what were expenditures in the previous year, make incremental adjustments to those previous expenditures, and that becomes the funding level for the future.

According to a report by the General Accounting Office, dated February 1996, the VA historically allocated funds to facilities on the basis of the facility's past expenditures with incremental increases for such factors as inflation and new programs.

Beginning in 1985—I repeat, beginning in 1985—the Veterans Administration modified its allocation system because it recognized the need to more directly relate funding to the work performed, the cost to perform it, and to improve the efficiency and productivity with which medical care is delivered to veterans. We have not had the plan that the Senator from Iowa suggested for a decade.

This same GAO report indicates we need to move further in order to accomplish the objective, that we still have a system which does not treat all of our veterans fairly according to their eligibility standards, their economic status, and their eligibility for and need for medical services. The GAO report states in part, "Because of differences in facility rationing practices, veterans' access to care systemwide is uneven. We found that higher income veterans receive care at many facilities while lower income veterans were turned away at other facilities."

That is the system that we have today. Mr. President, there are a number of reasons why this is occurring. A fundamental reason is the fact that veterans are, as a part of our population, becoming a smaller group. We have fewer veterans today than we did 5 years ago and we will have still fewer 5 years into the future, and veterans are not distributing themselves proportionately across the country.

For example, in the State of Arizona, between 1980 and 1995, the number of veterans increased by 89,000 or 24 percent. There were 24 percent more veterans in Arizona in 1995 than in 1980. In the State of the proponent of this amendment, the number of veterans in the same 15-year period declined by 68,000 or almost 19 percent. Yet the Senator is advocating a proposition that says regardless of the number of veterans being served—my State happens to have a declining population while another State has an increasing population—we should, for some arbitrary reason, fix on the past and say that will be the basis on which we will distribute our Veterans' Administration funds for medical care, not taking into account what that means in terms of per patient recipient of funds or what it may mean in terms of encouraging greater efficiency and effectiveness in the use of funds available.

I could give stories similar to the one that the Senator from Iowa has just given about former residents of his State who now live in my State who say, "When I lived in my previous residence I was able to get certain prescriptions from the VA center. I cannot get them now in my new home. I was able to get treatment for a condition in my previous residence through the VA. I cannot receive it in my new home because of inadequate resources and inequitable allocation of funds."

Mr. President, the principle of the amendment of the Senator from Arizona and myself is a simple one: The Nation's responsibility is to individual veterans wherever they live. And to fulfill that responsibility, we should pursue the goal of treating all veterans equally wherever they might live, and the responsibility is upon the Veterans Administration to reach that goal.

We have outlined a plan which the Veterans' Administration supports. They support the amendment that this Senate has already adopted because they recognize that it is a road back to achieve the objective which they have been pursuing since 1985.

Mr. President, I urge the Senate recommit itself to the principle of fairness that was adopted earlier in the debate on this issue and reject the amendment of the Senator from Iowa, which would return us to a period of a decade in the past and would return us to a time in which we did not accept the principle that all veterans should be treated equally, because all veterans in the same economic conditions, the same health status, have served this Nation with equal valor and commitment and deserve to be treated fairly.

Mr. BOND. Mr. President, reluctantly I state that I cannot support the Harkin amendment. The amendment, as has been recognized, is directly in conflict with the McCain amendment we adopted yesterday, which the Senate approved in a 79 to 18 vote. I am very sympathetic to the concerns of the Senator from Iowa that certain VA facilities may be losing resources relative to other facilities as the Veterans Administration changes its operations to become more like an efficient, modern, managed care organization.

I am fully supportive of the steps VA is taking to change the way it operates. Frankly, I believe the changes initiated by the VA under Secretary for Health Dr. Ken Kaizer represent very positive steps for the betterment of veterans' health care, and the McCain amendment is completely consistent with the bold and necessary steps being taken by Dr. Kaizer to ensure approved quality of care for veterans.

I do not minimize that the steps being taken are painful. The VA has never experienced so much change in so little time. However, with declining discretionary resources, a shift in the veteran population to Sunbelt States, a decline in the veteran population, and rapid changes in health care delivery, the VA must, indeed, make changes.

The McCain amendment reflected the findings of a GAO report of February 1996 which found the VA's traditional method of allocating resources was not equitable, it was not population based, and some facilities were receiving twice as much funding per patient as other facilities. In response to GAO's findings and in recognition of the need to change its traditional resource allocation method, the Veterans' Administration has begun moving toward a parity-based capitated model for resource allocation. I emphasize that, despite what some newspaper stories may have stated, no final allocations have yet been determined.

In the process of allocating the resources more equitably, a process which is to be fully implemented in fiscal year 1998, there are going to be some areas in some facilities which are winners. There are going to be some facilities which are losers. There are different populations served by those facilities. It is the right direction for the VA to be pursuing. It will bring about efficiencies, fairness, and improved care. We should not stand in the way of these important improvements. We have already seen the elimination of some redundancies as closely located facilities merge their administrative services and as VA opens community-based outpatient clinics in lieu of providing high-cost hospital-based care.

In my own State of Missouri, the Poplar Bluff, MO, Veterans' Administration recently closed inpatient surgical procedures because of the inadequate workload and excessive mortality rates. The decision to close that portion of the facility was painful and four doctors lost their jobs. But it was the right decision. It was the right decision for the facility, for the system, but, most importantly, it was the right decision for veterans' health care.

The Harkin amendment is unacceptable partly because at this time VA does not know what the specific allocation to each hospital will be for fiscal year 1997 since the model for resource allocation for fiscal year 1997 is still under development. Frankly, it is possible that some facilities could receive less than the fiscal year 1996 level. Moreover, the allocation will not be individually to hospitals but rather to the 22 networks, each of which encompass several VA facilities and which we can hope will be based on the need and the population in each area.

I should add, very importantly, that the Veterans' Administration is opposed to the amendment as it takes a step backward to the progress it is attempting to make. The VA has said the only obstacle to better health care for veterans is likely to be Congress. If we are looking at how many jobs in how many facilities and trying to legislate those into place and into being, we will prevent an improvement in the system.

The VA has stated it intends to provide health care services to the 2.8 million veterans currently receiving care. Even with the resource adjustments within the system, VA does not expect to deny patients care who are now getting care in any of its 22 networks.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 4 minutes.

Ms. MIKULSKI. Will the Senator yield 1 minute to me?

Mr. HARKIN. I am delighted to yield a minute to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I see no discrepancy between the McCain amendment that we adopted last night and what Senator HARKIN is doing. Senator HARKIN is essentially doing a bridge and ensuring that those States that might have to make readjustments under the new plan that is being suggested can do so, which I voted for; I voted for McCain. But doing McCain without Harkin is going to send out panic in the Northeast-Northwest corridor. We want to have full-scale cooperation. We want to do the plan being suggested in an orderly, rational way. We don't need administrators doing damage control instead of patient management. I do not see the discrepancy.

Senator HARKIN's amendment is for 1 year, this fiscal year, providing the bridge, because the Veterans' Administration does not have a plan. This does not prohibit McCain from going forward in terms of the plan and giving us the report in 60 days, beginning to implement the 60 days. You can do that, but it is going to take a full year to do it. With all due respect to the VA, they are, at times, a bit sluggish. This will at least give a year. I see that as a bridge. I thank the Senator from Iowa. I support the McCain amendment, I support the Harkin amendment, and I support the veterans. God bless America.

Mr. HARKIN. I thank the Senator from Maryland. I had written down here that a vote for my amendment does not contradict a vote for McCain at all. The Senator from Maryland pointed that out. What I am saying is that, for the first year, all of the increase can go to Florida and can go to Arizona, these high-growth States. All we are saying is, don't cut the legs out from underneath those States, so we at least have 1 year to figure out what is going on here. That is why I offered this amendment. I am not trying to fix on the past. I am not advocating that at all. I want efficiencies. But any plan that does not take into account the age and the illness, rural areas, that type of thing, I am sorry, that is not a good plan.

Again, I point out that last night the Senator from Arizona modified his amendment. If you read the first page, what was modified and stricken out—it says this as it was first written:

> The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources in the Department of Veterans Affairs among the health care facilities of the department so as to ensure that veterans who have similar economic status and eligibility priority or medical conditions. . . .

Guess what was stricken out? "Or medical conditions." That is what I am talking about. This amendment says wait a minute, you have to take into account medical conditions. I say to my friend from Florida, that is why I think we need a year, as the Senator from Maryland said, as a bridge. I know that the number of veterans in Iowa is going down. They are going up in Florida and in Arizona. I understand that. But keep in mind, as I keep saying, that the ones we have left are the older and the poorer of the veterans. They don't deserve to have their legs cut out from underneath them in one fell swoop. Let us be careful.

The PRESIDING OFFICER. All time has expired on debate on this amendment.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

AMENDMENT NO. 5190

(Purpose: To provide benefits for certain children of Vietnam veterans who are born with spina bifida, and to offset the cost of such benefits by requiring that there be an element of fault as a precondition for entitlement to compensation for a disability or death resulting from health care or certain other services furnished by the Department of Veterans Affairs)

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. KERRY, Mr. ROCKEFELLER, Mr. WELLSTONE, Ms. MIKULSKI, Mr. BYRD, Mr. DODD, Mr. CONRAD, Mr. INOUYE, Mr. PELL, Mr. SIMON, Mr. FEINGOLD, Mr. BREAUX, Mrs. BOXER, Mr. DORGAN, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. ROBB, Mr. KENNEDY, Mr. FORD, Mr. REID, Ms. MOSELEY-BRAUN, Mr. LEAHY, Mr. HOLLINGS, and Mr. KOHL, proposes an amendment numbered 5190.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 97, between lines 15 and 16, insert the following:

SEC. 421. (a) The purpose of this section is to provide for the special needs of certain children of Vietnam veterans who were born with the birth defect spina bifida, possibly as the result of the exposure of one or both parents to herbicides during active service in the Republic of Vietnam during the Vietnam era, through the provision of health care and monetary benefits.

(b)(1) Part II of title 38, United States Code, is amended by inserting after chapter 17 the following new chapter:

"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS WHO ARE BORN WITH SPINA BIFIDA

"Sec.
"1801. Definitions.
"1802. Spina bifida conditions covered.
"1803. Health care.
"1804. Vocational training and rehabilitation.
"1805. Monetary allowance.
"1806. Effective date of awards.

"§ 1801. Definitions

"For the purposes of this chapter—

"(1) The term 'child', with respect to a Vietnam veteran, means a natural child of the Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the veteran first entered the Republic of Vietnam during the Vietnam era.

"(2) The term 'Vietnam veteran' means a veteran who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"§ 1802. Spina bifida conditions covered

"This chapter applies with respect to all forms and manifestations of spina bifida except spina bifida occulta.

"§ 1803. Health care

"(a) In accordance with regulations which the Secretary shall prescribe, the Secretary shall provide a child of a Vietnam veteran who is suffering from spina bifida with such health care as the Secretary determines is needed by the child for the spina bifida or any disability that is associated with such condition.

"(b) The Secretary may provide health care under this section directly or by contract or other arrangement with any health care provider.

"(c) For the purposes of this section—

"(1) The term 'health care'—

"(A) means home care, hospital care, nursing home care, outpatient care, preventive care, habilitative and rehabilitative care, case management, and respite care; and

"(B) includes—

"(i) the training of appropriate members of a child's family or household in the care of the child; and

"(ii) the provision of such pharmaceuticals, supplies, equipment, devices, appliances, assistive technology, direct transportation costs to and from approved sources of health care, and other materials as the Secretary determines necessary.

"(2) The term 'health care provider' includes specialized spina bifida clinics, health care plans, insurers, organizations, institutions, and any other entity or individual who furnishes health care that the Secretary determines authorized under this section.

"(3) The term 'home care' means outpatient care, habilitative and rehabilitative care, preventive health services, and health-related services furnished to an individual in the individual's home or other place of residence.

"(4) The term 'hospital care' means care and treatment for a disability furnished to an individual who has been admitted to a hospital as a patient.

"(5) The term 'nursing home care' means care and treatment for a disability furnished to an individual who has been admitted to a nursing home as a resident.

"(6) The term 'outpatient care' means care and treatment of a disability, and preventive health services, furnished to an individual other than hospital care or nursing home care.

"(7) The term 'preventive care' means care and treatment furnished to prevent disability or illness, including periodic examinations, immunizations, patient health education, and such other services as the Secretary determines necessary to provide effective and economical preventive health care.

"(8) The term 'habilitative and rehabilitative care' means such professional, counseling, and guidance services and treatment programs (other than vocational training under section 1804 of this title) as are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of a disabled person.

"(9) The term 'respite care' means care furnished on an intermittent basis for a limited period to an individual who resides primarily in a private residence when such care will help the individual to continue residing in such private residence.

"§ 1804. Vocational training and rehabilitation

"(a) Pursuant to such regulations as the Secretary may prescribe, the Secretary may provide vocational training under this section to a child of a Vietnam veteran who is suffering from spina bifida if the Secretary determines that the achievement of a vocational goal by such child is reasonably feasible.

"(b) Any program of vocational training for a child under this section shall be designed in consultation with the child in order to meet the child's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation.

"(c)(1) A vocational training program for a child under this section—

"(A) shall consist of such vocationally oriented services and assistance, including such placement and post-placement services and personal and work adjustment training, as the Secretary determines are necessary to enable the child to prepare for and participate in vocational training or employment; and

"(B) may include a program of education at an institution of higher education if the Secretary determines that the program of education is predominantly vocational in content.

"(2) A vocational training program under this subsection may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment.

"(d)(1) Except as provided in paragraph (2) and subject to subsection (e)(2), a vocational training program under this section may not exceed 24 months.

"(2) The Secretary may grant an extension of a vocational training program for a child under this section for up to 24 additional months if the Secretary determines that the extension is necessary in order for the child to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan of vocational rehabilitation formulated for the child pursuant to subsection (b).

"(e)(1) A child who is pursuing a program of vocational training under this section and is also eligible for assistance under a program under chapter 35 of this title may not receive assistance under both such programs concurrently. The child shall elect (in such form and manner as the Secretary may prescribe) the program under which the child is to receive assistance.

"(2) The aggregate period for which a child may receive assistance under this section and chapter 35 of this title may not exceed 48 months (or the part-time equivalent thereof).

"§ 1805. Monetary allowance

"(a) The Secretary shall pay a monthly allowance under this chapter to any child of a Vietnam veteran for any disability resulting from spina bifida suffered by such child.

"(b)(1) The amount of the allowance paid to a child under this section shall be based on the degree of disability suffered by the child, as determined in accordance with such schedule for rating disabilities resulting from spina bifida as the Secretary may prescribe.

"(2) The Secretary shall, in prescribing the rating schedule for the purposes of this section, establish three levels of disability upon which the amount of the allowance provided by this section shall be based.

"(3) The amounts of the allowance shall be $200 per month for the lowest level of disability prescribed, $700 per month for the intermediate level of disability prescribed, and $1,200 per month for the highest level of disability prescribed. Such amounts are subject to adjustment under section 5312 of this title.

"(c) Notwithstanding any other provision of law, receipt by a child of an allowance under this section shall not impair, infringe, or otherwise affect the right of the child to receive any other benefit to which the child may otherwise be entitled under any law administered by the Secretary, nor shall receipt of such an allowance impair, infringe, or otherwise affect the right of any individual to receive any benefit to which the individual is entitled under any law administered by the Secretary that is based on the child's relationship to the individual.

"(d) Notwithstanding any other provision of law, the allowance paid to a child under this section shall not be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program.

"§ 1806. Effective date of awards

"The effective date for an award of benefits under this chapter shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application for the benefits.".

(2) The tables of chapters before part I and at the beginning of part II of such title are each amended by inserting after the item referring to chapter 17 the following new item:

"18. Benefits for Children of Vietnam Veterans Who Are Born With Spina Bifida .... 1801".

(c) Section 5312 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "and the rate of increased pension" and inserting in lieu thereof ", the rate of increased pension"; and

(B) by inserting after "on account of children," the following: "and each rate of monthly allowance paid under section 1805 of this title,"; and

(2) in subsection (c)(1), by striking out "and 1542" and inserting in lieu thereof "1542, and 1805".

(d) This section and the amendments made by this section shall take effect on January 1, 1997.

SEC. 422. (a) Section 1151 of title 38, United States Code, is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following:

"(a) Compensation under this chapter and dependency and indemnity compensation under chapter 13 of this title shall be awarded for a qualifying additional disability or a qualifying death of a veteran in the same manner as if such additional disability or death were service-connected. For purposes of this section, a disability or death is a qualifying additional disability or qualifying death if the disability or death was not the result of the veteran's willful misconduct and—

"(1) the disability or death was caused by hospital care, medical or surgical treatment, or examination furnished the veteran under any law administered by the Secretary, either by a Department employee or in a Department facility as defined in section 1701(3)(A) of this title, and the proximate cause of the disability or death was—

"(A) carelessness, negligence, lack of proper skill, error in judgment, or similar instance of fault on the part of the Department in furnishing the hospital care, medical or surgical treatment, or examination; or

"(B) an event not reasonably foreseeable; or

"(2) the disability or death was proximately caused by the provision of training and rehabilitation services by the Secretary (including by a service-provider used by the Secretary for such purpose under section 3115 of this title) as part of an approved rehabilitation program under chapter 31 of this title."; and

(2) in the second sentence—

(A) by redesignating that sentence as subsection (b);

(B) by striking out ", aggravation," both places it appears; and

(C) by striking out "sentence" and substituting in lieu thereof "subsection".

(b)(1) The amendments made by subsection (a) shall take effect on October 1, 1996.

(2) Section 1151 of title 38, United States Code (as amended by subsection (a)), shall govern all administrative and judicial determinations of eligibility for benefits under such section that are made with respect to claims filed on or after the effective date set forth in paragraph (1), including those based on original applications and applications seeking to reopen, revise, reconsider, or otherwise readjudicate on any basis claims for benefits under such section 1151 or any provision of law that is a predecessor of such section.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the amount of time allocated to this amendment not exceed 15 minutes with the time evenly divided between myself and the Senator from Missouri, Senator BOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, we had the debate on this amendment this morning, so this is meant simply to be a summary statement. Let me begin by reminding my colleagues about the mission of agent orange and the Agent Orange Act of 1991.

The Agent Orange Act of 1991 was passed unanimously, 99–0, with the cosponsorship of my colleague from Wyoming, Senator SIMPSON. It requires the Department of Veterans Affairs to evaluate scientific findings from the National Academy of Sciences, based on their review of all related evidence.

This year, the National Academy of Sciences found compelling evidence, based on scientifically sound epidemiological studies, to place spina bifida in the second category of compensated diseases. As I mentioned earlier, the VA already covers all of the conditions in categories 1 and 2, except spina bifida, because the Secretary doesn't have the authority to provide these benefits to children of veterans.

We are not here today to debate the underpinnings of the original law. What we are here today to do is to talk about our obligation. The battle about the original law was fought and won. That ended 5 years ago.

We have a reasonable proposal to address the unique needs of these kids, whose disabilities are linked to their parent's exposure to agent orange. I don't have to remind any of my colleagues that the National Academy of Sciences is a highly respected, nonpartisan research organization. Congress regularly relies on the National Academy of Sciences to provide unbiased, scientifically sound information. It is very unfortunate, as some of my colleagues have done, to criticize their professionalism simply because one disagrees with its findings.

NAS has assembled a panel of expert scientists to review all of the signs associated with agent orange exposure. They found several epidemiological studies that supported an association between parental exposure to agent orange and the presence of spina bifida in children. NAS found the reanalysis of the Ranch-Hand study particularly compelling. They compared Vietnam veterans with non-Vietnam veterans and accounts of exposure. Despite the comments of the Senator from Wyoming this morning, they have indeed found a higher incidence of spina bifida in the children of Vietnam veterans. That is what led them to conclude what they did in the report last spring.

That report states simply:

> Neural tube birth defects were in excess among offspring of Ranch Hands with four total cases in contrast to none among the comparison infants.

This translates into a rate of 5 per 1,000, significantly higher than CDC's normal spina bifida rate of 4.5 per 10,000.

In other words, there is a four times higher level of incidence of spina bifida with agent orange exposure than there is with no agent orange exposure, according to this study. These findings are statistically significant. And that is what the law requires. If you see a significant statistical difference, you have to reflect that in the requirements provided in the law that passed in 1991.

Furthermore, in addition to the Ranch Hand study, a number of studies of veterans appear to show an elevated relative risk for either service in Vietnam or estimated exposure to herbicides or dioxin, and the presence of neural tube defects in their offspring. For those interested in reading an unbiased analysis of the strengths and weaknesses of each study, I certainly refer you to the NAS report.

Mr. President, we could talk for the rest of the night, if we had the time, about the science of this issue. The real question is: Who ought to get the benefit of the doubt? Who should deserve the benefit of the doubt, given the commitment made by our veterans in Vietnam, now more than 20 years ago? Do we give it to the veterans and their children, or do we give it to those who would argue that we need more information, more science, more data, even though the accumulation of data has already demonstrated a clear association?

By placing spina bifida in the second category, NAS, the experts we chose 5 years ago to advise us, concluded there is evidence suggestive of an association. The law set a standard of positive association that we are relying upon in this amendment. When the credible evidence for an association is equal to or outweighs the evidence against an association, the benefit of the doubt, by law, must go to the veteran. The law specifically does not require evidence of cause and effect.

Reconciliation has not happened and is not in sight. As a result, the provision identified in the amendment can be used as savings to pay the very limited benefits we are talking about today. This widely supported provision would insert into the law a fault requirement to limit the VA's liability in non-malpractice related cases.

Regardless of what arguments can be put forth by others, the fact that a hearing is being held later this month is an argument that, in my view, is not relevant to the debate on this amendment. It is not even dealing with the issue. Those interested in addressing the issues raised by the March report have been working for months to design an appropriate solution.

This amendment is strongly supported by veterans and disability communities. Veterans and their families have waited decades for the confirmation embedded in these findings. They should not have to wait any longer.

This amendment is clearly germane to the underlying bill. It is a veterans issue, and this is a veterans bill. We are not going to be fooling America's veterans by suggesting that somehow this is not germane. Opponents of this amendment should not be able to hide behind some convenient, questionable procedural motion. This is germane. It is relevant. And the time to act is now.

We cannot wait any longer. Let us treat spina bifida as we do all the other diseases that we have already determined have a direct association to agent orange exposure. Let us give veterans and their children the means and support necessary to deal with the problems associated with this crippling disability.

I yield the floor.

Mr. BOND. Mr. President, we have had a lot of debate, a lot of heated rhetoric, and a lot of stirring stories of personal tragedies during this morning's session and tonight, and there is a lot of emotion involved. I think it is reasonable to understand why there is emotion, because every year in the United States there are approximately 150,000 babies born with serious birth defects. There are congenital heart defects, Down's syndrome, neural tube defects, primarily spina bifida. Of those birth defects, about 4,000 babies have spina bifida.

Over the past several years, I have worked with the March of Dimes attempting, with some success, to get the Centers for Disease Control funding for their prevention programs in research to find out what causes these problems, to set up a surveillance and monitoring program so that we can have some sound evidence as to what causes these defects. Some research on spina bifida is already bearing fruit. There is a connection between mothers taking folic acid early in pregnancy, and reduced rates of the incidence of spina bifida have been found. This is good news. This is good science. We are making some progress. But a lot more work needs to be done on the causes, the incidence, and the protections.

Now we come to the recent actions by the National Academy of Sciences. Let me be clear that the agent orange law does not require us to expand an entitlement on this bill. The Agent Orange law does not apply to children or offspring of veterans. The agent orange law sets up some presumptions, but they have to be based on science, which is not present here.

The National Academy of Sciences in their review this past spring found in one study what the authors called a possible association between exposure and spina bifida in the offspring of veterans. The National Academy of Sciences then presented this information to the Veterans' Administration with the caution on how the study should be used. In fact, in that study, the task force emphasizes that its conclusions "made for the limited purposes of PL–10234 do not reflect a judgment that a particular health outcome has shown to be caused by, or in some cases even definitely associated with, herbicide exposure under the standards ordinarily governing such conclusions for purposes of scientific inquiry and medical care."

So much for the contentions that there is compelling scientific evidence. They said there was not.

Later this summer, the author of the study, the Ranch Hand study, told us in testimony before the House that his study was not adequate to make a decision that there was a causal link. He cautioned the House, and said do not count on a causal link from this study. It does not show it.

Then, on July 29, the minority leader introduced legislation which used the study to create this new entitlement program. There has not been a hearing held on it in the authorizing committee.

But there is also some new information that, frankly, I just came across. The Air Force has now sent a letter to Congress, dated August 29, in which they state in their 1996 progress report on the bottom of page 3—this is on the Ranch Hand study, the one study which reported to show any connection:

> We found no indication of increased birth defects severity, delays in development, or hyperkinetic syndrome with paternal dioxin. The data provides little or no support for the theory that external exposure to Agent Orange and its dioxin contaminant is associated with adverse reproductive outcomes.

Mr. President, I think that there is a very real question of whether there is any—certainly this has not been demonstrated—scientific evidence of a linkage.

It is time for cooler heads to prevail. We have all expressed our concerns over birth defects. The amendment is not supported by sound scientific evidence. It is not even uniformly supported by veterans groups who recognize that the impact of the amendment will mean reduced benefits to veterans as a result of new entitlements and health care for dependents.

There are many questions which the debate has raised which deserve full consideration in the normal legislative process before the authorizing committee. The opponents of this amendment have every bit as much compassion for people with these disabilities such as spina bifida. All we are saying is let us get the science that establishes the linkage. It is not there. Let us not jump into something that is so lacking in scientific evidence.

That is precisely why we have a separate procedure in this body to consider legislation, particularly legislation setting up an entitlement program with hearings and actions before an authorizing committee.

Since this is an attempt to set up an entitlement program, and it has not been heard before or acted upon by the authorizing committee, I raise a point of order that this amendment is not germane.

The PRESIDING OFFICER. The Chair would suggest that the manager of the bill withhold his request as the minority leader still has 50 seconds of his time.

Mr. DASCHLE. Mr. President, I yield that time to the distinguished Democratic whip.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I have listened to my colleague from Missouri talk about the March of Dimes. I started with the March of Dimes. We raised $800 trying to find a polio vaccine until it was completed. For 25 years I have worked with the March of Dimes and scholarships. The March of Dimes can't be used to stop this amendment. The veterans and their children deserve the vote of this Senate.

If you could listen to the Democratic leader and the statements he has made, if you want to vote against the Vietnam veterans' children with spina bifida, you go ahead and do it. Then we will see who suffers the consequences. We are talking about children here. Let us be compassionate tonight, and not be so hard that we say to these Vietnam veterans there is even the possibility that they should not be taken care of.

I hope the Senate will join the Democratic leader and support his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri has 49 seconds.

Mr. BOND. Mr. President, the argument about political retribution for somebody who demands scientific evidence and wants to provide a fair hearing and a scientific basis for action is one which does not, I think, serve this body well. I think we have a proper procedure for determining whether there is scientific evidence. To date, there has been none shown. That is why when I said this is entitlement legislation being offered on an appropriations bill, it is not germane to the appropriations process. And, for that reason, I raise this point of order that this amendment is not germane.

The PRESIDING OFFICER. The question should be submitted to the Senate.

Does the Senator request the yeas and nays?

Mr. BOND. I ask for the yeas and nays on the question of germaneness.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UNITED STATES RESPONSE TO IRAQI AGGRESSION

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. According to the unanimous consent agreement, the final issue to be disposed of at approximately 9:30 deals with the resolution relating to Iraq. I would like to address that resolution at this time.

I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 288) regarding the United States response to Iraqi aggression.

The Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, on Tuesday, I spoke briefly about my views on President Clinton's decision to retaliate against Iraq for its unprovoked, unjustified, and brutal attack on the civilian population of Irbil, a city in northern Iraq.

At that time, I also indicated I planned to introduce a resolution condemning Saddam Hussein's behavior and expressing the Senate's support for the President's actions.

I must say I never dreamed it would take this long and be this difficult to arrive at a simple resolution in support of the actions taken earlier this week.

For several days now, we have been attempting to resolve issues relating to language and have been thwarted and frustrated in that effort for a lot of reasons, in large measure because many of my colleagues on the other side wish not to laud the President or find any way with which to praise the President's actions. In fact, for the last several hours the issue has been, do we even use the word "President" in the resolution? There was an adamant feeling on the part of many on the other side that we could not use the word "President," and so you will not find that word used as a result of the requirements by many of my colleagues on the Republican side.

In fact, the only reference to the President is a reference to the Commander in Chief, and I must say that that is suitable to many of us, but I do believe that it is a very unfortunate set of circumstances that could have caused some partisanship, in fact a great deal of partisanship, to enter into these deliberations.

Let me at the same time applaud the majority leader for his willingness to continue to work with me to resolve those outstanding questions and to come to some compromise on the language that has now been presented to the Senate. His work and his cooperation as well as that of some of our colleagues on the other side have brought us to this point tonight.

Let me also thank the distinguished Senator from Georgia, the ranking member of the Armed Services Committee, Senator NUNN, and the distinguished Senator from Michigan, Senator CARL LEVIN. Let me also thank Senator PELL and many others—Senator BIDEN, who had a lot to do with the wording of this legislation; in addition, Senator MCCAIN, Senator WARNER, and others who were very helpful in bringing us to this point.

Let me make it very clear that in spite of what I consider to be the pettiness involved with whether you use the word "President" or not, this resolution very clearly and strongly and wholeheartedly supports the measures taken by this President in the last 72 hours.

Last Saturday, in spite of clear warnings from the United States and the international community, Iraqi forces commenced their vicious attack on the defenseless civilian Kurdish population in and around Irbil. Casualties reportedly numbered in the thousands. Reports of door-to-door searches resulting in executions were rampant and, unfortunately, all too credible.

In addition to this obvious toll on human life, Saddam's invasion also threatens the interests of the United States and its allies in this crucial region of the world. The prospect for factional strife has been greatly increased while regional stability has been called into question, thereby enhancing the risk of a larger scale conflict in the region.

Saddam's aggression is in direct contravention of the United Nations Resolution 688 which was enacted in 1991 at the end of the Persian Gulf war. At that time the Security Council empowered the United States, Britain, and France to protect the Kurdish population from human rights abuses by the Iraqi regime through the establishment of a no-fly zone over large portions of northern and southern Iraq.

Saddam's attack on Irbil blatantly violates international norms and is by itself sufficient justification for the President's decisions to strike four critical Iraqi targets with 44 cruise missiles and to expand the no-fly zone northward to the very suburbs of Baghdad.

Unfortunately, the aggression in Irbil is but the latest in a string of ruthless and provocative actions undertaken by Saddam before, during, and after the Persian Gulf war.

Mr. President, I will not outline the entire catalog of violent and reprehensible acts undertaken by Saddam and his henchmen since he ascended to power in Iraq. Needless to say, the list is as chilling as it is long. President Clinton succinctly noted in his statement on Tuesday, "Saddam Hussein's objectives may change but his methods are always the same—violence and aggression against the Kurds, against ethnic minorities, against Iraq's neighbors."

It is for these reasons that I support and our colleagues support the President's decision to take action. I am very confident the American people feel exactly as we do tonight.

The President's actions served a twofold purpose. First, they showed Saddam that he will pay a price for his latest act of aggression. In mounting the largest attack on Iraqi territory in the 5 years since the end of the Persian Gulf war, president Clinton has appropriately reminded Saddam that violations of international norms will not go unpunished.

Secondly, by destroying air defense assets in central Iraq and extending the no-fly zone northward toward Baghdad, the United States has greatly reduced the threat Saddam poses to his opponents within Iraq and his opponents in adjoining nations.

By restraining Saddam's bloody hand, the President's decisive action has limited the ability of an oppressive regime to disrupt the volatile center of a Middle East region that is vital to American foreign policy interests. The response was measured, appropriate, and absolutely necessary.

I also want to indicate at this time my strong support for the men and women in uniform who are asked repeatedly to go in harm's way to protect our national interests. Early damage reports from the latest attack on Iraq indicate another mission accomplished without a hitch and without a casualty.

It is noteworthy that despite the end of the cold war, the military forces of the United States continue to play a crucial role around the world in advancing and protecting our national interests. This dedicated group of men and women have been called upon repeatedly since the collapse of the Soviet Union and the onset of the post-cold-war era. They have never failed the American people or our friends abroad.

The resolution before us is an extremely crucial matter for all of us because our enemies and friends must see that we speak with one voice when it comes to our policy for containing and defeating Saddam Hussein. As we have learned only too painfully in the past, domestic discord on important national security issues only plays into the hands of those who seek to undermine our resolve. It is critically important to demonstrate national unity when our military forces are in harm's way.

Even in this most intense political season, politics for all Americans still ends at the water's edge.

President Clinton was faced with a broad array of choices when deciding how to respond to Saddam's aggression, everything from doing nothing to inserting United States ground troops and forcefully evicting Iraqi troops from Irbil. Obviously, each end of this spectrum constitutes an unacceptable and inappropriate response. Only something between the two extremes makes any sense, precisely the course chosen by President Clinton.

This resolution puts the Senate forcefully behind the President's measured decision. The President opted both to weaken Iraqi air defenses and simultaneously expand the area in which the Iraqi Air Force will not be permitted to operate. These actions clearly demonstrate the United States is prepared to impose real costs on Saddam Hussein for his aggression. As noted by Gen. Colin Powell, the President did exactly the right thing.

Of our friends and allies abroad, we ask they stand with the United States as we seek to faithfully implement the U.N. resolutions adopted at the end of the Persian Gulf war. Saddam's actions demonstrate he still represents a direct threat to his people, his neighbors, and the security of the entire vitally important region. If the world were to look the other way now and allow Saddam to go unpunished, we would encourage more blatant and damaging incursions in the future. There must be no doubt in Saddam's mind that the international community is united in its opposition to such unacceptable behavior.

Finally, to Saddam Hussein, let us state for the record the position of this administration and this Congress, as plainly and as simply as we can. Although we may belong to different political parties and have opposing views on some issues, we stand united and indivisible on this. Iraqi aggression must not go unpunished, now or in the future. We will insist on Iraq's compliance with international norms of behavior, regardless of the circumstance.

To this end I have worked with the distinguished majority leader to draft a resolution condemning Saddam's behavior and indicating our strong support for the U.S. response to this latest incident. With the adoption of this resolution by the Senate, there should be no doubt in anyone's mind, least of all Saddam Hussein's, that the American people are united in their opposition to this conduct. Passage of this resolution is one way to demonstrate to our friends and enemies alike, our resolve on this crucial issue.

I ask for its support tonight. I hope we could indicate our support unanimously.

I yield the floor.

Mr. LOTT. Mr. President, just briefly, this Senate Resolution 288 recognizes that the United States and its allies have vital interests in ensuring regional stability in the Persian Gulf. It recognizes that:

> On August 31, 1996, Saddam Hussein, despite warnings from the United States, began an unprovoked, unjustified, and brutal attack on civilian population in and around Irbil in northern Iraq.

It recognizes:

> the United States responded to Hussein's aggression on September 3, 1996 by destroying some of the Iraqi air defense installations and announcing the expansion of the southern no-fly zone.

Those are the whereas clauses in the resolution. And the resolved says:

> The Senate commends the military actions taken by and the performance of the United States Armed Force under the direction of the Commander-in-Chief, for carrying out this military mission in a highly professional, efficient and effective manner.

There are those who would have liked for it to have said a lot more. There are those who were not comfortable saying anything at this time, who have some questions about the policy and what the future holds. But I do think it is appropriate that we have a bipartisan resolution on this subject matter, that we commend our men and women for the job they have done. They have done a wonderful job in the air and on the sea in this instance, as in all other instances. And whenever American forces are introduced, we do come together and partisanship stops at the shoreline, and that is the case here.

We have been working since Tuesday to craft a resolution that condemns what happened there in Iraq, under Saddam Hussein's actions, again, and to commend these troops.

There is no doubt in any Senator's mind that we have 100 percent support by the American people and by us in support of our men and women who have participated in this military action.

The United States has led the multinational coalition which defeated Hussein's aggression in 1991. When President Clinton came into office, he inherited a policy toward Iraq that included a weakened Saddam Hussein, a united international coalition, a solid international sanctions regime and a united Iraqi opposition.

There is concern now about the move toward lessening sanctions, although I had an opportunity to personally ask the President about the sanctions, and he assured me that the sanctions were not being lifted and that the Iraqi oil sales were not going to go forward under these conditions.

We are also concerned about our international coalition, what is going to be their role in the new no-fly zone in the southern part of Iraq.

So there is work to be done in this area, but I am sure both the Congress will be paying attention to that, as will the administration.

There is unanimous condemnation by the American people and by the Senate of the brutal attacks on the Kurdish areas in northern Iraq. That is as it should be. While it is a complicated situation, with interests by Turkey and interests by Iran and by different factions within the Kurds, it still is a situation that we cannot ignore. Any leader of a country, however that person obtained that position, that will exercise that kind of brutality in his own country or threaten military action against its neighbors or, in fact, invade a neighbor must be consistently watched and very serious and strong actions taken against them.

I want to also say I am concerned—and I discussed this with the Democratic leader—about the lack of prior consultation with the Congress about this action. The War Powers Act is very clear about the need for notification, consultation and also a report on what happened. It did not happen in this instance, and I don't believe it happened on either side of the aisle. That is unacceptable. Perhaps there were reasons for it, but I have expressed my concern to the administration, to the NSC, and I believe that we will have more consultation and notification in the future. We must not have the commitment of military power without even a word of consultation with the Congress. We have to continue to insist on that.

Our resolution is a modest step tonight. Many of our Members would like it to have been much more. I think it is fair. It has been worked out in a bipartisan way. I think it is time we stepped up to this issue, we have this resolution and we move on. So I appreciate the cooperation we did have.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I rise to support the resolution on Iraq. This resolution states the Senate stands with our troops, and our President, as they respond to Saddam Hussein's brutality.

The President was right to act to contain Saddam Hussein's aggression. Saddam Hussein's actions threaten American interests and peace in the Middle East—as well as the safety of his own people. He must be taught that his reckless acts have consequences. He must pay the price for his brutal and immoral actions.

The U.S. response is swift, specific and limited. The President responded swiftly and strategically after Iraq seized the city of Irbil in the Kurdish safe haven. Our objectives are clear and limited: to force Saddam Hussein to pay a price for his brutality and to make it safer for our pilots to patrol the no-fly zones in Iraq by destroying Iraqi air defense systems. To achieve these objectives, only specific military sites are targeted.

We have already paid a great price to contain Saddam Hussein in Operation Desert Storm. If we ignore Saddam Hussein's latest aggression, he will only be emboldened to take further reckless actions that threaten our national interests—and the lives of his own people.

Mr. President, my thoughts and gratitude are with our brave troops. They are once again called upon to stand sentry for those who would otherwise stand alone. The men and women of our Armed Forces have performed their mission with great skill and courage. I pray for their safe and swift return.

Mr. KERRY. Mr. President, last weekend Saddam Hussein sought to test the international community's tolerance and resolve yet again. Some 30,000 Iraqi soldiers, led by the elite Republican Guards, attacked and captured the Kurdish-controlled city of Irbil in northern Iraq. Saddam undertook this action despite warnings from the United States and other members of the international community and in defiance of our collective commitment, born out of the Persian Gulf war, to protect the Kurds.

None of us knows why Saddam decided to test us now. But if the history of the last 6 years has taught us anything, it is that Saddam Hussein does not understand diplomacy, he only understands power, and when he brandishes power in a manner that threatens our interests or violates internationally accepted standards of behavior, we must be prepared to respond—and with force, if necessary.

President Clinton's response to Saddam's latest challenge was the right one—decisive, measured, and carefully calculated to take the strategic advantage away from Saddam. By expanding the southern no-fly zone to the 33d parallel, we have denied him the ability to use two key military air bases and to control Iraqi airspace from the Kuwaiti border to the southern outskirts of Baghdad. This significantly reduces his capacity to launch offensive operations against Iraq's neighbors and the Persian Gulf oil fields. By attacking his air defense and command and control systems we have increased our capacity to patrol the no-fly zone and reduced the potential treat to our pilots and those of our British and French allies.

Saddam Hussein has tried to explain away this latest aggressive move by contending that his forces entered Irbil at the request of the Kurdistan Democratic Party [KDP], one of the two warring factions in northern Iraq. It is hard to understand why any Kurdish faction would willingly ally with Saddam, given the many years in which his forces have repressed, tortured and abused the human rights of the Kurdish people. However, if the KDP did request Iraqi intervention, that request does not justify the use of force against Kurdish civilians in Irbil. The international community has made it clear since April 1991, when the United Nations Security Council passed Resolution 688, that it would not tolerate the repression of the Kurds and other Iraqi civilians. That is why the United Nations established the no-fly zone in northern Iraq. The Iraqi attack on Irbil, and the continued threat posed by Iraqi forces positioned to attack again in support of the KDP, contravenes the letter and the spirit of this resolution.

For months the United States has led a diplomatic effort to try to mediate the conflict between two warring Kurdish factions, the Kurdistan Democratic Party led by Massoud Barzani and the Patriotic Union of Kurdistan [PUK] led by Jalal Talabani. There is no doubt that the PUK's flirtation with Iran earlier this year and the raw power politics played by these groups opened the door for Saddam Hussein. Hundreds of innocent Kurdish civilians have died, and others could die as long as Saddam has de facto control over Irbil and Iraqi forces remain poised to attack other PUK-controlled areas.

The United States has a moral interest in preventing the abuse of the Kurdish people, but our strategic interests go beyond this. We have strategic interests in denying Saddam the capability to take action against Kuwait and other states in the region or to threaten the world's oil supply. We also have a strategic interest in supporting the Iraqi opposition as a way to counter Iran's growing influence and limiting its ability to control a post-Saddam Iraq. That is why we did not—and should not—side with either of the Kurdish factions.

The U.S. military response was deliberately designed to accomplish two objectives: first, to make Saddam Hussein pay a steep price for his aggressive moves against Kurdish civilians in Irbil, and second, to weaken his capacity to undertake offensive action in the region. Time and again in the last six years, Saddam has tried to test the international community's commitment to peace and stability in the region. Each and every time he has met a forceful response.

Iraq's August 1990 attack on Kuwait resulted in defeat for Iraqi forces at the hands of a U.S.-led coalition. Suppression of the Kurdish revolt in northern Iraq at the end of the Persian Gulf war led to the establishment of the northern no-fly zone by the international community. Iraqi threats against United States and allied planes enforcing the no-fly zone in January 1993 led to missile strikes against Iraq's southern air defense systems. Six months later President Clinton ordered United States forces to strike at an Iraqi intelligence facility when he learned of an Iraqi plot to assassinate former President Bush. In October 1994, the United States and its allies sent forces to the region as Iraqi troops began to move south toward Kuwait. We did the same thing the following fall when Iraqi troops appeared to be moving south again.

The United States, under President Bush and then President Clinton, led these earlier efforts to contain Saddam. Whereas some of our allies in the region are constrained from acting on this occasion, we are not. Our interests, and the long-term interests of peace and stability in the region, dictate that we respond to this latest test of wills with Saddam.

The Iraqi attack on Irbil has had serious ramifications for the people of Iraq. It has resulted in the deaths of innocent civilians. It has set back the possibility of resolving differences and reaching a viable political settlement between the Kurdish factions. It has forced the United Nations Secretary General to suspend implementation of U.N. Security Council Resolution 986, which provides for the sale of some Iraqi oil to generate funds to buy food and medicine for the Iraqi people. Irbil is one of the key distribution centers for this humanitarian assistance. Needless to say that plan cannot go forward in the shadow of Iraqi forces.

President Clinton made it clear that we intend to judge Saddam Hussein by his actions, not his words. Saddam has said that Iraq will not respect the expanded no fly zone and yesterday, Iraqi radar locked on a United States plane enforcing the zone. What this means is unclear. Clearly the rational response on Saddam's part would be to refrain from any action that will escalate this crisis. I know that all of us hope that rationality will prevail.

Mr. WARNER. Mr. President, I join the majority leader today in expressing the Senate's support for the accomplishments by the men and women of the Armed Forces who planned and executed the recent air strikes against Saddam Hussein and the Iraqi military. At times of international crisis, it is essential that our troops in the field—those who are assuming high personal risks—know that they have the support of Congress and the American people. Having myself served in, and later with our military, as Secretary of Navy, I know the vital need for this support for our troops and their families.

Since Saddam Hussein's forces invaded Kuwait in August 1990, I have been a consistent supporter of U.S. military, using force if justified, to stop Iraqi aggression throughout that region. It is clearly in the national security interests, and the economic interests, of the United States—and indeed the international community—to ensure that the Government and military of Iraq do not threaten the stability of a region which contains an estimated 70 percent of the world's known oil reserves. That is why the United States, under the leadership of President Bush, was able to put together the most significant military coalition since World war II to force Iraqi invaders out of Kuwait, restore Kuwait sovereignty, impose severe restrictions and prohibitions on Saddam Hussein's military capability and aggressive behavior, and restore a measure of stability to this ever troubled region.

I was privileged to work with Senator Dole in drafting the legislation and managing the floor debate resulting in Senate approval of the resolution which authorized President Bush to employ U.S. Armed Forces—using force—in the Gulf War. It is hard to image today—when a consensus generally exists in this country for taking military action against Iraqui agression—that in 1991, with 500,000 U.S. troops in the Gulf ready to use force that the Senate supported the authority for the President to use force by a mere 5 votes. Thankfully, after Desert Storm was launched, the Congress, the nation quickly rallied behind our troops. The missions, as set out in U.N. resolutions, were successfully accomplished.

Today, the crisis in Iraq is not simply about a tragic civil war between factions of the Kurds. It is about maintaining the regional security balance that our troops fought—and died—for in 1991. Almost 6 years after the gulf war, the international community is still fighting to secure Saddam's compliance with the agreements demanded from him and his government at the end of the war. Yet today, Saddam continues to defy U.N. weapons inspectors; refuses to account for Kuwaitis missing since the war; refuses to return Kuwaiti property seized during the Iraqi occupation; and continues to repress Iraqi citizens. Such actions must not be tolerated.

The United States has already made a substantial investment, in the Sacrifices, casualties of our troops and their families, to contain Saddam's aggression. During Desert Storm, almost 150 U.S. military personnel were killed, and over 460 were wounded. In addition, the American taxpayer invested heavily in the U.S. major military effort, and has continued to pay—an average of at least a half billion dollars a year since 1991—to contain Saddam Hussein.

That investment must be preserved, so a U.S. response to Saddam's latest transgression had to be made. The timeliness, the magnitude, and the process by which the Presidential decisions were made must be fully reviewed. But for now, a "well done" to the U.S. military.

I commend the majority leader, Senators THURMOND and MCCAIN for their leadership on this resolution.

Mr. CRAIG. Mr. President, Saddam Hussein's movement into northern Iraq was yet another direct threat to U.S. national interest: to maintain security and stability in the Middle East. American cruise missiles have struck various Iraqi military installations with the purpose of deterring Iraq from further violence against the Kurds and to take out air-defense systems that posed a danger to our air patrols.

I support the President as our Commander in Chief and his decision to attack Saddam Hussein's military installations to provide greater protection for our personnel enforcing the current and expanded no-fly zone. I stand 100 percent behind the brave men and women in our Armed Forces. Therefore, I support the resolution we are voting on this evening which condemns Saddam Hussein's actions and expresses support for our troops and the President's efforts to curb further actions by Iraq. It is my understanding that after intelligence reports disclosed the Iraqi military buildup, clear warnings were sent that he should not use any military force—warnings that were not heeded.

Mr. President, Saddam Hussein's actions and our response didn't come out of the blue. They are an extension of ongoing efforts to enforce the restraints placed on Iraq at the end of the Gulf war. Therefore, while the use of force should always be a last resort tool of foreign policy, the reckless and aggressive pattern of actions Hussein has carried out, required the only warning he would respond to: force.

While we can understand these recent events, the future of this situation remains a concern for us all. U.S. interests in the region have not changed. In addition, the various conflicts among neighboring nations and the division within the Kurdish people, further complicates our ability to stabilize the situation. It is critical and in our national interest that the administration work with our allies, especially those in the region, to bring this incident to a peaceful conclusion.

Finally, while the cold war has come to an end, it is clear that we continue to live in an unstable world where our national security interests will be tested. We must continue to fully fund our Armed Forces so they remain strong. When we ask American men and women to put their lives on the line for our country, they better have the best equipment and training possible.

Mr. President, there is no doubt that we have strong national security interests in this very volatile and unstable region of the world. Any further hostility by Saddam Hussein's forces against our personnel, or in violation of Operation Provide Comfort or the other restraints established by the international community must be met with a swift and decisive response from the United States.

Mr. BIDEN. Mr. President, 2 days ago the President ordered a forceful response to Iraq's aggression against its own Kurdish minority.

The question before us is whether the Senate supports the action taken by our President.

Some have expressed concerns that go beyond the scope of that question. They have raised points that could be the matter of legitmate debate—but that debate should be reserved for another day.

We are not debating the history of American diplomacy with respect to Iraq. We are not debating the future of American security policy in the Persian Gulf. We are simply being asked to state whether or not we support the actions initiated by the Commander in Chief; Whether we support the troops fulfilling his orders; and, whether we condemn Saddam Hussein's aggressive actions.

These are weighty matters in and of themselves. We should not cloud the debate by injecting extraneous issues.

I intend to support the resolution before us because I believe that the forceful response ordered by the President was both necessary and appropriate. Saddam Hussein has demonstrated repeatedly that he only understands the language of force.

He was warned explicitly by the United States when evidence mounted of a threatening Iraqi military mobilization. He chose to ignore those warnings and enter an area that has been the site of past Iraqi transgressions. His actions violated universal human rights norms as well as U.N. Security Council Resolution 688, which demanded that he cease his oppression of the Kurds.

Had this aggression gone unanswered, it would have strengthened his position internally and emboldened him to strike elsewhere. Thankfully, it did not go unanswered.

President Clinton's decisive action sent a strong signal that the United States will not condone Iraqi military adventurism. It sent the message that there is a price to pay for aggression. It served to protect vital interests in the Persian Gulf by reassuring key allies of America's commitment to regional stability. And by extending the Southern no-fly-zone, the President has constrained Saddam Hussein's ability to make greater mischief.

Upholding these interests transcends the concerns that I and many of my colleagues have over becoming enmeshed in the internecine warfare between Kurdish factions. The saga of the Kurds is a long tale of struggle, betrayal, and oppression. It is one that is further complicated by a regional dynamic involving Iran, Iraq, Syria, and Turkey. The Kurdish question does not lend itself to an easy solution.

However, we should not allow the complexities of Kurdistan to cause us to lose sight of our broader objectives. The President's action is not about involving the United States in Kurdish intrigue. It is about containing a dangerous tyrant who is a continuing threat to international peace and security. It is about preserving stability in a region vital to American national security. In short, it is about protecting American interests.

I urge my colleagues to join me in standing with the President as he confronts a ruthless dictator.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, I gather now we are able to wrap up the other matters which do not require a vote. We will attempt to do those very quickly. These are matters that have been cleared on both sides.

AMENDMENT NO. 5198

(Purpose: To revise the name of the Japan-United States Friendship Commission)

Mr. BOND. Mr. President, I send an amendment to the desk by Mr. BINGAMAN, Mr. MURKOWSKI, and Mr. ROCKEFELLER, to revise the name of the United States-Japan Friendship Commission, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. BINGAMAN, for himself, Mr. MURKOWSKI and Mr. ROCKEFELLER proposes an amendment numbered 5198.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 104, below line 24, add the following:

SEC. 421 (a) REVISION OF NAME OF JAPAN-UNITED STATES FRIENDSHIP COMMISSION.—(1)(A) The first sentence of section 4(a) of the Japan-United States Friendship Act (22 U.S.C. 2903(a)) is amended by striking out "Japan-United States Friendship Commission" and inserting in lieu thereof "United States-Japan Commisison".

(B) The section heading of such section is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(2) Subsection (c) of section 3 of that Act (22 U.S.C. 2902) is amended by striking out "Japan-United States Friendship Commission" and inserting in lieu thereof "United States-Japan Commission".

(3) Any reference to the Japan-United States Friendship Commission in any Federal law, Executive order, regulation, delegation of authority, or other document shall be deemed to refer to the United States-Japan Commission.

Mr. BOND. It is agreed to on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5198) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5199

(Purpose: To require the conveyance to the City of Downey, California, of certain real property under the jurisdiction of NASA)

Mr. BOND. Mr. President, I send an amendment to the desk, by Mrs. FEINSTEIN, relating to transfer of property to the city of Downey, CA. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mrs. FEINSTEIN, proposes an amendment numbered 5199.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 104, below line 24, add the following:

SEC. 421. (a) Subject to the concurrence of the Administrator of the General Services Administration (GSA) and notwithstanding Sec. 707 of Public Law 103-433, the Administrator of the National Aeronautics and Space Administration may convey to the City of Downey, California, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 60 acres and known as Parcels III, IV, and VI of the NASA Industrial Plant, Downey, California.

(b)(1) DELAY IN PAYMENT OF CONSIDERATION.—After the end of the 20-year period beginning on the date on which the conveyance under subsection (a) is completed, the City of Downey shall pay to the United States an amount equal to fair market value of the conveyed property as of the date of the conveyance from NASA.

(2) EFFECT OF RECONVEYANCE BY THE CITY.—If the City of Downy reconveys all or any part of the conveyed property during such 20-year period, the City shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the City.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Administrator of NASA shall determine fair market value in accordance with Federal appraisal standards and procedures.

(4) TREATMENT OF LEASES.—The Administrator of NASA may treat a lease of the property within such 20-year period as a reconveyance if the Administrator determines that the lease is being used to avoid application of paragraph (b)(2).

(5) DEPOSIT OF PROCEEDS.—The Administrator of NASA shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(c) The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City of Downey, California.

(d) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(e) If the City at any time after the conveyance of the property under subsection (a) notifies the Administrator that the City no longer wishes to retain the property, it may convey the property under the terms of subsection (b), or, it may revert all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed, but excluding the value of any improvements made to the property by the City) to the United States, and the United States shall have the right of immediate entry onto the property.

Mr. BOND. We have no objection.

Ms. MIKULSKI. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5199) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5188, AS MODIFIED

Mr. BOND. Mr. President, I ask unanimous consent the Bennett amendment, No. 5188, previously adopted by the Senate, be modified by striking out the sum $755,573 and inserting therein $464,442, as shown in the revised amendment now sent to the desk.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The amendment (No. 5188), as modified, is as follows:

On page 27, line 19, strike "$969,000,000" and insert "$969,464,442".

On page 29, line 5, strike the period, and insert a colon and the following: "*Provided further*, That of the total amount provided under this head, the Secretary shall provide $464,442 to the Utah Housing Finance Agency, in lieu of amounts lost to such agency in bond refinancings during 1994, for its use in accordance with the immediately preceding proviso."

AMENDMENT NO. 5200

(Purpose: To make an amendment relating to mortgage insurance)

Mr. BOND. Mr. President, I send to the desk, on behalf of Senator McCAIN, an amendment relating to FHA insurance for large FHA projects. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. McCAIN, proposes an amendment numbered 5200.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. 2 . MORTGAGE INSURANCE.

(a) None of the funds appropriated under this Act may be used to give final approval to any proposal to provide mortgage insurance having a value in excess of $250 million for any project financing for which may be guaranteed under section 220 of the National Housing Act (12 U.S.C. 1715K), unless the Secretary has transmitted to the President pro tempore of the Senate and the Speaker of the House the Secretary's justification for such guarantee and no final approval shall be given until the justification has laid before the Congress for a period of not less than 30 days.

Mr. McCAIN. Mr. President, I had intended to offer an amendment which would have stopped the Federal Housing Authority from using taxpayer dollars to guarantee mortgages for luxury housing developments, targeted to families earning over $100,000 per year.

The Department of Housing and Urban Development is processing an application from a team of developers, headed by the venerable Donald Trump, to obtain Federal Housing Authority mortgage guarantees for their luxury apartment development in Manhattan known as Riverside South.

The HUD program to which Mr. Trump and his associates are applying for assistance is intended to promote development within urban renewal areas. To help qualify for the aid, Mr. Trump's group has pledged to reserve 20 percent of the units for low- and moderate-income residents.

The issuance of the Federal mortgage guarantee and the 20 percent low-income reserve will entitle Mr. Trump and his partners to a vast array of municipal tax benefits, which one group calculates to be in the range of nearly $4.5 million per "needy" individual assisted—not exactly what most Americans would consider cost-effective use of Government assistance.

I certainly have nothing against luxury apartments nor do I have anything against very successful project developers, including Mr. Trump. I do object, however, to asking the taxpayer to bear the risk of a development for one of the wealthiest entrepreneurs in the country, to help finance a project that will predominantly benefit upper income Americans.

I do not know how many similar projects are in the pipeline but they should not be approved.

If this particular mortgage guarantee is approved, taxpayers will be on the hook for over $350 million. They will take this enormous risk—the largest ever in the history of the program—to help provide housing, in some instances, for people who earn an annual income of over $200,000 per year. the average apartment in the Riverside South project will be targeted to families who earn in excess of $100,000.

I want to stress, the FHA program tapped to guarantee the success of Riverside South and its financiers is designed to promote vital urban renewal.

I am not sure that downtown Manhattan is among our highest urban renewal priorities. Harlem, South Chicago, South Central Los Angeles, and South Phoenix come to mind as needier priorities. Congressman NADLER who represents the area in the House, and who is a member on the other side of the aisle, does not consider the area around the development site to be blighted and he opposes the project. I am just not sure that Manhattan is particularly lacking the means to undertake urban renewal activities at its own expense.

The very simple premise is that we can and should focus our scarce Federal housing dollars, including loan guarantees, on projects that are primarily targeted to the needy in the most seriously depressed areas.

Moreover, the Donald Trumps of the world can more than afford to bear the risk of their endeavors, and should not be indemnified with taxpayer dollars. Quite to the contrary, scarce Federal housing resources should be used to maximize help to those who truly need assistance. I understand this amendment would be objected to.

In order to accomodate the leader's desire to finish the bill in a timely manner, I've offered an alternative that will ensure that should HUD decide to approve the Riverside South project or any other project over $250 million, Congress will at least have the opportunity to act to stop it if we decide that the risk is too much or otherwise not in the public interest. Under the amendment Congress will have 30 days to stop the approval before it can become effective.

Mr. BOND. There is no objection to the amendment on this side.

Ms. MIKULSKI. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5200) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5201

(Purpose: To provide supplemental appropriations for veterans compensation and pensions for fiscal year 1996)

Mr. BOND. I send an amendment to the desk relating to an increase in the amounts for compensation and pensions of $100 million for the Veterans Administration and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Ms. MIKULSKI, proposes an amendment numbered 5201.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 105, after line 2, insert:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and Pensions", $100,000,000, to be made available upon enactment of this Act, to remain available until expended.

Mr. BOND. Mr. President, this amendment provides supplemental appropriations for fiscal year 1996 for VA compensation and pensions. The department has just, today, notified our staffs that they anticipate being short $100 million in this current fiscal year for compensation. Without this supplemental, checks for about 2 million veterans would be delayed for a week until the start of the new fiscal year. It is supported on this side.

Ms. MIKULSKI. No objection.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 5201) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Mr. President, I am pleased that once again the Senate has chosen to continue our Nation's commitment to the future through the exploration and study of the exciting frontier of space. No one can predict the outcome of our investment in NASA, the space program, and the international space station; but we must continue to push forward in our pursuit of knowledge. Generations to come will benefit from the knowledge and experience gained from the investment we have made, and continued exploration of space will present many more opportunities to learn.

First, the space program will provide significant contributions not only to Americans, but people all around the world. We have already seen results of space-related research in life sciences, and the potential for expansion and development is virtually limitless. The discovery of possible life on Mars is a very exciting development for all mankind, and highlights the possibilities that exist if we continue to encourage and support our curiosities about the universe.

Second, our Nation's leadership role in high technology research and development must be maintained and enhanced. The aerospace industry is a significant area of America's international competitiveness. Support of our space program is essential to our future position as the world leader in high technology aerospace sciences.

Third, projects such as the international space station help to continue and expand the cooperation among the nation's of the world. Our collaborative efforts with the Europeans, Japanese, and Russians only serve to increase stability and strengthen our relations. Our space program enables us to exchange exciting ideas with the world community, and accelerate the pace of our own technology and space exploration.

Mr. President, I believe that these are very compelling reasons for continued support of our space program. NASA deserves our support. Congress and the administration should provide the appropriate resources needed for NASA to effectively and efficiently manage the space program. We must invest in our future, and invest in ourselves.

Mr. BYRD. Mr. President, I commend the efforts of the subcommittee chairman, Senator BOND, and the ranking minority member, Senator MIKULSKI, in bringing H.R. 3666, the fiscal year 1997 VA/HUD and Independent Agencies Appropriation Bill to the Senate expeditiously. They have done their best to craft a balanced bill within the discretionary funding allocation they were given. While the VA/HUD Subcommittee received an allocation that is $100 million in budget authority above the House allocation, the discretionary allocation for this subcommittee is nevertheless $3 billion below the President's request. Having to work within that very constrained level of funding, Chairman BOND and Senator MIKULSKI have done a remarkable job in funding the many important departments and agencies under the subcommittee's jurisdiction; from the Department of Veterans Affairs to NASA to HUD, to NSF, to FEMA, to EPA, and a number of other Federal agencies.

I also commend the chairman and ranking member of the subcommittee for their attempts to keep this bill free of the controversial riders and significant new legislative language that made this such a difficult bill during the fiscal year 1996 process.

In addition, Mr. President, I express my gratitude to the chairman of the subcommittee, Senator BOND, for his support of a very important amendment, which I co-sponsored. This initiative provides for a 1-year extension of the authorization of the Federal Flood Insurance Program, which is administered by the Federal Emergency Management Administration. It will prevent disruption in the Federal Flood Insurance Program—which provides affordable insurance to residents of high-risk areas—ensuring that FEMA can enter into new flood insurance contracts and can renew existing contracts throughout the next year. For states like West Virginia, where the topography makes a great many communities vulnerable to flooding, but the high price of private flood insurance often places it out of reach of families, residents rely on the Federal Flood Insurance Program. Again, I thank the chairman for his attention to this important program.

Finally, the staff of the subcommittee—Sally Chadbourne and Liz Blevins for the minority, and Stephen Kohashi, Carrie Apostolou, and LaShawnda Leftwich for the majority—are to be commended for their excellent work over the past weeks and months on this very important bill.

ENVIRONMENTAL PROTECTION

Mr. KERRY. Mr. President, I would like to reflect on the provisions of this bill that fund the Environmental Protection Agency [EPA] and the Council on Environmental Quality [CEQ] for fiscal year 1997.

With regard to the EPA, this bill is a vast improvement over the 1996 bill reported by the Appropriations Committee last year. It is welcome, indeed, that this bill reached the Senate floor without the antienvironmental legislative riders which plagued the 1996 Senate bill. These riders—which the Washington Post dubbed the "riders from hell" included legislative provisions which would have prohibited the EPA from implementing provisions in key environmental statutes such as the Safe Drinking Water Act and the Clean Water Act and would have eliminated EPA's role in issuing permits to fill wetlands.

In addition, compared to the severe budget cuts made to the EPA's budget request for fiscal year 1996, this appropriations bill certainly is preferable; it is just 6 percent below the President's requested level. Nonetheless, 6 percent of the EPA budget is over $425 million—with a disproportionate percentage coming from the EPA operating budget which includes management and oversight for standards-setting and enforcement. We must realize that such a reduction does not come without a significant loss of capability for the environmental protection efforts of this vital agency.

I fully support the President's funding request for the EPA—which includes his request to provide $100 million for the Boston Harbor cleanup project. In addition, I am disappointed that the committee cut by 86 percent from the President's request and 76 percent from last year's level funding for the Environmental Technology Initiative and made deep cuts in EPA's climate change program. I greatly regret this bill does not contain the President's levels of support and that there are sufficient Republican votes to prevent passage of amendments that would raise the bill's appropriations levels for these items.

As the House and Senate begin meeting in conference to work out their differences on the VA-HUD bill, I will continue working with the President, the subcommittee chairman and ranking member, and other conferees to secure funding for the Boston Harbor project.

While I wish to convey my concerns about the extremely serious situation facing the residents of Boston in undertaking the multibillion dollar Boston Harbor project, I want to emphasize that this project merits national attention as do other projects in cities that face requirements for similar water infrastructure improvements to comply with federal mandates.

Mr. President, the Boston Harbor project is a massive undertaking which will provide water and sewer services to over 2.5 million people in 61 communities with a total cost, including the combined sewer overflow (CSO) and capital cost improvements, of over $5 billion. The sewage treatment plant is being built under a Federal court-ordered schedule that requires completion by 1999.

When the Clean Water Act was originally enacted, Congress acknowledged the great importance of the Federal role in cleaning the water we drink and use for so many other purposes. It did so by providing Federal support of 50 to 90 percent of the funding for projects on the scale of the Boston Harbor project. The goals of the Federal Clean Water Act are laudable and the environmental benefits to Boston Harbor from the initial water infrastructure improvements are already being felt in the surrounding Bay area. However, while the goals and standards of the Clean Water Act have remained and should continue to remain intact, over the past 15 years we have seen the Federal assistance for large water infrastructure projects decline. Only approximately 20 percent of the Boston secondary sewerage treatment project costs have been paid by the Federal Government, and that is not even counting the costs of the combined sewer overflow and other improvements that will be required in the future.

Let me also say that the Harbor cleanup is not a partisan issue. The Clinton administration each year has included $100 million in its budget request, as did the Bush administration before it. I hope the Congress will take this same bipartisan approach and will appropriate $100 million for the project.

I also would like to comment on the importance of funding the Council on Environmental Quality. There are those in the Senate who do not realize the great value of CEQ to the American people.

Since its inception in 1971, CEQ has played the key role of arbiter of environmental policy conflicts among Federal agencies. Most recently, CEQ coordinated the administration's support for and contributed to the passage of the Safe Drinking Water Act reauthorization legislation and the Food Safety bill.

The President and his administration advocate sustainable environmental policies that enhance economic growth. The Vice President, as charged by the President, has led an effort under the National Performance Review to streamline regulations, remove redtape, and reward efficiency, compliance, and innovation by industry. With a very limited budget, CEQ has been and remains a cost-effective and resourceful contributor in these endeavors.

The Henry M. Jackson Foundation's 1995 report states that the "* * * CEQ has never been more needed. The easy environmental problems are resolved. Now the more difficult business begins of seeing to it that governmental efforts produce results in an economically efficient manner and not just greater bureaucracy, waste and frustration."

CEQ provides an invaluable public service and the limited Federal resources dedicated to its functions are well spent. I compliment the committee on providing adequate funding for these activities.

After the dark nights of 1995 and early 1996, we have emerged to find greater reasonableness in the environmental funding and policy actions of the Republican congressional majority. Despite the significant differences that still exist between our views of the level of environmental protection activities the Federal Government should undertake, we are close enough to compromise.

I compliment and thank the chairman and ranking member and their staffs for their diligent efforts to bring this bill before the Senate, and urge that they push as hard as possible for the highest achievable level of funding for environmental programs during the conference committee with the House.

Mr. FEINGOLD. Mr. President, I rise today to express my concern with language that appears in the committee report on the fiscal year 1997 VA-HUD appropriations bill.

Last year, when we debated the fiscal year 1996 version of this legislation, I and the junior Senator from Illinois Senator MOSELEY-BRAUN, offered an amendment to strike a provision in that bill that would have effectively barred HUD from investigating complaints of discrimination in the sale of property insurance.

Mr. President, this issue, commonly known as insurance redlining, is nothing new. Redlining derives its name from the practice of literally drawing red lines around certain minority and low-income neighborhoods and treating the residents of those neighborhoods differently. In the case of insurance redlining, agents refuse to sell homeowners policies in these neighborhoods, or if they do sell policies, they are policies that provide significantly less coverage than a policy that might be sold for a similar house in a more upscale neighborhood.

The ramifications of reducing access to affordable and adequate homeowners' insurance have proven severe for urban areas with large minority communities. As we all know, without property insurance an individual cannot obtain a home loan. And without a home loan, an individual cannot obtain a home. Thus, refusing to provide property insurance to an individual because he or she lives in a predominantly minority community is a clear violation of the civil rights protections of the Fair Housing Act.

My interest in this issue grew out of widely-reported redlining abuses in the city of Milwaukee, WI, where it was well documented that insurance redlining was occurring on a widespread basis. I was deeply concerned that this sort of documented discrimination was occurring not only in my home State, but apparently in many others as well, including Illinois, Missouri, and Ohio.

Early in 1995, as well as in the 103d Congress, I introduced legislation that would have required insurance companies in our Nation's largest urban areas to collect and report certain information about their underwriting practices to the Department of Housing and Urban Development. This information, including the number and type of policies written, where such policies are written, and certain loss claims data, would have then been made available to State regulators, civil rights organizations, and other groups interested in combating property insurance discrimination.

Mr. President, it is important not to forget who these redlining victims are—they are hard-working Americans, who have played by the rules and are trying to simply buy a home. They are trying to bring a sense of stability and vitality to their families and their communities.

Unfortunately, as happened in Milwaukee, they often run into a brick wall of ignorance and injustice. The pattern of discrimination in Milwaukee led seven Milwaukee residents to join with the NAACP and file suit against the American Family Insurance Co. An unprecedented and historic out-of-court settlement was reached in this case between the parties where the insurance company agreed to spend $14.5 million compensating these and other Milwaukee homeowners who had been discriminated against, as well as for special housing programs in the city of Milwaukee.

But for those of my colleagues who might think such discrimination in the insurance market is limited to Milwaukee, WI, I assure you that is not the case. Extensive studies conducted by consumer and civil rights organizations, as well as a recent study conducted by the National Association of Insurance Commissioners, have found insurance redlining to be a widespread phenomenon, national in scope. Strong evidence of property insurance discrimination has been reported in cities across the country, including St. Louis, Chicago, New Orleans, Kansas City, Detroit, Dallas, and many others.

Mr. President, there is ample reason to believe that insurance redlining does occur, it occurs all across this country, and we should be taking steps to enhance the government's ability to combat this form of discrimination.

Unfortunately, we're not taking those steps forward. And last year, the Appropriations Committee, which to my knowledge had not held a single hearing on this issue, sought to prohibit HUD from expending funds on the adjudication of property insurance discrimination complaints.

The provisions in that bill were a direct attempt to stop HUD from investigating complaints of discrimination under the Fair Housing Act. HUD would have been barred from spending any money investigating any complaints of insurance redlining. They would not have been allowed to investigate the over 10,000 property insurance complaints that are filed with HUD each year.

Thankfully, when it became clear that there was a bipartisan majority in favor of protecting our civil rights laws, our amendment was agreed to and the language was stricken from the bill.

Although this year's VA-HUD bill does not include this language restricting HUD's enforcement of our fair housing laws, the committee report does include some language that I believe is rife with inaccuracies and mischaracterizations.

The report language claims that the Fair Housing Act does not say one word about property insurance. The language states that "neither it [the FHA] nor its legislative history suggests that Congress intended it to apply to the provision of property insurance". It is true the original Fair Housing Act does not address property insurance. But as a result of the Fair Housing Act Amendments of 1988—signed into law by President Reagan—HUD promulgated regulations that specifically placed property insurance under the umbrella of the Fair Housing Act. These regulations were promulgated by the Bush administration.

Let me repeat that: If anyone is under the impression that HUD's involvement in combating property insurance discrimination is a Clinton administration initiative, that is categorically wrong. The regulations were the result of a law that passed Congress with strong bipartisan support and was signed into law by President Reagan. The regulations were promulgated by the Bush administration.

So let's set aside the faulty assertion that HUD's role in enforcing the Fair Housing Act as it applies to property insurance is some new effort to expand the Federal Government regulatory powers over a particular industry.

The supporters of this new language also say that regulating the insurance industry is the sole domain of the States as mandated under the McCarran-Ferguson Act. This, Mr. President, is a diversionary tactic. This is not an issue of regulating the insurance industry. The States are the regulators of the insurance industry. This is an argument about whether the Federal Government has the ability to enforce the civil rights of those who have been discriminated against when they are attempting to purchase a home.

This argument also fails to recognize that virtually every Federal court that has ruled on this issue, including the Sixth Circuit Court of Appeals in Nationwide Insurance Co. versus Cisneros, and the Seventh Circuit Court of Appeals in NAACP versus American Family Insurance, have held that the Fair Housing Act applies to property insurance and that HUD was legally authorized to enforce the FHA as it relates to homeowners insurance. Moreover, the Supreme Court has specifically refused to review these cases.

There is clearly another attempt to undermine HUD's efforts to do its job. Over the last several years, time and time again, HUD has uncovered incidents and patterns of discrimination in the sale and availability of homeowners insurance. And that is precisely why we are debating this issue today. It is because HUD has been too effective in enforcing our civil rights laws.

Look at last year's settlement between American Family Insurance Co. and the people of Milwaukee. And just weeks ago, it was announced that State Farm Insurance Co., long under investigation by HUD for property insurance discrimination, had agreed to completely restructure their underwriting procedures, add new sales and service centers in urban communities, and invest over $1 million in first-mortgage financing in urban Toledo, OH.

As I have said repeatedly in the past, I do not mean in any way to throw a blanket indictment at the insurance industry. I know many individuals in my home State who work in the insurance industry, and it is my firm belief that the vast majority of those individuals are decent, hard-working Americans who would join with myself and others in condemning this sort of bigotry and discrimination. Unfortunately, it is evident that these sort of abuses do occur, and the Federal Government must do all it can to aggressively enforce the Fair Housing Act.

As was demonstrated last year and in years past, this is not an inherently partisan issue. This Congress has in fact, demonstrated time and time again that it will stand up to mindless bigotry and discrimination in whatever form it might take. The language contained in the committee report represents a threat to a longstanding bipartisan commitment to protecting and enforcing civil rights in this country and battling the various forms of bigotry and discrimination that continue to pervade this Nation. The committee report language, obviously, does not have the force of law and it should be disregarded.

Ms. MOSELEY-BRAUN. Mr. President, the VA-HUD bill currently under consideration contains report language stating that HUD's property insurance practices duplicate State regulation of insurance and that HUD's activities in this area create an unwarranted and unnecessary layer of Federal bureaucracy. Mr. President, now is not the time to retreat from our commitment to fair housing opportunities for all. Congress made its decision on this issue last year when I offered an amendment which was adopted to ensure that the Government would remain able to combat discrimination in the issuance of property insurance.

In 1988, Congress gave HUD the authority to promulgate regulations to enforce the Fair Housing Act. At that time, HUD, under then-President George Bush and HUD Secretary Jack Kemp, issued a regulation which defined conduct prohibited under the Fair Housing Act to include: "refusing to provide property or hazard insurance for dwellings, or providing such insurance differently, because of race, color, religion, sex, handicap, familial status, or national origin."

The reason for this prohibition is simple. Without property insurance, no lender will provide a mortgage. Without a mortgage, few individuals can buy a house. Denial of property or hazard insurance impairs the ability of an individual to buy their own home, in a very real and concrete way.

Mr. President, discrimination in the issuance of property insurance is not a minor problem. Recent investigations conducted in 9 different cities found that discrimination against African-Americans and Latino neighborhoods occurred more than 50 percent of the time. In my hometown of Chicago, discrimination occurred 83 percent of the time. Investigators found that minority homeowners were routinely charged more money for less coverage, were not offered the best insurance policies, and were even denied any coverage at all.

Consider a case that the Department of Justice settled last year against a major insurance company for its conduct in Milwaukee, WI. The Department alleged that the company routinely sold more costly, less comprehensive policies to minorities, failed to return phone calls or keep appointments with black customers, avoided entire neighborhoods with high minority populations, and subjected applications from black neighborhoods to greater scrutiny. One potential black customer was told that "you people make phony claims," and a white manager was instructed in writing to quit writing all those blacks.

Despite opponents arguments to the contrary, HUD's enforcement of the Fair Housing Act does not involve regulation. Regulation of rates, or other aspects of the insurance business, is a State responsibility. What HUD is obligated to do, and what it has done, is enforce civil rights laws that prohibit discrimination. No one has offered any valid explanation to show why this one particular industry should be exempted from antidiscrimination laws.

This fact is, Congress has consistently rejected the argument that the Federal Government should leave the enforcement of civil rights to the exclusive jurisdiction of the States. The Federal Government has a very real interest in ensuring that effective remedies for acts of discrimination are available to all people. While States do have laws prohibiting discrimination in insurance, the Fair Housing Act provides a wider array of remedies, including a private right of action, than those provided by most States.

There is more uniting America, than dividing us. We share a common dream—the American dream. We all want to raise our children in safe communities, and provide a home for our families. It's because of the American dream that we have to keep raising these issues.

Housing discrimination and segregation undermine the health and vitality of American communities—our cities, suburbs and rural towns. It denies families full and free choice about where to live, send their kids to school, and where to work.

As a Chicago Tribune editorial said,

> We all pay a price for racial discrimination. Those who are discriminated against pay the most. But those who do the discriminating, or condone it, eventually reap what they sow in higher taxes and lowered economic horizons. Experience teaches that the cost of racial segregation reaches beyond the inner city. We all pay the price for the poverty, joblessness, and crime that fester there. In one respect, wealthier taxpayers pay the most.

The American people believe in fairness. They certainly don't believe in a special-interest exemption to the civil rights laws. Yet that is exactly what we are approaching if Congress condones report language indicating a concern about HUD's use of funds for other fair housing activities aimed at property insurance practices.

Federal efforts to combat discrimination are vital. Congress would be setting a bad example if it retreats from its commitment to fairness and nondiscrimination in fair housing laws. Continued enforcement of the Fair Housing Act is key.

MISSION TO PLANET EARTH

Mrs. BOXER. Mr. President, I rise today to ask if the distinguished chairman of the appropriations subcommittee on VA, HUD and Independent Agencies, Senator BOND, and the distinguished ranking member, Senator MIKULSKI, would yield to a question regarding funding for NASA's Mission to Planet Earth Program.

Mr. BOND. We would be happy to yield to the Senator from California.

Mrs. BOXER. Thank you. I first want to thank the chairman and the ranking member for their work to restore cuts in the House bill to the Mission to Planet Earth, the civilian scientific mission to study the environment of this third planet from the Sun. The Senate bill provides $100 million more for NASA than provided in the House bill and restores this critical program for studying global climate change. As the Senate committee report points out, this program also encompasses disaster prediction and mitigation. This element is very important to my State of California.

Technological growth and the experience of repeated earthquakes in California have helped expand our ability to provide important data for detailed mapping of earthquake faults. The California Seismic Safety Commission has recommended a research and technology initiative whereby space technology may be used to reduce the risk from major California earthquakes. NASA has the unique ability to provide orbital photography, remote sensing data such as radar, and advanced optics and radio wave technology under the Mission to Planet Earth to assist California's earthquake risk reduction efforts. I understand that Missouri's Office of Emergency Services is interested in this effort, as well.

Accelerating California's seismic hazards identification programs would go a long way toward providing earth sciences information in a form that is useful to builders and local government planners so that we can genuinely manage seismic risk and reduce economic damage and human casualties from these natural disasters.

I ask the chairman and ranking member if it is their understanding that a portion of the funds provided to the Mission to Planet Earth could be made available for a cooperative program between the Johnson Space Center and the California Seismic Safety Commission and other seismically active States, and if such a program would be consistent with the goals of the Mission to Planet Earth?

Mr. BOND. I thank the Senator from California. The committee encourages NASA to collaborate with other Federal agencies and private industry to pursue opportunities for public-private partnerships to apply Mission to Planet Earth data for environmental, agricultural, transportation, fisheries and forestry management, as well as disaster prediction and management. I believe a cooperative program between NASA's Johnson Space Center and the State of California and other seismically active States, such as my own State of Missouri, would be an excellent example of this committee's intent.

Ms. MIKULSKI. The cooperative venture that the Senator from California has described is clearly the kind of information that we intend the Mission to Planet Earth to provide for our local officials to make real use of this invaluable data from space. We should support hazard reduction programs whenever we can in order to hold down cost of disaster in lives and property in the future.

THE TRANSFER OF SPACE STATION RELATED BIOTECHNICAL ACTIVITIES

Mrs. FEINSTEIN. Mr. President, I am concerned about a number of highly qualified persons who work at NASA's Ames Research Center in California. It is my understanding that NASA is considering a layoff of these highly trained individuals and sending the technologies for the space station program on which they are working—the Centrifuge Facility—to the Japanese space agency NASDA. The Centrifuge Facility, and its related programs, have always been a part of the United States' contribution to the International Space Station. I simply do not understand why NASA would consider giving this work to the Japanese when they have significantly less experience in the life sciences area.

I say to the Chairman that we are both strong supporters of the International Space Station Program and want to see it become the premier microgravity research center of the world. This can only be accomplished if the best talent is focused on every sector of the program. To assign these biotechnology activities to anyone other than the individuals at the Ames Research Center—many of whom invented these technologies in the first place—makes little sense. Can he assure me that Ames Research Center will remain the center for these critical space station related biotechnical activities?

Mr. BOND. I appreciate the senior Senator from California raising the very important issue of the development of research capabilities and instruments for use on the space station. As the Senator indicates, the space station program will draw upon a wide variety of disciplines and technical capabilities of NASA, as well as other research institutions here in the United States and those of our international partners. With such a widely distributed effort, involving so many different parties, it is critical that we demand of NASA a rigorous system of utilizing the most capable entities available to as to yield the highest quality research for our significant investment in this program.

The Senator is justifiably proud of the biotechnology capabilities of Ames Research Center, and I certainly agree that shifts in responsibility for important research tasks be very sensitive to issues of technical merit and capacity. I am aware that NASA has under consideration a shift in responsibility for the centrifuge facility which is a matter of significant concern to me. The Congress has long supported retention of the centrifuge in the face of repeated past proposals to eliminate this important facility. The centrifuge is crucial to life science studies since it provides a control for experiments in the microgravity environment of the space station.

Unfortunately, as the Senator from California knows, NASA has requested authority to shift funding for the current fiscal year, and for the next 2 years, within the $2.1 billion annual cap. The cost of fabricating components of the overall spacecraft such as the nodes are requiring greater investment at this point in the development program to maintain deployment schedule goals. These funding shifts from space station research hardware development, to spacecraft development, require rescheduling and optimization of space station research program plans in order to avoid cost overruns and minimize adverse program impacts.

We are evaluating these requirements and will be proposing changes in conference to the NASA appropriations accounts to enable the agency to make the most effective use of available funding. We extensively will examine the agency proposals to make sure that such authorities will retain critical research capabilities within a workable overall development schedule. I want to assure her that we will all participate in evaluating the merits of the agency's proposals, and I certainly expect NASA to consult fully with all affected parties prior to making significant program changes.

Ms. MIKULSKI. I agree with the Senator from California that this biotechnology capability should remain within the United States. We have the experience that Japan cannot match in this arena and should not relinquish that capability.

FUNDING FOR OKLAHOMA CITY BOMBING RELIEF

Mr. NICKLES. It has now been more than a year since the tragic and senseless bombing of the Murrah Building in Oklahoma City. Last year, this Congress, with the support of the administration, approved $39 million in disaster relief specifically for the recovery of Oklahoma City. This funding was for community development assistance to repair public and private facilities damaged by the blast. For that I, along with the people of Oklahoma, am grateful.

In the aftermath of this disaster, a full evaluation of its impact on downtown Oklahoma City indicates that if the area is to adequately recover, additional Federal assistance is needed. To this end, I asked the Appropriations Committee in May to consider supplementing last year's funding to cover additional damage claims plus loan and grant funds to assist businesses as they re-enter the damaged area. The administration, while not officially requesting these funds, has indicated its support for the additional funding during recent discussions with Oklahoma City officials.

The distinguished chairman of the subcommittee has worked with me in trying to accommodate this request. Can he assure me that he will continue this cooperative effort to meet these ongoing needs arising from the bombing?

Mr. BOND. I can assure my friend and colleague from Oklahoma that the committee will continue to work with him and the people of Oklahoma in recovering from this terrible tragedy. As the Senator has noted, the committee was pleased to provide $39 million in community development funds last year to aid in the restoration of downtown Oklahoma City. In addition, the emergency supplemental appropriation last year provided $40.4 million for the replacement of the Murrah Federal Building. Additional funds have also been made available administratively through several government agencies, particularly the Federal Emergency Management Agency.

Also, as can certainly be understood, only a portion of the $39 million appropriation from last year has been obligated by the city. It takes time to assess the vast damage that occurred and award the contracts for repair. Further, compliance with Federal regulations, such as prevailing wage statutes, adds to the complexity of awarding contracts. Therefore, it takes time to fully obligate these funds.

Once these funds are fully expended, I assure the Senator from Oklahoma that I will reassess the remaining assistance needs for the city. I also understand that commitments have been made by the administration to Oklahoma City officials to furnish currently appropriated funds for the relief effort. FEMA has indicated that $2 million will be made available from its public assistance program for infrastructure repair. Further, the administration has agreed to make available $2.1 million for the purchase of land for a Federal campus for housing several Federal agencies. Both of these items were to be paid for by the emergency appropriation. This will enable the city to repay additional damage claims from this emergency supplemental.

Let me state to the Senator, however, that no budget request from the administration has been received for additional funds. Such a request would show what offsets, if any, the administration intended to utilize to pay for these added funds. It would also indicate whether or not this was an emergency designation, or if it intended to use reprogrammed funds from existing appropriations.

I commend the Senator for his ongoing commitment to ensure that Oklahoma City, and indeed the entire State of Oklahoma, recovers from this terrible tragedy. I fully intend to work with the Senator, the administration, and the city of Oklahoma City to meet any need for further assistance.

HUD'S AUTHORITY REGARDING PROPERTY INSURANCE

Mr. WELLSTONE. Mr. President, when the Senate considered the fiscal year 1996 VA-HUD appropriations bill last year, I was a proud cosponsor of the Feingold/Moseley-Braun amendment, which deleted language which would have restricted the use of HUD funds in the investigation of discrimination in homeowner's insurance. This year, in the Senate committee report of the fiscal year 1997 VA-HUD appropriations bill, there is once again language recommending that HUD be prohibited from enforcing protections against property insurance redlining. In fact the committee report calls HUD's activities related to property insurance "duplicative of state regulation of insurance * * * creat(ing) an unwarranted and unnecessary layer of federal bureaucracy."

I want to make it very clear, as I did last year, that I believe the U.S. Senate should not set the precedent of exempting property insurance from fair housing laws. If HUD is not able to investigate claims of property insurance redlining, Americans might be kept from buying houses because they might not be able to get homeowner's insurance. I believe that all Americans have the right to homeowner's insurance, regardless of race or ethnicity or the neighborhood in which they live.

Mr. President, once again, I will remind you that we have been through this before. The insurance industry claims that this type of denial of coverage is not taking place, but HUD reports that it continues to process and settle thousands of claims of property insurance redlining. Unfortunately, the shameful practice of denying coverage to Americans because of the neighborhood they live in or the color of their skin is still practiced today.

If HUD is barred from funding private fair housing groups investigating claims of property insurance redlining, Americans will be denied the protection of a basic civil rights law. I do not think that insurance companies should be exempt from property provisions in the Fair Housing Act. HUD's enforcement of civil rights protections does not undermine State insurance regulation, rather, Federal fair housing protections ensure that homeowners or potential homeowners do not encounter discriminatory practices in their effort to obtain homeowner's insurance. In this campaign season, many have voiced their desire to help all Americans get their piece of the American dream. Mr. President, this is a perfect place for us to protect Americans who are trying to purchase a home from discrimination.

TRAVIS VA HOSPITAL

Mrs. FEINSTEIN. Mr. President, I rise today to express my strong disappointment that funding for the Travis VA Hospital was not included in the VA, HUD, and independent agencies appropriations bill for fiscal year 1997. There are currently 450,000 veterans in northern California who have no local veterans hospital.

Let me briefly describe the continuing situation for these veterans seeking inpatient health services. A veteran in northern California must drive an average of 4 to 5 hours, sometimes as many as 8 hours, to get to a VA inpatient facility. Once the veteran is released from the hospital, he and his family must drive back and forth from home to the VA facility again for checkups.

These hardships are having a detrimental effect on the care these veterans receive. The Department of Veterans Affairs own numbers show that the use of inpatient care in northern California has declined from 7,000 cases in fiscal year 1991 to 2,538 in fiscal year 1995. That is a decrease of 64 percent. With the aging population of these veterans, it is hard to believe that they do not need the health care that the Travis VA Hospital would provide.

The Clinton administration has seen the needs of these veterans and responded. The President's fiscal year 1997 budget request included $32.1 million for phase II construction at the hospital. Phase II allocation funds utility relocation, site development, and foundation and structural construction. The House of Representatives also acted to meet the needs of these veterans by funding President Clinton's request for phase II funds and by reprogramming the $25 million appropriated last year for an outpatient care facility so that they could also be used to build the hospital.

As bad as the situation has been, these veterans have been exceedingly patient. At the groundbreaking ceremony on June 2, 1994, attended by Vice President GORE, we all were optimistic that northern California's veterans would not have much longer to wait for quality health care. More than 2 years later, the plans are complete and the land is ready to begin construction of the replacement hospital. Instead, that land will remain empty, and nearly a half a million veterans will continue to be unserved.

The area that the Travis VA Hospital would serve is one of the largest, most geographically dispersed, and highly populated veterans' areas in the country. In fact, more veterans live in northern California than in 27 individual States and the District of Columbia.

I am very disappointed that the members of the Senate Appropriations Committee deleted the funding the House included for the Travis VA Hospital and turned their backs on nearly a half a million veterans by not continuing to fund the replacement VA hospital at Travis Air Force Base.

It is a sad day when the men and women who have served our country without question—and who have the right to expect their Government to fulfill its promises—are now being told "tough luck."

I appeal to my colleagues to honor the commitment we as a nation have made to our veterans when this bill is considered in conference. I pledge to continue my fight for northern California's veterans and for full funding for the Travis VA Hospital.

Mr. SIMON. Mr. President, I join my colleagues in expressing concern about language in the Appropriations Committee report on H.R. 3666, the VA, HUD, and independent agencies bill, which raises concerns about "HUD's use of funds for * * * fair housing activities aimed at property insurance practices." The report concludes that HUD's activities duplicate State regulation of insurance and violate the McCarran-Ferguson Act by "interfer[ing] with State regulation of insurance." I disagree with this view of the nature and effect of HUD's antidiscrimination activities regarding property insurance.

Republican and Democratic administrations have recognized that without non-discriminatory access to property insurance, many hard-working Americans will be denied the opportunity to own a home. The Bush administration's regulations implementing the 1988 Fair Housing Act Amendments explicitly applied the act to discrimination in access to property insurance. This interpretation has been upheld by U.S. district and circuit courts which have ruled that HUD's enforcement activities in this area do not constitute a regulation of insurance and do not conflict with the McCarran-Ferguson Act because they do not "invalidate, impair or supersede" any state laws regulating the business of insurance.

It is my expectation that nothing in H.R. 3666 or the accompanying report will be interpreted to diminish HUD's enforcement authority under the Fair Housing Act with regard to discriminatory property insurance practice.

INSURANCE REDLINING LANGUAGE

Mr. KENNEDY. Mr. President, I am heartened that, in the context of the VA-HUD appropriations bill, certain Republicans have not attempted to repeat the mistake of last year, when there was an ill-advised effort to insert a provision that would have prohibited the Department of Housing and Urban Development from enforcing the Fair Housing Act as it relates to property insurance. This provision, if enacted, would have prevented millions of Americans from pursuing the American dream of home ownership by prohibiting HUD from enforcing the Fair Housing Act as it relates to property insurance.

This effort to roll back civil rights protections in the name of regulatory and insurance reform was defeated by a voice vote, under the leadership of Senators FEINGOLD, SIMON, MOSELEY-BRAUN, and MIKULSKI. Fortunately Republicans did not attempt to include this provision in the 1997 VA-HUD appropriations bill. However, there is language in the committee report pertaining to insurance redlining which incorrectly asserts that: First, HUD lacks the authority under the Fair Housing Act to investigate insurance redlining cases; and second, insurance redlining is not covered by the Fair Housing Act.

These claims are simply wrong, Since passage of the Fair Housing Act amendments in 1988, courts have consistently held that the Fair Housing Act prohibits racial discrimination in the provision of property insurance. *Nationwide Mut. Insurance Co.* v. *Cisneros*, 52 F.3d 1351 (6th Cir. 1995); *United Farm Bureau Mut.* v. *Human Relation Comm'n*, 24 F.3d 1008 (7th Cir. 1994); *NAACP* v. *American Family Mut. Ins. Co.*, 978 F.2d 287 (7th Cir. 1992); *Strange* v. *National Mutual Insurance Co.*, 867 F. Supp. 1209 (E.D. Pa. 1994). These consistent court interpretations of the Fair Housing Act make perfect sense. If a person does not have access to homeowners insurance, buying a home would be impossible. As Judge Easterbrook, a conservative Seventh Circuit judge, observed in *NAACP* v. *American Family Mutual Insurance Co.*, "lenders require their borrowers to secure property insurance. No insurance, no loan; no loan, no house; lack of insurance thus makes housing unavailable [within the meaning of the Fair Housing Act]." 978 F.2d at 297. Overall, the case law is clear that the Fair Housing Act covers property insurance discrimination. Any assertion to the contrary is simply incorrect.

In the Committee Report, there is a claim that the McCarran-Ferguson Act prevents the enforcement of property insurance discrimination under the Fair Housing Act. This claim also ignores the case law, in which courts have consistently stated that the Fair Housing Act is not preempted by McCarran-Ferguson. *See American Family*, 978 F.2d at 293–97; *Cisneros*, 52 F.3d at 1363; *United Farm Bureau*, 24 F.3d at 1016. Thus, it is incorrect to suggest that HUD's assertion of authority in insurance redlining cases "contradicts" the McCarran-Ferguson Act.

The Fair Housing Act was intended to break down barriers of discrimination that unfairly prevented scores of Americans from securing decent and affordable housing. This discrimination comes in many forms. Insurance redlining is one such manifestation, and is a persistent problem throughout America. For example, in a recent case in Milwaukee, Wisconsin, a $14.5 million settlement was reached on behalf of a class of hundreds of African-American homeowners. A manager at the insurance company wrote to an agent who expressed a willingness to give insurance to African-Americans: "*Quit writing* to all those *Blacks*" (emphasis in original). Eliminating such discrimination is an appropriate and vital function of HUD and the Department of Justice. America cannot be America unless we eliminate all vestiges of discrimination, and I applaud Secretary Cisneros for his willingness to enforce laws banning insurance redlining.

OPPOSITION TO RESTRICTIONS ON HUD FUNDING TO INVESTIGATE INSURANCE REDLINING

Mr. BRADLEY. Mr. President, I rise in opposition to inclusion of language in the VA-HUD fiscal year 1997 Appropriations Committee Report barring the Department of Housing and Urban Development [HUD] from using Fair Housing Initiatives Program [FHIP] funds to enforce the Fair Housing Act against insurance redlining. The language in this report is intended to deny the protection of a basic civil rights law to people subject to discrimination by a particular industry. Because insurance redlining is a reality in America, efforts to eliminate such discrimination should be aggressively undertaken. Sadly, by attempting to strip HUD of its enforcement authority, this funding restriction will allow such discrimination to flourish.

In September 1995, language prohibiting HUD from investigating insurance-related discrimination complaints was placed in the 1996 VA-HUD Appropriations bill. This language was removed before a vote on the Senate floor due to opposition from a number of Senators. Now, the committee seeks to accomplish through the back door what the Senate refused to sanction last year.

Mr. President, insurance redlining is a serious problem in this country. Recently, the National Fair Housing Alliance conducted a 3-year investigation—partially funded with $800,000 from a HUD grant awarded when Jack Kemp was HUD Secretary—using white and minority testers posing as middle-class homeowners seeking property insurance coverage. The test covered nine major cities and targeted Allstate, State Farm, and Nationwide Insurance. The homes selected were of comparable value, size, age, style, construction, and were located in middle-class neighborhoods.

The investigation uncovered the fact that discrimination against African American and Latino neighborhoods occurred more than 50 percent of the time. Astoundingly, in Chicago, Latino testers ran into problems in more than 95 percent of the attempts to obtain insurance; in Toledo, African Americans experienced discrimination by State Farm 85 percent of the time. While white testers encountered no problems obtaining insurance quotations and favorable rates, African American and Latino testers encountered the following problems: Failure by insurance agents to return repeated phone calls; Failure to provide quote information; Giving pre-conditions for providing quotes (inspection of property, credit rating checks); Failure to provide replacement cost coverage to homes of Blacks and Latinos; and Charging more money to Blacks and Latinos, while providing less coverage.

Mr. President, the results of this investigation are profoundly disturbing. Insurance redlining directly affects the ability of African Americans, Asians and Hispanics to purchase a home, because the denial of insurance results in the denial of a mortgage loan, which in turn results in the inability to purchase a home. Property insurance discrimination is illegal under the Fair Housing Act. As this country moves toward its stated ideal of a colorblind society, the effort of the committee to strip HUD of its enforcement authority and remove a whole category of discrimination—insurance redlining—from the reach of the law is not supported by judicial decisions or the language of the Fair Housing Act.

Mr. President, the report claims that HUD's assertion of authority regarding property insurance contradicts the McCarran-Ferguson Act of 1945. However, Federal fair housing laws enforce civil rights protections which do not threaten or regulate the business of providing insurance. Thus, the report's argument that enforcement of civil rights protections undermines State insurance regulation is inaccurate, and more importantly, elevates a business practice over the enforcement of fundamental civil rights.

The report further claims that the Fair Housing Act does not directly mention homeowners insurance, and therefore does not apply to the provision of homeowners insurance. However, section 3604 of the Fair Housing Act makes it illegal to "discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services * * * in connection therewith. * * *" Based on the language of section 3604, Federal courts have held that homeowners insurance discrimination is within the purview of the Fair Housing Act. Indeed, in February of this year, the Supreme Court refused to entertain an appeal from a decision holding that the Fair Housing Act covers insurance.

Mr. President, under Secretary Cisneros, HUD has been an active participant in enforcing the Fair Housing Act and ensuring that property insurance discrimination ceases. The insurance industry has been fighting in court to restrict HUD's authority to enforce insurance redlining. The industry has not been successful in the judicial arena in its efforts to stop HUD's enforcement activities. Thus, the industry has now turned to Congress to restrain stepped-up Federal fair lending enforcement efforts. This effort failed last year, and there exists no legal justification for the committee to now restrict FHIP funds in the investigation of homeowners insurance redlining.

It is this Senator's view, and I believe that of many others, that this report language does not and should not reflect the view of the Senate, and that HUD should not treat this language as having the force of law.

Mr. LAUTENBERG. Mr. President, let me begin by commending both the chairman, Senator BOND, and the ranking minority member, Senator MIKULSKI, and their staffs, for their hard work on this legislation.

With the inadequate allocation given this subcommittee, they have had to make very hard choices between the competing needs for environmental protection, housing, veterans, science, and NASA, not to mention the many other agencies covered by this bill. It's a very, very difficult job.

Mr. President, as one with a strong interest in the environment, I am very pleased that the bill funds Superfund cleanup at the President's level, and exceeds the President's level for the State revolving loan funds, which are used to ensure that our water supply is clean. I also appreciate the chairman's support of the Agency for Toxic Substances and Disease Registry, which studies the health threats posed by toxic waste sites and helps to prioritize Superfund cleanups.

I also am pleased that this year we will avoid the debate on anti-environmental riders that have been pushed so hard in the past by many House Republicans.

Mr. President, although we have made great progress on EPA funding overall, I do remain concerned about the inadequate funding of research into sediment decontamination technology. This work is critical to finding affordable and environmentally benign ways of dredging many harbors that are contaminated with deadly toxics sediments.

I also am concerned that we are continuing to add duties to EPA without the accompanying resources. This budget does not provide the needed funding to implement Congress' demands for more and better risk-benefit analysis, more assistance to small business, and more consideration of stakeholders in the regulatory process. It does not provide the needed infrastructure to enhance EPA's scientific abilities. It also does not provide adequate funding to counter global warming, or for President Bush's initiative to improve the water quality of Boston Harbor.

The President's budget provided $450 million for these various programs, money that is not in this bill. As the process moves forward, I want to work with the President to add these funds for this important allocations.

Mr. President, led by NEWT GINGRICH and extremist Members of the House, this Congress has seen a massive assault on our environment. Last year, the House passed a bill to cut EPA by one-third. They have tried to tie the agency up in regulatory knots and redtape. And they have invited polluters into the back rooms to weaken environmental standards.

Mr. President, President Clinton has stood up to these extremists, and our environment will be much cleaner as a result.

However, the war over the environment is not over. Senator Dole is proposing a budget scheme that calls for massive cuts in domestic programs. And that would mean deep reductions in environmental protection. Senator Dole also has pushed hard to undermine the ability of EPA and other agencies to protect public health and the environment.

So, Mr. President, the real battle over the environment will be fought in this November's elections.

Mr. President, let me now move beyond the environment to discuss the provisions in this bill that provide funding for housing, and for our Nation's cities.

Mr. President, I am disappointed that these programs have again been targeted for disproportionate budget cuts. I represent a State with very severe housing needs, and several depressed urban areas. And it is of great concern to me that the Congress has not made these problems a higher priority.

This bill funds HUD at $2 billion below the President's budget request and cuts spending for vital programs such as homeless assistance, the economic development initiative, and public housing modernization.

These cuts will adversely affect many of our Nation's most economically vulnerable families. And that troubles me. Just as I know it troubles many of my colleagues on both sides of the aisle.

So, Mr. President, I am concerned about many of the cuts in this bill for housing and community development. But I realize that the chairman and the ranking minority member have been dealt a terrible deck, and they've done their best in a bad situation. During last year's appropriations process, after Senate passage, additional funds were allocated for housing and environmental programs. I will work with the administration to restore these funds so that we may better address the severe housing needs of our Nation.

I want to commend both Senator BOND and Senator MIKULSKI for protecting several other important programs from funding cuts, including the Drug Elimination Program, CDBG, and HOME, each of which will continue to operate at current funding levels.

Finally, I would like to thank the chairman for his generous funding of the low-income housing preservation program. This program will help to maintain the stock of affordable housing and potentially protect thousands of families from losing their homes.

So, Mr. President, as a member of the VA/HUD and Independent Agencies Subcommittee, I will vote for this bill. It is not perfect legislation. But it is a significant improvement over some of the related legislation we've seen in the recent past.

THE NEIGHBORHOOD NETWORKS PROGRAM

Mr. JOHNSTON. Mr. President, I would like to commend the distinguished chairman, Senator BOND, and the distinguished ranking member of the VA, HUD and Independent Agencies Subcommittee on Appropriations, Senator MIKULSKI, for their guidance and cooperative efforts in bringing this bill, H.R. 3666, to the floor.

Mr. President, I rise today to bring attention to a program that is providing an indispensable service to Americans living in our Nation's troubled urban areas, in public and assisted housing. As HUD has worked to increase housing and home ownership opportunities for our citizens, it has become increasingly clear that an important aspect of insuring adequate housing is insuring that people have the skills and employment opportunities that will allow them to contribute sufficiently to their own rents and mortgages. Insuring that our people have such skills and opportunities is not only a means of improving the lives of these citizens but also helping them develop and maintain their neighborhoods and communities.

Mr. BOND. I would agree with my colleague.

Mr. JOHNSTON. The University of New Orleans has developed an entrepreneurship program designed not only to assist in the development of skills, but also to assist in the creating of individual, family, and small businesses in our inner cities. The two things go hand in hand—providing training and skills development and then seeing that there is a job in which the training skills can be used. UNO has held discussions on this program with HUD and I believe that it is the type of activity which HUD should be supporting. Consequently, I would hope that we could urge HUD to pursue this effort with UNO whether it be through the Neighborhood Networks Program or some other means.

Mr. BOND. I strongly support finding ways to encourage people to find means of self-support with a goal towards bettering their lives. This seems to me an excellent way to move people away from a state of dependence into one of independence and self-sufficiency. I agree with the Senator from Louisiana that HUD should be supportive of such programs.

Ms. MIKULSKI. I agree with my colleagues. These efforts are important as we expect a future of declining allocations. We must find ways to meet the needs of Federal programs in a balanced way. Particular attention should be paid to effective programs that give taxpayers the most bang for their hard earned buck.

Mr. JOHNSTON. I thank my colleagues.

Mr. BOND. Mr. President, I must note that our first priority for HUD is demand that it more adequately address its principal responsibilities over loan and grant programs for housing and community development. We have worked to drastically cut back on the thicket of programs that it amassed over the years, some 240 individual activities. Though terminations and by consolidating related activities in more flexible, broadly-based grant programs we are reducing burdensome paperwork requirements both for HUD and for the local administering agency. Furthermore, by granting flexibility, we hope to enable local units of government to better tailor programs to meet their specific local needs and priorities. With this orientation,we must be restrained in our appetite for endorsing new programs or initiatives or risk turning back the clock on our reforms by creating a whole new set of categorical programs and requirements.

MONTREAL PROTOCOL FACILITATION FUND

Mr. CHAFEE. Mr. President, the EPA portion of this bill includes $12 million for Agency contributions to the Montreal Protocol facilitation fund. This funding level is the same as that approved by the Congress last year, but $7 million lower than the administration's request of $19 million.

It is my understanding that the House of Representatives approved the full fiscal year 1997 administration request of $19 million for EPA's contribution to this fund. This funding is included in the EPA environmental programs and management account. If I might, Mr. President, I would like to provide some historical perspective on the Montreal Protocol facilitation fund.

The fund was created in 1990 through the London Amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer. It was created to assist developing countries in their efforts to phase out ozone depleting substances. The United States agreed to participate in the fund after the Senate, on December 18, 1991, voted to approve ratification of the London Amendments. It is important to remember that the Montreal Protocol and the facilitation fund were successfully negotiated by the administrations of Ronald Reagan and George Bush, respectively.

The Montreal Protocol facilitation fund was established with the clear understanding that the problem of ozone depletion was global in nature. That understanding, and the agreement which ensued, was that the developed countries would provide technical and financial assistance to developing countries who agree to strict ozone depleting substance use reductions.

This is a pact, Mr. President, that the United States freely committed itself to. A pact which has enjoyed tremendous success with respect to reducing the use of these chemicals around the world; with respect to the promotion of American goods and services around the world; and with respect to the development of a global effort to solve a complicated environmental problem. Contributions to this multilateral fund, from nations like Japan, Germany, the United Kingdom, and

Canada, have been made at a higher rate, 85 percent, than any other United Nations trust fund.

How large is the facilitation fund? How much does the United States contribute? The total size of the fund has been set at $510 million with the U.S. share capped at 25 percent of the total, which is the U.N. standard. The current U.S. contribution is set at $38 million per year.

The problem, Mr. President, is that we have not met our obligations to the fund. At the conclusion of calendar year 1996, the United States will be approximately $27 million in arrears. Even if the full administration request for EPA and State Department contributions were to be provided for fiscal year 1997, the United States would still find itself behind in 1997 by approximately $18 million.

If the $12 million level recommended by the Senate Appropriations Committee is approved by the Senate and ultimately prevails in conference with the House, the United States would find itself $25 million in arrears. This estimate assumes that the full State Department allotment of $27.5 million will be provided in fiscal year 1997.

Mr. President, we cannot afford to fall further and further behind on this commitment. Failure by the United States to maintain this pact in the agreed-upon fashion would not only harm the progress made in this area, but would undoubtedly make negotiation of future international environmental agreements much more difficult. As such, I would request of my friend from Missouri, who will be leading negotiations with the House on this matter, that he work toward conference adoption of the House-passed funding level of $19 million for the Montreal Protocol facilitation fund.

Mr. BOND. Mr. President, I appreciate the remarks made by my colleague from Rhode Island. While I cannot guarantee the results on this or any other matter in a conference with the House, I will make sure that all conferees are aware of the Senator's strong interest in this vitally important program.

Mr. CHAFEE. I thank the Senator from Missouri and appreciate all of his good work on this bill. Mr. President, before I yield, I would like to conclude with a statement made by President Reagan on April 5, 1988, concerning the Montreal Protocol:

> The Montreal Protocol is a model of cooperation. It is a product of the recognition and international consensus that ozone depletion is a global problem, both in terms of its causes and effects. The Protocol is the result of an extraordinary process of scientific study, negotiations among representatives of the business and environmental communities, and international diplomacy. It is a monumental achievement.

Indeed it is. With that, Mr. President, I again thank the Senator from Missouri and yield the floor.

EPA RESEARCH

Mr. CHAFEE. Mr. President, in 1994, the EPA awarded the University of Rhode Island's Marine Ecosystem Research Laboratory a $1.4 million grant to examine the degree to which coastal marine areas of the United States are degraded by elevated concentrations of waterborne nitrogen. Why should this matter be studied? Why do we care if elevated concentrations of nitrogen exist in estuaries and bays? Let me provide just a few reasons.

Nitrogen concentrations stimulate the growth of marine plants such as phytoplankton and seaweed. Excessive growth of these plants often shade out and thus kill off natural sea grasses that form fish habitat, as in Chesapeake Bay. In some instances these plants sink to the bottom and decompose, thus consuming all oxygen and leading to widespread fish kills, as in Long Island Sound, Mobile Bay, and elsewhere.

Elevated nitrogen levels are also believed to be responsible for altering the species composition and biodiversity of indigenous plants, thus dramatically altering marine food chains. Some suspect links between nitrogen enrichment and toxic algal blooms and fish disease. The project undertaken in 1994 at the University of Rhode Island is designed to help scientists and policymakers better understand how coastal marine systems respond to nitrogen enrichment.

Regrettably, only two-thirds of the agreed upon project has been completed. Under the 1994 grant agreement, the University of Rhode Island was to receive $1.4 million over fiscal years 1994 through 1996. According to EPA, insufficient fiscal year 1996 resources prevent the Agency from fulfilling the third and final year's commitment of $474,000.

Mr. President, it is my belief that this important research effort warrants the very modest resources committed to it just 2 years ago. I might note that two papers submitted by the university as a result of this project have been published recently in peer-reviewed scientific journals.

Thus, it is my hope that the EPA Administrator and her Assistant Administrator for Research and Development will give every consideration to providing the final year of funding for this effort in fiscal year 1997.

Mr. BOND. I thank the Senator from Rhode Island for his interest in EPA research programs. While I am not familiar with the merits of this particular project, it seems only fair to me that EPA should look closely at fulfilling previously initiated grant awards before beginning new ones.

Mr. CHAFEE. I thank my friend from Missouri. Mr. President, I yield the floor.

Mr. FAIRCLOTH. Mr. President, I rise today to speak about the HUD appropriation levels for fiscal year 1997 and to raise concerns about some of HUD's programs that have been going forward unabated for decades.

HUD has failed. It has too many programs with hundreds of billions of dollars of long-term financial commitments. There are widespread weaknesses. It has the worst reputation of all the large Government agencies.

Over the past 3 years, all kinds of proposals for reinventing HUD have been suggested. Proposals have come from Secretary Cisneros, the White House, and the Congress. HUD's proposal to change its delivery of housing programs was named "Reinvention Blueprint."

This proposal is not really a reinvention of HUD. It is just a few changes to the same idea. Solving problems was supposed to be HUD's mission. When considering whether we should reinvent HUD or end it, each of us has to ask ourselves these questions:

Are our inner cities better off than they were 30 years ago?

Is the state of public housing better off than it was 30 years ago?

The answers to these questions is no—absolutely no. In fact, our cities are more decayed and more dangerous today than ever.

HUD's housing policy denotes the 1930's belief that public housing will solve the problems of the poor—that tearing down the slums and building public housing to replace them would eliminate breeding grounds for crime and disease.

HUD thinks that the housing it built is now ill-designed and not well constructed. HUD wants to believe that if we tear down those unsightly highrise buildings and build more aesthetically pleasing townhouses that the state of the poor will change.

HUD wants to believe that bricks and mortar are to blame. But we know that is not true. We cannot blame the state of public housing on bricks and mortar.

That is why I believe this administration's housing policy is flawed. Housing is first and foremost a local issue. Reinvention Blueprint recognizes some major flaws with HUD, but it falls short of what is really needed to reform housing.

As former HUD Secretary Jack Kemp said, "The American people do not want to reinvent government, they want to reduce the role of Government."

HUD is a massive bureaucracy with over 11,000 bureaucrats. It has over 240 housing programs—so many that the Secretary of HUD himself did not even know he had that many.

HUD has over $192 billion in unused budget authority. This spending is increasing so rapidly that by the year 2000, housing assistance will be the largest discretionary spending function in our Government.

Can Secretary Cisneros reinvent HUD? No. That is why I introduced legislation to abolish HUD.

States should be given maximum flexibility to develop their own housing policies. With States in control, tenants will be offered home ownership opportunities consistent with what Secretary Jack Kemp developed during the Bush administration.

We have made strides in changing our housing policy with reforms made in the public housing bills currently in conference. But we need to go further. We need to abolish HUD.

My colleagues, when you cast your vote for this bill and you look at the funding levels for HUD, ask yourselves why we continue to fund programs that have failed. HUD is not truly going to reinvent itself. When you look at the administration's policy behind its funding requests you too will see that we can't afford not to abolish HUD.

SWEETWATER BRANCH PROJECT

Mr. MACK. Mr. President, I rise today with my colleague from Florida, Senator GRAHAM, to make the Senate—and particularly the chairman of the VA, HUD and Independent Agencies Subcommittee—aware of the Sweetwater Branch project. This project is most important to the citizens of Florida and I believe it merits attention by the Senate.

Mr. President, the Sweetwater Basin begins north of Gainesville, FL, runs through the city and discharges into Paynes Prairie—a critical natural resource area owned by the State of Florida and home to many important species of plants and animals. This water ultimately makes its way through the Alachua Sink—a large sinkhole in the area—into the Floridan aquifer. The aquifer is a primary source of drinking water for Florida's citizens and its health is critical to our quality of life.

The city has brought together the State, Alachua County, and other interested parties in an effort to ensure that these discharges into the Prairie and the aquifer are not contaminated with agricultural and urban runoff. The city is to be commended for its diligence in working toward a solution. The project of cleaning up this water, however, is beyond the scope—both geographically and financially—of the city of Gainesville. While it has prepared to plan that would mitigate this problem at a relatively low cost, the city needs help on the funding and implementation.

Thus, it is important—in my view—that this project be made eligible for Federal assistance. I am hopeful the chairman of the subcommittee will work with us on securing the necessary funding to assist the city of Gainesville in this most important effort.

Mr. GRAHAM. Mr. President, I would join Senator MACK in commending the city of Gainesville for its diligence in funding a solution to this complex problem. The project should be considered for Federal funding because of the complexity of the problem, the difficult web of jurisdictions, and the large potential impact to the State's primary drinking water supply.

I would simply add, Mr. President, that the city of Gainesville has a history of using local resources to solve local problems. In this case the city has already financed the development of this plan and would be further committed to a financial partnership on the solution. I believe such an arrangement is critical to the success of the plan and, again, I commend the city of Gainesville for its strong commitment to this most important project. I express my strong support for the efforts of the city of Gainesville and look forward to working with my colleagues on the subcommittee to secure the necessary funding in the fiscal year 1997 legislation.

RESTRUCTURING THE FHA-INSURED AND ASSISTED MULTIFAMILY MORTGAGE PORTFOLIO

Mr. MACK. Mr. President, I rise today to commend Senator BOND for his interest in moving forward the process for restructuring the FHA-insured and assisted multifamily mortgage portfolio.

I know that the Senator believes his amendment is not a substitute for a permanent debt restructuring proposal. I want to make it clear that the authorizing committee fully intends to move forward with portfolio restructuring legislation that can be enacted before the end of this Congress.

Immediately before the recess, I introduced S. 2042, the Multifamily Assisted Housing Reform and Affordability Act of 1996. This comprehensive multifamily mortgage portfolio restructuring proposal; will deal with expiring contracts on units with rents that exceed fair market rents by reducing those rents to market levels and providing a process for restructuring the underlying FHA mortgages. I am pleased that Senator BOND has cosponsored this legislation.

The Housing Subcommittee of the Banking Committee has long been concerned that flaws in the HUD multifamily insurance and rental assistance programs have allowed owners to receive more federal dollars in rental assistance than necessary to maintain properties as decent and affordable housing. Such a policy is not fair to the American taxpayer, and it cannot be sustained in the current budget environment.

Without changes in current policies, the cost of renewing expiring project-based section 8 contracts will grow from $1.2 billion in fiscal year 1997 to almost $4 billion in fiscal year 2000 and $8 billion 10 years from now. However, if these contracts are not renewed, residents and communities will be adversely affected and most of the FHA-insured mortgages—with an unpaid balance of $18 billion—will default and result in claims on the FHA insurance fund.

This proposal would establish an orderly and well-understood mechanism for reducing section 8 rents and restructuring mortgage debt with or without FHA mortgage insurance. It would utilize capable public entities, like State housing finance agencies, to restructure the portfolio; require input from residents and communities; and treat good owners and managers of multifamily properties fairly.

I believe our bill will have broad-based support that reflects the interests of all of the stakeholders in the process, and we intend to move it forward.

I look forward to working with Senator BOND to develop a sound long term strategy for section 8 contract renewals.

BUDGET COMMITTEE SCORING OF H.R. 366

Mr. DOMENICI. Mr. President, I rise in support of H.R. 3666, the Departments of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill for 1997.

This bill provides new budget authority of $84.3 billion and new outlays of $49.7 billion to finance the programs of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the chairman and ranking member for producing a bill that, with adoption of the manager's amendment, is within the subcommittee's 602(b) allocation. This is a one of the most difficult bills to manage with its varied programs and challenging allocation, but I think the bill meets most of the demands made of it while staying under budget and is a strong candidate for enactment, so I commend my friend the chairman for his efforts and leadership.

When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $84.3 billion in budget authority and $98.7 billion in outlays. As reported, the total bill is over the Senate subcommittee's 602(b) nondefense allocation for budget authority by $4 million and under its allocation for outlays by $6 million. The subcommittee is also under its defense allocation by $4 million in budget authority and outlays.

I ask Members of the Senate to refrain from offering amendments which would cause the subcommittee to exceed its budget allocation and urge the speedy adoption of this bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VA–HUD SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1997, dollars in millions]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year budget authority and other actions completed	--	61
H.R. 3666, as reported to the Senate	125	64
Scorekeeping adjustment	--	--
Subtotal defense discretionary	125	125
Nondefense discretionary:		
Outlays from prior-year budget authority and other actions completed	365	47,431
H.R. 3666, as reported to the Senate	63,964	31,611
Scorekeeping adjustment	--	--
Subtotal nondefense discretionary	64,329	79,042
Mandatory:		
Outlays from prior-year budget authority and other actions completed	--	1,153
H.R. 3666, as reported to the Senate	20,260	18,013
Adjustment to conform mandatory programs with budget resolution assumptions	−406	381
Subtotal mandatory	19,854	19,547
Adjusted bill total	84,308	98,714
Senate subcommittee 602(b) allocation:		
Defense discretionary	129	129
Nondefense discretionary	64,325	79,048
Violent crime reduction trust fund	--	--
Mandatory	19,854	19,547
Total allocation	84,308	98,724
Adjusted bill total compared to Senate subcommittee 602(b) allocation:		
Defense discretionary	−4	−4
Nondefense discretionary	4	−6
Violent crime reduction trust fund	--	--
Mandatory	--	--
Total allocation	--	−10

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

NSF SUPERCOMPUTER

Mr. BOND. Mr. President, more than a month after the Committee on Appropriations reported the pending fiscal year 1997 VA-HUD appropriations bill, the Department of Commerce announced that it would undertake an investigation of the alleged below-market bid made by a Japanese vendor in a pending supercomputer procurement of the National Center for Atmospheric Research [NCAR]. This investigation is in accordance with the anti-dumping procedures specified in law. Subsequent to this announcement, on August 20, the National Science Foundation, which provides the bulk of Federal operating support for NCAR requested that the pending procurement be put on hold and await the resolution of the dumping issue.

I have been asked if these actions negate or otherwise change the Committee's position with respect to the deletion of section 421 of the House-passed bill. That provision was intended to block the NCAR procurement by prohibiting the use of funds to pay the salaries of personnel who approve a contract for a supercomputer which is found to be in violation of the anti-dumping provisions of law.

The answer is no. The House provision inappropriately attempted to impose a penalty for alleged dumping, separate and apart from that provided for in law. Current law specifies a clearly defined process for the Department of Commerce to investigate and determine if unfair prices are being offered by a foreign vendor. Furthermore, upon the determination that dumping has occurred, redress is provided through the imposition of compensating duties. The House proposal would require the National Science Foundation to determine whether dumping has occurred, an agency that does not have the expertise nor the authority to make such a finding. If this provision were to be enacted the Foundation would have to prejudge the outcome of the Commerce Department investigation. Unfortunately, by preventing any contract from being approved, NSF may lead to the adverse consequences that we are seeking to avoid.

The decision of the Foundation to request a delay in the procurement pending competition of the anti-dumping investigation process now underway by the Commerce Department may jeopardize the pending procurement, and will certainly delay the needed acquisition of state-of-the-art supercomputing technology. Such potential consequences are very disturbing, especially since the NSF is under no obligation to delay these contractual negotiations. Indeed, the anti-dumping provisions remedies are premised on imposition of special duties, not on a rescission of any sales or a prohibition on any sale.

If the action of the Foundation were to terminate the pending procurement, it would have the effect of nullifying the established process of investigating and determining whether dumping has occurred, a responsibility of the Commerce Department, not the National Science Foundation.

Mr. President, the chairman and the ranking minority Member of the Senate Finance Committee, Senators ROTH and MOYNIHAN, wrote a letter objecting to the House provision, and urging that the normal process be followed. In addition, the Senator from Maine, Senator COHEN, also wrote on behalf of the Government Affairs Committee expressing his concern over the implications that the House provision would have on procurement procedures of the Government, under the jurisdiction of that committee.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, July 25, 1996.

Hon. CHRISTOPHER S. BOND,
Chairman, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR KIT: We are writing to express our concerns about a provision in the House version of the VA-HUD appropriations bill for fiscal year 1997 (H.R. 3666), which may also be offered as an amendment to the Senate version of the bill. This provision (section 421) would prohibit the use of appropriated funds to pay the salaries of National Science Foundation (NSF) employees who authorize the acquisition of any supercomputer, which the Department of Commerce determines was sold at a dumped price.

In our opinion, it is inappropriate to include this provision on an appropriations bill. The provision involves the administration of the antidumping law, which falls squarely under the jurisdiction of the Senate Committee on Finance. Because the provision could result in a violation of United States' obligations under the antidumping rules of the World Trade Organization (WTO), the Committee on Finance should have an opportunity to examine the potential consequences should the provision be enacted into law.

Moreover, in making its procurement decision, the NSF must take into account all relevant factors, including the possibility of dumping. However, the U.S. antidumping law provides a remedy if the NSF's procurement results in the U.S. industry having to compete with dumped imports. Then the appropriate action is for the U.S. industry to file an antidumping petition with the Department of Commerce and the U.S. International Trade Commission or for the Department of Commerce to self initiate an antidumping investigation.

In light of these considerations, we urge you to do what you can to resist any attempt to add this or any similar provision to the Senate bill and to ensure that the provision is not included in the bill when the legislation moves to conference.

Sincerely,

WILLIAM V. ROTH, JR.,
Chairman.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, July 9, 1996.

Hon. CHRISTOPHER BOND,
Chairman, Subcommittee on VA-HUD Appropriations, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Attached is a copy of a provision contained in H.R. 3666, which the House recently passed to provide appropriations for VA-HUD and Independent Agencies.

This bill contains funding for National Science Foundation (NSF) programs. Section 421 is aimed at preventing the planned lease of a supercomputer by the University Corporation for Atmospheric Research (UCAR), which must obtain NSF approval before entering into a contract to acquire the supercomputing capacity selected by UCAR technical experts under a competitive procurement process.

When the House of Representatives considered H.R. 3666, there was serious disagreement among several Members as to whether the language of Section 421 was a violation of the government procurement code. Representative Kolbe and Representative Campbell presented strong arguments that the procurement code would indeed be violated by this provision, if it is enacted into law. Representative Crane, Chairman of the Subcommittee on Trade, presented arguments that the provision could also be a violation of antidumping and trade laws (please see attached copy of his letter).

As the Chairman of the Subcommittee on Oversight of Government Management and the District of Columbia, I wanted to inform you of my concern that this particular provision has not been discussed in appropriate hearings before the Senate and that it's impact has not received any consideration by the Committee on Government Affairs which has jurisdiction over the issue of government procurement.

In your role as the Chairman of the Subcommittee providing funding for the National Science Foundation, I hope you will agree the language of Section 421 or any language which is intended to interrupt the orderly operation of the formal procurement process could set a dangerous precedent. Because of the intense concern expressed by the House Members during their debate and because the Senate committee of jurisdiction has not yet discussed this serious issue, I ask that you take whatever action is necessary to prevent the inclusion of any language in the VA-HUD appropriations bill which, in effect, could create a legislated change in the manner in which the procurement code is applied. Any impact on the procurement process caused by congressional legislative action should receive the full review and consideration by the committee of jurisdiction.

Your consideration of this request will be sincerely appreciated.

With best wishes, I am

Sincerely,

William S. Cohen,

Chairman, Subcommittee on Oversight of Government Management and the District of Columbia.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 12, 1996.

Hon. BOB LIVINGSTON,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR BOB: I am writing in reference to provision 421 included in the National Science Foundation (NSF) appropriations legislation as reported out by subcommittee that would provide that no funding may be used to pay the salaries of any NSF employee who approves a contract for supercomputing equipment after a preliminary or final determination of dumping by the Commerce Department (language attached). This amendment is aimed at the proposed procurement of an NEC supercomputer by an NSF grantee. In a May 20, 1996 letter, the Commerce Department opined, without conducting a formal investigation, that the lease in question may constitute dumping.

I am greatly concerned that the effect of this amendment would be to force NSF to turn down the NEC supercomputer even though neither the Department of Commerce nor the International Trade Commission have made any formal findings of dumping and injury and, in fact, have not initiated any formal investigations, as required in order to impose antidumping duties.

Clearly, we must enforce our antidumping laws to prevent unfair trading. However, this amendment would improperly use the appropriations process to chill what could be a legitimate, procurement that does not involve dumping. I believe that whether the NEC lease is an appropriate procurement and whether the lease is in fact being made at a dumped price should be determined on the merits of the case. It is impossible for Congress to determine now whether the procurement in question violates the antidumping statute. That is a matter for the Commerce Department and the International Trade Commission to determine, using statutorily mandated procedures. Only when they have made this determination can we begin to consider the effects on the procurement.

The amendment, however, forces Congress to prejudge this decision. Indeed, I am concerned that such an amendment could violate our obligations under Article 18(1) of the WTO Antidumping Agreement, which states that no specific action against dumping of exports from another party may be taken except in accordance with the Agreement and does not authorize punitive measures such as disqualification from government procurement. In addition, I am concerned that the amendment could violate Article III of the Government Procurement Agreement, which provides that each party shall provide national treatment to suppliers of other parties. Accordingly, I strongly urge you to remove the amendment from the legislation when the bill is considered by your Committee.

I look forward to working with you on this matter.

With best personal regards,

PHILIP M. CRANE,
Chairman.

PROVISION 421

SEC. 421. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries of personnel who approve a contract for the purchase, lease, or acquisition in any manner of supercomputing equipment or services after a preliminary determination, as defined in 19 U.S.C. 1673b, or final determination, as defined in 19 U.S.C. 1673d, by the Department of Commerce that an organization providing such supercomputing equipment or services has offered such product at other than fair value.

Mr. BOND. Mr. President, for the reasons I have outlined, both programmatic, as well as jurisdictional, it is my intent to sustain the Senate's deletion of the House provision in conference. And for the same reasons, I urge the National Science Foundation to reconsider its delay in this procurement.

ENVIRONMENTAL PROTECTION AGENCY

Mrs. BOXER. Mr. President, last year Republicans waged a covert war against the environment when they attempted to drastically cut EPA's budget in order to cripple the EPA's ability to set and enforce environmental standards. The cuts that eventually passed were not as drastic, but they have meant that an already stretched EPA has had to curtail important work that ensures the health and safety of all Americans.

I am relieved to see that, this year, there is no new attempt by Republicans to further cut EPA's enforcement budget. A poorly funded EPA will mean more water pollution, more smog in our cities and countryside, more toxic waste problems. For this reason I will continue to fight for a strong, efficient, and well funded Environmental Protection Agency. It is in the best interest of the health and safety of our citizens.

I am also pleased that the fiscal year 1997 appropriations bill for the Environmental Protection Agency does not include any of the contentious antienvironmental legislative riders that were attempted last year.

There are several issues included in this bill of great importance to California that I would like to highlight:

South Tahoe export pipeline replacement project:

Although my request for funds for this project was not included in the bill, I want to thank Senator BOND and Senator MIKULSKI for their interest in the project and ask them to keep Lake Tahoe in mind in conference to see if some help for Lake Tahoe can be provided.

Help for Lake Tahoe is so urgent that the project was authorized in the Safe Drinking Water Act as a special project to be considered by the Administrator of EPA if there are sufficient funds.

The South Tahoe Public Utility District needs urgent help in replacing its export pipeline system which protects and preserves the water quality in Lake Tahoe. The export pipeline transports reclaimed water from the wastewater treatment plant in South Tahoe out of the Lake Tahoe basin to a nearby reservoir where the reclaimed water is stored and later used for irrigation and other purposes.

The existing pipeline is reaching the end of its useful life and must be replaced quickly if we are to avoid the possibility of a catastrophic spill resulting in serious environmental harm to Lake Tahoe. Several serious leaks have already occurred over the last 2 years, and the risk of a rupture increases the longer it takes to complete the replacement project.

The local community has raised $10 million toward replacement of the pipeline, but a total of $30 million will be needed. The local community is already paying sewer rates substantially higher than the average in California. $10 million in Federal assistance is needed if the pipeline is to be replaced in a timely manner. While the local community might be able to pay for the pipeline replacement over the long term by enduring high utility rates, it will not get the job done as quickly as it could be done with Federal assistance. Such Federal assistance would enable the South Tahoe Public Utility District to complete the project in a more expeditious manner, reducing the chances of a large leak with serious environmental consequences for the lake.

Southwest center for environmental research and policy center.

I am pleased that the bill includes an additional $2.5 million for the Southwest Center for Environmental Research and Policy.

SCERP is a consortium of American and Mexican universities that works to address environmental problems along the United States-Mexican border including but not limited to air quality, water quality, and hazardous materials. SCERP's members include San Diego State University, New Mexico State University, University of Utah, University of Texas-El Paso, and Arizona State University. SCERP had its origins in the Clean Air Act Amendments of 1990, which authorized the establishment of an entity to research air and water quality and other environmental problems in the border region. SCERP has been funded through congressional appropriations for the last 5 years in fulfillment of the Clean Air Act mandate.

United States-Mexico border cleanup: New River cleanup.

I strongly support the $100,000 million appropriation, the same as the budget request, for architecture, engineering, design, and construction-related activities for high priority water and wastewater facilities in communities near the United States-Mexico border.

A top priority border cleanup project is the cleanup of the New River, which flows from Mexico to Imperial County, CA, and is one of the most polluted rivers in the world.

New River cleanup is essential to ensuring the environmental health of the southern California border region. The cleanup project consists of two stages. Stage one, currently underway, consists of a series of quick fix repair jobs on the Mexicali, Mexico, sewer system aimed at significantly reducing the flow of raw sewage into the New River. Stage two will consist of planning, design, and construction of a wastewater treatment plant and allied systems.

I recently wrote to Carol Browner, Administrator of the Environmental Protection Agency asking the EPA to reaffirm its commitment to meeting the obligation of the United States to contribute 55 percent of the cleanup costs of the New River in Imperial County, CA. The EPA responded on July 26, 1996, confirming its commitment to meeting its 55-percent share of the cleanup costs for the New River. I ask unanimous consent that the EPA letter appear in the RECORD immediately after my statement.

Rice growers in California's Sacramento River valley.

In closing I strongly urge the Environmental Protection Agency to continue working closely with California rice growers to help them achieve certainty regarding the regulation of agricultural waters under the Clean Water Act. Rice growers need clarity and certainty regarding how water quality standards apply to waters associated with rice production in the Sacramento River Valley. I am hopeful that we will be able to reach a solution that all sides are comfortable with in the very near future.

LOW-INCOME HOUSING PRESERVATION

Ms. MOSELEY-BRAUN. Mr. President, I would like to thank the chairman and ranking member of the VA, HUD, and Independent Agencies Subcommittee, on behalf of myself and the other sponsors of the preservation amendment, for including an increase in preservation funding in the manager's amendment to the appropriations bill. Senator BOND and Senator MIKULSKI have been strong and constant champions of the preservation program.

The provision included in the manager's amendment would increase the full appropriation for the low-income housing preservation program by $150 million to $500 million by rescinding $150 million in recaptured preservation interest payments.

Adequate funding for preservation sales to nonprofit organizations is vital if we are to retain affordable rental housing in our communities for families and senior citizens. There are currently more than 300 projects with 30,000 units of affordable housing in the process of being sold to nonprofit and tenant organizations. Without sufficient funding these sales will not go through and thousands of units of affordable housing could be irretrievably lost.

Preservation has been a tremendous success throughout the country and in my own State of Illinois. To date, over 4,000 apartments in more than 17 developments in Illinois have been preserved as affordable housing. Eight of these properties, containing over 2,400 apartments have been transferred to nonprofit owners with the support of the residents.

In Illinois we have three properties, Carmen Marine Apartments, 707 Waveland, and West Park Place, that have been sold to resident councils who are converting the properties to resident home ownership. Carmen Marine is a 300 unit high rise located on Lake Michigan. The residents here became the first tenants in the country to purchase their units under the preservation program in 1994. The average income is approximately $18,000 per year. Rents have remained affordable and a mixed income community with seniors and families of diverse national origins has been preserved. An Illinois success story repeated across the Nation.

The need for affordable housing greatly exceeds the supply. It does not make sense to take a significant number of high quality, low-income units off the market where they can be preserved. With adequate preservation funding we can preserve some of the best of our affordable housing stock. In many neighborhoods, there is no comparable housing available to these tenants.

In Illinois alone, the sales of over 3,500 units to nonprofits are pending. These are units that house senior citizens in their own neighborhoods. These are units that allow families to grow up in good communities. These are affordable units for working people.

The decisions we make concerning funding for preservation will have a direct impact on the lives of these residents and for hundreds of thousand of others around the country. Good, affordable apartments and the American dream of home ownership, to me that, is something worth preserving. I thank my colleagues for including this important increase in preservation funding in the fiscal year 1997 VA, HUD, and independent agencies appropriations bill.

Mr. KERRY. Mr. President, I would like to comment on the HUD title of the VA-HUD appropriations bill. I first want to commend the chairman and the ranking member of the subcommittee for their hard work on this bill. The competing and diverse priorities addressed by this appropriations bill make it arguably the most difficult of all the bills to craft. The chairman and the ranking members take a thoughtful, considered approach to a difficult task and their efforts deserve recognition.

Unfortunately, the VA-HUD Subcommittee has over the last several years been saddled with an insufficient budget allocation. It should not be terribly surprising therefore, that the amounts the subcommittee has provided for many of its programs and activities are inadequate. Nowhere are the overall Federal budget pressures felt more keenly than at HUD. Funding in this bill for public housing operating subsidies, public housing modernization, incremental section 8, elderly and disabled housing, and homeless assistance simply is inadequate relative to the needs across our Nation.

But despite the insufficient overall allocation, there are some bright spots in the bill. Several elements of the HUD title deserve particular mention. I congratulate the subcommittee for providing level funding for the HOME and CDBG programs. These are extremely important programs for providing affordable housing and revitalizing distressed communities. Their blend of national priorities and local flexibility makes these two of HUD's strongest programs.

I also would like to thank the chairman and the ranking member for accepting two amendments that I offered with other members. The first amendment that I offered with my distinguished colleague from new Mexico, Senator DOMENICI, will provide a set-aside of $50 million for vouchers for disabled persons. As the Congress has moved to allow local public housing authorities to designate certain housing developments for elderly only, it is important that we provide alternative housing resources to meet the housing needs of disabled individuals who in the past had access to such housing.

The second amendment increases the appropriations for the low-income housing preservation program from $350 million to $500 million. This is an extremely important program in Massachusetts and across the country. Thousands of families around the country are threatened with losing their affordable housing as owners prepay their HUD-assisted mortgages and convert the housing to either market-rate housing or other uses. The preservation program provides funding to maintain the buildings as affordable housing. The program has been troubled, but its mission is sound. We on the authorizing committee will continue to work to improve its performance. I again thank the chairman and the ranking member for their support of this amendment and I thank my cosponsors Senators CRAIG, MOSELEY-BRAUN, and SARBANES.

In 1996, Congress provided a priority for funding the portion of the preservation program that provides for the transfer of these developments to community and resident-based nonprofit corporations. I have visited with residents in my home State who have worked for years to assemble funding packages and grant applications to achieve ownership of their dwellings. With this appropriation, the dreams of many across the Nation will come to fruition. But the demand for the sales program has been extraordinary and it is already clear that the $500 million for fiscal year 1997 will not be enough. I am planning to work with the administration and the conferees on this bill to identify other possible sources of funding in order to meet this demand.

Finally, Mr. President, I would like to comment on the Bond amendment related to HUD multifamily portfolio restructuring. We have been working very hard in a bipartisan manner in the Banking Committee to address this intractable problem. As others have described, the effort to lower high section 8 costs and avoid excessive FAA mortgage defaults—while at the same time preserving affordable housing—is complicated and costly. The demonstration for which the Bond amendment provides, represents a good first step toward putting in place a program for lowering section 8 costs and restructuring the mortgages in a sound way. Most important, the amendment states that the purpose of the demonstration is to preserve affordable housing and identifies the public interest in the future affordability of these properties. The amendment preserves project-based assistance and ensures that public agencies are involved in the restructuring.

I do have several concerns with the Bond amendment—particularly related to the role of the residents, the community, and the local government in the restructuring process—but I am confident the bipartisan approach Senator BOND has taken to this point with respect to this amendment will continue in the conference committee and I look forward to working with the chairman in making these improvements and in putting something in place until the authorizing committee can enact a permanent solution.

Mr. BOND. Mr. President, let me thank the leaders for their cooperation in helping us come to what I had not expected to see at this point. We are deeply grateful for the accommodation. After we have acted on the pending amendments, then I believe we will be ready to go to third reading.

Thanks and appreciation to all involved, particularly my colleague, Senator MIKULSKI, and our staffs on both sides.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, as we are just minutes away from the vote on four amendments and then final passage, I thank Senator BOND for his cooperation, respecting the voice of the minority, and for his very able staff and the way they worked with us; Senator LOTT, who worked with us to bring the bill to the floor; to the Democratic leader for his advocacy for all of the issues in this bill, and for creating a framework where we could get many things done; and also to my staff for the excellent work that they did.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. I would like to take a moment, too, to say to the chairman of the subcommittee and the ranking member, the managers of this legislation, they have done an excellent job. I know it has not been easy for them, many times, working with the leadership as we have tried to get agreement on a whole number of issues that were really unrelated to their legislation. I think they have done a great job with the bill itself. I apologize for us not being able to get it done before the August recess, but you have been very considerate in your willingness for us to do other things. I thank you for your work. You have done a good job and I am glad we are going to be able to complete it tonight. Although we have enjoyed having you on the floor all this week, you have done such a wonderful job, we still think it better to move on to other issues. Thank you for your good work.

AMENDMENT NO. 5194, AS AMENDED

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 5194, as amended, offered by the Senator from New Mexico. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, before we start, we had a minute on each side. Do they need it? I think we might as well get started. I don't think we need it on this particular amendment, but I wanted to be sure. Under the unanimous-consent agreement, there are 2 minutes equally divided prior to each piece of legislation.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Kentucky, I think on the Domenici-Wellstone amendment, we had a pretty thorough debate and discussion, so we probably don't need it on this one.

Mr. FORD. That is what I was saying. On the others, I wanted to alert the Chair to that.

The PRESIDING OFFICER. The Chair thanks the minority whip. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 82, nays 15, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—82

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frahm
Frist
Glenn
Graham
Grassley
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Thurmond
Warner
Wellstone
Wyden

NAYS—15

Ashcroft
Brown
Coats
Faircloth
Gorton
Gramm
Grams
Gregg
Inhofe
Kyl
Mack
McCain
Nickles
Smith
Thompson

NOT VOTING—3

Hatfield
Inouye
Murkowski

The amendment (No. 5194), as amended, was agreed to.

AMENDMENT NO. 5197

The PRESIDING OFFICER. All succeeding votes will be 10-minute rollcall votes. The next order of business is amendment No. 5197, the amendment offered by the Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, we are ready to propound a unanimous-consent request. That way Members will know what they can expect for the next 3 days, Friday, Monday, and Tuesday. We will go through this now and then we will go to the brief explanation on the Harkin amendment and go to final vote. Members have been asking, Mr. President, what will be the items that we will go to next. Rather than answer one by one I thought I could go ahead and outline this. I want to thank the leader for his work in trying to put it together.

I ask unanimous consent that at 9:30 on Friday the Senate turn to the immediate consideration of a bill to be introduced tonight by Senator KENNEDY regarding employment discrimination, and the bill be placed on the calendar, the text of which will be submitted in the form of an amendment to Calendar No. 499, and there be a time limitation of 3 hours to be equally divided in the usual form with no amendments or motions to refer in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that at 9:30 on Tuesday the Senate proceed to Calendar No. 499, the Defense of Marriage Act and it be considered under the same terms as outlined above, with 45 minutes under the control of Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that the vote regarding passage of Calendar No. 499 occur immediately following the vote with respect to the Department of Defense authorization conference report on Tuesday, September 10, and following that vote there be 30 minutes for debate on the Kennedy bill to be equally divided in the usual form with the vote to occur following the conclusion or yielding back of the time on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that following the disposition of the employment discrimination bill on Tuesday, September 10, the Senate proceed to the Treasury-Postal Service appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Finally, I ask unanimous consent that the cloture motion filed earlier this evening with respect to Calendar No. 499 be vitiated since it is no longer needed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. For the information of all Senators, the Senate will proceed to four remaining back-to-back votes regarding the HUD-VA bill and the Iraqi resolution. There will be no further votes following passage.

On Friday the Senate will debate the employment discrimination bill introduced by Senator KENNEDY and also conduct a period for morning business. However, no votes will occur on Friday. On Monday, the Senate will debate the Department of Defense authorization conference report under previous consent. Also, the Senate will conduct a period for morning business. No votes will occur during Monday's session of the Senate. On Tuesday, the Senate will debate the defense of marriage bill, and at 2:15 a series of votes will occur beginning with the DOD authorization conference report. Following those stacked votes, the Senate will proceed to the Treasury-Postal Service appropriations bill.

I want to thank all Senators and the Democratic leader for their cooperation. Now it does make it possible for us not to have votes on Friday and Monday, but allows for us to accomplish a great deal of our work together, have debate, and then have stacked votes on Tuesday. We will be able to proceed with getting our work done with a minimum disruption of commitments that Senators must necessarily fulfill.

Mr. DASCHLE. If the majority leader will yield just for a clarification, I say at the outset that I support entirely the result of these negotiations, and I appreciate very much everyone's cooperation.

On the first page of the unanimous-consent agreement, in reference to the bill to be offered by Senator KENNEDY, on the bottom line it asks unanimous consent that the bill be equally divided in the usual form, with a vote to occur on Tuesday. It did not say a vote on final passage. I assume the majority leader meant a vote on final passage.

Mr. LOTT. That is correct. I amend that request to include that a vote on final passage occur following the conclusion or yielding back of the time. I ask unanimous consent that the agreement be modified to reflect that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, am I correct that when we are talking about the Defense of Marriage Act on Tuesday, that will be a vote on final passage as well?

Mr. LOTT. It would be, yes, immediately after the vote on the Department of Defense conference report at 2:15, between 2:30 and 2:45.

I yield the floor.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5197

The PRESIDING OFFICER. The pending business is the Harkin amendment. There are 2 minutes equally divided. Who seeks recognition?

Mr. HARKIN. Mr. President, what this amendment does is it basically is a hold-harmless amendment. There is no contradiction between this amendment and the McCain amendment of last night. This amendment says that any increases can go to these States, but no State this year can get less than what it did last year. It is almost commonly held around here that when we make major changes in formulas, we always have a 1-year hold harmless as a bridge. That is what this amendment does; it makes that bridge.

What I am saying, basically, is that this vote on this amendment I have offered means that a lot of States will not be severely cut in their veterans health benefits this year. It holds them harmless. But it says to those high-growth States, like Arizona, Florida, and others, they can go ahead and get the increase. But there will not be big cuts in a lot of other States.

I suggest that people might want to check to see what is going to happen to their States if the McCain amendment is adopted without this hold-harmless clause. I know people say we have to treat veterans equitably, and we do. But in a lot of the States, like Pennsylvania, New York, Iowa, and a lot of Northern States, our veterans are older, poorer, and sicker, and it costs more. That is not taken into account in the McCain amendment, and it is in mine.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. Mr. President, the Veterans' Administration Undersecretary for Health is doing an outstanding job in bringing modern, efficient, effective, and compassionate health care to our Nation's veterans. He testified before my subcommittee earlier this year that one of the barriers about which he was most concerned in attempting to change and improve the way the Veterans' Administration operates is the Congress. The Harkin amendment is precisely what the Veterans' Administration feared, because it would prevent the Veterans' Administration from making changes to see that the older and sicker veterans, wherever they live, get the care that they need.

The Veterans' Administration opposes this amendment because it would prevent them from efficiently allocating resources to meet veterans' health needs in the most effective manner. I, therefore, move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—60

Abraham
Akaka
Ashcroft
Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
DeWine
Domenici
Faircloth
Feinstein
Ford
Frahm
Frist
Gorton
Graham
Gramm
Grams
Gregg
Hatch
Helms
Hollings
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Nunn
Pryor
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—37

Baucus
Biden
Boxer
Bradley
Byrd
Conrad
D'Amato
Daschle
Dodd
Dorgan
Exon
Feingold
Glenn
Grassley
Harkin
Heflin
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pressler
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone

NOT VOTING—3

Hatfield
Inouye
Murkowski

The motion to lay on the table the amendment (No. 5197) was agreed to.

AMENDMENT NO. 5190

The PRESIDING OFFICER. The question now occurs on amendment No. 5190 by the Democratic leader, Mr. DASCHLE. Pursuant to rule XVI, paragraph 4, the Chair submits the question to the Senate; namely, Is the amendment germane subject matter of the bill? On this question, the yeas and nays have been ordered.

The PRESIDING OFFICER. There is 1 minute of debate.

The minority leader is recognized.

Mr. DASCHLE. Mr. President, as a requirement of the 1991 Agent Orange Act, after a thorough analysis of all relevant scientific evidence, the National Academy of Sciences announced in March a link between agent orange exposure and the presence of spina bifida in offspring.

My amendment would extend health care, vocational rehabilitation, and monetary benefits to Vietnam veterans' children born with spina bifida, a serious birth defect that requires lifelong medical care. It is completely paid for with a non-controversial savings provision.

While this should be an honest vote on the proposal itself, some have chosen to cloak it in a procedural question. I ask my colleagues to vote against the germaneness point of order. Of all amendments we have debated and voted on today, this amendment is clearly a veterans' issue on this veterans' bill.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. This is a perfect example of why this country has a $5 trillion debt. On the basis of one study, one study which the author testified before the House we should not rely on, the minority leader wants to create on an appropriations bill a brand-new entitlement program which has not been heard in the authorizing committee, which is not based on sound science. If you believe sound science rather than emotion should be the basis of our action, then you could not support this proposal. But it is an effort to establish over the objections of the authorizing committee chairman an entitlement program on an appropriations bill, and it was for that reason I raised the point that this amendment is not germane.

I ask that the Members support the argument that this is not germane, and I ask they vote no.

The PRESIDING OFFICER. The Chair submits to the Senate the question, Is the amendment germane? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 62, nays 35, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—62

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Cochran
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Heflin
Helms
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Sarbanes
Shelby
Simon
Snowe
Specter
Stevens
Warner
Wellstone
Wyden

NAYS—35

Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cohen
Coverdell
Craig
Frahm
Frist
Gorton
Gramm
Grams
Gregg
Hatch
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
Nickles
Roth
Santorum
Simpson
Smith
Thomas
Thompson
Thurmond

NOT VOTING—3

Hatfield
Inouye
Murkowski

The PRESIDING OFFICER. On this vote, the ayes are 62, the nays are 35. The judgment of the Senate is that the amendment is germane.

The question now occurs on agreeing to the Daschle amendment, No. 5190.

The amendment (No. 5190) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNITED STATES RESPONSE TO IRAQI AGGRESSION

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. The question before the Senate now is Senate Resolution 288, offered by the majority leader and minority leader regarding the United States response to Iraqi aggression. There are 2 minutes equally divided.

The minority leader is recognized.

Mr. DASCHLE. Mr. President, there are a number of Senators on both sides of the aisle who deserve our gratitude for the effort put forth in the last couple of days to bring us to this point. I will not name them now. I will name them later.

Let me simply read the resolving clause:

> The Senate commends the military actions taken by and the performance of the United States Armed Forces, under the direction of the Commander in Chief, for carrying out this military mission in a highly professional, efficient and effective manner.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the majority leader and the Democratic leader for framing a very difficult compromise which has, given the proximity to a Presidential election, a great deal of emotion associated with it.

I believe this resolution achieves the goal that we seek of expressing our appreciation and our gratitude for the outstanding men and women who serve in the military. It is obvious that those men and women serve under the Commander in Chief, and that is appropriate to be mentioned in this resolution.

Mr. President, I don't know how this whole situation is going to evolve, nor do we know exactly what has taken place. But I do know, as always, we can thank and be grateful and in our prayers be grateful that we have the finest men and women that this world has ever seen serving in our military who, again, responded to the call of the Commander in Chief in such an outstanding fashion.

Mr. President, I am pleased to join my colleagues in supporting this resolution. When the President, in his unique capacity as Commander in Chief, orders our Armed Forces into action, Congress has an obligation to both affirm our support for the men and women of the United States military who have been ordered to undertake the mission, and our respect for the President as the constitutional officer responsible for the conduct of our military and foreign policies. This is the purpose of the resolution before us, and it is wholly appropriate that the Senate adopt it without dissent.

Such an affirmation does not, however, signal Congress' intention to relinquish our responsibility to make critical judgments about the President's decision, the goals which his decision are intended to achieve, and the efficacy of his administration's policies to secure United States security interests in the Persian Gulf region. Political custom and the importance of assuring our servicemen and women of Congress' support, as well as the necessity of presenting a united front to America's adversaries oblige Members of Congress to refrain from criticizing the administration while military operations are underway. But, we are not expected to permanently defer our constitutional responsibility to either concur with or oppose the President's policy.

I have never shied away from criticizing administration policies in the Persian Gulf or elsewhere when I found them wanting. Neither have I refrained from offering my support to this administration when I believed such support was warranted. I am on record criticizing administration policies for Iraq and the region prior to the initiation of the recent military operation there. I stand by that criticism, but will refrain from elaborating it further until I am confident that the immediate military exigency has passed.

I will reserve judgment on the efficacy of these strikes, and the advisability of the President's subsequent policies in the region until the administration has provided Congress with sufficient information upon which to base an informed judgment.

Toward that end, Mr. President, let me suggest that the administration in briefings and testimony before Congress be prepared to answer certain obvious and basic questions about its purposes and policies in the region beyond simply providing bomb damage assessments and analyses of Iraqi responses to our missile strikes.

Speaking for myself, and, I suspect, many of my colleagues, the necessity of taking some military action against Iraq is apparent. Whether the action ordered by the President was the appropriate response to the threat posed by Saddam Hussein cannot be determined until we have a much fuller understanding of the administration's overall strategy for reducing instability and countering threats to our security interests in the region.

The administration should explain what precise purposes our cruise missile strikes were intended to serve. Were they intended to compel Iraq's complete withdrawal from the Kurdish city of Irbil in the north of Iraq and to cease all aggression against Kurds? Were they intended to persuade Saddam against contemplating renewed aggression against his neighbors to the south? Were they intended to foment opposition to Saddam within the Iraqi military? Was the limited dimension of this operation dictated by the opposition of our allies in the region or does it represent some other consideration which the administration has yet to disclose?

Should Saddam test American resolve further by continuing hostilities in the north, launching new operations against the Shiite minority in the south, flaunting the new no-fly restrictions, firing missiles at U.S. and allied warplanes, or again threatening the territorial integrity of U.S. allies in the region, is the administration prepared to take significantly greater military actions? Will they rebuild the coalition of Desert Storm allies that will almost certainly be necessary if we are obliged to increase our military response? Without the use of bases in Turkey and Saudi Arabia, our military options are obviously very severely limited.

Most important, Mr. President, what are the geopolitical circumstances which the administration wishes to obtain in the Persian Gulf region, and what is its overall, coherent strategy for achieving them which integrates our bilateral policies for all the countries of the region? Until these basic questions are answered, neither I nor any Member of Congress, nor the public we serve can judge not only the efficacy of these strikes, but the administration's ability to protect our most vital security interests in the region, interests for which this country has already paid a very high price to defend.

Mr. President, let me reiterate that none of these unanswered questions cause me nor should they cause any Member of Congress to withhold his or her support for our military personnel tasked with executing the President's decision. Nor should we begrudge the President our respect for his authority or our prayers for the success of his policy. This is the time to give voice to that support as I am confident we will do when we shortly vote on this resolution. The time for critical analysis also begins now. Our conclusions must await another day. That day, however, will not be too distant.

I urge my colleagues to support the resolution.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—96

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frahm
Frist
Glenn
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell

Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—1

Gorton

NOT VOTING—3

Hatfield
Inouye
Murkowski

The resolution (S. Res. 288) was agreed to.

The preamble was agreed to.

The resolution with its preamble, reads as follows:

S. RES. 288

Whereas the United States and its allies have vital interests in ensuring regional stability in the Persian Gulf;

Whereas on August 31, 1996, Saddam Hussein, despite warnings from the United States, began an unprovoked, unjustified, and brutal attack on the civilian population in and around Irbil in northern Iraq, aligning himself with one Kurdish faction to assault another, thereby causing the deaths of hundreds of innocent civilians; and

Whereas the United States responded to Saddam Hussein's aggression on September 3, 1996 by destroying some of the Iraqi air defense installations and announcing the expansion of the southern no-fly zone over Iraq. Now, therefore, be it

Resolved by the United States Senate, That: The Senate commends the military actions taken by and the performance of the United States Armed Forces, under the direction of the Commander-in-Chief, for carrying out this military mission in a highly professional, efficient and effective manner.

Mr. BOND. I move to reconsider the vote.

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5159, AS MODIFIED

Mr. BOND. Mr. President, before moving to third reading, I ask unanimous consent to modify amendment number 5159, adopted previously, to correct an inadvertent deletion, typographical error in one of the sections.

Mr. President, this was the Stevens amendment. Inadvertently one paragraph was dropped. This corrects the typographical error.

Ms. MIKULSKI. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5159), as modified, is as follows:

Strike section 432 and used in lieu thereof the following:

SEC. 432. CALCULATION OF DOWNPAYMENT.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

"(10) ALASKA AND HAWAII.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, with respect to a mortgage originated in the State of Alaska or the State of Hawaii, involve a principal obligation not in excess of the sum of—

"(i) the amount of the mortgage insurance premium paid at the time the mortgage is insured; and

"(ii)(I) in the case of a mortgage for a property with an appraised value equal to or less than $50,000, 98.75 percent of the appraised value of the property;

"(II) in the case of a mortgage for a property with an appraised value in excess of $50,000 but not in excess of $125,000, 97.65 percent of the appraised value of the property;

"(III) in the case of a mortgage for a property with an appraised value in excess of $125,000, 97.15 percent of the appraised value of the property; or

"(IV) notwithstanding subclauses (II) and (III), in the case of a mortgage for a property with an appraised value in excess of $50,000 that is located in an area of the State for which the average closing cost exceeds 2.10 percent of the average, for the State, of the sale price of properties located in the State for which mortgages have been executed, 97.75 percent of the appraised value of the property.

"(B) AVERAGE CLOSING COST.—For purposes of this paragraph, the term 'average closing cost' means, with respect to a State, the average, for mortgages executed for properties that are located within the State, of the total amounts (as determined by the Secretary) of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) that are paid in connection with such mortgages."

Mr. BOND. Mr. President, I think we are ready for third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—95

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—2

Brown
Feingold

NOT VOTING—3

Hatfield
Inouye
Murkowski

The bill (H.R. 3666), as amended, was passed.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I move that the Senate insist on its amendments and that it request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. BOND, Mr. BURNS, Mr. STEVENS, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. HATFIELD, Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. KERREY of Nebraska, and Mr. BYRD conferees on the part of the Senate.

Mr. BOND. Mr. President, I want to express my appreciation to all those who helped us through this rather long ordeal. I express a special thanks to the majority and minority leaders for enabling us to finish work on this bill tonight. There was some question whether we were going to be able to get it done tonight. I am very grateful that the arrangements were made so that we could pass it. We have a difficult conference ahead.

I can't let this time pass without saying that my ranking member, the distinguished Senator from Maryland, Senator MIKULSKI, has been an invaluable ally. In addition to representing the interests of the minority side, she has been extremely helpful in expediting and completing action on many of the matters that faced us.

We could not have done this without the work of our trusted and valuable staff. On our side, the chief clerk, Stephen Kohashi, ably assisted by Carrie Apostolou, and Julie Dammann on my staff was essential on our side. Sally Chadbourne has been terrific to work with. I am grateful for her assistance on this. Also, David Bowers and Catherine Corson helped on the minority side.

We are most grateful that this measure had such spirited involvement on so many interesting and challenging issues. It is truly remarkable.

I thank the Chair and yield the floor.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. FOREIGN OIL CONSUMPTION: HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending August 30, the United States imported 6,700,000 barrels of oil each day, 500,000 less than the 7,200,000 imported during the same week a year ago.

Nevertheless, Americans relied on foreign oil for 51 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply, or double the already enormous cost of imported oil flowing into the United States, now 6,700,000 barrels a day.

THE CHEMICAL WEAPONS CONVENTION

Mr. PELL. Mr. President, under a previous unanimous consent agreement, the Senate is scheduled to consider and complete action before the end of next week on the Chemical Weapons Convention.

The Convention bans the production, stockpiling, and use of chemical weapons. It includes detailed verification provisions. It was negotiated in the Reagan and Bush administrations and was based largely on a text personally presented to the Conference on Disarmament in Geneva by then Vice President Bush. The convention represents a significant advance beyond the only existing constraint on chemical weapons, the 1929 Geneva Protocol, which only bans the use of such weapons in war.

Earlier today, several Members expressed concern with regard to the convention. I am sure that those concerns and any others that Members may have will be raised and addressed in detail next week during the total of 12 hours agreed upon for consideration of the treaty.

I personally favor very much ratification of the treaty. I reached that judgment following extensive hearings I chaired in 1994 while chairman of the Senate Committee on Foreign Relations. Additional hearings have been held this year under the chairmanship of the Senator from North Carolina [Mr. HELMS], and, as a result, the Committee has been able to consider a broad range of issues and, in my view, resolve them quite satisfactorily.

The Clinton administration strongly supports the treaty as settled upon during the Bush administration. In its efforts to inform the Senate, I am told that the administration has responded to over 300 Senate questions on the treaty and has responded in detail to inquiries made by members of the Committee on Foreign Relations and others. The administration's responses include over 1,500 pages of information on the Chemical Weapons Convention—over 300 pages of testimony, over 500 pages of answers to Senate letters and reports, over 400 pages of answers to Senate questions for the treaty record, and over 300 pages of additional documentation. During the August recess the White House held a series of briefings for Senate staffers.

This coming Monday at 4 p.m. in S–407 senior administration officials will meet with all Senators in S–407 to discuss the treaty. This will allow all Members an opportunity to assess first-hand the arguments for the treaty and to raise any questions they have. I hope that any Senator with the slightest concern will avail him or herself of the chance to have concerns addressed directly.

As we prepare for formal consideration I thought it would be helpful to my fellow Members to consider a letter I received this afternoon from the President's Assistant for National Security Affairs, Anthony Lake, addressing in detail some of the questions that have been raised regarding the treaty. The letter included an enclosure, a portion of which is classified, which is available in committee offices for interested Members. I ask unanimous consent that Mr. Lake's letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, there is no question that this convention enjoys the overwhelming support of the Nation's chemical industries. On August 29, I and other Senators received a letter strongly endorsing the convention and arguing for Senate consent to ratification. This letter was authored by senior officials of a number of significant corporations. I ask unanimous consent that the text of that letter also be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PELL. Mr. President, I look forward to the debate on the convention when it comes before the Senate next week.

EXHIBIT 1

THE WHITE HOUSE,
Washington, September 5, 1996.

DEAR SENATOR PELL: As we continue to prepare for the Senate's floor debate on the Chemical Weapons Convention (CWC) two weeks from now, I want to share with you the basic points we have made recently in responding to certain concerns that have been raised by the Chairman of the Foreign Relations Committee.

Senator Helms has questioned whether Russia will ever ratify the CWC. As you are aware, the Russian Government has formally stated its commitment to become a party to the CWC, as recently as July 22 of this year at the Plenary meeting of the CWC Preparatory Commission (PrepCom) in The Hague. In this same statement, the Russian Government announced that it is seeking the speedy submission of the Convention to the Russian parliament for ratification.

In my view, the recent Russian statement in The Hague, which mentioned the issue of entry into force, does not reflect an intention to distance Russia from the CWC, but rather a concern about being left behind. In these circumstances, I believe that the best way to promote Russian ratification is to proceed with our own ratification, as has been done by all of our major NATO allies and many others, and to bring the CWC into force as soon as possible while, at the same time, trying to address Russian concerns in a manner consistent with our own interests.

We have forthrightly told the Russians that we believe that prompt entry into force of the Convention is crucial to the fight against the spread of weapons of mass destruction and the fight against terrorism. Consequently, we have informed them that we are moving forward with our own ratification and have urged that they continue to proceed ahead with their effort as well.

The Russians have clearly stated that the central problem they face regarding the CWC is financing the cost of their CW destruction program. While requesting international assistance, the Russians have also made it clear, most recently in their Plenary Statement in The Hague, that the program will be financed primarily by Russia itself. We and other countries have indicated our willingness to address this outstanding concern on an expedited basis, but we have continued to underscore to the Russians that CW destruction is primarily their responsibility and that any U.S. assistance is contingent upon approval by the U.S. Congress.

Senator Helms has also raised concerns with regard to the 1990 Bilateral Destruction

Agreement (BDA). The Russian Federation, as you know, has long expressed concerns about certain aspects of this agreement and has not agreed to detailed implementing procedures and updated provisions to finalize the BDA. We continue to press the Russians at the highest levels on the need to resolve the outstanding CW issues, and they agreed to a meeting with ACDA Director Holum, which was held on August 10. They also agreed to host a visit to Volgograd later this fall to address specifically the issue of conversion of production facilities. While the Russians have stated that they believe that the bilateral agreements between Russia and the United States have fulfilled their useful role, they have also stated that they will not renege on the agreements they have made.

As for the Chairman's specific concerns about the possible consequences of Russian withdrawal from the BDA, I would point out that if the BDA is not in force when the CWC is implemented, Russian chemical weapons elimination will still be subject to systematic verification under the CWC, although that would be performed by the Organization for the Prohibition of Chemical Weapons (OPCW), instead of the United States. It is important to remember that, in contrast to the CWC, the BDA does not require total destruction of CW stocks nor does it provide a multilateral framework including challenge inspections for addressing compliance concerns. As you may recall, the President informed the Senate in 1993 in transmittal of the CWC that, while the BDA was an important agreement in its own right, it has become less relevant than it was in 1990 because the CWC has been completed and that final agreement on the BDA should not delay submission of the CWC to the Senate.

Some have the impression that Russia is "withdrawing" from the 1989 Wyoming Memorandum of Understanding. This agreement has been implemented in two phases. During the first phase, the two sides exchanged general information on their chemical weapons stockpiles and production and storage facilities and carried out reciprocal visits to relevant military and civilian facilities. During the second phase, the two sides exchanged the detailed information on their stockpiles and chemical weapons facilities and carried out a number of inspections at declared chemical weapons production, storage and development facilities, including challenge inspections of such facilities.

While Russia has met its obligations to participate in implementation activities under the Memorandum of Understanding, questions remain regarding certain aspects of the Russian data. We are continuing to press the Russians at the highest levels on the need to resolve these outstanding CW issues.

In any case, I have stressed to Senator Helms that the Administration is prepared to actively pursue concerns regarding the veracity of any State Party's reporting under the CWC, since the provision of accurate declaration information is a fundamental obligation essential to the effective implementation of the Convention. The Administration also continues to believe that prompt entry into force of the CWC will provide the necessary tools to deal effectively with these issues, including a basis for punitive measures or sanctions in response to noncompliance.

Finally, we have carefully considered the Chairman's request for declassification of any documents and cables pertaining to bilateral discussions with Russia. As you know, it is our standard practice to make relevant classified information available to the Senate through classified briefings and reports. The Administration has provided the Senate with numerous briefings and reports of this sort since November 23, 1993, when the President submitted the CWC with a request for its prompt consideration. I informed Senator Helms that I regretted that we cannot declassify the requested documents, because they have been properly classified pursuant to E.O. 12958 and because disclosure of the information they contain could seriously undermine ongoing diplomatic activities. The Administration is eager, however, to assist the Senate in developing a complete record for its consideration prior to floor action on the Chemical Weapons Convention, as stated in the June 28, 1996 unanimous consent agreement pertaining to the Convention. Therefore, I made clear to the Chairman that we are prepared to make appropriate officials available to Senators and cleared staff to brief on those documents under appropriate classification at the earliest date.

We look forward to Senate advice and consent to the CWC by September 14. Enclosed please find the detailed answers we provided the Chairman in response to the questions he had recently raised.

Sincerely,

ANTHONY LAKE,
Assistant to the President
for National Security Affairs.

EXHIBIT 2

AUGUST 29, 1996.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR PELL: The undersigned senior executives of chemical companies urge your vote in support of the Chemical Weapons Convention (CWC), and quick Senate action on legislation to implement this important treaty.

The chemical industry has long supported the CWC. Our industry participated in negotiating the agreement, and in U.S. and international implementation efforts. The treaty contains substantial protections for confidential business information (CBI). We know, because industry helped to draft the CBI provisions. Chemical companies also help test the draft CWC reporting system, and we tested the on-site inspection procedures that will help verify compliance with the treaty. In short, our industry has thoroughly examined and tested this Convention. We have concluded that the benefits of the CWC far outweigh the costs.

Indeed, the real price to pay would come from not ratifying the CWC. The treaty calls for strict restrictions on trade with nations which are not party to the Convention. The chemical industry is America's largest export industry, posting $60 billion in export sales last year. But our industry's status as the world's preferred supplier of chemical products may be jeopardized if the U.S. does not ratify the Convention. If the Senate does not vote in favor of the CWC, we stand to lose hundreds of millions of dollars in overseas sales, putting at risk thousands of good-paying American jobs.

The U.S. chemical industry has spent more than 15 years working on this agreement, and we long ago decided that ratifying the CWC is the right thing to do.

We urge you to vote in support of the Chemical Weapons Convention.

Sincerely,

J. Lawrence Wilson, Chairman & CEO, Rohm and Has Company, Chairman, Board of Directors, Chemical Manufacturers Association; Alan R. Hirsig, President & CEO, ARCO Chemical Company, Chairman, Executive Committee, Chemical Manufacturers Association; H.A. Wagner, Chairman, President & CEO, Air Products & Chemicals, Inc.; D.J. D'Antoni, President, Ashland Chemical Company; Helge H. Wehmeier, President & CEO, Bayer Corporation; John D. Ong, Chairman & CEO, The BFGoodrich Company; Robert R. Mesel, President, BP Chemicals, Inc.; Charles M. Donohue, Vice President, Akzo Nobel Chemicals, Inc.; J. Dieter Stein, Chairman & CEO, BASF Corporation; W.R. Cook, Chairman, President & CEO, Betz Dearborn, Inc.; Joseph M. Saggese, President & CEO, Borden Chemicals & Plastics, LP; Dr. Aziz I. Asphahani, President & CEO, Carus Chemical Company; Vincent A. Calarco, Chairman, President & CEO, Crompton & Knowles Corporation; Richard A. Hazleton, Chairman & CEO, Dow Corning Corporation; Howard J. Rudge, Senior Vice President & General Counsel, E.I. duPont de Nemours & Company; Richard G. Fanelli, President & CEO, Enthone-OMI Inc.; J.E. Akitt, Executive Vice President, Exxon Chemical Company; William S. Stavropoulos, President & CEO, The Dow Chemical Company; Earnest W. Deavenport, Jr., Chairman of the Board & CEO, Eastman Chemical Company; Bernard Azoulay, President & CEO, Elf Atochem North America; Bruce C. Gottwald, CEO, Ethyl Corporation; Ron W. Haddock, President & CEO, FINA, Inc.; Robert N. Burt, Chairman & CEO, FMC Corporation; Otto Furuta, V.P. Global Logistics & Materials Management, Great Lakes Chemical Corporation; R. Keith Elliott, President & CEO, Hercules, Inc.; Hans C. Noetzli, President & CEO, Lonza, Inc.; Robert G. Potter, Executive Vice President, Monsanto Company; Dr. William L. Orton, Senior Vice President, Chemical Operations, Givaudan-Roure Corporation; Michael R. Boyce, President & COO, Harris Chemical Group; Thomas F. Kennedy, President & CEO, Hoechst Celanese Corporation; Mack G. Nichols, President & COO, Mallinckrodt Group, Inc.; S. Jay Steward, Chairman & CEO, Morton International, Inc.

E.J. Mooney, Chairman & CEO, Nalco Chemical Company; Jeffrey M. Lipton, President, NOVA Corporation; Donald W. Griffin, Chairman, President & CEO, Olin Corporation; Peter R. Heinze, Senior Vice President, Chemicals, PPG Industries, Inc.; Phillip D. Ashkettle, President & CEO, Reichhold Chemicals, Inc.; Ronald L. Spraetz, V.P., External Affairs & Quality, National Starch & Chemical Company; J. Roger Hirl, President & CEO, Occidental Chemical Corporation; David Wolf, President, Perstorp Polyols, Inc.; Ronald H. Yocum, Chairman, President & CEO, Quantum Chemical Company; Thomas E. Reilly, Jr., Chairman, Reilly Industries, Inc.; Peter J. Neff, President & CEO, Rhone-Poulenc, Inc.; Nicholas P. Trainer, President, Sartomer Company; J. Virgil Waggoner, President & CEO, Sterling Chemicals, Inc.; W.H. Joyce, Chairman, President & CEO, Union Carbide Corporation; Arthur R. Sigel, President & CEO, Velsicol Chemical Corporation; Roger K. Price, Senior V.P., Mining & Manufacturing, R.T.

Vanderbilt Company, Inc; F. Quinn Stepan, Chairman & President, Stepan Company; William H. Barlow, Vice President, Business Development, Texas Brine Corporation; Robert J. Mayaika, President, CEO & Chairman, Uniroyal Chemical Company, Inc.; John Wilkinson, Director of Government Affairs, Vulcan Chemicals; Albert J. Costello, Chairman, President & CEO, W.R. Grace & Company.

PROTECTING U.S. BUSINESSES OPERATING ABROAD

Mr. SHELBY. Mr. President, I rise today to inform my colleagues in the Senate of another case where a foreign government is punishing an American company for no legitimate reason. The United States must stand up against such actions by foreign governments and end such unfair and unwarranted treatment of our citizens.

Some years ago, two of my constituents, Bill and Allan MacDonald, respected businessmen in Alabama and the United States, invested in Bermuda's struggling cable television system. The MacDonalds were encouraged to make their initial investment by the Bermudian Government because of the poor state of the cable television system. The MacDonalds devoted not only sizeable amounts of time and energy to this effort, but they also invested sizeable amounts of their own money to upgrade the cable television system.

Contrary to the expectations of some Bermudians, the MacDonalds turned the company around and the company began making money. As soon as the business began to do well, some Bermudians began to try to wrest the business away from the MacDonalds. These Bermudian citizens, with the help of their Government, are determined to take control of the company away from the MacDonalds now that the company is doing well. My question to the Senate today is: Will the U.S. Government let this happen?

Mr. President, the U.S. Government and the State Department in particular must do a better job of protecting U.S. businesses operating abroad. We must make sure that foreign countries know that we will not tolerate unfair trade practices against American companies or citizens.

Mr. President, I do not know if we can get the Bermudian Government to treat the MacDonalds fairly, but one thing we can do is make sure that Bermudian companies do not receive more favorable treatment in the United States than United States companies receive in Bermuda. It is my understanding that a Bermudian company, Telebermuda, has applied for a general landing license to the Federal Communications Commission [FCC]. Under U.S. law the FCC may not grant such a license without the approval of the Secretary of State. In addition, this same law states that "the President [FCC] may withhold * * * such license when he shall be satisfied after notice and hearings that such action will assist . . . in maintaining the rights or interests of the United States or of its citizens in foreign countries * * * ." I have requested the Secretary of State to withhold his approval of Telebermuda's license application, until the case involving my constituents is resolved.

Mr. President, this case is not only important to my constituents, it is important for all businesses who operate overseas. It is our duty to ensure that they are treated fairly. We cannot allow foreign governments to take advantage of U.S. businesses. If the Bermudian telephone monopoly or other Bermudian interests want to buy the MacDonalds interest in Bermuda Cable they should pay the fair market price for the MacDonalds interest in the company. Mr. President, I am not asking for special treatment for the MacDonalds, but I believe they are entitled to receive justice.

Mr. President, I hope that the Bermudian Government will reexamine this situation involving my constituents and determine that it is in their best interest to treat all businesses fairly and not punish people because they are from the United States or other foreign countries.

THE YEAR 2000 COMPUTER PROBLEM

Mr. MOYNIHAN. Mr. President, on the 31st of July, I took the liberty of writing to the President concerning a problem that could have extreme negative economic consequences in the year 2000 when we will have to make the transition of computers from the 20th to the 21st century.

This is a matter that will necessarily concern the Congress. I ask unanimous consent that my letter to the President and a summary of an accompanying report by Richard M. Nunno be printed in the RECORD at this point. Cost considerations prevent having the entire report printed in the RECORD. The report can be obtained from the Congressional Research Service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 31, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I hope this letter reaches you.

I write to alert you to a problem which could have extreme negative economic consequences during your second term. The "Year 2000 Time Bomb." This has to do with the transition of computer programs from the 20th to the 21st century.

The main computer languages from the '50s and '60s such as COBOL, Fortran, and Assembler were designed to minimize consumption of computer memory by employing date fields providing for only six digits. The date of this letter in "computerese," for example, is 96-07-31. The century designation "19" is assumed.

The problem is that many computer programs will read January 1, 2000 as January 1, 1900. Computer programs will not recognize the 21st century without a massive rewriting of computer codes.

I first learned of all this in February and requested a study by the Congressional Research Service. The study, just now completed, substantiates the worst fears of the doomsayers. (A copy of the CRS study is attached.) The Year 2000 problem ("Y2K") is worldwide. Each line of computer code needs to be analyzed and either passed on or be rewritten. The banking system is particularly vulnerable. A money center bank may have 500 million lines of code to be revised at a cost of $1 per line. That's a $500 million problem. (I learn from Lanny Davis that his client, the Mars Company, estimates the cost of becoming Y2K date compliant at $100 million to $200 million. Mars is only a candy company.) One would expect that a quick fix of the problem would have been found but it hasn't happened and the experts tell me it is not likely.

There are three issues. First, the cost of reviewing and rewriting codes for Federal and state governments which will range in the billions of dollars over the next three years. Second, the question of whether there is time enough to get the job done and, if not, what sort of triage we may need. I am particularly concerned about the IRS and Social Security in this respect. Third, the question of what happens to the economy if the problem is not resolved by mid-1999? Are corporations and consumers not likely to withhold spending decisions and possibly even withdraw funds from banks if they fear the economy is facing chaos?

I have a recommendation. A Presidential aide should be appointed to take responsibility for assuring that all Federal agencies including the military be Y2K date compliant by January 1, 1999 and that all commercial and industrial firms doing business with the Federal government also be compliant by that date. I am advised that the Pentagon is further ahead on the curve here than any of the Federal agencies. You may wish to turn to the military to take command of dealing with the problem.

The computer has been a blessing; if we don't act quickly, however, it could become the curse of the age.

Respectfully,
DANIEL PATRICK MOYNIHAN.

THE YEAR 2000 COMPUTER CHALLENGE

(By Richard M. Nunno)

SUMMARY

Most computer systems in use today can only record dates in a two-digit format for the year. Under this system, computers will fail to operate properly when years after 1999 are used, because the year 2000 is indistinguishable from 1900. This problem could have a serious impact on a wide range of activities that use computers. Information systems must be inspected, and modified, if necessary, before January 1, 2000 to avoid major system malfunctions.

Many managers initially doubted the seriousness of this problem, assuming that an easy technical fix would be developed. Several independent research firms, however, have refuted this view, with the conclusion that inspecting all computer systems and converting date fields where necessary and then testing modified software will be a very time-consuming and costly task. Research firms predict that due to a lack of time and resources, the majority of U.S. businesses and government agencies will likely not fix all of their computer systems by the start of the new millennium.

Most agencies and businesses have come to understand the difficulties involved, although some have not yet started implementing changes. Several companies have emerged offering services to work on the year-2000 conversion, and software analysis products are commercially available to assist with finding and converting flawed software code. Even with the assistance of these products, however, most of the work will still have to be done by humans.

Federal agencies are generally aware of the year-2000 challenge and most are working to correct it. Agencies that manage vast databases, conduct massive monetary transactions, or interact extensively with other computer systems, face the greatest challenge. An interagency committee has been established to raise awareness of the year-2000 challenge and facilitate federal efforts at solving it. The interagency committee has initiated several actions, such as requiring vendor software listed in future federal procurement schedules to be year-2000 compliant and specifying four-digit year fields for federal computers. The shortage of time to complete year-2000 computer changes may force agencies to prioritize their systems. Agencies may also need to shift resources from other projects to work on year-2000 efforts. State and local governments, as well as foreign organizations, will also have significant year-2000 conversion problems.

Congressional hearings have been held recently to investigate the year-2000 challenge, and a legislative provision was introduced directing the Defense Department to assess the risk to its systems resulting from it. Several options exist for congressional consideration. One option is to provide special funding to federal agencies for year-2000 conversion. While agencies are reluctant to request additional funds, some observers contend this may be necessary. Another option is to give agencies increased autonomy in reprogramming appropriated funds for year-2000 efforts. A third, less controversial alternative is to continue to raise public awareness through hearings and by overseeing federal efforts.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 4, the Federal debt stood at $5,228,998,407,724.89.

Five years ago, September 4, 1991, the Federal debt stood at $3,617,415,000,000.

Ten years ago, September 4, 1986, the Federal debt stood at $2,113,008,000,000.

Fifteen years ago, September 4, 1981, the Federal debt stood at $979,768,000,000.

This reflects an increase of more than $4,249,230,407,724.89 during the 15 years from 1981 to 1996.

AVIATION SECURITY CHALLENGES

Mr. PRESSLER. Mr. President, I rise today to discuss the vitally important issue of aviation security challenges. Last month, the Commerce Committee which I chair held an open hearing to examine aviation security. Later this month, we will hold a closed hearing to further consider this vitally important issue.

At the outset, let me stress that the United States continues to have the best aviation safety record in the world. Every day, 1.5 million people fly commercially in the United States and we have a marvelous record of getting passengers safely to their destinations. Regrettably, however, recent incidents have caused the traveling public great anxiety. It is our responsibility to help reassure the public of our superb air safety record.

Impressive as U.S. aviation safety statistics are, we cannot rest on our laurels. Statistics are no comfort to a family which has lost a loved one or friend in an aviation tragedy. On a bipartisan basis, Congress and the administration must constantly strive to do better in the area of aviation safety. In fact, I believe we must rededicate ourselves to the goal of zero aviation accidents, whether caused by safety lapses, security breaches, or other factors.

Today, I would like to briefly discuss three points.

First, it is imperative that Congress and the administration resist the temptation to rush to embrace any simple solution to the very complex aviation security challenges we face. Rather, an effective aviation security program depends on a number of components working together in a coordinated manner to form a virtual security net protecting the traveling public. These elements include: the collection of intelligence information used to identify potential threats; coordination of efforts by law enforcement agencies to interdict threats; human factors including effective passenger screening; and technology. As is the case with any system, aviation security is only as strong as the weakest link in the security chain.

Each of these components needs to be improved. In the areas of technology and human factors, there is vast room for improvement. Simply put, we can do a better job protecting the traveling public. We must do a better job.

In recent weeks the aviation security debate has understandably focused on the lack of explosive detection capability in our Nation's airports. This focus is well placed. After all, in 1990 Congress recognized explosive detection systems needed to be installed in our airports and directed FAA to mandate deployment of such systems by November 1993. Yet today—nearly 6 years later and after the Federal Aviation Administration [FAA] has spent more than $150 million in taxpayer money on explosive detection research—our airports continue to lack the capability to screen checked baggage for explosives. To make matters worse, our airports stand out as soft targets for aviation terrorism because many airports around the world already have put in place U.S.-manufactured explosive detection devices as part of their heightened security measures.

While I am pleased we are finally field testing a FAA-certified explosive detection system, the current absence of explosive detection capability in our airports raises a fundamental policy question: Should Congress require interim deployment of existing explosive detection devices until a FAA-certified explosive detection system successfully completes operational testing and is available in sufficient quantities to be deployed at least in our highest risk airports? I strongly believe the answer is yes. We should take a very hard look at those U.S.-manufactured bulk and trace explosive detection devices which currently are widely used around the world.

Tempting as it is, however, I hope the aviation security debate does not continue to be transfixed on technology. For instance, I am equally concerned about the shortcomings in so-called aviation security human factors. Passenger screening personnel are our most visible line of defense at airports. Unfortunately, all too often they are inadequately trained and suffer from a very high rate of turnover. Currently, companies hired by airlines to provide screening services at our Nation's airports are not subject to any certification requirement. Similarly, screening personnel are not required to be certified. We should carefully consider whether such certification requirements would provide the quality control assurance we expect and the traveling public deserves. At the same time, Congress should not overlook measures that should be taken to strengthen the intelligence gathering and enforcement elements of our aviation security system.

As the aviation security debate continues, our goal should be nothing less than improving every component of our security system and ensuring we have no weak links.

Second, Congress and the administration must be very cautious to avoid a "one size fits all" approach to aviation security policy. The security challenges faced by small airlines and small airports are truly unique. They differ markedly from those faced by international carriers and major hub airports. Accordingly, it is critically important these differences are not overlooked in a rush to heighten aviation security standards.

Earlier this year, the U.S. General Accounting Office [GAO] released a study I requested which found that many small communities across the country currently suffer from inadequate air service. Having just returned from my home State of South Dakota where maintaining adequate air service is a day-to-day struggle, I can report from the front lines that GAO is absolutely correct. Even where a small community is lucky enough to have air service, often that service is economically fragile. Even a small economic shock can sever a community's only remaining air service link to our national air service network.

Passengers traveling to and from small cities must have the same level of security as those traveling to and from large hub airports. I believe, however, there are thoughtful ways of accomplishing this goal without toppling this fragile economic balance. For instance, is it good policy to force a small community like Mitchell, SD, which had just 34 commercial boardings in July to install at its airport a CTX-5000 explosive detection machine costing $1 million? How about Brookings, SD, and Yankton, SD, which in July had 104 and 112 boardings respectively? I believe the answer clearly is no, particularly since hand searching of selected luggage at our small airports is a viable, cost-effective and common sense alternative.

Unfortunately, this kind of "one size fits all" approach was embraced by the House last month when it adopted Section 111 of the Aviation Security and Antiterrorism Act of 1996 which calls for new, costly security measures to be imposed on small airlines. I have no doubt this is a well-intentioned provision. However, it fails to recognize FAA's ongoing assessment of the threat faced by small airlines and the unique security needs of passengers traveling on such carriers. One thing is certain—this expensive, unfunded mandate likely would cause a further erosion of air service in our small cities and that is why I will oppose it in the Senate.

Before I move on to my final point, let me reiterate that persons traveling to and from small communities deserve the same level of security as those traveling in larger markets. Due to profound differences in both passenger numbers and in threat levels, however, we can meet this goal without resorting to the identical, very expensive measures called for in our major international hub airports. Continued air service to many small communities depends on an appreciation of this simple, but critically important, point.

The final point I wish to discuss today is that the enormous potential cost of security upgrades requires that heightened security measures be based on the philosophy of focussing limited resources on the most threatening passengers and cargo. For that reason, I have advocated the use of passenger profiling as the ideal way to weed out non-threatening passengers and thereby enabling airlines to target security resources more effectively. I stressed this point in the Commerce Committee's aviation security hearing last month and want to reemphasize it today.

As in the case of explosive detection systems, the problem in the United States is not developing sophisticated weapons to fight aviation terrorism, the problem is deploying them. Passenger profiling is another case in point. While countries with highly regarded aviation security systems such as Israel and the Netherlands put great emphasis on passenger profiling, thus far we have failed to follow their lead. What makes this so remarkable is U.S. carriers have long recognized the security benefits of passenger profiling and Northwest Airlines, in close cooperation with the FAA, recently developed perhaps the most sophisticated automated profiling system available. I am very pleased that FAA is working closely with Northwest to put the finishing touches on this system and to make it available to other airlines as soon as possible.

In my view, using passenger profiling as the bedrock of any aviation security system is good common sense policy. This is especially the case when one considers the cost of explosive detection systems, the limited space available in many of our airports for such systems, and the commercial need for our airlines to avoid unnecessary ground delays. An increased reliance on passenger profiling as the first step in assessing passenger threats makes perfect sense. It can help make an overall aviation security program effective, quick and efficient for the traveling public. At the same time, it can help make heightened security measures cost-effective and operationally viable for our airlines.

Is passenger profiling a flawless or foolproof piece to our aviation security puzzle? No. Short of grounding all airplanes, no perfect solution exists. However, automated passenger profiling holds great promise as a key part of an integrated aviation security system. For instance, Northwest's system looks at more than 100 criteria for each passenger and—based on a ranking system and parameters that can be flexibly set based on perceived threats in any market—calculates which passengers should receive special security attention. Although no system can predict human behavior with 100 percent accuracy, this system appears to hold the promise of helping to allocate security resources with a very high probability of certainty.

In addition, I am sensitive to the concerns some have raised about the constitutional implications of passenger profiling. While much has been written about potential economic costs of heightened aviation security measures, inevitably there will be civil liberties costs as well. As with economic considerations, we must balance costs and benefits. Considering that passenger profiling looks at an enormous number of varied factors, I believe any civil liberties costs resulting from passenger profiling will be very minimal compared to the significant social benefits resulting from minimizing public anxiety about the security of air travel.

Let me conclude by reiterating that we can, and we must, do a better job in aviation security. If Congress, the administration, airlines and airports work cooperatively in the spirit of making every component of our security system as strong as possible, I have no doubt we will meet this challenge.

TRIBUTE TO LORET MILLER RUPPE

Mr. DODD. Mr. President, I rise to pay tribute to Loret Miller Ruppe, a woman of uncompromising dedication for peace at home and abroad, who died at the age of 60. In addition to her remarkable career as the Director of the Peace Corps from 1981 to 1989 and Ambassador to Norway from 1989 to 1993, Loret Miller Ruppe was a beloved wife to former Rep. Philip Ruppe (R-Mich), mother of five daughters, sister to six siblings, and grandmother of three.

Her accomplishments were vast and far reaching, her constitution strong, and her character was humble yet filled with passion. Her main passion was for peace. She struggled relentlessly to promote peace and justice throughout the developing world and here at home. In a speech celebrating the 35th Anniversary of the Peace Corps Mrs. Ruppe spoke about the future of the organization and its mission, "Peace, that beautiful five-letter word we all say we crave and pray for, is up for grabs in the '90's." For her, peace was not simply the absence of war, but the absence of the conditions that bring on war such as hunger, disease, poverty, illiteracy, and despair. Mrs. Ruppe worked hard to protect the fragile state of peace in regions around the globe. She achieved this goal through supervising programs in more than 93 countries, serving as a role model to field volunteers, and strengthening the Peace Corps organization.

Mrs. Ruppe also fought battles at home. When President Reagan appointed her in 1981, the Peace Corps budget was rapidly declining and was less than that of the military marching bands. By the end of Mrs. Ruppe's tenure she had succeeded in increasing the agency's budget almost 50 percent. In addition to budgetary challenges, Mrs. Ruppe gave the agency a political facelift by projecting the agency as nonpartisan, despite the fact that she herself was a political appointee, and increasing its viability on both national and local levels. As she noted "We took Peace Corps out of the pit of politics and made it non-partisan. It must always signify Americans pulling together for peace." As a result of her efforts, Mrs. Ruppe was respected and admired by Democrats and Republicans alike. In terms of national visibility, she brought much needed congressional and executive level attention to the Peace Corps. Prior to her leadership the organization was nicknamed "the corpse" and many believed its end was near. Under her command however, the organization was revitalized and its future secured. On a local level, she worked hard to increase young Americans' interest in participating in the program. By 1989, she had raised the number of volunteers by 20 percent.

Mrs. Ruppe was also an initiator who maintained the simple motto "we can do it." She founded three important programs which continue to thrive today: The African Food Initiative, Women in Development, and the Leadership for Peace Program. Additionally, she brought seven new countries to the Peace Corps program.

As the longest tenured director of the Peace Corps, Mrs. Ruppe contributed much indeed to the organization. It was through her vision, dedication, and leadership that the Peace Corps continues to play a vital role in American foreign aid efforts. Under Mrs. Ruppe's leadership the organization responded to new challenges, transformed itself, and now stands prepared to continue promoting peace in the next century. Mrs. Ruppe's absence will be felt throughout the world. I will especially miss her. To me Loret was more than a dedicated and gifted public servant—she was my friend. I know her husband Philip, her daughters Antoinette, Adele, Katherine, Mary, and Loret will miss her very much, and so will I.

Mr. President, I know that all of our colleagues join with me in extending our sincere condolences to her family members.

200TH BIRTHDAY OF LIBERTY HALL

Mr. FORD. Mr. President, October 2, 1996 will mark the 200th birthday of Liberty Hall in Frankfort, KY. This historic hall is one of Kentucky's finest 18th century-homes, serving as the residence for U.S. Senator John Brown and four generations of his family.

Senator Brown was one of Kentucky's first U.S. Senators, holding office from 1792 to 1805. He was known as a strong advocate and voice for the developing lands west of the Allegheny Mountains. At the time of his death, he had the distinction of being the last living member of the Continental Congress.

Liberty Hall itself has been a house museum since 1937. Its architecture and gardens rank it among the finest homes in the country of that period. Constructed by Senator Brown between 1796 and 1800, the house was named after his father's grammar school in Virginia.

The celebration of this fine home's 200th birthday, not only highlights an important landmark in Kentucky's history, but also serves as a tribute to the preservation movement and its achievements in Kentucky.

I hope all those who visit Kentucky's capital city, Frankfort, will take time to visit Liberty Hall to not only see a beautiful 18th century mansion, but also learn about this honorable man who contributed so much to Kentucky and the Nation.

THREE CHEERS FOR CRANSTON WESTERN

Mr. CHAFEE. Mr. President, during the August recess, 14 youngsters from Cranston, RI, achieved something that no Rhode Islanders had ever achieved before. On August 22, the Cranston Western Little League All-Stars were crowned the National Champions at this year's Little League World Series in Williamsport, PA.

Mr. President, I know we are dealing with important matters here. But this is an important matter also. This wonderful team of youngsters from our State first had to win the State championship. Then they went to the national championships in Williamsport where they defeated—can you believe it—California 5 to 1. Three days later in front of 17,000 fans and a national television audience they defeated the team that had previously defeated them, namely the heavily favored Panama City, FL, team which put them into the world championship game. That was against Chinese Taipei.

I think for anyone who follows the Little League baseball knows that the Chinese Taipei team was always an outstanding one and, indeed, they did win against the Cranston Western All-Stars.

This was truly an amazing accomplishment. When Cranston Western started down this road, it was just one of several thousand teams across the country vying for the right to play for the world championship. To get into the World Series, it had to win three mini-tournaments against the best teams in Rhode Island, and then in the Northeast, over the course of 2 months.

Listen to some of these last-minute heroics. It took a home run in the tenth inning just to advance beyond the district playoffs. Then they had to win three straight games, including two in a row over a previously undefeated South Kingstown team, to stave off elimination in the State tournament. And in the final game of the East Regionals, Cranston Western needed a game-saving, diving catch by their left fielder, and then a three-run homer in the bottom of the seventh, to overcome a tough Pennsylvania squad.

Once they got to Williamsport, the job only got tougher. History certainly was not on their side. Indeed, Cranston Western was only the third team from Rhode Island to make it to the Little League World Series, and the first to do so since 1980. And in neither of those two cases did a Rhode Island team win a single game at the national level. What's more, in the first game, they had to face California—a State that had produced 5 World Series champions and had been represented in the tournament a record 32 times.

But these courageous, young Rhode Islanders proved their mettle. They shook off any butterflies they might have had, and defeated the Californians by a 5 to 1 score. Three days later, in front of 17,000 fans and a national television audience, they avenged an earlier loss to heavily favored Panama City, FL. That win put them in the world championship game.

Unfortunately, Cranston Western came up short in the World Series final against Chinese Taipei. But that loss in no way diminished what these boys from the city of Cranston accomplished. They were front page news in Rhode Island for a solid week. Nearly every television in the State—whether in private homes or restaurants—was tuned to the final game. And when they returned home they received a hero's welcome, complete with a police escort from the Connecticut border and a fireworks display in their hometown.

What did these boys learn from their experience this summer? I can think of three things.

First, they learned that you don't have to be the biggest, or the strongest, or even the most-talented to succeed in life. While those attributes are important, they're meaningless without heart, grit, and fierce determination. And Cranston Western led the pack in those three categories.

Second, they learned that practice really does make perfect. Throughout the summer, the team spent nearly every waking moment on the baseball diamond, whether it was at official practices or playing pick-up games. Moreover, at the beginning of their championship run, every player made a commitment to the team not to miss a single practice. And each one of them lived up to that commitment.

Third, and I believe most importantly, they learned to place a high value on teamwork. No single player could be counted on to carry the load alone. Each member of that team made a crucial contribution at one point or another. That's a critical lesson I hope these little leaguers will remember for the rest of their lives.

And Mr. President, as I'm sure they would tell you, these boys had a lot of help along the way. There was their very capable manager, Mike Varrato. He was the one who set the lineup, arranged the defense, and made sure the team was physically and mentally ready to play every day.

They had veteran coaches Nick Dinezza and Larry Lepore. These two men helped the pitchers with their location, threw batting practice, and hit hundreds, if not thousands, of ground balls to the infielders and fly balls to the outfielders. There's no doubt that on many occasions, the coaches went home more tired than the young ballplayers.

And, of course, there were the parents. You've never seen a more loyal group. They scheduled family meals around games and practices. They gave up summer vacations at the beach to follow their sons from one venue to the next. During the games, they rang cowbells, and banged pots and pans, and did whatever it took to rally the troops. They cheered mightily when their boys won, and hugged them and reassured them the few times that they lost. And I'm sure they never hesitated to voice their opinions whenever the umpires made a bad call.

And so, I want to offer my heartiest congratulations to the members of the Cranston Western Little League team, and all who were associated with their championship season. They stirred an enormous amount of pride in Rhode Island, and made for a very exciting August in our State.

Mr. President, I ask unanimous consent that a copy of the team roster be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRANSTON WESTERN LITTLE LEAGUE ALL-STARS—1996 LITTLE LEAGUE NATIONAL CHAMPIONS

Lucas Ashton; Jake Bazirgan; Brett Bell; Lew Colby; Evan Dizoglio; Chris Gallo; Matt Lovejoy; Michael Luke; Tom Michael; Jay Sparling; Peter Spinelli; Craig Stinson; Rick Stoddard; and Paul Tavarozzi.

NOTE

[In yesterday's RECORD beginning on page 21863, a colloquy between Senators CRAIG, BOND, and INHOFE appears with material omitted. The permanent RECORD has been corrected to reflect the following.]

PARTICULATES RULEMAKING

Mr. CRAIG. If I might ask the distinguished chairman of the Subcommittee on VA, HUD, and Independent Agencies Appropriations about the EPA review of the national ambient air quality standard for particulate matter. I understand that there are recent epidemiological studies that indicate a correlation between exposure to air polluted with particulates and adverse human health effects, and that EPA is studying this matter as a high priority.

Mr. BOND. I thank the Senator from Idaho for raising this important point. The EPA has indicated to our committee that it is highly concerned about the health effects of particulates. We have met the EPA's request for funding for this program, and included $18.8 million. These funds are for health effects research, exposure research, improving monitoring technologies, modeling studies, and other key requirements.

Mr. CRAIG. I am pleased to learn that the committee has directed this level of funding to EPA for this important research. This comprehensive research program is very much needed. At present, there appears to be insufficient data available for the agency to decide what changes, if any, should be made to the current standard. There is no scientific consensus on whether it is necessary to change the current ambient air quality standards for particulate matter to protect human and environmental health. It has come to my attention that in a letter to EPA on June 13, 1996, EPA's own Clean Air Scientific Advisory Committee concluded that "our understanding of the health effects of [particulates] is far from complete," and these scientific uncertainties prevented the committee from agreeing on the agency's suggested new particulate standards. In addition, the former chairman of this advisory committee who is now a consultant to the advisory committee, Roger McClellan, wrote the current chairman in May to advise him that "the current staff document does not provide a scientifically adequate basis for making regulatory decisions for setting of National Ambient Air Quality Standards and related control of particulate matter as specified in the Clean Air Act." Finally, in a peer-reviewed article just published in the Journal of the National Institute of Environmental Health Sciences, scientists John Gamble and Jeffery Lewis conclude that the recent epidemiology studies that show statistically significant acute health effects of particulate air pollution do not meet the criteria for causality. They suggest that the weak statistical correlations of increased mortality are as likely due to confounding by weather, copollutants, or exposure misclassification as they are by ambient particulate matter.

As the chairman is aware, EPA is under a Federal court order to make a final decision on whether to revise the current clean air rule regarding particulate matter. Under the court order, EPA must make a proposed decision on or before November 29, 1996, and a final decision on or before June 28, 1997. Can the Chairman inform me whether the court order allows the agency to decide not to revise the particular standard until there is sufficient scientific basis for doing so?

Mr. BOND. It is my understanding that the court order only requires the agency to make a final decision on whether to revise the current ambient air standard for particulates, but the order does not require the agency to promulgate a new standard.

Mr. FAIRCLOTH. If I might interject, the fact that EPA has found several studies that indicate a correlation between loading of particulates in the air and premature mortality is important. This suggested link to human health problems needs to be promptly and thoroughly investigated. My objective is to provide protection of public health and the environment by designing control strategies that reduce harmful particulates and other pollutants from the air people breathe. However, I am concerned that EPA may be rushed to judgment by the Federal courts before real science has been developed to inform the agency about which pariculates, in which geographic locations, and in which concentrations are harming people and the environment. There are many questions that need to be answered about particulate matter, as EPA's Clean Air Scientific Advisory Committee, referred to as "CASAC," made clear in its June 13, 1996, letter to EPA—to which the Senator from Idaho just referred. For example, we do not know the mechanisms by which particulates might affect public health. Since 1988, particulate matter concentrations have declined by more than 20 percent, with substantial future declines in particulates expected to result from compliance with existing clean air standards. Moving forward with the targeted research program recommended by the CASAC is essential to understand the health problems associated with particulates. That better understanding of the health effects caused by particulates is needed before we can design an effective control strategy. I would note for my colleagues that this EPA advisory committee is meeting again in early September to design this particulate research program.

Mr. CRAIG. If the Senator would yield, I would ask the chairman that if EPA is only going to begin to implement the CASAC research program in October of this year, how can it be expected to issue a proposed rule on November 29, as required under the court order?

Mr. INHOFE. If I might add an additional comment to address the Senator from Idaho's question, I want to assure my colleagues that I share their concern that there is evidence of potential harm to Americans from exposure to fine particles. I want to know what kinds of particulates cause health problems. And I want to know where those particulates are and what are the best ways to reduce them.

I would note for the Senator from Idaho that the chairman of the subcommittee stated earlier the court order does not require the EPA to propose a change in the particulate standard. The EPA can satisfy its obligations by proposing not to change the particulate standard until there is a better understanding about which particulates cause health effects, and where those particulates are prevalent in unhealthful levels. I would like to add that the Clinton Administration's Executive Order or Regulatory Review states the Administration's own regulatory philosophy as requiring agencies that are deciding whether and how to regulate must "assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating." I believe the only prudent course would be for EPA to include consideration of retaining the current particulate standard in its proposed rule. In following this path, progress will continue to be made by the ongoing implementation of the existing Clean Air Act while the necessary research is being conducted to address the unanswered questions.

Mr. CRAIG. I agree with my distinguished colleague from Oklahoma. I do not want the people in our states breathing unhealthy air. I applaud and fully support the funding provided by the Senator from Missouri's committee for particulate research. I just don't think it makes much sense to promulgate new standards until you know what particles are unhealthy. It is my understanding that rural fugitive dust might be further regulated by the EPA when it issues its new particulate standards. Idaho, and I believe, my colleague's State of Oklahoma, are renowned for the volumes of fine, natural dirt that are carried by our breezes out West. Even without winds, just driving down a road, tilling a field, running cattle, sanding roads in the winter, or the gentlest of mining operations, will create dust. If dust is unhealthy, I'm sure the hard working people of my state will want to know about it, and would want to take measures to protect themselves. So I look forward to the CASAC's targeted study to be implemented before the rural fugitive dust standards are changed.

Mr. FAIRCLOTH. If the chairman would yield, I would ask whether any of the money in the FY 1997 funding for particulate research will go to implementing an ambient air quality and emissions monitoring program, and will EPA be placing the monitors, or simply telling the States to do it? We want to know not just whether this expense will bring any health benefits, but also whether it will create serious unfunded mandates problem. I would ask the chairman if he would join me in requesting that the EPA send the appropriate committees of Congress, within 90 days, a description of the monitoring program they will be implementing and to what extent EPA will fund the cost of that program, and whether they intend to ask for additional funding in FY 1998.

Mr. BOND. Yes, the agency has informed me that it will be using the 1997 appropriation for both increased health effects research and, in addition, more than $2 million will be for initiating an emissions monitoring program. In addition, it is my understanding EPA will be requesting additional funds for monitoring in its FY98 budget submission. It is my expectation that the agency will request the funds necessary to establish a thorough and scientifically defensible monitoring program. I concur that EPA should send us a description of their proposed comprehensive monitoring program and a budget proposal.

I thank my colleagues, and I agree with my colleagues that EPA should seriously consider a "no change" option as part of its proposed decision due by November 29. However, I would add that in view of the potential for harm to the public from particulates, a prudent option for the November deadline would be to reaffirm the current ambient air standard—and thus not disrupt ongoing programs—while moving expeditiously to implement a sound research agenda upon which to base future decisions.

Mr. President, I am also concerned that EPA must pay closer attention to the potential adverse impacts of changes to the particulates standard on small businesses. I am aware that EPA is taking the position that changes to the particulates standard do not impact small business in terms of implicating the Regulatory Flexibility Act, because the EPA's standards do not create burdens on small business, it is the State implementation plan. As a primary author of the 1996 amendments to the Regulatory Flexibility Act, I strongly disagree with the agency's interpretation, and believe that EPA agency should fully comply with the requirements imposed on Federal agencies by that act.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE EMIGRATION LAWS AND POLICIES OF MONGOLIA—MESSAGE FROM THE PRESIDENT—PM 167

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I hereby transmit a report concerning emigration laws and policies of Mongolia as required by subsections 402(b) and 409(b) of title IV of the Trade Act of 1974, as amended ("the Act"). I have determined that Mongolia is in full compliance with the criteria in subsections 402(a) and 409(a) of the Act. As required by title IV, I will provide the Congress with periodic reports regarding Mongolia's compliance with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 4, 1996.*

MESSAGES FROM THE HOUSE

At 11:52 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1467. An act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3553. An act to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

At 1:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 120. Concurrent resolution supporting the independence and sovereignty of Ukraine and the progress of its political and economic reforms.

The message also announced that pursuant to section 389(d)(2) of Public Law 104-127, the minority leader appoints Mr. Richard Roos-Collins of California as a member from private life on the part of the House to the Water Rights Task Force.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. LIGHTFOOT, Mr. PACKARD, Mr. CALLAHAN, Mr. DICKEY, Mr. LIVINGSTON, Mr. SABO, Mr. DURBIN, Mr. COLEMAN, Mr. FOGLIETTA, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MYERS, Mr. ROGERS, Mr. KNOLLENBERG, Mr. RIGGS, Mr. FRELINGHUYSEN, Mr. BUNN, Mr. PARKER, Mr. LIVINGSTON, Mr. BEVILL, Mr. FAZIO, Mr. CHAPMAN, Mr. VISCLOSKY, and Mr. OBEY, as the managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 401. An act entitled the "Kenai Natives Association Equity Act".

H.R. 447. An act to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made.

H.R. 1179. An act to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

H.R. 1514. An act to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

H.R. 2122. An act to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, and for other purposes.

H.R. 2135. An act to provide for the relief of certain persons in Clark County, Nevada, who purchased lands in good faith reliance on existing private land surveys.

H.R. 2292. An act to preserve and protect the Hanford Reach of the Columbia River, and for other purposes.

H.R. 2438. An act to provide for the conveyance of lands to certain individuals in Gunnison County, Colorado, and for other purposes.

H.R. 2518. An act to authorize the Secretary of Agriculture to exchange certain lands in the Wenatachee National Forest, Washington, for certain lands owned by Public Utility District No. 1 of Chelan County, Washington, and for other purposes.

H.R. 2709. An act to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, California.

H.R. 2711. An act to provide for the substitution of timber for the canceled Elkhorn Ridge Timber Sale.

H.R. 3147. An act to provide for the exchange of certain Federal lands in the State of California managed by the Bureau of Land Management for certain non-Federal lands, and for other purposes.

H.R. 3378. An act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors.

H.R. 3487. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes.

H.R. 3547. An act to provide for the conveyance of a parcel of real property in the Apache National Forest in the State of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields.

H.R. 3579. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

H.R. 3660. An act to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes.

H.R. 3793. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

H.R. 3864. An act to amend laws authorizing auditing, reporting, other functions by the General Accounting Office.

H.R. 3871. An act to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations.

H.R. 3916. An act to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

H.R. 4018. An act to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982.

ENROLLED BILLS SIGNED

At 4:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills.

H.R. 740. An act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe.

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

H.R. 3517. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 120. Concurrent resolution supporting the independence and sovereignty of Ukraine and the progress of its political and economic reforms; to the Committee on Foreign relations.

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 401. An act entitled the "Kenai Natives Association Equity Act"; to the Committee on Energy and Natural Resources.

H.R. 447. An act to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce, Science, and Transportation.

H.R. 2122. An act to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2135. An act to provide for the relief of certain persons in Clark County, Nevada, who purchased lands in good faith reliance on existing private land surveys; to the Committee on Energy and Natural Resources.

H.R. 2292. An act to preserve and protect the Hanford each of the Columbia River, and for other purposes; to the Committee on Energy and Natural.

H.R. 2438. An act to provide for the conveyance of lands to certain individuals in gunnison county, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2518. An act to authorize the Secretary of Agriculture to exchange certain lands in the Wenatachee National Forest, Washington, for certain lands owned by Public Utility District No. 1 of Chelan County, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2709. An act to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, California; to the Committee on Energy and Natural Resources.

H.R. 2711. An act to provide for the substitution of timber for the canceled Elkhorn Ridge Timber Sale; to the Committee on Energy and Natural Resources.

H.R. 3147. An act to provide for the exchange of certain Federal lands in the State of California managed by the Bureau of Land Management for certain non-Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3487. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3547. An act to provide for the conveyance of a parcel of real property in the Apache National Forest in the state of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields; to the Committee on Energy and Natural Resources.

H.R. 3793. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3864. An act to amend laws authorizing auditing, reporting, other functions by the General Accounting Office; to the Committee on Governmental Affairs.

H.R. 3871. An act to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations; to the Committee on Finance.

H.R. 3916. An act to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 2053. A bill to strengthen narcotics reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances, and for other purposes.

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H.R. 1514. An act to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

H.R. 3378. An act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors.

H.R. 3553. An act to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

H.R. 3579. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

The following measure was ordered placed on the calendar:

H.R. 3660. An act to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3856. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a rule concerning danger zone regulations, received on August 27, 1996; to the Committee on Environment and Public Works.

EC-3857. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the rule entitled "Deletion of Outdated References and Minor Change," (RIN3150-AF43) received on August 27, 1996; to the Committee on Environment and Public Works.

EC-3858. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule entitled "Migratory Bird Hunting," (RIN1018-AD69) received on August 27, 1996; to the Committee on Environment and Public Works.

EC-3859. A communication from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to the Migratory Bird Harvest Information Program, (RIN1018-AD08) received on August 27, 1996; to the Committee on Environment and Public Works.

EC-3860. A communication from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to certain migratory game birds, (RIN1018-AD69) received on August 27, 1996; to the Committee on Environment and Public Works.

EC-3861. A communication from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to refuge-specific hunting and sport fishing regulations, (RIN1018-AD76) received on August 29, 1996; to the Committee on Environment and Public Works.

EC-3862. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of two rules including one entitled "Motor Vehicle Content Labeling," (RIN2127-AG46 and 2125-AD69) received on September 3, 1996; to the Committee on Environment and Public Works.

EC-3863. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of four rules including one entitled "Approval and Promulgation of Implementation Plans; State of Kansas," (FRL5556-8, 5601-6, 5555-2, 5603-1) received on September 3, 1996; to the Committee on Environment and Public Works.

EC-3864. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to Federal test procedure for emissions from motor vehicles, (FRL5558-3) received on September 3, 1996; to the Committee on Environment and Public Works.

EC-3865. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to air pollution from new motor vehicles, (FRL5602-3) received on September 3, 1996; to the Committee on Environment and Public Works.

EC-3866. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to air quality implementation plans for Tennessee, (FRL5554-6) received on September 3, 1996; to the Committee on Environment and Public Works.

EC-3867. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of two rules including one entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Wyoming; Correction," (FRL5560-4 and 5389-9) received on September 3, 1996; to the Committee on Environment and Public Works.

EC-3868. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report entitled "Assessment of International Air Pollution Prevention and Control Technology"; to the Committee on Environment and Public Works.

EC-3869. A communication from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to use of environman and human figure and design symbol, (RIN1024-AC50) received on August 21, 1996; to the Committee on Environment and Public Works.

EC-3870. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of two rules including one entitled "Approval and Promulgation of Implementation Plans; Commonwealth of Virginia—1990 Base Year Emmission Inventory," (FRL5603-5) received on September 3, 1996; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for appointment to the grade of lieutenant general in the U.S. Air Force while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. David J. McCloud, [redacted].

The following-named officer for reappointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be vice admiral

Vice Adm. Dennis C. Blair, [redacted]

The following-named officer for appointment to the grade of admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

Vice Adm. Harold W. Gehman, Jr., [redacted]

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ABRAHAM (for himself and Mr. LEVIN):

S. 2055. A bill to waive temporarily the Medicare enrollment composition rules for The Wellness Plan; to the Committee on Finance.

By Mr. KENNEDY:

S. 2056. A bill to prohibit employment discrimination on the basis of sexual orientation; read twice and ordered placed on the calendar.

By Mr. WARNER (for himself and Mr. THURMOND):

S. 2057. A bill to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs guarantee loans with adjustable rate mortgages; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for Mr. LOTT (for himself, Mr. DASCHLE, Mr. THURMOND, and Mr. WARNER)):

S. Res. 288. A resolution regarding the United States response to Iraqi aggression; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM (for himself and Mr. LEVIN):

S. 2055. A bill to waive temporarily the Medicare enrollment composition rules for the Wellness Plan; to the Committee on Finance.

THE WELLNESS PLAN WAIVER ACT OF 1996

Mr. ABRAHAM. Mr President, today I rise along with my distinguished colleague from Michigan, Senator LEVIN, to introduce legislation which will expand the number of health care choices available to residents of Michigan. This bill will provide Medicare beneficiaries in Michigan the opportunity to obtain health care from The Wellness Plan, a longstanding, federally qualified health maintenance organization. The Wellness Plan has been recognized by national leaders, including two former Secretaries of the Department of Health and Human Services, as a model managed care plan. In addition, the Wellness Plan has made significant contributions to improving the health and well-being of its enrollees, many of whom are poor women and children, by decreasing infant mortality, effectively reducing hypertension, and increasing mammography rates.

The Wellness Plan has been serving the Medicaid population for over two decades. It currently has 150,000 enrollees, 141,000 of whom are Medicaid, 12,000 commercial and 2,000 Medicare. Since 1993, the Wellness Plan has had a health care prepayment plan contract with Medicare. However, technical changes enacted by Congress effective January 1, 1996, had the unintended effect of preventing the Wellness Plan from enrolling additional Medicare beneficiaries under the HCPP contract. The Wellness Plan is positioned to become a full Medicare risk contractor but currently is precluded from doing so due to the 50/50 Medicare/Medicaid enrollment composition rule. It must be emphasized that the Health Care Financing Administration supports the Wellness Plan receiving a plan-specific 50/50 waiver at this time.

Allowing Medicare beneficiaries to participate in this program represents a small, but important step toward fulfilling Congress' commitment to improve the quality of this country's health care system. Given that the Wellness Plan has an established record with respect to both the Medicaid and Medicare programs, and that the Health Care Financing Administration supports the Wellness Plan receiving a plan-specific 50/50 waiver, I urge Congress to move this bill before the end of this session so that Michigan Medicare beneficiaries will once again have the opportunity to participate in this plan beginning in 1997.

By Mr. WARNER (for himself and Mr. THURMOND):

S. 2057. A bill to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs guarantee loans with adjustable rate mortgages; to the Committee on Veterans Affairs.

THE VA ADJUSTABLE RATE MORTGAGE PROGRAM REAUTHORIZATION ACT OF 1996

Mr. WARNER. Mr. President, I rise today to introduce on behalf of myself and Senator THURMOND a bill to permanently reauthorize the VA Adjustable Rate Mortgage Program.

This program was created in the 102d Congress to guarantee adjustable rate mortgages for a 3-year period ending September 30, 1995. The program allowed a maximum of 1-percent increase annually with a 5-percent maximum increase on the interest rate over the life of the loan. These annual and lifetime caps are identical to those contained in the FHA Adjustable Rate Mortgage Program, which is a permanent program.

Adjustable rate mortgages have proven to be a valuable and essential home mortgage financing tool for American families, particularly in times of rising interest rates. Adjustable rate mortgages allow borrowers to obtain home loans with interest rates below those required for normal fixed interest rate loans.

During the 3-year period that the VA Adjustable Rate Mortgage Program was in effect, large numbers of veterans took advantage of this financing tool, with 131,250 VA adjustable rate mortgages being originated nationwide, totaling $14.9 billion. In Virginia alone, 10,599 loans granted totaling over $1.2 billion. Over 58 percent of these loans nationally were made to first-time home buyers.

The VA Home Loan Guaranty Program was created by the Congress in 1944 to ensure that veterans returning home from World War II would have an opportunity to achieve the American dream of owning a home. This benefit was established for our veterans because their service to our country denied them the opportunity to save the necessary funds for a down payment for a home or to establish a credit rating. The program has since been extended to benefit all of the men and women who have served their country honorably in the Armed Forces. Since the program's inception, 14.8 million loans totaling $515 billion have been made to veterans.

This bill simply guarantees that the home loans that are available to American veterans are affordable. I urge my colleagues to join Senator THURMOND and myself in supporting a program that has proven to be successful and beneficial to the most deserving of Americans, our veterans, by permanently reauthorizing the VA Adjustable Rate Mortgage Program.

Mr. THURMOND. Mr. President, I rise today to introduce legislation, with Senator WARNER, that will permanently extend the authority of the Secretary of Veterans Affairs [VA] to guarantee loans with adjustable rate mortgages [ARMS].

The Veterans Home Loan Program Amendments of 1992 made significant changes to the VA Home Loan Program. Included in that bill were provisions establishing a demonstration project authorizing VA to guarantee ARMS during fiscal years 1993–95.

The Loan Guaranty Program is a benefit of great value to veterans and to the Nation. This program provides housing credit assistance to satisfy the mortgage credit needs of veterans and members of the Armed Forces. It provides private capital on more liberal terms than are generally available to nonveterans, without the assumption of undue risks by the Federal Government. Veterans are assisted primarily through the use of the Government's guaranty on loans instead of the substantial down payment and other investment safeguards applicable to conventional mortgage transactions. Since the program's inception in 1944, the VA has guaranteed nearly 15 million loans totaling more than $500 billion.

The ARM program offers veterans another choice in the mortgage market, particularly when interest rates are high. It is particularly useful to first-time home buyers who can obtain loans with interest rates generally lower than fixed rate loans. The VA ARM allows a maximum of 1 percent interest annually with a 5-percent maximum interest rate increase over the life of the loan. These annual and lifetime caps are identical to those contained in the Federal Housing Administration [FHA] ARM program, which is permanently authorized.

During the pilot program, the popularity of ARMS was well established. According to VA statistics, during fiscal year 1995, approximately 20 percent of all loans guaranteed were ARMS. This was double the ration of ARMS to all loans guaranteed in fiscal year 1994. During the test period of 1993–95, ARMS totaling $14.9 billion were guaranteed. In South Carolina, nearly 2,000 ARMS were originated, with a value of more than $181 million.

Mr. President, this bill will permanently authorize a worthy program. ARMS are a valuable financing tool for American families. They are used extensively nationwide by conventional and FHA home buyers. This bill will permit qualified veterans to take advantage of ARMS, if they so choose. I urge my colleagues to join Senator

WARNER and me in the permanent reauthorization of the VA Adjustable Rate Mortgage Program.

ADDITIONAL COSPONSORS

S. 628

At the request of Mr. KYL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 628, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 1189

At the request of Mr. DEWINE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

S. 1603

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1603, a bill to amend the Small Business Act concerning the level of participation by the Small Business Administration in loans guaranteed under the Export Working Capital Program.

S. 1610

At the request of Mr. BOND, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1645

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 1645, a bill to regulate United States scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes.

S. 1964

At the request of Mr. BINGAMAN, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1964, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of medical nutrition therapy services of registered dietitians and nutrition professionals.

S. 1970

At the request of Mr. MCCAIN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1970, a bill to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes.

S. 1987

At the request of Mr. FAIRCLOTH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1987, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of social security and Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

S. 2005

At the request of Mr. WYDEN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2005, A bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient.

S. 2031

At the request of Mr. DOMENICI, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 2031, a bill to provide health plan protections for individuals with a mental illness.

SENATE JOINT RESOLUTION 52

At the request of Mr. ABRAHAM, his name was withdrawn as a cosponsor of Senate Joint Resolution 52, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes.

SENATE RESOLUTION 288—REGARDING THE UNITED STATES RESPONSE TO IRAQI AGGRESSION

Mr. DASCHLE (for Mr. LOTT, for himself, Mr. DASCHLE, Mr. THURMOND, and Mr. WARNER) submitted the following resolution; which was considered and agreed to.

S. RES. 288

Whereas the United States and its allies have vital interests in ensuring regional stability in the Persian Gulf;

Whereas on August 31, 1996, Saddam Hussein, despite warnings from the United States, began an unprovoked, unjustified, and brutal attack on the civilian population in and around Irbil in northern Iraq, aligning himself with one Kurdish faction to assault another, thereby causing the deaths of hundreds of innocent civilians; and

Whereas the United States responded to Saddam Hussein's aggression on September 3, 1996 by destroying some of the Iraqi air defense installations and announcing the expansion of the southern no-fly zone over Iraq: Now, therefore, be it

Resolved, That the Senate commends the military actions taken by and the performance of the United States Armed Forces, under the direction of the Commander-in-Chief, for carrying out this military mission in a highly professional, efficient and effective manner.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

HOLLINGS AMENDMENT NO. 5187

Mr. BOND (for Mr. HOLLINGS) proposed an amendment to the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. . COMMUNITY DEVELOPMENT BLOCK GRANTS.

Section 102(a)(6)(D) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(6)(D)) is amended—

(1) in clause (iv), by striking "or" at the end;

(2) in clause (v), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(vi) has entered into a local cooperation agreement with a metropolitan city that received assistance under section 106 because of such classification, and has elected under paragraph (4) to have its population included with the population of the county for the purposes of qualifying as an urban county, except that to qualify as an urban county under this clause, the county must—

"(I) have a combined population of not less than 210,000, excluding any metropolitan city located in the county that is not relinquishing its metropolitan city classification, according to the 1990 decennial census of the Bureau of the Census of the Department of Commerce;

"(II) including any metropolitan cities located in the country, have had a decrease in population of 10,061 from 1992 to 1994, according to the estimates of the Bureau of the Census of the Department of Commerce; and

"(III) have had a Federal naval installation that was more than 100 years old closed by action of the Base Closure and Realignment Commission appointed for 1993 under the Base Closure and Realignment Act of 1990, directly resulting in a loss of employment by more than 7,000 Federal Government civilian employees and more than 15,000 active duty military personnel, which naval installation was located within 1 mile of an enterprise community designated by the Secretary pursuant to section 1391 of the Internal Revenue Code of 1986, which enterprise community has a population of not less than 20,000, according to the 1990 decennial census of the Bureau of the Census of the Department of Commerce.".

BENNETT AMENDMENT NO. 5188

Mr. BOND (for Mr. BENNETT) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 27, line 19, strike "$969,000,000" and insert "$969,464,442".

On page 29, line 5, strike the period, and insert a colon and the following: "*Provided further*, That of the total amount provided under this head, the Secretary shall provide $755,573 to the Utah Housing Finance Agency, in lieu of amounts lost to such agency in bond refinancings during 1994, for its use in accordance with the immediately preceding proviso."

FAIRCLOTH AMENDMENT NO. 5189

Mr. BOND (for Mr. FAIRCLOTH) proposed an amendment to the bill, H.R. 3666, supra; as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. 2 . FAIR HOUSING AND FREE SPEECH.

None of the amounts made available under this Act may be used during fiscal year 1997 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

DASCHLE (AND OTHERS) AMENDMENT NO. 5190

Mr. DASCHLE (for himself, Mr. KERRY, Mr. ROCKEFELLER, Mr. WELLSTONE, Ms. MIKULSKI, Mr. BYRD, Mr. DODD, Mr. CONRAD, Mr. INOUYE, Mr. PELL, Mr. SIMON, Mr. FEINGOLD, Mr. BREAUX, Mrs. BOXER, Mr. DORGAN, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. ROBB, Mr. KENNEDY, Mr. FORD, Mr. REID, Ms. MOSELEY-BRAUN, Mr. LEAHY, Mr. HOLLINGS, and Mr. KOHL) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 97, between lines 15 and 16, insert the following:

SEC. 421. (a) The purpose of this section is to provide for the special needs of certain children of Vietnam veterans who were born with the birth defect spina bifida, possibly as the result of the exposure of one or both parents to herbicides during active service in the Republic of Vietnam during the Vietnam era, through the provision of health care and monetary benefits.

(b)(1) Part II of title 38, United States Code, is amended by inserting after chapter 17 the following new chapter:

"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS WHO ARE BORN WITH SPINA BIFIDA

"Sec.
"1801. Definitions.
"1802. Spina bifida conditions covered.
"1803. Health care.
"1804. Vocational training and rehabilitation.
"1805. Monetary allowance.
"1806. Effective date of awards.

"§ 1801. Definitions

"For the purposes of this chapter—

"(1) The term 'child', with respect to a Vietnam veteran, means a natural child of the Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the veteran first entered the Republic of Vietnam during the Vietnam era.

"(2) The term 'Vietnam veteran' means a veteran who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"§ 1802. Spina bifida conditions covered

"This chapter applies with respect to all forms and manifestations of spina bifida except spina bifida occulta.

"§ 1803. Health care

"(a) In accordance with regulations which the Secretary shall prescribe, the Secretary shall provide a child of a Vietnam veteran who is suffering from spina bifida with such health care as the Secretary determines is needed by the child for the spina bifida or any disability that is associated with such condition.

"(b) The Secretary may provide health care under this section directly or by contract or other arrangement with any health care provider.

"(c) For the purposes of this section—

"(1) The term 'health care'—

"(A) means home care, hospital care, nursing home care, outpatient care, preventive care, habilitative and rehabilitative care, case management, and respite care; and

"(B) includes—

"(i) the training of appropriate members of a child's family or household in the care of the child; and

"(ii) the provision of such pharmaceuticals, supplies, equipment, devices, appliances, assistive technology, direct transportation costs to and from approved sources of health care, and other materials as the Secretary determines necessary.

"(2) The term 'health care provider' includes specialized spina bifida clinics, health care plans, insurers, organizations, institutions, and any other entity or individual who furnishes health care that the Secretary determines authorized under this section.

"(3) The term 'home care' means outpatient care, habilitative and rehabilitative care, preventive health services, and health-related services furnished to an individual in the individual's home or other place of residence.

"(4) The term 'hospital care' means care and treatment for a disability furnished to an individual who has been admitted to a hospital as a patient.

"(5) The term 'nursing home care' means care and treatment for a disability furnished to an individual who has been admitted to a nursing home as a resident.

"(6) The term 'outpatient care' means care and treatment of a disability, and preventive health services, furnished to an individual other than hospital care or nursing home care.

"(7) The term 'preventive care' means care and treatment furnished to prevent disability or illness, including periodic examinations, immunizations, patient health education, and such other services as the Secretary determines necessary to provide effective and economical preventive health care.

"(8) The term 'habilitative and rehabilitative care' means such professional, counseling, and guidance services and treatment programs (other than vocational training under section 1804 of this title) as are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of a disabled person.

"(9) The term 'respite care' means care furnished on an intermittent basis for a limited period to an individual who resides primarily in a private residence when such care will help the individual to continue residing in such private residence.

"§ 1804. Vocational training and rehabilitation

"(a) Pursuant to such regulations as the Secretary may prescribe, the Secretary may provide vocational training under this section to a child of a Vietnam veteran who is suffering from spina bifida if the Secretary determines that the achievement of a vocational goal by such child is reasonably feasible.

"(b) Any program of vocational training for a child under this section shall be designed in consultation with the child in order to meet the child's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation.

"(c)(1) A vocational training program for a child under this section—

"(A) shall consist of such vocationally oriented services and assistance, including such placement and post-placement services and personal and work adjustment training, as the Secretary determines are necessary to enable the child to prepare for and participate in vocational training or employment; and

"(B) may include a program of education at an institution of higher education if the Secretary determines that the program of education is predominantly vocational in content.

"(2) A vocational training program under this subsection may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment.

"(d)(1) Except as provided in paragraph (2) and subject to subsection (e)(2), a vocational training program under this section may not exceed 24 months.

"(2) The Secretary may grant an extension of a vocational training program for a child under this section for up to 24 additional months if the Secretary determines that the extension is necessary in order for the child to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan of vocational rehabilitation formulated for the child pursuant to subsection (b).

"(e)(1) A child who is pursuing a program of vocational training under this section and is also eligible for assistance under a program under chapter 35 of this title may not receive assistance under both such programs concurrently. The child shall elect (in such form and manner as the Secretary may prescribe) the program under which the child is to receive assistance.

"(2) The aggregate period for which a child may receive assistance under this section and chapter 35 of this title may not exceed 48 months (or the part-time equivalent thereof).

"§ 1805. Monetary allowance

"(a) The Secretary shall pay a monthly allowance under this chapter to any child of a Vietnam veteran for any disability resulting from spina bifida suffered by such child.

"(b)(1) The amount of the allowance paid to a child under this section shall be based on the degree of disability suffered by the child, as determined in accordance with such schedule for rating disabilities resulting from spina bifida as the Secretary may prescribe.

"(2) The Secretary shall, in prescribing the rating schedule for the purposes of this section, establish three levels of disability upon which the amount of the allowance provided by this section shall be based.

"(3) The amounts of the allowance shall be $200 per month for the lowest level of disability prescribed, $700 per month for the intermediate level of disability prescribed, and $1,200 per month for the highest level of disability prescribed. Such amounts are subject to adjustment under section 5312 of this title.

"(c) Notwithstanding any other provision of law, receipt by a child of an allowance under this section shall not impair, infringe, or otherwise affect the right of the child to receive any other benefit to which the child may otherwise be entitled under any law administered by the Secretary, nor shall receipt of such an allowance impair, infringe, or otherwise affect the right of any individual to receive any benefit to which the individual is entitled under any law administered by the Secretary that is based on the child's relationship to the individual.

"(d) Notwithstanding any other provision of law, the allowance paid to a child under this section shall not be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program.

"§ 1806. Effective date of awards

"The effective date for an award of benefits under this chapter shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application for the benefits.".

(2) The tables of chapters before part I and at the beginning of part II of such title are each amended by inserting after the item referring to chapter 17 the following new item:

"18. Benefits for Children of Vietnam Veterans Who Are Born With Spina Bifida .... 1801".

(c) Section 5312 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "and the rate of increased pension" and inserting in lieu thereof ", the rate of increased pension"; and

(B) by inserting after "on account of children," the following: "and each rate of monthly allowance paid under section 1805 of this title,"; and

(2) in subsection (c)(1), by striking out "and 1542" and inserting in lieu thereof "1542, and 1805".

(d) This section and the amendments made by this section shall take effect on January 1, 1997.

SEC. 422. (a) Section 1151 of title 38, United States Code, is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following:

"(a) Compensation under this chapter and dependency and indemnity compensation under chapter 13 of this title shall be awarded for a qualifying additional disability or a qualifying death of a veteran in the same manner as if such additional disability or death were service-connected. For purposes of this section, a disability or death is a qualifying additional disability or qualifying death if the disability or death was not the result of the veteran's willful misconduct and—

"(1) the disability or death was caused by hospital care, medical or surgical treatment, or examination furnished the veteran under any law administered by the Secretary, either by a Department employee or in a Department facility as defined in section 1701(3)(A) of this title, and the proximate cause of the disability or death was—

"(A) carelessness, negligence, lack of proper skill, error in judgment, or similar instance of fault on the part of the Department in furnishing the hospital care, medical or surgical treatment, or examination; or

"(B) an event not reasonably foreseeable; or

"(2) the disability or death was proximately caused by the provision of training and rehabilitation services by the Secretary (including by a service-provider used by the Secretary for such purpose under section 3115 of this title) as part of an approved rehabilitation program under chapter 31 of this title."; and

(2) in the second sentence—

(A) by redesignating that sentence as subsection (b);

(B) by striking out ", aggravation," both places it appears; and

(C) by striking out "sentence" and substituting in lieu thereof "subsection".

(b)(1) The amendments made by subsection (a) shall take effect on October 1, 1996.

(2) Section 1151 of title 38, United States Code (as amended by subsection (a)), shall govern all administrative and judicial determinations of eligibility for benefits under such section that are made with respect to claims filed on or after the effective date set forth in paragraph (1), including those based on original applications and applications seeking to reopen, revise, reconsider, or otherwise readjudicate on any basis claims for benefits under such section 1151 or any provision of law that is a predecessor of such section.

HELMS (AND OTHERS) AMENDMENT NO. 5191

Mr. HELMS (for himself, Mr. Bond, Mr. Faircloth, Mr. McCain, Mr. Thurmond, and Mr. Coverdell) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 39, after line 10, insert the following new paragraph:

"Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for grants to entities managing or operating public housing developments, Federally-assisted multifamily-housing developments, or other multifamily-housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by private sources, to reimburse local law enforcement entities for additional police presence in and around such housing developments; to provide or augment such security services by other entities or employees of the recipient agency; to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments; and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: *Provided*, That such grants shall be made on a competitive basis as specified in section 102 of the HUD Reform Act."

BRADLEY (AND OTHERS) AMENDMENT NO. 5192

Mr. BRADLEY (for himself, Mrs. Kassebaum, Mr. Frist, Mr. Rockefeller, Mrs. Boxer, Ms. Mikulski, Mr. Sarbanes, Mrs. Murray, Mr. DeWine, Mr. Reid, Mr. Pell, Mr. Kennedy, Mr. Simon, Mr. Wellstone, Ms. Moseley-Braun, Mr. Bryan, Mr. Ford, Mr. Lautenberg, Mr. Inouye, Mr. Campbell, Mr. Kerrey, Mr. McConnell, Mr. Levin, Mr. Helms, Mr. Grassley, Mr. Domenici, Mr. Kerry, Ms. Snowe, Mr. Simpson, Mr. Leahy, Mr. Glenn, Mr. Robb, Mr. Stevens, Mrs. Feinstein, Mr. Biden, Mr. Grams, Mr. D'Amato, Mr. Hollings, Mrs. Hutchison, Mr. Kohl, Mr. Graham, Mr. Warner, Mr. Moynihan, Mr. Dodd, Mr. Breaux, Mr. Pressler, Mr. Specter, Mr. Cohen, Mr. Inhofe, Mr. Baucus, Mr. Dorgan, and Mr. Wyden) proposed an amendment to the bill, H.R. 3666, supra; as follows:

At the appropriate place, add the following:

TITLE ___—NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

SEC. ___1. SHORT TITLE.

This title may be cited as the "Newborns' and Mothers' Health Protection Act of 1996".

SEC. ___2. FINDINGS.

Congress finds that—

(1) the length of post-delivery inpatient care should be based on the unique characteristics of each mother and her newborn child, taking into consideration the health of the mother, the health and stability of the newborn, the ability and confidence of the mother and father to care for the newborn, the adequacy of support systems at home, and the access of the mother and newborn to appropriate follow-up health care; and

(2) the timing of the discharge of a mother and her newborn child from the hospital should be made by the attending provider in consultation with the mother.

SEC. ___3. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOLLOWING BIRTH.

(a) In General.—Except as provided in subsection (b), a health plan or an employee health benefit plan that provides maternity benefits, including benefits for childbirth, shall ensure that coverage is provided with respect to a mother who is a participant, beneficiary, or policyholder under such plan and her newborn child for a minimum of 48 hours of inpatient length of stay following a normal vaginal delivery, and a minimum of 96 hours of inpatient length of stay following a caesarean section, without requiring the attending provider to obtain authorization from the health plan or employee health benefit plan.

(b) Exception.—Notwithstanding subsection (a), a health plan or an employee health benefit plan shall not be required to provide coverage for post-delivery inpatient length of stay for a mother who is a participant, beneficiary, or policyholder under such plan and her newborn child for the period referred to in subsection (a) if—

(1) a decision to discharge the mother and her newborn child prior to the expiration of such period is made by the attending provider in consultation with the mother; and

(2) the health plan or employee health benefit plan provides coverage for post-delivery follow-up care as described in section ___4.

SEC. ___4. POST-DELIVERY FOLLOW-UP CARE.

(a) In General.—

(1) General rule.—In the case of a decision to discharge a mother and her newborn child from the inpatient setting prior to the expiration of 48 hours following a normal vaginal delivery or 96 hours following a caesarean section, the health plan or employee health benefit plan shall provide coverage for timely post-delivery care. Such health care shall be provided to a mother and her newborn child by a registered nurse, physician, nurse practitioner, nurse midwife or physician assistant experienced in maternal and child health in—

(A) the home, a provider's office, a hospital, a birthing center, an intermediate care facility, a federally qualified health center, a federally qualified rural health clinic, or a State health department maternity clinic; or

(B) another setting determined appropriate under regulations promulgated by the Secretary, in consultation with the Secretary of Health and Human Services;

except that such coverage shall ensure that the mother has the option to be provided with such care in the home. The attending provider in consultation with the mother shall decide the most appropriate location for follow-up care.

(2) Considerations by Secretary.—In promulgating regulations under paragraph (1)(B), the Secretary shall consider telemedicine and other innovative means to provide follow-up care and shall consider care in both urban and rural settings.

(b) Timely Care.—As used in subsection (a), the term "timely post-delivery care" means health care that is provided—

(1) following the discharge of a mother and her newborn child from the inpatient setting; and

(2) in a manner that meets the health care needs of the mother and her newborn child, that provides for the appropriate monitoring of the conditions of the mother and child, and that occurs not later than the 72-hour period immediately following discharge.

(c) CONSISTENCY WITH STATE LAW.—The Secretary shall, with respect to regulations promulgated under subsection (a) concerning appropriate post-delivery care settings, ensure that, to the extent practicable, such regulations are consistent with State licensing and practice laws.

SEC. ___5. PROHIBITIONS.

In implementing the requirements of this title, a health plan or an employee health benefit plan may not—

(1) deny enrollment, renewal, or continued coverage to a mother and her newborn child who are participants, beneficiaries or policyholders based on compliance with this title;

(2) provide monetary payments or rebates to mothers to encourage such mothers to request less than the minimum coverage required under this title;

(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided treatment in accordance with this title; or

(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide treatment to an individual policyholder, participant, or beneficiary in a manner inconsistent with this title.

SEC. ___6. NOTICE.

(a) EMPLOYEE HEALTH BENEFIT PLAN.—An employee health benefit plan shall provide conspicuous notice to each participant regarding coverage required under this Act not later than 120 days after the date of enactment of this title, and as part of its summary plan description.

(b) HEALTH PLAN.—A health plan shall provide notice to each policyholder regarding coverage required under this title. Such notice shall be in writing, prominently positioned, and be transmitted—

(1) in a mailing made within 120 days of the date of enactment of this title by such plan to the policyholder; and

(2) as part of the annual informational packet sent to the policyholder.

SEC. ___7. APPLICABILITY.

(a) CONSTRUCTION.—

(1) IN GENERAL.—A requirement or standard imposed under this title on a health plan shall be deemed to be a requirement or standard imposed on the health plan issuer. Such requirements or standards shall be enforced by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this title. In the case of a health plan offered by a health plan issuer in connection with an employee health benefit plan, the requirements or standards imposed under this title shall be enforced with respect to the health plan issuer by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this title.

(2) LIMITATION.—Except as provided in section ___8(c), the Secretary shall not enforce the requirements or standards of this title as they relate to health plan issuers or health plans. In no case shall a State enforce the requirements or standards of this title as they relate to employee health benefit plans.

(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

(c) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to require that a mother who is a participant, beneficiary, or policyholder covered under this title—

(1) give birth in a hospital; or

(2) stay in the hospital for a fixed period of time following the birth of her child.

SEC. ___8. ENFORCEMENT.

(a) HEALTH PLAN ISSUERS.—Each State shall require that each health plan issued, sold, renewed, offered for sale or operated in such State by a health plan issuer meet the standards established under this title. A State shall submit such information as required by the Secretary demonstrating effective implementation of the requirements of this title.

(b) EMPLOYEE HEALTH BENEFIT PLANS.—With respect to employee health benefit plans, the standards established under this title shall be enforced in the same manner as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c)(1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(c) FAILURE TO ENFORCE.—In the case of the failure of a State to substantially enforce the standards and requirements set forth in this title with respect to health plans, the Secretary, in consultation with the Secretary of Health and Human Services, shall enforce the standards of this title in such State. In the case of a State that fails to substantially enforce the standards set forth in this title, each health plan issuer operating in such State shall be subject to civil enforcement as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c)(1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Health and Human Services, may promulgate such regulations as may be necessary or appropriate to carry out this title.

SEC. ___9. DEFINITIONS.

As used in this title:

(1) ATTENDING PROVIDER.—The term "attending provider" shall include—

(A) the obstetrician-gynecologists, pediatricians, family physicians, and other physicians primarily responsible for the care of a mother and newborn; and

(B) the nurse midwives and nurse practitioners primarily responsible for the care of a mother and her newborn child in accordance with State licensure and certification laws.

(2) BENEFICIARY.—The term "beneficiary" has the meaning given such term under section 3(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(8)).

(3) EMPLOYEE HEALTH BENEFIT PLAN.—

(A) IN GENERAL.—The term "employee health benefit plan" means any employee welfare benefit plan, governmental plan, or church plan (as defined under paragraphs (1), (32), and (33) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002 (1), (32), and (33))) that provides or pays for health benefits (such as provider and hospital benefits) for participants and beneficiaries whether—

(i) directly;

(ii) through a health plan offered by a health plan issuer as defined in paragraph (4); or

(iii) otherwise.

(B) RULE OF CONSTRUCTION.—An employee health benefit plan shall not be construed to be a health plan or a health plan issuer.

(C) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(4) GROUP PURCHASER.—The term "group purchaser" means any person (as defined under paragraph (9) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(9)) or entity that purchases or pays for health benefits (such as provider or hospital benefits) on behalf of participants or beneficiaries in connection with an employee health benefit plan.

(5) HEALTH PLAN.—

(A) IN GENERAL.—The term "health plan" means any group health plan or individual health plan.

(B) GROUP HEALTH PLAN.—The term "group health plan" means any contract, policy, certificate or other arrangement offered by a health plan issuer to a group purchaser that provides or pays for health benefits (such as provider and hospital benefits) in connection with an employee health benefit plan.

(C) INDIVIDUAL HEALTH PLAN.—The term "individual health plan" means any contract, policy, certificate or other arrangement offered to individuals by a health plan issuer that provides or pays for health benefits (such as provider and hospital benefits) and that is not a group health plan.

(D) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(E) CERTAIN PLANS INCLUDED.—Such term includes any plan or arrangement not described in any clause of subparagraph (D) which provides for benefit payments, on a periodic basis, for—

(i) a specified disease or illness, or

(ii) a period of hospitalization,

without regard to the costs incurred or services rendered during the period to which the payments relate.

(6) HEALTH PLAN ISSUER.—The term "health plan issuer" means any entity that is licensed (prior to or after the date of enactment of this title) by a State to offer a health plan.

(7) PARTICIPANT.—The term "participant" has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7)).

(8) SECRETARY.—The term "Secretary" unless otherwise specified means the Secretary of Labor.

SEC. ___10. PREEMPTION.

(a) IN GENERAL.—The provisions of sections ___3, ___5, and ___6 relating to inpatient care shall not preempt a State law or regulation—

(1) that provides greater protections to patients or policyholders than those required in this title;

(2) that requires health plans to provide coverage for at least 48 hours of inpatient length of stay following a normal vaginal delivery, and at least 96 hours of inpatient length of stay following a caesarean section;

(3) that requires health plans to provide coverage for maternity and pediatric care in accordance with guidelines established by the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, or other established professional medical associations; or

(4) that leaves decisions regarding appropriate length of stay entirely to the attending provider, in consultation with the mother.

(b) FOLLOW-UP CARE.—The provisions of section ___4 relating to follow-up care shall not preempt those provisions of State law or regulation that provide comparable or greater protection to patients or policyholders than those required under this title or that provide mothers and newborns with an option of timely post delivery follow-up care (as defined in section ___4(b)) in the home.

(c) EMPLOYEE HEALTH BENEFIT PLANS.—Nothing in this section affects the application of this title to employee health benefit plans, as defined in section ___9(3).

SEC. ___11. REPORTS TO CONGRESS CONCERNING CHILDBIRTH.

(a) FINDINGS.—Congress finds that—

(1) childbirth is one part of a continuum of experience that includes prepregnancy, pregnancy and prenatal care, labor and delivery, the immediate postpartum period, and a longer period of adjustment for the newborn, the mother, and the family;

(2) health care practices across this continuum are changing in response to health care financing and delivery system changes, science and clinical research, and patient preferences; and

(3) there is a need to—

(A) examine the issues and consequences associated with the length of hospital stays following childbirth;

(B) examine the follow-up practices for mothers and newborns used in conjunction with shorter hospital stays;

(C) identify appropriate health care practices and procedures with regard to the hospital discharge of newborns and mothers;

(D) examine the extent to which such care is affected by family and environmental factors; and

(E) examine the content of care during hospital stays following childbirth.

(b) ADVISORY PANEL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this title, the Secretary of Health and Human Services shall establish an advisory panel (hereafter referred to in this section as the "advisory panel") to—

(A) guide and review methods, procedures, and data collection necessary to conduct the study described in subsection (c) that is intended to enhance the quality, safety, and effectiveness of health care services provided to mothers and newborns;

(B) develop a consensus among the members of the advisory panel regarding the appropriateness of the specific requirements of this title; and

(C) prepare and submit to the Secretary of Health and Human Services, as part of the report of the Secretary submitted under subsection (d), a report summarizing the consensus developed under subparagraph (B) if any, including the reasons for not reaching such a consensus.

(2) PARTICIPATION.—

(A) DEPARTMENT REPRESENTATIVES.—The Secretary of Health and Human Services shall ensure that representatives from within the Department of Health and Human Services that have expertise in the area of maternal and child health or in outcomes research are appointed to the advisory panel established under paragraph (1).

(B) REPRESENTATIVES OF PUBLIC AND PRIVATE SECTOR ENTITIES.—

(i) IN GENERAL.—The Secretary of Health and Human Services shall ensure that members of the advisory panel include representatives of public and private sector entities having knowledge or experience in one or more of the following areas:

(I) Patient care.

(II) Patient education.

(III) Quality assurance.

(IV) Outcomes research.

(V) Consumer issues.

(ii) REQUIREMENT.—The panel shall include representatives from each of the following categories:

(I) Health care practitioners.

(II) Health plans.

(III) Hospitals.

(IV) Employers.

(V) States.

(VI) Consumers.

(c) STUDIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of—

(A) the factors affecting the continuum of care with respect to maternal and child health care, including outcomes following childbirth;

(B) the factors determining the length of hospital stay following childbirth;

(C) the diversity of negative or positive outcomes affecting mothers, infants, and families;

(D) the manner in which post natal care has changed over time and the manner in which that care has adapted or related to changes in the length of hospital stay, taking into account—

(i) the types of post natal care available and the extent to which such care is accessed; and

(ii) the challenges associated with providing post natal care to all populations, including vulnerable populations, and solutions for overcoming these challenges; and

(E) the financial incentives that may—

(i) impact the health of newborns and mothers; and

(ii) influence the clinical decisionmaking of health care providers.

(2) RESOURCES.—The Secretary of Health and Human Services shall provide to the advisory panel the resources necessary to carry out the duties of the advisory panel.

(d) REPORTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that contains—

(A) a summary of the study conducted under subsection (c);

(B) a summary of the best practices used in the public and private sectors for the care of newborns and mothers;

(C) recommendations for improvements in prenatal care, post natal care, delivery and follow-up care, and whether the implementation of such improvements should be accomplished by the private health care sector, Federal or State governments, or any combination thereof; and

(D) limitations on the databases in existence on the date of enactment of this title.

(2) SUBMISSION OF REPORTS.—The Secretary of Health and Human Services shall prepare and submit to the Committees referred to in paragraph (1)—

(A) an initial report concerning the study conducted under subsection (c) and the report required under subsection (d), not later than 18 months after the date of enactment of this title;

(B) an interim report concerning such study and report not later than 3 years after the date of enactment of this title; and

(C) a final report concerning such study and report not later than 5 years after the date of enactment of this title.

(e) TERMINATION OF PANEL.—The advisory panel shall terminate on the date that occurs 60 days after the date on which the last report is submitted under this section.

SEC. ___12. SALE OF GOVERNORS ISLAND, NEW YORK.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall dispose of by sale at fair market value all rights, title, and interests of the United States in and to the land of, and improvements to, Governors Island, New York.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other parties, the State of New York and the city of New York shall be given the right of first refusal to purchase all or part of Governors Island. Such right may be exercised by either the State of New York or the city of New York or by both parties acting jointly.

(c) PROCEEDS.—Proceeds from the disposal of Governors Island under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

SEC. ___13. SALE OF AIR RIGHTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of

General Services shall sell, at fair market value and in a manner to be determined by the Administrator, the air rights adjacent to Washington Union Station described in subsection (b), including air rights conveyed to the Administrator under subsection (d). The Administrator shall complete the sale by such date as is necessary to ensure that the proceeds from the sale will be deposited in accordance with subsection (c).

(b) Description.—The air rights referred to in subsection (a) total approximately 16.5 acres and are depicted on the plat map of the District of Columbia as follows:

(1) Part of lot 172, square 720.

(2) Part of lots 172 and 823, square 720.

(3) Part of lot 811, square 717.

(c) Proceeds.—Before September 30, 1997, proceeds from the sale of air rights under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

(d) Conveyance of Amtrak Air Rights.—

(1) General rule.—As a condition of future Federal financial assistance, Amtrak shall convey to the Administrator of General Services on or before December 31, 1996, at no charge, all of the air rights of Amtrak described in subsection (b).

(2) Failure to comply.—If Amtrak does not meet the condition established by paragraph (1), Amtrak shall be prohibited from obligating Federal funds after March 1, 1997.

SEC. ___14. EFFECTIVE DATE.

Except as otherwise provided for in this title, the provisions of this title shall apply as follows:

(1) With respect to health plans, such provisions shall apply to such plans on the first day of the contract year beginning on or after January 1, 1998.

(2) With respect to employee health benefit plans, such provisions shall apply to such plans on the first day of the first plan year beginning on or after January 1, 1998.

FRIST AMENDMENT NO. 5193

Mr. FRIST proposed an amendment to amendment No. 5192 proposed by Mr. Bradley to the bill, H.R. 3666, supra; as follows:

Strike all after the first word of the amendment and insert the following:

___—NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

SEC. ___1. SHORT TITLE.

This title may be cited as the "Newborns' and Mothers' Health Protection Act of 1996".

SEC. ___2. FINDINGS.

Congress finds that—

(1) the length of post-delivery inpatient care should be based on the unique characteristics of each mother and her newborn child, taking into consideration the health of the mother, the health and stability of the newborn, the ability and confidence of the mother and father to care for the newborn, the adequacy of support systems at home, and the access of the mother and newborn to appropriate follow-up health care; and

(2) the timing of the discharge of a mother and her newborn child from the hospital should be made by the attending provider in consultation with the mother.

SEC. ___3. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOLLOWING BIRTH.

(a) In General.—Except as provided in subsection (b), a health plan or an employee health benefit plan that provides maternity benefits, including benefits for childbirth, shall ensure that coverage is provided with respect to a mother who is a participant, beneficiary, or policyholder under such plan and her newborn child for a minimum of 48 hours of inpatient length of stay following a normal vaginal delivery, and a minimum of 96 hours of inpatient length of stay following a caesarean section, without requiring the attending provider to obtain authorization from the health plan or employee health benefit plan.

(b) Exception.—Notwithstanding subsection (a), a health plan or an employee health benefit plan shall not be required to provide coverage for post-delivery inpatient length of stay for a mother who is a participant, beneficiary, or policyholder under such plan and her newborn child for the period referred to in subsection (a) if—

(1) a decision to discharge the mother and her newborn child prior to the expiration of such period is made by the attending provider in consultation with the mother; and

(2) the health plan or employee health benefit plan provides coverage for post-delivery follow-up care as described in section ___4.

SEC. ___4. POST-DELIVERY FOLLOW-UP CARE.

(a) In General.—

(1) General rule.—In the case of a decision to discharge a mother and her newborn child from the inpatient setting prior to the expiration of 48 hours following a normal vaginal delivery or 96 hours following a caesarean section, the health plan or employee health benefit plan shall provide coverage for timely post-delivery care. Such health care shall be provided to a mother and her newborn child by a registered nurse, physician, nurse practitioner, nurse midwife or physician assistant experienced in maternal and child health in—

(A) the home, a provider's office, a hospital, a birthing center, an intermediate care facility, a federally qualified health center, a federally qualified rural health clinic, or a State health department maternity clinic; or

(B) another setting determined appropriate under regulations promulgated by the Secretary, in consultation with the Secretary of Health and Human Services.

The attending provider in consultation with the mother shall decide the most appropriate location for follow-up care.

(2) Considerations by Secretary.—In promulgating regulations under paragraph (1)(B), the Secretary shall consider telemedicine and other innovative means to provide follow-up care and shall consider care in both urban and rural settings.

(b) Timely Care.—As used in subsection (a), the term "timely post-delivery care" means health care that is provided—

(1) following the discharge of a mother and her newborn child from the inpatient setting; and

(2) in a manner that meets the health care needs of the mother and her newborn child, that provides for the appropriate monitoring of the conditions of the mother and child, and that occurs not later than the 72-hour period immediately following discharge.

(c) Consistency With State Law.—The Secretary shall, with respect to regulations promulgated under subsection (a) concerning appropriate post-delivery care settings, ensure that, to the extent practicable, such regulations are consistent with State licensing and practice laws.

SEC. ___5. PROHIBITIONS.

In implementing the requirements of this title, a health plan or an employee health benefit plan may not—

(1) deny enrollment, renewal, or continued coverage to a mother and her newborn child who are participants, beneficiaries or policyholders based on compliance with this title;

(2) provide monetary payments or rebates to mothers to encourage such mothers to request less than the minimum coverage required under this title;

(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided treatment to an individual patient in accordance with this title; or

(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide treatment to an individual policyholder, participant, or beneficiary in a manner inconsistent with this title.

SEC. ___6. NOTICE.

(a) Employee Health Benefit Plan.—An employee health benefit plan shall provide conspicuous notice to each participant regarding coverage required under this Act not later than 120 days after the date of enactment of this title, and as part of its summary plan description.

(b) Health Plan.—A health plan shall provide notice to each policyholder regarding coverage required under this title. Such notice shall be in writing, prominently positioned, and be transmitted—

(1) in a mailing made within 120 days of the date of enactment of this title by such plan to the policyholder; and

(2) as part of the annual informational packet sent to the policyholder.

SEC. ___7. APPLICABILITY.

(a) Construction.—

(1) In general.—A requirement or standard imposed under this title on a health plan shall be deemed to be a requirement or standard imposed on the health plan issuer. Such requirements or standards shall be enforced by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this title. In the case of a health plan offered by a health plan issuer in connection with an employee health benefit plan, the requirements or standards imposed under this title shall be enforced with respect to the health plan issuer by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this title.

(2) Limitation.—Except as provided in section ___8(c), the Secretary shall not enforce the requirements or standards of this title as they relate to health plan issuers or health plans. In no case shall a State enforce the requirements or standards of this title as they relate to employee health benefit plans.

(b) ERISA.—Nothing in this title shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

(c) Effect on Mother.—Nothing in this title shall be construed to require that a mother who is a participant, beneficiary, or policyholder covered under this title—

(1) give birth in a hospital; or

(2) stay in the hospital for a fixed period of time following the birth of her child.

(d) Level and Type of Reimbursements.—Nothing in this title shall be construed to prevent a health plan or an employee health benefit plan from negotiating the level and type of reimbursement with an attending provider for care provided in accordance with this title.

SEC. ___8. ENFORCEMENT.

(a) Health Plan Issuers.—Each State shall require that each health plan issued, sold, renewed, offered for sale or operated in such State by a health plan issuer meet the standards established under this title. A

State shall submit such information as required by the Secretary demonstrating effective implementation of the requirements of this title.

(b) EMPLOYEE HEALTH BENEFIT PLANS.—With respect to employee health benefit plans, the standards established under this title shall be enforced in the same manner as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c)(1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(c) FAILURE TO ENFORCE.—In the case of the failure of a State to substantially enforce the standards and requirements set forth in this title with respect to health plans, the Secretary, in consultation with the Secretary of Health and Human Services, shall enforce the standards of this title in such State. In the case of a State that fails to substantially enforce the standards set forth in this title, each health plan issuer operating in such State shall be subject to civil enforcement as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c)(1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Health and Human Services, may promulgate such regulations as may be necessary or appropriate to carry out this title.

SEC. ___9. DEFINITIONS.

As used in this title:

(1) ATTENDING PROVIDER.—The term "attending provider" shall include—

(A) the obstetrician-gynecologists, pediatricians, family physicians, and other physicians primarily responsible for the care of a mother and newborn; and

(B) the nurse midwives and nurse practitioners primarily responsible for the care of a mother and her newborn child in accordance with State licensure and certification laws.

(2) BENEFICIARY.—The term "beneficiary" has the meaning given such term under section 3(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(8)).

(3) EMPLOYEE HEALTH BENEFIT PLAN.—

(A) IN GENERAL.—The term "employee health benefit plan" means any employee welfare benefit plan, governmental plan, or church plan (as defined under paragraphs (1), (32), and (33) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002 (1), (32), and (33))) that provides or pays for health benefits (such as provider and hospital benefits) for participants and beneficiaries whether—

(i) directly;

(ii) through a health plan offered by a health plan issuer as defined in paragraph (4); or

(iii) otherwise.

(B) RULE OF CONSTRUCTION.—An employee health benefit plan shall not be construed to be a health plan or a health plan issuer.

(C) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(4) GROUP PURCHASER.—The term "group purchaser" means any person (as defined under paragraph (9) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(9)) or entity that purchases or pays for health benefits (such as provider or hospital benefits) on behalf of participants or beneficiaries in connection with an employee health benefit plan.

(5) HEALTH PLAN.—

(A) IN GENERAL.—The term "health plan" means any group health plan or individual health plan.

(B) GROUP HEALTH PLAN.—The term "group health plan" means any contract, policy, certificate or other arrangement offered by a health plan issuer to a group purchaser that provides or pays for health benefits (such as provider and hospital benefits) in connection with an employee health benefit plan.

(C) INDIVIDUAL HEALTH PLAN.—The term "individual health plan" means any contract, policy, certificate or other arrangement offered to individuals by a health plan issuer that provides or pays for health benefits (such as provider and hospital benefits) and that is not a group health plan.

(D) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(E) CERTAIN PLANS INCLUDED.—Such term includes any plan or arrangement not described in any clause of subparagraph (D) which provides for benefit payments, on a periodic basis, for—

(i) a specified disease or illness, or

(ii) a period of hospitalization,

without regard to the costs incurred or services rendered during the period to which the payments relate.

(6) HEALTH PLAN ISSUER.—The term "health plan issuer" means any entity that is licensed (prior to or after the date of enactment of this title) by a State to offer a health plan.

(7) PARTICIPANT.—The term "participant" has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7)).

(8) SECRETARY.—The term "Secretary" unless otherwise specified means the Secretary of Labor.

SEC. ___10. PREEMPTION.

(a) IN GENERAL.—The provisions of sections ___3, ___5, and ___6 relating to inpatient care shall not preempt a State law or regulation—

(1) that provides greater protections to patients or policyholders than those required in this title;

(2) that requires health plans to provide coverage for at least 48 hours of inpatient length of stay following a normal vaginal delivery, and at least 96 hours of inpatient length of stay following a caesarean section;

(3) that requires health plans to provide coverage for maternity and pediatric care in accordance with guidelines established by the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, or other established professional medical associations; or

(4) that leaves decisions regarding appropriate length of stay entirely to the attending provider, in consultation with the mother.

(b) FOLLOW-UP CARE.—The provisions of section ___4 relating to follow-up care shall not preempt those provisions of State law or regulation that provide comparable or greater protection to patients or policyholders than those required under this title or that provide mothers and newborns with an option of timely post delivery follow-up care (as defined in section ___4(b)) in the home.

(c) EMPLOYEE HEALTH BENEFIT PLANS.—Nothing in this section affects the application of this title to employee health benefit plans, as defined in section ___9(3).

SEC. ___11. REPORTS TO CONGRESS CONCERNING CHILDBIRTH.

(a) FINDINGS.—Congress finds that—

(1) childbirth is one part of a continuum of experience that includes prepregnancy, pregnancy and prenatal care, labor and delivery, the immediate postpartum period, and a longer period of adjustment for the newborn, the mother, and the family;

(2) health care practices across this continuum are changing in response to health care financing and delivery system changes, science and clinical research, and patient preferences; and

(3) there is a need to—

(A) examine the issues and consequences associated with the length of hospital stays following childbirth;

(B) examine the follow-up practices for mothers and newborns used in conjunction with shorter hospital stays;

(C) identify appropriate health care practices and procedures with regard to the hospital discharge of newborns and mothers;

(D) examine the extent to which such care is affected by family and environmental factors; and

(E) examine the content of care during hospital stays following childbirth.

(b) ADVISORY PANEL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this title, the Secretary of Health and Human Services shall establish an advisory panel (hereafter referred to in this section as the "advisory panel") to—

(A) guide and review methods, procedures, and data collection necessary to conduct the study described in subsection (c) that is intended to enhance the quality, safety, and effectiveness of health care services provided to mothers and newborns;

(B) develop a consensus among the members of the advisory panel regarding the appropriateness of the specific requirements of this title; and

(C) prepare and submit to the Secretary of Health and Human Services, as part of the report of the Secretary submitted under subsection (d), a report summarizing the consensus developed under subparagraph (B) if any, including the reasons for not reaching such a consensus.

(2) PARTICIPATION.—

(A) DEPARTMENT REPRESENTATIVES.—The Secretary of Health and Human Services shall ensure that representatives from within the Department of Health and Human Services that have expertise in the area of maternal and child health or in outcomes research are appointed to the advisory panel established under paragraph (1).

(B) REPRESENTATIVES OF PUBLIC AND PRIVATE SECTOR ENTITIES.—

(i) IN GENERAL.—The Secretary of Health and Human Services shall ensure that members of the advisory panel include representatives of public and private sector entities having knowledge or experience in one or more of the following areas:

(I) Patient care.

(II) Patient education.

(III) Quality assurance.

(IV) Outcomes research.

(V) Consumer issues.

(ii) REQUIREMENT.—The panel shall include representatives from each of the following categories:

(I) Health care practitioners.

(II) Health plans.

(III) Hospitals.

(IV) Employers.

(V) States.

(VI) Consumers.

(c) STUDIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of—

(A) the factors affecting the continuum of care with respect to maternal and child health care, including outcomes following childbirth;

(B) the factors determining the length of hospital stay following childbirth;

(C) the diversity of negative or positive outcomes affecting mothers, infants, and families;

(D) the manner in which post natal care has changed over time and the manner in which that care has adapted or related to changes in the length of hospital stay, taking into account—

(i) the types of post natal care available and the extent to which such care is accessed; and

(ii) the challenges associated with providing post natal care to all populations, including vulnerable populations, and solutions for overcoming these challenges; and

(E) the financial incentives that may—

(i) impact the health of newborns and mothers; and

(ii) influence the clinical decisionmaking of health care providers.

(2) RESOURCES.—The Secretary of Health and Human Services shall provide to the advisory panel the resources necessary to carry out the duties of the advisory panel.

(d) REPORTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that contains—

(A) a summary of the study conducted under subsection (c);

(B) a summary of the best practices used in the public and private sectors for the care of newborns and mothers;

(C) recommendations for improvements in prenatal care, post natal care, delivery and follow-up care, and whether the implementation of such improvements should be accomplished by the private health care sector, Federal or State governments, or any combination thereof; and

(D) limitations on the databases in existence on the date of enactment of this title.

(2) SUBMISSION OF REPORTS.—The Secretary of Health and Human Services shall prepare and submit to the Committees referred to in paragraph (1)—

(A) an initial report concerning the study conducted under subsection (c) and the report required under subsection (d), not later than 18 months after the date of enactment of this title;

(B) an interim report concerning such study and report not later than 3 years after the date of enactment of this title; and

(C) a final report concerning such study and report not later than 5 years after the date of enactment of this title.

(e) TERMINATION OF PANEL.—The advisory panel shall terminate on the date that occurs 60 days after the date on which the last report is submitted under this section.

SEC. ___12. SALE OF GOVERNORS ISLAND, NEW YORK.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall dispose of by sale at fair market value all rights, title, and interests of the United States in and to the land of, and improvements to, Governors Island, New York.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other parties, the State of New York and the city of New York shall be given the right of first refusal to purchase all or part of Governors Island. Such right may be exercised by either the State of New York or the city of New York or by both parties acting jointly.

(c) PROCEEDS.—Proceeds from the disposal of Governors Island under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

SEC. ___13. SALE OF AIR RIGHTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall sell, at fair market value and in a manner to be determined by the Administrator, the air rights adjacent to Washington Union Station described in subsection (b), including air rights conveyed to the Administrator under subsection (d). The Administrator shall complete the sale by such date as is necessary to ensure that the proceeds from the sale will be deposited in accordance with subsection (c).

(b) DESCRIPTION.—The air rights referred to in subsection (a) total approximately 16.5 acres and are depicted on the plat map of the District of Columbia as follows:

(1) Part of lot 172, square 720.

(2) Part of lots 172 and 823, square 720.

(3) Part of lot 811, square 717.

(c) PROCEEDS.—Before September 30, 1997, proceeds from the sale of air rights under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

(d) CONVEYANCE OF AMTRAK AIR RIGHTS.—

(1) GENERAL RULE.—As a condition of future Federal financial assistance, Amtrak shall convey to the Administrator of General Services on or before December 31, 1996, at no charge, all of the air rights of Amtrak described in subsection (b).

(2) FAILURE TO COMPLY.—If Amtrak does not meet the condition established by paragraph (1), Amtrak shall be prohibited from obligating Federal funds after March 1, 1997.

SEC. ___14. EFFECTIVE DATE.

Except as otherwise provided for in this title, the provisions of this title shall apply as follows:

(1) With respect to health plans, such provisions shall apply to such plans on the first day of the contract year beginning on or after January 1, 1998.

(2) With respect to employee health benefit plans, such provisions shall apply to such plans on the first day of the first plan year beginning on or after January 1, 1998.

DOMENICI (AND OTHERS) AMENDMENT NO. 5194

Mr. DOMENICI (for himself, Mr. WELLSTONE, Mr. SIMPSON, Mr. CONRAD, and Mr. KENNEDY) proposed an amendment to the bill, H.R. 3666, supra; as follows:

At the appropriate place, insert the following new title:

TITLE ___—MENTAL HEALTH PARITY

SEC. ___01. SHORT TITLE.

This title may be cited as the "Mental Health Parity Act of 1996".

SEC. ___02. PLAN PROTECTIONS FOR INDIVIDUALS WITH A MENTAL ILLNESS.

(a) PERMISSIBLE COVERAGE LIMITS UNDER A GROUP HEALTH PLAN.—

(1) AGGREGATE LIFETIME LIMITS.—

(A) IN GENERAL.—With respect to a group health plan offered by a health insurance issuer, that applies an aggregate lifetime limit to plan payments for medical or surgical services covered under the plan, if such plan also provides a mental health benefit such plan shall—

(i) include plan payments made for mental health services under the plan in such aggregate lifetime limit; or

(ii) establish a separate aggregate lifetime limit applicable to plan payments for mental health services under which the dollar amount of such limit (with respect to mental health services) is equal to or greater than the dollar amount of the aggregate lifetime limit on plan payments for medical or surgical services.

(B) NO LIFETIME LIMIT.—With respect to a group health plan offered by a health insurance issuer, that does not apply an aggregate lifetime limit to plan payments for medical or surgical services covered under the plan, such plan may not apply an aggregate lifetime limit to plan payments for mental health services covered under the plan.

(2) ANNUAL LIMITS.—

(A) IN GENERAL.—With respect to a group health plan offered by a health insurance issuer, that applies an annual limit to plan payments for medical or surgical services covered under the plan, if such plan also provides a mental health benefit such plan shall—

(i) include plan payments made for mental health services under the plan in such annual limit; or

(ii) establish a separate annual limit applicable to plan payments for mental health services under which the dollar amount of such limit (with respect to mental health services) is equal to or greater than the dollar amount of the annual limit on plan payments for medical or surgical services.

(B) NO ANNUAL LIMIT.—With respect to a group health plan offered by a health insurance issuer, that does not apply an annual limit to plan payments for medical or surgical services covered under the plan, such plan may not apply an annual limit to plan payments for mental health services covered under the plan.

(b) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section shall be construed as prohibiting a group health plan offered by a health insurance issuer, from—

(A) utilizing other forms of cost containment not prohibited under subsection (a); or

(B) applying requirements that make distinctions between acute care and chronic care.

(2) NONAPPLICABILITY.—This section shall not apply to—

(A) substance abuse or chemical dependency benefits; or

(B) health benefits or health plans paid for under title XVIII or XIX of the Social Security Act.

(3) STATE LAW.—Nothing in this section shall be construed to preempt any State law that provides for greater parity with respect to mental health benefits than that required under this section.

(c) SMALL EMPLOYER EXEMPTION.—

(1) IN GENERAL.—This section shall not apply to plans maintained by employers that employ less than 26 employees.

(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

(C) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

SEC. ___03. DEFINITIONS.

For purposes of this title:

(1) GROUP HEALTH PLAN.—

(A) IN GENERAL.—The term "group health plan" means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974) to the extent that the plan provides medical care (as defined in paragraph (2)) and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

(B) MEDICAL CARE.—The term "medical care" means amounts paid for—

(i) the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body,

(ii) amounts paid for transportation primarily for and essential to medical care referred to in clause (i), and

(iii) amounts paid for insurance covering medical care referred to in clauses (i) and (ii).

(2) HEALTH INSURANCE COVERAGE.—The term "health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

(3) HEALTH INSURANCE ISSUER.—The term "health insurance issuer" means an insurance company, insurance service, or insurance organization (including a health maintenance organization, as defined in paragraph (4)) which is licensed to engage in the business of insurance in a State and which is subject to State law which regulates insurance (within the meaning of section 514(b)(2) of the Employee Retirement Income Security Act of 1974), and includes a plan sponsor described in section 3(16)(B) of the Employee Retirement Income Security Act of 1974 in the case of a group health plan which is an employee welfare benefit plan (as defined in section 3(1) of such Act). Such term does not include a group health plan.

(4) HEALTH MAINTENANCE ORGANIZATION.—The term "health maintenance organization" means—

(A) a federally qualified health maintenance organization (as defined in section 1301(a) of the Public Health Service Act),

(B) an organization recognized under State law as a health maintenance organization, or

(C) a similar organization regulated under State law for solvency in the same manner and to the same extent as such a health maintenance organization.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

SEC. ___04. SUNSET.

Sections 1 through 3 shall cease to be effective on September 30, 2001.

SEC. ___05. FEDERAL EMPLOYEE HEALTH BENEFIT PROGRAM.

For the Federal Employee Health Benefit Program, sections 1 through 3 will take effect on October 1, 1997.

BROWN AMENDMENT NO. 5195

Mr. BROWN proposed an amendment to amendment No. 5194 proposed by Mr. DOMENICI to the bill, H.R. 3666, supra; as follows:

At the appropriate place in the amendment, insert the following:

Notwithstanding the provisions of this title, consumers shall retain the freedoms to choose a group health plan with coverage limitations of their choice, even if such coverage limitations for mental health services are inconsistent with section 2 of this title.

GRAMM AMENDMENT NO. 5196

Mr. GRAMM proposed an amendment to amendment No. 5194 proposed by Mr. DOMENICI to the bill, H.R. 3666, supra; as follows:

At the appropriate place in the amendment, insert the following:

Notwithstanding the provisions of this title, if the provisions of this title result in a one percent or greater increase in the cost of a group health plan's premiums, the purchaser is exempt from the provisions of this title.

HARKIN (AND OTHERS) AMENDMENT NO. 5197

Mr. HARKIN (for himself, Mr. MOYNIHAN, Mr. SPECTER, and Mr. KERRY) proposed an amendment to the bill, H.R. 3666, supra; as follows:

At the appropriate place, add the following:

SEC. . Without regard to any provision in this bill, no plan for the allocation of health care resources (including personnel and funds) used or implemented by the Department of Veterans Affairs among the health care facilities of the Department shall reduce the funding going to any state for veterans medical care for the fiscal year ending September 30, 1997, below its fiscal year 1996 level of funding if the total funding provided for veterans medical care in fiscal year 1997 exceeds the Fiscal year 1996 funding level.

BINGAMAN (AND OTHERS) AMENDMENT NO. 5198

Mr. BOND (for Mr. BINGAMAN for himself, Mr. MURKOWSKI, and Mr. ROCKEFELLER) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 104, below line 24, add the following:

Sec. 421 (a) REVISION OF NAME OF JAPAN-UNITED STATES FRIENDSHIP COMMISSION.—(1)(A) The first sentence of section 4(a) of the Japan-United States Friendship Act (22 U.S.C. 2903(a)) is amended by striking out "Japan-United States Friendship Commission" and inserting in lieu thereof "United States-Japan Commission".

(B) The section heading of such section is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION"

(2) Subsection (c) of section 3 of that Act (22 U.S.C. 2902) is amended by striking out "Japan-United States Friendship Commission" and inserting in lieu thereof "United States-Japan Commission".

(3) Any reference to the Japan-United States Friendship Commission in any Federal law, Executive order, regulation, delegation of authority, or other document shall be deemed to refer to the United States-Japan Commission.

FEINSTEIN AMENDMENT NO. 5199

Mr. BOND (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 104, below line 24, add the following:

SEC. 421. (a) Subject to the concurrence of the Administrator of the General Services Administration (GSA) and notwithstanding Sec. 707 of Public Law 103-433, the Administrator of the National Aeronautics and Space Administration may convey to the City of Downey, California, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 60 acres and known as Parcels III, IV, V, and VI of the NASA Industrial Plant, Downey, California.

(b)(1) DELAY IN PAYMENT OF CONSIDERATION.—After the end of the 20-year period beginning on the date on which the conveyance under subsection (a) is completed, the City of Downey shall pay to the United States an amount equal to fair market value of the conveyed property, as of the date of the conveyance from NASA.

(2) EFFECT OF RECONVEYANCE BY THE CITY.—If the City of Downey reconveys all or part of the conveyed property during such 20-year period, the city shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the City.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Administrator of NASA shall determine fair market value in accordance with Federal appraisal standards and procedures.

(4) TREATMENT OF LEASES.—The Administrator of NASA may treat a lease of property within such 20-year period as a reconveyance if the Administrator determines that the lease is being used to avoid application of paragraph (b)(2).

(5) DEPOSIT OF PROCEEDS.—The Administrator of NASA shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2).

(c) The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City of Downey, California.

(d) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(e) If the City at any time after the conveyance of the property under subsection (a) notifies the Administrator that the City no longer wishes to retain the property, it may convey the property under the terms of subsection (b), or, it may revert all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed, but excluding the value of any improvements made to the property by the City) to the United States, and the United States shall have the right of immediate entry onto the property.

MCCAIN AMENDMENT NO. 5200

Mr. BOND (for Mr. MCCAIN) proposed an amendment to the bill, H.R. 3666, supra; as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. 2___. MORTGAGE INSURANCE.

(a) None of the funds appropriated under this Act may be used to give final approval to any proposal to provide mortgage insurance having a value in excess of $250 million for any project financing for which may be guaranteed under section 220 of the National Housing Act (12 U.S.C. 1715k), unless the Secretary has transmitted to the President pro tempore of the Senate and the Speaker of the House the Secretary's justification for such guarantee and no final approval shall be given until the justification has laid before the Congress for a period of not less than 30 days.

BOND (AND MIKULSKI) AMENDMENT NO. 5201

Mr. BOND (for himself and Ms. MIKULSKI) proposed an amendment to the bill, H.R. 3666, supra; as follows:

On page 105, after line 2, insert:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and Pensions", $100,000,000, to be made available upon enactment of this Act, to remain available until expended.

PANAMA BASE RIGHTS NEGOTIATION CONCURRENT RESOLUTION

HELMS AMENDMENT NO. 5202

Mr. FRIST (for Mr. HELMS) proposed an amendment to the concurrent resolution (S.Con.Res. 14) urging the President to negotiate a new base rights agreement with the Government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999; as follows:

Beginning on page 3, line 3, strike all through the period on page 4, line 3, and insert the following:

"(1) The President should negotiate a new base rights agreement with the Government of Panama—

"(A) Taking into account the foregoing findings; and

"(B) consulting with the Congress regarding any bilateral negotiations that take place."

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing chaired by Senator FRIST entitled "The Impact of Union Salting Campaigns on Small Businesses." The hearing will be held on Tuesday, September 17, 1996, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

For further information please contact Melissa Bailey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session at 5 p.m. on Thursday, September 5, 1996, to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 5, 1996, at 9:30 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 5, 1996, at 10:30 and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 5, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 931, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; S. 1564, to amend the Small Reclamation Projects Act of 1956 to authorize the Secretary of the Interior to provide loan guarantee for water supply, conservation, quality, and transmission projects, and for other purposes; S. 1565, to amend the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects; S. 1649, to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes; S. 1719, to require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes; S. 1921, to authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District; and S. 1986, the "Umatilla River Basin Project Completion Act"; and S. 2015, "To convey certain real property located within the Carlsbad Irrigation District", and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CATHOLIC SOCIAL SERVICES

• Mr. LEVIN. Mr. President, I rise today to honor the 50th Anniversary of the establishment of Catholic Social Services of Wayne County in Detroit, MI.

During its 50 years, Catholic Social Services of Wayne County has provided a range of social services to more than 500,000 people in the Detroit metropolitan community. CSSWC is particularly proud of its work for the community's children. It is recognized as one of the largest private child welfare agencies in the State of Michigan. It currently has nearly 400 children in its Foster Care Program and has placed thousands of children in adoptive homes. CSSWC also sponsors the Nation's oldest Foster Grandparent Program.

I know that my Senate colleagues join me in honoring Catholic Social Services of Wayne County on 50 years of providing outstanding service to the community.•

TRIBUTE TO COL. JAMES D. KNEELAND

• Mr. JEFFORDS. Mr. President, on July 17, I flew home to Vermont to attend a funeral service for a man who passed away far too early. His name was Col. James D. Kneeland, a man in the prime of his life and career as a member of the Vermont National Guard. He will be remembered by all those whose lives he touched as a kind, honorable, and compassionate man. His legacy, a lifetime of extraordinary achievement.

Colonel Kneeland had a distinguished military career that began in 1964. In 1968 he received his commission and continued to rise through the ranks of the Army National Guard and was awarded his final promotion to colonel last September. As a National Guardsman and helicopter pilot, Colonel Kneeland was en route to Macedonia when he died unexpectedly. A tragic loss, not only to his family and friends, but to his country.

As I look through Col. Kneeland's long list of awards and decorations, it strikes me that his service was one marked by excellence. However, there is more to this tribute than to speak simply of his military career. Like many Vermonters, Jim had an abiding love of the outdoors and took pleasure in the simpler things, like chopping wood at his camp in Wolcott, or walking through the woods with family and friends. Many will also remember him as a man with a sense of humor who delighted in playing practical jokes and bringing a smile to those around him. I learned a lot about Jim Kneeland as I sat in Building 890, henceforth known as the Col. James D. Kneeland Aviation Facility, and listened as friends and family remembered and celebrated his life. Appropriately, the backdrop for his casket was the last helicopter he flew in, an OH6A Cayuse, as flying was both his occupation and his passion. Nearly 1,000 people came to pay tribute to Colonel Kneeland, some in uniform, some not, but all in tears. As Command Sgt. Maj. Michael Datillio said, Jim Kneeland was not your average officer. He was," an enlisted man's officer." As a retired Naval Reserve Captain, I know of no greater praise.

Retired Gen. Benjamin Day had served with Jim and knew him for several years, both as a fellow officer and as a friend. General Day spoke of Jim fondly, and I was touched by some of his comments:

> Monuments to Jim will not be found in material form . . . rather, Jim's monuments will be in the less tangible, but more important forms such as the indelible and unhesitating friendship that he so generously and readily gave to us all. His legacy to us are those priceless memories of his dry wit, humor, easy handshake and friendly greeting. . . . With Jim there was no pretense, what you saw was exactly what you got. There was no smoke, no mirrors and no gilding the lilly. A handshake on a deal with Jim was as good as gold and a commitment that would be honored. Regardless of the circumstances it was going to be carried out fully and properly. . . . Jim's dedication to his family, friends, God and country knew no limits."

I was pleased to know that the Vermont National Guard has paid further tribute to Colonel Kneeland by naming their helicopter hanger at the Burlington Airport after him. I was personally touched by the loss of Colonel Kneeland as he was the father of Jason Kneeland, a valued member of my staff. My heartfelt sympathy and condolences go out to Jim's wife, Jeannine, to Jason, and to all of Jim's family. He will be truly missed, and remembered by us all.•

UNITED WAY OF GREATER BATTLE CREEK

• Mr. LEVIN. Mr. President, I rise today to honor the United Way of Greater Battle Creek on the 75th anniversary of its founding. In 1921, the Battle Creek Social Service Bureau was founded to raise money for organizations working to meet the health and social needs of area residents. After 75 years of faithful service to the community, it continues to meet its original goals.

The success of the United Way of Greater Battle Creek lies in the dedicated residents and volunteers who have donated their time and resources to improving the quality of life in the community. Over the past 75 years, the United Way has raised and distributed over $75 million in its efforts to help those less fortunate. Over that period, the programs it supports have touched the lives of one out of every four members of the community.

I know my Senate colleagues join me in honoring the United Way of Greater Battle Creek for the extraordinary work it has done over the past 75 years in helping improve the lives of the people in this terrific American community.•

THE INTERNATIONAL NARCOTICS CONTROL ACT OF 1996

• Mr. D'AMATO. Mr. President, I rise in support of a bill, the International Narcotics Control Act of 1996, that was introduced yesterday. S. 2053 is a long overdue bill and I commend my colleague from Iowa for his work on this important legislation. Since 1986, we have had on a law requiring the President to certify that foreign countries are cooperating in the United States efforts to stop the flow of drugs into our borders. This law has not been revised for 10 years so it is critical that these important changes are made to ensure an effective antinarcotics effort.

The Foreign Assistance Act mandates that the President deliver to Congress a list of countries that have been fully cooperating with the United States to stop international drug trafficking as well as those that have failed to cooperate by the 1st of March of each year. The Department of State details the decision in the International Narcotics Control Strategy Report. For those countries that have been decertified, sanctions may be imposed, or a waiver can be given.

But the intent of the original act has been lost. Rather than sanctioning countries that are not cooperating with the United States to halt the flow of illegal drugs, the process has been stifled with other considerations. It is high time for changes to the law.

Timing could not be better. The Substance Abuse and Mental Health Services Administration released the preliminary estimates from the 1995 National Household Survey on Drug Abuse. Let me quote from the initial study,

> The percentage of adolescents (12 to 17 years old) using drugs increased between 1994 and 1995 continuing a trend that began in 1993. In 1992, the rate of past month use among youth age 12 to 17 reached a low of 5.3 percent, the result of a decline from 16.3 percent in 1979. By 1994 the rate had climbed back up to 8.2 percent, and in 1995 it increased again to 10.9 percent.

According to the Community Anti-Drug Coalitions of America,

> overall use of all drugs among this age group rose 78 percent between 1992 and 1995, and 33 percent just between 1994 and 1995. In particular marijuana use among young people is up 105 percent since 1992, and 37 percent between 1994 and 1995. Monthly use of LSD and other hallucinogens is up 183 percent since 1992, and rose 54 percent between 1994 and 1995. Monthly use of cocaine rose 166 percent between 1994 and 1995.

It is clear that the number of teenagers using illicit drugs is rising—and that is unacceptable. After decades of working on reducing drug use, our young people are believing that it is OK to use drugs. The media, and even the administration, are sending signals that a little drug use is OK. It is not. The wrong message has been sent and it is time to change that. Teenagers must learn the harmful, even deadly, effects of illegal drug use.

The availability of illegal drugs must be curtailed. The best way to diminish accessibility is to stop drugs from crossing our borders. This bill would accomplish that goal.

International drug trafficking can only be halted with the full cooperation of a drug-producing or drug-transit country. It is imperative then, that foreign countries assist in the interdiction and prosecution of those responsible. We should expect this from our allies.

The provisions in the International Narcotics Control Act are comprehensive and tough. If a drug-producing or drug-transit country has failed to cooperate with the United States for 3 consecutive years, then sanctions must be applied. Decertification will no longer be a meaningless label to these countries.

The trade sanctions are particularly important to stopping the international drug trade. Trade sanctions will force the foreign country to sit up and take notice. Far too often, traffickers use legitimate commercial trade to smuggle illicit drugs into this country.

In addition, the administration has been less than forthcoming. Additional reporting requirements and notices to Congress will ensure that the American people are receiving prompt and accurate information.

I am pleased to have worked with my colleagues on this measure and urge my colleagues to support this bill's immediate passage. The communities that are fighting the war on drugs—and our children—deserve nothing less.•

COPE-O'BRIEN CENTER'S 25TH ANNIVERSARY

• Mr. LEVIN. Mr. President, I rise to honor a special organization on the 25th anniversary of its founding. This year the COPE-O'Brien Center celebrates 25 years of outstanding service to Washtenaw County and the State of Michigan.

COPE stands for Center for Occupational and Personalized Education. The center works to address the major problems facing today's youth—high dropout rates, illiteracy, unemployment, substance abuse, and teen pregnancy. At a time when domestic spending is being cut, the COPE-O'Brien Center stands out as a successful, cost-effective program.

This innovative center strives to lessen barriers to employment for young men and women by offering skill training and placement into unsubsidized employment or entry into more advanced vocational and educational programs. The center provides daytime counseling, recreation, and alternative educational services for troubled and needy adolescents. Emergency shelters, foster care, and life skill training are also a part of the program. As an alternative to institutional placement, the program saves money by working with families and the juvenile courts to resolve long-term needs of youngsters.

The COPE-O'Brien Youth Center plays a critical role in offering essential educational and counseling services for at-risk youth in Washtenaw County. The center's accomplishments in meeting the multiple needs of youth for over two decades run deep. It is my pleasure to recognize their many valuable services which enhance the lives of our young people.

I know my Senate colleagues join me in congratulating the COPE-O'Brien center on its 25th anniversary of working with our most valuable resource—our youth.•

TRIBUTE TO HUBBARD FARMS ON THEIR 75TH ANNIVERSARY CELEBRATION

• Mr. SMITH. Mr. President, I rise today to pay tribute to Hubbard Farms Inc. in Walpole, NH, for their 75 years of excellence in serving the poultry industry. For years now, Hubbard Farms has become internationally recognized for their research and development into chicken breeding and hatching. Amazingly, each year Hubbard Farms doubles their worldwide demand for chicken products. This annual profit increase is primarily due to their market-driven and customer-focused research. On the occasion of their 75th anniversary celebration, I applaud Austin, Oliver, and Leslie, the three Hubbard brothers, and all the employees at Hubbard Farms for their invaluable contributions to the national and international poultry industry. Having been raised on my grandparent's farm, I have the utmost admiration for the dedication and hard work of farmers and their families.

Few companies in the United States can trace their origins back to the 1700's and Hubbard Farms is one of them. In 1791, Levi Hubbard settled in the newly founded Walpole area and began working with poultry in addition to his general farming enterprise. Hubbard Farms was founded in 1921 when Ira's son, Oliver, graduated from the University of New Hampshire with one of the first majors in poultry and opened the company's doors. Oliver, who is now 96 years old, began the poultry breeding and hatching operations which have made his company so successful in the international poultry industry. In the 1930's, Oliver even helped develop a new chicken breed called the New Hampshire.

As Hubbard Farms began to experience an increase in sales, Oliver's two brothers, Austin and Leslie, joined the family company. During the 1930's and 1940's their breeding and commercial hatchery operations expanded considerably. As the boiler industry began to grow, the Hubbards produced a large volume of Barred Cross chickens in addition to their purebred New Hampshire chicks.

In the 1950's and 1960's, Hubbard Farms built hatcheries and breeding farms in Statesville, NC, and Hot Springs, AR, and opened an international subsidiary in Belgium. The three Hubbard brothers have enjoyed a steady increase in growth over the years that includes an extensive network of franchise distribution for the production, sale, and delivery of Hubbard meat-breeding stock. These franchise operations are in countries all over the world—Brazil, Equador, Mexico, Taiwan, Malaysia, Indonesia, South Africa, India, and China.

Hubbard Farms was acquired in 1974 by Merck & Co., a leading innovator of health products and is still considered an innovator in poultry genetics. Their company objective is to supply an increasing share of the market with broiler parent stock that consistently outperforms all competitors.

Hubbard Farm's 75-year history is marked by distinction and achievement. In 1973, the company received the President's E-Star Award for Excellence in Exporting from the Secretary of Commerce and Secretary of Agriculture in recognition of their outstanding contributions to the increase of U.S. trade abroad. In addition, Hubbard Farms is one of the largest and most highly respected employers in the town of Walpole. Hubbard Farms has consistently supported Walpole and the surrounding areas for 75 exceptional years.

I am proud to join with other New Hampshire residents in congratulating this longstanding poultry leader. Hubbard Farms is a truly distinct company with their commitment to breeding excellence and their extensive record of achievement. I send my very best wishes on the memorable occasion of their 75th anniversary and wish Oliver, Austin, and Leslie continued years of success at Hubbard Farms.•

IRENE M. AUBERLIN

• Mr. LEVIN. Mr. President, I rise today to honor an incredible woman who has reached the age of 100 years. This is a remarkable moment not only for her longevity but also for the wonderful works her long life has produced. This year marks the 100th birthday of Irene Auberlin. You may not have heard her name before, but her vision and work have touched hundreds of thousands of people the world over.

In 1953, Irene Auberlin saw a television show that changed her life and the lives of countless others around the world. That show was about war-torn Korea and the plight of the many children who were left orphans by the war. In order to assist these children, Mrs.

Auberlin began what would later be known as World Medical Relief of Detroit, MI.

World Medical Relief's mission is to provide donated medical supplies for the benefit and relief of indigent persons throughout the world who are unable to pay for medical and dental care. Over the past 43 years, World Medical Relief has provided three quarters of a billion dollars' worth of excess medical items around the world. World Medical Relief has also expanded its mission to include helping senior citizens who need prescription medicine in the Detroit metropolitan area.

It is a pleasure to rise today and honor the 100th birthday of Irene Auberlin, a woman who has done so much to help so many around the world.•

MILWAUKEE'S CAMPAIGN FOR OUR CHILDREN

• Mr. FEINGOLD. Mr. President, I want to take a few moments to applaud the efforts of the city of Milwaukee, Milwaukee County, the school system, independent foundations, and other organizations for launching the Campaign for Our Children-Milwaukee to combat teen pregnancy. The Campaign For Our Children, Inc., is a private, nonprofit corporation that works in a cooperative effort with communities, schools, and State governments. The Campaign for Our Children is built on two important ideas: responsible behavior and creating opportunities for youth. The program additionally emphasizes mentoring for children after school through private organizations and the public school system.

Much credit for this new program belongs to Milwaukee Alderman Michael Murphy who started the groundwork in Milwaukee, then contacted the national office of the Campaign for Our Children, Inc. based in Maryland for additional assistance. Once the preliminary planning commenced, Alderman Murphy worked on securing financial support for the program, as well as, private and public support in the community. I know that he and those who have worked to make this program a reality are very pleased to see it commence.

President Clinton mentioned a similar program during his 1996 State of the Union Address. At that time the President urged Americans to join together to combat teen pregnancy. Mr. President, as a parent of four children I understand the importance of helping young people become responsible young adults and learning to make the right decisions.

The Campaign for Our Children is designed to be a positive force for Milwaukee and its surrounding communities. This program can help provide young residents of Milwaukee with the opportunity to focus on their goals and interests with positive role models. We should use programs such as these with an emphasis on self-reliance and self-responsibility.

I commend Campaign for Our Children-Milwaukee and wish them success for many years to come.•

TRIBUTE TO RUTH YOUNG WATT

• Mr. COHEN. Mr. President, earlier this year the Senate family lost one of its own, Ruth Young Watt, the former chief clerk of the Senate Permanent Subcommittee on Investigations of the Governmental Affairs Committee, who passed away peacefully on June 16, 1996.

Ruth's Senate career spanned 32 years. Beginning as the clerk of the Special Committee to Investigate the National Defense Program for Senator Owen Brewster of Maine, Ruth later became the chief clerk of the Senate Permanent Subcommittee on Investigations of the Government Affairs Committee where she worked for 31 years. Ruth also served as chief clerk of the Senate Select Committee on Improper Activities in Labor-Management Relations from 1957 until 1960.

Ruth gave herself and her time to all who asked. People who turned to Ruth Watt knew they were hard and that she would do her best. As chief clerk she played an integral role in the committee; without her, operations would not have run as smoothly and succinctly as they did under her care.

Ruth was a remarkable woman who dedicated all of her life to public service. I commend her commitment to her country, to her coworkers and to her family.

On behalf of the Senate family, I extend my condolences to Ruth's siblings, Richard Young, Frances Lilly, and Kathryn Woods. Our prayers and our thoughts are with them.•

NATIONAL PHILANTHROPY DAY

• Mr. LEVIN. Mr. President, I rise today to honor National Philanthropy Day which will be observed on November 12, 1996. Each year on this day, the Nation recognizes the outstanding contributions that nonprofit philanthropic organizations make to our communities.

There are presently more than 800,000 philanthropic organizations in the United States, employing approximately 10,000,000 people. These organizations and individuals give their time, talent, and resources to the important causes that can improve our communities. Without their extraordinary efforts, many of our Nation's dreams for a better tomorrow would not come true.

I know my Senate colleagues join me in honoring the organizations and individuals who make so many worthwhile causes in our country successful.•

SENATE QUARTERLY MAIL COSTS

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the third quarter of fiscal year 1996 to be printed in the RECORD. The third quarter of fiscal year 1996 covers the period of April 1, 1996, through June 30, 1996. The official mail allocations are available for frank mail costs, as stipulated in Public Law 104–53, the Legislative Branch Appropriations Act for fiscal year 1996.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/96

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	FY 96 official mail allocation
Abraham	0	0.00000	$0.00	$0.00000	$160,875
Akaka	0	0.00000	0.00	0.00000	48,447
Ashcroft	0	0.00000	0.00	0.00000	109,629
Baucus	39,200	0.04757	9,573.73	0.01162	46,822
Bennett	0	0.00000	0.00	0.00000	56,493
Biden	0	0.00000	0.00	0.00000	44,754
Bingaman	0	0.00000	0.00	0.00000	56,404
Bond	0	0.00000	0.00	0.00000	109,629
Boxer	996	0.00003	307.53	0.00001	433,718
Bradley	0	0.00000	0.00	0.00000	139,706
Breaux	0	0.00000	0.00	0.00000	92,701
Brown	0	0.00000	0.00	0.00000	86,750
Bryan	0	0.00000	0.00	0.00000	56,208
Bumpers	0	0.00000	0.00	0.00000	69,809
Burns	0	0.00000	0.00	0.00000	46,822
Byrd	0	0.00000	0.00	0.00000	59,003
Campbell	0	0.00000	0.00	0.00000	86,750
Chafee	0	0.00000	0.00	0.00000	48,698
Coats	0	0.00000	0.00	0.00000	112,682
Cochran	0	0.00000	0.00	0.00000	69,473
Cohen	0	0.00000	0.00	0.00000	52,134
Conrad	0	0.00000	0.00	0.00000	43,403
Coverdell	0	0.00000	0.00	0.00000	131,465
Craig	1,159	0.00109	954.94	0.00089	49,706
D'Amato	0	0.00000	0.00	0.00000	262,927
Daschle	0	0.00000	0.00	0.00000	44,228
DeWine	800	0.00007	231.54	0.00002	186,314
Dodd	0	0.00000	0.00	0.00000	80,388
Dole	0	0.00000	0.00	0.00000	70,459
Domenici	4,400	0.00278	955.05	0.00060	56,404
Dorgan	4,600	0.00723	854.27	0.00134	43,403
Exon	0	0.00000	0.00	0.00000	57,167
Faircloth	0	0.00000	0.00	0.00000	134,344
Feingold	0	0.00000	0.00	0.00000	102,412
Feinstein	0	0.00000	0.00	0.00000	433,718
Ford	0	0.00000	0.00	0.00000	86,009
Frist	0	0.00000	0.00	0.00000	106,658
Glenn	0	0.00000	0.00	0.00000	186,314
Gorton	97,175	0.01892	21,691.11	0.00422	109,059
Graham	0	0.00000	0.00	0.00000	259,426
Gramm	2,050	0.00012	763.40	0.00004	281,361
Grams	22,218	0.00496	7,237.05	0.00162	96,024
Grassley	0	0.00000	0.00	0.00000	73,403
Gregg	0	0.00000	0.00	0.00000	50,569
Harkin	0	0.00000	0.00	0.00000	73,403
Hatch	0	0.00000	0.00	0.00000	56,493
Hatfield	0	0.00000	0.00	0.00000	78,163
Heflin	0	0.00000	0.00	0.00000	89,144
Helms	0	0.00000	0.00	0.00000	134,344
Hollings	0	0.00000	0.00	0.00000	85,277
Hutchison	0	0.00000	0.00	0.00000	281,361
Inhofe	0	0.00000	0.00	0.00000	82,695
Inouye	0	0.00000	0.00	0.00000	48,447
Jeffords	0	0.00000	0.00	0.00000	42,858
Johnston	0	0.00000	0.00	0.00000	92,701
Kassebaum	0	0.00000	0.00	0.00000	70,459
Kempthorne	0	0.00000	0.00	0.00000	49,706
Kennedy	0	0.00000	0.00	0.00000	117,964
Kerrey	0	0.00000	0.00	0.00000	57,167
Kerry	0	0.00000	0.00	0.00000	117,964
Kohl	0	0.00000	0.00	0.00000	102,412
Kyl	0	0.00000	0.00	0.00000	93,047
Lautenberg	1,133	0.00015	930.82	0.00012	139,706
Leahy	5,066	0.00889	1,019.63	0.00179	42,858
Levin	0	0.00000	0.00	0.00000	160,875
Lieberman	0	0.00000	0.00	0.00000	80,388
Lott	0	0.00000	0.00	0.00000	69,473
Lugar	0	0.00000	0.00	0.00000	112,682
Mack	0	0.00000	0.00	0.00000	259,426
McCain	0	0.00000	0.00	0.00000	93,047
McConnell	0	0.00000	0.00	0.00000	86,009
Mikulski	0	0.00000	0.00	0.00000	101,272
Moseley-Braun	570	0.00005	475.38	0.00004	184,773
Moynihan	4,825	0.00027	1,031.54	0.00006	262,927

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/96—Continued

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	FY 96 official mail allocation
Murkowski	0	0.00000	0.00	0.00000	42,565
Murray	15,300	0.00298	3,233.45	0.00063	109,059
Nickles	0	0.00000	0.00	0.00000	82,695
Nunn	0	0.00000	0.00	0.00000	131,465
Pell	0	0.00000	0.00	0.00000	48,698
Pressler	0	0.00000	0.00	0.00000	44,228
Pryor	0	0.00000	0.00	0.00000	69,809
Reid	0	0.00000	0.00	0.00000	56,208
Robb	0	0.00000	0.00	0.00000	121,897
Rockefeller	0	0.00000	0.00	0.00000	59,003
Roth	0	0.00000	0.00	0.00000	44,754
Santorum	0	0.00000	0.00	0.00000	199,085
Sarbanes	6,250	0.00127	1,329.36	0.00027	101,272
Shelby	0	0.00000	0.00	0.00000	89,144
Simon	1,965	0.00017	523.50	0.00005	184,773
Simpson	0	0.00000	0.00	0.00000	41,633
Smith	2,885	0.00260	2,347.92	0.00211	50,569
Snowe	0	0.00000	0.00	0.00000	52,134
Specter	0	0.00000	0.00	0.00000	199,085
Stevens	163,119	0.27789	39,388.75	0.06710	42,565
Thomas	628	0.00135	155.86	0.00033	41,633
Thompson	0	0.00000	0.00	0.00000	106,658
Thurmond	0	0.00000	0.00	0.00000	85,277
Warner	2,709	0.00042	863.90	0.00014	121,897
Wellstone	0	0.00000	0.00	0.00000	96,024
Wyden	0	0.00000	0.00	0.00000	52,135•

DETROIT CONCERT CHOIR

• Mr. LEVIN. Mr. President, I rise to honor the Detroit Concert Choir for winning top honors as Choir of the World at the Llangollen International Musical Eisteddfod in north Wales. The 50-year-old festival is considered the ultimate in vocal music competitions, and in the past has featured artists such as Luciano Pavarotti and Placido Domingo. The 70-voice choir competed against 80 choirs representing 40 countries. The Detroit group won first place for mixed ensemble, second-place honors for men's chorus, a third place for men's folk and a fourth place for women's ensemble. Their combined score from all the competitions earned a spot in the finals. There they represented the United States against choirs from Hungary, Denmark and Wales. A seven member panel voted the Detroit Concert Choir the best among the competitors and awarded them a large bronze trophy and the title of Choir of the World. The choir impressed the judges by signing in five languages—English, Aruban, Portugese, Russian and Latin. After winning the competition, the choir honored the festival and their hosts by performing the Welsh national anthem and "God Save the Queen." I know my Senate colleagues join me in honoring the extraordinary achievement of the Detroit Concert Choir in bringing home top honors at the Llangollen International Musical Eisteddfod. The members have made the State of Michigan and the entire Nation proud.•

NATIONAL MUSEUM OF THE AMERICAN INDIAN ACT AMENDMENTS OF 1996

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 564, S. 1970.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1970) to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I wish to thank my colleagues for voting to adopt S. 1970, a bill to amend the National Museum of the American Indian Act [NMAIA]. This legislation is intended to codify existing policies and procedures practiced by the National Museum of the American Indian and the National Museum of Natural History and to amend the act so that its repatriation requirements are consistent with the requirements of the Native American Graves Protection and Repatriation Act [NAGPRA]. The overriding purpose of this legislation is to ensure that the requirements for the inventory, identification, and return of Indian human remains and Indian funerary objects in the possession of the Smithsonian Institution are being carried out and that the remains and funerary objects are being returned to their rightful keepers and protectors the Indian tribes.

The possession of Indian human remains and associated funerary objects by non-Indians has been a contentious issue for Indian tribes and Indian organizations for many years. In order to bring about a satisfactory resolution to these issues and to create a respectful dialog between the parties, Congress enacted the Native American Graves Protection and Repatriation Act and the National Museum of the American Indian Act. In the years since its passage, the Smithsonian Institution has worked diligently to fulfill the mandates of both the NAGPRA and the NMAIA. Both the National Museum of the American Indian and the National Museum of Natural History employ written policies that are consistent with the spirit and intent of NAGPRA.

S. 1970 will ensure that these policies are consistent with the requirements of NAGPRA by establishing additional procedures and deadlines for the completion of the Smithsonian's repatriation mandates. It mandates that a simple inventory of the remains and objects in the Smithsonian's possession be completed by June 1, 1998, and that a written summary of all unassociated funerary objects, sacred objects, and objects of cultural patrimony in its possession be completed by December 31, 1996. Second, S. 1970 requires that the Smithsonian notify and return expeditiously all unassociated funerary objects, sacred objects, or objects of cultural patrimony to the appropriate individual, Indian tribe, or Native Hawaiian organization. In order to facilitate the repatriation process, the bill increases the membership of the repatriation committee and requires that two members be "traditional Indian religious elders." Finally, this legislation allows the Smithsonian the flexibility to go beyond the Act's minimum requirements in returning the funerary and sacred objects and remains to Indian people.

Mr. President, I would like to express my deep appreciation for the hard work and dedication of representatives of the Smithsonian who have cooperated tremendously in the preparation of this legislation and who have continued to demonstrate their serious commitment to returning these sacred remains and objects to their rightful owners the Indian tribes. Finally, I would like to express my personal thanks for the tireless work of Senator INOUYE in making the National Museum of the American Indian a reality and for his efforts on behalf of this legislation. I thank my colleagues for their support of S. 1970.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1970) was deemed read the third time, and passed, as follows:

S. 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Museum of the American Indian Act Amendments of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the National Museum of the American Indian Act (20 U.S.C. 80q et seq.).

SEC. 2. BOARD OF TRUSTEES.

Section 5(f)(1)(B) (20 U.S.C. 80q-3(f)(1)(B)) is amended by striking "an Assistant Secretary" and inserting "a senior official".

SEC. 3. INVENTORY.

(a) IN GENERAL.—Section 11(a) (20 U.S.C. 80q-9(a)) is amended—

(1) by striking "(1)" and inserting "(A)";

(2) by striking "(2)" and inserting "(B)";

(3) by inserting "(1)" before "The Secretary"; and

(4) by adding at the end the following new paragraphs:

"(2) The inventory made by the Secretary of the Smithsonian Institution under paragraph (1) shall be completed not later than June 1, 1998.

"(3) For purposes of this subsection, the term 'inventory' means a simple, itemized list that, to the extent practicable, identifies, based upon available information held by the Smithsonian Institution, the geographic and cultural affiliation of the remains and objects referred to in paragraph (1).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 11(f) (20 U.S.C. 80q–9(f)) is amended by striking "to carry out this section" and inserting "to carry out this section and section 11A".

SEC. 4. SUMMARY AND REPATRIATION OF UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.

The National Museum of the American Indian Act (20 U.S.C. 80q et seq.) is amended by inserting after section 11 the following new section:

"SEC. 11A. SUMMARY AND REPATRIATION OF UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.

"(a) SUMMARY.—Not later than December 31, 1996, the Secretary of the Smithsonian Institution shall provide a written summary that contains a summary of unassociated funerary objects, sacred objects, and objects of cultural patrimony (as those terms are defined in subparagraphs (B), (C), and (D), respectively, of section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)), based upon available information held by the Smithsonian Institution. The summary required under this section shall include, at a minimum, the information required under section 6 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3004).

"(b) REPATRIATION.—Where cultural affiliation of Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony has been established in the summary prepared pursuant to subsection (a), or where a requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion, then the Smithsonian Institution shall expeditiously return such unassociated funerary object, sacred object, or object of cultural patrimony where—

"(1) the requesting party is the direct lineal descendant of an individual who owned the unassociated funerary object or sacred object;

"(2) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the Indian tribe or Native Hawaiian organization; or

"(3) the requesting Indian tribe or Native Hawaiian organization can show that the unassociated funerary object or sacred object was owned or controlled by a member thereof, provided that in the case where an unassociated funerary object or sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object.

"(c) STANDARD OF REPATRIATION.—If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Smithsonian Institution did not have the right of possession, then the Smithsonian Institution shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

"(d) MUSEUM OBLIGATION.—Any museum of the Smithsonian Institution which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of fiduciary duty, public trust, or violations of applicable law that are inconsistent with the provisions of this Act.

"(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to prevent the Secretary of the Smithsonian Institution, with respect to any museum of the Smithsonian Institution, with respect to any museum of the Smithsonian Institution, from making an inventory or preparing a written summary or carrying out the repatriation of unassociated funerary objects, sacred objects, or objects of cultural patrimony in a manner that exceeds the requirements of this Act.

"(f) NATIVE HAWAIIAN ORGANIZATION DEFINED.—For purposes of this section, the term 'Native Hawaiian organization' has the meaning provided that term in section 2(11) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(11)).".

SEC. 5. SPECIAL COMMITTEE.

Section 12 (20 U.S.C. 80q–10) is amended—

(1) in the first sentence of subsection (a), by inserting "and unassociated funerary objects, sacred objects, and objects of cultural patrimony under section 11A" before the period; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "five" and inserting "7";

(B) in paragraph (1)—

(i) by striking "three" and inserting "4"; and

(ii) by striking "and" at the end;

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

"(2) at least 2 members shall be traditional Indian religious leaders; and".

OLDER AMERICANS INDIAN TECHNICAL AMENDMENTS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 569, S. 1972.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1972) to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I wish to thank my colleagues for voting to adopt S. 1972, a bill to amend the Older Americans Act. S. 1972 makes technical corrections to the Act to clarify and improve the provisions relating to older Native Americans.

Mr. President, many older Native Americans have benefited from programs authorized under the Older Americans Act. Indian tribes have provided much needed home-based care, meals and services to elderly tribal members living on Indian reservations and in nearby communities. In most cases, older Native Americans live in remote and isolated communities with little or no access to a grocery store, telephone, health care and other important services. Through the Older Americans Act, nutrition and support services can be provided to older Native Americans in their homes and communities on a daily basis.

However, many of these services can be strengthened to ensure that Indian tribes are able to tailor nutritional and supportive programs to the cultural and geographic characteristics of their communities. Often, employment and nutrition programs are difficult to administer in Indian country because of the remoteness of the service area and the unique character of Indian cultures. The changes in S. 1972 will ensure that Indian tribes and tribal organizations serving Native American elders will be afforded maximum flexibility in administering employment and nutrition programs to ensure that they are appropriate to the unique characteristics of the Indian communities.

Mr. President, I have proposed a minor technical change to the bill as it was reported in the Committee on Indian Affairs. This amendment to Section 2 of the bill is necessary to clarify that the proposed change to the definition of "reservation" will not alter any existing eligibility for Indians living near an Indian reservation.

Mr. President, I wish to express my appreciation to Senators INOUYE and STEVENS, who joined me in sponsoring this legislation and my colleagues in the Senate who voted to pass S. 1972. This Act will bring us closer to meeting the goals of the Older Americans Act to ensure that older Native Americans will continue to benefit from the services provided by the Act.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1972) was deemed read the third time, and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

PANAMA NEW BASE RIGHTS NEGOTIATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate turn to the immediate consideration of calendar No. 268, S. Con. Res. 14.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 14) urging the President to negotiate a new base rights agreement with government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 5202

Mr. FRIST. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. HELMS, proposes an amendment numbered 5202.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 3, line 3, strike all through the period on page 4, line 3, and insert the following:

(1) The President should negotiate a new base rights agreement with the Government of Panama—

(A) taking into account the foregoing findings; and

(B) consulting with the Congress regarding any bilateral negotiations that take place.

Mr. HELMS. Mr. President, I do hope the Senate will approve this resolution urging the President to negotiate an agreement with Panama to permit United States Armed Forces to maintain a presence in that country beyond the year 2000.

The Panama Canal treaties state that unless we pursue an agreement with Panama, the United States military must complete the withdrawal of its forces from Panama by the date. Imagine, if you can, the U.S. flag coming down for the last time on December 31, 1999—ending a special and unique relationship that has lasted almost a century. This must not be allowed to happen.

The Panama Canal treaties provide for a continued United States military presence—if both parties express an interest.

I feel strongly that it is in the best interests of both the United States and Panama to maintain a United States military presence in Panama. United States forces in Panama help promote stable democracies throughout the region and serve as a critical component for United States counter-drug monitoring and interdiction efforts. Without question, United States forces offer the best protection for the Panama Canal. If the United States leaves, the canal will be left literally undefended.

Although the United States is engaged in a drawdown of our forces, both overseas and in the United States, there are, nevertheless, more than 135,000 United States troops remaining in Europe and almost 100,000 in the Pacific. By early 1998, fewer than 6,000 troops will remain in Panama—that is, basically 6,000 troops for the entire hemisphere. If total United States military withdrawal from Panama were to be allowed to happen, this nation will be left with no major military presence in the region.

Mr. President, I have had a number of meetings with Panamanians. They want us to stay. Polls in Panama show that about 75 percent of Panamanians want the United States to maintain military forces there beyond the year 2000. It is time to negotiate a new base rights agreement. Congress should urge the President to negotiate a continued United States military presence in Panama. The House of Representatives approved this resolution in June 1995; and it was voted out of the Senate Foreign Relations Committee unanimously in December 1995. Now is the time to pursue an agreement with Panama.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment be considered agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5202) was agreed to.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con Res. 14), with its preamble, is as follows:

S. CON. RES. 14

Whereas the Panama Canal is a vital strategic asset to the United States, its allies, and the world;

Whereas the Treaty on the Permanent Neutrality and Operation of the Panama Canal signed on September 7, 1977, provides that Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure;

Whereas such Treaty also provides that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal;

Whereas the United States instrument of ratification of such Treaty includes specific language that the two countries should consider negotiating future arrangements or agreements to maintain military forces necessary to fulfill the responsibility of the two countries of maintaining the neutrality of the Canal after 1999;

Whereas the Government of Panama, in the bilateral Protocol of Exchange of instruments of ratification, expressly "agreed upon" such arrangements or agreements;

Whereas the Navy depends upon the Panama Canal for rapid transit in times of emergency, as demonstrated during World War II, the Korean War, the Vietnam conflict, the Cuban Missile Crisis, and the Persian Gulf conflict;

Whereas drug trafficking and money laundering has proliferated in the Western Hemisphere since the Treaty on the Permanent Neutrality and Operation of the Panama Canal was signed on September 7, 1977, and such trafficking and laundering poses a grave threat to peace and security in the region;

Whereas certain facilities now utilized by the United States Armed Forces in Panama are critical to combat the trade in illegal drugs;

Whereas the United States and Panama share common policy goals such as strengthening democracy, expanding economic trade, and combating illegal narcotics throughout Latin America;

Whereas the Government of Panama has dissolved its military forces and has maintained only a civilian police organization to defend the Panama Canal against aggression; and

Whereas certain public opinion polls in Panama suggest that many Panamanians desire a continued United States military presence in Panama: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the President should negotiate a new base rights agreement with the Government of Panama—

(A) taking into account the foregoing findings; and

(B) consulting with the Congress regarding any bilateral negotiations that take place.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

ORDERS FOR FRIDAY, SEPTEMBER 6, 1996

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, September 6; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for two leaders be reserved for their use later in the day, and the Senate then proceed, under the order, to the consideration of the Employment Discrimination Bill; I further ask unanimous consent that at 12:30, immediately following the debate on the KENNEDY bill, there then be a period for morning business with Senators to speak therein for up to 5 minutes each, with the time from 12:30 to 1:30 under the control of Senator COVERDELL or his designee, and the time from 1:30 to 2:30 under the control of Senator DASCHLE or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Members, tomorrow morning, the Senate will begin 3 hours of debate on the Kennedy Employment Discrimination Bill, which was placed on the calendar this evening. There will be no rollcall votes during Friday's session.

Following the period for morning business, the Senate will adjourn over until Monday. During Monday's session, the Senate will debate the defense authorization conference report. However, no votes will occur during Monday's session.

On Tuesday, the Senate will debate the Defense of Marriage Act for 3 hours prior to the policy conference recess. At 2:15 on Tuesday, the Senate will vote on the defense authorization conference report, to be followed by a vote on the Defense of Marriage Act, and following an additional 30 minutes of debate and vote on the Kennedy bill. The Senate will then begin consideration of the Treasury-Postal Appropriations bill. All Senators should therefore be on notice that the next rollcall votes will begin at 2:15 on Tuesday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate tonight, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:17 p.m., adjourned until Friday, September 6, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 5, 1996:

THE JUDICIARY

DONALD M. MIDDLEBROOKS, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE JAMES W. KEHOE, RETIRED.

EXTENSIONS OF REMARKS

IMPACT AID AMENDMENTS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. GOODLING. Mr. Speaker, on May 7, 1996, the House passed H.R. 3269, amending the Impact Aid Program to make technical changes and address several issues which have arisen since the program was last modified during the 103d Congress.

The Senate has now amended this legislation and returned it to us for further consideration. Several of the Senate amendments take the approach of the House-passed legislation—they either correct problems with current law or address issues which have arisen since its enactment in the 103d Congress. For example, the bill contains a provision which allows heavily impacted districts to use prior year, rather than current year data when they apply for impact aid benefits. This provision will prevent the long delays—19 to 22 months after funds have been appropriated—such districts currently experience in receiving impact aid dollars.

However, there are other amendments which provide special fixes for individual school districts.

I would like to reiterate the statement I made when H.R. 3269 first passed the House in May. All the special changes we made to impact aid over the years of its existence, in the long run, were harmful to the program. They gave it a bad reputation as a pork program and affected its appropriations. While I will not object to enactment of this legislation because it contains provisions which will benefit a large number of school districts affected by a Federal presence, I do want to go on record indicating that I will be very reluctant to accept such changes in the future.

THIRD ANNUAL AFRICAN-AMERICAN DAY PARADE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mrs. KENNELLY. Mr. Speaker, on Saturday, September 28, 1996, the residents of Connecticut will participate in the third annual African-American Day Parade. The parade is an opportunity to celebrate and dramatize the dynamic history of African-Americans, as well as to salute the outstanding achievements of African-Americans in the fields of education, science, music, history, arts, and sports. This year's theme will be "The Celebration of African Children."

The parade, which was conceived by the late Isabell Mendes Blake, Jackee Bryant, and the Honorable Carrie Saxon Perry, high lights the significant contributions made by African-Americans during the growth and development of the United States and Connecticut. The parade features marching bands, concerts, speeches, and entertainment.

Congratulations are in order for the members of the African American Committee, Inc.: Jackee Bryant, Ernestine Brown, Ula Dodson, Phyllis Lewis, Louis Martin, William Turner, James Turner, Mona Holden, Barbara Ann Williams, Ron Harris, Louise Cooper, Ebony Adams, Nelson Bank, Alvin Bingham, Michael Fothergill, Valerie Joyner, Leslie Manselle, Jonis Martin, Hazel Patrick, Mattie Reynolds, Bonnie Rowe, Matthew Steele, Roma Williams, Clarice Webb, and Andrew Woods.

We are proud to have these individuals as members of our community. Their work and efforts help strengthen our community and are something that we can all be proud of.

CONGRATULATIONS DR. RANDALL C. MORGAN, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. VISCLOSKY. Mr. Speaker, I am proud to commend Dr. Randall C. Morgan, Jr., a decorated physician who has dedicated his life to improving the quality of life for African-Americans, as well as all Americans. On July 31, 1996, Dr. Morgan was installed as the 95th president of the National Medical Association [NMA].

Dr. Morgan announced that the theme of his 1-year term as NMA president would be "NMA Development for the 90's." The goals of this agenda are to enhance the organization's membership, image, and financial development.

Our Nation's oldest and largest minority physician organization, the National Medical Association, was founded in 1895 to represent the interests of more than 22,000 African-American physicians. The organization's mission to improve the health status of America, particularly black Americans.

Dr. Morgan's family has lived in Gary, IN for three generations. Dr. Morgan graduated from Gary Roosevelt High School, Grinnell College, Howard University Medical School, and the Northwestern University Medical Center.

Dr. Morgan has practiced medicine in his hometown for over 20 years. With the assistance of his late father, Dr. Randall Morgan, Sr., he founded the Orthopaedic Centers and served as its president until its affiliation with the Indiana Hand Center in 1966. Dr. Morgan currently has offices in Gary, Hobart, Merrillville, Portage, and Valparaiso.

Dr. Morgan has enhanced his professional skills by being certified by several organizations. These organizations include: Diplomate of the American Board of Orthopaedic Surgery; Fellow of the American Academy of Orthopaedic Surgery; and Fellow of the American College of Surgeons. Moreover, Dr. Morgan is licensed to practice medicine in Indiana, Illinois, Ohio, and California.

Dr. Morgan has shared his expertise with many professional organizations of which he is a member. These memberships include: American Medical Association, since 1974; National Medical Association, since 1975; Indiana State Medical Society, since 1976; Lake County Medical Society, since 1976; Indiana Orthopaedic Society, since 1977; Illinois Orthopaedic Society, since 1977; International Arthroscopy Association, since 1981; Arthoroscopy Association of North America, since 1981; Mid-America Orthopaedic Association, since 1982; Clinical Orthopaedic Society, since 1986; and board of directors of Banc One Merrillville, since 1986.

Dr. Morgan's success has been recognized by several prestigious institutions. In 1992, he received an honorary doctor of science degree from Grinnell College in Grinnell, IA. In 1986, Dr. Morgan was named "Physician of the Year" by the National Medical Association, northwest Indiana chapter. In 1972, Dr. Morgan was recognized as "Orthopaedic Resident of the Year" by Northwestern University in Chicago, IL.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Randall Morgan, Jr. for his dedicated service to the medical profession. He, his wife, Karen, and their children Sharon, Laura, and Carla, can all be proud of his commitment to improve the quality of life for the residents of Indiana's First Congressional District. Dr. Morgan, like his father, is a true pioneer in his profession.

TRIBUTE TO CALEB RICHTER-TATE

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. BARRETT of Nebraska. Mr. Speaker, I have received the following script by Caleb Richter-Tate, a fine young Nebraskan. Caleb is the Nebraska winner for the Voice of Democracy broadcast script-writing contest, conducted by the Veterans of Foreign Wars and the Ladies Auxiliary. I believe his statement serves as a challenge to all Americans.

ANSWERING AMERICA'S CALL

(By Caleb Richter-Tate)

"Good morning. This is your wake-up call."

When I'm on vacation, it is very enjoyable for me to be awakened by a pleasant-voiced individual on the other end of the phone. If I choose to answer my wake-up call, I'm

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

alerted to the beginning of a new day and I'm awake to see what it has to offer.

Throughout the day our lives are filled with a variety of calls—people call us to breakfast, bells call us to classes, sirens call our attention to misfortune or danger, and telephones call us to relaxation or to business concerns. If we are fortunate, we are able to answer these varied calls. But like the person on vacation, we can only respond to the demands of our various calls if we have first answered our wake-up call.

In a similar manner, every day America sends all of us a wake-up call. If we choose to answer it, we are awake to the demands and challenges of local, state, and national concerns. If we ignore the call, we sleep through events and situations that we are never able to influence simply because we weren't even aware of them.

Early in our nation's history, Americans chose to answer our country's wake-up call. For George Washington, Patrick Henry, and Thomas Jefferson, that call awakened them to the challenges of American independence. Almost a century later, William Tecumsah Sherman, Ulysses S. Grant, and Abraham Lincoln answered the call that summoned them to preserve Americans' unity. And early in the 20th century, Andrew Carnegie, John D. Rockefeller, and Henry Ford heard and answered the call to industrialize America.

As long as there is an America, she will be issuing wake-up calls to her citizens so that we may answer and rise to the challenges of the day.

As we step toward the 21st century, we need to shake off our sleepy complacency and answer America's present-day call—the call is to educate ourselves, the call is to improve our society, and the call is to reestablish our national morality.

Just as the wake-up call received by a vacationer enables him to begin a day of sightseeing and adventure, we must answer the call from America that alerts us to the fact that an educated citizenry is crucial for us to remain a world-power in the 21st century.

We must focus efforts on keeping students in school, on providing advanced educational opportunities for those who are qualified, and on harnessing the advances in technology toward the benefit rather than toward the destruction of mankind.

Secondly, we need to answer the call from America reminding us that our society still has problems to be solved. We cannot drift back to sleep and close our eyes to the issues of drug abuse, homelessness, and prejudice. Only if we are wide awake to these problems will we ever have a chance to solving them.

Finally, perhaps the most important wake-up call we can answer is the call from America asking us to reevaluate the condition of our own national morality. Have we become a country of people who care more about the amount of money in our bank accounts than we do about the welfare of our neighbors? Have we become a country of people who spend more money on recreation than we do on charity? And have we become a country of people who credit our successes and stature to ourselves rather than to the God who has given them to us?

For over 200 years citizens of our country have answered America's call to wake-up and respond to whatever challenge has faced us. Again, America calls us. She asks us to waken to the challenges of education, of improving our society, and of reestablishing our national morality.

As a person on vacation choosing to answer or not to answer your wake-up call, you make a decision that affects only you and your plans for the day. But as an American, choosing to answer your country's wake-up call affects all of your fellow citizens not only for today, but perhaps for a lifetime, or perhaps even into that hopeful future we wish to create.

When you receive America's wake-up call, answer it.

A TRIBUTE TO THE KOREAN WAR VETERANS ASSOCIATION OF LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Korean War Veterans Association of Long Island, an organization dedicated to honoring the dedicated courage and selfless sacrifices of America's war veterans during the Korean conflict.

History has sometimes chosen to shine a less prominent light on the Korean war, but the sacrifices and heroic efforts of its veterans were just as important as those made in America's other conflicts. Because of the Korean War Veterans Association [KWVA], their sacrifices are recognized and honored more than ever before. Korean war veterans stand tall among all veterans, proud of all they have done to keep Democracy strong.

This Sunday, September 8, 1996, the central Long Island chapter will honor those who lost their lives during the Korean conflict when it dedicates a commemorative stone bearing the KWVA's logo during a ceremony at Calverton National Cemetery. Thousands of veterans and their families will be on hand to support the Central Long Island Chapter of the Korean War Veterans Association.

The Central Long Island Chapter of the KWVA was founded in 1989 by Bob Morga, to raise funds for a national monument in Washington, DC, which was dedicated on July 27, 1995. Central Long Island chapter members also worked to build a war memorial on Long Island, which was dedicated in June of 1992 at the Armed Forces Plaza in Hauppauge. Among those who helped make the Long Island memorial a reality was the late Suffolk County Legislator Rose Caracappa, whose tireless efforts inspired the Korean War Veterans Association to make her an honorary member.

While their focus was on creating these monuments, Long Island's Korean war veterans have discovered a purpose of equal importance. They have created a place for Korean war vets to build a fellowship among themselves and their families. Along with marching in veterans' parades and attending memorial ceremonies, the KWVA is actively involved in assisting disabled and needy veterans, including those at the veterans hospital in Northport. Each Christmas chapter members visit the Long Island Veterans Nursing Home in Stony Brook to deliver holiday gifts and good cheer.

We enjoy the plentiful fruits of democracy and should always remember that our freedom was paid for with their blood. The Korean War Veterans Association says it best in their September newsletter: "A free America is the most precious gift we can bestow upon our children. Freedom is not free." I ask all of my colleagues in the House of Representatives to join me in saluting the Korean War Veterans Association and all of its members, for all they do for our veterans and for all they've done for America.

ST. PETER'S LUTHERAN CHURCH—PASTOR MARK TEIKE

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. MCINTOSH. Mr. Speaker, on many occasions, my wife Ruthie and I have worshiped with our special friends at St. Peter's Lutheran Church in Columbus, IN.

On each visit we are lifted up by the sermons of Pastor Mark Teike, a dynamic minister whom we have grown to know well in the past few years. His talents and interpretation of holy scripture is truly moving.

This past Independence Day, Ruthie and I had the honor to join the congregation of St. Peter's for a very special Fourth of July sermon. Ruthie and I were both deeply moved. And, I would like to share the transcript of his sermon with my colleagues and the American people.

The Bible teaches that God, because of His love for us, has established three institutions, for our benefit: the church, the family, and the government. We spent much of the last two years, in our study of the book of Acts, looking at what God says regarding the church. We are devoting our summer, with our series of messages under the theme of Home Improvement, looking at what God says about the family. And this weekend, as our nation celebrates another birthday, we're going to examine what God says about government—or as the message has been titled, "The Truth About Government."

We find the Bible addressing this topic the 13th chapter of the New Testament book of Romans. I'd like to invite you to read with me, from the first ten verses of Romans 13, as they're printed in your bulletin on page 5.

"Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves. For rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and he will commend you. For he is God's servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God's servant, an agent of wrath to bring punishment on the wrongdoer. Therefore, it is necessary to submit to the authorities, not only because of possible punishment but also because of conscience. This is also why you pay taxes, for the authorities are God's servants, who give their full time to governing. Give everyone what you owe him. If you owe taxes, pay taxes; if revenue, then revenue; if respect, then respect,; if honor, then honor. Let no debt remain outstanding, except the continuing debt to love one another, for he who loves his fellowman has fulfilled the law. The commandments, 'Do not commit adultery,' 'Do not murder,' 'Do not steal,' 'Do not covet,' and whatever other commandments there may be, are summed up in this one rule: 'love your neighbor as yourself.' Love does no harm to its neighbor. Therefore love is the fulfillment of the law."

Did you notice how many times the words "authorities" and "God" are found together in this chapter? Every time you find a reference to authority or to government, you'll find God being mentioned. That's because God himself is the source of all authority. All authority begins with Him and flows from Him, be that in the home, or in school, or in the work place, or in government.

I

First of all we find here in Romans 13 that government was established by God. Verse one says it, "The authorities that exist have been established by God." Government was established by God. It says in verse two, "He who rebels against the authority, rebels against what God has established." God did not institute a certain style of government. He didn't place one form of government over another. He didn't endorse one party over another, but He did establish government.

He did that because He's a God of order. he is not a God of chaos. From His perspective, order in society must be maintained, and so God established government.

II

And what's the purpose of government? Ask a lot of people that question and you'll get a lot of answers. Look at Romans 13 and you'll find one recurring chorus as to the purpose of government. It is to protect its citizens.

Our God knows the condition of the human heart. He knows that the human heart is not prone toward good but toward evil. Luther said the easiest thing in the world is to sin. It comes naturally. You've heard me say it many time before—you don't have to teach a little child how to be naughty.

Look at verse 4, "For he (government) is God's servant to do you good. but if you do wrong, be afraid, for he does not bear the sword for nothing. He is God's servant, an agent of wrath to bring punishment on the wrong doer." The government is there to protect us from the criminals and thugs and tyrants and swindlers and others who might otherwise harm us. God has given the government the authority to punish those who do wrong.

We all know that our government today, has, in many ways, extended itself into a number of areas that stretch beyond simply protecting its citizens from harm and danger. And that's not to say that's wrong. But the Number one primary thing that government was established by God to do, was to protect its citizens from the harm brought on by others.

III

Look one more time at verse 4. Twice it says of the government, "He is God's servant." "He is God's servant." Every servant is to be submissive to the will of his master. He may not know the master very well, but the one thing he must do, if he is to serve the master, is to carry out the wishes of the master. Those who serve in government may not all be strong and mature in their faith. They may not even all be Christians. They don't necessarily HAVE to be Christians. But if they are to be faithful servants of the master, they MUST at least know what the word of God says regarding His laws of right and wrong.

We have just seen that the government is a servant of God and as a servant must be accountable to his master, so the government is accountable to God. Before the government or those who serve in government are accountable to their constituents, before they are accountable to their special interest groups, they are first and foremost accountable to God.

You know, it seems to me, that if government is accountable to God and God has laid down His guidelines for right and wrong—then it's pretty much a no-brainer when it comes to some of the laws we pass—regardless of the social or political climate.

For example, regarding the subject of abortion, the scriptures say that the taking of life in the womb is murder and is to be treated as such. It is not debatable on the basis of scripture. And if government and those who govern are accountable to God, then the decision seems pretty clear.

Or the issue of same sex marriages—as has come up in several of our states as of late. The scriptures again speak clearly—very clearly—that such is an offense to God—and if government recognizes that is accountable to God—then the decision on such an issue should be pretty simple—regardless of the pressure that might come from various special interest groups.

I'm not trying to pick on a select group of people. I'm simply pointing out that if government is accountable to God (which the Bible says it is) and if God has spoken clearly on certain issues (which he has) then regardless of what we might think or regardless of what happens to be "politically correct" at the time—government is called to take a stand in obedience to the One to whom they are accountable.

I realize that some might respond to that and say, "But you can't legislate morality." Some say it might interfere with the separation of church and state. So let me just say a words about that, as well.

Our founding fathers, a long time ago, wrote, "Congress shall make no law establishing one denomination of Christians higher than another." The intention was that they did not want in America what they had in England, which was one denomination basically running the country. They said, "We want God's principles in government, but we do not want one denomination running the government."

In 1801 the Danbury Baptist Association of Danbury, Connecticut heard a rumor that the Congregational denomination was to be made the national denomination of America, and that bothered them (understandably so.) So they wrote President Thomas Jefferson expressing their concerns. On January 1, 1802, Jefferson addressed that group saying that "the first amendment of the Constitution has erected a wall of separation between church and state, but that it is a one direction wall. It keeps the government from running the church, but it makes sure that the Christian principles will always stay in government." But all we hear today is a portion of that statement, taken out of context, that the first amendment has erected a wall between church and state.

In 1853, a group came to Congress with a petition to separate Christian principles from government. The petition was referred to the House and the Senate Judiciary Committees and they investigated the issue for a full year to see if it would be possible to separate Christian principles from government. After one year they came back with the report saying, "Had the people during the Revolution had a suspicion of any attempt to wage war against Christianity, that revolution would have been strangled in its cradle."

And then, nearly 100 years later, in 1947, in a case known as Everson v. the Board of Education, the Supreme Court took a different angle on the church/state issue and their ruling was this. "The first amendment has erected a wall of separation between church and state which must be kept high and impregnable." And that was the first time the original understanding of the separation of church and state, presented by our founding fathers in the constitution, had been reversed. It was originally intended to protect the church from the state, and now it is intended to keep the church from influencing the state. It was an absolute, about face, 180 degree reversal from what our forefathers intended.

And since 1962, which was the first ruling to officially separate religious principles from government, in our schools and other areas, since that time, when the high and impregnable wall was erected to keep religious principles out of our government, teenage pregnancies for girls between 10-14 has increased over 600%. Sexually transmitted diseases skyrocketed. SAT scores in school went down for 18 straight years. And violent crimes increased over 600%. George Washington put it well when he said, "If you remove religious principles, you will lose morality in America."

The Bible says that government and its leaders are accountable first and foremost to God.

IV

I don't have a lot of time to cover the fourth point in your outline, except to say that all of us, who are citizens of this country are commanded by God to submit to the government, regardless of who we are or how much money we have or what position we fill. And the only time we're given permission not to submit to government is if government commands us or forbids us to do that which is contrary to the word of God. And if you want a proof text for that, it's found in Acts 5:29.

We're also told to pay taxes. Not only did Paul write it in Romans 13, but Jesus said it in Matthew 22, as we heard earlier in the service. Loopholes may be legal, but cheating isn't.

And as a child is called to give honor and respect to parents and an employee to an employer, so citizens are called to show honor and respect to those who govern.

V

And fifth, what does Romans 13 say about the specific role of we who are Christian citizens? In verses 9 and 10 it says, "Love your neighbor as yourself. Love does no harm to its neighbors. Therefore love is the fulfillment of the law." You want to know how to help the government? Don't add to their work load. If, in all that you do, you're attempting to respond to the needs of those around you, treating them with love, whether that be the person next door or the guy in traffic next to you, or the person at work who wronged you—if you are treating them with Christian love—then the government doesn't have to worry about you and their job becomes much easier.

And Christian citizens, also, because they, or at least they should have a clear understanding of the word of God—have a responsibility to keep the government and law makers in check, when it comes to issues on which God has clearly spoken. We cannot remain silent. And if we do, we have no right to complain.

And Christian citizens have been instructed in Paul's first letter to Timothy to pray for those in authority over us—which we'll be doing a little later in the service.

CONCLUSION

Some concluding thoughts: Benjamin Franklin said, "We need God to be our friend, not our enemy." You've seen what's happened to our country since we began to remove God's influence from our land.

To you, who are here today as our governmental officials, I want to thank you for taking the time to be here. Some of you are members of our congregation and would be here anyway, but that's not the case for a number of you. Some of you, like Congressman McIntosh have traveled a long way to be with us today and we thank you for making the effort. And I want to encourage all of you who are our elected officials to be bold, courageous leaders, not blown by the whims of what may appear to be popular opinion, or political correctness, but directed by what is right.

Secondly, I want to say especially to our governmental leaders, that the church is the very best friend government has. Thomas Jefferson said it first when he said, "The reason Christianity is the best friend of government is because Christianity is the only religion in the world that deals with the heart." The threat of punishment is sometimes effective and rehabilitation has a purpose but unless you change the heart, you won't do much to affect behavior. And the Church, the Body of Christ, is committed to affecting hearts.

Thirdly, to our public servants, I want to encourage you to stay close to God. In light of what we've seen today from Romans 13, I don't know how you can do your job if you don't. If you're from our community and don't have a church home, then please know that you are always welcome in our midst. Be reminded that you have a God who loves you, just as you are, even when others might be on your back and constantly criticizing. You can't be in any position of leadership and not have someone taking shots at you. But God loves you.

He is a God who came to be your servant, nearly 2000 years ago, as He paid for your offenses and your sins as well as those of the rest of us, on a splintered, wooden cross, and who offers you not only his love, but also his full and complete forgiveness.

And to the majority of us who hold no public government office, but who are citizens of this blessed land, we need to understand, that if people are to be put into office, men and women who will stand firm on the issues on which God has spoken, and whose first concern is obedience to the one to whom they're accountable, then you and I must participate in the process, at every level. We need to make our views known and to exercise that privilege that we've been given in this country.

May God bless you, our elected and appointed officials. May God bless us as a community. And may God bless America.

Please remain seated, as David Florine comes forward to lead us in a time of prayer and confession.

TENTH ANNIVERSARY OF THE FOUNDING OF LATINO/AS CONTRA SIDA-LATINOS AGAINST AIDS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mrs. KENNELLY. Mr. Speaker, I rise today to recognize the 10th anniversary of Latino/as Contra SIDA-Latinos Against AIDS in the First Congressional District of Connecticut on September 27, 1996.

LCS was founded in 1986 by concerned Latino volunteers who recognized the dire need for specialized services for Latino/as individuals and families affected by HIV/AIDS. Through education and prevention efforts for adults, children and youth as well as HIV precounseling, testing, assistance, advocacy and case management services, LCS has served over 5,000 individuals in the Greater Hartford area.

With a mission of preventing the further spread of HIV/AIDS among the Latino community in Greater Hartford and enhancing the quality of life of those affected by the HIV disease, LCS has become a major collaborator of health care services.

LCS is comprised of a dedicated and energetic board of directors and a base of community volunteers who continue the significant efforts of its founders: Hector Seda, Roberto Negron, Gladys Capo and Myrna Vargas.

I applaud the work of Latino/as SIDA during the past 10 years and offer my sincerest gratitude and hope for LCS's continued success.

A THANK YOU TO THE HABER FAMILY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. VISCLOSKY. Mr. Speaker, I would like to introduce you to a true American family who has sacrificed and served our great Nation. Eight of Charles and Anna Haber's sons all proudly served in World War II between 1936–47.

The story of the Haber family is one of two people immigrating to the United States, meeting, and overcoming hardships, to live out the American dream. In the early 1900's, Charles and Anna each left Czechoslovakia to come to the United States. However, they did not know each other at the time. They both happened to settle in a mining town in Pennsylvania which is where they met. They soon were married and had a large family of nine sons and three daughters.

However, the story does not end there. Tragically, in 1928, there was a terrible explosion in the coal mining town of Mather, PA, which killed 211 miners. Charles, aged 42, and his brother, George, aged 21, were among those casualties.

Determined to go on with her life, Anna took her children to the Pittsburgh area to live. However, before this move, two of her daughters had died from illnesses during childhood.

Once World War II began, eight of the Haber sons entered the military to fight to preserve democracy. Paul and Peter served in the U.S. Army, while John served in the U.S. Marine Corps. Andrew, Michael, Joseph, Steve, and Frank all served their country in the U.S. Navy.

Charles and Anna Haber's son, Frank, and his wife, Lillian, have resided in Indiana's First Congressional District for 44 years. They have three children, Charles, Maureen, and Colleen, and seven grandchildren. Frank and Lillian are proud that their oldest grandchild, Jennifer, is carrying on the family tradition as a student at the U.S. Naval Academy in Annapolis, MD.

Mr. Speaker, the Habers' service to our great country is a shining example of one family's dedication and valor. I ask that you and my other distinguished colleagues join me in honoring this fine family for such patriotic heroism.

WAY TO GO: PACKAGING OUR CENTURY AS A PARTING GIFT TO THE NEXT

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. BARRETT of Nebraska. Mr. Speaker, I have received the enclosed statement made by Retired Colonel Barney Oldfield, a distinguished Nebraskan, during his address to the Nebraska American Legion Convention. I encourage my colleagues to pay heed to his remarks, which reflect his wisdom and experience.

"WAY TO GO: PACKAGING OUR CENTURY AS A PARTING GIFT TO THE NEXT!"

Nebraska Friends: When Commander Bob Zersen's invitation came to join you for this 78th annual convention of the Nebraska Department of the American Legion here in Grand Island, my first thought was whether I should check to see if the statute of limitations for suspicions of misconduct had run out! Still apprehensive, I came in last night under cover of darkness.

What troubled me was a "paper trail" thing. I've just had a letter from Lori Cox-Paul of the Nebraska State Historical Society in Lincoln which refers to a Grand Island "happening" away back in 1940 . . . asking for an explanation.

That letter said:

"We are assembling an exhibit we are going to call: Believe it or Not: The Lives and Times of Vada and Col. Barney Oldfield! In our researching finds is a photo of Vada discovering a nightgown in your suitcase on the Grand Island Union Pacific station platform! The note on the picture says '. . . they put a nightgown in my suitcase for Vada to find on my return . . .'. Do you remember the circumstances behind it? Can you tell me where you were coming from? Had you been covering a movie premiere?"

How about that for openers?

If their researching is surfacing things like that . . . I thought . . . what other things of surprising nature are apt to be in store for me? It seemed to me that only the White House has to contend with things like that.

My wife Vada's parents lived here then, highly respected pillars in this community. Some of my warmest remembrances I have

. . . are holidays and family gatherings here. It was on a Union Pacific train out of here that Vada took to enlist as one of the original WAACs, forerunner of the Women's Army Corps in which she was to serve as a teletype operator in the Communications section of Hq 12th Air Force, crossing North Africa, Sicily and Italy. With two years overseas behind her, here she had come to wait for me at war's end when I returned from Berlin with the 82nd Airborne Division. I'd run the successful campaign to avoid its deactivation and saw it achieve the extra dividend of selection to do the Victory March in New York on January 12, 1946 representing all the 16,000,000 men and women who had served in WW II. It was on that same Union Pacific platform at 3 a.m. one morning that we had our "family reunion." She never said anything about that photo in 1940 which was all right with me.

While I'm not running for office . . . requiring the publishing of my tax returns and other confessions . . . that 1940 escapade started with a telegram which came to me as the Lincoln Journal and Star's movie editor and columnist. It said I was invited to the premiere of the latest Errol Flynn movie, Virginia City. It was about that old mining town perched several thousand feet above Reno, Nevada. It said they were running a special Union Pacific train from the east and would pick me up in Grand Island. That eastern train would meet a special train from Hollywood with movie columnists and Warner Brothers stars on board in Reno for the big promotional hoopla. Vada and I drove over from Lincoln and she was going to visit her parents while I was off "just doing my job", as they say. She would be there to meet me when I returned and we'd drive back to Lincoln.

Do you get the picture?

That 15-car special train . . . loaded with roistering newspaper guys was the locale of endless practical jokes to relieve the boredom of that long train ride. They had seen Vada when I boarded . . . and two days later when we were returning . . . somewhere in Wyoming as I recall . . . they clustered around me asking me if she was going to meet me when we arrived in the middle of the night . . . around 2 a.m. the next morning. Dumb guy that I was . . . I told them she would. Several said they would like to meet her. As that special train roared eastward in the nighttime blackness . . . I noted with some vague relief that most seemed to tire and wander off to their berths and get some sleep.

The train braked and stopped in Grand Island and I jumped off thinking I was alone. Not so. Off with me came a photographer from Cleveland, a New York columnist and a Boston editor. They said this nightgown had fallen out of my bag! It would have taken three of Vada to fill it. The flashbulbs popped in the night. Afterthat they all reboarded, the train pulled out. As we walked along the platform to our car, Vada said: "I'm glad they had their little joke . . . but even gladder it was in the middle of the night when my parents and all their friends were asleep in their beds!"

That practical joke had worked so well on me as the fall guy, they did it to two others enroute to Chicago with the same nightgown. The cameraman got off in Cleveland, developed the pictures and sent them along with the negatives to the butts of the pranks. But as pranksters will . . . just before he got off the train . . . he stuffed the nightgown in the Warner Brothers souvenir presskit of the New York columnist. When the New Yorker got home . . . was regaling his wife with stories of the trip . . . while unpacking . . . out fell the nightgown! How much better could it be? He told her the truth about it, and she didn't believe him!

Live by the sword—die by the sword, right!

So much for reflection, what I'd like to chat with you about today is projection! Projection of our part of this remarkable 20th Century . . . the most fantastic century of all time. How lucky we were to have lived in it . . . and even luckier to have lived through it! It's now up to us to hand it off to the looming 21st Century and our inheritors . . . the great examples of courage, sacrifice and inspiration as a tribute to our friends who were lost along the way. They, too, were once wheels under the extraordinary country we've come to be.

Since awayback when . . . I've been aware of and applauded the many scholarships . . . large and small . . . provided by individuals and posts of the American Legion. As a young newspaperman I often went to Ed Boschult when old and crusty General John J. Pershing used to come to Lincoln to visit his sister, May. Pershing was a formidable and intimidating presence . . . didn't like newspapermen much . . . but Ed eased me in with the required tolerance for snippets of interviews. I don't know what his name on your scholarship means to those who win it, but he was a right guy to be so memorialized . . . for sure. Young people should be nudged beyond the monetary to be curious about what the name piggy-backed on it did . . . and why he does an outreach in this form for students of today.

While I have no quarrel with those who make money writing on military subjects . . . I have been writing on military subjects all my life . . . but have never felt comfortable pocketing the compensations. When your national American Legion magazine decided to do a three-parter on the 20th anniversary of the Battle of the Ardennes and assigned it to me . . . that check went to the University of Nebraska Foundation as part of the endowment for one of our ROTC scholarships. If one is lucky enough to live through wars others do not . . . that's reward enough.

The scholarship alternative has motivated us for a long time . . . perhaps because Vada and I are both veterans. To us scholarships have been the "best game in town." People often say: "Why are you so interested in scholarships when you have no kids?" Our response always is: "Who says we have no kids . . . you should read our Christmas mail!" It comes from all over the world . . . and in these bits of correspondence are statements about how crucial the scholarships' arrivals were for continuance of studies which led to careers now being pursued.

The US Census Bureau projects that by mid-21st Century . . . we will have grown from our 150,000,000 population of today to a nation of 400,000,000! Imagine the whopper problems which will be on their plates . . . and how much in the way of smarts will be required to cope. Accomplishing a more and better educated resources pool will call for a massive and sustained effort. Perhaps from us they can pick up on the merits of endowment over instant gratification if we have such things in place for them to guide on.

As we hand them our considerable bag of endowments . . . linking our evidences of courage, adversities conquered, victories of the human spirit . . . with aid to education and do it right . . . we can never be dismissed as ancient history. We be in place . . . as current as the next graduating high school class. Who knows . . . maybe an occasional student who thought all life began when he or she was born . . . will think well of the people who lived in . . . and made this century of ours extraordinary!

This handing off takes surprising forms. On that recent and much written about and talked about 50th anniversary of D-Day, I went to France with a cameraman to make a video, Normandy Remembered. It gives the background on the four Nebraskans who were killed in the first hours on June 6, 1944, two from Omaha, Paul Scott Rodstrom, and Marcelino Shata; one from Morrill, Lester John Horn, and from Steinauer, Corporal Herbert Leonard Ulrich. Ulrich's citation says he "greatly aided" the breakout from the withering gunfire which was spraying Omaha Beach. As a young farm kid, he'd made primitive cat's whisker radio sets. When the Army got him, they made him into an artillery spotter with a walkie talkie radio which he used to call in offshore naval barrages which tore great holes in the German fortifications through which his comrades poured.

Standing there at his Omaha Beach marker, talking about him on camera, born nine years after I was, nine miles from where I was born, a Detroit Lakes, Minnesota father and his two kids became curious. They tagged along after us when we went to the time capsule which is at the entrance of the Omaha Beach US military Cemetary. It was placed there by the war correspondent who covered D-Day, and contains some of the stories written at invasion time by them, plus old typewriters, and my book, Never a Shot in Anger. I had given rights for it to be reprinted as a Battle of Normandy edition—to be used as a fund raiser for the Nebraska Normandy Scholarship Fund. That time capsule is to be opened in the year 2044 on June 6th—the 100th anniversary of D-Day. For the video, I wanted to make the point that when that time capsule is opened because of that re-cycled old book, 200 Nebraska students will have benefitted from scholarships endowed by it, and that's only the beginning as it will go on forever.

That Detroit Lakes father wrote me recently that they have entered into a "family pact", that on that 100th anniversary, he'll be 91 and the kids in their '60s, if still alive, one or all intend to go back to Normandy for the 100th anniversary time capsule opening. They want to tell all present that they knew that guy from Nebraska who wrote that book and wore a red hat and they met him fifty years earlier, and how he turned it into scholarships! Wow! I've been accused of thinking ahead a few times in my life, but it boggles one's mind to think of setting up a story to be retold a half century from now!

The video itself is to insure that those Nebraskans never get reduced or lost in the statistics of being just part of the 90 Nebraskans and 9,386 Americans to be forever there on Omaha Beach. This video is to be given to scholarship winners throughout time to explain to them who these honored soldiers were and why the awards bear their names.

There were more than 6,000 media people in Normandy for the 50th anniversary of D-Day observances, and all of them were doing "looking back" stories. The French were so intrigued, and maybe a little bored, with the endless recountings, that they took pictures of our effort to use the anniversary to launch something not ceremonial but substantial into the future. I'm told they have even placed one copy of Normandy Remembered in the reference archives of the invalides in Paris, so it's side by side with Napoleon!

The Nebraska Normandy Scholarship Fund in the University of Nebraska foundation will always give awards to students desiring career directions similar to the interests of the four Nebraskans who died that invasion morning. Morrill, Nebraska's Lester J. Horn was the son of a severely disabled World War 1 veteran who died when Lester was three. His mother re-married and she died when he was six. His stepfather took his government allowance to buy booze and fed the youngster on garbage dump scraps. He suffered malnutrition and had great learning difficulties in school. He was rescued and reared by an uncle and aunt and his foster mother lived to be more than 100 years old. She received a monthly check for $90 as long as she lived . . . the result of a government life insurance policy he'd taken out for her . . . a token gesture to her for what she'd meant to him. Just before coming here, I had a letter from a Nebraska student, named Carissa Lindquist who lives in Firth, Nebraska. She is taking Teachers College courses preparing her to instruct those with learning problems, the very kind of thing Lester J. Horn struggled with all his short life. Her letter says:

"I would like to thank you for the Lester John Horn scholarship, and also for the wonderful video, Normandy Remembered . . . and the explanatory brochure about the Nebraska Normandy Scholarship fund. It is a valuable resource that I will use all my teaching years to come."

If she teaches until normal retirement time, we have enlisted a surrogate who will be standing before classes telling about Lester Horn all the way to the 100th anniversary of D-Day. A young lady in Firth, Nebraska.

There is a special something about a century ending and a new one beginning. No matter how much has been done in the old one . . . there's always the wonder about whether there is time enough to do the rest. Two things have haunted me particularly. One was what happened here in Grand Island in March of 1944. The intense focus then was on Normandy and one man came here literally un-noticed. He had a crucial mission and had been carefully selected for it. What he started here ended World War II abruptly. After living through the required 25 B–17 missions over Germany, his role here was to lay out the re-training instructions for B–17 bomber pilots who would transfer to the Pacific in longer range B–29s. He was picked to be the unit commander for the atomic bomb drop on Hiroshima.

For many years afterward . . . anti-nuke and peacenik cocktail commandos . . . flayed him as a villain. When they made me a member of the Board of Nominations of the National Aviation Hall of Fame in Dayton, Ohio . . . I began pushing his candidacy for enshrinement there. On July 20, 1996, Brig. Gen. Paul W. Tibbets, Jr. is to be enshrined in the National Aviation Hall of Fame.

The other one remains unfinished.

In 1956 . . . while I was in the Air Force and stationed in Colorado Springs at the Air Defense Command . . . I took leave to cover the Melbourne, Australia Olympic Games for a New York magazine. My book, Never A Shot in Anger, was just coming off the presses, and the publisher thought my being in the pressbox could lead to some promotional references in sportswriter columns. As the Games were nearing the finish, there was a cable for me in the pressbox from Hq Pacific Air Forces in Honolulu. It said on my return to the States, they would like me to lay over in Hawaii and be the 15th anniversary speaker for the annual Pearl Harbor observances. It was both easy and emotional to say YES, and I did it.

The USS Arizona Memorial has taunted me ever since. The Air Defense mission where I was serving had been created to prevent any future sneak attack. But there were 1,177 killed in action there on December 7, 1941 . . . and 1,102 of them are still there trapped below decks . . . 46 of the then 48 states, plus Guam, the Philippines, Hawaii and Canada they came from . . . a silent population reduced to the convenience of a number, an awesome statistic.

But once they were real people, and sixteen of them are from Nebraska!

I have waited over time for some later, grander, more powerful speaker to stand there above them and say:

"On this day . . . I'm going to establish 1,102 scholarships . . . each named in honor and memory . . . of each of those here for all time . . . and remind generations to come through educational assistance . . . what the price was to give us the country we now have . . ."

It hasn't happened.

I asked Daniel Martinez, the historian of the National Park Service USS Arizona there in Pearl Harbor to send me the names of the Nebraskans. Perhaps . . . since there are sixteen . . . we . . . together . . . can at least . . . so honor the ones who came from this Nebraska part of the world's geography. I had never seen their names before . . . and apparently a request like mine is not often made. I have apparently done the historian a service . . . as it shows the only officer among them . . . Navy Ensign Frank S. Lomax . . . as having come from Broken Box, Nebraska. I told he'd better change it to Broken Bow . . . and on the roster he's sent me . . . it has been corrected!

The other fifteen are:

From OMAHA, there are four—Richard Everett Ellis, James Thomas Hasl, Stanley Kula and Tom Savin.

From LINCOLN, there are two—Edward J. Clough and Peter John Harris.

From far western Nebraska, Naaman Chapman of Mitchell, Kenneth Robert Bickel of Potter, and Elmer Ellis Yates of Palisade.

Working eastward, Gerald Arthur Atkins of Gothenburg, Elmer Pershing Schlund of St. Michael, Neal James Redford of Newark, Lloyd Christensen of Alda, and Warren Allan Jones of Kearney.

And from Nebraska's northeast, Lester John Hoelscher of Madison.

Considering the size of some of those towns, it is easy to visualize what a difference a day made—Pearl Harbor so far away on December 6, 1941, and how it came crashing in so close to them a day later with the loss of someone they knew.

For sure . . . they deserve more than dismissal as a statistic and anonymity given them by distance of both mileage and time. For that reason . . . I propose that . . . since they are within our collective reach and capability . . . that with the three and half years between now and "lights out" on this 20th Century that we busy ourselves. And establish within the Nebraska State Historical Society Foundation what we might call the Nebraska Pearl Harbor Remembrance Fund which will link these names to individual scholarships for all of time to come.

When you have contributions to that endowment at the $5,000 level, on such notification my wife, Vada, and I will add another $5,000!

Personally . . . when it comes to handing off our huge century to our inheritors in the next one, I think it will testify to the supreme tests of what we were made of . . . and intimidate them a little, perhaps. But more importantly . . . it might inspire them to outdo us . . . which is how the human race progresses!

One of the things worth doing as this century ends is to remind everyone that places in Nebraska as small as Potter, Newark, Alda and St. Michael . . . can produce sons and daughters . . . who can have roles in the greatest milestones in our country's history.

Think about it!

And thanks for giving me one more excuse to come back to Nebraska!

HONORING THE CARLOW COLLEGE STUDENTS OF SPIRIT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. COYNE. Mr. Speaker, I rise today to honor some very special women—the Carlow College Students of Spirit for the year 1995–96. Carlow College is a private Catholic college for women in Pittsburgh. The college has created a "Woman of Spirit" award to call attention to women in the Pittsburgh area who exemplify the college's ideals of competent and compassionate service in both their personal and professional lives. The college presents a Woman of Spirit award every month, and it holds a gala event each year to pay tribute to the previous year's recipients. This year, Carlow College began honoring a "Student of Spirit" each month as well. Each Student of Spirit has an excellent academic record and has been actively involved in her community life.

The first individual to receive the Student of Spirit award from Carlow College was Amy Hryckowian. Amy, a senior in early childhood education and a 1992 graduate of Ambridge Area High School, is an active participant in Carlow College's student government and in many service projects. An advocate for women's issues, Amy attends college leadership conferences in the Pittsburgh area and in Washington, DC. Amy has contributed her active support to Pittsburgh's Central Blood Bank for 3 years, organizing the annual blood drives at Carlow College, and she was actively involved in the 1995 United Way campaign at Carlow College.

The Student of Spirit for November 1995 is a wife and a mother who has raised three children and provided care for two family members with disabling illnesses. Marian Beth Allen is a junior nursing student who returned to college to pursue a lifelong interest in nursing. Marian holds an undergraduate degree in biology and a master's degree in public health. She has been a teacher, a researcher, and a day care provider. Active in community service, Marian has facilitated activities for children, senior citizens, and young adult families as a member of her temple's Leadership Committee.

Originally from St. Croix in the Virgin Islands, Corinne Francis was honored as Carlow College's Student of Spirit for the month of December. A junior theology major, Corinne has been involved in student outreach projects and campus ministry throughout her college career. She has influenced other students to join her volunteer efforts with Pittsburgh's Sojourner House and Habitat for Humanity. Corinne supports herself at college by working in a nursing home while maintaining her place on the dean's list and in the honor student program at Carlow. Her dream is to develop a volunteer organization to improve community life.

English and writing major Margaret Horvath was selected as January's Student of Spirit. A 1992 graduate of West Mifflin Area High School, Margaret was recently inducted into the Alpha Psi chapter of Delta Epsilon Sigma, a national scholastic honor society. She exercised editorial leadership in the founding of Carlow's student news magazine and has been a contributor to Carlow College's literary anthology.

Ross Township resident and graduate of Winchester Thurston School in Shadyside, Beth Walter was named as the February Student of Spirit by Carlow College. Having entered Carlow College on a half-tuition academic scholarship in 1993, Walter has maintained dean's list standing for the past 3 years. A student of piano and ballet, she has been a dance and piano instructor for the elementary grades at Winchester Thurston School. Committed to the Carlow College ideal of lifelong learning, Walter plans to pursue a doctorate after finishing college.

The Student of Spirit for March 1996 was Patti Higgins, a graduate of Gladstone High School. A student of the Carlow Hill Program, Patti Higgins is also a clerk stenographer for the Allegheny County Health Department in the Division of Public Drinking Water and Waste Management. Believing strongly that children need a solid foundation in education touched with a sense of wonder to develop their minds, she has been active in parent groups and is a volunteer tutor and school librarian for elementary school children. A writing major with an avid interest in science, she is considering the possibility of teaching after graduation.

A lifelong resident of Dormont, Kelley Beeson, was named as the Student of Spirit for April 1996. Kelley is a 1992 graduate of Keystone Oaks High School and has made the dean's list for four semesters at Carlow College. Kelley is senior editor of Carlow College's literary anthology. She has also published poetry in national anthologies of the writings of college students. Last fall, she was officially invited to join the Madwomen in the Attic, Carlow College's program for women writers in the Pittsburgh area.

Amy Semancik was selected as Carlow College Student of Spirit for May 1996. A senior business management major minoring in communications, Amy will assume the presidency of the Student Government Association at Carlow College this fall. Always a trailblazer, Amy was active in the creation of the Student Senate to represent student concerns about issues on the Carlow College campus. For 2 years, Amy was a volunteer at Sojourner House, a drug and alcohol rehabilitation center in Pittsburgh for women and their children. She has served as a volunteer for the Bishop's Annual Dinner for Catholic Charities and the Carlow College Alumnae Association's annual phonathon, and as an organizer for a number of student social events.

The June 1996 Student of Spirit is Fabyonne Williams, a 1990 graduate of Westinghouse High School. An elementary education major, Fabyonne has been active in educational activities for teenagers and new parents. Fabyonne is very involved with the Pentecostal Temple Church, working with young members of the parish. She also served as a vice-president of United Black Students in 1993 and served as the president of that organization in 1994.

July's Student of Spirit was Andrea Molinaro. Andrea was vice president of the Student Athlete Association her senior year and attended the first National Student Athlete Association Conference in Chicago. Andrea was treasurer for the class of 1996 for 2 years, and she interned at the Rangos Research Center exploring chromosome inactivation. She was also active in the Forum to Advance the Awareness of Human Rights, and she participated in the Meager Meals program at Carlow College.

Shannon R. Smith was honored as Carlow College's Student of Spirit for August 1996. Shannon is a biology major with a minor in chemistry. She has been able to maintain a 4.0 GPA while at Carlow College. Shannon views graduation as the beginning of new educational opportunities that she will share with others. She has a deep appreciation for the struggles and triumphs of women in the past and looks forward to the challenges in the future that will be beneficial to all women.

DeLacey Ellis was selected as the Carlow College Student of Spirit for September 1996. A beneficiary of Carlow College's Elizabeth Carol Program, DeLacey has stated that Carlow College has been a very important and positive influence on her life. Fulfilling her roles as both a wife and a mother, DeLacey was still able to attend to her Carlow College course work with consistency and accomplishment. DeLacey salutes Carlow College for its rigorous academic programs and the loving and graceful community the college supports.

Mr. Speaker, all of these women have been blessed with a number of precious gifts—energy, enthusiasm, intelligence, compassion, competence—and they have made it a point to share these gifts with those around them. Carlow College has chosen well in selecting them as its Students of Spirit for this year.

A TRIBUTE TO THE SAG HARBOR HISTORICAL SOCIETY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Sag Harbor Historical Society and its efforts to preserve the rich heritage of this colonial-era village on Long Island's east end.

Settled in the mid-1970's, Sag Harbor is a bucolic seaside village that was once home to a fleet of whaling ships during the last century. Strategically situated on Long Island's south fork, Sag Harbor has played significant roles in many of America's earliest events, from the Revolutionary War to the Civil War and the industrial revolution.

Now this bustling maritime port, nestled within the rich farmland of the Hamptons, is a destination for thousands of tourists and summer residents who come to enjoy the beautiful nearby beaches and local sites that the Sag Harbor Historical Society have fought to preserve. Though several groups have worked to maintain Sag Harbor's unique legacy, none were still active when the Sag Harbor Historical Society was created in 1985.

Among the group's most notable projects was the defense of the Umbrella House, a colonial-era building that suffered a direct cannon shot during the War of 1812. With its high-pitched gable roof and other unique features, the Umbrella House is typical of early American architecture. Along with placing Sag Harbor's downtown district on the National Register of Historical Places, the society also published a 395-page tome of local history in 1991.

Committed historians that they are, the Sag Harbor Historical Society members are completely devoted to preserving every aspect of the village's fertile heritage. This Saturday, September 7, the society is dedicating the opening of a new historical landmark, the historic Sag Harbor jail, located behind the equally significant municipal building. The historic Sag Harbor jail will serve as a public museum, with exhibits on the history of law enforcement and correction in America.

Built in 1915, the jail house is a classic example of an early 20th century lock-up and is an integral part of Sag Harbor's fascinating downtown architecture. Built of native hard burned brick, the lock-up has 8 inch thick walls around two steel cells for male prisoners and another for women. But then in 1985, the little brick jail house was slated for demolition to make way for new development.

The local historians who fought to preserve the jail house organized to become the Sag Harbor Historical Society, dedicated to preserving their hometown's heritage for future generations. So I ask my colleagues in the House of Representatives to join me in saluting the Sag Harbor Historical Society for all their efforts.

PASTOR JIM LYON'S—LIFE IN A CHRISTIAN HOME

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. McINTOSH. Mr. Speaker, on many occasions my wife Ruthie and I have worshiped with our special friends at North Anderson Church of God.

On each visit we are lifted up by the sermons of Pastor Jim Lyon, a young dynamic minister whom we have grown to know well in the past few years.

His talents and interpretation of Holy Scripture is truly moving.

I would like to summit Pastor Lyon's 10 inspiring points on Life at Home into the CONGRESSIONAL RECORD for my friends and colleagues.

The points that Ruthie and I take to heart—ones that all Americans should follow.

In my series of ten messages (beginning May 5), I have attempted to highlight some of the most important characteristics of Life in a Christian Home. We spend more time at home than we do anywhere else; how we experience life at home will determine how we relate to the rest of our world.

LIFE AT HOME SHOULD BE DISTINGUISHED BY

1. A commitment to biblical boundaries for the expression of human sexuality. Biblical boundaries for sexual activity are more narrowly drawn than those established by our society; the Bible forbids sexual activity between persons who are not married to each other. All sexual activity (that involves genital contact) between persons outside of marriage is sin and severely compromises your ability to experience God's presence and blessing in your home. A clear and absolute commitment to biblical values in this area will protect your home and enhance every relationship you have.

2. Forgiveness. Relationships at home can bring great pain—people do not always meet our expectations, sometimes they deliberately injure us, sometimes they hurt us without intending to do so (but the pain is real, nonetheless). Life at Home can never include the Spirit of Christ if unforgiveness is allowed to reside there. We cannot receive God's forgiveness if we are not willing to extend forgiveness to others; we cannot find peace at home, until we choose to forgive at home.

3. Acceptance. If you do not feel accepted at home, insecurity will undermine all of your relationships everywhere else. To know that you have intrinsic worth apart from how you perform in life, empowers you to love and accept others—and to comprehend the love of God.

4. Righteous Memory. Intentionally create wonderful, righteous memories for the people in your home, so that when they are faced with difficulties and challenges, they will be able to draw from a reservoir of memories that will bring the Lord to mind and give them hope.

5. Boundaries. Every home needs boundaries. Establish clear lines of acceptable behavior—and reasonable consequences for living within or outside those lines. Adults must set boundaries and consequences for their children, for themselves, and for each other—and then follow-through with them. Failure to do so is a prescription for disaster.

6. Husbands who love their wives as Christ loves the Church. In every home established by marriage, there should be a husband who knows how to prove his love to his wife, with passion, intimacy, and commitment. A man should not expect to enjoy the privileges of marriage without first assuming its responsibilities: loving, giving, protecting, and honoring his wife.

7. Speaking the truth in love. Life at Home should be grounded in honest, straightforward, and loving conversation. Don't pout, use sarcasm, accuse, or avoid difficult issues. Recognize that truth may have more than one perspective and that all communication must be predicated with love.

8. The way parents are honored. Honoring our parents (even when they are troublesome) is a commandment of God—the first with a promise. Respect for authority is a key to establishing healthy relationships throughout life; respect for our parent is the first step in developing respect for others. Search for the good in your parents, and honor them for it. Sometimes parents need to be confronted with the truth of their shortcomings—that honors them, too. Making peace with our parents opens the door for whole relationships at home and elsewhere.

9. Biblically-based money management. Don't hoard. Develop a budget. Give God the first 10% of your gross income. Measure your financial priorities by God's Word. Take control of your finances for God, or they will control you—reducing you to servitude.

10. Healthy diversity and understanding of God's gender design. God created two kinds of people in this world: male and female. Recognize and celebrate the different ways each gender perceives the world and each other; do not allow that diversity to compromise harmony and peace in your Life at Home. Use it instead to make Life at Home more interesting.

There are, of course, other elements that should characterize Life at Home for Christians. But these are beginning points. Once I have mastered these, I will be in a position to suggest some others.

All of these ideas, however, are contingent upon the Lordship of Christ in your personal life. If you have not been transformed by the Holy Spirit (in process Jesus described as being born again), the application of these principles cannot be maximized. Start with a commitment to Christ. Give yourself—and your home—to His control. Then, pursue the ten distinguishing marks above—and Life at Home will never be the same; you will find that it has never been better.

TRIBUTE TO ALUMNI OF FROEBEL HIGH SCHOOL AND ROOSEVELT HIGH SCHOOL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. VISCLOSKY. Mr. Speaker: It is with great pleasure that I commend the alumni of Froebel High School on the celebration of the 12th anniversary of their first reunion family picnic. This picnic was held on Saturday, August 10, 1996, on the grounds of what used to be Froebel High School in Gary, IN.

An originator of the event and current chairman of the Froebel class of 1962, the honorable Vernon Smith, State representative for Indiana's fourteenth district, stated that this picnic was originated in 1984 to maintain the inner city spirit and rivalry between the alumni of the Froebel Blue Devils and the Gary Roosevelt Panthers. Initially, the graduating classes of 1962 from both high schools combined efforts to create a nostalgia reunion. This began with a basketball game between the two alumni groups and was followed by a dance. Recently, however, the Roosevelt class of 1972 has taken over responsibility from its class of 1962 and the two schools have separated a few of their events. The current chairman of Roosevelt's class of 1972 is Dwight E. Pointer.

Representative Smith stated that Roosevelt and Froebel were the most competitive schools in this area. Therefore, they created this event to recapture the great memories and allow the generations of graduates to continue the tradition. In fact, many people return to Gary to attend this celebratory event.

This event, which usually attracts over 3,000 people, was again held in conjunction with the week-long nostalgia event. On August 7, a casino night was held at the Genesis Center followed by the picnic and nostalgia dance on August 10. On August 11, a church service and block party were held in Gary.

Froebel, which was also known as the immigrant school, is presently being surveyed for landmark status. The Pony Express and stage coaches changed horses at a way station located on the Froebel property en route to Chicago. Friedrich Froebel, who believed toddlers could be educated, instituted the first kindergartens and invented the alphabetical/numerical building blocks that are used worldwide by preschoolers. On September 9, 1907, actual class work began at the 14th street school as it was called before Froebel opened. In 1910, the city of Gary authorized a 10-acre site for the construction of Froebel. It was completed and opened in September 1912. William A. Wirt, a student of Froebel's philosophies, made it mandatory that the Gary schools implement kindergarten through 12th grade at this school. All of the high tech concepts of the era were realized in the Froebel curriculum and soon this Gary plan gained prominence and was adopted by many school districts nationwide. Froebel High School was converted into a middle school in 1969 and the last class that was held in that building was in 1977. Since that time, Froebel School has remained closed.

Mr. Speaker, I am thrilled that the residents of Gary took the time to celebrate and appreciate their city's history. May the alumni of Froebel and Roosevelt High Schools continue to honor their schools and exude the pride that has persevered to unite everyone in Gary.

RECOGNITION OF THE PITTSBURGH TRIBUNE-REVIEW

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. MURTHA. Mr. Speaker, when the Pittsburgh Press ceased publication of its afternoon daily and Sunday editions, the Pittsburgh Post Gazette increased its service to the area, but a tradition of newspaper competition that had existed for many decades disappeared.

Several publications tried to fill that void, but the most successful has been the publication of the Pittsburgh Tribune-Review, headed by Richard Scaife. The paper has had remarkable circulation growth and annual increases in advertising linage.

In an age when we seldom see newspaper expansion, I want to note that on September 10, Mr. Scaife will break ground for a new facility called the Newsworks, in Marshall township, a suburb of Pittsburgh. This will increase the number of new presses for the newspaper, create some 500 jobs during the construction phase, and create over 100 permanent skilled craftsperson positions when the plant becomes operational.

The news media is always stronger for competition, and the continued development of the Pittsburgh Tribune-Review is good for western Pennsylvania, good for workers, good for the news business, good for the full coverage of controversial subjects, good for a selection in editorial commentary, and good for the overall rebuilding of western Pennsylvania's economy.

It's a pleasure for me to congratulate Richard Scaife and the Pittsburgh Tribune-Review on this positive development. I hope this example lends impetus to other business leaders to reinvest in their core businesses to expand and grow.

OCEAN DUMPING TERMINATION ACT OF 1996

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. SAXTON. Mr. Speaker, I rise today to introduce a bill entitled the "Ocean Dumping Termination Act of 1996."

This bill goes a long way to solving some recent problems we have had with attempts to weaken ocean dumping regulations. While some would have us believe that protection of the oceans is something we can worry about later, coming from the Third District of New Jersey, I know that ocean protection is something that must happen now.

In 1988 I was part of the original effort to cease the dumping of toxic substances into the ocean. I was part of this effort because I personally saw and had to live through the environmental havoc caused by wholesale ocean dumping. The beaches of New Jersey were coated with trash and toxic waste—the beaches were closed and the coastal economy was in ruins.

Today, through stringent ocean dumping regulations, the beaches of New Jersey have rebounded. Each year we get millions of visitors to New Jersey's beaches. These visitors generate billions of dollars of revenue for the State and the Nation.

Why, then, have there been recently attempts to turn back the clock on this great environmental success story? Because of the greed and political aspirations of a few. Why should those few benefit from environmental degradation? They should not. And they will not on my watch.

Today I introduce the Ocean Dumping Termination Act to stop this downslide of environmental protection. This bill will close the only remaining mud dump site off the coast of New Jersey 6 months from enactment of the act. From the date of signature on this act, all category II dump materials—materials toxic to the ocean and to people—will completely cease. And this bill will assure that steps can be taken to mitigate any remaining environmental harm that could result from this mound of sludge sitting just 12 miles off the coast of New Jersey.

As one of my esteemed colleagues, who has served the interests of the oceans for over 20 years, stated earlier today on this floor, we work for the sanctity of the critters of the ocean. Those critters do not care about the demarcation between Democrats and Republicans—but they care more than they are able to say about the health of their environment. I care about the health and welfare of that environment and the people of New Jersey and this Nation and I can do something about it. Today, I did. I urge broad support for this bill, the Ocean Dumping Termination Act of 1996.

TRIBUTE TO A FLIER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. CLAY. Mr. Speaker, bustling in the skies overhead—airplanes and helicopters, satellites and spaceships, dirigibles and sometimes even UFO's—orbit the Earth in voyages of commerce, missions of mercy, war, flights of fantasy, and excursions of adventure and leisure.

For centuries our ancestors had no paths through the clouds. Once, most thought man would never fly; that only birds might soar the kingdom of clouds and rainbows. Today pilots steer passengers through the clouds and across the starry skies because dreamers and thinkers and inventors held to a faith that someday man would navigate the heavens.

Those who keep faith in their missions open new worlds and inspire us all to reach new heights.

I would like to take this opportunity to share a little bit of the story of one of our Nation's first black commercial airline pilots. Perry Jones is one of those faithful whose hard work, spirit, and dedication chartered a new course to the future. He is a model for young people who are pursuing dreams of flying and he is a model for older people who are searching out new rainbows when they retire from their life's work. Mr. Speaker, Capt. M. Perry Jones is one of our Nation's high-flying heroes.

Enclosed is a copy of an article on Capt. M. Perry Jones which was recently published by Visions magazine and written by Mr. Ronald Johnson and Ms. Constance Gipson of the California Department of Education.

CAPTAIN M. PERRY JONES

PILOT, DELTA AIRLINES; PRESIDENT, ORGANIZATION OF BLACK AIRLINE PILOTS

Birthplace: Cartersville, Virginia.
Raised: Montclair, New Jersey.
Resides: Glen Ridge, New Jersey.

Captain M. Perry Jones was born in Cartersville, Virginia, and lived with his grandparents on a small farm. His grandfather was his hero. "Wherever he went, I went. I was his shadow," he recalls fondly. "He, my grandmother, and my aunts played a major role in my life." Captain Jones joined his parents and his brother in New Jersey when he was ten.

"I knew I wanted to be a pilot when I was five or six years old. I used to watch planes fly over my house and dream of becoming a pilot. Because I was poor, I didn't know how I was going to do it, but I knew what I wanted." Now, after overcoming numerous obstacles, Captain Perry Jones flies an A310, also known as an air bus, between New York and Europe, touching down in such cities as Bucharest, Warsaw, Hamburg, and Budapest, and many other exciting places.

An honor student and athlete in high school, Jones went on to earn two college degrees at the same time, one in aeronautical engineering and the other in mechanical engineering at the same time. Being focused was his key to success in high school and college. He was determined to be the best. In high school, he excelled in math, science, and physics, and his extraordinary efforts earned him several scholarship offers to some of the best colleges in the country. He chose the University of Pittsburgh because of its exemplary track program. He was on a world record relay team.

Although sports were important to Jones, academics came first. In college, Jones got up at three o'clock every morning to study. His dedication and self-discipline paid off when he was hired right out of college as an engineer by Lockheed Aircraft Corporation.

After one year at Lockheed, Jones joined the Air Force, and entered flight training. He ranked first in academics and first in flying ability, but he was sent to navigation school and became a navigator.

It was not until he had completed navigator training and was assigned to Travis Air Force Base in California that he got the opportunity to attend pilot training. A general recognized Jones's ability and mentored him, leading to his return to aviation school and pilot training. Next, he was sent to Vietnam, where he flew air tankers that refueled bombers in flight. After six years in the Air Force, during which he flew 126 missions in Vietnam, Jones left military life to become the first African American pilot to fly for Pan American Airlines.

Because of his rich experiences in aviation, Captain Jones strongly believes that young people should continue to pursue aeronautical careers: "Opportunities will be there for young people who want to be in aviation, even with the current trend toward scaling down the airlines."

As president of the Organization of Black Airline Pilots, Captain Jones testifies before Congress and makes television and radio appearances about blacks in aviation—there are approximately 660 black airline pilots in the United States today. The Organization of Black Airline Pilots holds seminars and flight schools, and provides support to aspiring pilots and persons already flying for the airlines.

Captain Jones believes that he owes a debt to the people who helped him, so he volunteers countless hours working with young African Americans, helping them pursue their career goals. He wants to see young African American men gain self-esteem through meaningful employment so that there can be a return to the sense of family that has traditionally been part of the black culture. "Young men need to learn how to get a good job so that they can raise their families with dignity. They can't respect others until they have learned to respect themselves." Captain M. Perry Jones lives and practices the philosophy, "I judge myself on how I have helped other people to reach their goals."

TRIBUTE TO THE PONAGANSET WIND ENSEMBLE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. REED. Mr. Speaker, I rise today to recognize the superb performance of the Ponaganset Wind Ensemble at the 1996 International Youth and Music Festival in Vienna, Austria.

The Ponaganset Wind Ensemble, instructed by Mr. Nedo Pandolfi of Ponaganset High School in Rhode Island's Foster/Glocester Regional School District, met all expectations by taking first place in the festival's band competition—a feat never before achieved by an ensemble from the Ocean State.

Chosen as one of only three bands to represent the United States, Ponaganset, which placed third at the 1982 Vienna Festival, showed the world how countless hours of practice and dedication can produce brilliance. So impressive was Ponaganset's performance that the student's were awarded the Cup of Vienna, an accolade not given every year and awarded only when the festival panel recognizes exemplary musical performance.

The Ensemble's 46 young musicians, ages 14 to 18, not only successfully competed on an international stage, but also found boundless opportunities to receive a priceless musical education. The Wind Ensemble performed for numerous crowds at local fairs and open air arenas throughout Vienna's historical downtown area, and also visited the memorials to some of the world's most legendary composers such as Mozart, Beethoven, and Strauss.

Mr. Pandolfi established the Ponaganset Wind Ensemble program in 1960, the same year that Ponaganset High School was founded. Thirty-six years later, both the instructor and the pupils should be praised for their momentous achievement, which is an experience whose memories will last a lifetime.

Mr. Speaker, I ask my colleagues to join me in congratulating the following members of the Ponaganset Wind Ensemble, who have clearly illustrated what we can achieve when we follow our dreams. Their accomplishments are indicative of the perseverance and effort necessary to achieve success:

Monique Barrett, Foster; Jesse Poulin, Foster; Josh Bedard, Foster; Katie Bedard, Foster; Andrew Fast, Foster; Aletha Holmes, Foster; Hilary McElroy, Foster; Richard Muldoon, Foster; Jennifer Sherblum, Foster; Diane Shippee, Foster; Dyani Tait, Foster; Diana Walden, Foster; Colin Walsh, Foster.

Melissa Alberg, Glocester; Tom Alberg, Glocester; Kim Angarella, Glocester; Roger Bissell, Glocester; Daniel Boucher, Glocester; Katie Broccoli, Glocester; Brooke Brown, Glocester; Courtney Brown, Glocester; Peter Carpenter, Glocester; Scott Carpenter, Glocester; Brendan Carroll, Glocester; Jesse Chace, Glocester; Nick Collins, Glocester; Sarah Colwell, Glocester; Stephanie Darigan, Glocester; Matthew Dube, Glocester; Christopher Fellow, Glocester; Tara Foley, Glocester; Beth Hammond, Glocester; Danielle Lavendier, Glocester; Bethany Lyford, Glocester; Megan Mason, Glocester; Nathan Mason, Glocester; Nicholas Pinder, Glocester; Jane Ragno, Glocester; Michael Roberto, Glocester; Pamela Roberto, Glocester; Rebecca Ruge, Glocester; Sarah Stevenson, Glocester; James Teeter, Glocester; Adam Tillinghast, Glocester; Elizabeth Tucker, Glocester; Rachel Zanella, Glocester.

TRIBUTE TO MRS. MARGE KELTNER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. VISCLOSKY. Mr. Speaker, I would like to honor a great citizen who has made a tremendous impact on educating children in the School City of Hammond, IN. Mrs. Marge Keltner, title I director for the School City of Hammond, retired at the end of the 1996 school year.

Mrs. Keltner began her career in education in 1955 as a fourth grade classroom teacher. She came to the School City of Hammond in 1959 in the same capacity. In 1965, Mrs. Keltner's teaching assignment changed when she became the title I reading teacher. Title I is a federally funded educational program that assists students who have reading problems. Mrs. Keltner's role with title I expanded through the years as she became a title I reading teacher coordinator, instructional supervisor, and, finally, program director. Mrs. Keltner also taught undergraduate and graduate level education at Indiana University Northwest and Purdue University Calumet.

In addition to her work with the title I program, Mrs. Keltner worked diligently to foster literacy. She is currently a charter member of the Hammond Area Reading Council and has served on the board of directors for the Calumet Area Literary Council. In addition, Mrs. Keltner served two terms as president of the Indiana State Reading Council and was appointed by Governor Bayh to a statewide Literacy Coalition.

Marge Keltner can be very proud of the work she has done to improve the quality of life for the citizens of Indiana's First Congressional District. She serves as a positive role model for teachers and students alike, and proves that with a little assistance from a caring teacher, a child can grow into and prosper as a productive adult.

THE REPUBLICAN PARTY PLATFORM: FORMER SENATOR BOB DOLE SAID HE DID NOT READ IT—BUT IT SHOULD BE READ

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. LANTOS. Mr. Speaker, 3 weeks ago the American people were treated to a confusing spectacle in San Diego. The platform adopted by the Republican Party 1 week before the Republican convention reflected the same extremist, Contract-With-America rhetoric that we in the Congress have witnessed for the past 20 months. This is the same extremist program that the majority of the American people have clearly and unequivocally rejected.

The following week, a tightly-scripted convention took place in San Diego which ignored the existence of this radical document. That same convention—for obvious reasons—also ignored the so-called Contract With America.

The Republican Presidential candidate, former Senator Robert Dole, told the press he had not read his party's platform. The Republican platform, however, does deserve to be read, Mr. Speaker, because it is important for the American people to know the views of those who are in the majority within the Republican Party. The Republican platform tells us the views of the people who will play leading roles if there should be a Dole administration—which, I hasten to add, I sincerely hope there will not be.

Mr. Speaker, an excellent analysis and summary of the Republican platform appeared as an editorial in the September 2 issue of The New Republic. I ask that this excellent editorial be placed in the RECORD. I urge my colleagues to read it. This editorial gives an excellent summary of some of the most egregious and disturbing problems with that extremist document.

[From the New Republic, Sept. 2, 1996]

PLATFORM DIVING

Is the Republican platform worth reading? Not to Bob Dole, who still hasn't found the time, nor to the GOP's oh-so-moderate convention speakers, who appear chosen largely because they disagree with its plank on abortion (criminalize it, even when the mother's life is at stake). But although the platform is, predictably, a farrago of inoffensive pabulum ("We are the party of the American family, educating children, caring for the sick . . .") and unintended hilarity ("Prisons should not be places of rest and relaxation"), it still provides a useful glimpse into the contradictions of what remains the closest thing America has to a majority party.

Take, for example, the planks on terrorism, which both excoriate President Clinton for coddling terrorists and pander to the GOP's Ruby Ridge wing: "To take away the liberty of the American people while fighting terrorism is repugnant to the history and character of our nation." How will the anti-big government Republicans fight terrorism while opposing things like taggants to trace bomb-powder? Establish a "blue ribbon" commission. Nothing scares killers like a panel of experts.

Elsewhere, the platform gets similarly caught between its enthusiasm for states' rights and its insistence that they do the right-wing thing. The GOP would "require the original sponsor of [any] proposed federal legislation to cite specific constitutional authority for the measure." Yet the platform cites no such authority for its own calls to nationalize product-liability law and to force legal reforms upon the states: "restore limited liability" to churches "to provide protection against profit-seeking lawsuits," "eliminate the use of junk science" by "opportunistic attorneys" and so on.

Along with scrapping the Education Department, the platform says plainly, "the federal government has no constitutional authority to be involved in the school curricula." But a few lines later comes a truly bizarre call for Napoleonic micromanagement: an exhortation to "requir[e] our public schools to dedicate one full day each year to studying the Declaration of Independence and the Constitution."

Why not a week? For when the Republicans get through with the Constitution, there'll be a lot more of it to study. A cursory count yields calls for six new amendments: to extend Fourteenth Amendment citizenship protections to the unborn; to deny them to the children of illegal immigrants born in the U.S.; to protect "victims' rights"; and, of course, to outlaw the various forms of mutilation and political adornment that might fall under the category of "desecration" of the American flag. Banning abortion and flag-burning are hardy perennials, and victims' rights, too, is becoming a familiar pander. The denial of birthright citizenship, however—a radical shift in our notion of Americanhood—demands vociferous rebuttal from all responsible quarters.

In its economic planks, the platform states, "'Research and development is our commitment to the future." It then endorses "de-emphasizing the role of government"—that is, cutting spending—on R&D, which is what the GOP Congress proposed. The next paragraph praises a Dole-sponsored law that expanded federally funded research. The GOP sounds similarly confused on homeownership, which, it declares, "is not something government gives to the people, but rather something they can attain for themselves. . . ." Two sentences later, it reiterates support for the mortgage interest tax deduction, a subsidy the government provides to boost homeownership.

On foreign policy, the platform betrays open warfare between the party's neocons and its America-firsters. "We vigorously support restoring the promotion of democracy worldwide," the preamble announces. How? Not by using economic aid to reward poor countries for breaking with authoritarianism. That, the platform says, is "social welfare spending in the Third World." The multinational disarmament and election-monitoring efforts that have given birth to democracy in Mozambique, Cambodia and El Salvador meet with reproof, too. "Bill Clinton's peacekeeping operations and other global ventures" haven't had "any discernible benefit to U.S. national security." Of course not. Promoting democracy in impoverished corners of the globe isn't an expression of American interests in any direct way, it's an expression of American beliefs. But the Buchanan wing of the party doesn't think that America should have moral concerns beyond its borders. So the platform's specific foreign policy planks render its preamble meaningless.

Bob Dole has, understandably, tried to bury this mishmash of confusion and dishonesty in the scripted moderation of San Diego. Still, if this is the best statement his party can offer about what it would do in office, what does it say about the policies he would pursue as president?

JUSTICE WILL BE DONE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. MYERS of Indiana. Mr. Speaker, justice sometimes is slow in coming, but usually does prevail. This is the issue in the case involving "Baby Richard." This little boy, whose only offense was being born to a mother who did not want him, was taken from the only parents he ever knew who had legally adopted him at birth. Through the action of a judge and an attorney he was given to a father who did not know he existed at the time of his birth. He was promised that he could see his adoptive brother, but that has been denied to this little fellow.

The following article by Hevrdejs & Conklin, Inc. appeared September 3, 1996 in the Chicago Tribune.

[The Chicago Tribune, Tuesday, Sept. 3, 1996]

ATTORNEY'S LUCK RUNNING SHORT AFTER "BABY RICHARD" CASE

(By Hevrdejs & Conklin Inc.)

We know many readers were delighted when Illinois Supreme Court Justice James Heiple, who wrote the unpopular "Baby Richard" decision, subsequently got into an embarrassing traffic scrape with police. Now comes word Loren Heinemann, the lawyer who won custody of "Baby Richard" for Otakar Kirchner, (a decision upheld by Heiple), has filed for personal bankruptcy. According to the Chicago Daily Law Bulletin, Heinemann lists $602,000 in liabilities. He also is defending himself in five unrelated cases of professional misconduct. Do we detect a "Baby Richard" curse at work here?

TRIBUTE TO GERTRUDE "GERT" R. TABER

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. RADANOVICH. Mr. Speaker, I have the sad duty today to report to this House the death of a fellow elected official, Gertrude "Gert" R. Taber, from the fifth supervisorial district in my home county of Mariposa, CA. I had the privilege of serving with Gert on the Mariposa County Board of Supervisors, and of knowing Gert as the first lady of Mariposa since I was a young child.

Gert served on the board from November 1979 until her passing last week. She provided the citizens of Mariposa County with 17 years of dedicated service during a time of great change in California, and in Mariposa County. Adapting to change was a starting point for Gert, when she broke the barriers of the board of supervisors as the first woman supervisor in the then 125 year history of that board.

Gert had many accomplishments as a supervisor, mostly for modernizing Mariposa County's government by creating new administrative, personnel, data processing, community services, fire and other departments and government functions. In addition, she led the charge for improved planning and instituting land use reform; for a comprehensive budget process; for addressing long term space needs of the county; and for ensuring that seniors and children received the best possible services. Gert was always an advocate for those not able to advocate for themselves—for making government work for the people it can best serve.

Perhaps more importantly, Gert gave of herself as a wife to Bud Taylor for 49 years, and as a mother of six children. She was an active community member as a Scout leader, 4–H leader, Key leader, sponsor of youth sporting activities and rodeo events, and as the candy lady to a whole generation of Mariposans.

Gert was an independent, active and caring voice in the community, and Mariposa will miss her.

Mr. Speaker, by honoring Gert Taber, we hold an example for all Americans as contributing members of their communities. For this reason, I am honored to pay tribute to Gert Taber, truly the first lady of Mariposa.

INTRODUCTION OF PRIORITY SMALL BUSINESS PAPERWORK REDUCTION ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. SANDERS. Mr. Speaker, last year the 104th Congress marked up and passed the Paperwork Reduction Act of 1995. I was pleased to support that legislation in committee and on the House floor. In fact, I was successful in including an amendment to this new law which makes it a top priority for the Office of Management and Budget [OMB], when collecting information and applying new information technology, to make certain that small businesses selling goods and services to the Federal Government get paid on time.

But this new statute still does not assign nearly enough priority to cutting the redtape and paperwork on the smallest of the small businesses that are most in need of relief. This is because the executive branch generally defines a small business to mean any employer of 500 or fewer employees.

Most businesses in Vermont have 10 or fewer employees. Furthermore, I venture to say that most Americans don't think of a company that employs 499 employees as having the same needs and problems as a company that employs 25 or fewer employees.

We need to focus the attention and limited resources of OMB and other Federal agencies on reducing burdensome paperwork on those it is hurting the most—the smallest businesses that can least afford the time, personnel, and additional costs associated with meeting all of the Federal Government's regulatory and reporting requirements.

This bill does just that. It defines microenterprises to be small businesses in America that employ 25 or fewer employees. In addition, it calls upon the Director of the Office of Information and Regulatory Affairs within OMB to make it a priority to first consider the adverse effects on the smallest of small businesses, when directing and overseeing efforts to cut Federal paperwork and information reporting.

It also makes helping the smallest of small businesses a priority for voluntary pilot projects when OMB, other Federal agencies, and non-Federal entities test alternative policies, practices, regulations, and procedures to reduce the Federal paperwork burden.

We live in a time when the Federal Government must learn to do more with less. Therefore, in setting out to cut Federal regulatory costs and paperwork for American businesses, we should first strive to help the truly vulnerable small enterprises who operate much closer to the margin and whose survival is always in greater jeopardy.

THANK YOU, JIM FINLEY, FOR YOUR LOYAL SERVICE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. FIELDS of Texas. Mr. Speaker, it was with mixed emotions that I announced last December 11 my decision to retire from the House at the conclusion of my current term. As I explained at the time, the decision to retire was made more difficult because of the loyalty and dedication of my staff—and because of the genuine friendship I feel for them. Each one of them has served the men and women of Texas' Eighth Congressional District in an extraordinary way.

Today, I want to thank one member of my staff—Jim Finley, my district administrative assistant—for all he's done for me and my constituents in the 16 years that he was worked in my office.

I met Jim in 1980, when I was first running for Congress and he was working as managing editor of the Baytown Sun. While Jim and the Baytown Sun remained scrupulously fair and impartial throughout the campaign, he and I developed a friendship as a result of frequent meetings. Jim had worked at various newspapers throughout southeast Texas in the preceding 19 years, and had served as the managing editor of the Baytown Sun for the previous 10 years.

I admired his hard work and professionalism at the Baytown Sun, and after the election, I was delighted when he agreed to head up my district office.

As a result of redistricting, Jim now oversees three district offices—in Humble, Conroe, and College Station. Jim's work in managing the operations of my district office was recognized in 1986 when he was asked to come to Washington, DC, to advise newly elected Republican Members of Congress on the effective and efficient workings of district offices. The advice he provided helped many of my colleagues get their own district offices up and running in a manner that effectively serves their constituents.

Jim has represented me at countless meetings over the years I was unable to attend, and has attended virtually all of my 569 town meetings held throughout the Eighth Congressional District.

Jim has long been active in his community. He is a past president of the Kiwanis Club of Baytown, and served as chairman of the committee responsible for the construction of the Kiwanis War Memorial in Baytown. He is a former member, and past president, of the board of directors of BayCoast Hospital. And he is a charter member of the Baytown Go-Texas Committee of the Houston Livestock Show and Rodeo.

When he is not working, Jim enjoys spending time with his children and grandchildren: his daughter, Robin, and her husband, Steve Richards, and their children, Katie and Reid; and his son, Scott, and his wife, Jackie Finley, and their children, Devin and Falynn. An avid race fan, Jim worked for many years as a member of the pit crew of Scott's championship racing operation. And come football or basketball season, Jim can usually be found in front of a television set, watching his beloved Arkansas Razorbacks triumphing over their opponents.

Jim Finley is one of those hard-working men and women who make all of us in this institution look better than we deserve. I know he has done that for me, and I appreciate this opportunity to publicly thank him for the dedication, loyalty and professionalism he has exhibited as a member of my staff.

Jim has yet to decide what he wants to do when I retire from office. But I am confident that the skills and professionalism he has demonstrated as my district administrative assistant will lead to continued success in the future.

Mr. Speaker, I know you join with me in saying "thank you" to Jim Finley for his years of loyal service to me, to the men and women of Texas' Eighth Congressional District, and to this great institution. And I know you join with me in wishing him, and his lovely wife, Margie, the very best in the years ahead.

Thank you, Mr. Speaker.

TRIBUTE TO ODETTE ORAH LOUISE CHARBONNET

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. DIXON. Mr. Speaker, I am very pleased to salute Mrs. Odette Orah Louise Charbonnet of Los Angeles, CA, on the occasion of her 100th birthday, which she observed on August 8, 1996.

Affectionately known as Mother, Odette was born in new Orleans, LA, on August 8, 1896. She was the third child born to Thomas and Julia Clayton. As a young girl, Odette teamed with her sister to form a dancing and singing duo known as the Clayton Sisters. The Clayton Sisters performed in New Orleans, as well as in surrounding areas.

It was at one of these performances that Mother met the debonair Joseph Louis Charbonnet, Daddy Joe. Daddy Joe and Mother married in July 1918. They were blessed by a union spanning 40 years—a union that produced five children: Helena, Joseph, Jr., known as Bubby, Leroy, Joyce, and Nolan.

By 1950, Mother and Daddy Joe had settled in Los Angeles. They were joined by many of their friends from New Orleans, and soon formed social clubs which would become the hub for many of their social and philanthropic activities.

Mother was a gifted seamstress, who could always be found at her sewing machine turning out enviable designs to rival the most talented couturiers. She would spend all day laboring over her elegant designs, but in the evening her attention would turn to her second love—playing cards. Her love of card games would evolve into a passion for Las Vegas.

Most of all, however, Mother has always adored her family and her church. She is a steadfast and devout member of Transfiguration Catholic Church. For the past quarter of a century, she has been the proud recipient of the church's Mother's Day corsage, presented to the oldest member in attendance.

Mr. Speaker, on Sunday, August 4, 1996, Mrs. Charbonnet's family and friends gathered at Los Angeles' renowned Wilfandel Club to pay tribute to this remarkable and indefatigable woman. I am sure that it was grand celebration, for she is a grand lady. I am proud to count her as my friend, and delighted to have this opportunity to share a glimpse of her wonderful life with my colleagues. Please join me in extending our heartfelt birthday wishes to this outstanding centenarian.

DeLAURO HONORS ST. PAUL UAME CHURCH ON ITS 150TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Ms. DeLAURO. Mr. Speaker, on Sunday, September 15, 1996 the officers and members of Saint Paul Union American Methodist Episcopal Church will gather to celebrate the church's 150th anniversary. I am pleased to rise today to congratulate the St. Paul UAME congregation on this special occasion.

The church has an incredibly rich history. The church traces its roots as far back to 1805 and developed from a strong tradition of grass-roots initiatives and organizing. The Saint Paul Union American Methodist Episcopal Church, as it is now known, has a history which begins in 1847. Organized in 1952 by lay Elder John Williams, it was originally called the Ecclestial Society and was located at 47 Webster Street. The church was later moved to 69 Webster Street and renamed the African Union Church by lay Elder William Walker. Finally, in 1920 the church became the Saint Paul Union American Methodist Episcopal Church. In 1938 the city of New Haven began the Elm Haven housing project. St. Paul was located in the middle of the proposed project and a decision was made to move the church, intact, to the south side of Dixwell Avenue. The church was moved and completely renovated. The church was dedicated on May 12, 1940 under the pastorate of the late Rev. James E. Henry.

The church continued to grow and in 1956 was assigned the Rt. Rev. David E. Hackett. It was the leadership of Reverend Hackett which facilitated great progress and growth of the church. During that time church property was improved, a financial reserve maintained and community services were expanded. The church also fondly remembers the tenure of the Rev. Dr. Clyde J. Bobo Bowman who was assigned to St. Paul in 1971. The Reverend Bowman initiated a community based ministry that sought to address the problems and concerns of senior citizens, the church's neighborhood, and the young people and children in the area. This community based philosophy is one that the church continues to espouse.

The St. Paul UAME Church is a clear example of the important role of the church in people's lives today. The church gives everyone a place to find their spiritual center and to solidify and support their values. In addition to ministering to the needs of its own congregation, the St. Paul UAME Church reaches out to the whole community. The church tackles difficult social problems like drug use, poverty and violence. At a time when public support for government intervention and programs is low, it is critical that churches and community organizations reach out to those most in need. I commend the St. Paul UAME Church for leading the way and rising to the challenges of combating these social problems. I am pleased to offer my sincerest congratulations to the church on its 150th anniversary. I know the church will continue to be an important force in the lives of both the members of the congregation and the larger community for many more years to come.

FIRST ANNIVERSARY OF KHALRA KIDNAPPING: FREE KHALRA NOW

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. TOWNS. Mr. Speaker, I rise today to remind my colleagues that Friday, September 6, marks the anniversary of the kidnapping of human rights Jaswant Singh Khalra by the Punjab police. Mr. Khalra observes this anniversary still in custody, his whereabouts unknown. His wife states that he is in the custody of India's brutal Intelligence Bureau, one of the agencies involved in beating an elderly Sikh leader in need of emergency medical treatment. According to an eyewitness who shared a jail cell at Nangal Police Station with Mr. Khalra last October, Mr. Khalra had been beaten into unconsciousness at that time. One can only imagine the brutal torture he has suffered in the past year. I am inserting into the RECORD a press release on this gruesome anniversary from the Council of Khalistan.

Mr. Khalra was general secretary of the Human Rights Wing (Shiromani Akali Dal) at the time that he was kidnapped. In that capacity, he published a report showing that the Indian regime had kidnapped more than 25,000 young Sikh men. These innocent Sikhs were then tortured and murdered by the police. Their bodies were declared "unidentified" and cremated to cover up police responsibility. After publishing this report, Mr. Khalra was told by the Tarn Taran police chief, Ajit S. Sandhu, "We made 25,000 disappear. It would not be hard to make one more disappear."

Just last month, however, the government confirmed the policy of mass cremations. Its own Central Bureau of Investigation (CBI) told the Indian Supreme Court that it had "prima facie evidence" of at least 984 such cremations based on its preliminary investigation. The Supreme Court justices who heard the case called the mass cremation policy "worse than a genocide."

The investigation is ongoing, but no one has yet been punished for these brutal acts. The Indian regime refuses to punish Mr. Sandhu. Despite an indictment against Mr. Sandhu and eight other police officers involved in kidnapping Mr. Khalra, he has not yet been arrested. Instead, he gave an interview to an Indian newspaper in which he said that he is proud of his actions. Why is Mr. Sandhu still at large?

If India is serious about the democratic values it so loudly proclaims, it would be appropriate to observe the anniversary of Mr. Khalra's kidnapping by releasing him, ending the mass cremation policy, and arresting and trying those responsible for these atrocities. Otherwise, the United States, the nation that is truly the world's largest democracy, should stop all aid to the Indian government and institute an embargo against India so that American companies cannot prop up this repressive tyranny with their dollars. It is the only decent thing to do.

HONORING THE CARLOW COLLEGE WOMEN OF SPIRIT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. COYNE. Mr. Speaker, I rise today to honor some very special women—the Carlow College Women of Spirit for the year 1995–96. Carlow College is a private Catholic college for women in Pittsburgh. The college, founded in 1929, created its Woman of Spirit Award to call attention to women in the Pittsburgh area who exemplify the college's ideals of competent and compassionate service in both their personal and professional lives. The college presents a Woman of Spirit Award every month, and it holds a gala event each year to pay tribute to the award recipients for the preceding year.

This year's Woman of Spirit Award recipients are prominent members of the area's business community, the art world, the education community, and the medical profession. Many of them are active in local charities and community organizations. In fact, many Woman of Spirit have impressive accomplishments in more than one fields, and all of them also have noteworthy personal and spiritual lives. I would like to mention each award recipient personally.

The Carlow College Woman of Spirit for October 1995 was Joyce Bender. Ms. Bender is the president and owner of Bender & Associates and Bender Consulting Services, Inc. She has been active in the executive search industry in Pittsburgh for over 16 years. Ms. Bender is a board director for the Data Processing Management Association, and she is a past president of the Association for Business Management and the Pittsburgh Case Users Group. Ms. Bender has also demonstrated a long-term commitment to creating employment opportunities for women and individuals with physical disabilities. She is a member of the Business Advisory Committee for the Institute of Advanced Technology, an organization that provides computer systems education to individuals who are physically challenged, and she was the 1995 chairperson for Tech-Link, an organization that introduces middle and high school students with physical disabilities to technology. She recently opened Bender Consulting Services, Inc., to provide employment opportunities in the information industry to physically challenged people who are trained in information systems.

Marcia Martin was honored as the Woman of Spirit for November 1995. Ms. Martin is the vice president of marketing and community relations for Gateway Health Plan in Pittsburgh. She has held other management positions at Gateway, as well as the hospital utilization project, Equibank, McDonald's Corp., and the Urban League of Pittsburgh. She serves on the executive committee of the Arthritis Foundation. She is a cochair of the Nursing Recruitment Coalition fund-raiser. Ms. Martin has been actively involved in the Bethesda Center, the Urban League of Pittsburgh, the Lemington Home for the Aged, and N.E.E.D.

Susan Bohn, executive vice president of corporate development and communications for PNC Bank Corp. was selected as the Woman of Spirit for December 1995. She has held a number of positions of responsibility at PNC Bank Corp. and its predecessor organization, PNC Bank. Ms. Bohn holds a Ph.D. in language communications from the University of Pittsburgh. She has served on the board of the Pittsburgh Public Theater and as program leader for the Financial Women International and the National Educational Researchers' Association. She has been a featured speaker for the Bank Marketing Association, the American Marketing Association, and the American Society for Training and Development. She has served as an adjunct faculty member at Carlow College and as a communications consultant for various Pittsburgh-based companies and area school districts.

The Carlow College Board of Trustees selected Ms. Jo DeBolt as the Carlow College of Spirit for January 1996. Ms. DeBolt has been the executive director of the Mon Valley Initiative, a regional grassroots community development organization, since 1988. The Mon Valley Initiative is widely recognized as a model for regional development. Ms. DeBolt serves on the boards of many Pittsburgh area organizations, including the Lazarus fund for the Pittsburgh Presbytery and the Methodist Union of Social Agencies. Ms. DeBolt holds an MBA from the University of Pittsburgh. She is the mother of four children.

Loti Falk Gaffney was selected as the Women of Spirit for February 1996. She serves on the boards of a number of local cultural institutions, including the Pittsburgh Ballet Theater, the Pittsburgh Symphony Society, and the Chamber Music Society. Mrs. Gaffney is also a member of the board of the Shadyside Hospital Foundation. She is a founding member of the Academy for Life Long Learning affiliated with Carnegie Mellon University. Mrs. Gaffney attended the Sorbonne and New York Cooper Union, and she holds honorary doctoral degrees in art from Bethany College and Shenandoah Conservatory and University. She has 2 sons, 8 stepchildren, 4 grandchildren, and 18 stepgrandchildren.

Patricia Regan Rooney, a mother of nine with a formal background in education, has been active in a number of community cultural and charitable organizations. Mrs. Rooney holds a master's degree in education from the University of Pittsburgh. She has worked as an instructor at Robert Morris College, where she has also served on the college's board of directors. She has been actively involved in volunteer work for the Salvation Army, the Rehabilitation Institute, the American Diabetes Association Western Pennsylvania Chapter, the board of advisors of the Pittsburgh Symphony, the International Poetry Forum, and the National Center for Learning Disabilities. She has nine grandchildren. Mrs. Rooney was chosen as the Woman of Spirit for March 1996.

Artist and designer Gerry Rosella Boccella was selected as the Carlow College Woman of Spirit for April 1996. Ms. Boccella is a graduate of Carlow College, and she has been the creator of the thematic artistic environment for the college's Women of Spirit gala celebrations since the program began. She has designed rooms for Sacred Heart Church and Carlow College, and she has created designs for the Diocese of Pittsburgh's Sesquicentennial Celebration, the Pittsburgh Opera's benefit Maecenas Ball, the Columbus Day Parade, and a number of other art events in the region. She is a founding member of the East Liberty Arts Council, and she has served on the steering committee for the Regent Theater. She is a board member for Citizens for the Arts in Pennsylvania.

Carol Massaro, who was selected as one of two Women of Spirit in May 1996, has been actively involved in a number of local charitable and cultural organizations. She is a member of the Pittsburgh Opera Association, the Pittsburgh Symphony Association, the Civic Light Opera Guild, and the 25 Club of Magee Women's Hospital. She has recently chaired events for the Pittsburgh Opera, the Civic Light Opera, Central Catholic High School, and a benefit for multiple sclerosis. She is a graduate cum laude from Chatham College with a degree in history and a minor in art history. She has four children and six grandchildren.

Carol Anton Murphy, who shared the Woman of Spirit Award for May 1996 with Carol Massaro, is a graduate of Carlow College. Ms. Murphy has worked as a speech therapist for the Allegheny County School System and the Diocese of Pittsburgh. She has been active in fundraising for a number of schools. She is a former chairperson of St. Philomena's Guild, and she served as president of both the Central Catholic High School Mothers Guild and the Duquesne University Women's Advisory Board. She has served as a member and as president of the Carlow College Alumnae Association Board.

Janice Friedman was selected as the Carlow College Woman of Spirit for the month of June. Ms. Friedman is a board member of the Civic Light Opera Society and serves on the production and academy committees. She serves on the executive committee of the Leukemia Society of America; she is a member of the Parental Stress Board; she is on the Advisory Council of the International Poetry Forum; she is a board member of the National Council of Jewish Women, and has been actively involved for over 15 years with their Designer Days. She is past national vice president for 6 years of Alpha Epsilon Phi, her national sorority, and she received the Devoted Alumni Award this past summer.

July's Woman of Spirit was Lois Wholey. A graduate of Mount Mercy College, Ms. Wholey has served as Mount Mercy alumnae president. She has been a 40-year member of St. Bernard's Women's Guild, and she is a former board member of the Pittsburgh Symphony Association. Lois Wholey was a copy writer at Kaufmann's for 28 years under the pen name Frances Fish and coauthored the book, International Cuisine by the World's Great Chefs. She is the proud mother of 9 children and the grandmother of 18 grandchildren.

Velma Scantlebury, M.D., was selected as the Woman of Spirit for August. One of a few female African-American transplant surgeons in the world, Dr. Scantlebury is recognized not only for her clinical and research contributions to the field of transplantation, but for her contribution as a role model to young students, the African-American community, and to women pursuing careers in medicine. Dr. Scantlebury is a member of several professional and scientific societies, including the American Society of Transplant Surgeons and the American College of Surgeons, which is 1994 named her as a fellow. She also serves on the Medical Advisory Board and is vice chairperson of the African-American Outreach Committee at the National Kidney Foundation of Western Pennsylvania.

Sister Elizabeth Carroll was the September 1996 Woman of Spirit. After completing her doctorate in medieval history from the Catholic University of America in Washington, DC., Sister Carroll taught history for many years at Carlow College and served as Carlow College's President from 1963–66. She also held teaching positions at Catholic University and Marquette University. Often connected to her community, Sister Carroll served on many advisory boards, most notably the board of trustees for Mercy Hospital in Pittsburgh. An active author and scholar, Sister Carroll has published extensively on many subjects.

Mr. Speaker, all of these women have been blessed with a number of precious gifts—energy, enthusiasm, intelligence, compassion, competence—and they have made it a point to share these gifts with those around them. Carlow College's has chosen well in selecting them as its Women of Spirit for this year.

THE DOLE ECONOMIC PROGRAM—BEEN THERE! DONE THAT! IT DIDN'T WORK!

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. LANTOS. Mr. Speaker, a few days after the Congress adjourned for our August recess, the Republican presidential candidate, former Senator Robert Dole, unveiled his economic program. Although the fight over abortion at the Republican platform meetings in San Diego at the same time upstaged the unveiling and dominated the news coverage that week, Mr. Dole nevertheless continues to press forward with his economic program, which includes a 15-percent tax cut.

Unfortunately, Mr. Speaker, we have been there. We have done that. In the words of the distinguished Senator from South Dakota, Mr. DASCHLE, who I believe deserves the credit for the most remarkable and descriptive phrase for this program, this is "deja voodoo economics all over again." We saw all of this when Ronald Reagan was elected President and his supply-side economic advisors brought us the tax cuts of 1981 and the budget deficits that plagued our Nation throughout the 1980's. Now, after President Clinton and the Democratic Congress made some extremely difficult decisions in 1993, we have succeeded in cutting in half that Reagan/Bush-era legacy of huge annual budget deficits. It truly boggles the mind to contemplate the serious consequences that would follow the enactment of the Dole economic plan.

Mr. Speaker, one of the best summaries and analyses of the Dole economic program appeared in an article by Matthew Miller which was published in the September 2 issue of the New Republic. I ask that this article be placed in the RECORD and I urge my colleagues to give it careful and thoughtful consideration.

[From the New Republic, Sept. 2, 1996]

CHARADES

(By Matthew Miller)

Everybody in this room's gonna get tax relief!"—Bob Dole, August 5, 1996.

When respected politicians offer silly plans claiming to fix big national problems, journalists are nonetheless expected to give them the rational analysis only serious plans deserve. The very effort legitimizes such proposals as constructive additions to public debate. Especially when these schemes are offered by a major party's presidential candidate, there's no way around the conundrum, except to note it. Which brings us to Bob Dole's new economic "plan."

Everyone knows that Dole's call to cut taxes $550 billion over six years while also balancing the budget betrays his lifelong claims to be a fiscal conservative in favor of the "supply-side" voodoo he's loathed. But you need to look at the plan's "details" to really appreciate how it brings budget chicanery to dizzying new heights. Indeed, if Dole's team of job-seeking economists and GOP has-beens had set out to discredit his career-long reputation for fiscal courage, they couldn't have done it any better.

Begin, as Dole does, with the candy. Dole's basic assortment (using his campaign's six-year cost estimates) includes a phased-in 15 percent cut in income tax rates ($400 billion); a $500 per-child tax credit ($75 billion); a repeal of Clinton's 1993 increase in the portion of whether Social Security recipients' benefits that are subject to taxes ($27 billion); a cut in the top capital gains tax from 28 to 14 percent ($13 billion); and a potpourri of such savings incentives as IRA expansions and tax-favored education accounts ($27 billion).

To put Dole's new recklessness in perspective, these tax cuts amount to more than twice what Republicans considered "revolutionary" in the budget the president vetoed last fall, and nearly five times what the GOP specified in its updated budget blueprint this spring. As Martha Phillips of the Concord Coalition notes, Dole's projected revenue loss for 2002 alone is what this year's Congress hoped to enact for the next six years together.

Unfortunately, cost aside, the economics of the plan are no better. Capital gains devotees say lower rates are needed to spur savings and investment. Yet last time we ran that experiment and lowered top rates from 35 percent to 20 percent between 1978 and 1985, savings and investment fell. According to most economists, Dole-style IRA expansions give people tax breaks for saving they're already doing, meaning that or dismal overall savings rate would be unaffected. Demagoguing Clinton's modest Social Security tax hike, which affected only the best-off 13 percent of beneficiaries, poisons the well for the kind of sensible means-testing that Dole knows will son have to be considered. And even the growth crowd admits

Dole's child tax credit will boost only current consumption—unless parents sock it away in Dole's new education account, converting it, in effect, to a huge, government-funded savings plan of the kind liberals would blush to propose.

Of course, the income tax cut is the plan's "crown jewel" when it comes to supposed incentives for work and growth. Assessing its likely impact means entering into the religious war over the economic lessons of the 1980s. The mainstream view is that, yes, Reagan's lower marginal rates spurred some undetermined growth (though for most workers, subsequent payroll tax hikes offset any income tax cuts). But the "boom" supply-siders love to tout, the 3.8 percent annual growth between 1982 and 1989, came mainly because we were emerging from a deep recession that left jobless rates in double digits and much idle capacity. When easier Fed policy and the *demand-side* boost from Reagan's unprecedented deficits picked up this "slack," we grew faster for a time. Measured properly, however—from peak to peak in the business cycle—the 1970s actually saw faster growth (3.4 percent) than the 1980s (2.7 percent).

The supply-side elixir is an illusion, something Dole's plan unintentionally admits itself. As Robert Reschauer of the Brookings Institution points out, Dole's plan implicitly assumes we'll get to about 2.5 percent growth from 2.2ish today. That's a far cry from the 3.5 percent Dole and new soulmate Jack Kemp peddle on the stump.

When it comes to paying for this bonanza, Dole offers a hoax wrapped in a farce tucked inside a charade. He conveniently extrapolates a mysterious current revenue blip to bank $80 billion more than the Congressional Budget Office now expects will come in. He says a third of his supply-side tax cuts will pay for themselves via higher growth, nearly twice the "magic" Ronald Reagan himself relied on in the '80s. Dole also books, in advance, the so-called "fiscal dividend" that a credible balanced budget plan might bring (through lower interest rates and higher growth, even though his plan is anything but credible.

Then, if possible, it gets worse. Dole assumes enactment of $393 billion in spending cuts from the GOP budget that Clinton vetoed last year. But tons of these cuts were legislated by a mere spending "cap," and thus never specified at all. Even with this gimmick, dole still falls $217 billion short of balance. That's trouble, since Dole has irresponsibly sworn to keep the most expensive programs—defense and Social Security—off the table, along with any Medicare and Medicaid savings beyond what Republicans have offered already. That leaves basically one area to slice: so-called "domestic discretionary" spending, which makes up just 15 percent of the budget, and which has already shrunk from 5 percent of national income twenty years ago toward 3 percent today. This category includes everything we normally think of as government, from national parks to NASA to the FBI.

Follow the bouncing ball here. Last year, with its painless "cap," the GOP pledged to cut such discretionary spending 25 percent in real terms by 2002. Now, Dole sees that cut and raises it to 40 percent. If you assume Dole would spare R&D, crime-fighting, veterans and education money, he'd have to cut the rest—things such as airline safety, environmental protection and low-income housing—an astonishing 60 percent. This, when Republicans already say privately that last year's proposed 25 percent cut is both politically impossible and bad policy.

The bottom line? Its a fraud, covered up through deception and double counting. Dole says he'd seek deep cuts in the Energy and Commerce Departments, but those cuts (if achievable) would already have been used by the GOP to meet the zillions in unspecified prior savings Dole wants to count in his own plan. His additional "10 percent cut in nondefense administrative costs" preposterously assumes that $150 billion of today's $265 billion in domestic spending is "administrative" (by Dole's reckoning, FBI and DEA agents fit this category).

How does the campaign defend this? As all pols know, the trick on television is to have two "talking points" that sound "credible," because after two nonanswers, interviewers move on. So we see Donald Rumsfeld earnestly explaining that with a line-item veto, Dole can do it—though the "pork" such a veto could excise amounts, under the most porcine estimates, to 1 percent of federal spending. Jack Kemp sidesteps questions about whether Social Security or Medicare will be touched with the usual blather on growth. Since network interviewers-thanks to ignorance, time limits, fear of offending "star" guests or eventual frustration—usually tolerate such official dishonesty, the scam invariably works. So the question of whether Dole's plan is serious becomes, in the public mind, a legitimate matter for debate, rather than being branded—as Newt Gingrich rightly implores the media to dub Clinton's rhetoric about Medicare "cuts"—a con.

Dole allies, putting the bet spin on their man's move, say that he's still a budget-balancer and that his embrace of whopping tax cuts is in the noble tradition of "Nixon going to China." They have it exactly wrong. Nixon's alchemy turned a lifetime of dishonorable redbaiting into a historic overture for peace. By contrast, Dole now squanders a lifetime of honorable resistance to candy-cane politics in a blatant pander that will only hamstring responsible governance even if it works and he wins. If he needed to energize Republicans, Dole could have proposed a reckless plan like this, or named Jack Kemp as veep. Surely he didn't have to do both.

THE SMALL BUSINESS JOB PROTECTION ACT/MINIMUM WAGE INCREASE CONFERENCE REPORT

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mrs. LINCOLN. Mr. Speaker, I rise today in support of "The Small Business Job Protection Act/Minimum Wage Increase" conference report.

Because of the high number of small businesses and minimum-wage workers in the First Congressional District of Arkansas, I have consistently supported the 90-cent minimum-wage hike, as well as small business tax breaks that include expanded tax credits for restaurants and increased tax deductions for business-related equipment services. The inclusion in conference of a $5000 tax credit for adoptions and the $2000 homemakers IRA make this an exceptionally well-rounded piece of bipartisan and bicameral legislation.

Men and women across the country who own small businesses and those who work for them are facing more economic uncertainty as they see their hard-earned dollars paying for less. This legislation is an opportunity to increase their earning power. Together with welfare reform, I am convinced that the minimum-wage increase will give low-income Americans a chance to work their way out of poverty.

TRIBUTE TO TOM AUTH

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. MARTINI. Mr. Speaker, I rise today to honor a very special member of the Eighth Congressional District of New Jersey.

During the summer of 1996, every American applauded the Olympic struggles of the U.S. gymnastics team and awed at the stunning achievements of Michael Johnson and Carl Lewis.

However, Mr. Speaker, there are some remarkable athletes that never reached the television screens in the homes of American families, but nevertheless deserve our recognition and admiration. One of these athletes, a member of the U.S. rowing team, is a constituent of our very own congressional district.

Tom Auth of Maplewood, NJ, in the Eighth Congressional District, participated in the lightweight double sculls events. In fact, he reached the semi-finals of the competition. Furthermore, Tom is not only a great athlete who has succeeded on the field, or in this case, in the water, but also a bright, young scholar. Tom is a graduate of the Columbia Law School of Harvard University.

Mr. Speaker, Tom Auth heartily embraces the true spirit of the Olympic flame. He is not only a credit to his hometown, but also a role model for the children of Maplewood. As recognition for these achievements, Tom will be honored with a parade in Maplewood, NJ, on September 7, 1996.

Mr. Speaker, I am proud to represent Tom Auth in the House of Representatives. I ask you and the other Members of this body to help me salute Tom for his illustrious performance in the 1996 Summer Olympics Games.

MASS CREMATIONS OF SIKHS TO BE INVESTIGATED

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. KING. Mr. Speaker, on August 2 India West reported that the mass cremations of Sikhs would be probed by India's Central Bureau of Investigation [CBI]. This is the investigation which led the Indian Supreme Court to describe the policy of mass cremation as worse than genocide.

On September 6, 1995, a year ago this Friday, Jaswant Singh Khalra was kidnapped by the police from his home in Amritsar for publishing a report exposing these mass cremations. Here in America, reporters often write stories questioning official findings. Can you imagine the outrage if these journalists were picked up by the police and made to disappear? That is what happened to Mr. Khalra a year ago.

The Reuters article in India West, which I am inserting into the RECORD, quotes a senior CBI official as saying that innocent Sikhs were killed in the 1980's and confirms that the Indian regime paid cash rewards for killing Sikhs. In 1994 the State Department reported that more than 41,000 of these bounties were paid in a 3-year period from 1991 to 1993.

As vice chairman of the International Operations and Human Rights Subcommittee, I will continue to monitor this investigation and I urge every Member of Congress to join me in this effort. The United States must be willing to do whatever we can to insure that the people of the world are free from persecution and are afforded their basic human rights.

[From Reuters, Fri., Aug. 2, 1996]

CBI TO PROBE CREMATION OF 1,000 BODIES IN PUNJAB

AMRITSAR—The Punjab police said July 25 they would cooperate in a federal investigation into charges they secretly disposed of almost 1,000 "unidentified" bodies between 1990 and 1995.

The claim against the police was made in a public interest litigation filed at the Supreme Court by the human rights wing of the Akali Dal.

The party has accused the police of torturing, killing and then cremating Sikhs.

"Whatever record is asked for by the Central Bureau of Investigation will be handed over without delay to the concerned authorities," Deputy Inspector General of Police B.S. Sandu told Reuters.

"We will provide all necessary help to the CBI to speed up the investigations," he added.

Earlier in the week, the CBI submitted a report to the court which said 984 bodies had been cremated by the Punjab police.

"The police confirmed the existence of these bodies, but we have yet to ascertain who they are and how they got killed," a senior CBI official said.

He said it was normal for police to cremate bodies they have been unable to identify.

Senior Punjab police officers, who declined to be named, told Reuters that innocents were killed during a violent Sikh separatist insurgency in the 1980s—when rewards were offered for the capture of guerrillas.

Akali Dal lawmakers staged a sit-in on the floor of the Lok Sabba in Delhi July 25 to protest against the government's silence on the cremated bodies claim, the United News of India agency said.

The speaker of the house placated the protesters by promising to look into the case and, if necessary, publish a report on the probe's findings.

An Akali Dal activist and a vocal critic of the police, Jaswant Singh Khalra, was abducted from his house last September and has been missing ever since.

His disappearance has prompted reactions from human rights organizations and even U.S. President Bill Clinton, who wrote a letter to a radical Sikh leader expressing concern.

The campaign for an independent Sikh state was fuelled in 1984 by Sikh outrage over the Indian Army's storming of Amritsar's Golden Temple.

In October that year, Prime Minister Indira Gandhi, who had ordered the action against the temple, was assassinated by her own Sikh bodyguards.

After the installation of a state government headed by Beant Singh, in 1992, the militancy withered away. However, Singh was killed in a car bomb blast last year.

TRIBUTE TO COL. LINWOOD H. "WOODY" SNELL, JR.

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. EVERETT. Mr. Speaker, I would like to recognize the achievements of Col. Linwood H. "Woody" Snell, Jr., upon his retirement from the Air Force after 30 years of exemplary service. Colonel Snell began his career as a distinguished graduate of the North Carolina State Reserve Officer Training School, and will end his service as the commandant of the Air Force Human Resource Management School at the Air University in Montgomery, AL.

Among Colonel Snell's many assignments was as the chief of the Inquiries Division and later as the associate director of the Office of Legislative Liaison for the Secretary of the Air Force. His complete understanding of the legislative process, along with his sound judgment, greatly benefited the Congress, the Air Force and the Nation.

Colonel Snell continued to demonstrate his leadership abilities when he assumed command of the 363d Combat Support Group at Shaw AFB in South Carolina. His leadership skills were further honed as the Assistant Chief of Staff for the U.S. Air Forces in Europe, followed by a stint as the Deputy Chief of Staff for Personnel for the U.S. Air Forces, Europe, Ramstein AB, Germany.

Woody has served the Air Force with great distinction, and has earned our respect and gratitude for his many years of service to our Nation's defense. My colleagues and I bid Woody a fond farewell, and wish he and his family the very best as they move on to face new challenges and rewards.

REMEMBERING THE CONTRIBUTIONS OF AMERICAN AUTHOR F. SCOTT FITZGERALD

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. VENTO. Mr. Speaker, I rise today to celebrate the centennial celebration of the birth of an extraordinary Minnesotan, author F. Scott Fitzgerald. I am proud to say that Mr. Fitzgerald was not only a native Minnesotan, but he hailed from my home city of St. Paul, MN. Regarded by many as one of this Nation's all-time great novelists, the young author contributed short stories and novels with a distinctly American cultural view to a captivated American readership. His most famous work, "The Great Gatsby," today remains a widely read classic in literature classes across the United States.

F. Scott Fitzgerald was born in St. Paul in 1896, and during the week of September 23, 1996, the city will be hosting a festival in honor of the 100th anniversary of that occasion. The Festival Committee has planned many events highlighting the literary contributions made by the author during his lifetime. Included in the schedule of events are readings of his works and a literature festival focused on educating high school students. A statue honoring the author will also be unveiled and placed in downtown St. Paul near a revamped theater also named after the author this past year.

The Nation was fortunate to savor the special stories of this most talented individual, whose works leave an important legacy for us and for our children. I'm sure my colleagues will join me in paying tribute to the literary accomplishments of this fine American author, and I join the Nation in applauding the literary classics page of history devoted to St. Paulite F. Scott Fitzgerald.

DETROIT NEWSPAPERS AND THE 14-MONTH STRIKE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. CONYERS. Mr. Speaker, In the 1930's and 1940's, Mahatma Gandhi used nonviolent civil disobedience to win independence for India. In the 1950's and 1960's, Dr. Martin Luther King, Jr., used nonviolent civil disobedience in the struggle against racial discrimination in the United States. In the late 1980's opponents of apartheid engaged in nonviolent civil disobedience outside the South African Embassy in Washington, DC. Last week, some of the Nation's top labor leaders and politicians were arrested in a nonviolent sit-in on the front steps of the Detroit newspapers which are embroiled in a 14-month strike that has had a devastating impact on 2,000 striking workers and their families.

The Detroit sit-in, which marked the first time labor leader John Sweeney has been arrested since becoming president of the AFL–CIO, took place on the 414th day of a strike in which the Detroit Free Press and the Detroit News are losing more than $5,000 an hour—or about $1 million a week.

I was among the 21 protestors who blocked access to the newspaper building on the Friday before Labor Day. We took nonviolent action to reaffirm the validity of the collective bargaining process and to focus attention on the struggle of working class people to secure decent wage jobs. In the tradition of civil rights protests, we knowingly broke the law to demonstrate our moral resolve to force the newspapers to bargain fairly with the strikers.

Among the strikers and supporters watching us that day were a middle-aged African-American man with heart disease who has lost his home and his health insurance; a teenaged girl who talks wistfully of prestrike days when her father had the money to take the family to Detroit Red Wings games, and a striker's wife who lost her 15-year job around the same time her husband lost his.

Each of these people represents untold thousands of Americans whose lives have been uprooted by socially myopic companies that ignore their responsibility to be fair and respectful to employees and the community.

The outcome of this strike will resonate across the country. If the newspapers can destroy the unions in Detroit, the future of all unions is in jeopardy. It is time for people of good will to join me and others in urging the Detroit newspapers and the striking workers to settle this dispute at the bargaining table or to submit to binding arbitration.

Common sense, decency and historical tradition demand that this labor dispute be brought to a quick and just conclusion.

1100TH ANNIVERSARY OF HUNGARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. DINGELL. Mr. Speaker, I rise today to join the State of Hungary and Hungarian-Americans everywhere in commemorating the 1100th anniversary of the settlement of the Hungarian people—1,100 years ago the ancestors of the Hungarian people settled in the Carpathian Basin.

Before this time Hungarian ancestors roamed the area as a seminomadic people, but in 895–896 A.D. Magyar tribes passed through the Verecke pass in the Carpathian mountains and settled on the plains. The fertile land of the region helped the agrarian tribes to settle permanently in the Carpathian Basin. The Magyar system of social and political institutions served as a direct link to the foundation of the Christian Kingdom of Hungary.

The Hungarian Apostolic Kingdom was established in 1001 A.D. by Saint Stephen, the first King of Hungary and founder of the State. This monumentous event is celebrated by all Hungarians and those of Hungarian descent on the Hungarian National Holiday, Saint Stephen's Day, which occurs on August 20. The coronation of Saint Stephen put Hungary firmly on the path of Western-type European development, which was defined Hungary's place on the continent up to the present day.

In the many centuries of struggle for survival and advancement, cultural represented the decisive factor whose beginnings are rooted in a structure and political culture in harmony with the specific natural environment and social conditions prevailing in the Carpathian Basin. In fact, three major ecological regions—the Mediterranean, Atlantic, and Continental—come together in the basin. These factors demanded the need for great flexibility and capacity for adjustment. The early Hungarians were successful in adapting to meet the challenges of their age.

During the early years of this century, large numbers of Hungarians migrated to the industrial centers of the American Midwest. Detroit, and especially its downriver communities, benefited dramatically by this influx of a people known for their honesty and work ethic. Hungarian immigrants played an integral part in the industrial growth of Michigan and the Nation. Yet, Hungarian immigrants were known for far more than just strong backs and willing spirits. The intellect and compassion of this community continues to capture the imagination of the Nation.

More than 50,000 Hungarian-Americans remain in the Detroit metro area, with their positive influence still shinging brightest in Delray and Allen Park. It is to these friends, to all Americans of Hungarian descent, and to the honor of a nation whose turbulent past has produced such a delightful people, I offer these words from the Hungarian National Anthem:

God, bless the Hungarian
With Abundance, gladness,
Graciously protect him when
Faced with foes or sadness.
Bring for people torn by fate
Happy years and plenty:
Sins of future, sins of late,
Both are paid amply.

COMMEMORATING THE CAREER OF CAPTAIN RICHARD WOOLARD, UNITED STATES NAVY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to recognize Capt. Richard (Rick) T.P. Woolard, one of the last Vietnam era officers of the U.S. Navy's Sea, Air, Land [SEAL] teams. Captain Woolard will retire in October after 30 years of outstanding service to our Nation. He is known throughout the military not only as a consummate warrior, but as a strategic thinker whose contributions will have a lasting impact as the U.S. military enters the 21st century.

Captain Woolard began his Navy career as an ensign in 1966. Following graduation from underwater demolition training he served as a platoon commander with Underwater Demolition Team 21 where he conducted his first deployment to the Caribbean. Upon graduation from U.S. Army Ranger School in 1968, Captain Woolard was assigned as a platoon commander with SEAL Team Two. From 1968 to 1970 he made two deployments to the Republic of Vietnam where he led over 145 combat missions. For his courageous and distinguished actions he received the Silver Star and three Bronze Star medals. While Captain Woolard was repeatedly recognized for his courageous leadership and success in inflicting numerous casualties upon enemy forces, he was also recognized for his humanity. During an operation in April 1970, while taking incoming enemy rocket fire, he acted with complete disregard for his own safety, plunging into the waters of the Song Ong Doc River to rescue Vietnamese civilians caught in the crossfire of a Viet Cong ambush of his platoon. His actions saved the lives of three women and children.

After his second deployment to Vietnam, Captain Woolard served as the training officer at the Naval Amphibious School, Little Creek, passing on his combat knowledge to underwater demolition/SEAL trainees. Following a tour with the Bureau of Naval Personnel in Washington, DC Captain Woolard was assigned as an exchange officer with the Special Boat Service Royal Marines. His accomplishments while assigned there are recounted by members of this elite unit to this day. Upon his return to the United States in 1977, Captain Woolard served as the executive officer of Underwater Demolition Team 21. He then completed the Command and Staff Course at the Naval War College in 1979 and served in a Naval Special Warfare staff assignment. From 1982 to 1984 Captain Woolard commanded SEAL Team Two.

Following an assignment with U.S. Forces Caribbean, Captain Woolard embarked on three more command tours. In 1987, he commanded the Navy's antiterrorist security coordination team. He then commanded SEAL Team Six, the premier combat unit within Naval Special Warfare, followed by command of the Naval Special Warfare Development Group. In 1990 Captain Woolard became the Director for Combatting Terrorism, Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict where he was recognized for his strategic vision in the formulation of counter terrorism policy.

Throughout his career, Captain Woolard has set the standard for achievement amongst Navy SEALS. His contributions both on and off the battlefield have contributed immensely to the accomplishments of our Nation's elite maritime special operations force. The legacy of his leadership and foresight will carry on well into the next century as special operations forces meet the challenges of the battlefield of the 21st century.

I bid Captain Woolard, his wife Sandra, his daughter Jennifer and his son John Paul fair winds and following seas.

TRIBUTE TO DAVID ALAN STEIN ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Capt. Dave Stein, an outstanding individual and a fine officer, who is entering civilian life after a distinguished career in the U.S. Navy and Naval Reserve.

Captain Stein was born in Sandusky, OH. He was appointed midshipman, U.S. Naval Reserve, in September 1961 and attended Villanova University on a 5-year NROTC scholarship. After graduating with a degree in mechanical engineering in 1966, Captain Stein was commissioned as a regular line officer on May 16, 1966, and ordered to duty in USS Hassayampa, AO 145, as cargo fuels officer and assistant engineer. He served in the Tonkin Gulf for 3 years duty and four Vietnam campaigns. In 1969, he completed EASTPAC, LANT, and MED cruises and completed qualification as fleet officer of the deck and surface warfare officer. He was designated a surface warfare officer in 1975 and an engineering duty officer in 1986.

Captain Stein joined the Naval Reserve in 1970 and began his civilian career with Universal Electric, Inc., as an electrical power systems designer and project manager. In

1975 he was appointed vice president and chief engineer, and in 1980, president of the company. He served for 14 years as president, leaving the company in 1994. During this period, he completed an MBA in business systems analysis from Baldwin-Wallace College, graduating first in his class and was selected for distinguished membership in the national honorary graduate business society.

In addition to his distinguished careers in the Navy and business, Dave has been a leader in his community. Captain Stein is a past president of Kiwanis and the Lake Erie Chapter of the Ohio Society of Professional Engineers and a past director of the National Electrical Contractors Association. He is a Sandusky, OH city commissioner and a member of various military, civilian, and engineering societies.

Mr. Speaker, Dave Stein's distinguished military service is a model of patriotism and citizenship. I ask my colleagues to join me in wishing Dave, his wife Carol, and their children, Paul, Rebecca, Christy, and Nathan well as the Stein family begins this new chapter in their lives.

May the Stein family fully enjoy the blessings of peace and freedom that Dave Stein has so ably defended as an officer in the U.S. Navy.

INTRODUCTION OF THE FOOD STAMP CONVERSION AND PROFITEERING PROHIBITION ACT OF 1996

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to invite my colleagues to join me in combating the latest scam being used to rip off the food stamp program. Recently, I learned that a Long Island couple went to a local supermarket and bought more than $120 in caviar with food stamps. And worse, instead of using the extravagant cuisine for their own consumption, the couple took the caviar and resold it for a considerable profit at a local flea market.

Like most taxpayers in my district, I was appalled to learn of this blatant ripoff of the food stamp program. However, after checking the rule of the current program, I was shocked to learn that this practice is perfectly legal.

Therefore, today I am introducing legislation to prohibit the practice of selling food purchased with food stamps for profit. Under my bill, called the Food Stamp Conversion and Profiteering Prohibition Act of 1996, the couple that sold the caviar would face the same ineligibility penalties as they would for other forms of food stamp fraud.

As you know, the welfare bill recently signed into law already takes significant steps to clean up the waste, fraud, and abuse in the food stamp program. Combined with my legislation to combat this latest scam, Congress can help restore honesty and accountability to the food stamp program. I urge my colleagues to cosponsor this legislation.

TRIBUTE TO ASSEMBLYMAN DAN HAUSER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1996

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of California's most dedicated and caring public officials, Assemblyman Dan Hauser. I wish that I could be there with his family, friends, and colleagues tomorrow evening as we celebrate his remarkable accomplishments.

Dan Hauser is particularly recognized for serving the people of the north coast of California. A pioneer in ocean protection, Dan has been a strong advocate against offshore oil drilling and has passed landmark legislation making the north coast an ocean sanctuary. His environmental efforts earned Assemblyman Hauser "Legislator of the Year" awards from the Planning and Conservation League, Pacific Coast Federation of Fishermen's Associations, and the League for Coastal Protection.

As the long time chairman of the Assembly Housing and Community Development Committee, Dan authored and worked on many pieces of legislation to promote affordable housing, improve building standards, protect historic buildings, and assist mobile home residents, condominium owners, veterans, seniors, native Americans, and other groups obtain better housing and living conditions. The California Aging Network named Dan "1988 Legislator of the Year," and he received the "1989 Rural Housing Award" from the Rural Builders Council of California. In 1992 Dan was recognized as the "Legislator of the Year" by the League of California Cities.

Mr. Speaker, it is my great pleasure to pay tribute to Assemblyman Dan Hauser during this special evening in Bodega Bay. The north coast owes a great deal of gratitude to him for his tireless efforts throughout his over 20 years of public service. I extend my hearty congratulations and best wishes to Dan and his wife Donna for continued success in the years to come. They will be missed.

SENATE—*Friday, September 6, 1996*

The Senate met at 9:30 a.m., and was called to order by the Honorable SHEILA FRAHM, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, thank You for the serendipities You arrange, those unusual surprises in usual circumstances. You delight to surprise us with interventions and inspiration we do not expect. In a timely way, You guide our thoughts with wisdom and insight we could not have discovered on our own. You help us untie knotty problems and we are amazed, wondering why we had not thought of the solutions You provide. You use people to help us, to bolster our esteem, and to communicate Your love in remarkable ways. You have given us a life full of surprises.

Now as we begin a new day we want to live expectantly, open for what You will do or give. We are so thankful for Your goodness. May it give us a very positive attitude toward what's ahead today. Banish our grimness with Your grace. Dear God, it's great to be alive and have the privilege to serve you. We report in for duty with delight.

And yet, as we do our work in the relative safety and quiet of the Nation's Capitol, we are acutely aware that life today for many Americans living on the Southeastern seaboard of our Nation will be filled with danger and destruction in the wake of Hurricane Fran. We ask for Your protection and for Your intervention to bring this crisis to an end. Thank You that we can turn to You for help in all the storms of life, whether they are in our hearts or in the winds of a hurricane. In the name of our Lord and Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 6, 1996.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHEILA FRAHM, a Senator from the State of Kansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Senator FRAHM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

SCHEDULE

Mr. GRASSLEY. Madam President, for the information of all Senators, this morning the Senate will be debating Senator KENNEDY's employment discrimination bill. In accordance with the agreements reached last night, there will be no rollcall votes during today's session. Following the 3 hours of debate this morning, there will then be a period for morning business, with Senator COVERDELL in control of the time between 12:30 and 1:30 and Senator DASCHLE in control of the time between 1:30 and 2:30.

The Senate will then adjourn over until Monday, at which time the Senate will begin debate on the Defense authorization conference report. As a reminder, the vote on the adoption of that report is to occur on Tuesday. Therefore, there will be no rollcall votes during Monday's session of the Senate.

On Tuesday, prior to the policy conferences, the Senate will be debating the Defense of Marriage Act.

All Senators should be aware that at 2:15 on Tuesday, the Senate will begin several rollcall votes, the first vote being on the Defense authorization conference report, to be followed by a vote on the Defense of Marriage Act, and following 30 minutes of debate, a vote on Senator KENNEDY's bill.

At the conclusion of those votes, the Senate will begin consideration of the Treasury-Postal appropriations bill. Senators can expect additional votes throughout Tuesday in an attempt to complete action on that bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Leader time is reserved.

EMPLOYMENT NONDISCRIMINATION ACT OF 1996

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now begin consideration of S. 2056, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2056) to prohibit employment discrimination on the basis of sexual orientation.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. Time for debate on the bill will be limited to 3 hours to be divided equally in the usual form.

The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Thank you, Madam President. I yield myself such time as I might use.

Madam President, this legislation is introduced by myself, Senator LIEBERMAN, Senator JEFFORDS, Senator AKAKA, Senator BINGAMAN, Senator BOXER, Senator BRADLEY, Senator CHAFEE, Senator DODD, Senator FEINGOLD, Senator FEINSTEIN, Senator GLENN, Senator HARKIN, Senator INOUYE, Senator KERREY, Senator KERRY, Senator KOHL, Senator LAUTENBERG, Senator LEAHY, Senator LEVIN, Senator MIKULSKI, Senator MOSELEY-BRAUN, Senator MOYNIHAN, Senator MURRAY, Senator PELL, Senator REID, Senator ROBB, Senator SARBANES, Senator SIMON, Senator WELLSTONE, and Senator WYDEN.

Madam President, I am pleased to bring before the U.S. Senate this morning the Employment Nondiscrimination Act. This act will eliminate job discrimination against gays and lesbians, and it represents the next major chapter in the American struggle to secure civil rights for all of our citizens.

Our progress on civil rights and against discrimination has been one of the finest chapters in the Nation's modern history. The civil rights revolution that began in the 1950's is an unfinished revolution, and we all know the major milestones along the way in Congress: the Civil Rights Act of 1957; the Civil Rights Act of 1964; the Voting Rights Act of 1965 and subsequent extensions; the Fair Housing Act of 1968; the Americans With Disabilities Act of 1990; and the Civil Rights Act of 1991.

I might also mention the Immigration Act of 1965 which addressed the problem of national origin quotas and barriers to people coming into the United States from the Pacific basin and the Pacific rim countries.

Madam President, we remember as well the battles that have taken place—the painful history that includes slavery, the Jim Crow laws, the Japanese internment camps, the Chinese exclusion laws, the Bracero program, and shameful policies and attitudes directed against women, against racial and religious minorities, and against the disabled. Each bill is an acknowledgment that America can rise above its prejudice to be a better, more tolerant society.

Our country has a respected tradition of enacting antidiscrimination legislation to deal with discrimination against recognized groups of people. Time and again Congress has chosen justice over injustice and fairness over bigotry. The time has come to take the next important step in our ongoing battle against prejudice. After decades of discrimination against gays and lesbians, the Senate can send a strong signal that merit and hard work—not bias and stereotypes—are what counts in job opportunities and the workplace in America in 1996.

Faced with irrefutable and compelling evidence of employment discrimination, the choice is clear. The Employment Nondiscrimination Act must become law.

Half a century ago the Senate itself was the instigator of such discrimination. In 1950, the Senate directed the Senate Investigations Subcommittee to make an investigation into employment by the Government of homosexuals. The subcommittee recommended the dismissal of all homosexuals in Government. In 1953, President Eisenhower issued Executive Order 10450 requiring dismissal of all homosexual Government employees. As a result, during the period of 1947 through mid-1950, 1,700 individuals were denied employment by the Federal Government because of their alleged homosexuality. In those times, Government discrimination was matched by flagrant discrimination by private employers.

Government has changed. The private employers often have not. Many gays and lesbians still choose to hide their sexual orientation and live in daily fear that their employers will discover their homosexuality, terminate their jobs, and ruin their careers.

A 1992 survey of 1,400 gays and lesbians in Philadelphia showed that 76 percent of the men and 81 percent of the women concealed their sexual orientation at work. Openly homosexual people often suffer overt job discrimination.

A review of 20 surveys conducted across the country between 1980 and 1991 indicated that many gays and lesbians endured discrimination at work. Whether an employer has a written policy or simply allows discrimination to occur, it is clear that the underlying motivation is bigotry against men and women because of their sexual orientation.

Take the case of Cheryl Summerville, who worked as a cook at a suburban Atlanta restaurant for 4 years and received excellent performance evaluations, awards, and promotions. In 1991, the company adopted a policy refusing to employ anyone "whose sexual preferences fail to demonstrate normal heterosexual values." As a result, she was fired. Her official separation notice read: "This employee is being terminated due to violation of company policy. The employee is gay."

Dan Miller worked for a Pennsylvania management consulting company. He was fired, based on a clause in his employment contract that specifically made homosexuality a just cause for dismissal. Dan went to court, but to no avail. One of the jurors who heard the evidence stated, "It was outrageous to hear intolerance like that in a court of law, where people come to seek protection from intolerance. But the law was silent."

There are too many more examples of unacceptable job discrimination suffered by gays and lesbians. There are too many other cases of hard-working men and women losing their jobs or unable to get work due to their sexual orientation. In each case, the law offers no protection or recourse. That is why we need Federal legislation.

The Employment Nondiscrimination Act is modeled after title VII of the Civil Rights Act of 1964. It prohibits employers from using sexual orientation as a basis for hiring, firing, promotion, or compensation. It's predicated upon the American ideal of equal opportunity. It gives gays and lesbians a fair chance in the workplace.

It also includes broad exemptions. Despite the fact that over 150 companies—including Levi Strauss, Microsoft, and Walt Disney—choose to provide health and other benefits to the same-sex partners of their employees, our legislation does not require an employer to provide domestic partnership benefits. That is a battle for another day.

Our legislation also does not provide for disparate impact claims—cases brought because an apparently neutral practice of an employer disproportionately and adversely effects members of a protected class.

Quotas and preferential treatment are also prohibited under our proposal. Although employers may choose to reach out to members of the gay and lesbian community, they may not give preferential treatment in hiring, firing, promotion, or compensation based on sexual orientation.

Many opponents of this legislation choose to ignore this plain prohibition. They argue that this bill will somehow lead to quotas. That result is not possible. No quotas means no quotas. Neither an employer nor a court can misinterpret Congress' plain meaning.

Our legislation also contains a broad exemption for religious organizations. In fact, it is broader than the exemption for religious institutions in title VII of current law. Religious organizations are exempted entirely from the prohibition of discrimination based on sexual orientation, except for profit-making activities taxed by the Internal Revenue Service.

Finally, our legislation does not apply to the Armed Services. The current "Don't ask, Don't tell" policy will remain in effect.

The Employment Nondiscrimination Act is simple and straight forward. It is not a Government power grab in the workplace. It is not sweeping legislation advancing the gay agenda. This act is about the American agenda. It is a carefully drafted proposal to end job discrimination, and nothing else.

Of course, clear language will not stop opponents from misleading the public about the bill's intent. Many statements against it defy common sense and logic. The Employment Nondiscrimination Act will not undermine business decisions as long as employers are not discriminating. Recourse against sexual harassment will still exist.

Opponents also express an unnecessary concern about the definition of "sexual orientation." As defined in our proposal, "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether such orientation is real or perceived. This definition serves the same function as the definition in the Americans With Disabilities Act—it identifies the group of people covered by the law. As with the ADA, a person in the protected class cannot engage in bizarre behavior, must be qualified for the job, and must abide by workplace rules.

Nothing in this legislation will prevent employers from disciplining homosexuals or heterosexuals whose behavior is illegal or unsafe, or compromises their ability to perform their job. Our proposal simply states that such policies must be applied fairly to all employees.

This legislation has broad bipartisan support. Coretta Scott King supports it. Former Republican Senator Barry Goldwater supports this legislation. As Senator Goldwater has said,

> Employment discrimination based on sexual orientation is a real problem in our society. From coast to coast and throughout the heartland, regular hardworking Americans are being denied the right to roll up their sleeves and earn a living. That is just plain wrong.

Many Americans—84 percent—agree that employers should not discriminate based upon sexual orientation. In fact, over 600 small and large private businesses already have antidiscrimination policies that include sexual orientation.

Nine States and one hundred sixty-six cities and counties around the country have laws that prohibit employment discrimination against homosexuals. In the Senate itself, 66 Senators have joined in pledging not to discriminate on the basis of sexual orientation in employment in Senate offices.

These are admirable steps toward eradicating discrimination. They are not enough. American workers deserve more than a patchwork of protections from discrimination. That is why the Employment Nondiscrimination Act is so clearly needed.

I urge the Senate to stand with Coretta Scott King and Barry Goldwater in support of this legislation. It is also supported by Gov. Christine Todd Whitman and Gov. William Weld.

It is supported by numerous religious organizations, including the General Assembly of the Presbyterian Church, the Union of American Hebrew Congregations, the General Convention of the Episcopal Church, the United Methodist Church, the Central Conference of American Rabbis, the United Church of Christ, and the Lutheran Church in America.

It is supported by business and civic leaders around the country. And it should be supported by the Senate, too. It is time to end job discrimination wherever it exists.

Madam President, I will just mention the statements made by distinguished church leaders. Edmond L. Browning, who is the presiding bishop of the Episcopal Church, wrote recently to me:

> On behalf of the Episcopal Church, I am pleased to join with so many distinguished figures in the religious and civil rights communities in enthusiastic support of S. 932, the Employment Nondiscrimination Act of 1996. I offer my thanks to you.
>
> Since 1976, the Episcopal Church has been committed publicly to the notion of guaranteeing equal protection for all citizens, including homosexual persons, under the law. In that year, the General Convention of the Episcopal Church, the church's highest policymaking body, expressed its conviction that homosexual persons are entitled to equal protection of the laws with all other citizens and called upon society to ensure that such protection is provided in actuality.
>
> My warm embrace of this legislation, of course, reflects more than my standing as Presiding Bishop of the Episcopal Church. It represents my deep, personal belief in the intrinsic dignity of all God's children. That dignity demands that all citizens have a full and equal claim upon the promise of the American ideal, which includes equal civil rights protection against unfair employment discrimination.

The Reverend Riley, who is representing the Unitarian Universalist Association of Congregations, says:

> We are happy that the Employment Nondiscrimination Act is being considered. . . . We feel this legislation would at least allow Senators to show that, whatever your personal convictions about the sanctity of marriage, you know that there is no sanctity in discrimination.

The letter continues on.

The Religious Action Center of Reform Judaism:

> On behalf of the Union of American Hebrew Congregations and the Central Conference of American Rabbis, representing 1.5 million Reform Jews, 1800 Reform Rabbis and 850 congregations throughout the United States, I am writing to strongly urge you to vote for the Employment Nondiscrimination Act. . . .
>
> As a religious organization, the protection of religious liberty for all Americans is of paramount concern for us. ENDA gives proper regard to this concern. ENDA broadly exempts from its scope any religious organization, including religious educational institutions. Thus, ENDA will not require sectarian institutions to violate the religious precepts on which they are founded, whether or not we may agree with these precepts.

Evangelical Lutheran Church in America.

> The Evangelical Lutheran Church in America has committed itself to participate in God's mission by "advocating dignity and justice for all people" and "joining with others to remove the obstacles of discrimination and indifference."
>
> Therefore, the ELCA continues its support of the Employment Nondiscrimination Act and urges your support of this important initiative to extend employment discrimination protection to all people.

United Church of Christ. Rev. Jay Lintner points out:

> Please support the Employment Nondiscrimination Act. The Employment Nondiscrimination Act, which addresses the daily discrimination against gays and lesbians in employment, has enormous support in our denomination.

The Presbyterian Church, their letter says:

> The General Assembly of the Presbyterian Church . . . policy brings strong support to the passage of the Employment Nondiscrimination Act. Historically, U.S. society has tended to stigmatize and persecute gay men and lesbian and bisexuals. Employment is one of the principal areas where this population faces continuing discrimination. Gay persons have been fired, refused work, demoted, and harassed in the workplace. Persons who have experienced discrimination on the basis of sexual orientation often lack recourse . . . Such discrimination denies equal opportunity in the workplace . . . A yes vote on the Employment Nondiscrimination Act is a vote for fairness and equality.

Not only do we have these representations of many church leaders, I would say many companies support our position. I will just read a sample of those we have listed in our presentation from across this country that support our position.

The Kodak Co. says:

> Kodak's clearly stated pro-ENDA position is based on the very positive results we have experienced with human resource policies and practices, which are completely in alignment with the intent of ENDA.
>
> It is our belief that only with a diverse group of highly skilled people, working in a culture that enables them to apply their . . . talents, will we consistently deliver the greatest value to the customer . . .
>
> For these reasons . . . Eastman Kodak Company believes that ENDA is good for American business, large and small. The bill is in step with trends in the nation's most successful business, and it is in tune with a fundamental sense of fairness valued by Americans.

From the Xerox Corp.:

> Discrimination of any form, against any employees, does not belong in our work environment.
>
> We view diversity awareness and acceptance as enablers to increase productivity.
>
> We are pleased to see your effort to enact federal legislation that will prohibit employment discrimination . . .

From Microsoft:

> Microsoft seeks to empower individuals to do the best possible job and to make a difference. . . .
>
> We commend . . . your efforts and are pleased to endorse your Equal Employment Principles, which reflect our own corporate policies.

Honeywell:

> Writing in support of your Equal Employment Principles and the Employment Nondiscrimination Act . . .

AT&T—the list goes on. Hill & Knowlton, a letter to Senator D'AMATO in strong support.

What this basically shows is the moral issues which are raised by this legislation, the ethical issues, the issues of fairness and decency are embraced by the various representatives of the great religions and also many of America's leading companies that have already adopted this as a company policy and are in very, very broad support. We have mentioned a number of the larger companies. We could take the time for smaller companies as well.

In summary, we are saying that the problem of discrimination still exists today. We discuss the various studies that support that point—an excess of 20 studies that demonstrate that this type of discrimination is taking place in workplaces across this country. It is very clear what is happening.

> Cheryl Summerville was told "This employee is being terminated due to violation of company policy. This employee is gay."

That states it, and that is taking place in companies all across this country.

Here is the statement of Barry Goldwater. Again:

> It's time America realize that there were no gay exemptions in the right to "life, liberty, and the pursuit of happiness."

That says it all. There are no exemptions to the right to life, liberty, and the pursuit of happiness in the Declaration of Independence.

Anyone who cares about real moral values understands this is not about granting special rights. We will hear that argument over the course of this debate, that we are somehow providing special rights. This debate is about bigotry in the workplace and about prejudice in the workplace. This statement by Senator Goldwater captures that whole sense: "It's about protecting basic rights." That is what this debate is all about.

We know the status of similar State laws across country. There are nine States now that have passed laws prohibiting employment discrimination based on sexual orientation. They have been working, and working well in those nine States. But, as we say, 9 States have done it, 41 States have not. Some States have issued executive orders protecting gays and lesbians in public employment. Executive orders, as we all know, are here today and can be gone tomorrow.

We have seen, in reviewing whether there has been a proliferation of cases during this period of time—that will be another issue discussed by opponents of this bill and we will be glad to debate it—that a fair number of charges are filed, but few actually go to the courts. My own State of Massachusetts, which has had a law for some period of time, has had two reported cases. That is the situation in so many of these States that are now providing this kind of protection. The courts are not over burdened.

Madam President, 8 States have executive orders and 166 cities and counties in 37 States have passed laws prohibiting employment discrimination based on sexual orientation. And then we have the list of the various employers, large and small, that extend protection to their employees. By and large, we have not discovered that these laws and policies are an undue burden.

Once again, to review what this does and does not do, what we are talking about is eliminating the discrimination and bigotry in the workplace, in employment. This provides there will be no quotas or preferential treatment. "A covered entity shall not adopt or implement a quota on the basis of sexual orientation." That is in the bill. "A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation." That demonstrates that this is free from any affirmative action. So, no quotas, no affirmative action.

> "No cases based merely on disparate impact claims." The fact that employment practices have a disparate impact, as the term "disparate impact" is used in section 708(k) of the Civil Rights Act of 1964, on the basis of sexual orientation, does not establish a prima facie violation of this title.

I will not take a great deal of time, but what that demonstrates is that individuals cannot bring disparate impact claims as they can under title VII. For example, the Supreme Court has held that there can be women firefighters as well as men. If 100 male firefighters are employed and a number of women have applied, but none has been hired, you can conclude that there is probably an employment practice that has a disparate impact on qualified women firefighters.

On the other hand, if there exists a construction company and workers must carry 100-pound bags of cement, and you are able to demonstrate the women cannot carry the 100 pounds of cement, the employer is probably not using an employment practice that has a disparate impact on women with regard to that particular job. But if you are talking about a computer company, women can use computers as well as men—in most instances, probably better. If you do not hire any female applicants, an individual may be able to establish a disparate impact charge. Those kinds of claims exist under title VII, but not under this bill. There will be some who will say it. We have expressed and explained it. We can spend more time during the course of the debate to get into greater detail, but that is the fact.

There is no coverage for the armed services:

> For the purposes of this title, the term "employment or employment opportunities" does not apply to the relationship between the United States and the members of the Armed Forces.

There is no coverage for the not-for-profit religious organizations, except as provided in subsection (b), which is explained here. If they are in a for-profit business, as defined by the IRS, there will be coverage.

What we are interested in are secular, not the nonsecular, businesses.

Madam President, now, today, we have had 66 Senators and 241 Members of the House of Representatives who have agreed with the following principle: The sexual orientation of an individual is not a consideration in the hiring, promoting, or terminating of an employee in my office. Those are signed by Republican and Democratic Members of the Senate.

Sixty-six—you would think we would be able to say, "Well, why are we having this debate on the floor of the U.S. Senate since Senators themselves understand that this is a problem and they agree that they are dealing with this by freeing their offices from hiring and firing practices on the basis of sexual orientation?"

You would think if they are prepared to do it and recognize it is a problem in their own offices, then why not lend their support to other American workplaces, particularly if we are able to demonstrate that this is a real problem. We have and we will present such evidence. We are glad to get into the various examples that demonstrate that this is a real problem in terms of our country.

So, Madam President, this is basically a preliminary presentation on this issue. The fact is, there is discrimination out there in the workplace. We have seen the studies and, most important, we have had the real testimony of men and women from across this country who continue to bear the bitter fruit of such discrimination.

There are not adequate existing laws to protect individuals who experience that kind of a discrimination. This legislation is a very measured, targeted piece of legislation to deal with bigotry and discrimination in the workplace, carefully drafted, carefully targeted to that issue. We know that there is a need.

We believe this is a reasonable response. It represents Republican and Democratic efforts to try and deal with it in the workplace of this country. I am very hopeful that when we have the opportunity to address this on the floor of the Senate with a vote on Tuesday next that we will be able to, once again, follow the very important and proud traditions of this country. Traditions rooted in the civil rights debates of the fifties, sixties, seventies, eighties, and nineties that led to laws freeing us from the pains of discrimination on race, on religion, on ethnicity, on national origin, on gender, on disability, and now on the issue of sexual orientation for gay men and lesbian women in our society.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Who yields time? The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I rise in opposition to the Employment Nondiscrimination Act and would like to take just a few moments to explain my opposition to this and my concerns.

Let me say at the outset, I do not think there is a Senator in the entire body of the U.S. Senate who condones discrimination of any kind that is based on unreasonable and unfounded prejudice. I think that is a given. How we address that discrimination is another matter, and it is one that we have debated many times through the years on various facets of discrimination.

I still recall the compelling testimony that was presented in the Labor Committee on this issue in the last Congress when we held a hearing. Nonetheless, we may still disagree on the best means of achieving our desired goal. Prejudice and discrimination can be fought in many different ways. Education and awareness are important means of eliminating prejudice, and so is the effort of individuals to lead by way of example.

Many employers, though certainly not all—and the ranking member of the Labor and Human Resources Committee, Senator KENNEDY, pointed out a number of businesses—have led the way by example. I salute those businesses that have already based their employment decisions not on the employee's personal life or preferences but on the merits and abilities of the individual to perform the job.

I share this view, but I do not believe, as I have said before, that we will promote greater tolerance in the workplace by relying on more lawsuits and litigation as this bill would require.

True, this is not sweeping legislation as, again, Senator KENNEDY pointed out. It is a version of the original bill that I think addresses some of the concerns that were originally raised. I agree that discrimination does exist. However, our courts are already clogged with cases which many times only lead to more divisiveness and disruption in the workplace. Relying on our legal system to resolve our differences can be not only counterproductive but fraught with unintended consequences as well.

For this reason, Mr. President, I oppose the legislation before us. I know there are those who will argue that education and outreach efforts are not enough. Supporters of this bill will argue that the law must have "teeth," that is, punishment for those who discriminate if it is ever to be effective.

I might be more inclined to agree if the remedy or punishment for violating the law were merely reinstatement of one's job or simply back pay, as the original Civil Rights Act of 1964 provided. But this legislation provides for compensatory and punitive damages as well.

I opposed the expansion of remedies under title VII of the Civil Rights Act for that very reason, and I oppose it in this case as well. I believe compensatory and punitive damages will only further encourage division and protracted lawsuits when the intent, as I see it, is to encourage the parties—employers and employees—to get along. I wish that we did not have to address this by these types of remedies. We all wish there was an environment in which, as Senator Goldwater said in his statement quoted by Senator KENNEDY, everyone could be judged on their ability to perform their job with equal merit and equal recognition.

I do not believe that this bill is the answer, because I feel we have involved ourselves far too much in a litigious environment in our workplace today, which destroys the very kind of efforts that we are trying to address in nondiscrimination with the legislation that is before us today.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as my friend and cosponsor desires.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in strong support of the Employment Nondiscrimination Act (ENDA). I introduced a bill this Congress with Senator KENNEDY. We held a hearing in the previous Congress and came to the strong conclusion that the public support on the one hand is almost unanimous. Some 85 percent of the people support the concept, and second, that discrimination does go on and that it must have a remedy.

I differ with the feeling of my esteemed chairman that all that is needed is more education and that the remedies are not needed. I point out also that the remedies provided for in this act are the same remedies that apply to all of the other acts that we have to prevent discrimination.

I would like to first acknowledge the hard work of many Senators who have made it possible for us to debate, and next week vote on, this important piece of legislation. I commend the majority leader and minority leader for working out an arrangement which I think is fair. It does not give us what we had hoped for, to be very candid, that we could attach ENDA to the Defense of Marriage Act (DOMA) and, therefore, have a vehicle that might carry it on through to victory. But just having an opportunity to raise the issues on the Senate floor is an improvement over history and, thus, we must move on.

I am very hopeful we will have a sufficient number of votes to pass the bill. As stated by Senator KENNEDY, it also has been shown that 66 Senators already agree in their own offices that we should not have such discrimination.

I was involved with crafting this legislation during the past few years and was pleased to join with almost one-third of my colleagues in introducing ENDA in the 104th Congress. I believe this is one of the most important civil rights initiatives before this Congress.

This legislation will extend to sexual orientation the same Federal employment discrimination protections established for race, religion, gender, national origin, age, and disability.

The principles of equality and opportunity must apply to all Americans. Like all other Americans, gays and lesbians deserve to be judged at work based on their ability to do the job. People who work hard and perform well should not be kept from leading productive and responsible lives, which includes paying taxes, meeting their mortgage payments, and otherwise contributing to the economic life of this Nation because of an irrational, nonwork-related prejudice.

Mr. President, many may be wondering if this legislation is necessary. Let me share with my colleagues a few examples that demonstrate the need for this legislation. Earlier this week at a press conference, I was joined by Ms. Nan Miguel, a woman who was forced to leave her job—not because she was a gay or lesbian—even though her department was short-staffed, simply because she defended her decision to hire another female employee who was considered by her fellow employees to be a lesbian. No proof. She still does not know.

Another example is John Howard, a student from Alabama who was giving tours of a regional paper company's large art collection in order to earn graduate school tuition. A coworker told his supervisor that he suspected that Mr. Howard was gay. The supervisor called him in, acknowledged that his work was "perfect," and asked him whether he was gay or belonged to any gay organizations. After learning that Mr. Howard was president of the University of Alabama Gay and Lesbian Alliance, the supervisor fired him. These examples and many others show that Congress must pass the Employment Nondiscrimination Act.

Mr. President, it is not only needed, it is supported by the American people. And in a recent poll, well over three-quarters of the respondents stated that there should be equal rights for Americans, including gays and lesbians, on the job. While ENDA will achieve this goal for job opportunity, it does not do so by creating any special rights for gays and lesbians.

Specifically, this legislation prohibits preferential treatment, including quotas, based on sexual orientation, and also does not require an employer to justify a neutral practice that may have a statistically disparate impact. This a very complicated area of the law and one which is very difficult for employers to meet. It does not apply to this. Rather, it simply protects a right which should belong to every American, the right to be free from discrimination at work because of personal characteristics unrelated to successful performance on the job.

Securing this right benefits businesses as well as individuals. As Chad Gifford, CEO of the Bank of Boston, said recently:

> . . . there are compelling business reasons why we support ENDA and the workforce diversity it will engender. We want to see ENDA approved because we believe that it will help us as we advance a competitive business strategy—a strategy that not only embraces diversity, but also depends on it and takes full advantage of it.

Many other businesses have joined the Bank of Boston in adopting similar sexual orientation antidiscrimination policies. In fact, over half of the Fortune 500 companies have such policies.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of employers with nondiscrimination policies that include sexual orientation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMPLOYERS WITH NON-DISCRIMINATION POLICIES THAT INCLUDE SEXUAL ORIENTATION—AS OF AUGUST 16, 1996

ALABAMA

Intergraph, *SCI Systems*, America West Airlines, Arizona State University, and Bashas' Incorporated.

ALASKA

University of Alaska.

CALIFORNIA

AST Research, Acuson, *Advanced Micro Devices*, Agouron Pharmaceuticals, Allergan, Amdahl, *American President*, Amgen, Antioch University (Southern California), *Apple Computer*, *Atlantic Richfield*, Autodesk, *Avery Dennison*, Bank of California, *Bay View Federal Bank*, Bergen Brunswig, Borland International, Brobeck, Phleger & Harrison, California Institute of Technology, California State University, Charles Schwab & Company, *Chevron*, Cisco Systems, Claremont McKenna College, Claris, Clorox, Cypress Semiconductor, *Del Monte Foods*, *Dole Food*, First Interstate Bancorp, *Fluor Daniel*, *Foundation Health*, *Gap*, Genentch, Glendale Federal Bank, *Golden West Financial*, Graham & James, *Great Western Financial*, *H.F. Ahmanson & Company*, Harvey Mudd College, Health Systems International, Heller, Ehrman, White & McAuliffe, *Hewlett-Packard*, Homestake Mining, *Intel*, International Technology, Kaiser-Permanente, LSI Logic, Latham & Watkins, *Levi Strauss & Company*, Los Angeles Times, MCA Universal Studios, McCutchen, Doyle, Brown & Enersen, *McKesson*, *Merisel*, Morrison & Foerster, National Center for Lesbian Rights, NeXT Computer, O'Melveny & Meyers, *Occidental Petroleum*, Oracle, Orrick, Herrington & Sutcliffe, *Pacific Enterprises*, *Pacific Mutual Life*, *Pacific Telesis Group*, Pacificare Health Systems, Paul, Hatings, Janofsky & Walker, Pillsbury, Madison & Sutro, Pitzer College, Pomona College, Qual Comm, *SCE*, *Safeco*, *Safeway*, San Diego Gas & Electric, San Diego State University, San Francisco Giants, Science Applications International, Scripps College, *Silicon Graphics*, *Southern Pacific Rail*, Stanford University, *Sun Microsystems*, Sybase, Tandem Computers, *Teledyne*, *Tenent HealthCare*, *Transamerica*, Ungermann-Bass, *Varian Associates*, *Walt Disney*, Watkins-Johnson, *Wells Fargo & Company*, Wilson, Sonsini, Goodrich & Rosati, Working Assets Funding Service, and Wynn's International.

COLORADO

Adolph Coors, Amrion, Celestial Seasonings, Colorado College, Compatible Systems, Quark, *Storage Technology Tenet Healthcare Systems*, and US West.

CONNECTICUT

Caldor, Deloitte and Touche, Dexter, Louis Dreyfus North American, *Northeast Utilities*, *OLIN*, People's Bank, *Perkin-Elmer*, *Pitney Bowes*, State Universities of Connecticut, *Union Carbide*, United States Surgical, *United Technologies*, University of Connecticut, University of Hartford, and *Xerox*.

DISTRICT OF COLUMBIA

AFL–CIO, American Civil Liberties Union, American Postal Workers Union AFL–CIO, American Psychological Association, American University, Catholic University of America, Covington & Burling, *GEICO*, Hogan & Hartson, Howrey & Simon, Human Rights Campaign, *MCI Communications*, *Marriott*, McKenne & Cuneo, Mexican American Legal Defense and Education Fund, National Black Caucus of State Legislators, National Gay & Lesbian Task Force, National Public Radio, Presbyterian Church (USA), *Riggs National*, Skadden, Arps, Slate, Meagher & Flom, Southerland, Asbil & Breenan, *Washington Post*, Wilmer, Cutler & Pickering, and World Resources Institute.

DELAWARE

E.I. du Pont de Nemours and Company.

FLORIDA

AAA, Eckerd College, *Knight-Ridder*, *Office Depot*, *Ryder System*, *Tech Data*, and University of South Florida.

GEORGIA

AFLAC, BellSouth Telecommunications, *Coca-Cola*, Crawford and Company, Emory University, Georgia Southern University, Georgia Tech, *Home Depot*, *Turner Broadcasting System*, University of Georgia, and WORLDSPAN.

HAWAII

Hawaiian Electric Industries, Alexander and Baldwin, Bank of Hawaii, and University of Hawaii.

IDAHO

Albertson's and *Morrison Knudsen*.

ILLINOIS

Abbott Laboratories, Alberto-Culver, *Ameritech*, *Amoco*, Andersen Consulting, *Aon*, Baker & McKenzie, *Baxter International*, CNA, Chicago School of Professional Psychology, Columbia College, *Comdisco*, *Commerce Clearing House*, Commonwealth Edison, Datalogics Equipment, Fireman's Insurance, *First Chicago NBD*, Harrington Institute of Interior Design, Harris Trust & Savings Bank, Hinshaw & Culbertson, Illinois Eastern University, Illinois Northeastern University, Illinois Northern University, Illinois Southern University, Illinois State University, *Illinois Tool Works*, *Inland Steel Industries*, Jenner & Block, Katten, Muchin & Zavis, Keck, Mahin & Cate, Kirkland & Ellis, Mayer, Brown & Platt, *Motorola*, *Navistar International*, *Quaker Oats*, *R.R. Donnelley & Sons*, *Sara Lee*, Schiff, Hardin & Waite, School of the Arts Institute, *Sears, Roebuck & Company*, *Servicemaster*, Seyfarth, Shaw, Fairweather & Geraldson, Sidley & Austin, *Speigel*, UAL, *Unicom*, *United Airlines*, University of Chicago, *W.W. Grainger*, *Walgreen*, Winston & Strawn, and *Zenith*.

INDIANA

Anthem, Arvin Industries, *Eli Lilly & Company*, Goshen College, *Lincoln National*, and Methodist Hospital of Indianapolis.

IOWA

Drake University, Grinnell College, Pioneer Hi-Bred, and *Principal Mutual Life Insurance*.

KANSAS

University of Kansas and V.T.

KENTUCKY

Ashland Petroleum, Kentucky Fried Chicken, and *Providian*.

LOUISIANA

Hibernia National Bank.

MAINE

Bates College, Bowdoin College, Colby College, *Hannaford Brothers*, and *UNUM*.

MARYLAND

Baltimore Gas and Electric, *Giant Food*, Piper & Marbury, Prince George's Community College, and Workmens Circle Branch 92/494E.

MASSACHUSETTS

Amherst College, Babson College, *Bank of Boston*, Banyan Systems, Boston Edison Company, Boston Scientific, Brandeis University, Children's Hospital of Boston, *Digital Equipment*, Eastern Enterprises, Eastern Utilities Associates, *Gillette*, Hale and Door, Hampshire College, Harvard University, Hotel Workers Union—Local 26, International Data, Keyport Life, Massachusetts Institute of Technology, *Massachusetts Mutual Life*, Millipore, *New England Electric Systems*, *Polaroid*, *Reebok*, Reebok International, Ropes & Gray, *Stop & Shop*, Stratus Computer, *TJ Maxx*, WGBH Public Television, and Wainwright Bank.

MICHIGAN

Alma College, *CMS Energy*, *Comerica*, *Dow Chemical*, Herman Miller, *Kellogg*, Pharmacia & Upjohn, and Tecumseh Products.

MINNESOTA

Apogee Enterprises, Bemis, Carleton College, Ceridan, Control Data Systems, *Cray Research*, *Dayton Hudson*, Faegre & Benson, *First Bank System*, Graco, H.B. Fuller, *Hormel Foods*, IDS Financial Services, *Medtronic*, *Minnesota Mining and Manufacturing (3M)*, Minnesota Public Radio, *Nash Finch*, *Northern States Power*, *Norwest*, Piper Jaffray Companies, *St. Paul Companies*, *Supervalu*, *United Healthcare*, and University of Minnesota.

MISSOURI

Boatmen's Banchares, H & R Block, Payless Cashways, and Ralston Purina.

NEW HAMPSHIRE

Antioch University (New England), Dartmouth University, Eastern Mountain Sports, Franklin Pierce Law Center, Hendrix Wire and Cable, Hubbard Farms, Huggins Hospital, Keene State College, Nashua, New England College, Plymouth State College, and University of New Hampshire.

NEW JERSEY

Allied Signal, *Becton Dickinson*, *Campbell Soup*, *Chubb*, *Johnson & Johnson*, *Merck & Co.*, *Midlantic Bank*, *Public Service Enterprise Group*, Sequent Compuyter Systems, *Supermarkets General*, *Toys R Us*, UJB Financial, and *Warner-Lambert*.

NEW MEXICO

University of New Mexico.

NEW YORK

AVENET, *Amerada Hess*, *American Express*, *American Telephone & Telegraph Company*, AnnTaylor Stores, Arrow Electronics, *Bank of New York Company*, *Bankers Trust New York*, Barnard College, *Bear Stearns*, *Bristol-Myers Squibb*, Brooklyn College, Brooklyn Union Gas, CBS, CMP Publications, Cadwalader, Wickersham & Taft, Capital Cities/ABC, Chadhourne & Parke, *Chase Manhattan*, *Chemical Banking*, *Citicorp*, Clarkson University, Cleary, Gottlieb, Steen & Hamilton, *Colgate Palmolive*, Columbia University, Cornell University, Cravath, Swaine & Moore, *Dean Witter*, Dewey Ballantine, Dow Jones, Fordham University School of Law, Hill & Knowlton, Hunter College, *ITT*, *International Business Machines*, *International Paper*, *J.P. Morgan*, Joseph E. Seagram & Sons, Kaye, Scholer, Fireman, Hays & Handler, Kelley, Drye & Warren, Lambda Legal Defense Fund, Lawyers Cooperative Publishing, LeBoeuf, Lamb, Greene & MacRae, Lesbian and Gay Labor Network, *Long Island Lighting*, *Metropolitan Life*, Milbank, Tweed, Hadley, & McCloy, Mutual of New York, National Audubon Society, *New York Life Insurance*, *New York Times*, New York University, *Niagara Mohawk Power*, OMI, *Ogden*, Paul, Weiss, Rifkind, Wharton & Garrison, *Philip Morris*, Planned Parenthood Federation of America, Proskauer Rose Goetz & Mendelsohn L.L.P., *Republic NY*, Rogers & Wells, *Salomon Brothers*, Scholastic, Shearman & Sterling, Showtime Networks, Skadden, Arps, Slate, Meagher & Flom, Stanley H. Kaplan Educational Center, Stroock, Stroock & Lavan, Sullivan & Cromwell, *TIA-CREF*, *The Equitable Companies*, *Time Warner*, Towers Parrin, *Travelers Group*, University of Buffalo, *Viacom*, Village Voice, *Westvaco*, Whitman Breed Abbott & Morgan, *Woolworth*, and Ziff-Davis Publishing.

NEVADA

Showboat.

NORTH CAROLINA

Appalachian State University, Body Shop, Duke University, *First Union*, and Guilford College.

OHIO

American Electric Power, Antioch College, *Banc One*, Case Western Reserve University, *Cinergy*, *Federated Department Stores*, Macy's (formerly Jordan Marsh), Myers Industries, Oberlin College, *Procter & Gamble*, *Revco Drug Stores*, The Limited, University of Akron, University of Cincinnati, and Vorys, Sater, Seymour and Pease.

OREGON

Fred Meyer, *Pacificorp*, Portland Cable Access, Portland General, Stoel Rives L.L.P., Tektronix, and *US Bancorp*.

PENNSYLVANIA

Air Products & Chemicals, American Friends Service Committee, *Armstrong World Industries*, Ballard, Spahr, Andrews & Ingersoll, *Bell Atlantic*, Bloomsburg University, Bucknell University, Carnegie Group, Carnegie Mellon University, *Cigna*, Clarion University, *Conrail*, *Consolidated Natural Gas*, *CoreStates Financial*, *Crown Cork & Seal*, Dickinson College, Drew University, Drexel University, Edinboro University, Harsco, Haverford College, Kirkpatrick & Lockhart, Lehigh University, Lukens, *Mellon Bank*, *PECO Energy*, Penn Mutual Life Insurance, *Pennsylvania Power and Light*, Pennsylvania State University, Pepper, Hamilton & Scheetz, *Rite Aid*, SmithKline Beecham, State College, Swarthmore College, Temple University, *Unisys*, University of Pennsylvania, University of Pittsburgh, *VF*, and *York International*.

RHODE ISLAND

Brown University.

SOUTH CAROLINA

Flagstar.

SOUTH DAKOTA

Gateway 2000.

TENNESSEE

OrNda Health.

TEXAS

AMR, American Airlines, *Central & South West*, Dallas Area Rapid Transit, *Dell Computer*, *Exxon*, *Foxmeyer Health*, *Greyhound*, *SBC Communications*, Southwestern Bell, *Tandy*, and *Temple-Inland*.

VIRGINIA

Federal Home Loan Mortgage, First Virginia Bank, *Gannett*, *General Dynamics*, Hunton & Williams, *Mobil*, and *USAir Group*.

VERMONT

Ben and Jerry's Homemade and Gardener's Supply.

WASHINGTON

Antioch University (Seattle), Evergreen State College, Fred Hutchinson Cancer Research Center, Group Health Cooperative of Puget Sound, *Nordstrom*, *Paccar*, Perkins Coie, *Price/Costco*, Recreational Equipment Inc (REI), *SAFECO*, Seattle City Light, Seattle First National Bank, Seattle Mental Health Institute, Seattle Public Library, Seattle Times, Starbucks Coffee, University of Washington, Washington Mutual, Washington State University, and *Weyerhaeuser*.

WISCONSIN

CUNA Mutual Insurance Group, Consolidated Papers, Harley Davidson, *Johnson Controls*, *Northwestern Mutual Life Insurance*, *Roundy's*, Wisconsin Energy, and YWCA of Greater Milwaukee.

Partial list; *Fortune 500 in italic*.

Mr. JEFFORDS. In today's global economy our Nation must take full advantage of every resource that is at our disposal. We want U.S. companies to maintain their competitive advantage over their international competitors. This statement from Mr. Gifford, combined with the fact that a majority of the Fortune 500 companies have incorporated many of ENDA's policies, clearly indicates that these changes will not disrupt but improve the workplace. At this time in our country when we are short of skilled workers, we should not have anything that bars those skilled workers from an opportunity to have a job to assist us in our society.

Mr. President, some concerns have been raised by my colleagues that passing ENDA will create a new wave of litigation. I am proud to say that my home State of Vermont is one of several States and localities that have enacted a sexual orientation antidiscrimination law. It is no surprise to me that the sky has not fallen. Since the enactment of Vermont's law in 1991, 5 years ago, the Vermont attorney general has initiated only 14 investigations of alleged sexual orientation discrimination. Six are pending at this time. Four have been closed with determinations that unlawful discrimination cannot be proven to have occurred. Three have been closed for miscellaneous administrative reasons unrelated to the charge, and one resulted in a settlement.

There has been no huge litigation involved in Vermont. It has little or no burden when you figure how many that is per year, about three a year in the State. In addition, I am not aware of a single complaint from Vermont employers about the enforcement of the State law. However, I do know that thousands of Vermonters no longer need to live and work in the shadows. Vermont's experience is not unique. Other States and the District of Columbia have implemented policies similar to the one of my home State of Vermont with similar results.

As I have stated before, success at work should be related to one's ability to do the job and nothing else. The passage of ENDA would be one step toward ensuring the ability of all people, be they gay, lesbian or heterosexual, to be fairly judged on the work product, not on unrelated personal characteristics. Passage of ENDA could be perhaps one of the most important things this Senate could do this year.

Let me go back and summarize again and to straighten out some of the misconceptions regarding ENDA. First of all, this legislation does not create any special rights. Specifically, this legislation prohibits preferential treatment, including quotas based on sexual orientation. It simply protects a right that should belong to every American, the right to be free from discrimination at work because of personal characteristics unrelated to successful performance in the job.

I also would like to point out that we have gone and looked at those areas which do create difficulties for business, areas which might lead to litigation. And for the reasons of those that hold a fear of that litigation, we have not provided all of the protections to sexual orientation that race, religion, gender and others have. ENDA, for instance, does provide for the same remedies—injunctive relief and damages—permitted under title VII and the Americans With Disabilities Act and also does apply to Congress with the same remedies as provided by the Congressional Accountability Act.

This last application is very important to me because I believe it is very important that Congress not only live with the laws we pass, but I feel it is very important that an example should be set by Congress that gays and lesbians should not only be allowed to contribute to the economic life of the Nation but the political one as well. I once again point out that we have 66 offices that have already accomplished this.

More importantly, for the specific areas that have created problems for employers, ENDA does not require an employer to justify a neutral practice that may have a substantial disparate impact based on sexual orientation. That means you do not have to prove by figures that you have hired enough gays and lesbians to show that you have complied with the law. Let me state again that ENDA does not require that. That requirement would be very difficult to meet. ENDA exempts small businesses, as do existing civil rights statutes. Thus, it does not apply to employers with fewer than 15 employees.

Finally, ENDA does not require an employer to provide benefits for the same-sex partner of an employee. This is a requirement which would be problematical for many.

So we have done everything we believe we can do to reduce the amount of litigation, to reduce the amount of concern of employers, and certainly small businesses, and as we do in other areas, to prevent any real burden on close working situations.

As I have stated before, a successful workplace should be directly related only to one's ability to do the job, period. The passage of ENDA would be one step toward ensuring the ability of gays, lesbians, and heterosexuals to be fairly judged on their work product, not on an unrelated personal characteristic. Passing ENDA could perhaps be one of the most important things this Congress could do.

Once again, I am pleased that we have this opportunity, and I want to thank, again, the majority and minority leaders for the system that has been set up to allow us to get a straight vote on this issue, and I look toward the day we succeed in getting ENDA enacted into law. Mr. President, I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I yield as much time as the Senator from Utah would like to have.

Mr. HATCH. Mr. President, I oppose this legislation. The bill before the Senate has vast ramifications. This bill represents a massive increase in Federal power. For example, Federal bureaucrats, Federal courts, and plaintiffs' lawyers will be given enormous new sway over our Nation's private employers, as well as State and local governments. This bill will be, if it passes and becomes law, a litigation bonanza.

I think I have a reputation around here as supporting civil rights legislation. I do not want to see any discrimination against anybody in our society. As the coauthor of the AIDS bill, as the coauthor of the Hate Crimes Statistics Act, and other bills, I think my reputation is that of someone who decries discrimination in any form in our society. However, this bill, in my opinion, is the wrong way to go.

Moreover, notwithstanding ineffective language in the bill, Federal bureaucrats at the Equal Employment Opportunity Commission, lawyers at the Department of Justice, along with plaintiffs' lawyers in Federal courts, will open up an entirely new category of preferences and reverse discrimination. This new category, make no mistake about it, will be based on sexual orientation. The moral and religious sensibilities of millions of Americans will be overridden if this legislation comes to pass and is enacted into law.

Let me turn to each point, starting with the vast increase in Federal Government power created by this bill. Mr. President, I respectfully submit that a vote for this bill is a vote to give the Equal Employment Opportunity Commission the power to require employers to provide the Government with data on the sexual orientation of their employees. Today, under title VII, the EEOC asks numerous employers to provide statistics on the racial, ethnic, and gender composition of their work forces and new hires.

Let me stress, so that no one is misled by the bill's section on disparate impact, that statistics on the composition of a work force are not used just in disparate impact cases. These statistics are frequently used to prove cases of intentional discrimination on the basis of race, ethnicity, and gender, including pattern and practice cases.

Section 11 of the bill grants to the EEOC "with respect to the administration and enforcement of this act" the same power the EEOC has to administer and enforce title VII of the 1964 Civil Rights Act. The EEOC, the Department of Justice, and plaintiffs' lawyers, will be able to use such statistics on the sexual orientation of employees at a particular workplace in proving cases of intentional sexual orientation discrimination under this bill. As I mentioned earlier, these would include pattern and practice cases that the Federal Government is now able to bring against employers under title VII.

Here is what is authorized by this bill: someone alleges that he or she was denied a job because of the complainant's homosexuality. The Federal Government investigates. Perhaps there is evidence that a supervisor in the personnel office made statements expressing disapproval of homosexuality. Perhaps the Department of Justice or the EEOC received similar complaints from one or two other job applicants. The appropriate Federal agency could then turn to the statistical profile of that employer's work force and recent hires. If there are no homosexuals in that work force, or virtually none, if all or almost all recent homosexual job applicants were denied a job, those statistics can be used by the Government, or in a private lawsuit, as evidence of intentional discrimination.

I hope that no Senator is under the misimpression that the use of statistical evidence in so-called underrepresentation cases is forbidden by this bill. This bill authorizes, indeed invites, the use of statistics based on sexual orientation by its grant to the EEOC of authority that it now has under title VII. Now some might ask, would the EEOC really seek such statistics? My answer is that EEOC is part of the very same bureaucracy which presently makes heavy use of statistics under title VII, and which played so crucial a role in the creation of preferences and reverse discrimination under that statute.

Let me give one more example of the vast power this bill gives to the Federal bureaucracy and the Federal courts. Under title VII, harassment in the workplace on the basis of race, ethnicity, gender, and religion is forbidden, and properly so. If this bill becomes law, what is going to happen if a supervisor, based on religious or moral beliefs, expresses disapproval of homosexuality and there are homosexual employees in that workplace? What is going to happen if one or more employees express such views and supervisors are aware of those investigations and do nothing about them? The answer is there will likely be a lawsuit claiming a hostile work environment exists which adversely affects homosexual employees. However that lawsuit is resolved, think of the new costs imposed on our Nation's employers in dealing with these new lawsuits. It is bad enough under the current law.

Mr. President, it is also certain that reverse discrimination and preferences will result from this bill. Some will ask, how can that be? The bill says "a covered entity shall not give preferential treatment to an individual on the basis of sexual orientation." That is in section 7. But the bill says something more. The bill gives Federal courts "The same jurisdiction and powers as such courts have to enforce title VII of the Civil Rights Act of 1964." That is in section 11(a)5. Further, "The procedures and remedies available for a title VII violation" are available under this bill, and that is section 11(b)1.

Now, let us take a look at section 706(g) of title VII. That provision of title VII says that if the court finds that an employer intentionally discriminated, the court may enjoin such discrimination "and order such affirmative action as may be appropriate or any other equitable relief as the court deems appropriate." Now, Mr. President, if you only read this bill, you will miss the powers this bill grants to the Federal Judiciary, including those pertaining to affirmative action are not evidence.

We all know, Mr. President, regrettably, that the Supreme Court has construed section 706(g) of title VII to permit Federal courts in limited circumstances of persistent egregious, intentional discrimination to impose preferences as remedies in title VII cases. I have said the preferences are never appropriate as a remedy. But the same remedies under title VII will be available under this bill. Preferences on the basis of sexual orientation will be imposed when Federal courts think that an employer has intentionally discriminated in a persistent and egregious way, and whether we agree with this view or not, many employers have very strong religiously based/morally based objections to homosexuality which they may reflect in their employment practices that could well give rise to remedial orders of a preferential way in a number exceeding that which we have seen under title VII.

Further, the Supreme Court has told us that a consent decree pursuant to a statute is part contract and part enforcement of the statute itself. The Federal agencies which bring the lawsuits under this bill have enormous leverage. These cases are very costly to defend, make no mistake. These agencies, as well as plaintiffs' lawyers in private cases, will also be able to extract consent decrees containing preferential relief from employers because the employers paid then because it is too expensive to fight them.

Section 7 of this bill does not order the analysis. It does not limit a court's remedial power. Title VII has a similar provision, yet the Supreme Court told us the remedial authority of the courts are governed by section 706(g).

The proponents of this bill can make the very same statement that our revered late colleague and dear friend of mine, Senator Hubert Humphrey, made during debate on the 1964 Civil Rights Act in response to concerns expressed about preferences and quotas. He said he would eat the pages of the CONGRESSIONAL RECORD, one after the other, if someone could show him where these preferences are in title VII. Within 5 years after the enactment of that act, Federal agencies and courts had misused title VII to create preferences, something the prime sponsor of that bill said could not occur. The very same agencies will enforce this bill on sexual orientation, under virtually identical provisions. So if the proponents of this bill want to tell the

Senate the same thing our dear colleague Senator Humphrey told the Senate in 1964, I have no doubt that someday I will be sending them a copy of today's CONGRESSIONAL RECORD, together with a knife and fork and something to wash down the pages.

I might add this, that a plaintiff's ability to use statistics to prove intentional discrimination is going to be a powerful silent incentive to employers to hire by the numbers on the basis of sexual orientation, in order to avoid these lawsuits.

Mr. President, let me make one more point on affirmative action under this bill. There are forms of remedial affirmative action under title VII that I do support. For example, I believe it is appropriate for employers to be required to recruit and advertise to increase the applicant pool for members of such groups.

This is a fairly routine remedy. Under this bill, an employer who discriminates on the basis of sexual orientation against homosexuals will likely be required to undertake such recruitment, such as by advertising among homosexual groups and media outlets. Should we be imposing this requirement on employers in the matter of sexual orientation? I do not think so.

Let me note, Mr. President, that many employers have honest moral, religious-based objections to hiring homosexuals. These are views that should not be dismissed. I will mention one example. The July 19, 1996, Washington Post reported that a Loudoun County teacher and coach had starred in gay pornographic videos. This person had a job teaching health and physical education at Farmwell Station Middle School in Ashburn, VA. He was also an assistant coach for boys football, baseball, and wrestling at a high school.

Loudoun School Superintendent Edgar B. Hatrick III said if the allegations were true, he would seek to fire the teacher. He noted, "We believe that teachers, as people who are chosen to be instructors as well as leaders of our young people, should be exemplary in their professional as well as personal lives. What we have here is an allegation of a lifestyle that is not in keeping with that. If the allegations are true, that is not conduct befiting a teacher."

I suspect that the principal would have taken the same attitude if it had been a pornographic movie starring a heterosexual teacher, and rightfully so.

One parent of a daughter who attended a school where this person taught said she believed that what people do in their private lives is their business—unless they are teachers. "I want our teachers to have the highest moral fiber. I'm not comfortable with him doing both." A school board member said, "Here we have a teacher in a middle school working with children who are at that age where they are struggling with their * * * identity. This is obviously a person who has made bad choices. To give someone like this access to children at that stage of development would be irresponsible of us."

Mr. President, those views are overridden by this bill. And even if one disagrees with these school officials and parents, as the proponents of this bill may do, is it appropriate for this Senate to run roughshod over their concerns? I know the supporters of this bill, including President Clinton who has strongly endorsed it, are sincere.

In particular, I have worked very closely in the past with my friend, Senator KENNEDY, on these matters. I have tried to be with him where I believe he is correct, and he has tried to be with me where he believes I have been correct.

But the people in Loudoun County and millions of other Americans who agree with them are also sincere.

Mr. President, in the version of this bill introduced last night, section 10 states that a covered employer can enforce rules "regarding nonprivate sexual conduct, if such rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation." This provision provides little help to the people of Loudoun County and across this country who have similar concerns. Its fundamental flaw is that in order to enforce rules under this section, homosexuality and heterosexuality must be treated entirely alike.

Suppose a male teacher kisses his female spouse goodbye in front of the schoolchildren in the morning as she drops him off at school. Some might find such warmth and affection between husband and wife a good thing for the children to see. But Loudoun County would have to fire that male teacher before this bill would permit the county to fire a male teacher for kissing his male partner in front of the children at school. Or, suppose a single male teacher, during nonschool hours and in public, holds hands, walks arm in arm with his girlfriend, and engages in some kissing. I can well understand if the school authorities do not find that public behavior a matter for discipline. Under this bill, however, these same school authorities could not take action against a male teacher who engages in the very same public actions I just mentioned, with another male. I think that forcing Loudoun County to treat both situations the same, in terms of role models for schoolchildren and the other concerns parents and educators might have, is wrong.

Mr. President, let me note some of the other flaws in the bill. The bill says it does not apply to the Armed Forces, defined as the Army, Navy, Air Force, Marine Corps, and Coast Guard. But the bill would apply to other elements of our military structure, such as the National Guard. Moreover, if the proponents of the bill think the military should be exempt, why didn't they exempt State and local police departments, and other law enforcement agencies at the local, State, and Federal levels? These are paramilitary organizations. They deal with domestic threats to the peace and our security. If some of the forces that deal with foreign threats to the peace and our security are exempted from the bill, why shouldn't the domestic law enforcement agencies be treated the same way? I might add that in many States homosexual conduct is illegal, by statute or common law, yet this bill would compel the law enforcement agencies in those States to hire individuals who are acknowledged to engage in such conduct.

Let me also say that my support for the Hate Crimes Statistics Act, which Senator SIMON and I have gotten through the Senate and enacted into law twice, is fully consistent with my position on this bill. My view that absolutely no one should be subjected to violence or vandalism because of who they are is, of course, widely shared. But it does not follow from the fact that while everyone, including homosexuals, should be free of violence, society must confer affirmative civil protections on the basis of sexual orientation not available, I might add, to everyone else.

I would urge President Clinton to reconsider his support of this bill. I don't think we would be taking it up today if he wasn't such a strong backer of the bill. I don't think it would have a chance of passage if he opposed the bill, a bill which has so many noticeable flaws.

Mr. President, those are just some of my feelings with regard to this bill. I have watched these EEOC applications of title VII and the court applications of title VII for many years. I believe that I have spoken the truth here about what really is happening, what has happened, and what will happen if this bill is passed. It would lead to a bonanza of litigation that would be second to none in the history of this country, and I think, frankly, that it is not in the best interest of the country, and would be used to trample right over the rights of many people who have sincerely held religious views about the matter.

Mr. President, I may have some more to say about this bill later.

I yield the floor at this time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I know others want to speak, but I want to address briefly the issue of remedies that has been referred to by my colleagues who have stated their opposition to this legislation—both their concern about the additional burden on the courts and also on the issues of remedies.

I think we can look at the nine States that currently have virtually the same kind of law that we are proposing. Most of them have some form of an equal employment commission in their various States.

I will include this in the RECORD.

To talk about the number of cases that have been brought in the State court system, in Wisconsin they passed a law similar to this in 1982. They have had one reported case between 1982 and 1993. In California, since 1992, they have had five reported cases. In my own State of Massachusetts, we have had two reported cases since 1989; Minnesota, since 1991, three reported cases; New Jersey, since 1991, zero reported cases; Vermont, since 1991, one reported case; Connecticut, since 1991, they have had four reported cases; Hawaii, since 1991, zero reported cases; Rhode Island, since 1991, zero reported cases.

What we have seen since this law was passed is not the kind of proliferation of cases. What we are seeing is compliance.

Finally, let me just say with regard to remedies, I remind our colleagues that in the remedies section, as has been pointed out by Senator JEFFORDS, we are basically tracking title VII of the Civil Rights Act, and we are talking about the 1991 Civil Rights Act. Therefore, the damages are capped. They do not cap them on the basis of race. They do not cap them in terms of religious discrimination or national origin. They cap them solely on gender—women—the disabled, and now on gay and lesbians. We put a cap on them.

I would like to believe, if we are talking about discrimination that is taking place against American citizens, we would apply remedies fairly to all victims of discrimination. But nonetheless, currently, women and the disabled and, when this legislation becomes law, gays and lesbians, are held to a second-class standard in terms of remedies. With all due respect to those who are complaining about remedies, we already included a cap to gain support. We are not altering or changing that.

Third, I advise my good friend from Utah to review the legislation. There is no requirement in this legislation that any company has to keep statistics—his admonition that we have to be concerned because of disparate impact claims is without merit. Disparate impact claims are specifically excluded. Statistics are not necessary. So I have difficulty in following the logic of his comment.

Basically, what we are talking about is this, Mr. President:

> People like Cheryl Summerville who received a notice that said, "This employee is being terminated due to violation of company policy. This employee is gay."

That is what we are talking about. We are talking about blatant, flagrant discrimination and bigotry that exists in our country that some States have identified. That is what is at issue. That is what we are addressing. We obviously welcome the opportunity to take various recommendations or suggestions about how to make it better.

The final point I make, Mr. President, is that I heard my colleague say that a lot of people have strong religious beliefs not to associate with homosexuals. We went through a period not long ago when a lot of people had moral beliefs, ethical beliefs not to associate with blacks, Latinos or Asian-Americans, and basically what civil rights laws have stood for is that individuals cannot use those beliefs in order to discriminate against fellow Americans. That is the basis of the civil rights laws that exist to address the issues of discrimination on race, on religion, on ethnicity, on national origin, on gender and disability. All we are attempting to do is to extend it.

For those reasons, Mr. President, and the others mentioned earlier, I hope we can move forward with the legislation.

I see my friend, the Senator from Nebraska.

Mr. HATCH. Mr. President, could I just answer the Senator?

If the distinguished chairman will yield 2 minutes to me, I would appreciate it.

Mrs. KASSEBAUM. I would be happy to yield to the Senator from Utah.

Mr. HATCH. I thank my colleague.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Keep in mind the Senator just got through equating homosexuality with race, which is exactly what is going to happen should this legislation pass.

Mr. President, I might add that the experience under State law that he refers to is largely irrelevant. Experience under State law cited by my friend from Massachusetts, in my opinion, is irrelevant. I cited the remedial provision of title VII, section 706(g), which gives Federal courts the power to award affirmative action relief. That is extremely different from the State statutes with regard to this.

The Supreme Court has said in some cases preferential relief can be granted. The Court said that consent decrees with preferential relief may be entered. Since the bill does incorporate section 706(g), the same thing is going to happen here. It opens up a massive Federal role in employment matters with regard to gay and lesbian people.

I have to say I am uncomfortable with both sides on the issue because I think the bill is not written well. I think it does not solve these problems. It will lead to tremendous Federal Government control over the employer workplace throughout the country, and I think it will lead to the same sort of sets of preferences that we see today under title VII that were said could never happen.

These are some of the things that bother me. On the other hand, I do not want to see gay and lesbian people discriminated against. But I just heard my colleague from Massachusetts equate homosexuality with race by saying the churches have had to comply with the Civil Rights Act. That is true. On the other hand, he excludes churches in here but not the profit-making aspects of the church, of the particular churches involved, which may include publication, it may include running facilities for the benefit of their members, it may include any number of other situations that may be considered profitmaking. Yet the particular religious belief may be such that it condemns homosexual conduct and sincerely does so and does so as a right of that religious institution, longstanding religious institutions in some cases, highly recognized, mainstream churches that have doctrines and principles that condemn homosexual conduct, and yet it would require them to have to comply with this law as it is written, and I believe in ways that will be very similar, no question about it, in ways that will be exactly like the requisites of title VII today.

As Gen. Colin Powell so eloquently stated in a May 1992 letter to Representative PAT SCHROEDER defending restrictions on homosexuals in the military, he said:

> Skin color is a benign nonbehavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument.

I think he makes a good point. I do not think there is any question about it.

This bill gives the EEOC the same power to administer and enforce this bill as the EEOC has under title VII. Under title VII, the EEOC collects statistics. It is in the regulations in 29 CFR, subpart A, B, and C. So to compare this with the States and the fact that there may be a dearth of suits under State law belies the fact that under Federal law there will be a proliferation of suits and I think testing of this matter all over the country, and I do not know that you will have any choice other than to apply the law as the Supreme Court has interpreted section 7 in bygone days and bygone ages. If that is the case, you are going to have, I think, an awful lot of difficulty in our society and especially among religious institutions and others that take highly moral views of these matters that I think will be very disruptive to our country.

Having said that, I would like to continue to explore a way, some way of encouraging people in our country to be fair to gays and lesbians in our society. I do not think anybody should be discriminated against. On the other hand, these Federal statutes have sometimes resulted in discrimination against people who have sincerely held beliefs, religious or otherwise, that I think are valid.

So having said that, I do not see the analogy, but I will accept the statements of the distinguished Senator from Massachusetts as said with regard to the dearth of cases in some of these States under State law. Under Federal law there will be a proliferation. I guarantee it. I do not think anybody doubts it. I think we have seen it and we will see it in the future if this bill passes.

Mr. KENNEDY. Mr. President, I will take the time. My colleagues are not here to respond in detail. But, with all respect to my friend, he has misstated the law and then differed with the misstatement. I will come back to that at a different time.

How much time does the Senator care for?

Mr. KERREY. Perhaps 5 minutes?

Mr. KENNEDY. I yield 8 minutes.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Nebraska is recognized for 8 minutes.

Mr. KERREY. Mr. President, it seems to me, for Members who are trying to decide on this piece of legislation, the Employment Nondiscrimination Act, there are really three questions that need to be asked and answered. The first is: Should the Federal Government intervene and preempt State laws? That really leads to the question: Do you support the underlying bill, the Defense of Marriage Act? I do not support the underlying bill, the Defense of Marriage Act, for a number of reasons including the fact it is the first time the Federal Government will be intervening, preempting State laws on family matters. Divorce, child support, all sorts of other things will now be opened up and legitimate objects of concern for new Federal legislation.

But for those who have answered that first question yes, then this amendment is, it seems to me, an appropriate remedy to 41 States that currently continue to permit discrimination on the basis of sexual orientation. So that is question No. 1: Do you think the Federal Government should intervene? If you support DOMA you already support intervention. You already support an act of intervention, which DOMA is. DOMA preempts State laws. So does ENDA.

The second question is a very difficult one. I think—I am not sure of this—I think the origin of some of the differing views between the Senator from Massachusetts and the Senator from Utah—I am not certain of it—is: Do you believe sexual orientation is a trait, a characteristic, or do you think it is behavior? Do you think you are born with a particular sexual orientation or do you think you choose it, that you decide you want to be gay? Apparently, I guess from the letter written by Colin Powell, he believes race is benign but sexual orientation is not benign. That is the implication one gets from the letter from Colin Powell. I disagree with that. I would say sexual orientation is also benign. I do not believe that because I am heterosexual I am not benign. I do not think my orientation is an indication of what I intend to do, at least in regard to what Colin Powell is suggesting. But it is a very important question.

There are some who believe that sexual orientation is chosen, it is a behavior. If you believe that, then you say it is the same thing as smoking or the same thing as drinking or other things and you do not think you are discriminating. You think it is legitimate. But the overwhelming number of people who have looked at this say sexual orientation is a trait. You do not choose it. You do not wake up one morning and say, "I think I will be homosexual"—or heterosexual, for that matter. It is a very important question. Because, it seems to me, if you believe it is a characteristic, that it is a trait, if you do believe that, as I do, if that is your conclusion—and Members need to ask themselves that—if you believe it is a characteristic, if you believe it is a trait, if you believe that is the way you are born, then you do have to treat it, at least in some ways, the same as race. It is a benign thing. You do not go out and decide this is what you are going to do with your life. So that is question No. 2. I answer the question that it is a trait, it is a characteristic, you are born this way and you orient that way as a consequence.

Question No. 3 is: Is this the right solution to discrimination? If you want the Federal Government to intervene —as I said, I think it is a mistake to be intervening, at least in the fashion we are doing with DOMA. If you want the Federal Government to intervene, if you believe it is a characteristic you are born with, the next question is: Do you think this is the right solution? I must say, I think the sponsors of this legislation, the drafters of this legislation, have done a very good job of trying to draft it in a narrow way so it does solve the problem, because it is a relatively small problem, I will say, Mr. President. I do think that there is discrimination against gays and lesbians in America today. But I do believe employers are increasingly saying it is not a threat at all, it is not a problem, it is a trait, and that gay and lesbian employees are not a threat to their business, they are not a threat to the morale of that company and so forth.

But, nonetheless, discrimination is occurring. So the drafters of this legislation have gone through and said ENDA does not require an employer to recruit or advertise job offers. ENDA expressly states no disparate impact cases may be made, meaning that discrimination cases cannot be made based on statistics alone. ENDA specifically prohibits quotas that would compel employers to meet percentages of hiring and provides exemptions for nonprofit religious organizations and the military, and ENDA does not require that companies pay benefits for domestic partners.

I think this legislation, again, if you support DOMA and you have already reached the conclusion that it is OK to intervene in State family matters; if you believe homosexuality is a trait that one is born with, it orients just like you do if you are heterosexual, if you believe it is a trait; and if you are looking for some way, as the Senator from Utah is, to narrowly draw a law that will prevent this kind of discrimination, I think you can vote no other way than yes on what I consider to be a very carefully drawn piece of legislation, a very targeted piece of legislation, one that should not provoke a great number of lawsuits, that does, it seems to me, treat homosexuality different from race.

It does not provide disparate impact cases be filed. I think it is a reasonable piece of legislation. Especially for those who support the underlying bill, it seems to me an easy thing to support, an easy thing to vote "aye" on. I urge my colleagues to do so.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON addressed the Chair.

Mr. KENNEDY. I yield 8 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first let me acknowledge the leadership of Senator KENNEDY. Senator KENNEDY has really been, in all these areas of human rights, a distinguished leader. I really appreciate that leadership.

I attended a meeting of the Illinois Society last night, people from Illinois who live in the Washington, DC, area. We started that meeting by saying the Pledge of Allegiance to the flag.

One of the things that has interested me is how rarely we do something like that anymore.

As part of that Pledge of Allegiance, we said, "one Nation, under God, indivisible * * *" Some people want to make it "one Nation, under God, indivisible," except for African-Americans.

Some want to make it "one Nation, under God, indivisible," except for Hispanic-Americans.

Some people want to make it "one Nation, under God, indivisible," except for Asian-Americans.

Some people want to make it "one Nation, under God, indivisible," except for people with disabilities.

And some people want to make it "one Nation, under God, indivisible," except for gays.

I think there are a great many people who feel uncomfortable in this area. It is a word that Senator HATCH used.

Let me comment first on the Defense of Marriage Act and then on the legislation that Senator KENNEDY has introduced, of which I am pleased to be a cosponsor.

The hate crimes bill that I introduced a few years ago, that is now law, has the FBI keeping track of hate crimes. The greatest number of hate crimes are against African-Americans, but if you look at the numbers of people proportionately, the greatest number of hate crimes are against gays in our society.

The last thing we need to do is to divide America more, and the Defense of Marriage Act does that.

A great many people do feel uncomfortable, and it is a hidden problem. I grew up in a family where my parents were active in what we then called race relations. I was not aware of this problem at all until I went into the Army.

When I went into the Army, I was assigned to the counterintelligence corps. One of our jobs was to screen people for classified material.

Let me add for those who argue about this today, people who were gay were drafted into the Army just as much as anybody who was not gay. For those who do not want to accept gays into the military, if you have a draft and you can be exempt if you are gay, I think we are going to have a lot of gays in our country, people who are going to list that.

But I became aware that people could be blackmailed very easily who were homosexual. I gradually became more aware of the problem.

I can remember in the House—the Presiding Officer may not have been here at that point—we had a House Member who used to introduce gay-bashing legislation, amendments, by the name of Bob Bauman, a Republican Member from Maryland. Then it turned out he was homosexual himself, but he felt compelled to do this.

The number of crimes not only against gays, but the number of suicides in this country is a very real problem.

I had an experience not too many months ago where a college classmate, a friend I had not seen for some years, stopped by, and as you do when you get together with a college classmate, we talked about our families. And he said, "We had a very emotional experience." I asked him what it was. He said, "Our daughter told us she was lesbian." In the course of it, he said, "My daughter told me, 'You don't think I would choose this.' She said, 'I was born this way.'"

Senator KERREY's comments are apropos. We know now from scientific evidence that there is a genetic basis, at least among men—and the assumption is this is probably true for women, too—for homosexuality.

When I grew up, my father did not take me aside and say, "Paul, you have to be interested in girls." He had to give me other warnings. But there are people who by orientation are interested in people in the same sex. Genetically, they are built that way.

If, in this Defense of Marriage Act, we start defining marriage, who is to stop the Senator from Massachusetts or the Senator from Kansas or the Senator from Washington from introducing Federal legislation on divorce, for adoptions or other areas? We simply should not be getting into this area.

Let me comment on Senator KENNEDY's legislation. The statement Senator KENNEDY put up there that was put out—I am going to mention the company's name, Cracker Barrel—I have not been into a Cracker Barrel restaurant since that woman testified, and I am not going to go into one until we pass legislation like this. But her separation notice read—let me repeat it again—"This employee is being terminated due to a violation of company policy. The employee is gay." That was a woman who worked as a cook, very low wages. When she testified before our committee, she was working part time cutting firewood.

What kind of a society are we building? We have to have opportunity for people. I can remember when we first started talking way back when I was in the State legislature, the Fair Employment Practices Commission, "Let's not discriminate against African-Americans or Jewish-Americans and others," and people said, "Oh." They thought, "My job is going to be taken away." And they were worried about a lot of things.

It turns out we passed that and we lifted the economy of this Nation because people were not discriminated against anymore. I notice that among the statements that were signed in terms of our practice, Bob Dole, on April 14, 1994, signed a statement: "The sexual orientation of an individual is not a consideration in the hiring, promoting or terminating of an employee in my congressional office." What is good enough for Bob Dole ought to be good enough for the country.

The religious organizations—and I ask unanimous consent, Mr. President, to have printed in the RECORD the statement of the United Methodist Church, the National Council of the Churches of Christ, The American Jewish Community, and the Evangelical Lutheran Church in America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,
Washington, DC, September 3, 1996.

DEAR SENATOR: On behalf of the General Board of Church and Society, the social justice advocacy agency of the 9.5 million member United Methodist Church, I strongly urge you support the Employment Non-Discrimination Act (S. 932) (ENDA) introduced by Sen. John Chaffee (R-RI) and Sen. Ted. Kennedy (D-MA).

The Senate may soon vote on ENDA as an amendment to the Defence of Marriage Act (DOMA). Though the United Methodist Church does not presently have an official position on DOMA, The General Board of Church and Society has consistently and very strongly endorsed the passage of the Employment Non-Discrimination Act into law since its introduction in the U.S. Senate.

The Social Principles, the official policy doctrine of the United Methodist Church states, "Homosexual persons, no less than heterosexual persons are individuals of sacred worth . . . Certain basic human rights and civil liberties are due all persons. We are committed to support those rights and liberties for homosexual persons. We see a clear issue of simple justice in protecting their rightful claims where they have shared material resources, pensions, guardian relationships, mutual powers of attorney, and other such lawful claims typically attendant to contractual relationships which involve shared contributions, responsibilities, and liabilities, and equal protection under law."

If there is anything our agency can do to assist you in securing passage of the Employment Non-Discrimination Act into law, please don't hesitate to call on me personally or Hilary Shelton the Program Director working on this issue at (202) 488-5658.

Sincerely yours,
THOM WHITE WOLF FASSETT,
General Secretary.

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA,
Washington, DC, August 23, 1996.

DEAR SENATOR: On behalf of the National Council of Churches, I am writing to endorse S. 932, the Employment Non-Discrimination Act of 1996.

The National Council of the Churches of Christ in the U.S.A. is the preeminent expression in the United States of the movement for Christian unity. Its 33 Protestant and Orthodox member communions, to which 52 million people belong, work together and with other church bodies, to build a wide sense of Christian community and to deepen the experience of unity. Our position on this matter is based on policy approved by our General Assembly, whose 400 members are selected by our member communions in numbers proportionate to their size.

The National Council of Churches has always held that, as a child of God, every person is endowed with worth and dignity that human judgment cannot set aside. Therefore, evey person is entitled to equal treatment under the law. Discrimination based on any criteria such as race, class, sex, creed, place of national origin, or sexual orientation is morally wrong.

Accordingly, the Council would urge you to support the prompt passage of the Employment Non-Discrimination Act as a manner to protect against such discrimination.

Sincerely,
(REV. DR.) ALBERT M. PENNYBACKER,
Associate General Secretary for Public Policy.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, July 22, 1996.

DEAR SENATOR: While the American Jewish Committee has taken no position on the Defense of Marriage Act, AJC fully supports the Employment Non-Discrimination Act as an important protection of basic civil rights. We urge you to vote for ENDA as an amendment to the Defense of Marriage Act.

ENDA is simple justice. It ensures that employment decisions are based on one's performance and abilities and not on perceptions of an employee's sexual orientation. No "special rights" are created. ENDA simply extends the same legal protections from employment discrimination provided to other individuals who have historically been denied equal employment opportunities.

The protection of religious liberty is of central importance to the American Jewish Committee. ENDA's broad exemption for religious organizations gives proper regard to this concern. No sectarian institution will be required to violate the religious precepts on which it was founded.

ENDA is a crucial protection of civil rights. We urge you to support the amendment that would incorporate ENDA into the Defense of Marriage Act.

Sincerely,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

EVANGELICAL LUTHERAN
CHURCH IN AMERICA,
Washington, DC, July 30, 1996.

DEAR SENATOR: The Evangelical Lutheran Church in America (ELCA) has committed itself to participate in God's mission by "advocating dignity and justice for all people" and "joining with others to remove obstacles of discrimination and indifference".

With these core commitments, the ELCA has affirmed its historical position of "strong opposition to all forms of verbal or physical harassment or assault of persons because of their sexual orientation and support for legislation, referendums, and policies to protect the civil rights of all persons, regardless of their sexual orientation, and to prohibit discrimination in housing, employment, and public services and accommodations."

The Employment Non-Discrimination Act (ENDA) would be one step toward fulfilling these commitments. ENDA would extend Federal employment discrimination protections currently provided based on race, religion, gender, national origin, age and disability to sexual orientation.

Therefore, the ELCA continues its support of the Employment Non-Discrimination Act and urges your support of this important initiative to extend employment discrimination protection to all people.

Sincerely,

KAY S. DOWHOWER,
Director.

Mr. SIMON. We have to make sure that ours is a society that gives opportunity to everyone. I want every page here—I do not care what your sexual orientation or race or religion or what your background is—I want you to have every opportunity. I have four grandchildren. I want them to have every opportunity. That is what America is all about, and that is what this legislation is about.

We need an education. I still need an education. I am not as fully familiar—in the hearing that we had, I used the phrase "sexual preference," and I was told by leaders of the community they prefer the phrase "sexual orientation" because "preference" indicates choice. And so I am learning.

People were not made by God all the same. Some of us have brown hair, some of us red hair, some of us black hair, some blonde. Some were made with a different sexual orientation than most of us have, and we should not deny them employment opportunities. What happened to that cook in that Cracker Barrel restaurant should not happen to any American. That is what this legislation is all about, and I support it.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mrs. KASSEBAUM. Mr. President, I yield as much time as the Senator from Oklahoma would like to use.

Mr. NICKLES. Ten minutes.

Mrs. KASSEBAUM. I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. NICKLES. First, I wish to compliment the Senator from Kansas for her statement and also Senator HATCH for his statement as well.

Mr. President, No. 1, I did not expect this debate this morning. This debate is the result of the unanimous-consent agreement that was entered into last night. I supported that agreement. So we will be voting on this bill and we will be voting on the Defense of Marriage Act on Tuesday. So at least we will be able to bring up and dispose of two pieces of legislation.

I believe the legislation that we are debating this morning called ENDA, Employment Nondiscrimination Act, introduced by Senator KENNEDY and others, is a very significant piece of legislation. I happen to disagree with it. I happen to think it is a very dangerous piece of legislation. I am pleased it is not going to be offered as an amendment to the Defense of Marriage Act. I perceived it as a killer amendment. In all likelihood, if it had been adopted on the Defense of Marriage Act, it would have killed it. So I viewed it as an attempt to defeat the Defense of Marriage Act. So I am pleased that we are at least reviewing it or considering it separately.

Mr. President, this is not an easy subject to talk about, not an easy subject for most of us, because we do not talk about it very often. We are talking about amending the Civil Rights Act and adding sexual orientation to the list of items now under the Civil Rights Act which have protection.

We state under the Civil Rights Act there should be no discrimination on account of gender, on account of race, on account of your ethnic background, or disabilities or age or religion, and now if this amendment becomes law, we would add sexual orientation, and "sexual orientation" would be defined as homosexuality and bisexuality and heterosexuality. It actually would elevate homosexuality and bisexuality as a protected class under the Civil Rights Act.

Many, many people across America, because of their backgrounds—and maybe that background is a Jewish background or Christian background or Muslim background—have religious beliefs that homosexuality or bisexuality or promiscuity is immoral. To elevate that type of conduct into a protected status or class under the Civil Rights Act I think would be offensive. What would be the result?

Senator KASSEBAUM and Senator HATCH mentioned the fact that it would certainly bring about a lot of litigation. There is no question about that. A lot of individuals and a lot of firms would be sued based on sexual orientation claims if this bill becomes law.

There are exemptions under the bill, and appropriately so. Do we really want to say that people should be sued because they have religious convictions that go back to the Bible, or go back to their Muslim tenets or beliefs or their Koran, all of which say that this behavior is wrong? If they believe that in their hearts, and they do not want to have that conduct in their office or in their place of employment, should they be sued? Now, we are talking about real life situations. I do not doubt that there has been some discrimination, unwarranted, in many cases. I do not find that right.

I heard somebody say nine States, including the State of Massachusetts, have laws that prohibit discrimination on account of sexual orientation. Fine, I do not care if each and every State does, if that is that State's choice. If 9 States have done it that means 41 States have not. Maybe those 41 States will. They have the right to enact such laws. I would not step in their way one iota if the State wishes to make that decision. They can reverse it if they do not like that decision. That is their right. To elevate discrimination on account of sexual orientation and make it national and to make it a protected class under the Civil Rights Act I think would be a serious, serious mistake and one that we should not do.

What would be the result? I mentioned the litigation. What would be the practical result? I think if some organizations said they did not want to have openly gay or homosexual people as role models or mentors for young people—Boy Scouts come to mind; maybe other organizations, churches, then they should not have to hire them. I guess there is an exemption for churches and religious organizations that are nonprofit. Where do you draw the line at a church? If you leave church on a Sunday morning at noon, does that mean you are no longer affiliated with the church? A lot of us think of church as a body of believers and we do not believe it is just a building you attend once a week. If you have heartfelt convictions and beliefs should you, once you step out of church, be forced to hire someone whose sexual orientation offends you? What about somebody that believes they are part of a body of followers of Christ, or maybe of

Jewish belief, and tenets that they believe in, 7 days a week 24 hours a day? Do you have to leave those beliefs at home? Do you have to check those beliefs at the door when you leave church?

There is an exemption for churches. What about a Christian bookstore, for example? A Christian bookstore for profit does not fall under the exemption. So here you have a business with very strongly felt convictions, but it is a for-profit Christian bookstore, Jewish bookstore, or Muslim bookstore they would be liable to be sued if they did not hire somebody who was openly gay. That may be very reprehensible to them and their basic beliefs, yet they can be sued.

What about the Boy Scouts? They have had a policy not to have homosexual Scoutmasters and they have been sued—they have been sued even without having sexual orientation included under the Civil Rights Act, and yet they are in court and have been in court, have spent hundreds of thousands of dollars trying to maintain their policy. They do not want to have openly gay homosexuals as their Scoutmasters and leaders and employees in their organization. Now, sexual orientation is not even included in the Civil Rights Act and yet they still have been sued. They have spent hundreds of thousands of dollars defending their right to maintain their policy. Under at least the original Kennedy legislation that was introduced that policy would have to be changed or they would be sued.

Somebody informed me there was an amendment added in the last couple of days to try to correct this. I am not sure it would correct this. They were being sued before consideration of this legislation. My guess is they will be sued after this legislation, should it become law. I am hopeful and optimistic it will not become law.

I ask unanimous consent for an additional 10 minutes

Mrs. KASSEBAUM. I am happy to yield 10 minutes.

Mr. NICKLES. What about a public school? They have contact with kids. They are not exempt under this legislation, as I understand it.

Say you have kids, and a homosexual or bisexual grade school teacher, maybe that is fine in some schools in some districts, because it is very acceptable, but in some areas it might not be.

Take, for example, a school board in rural Alabama finds out their fifth grade teacher is an open homosexual, or it is well-known that this person is a homosexual, he admitted it to the school board. They inquired and he said that he has had relations with lots of people. Maybe he is bisexual. This bill covers or protects bisexuals. Maybe he had relations not only with his wife but has several boyfriends or something like that. The school board says that is not really the type of leadership mentor that they want to have in a school official, coach, or somebody who is working with kids. So that is not acceptable behavior.

Under this bill, as I see it, the school board could be sued. Maybe just the threat of the suit would prohibit the school board from taking such action. Do we really want to do that? Do we want to interfere with the school boards in rural Alabama, West Virginia, Montana, or Iowa? Do we really want to mandate it? If those States want to do it, more power to them, let them do it. But do we really want to give the level of protection, special protection, under the Civil Rights Act—I do not think that is wise—and open that school board up to unbelievable litigation or open that Christian bookstore up to litigation and say, "Sorry, you did not fall under the exemptions. You are a for-profit Christian bookstore." Therefore, tough luck if you do not hire this person even though they might be wearing a T-shirt that says "I am gay and proud of it and let's make love," you would have to hire them. You are subjected to unbelievable litigation, punitive damages—not just compensatory damage, but punitive damages.

Then I heard my colleagues say this bill has no quotas. I read that section. It says there is no quotas. Wait a minute. Under the Civil Rights Act, the EEOC is charged with enforcing it and they are able to collect data. Senator HATCH mentioned this and he is far more knowledgeable than I. They have to collect data. If someone files a suit against a company and says, "You did not hire me because I was openly gay," and that company says, "Well, that was not the real reason why we did not, and we have hired gays in the past." And they say, "Well, how do I prove it?" You have to prove it. How do you prove it? You have to survey your employees to make sure you can stand up on your argument and say we do not have that policy, we have never discriminated against gays. The employer has never asked anybody but all of a sudden now somebody came in that was openly gay and you did not hire them and they say that is the reason why you did not hire them, so for your defense you have to prove that you have hired gays in the past.

Now you have to survey your employees. You never had to do that before. Now you have to survey every employee. What is your sexual orientation? None of your business. Employers do not want to ask that question. I have employed a lot of people. I have never asked that question, would not dream of asking that question. Yet now for a defense to prove that you were not discriminating if this should become law, to prove you were not discriminating on account of sexual orientation, you are going to have to defend yourself. So now you have to prove that you have hired some homosexuals or bisexuals even though you did not even know it, it was not your business, you did not care, you do not want to get involved in their private lives. But to protect yourself from this litigation you would have to make those decisions.

Let me give you a couple of other examples. In my days as an employer, I had a sales force. Sales people spend a lot of time together. They go on the road together. They travel together. They go to conventions together. They spend weeks together. What if an employer found out this person is a good salesman, has a good reputation, but he openly admits that he is bisexual. Now, that may be fine in some sales organizations but in some other sales organizations it will not be very popular. It will not be very popular. It will not be very popular with some of the spouses, maybe male and female. If an employer says, "Well, no, that person really will not fit into our organization. We do not think we should have promiscuous people in our sales team because of the time spent away from home, the time and travel, so I think that as a policy we will not do that."

You say, wait a minute, this bill does not protect that. Wait a minute, this bill protects homosexuals and bisexuals. The very definition of bisexual means you are promiscuous. You are having sex with males and females. Bisexuals are protected under this bill. That employer, if you decided not to hire that person because they were bisexual, you are on very thin ice. You are going to be sued, and not only sued and required to give the person their job back, but sued for punitive damages as well—unbelievable litigation expenses. You could go on. I have a daughter that is a cheerleader. She attends cheerleading camp. Now, I thought, wait a minute, that is not school and it is for profit, they make money off of it. I actually have a daughter that worked for such a camp, the National Cheerleaders Association, this summer. A bunch of youngsters worked with a bunch of high school kids. These kids and their teachers and coaches are mentors. Now, maybe the person who owns this company is a Christian, maybe they are not, or maybe they are Jewish. Maybe they have religious beliefs that they would rather not hire openly gay, lesbian, or bisexual people as coaches or leaders. Fine. If they have that policy, that personal conviction from their religious background or their beliefs, and they don't want to hire somebody who is openly gay or bisexual, or lesbian, so they don't hire them, then somebody might say, "Wait a minute, you didn't hire me because I was bisexual; therefore, I am going to sue you."

What about the individuals sending those kids to that camp? I think they would have a very legitimate complaint. That employer should not be forced to hire somebody that is bisexual if they feel like they don't want to, and if it would interfere with the role model or image they are trying to portray in their company.

What about a day care center? What about that? If somebody says, well—I guess if it is a nonprofit religious-affiliated day care center, like the First Baptist Day Care Center in South Dakota, they will be exempt. But what if you have one that makes money and they are for profit, but maybe they have a religious affiliation and want to have a real positive family image, and they really don't want to have activist gay, lesbian, or bisexual teachers or employees teaching the kids? I am afraid, under this legislation, they could be sued. As a matter of fact, they could be sued. People need to know that.

I know a lot of people, when they think of gays and lesbians, they think of individuals they know that are monogamous, and they are great employees, super people to work with, very productive. I know that. But there are also a lot of very active people, who work to pursue an activist agenda, and they would like to use the courts, as they have in many ways, to pursue their agenda. That is the reason why they are suing the Boy Scouts. That is the reason why they have sued in the State of Hawaii. We will talk about that on Tuesday, to try to define marriage, and about allowing same-sex partners.

So there are many people who are very active who use the courts and, in some cases, abuse the courts, to pursue a very radical agenda.

I am afraid this legislation, if we add sexual orientation to the Civil Rights Act, will help them a lot. We have elevated what many, many people believe, because of their religious convictions in their heart, to be immoral acts—we will have elevated that to a protected special status under the Civil Rights Act if we add sexual orientation defined as homosexual, heterosexual, and bisexual. If we add that to the Civil Rights Act, Mr. President, I think we are making a serious mistake. I urge my colleagues to vote no on this amendment on Tuesday.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time could I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 27 minutes 17 seconds.

Mrs. FEINSTEIN. Would it be possible to have about 10 minutes?

Mr. KENNEDY. Yes. I yield 10 minutes to the Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Massachusetts and the Chair.

Mr. President, I rise in strong support of this legislation. It might be useful for this body to know a little bit of my background with this kind of legislation.

Twenty-five years ago, I was a new president of the San Francisco Board of Supervisors, and I drafted legislation to amend the human rights ordinance of that city and county to prohibit discrimination in both housing and employment on the basis of sexual orientation. To my knowledge, it was the first such legislation ever introduced in a major city and county anywhere in the United States.

Well, I served as supervisor for 9 years, and then as mayor for 9 years. During that period of time, I never, ever had a single complaint about that legislation—not one. It was the first in the Nation, and it was difficult to pass; people did not understand it. Some said, "Is this special treatment?" Answer: No. "Does this convey some additional right that no one else has?" Answer: No. It's pure and simple, as this legislation is pure and simple.

What this legislation says is that you cannot be denied employment because you may be gay or straight. It does not say you are protected against inappropriate conduct in any way, shape, or form. I think this is a key point. Is it inappropriate conduct for anybody to be kissing on their job as a waiter or waitress? The answer is, yes, it is inappropriate conduct, regardless of whether they are gay or straight. The same thing goes for clothing. If it is inappropriate to wear certain things in the workplace, this is true whether you are gay or whether you are straight.

So a lot of the hobgoblins that are expressed by the other side that this will open the world to all kinds of inappropriate activity, in my view, based on 25 years of watching a piece of legislation that I authored, which was passed, which I presided over as mayor of the city, is simply not correct.

There was not one complaint from any major corporation or minor corporation, major business or minor business, major employer or minor employer in the city and county of San Francisco, to my knowledge, in the last 25 years. These are major corporations like Bechtel, major corporations like McKesson, major corporations like Wells Fargo Bank, major corporations like the Bank of America, who have operated with this legislation intact in the city and county of San Francisco for the past 25 years, without a problem.

I believe that will be true for the rest of the Nation. This bestows no quota, no special privilege, no exemption from any law or rule or code of conduct anywhere. It simply says, based on the fact that you may be gay or lesbian, you cannot be denied employment.

But act inappropriately and it all changes. Do something that is improper conduct, and it all changes. But just because of who you may be, you simply cannot be denied employment. It seems to me that that is a pretty basic right that everybody has, regardless of their race, their religion, their creed, their color. Just because I am black, don't deny me employment. Just because I am Hispanic, don't deny me employment. But if I act inappropriately for the job, if I dress inappropriately for the job, or if I, in any way, create problems, then it is a different story. But not just because of who I am, because I can't help who I am. That is the message of this legislation.

Let me give you two cases, two specific cases. William Ballou began working as a waiter in a Fremont, CA, restaurant in September 1991. Within 6 months, he had received both a promotion to assistant manager and a glowing letter of recommendation by the franchise owners of the restaurant.

But other waiters, some bartenders, and the restaurant manager frequently made antigay remarks, even urging servers to rush gay patrons, because, they were told, "this is a family restaurant." After one particularly hurtful confrontation with the manager, Ballou told the franchise owners about this harassment. He was then fired due to "personality conflicts." We see this pattern of harassment followed by firing all too often.

Sometimes the discriminatory firing is even more blatant. One woman, Tracie Cleverly, worked for many months at a Salt Lake City franchise of a well-known restaurant chain. Her coworkers and manager were aware that she was a lesbian, but this didn't affect her prospects or her work environment. She received good work reviews, and her manager soon started her in training to be a supervisor.

Unfortunately, her understanding manager resigned, and a new person came to work his first day with a list of people to be fired, including all of the gay and lesbian workers in the restaurant. And he simply said, "I don't want these kinds of people working here."

We are not asking for special rights in this legislation. All we are saying is that simply because someone may be gay or straight, no more than someone may be black or Catholic or Jewish or Spanish or American Indian, or anything else, just because of who they are they should not be discriminated against.

I have listened to some of the comments on this floor about inappropriate action and special privilege, and none of this is encompassed in this legislation. It is clean, it is pure, and it is simple. And it is just directed at persons themselves. Once that person begins to do certain things, it may be a different story. Inappropriate conduct, once again, is inappropriate conduct, whether you be gay or straight. I think that is a very important point to get across.

So I would like to commend the Senator from Massachusetts. It is my belief that this freestanding bill provides the same remedies permitted under title VII of the Civil Rights Act and the Americans With Disabilities Act.

This is a big country. It is a democratic country. I think every Member of this body believes that no one should be prevented from obtaining a job because of their race, creed, color, sex, and I hope sexual orientation will be added to that.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, I would like to yield 15 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, very much, Mr. President, and I thank the Senator from Kansas for the opportunity to speak on this important issue. It is an important issue, and I think her remarks earlier about the legal difficulties that are encountered whenever you have the kind of potential for punitive damages and have the kind of framework that would allow legal challenges on decisions made by business people—those were very important points on this matter. I commend her for making those points.

I also want to commend Senator HATCH for his important discussion of these issues, and Senator NICKLES who raised components of consideration here which I think have yet to be raised and ought to be raised.

I would like to make a few observations about what it is we do when we seek to enact legislation like this and the kind of signals we send and what the public interest is in terms of this kind of legislation.

First of all, I have to say that I have no intention nor desire to inflict any kind of burden or difficulty upon individuals in our culture who are homosexuals. I have worked with homosexuals in various responsibilities. When I served as Governor of the State of Missouri I learned that several of the individuals in the administration were homosexuals and had done outstanding work. Unfortunately, several of those individuals with whom I worked and whom I respected met a very early death, in part as a result of the practice, I believe, of their lifestyle, and it is a tragedy. My sympathy has always been for them and to their families. In one case we had to transfer a worker to be more proximate to medical attention and care because of the challenges that he faced.

So it is not a matter in terms of my own situation of wanting to increase the burden or otherwise make difficult the lives of individuals who have a homosexual lifestyle. As a matter of fact, that is already a real challenge.

I want to point out that in everything we do in government we teach. We send signals. We say what is good and what is bad. We encourage some things. We discourage others. President Clinton has decided to send a signal about cigarette smoking. He has basically said that, because smoking cigarettes can curtail your life expectancy anywhere between 2.1 and 12.2 years, that he is going to be aggressive in communicating to this culture that you should not start smoking. It is bad for you. It will hurt you. It will shorten your lifespan. There are some of us in this Chamber who would disagree with the way in which the President is trying to send that signal. Some of us would question whether or not we ought to assign to the FDA—the Food and Drug Administration, an agency which is already overburdened and which is struggling to do minimally acceptably its current task—the substantial new task of regulating tobacco. But I think all of us agree that the right signal is that smoking is bad for you and that it is injurious to your health. Smoking is obviously a choice. But we are trying to send a signal about what we believe and that this Government does not want to encourage you to smoke.

I believe when we consider enacting legislation that gives special standing to a particular category of conduct, that sends a signal that says that that conduct is to be elevated, it is to be approved, it is somehow to have special privilege, then we have to be careful about what we are doing.

There is a debate about whether or not people who are homosexuals are born that way or are genetically programmed that way or that it perhaps is a conduct which they acquire or which they develop. Frankly, I cannot say for sure from a personal perspective that there is no way that there could be individuals who are genetically predisposed. I can't make that determination. I do know that there are thousands of former homosexuals, individuals who once were engaged in a homosexual lifestyle, who have changed that lifestyle and have repudiated it and find themselves to be engaged in heterosexual lifestyles.

So it is clear to me that, while there may be a genetic base for the activity in some respects, it is clear that it is an activity of choice in other respects and that it is a choice which can be made and unmade.

I think when we as a government are signaling an approval, or an elevation, of a lifestyle, we have to ask ourselves to what extent are we suggesting to individuals in the culture that they ought to adopt it.

I am worried about youngsters in our society. I think there are times when young men are unsure about themselves when they are in transition, when they have identified perhaps more with their mothers than with their fathers, and they move from boyhood to manhood. Those are critical times when role models are very important. I think Senator NICKLES was on target when he said that we have to be careful of who we have in the Boy Scouts. I commend the sponsors of this legislation for exempting the Boy Scouts. The sponsors also exempt the military, because I think they recognize the fact that there are sensitive positions where we understand that we wouldn't be confident in having this elevated standing for homosexuals in regard to positions in the military. Colin Powell made it clear when he stood by the gay ban in the military. He said, "Skin color is a benign, nonbehavioral characteristic." He said that to distinguish it from homosexual activity. "Sexual orientation is perhaps the most profound of human behavioral characteristics." It is a matter of conduct. Sex is not a matter of conduct. It is a matter of configuration. It is the way in which we are made. Sexual orientation, according to Colin Powell, is a matter of conduct.

I think we ought to be careful of what we are supporting as a government. We should be wary of telling young people that you will have a higher standing, you will have a greater durability on the job, it will be more difficult to fire you, you are likely to have a cause of action if someone fails to hire you, you can sue someone for failing to hire you if you can allege that you are a homosexual—you will not be able to do that, if you have ordinary sexual orientation.

Senator NICKLES, in talking about young people, stated something which I believe; that is, in hiring schoolteachers, or camp counselors, or those who deal with young people, you never just hire a teacher.

You are always hiring more than a teacher. You are hiring a role model. I cannot think of a single teacher in my past who was simply a teacher to me. Whether he or she liked it or not, that teacher was a role model. And I think those who operate organizations that have situations like that are appropriately exempted in this legislation. But this exemption should be much broader in this bill. As a matter of fact, to deprive employers of the ability to make those kinds of judgments—as this bill does—in my view, is unwise. I think this bill sends a signal that this is an elevated status. I do not think that is the right signal to send to the next generation.

We all know that in practice, dismissal of individuals who are on the protected class lists in the civil rights laws is very, very difficult.

I believe we ought to have a civil rights law to protect against discrimination based upon race and sex. But I remember a situation when I was Governor of Missouri in which one man operating a laundry fired a black woman from the laundry. She was one of seven black women working in the laundry. She was replaced by a black woman. But she sued alleging that she was fired because she was discriminated against on the basis of both race and sex. I remember that the operator of that particular laundry spent a substantial amount of money defending against that kind of suit.

The truth of the matter is that the establishment of protected classes makes much more difficult the ability of anyone to even use good judgment in hiring and firing because there is always this threat of litigation. The threat of litigation here is not inconsequential. It is not minimal. It is not small. When you get to the place of offering the potential for punitive damages for violation of these kinds of items, you get into astronomical figures.

Shell Oil Co. had a company policy that said it would only use on-the-job activities as the basis for hiring and firing. That is kind of what this law really sets up, saying, we will not allow sexual orientation to be used as the basis for that. Shell found that one of its employees was using the company copier to produce and copy a flier advertising a safe sex party for homosexual men. It said that is not what we want our company to be standing for, that is not what we want to be doing. It fired the individual. A California court fined Shell Oil $5.3 million for dismissing the executive. It provided that kind of a penalty.

This is the kind of intimidation that occurs, especially when you are in the universe of the macro damages that we frequently see in litigation these days.

This is not the kind of thing we want to invite into our businesses. Senator NICKLES has said very clearly it is not the kind of thing we want to invite into camps for children, into the schools. This law provides a distinction, saying that if schools are religious schools or nonprofit schools, they do not have to abide by it. I think that is right. They understand that there are many legitimate objectives of schools that would be impaired substantially by this. But is the objective of a profitmaking school different than a nonprofit school? Are the children who go to the school that makes a profit providing the services any less to be protected than the children who go to a school that is nonprofit?

Are the role model considerations any different if the organization makes a profit than if the organization does not make a profit?

If it is my child, do I somehow feel differently because the executive director of the school is a nonprofit guy earning $100,000 a year driving a nonprofit-provided vehicle, BMW, or a fledgling profit-seeking institution where the guy is barely eking out a living for his family and he is driving a Chevy?

The big distinction in the legislation is one of a profitmaking institution and one a nonprofit institution. For Heaven's sake, I do not care whether they are making a profit. What I care about is what is happening in the outcome. If it is a school that is dealing with young people, if there is a legitimate reason to say that the Boy Scouts should not have to abide by this and the nonprofits should not have to abide by this, why do we impose it on the rest of the world?

If there is a legitimate reason why the U.S. military in the national interest is exempted from this, why is it that it needs to be imposed on the rest of the world?

If it is a legitimate reason to protect the individuals who have the right resources and can send their kids to a nonprofit private school from this proposed law, why is it that the public schools cannot have these same kinds of opportunities to say that we want to send the right signals; we want to hire more than a teacher; we want to hire a role model, recognizing that there may be some who at a tender age would be directed by the role modeling that takes place by teachers and by leaders in scouts and informal organizations and activities. Maybe we would just like to say that even people in the public sector ought to be able to have that right, the school district ought to be able to have that right. It is not as if these things do not happen. And there are things that you wonder about.

Recently, here in the northern Virginia area, there was the young boys' gym teacher who had been making the gay pornographic videos and was discovered to be leading a dual life. On the west coast he was the gay porno video star; on the east coast he was the gym teacher. That is not activity that is perhaps relevant or particularly associated with his school duties, but if my children were in the school I would want to think we would have the opportunity to look carefully at that and perhaps make a judgment that this was not the right kind of role model.

In all that we do in Government, we teach. I believe when we say that something is to be preferred——

The PRESIDING OFFICER. The 15 minutes of the Senator from Missouri have expired.

Mrs. KASSEBAUM. I would be happy to yield 5 more minutes.

Mr. ASHCROFT. I do not think I need but about 2 minutes to close.

Mrs. KASSEBAUM. Whatever time.

Mr. ASHCROFT. I just believe there are areas in this bill that recognize there are legitimate concerns and they throw out a bone here and a bone there—a bone to the Boy Scouts if the Boy Scouts are covered. I am not sure they are. A bone to the religious schools or to the not-for-profit schools but not to the other schools, a bone to the Armed Forces because I guess we do not want to impair the defense of the country but maybe we are willing to put into jeopardy the future of the country. In my view, it is clear that the signal we send in this bill is the wrong signal. It contains seeds of real instability and inappropriate activity, seeds of litigation which could grow way out of hand and send the wrong signals to young people and provide a special standing and class—not based upon existence and construction but upon conduct. Not based upon sex but upon sexual activity.

I thank the Senator from Kansas for the time. I yield the floor.

The PRESIDING OFFICER (Mr. KYL). Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in support of S. 2056, the Employment Nondiscrimination Act. It has been noted on the floor that we are in an honorable succession here, from legislation that has very much defined this period in American national life. We begin with the Civil Rights Act of 1964, in which the prohibition against discrimination based on color was extended to include discrimination based on sex. That was part of the calculation of opponents of the legislation. In the end, both prevailed, with large consequences to our society.

I should think each of us, or almost all of us in the Senate, have been to one or the other of the national conventions of our parties, and have seen an extraordinary range of persons, men and women, black and white, Hispanic and thus-and-so. I do not know how many would recall how strikingly different this would have been, say 40 years ago, when I had the opportunity to be part of the Democratic Convention in the city of Chicago. Seeing photographs and films of it today, you see a different world. It has been changed, and for the better, and agreeably, by legislation enacted on this Senate floor.

The time to extend the prohibition against discrimination based on sexual preference, as the usage is, is surely at hand. For my part, I introduced legislation that would address this matter in terms of employment in 1979. Then, in 1985, this legislation was first introduced. I was a cosponsor. It could scarcely have been said to come about precipitously. It is 11 years, if you like; 17 years, if you prefer, that we have been discussing it.

The simple proposition before us is that no person should be denied civil rights because of his or her affectional or sexual orientation. Federal guarantees against discriminatory practices in employment, housing, public accommodations, and federally funded programs should extend to all citizens. At least, that is how I read the due process clauses of the 5th and 14th amendments, the equal protection clause of the 14th amendment, and the right to privacy implied in the 4th and 5th amendments.

The legislation does not condone any particular course of conduct. It simply affords all American citizens equal protection under the law. It is narrowly drafted to prevent an explosion of litigation. The bill would not apply to the U.S. Armed Forces or to religious organizations. The bill would not affect marriage, adoption, or child custody laws, all of which are determined individually by the States. And the legislation makes clear that preferential treatment and quotas are prohibited, and that no claims will be permitted based upon underrepresentation in a particular work force.

That randomness is to be expected in our society and encouraged, in the sense that people seek what they feel to be the best outlet for their opportunities. It is discrimination that we oppose, which we have legislated against for a generation now. And, as we look about us, we look at the consequences: a degree of acceptance such that you would never know the resistance of a generation ago. You would never know how fierce the opposition was to that which we could not imagine doing without today.

I think this will be the case with the legislation before us. I am proud to cosponsor it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time do we have?

The PRESIDING OFFICER. The Senator has 12 minutes and 40 seconds remaining.

Mr. KENNEDY. Then I yield 6 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and I thank my friend from Massachusetts.

Mr. President, If I might begin with what may seem like an elevated, but I think is an accurate, vision of what our work here is as lawmakers, I was trained to believe the law is the expression of our values. It is the way we take our values as a society and put them into a code. It is, in some sense, an expression of our aspirations, our hopes for ourselves and our society. Because we are imperfect beings and we are an imperfect society, we do not always live up to our best aspirations as expressed in the law for ourselves.

In that same sense, the fundamental principles of our country, of our democracy, expressed in the Constitution, were a series of values that over our history we have realized. We were far from perfect from the beginning, we are far from perfect today, we will be far from perfect even if we pass the nondiscrimination act, which I rise to support, but in each case we have tried to make real, according to current circumstances, the values expressed in our Constitution.

Here, today, I think we are taking—if we can bring together the support for this measure—a next logical step in extending the guarantee of nondiscrimination in employment to people, based on their sexual orientation.

I go back to the source of all our rights as expressed in the Declaration of Independence. We did not base these rights on any political philosopher's thinking. We did not base them on the report of some committee constituted for the formulation of basic rights. We did not base them, certainly, on any piece of legislation. It says right there at the outset that all of us are given these rights—are endowed with these rights by our Creator: The rights to life, liberty, and the pursuit of happiness. Over the 220 years of our history we have come to extend that further and further, appropriately, to groups that were not included at the outset: People of color, women, et cetera, et cetera.

What I want to suggest today is that those who are homosexual are also God's children. I say to my colleagues who may have strong personal feelings about this, one does not have to accept homosexuality, one does not even have to accept its morality, if I can speak in very direct terms, to support this legislation. Going back to the source of all our rights in this country, one simply has to acknowledge that those who are homosexual are also God's children and deserve to be protected from unfairness in our society, particularly from unfairness and discrimination based on sexual orientation in the workplace.

Because what is the driving impulse of this country, that brought my grandparents here, brought so many here? Yes, it was religious freedom, but it was the basic promise that, in America, if you play by the rules and work hard, there is no limit to what you can achieve. That is what title VII is all about. That is what the antidiscrimination in employment laws are all about.

What this measure says is very simple but very profound, and in my opinion goes to the heart of what America is about. If you are homosexual and you work hard and play by the rules, you cannot be discriminated against in hiring, in the status of your employment, in the level of your compensation, in promotion. To me, that seems like a statement of a basic American mainstream value of fairness.

This is now a separate measure before us, a freestanding bill. Originally, though I cosponsored it as a freestanding bill, we were going to introduce it as an amendment to the Defense of Marriage Act. I intend to support the Defense of Marriage Act because I think that affirms another basic American mainstream value, which is marriage as an institution. The traditional, time-tested vision, occasionally battered but now being restored, hopefully, of marriage as an institution between a man and a woman, the best institution to raise children in our society. But I worry, even though I view the Defense of Marriage Act as an affirmative statement, that we may send the wrong message in adopting it, that it is motivated by antihomosexual bigotry. I think that perception is wrong, certainly among the great majority of my colleagues that I have talked to who are supporting DOMA.

The best way to make that clear is with another affirmative statement, and that is to adopt the Employment Nondiscrimination Act and say: Let us be fair. Let us say to everybody in our country that if you play by the rules, if you work hard, if you contribute to this society, you cannot be punished because of a private decision you have made about your sexual orientation.

I think this is a moment that is historic. Not just in that we are debating this measure on the floor. It is historic in that it embraces the best values that are part of American history.

I urge my colleagues to take a fresh look at this, to look at how limited it is, how much it excludes quotas, disparate impact, religious organizations. And in the fullness of their heart and in the fullness of their belief in the American dream, vote for the Employment Nondiscrimination Act.

I thank the Chair.

Mr. KERRY. Mr. President, I rise in strong support for the legislation offered by my friend and colleague, the senior Senator from Massachusetts. I am an original cosponsor of the Employment Nondiscrimination Act.

Mr. President, this Nation is in debt to the senior Senator from Massachusetts for his consistent and unwavering stance on expanding civil rights for all Americans. For decades, he has fought resolutely against all forms of discrimination and, for that, the Commonwealth of Massachusetts and this country are richer places. I share his conviction that, as public servants, we must do all we can to secure, ensure and uphold civil rights for all sectors of American society.

As any resident of Massachusetts knows, the entire Kennedy family has shaped the latter half of the 20th century with progressive public and social policy. This legacy is so profound in our State that we have all been touched by the generosity and vision of the Kennedy family.

Mr. President, when I was first sworn in as a U.S. Senator in 1985, I authored the gay and lesbian civil rights bill. At that time, only five other Senators would join me as cosponsors of that legislation. In the last session of Congress, I testified before the Armed Services Committee to lift the ban on gay men and lesbians serving in the military.

I agree with Senator KENNEDY that ENDA is a solution to a serious problem. I have heard stories from many

Americans who have suffered discrimination in the workplace because of their sexual orientation. It is time for these Americans to have recourse against blatant discrimination, just as Americans who are fired on the basis of their religion, national origin, or gender. Massachusetts is one of the States which has recognized the problems of anti-gay and lesbian discrimination in the workplace and already has an ENDA-like law.

Mr. President, last year, I joined 65 of our colleagues in signing a pledge that I would not discriminate on the basis of sexual orientation in hiring, promotion and firing. Like the majority of our colleagues, signing this pledge came easy to me. I have always had openly gay and lesbian staff and they have served the people of Massachusetts with effective and committed distinction.

I urge our colleagues to live up to the pledge they signed and support this important legislation.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe I have 6 minutes left. I yield myself 5 minutes.

Mr. President, I want to address, albeit briefly, some of the points that have been raised over the course of the morning.

First of all, why ENDA should be a national law. The National Government has a duty to set national standards of fairness and equality. Not all matters are appropriate for Federal legislation, but over the past 35 years, we have recognized that the protection of civil rights is a basic Federal duty.

Americans are increasingly mobile. They move from State to State. They work for employers with offices in different States and frequently transfer from office to office, and they should be free from unjust discrimination as they travel across the country.

The Federal Government has a duty to protect interstate commerce, and this deals with employment. It does not tell anyone who to be friendly with, but it does say that with respect to employment, which is the heart of this legislation, gay Americans will be protected from overt, direct, and outrageous discrimination. That is it.

Mr. President, we have heard the discussions about the Boy Scouts and about religious organizations. Regarding the case dealing with the Boy Scouts, we are dealing with an individual Boy Scout who refused to pledge allegiance to God, and he was an atheist. That issue was brought to the courts and was decided by the courts that the Boy Scouts are a private organization. That young person lost the case.

This legislation follows what has been declared by the courts in terms of private organizations.

Another question arose regarding religious organizations, profit and nonprofit, and whether this legislation should differentiate. We clearly draw the distinction between profit and nonprofit, because we draw the distinction as we have in other civil rights laws in protecting religious liberty and religious rights.

The nonprofit business is generally considered to be one which is more directly associated with religious teachings and with religious doctrines. The for profit are more secular in nature. That has been the definition which has been defined by the IRS. It is the same with regard to this particular issue as well. This does not bring up a whole new set of questions.

But beyond all this, Mr. President, I want to conclude with the underlying issues that were brought up by those who have spoken out against this legislation this morning.

Basically, we heard what is going to be the message to the young people of this country. Our message is that you should not discriminate; you should not be part of bigotry in this Nation. That is the underlying theme of this legislation. We are talking about discrimination and bigotry.

This Nation has fought its way through on discrimination on bigotry, on race and gender, and disabilities, and we are saying we ought to be able to go to the next step with regard to gays and lesbians. That is the issue, not providing additional special privilege to a lifestyle. We are talking about discrimination on the basis of bigotry in our society.

Mr. President, I was around here not that long ago when we were making progress on eliminating discrimination. A number of years ago, when we were talking about knocking down the walls of discrimination on race, some said, "Well, blacks don't work hard." "Blacks are lazy." "Blacks aren't competent." "They're different." "Why do we need to provide any kind of protection for them?"

Well, we did. We do not even hear a dispute about that particular issue at this time.

Then we had the issue about protecting women. "Women are weak." "Women belong in the home." "Women are not smart enough." "Why should women be involved in athletics?"

We passed title IX, and we all celebrated when they got gold medals in basketball and softball. And so the success of our magnificent women Olympians, our gymnasts and others in these last Olympic Games makes us proud. No one is making those arguments anymore.

We have seen the discrimination on the basis of mental illness. Last night, we took an important step that we had been unwilling to take until now in saying, at least in part, that mental illness is not a stigma and, in many cases, it is as serious as cancer and heart disease.

It ought to be considered that way. We took a partial step last night. We freed ourselves from the old cliches that there is something strange about people who have mental illness. We have done the same with people who have disabilities. We took steps to do it. We do not hear it today on the floor of the United States that those are now all mistakes. Now everybody agrees with those.

The PRESIDING OFFICER. The Senator has 1 more minute remaining, and the Senator from Kansas has 17½ minutes remaining.

Mr. KENNEDY. I ask for 5 minutes more.

Mrs. KASSEBAUM. I have no problem extending the time.

Mr. KENNEDY. I ask unanimous consent for 5 minutes on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, now we have the stereotyping of gays and lesbians as child molesters; everyone who is gay can't wait to get their hands on a young child. And we are stereotyping it for one more time.

I thought we knew better than that. Some Members start out with the speeches, "Well, I know gays and lesbians, and they are wonderful people, but do we really want them around our children?"

We know we have laws out there with regard to molestation and about violating children, whether they are homosexual or heterosexual. We know, quite frankly, that in any State school system, they provide the same kind of dress codes for heterosexuals, gays or lesbians. Those will be enforced. We know if a gay man or lesbian appears in a pornographic movie, they will be fired, and so should a heterosexual.

Nonetheless, we hear those voices out here saying, "Well, there is something really off on all these individuals," again playing to the stereotype.

Mr. President, when we play to that, we are perpetuating bigotry. It is mean-spirited, it is a cheap shot—cheap shot.

But we are going to hear more of it during the continuing debate on anything to do with gays and lesbians or anyone with HIV. You are going to hear cheap shots, and those are in the spirit of intolerance, which divides America and creates an atmosphere that I believe encourages discrimination in this country. We are trying to free ourselves from discrimination and prejudice and bigotry and free ourselves from that kind of stereotyping which just adds to it.

That is basically what this is about. It is not about penalties. It is not about proliferation of court cases. It is not about statistics. We have addressed those issues, and we will provide additional information on Monday afternoon.

There is a more fundamental and basic question. It is whether we are going to be a nation that is going to be mean-spirited and stereotype our fellow citizens, or whether we are going to say that we are going to free ourselves on the issue of discrimination in the workplace. That an individual who wants to work and can do the job is going to be able to hold that job and not be fired because they are gay. We must end the tradition of viciousness and discrimination directed toward gays and lesbians.

I hope we will pass this legislation. I thank the Chair.

Mr. HATCH. Mr. President, while the proponents of this bill have tried to minimize the potential impact of the bill, the fact is that, if it passes, the public and private employers of America subject to title VII will face the juggernaut of the Federal enforcement machinery. Anyone who contends that this bill will not result in a litigation boom is not paying attention to the caseloads at the EEOC and Department of Justice.

Let me say, once again, that equating opposition to this bill with opposition to civil rights measures for racial and ethnic minorities and women is totally unfair and serves only to divert attention away from the ramifications of the bill before us, which I described in my opening remarks. Moreover, it equates conduct with immutable characteristics. I think General Powell's comments, which I also cited earlier, on this equation are well worth considering.

Some proponents of this bill bundle off concern by parents and educators about role models in the schools as nothing more than bigotry. But no answer was voiced to the examples I mentioned earlier about a heterosexual male teacher publicly displaying physical affection for a spouse or girlfriend, and a homosexual teacher publicly displaying physical affection for a male partner. Should Congress force a school district to treat both teachers the same? The proponents of the bill say yes. I say no.

The supporters of the bill can offer bland assurances about whether the bill authorizes the EEOC to collect data on the sexual orientation of an employer's employees. They can claim the bill does not talk about statistics, but that is very misleading because the bill cross references title VII in so many ways. Section 11(a)(1) of the bill gives the EEOC "the same powers as [it] has to administer and enforce title VII of the Civil Rights Act of 1964. * * *" Under title VII, the EEOC requires a number of employers to provide data on the race, ethnicity, and gender of employees. Therefore, this bill empowers the EEOC to require employers to provide data on the sexual orientation of employees, plain and simple. And, these statistics and evidence of so-called underrepresentation can be used in cases of intentional discrimination.

With respect to this bill's incorporation by reference of title VII's remedial scheme, including section 706(g) of title VII, see section 11(a)(5), I say again that the Supreme Court has allowed courts to impose preferences as remedies in some cases until title VII. The courts will have the same power under this bill. The Attorney General's ability to enter into consent decrees which encompass preferences, along with the ability of private parties to do so, under title VII has been set forth in Supreme Court precedent, however much some of us may disagree with those decisions. This bill provides for the same results. [Sections 11(a)(4) and 11(b)].

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I yield the Senator from Georgia 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I rise in opposition to the proposal before the Senate that is offered by the distinguished Senator from Massachusetts. I think he could find it in himself to concur that a person that might be opposed to this does not necessarily constitute mean-spiritedness. I think that my record as an employer and as a director of a Federal agency would suggest otherwise. And I do not think the discourse over the matter should bring itself to people being, for or against it, mean-spirited or vicious or whatever.

I believe this act sets the stage for an enormous expansion of Federal power over employers. The bill virtually guarantees an avalanche of costly litigation which could hurt small businesses most of all. The bill forbids discrimination on the basis of sexual orientation, which it defines to mean homosexuality, bisexuality, or heterosexuality, whether such orientation is real or perceived.

No one knows what this language means. This definition is brand new in the law. Lawyers are going to litigate over what constitutes homosexuality, or heterosexuality, bisexuality. The bill does not make these terms clear. And until they are clear, employers are in danger of being sued and face enormous claims for damages and Government interference in running their businesses.

The bill gives the EEOC, the Attorney General, and the Federal courts power to impose fines and issue decrees having to do with sexual orientation. Supporters say this bill will not lead to quotas for homosexuals. But we have heard this before. And we are in a national debate about affirmative action and quotas and the like.

The Supreme Court is having to struggle with these very issues at this moment. This bill is based on and tied to the provisions and remedies of title VII of the Civil Rights Act. It gives the courts the same powers in regard to discrimination on the basis of sexuality that they have in the area of race. Even laying aside the question of whether you can equate homosexuality with race or should, look at the results.

In the area of race discrimination, we have seen the imposition by courts and bureaucrats of racial quotas. We will see the same thing if this bill passes, creating a special, protected class of citizens in America with quotas and even reverse discrimination based on sexuality. This bill makes sexuality an issue where it has never been an issue before.

Currently, most employers, gratefully, do not know about their employees' sexual orientation and do not care, and should not. This bill will put an end to that, disrupting the privacy of employees and employer-employee relations. At a time when we are, as a society, questioning the value and effects of affirmative action programs, we should not be creating a new special category of citizens, a special class of citizens that will be a new basis for a new round of quotas and litigation.

Mr. President, I want to refer to a specific case in particular. In Seattle, a CPA referral specialist, Bryan Griggs, laid off all of his small staff except his wife in 1994. One employee later charged Mr. Griggs with discrimination and sexual harassment under Seattle's gay rights law even though Mr. Griggs did not know the man involved was a homosexual. But before he cleared his name, Mr. Griggs spent thousands of dollars defending himself. I just repeat, Mr. President, this is the kind of activity for which this legislation sets the stage and for which I would encourage all Members of the Senate to thoughtfully consider.

In light of our current experience with affirmative action, national quotas, et cetera, I think, on balance, Senators should join with myself, Senator NICKLES, and others in opposition to the bill.

Mr. President, I yield back whatever time of the 5 minutes I have to the manager of the bill, and thank her for granting me this time.

Mrs. KASSEBAUM. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I want to thank our colleague from Georgia for his statement. He mentioned the fact that he was an employer and he did not ask questions in the past concerning people's sexual orientation. I have been an employer. I never asked that question. I do not want to ask that question. I am afraid if this bill became law, you would have to ask that question.

Looking at the statutes under title VII, it talks about the power of the EEOC to conduct investigations under section 2000e-8. It basically says: "Every employer, employment agency * * * subject to this subchapter shall"—not "may"—"shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or orders thereunder." And so on.

In other words, the EEOC is going to say keep records. They now have to keep records. Employers have to keep records on their employment practices, on people they hire, on their race, on their sex, on their gender, and now we would include sexual orientation.

What does that mean? It means employers are going to have to ask their employees, "What is your sexual orientation? Are you a heterosexual, homosexual, or bisexual?" I can envision some of the people I used to work with in a particular machine shop, and you might be punched out for asking that question. I mean, that is really none of your business. And yet, now the Government would be asking, I believe in compliance with this EEOC, to keep those records.

Sponsors of this bill will say, well, we do not have quotas, but frankly the records, I think, are going to be asked for. I think that is very intrusive. Then are you going to ask somebody, wait a minute; we found out here you have 100 employees and nobody said that they were homosexual because maybe that would not be well received in the particular place of employment. Maybe that is not true. Are you going to go back to people and say, wait a minute; we want you to tell the truth because we are afraid we might be sued, and we have to prove we have people that are homosexual or bisexual, in other words, to prove we were not discriminating.

So you are going to ask people again, wait a minute; we heard you are * * * This is very intrusive, big Government coming in, meddling in areas that it has no business asking questions about, it should not be asking about. I hope our colleagues are aware of it.

I want to touch on the Boy Scouts. Sponsors of this bill have said, that they are excluding the Boy Scouts. Boy Scouts have been sued without this bill becoming the law, without sexual orientation being added to the civil rights statutes or protections. They have been sued because of their policies, because they did not want to have open homosexuals as Scoutmasters. That is present law, a present suit. They spent hundreds of thousands of dollars. You have a lot of organizations that maybe are not the Boy Scouts but also work with young people that would like to maintain a similar type of policy of having role models that are not avowed or open homosexuals or bisexuals and yet they would be sued.

One comment, on exempting Christian organizations. This bill does not exempt Christian for-profit organizations. If you have a Christian bookstore and you are trying to sell something in Scottsdale, AZ, sell books in your Christian bookstore, and you have somebody come in that is openly gay, maybe it is written on their T-shirt or somehow it is very much communicated and you do not want to hire them, you are subject to suit. You can be sued not only for compensatory damages but for punitive damages. The big hand of the Federal Government will come in and say, "Mr. Employer of XYZ Christian bookstore or Jewish bookstore, you must employ this person even though their sexual orientation is very contradictory to your personal and religious convictions. You must employ them or you can be sued." I find that very offensive. I hope we will not go so far as to do that. I am afraid that is exactly what we would do if we pass this bill.

I understand some of the motivation that some of the people have. I think this debate has been conducted very well. I just want to say that people who oppose this legislation I do not believe are bigoted. I think they are trying to protect an individual's right to protect their religious convictions and organizations—organizations like the Boy Scouts, organizations like a cheerleading camp or a children's camp or a day care center, or Christian bookstore. We want to at least protect their right that if they want to make sure they have role models who are not bisexual or openly homosexual amongst kids and so on, they would have the right to have that and maintain their policies, without the big hand of the Federal Government coming in and saying, "No, you are subjected to not only compensatory damages but punitive damages and all the legal fees that would come with that."

I urge my colleagues when we vote on Tuesday to please vote "no" on this legislation. I yield the floor.

Mrs. KASSEBAUM. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. ASHCROFT. I am pleased to return to the floor to add a note to the discussion which has continued since I left the floor. There has been further debate about how the bill exempts organizations like the U.S. military, and exempts, properly so, I think, private schools, and it attempts to exempt the Boy Scouts.

Since I pointed that out and said basically I thought those were good exemptions, I thought the same reasons for exempting them should exempt the rest of the culture. Why impose something that would threaten the Boy Scouts or threaten the U.S. military, or threaten private nonprofit schools? Why impose those kinds of things on the rest of the culture?

After I left the floor the allegation was made that the arguments against this bill flowed from bigotry and could be characterized as cheap shots because we would exempt the entire culture. I guess I just have one question to ask: If it is bigotry to exempt the entire culture, is it small-time bigotry to exempt the Boy Scouts? Is it small-time bigotry to exempt limited portions of the culture? In my judgment, it is not. I think it is a mistake to suggest it is bigotry to oppose this bill.

I think that there are real problems with the underlying principle of this bill, and that those problems are understood, and as a result we attempt to exempt organizations like the Boy Scouts. We exempt the U.S. military because we do not want to subject it to some of the problems that would attend its application. I think those of us who oppose this bill are not bigots or taking cheap shots or cheaper shots. If it is a cheap shot to exempt the entire culture, it must be something of a cheap shot to exempt part of it. We are not really saying we want to take a cheap shot. We are saying this is not the way for us to move forward.

I believe the framers of the legislation were right in their attempt to avoid the imposition of onerous, counterproductive regulation on a good bit of our culture—private schools, nonprofit, Boy Scouts, the U.S. military. We can ill afford to do things that impair their mission or their capacity. I think they were right in doing so. For those of us who would have a broader exemption, who believe it would be counterproductive overall, I think we are arguing from good faith and in the best national interest. That is a point which I think deserves to be made. It can be contradicted but I do not think it will be refuted.

Mrs. KASSEBAUM. Mr. President, I yield myself 5 minutes.

Mr. President, I have spoken earlier about concerns I had with this legislation. I agree with the Senator from Missouri. I think one can oppose this legislation and not be thought of as being bigoted or, I suggest, creating stereotypes, because I think there are some very troubling aspects of this bill. The subject of this bill is, in many ways, not easy to define.

Let me suggest that there are several points that have been raised here today in the course of the debate. One, I do believe it will lead to prolonged litigation where there are punitive and compensatory damages involved that could further divide the workplace. I do not believe it furthers what we would most like to occur—a tolerant and understanding workplace. Second, there is a question about how this law would impact affirmative action requirements. And third, how it will impact on the strongly held views of employers or employees?

I guess what we are really trying to decide here is how far we can go by legislating what employers should or should not do when it comes to firing and hiring. I do not think we can answer that easily by legislation. I frankly believe, as I said before, that I think every single one of us deplores discrimination. We should not stereotype anyone. I do not think that we are.

However, I do believe that there are legitimate concerns about the consequences of this bill that lead me to oppose the legislation before the Senate. I think there are better ways to promote tolerance. I suggest, also, Mr. President, that I think it is very important for us to respect differing viewpoints in the process and to continue to hold respect for all individuals. I believe we can hold these views. I believe we can be respectful of differences and still oppose this legislation.

As we consider the aspects of the debate that we have heard here this morning, when we vote on Tuesday, I urge those who are uncertain about how to vote, even though there have been arguments that have been made on the other side that have shown where States have had this legislation in place, very few cases have been brought. As the Senator from New York, Senator MOYNIHAN pointed out, and Senator KENNEDY as well, to have legislation imposing requirements in order to open doors—indeed, this is a different type of situation and we need to think carefully about what it may lead to in the future.

I would suggest there may be some different and better paths as we look at the consequences of litigation on firing and hiring practices.

For these reasons and the concerns I believe that exist, I urge all Senators who have some doubts about this to oppose this legislation.

I yield back any time remaining, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COVERDELL. Mr. President, it is my understanding that, for the next hour, time designated is under my control and/or my designee.

The PRESIDING OFFICER. The Senator is correct.

TAX RELIEF

Mr. COVERDELL. Mr. President, as we have heard, there is a great national debate in the making with regard to the anxiety in the American workplace, anxiety particularly among middle-class working Americans. I have often talked about a snapshot of an average family in Georgia that makes about $40,000 to $45,000 a year. Several months ago, when I took the snapshot of that family—a family of four, with both parents now working, with two children—we added up the Government obligations that that family had to pay, the total cost of Government. At the end of the day, they had 48.2 percent of their gross wages left.

I can think of no institution, including Hollywood, that has had a more profound effect on the behavior of middle-class America than their own Government. This morning, I have just been given data that show that now they only have 47 percent. Just in the last 12 months, they continue to lose the power of the wages and the independence of what those wages mean to that family.

Maybe the First Lady and Senator Dole have defined our disagreement. In Chicago, she said, very defiantly, that it does take a village to raise a child. Of course, "village" is the Government. Senator Dole said that it takes a family. All year, we have been debating the subject about whether the resources should go to the village—the Government—or whether the resources should be left with the family.

I believe the empirical evidence is unshakable that those resources, those wages, should be left in the family checking account, so that that family can undertake the responsibilities that America has always asked of them—to get the country up in the morning, get it to school, get it educated, get it housed and fed, clothed, transported and, yes, in good health and spirits, and to ultimately accept the leadership of the country. For us to be here this morning debating the fact that an average family in America is now forfeiting over half of its wages to the Government at some level, being denied those earnings and the independence it gives the families to do the things it is supposed to do—if Thomas Jefferson were here today—and I have said it before—he would be stunned that we had ever come to a point in America that we had confiscated that sum of the earning power of the wage earner and sent it off to some government to remake the village. Maybe those two sentences have, more clearly than anything else we have heard in a long time, defined our two views of the country.

I see we have been joined by the Senator from Utah. I yield up to 10 minutes to the Senator from Utah to speak on this subject.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, as I contemplate the issue of taxes and their impact on the average family, my mind goes back to an experience that, for me, was very typical—that is, for my generation—but it is becoming increasingly less typical for Americans. I would like to recall it as a model for this discussion. When I was in my twenties, I was in the Armed Forces. At that time, everyone who was male and in his twenties was in the Armed Forces. The law required that. It was a new experience, a cultural shock, as they took me to Fort Ord, CA, and cut off all my hair. I will stipulate that at that time in my life I had some hair to be cut off, unlike my present circumstance. They put me in a uniform, put me in a barracks, and changed my life.

I was an employee of the U.S. Army and, as such, I received the monthly salary of $90. People could say to me, "Well, you can't live on $90 a month." But the Army would have pointed out to me, if I had raised the issue, that the Army took care of all of my food, all of my clothing, the Army took care of my housing, and the Army took care of my transportation. If the Army did not take me someplace, I did not need to go there. The Army would tell me that would be the case, and that the $90 a month I had as my salary was spending money. I could use it to pay for the haircut that the Army required me to have. I could use it to buy some candy bars, or whatever movies I might want to go to. But my life was OK, because the combination of cash and Government-provided benefits together provided me with a standard of living that the Army decided was adequate for me.

Why do I cite that in this discussion about taxes? It is because that is the philosophy that I think we are seeing here, where people say to us, yes, there is so much coming to the Government in the way of taxes, but look at what the Government is doing for you in return for those taxes, so that you would want to continue paying the taxes because your country needs that money in order to provide you with all of those wonderful benefits that you are getting.

In the debate when Senator Dole raised the issue of possibly cutting the tax rate, the first thing we heard was, "We can't do that because we can't afford it," to which I echo the question: Who is "we"? "We can't afford to give up the revenue that is coming from the tax rolls." Who is "we"? "We" in this case means the average American family. The average American family currently spends more for those Government benefits, like the food, the uniforms, the barracks, and so on that I described when I was in the Army. The current American family spends more for Government than it spends for food, housing, and shelter combined. Yet, we need more money to run the Government than the family needs to feed itself, clothe itself, and house itself. The question arises, not where will the money go but who will control it?

Let me give you an example. One of the things we buy with Government money is retraining programs for people who are out of work. In the State of Utah, we have a training program that is called ATC—Advanced Technology Centers. It is one of the, I think, most effective educational programs that has ever been run. I could go on at great length and describe how it works. The State pays for it. People who need it enroll in it, and they keep the cash for themselves to make the decisions with respect to their lives. They enroll in this training program not because the Federal Government is running it and the Federal Government has decided that it must be offered. They decide in terms of their own lives what kind of training they need. They come to the program, and they choose which part of the program they will take. And when they feel they have gotten what they need, they leave on their own. In other words, the decisions on retraining are made by the individuals—not by the Federal Government, or the State government. But we will take money away from them to fund some 157 Federal retraining programs that the Federal Government will then require people to go to in order to get their unemployment benefits.

Which is the more efficient—where the individual makes the decision, or where the government makes the decision? The answer is very clear. The individual makes more intelligent decisions than the government does. Why? Because the individual is concerned about the effect of that decision on his or her life, and the government, by necessity, has to make these decisions for a whole range of folks.

Let us talk about tax money specifically. Right now in this country real wages are stagnant, and they have been for something like 17 years. Government is not. Government has been growing in that 17-year period. Once again, we are told, "We can't cut the amount of tax burden on the families because we can't afford it." Again who is "we"? What would happen if we were to say, "All right, we are going to allow families to keep more of what they earn and forego the government programs"? An interesting thing would happen. If you were to say to families who have children—which almost by definition means that they have financial problems—if we were to say to families that have children, "OK, we are going to allow you to keep more of your money. What are you going to do with it?" "Well, we are going to spend it perhaps on a new car because with children we have to have a slightly bigger car than the one we had when we were courting. We are going to replace the washing machine. With children we wash a lot more clothes than we used to. We are going to buy more clothes for our kids. We are going to choose so on and so forth."

I have had economists say to me, "Why do you support the $500 per child tax credit, because it is not going to do anything in our macroeconomic models to increase savings? And the reason you have a tax cut to stimulate the economy is because you want to increase the savings rate and so on." I will not get into all of that macroeconomic conversation here. You are right; families will not increase their savings if you say we are going to give them a $500 per child tax credit. What are they going to do? They are going to go out and buy things for their kids. Kids are now consumer kids. There were times when they were an economic asset. Now kids are a luxury item. We have them nonetheless. But they cost us money.

What is going to happen when Detroit has to build additional cars because people with families want bigger cars, when they have to build additional washing machines, when they have to produce more clothes? What is going to be the impact of that on the economy and ultimately on the amount of money that will come back to government in the form of taxes? I have seen some macroeconomic studies that say the $500 per child tax credit is going to produce a greater economic stimulus than even the cut in the capital gains tax rate. I am not sure how that all works out. Frankly, neither are they. Because the one thing we have to recognize is that we are dealing with a $7 trillion economy, and the size of the $500 per child tax credit in terms of the impact on the economy as a whole is less than 1 percent. That is true, Mr. President. If you take the size of the economy as a whole and add it up for the next 6 years—because 2002 is our target date—you are talking about roughly $50 trillion worth of economic activity in that 6-year period. The size of the $500 per child tax credit is less than $500 billion over that same 6-year period, considerably less. So it is less than 1 percent.

Mr. President, I ask unanimous consent that I proceed for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, we are talking about a tax credit that is less than 1 percent of the entire economy. But look at what it means to the families with children. Look at what it means to those who will make the decisions themselves—that instead of all the benefits like the Army used to give me in uniforms, barracks, and mess hall privileges, I say, "Thanks. Just give me the cash and let me decide where I am going to live, what I am going to wear, and what I am going to eat." I will make wiser decisions, and the impact on the economy will be better.

So this is where it ultimately comes down to, Mr. President. Again, the question: Who is "we" when we say we can't afford a cut in tax rates? The "we" is the American people, and I believe the American people left to handle the cash rather than the so-called "benefits" can make a wiser use of that money than the Government can.

I am glad my experience with the Army is over. It was a good experience. But I prefer the freedom I have to have the money and make my own choices, and I think most Americans feel the same way.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I changed my 3 to 5, Mr. President, after listening to the distinguished Senator from Utah. I shared the same experiences in the Army, and I know exactly where he is coming from.

Mr. President, when he stated that Jefferson would have been stunned if he would have known what we have here today, some who were around back then would not have been so stunned. It was de Tocqueville who made the observation after writing the book about the great wealth of this country and what made it so wealthy. He said that once the people find that they can vote money out of the public treasury, the system will fail. And I think we are getting dangerously close to that.

As I watched the Chicago convention and all of this emphasis on the family, I was thinking, "How in the world could any administration with such a dismal failure in their treatment of family values be talking about the family?" Maybe that is the whole reason they are doing it.

I think if you go back and look, Mr. President, at the tax increase that took place in 1993, it was characterized by then chairman of the Senate Finance Committee, Senator MOYNIHAN, the distinguished Senator from New York, as the "largest single tax increase" in the history of public finance, or any place in the world. That is exactly what happened.

What was the nature of that tax increase? It was a tax increase on the American family. It was a gasoline tax increase. That is not just for fat cats. That is for everyone who drives a car, drives a truck, or drives a tractor. It was a tax increase on small business and on individuals, and even retroactive—going back and saying, "It is not enough that we go ahead and tax you from this point forward, but let us go back to January." I think that is the first time in history that has been done. It was a 70-percent tax increase on the Social Security recipients who cared enough to prepare for some of their senior years so they would have as much as $22,000 of income. It was an increase in estate taxes. And what is interesting about this is we passed a bill, several provisions that would have been geared just to the family, the $500 per child tax credit, the capital gains tax reduction, repealing some of our laws that penalize people who get married, who if you stay married—actually right now under the law on the books two individuals who are happily married, if they will get a divorce, can increase their take-home pay by reducing taxes. Is that what Government is supposed to do?

Anyway, I enjoyed the statement by Senator Dole when he talked about doing something about the overtaxation. And if you will analyze what he was suggesting in repealing that Social Security tax increase, the $500 per child tax credit, the reduction of taxes by 15 percent, the reduction of capital gains taxes and the repealing of the estate tax, all he is saying there is let us go back and see what happened in 1993 and let us repeal a portion of that tax increase.

So I would suggest that anyone today who was not supportive back in 1993 of the tax increase should be supporting what Senator Dole is proposing to do now.

The Senator from Utah mentioned we cannot afford it. I would like to make one comment. I heard the distinguished Senator from Arizona quote John Kennedy several times on the fact that back when he was President, he said we have got to increase revenues and the only way to increase revenues is to reduce the tax rates. He reduced the tax rates and that did increase revenue.

So I suggest to the Senator from Utah that we can afford to do this. We can effectively increase our revenues by reducing taxes. The formula works out that for each 1-percent growth in economic activity it increases revenues by $24 billion.

However, we do not have the same kind of Democrat in the White House today that we had when we had John Kennedy. It was Laura Tyson who said there is no relationship between the level of taxes a nation pays and its economic performance. And if you have that philosophy, then you can say, yes, we cannot afford it.

Indeed, history has shown us in three decades in the last 100 years, the twenties, the sixties, and the eighties, when we had dramatic reductions in tax rates, each time we increased our revenues. So I think it is a question now of are we really concerned about the family, are we really concerned about doing something about the lessons of those times? I think the time is here, and we have a Congress that is willing to do it.

I applaud the Senator from Georgia for bringing up this subject to discuss today.

Mr. COVERDELL. Mr. President, I appreciate very much the remarks of the Senator from Oklahoma—as always on this subject precise and on target, and I am glad he was able to be with us this afternoon.

The Senator from Arizona is here and would need up to 5 minutes. So I extend 5 minutes to the Senator from Arizona.

Mr. KYL. I thank the Senator.

Mr. President, during the last few weeks, as the Presidential election campaign has gotten underway, the American people have heard a great deal about two very different tax plans for the country.

One of the plans proposed by President Clinton involves token relief if—and I stress if—people spend their money in ways that the Government deems most appropriate. The other plan represents the most ambitious, progrowth economic program since the beginning of the Reagan administration, a program that puts faith in the American people to spend their money in ways that are best for themselves and their families and their communities.

Mr. President, the ambitious program that I am talking about is the one that Bob Dole has made the centerpiece of his campaign. It is a plan that would cut income tax rates across the board by 15 percent, a plan that would provide families with an additional $500 per child tax credit, and an opportunity to save in new education investment accounts for college education. It would repeal the President's 1993 tax on Social Security, and it would provide important incentives for job creation through capital gains tax reduction.

What does all of this mean for the average American family? For a family of four earning $35,000 a year, it would mean a savings of over $1,400 a year, a 51.8 percent reduction in that family's tax bill. In other words, it cuts the tax bill in half. For a family making $75,000 a year, it means a savings of 26.7 percent. It cuts that family's tax liability by a quarter. In other words, it provides real tax relief and targets it to those families who need it the most.

Unlike the plan that President Clinton has proposed, the Dole plan offers broad-based relief and allows all taxpayers—those who are married and those who are single, those with children, those without children—to decide for themselves how they can best use their savings to help themselves and their communities. Maybe they could use the money for new school clothes, as Senator BENNETT pointed out, or for books so children can do some extra reading. Maybe they need the money to put a new roof on the house or put savings aside for a downpayment on a home so they, too, could fulfill their dreams to own a home. Maybe someone would use the funds to start a new business or to create new jobs for young people entering the work force.

The issue is trust. Do we trust the people enough to decide how to use their own hard-earned income or do we need the Government to decide for us how to spend our money. The Dole plan puts faith in the people and so do I.

History shows that when we put our faith in people, the country's economy as a whole does much better. The Senator from Oklahoma pointed out that I frequently quote John F. Kennedy in this regard, and I do. He proposed a tax cut in the early 1960's to help stimulate economic growth, and that plan ultimately led to one of the few periods of relatively strong economic growth in our country since World War II.

The economic effects of the Reagan tax cuts in the 1980's were just as dramatic, leading to the longest peacetime economic expansion in the our Nation's history. In fact, by the end of President Reagan's second term in office real gross national product had risen by more than 4 percent a year. Nearly 19 million new jobs were created, more than 85 percent of which were full-time jobs in occupations with average annual salaries of over $20,000. Real median family income grew every year but one between 1982 and 1989, rising $4,564 or 12.64 percent. That is real median income, extra money in people's pockets to help meet their everyday needs. That is what the Reagan program accomplished.

By contrast, the high tax policies of the 1990's have had exactly the opposite effect. Real median family income has declined $2,108 or 5.2 percent for the average family. People are caught in the trap of stagnating, declining wages and higher taxes, and they are hurting. No wonder it takes two adults in the family working to support the family. One supports the family; the other supports the Government.

I know that some people are asking whether tax cuts are an option today in an era when voters and public officials alike are seeking to balance our Federal budget. Well, John Kennedy also answered that question noting, and I am quoting:

> An economy hampered with high tax rates will never produce enough revenue to balance the budget just as it will never produce enough output and enough jobs.

The question is not whether we can afford a tax cut. The question is can the American people, many of whom are working two jobs just to make ends meet, afford a Government that continues to take more of their hard-earned income every year? Can the next generation afford the tax burden that will be imposed upon it just to pay the debts our Government is accumulating today? Can we do better for our children than to leave them with a sputtering economy, falling income and rising taxes?

The Dole plan is not simply a tax cut but an overall economic plan to revitalize the Nation's economy by putting faith in people to save and invest their hard-earned money in ways they deem best for themselves and their communities. President Clinton has promised that the era of big Government is over. Bob Dole's economic plan will help keep that promise.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Arizona. I think maybe it will be useful to step back for a moment, to help frame what it is we are talking about. In 1993, the Clinton administration imposed the largest tax increase in American history, $491 billion. That resulted in the highest tax burden, 19.3 percent of the entire economy, that is being consumed by Government.

So the stage has been set. These are very large numbers, and they tend not to get brought down to what the effects are on everyday folks out here. What is happening is the median income for America's average families is continuing to fall and has been falling for some time. From 1986 to 1993, it dropped $3,800, and continues to fall. These are the reasons. As Government grows, and grows unfettered, the resources have to come from somewhere. The families that are most affected are middle-income families. The very wealthy are able to adjust their lives accordingly. The very poor are using the safety net. But middle America is paying these bills.

I am reading from an article that appeared on July 22 in the Atlanta Constitution. It says:

> To fend off that decline and maintain a middle-class lifestyle, many women who might prefer to remain at home have, instead, entered the workforce. But even that strategy has begun to pay lower dividends. In families headed by a married couple in which the wife is in the workforce, median income peaked in 1989 and has declined noticeably since.

Another article on this subject:

> In particular, declining earnings have fueled the rapid increase in labor force participation of women, including women in 2-parent families. Whereas, in 1950, only 20 percent of married women with children, and 12 percent of those with preschool age children, worked, by 1990, 40 years later, two-thirds of married women with children were employed.

A survey, I believe it was done by Rand, was recently released about the second spouse, or women in the workplace. It said 85 percent of the women in the workplace would like to alter how they are in the workplace if they could. Of course they cannot because of the economic burden that our governments have placed on their families. They are so high that the option is removed. It is not a decision, to make a choice to go into the workplace. The Government is forcing it.

Of the 85 percent who said they would alter it, one-third of those said they do not want to be in the workplace at all, they want to be at home; one-third said they would like to work just part-time so there is more time for the family; and one-third of them said they would only volunteer. They would just work as a volunteer. They do not have that choice. Congress and the administration, over the last several years, have made that choice for them as we have ratcheted up the burden.

A moment ago I was talking about the Georgia family and I pointed out they are forfeiting half their income to some government at this point. That is enormous. It is just hard to comprehend. During this administration, that average family's checking account has shrunk by $200 a month, anywhere from $2,200 to $2,600 a year. That is the impact on this average family in my State of the policies of this administration. When they raised the taxes to the record level and produced this highest tax burden ever, the effect on an average family in a little town in my State is that their checking account has $2,400 less a year. That is just like removing something like 10 to 15 percent of their total disposable income.

Is it any wonder that these average working families in our country are not saving money? Are we surprised they do not save money like they should, to prepare for a rainy day, prepare for retirement, prepare for their children's education? What is left to save, after the Government has marched through your living room and taken half the assets?

Are we surprised that credit card debt is at an all-time high? Are we surprised that the payments on delinquencies on credit cards have plummeted? Are we surprised that, if you work from 9 in the morning until noon every day for the Government, and this tax burden has been made so high that you have to have both spouses and in some cases their children in the workplace, and in some cases not only do both spouses now work, but, indeed, they have to have two and three jobs each—Are we surprised that the behavior of that family has been modified? That the children are left without the kind of attention those parents would like to give? That they are not there to be the guide and beacon for those kids? They call that latchkey children. Of course they are latchkey children. The Government policy from Washington has increased the burden, increased the burden. We have pushed both spouses into the workplace. We have now got them to where they have to have two and three jobs. We have created stress. It is no wonder there is so much anxiety in middle-class America.

I am reading from another periodical: "Work and family integration."

> It is increasingly common for all adult family members to spend a greater number of hours at work in order to make up for declining median family incomes. Married women with children have entered the labor force in record numbers. They, therefore [it doesn't take a rocket scientist]—they, therefore, have less time for care-giving in the home. Many parents, both mothers and fathers, feel conflicted and torn between spending time with their families and meeting workplace demands. "It's like you are caught between a rock and a hard place, because if you want to have a family, you want to have a couple of children, and you cannot do that unless you have lots of money to support them."

That quoted a woman in her twenties in Salt Lake City.

So, Mr. President, Senator Dole has come forward. There is a lot of talk about what each of these proposals means, but the bottom line is this: He is saying that Government, Washington in particular, has put too much financial pressure on these fragile families. It is creating havoc, and it ought to be a conscious, fundamental, sound policy to give them relief, to allow them to keep more of what they earn so that they can do what they are supposed to do in that home. And, yes, he is saying we think that the best caretaker of those children is their parents and the family in the comfort of the home, and, no, a village, a government is no replacement for that policy.

So he has stepped forward and said, "I intend, with a cooperative Congress, to effect lowering the economic burden on the average family."

Mr. President, I know that you, the Presiding Officer, would like to speak on this subject. So I am going to suggest the absence of a quorum so I might assume your duties so that you can speak on this subject and then replace me afterwards.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

Mr. FRIST. Mr. President, I rise today to continue on the topic that was begun so admirably by yourself, the Senator from Arizona and the Senator from Oklahoma on the benefits of significant tax relief for all Americans, for individuals, for their families, for their children, for the next generation.

Whenever we seem to debate tax policy in this body, we seem to begin with different premises, and I think we really must focus over the next year on a principle which I feel should govern our decisionmaking. That is, that there is no such thing as "Government money." Money today through taxes comes from individuals, hard-working individuals. It comes from a person, it comes from a family, it comes from a business, and it comes to Washington, DC, and not the other way around.

For far too long, the Federal Government has treated the income of American people as its own money. This practice absolutely must stop.

I want to refer, as I develop this principle over the next few minutes, to a recent editorial by Washington Post columnist James Glassman. The editorial is entitled "It's Your Money." I will alter it a little bit and say "It's the People's Money," because that is the underlying principle I think we must come back to as we discuss tax and tax policy.

In that editorial, Mr. Glassman pointed out that there are two schools of thought on tax policy. Under the first one, using the words of Mr. Glassman:

> We use an old-fashioned business model to think about taxes. Taxes are revenues, like sales. The objective for the Government is to match up those revenues with its expenses so that it doesn't lose money. Under that model—

According to Mr. Glassman—

> the Government dispenses tax cuts as a gift from Washington.

But I do not think the American people view their tax dollars in this fashion. They tell you that. All of us travel around our respective States and around the country, and they tell you they don't view their tax dollars that way, so we need to stop viewing them that way in Washington, DC.

Mr. Glassman described it in the editorial in the following way. He said the average American, and I begin to quote him, "views taxes not merely as bloodless revenues but as the real, hard-won earnings of individual Americans."

He says:

> Tax dollars begin life as personal dollars. They're yours, not Washington's.

He goes on to say:

> You do agree through the political process to turn over some of your income, but that deal is transitory and renewable and it depends on Washington providing good value for your money.

Mr. Glassman's words, "good value for your money."

I don't think we in this body can express this principle enough. It is the taxpayers' money. When we Senators meet with our constituents in our home States, we have to remember it is their money. That is where it originated. And every time we pass a spending bill on the floor of the U.S. Senate, we must be able to go home and look our constituents in the eyes and say, "Here is how we spent your money."

I brought two charts with me, again, to illustrate how taxes have taken a bigger and bigger bite out of the family budget. So many people think so often in the short term and they say, "Well, taxes are high now, yes, but they have always been that way. There really hasn't been much change, and there's not much we can do about it."

Our responses have to be the facts. We do not have to look that long ago when people were paying out of their family budget as much as they are paying in taxes today. We have to look back.

This is taxes out of a typical family budget. This is not an aggregate figure of billions of dollars, this is a family budget, something each of us can touch, feel, experience.

The pie on the left shows in 1955 the family budget, this circle being 100 percent. Total taxes were 27.7 percent in 1955.

If we look in 1995, we see that total taxes are 38.2 percent. All other parts of the family budget are shrinking as the red part of the pie has gotten bigger and bigger over time, just over a 40-year period.

You can also look at this at how many hours you work during the day. If you say this is an 8-hour day that likely you and your spouse are working, look, 3 hours out of that 8 hours is spent working for Government today.

Going back to Mr. Glassman's words, we need better value for your money.

On the second chart, we see a typical family budget, how that budget of that working family with two children breaks down. This is the overall family budget, and, once again, in red, we see total taxes. I just said that 38.2 percent of that typical family budget goes to paying taxes. Where does the rest of it go?

Just very quickly. House and households, about 15 percent in yellow. In the blue, medical care about 10 percent. Food, 6 percent. Transportation, 6 percent. Clothing, 4 percent. And everything else about 17 percent. This might be education for your children, might be savings, might be investment for your retirement.

But look, compare what we pay in taxes to medical care, food, transportation, and clothing, and we can see that what you pay in taxes far surpasses the 27 percent total of medical care, food, transportation, and clothing today.

Most Americans do not think of it in that concrete of terms. It is time we take broadly across this country this process of educating people, to look at what you do when you increase that red, which has been done, as we saw, by our distinguished colleague from Georgia. We have seen that this red has been growing and growing over time. What does it squeeze out? It means that you spend less money on food or transportation or clothing or savings or investment in your children's future.

You know, in this Congress we have done a number of things, and much of it gets lost before it gets out to the people broadly. We passed a $500-per-child tax credit for families making under $75,000 a year. We passed a marriage penalty relief which increased the standard deduction for couples filing jointly. We passed a student loan interest credit to make college more affordable. We passed an expanded individual retirement account that would allow penalty-free withdrawals for first-time home purchases, for medical expenses, for periods of unemployment, for college expenses.

Yes, unfortunately, though this body representing the American people passed all of that, they were vetoed by the President of the United States. Well, despite this setback of a way, we now must review our commitment to allow individual Americans, individual hard-working men and women, not the Federal Government, to keep more of those hard-earned earnings.

To those who say that tax relief will blow a hole in the deficit, I say, join with us as responsible stewards of taxpayer dollars in our commitment to finding offsetting spending cuts. If we are going to allow the American people to keep more of what they earn, we have to slow down this incessant, almost unstoppable growth of Government. Going back to Mr. Glassman's comments, who said, "providing good value for your money."

We can begin this process by passing a balanced budget amendment to the Constitution. That way the American people would have a constitutional assurance that tax cuts would fully be paid for with spending cuts.

In closing, our challenge is to boil down this large debate of taxes and economic policy to something that the typical American can understand. The data speaks very strongly to the typical American. The tax debate will rage on. We need to come back to that underlying principle: It is the people's money. I do urge my colleagues to remember that we—we—we are the trustees of the American Treasury. Building that trust is one of the most important duties we have as U.S. Senators. If we always remember that it is the people's money, I believe we will be responsible trustees.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, how much time is there remaining?

The PRESIDING OFFICER. There are 8 minutes remaining.

Mr. COVERDELL. Mr. President, I really enjoyed your presentation, as I told you when you approached the Chair. You raised some questions that I am going to pursue, even beyond this afternoon, by the pie chart of the breakdown of the expenditures for the average family. I want to point out again, an average family in Tennessee cannot be a lot different than one in Georgia. It is about $40,000, $45,000 that this average family is earning in Georgia. I assume that is about what it is here. When you take 40 percent of that amount, you do not have a lot left. That is not a lot of money.

A point I wanted to make is this is a bit deceptive. It shows that 38.2 percent is paid in total taxes, which, as you pointed out, was larger than what that family is spending for its house and household, medical care, its food, its transportation, and clothing. It is just unbelievable that the Government burden can be that large. But the point I want to make is that it is even larger than the 38.2 percent. Maybe we can collaborate on this and we can produce another chart. But built there is another 12-plus percent that is hidden in the price for the house and household, medical care, and food in the cost of Government regulation and management.

We would all agree that there is certainly a role for safety and health and the like. But that has been growing at an astronomical level. It costs this family $7,000 a year. That is on top of the 38.2 percent.

On top of it—and I have dealt with this a couple times—when I tend to say they are forfeiting half their earned wages in Government costs and burden, well, 38.2 percent is actual tax, but there are more costs than that. As a result, the burden on that family is just phenomenal, and it is leaving them in a condition that is very difficult.

I have been reading several statistics here. This is one that I find most alarming. Net savings and investment average 10.7 percent of the gross domestic product. I will finish.

We have been joined by the Senator from Michigan who has been at the forefront of tax relief since his arrival in the U.S. Senate. I want to acknowledge him.

I just want to make this one last point, that savings and investment constituted about 11 percent of the gross domestic product in the 1960's and today it is 3.75 percent. That is where the capital to run this economic engine comes from. That is where the protective device for all these families is, in their savings. These burdens have pushed those savings down to one-third of the level they were just 30 years ago. And that is flirting with fire. That is making a family unable and the Nation unable to protect itself.

Mr. President, I grant the balance of my time to the Senator from Michigan. I suspect that is about 4 minutes or so.

Mr. ABRAHAM. That is fine.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you very much, Mr. President. And I thank the Senator from Georgia for his continuing leadership in providing us opportunities to address issues of importance.

Today I am glad that we are talking about the burdens that face American families, because young families confront a lot of challenges as we move to the end of this century and into the next one. In my own family, we have added a new member since the last time I spoke in this Chamber, just yesterday afternoon. So we, as is the case with all other families that are growing in number, are looking at the challenges we have, and they are challenges in a variety of areas. One of them is obviously the financial challenges that new families and young families confront.

When I am in my State of Michigan, and I suspect the same is true in Georgia, Tennessee, or any other of the 50 States, what I hear from my constituents, from working families, is a very common theme. It is the theme that even though people seem to be working more they find they have less and less to show for it. We have heard it described as a squeeze on the middle class. We have heard it described in a variety of other ways, but we have heard it described consistently in my State for a number of years.

I have sat down with the families to try to find out exactly why they feel this way and what it is that has led to this situation. The very simple fact is, Mr. President, a major reason why our working families are having a harder time making ends meet is that the tax burdens they are confronting, each going up at a pace that is faster than the family income is going up. That, indeed is exactly the case for most people in America. Indeed, during the last 3 to 4 years, family incomes have been absolutely stagnant. Meanwhile, Federal taxes have been going up. In many States, State taxes and local taxes have been going up, as well.

Indeed, it is interesting to note, Mr. President, that across the board we see families confronting a higher and higher responsibility in terms of their paychecks headed to Washington than ever before. Right now, the Federal tax burden is the largest portion of the family budget, 26 percent, which is more than housing, food or education costs. When you add on the burdens of State and local taxes, the percentage goes from 26 all the way up to 38 percent. When you think about that, Mr. President, you think about almost 40 percent of the average family's income being sent to government to pay for programs and services, you realize the extent to which families do feel the crunch.

The crunch has created a very interesting set of changes. It has meant that where in the past one person was working was enough for the family to stay ahead of the game, today, often it is two people working at more than one job. At least in the case of the people of my State of Michigan the solution, it seems to me, is quite clear. Unless we are going to get to the point where families working two jobs and two breadwinners working two jobs is inadequate to allow working families to keep up, we have to give them some relief. The one way the Federal Government can provide that relief is by reducing the tax burden that these families face.

Mr. President, I do not have the time today nor do I intend today to go into a variety of ways by which we can ease that burden. But I think the kinds of plans that have been put forth by Bob Dole and Jack Kemp, calling for across-the-board tax relief, combining that with a $500-per-child tax credit is a step in the right direction. I think that is what the families of Michigan, the families of America can benefit from.

I add, Mr. President, in closing, in our State of Michigan we reduced taxes 21 times in the last 5 years. That has produced record levels of employment and it has not caused a budget deficit. We have balanced the budget and created a surplus at the same time. We need to give families that relief. I look forward to working within the Senate to accomplish that. I yield the floor.

CONGRATULATIONS TO THE ABRAHAM FAMILY

Mr. BYRD. Mr. President, did I understand the distinguished Senator from Michigan to say that there had been a new birth?

Mr. ABRAHAM. That is correct. I say to the Senator from West Virginia, I am happy to inform you as of 2:25 p.m. yesterday afternoon the third baby in the Abraham family was born. I am proud of our new son named Spencer who has joined us.

Mr. BYRD. This is the third child.

Mr. ABRAHAM. We have twin daughters who are 3 years old, Betsy and Julie, and now they have a little brother.

Mr. BYRD. I congratulate the Senator and the Abraham family.

Mr. ABRAHAM. Thank you very much.

Mr. BYRD. He has thrice tasted the experience of immortality. He is living on a new plateau.

What is the new child's name?

Mr. ABRAHAM. I have to indicate that with a certain amount of pride. It is Spencer. He is named after his father.

Mr. BYRD. Wonderful, wonderful.

May I say to the new child:

First in thy father's arms, a new born child,
thou didst weep while those around thee smiled;

so live that in thy lasting sleep
thou mayst smile while those around thee weep.

ALTERNATIVES TO MIDDLE EAST OIL DEPENDENCE

Mr. BYRD. Mr. President, I strongly support the actions of President Clinton in responding to the latest round of the politics of aggression by the Iraqi dictator, Saddam Hussein. The response by President Clinton follows in the wise policy footsteps of President Bush by taking strong action, and in acting as a leader of both the West and the Middle East in responding to aggression.

To those who would doubt the necessity of the actions by the President, one should pose the question as to what the consequences would be in the face of American inaction. First, clearly, no other country would take the lead. The signature of the current era is such that response to aggression will not be taken up by other powers in the absence of American leadership, unfortunately. This was the case in the invasion of Kuwait. It was the case in Bosnia when, after several years of Western inaction in the face of ethnic atrocities in Bosnia, only the United States, only the United States, could bring about a credible, effective implementation of peace in that sorry part of Europe. While one should have rightfully expected the European nations to have led that effort, they did not, and would not, in the absence of American leadership. The same is the case today in the Middle East. Our friends and allies in Europe and the Middle East will not act in the absence of American leadership.

It is American leadership which is decisive to the peace in these regions, and I commend President Clinton for his decisive action. It was necessary to weaken the Iraqi leader's ability to intimidate his neighbors, and to make it clear that he will pay a price for his aggression. As President Clinton stated, our action has changed the strategic situation, with Saddam's military capabilities weakened in the south of Iraq. If further actions are necessary to ensure the protection of our pilots in the no-fly zone, then he will continue to have my unstinting support. The President's actions have ensured that the coalition which has acted to restrain and discipline Iraq since the invasion of Kuwait remains viable and intact.

It has been stated on many occasions, during the Gulf war and most recently by Secretary Perry in expressing the vital interests of the United States in the Middle East, that our policy is driven by the energy security interests of the United States. Oil, oil, is the lifeblood of our industrial base, and both Western Europe and the United States, as well as Japan, are far too dependent on the Middle East for supplies. We need to get serious about alternative sources of energy, clean coal technology, other non-petroleum sources, and the overall development of alternative sources of oil.

A very important, world-class, alternative source of oil exists and awaits development in the Caspian Sea area. Following the break-up of the Soviet Union, large oil resources are now available for commercial development. According to industry sources, some 42 billion barrels of proven oil reserves in this region are available for lifting and transport to the west.

The oil pot of the region is estimated by American industry sources to be comparable to that of the vast Saudi Arabian fields, a potential of some 200 billion barrels of oil, and includes, as well, enormous natural gas reserves. Some 2–4 million barrels of oil per day could be brought out of the Caspian region, across Turkey by pipeline, and to the United States market. These new reserves, in the newly independent states of Azerbaijan, Kazakhstan and Turkmenistan, can bring substantial, rapid economic development to those nations, as well as to Turkey, on their western border. The riches of these reserves can bring new stability and stable independence to those new nations. For the West, Caspian Sea oil could help to diversify the world oil suppliers, stimulate price competition, and bring new security to our supplies.

Already, aggressive efforts have been underway by Western oil companies to develop this resource. In Azerbaijan, a $7.5 billion contract with the Azerbaijan International Operating Company, a consortium of 12 energy companies, including 5 U.S. companies, could produce an estimated three billion barrels of crude oil over the next twenty years. In Kazakhstan, there is a $20 billion joint venture between an American oil company and the Kazakh government which could yield as much as 9 billion barrels of crude oil over the next 40 years.

Nevertheless, the oil industry cannot by itself accomplish this achievement. The region has been in turmoil as a result of war between Armenia and Azerbaijan, with large disrupting movements of refugees, and there are constant political and other pressures from Russia and the Islamic world bearing on the Caspian region. The resulting instability requires increased involvement and commitment by the United States Government for large scale projects to go forward. The power and the influence of the United States Government are necessary to accomplish the development of an assured supply of petroleum resources to the West. I believe this should be a major priority for the next administration. The stakes, both economic and strategic, are enormous.

Mr. President, Caspian region oil can be transhipped by pipeline across Turkey, avoiding politically fragile routes through the Middle East or through an unpredictable Russia. Turkey is enthusiastic about this prospect and is ready and able to cooperate with America to make the development of this major new alternative oil source available to the United States. We should not forget, as we so often forget, the contribution of Turkey to the Western anti-Saddam alliance. It was Turkey which shut down the Iraqi pipeline in 1990, at the request of the United Nations, after Saddam invaded Kuwait. Turkey has continued to keep this pipeline shut down, a great economic loss to Turkey and her people. We forget that. Thus, the development of Caspian Sea region oil is an opportunity to repay Turkey and help her stabilize her economy at the same time that America can develop a new and secure supply of this vital resource. Mr. President, I believe the United States must make an aggressive, fresh commitment to securing new oil supplies, a commitment equal to that we have made in responding to military aggression in the Middle East. The two efforts should go hand in hand. They are part of the same geostrategic calculation and interest. We need to move ahead now to reduce our dependency on vulnerable Middle East oil. A major new government-industry partnership to develop the promising Caspian region is long overdue and has the potential of a great energy payoff for the United States of America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHY AFRICA MATTERS

Mrs. KASSEBAUM. Mr. President, I have been speaking a number of times on why Africa matters to the United States. I spoke before the recess on infectious disease and environmental concerns and how what is happening in Africa can affect the rest of the world, and the United States as well.

Today, I would like to address a broader point about environmental issues—what happens to the natural world in Africa holds consequences for Americans. Even as we struggle to find reasonable, responsible solutions to domestic environmental problems, we must remember that our future is closely intertwined with the preservation and sound management of the environment around the world—particularly in Africa.

Today much of Africa today is caught in a cycle of environmental degradation, poverty and humanitarian crises. Battles over scarce resources can lead to political conflict, which in turn results in forced migration, and further environmental destruction. As a result, the international community feels the effects of not only global environmental changes, but also refugee flows, instability, and sagging trade revenues.

Mr. President, the evidence of environmental degradation on the African continent is overwhelming. From deforestation to land degradation, the shrinking diversity of African plant life to the increasing number of endangered species, the African environment affects the United States.

DEFORESTATION

Let me begin with the most shocking of all the environmental problems sweeping the continent—deforestation. Consider the following:

In 1900, forests accounted for 40 percent of the highlands in the Horn of Africa. By 1990, only 4.4 percent of these forested highlands remained.

In 1961, as much as 60 percent of the west African nation of Sierra Leone was covered by primary rainforest. Today, that figure has dropped to 6 percent.

These are but two examples of what is an all-too-familiar pattern on the continent. And because Africa's population is projected to increase by over 50 percent as early as 2010, the pressures on remaining forest lands are likely to grow as people seek new land to live on, new fields to cultivate, and new sources of firewood for cooking and heating.

The immediate consequences of deforestation are soil erosion and flooding. Combined with other forms of land degradation, these trends lead to food shortages and massive displaced populations. Some experts believe that severe desertification will affect more than 100 million people on the continent by 2010. Already, food shortages threaten 22 million people in sub-Saharan Africa. Trapped in a cycle of poverty and need, these people will continue to destroy their natural environment in a desperate effort to survive.

Unless we recognize the larger environmental factors that create and exacerbate crises, the United States will continue to operate in a reactive mode, addressing tragic and costly emergencies and famines after they occur, and watching potentially strong societies and markets descend into disaster.

The consequences of ignoring environmental issues in Africa extend beyond humanitarian and economic concerns. Africa's forests, like those in South America, act as carbon sinks—absorbing harmful carbon emissions. As global population rates grow, rural-to-urban migration continues, and more and more people drive cars, our capacity to manage air pollution here in the United States and around the world may depend on the survival of these forests.

BIODIVERSITY

Mr. President, in addition to these disturbing trends in land quality, biodiversity depletion in Africa also impacts our future—particularly in the field of medicine. Over and over again, researchers have found highly effective cures in the forests of Africa:

Some may smile at this. But this is scientific research that shows, as a matter of fact, that the rosy periwinkle that grows in Madagascar is highly effective in treating Hodgkin's disease and leukemia.

Bark from the African plum tree has proven successful in treating enlarged prostate glands. Yet, in the 1980's, environmental mismanagement in west Africa brought the region's plum trees dangerously close to extinction.

We cannot know what other cures may be contained in Africa's rapidly disappearing forest lands—and never will unless more is done to combat the environmental destruction sweeping the continent.

Mr. President, just as environmental degradation puts the future of medical research at risk, we cannot begin to guess at what agricultural breakthroughs may never occur as the diversity of African crops is lost to environmental crises. For example, we have already learned:

Germplasm from African crops may help the rest of the world to adjust to climate changes by breeding drought-resistant varieties of grain.

Researchers at the National Academy of Sciences have identified pearl millet, which grows mainly in west Africa, as a potential jewel for genetic research, due its natural genetic diversity, robust nature, and quick maturation.

The African Continent may be home to other, lesser known agricultural breakthroughs that will contribute to global well-being, provided they do not fall victim to the environmental devastation.

Mr. President, in recent years, the international community and Africans have become increasingly concerned about threats to animal kingdom diversity. Poaching, human encroachment on animals' natural habitats, and ineffective wildlife management continue to endanger several unique species. While African elephants appear to be making a comeback, black rhinos remain in danger, as do cheetahs, mountain gorillas, and other magnificent species of wildlife. A basic respect for life and an appreciation for its diverse forms demands that we recognize and address the problem of endangered species on the African Continent.

Mr. President, all of these trends, as well as the relationship between environmental upheaval and emerging diseases that I discussed earlier, make the case for a thoughtful and engaged foreign policy toward Africa.

Responsible and creative environmental policies in Africa—including land management, agroforestry initiatives, pollution reduction, and biodiversity preservation—serve U.S. national interests. With patience and engagement, we gain new cures for painful diseases and new crops to feed our children into the 21st century. We preserve the magnificent diversity of animal life for our grandchildren. And we help bring stability, development and economic growth to the African Continent.

We can't do this all by ourselves. That would not be successful policy in and of itself. But we should be mindful of the fact that it does influence the United States and other nations and other continents around the world. And that is why we should be concerned.

Both Africans and Americans have a great deal to lose—and perhaps even more to gain—by addressing environmental issues on the African Continent. These are not easy issues, but we must proceed as we would with any long-term security concern—with sensitivity, determination, and wisdom. If we do so, generations of Africans—and Americans—will benefit from a sustainable, diverse, and thriving natural world.

Mr. President, I yield the floor and appreciate the opportunity to speak on this issue at this time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF SENATOR KASSEBAUM

Mr. DORGAN. Mr. President, I likely will not have an opportunity to take the floor of the Senate again while the Senator from Kansas is in the Chamber. She just finished a discussion on a foreign policy issue, but I did want to say while I am in the Chamber and she is in the Chamber that this institution is going to miss her service.

There is a lot of discussion these days about the bickering between Republicans and Democrats, and the American people do not like to see that; they want to see a Congress that serves the interests of the American people. They want to see Democrats and Republicans think through ideas and work together to find the right course for our future.

Senator KASSEBAUM is one of those people in Congress, recognized by everyone serving here as an extraordinary Senator who cares a great deal about this country and has contributed immensely to this country's betterment. I for one have felt privileged to serve with her in the Senate while I have been here, and I will miss her.

A COMPETITION OF IDEAS

Mr. DORGAN. Mr. President, I mention the issue of ideas. It is a Presidential year. The Constitution of our country, drafted a couple of hundred years ago in a little room over in Constitution Hall by the Framers of the Constitution, described that every even-numbered year in our country the American people would grab the steering wheel and have an election and the American people would decide in which direction this country moved. It was not going to be a decision by a bunch of elitists, a bunch of big business folks, a bunch of labor people, a bunch of investors. It was going to be a decision by the American people to grab the American steering wheel with their vote and decide which way this country would move. It was quite an extraordinary thing. The late Claude Pepper used to call it the miracle in the Constitution every even-numbered year.

What I expect the Framers of this democracy hoped would be is that in these elections we would have a competition of ideas, ideas advanced by different candidates from different positions, saying this is what we believe will advance the interests of our country. This is what we believe will improve America.

Regrettably, American politics and American elections have become much less a competition of ideas than a competition of slash and burn, 30-second ads telling the American people or people in a State or district how awful someone might be, how terrible someone has been, instead of what are my ideas, what do I think will improve this country.

I hope this election will be different. I guess there is no reason to believe it will be different until the American people decide to change elections in this country by saying to those who wage negative campaigns that we will not vote for you.

The minute negative campaigns do not work they will not be used. People use what works. Negative campaigns work, and they are used extensively, with great devastating effect in our country these days.

There was a debate about 2 years ago in a congressional district that I read about that I thought was quite fascinating. The two candidates for Congress came to the debate and were told by the debate organizers, by the way, we have a very simple, unusual rule that you will have to adhere to. The rule is in this debate between two people aspiring to be Members of Congress, you may not mention your opponent. You may not be critical of the other person in the debate, requiring therefore in this debate for you to spend your time telling the people what it is you stand for, what it is you intend to fight for, what you believe in.

I understand it was a fascinating discussion because it moved from a debate about which is the worst candidate to a debate about ideas, a competition of ideas and issues. I would like to see if we cannot get our political system back to a description of that kind of politics.

Having said all that, I am going to talk a little about the tax cut proposal offered by Senator Dole, not because I think Senator Dole is a bad candidate. I do not. I disagree with the ideas he is proposing, and I am going to describe why. Then I am going to talk about the ideas I think ought to be proposed to make this a better country.

I have said many times and will again now that Senator Dole was a remarkable Senator and contributed a great deal to this country in his public service. I happen to think Jack Kemp was an excellent public servant and has contributed a lot to this country. It is a credible team competing for the Presidency. I happen to disagree with the central idea on which they are running. I am going to talk a little about it and then talk about what I think we ought to be discussing.

The proposal that is advanced first and foremost is an across-the-board tax cut. It is, 2 months from the election, a proposal that says vote for us because we propose a 15-percent across-the-board tax cut.

That sounds attractive, and if we were not bound by issues like you should not increase the Federal deficit, I would propose a 25- or 50-percent tax cut. Why settle for 15? Why not propose a 50-percent tax cut or 75-percent tax cut? But we are bound by something else. We are bound by a requirement that we have a fiscal policy that is in some reasonable balance.

We are told that a proposal for a 15-percent across-the-board tax cut will result in a substantial benefit to all Americans and a balanced budget as well—a deficit that is coming down to a balance.

I was thinking about that last evening, and I thought I would show my colleagues what some feel is believable in our country.

I receive a lot of mail, as do all Americans. You open your postal box these days, and it is full of all kinds of unsolicited mail. Here is a letter I got from Dorothy Addeao. I do not know Dorothy Addeao from a cord of wood, never met her, never heard of her before. But she wrote to me to say this: "It's my pleasure to be the bearer of glad tidings. In just 5 weeks, we are scheduled to announce Byron L. Dorgan"—that is me—"is the winner of the 1995 $10 million super prize in Publisher's Clearing House."

Now, it was not that she just wrote to me and said that they were going to announce that I had won $10 million, the super prize. She also sent me a certificate, and it is stamped, has my name right here. It says, "$10 million." My number by the way was 00016780.

Then she signed it.

That was not all. I mean, that is pretty improbable, I suppose, that someone would write to me and tell me I won $10 million.

But I got another letter. This one was from Sweepstakes Priority. They told me that BYRON DORGAN wins a Hawaiian vacation and a new Lexus automobile. They have a number on it, and they said the Lexus automobile is set aside for my use, mine free. I thought that is pretty improbable—you win $10 million and then a trip to Hawaii and a Lexus.

Then I got a letter from Time magazine, down in Tampa, FL. It says, "The results are in. Byron L. Dorgan"—that is me again—"has won one of our two latest $1,666,675.00 prizes." And then underneath it says, "Byron L. Dorgan, winner, $1,666,675.00," and then it says, "payment ready. Elizabeth Matthews." I do not know Elizabeth Matthews from a cord of wood; never met her. But out of the blue she tells me I won $1.6 million.

If that was not enough, not knowing Ed McMahon or Dick Clark, having never met either, or never having received mail from either, they wrote me and said, "Byron Dorgan, it's confirmed, you are our new $10,000,000 winner."

All of this for me.

As you can see, I have not opened these letters. We have certain gift rules in the Senate. I think it is a $50 gift rule, and I felt I did not want to compromise anything here, so I have not mailed this thing in. But it looks to me like we are talking about $21,600,000, a trip to Hawaii, and a new Lexus.

Improbable? Yes. I think all Americans know what I am talking about. I imagine there are 250 million winners of this $21 million and the Lexus and the trip to Hawaii. But I suppose that if Dorothy—is that her name? Yes, Dorothy—and Elizabeth and Time magazine and Ed McMahon and Dick Clark believe that I and millions of others will think we have won millions of dollars, I suppose there is a reason to believe, in our political system, that one can propose we will balance the budget by increasing defense spending and proposing substantial across-the-board tax cuts. After all, it has been done before and some believed it before.

It is not much more credible than this. I kind of like Ed McMahon. I have not seen him for a while, but I used to like him on the "Tonight Show."

The proposal of an across-the-board tax cut, which sounds attractive, and I think most people would enjoy having, and that with an across-the-board cut in revenue, you will balance the budget, it could just as well be proposed by Ed McMahon telling us there is an easy way to solve problems. If your family has a deficit problem, you are spending more income than you have, what is the solution? Cut your income.

Let me, if I might, suggest that I think we need to cut our expenditures, and we have, and the deficit has been reduced 4 years in a row; the first time in 40 years, 4 years in a row, the deficit has been reduced. It was cut in half. Was it because those who now propose a tax cut did something to make that happen? No, we did not get one vote to help us do that, not one, not even by accident.

Those of us on this side of the aisle, including some who are no longer here, who lost their jobs because of it, voted to cut Federal spending and, yes, raise some taxes on the higher income people in this country. The result is, since that proposal, a very substantial reduction in the Federal budget deficit. I voted for that.

Was it popular? No. Would it have been politically better to vote against it? Yes, of course. I voted for it, and I am pleased I did because it was the right thing to do. But the deficit is not erased or eliminated. The deficit has come down 4 years in a row. It has been cut in half, but it is not gone and the job is not done. The remainder of the job is to reduce that budget deficit to zero, to balance the budget, balance what we are bringing in with what we are spending so we are not saddling our children and grandchildren with debt as a result of our consumption today.

That job is not done and that is why these proposals, 60 days before the election, for across-the-board tax cuts sound very attractive but are not going to be good for the American people and good for this country if we really want to balance the Federal budget.

Yesterday we held a hearing in the Senate—the Democratic Policy Committee held a hearing. I want to share with my colleagues some of the testimony at this hearing. Benjamin Friedman, he is the William Joseph Maier professor of Political Economy at Harvard University, Benjamin Friedman says:

> The Dole-Kemp proposal is a reprise of a gamble that failed. Our government tried that idea in the 1980's. The result was record-sized budget deficits, borrowing, and higher real interest rates, reduced investment and disappointing productivity. And it left behind a legacy of swollen government debt, a shrunken capital stock, depressed productivity, and a large net balance that we now owe to foreigners.

It is 20 years of testimony telling us why this would not be good for our country.

Dr. Joel Prakken, chairman, macroeconomic adviser, in many pages of testimony, tells us the same thing. This is a proposal that does not add up. This is a proposal that will increase the Federal deficit. It does not add up, and it is not good for this country.

Charles Schultze, the Brookings Institution, testifies with exactly the same kind of testimony. First-rate economist, great economist, telling us this does not add up. Joel Prakken, Richard Cogan, all of them say this does not add up.

We are talking about a proposal for a tax cut. I would like to see a tax cut in this country, when we finish the job of balancing the budget. Then we ought to talk about our tax system, and the tax cuts ought to go to working families in this country.

I saw in the paper this morning Jack Kemp. I like Jack. He is a friend of mine, a good guy. "Kemp Records Show Big Jump in Income, Candidate Has Earned $2 Million a Year Since Leaving Government." No wonder he smiles all the time. I wondered why he is always smiling, always so optimistic. With $2 million a year, you understand a little bit where people come from who are out there pushing for a flat tax or tax cuts. If you are making $2 million a year, I suppose you have a substantial interest in that.

But I think, honestly, we would be better off addressing, perhaps, some targeted areas where we might be of help, in education, tax cuts, in some other areas, although I would prefer even to wait on most of those until we have solved the deficit problem completely. Let us not leave this job when it is half done. Let us finish the job of eliminating the budget deficit. This job is half done. Let us finish the job, and then let us talk about the Tax Code, and there is plenty to talk about in the Tax Code and plenty of changes we ought to make.

Let me just, for a couple of minutes, talk about the things I hope we will hear about in the Presidential campaign, things other than a tax cut. I hope that one of the central questions in this campaign, and it ought to be a central question in the Presidential campaign in this country, is: What about America's education system?

Is there anything that is more important to this country's future than its education system? Does anyone believe America's future is affected by anything more than it is affected by our education system?

Thomas Jefferson said, anyone who believes a country can be both ignorant and free believes in something that never was and never can be. This country ought to aspire and our Presidential contest ought to aspire to have the finest education system in the world and debate policies that will accomplish that.

What kind of policies will accomplish us having the best education system in the world, the feeling that at the end of the day we have sent our kids to the best schools anywhere in the world? There is some evidence that in some areas we have the best schools in the world. If you want to go to world class universities, most of them are in the United States, not elsewhere.

We don't see people boarding planes to get educated elsewhere. America has most of the major world class universities in this country. There is a lot to commend this country's education system, and there is a lot to criticize.

The central question, however, ought to be as we compete with shrewd, tough international competitors for economic growth and jobs and expanded economies in the future—and I am including Japan, Germany, and others—the central question is how do we do that in our education system?

In Japan and Germany and other countries, kids are going to school 240 days a year; in our country, 180 days a year. I can go through a litany of things that concern us relative to the question of competition and whether we are keeping pace in the education system. But I do know this. No one advances this country's education system by believing that we ought to decide to cut back on Pell grants, cut back on guaranteed student loans, decide to underfund the opportunity for kids to get an education.

No one I know does a service by standing in this well of the Senate sying, "By the way, tomorrow is Tax Freedom Day. The burden of paying taxes is now lifted from my shoulders. Hosanna."

I stand up and wonder, why do you consider it a burden to pay taxes to have a school your child can attend. Do you really consider it a burden to send your kid to school? I happen to consider it an opportunity. Do I like paying taxes? No. Do I believe paying taxes to build good schools to educate my children represents a good investment for me and my country? Absolutely.

I have two kids in school this afternoon, and they are wonderful young children who I want to have the best education in the world. They are in a public school system. It is a good public school system. Both have good teachers, and we do not advance the interests of that education system by tearing down those teachers.

The way you fix an education system, the way an education system can work is if you have a parent who cares about their child's education, a child that is willing to learn and a teacher who really knows how to teach. Those combinations mean that kids advance in our school system and become the very best they can be.

Last evening, I, like a lot of parents, put my children to bed by reading them a story. We do that every evening, but there are a lot of kids in this country, a lot of children in this country who have no one to read them a story. They have no books to read. Some have no bed to sleep in. Some I described before, like David Bright, age 10, a young man who lived in a homeless shelter in New York, told us some can't do well in school because they are hungry. David said, "No child like me should have to put their head down on their desk in the middle of the day at school because it hurts to be hungry."

How do you learn in that environment? Those are the issues we ought to discuss in the Presidential campaign.

What about our education system, not just for kids who are privileged, but for all children? This country does not move ahead by leaving some behind. What do we do about our education system to make it the best in the world and to guarantee that it is available for all Americans?

I think it is interesting that we hear now on the news and read in the newspapers about an athlete who is 7 feet 2 inches tall who can dunk a basketball. He is going to be paid $115 million over 7 years to play basketball. Do you know what $115 million will pay for? Nearly 4,000 elementary schoolteachers, for one 7-foot-2-inch basketball player. Think of what historians will understand about that 100 years from now looking back and trying to understand what was our value system.

The point of all this is to say I hope that the Presidential campaign centers not just around an idea about a tax cut that is going to increase the deficit and retard our economic future, but the ideas of education, what do we do about advancing our education system, investing in education, making our education system the best in the world.

How about crime? Let's have a Presidential campaign waged on the issue of what really to do about crime. We have done a lot, and Republicans and Democrats have joined together to do a fair amount on the issue of crime. But much remains to be done, and some simple things can be done.

We ought to distinguish instantly, right now, in both the Federal system and in the State and local criminal justice system, that there is a difference between those who commit violent acts and those who do not. Those who commit violent acts we send to prison in order to keep them away from others, to provide for the safety of other Americans, as well as to punish them.

We ought to decide immediately those who commit violent acts in this country will go to prison and not get out before the end of their term. Period. People who commit violent crimes ought not get time off for good behavior, early release, early parole. People who commit violent crimes in the Federal system and the State and local justice system ought to stay in prison until the end of their term. I can cite chapter and verse about dozens of murders.

In fact, there are 3,000 murders that have recently been committed by people who should have been in jail but let out early to murder 3,000 innocent Americans. We ought to make a decision on dealing with violent criminals in this country in a manner differently than we deal with other criminals.

We ought to have instantly in this country a decision by our entire country that we will put on a computer list the name and the record of everyone who has committed a felony in America. If you go downtown and buy a shirt in the department store, they will run your credit card through a magnetic imager, and they will find out in 20 seconds whether your credit card is good.

There is nowhere in America you can type in the name of an individual and find out if this individual has committed 6, 8, 10 felonies in 5 different States, because we do not have a composite list of criminals who committed felonies in this country. We have a list, the NCIC, at the FBI. It does not contain 80 percent of the records it would have to contain to be an accurate list of an updated computer list of all those who committed felonies in our country. We ought to have that.

Crime ought to be part of the Presidential campaign. How we address crime ought to be the competition of ideas in a Presidential campaign.

Jobs. That also ought to be part of the Presidential campaign. I intend to offer a proposal which I offered before which the Senate has rejected. It is a very simple little proposal.

We have a tax incentive in this country that is $2.2 billion in tax forgiveness for companies who move American jobs overseas. Now, is there any reason, can anyone sober in this country give me one reason that we ought to have any incentive at all for any company to move jobs from America to a foreign country?

Can anyone give me one reason for that? If so, I would like to hear it. And if not, we ought to change the Tax Code to stop providing tax incentives for those who move jobs out of this country.

Why does that proposal fail when it comes to the floor of the Senate? Because the biggest corporations in America lobby furiously to keep that tax break. They lobby furiously to keep it, and they are all over this town now rallying to defeat a proposal like that once again.

I hope we will have a discussion about values in the Presidential campaign. In fact, Senator Dole and President Clinton have talked about television, the menu of violence and trash on television that is offered to our children. Does that advance the interests of our children? No. Do I believe in censorship? No, I don't, but I believe in responsibility, and there are things we can do in this country as parents, as communities and, yes, even as a U.S. Senate and, hopefully, as President to deal with this issue of what is television doing in this country to our children.

It is one thing to entertain adults. It is another thing to entertain adults and hurt our children at the same time. You all know the statistics that persuaded a number of us, including my colleagues, Senator CONRAD from North Dakota, Senator SIMON, and others to push a bill providing for a V-chip and to push bills providing for television violence report cards and other issues to deal with this matter. Some cry censorship. It has nothing to do with censorship. I am not interested in censoring. I am interested in providing there be responsibility by people who produce this and send it into our living room and to our children.

Let me just conclude. I wanted to visit a bit today about the tax proposals because a number of Members of the Senate came, in a rather orchestrated attempt today, to make a case for it. I understand the case, and I just disagree with it. I want to just finish with another comment.

I had some town meetings recently during the August break in North Dakota. In the middle of them, I suggested that while we would likely spend a fair amount of time at the town meeting talking about what was wrong, what was broken, what needed fixing, what did not work, and why America was moving backward, I said, let us do something else, just for a few minutes, let us train ourselves to think just for a minute, why do some people talk about building a fence to keep people out of America because too many people want to come here? Why would that be? Because this country is a remarkable beacon of hope for the rest of the people around the world. They see it as a country full of opportunity, and they all want to come here.

If that is the case, we must be a country full of things that work and we must be a country full of good news as well. So I have told the town meetings at times, let us spend the next 30 minutes talking about what works, just for a moment let us think about what works in this country, what is good in your life, in your home, in your family, in your community, your city, what is good in the Federal Government, what programs work, what makes life better.

It is fascinating, once you start thinking in those terms, how you get people to start evaluating what is of value. You never think about the kind of road system we have in this country. But drive anywhere else in the world, and then drive in most parts of this country and take a look at the transportation system. Mail a letter in Tegucigalpa or Krakow, and then mail a letter in Chicago, and see which postal system gets it there. I mean, I could go through chapter and verse of the discussions.

One woman at a town meeting said to me, "Well, I'll tell you what works, my son's teacher. She called me and had a long discussion with me about the circumstances of my son in her class and really helped us a great deal. He has a wonderful teacher." I said, "Have you called the teacher and told her how you feel about that? You ought to do that." But it is a fascinating thing to discuss, not about what is wrong, but about what is right, not what needs fixing—and we spend almost all of our time on that—but what works in this country.

I hope in the context also of these political campaigns we can engage in a bit of hope and a description of opportunity in a way that emphasizes the good things, not just what is wrong.

I talked about Jack Kemp. Jack Kemp is an effervescent optimist. We need more effervescent optimists talking about the potential of this country and the future of this country. If I did not think that we were going to have a better future and that our best days are still ahead of us, I would hardly have the energy to be in public service. But I, every single day, take a look at my 9-year-old son who trudges off to school now in September, and I think, what a remarkable opportunity it is for us to be here, for him to go to that school, what a remarkable opportunity he is going to have, hopefully in a country that is going to continue to lead the way in this world.

This week, this President took action in Iraq. I know there is a real disconnection. People say, what on Earth do we have to do with Iraq? This country is a world leader, and it will be a world leader, and it must take responsible action in dealing with international outlaws like Saddam Hussein. And we will, it seems to me, under the stewardship of Democrats and Republicans who come together at the right time, believing through aggressive debate we can find better ways and we can find things that at the end of the day when the dust settles that will advance this country's standard of living, we will continue to maintain a country that most people see as the beacon of hope all around the globe.

Mr. President, I have covered a fair amount of ground. And I notice my colleague from Iowa, Senator GRASSLEY, is here, and other colleagues I believe are coming to speak on other issues. I intend to continue to visit about a couple of these issues next Monday. But with that, I yield the floor. I thank the President for his attention.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

EXPLANATION OF VOTE—SENATE RESOLUTION 288

Mr. GORTON. Mr. President, last evening my vote was the only negative vote on the resolution relating to the President's military intervention earlier this week in Iraq. As there was little if any time last night to explain the reason for that vote, I intend to do it at this time.

It is the conventional wisdom, led perhaps by the President of the United States, that George Bush severely erred in not completing the war in the gulf against Iraq by the total defeat of its armed forces and the replacement of the Saddam Hussein government. Because I did not make such a criticism at the time, I do not join in that criticism now and regard it as essentially irrelevant to the activities of this week.

President Clinton, when he took that office, inherited the situation as it existed then, when that was no longer a real possibility. Since taking office, however, President Clinton's policies have caused the deterioration, if not the entire unraveling, of the coalition that was put together against Iraq at the time of the war in the gulf. Most particularly, his administration's indifference to the peculiar burdens imposed upon our ally, Turkey, and the particular problems and challenges that it faces, have caused us to be in a position in which we have been unable to use our bases in that country for any kind of response to Iraq. In fact, the coalition has unraveled to such an extent that we were not permitted to use the bases of any of our allies other than the United Kingdom in that response.

Earlier this summer we totally and completely ignored an incursion by Iranian forces, aimed to support its Kurdish partisans, into Iraq, across an international border. Earlier this summer we completely ignored Iraq's defiance of a U.N. search for prohibited weapons, both chemical and nuclear in nature.

Nevertheless, we did respond in a military fashion to a contest between Iraqi-backed Kurds and Iranian-backed Kurds earlier this week, and we responded, Mr. President, in a totally inappropriate fashion.

It seems to this Senator that at the time of the recent Iraqi incursion in support of its own faction in Kurdistan, we had essentially two choices: We could have made the choice that we have no dog in that fight, that there was no favorite in a contest between a group backed by Iran and a group backed by Iraq. On the other hand, we could have responded militarily by showing that aggression does not pay. Under those circumstances, however, the only appropriate military response would be one which would exact a price substantially greater than the hoped-for goals of the aggression itself on the part of Iraq.

We did neither. We responded to this fight among Kurdish partisans in a way that could not possibly help the victims of that Iraqi aggression. In fact, we clearly stated that we were not attempting to reverse what Saddam Hussein was doing in the northern part of his own country.

The net result is this: The net result is that Iraq has regained control over much of Iraqi Kurdistan. It has slaughtered its rebels, many of whom were under our implicit protection and have been abandoned by us. It has shown the United States to be a paper tiger. And what cost has it paid, Mr. President? A handful of radar sites.

We have been abandoned by all of our allies in the Middle East, none of whom was willing to publicly support our military response. We have been repudiated by France with respect to our new no-flight zone. Our President has now terminated the military adventure and has proclaimed victory.

Mr. President, a few more victories like this and we will be announcing a no-flight zone over Riyadh.

The best analogy I can think of is this one: It is as if the Mayor of the District of Columbia was warned of an incipient drug war in some part of this city and expressed severe warnings against any violence in connection with that drug war. Faced with great violence and a number of murders, the Mayor then imposed $100 fines on each one of the murderers and announced that the drug war was over and that the streets of Washington, DC, were safe. That, in effect, has been what our response was.

Mr. President, the United States has been defeated and humiliated. We have added to the instability of the Middle East and have whetted Saddam Hussein's appetite for further adventures.

No consultation, no advance notification was given to any Member of Congress in connection with this adventure. Under the circumstances, Mr. President, I do not believe that any resolution of support, even one so cautious, so reluctant, so absent in praise as the one passing last night was warranted.

I believe that within a short period of time, a majority of my colleagues will wish that they had voted the way in which I voted last night. It was an inappropriate resolution, an inappropriate response to an inappropriate action on the part of the President of the United States.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 5, the Federal debt stood at $5,225,564,391,083.90.

One year ago, September 5, 1995, the Federal debt stood at $4,968,613,000,000.

Five years ago, September 5, 1991, the Federal debt stood at $3,623,548,000,000.

Ten years ago, September 5, 1986, the Federal debt stood at $2,112,803,000,000. This reflects an increase of more than $3,112,761,391,083.90 during the 10 years from 1986 to 1996.

MESSAGE FROM THE HOUSE

At 1:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it request the concurrence of the Senate:

H.R. 3308. An act to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes.

H.R. 3719. An act to amend the Small Business Act and Small Business Investment Act of 1958.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3308. An act to amend title 10, United States Code, to limit the placement of United States forces under United Nations operational or tactical control, and for other purposes; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3870. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of two rules including one entitled "Approval and Promulgation of Implementation Plans; Commonwealth of Virginia—1990 Base Year Emission Inventory," (FRL5603-5) received on September 3, 1996; to the Committee on Environment and Public Works.

EC-3871. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon," (FV96-956-1FR) received on August 28, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3872. A communication from the Assistant Comptroller General (Health, Education, and Human Services Division), U.S. General Accounting Office, transmitting, pursuant to law, a report entitled "VA Health Care: Travis Hospital Construction Project Is Not Justified"; to the Committee on Appropriations.

EC-3873. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-10; to the Committee on Appropriations.

EC-3874. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC-3875. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC-3876. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC-3877. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC-3878. A communication from the Secretary of Defense, transmitting, the notice of a retirement; to the Committee on Armed Services.

EC-3879. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on property transfer; to the Committee on Armed Services.

EC-3880. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the Department of Defense Executive Skills Training Program; to the Committee on Armed Services.

EC-3881. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on improved access to military health care for covered beneficiaries entitled to Medicare; to the Committee on Armed Services.

EC-3882. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3883. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3884. A communication from the Assistant Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Blocked Person, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels; Correction and Removal of Entry," received on August 19, 1996; to the Committee on Foreign Relations.

EC-3885. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report entitled "Statements of Antitrust Enforcement Policy in Health"; to the Committee on the Judiciary.

EC-3886. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, the report of a rule entitled "Grants to Encourage Arrest Policies," (RIN1121-AA35) received on September 3, 1996; to the Committee on the Judiciary.

EC-3887. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, the report of a rule entitled "Motor Vehicle Theft Prevention Act Program Regulations," (RIN1121-AA38) received on September 3, 1996; to the Committee on the Judiciary.

EC-3888. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-3889. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Schedule for Rating Disabilities," (RIN2900-AE94) received on September 4, 1996; to the Committee on Veterans' Affairs.

EC-3890. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a rule entitled "Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1996-97 Early Season," (RIN1018-AD69) received on August 27, 1996; to the Committee on Indian Affairs.

EC-3891. A communication from the Office of the Assistant Secretary, Administration For Children and Families, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Administration for Native Americans Appeals," (RIN0970-AB37) received on August 19, 1996; to the Committee on Indian Affairs.

EC-3892. A communication from the President of the United States, transmitting, pursuant to law, the report of determinations relative to the North American Free Trade Agreement Implementation Act; to the Committee on Finance.

EC-3893. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule concerning regulations governing book-entry treasury bonds, notes, and bills received on August 27, 1996; to the Committee on Finance.

EC-3894. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Veterans' Medicare Reimbursement Model Project Act of 1996"; to the Committee on Finance.

EC-3895. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule relative to distributions by U.S. corporations, (RIN1545-AU23) received on August 13, 1996; to the Committee on Finance.

EC-3896. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report on trade between the U.S. and China, the Successor States to the Former Soviet Union, and other Title IV Countries during January 1 through March 31, 1996; to the Committee on Finance.

EC-3897. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule relative to the Medicare and Medicaid Programs, (RIN0938-AF74) received on September 4, 1996; to the Committee on Finance.

EC-3898. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule relative to the Medicare Program, (RIN0938-AH34) received on August 29, 1996; to the Committee on Finance.

EC-3899. A communication from the Director of the Office of Surface Mining (Reclamation and Enforcement), Department of the Interior, transmitting, pursuant to law, two rules including a rule entitled "The Virginia Regulatory Program," (VA108FOR, OH238FOR) received on September 3, 1996; to the Committee on Energy and Natural Resources.

EC-3900. A communication from the Director of the Office of Surface Mining (Reclamation and Enforcement), Department of the Interior, transmitting, pursuant to law, a rule entitled "The Utah Regulatory Program," (UT034) received on September 3, 1996; to the Committee on Energy and Natural Resources.

EC-3901. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Lassen Volcanic National Park," (RIN1024-AC52) received on August 27, 1996; to the Committee on Energy and Natural Resources.

EC-3902. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the comprehensive status of Exxon and stripper well oil overcharge funds for the period January 1 through March 31, 1996; to the Committee on Energy and Natural Resources.

EC-3903. A communication from the Acting Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the report on royalty management and delinquent account collection activities for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC-3904. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a Decision Document; to the Committee on Energy and Natural Resources.

EC-3905. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule entitled "Allocation of Assets in Single-Employer Plans," received on August 19, 1996; to the Committee on Labor and Human Resources.

EC-3906. A communication from the Chairman of the U.S. Railroad Retirement Board, transmitting, a report relative to the Special Management Improvement Plan; to the Committee on Labor and Human Resources.

EC-3907. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "The Railroad Unemployment Insurance Act Debt Collection Improvement Act of 1996"; to the Committee on Labor and Human Resources.

EC-3908. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Drug Abuse and Drug Abuse Research"; to the Committee on Labor and Human Resources.

EC-3909. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents," received on August 23, 1996; to the Committee on Labor and Human Resources.

EC-3910. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule concerning smokeless tobacco received on September 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3911. A communication from The Assistant Secretary of Legislative Affairs of the U.S. Department of State, transmitting, pursuant to law, a report relative to a rule entitled "Fishermen's Protective Act Guaranty Fund Procedures," received August 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3912. A communication from the Acting Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule concerning fisheries of the Northeastern U.S. (RIN0648-AH05) received August 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3913. A communication from the Acting Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule concerning fisheries of the Caribbean, (RIN0648-AH86) received August 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3914. A communication from the Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitted, pursuant to law, a rule concerning fisheries of the Caribbean received on August 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3915. A communication from the Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitted, pursuant to law, a rule concerning Atlantic Tuna Fisheries received on August 27, 1996; to the Committee on Commerce, Science, and Transportation.

EC-3916. A communication from the Acting Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Limes and Avocados Grown in Florida; Suspension of Certain Volume Regulations and Reporting Requirements," received September 5, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3917. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Environmental Compliance and Restoration Program"; to the Committee on Commerce, Science, and Transportation.

EC-3918. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the evaluation of oil tanker routing; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 2058. A bill to amend chapter 3 of title 28, United States Code, to provide for 11 circuit judges on the United States Court of Appeals for the District of Columbia Circuit; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 289. A resolution electing Gregory S. Casey, of Idaho, as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. KYL):

S. 2058. A bill to amend chapter 3 of title 28, United States Code, to provide for 11 circuit judges on the U.S. Court of Appeals for the District of Columbia Circuit; to the Committee on the Judiciary.

UNITED STATES COURT OF APPEALS LEGISLATION

• Mr. GRASSLEY. Mr. President, I introduce legislation which will abolish the 12th seat on the U.S. Court of Appeals for the D.C. circuit. This is the right thing to do. I have studied the D.C. circuit in depth for over a year now, and I can confidently conclude that the D.C. circuit does not need 12 judges.

Last year, I chaired a hearing before the Judiciary Subcommittee on administrative oversight and the courts. At the hearing, Judge Lawrence Silberman—who sits on that court—testified that 12 judges were just too many. According to Judge Silberman, when the D.C. circuit has 12 judges, there isn't enough work to go around. In fact, the main courtroom in the D.C. courthouse does not fit 12 judges. When there are 12 judges, special arrangements have to be made when the court sits in a en banc capacity.

Judge Silberman's testimony is supported by the steady decrease in new cases filed in the D.C. circuit. Since 1985, the number of new case filings in the D.C. circuit has declined precipitously. Even those who support filling the 12th seat admit this. And the D.C. circuit is only entitled to a maximum of 10 judges under the judicial conference's formula for determining how many judges should be allotted to each court.

So the case against filling the 12th seat is compelling. Now that Judge Buckley on the D.C. circuit has taken senior status, we, in Congress, have a unique opportunity. Let's abolish the 12th seat.

Abolishing the 12th seat is completely nonpartisan. If the 12th seat is abolished, no President—Democrat or Republican—could fill it. As long as the 12th seat is open, the temptation to nominate someone to fill the seat will be overwhelming—even with the outrageous cost to the American taxpayer.

According to the Federal judges themselves, the total cost to the American taxpayer for a single article 3 judge is about $18 million. That's not chump change. That's something to look at. That's real money we can save.

Here in Congress, we have downsized committees and eliminated entirely important support agencies like the Office of Technology Assessment. The same is true of the executive branch. Right now, Congress is considering the elimination of whole Cabinet posts. It is against this backdrop that, as chairman of the subcommittee with jurisdiction over the courts, I have been looking for ways to make sure that precious taxpayer dollars are spent wisely. Eliminating the 12th seat is an important step in the right direction.

While some may incorrectly question Congress' authority to look into these matters, this legislation is, in fact, on firm constitutional ground. Article 3 of the Constitution gives Congress broad authority over the lower Federal courts. Also, the Constitution gives Congress the power of the purse.

Throughout my career, I have taken this responsibility very seriously. I, too, am a taxpayer, and I want to make sure that taxpayer funds aren't wasted.

Some may say that Congress should let judges decide how many judgeships should exist and how they should be allocated. I agree that we should defer to the Judicial Conference to some degree. However, there have been numerous occasions in the past where Congress has added judgeships without the approval of the Judicial Conference. In 1990, the last time we created judgeships, the Congress created judgeships in Delaware, the District of Columbia, and Washington State without the approval of the Judicial Conference. In 1984, when the 12th judgeship at issue in this hearing was created—Congress created 10 judgeships without the prior approval of the Judicial Conference. It is clear that if Congress can create judgeships without judicial approval, then Congress can leave existing judgeships vacant or abolish judgeships without judicial approval. It would be illogical for the Constitution to give Congress broad authority over the lower Federal courts and yet constrain Congress from acting unless the lower Federal courts first gave prior approval.

In conclusion, Mr. President, I ask my colleagues to support this legislation and pass it quickly. I hope that the President will support and sign this bill.•

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 1386

At the request of Mr. BURNS, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1554

At the request of Mr. COCHRAN, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1554, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes.

SENATE RESOLUTION 289—ELECTING THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 289

Resolved, That Gregory S. Casey, of Idaho, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

AMENDMENTS SUBMITTED

THE OLDER AMERICANS INDIAN TECHNICAL AMENDMENTS ACT

McCAIN AMENDMENT NO. 5203

Mr. McCAIN proposed an amendment to the bill (S. 1972) to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes; as follows:

On page 2, line 13, insert "or near" after "on".

THE DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1997

GRAHAM AMENDMENT NO. 5204

Mr. GRAHAM submitted an amendment intended to be proposed to the bill, H.R. 3814, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the end of the bill, insert after the last section (preceeding the short title) the following new section:

SEC. . Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", not more than ninety percent of the amount to be awarded to an entity under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

ADDITIONAL STATEMENTS

VA BENEFITS TO CHILDREN OF VIETNAM VETERANS WITH SPINA BIFIDA

• Mr. JEFFORDS. Mr. President, today Senator DASCHLE has brought before us an issue that provokes much emotion and raises more questions about the use of agent orange in Vietnam. Senator DASCHLE amendment would treat and compensate Vietnam veterans' children with spina bifida, a terrible defect of the neural tube, the embryonic structure that extends from the spinal cord to the brain. Compensation would entail a monthly monetary allowance, depending on the degree of the condition. About 2,700 children with spina bifida are estimated to be entitled to care and compensation under this amendment. The amendment has the support of the Vietnam Veterans of America, the American Legion and the Veterans of Foreign Wars.

Senator DASCHLE's amendment responds to the administration's announcement in April, following the release of a National Academy of Sciences report in March, listing spina bifida as having limited/suggestive evidence of an association with herbicidal exposure in Vietnam. The VA does not currently have the authority to extend health care or compensatory benefits to the children of veterans. This amendment would provide that authority.

I have fought for years for equitable treatment for Vietnam veterans afflicted with conditions associated with agent orange exposure. I was very pleased that in 1991 Congress passed the Agent Orange Act. Under this act if there is adequate evidence of a link between military service in Vietnam and a medical conditions, benefits are provided by the Veterans' Administration.

Opponents of the Daschle amendment argue that the evidence supporting this amendment is fragile. I have looked at the evidence myself and I must admit, I cannot disagree with them. The estimates of how many children will be affected by this legislation are not firm because there are no reliable means of determining if a parent of a spina bifida child actually served in an area affected by agent orange. The evidence may not improve much because of the inadequacies of the records kept by the Department of Defense [DOD] in tracking veterans during their service in Vietnam as well as the rate of birth defects in their children. Thankfully, it seems the DOD avoided this for veterans of the gulf war and, with the Persian Gulf Registry, for their children.

Another cause for concern in supporting this amendment is the precedent it sets by providing a new entitlement to the children of veterans. Some may use this amendment as a tool to obtain Federal compensation to other veterans' children suffering from a medical illness and Congress should avoid providing entitlements to more groups without some evidence.

In crafting statutes for presumptive treatment for agent orange veterans, I believed treatment is necessary because the Government has an obligation to treat ill veterans if reasonable evidence suggests there is a causal relationship between service and a medical condition. By definition, presumption is subject to question. Countless families of Vietnam veterans have suffered because of agent orange. The lack of irrefutable scientific evidence had long delayed many of the benefits to which Vietnam veterans are entitled. This amendment will provide assistance to some of these families and, although will not take away the pain caused by spina bifida, it will at least ease the financial burden. This is the least we can to for this group of veterans that have suffered so much already.•

OSHA VIOLATIONS BY FEDERAL CONTRACTORS

• Mr. SIMON. Mr. President, this Monday we celebrated the 114th annual Labor Day, honoring working Americans for their daily contributions to the most productive economy in the world. Also on Monday, we learned from a new General Accounting Office [GAO] report that the U.S. Government has been routinely awarding billions of dollars in Federal contracts to companies that have repeatedly and flagrantly endangered the health and safety of their workers.

According to the report, entitled "Occupational Safety and Health: Violations of Safety and Health Regulations by Federal Contractors," the Federal Government in fiscal year 1994 awarded $38 billion in contracts to companies that were found to have committed significant Occupational Safety and Health Act [OSHA] violations in that fiscal year. In fiscal year 1994, more than 1 in 5 Federal contract dollars went to 261 companies that were found to have committed significant OSHA violations during that fiscal year.

The violations cited in the GAO report were not merely technical errors or minor infractions. On the contrary, 35 fatalities occurred at workplaces of the cited companies during the period covered by the report. These fatalities included, just to cite examples from Illinois and the greater Chicago region, that of a Danville, IL worker who was sucked into a grain mill he was cleaning, and the deaths of two workers who were trapped in a fire at an Inland Steel Co. plant in East Chicago, Indiana. A supervisor involved in the latter incident committed suicide a few days after his coworkers had been killed.

In preparing this report, the GAO investigators confined themselves to cases involving significant initial proposed penalties, defined as those of $15,000 or more. This definition narrowed the study to the most serious 3 percent of OSHA violations discovered during fiscal year 1994.

Eighty-eight percent of the violations covered by the study involved at least one serious violation that posed a risk of death or physical harm to workers; 69 percent of the violations were deemed to have been willful.

This report demonstrates that the Federal Government is not doing as much as it could to improve the worker health and safety standards of Federal contractors. The Federal Government has enormous contracting power: 22 percent of the entire U.S. work force is employed by Federal contractors. The Federal Government ought to use this power to encourage companies it contracts with to maintain high standards for worker safety and health.

We already hold Federal contractors to high standards in a number of different areas. For example, Federal contractors must comply with Executive Order 11246, which requires them to develop affirmative action programs for their workers. Similarly, the Davis-Bacon and Service Contract Acts require Federal contractors to pay area-prevailing wages when performing Federal construction and service contracts. Given these requirements, it is not unreasonable for Federal contractors also to be held to a higher standard in the area of occupational safety and health.

To address this issue, I have introduced legislation that would give the Secretary of Labor the authority to debar firms that show a pattern and practice of OSHA violations from receiving Federal contracts for up to 3 years. This legislation, the Federal Contractor Safety and Health Enforcement Act (S. 781), would provide strong new incentives for firms that contract with the Federal Government to maintain high safety and health standards.

Even without legislation, there are steps the Federal Government can take to facilitate the exchange of information between OSHA and agency awarding and debarring officials to help improve contractor OSHA compliance. The GAO report recommends that OSHA develop policies and procedures, in consultation with the General Services Administration [GSA] and the Interagency Committee on Debarment and Suspension, to first, ensure that agencies share health and safety information on Federal contractors; second, determine whether and how it will consider a company's status as a Federal contractor in setting priorities for workplace inspections; and third, assess the appropriateness of also using this information with respect to companies receiving other forms of Federal assistance, such as grants and loans.

The GAO noted that the development of such information-sharing between agencies "would increase the likelihood that a company's health and safety record [will be] considered in decisions to award a contract or to debar or suspend an existing contractor." The report also noted that, under the Contract Work Hours and Safety Standards Act, OSHA already has authority to debar companies specifically for safety and health violations, but that this authority is seldom invoked because of the high cost of litigating debarment decisions. As the use of contractor debarment for safety and health violations becomes more common and courts develop a clear set of guidelines for assessing debarment decisions, we can expect that such litigation costs would decline.

American taxpayers should not be expected to foot the bill for lucrative contracts to companies that flagrantly and willfully disregard the health and safety of their employees. We should put safeguards into place to ensure that Federal contractors are held to high standards of worker safety and health. Rather than using the power of the Federal treasury to reward lawbreakers, we should use that power to reward firms that demonstrate a strong commitment to the safety and wellbeing of their employees.

I have no personal knowledge of the health and safety records of the Federal contractors discussed in the GAO report. The list that follows was compiled by the GAO. It contains the names of selected Federal contractors with significant OSHA violations and their corporate headquarters.

The list follows:

PARENT COMPANY AND HEADQUARTERS

Aluminum Co. of America, Pittsburgh, PA.[1]

B.R. Group, Inc., Orange, MA.[2,3]

B.T.R. PLC (All-Steel, Inc.), Stamford, CT.[1]

Bethlehem Steel Corpl, Bethlehem, PA.[1]

Biocraft Laboratories, Inc., Fair Lawn, NJ.[1]

Blaze Construction Co., Browning, MT.[1]

The Boeing Co., Seattle, WA.[1]

Boise Cascade Corp., Boise, ID.[1,2]

Chrysler Corp., Detroit, MI.[2]

Clean Harbors Environmental Services Inc., Quincy, MA.[2]

ConAgra, Inc., Omaha, NE.[1]

Cooper/T Smith Stevedoring, Inc., Houston, TX.[1,3]

Crowley Maritime Corp., Oakland, CA.[1]

Crown Central Petroleum Corp., Baltimore, MD.[1]

Dainippon Ink & Chemicals, Inc., (Sun Chemical), Cincinnati, OH.[1,3]

Dana Corp., Grand Haven, MI.[1]

Dell Computer Corp., Austin, TX.[1]

Federal Paper Board Co., Montvale, NJ.[1,2]

Ford Motor Co., Dearborn, MI.[1,2]

Fulcrum II Limited Partnership (Bath Iron Works Corp.), New York, NY.[2]

General Motors Co., Detroit, MI.[1,2]

Georgia-Pacific Corp., Atlanta, GA.[1]

Imperial Americas, Wilmington, DE.[1]

International Paper Co., Purchase, NY.[1,2]

Kohler Co. Mill Division, Kohler, WI.[2]

Kone Holding Inc. (Montgomery Elevator), Louisville, KY.[1]

Lockheed-Martin Corp., Calbasas, CA.[1,2]

National Beef Packing Co. LP, Liberal, KS.[2]

National Fruit Produce Co., Winchester, VA.[2]

National Health Labs Holdings, Loyolla, CA.[2]

P.M. Holdings Corp. (Purina Mills, Inc.), St. Louis, MO.[1]

Pepsico, Inc. (Frito-Lay, Inc.), Purchase, NY.[1]

Rhone-Poulenc, Inc., France[1,2]

Roadway Express, Inc., Akron, OH.[1]

Salvation Army, Alexandria, VA.[1]

Sears Roebuck & Co., Hoffman Estates, IL.[1]

Shell Oil Co., Houston, TX.[1,2]

Simplot J.R. Co. (S.S.I. Food Services, Inc.), Boise, ID.[2]

Stone Container Corp., Chicago, IL.[1]

Tenneco Packaging, Inc. (Packaging Corp. of America), Houston, TX.[1]

Trident Seafoods Corp., Seattle, WA.[1]

Trinova Corp. (Vickers, Inc.), Omaha, NE.[1,3]

Tyco International, Ltd. (Allied Tube & Conduit Co.), Exeter, NH.[1,2]

U.A.L. Corp. (United Airlines), Arlington Heights, IL.[1]

Union Camp Corp., Wayne, NJ.[1]

United Parcel Service Amer., Inc., Atlanta, GA.[1,2]

Whirlpool Corp., Benton Harbor, MI.[1]

[1] Assessed significant proposed penalties ($15,000) or more) in more than one inspection closed in fiscal year 1994.

[2] Assessed proposed penalty of $100,000 or more for safety and health violations.

[3] The GAO could not determine the parent company headquarters, but the location where the violation occurred is provided.

Source: General Accounting Office.•

LOUIS ELIAS, GABRIEL W. KASSAB, AND WILLIAM H. MORGAN—THE MARCH OF DIMES 1996 FAMILY OF THE YEAR

• Mr. ABRAHAM. Mr. President, on September 25, 1996, the March of Dimes will honor Elias Brothers Restaurants executives Louis Elias, Gabriel W. Kassab, and William H. Morgan as the recipients of the 1996 Family of the Year Award. Established in 1993, this award is presented annually to a family whose outstanding commitment and support of the March of Dimes deserves recognition. And without question, these three members of the Elias Brothers family are duly deserving of this honor.

Louis Elias, founder and chairman of the board of Elias Brothers Restaurants, has a distinguished past as a community servant. After 4 years as a city councilman, Mr. Elias served as mayor of Hazel Park from 1953 to 1961. He has also received the highest honor of knight commander in the Order of St. Ignatius of Antioch and was also knighted into the most exclusive philanthropic organization in the world, the Knights of Malta, in December 1982.

Gabriel Kassab, president of Elias Brothers Restaurants, has for years dedicated his time and energies to helping others. He has served as a member of the executive board of the Detroit Council of the Boy Scouts of America, president of St. George Orthodox Church, president of the Michigan and National Restaurant Associations, and as a member of the advisory board of Southfield's Providence Hospital.

William Morgan, senior executive vice president of Elias Brothers Restaurants and Big Boy International, also has a distinguished list of public service efforts to his credit. He is past president of the Greater Rochester Chamber of Commerce and the Clinton Valley Council of the Boy Scouts of America, and past chairman of the Rochester Crittenton Hospital Development Council. Mr. Morgan today sits on the executive board of the Michigan State University Development Council.

All three of these men have remained dedicated over the years to the generous support of the efforts of the March of Dimes. The Elias Brothers family has committed itself to the cause of preventing birth defects, and with the extraordinary contributions of Louis Elias, Gabriel Kassab, and William Morgan, our country has moved that much closer to the realization of this noble and important goal. On this special occasion, I offer my congratulations to each of these civic leaders and to the March of Dimes. I also offer my thanks, on behalf of the entire State of Michigan, for the countless number of children's lives they have touched.•

THE DRIVE-THROUGH DELIVERIES AMENDMENT

• Mr. DORGAN. Mr. President, I want to take a moment to say how pleased I am that the Senate yesterday passed an amendment offered by my colleague, Senator BRADLEY, that will ensure that mothers and their newborn babies get appropriate care before being discharged from the hospital.

Senator BRADLEY's amendment would curb the alarming trend toward rushing new mothers and babies out of the hospital nearly immediately. Many health insurers are requiring new mothers and their newborn babies to be discharged from the hospital as early as 8 to 24 hours after delivery. This problem is particularly pressing and growing in the western United States, where 74 percent of the women who gave birth without complications were sent home within 24 hours of delivery, a sharp increase from the 54-percent figure in 1991. This trend toward shorter hospital stays is putting the health of babies and their mothers at risk.

Under Senator BRADLEY's amendment, insurance companies would be required to pay for a minimum 48-hour stay for mother and child for a vaginal delivery and a minimum 96-hour stay for a caesarean section. This is the amount of time that has long been recommended by medical profession guidelines, and this amendment is supported by the American College of Obstetricians and Gynecologists.

I received a letter last year from a North Dakota grandmother whose infant grandson became seriously ill shortly after being quickly discharged from the hospital. Within hours of being sent home, these young parents had to rush their child back to the hospital with a 102-degree temperature. Fortunately, that little boy is now OK, but as you can imagine, this was a very frightening, and potentially life-threatening, experience.

I thought the questions this grandmother asked really got to the heart of this issue, and I want to read a bit of her letter. She wrote, "How much longer is the almighty dollar going to be the deciding factor in our children's lives? Since when do insurance company executives and accountants know more about life and death matters than medical people?"

Our country can no longer afford to let money, rather than the health needs of mothers and babies, be our paramount concern. Physicians and parents, not insurance bureaucrats, should be the ones deciding when mother and child are ready to go home.

We do need to control health care costs, but we cannot lose sight of the fact that providing high quality health care should be our top priority. And since one recent study has found that infants discharged less than 48 hours after delivery face a 70-percent higher chance that they will require an emergency room visit, which is one of the most expensive settings for care. I believe this amendment will actually help reduce health care costs in the long run.

Again, I want to thank Senator BRADLEY for his leadership in bringing this issue to a vote, and I am glad to lend my support as a cosponsor to his effort.•

DR. RAYMOND M. CONTESTI—THE MARCH OF DIMES' 1996 ALEXANDER MACOMB CITIZEN OF THE YEAR

• Mr. ABRAHAM. Mr. President, on September 25, 1996 the March of Dimes will honor Clintondale Community School District Superintendent Dr. Raymond M. Contesti as its 1996 Alexander Macomb Citizen of the Year. Established in 1984, this award is presented annually to "deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in his/her community, the county, and the State of Michigan."

It would be difficult, if not impossible, to find a community servant more deserving of this recognition. In addition to his duties as superintendent, Dr. Contesti is currently president of the board of trustees of the Mount Clemens General Hospital, a member of the board of directors of M.C.G. Telesis, and a member of the Macomb/St. Clair Private Industry Council. In previous years he has held a number of civic posts within Clinton Township, including service on the board of trustees, zoning board of appeals, parks and recreation committee, Junior Chamber of Commerce, planning commission, civic center committee, and much more.

Dr. Contesti's dedication to public service has been recognized by numerous local institutions. In 1994, the Clinton Valley Boy Scouts named him their distinguished citizen of the year.

In 1995, the M.C.G. Foundation named Dr. Contesti their citizen of the year.

Continuing in this trend, in 1996 Dr. Contesti will again be commended as citizen of the year, by an equally worthwhile institution, the March of Dimes. For his selfless commitment to his fellow citizens Raymond Contesti is more than deserving of the accolades that come his way. I salute him for his public service, and applaud the March of Dimes for choosing such a deserving figure on whom to bestow this honor.•

IN HONOR OF KITE SOCIETY OF WISCONSIN WEEK

• Mr. KOHL. Mr. President, it gives me great pleasure to announce that this year the 18th annual Frank Mots Memorial Kite Festival will be held on September 14 in Milwaukee, WI. Kite flying is one of the most beautiful and relaxing hobbies around. Many of us can still remember when we were children, building our first kite and watching with excitement as it became airborne. Today children of all ages can experience this thrill again during Kite Society of Wisconsin Week, which will take place the week of September 9–15, 1996.

Frank Mots was a kite flying enthusiast, and it was in his memory that the Kite Society of Milwaukee was created in 1976. The festival that bears his name was founded in 1978 and has drawn people from around the country every year. I invite everyone to celebrate this event on September 14 and take some time out to enjoy the simple pleasures of kite flying. The Frank Mots Memorial Kite Festival has something for everyone, and I am proud of the Kite Society's accomplishments.•

JEANNE O. BUSSE—THE MARCH OF DIMES' 1996 ALEXANDER MACOMB CITIZEN OF THE YEAR

• Mr. ABRAHAM. Mr. President, on September 25, 1996, the March of Dimes will honor community activist Jeanne O. Busse as its 1996 Alexander Macomb Citizen of the Year. Established in 1984, this award is presented annually to "deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in his/her community, the county, and the State of Michigan."

As a community servant, Jeanne Busse has fulfilled this criteria and then some. The litany of positions Mrs. Busse has held over the years is surpassed only by the list of awards that have been showered upon her. Her years of commitment to her church, St. Anne Parish in Warren, includes a stint as president of the Council of Catholic Women for the Archdiocese of Detroit. Her involvement with the Boy and Girl Scouts of America spans more than six decades, and just a small sample of the other civic organizations in which she has served include the United Community Services, Warren Friends of the Public Library, Michigan Cultural Commission, and the Warren Consolidated Schools Board of Education.

Mrs. Busse's exceptional good deeds have garnered her recognition as the Warren Jaycees Woman of the Year and the Macomb County Council for the Arts Volunteer of the Year. Some of her other awards include: the Council of Catholic Women/Archdiocese of Detroit Beatrice Zilly Award, the Warren Consolidated Schools Honorary Scholastic Letter Award, the United Community Services Tracey McGregor Volunteer Award, and the James Coughlin Award for Service to Scouting, to name just a few. In addition, "For Service to the Citizens of Warren, Michigan," Busse Park has been established and named in her honor.

For her selfless commitment to her fellow citizens Jeanne Busse is more than deserving of the accolades that come her way. I salute her for her public service, and applaud the March of Dimes for choosing such a deserving figure on whom to bestow this honor.•

THE NEWBORNS AND MOTHERS HEALTH PROTECTION ACT

• Mrs. MURRAY. Mr. President, yesterday, by unanimous vote, the Senate passed the Newborns and Mothers Health Protection Act as an amendment to the VA-HUD appropriations bill. There is no more important issue before this Congress than the health of mothers and their newborns, and so I applaud the Senate. This amendment is vital. I want to express my pride in being a cosponsor, and my thanks to Senator BRADLEY and Senator FRIST for all of their hard work.

This amendment will require health insurers to allow moms and their newborns to stay in the hospital for a minimum of 48 hours after a normal delivery and 96 hours after a cesarean section, unless the mother and her attending health care provider decide a shorter stay is in the child's best interest.

I sent a letter, along with Senator SNOWE of Maine, to Senator Dole back on May 1 of this year, asking for a vote on this bill. That letter was signed by all the women Senators, from both parties. I am glad we have finally had a debate and approved this language.

This amendment has many cosponsors from both sides of the aisle, and has the support of numerous organizations from around the country. These organizations represent the broad range of health care providers that work with mothers, newborns, and the full range of their health concerns. There are experts from every corner of the country who will attest to the importance of this amendment, and as Senator BRADLEY has noted, more than 80,000 Americans have sent in letters asking us to pass this legislation, because they know it can mean the difference between life and death for a loved one.

Protecting mothers and their infants is the right thing to do, and is overdue. Many States already provide these protections, and hospitals such as Tacoma General in my State are already allowing these decisions to be made by the mother and her care provider, which is the way it should be.

We know from the Centers for Disease Control and Prevention that hospital stays for new mothers decreased by almost half between 1970 and 1992—from 3.9 days to 2.1 days. We know the length of stay has continued to decrease, and is now about 24 hours after normal delivery. We know there can be serious health complications within the first 48 hours even after a normal delivery. Most important, we know these decisions should be in the hands of the mother and her attending health care provider.

I am glad the Senate has taken this action, and I think it is a good first step toward improving the health of infants and other children in this country.

We need to give all newborns every advantage possible. In my mind, a healthy start on life is a good start on life.•

EXPANSION OF THE FARMINGTON FAMILY YMCA

• Mr. ABRAHAM. Mr. President, I rise today to commemorate the grand opening on October 12, 1996, of the expanded Farmington Family YMCA. On this day, an organization with a record of community service spanning more than three decades will open the doors of a new 15,000 square foot facility to the families of Novi, West Bloomfield, Farmington, and Farmington Hills.

Chartered in 1965, the Farmington Area YMCA has over 4,200 members and more than 30,000 users annually. The completed expansion, for which all construction funds were raised privately, includes a second swimming pool to service physically challenged individuals. The new facility is also better equipped to aid the rehabilitation efforts of patients participating in an existing partnership program with Providence, Botsford General, and Sinai Hospitals.

This institution can truly be characterized as a family serving YMCA. While it currently provides all latchkey programs for students in the Farmington and Farmington Hills school districts, the YMCA can now offer greater babysitting and child care services in addition to a special "Kids Zone." Not only will families benefit from the expansion; the State of Michigan recently awarded the city of Farmington Hills a special grant to initiate a collaborative program with the YMCA and the Farmington public schools to serve the needs of young teens to assist in a community wide effort to prevent juvenile delinquency.

Finally, while expanding the physical structure provides the space to implement these programs, without the dedication of the exceptional volunteers involved with the YMCA, the completion of this ambitious project would have been impossible. Their efforts truly are commendable, and on this upcoming October 12 I salute these community servants and congratulate the families of the Farmington area on the many years of enjoyment they will receive from their expanded YMCA.•

TRIBUTE TO THE CHEMICAL MORTAR BATTALION OF THE 3D ARMY

• Mr. ROCKEFELLER. Mr. President, I want to take a moment to pay tribute to a group of very special people. During the last weekend in this month of September, the 91st Chemical Mortar Battalion of the 3d Army will be celebrating their 51st reunion in the fine town of Wheeling in my State of West Virginia. These men gather each year in their respective States to celebrate their outstanding efforts in the Second World War.

While this Nation has many fine heroes from those years, these men are very unique because they are part of the Allied Forces who served under Gen. George S. Patton and fought in the Battle of the Bulge. As we all know, that battle is very important because it was the last German offensive on the Western Front during World War II. It gets its distinct name from the bulge or wedge of Germans that drove into Allied lines in December 1944 and January 1945. The Battle of the Bulge became an unsuccessful attempt to push the Allies back from German home territory. By January 8, 1945, the Germans made an orderly withdrawal having used all their resources they could afford trying to regain the west. These men kept the force and prevented Hitler from repossessing lands that were not his. They even assisted in the liberation of Hitler's labor camps and saw the faces of those who survived. The Battle of the Bulge was one of great magnitude and as a result there were 77,000 Allied and 130,000 German casualties. These heroes should be proud to celebrate and tell their stories.

These men caused the height of General Patton's career as they made the dramatic sweep in his 3d Army across northern France in the summer of 1944. Under Patton, these men played a strategic role in defending Bastogne, Belgium in the Battle of the Bulge in December of that year. By January 1945, they had reached the German frontier and the United States counteroffensive began. George Patton was an outstanding practitioner of mobile tank warfare in World War II. His strict discipline, toughness, and sacrifice were well known within his ranks, leading to his being referred to by his men as "Old Blood-and-Guts."

Mr. President, I just wanted to take this time to have us all reflect and think about those men who fought for world peace during World War II. As the ranking member of the Senate Veteran's Affairs Committee, I hold a special place in my heart for every man and woman who serves our country. While every veteran of war is unique and deserves our Nation's honor, these 80 or so men gathered in Wheeling, WV, this month merit a special tribute. It is now 1996 and there is no more Hitler, there are no more concentration camps, and Patton no longer lives. These men fought and lived in a time that has now become history. May they meet, share their stories, and rejoice for who they are and what they have done. Let us all be proud to have these men come to West Virginia and celebrate their 51st reunion as the 91st Chemical Mortar Battalion of the 3d Army.•

CONGRATULATIONS TO MICHIGAN'S MEDAL WINNING ATHLETES IN THE 1996 SUMMER OLYMPIC GAMES

• Mr. ABRAHAM. Mr. President, from July 19 to August 4 over 10,000 athletes from 197 countries competed in the Centennial Olympic Games in Atlanta, GA. For 17 days, the athletic exploits of these individuals captivated the entire world.

While all performed with distinction and deserve our recognition, such is the nature of Olympic competition that only a select few can rise to the medal stand. From my State of Michigan the following 10 exceptional men and women can now be added to the elite ranks of Olympic champions:

Gold medals: Tom Dolan, Ann Arbor, 400m IM, swimming; Grant Hill, Detroit, forward, basketball; Annette Salmeen, Ann Arbor, 800m FR, swimming; Sheila Taormina, Livonia, 800m FR, swimming.

Silver medals: Dana Chladek, Bloomfield Hills, whitewater slalom K–1, kayak; Tom Malchow, Ann Arbor, 200m fly, swimming; Eric Namesnik, Ann Arbor, 400m IM, swimming.

Bronze medals: Mark Lenzi, Ann Arbor, 3m springboard, diving: Floyd Mayweather, Grand Rapids, featherweight, boxing; Jeffrey Pfaendtner, Detroit, men's lightweight four, rowing.

Mr. President, most of us can only dream of Olympic competition, or watch it from the sidelines. These dedicated men and women worked, trained, and sacrificed to make their dream a reality. They practiced until their God-given talents were honed to their fullest. They were rewarded with victory and the knowledge that they had performed, under intense pressure, up to their full potential.

I offer my congratulations to these fine Michiganians. I also offer my thanks, on behalf of my State, for making us proud of them for a job well done.•

LAWYERS FOR CHILDREN

Mr. LIEBERMAN. Mr. President, I rise today to acknowledge the outstanding efforts of the Lawyers for Children, an organization whose roots are in my home State.

Lawyers for Children is a nonprofit organization founded to address the critical issues of youth and violence. Highly trained, talented, and compassionate private sector lawyers volunteer their time to serve as advocates through Lawyers for Children for abused and neglected children. Lawyers for Children also works in our schools to teach our kids that there are alternatives to violence—that the power of the spoken word can get you much further than joining a gang or carrying a gun.

Lawyers for Children began in Hartford 2 years ago. Since then, offices were added in Washington, DC and Miami, FL. I am confident that I speak for all the citizens of Connecticut when I express my pride and sincere gratitude for this organization. Lawyers for Children American recognizes that lawyers are in a unique position by virtue of their training to help kids deal with the perils of violence, drug abuse, and, in many cases, the lack of a sufficient education. I sincerely thank Lawyers for Children for all their hard work and dedication to future of America—our children.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Iowa for allowing me to do some unanimous-consent requests and some Executive Calendar issues. It will not take but a moment, and then we will go ahead and do the wrapup, and then Senator GRASSLEY and Senator GRAHAM of Florida can make their remarks at that time.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, en bloc, Nos. 686, 718, 720.

Mr. President, I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, en bloc, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Franklin D. Raines, of the District of Columbia, to be Director of the Office of Management and Budget.

AIR FORCE

The following-named officer for appointment to the grade of lieutenant general in the U.S. Air Force while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. David J. McCloud [redacted]

NAVY

The following-named officer for appointment to the grade of Admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

Vice Adm. Harold W. Gehman, Jr. [redacted]

Mr. LOTT. I want to note, Mr. President, that Calendar No. 686 is Franklin D. Raines to be Director of the Office of Management and Budget. I want to thank Senators for cooperation in getting this concluded. Senator DOMENICI, the chairman of the Budget Committee, has been very interested in this. I think this is the right thing to do.

I am satisfied he is eminently qualified for the position. And the President should have his Director of the Office of Management and Budget in place. I think this should be completed. The others were military nominations that had been reported by the Armed Services Committee. And there was a great need for those to be in place.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CONGRATULATING THE PEOPLE OF MONGOLIA ON EMBRACING DEMOCRACY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 516, Senate Resolution 276.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 276) congratulating the people of Mongolia on embracing democracy in Mongolia through their participation in the parliamentary elections held on June 30, 1996.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 276) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to as follows:

S. RES. 276

Whereas Mongolia conducted elections on June 30, 1996, for its unicameral national parliament, the Great Hural;

Whereas Mongolian voters cast their ballots in a peaceful and orderly fashion at 1590 polling places, choosing from among 351 candidates representing 11 different parties and coalitions;

Whereas the primary issues facing Mongolian voters were the scope and pace of continued democratization and economic liberalization;

Whereas the former Communist Mongolian People's Revolutionary Party (MPRP) suffered a dramatic and unexpected loss at the polls, and the Democratic Union Coalition won majority control of the Great Hural;

Whereas the Democratic Union Coalition espoused a policy of strengthening democratic institutions, implementing free market economic reforms, and strengthening the independence of the judiciary;

Whereas voter turnout exceeded 87 percent according to preliminary reports;

Whereas an international election observation team led by former Secretary of State James A. Baker traveled to nine different areas of Mongolia to observe pre-election day preparations and Mongolian citizens voting on election day; and

Whereas the United States election observers judged the election to be free, peaceful, and fair, with the results respected by all sides: Now, therefore, be it

Resolved, That the Senate hereby congratulates the people of Mongolia for—

(1) overwhelmingly embracing democracy through their participation in the June 30, 1996, elections for the national parliament, the Great Hural;

(2) conducting free, fair, and credible elections;

(3) continuing to build on the progress of the past and moving further away from their previous dependence on a communist system; and

(4) serving as an example to the peoples of East Asia who seek further democratization of their countries.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Mongolia.

OLDER AMERICANS ACT OF 1965

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate action yesterday on S. 1972 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to its consideration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 5203

(Purpose: To make a technical amendment)

Mr. LOTT. Mr. President, I ask unanimous consent that a technical amendment, No. 5203, which is at the desk be considered and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5203) was agreed to, as follows:

On page 2, line 13, insert "or near" after "on".

Mr. MCCAIN. Mr. President, I wish to thank my colleagues for voting to adopt S. 1972, a bill to amend the Older Americans Act. S. 1972 makes technical corrections to the Act to clarify and improve the provisions relating to older native Americans.

Mr. President, many older native Americans have benefited from programs authorized under the Older Americans Act. Indian tribes have provided much needed home-based care, meals and services to elderly tribal members living on Indian reservations and in nearby communities. In most cases, older native Americans live in remote and isolated communities with little or no access to a grocery store, telephone, health care and other important services. Through the Older Americans Act, nutrition and support services can be provided to older Native Americans in their homes and communities on a daily basis.

However, many of these services can be strengthened to ensure that Indian tribes are able to tailor nutritional and supportive programs to the cultural and geographic characteristics of their communities. Often, employment and nutrition programs are difficult to administer in Indian country because of the remoteness of the service area and the unique character of Indian cultures. The changes in S. 1972 will ensure that Indian tribes and tribal organizations serving native American elders will be afforded maximum flexibility in administering employment and nutrition programs to ensure that they are appropriate to the unique characteristics of the Indian communities.

Mr. President, I have proposed a minor technical change to the bill as it was reported in the Committee on Indian Affairs. This amendment to section 2 of the bill is necessary to clarify that the proposed change to the definition of "reservation" will not alter any existing eligibility for Indians living near an Indian reservation.

Mr. President, I wish to express my appreciation to Senators INOUYE and STEVENS, who joined me in sponsoring this legislation and my colleagues in the Senate who voted to pass S. 1972. This act will bring us closer to meeting the goals of the Older Americans Act to ensure that older native Americans will continue to benefit from the services provided by the act.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1972), as amended, was deemed read the third time and passed as follows:

S. 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Indian Technical Amendments Act".

SEC. 2. INDIAN EMPLOYMENT; DEFINITION OF INDIAN RESERVATION.

Section 502(b)(1)(B) of such Act (42 U.S.C. 3056(b)(1)(B)) is amended to read as follows:

"(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

"(ii) if such project is carried out by a tribal organization that enters into an agreement under subsection (b) or receives assistance from a State that enters into such an agreement, will provide employment for such individuals who are Indians residing on or near an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2)).".

SEC. 3. POPULATION STATISTICS DEVELOPMENT.

Section 614(b) of such Act (42 U.S.C. 3057e(b)) is amended by striking "certification" and inserting "approval".

SEC. 4. REPORTING REQUIREMENTS.

Section 614(c) of such Act (42 U.S.C. 3057e(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.".

SEC. 5. EXPENDITURE OF FUNDS FOR NUTRITION SERVICES.

Section 614(c) of such Act (42 U.S.C. 3057e(c)), as amended by section 4, is further amended by adding at the end the following new paragraph:

"(3) In determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant who seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.".

SEC. 6. COORDINATION OF SERVICES.

Section 614(c) of such Act (42 U.S.C. 3057e(c)), as amended by section 5, is further amended by adding at the end the following new paragraph:

"(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographical area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.".

ELECTING GREGORY S. CASEY, OF IDAHO, AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 289.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 289) electing Gregory S. Casey, of Idaho, as the Sergeant at Arms and Doorkeeper of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be considered and agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 289) was agreed to, as follows:

S. RES. 289

Resolved, That Gregory S. Casey, of Idaho, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

Mr. LOTT. Mr. President, I do want to thank the minority leader for his cooperation in this appointment. There will be a swearing in for this position for Gregory Casey on Tuesday.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of Senate Concurrent Resolution 47 (104th Congress), appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies:

The Senator from Mississippi [Mr. LOTT]:

The Senator from Virginia [Mr. WARNER]: and

The Senator from Kentucky [Mr. FORD].

PROGRAM

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:30 a.m., Monday, September 9, further that following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that the Senate immediately turn to the consideration of the conference report to accompany H.R. 3230, the Department of Defense authorization bill, as under the previous order that had been agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. On Monday, the Defense conference report will be considered under the unanimous consent agreement that limits debate to a total of 5 hours. I now ask unanimous consent that at the hour of 3:30 p.m. on Monday there be a period for morning business with Senator DASCHLE or his designee in control of the time from 3:30 to 4:30 and Senator COVERDELL or his designee in control of the time between 4:30 and 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I want to remind my colleagues, there will be no rollcall votes on Monday. The next rollcall vote will take place on Tuesday, September 10 at 2:15 p.m. Those votes will be first on the adoption of the DOD. authorization conference report which will have been debated during the day on Monday, followed by passage of the Defense of Marriage Act, to be followed by 30 minutes of debate and passage for action on the employment nondiscrimination bill. Following those votes on Tuesday, the Senate will turn to consideration of the Treasury-Postal Service appropriations bill and those votes can be expected then or votes to occur on amendments and on that appropriations bill later in the day on Tuesday.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator GRAHAM of Florida and Senator GRASSLEY of Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALU/O'HARA AMENDMENT

Mr. GRAHAM. Mr. President, I want to begin my statement by congratulating two heroes—heroes of south Florida and heroes of our Nation—officers Joseph Alu and James O'Hara, former members of the city of Plantation police department.

On October 3 of this year, these two men will be honored by the National

Association of Police Organizations, when they receive the Top Cops Award—an honor given to a select group of officers who display exceptional courage and bravery in the face of danger.

Mr. President, we in Florida are quite proud to have citizens like Officers Alu and O'Hara living among us, not just for the courage they displayed while in the line of duty, but also for the courage and perseverance displayed after the tragic incident which occurred on July 24, 1995.

Mr. President, let me briefly recount the tragic events of July 24, 1995. While on duty, Officer Joseph Alu and Detective James O'Hara, were called to what turned out to be an emergency hostage situation. When the officers had arrived at the scene—they found that an assailant had cordoned himself off in a bedroom of a house and had taken two teenaged girls hostage.

The officers broke down the bedroom door, only to discover that the assailant had doused himself, the hostages, and the entire room in gasoline. At that moment, the assailant dropped a lighter on the floor, setting the room ablaze, killing himself and the two hostages.

Officers Alu and O'Hara were critically wounded—receiving severe burns over most of their bodies. Both officers remained in the hospital for the better part of a year fighting for their survival. Officer O'Hara was so badly burned that while he struggled for his life in the intensive care unit for over 6 months, his wife was told to expect and prepare for his imminent death.

Miraculously, Officer Alu and Officer O'Hara survived. But, while still in the hospital, the officers were notified that since they wouldn't be physically able to return to work they and their families would lose their health insurance benefits.

Imagine fighting for your life in a hospital, in excruciating pain, knowing that your family is going to be left unprotected. When these heroes returned home, that's exactly what they found: no job, disability payments of approximately $1,200 a month, prohibitively expensive COBRA insurance which would run out in 18 months, and no private health insurance for them and their families.

For over 5 months, Officer Alu's wife, Sheila, stayed home to care for her husband during his rehabilitation, herself unable to work to bring in badly needed extra income. Further complicating their situation was their 5-year-old daughter, Christina, who was battling chronic asthma without health insurance.

Detective O'Hara's family was in a similar situation. In fact, his wife still must care for his everyday needs almost 14 months after the incident.

But instead of giving up hope, Officers Alu and O'Hara fought hard. They brought their case to the Florida Legislature. Mr. President, they won.

The legislature, with a Republican senate and a Democratic house, unanimously passed this legislation at the State level—requiring that localities continue whatever health insurance benefits the officer had prior to the injury after the injury when they are no longer able to return to work.

Mr. President, although they have won personal victories, Officers Alu and O'Hara have continued their fight—taking their case to Congress—and asking us to make sure that other officers not go through the same pain, uncertainty, and feelings of shame when they were unable to provide for their families.

Across the Nation, unlike veterans who have risked their lives to protect our national security, those who protect our homes and streets have their insurance canceled by municipalities or States when they can no longer return to work.

Mr. President, the House of Representatives has already passed the Alu-O'Hara amendment—unanimously, I might add—to the Commerce, State, Justice appropriations bill which would prevent this injustice from happening to any other officer again.

I have introduced identical legislation in the Senate. It is my hope that the Senate Appropriations Committee will simply maintain the House-passed Alu-O'Hara provision in the Senate bill.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, the amendment that it is my hope will be maintained, which has been adopted by the House of Representatives, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, if this amendment should not be adopted by the Senate Appropriations Committee, I announce that it is my intention to offer this as an amendment when we consider the Commerce, State, Justice bill, hopefully next week.

The Alu-O'Hara bill, endorsed by all major police and firefighter organizations, would create a safety net for injured officers by requiring municipalities that receive Federal crime dollars to continue to maintain the same level of benefits that an officer had prior to being injured in the line of duty.

If a locality chooses not to offer health insurance to these public safety officers, it would only be able to receive 90 percent of its full complement of community-oriented policing services funding.

Mr. President, the scope of this bill is extremely narrow. It would apply only to a handful of public safety officers, estimated at approximately 100 nationwide per year. And it is not costly. CBO has already stated that this bill is not an unfunded mandate.

In fact, the city of Lauderhill, FL, where Officers Alu and O'Hara reside, added expanded insurance coverage to cover all of its municipal employees, not just public safety officers, at no extra cost to the city.

Even though the Alu-O'Hara amendment is inexpensive, its message is unmistakably clear.

We need laws which protect our valiant men and women on the frontlines. When they go down in the line of duty protecting us, we have a corresponding duty to care for them.

Mr. President, this amendment would provide only the most basic package of benefits. It does not grant any enhanced or increased benefits over what the officer had at the time of the injury.

The bill requires State and local governments to offer only the minimum level of health insurance necessary to maintain the health coverage the officer had prior to the disabling injury.

For instance, if an officer or firefighter did not have family coverage prior to the injury, he would not be entitled to family coverage after the injury.

Mr. President, I am proud of my State of Florida. But it should not take a terrible incident like this to make sure that our public safety officers are protected. We can prevent this situation from ever happening to officers like Alu and O'Hara by making sure that we maintain the Alu-O'Hara provision in the Commerce, State, Justice bill, and can do so in a proudly bipartisan fashion.

Mr. President, allow me to conclude by commending both Officer Alu and Detective O'Hara and their families for their bravery, sacrifice, and dedication to public service. Without their perseverance we wouldn't be here today discussing this most critical issue. I know that police officers and firefighters across the Nation share my gratitude for their courage and selflessness.

Mr. President, in passing this bill, we will honor our commitment to all of our public safety officers: to protect and care for them after they have done so much to protect and care for us.

Mr. President, thank you.

EXHIBIT 1

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", not more than ninety percent of the amount to be awarded to an entity under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

ADJOURNMENT UNTIL 10:30 A.M., MONDAY, SEPTEMBER 9, 1996

The PRESIDING OFFICER. Is there further business to come before the Senate? If not, under the previous order, the Senate stands in adjournment until 10:30 a.m., Monday, September 9. Thereupon, the Senate, at 3:10 p.m., adjourned until Monday, September 9, 1996, at 10:30 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 6, 1996:

EXECUTIVE OFFICE OF THE PRESIDENT

FRANKLIN D. RAINES, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly contituted committee of the Senate.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID J. MC CLOUD [redacted]

NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

VICE ADM. HAROLD W. GEHMAN, JR. [redacted]

HOUSE OF REPRESENTATIVES—*Monday, September 9, 1996*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. COBLE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 9, 1996.

I hereby designate the Honorable HOWARD COBLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, O gracious God, for all the gifts that brighten our days, that encourage our spirits, and are the marks of Your blessings in our daily lives. For friends whose loyalty supports us and encourages us, for colleagues who help point the way, for family whose love and concern accepts us when we walk the road of success or know the valley of grief or pain, and above all for Your Word that directs us in the way of truth and righteousness and peace. May the gratefulness we feel in our hearts, O God, cause us to be specially aware of the needs of others so that we will share with them the blessings of our hearts and the gifts of Your creation. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Colorado [Mrs. SCHROEDER] come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3666. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3666) "An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, Mr. STEVENS, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. HATFIELD, Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. KERREY, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1972. An act to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes;

S. 1970. An act to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes; and

S. Con. Res. 14. Concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999.

The message also announced that pursuant to the provisions of Senate Concurrent Resolution 47 (104th Congress), the Chair, on behalf of the Vice President, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: The Senator from Mississippi [Mr. LOTT]; the Senator from Virginia [Mr. WARNER]; and the Senator from Kentucky [Mr. FORD].

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESIDENTIAL CANDIDATE DOLE NEEDS TO LEARN A FEW NEW TRICKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I come to the floor today because this weekend reminded me of several things. First of all, there is an old saying about you cannot teach an old dog new tricks. Having a very old dog named Woofie myself, I know that is true. But this weekend we found a new saying that also fits. That is, you cannot teach an old Dole new tricks. We saw Presidential candidate Dole go out and slamdunk family leave. He made all sorts of statements about how family leave was antibusiness, and he was opposed to it.

I would like to set the record straight. As one of the authors of family leave and one who worked 9 years to get that brought into law, I want to point out that his criticisms did not come to pass. When that bill passed in 1993, there was a lot of dissent, and there were many people very concerned about it. It obviously had taken 9 years to get it signed into law. It had been vetoed, all sorts of things had happened.

So when President Clinton signed it, there was a commission appointed, a bipartisan commission of Republicans and Democrats, that studied the application of the act and came forward with this very weighty document on what family medical leave really did in this country.

I certainly hope that Presidential candidate Dole gets a copy of it. It was immediately sent to his colleague, Senator KASSEBAUM, and it was distributed all over to Senators and Congressmen when it came out. It was a report to the Congress on family and medical leave, and it came out showing 90 percent of America's businesses now support family leave. Why?

Do Members know what they found out? They found out that when people know they can have job-protected leave if there is an immediate medical crisis in their family, or upon the birth or adoption of a child, they are a whole lot more focused at work. They are not constantly worried at work about what am I going to do, where I am going to

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

turn? They are more focused at work. They are much better employees.

Now that we have 12 million American families that this applies to, I think they are going to be very troubled by these weekend statements, because everyone else is talking about—because it has worked so well, because we had these hearings this report talked about, because we went all over the United States, and our doors were opened to anybody who wanted to talk about family leave and its application, and did it hurt or did it not hurt, we want to move forward, not roll it back, as Dole wants to do.

It is so easy to talk family values, but when you get all done, nobody really wants to help young families. When you have the most pressure on young families is in the families where both members had have, have to be in the workplace, or a single-parent family, where clearly they have to be in the workplace. When you have these crises appearing, you clearly need this job-protected leave.

Even with this bill, we are way behind what every other Western country has done. Now the President would like to expand the bill a bit by allowing people 24 hours off a year to participate in their child's school, or different community things. Again, this is unpaid job-protected leave, but it allows families to invest in their community, invest in their children, and so forth.

Mr. Speaker, I do not know what to say except that it shows the very bright line that is continuing to be drawn in this presidential race. Today I understand presidential candidate Dole is going to be in St. Petersburg, FL, talking about these issues.

Eight years ago I went to St. Petersburg, FL, with Dr. Barry Brazelton, the pediatrician from Harvard, with Gary David Goldberg, the producer of "Family Ties," with his wife, Diana Meehan. We were traveling around with the Great American Family tour. St. Petersburg was one of the places we listened to the American people, where they told us how desperately they wanted a bill like the family leave bill that happened.

So it is going to be very interesting to see what candidate Dole hears in St. Petersburg today, and whether the people who came to his listening events are real people, or they are all preselected, prescripted, and it is all kind of an act.

But I do think that Americans are very tired of rhetoric about family policies, and want real protections for their family. We know we cannot roll back progress, we cannot change it. We are going to have to live in this global economy. Let us hope family leave is here to stay, Mr. Dole. I am going to send him another copy of the book, and I hope he finds time to read it, so this old Dole can get some new tricks.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Mr. GOSS, for 5 minutes each day, on September 10, 11, 12, and 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous material:)

Mr. GUTIERREZ.
Mr. PAYNE of New Jersey.
Mr. TOWNS.
Mr. SERRANO.
Mr. MENENDEZ in two instances.
Mr. DIAZ-BALART.
Mrs. CHENOWETH.
Mr. GOODLING.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1970. An act to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1972. An act to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes; to the Committee on Economic and Educational Opportunities; and

S. Con. Res. 14. Concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999; to the Committee on International Relations.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

On September 5, 1996:

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes.

On September 6, 1996:

H.R. 740. An act to confer jurisdiction on the United States Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe;

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts of payments relating to the Federal acquisition of real property, and for other purposes;

H.R. 3517. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; and

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes.

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 10, 1996, at 12:30 p.m. for morning hour debates.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2275. A bill to reauthorize and amend the Endangered Species Act of 1973; with an amendment (Rept. 104–778, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2693. A bill to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness (Rept. 104–779). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on September 6, 1996]

Pursuant to clause 5 of rule X the Committee on Banking and Financial Services discharged from further consideration. H.R. 2145 referred to the Committee of the Whole House on the State of the Union.

[Submitted September 9, 1996]

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 2275 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on September 6, 1996]

H.R. 2740. Referral to the Committee on Commerce extended for a period ending not later than September 13, 1996.

[Submitted September 9, 1996]

H.R. 2275. Referral to the Committee on Agriculture extended for a period ending not later than September 9, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Ms. WATERS introduced a bill (H.R. 4038) to approve a previously disapproved amendment to the Sentencing Guidelines relating to criminal sentences for cocaine offenses; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1100: Ms. MCKINNEY.

H.R. 1591: Mr. NADLER and Mr. MILLER of California.

H.R. 2450: Mr. GUNDERSON.

H.R. 2470: Mr. CRANE.

H.R. 2618: Mr. FARR.

H.R. 3142:, Mr. DOOLITTLE, Ms. GREENE of Utah, Mr. BARRETT of Nebraska, Mr. MARTINI, Mr. SHADEGG, Ms. ROYBAL-ALLARD, Mr. DIXON, Mr. CUMMINGS, Mr. LOBIONDO, and Mr. HASTINGS of Washington.

H.R. 3292: Ms. LOFGREN.

H.R. 3355: Mr. ACKERMAN.

H.R. 3588: Mr. OBERSTAR.

H.R. 3796: Ms. SLAUGHTER.

H.R. 3873: Mr. BRYANT of Texas.

H.R. 3917: Ms. SLAUGHTER.

H. Res. 30: Mr. TANNER, Mr. FRAZER, Mr. LARGENT, Mr. LUCAS, and Ms. MILLENDER-MCDONALD.

SENATE—*Monday, September 9, 1996*

The Senate met at 10:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we begin this week with three liberating convictions: You are on our side, You are by our side, and You are the source of strength inside. Help us to regain the confidence from knowing that You are for us and not against us. You have created us to know and love You and have called us to serve this Nation. You have programmed us for greatness by Your power, so help us place our trust in You, and live fully for You. We thank You that You are with us seeking to help us to know and do Your will. Guide us in the complicated issues we consider today. We invite You to take up residence in our minds to give us strength to see things from Your perspective. Grant us courage to give dynamic moral leadership to our Nation. May Your justice, righteousness, integrity, honesty, and truth be the identifiable qualities of our leadership. We commit all that we have and are to glorify You with our work today. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. For the information of all Senators, this morning the Senate will begin 5 hours of debate on the Department of Defense authorization conference report. In accordance with the unanimous-consent agreement reached on Friday, the vote on the Department of Defense conference report will occur at 2:15 on Tuesday, and therefore there will be no rollcall votes during today's session.

Also today, following the debate on the conference report, there will be a period for morning business with Senator DASCHLE or his designee in control of the time from 3:30 to 4:30 and Senator COVERDELL or his designee in control of the time from 4:30 to 5:30.

On Tuesday, the Senate will debate the Defense of Marriage Act beginning at 9:30 to 12:30, with a vote occurring on that measure immediately following the 2:15 vote on the Department of Defense conference report. After those two consecutive votes, there will be 30 minutes of debate to be followed by a vote on S. 2056, the employment discrimination bill.

Finally, as a reminder, following those votes on Tuesday, the Senate will begin consideration of the Treasury, Postal appropriations bill, with additional votes expected on that bill. All Senators can expect busy sessions this week with rollcall votes possible throughout each day and evening as the Senate completes action on the remaining appropriations bills.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 3230, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3230) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 30, 1996.)

The PRESIDING OFFICER. The time for debate on this conference report will be limited to 4 hours equally divided in the usual form, with 1 hour under the control of the Senator from Louisiana.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am pleased to rise in support of the conference agreement on the National Defense Authorization Act for fiscal year 1997. This agreement continues the work we began last year to keep the Department of Defense on a steady course as it heads into the 21st century. The legislation sends a signal that we remain strongly committed to support our men and women in uniform through funding for modernization and training as well as for quality-of-life programs for our military and their families.

This year, the Senate chaired the conference with the House. I am proud to say that we developed a responsible agreement after less than 20 working days. This agreement resulted from the bipartisan cooperation of House Members and Senators, Republicans and Democrats, working together on issues affecting our national security.

During my tenure in the Senate and my nearly 40 years as a member of the Senate Armed Services Committee, I have fought hard to ensure that the security of our Nation is an issue that unifies rather than divides us. The best national security policy is developed and implemented when we act in a bipartisan spirit. It is my sincere hope that we can make this an even stronger feature of the process we use to craft future national security legislation.

The conference report recommends an increase of $11.2 billion above the President's budget request of $254 billion for fiscal year 1997. The funding level authorized for the new budget authority is $265.6 billion, which is the same level approved by the full Senate on July 10. This amount is still $7.4 billion below the inflation-adjusted fiscal year 1996 level of spending.

To improve the quality of life of our military personnel and their families, the conference agreement includes a 3-percent pay raise for military members and a 4.6-percent increase in the basic allowance for quarters. The conference report also includes an increase of $850.0 million above the administration's request for military construction funding. Approximately 60 percent of this increase is dedicated to quality of life programs, especially military housing.

The conference agreement addresses some of the most serious modernization concerns we have identified, while maintaining a balance between current and future readiness.

The agreement provides for an increase of approximately $900 million for ballistic missile defense programs. This increase will support aggressive developments for national missile defense, Navy Upper Tier, and the theater high-altitude area defense system.

The conference report does not include any legislative provision concerning theater missile defense demarcation. During conference, the President's National Security Adviser informed the conferees that the administration had already concluded that the tentatively agreed-upon TMD demarcation agreement constitutes a substantive change to the ABM Treaty. Given that the Constitution and existing law require any substantive change to the ABM Treaty to be submitted to the Senate for advice and consent, the conferees agreed that additional legislation on this matter is not required.

With regard to the ABM Treaty succession issue, the conference report also does not include any legislative provision. The statement of managers clearly expresses the view that any agreement to multilateralize the ABM Treaty would constitute a substantive change requiring Senate advice and consent. In order to avoid a confrontation over this issue that would lead to a veto of the Defense Authorization Act, the conferees agreed that this matter should be considered separately from the Defense Authorization Act.

We addressed modernization shortfalls in this bill by including increases for sealift and airlift programs, and robust funding for the construction of new warships, such as the *Seawolf* submarine and the *Arleigh Burke* class destroyers. The conference contains a number of funding increases to bring advanced technologies to the battlefield and to support the increasing variety of missions our military men and women are being ordered to carry out around the world. We have authorized increases for additional JSTARS aircraft, greater numbers of critical night vision equipment, as well as providing funds to accelerate the development of the Army's Comanche helicopter and nonlethal weapons programs.

Mr. President, I want again to express my appreciation to my colleagues, especially the subcommittee chairmen and ranking members, for working together to reach this responsible conference agreement so expeditiously. I note with sadness that this is the last authorization conference during which the committee will benefit from the friendship, knowledge, and wisdom of Senator SAM NUNN, Senator BILL COHEN, and Senator JIM EXON. Senator COHEN has been a leader in the cause of reforming the acquisition process and has managed the process of recapitalizing our Navy's fleet in a constrained fiscal environment. During his tenure on the committee, Senator EXON has been a dedicated advocate of a strong, affordable defense.

Senator NUNN has worked tirelessly to help us put together legislation that reflects the broadest possible bipartisan consensus. I am personally grateful to him, and the entire Nation owes him a debt of gratitude for the work he has put in on this bill and the many other pieces of national security legislation in which he has played such a vital role over the years, including the landmark Goldwater-Nichols Reorganization Act of 1986.

Mr. President, we would not have been able to complete work on this conference agreement had it not been for the ceaseless work of our majority and minority staffs. Our two staff directors, Les Brownlee and Arnold Punaro did an outstanding job directing the process and keeping our staffs focused on responsible outcomes.

I ask unanimous consent that a list of the committee staff associated with this bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, finally, I want to express my appreciation to Senator STEVENS and Senator INOUYE, the chairman and ranking member of the Defense Subcommittee on Appropriations, for their willingness to work with us in a spirit of unprecedented cooperation through our process this year. I believe that both of our committee's bills have benefitted from this relationship.

With the attacks against Iraq this week, we are reminded again of the vital role our military is fulfilling around the world. Many of the Senators who have expressed concern about the funding levels in this bill have also gone on record in support of the President's recent actions in Iraq as well as his earlier decision to send our troops to Bosnia. These deployments are costly. They require continuing investments in weapons modernization, spare parts support, and training in order to ensure that our men and women in uniform are well led and can perform such operations efficiently and with a minimum of risk. As Senators consider their votes on this vital legislation, they should be mindful of our obligation to support the men and women in our Armed Forces and the need to maintain an adequate level of funding for these forces that we so frequently call upon to go into harm's way.

It is my hope that this conference agreement will receive the resounding support of the Senate. The agreement is supported by a bipartisan consensus and represents a responsible and sustainable approach to national security. It sends the strongest signal to our men and women in uniform that we appreciate their daily sacrifices, and that we are committed to supporting their families and their mission into the next century.

Mr. President, in closing, I would like to bring to the attention of my colleagues that President Clinton has already indicated in his radio address on Saturday that he intends to sign this legislation. I believe that this is a strong reflection of the bipartisan spirit which has characterized this bill from the very beginning.

With that in mind, I believe all Senators should be able to vote for this bill, and I urge them to do so.

EXHIBIT 1

ARMED SERVICES COMMITTEE MAJORITY STAFF

Les Brownlee, Staff Director, Charles S. Abell, Patricia L. Banks, John R. Barnes, Lucia Monica Chavez, Christine Kelley Cimko, Donald A. Deline, Marie Fabrizio Dickinson, Shawn H. Edwards, Jonathan L. Etherton, Pamela L. Farrell, Cristina W. Fiori, Larry J. Hoag, Melinda M. Koutsoumpas, Lawrence J. Lanzillotta, and George W. Lauffer.

Paul M. Longsworth, Stephen L. Madey, Jr., J. Reaves McLeod, John H. Miller, Ann M. Mittermeyer, Bert K. Mizusawa, Joseph G. Pallone, Cindy Pearson, Sharen E. Reaves, Steven C. Saulnier, Cord A. Sterling, Eric H. Thoemmes, Roslyne D. Turner, June Vaughan, Deasy Wagner, and Jennifer L. Wallace.

ARMED SERVICES COMMITTEE MINORITY STAFF

Arnold L. Punaro, Staff Director for the Minority, Christine E. Cowart, Richard D. DeBobes, Daniel Ginsberg, Mickie Jan Gordon, Creighton Greene, Patrick T. Henry, William E. Hoehn, Jr., Maurice Hutchinson, Jennifer Lambert, Peter K. Levine, David S. Lyles, Michael J. McCord, Frank Norton, Jr., Julie K. Rief, Jay Thompson, DeNeige V. Watson.

Mr. THURMOND. Mr. President, I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I join Senator THURMOND in urging our colleagues to adopt this conference report on H.R. 3230, the National Defense Authorization Act for fiscal year 1997. I also join him in commending the staff. Les Brownlee, George Lauffer, and Jon Etherton on the majority side have led a very capable majority staff. Arnold Punaro, David Lyles, and Andy Effron, now Judge Effron, did the same on our side. They have worked together in a splendid fashion.

This truly is a bipartisan bill. As Senator THURMOND has said, President Clinton has indicated he plans to sign this bill, and that is a reflection that the bill is solid for national security. This also reflects the kind of leadership we saw this year under Senator THURMOND. He made sure this was a bill that did reflect not only his strong concern and continued commitment for a national security, but also a bill that could be signed into law.

I commend him on his leadership, and I thank Senator THURMOND for his very thoughtful and kind remarks about my career in the Senate, particularly my involvement in the national security arena.

I also would like to join Senator THURMOND in being one of those who can testify in the first person about the tremendous role that Senator EXON and Senator COHEN have played as members of this committee.

Senator COHEN and I have joined in numerous national security matters over the years, including the creation of a special forces command, the builddown proposal, and moving away from MIRV'd warheads. I can think of numerous proposals that he and I jointly championed. He has been a stalwart of national security. He has made an outstanding record, not only in this area but in others. I certainly share the very strong statements made by Senator THURMOND in terms of praise for Senator COHEN.

I also would like to add very loud applause for Senator EXON who has chaired the Strategic Subcommittee for a number of years. Every year when I was chairman, Senator EXON chaired the subcommittee. That is not only where the controversy was, that is where the money was.

We had one matter after another that had to be handled, both in terms of strategic weapons and in terms of overall arms control concerns. Senator EXON has been a stalwart leader. He has been a person who could find a light of agreement and mold together a consensus in very difficult circumstances. He has been steadfast in his support for a strong and sensible national security. He has been my partner time and time again in crucial matters, and he will be sorely missed. Senator EXON also has been a leader and a champion of moving toward a balanced budget in his leadership on the Budget Committee. He will be missed in that area as well.

Mr. President, this budget that we have before us increases the President's budget on national security, and it does so in a way that is going to boost the funds for procurement, research and development, and, as Senator THURMOND said, quality of life for our military forces. I think everyone should keep in mind, even with the substantial increase over President Clinton's budget, this budget remains a reduction from last year in real terms. When we hear over and over again "the very large increases in the defense budget," those increases are relative to the proposals made by the Clinton administration but do not accurately reflect that the trend continues downward in national security.

Many of these cuts that have taken place over the last 8 or 10 years were needed and necessary. This drawdown has been the most successful, in terms of personnel policy, we have ever had in the U.S. military after a major mission or, in this case, the end of the cold war. We have been able to maintain the quality and the qualifications of the men and women who serve in our military. This is a very difficult and challenging task, and none of us should diminish the importance of it. If we had not been able to accomplish this successful drawdown, we would be reading all sorts of horror stories about readiness and horror stories about our military being demoralized. We are not reading those stories because we have had a very successful drawdown.

I think our committee and our counterparts in the House deserve some credit for this. We have come up with new, innovative ways to ease into this transition and to take care of the personnel, not only those that were leaving but those that are staying, and their families.

I also think the leadership of Dr. Perry has been outstanding in this regard, and I believe the leadership of the services has been outstanding. The U.S. Army, in particular, has been able to manage a very, very substantial drawdown of forces and reduction in the size of the Army. The Army has moved forces from parts of the world back home in an unprecedented and very skillful way.

Mr. President, the Senate passed this bill in early July. Under the leadership of Senator THURMOND, the House and Senate conferees completed a very difficult conference on this large and very important bill in 4 weeks. I congratulate Senator THURMOND for his leadership of this conference and the bipartisan manner in which it was conducted. He kept all of us in harness and told us we had to finish this conference before we left for the August recess. Without that leadership, without that push, we would not have this bill before us today.

Again, I thank Senator THURMOND, not only for his work on this bill, but for his stalwart leadership on national security issues during the entire time I have been in the U.S. Senate. I thank him most of all for his friendship and for being a man of integrity and a man who absolutely places the security of our country above partisan interests and above parochial interests. I thank him for that. I think our Nation is, indeed, indebted to him for that kind of leadership. I am indebted to him for his personal friendship.

I thank our House counterparts, Chairman SPENCE, who was determined to get a bill this year and who exercised leadership time and time again, along with my good friend, Congressman RON DELLUMS, who is the ranking Democrat. They were determined to get a bill. They were determined to make changes and display flexibility where flexibility was absolutely required if we were going to see a bill signed into law. I commend them for their leadership, as well as all the House conferees and all of our Senate conferees for their cooperation in bringing this conference to a successful conclusion. I also would like to thank, as Senator THURMOND did, the chairman and ranking members of each of our subcommittees. These members played such a key role on the Senate committee in getting this legislation passed.

Mr. President, this is the last defense authorization conference report of my Senate career. I want to express my deep appreciation to the staff of the Armed Services Committee, not only this year but over the years that I have served on the Committee. They have provided tremendous support during this conference and throughout this year: Les Brownlee, John Etherton, Arnold Punaro, David S. Lyles, and Andy Effron. I mention them again because without them this bill would simply not be possible. Arnold Punaro and all of the members of the minority staff have continued to provide the outstanding assistance to me and to other members on the Democratic side. This support has been their trademark for many years. More importantly, both Les Brownlee and Arnold Punaro have the confidence of the entire committee. They make contributions, as do their staffs, to the analysis and thinking of the committee members on both sides.

Mr. President, Senator THURMOND has already summarized the major features of this conference report. I endorse those statements he has made, but I would emphasize a few others, which I think are very notable provisions in this conference report.

I am pleased the House conferees agreed to the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Act of 1996, which the Senate adopted unanimously, both in this bill and in the appropriations bill. This legislation is a critical step in addressing our Nation's ability to deal with the threats from the proliferation of chemical, biological, radiological, and nuclear weapons with special emphasis on combating domestic terrorism. I, too, thank Senators STEVENS and INOUYE for supporting this legislation, both on the floor and in conference in the appropriations bill. I also thank them for their splendid leadership in the national security arena.

This legislation authorizes $201 billion for the Departments of Health, Human Services, and Energy to address the threat of proliferation of weapons of mass destruction. This includes $65 million for the Defense Department to conduct a program to train, equip, and assist local first responders in dealing with incidents involving nuclear, chemical, and biological weapons and related materials. Within this $65 million, $10.5 million is specifically earmarked for DOD assistance to the Secretary of Health and Human Services in forming emergency medical response teams capable of dealing with the consequences of the use of these materials.

A total of $30 million is authorized for DOD to provide equipment and assistance to the U.S. Customs Service and to help train custom services in the former Soviet Union, the Baltic States, and Eastern Europe in an effort to improve our ability to detect and interdict these materials before they can reach the hands of terrorists in the United States. Of course, a partnership between the United States and these other customs services is absolutely essential for our own security.

An additional $27 million is provided to the Department of Defense and to the Department of Energy for efforts to research and develop improved detection technologies, which are badly needed. I will not go into detail, but that was one of the most important lessons learned at the Olympics in Atlanta. All elements of our law enforcement need to learn to detect more thoroughly, with a broader area and with more confidence, the presence of a chemical or biological weapon, if one is released. This area needs attention in the research field.

Finally, this conference report authorizes additional funding to address the threat of proliferation, as we have done in the past, at its source. In addition to fully authorizing the administration's request of $327.9 million for the DOD Cooperative Threat Reduction Program, this legislation authorizes $37 million for DOD projects designed to destroy, dismantle, and improve controls over the former Soviet Union's stockpile of weapons of mass destruction. DOE is being provided $40 million for its program in this area.

I must commend our colleague, Senator DOMENICI, for his outstanding leadership in developing, implementing, following through, and providing the funding for this legislation.

This legislation also calls for the creation of a senior level coordinator to improve the coordination among Federal departments and agencies dealing with the threat of proliferation, and to improve coordination between the Federal Government and State and local governments and emergency response agencies.

Mr. President, the threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons is one of the most serious national security threats we face today. I put it right at the top of the list. Too many experts have said it is not a question of "if" but only of "when" terrorists will use chemical, biological—or even nuclear—weapons in the United States. The legislation in this conference report is a major step forward and will significantly improve our ability at the local level and State level and all over this country to deal with this threat—a threat which today we are clearly not prepared for. I anticipate that the National Guard, if they choose and if the administration moves in that direction, will be able to play a major role in this area.

We have Guard forces in every community of any real size in America. Every Governor has Guard forces that are available if an emergency comes at on the State level. A number of these units are trained in the chemical and biological area. I think it is a natural fit because Guard forces are on the scene and also enjoy a great deal of confidence by our citizens. I would like to see, as one of the originators of this entire legislation, it move in the direction of the Guard.

I am also pleased that the conferees agreed to the Senate provision giving the Secretary of Defense discretionary authority to waive some of the existing buy-America limitations for defense procurement. I joined Senator MCCAIN in sponsoring this provision in committee and in conference. I commend Senator MCCAIN for his leadership in this respect.

Mr. President, this waiver authority is essential if we are to live up to our commitments to our allies to work for free and open competition for defense procurement. If we do not buy from them in a fair way, they are not going to buy from us. We enjoy an advantage on the sale of defense articles. It is a favorable part of our trade balance. This is a very important step for those who sell defense equipment to our allies.

Two of the most difficult issues in this conference and in this whole bill, Mr. President, were the multilateralization of the ABM Treaty and the demarcation between theater missile defense systems and ABM systems.

The House bill contained provisions on each of these issues which the administration vigorously opposed as infringements on the President's treaty-making powers under the Constitution. The Senate bill reported by the committee contained similar language, but both provisions were modified on the Senate floor. The administration was prepared to accept the two provisions in the bill that passed the Senate.

Again this year, a majority of the conferees decided to drop all the provisions on these two issues, rather than accept the bipartisan provisions contained in the Senate bill. This same course was followed last year with respect to language on national missile defenses, with the end result that the Congress provided some $800 million for national missile defense for the current fiscal year without any guidance to the Department of Defense as to how to spend it.

Mr. President, I commend the House conferees on their willingness to drop their language. I have never understood why the language adopted in the Senate, both last year and this year, was not acceptable.

After removing all of the bill language regarding both multilateralization and theater missile defense demarcation this year, a majority of the conferees endorsed the statement of managers language on both issues. That, of course, is the right of the conferees. This statement of managers language was not endorsed by all of the conferees. In fact, some of my colleagues on the minority side of our committee decided not to sign the statement of managers accompanying the conference report, in large part because of their disagreement with this statement of managers language.

While I signed the conference report and statement of managers because of my overall support for this bill, I want to make clear my concerns with the statement of managers language on both multilateralization of the ABM Treaty and on theater missile defense demarcation.

Mr. President, it is unfortunate that Congress remains deeply divided on missile defense issues. We may have a debate on issues relating to missile defense in the next 2 or 3 weeks before we adjourn this session. For one thing, I think a debate would be healthy. I think this subject needs to be debated. I think it needs more understanding, both in the media and in the main body of the American people, as well as here in the Congress.

We are in sort of a gridlock in the DOD's management of missile defense programs, which is not helpful for program execution. In each of the past 2 years, the Senate has reached a bipartisan consensus on missile defense language that has had overwhelming support, only to see this consensus language dropped from the final conference report. While the Senate seems to be able to develop, at least under pressure when required, a consensus, the House and Senate have not been able to see eye to eye on this issue.

Mr. President, another difficult issue in this conference was whether to allow increased privatization of depot-level maintenance currently performed by Government employees at DOD facilities. The Senate bill contained a series of provisions concerning DOD depot-level maintenance of equipment.

Mr. President, I do not want to take too much time discussing this issue. I have a few more minutes, but if Senator THURMOND has anything he would like to say at this point or wants to interrupt me at any point, I welcome that.

Mr. President, the House bill basically supported the so-called 60/40 rule in current law, which requires that at least 60 percent of DOD's depot-level maintenance be performed in Government facilities. The statute, however, has been interpreted by the Air Force to exclude contractor logistics support from the definition of depot-level maintenance. While you have a 60/40 requirement in law, interpretation by the Air Force excludes contractor logistics support from the definition of depot level maintenance. Therefore, under current law, the Government could move away from the depots simply by reclassifying it as contractor logistics support.

The Senate bill would have changed the 60/40 formula, giving the administration and DOD more flexibility, so that 50 percent of DOD's depot-level maintenance would be performed in Government depots, while the balance could be performed in the private sector. At the same time, the Senate bill would have created a common definition of depot maintenance for all the military services that would have included all depot maintenance, including contractor logistics support.

The Senate bill would also have prohibited privatization of the depot maintenance work at Kelly and McClellan Air Force Bases unless there was a competition open to all public and private sector competitors. We on the Senate side certainly are not opposed to Kelly and McClellan competing. We felt there should be a competition, not simply an assignment.

After vigorous discussions in conference, the conferees determined that there were too many issues in dispute to permit development of a long-term solution to this question at this time. The House was insistent on sticking with the 60/40 rule, but it did not have the definitions which I think are important. As a result, the conferees dropped all the relevant provisions in both bills relating to depot maintenance and decided to retain current law. I believe this outcome is unfortunate. The issues have been the subject of a lot of debate and discussion in recent years. I think the Senate provisions were a good, long-term compromise that would have provided flexibility to put in place clear definitions and a well-defined policy that would have given greater predictability and stability for both DOD depots and private-sector interests.

Turning to the area of personnel policy, the House bill contained a provision that would have required the mandatory separation of HIV-positive service members who have less than 15 years of service. Under the House provision, these individuals would have had to be separated within 2 months of their having been determined to be HIV positive.

The Senate bill contained a provision that would have required the Secretary of Defense to prescribe uniform regulations concerning the retention of service members who cannot be deployed worldwide for medical reasons. These regulations would have not only applied to members affected by HIV but by all other diseases that may affect the ability for these personnel to be deployed.

Under this provision, the policies governing the retention of service members who are nondeployable because of medical conditions like asthma, cancer, diabetes, and heart disease would be the same as those policies governing the retention of service members determined to be nondeployable because of their being HIV positive.

Mr. President, I will not go into detail today, but the House provision would have imposed a very severe hardship on people found to have HIV and to their families. These are people who have gotten into this situation through no fault of their own. It would have been very unfair. There are very few people in this category. We can state that the conferees dropped the House provision, and the report includes no changes to current law. I think that is the right result.

Mr. President, President Clinton indicated over the weekend that he would sign this bill, so this is the last defense authorization bill that I will have the privilege of voting on during my Senate career. I am glad about that. I did not want the bill to be vetoed, and I did not want an encore here. I am delighted we were able to finish this conference.

This will be the last Defense authorization bill that I will have the privilege of voting on and working on. I joined the Armed Services Committee when I came to the Senate in 1973. It was one of the real reasons I ran for the Senate. I wanted to be on the Armed Services Committee, and I wanted to be involved in international security. I had it in my heart and mind. Being able to work with the men and women who serve our Nation on the Armed Services Committee has been one of the true highlights of my entire life and my Senate career. It has been the highlight of my tenure here in the Senate.

Every year that I have been in the Senate this committee has brought a Defense authorization bill to the floor, and every year it has been signed into law. Occasionally, we had to have a bill vetoed first, but we have always managed to enact an authorization bill. I hope that will continue.

Mr. President, the hallmark of the Armed Services Committee has always been a deep and unwavering commitment to the national security of the United States and particularly to the welfare of the men and women who so capably and bravely serve us. This service is not without sacrifice throughout this country and the world. The people in uniform are remarkable. This commitment has been completely bipartisan, and I am proud of the fact that over the years, with a few exceptions here and there, we have managed to conduct our business with a minimum of partisanship.

It has been a real privilege for me and a great honor to serve on the committee under the leadership of some of the giants of the U.S. Senate. Of course, my predecessor, Richard Russell, was an outstanding chairman of this committee and the Appropriations Committee for many years. I followed his career before I came to the U.S. Senate. My great uncle, Carl Vinson, chaired the Naval Affairs Committee and then the House Armed Services Committee for many years during his 50 years of service in the House of Representatives. I have been deeply honored to serve with the giants, who have chaired and been ranking members of the Armed Services Committee. I am not going to try to name every one that I have served with because they have all been friends and colleagues.

However, I have to list Senator John Stennis, a giant in the U.S. Senate; Senator Barry Goldwater, my partner in numerous legislative undertakings, as Senator THURMOND has said, particularly in the legislation known as the Goldwater-Nichols legislation; Senator John Tower, a colleague and very strong chairman of the Armed Services Committee; and, of course, now, my colleague and friend, Senator STROM THURMOND, who has been a great chairman and ranking member when he was in the minority of the Armed Services Committee. I must add that Senator THURMOND was a pillar of strength in his own service in the U.S. military. He was a stalwart leader during World War II. All of us who went to Normandy were able to recount that history and understand the remarkable role Senator THURMOND played there. Again, we are impressed and indebted to him for his service.

I have to mention Senator "Scoop" Jackson, a man I admired deeply before I came to the U.S. Senate. I felt a great privilege in knowing and working with him, both in military and national security, foreign policy matters, as well as on the Permanent Subcommittee on Investigations. I was his vice chairman, and while he was engaging in his run for Presidency in 1976, I was the acting chairman under his direction of that investigative subcommittee. I must mention Senator JOHN WARNER, who has been my partner on many different ventures involving military foreign policy matters. He served as a ranking minority member of the committee during my chairmanship. He has been a pillar of support for the men and women in uniform and for our national security. I have thoroughly enjoyed my association with him. I have learned a tremendous amount from all of these Senators.

I remember Senator Dewey Bartlett, now departed, Republican from Oklahoma. Senator Bartlett and I went to NATO in the mid-1970's and worked together on a NATO report which we think had some effect on strengthening our overall NATO positions. He was a very close friend of mine. He died a few years ago. Certainly, the recent book that has come out on Senator Bartlett is on my "must read" file. He was a wonderful Senator. I remember him with great fondness.

Then there are Senators COHEN and LEVIN. I have already mentioned Senator COHEN and the remarkable role he played in all the things we have undertaken together. Senator LEVIN, Senator EXON, and I have worked together as partners on many, many, different matters. Senator LEVIN will be the chairman of this committee if the Democrats are in control next year and will be the ranking Democrat if the Republicans retain control. In either role, I am confident that he will continue his diligence and his dedication to the men and women in our military and to our Nation's security.

Senator BINGAMAN has been a champion and our real leader in technology issues. I have thoroughly enjoyed working with him as well as every member of the committee. Senator BYRD as majority-minority leader, a member of this committee, and a leader in the Appropriations Committee has been one of my most greatest friends and has helped me every step of the way in everything I have undertaken on this committee and in the Senate.

I will not try to name all the people, but Senator KENNEDY has done a great job in his work. Senator GLENN and I have been great friends and have worked together on many different matters, including the deployment of our forces in Korea and helping to convince President Carter to change his mind on withdrawal of the forces from Korea in a critical time.

Senator MCCAIN is certainly not only a war hero but also a leader for national security. Senator COATS and Senator KEMPTHORNE are newer members of the committee, but they both have done remarkable jobs. Senator SMITH and others are going to be increasingly heard from on the Armed Services Committee in the years ahead.

I leave with a great sense of feeling that the Armed Services Committee is going to be in strong hands on both sides of the aisle in the years ahead. I will follow these issues with a great deal of interest in the future. I am sure that I will continue to be involved in one way or another in national security issues. I leave the Senate with a great feeling of confidence that the men and women who serve in the military have stalwart champions of our national security policy and the quality of life for the people who serve our Nation so well.

Mr. President, in closing, the Armed Services Committee has been fortunate to have the service of some extraordinarily talented and dedicated staff members during my service on the committee—staff directors and the staff who serve under them. I wish I could name everyone who served so well on this committee as a member of the staff. They all know of my deep admiration for them, and they all know that I relied on them every day that I have been in a leadership position on this committee.

We have had staff directors like Ed Braswell, Frank Sullivan, Rhett Dawson, Jim Roche, Jim McGovern, Carl Smith, Pat Tucker, Dick Reynard, Les Brownlee, and, of course, Arnold Punaro, who has been my right arm on national security issues for over 20 years. Arnold and Les both have had outstanding military careers and have accorded themselves with great valor on the field of battle.

Mr. President, these staff directors and those who serve with them are truly the unsung heroes of our American military forces. I will continue to be indebted to them.

I am indebted to the current minority staff committee, who worked so hard on this bill and on countless other issues. In addition to Arnold Punaro, Andy Effron, and David Lyles. David, who is on the floor today, left the committee for a while and has come back. I hope he will be on the committee staff for a long time to come.

Andy Effron left the committee last month to take a position on the bench of the U.S. Court of Appeals for the Armed Forces. Nobody will do a better job as a judge affecting our military forces than Andy Effron, and we all know that.

Rick DeBobes is an outstanding lawyer and Navy captain who worked with Admiral Crowe. He has been my right arm on numerous foreign policy issues and is always available to the majority leader and minority leader in working out difficult foreign policy matters on behalf of this committee.

I thank Creighton Greene, P.T. Henry, and Bill Hoehn, who has been with me a long time. Creighton and P.T. have all done a tremendous job. Bill Hoehn has made remarkable contributions to national security at the Rand Corp., as a DOD official in the Reagan administration, and on our committee. Mike McCord is a genius with budget numbers and has been our mainstay in so much of the analysis that is critical for our committee.

Frank Norton has done a wonderful job on military construction. Julie Rief is a true professional on construction and family housing issues. Chris Cowart, who runs the committee and tolerates Arnold Punaro. Chris can hear him all across the Capitol, wherever he is, and she has done so much for our committee day in and day out. I thank Jan Gordon, Jennifer Lambert, Danny Ginsberg, Jay Thompson for their hard work. Maurice Hutchinson and DeNeige (Denny) Watson, who have come out temporarily, Maurice from the Department of Defense and Denny from the executive branch, to help me personally and our entire committee in analyzing key developments in Asia and the former Soviet Union. Maurice was involved in Asia and Denny with the former Soviet Union.

Mr. President, I would like to have a chance to thank everybody who I have served with on staff. I will not name them all today. Generally speaking, without any doubt, we could not prepare any bill, let alone a bill of this size, without their help. They do the hard work under a great deal of pressure and with impossible deadlines. They stay up all night many times. The taxpayers of this Nation are well-served. All of them are underpaid, in terms of not only the hours they work, but in terms of what they could earn if they were out in the private sector. They, like our men and women in uniform, make sacrifices for our national security. I think that should be said.

Finally, Mr. President, I thank the Democratic floor staff. I will not try to name all of them. They are absolutely remarkable people. We take them for granted because they are so good. The floor staff here on the Democratic side—and I am sure the same is true on the Republican side—are terrific. We appreciate their help in every step we take to get our bills and legislation through.

In closing, this is a good conference report. I congratulate Senator THURMOND, all of our staff, members of the committee, and the conferees. Again, I thank Senator THURMOND for his leadership. This legislation will improve our national security, and that is what we are all about. I thank the Chair.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Will Senator NUNN yield me a few minutes?

Mr. NUNN. Yes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, we're here today to vote on the conference report to the fiscal year 1997 Defense authorization bill. But before I begin my remarks on this legislation I want to take a moment to commend my good friend and colleague, the senior Senator from Georgia, SAM NUNN.

Today, the Senate will see the last Defense conference report handled by my colleague, and I'm sure I'm not the only one who is already feeling the tremendous loss.

Both as chairman of the Senate Armed Services Committee and its ranking member, Senator NUNN gained a reputation for working with members on both sides of the aisle. His ability to forge compromises in the best interest of the Nation has made Senator NUNN not only a skilled legislator, but also a true leader.

In addition to thanking the committee, the chairman, and the ranking member, I also want to give special thanks to Senator COATS for his tireless effort to preserve our language to assist the Navy's privatization efforts at the Louisville Naval Ordnance Station and the Indianapolis Naval Surface Warfare Center.

I want to turn now to the 1997 fiscal year Defense authorization bill's conference report. I was very pleased to see the conferees retained my funding for the Urban Combat Training Center at Ft Knox, along with my language to protect the pensions of certain employees affected by the BRAC privatization effort and on impact aid. However, I'm very disappointed that the conferees dropped my language on the chemical demilitarization program.

While the final bill language is a compromise from the legislation Senators COATS, LUGAR, HUTCHISON, and I introduced a few months ago, it accomplishes our goal of providing a deferred annuity for those Department of Defense employees targeted for privatization as directed by the Base Closure Commission and who consequently, will lose their benefits under the Civil Service Retirement System.

This 2-year pilot program: Requires the GAO to evaluate and report to Congress on the successes or failures of the program; leaves the Secretaries of the military services the discretion of implementing a program; and indexes a deferred annuity.

In their report on the Senate Defense authorization bill, CBO estimates that the civilian retirement annuities, section 1121, proposal would reduce spending by $362 million by the year 2003.

Mr. President, I ask unanimous consent to have printed in the RECORD an outline of what this provision does and why it was needed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRAC PRIVATIZATION: THE CSRS ISSUE

Issue: The Base Realignment and Closure (BRAC) Commission has recommended the privatization of certain military facilities. For privatization to succeed, the maintenance of an experienced workforce is critical. Retirement benefits have become recognized as a major impediment to the privatization of the Louisville and Indianapolis Navy facilities and other Department of Defense (DOD) facilities.

In the absence of legislation to protect their retirement benefits, many employees will—and are—transferring to other Federal positions to maintain and protect their retirement benefits under the Civil Service Retiement System (CSRS).

If a large number of key employees transfer within the government rather than work for a private sector contractor, privatization savings to the the government may not be fully realized. The Department of the Navy estimates that privatization of Louisville and Indianapolis would provide up to $390 million in "cost avoidance" to the government.

Unlike other Base closings, the cost to the Federal government to close and move the work at Louisville and Indianapolis is far greater than the cost of privatization. The retention of the Federal employees at these facilities is essential to the private contractor.

Background: The 1995 BRAC Commission directed privatization of two Navy facilities with a large Federal workforce—the Naval Surface Warfare Center, Louisville, Kentucky, and the Naval Surface Warfare Center, Indianapolis, Indiana (the 1993 Commission directed the Air Force to privatize Newark Air Force Base in Ohio).

These Federal employees are different from other employees adversely affected by downsizing—the key difference is that these employees are not being separated because their services are no longer needed or because the work they accomplished is redundant or unnecessary. Under the BRAC "Close and Move" scenario these employees would have been eligible to continue their Federal employment (and qualify for an annuity) at another Federal installation. These employees are expected to continue accomplishing the same mission as before, but they will be working as private sector employees.

Most Federal employees hired before 1984 currently participate in the CSRS; those workers hired after 1984 participate in the Federal Employees Retirement System (FERS). FERS is different than CSRS because it is a portable plan in that it allows a Federal employee to move between Federal and non-Federal employment. In doing so, the accrual of Federal benefits is not significantly penalized.

However, employees under CSRS have no portability because it is a single component defined benefit plan. Therefore, when CSRS covered workers are forced to separate from Federal employment before they are eligible for an immediate annuity, their retirement benefits lost considerable value. Employees who lose their Federal position and withdraw their retirement contribution early forfeit all benefits from the Federal government and thereby are not eligible for a pension.

Employees with the most experience tend to be covered under CSRS. These are the employees the contractor taking over the work at a government facility considers to be very valuable. For example, 46% of the employees at the Louisville Naval Surface Warfare Center are covered by CSRS and are not eligible for retirement. Many of these employees, who are highly skilled, are seeking to transfer to other Federal positions. Some are even accepting lower paid positions within DOD, so that they may maintain their CSRS retirement benefits. As a result, there is little incentive for CSRS employees to accept positions with the private contractor. Therefore, the privatization of Federal facilities could fail at a significant cost to the Government and the U.S. taxpayers.

LEGISLATIVE REMEDY

To rectify the CSRS issue, the legislation proposes to index a deferred annuity for DOD CSRS Employees. It would be a pilot program for two years with a requirement that the GAO report to Congress its evaluation on the success or problems with the program. It is discretionary with the Secretary of the military service to implement a program and the Service would have to pay into CSRS the annual pay raises for the indexed annuity (this is similar to what Congress established for the postal employees). The legislation would address the issue of CSRS employees receiving a retirement benefit by:

Indexing the average pay on which the annuity is computed, and allowing a Federal deferred annuity to be paid to specific CSRS employees at the individual's optional retirement age, and the employees must forego their Federal severance pay.

The legislation will apply only to Transferred Employees of the Department of Defense. A Transferred Employee is one whose job is privatized pursuant to a decision of the BRAC Commission. This indexed, deferred annuity will be available only to individuals participating in CSRS, and not to those participating in FERS. The legislation will apply to only those CSRS employees who are ineligible to retire and who accept work with the private contractor.

Reasons for legislation:

At this time there are no administrative remedies.

Treats employees equitably and thus stabilizes the workforce for privatization.

Is acceptable to contractors.

Is easy to administer.

Understandable; makes sense.

Mr. FORD. Mr. President, I'm also very pleased that conferees kept my amendment on impact aid in the final bill. Since the Truman administration, the Federal Government has acknowledged its responsibility in assisting school districts educate federally connected children through the Impact Aid Program.

In 1994, Congress made a change to this program and said that if a school district which provides an education to children whose parents are civilian and work on Federal property does not enroll 2,000 of these students and this does not impact a school district by 15 percent then the school district would not be able to count these children for payment.

With this change, we drew a line in the sand which was arbitrary and unfair. We ignored the fact that a school district may be heavily impacted, but may not enroll 2,000 of these students in it school district. The end result was that our rural school districts were penalized unfairly because of their size. But, these students have as much of an impact on smaller school districts as they do on any of the larger school districts.

I am pleased to see that the provision I offered lowering this threshold to 1,000 students or 10 percent impact, has been retained. This has been a difficult change to make, and I'm pleased and thankful for the support this amendment has received from my colleagues, especially Senator WARNER and other members of the Senate Armed Services Committee. We can all be proud that we corrected an error that would have caused school districts in 42 States unjust hardships.

Despite being very pleased to see the Coats-Ford pension changes and my impact aid language included in the final bill, I'm very disappointed the conferees dropped language Senator BROWN and I had included on chemical weapons demilitarization.

Maybe we ought to treat this conference report like a crime scene. Let's dust for fingerprints and see just who it was who ripped the Ford-Brown language out. While we're at it let's find out what their motives could have possibly been.

For those who decided to play behind-the-scenes politics with this deadly issue let me remind you that it only takes one drop of a nerve agent like sarin to kill a person. A major release would kill 1 in 10 people within a 40-mile radius according to some projections.

Their decision seems even more imprudent with the news of a nerve gas leak in Utah. I find it amazing that the Army remains as hard as a bull's head on this issue despite having to literally shut down operations in Utah almost as soon as they started because of a leak. With all their big talk about advanced technology, it took just one leaky gasket to close up shop.

That's why the Ford-Brown language had the support of the President, who expressed his satisfaction that an agreement had been reached on such a critical issue. I ask unanimous consent that the letter dated July 17 from the President be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FORD. In his letter, President Clinton wrote:

> . . . I realize that technology is changing rapidly and that it is our responsibility to explore all alternative means of destruction. . . .

He continues:

> . . . As we go forward with our program to dispose of these dangerous weapons, we will not pass on an opportunity simultaneously to look for alternatives to incineration. I urge the House-Senate Conference to act favorably on this amendment . . .

But today the American public is seeing what can happen when policy is made behind closed doors. I can only hope that those responsible for this irresponsible action simply didn't understand the impact of leaving us with language that is much, much weaker. If that's the case let me tell you as clearly as I can that your actions essentially leave us emptyhanded.

Because of this indiscretion we won't have a chance to discover if there's an alternative to the baseline incineration program. Instead, the conferees have chosen to spend $12 billion on a program which the affected citizens haven't accepted—and with good reason—as a safe method of destroying chemical weapons.

Recent reports of the nerve gas leak in Utah further underscore just how much is at stake. As Craig Williams, a spokesman for the Chemical Weapons Working Group put it, "This program is 12 years behind schedule and 700 percent over budget. They are desperately trying to keep it afloat."

I'm outraged that back room deals in the Senate have not only made us a silent partner in the Army's efforts, but will essentially lock in the baseline incineration program. This was done despite a letter from the President supporting the Ford-Brown language and despite the overwhelming evidence that safer alternatives exist.

This change causes delays of at least a year in the commencement of an alternative pilot program and gives the Secretary of Defense authority not to conduct a pilot program based upon a paper assessment. Those responsible for this are fooling themselves if they think I'm the only one who will recognize what a sham this language makes of our efforts and our constituents' concerns.

I wonder if you've considered the whole transportation issue? Did you realize that we have to transport neutralized chemical agent and residual materials to a central facility for incineration? What will you tell the site that becomes the dumping ground for all other sites? That's a real possibility since the language doesn't limit shipment of neutralized chemical agent and residual material to the chemical demilitarization sites. Thanks to this new conference language, any State that has a permit to burn hazardous waste may be a potential shipment point.

Mr. President, this language puts the alternative program under the current chemical demilitarization management—exactly opposite from the Ford-Brown amendment. Their justification for doing this is that "the conferees are concerned that a divided program under separate managers would result in duplication of effort and increased costs and would jeopardize safety."

The Ford-Brown language resolved many of the problems that have brought us to this point today. Not only would it have set out a 3-year deadline for completion, but our language stipulated that no funds were to be expended for the purchase of long lead materials that are incineration specific. It also gave the Secretary of Defense latitude to appoint the best individual for the program, even if this person came from another agency. By making the Secretary accountable, we could have ensured the pilot program wasn't compromised.

Our amendment would have allowed the Department of Defense to transfer funds to other parties within the Federal Government to ensure that this project would be completed in an efficient and timely manner and again, so that there would be an independent review and analysis of alternative technologies. It also required accountability with a report to be filed with Congress each year on the progress of the program.

So whether you're talking about accountability or effectiveness, this conference report language flat out fails the affected communities. In fact, it biases the program in such a way that no one in the effected communities will believe anything that comes out of the Army Chemical Demilitarization Program.

We already know that lawsuits have and will be filed in other States who are opposed to the baseline incineration program. This situation could be avoided if the conferees had stayed with the Ford-Brown language. And more important, it could have been avoided if those people working behind-the-scenes to kill our provision remembered that they ultimately answer to the American people, not to the National Research Council or those running the Army chemical demilitarization show.

While the conference report isn't amendable, I haven't given up on this and will be doing everything I can to reverse this grave policy error.

EXHIBIT 1

THE WHITE HOUSE,
Washington, DC, July 17, 1996.

Hon. WENDELL H. FORD,
U.S. Senate, Washington, DC.

DEAR WENDELL: I am pleased that we were able to reach an agreement on the Ford-Brown chemical weapons demilitarization amendment to the Defense Authorization Act that the Senate adopted on June 26 during debate on S. 1745. The National Academy of Sciences (NAS) concluded in its 1994 study that the continued storage of these obsolete and dangerous weapons poses severe environmental and safety problems for workers and communities. I am dedicated to ensuring that these weapons are destroyed as quickly and safely as possible.

I am also committed to going the extra mile to explore whether there may be safer and more environmentally sound alternatives to the Army's baseline incineration system, even though the 1994 NAS study concluded that the baseline system has been demonstrated as a safe and effective disposal process for the stockpile. I continue to believe that a well-designed incineration system can be a safe and environmentally acceptable means of destroying these weapons and that any potential decrease in disposal risks through alternative approaches must be balanced against the increased risk of storage by delaying destruction. Still, I realize that technology is changing rapidly and that it is our responsibility to explore all alternative means of destruction. My Administration will work very hard to ensure that all Americans have a safe and healthy environment. As we go forward with our program to dispose of these dangerous weapons, we will not pass on an opportunity simultaneously to look for alternatives to incineration.

I urge the House-Senate Conference Committee to act favorably on this amendment. I am asking the Secretary of Defense to work with the Congress to ensure that this pilot project receives the highest priority in the Chemical Demilitarization Program. I commend you for seeking alternative solutions to this very difficult problem.

Sincerely,

BILL.

Mr. BYRD. Mr. President, the conference on the fiscal year 1997 Department of Defense authorization bill has been concluded. In many respects, the bill has been improved in conference over both the House- and Senate-passed versions. Policy provisions have been dropped that might have led us into needless conflict with Russia and that might have jeopardized strategic arms reductions which make the whole world safer. I commend the conferees, under the able leadership of Senator

THURMOND and Senator NUNN, for these changes. I would note also that this is Senator NUNN's last defense conference. I congratulate him on the selfless and dedicated service he has given to the Senate Armed Services Committee, to the Senate, to the people of Georgia, and to the Nation. I shall miss his thoughtful analysis and cogent arguments of security threats facing this nation.

Although action was taken on the floor to bring the bill into line with the Budget Resolution, at $265.6 billion, it is still $11 billion over the administration's request of $254.3 billion. It is hard to imagine that $254.3 billion is not sufficient to maintain our nation's military forces, but it was adjudged to be too little to maintain our defense establishment.

I earlier expressed my hope that the amount might be reduced in conference, but it has not been. As I have stated previously, I did not vote for the Budget Resolution because I did not agree with the choice made to add funds to defense while cutting other critical non-defense domestic discretionary accounts. The Fiscal Year 1997 defense authorization and appropriations bills hew to the path that was set forth in the Budget Resolution. I cannot blame the managers of these bills for playing the card they were dealt, and spending the money in the most effective manner possible, but I cannot follow the same path. Regretfully, for I believe the conference has improved its content, I must vote against this bill.

A strong defense is all well and good, Mr. President, but other things are also important. A nation's strength is measured not only in military strength, but in the strength of its infrastructure, its economy, and its people. I think we need a better balance between our spending on defense and our spending on other programs. Recent events in Atlanta and the tragic and unexplained loss of TWA flight 800 have raised fears of terrorism to new levels, and have added priority as well as funding to anti-terrorism and counterproliferation efforts. Americans have prepared themselves for the inconvenience and drag on productivity that greater security measures will impose. But what about the loss of life and loss of productivity created by the imbalance in funding between defense and non-defense discretionary programs that has been accentuated by the congressional budget process? How high does the illiteracy rate have to climb before we stop cutting funds for education, teachers, and books? How many airline crashes must occur before the FAA gets funds for more inspectors? When will we add funds for programs to keep aircraft and passengers safe, rather than add funds for far-fetched and technologically risky plans to stop incoming ballistic missiles? This conference agreed to add $350 million to the administration's already generous request of $508.4 million for national missile defense.

How many children must die from contaminated hamburgers before we find more funds for food inspectors? How many sick people must die before the Food and Drug Administration gets more funds to speed the review of new medicines and other treatments? These are the choices we make when we add money to defense. The pot is only so big; the more that gets ladled into the defense bowl, the less there remains to dole out to defense against illiteracy, unsafe conditions, and disease.

There is much talk of readiness, of funds being needed to prepare for military contingencies. That is what some of these added funds are meant to address. But, while we are willing to prepare for and to wage war, we must also be prepared to pay the wages of war. I offered an amendment to provide $10 million for independent scientific research into the possible link between chemical warfare agent exposure and the Gulf War syndrome being suffered by large numbers of Gulf War veterans. My amendment would also have provided health care for the children of these veterans who have birth defects or catastrophic illnesses that may be related to their parents' wartime exposures.

I am glad that the conferees agreed to designate the funds from within the $9 billion Defense Health Program for this research. It has been five years since the Gulf War, and no such research has been conducted, despite veterans' concerns that this exposure may be at the root of their illnesses and at the root of their childrens' tragic conditions. A recent Department of Defense admission that chemical weapons were among Iraqi ammunition stores that were blown up over U.S. troops have reignited concerns about chemical warfare agent exposure. I am glad that this research may now be conducted, and I hope that the Department of Defense will move quickly to get the research started.

In the interim, I had hoped that the conferees would agree with my proposal to provide health care for the affected children. Their situations are truly tragic, and are financially devastating to their families. I asked that these children, the likely victims of an increasingly toxic battlefield, be given the benefit of the doubt until scientific research establishes evidence of a link between their parents' exposure and their conditions. Sadly, the conferees were not prepared to be that compassionate. Out of a $265.6 billion defense budget, not $30 million could be found to provide for these children while appropriate scientific research is conducted. Instead, the Secretary of Defense and the Secretary of Veterans Affairs have been directed to develop a plan to provide care only after these birth defects and catastrophic illnesses have been proven to a reasonable scientific certainty to be linked to their parents' wartime exposures. I urgently hope that the research moves fast enough to convince my colleagues before these children and their families pay too high a wage for their participation in our Nation's wars.

EA-6B REACTIVE JAMMER PROGRAM

Mr. THURMOND. Mr. President, airborne electronic warfare has been an item of special interest for the Committee on Armed Services for several years now, not only because of its importance in strike warfare but also because of the Department of Defense's checkered record of providing substantial programs and clear direction in this area. In fact, I believe it was when Senator NUNN chaired the committee in 1992, that the committee urged the Defense Department to merge electronic warfare programs to provide a more cost-effective, and indeed, a more effective EW capability.

Mr. NUNN. Mr. President, I thank the Chairman for bringing up this issue. It is true that the committee proposed to merge the Air Force's and the Navy's requirements into one electronic warfare aircraft program that could be pursued aggressively, but the Department of Defense responded that it needed two separate robustly funded jamming aircraft programs. Now it has one program that limps along without the benefit of any real capability upgrades.

Mr. THURMOND. Mr. President, I agree with Senator NUNN and believe this year's bill is designed to move forward with this very important program. Section 123 of the Conference Report contains a prohibition on the obligation of funds for modifications or upgrades for EA-6B aircraft until funds have been obligated for a reactive jammer program, a report has been received, and 30 days have elapsed from the date of the receipt of the report. Specifically, section 123(a) prohibits the obligation of funds for modifications to EA-6B aircraft until a certification that some or all of such funds have been obligated for a reactive jammer program for EA-6B aircraft. Only research and development funds have been authorized and appropriated for the reactive jammer program and, as I understand it, the funds mentioned in this section refer to those research and development funds for initiation of a reactive jammer program. Does the Senator from Georgia interpret the section as I do?

Mr. NUNN. Mr. President, I agree with the Senator from South Carolina's interpretation. The mention of "some or all of such funds" does indeed refer to research and development funds, not to procurement funds. The intent of the conference is that the prohibition is on the obligation of procurement funds until some or all of the research and development funds are obligated for a reactive jammer program.

Mr. THURMOND. Mr. President, thank you for providing me the opportunity to clarify this section of the conference report.

SECTION 3154 OF H.R. 3230, DEFENSE AUTHORIZATION BILL

Mr. THOMAS. Mr. President, I am pleased the conference report contains section 3154, which requires the Department of Energy [DOE] to carry out a study to determine the extent and valuation of natural resource damages at DOE sites. I authored this provision as chairman of the Senate Energy Committee's Subcommittee on Oversight. Frankly, I was shocked to find that the Department had not yet done their own study of this potentially huge future liability, and that is why I introduced this amendment.

It is vital that the Department of Energy obtain comprehensive and accurate information regarding the extent and valuation of natural resource damages at DOE sites. This is especially important if we are to make realistic budget assumptions today and set realistic budget goals for the future. Unfortunately, there has not been a reliable study done on this issue to date.

During the course of Superfund hearings held in the Environment and Public Works Committee, significant questions have been raised about the Department of Energy's liability for natural resource damages at their Superfund sites. Department officials first estimated liability in the hundreds of billions of dollars. Since that time, GAO has looked at the situation, as has CEQ. However, the CEQ and GAO estimates are quite different. GAO estimates a high range of $15 billion while CEQ says the high range is $500 million. The disparity between these two studies is troubling, as is the fact that DOE has never done their own study.

This amendment directs DOE to conduct their own study, to use realistic assumptions about liability based on the real world experience private parties have already had, and to report to the Congress 90 days after enactment. This real world experience is the methods in the current natural resource damages assessment regulations, and should be consistent with the position asserted by public trustees in suits against private parties and with the position supported by the administration pertaining to damages against private parties. While I would be happy to work with DOE to ensure they have enough time to do a credible job, it is important that they complete their work before we move to reauthorize the Superfund program next year and before next year's appropriations cycle.

Finally, I want to emphasize that the intent of this section is purely for oversight functions. This section in no way should be interpreted as a reflection of support for the current operation of the natural resource damages provisions of CERCLA. I in no way endorse the methodologies used by public trustees under the current natural resource damages regulations. I simply believe that if private parties face these regulations today, and if the Department of Energy is the single largest potentially responsible party in the country, then we ought to use the same standard in estimating DOE liability at these sites. I look forward to receiving this study and to possible future hearings on this issue.

Mr. President, I want to thank Chairman THURMOND and Senator NUNN for their help on this matter.

CABLE TELEVISION PROVISION

Mr. SMITH. I would like to engage the chairman and ranking member of the Senate Armed Services Committee on section 833 of the conference bill, relating to cable television franchise agreements on military bases. That section implements an advisory opinion of the U.S. Court of Federal Claims, which found that cable television franchise agreements on military bases are contracts subject to the Federal Acquisition Regulation [FAR].

As chairman of the Acquisition and Technology Subcommittee, I believe that when negotiating the settlement ordered by section 833(3), the parties should give due consideration to the fair compensation of cable operators terminated for the convenience of the Government in accordance with part 49 of the FAR. Factors to be considered may include, to the extent provided in the FAR, interest on capital expenditures, settlement preparation costs, and other expenses reasonably incurred by such operators in connection with constructing their cable systems or obtaining fair compensation.

Mr. THURMOND. I agree with the statement of the Senator from New Hampshire.

Mr. NUNN. I also agree with the statement of the Senator from New Hampshire.

SUBMARINE LANGUAGE

Mr. LIEBERMAN. Mr. President, in section 121 of the conference report I read that funds in this bill are:

> . . . available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the "Memorandum of Agreement among the Department of the Navy, Electric Boat Corporation (EB) and Newport News Shipbuilding and Drydock Company (NNS) concerning the New Attack Submarine" dated April 5, 1996, relating to design data transfer, design improvements, integrated process teams, and update design base.

Further, in the bill, under subsection (g) Design Responsibility, I read,

> The Secretary shall ensure that both shipbuilders have full and open access to all design data concerning the design of the submarine previously designated by the Navy as the New Attack Submarine.

Mr. President, reading a portion of the aforementioned memorandum of agreement, a copy of which I am submitting for the record, NNS is to "be provided design deliverable information in a manner and scope that is generally consistent with that provided in the latest submarine program (SeaWolf). Design data transfer will be conducted in the most cost effective manner to support construction of follow-on ships at NNS." My interpretation of subsection (g)(1) of section 121 is that this subsection does not require the transfer of any design data between the shipyards which are not required by the memorandum of agreement. Am I correct in my interpretation of the intent of the conferees?

Mr. COHEN. Mr. President, I would say that the Senator from Connecticut is correct in his interpretation of the language in the bill regarding the transfer of design data between the two shipyards. It was the intent of the conferees to reaffirm last year's requirement requiring the transfer of design data regarding the new attack submarine to Newport News Shipbuilding. It was not the intent of the conferees to change the terms of the memorandum of agreement. Further, it was the intent of the conferees that the appropriate US Navy official resolve differences of opinion about what information is required to be transferred under the MOA.

Mr. KENNEDY. Mr. President, may I say that I fully agree with the distinguished chairman of the Seapower Subcommittee on this point.

Mr. WARNER. Mr. President, I agree with my colleagues interpretation of this important subsection of the conference report.

Mr. LIEBERMAN. Mr. President, thank you for providing me the opportunity to clarify this most important section of the conference report.

NUNN-LUGAR-DOMENICI DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

Mr. NUNN. Mr. President, after a truly heroic effort by both members and staff, before the recess we completed action on a conference agreement on the fiscal year 1997 Defense authorization bill. I hope this agreement will be voted on by the Senate soon. I wanted to take a few moments to highlight one provision in that bill which relates specifically to a recent tragic incident that has hit all of us in our hearts and homes. The incident to which I refer is the terrorist pipe bomb that went off in Centennial Park—the heart of the Olympic celebration in Atlanta—in July, which killed 1, caused the death of another, and injured over 100 people.

But, Mr. President, at this point in history, we have to ask ourselves, "What if?" What if this hadn't been a crude pipe bomb? What if the individual who planted this terrorist device had used information readily available on the Internet and materials readily and legally available to concoct a chemical weapon? Or, worse, suppose he had concocted a biological weapon?

The answer seems too terrible to consider, but consider it we must. And that is precisely why Senator LUGAR, Senator DOMENICI, and I cosponsored the Defense Against Weapons of Mass Destruction Act, an amendment—adopted by a unanimous vote in the Senate—to the Defense authorization bill that addresses this very threat. I am pleased to say that our colleagues in the House of Representatives also accepted this amendment in the conference report virtually as it passed the Senate.

Mr. President, the Defense Against Weapons of Mass Destruction Program, now title XIV of the Defense authorization bill, provides $201 million—$144 million to the Department of Defense and $57 million to the Department of Energy—to address the threat of proliferation of weapons of mass destruction.

DOD is being given $65 million to conduct a program to train, equip, and assist local first responders in dealing with incidents involving nuclear, chemical, and biological weapons and related materials; $10.5 million of this funding is specifically earmarked for DOD assistance to the Secretary of Health and Human Services in forming emergency medical response teams capable of dealing with these materials.

DOD is also being given $30 million both to provide equipment and assistance to the United States Customs Service and to help train customs services in the former Soviet Union, the Baltic States, and Eastern Europe in an effort to improve our ability to detect and interdict these materials before they reach the hands of terrorists in the United States. An additional $27 million is provided to DOD and DOE for research and development of improved detection technologies, which are badly needed.

Finally, DOD and DOE are provided additional funding to address the threat of proliferation at its source. In addition to being fully funded at the administration's request of $327.9 million, DOD's Cooperative Threat Reduction Program is being provided $37 million for projects designed to destroy, dismantle, and improve controls over the former Soviet Union's stockpiles of weapons of mass destruction. DOE is being provided $40 million for its programs in this area.

The provision also calls for the creation of a senior level coordinator to improve the Federal Government's efforts in dealing with the threat of proliferation and to coordinate Federal, State, and local plans and training. Some $2 million is provided for the coordinator to use in focusing research efforts on improved planning, coordination, and training efforts.

Mr. President, the threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons is one of the most serious national security threats we face today.

This threat is very different than the threat of nuclear annihilation with which our Nation and the world dealt during the cold war.

During the cold war both we and the Soviet Union recognized that either side could destroy the other within an hour, but only at the price of its own destruction.

I have heard too many experts, whose opinions and credentials I respect, tell me that it is not a question of if but only of when terrorists will use chemical or biological—or even nuclear—weapons in the United States.

In July, the Commission on America's National Interests, cochaired by Andrew Goodpaster, Robert Ellsworth, and Rita Hauser, released a study that concluded that the No. 1 vital U.S. national interest today is to prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States. The report also identified preventing the loss of control of nuclear weapons and nuclear weapons-usable materials, and the containment of biological and chemical weapons proliferation as one of five cardinal challenges for the next U.S. President.

The Permanent Subcommittee on Investigations of the Governmental Affairs Committee held a series of hearings over the last year on the proliferation of weapons of mass destruction, at which representatives of the intelligence and law enforcement communities, the Defense Department, private industry, State and local governments, academia, and foreign officials described a threat that we cannot ignore, but for which we are virtually totally unprepared.

CIA Director John Deutch, for one, candidly observed "We've been lucky so far."

And, in fact, we have already received at least three loud warning bells. First was the release of deadly sarin gas in the Tokyo subway system. Second was the truck bomb which went off in the garage of the World Trade Center in New York City—a bomb that the trial judge believed the killers intended to be a chemical weapon which, had it deployed as intended, would have killed thousands. Third was the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. The pipe bomb in July in Atlanta serves as yet another warning that we must improve our preparedness for terrorist attacks in this country.

Mr. President, this legislation will significantly improve our ability to deal with this threat—an ability which today is clearly not up to the challenge. We have heard testimony in recent months at hearings held by the Permanent Subcommittee on Investigations that speaks clearly to the remarkable lack of domestic preparedness for an incident involving nuclear, radiological, chemical, or biological materials.

Fire chiefs said that they cannot plan on Federal emergency assistance to help in an emergency of this nature as it is simply too long in coming.

Local emergency first-responders—policemen, firemen, medical technicians—grimly said over and over again that they were incapable of dealing with a chemical or, especially, biological weapon or incident.

By providing funding and a mandate for DOD and DOE to share their experience, expertise, and equipment dealing with nuclear, radiological, chemical, and biological weapons and materials, we can address critical shortfalls in our domestic preparedness that have been specifically and repeatedly noted in congressional testimony and documentation.

Several modest exercises have been held to test how Federal, State, and local emergency responders would deal with a nuclear, radiological, chemical, or biological attack.

In one large exercise, the first 100 or so emergency response personnel—police, firemen, medical personnel—arriving at the scene of a mock chemical weapon disaster rushed headlong into the emergency scene, and were promptly declared "dead" by the referees.

In a second exercise featuring both chemical and biological weapons, contaminated casualties brought to the nearest hospital were handled so carelessly by hospital personnel that, within hours, most of the hospital staff were judged to have been killed or incapacitated by spreading contamination.

In addition, a report recently forwarded by the Secretaries of Defense and Energy to Congress on our preparedness for a nuclear, radiological, chemical, or biological terrorist attack noted that, "response personnel are relatively few in number and pieces of equipment necessary to provide adequate support to an NBC event are in some cases one of a kind."

I still remain fully convinced that the best way to prevent the use of these terrible weapons and materials on American soil is by stopping them before they get here. For this reason, this legislation provides additional resources and impetus for enhancing our ability here at home to detect and interdict nuclear, chemical, and biological weapons and related materials before they get into the hands of terrorists or malcontents.

An extensive study by Arnaud de Borchgrave, Judge William Webster, former Director of the FBI and CIA, Congressman BILL MCCOLLUM, and others, published earlier this year by the respected Center for Strategic & International Studies [CSIS], concluded that "there are few opportunities for detecting, interdicting, and neutralizing these materials once they are beyond the source site. * * * Attention and resources must be directed toward post-theft measures as well."

Mr. President, the single best way to deal with this threat is by preventing proliferation at its source, as far away from the United States as possible. That is why this legislation also bolsters the original concept introduced by Senator LUGAR and myself in 1991, which aims at helping the states of the former Soviet Union to improve their safeguards and controls over existing stockpiles of deadly materials.

The CSIS de Borchgrave-Webster study also found that:

> The most serious national security threat facing the United States, its allies, and its interests is the theft of nuclear weapons or weapons-usable materials from the former Soviet Union. The consequences of such a theft—measured in terms of politics, economics, diplomacy, military response, and public health and safety—would be catastrophic.

de Borchgrave himself stated at a press conference that: "We have concluded that we're faced now with as big a threat as any we faced during the cold war, when the balance of terror kept the peace for almost half a century."

Finally, Mr. President, this legislation attempts to improve the overall coordination of how we deal with the broad threat to our Nation posed by the proliferation of weapons of mass destruction.

There are currently dozens of government agencies that deal with the various aspects of this threat, with overlapping authorities and programs, but with serious gaps.

Testimony provided in the Permanent Subcommittee on Investigations revealed that coordination between Federal agencies is seriously lacking, and that there is virtually no effective coordination or communication between the Federal Government and State and local agencies and organizations. This appears to be changing, at least in the case of the Olympic games in Atlanta.

I visited Atlanta during the Olympics and received a briefing by a group of representatives from various Federal agencies that were working together to provide security for the Olympic games. I strongly commend their joint efforts, but, this must become the pattern all over the country. We must build from this experience, improve in areas where we have weaknesses, and make this kind of interagency cooperative effort the norm.

Mr. President, I believe this legislation, while only a beginning, responds to a very urgent national security concern of our Nation. I commend all of the Defense authorization conferees for their swift actions in approving the inclusion of the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Act in the conference agreement, and I look forward to the President signing this legislation into law.

Mr. SMITH. Mr. President, I rise in strong support of the conference report on the fiscal year 1997 Defense authorization bill. I want to take this opportunity to commend the distinguished chairman of the Armed Services Committee, Senator THURMOND, for putting together an outstanding bill. Senator THURMOND worked tirelessly to conclude the conference quickly and efficiently, and the product is a bill that we can all be proud of.

I also want to pay tribute to the ranking member, Senator NUNN. Senator NUNN has served on the Armed Services Committee with distinction for 23 years. Throughout that time, he has been steadfast in his support for a strong, capable, and highly prepared military. This will be Senator NUNN's final Defense authorization bill, and I want to take this opportunity to thank Senator NUNN for his outstanding work on behalf of the men and women of our Armed Forces.

Mr. President, the bill before us includes a much-needed increase of $11.2 billion from the President's budget request for national defense. I want to emphasize that even with this increase the total level of Defense spending remains $7.4 billion below last year's level when adjusted for inflation. We are in the 12th straight year of decline in Defense spending.

For the benefit of my colleagues, I want to briefly summarize some of the highlights of this conference bill. The bill before us includes a 3 percent pay raise and a 4.6 percent increase in the basic allowance for quarters for our Armed Forces.

It directs the Secretaries of Defense and Health and Human Services to prepare and implement a demonstration program enabling Medicare-eligible beneficiaries to enroll in the Tricare, the DOD health care program.

The bill approves $10 million in additional research funding to examine the relationship between service of our men and women in the Gulf war and the incidence of congenital birth defects and illnesses among their children.

It also includes $201 million to carry out the Defense Against Weapons of Mass Destruction Act which addresses the Nation's ability to deal with threatened or actual use of nuclear, chemical, or biological weapons against American cities.

The bill provides $40 million to complete development and testing of the Patriot Anti-Cruise Missile Upgrade Program.

It authorizes $32 million for reactive jamming upgrades to the Navy's fleet of EA–6B electronic warfare aircraft.

It includes a $24.5 million increase for night vision goggles and $9.1 million for infra-red aiming lights.

It also directs that the Navy conduct a competitive evaluation of the ATD–111 and Magic Lantern Lidar systems to determine which system to acquire under the Airborne Laser Mine Detection Program.

It provides an increase of $914 million for the Ballistic Missile Defense Organization, and $134 million specifically for the space and missile tracking system.

Last, it approves an increase of roughly $300 million for conventional delivery enhancements for the B–1 and B–2 bombers.

Additionally, Mr. President, I would like to briefly summarize some of the initiatives contained under the acquisition and technology section of this bill. As chairman of the Subcommittee on Acquisition and Technology, I have been troubled by the failure of the administration to adequately invest in long-term technology development. Modernization is the key to long-term readiness, and without effective investment in the technology base, we will be unable to preserve the technological edge that we enjoy today.

The bill before us includes a number of important initiatives to support efforts of the services to develop advanced operational concepts and technologies, to increase the use of commercial technologies for defense applications, and to make defense programs more affordable. For instance, the bill provides $40 million to fund the Marine Corps' Sea Dragon experiments to develop new operational concepts that leverage technology and innovation; authorizes $20 million for a joint services research and development program for nonlethal weapons and technologies; provides $85 million for the dual use applications program; authorizes $61 million for the manufacturing technology programs of the Army, Navy and Air Force; provides an increase of $12 million to continue the procurement technical assistance program; and includes a provision to streamline the Defense Department's requirements for assessing the capabilities of the national defense technology and industrial bases, including cases of unacceptable reliance on foreign sources.

Mr. President, these are but a few of the many critically important initiatives contained in this bill. I would emphasize that these initiatives address the priorities established by the service chiefs and will directly enhance our national security.

I also want to emphasize that each of the issues that President Clinton's advisors indicated may trigger a Presidential veto have been resolved to the satisfaction of the administration. Thus, this bill enjoys strong bipartisan support and the indications are that the President will sign it.

Again, I want to thank the distinguished chairman and ranking member for their outstanding work in formulating a conference bill that enhances national security and reflects the vast majority of the Senate's priorities for defense. They have rendered an invaluable service to the Nation, and I am proud to support this important legislation.

Mr. President, I urge the adoption of the conference report, and I yield the floor.

CHEMICAL WEAPONS DEMILITARIZATION

Mr. MCCONNELL. Mr. President, this morning, I listened to my colleague from Kentucky with great interest as he expressed our mutual concern about the action taken by the conferees on the chemical demilitarization program. I share his disappointment that language which would have guaranteed an alternative technology program so clearly in the interests of our constituents was deleted in conference.

Let me review for a moment how we ended up in this situation and how I hope we can correct course. Several months ago, staff representing all of the Members who have chemical demilitarization facilities met in Senator FORD'S office to review the status of demilitarization at each site. At the time, Senator FORD offered a proposal which required the Department of Energy, in conjunction with the Army office which currently manages the incineration program, to develop alternatives to incineration. Although I strongly supported the idea of alternative technologies, the Department of Energy had no demonstrated experience with chemical weapons. Given the danger involves with this aging stockpile, appointing an agency which, in effect, would have to undergo on-the-job training did not seem a safe or suitable option.

As Senator FORD mentioned, both the Congress and the communities affected by these facilities have had serious problems with the Army office responsible for the baseline program. They have been adamantly opposed to considering any credible alternatives to incineration. This led me to the conclusion that assigning them any role for an alternative program was counterproductive so I found I was also unable to support this provision in Senator FORD'S draft bill.

Being uncertain about two of the key provisions in Senator FORD'S proposal I decided to pursue my concerns through the Defense Appropriations Subcommittee. Unlike the Armed Services Committee, the Appropriations Committee has an unusual number of Members with chemical weapons sites in their States. In addition to the distinguished chairman of the Committee, Senator HATFIELD and the ranking member on the Defense Subcommittee, Senator INOUYE, Senators BENNETT, NIGHTHORSE CAMPBELL, SHELBY, BUMPERS and MIKULSKI each have an installation of grave concern to their constituents. As a result, Senator STEVENS was very responsive to our common interest in holding a hearing to consider the status of the Army's incineration program as well as the viability of alternatives.

In discussion following the June 4 hearing, Senator STEVENS agreed to include a provisions in the chairman's draft of the Defense appropriations bill which addressed my concerns. The language which passed the Senate and is now in conference, provides $40 million for the initiation of a pilot program to identify and demonstrate not less than two alternative technologies to the baseline incineration process. The Under Secretary of Defense for Acquisition and Technology is directed to assign a program officer to pursue this effort. The report language which accompanied the bill explicitly stated.

> Under no circumstances shall the Under Secretary appoint a program executive officer who is, or has ever been, in direct or indirect control of the baseline reverse assembly incineration process.

Finally, the bill prohibits the obligation of funds to initiate construction in Kentucky or Colorado until 180 days after the Under Secretary has reported back on the pilot program.

It is my understanding that the amendment that Senator FORD offered which was accepted on a voice vote just before final passage of the Defense Authorization bill has been modified so that it was compatible with the language already included in the Defense appropriations bill. This final version of Senator FORD'S proposal was clearly on the right track and I share his disappointment about the outcome. I also agree with his assessment that the substitute language is in fact worse than the status quo in that it postpones serious consideration of alternative technologies and gives the managers of the current incineration program both the responsibility for studying alternative options as well as the right to veto any new ideas.

I have discussed Senator FORD'S and my concerns with both the chairman of the Armed Services Committee and the chairman of the Appropriations Subcommittee on Defense. Since the Defense Subcommittee will begin conference tomorrow, it is my hope that we can reach a favorable solution to this unfortunate turn of events.

I am grateful to the sound guidance I have received from Senator STEVENS and Senator INOUYE. Both have extensive experience and a thorough understanding of the complexities of this issue and both I and my constituents will look to their leadership and count on their continued good advice.

Mr. CRAIG. Mr. President, title XXXI, subtitle F of the 1997 Defense Authorization Act is an amendment I sponsored in the Senate to clear up several unnecessary and delaying bureaucratic requirements that currently exist in the Waste Isolation Pilot Plant Land Withdrawal Act—Public Law 102–579–WIPP. This title will allow the WIPP facility to open, meet a major environmental objective, and save the taxpayer money.

The purpose of the WIPP is to provide for the safe disposal of transuranic [TRU] radioactive and mixed wastes resulting from defense activities and programs of the United States. These materials are currently stored at temporary facilities, and until WIPP is opened, little can be done to clean up and close these temporary storage sites.

Idaho currently stores the largest amount of TRU waste of any State in the union, but Idaho is not alone. Washington, Colorado, South Carolina, and New Mexico also store TRU waste.

The agreement recently negotiated between the State of Idaho, the DOE and the U.S. Navy states that the TRU currently located in Idaho will begin to be shipped to WIPP by April 30, 1999. This legislation will assure this commitment is fulfilled by clearly stating that it is the intent of Congress that the Secretary of Energy will complete all actions needed to commence emplacement of TRU waste at WIPP no later than November 30, 1997. The opening of the WIPP will solve a nagging and ongoing problem at the INEL—what to do with this nuclear waste that has accumulated over the years at the Idaho site.

We cannot solve the environmental problems at sites such as the Idaho National Engineering Laboratory, Rocky Flats Weapons Facility, Savannah River and others without WIPP. The reason is obvious. Without a place to dispose of the waste, cleanup is impossible, and without cleanup, further site decommissioning can not occur.

The goal of this bill is simple: To deliver on Congress' longstanding commitment to open WIPP by 1998.

This bill amends the Waste Isolation Land Pilot Plant Land Withdrawal Act of 1992 in several very significant ways.

It deletes obsolete language in the 1992 act. Of particular importance is the reference and requirements for test phase activities. Since the enactment of the 1992 act, the Department of Energy [DOE] has abandoned the test phase that called for underground testing in favor of above-ground laboratory test programs. Thus the test phase no longer exists as defined in the 1992 law and needs to be removed so it does not complicate the ongoing WIPP process.

Most important, this amendment will streamline the process, remove duplicative regulations, save taxpayers dollars—currently, the costs of simply watching over WIPP exceed $20 million per month.

This bill does not remove EPA as the DOE regulator of the WIPP. DOE has stated numerous times that it does not want to self-regulate. The Department believes that having EPA as the regulator will instill additional public confidence in the certification process and the facility itself, once it opens.

I am skeptical regarding EPA. EPA has a poor record of meeting deadlines. The WIPP, as a facility, is ready to operate now and is basically waiting on EPA's final approval. The schedule DOE has established to meet the opening dates is an aggressive timetable. It is successful only if EPA can accomplish its tasks on time. I strongly encourage them to do so.

Idaho and the Nation need to have the WIPP opened sooner rather than later. Each day of delay is costly (nearly $1 million per day in taxpayers' dollars), and the potential dangers to the environment and human health resulting from the temporary storage of this waste continue.

It is time to act. We must, if we are to clean up sites such as the Idaho National Engineering Laboratory. We must act to dispose of this nuclear waste permanently and safely for future generations. The passage of this Defense authorization bill clears the way for that to happen.

Ms. SNOWE. Mr. President, I wish to express my strong support for the fiscal year 1997 Defense authorization conference report. The conferees have done an admirable job of crafting a well-balanced bill that will ensure our national defense needs are met in the coming fiscal year.

At $265.6 billion for fiscal year 1997, the conference report is $11.2 billion above the President's budget request. Much of the additional funds will go toward much-needed weapons modernization, with $6 billion more for procurement and $3 billion more for research and development. Despite the increase over the budget request, however, the bill is actually $7.4 billion below the fiscal year 1996 spending level for Defense in real terms. The conference report authorizes a responsible level of defense spending given the threats to our national security which exist in the post-cold war era.

The conference report preserves our readiness to respond quickly to military emergencies like the one precipitated within the past 2 weeks by Saddam Hussein in Iraq. It emphasizes modernization and new weapons procurement in an effort to begin turning around the steep 71 percent decline in funding for military procurement over the last 10 years. It also continues crucial research and development of promising new defense technologies. These programs include the design of an effective ballistic missile defense system, quieter submarines, and multi-use fighter aircraft.

While effective and state-of-the-art military hardware are crucial to maintaining our defense advantage, the best military equipment in the world is of little value without the highly-trained and hard-working service men and women on whom the success of our national defense ultimately depends. I am therefore pleased that the conference report authorizes a number of initiatives directly benefiting military personnel, retirees, and their families. Among these are a 3-percent military pay raise, a 4.6-percent increase in the basic allowance for quarters, $466 million for new housing, and a dental insurance plan for retired service members and their families. My one regret is that the conference agreement dropped the Murray-Snowe amendment adopted by the Senate which would have repealed the ban on abortions at overseas military hospitals.

Mr. President, I am especially pleased that the conference report supports a strong and efficient Aegis destroyer program. Bath Iron Works of Maine is one of two private shipyards which build this important Navy ship. The conference report authorizes $3.4 billion for four guided-missile Aegis destroyers in fiscal year 1997 and $520 million in advanced procurement for an additional Aegis destroyer in fiscal year 1998. I am particularly gratified that the conference report includes approval for the Navy to implement a stable three-ship-per-year procurement plan for the Aegis from 1998 through 2001. The plan will result in efficiencies that will save $1 billion in construction costs for the Aegis destroyer.

The end of the cold war has uncapped a host of long-simmering regional conflicts around the globe, some of which have threatened important U.S. interests. Combined with the proliferation of nuclear and missile technology as well as chemical and biological weapons, these limited conflicts carry the potential for far wider consequences. I am pleased that the conference report includes $122 million to strengthen our domestic preparedness against the use of nuclear, chemical, or biological weapons. We must recognize that the world is still a dangerous place and that maintaining a high level of military preparedness must continue to be a national priority.

The fiscal year 1997 Defense authorization conference report will maintain the strength of our national defense forces for the coming year. I urge that it be adopted.

Mr. COATS. Mr. President, I commend the fine leadership of Chairman STROM THURMOND of South Carolina and Senator SAM NUNN of Georgia. Together, they worked to achieve strong bipartisan support of this year's Defense authorization bill.

The conference bill before us provides for an $11.2 billion increase to the President's Defense budget request. The increase, when adjusted for inflation, is still $7.4 billion less than last year's Defense budget. I wish to stress this point because the trend toward lower defense spending is an issue that concerns me. Given the uncertainties and adversaries our Nation will continue to face, slashing defense spending or force structure without a coherent military strategy is not the answer to preserving our military superiority into the 21st century. By the same token, the familiar path of the past—as convenient as it may be—will be less likely to lead us to the future we hope to shape. In that regard, I believe much debate remains in addressing the future of our national defense.

This bill addresses many of the fundamental concerns of our military. It will improve the quality of life of our Armed Forces by increasing their pay and authorizing the construction of new barracks and military family housing. It also moves to address the critical modernization issues our military's senior leadership raised during their testimony before Congress this year. In that regard, the bill supports the Army's efforts toward battlefield digitization, modernization of tactical aircraft for the Air Force and Navy, and funds the modernization of our National Guard and Reserves.

Also included in this bill is what I consider to be a major step forward in the debate over the future of our Armed Forces in meeting the national security requirements of our Nation. The Military Force Structure Review Act of 1996 is a provision I cosponsored with Senator LIEBERMAN, Senator McCAIN, Senator ROBB, and many other distinguished colleagues in the Senate. This act will establish an independent nonpartisan, nine-member National Defense Panel that will conduct a long-range assessment of future threats, military force structure, and operational concepts in support of our national security strategy. It is our hope that this panel will challenge the Defense Department to be more forward thinking as it moves beyond the Bottom-Up Review, and develops a strategic construct to guide our military forces into the next century.

Mr. President, the bill before us addresses critical issues facing our men and women in uniform—improving readiness, their quality of life, and their need to modernize weapons systems in order to keep pace with rapid technological changes. As recent events have demonstrated, our military must be ready and capable of responding to myriad, uncertain threats. We must be willing to provide our military with the funding they need today, and tomorrow, to prepare for these unforeseen contingencies. I urge the final passage of the Defense authorization conference bill for 1997.

AMENDMENT TO PROHIBIT CRIMINAL BOMB-MAKING INSTRUCTION

Mrs. FEINSTEIN. Mr. President, I rise to express my great concern and disappointment with the conferees named by the other body who insisted on striking section 1088 of the Senate's DOD authorization bill. Section 1088, an amendment by Senator BIDEN and myself would have prohibited teaching bombmaking for criminal purposes.

As my colleagues will recall, this amendment was accepted in the Senate as part of the antiterrorism bill last summer in addition to being part of the Senate DOD authorization bill. Regrettably, as happened this time, the other body dropped it from the bill.

The bombing in Centennial Olympic Park is only the most recent pipe bombing. In just 10 days, from July 21 to July 31, my staff found seven newspaper accounts of bombing incidents.

A 15-year-old boy, in Irving, TX, blew off three fingers with a bomb he learned to make using the Anarchist's Cookbook from the Internet.—Dallas Morning News, July 26, 1996.

A high school student from Providence, RI, assembled a foot-long bomb after obtaining instructions from the Internet.—Newsday, July 28, 1996.

A 16-year-old boy from Plainview, TX, lost a finger when a homemade bomb exploded. The Bomb was made using information from the Internet.—Newsday, July 28, 1969.

In Pennsylvania, three teenagers carrying a list of 20 ingredients needed to build a bomb were arrested after breaking into the Penncrest High School chemistry lab. They downloaded this list from the Internet.—Chicago Tribune, July 23, 1996.

In Rancho Palos Verdes, CA, sheriff's officials believe information available over the Internet was used in a series of pipe bombings which destroyed four mailboxes, a guard shack and a car. Four teenagers were arrested in this case.—Los Angeles Times, July 27, 1996.

In Orange County, CA, police believe four teenagers used the Internet to get instructions on building acid-filled bottle bombs. One of those bombs burned a 5-year-old boy at a school playground in April.—Los Angeles Times, July 27, 1996.

A 23-year old man, from Torrance, CA, used a 10-inch-long pipe bomb which blew out three windows in his home. He obtained the bomb making instructions from a manual on homemade bombs.—Los Angeles Times, July 27, 1996.

In addition to the explicit explanations on how to make all sorts of bombs, the Terrorist's Handbook, downloaded by my staff from the Internet, also encourages criminal behavior. Let me read a section entitled, "Checklist for Raids on Labs."

> In the end, the serious terrorist would probably realize that if he/she wishes to make a truly useful explosive, he or she will have to steal the chemicals to make the explosive from a lab.

This section ends with the needed lists of solid and liquid chemicals needed to make most bombs.

This amendment would have prohibited the teaching of bomb making if a person intends or knows that the bomb will be used for a criminal purpose. Additionally, the amendment prohibits the distribution of information on how to make a bomb if a person intends or knows that the information will be used for a criminal purpose.

This information is not something that one would use for a legitimate purpose or information that can be found in a chemistry textbook on the back shelf of a university library.

What my amendment targets is detailed information that is made available to any would-be criminal or terrorist, with the intended purpose of teaching someone how to blow things up in the commission of a serious and violent crime—to kill, injure, or destroy property.

This provision could give law enforcement another tool in the war against terrorism—to combat the flow of information that is used to teach terrorist and other criminals how to build bombs.

Some question the constitutionality of this provision. Common sense should tell us that the first amendment does not give someone the right to teach someone how to kill other people.

The right to free speech in the first amendment is not absolute. There are several well known exceptions to the first amendment which limit free speech. These include: Obscenity; child pornography; clear and present dangers; commercial speech; defamation; speech harmful to children; time, place and manner restrictions; incidental restrictions; and radio and television broadcasting.

I do not for 1 minute believe that the Framers of the Constitution meant for the first amendment to be used to protect the teaching of methods to injure and kill.

However, knowing that there would be concern over the first amendment, I carefully crafted this amendment with constitutional scholars. I'd like to read you some of what they said about this amendment.

> I think the language . . . is about as tight as it could be . . . the reasonable-knowledge, explosive materials, and furtherance-of-a-criminal purpose language is all clear enough; these are legal terms of art and unlikely to be found void for vagueness.—Richard Delgado, University of Colorado at Boulder.

> The rigorously-protected talk anticipated by the first amendment is, in brief, political discourse, in the widest sense of that term. This kind of talk does not include routine commercial speech (including advertisements), pornography and obscenity, planning for criminal activity, and related forms of expression. Commonsense distinctions should be apparent here. These distinctions would rule out anyone's instructing others in how to make explosives, especially when it is known to the instructor that the explosives being talked about are to be made and used by his students as part of an illegal enterprise.—George Anastaplo, Loyola University of Chicago.

> Some civil libertarians attempt to immunize virtually all talk from government regulation, but a stable community would be difficult if not impossible if this should ever become the rule. Others have gone so far as to justify actions, including some violent actions, as forms of expression that are entitled to freedom-of-speech protection. But even these theorists are reluctant to argue that blowing up public buildings should be considered a form of expression protected by the First Amendment.—George Anastaplo, Loyola University of Chicago.

In today's day and age when violent crimes, bombings and terrorist attacks are becoming too frequent, and when technology allows for the distribution of bombmaking material over computers to millions of people across the country in a matter of seconds, some restrictions are appropriate. Specifically, I believe that restricting the availability of bombmaking information, if there is intent or knowledge that the information will be used for a criminal purpose, is both appropriate and required in today's day and age.

My amendment to this bill was an important, balanced measure to confront the problems presented by today's rapid growth in technology, and I am extremely disappointed that it was removed during conference.

Mr. KENNEDY. Mr. President, the National Defense Authorization Act for fiscal year 1997 has the principal goal of funding our Armed Forces to keep them the best-trained, best-equipped, best led, and most ready military in the world. In large measure, the bill is well-designed to achieve this goal, and I support it.

Nonetheless, I am concerned about the inclusion in this bill of over $11 billion in spending authority above the amount requested by the President. The Secretary of Defense and the Joint Chiefs of Staff testified that the budget presented by the President is enough to provide fully for the defense needs of the Nation during the next fiscal year. The $11.3 billion added to the budget far exceeds those needs. The authorized level is a ceiling, and I urge the President and the Secretary of Defense to exercise their authority to spend at a lower level than provided in this bill.

On arms control, the conference took an important step by refusing to adopt provisions that would have infringed on the President's constitutional treaty-making authority, and that would also have undermined the ABM Treaty, the cornerstone of nuclear arms control. The House provisions would have undermined U.S. leadership at the very moment when we stand on the threshold of achieving the most important nuclear arms control agreement of the post-cold-war era, the Comprehensive Test Ban Treaty.

The bill also authorizes $365 million for the Nunn-Lugar Cooperative Threat Reduction Programs, under which the United States works with the States of the former Soviet Union to reduce the nuclear threat to all nations. It also provides funds for new programs to improve our ability to prevent attacks using weapons of mass destruction.

I am also pleased that the conferees rejected several objectionable provisions contained in the House version of the authorization bill. One House provision would have required the mandatory discharge of all service members who are HIV-positive. This discriminatory provision would have singled out HIV-positive men and women from among the much larger pool of service members who suffer from chronic medical conditions, yet who can still serve in many worthwhile capacities. The House provision was motivated by bigotry, and the conferees treated it appropriately by dropping it from the conference report.

The conference report also excludes the House repeal of the Department's don't ask/don't tell policy on gays in the military. This provision would have reinstated the practice of antigay witch hunts abolished by the Clinton administration. In this instance too, the conferees were right to drop the House provision.

Despite these positive elements, there are two other objectionable aspects to this bill that cannot be overlooked.

First, the conference report does not adopt the Senate provision repealing the current ban on privately funded abortions at U.S. military facilities overseas. This provision would ensure that women in the armed forces serving overseas can exercise their constitutional right to choose safe abortion procedures.

Our servicewomen should not lose rights granted by the Constitution when they serve their country in foreign lands. This is a basic issue of fairness. Women in the armed forces serve on military bases around the world to protect our freedoms. But they are denied access to the same range and quality of health services that they could obtain in the United States. In many countries where our forces serve, adequate care is difficult to obtain in the best of circumstances, and in many cases it is not available at all.

Without adequate care, abortion can be a life-threatening or permanently disabling procedure. We can easily avoid such risks by making the health facilities at U.S. overseas bases available for this procedure and it is irresponsible not to do so.

In addition to the health risks of the current policy, there are travel costs, delays, and privacy violations that women serving in the United States do not have to endure and should not have to endure while serving overseas.

A woman's decision to seek an abortion is difficult and personal. It is unfair and unreasonable to continue to make this decision even more difficult and dangerous for women who serve our country overseas. Congress should be protecting constitutional rights of women in the armed forces, not turning them into second class citizens.

Finally, I commend Chairman THURMOND and Senator NUNN for their leadership in achieving this bill. This is Senator NUNN's last Defense Authorization Act. We have served together on the Armed Services Committee for 14 years, and it is obvious that his reputation for fairness and integrity, and as the Senate's preeminent expert on national defense is eminently deserved. The entire Senate, the entire Nation, and the entire free world will miss him.

In addition, our colleagues, Senator EXON and Senator COHEN will be ending their long, outstanding service on the committee at the end of this season. Senator EXON, as ranking member, and formerly chairman, of the Strategic Forces Subcommittee, has worked to defend our Nation against nuclear threats. In particular, his leadership on achieving a nuclear testing moratorium and support for a comprehensive test ban treaty have brought us to the threshold of an international treaty to ban nuclear explosions.

As ranking member of the Seapower Subcommittee, I have had the honor to work closely with Chairman COHEN. He is an able leader on defense issues, resourceful, and has worked tirelessly to ensure a strong national defense. I commend him for his leadership and commitment, and I wish him well in his career beyond the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, since both sides are using this quorum to their advantage, I ask unanimous consent that the time be equally divided to each side when we are in a quorum so no one side will be unduly punished.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I yield the able Senator from Oklahoma such time as he may require.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the distinguished Senator from South Carolina for yielding to me and for the fine job that he has done in preparation on his committee of the Department of Defense authorization bill. It has been a very difficult and arduous time that we have had in trying to get this done with objections from the White House every step of the way.

Since the beginning of our country's history, national security has been our Government's most solemn obligation to its citizens. In order to honor this obligation, sufficient resources must be given to the forces that protect us. These forces do not ask much of us for their service. But they do need a certain amount of support from their Government in order to carry out their duties and protect the security of the United States as well as maintain our status as the world's preeminent military power.

In order to allow our military to honor their sworn duty, we have to provide them with the means to do many things. We must give them the authority to retain ample manpower in the form of adequate end strengths. Our military must have the means to recruit high-quality personnel to carry us into the 21st century. In addition, in order to keep our high-quality personnel, and protect the high quality of life which is so important in maintaining morale, we must provide them with equitable pay and benefits—including a 3-percent pay raise to protect against inflation—and appropriate levels of funding for the construction and maintenance of troop billets and military family housing.

We must keep the sword sharp by providing enough resources to maintain current readiness, and to continue modernization efforts to provide the capabilities needed for future wars. Our military must also be given the means to field the type and quantity of weapons systems and equipment needed to fight and win battles decisively, with minimal risk to our troops, just as they did in the gulf war.

An important lesson learned in the gulf war was that we need to be able to protect our troops from ballistic missiles, missiles that are capable of delivering weapons of mass destruction. Whether it is nuclear, chemical, or biological, we must protect our forces while they are in the field and we must protect their families at home. The way we do this is through the development and deployment of missile defense systems: land- and sea-based theater missile defense systems, which can protect U.S. and allied forces against cruise and ballistic missiles while deployed in the field; and a national missile defense system to defend America itself.

The missile defense funding authorized in this bill is not sufficient to put in place the robust system I would like to see. It is a life support program, designed to keep as much of our program viable until a Republican President is elected. At that point, we will be able to move more aggressively toward building a national missile defense system, just as the American people expect us to.

We know that most Americans think we have a missile defense capability, and we know that they are outraged and frightened when they learn that we do not. They hear the administration cite intelligence estimates to justify waiting and waiting on missile defense. But any American who witnessed Pearl Harbor in 1941, or the invasion of South Korea in 1950, or the invasion of Kuwait in 1990—and that's most of us, Mr. President—knows that intelligence estimates are wrong as often as they are right, and that even good intelligence gets misread by political leaders. I would rather have a defense and hope my intelligence was correct than have complete faith in intelligence; the Clinton administration apparently disagrees.

I am particularly concerned by this emphasis on future threats because the administration uses it to justify doing nothing. They say that the missile threat isn't here yet. But isn't defense all about getting out in front of threats? And what about the technology that threatens us today? Russia and China have missiles—in the case of Russia, thousands of missiles—which could be accidentally fired at us today.

More than 20 other nations are developing the technology. Terrorists and rogue nations, with enough money and some perseverance, will buy their way into the nuclear club. And until we get a missile defense system in place, there will be nothing we can do about it.

Missile defense is complex. Sophisticated defense technology is seldom produced precisely on schedule. This is why we need to start now. We will have a national missile defense system; the question is whether or not it will be before or after the first time we need it.

I have spoken about what we must provide for our military. I would also like to point out what burdens we should remove from them. We can eliminate defense spending that does not contribute directly to the national security of the United States; such as policing of the Olympic games. More importantly, we should stand back and evaluate U.S. involvement in nontraditional military operations, and its impact on combat readiness, budgeting, and our national interests. Bosnia, Somalia, and Haiti; these and other police actions—some of them going on today—drain defense funds and put a strain on personnel who are already being stretched beyond their breaking point.

In this part of our foreign policy, mistakes have certainly been bipartisan. George Bush, a Republican President, began the Somalia commitment. It took a humiliating defeat and the deaths of 18 Rangers in Mogadishu for us to learn about the limits of that humanitarian operation. Operations in Bosnia will have cost American taxpayers more than $3.5 billion in defense dollars if our troops leave by December. I say "if" because neither I nor anyone else in this body believes we will be out of Bosnia by December. The American people were truly deceived by the administration on this commitment.

I went to Bosnia last November, before the IFOR mission began, and I watched experienced U.N. and NATO leaders laugh at the idea that we would be through in Bosnia after 1 year. One U.N. commander, General Huakland of Norway, said that involvement in Bosnia was like putting your hand in water—when you take it out, nothing is different. If the administration intends to keep troops in Bosnia longer, they owe it to us and to the American people to say so before our Presidential election. But I do not expect them to shoot straight on this, either.

Some people, it seems, never seem to see a breaking point for our military. They say we are spending enough on defense. I have criticized the administration's defense priorities, but I am also dismayed by some of the voices I have heard in this chamber. I cannot believe that some of my colleagues believe their own antidefense rhetoric. Let me examine some of the most common attacks on this responsible defense budget that I've heard recently, four arguments that we hear over and over and over again:

First: "This is money the Pentagon has not asked for." My liberal friends make this statement as if they believe that the defense budget request is decided by admirals and generals based on what they need to fight and win wars. In fact, because each of the services and the Department of Defense itself is run by administration-appointed civilians, the Pentagon's budget request is based on the administration's priorities. It is then modified by Congress, just like every other Government agency's budget.

It is the Congress' constitutional responsibility to review and either increase or decrease this and all department budgets based on our view of the Nation's needs. Congress never blindly accepts the Pentagon budget request. When the Reagan administration asked for increases in the defense budget in the 1980's, my liberal colleagues never suggested that the Congress accept them without argument. That is exactly the kind of argument we're having today—the President thinks we should continue to cut defense sharply, and we disagree. It is our view that military spending has been cut too deeply and is well below the minimum required for a sound national defense.

The fact is that the real Pentagon agrees with us. This year the four service chiefs, in a public repudiation of the administration, made it clear that they need $20 billion a year more in procurement funding than what the Clinton administration has requested. Each warned of the dire consequences of the continued aging of their weapons and equipment. So when we consider "what the Pentagon asked for," I intend to listen to the chiefs who have made a career of preparing for war, not the President's political appointees.

Second: "This budget focuses on the wrong threats." Of course there are growing unconventional threats to the United States and her citizens, including terrorism and information warfare. In fact, some of our additional spending on R & D is going toward programs such as counter proliferation support and chemical and biological defense. But we should not be forced to choose which threat to remain exposed to—as we address these new threats, we have to still be prepared for conventional warfare.

I urge my colleagues to remember that defense spending is not an investment, but an insurance policy. And we need different kinds of insurance. Their odds of having a car accident may be far greater than the odds that their house will burn down, but most Americans have both car and fire insurance. This same logic underlies our continued readiness on conventional threats even as we prepare for the unconventional threats of the future.

Third: "Why buy advanced weapons when American weapons are already the best in the world?" It is true that American weapons are the best in the world today. But as threats evolve and weapons technology throughout the world improves, we must stay ahead. When we go to war, we don't want a fair fight—we want to overwhelm the enemy with speed, stealth, and lethality. This costs money, but what is our alternative? To ask our troops to get closer to the enemy, to expose themselves more to enemy fire, to fight longer and harder in order to win?

We need look no further than the gulf war. We sent a half-million troops to the other side of the world, where they won a major land war in less than 100 hours of ground combat. We suffered 146 killed and 354 wounded in that war, and mourned each and every one of them. But how many more would we have lost if we had not invested billions in the 1980's in stealthy aircraft, cruise missiles, Aegis ships, and advanced land combat systems? We bought those weapons in the 1980's at a time when we also had the most technologically advanced force in the world, and many opponents of the Reagan budgets criticized those purchases. In the end, I would argue that President Bush was very lucky to fight his war with Ronald Reagan's military. I often wonder how a future President will feel about fighting a war with Bill Clinton's military.

Fourth: "We spend far more on defense than other countries." Of course we spend more money on defense than other countries. But there are two problems with this comparison: it assumes that all countries are equal, and it suggests that the comparison between how much the United States spends versus other nations, accurately predicts which side will prevail in conflict.

But because of geography, all things aren't equal. We are separated from our potential enemies by two great oceans. And rather than fighting wars in our own backyard, Americans prefer to fight over there. Because we prefer to fight abroad, it will naturally cost us much more than it costs our enemies to field the same force, since we have to transport, sustain, and operate our fighting force in a place where the enemy already is.

Each of these activities—moving, sustaining, and fighting far away—increases the cost of our military without significantly changing the friendly-to-enemy force ratio. This cost is raised further if we want to field a force that is not just equivalent to our enemy's, but one that can defeat his force with minimal casualties, just as we did in the gulf war. The question, therefore, is not whether we will be paying more for our Armed Forces than our enemy does, but rather how much more we must pay. Is the right number three times as much, as with Russia, or more?

More than 2,000 years ago, Sun Tzu said you should have five times the strength of an enemy to assure success. Well, there have been some changes in warfare since Sun Tzu's time. We now have tanks, and planes, and submarines, so the ratio has changed a little. And we can stand here and argue until we are blue in the face over what the proper force level is; two times, three times, five times as much as the other guy. But the cost of our unique geography makes any comparison between what we pay and what our enemies pay irrelevant. The point is: if you want to fight over there, and win, decisively, with minimal losses, then you can expect to pay many times what the enemy pays for his military. So this argument is cruel and invalid.

Now, the people who make these and other statements about this defense bill are smart. They know that we must cross our oceans to fight. They know that what we consider defense spending may not be what our enemies consider defense spending: First, there is the high cost of our high-quality volunteer military: recruiting, paying, providing medical care, and retirement. Many people don't realize it, but two-thirds of our defense budget is spent on paying people. Then there is the cost of supporting our world-wide surveillance network, our nuclear deterrent and so on. They know these costs are unique to the United States but they choose to ignore it in their arguments. Why? Because it supports their view of proper levels of defense spending. We can disagree about what it takes to field a given capability, but we should drop these invalid comparisons and deal with the facts.

As we prepare to vote on the fiscal year 1997 Defense bill, I am truly concerned about the effects that decreasing levels of defense spending have had upon our armed forces. If the general public fully understood the severity of defense cuts under the Clinton administration, they would be outraged. In my State of Oklahoma, I have heard this message already. We can see the cuts all around us and it is time to put these reckless defense cuts to an end. History has demonstrated that superpower status cannot be sustained cheaply, nor can it be sustained by budget requests which do not provide for adequate funding of our forces. I am committed to maintaining America's superpower status, just as I am convinced that the Clinton administration is not.

I was deeply disappointed by the administration's fiscal year 1997 budget request for defense spending. The administration's fiscal year 1997 budget request was $18.6 billion less in real terms than the level enacted for fiscal year 1996. In real terms, since the end of World War II, there have only been 5 years that the United States has spent less than the Clinton administration is recommending for fiscal year 1997. Only in fiscal year 1947, fiscal year 1948, fiscal year 1949, fiscal year 1950, those years immediately following World War II, and fiscal year 1955 immediately after the Korean war, has defense spending been less than the President's recommendation for this year. Not even during the hollow force years of the 1970s, when we could not afford spare parts to keep our equipment running, have we spent so little on defense. Clearly, it is the responsibility of Congress to address these shortcomings.

Now we know that events in the Persian Gulf over the past several days have gotten President Clinton's attention. He appears to have reversed his earlier threat to veto this bill. But I wonder if he has considered the deeper ramifications of Saddam Hussein's recent activity. This latest round of cruise missiles has reminded me of two basic facts. One, of course, is that the Persian Gulf, like many other regions, remains a very unstable place. The second is that we must be prepared to project power on the other side of the world on very short notice.

It is one thing to throw a few cruise missiles at easily identified desert targets. But what if more is required? What if the missiles do not stop Saddam's advance? Then we are right back where we were in 1990—we must build up a force, move it to the gulf, and fight Saddam Hussein the old fashioned way, of course with overwhelming firepower, but also perhaps man to man and tank to tank.

My friends, should this worst-case scenario arise, we will have a problem. Why? Because, in terms of military strength, we are not right back where we were in 1990. In fact, we aren't even close. Listen carefully! We fought Desert Storm with 11 Army divisions plus two larger Marine divisions, 10 Air Force tactical fighter wings, and 6 carriers, and 100 ships from the Navy. We drew this Desert Storm force from an Army with 28 divisions, an Air Force with 38 tactical fighter wings, and a Navy with 15 carriers and 566 ships.

But look at today's numbers: instead of 28 Army divisions in 1991, we have just 15 today; instead of 38 Air Force wings, we have 20 today; and instead of 566 ships and 15 carriers, our Navy has roughly 350 ships and 12 carriers today. This means, for example, that while we used about 42 percent of the Army's combat power in 1991, we would use more than 70 percent today. So what would we fight a second war with?

It only gets worse—these comparisons assume that the administration's budgets will hold our forces at today's levels. But most outside analysis—General Accounting Office, Heritage Foundation—shows that the Clinton 5-year budget plan is more than $150 billion short of the amount needed to buy the force level that the President himself says is necessary. This is worse than a difference of opinion over priorities—this mismatch between what we say we will do and what we actually can do is dangerous. It undermines confidence among our allies, invites miscalculation by the Saddam Husseins of the world, and gives the American people a false sense of security. No government should do this.

It is our duty, as U.S. Senators, to do our part in providing for our national security. In doing our part, we must vote for a defense bill which gives our military the means to do their part. Our forces do not ask much of us for their service, but they do need a certain amount of support from their Government in order to carry out their duties and protect the security of the United States of America.

I feel it is time we take a more responsible approach to defending this Nation. I urge my colleagues to make a good start, by supporting the fiscal year 1997 DOD authorization bill and its attempt to slow the administration's deep cuts to our Nation's military modernization. Even this level of funding is inadequate; however, it is the best we will be able to do until we have a President who remembers that his first responsibility is not to try to change Americans' behavior with gimmicks in the tax code, but to protect their lives, liberty, and property from threats around the globe.

As inadequate as it is, we must pass this defense authorization bill. It is the best we can get until we change Presidents.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Oklahoma for the excellent remarks he just made here on the floor of the Senate on this bill. The Senator from Oklahoma is a member of the Armed Services Committee of the Senate, and a very valuable member. He has made outstanding contributions to our defense on that committee. Again, I commend him.

Mr. INHOFE. I thank the Senator.

Mr. THURMOND. Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise in support of the Defense authorization bill we have before us. I think it is an important step as we consider the appropriations bills that are left before us. I want to specifically commend the leadership of the Armed Services Committee, Senator THURMOND, the chairman, Senator NUNN, the ranking member, for bringing this bill to us.

I also want to specifically thank Senator MCCAIN who worked on the floor during Senate consideration of the authorization bill on both my amendment on B–52's and on my national missile defense amendment.

I also want to commend those retiring members of the Senate Armed Services Committee. Senator Bill COHEN, the chairman of the Seapower Subcommittee, announced he was not running for reelection. Senator COHEN will be missed here in the U.S. Senate. He has always been somebody who is respected on both sides of the aisle, someone who many of us look to for leadership not only on defense issues but others as well.

Senator EXON of Nebraska, who is the ranking member on the Strategic Forces Subcommittee, and the former chairman of that subcommittee, has announced that he is retiring. And he, too, will be sorely missed in this Chamber on both sides of the aisle. And, of course, Senator NUNN, the ranking member and former chairman of the Armed Services Committee, who has achieved respect not only in this Chamber but across the country as well as a defense expert.

I think we should also recognize the outstanding staffs that have worked on this legislation. I want to single out Les Brownlee, the majority staff director, Eric Thoemmes, also on the majority side who was very important in working with us on the amendments that I have talked about, minority staff director Arnold Punaro, and minority strategic forces expert Bill Hoehn. All of them we worked closely with in the development of this legislation. We appreciate their outstanding service to the committee, to the Senate, and to the country.

Mr. President, I cannot help but respond to some of what I heard from my colleague from Oklahoma. I am supporting this Defense authorization bill. I think it is the right course to take. But I must say, we ought to put some of this in perspective. I mean, we have to remember here the cold war is over. We do not have any force on the face of the globe that in any way rivals the military strength of the United States. Thank goodness that is the case, but it is the case. We also have to remember that we are still running budget deficits in this country, $116 billion in the current fiscal year.

Mr. President, we have to keep our eye on the ball. We just cannot spend money on everything everyone would like. And that includes our armed services. We have to make tough decisions. We have to stay on this course of deficit reduction if we are to prevent fiscal calamity in the future.

It is true we have made enormous progress on the budget deficit. In 1992 it was $290 billion. This year it is projected to be $116 billion, a dramatic improvement, without question. But we also know that we face the time bomb of the baby boom generation, and that requires us to continue to put spending under the microscope. We have to look at every part of the Federal budget, and that includes our defense budget. Let me just say that I think everybody in this Chamber understands that the pressure will continue on every part of Federal spending, and that is as it should be.

Mr. President, there are some parts of this bill that I want to discuss specifically because I think they are critically important in light of what has just happened with respect to the action in Iraq.

Section 1302 of the conference report wisely prohibits the retirement of any strategic systems pending Russian ratification of START II. But we go even further with respect to our B–52's. Those bombers must be retained under these provisions whether or not START II is ratified in recognition of their conventional capabilities.

Mr. President, the amendment that I offered, that has been retained, stipulates that none of the 28 B–52's that were not funded in the Department of Defense request can be sent to the boneyard and that all must be kept fleet standard in a fully maintained attrition reserve. I believe the recent cruise missile strikes in Iraq bring into sharp focus why retention of these provisions in conference was wise.

Mr. President, if I could turn to the charts that I have brought with me, I would like to just point out for a moment the B–52 advantage—global reach, global power. Mr. President, in the recent action against Iraq, the B–52's responded immediately from the United States. Naval vessels could only participate in cruise missile strikes because they had completed a deployment process that can take days or even weeks. Other land and sea forces can take weeks or even months to arrive. The B–52 is able to be there in a matter of hours.

No. 2, B–52's did not require in-theater basing. The United States could not use land-based forces in-theater because of political considerations. The B–52's can operate from the continental United States and from bases in Guam and Diego Garcia, thousands of miles from combat operations.

No. 3, the B–52's placed few lives at risk. Air, land, and sea forces in forward deployments involve hundreds of thousands of personnel in combat operations. But more than one-quarter of the cruise missiles we fired in the first round were launched by only 14 Americans on two B–52's.

No. 4, B–52's were the least expensive system involved. Naval vessels and in-theater forces have large personnel complements and costly support requirements.

No. 5, the B–52 was the only bomber for the mission. The B–52 is the only bomber that at this point carries cruise missiles.

Mr. President, the Department of Defense suggested that we not fund 28 of our 94 B–52's. We believe that would have been a serious mistake. Retirement is clearly unnecessary. These B–52's have been comprehensively upgraded. I have been told by the former head of Air Combat Command that these planes are good until the year 2035. Often we hear people say B–52's are older than the pilots flying them. Mr. President, that is with respect to the name plate on the B–52's. Many of these airframes were, it is true, constructed in the 1960's, but what people forget, there have been billions of dollars of upgrades to these planes, including new skins, new everything.

Mr. President, General Loh, head of the Air Combat Command, told me these planes are good until the year 2035 because, if you look at the landings, you look at the flying hours, there are far fewer landings and flying hours on these airframes than on commercial planes. As a result, these planes, with all of the upgrades that have been done, are good until the year 2035. We should not be sending a single one of them to the bone yard.

Mr. President, in addition, reengining, the proposal by Boeing, could produce $6 billion in savings, enough to finance retention of the 28 that were unfunded in the DOD budget. This makes great sense to reengine these planes, put on commercial engines that will experience some 40 percent in fuel savings, make these planes even more responsive and even longer lasting in our force inventory.

I believe that retirement of any of our B–52's would be ill-advised. I want to salute the committee for taking this position, as well. I believe it is unwise to retire B–52's for the following reasons:

No. 1, it endangers arms control. A B–52 retirement reduces Russia's incentive to ratify START II. We ought not to be taking down strategic systems before there is a Russian ratification of START II. That makes no sense. I am very pleased that under the leadership of Senator THURMOND and Senator NUNN, the committee has taken that position. That is a wise and prudent position. The committee ought to be saluted for taking it.

No. 2, retirement of these strategic systems now preempts the 1997 defense studies. We have major studies underway, Mr. President, to determine the appropriate force structure for the future. We ought not to preempt those studies now.

No. 3, to retire B–52's would sacrifice a superior global bomber. B–52's have a longer range than the B–1 or the B–2. They have the greatest versatility because they are fully dual capable and the only bomber with cruise missiles allowing standoff operations, as we saw in the Iraqi confrontation.

No. 4, they have the largest total payload of any bomber.

No. 5, they are the least costly to maintain and operate.

Finally, Mr. President, and perhaps most important, to reduce any of our bombers would only add to the existing bomber gap. Some have asked me, what do I mean by bomber gap? Mr. President, let me make clear, the Bottom Up Review said we need at least 100 deployable bombers—100 deployable bombers—in order to prevail in two MRC's simultaneously.

Mr. President, today we only have 92 deployable bombers, 92 deployable; the Bottom Up Review said we need 100. Mr. President, to send any bombers to the bone yard in this circumstance makes very little sense.

I might add that I believe the new efforts that are underway to evaluate our strategic systems will disclose that 100 deployable bombers are not sufficient. In fact, I believe 100 deployable bombers is sadly insufficient to meet the requirements of two MRC's. We will have a chance at a later time to go into the assumptions that have been made to establish the 100 deployable bombers as the appropriate target.

Mr. President, it certainly makes no sense to be adding to the bomber gap at a time when, I think, it is in great question whether or not 100 deployable bombers is sufficient to meet the contingency of two MRC's.

Let me just close, Mr. President, by again thanking the committee leadership and the staff of the Senate Armed Services Committee for working with us to put together the Conrad amendment that calls for retaining our B–52 force and also for the national missile defense provisions that are included in this conference report. I want to thank the chairman of the committee, Senator THURMOND. I want to thank the ranking member, Senator NUNN, and I want to thank their very able and professional staffs for the assistance they have provided to us. I yield the floor.

Mr. THURMOND. Mr. President, I believe the vote on this bill is set for 2:15 tomorrow; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ARNOLD PUNARO

Mr. THURMOND. Mr. President, I want to take this opportunity to pay tribute to Arnold Punaro, the minority staff director.

At the close of this session, Arnold Punaro will be leaving the Senate after almost 24 years of service, both on the Senate Armed Services Committee and on Senator NUNN's personal staff.

During his service on the Armed Services Committee, Mr. Punaro served in the following positions: 1983 to 1987, minority staff director; 1987 to 1995, staff director; 1996 to the present, minority staff director.

Throughout his tenure on the committee, Mr. Punaro played a key supporting role in virtually all legislation that the Armed Services Committee considered, including the Goldwater-Nichols legislation and creation of the Special Operation Command.

In addition to his superb work on the Armed Services Committee, Mr. Punaro serves in the Marine Corps Reserves. He currently holds the rank of brigadier general and is commanding general of the Marine Corps Reserves Support Command.

Mr. President, I know I will be joined by all members of the Armed Services Committee in thanking Mr. Punaro, for his dedication and hard work on behalf of our Armed Forces and for the service he has rendered to our Nation.

Mr. President, I wish him and his family continued success in the years ahead.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that floor privileges be granted to Marine Corps Lt. Mark Kerber. He is currently part of a fellowship program assigned to my office. He is a recent graduate with distinction from the U.S. Naval Academy and next week will actually be headed to basic training at Quantico and then the flight school at Pensacola.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. I thank the Chair.

Mr. President, as a member of the Armed Services Committee, I am pleased to rise in support of the 1997 Defense authorization conference report.

The conference report takes a number of steps to strengthen our Nation's defenses and improve the quality of life for our brave men and women in uniform.

The conference report authorizes a 3-percent pay raise for American military personnel and a 4.6-percent increase in the basic allowance for housing, an issue on which we have spent a great deal of time and we know there certainly is a need.

The conference report provides $466 million for the construction of new barracks, dormitories, and family housing.

The bill also continues efforts to address the No. 1 problem identified by the Joint Chiefs of Staff, the lack of modernization of our military equipment. The bill provides for increased procurement of ships and planes, missiles, trucks, communications systems, and night vision devices that our forces need to maintain the qualitative edge against possible foes.

The bill also increases funding for operations and maintenance to provide training needed to keep our military forces ready for action.

The conference report also rectifies a past wrong by authorizing the President of the United States to award the Congressional Medal of Honor to seven

African-American soldiers who were denied this award after World War II. While six of these awards will be awarded posthumously, the one living recipient, Vernon Baker, is a resident of St. Maries, ID. I have spoken to Mr. Baker, and I can tell you of the great pride that he shares in knowing he will receive that award.

The bill also authorizes $5.5 billion, an increase of $100 million above the President's request, for environmental cleanup and waste management at Department of Energy facilities around the country.

The conference report reduces redundancies in existing law and streamlines the regulatory process to expedite the opening of the Waste Isolation pilot project [WIPP] facility in the State of New Mexico. The bill also provides additional funding can make sure the WIPP facility can accept waste on time.

The bill also provides greater authority for site managers at DOE facilities to move funds from different accounts to address problems developed during the fiscal year. This authority was requested by site managers at a hearing that I chaired earlier this year. We expect this increased efficiency to save the taxpayers money.

The conference report also establishes technology demonstration zones at major DOE facilities to allow site managers to apply new technologies to the nuclear cleanup problems across the Department of Energy complex.

The conference report also authorizes major privatization efforts at the Hanford site and the Idaho National Engineering Laboratory to pay private contractors for the amount of waste treated.

At my request, the conference report creates a high-level commission to address the problem of recruiting the next generation of nuclear weapons scientists. This is another problem identified during this year's hearings.

The conference report before the Senate is a good bill that reflects reasonable compromises between the House, the Senate, and the administration. I urge my colleagues to support the conference report. I was pleased to hear the President plans to sign this important piece of legislation.

I thank the able chairman of the Armed Services Committee, Senator STROM THURMOND, and the distinguished ranking member, Senator NUNN, for their counsel and guidance throughout this difficult process. As always, Chairman THURMOND's tireless leadership and his determination have resulted in a strong Defense authorization bill reaching the Senate floor. Just as he has done through so many different periods of this Nation's need when we have turned to strong individuals, once again he is leading us, as he has done so many times in service to the country.

In addition, this is Senator NUNN's last defense authorization conference report. I feel honored to have served on the same committee as Senator NUNN. The knowledge and skill of the senior Senator from Georgia will be missed, and the whole Senate and the Nation will feel his absence.

This also will be the last conference report that will include the Senator from Maine, Senator COHEN. I can tell you, there have been tremendous insights and improvements that he has made throughout this process. Senator COHEN will be missed.

The Senator from Nebraska, JIM EXON, with whom I had the pleasure of serving—we had a particular trip in Russia, where we spoke to those that head up the nuclear defenses there in Russia. Again, Senator Jim EXON will be missed as well.

Also, I acknowledge the contributions of Senator SHEILA FRAHM, the Senator from Kansas, in her tenure in serving on the Senate Armed Services Committee. We wish her the very best with her future as well.

In conclusion, as we saw last week in Iraq, despite the end of the cold war, the world remains a dangerous place. American military power is required to ensure stability and protect democracy and free trade. There is no substitute for a strong America. The pending conference report will ensure our military forces can respond to any threat to U.S. national interests. When we think about people in the military services, such as Lt. Mark Kerber, we know it is our duty to make sure they have the best training, equipment, and facilities so, when they respond to any crisis anywhere in the world on behalf of this Nation, we know they are doing it as the best.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from South Carolina is recognized.

Mr. THURMOND. I want to express my appreciation to the able Senator from Idaho for the kind words he had to say about my service as chairman of the Armed Services Committee. Senator KEMPTHORNE has been a devoted, able member of that committee and has rendered the defense of this country great service. Our country is indebted to him for all that he has done to promote a strong defense in this Nation. Again, I am proud of his friendship and proud of his service to his Nation.

Mr. President, I understand this has been cleared on the other side of the aisle. I have been authorized to yield back all debate time on the Defense authorization conference report.

The PRESIDING OFFICER. Without objection, all time is yielded back.

MORNING BUSINESS

Mr. THURMOND. Now, Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 6, the Federal debt stood at $5,220,377,655,156.41.

One year ago, September 6, 1995, the Federal debt stood at $4,969,749,000,000.

Five years ago, September 6, 1991, the Federal debt stood at $3,623,922,000,000. This reflects an increase of more than $1,596,455,655,156.41 during the 5 years from 1991 to 1996.

TRIBUTE TO VICE ADM. EDWARD M. STRAW

Mr. THURMOND. Mr. President, I rise today to recognize Vice Adm. Edward M. Straw, U.S. Navy, who will retire on October 25 after a distinguished 35-year career. Admiral Straw will relinquish control of the Defense Logistics Agency, which is also known as the DLA, on the day he retires. He has served as Director of the DLA since 1992.

DLA is the largest combat support agency in the Department of Defense. If it were a private company, it would be the 78th largest company in the Fortune 500. Admiral Straw's performance in directing 50,000 civilian and military members, and in managing $14 billion in annual funding, has been recognized both inside the Department of Defense and in the private sector as a model of highly effective management. Under his leadership, DLA became one of the first Federal agencies ever to win a Ford Foundation Innovations in Government Award.

During his tenure, Admiral Straw reengineered and completely revamped the DLA. His fine efforts have saved our $10 billion to date, and are expected to yield an additional $20 billion in savings and cost avoidance over the next 6 years while significantly improving responsiveness to customers.

Admiral Straw began his military service in 1961 when he was commissioned upon graduation from the U.S. Naval Academy. He served numerous sea duty assignments and held senior policy positions within the Department of the Navy. These include Vice Commander, Comptroller and Chief Financial Officer of the Naval Supply Systems Command, and Director of Supply

Policy and Programs on the staff of the Chief of Naval Operations. In 1994, he organized and successfully conducted the Defense Performance Review. He will also receive the Society of Logistics Engineers' annual Founders' Award for 1996, later this year.

Mr. President, our Nation owes Admiral Straw its appreciation for his truly distinguished service. I wish him and his wife, Chris, continued success and happiness in all future endeavors.

CHEMICAL WEAPONS CONVENTION

Mr. PELL. Mr. President, under a unanimous consent agreement, the Senate has obligated itself to consider the Chemical Weapons Convention later this week.

The timing is fortuitous. Getting the Senate to this point has taken much longer than was needed or one would have hoped, but, if the Senate does indeed decide this week to consent to the ratification of the convention, we will be in on the setting up of the organizations required by the convention—a conference of all the states parties, a 41-member executive council, and a technical secretariat, which will be the international body responsible for conducting verification activities.

As of this point, 62 nations have ratified the convention. The convention will enter into force 180 days after it gains the 65th party. If the Senate acts now, our action will enable us to be in on every aspect of the setting up of the convention. Moreover, we will surely bring others with us and, thus, help ensure widespread adherence to the treaty and do much to ensure its effectiveness.

This treaty represents a serious and important step in our continuing effort to curb and to end the threats posed by weapons of mass destruction to us, our friends and allies, and to the world.

The Chemical Weapons Convention, when it enters into force, will ban the production, acquisition, stockpiling, and use of chemical weapons.

In it each state party undertakes never, under any circumstances, to:

Develop, produce, otherwise acquire, stockpile, or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;

Use chemical weapons;

Engage in any military preparations to use chemical weapons; and

Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a state party under this convention.

It is very important that we be involved every step of the way. Particularly important is our involvement in a leading role during the 180-day period when so much is done to prepare for the entry into force of the treaty. Simply put, during this crucial period for the treaty, we simply cannot afford to be on the outside looking in. If we stay out, we will have no say over the activities of the governing body. We will not be involved in the establishment of the inspection regime, which, if done as envisaged, could be very important in providing information as to the presence or absence, worldwide, of chemical weapons programs. If we are not a party, we will certainly avoid having the minor inconvenience of international inspections in our country, but at the price of having no expert Americans on inspection teams worldwide looking for illicit chemical weapons activity.

These would be major prices to pay for failure to participate in this important undertaking. There is another major price to be made if we do not become a party. Our failure to join the treaty would constitute a major body blow to our critically important chemical industry, which supports ratification in overwhelming numbers.

The problem that failure to ratify would cause for the industry was put clearly to the Committee on Foreign Relations by the president of the Chemical Manufacturers Association, Mr. Frederick Webber, who said:

> Mr. Chairman, honest businesses have nothing to fear from this treaty. On the contrary, the real price to pay is for not taking action. The United States, as I am sure you know, is the world's preferred supplier of chemical products. Chemical exports, last year, topped $60 billion. Indeed, we are the leading exporting industry in America.
>
> Those exports, that $60 billion figure, sustained 240,000 high-paying American jobs throughout the land. That makes us the nation's largest exporter. More than 10 cents of every export dollar is a product of the chemical industry.
>
> We are a fast, reliable, high-quality supplier to customers in every corner of the globe. But we could lose that distinction, we could lose it if the U.S. does not ratify the Chemical Weapons Convention.
>
> The Convention sharply restricts trade in chemicals with countries who are not parties to the treaty. If the Senate does not ratify, our customers will cut us off. They will drop us, and find other suppliers.
>
> Unfortunately, we will be lumped in the same categories as nations like Libya, Iraq, and North Korea. We do not believe this is an acceptable option.
>
> The critics like to say that this treaty imposes too many burdens on business. They say that opening our plants to inspections will mean forfeit our most important trade secrets. It is a good story, if it were true, but it is not.
>
> Yes, the Convention does open our plants to inspection. But it also offers state-of-the-art protections for confidential business information. This treaty will not reveal our secrets.
>
> Indeed, it will protect them. We know, because we helped develop the inspection system. Then we put the system to the test over and over again. We learned what works and what does not. We found the gaps, and we believe that we have plugged them.
>
> Mr. Chairman, let me cut to the bottom line. The benefits of this inspection system far outweigh the costs. The rewards outweigh the risks. The treaty may not provide an iron-clad guarantee that chemical weapons will not ever again be a threat, but it does have teeth. It will provide a real deterrent. It is the best available option.
>
> The Convention strikes a balance. It is tough, but it is fair. It is intrusive, but it is not stifling. It asks a lot, but in return, it offers a significant reduction in the threat of chemical weapons.

Mr. President, I find the points raised by industry and the issue of U.S. involvement in activities that really are at the heart of our national interests to constitute in themselves compelling reasons for us to be very, very careful before giving any serious thought to a turning down of this treaty. Today and over the next several days, I'm sure that Senators will be bombarded with arguments for and against this treaty. I would like to draw my fellow Senators attention to a very thoughtful analysis provided the committee by Dr. Brad Roberts this year. Dr. Roberts, who has spent a considerable time assessing issues related to the treaty, spoke in full recognition of some of the concerns that have been raised. He said:

> In sum then, the CWC certainly is not perfect, and anybody who has told you it is, is blowing smoke. The relevant question for this committee, though, is simply: Is it good enough? Is the treaty in the national interest?
>
> If you believe, as I do, that it is better to narrow the proliferation threat, than to let it spiral out of control, which is where it is headed, that the only chemical weapons that matter to the United States are those that pose real military threats, that it is better to share verification and compliance tasks and to have on-site access, than to go it alone on these matters, that it is better to add relatively modest regulatory burdens to industry than to jeopardize its long-term competitiveness, that it is better to create more tools to deal with the proliferation threat of the post-Cold War than to have fewer, and if you agree that it is better to share the burden of managing this problem than to saddle the United States alone, then support the CWC.
>
> It is not perfect, but it is largely up to us to define and manage its risks through our military programs, our anti-chemical protection systems, our own national verification capabilities, a task that is far easier than coping with the risks of a world of much broader chemical and perhaps biological proliferation, and the difficult challenges that would result to U.S. interests, capabilities, and leadership.

Mr. President, I know my fellow Senators will weigh this treaty very carefully before deciding how they wish to vote. I deeply believe that a positive vote is the correct one for our national interests. I hope very much that most of my fellow Senators will reach the same conclusion.

STRENGTH FROM DIVERSITY

Mr. PELL. Mr. President, I would like to bring to the attention of my colleagues a most insightful address on religious tolerance and freedom delivered by Rear Adm. James R. Stark, president of the Naval War College, at

Touro Synagogue in Newport, RI on August 25.

Admiral Stark has had a distinguished career, serving our Nation with great dedication and a strong commitment to the enduring principles upon which our country was founded. His address exemplified the principles of George Washington now memorialized today on the 30-cent stamp issued in August 1982 to commemorate the Touro Synagogue: "To bigotry no sanctions. To persecution no assistance." These same words were in George Washington's letter to Moses Seixas and the Touro Synagogue community.

Let me share Admiral Stark's concluding remarks:

> Today, we have the opportunity to rejoice in the success of the Touro congregation to be treated like any other citizens, and to celebrate in the wisdom of George Washington and the other founding fathers, who realized that our diversity did not have to breed hate and suspicion and discrimination, that our "unlikeness" did not prevent us from being good citizens in a society of mutual trust, and respect, and consideration. Rather than being a weakness, America's diversity has become our strength.

I ask unanimous consent that Admiral Stark's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF REAR ADM. J.R. STARK, USN

Good morning, ladies and gentlemen. I'm so pleased to see you all here. I want to start out by saying how honored I am to be addressing you today.

When Governor Sundlun asked me to speak a few weeks ago, I leaped at the opportunity—first, because I've been interested in Touro Synagogue since I was first stationed in Newport back in the '60's. And second, because we're here to commemorate an event which is of such importance, that it resonates still today across the length and breadth of America.

That event was an exchange of letters between the warden of Touro Synagogue and President George Washington over 200 years ago. Some may say, what's the big deal? What's so important about an exchange of letters? They're not even legal documents. They're just a couple of pieces of paper, written by people long dead—people who hadn't a clue about life in the last 20th century, people who never imagined the airplane, or the internet, or MTV. Even their language seems stilted and old-fashioned—and the issue of religious freedom really doesn't appear to be especially relevant today, does it? So what?

But we know better, don't we. Those letters had an impact that went far beyond the little community of 18th century Newport. But, you know, this celebration is about more than just letters. It's about 200 years of history, and a very special, almost unique series of events that redirected that history which took place here in the days when the United States of America were still young and searching for what this new concept called democracy really meant.

Several years ago, I was in command of a Navy cruiser on its way from California to the Persian Gulf. It was a long trip—it took us six weeks to sail halfway around the world. And as we neared the end of our voyage, we stopped for fuel in the ancient port of Cochin, on the southwest coast of India. In the course of my visit, I was able to do some sightseeing. I came across a Catholic church, nearly 500 years old, where the Portuguese explorer Vasco da Gama was buried in 1524, soon after "discovering" India. But I also visited another building nearly twice as old. It was the Jewish synagogue, which had been founded in first century A.D. by Jews fleeing Jerusalem after the destruction of the Second Temple—Herod's temple—by the Romans. To me, it was a tangible illustration of how long and how far the Jewish people have been forced to wander in their search for a decent life.

Interestingly, history tells us that—except for their periodic revolts in Judea—Jews fared well under the Roman empire. They were merchants and craftsmen who were welcomed wherever they settled. And by the end of the Roman era, strong Jewish communities had sprung up all around the Mediterranean. Even after the fall of Rome, Jewish settlements continued to spread—first into Western Europe, and then, after the 12th century, into the East.

But as time went by, the attitudes of their hosts changed. The hard work, the education, the cohesion, and especially the success of those Jewish communities created jealousy and resentment. Jews who had been welcomed because they brought needed skills and built the local economy gradually changed from being neighbors to being outsiders, tolerated when necessary and persecuted when it because convenient.

More and more restrictions were placed on Jews. As commerce and skilled trades expanded during the Middle Ages, the guild system was used to exclude Jews from a growing number of vocations. They were prohibited from owning land. They were restricted from universities. They were required to live in certain urban districts—the ghettoes.

Rather then being the mainstay of regional and international commerce, as they had been for centuries, in many areas the only jobs open to Jews were as itinerant craftsmen or as moneylenders to all levels of society.

But success in finance and the emerging business of banking and credit carried its own dangers. When local businessmen made poor decisions—or kings had to borrow money to finance everything from wars to jewelry—they became more and more indebted to the very people they had forced into being their bankers.

And when it came time to repay those debts, it was a lot easier to spread rumors of witchcraft and secret rites, launch a wave of pogroms, expropriate Jewish businesses, cancel the debts, and then expel the Jews.

And that's exactly what happened over and over during the Middle Ages. In 1290, Edward the First of England solved his debt problems by expelling the Jews. They were to remain barred from England for the next 350 years, until the time of Oliver Cromwell. A hundred years later, in 1394, they were expelled again, this time from France. A similar fate befell the Jews of Spain in 1492, and those of Portugal in 1497. Some were forcibly converted. Others were killed for refusing to abandon their faith. Many of the original Jewish community here in Newport—the people who founded Touro Synagogue—were the descendants of those same Sephardic Jews who had been driven from the Iberian Peninsula 150 years earlier.

These cycles of persecution waxed and waned for the next 500 years. Sometimes they were violent. Sometimes it was just snide remarks and not being admitted into some exclusive club.

As we all know, the culmination of all this was the Holocaust. How could it happen? Wasn't it something we should have foreseen?

Jews had lived in Germany for over a thousand years. They had built its industry. They were part of its educational system. They were skilled workers, bankers, businessmen, artists, scientists. They had fought in Germany's war right alongside the rest of their countrymen. There part of the community. They were Germans, and they thought of themselves as Germans. No wonder so many responded to the first acts of the Nazis with disbelief and a total inability to comprehend what lay in store.

And in the end, why did so many others, Germans and non-Germans alike, turn their heads from what was happening to their neighbors, or worse yet, take part in the persecutions?

Earlier this month, I read a very moving piece in the New York Times entitled "The Pogrom at Eishyshok." Some of you may have seen it. It was the chilling first person account of a man who, as 7 year old child in the fall of 1945, had witnessed the murder of his mother and infant brother in a little town—a "stetl"—in what is now Lithuania. Their attackers weren't Nazis bent on carrying out the final solution—Hitler had already been defeated. These were their neighbors, people they knew and had grown up with. At the end of his story, the author observed that "as our world shrinks and its diverse nations become more entangled with one another, it is of the utmost importance to understand that the 'dislike of the unlike' is what leads to the gas chambers and the killing fields."

"The dislike of the unlike."—the tendency of people to divide the world into "us" and "them", and then treat with suspicion or even hatred those who look different, or talk different, or have funny names, or strange customs.

Those words—"the dislike of the unlike"—perfectly capture the essence of what has plagued all mankind—not just Jews—since time immemorial.

What we see is that, again and again, people can get along for decades on the surface. But when society is placed under stress, when it's confronted by war, or famine, or plague, or economic collapse, people turn on those who aren't quite like them. They look for something or somebody to blame—and then they take out their fear and frustrations on them. For Europe's Jews, that cycle was all too familiar.

And if it could happen there, could it ever happen here? Clearly, there are a handful of people in every society, in every country, who are capable of monstrous evil, even murder on a massive, organized scale. There is no question in my mind that such people exist in America today. But the difference is, I don't see that ever happening here. We are different. And because of that difference, I don't believe American society could ever allow that handful of evil men to work their will. We wouldn't put up with it. And the reason I think that we are so special—that we are protected from that kind of evil—has a lot to do with why we are here today.

Let's be very clear. Religious freedom wasn't always the norm in colonial America. The same colonists who had fled religious persecution in England were only too happy to impose their beliefs on others when they were in control. Fortunately, the tolerance established by Roger Williams here in Rhode Island made it a mecca for people of all faiths who sought the right to worship in peace. Huguenots and Baptists, Jews and Quakers all lived together here, worshipping God in their own ways.

One hundred-fifty years ago, the great French commentator, Alexis de Tocqueville, observed a peculiar fact—that two principles which in Europe had historically been mutually exclusive—the spirit of religion and the spirit of liberty—had somehow been combined and made mutually supportive here in America. Part of the reason for that happy fact lies right here.

When warden Moses Seixas of Touro Synagogue wrote to President George Washington to wish him well and to give thanks for a government "erected by the majesty of the people" which gave everyone—regardless of their origins—the liberty to worship in peace and enjoy equally the protections of citizenship, he started a series of events which had consequences far beyond what he could have ever imagined.

And when President Washington, in his reply, wrote of how proud we should be for having given mankind a country where "all possess alike liberty of consicence and immunities of citizenship" he captured the very ideals that make America special.

And, in what I think is one of the most remarkable insights of the letter, President Washington notes that we're not talking about toleration the way it was throughout history, where one privileged group granted others some limited rights as a form of indulgence, "allowing" them to be treated fairly. No! What George Washington says is that there is no single group which holds sway over the rest of us. All of us have inherent natural rights, and the only thing required of us is that we conduct ourselves as good citizens and support the government. The government didn't just "allow" the Jews to practice their religion and conduct their business like everyone else; the President said it was their right all along—so it couldn't be taken back arbitrarily if someone in power changed his mind. That's what's so important here.

When they sought Washington's assurance of their right to practice their religion, to be free from government persecution, to be treated like all citizens of this country, the Jews of Newport were not just achieving something for themselves. They established a percedent which applied to every other religion. And a year later, that precedent was codified in the Bill of Rights as the First Amendment to the Constitution.

And look at what we've gained. Look at what that freedom from oppression has enabled America's Jewish citizens to contribute to this country during the last two centuries. Art, education, music, science, literature, religion, business—the list goes on and on. The political and community involvement of America's Jewish citizens—across the entire spectrum of issues and views—is absolutely remarkable. The philanthropy of America's Jewish community has aided those less fortunate out of all proportion to their numbers. The Jewish community has strengthened and enriched the intellectual and economic and political fabric of American life to an extraordinary degree.

Today, we have the opportunity to rejoice in the success of the Touro congregation to be treated like any other citizens, and to celebrate in the wisdom of George Washington and the other founding fathers, who realized that our diversity did not have to breed hate and suspicion and discrimination, that our "unlikeness" did not prevent us from being good citizens in a society of mutual trust, and respect, and consideration. Rather than being a weakness, America's diversity has become our strength.

Yes, we do have much to be thankful for today. For the congregation of Touro Synagogue truly helped make America what it is—a special place where all can live in peace together.

Thank you, and shalom.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Illinois is recognized.

Mr. SIMON. I thank the Presiding Officer.

DIRECT STUDENT LOAN PROGRAM

Mr. SIMON. Mr. President, although it is unusual for me to speak from a prepared text, I want to spend a little time providing my colleagues with some of the history and facts regarding an item that appeared in the Republican Party's platform last month. The issue is a successful Direct Student Loan Program which has saved students and taxpayers billions of dollars by streamlining a complicated system and enhancing competition. It is a great disappointment to me that an issue with such strong bipartisan roots has been turned into a one-line rhetorical attack on the President. That is unfair to the program, unfair to the President, and it is unfair to the Republicans who spent years promoting these reforms.

Five years ago, I teamed up with David Durenberger, then a Republican Senator from Minnesota, in proposing to shift to a direct loan program with income-based repayments for all students who desire it. We proposed using the billions saved with that proposal to restore the buying power of the Pell Grant Program, which has suffered from years of underfunding.

The loan reforms we put in our bill were not original. They were borrowed, with a few minor changes, from Representative TOM PETRI, a Republican from Wisconsin with conservative credentials, with whom you and I served, Mr. President, in the House.

My colleague, Senator AL D'AMATO, now the head of the National Republican Senatorial Committee, cosponsored the Petri plan in the Senate. Republican support for direct lending was broad. Original cosponsors of the Petri legislation included my House colleague from Illinois, JOHN PORTER, now the chairman of the appropriations subcommittee that handles education, and three Members who have now joined us in this body: Senator RICK SANTORUM, Senator JAMES INHOFE, and Senator BEN NIGHTHORSE CAMPBELL.

Cosponsors also included the current Speaker of the House and spanned the Republican spectrum from SUSAN MOLINARI to DANA ROHRABACHER. Their support did not stop at cosponsorship. Thirty-three Republican House Members wrote to President Bush urging him to make direct lending part of his domestic agenda. They argued that Republicans—and I am quoting: "should be advancing our own innovative, cost-effective solutions" to help the middle class pay for college.

But after President Clinton proposed their innovative, cost-effective solution, many of those Republicans became silent, or worse, opposed their own proposal. The basic policy did not change. It was pure partisan politics. The Republican party platform ratified last month included the following two sentences:

> Congressional Republicans budgeted a 50 percent increase in student loans while fighting Bill Clinton's intrusion of Big Government into their financing. Heeding the outcry from the nation's campuses, we will end the Clinton Administration's perverse direct lending program.

That is the end of the quote from the Republican platform.

Mr. President, the program that was innovative and cost-effective when it was a Republican idea somehow became perverse and an intrusion of Big Government—with a capital "B" and a capital "G"—when President Clinton decided to promote it.

Mr. President, I want to respond to these statements. And I speak not only for myself. Members should know that every national higher education association and student group that has taken a stand supports direct lending. If there is any outcry on college campuses, it is for the reforms that President Clinton has championed, not against them.

I have a chart here that compares the old Government guarantee program with the direct lending. I ask my colleagues to look closely and tell me which program is the so-called perverse, big Government system that the Republican platform would eliminate.

Is it the program on the left, with fewer than 500 Government employees, or the one on the right with more than 2,500 Government employees?

Which is big Government?

Is it the one that uses competition to determine how much to pay private-sector participants or the one in which Congress sets the prices?

Is it the one where a low default rate is rewarded or where more defaults can bring more money to middlemen?

Mr. President, which is "perverse"?

Is it the program that uses taxpaying private-sector companies and investors or the one that gives away tax subsidies? And again, you have these comparisons here.

Is it the one that chooses contractors based on performance or the one in which Congress gives entitlements to middlemen regardless of performance?

Is it the program that can be audited or the one that requires taxpayers to give away money in the dark?

Is it the one with or without costly conflicts of interest that threaten billions in lost taxpayer dollars?

If we change the chart here, you will see at the bottom obviously this is the one that Congressman PETRI and Senator Durenberger and others of us have proposed and is now in effect on about 1,700 campuses that really makes sense.

Mr. President, strange as it may seem, the program that the Republican platform has labeled "perverse, big Government," is the one that has fewer Government employees, no entitlements to middlemen, uses competition to set prices, and rewards only the good performers.

Congressman TOM PETRI warned his Republican colleagues last September that they were going down the wrong road. Let me repeat what he had to say. This is Congressman PETRI talking.

> If at the end of this whole process we do kill off direct lending, President Clinton and others will tell the American people that the Congress, under Republican control, shut down a conservative reform effort that was good for students and schools in order to keep the gravy flowing to powerful special interests. And that argument will resonate with the American people because it was right.

Mr. President, I would like to take a few moments to describe to my colleagues how the Government guarantee program really works. The banks and Sallie Mae like to brag they now share the risk of defaults of the student loan program because they are reimbursed 98 percent rather than the 100 percent they insisted was necessary before direct lending came along as an alternative.

That 2 percent is a nice contribution, but it is also deceptive. A bank that makes a loan of $1,000 is guaranteed, by the Government, not just $980, but also full interest on the $1,000 at a rate 3.1 percentage points above the Government's cost to borrow. That is set by us in Congress. Some of these bankers who denounce welfare for poor people will end supporting this welfare for bankers. If it cost us 5 percent to borrow, we pay them 8.1 percent every year. Then they offer to absorb 2 percent of any loan that defaults.

So if interest is included, what is the real guarantee? After 4 years of college, the Government, which will have paid about $324 in interest on $1,000, then will reimburse $980 of the default, for a total payment to the bank of $1,304. The real Government guarantee is more than 130 percent, not the 98 percent that they advertise.

What about all those guarantee agencies, the middlemen in the Government guarantee system? They claim that they are the Federal Government's partner, sharing the risk of loan defaults.

Mr. President, that has not been true since 1976. These guarantee agencies have no private contributors, no private investors, no State funds that contribute to the cost of the Federal loan program. Instead, the funds that they "share" with us are the funds that we give them; entitlements such as a percentage of the student's loan, 27 percent of any defaults they collect, and administrative payment, and on and on. It is like your child saving up his allowance to pay a small part of the cost for a new bicycle. It is a nice exercise, but the money really all comes from your pocket.

It is true that the amount we pay to the banks and middlemen is lower than it was before 1983. But it is lower only because direct lending forced the lobbyists to admit that they were fleecing taxpayers and students.

For 25 years the banks and student loan middlemen kept asking Congress for more subsidies, more entitlements, and less risk. Congress had little choice but to comply. No elected official wants to risk students not getting loans. The banks and middlemen told us that to cut the subsidies would risk loan access.

As recently as 1991, the banks warned that some borrowers could lose access to loans if Congress did not increase the return to lenders.

Until President Clinton proposed a viable alternative to the Government guarantee program, there was no safe way to call the bluff. The Republican platform's plan to eliminate direct lending would return us to that time when we had no choice but to follow orders from the banking industry, the guaranty agencies, and their lobbyists.

This leads me to some questions about the Government guarantee program:

Why do we pay banks 3.1 percentage points over the Treasury rate? Not because of any market competition that led to the price, not because of any study by economists, but because that is what the lobbyists said the industry could live with.

Why do we pay guaranty agencies 27 percent of any defaulted loan they collect? Incidentally, that is an encouragement to default. We subsidize that, not because of competition, not because of careful study, but because the lobbyists told us that was the right number.

Why did last year's appropriations bill require the Education Department to pay $176 million to guaranty agencies on top of the more than $1.8 billion in Federal funds they already hold? Because that is what the lobbyists said they wanted. I could go on and on.

Mr. President, is this any way to run a program? Instead of lobbyist-set rates, why not use auctions to determine how much we should pay to get capital for student loans? That is direct lending.

Rather than Congress setting the rates, why not use competition to determine how much to pay the loan collectors? That is direct lending.

Why not give all borrowers a wide variety of repayment options instead of leaving their options up to the whim of whatever secondary market happened to purchase their loan from the bank? That is direct lending. I might add, direct lending is open to every student while in the old system you have to be below a certain level of income.

Why not provide the funds through the same system that delivers Pell grants, work-study and other student aid rather than confusing schools, parents, and students with a plethora of agencies, offices, and forms? That is the simplicity that direct lending provides.

What about savings for taxpayers? A few direct loan opponents have implied that direct lending never was cheaper than the Government guarantee program. That is just plain nonsense, and it is easy to see why. Everyone agrees that the 1993 reforms forced several billions of dollars of reduced subsidies in the Government guarantee system. Now, according to the Senate Budget Committee, the cost of the two programs are virtually identical. By definition, if the cost of the Government guarantee system has come down and now matches direct lending, then direct lending must have been cheaper.

In fact, the cost of the direct loan program has been overstated for a variety of reasons that I have explained in detail previously in the RECORD, including the choice of discount rates, the cost of tax-exempt bonds used by secondary markets but not in direct lending, and the handling of conflicts of interest and other costs of the Government guarantee system. Not only was direct lending cheaper 3 years ago when the loan industry was forced to ante up, but it is still cheaper today.

Whether you agree with the Republican staff of the Budget Committee or with Congressman TOM PETRI or PAUL SIMON, there is no question that the 1993 student loan reforms have saved billions of dollars for taxpayers because of the efficiency of direct lending.

Mr. President, millions of dollars have been spent in lobbying to sully direct lending, and there are two other charters to which I have not yet responded. First, there was the cost-shifting scare. Before direct lending had a track record, Sallie Mae provided colleges with sophisticated-looking analyses showing that direct lending would cost the average college an additional $219,000 to administer each year. Banks and middlemen also got into the fray, hiring a CBO Director to say that costs were being shifted to schools. Of course, colleges were concerned.

But time has erased all those claims. Direct lending turned out to be exactly the opposite of the Sallie Mae scare tactic. Colleges saved money through a welcome relief from excess paperwork and redtape. In your State of Colorado, Mr. President, the State auditor found that direct lending in the first year reduced costs by $325,245, at two of the State's universities.

That is why 1,700 schools have now joined the direct loan program. Schools now have the option. That is what we want to keep.

Next, there came the haven for defaults claim. Long-time opponents of direct lending held a press conference to announce a rush of high-default schools into the direct loan program. They pointed to several shady trade schools but failed to point out that the schools, under the law, had to already be participating in the Government guarantee program. Still, they persisted in their claims for as long as no data were available to refute them.

In March, the data arrived. That lie was put 6 feet under. The truth is that schools in the direct loan program last year had a lower average default rate than those in the guarantee program. More data on the performance of the two programs at similar schools is still to come.

Mr. President, over time, every allegation made by the industry has turned out to be misleading or just plain groundless.

I have said very little about students. They, after all, are the reasons that these programs exist. How have they been helped by the Student Loan Reform Act proposed by President Clinton and enacted by the Congress in 1993?

I touched briefly on the repayment options. Direct lending makes a wide variety of repayment options available to any borrower. Borrowers can even choose to make payments that vary according to their post-college income. That is critical, as students are increasingly relying on loans to finance their continuing education.

USA Today reported that the direct loan program's "simplicity has proved hugely popular at colleges across the country." In the Government guarantee program, the maze of agencies, lenders, and purchasers often cause confusion, delays, and errors. They are not only frustrating but costly to colleges and students.

As millions of college students begin this academic year, one of the things that is foremost on their minds is money. Whether they participate in the direct loan program or the guarantee system, the changes that were enacted in 1993 will send students this week back to their dorm rooms with $650 million more than any would have had otherwise. In other words, $650 million savings this school year to students because of the direct loan program and because the old guarantee program has been forced to come down in its expenditures because of direct lending. That savings would never have happened without the leadership that President Clinton and Congressman PETRI, Senator David Durenberger, and Senator TED KENNEDY showed in standing up to the special interests and promoting the direct lending.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand it we are on general debate?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. Is there a time limit on morning business?

The PRESIDING OFFICER. There is a 10-minute time limitation.

Mr. KENNEDY. I ask unanimous consent to be able to speak for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REPUBLICANS' RECORD ON EDUCATION AND MEDICARE

Mr. KENNEDY. Mr. President, although Republicans in Congress claim to support education, they cannot escape the record of harsh education cuts proposed by the Republican majority in Congress, led by NEWT GINGRICH and Bob Dole. Just this past weekend, Christiane Valfour, a college student at the University of Pittsburgh, challenged Bob Dole to explain why Republicans in Congress pushed for deep budget cuts in Federal student aid last year. Candidate Dole's response was silence. When the student asked why Dole opposed the highly successful direct student loan program, again, candidate Dole was at a loss for words.

It is no surprise that Bob Dole decided to take the fifth amendment on education. In fact, anything he said would incriminate him. The truth is that candidate Dole supported the Republican budget last year that proposed the largest education cuts in the Nation's history. That Republican budget also capped Direct loans for college students, denying the opportunity for over a thousand schools to choose the loan program that provides the best service and lowest fees and other costs to their students.

I commend to all the Members the excellent presentation that was made by our colleague and friend from Illinois, Senator SIMON, on this issue. He has been a strong leader in support of the direct loan program.

Candidate Dole and the Republicans in Congress are desperately trying to run away from their slash-and-burn record on education. But the American people won't be fooled. They know investing in education is important to the Nation's future, and they won't be deceived by the Republican claims that pretend to support education, while cutting the heart out of the investment that is needed to give education the priority it deserves.

In communities across America, it is back to school time, back to classes, back to homework, back to parent-teacher meetings, and back to preparing pupils for the future.

It is also back to crowded classrooms. Secretary of Education Richard Riley has called this school year the "baby boom echo." Student enrollment will reach an all-time high of 52 million, surpassing the 1971 record of 51 million.

Here in Washington there is a different echo—the echo of the education-cutting Republican Congress. Last fall, the Republican Congress—led by Speaker NEWT GINGRICH and former majority leader Bob Dole—proposed the largest education cuts in U.S. history. Democrats fought these harsh cuts at every turn, because we believe in education as the key to the door of the American dream.

Republicans proposed to cut $3.7 billion in education last year. That proposal failed because the American people would not stand for deep cuts in education funding. But the Republicans refused to listen. They insisted on proposing similar cuts in education funding in a series of short-term spending bills.

Last January, I offered an amendment to one short-term spending bill that would have restored full funding to education—$3.1 billion. But the Republican leadership blocked the measure. Even when a majority of the Senate—51 Senators—supported the amendment, the Republican leadership used a procedural trick that required 60 votes for passage—so education lost again.

Last April, prospective college students were desperate to know how much financial aid would be available for the coming school year. Teachers were receiving pink slips because schools were expecting huge cuts in their budgets. As the crisis deepened, Republicans in Congress abandoned 90 percent of their harsh cuts and agreed to education funding $400 million below the 1995 level. It took the Republicans 9 months to learn what American families already knew—education is the key to America's future and must be a high national priority.

Throughout the past year, the American people have consistently said "no" to education cuts and "yes" to doing more to see that every child gets a decent education and can afford to go to college.

I might point this out, Mr. President, on this chart, to give you a better idea of what these cuts were. If we take the 1995 appropriations—and this is after the rescission of several hundreds of millions of dollars—$3.7 billion was cut from education in the House appropriations bill for fiscal year 1996. In the continuing resolution $3.1 billion was cut from education as compared to the 1995 appropriations level. In the 1996 omnibus appropriations agreement—the final agreement that was made—we cut $400 million from education. This agreement was made with the President after the Government shutdown. The education cut was reduced to just $400 million less than the 1995 appropriations as a result of the President talking about the importance of education, Medicare, and the environment, which are high national priorities. President Clinton demonstrated a commitment to these priorities by getting us back close to the 1995 appropriations levels.

Notice what has happened this year. In the 1997 appropriations, the House of Representatives has cut education funding by more than one billion dollars from last year's agreement. When they are able to get their hands on it, they go right back down to $1.5 billion in the House appropriations bill.

The Senate appropriations bill will be marked up soon. So, hopefully, we will have an opportunity to address this issue. But if we are not assured that we are going to consider the education appropriations, others are going to offer amendments to restore education funds on the next appropriations bills that come before the Senate. We can't take a chance on the funding of education—not that money in and of itself guarantees improvements in education. It does not. But it is a reflection of the Nation's priorities.

That is what we are talking about in this debate; let's strengthen the programs in various priority areas. We heard earlier today of the excellent work that was done with the leadership of Senator SIMON, Senator BRADLEY, Senator DURENBERGER, a bipartisan effort to move us toward the direct loan programs. I welcome the opportunity to join in that effort with the support of the President.

Thanks to the Direct Student Loan Program, we have alternatives in the college financial aid programs, as was pointed out by Senator SIMON earlier today. Last year, Republicans in Congress tried to eliminate the Direct Loan Program. They would have taken away a good alternative for young people to pay for college.

Nonetheless, I think is important to clarify what happened in last year's battle over education funding. This past weekend, one of our colleagues, who was answering a question from Christiane Valfour in Pennsylvania at the University of Pittsburgh, denied the Republican education costs. She challenged Bob Dole to explain why the Republicans proposed massive education cuts in their budget, and he was speechless. Then a Republican Senator came up and said that she was completely misinformed, and that the Republicans had not cut education. It is important as we enter into the final days of this Congress, as we make our final judgments on the issue of higher education and also elementary and secondary education, that we understand exactly what has been done.

Now, as we begin a new school year, teachers are teaching more students than ever before. Communities are fighting to prevent youth drug use and crime. Schools are trying to equip classrooms for the 21st century. But the elephant never learns. Instead of helping schools and children to prepare for the future, Republicans in congress are bent on repeating the past instead of learning from it. They have slashed education funding again this year, cutting education by $1.5 billion from the fiscal year 1995 level in the House appropriations bill for 1997, which begins October 1. The label fits and sticks. This Republican Congress—the Gingrich-Dole Republican Congress—is the most antieducation Congress in the Nation's history, bar none.

We know that when we ask and expect more of children, they achieve more. More students than ever are taking harder courses. SAT scores are up. But Republicans don't get it. They tried to zero out Goals 2000 in the fiscal year 1996 appropriation, but we stopped them. In the fiscal year 1997 proposal, the Gingrich House Republicans again zeroed out funding for Goals 2000, which is helping 5 million schoolchildren achieve higher standards of learning.

The Goals 2000 Act was passed with bipartisan support both in committee and on the floor of the U.S. Senate. Ninety percent of Goals 2000 funds go to the schools at local level to give assistance to schoolteachers, to parents, and to citizens involved in their communities, who want to enhance students' academic achievement. Goals 2000 has been zeroed out. Unfortunately, I think it was zeroed out because it was an initiative supported by President Clinton and his administration.

We know that the use of advanced technology in education increases achievement and reduces dropouts. Computers help teachers spend more time with students and teach them more complex lessons. Classroom technology helps prepare students for the 21st century workplace. But the Republicans don't get it. In fiscal year 1996, they tried to zero out the Star Schools Program, but we successfully fought to restore the funding. In their fiscal year 1997 proposal, the Gingrich House Republicans again zeroed out the Star Schools Act, which helps bring schools into the information age. They cut $27 million from the President's budget for technology challenge grants, which help bring computers into classrooms.

I wish some of our Members had the chance to visit some of the Star Schools Programs I have visited. I remember several years ago visiting an excellent Star Schools Programs in the State of Mississippi. Senator COCHRAN has been interested in distance learning for a long time. We found that in a number of schools throughout Mississippi and the South students were taking classes in advanced calculus and advanced mathematics. These classes were not available within their particular communities, but the Star Schools connections allowed them to work with some of the best teachers that exist, both in Mississippi and in other Southern Communities. Star Schools programs bring high-level courses to many students who would not have the opportunity to take these challenging classes in their local schools. It was enormously impressive. This is just one example of the importance of bringing the newest technology that is available into our schools. Nonetheless, Republicans have cut education technology programs including Star Schools and also technology challenge grants.

We know that communities, schools, and families are working hard to prevent youth crime and drug use. But Republicans don't get it. They tried to slash the funding for the Safe and Drug-Free Schools Act by 60 percent in fiscal year 1996, but we didn't let them. In their fiscal year 1997 proposal, the House Republicans cut $25 million from the Safe and Drug-Free Schools Act, the only Federal Program dedicated to providing funds to schools to combat drug use and violent behavior.

Even in the Human Resources Committee during the last Congress, the Drug-Free Schools Program was effectively wiped out, and the funding was transferred to a youth block grant program. But it was one of a number of different programs that would be available to young people, depending on the decisions of the various Governors. At the time, we made a decision that schools needed to have some consistent support across this country in terms of drug-use prevention and violence prevention activities. So we passed the Safe and Drug-Free Schools and Communities Act. In this current appropriations bill, Republicans in Congress continue to reduce support for safe and drug-free schools.

The appropriations for education funding are going to be acted on by the Senate this week. It is important, since the budget is an indicator of national priorities, that we understand exactly what is before the appropriator and what will be before the Senate and before the American people. I believe that most Americans think that education programs deserve a strong national investment.

We know that half of all college students need financial aid to go to college. Three-quarters of all student aid comes from the Federal Government. Between 1985 and 1994, the average cost of attending college rose by 39 percent while the median family income rose by only 1 percent. College graduates earn almost twice what high school graduates earn and nearly three times what high school dropouts earn. But Republicans do not get it. In fiscal year 1996, their attempts to eliminate the funding for Perkins loans and the supplemental State incentive grants failed. In their fiscal year 1997 proposal, the Gingrich House Republicans again zeroed out funding for Perkins loans, which helped more than 700,000 students go to college last year. And they again eliminated the supplemental State incentive grants, which helped over 1 million students attend college.

In the coming weeks, we will hear Republicans claim that they support education, schools, children, and teachers. But candidate Dole and Speaker GINGRICH and their Republican colleagues cannot escape their antieducation record.

President Clinton is the education President. He has fought hard and successfully to block the Republican cuts in education funding. His budget for the coming years is a budget that invests in education. While Republicans want to subtract $1.5 billion from education, the President wants to add $2.8 billion. That is the right priority for Congress, and the right priority for America.

As this chart shows, the House Republicans want to cut education by $1.5 billion this year, and the Senate Republicans are continuing the battle in terms of cutting education funding.

Mr. President, the fact remains that over the period of the last Congress, 1992 to 1994, a series of education programs were enacted. We passed a reauthorization of the Head Start Program. In this act, we extended the Head Start education programs to include training programs for expectant mothers, and we expanded the early intervention programs.

Then we passed the Goals 2000 Act to challenge students to a greater degree and bring out the best in students. The purpose of Goals 2000 is to provide additional funding to local school districts so that teachers, school committees, parents, the business community, and other community activists who want to improve their local schools, would have flexibility to develop new initiatives in terms of curriculum, in terms of the time students spend in class, and in terms of additional training for teachers. A number of communities have used Goals 2000 funding to develop local initiatives to improve student achievement.

We also passed the School-to-Work Program to address the particular educational challenges that exist for the three out of four high school graduates who do not go on to a 2- or 4-year college and receive a college degree. The purpose of the School-to-Work Program was to give these students the opportunity to obtain job skills and additional educational training that could help them have more useful, productive lives. The School-to-Work Program, which has been supported by Republican Governors as well as Democratic Governors, was, effectively, going to be terminated on the job training bill which we considered in conference committee. We should not terminate this important program, and we certainly should not terminate it just because it was developed by President Clinton.

So, Mr. President, we have seen in recent times, when we are talking about the funding of those programs, support for those programs, a dramatic reduction in those programs, and a number of those programs have actually been zeroed out.

It is increasingly clear that our Senate Republicans are so embarrassed by their antieducation record that they do not intend to bring the education appropriations bill before the full Senate for final action before the election. One way or another, either on the continuing resolution or on other legislation, the Senate should vote on this vital issue so the American people know where we stand.

American families want good schools and affordable college education. They want a brighter tomorrow for their children, and they will not let an education-cutting Republican Congress hold them back.

Republican priorities are also too extreme with regard to Medicare. Time and again Republicans in Congress have sought to slash Medicare in order to pay for irresponsible tax breaks for the wealthy.

Medicare is a compact between the Government and the people. It says, "Pay into the system during your working years, and we will assure that you have affordable health care in your retirement years."

Today's senior citizens built the country. They worked hard, raised their children, stood up for America during depression and war, and now it is America's responsibility to stand by them—to guarantee that affordable medical care will be there for them when they need it in their retirement years.

You would think that these are principles that every American supports, but not Bob Dole, not NEWT GINGRICH and the Republicans in Congress. NEWT GINGRICH says he wants Medicare to wither on the vine. House majority leader DICK ARMEY has said Medicare is a program he "would have no part of in a free world." And last year, Bob Dole said again that he is proud to have voted against Medicare when it was first enacted. He told the American Conservative Union, "I was there, fighting the fight, voting against Medicare, 1 of 12, because we knew it wouldn't work. * * *"

The Dole-Gingrich Republican budget last year would have slashed Medicare by an astounding $270 billion. Medicare premiums would have doubled. Medicare deductibles would have doubled. The age of eligibility for Medicare would have been raised. Elderly couples would have paid an additional $2,400 in increased premiums alone during the budget period.

Republicans pretend that they are not cutting Medicare, just slowing its rate of growth. But every American family knows that if your wages do not keep up with inflation, your living standard is cut. Every family knows that if Medicare payments do not keep up with the cost of medical treatment, senior citizens' health care will be cut. And every family knows that if Medicare deductibles are doubled, if Medicare premiums are doubled, and if Medicare eligibility is postponed, your Medicare has been cut.

Abraham Lincoln once said, "You can fool some of the people all of the time, you can fool all of the people some of the time, but you can't fool all of the people all of the time." Our Republican friends seem to be counting on fooling enough of the people enough of the time until November 5—but they are not going to succeed.

The Dole-Gingrich attack on Medicare went even farther. In cahoots with the private insurance industry, their scheme was designed to force senior citizens to give up Medicare and join HMO's or private insurance plans. The Republicans said that their proposal was meant to offer greater choice, but senior citizens know that slashing Medicare in order to divert billions in profits to private insurers is no choice at all.

Republicans claim that President Clinton and the Democrats are using scare tactics on Medicare. But the American people know better. In fact, the cost of the lavish new tax breaks that Senator Dole is proposing will make even deeper cuts in Medicare more likely.

Under the Dole-Gingrich plan last year, the Republicans proposed a 7-year tax cut of $245 billion, paid for by $270 billion in Medicare cuts. Under the current Dole economic plan, the tax cut is $681 billion over 7 years, almost three times as large as last year's tax cut.

What about the Medicare cut? It is fair to ask where the cuts are going to come from. But still we have silence by Bob Dole on where the cuts are going to come from. I say to anyone who cares about Medicare, you better keep tuned because, as we have seen, Bob Dole supported the tax cut of $245 billion and the Medicare cut of $270 billion. Now he is proposing a $681 billion tax cut, and he is silent. You can bet your bottom dollar that there are going to be significant cuts in Medicare.

You do not have to be a mathematical genius to understand that if you have to pay for a tax cut three times as great, your Medicare cuts would be even greater than in the Republican plan last year. Bob Dole is no friend of Medicare and neither is the Republican Party.

The Dole-Gingrich Republican plan for Medicare makes a mockery of the family values they claim to support. I want to point out, on this issue, what happened before the election of 1994. In 1994, Majority Leader Bob Dole said, "President Clinton and Vice President GORE are resorting to scare tactics . . . falsely accusing Republicans of secret plans to cut Medicare benefits." That is the statement he made in 1994, before the last election. And Haley Barbour said, "The outrage, as far as I am concerned, is the Democrat's big lie campaign that the Contract With America would require huge Medicare cuts. It would not." After the election, they proposed $270 billion in Medicare cuts. Bob Dole said no, there would not be any cuts. Haley Barbour said no, there would be no cuts, and then the Republicans in Congress proposed $270 billion in Medicare cuts.

Now Dole has proposed a $681 billion tax cut. We ask him, all right, spell it out, where are you going to cut spending? We cannot get an answer out of him. And what should the American people expect? They ought to understand those cuts will be coming out of Medicare. If the cuts don't come out of Medicare, they will come out of other domestic programs like education. If he doesn't cut Medicare, the Dole tax cut plan would require massive unspecified cuts in domestic investments. If Bob Dole says no, it is not going to come in Medicare; it is not going to come in defense; it cannot come in interest on the debt; where else can he cut? Domestic investments.

The President is trying to hold harmless the domestic investments, particularly in education and in basic research in health care. He has indicated education, the environment, Medicare were the three priorities.

Here is the difference in this chart, where the President's balanced budget program is. Here is the Republican program for the cuts. If we were to enact the Dole tax cut, and if we were to exclude the Medicare from cuts, exclude defense, exclude the interest on the debt, then all other discretionary domestic spending would be cut from $254 billion down to $158—40 to 45 percent in real cuts. Those are cuts in education, NIH research, the fuel assistance programs for elderly people, and legal service programs.

Next year, the Congress and the President will need to take serious steps to deal with the very real financial problems in Medicare. The choice in this election is clear. A Democratic President and a Democratic Congress will address that challenge in a way that protects senior citizens and improves and strengthens Medicare. A Republican Congress and Republican President will put senior citizens and Medicare at risk. I believe the American people share our Democratic commitment to the Nation's senior citizens, and they will vote accordingly on November 5.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask unanimous consent to proceed for 20 minutes without interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYMENT NONDISCRIMINATION ACT

Mr. KENNEDY. Mr. President, last Friday the Senate began an important debate on legislation to protect the civil rights of gays and lesbians. Senators on both sides of the aisle have expressed strong support for the Employment Nondiscrimination Act. We will vote tomorrow afternoon on that legislation. I am very hopeful that the Senate will support it.

Last Friday, I reviewed the progress we have made as a country and as a society to free ourselves from discrimination. I spent a brief period of time reviewing what I think has been the enormous progress that this country has made to eliminate discrimination—at least to the extent we could eliminate such discrimination through legislation. After all, by including slavery, we enshrined discrimination in the Constitution of the United States. We fought a civil war in the 1860's on this issue but it was not until, I believe, Dr. King led a great movement in the late 1950's and the early 1960's, that the Nation was truly challenged to eradicate discrimination. Dr. King, using the philosophy of nonviolence, drew together Republicans and Democrats, business and labor, as well as church leaders all over the country, to begin a very important antidiscrimination grassroots effort. We made very substantial progress.

On Friday, I pointed out the achievements of the Civil Rights Act of 1957, the Civil Rights Act of 1964, the Voting Rights Act, and the Fair Housing Act of 1968. Furthermore, in 1965 we changed the immigration laws, eliminating the national origin quota system that determined which immigrants would be able to come to the United States. We eliminated the Asian-Pacific triangle that restricted Asian immigration to 125 Asians a year, which was really a throwback to the period at the turn of the century known as the "Great Period of the Yellow Peril." A period of great sadness and discrimination.

We made progress on race. We made progress on ethnicity, religion, and national origin during that period of time. We also made progress with regard to issues of gender. We did not pass the equal rights amendment. We did not say there were "founding mothers" as well as Founding Fathers, but we took a series of steps that moved us in a very important and significant way toward recognizing the full rights of women in our society. That was enormously important.

Some 6 years ago we passed the Americans With Disability Act to assert that having a disability does not mean a person is unable, even though for the better part of our Nation's history they suffered from discrimination.

Just a few nights ago under the bipartisan leadership of Senator DOMENICI and Senator WELLSTONE, we began to take the first steps to include mental health in American health care considerations. We have long recognized the challenges that cancer, heart disease, diabetes, or other illnesses provide for us, but we have been extremely reluctant as a society to understand that there are also diseases that affect the mind. Mental health is an area that needs attention, recognition, and respect, for those that are dealing with those challenges. We made a very small step but not an unimportant step to move beyond the types of discrimination confronting those with mental health illnesses.

Tomorrow, we have an opportunity to see whether we as a country are prepared to free ourselves from discrimination toward gay men and lesbian women. I will make the point tomorrow, when we have greater attendance, that I daresay there are no Members in the Senate that would say we should repeal the Civil Rights Act of 1964; or those who will say "no," we should not permit women to play sports; or, "no," we want a retreat on the kinds of rights we have been able to obtain for those with disabilities; or let us go back to the time when we found discrimination on mental health.

On each and every one of these debates and discussions we have heard arguments that we do not need to take action at the Federal level, that if we take action it will be an intrusion by the Federal Government, there will be a proliferation of that will clog the courts, and the legislation will lead to all kinds of unintended consequences.

The fact of the matter is, Mr. President, I think one of the most proud parts of our history has been that we have been willing as a country and as a society—and this has been true by Republicans and Democrats—to make important progress in moving us beyond discrimination.

Tomorrow, when we vote, we will have an opportunity to call the roll again, and hopefully we will continue the march toward progress. I believe it will demonstrate that Republicans and Democrats alike are joining shoulder to shoulder to try and move this country beyond discrimination in the workplace. That is what we are talking about today—discrimination in the workplace. We are talking about skilled men and women that are prepared to play by the rules, to work hard, and to be engaged in the workplace, but confront discrimination far too often. The sole reason they are losing their jobs or being fired is because of their sexual orientation. That is the issue that is before us. This bill is limited to workplace discrimination. It is an issue that we are well familiar with.

Our legislation prohibits job discrimination based on sexual orientation. Some Senators have questioned the need. What I have tried to do this afternoon is respond to some of the questions raised during the course of the debate last week. I know we will have additional points to be responded to on tomorrow.

So, hopefully, if our colleagues review this legislation with open minds, as they responded to a questionnaire when it was sent out to them—I remind the Senate that our colleagues responded to a questionnaire about employment discrimination based on sexual orientation—they will support it. I believe this because 66 Senators and 241 Members of the House of Representatives have agreed with the following principle: "Sexual orientation of an individual is not a consideration in the hiring, promoting, or termination of an employee in my office."

If we are able to get that kind of response in the U.S. Senate tomorrow, people will have made a very, very important contribution to making America, America. There are 66 Members of the Senate, some 241 Members of the House that are effectively saying that discrimination based upon sexual orientation is wrong. Here is a clear statement that these Senators know that there is a lot of stereotyping and a lot of exaggeration, and there are a lot of misstatements and misinformation regarding antidiscrimination policies. When they were back in their offices and addressing this issue quietly and deliberately, 66 members were prepared to say there should not be discrimination on the basis of sexual orientation in the consideration of hiring, promoting, or terminating employees. We will find out now whether they are prepared to take that belief, that statement, that comment, and put it into reality by supporting our bipartisan legislation tomorrow.

Mr. President, the main categories of discrimination under the Federal law are race, gender, religion, disability, and age. Classifications not included in Federal law include personal appearance, poverty, and level of education.

In determining whether or not sexual orientation should be added to the list of federally protected classes, I ask my colleagues to determine whether sexual orientation is more like those categories already covered by Federal law or those that have not received Federal protection. I think that is a question on the minds of some of our colleagues. It is a fair question and it needs to be addressed.

My colleagues should consider the question of immutability. Doctors do not know exactly what causes one's sexual orientation, but the leading theorists, including conservatives such as Judge Richard Posner and Prof. John Finnis, agree that sexual orientation is a feature of one's personality or makeup and not a conscious choice. Therefore, in this regard, it is more like national origin or religion.

Similarly, sexual orientation, like race, gender, religion, national origin, disability, and age, is rarely, if ever, relevant to one's ability to perform in the workplace. Passage of the Employment Nondiscrimination Act would signal congressional support for this truism.

Rarely do we see vicious assaults in the workplace against someone because of their weight or because of smoking or some other kind of activity. We are, however, well aware of the vicious assaults, epithets, taunts, and threats directed toward gay people. These cases very closely resemble the pervasive and flagrant discrimination directed toward racial and ethnic minorities, women, and people of various religious creeds. All we would have to do is reference the hate crimes legislation to see that such crimes are increasingly directed toward gay Americans.

Discrimination against gay and lesbian people for characteristics they don't control or reflect their deep personal identity, that are irrelevant to their ability to do their job, and that provoke irrational animus among some of their coworkers is the classic case for Federal intervention.

The current patchwork of protection for gays and lesbians—laws in nine States, executive orders in eight States, and ordinances in various cities and counties—is far from sufficient.

I might mention the various States and point out for the membership the States that do provide protection. We also know that the majority of Americans support this legislation. We have this in a general poll, and opponents will have other types of polls. We will be glad to get into the battle of the polls should that be necessary during the debate tomorrow. An overwhelming majority of Americans do not believe that Americans in the workplace ought to be discriminated against on the basis of their sexual orientation; nine States passed laws prohibiting employment discrimination based on sexual orientation; eight States have executive orders for gays and lesbians—those could be altered or changed easily. And 166 cities and counties have passed laws prohibiting employment discrimination based on sexual orientation. Also, 650 employers have nondiscrimination policies that include sexual orientation; the overwhelming majority of the Fortune 500, large and small companies. That is what is happening across the country. I will come back to how many times these laws have actually been challenged. Do these States have various laws that provide a series of challenges in the courts, and are they loading up the courts? They clearly are not.

Congress has ample power under the commerce clause and 14th amendment of the Constitution to enact civil rights laws such as the Employment Nondiscrimination Act. That has been sustained—with regard to employment discrimination—repeatedly by the courts.

America's workers keep America's commerce moving. Discrimination in the workplace prevents the Nation from reaching its full potential. As Paul Allaire, the CEO of Xerox said:

> We strive to create an atmosphere where all employees are encouraged to contribute to their fullest potential. Fear of reprisals on the basis of sexual orientation serves to undermine that goal. Enhancing our work environment to prohibit discrimination on the basis of sexual orientation has not added any financial cost to our organization. Instead, we believe our philosophy and practice of valuing diversity brings financial benefits to the workplace by encouraging full and open participation by all employees.

In other words, it is good business for companies to free themselves from discrimination and discriminating against one particular group in a work force. And that particular statement and comment was made by many CEO's.

I think most Americans would feel that we are a stronger economy and, most importantly, a stronger country when we free ourselves from discrimination and bigotry.

Nothing in the Employment Nondiscrimination Act condones unprofessional conduct in the workplace. Employers may enforce evenhanded rules. Dress codes for heterosexuals and homosexuals must be enforced fairly and equally across the board—that meets any available criteria as long as the rules are applied uniformly to both heterosexuals and homosexuals.

We have heard during the course of the debate—what will an employer do if a gay person acts inappropriately. The answer is that there is no problem. A code of conduct can be enforced equally across the board, and should be equally respected by the employees. We are not talking about creating special rights. We are talking about freeing the workplace from discrimination on the basis of sexual orientation. That is it.

Employers may clearly take appropriate action, if employees violate dress codes or other codes of conduct. The Employment Nondiscrimination Act outlaws job discrimination in hiring, firing, promotion, or compensation. As long as employers maintain a discrimination-free workplace and enforce policies that are sexual orientation-neutral, they will not violate the act.

That is it; period. No matter how many times we state it, nor how clear it is in the legislation, there will be those that will misrepresent what this legislation does. That is it, as I have stated earlier.

In addition, the Employment Nondiscrimination Act clearly states that "the fact that an employment practice has a disparate impact on the basis of sexual orientation does not establish a prima facie violation of the Act." The bill cannot be more clear. Employers have nothing to be concerned about on the issue of disparate impact lawsuits.

The Employment Nondiscrimination Act, like the Americans With Disabilities Act, provides that the EEOC shall have the same enforcement powers as it has to enforce title VII. Employers do not have to keep any specific type of records. The EEOC simply requires that any records already kept must be preserved for 1 year. The EEOC will take the same approach under the Employment Nondiscrimination Act.

The EEOC's only private sector reporting requirement is a form that employers of more than 100 workers must file annually. The form only requires information about race, gender, and national origin—not age and not disability. Like age and disability, there is no reason for an employer to know the sexual orientation of an employee, and that information is not required under the Employment Nondiscrimination Act. The act will not require employers to submit information on the sexual orientation of their employees, and the EEOC will not require it either.

Let me repeat that. This act will not require employers to submit information on the sexual orientation of their employees, and the EEOC will not require it either.

Adequate remedies for job discrimination are important in order to deal with violations of the civil rights laws. The remedies under the Employment Nondiscrimination Act are entirely appropriate. The act applies to clear cases of discrimination cases involving a smoking gun. Depending on the circumstances, a successful plaintiff should receive appropriate relief—reinstatement, back pay, compensatory damages, and even punitive damages in the most flagrant cases.

Compensatory damages were capped by the Civil Rights Act of 1991. Punitive damages are awarded only in cases in which the jury finds that the employer acted with "malice or reckless indifference to a federally protected right."

You have to be able to prove that there was malice or reckless indifference to a federally protected right in order to be able to collect.

Of the 284 EEOC cases settled by juries since July 1993, compensatory relief was awarded in only 59 cases and punitive relief was awarded in only 14 cases. The highest compensatory award was $450,000 and the average is $38,418.74. The highest punitive award was $255,000 and the average is $30,535.74. These awards include race and national origin discrimination cases, and compensatory awards in those cases, unlike cases settled under the Employment Nondiscrimination Act, are not capped.

Some have expressed reservations about the Employment Nondiscrimination Act because of religious objections to homosexuality. But as Bishop Browning, presiding bishop of the Episcopal Church, has said:

> Since 1976, the Episcopal Church has been committed publicly to the notion of guaranteeing equal protection for all citizens, including homosexual persons, under the law.
>
> Employment Non-Discrimination Act explicitly fulfills that mandate, and I urge Members of Congress to move swiftly to pass this amendment, and the President to sign it into law. . .
>
> My warm embrace of this legislation, of course, reflects more than my standing as Presiding Bishop of the Episcopal Church. It represents my deep, personal belief in the intrinsic dignity of all God's children.
>
> That dignity demands that all citizens have a full and equal claim upon the promise of the American ideal, which includes equal civil rights protection against unfair employment discrimination.

Many other religious leaders support the Employment Nondiscrimination Act. They believe that the religious exemption in the bill appropriately protects religious liberty. The American Jewish Committee, the Union of American Hebrew Congregations, the Evangelical Lutheran Church, the Unitarian Universalist Association, United Methodist Church, the United Church of Christ, the Anti-Defamation League, and the National Council of Churches have written:

> A general civil rights bill should not exempt individuals because those individuals have reasons based on their religious beliefs for discriminating.
>
> There is a substantial difference between a business operating in the arena of commerce and a religious corporation which exists to serve an explicitly religious mission. . . There are profound differences in religious perspectives on th[e subject of homosexuality]. Individuals are, of course, free to believe what they will. But this does not necessarily mean that they are free to discriminate on the basis of those beliefs.

Individuals who share these beliefs, including my Senate colleagues, are not bigots. There is a great deal of misinformation regarding homosexuals and given that information, I recognize that some of my colleagues have concerns about this legislation. I do believe that as we learn from one another and realize that many of our peers, friends, and family members are homosexual, the misinformation will be replaced with greater understanding. Until that time, however, we need legislation like the Employment Nondiscrimination Act. This simple, straightforward bill will address the egregious discrimination faced by so many gays and lesbians in the workplace.

African-Americans, Latinos, Asian-Americans, native Americans, women, the elderly, the disabled, Jews, Catholics, and many other Americans know what we are talking about here. I remember a time when it was said that a Catholic could not be President. I remember "Help Wanted" signs in stores when I was growing up saying "No Irish Need Apply." Thankfully, we have made a great deal of progress in ending that kind of racial, religious, and ethnic bigotry. The Employment Nondiscrimination Act is the next great step on the American journey to fulfill opportunity and freedom from discrimination for all our citizens, and I urge the Senate to enact it.

Mr. President, there is a statement that was made by a business when they fired Cheryl Summerville, a former cook. "This employment is being terminated due to violation of company policy. This employee is gay."

That says it all. That says it all. I remember this was an employee who had worked hard; an outstanding cook who worked at a Cracker Barrel restaurant for many, many years; highly regarded, respected, and hard working; but, nonetheless, was effectively terminated; lost her job because she was gay and for that reason only.

Here we have the statement by Barry Goldwater. It is an interesting and a powerful statement and it is a very worthwhile statement of which we should remind ourselves. I will just read it:

> It's time America realized that there was no gay exemption in the "right to life, liberty and the pursuit of happiness" in the Declaration of Independence. Anybody who cares about real moral values understands that this isn't about granting special rights—it's about protecting basic rights.

That is why Barry Goldwater as well as Coretta Scott King are strongly in support of this legislation.

Finally, Mr. President, as I mentioned before, there are many things this bill does not do. There are no quotas or preferential treatment.

I have addressed the issue about quotas, about maintaining information or statistics. We do not require quotas in this very carefully drafted legislation. We say no quotas and preferential treatment:

> A covered entity shall not adopt or implement a quota on the basis of sexual orientation. A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

That is about as clear as you could make it in the English language. We invited others who were concerned about this to propose other language, and there were many who were concerned about it. We feel that the language included in the legislation addresses that issue about as clearly as you possibly could. It is not only our intention but it is included as language in the bill.

We also say:

> No cases based merely on disparate impact claims. The fact that an employment practice has a disparate impact, as the term "disparate impact" was used under Section 703(k) of the Civil Rights Act of 1964, on the basis of sexual discrimination, does not establish a prima facie violation of this title.

Briefly, Mr. President—I will not take a lot of time on this—what the law generally says with regard to disparate impact cases is, if you have, for example, a 100-man work force and that work force is carrying 150-pound cement bags, the employer may have a policy that employees be able to lift a certain weight. As a result, that employer may not hire many women, even though there exists a pool of women who might want that job. The employer may be able to support the policy resulting in a disparate impact on the pool of women applying for the job. On the other hand, if you have 100 computer experts and you have 100 men and 100 women who have similar qualifications, you are not expecting that particular employer's policy to result in the hiring of 100 men. You can make a case of disparate impact demonstrating that the employer's policy or practice had a disparate impact on the pool of qualified people. At that point, the burden shifts to the employer, who must present evidence supporting their policy. The plaintiff will probably be able to show that there are other, nondiscriminatory policies or practices that the employer may use. That is effectively the way the law goes.

This time we are saying that no disparate impact case will be made, which sustains the position that people do not have to keep statistics on the sexuality of their employees. Even though that has been represented during the early course of the debate on Friday, that is not the case. We have made that very, very clear in the language of the bill. Accordingly, employers do not have to maintain records on the sexual orientation of their employees.

Mr. President, I ask unanimous consent that a written statement from the Equal Employment Opportunity Commission regarding record keeping requirements under the Employment Nondiscrimination Act be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. There is no coverage for the armed services. There is no coverage for the not-for-profit religious organizations. There were some questions about the for-profit religious organizations. We think they are more involved in the secular activities than nonsecular activities and that they, therefore, would be covered. You may be able to nit-pick this and find a particular individual or a particular location or a job which might be of particular appeal, but nonetheless this is the way that this legislation is crafted for the reasons that we have outlined in the general presentation.

We have pointed out:

> Religious organizations are defined as corporations, associations, societies, colleges, schools, universities or educational institutions.

So we have attempted to draft this legislation in a way to be targeted, to be limited, to be focused, in a way that deals with the problem. There is a problem in the American workplace. Discrimination based upon sexual orientation exists. It is taking place today. We referred to the various studies and, if necessary, we will come back into those studies in the more general debate either tonight or tomorrow morning if there is any question about it.

I think any Member of the Senate who reads through the various Department of Justice studies on the hate crimes could not possibly question that animus toward gays and lesbians exists today. Other studies prove that this is taking place in America's work force. It is out there.

Although we know the problem exists, there are no rules, regulations, or laws to protect people. That is the sad fact. There are limited laws in limited States to protect people, but it is not enough that as an American you are free from discrimination in one jurisdiction but are going to be subject to discrimination in another. We should free our country from that type of travesty.

So there is a problem. There are not adequate solutions. Do we have a carefully crafted or targeted program just to deal with this danger? The answer is yes.

Finally, I want to just mention the number of cases filed in State courts in the nine States which have laws, as I mentioned last Friday. We are talking about two or three or four cases. I just mention these. In the nine States, California, since 1992, has had five cases; Connecticut, four cases; Hawaii, since 1991, no cases; Massachusetts, two cases; Minnesota, three cases; New Jersey, zero; Rhode Island, zero; Vermont, one; Wisconsin, one.

So this idea that there is going to be a vast proliferation in the Federal courts just does not stand up. When you look at the EEOC record, as I mentioned earlier, and the whole range of discrimination, on gender, on race, on disability, on religious discrimination, and national origin, we are talking about a very limited number of cases that have taken place. When you look at what is happening in the States, you will find that these laws have not been the problem. When people know what is expected of them and the forms of discrimination, they will respond to it. What is called for is a clear statement about rights and liberties and about bigotry and discrimination. This law does it. I am very hopeful that we will accept this legislation on tomorrow afternoon.

Mr. President, I yield the floor.

EXHIBIT 1

EEOC RECORDKEEPING AND REPORTING REQUIREMENTS

1. ENDA provides that the EEOC shall have the same powers to enforce ENDA as it has to enforce Title VII. This tracks the enforcement structure of the Americans With Disabilities Act.

2. EEOC's recordkeeping requirements under Title VII are set out at 29 C.F.R. §§1602.12–1602.14. In these sections, EEOC provides that it "has not adopted any requirement, generally applicable to employers, that records be made or kept." §1602.12. Rather, EEOC requires that "[a]ny personnel or employment record made or kept by an employer . . . shall be reserved by the employer for a period of one year from the date of the making of the record or the personnel action involved, whichever occurs later" or until the disposition of a charge of discrimination or lawsuit regarding such action.

3. It is likely that EEOC would take the same approach if ENDA were to be enacted into law, requiring employers to keep for specified time periods whatever records they already keep. There is no reason to believe that EEOC would change its longstanding approach to recordkeeping and require the creation or maintenance of any specified records.

4. EEOC's only reporting requirement applicable to private sector employers is the EEO–1 form. *See* 29 C.F.R. §1602.7. Employers of 100 or more employees are required to file annually a form setting out certain aggregate information about the race, national origin and gender of their employees. The EEO–1 form does not request information regarding age or whether employees have disabilities. Since there is no reason for an employer to know the sexual orientation of an employees in order to comply with ENDA, it is highly unlikely that the EEOC would require employers to gather or submit information regarding the sexual orientation of their employees.

5. The Uniform Guidelines on Employee Selection also include certain recordkeeping requirements. 29 C.F.R. §1607. These guidelines—which address issues of disparate impact discrimination—apply to discrimination

> on the bases of race, color, religion, sex, and national origin. Since ENDA specifically does not recognize a cause of action for disparate impact discrimination, the Uniform Guidelines would have no applicability.

The PRESIDING OFFICER (Mr. BROWN). Who seeks recognition?

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the time until 5:30 is under control of the distinguished Senator from Georgia [Mr. COVERDELL].

Mr. COVERDELL. Mr. President, it is my understanding that will be under my control or a designee, is that correct?

The PRESIDING OFFICER. That is correct.

TAX RELIEF AND TAX REFORM

Mr. COVERDELL. Mr. President, a little earlier today, the Senator from Massachusetts was talking about the tax relief proposal of our former colleague, Senator Dole, which, just to sketch it out, calls for replacing the current tax system with a simpler, flatter, fairer system; it cuts the personal income tax rates across the board by 15 percent, it cuts the top capital gains tax rate for individuals in half, to 14 percent; creates the much-debated $500 per child tax credit, and much needed, I might add; and expands individual retirement accounts. It goes on to offer a 1-year tax amnesty during the transition to a new tax system, eliminates tax returns for 40 million low- and middle-income taxpayers, it shifts the burden of proof from individuals to the IRS, which I have long thought should be the case.

We currently have two legal systems in the country. In most cases, you are innocent until you are proven guilty, but not if you are dealing with the IRS; then you are guilty unless you can somehow extract yourself from it. And it ends lifestyle audits, that is just speculation about, "You are driving sort of an interesting car, maybe we ought to look into that." I do not know of any agency in the United States Government—which is a real reach, when you think about it—that shares a lower reputation among the American people than the IRS. Anybody who has visited with Americans anywhere in the country knows it immediately.

I think that lowering the economic pressure on America's working families ought to be among our first priorities in this country. I have said many times here on the Senate floor that an average working family in my State is now forfeiting 53 percent of their earned wages to a government tax. It is absolutely unheard of.

I thought this was an interesting quote from Cal Thomas, in a recent article that appeared in the Washington Times. He says:

> When government wants to spend your money it's doing something noble. When you want to keep more of your money, you are greedy.

I think that perfectly defines what so much of the debate and language and rhetoric we hear here in Washington is. It is almost as if the Government owns all the fruits of your labor and once in a while allows you to keep some of it. I have to tell you, that is absolutely backward from what Thomas Jefferson had in mind. He warned us, time and time again, of governments that consume the fruits of labor and take it away from the laborer for their own purposes.

Recently, there was a story that I think appeared in Readers Digest, and also the Wall Street Journal, that asked every strata of American life what they thought was a fair tax burden, male/female; income groups from $30,000 to $75,000 or more; Republicans, Democrats, independents, conservatives, moderates, liberals—what is a fair tax?

It is almost stunning that it did not matter what their philosophy, what their gender, what their income strata was, they all had an almost identical answer. The appropriate tax burden on American citizens and workers should not exceed 25 percent. In other words, America believes the tax burden today, which is the highest level it has ever been, or the highest percentage of the gross domestic product, should be half what it is today; that the Government ought to be able to fulfill its responsibilities with half of what it is extracting from every working family.

Of course, we are hearing a lot of moans and groans from the other side. "Oh, my heavens, what is the Government going to do if it is unable to extract all these resources from our working families?" As though the Government's priorities come ahead of every one of those mothers and fathers who are trying to feed their children, educate them, house them, and give them higher education, prepare them spiritually. It is just amazing to me. You would think it was the other way around, that this money all belonged to the Government and every now and then it passes a little favor out to you.

I read over the weekend a story, the headline, "France to Cut Taxes $5 Billion in Effort To Reduce Deficit."

> PARIS, September 5. France will follow Republican Presidential nominee Robert J. Dole's prescription for economic health and cut taxes to the help reduce its budget deficit in the face of a shrinking economy.

That is what happens. When the Government consumes too much it chokes the economy, it causes people to lose jobs, it causes new businesses not to be formed. I never thought the French would be ahead of us on this.

It goes on to say they are adopting Senator Dole's prescription for economic health, cutting taxes to help reduce the budget deficit in the face of the shrinking economy.

> The Prime Minister announced tonight—[that is September 5]—the $5 billion tax cut for next year and further reductions in following years will make France virtually the only nation in Western Europe to reduce taxes so far this decade.

That is quite an amazing turn of events, that France would be following the advice of Senator Dole and we have nothing but rejection from the Senator from Massachusetts. That is a very, very interesting comparison.

Then we see here the Senate minority leader Tom DASCHLE, South Dakota, said, "* * * he detected very little desire in the Democratic caucus to act on a tax cut bill before this election." I guess it is understandable, considering that that caucus is who gave us the highest tax increase in American history, and little wonder—nor should we be surprised—they have very little interest in leaving these dollars in the checking accounts of America's families.

As a matter of fact, this average family I was talking about just a few moments ago now has 2,600 fewer dollars in their checking account since the arrival of this administration in Washington. In just 4 years, they are now consuming over $2,000 more out of these beleaguered working families in our country.

Mr. President, I see we have been joined by my distinguished colleague from Minnesota. I would like, if he is agreeable, to extend up to 10 minutes to the Senator from Minnesota on this very, very important subject of tax relief and tax reform—much, much needed in our American economy. More important, around the kitchen table and in the checking accounts of just the poor average family trying to make it.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. GRAMS. Mr. President, I wanted to add, as my colleague mentioned about the tax cuts that are being proposed for France, I think we note Germany is also proposing tax cuts because of the huge unemployment rate in that country. Again, the same thing, as more government taxes have begun to choke that economy as well as in Sweden, so other nations around the world are looking for ways to encourage economic growth through a reduction in their governments. Like the Senator from Georgia said, it is hard to believe they would be ahead of the United States making those determinations.

But, Mr. President, America's working families, as we have been talking about, face greater hardships now than at any time in the last decade and the impact of the Clinton Presidency is being felt on all fronts: the economy is flat, taxes are on the rise, while take-home pay is not going anywhere at all.

Despite his administration's claims to the contrary, the economy has merely slogged along since Bill Clinton took office, growing at a barely perceptible 2.4 percent and making this recovery the slowest of the past century. The projected growth for next year is only 1.9 percent. At the same time, the Government's tax collectors are making new demands of working Americans and siphoning away more of their dollars than at any other time in history. In too many cases, workers are actually taking home less in their pay envelopes than they did 4 years ago.

It did not help when Bill Clinton vetoed the balanced budget legislation passed last year by Congress. Without a balanced budget to keep interest rates in line, families are paying significantly more to finance necessary expenditures: an extra $36,000 for a home mortgage, for example, or $1,400 more for a student loan and higher interest fees again because of a vetoed balanced budget by this President. Those are dollars that could have been spent saving for a child's education, or purchasing health care, insurance, and other basic family needs.

If families feel as though they are being squeezed between high taxes, a White House that cannot stop spending, and a stagnant economy, they are right—and it is called the Clinton crunch.

Under economic policies perpetuated by the Clinton administration, our cities are suffering as well. Since 1965, 15 of the 25 largest U.S. cities have together lost over 4 million residents, at the same time the Nation's population has grown by 60 million. As residents bail out in record numbers, America's job creators have joined the flight. Dozens of Fortune 500 companies, once headquartered in New York City have relocated since the 1970's, and the statistics are similarly grim in other major cities such as Cleveland, Detroit, Philadelphia, and St. Louis.

The urban centers in my home State of Minnesota are no exception—according to the U.S. Census Bureau, St. Paul and Minneapolis are shrinking, too. In the 4-year period between 1990 and 1994, the population in my State's two largest cities dropped by nearly 4 percent. A study recently released by the Minnesota Planning Office revealed that even as the rest of the State is experiencing dramatic growth in the 1990's, its metropolitan hubs are not.

Once the job creators are gone and employment opportunities vanish with them, the hearts of our once mighty economic centers wither away. Poverty and crime flourish like weeds in their place.

Consider the alarming murder statistics now rocking the Twin Cities. St. Paul recorded 25 homicides in all of 1995; already this year, 25 murders have been reported. The 71 homicides on the books this year in Minneapolis mean the city may match—or even exceed—last year's record number of killings.

What is driving people away? Why are our cities no longer the powerful economic magnets of the past? Sadly, just as it is responsible for the state of the economy as a whole, the Government itself bears much of the responsibility.

A recent study by the Cato Institute found excessive Government spending and high taxes to be a major cause, not just a consequence, of urban decline.

Researchers have learned that cities that overspend and overtax lose population; cities with low spending and low taxes gain population.

The Federal tax burden continues to rise. Today, a typical, two-income family is paying nearly 40 percent of its income in Federal, State, and local taxes. That is devastating for urban families who struggle every day to keep a job, put food on the table, and make a decent home for themselves and their children—while Government continues to demand more.

We have two workers in most households today. One is working to provide for the family, the other is working to provide for the Government.

Most taxpayers do not realize that in recent years, 15 cents of every tax dollar they have contributed has gone toward paying the interest on our $5.2 trillion national debt.

In 1995, more than $230 billion which could have been put to work meeting the Nation's needs was instead squandered on interest payments—payments amassed because for 40 years, Washington always got whatever it wanted when it visited the candy store, whether it had the money or not.

Until Washington stops spending more than it takes in, the national debt will continue to swell, until we have left our grandchildren a bill even they will be hard pressed to pay off, if they have the ability at all to pay.

America must do better, and so Republicans, along with Bob Dole, have unveiled a plan that will stimulate economic growth and restore opportunity to every American family.

It is a comprehensive blueprint for our future built on three, interwoven themes: First, America's budget must be brought into balance; second, working families deserve tax relief, and third, the IRS, as we know it, must come to an end.

And again Bob Dole, has detailed this plan and what it offers for individuals, for families, and for the country.

Despite the arguments you hear from across the aisle who draw conclusions, irrespective of what is based on these plans, a balanced budget is at the heart of our economic plan. By boarding up the candy store and cutting Federal waste and inefficiency, we will balance the budget by the year 2002 while we protect and preserve Medicare, Medicaid, and other vital Federal programs upon which millions of Americans rely.

At a time when nearly 1 out of every 4 dollars earned by working Americans goes to pay Federal taxes, we believe relief from Washington is long overdue.

Our plan benefits every taxpayer by automatically cutting their taxes by 15 percent. That is a significant change from the policies of the past 4 years, when promises of tax relief were displaced by a 1993 tax increase of historic proportions.

More than any other segment of society, America's middle-class families have borne the brunt of the Government's tax-happy ways. We have recognized their sacrifice by offering them a $500-per-child tax credit.

As the Senate author of the child tax credit, I have long recognized the dramatic results we could achieve by cutting taxes for 24 million working households nationwide and allowing families to control more of the dollars that they work so hard to make. The $500-per-child tax credit is not peanuts—it is real help at a time when more Americans are working extra jobs or taking on overtime hours to keep from sinking under their tax burden.

In my State alone, it means families in Minnesota would keep $500 million in their pockets to spend on their families to decide how to spend rather than turning those dollars over to Washington for Washington to make those decisions.

Our vision for America's economic future will confound those who continue to defend the failed policies of the past. Clinging desperately to their borrow-and-spend ways, they claim that tax relief and deficit reduction cannot go hand in hand. Yet our plan proves these are compatible goals. The tax cuts of the Reagan era ushered in America's longest peacetime expansion, helping to create 20 million new jobs and pushing incomes and living standards to record highs. As more Americans found work and earned higher salaries, they collectively paid more in taxes even though individually they were paying less.

Yes, the deficit rose, but it was in the hands of a Democrat-controlled Congress that failed to match tax cuts with spending cuts of its own and instead a Congress that spent $1.59 for every tax dollar it collected. They say we cannot have tax cuts and balance the budget, but we can if we have a Congress that is willing to cut the spending at the same time. A Congress and President committed to realizing a balanced budget in 6 years would achieve unparalleled growth in the economy and offer Americans unparalleled opportunities for success.

Finally, we must untangle the deeply rooted IRS from the lives of the American people. If the IRS seems omnipresent, well, it is. Today, it is five times as big as the FBI and twice as large as the CIA. Just to comply with the jumble of laws it has imposed on the taxpayers it takes the annual equivalent of 3 million people, working full time, and the IRS continues to grow.

But even as its budget has increased from $2.5 billion in 1979 to $7.5 billion this year, IRS service to the taxpayers has steadily declined.

An example: Working families have paid billions just to modernize the agency's tax collection system. The results, according to the GAO, have created chaos, and more importantly, the IRS remains hostile to the average American taxpayer.

For example, every day, my State office received complaints from constituents who have been frustrated that they can't even get through to an IRS agent. The have been calling the IRS 1-800 lines. The lines, they say are constantly busy. In some cases, my constituents tried for 3 or 4 days before they were actually able to get through.

Another story I recently encountered was that of one Minnesotan who owes about $24,000 in back taxes because his building business had a few lean years. He said he built a spec house in 1994 and now he finally has a buyer for it.

But here is the problem. He says he will be able to make $18,000 on the house if he sells it, which will all go to the IRS, but the IRS strapped a lien on the house and it will not release it because he can't pay the entire $24,000.

So by holding him hostage and demanding it all, the IRS is shooting itself in the foot when it could have already collected at least 70 percent of the debt and allowed this individual to go on and try to earn more money to pay his back taxes. And this is quite typical.

The abusive power and the arrogance of the IRS must be brought to an end. Fundamental reform of the IRS must be part of any plan to help unleash the American economy—a reinvented IRS, a balanced budget, relief from high taxes, and an economy that frees, not entraps, American families.

Mr. President, finally, that is the difference between another 4 years of what we have called and what you have heard talked about as the Clinton Crunch and our vision for America's future. That is a vision of hope and opportunity, a vision that deserves a closer look by the American taxpayers. I hope they do that in the next couple of weeks. Mr. President, I thank you. I yield the floor.

Mr. COVERDELL. Mr. President, I wonder if the Senator from Minnesota might comment. His discussion about American cities is most interesting. My home city since 1970–75 has lost 125,000 residents. My argument is that if these cities just continue to impose higher and higher financial burdens, the end result is they make the city richer and poorer, because every time they ratchet the tax up, they drive another big segment of the middle class right out of the city. You cannot destabilize the middle class. They are going to find the relief that they want. They vote with their feet. Does the Senator concur with that?

Mr. GRAMS. Very much so. It is kind of a catch-22. Every time the city says they need more programs to encourage people to stay, they have to somehow have the revenues, so they raise taxes. And every time they raise taxes, they have an ever-increasing burden, not only on the people, but the businesses that support them. Once the businesses leave, it leaves a vacuum for crime and other problems. It is a catch-22. The Government says they will put more money into it, so they have to raise taxes and generate more revenue. And it compounds the problem, as the Cato Institute said. The Government is a consequence, not just a contributing factor, but a consequence of this problem.

Mr. COVERDELL. I thank the Senator for his remarks.

In just a moment I am going to turn to our colleague from Alabama. But with regard to the IRS, when I was a youngster, I was always taught Government was our partner. I think some people have gotten confused and they now think it is our boss.

Since 1954, the number of different penalties the IRS imposes on taxpayers has increased from 13 to 150—13 to 150. In 1992, the IRS imposed 33 million penalties on taxpayers. The amount of penalties the IRS assesses has soared from a total of $1.3 billion in 1978 to $12.5 billion in 1992. You think we have a rage of criminality in our country? I think this is just absurd. The over 100 new penalties created in recent decades amounts to a deck of trump cards the Government can play against their own citizens. It is just totally inappropriate.

Since 1980, the number of levies, the IRS seizures of bank accounts and paychecks, has increased fourfold, reaching 3.2 million in 1992. The U.S. General Accounting Office estimated in 1990 that the IRS imposes 50,000 incorrect and unjustified levies on citizens and businesses per year—50,000. GAO estimated that 6 percent of IRS levies on businesses were incorrect. It is time for a major overhaul there.

Mr. President, I am going to yield up to 10 minutes to my colleague from Alabama.

Mr. SHELBY. Thank you.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Alabama is recognized for 10 minutes.

Mr. SHELBY. Mr. President, I wanted to come to the floor today and try to set the record straight on Senator Dole's tax relief plan. Over and over, Mr. President, the media pundits and the liberal Democrats, such as our President, have been telling the American people that Senator Dole's tax relief plan will "balloon the deficit" or result in "extreme" or "draconian" spending cuts which will hurt our children and starve the poor.

Mr. President, I believe these scare tactics are not only wrong, they are shameless, and it is time we start standing up here and telling the American people the truth. I want to briefly lay out in a few minutes today some of the facts to expose the myths put forth by the guardians of Big Government—yes, the guardians of Big Government.

First, Mr. President, President Clinton, I believe, is wrong, wrong to claim that broad-based tax relief will increase the deficit. He often points to the 1980's as proof that cutting taxes results in higher deficits. However, the facts just do not support his claim. For example, when President Reagan, with the help of the Congress, cut the taxes in the early 1980's from a top rate of 70 percent down to 28 percent, total revenues to the Treasury during that time increased by 99.4 percent during the following decade.

What was this due to? It was due to the record rates of economic growth which occurred during the 1980's, an average, Mr. President, as you will recall, of about 4 percent a year. These cuts stimulated the longest peacetime economic expansion in American history. More than 20 million new jobs were created, and more people were paying taxes, increasing Government revenues at that time.

The fact is, Mr. President, that the massive deficits of the 1980's did not result from tax cuts; they resulted from skyrocketing rates of Federal spending. For example, during the 1980's, Federal spending increased by 112 percent; it doubled in just 10 short years. This out-of-control spending is the culprit for the deficits of the 1980's, not President Reagan's tax cuts.

What this means for us today is that we should not hesitate to give the American people long overdue tax relief. History over and over, Mr. President, has proven that lower taxes generate economic growth and will increase every citizen's standard of living. But we need to make sure such relief is accompanied by cuts in spending. Cuts in spending is the issue.

This is where the Democrats have tried to scare people. We have heard over and over that broad-based tax relief will result in extreme cuts in spending. Mr. President, the underlying assumption of this argument is that the Government has cut costs everywhere it can and that all wasteful Government programs have been eliminated and that the only Government programs which are left are ones that, if cut, would hurt children or starve the poor. That, Mr. President, is every bit as extreme as it is ridiculous.

The idea that the Government simply cannot afford to let people keep more of the money that they earn is appalling. Whose money is it anyway, Mr. President?

Since when did the Government have an entitlement to everything people earned? This is an important point here today because, by buying into the argument that the Government cannot afford to give Americans a tax cut, we lose title to our freedom every day, sort of by adverse possession, if you will. Congress should not have to justify broad-based tax relief. Rather, Mr. President, it should justify every single dollar it takes out of the pockets of the American people who work every day to supply it.

The White House should never again say that we cannot afford broad-based tax relief.

Let me give you just a small example of one way we could pay for tax relief. I think it is instructive. Robert Shapiro of the Progressive Policy Institute has identified, Mr. President, more than $100 billion of corporate welfare hidden in the current Tax Code, special interests' Tax Code. We should eliminate all corporate welfare, Mr. President, and enact immediate tax relief for individuals in America.

I have introduced legislation which would do this by scrapping the entire Tax Code, eliminating all deductions and special tax breaks for special interests, and replacing it with a low, flat-rate tax system. The Tax Code should not be a tool, Mr. President, for Washington to maintain control over our citizens' private resources. Washington should not single out certain people or corporations in America to receive special treatment in the form of tax breaks, as they have done over the years.

Everyone—everyone—in America should be on the same playing field. And they are not. The flat tax would rid this town of thousands of lobbyists who spend millions of dollars a year trying to get special tax breaks for corporate America. All in all, the Congressional Budget Office has identified thus far 64 provisions of the Tax Code which can be considered corporate welfare. This is increasing the tax burden of the average taxpayer by hundreds of billions of dollars.

Mr. President, I reject the notion that we cannot afford broad-based tax relief for the American people. That view is simply a smokescreen used by the President and the Democrats to safeguard their sacred social programs and maintain Federal control over the economy. There is plenty of room in the Federal budget, I believe, if we look hard enough, to provide broad-based tax relief and still balance the budget.

Republicans have already done it once and I think we can do it again. I just hope the next time we do, Mr. President, we will have a President who will not protect the status quo and veto our proposal but look to help the working people of America.

I yield the floor.

Mr. COVERDELL. Mr. President, I certainly want to thank and commend the Senator from Alabama for his remarks on the current economic burden on America's working families. We have just been joined by my colleague from Oklahoma. We have been talking about the IRS and the way it almost functions out of a system of fear and as an arrogant bully. I know the Senator has come to speak on that.

I yield up to 10 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Georgia. I am glad to have an opportunity to talk about this. I certainly agree with the Senator from Alabama when he talks about the situations that come up.

I do not know why it is that people will not read a little history. In three decades in the last 100 years we have dramatically increased our revenues by reducing marginal tax rates. Of course, the last one that was the most obvious, the first one in our lifetime, was John Kennedy when he said we have to have more revenue, and to get more revenues we will reduce the tax rates. It worked. Of course, it happened again in the 1980's.

Again, the problem we have with a number of bureaucracies, and certainly the IRS is probably the best example to use, is they have so much power and they are able to use that power to whip people into submission.

I have several cases I will share with you, Mr. President. An IRS case, one William Pell Thompson, an Air Force captain based in Montana was expecting a modest $104 tax refund for 1995. Instead he was told by the IRS that his $104 had been seized for back child support payments in North Carolina where he was accused of owing $6,700 that soon would be taken from his wages. Captain Thompson has never lived in North Carolina, had only two children by his first and only wife, to which he was still happily married. Captain Thompson was awaiting transfer to Colorado Springs in which he was unable to get the credit to buy a home and a number of things that happened that really were destructive in his life.

Here is a story that was testimony before a Senate subcommittee. Rather than go into the details, I will read the letter, a suicide note that was given by a man named Council. His wife's name was Kay. This is the letter:

> MY DEAREST KAY: I have taken my life in order to provide capital for you. The IRS and its liens which have been taken against our property illegally by a runaway agency of our government have dried up all sources of credit for us. So I have made the only decision I can. It is purely a business decision. You will find my body on the lot of the north side of the house.

She eventually won a Federal court ruling and she and her husband owed the IRS nothing.

I got off the phone a few minutes ago and there is a guy in Tulsa, Mr. President, named Iliff. He rebuilds airplanes. In fact, a couple years ago I flew an airplane around the world emulating the flight of Wiley Post. He is the one who rebuilt the aircraft for me that had been previously wrecked.

In 1994—and I know this guy real well, and his family—we were contacted by Chuck Iliff regarding a problem his mother, Edna Faye Iliff, a 90-year-old widow from Muskogee, OK, was having with the IRS. The IRS was pursuing a case against his brother, a self-employed boilermaker.

What had happened here was Mrs. Iliff, who is a widow, had failing health. She had a small savings of some $3,600 she put in her account, but she allowed her two sons to have their names on the account in the event something happened to her so they could get at the money without having serious problems.

The IRS came along and seized her account because they felt they had a case against the son of failing to pay withholding taxes. They actually got that money from Mrs. Iliff, a 90-year-old widow. Later on they found they were wrong, and they were able to get back—at a cost to the Iliffs of $1,600—that $3,600 back, and there is no interest that was paid.

What I can say is there are a lot of people in Government that are very good people. Unfortunately, the more power you give to someone, the greater the propensity to abuse that power. As Lord Acton said, "absolute power corrupts absolutely."

It is not just the IRS. We have a case in Tulsa, Jimmy Dunn, Mill Creek Lumber Co., called and said, "INHOFE, the EPA has put me out of business." I said, "What did you do wrong?" And he said, "I don't think I did anything wrong. I have been selling in our small family-owned lumber company, our used crankcase oil to the same contractor for 20 years." He said that contractor was licensed by the Federal Government, the State of Oklahoma, the county of Tulsa, and yet they have traced some of that oil from 10 years ago that went to the Double Eagle Superfund site, and now I have a letter in front of me which he read from the Administrator of the EPA that said, "We are going to come after you for fines of $25,000 a day."

Now, obviously, they did not do it, but the whole idea is many people in the bureaucracy consider it their job and they seem to enjoy abusing normal, honest, taxpaying citizens. These cases with the IRS just point out that not only are we an overtaxed society, we are paying too much in taxes, the American families are having to pay too much, but the way in which it is collected is also abusive.

I am hoping—and we have made several proposals, Mr. President, the Republican Party, some call it a flat tax, some talk about having a VAT tax to replace income taxes altogether—something will come along and we will be able to propose and pass that. We know if we pass it with this Republican Congress that now the President will veto it. We have heard that over and over again. I am hoping we will be able to be successful in changing the personality in the White House so we can get real tax reform and the abusive practices of many of the bureaucracies off the backs of the honest taxpaying American citizens.

I yield the floor.

Mr. COVERDELL. I thank the Senator from Oklahoma. I, too, had noted the case where the husband committed suicide in order to protect the financial interests.

Another case noted that way, "The IRS had claimed that my parents Jack and Wanda Biggars owed $90,000 in back taxes. On February 10, 1988, the agency was going to auction off their home. On the morning of the auction my mother shot my father and then turned the gun on herself."

Some of these cases are just absolutely beyond belief. One of them I was reading earlier this afternoon, about a day care center. And this woman, Sue Stoya, had gone to Englewood World to pick up her 7-year-old daughter, Katherine. Before they could leave with their children, the parents said they had to sign a form pledging to pay the Government what they owed the day care center, because the day care center was in arrears. They indicated that you could not take your child out of the building—get this—the Federal agent said, "You cannot have your child until you sign this document."

This whole thing has gone way too far. We have been joined by the Senator from Wyoming. I would like to yield up to 10 minutes to him for his presentation this afternoon.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank the Senator for arranging for time to talk about taxation. It seems to me that it is one of the things that all of us talk about most of the time in various ways, and we need to talk about it. I would like to move away a little bit from the specifics of the amount that we talk about and the specifics of even how it is done and, rather, talk a little more about the philosophy of taxation. I will talk a little bit about the strategy of taxation. I think it is important, over time, that we really take a look at where we want to go, what the choices are with respect to Government, with respect to taxation, where you and I will be, where our kids will be, and where our grandkids will be in terms of the strategy and philosophy of taxation over a period of time. It is a broad question.

The numbers I have seen now, Mr. President, indicate that, on the average, American families pay 38 percent of their income in total taxes. Now, that is a lot of money. That is a lot. Think about how long you work out of the year in order to pay your taxes. I believe in May, or late May, is tax day. So without the detail, I think that is a philosophy of taxes.

Obviously, there have to be taxes paid in a democracy, in a civilized society, to cover those kinds of things that clearly have to be done by Government, whether it be defense, interstate commerce, or whatever. There is no question about that. But it seems to me what we really ought to be thinking about, as we are into an election cycle, and indeed into an election, is the fact that there are choices. There are fairly clear choices as to where we go with Government and where we go with taxes. And there is a direct relationship between the two things. We are not just talking here about numbers, about arithmetic, and we are not just talking about addition; we are talking about Government. Obviously, the more Government that we ask for, the more Government that we want, and if we are going to be fiscally responsible, of course, the more taxes we have to come up with to pay for that. So there are choices. That is what elections ought to be about.

I must tell you that I am a little concerned that over the years—and this campaign is more so than any that I think I have ever seen, where the choices are pretty badly blurred. We don't really have spelled out, as we should have, the clear choices that voters have to make. That is what elections are for—making choices. Taxes, of course, is one of them. But it is really secondary to how much Government you are going to have. And that is a choice that we make.

Some people want more Government; others choose less. I happen to, as you can tell from my comments, be on the less side. But it is choice. You have to talk about the role of government. What do you think the Federal Government ought to be doing? What are the roles? What are the roles of the State and local governments? I have just come back, as most of you have, from my State—in my case, Wyoming—where you get involved in lots of things. Most recently, frankly, was a fundraiser for the museum at the University of Wyoming honoring ALAN and Ann SIMPSON. An effort was made, voluntarily, to do something in our town, in our State, for the museum for the university. I spoke earlier to the emergency medical people in Cheyenne, people who volunteer to do things in their communities. These are very important, life or death matters in small towns. There is no hospital there. So if something happens, you use the emergency medical service. It's done by local government and voluntarism.

It has to do with choices and the role of government. Federal involvement? Obviously, some things are inherently Federal, such as interstate commerce, and many of those things. So I guess I am taking a very difficult topic and trying to make it simple for myself. There is a strategy of where we go, where you want to be in a number of years, and in terms of the size and role of government and, consequently, the taxes that are paid with it. Too often, it seems to me, we get involved with the details—and they are important—of how you tax, who you tax, how you enforce it, and all those kinds of things, which are critical. But overshadowing all that and overriding that is a strategy and a philosophy.

There are different philosophies, and they are legitimate. Unfortunately, they are not altogether clear. There is a gentleman at the University of Wyoming who is very clear. He is a very liberal man, and it is a legitimate view. He thinks there ought to be more Government and there ought to be more taxes. He believes government can spend the money better than you and I can in families. That is a legitimate view. But it is a choice. Quite often, right here, those basic differences are sort of submerged and we begin to talk about details when we really ought to start with the question of philosophy, of where you want to go.

I think it is important to recognize that there are differences. One of the things that we need to think about, strategically, of course, is what is the impact of high taxes? What is the impact on the economy? Clearly, if there is less money taken in taxes, more money is invested in the system, more money is invested in the economy, more money is invested to create jobs, more people are able to earn and take care of themselves. That is inherently clear. It is a very efficient way of allocating funds in the market system.

The other question you have to ask yourself, of course, is whether money is spent better by being collected in taxes and then spent by the Government on behalf of the people, or is it indeed spent better when you and I and our families in this country decide for ourselves where to spend our money?

A further question, of course, is, what are the incentives? This is a system of economic incentives. We work and we invest because there is a chance to be successful, there is a chance to be profitable, there is a chance to do well. That is what the system is about. That is what the incentives are. So taxes seek to take away some of that.

I guess I want to stress again that taxes are a legitimate thing, but we have to decide what it is we want. It is very key, I believe, to where we go in the future. So there will be a great debate around tax relief. I think maybe, in the case of tax relief, it will be fairly clear. The differences are fairly clear and people can make the choice. One of the things, of course, inherent is that, at least to some degree—and I am not a economist and I know it only goes so far—reducing tax levies and tax percentages increases the total taxes that come in, because it encourages the investment and more and more activity.

So, Mr. President, I hope that as we talk about our choices, you and me, as citizens, as we come to making the decisions that are inherent in an election, that we take a look at the philosophy of taxes. Are we better off if we could reduce that 38 percent, have some tax relief, have more money to invest, have more money to spend, and more money to generate for the economy, or not?

Mr. President, I suggest that one of the real issues for us is—and my philosophy obviously is that we ought to have less government—that we ought to do more closer to the people, and more in the States and localities where we can do it more efficiently. Our real task is to look forward to the future as to where we go with young people, where they will be, where they will be paying taxes, and whether they will have the freedom to choose to spend vis-a-vis other questions that we face.

Mr. President, I appreciate the opportunity. I appreciate my friend from Georgia providing for this debate, this discussion, about an issue that affects all of us and that we will decide in November.

I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate very much the remarks by the Senator from Wyoming.

In a moment I am going to turn to the Senator from Florida. But just let me say very quickly that we know that virtually every segment of American life deals with the tax burden today, and it is about what they think it should be. You would be hard pressed to find a segment of our country that believes the IRS is not a threatening institution today. That is the majority of American people—the vast majority of American people—think this agency needs an overhaul. By staggering numbers, the American people feel the tax system is utterly too complicated. In fact, it takes the average taxpayer 11 hours to do their taxes. That adds up to 5.4 billion man-hours per year. The statistics are alarming. It is too high. It is too intrusive, and it is too complicated. It ought to be at the core of the work of this Congress and the next Congress to get these things corrected.

I yield the remainder of my time to the distinguished Senator from Florida. That will be about 7 minutes.

The PRESIDING OFFICER. The Senator from Florida, Mr. MACK, is recognized.

Mr. MACK. I thank the Senator from Georgia for yielding. That should be plenty of time.

Mr. President, I would like to take this opportunity to lay the groundwork about why it is important that the Dole-Kemp economic plan be embraced by the Nation and eventually passed into law.

There are two points that I want to talk about. One has to do with the growth of the economy, and the other has to do with the tax relief that is really needed for the American family.

But I want to start from a premise that the discussion here really is motivated by the opportunity over the years to talk to people in my State about the burden that they feel the Government has imposed on them in the form of taxes. They believe that there is too much Washington interference in their lives, that Washington spends too much, that Washington wastes too much of the money, that Washington taxes them too much, and that they really want Washington off their backs. You have to think about the perspective that they have. If you stop and think about individuals that you know, or individuals that you have met when you have been out to town meetings, or wherever, that have told you stories about their lives, then it becomes real. It becomes something other than a debate about economics. It becomes something other than a debate about Democrats versus Republicans, or conservatives versus liberals. It becomes a debate about what is in their best interest, about what we can do, in essence, to allow America's families to become stronger. As America's families become stronger, the Nation becomes stronger as well.

So the kind of people who I think about are those individuals who come to me and tell me that both husband and wife are working and that they are working long, long hours; that they get up before sunrise, and they probably don't get back to their home until after the sun has set. They get up on Tuesday and do it over again; on Wednesday and do it over again; on Thursday and do it over again; and on Friday and do it over again. Some do it on Saturdays.

I know of a family where the husband works two jobs during the week, goes home Friday night, and the wife begins work for the weekend. He takes care of the children over the weekend, and she works over the weekend. Those are the kinds of people that I am talking about that are paying—as the Senator from Georgia indicated—almost 40 percent of their earnings in taxes. That is, when they pick up their paycheck at the end of the week, or every 2 weeks, or at the end of the month, like everybody else, they immediately look at the deductions. "How much is being taken out of my pay?" That number is getting larger and larger every year.

What it means is that they are having to work longer and longer. In fact, I think the tax freedom day is now occurring sometime in May. For those who do not know what tax freedom day is, tax freedom day is the day, when it arrives, where you no longer have to be working to pay your taxes. Everything from that day forward is free of taxes. You paid for the Government in Washington, the government in Tallahassee, or the government in Lee County, or whatever it might happen to be. That tax freedom day is taking each of us individually longer and longer and longer through each year to get to the point where the worker actually is doing it for their families—to be able to see that our children have an opportunity for a better education, that they are better clothed, that their housing is in better condition.

In fact, that brings to mind one of the things that the Dole-Kemp folks are talking about—that today in America the typical family in America is paying more in taxes to Washington, to Tallahassee, to Lee County, Fort Myers—more in taxes than they are spending on food, clothing, and shelter. There is just something fundamentally wrong when government has gotten to that size.

Again, without getting into the debate about liberal versus conservative, I think when people pick up those paychecks and look to see what their deductions are, they are realizing that they are paying for a government, frankly, that they believe is wasting their money. So it is from that premise that I make these remarks.

Again, two points: There is economic growth and the burden of taxes on the American family. There are those who are going to say, "CONNIE, you know, you are going to be talking about weak economic growth in the country, but President Clinton has told us that this is the strongest economic growth in three decades, I think." That is just fundamentally wrong. Yes, we had a good month or a good quarter last quarter. I am delighted about that. We saw the unemployment rate drop, and we saw the growth rate in the country go to 4.8 percent. That is good. But the problem is that every economist, that I am aware of anyway—or I should probably should say almost all economists are predicting that the growth rate in the economy is going to slow down again. The year 1997 is projected by the Federal Reserve, I believe, which is saying 1.75 to 2.25 for 1997. The administration's own forecast is 2.3.

Again, let me put into context where we have been with the Clinton administration. The average growth in the economy now during the Clinton administration is 2.35 percent. How does that compare with other periods of time? For the 10 years preceding President Clinton, the average growth was 3.2 percent; the year immediately preceding President Clinton, 3.7 percent. The five economic expansions since World War II, 4.4 percent. If you take every year since the end of World War II, it is 3.2 percent. I mean the economy is moving along at a snail's pace.

What does that mean to that family I was referring to a minute ago? It means the loss of production in the country that amounts to about $308 billion. If you convert that into what that means to the family, if we had been growing, let us say, at the average of 3.2 over these last 3½ years compared to what we have been, the average family in America would be $3,116 better off; $260 a month better off as a result.

Some of the other statistics that I have developed: The typical household income is about $1,000 less than the average of the decade before President Clinton. Real hourly wages and real weekly wages are both lower now than they were in 1992. After-tax incomes are growing at about roughly half the rate prior to President Clinton. They are growing at a rate now of about 1.8 percent compared to the decade before President Clinton of 3.2 percent. Median family income has declined 4 out of the last 5 years. As I said a moment ago, families are paying more in taxes than they are for food, clothing, and shelter.

The Dole-Kemp—I think it is important that people focus on it as an economic plan, not just as a tax plan, but an economic plan—has a number of components to it.

One is the requirements to pass a balanced budget constitutional amendment which would make it a constitutional requirement that we balance the budget.

What does that mean? Let us say that the critics are right, that the growth, the return, if you will, the recapture that comes as a result of the lower tax rates is not 27 percent but 20 percent. That means we are going to have to find more spending to make the reductions or we are going to have to put off some tax relief for the American family. I happen to believe that we can do the 15-percent reduction in marginal tax rates and that we can give a $500 per child tax credit and still meet that goal. So, No. 1, balance the budget, constitutional amendment, a balanced budget plan to balance the budget by the year 2002.

The second component—I think the first most important—reduce the taxes, a 15 percent reduction in the marginal tax rate. I would ask people to focus on the marginal tax rate. What we are saying to individuals with these lower rates is you get to keep more of what you save, earn, invest, work for. You get to keep more of it.

Most people believe that if you get to keep more of what you are earning, you are more inclined to try to figure out ways to earn more because you get to keep more of it.

In addition to that, the plan calls for a cutting in half of the capital gains tax rate. I know there are people who say this is just nothing but a giveaway to the wealthy. I adamantly disagree with that. I think there is statistical data which indicates that is not an accurate statement. The issue here is about America's future. Are we going to have the capital necessary to invest in the new technologies of the 21st century?

I give a little bit different perspective. Think of capital gains taxes as a wall that has been built around old investment. If that wall is too high, you are not going to be able to get that capital to move from the old investments to the new investments because people are going to say the rate on that tax is too high; I just will not sell the asset. If it is not sold, A, there is no revenue to the Federal Government and, B, there is no ability to transfer that capital from the old technologies into the technologies of the future. So I think they are right on target in saying we need to find a way to allow this capital to flow.

Third, it is time that we gave American families, middle-income America, a break; that we say to them, yes, there is something in this for them in the sense if we are going to reduce the size, the scope and the involvement of Washington, DC, clearly there ought to be a benefit to the taxpayer and we think that that benefit ought to be directed more at the low income, at the families of America, and that happens as a result of a $500 per child tax cut.

The next element of the plan is to look at areas like litigation and regulation. We all know that the area of too much legal attack on business today has slowed down and reduced our productivity. So we believe that we have to make changes with respect to regulation and litigation.

Equally important, Senator Dole and Jack Kemp have pointed out the importance of education and training. If we do those combinations of things, balancing the budget, reducing the tax burden, providing opportunities for education, training, and changing the laws with respect to litigation and regulation, we can get this economy moving again.

I for one—and I think the American people—believe that accepting the notion that this country can only grow at 2.5 percent is a tragedy. We are taking away the opportunities for American families and for our children.

The last point I mention is that I believe President Clinton's economic policies are robbing America and our families and our children of their economic future, and we have to change that.

I thank the Chair.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, all time is expired.

The Senator from California is recognized in morning business.

Mrs. BOXER. I do ask to speak in morning business.

AMERICA'S ECONOMIC FUTURE

Mrs. BOXER. I am going to start off with a few remarks about the budget and tax issues which the Senator from Florida and the Senator from Wyoming have been talking about. I listened to them carefully. When I hear it said that President Clinton is robbing this country of its economic future, I have to ask the question, where were we before President Clinton was elected and before we passed his budget?

Well, we were in a very sad state, indeed. We did not see any jobs being created. Under this President, we have seen 10 million new jobs created. We now have a 5.1-percent unemployment rate which is the lowest in many a year. We have people feeling better about themselves, about their future. And we have seen for 4 years in a row, Mr. President, deficit reduction that has more than cut the deficit in half.

So I say to my friends on the other side of the aisle that this deficit reduction for 4 years in a row is the first time since the Civil War that we have seen that record, and it is not much of a trick to have economic growth when you are priming the pump of Government spending. As a former economics major, I learned that very early on in Economics 101. That is what happened in the early 1980's. That pump was primed and the budget deficit shot up to almost $300 billion, almost $1 billion a day, and yet under the George Bush administration we stagnation.

So we have come very far. And because I really mostly want to talk about the DOMA legislation and the ENDA legislation that is pending, I am going to be very brief, but I feel I must respond to the point about the tax cuts and the Senator from Florida saying I know we get accused of being for tax cuts for the rich. He said he does not agree with that. Well, I want to put the facts out here. Under the Dole plan, if you earn between $1,000 and $10,000 a year, you are the working poor, you do not even get 50 cents back a month from the Dole economic plan and his tax cuts. You get $5 a year. If you earn a little more than that, between $10,000 and $20,000, you would get back $120 a year—a few dollars a month. And I have to tell you that in this country between earning a dollar a year and $30,000 a year, you get 8 percent of the tax cut benefit. You get 8 percent of the tax cut benefit and you are really more than 56 percent of taxpayers.

So why not be honest about where the breaks go. And let me tell you where they go. If you earn approximately $250,000, you get back $25,000 a year. If you earn $1 million a year, the Donald Trumps of the country, you will get back $50,000. So the wealthiest get back $50,000 and the working poor get back $5. And we have statements on this floor that say this Dole plan is fair. The difference between the Clinton plan and the Dole plan is that our President is targeting those tax cuts to the people who need it and the Dole plan again favors the very wealthiest among us. Good people, hard-working people who earn a lot of money, I congratulate them for that. It is the American dream. But if you were to ask them, I think they would candidly say they are not in need of a tax cut because what it means is, if you look at the Dole plan, over $500 billion of cuts—and we have looked at this carefully—it is about a 40-percent cut in education that would be required, a 40-percent cut in the environment that would be required. Since Senator Dole says he will not touch Medicare, that means he has to go in and cut cops on the beat and everything else. Forty percent to do what? To give a tax break to the wealthiest. I mean this is the deja vu all over again theory.

So I am going to move to the legislation that is before us. Tomorrow I am going to make some comments on it. But I really wanted to put some of those numbers out on the record as a member of the Budget Committee because we have looked at them very, very carefully.

EMPLOYMENT NONDISCRIMINATION ACT

Mrs. BOXER. Mr. President, tonight I rise to speak on the Employment Nondiscrimination Act and on the Defense of Marriage Act. The Employment Nondiscrimination Act, known as ENDA, is necessary, and I thank very much Senator KENNEDY for being so tenacious to get it to the floor and Senator LIEBERMAN for his help and Senator JEFFORDS. This is a bipartisan bill and it deserves broad bipartisan support.

ENDA is necessary because gay men and lesbians face discrimination in hiring, promotions, and pay simply by virtue of their sexual orientation. Some States do offer protection to all the people who are victims of employment discrimination. Unfortunately, 41 States do not. So it seems to me this is a bill we should be proud to support as Republicans and as Democrats.

The reach of ENDA is modest. It exempts small business, religious institutions, and the military and explicitly prohibits the adoption of quotas. It places the burden of proof entirely on the person claiming to be the victim of discrimination.

I think it is quite instructive to note that ENDA has been endorsed by such blue chip companies as Apple Computer, AT&T, Bankers Trust, Bethlehem Steel, Eastman Kodak, Genentech, Merrill Lynch, Microsoft, Nynex, Pacific Gas & Electric, Pacific Telesis, Polaroid, Prudential Insurance, Quaker Oats, RJR Nabisco, Silicon Graphics, and Xerox. Mr. President, among that list there are many, many endorsers from my home State. These excellent companies that understand fairness and justice in the workplace have endorsed ENDA. I hope it will pass.

THE DEFENSE OF MARRIAGE ACT

Mrs. BOXER. Now there is the question of the other bill that will come before us, known as DOMA, the Defense of Marriage Act. When I heard that there was going to be a bill before us called the Defense of Marriage Act, I thought it was going to be about our families and how they cope with the problems and stresses that most married people face. There are financial insecurities with jobs that are ever changing, pension insecurities with corporate raids on pensions and inadequate protections in the law, there is pressure to save enough to afford a home, there is child abuse going on in families, there is alcohol and drug abuse, there is spousal abuse, there are pressures from lack of health care. We have tried to fix some of those in this Congress. There are pressures, worrying, "Will Grandma and Grandpa be all right? Will they make it? Will their Medicare be cut? Can we function as an extended family in this fast moving world?" These are some of the pressures.

I thought it was about, perhaps, flexible working schedules so there could be more time off for school and doctor appointments. I thought it maybe addressed the issue of child care. It is called the Defense of Marriage Act. I thought we were going to deal with those issues, the stresses on marriage. So I was looking forward to seeing this legislation.

Then, when I see it, it turns out to be something completely different. It turns out to be about the U.S. Congress getting into the issue of marriage. No State legislature is even suggesting that it recognize gay marriage, not one State in this Union. Not one person in the Senate or the House has introduced legislation to recognize gay marriage—not one. There is no bill pending before us to legalize gay marriage and provide benefits to these couples. Not one group has asked any of us, to my knowledge, to carry such legislation.

We are told by constitutional scholars that even if one State does recognize gay marriage, other States have the option not to recognize it. University of Chicago law professor Cass Sunstein, one of the Nation's most distinguished legal scholars, author of numerous texts and articles on constitutional law, testified before the Senate Judiciary Committee that States are not required to recognize other States' marriages. So why this legislation now? With all the things we could be doing that would make a real difference in people's lives, with all the things we could be doing that would really matter to families, we are taking up this so-called Defense of Marriage Act, which, as I have stated, has nothing to do, in my view, with helping married couples cope with the stress on their marriages.

Does the author of the bill in the House, whom the press says has been married three times, truly believe that the Defense of Marriage Act would have made him a better husband or his wives better wives? I seriously doubt that. I doubt that.

Marriages do run into trouble; one in two ends in divorce and that is tragic. It is tragic for the people involved and it is tragic for the children. There are things we should all do in our relationships and as a community and in our religious institutions to make marriage stronger. But passing this act does nothing to affirm marriage at all.

Many of us in this Chamber, myself included, have been married for many years to the same person, and I truly believe that those of us who are honest about it would never list the possibility of gay marriage looming on the horizon as a reason there may be stress in our marriage. I believe, if we were honest, we would never cite that as a reason for a problem of stress in our marriage. In any event, gay marriage is not looming anywhere. As I said, not one State is considering it, not one State legislature. No one has asked to do it. There is no bill pending.

Yes, the Hawaii courts are looking at the issue, but that final resolution is years away. There is plenty of time for us to have this debate. But this Congress cannot wait to have this debate. The Hawaii case is only now about to go to trial. Legal experts are convinced that given the stakes, the losing side will surely appeal the case all the way to the State supreme court. We are talking about a long time here.

So why are we doing this bill now? No one is asking for it, no one is proposing any of it, no one State is considering recognizing gay marriage.

I have to give my opinion. It is all about the calendar, that is what I think. It is an election-year ploy to get Senate and House Members to cast a tough vote. We know it is a tough vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for another 10 minutes. My understanding is we would not have a 10-minute rule at this point.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator has an additional 10 minutes.

Mrs. BOXER. But I think, when we do this, we do lose something. I think we lose our soul. That is what you lose when you scapegoat a group of people, a whole group of people who have never even asked us to legalize gay marriage. Scapegoating is ugly. History has seen it too many times. You know that and I know that. Groups of people who are different are identified. It becomes "we" versus "them." Their identity as individuals is lost and they become faceless. Special rules are written for them. They are singled out as a group. Read the history books, my colleagues. You will find it there. We are all Americans in this country, regardless of our differences. We are Americans first. We are God's children, all of us, regardless of our differences. Why do we need to craft a piece of legislation designed to hurt our fellow Americans when there is absolutely no need to do it?

President Clinton, who comes to a different conclusion on this bill than I do, writes in his book "Between Hope and History":

> . . . we must make a choice . . . shall we live by our fears and define ourselves by what we are against, or shall we live by our hopes and define ourselves by what we are working for, by our vision of a better future . . . that is a choice we must make every day.

This DOMA bill, in my opinion, is a statement of what we are against. It does nothing, it does not do one thing, to make Americans' lives better. It is a classic example of the politics of division, of a so-called wedge issue to divide us one from another without any reason to do so. I think even if it means you pick up a seat or two in Congress, the better angels of our nature should stop this politics of division and hatred. The Defense of Marriage Act is a preemptive strike against a gay marriage proposal that does not even exist. It is a little bit like bombing a country because you think they are a threat when in reality they want nothing more than to live in peace. We would never do that as a nation, and we should not do this. It hurts people for no reason.

I thank those of my colleagues, in advance, who will vote against this scapegoating measure. There will only be a few of us. It will be a brave vote. I say that because I know what the polls show. But what is leadership about, anyway? It is about the really tough votes.

When I went into politics 20 years ago, I told my constituents then and I tell them now I would not always take the popular side of an issue if I felt it was meanspirited. For me to do that would be an insult to them and an insult to me. It would diminish all of us.

To me, this vote is not about how I feel about gay marriage. I have always supported the idea of communities deciding these issues without the long arm of the Federal Government.

Many communities recognize domestic partnerships for those who choose to make a long-term commitment. Many communities in California do this, and, Mr. President, it seems to be working. I have not had one phone call or one letter indicating Congress should override these community decisions. Clearly, this is an issue that should be decided in our communities, not in the Senate.

So to me, this vote is not about how Senators feel about marriage, and it certainly is not about defending marriage. To me, it is about scapegoating. It is about dividing us. It is ugly politics. It is a diversion from what we should be doing. For example, we could be using this time to pass President Clinton's college tax breaks to ease the stress on our married couples today. Now that would be defending marriage.

By my no vote on this legislation tomorrow, I am disassociating myself from the politics of negativity and division, from the politics of scapegoating, and I will cast my vote in that spirit.

Mr. President, thank you very much for the time. I yield the floor.

Mr. NICKLES addressed chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. I thank the Chair.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 2060 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EMPLOYMENT NONDISCRIMINATION ACT

Mr. NICKLES. Mr. President, I would like to take a moment to respond to some of the statements that were made earlier today by some of our colleagues dealing with a variety of legislation, most important, the legislation that is called ENDA, the Employment Nondiscrimination Act, that Senator KENNEDY and some other people have alluded to.

I heard comments such as, "If this bill becomes law, employers will not be required to keep any information concerning sexual orientation." I totally disagree with this analysis. Granted, there is a section in ENDA that says no quotas, but also if you read the bill, and I encourage my colleagues to read the bill, if you look at section 11(A)(1), it grants to the Equal Employment Opportunity Commission the same powers with respect to sexual orientation it now has with respect to race, religion and sex.

Under current law, employers are required to make, keep, and preserve records on their employment practices and to make reports to EEOC. That is under the United States Code 42, section 2000 e-8c. I read that code last Friday when we had the debate.

I am amused, or interested, when people say, "Well, that's just not factual. Employers, you won't have to do that."

I am reading section 11(A) of the bill that says the EEOC has the same authority as currently under the Civil Rights Acts to require such records. So the net result is employers are going to have to find out what people's sexual orientation is. They are going to have to ask questions they never asked before that employers don't want to ask and employees don't want to be asked. They are going to have to ask those kinds of questions.

Plus, people said, "It is not really required. Disparate impact is not allowed to be considered under this bill. We're not going to allow disparate impact to be used." Well, how is an employer to defend himself or herself? If they are sued under the legislation—and sponsors of this bill do not deny they have the right to sue for punitive and compensatory damages—how is an employer able to prove they have not discriminated? They have to show they have employed homosexuals and bisexuals. How do they show that? They have to ask questions. That is their defense. It is the same defense employers have as far as race, as far as sex, as far as disability or age.

They have to be able to show that is not their practice, they have not discriminated; therefore, they have employed people of whatever sexual orientation. So, for that defense, they are going to have to ask people, they are going to have to ask questions: "What is your sexual orientation? Are you homosexual, are you bisexual, are you heterosexual," in order to defend themselves.

Maybe some people don't agree with that, but I don't see any other way. So the net result of this legislation will require employers to ask questions about sexual orientation which are not desired by employees or by employers.

Plus, Mr. President, I have heard people imply, "Wait a minute, this is not a whole lot different than what several people in the Senate have signed on to, a statement put out by the Human Rights Campaign Fund which says: "Sexual orientation is not a consideration in the hiring, promoting or terminating of employees in my office." And 66 Members of the Senate have signed this statement.

I did not sign that statement, but I guess I could have, because it has never been a consideration in my office. I never asked anybody, I do not want to ask anybody what their sexual orientation is. I didn't sign it because I thought, well, what if a person who is leading a gay activist cause—and there are individuals like that and some are in Congress, and other people—if somebody who had a known propensity to be a very strong advocate of gay rights, I guess, if they came and asked for a job in my office, I don't think they would be compatible and, therefore, I wouldn't hire them. So I didn't sign that pledge. But I can see why Senators would. Basically, I could sign it. It has never, ever been any consideration in any of my employment decisions as a Senator or when I ran a manufacturing company in Oklahoma.

But some people could interpret this language as the same as "don't ask, don't tell." If you don't ask, they can't tell. It is not a consideration, so no big deal. But that is not what is underlying Senator KENNEDY's bill.

Under the bill that we have before us, ENDA would make it law of the land, ENDA would elevate sexual orientation to a protected class under the Civil Rights Act. What it would do is say if the school board, for example, did not want to hire a person who was openly homosexual or a gay activist and have that person be a teacher or a coach or physical education instructor, if they felt like that was an inappropriate type person to have as a role model, they are in trouble under this legislation because that school could be sued. That school board might want to take disciplinary action or might not want to employ a person who had that orientation as a role model or mentor to a grade school class.

So they might say, "We don't want to make that decision," and, frankly, they could be sued under this legislation.

Recently, there was a case in West Virginia where a principal was found dressing in drag and actually soliciting sexual favors in West Virginia. It just happened a couple of days ago. Because the principal asked for money, it was in violation of the State's prostitution act and, therefore, illegal. But if he had not asked for money, you could have a person who would be cross-dressing and soliciting sex—and that might be their sexual orientation—and the school board could not take disciplinary action because of their sexual orientation if it is kept private. My point being, you could have a lot of repercussions that go beyond what individuals have thought about in this legislation.

This legislation is not "don't ask, don't tell." I look at this statement that many Senators signed. I think a lot of people thought, "Hey, don't ask, don't tell. That's my policy. I'll stick by it." That is not what we will ask if this proposed bill became law. ENDA would elevate sexual orientation to a much higher level, giving Federal protection and sanction, almost a Federal acceptance to promiscuity.

You might say, how would that be? The legislation says you cannot discriminate on account of someone's sexual orientation as defined by "homosexual, bisexual or heterosexual." It does not say by individual conduct that is done in monogamous relationships in private. So you might have a homosexual or heterosexual that is very promiscuous, with lots and lots of partners, and a company or an individual or an organization, maybe with somewhat of a religious orientation or moral commitment, finds that behavior very repulsive. If such individual or organization did not want to hire such a person or continue their employment, they would find themselves subject to suit. If ENDA passes, the Federal Government will say: Wait a minute. You can't make any distinctions no matter what your religious beliefs are. You can't make any distinction on account of a person's sexual orientation.

"Bisexual" by definition means promiscuous, having relations with both male and female. We are going to give that a Federal preferred protected status under this legislation. I think that is a serious mistake. What about that school board in West Virginia? What about a school board in Montana? What about a school board making decisions like this in Alabama where maybe this small community says we do not think we should have avowed open homosexual leaders, gay activists, as teachers in the fifth grade?

Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. If they want to have that policy—right now they are able to choose to have such a policy. If this legislation became law, they could be sued. I think it is important to point that out. Do we want to give that kind of special status to behavior that many Americans find objectionable? Some people have said, "Well, it's immutable." I would debate that or question that. But many, many people feel, because of Biblical orientation, that it is immoral. Do we want to give that special protection and status to "sexual orientation" under the Civil Rights Act?

I met with a couple of black ministers who were very offended by the assessment of some that, well, this is just another special class that needs special status, such as race and gender. They are offended because they participated in civil rights demonstrations and they worked to bring about civil rights for minorities. They are very, very offended by this. So, Mr. President, I just make that comment. Plus, I want to make another comment in regard to the military.

The legislation exempts the military. I guess everybody applauds that. This Congress, 3 years ago, voted basically to repeal President Clinton's efforts to say that homosexuals should serve in the military. It was one of President Clinton's first efforts in this Congress. In a bipartisan fashion, we said we do not agree, and we changed the President's policy. He did not like it, but we changed it. And we came up with a policy, "don't ask, don't tell." Most of us basically were comfortable with that result and still are. That is the law of the land today.

It was not what President Clinton wanted. President Clinton wanted to have gays serve in the military, but a lot of us thought, no, that is a mistake. Evidently, the promoters of the legislation agree this is a mistake because they do not try to change this policy in ENDA. They said, OK, we are going to have an exemption for the military. The military is a large Federal employer. We are going to exempt the military from this language.

Wait a minute. We have millions of private companies and employers in this country that we are going to say, wait a minute, for this big Federal employer, the Federal Government, we are going to exempt them from this policy of nondiscrimination based on sexual orientation. But for all other employers, no matter what your religious conscience tells you, no matter what your religious beliefs are, whether it is Christian or Jewish or Moslem—all of those basic religions have very strong tenets and statements that homosexuality is wrong and it is immoral—no matter what your religious belief is, no matter where you are coming from, too bad, that is an irrelevant decision concerning your employment practices.

When we are exempting the military and saying, oh, it does make a difference in the military—and we passed that; that is now the law of the land—but now we are going to say for all other employers, no matter what your convictions are throughout the country, you are not exempt. I think that is a serious mistake, a serious mistake.

Granted, nine States have some type of nondiscrimination based on sexual orientation laws, nine States. That means there are 41 States that do not. I guess a few of those States have done something by executive order. Senator KENNEDY is right, those executive orders can be changed, rescinded, or amended. But why in the world would we think we have to come in and have 41 States be overridden by the Federal Government? I think that would be a serious mistake.

So, Mr. President, I would just urge our colleagues to think about if school boards in some places, maybe, again, Alabama or West Virginia, really find promiscuous conduct unacceptable, and such persons engaging in such conduct not the right type of role models they would like to have for their young people they would be subject to suit under ENDA. Let us not leave them subjected to unbelievable lawsuits. Let us not have the Federal Government tell them that, no, they are not right. Let us not tell organizations such as the Boy Scouts or others that might have a policy that would be contrary to this legislation, let us not tell them they have to change it because we have decided we know better. I think that would be a serious mistake.

The reason why I mention this tonight is we will have 3 hours of debate on the defense of marriage bill tomorrow. But we only have 30 minutes on the legislation dealing with sexual orientation, elevating sexual orientation to special status under the Civil Rights Act. I know my colleague from Massachusetts spoke on this earlier today. I felt like it was important to speak on it because tomorrow we only have 30 minutes, 15 minutes equally divided, for the biggest expansion to the Civil Rights Act since its inception, and in my opinion a serious, serious mistake. So I hope all of our colleagues will look at it very, very closely before they vote, and I hope that they will vote no tomorrow afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina, [Mr. HELMS], is recognized.

Mr. HELMS. I thank the Chair.

First of all, I commend the distinguished assistant majority leader, Mr. NICKLES. He has made some excellent points that have floated like a ship passing in the night by a lot of Senators. I hope Senators who did not hear him by way of television in their offices will have the Senator's remarks called to their attention by their assistants tomorrow morning.

THE DEFENSE OF MARRIAGE ACT

Mr. HELMS. Mr. President, during my years in the Senate I have been privileged on many occasions to work with a substantial number of ministers whose Washington churches today are referred to as "African-American."

These fine ministers have almost unanimously supported efforts by myself and Joe Gibbs and others to restore school prayer to the Nation's classrooms. They are, in the main, opposed to abortion. In fact, I do not recall even one of these ministers ever describing himself or herself as "prochoice." But that perhaps is neither here nor there in terms of what I am here this evening to speak about.

The day before the Senate adjourned for the August recess, I ran into one of these fine ministers over in the Russell Building. His church is Baptist. He has a booming, cheerful voice. And when I heard that voice, I knew who it was. He was saying, "Are you going home tomorrow?" And I told him I thought I was since the Senate probably would recess for the month of August.

I asked him, Mr. President, if he had a message for the folks back home. And he said, "I sure do. Tell them that God created Adam and Eve—not Adam and Steve."

Some may chuckle at this good-natured minister's humor. But he meant exactly what he was saying. In fact, it was a sort of sermonette. The truth is, he was hitting the nail on the head, if you want to use that cliche, or telling it like it is. However one may choose to describe this minister's getting down to the nitty-gritty, it was no mere cliche, Mr. President. There could not have been, as a matter of fact, a better way to begin this debate in favor of the Defense of Marriage Act, which is H.R. 3396. The formal debate will begin tomorrow morning in this Chamber, the U.S. Senate.

Now then, let there be no mistake about it, this bill in no way, to any degree, is the kind of legislation which homosexual and lesbian leaders have disdainfully described as a, to use their words, "hate-driven bill."

In fact, it is precisely the critics of H.R. 3396 who are demanding that homosexuality be considered as just another lifestyle—these are the people who seek to force their agenda upon the vast majority of Americans who reject the homosexual lifestyle.

Indeed, Mr. President, the pending bill—the Defense of Marriage Act—will safeguard the sacred institutions of marriage and the family from those who seek to destroy them and who are willing to tear apart America's moral fabric in the process.

Isn't it disheartening, Mr. President, that Congress must clarify the traditional definition of marriage? But inch by inch, little by little, the homosexual lobby has chipped away at the moral stamina of some of America's courts and some legislators, in order to create the shaky ground that exists today that prompts this legislation being the subject of debate tomorrow morning in the U.S. Senate.

Just think, the prospect of a sovereign State's being compelled to recognize same-sex marriages sanctioned in another State is incredibly stark. If Hawaii's supreme court legalizes same-sex marriages in Hawaii, does the full faith and credit clause of the Constitution compel the other 49 States to recognize the new marriage law within their jurisdictions? I say no.

Such a suggestion, Mr. President, is a cockeyed interpretation of the Constitution; and this is one of so many times that I have wished the late, great Senator Sam J. Ervin, Jr., were here to cut it down to size. Homosexuals and lesbians boast that they are close to realizing their goal—legitimizing their behavior.

Mr. President, Bill Bennett has championed the cause of preserving America's culture; he contends that we are already reaping the consequences of the devaluation of marriage. And he warns that "it is exceedingly imprudent to conduct a radical, untested, and inherently flawed social experiment on an institution that is the keystone and the arch of civilization."

Bill Bennett is everlastingly right, and I believe the American people in the majority understand that the Defense of Marriage Act is vitally important. It will establish a simple, clear Federal definition of marriage as the legal union of one man and one woman, and it will exempt sovereign States from being compelled by a half-baked interpretation of the U.S. Constitution to recognize same-sex marriages wrongfully legalized in another State.

If the Senate, tomorrow, makes the mistake of approving the Employment Nondiscrimination Act proposed by the Senator from Massachusetts, it will pave the way for liberal judges to threaten the business policies of countless American employers, and, in the long run, put in question the legality of the Defense of Marriage Act. The homosexual lobby knows this and that is why there is such a clamor favoring adoption of the Kennedy bill.

Mr. President, at the heart of this debate is the moral and spiritual survival of this Nation. Alexis de Tocqueville said a century and a half ago that America had grown great because America was good. Mr. de Tocqueville also warned that if America made the mistake of ceasing to be good, America would cease to be great.

So, we must confront the question posed long ago: "Quo Vadis, America?"

The Senate is about to answer that question. We will decide whither goeth America. It is solely up to us.

EMPLOYMENT NONDISCRIMINATION ACT

Mr. KENNEDY. Mr. President, I addressed the Senate earlier today, but I just take a very few moments to respond to some of the points that have been made earlier by those who are opposed to the Employment Nondiscrimination Act.

First of all, on the question of disparate impact and disparate treatment of individuals, I want to make it clear again this evening, as we tried to make it clear earlier in the day—this is an issue that keeps coming up and I think it is important that we address—the Employment Nondiscrimination Act covers a showing of discrimination based on disparate treatment, not disparate impact. That means the person must do the following, first, prove that he or she is covered by ENDA.

Second, a person must show that he or she was qualified for the employment opportunity at issue and that the employer's adverse treatment was based on the person's sexual orientation.

Third, the employer must then present evidence to show that the adverse treatment was taken because of some legitimate nondiscriminatory reason, not sexual orientation, and then the individual making the claim bears the ultimate burden of proving that discrimination based on sexual orientation actually occurred.

Now, the Employment Nondiscrimination Act is not violated merely because an employment practice has a disparate impact on gay men and lesbian women. Therefore, statistics are not needed to enforce the Employment Nondiscrimination Act and employers are not required to ask whether an employee is gay. Despite this provision in the Employment Nondiscrimination Act, my colleagues are concerned that the Equal Employment Opportunity Commission will require employers to keep statistics regarding the sexual orientation of their employees.

The Employment Nondiscrimination Act grants the EEOC the same enforcement powers that it has under title VII. This enforcement structure parallels the ADA—under which employers do not have to ask if an employee has a disability or keep statistics—and the EEOC says that it will undoubtedly enforce ENDA in the same way that it enforces the ADA. Therefore, there will not be any additional reporting requirements.

Finally, the EEOC says that because ENDA does not recognize a cause of action for disparate impact discrimination, there are no requirements pursuant to the Uniform Guidelines on Employee Selection. That has been an issue that has been brought up several times and raised again this evening. I hope I have responded to any of the concerns that people have on this issue, and I have included information from the EEOC in the record earlier today.

Second, Mr. President, this legislation is not a license for bizarre behavior—we heard that referenced earlier this evening. Like other civil rights laws, the Employment Nondiscrimination Act does not protect bizarre behavior. Employers can still enforce workplace rules as long as they apply them uniformly to heterosexuals and homosexuals. This legislation allows employers to discipline homosexuals and heterosexuals whose behavior is illegal or unsafe or that compromises their ability to perform their job—the examples given earlier this evening would clearly fall under those standards. These policies must simply be applied to all employees—heterosexual and homosexual.

For example, my colleagues expressed concern about dress conveying explicit sexual messages or that is otherwise inappropriate. There is no need for concern. An employer can enforce a dress code. It must simply apply to all employees. An employer may also enforce a code of conduct. School systems can discipline teachers who appear in pornographic movies or other kinds of activities, but they must discipline both homosexuals and heterosexuals similarly.

That is all we are looking for, similar treatment. Employers can establish codes of conduct. All they have to do is make sure that they apply to both groups.

I say to my colleagues who feel they do not understand this legislation, the Employment Nondiscrimination Act is not a license to illegal behavior. It is legislation that allows homosexuals and heterosexuals to work without being the subject of discrimination. Once again, the legislation simply says that employees, whether heterosexual or homosexual, must be treated fairly and equally.

Finally, there is some question about where all of this would lead. I think we can look to the nine States that have laws at the present time. They can be the best answers to many of the questions posed by those opposed to the bill. We know, that these laws are not, and they have not been problematic. I have pointed out that in the 9 States, if you added all the cases together, over the period of the last 5 years, you would be lucky if there are 15 cases, in the last 4 to 5 years.

In fact, when the people of California faced a referendum in 1978 to exclude gay people from teaching or mentoring, that referendum was defeated with the help of Ronald Reagan, who did television spots in opposition. He understands, and I think most understand, that we should not be stereotyping individuals. But stereotypes have been used against gay men and lesbians in the past and in this debate, as well.

This is what former President Reagan said in 1978:

> As to the role model argument, a woman writing to the editor of a Southern California newspaper said it all: "If teachers had such power over children, I would have been a nun years ago." Whatever else it is, homosexuality is not a contagious disease like the measles. Prevailing scientific opinion is that a child's teachers do not really influence this.

Although I have not always agreed with former President Reagan, in this case, I think he is right on target, just as Senator Barry Goldwater.

This legislation deals with the unfair stereotypes. Homosexuals are not strangers, or pedophiles, or child molesters. They are people we know, respect, and care about. They are people of integrity. They have a sense of right and wrong, an understanding of justice and fair play, and a willingness to work hard. They are American citizens, and they don't deserve to be subjected to discrimination on the job.

We have fought against similar stereotypes regarding women, minorities, the disabled, the elderly, and religious believers.

In the past, we thought women were too weak to compete in the board room or on the playing field. Today, we celebrate their business acumen and gold medal-winning athletic achievements. In the past, people in this Chamber have questioned the intelligence and tenacity of minorities. We still fight some of those battles, but we are not where we used to be. In the past, the Nation questioned whether a Catholic should be President. I remember when our country pushed bigotry aside and put such a man in the White House.

We have become a better country because we rose above the discrimination that divides us and nurtures bigotry.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I am pleased that the Senate, tomorrow, will be voting on the Employment Nondiscrimination Act. Every worker in this country should be judged solely on the basis of valid work-related criteria: The worker's job performance and his or her ability to perform the job. People who work hard and perform well should not be kept from leading productive and responsible lives because of sexual orientation any more than they should be kept from employment or discriminated against because of race, religion, gender, national origin, age, or disability.

Unfortunately, workplace discrimination on the basis of sexual orientation remains a real problem in many communities. In case after documented case, highly qualified individuals have been dismissed, or otherwise discriminated against in their jobs for no other reason than their sexual orientation.

Such discrimination is intolerable in America. We are better than that. A recent poll in Newsweek indicates that this measure is supported by over 80 percent of the American people. It has been endorsed by a wide array of religious organizations, including the United Methodist Church, the Presbyterian Church (USA), the Episcopal Church, the Evangelical Lutheran Church in America, the American Jewish Congress, the National Council of the Churches of Christ in the U.S.A., the Religious Action Center of Reform Judaism, and the United Church of Christ, to mention some.

As the presiding bishop of the Episcopal Church, Edmund L. BROWNING, wrote in a letter, dated July 30, 1996:

> Since 1967, the Episcopal church has been committed publicly to the notion of guaranteeing equal protection for all citizens, including the homosexual persons, under the law. In that year, the General Convention of the Episcopal Church, the Church's highest policymaking body, expressed its conviction that homosexual persons are entitled to equal protection of the laws with all other citizens and called upon society to ensure that such protection is provided in actuality. The Employment Nondiscrimination Act explicitly fulfills that mandate. . .
>
> My warm embrace of this legislation, of course, reflects more than my standing as Presiding Bishop of the Episcopal Church. It represents my deep, personal belief in the intrinsic dignity of all God's children. That dignity demands that all citizens have a full and equal claim upon the promise of the American ideal, which includes equal civil rights protection against unfair employment discrimination. For far too long, our civil rights laws look the other way with respect to discrimination based on race, gender, religion, national origin, age, or disability.

> Fighting to right those wrongs taught us that the cause of civil rights protection for one is the cause of such protection for all. Today, so long as some of us remain subject to employment discrimination on the basis of sexual orientation, our system of civil rights protection for all Americans remains an unfulfilled ideal. The long overdue protection embodied in this legislation brings that ideal one significant step closer to reality.

Mr. President, the opponents of this legislation have argued that the Employment Nondiscrimination Act will cause practical problems in the workplace. But we know that this is not true, because similar legislation is already in place, as the Senator from Massachusetts pointed out, in nine States. As Michael P. Morely, the president of Eastman Kodak Co., testified on July 17 of this year:

> It is our belief that ENDA is good for American business, large or small. The bill is in step with trends in the Nation's most successful businesses, and is in tune with the fundamental sense of fairness valued by Americans. If we at Kodak felt that this bill were intrusive, expensive, or otherwise inappropriate for American business, we would not support it. But after a thorough analysis of its provisions, we are convinced that the Employment Nondiscrimination Act will have a positive impact on our country's ability to compete.

Mr. President, this legislation is carefully drafted to prohibit any preferential treatment, including quotas, and to prohibit disparate impact suits based on sexual orientation, as the Senator from Massachusetts has pointed out. It exempts small businesses with fewer than 15 employees, and it exempts religious organizations, including educational institutions substantially controlled or supported by religious organizations.

Mr. President, for too long, many Americans have suffered employment discrimination. In recent decades, we have done much to eliminate this blot on our history. It is time for us to enact this legislation and extend the principle of fairness embodied in the Nation's civil rights laws to all Americans, regardless of sexual orientation.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHEMICAL WEAPONS CONVENTION

Mr. LOTT. Mr. President, under a previous unanimous-consent agreement entered on June 28, 1996, the Senate is scheduled to consider the Chemical Weapons Convention by the end of this week. There has been much written and much said about the convention, whether it is the right thing to do or not; is it verifiable?

On the other side, there are those who say it would affect the overall atmosphere with regard to these chemical weapons. There is very legitimate debate about whether or not this convention should be ratified or not. It is my intention to go forward with the consideration of this Chemical Weapons Convention beginning probably on Thursday. We are scheduled to have votes on Friday.

But as we near consideration of that convention, I wanted to share with my colleagues some of the correspondence that I have recently received. Late on Friday of last week, I received a letter of opposition to the convention signed by more than 50 defense and foreign policy experts, including two former Secretaries of Defense, former members of the Joint Chiefs of Staff, and many others. The letter made four fundamental points: The Chemical Weapons Convention is not global, it is not effective, and is not verifiable, but it will have significant costs to American security.

Their letter concludes by stating that "The national security benefits of the Chemical Weapons Convention clearly do not outweigh its considerable costs. Consequently, we respectfully urge you to reject ratification of the CWC unless and until it is made genuinely global, effective, and verifiable."

This is not my judgment. It is the judgment, however, of Caspar Weinberger, William Clark, Dr. Jeane Kirkpatrick, Ed Meese, Dick Cheney, and many others who served with distinction under Presidents Reagan and Bush. I think their views deserve serious consideration from every Member.

As you will note, two of those names that I read are former Secretaries of Defense and certainly highly respected. Our colleague from the House of Representatives, Dick Cheney, is one that I really had not known exactly what his position was, so it was of great interest to me to see what his thoughts might be.

I have two other letters that I encourage Members to review. First, the National Federation of Independent Business wrote to me today expressing serious concern about the impact of the CWC on the more than 600,000 members of the NFIB. The letter notes that under the CWC, for the first time small businesses would be subject to a foreign entity inspecting their businesses. The concerns that are expressed concerning increased regulatory burden of the Chemical Weapons Convention on American small business I think should be weighed very carefully before coming to a decision about his or her attitude and what the position would be of that Senator on the convention. I know my colleagues do not want to vote first and ask questions later when it comes to small business, which already bears a disproportionate share of the regulatory burden from the Federal Government.

I also received a letter today from retired Gen. James A. Williams, former head of the Defense Intelligence Agency with almost four decades of experience in intelligence. General Williams raises very serious concerns over the potential of CWC being used to gain proprietary information from American business.

He concludes that "there is potential for the loss of untold billions of dollars of trade secrets which can be used to gain competitive advantage, to shorten R&D cycles, and to steal U.S. market share."

Many businesses have contacted my office and the offices of other Senators expressing these and similar concerns about Senate action on this convention.

Last week I wrote to the President expressing my concern that the Clinton administration was less than fully forthcoming in responding to the Senate's request for information and documents. I requested specific documents previously requested by other Senators. Senator HELMS, the chairman of the committee with jurisdiction, has been very active in trying to have questions answered, to get information provided, to get intelligence information available to Senators, and in many instances that information was late in coming or has not been provided at all. As a matter of fact, much of it has been described as being classified; therefore, it could not be provided.

In view of that, I am very seriously considering and probably will seek a closed session to consider this matter so that Senators can be made aware of intelligence information that is classified, if that is necessary. In order to avoid that, I have asked that some of this documentation be declassified by the administration so that all Senators can have access to it without our having to go into closed session.

I wanted to call to the Senate's attention this correspondence that I have outlined because it is very important that a range of views be made available to all Senators. The administration has been making its case for quite some time, but opponents of the convention have just begun the serious examination the convention really deserves.

There were some Members who have been involved in this issue —I believe Senator STEVENS arranged for a briefing this very afternoon that was sponsored by the Arms Control Observer Group. We did have some people testifying, stating they had opposition to the convention, others that were supportive of it. We are trying to get a balance in what is presented to the Senators, both privately and publicly.

My own personal greatest concern is the question of verification. What do we do about Iraq? If we pass a convention like this, that would be applicable to us, sort of the law-abiding citizens of the world, how do we make sure what is happening in Iraq, North Korea, and Libya, the renegade countries of the world? Is this going to be a situation where we go forward with this convention, this Chemical Weapons Convention, yet those who are the real threat do not participate, or deny that they are involved, or we are not in a position where we can verify what they are actually doing?

So, I ask unanimous consent the three letters I received and the letter I wrote to the President last week be printed in the RECORD so all Senators will have access to these letters and to this information, much of which had not been made available prior to tonight.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, September 9, 1996.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER, On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I want to express serious concern regarding the regulatory requirements and burdens that would be placed on small businesses who "produce, process, consume, export or import" certain regulated chemicals with ratification of the Chemical Weapons Convention Treaty (CWC) and its implementing legislation.

This Congress has begun to address the serious problems of paperwork burdens and red tape which are strangling small businesses in this country. The passage of the Paperwork Reduction Act and the Small Business Regulatory Enforcement Fairness Act were positive first steps in reducing the excessive regulatory burden which consistently ranks in the top five problems small business face in NFIB surveys.

The CWC reverses the trend of reducing the growing regulatory burden on small business. According to the Congressional Office of Technology inspections of businesses required under CWC will cost small business $10,000–$20,000. The typical small business owner takes home only $40,000 per year. The Department of Commerce has estimated that a business will spend from 2.5–9 hours on paperwork for each chemical used depending on its classification.

There is a great deal of disagreement on the number of businesses which would be affected by the CWC. Numbers have ranged from 3,000 to 10,000. The regulatory burden of the CWC will hit small businesses harder than big business. A 1995 Small Business Administration study stated that while small business employs 53 percent of the workforce, they bear 67 percent of business' total regulatory expense. Even if the number of small businesses in the initial list of affected companies is limited to a specific list, the fact that additional businesses might be regulated by CWC without approval by the U.S. Congress will leave small business powerless to have any input as it does under the U.S. regulatory system. For the first time, small businesses would be subject to a foreign entity inspecting their business.

The CWC will continue to bury small businesses in paperwork and regulations. Therefore, NFIB urges your serious consideration of the affect of this Treaty on the small businesses in this country.

Sincerely,

DAN DANNER,
Vice President,
Federal Government Relations.

SEPTEMBER 9, 1996.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: As you weigh the benefits and costs of the Chemical Weapons Convention (CWC) I would like to offer some insight gained during my 28 years at every level of Military Intelligence and my subsequent ten years in competitive intelligence and counterintelligence for some of the premier companies in this country. The need for international mechanisms to control or eliminate the potential use of chemical weapons cannot be denied but the mechanisms must not be adopted in haste or under pressure. I ask only that you delay consideration long enough for an informed debate to take place, and I stress informed.

My foremost concern is that the CWC adds little to the ability of this country, or any other for that matter, to be assured that chemical weapons are not being manufactured by specific nations. Experience in Iraq has amply demonstrated the ease with which inspections can be thwarted and sanctions evaded. With all of the effort put into the inspection program the United States is still unable to say whether Iraq retains a capability to manufacture chemical weapons. We are unable to state publicly the chemical weapons production capabilities of nations such as Libya, Iran, Syria, China or Korea. Many nations possess a production capability or are thought to possess such capabilities. Nations that are likely to produce chemical weapons for use by terrorists or for limited battlefield deployment can produce sufficient quantities in laboratories small enough that they can be temporarily closed or relocated to avoid inspections. The exiting treaty on chemical weapons is already so weak on this point that no effort has been made to enforce it and provisions of the CWC are even weaker. Let's discuss objectively what information is required to verify such a treaty, the capabilities required to collect the information, the cost of doing so, and the likelihood of making such collection.

Furthermore, the opportunity for unfettered access to virtually every industrial facility in this country, not merely the pharmaceutical and chemical plants, would make most foreign intelligence organizations very happy, even gleeful. It is likely to cause the counterintelligence sections of the FBI and the Defense Investigative Service major problems for the foreseeable future. The inspection procedures which apply to ALL industries constitute unprecedented access to our manufacturing base, not just those thought likely to be engaged in proscribed activities! My experience in protecting patents and intellectual property over the past ten years leads me to conclude that there is the potential for the loss of untold billions of dollars in trade secrets which can be used to gain competitive advantage, to shorten R&D cycles, and to steal US market share. To allow the invasion of private property without probable cause or a search warrant could undermine every industrial security standard established under government regulations or by private firms seeking to protect industrial processes or other proprietary information. Under the inspection and reporting practices specified in the CWC I see no prohibition against the exchanging of lucrative information among the nations conducting a given inspection. This country, for valid reasons, does not permit its intelligence agencies to conduct industrial espionage but we may be the only nation in the world to hold to such a standard.

The CWC constitutes a significant departure from the way this country conducts business and the way our society has elected to protect its very fabric. It seems to me that the CWC has been put together as a placebo measure to make people feel good but without considering the overall long term impact on our industry, our society and our legal system. The Congress bears the responsibility of assuring our citizenry that the advantages and disadvantages have been carefully considered and balanced.

We look to you to insure that those safeguards are built into the process.

Sincerely,

JAMES A. WILLIAMS,
LTG U.S. Army (Ret.)

SEPTEMBER 6, 1996.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: As you know, the Senate is currently scheduled to take final action on the Chemical Weapons Convention (CWC) on or before September 14th. This treaty has been presented as a global, effective and verifiable ban on chemical weapons. As individuals with considerable experience in national security matters, we would all support such a ban. We have, however, concluded that the present Convention is seriously deficient on each of these scores, among others.

The CWC is not global since many dangerous nations (for example, Iran, Syria, North Korea, and Libya) have not agreed to join the treaty regime. Russia is among those who have signed the Convention but is unlikely to ratify—especially without a commitment of billions in U.S. aid to pay for the destruction of Russia's vast arsenal. Even then, given our experience with the Kremlin's treaty violations and its repeated refusal to implement the 1900 Bilateral Destruction Agreement on chemical weapons, future CWC violations must be expected.

The CWC is not effective because it does not ban or control possession of all chemicals that could be used for lethal weapons purposes. For example, it does not prohibit two chemical agents that were employed with deadly effect in World War I—phosgene and hydrogen cyanide. The reason speaks volumes about this treaty's impractical nature: they are too widely used for commercial purposes to be banned.

The CWC is not verifiable as the U.S. intelligence community has repeatedly acknowledged in congressional testimony. Authoritarian regimes can be confident that their violations will be undetectable. Now, some argue that the treaty's intrusive inspections regime will help us know more than we would otherwise. The relevant test, however, is whether any additional information thus gleaned will translate into convincing evidence of cheating and result in the collective imposition of sanctions or other enforcement measures. In practice, this test is unlikely to be satisfied since governments tend to look the other way at evidence of non-compliance rather than jeopardize a treaty regime.

What the CWC will do, however, is quite troubling: It will create a massive new, UN-style international inspection bureaucracy (which will help the total cost of this treaty to U.S. taxpayers amount to as much as $200 million per year). It will jeopardize U.S. citizens' constitutional rights by requiring the U.S. government to permit searches without either warrants or probable cause. It will impose a costly and complex regulatory burden on U.S. industry. As many as 8,000 companies across the country may be subjected to new reporting requirements entailing uncompensated annual costs of between thousands to hundreds-of-thousands of dollars per year to comply. Most of these American companies have no idea that they will be affected. And perhaps worst of all, the CWC will determine the standard of verifiability that has been a key national security principle for the United States.

Under these circumstances, the national security benefits of the Chemical Weapons Convention clearly do not outweigh its considerable costs. Consequently, we respectfully urge you to reject ratification of the CWC unless and until it is made genuinely global, effective and verifiable.

WILLIAM P. CLARK.
DICK CHENEY.
CAP WEINBERGER.
JEANE KIRKPATRICK.
EDWIN MEESE III.

SIGNATORIES ON LETTER TO SENATOR TRENT LOTT REGARDING THE CHEMICAL WEAPONS CONVENTION

(As of September 9, 1996; 9:30 a.m.)

Signatures on letter:

William P. Clark, former National Security Advisor to the President.

Casper Weinberger, former Secretary of Defense.

Richard B. Cheney, former Secretary of Defense.

Jeane J. Kirkpatrick, former U.S. Ambassador to the United Nations.

Edwin Meese III, former U.S. Attorney General.

Additional Signatories (retired military):

General John W. Foss, U.S. Army (Retired), former Commanding General, Training and Doctrine Command.

Vice Admiral William Houser, U.S. Navy (Retired), former Deputy Chief of Naval Operations for Aviation.

Admiral Wesley McDonald, U.S. Navy (Retired), former Supreme Allied Commander, Atlantic.

Admiral Kinnaird McKee, U.S. Navy (Retired), former Director, Naval Nuclear Propulsion.

General Merrill A. McPeak, U.S. Air Force (Retired), former Chief of Staff, U.S. Air Force.

Lieutenant General T.H. Miller, U.S. Marine Corps (Retired), former Fleet Marine Force, Commander/Head, Marine Aviation.

General John L. Piotrowski, U.S. Air Force (Retired), former Member of the Joint Chiefs of Staff as Vice Chief, U.S. Air Force.

General Bernard Schriever, U.S. Air Force (Retired), former Commander, Air Research and Development and Air Force Systems Command.

Lieutenant General James Williams, U.S. Army (Retired), former Director, Defense Intelligence Agency.

Additional Signatories (non-military):

Mark Albrecht, former Executive Secretary, National Space Council.

Kathleen Bailey, former Assistant Director of the Arms Control and Disarmament Agency.

Robert B. Barker, former Assistant to the Secretary of Defense for Nuclear and Chemical Weapon Matters.

Henry Cooper, former Director, Strategic Defense Initiative Organization.

J.D. Crouch, former Principal Deputy Assistant Secretary of Defense.

Midge Decter, former President, Committee for Free World.

Kenneth deGraffenreid, former Senior Director of Intelligence Programs, National Security Council.

Diana Denman, former Co-Chair, U.S. Peace Corps Advisory Council.

Elaine Donnelly, former Commissioner, Presidential Commission on the Assignment of Women in the Armed Services.

David M. Evans, former Senior Advisor to the Congressional Commission on Security and Cooperation in Europe.

Charles Fairbanks, former Deputy Assistant Secretary of State.

Douglas J. Feith, former Deputy Assistant Secretary of Defense.

Rand H. Fishbein, former Professional Staff member, Senate Defense Appropriations Subcommittee.

Frank J. Gaffney, Jr., former Acting Assistant Secretary of Defense.

William R. Graham, former Science Advisor to the President.

James T. Hackett, former Acting Director of the Arms Control and Disarmament Agency.

Charles A. Hamilton, former Deputy Director, Strategic Trade Policy, U.S. Department of Defense.

Amoretta M. Hoeber, former Deputy Under Secretary, U.S. Army.

Charles Horner, former Deputy Assistant Secretary of State for Science and Technology.

Fred Ikle, former Under Secretary of Defense for Policy.

Sven F. Kraemer, former Director for Arms Control, National Security Council.

Charles M. Kupperman, former Special Assistant to the President.

John Lenczowski, former Director for Soviet Affairs, National Security Council.

Bruce Merrifield, former Assistant Secretary for Technology Policy, Department of Commerce.

Taffy Gould McCallum, columnist and freelance writer.

Laurie Mylroie, best-selling author and Mideast expert specializing in Iraqi affairs.

Richard Perle, former Assistant Secretary of Defense.

Norman Podhoretz, former editor, Commentary Magazine.

Roger W. Robinson, Jr., former Chief Executive Economist, National Security Council.

Peter W. Rodman, former Deputy Assistant to the President for National Security Affairs and former Director of the Policy Planning Staff, Department of State.

Edward Rowny, former Advisor to the President and Secretary of State for Arms Control.

Jacqueline Tillman, former Staff member, National Security Council.

Michelle Van Cleave, former Associate Director, Office of Science and Technology.

William Van Cleave, former Senior Defense Advisor and Defense Policy Coordinator to the President.

Malcolm Wallop, former United States Senator.

Deborah L. Wince-Smith, former Assistant Secretary for Technology Policy, Department of Commerce.

Curtin Winsor, Jr., former U.S. Ambassador to Costa Rica.

Dov S. Zakheim, former Deputy Under Secretary of Defense.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, September 6, 1996.
President WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to ask your cooperation and support for Senate efforts to obtain information and documents directly relevant to our consideration of the Chemical Weapons Convention.

As you know, the Senate is currently scheduled to consider the Convention on or before September 14, 1996 under a unanimous consent agreement reached on June 28, 1996. Immediately prior to the Senate agreement on the Convention, I stated, "With respect to the Chemical Weapons Convention, the Majority Leader and the Democratic Leader will make every effort to obtain from the administration such facts and documents as requested by the Chairman and ranking member of the Foreign Relations Committee, in order to pursue its work and hearings needed to develop a complete record for the Senate . . ."

I regret to inform you that your administration has not been fully cooperative in Senate efforts to obtain critical information. Chairman Helms wrote to you on June 21, 1996—prior to the Senate setting a date for a vote on the Convention—and asked eight specific questions. Chairman Helms also requested the provision and declassification of documents and a cable relating to critical issues of Russian compliance with existing chemical weapons arms control agreements and with the Chemical Weapons Convention.

On July 26, 1996, having received no response to his earlier letter, Chairman Helms reiterated his earlier request and asked additional questions concerning the apparent Russian decision to unilaterally end implementation of the 1990 U.S.-Russian Bilateral Destruction Agreement on chemical weapons. Chairman Helms also asked for specific information and documents concerning Russian conditions for ratification of the Chemical Weapons Convention, as well as other information important to our consideration of the Convention. While Chairman Helms did receive responses to his letters on July 31 and on August 13, his request for declassification of documents was refused and the answers to many of his questions were incomplete.

During a Senate Select Committee on Intelligence hearing on June 17, 1996, Senator Kyl asked for a specific document—a cable written in Bonn, Germany by Arms Control and Disarmament Agency (ACDA) Director Holum concerning current Russian government positions on the Bilateral Destruction Agreement, ratification of the Chemical Weapons Convention and on U.S. assistance for the destruction of Russian chemical weapons. On numerous occasions, Senator Kyl was told the document did not exist. Finally, on July 26, Senator Kyl was able to see a redacted version of the document under tightly controlled circumstances but the document has not been made available to Chairman Helms or other Senators.

Mr. President, the unanimous consent agreement of June 28, 1996, was entered into in good faith, and based on our understanding that the administration could and would be fully forthcoming in the provision of information and documents to enable the Senate to fulfill its constitutional responsibilities. Numerous judgements of the United States intelligence community deserve as wide a circulation as possible—particularly since they are distinctly different than some public statements made by officials of your Administration concerning the Convention.

Accordingly, I respectfully request that you reconsider your refusal to declassify critical documents and consider the declassification of important intelligence community judgments—consistent with the need to protect intelligence sources and methods. Specifically, I request that you act immediately to declassify the May 21, 1996, cable written by ACDA Director Holum and the July 8, 1996, letter from Russian Prime Minister Chernomyrdin to Vice-President Gore, and consider immediate declassification of the paragraphs from which the attached statements are excerpted—all drawn from documents produced by the Central Intelligence Agency and the Defense Intelligence Agency on the Russian chemical weapons program, the verifiability of the Chemical Weapons Convention, the effect of the Convention on the chemical weapons arsenals of rogue states, and the relevance of the Convention to acts of terrorism committed with chemical weapons.

I make these requests to enable the Senate to fully prepare for its consideration of the Chemical Weapons Convention. I am certain you would agree it is necessary for the Senate to have complete and usable information in order to fulfill our constitutional obligations and to responsibly meet the terms of the current unanimous consent agreement. Because the unanimous consent agreement calls for the Senate to vote on the Chemical Weapons Convention by September 14, 1996, I respectfully request that you respond to my declassification requests no later than the close of business on Tuesday, September 10, 1996. With best wishes, I am

Sincerely,

TRENT LOTT.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 2428) to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3919. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, two rules including a rule entitled "Airworthiness Directives," (RIN2120-A64, 2120-AF36) received on September 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3920. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, three rules including a rule entitled "Safety Zone," (RIN2115-AA97, 2115-AE46) received on September 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3921. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, four rules including a rule entitled "Pilot State Highway Program," (RIN2127-AF94, 2127-AF17, 2115-AE94, 2115-AA97) received on September 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3922. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twenty-two rules including a rule entitled "Airworthiness Directives," (RIN2120-AA64, 2120-AA65, 2120-AA66) received on September 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3923. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report entitled "Table of Allotments, FM Broadcast Stations" (received on September 4, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3924. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report entitled "Table of Allotments, FM Broadcast Stations" (received on September 4, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3925. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report entitled "Table of Allotments, FM Broadcast Stations" (received on September 4, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3926. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report entitled "Table of Allotments, FM Broadcast Stations" (received on September 4, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3927. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report of a rule under the Telecommunications Act of 1996 (received on August 29, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3928. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report of a rule relative to the GHz Frequency Band (received on August 28, 1996); to the Committee on Commerce, Science, and Transportation.

EC–3929. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report with respect to a rule entitled "Loans in Areas Having Special Flood Hazards," received on August 27, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3930. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report concerning a rule entitled "Risk Based Capital Standards: Market Risk," received on September 3, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3931. A communication from the Assistant Chief Counsel of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report concerning the rule entitled "Loans in Areas Having Special Flood Hazards," (RIN 3064–AB66) received on August 28, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3932. A communication from Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a report relative to foreign assets control regulations received on August 22, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3933. A communication from the Deputy Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report relative to the rule entitled "Order Execution Obligations," (RIN3235-AG66) received on September 3, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3934. A communication from the Acting Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3935. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, six rules including one entitled "Certificate and voucher Conforming," (FR–4119, 4090, 4033, 4031, 3322, 2880) received on August 29, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3936. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, a rule regarding the requirements of the National Flood Insurance Reform Act of 1994 (RIN 1557–AB47) received on August 27, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3937. A communication from the Deputy Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report relative to the rule entitled "Order Execution Obligations," (RIN 3235–AG66) received on September 9, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3938. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report on low income housing and community development activities of the Federal Home Loan Bank System for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3939. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3940. A communication from the Comptroller of the Currency Administrator of National Banks (Legislative and Regulatory Activities Division), transmitting, pursuant to law, a report relative to a rule entitled "Loans in Areas Having Special Flood Hazards," received on September 3, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-3941. A communication from the Comptroller of the Currency Administrator of National Banks (Legislative and Regulatory Activities Division), transmitting, pursuant to law, a report relative to a rule entitled "Risk-Based Capital Standards: Market Risk," received on September 3, 1996; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-659. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE JOINT RESOLUTION 36

"Whereas, cotton is an important agricultural commodity in California, as well as in other states in the American Southwest; and

"Whereas, the value of the cotton crop in California in 1994 exceeded $1 billion; and

"Whereas, the cotton crop in California is threatened by insect pests including the cotton pink bollworm, the boll weevil, and the silverleaf whitefly; and

"Whereas, the International Cotton Pest Work Committee is an informal organization of volunteers established approximately 35 years ago for the purpose of coordinating research and pest control measures between the United States and Mexico; and

"Whereas, since 1967, the United States Department of Agriculture (USDA), in conjunction with the International Cotton Pest Work Committee, has funded and conducted a quarantine program to control and eradicate the cotton pink bollworm; and

"Whereas, the USDA, together with the International Cotton Pest Work Committee, also has coordinated a program to develop Integrated Pest Management (IPM) techniques for eventual eradication of the cotton pink bollworm; and

"Whereas, due to successful IPM and quarantine programs in California and Arizona, the boll weevil has been eradicated in those states; and

"Whereas, eradication of the boll weevil in other southwestern states and in Mexico is necessary to ensure that the boll weevil will not be reintroduced into California and Arizona; and

"Whereas, the State of California needs the help of the USDA in coordinating programs for the eradication of the boll weevil with New Mexico and Texas and with Mexico; and

"Whereas, infestations of the silverleaf whitefly in recent years have had a devastating effect on not only cotton, but on alfalfa, vegetable, and melon crops in California and the other southwestern states and in Mexico; and

"Whereas, the USDA, in conjunction with the International Cotton Pest Work Committee, has been conducting IPM research with the goal of controlling and eradicating the silverleaf whitefly; and

"Whereas, it is essential that the USDA continue to coordinate these efforts and to provide the scientific resources necessary to control and eradicate the silverleaf whitefly, which can only be successful if conducted on an international scale: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to do all of the following:

"(1) Continue to staff the position of Project Coordinator with Mexico within the Animal and Plant Health Inspection Services (APHIS) branch of the USDA for international cotton pest programs.

"(2) Make eradication of the cotton pink bollworm one of the USDA's highest priorities and appropriate an additional $3.5 million per year for the program.

"(3) Coordinate, through the International Cotton Pest Work Committee, the project to eradicate the cotton pink bollworm with the government of Mexico, and the States of California, Arizona, Texas, and New Mexico.

"(4) Make completion of the USDA Boll Weevil Eradication Program in the southwestern United States and in Mexico one of USDA's highest priorities, and continue to appropriate $1 million per year for that purpose.

"(5) Make development of IPM strategies for controlling and ultimately eradicating the silverleaf whitefly one of the USDA's highest priorities and continue to appropriate $7 million per year for that purpose.

"(6) Require the USDA to jointly coordinate with the International Cotton Pest Work Committee the development of an areawide, binational, IPM program for the management of the silverleaf whitefly; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-660. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"SENATE JOINT RESOLUTION 48

"Whereas, the Congress and President of the United States ratified and signed the North American Free Trade Agreement (NAFTA); and

"Whereas, NAFTA is a sovereign-to-sovereign accord that took effect on January 1, 1994; and

"Whereas, NAFTA has benefited, and continues to benefit, every state in the nation with import and export trade that has increased national employment, offset trade deficits, and expanded commercial activity; and

"Whereas, California and the other border states are required to address NAFTA-related infrastructure needs in the border region and serve as the nation's first line of defense against unsafe and undocumented commercial vehicles and operators; and

"Whereas, the President and Congress have provided no federal assistance to California for critically needed border infrastructure; and

"Whereas, the State of California has already spent twenty-five million dollars ($25,000,000) for two commercial vehicle enforcement facilities and remains ready to inspect commercial vehicles from Mexico; and

"Whereas, the state is faced with diverting from other critical spending demands more than two hundred million dollars ($200,000,000) for highway facilities in the border region; and

"Whereas, because the standard percentage for federal-state cost sharing for similar projects is 80 percent federal funding and 20 percent state funding, standard federal reimbursement would be twenty million dollars ($20,000,000) for the commercial vehicle enforcement facilities and one hundred sixty million dollars ($160,000,000) for the highway facilities: Now, therefore, be it

"*Resolved, by the Senate and the Assembly of the State of California, jointly*, That the Legislature of the State of California memorializes the President and the Congress to recognize the unfunded mandate placed on the border states by the implementation of NAFTA; and be it further

"*Resolved*, That the Legislature of the State of California further memorializes the President, congressional leadership, and the members of California's congressional delegation, to speedily adopt legislation that would provide direct financial assistance to border states specifically for the purpose of improving border infrastructure needed to accommodate the demands of NAFTA; and be it further

"*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-661. A resolution adopted by the Council of the City and County of Honolulu, Hawaii, relative to the Community Development Block Grant Program; to the Committee on Appropriations.

POM-662. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

"SENATE RESOLUTION

"*Whereas*, the Massachusetts General Court has passed legislation to ban the sounding of train whistles at grade level railway/highway crossings, which have in place other adequate forms of safety devices located in the communities which we represent; and

"*Whereas*, the Federal Railway Administration recommendations of standards for grade level railway/highway crossings include the removal of such bans which have been placed at the request of the citizens of the respective communities; and

"*Whereas*, the safety of those citizens who abide by the laws and signals when traveling through these crossings are in no way jeopardized by the ban placed on train whistles at crossings with adequate forms of safety devices in place; and

"*Whereas*, the sounding of train whistles at such crossings has been deemed a health hazard, in addition to being a disturbance of the peace, to those citizens who live in close proximity to the train crossings; and

"*Whereas*, the Massachusetts General Court supports the indefinite postponement of a ruling by the Federal Railway Administration relative to whistle bans in accordance with the Swift Rail Development Act; Now therefore be it

"*Resolved*, That the Massachusetts Senate respectfully urges the Congress of the United States to require the Federal Railway Administration to postpone the ruling to remove bans placed on the sounding of train whistles at such crossings; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the presiding officers of each branch of Congress and to the Members thereof from this commonwealth."

POM-663. A resolution adopted by the Council of the City of Satellite Beach, Florida, relative to the proposed "Shore Protection Act of 1996"; to the Committee on Environment and Public Works.

POM-664. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"SENATE JOINT RESOLUTION 37

"Whereas, the States of Alaska, California, Oregon, Texas, and Wisconsin have established veterans' home loan programs; and

"Whereas, the States of Alaska, California, Oregon, Texas, and Wisconsin have authority in the Internal Revenue Code to issue qualified veteran mortgage bonds to finance their respective veteran home loan programs; and

"Whereas, veterans' eligibility under current federal tax law restricts the eligibility to veterans who served on active duty prior to January 1, 1977; and

"Whereas, the Directors of Veterans Affairs of the States of Alaska, California, Oregon, Texas, and Wisconsin are desirous of extending their respective veteran home loan programs to include the men and women of the United States of America who are dispatched to participate in any conflict that occurred or occurs on or after January 1, 1977; and

"Whereas, veterans of these aforementioned conflicts should receive benefits consistent with the benefits available to veterans of previous armed conflicts; and

"Whereas, those veterans have been qualified for eligibility into congressionally chartered veterans' organizations by prior acts of the Congress of the United States; Now therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to urge the Congress of the United States to amend paragraph (4) of Section 143(*l*) of the Internal Revenue Code of 1986 to read: "Qualified veteran—For the purpose of this subsection, the term 'qualified veteran' means any veteran who meets such requirements as may be imposed by the state law pursuant to which qualified veterans' mortgage bonds are issued"; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, and to the Speaker of the House of Representatives, the President of the Senate, and each Member in the Congress of the United States."

POM–665. A resolution adopted by the Southern Governers' Association, relative to the National Gambling Commission; to the Committee on Governmental Affairs.

POM–666. A resolution adopted by the Southern Governers Association, relative to condemning the burning of churches throughout the southern United States; to the Committee on the Judiciary.

POM–667. A concurent resolution adopted by the Senate of the Legislature of the State of California; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 46

"Whereas, home should be a place of warmth, unconditional love, tranquility, and security; however, for many Americans, home is tainted with violence and fear; and

"Whereas, domestic violence is more than the occasional family dispute; and

"Whereas, according to the United States Department of Health and Human Services, domestic violence is the single largest cause of injury to American women, affecting six million women of all racial, cultural, and economic backgrounds; and

"Whereas, according to data published in 1993 by the Commonwealth Fund and a 1994 survey report by the United States Department of Justice, in the United States, a woman is battered every 15 seconds; 40 percent of female homicide victims in 1991 were killed by their husbands or boyfriends; and

"Whereas, according to the United States Department of Labor, one million people are assaulted and injured every year as a result of workplace violence, 1,000 people are killed every year due to workplace violence, and 20 percent of battered women lose their jobs due to harassment at work by abusive husbands or boyfriends; and

"Whereas, more than one-half of the number of women in need of shelter from an abusive environment may be turned away from a shelter due to lack of space; and

"Whereas, women are not the only targets of domestic violence; young children, elderly persons, and men are also victims in their own homes; and

"Whereas, emotional scars are often permanent; and

"Whereas, a coalition of organizations has emerged to confront this crisis directly. Law enforcement agencies, domestic violence hotlines, battered women and children's shelters, health care providers, churches, and the volunteers that serve those entitles are helping the effort to end domestic violence; and

"Whereas, it is important to recognize the compassion and dedication of the individuals involved in that effort, applaud their commitment, and increase public understanding of this significant problem; and

"Whereas, the first Day of Unity was celebrated in October 1981 and was sponsored by the National Coalition Against Domestic Violence (N.C.A.D.V.) for the purpose of uniting battered women's advocates across the nation in an effort to end domestic violence; and

"Whereas, that one day has grown into a month of activities at all levels of government, aimed at creating awareness about the problem and presenting solutions; and

"Whereas, the first Domestic Violence Awareness Month was proclaimed in October 1987: Now, therefore, be it

"*Resolved by the Senate of the State of California, the Assembly thereof concurring:* That the Legislature hereby proclaims the month of October 1996 as Domestic Violence Awareness Month; and be it further

"*Resolved*, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States, the Governor of the State of California, the Director of the United States Department of Health and Human Services, and to each Senator and Representative from California in the Congress of the United States."

POM–668. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION 39

"Whereas, there is a continuing need for economic revitalization in California; and

"Whereas, Capital investment from new immigrants is a vital aspect of local and statewide economic revitalization; and

"Whereas, an increasing number of affluent immigrants have the desire to reside in California and to invest their financial resources into business ventures here; and

"Whereas, the current United States Investor Visa Program inhibits California's ability to attract foreign business investors; and

"Whereas, the Immigration and Naturalization Service indicates the full enrollment in the investor visa program would generate $1.6 billion of new investment and 20,000 jobs annually in California; and

"Whereas, in the first two years of implementation only 825 petitions were filed out of the 10,000 visa available under the United States Investor Visa Program; and

"Whereas, other countries, such as Canada have tailored their investor visa programs to attract significant capital investment; and

"Whereas, the California Policy Seminar Brief, Volume 7, Number 13, reported that Canada has attracted over $3 billion in investment through their Business Migration Program between 1986 and 1990; and

"Whereas, immigrant business investment in Canada resulted in a 30 percent increase in employment in the manufacturing firms that were invested in: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to reduce the current investment threshold under the United States Investor Visa Program to five hundred thousand dollars ($500,000) minimum investment and five employees to allow states greater flexibility in focusing investment funds to address specific economic needs; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Director of the United States Immigration and Naturalization Service."

POM–669. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs.

"SENATE JOINT RESOLUTION 49

"Whereas, California, with 3.3 million veterans, has the largest concentration of veterans in the United States and the number continues to grow as up to 50,000 newly separated service members per year select California as their residence; and

"Whereas, California has historically been underrepresented by the United States Department of Veterans Affairs (USDVA) in that California has only one USDVA employee for each 8,000 veterans while the rest of the nation averages one USDVA employee for each 6,000 veterans; and

"Whereas, this inequity means less staff to revolve the more complex claims of the veterans of this state; and

"Whereas, this inequity is aggravated by the fact that the mix of claims causes California to have a larger compensation share and a smaller pension share than the rest of the nation; and

"Whereas, despite this large population of veterans and their families, the proposed USDVA Field Restructuring Plan would transfer veterans' disability pension benefits processing services from California to Phoenix, Arizona and other states; and

"Whereas, the restructuring proposal will not, under any circumstances, provide a reasonable level of service to California veterans; and

"Whereas, the transfer of disability pension processing activities from the Los Angeles and Oakland USDVA offices to Phoenix reflects restructuring that is driven by budget concerns, and not by concern for veterans' service; and

"Whereas, it is estimated that the servicing of disability pension claims for those veterans whose files will not be in Phoenix reduces the case management effectiveness of not only the county veterans service offices but also the national service organizations, the Department of Veterans Affairs, and the Employment Development Department of California, and will have a significant impact on cost-avoiding state Medi-Cal (medicaid) appropriations as they apply to our aging veteran population due to reduced levels of service, timeliness factors, and the required ongoing training that is currently shared by county veterans service officers and the Los Angeles and Oakland regional USDVA offices; and

"Whereas, it is the understanding of the Legislature that the proposed USDVA Field Restructuring Plan is based on old and unreliable data that attacks California's regional USDVA offices as inefficient and overmanaged and these assumptions are not valid today; and

"Whereas, reducing the size of the offices or moving the offices to Phoenix, Arizona or any other state, or otherwise attempting to effectuate the "smaller is better" doctrine in this case will not solve the increasing problems of California more than 3.3 million veterans and their dependents: Now, therefore, be it

"*Resolved by the Senate and the Assembly of the State of California, jointly*," That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the United States Department of Veterans Affairs to maintain the status quo, and to reconsider the decision to adopt the proposed USDVA Field Restructuring Plan; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the United States Department of Veterans Affairs."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1264. A bill to provide for certain benefits of the Missouri River basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes (Rept. No. 104–362).

By Mr. McCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1973. A bill to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes (Rept. No. 104–363).

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with amendments:

S. 1897. A bill to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes (Rept. No. 104–364).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1317. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1935, and for other purposes (Rept. No. 104–365).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 1887) to make improvements in the operation and administration of the Federal courts, and for other purposes (Rept. No. 104–366).

By Mr. SIMPSON, from the Committee on Veterans' Affairs, without amendment and an amendment to the title:

S. 1791. A bill to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes (Rept. No. 104–367).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. HATCH, and Mr. HEFLIN):

S. 2059. A bill to amend title 11, United States Code, with respect to executory contracts and unexpired leases, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 2060. A bill to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES:

S. 2060. A bill to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes; to the Committee on Finance.

WELFARE LEGISLATION

Mr. NICKLES. Mr. President, today, I am introducing legislation that would reverse President Clinton's recent District of Columbia welfare waiver which exempts the District of Columbia from the 5-year time limit for 10 years. It may shock our colleagues. President Clinton signed the welfare reform bill with a great deal of fanfare and said, "We have ended welfare as we know it." What most people don't know is on the day he signed it, he signed a 10-year waiver for the District of Columbia, so it does not apply. The waiver will apply for 10 years.

I am just amazed that he had the audacity to do that. I am somewhat amazed that a lot of people in the press, and maybe we in Congress, have not said much about it.

Think of that. The cornerstone of the welfare reform bill was a bill with real time limits. I am quoting President Clinton. President Clinton said, "We need to have real welfare reform, we need to end welfare as we know it, we need a bill with real teeth, a bill that has real time limits." What does he do on the same day? He signs the welfare bill. He gives a 10-year waiver, a 10-year exemption to the District of Columbia.

It is interesting to note, he was able to grant the waiver within 14 days to the District of Columbia. He has had over 103 days to grant the waiver that was requested by the State of Wisconsin, which he mentioned in a political address on one of his Saturday morning addresses. He said, "We need welfare reform like the State of Wisconsin. They have real workfare. They have time limits. We need to do it."

It is interesting to note he has not granted that waiver yet. Maybe he made a speech and got some points for it, but the fact is, by his granting the DC waiver, maybe he is trying to placate some liberal people who did not like him signing the welfare reform bill. I do not know. But today, I am introducing legislation to reverse the 10-year exemption, or welfare waiver, that he granted to the District of Columbia.

It basically says that any other waiver that would come forward must comply with the 5-year time limit on cash benefits that passed by an overwhelming majority in both the House and the Senate.

Mr. President, I send that to the desk, and ask unanimous consent that the text of the bill be printed in the RECORD. It is my hope and it is my plan to pass this legislation before we go out of session this year.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT FOR THE DISTRICT OF COLUMBIA TO COMPLY WITH 5-YEAR TIME LIMIT FOR WELFARE ASSISTANCE.

(a) IN GENERAL.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall rescind approval of the waiver described in subsection (b). Upon such rescission, the Secretary shall immediately approve such waiver in accordance with subsection (c).

(b) WAIVER DESCRIBED.—The waiver described in this subsection is the approval by the Secretary on August 19, 1996, of the District of Columbia's Welfare Reform Demonstration Special Application for waivers, which was submitted under section 1115 of the Social Security Act, and entitled the District of Columbia's Project on Work, Employment, and Responsibility (POWER).

(c) CONDITION FOR WAIVER APPROVAL.—The Secretary of Health and Human Services shall not approve any part of the waiver described in subsection (b) that relates to a waiver of the requirement under section 408(a)(7) of the Social Security Act to not use any part of the grant made under section 403 of such Act to provide assistance to a family that includes an adult who has received assistance under any State program funded under part A of title IV of such Act attributable to funds provided by the Federal Government for 60 months (whether or not consecutive).

SEC. 2. NO WAIVER OF 5-YEAR TIME LIMIT FOR WELFARE ASSISTANCE.

Beginning on and after the date of the enactment of this Act, the Secretary shall not approve any application submitted under section 1115 of the Social Security Act, or under any other provision of law, for a waiver of the requirement under section 408(a)(7) of such Act to not use any part of the grant made under section 403 of such Act to provide assistance to a family that includes an adult who has received assistance under any State program funded under part A of title IV of such Act attributable to funds provided by the Federal Government for 60 months (whether or not consecutive).

ADDITIONAL COSPONSORS

S. 1556

At the request of Mr. KOHL, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1556, a bill to prohibit economic espionage, to provide for the protection of United States proprietary economic information in interstate and foreign commerce, and for other purposes.

S. 1797

At the request of Mr. LEVIN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1797, a bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1967

At the request of Mr. BROWN, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1967, a bill to provide that members of the Armed Forces who performed services for the peacekeeping efforts in Somalia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

S. 2052

At the request of Mrs. BOXER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 2052, a bill to provide for disposal of certain public lands in support of the Manzanar National Historic Site in the State of California, and for other purposes.

AMENDMENTS SUBMITTED

THE ORGAN AND BONE MARROW TRANSPLANT PROGRAM REAUTHORIZATION ACT OF 1996

KASSEBAUM AMENDMENT NO. 5205

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill (S. 1324) to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes; as follows:

Beginning on page 41, strike line 23, and all that follows through line 4 on page 42, and insert the following:

"(i) in clause (i)—"

On page 43, between lines 6 and 7, insert the following:

"(i) in clause (ii), by inserting ', administrative functions of the organ procurement organization,' after 'organ'; and

"(iii) in clause (iii), to read as follows:

'(iii) in the case of a hospital-based organ procurement organization, has no authority over any non-transplant-related activity of the organization.';"

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to hold a briefing during the session of the Senate on Monday, September 9, 1996, at 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DEFENSE OF MARRIAGE ACT

• Mr. HATCH. Mr. President, I ask that written testimony from Rabbi David Saperstein, director and counsel for the Religious Action Center of Reform Judaism, and a letter from Herman Hill Kay concerning S. 1740, the Defense of Marriage Act, be printed in the RECORD. Both Rabbi Saperstein and Mr. Kay submitted these materials to be included in the transcript of the hearing held before the Senate Judiciary Committee on July 11, 1996. Unfortunately, their statements were received too late to be included, and for that reason, I ask that they be printed in the CONGRESSIONAL RECORD.

The material follows:

TESTIMONY OF RABBI DAVID SAPERSTEIN

I. INTRODUCTION

Mr. Chairman, members of the committee, thank you for this opportunity to comment on the "Defense of Marriage Act" (S. 1740). My name is Rabbi David Saperstein, and I am Director and Counsel of the Religious Action Center of Reform Judaism (RAC). The RAC represents the Union of American Hebrew Congregations and the Central Conference of American Rabbis, the lay and clerical bodies of Reform Judaism, with membership of over 1.5 million Reform Jews and 1700 Reform rabbis in 850 congregations nationwide. In recent years, both the parent bodies of the RAC have passed formal resolutions supporting gay civil marriage, and I have included copies of those statements as appendices to my testimony this morning.

I am also an attorney who teaches advanced Constitutional Law, especially on the First Amendment's religion clauses at the Georgetown University Law Center. Over the years, I have written a number of books and articles addressing church-state and constitutional legal issues.

This bill is woefully ill-advised and is morally wrong. Let me first address the legal concerns, lay out why this bill would likely fail to pass even the most forgiving constitutional test and why, under the current legal system, it is, unnecessary. I will then turn to some of the broader political and moral issues the bill raises.

II. LEGAL OBSERVATIONS ON THE DEFENSE OF MARRIAGE ACT

There are two key legal issues at stake in this legislation. The first is that the legislation is almost certain to be found unconstitutional both for its violation of the Full Faith and Credit clause and for its denigration of states rights as protected in the Tenth Amendment. The second issue is that it is, in all likelihood,—and from the perspective of my organizations, sadly—legally unnecessary since many of its key aims would be accomplished under the "public policy exception" to the conflict of laws rules, i.e. states would be able to avoid being forced to recognize same sex marriages if they determine such marriages to be in violation of fundamental public policy interests.

A. Why Federal Government Intrusion in this Area is Unconstitutional

The key issue in this regard is whether Congress has the power to abridge in any fashion the full faith and credit accorded sister states' judgments. While it will be offered by the proponents of the legislation that the measure does not restrict states' ability to offer full faith and credit, the plain face of the Constitution does not speak of a state's right to recognize sister states' judgments, rather, it is a mandate.

As a doctrinal matter, while the proponents purport to be protecting states' rights and interests, they are, in fact, diluting those rights and interests. The clear expression in this legislation that the Congress has a role in determining when a state may not offer full faith and credit creates a standard of Federal control antithetical to the Tenth Amendment (and, ironically, to conservative political philosophy): that powers not enumerated for the Federal Government are reserved to the States. This legislation enumerates a Federal power, namely the power to deny sister states recognition, grants that power to the state, and therefore dangerously pronounces, expressio unius est exclusio alterius, that the Federal government in fact retains the power to limit full faith and credit and, for that matter, to regulate marital law more broadly. And it only need express that power substantive issue by substantive issue. This is an arrogation of power to the federal government which one would have assumed heretical to the expressed philosophy of conservative legislating. Under the guise of protecting states' interests, the proposed statutes would infringe upon state sovereignty and effectively transfer broad power to the federal government.

Further, without exception, domestic relations has been a matter of state, not federal, concern and control since the founding of the Republic. *Ankenbrandt* v. *Richards*, 112 SCT 2206 (1992) (no subject matter jurisdiction in federal courts for domestic relations cases). There is simply "no federal law of domestic relations." *De Sylva* v. *Ballentine*, 351 U.S. 570, 580 (1956). "[T]he whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the states, and not to the laws of the U.S." *In re Burrus*, 136 U.S. 586, 593-4(1890). As a result, Congress has never before passed legislation dealing purely with domestic relations issues, especially marriage.

As to the second prong of the Full Faith and Credit Clause, only rarely has Congress exercised the implementing authority that the Clause grants to it, and never in ways that limited application of the clause. The first, passed in 1790, 28 U.S.C.A. Sec. 1738, provides for ways to authenticate acts, records and judicial proceedings, and repeats the constitutional injunction that such acts, records and judicial proceedings of the states are entitled to full faith and credit in other states, as well as by the federal government. The second, dating from 1804, provides methods of authenticating non-judicial records. 28 U.S.C.A. Sec. 1739.

Since 1804 these provisions have been amended only twice: the Parental Kidnapping Prevention Act of 1980, 28 U.S.C.A. Sec. 1739A, which provides that custody determinations of a state shall be enforced in different states, and 28 U.S.C.A. Sec. 1738B, "Full Faith and Credit for Child Support Orders" (1994). Neither of these statutes purported to limit full faith and credit; to the contrary, each of these statutes reinforced or expanded the faith and credit given to states.

While the Supreme Court has not yet passed explicitly on the manner in which marriages *per se* are entitled to full faith and credit, it would appear from the face of the clause they should be afforded full faith and credit as either "Acts" or "Records." In the absence of an express constitutional protection under full faith and credit, the general rule for determining the validity of a marriage legally created and recognized in another jurisdiction is to apply the law of the state in which the Marriage was performed. Albert A. Ehrenzweig, A Treatise on the Conflict of Laws, Sec. 138 (1961).

Both Restatements support this general rule. Commentators to the Restatement urge that a choice of law rule that validates out-of-state marriages provides stability and predictability in questions of marriage, ensures the legitimization of children, protects party expectations, and promotes interstate comity. See, e.g., Hovermill. 53 Md.L.Rev. 450, 453 (1994).

B. Why the Public Policy Exception Makes this Legislation Unnecessary

There is, however, a recognized exception to this choice of law rule: a court will refuse to recognize a valid foreign marriage if the recognition of that marriage would violate a strongly held public policy of the forum state. Restatement (Second) Conflict of Laws Sec. 283 (1971).

While we believe strongly that states should not invoke this power in this situation, that such a stance would be morally wrong and we will, accordingly, vigorously oppose all such efforts, until the Court makes a Constitutional ruling upholding same sex marriages within the rubric of a fundamental right (in which case the proposed legislation would clearly be useless), states will have a stronger argument under the public policy exception than they will under this legislation.

Those states which desire to avoid the general rule favoring lex celebri will rely on an enumerated public policy exception to the rule through state statute, common law, or practice, and will make a showing that honoring a sister state's celebration of marriage "would be the approval of a transaction which is inherently vicious, wicked, or immoral, and shocking to the prevailing moral sense." *Intercontinental Hotels Corp.* v. *Golden*, 203 N.E. 2d 210, 212 (N.Y. 1964). The rhetoric notwithstanding, the public policy exception will provide a means for states to withhold full faith and credit, (subject to the limitations of other constitutional provisions, i.e. equal protection, substantive due process, etc.) States will express their public policy exception to recognize same-sex marriages in other states by offering such legislation as gender specific marriage laws, and anti-sodomy statutes.

Different courts have required different levels of clarity in their own state's expression of public policy before that exception could be sustained in that stat's court. Some have required explicit statutory expressions, *Etheridge* v. *Shaddock*, 706 S.W.2d 396 (AR 1986), while others much less clearly so, *Condado Aruba Caribbean Hotel* v. *Tickel*, 561 P.2d 23, 24 (CO Ct App 1977).

Courts have considered a marriage offensive to a state's public policy either because it is contrary to natural law or because it violates a positive law enacted by the state legislature. Courts have invalidated foreign marriages that are incestuous, polygamous, and interracial, or marriages with a minor on the ground that they violate natural law, e.g., *Earle* v. *Earle*, 126 N.Y.S. 317, 319 (1910). For invalidation based on positive law, some courts have required clear statutory expressions that the marriages prohibited are void regardless of where they are performed, *State* v. *Graves*, 307 S.W. 2d 545 (AR 1957), and sometimes a clear intent to preempt the general rule of validation. E.g., *Estate of Loughmiller*, 629 P.2d 156 (KS 1981). Other courts create not so high a hurdle, such that a statutory enactment against the substantive issue was sufficient. *Catalano* v. *Catalano*, 170 A.2d 726 (Ct 1961) (finding express prohibition in a marriage statute and the criminalization of incestuous marriages sufficient to invalidate an out-of-state marriage). Those states that are enacting anti-same sex marriage statutes will likely find they have satisfied the first exception to the choice of law rule validating a marriage where celebrated, *lex celebri*.

Interracial marriages were, before *Loving* v. *Virginia*, treated with the above choice of law analysis, and courts frequently determined the validity of interracial marriages based on an analysis of the public policy exception. "Early decisions treated such marriages as contrary to natural law, but later courts considered the question one of positive law interpretation." 53 Md LRev at 464.

How do these rules, then, apply to the question at hand? First, it would seem that states do have the ability to check the impact of the conflict of laws recognition as described above. However, it should be noted that where there have been such limitations those that have held up over time are those that have been aimed at protecting parties involved in marriage (i.e. spouses and potential children) such as prohibitions against incestuous relations, marriages involving a minor, polygamy. The ban on interracial marriages—the argument most analogous to this situation—was aimed at protecting the society's perception of public mores and public morals at a given moment. That shifted from a natural law argument to a positive law argument to its rejection based on Constitutional doctrine. I suggest that this is the very direction laws related to same sex marriages are moving—a direction we wholeheartedly approve of, but, under current law, the public exception doctrine would probably prevail in most states.

It should be noted, however, that in 17 states, the status of the public policy exception is called into question by the Uniform Marriage and Divorce Act, which provides that "[a]ll marriages contracted within this State prior to the effective date of the act, or outside this State, that were valid at the time of the contract or subsequently validated by the laws of the place in which they were contracted or by the domicile of the parties, are valid in this State." 9A U.L.A. Sec. 210 (1979). The Act specifically drops the public policy exceptions; "the section expressly fails to incorporate the 'strong public policy' exception to the Restatement and thus may change the law in some jurisdictions. This section will preclude invalidation of many marriages which would have been invalidated in the past." Id., official comment. Of course, any state that wants to reassert a public policy exception for same sex marriages retains the right to so legislate, or not. The proposed federal bill has no effect on that.

C. Constitutional Restraints

There are several possible Constitutional limits on a state's ability to invoke a public policy exception to the general rule of validating foreign marriages under the Full Faith and Credit Clause, the Due Process Clause, Equal Protection or Substantive Due Process.

As to due process, the second state must, before it can apply its own law, satisfy that it has "significant contact or a significant aggregation of contacts" with the parties and the occurrence or transaction to which it is applying its own law. *Allstate Ins Co* v. *Hague*, 449 U.S. 302 (1981). The contacts necessary to survive a due process challenge have been characterized as "incidental," 53 Md L Rev at 467, and the fact that the same sex couple is probably a domiciliary of the second state would be enough to satisfy the *Hague* test.

Substantive due process and equal protection can bar a state's application of the public policy exception as well. For the former, a court would have to find that there is a fundamental right for gay couples to marry. There is complete agreement that there is a fundamental right to marry, Zablocki, v. Redhail, 434 U.S. 374 (1978), and the argument will be pursued that this incorporates marriage of gay men and lesbians to each other.

Turning to an Equal Protection analysis, a state's anti-same sex marriage statute could be subjected to one of three levels of scrutiny. *City of Cleburne* v. *Cleburne Living Center*, 473 U.S. 432 (1985). If it is viewed as almost all statutory enactments, it will receive rational basis review, and will, in almost all circumstances, survive challenge. If an argument can be persuasive that the anti same sex marriage statute is discrimination based on gender, it may well receive intermediate scrutiny. No court has yet been persuaded that anti-same sex marriage laws are gender-based discrimination, e.g., *Baker* v. *Nelson*, 191 N.W. 2d 185 (MN 1971). For strict scrutiny, the court would have to elevate, for the first time, classifications based on sexual orientation to that of strict scrutiny—a level which we believe is appropriate in theory, but nowhere operative.

The key point here is that if our view on the standard should prevail and becomes the standard adopted by the federal courts, then the legislation before you would be invalidated just as the public policy exception would be validated. So, again, the legislation would accomplish nothing.

D. Conclusion

Whatever the result of this proposed legislation, a legal quagmire awaits us. If under any of these scenarios the Full Faith and Credit Clause does not compel states to honor each other's marriages, there is virtually universal argument that it does operate to compel recognition of each other's adoption judgments, divorce decrees, and final custody determinations. We could someday find ourselves in legal situations in which a couple, considered married in one state and unmarried in another, seeks divorce in the first state and recognition of a divorce decree in a state which did not ever consider them married. This is not the uniformity one would desire from the plain language of the Full Faith and Credit clause, but the proposed legislation has no bearings on the situation anyway. Congress simply cannot change the core application of the Full Faith and Credit Clause no matter how it legislates. Until a court determines that marriage is entitled to the same full faith and credit accorded divorce or other judgments, the anomalies will remain.

III. MORAL AND POLITICAL CONCERNS

If the legislation is unconstitutional and unnecessary, why are we here today at all?

We all know that same-sex civil marriage is not an issue of overwhelming importance to the average citizen. From our perspective, of course, we wish more people did care about this issue, about according gays and lesbians this fundamental right. Sadly, that is not yet the case,—but someday it will be. But the reality as we sit here today, discussing this specious proposal, is that our cities are mired in poverty, violence is on the rise, the middle class is shrinking and losing ground economically, talented, educated young people cannot find jobs; and incivility and divisiveness abounds in our public and culture life. Does anyone here doubt that if we left the dignified solemnity of this room and ventured onto the streets outside the Capitol—or onto the streets of your home states—to ask people what most troubles them, very few, if any, would say "same-sex civil marriage."

This bill is not about protecting families. Certainly my family and your families will not be hurt by giving states the freedom to recognize the committed relationship of two loving adults. This bill is about politics, and whether it is your intent or not, this bill will surely turn out to be about gay bashing and scapegoating.

Who gives us this bill? The same people who elsewhere complain of big, intrusive government; who believe that the Federal Government overregulates; who stand on ideological principle for the rights of State and local governments. These same people now want to weaken States' rights by enacting a dubious and discriminatory exemption to the "Full Faith and Credit" Clause. How strange.

How odd that politicians who elsewhere wax eloquent about the sanctity of marriage and the wisdom of small government would now have the Federal Government massively moved into an arena effecting the most intimate aspects of people's lives shattering the Constitution's protections of States' rights and legitimizing the invalidation of civil marriages of committed, loving adult couples simply because they happen to be of the same sex.

Mr. Chairman, my mind keeps returning to one question: How can two living adults coming together to form a family harm family values? Are our families and marriages and communities so fragile and shallow that they are threatened by the love between two adults of the same sex?

Proponents of this legislation argue that families are the cornerstone of our society, and that, today, families are threatened. I agree. But what truly threatens families?

Poverty threatens families, yet we face assaults on all types of programs aimed at supporting families in economic distress.

Unemployment, underemployment and stagnant wages threaten families, yet this Congress has been tragically silent as corporations cut jobs and employees in a myopic obsession with short-term profits.

Efforts to thwart a livable minimum wage, quality child care, and lack of education threatens families, yet almost every vital part of this country's public education infrastructure, from the Department of Education to Head Start is under attack today.

Polluted air and drinking water threaten families, yet the vital environmental laws that keep our water and our air and our communities clean are similarly under attack.

And that, sadly, is what this bill is all about. It is about saying to the American people, "Pay no attention to these truly anit-family policies; gay men and lesbians are the real threats to the security and sanctity of your marriages, your homes, and your communities."

This bill is about targeting scapegoats; and as a people who have been the quintessential scapegoats of Western civilization, we stand with our gay and lesbian brothers and sisters in saying that this bill is immoral and unjust. A national debate over this unnecessary and unconstitutional bill will only distract America from finding real solutions to real problems.

Above all, the bill will only serve to codify bigotry. It has been proposed for no other reason than because some States and localities have properly interpreted the spirit, if not the letter, of the Fourteenth Amendment to the Constitution to require them to treat gays and lesbians no different under the law than heterosexuals.

Mr. Chairman, the stamp of the divine is found in the souls of all God's children—gay, lesbian and straight. The love that God calls us to, the love that binds two people together in a loving and devoted commitment, is accessible to all God's children. Let the State acknowledge that. This legislation betrays those values. This Congress deserves a better legacy; the American people deserve a better, and more loving, vision.

Thank you for your consideration.

APPENDIX A

Adopted by the General Assembly Union of American Hebrew Congregations, October 21–October 25, 1993—San Francisco

RECOGNITION FOR LESBIAN AND GAY PARTNERSHIPS

Background: The Union of American Hebrew Congregations has been in the vanguard of support for the full recognition of equality for lesbians and gays in society. This has been clearly articulated in UAHC resolutions dating back to 1977. But far more remains to be accomplished. Today, committed lesbian and gay couples are denied the benefits routinely accorded to married heterosexual couples: they cannot share in their partner's health programs; they do not have spousal survivor rights; and, as seen in recent court rulings, individual lesbian or gay parents have been adjudged unfit to raise their own children because they are lesbian or gay and/or living with a lesbian or gay partner, even though they meet the "parenting" standards required of heterosexual couples.

It is heartening to note the steps being made toward recognition of the legitimacy of lesbian and gay relationships. Adoption of Domestic Partnership registration in cities such as San Francisco and New York and extension of spousal benefits to partners of lesbian and gay employees by companies such as Levi Strauss, Lotus, Maimonides Hospital in New York City, are models for adoption by other governmental authorities and corporations.

Therefore the Union of American Hebrew Congregations resolves to:

1. call upon our Federal, Provincial, State and local governments to adopt legislation that will:

(a) afford partners in committed lesbian and gay partnerships spousal benefits, that include participation in health care plans and survivor benefits:

(b) ensure that lesbians and gay men are not ajudged unfit to raise children because of their sexual orientation; and

(c) afford partners in committed lesbian and gay relationships the means of legally acknowledged such relationships; and

2. call upon our congregations, the Central Conference of American Rabbis and the Hebrew Union College-Jewish Institute of Religion to join with us in seeking to extend the same benefits that are extended to the spouses of married staff members and employees to the partners of all staff members and employees living in committed lesbian and gay partnerships.

ON GAY AND LESBIAN MARRIAGE

Adopted by the 107th Annual Convention of the Central Conference of American Rabbis, March, 1996

Background: Consistent with our Jewish commitment to the fundamental principle that we are all created in the divine image, the Reform Movement has "been in the vanguard of the support for the full recognition of equality for lesbians and gays in society." In 1977, the CCAR adopted a resolution encouraging legislation which decriminalizes homosexual acts between consenting adults; and prohibits discrimination against them as persons, followed by its adoption in 1990 of a substantial position paper on homosexuality and the rabbinsic. Then, in 1993, the Union of American Hebrew Congregation observed that "committed lesbian and gay couples are denied the benefit routinely accorded to married heterosexual couples." The UAHC resolved that full equality under the law for lesbian and gay people requires legal recognition of lesbian and gay relationships.

In light of this background,

Be it resolved, That the Central Conference of American Rabbis support the right of gay and lesbian couples to share fully and equally in the rights of civil marriage, and

Be it further resolved, That the CCAR oppose governmental efforts to ban bay and lesbian marriage.

Be it further resolved, That this is a matter of civil law, and is separate from the question of rabbinic officiation at such marriages.

UNIVERSITY OF CALIFORNIA,
SCHOOL OF LAW
Berkeley, CA, June 14, 1996.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR DIANNE: Thank you for inviting me to give you my views on the Defense of Marriage Act, I do so from the perspective of a law professor who has taught both in the areas of family law and the conflict of laws.

As I said to you on the telephone, I think that the Act is ill-advised regardless of what one's attitudes may be toward the legalization of same-sex marriage.

The Act, as presently drafted in H.R. 3396, contains two substantive provisions. Section Two exempts sister states from any obligation imposed by the Full Faith and Credit Clause of the United States Constitution or its implementing statute "to give effect to any public act, record, or judicial proceeding of any other State . . . respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, . . . or a right or claim arising from such relationship." Section Three defines the terms "marriage" and "spouse" for the purpose of federal law, including eligibility for federal benefit programs, as follows: "the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

Section Three changes a uniform and long-standing federal practice of deferring to state law on questions affecting the family. Eligibility for federal entitlement programs, such as social security, Medicare, and veteran's benefits traditionally have been measured by state, not federal law. Similarly, marital status for the purpose of applying federal statutes such as tax codes and immigration laws has been defined by state law. This long-standing practice appropriately recognizes the prerogative of state legislatures to regulate the family as a matter of local policy, and the greater experience of state court judges, charged with implementing the state laws governing family dissolution as well as matrimony, in determining marital status. The Defense of Marriage Act would reverse that wholesome tradition by creating a federal law of marriage for purposes of the federal code. As Professor Laurence H. Tribe observed, in the New York Times on May 26, 1996, "[i]t is ironic . . . that such a measure should be defended in the name of states' rights."

Moreover, despite the claims of proponents who assert that the Act does not prohibit states from legalizing same-sex marriage, Section Three would make even-handed administration of such a state's family law impossible. Take, for example, the ability of married couples to split their income for purposes of the federal income tax laws. Single-earner opposite-sex married couples could take advantages of the lower tax burden made available by this provision, while similarly situated same-sex married couples could not. This difference would arise, not from the state law defining marriage, but from the federal policy against same-sex marriage. Same-sex couples would thus have less available assets for the support of their families, perhaps placing a burden on the state. This outcome might influence a state in deciding whether to permit same-sex marriage in the first place. The impact of Section Three on other federal benefit programs is open to a similar analysis.

Section Two is designed to excuse states that do not wish to legalize same-sex marriage from any supposed obligation imposed by the Full Faith and Credit Clause to recognize such marriages that may be validly performed in other states. This section is both unnecessary to achieve its desired end and pernicious as a matter of sister state relations.

The usual conflict of laws doctrine governing the recognition of a marriage performed in another state is that the state where recognition is sought need not recognize a marriage that would violate its public policy. A state with a clear prohibition against same-sex marriage could, if it chose to do so, invoke that prohibition as declaratory of its public policy and as a justification for refusing recognition. The provisions of Section Two merely confirm what such a state may already do for itself, and are therefore superfluous.

Finally, Section Two does not facilitate sister state relations: rather it intrudes federal authority into a state's decision whether to extend voluntary recognition to another state's action. This is contrary to prior congressional action, which has been confined to requiring recognition of one state's action by other states, and thus has acted as a unifying force. By stating instead that recognition is unnecessary, Congress would be approving dissention among the states.

I hope these comments are helpful. If you have any questions, please feel free to let me know.

Sincerely,

HERMA HILL KAY,
Dean.•

THE FIREMAN'S MUTUAL BENEFIT ASSOCIATION'S 100TH ANNUAL CONVENTION

• Mr. LAUTENBERG. Mr. President, today I rise to salute one of New Jersey's finest enduring examples of public service. On September 10, 1996, the New Jersey Firemen's Mutual Benevolent Association will meet for the 100th time at its annual convention in Atlantic City.

Since it was established on December 11, 1897, the New Jersey Fireman's Mutual Benevolent Association has had a tremendously positive impact on its members, their families and the general public. For the past century NJFMBA has conducted fire safety programs in our schools. They have worked tirelessly for burn victims through their fund raising efforts, and they have helped to establish state of the art burn centers in several New Jersey hospitals.

Mr. President, the life of a firefighter is among the most demanding of professions. They answer every alarm and risk their lives to protect our communities. They hold the line against our most devastating natural enemy, uncontrolled fire. We live and work every day under the security and safety that firefighters provide.

Mr. President, it is with great pleasure and gratitude that I acknowledge the efforts, accomplishments and heroism of the 5,000 members of the New Jersey Fireman's Mutual Benefit Association.•

AN EXCEPTIONAL PRESS SECRETARY

• Mr. SIMON. Mr. President, Bob Estill, an experienced and distinguished columnist in the Washington Bureau of the Copley News Service, recently wrote a column paying tribute to my departing press secretary, David Carle.

Since the 1960's Mr. Estill has covered Illinois politics and worked closely with the Illinois congressional delegation. Press secretaries, especially the very good ones like David, rarely are mentioned in the media. But David's outstanding work, his honesty, and his loyalty and commitment to family and friends truly merits special mention, so I submit this column for the RECORD.

The column follows:

LONGTIME SIMON AIDE EXITS TO KUDOS

(By Bob Estill)

WASHINGTON.—Retiring Sen. Paul Simon's highly regarded press secretary, David Carle, is leaving the cornfields and gently rolling hills of the "Prairie State" for the Green Mountains of verdant Vermont.

The longtime spokesman for the Illinois Democrat will begin work after Labor Day as press secretary for Sen. Patrick Leahy, D-Vt., a four-term veteran from a state so sparsely populated it has only one congressional district.

Spending most of his adult life as Simon's spokesman, the 44-year-old Carle has worked with reporters from small weekly newspapers to metropolitan dailies, from rural radio stations to the major television networks.

"It was an exhilarating ride that included two Senate campaigns and a presidential campaign," noted Carle, who had planned to return to graduate school in his native Utah if he hadn't landed the job with Simon in January, 1981.

Usually, the comings and goings of congressional press secretaries are frequent, routine, and scarcely noteworthy.

But the soft-spoken, unassuming Carle is exceptional in longevity, dedication and performance, creating a model congressional press operation that mirrors Simon's reputation for integrity.

Simon extols Carle as a "fine human being" and an "incredibly hard worker" who is on the job before Simon shows up at 8 a.m. and, even on weekends, keeps Simon posted on any news breaking anywhere.

The Senator, a onetime newspaper owner and longtime columnist, said Carle's philosophy on dealing with reporters meshes with his own.

"Sometimes you have to say 'no comment' or sometimes you duck a question by giving an evasive answer," Simon noted. "But you never lie to anyone."

Carle also has earned the respect of Republican and Democratic staffers and lawmakers, as well as reporters covering the Illinois congressional delegation.

As Major League Baseball's lobbyist, Springfield native Gene Callahan knows a "most valuable player" when he sees one.

"There's none better than David Carle," said Callahan, a former newspaper political columnist, longtime aide to former Sen. Alan Dixon, and Simon's press secretary when he was lieutenant governor.

"He's completely honest and effective in his role as press secretary," continued Callahan, who's dealt with myriad press aides over the last four decades. "He's timely in returning telephone calls and would never think of misleading a reporter."

Doug Booth, press secretary for Rep. Dennis Hastert, R-Yorkville, has known Carle since 1984 when Booth was a newsman for a radio station in Marion and Simon represented the state's southernmost House district.

"Dave always has been extremely effective in the job he has done for Paul Simon," Booth said. "Pat Leahy is lucky to get him on board."

Similar kudos come from Terri Moreland, who heads Republican Gov. Jim Edgar's office here. Moreland said Carle has been "great to work with" on Illinois matters.

"He's absolutely professional, and he is so highly regarded on 'the Hill,'" Moreland said of Carle.

Indeed, Carle's ability, credibility and workaholic habits resulted in his being drafted for the thankless-but-sensitive job of spokesman for Democrats on Senate panels probing the financial dealings of President Clinton and the First Lady when Clinton was governor of Arkansas.

Although seemingly shy, Carle is the master of the soft sell. A believer in preparation, he always has been ready, responsive and reliable when reporters hit him with questions on almost any subject.

If a reporter showed even the faintest interest in a Simon issue, Carle would bombard him before day's end with a raft of material which not only supported Simon's viewpoint but also provided opposing arguments and sources.

Simon and Carle fit like hand-and-glove. Simon has kept his press secretary well posted on his activities and is comfortable talking with reporters.

Carle said he considers himself very fortunate to have worked for "one of the finest politicians of this era or, I think, any era."

He tends to speak of Simon as if the senator could walk on water. But Carle also would be honest enough to disclose the water-walking only happens when the pond behind Simon's rural Makanda home is frozen.●

INTERPARLIAMENTARY CONFERENCES

Mr. LOTT. Mr. President, for the information of the affected Members of the Senate, I would like to state for the record that if a Member who is precluded from travel by the provisions of rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual constitutes an authorization by the Senate and the Member will not be deemed in violation of rule 39.

ORGAN AND BONE MARROW TRANSPLANT PROGRAM REAUTHORIZATION ACT OF 1995

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 377, S. 1324.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1324) to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organ and Bone Marrow Transplant Program Reauthorization Act of 1995".

TITLE I—SOLID-ORGAN TRANSPLANT PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "Solid-Organ Transplant Program Reauthorization Act of 1995".

SEC. 102. ORGAN PROCUREMENT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (a) of section 371 of the Public Health Service Act (42 U.S.C. 273(a)) is amended to read as follows:

"(a)(1) The Secretary may enter into cooperative agreements and contracts with qualified organ procurement organizations described in subsection (b) and other public or nonprofit private entities for the purpose of increasing organ donation through approaches such as—

"(A) the planning and conducting of programs to provide information and education to the public on the need for organ donations;

"(B) the training of individuals in requesting such donations;

"(C) the provision of technical assistance to organ procurement organizations and other entities that can contribute to organ donation;

"(D) the performance of research and the performance of demonstration programs by organ procurement organizations and other entities that may increase organ donation;

"(E) the voluntary consolidation of organ procurement organizations and tissue banks; or

"(F) increasing organ donation and access to transplantation with respect to populations for which there is a greater degree of organ shortages relative to the general population.

"(2)(A) In entering into cooperative agreements and contracts under subparagraphs (A) and (B) of paragraph (1), the Secretary shall give priority to increasing donations and improving consent rates for the purpose described in such paragraph.

"(B) In entering into cooperative agreements and contracts under paragraph (1)(C), the Secretary shall give priority to carrying out the purpose described in such paragraph with respect to increasing donations from both organ procurement organizations and hospitals.".

(b) QUALIFIED ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b) of such Act (42 U.S.C. 273(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "for which grants may be made under subsection (a)" and inserting "described in this section"; and

(ii) by striking "paragraph (2)" and inserting "Paragraph (3)";

(B) by realigning the margin of subparagraph (E) so as to align with the margin of subparagraph (D); and

(C) in subparagraph (G)—

(i) in the matter preceding clause (i), by striking "directors or an advisory board" and inserting "directors (or an advisory board, in the case of a hospital-based organ procurement organization established prior to September 1, 1993)"; and

(ii) in clause (i)—

(I) by striking "composed of" in the matter preceding subclause (I) and inserting "composed of a reasonable balance of";

(II) by inserting before the comma in subclause (II) the following: ", including individuals who have received a transplant of an organ (or transplant candidates), and individuals who are part of the family of an individual who has donated or received an organ or who is a transplant candidate";

(III) by striking subclause (IV) and inserting the following new subclause:

"(IV) physicians or other health care professionals with knowledge and skill in the field of neurology, emergency medicine, or trauma surgery"; and

(IV) in subclause (V), by striking "a member" and all that follows through the comma and insert the following: "a member who is a surgeon or physician who has privileges to practice in such centers and who is actively and directly involved in caring for transplant patients,";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2);

(4) in paragraph (2) (as so redesignated)—

(A) in subparagraph (A)—

(i) by striking "a substantial majority" and inserting "all";

(ii) by striking "donations," and inserting "donation, unless they have been previously granted by the Secretary a waiver from paragraph (1)(A) or have waivers pending under section 1138 of the Social Security Act"; and

(iii) by adding at the end thereof the following: "except that the Secretary may waive the requirements of this subparagraph upon the request of the organ procurement organization if the Secretary determines that such an agreement would not be helpful in promoting organ donation,";

(B) by redesignating subparagraphs (B) through (K) as subparagraphs (D) through (M), respectively,

(C) by inserting after subparagraph (A) the following new subparagraphs:

"(B) conduct and participate in systematic efforts, including public education, to increase the number of potential donors, including populations for which there is a greater degree of organ shortage than that of the general population,

"(C) be a member of and abide by the rules and requirements of the Organ Procurement and Transplantation Network (referred to in this part as the 'Network') established under section 372,";

(D) by inserting before the comma in subparagraph (G) (as so redesignated) the following: ", which system shall, at a minimum, allocate each type of organ on the basis of—

"(i) a single list encompassing the entire service area;

"(ii) a list that encompasses at least an entire State;

"(iii) a list that encompasses an approved alternative local unit (as defined in paragraph (3)) that is approved by the Network and the Secretary, or

"(iv) a list that encompasses another allocation system which has been approved by the Network and the Secretary,

of individuals who have been medically referred to a transplant center in the service area of the organization in order to receive a transplant of the type of organ with respect to which the list is maintained and had been placed on an organ specific waiting list;";

(E) by inserting before the comma in subparagraph (I) (as so redesignated) the following: "and work with local transplant centers to ensure that such centers are actively involved with organ donation efforts"; and

(F) by inserting after "evaluate annually" in subparagraph (L) (as so redesignated) the following "and submit data to the Network contractor on" the effectiveness of the organization,"; and

(5) by adding at the end thereof the following new paragraph:

"(3)(A) As used in paragraph (2)(G), the term 'alternative local unit' means—

"(i) a unit composed of two or more organ procurement organizations; or

"(ii) a subdivision of an organ procurement organization that operates as a distinct procurement and distribution unit as a result of special geographic, rural, or population concerns but that is not composed of any subunit of a metropolitan statistical area.

"(B) The Network shall make recommendations to the Secretary concerning the approval or denial of alternative local units. The Network shall assess whether the alternative local units will better promote organ donation and the equitable allocation of organs.

"(C) The Secretary shall approve or deny any alternative local unit designation recommended by the Network. The Secretary shall have 60 days, beginning on the date on which the application is submitted to the Secretary, to approve or deny the recommendations of the Network under subparagraph (B) with respect to the application of the alternative local unit.".

(c) AFFECT OF AMENDMENTS.—The amendments made by subsection (b) shall not be construed to affect the provisions of section 1138(a) of the Social Security Act (42 U.S.C. 1320b-8(a)).

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to organ procurement organizations and the Organ Procurement and Transplantation Network beginning January 1, 1996.

SEC. 103. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

(a) OPERATION.—Subsection (a) of section 372 of the Public Health Service Act (42 U.S.C. 274(a)) is amended to read as follows:

"(a)(1) Congress finds that—

"(A) it is in the public interest to maintain and improve a durable system for promoting and supporting a central network to assist organ procurement organizations in the nationwide distribution of organs among transplant patients;

"(B) it is desirable to continue the partnership between public and private enterprise, by continuing to provide Federal Government oversight and assistance for services performed by the Network; and

"(C) the Federal Government should actively oversee Network activities to ensure that the policies and procedures of the Network for serving patient and donor families and procuring and distributing organs are fair, efficient and in compliance with all applicable legal rules and standards; however, the initiative and primary responsibility for establishing medical criteria and standards for organ procurement and transplantation stills resides with the Network.

"(2) The Secretary shall provide by contract for the operation of the Network which shall meet the requirements of subsection (b).

"(3) The Network shall be recognized as a private entity that has an expertise in organ procurement and transplantation with the primary purposes of encouraging organ donation, maintaining a 'wait list', and operating and monitoring an equitable and effective system for allocating organs to transplant recipients, and shall report to the Secretary instances of continuing noncompliance with policies (or when promulgated, rules) and requirements of the Network.

"(4) The Network may assess a fee (to be known as the 'patient registration fee'), to be collected by the contractor for listing each potential transplant recipient on its national organ matching system, in an amount which is reasonable and customary and determined by the Network and approved as such by the Secretary. The patient registration fee shall be calculated so as to be sufficient to cover the Network's reasonable costs of operation in accordance with this section. The Secretary shall have 60 days, beginning on the date on which the written application justifying the proposed fee as reasonable is submitted to the Secretary, to provide the Network with a written determination and rationale for such determination that the proposed increase is not reasonable and customary and that the Secretary disapproves the recommendation of the Network under this paragraph with respect to the change in fee for listing each potential transplant recipient.

"(5) Any increase in the patient registration fee shall be limited to an increase that is reasonably required as a result of—

"(A) increases in the level or cost of contract tasks and other activities related to organ procurement and transplantation; or

"(B) decreases in expected revenue from patient registration fees available to the contractor.

The patient registration fees shall not be increased more than once during each year.

"(6) All fees collected by the Network contractor under paragraph (4) shall be available to the Network without fiscal year limitation. The contract with the Network contractor shall provide that expenditures of such funds (including patient registration fees collected by the contractor and or contract funds) are subject to annual audit under the provisions of the Office of Management and Budget Circular No. A–133 entitled 'Audits of Institutions of Higher Learning and Other Nonprofit Institutions'. A report concerning the audit and recommendations regarding expenditures shall be submitted to the Network, the contractor, and the Secretary.

"(7) The Secretary may institute and collect a data management fee from transplant hospitals and organ procurement organizations. Such fees shall be directed to and shall be sufficient to cover—

"(A) the costs of the operation and administration of the Scientific Registry in accordance with the contract under section 373; and

"(B) the costs of contracts and cooperative agreements to support efforts to increase organ donation under section 371.

Such data management fee shall be set annually by the Network in an amount determined by the Network, in consultation with the Secretary, and approved by the Secretary. Such data management fee shall be calculated based on the number of transplants performed or facilitated by each transplant hospital or center, or organ procurement organization. The per transplant data management fee shall be divided so that the patient specific transplant center will pay 80 percent and the procuring organ procurement organization will pay 20 percent of the per transplant data management fee. Such fees shall be available to the Secretary and the contractor operating the Scientific Registry without fiscal year limitation. The expenditure (including fees or contract funds) of such fees by the contractor shall be subject to an annual independent audit (performed by the Secretary or an authorized auditor at the discretion of the Secretary) and reported along with recommendations regarding such expenditures, to the Network, the contractor and the Secretary.

"(8) The Secretary and the Comptroller General shall have access to all data collected by the contractor or contractors in carrying out its responsibilities under the contract under this section and section 373.".

(b) REQUIREMENTS.—Section 372(b) of the Public Health Service Act (42 U.S.C. 274(b)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i)—

(i) by striking "(including organizations that have received grants under section 371)"; and

(ii) by striking "; and" at the end thereof and inserting "(including both individuals who have received a transplant of an organ (or transplant candidates), individuals who are part of the family of individuals who have donated or received an organ, the number of whom shall make up a reasonable portion of the total number of board members), and the Division of Organ Transplantation of the Bureau of Health Resources Development (the Health Resources and Services Administration) shall be represented at all meetings except for those pertaining to the Network contractor's internal business;";

(B) in clause (ii)—

(i) by inserting "including a patient affairs committee and a minority affairs committee" after "committees,"; and

(ii) by striking the period; and

(C) by adding at the end thereof the following new clauses:

"(iii) that shall include representation by a member of the Division of Organ Transplantation of the Bureau of Health Resources Development (the Health Resources and Services Administration) as a representative at all meetings (except for those portions of committee meetings pertaining to the Network contractor's internal business) of all committees (including the executive committee, finance committee, nominating committee, and membership and professional standards committee) under clause (ii);

"(iv) that may include a member from an organ procurement organization on all committees under clause (ii); and

"(v) that may include physicians or other health care professionals with knowledge and skill in the field of neurology, emergency medicine, and trauma surgery on all committees under clause (ii)."; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "or through regional centers" and inserting "and at each Organ Procurement Organization"; and

(ii) by striking clause (i) and inserting the following new clause:

"(i) with respect to each type of transplant, a national list of individuals who have been medically referred to receive a transplant of the type of organs with respect to which the list is maintained (which list shall include the names of all individuals included on lists in effect under section 371(b)(2)(G)), and";

(B) in subparagraph (B), by inserting ", including requirements under section 371(b)," after "membership criteria";

(C) by redesignating subparagraphs (E) through (L), as subparagraphs (F) through (M), respectively;

(D) by inserting after subparagraph (D), the following new subparagraph:

"(E) assist and monitor organ procurement organizations in the equitable distribution of organs among transplant patients,";

(E) in subparagraph (K) (as so redesignated), by striking "and" at the end thereof;

(F) in subparagraph (L) (as so redesignated), by striking the period and inserting ", including making recommendations to organ procurements organizations and the Secretary based on data submitted to the Network under section 371(b)(2)(L),";

(G) in subparagraph (M) (as so redesignated)—

(i) by striking "annual" and inserting "biennial";

(ii) by striking "the comparative costs and";

(iii) by striking the period and inserting the following: ", including survival information, waiting list information, and information pertaining to the qualifications and experience of transplant surgeons and physicians affiliated with the specific Network programs,"; and

(H) by adding at the end thereof the following new subparagraphs:

"(N) submit to the Secretary for approval a written notice containing a justification, as reasonable and customary, of any proposed increase in the patient registration fees as maintained under subparagraph (A)(i), such change to be considered as so approved if the Secretary does not provide written notification otherwise prior to the expiration of the 60-day period beginning on the date on which the notice of proposed change is submitted to the Secretary,

"(O) make available to the Secretary such information, books, and records regarding the Network as the Secretary may require,

"(P) submit to the Secretary, in a manner prescribed by the Secretary, an annual report concerning the scientific and clinical status of organ donation and transplantation, and

"(Q) meet such other criteria regarding compliance with this part as the Secretary may establish.".

(c) PROCEDURES.—Section 372(c) of the Public Health Service Act (42 U.S.C. 274(c)) is amended—

(1) in paragraph (1), by striking "and" at the end thereof;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(3) working through and with, the Network contractor to define priorities; and

"(4) working through, working with, and directing the Network contractor to respond to new emerging issues and problems.".

(d) EXPANSION OF ACCESS.—Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended by adding at the end thereof the following new subsection:

"(d) EXPANSION OF ACCESS TO COMMITTEES AND BOARD OF DIRECTORS.—Not later than 1 year after the completion of the Institute of Medicine report required under section 377, the Network contractor, in consultation with the Network and the Secretary, shall present to the Secretary and the appropriate committees of Congress, a plan to implement the study recommendations relating to the access of all interested constituencies and organizations to membership on the Network Board of Directors and all of its committees. Ensuring the reasonable mix of all populations shall be a priority of the plan for implementation.".

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than the expiration of the 1-year period beginning on the date of enactment of this Act, the Secretary of Health and Human Services shall issue a final rule to establish the regulations for criteria under part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.).

(2) CONSIDERATION OF CERTAIN BYLAWS AND POLICIES.—In developing regulations under paragraph (1), the Secretary shall consider the bylaws and policies of the Network.

(3) FAILURE TO ISSUE REGULATIONS BY DATE CERTAIN.—If the Secretary fails to issue a final rule under paragraph (1) prior to the expiration of the period referred to in such paragraph, the Secretary shall, not later than 30 days after the expiration of such period, prepare and submit to the appropriate committees of Congress a report describing the reasons why the Secretary is not in compliance with paragraph (1) and the plans that will be implemented to provide for the issuance of the final rule under such paragraph.

SEC. 104. TERMS AND CONDITIONS OF CONTRACTS.

Section 374 of the Public Health Service Act (42 U.S.C. 274b) is amended—

(1) in subsection (b)(2), by striking "two years" and inserting "(three years)";

(2) in subsection (c)—

(A) by redesignating paragraph (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) The Secretary shall annually withhold not to exceed $250,000 or 10 percent of the amount of the data management fees collected under section 372 (whichever is greater) to be used to fund contracts as described in section 371.";

(3) by redesignating subsection (d) as subsection (e); and

(4) by adding at the end thereof the following new subsection:

"(d) No contract in excess of $25,000 may be made under this part using funds withheld under subsection (c)(1) unless an application for such contract has been submitted to the Secretary, recommended by the Network and approved by the Secretary. Such an application shall be in such form and be submitted in such a manner as the Secretary shall prescribe.".

SEC. 105. ADMINISTRATION.

Section 375 of the Public Health Service Act (42 U.S.C. 274c) is amended—

(1) in section 375 (42 U.S.C. 274c), by inserting before the dash the following: "oversee the Network, the Scientific Registry and to";

(2) in paragraph (3)—

(A) by striking "in the health care system"; and

(B) by striking "and" at the end thereof;

(3) in paragraph (4), by striking the period and inserting "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(5) through contract, prepare a triennial organ procurement organization specific data report (the initial report to be completed not later than 18 months after the date of enactment of this paragraph) that includes—

"(A) data concerning the effectiveness of each organ procurement organization in acquiring potentially available organs, particularly among minority populations;

"(B) data concerning the variation of procurement across hospitals within the organ procurement organization region;

"(C) a plan to increase procurement, particularly among populations for which there is a greater degree of organ shortages relative to the general population; and

"(D) a plan to increase procurement at hospitals with low rates of procurement.".

SEC. 106. STUDY AND REPORT.

Section 377 of the Public Health Service Act (42 U.S.C. 274f) is amended to read as follows:

"SEC. 377. STUDY AND REPORT.

"(a) EVALUATION BY THE INSTITUTE OF MEDICINE.—

"(1) IN GENERAL.—The Secretary shall enter into a contract with a public or nonprofit private entity to conduct a study and evaluation of—

"(A) the role of and the impact of the Federal Government in the oversight and support of solid-organ transplantation, the Network (which on the date of enactment of this section carries out its functions by government contract) and the solid organ transplantation scientific registry; and

"(B) the access of all interested constituencies and organizations to membership on the Network board of directors and all Network committees;

"(2) INSTITUTE OF MEDICINE.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study and evaluation described in such paragraph. If the Institute declines to conduct the study and evaluation under such paragraph, the Secretary shall carry out such activities through another public or nonprofit private entity.

(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine (or other entity as the case may be) shall complete the study required under subsection (a)(1) and prepare and submit to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.".

SEC. 107. GENERAL PROVISIONS.

(a) CONTRACTS.—Section 374 of the Public Health Service Act (42 U.S.C. 274b) is amended—

(1) in the section heading, by striking "GRANTS AND";

(2) in subsection (a), by striking "grant may be made under this part or contract" and inserting "contract may be";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "grant" and inserting "contract"; and

(ii) by striking "and may not exceed $100,000";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2) (as so redesignated)—

(i) by striking "Grants or contracts" and inserting "Contracts"; and

(ii) by striking "371(a)(3)" and inserting "371(a)(2)";

(4) in subsection (c)—

(A) by striking "grant or" each place that such appears; and

(B) in paragraph (1), by striking "grants and"; and

(5) in subsection (d)(2), by striking "and for purposes of section 373, such term includes bone marrow".

(b) REPEAL.—Sections 376 and 378 of the Public Health Service Act (42 U.S.C. 274d and 274g) are repealed.

SEC. 108. AUTHORIZATION OF APPROPRIATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 378. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out sections 371, 372, 375 and 377, $1,950,000 for fiscal year 1997, and $1,100,000 for fiscal year 1998, and to carry out section 371, $250,000 for each of the fiscal years 1999 through 2001.".

SEC. 109. EFFECTIVE DATES.

The amendments made by this title shall become effective on the date of enactment of this Act.

TITLE II—BONE MARROW DONOR PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "Bone Marrow Transplantation Program Reauthorization Act of 1995".

SEC. 202. REAUTHORIZATION.

(a) ESTABLISHMENT OF DONOR REGISTRY.—Section 379(a) of the Public Health Service Act (42 U.S.C. 274k(a)) is amended—

(1) by striking "'Registry'" and inserting "'Donor Registry'";

(2) by inserting after the end parenthesis the following: "the primary purpose of which shall be increasing unrelated donor marrow transplants,"; and

(3) by adding at the end thereof the following: "With respect to the board of directors—

"(1) each member of the board shall serve for a term of 2 years, and each such member may serve as many as three consecutive 2-year terms;

"(2) a member of the board may continue to serve after the expiration of the term of such member until a successor is appointed;

"(3) to ensure the continuity of the board, not more than one-third of the board shall be composed of members newly appointed each year;

"(4) all appointed and elected positions within committees established by the board shall be for 2-year periods;

"(5) the terms of approximately one-third of the members of each such committee will be subject each year to reappointment or replacement;

"(6) no individual shall serve more than three consecutive 2-year terms on any such committee; and

"(7) the board and committees shall be composed of a reasonable balance of representatives of donor centers, transplant centers, blood banks, marrow transplant recipients, individuals who are family members of an individual who has required, received, or is registered with the Donor Registry to become a recipient of a transplant from a biologically unrelated marrow donor, with nonvoting representatives from the Naval Medical Research and Development Command and the Division of Organ Transplantation of the Bureau of Health Resources Development (of the Health Resources and Services Administration).".

(b) PROGRAM FOR UNRELATED MARROW TRANSPLANTS.—Section 379(b) of such Act (42 U.S.C. 274k(b)) is amended—

(1) in paragraph (4) to read as follows:

"(4) provide information to physicians, other health care professionals, and the public regarding the availability of unrelated marrow transplantation as a potential treatment option;";

(2) in paragraph (5) to read as follows:

"(5) establish a program for the recruitment of new bone marrow donors that includes—

"(A) the priority to increase potential marrow donors for which there is a greater degree of marrow donor shortage than that of the general population; and

"(B) the compilation and distribution of informational materials to educate and update potential donors;";

(3) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(4) by inserting after paragraph (5), the following new paragraphs:

"(6) annually update the Donor Registry to account for changes in potential donor status;

"(7) not later than 1 year after the date on which the 'Bone Marrow Program Inspection' (hereafter referred to in this part as the 'Inspection') that is being conducted by the Office of the Inspector General on the date of enactment of this paragraph is completed, in consultation with the Secretary, and based on the findings and recommendations of the Inspection, the marrow donor program shall develop, evaluate, and implement a plan to streamline and make more efficient the relationship between the Donor Registry and donor centers;".

(c) INFORMATION AND EDUCATION PROGRAM.—Section 379 of such Act (42 U.S.C. 274k) is amended by striking subsection (j), and inserting the following new subsection:

"(j) INFORMATION AND EDUCATION PROGRAM.—

"(1) IN GENERAL.—The Secretary may enter into contracts with, public or nonprofit private entities for the purpose of increasing unrelated allogeneic marrow transplants, by enabling such entities to—

"(A) plan and conduct programs to provide information and education to the professional health care community on the availability of unrelated allogeneic marrow transplants as a potential treatment option;

"(B) plan and conduct programs to provide information and education to the public on the availability of unrelated donor marrow transplants and the need for donations of bone marrow;

"(C) train individuals in requesting bone marrow donations; and

"(D) recruit, test and enroll marrow donors with the priority being groups for which there is a greater degree of marrow donor shortage than that of the general population.

"(2) PRIORITIES.—In awarding contracts under paragraph (1), the Secretary shall give priority to carrying out the purposes described in such paragraph with respect to population groups with such shortages.".

(d) PATIENT ADVOCACY AND CASE MANAGEMENT.—

(1) IN GENERAL.—Section 379 of such Act (42 U.S.C. 274k), as amended by subsection (c), is amended by adding at the end thereof the following new subsection:

"(k) PATIENT ADVOCACY AND CASE MANAGEMENT.—

"(1) ESTABLISHMENT.—The Donor Registry shall establish and maintain an office of patient advocacy and case management that meets the requirements of this subsection.

"(2) FUNCTIONS.—The office established under paragraph (1) shall—

"(A) be headed by a director who shall serve as an advocate on behalf of—

"(i) individuals who are registered with the Donor Registry to search for a biologically unrelated bone marrow donor;

"(ii) the physicians involved; and

"(iii) individuals who are included in the Donor Registry as potential marrow donors.

"(B) establish and maintain a system for patient advocacy that directly assists patients, their families, and their physicians in a search for an unrelated donor;

"(C) provide individual case management services as appropriate to directly assist individuals and physicians referred to in subparagraph (A), including—

"(i) individualized case assessment and tracking of preliminary search through activation (including when the search process is interrupted or discontinued);

"(ii) informing individuals and physicians on regular intervals of progress made in searching for appropriate donors; and

"(iii) identifying and resolving individual search problems or concerns;

"(D) collect and analyze data concerning the number and percentage of individuals proceeding from preliminary to formal search, formal search to transplantation, the number and percentage of patients unable to complete the search process, and the comparative costs incurred by patients prior to transplant;

"(E) survey patients to evaluate how well such patients are being served and make recommendations for expediting the search process; and

"(F) provide individual case management services to individual marrow donors.

"(3) EVALUATION.—

"(A) IN GENERAL.—The Secretary shall evaluate the system established under paragraph (1) and make recommendations concerning the success or failure of such system in improving patient satisfaction, and any impact the system has had on assisting individuals in proceeding to transplant.

"(B) REPORT.—Not later than April 1, 1996, the Secretary shall prepare and make available a report concerning the evaluation conducted under subparagraph (A), including the recommendations developed under such subparagraph.".

(2) DONOR REGISTRY FUNCTIONS.—Section 379(b)(2) of such Act (42 U.S.C. 274k(b)(2)) is amended by striking "establish" and all that follows through "directly assists" and inserting "integrate the activities of the patient advocacy and case management office established under subsection (k) with the remaining Donor Registry functions by making available information on (A) the resources available through the Donor Registry Program, (B) the comparative costs incurred by patients prior to transplant, and (C) the marrow donor registries that meet the standards described in paragraphs (3) and (4) of subsection (c), to assist".

(e) STUDY AND REPORTS.—Section 379A of such Act (42 U.S.C. 274l) is amended to read as follows:

"SEC. 379A. STUDIES, EVALUATIONS AND REPORTS.

"(a) EVALUATION BY THE INSTITUTE OF MEDICINE.—

"(1) IN GENERAL.—The Secretary shall enter into a contract with a public or nonprofit private entity to conduct a study and evaluation of—

"(A) the role of a national bone marrow transplant program supported by the Federal Government in facilitating the maximum number of unrelated marrow donor transplants; and

"(B) other possible clinical or scientific uses of the potential donor pool or accompanying information maintained by the Donor Registry or the unrelated marrow donor scientific registry.

"(2) INSTITUTE OF MEDICINE.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study and evaluation described in such paragraph. If the Institute declines to conduct the study and evaluation under such paragraph, the Secretary shall carry out such activities through another public or nonprofit private entity.

"(3) REPORT.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine (or other entity as the case may be) shall complete the study required under paragraph (1) and prepare and submit to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

"(b) BONE MARROW CONSOLIDATION.—

"(1) IN GENERAL.—The Secretary shall conduct—

"(A) an evaluation of the feasibility of integrating or consolidating all federally funded bone marrow transplantation scientific registries, regardless of the type of marrow reconstitution utilized; and

"(B) an evaluation of all federally funded bone marrow transplantation research to be conducted under the direction and administration of the peer review system of the National Institutes of Health.

"(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate a report concerning the evaluations conducted under paragraph (1).

"(3) DEFINITION.—As used in paragraph (1), the term 'marrow reconstitution' shall encompass all sources of hematopoietic cells including marrow (autologous, related or unrelated allogeneic, syngeneic), autologous marrow, allogeneic marrow (biologically related or unrelated), umbilical cord blood cells, peripheral blood progenitor cells, or other approaches that may be utilized.".

(f) BONE MARROW TRANSPLANTATION SCIENTIFIC REGISTRY.—Part I of title III of such Act (42 U.S.C. 274k et seq.) is amended by adding at the end thereof the following new section:

"SEC. 379B. BONE MARROW SCIENTIFIC REGISTRY.

"(a) ESTABLISHMENT.—The Secretary, acting through the Donor Registry, shall establish and maintain a bone marrow scientific registry of all recipients of biologic unrelated allogeneic marrow donors.

"(b) INFORMATION.—The bone marrow transplantation scientific registry established under subsection (a) shall include information with respect to patients who have received biologic unrelated allogeneic marrow transplant, transplant procedures, pretransplant and transplant costs, and other information the Secretary determines to be necessary to conduct an ongoing evaluation of the scientific and clinic status of unrelated allogeneic marrow transplantation.

"(c) REPORT.—The Donor Registry shall submit to the Secretary on an annual basis a report using data collected and maintained by the bone marrow transplantation scientific registry established under subsection (a) concerning patient outcomes with respect to each transplant center and the pretransplant comparative costs involved at such transplant centers.".

(g) AUTHORIZATION OF APPROPRIATIONS.—Part I of title III of such Act (42 U.S.C. 274k et seq.) as amended by subsection (f), is further amended by adding at the end thereof the following new section:

"SEC. 379C. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out section 379, $13,500,000 for fiscal year 1997, $12,150,000 for fiscal year 1998, and such sums as may be necessary for fiscal year 1999.".

AMENDMENT NO. 5205

(Purpose: To restore and modify certain qualified organ procurement organization board of director provisions)

Mr. LOTT. Mr. President, I understand Senator KASSEBAUM has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mrs. KASSEBAUM, proposes an amendment numbered 5205.

The amendment is as follows:

Beginning on page 41, strike line 23, and all that follows through line 4 on page 42, and insert the following:

"(i) in clause (i)—".

On page 43, between lines 6 and 7, insert the following:

"(ii) in clause (ii), by inserting ', administrative functions of the organ procurement organization, ' after 'organs'; and

"(iii) in clause (iii), to read as follows:

'(iii) in the case of a hospital-based organ procurement organization, has no authority over any non-transplant-related activity of the organization.';".

Mr. LOTT. Mr. President, I ask unanimous that the amendment be considered read and agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5205) was agreed to.

The bill (S. 1324) was deemed read for a third time and passed, as follows:

S. 1324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organ and Bone Marrow Transplant Program Reauthorization Act of 1996".

TITLE I—SOLID-ORGAN TRANSPLANT PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "Solid-Organ Transplant Program Reauthorization Act of 1996".

SEC. 102. ORGAN PROCUREMENT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (a) of section 371 of the Public Health Service Act (42 U.S.C. 273(a)) is amended to read as follows:

"(a)(1) The Secretary may enter into cooperative agreements and contracts with qualified organ procurement organizations described in subsection (b) and other public or nonprofit private entities for the purpose of increasing organ donation through approaches such as—

"(A) the planning and conducting of programs to provide information and education to the public on the need for organ donations;

"(B) the training of individuals in requesting such donations;

"(C) the provision of technical assistance to organ procurement organizations and other entities that can contribute to organ donation;

"(D) the performance of research and the performance of demonstration programs by organ procurement organizations and other entities that may increase organ donation;

"(E) the voluntary consolidation of organ procurement organizations and tissue banks; or

"(F) increasing organ donation and access to transplantation with respect to populations for which there is a greater degree of organ shortages relative to the general population.

"(2)(A) In entering into cooperative agreements and contracts under subparagraphs (A) and (B) of paragraph (1), the Secretary shall give priority to increasing donations and improving consent rates for the purpose described in such paragraph.

"(B) In entering into cooperative agreements and contracts under paragraph (1)(C), the Secretary shall give priority to carrying out the purpose described in such paragraph with respect to increasing donations from both organ procurement organizations and hospitals.".

(b) QUALIFIED ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b) of such Act (42 U.S.C. 273(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "for which grants may be made under subsection (a)" and inserting "described in this section"; and

(ii) by striking "paragraph (2)" and inserting "Paragraph (3)";

(B) by realigning the margin of subparagraph (E) so as to align with the margin of subparagraph (D); and

(C) in subparagraph (G)—

(i) in clause (i)—

(I) by striking "composed of" in the matter preceding subclause (I) and inserting "composed of a reasonable balance of";

(II) by inserting before the comma in subclause (II) the following: ", including individuals who have received a transplant of an organ (or transplant candidates), and individuals who are part of the family of an individual who has donated or received an organ or who is a transplant candidate";

(III) by striking subclause (IV) and inserting the following new subclause:

"(IV) physicians or other health care professionals with knowledge and skill in the field of neurology, emergency medicine, or trauma surgery"; and

(IV) in subclause (V), by striking "a member" and all that follows through the comma and insert the following: "a member who is a surgeon or physician who has privileges to practice in such centers and who is actively and directly involved in caring for transplant patients,";

(ii) in clause (ii), by inserting ", administrative functions of the organ procurement organization," after "organs"; and

(iii) in clause (iii), to read as follows:

"(iii) in the case of a hospital-based organ procurement organization, has no authority over any non-transplant-related activity of the organization.";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2);

(4) in paragraph (2) (as so redesignated)—

(A) in subparagraph (A)—

(i) by striking "a substantial majority" and inserting "all";

(ii) by striking "donations," and inserting "donation, unless they have been previously granted by the Secretary a waiver from paragraph (1)(A) or have waivers pending under section 1138 of the Social Security Act"; and

(iii) by adding at the end thereof the following: "except that the Secretary may waive the requirements of this subparagraph upon the request of the organ procurement organization if the Secretary determines that such an agreement would not be helpful in promoting organ donation,";

(B) by redesignating subparagraphs (B) through (K) as subparagraphs (D) through (M), respectively,

(C) by inserting after subparagraph (A) the following new subparagraphs:

"(B) conduct and participate in systematic efforts, including public education, to increase the number of potential donors; including populations for which there is a greater degree of organ shortage than that of the general population,

"(C) be a member of and abide by the rules and requirements of the Organ Procurement and Transplantation Network (referred to in this part as the 'Network') established under section 372,";

(D) by inserting before the comma in subparagraph (G) (as so redesignated) the following: ", which system shall, at a minimum, allocate each type of organ on the basis of—

"(i) a single list encompassing the entire service area;

"(ii) a list that encompasses at least an entire State;

"(iii) a list that encompasses an approved alternative local unit (as defined in paragraph (3)) that is approved by the Network and the Secretary, or

"(iv) a list that encompasses another allocation system which has been approved by the Network and the Secretary,

of individuals who have been medically referred to a transplant center in the service area of the organization in order to receive a transplant of the type of organ with respect to which the list is maintained and had been placed on an organ specific waiting list;";

(E) by inserting before the comma in subparagraph (I) (as so redesignated) the following: "and work with local transplant centers to ensure that such centers are actively involved with organ donation efforts"; and

(F) by inserting after "evaluate annually" in subparagraph (L) (as so redesignated) the following "and submit data to the Network contractor on" the effectiveness of the organization,"; and

(5) by adding at the end thereof the following new paragraph:

"(3)(A) As used in paragraph (2)(G), the term 'alternative local unit' means—

"(i) a unit composed of two or more organ procurement organizations; or

"(ii) a subdivision of an organ procurement organization that operates as a distinct procurement and distribution unit as a result of special geographic, rural, or population concerns but that is not composed of any subunit of a metropolitan statistical area.

"(B) The Network shall make recommendations to the Secretary concerning the approval or denial of alternative local units. The Network shall assess whether the alternative local units will better promote organ donation and the equitable allocation of organs.

"(C) The Secretary shall approve or deny any alternative local unit designation recommended by the Network. The Secretary shall have 60 days, beginning on the date on which the application is submitted to the Secretary, to approve or deny the recommendations of the Network under subparagraph (B) with respect to the application of the alternative local unit.".

(c) AFFECT OF AMENDMENTS.—The amendments made by subsection (b) shall not be construed to affect the provisions of section 1138(a) of the Social Security Act (42 U.S.C. 1320b-8(a)).

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to organ procurement organizations and the Organ Procurement and Transplantation Network beginning January 1, 1996.

SEC. 103. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

(a) OPERATION.—Subsection (a) of section 372 of the Public Health Service Act (42 U.S.C. 274(a)) is amended to read as follows:

"(a)(1) Congress finds that—

"(A) it is in the public interest to maintain and improve a durable system for promoting and supporting a central network to assist organ procurement organizations in the nationwide distribution of organs among transplant patients;

"(B) it is desirable to continue the partnership between public and private enterprise, by continuing to provide Federal Government oversight and assistance for services performed by the Network; and

"(C) the Federal Government should actively oversee Network activities to ensure that the policies and procedures of the Network for serving patient and donor families and procuring and distributing organs are fair, efficient and in compliance with all applicable legal rules and standards; however, the initiative and primary responsibility for establishing medical criteria and standards for organ procurement and transplantation stills resides with the Network.

"(2) The Secretary shall provide by contract for the operation of the Network which shall meet the requirements of subsection (b).

"(3) The Network shall be recognized as a private entity that has an expertise in organ procurement and transplantation with the primary purposes of encouraging organ donation, maintaining a 'wait list', and operating and monitoring an equitable and effective system for allocating organs to transplant recipients, and shall report to the Secretary instances of continuing noncompliance with policies (or when promulgated, rules) and requirements of the Network.

"(4) The Network may assess a fee (to be known as the 'patient registration fee'), to be collected by the contractor for listing each potential transplant recipient on its national organ matching system, in an amount which is reasonable and customary and determined by the Network and approved as such by the Secretary. The patient registration fee shall be calculated so as to be sufficient to cover the Network's reasonable costs of operation in accordance with this section. The Secretary shall have 60 days, beginning on the date on which the written application justifying the proposed fee as reasonable is submitted to the Secretary, to provide the Network with a written determination and rationale for such determination that the proposed increase is not reasonable and customary and that the Secretary disapproves the recommendation of the Network under this paragraph with respect to the change in fee for listing each potential transplant recipient.

"(5) Any increase in the patient registration fee shall be limited to an increase that is reasonably required as a result of—

"(A) increases in the level or cost of contract tasks and other activities related to organ procurement and transplantation; or

"(B) decreases in expected revenue from patient registration fees available to the contractor.

The patient registration fees shall not be increased more than once during each year.

"(6) All fees collected by the Network contractor under paragraph (4) shall be available to the Network without fiscal year limitation. The contract with the Network contractor shall provide that expenditures of such funds (including patient registration fees collected by the contractor and or contract funds) are subject to annual audit under the provisions of the Office of Management and Budget Circular No. A-133 entitled 'Audits of Institutions of Higher Learning and Other Nonprofit Institutions'. A report concerning the audit and recommendations regarding expenditures shall be submitted to the Network, the contractor, and the Secretary.

"(7) The Secretary may institute and collect a data management fee from transplant hospitals and organ procurement organizations. Such fees shall be directed to and shall be sufficient to cover—

"(A) the costs of the operation and administration of the Scientific Registry in accordance with the contract under section 373; and

"(B) the costs of contracts and cooperative agreements to support efforts to increase organ donation under section 371.

Such data management fee shall be set annually by the Network in an amount determined by the Network, in consultation with the Secretary, and approved by the Secretary. Such data management fee shall be calculated based on the number of transplants performed or facilitated by each transplant hospital or center, or organ procurement organization. The per transplant data management fee shall be divided so that the patient specific transplant center will pay 80 percent and the procuring organ procurement organization will pay 20 percent of the per transplant data management fee. Such fees shall be available to the Secretary and the contractor operating the Scientific Registry without fiscal year limitation. The expenditure (including fees or contract funds) of such fees by the contractor shall be subject to an annual independent audit (performed by the Secretary or an authorized auditor at the discretion of the Secretary) and reported along with recommendations regarding such expenditures, to the Network, the contractor and the Secretary.

"(8) The Secretary and the Comptroller General shall have access to all data collected by the contractor or contractors in carrying out its responsibilities under the contract under this section and section 373.".

(b) REQUIREMENTS.—Section 372(b) of the Public Health Service Act (42 U.S.C. 274(b)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i)—

(i) by striking "(including organizations that have received grants under section 371)"; and

(ii) by striking "; and" at the end thereof and inserting "(including both individuals who have received a transplant of an organ (or transplant candidates), individuals who are part of the family of individuals who have donated or received an organ, the number of whom shall make up a reasonable portion of the total number of board members), and the Division of Organ Transplantation of the Bureau of Health Resources Development (the Health Resources and Services Administration) shall be represented at all meetings except for those pertaining to the Network contractor's internal business;";

(B) in clause (ii)—

(i) by inserting "including a patient affairs committee and a minority affairs committee" after "committees,"; and

(ii) by striking the period; and

(C) by adding at the end thereof the following new clauses:

"(iii) that shall include representation by a member of the Division of Organ Transplantation of the Bureau of Health Resources Development (the Health Resources and Services Administration) as a representative at all meetings (except for those portions of committee meetings pertaining to the Network contractor's internal business) of all committees (including the executive committee, finance committee, nominating committee, and membership and professional standards committee) under clause (ii);

"(iv) that may include a member from an organ procurement organization on all committees under clause (ii); and

"(v) that may include physicians or other health care professionals with knowledge and skill in the field of neurology, emergency medicine, and trauma surgery on all committees under clause (ii)."; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "or through regional centers" and inserting "and at each Organ Procurement Organization"; and

(ii) by striking clause (i) and inserting the following new clause:

"(i) with respect to each type of transplant, a national list of individuals who have been medically referred to receive a transplant of the type of organs with respect to which the list is maintained (which list shall include the names of all individuals included on lists in effect under section 371(b)(2)(G)), and";

(B) in subparagraph (B), by inserting ", including requirements under section 371(b)," after "membership criteria";

(C) by redesignating subparagraphs (E) through (L), as subparagraphs (F) through (M), respectively;

(D) by inserting after subparagraph (D), the following new subparagraph:

"(E) assist and monitor organ procurement organizations in the equitable distribution of organs among transplant patients,";

(E) in subparagraph (K) (as so redesignated), by striking "and" at the end thereof;

(F) in subparagraph (L) (as so redesignated), by striking the period and inserting ", including making recommendations to organ procurements organizations and the Secretary based on data submitted to the Network under section 371(b)(2)(L),";

(G) in subparagraph (M) (as so redesignated)—

(i) by striking "annual" and inserting "biennial";

(ii) by striking "the comparative costs and";

(iii) by striking the period and inserting the following: ", including survival information, waiting list information, and information pertaining to the qualifications and experience of transplant surgeons and physicians affiliated with the specific Network programs,"; and

(H) by adding at the end thereof the following new subparagraphs:

"(N) submit to the Secretary for approval a written notice containing a justification, as reasonable and customary, of any proposed increase in the patient registration fees as maintained under subparagraph (A)(i), such change to be considered as so approved if the Secretary does not provide written notification otherwise prior to the expiration of the 60-day period beginning on the date on which the notice of proposed change is submitted to the Secretary, "(O) make available to the Secretary such information, books, and records regarding the Network as the Secretary may require,

"(P) submit to the Secretary, in a manner prescribed by the Secretary, an annual report concerning the scientific and clinical status of organ donation and transplantation, and

"(Q) meet such other criteria regarding compliance with this part as the Secretary may establish.".

(c) PROCEDURES.—Section 372(c) of the Public Health Service Act (42 U.S.C. 274(c)) is amended—

(1) in paragraph (1), by striking "and" at the end thereof;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(3) working through and with, the Network contractor to define priorities; and

"(4) working through, working with, and directing the Network contractor to respond to new emerging issues and problems.".

(d) EXPANSION OF ACCESS.—Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended by adding at the end thereof the following new subsection:

"(d) EXPANSION OF ACCESS TO COMMITTEES AND BOARD OF DIRECTORS.—Not later than 1 year after the completion of the Institute of Medicine report required under section 377, the Network contractor, in consultation with the Network and the Secretary, shall present to the Secretary and the appropriate committees of Congress, a plan to implement the study recommendations relating to the access of all interested constituencies and organizations to membership on the Network Board of Directors and all of its committees. Ensuring the reasonable mix of all populations shall be a priority of the plan for implementation.".

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than the expiration of the 1-year period beginning on the date of enactment of this Act, the Secretary of Health and Human Services shall issue a final rule to establish the regulations for criteria under part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.).

(2) CONSIDERATION OF CERTAIN BYLAWS AND POLICIES.—In developing regulations under paragraph (1), the Secretary shall consider the bylaws and policies of the Network.

(3) FAILURE TO ISSUE REGULATIONS BY DATE CERTAIN.—If the Secretary fails to issue a final rule under paragraph (1) prior to the expiration of the period referred to in such paragraph, the Secretary shall, not later than 30 days after the expiration of such period, prepare and submit to the appropriate committees of Congress a report describing the reasons why the Secretary is not in compliance with paragraph (1) and the plans that will be implemented to provide for the issuance of the final rule under such paragraph.

SEC. 104. TERMS AND CONDITIONS OF CONTRACTS.

Section 374 of the Public Health Service Act (42 U.S.C. 274b) is amended—

(1) in subsection (b)(2), by striking "two years" and inserting "(three years)";

(2) in subsection (c)—

(A) by redesignating paragraph (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) The Secretary shall annually withhold not to exceed $250,000 or 10 percent of the amount of the data management fees collected under section 372 (whichever is greater) to be used to fund contracts as described in section 371.";

(3) by redesignating subsection (d) as subsection (e); and

(4) by adding at the end thereof the following new subsection:

"(d) No contract in excess of $25,000 may be made under this part using funds withheld under subsection (c)(1) unless an application for such contract has been submitted to the Secretary, recommended by the Network and approved by the Secretary. Such an application shall be in such form and be submitted in such a manner as the Secretary shall prescribe.".

SEC. 105. ADMINISTRATION.

Section 375 of the Public Health Service Act (42 U.S.C. 274c) is amended—

(1) in section 375 (42 U.S.C. 274c), by inserting before the dash the following: "oversee the Network, the Scientific Registry and to";

(2) in paragraph (3)—

(A) by striking "in the health care system"; and

(B) by striking "and" at the end thereof;

(3) in paragraph (4), by striking the period and inserting "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(5) through contract, prepare a triennial organ procurement organization specific data report (the initial report to be completed not later than 18 months after the date of enactment of this paragraph) that includes—

"(A) data concerning the effectiveness of each organ procurement organization in acquiring potentially available organs, particularly among minority populations;

"(B) data concerning the variation of procurement across hospitals within the organ procurement organization region;

"(C) a plan to increase procurement, particularly among populations for which there is a greater degree of organ shortages relative to the general population; and

"(D) a plan to increase procurement at hospitals with low rates of procurement.".

SEC. 106. STUDY AND REPORT.

Section 377 of the Public Health Service Act (42 U.S.C. 274f) is amended to read as follows:

"SEC. 377. STUDY AND REPORT.

"(a) EVALUATION BY THE INSTITUTE OF MEDICINE.—

"(1) IN GENERAL.—The Secretary shall enter into a contract with a public or nonprofit private entity to conduct a study and evaluation of—

"(A) the role of and the impact of the Federal Government in the oversight and support of solid-organ transplantation, the Network (which on the date of enactment of this section carries out its functions by government contract) and the solid organ transplantation scientific registry; and

"(B) the access of all interested constituencies and organizations to membership on the Network board of directors and all Network committees;

"(2) INSTITUTE OF MEDICINE.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study and evaluation described in such paragraph. If the Institute declines to conduct the study and evaluation under such paragraph, the Secretary shall carry out such activities through another public or nonprofit private entity.

(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine (or other entity as the case may be) shall complete the study required under subsection (a)(1) and prepare and submit to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.".

SEC. 107. GENERAL PROVISIONS.

(a) CONTRACTS.—Section 374 of the Public Health Service Act (42 U.S.C. 274b) is amended—

(1) in the section heading, by striking "GRANTS AND";

(2) in subsection (a), by striking "grant may be made under this part or contract" and inserting "contract may be";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "grant" and inserting "contract"; and

(ii) by striking "and may not exceed $100,000";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2) (as so redesignated)—

(i) by striking "Grants or contracts" and inserting "Contracts"; and

(ii) by striking "371(a)(3)" and inserting "371(a)(2)";

(4) in subsection (c)—

(A) by striking "grant or" each place that such appears; and

(B) in paragraph (1), by striking "grants and"; and

(5) in subsection (d)(2), by striking "and for purposes of section 373, such term includes bone marrow".

(b) REPEAL.—Sections 376 and 378 of the Public Health Service Act (42 U.S.C. 274d and 274g) are repealed.

SEC. 108. AUTHORIZATION OF APPROPRIATION.

Part H of title III of the Public Health Service Act (42 U.S.C. 273 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 378. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out sections 371, 372, 375 and 377, $1,950,000 for fiscal year 1997, and $1,100,000 for fiscal year 1998, and to carry out section 371, $250,000 for each of the fiscal years 1999 through 2001.".

SEC. 109. EFFECTIVE DATES.

The amendments made by this title shall become effective on the date of enactment of this Act.

TITLE II—BONE MARROW DONOR PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "Bone Marrow Transplantation Program Reauthorization Act of 1996".

SEC. 202. REAUTHORIZATION.

(a) ESTABLISHMENT OF DONOR REGISTRY.—Section 379(a) of the Public Health Service Act (42 U.S.C. 274k(a)) is amended—

(1) by striking "'Registry'" and inserting "'Donor Registry'";

(2) by inserting after the end parenthesis the following: "the primary purpose of which shall be increasing unrelated donor marrow transplants,"; and

(3) by adding at the end thereof the following: "With respect to the board of directors—

"(1) each member of the board shall serve for a term of 2 years, and each such member may serve as many as three consecutive 2-year terms;

"(2) a member of the board may continue to serve after the expiration of the term of such member until a successor is appointed;

"(3) to ensure the continuity of the board, not more than one-third of the board shall be composed of members newly appointed each year;

"(4) all appointed and elected positions within committees established by the board shall be for 2-year periods;

"(5) the terms of approximately one-third of the members of each such committee will be subject each year to reappointment or replacement;

"(6) no individual shall serve more than three consecutive 2-year terms on any such committee; and

"(7) the board and committees shall be composed of a reasonable balance of representatives of donor centers, transplant centers, blood banks, marrow transplant recipients, individuals who are family members of an individual who has required, received, or is registered with the Donor Registry to become a recipient of a transplant from a biologically unrelated marrow donor, with nonvoting representatives from the Naval Medical Research and Development Command and the Division of Organ Transplantation of the Bureau of Health Resources Development (of the Health Resources and Services Administration).".

(b) PROGRAM FOR UNRELATED MARROW TRANSPLANTS.—Section 379(b) of such Act (42 U.S.C. 274k(b)) is amended—

(1) in paragraph (4) to read as follows:

"(4) provide information to physicians, other health care professionals, and the public regarding the availability of unrelated marrow transplantation as a potential treatment option;";

(2) in paragraph (5) to read as follows:

"(5) establish a program for the recruitment of new bone marrow donors that includes—

"(A) the priority to increase potential marrow donors for which there is a greater degree of marrow donor shortage than that of the general population; and

"(B) the compilation and distribution of informational materials to educate and update potential donors;";

(3) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(4) by inserting after paragraph (5), the following new paragraphs:

"(6) annually update the Donor Registry to account for changes in potential donor status;

"(7) not later than 1 year after the date on which the 'Bone Marrow Program Inspection' (hereafter referred to in this part as the 'Inspection') that is being conducted by the Office of the Inspector General on the date of enactment of this paragraph is completed, in consultation with the Secretary, and based on the findings and recommendations of the Inspection, the marrow donor program shall develop, evaluate, and implement a plan to streamline and make more efficient the relationship between the Donor Registry and donor centers;".

(c) INFORMATION AND EDUCATION PROGRAM.—Section 379 of such Act (42 U.S.C. 274k) is amended by striking subsection (j), and inserting the following new subsection:

"(j) INFORMATION AND EDUCATION PROGRAM.—

"(1) IN GENERAL.—The Secretary may enter into contracts with, public or nonprofit private entities for the purpose of increasing unrelated allogeneic marrow transplants, by enabling such entities to—

"(A) plan and conduct programs to provide information and education to the professional health care community on the availability of unrelated allogeneic marrow transplants as a potential treatment option;

"(B) plan and conduct programs to provide information and education to the public on the availability of unrelated donor marrow transplants and the need for donations of bone marrow;

"(C) train individuals in requesting bone marrow donations; and

"(D) recruit, test and enroll marrow donors with the priority being groups for which there is a greater degree of marrow donor shortage than that of the general population.

"(2) PRIORITIES.—In awarding contracts under paragraph (1), the Secretary shall give priority to carrying out the purposes described in such paragraph with respect to population groups with such shortages.".

(d) PATIENT ADVOCACY AND CASE MANAGEMENT.—

(1) IN GENERAL.—Section 379 of such Act (42 U.S.C. 274k), as amended by subsection (c), is amended by adding at the end thereof the following new subsection:

"(k) PATIENT ADVOCACY AND CASE MANAGEMENT.—

"(1) ESTABLISHMENT.—The Donor Registry shall establish and maintain an office of patient advocacy and case management that meets the requirements of this subsection.

"(2) FUNCTIONS.—The office established under paragraph (1) shall—

"(A) be headed by a director who shall serve as an advocate on behalf of—

"(i) individuals who are registered with the Donor Registry to search for a biologically unrelated bone marrow donor;

"(ii) the physicians involved; and

"(iii) individuals who are included in the Donor Registry as potential marrow donors.

"(B) establish and maintain a system for patient advocacy that directly assists patients, their families, and their physicians in a search for an unrelated donor;

"(C) provide individual case management services as appropriate to directly assist individuals and physicians referred to in subparagraph (A), including—

"(i) individualized case assessment and tracking of preliminary search through activation (including when the search process is interrupted or discontinued);

"(ii) informing individuals and physicians on regular intervals of progress made in searching for appropriate donors; and

"(iii) identifying and resolving individual search problems or concerns;

"(D) collect and analyze data concerning the number and percentage of individuals proceeding from preliminary to formal search, formal search to transplantation, the number and percentage of patients unable to complete the search process, and the comparative costs incurred by patients prior to transplant;

"(E) survey patients to evaluate how well such patients are being served and make recommendations for expediting the search process; and

"(F) provide individual case management services to individual marrow donors.

"(3) EVALUATION.—

"(A) IN GENERAL.—The Secretary shall evaluate the system established under paragraph (1) and make recommendations concerning the success or failure of such system in improving patient satisfaction, and any impact the system has had on assisting individuals in proceeding to transplant.

"(B) REPORT.—Not later than April 1, 1996, the Secretary shall prepare and make available a report concerning the evaluation conducted under subparagraph (A), including the recommendations developed under such subparagraph.".

(2) DONOR REGISTRY FUNCTIONS.—Section 379(b)(2) of such Act (42 U.S.C. 274k(b)(2)) is amended by striking "establish" and all that follows through "directly assists" and inserting "integrate the activities of the patient advocacy and case management office established under subsection (k) with the remaining Donor Registry functions by making available information on (A) the resources available through the Donor Registry Program, (B) the comparative costs incurred by patients prior to transplant, and (C) the marrow donor registries that meet the standards described in paragraphs (3) and (4) of subsection (c), to assist".

(e) STUDY AND REPORTS.—Section 379A of such Act (42 U.S.C. 274l) is amended to read as follows:

"SEC. 379A. STUDIES, EVALUATIONS AND REPORTS.

"(a) EVALUATION BY THE INSTITUTE OF MEDICINE.—

"(1) IN GENERAL.—The Secretary shall enter into a contract with a public or nonprofit private entity to conduct a study and evaluation of—

"(A) the role of a national bone marrow transplant program supported by the Federal Government in facilitating the maximum number of unrelated marrow donor transplants; and

"(B) other possible clinical or scientific uses of the potential donor pool or accompanying information maintained by the Donor Registry or the unrelated marrow donor scientific registry.

"(2) INSTITUTE OF MEDICINE.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study and evaluation described in such paragraph. If the Institute declines to conduct the study and evaluation under such paragraph, the Secretary shall carry out such activities through another public or nonprofit private entity.

"(3) REPORT.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine (or other entity as the case may be) shall complete the study required under paragraph (1) and prepare and submit to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

"(b) BONE MARROW CONSOLIDATION.—

"(1) IN GENERAL.—The Secretary shall conduct—

"(A) an evaluation of the feasibility of integrating or consolidating all federally funded bone marrow transplantation scientific registries, regardless of the type of marrow reconstitution utilized; and

"(B) an evaluation of all federally funded bone marrow transplantation research to be conducted under the direction and administration of the peer review system of the National Institutes of Health.

"(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate a report concerning the evaluations conducted under paragraph (1).

"(3) DEFINITION.—As used in paragraph (1), the term 'marrow reconstitution' shall encompass all sources of hematopoietic cells including marrow (autologous, related or unrelated allogeneic, syngeneic), autologous marrow, allogeneic marrow (biologically related or unrelated), umbilical cord blood cells, peripheral blood progenitor cells, or other approaches that may be utilized.".

(f) BONE MARROW TRANSPLANTATION SCIENTIFIC REGISTRY.—Part I of title III of such Act (42 U.S.C. 274k et seq.) is amended by adding at the end thereof the following new section:

"SEC. 379B. BONE MARROW SCIENTIFIC REGISTRY.

"(a) ESTABLISHMENT.—The Secretary, acting through the Donor Registry, shall establish and maintain a bone marrow scientific registry of all recipients of biologic unrelated allogeneic marrow donors.

"(b) INFORMATION.—The bone marrow transplantation scientific registry established under subsection (a) shall include information with respect to patients who have received biologic unrelated allogeneic marrow transplant, transplant procedures, pretransplant and transplant costs, and other information the Secretary determines to be necessary to conduct an ongoing evaluation of the scientific and clinic status of unrelated allogeneic marrow transplantation.

"(c) REPORT.—The Donor Registry shall submit to the Secretary on an annual basis a report using data collected and maintained by the bone marrow transplantation scientific registry established under subsection (a) concerning patient outcomes with respect to each transplant center and the pretransplant comparative costs involved at such transplant centers.".

(g) AUTHORIZATION OF APPROPRIATIONS.—Part I of title III of such Act (42 U.S.C. 274k et seq.) as amended by subsection (f), is further amended by adding at the end thereof the following new section:

"SEC. 379C. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out section 379, $13,500,000 for fiscal year 1997, $12,150,000 for fiscal year 1998, and such sums as may be necessary for fiscal year 1999.".

MAKING TECHNICAL CORRECTIONS IN THE FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4018.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4018) to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4018) was deemed read for a third time and passed.

ORDERS FOR TUESDAY, SEPTEMBER 10, 1996

Mr. LOTT. Mr. President, now, the closing information, at the end of which I will note that Senator MURRAY is here, and following her remarks the Senate will stand in adjournment. I wanted her to know we would close that way so she would not have concerns that we would close without her having a opportunity to speak.

I ask unanimous consent when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Tuesday, September 10; further, immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately turn to the consideration of H.R. 3396, the Defense of Marriage Act, as under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. LOTT. Tomorrow morning the Senate will be debating the Defense of Marriage Act for 3 hours, until the hour of 12:30.

I now ask unanimous consent the Senate recess between the hours of 12:30 to 2:15 for the weekly policy conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. When the Senate reconvenes at 2:15, there will be two consecutive rollcall votes, the first on the adoption of the Defense authorization conference report to be followed by a vote on the passage of H.R. 3396, the Defense of Marriage Act. There will then be 30 minutes of debate, and a vote on S. 2056, the employment discrimination bill. This 30 minutes, of course, will be equally divided.

Following those votes on Tuesday, the Senate will turn to the consideration of the Treasury/Postal Service appropriations bill. Therefore, additional votes can be expected during tomorrow's session. Also, as a reminder to all Senators, at 10 a.m. on Wednesday of this week there will be a joint meeting of Congress to hear the address of Prime Minister Bruton of Ireland. Members are asked to be in the Senate Chamber at 9:40 a.m., so we may proceed to the House of Representatives.

That is on Wednesday. That was just a reminder for the Members to make plans to be here for that special occasion.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate now stand in adjournment under the previous order, following the remarks of Senator MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

THE EMPLOYMENT NONDISCRIMINATION ACT

Mrs. MURRAY. Mr. President, I rise today as an original cosponsor of the Employment Nondiscrimination Act, to express my strong support for this important legislation. I do so in the belief that every single American deserves fair treatment under the law, no matter their gender, race, religion, or sexual orientation. As one of the few women ever to serve in the U.S. Senate, I bring a different perspective to this issue. As a mother and as the ninth woman ever elected to the Senate and the first ever from my home State of Washington, I understand very clearly what it means to be part of a group who seeks fairness and equal opportunity.

Not so long ago, many thought it impossible for women to serve in the Senate, much less elected office of any other kind. Today, I am confident none of my colleagues would deny the contributions women have made here, in the House, in the State and local governments, and at every level of public service.

Mr. President, I am proud, not only that I was elected to one of the highest offices in the land, but also because I know now that my daughter will have the same opportunity.

The point is this: She will have choices and she will have the opportunity, because these are the values of the American people.

I do not believe elected leaders serve our country well if they deny any of our citizens these choices. A person's success or failure must depend on their qualifications, skills, effort, and sometimes even luck. Most important, their fate should rest on having the opportunity to test these things. No one, not one person, should be denied opportunity because of their race, their religion, their gender, or their sexual orientation.

I know that historic debates such as this one have been very hard, but I say to my colleagues, change is never easy and we should let our past successes be our guide in the future.

Thirty-five years ago, our national conscience was challenged like never before as the civil rights movement blossomed. By passing the Civil Rights Act of 1964, we made unquestionable progress toward ensuring equality for all citizens. Today, none among us would deny that we did the right thing by outlawing discrimination based on race. We know we did the right thing by guaranteeing the civil rights of women, racial minorities, and members of every religion. The same must be done in this case.

So we can be justifiably proud of our rich history of protecting civil rights, and we should dedicate ourselves to doing better. And make no mistake, we can do better. To my colleagues, I offer this caution: Do not be convinced by those who argue that discrimination is no longer a problem in the workplace.

Every day, citizens of this Nation somewhere feel the sinister burn of job discrimination, be they women, racial minorities, or gays and lesbians. And unlike the rest of America, this latter group cannot today count on the protection of Federal law to ensure equal opportunity in the workplace.

I recently heard the story of a woman named Nan Miguel who worked for a hospital in my home State of Washington as an administrator in the radiology department. She oversaw a small staff and worked very hard at her job. Three years ago, she hired a woman she believed was the most qualified candidate for an x-ray technician's position. She did this despite pressure from certain staff members who believed that the woman she wanted to hire was a lesbian. The new employee went on to work hard and did an excellent job, just as Nan expected she would.

Unfortunately, it did not end there. One coworker in particular was opposed to working with a woman because of the rumors about her sexual orientation. Nan sought help from senior management in resolving this issue, but to her shock, they told her that the coworker must simply be responding to the discord created by the technician.

Her employee's job performance was strong and, therefore, she felt it wrong to fire her. Instead, she continued to try and find a solution. In the end, the hospital told Nan that it would be easier for them to remove her than to remove her coworker. Nan was placed on administrative leave and subsequently fired. A short time later, the technician was fired as well. Only the worker who displayed intolerance on the job stayed on the job.

If the same situation had occurred because the technician was Hispanic, because she was a woman, or because she belonged to the Mormon Church, the same outcome could not have happened. We would not even be talking about it, because today no one would question the competence of an employee based on those characteristics, and if someone did, that employee would have recourse under the law.

Mr. President, a moment ago I mentioned my daughter and the opportunities that she will have. I am also very concerned about the experiences of young people who may be denied those same opportunities. I am worried about those who must find jobs in cases where their parents have forced them out of the House and they are on their own. At a very early age, they must support themselves just to get through high school, let alone college. Young people are very vulnerable to discrimination and cannot hold jobs, and they will have an extremely hard time.

I have heard real stories of gay and lesbian young adults in my State who ended up moving away from home, relying on public assistance or even considering suicide if they did not get help. They become very cynical about the world they live in, and they start to think that the regular rules do not apply to them. When this happens, we lose very productive members of our society. We may pay more for public assistance, and we deny young people the chance to pursue the same goals every one of us has—education, a good job and a place in the community.

As I said before, current law says people cannot be treated differently in the workplace based on race, origin, gender or religion. The bill before us today would simply add sexual orientation to that list. It is written even more narrowly than current law because it does not allow positive actions, such as quotas or other preferential treatment. All it says is a person cannot be treated differently in any decision related to employment based on their sexuality—whether they are heterosexual or homosexual.

Under this bill, a person could not be hired solely because they are homosexual, nor could they be denied a job if they are heterosexual.

A person cannot get a raise simply because they are married to a member of the opposite sex, nor can they be denied a promotion because they marched in a gay pride parade. In short, it simply takes the issue of sexual orientation out of personnel decisions altogether.

Mr. President, these are reasonable expectations and, in fact, they have already been adopted by nine States, many local governments across the country and Fortune 500 companies that recognize that it makes good business sense to value each and every one of their employees equally. It is time that our laws reflect these values as well.

To my colleagues who believe this bill would bring up increased litigation, I ask these questions:

Should we then have denied women equal rights because it would have increased the number of cases in our courts?

Should we have allowed segregation to continue because it would take too much time and money to hear Brown versus Board of Education?

Did the Framers of our Constitution think about caseloads in our courts when they guaranteed our freedom to worship?

My answer to these questions is a strong, clear no, and I am surprised at the arguments against this legislation. They sound hauntingly familiar to the ones we have heard in the past against allowing women, religious members, and racial groups equal protections under the law.

We have heard a lot from both political parties in the past few weeks about the big tent philosophy and the importance of inclusion, equal treatment under the law, and equal opportunity in the workplace. The ENDA bill gives Senators of both parties a chance to act on that rhetoric.

Mr. President, this is not a conservative or a liberal issue. It is not about one group's protection at another's expense. It is about common sense, common decency, and about our fundamental values as Americans.

Consider an editorial written 2 years ago by former Arizona Senator Barry Goldwater. He wrote that we must allow gay and lesbian citizens the same protections we have extended to other people to ensure their civil rights. He points out that "anybody who cares about real moral values understands that this is not about granting special rights—it is about protecting basic rights." Like many of my colleagues on both sides of this aisle, I strongly agree with him.

When Nan Miguel tells her story, she says that by treating the woman she hired with dignity and respect, she was following the Christian beliefs that she was brought up with. And I know that in my family, my mother and father taught us to respect other people and to treat them the way we wanted to be treated.

I urge my colleagues to take the high ground on this issue. Think of what history will say when the 104th Congress made the decision which once again protected our civil rights. This is not about one group of people, it is about all people and our belief in one another. If we do not pass the ENDA bill, our sisters and brothers, sons and daughters will remain vulnerable to discrimination in the workplace. We can do better than that. Thank you, Mr. President.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in adjournment until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 7:05 p.m., adjourned until Tuesday, September 10, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1996:

EXECUTIVE OFFICE OF THE PRESIDENT

ALAN H. FLANIGAN, OF VIRGINIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, JOHN P. WALTER, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

PAUL ALBERT BISEK, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

SUSUMO KEN YAMASHITA, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

SUSAN KUCINSKI BREMS, OF THE DISTRICT OF COLUMIBA
CHRISTINE M. BYRNE, OF VIRGINIA
JAMES ERIC SCHAEFFER, OF FLORIDA

DEPARTMENT OF COMMERCE

KARLA B. KING, OF FLORIDA
TERRY J. SORGI, OF WISCONSIN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

U.S INFORMATION AGENCY

TANIA BOHACHEVSKY CHOMIAK, OF FLORIDA
LINDA JOY HARTLEY, OF CALIFORNIA
SHARON HUDSON-DEAN, OF PENNSYLVANIA
CONSTANCE COLDING JONES, OF INDIANA
STEVEN LOUIS PIKE, OF NEW YORK
DAVID MICHAEL REINERT, OF NEW MEXICO

DEPARTMENT OF STATE

SARAH J. METZGER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA EFFECTIVE JUNE 28, 1996:

DEPARTMENT OF STATE

MARC C. JOHNSON, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT L. ADAMS, OF VIRGINIA
VEOMAYOURY BACCAM, OF IOWA
DOUGLASS R. BENNING, OF THE DISTRICT OF COLUMBIA
STEVEN A. BOWERS, OF VIRGINIA
MICHAEL A. BRENNAN, OF CONNECTICUT
KERRY L. BROUGHAM, OF CALIFORNIA
ANDREA BROUILLETTE-RODRIGUEZ, OF MINNESOTA
PAAL CAMMERMEYER, OF MARYLAND
PRISCILLA CARROLL CASKEY, OF MARYLAND
JULIANNE MARIE CHESKY, OF VIRGINIA
CARMELA A. CONROY, OF WASHINGTON
JULIE CHUNG, OF CALIFORNIA
EDWARD R. DEGGES, JR., OF VIRGINIA
THOMAS L. ELMORE, OF FLORIDA
WAYNE J. FAHNESTOCK, OF MARYLAND
DENIS BARRETT FINOTTI, OF MARYLAND
KENNETH FRASER, OF MARYLAND
GARY R. GUIFFRIDA, OF MARYLAND
PATRICIA M. GONZALEZ, OF TEXAS
DAVID J. GREENE, OF NEW YORK
RAYMOND FRANKLIN GREENE III, OF MARYLAND
RONALD ALLEN GREGORY, OF TENNESSEE
DEBORAH GUIDO-O'GRADY, OF VIRGINIA
AUDREY LOUISE HAGEDORM, OF VIRGINIA
PATTI HAGOPIAN, OF CALIFORNIA
CHARLES P. HARRINGTON, OF VIRGINIA
RONALD S. HIETT, OF VIRGINIA
RUTH-ERCILE HODGES, OF NEW YORK
KRISTINA M. HOTCHKISS, OF VIRGINIA
ANDREAS O. JAWORSKI, OF VIRGINIA
RALPH M. JONASSEN, OF NEW YORK
MARNI KALAPA, OF TEXAS
JANE J. KANG, OF CALIFORNIA
SARAH E. KEMP, OF NEW YORK
FREDERICK J. KOWALESKI, OF VIRGINIA
STEVEN W. KRAPCHO, OF VIRGINIA
GREGORY R. LATTANZE, OF VIRGINIA
CHARLES W. LEVESQUE, OF ILLINOIS
JANICE O. MAC DONALD, OF VIRGINIA
C. WAKEFIELD MARTIN, OF TEXAS
BRIAN I. MC CLEARY, OF VIRGINIA
ALAN D. MELTZER, OF NEW YORK
DAVID J. MICO, OF INDIANA
CHRISTOPHER S. MISCIAGNO, OF FLORIDA
JOSEPH P. MULLIN, JR., OF VIRGINIA
BURKE O'CONNOR, OF CALIFORNIA
EDWARD J. ORTIZ, OF VIRGINIA
MARIA ELENA PALLICK, OF INDIANA
DAVID D. POTTER, OF SOUTH DAKOTA
ERIC N. RICHARDSON, OF MICHIGAN
HEATHER C. ROACH, OF IOWA
TAYLOR VINSON RUGGLES, OF VIRGINIA
THOMAS L. SCHMITZ, OF SOUTH DAKOTA
JONATHAN L. A. SHRIER, OF FLORIDA
JAMES E. SMELTZER III, OF MARYLAND
CHRISTINE L. SMITH, OF VIRGINIA
KEENAN JABBAR SMITH, OF PENNSYLVANIA
BRIAN K. STEWART, OF VIRGINIA
CHRISTINE D. STUEBNER, OF NEW YORK
STEPHANIE FAYE SYPTAK, OF TEXAS
ERMINIDO TELLES, OF VIRGINIA
MARK TESONE, OF VIRGINIA
MICHAEL ANTHONY VEASY, OF TENNESSEE
GLENN STEWART WARREN, OF CALIFORNIA
MARK E. WILSON, OF TEXAS
ANTHONY L. WONG, OF VIRGINIA
GREGORY M. WONG, OF MISSOURI
KIM WOODWARD, OF VIRGINIA
MARTHA-JEAN HUGHES WYNNYCZOK, OF VIRGINIA
TERESA L. YOUNG, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN WEEKS, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHN C. KORNBLUM, OF MICHIGAN
EDWARD S. WALKER, JR., OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARSHALL P. ADAIR, OF FLORIDA
JEFFREY A. BADER, OF FLORIDA
LAWRENCE REA BAER, OF CALIFORNIA
DONALD KEITH BANDLER, OF PENNSYLVANIA .
JAMES W. BAYUK, OF ILLINOIS
ELDON E. BELL, OF SOUTH DAKOTA
JAMES D. BINDENAGEL, OF CALIFORNIA
RALPH L. BOYCE, JR., OF VIRGINIA
PRUDENCE BUSHNELL, OF VIRGINIA
WENDY JEAN CHAMBERLIN, OF VIRGINIA
LYNWOOD M. DENT, JR., OF VIRGINIA
C. LAWRENCE GREENWOOD, JR., OF FLORIDA
JOHN RANDLE HAMILTON, OF VIRGINIA
HOWARD FRANKLIN JETER, OF SOUTH CAROLINA
CHARLES KARTMAN, OF VIRGINIA
KATHRYN DEE ROBINSON, OF TENNESSEE
PETER F. ROMERO, OF FLORIDA
WAYNE S. RYCHAK, OF MARYLAND
EARL A. WAYNE, OF CALIFORNIA
R. SUSAN WOOD, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WARRINGTON E. BROWN, OF NEW JERSEY
LAWRENCE E. BUTLER, OF MAINE
JAMES PHILIP CALLAHAN, OF FLORIDA
JAMES J. CARRAGHER, OF CALIFORNIA
JOHN R. DINGER, OF IOWA
BEN FLOYD FAIRFAX, OF VIRGINIA
NICK HAHN, OF CALIFORNIA
WILLIAM THOMAS HARRIS, JR., OF FLORIDA
ANN KELLY KORKY, OF NEW JERSEY
RICHARD E. KRAMER, OF TENNESSEE
RICHARD BURDETTE LE BARON, OF VIRGINIA
ANTOINETTE S. MARWITZ, OF VIRGINIA
ROBERT JOHN MC ANNENY, OF CONNECTICUT
EDWARD MC KEON, OF THE DISTRICT OF COLUMBIA
WILLIAM T. MONROE, OF CONNECTICUT
LAUREN MORIARTY, OF HAWAII
MICHAEL C. MOZUR, OF VIRGINIA
STEPHEN D. MULL, OF PENNSYLVANIA
MICHAEL ELEAZAR PARMLY, OF FLORIDA
JO ELLEN POWELL, OF THE DISTRICT OF COLUMBIA
DAVID E. RANDOLPH, OF ARIZONA
VICTOR MANUEL ROCHA, OF CALIFORNIA
ANTHONY FRANCIS ROCK, OF NEW HAMPSHIRE
LAWRENCE GEORGE ROSSIN, OF CALIFORNIA
JOHN M. SALAZAR, OF NEW MEXICO
SANDRA J. SALMON, OF FLORIDA
JANET A. SANDERSON, OF ARIZONA
RONALD LEWIS SCHLICHER, OF TENNESSEE
JOSEPH B. SCHREIBER, OF MICHIGAN
RICHARD HENRY SMYTH, OF CALIFORNIA
WILLIAM A. STANTON, OF CALIFORNIA
GREGORY MICHAEL SUCHAN, OF OHIO
LAURIE TRACY, OF VIRGINIA
FRANK CHARLES URBANCIC, JR., OF INDIANA
HARRY E. YOUNG, JR., OF MISSOURI

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN R. BAINBRIDGE, OF MARYLAND
BERNARD W. BIES, OF SOUTH DAKOTA
MELVIN L. HARRISON, OF VIRGINIA
GEORGE N. REINHARDT, OF COLORADO
BERNARDO SEGURA-GIRON, OF VIRGINIA
MARK STEVENS, OF FLORIDA
FREDERICK J. SUMMERS, OF CALIFORNIA
BROOKS A. TAYLOR, OF NEW HAMPSHIRE
WILLIAM L. YOUNG, OF VIRGINIA

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 3036:

To be surgeon general

To be lieutenant general

MAJ. GEN. RONALD R. BLANCK, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JAY M. GARNER, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE NAVAL RESERVE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral

REAR ADM. (1H) THOMAS JOSEPH GROSS [redacted]

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE NAVY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

MEDICAL CORPS

To be rear admiral (Lower Half)

CAPT. BONNIE B. POTTER, [redacted]

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE.

UNRESTRICTED LINE OFFICER

To be lieutenant commander

RICHARD P. WATSON, [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE.

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

GLENN F. ABAD, [redacted]
GREGORY W. ADAIR, [redacted]
SCOTT F. ADAMS, [redacted]
SCOTT F. ADLEY, [redacted]
EUGENE J. AGER, [redacted]
BRYAN M. AHERN, [redacted]
MATTHEW P. AHERN, [redacted]
JAMES D. ALGER II, [redacted]
BRIAN M. ALLEN, [redacted]
FRANK S. ALLEN, [redacted]
KEITH W. ALLEN, [redacted]
LOGAN A. ALLEN III, [redacted]
GREGG W. ALLRED, [redacted]
SCOTT D. ALWINE, [redacted]
TIMOTHY R. ANDERSON, [redacted]
CLETE D. ANSELM, [redacted]
RONALD J. ARNOLD, [redacted]
ALFREDO ARREDONDO, [redacted]
GEORGE T. ARTHUR, [redacted]
MATTHEW B. ASHLEY, [redacted]
TIMOTHY H. ASLIN, [redacted]
PATRICK A. BACCANARI, [redacted]
CHARLES E. BAKER III, [redacted]
MATHEW E. BANNON, [redacted]
STEPHEN P. BANUS, [redacted]
TODD D. BARCLAY, [redacted]
MICHAEL A. BARRETTA, [redacted]
KEVIN M. BARRY, [redacted]
ARNOLD BARTHEL III, [redacted]
DAVID W. BARTON, [redacted]
WILLIAM J. BATTERTON, [redacted]
ALAN D. BEAL, [redacted]
ROSS C. BEATON, [redacted]
MARTIN A. BECK, [redacted]
JEFFREY A. BELANGER, [redacted]
CHRISTOPHER J. BENCAL, [redacted]
DAVID A. BENNETT, [redacted]
DAVID W. BENTLEY, [redacted]
MICHAEL G. BERENS, [redacted]
MICHAEL A. BERNHARD, [redacted]
KEVIN L. BERTELSEN, [redacted]
MICHAEL D. BIDDLE, [redacted]
ERIC A. BILLIES, [redacted]
ADAM C. BINFORD, [redacted]
KENNETH R. BINGMAN, JR., [redacted]
KEVIN R. BISHOP, [redacted]
DOUGLAS L. BLACKBURN, [redacted]
WILLIAM J. BLACKLIDGE, [redacted]
CHRISTOPHER E. BOLT, [redacted]
SCOTT A. BOOK, [redacted]
ROBERT A. BORCHERT, [redacted]
PAUL E. BORKOWSKI, [redacted]

RICKY L. BOTT [redacted]
JAMES E. BOUCHARD [redacted]
KENNETH J. BOWEN II [redacted]
JEFFREY W. BOWMAN [redacted]
DAVID A. BOYD, [redacted]
ROBERT D. BOYER, [redacted]
DAVID C. BOYLE, [redacted]
DANIEL E. BOYLES [redacted]
JOHN A. BREAST [redacted]
JAMES E. BREDEMEIER [redacted]
PETER J. BRENNAN [redacted]
DONALD S. BROCE, [redacted]
ARTHUR F. BROCK, [redacted]
ROBERT K. BRODIN, [redacted]
GARY R. BROOKS, [redacted]
GARY D. BROSE, [redacted]
DANIEL J. BROWN, [redacted]
JAMES L. BROWN, JR. [redacted]
JEFFREY P. BROWN [redacted]
ROBERT D. BROWN [redacted]
WESLEY A. BROWN [redacted]
DAVID G. BROWNLEE [redacted]
BRADLEY D. BRUNER [redacted]
BRIAN B. BRUUD, [redacted]
PAUL G. BUCK, [redacted]
JOHN K. BURGER, [redacted]
GREGORY J. BURGESS [redacted]
JOHN J. BURNHAM [redacted]
MICHAEL J. BURRELL [redacted]
CARL F. BUSH, [redacted]
BARRY B. BUSS, [redacted]
WILLIAM D. BYRNE, JR. [redacted]
JOEL L. CABANA [redacted]
ROBERT L. CALHOUN, JR. [redacted]
ANTHONY F. CLAIFANO, [redacted]
BRETT W. CALKINS, [redacted]
THOMAS P. CANN, JR. [redacted]
LOUIS T. CANNON, JR. [redacted]
JEFFREY H. CARLSEN [redacted]
JEFFREY E. CARLSON [redacted]
LUKE F. CARON [redacted]
CHARLES M. CARROLL, [redacted]
DOUGLAS R. CARROLL, [redacted]
ANDRE L. CARTER, [redacted]
RONALD M. CARVALHO, JR. [redacted]
CHARLES E. CASSON, JR. [redacted]
STEVEN B. CASTILLO [redacted]
NELSON C. CASTRO [redacted]
DANIEL S. CAVE, [redacted]
MICHAEL A. CELEC [redacted]
DARRYL D. CENTANNI [redacted]
DALE S. CHAPMAN [redacted]
SHOSHANA S. CHATFIELD, [redacted]
ANTHONY P. CHATHAM, [redacted]
WAYNE M. CHAUNCEY, [redacted]
CARL R. CHERRY, [redacted]
CHARLES F. CHIAPPETTI, [redacted]
JAMES C. CHILDS, [redacted]
JONATHAN CHRISTIAN [redacted]
MICHAEL R. CHRISTOPHERSON [redacted]
ALLAN T. CLAPP [redacted]
SEAN P. CLARK [redacted]
JOHN M. CLAUSEN, [redacted]
HENRY D. COATES, [redacted]
KEVIN M. COATS, [redacted]
DOUGLAS F. COCHRANE, [redacted]
TIMOTHY S. COCKREL, [redacted]
JOHN J. COFFEY, [redacted]
JUDY C. COFFMAN, [redacted]
JEFFREY S. COLE, [redacted]
ALTON H. COLEMAN III, [redacted]
PAULA M. COLEMAN, [redacted]
THOMAS M. CONLON, [redacted]
GREGORY V. CONTAOI, [redacted]
CARL R. CONTI II, [redacted]
KARL A. COOKE, [redacted]
SCOTT P. COOLEDGE, [redacted]
GREGORY G. COOPER, [redacted]
PAUL L. CORLISS, [redacted]
RICHARD A. CORRELL, [redacted]
ROBERT E. COSGRIFF, [redacted]
DEREK N. COUTANT, [redacted]
EDWARD J. COWAN, [redacted]
GEORGE L. COWAN, [redacted]
JOHN W. CRAIG, [redacted]
MARTIN J. CRAMER, [redacted]
TODD W. CRAMER, [redacted]
ANDRE W. CRAWFORD, [redacted]
GREGORY H. CREWSE, [redacted]
HANS K. CROEBER, [redacted]
MICHAEL R. CROSKREY, [redacted]
ANTHONY B. H. CURRAN, [redacted]
ROBERT L. DAIN, [redacted]
MARC H. DALTON, [redacted]
MATTHEW W. DANEHY, [redacted]
EDWARD J. DANGELO, [redacted]
JEFFREY M. DANIELSON, [redacted]
DAVID D. DARGAN, [redacted]
GEORGE R. DAVIDSON, [redacted]
DAVID D. DAVISON, [redacted]
JAMES R. DEBOLD, [redacted]
BRUCE A. DEFIBAUGH, [redacted]
MICHAEL W. DEGRAW, [redacted]
MOISES DELTORO III, [redacted]
PETER C. DEMANE, [redacted]
BRUCE A. DERENSKI, [redacted]
ALBERT J. DESMARAIS, [redacted]
RICHARD P. DEWALT, [redacted]
JAMES H. DICK, [redacted]
JOSEPH P. DIPAOLA, JR. [redacted]
LAWRENCE R. DIRUSSO, [redacted]
WILLIAM A. DOCHERTY, [redacted]
DONALD F. DOMBROWSKY [redacted]
JAMES S. DONNELLY, [redacted]
THOMAS V. DOUGHERTY, [redacted]
ROBERT I. DOUGLASS, [redacted]
CRAIG A. DOXEY, [redacted]
PETER M. DRISCOLL, [redacted]
TIMOTHY J. DUENING, [redacted]
KEVIN L. DUGGAN, [redacted]
LEWIS DUNHAM, [redacted]
PATRICK A. DYER, [redacted]
PETER A. EAGLE, [redacted]
GREGORY T. EATON, [redacted]
ANTHONY J. EGGERT, JR. [redacted]
JOSEPH EGGERTPIONTEK [redacted]
GREG R. ELLISON, [redacted]
ROBERT A. ESPINOSA, [redacted]
STEPHEN C. EVANS, [redacted]
STEVEN Y. FAGGERT, [redacted]
DALE L. FEDDERSEN, [redacted]
LARRY J. A. FELDER, [redacted]
ANTHONY JOSEPH FERRARI [redacted]
LANCE E. FEWEL, [redacted]
JOHN H. FICKLE, JR. [redacted]
SCOTT C. FISH, [redacted]
HUGH M. FLANAGAN, JR. [redacted]
KEVIN P. FLANAGAN, [redacted]
DALE G. FLECK, [redacted]
TIMOTHY P. FLEMING, [redacted]
DAVID P. FLUKER, [redacted]
ANTHONY J. FONTANA, [redacted]
PAUL A. FORBES, [redacted]
MICHAEL J. FORD, [redacted]
THOMAS P. FORTIN, [redacted]
JEFFREY M. FOX, [redacted]
KENNETH LAWRENCE FRACK, JR. [redacted]
KURT A. FRANKENBERGER, [redacted]
JOHN C. FRASER, [redacted]
MARK M. FREDERICKSON [redacted]
DAVID G. FRY, [redacted]
HANS G. FUHS, [redacted]
PAUL N. FUJIMURA, [redacted]
SCOTT D. FUTRELL, [redacted]
LEONARD B. GABION, [redacted]
ANDREW L. GAGNON, [redacted]
TODD W. GAUTIER, [redacted]
MARK M. GAUTREAUX, [redacted]
TIMOTHY P. GAVIN, [redacted]
TIMOTHY C. GEDNEY, [redacted]
DONALD S. GEIDEL, [redacted]
DAVID A. GEISLER, [redacted]
PHILIP A. GERARD, [redacted]
RONALD G. GEYER, [redacted]
WILLIAM N. GIGANTE, [redacted]
CURTIS J. GILBERT, [redacted]
WILLIAM GILLCRIST, [redacted]
STEPHEN M. GILLESPIE, [redacted]
GARY M. GILMARTIN, [redacted]
GREGORY S. GILMOUR, [redacted]
MATTHEW J. GLANDER, [redacted]
TIMOTHY X. GLASER, [redacted]
JAMES A. GLASS, [redacted]
MIGUEL GONZALEZ, [redacted]
STANLEY J. GRABOWSKI, JR. [redacted]
PATRICK O. GRADY, [redacted]
RONALD W. GRAFT, [redacted]
DAVID R. GRAMBO, [redacted]
BRIAN P. GRANT, [redacted]
MARYELLEN GREEN, [redacted]
MICHAEL S. GREENE, [redacted]
THOMAS J. GREENFIELD, [redacted]
LOUIS J. GREGUS, [redacted]
CLAYTON A. GRINDLE, JR. [redacted]
RICHARD D. GROENENBOOM, [redacted]
JOHN F. GROTH, JR. [redacted]
KENNETH R. GUESS, [redacted]
HARVEY L. GUFFEY, JR. [redacted]
STEPHEN GULAKOWSKI, [redacted]
ROBERT V. GUSENTINE, [redacted]
JON A. HAGEMANN, [redacted]
CARL A. HAGER, [redacted]
RANDY D. HALDEMAN, [redacted]
SCOTT J. HALEY, [redacted]
GERARD W. HALL, [redacted]
TODD B. HALL, [redacted]
STEVEN E. HALPERN, [redacted]
CHRISTOPHER H. HALTON, [redacted]
JAMES C. HAMBLET, [redacted]
JAMES K. HAMEL, [redacted]
KRAIG A. HAMEL, [redacted]
DOUGLAS C. HAMILTON, [redacted]
PATRICK J. HAMILTON, [redacted]
KURT D. HAMMAN, [redacted]
ERIC T. HANSON, [redacted]
JONATHAN L. HARNDEN, JR. [redacted]
MARK W. HARRIS, [redacted]
PETER M. HARRIS, [redacted]
MICHAEL P. HATHEWAY, [redacted]
THOMAS M. HATKE, [redacted]
JEFFREY S. HAUPT, [redacted]
DOUGLAS E. HEADY, [redacted]
PAUL F. HEALY, [redacted]
JOHN P. HEATHERINGTON, [redacted]
LINDA L. HEID, [redacted]
ERNEST C. HELME III, [redacted]
GREGORY J. HENRIKSEN, [redacted]
KEVIN R. HENSLEY, [redacted]
JOHN E. HERBERT, [redacted]
ALAN L. HERRMANN, [redacted]
PATRICK J. HEYE, [redacted]
DANIEL P. HIGGINS, [redacted]
ERIC W. HIGGINS, [redacted]
WAYNE HIGH, [redacted]
ROGER J. HILARIDES, JR. [redacted]
JAMES A. HILDEBRAND, [redacted]
NELSON P. HILDRETH, [redacted]
KEVIN C. HILL, [redacted]
MICHAEL J. HILL, [redacted]
PAUL D. HILL, [redacted]
JOSEPH E. HINES, [redacted]
FRANKLIN D. HIXENBAUGH, [redacted]
RICHARD J. HOFFMANN, [redacted]
JAMES B. HOKE, [redacted]
WAYNE E. HOLCOMB, [redacted]
CHRISTOPHER L. HOLLADAY, [redacted]
MICHAEL P. HOLLAND, [redacted]
ERIC C. HOLLOWAY, [redacted]
ROBERT E. HOLMES, [redacted]
MARC D. HOMAN, [redacted]
ARTHUR M. HONER, JR. [redacted]
DANIEL C. HONKEY, [redacted]
LUTHER H. HOOK III, [redacted]
ROBERT S. HOPKINS, [redacted]
SCOTT D. HORADAN, [redacted]
MICHAEL D. HORAN, [redacted]
JEFFREY C. HORNEFF, [redacted]
HOSTETLER, DAVID L. [redacted]
JAMES J. HOUSINGER, [redacted]
MARK O. HOWELL, [redacted]
WESLEY S. HUEY, [redacted]
CHARLES E. HUFF, [redacted]
DAVID W. HUGHES, [redacted]
FRANK E. HUGHLETT, [redacted]
PAUL D. HUGILL, [redacted]
BLAKE D. HUGUENIN, [redacted]
DONALD L. HULTEN, [redacted]
BRIAN N. HUMM, [redacted]
THEODORE W.L. HUSKEY, [redacted]
GEOFFREY T. HUTTON, [redacted]
HESHAM H. ISLAM, [redacted]
JAMES E. IVEY, [redacted]
TIMOTHY L. JACOBY, [redacted]
PETER R. JANNOTTA, [redacted]
DAVID R. JAZDYK, [redacted]
PAUL J. JENNINGS, [redacted]
RUSSELL C. JENSEN, [redacted]
JOSEPH G. JERAULD, [redacted]
MICHAEL C. JOHNS, [redacted]
DARREN A. JOHNSON, [redacted]
DAVID P. JOHNSON, [redacted]
MATTHEW L. JOHNSON, [redacted]
DAVID M. JOHNSTON, [redacted]
DAVID L. JONES, [redacted]
DEVON JONES, [redacted]
LOGAN S. JONES, [redacted]
PHILIP A. JORDAN, [redacted]
DAVID A. JULIAN, [redacted]
CHRISTOPHER D. JUNGE, [redacted]
WERNER H. JURINKA, [redacted]
PAUL E. KARLSSON, [redacted]
NEIL A. KARNES, [redacted]
SHANNON E. KAWANE, [redacted]
HERBERT J. KEARSLEY, [redacted]
JOHN C. KELLEHER, [redacted]
BRITT K. KELLEY, [redacted]
JOHN T. KELLEY III, [redacted]
BRIAN P. KELLY, [redacted]
MARK E. KELLY, [redacted]
SCOTT J. KELLY, [redacted]
STEVEN S. KELLY, [redacted]
VERNON P. KEMPER, [redacted]
CHRISTOPHER J. KENNEDY, [redacted]
PATRICK O. KENNEDY, [redacted]
KYLE R. KETCHUM, [redacted]
ANDREW T. KEY, [redacted]
BRYANT D. KINCAID, [redacted]
ROBERT L. KING, [redacted]
TODD M. KINNEY, [redacted]
DONALD S. KITCHEN, JR. [redacted]
DAVID A. KLAASSE, [redacted]
DONALD C. KLEIN, [redacted]
DANIEL M. KLETTER, [redacted]
DANIEL J. KNAUS, [redacted]
MELANIE A. KNIGHT, [redacted]
KURT G. KNISELY, [redacted]
STEPHEN T. KOEHLER, [redacted]
KURT M. KOHANOWICH, [redacted]
THOMAS G. KOLLIE, JR. [redacted]
MARK J. KOZAR, [redacted]
STEVEN A. KREISER, [redacted]
JON C. KREITZ, [redacted]
STEVEN L. KRIEGER, [redacted]
RICHARD A. LABRANCHE, [redacted]
BRUCE O. LANKFORD, [redacted]
KEVIN W. LAPOINTE, [redacted]
ROBERT C. LAUBENGAYER, [redacted]
JOHN C. LAWLESS, [redacted]
MARK R. LAXEN, [redacted]
EDWARD F. LAZARSKI, JR. [redacted]
TODD W. LEAVITT, [redacted]
EDWIN LEBRON, [redacted]
ANDREW R. LEECH, [redacted]
PATRICK A. LEFERE, [redacted]
ERNEST LEFLER, [redacted]
MARTIN D. LEGG, [redacted]
FRANK A. LEHARDY III, [redacted]
JAMES M. LEIST, [redacted]
DAVID A. LEMEK, [redacted]
JOSEPH J. LEONARD, [redacted]
KENT S. LEONARD, [redacted]
SAMUEL W. LEWIS, [redacted]
YANCY B. LINDSEY, [redacted]
GEORGE A. LIPSCOMB, [redacted]
TIMOTHY J. LITTLE, [redacted]
STUART M. LITTLEJOHN, [redacted]

PAUL J. LJUBA, [redacted]
JOHN E. LOBB, [redacted]
SHAWN W. LOBREE, [redacted]
ROBERT C. LOCKERBY, [redacted]
COBY D. LOESSBERG, [redacted]
JOHN A. LONG, [redacted]
STEVEN L. LORCHER, [redacted]
FELTON C. LOUVIERE, [redacted]
KEITH D. LOWHAM, [redacted]
MICHAEL D. LUMPKIN, [redacted]
THOMAS G. LUNNEY, [redacted]
FORREST P. LUPO, [redacted]
ROBERT E. LUTHY, [redacted]
CHARLES E. LUTTRELL, [redacted]
ROBERT A. LYON, JR., [redacted]
ALAN M. LYTLE, [redacted]
PAUL S. MACKLEY, [redacted]
JEFFREY R. MACRIS, [redacted]
JAMES D. MACY, [redacted]
JOHN L. MAGEE, [redacted]
JOHN MALFITANO, [redacted]
DOUGLAS A. MALIN, [redacted]
MICHAEL L. MALONE, [redacted]
DAVID G MANERO, [redacted]
MARK S. MANFREDI, [redacted]
KEVIN MANNIX, [redacted]
CHARLES A. MARQUEZ, [redacted]
DAVID R. MARSHALL, [redacted]
RICHARD W. MARTIER, [redacted]
ERNEST W. MARTIN, [redacted]
JOSEPH A. MARTINELLI, [redacted]
JOHN K. MARTINS, [redacted]
THOMAS A. MARZEC, [redacted]
JAMES V. MATHESON, [redacted]
PAUL G. MATHESON, [redacted]
GEORGE S. MATTHESEN, [redacted]
AUDWIN D. MATTHEWS, [redacted]
LOUIS E. MAYER IV, [redacted]
JOHN J. MC AVOY, [redacted]
BRAIN C. MC CAWLEY, [redacted]
EDWARD M. MC CHESNEY, [redacted]
ESTHER J. MC CLURE, [redacted]
WILLIAM A. MC CORMICK, [redacted]
ERIC G. MC COY, [redacted]
JOHN D. MC CRORIE II, [redacted]
THOMAS MC DOWELL, JR., [redacted]
JAMES H. MC GEE, JR., [redacted]
BRYANGERARD MC GRATH, [redacted]
JOHN A. MC GUIRE, [redacted]
GREGORY K. MC INTOSH, [redacted]
PAUL P. MC KEON, [redacted]
BRADLEY R. MC KINNEY, [redacted]
RUSSELL T. MC LACHLAN, [redacted]
MARK A. MC LAUGHLIN, [redacted]
DEIDRE L. MC LAY, [redacted]
MICHAEL D. MC LEAN, [redacted]
MICHAEL J. MC MILLAN, [redacted]
ROBERT G. MC NALLY, [redacted]
JOHN E. MC SHERRY, [redacted]
PHILIP W. MEADE, [redacted]
KEVIN G. MEENAGHAN, [redacted]
JOHN F. MEIER, [redacted]
FRANKLIN D. MELLOTT, [redacted]
JOHN A. MENKE III, [redacted]
THOMAS A. MERCER, JR., [redacted]
MARK H. MERRICK, [redacted]
MICHAEL A. MEYERS, [redacted]
FRANK J. MICHAEL III, [redacted]
BRYAN D. MICKELSON, [redacted]
BARRY L. MILLER, [redacted]
EDWARD G. MILLER, [redacted]
MARK S. MILLER, [redacted]
DAVID B. MILLS, [redacted]
WILLIAM C. MINTER, [redacted]
ROSS P. MITCHELL, [redacted]
JOSEPH E. MOCK, [redacted]
DAVID A. MONAHAN, [redacted]
DAN W. MONETTE, [redacted]
NICHOLAS MONGILLO, [redacted]
JOHN E. MONKELL, [redacted]
JAMES H. MORRIS, [redacted]
STEVEN A. MUCKLOW, [redacted]
CHARLES E. MUGGLEWORTH, [redacted]
DANA S. MULLENHOUR, [redacted]
CHARLES U. MULLER, [redacted]
ROBERT S. MURPHY, [redacted]
JOHN T. MYERS, [redacted]
ELMER E. NAGMA, [redacted]
STEVEN D. NAKAGAWA, [redacted]
DOUGLAS M. NASHOLD, [redacted]
JEFFREY W. NAVEN, [redacted]
MICHAEL A. NECKERMAN, [redacted]
DAVID S. NEELY, [redacted]
BRADFORD S. NEFF, [redacted]
PETER R. NETTE, [redacted]
JOHN C. NICHOLSON, [redacted]
FREDRICK J. NIELSEN, [redacted]
DEAN T. NILSEN, [redacted]
GREGORY B. NOE, [redacted]
GEORGE P. NORMAN, [redacted]
SAMUEL R.M. NORTON, [redacted]
BRIAN D. NOYES, [redacted]
DONALD B. NUCKOLS, JR., [redacted]
ROBERT S. OCAMPO, [redacted]
NOREEN A. O'CONNELL, [redacted]
THOMAS C. O'CONNELL, [redacted]
MICHAEL E. O'CONNOR, [redacted]
BRIAN P. O'DONNELL, [redacted]
KENNETH J. O'DONNELL, [redacted]
CRAIG R. OECHSEL, [redacted]
CAMILO O. OKUINGHTTONS, [redacted]
SHAWN P. OLIVER, [redacted]
KEVEN H. O'MARA, [redacted]
THOMAS W. O'NEILL, [redacted]
DAVID J. OPATZ, [redacted]
DAVID B. OSGOOD, [redacted]
RICHARD N. OSTER, [redacted]
SCOTT F. OUTLAW, [redacted]
DAVID A. OWEN, [redacted]
STEVEN M. OXHOLM, [redacted]
ROBERT E. PALISIN II, [redacted]
CRAIG E. PALMER, [redacted]
DONDI J. PANGALANGAN, [redacted]
TIMOTHY J. PANOFF, [redacted]
CHARLES R. PAPAS, [redacted]
GEORGE B. PARISI, [redacted]
GREGORY E. PARTNEY, [redacted]
JOSEPH R. PEARL, [redacted]
THOMAS L. PECK, [redacted]
WILLIAM S. PENDERGRASS, [redacted]
CHRISTOPHER L. PENDLETON, [redacted]
MICHAEL L. PEOPLES, [redacted]
SEAN M. PETERS, [redacted]
JOHN C. PETERSCHMIDT, [redacted]
JOSEPH R. PETERSEN, [redacted]
MARK D. PETERSON, [redacted]
NICHOLAS PETRILLO, [redacted]
JOHN A. PIDGEON, [redacted]
BRETT M. PIERSON, [redacted]
JAMES A. PINKEPANK, [redacted]
MARTIN L. PLUMLEIGH, [redacted]
STEVEN P. POLILLO, [redacted]
RICKS W. POLK, [redacted]
TODD A. PORTER, [redacted]
MICHAEL B. PORTLAND, [redacted]
DAVID F. POSTOLL, [redacted]
CEDRIC E. PRINGLE, [redacted]
MARCUS A. PRITCHARD, [redacted]
JOHN S. PRITCHETT, [redacted]
RANDALL E. RAMEL, [redacted]
PHILIP D. RAMIREZ, [redacted]
RINDA K. RANCH, [redacted]
WILLIAM E. RAUP, [redacted]
EDUARDO REED, [redacted]
ALLEN R. REEVES, [redacted]
PAUL D. REINHART, [redacted]
DAVID A. RENBERG, [redacted]
PETER J. A. RIEHM, [redacted]
KENNETH C. RITTER, [redacted]
ANTHONY P. ROBERTS, [redacted]
RICHARD A. ROBERTS, [redacted]
STANLEY M. ROBERTSON, [redacted]
CHARLES W. ROCK, [redacted]
JOHN A. ROHAN, [redacted]
DEREK J. ROLLINSON, [redacted]
DANIEL J. ROQUES, [redacted]
JON T. ROSS, [redacted]
CHRISTOPHER J. ROUIN, [redacted]
MARK A. ROUP, [redacted]
MICHAEL D. ROWLAND, [redacted]
TIMOTHY P. RUDDEROW, [redacted]
DAVID H. RYAN, [redacted]
PATRICK J. RYAN, [redacted]
DAVID L. RYMER, [redacted]
DANNY M. SAD, [redacted]
DAVID J. SAMPSON, [redacted]
ANTHONY J.A. SANNICOLAS, [redacted]
THOMAS C. SASS, [redacted]
KEVIN B. SAYER, [redacted]
DONALD L. SAYRE, [redacted]
JEFFREY M. SCARRITT, [redacted]
STEPHEN J. SCHAFFER, [redacted]
JOHN A. SCHAPER, [redacted]
SHAWN M. SCHARF, [redacted]
RAYMOND T. SCHENK, [redacted]
BRENDA M. SCHEUFELE, [redacted]
EDWARD G. SCHIEFER, [redacted]
DAVID L. SCHIFFMAN, [redacted]
MARK E. SCHIMPF, [redacted]
EDWARD R. SCHOFIELD, [redacted]
RYAN B. SCHOLL, [redacted]
MARK T. SCHREIBER, [redacted]
JOHNNY L. SCHULTZ, [redacted]
RODERICK G. SCHWASS, [redacted]
EDDIE L. SEATON, [redacted]
BRIAN W. SEBENALER, [redacted]
ARMANDO A. SEGARRA, [redacted]
JOHN P. SEGERSON, [redacted]
LORIN C. SELBY, [redacted]
BRUCE A. SHAW, [redacted]
JOHN M. SHEPHERD, [redacted]
WILLIAM B. SHERER, [redacted]
WILLIAM M. SHUMER, [redacted]
LANGHORNE C. SIAS, [redacted]
BENNETT J. SICLARE, [redacted]
KEVIN B. SIMPSON, [redacted]
THOMAS W. SITSCH, [redacted]
DAVID P. SLIWINSKI, [redacted]
ANTHONY D. SMITH, [redacted]
DAVID G. SMITH, [redacted]
EDWARD D. SMITH, [redacted]
GORDON B. SMITH, [redacted]
MARLON L. SMITH, [redacted]
MICHAEL A. SMITH, [redacted]
MICHAEL D. SMITH, [redacted]
SCOTT A. SMITH, [redacted]
ADAM C. SMITHYMAN, [redacted]
ALAN W. SNYDER, [redacted]
ROBERT C. SOARES, [redacted]
SCOTT C. SOMERS, [redacted]
JACINTO S. SORIANO, JR., [redacted]
PATRICK W. STANTON, [redacted]
MICHAEL J. STEED, JR., [redacted]
DANIEL W. STEINLE, [redacted]
MICHAEL D. STEINMANN, [redacted]
CHRISTOPHER J. STEVANS, [redacted]
JOHN E.C. STEWART, [redacted]
MICHAEL A. STEWART, [redacted]
JOSEPH B. STROUP, [redacted]
CURTIS D. STUBBS, [redacted]
DANIEL L. STUECKEMANN, [redacted]
MARK A. STURGES, [redacted]
CHRISTOPHER A. SULLIVAN, [redacted]
DONALD R. SULLIVAN, JR., [redacted]
JOSEPH A. SULLIVAN, [redacted]
SCOTT C. SWEHLA, [redacted]
RANDALL C. SYKORA, [redacted]
MICHAEL T. TALAGA, [redacted]
JAMES E. TAUBITZ, [redacted]
LYNN H. TAWNEY, [redacted]
KEITH T. TAYLOR, [redacted]
MICHAEL F. TEDESCO, [redacted]
TODD C. TEMPLETON, [redacted]
DOUGLAS TENHOOPEN, [redacted]
RICHARD G. TERJESON, JR., [redacted]
KARLTON G. TERRELL, [redacted]
JOSE H. TESTALINDEMAN, [redacted]
JACK T. THEIS, [redacted]
RICHARD E. THOMAS, [redacted]
ROBERT W. THOMSON, [redacted]
SEAN F. TIERNEY, [redacted]
PETER D. TOMASCAK, [redacted]
WILLIAM E. TOWER III, [redacted]
NICHOLAS G. TREGLIA, [redacted]
DANIEL P. TURNER, [redacted]
LUTHER S. TURNER, [redacted]
JEFFREY S. TYER, [redacted]
CAROLYN L. TYLER, [redacted]
MICHAEL B. UPTON, [redacted]
GEOFFREY D. VANDERBLOOMER, [redacted]
KENT S. VANDERGRIFT, [redacted]
KENT R. VANHORN, [redacted]
IAN V. VATET, [redacted]
ROBERT J. VENTO, [redacted]
PAUL L. VILLAGOMEZ, [redacted]
JOHN P. VINTON, [redacted]
JOSEPH P. VOBORIL, [redacted]
CHRISTOPHER M. WAALER, [redacted]
ALLEN D. WALKER, [redacted]
MICHAEL S. WALLACE, [redacted]
STEPHEN M. WALLACE, [redacted]
PATRICK M. WALSH, [redacted]
JOHN T. WALTERS, II, [redacted]
DONALD J. WARD, [redacted]
BRIAN K. WATERHOUSE, [redacted]
JOHN M. WATSON, [redacted]
ARTHUR D. WAURIO, [redacted]
CHARLES R. WEBB, [redacted]
BLAKE T. WEBER, [redacted]
MATTHEW A. WEINGART, [redacted]
DAVID F. WEIR, [redacted]
DAVID A. WELCH, [redacted]
DAVID A. WELCH, [redacted]
GREGORY J. WENDEL, [redacted]
PAUL A. WETZEL, [redacted]
JOHN D. WHEELER, [redacted]
QUENTIN G. WHEELER, [redacted]
JEFFERY A. WHITAKER, [redacted]
DENNIS B. WHITE, [redacted]
MICHAEL J. WHITE, JR., [redacted]
ARTHUR D. WHITTAKER, JR., [redacted]
THOMAS Y. WILDER, [redacted]
DAVID A. WILLIAMS, [redacted]
SUNITA L. WILLIAMS, [redacted]
TED R. WILLIAMS, [redacted]
BARRY E. WILMORE, [redacted]
TIMOTHY M. WILSON, [redacted]
KARL A. WINTERMEYER, [redacted]
WAYNE E. WISEMAN, [redacted]
STEPHEN WISOTZKI, [redacted]
MICHAEL E. WOJCIK, [redacted]
SCOTT G. WOLFE, [redacted]
JEFFREY S. WOLSTENHOLME, [redacted]
JONATHAN WOOD, [redacted]
JOSEPH H. WOODWARD, [redacted]
RICHARD WORTMAN, [redacted]
JOHN C.H. WOUGHTER, [redacted]
VIRGIL S. WRIGHT, [redacted]
PAUL R. WYNN, [redacted]
CRAIG W. YAGER, [redacted]
MONTE L. YARGER, [redacted]
PERRY D. YAW, [redacted]
JOHN T. YOUNG, [redacted]
MARK O. ZAVACK, [redacted]
JOHN S. ZAVADIL, [redacted]
LAWRENCE K. ZELVIN, [redacted]
MARK Z. ZIELINSKI, [redacted]
WILLIAM A. ZIRZOW IV, [redacted]

ENGINEERING DUTY OFFICERS

To be lieutenant commander

MICHAEL D. ANDERSON, [redacted]
JOHN T. ARMANTROUT, [redacted]
GERALD B. BARNES, [redacted]
DAVID T. BISHOP, JR., [redacted]
SCOTT D. BOHMAN, [redacted]
MARK BRIDENSTINE, [redacted]
JEFFREY A. BURCHAM, [redacted]
JULIE S. CHALFANT, [redacted]
LUIS N. CHIONG, [redacted]
ALLEN L. CLARK, [redacted]
AGNES M. COLEMAN, [redacted]
MICHAEL V. COOPERWOOD, [redacted]
RICHARD E. CUNNINGHAM, [redacted]
KEVIN T. DAVIS, [redacted]

ALEXANDER S. DESROCHES, [redacted]
JEFFREY R. DUNLAP, [redacted]
STANLEY E. ENGLE, [redacted]
ROBERT M. FRANCIS, [redacted]
BRIAN B. GANNON, [redacted]
CHRISTOPHER N. GEDO, [redacted]
DAVID R. GEDRA, [redacted]
KEVIN A. GRUNDY, [redacted]
CHARLES A. GUNZEL, [redacted]
JON A. HILL, [redacted]
GLENN D. HOFERT, [redacted]
BILLY E. HUDGINS, JR., [redacted]
LLOYD H. JONES, [redacted]
ROBERT E. KAUFMAN, [redacted]
TIMOTHY J. KELLY, [redacted]
WILLIAM S. KNOLL, [redacted]
DAVID P. LASCURAIN, [redacted]
CHAU G. LE, [redacted]
PETER C. LYLE, [redacted]
TIMOTHY P. MCCUE, [redacted]
ERIC S. MCDONALD, [redacted]
DAVID M. MCGEE, [redacted]
STEVE J. MCPHILLIPS, [redacted]
CRAIG F. MERRILL, [redacted]
PAUL V. MERZ, [redacted]
CHRIS D. MEYER, [redacted]
CHRISTOPHER A. MILLER, [redacted]
KURTIS B. MILLER, [redacted]
DAVID F. MOORE, [redacted]
PETER J. NEWTON, [redacted]
GARY J. NOWICKI, [redacted]
EDWARD OLSEN, [redacted]
MANUEL V. ORDONEZ, [redacted]
CHRISTOPHER G. OVERTON, [redacted]
PHILLIP K. PALL, [redacted]
BARRY W. PAYNE, [redacted]
PER E. PROVENCHER, [redacted]
RONNIE D. PUETT, [redacted]
JEFFERY S. RIEDEL, [redacted]
JESS E. RIGGLE, [redacted]
DAVID E. SANDERS, [redacted]
CHRISTOPHER D. SCOFIELD, [redacted]
LEWIS J. SCOTT, [redacted]
RICKY A. SERAIVA, [redacted]
RAYMOND S. STARSMAN, [redacted]
JAMES E. STEIN, [redacted]
GEORGE M. SUTTON, [redacted]
WILLIAM E. SWAYZE, [redacted]
GARY W. SWEANY, [redacted]
ERIC A. TAPP, [redacted]
JAMES E. TATERA, [redacted]
KWOK B. TSE, [redacted]
CURTIS E. VEJVODA, [redacted]
PAUL M. VOTRUBA, [redacted]
DAVID L. WAGNON, [redacted]
CHARLES H. WELLINGTON, JR., [redacted]

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be lieutenant commander

MICHAEL J. CERNECK, [redacted]
WILLIAM D. MICHAEL, [redacted]
TIMOTHY J. MOREY, [redacted]

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be lieutenant commander

JON D. ALBRIGHT, [redacted]
STUART J. ALEXANDER, [redacted]
DONALD J. BODIN, JR., [redacted]
THOMAS M. CRAIN, [redacted]
ELLEN M. EVANOFF, [redacted]
JAMES F. GILLIES, [redacted]
MARK S. GOODALE, [redacted]
GRAHAM R. GUILER, [redacted]
PAUL E. HALL, [redacted]
BRIAN W. HICKS, [redacted]
RONALD D. KAELBER, [redacted]
CHRISTOPHER J. KENNEDY, [redacted]
COLE J. KUPEC, [redacted]
CARLOS L. LOPEZ, [redacted]
FELIPE M. LOPEZ, [redacted]
MATTHEW B. MULLINS, [redacted]
TERRENCE B. OHAIRE, [redacted]
VARANDA K. PHILLIPS, [redacted]
ARTHUR P. PRUETT, [redacted]
SCOTT E. ROBILLARD, [redacted]
RICHARD J. RUTKOWSKI, [redacted]
JOAN M. SCHMIDT, [redacted]
JOHN C. SMAJDEK, [redacted]
JODY C. SMITH, [redacted]
GREGORY A. STANLEY, [redacted]
JAMES I. VANDENAKKER, [redacted]
DANIEL VANORDEN, [redacted]
NEIL E. WILLIAMS, [redacted]
MICHAEL W. ZARKOWSKI, [redacted]

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be lieutenant commander

GEORGE D. BEAVERS, [redacted]
JOSEPH F. BRANAN, [redacted]
ARNOLD O. BROWN III, [redacted]
FRED W. CRUISE, [redacted]
DONALD P. DARNELL, JR., [redacted]
SCOTT F. DIPERT, [redacted]
PHILLIP B. FRANKLIN, [redacted]
DARYL R. HAEGLEY, [redacted]
JAMES E. HAGY, [redacted]
KATHRYN M.K. HELMS, [redacted]
FRANK C. HOLLAND III, [redacted]
PETER M. HUTSON, [redacted]
DOUGLAS A. JENIK, [redacted]
ALAN F. KUKULIES, [redacted]
JAMES K. LECHNER, [redacted]
RODNEY E. MALLOY, [redacted]
LAMIA ROLLINS, [redacted]
ROBERT P. SHEREDA, [redacted]
JOSEPH M. SNOWBERGER, [redacted]
JAMES V. STEVENSON, [redacted]
CHRISTOPHER TAYLOR, [redacted]
DARREN L. TURNER, [redacted]
DAVID B. WEIDING, [redacted]
TIMOTHY J. WHITE, [redacted]

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

JULIENNE E.C. ALMONTE, [redacted]
DAVID L. BEATTY, [redacted]
JOSUE M. BELLINGER, [redacted]
KIMBERLY A. BERRY, [redacted]
MARY Z. BOWEN, [redacted]
WILLIAM R. BRAY, [redacted]
TODD A. BROWN, [redacted]
ANDREW L. CALDERA, [redacted]
RONALD C. COPLEY, [redacted]
ARTHUR S. DELEON, [redacted]
PETER G. DUNPHY, [redacted]
JEANINE L.N. EHRET, [redacted]
JENNY S. EKKER, [redacted]
DAVID R. GARVEY, [redacted]
JOHN D. HARBER, [redacted]
JASON C. HINES, [redacted]
RONALD K. JONES, [redacted]
MARK W. KREIB, [redacted]
ANTHONY LAVECCHIA, JR., [redacted]
CARLOS J. LOFSTROM, [redacted]
JEFFREY A. MARGRAF, [redacted]
JOHN L. MCGAHA, [redacted]
CHRISTOPHER J. PAGE, [redacted]
JOHN P. PATCH, [redacted]
MICHAEL C. PERKINSON, [redacted]
DAVID C. PORCARO, [redacted]
DAVID A. QUACKENBOS, [redacted]
DANIEL P. SALYAN, [redacted]
DION M. SARCHET, [redacted]
JOHN C. SCHULTE, [redacted]
JON A. SKINNER, [redacted]
TERRANCE A. SMITH, [redacted]
RICHARD M. STEVENSON, [redacted]
MARK ALFRED STROH, [redacted]
MICHAEL V. TREAT, [redacted]
MICHAEL F. WEBB, [redacted]

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be lieutenant commander

DAVID J. ALBRITTON, [redacted]
JEFFREY A. BRESLAU, [redacted]
BRENT D. CHENARD, [redacted]
RICHARD L. LAJOYE, [redacted]
KELLY L. MERRELL, [redacted]
DONNA P. MURPHY, [redacted]
HERMAN M. PHILLIPS, [redacted]
LYDIA R. ROBERTSON, [redacted]
KAREN D. SCHAFFER, [redacted]
JON A. SMITH, [redacted]

SPECIAL DUTY OFFICERS (FLEET SUPPORT)

To be lieutenant commander

TIMOTHY P. ANDERSON, [redacted]
CHRISTOPHER V. ARIAS, [redacted]
GAYNELL F. BARBER, [redacted]
DARLENE R. BENNETT, [redacted]
KAREN K. BRADY, [redacted]
SUSAN K. BREWER, [redacted]
ANN M. BURKHARDT, [redacted]
JUDITH A. CALL, [redacted]
DONNA D. CANNON, [redacted]
RUDOLFO R. CANTU, [redacted]
DEBORAH M. Z. CASHMAN, [redacted]
DONNA A. CHERRY, [redacted]
FELICIA L. COCHRAN, [redacted]
YVETTE COFRESIEILIND, [redacted]
KARA C. DALLMAN, [redacted]
LORI L. DELOOZE, [redacted]
CHRISTINE M. DONOHUE, [redacted]
ELIZABETH M. DUNTON, [redacted]
JENNIFER R. FLATHER, [redacted]
CAROLYN S. FRICKE, [redacted]
JO E. GARDINER, [redacted]
RICHARD N. GATES, [redacted]
JANET G. GOLDSTEIN, [redacted]
BONITA A. GOODWIN, [redacted]
KATHY E. GORDON, [redacted]
CYNTHIA D. GRANT, [redacted]
GWYNN D. GRIFFIN, [redacted]
KERI A. GROHS, [redacted]
KATHARINE A. M. HALE, [redacted]
ANNE G. HAMMOND, [redacted]
IVY D. HANCHETT, [redacted]
DIANA HARRIS, [redacted]
CHRISTINA C. HARTIGAN, [redacted]
SUSAN D. HARVEY, [redacted]
JOSEPH M. HINES, JR., [redacted]
NANCY J. HOLCOMB, [redacted]
BARBARA S. KANEWSKE, [redacted]
MARY A. KIRBY, [redacted]
DIANE M. KOCZELA, [redacted]
VERONICA L. LUNDIN, [redacted]
SHANNON E. MCCARTHY, [redacted]
NANCY A. NORTON, [redacted]
ELIZABETH A. ODOWD, [redacted]
LISA A. OKUNPAIT, [redacted]
STEPHANIE L. O'NEAL, [redacted]
MELINDA L. POWERS, [redacted]
WILLIAM T. RICH, [redacted]
NANNETTE S. ROBERTS, [redacted]
MARK A. SANFORD, [redacted]
MARIANNE E. SICKMAN, [redacted]
DAVID J. SISSON, [redacted]
KATHLEEN M. STECKLER, [redacted]
DEAN E. STEWARTCURRY, [redacted]
ELENA A. TROTTER, [redacted]
KELLY J. VALENCIA, [redacted]
STEPHEN J. WILLIAMS, [redacted]

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be lieutenant commander

LAURA S. BRAMSON, [redacted]
ERIC J. BUCH, [redacted]
RAYMOND E. CHARTIER, JR., [redacted]
FREDERICK C. FRITSCH, [redacted]
JOHN A. FURGERSON, [redacted]
TIMOTHY C. GALLAUDET, [redacted]
ERIC F. GEDULTVONJUNGENFELD, [redacted]
GREG M. JIMENEZ, [redacted]
PETER M. KLEIN, [redacted]
PAUL E. MATTHEWS, [redacted]
BRUCE J. MORRIS, [redacted]
PATRICK J. MURRAY, [redacted]
WILLIAN H. NISLEY II, [redacted]
GREGORY SALVATO, [redacted]
MARGARET A. SMITH, [redacted]
MARCUS M. SPECKHAHN, [redacted]
MARC T. STEINER, [redacted]
JEFFREY L. SWAYNE, [redacted]
ERIC J. TREHUBENKO, [redacted]
ROBIN D. TYNER, [redacted]
GREG A. ULSES, [redacted]

LIMITED DUTY OFFICER (LINE)

To be lieutenant commander

SCOT K. ABEL, [redacted]
VIRGIL E. AKERS, [redacted]
WARRNE D. ALLISON, [redacted]
ALFREDO L. ALMEIDA, [redacted]
BRIAN W. ANDERSON, [redacted]
CLEMIA ANDERSON, JR., [redacted]
DANIEL R. ANDERSON, [redacted]
NORMAN C. ASH, [redacted]
NATHAN W. ASHE, [redacted]
DAVID W. ATKINS, [redacted]
JOSEPH E. AUFRANZ, [redacted]
CHARLES E. A. BAKER, [redacted]
KEVIN W. BALDWIN, [redacted]
THOMAS E. BARNES, JR., [redacted]
RICHARD L. BATES, [redacted]
JEFFREY M. BEATY, [redacted]
GORDON L. BELLEVUE, [redacted]
LAMAR H. BENTON, [redacted]
RANDY L. BERGMAN, [redacted]
CYRILEE A. BILLINGS, [redacted]
ERIC N. BINDERIM, [redacted]
ROBERT L. BLANCHARD, [redacted]
EDWARD J. BLASKO, [redacted]
RONALD L. BOISVERT, JR., [redacted]
MICHAEL A. BOSLET, [redacted]
FRANK W. BOYD, [redacted]
TIMOTHY S. BOYDSTUN, [redacted]
MICHAEL A. BRAY, [redacted]
EDWARD F. BREAULT, [redacted]
WAYNE M. BROVELLI, [redacted]
THEODORE R. I. BROWNELL, [redacted]
JAMES A. BROWNING, JR., [redacted]
PEGGY R. BURKE, [redacted]
BRUCE M. BUTLER, [redacted]
JOHN F. BUTTLER, [redacted]
LEWIS J. CARVER, [redacted]
MARK A. CHAFFIN, [redacted]
SCOTT C. COLTON, [redacted]
RICHARD A. CONTINI, [redacted]
JESS H. COOLEY, [redacted]
KEVIN T. COSTELLOE, [redacted]
RICHARD R. CSUHTA, [redacted]
KENNETH A. DAIBER, [redacted]
NORRIS L. DANZEY, [redacted]
STEVEN T. DAVIS, [redacted]
STEVEN A. DELANCY, [redacted]
PHILIP A. DELGADO, [redacted]
SILVESTER R. DELROSARIO, [redacted]
LINDA S. DENEEN, [redacted]
GREGORY, DEVAUGHN, [redacted]
RICKY L. DICK, [redacted]
DALE A. ESPERUM, [redacted]
PAUL G. FABISH, JR., [redacted]
JOHN H. FARQUHAR, [redacted]
RANDALL L. FISCHER, [redacted]
TERRY A. FORD, [redacted]
PERRY L. FORESTER, [redacted]
DAVID C. FOSTER, [redacted]
WILLIAM E. FULTZ, [redacted]
BRIAN F. GALE, [redacted]
RICARDO GARZA, [redacted]
WILLIAM J. GETZFRED, [redacted]
STEPHEN V. GIBBENS, [redacted]
JOHN W. GRADY, [redacted]
GLENN G. GRAVATT, [redacted]
GARY GREEN, [redacted]
DARRELL L. GRIFFIN, [redacted]

DARLENE R. GUNTER, [redacted]
BRAD F. GUTTILLA, [redacted]
WILLIAM A. HAMMOCK, [redacted]
TOMMY C. HARRIS, [redacted]
ROBIN A. HASTINGS II, [redacted]
CHARLES H. HAYDEN, JR., [redacted]
DANIEL P. HENDERSON, [redacted]
RONALD H. HENRY, [redacted]
DAVID A. HILL, II, [redacted]
LAWRENCE D. HILL, [redacted]
RICKY L. HOLT, [redacted]
DANIEL P. HOWE, [redacted]
KEITH W. HUNTER, [redacted]
JOHN E. IWANIEC, [redacted]
DAVID W. JACK, [redacted]
CHARLES JAMES, JR., [redacted]
OREN C. JEFFRIES, [redacted]
CLIFTON T. JOHNSON, [redacted]
LARRY M. JOHNSON, [redacted]
JOHN R. JONES, [redacted]
DENNIS R. KING, [redacted]
DAVID G. KNAUTH, [redacted]
WILLIAM C. KOSHI, JR., [redacted]
DALE K. KUTSCH, [redacted]
ROBERT J. LAROCK, [redacted]
STEVEN C. LARSON, [redacted]
JOHN H. LECKIE, [redacted]
BRUCE P. LEE, [redacted]
VICTOR K. LEONARD, [redacted]
JEFFREY E. LESSIE, [redacted]
ALAN D. LEWIS, [redacted]
JIMMY LEWIS, [redacted]
RONALD P. LIECHTY, [redacted]
GLENN W. LINTON, [redacted]
CURTIS L. LIPSCOMB, [redacted]
RICKY K. LOVELL, [redacted]
LARRY L. LUITHLE, [redacted]
JAMES P. MARTEN, [redacted]
TERRY M. MARTIN, [redacted]
JOSE F. MARTINEZ, [redacted]
JESUS A. MATUDIO, [redacted]
MICHAEL G. MC ADAMS, [redacted]
BRIAN F. MC SHEFFREY, [redacted]
ADAM J. MELCH, [redacted]
RICKY E. MILLER, [redacted]
KENNETH R. MINOGUE, [redacted]
DAVID L. MITCHELL, [redacted]
MICHAEL K. MOORE, [redacted]
DAVID K. MUISE, [redacted]
ROBERT D. NEWBRY, [redacted]
PAUL D. OLSON, [redacted]
WILLIAM L. OUELLETTE, [redacted]
DONALD E. OWENS, [redacted]
DERRELL W. PARKER, [redacted]
STUART D. PASELK, [redacted]
TIMOTHY W.P. PATON, [redacted]
DONALD R. PATTERSON, [redacted]
DAVID W. PEACOTT, [redacted]
ROBERTO PEREZ, [redacted]
ERNEST K. PETERSON, [redacted]
JERRY L. PETERSON, [redacted]
MICHAEL A. PETRILLO, [redacted]
MICHAEL K. PRICE, [redacted]
GERALD C. ROXBURY, [redacted]
EMIL J. SALANSKY, JR., [redacted]
JEFFREY D. SALISBURY, [redacted]
STEPHEN M. SALKA, [redacted]
JOHN A. SAMPSON, [redacted]
GUILLERMO A. SAMUELS, [redacted]
THOMAS SANFORD, [redacted]
KURT R. SCHAEDEL, [redacted]
STEPHEN C. SCHUELER, [redacted]
LAWRENCE A. SCRUGGS, [redacted]
STEVEN D. SHARER, [redacted]
THOMAS R. SHEFFIELD, [redacted]
JOHN E. SHOCKLEY, [redacted]
EDWARD J. SIMMONS, [redacted]
BRIAN SMITH, [redacted]
HAROLD W. SMITH, [redacted]
HENRY G. SNOWDEN, JR., [redacted]
LARRY S. SOUTHERLAND, [redacted]
DAVID A. SPANGLER, [redacted]
RICHARD A. STABLES, [redacted]
RICHARD L. STRICKLAND, [redacted]
JOHN J. SWOKOWSKI, [redacted]
DIANN D. TILGHMAN, [redacted]
CHRISTY I. TOMLINS, [redacted]
MARK A. TUOHY, [redacted]
DONALD R. TURCOTTE, [redacted]
THOMAS J. UTT, [redacted]
DAN O. WESSMAN, [redacted]
GREGORY D. WHEELOCK, [redacted]
MARK O. WIDTFELDT, [redacted]
ROBERT A. WILLEN, [redacted]
EDWARD W. WILLIAMS, [redacted]
ROY N. WILLIAMSON, [redacted]
MATTHEW H. WISNIEWSKI, [redacted]
RUSSELL L. WYCKOFF, [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN CORPS

To be colonel

JOHNNY R. ALMOND, [redacted]
DAVID H. CYR, [redacted]
CHARLES W. ECHOLS, [redacted]
RICHARD K. HUM, [redacted]
ROBERT F. IPPOLITO, [redacted]
CHARLES H. LOCKLIN III, [redacted]
CARLO F. MONTECALVO, [redacted]
RONALD A. NEWLAND, [redacted]
DAVID M. PARK, [redacted]
DAVID J. SCHROEDER, [redacted]
DAVID C. SESSIONS, [redacted]
STEVEN T. SILL, [redacted]
HENRY B. WILBOURNE, [redacted]

NURSE CORPS

To be colonel

SANDRA J. AMUNDSON, [redacted]
NORMA K. BOLTON, [redacted]
MARY L. COLEMAN, [redacted]
LINDA M. DOWNING, [redacted]
LINDA F. HENDERSON, [redacted]
*ALBERTINA HOLMLUND, [redacted]
PATRICIA A. HOWARD, [redacted]
DENNIS C. MARQUARDT, [redacted]
JACQUELINE E. MURDOCK, [redacted]
TERESA W. PAGE, [redacted]
EDITH S. SANDOVAL, [redacted]
LINDA D. SIEGEL, [redacted]
BARBARA C. SUTTON, [redacted]
THOMAS A. VANN, [redacted]
CONSTANCE M. WHORTON, [redacted]

MEDICAL SERVICE CORPS

To be colonel

THERESA S. BAKER, [redacted]
GEORGE C. BONHAM, JR., [redacted]
PATRICIA M. FRENCH, [redacted]
DAVID D. GILBREATH, [redacted]
NORMAN J. LATINI, [redacted]
FRANK L. NELSON, [redacted]
EUGENE H. RAYNAUD, [redacted]
STEVEN H. REGNER, [redacted]
WILLIAM R. RENWICK, [redacted]
RICHARD D. SILVERNAIL, [redacted]
JUNIOR J. TILLEY, [redacted]
EDWARD F. TORRES, [redacted]
RONALD E. WILDMAN, [redacted]
PAUL T. WILLIAMSON, [redacted]

BIOMEDICAL SCIENCES CORPS

To be colonel

GEORGE L. BERBERICH, [redacted]
WILLIAM G. BLACK, JR., [redacted]
ROBERT E. BRIDGES, [redacted]
DANIEL R. BROWN, [redacted]
ROCKY D. CALCOTE, [redacted]
JIM A. DAVIS, [redacted]
EVA M. ECKBURG, [redacted]
JAMES D. FRASER, [redacted]
GARY D. GACKSTETTER, [redacted]
MARK A. HAMILTON, [redacted]
ALBERT A. HARTZELL, [redacted]
DANNY L. HOLT, [redacted]
MOHAMMAD A. HOSSAIN, [redacted]
HARRY P. HOWITT, [redacted]
DENEICE L. JACKSON, [redacted]
JOHN F. KENT, [redacted]
RUSSELL H. MATTERN, [redacted]
WILLARD W. MOLLERSTROM, [redacted]
ESTHER F. MYERS, [redacted]
JOHN N. QUIRK, [redacted]
DENNIS L. RAY, [redacted]
ROBERT J. SARVAIDEO, [redacted]
LORRAINE SHELTONGAINES, [redacted]
PAUL J. SHONEBARGER, [redacted]
LOWELL L. SNITCHLER, [redacted]
*FORREST R. SPRESTER, [redacted]
ALICE A. TARPLEY, [redacted]

I NOMINATE THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THE OFFICER IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE

To be lieutenant colonel

GARY J. ABBATE, [redacted]
ANNEKE C. ABMA, [redacted]
JORGE ACEVEDO, [redacted]
JAMES L. ACREE, [redacted]
DAVID A. ADAMS, [redacted]
REGINALD L. ADAMS, [redacted]
EDWARD N. ADDISON, [redacted]
GEORGE D. AKIN, [redacted]
CARMEN M. ALATORREMARTIN, [redacted]
PAUL S. ALBERT, [redacted]
FRANK G. ALBRIGHT II, [redacted]
LINDA S. ALDRICH, [redacted]
STUART L. ALDRIDGE, [redacted]
JO A. ALFARO, [redacted]
LIONEL D. ALFORD, JR., [redacted]
GAIL C. ALLEN, [redacted]
JOHN M. ALLEN, [redacted]
TRAVIS L. ALLEN, JR., [redacted]
WILLIS D. ALLEY, [redacted]
MARK A. ALRED, [redacted]
ROBERT P. AMBROSE, [redacted]
DIETMAR AMELANG, [redacted]
MICHAEL T. AMES, [redacted]
JOHN M. AMRINE, [redacted]
DAVID K. ANDERSON, [redacted]
MONDELL R. ANDERSON, [redacted]
RICHARD L. ANDERSON II, [redacted]
SHERI W. ANDINO, [redacted]
SALVATORE A. ANGELELLA, [redacted]
PAULA ANSELMO, [redacted]
DEREK S. ANTONELLI, [redacted]
EVETTE E. APONTE, [redacted]
STEPHEN J. APPLE, [redacted]
JOSE R. ARAGON, [redacted]
ANTHONY J. ARETZ, [redacted]
EUGENIO V. ARIAS, [redacted]
STEVEN E. ARMSTRONG, [redacted]
BRADLEY D. ARNOLD, [redacted]
LARRY J. ARNOLD, [redacted]
MICHAEL W. ARNOLD, [redacted]
JARED A. ASTIN, [redacted]
MARK D. AUDISS, [redacted]
SUSAN J. AUNGST, [redacted]
FRED AUSTIN, [redacted]
LAWRENCE G. AVERY JR., [redacted]
PETER R. AXUP, [redacted]
RICHARD R. AYRES, [redacted]
MARGARET Y. BAECHTOLD, [redacted]
JAMES J. BAER, [redacted]
DAVID W. BAILEY, [redacted]
GEORGE E. BAILEY, [redacted]
MARK H. BAILEY, [redacted]
MARY F. BAILEY, [redacted]
ROBERT P. BAINE III, [redacted]
CYNTHIA A. BAKER, [redacted]
MICHAEL K. BAKER, [redacted]
DANIEL B. BAKKE, [redacted]
JOHN E. BALL, [redacted]
SHELBY G. BALL, [redacted]
PERRY G. BALLARD, [redacted]
JOANN M. BARBARO, [redacted]
PHILIP J. BARBEE, [redacted]
WILLIAM J. BARLOW JR., [redacted]
RAMONA G. BARNES, [redacted]
EDMUND L. BARNETTE JR., [redacted]
RANDY L. BARTELS, [redacted]
JAMES M. BARTLETT, [redacted]
GARY W. BARTON, [redacted]
MICHAEL C. BARTON, [redacted]
KEITH D. BASHANT, [redacted]
STEPHEN M. BATTS, [redacted]
JOHN K. BEALS, [redacted]
REBECCA L. BEAMAN, [redacted]
GROVER P. BEASLEY III, [redacted]
ALLAN R. BECK, [redacted]
WILLIAM R. BECKER, [redacted]
JEFFREY K. BEENE, [redacted]
TODD E. BEHNE, [redacted]
LORRAINE Y. BEJJANI, [redacted]
DAVID E. BELL, [redacted]
ALBERT P. BENDER, [redacted]
WILLIAM J. BENDER, [redacted]
MICHAEL A. BENJAMIN, [redacted]
BARRY J. BENNETT, [redacted]
MARK A. BENNETT, [redacted]
THOMAS W. BENNETT, [redacted]
ROBERT M. BENSON, [redacted]
BRIAN C. BERGDAHL, [redacted]
KATHERINE J. BERGERON, [redacted]
STEVEN W. BERNARD, [redacted]
MATTHEW J. BERRY, [redacted]
JAMES H. BEST, [redacted]
NANCY N. BETTIS, [redacted]
STEVEN K. BIBLE, [redacted]
BRAD S. BIGELOW, [redacted]
MICHAEL L. BILLINGSLEY, [redacted]
GREGORY M. BILLMAN, [redacted]
DANIEL J. BIRSCHBACH, [redacted]
DANIEL J. BISANTI, [redacted]
BRADFORD J. BISSON, [redacted]
JEAN E. BITNER, [redacted]
EILEEN A. BJORKMAN, [redacted]
DAVID L. BJORNSON, [redacted]
STEVEN M. BLACK, [redacted]
KAREN D. BLACKFORD, [redacted]
KARL W. BLACKMUN, [redacted]
MICHAEL J. BLAINE, [redacted]
BRUCE E. BLAISDELL, [redacted]
WILLIAM D. BLAKEMAN, [redacted]
DAVID A. BLALOCK, [redacted]
STEVEN BLASINGAME, [redacted]
RUDOLPH J. BLAZICKO, [redacted]
DAVID A. BLEHM, [redacted]
BRIEUC W. BLOXAM, [redacted]
KENNETH L. BLUMENBERG, [redacted]
SUZANNE L. BOAHN, [redacted]
CARL D. BODENSCHATZ, [redacted]
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PATRICIA BOMBERGER, [redacted]
ROMAN J. BONCZEK, [redacted]

EUGENE L. BOND, [redacted]
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WILLIAM J. BORONOW, [redacted]
JOHN J. BORSI [redacted]
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TONY D. CROWDER, [redacted]
JOSEPH C. CROWNOVER III, [redacted]
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VINCENT P. DIFRONZO, [redacted]
JOHN R. DIGGINS III, [redacted]
FRANK C. DIGIOVANNI, [redacted]
PAUL H. DIJULIO, [redacted]
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MARY K. DONNELLY, [redacted]
MARA O. DONOVAN, [redacted]
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ROBERT M. DOUGLAS, [redacted]
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D. HEATH DRADER, [redacted]
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GARY W. DUCOTE, [redacted]
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M. COLLEEN DUGANBEATOVICH, [redacted]
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MELINDA D. EDDINGTON, [redacted]
KATREE V. EDMONDS, [redacted]
LEONARD R. EDWARDS, JR., [redacted]
NORMAN D. EDWARDS, [redacted]
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CURTIS R. ELKIN, [redacted]
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HAL R. ELLIS, [redacted]
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SHEREE K. ENGQUIST, [redacted]
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LEONARD J. ESTERLY, JR., [redacted]
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LARRY E. FORTNER, [redacted]

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MICHAEL R. FOX, [redacted]
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FRANK GALLEGOS [redacted]
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PATRICK E. GIUNTA [redacted]
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VINCENT KUSH [redacted]
MUN H. KWON, [redacted]
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KEITH M. LABARGE [redacted]
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PAUL A. LAPORTA [redacted]
DAVID R. LARIVEE [redacted]
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THOMAS LESTER JR. [redacted]
LARRY E. LETCHER [redacted]
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STEVEN W. LINDSEY [redacted]
JOH N. LINK, [redacted]
DOUGLAS C. LITTLE [redacted]
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MICHAEL J. LOFTUS [redacted]
KURTIS D. LOHIDE [redacted]
ROLLIN A. LOOMIS III [redacted]
GARY K. LORIMOR, [redacted]
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RALPH W. LOWRY III [redacted]
MARK C. LUA, [redacted]
BETTY L. LUCAS [redacted]
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REX A. MARSHALL, [redacted]
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CORBY L. MARTIN [redacted]
JEFFREY S. MARTIN [redacted]
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RONALD B. MAXWELL, [redacted]

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JEFFREY G. MAYS [redacted]
DAVID C. MC AFEE, [redacted]
KIM C. MC ARDLE, [redacted]
JAMES M. MC CALL, [redacted]
PATRICK M. MC CARTHY, [redacted]
GAIL M. MC CARTY, [redacted]
RANDALL H. MC CASLAND, [redacted]
RICKY J. MC CLARY, [redacted]
JAMES K. MC CLELLAND, [redacted]
BEN MC COLLUM II, [redacted]
PHILIP W. MC DANIEL [redacted]
DIANE M. MC DANIELS, [redacted]
ERNEST P. MC DONALD [redacted]
JOHN T. MC ELHENNY [redacted]
RICHARD P. MC FARLAND, [redacted]
MATTHEW G. MC HARG, [redacted]
KEVIN J. MC HENKA, [redacted]
JEFFREY S. MC INTYRE [redacted]
CHARLES R. MC KEE, [redacted]
HAROLD W. MC KELVEY, [redacted]
MICHAEL A. MC KENNA, [redacted]
EARL H. MC KINNEY, JR. [redacted]
RICHARD B. MC KINNEY [redacted]
ROBERT C. MC KINNEY, [redacted]
WILLIAM D. MC KINNEY [redacted]
JOHN C. MC KOY, [redacted]
WILLIAM B. MC LENNAN, [redacted]
ANNIE M. MC LEOD, [redacted]
RICKY J. MC MAHON, [redacted]
PATRICK C. MC MANAMAN, [redacted]
WILLIAM J. MC MANUS [redacted]
WILLIAM J. MC MENAMIN, [redacted]
PATRICK S. MC MICHAEL, [redacted]
KENNETH N. MC MILLAN, [redacted]
JIMMY E. MC MILLIAN [redacted]
JOHN D. MC MONIGLE, [redacted]
PAUL MC MULLIN, [redacted]
RICHARD B. MC NABB [redacted]
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RON MC NEILL, [redacted]
KURT F. MC PHERSON [redacted]
MARK A. MEHALIC, [redacted]
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WILLIAM S. MEREDITH [redacted]
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CLADA A. MONTEITH [redacted]
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NEIL E. RADER [redacted]
STEVEN M. RAINEY [redacted]
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GAIL S. RAMSAY [redacted]
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BOBBIE L. RANDALL [redacted]
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CHRIS A. REASNER [redacted]
ROBERT K. REBO [redacted]
HELMUT H. REDA [redacted]
CHARLES D. REED [redacted]
SHELTA D. REESE [redacted]
DAN H. REICHEL [redacted]
MARK A. REID [redacted]
MARK F. REIDINGER [redacted]
ALBERT J. RESPRESS [redacted]
NANCY E. RICE [redacted]
JAMES D. RICHARDSON, JR. [redacted]
RENWICK W. RICHARDSON, SR. [redacted]
MICHAEL O. RIDDLE [redacted]
DENISE RIDGWAY [redacted]
PATRICIA F. RIDGWAY [redacted]
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WILLIAM F. RILEY [redacted]
STEVEN M. RINALDI [redacted]
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THOMAS E. RITCHIE [redacted]
MARITZA RIVERA [redacted]
PHILIP D. ROBERTS [redacted]
RAYMOND A. ROBIDOUX, JR. [redacted]
JANE A. ROBINSON [redacted]
JOSEPH L. ROBINSON [redacted]
STEPHANIE A. ROBINSON [redacted]
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JEFFREY B. ROCHELLE [redacted]
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TIMOTHY J. SAKULICH [redacted]
GILBERT L. SAMRENY [redacted]
ALFRED SANCHEZ [redacted]
MARLIN L. SANDER [redacted]
ROY J. SANDERS [redacted]
HARL H. SANDERSON, JR. [redacted]
JUDY A. SANDOR [redacted]
PETER G. SANDS [redacted]
NICHOLAS A. SANTANGELO [redacted]
JOHN A. SARAKATSANNIS [redacted]
JAMES E. SAULTZ, JR. [redacted]
DANIEL G. SAVILLE [redacted]
MICHAEL J. SCACCA [redacted]
RICHARD C. SCARBROCK [redacted]
WILLIAM A. SCHAAKE [redacted]
CINDY L. SCHAEFER [redacted]
ROWAYNE A. SCHATZ, JR. [redacted]
YVONNE E. SCHILZ [redacted]
MICHAEL J. SCHISSEL [redacted]
CRAIG H. SCHLATTMANN [redacted]
BRUCE E. SCHMIDT [redacted]
JOHN R. SCHNEIDER [redacted]
PAMELA C. SCHOTT [redacted]
STEVEN C. SCHRADER [redacted]
RICHARD K. SCHUFF [redacted]
DENISE I. SCHULTZ [redacted]
CHARLES T. SCOTT [redacted]
DAVID P. SCOTT [redacted]
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MICHAEL R. SCOTT [redacted]
JOSEPH S. SCRENCI, JR. [redacted]
ROBERT H. SEABERG [redacted]
GEORGE G. SEAMAN [redacted]
STEVEN R.F. SEARCY [redacted]
CHRISTOPHER A. SEAVER [redacted]
MARK E. SECAN [redacted]
JOSEF SEIDL [redacted]
MATTHEW T. SEITZ [redacted]
ALTON L. SELF, JR. [redacted]
ERIC M. SEPP [redacted]
JOHN G. SETTER, JR. [redacted]
BERNARD L. SHALZ, JR. [redacted]
DEAN E. SHARP [redacted]
PATRICK M. SHAW [redacted]
HOWARD R. SHELWOOD [redacted]
KENT I. SHEPHERD [redacted]
MICHAEL ALLEN SHEPHERD [redacted]
CHRISTIAN L. SHIPPEY [redacted]
DALE T. SHIRASAGO [redacted]
THOMAS A. SHIRCLIFF, JR. [redacted]
HERBERT E. SHIREY [redacted]
JERALD S. SHIVER [redacted]
ROBERT C. SHOFNER [redacted]
WELDON B. SHOFNER [redacted]
BRIAN J. SHOOK [redacted]
JAMES T. SILVA [redacted]
MARK SIME [redacted]
ROBERT K. SIMM, JR. [redacted]
ROBIN A. SIMMONS [redacted]
DAVID A. SIMMS [redacted]
ALBERT J. SIMON [redacted]
JOHN H. SIMS [redacted]
MARC L. SIMS [redacted]
RAYMOND H. SIMS, JR. [redacted]
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KENNETH W. SINGLETON [redacted]
JOHN C. SINGSAAS [redacted]
MICHAEL J. SINISI [redacted]
GARRY E. SITZE [redacted]
EUGENE R. SKELLY [redacted]
JAMES R. SKOTNICKI [redacted]
CAROLYN V. SMALL [redacted]
MICHAEL G. SMELLIE [redacted]
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ROBERT L. SMITH, JR. [redacted]
RONALD C. SMITH [redacted]
TALLY E. SMITH [redacted]
TIMOTHY D. SMITH [redacted]
WILBURN W.L. SMITH [redacted]
REX K. SNIDER, JR. [redacted]
THOMAS E. SNODGRASS [redacted]
LETITIA J. SNOOK [redacted]
NANCY D. SNYDER [redacted]
VINCENT R. SNYDER [redacted]
WILLIAM G. SNYDER [redacted]
MARK S. SOBOTA [redacted]
JOYCE F. SOHOTRA [redacted]
DONALD W. SOLANO [redacted]
ROBERT M. SONNEMANN [redacted]
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JUAN R. SOTOMAYOR [redacted]
GILLIAM D. SOUTHARD [redacted]
ANNABEL S. SPARKMAN [redacted]
DAVID L. SPEAKMON [redacted]
EVELYN M. SPENCE [redacted]
THOMAS R. SPICER [redacted]
TERRY L. SPITZMILLER [redacted]
ROBERT P. SPRACALE [redacted]
HERMAN L. SPRINGER, JR. [redacted]
MARY L. STALEY [redacted]
ANDREW B. STANFORD [redacted]
MARK A. STANK [redacted]
JULIE K. STANLEY [redacted]
CHARLES W. STANSBERRY, JR. [redacted]
JOHN W. STARKEY [redacted]
ROBERT J. STEELE [redacted]
DAVID D. STEINFIELD [redacted]
TYRONE R. STEPHENS [redacted]
MARK R. STEVENS [redacted]
BRADLEY R. STEWART [redacted]
JACK S. STEWART [redacted]
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SCOTT R. STIMPERT [redacted]
DAN J. STIVER [redacted]
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JOSEPH M. STOKER [redacted]
TONY G. STONE [redacted]
MARK R. STOUT [redacted]
STEVEN C. STREIFFERT [redacted]
STEVEN C. SUDDARTH [redacted]
MARC SUKOLSKY [redacted]
MARK P. SULLIVAN [redacted]
ROBERT E. SUMINSBY [redacted]
THOMAS D. SUMMERS II [redacted]
GLENN A. SWILLING [redacted]
JOHN D. SWINDOLL [redacted]
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PETER J. SZYJKA [redacted]
MARK B. TAPPER [redacted]
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CAROL A. TAYLOR [redacted]
DENISE S. TAYLOR [redacted]
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HARRY J. TETI [redacted]
PAUL L. THEE [redacted]
MICHAEL F. THEECK [redacted]
GUY C. THOMPSON [redacted]
THOMAS B. THOMPSON [redacted]
NAT THONGCHUA [redacted]
VIKKI A. THRASHER [redacted]
DAVID L. THURSTON [redacted]
DONNA M. TIEFENBACH [redacted]
FRED L. TINDALL, JR. [redacted]
DANNY R. TIPTON [redacted]
JONATHAN K. TITUS [redacted]
ROBERTA M. TOMASINI [redacted]
BONITA J. TONEY [redacted]
LINDA E. TORRENS [redacted]
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BRUCE C. TOWNSEND [redacted]
MARK P. TRANSUE [redacted]
RICHARD K. TRASTER [redacted]
RICHARD C. TREASURE, JR. [redacted]
MICHAEL S. TRIMBOLI [redacted]
DEAN N. TRUDEAU [redacted]
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DOUGLAS K. TUCKER [redacted]
JOHN A. TULEY [redacted]
GEORGE FRANCIS TURNER II [redacted]
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TERESA G. TURNER [redacted]
DAVID M. TYE [redacted]
TRACY E. TYNAN [redacted]
DWIGHT P. TYNES [redacted]
JAMES N. TYSON [redacted]
JOSEPH F. UDEMI [redacted]
EDWARD T. UNANGST, JR. [redacted]
DAVID K. UNDERWOOD [redacted]
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ROBERT A. UPSHUR, JR. [redacted]
SHERYL M. UTHE [redacted]
CHARLES T. UYEDA, JR. [redacted]
PETER M. VACCARO [redacted]
ALAN H. VAFIDES [redacted]
DAVID A. VALLADO [redacted]
PAUL J. VANCHERI [redacted]
JONATHAN D. VANGUILDER [redacted]
DAVID W. VANWAGONER [redacted]
EDUARDO L. VARGAS [redacted]
MARJORIE L. VARUSKA [redacted]
TEDDY T. VARWIG [redacted]
PEDRO VASQUEZ, JR. [redacted]
MICHAEL G. VAUGHN [redacted]
JULIO A. VELA [redacted]
WILLIAM M. VENABLE [redacted]
JOHN VENEZIANO [redacted]
MICHAEL G. VIDAL [redacted]
STEPHEN G. VISCO [redacted]
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DAVID M. VOTIPKA [redacted]
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ANDREW WALKER [redacted]
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MARGIE L. WALLING [redacted]
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KATHY D. WARD [redacted]
MICHAEL L. PAUL WARD [redacted]
PATRICK M. WARD [redacted]
SYLVIA C. WARDLEYNIEMI [redacted]
VICTOR L. WARZINSKI [redacted]
LARRY S. WASHINGTON [redacted]
MARK R. WASSERMAN [redacted]
STEVEN C. WATERS [redacted]
JONATHAN J. WATKINS [redacted]
JAMES M. WAURISHUK, JR. [redacted]
MARK P. WEADON [redacted]
BARBARA T. WEAVER [redacted]
ROGER E. WEAVER [redacted]
GARY C. WEBB [redacted]
MICHAEL J. WEBB [redacted]
AVA N. WEBBSHARPLESS [redacted]
SCOTT D. WEBER [redacted]
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DONALD C. WECKHORST [redacted]
ANTHONY M. WEIGAND [redacted]
JACK WEINSTEIN [redacted]
CHARLES A. WEISS [redacted]
ANN L. WELLS [redacted]
JAMES J. WENDLING [redacted]
WAYNE H. WENTZ [redacted]
STEPHEN J. WERNER [redacted]
CHERYL A. WEST [redacted]
WILLIAM F. WEST, JR. [redacted]

EDGAR S. WESTERLUND [redacted]
DONALD E. WETER [redacted]
SANDRA A. WHEELER [redacted]
SCOTT L. WHEELER [redacted]
SAMUEL K. WHILDING [redacted]
RANDY L. WHIPPLE [redacted]
GREGORY B. WHITE [redacted]
JOHN V. WHITE [redacted]
RICHARD G. WHITE, JR. [redacted]
GREGORY S. WIEBE [redacted]
DENNIS R. WIER [redacted]
BURTON D. WIGGINS [redacted]
JOHN S. WILCOX [redacted]
KAREN S. WILHELM [redacted]
JAMES E. WILHITE [redacted]
RODNEY L. WILKINSON [redacted]
BARRY M. WILLIAMS [redacted]
BRETT T. WILLIAMS [redacted]
DAVID J. WILLIAMS [redacted]
KENNETH A. WILLIAMS, JR. [redacted]
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DANA N. WILLIS [redacted]
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ROBERT A. WILSON [redacted]
ROBERT T. WIMPLE, JR. [redacted]
KATHLEEN M. WINTERS [redacted]
ROBERT S. WINTERS [redacted]
MICHAEL C. WITHERS [redacted]
MARK H. WITT [redacted]
CLETUS F. WITTER [redacted]
JOHN K. WOJAHN [redacted]
RICK S. WOLAVER [redacted]
SIFES W. WOLE, JR. [redacted]
CHARLES W. WOLF, JR. [redacted]
CAROL J. WOLOSZ [redacted]
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DAVID E. YOW [redacted]
THOMAS E. ZAJAC [redacted]
GILBERT ZAMORA, JR. [redacted]
ROBERT ZAPATA [redacted]
RODERICK C. ZASTROW [redacted]
JOSEPH M. ZAUBI [redacted]
DAVID J. ZDENEK [redacted]
ROBERT H. ZEIGLER [redacted]
MICHAEL P. ZEPF [redacted]
STEPHEN B. ZIEHMN [redacted]
HERBERT R. ZUCKER [redacted]

EXTENSIONS OF REMARKS

46TH ANNIVERSARY OF TEMAS MAGAZINE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1996

Mr. DIAZ-BALART. Mr. Speaker, in commemorating the 46th year of the first edition of TEMAS magazine, I would like to extend my sincerest congratulations for the wonderful job that for these more than four decades TEMAS has performed for Spanish-speaking communities throughout the United States.

TEMAS' philosophy, under expert supervision and with the collaboration of a distinguished staff, has always contributed to social peace in our communities, progress and brotherhood within our diverse society. People of all ethnic backgrounds invariably find an effective and honest fighter for their rights in TEMAS.

For all this, and much more, I would like to publicly congratulate TEMAS and pledge my continued support for their efforts. I wish Ana Perera, her staff, and TEMAS continued success and good fortune.

IN HONOR OF THE MARY T. NORTON MEMORIAL AWARD RECIPIENTS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to three outstanding citizens: Martha Lewin, Yvonne Bryant, and Joan Doherty Lovero. These women will be honored for their invaluable contributions to their community with the Congresswoman Mary T. Norton Memorial Award on September 16, 1996 at the Meadowlands Hilton.

Ms. Martha Lewis has a long record of service in Hudson County, NJ. Since 1974, she has been part of the senior management for the YWCA of Hudson County, a unique provider of counseling, guidance, and support for more than 1,000 Hudson County families. Ms. Lewis also acts as a voice for her Jersey City community as a member of the executive and advocacy committees of the Non Profit Affordable Housing Network of Corporations, the York Street Project Board, and the Hudson County Coalition of Non Profit Corporations. For 30 years, Ms. Martha Lewis has worked to make a difference in her community.

Ms. Yvonne Bryant has led a life dedicated to serving others. She has worked for the Social Security Administration in the Philadelphia area and today acts as the district manager for the Social Security Administration in Hudson County. She served as the chairperson of the New York Region's Women's Committee as well as a volunteer in various community organizations.

Ms. Joan Doherty Lovero holds a true love for learning and has shared that love with the residents of Hudson County for many years. She has worked for the Jersey City Public Library for 25 years, and is very much involved with adapting the library to new technologies in order to make it as beneficial as possible to the community. Ms. Lovero's love for Hudson County is evinced in her 1986 book, "Hudson County: The Left Bank." A longtime admirer of Hudson County's first Congresswoman, Mary T. Norton, she continues to write various articles on the late Congresswoman and Hudson County.

It is an honor to have these three exceptional individuals residing in my district. I ask my colleagues to join me in the recognition of Martha Lewin, Yvonne Bryant, and Joan Doherty Lovero's lifelong commitment to their community.

TRIBUTE TO DR. ANTONIA PANTOJA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1996

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Dr. Antonia Pantoja who will be honored today by President Bill Clinton with the Presidential Medal of Freedom.

Dr. Pantoja is the first Puerto Rican woman to receive this Presidential award. She is being honored for her lifetime achievements in the creation and development of numerous organizations to serve the Puerto Rican community.

Dr. Pantoja was born in San Juan, PR. She lived with her grandfather, a cigar maker, in the workers' neighborhood of Barrio Obrero. From her grandparents she learned the value of workers' unions and their ability to achieve common goals. She witnessed first hand a successful strike of cigar makers that helped improve working conditions.

Pantoja's parents taught her the importance of education. Young Pantoja completed a 2-year degree at the University of Puerto Rico and soon afterward she started teaching in the rural neighborhoods of Puerto Rico. Although she loved teaching, the pay was very low.

In 1944, she came to New York City in search of a better economic future for her family. She moved to the Bronx and started working as a welder in a factory. Soon she witnessed the struggles of the Puerto Rican community and the lack of opportunities to improve their economic conditions.

She found a job at a community center, which enabled her to attend Hunter College and complete her bachelor's degree in social work. Full of aspirations for her Puerto Rican community, Pantoja founded the Puerto Rican Forum, an organization that would assist in the creation of Puerto Rican institutions.

The Puerto Rican Forum led to the creation of ASPIRA, an agency to help Puerto Rican youth focus in their studies and obtain higher education. Under Pantoja's leadership, ASPIRA grew fast and is now one of the most influential organizations helping the Hispanic community. Currently, ASPIRA has chapters in New York, New Jersey, Pennsylvania, Florida, and Puerto Rico.

Pantoja's work was just starting. She went to teach at the Columbia University School of Social Work as an associate professor. Later on she worked on her doctorate project, the establishment of a university in Washington, DC, to serve Puerto Rican students in the United States. Universidad Boricula served as a repository of information on Puerto Rican studies—its history, culture, and the community itself. Most recently, Dr. Pantoja established the organization Producir to help in the community development of the workers' neighborhoods or barrios in Puerto Rico.

Her desire to serve the community is demonstrated in many committees and boards on which she has served throughout her career. Dr. Pantoja was a member at large of the Constitutional Convention of New York State. At the convention, she was the chairperson of the subcommittee that wrote the article on education opportunities and the article on job economic development. She also worked on the decentralization of New York City schools.

Among many other memberships, Dr. Pantoja also served as a commissioner for the Study Commission for Undergraduate Education and the Education of Teachers. She was a member of the Evaluation Committee of the National Endowment for the Arts and of the National Endowment for the Humanities. She was awarded a doctorate degree, Honoris Causa, from the City University of New York, Queens College School of Law.

Dr. Pantoja has been honored with the Ellis Island Medal of Liberty, the National Puerto Rican Coalition Life Achievement Award, the Hispanic Heritage Award, the U.S. Hispanic Congress Hero Award, and the John W. Gardner Leadership Award from Independent Sector, among other awards.

Dr. Pantoja has dedicated her life to the advancement of the Puerto Rican community, to education and the betterment of community relations. Her extraordinary life is an example of achievement through leadership, perseverance, and faith in your own abilities.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Antonia Pantoja, for her life of achievements helping our Puerto Rican community, New York, and the Nation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A TRIBUTE TO CLIFFORD JONES—LIFETIME ACHIEVEMENT AWARD

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1996

Mr. GOODLING. Mr. Speaker, today, I rise to honor Clifford Jones who will receive the Lifetime Achievement Award from the B'nai B'rith Foundation of the United States on September 10, 1996.

B'nai B'rith chose Clifford Jones as the 1996 recipient of this prestigious award for his selfless dedication to the betterment of the people of the Commonwealth of Pennsylvania. Whether it was in the private or public sector, he gave his very best to improve the quality of life for all Pennsylvanians.

In serving three Pennsylvania Governors in three cabinet positions, Cliff set a standard of excellence in commerce, industry, and the environment for all future Pennsylvania cabinet members. One of his greatest achievements as a public servant was his pivotal role in forging a coalition of support for passage of the State's original Hazardous Waste Act.

Cliff also played an important role in Pennsylvania politics, serving as chairman of the Republican Party of Pennsylvania and president of Pennsylvanians for Effective Government. He has long been active in the pursuit of quality legislative candidates. There are many in the Pennsylvania Legislature who were discovered and recruited by Cliff.

He helped to retain and recruit business to Pennsylvania as president of the Pennsylvania Chamber of Business and Industry and transition president for Capitol Region Economic Development Corp. He recently received the "Entrepreneur of the Year" award for his support of entrepreneurship to add to his collection of awards for many worthy causes.

While much of Cliff's career has centered around business and government, he has also dedicated much of his time toward improving the quality of education and health for Americans. A long-time supporter of student internships, he served on the board of the Finnigan Foundation which places student interns in various positions within the Pennsylvania State government.

Currently, Cliff is a college professor and part-time project facilitator. He has many nonprofit affiliations including the Messiah College Board of Associates, the Whitaker Center for Arts, Science and Education, the Capitol Region Health Futures Board, the Hawk Mountain Sanctuary Association, and the Pennsylvania Nature Conservancy.

Mr. Speaker, I am very proud to stand here in the well of the House of Representatives and join Cliff's wife, Jean, his children and grandchildren in honoring a friend, a constituent, dedicated public servant, and great American role model. If every American can accomplish only a fraction of what Clifford Jones has fulfilled in his lifetime, I have great hopes for this beloved country of ours.

HONORING UKRAINE

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1996

Mr. GUTIERREZ. Mr. Speaker, I rise today to honor our friend and ally, Ukraine, as it heads into its sixth year of self-rule. On August 23, the people of Kiev (Kyiv) and their countrymen throughout Ukraine celebrated independence with parades and festivals. They were joined by thousands of Americans and Canadians of Ukrainian descent, from Chicago to Calgary, who expressed their unyielding support for their ancestral homeland and the hope that democracy and freedom will continue to prosper there.

On this fifth anniversary of Ukrainian independence, I believe the Ukrainian people have much to celebrate. While Ukraine is still adjusting from economic centralization and control to a more liberalized market system, economic growth has been gradually improving. Democratic institutions and traditions are slowly taking root in this land.

The critics who predicated the collapse of the Ukrainian economy in the early 1990's and a return to authoritarian rule and a centrally controlled economy, have been proven wrong. This alone is reason to celebrate, for surmounting the numerous obstacles faced by the Ukrainian people in the first year of their independence was no easy task.

I believe that the United States must maintain its strong financial commitment to aid Ukraine in its continued transition to a market-based economy. We must assist the people of Ukraine in shutting down the Chernobyl nuclear plant and other similarly constructed plants. We should also aid Ukraine in the development of alternative energy sources by the end of the decade.

In addition, I feel strongly that we must continue to work with Ukrainian President Leonid Kuchma, who has advocated for greater market reforms, respect for human rights and the expansion of civil freedoms on a par with Western standards. Ukraine's participation in the Partnership for Peace [PFP] and the peacekeeping mission in Bosnia are also evidence of the commitment of President Kuchma and the Ukrainian people to peace in Eastern Europe and alliance within the Atlantic community.

So, as we commemorate 5 years of Ukrainian self-rule, let us also recognize the role the United States can play in furthering market reforms and democracy in Ukraine.

I wish the people of the Ukraine and the thousands of Americans of Ukrainian descent, in particular the Ukrainian-American community in Chicago, another year of progress, prosperity and friendship.

KHALRA KIDNAPING: 1 YEAR OF TERROR

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, it has now been 1 full year since the Indian regime kidnaped Jaswant Singh Khalra, the general secretary of the Human Rights Wing, Shiromani Akali Dal. For 1 year, Mr. Khalra has been subjected to imprisonment and torture in the world's largest democracy.

What did Mr. Khalra do to deserve such a fate? He exposed the brutal tyranny of the regime. Mr. Khalra published a report in which he exposed the fact that more than 25,000 Sikhs have been abducted by the regime, tortured, murdered, and then cremated after their bodies were declared unidentified. Many families are still waiting for some word on their loved ones. The cremations were to cover up the responsibility of the police.

Mr. Khalra is in the custody of the intelligence bureau. An eyewitness has confirmed that he has been tortured severely. He was threatened by the Tarn Taran police chief, Ajit Sandhu, after publishing his report. "We made 25,000 disappear," Mr. Sandhu told him. "It would not be hard to make one more disappear." This is a clear threat to Mr. Khalra and all others who might expose the Indian regime. Is this how India defines freedom of speech?

Mr. Speaker, the kidnaping of Jaswant Singh Khalra is just one of many examples of India's tyranny against the Sikhs and others who are outside the rigid caste system. Their national integrity and their basic human rights are violated on a daily basis. America is the conscience of the world. It is our responsibility to oppose this kind of oppression with everything we have. The United States Government must demand the immediate release of Jaswant Singh Khalra and we must support the Sikh Nation in achieving the full and complete independence of the Sikh homeland, Khalistan.

TRIBUTE TO MR. ALVIN C. McPHERSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1996

Mr. TOWNS. Mr. Speaker, I rise to take this opportunity to congratulate and recognize the distinguished career of Mr. Alvin C. McPherson. I commend his storied dedication and exceptional community commitment to my colleagues.

Born in Princess Anne County, VA on October 28, 1928, to a family of 17 children, Mr. McPherson would soon assume the great task of caring for his younger siblings before joining the U.S. Army.

Mr. McPherson's demonstration of leadership and ability extends from his early childhood. Accordingly, upon completing his military duties, he moved to Brooklyn, NY, where he worked for the Department of Veterans Affairs, retiring in 1984 after 30 years of service.

Led by his strong conviction to serve, Alvin McPherson has been an active member of many organizations involved in civic activities. His concerns led him to be a member of the New York Urban League, past chairperson and associate member of the National Council of Negro Women, Inc. and past correspondence secretary of the Mary McCloud Day Care Center.

In addition, Mr. McPherson has served his community in a similar fashion as; a chartered member of the Bedford-Stuyvesant Block Association, and as a member of the board of directors, BHRAGGS, Inc. Currently, Mr. McPherson is a member of the George P. Davis Post Number 116, American Legion, the Brooklyn Historical Society, the National Association of Retired Federal Employees, the Bhrags-Tompkins Park Senior Citizen Center, and Masonic member of Joppa Lodge Number 21 A.F. & A.M.

Alvin has been the recipient of over 175 citations, certificates, and awards. Frequently cited and honored by political organizations and civic leaders in New York, Mr. McPherson continues to receive local and national honors that reflect his long and tireless efforts to the greater Brooklyn community.

Mr. Speaker, I am truly honored to highlight the accomplishments and diligent work of Mr. McPherson. McPherson views his efforts as a way to give back; therefore. I extend to him my best wishes for continued success.

IN HONOR OF ANA RODRIGUEZ, A REMARKABLE WOMAN WITH AN ENDURING WILL AND A HEART OF GOLD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today before the House of Representatives to pay special tribute to Ana Rodriguez, a woman and author of uncommon courage and fortitude. She is a woman who endured 19 years of her life in a Cuban prison for a cause she and many others believed in. A cause which is alive today as much as it was then.

In 1961, an aspiring young Cuban medical student with a promising future joined a fledgling struggle of opposition against one man and his repressive regime. Poised with others to defend the principles of liberty, she was tried, convicted, and sentenced to 30 years in prison for opposing Castro's Communist regime.

Despite the day-to-day pain, suffering, and solitude of her incarceration, Ana Rodriguez found the will to remain faithfully committed to the principles of freedom and liberty. In "A Diary of a Survivor," she details how Cuban political prisoners were constantly beaten, starved, threatened, and confined to dark isolated cells for months at a time without water or medical treatment. And through it all, she and other prisoners refused to give in to Castro and his repressive security force.

Ana Rodriguez's 19-year struggle for freedom serves as a beacon of hope of those who continue to be unjustly persecuted for defending principles they believe in. Her life is a testimony to the many men and women still suffering today from the same repressive regime which shattered her life 35 years ago. Today, the scars of persecution, embedded within her memory and in the lives of so many, serve as cruel reminder of a regime which continues to silence its people by the use of undemocratic and barbaric means.

I ask my colleagues to please join me in honoring this remarkable human being. Her resolve in the face of immeasurable adversity should be studied and emulated by all who dare to speak out against tyranny in defense of freedom and democracy. And I further ask my colleagues to read "A Diary of a Survivor" and let her detailed accounts of oppression and struggle for freedom serve as an example of similar struggles being waged today not only in Cuba but throughout the world.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 10, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 11

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on the implementation of the Intermodal Surface Transportation Efficiency Act, focusing on the role of Federal, State, and local governments in surface transportation.

SD–406

2:00 p.m.

Foreign Relations

International Operations Subcommittee

To hold hearings on United Nations reform proposals.

SD–419

Judiciary

To hold hearings to examine mergers and competition in the telecommunications industry.

SD–226

SEPTEMBER 12

9:30 a.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 1695, to authorize the Secretary of the Interior to access up to $2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to the park.

SD–366

10:00 a.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to review the situation in North Korea.

SD–419

Governmental Affairs

To hold hearings on S. 1794, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

SD–342

Judiciary

Business meeting, to consider pending calendar business.

SD–226

2:00 p.m.

Appropriations

Business meeting, to mark up H.R. 3755, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1997.

SD–192

Armed Services

Personnel Subcommittee

To hold hearings on the practices and procedures of the investigative services of the Department of Defense and the military departments concerning investigations into the deaths of military personnel which may have resulted from self-inflicted causes.

SH–216

SEPTEMBER 17

9:30 a.m.

Commerce, Science, and Transportation

To hold closed hearings to examine aviation security challenges.

S–407, Capitol

Energy and Natural Resources

To hold hearings to examine issues with regard to United States climate change policy.

SD–366

Small Business

To hold hearings to examine the impact of Union Salting Campaigns on small businesses.

SR–428A

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

Indian Affairs

To hold hearings to examine economic development on Indian reservations.

SR–485

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on issues relating to computational biology.

SR–253

SEPTEMBER 18

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine how fatigue affects the various transportation systems.

SR-253

Energy and Natural Resources

To hold hearings on S. 1920, to amend the Alaska National Interest Lands Conservation Act, and S. 1998, to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilichik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corporation and Knikatnu, Inc. regarding the conveyances of certain lands in Alaska Under the Alaska Native Claims Settlement Act.

SD-366

SEPTEMBER 19

9:30 a.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 1539, to establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas- Mexico border, S. 1583, to establish the Lower Eastern Shore American Heritage Area, S. 1785, to establish in the Department of the Interior the Essex National Heritage Area Commission, and S. 1808, to establish a program for the preservation of additional historic property throughout the Nation.

SD-366

10:00 a.m.

Veterans' Affairs

To hold hearings on the implementation of Public Law 102-4, the medical and scientific bases for associations between herbicide exposure and disease.

SR-418

SEPTEMBER 24

9:30 a.m.

Indian Affairs

To hold hearings to examine civil jurisdiction in Indian country.

SR-485

SEPTEMBER 25

9:30 a.m.

Indian Affairs

To hold hearings to examine the phase out of the Navajo/Hopi relocation program.

SR-485

CANCELLATIONS

SEPTEMBER 10

9:30 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD-226

SEPTEMBER 11

9:30 a.m.

Foreign Relations

To hold hearings on Bilateral Tax Treaties with Austria (Treaty Doc. 104-31), with Indonesia (Treaty Doc. 104-32), with Luxembourg (Treaty Doc. 104-33), with Netherlands-Antilles (Treaty Doc. 104-23), and with Turkey (Treaty Doc. 104-30).

SD-419

SEPTEMBER 12

9:30 a.m.

Labor and Human Resources

To hold hearings on S. 2031, to provide health plan protections for individuals with a mental illness.

SD-430

HOUSE OF REPRESENTATIVES—*Tuesday, September 10, 1996*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 10, 1996.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. MCDEVITT, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4018. An act to make technical corrections in the Federal Oil and Gas Royalty Mangement Act of 1982.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1324. An act to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE] for 5 minutes.

CLEARING UP MISUNDERSTANDINGS

Mr. COBLE. Mr. Speaker, oftentimes a speaker's messages are inaccurately interpreted. This may result because of the speaker's ineptitude and/or the inability of the listener to properly interpret the message.

My final two speeches prior to the break for our August district work period were misunderstood by some. My first speech came in response to my Democrat friends who accuse the Republicans of opposing passage of the minimum wage increase. I then admonished my Democrat colleagues for having bashed the Republicans and reminded them that it was they, the Democrats, who, during the 103d Congress, controlled the House, they who controlled the Senate, they who controlled the White House. I reminded them as well, Mr. Speaker, that during their control of the past Congress I did not recall their having uttered one peep about the minimum wage.

I was then accused of hypocrisy, since I was bashing them while at the same time lecturing them for having bashed us. But it was not the bashing of which I was critical, but rather the unjustified bashing.

My second speech came in response to the proposal to approve the extension of increased COLA's, cost of living allowances, to the Vice President, to Members of Congress, to members of the Federal judiciary, and the Executive Schedule Levels 1 through 5, highly salaried appointees and/or bureaucrats. I opposed this proposal and explained that I represent constituents in my district who earn $25,000, $30,000, $35,000 per year. I then explained, furthermore, it would be an obvious slap across their faces to those who are barely hanging on by rewarding the Vice President, Members of Congress, Federal judges, and Executive Schedule Levels 1 through 5 a generous increase in COLA's.

I subsequently was accused by colleagues of opposing Federal judges and Members of Congress. My message was again misunderstood, Mr. Speaker. I am not averse to rewarding people whose work is exemplary. I am opposed, however, to extending increased COLA's to the aforesaid group, on the one hand, while on the other hand we are desperately trying to convince the President of the significant importance of balancing our budget. The two are simply not consistent.

So to sum up, and hopefully to illustrate with convincing clarity, I am, A, not opposed to bashing or vigorously debating issues on this floor. I am indeed opposed to bashing when it is not justified by the surrounding circumstances. The rule of equity rewards only those who come to the court with clean hands.

And B, I have great respect for most Members of Congress, and for most Federal judges, five or six of whom I call good personal friends. I have respect as well for the Vice President, and as far as members of the Executive Schedule Levels 1 through 5, Mr. Speaker, I can neither condemn nor praise them because I am familiar with only a small, limited number. But I will continue to oppose the rewarding of increased COLA's to this group until we can somehow manage to live within our means. It is my belief that those who are earning $25,000, $30,000, $35,000 per year can relate to this type of reasoning, and, for that matter, so should we all.

A VOTE FOR H.R. 3539 IS A VOTE IN FAVOR OF RACE AND GENDER PREFERENCES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, I rise this afternoon to inform Members about an aspect of one of the bills on today's Suspension Calendar of which they may not be aware.

Today the House will consider, and tomorrow we will vote on, H.R. 3539, the Federal Aviation Authorization Act of 1996. For the most part, this bill merely authorizes the appropriation of new funds for various programs designed to improve our Nation's airports and airways. I have no objection to the funding provisions of this legislation.

But embedded within the programs we will be reauthorizing a regime of race and gender preferences that is both unconstitutional and profoundly unwise.

One of the programs we will be reauthorizing is the Airport Improvement Program. Under the AIP, airports applying for Federal funds in connection with an airport project must guarantee the Department of Transportation that at least 10 percent of all companies doing business at that airport will be owned by so-called "socially and economically disadvantaged individuals." The statute then proceeds to presume that women or members of certain racial minority groups are "socially and economically disadvantaged individuals."

Mr. Speaker, I can hardly imagine a more offensive example of Government-mandated group preferences. Under this AIP preference program, the Government is simply using its Federal dollars to force airport authorities to treat concessionaires differently based

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

upon the skin color or sex of their ownership. You can have our money, we are telling them, but only if you agree to discriminate based on race and sex.

The bill we will vote on tomorrow reauthorizes these preference provisions without changing them in any way, so the unfortunate fact is that a vote in favor of H.R. 3539 constitutes an endorsement of racial and gender preferences.

To Members who are opposed in principle to group preferences, this is truly a troubling development. It was well over 1 year ago now that the Supreme Court held in the Adarand case that racial classifications are presumptively unconstitutional. The Clinton administration, of course, has fought tooth and nail to preserve preference programs, even to the point of pursuing a scorched Earth litigation strategy in defense of the most offensive racial set-aside schemes.

But Adarand strongly bolstered the expectation, highlighted by the results of the 1994 elections, that Congress would finally begin to remove the Federal Government from the business of classifying American citizens on the basis of skin color and sex.

But legislation that would have furthered that objective has stalled in Congress, and it now appears obvious that no legislation will move this session to repeal even a single Federal preference program.

It is bad enough, in my opinion, that we have failed to repeal existing preferences. But now we are moving in the opposite direction, for by voting to reauthorize the AIP preference provisions, we are actually extending and endorsing them.

This is a mistake for at least two powerful reasons. First, the preferences contained in the AIP are unconstitutional. In Adarand and other cases, the Supreme Court has made it clear that the Equal Protection clause prohibits the Government from classifying citizens on the basis of race unless the program is narrowly tailored to remedy proven instances of racial discrimination by the relevant governmental actors. The court has also held that the enacting authority, in this case Congress, must have had a strong basis in evidence to conclude that remedial action was necessary before it embarks on such race-based legislation.

The AIP preference provisions cannot meet these constitutional standards. They were added to the underlying statute during a floor debate in 1987. There was thus absolutely no effort to identify any discrimination that the requirements were designated to remedy. This conclusion is reinforced by the completely arbitrary nature of the 10-percent quota requirement.

I am sure the Clinton administration and other proponents of preferences will strain to come up with an argument in defense of the constitutionality of this program, but the simple fact is this: the AIP preference provisions are an example of the Government gratuitously requiring Federal grantees to engage in race and sex-conscious activity. This the Constitution forbids.

In the report accompanying H.R. 3539, the Committee on Transportation and Infrastructure notes these potential constitutional problems, but then states a preference for leaving the issue to the courts to resolve. I do not believe such an abdication of responsibility is consistent with the oath we have taken as Members of Congress to uphold the Constitution. If we believe a program is unconstitutional, as I believe this one plainly is, then we should not vote to reauthorize it.

But even apart from its constitutional flaws, the preference provisions of the AIP constitute extremely unwise public policy. Simply stated, it is wrong for the Government to grant benefits and impose burdens based on skin color and sex. The fact is that Government-mandated group preferences necessarily send the message that it is both permissible and desirable to treat persons differently based on race and sex. That is not the sort of message our Federal Government should be sending. It is a message that will only reinforce prejudice and discrimination in our society.

Mr. Speaker, I understand that because this bill is on the suspension calendar, we will not have an opportunity to vote separately on whether to reauthorize these unconstitutional and unwise provisions. We should therefore defeat this bill so these offensive provisions will not be reenacted.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. GREENE of Utah) at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we contemplate our lives and the lives of those people that we know, we realize how cluttered are the agendas of daily living and how hurried is the pace that each day brings. Yet, O gracious God, we are thankful that we have our vocations, our work, our responsibilities, and our tasks by which we can support ourselves and serve others in their need. We remember in our prayer those who have no work and yet who wish to use the abilities that You have given in ways that support themselves and those they love. As You have called us to do the works of justice in our world, so may we be appreciative of the opportunities we have to do the works of justice in our lives. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Senate Concurrent Resolution 47, 104th Congress, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies: Mr. GINGRICH of Georgia, Mr. ARMEY of Texas, and Mr. GEPHARDT of Missouri.

There was no objection.

SHAMELESS HUSTLING FOR VOTES IS MAKING A MOCKERY OF IMMIGRATION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, last Friday's Washington Times contained a front-page article which showed me just how far the President will go to win votes. The article claimed that the Clinton administration has pressured the Immigration and Naturalization Service to speed up the standards and background checks on applicants for citizenship and to ignore other requirements in order to naturalize as many immigrants as possible before the November elections.

By taking such shortcuts, the President is putting in danger the naturalization of immigrants with criminal records and other immigrants not qualified for citizenship.

In the past year 1.3 million people have become naturalized citizens, nearly three times the number of previous years. The reason for this is a Presidential initiative called Citizenship USA, which is supposed to help legal immigrants through the naturalization process. Instead, the program is being used as a campaign tool of the Clinton campaign in hopes of winning votes of these new citizens. Complying with the directives established by this program has some INS officials feeling like the campaign workers of INS.

Becoming a U.S. citizen is a great honor, and I suspect the President will indeed receive the reward he has envisioned, but I believe that shameless hustling for votes is making a mockery of our immigration and naturalization policy, and will no doubt have serious repercussions for our Nation.

CORRECTIONS DAY PROCESS IS RESPONSIVE GOVERNMENT

(Mr. EHRLICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHRLICH. Madam Speaker, I am pleased to rise today in support of H.R. 3056, the 18th bill brought to the floor of the House this session under the corrections day process.

Since the commencement of corrections day, the President has signed nine bills into law, and the House has passed eight bills that are waiting further action in the Senate.

The American people are demanding a more responsive government, and corrections day is a key part in meeting their demands. H.R. 3056 provides a technical correction to the Omnibus Budget Reconciliation Act of 1985; it permits certain county-operated health insuring organizations in California to qualify as organizations exempt from certain otherwise applicable Medicaid requirements, even though they enroll Medicaid beneficiaries residing in another county.

I believe this bill we are considering today is a perfect example of how the corrections day process works to correct outdated regulations that place financial burdens on many industries in the United States.

I want to recognize Chairman BLILEY, Mr. RIGGS, and the Commerce Committee for the expedient and hard work they did to get this bill to the floor.

DRUG USE BY TEENAGERS IS A NATIONAL TRAGEDY

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Madam Speaker, drug use is up, and the response from the White House is a plea not to make an issue out of it. Our children are getting hooked earlier and at rates never before seen in the history of this Nation. Overall drug use among 12- to 17-year-olds is up 78 percent since 1992.

But look at these figures. In just 1 year, 1994 to 1995, marijuana use in the same age group is up 37 percent; LSD use, again in just 1 year, up 105 percent; cocaine use, 12- to 17-year-olds, from 1994 to 1995 is up 166 percent. This is a tragedy, a national tragedy. We are losing a generation of children right before our very eyes. Drugs destroy families and they destroy lives.

Madam Speaker, this is no time to run and hide. We need to make sure that children can grow up in an environment where cocaine, LSD, and pot-smoking are not part of their daily surroundings.

WHERE ARE THE CLINTON ADMINISTRATION'S PRIORITIES?

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Madam Speaker, I think we should remember 3 weeks ago the Clinton administration released a startling report on drug abuse. It showed increases in drug use of almost unbelievable proportions. In just 1 year cocaine use among 12- to 17-year-olds has increased 166 percent; one year, 166 percent. That is completely unacceptable.

But we have to realize that when we have a President who all but ignores this problem, it is no wonder that we have a soaring rate of drug use in America. Within just a few days of becoming President, President Clinton slashed the budget of the drug czar's office by 80 percent.

Madam Speaker, President Reagan and Mrs. Reagan proved the importance of a bully pulpit, using the Presidency as a bully pulpit. They set a standard of behavior for children of the eighties when they said, "Just say no." Today we have an administration that seems to be confused about what message they ought to deliver to our children.

It makes us wonder, Madam Speaker, where are this administration's priorities?

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

COUNTY HEALTH ORGANIZATION EXEMPTION ACT

The Clerk called the bill (H.R. 3056) to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county.

The Clerk read the bill, as follows:

H.R. 3056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMITTING COUNTY-OPERATED HEALTH INSURING ORGANIZATIONS TO ENROLL MEDICAID BENEFICIARIES RESIDING IN ANOTHER COUNTY UNDER MEDICAID WAIVER FOR CERTAIN COUNTY-OPERATED HEALTH INSURING ORGANIZATIONS.

(a) IN GENERAL.—Section 9517(c)(3)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990, is amended by inserting "or counties" after "county".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to quarters beginning on or after October 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3056.

This bill would allow a Health Insurance Organization to serve Medicaid beneficiaries residing in one or more counties. Current law, as interpreted by the Health Care Financing Administration, limits such coverage solely to the county in which an organization operates.

This bill redefines an eligible organization to be one that "enrolls all Medicaid beneficiaries residing in the county or counties in which it operates."

This will enable eligible health insurance organizations, including the Solano partnership health plan—which operates in Solano County, CA—to extend coverage to Medicaid recipients residing in counties other than that county in which their operations are based.

In the case of the Solano plan, coverage will be extended to 12,000 Medi-Cal recipients residing in Napa County. Since coverage costs for these organizations are lower than the average monthly payment for beneficiaries, the Congressional Budget Office estimates that this bill will save the Federal Government up to half a million dollars a year.

This bill is supported by Governor Wilson, the California Department of Health Services, and the Solano and Napa County Boards of Supervisors.

I especially want to commend the gentleman from California [Mr. RIGGS] for bringing this issue to the attention of the committee.

I urge the Members of the House to approve this bill.

Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Madam Speaker, I thank the gentleman for yielding time to me and for his leadership on the Committee on Commerce, and as my very good friend and colleague, the gentleman from California, and the dean of our delegation, and let me just say I hope we will have future opportunities in the next few weeks as we wrap up our legislative work, but I want to salute CARLOS MOORHEAD for his distinguished service in the Congress and tell him the he will be sorely missed in our ranks, and particularly as the dean of the California Republican congressional delegation.

Madam Speaker, I rise today in support of my legislation, H.R. 3056, a very simple bill that I introduced that makes a technical change to current Medicaid law as it applies to California and my congressional district. I want to thank the gentlewoman from Nevada, BARBARA VUCANOVICH, who is the chairwoman of the Speaker's Corrections Day advisory group, the gentleman from Virginia, TOM BLILEY, the chairman of the House Committee on Commerce, the gentleman from Florida, MICHAEL BILIRAKIS, from the Committee on Commerce, the gentleman from Florida, Mr. BARR, of the Committee on Commerce, the gentleman from California, Mr. WAXMAN, and the gentleman from Michigan, Mr. DINGELL, on the minority side, for their help on this legislation.

This is a very commonsense bill that would simply allow county health systems that are currently prohibited from providing Medicaid services to eligible recipients in other counties to do so. That is to say, it changes the law by making a technical modification to Medicaid HMO amendments included in the Omnibus Budget Reconciliation Act of 1985, as amended by the Omnibus Budget Reconciliation Act of 1990, by specifically inserting the phrase "or counties" after the word "county" in one place to clarify the intent of the law.

What this technical amendment does, of course, is allow a Medicaid HMO, in this case the Solano Partnership Health Plan, a nonprofit Medicaid HMO, to be able to expand out of its home county, its county of origin, if you will, Solano County, to a neighboring and adjacent county, Napa County, and in the process serve an additional 12,000 Medicaid recipients in my district.

This legislation, making technical amendments to the law, will provide those 12,000 Medicaid recipients with greater access and greater quality of medical and physician services. It will decrease the reliance on hospital emergency facilities for primary health care for Medicaid beneficiaries. The Congressional Budget Office has scored this legislation and found that it will actually save the taxpayers $500,000 annually.

The bill contains no private sector or intergovernmental mandates of any kind. This bill is health care reform at its finest. It offers the neediest of patients greater access to health care, decreases the administrative burden on providers, and allows for more efficient program management, which results in savings and cost containment.

Let me suggest to my colleagues that this is the wave or the trend of the future in Medicaid health care services to the truly indigent and desperately poor in our society, a very important part of the American safety net.

I happened, flying back yesterday to Washington from my California district, to read an article in USA Today, the headline of which is "Medicaid Outcome Will Affect All." The subheadline is "The Clinton Administration, Congress, and the Nation's Governors have failed to reach consensus on future of Medicaid. With caseloads rising, the States have had to step up."

The article starts out by saying, "President Clinton and Congress succeeded in revamping the Nation's antiquated welfare system" when we passed through this Congress a bipartisan welfare reform bill that the President signed into law just last month. And it goes on to say, "President Clinton and Congress succeeded in revamping the Nation's antiquated welfare system this year only by failing a more difficult test. Left in the wake of welfare reform is Medicaid, the health insurance program for the poor, which dwarfs welfare in both caseload and cost."

Clearly, Medicaid in recent years, Medicaid expenditures, have been growing at an unsustainable rate. Because this is a 50-50 cost-shared program between Federal taxpayers and State taxpayers, State taxpayers and State government has been asked to pick up an ever-increasing portion of Medicaid health care cost in America. The program cries out for reform.

As I mentioned, I believe that the wave of the future in the Medicaid services and in trying to control Medicaid costs is managed care plans such as the Solano partnership health plan.

Presently today in America, nearly one-third of all Medicaid recipients are in managed care plans. Those States that have aggressively, those States that have aggressively experimented and expanded Medicaid managed care programs have realized a significant cost savings.

□ 1415

Michigan, for example, has put 80 percent of its Medicaid recipients into managed care and cut inflation, the growth of health care cost, from 11 percent to 1 percent in 1 year. To quote health policy adviser Vernon Smith for the Engler administration in Michigan, "These are real savings." So again, Madam Speaker, I believe it is unfortunate we have not been successful in enacting more ambitious or more broad-based Medicaid reform in this session of Congress, but I submit that this legislation is perhaps the only meaningful Medicaid reform that we will be able to enact in the 104th Congress.

Again I want to thank the gentleman for being so gracious in yielding me the time today. I want to reiterate, as he said, that this legislation is supported by Governor Pete Wilson, the California State Department of Health Services, and many other organizations in California. This bill is health care reform at its finest. As I mentioned before, this is going to expand access to and quality of health care for 12,000 Medicaid recipients in my district. I urge my colleagues to vote in favor of this legislation.

Mr. RICHARDSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have no objection to the policy change in H.R. 3056. The bill was marked up in our Committee on Commerce in July with no controversy. As I think the gentleman from California [Mr. MOORHEAD] described the bill, what we are doing here is allowing the Solano Partnership Health Plan, which currently operates in Solano County, CA to enroll Medicaid beneficiaries residing in neighboring Napa County.

What we do question, Madam Speaker, is why is the Republican leadership choosing to move this bill on the Corrections Calendar? This should be on suspension. A correction implies that some mistake was made. What I understand we are doing in this bill is to expand a special exemption for Medicaid requirements that California obtained for three of its HMO's in 1990.

This is a policy change. I would think that it should be part of the Suspension Calendar. Now we have it in corrections. That provisions in the 1990 reconciliation bill intentionally limited this Solano Managed Care Organization and two others in California to providing services only to residents of the respective counties in which they operated because at the time this was an experiment.

Madam Speaker, there is no reason today that this legislation could not have been handled with less attention and less fanfare on the regular Suspension Calendar. So why the special attention? Our colleague, the gentleman from California [Mr. RIGGS], is a good Member. He is my friend. We serve on some committees together. But why are we hiding this useful but largely insignificant piece of legislation on the Corrections Day Calendar?

We are left wondering on this side whether it is simply a reason to make my good friend look good, which he many times, I am sure, deserves, but we are acting here in good faith. So I am going to remain perplexed and ask some of my colleagues to explain why we are doing it this way. I think we have to very careful about how we use corrections day.

Again, I do not object to the policy in this bill. We should be handling this bill together with the other 14 small, noncontroversial bills taken up under suspension of the rules. I have been here 14 years. I have never had a corrections bill.

Madam Speaker, I support passage of this legislation, but I would urge our friends in the Republican leadership to confine the use of corrections day to corrections, not use it for expansion of special exemptions in current law to benefit specific constituents of specific Members.

Madam Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Madam Speaker, I yield myself such time as I may consume. I would just make one comment, that in the meeting of the Committee on Commerce, the gentleman from California [Mr. WAXMAN], who was the chairman of the subcommittee during the last Congress and is the ranking member of it this time, said he hoped he would see the bill on the Corrections Day Calendar. So the Republican leadership was basically following his advice.

Madam Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Madam Speaker, I regret my colleague is perplexed. Maybe I can help him out as a representative of the Speaker's Corrections Day Committee, which is a bipartisan organization, as my colleague well knows.

This is the classic example why corrections day was put together by the Speaker and this leadership. H.R. 3056 is very narrow in scope. It is certainly bipartisan in nature. Not only is the gentleman from California [Mr. WAXMAN] a member of the Committee on Commerce, but he is a member of the bipartisan group which constitutes in fact the corrections day advisory group.

This bill is a technical, commonsense bill that actually saves the taxpayers money. It is what corrections day and the entire process of corrections day is all about. It proves to the American people that this House is capable of doing things expeditiously and fairly when called upon.

Mr. RICHARDSON. Madam Speaker, I yield myself such time as I may consume.

Let me continue this dialog, because the reason I am here representing the Committee on Commerce is because former Chairman WAXMAN, former Chairman DINGELL, object to this procedure. I was asked by the committee to represent the views of the minority members of the Committee on Commerce—Chairman HENRY WAXMAN is the ranking minority member; the gentleman from Michigan, JOHN DINGELL, is the ranking minority member of the full committee—and their concern with this procedure.

If I could ask my colleague, are we not talking about this legislation being a specific policy change in effect for certain beneficiaries in a State? Is that not correct? Are we not talking about a policy change?

Mr. EHRLICH. Madam Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Maryland.

Mr. EHRLICH. The answer is certainly yes, but that is not exclusive of the jurisdiction maintained by the corrections committee. I missed the point the gentleman is making. I can reiterate the fact that whenever a corrections day bill is reported out of the Corrections Day Committee to the standing subcommittee of the House, it is done in a bipartisan way. Certainly this bill was done in a likewise manner, in a bipartisan way. I remain concerned on this side as to why the gentleman is perplexed.

Mr. RICHARDSON. Madam Speaker, let me be perfectly candid. A corrections day implies a mistake. This is not a mistake. This is policy change.

Would the gentleman explain to me where the mistake occurred? If we pass a piece of legislation, it is to advance a policy. The implication is, and the gentleman knows, that a Corrections Day Calendar is to correct a mistake. Where is a mistake in this legislation?

Mr. EHRLICH. If the gentleman will yield further, I believe the gentleman is actually mistaken with respect to his interpretation of the Corrections Day Committee and the Corrections Day Calendar. It is simply not limited to mistakes. It certainly can include mistakes, but it also concerns Federal regulations that may in fact have not been mistakes when they were originally promulgated but no longer make sense given the passage of time or the change of circumstances concerning any particular Federal agency. So the answer to the gentleman's inquiry is that certainly mistakes can be taken care of on the Corrections Day Calendar but the Corrections Day Calendar is not limited to, quote-unquote, "mistakes."

Mr. RICHARDSON. Madam Speaker, I remain very perplexed. The gentleman keeps talking about bipartisanship. Policywise, bipartisanshipwise, we are gong to support the gentleman from California [Mr. RIGGS], but procedurally I am here to object to the use of this procedure in the Corrections Day Calendar.

I wish my colleague would stop saying about a bipartisan agreement on the process. We are going to support this bill, but I just think that this is highly unusual. There are several suspensions. Would the gentleman answer this question; I do not know if he is on the rules, and maybe it is unfair to ask him: Why is this bill not on the Suspension Calendar? On the 14 bills that we will be doing later today, why is this on corrections and not on suspension?

Mr. EHRLICH. If the gentleman will yield further, those decisions are made at a higher level than where I sit, as the gentleman well knows. But, quite frankly, in view of my membership on the Corrections Day committee and my personal knowledge as to the way the Corrections Day advisory committee operates, we certainly have not had this problem, and this committee has now been operating for well over a year.

Mr. RICHARDSON. I thank the gentleman. I just want to raise this. We support what the gentleman from California [Mr. RIGGS] is trying to do. This is again a major policy change. As the committee of jurisdiction, we will not object. We just would like to be consulted when these procedures take place. I would not be sitting here or standing here. Chairmen WAXMAN and DINGELL are not here. I was asked on their behalf to please voice these objections. This is why I am here.

Mr. MOORHEAD. Madam Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. MOORHEAD. Madam Speaker, I obviously do not have any choice one way or the other in the operation of the House, but this is a good measure. It is something that will do good for the country. I appreciate very much the gentleman from New Mexico's support for what we are trying to do even though he does not like the way it is being done. I ask for an aye vote on the bill.

Mr. RICHARDSON. The gentleman as usual is very persuasive, and he is a very fine Member. I just want to make my point.

Madam Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. GREENE of Utah). Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3056, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken on Wednesday, September 11, 1996.

MONITORING OF STUDENT RIGHT TO KNOW AND CAMPUS SECURITY ACT OF 1990

Mr. GOODLING. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 470) expressing the sense of the Congress that the Department of Education should play a more active role in monitoring and enforcing compliance with the provisions of the Higher Education Act of 1965 related to campus crime.

The Clerk read as follows:

H. RES. 470

Whereas crime on our Nation's college campuses is a growing concern among students, parents, and educators;

Whereas Congress passed the Student Right to Know and Campus Security Act in 1990 so that students and parents would have access to information with respect to crimes occurring on college campuses;

Whereas Congress intended that information on crime be provided so that students could take steps to protect themselves from becoming victims;

Whereas Congress was particularly concerned with the timely reporting to students instances of violent crimes occurring on campus; and

Whereas questions have been raised with respect to compliance with the Campus Security Act and enforcement by the Department of Education: Now, therefore, be it

Resolved, That in order for students to have information vital for their own safety on our Nation's college campuses, it is the sense of the Congress that the Department of Education should make the monitoring of compliance and enforcement of the provisions of section 485(f) of the Higher Education Act of 1965 with respect to compiling and disseminating required crime statistics and campus policies a priority.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Madam Speaker, I yield myself such time as I may consume.

Today we are considering House Resolution 470, expressing the sense of the Congress that the Department of Education should make the monitoring of compliance and enforcement of the Crime Awareness and Campus Safety Security Act a priority.

It is most appropriate that we consider this legislation at this time. This is the time of year when tens of thousands of young people are filling college and university campuses throughout the United States.

Many of these students are away from home for the first time. They are excited. They are thinking of the friends they will meet, the classes they will take, school activities in which they will participate, and other thoughts which normally fill the minds of college students.

Few, if any, of them are thinking that they could be the victim of a crime on campus. And this is where the problem begins. Colleges and universities are not safe, carefree havens from the outside world. The same crimes which occur in our neighborhoods and on our city streets take place on college campuses. Students are robbed, they are raped, and they are murdered, and many times by other students and many times under the influence of alcohol and other drugs.

□ 1430

The Crime Awareness and Campus Security Act was first signed into law by President Bush on November 8, 1990. It requires institutions of higher education participating in the title IV student aid programs to provide yearly statistics to students, faculty and prospective students with respect to the number of crimes reported on campus in the following categories: Murder, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, and motor vehicle theft.

In addition to the reporting of statistics, institutions must make timely reports to the campus community of those crimes considered to be a threat to other students and employees in order to aid in the prevention of further crimes on campus.

Crime on college campuses is a very serious problem. Witnesses testifying at a June hearing on campus crime before the Subcommittee on Postsecondary Education, Training and Life-long Learning agreed that crime is a major concern of students, parents and college administrators.

During this hearing, several witnesses called into question the Department of Education's commitment to enforcing compliance with the Campus Security Act. In part, their concerns were based on a quote by the Assistant Secretary for the Office of Postsecondary Education which appeared in the New York Times on January 7, 1996. When asked about enforcement of the Campus Security Act, the Assistant Secretary said, "We aren't going to essentially establish a major monitoring effort in this area."

I share the concerns expressed by those witnesses, and I would like to remind the Assistant Secretary that this law was enacted for a reason. Students were being raped, murdered, and robbed on our Nation's campuses, and this information was being hidden from other students. Students who are provided information on crime on campuses can and will take steps to protect themselves. If they are not informed, they can become victims of campus crime.

The Department of Education must make certain that institutions are complying with the Campus Security Act. Safety of students must be the No. 1 priority. If the Department of Education fails to fulfill its enforcement responsibilities, we will have to consider other measures aimed at improving safety awareness on our college campuses.

One such measure under consideration is the Open Campus Police Logs Act of 1995. This bill, introduced by the gentleman from Tennessee [Mr. DUNCAN], would require institutions of higher education to maintain a daily log of all crimes reported to their police or security department, and make such logs open to public inspection.

All of us must work together to ensure campus safety for our college students, but we cannot do this if the law is not being enforced. I would urge my colleagues to support passage of House Resolution 470.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 470, expressing the sense of Congress that the Department of Education should play a more active role in monitoring and enforcing compliance of the Student Right to Know and Campus Security Act of 1990, signed into law by President George Bush.

I have always been a strong supporter of the Student Right to Know and Campus Security Act since it was enacted 6 years ago, and believe that it is important for the Department of Education to make the enforcement of this act a priority. This law was enacted in order to highlight the issue of crime on campus and to make information about campus crime and campus security policies available to the public.

This law also provides incentives for institutions to develop safer campus environments. I am certain that this issue will be revisited again during the reauthorization of the Higher Education Act next Congress, when we evaluate this program and its effectiveness.

We must continue to do all we can to protect students from crime on our Nation's college campuses, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLING. Madam Speaker, I yield 4 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in strong support of House Resolution 470. This important measure calls our attention to the problem of crime on our college campuses and sends a message to the Department of Education to make enforcement of the Campus Security Act a top priority.

I commend Chairman BILL GOODLING for his commitment to our Nation's students, from kindergarten through high school, in transition from school to the job market, and on college campuses in pursuit of a higher education. He is a man who believes that every child in America deserves the best education possible in a safe environment.

Congressman GOODLING introduced legislation during the 101st Congress that was incorporated into the Campus Security Act to require schools that receive title IV student aid to compile and distribute campus crime data. It is essential that the Department of Education promote safety awareness by enforcing compliance with the Campus Security Act. Students must be informed about crimes that have been committed on their college campus so they can take precautions to prevent further crimes from occurring.

At the University of Maryland, President William Kirwan recently approved a plan to install video surveillance cameras on the College Park Campus. This decision followed five armed robberies committed on campus early in the year.

There also has been an increase in the number of rapes at the university. As cochair of the Congressional Caucus on Women's Issues, I have long been a fighter of violence against women. During the reauthorization of the Higher Education Act, the Campus Security Act was amended to require institutions to develop a policy regarding sexual assaults. Indeed, it is a necessity that the Department of Education enforce compliance with this provision.

Listen to these statistics: one forcible rape is reported to police every 5 minutes; an estimated 167,000 women were raped each year between 1979 and 1987; the U.S. Department of Justice estimates that 1 out of 500 women will be a victim of rape by a stranger during her lifetime.

Although these statistics are not limited to college campuses, they do focus the need for institutions to keep their students well-informed about campus crimes. They especially focus attention on the need for schools to develop policies regarding campus anticrime programs aimed at preventing sexual assaults.

I was one of the sponsors of the Violence Against Women Act [VAWA], provisions of which were incorporated into the crime bill during the 103d Congress. One of those provisions calls for a national baseline study on campus sexual assaults. This study would examine the scope of the problem of campus assaults and the effectiveness of institutional policies in addressing such crimes and protecting the victims. Enforcement of the Campus Security Act by the Department of Education would facilitate the baseline study on campus sexual assaults.

The litmus test of the 90's will be how we restore security and physical safety to our youth and to our citizens, in our homes and in our schools. We, in Congress, are constantly engaged in heated debate about most issues. However, I think that we can all agree that support for House Resolution 470 is essential and that the Department of Education should actively enforce compliance with the Campus Security Act.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise in strong support of House Resolution 470. In my view, it is imperative that the Department of Education actively enforce compliance of the Campus Crime and Security Awareness Act, an important tool in ensuring our young people's safety at colleges and universities.

Students should be worrying about exams and term papers, not their personal safety on campus. Unfortunately, what we have seen as a general trend is that campus crime has been on the rise. It is imperative that students, faculty, and parents are aware of the number of crimes reported on campus within the prior year. This is important life-saving information.

The 101st Congress enacted into law the Campus Crime and Security Awareness Act as part of the Student Right-to-Know and Campus Security Act. This legislation requires that any school receiving title IV funding report to any faculty, student, and perspective students that request it a yearly number of crimes reported.

Schools are required to report in a timely fashion to the campus community on those crimes which could pose a threat to other students or faculty. This offers students, the institutions and the campus community an opportunity to exchange information and take precautions to prevent future crimes.

The Department of Education, in my view, should take an active role in monitoring compliance of the Campus Security Act to ensure that colleges and universities do everything possible to make campuses a safe and secure learning environment.

Madam Speaker, I urge my colleagues to vote in favor of this important resolution.

Mr. KILDEE. Madam Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Madam Speaker, I thank the gentleman for yielding me time.

I rise in strong support of House Resolution 470. This legislation expresses the sense of Congress of the importance of requiring colleges and universities to receive title IV student aid to provide yearly crime statistics. Students, parents, administrators, faculty, prospective students and the communities surrounding these campuses have a right to know the crime rate.

In 1990, Congress passed the Student Right to Know and Campus Security Act. This was to give students, parents and employees access to information on campus crimes. In addition, institutes of higher learning were required to make timely reports to the college community of crimes committed that are considered a threat to employees and students.

Unfortunately, this legislation has not been as strictly enforced as it should be. House Resolution 470 expresses the sense of Congress that we must make a priority of reporting crime statistics on college campuses. The Department of Education needs to be more active in overseeing and administering these laws, as campus crime is a concern we all share, whether we live in Oregon or any other State of this great country.

This legislation will allow those that live and work around college campuses to take the necessary measures to avoid becoming victims themselves. Please join me and vote "yes" on House Resolution 470.

Mr. GOODLING. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like at this point to appeal to all the presidents of colleges and universities to stand tall and be firm against those who would pressure them, be they coaches on the campus or alumni. There is no excuse for some outstanding athlete to go free after battering women or committing rape or breaking laws in relationship to alcohol and other drugs. To use the excuse that you are trying to save that individual cannot be used when you are thinking about the other thousands who are there.

As a high school principal and superintendent, many times I would have liked to have turned my head on something that someone may have done to try to give that person still one more chance, but you always have to realize what kind of an example does that set for the other 5,000 or 6,000 or 7,000 for whom you have a responsibility?

So when we think about campus crime, we also have to think in terms of getting those who are leading those institutions to stand tall against tremendous pressure, I realize that, from coaches and from the alumni associations.

Mr. McKEON. Madam Speaker, today, the House will consider House Resolution 470 which deals with the Student Right to Know and Campus Security Act.

The Student Right to Know and Campus Security Act signed into law by President Bush required colleges and universities throughout the United States to provide their students information on campus crime statistics and school policies related to campus security. This was a first step in providing students necessary information if they were to protect themselves from becoming victims of campus crime.

During the course of a hearing held in June by the Subcommittee on Postsecondary Education, Training and Life-Long Learning which I chair, some concerns were raised that colleges and universities were not accurately reporting crime statistics. In addition, several witnesses did not believe that the Department of Education considered the enforcement of the Campus Security Act a priority.

Since that June hearing, I have been in contact with Secretary Riley with respect to enforcement of the Campus Security Act. The resolution before the House today, puts our support on the record for the actions we insist Secretary Riley take with respect to improving and ensuring compliance with the Campus Security Act.

We intend to keep a close watch on this issue. I think that we all agree that it is imperative that colleges and universities comply with the Campus Security Act if we are going to accomplish our goal of protecting students.

I would also like to submit for the RECORD a letter received from the International Association of Campus Law Enforcement Administrators [IACLEA] in support of House Resolution 470.

INTERNATIONAL ASSOCIATION OF CAMPUS LAW ENFORCEMENT ADMINISTRATORS,
Hartford, CT, July 30, 1996.

Hon. WILLIAM GOODLING,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN GOODLING: It is my pleasure to write to express support for House Resolution 470 on behalf of the International Association of Campus Law Enforcement Administrators and current IACLEA President Yvon McNicoll of the University of Ottawa.

IACLEA exists to promote the common interest in, and public education concerning, the administration of law enforcement programs including the operation and development of life safety and property safety programs on college and university campuses. It has long been the position of our Association that statistical information developed from campus law enforcement records and crime reports should be made available to the members of the community, and that an awareness of criminal incidents which are occurring will enable community members to take appropriate precautions to avoid becoming victims themselves.

Although not perfect, the provisions of section 485(f) of the Higher Education of 1965 with respect to compiling and disseminating campus crime statistics and security policies represent a reasonable prescription for the framework of a program of safety awareness at postsecondary institutions. Many college and university security awareness programs go well beyond the minimum provisions established by statute, but there is undoubtedly room for improvement in some quarters. An active program of compliance monitoring on the part of the US Department of Education should lead to better information exchange regarding the intent of the statute and the identification of approaches which could serve as models for institutions whose campus security programs may benefit from enhancement.

IACLEA would be pleased to assist in this endeavor in any possible.

Sincerely,

DOUGLAS F. TUTTLE,
Immediate Past President, IACLEA.

Mr. DUNCAN. Madam Speaker, I rise in strong support of this resolution. I believe it is very important that we provide the public access to information about the crime on the campuses of our Nation's colleges and universities.

When a family chooses to move to a new town or city, they base that decision on many factors including crime rates. When a family begins to decide what college or university they will choose, they also should have the right to know about the crime rate of that area.

I have been working very hard with my colleagues on this issue. In fact, I introduced legislation, the Open Campus Police Logs Act of 1995, which would require colleges and universities to maintain a daily log of all crimes committed and make these logs available for public inspection.

This resolution, of which I am a cosponsor, will ensure that the Department of Education enforces the Campus Security Act that requires institutions to make crime statistics available on a yearly basis.

I certainly believe this is a step in the right direction.

Many States have already enacted laws which require colleges and universities to make crime statistics public. I believe every mother and father in this country should have the right to know whether or not the school they are sending their child to is a safe one.

I think that each student should be able to know what kind of crimes have been committed on his or her campus. I also believe they should have access to information that will tell them where these crimes are committed. This will only help each individual student to take the necessary safety precautions to protect him or herself.

Madam Speaker, I want to thank my colleagues for their hard work on this issue.

I urge the passage of this resolution, and I yield back the balance of my time.

Mr. GOODLING. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Madame Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and agree to the resolution, House Resolution 470.

The question was taken.

Mr. GOODLING. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

STUDENT DEBT REDUCTION ACT OF 1996

Mr. GOODLING. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3863) to amend the Higher Education Act of 1965 to permit lenders under the unsubsidized Federal Family Education Loan Program to pay origination fees on behalf of borrowers, as amended.

The Clerk will read as follows:

H.R. 3863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Debt Reduction Act of 1996".

SEC. 2. UNSUBSIDIZED STUDENT LOANS.

(a) AMENDMENT.—Paragraph (1) of section 428H(f) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(f)(1)) is amended to read as follows:

"(1) AMOUNT OF ORIGINATION FEE.—Except as provided in paragraph (5), an origination fee shall be paid to the Secretary with respect to each loan under this section in the amount of 3.0 percent of the principal amount of the loan. Each lender under this section is authorized to charge the borrower for such origination fee, provided that the lender assesses the same fee to all student borrowers. Any such fee charged to the borrower shall be deducted proportionately from each installment payment of the proceeds of the loan prior to payment to the borrower.".

(b) CONFORMING AMENDMENTS.—Section 428H(f) of such Act is further amended—

(1) in paragraph (3), by striking "the origination fee" and inserting "any origination fee that is charged to the borrower";

(2) in paragraph (4), by striking "origination fees authorized to be collected from borrowers" and inserting "origination fees required under paragraph (1)"; and

(3) by adding at the end the following new paragraph:

"(6) EXCEPTION.—Notwithstanding paragraph (1), a lender may assess a lesser origination fee for a borrower demonstrating greater financial need as determined by such borrower's adjusted gross family income.".

(c) REPORT ON COMPETITIVE ALLOCATION.—Within 60 days after the date of enactment of this Act, the Secretary of Education shall submit to each House of the Congress a legislative proposal that would permit the Secretary to allocate the right to make subsidized and unsubsidized student loans on the basis of competitive bidding. Such proposal shall include provision to ensure that any payments received from such competitive bidding are equally allocated to deficit reduction and to pro rata reduction of origination fees in both guaranteed and direct student loans.

SEC. 3. STUDY OF LOAN FEES.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a statistical analysis of the subsidized and unsubsidized student loan programs under part B of title IV of the Higher Education Act of 1965 to gather data on lenders' use of loan fees and to determine if there are any anomalies that would indicate any institutional, programmatic or socioeconomic discrimination in the assessing or waiving such fees.

(b) REPORT.—The Secretary of Education shall submit to each House of the Congress a report on the study required by subsection (a) within 2 years after the date of enactment of this Act.

(c) STATISTICAL CHARACTERISTICS TO BE STUDIED.—In conducting the study required by subsection (a), the Secretary of Education shall compare recipients of loans on the basis of income, residence location, type and location of higher education, program of instruction and type of lender.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

□ 1445

Mr. GOODLING. Madam Speaker, I yield myself what time I may consume and would preface my remarks by saying, as the last bill, here is another bill that is a bipartisan bill coming from my committee. Seems that every day we are here with a bipartisan effort coming from my committee.

Today we are taking up the Student Debt Reduction Act of 1996. This bill will allow student loan lenders or any other interested party to pay the origination fees charged to students who borrow unsubsidized Stafford Loans. This practice is already allowed for subsidized Stafford Loans, but a Department of Education ruling has prohibited this benefit to students who borrow unsubsidized Stafford Loans. By enacting this bill, we are simply extending the same benefits to unsubsidized loan borrowers.

It is rather timely that we should be considering this bill today, just as millions of students are making their way to college campuses all across the country. And as they make their way, we are all painfully aware of their growing concern about paying the bills for tuition, room and board, books and basic living necessities. This bill aims to ease some of that concern by getting more cash in the hands of students.

Madam Speaker, anyone who reads the newspaper or watches television knows that college costs are a growing concern among families. A recent GAO study of college costs found that tuition at 4-year public colleges and universities has increased 234 percent over the last 14 years. Compare that to median household income which rose 82 percent and the Consumer Price Index which rose only 74 percent over the same time period, and it is easy to understand the growing concern over the cost of a college education.

That is why I am especially pleased that my committee reported out the Student Debt Reduction Act by a unanimous vote of 34 yeas to 0 noes. This bill fosters competition among student loan lenders which directly results in monetary benefits to students. For example, a student who borrows an unsubsidized loan of $6,625 receives an upfront fee reduction of $198.75. If this same student borrows the maximum allowed for an unsubsidized loan over 4 years of college, the fee reduction will amount to $1,053.75. That is cash in students hands that can be used for educational expenses.

In addition to these savings, this House approved another increase to the Pell grant program in addition to last year's increase so that students may receive the highest Pell grant maximum in the history of the program. This House also approved a $68 million increase for the work study program so that more students may obtain job related experience while enrolled in college. Efforts such as these simply reaffirm our commitment to higher education in this country.

In conclusion, I just want to talk briefly about the impact of this legislation on students in Pennsylvania. A program to help students and their families operated for 1 year before the Department of Education issued its ruling with respect to unsubsidized loans. That programs helped 36,929 students from families with incomes under $21,000 by paying a portion of the originating fees. Those students had an extra $2.1 million to use toward their college education expenses.

In Pennsylvania, the program will continue on for 27,601 of those students. Unfortunately, without this legislation, 9,328 needy students who received unsubsidized loans will not be allowed to benefit from the program and will be forced to pay higher up-front fees. There is no reason this should happen. We have an opportunity to see that it does not by voting for the Student Debt Reduction Act.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3863, the Student Debt Reduction Act, even though I continue to have reservations about the timing of the legislation in light of the upcoming reauthorization of the Higher Education Act next year.

My colleagues on the other side of the aisle claim this bill corrects a simple technical problem, but I believe it does much more than that. This legislation has the admirable intent of reducing college costs for students, which I am always in favor of, but it also has significant policy implications for student loan programs which have not been examined at either subcommittee or full committee levels.

Throughout the country, students and their families are facing increasing college costs and declining Federal aid. Democrats, Madam Speaker, have always been supportive of expanding opportunities for all students in Federal financial aid programs. I, for one, would like to see the elimination of this loan origination fee altogether and will make this a priority issue during next year's reauthorization.

Madam Speaker, I am concerned that this bill as written would permit lenders to pay origination fees for some students but would not provide this same opportunity for students who receive loans under the direct loan program. We should have a level playing field in the student loan arena, and this bill upsets that equal ground, I believe.

Despite its flaws, however, this legislation has the potential, Madam Speaker, of lowering college costs for students, and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLING. Madam speaker, I yield myself 30 seconds just to say that, if there was ever a time to try to level the playing field, it is now, because the direct lending advocates in the White House have made it very clear that they are going to do everything they possibly can to eliminate every other possibility.

So this will be leveling that playing field that they have positively piled up rocks and mounds and so on to make sure that any other program cannot succeed.

Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD, a member of the committee.

Mr. GREENWOOD. Madam Speaker, I thank the chairman of the full committee for yielding me this time.

Madam Speaker, H.R. 3863, the Student Debt Reduction Act of 1996, will allow students to receive lower-cost unsubsidized student loans by permitting lenders in the Federal Family Education Loan Program to waive or reduce origination fees. The savings to our students may be the full origination fee, which is 3 percent of the total loan amount.

Since budgetary concerns are paramount today, as they should be, it is important to note that H.R. 3863 is budget neutral. It will not increase or decrease the amount of student fee revenues collected and transmitted to the Federal Government, but it will increase the amount of funds transmitted to our hard-working middle-class college students and their families.

Republicans in Congress are working to make college more affordable for middle-class families struggling to afford their children the opportunity provided by a college degree, and this bill is an excellent example of our work.

Madam Speaker, current law states that a lender may charge a student borrower an origination fee on a subsidized student loan but shall charge a student borrower of an unsubsidized loan. This bill will close a loophole in the law by allowing lenders to treat unsubsidized loans the same as subsidized loans and in the process permit struggling middle-class families and students the same return as lower-income borrowers.

Under this bill we will allow the full amount of the student loan to flow to middle-class students, we can encourage competition among student loan lenders, and we can guarantee that the type of relief permitted under a subsidized loan will now be permitted under an unsubsidized loan.

This is a commonsense plan to put money in the pockets of students to pay educational expenses.

Madam Speaker, the bottom line of this bill is fairly straightforward. It is good business for banks to make these loans. They are guaranteed by the Federal Government, and they profit from the interest paid by the students. Because it is good business and attractive business for the banks, we think this provision will allow them to compete for the business by offering to waive all or part of the 3 percent loan And for a student borrowing the maximum amount for 4 years, that thousand dollar difference can mean a great difference in the ability of that student to have the books and the other resources needed for their education. For that reason, I rise to support H.R. 3863.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS], another member of the committee.

Mr. RIGGS. Madam Speaker, I have to tell my colleagues that I am genuinely confused with this legislation on the floor today, because I would have sworn I have been seeing and hearing radio and television ads in my congressional district and in congressional districts around the country, of course all held by incumbent Republicans, run by the AFL–CIO, the big labor bosses of the AFL–CIO based back here in Washington, who have practically become the campaign arm of the national Democratic Party and the Clinton reelection campaign, accusing us of cutting funding for student loans.

So I am genuinely confused. I thought our 7-year plan for balancing the Federal budget increased taxpayer funding for student loans by 50 percent, or $12 billion, from $24 billion today to $36 billion 7 years from now.

As the chairman just pointed out, we have increased funding for the maximum Pell Grant award to the highest level in our country's history. We have level funded the TRIO Program for college-bound minorities. And today we bring this legislation, the Student Debt Reduction Act, to the floor, which allows lenders in the student loan program to pay origination fees charged to students who obtain unsubsidized, that is to say a situation where the student is responsible for the interest, to pay origination fees charged to students who obtain unsubsidized Stafford loans.

Madam Speaker, this bill is good legislation. It increases competition in the student loan program, and it lowers costs for college students, making a college education for all Americans more accessible and more affordable.

So, Madam Speaker, I am very confused. To hear the rhetoric that has been coming out of Washington by the national Democratic Party and their liberal special interest allies, one would be led to believe that all we have been doing is cutting or gutting taxpayer funding for student financial aid, when nothing could be further from the truth.

Republicans do care about making a college education more affordable for our young people. We realize it is a good investment, a farsighted investment of the taxpayer's dollar. That is why we have made that in fact a priority in this session of Congress, the rhetoric of our colleagues notwithstanding.

All I would say in conclusion is that those who want to continue to maintain that we are cutting taxpayer funding for student financial aid ought to go back to school because they cannot do their math.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania, Chairman CLINGER.

Mr. CLINGER. Madam Speaker, I thank the gentleman for yielding me this time. Let me first commend my distinguished colleague from Pennsylvania, Chairman GOODLING, for bringing this very important legislation before us today and for his long leadership on education issues throughout his tenure in Congress. He has made a great contribution to improving education in this country at all levels.

I also want to recognize my fellow sponsors of the bill, the gentleman from Pennsylvania, Congressmen GREENWOOD, FATTAH, and GEKAS, the gentleman from California, Mr. MCKEON, the gentleman from Illinois, Mr. FAWELL, and others for their commitment to our Nation's students.

I am pleased to share my support for the Student Debt Reduction Act of 1996. The bill brings together two issues that have had the highest priority, my highest priority during my 18 years in Congress: education and debt reduction. There is no greater gift to our young people than an education. By reducing individual cost to students, we are giving students the chance to focus on their education instead of how they are going to pay for it.

Specifically, the bill allows lenders in the student loan program to pay origination fees charged to students who obtain unsubsidized Stafford, so-called Stafford loans, and in so doing we are lowering the cost to students and increasing competition within the student loan program by making unsubsidized loans an equal player, all while adding no cost, repeat, no cost to the Federal Government.

So as a Congressman who represents literally countless higher educational institutions, Penn State, Bucknell, and many others, I know the overwhelming feelings that are associated with paying for an education.

This minor and, really, technical change to existing law will help thousands of students in Pennsylvania and hundreds of thousands of students nationwide who have been treated unfavorably until this point in time.

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I am proud to be a cosponsor of the Student Debt Reduction Act, and urge my colleagues to support it overwhelmingly and make education more affordable and available for an even greater number of students.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Madam Speaker, it is with great pleasure that I rise today in strong support of H.R. 3863, the Student Debt Reduction Act. Access to a college education for young Americans regardless of background is key to the American dream, but the cost of higher education is making it harder for many middle-class families to pay for tuition, and many students end up saddled with a debt burden that limits ultimately their choices.

I am proud to be a cosponsor of this important legislation introduced by the chairman of the Committee on Economic and Educational Opportunities which, in effect, will allow lenders to waive or reduce the origination fee on unsubsidized Stafford loans by paying the fee for a student. Lenders are already permitted to pay the origination fees charged to a student who obtains a subsidized Stafford loan. This legislation simply extends the same consideration to those borrowers of unsubsidized loans.

As a result of this legislation, students will find themselves with more money for educational costs. With the cost of college education on the rise, that money can be put to good use.

The savings to an individual student may be as much as the full origination fee of 3 percent of the loan amount. Students will be able to use their student loans for what they were intended, to pay for a college education. This legislation encourages competition by loan providers to the great benefit of students who are able to reduce their education financing costs.

Madam Speaker, I urge my colleagues to vote in favor of this important legislation. It provides Congress with an opportunity to give students the best possible financial aid packages by encouraging competition between lenders of unsubsidized and subsidized Stafford loans.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Mr. GOODLING and I work closely together and we have had a nice bipartisan spirit out here on two bills. It is regrettable that the gentleman from California [Mr. RIGGS] had to inject a bit of partisanship in this, attacking, among other things, the AFL–CIO. This bill is too important to inject those matters into this.

I regret that Mr. RIGGS, the gentleman from California, did this. I want to remind him that he himself voted last year on the reconciliation bill that left the House for a $10 billion cut in student loans, including the in-school interest subsidy. So let us try to get this bill passed.

Mr. GOODLING and I worked very closely together. I regret this injection of partisanship. I urge passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLING. Madam Speaker, I yield myself 1 minute, just to again offer another challenge on this legislation to college and university presidents by repeating what I said earlier: A GAO study of college costs found that tuition at 4-year public colleges and universities has increased 234 percent over the last 14 years, but the median house income rose only 82 percent and the Consumer Price Index rose only 74 percent. This committee wants to know why the dramatic increases in college costs, and we want to get a handle on that so that more students will have an opportunity to attend a 4-year institution and graduate from a 4-year institution, because the number of dropouts from 4-year institutions has reached an all-time high.

Mr. MCKEON. Madam Speaker, today I rise in support of H.R. 3863, the Student Debt Reduction Act. This legislation, which I cosponsored along with Chairman GOODLING and other House colleagues, allows lenders or other interested parties to pay the origination fees charged to a student upon obtaining an unsubsidized Stafford loan.

Currently, lenders are allowed to pay the origination fees on behalf of students who borrow subsidized Stafford loans. I was quite surprised to learn that the Higher Education Act, as interpreted by the Department of Education, did not provide the same benefit for students borrowing unsubsidized Stafford loans.

I support this legislation for several reasons. Most importantly, it results in lower costs for students. At a time when students and parents everywhere are worrying about paying for college, every extra dollar becomes more and more important. It also specifically prohibits any discrimination on the part of lenders when offering programs that reduce a student's origination fees. Lastly, the bill results in increased competition among lender in the student loan program, at no increased cost to the Federal Government.

This simple change to the Higher Education Act could mean a great deal to college students across the country. I urge all of my colleagues to support the Student Debt Reduction Act.

Mr. ANDREWS. Madam Speaker, I share the laudable goal of H.R. 3863, to reduce the costs to students of borrowing for educational expenses, and I applaud the Committee on Economic and Educational Opportunities for its efforts to achieve this goal by cutting student loan fees. I would note that student loan origination fees were initially intended as a temporary measure, and it is high time that we repeal this tax on borrowing for all students. However, this legislation remains flawed, because it will create an unpredictable and unequal student loan system, in which some students will see their loan fees cut, while other students will receive no benefit.

As originally written H.R. 3863 would have given lenders the discretion to pay loan origination fees for some borrowers but not others. In all likelihood, the lenders would waive the fee for the most affluent students, who are better lending risks, in order to attract their business. Thus, the most needy students would have been required to pay more to participate in the same lending programs as affluent students. Thus, the bill would have created incentives for lenders to pay the fee for students who are perceived as better lending risks. As a result, certain institutions would have a competitive advantage over others. This would have forced smaller lenders out of business, and might have led to less access to loans for needy students.

To address these concerns about potential discrimination among students and schools, I offered an amendment in committee, which I was pleased was adopted, to help prevent this possible unintended consequence of H.R. 3863. My amendment makes clear that lenders cannot vary the fee that they charge to student borrowers based on their credit risk. Additionally, my amendment gives the lender some discretion to further cut the origination fee for some student borrowers if they, in fact, show a greater need. Lenders, thus, are prohibited from discriminating against lower-income students and are empowered to offer them further assistance at their discretion.

Unfortunately, the bill as currently written would permit lenders to pay origination fees for some students, but would not provide the same opportunity for cost savings to students who receive loans under the Direct Loan Program. The result will be discrimination among students based on the program from which they receive their student loans.

Students, colleges and universities, and the taxpayers are best served if there is free, open competition and choice. Competition means that students and families can evaluate all the different loan options available to them and make the choice that is best for them. To ensure free competition in the student loan arena, the basic ground rules should be equal for all kinds of loans.

Loan fee cuts must be applied equitably to benefit students without regard to whether their institution participates in the Federal Family Education Loan Program [FFEL], the Direct Loan Program, or both. It is important to keep terms and conditions as nearly the same as possible, both to provide a level playing field so that students and institutions continue to benefit from the healthy competition that currently exists between the two programs, and to ensure that students in equivalent financial situations are treated equally. We should not only reduce the fees on the bank- and guaranty agency-based unsubsidized loans, but we should also extend that fee reduction to students who receive direct loans.

If it is a good idea to reduce these fees for students who borrow from banks or from guaranty agencies, then it is an equally good idea to extend that same opportunity to all students who would borrow from the Direct Student Loan Program. This committee has the opportunity to provide relief to all students, regardless of where they get their loan, while achieving our goal of a balanced Federal budget.

Cutting fees will help students who are faced with rising college costs and declining Federal aid. Over the past 15 years—1980–95—tuition at private 4-year higher education institutions has increased by 89 percent and at public 4-year institutions by 98 percent. In the same period of time, median family income has increased by 5 percent and student financial aid per student has increased by 37 percent. Clearly the ability of students and their families to pay for higher education has diminished significantly. Student financial aid has clearly not kept pace with rising costs. In the mid-1970's about 76 percent of the financial aid which students received from Federal programs was grants and 21 percent was loans. In the mid-1990's the proportions have been reversed, with 26 percent of the Federal student aid in grants and 72 percent in loans.

Another problem with H.R. 3863 is that guaranty agencies could take the so-called excess reserves accumulated from students who have already borrowed money, draw down those excess reserves in order to help finance this cut in the fees, and in effect, use the money paid by a student 5 years ago under a fee to help reduce the fee for a student who borrows next year. Banks would not have that same opportunity to get capital at basically no cost, nor would the Federal Government. In order to level that playing field, we should cut loan fees for all students, whether they borrow from a guaranty agency, a bank, or the Federal Government through direct lending.

To pay for fee reductions for all students, regardless of where they get their loan, we should apply savings already identified in the budget process but not yet used: recovery of these excess guaranty agency reserve funds and an increase in the lender loan fee. We have already concluded in our budget process that lenders and guaranty agencies are in a better position to bear these costs than students are.

In summary, under H.R. 3863, students who take out an unsubsidized loan from a guaranty agency or a bank get a fee cut, which will lower their cost of borrowing for school. Yet their next-door neighbors on campus, with the same family income and the same tuition, who happen to receive their loan through the Direct Loan Program, are not offered the same savings. This inequity makes no sense, and it is a serious flaw in the legislation.

Mr. GOODLING. Madam Speaker, I yield back the balance of my time.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3863, as amended.

The question was taken.

Mr. GOODLING. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FEDERAL AVIATION AUTHORIZATION ACT OF 1996

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3539) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Aviation Authorization Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. Operations of FAA.

TITLE II—AIRPORT DEVELOPMENT FINANCING

Sec. 201. Apportionments.
Sec. 202. Discretionary fund.
Sec. 203. Use of apportioned amounts.
Sec. 204. Designating current and former military airports.
Sec. 205. National Civil Aviation Review Commission.
Sec. 206. Innovative financing techniques.

TITLE III—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

Sec. 301. Intermodal planning.
Sec. 302. Compliance with Federal mandates.
Sec. 303. Runway maintenance program.
Sec. 304. Access to airports by intercity buses.
Sec. 305. Cost reimbursement for projects commenced prior to grant award.
Sec. 306. Issuance of letters of intent.
Sec. 307. Selection of projects for grants from discretionary fund.
Sec. 308. Small airport fund.
Sec. 309. State block grant program.
Sec. 310. Private ownership of airports.
Sec. 311. Use of noise set-aside funds by nonairport sponsors.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Elimination of dual mandate.
Sec. 402. Purchase of housing units.
Sec. 403. Technical correction relating to State taxation.
Sec. 404. Use of passenger facility fees for debt financing project.
Sec. 405. Clarification of passenger facility revenues as constituting trust funds.
Sec. 406. Protection of voluntarily submitted information.
Sec. 407. Supplemental type certificates.
Sec. 408. Restriction on use of revenues.
Sec. 409. Certification of small airports.
Sec. 410. Employment investigations of pilots.
Sec. 411. Child pilot safety.
Sec. 412. Discretionary authority for criminal history records checks.
Sec. 413. Imposition of fees.
Sec. 414. Authority to close airport located near closed or realigned military base.
Sec. 415. Construction of runways.
Sec. 416. Gadsden Air Depot, Alabama.
Sec. 417. Regulations affecting intrastate aviation in Alaska.
Sec. 418. Westchester County Airport, New York.
Sec. 419. Bedford Airport, Pennsylvania.
Sec. 420. Location of Doppler radar stations, New York.
Sec. 421. Worcester Municipal Airport, Massachusetts.
Sec. 422. Central Florida Airport, Sanford, Florida.
Sec. 423. Aircraft Noise Ombudsman.
Sec. 424. Special rule for privately owned reliever airports.

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES

Sec. 501. Extension of Airport and Airway Trust Fund Expenditures.

TITLE VI—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

Sec. 601. Short title.
Sec. 602. Authorization of appropriations.
Sec. 603. Research priorities.
Sec. 604. Research advisory committee.
Sec. 605. National aviation research plan.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1996.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed as affecting funds made available for a fiscal year ending before October 1, 1996.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—

(1) by striking "September 30, 1981" and inserting "September 30, 1996"; and

(2) by striking "$17,583,500,000" and all that follows through the period at the end and inserting the following: "$2,280,000,000 for fiscal years ending before October 1, 1997, $4,627,000,000 for fiscal years ending before October 1, 1998, and $7,039,000,000 for fiscal years ending before October 1, 1999.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "1996" and inserting "1999".

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) $2,068,000,000 for fiscal year 1997.

"(2) $2,129,000,000 for fiscal year 1998.

"(3) $2,191,000,000 for fiscal year 1999.".

(b) CLERICAL AMENDMENTS.—Chapter 481 is amended—

(1) by striking the heading for section 48101 and inserting the following:

"§ 48101. Air navigation facilities and equipment"; and

(2) in the table of sections by striking the item relating to section 48101 and inserting the following:

"48101. Air navigation facilities and equipment.".

SEC. 103. OPERATIONS OF FAA.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) is amended by striking "$4,088,000,000" and all that follows through the period at the end and inserting the following: "$5,158,000,000 for fiscal year 1997, $5,344,000,000 for fiscal year 1998, and $5,538,000,000 for fiscal year 1999.".

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104(c) is amended—

(1) in the subsection heading by striking "1996" and inserting "1999"; and

(2) by striking "1994, 1995, and 1996" and inserting "1994 through 1999".

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108(c) is amended by striking "1996" and inserting "1999".

(d) CLERICAL AMENDMENTS.—Chapter 481 is amended—

(1) by striking the heading for section 48104 and inserting the following:

"§ 48104. Operations and maintenance"; and

(2) in the table of sections for such chapter by striking the item relating to section 48104 and inserting the following:

"48104. Operations and maintenance.".

TITLE II—AIRPORT DEVELOPMENT FINANCING

SEC. 201. APPORTIONMENTS.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

(1) PRIMARY AIRPORTS.—Section 47114(c)(1)(A) is amended—

(A) by striking "and" at the end of clause (iii);

(B) in clause (iv) by striking "additional" and inserting "of the next 500,000";

(C) by striking the period at the end of clause (iv) and inserting "; and"; and

(D) by adding at the end the following:

"(v) $.50 for each additional passenger boarding at the airport during the prior calendar year.".

(2) CARGO ONLY AIRPORTS.—Section 47114(c)(2) of such title is amended to read as follows:

"(2) CARGO ONLY AIRPORTS.—

"(A) APPORTIONMENT.—Subject to subparagraph (D), the Secretary shall apportion an amount equal to 2.5 percent of the amount subject to apportionment each fiscal year to the sponsors of airports served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100,000,000 pounds.

"(B) SUBALLOCATION FORMULA.—Any funds apportioned under subparagraph (A) to sponsors of airports described in subparagraph (A) shall be allocated among those airports in the proportion that the total annual landed weight of aircraft described in subparagraph (A) landing at each of those airports bears to the total annual landed weight of those aircraft landing at all those airports.

"(C) LIMITATION.—Not more than 8 percent of the amount apportioned under subparagraph (A) may be apportioned for any one airport.

"(D) DISTRIBUTION TO OTHER AIRPORTS.—Before apportioning amounts to the sponsors of airports under subparagraph (A) for a fiscal year, the Secretary may set-aside a portion of such amounts for distribution to the sponsors of other airports, selected by the Secretary, that the Secretary finds will be served primarily by aircraft providing air transportation of only cargo.

"(E) DETERMINATION OF LANDED WEIGHT.—Landed weight under this paragraph is the landed weight of aircraft landing at each airport described in subparagraph (A) during the prior calendar year.".

(3) REPEAL OF LIMITATION.—Section 47114(c)(3) is repealed.

(b) AMOUNTS APPORTIONED TO STATES.—Section 47114(d)(2) of such title is amended—

(1) by striking "12" and inserting "18.5";

(2) in subparagraph (A) by striking "one" and inserting "0.66";

(3) in each of subparagraphs (B) and (C) by striking "49.5" and inserting "49.67"; and

(4) in each of subparagraphs (B) and (C) by striking "except" the second place it appears and all that follows through "title," and inserting "excluding primary airports but including reliever and nonprimary commercial service airports,".

SEC. 202. DISCRETIONARY FUND.

Section 47115 is amended by striking the second subsection (f), relating to minimum amounts to be credited, and inserting the following:

"(g) MINIMUM AMOUNT TO BE CREDITED.—

"(1) GENERAL RULE.—In a fiscal year, there shall be credited to the fund, out of amounts made available under section 48103 of this title, an amount that is at least equal to the sum of—

"(A) $50,000,000; plus

"(B) the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982.

The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

"(2) REDUCTION OF APPORTIONMENTS.—In a fiscal year in which the amount credited under subsection (a) is less than the minimum amount to be credited under paragraph (1), the total amount calculated under paragraph (3) shall be reduced by an amount that, when credited to the fund, together with the amount credited under subsection (a), equals such minimum amount.

"(3) AMOUNT OF REDUCTION.—For a fiscal year, the total amount available to make a reduction to carry out paragraph (2) is the total of the amounts determined under sections 47114(c)(1)(A), 47114(c)(2), 47114(d), and 47117(e) of this title. Each amount shall be reduced by an equal percentage to achieve the reduction.

"(h) ALLOCATION OF AMOUNTS EXCEEDING LETTER OF INTENT REQUIREMENTS.—Of the amount credited to the fund for a fiscal year which exceeds the total amount required from the fund to carry out in the fiscal year letters of intent issued before January 1, 1996, under section 47110(e) of this title or the Airport and Airway Improvement Act of 1982—

"(1) not less that 15 percent shall be used for system planning and for making grants to airports that are not commercial service airports; and

"(2) not less than 30 percent shall be used for making grants to commercial service airports that each year have less than .25 percent of the total passenger boardings in the United States.".

SEC. 203. USE OF APPORTIONED AMOUNTS.

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by inserting before the period at the end of the first sentence the following: "or the 3 fiscal years immediately following that year in the case of a primary airport that had less than .05 percent of the total boardings in the United States in the preceding calendar year".

(b) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1) is amended—

(1) by striking "made available under section 48103" and inserting "available to the discretionary fund under section 47115";

(2) by striking subparagraphs (A), (C), and (D);

(3) by redesignating subparagraphs (B) and (E) as subparagraphs (A) and (B), respectively;

(4) in subparagraph (A), as so redesignated, by striking "at least 12.5" and inserting "At least 31";

(5) by adding at the end of subparagraph (A), as so redesignated, the following: "The Secretary may count the amount of grants made for such planning and programs with funds apportioned under section 47114 in that fiscal year in determining whether or not such 31 percent requirement is being met in that fiscal year.";

(6) in subparagraph (B), as so redesignated, by striking "at least 2.25" and all that follows through "1996," and inserting "At least 4 percent for each fiscal year thereafter"; and

(7) by inserting before the period at the end of subparagraph (B), as so redesignated, the following: "and to sponsors of noncommercial service airports for grants for operational and maintenance expenses at any such airport if the amount of such grants to the sponsor of the airport does not exceed $30,000 in that fiscal year, if the Secretary determines that the airport is adversely affected by the closure or realignment of a military base, and if the sponsor of the airport certifies that the airport would otherwise close if the airport does not receive the grant".

SEC. 204. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) GENERAL REQUIREMENTS.—Section 47118(a) is amended—

(1) by striking "not more than 15";

(2) by inserting after the first sentence the following: "The maximum number of airports which may be designated by the Secretary under this section at any time is 10."; and

(3) by striking "reduce delays" and all that follows through "landings" and inserting the following: "enhance airport and air traffic control system capacity in major metropolitan areas and reduce current or projected flight delays".

(b) SURVEY AND CONSIDERATIONS.—Section 47118 is amended—

(1) in subsections (a) and (d) by striking "section 47117(e)(1)(E)" and inserting "section 47117(e)(1)(B)"; and

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(c) PARKING LOTS, FUEL FARMS, UTILITIES, AND HANGARS.—Subsection (d) of section 47118, as redesignated by subsection (b) of this section, is amended—

(1) in the heading by striking "AND UTILITIES" and inserting "UTILITIES, AND HANGARS";

(2) by striking "for the fiscal years ending September 30, 1993-1996," and inserting "for fiscal years beginning after September 30, 1992,"; and

(3) by striking "and utilities" and inserting "utilities, and hangars".

SEC. 205. NATIONAL CIVIL AVIATION REVIEW COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Civil Aviation Review Commission (hereinafter in this section referred to as the "Commission").

(b) FUNCTIONS.—In order to provide Federal policymakers with objective information and recommendations concerning the future of civil aviation in the 21st century, the Commission shall conduct a comprehensive review of aviation safety oversight, airport capital needs, and the long-term capital and operating funding requirements of the Federal Aviation Administration. Matters to be studied by the Commission shall include, but not be limited to, the following:

(1) A review of the overall condition of aviation safety in the United States and emerging trends in the safety of particular sectors of the aviation industry. This review shall include a review of—

(A) the extent to which the dual mission of the Administration to promote and regulate civil aviation may undermine aviation safety;

(B) the adequacy of staffing and training resources for safety personnel of the Administration, including safety inspectors; and

(C) the Administration's processes for ensuring the public safety from fraudulent parts in civil aviation and the extent to which use of suspected unapproved parts requires additional oversight or enforcement action.

(2) A review of current and projected airport capital development needs and an assessment of various financing mechanisms to meet these needs by type and size of airport. This review shall include a review of—

(A) alternate financing mechanisms for airports, including the airport improvement program, passenger facility charges, tax-exempt bonds, State and local assistance, airport privatization, infrastructure banks, government-sponsored enterprises, and leveraging of Federal airport financing that takes into consideration the special needs of nonhub airports and general aviation airports; and

(B) the effect of alternate funding levels of the Federal Aviation Administration airport improvement program, ranging from elimination of funding to full funding of airport development requirements.

(3) A review of the Administration's current and projected financial requirements,

alternate methods of financing those requirements in the future, and recommendations on an overall long-range financial plan for the Administration which would provide for future growth in the Nation's air traffic system while improving the management and performance of the system and providing for continued safety improvements. Such financing methods include loan guarantees, financial partnerships with for-profit private sector entities, multiyear appropriations, revolving loan funds, mandatory spending authority, authority to borrow, restructured grant programs, aviation taxes, and user fees.

(4) A review of the air transportation needs of rural communities, an assessment of the ability of various financing mechanisms to fund programs designed to meet those needs, and an evaluation and recommendation concerning innovative financing mechanisms designed to meet those needs.

(c) MEMBERSHIP.—The Commission shall be composed of 13 members, appointed from persons knowledgeable about civil aviation in the United States and who are specifically qualified by training and experience to perform the duties of the Commission, as follows:

(1) 3 members appointed by the Secretary of Transportation, in consultation with the Secretary of the Treasury.

(2) 10 members appointed by Congress as follows:

(A) 1 member appointed by each of the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives.

(B) 1 member appointed by each of the chairman and ranking minority member of the Committee on Appropriations of the House of Representatives.

(C) 1 member appointed by each of the chairman and ranking minority member of the Committee on Commerce, Science, and Transportation of the Senate.

(D) 1 member appointed by each of the chairman and ranking minority member of the Committee on Appropriations of the Senate.

(E) 1 member appointed by each of the chairman and ranking minority member of the Committee on Ways and Means of the House of Representatives.

(d) RESTRICTION ON APPOINTMENT OF CURRENT AVIATION EMPLOYEES.—A member appointed under subsection (c)(1) may not be an employee of an airline, airport, aviation union, or aviation trade association at the time of appointment or while serving on the Commission.

(e) TIMING OF APPOINTMENTS.—The appointing authorities shall make their appointments to the Commission not later than 30 days after the date of the enactment of this Act.

(f) CHAIRMAN.—In consultation with the Secretary of Transportation, the Speaker of the House of Representatives and the Majority Leader of the Senate shall designate a chairman and vice chairman from among the members of the Commission not later than 30 days after appointment of the last member to the Commission.

(g) PERIOD OF APPOINTMENT AND VACANCIES.—Members shall be appointed for the life of the Commission, and any vacancy on the Commission shall not affect its powers but shall be filled in the same manner, and by the same appointing authority, as the original appointment.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser number for conducting hearings scheduled by the Commission.

(i) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information or documents as the Commission considers necessary to carry out its duties, unless the head of such department or agency advises the chairman of the Commission, in writing, that such information is confidential and that its release to the Commission would jeopardize aviation safety, the national security, or pending criminal investigations.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) TRAVEL AND PER DIEM.—Members and staff of the Commission shall be paid travel expenses, including per diem in lieu of subsistence, when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(j) INDEPENDENT AUDIT.—

(1) CONTRACTS.—Immediately following the designation of the chairman of the Commission, the Commission shall contract with an entity independent of the Federal Aviation Administration and the Department of Transportation to conduct a complete audit of the financial requirements of the Administration, considering anticipated air traffic forecasts, other workload measures, and estimated productivity gains which lead to budgetary requirements.

(2) DEADLINE.—The independent audit shall be completed no later than 180 days after the date of the contract award and shall be submitted to the Commission.

(k) FINAL REPORT.—Not later than 1 year after the date of the appointment of the last member to the Commission under subsection (c), the Commission shall submit to Congress and the Administrator a final report on the findings of the Commission with corresponding recommendations. Included with this report shall be the independent audit required under subsection (j).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated $2,400,000 for activities of the Commission, including the independent audit under subsection (j), to remain available until expended.

(m) GAO ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall transmit to the Commission and Congress an independent assessment of airport development needs.

SEC. 206. INNOVATIVE FINANCING TECHNIQUES.

(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under subchapter I of chapter 471 of title 49, United States Code, for not more than 10 projects for which grants received under such subchapter may be used to implement innovative financing techniques.

(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects to the Congress and the National Civil Aviation Review Commission established by section 205 of this Act.

(c) LIMITATION.—In no case shall the implementation of an innovative financing technique under the demonstration program result in a direct or indirect guarantee of any airport debt instrument by the Federal Government.

(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term "innovative financing technique" shall be limited to the following:

(1) Payment of interest.

(2) Commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development.

(3) Flexible non-Federal matching requirements.

(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary to carry out the demonstration program shall expire on September 30, 1999.

TITLE III—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

SEC. 301. INTERMODAL PLANNING.

(a) POLICIES.—Section 47101(g) is amended to read as follows:

"(g) INTERMODAL PLANNING.—To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall take each of the following actions:

"(1) COORDINATION IN DEVELOPMENT OF AIRPORT PLANS AND PROGRAMS.—Cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.

"(2) GOALS FOR AIRPORT MASTER AND SYSTEM PLANS.—Encourage airport sponsors and State and local officials to develop airport master plans and airport system plans that—

"(A) foster effective coordination between aviation planning and metropolitan planning;

"(B) include an evaluation of aviation needs within the context of multimodal planning; and

"(C) are integrated with metropolitan plans to ensure that airport development proposals include adequate consideration of land use and ground transportation access.

"(3) REPRESENTATION OF AIRPORT OPERATORS ON MPO'S.—Encourage metropolitan planning organizations, particularly in areas with populations greater than 200,000, to establish membership positions for airport operators.".

(b) REQUIREMENTS FOR PROJECT GRANT APPLICATIONS.—Section 47106(a) is amended—

(1) by inserting ", including transportation and land use plans" before the semicolon at the end of paragraph (1);

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting "; and"; and

(4) by adding at the end the following:

"(6) with respect to a project for the location of an airport, the sponsor has—

"(A) provided the metropolitan planning organization authorized to conduct metropolitan planning for the area in which the airport is to be located with not less than 30 days (i) to review the airport master plan or the airport layout plan in which the project is described and depicted, and (ii) to submit comments on such plans to the sponsor; and

"(B) included in the sponsor's application to the Secretary the sponsor's written responses to any comments made by the metropolitan planning organization.".

SEC. 302. COMPLIANCE WITH FEDERAL MANDATES.

(a) USE OF AIP GRANTS.—Section 47102(3) is amended—

(1) in subparagraph (E) by inserting "or under section 40117" before the period at the end; and

(2) in subparagraph (F) by striking "paid for by a grant under this subchapter and".

(b) USE OF PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is amended by striking subparagraph (F).

SEC. 303. RUNWAY MAINTENANCE PROGRAM.

(a) AUTHORITY.—Section 47105 is amended by adding at the end the following:

"(g) RUNWAY MAINTENANCE PROGRAM.—The Secretary may carry out a pilot program in each of fiscal years 1997, 1998, and 1999 under which the Secretary may approve applications under this subchapter for not more than 10 projects in each of such fiscal years to preserve and extend the useful life of runways and taxiways at any airport for which an amount is apportioned under section 47114(d).".

(b) INCLUSION IN AIRPORT DEVELOPMENT ACTIVITIES.—Section 47102(3) is amended by adding at the end the following:

"(H) preserving and extending the useful life of runways and taxiways at a public-use airport under the pilot program authorized by section 47105(g) of this title.".

SEC. 304. ACCESS TO AIRPORTS BY INTERCITY BUSES.

Section 47107(a) is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and"; and

(3) by adding at the end the following:

"(20) the airport owner or operator will permit, to the maximum extent practicable, intercity buses to have access to the airport.".

SEC. 305. COST REIMBURSEMENT FOR PROJECTS COMMENCED PRIOR TO GRANT AWARD.

(a) COST REIMBURSEMENT.—Section 47110(b)(2)(C) is amended to read as follows:

"(C) if the Government's share is paid only with amounts apportioned under paragraphs (1) and (2) of section 47114(c) of this title and if the cost is incurred—

"(i) after September 30, 1996;

"(ii) before a grant agreement is executed for the project; and

"(iii) in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after the grant agreement had been executed;".

(b) USE OF DISCRETIONARY FUNDS.—Section 47110 is amended by adding at the end the following:

"(g) USE OF DISCRETIONARY FUNDS.—A project for which cost reimbursement is provided under subsection (b)(2)(C) shall not receive priority consideration with respect to the use of discretionary funds made available under section 47115 of this title even if the amounts made available under paragraphs (1) and (2) of section 47114(c) are not sufficient to cover the Government's share of the cost of project.".

SEC. 306. ISSUANCE OF LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by redesignating paragraph (6) as paragraph (9); and

(2) by inserting after paragraph (5) the following:

"(6) COST-BENEFIT REGULATIONS.—The Secretary shall issue regulations to require a cost-benefit analysis for any letter of intent to be issued under paragraph (1) for a project at an airport that each year has more than .25 percent of the total passenger boardings in the United States. Until the date on which such regulations take effect, the Secretary may not issue a letter of intent under paragraph (1) for any project that is not yet under construction and that is to be carried out at an airport described in the preceding sentence.

"(7) FINANCING PLANS.—The Secretary shall require airport sponsors to provide, as part of any request for a letter of intent for a project under paragraph (1), specific details on the proposed financing plan for the project.

"(8) CONSIDERATION.—The Secretary shall consider the effect of a project on overall national air transportation policy when reviewing requests for letters of intent under paragraph (1).".

SEC. 307. SELECTION OF PROJECTS FOR GRANTS FROM DISCRETIONARY FUND.

Section 47115(d) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

"(4) the priority that the State gives to the project;

"(5) the projected growth in the number of passengers that will be using the airport at which the project will be carried out; and

"(6) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which the number of passenger boardings increased by at least 20 percent as compared to the number of passenger boardings in the 12-month period preceding such period.".

SEC. 308. SMALL AIRPORT FUND.

Section 47116 is amended by adding at the end the following:

"(d) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In making grants to sponsors described in subsection (b)(2), the Secretary shall give priority consideration to multi-year projects for construction of new runways that the Secretary finds are cost beneficial and would increase capacity in a region of the United States.".

SEC. 309. STATE BLOCK GRANT PROGRAM.

(a) PARTICIPATING STATES.—Section 47128 is amended—

(1) in subsection (a) by striking "7" and inserting "10";

(2) in subsection (b)(1)—

(A) by striking "(1)"; and

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(3) by striking subsection (b)(2).

(b) USE OF STATE PRIORITY SYSTEM.—Section 47128(c) is amended—

(1) by striking "(b)(1)(B) or (C)" and inserting "(b)(2) or (b)(3)"; and

(2) by adding at the end the following: "In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.".

(c) REPEAL OF EXPIRATION DATE.—

(1) IN GENERAL.—Section 47128 is amended—

(A) by striking "**pilot**" in the section heading;

(B) by striking "pilot" in subsection (a); and

(C) by striking subsection (d).

(2) CONFORMING AMENDMENT.—The table of sections for chapter 471 is amended by striking the item relating to section 47128 and inserting the following:

"47128. State block grant program.".

SEC. 310. PRIVATE OWNERSHIP OF AIRPORTS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

"§ 47132. Private ownership of airports

"(a) SUBMISSION OF APPLICATIONS.—If a sponsor intends to sell an airport or lease an airport for a long term to a person (other than a public agency), the sponsor and purchaser or lessee may apply to the Secretary of Transportation for exemptions under this section.

"(b) APPROVAL OF APPLICATIONS.—The Secretary may approve, with respect to not more than 6 airports, applications submitted under subsection (a) granting exemptions from the following provisions:

"(1) USE OF REVENUES.—

"(A) IN GENERAL.—The Secretary may grant an exemption to a sponsor from the provisions of sections 44706(d) and 47107(b) of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the sponsor to recover from the sale or lease of the airport such amount as may be approved—

"(i) by at least 60 percent of the air carriers serving the airport; and

"(ii) by the air carrier or air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 60 percent of the total landed weight of all aircraft landing at the airport during such year.

"(B) LANDED WEIGHT DEFINED.—In this paragraph, the term 'landed weight' means the weight of aircraft transporting passengers or cargo, or both, in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

"(2) REPAYMENT REQUIREMENTS.—The Secretary may grant an exemption to a sponsor from the provisions of sections 47107 and 47152 of this title (and any other law, regulation, or grant assurance) to the extent necessary to waive any obligation of the sponsor to repay to the Federal Government any grants, or to return to the Federal Government any property, received by the airport under this title, the Airport and Airway Improvement Act of 1982, or any other law.

"(3) COMPENSATION FROM AIRPORT OPERATIONS.—The Secretary may grant an exemption to a purchaser or lessee from the provisions of sections 44706(d) and 47107(b) of this title (and any other law, regulation, or grant assurance) to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

"(c) TERMS AND CONDITIONS.—The Secretary may approve an application under subsection (b) only if the Secretary finds that the sale or lease agreement includes provisions satisfactory to the Secretary to ensure the following:

"(1) The airport will continue to be available for public use on reasonable terms and conditions and without unjust discrimination.

"(2) The operation of the airport will not be interrupted in the event that the purchaser or lessee becomes insolvent or seeks or becomes subject to any State or Federal bankruptcy, reorganization, insolvency, liquidation, or dissolution proceeding or any petition or similar law seeking the dissolution or reorganization of the purchaser or lessee or the appointment of a receiver, trustee, custodian, or liquidator for the purchaser or lessee or a substantial part of the purchaser or lessee's property, assets, or business.

"(3) The purchaser or lessee will maintain and improve the facilities of the airport and will submit to the Secretary a plan for carrying out such maintenance and improvements.

"(4) Every fee of the airport imposed on an air carrier on the day before the date of the sale or lease of the airport will not increase faster than the rate of inflation unless a higher amount is approved—

"(A) by at least 60 percent of the air carriers serving the airport; and

"(B) by the air carrier or air carriers whose aircraft landing at the airport during the preceding calendar year had a total landed weight during the preceding calendar year of at least 60 percent of the total landed weight of all aircraft landing at the airport during such year.

"(5) Safety and security at the airport will be maintained at the highest possible levels.

"(6) The adverse effects of noise from operations at the airport will be mitigated to the same extent as at a public airport.

"(7) Any adverse effects on the environment from airport operations will be mitigated to the same extent as at a public airport.

"(8) Any collective bargaining agreement that covers employees of the airport and is in effect on the date of the sale or lease of the airport will not be abrogated by the sale or lease.

"(d) PARTICIPATION OF CERTAIN AIRPORTS.—If the Secretary approves under subsection (b) applications with respect to 6 airports, at least one of the airports must be an airport that is not a commercial service airport.

"(e) PASSENGER FACILITY FEES; APPORTIONMENTS; SERVICE CHARGES.—Notwithstanding that the sponsor of an airport receiving an exemption under subsection (b) is not a public agency, the sponsor shall not be prohibited from—

"(1) imposing a passenger facility fee under section 40117 of this title;

"(2) receiving apportionments under section 47114 of this title; or

"(3) collecting reasonable rental charges, landing fees, and other service charges from aircraft operators under section 40116(e)(2) of this title.

"(f) EFFECTIVENESS OF EXEMPTIONS.—An exemption granted under subsection (b) shall continue in effect only so long as the facilities sold or leased continue to be used for airport purposes.

"(g) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued to a purchaser or lessee of an airport under subsection (b)(3) if, after providing the purchaser or lessee with notice and an opportunity to be heard, the Secretary determines that the purchaser or lessee has knowingly violated any of the terms specified in subsection (c) for the sale or lease of the airport.

"(h) NONAPPLICATION OF PROVISIONS TO AIRPORTS OWNED BY PUBLIC AGENCIES.—The provisions of this section requiring the approval of air carriers in determinations concerning the use of revenues, and imposition of fees, at an airport shall not be extended so as to apply to any airport owned by a public agency that is not participating in the program established by this section.".

(2) CONFORMING AMENDMENT.—The table of sections for such chapter is further amended by adding at the end the following:

"47132. Private ownership of airports.".

(b) TAXATION.—Section 40116(b) is amended—

(1) by striking "a State or" and inserting "a State, a"; and

(2) by inserting after "of a State" the following: ", and any person that has purchased or leased an airport under section 47132 of this title".

(c) RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.—Section 47129(a) is amended by adding at the end the following:

"(4) FEES IMPOSED BY PRIVATELY-OWNED AIRPORTS.—In evaluating the reasonableness of a fee imposed by an airport receiving an exemption under section 47132 of this title, the Secretary shall consider whether the airport has complied with section 47132(c)(4).".

SEC. 311. USE OF NOISE SET-ASIDE FUNDS BY NON-AIRPORT SPONSORS.

Section 47505 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (c), as so redesignated, by striking "subsection (a) of" and inserting "subsection (a) or (b) of"; and

(3) by inserting after subsection (a) the following:

"(b) GRANTS TO NON-AIRPORT SPONSORS.—

"(1) AUTHORITY.—The Secretary may make a grant under this subsection to a State or unit of local government that is not the owner or operator of the airport for preparation of an airport land use compatibility plan or implementation of an airport land use compatibility project.

"(2) PLANNING AUTHORITY.—In order to be eligible to receive a grant under this subsection for preparation of an airport land use compatibility plan, the State or unit of local government must have authority to plan and adopt land use control measures, including zoning, in the planning area.

"(3) COORDINATION OF PLANNING ACTIVITIES.—

"(A) CONSISTENCY WITH OTHER PLANNING.—An airport land use compatibility plan prepared by a State or unit of local government under this subsection may not duplicate or be inconsistent with an airport noise compatibility program prepared by an airport operator under this chapter or with other planning carried out by the airport operator.

"(B) CONSULTATION WITH AIRPORT OWNERS AND OPERATORS.—A State or unit of local government receiving a grant under this subsection for preparation of an airport land use compatibility plan shall consult with the owner or operator of the airport for which the plan is being prepared regarding any recommended airport land use compatibility measure identified in the plan and any aviation data on which such recommendation is made.

"(4) APPROVAL OF AIRPORT OWNER OR OPERATOR REQUIRED.—The Secretary may make a grant to a State or unit of local government under this subsection for preparation of an airport land use compatibility plan or implementation of an airport land use compatibility project only after receiving the approval of the owner or operator of the airport for which the plan or project is being prepared or implemented. Such approval shall be based on whether the plan or program, including the use of any noise exposure contours on which the plan or project is based, has been coordinated with the airport and is consistent with the airport's operations and planning.

"(5) WRITTEN ASSURANCES.—The Secretary may make a grant to a State or unit of local government under this subsection only after receiving from the State or unit of local government such written assurances as the Secretary determines necessary to achieve the purposes of this subsection.

"(6) GUIDELINES.—The Secretary may establish guidelines in carrying out this subsection.

"(7) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) AIRPORT COMPATIBLE LAND USE.—The term 'airport compatible land use' means any land use that is usually compatible with—

"(i) the noise levels associated with an airport, as established under this chapter;

"(ii) airport design standards issued by the Administrator; and

"(iii) regulations issued to carry out section 44718 of this title.

"(B) AIRPORT LAND USE COMPATIBILITY PLAN.—The term 'airport land use compatibility plan' means the product of a process to determine the extent, type, nature, location, and timing of measures to improve the compatibility of land use with the existing forecast level of aviation activity at an airport.

"(C) AIRPORT LAND USE COMPATIBILITY PROJECT.—The term 'airport land use compatibility project' means a project that is contained in an airport land use compatibility plan and determined by the Administrator to enhance airport compatible land use.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ELIMINATION OF DUAL MANDATE.

(a) SAFETY AS HIGHEST PRIORITY.—Section 40101(d) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following:

"(1) assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce.".

(b) ELIMINATION OF PROMOTION.—

(1) POLICY.—Section 40101(d) is further amended—

(A) in paragraph (2), as redesignated by subsection (a)(1) of this section, by striking "its development and"; and

(B) in paragraph (3), as so redesignated—

(i) by striking "promoting, encouraging," and inserting "encouraging"; and

(ii) by inserting before the period at the end ", including new aviation technology".

(2) DEVELOPMENT.—Section 40104(a) is amended by striking "and air commerce".

(3) CONFORMING AMENDMENTS.—Chapter 401 is amended—

(A) in the heading to section 40104 by striking "**and air commerce**";

(B) in the subsection heading to section 40104(a) by striking "AND AIR COMMERCE"; and

(C) in the item relating to section 40104 in the table of sections at the beginning of the chapter by striking "and air commerce".

SEC. 402. PURCHASE OF HOUSING UNITS.

Section 40110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) PURCHASE OF HOUSING UNITS.—

"(1) AUTHORITY.—In carrying out this part, the Administrator may purchase a housing unit (including a condominium or a housing unit in a building owned by a cooperative) that is located outside the contiguous United States if the cost of the unit is $200,000 or less.

"(2) CONTINUING OBLIGATIONS.—Notwithstanding section 1341 of title 31, the Administrator may purchase a housing unit under paragraph (1) even if there is an obligation thereafter to pay necessary and reasonable fees duly assessed upon such unit, including fees related to operation, maintenance, taxes, and insurance.

"(3) CERTIFICATION TO CONGRESS.—The Administrator may purchase a housing unit under paragraph (1) only if, at least 30 days before completing the purchase, the Administrator transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

"(A) a description of the housing unit and its price;

"(B) a certification that the price does not exceed the median price of housing units in the area; and

"(C) a certification that purchasing the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.

"(4) PAYMENT OF FEES.—The Administrator may pay, when due, fees resulting from the purchase of a housing unit under this subsection from any amounts made available to the Administrator.".

SEC. 403. TECHNICAL CORRECTION RELATING TO STATE TAXATION.

Section 40116(b) is amended by striking "subsection (c) of this section and".

SEC. 404. USE OF PASSENGER FACILITY FEES FOR DEBT FINANCING PROJECT.

Section 40117(a)(3) is amended by adding at the end the following:

"(G) for debt financing of a terminal development project at a commercial service airport that each year has .05 percent or less of the total passenger boardings in the United States if construction began on the project after November 5, 1988, and before November 5, 1990, and the eligible agency certifies that no other eligible airport-related projects affecting safety, security, or capacity will be deferred by the debt financing project.".

SEC. 405. CLARIFICATION OF PASSENGER FACILITY REVENUES AS CONSTITUTING TRUST FUNDS.

Section 40117(g) is amended by adding at the end the following:

"(4) Passenger facility revenues that are held by an air carrier or an agent of the carrier after collection of a passenger facility fee constitute a trust fund that is held by the air carrier or agent for the beneficial interest of the eligible agency imposing the fee. Such carrier or agent holds neither legal nor equitable interest in the passenger facility revenues except for any handling fee or retention of interest collected on unremitted proceeds as may be allowed by the Secretary.".

SEC. 406. PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.

(a) IN GENERAL.—Chapter 401 is amended by redesignating section 40120 as section 40121 and by inserting after section 40119 the following:

"§40120. Protection of voluntarily submitted information

"(a) GENERAL RULE.—Notwithstanding any other provision of law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, may disclose voluntarily provided safety or security related information if the Administrator finds that—

"(1) the disclosure of the information would inhibit the voluntary provision of that type of information;

"(2) the receipt of that type of information would aid in fulfilling the Administrator's safety and security responsibilities; and

"(3) the withholding of the information would not be inconsistent with the Administrator's safety and security responsibilities.

"(b) REGULATIONS.—The Administrator shall issue regulations to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 401 is amended by striking the item relating to section 40120 and inserting the following:

"40120. Protection of voluntarily submitted information.

"40121. Relationship to other laws.".

SEC. 407. SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704 is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) SUPPLEMENTAL TYPE CERTIFICATES.—

"(1) ISSUANCE.—The Administrator may issue a type certificate designated as a supplemental type certificate for a change to an aircraft, aircraft engine, propeller, or appliance.

"(2) CONTENTS.—A supplemental type certificate issued under paragraph (1) shall consist of the change to the aircraft, aircraft engine, propeller, or appliance with respect to the previously issued type certificate for the aircraft, aircraft engine, propeller, or appliance.

"(3) REQUIREMENT.—If the holder of a supplemental type certificate agrees to permit another person to use the certificate to modify an aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may change an aircraft, aircraft engine, propeller, or appliance based on a supplemental type certificate only if the person requesting the change is the holder of the supplemental type certificate or has permission from the holder to make the change.".

SEC. 408. RESTRICTION ON USE OF REVENUES.

(a) IN GENERAL.—Section 44706 is amended by adding at the end the following:

"(d) USE OF REVENUES.—

"(1) PROHIBITION.—A person holding an airport operating certificate under this section may not expend local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by the airport for any purpose other than the capital or operating costs of—

"(A) the airport;

"(B) the local airport system; or

"(C) other local facilities owned or operated by the person and directly and substantially related to the air transportation of passengers or property.

"(2) EXCEPTIONS.—Paragraph (1) does not apply—

"(A) if a provision enacted not later than September 2, 1982, in a law controlling financing by the owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator; or

"(B) if the airport operating certificate is for a heliport.

"(3) AUTHORITY TO ISSUE WAIVERS TO AIRPORTS NOT RECEIVING GRANT ASSISTANCE.—The Administrator may waive the application of paragraph (1) with respect to any airport that has not received grant assistance under chapter 471 of this title or the Airport and Airway Improvement Act of 1982 in the 10-year period ending on the date of the enactment of this subsection.

"(4) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.".

(b) PENALTIES.—Section 46301(a)(5) is amended to read as follows:

"(5) PENALTY FOR DIVERSION OF AVIATION REVENUES.—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 44706(d) of this title may be increased above the otherwise applicable maximum amount under this section to an amount not to exceed 3 times the amount of revenues that are used in violation of such section.".

SEC. 409. CERTIFICATION OF SMALL AIRPORTS.

(a) IN GENERAL.—Section 44706(a) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

"(2) that is not located in the State of Alaska and serves any scheduled passenger operation of an air carrier operating aircraft designed for more than 9 passenger seats but less than 31 passenger seats; and";

(3) by striking "and" at the end of paragraph (3), as redesignated by paragraph (1) of this subsection;

(4) by striking "(3) when" and inserting "if"; and

(5) by moving the matter following paragraph (3), as redesignated by paragraph (1) of this subsection, to the left flush full measure.

(b) COMMUTER AIRPORTS.—Section 44706 is amended by adding at the end the following:

"(e) COMMUTER AIRPORTS.—In developing the terms required by subsection (b) for airports covered by subsection (a)(2), the Administrator shall identify and consider a reasonable number of regulatory alternatives and select from such alternatives the least costly, most cost-effective or the least burdensome alternative that will provide comparable safety at airports described in subsections (a)(1) and (a)(2).".

(c) EFFECTIVE DATE.—Section 44706 is further amended by adding at the end the following:

"(f) EFFECTIVE DATE.—Any regulation establishing the terms required by subsection (b) for airports covered by subsection (a)(2) shall not take effect until such regulation, and a report on the economic impact of the regulation on air service to the airports covered by the rule, has been submitted to Congress and 120 days have elapsed following the date of such submission.".

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44706 is further amended by adding at the end the following:

"(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this title may be construed as requiring a person to obtain an airport operating certificate if such person does not desire to operate an airport described in subsection (a).".

SEC. 410. EMPLOYMENT INVESTIGATIONS OF PILOTS.

(a) EMPLOYMENT INVESTIGATIONS.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"§ 44724. Preemployment review of prospective pilot records

"(a) PILOT RECORDS.—

"(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall request and receive the following information:

"(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration, information pertaining to the individual that is maintained by the Administrator concerning—

"(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations thereon; and

"(ii) summaries of legal enforcement actions which have resulted in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title and which have not been subsequently overturned.

"(B) AIR CARRIER RECORDS.—From any air carrier (or the trustee in bankruptcy for the air carrier) that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual—

"(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

"(I) section 121.683 of title 14, Code of Federal Regulations;

"(II) paragraph (A) of section VI, appendix I, part 121 of such title;

"(III) paragraph (A) of section IV, appendix J, part 121 of such title;

"(IV) section 125.401 of such title; and

"(V) section 135.63(a)(4) of such title; and

"(ii) other records pertaining to the individual that are maintained by the air carrier concerning—

"(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

"(II) any disciplinary action relating to the training, qualifications, proficiency, or professional competence of the individual which was taken by the air carrier with respect to the individual and which was not subsequently overturned by the air carrier; and

"(III) any release from employment or resignation, termination (if related to the individual's training, professional qualification, proficiency, or professional competence), or disqualification with respect to employment.

"(C) NATIONAL DRIVER REGISTER RECORDS.—From the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual in accordance with section 30305(b)(7) of this title.

"(2) 5-YEAR REPORTING PERIOD.—A person is not required to furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information is about a revocation or suspension of an airman certificate or motor vehicle license that is still in effect on the date of the request.

"(3) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator and each air carrier (or the trustee in bankruptcy for the air carrier) shall maintain pilot records described in paragraph (1) for a period of at least 5 years.

"(4) WRITTEN CONSENT FOR RELEASE.—Neither the Administrator nor any air carrier may furnish a record in response to a request made under paragraph (1) (A) or (B) without first obtaining the written consent of the individual whose records are being requested.

"(5) DEADLINE FOR PROVISION OF INFORMATION.—A person who receives a request for records under paragraph (1) shall furnish, on or before the 30th day following the date of receipt of the request (or on or before the 30th day following the date of obtaining the written consent of the individual in the case of a request under paragraph (1) (A) or (B)), all of the records maintained by the person that have been requested.

"(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual whose records have been requested—

"(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

"(B) in accordance with paragraph (9), a copy of such records, if requested by the individual.

"(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request for records under paragraph (1) or (9) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

"(8) RIGHT TO CORRECT INACCURACIES.—An air carrier that receives the records of an individual under paragraph (1)(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

"(9) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of a law or agreement, an air carrier shall, upon written request from a pilot employed by such carrier, make available, within a reasonable time of the request, to the pilot for review any and all employment records referred to in paragraph (1)(B) pertaining to the pilot's employment.

"(10) PRIVACY PROTECTIONS.—

"(A) USE OF RECORDS.—An air carrier or employee of an air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot.

"(B) REQUIRED ACTIONS.—Subject to subsection (c), the air carrier or employee of an air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that the information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

"(C) INDIVIDUALS NOT HIRED.—If the individual is not hired, the air carrier shall destroy or return the records of the individual received under paragraph (1); except that the air carrier may retain any records needed to defend its decisions not to hire the individual.

"(11) STANDARD FORMS.—The Administrator may promulgate—

"(A) standard forms which may be used by an air carrier to request the records of an individual under paragraph (1); and

"(B) standard forms which may be used by a person who receives a request for records under paragraph (1) to obtain the written consent of the individual and to inform the individual of the request and of the individual's right to receive a copy of any records furnished in response to the request.

"(12) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary—

"(A) to protect the personal privacy of any individual whose records are requested under paragraph (1) and to protect the confidentiality of those records;

"(B) to preclude the further dissemination of records received under paragraph (1) by the air carrier who requested them; and

"(C) to ensure prompt compliance with any request under paragraph (1).

"(b) LIMITATION ON LIABILITY; PREEMPTION OF STATE AND LOCAL LAW.—

"(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who is seeking a position with an air carrier as a pilot against—

"(A) the air carrier for requesting the individual's records under subsection (a)(1);

"(B) a person who has complied with such request and in the case of a request under subsection (a)(1) (A) or (B) has obtained the written consent of the individual;

"(C) a person who has entered information contained in the individual's records; or

"(D) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal, State, or local law with respect to the furnishing or use of such records in accordance with subsection (a).

"(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law, regulation, standard, or other provision having the force and effect of law that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (a).

"(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraphs (1) and (2) shall not apply with respect to a person that furnishes in response to a request made under subsection (a)(1) information that the person knows is false.

"(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Secretary, the National Transportation Safety Board, or a court.".

(2) CHAPTER ANALYSIS AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

"44724. Preemployment review of prospective pilot records.".

(3) CONFORMING AMENDMENT.—Section 30305(b) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following:

"(7) An individual who is employed or seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 5 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.".

(4) CIVIL PENALTIES.—Section 46301 is amended by inserting "44724," after "44716," in each of subsections (a)(1)(A), (a)(2)(A), (d)(2), and (f)(1)(A)(i).

(5) APPLICABILITY.—The amendments made by this subsection shall apply to an air carrier hiring an individual as a pilot if the application of the individual for employment as a pilot is initially received by the air carrier on or after the 120th day after the date of the enactment of this Act.

(b) RULEMAKING TO ESTABLISH MINIMUM STANDARDS FOR PILOT QUALIFICATIONS.—Not later than 18 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of a proposed rulemaking to establish—

(1) minimum standards and criteria for preemployment screening tests measuring the biographical factors (psychomotor coordination), general intellectual capacity, instrument and mechanical comprehension, and physical fitness of an applicant for employment as a pilot by an air carrier; and

(2) minimum standards and criteria for pilot training facilities which will be licensed by the Administrator and which will assure that pilots trained at such facilities meet the preemployment screening standards and criteria described in paragraph (1).

(c) SHARING ARMED SERVICES RECORDS.—

(1) STUDY.—The Administrator, in conjunction with the Secretary of Defense, shall conduct a study to determine the relevance and appropriateness of requiring the Secretary of Defense to provide to an air carrier, upon request in connection with the hiring of an individual as a pilot, records of the individual concerning the individual's training, qualifications, proficiency, professional competence, or terms of discharge from the Armed Forces.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(d) MINIMUM FLIGHT TIME.—

(1) STUDY.—The Administrator shall conduct a study to determine whether current minimum flight time requirements applicable to individuals seeking employment as a pilot with an air carrier are sufficient to ensure public safety.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 411. CHILD PILOT SAFETY.

(a) MANIPULATION OF FLIGHT CONTROLS.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"§ 44725. Manipulation of flight controls

"(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

"(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

"(2) the appropriate medical certificate issued by the Administrator under part 67 of such title,

to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

"(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

"(c) PILOT IN COMMAND DEFINED.—In this section, the term 'pilot in command' has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"44725. Manipulation of flight controls.".

(b) CHILDREN FLYING AIRCRAFT.—

(1) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the impacts of children flying aircraft.

(2) CONSIDERATIONS.—In conducting the study, the Administrator shall consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation in the United States.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall issue a report containing the results of the study, together with recommendations on—

(A) whether the restrictions established by the amendment made by subsection (a)(1) should be modified or repealed; and

(B) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation.

(4) REGULATIONS.—As a result of the findings of the study, the Administrator may issue regulations imposing age, altitude, or other restrictions on children flying aircraft.

SEC. 412. DISCRETIONARY AUTHORITY FOR CRIMINAL HISTORY RECORDS CHECKS.

(a) IN GENERAL.—Section 44936(a)(1) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "(1) The Administrator" and inserting the following:

"(1) EMPLOYEES.—

"(A) PERSONS WITH ACCESS TO AIRCRAFT AND OTHER SECURED AREAS.—The Administrator";

(3) by moving the remainder of the text of subparagraph (A) (as designated by paragraph (2) of this subsection), including clauses (i) and (ii) (as designated by paragraph (1) of this subsection), 2 ems to the right; and

(4) by adding at the end the following:

"(B) PERSONS RESPONSIBLE FOR SCREENING PASSENGERS AND PROPERTY.—

"(i) IN GENERAL.—The Administrator may require by regulation that an employment investigation (including a criminal history record check in cases in which the employment investigation reveals a gap in employment of 12 months or more that the individual does not satisfactorily account for) be conducted for individuals who will be responsible for screening passengers and property under section 44901 of this title and their supervisors.

"(ii) SPECIAL RULE.—If an individual requires a criminal history record check under clause (i), the individual may be employed as a screener until the check is completed if the individual is subject to supervision.".

(b) CONFORMING AMENDMENTS.—Section 44936(a)(2) is amended—

(1) by striking "(2) An air carrier" and inserting the following:

"(2) RESPONSIBILITY OF AIR CARRIERS, FOREIGN AIR CARRIERS, AND AIRPORT OPERATORS.—An air carrier"; and

(2) by moving the remainder of the text of the paragraph 2 ems to the right.

(c) APPLICABILITY.—The amendment made by subsection (a)(4) shall not apply to an individual employed as a screener, or a supervisor of screeners, on the day before the date of the enactment of this Act.

SEC. 413. IMPOSITION OF FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

"§ 45304. Prohibition on imposition of unauthorized fees; fees for services provided to certain aircraft

"(a) PROHIBITION.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall not impose any fee that is not in effect on the date of the enactment of this section unless the fee is expressly authorized by law.

"(b) AUTHORITY TO IMPOSE FEES.—

"(1) IN GENERAL.—The Administrator is authorized to establish a schedule of fees (and a collection process for such fees), to be effective not later than 60 days after the date of the enactment of this section, solely to recover the costs incurred by the Administrator in providing air traffic control services to aircraft that neither take off from nor land in the United States.

"(2) PERSONS SUBJECT TO FEE.—Fees may be assessed under paragraph (1) only on aircraft that neither take off from nor land in the United States; except that such fees shall not apply to foreign government aircraft.

"(3) LIMITATION ON MANNER OF COLLECTION.—Fees may be assessed and collected under this subsection only in such manner as may reasonably be expected to result in the collection of an aggregate amount of fees during any fiscal year which does not exceed the aggregate costs of the Administrator for such year in providing the services referred to in paragraph (1).

"(4) LIMITATION ON AMOUNT OF FEE.—The amount of any fee assessed under this subsection on any aircraft may not exceed the amount which is reasonably based on the proportion of the services referred to in paragraph (1) which relate to such aircraft.

"(5) TARGET AMOUNT OF AGGREGATE FEES.—To the extent permitted by the preceding provisions of this subsection, fees under the schedule referred to in paragraph (1) shall be at levels that will recover not less than $30,000,000 in the first year in which the fees are implemented.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new item:

"45304. Prohibition on imposition of unauthorized fees; fees for services provided to certain aircraft.".

SEC. 414. AUTHORITY TO CLOSE AIRPORT LOCATED NEAR CLOSED OR REALIGNED MILITARY BASE.

Notwithstanding any other provision of a law, rule, or grant assurance, an airport that is not a commercial service airport may be closed by its sponsor without any obligation to repay grants made under chapter 471 of title 49, United States Code, the Airport and Airway Improvement Act of 1982, or any other law if the airport is located within 3 miles of a military base which has been closed or realigned.

SEC. 415. CONSTRUCTION OF RUNWAYS.

Notwithstanding section 332 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 457) or any other provision of law that specifically restricts the number of runways at a single international airport, the Secretary of Transportation may obligate funds under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SEC. 416. GADSDEN AIR DEPOT, ALABAMA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 4, 1949), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any of the terms contained in the deed of conveyance dated May 4, 1949, under which the United States conveyed certain property to the city of Gadsden, Alabama, for airport purposes.

(b) CONDITIONS.—Any waiver granted under subsection (a) shall be subject to the following conditions:

(1) The city of Gadsden, Alabama, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value of such interest (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport, lands (including any improvements thereto) which produce revenues that are used for airport development purposes, or both.

SEC. 417. REGULATIONS AFFECTING INTRASTATE AVIATION IN ALASKA.

In modifying regulations contained in title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.

SEC. 418. WESTCHESTER COUNTY AIRPORT, NEW YORK.

Notwithstanding sections 47107(b) and 44706(d) of title 49, United States Code, and any other law, regulation, or grant assurance, all fees received by Westchester County Airport in the State of New York may be paid into the treasury of Westchester County pursuant to section 119.31 of the Westchester County Charter if the Secretary finds that the expenditures from such treasury for the capital and operating costs of the Airport after December 31, 1990, have been and will be equal to or greater than the fees that such treasury receives from the Airport.

SEC. 419. BEDFORD AIRPORT, PENNSYLVANIA.

If the Administrator of the Federal Aviation Administration decommissions an instrument landing system in Pennsylvania, the Administrator shall, if feasible, transfer and install the system at Bedford Airport, Pennsylvania.

SEC. 420. LOCATION OF DOPPLER RADAR STATIONS, NEW YORK.

(a) PROHIBITION.—No Federal funds may be used for the construction of a Doppler radar station at the Coast Guard station in Brooklyn, New York.

(b) CONSTRUCTION OF OFFSHORE PLATFORMS.—

(1) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the feasibility of constructing 2 offshore platforms to serve as sites for the location of Doppler radar stations for John F. Kennedy International Airport and LaGuardia Airport in New York City, New York.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under paragraph (1), including proposed locations for the offshore platforms. Such locations shall be as far as possible from populated areas while providing appropriate safety measures for John F. Kennedy International Airport and LaGuardia Airport.

(c) LIMITATION.—The Administrator shall not begin construction of a Doppler radar station for John F. Kennedy International Airport or LaGuardia Airport at any location before submitting a report under subsection (b).

SEC. 421. WORCESTER MUNICIPAL AIRPORT, MASSACHUSETTS.

The Secretary of Transportation shall take such actions as may be necessary to improve the safety of aircraft landing at Worcester Municipal Airport, Massachusetts, including, if appropriate, providing air traffic radar service to such airport from the Providence Approach Radar Control in Coventry, Rhode Island.

SEC. 422. CENTRAL FLORIDA AIRPORT, SANFORD, FLORIDA.

The Secretary of Transportation shall take such actions as may be necessary to improve the safety of aircraft landing at Central Florida Airport, Sanford, Florida, including, if appropriate, providing a new instrument landing system on Runway 27R.

SEC. 423. AIRCRAFT NOISE OMBUDSMAN.

Section 106 is amended by redesignating subsection (k), as amended by section 103 of this Act, as subsection (l) and by inserting after subsection (j) the following:

"(k) AIRCRAFT NOISE OMBUDSMAN.—

"(1) ESTABLISHMENT.—There shall be in the Administration an Aircraft Noise Ombudsman.

"(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

"(A) be appointed by the Administrator;

"(B) serve as a liaison with the public on issues regarding aircraft noise; and

"(C) be consulted when the Administration proposes changes in aircraft routes so as to minimize any increases in aircraft noise over populated areas.".

SEC. 424. SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.

Section 47109 is amended by adding at the end the following:

"(c) SPECIAL RULE FOR PRIVATELY OWNED RELIEVER AIRPORTS.—If a privately owned reliever airport contributes any lands, easements, or rights-of-way to carry out a project under this subchapter, the current fair market value of such lands, easements, or rights-of-way shall be credited toward the non-Federal share of allowable project costs.".

TITLE V—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES

SEC. 501. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURES.

(a) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended by striking "October 1, 1996" and inserting "October 1, 1999".

(b) EXTENSION OF TRUST FUND PURPOSES.—Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting before the semicolon at the end "or the Federal Aviation Authorization Act of 1996".

TITLE VI—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "FAA Research, Engineering, and Development Management Reform Act of 1996".

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) is amended—

(1) by striking "and" at the end of paragraph (1)(J);

(2) by striking the period at the end of paragraph (2)(J) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) for fiscal year 1997—

"(A) $10,000,000 for system development and infrastructure projects and activities;

"(B) $39,911,000 for capacity and air traffic management technology projects and activities;

"(C) $20,371,000 for communications, navigation, and surveillance projects and activities;

"(D) $6,411,000 for weather projects and activities;

"(E) $6,000,000 for airport technology projects and activities;

"(F) $37,978,000 for aircraft safety technology projects and activities;

"(G) $36,045,000 for system security technology projects and activities;

"(H) $23,682,000 for human factors and aviation medicine projects and activities;

"(I) $3,800,000 for environment and energy projects and activities; and

"(J) $1,500,000 for innovative/cooperative research projects and activities.".

SEC. 603. RESEARCH PRIORITIES.

Section 48102(b) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking "AVAILABILITY FOR RESEARCH.—(1)" and inserting in lieu thereof "RESEARCH PRIORITIES.—(1) The Administrator shall consider the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

"(2)".

SEC. 604. RESEARCH ADVISORY COMMITTEE.

Section 44508(a)(1) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).".

SEC. 605. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) is amended—

(1) in paragraph (2)(A) by striking "15-year" and inserting in lieu thereof "5-year";

(2) by amending subparagraph (B) to read as follows:

"(B) The plan shall—

"(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119, 44504, 44505, 44507, 44509, 44511–44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

"(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

"(iii) identify the allocation of resources among long-term research, near-term research, and development activities; and

"(iv) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance."; and

(3) in paragraph (3) by inserting ", including a description of the dissemination to the private sector of research results and a description of any new technologies developed" after "during the prior fiscal year".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I first have the pleasant task of announcing that this is the birthday of the distinguished ranking member, the gentleman from Minnesota [Mr. OBERSTAR]. I know all of my colleagues join me in wishing him a very happy birthday.

Now, Madam Speaker, I would emphasize just as heartily that this bipartisan legislation before us must be passed because if it is not passed, the airports across America will get no money in the coming year. Indeed, the recent tragedies involving ValuJet and TWA raised our consciousness about the need for improvements in aviation safety and security.

The House already passed our bill to make the FAA an independent agency. Shortly before the August recess, the House passed antiterrorism legislation. And we will soon bring to the floor a bill to address the complaints heard from the families who lost loved ones in airline disasters.

This bill takes another important step in efforts to improve safety and security. It authorizes funding for aviation security improvements such as new bomb detection systems. The bill also provides important funding for increasing airport capacity to meet the growing needs of the aviation system which will grow, we are told, by 4 to 5 percent a year. Indeed, as we move into the next century we will soon be experiencing over a billion passengers flying commercially in America each year.

FAA Administrator Hinson has continuously stated that the single most important constraint in the aviation system is the lack of airport capacity. In 1996 funding for AIP was only $1.45 billion, even though the authorized level was $2.2 billion and at that time there was a $5 billion surplus in the Aviation Trust Fund. Indeed, if the Aviation Trust Fund were taken off budget, airport needs could be met and the huge surpluses in the trust fund would not be created.

Those airport needs are not uniform. Smaller airports depend even more heavily on AIP funds. When a low AIP funding level forces the FAA to turn down an airport's AIP grant, if it is a large airport that airport has lost a small amount of its funding sources. However, a small airport often cannot proceed with a project without an AIP grant.

Nevertheless, over the past few years small nonhub airports have seen their entitlement cut by as much as 23 percent. Small commercial service airports have seen their set-aside cut by 40 percent. One of our goals, therefore, in this bill is to revise the AIP program and make sure the smaller airports get their fair share.

This bill simplifies the formulas. It reauthorizes the AIP program for 3 years and ensures that every primary airport, both large hubs and small nonhubs, receive an increase in their passenger entitlement; increases the small airport fund; provides a minimum discretionary fund that contains enough money to ensure that all previously issued letters of intent are met; includes an airport privatization test program for six airports, subject to DOT approval and the airlines affected; imposes treble damages on anyone violating the prohibition against revenue diversion; and makes baggage screeners subject to background checks.

The bill before us today does differ from the one reported by the committee in the following ways:

It includes a National Civil Aviation Review Commission recommended by Congressman WOLF; it includes a pilot program allowing FAA to experiment with innovative financing techniques, as suggested by the Department of Transportation. It eliminates the dual mandate that requires FAA to both promote and regulate air commerce. Elimination of this dual mandate would not prevent the FAA from considering the costs of its regulatory actions but would make clear that safety is its No. 1 priority. Indeed, we would expect FAA to continue its rigorous cost benefit analyses. It clarifies passenger facility charges belong to airports and should not become part of a bankrupt airline's estate, that small airports do not have to seek certification if they do not want commuter service; includes H.R. 3267 the Child Pilot Safety Act, Report 104–683, includes H.R. 3536 the Airline Pilot Hiring and Safety Act, Report 104–684; makes changes to foreign airline overflight fee provisions that were requested by the Committee on Ways and Means; allows private reliever airports to use fair market value of their land as a local share for an AIP grant; drops the provision on the metropolitan Washington airports; drops the extension of the trust fund taxes so that this can be extended in separate legislation; and adds the research title developed by the committee on Science.

For all these reasons, this legislation must be passed, if we are going to provide funding to our airports across America. I strongly urge the passage of this legislation.

I want to say the following on behalf of Congressman FRISA of New York.

This bill does not make any changes in the Disadvantaged Business Enterprise [DBE] Program. This is a controversial provision especially as it applies to car rental companies.

In 1992, the FAA reauthorization bill established vendor purchases as an alternative, but coequal, method through which car rental concessionaires could meet DBE airport concession participation goals. The 1992 statute expressly states that car rental concessionaires must be permitted to include credit for the purchase of vehicles from DBE new car dealers toward their DBE compliance goals.

To ensure meaningful participation in the DBE airport concession program, car rental concessionaires must be permitted to apply the full purchase price of their fleet vehicles from qualified DBE vendors toward their compliance goals under the DBE airport concession program. Any other interpretation of this statutory mandate ignores the plain wording of the statute and would make it essentially impossible for car rental concessionaires to meet DBE goals through the vendor purchases established by the statute.

The committee report on this bill includes a directive that DOT must be careful not to adopt size standards that make the DBE airport concession program inherently unworkable for car rental concessionaires. Toward this end, DOT should adopt an employee size standard, rather than a standard based on total revenues, for DBE new car dealers. Such an employee-based standard would avoid a situation in which many DBE dealers would be forced from the program simply because of the large number and value of cars the car rental industry buys each year.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 26, 1996.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR BUD: I am writing to you regarding further consideration of H.R. 3539, the Federal Aviation Authorization Act of 1996, which was ordered reported by the Committee on Transportation and Infrastructure on June 6, 1996. The bill, as introduced, was also referred to the Committee on Ways and Means.

Specifically, Title VI of the bill, as introduced, would extend the Airport and Airway Trust Fund taxes for 3 years. On May 30, 1996, the Subcommittee on Aviation adopted an amendment concerning jet fuel excise taxes. On June 6, 1996, the full Committee on Transportation and Infrastructure adopted an amendment intended to change Title VI into a legislative "recommendation" to the Committee on Ways and Means.

The actions taken by the Committee on Transportation and Infrastructure on these tax matters was contrary to both Rule X of the Rules of the House, regarding Committee jurisdiction, and Rule XXI(5)(b) of the Rules of the House, which prohibits the reporting of a tax or tariff measure in a bill not reported by the committee of jurisdiction.

I now understand that you are seeking to have the bill considered on the Suspension Calendar as early as next week. I also understand that you have agreed to include an amendment on the Floor which I am providing (attached) to address the concerns of the Committee on Ways and Means with this legislation.

The amendment would strike the tax title previously included in the bill, and add language needed to extend the expenditure purposes and authority contained in the Internal Revenue Code of 1986 through October 1, 1999, the period of the authorization bill. In addition, I wrote to you previously regarding the "overflight fees" provision included in the reported bill, expressing my interest in working with you to ensure that this provision conforms as closely as possible to a true "fee." I have also included legislative language in this amendment to that effect. Finally, I understand that the Commission proposed in section 205 of your amendment will include appointments by the Committee on Ways and Means.

Based on this understanding, and in order to expedite consideration of this legislation, it will not be necessary for the Committee on Ways and Means to markup this legislation. This is being done with the further understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Finally, I would ask that a copy of our exchange of letters on this matter, and my previous letter, be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter. With best personal regards.

Sincerely,

BILL ARCHER,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 29, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR BILL: This is in response to your letter of July 26, 1996, regarding H.R. 3539, the Federal Aviation Authorization Act of 1996. I concur with your statement of the agreements reached by our committees on this bill. I appreciate your willingness to forego a markup on the bill based on these agremeents.

We do intend to proceed to consideration of this bill in the House as soon as possible and are currently hoping for consideration on the Suspension Calendar. If we proceed under suspension of the rules, I will include the items referred to in your letter in the suspension motion. Specifically, this will strike the tax title and insert in its place extension of the Trust Fund expenditure purposes and authority through October 1, 1999. It will also include your recommended changes to section 409 regarding overflight fees and section 205 regarding the National Civil Aviation Review Commission.

If we proceed to the consideration of this bill under a rule, I will request that the Rules Committee incorporate these provisions by self-executing rule.

Finally, I will include these letters in the Record during consideration of the bill on the Floor.

Thank you again for your cooperation in this matter. With warm personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield myself 7 minutes.

I first want to thank my colleague, our chairman and my dear friend, for his good wishes on this day that we all face once a year. I looked in the obit column this morning and did not find my name in there so I decided to come to work.

Today we consider legislation very, very thoroughly described by our chairman to reauthorize the programs of the Federal Aviation Administration but particularly and most importantly the Airport Improvement Program.

At the outset, I want all of our colleagues on both sides of the aisle to note that this legislation in the long honored tradition of our committee has been prepared and advanced in a truly bipartisan process with complete openness and participation, not just consultation but participation on both sides of sharing of ideas, of working issues out, of coming to agreement on matters on which maybe at the first we might have had some differences. In the end we were altogether.

I want to thank Chairman SHUSTER, who has been a strong advocate for aviation and especially for small airports, as I have been, and Chairman DUNCAN, who has given aviation his full energy and effort and who has proven a really distinguished and worthy chairman of this subcommittee and has come to have a sure grasp of the issues. I salute him and congratulate him.

I also want to express my great appreciation to the leader on our side on aviation, the gentleman from Illinois [Mr. LIPINSKI], who has plunged into aviation and likewise has become thoroughly knowledgeable and self-assured on this subject.

I also see my good friend and former associate when I chaired the Subcommittee on Aviation, the gentleman from Pennsylvania [Mr. CLINGER], now chairman of the Committee on Government Reform and Oversight. I want to thank him for the partnership that we have had over 14 years working together on economic development, investigations and oversight and aviation. As he prepares to leave our company to go on to other pursuits, I just want to say what a great, distinct pleasure it has been working with the gentleman, a professorial scholar, a dear friend, one who is committed to the pursuit of truth and of good legislation in the best public interest.

This legislation establishes funding for FAA's facility and equipment operations and maintenance and airport improvement programs at levels that assume the aviation trust fund has been taken off budget. Funding levels are necessary to support vital safety and capacity enhancing projects, including upgrading air traffic control, implementing the global positioning satellite system, meeting the safety and capacity needs of the Nation's airports.

While I completely support the funding levels included in the bill and want to assert that they are more than justified in light of the needs of the system and indeed modest compared to the needs, we must unfortunately and realistically assume that these programs will receive a lower appropriation level than the authorization that we have provided for, given the current budget climate and the fact that the other body has failed to pass off-budget legislation.

☐ 1515

I emphasize that these levels are right, they are necessary, they are what this committee says is needed. We set that mark out there. It is important that that mark be set even though realistically the appropriation level may not come to what it should be. We will continue to argue for higher and adequate appropriation levels in the future.

This means that the different FAA accounts will essentially be competing with each other for limited funding available. So much of FAA's costs are fixed costs. That means the program likely to be most negatively affected is airport improvement. That level currently is 1.45 billion, and that represents a $450 million decrease in funding from 1992. That was the high point for AIP funding in the history of the FAA.

This funding distribution formula in the current AIP program was drafted when we expected funding levels to continue to increase. They work well when AIP is funded at close to $2 billion, but the formulas create a significant problem for a large number of airports, at funding levels closer to the 1.45 level.

So the formula modifications in the bill are recognition on our part, on bipartisan basis, of a need to streamline the program in the light of diminishing resources. We are simply dealing with reality, trying to accommodate the needs of all airports, large and small, in order to project a national airport and air capacity system.

While there are understandable concerns about the effect of formula modifications, we have struck a reasonable balance with the competing priorities. The bill preserves a significant noise program, it protects existing letters of intent commitments, it provides a $50 million discretionary account regardless of the size of the overall program.

Unfortunately, formula modifications are only one element providing adequate funding for airport needs. The effects on the system caused by extreme funding cuts cannot be remedied simply by adjusting the formula. No one disputes that projections for passenger growth will require additional airport capacity. Everybody understands our aviation system is going to go, goodness. Ninety-four percent of all paid intercity travel in America is by air. There may be dispute about existing airport needs, but everyone agrees that funding AIP at its current level or below that level in 1997 is simply not adequate to meet the demands of the projected passenger growth in this country.

We have an obligation to the future. So until we can get all the money paid by the users out of the airspace system for distribution through FAA from the trust fund, either through passage of the trust fund off budget or some other means, we have to find a way to insure that the system can meet the capacity demands placed upon it.

A critical funding issue which has significantly affected the aviation trust fund was expiration of the airline ticket tax which lasted almost 11 months and severely depleted the reserve in the trust fund account. During the time that the taxes lapsed, the uncommitted balance of the aviation trust fund was depleted at a rate of $600 million a month. We have to take responsibility to assure that taxes do not lapse again at the end of this year, and I just want to take this opportunity to urge our colleagues on the Committee on Ways and Means to pass legislation before we adjourn to extend the airline ticket tax beyond the end of this calendar year. It is simply not responsible to let that ticket tax expire at the end of the year and have airports, airlines, wondering how they are going to meet capacity needs.

The American people also want to know that they are safe when they get on board an aircraft. We have repeatedly heard the citizens of this country articulate their willingness to incur higher costs if those costs are going to mean more airport security and better safety. It is irresponsible to let the excise tax lapse when safety and security are on the line when we are going to put another billion dollars of cost on this system to make it more safe and more secure.

Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee [Mr. DUNCAN], chairman of the Subcommittee on Aviation of the Committee on Transportation.

Mr. DUNCAN. Madam Speaker, I rise in strong support of H.R. 3539, the Federal Aviation Authorization Act. This bill has been developed, as the gentleman from Minnesota [Mr. OBERSTAR] noted, in a very strong bipartisan manner with primary support and leadership from our outstanding chairman, the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the full committee, the gentleman from Minnesota [Mr. OBERSTAR] who is so dedicated to aviation, and the gentleman from Illinois [Mr. LIPINSKI], my good friend and the ranking member of the Subcommittee on Aviation. Let me also thank every member of the Subcommittee on Aviation for their contributions to this legislation as well. I think the committee has done an outstanding job in dealing with some very difficult and complex issues. While I am sure we do not have a perfect bill, I think we have crafted a product that every Member can and should support. Any changes, any minor or technical changes that might be needed in this legislation, can be addressed in conference when we meet with the Senate.

In order for needed improvements to be made to our Nation's outdated air traffic control equipment, in order for us to improve aviation security at airports around this Nation, in order for us to do all we can to improve safety for millions of traveling Americans, we must pass this legislation.

The House Subcommittee on Aviation, which I have the privilege to chair, held several days of hearings on a number of issues ranging from privatization of airports to revenue diversion.

The bill reauthorizes for 3 years programs administered by the FAA, including the Airport Improvement Program, the Airway Facilities Improvement Program and the overall operations of the FAA.

H.R. 3539 authorizes funding to help the FAA replace the 30-year-old air traffic control equipment that has been stretched beyond its useful life.

It addresses airport development financing, including the creation of a commission to review innovative financing proposals that will help both airport and FAA financing in the future.

The legislation also adjusts the AIP formula so that the smaller airports, the general aviation airports, will get their fair share of funding.

It increases the entitlement for every airport in the Nation.

Let me repeat that, Madam Speaker. The legislation, this legislation, increases entitlement funding for every airport in the Nation, large and small alike.

The bill protects current letters of intent so that ongoing airport construction projects can continue without interruption, and it retains the set-aside for noise and military airports, the noise problems that are of so much concern to many people around this Nation.

H.R. 3539 increases the number of States participating in the State block grant program from 7 to 10, and it creates a pilot program permitting the sale or long-term lease of up to 6 airports across the Nation. In other words, a pilot experimental program for airport privatization.

The bill imposes cost limitations on FAA housing purchases, and it imposes treble damages on anyone caught illegally diverting revenue from an airport.

It also improves aviation security by permitting the FAA to require airlines to do background checks before hiring someone to screen baggage, and finally H.R. 3539 incorporates legislation that this House passed overwhelmingly last July, the Child Pilot Safety Act and the Airline Pilot Hiring and Safety Act, both very needed improvements in our aviation system.

Madam Speaker, I cannot stress enough the importance of this legislation. It makes needed improvements to various programs administered by the FAA, and it will help provide the traveling public with a safer, more secure aviation system. Experts have testified that air passenger traffic will increase to well over 800 million, possibly even 1 billion, just 10 years from now, and according to FAA forecasts the number of passengers carried on U.S. airlines will increase from 597 million this year to at least 718 million just 4 years from now, an increase of at least 20 percent by the most conservative estimates.

So obviously we are going to have to build new airports or at least expand existing airports around the country, but we need to make sure that that is done, that expansion, this expansion is done in the most cost-effective manner and the way that is best for the taxpayers.

Madam Speaker, this legislation will move our Nation in the right direction, and it will help us meet both the immediate and long-term challenges in aviation. I strongly support this legislation, I urge every Member of the House to support it as well because this is the key legislation we will have this year to improve our aviation system and make it safer and more secure for all Americans.

Mr. OBERSTAR. Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER], a senior member of the committee and the distinguished chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Madam Speaker, I thank the gentleman very much for yielding to me and commend him for this legislation as well as my friends, the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from

Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI]. Before I do this, this is my last opportunity to express to my good friend Mr. OBERSTAR. He has indicated that we worked together for 14 years and 10 of those years on aviation matters. It was an incredibly rewarding experience for me and one that I think we shared in accomplishing a great deal for aviation over the years, and so I wanted to publicly express my gratitude to him for the partnership we had. He was always very fair to the minority throughout that tenure, and I was very grateful for it. I would also note that he has been my mentor in many transportation areas. Most recently he is advising me on what type of bicycle I should be purchasing, and I am grateful for that as well, and I also wanted to wish him a happy birthday.

Madam Speaker, I strongly support this legislation. The bill has been explained. In the limited time I have left I just want to speak about the fundamental role played by aviation in the lives of rural Americans. I have a congressional district that includes four airports served only by commuters, and with one exception none of these communities are on the interstate highway system. Aviation has really, as we know, become the lifeblood and well-being of small communities, and though many may equate aviation as a service enjoyed only by urban areas, it has really been my experience that quality of life in rural communities is now measured in part by the degree of air service it receives, and the challenge, Madam Speaker, to small communities is maintaining affordable service. Unlike large cities where several carriers may compete for any number of routes, rural areas generally rely on one carrier providing service to one nearby 3 or 4 times a day. The lack of competition into rural communities generally results in very high prices and also holds a community captive to one carrier to book tickets for locations beyond a nearby hub. The economies of scale clearly do play a role here and to some degree I would expect to pay more to get to a remote area. But rural residents have come to expect reliable, affordable air travel, much the same way as urban dwellers.

I say this because in my years on the committee I have come to appreciate just how price-sensitive the public is to the cost of air travel. I think it especially important as Congress and the administration work to implement new safety initiatives that careful attention be paid to cost. Rural communities served by commuters are the least able to spread the cost among passengers and are clearly the most at risk for losing service altogether, so with that caveat I indicate my strong support for the legislation and urge its passage.

Mr. OBERSTAR. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Madam Speaker, I thank the gentleman from Minnesota [Mr. OBERSTAR] for yielding the time to me.

Madam Speaker, I rise in support of H.R. 3539, and I want to commend the chairmen and the ranking members of the Transportation and Infrastructure Committee and the Aviation Subcommittee for their work on this piece of legislation. I also want to thank them for including in H.R. 3539, title VII—the Federal Aviation Administration Research, Engineering, and Development, which are the provisions adopted by the Science Committee in H.R. 3322, the Omnibus Civilian Science Authorization Act authorizing the Federal Aviation Administration's [FAA] research and development program.

The principal purposes of title VII strengthen the role of the Federal Aviation Administration's [FAA] Research Advisory Committee in setting FAA's R&D priorities and in streamlining the National Aviation Research Plan. This language is based on the recommendations of witnesses who appeared before the Technology Subcommittee during three oversight hearings on FAA's R&D programs.

The Research Advisory Committee, established by statute, is composed of aviation experts from industry, other R&D agencies, and universities. To date the advisory committee has not had much influence on setting FAA's R&D goals. Title VII now requires the Research Advisory Committee to review and provide recommendations to FAA on its R&D budget, and it also requires FAA to consider those recommendations in establishing its R&D priorities.

In addition, FAA must report to Congress on its response to the advisory committee's recommendations.

In addition, the provisions in title VII of H.R. 3539 simplify the contents of the National Aviation Research Plan to make it more useful to Congress for tracking and assessing the FAA's goals and priorities.

The goals of title VII are to strengthen public/private cooperation to develop an R&D agenda which will effectively modernize the air traffic system and ensure the safety and reliability of air travel in the United States.

Again, I want to thank Chairman DUNCAN and Ranking Member LIPINSKI for working with the Science Committee to incorporate the R&D title into the FAA authorization bill and I urge my colleagues to support H.R. 3539.

□ 1530

Mr. SHUSTER. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER], the distinguished chairman of the Committee on Science.

Mr. WALKER. Madam Speaker, I rise today in support of H.R. 3539, the Federal Aviation Authorization [FAA] Act of 1996. I would like to thank the chairwoman, Congresswoman CONNIE MORELLA, and the ranking member, Congressman JOHN TANNER, of the Science Committee's Subcommittee on Technology for their work in crafting title VI of H.R. 3539.

Title VI is the FAA Research, Engineering, and Development [RD&E] Management Reform Act of 1996. The FAA RD&E Act was originally introduced by Chairwoman MORELLA on May 16, 1996. Its major provisions were subsequently incorporated into H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996 which passed the House on May 30, 1996. The language in title VI is taken directly from H.R. 3322.

Title VI authorizes $186 million for FAA research and development activities in fiscal year 1997. The title further directs the FAA research advisory committee to annually review the FAA research and development funding allocations and requires the Administrator of the FAA to consider the advisory committee's advice in establishing its annual funding priorities. Finally, title VI streamlines the requirements of the National Aviation Research Plans and shortens the time-frame the plans must cover from 15 to 5 years.

Madam Speaker, title VI strengthens an already good bill, and I would like to thank Transportation Committee Chairman SHUSTER and Aviation Subcommittee Chairman DUNCAN along with full Committee Ranking Member OBERSTAR and Subcommittee Ranking Member LIPINSKI for their support and assistance in including the FAA RD&E Act in H.R. 3539. I urge all my colleagues to vote to suspend the rules and pass H.R. 3539.

Mr. SHUSTER. Madam Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Madam Speaker, I would like to engage in a colloquy with the gentleman from Pennsylvania [Mr. SHUSTER].

I appreciate the gentleman's efforts, particularly in providing a provision on airport certification. Particularly, there is a provision in the bill which changes the FAA's requirement that all airports flying planes with more than nine passengers must have received their certification. The old requirement was 30 passengers.

I would ask the gentleman, is that correct?

Mr. SHUSTER. Madam Speaker, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Speaker, that is correct.

Mr. HEFLEY. I appreciate that provision and the improved safety it will result in, but I was concerned that reliever airports which do not intend to fly planes with over nine passengers may be forced to apply for certification. A provision has been included in the bill which states that an airport which has not currently received certification does not have to apply if they do not intend to fly planes with over nine passengers. Is that also correct?

Mr. SHUSTER. That is correct, and I appreciate the gentleman's efforts.

Mr. HEFLEY. Another provision that I am concerned about in the bill, it allows the Secretary of Transportation to obligate funds for runway construction even if the Committee on Appropriations has specifically prohibited the runway from being built.

This section is really referring to a proposed sixth runway at Denver International Airport. Denver officials contend that this is needed. There is some argument about whether it is needed or not. There is tremendous concern about noise created by this airport that was never anticipated by the city of Denver.

Mr. SHUSTER. I would be happy to work with the gentleman in conference to try to resolve these differences.

Mr. HEFLEY. I thank the gentleman.

Mr. SHUSTER. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Virginia [Mr. WOLF], the distinguished chairman of the Subcommittee on Transportation.

Mr. WOLF. Madam Speaker, I thank the chairman of the committee for yielding me time.

Madam Speaker, there is much in this bill that is very good. I want to put this at the outset of the statement. There are two issues that I have concerns about, one the gentleman from Colorado [Mr. HEFLEY] just raised, and that is the first provision, section 411, which states that even if the Committee on Appropriations denies funding for a runway at an international airport the Secretary of Transportation may obligate funds for such projects anyway.

Essentially, this language says that despite what the Committee on Appropriations does, it can go ahead. I was pleased to hear the gentleman's comments.

The Transportation and Infrastructure Committee report accompanying H.R. 3539 indicates that the intent of this language was to ensure funding for a sixth runway at the Denver International Airport. However, this project has been specifically denied by Congress in the appropriations process for the past 3 years. Not only has the funding been denied for 3 years, no funds are provided once again in this year's appropriations bill, considered by the House only a few short weeks ago, and no amendment to that provision was offered when the bill was debated on the House floor. That appropriations bill—with no amendments offered dealing with this issue—was passed by an overwhelming vote of 403 to 2.

The rules of the House and parliamentary precedents make clear that it is the prerogative of the Appropriations Committee to provide resources for, or make valid limitations on, the financial obligations of the Federal Government. In an unusual and clever way, section 411 of this bill takes away the unambiguous rights of the Appropriations Committee and allows the executive branch to spend funds for a project even if they have been specifically denied by the Congress. In essence, this is a reverse line item veto—it allows funds to be spent even after Congress denies them. This Congress has an excellent record of reducing the deficit and forcing the hard cuts in an oversized Government. It makes no sense to set a new precedent allowing the executive branch to undermine the prerogatives of the Appropriations Committee and the Congress, by authorizing it to spend funds for a project Congress has repeatedly denied.

And this is no ordinary airport project. The access road to the Denver Airport is called Pena Boulevard—so named after the current Secretary of Transportation and former mayor of Denver and the very individual to whom the bill gives sole power to fund the project over Congress' objections. This airport receives more funding under its letter of intent with the Federal Aviation Administration than any other airport in the country, and I question whether the Department of Transportation can truly be impartial in evaluating further grant applications, given the current Secretary's prior involvement in the Denver Airport project. The Colorado congressional delegation is divided over the need for the sixth runway, and the airport has a history of management problems including illegal diversion of airport revenues.

Simply stated, Denver has not proven the case for a new runway. Management problems continue, including diversion of airport revenues, shoddy construction of the existing runways and buildings; and significant airport noise issues. There is no compelling air traffic problem at the airport justifying a new runway at this time. Even the airport director stated last year that the proposed runway would provide "marketing and business opportunities for companies throughout the region that would not otherwise exist." This is not ample justification for Federal investment, when resources are scarce and significant airport capacity issues exist in other cities around the country, and when decisions are necessary to curb the Federal deficit.

In addition, not only would this provision grant the Secretary of Transportation authority to override congressional mandates regarding the Denver International Airport, the bill as reported would allow the Secretary to approve funding for any international runway where funding was expressly denied by the Congress. There are other runway projects in this country which are highly controversial and Congress should not cede control over these projects to the Secretary of Transportation.

Section 411 is extremely controversial, unnecessary, would establish an alarming precedent, and should not be included in this legislation.

The second provision of concern to me is section 416, which prohibits the Federal Aviation Administration from installing a terminal Doppler weather radar at the Brooklyn Coast Guard Air Station in New York and requires a study of the feasibility of siting such equipment from an offshore platform.

While politically attractive perhaps, the offshore concept appears to be unworkable and unrealistic from an engineering and cost-benefit standpoint. In fact, after years of analysis, the FAA concluded that the Coast Guard air station in Brooklyn is the best site for this safety radar, which is badly needed in the New York metropolitan area. Furthermore, section 416 violates congressional direction contained in the statement of the managers on the fiscal year 1996 Department of Transportation Appropriations Act, which directed the FAA to provide enhanced wind shear detection capability for the New York metropolitan area as soon as possible.

More than a year later, this critical safety improvement still does not exist for the New York City area and the language in H.R. 3539 would lead to additional delays.

There is an unquestioned need for this safety radar system in New York and calling for another study will not only be unproductive, but would pose unnecessary delays in getting essential safety equipment in place. The longer we wait, the greater the risk of an accident.

The lack of Doppler weather radar was cited by the National Transportation Safety Board as one factor in the aviation accident near Charlotte, NC, just 2 years ago. On July 2, 1994, a DC–9 operating as USAir flight 1016 flew into terrain, colliding with trees and a private residence during a missed approach to the Charlotte/Douglas International Airport. The captain, first officer, one flight attendant, and one passenger received minor injuries. The remaining 37 passengers died. The airplane itself was destroyed by impact forces and a postcrash fire. What was the cause of the crash? According to the NTSB, a critical factor was the lack of real-time adverse weather and windshear hazard information which Doppler weather radar would have provided. Had the Doppler weather radar been in place, it is possible that this tragedy could have been avoided. We cannot allow the delays that plagued Charlotte to similarly plague New York. We simply cannot and should not run the risk of a similar accident in New York City.

If recent events have shown us anything, they have clearly demonstrated the need for increased emphasis on aviation safety and placing the highest priority on funding for aviation safety equipment. This provision would undermine aviation safety—for nearby residents in New York and for the millions who use the New York airports.

Madam Speaker, in July the House gave overwhelming approval to the fiscal year 1997 transportation appropriations legislation which places paramount importance on safety. Maintaining and improving aviation safety was the No. 1 priority in the appropriations legislation. In fact, we added some $139 million not included in the President's budget request for new air traffic control equipment and systems to improve safety and airway capacity. Final approval of the fiscal year 1997 transportation appropriations bill is expected shortly and safety will continue to be the hallmark of that legislation.

I am a strong supporter of aviation programs but am convinced that the two provisions in H.R. 3539 that I just outlined pose serious problems. I regret that these provisions are included in legislation I would like to support. However, I believe these provisions are inconsistent with congressional efforts to improve aviation safety. I cannot ignore the deleterious and dangerous effects of these provisions and regretfully oppose H.R. 3539.

Mr. OBERSTAR. Madam Speaker, I yield 1½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in strong support of section 411. I think this is terribly critical, because I must say, I am very tired of my airport in Denver being bashed around. No other airport in the Nation has a legislative funding prohibition. This funding prohibition on this runway was put in before the airport even opened. It also is the sixth busiest airport in the world now.

Now we hear people talking about noise. If you are going to talk about noise, there are at least 50 other airports that should have their funding blocked if we are going to use that as a criteria.

I guess I rise today, Madam Speaker, to say we do not mind being judged by the same standards everyone else does, but why this airport has been singled out and continually battered I do not know, because it seems to be working very well. Consumers like it. It has added tremendously to the safety. I like any airport that pilots like. I think it is terribly important that we do not so micromanage that we fall all over ourselves.

The local government, the people of Colorado, and the Federal Government spent a tremendous amount of money to open this state-of-the-art airport. It was planned with six runways. To say that we are only going to do it with five, to continue to punish it, is wrong. I salute the committee for having put in this section 411 to not micromanage, and I really urge Members not to do this type of thing, when we have made these kinds of investments in infrastructure this country so desperately needs.

Madam Speaker, I want to express my support for section 411 of the Federal Aviation Authorization Act, H.R. 3539. The Transportation Committee, under the direction of Chairman SHUSTER and ranking Democrat Mr. OBERSTAR, included section 411, which returns the authority to the Department of Transportation for determining whether an airport receives funding for additional runways.

In other words, the Department of Transportation not the appropriating committee should determine if an airport should build additional runways. This addresses an egregious prohibition on building a sixth runway at Denver International Airport [DIA] that was included in the Transportation appropriations measure.

Section 411 is needed because:

No other airport in the Nation has a legislative funding prohibition. Singling out DIA is indefensible and unprecedented. DIA has proved that is one of the most efficient airports in the Nation. Placing a Federal restriction on DIA is also detrimental to the traveling public.

DIA is the sixth busiest airport in the Nation. Moreover, DIA has begun to attract international service. DIA is beginning nonstop service to Toronto, Vancouver, and Calgary.

DIA is designed to have six runways. It provides a balanced airfield of three runways for arrivals and three runways for departures during any kind of weather. The sixth runway is on DIA's airport layout plan, which was approved by the FAA several years ago.

The prohibition was enacted before DIA opened and is no longer relevant. There were problems with DIA and the baggage system, which delayed the opening until February of 1995. Now that the airport has a proven record of service, Denver should be free to complete the airport.

Section 411 in no way provides any funding to build the sixth runway at DIA. All this provision does is allow DIA, like every other airport in the United States, to apply for funding from the FAA.

Using the noise problem at DIA to justify blocking the sixth runway is a ruse. If every airport in the Nation that has a noise problem was singled out for funding restrictions, the list would be a mile long and DIA would be near the bottom. Washington National, BWI, Memphis International, Dallas-Fort Worth, Sarasota Bradenton, Lambert St. Louis, and many others—probably 50 airports—have worse noise problems. It is a complete fabrication to say DIA should not get a sixth runway because of noise.

Mr. OBERSTAR. Madam Speaker, I yield 1 minute and 45 seconds to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I am very pleased to support H.R. 3539, and as chair of the Subcommittee on Technology and on the Committee on Science, I am certainly very grateful that this bill includes title VI funding of Federal Aviation Administration research, engineering, and development, something that I authored along with the gentleman from Tennessee [Mr. TANNER], the distinguished ranking member of the subcommittee on technology.

Madam Speaker, I thank the chairmen of the Transportation Committee, Mr. SHUSTER of Pennsylvania, Mr. OBERSTAR, the ranking member and the Aviation Subcommittee, Mr. DUNCAN of Tennessee, for working with our committee to create an R&D title to the bill.

Title VI of this bill contains sections of H.R. 3322, the Omnibus Civilian Science Authorization Act, which passed the House on May 30, 1996.

In addition to the authorized levels of appropriations for FAA R&D, title VI also contains a number of committee amendments created under the leadership of Mr. TANNER, the Technology Subcommittee ranking member from Tennessee.

These amendments include strengthening the FAA Research Advisory Committee, which was originally created on the initiation of the Science Committee.

By strengthening the Advisory Committee, composed of aviation experts from industry, other R&D agencies, and academia, the FAA can receive better guidance on the goals, relevance, and quality of its r&d program.

This will also assist the FAA in better establishing its research priorities.

In addition, title VI would also streamline the national aviation research plan to make it a more useful document.

The plan should emphasize the overall national r&d goal and priorities; FAA's r&d resource allocations; and connecting FAA's overlapping r&d activities with other agencies.

Madam Speaker, I support the bill before us today which not only authorizes aviation research and development, but also funds airport improvements, air traffic control facilities and equipment, the military airport program, and various maintenance projects, among other important functions.

I urge my colleagues to support the bill.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I listened with great interest to my colleague, the gentleman from Virginia [Mr. WOLF], chairman of the Subcommittee on Transportation of the Committee on Appropriations, about the Doppler radar issue.

I agree, Doppler radar is critically important. It has been cited by the NTSB as a factor, or absence of it as a factor in not only the Raleigh crash but in other situations. The unfortunate thing is that the location of the Doppler weather radar in New York is the issue, not the radar itself. It is not in my backyard. I have followed this issue for many years with great dismay.

There was a proposal to put the Doppler radar in a location in one part of one of the boroughs of New York City, whose name I do not recall, and there was an uproar by the citizens of that area, and the junior Senator from New York came to their defense and said, now, let us hold this off, let us not put it there now, let us find another place to locate it.

The provision in this bill directs a feasibility study of locating the terminal Doppler weather radar on an offshore platform before selecting some other site. I do not see this as a delay to installation of the radar. This is going to be a very quick study. It will be one conducted very readily, a conclusion that can be reached in a very short period of time.

Local concerns are the issue that are holding up this radar. I wish folks would just say, we understand the need for aviation safety, we do not want planes landing in our apartment buildings or in our backyards because they do not have the right radar, do not have the right weather information. But that is not the way people react.

We have this controversy in Minnesota over power lines, over long-distance power lines being too close to dairy farms, and fugitive electricity causing double-headed cows. People have it in their minds that that is a consequence of having electricity so close to their animals. Then we have to deal with that reality. We may have to relocate that line.

Madam Speaker, this is just a technology issue, and it is a people problem as well. We have come to a compromise. I will not stand for any unreasonable delay, and I know the chairman of the committee will not stand for any unreasonable delay. We want this radar to go forward. That is an extremely busy airport. I share the gentlewoman's concern. Let us see if we can get this study accomplished, put fears to rest, and then let the location of the technology take place on its own.

I just want to make one final comment, Madam Speaker. We have heard so much in our committee and by commentators every time there is a disability in the Air Traffic Control System about problems with the Nation's Air Traffic Control System, and allusions to vacuum tubes being used in our Air Traffic Control System. Less than 1 percent of all the technology used in our Air Traffic Control System is dependent upon vacuum tubes. All of it is scheduled for replacement.

Our committee on a bipartisan basis over several years has worked very diligently to upgrade and to speed up the technology in our Air Traffic Control System. As a result of our efforts, working with both the previous administration, the Bush administration, Secretary Skinner, Admiral Busey, when he was head of FAA, and now the current head of FAA, Mr. Hinson, they have brought a new team in, and every month we get this report, an air traffic systems development status report, with which we can track month to month the progress on all of the several key items: The end route, the terminal, the tower, the oceanic and offshore and the air traffic management systems. We know what the cost is, whether they are on track, whether they are behind schedule. I just want to say that the core of this new technology system is the initial sector suite, or the display system replacement.

The first article is going to be installed in Seattle in December, the end of this year, to begin a year of operational testing, so that by 1998 we will be able to move ahead with full deployment of the system. This program was in as bad a shape as we could possibly imagine any Government program getting into, but FAA Administrator Hinson and his team of Associate Administrator George Donahue and his deputy, Bob Valone, working with the new contractor, Lockheed Martin, have turned the program around.

We ought to take credit for this. This committee has diligently worked to make sure that the public investment has paid off. We have real results and real progress to show for it. We are going to see some real solid developments, for example, in the terminal and the end route system modernization, that are actually ahead of schedule. The display channel complex project is ahead of schedule. The voice switching and control system is enabling communication between centers and between units on the ground to do things that they never believed were possible a few years ago.

Madam Speaker, I just would like to say to the listening public, this committee has done its work diligently. We have worked together. We have made sure that the public investment has been cut where it was excessive, has been moved ahead where it was necessary. We have moved to a more modular technology system in the total modernization of the Air Traffic Control System.

This is a huge undertaking, the biggest technology program in the entire Federal Government. We have it on track. We have something really to be proud of. I want to thank the chairman of the committee for his cooperation, that of the gentleman from Tennessee [Mr. DUNCAN], to the staff, and the participation of the gentleman from Illinois [Mr. LIPINSKI], and also the gentleman from Pennsylvania [Mr. CLINGER], who has devoted so many hours to this thing.

We have something good going here. The rest of the world envies our system, and they are buying up pieces of it as soon as we put them into operational use. We are the world's leader in aviation. Let us never forget it. Let us be proud of it. Let us make this bill the flagship of that leadership. I thank the chairman of the committee for his vigorous work on behalf of this legislation. This bill ought to pass overwhelmingly.

Madam Speaker, I yield back the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I would emphasize that this is must-pass legislation, because each airport across America, no airport will receive funds if this does not pass. It is a bipartisan bill, and I strongly urge its support.

Mr. NADLER. Madam Speaker, I rise in strong support of the language currently in this FAA reauthorization bill concerning Doppler radar for both Kennedy and Laguardia Airports. I was actually somewhat surprised to find out that neither Kennedy nor Laguardia had Doppler to detect wind shear. I commend the FAA for wanting to install Doppler radar, but, unfortunately, the site the FAA is currently reviewing does not provide the best possible coverage of both Kennedy and Laguardia Airports.

After speaking with representatives of the FAA, I was informed that if Doppler radar were installed at the site in Brooklyn, LaGuardia Airport would only enjoy approximately 75 percent accuracy in measuring wind shear. The 75 percent would be achieved only when used in conjunction with an additional system called L–WAS, a low-level wind ananometer which is approximately ten, 40–50 foot poles with windsocks on the end of them, which would be installed at LaGuardia to supplement the Doppler.

The best way to detect wind shear to the maximum extent possible at both LaGuardia and Kennedy and the safest way for any of our constituents flying in or out of New York, is to have a dedicated Doppler radar station for each of the airports. Each of the Washington and Chicago area airports have a dedicated Doppler radar station.

In addition to the technical safety reasons for not putting the station in Brooklyn, is the fact that the station would be put in a residential area. There is concern that this type of radar emits cancer-causing radiowaves. In an area that has some of the highest rates of cancer in the country, I do not believe we should subject these residents to even the possibility of cancer-causing radiation when there is an alternative that, as I said, would provide more effective safety measures for the flying public.

Also, the FAA has recently issued a final environmental impact statement scoping paper that identifies several other sites, in and around Brooklyn, that could prove to be better suited than Floyd Bennett Field or offshore platforms, as I have suggested. The FAA should be allowed to study these proposals and determine the best possible site that would cover both Laguardia and Kennedy as well as protecting the health of local residents.

I urge my colleagues to allow the current language to stand. Send the message to FAA that we need the best coverage for both LaGuardia and Kennedy Airports. This language currently in the bill would help ensure the safety of all of our constituents who fly in or out of New York, and ensure the safety of local residents.

Mr. LIPINSKI. Madam Speaker, I rise in strong support of H.R. 3539, the Federal Aviation Authorization Act of 1996.

This legislation reauthorizes the Airport Improvement Program, as well as the FAA's facilities and equipment and operations and maintenance programs.

In an era of limited funding, this bill provides the national airport system with the best bang for the buck by fully funding the entitlement program while at the same time guaranteeing existing letters of intent from the discretionary portion of the program. Funding for noise mitigation also remains a priority in this legislation.

But for the longer term, we have no choice but to look toward alternate funding sources, including an increase in the passenger facility charge. FAA and airport funding needs continue to increase, and with the Congress' effort to balance the budget, there simply is not enough funding. The passenger facility charge is now being levied at airports around the country with great success. In future reauthorization cycles, I will continue to advocate increasing the PFC.

Madam Speaker, this legislation is critical. Without it, at the end of the fiscal year, the FAA will be unable to fund its crucial programs. With the tragic aviation accidents we have witnessed in recent months, funding for the air traffic control system, for security, for airport development, is more important than ever. This is must-pass legislation. I strongly urge its adoption.

Madam Speaker, I want to commend Chairman DUNCAN for his leadership in moving this critical legislation through the process, and Chairman SHUSTER and Congressman OBERSTAR for their support. I particularly want to thank the staff of the Aviation Subcommittee on both sides for their hard work on this and all aviation matters. They are a fine group of professionals and we are fortunate to have them working with us.

Madam Speaker, I urge strong support of this legislation and yield back the balance of my time.

Mr. TRAFICANT. Madam Speaker, I rise in strong support of H.R. 3539, the Federal Aviation Authorization Act. I want to commend Mr. DUNCAN and Mr. LIPINSKI for the excellent work they have done on this legislation.

The bill includes an amendment I offered in subcommittee dealing with the Airport Improvement Program's cargo service airport entitlement.

Current law defines cargo service airports as airports that are served by cargo-only or "freighter" aircraft which all together weigh more than 100 million pounds. Under the bill, these airports would be entitled to share in a pot of money that equal 2.5 percent of total AIP funds.

Therein lies the problem. Many smaller airports across the country would like to expand their air cargo operations by expanding or adding runways and making infrastructure improvement. However, the airports are not eligible for the cargo service set-aside under the AIP because they do not meet the 100-million-pound requirement. In order to get AIP funds for air cargo projects, these airports have to compete with other airports for discretionary AIP money.

This is counterproductive. My amendment gives the FAA the discretion to award cargo service entitlement funds to airports that the FAA determines are, or will be, served primarily by aircraft providing air transportation only by cargo.

It's a commonsense amendment, one that will benefit airports across the country. I am pleased it is in the bill.

I am also pleased that the manager's amendment includes several very important provisions—especially the one that removes the FAA's dual mandates, and makes it the law of the land that the FAA's primary mission is aviation safety. In the wake of the Valujet crash, it has become clear that the FAA's dual mandate has made it difficult, at times, for the FAA to be effective in doing everything possible to ensure aviation safety. Removing the FAA's dual mandate won't solve all of the problems, but it is a wise move in the right direction, and one I heartily support.

The manager's amendment also incorporates into the bill the text of two pieces of legislation previously approved by the House, the Child Pilot Safety Act and the Airline Pilot Hiring and Safety Act. These are two important bills that I strongly support.

We have an excellent piece of legislation before the House, and I urge all Members to support it.

Mr. DEFAZIO. Madam Speaker, as a member of the House Aviation Subcommittee, I do not plan to object to the consideration of H.R. 3539 under suspension of the rules because this bill is long overdue and greatly needed by our Nation's airports and air travelers. However, during the subcommittee's consideration of this legislation and the full committee's markup of the bill I offered an amendment that I would have also liked to offer during floor debate. I was disappointed that the House of Representatives planned to consider H.R. 3539—which authorizes $30 billion for the FAA and airport improvements—under suspension of the rules and I would not be permitted to offer my amendment.

Although much of H.R. 3539 is not controversial, a section was included in this bill that would authorize a pilot program to facilitate the privatization of publicly owned airports. I strongly object to this provision and believe that many Members would voice similar concerns were a full debate possible. At this time I would like to take a moment to outline my objections and explain what my amendment would have done.

The current privatization provisions in H.R. 3539 allow private entities to own and operate airports that have previously been operated as a public entity. However, under the bill, these private companies would have absolutely no obligation to repay the Federal investment in these properties. This is a rip-off for the U.S. taxpayers and corporate welfare at its worst. Since 1946, the Federal Government has awarded over $23.5 billion in airport grants to finance construction, improvements, and maintenance. The U.S. taxpayers funded these grants and should be reimbursed.

My amendment would require entities that purchase or lease airports under the pilot program authorized in H.R. 3539 to repay public Federal investments made to the airport. At the discretion of the FAA these Federal grant repayments could be adjusted to account for depreciation. Funds generated by the repayment would be used to finance FAA safety programs.

Although my amendment was defeated in committee, I believe that after a full public debate on the House floor, many Members would have agreed with my argument and my efforts to make this legislation more fiscally responsible. In addition, other Members had asked to be included in the debate and would have spoken in support of my amendment.

Gifting the Federal investment in these airports to private entities is just another example of corporate welfare. The Federal grants amount to a windfall for private investors, at the expense of the U.S. taxpayers. Under the rationale of the privatization section of the bill, all public entities—including highways and office buildings—should be up for grabs without any obligation to repay the Federal investment.

This section of H.R. 3539 is highly controversial and should be carefully reviewed before enacted into law. The only current example we have of airport privatization is from Great Britain's experience. In this case commercial airports were owned and financed directly by the central government, unlike in the United States where airports are owned by local government. The British Government sold these airports for $2.5 billion in a public share offering, generating significant capital for the taxpayers.

Even after privatization, the British Government found it necessary to impose a system of price controls on landing fees at the private airports. The airports remain subject to regulation of airlines' access, airports' charges to airlines, safety, security and environmental protection. The Government also maintains the right to veto new airport investment or divestiture.

Although I continue to object to the privatization section of this legislation, I will be supporting the bill because it includes authorization for needed Federal expenditures. In addition, I am extremely pleased that the bill also includes, at my request, language eliminating the dual mandate of the FAA. This new language will clearly direct the FAA to promote the safety of air travel, not promote the airline industry. I have long sought this change in the FAA's authorizing statute and I thank the committee for including this in the bill we are considering today.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in strong support of H.R. 3539, a bill which would reauthorize the Federal Aviation Administration. Although this bill contains many worthwhile provisions that will modernize and improve the FAA, I commend to my colleagues' attention an amendment I offered during committee consideration of this legislation that is of particular importance to my constituents, many of whom have been severely impacted by aircraft noise. Specifically, my amendment would establish the position of aircraft noise ombudsman within the FAA. My colleagues may recall that a nearly identical provision passed the House last March as part of H.R. 2276, the Federal Aviation Administration Revitalization Act of 1995.

The idea of an aircraft noise ombudsman is long overdue. In my home State of New Jersey, the FAA has either arrogantly dismissed or totally ignored the pleas from my constituents for relief from intolerable aircraft noise. After the Expanded East Coast Plan [EECP] was implemented by the FAA in 1987, it took years for the FAA to even react to the significant increase in aircraft noise over New Jersey that resulted from their policies. The adoption of my amendment would ensure that the American people have an advocate in the FAA bureaucracy who will represent the concerns of residents affected by airline flight patterns.

My amendment also gives citizens someone to turn to should they have a comment, complaint, or suggestion dealing with aircraft noise. As the experience in New Jersey demonstrates, the FAA views the very real concerns of constituents regarding aircraft noise as nothing more than a minor inconvenience. For example, when the FAA was flooded by telephone calls from irate citizens after the EECP was implemented, their response was to belatedly install an answering machine on a single telephone line which was constantly jammed and to which citizens were unable to get through. The insensitivity of this agency can no longer be tolerate. Our constituents deserve to talk to a real, live human being who can answer their questions about the decisions that directly affect their quality of life.

Madam Speaker, my amendment is extremely important to the people of New Jersey and to the residents of any area that could find themselves severely impacted after the FAA announces a change in flight patterns. Already, my congressional office has received inquiries from around the country asking for the phone number of the aircraft noise ombudsman. I am sure the citizens who hear aircraft noise constantly, be they in New Jersey, Denver, or St. Louis, will be heartened by the passage of H.R. 3539.

Of course, this new position will only be as effective as the person occupying it. This is why I will be recommending to the administrator of the FAA that a person from outside the FAA, preferably from a citizens' aircraft noise organization, be appointed to fill this position. For example, a member from New Jersey Citizens Against Aircraft Noise [NJCAAN] would make an ideal aircraft noise ombudsman. NJCAAN members are personally familiar with the problem of aircraft noise, and understand the frustrations of citizens affected by aircraft noise.

Furthermore, NJCAAN members are knowledgeable about how the FAA bureaucracy operates. An aircraft noise ombudsman from NJCAAN would also have a reservoir of credibility with the public on this issue—something the FAA sorely lacks. For these reasons, I will be urging the FAA to carefully consider a NJCAAN member for this position.

Madam Speaker, Chairman DUNCAN has done a superb job on this legislation. I also commend Dave Schaffer and Donna McLean of the House Aviation Subcommittee staff for their hard work on this worthy bill.

Madam Speaker, my ombudsman provision is extremely important to the residents of any area of the Nation affected by aircraft noise. I urge my colleagues to vote yes for this excellent bill.

Mr. SHUSTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER], that the House suspend the rules and pass the bill, H.R. 3539, as amended.

The question was taken.

Mr. CANADY of Florida. Madam Speaker, on that, I demand the yeas and nays.

The yeas and nays were refused.

Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

☐ 1545

GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3539, the bill just considered.

The SPEAKER pro tempore. (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1996

Mr. WALKER. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antarctic Science, Tourism, and Conservation Act of 1996".

TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively, and inserting before paragraph (4), as redesignated, the following:

"(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

"(2) more recently, interest of American tourists in Antarctica has increased;

"(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;";

(2) by striking "the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation" in paragraph (4), as redesignated, and inserting "the Protocol establish a firm foundation for the conservation of Antarctic resources,";

(3) by striking paragraph (5), as redesignated, and inserting the following:

"(5) the Antarctic Treaty and the Protocol establish international mechanisms and create legal obligations necessary for the maintenance of Antarctica as a natural reserve devoted to peace and science.".

(b) PURPOSE.—Section 2(b) of such Act (16 U.S.C. 2401(b)) is amended by striking "Treaty, the Agreed Measures for the Conservation of Antarctic Fauna and Flora, and Recommendation VII-3 of the Eighth Antarctic Treaty Consultative Meeting" and inserting "Treaty and the Protocol".

SEC. 102. DEFINITIONS.

Section 3 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2402) is amended to read as follows:

"SEC. 3. DEFINITIONS.

"For purposes of this Act—

"(1) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

"(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

"(4) the term 'Director' means the Director of the National Science Foundation;

"(5) the term 'harmful interference' means—

"(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

"(B) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;

"(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

"(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

"(E) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

"(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

"(6) the term 'historic site or monument' means any site or monument listed as an historic site or monument pursuant to Annex V to the Protocol;

"(7) the term 'impact' means impact on the Antarctic environment and dependent and associated ecosystems;

"(8) the term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States;

"(9) the term 'native bird' means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

"(10) the term 'native invertebrate' means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

"(11) the term 'native mammal' means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

"(12) the term 'native plant' means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

"(13) the term 'non-native species' means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

"(14) the term 'person' has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the

Federal Government or of any State or local government;

"(15) the term 'prohibited product' means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

"(16) the term 'prohibited waste' means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

"(17) the term 'Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

"(18) the term 'Secretary' means the Secretary of Commerce;

"(19) the term 'Specially Protected Species' means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

"(20) the term 'take' means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

"(21) the term 'Treaty' means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

"(22) the term 'United States' means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

"(23) the term 'vessel subject to the jurisdiction of the United States' includes any 'vessel of the United States' and any 'vessel subject to the jurisdiction of the United States' as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432).".

SEC. 103. PROHIBITED ACTS.

Section 4 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2403) is amended to read as follows:

"SEC. 4. PROHIBITED ACTS.

"(a) IN GENERAL.—It is unlawful for any person—

"(1) to introduce any prohibited product onto land or ice shelves or into water in Antarctica;

"(2) to dispose of any waste onto ice-free land areas or into fresh water systems in Antarctica;

"(3) to dispose of any prohibited waste in Antarctica;

"(4) to engage in open burning of waste;

"(5) to transport passengers to, from, or within Antarctica by any seagoing vessel not required to comply with the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), unless the person has an agreement with the vessel owner or operator under which the owner or operator is required to comply with Annex IV to the Protocol;

"(6) who organizes, sponsors, operates, or promotes a nongovernmental expedition to Antarctica, and who does business in the United States, to fail to notify all members of the expedition of the environmental protection obligations of this Act, and of actions which members must take, or not take, in order to comply with those obligations;

"(7) to damage, remove, or destroy a historic site or monument;

"(8) to refuse permission to any authorized officer or employee of the United States to board a vessel, vehicle, or aircraft of the United States, or subject to the jurisdiction of the United States, for the purpose of conducting any search or inspection in connection with the enforcement of this Act or any regulation promulgated or permit issued under this Act;

"(9) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (8);

"(10) to resist a lawful arrest or detention for any act prohibited by this section;

"(11) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section;

"(12) to violate any regulation issued under this Act, or any term or condition of any permit issued to that person under this Act; or

"(13) to attempt to commit or cause to be committed any act prohibited by this section.

"(b) ACTS PROHIBITED UNLESS AUTHORIZED BY PERMIT.—It is unlawful for any person, unless authorized by a permit issued under this Act—

"(1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships) including—

"(A) disposing of any waste from land into the sea in Antarctica; and

"(B) incinerating any waste on land or ice shelves in Antarctica, or on board vessels at points of embarcation or debarcation, other than through the use at remote field sites of incinerator toilets for human waste;

"(2) to introduce into Antarctica any member of a nonnative species;

"(3) to enter or engage in activities within any Antarctic Specially Protected Area;

"(4) to engage in any taking or harmful interference in Antarctica; or

"(5) to receive, acquire, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any native bird, native mammal, or native plant which the person knows, or in the exercise of due care should have known, was taken in violation of this Act.

"(c) EXCEPTION FOR EMERGENCIES.—No act described in subsection (a)(1), (2), (3), (4), (5), (7), (12), or (13) or in subsection (b) shall be unlawful if the person committing the act reasonably believed that the act was committed under emergency circumstances involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment.".

SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.

The Antarctic Conservation Act of 1978 is amended by inserting after section 4 the following new section:

"SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.

"(a) FEDERAL ACTIVITIES.—(1)(A) The obligations of the United States under Article 8 of and Annex I to the Protocol shall be implemented by applying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to proposals for Federal agency activities in Antarctica, as specified in this section.

"(B) The obligations contained in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal agency activities occurring in Antarctica and affecting the quality of the human environment in Antarctica or dependent or associated ecosystems, only as specified in this section. For purposes of the application of such section 102(2)(C) under this subsection, the term "significantly affecting the quality of the human environment" shall have the same meaning as the term "more than a minor or transitory impact".

"(2)(A) Unless an agency which proposes to conduct a Federal activity in Antarctica determines that the activity will have less than a minor or transitory impact, or unless a comprehensive environmental evaluation is being prepared in accordance with subparagraph (C), the agency shall prepare an initial environmental evaluation in accordance with Article 2 of Annex I to the Protocol.

"(B) If the agency determines, through the preparation of the initial environmental evaluation, that the proposed Federal activity is likely to have no more than a minor or transitory impact, the activity may proceed if appropriate procedures are put in place to assess and verify the impact of the activity.

"(C) If the agency determines, through the preparation of the initial environmental evaluation or otherwise, that a proposed Federal activity is likely to have more than a minor or transitory impact, the agency shall prepare and circulate a comprehensive environmental evaluation in accordance with Article 3 of Annex I to the Protocol, and shall make such comprehensive environmental evaluation publicly available for comment.

"(3) Any agency decision under this section on whether a proposed Federal activity, to which paragraph (2)(C) applies, should proceed, and, if so, whether in its original or in a modified form, shall be based on the comprehensive environmental evaluation as well as other considerations which the agency, in the exercise of its discretion, considers relevant.

"(4) For the purposes of this section, the term 'Federal activity' includes all activities conducted under a Federal agency research program in Antarctica, whether or not conducted by a Federal agency.

"(b) FEDERAL ACTIVITIES CARRIED OUT JOINTLY WITH FOREIGN GOVERNMENTS.—(1) For the purposes of this subsection, the term 'Antarctic joint activity' means any Federal activity in Antarctica which is proposed to be conducted, or which is conducted, jointly or in cooperation with one or more foreign governments. Such term shall be defined in regulations promulgated by such agencies as the President may designate.

"(2) Where the Secretary of State, in cooperation with the lead United States agency planning an Antarctic joint activity, determines that—

"(A) the major part of the joint activity is being contributed by a government or governments other than the United States;

(B) one such government is coordinating the implementation of environmental impact assessment procedures for that activity; and

(C) such government has signed, ratified, or acceded to the Protocol,

the requirements of subsection (a) of this section shall not apply with respect to that activity.

"(3) In all cases of Antarctic joint activity other than those described in paragraph (2), the requirements of subsection (a) of this section shall apply with respect to that activity, except as provided in paragraph (4).

"(4) Determinations described in paragraph (2), and agency actions and decisions in connection with assessments of impacts of Antarctic joint activities, shall not be subject to judicial review.

"(c) NONGOVERNMENTAL ACTIVITIES.—(1) The Administrator shall, within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996, promulgate regulations to provide for—

"(A) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty; and

"(B) coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol.

"(2) Such regulations shall be consistent with Annex I to the Protocol.

"(d) DECISION TO PROCEED.—(1) No decision shall be taken to proceed with an activity for

which a comprehensive environmental evaluation is prepared under this section unless there has been an opportunity for consideration of the draft comprehensive environmental evaluation at an Antarctic Treaty Consultative Meeting, except that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for more than 15 months from the date of circulation of the draft comprehensive environmental evaluation pursuant to Article 3(3) of Annex I to the Protocol.

"(2) The Secretary of State shall circulate the final comprehensive environmental evaluation, in accordance with Article 3(6) of Annex I to the Protocol, at least 60 days before the commencement of the activity in Antarctica.

"(e) CASES OF EMERGENCY.—The requirements of this section, and of regulations promulgated under this section, shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without fulfilling those requirements.

"(f) EXCLUSIVE MECHANISM.—Notwithstanding any other provision of law, the requirements of this section shall constitute the sole and exclusive statutory obligations of the Federal agencies with regard to assessing the environmental impacts of proposed Federal activities occurring in Antarctica.

"(g) DECISIONS ON PERMIT APPLICATIONS.—The provisions of this section requiring environmental impact assessments (including initial environmental evaluations and comprehensive environmental evaluations) shall not apply to Federal actions with respect to issuing permits under section 5.

"(h) PUBLICATION OF NOTICES.—Whenever the Secretary of State makes a determination under paragraph (2) of subsection (b) of this section, or receives a draft comprehensive environmental evaluation in accordance with Annex I, Article 3(3) to the Protocol, the Secretary of State shall cause timely notice thereof to be published in the Federal Register.".

SEC. 105. PERMITS.

Section 5 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2404) is amended—

(1) in subsection (a) by striking "section 4(a)" and inserting in lieu thereof "section 4(b)";

(2) in subsection (c)(1)(B) by striking "Special" and inserting in lieu thereof "Species"; and

(3) in subsection (e)—

(A) by striking "or native plants to which the permit applies," in paragraph (1)(A)(i) and inserting in lieu thereof "native plants, or native invertebrates to which the permit applies, and";

(B) by striking paragraph (1)(A)(ii) and (iii) and inserting in lieu thereof the following new clause:

"(ii) the manner in which the taking or harmful interference shall be conducted (which manner shall be determined by the Director to be humane) and the area in which it will be conducted;";

(C) by striking "within Antarctica (other than within any specially protected area)" in paragraph (2)(A) and inserting in lieu thereof "or harmful interference within Antarctica";

(D) by striking "specially protected species" in paragraph (2)(A) and (B) and inserting in lieu thereof "Specially Protected Species";

(E) by striking "; and" at the end of paragraph (2)(A)(i)(II) and inserting in lieu thereof ", or";

(F) by adding after paragraph (2)(A)(i)(II) the following new subclause:

"(III) for unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and";

(G) by striking "with Antarctica and" in paragraph (2)(A)(ii)(II) and inserting in lieu thereof "within Antarctica are"; and

(H) by striking subparagraphs (C) and (D) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

"(C) A permit authorizing the entry into an Antarctic Specially Protected Area shall be issued only—

"(i) if the entry is consistent with an approved management plan, or

"(ii) if a management plan relating to the area has not been approved but—

"(I) there is a compelling purpose for such entry which cannot be served elsewhere, and

"(II) the actions allowed under the permit will not jeopardize the natural ecological system existing in such area.".

SEC. 106. REGULATIONS.

Section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) is amended to read as follows:

"SEC. 6. REGULATIONS.

"(a) REGULATIONS TO BE ISSUED BY THE DIRECTOR.—(1) The Director shall issue such regulations as are necessary and appropriate to implement Annex II and Annex V to the Protocol and the provisions of this Act which implement those annexes, including section 4(b)(2), (3), (4), and (5) of this Act. The Director shall designate as native species—

"(A) each species of the class Aves;

"(B) each species of the class Mammalia; and

"(C) each species of plant,

which is indigenous to Antarctica or which occurs there seasonally through natural migrations.

"(2) The Director, with the concurrence of the Administrator, shall issue such regulations as are necessary and appropriate to implement Annex III to the Protocol and the provisions of this Act which implement that Annex, including section 4(a)(1), (2), (3), and (4), and section 4(b)(1) of this Act.

"(3) The Director shall issue such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to land areas and ice shelves in Antarctica.

"(4) The Director shall issue such additional regulations as are necessary and appropriate to implement the Protocol and this Act, except as provided in subsection (b).

"(b) REGULATIONS TO BE ISSUED BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING.—The Secretary of the Department in which the Coast Guard is operating shall issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to the Protocol and the provisions of this Act which implement that Annex, and, with the concurrence of the Director, such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to vessels.

"(c) TIME PERIOD FOR REGULATIONS.—The regulations to be issued under subsection (a)(1) and (2) of this section shall be issued within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996. The regulations to be issued under subsection (a)(3) of this section shall be issued within 3 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996.".

SEC. 107. SAVING PROVISIONS.

Section 14 of the Antarctic Conservation Act of 1978 is amended to read as follows:

"SEC. 14. SAVING PROVISIONS.

"(a) REGULATIONS.—All regulations promulgated under this Act prior to the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996 shall remain in effect until superseding regulations are promulgated under section 6.

"(b) PERMITS.—All permits issued under this Act shall remain in effect until they expire in accordance with the terms of those permits.".

TITLE II—CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.

(a) DEFINITIONS.—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11), respectively;

(2) by inserting before paragraph (3), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

"(1) 'Antarctica' means the area south of 60 degrees south latitude;

"(2) 'Antarctic Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;"; and

(3) by adding at the end the following new subsection:

"(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction.".

(b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)(1)(B)) is amended by inserting "or the Antarctic Protocol" after "MARPOL Protocol".

(c) ADMINISTRATION.—Section 4 of the Act to Prevent Pollution from Ships (33 U.S.C. 1903) is amended—

(1) by inserting ", Annex IV to the Antarctic Protocol," after "the MARPOL Protocol" in the first sentence of subsection (a);

(2) in subsection (b)(1) by inserting ", Annex IV to the Antarctic Protocol," after "the MARPOL Protocol";

(3) in subsection (b)(2)(A) by striking "within 1 year after the effective date of this paragraph,"; and

(4) in subsection (b)(2)(A)(i) by inserting "and of Annex IV to the Antarctic Protocol" after "the Convention".

(d) POLLUTION RECEPTION FACILITIES.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (b) by inserting "or the Antarctic Protocol" after "the MARPOL Protocol";

(2) in subsection (e)(1) by inserting "or the Antarctic Protocol" after "the Convention";

(3) in subsection (e)(1)(A) by inserting "or Article 9 of Annex IV to the Antarctic Protocol" after "the Convention"; and

(4) in subsection (f) by inserting "or the Antarctic Protocol" after "the MARPOL Protocol".

(e) VIOLATIONS.—Section 8 of the Act to Prevent Pollution from Ships (33 U.S.C. 1907) is amended—

(1) in the first sentence of subsection (a) by inserting "Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(2) in the second sentence of subsection (a)—

(A) by inserting "or to the Antarctic Protocol" after "to the MARPOL Protocol"; and

(B) by inserting "and Annex IV to the Antarctic Protocol" after "of the MARPOL Protocol";

(3) in subsection (b) by inserting "or the Antarctic Protocol" after "MARPOL Protocol" both places it appears;

(4) in subsection (c)(1) by inserting ", of Article 3 or Article 4 of Annex IV to the Antarctic Protocol," after "to the Convention";

(5) in subsection (c)(2) by inserting "or the Antarctic Protocol" after "which the MARPOL Protocol";

(6) in subsection (c)(2)(A) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol";

(7) in subsection (c)(2)(B)—

(A) by inserting "or the Antarctic Protocol" after "to the MARPOL Protocol"; and

(B) by inserting "or Annex IV to the Antarctic Protocol" after "of the MARPOL Protocol";

(8) in subsection (d)(1) by inserting ", Article 5 of Annex IV to the Antarctic Protocol," after "Convention";

(9) in subsection (e)(1)—

(A) by inserting "or the Antarctic Protocol" after "MARPOL Protocol"; and

(B) by striking "that Protocol" and inserting in lieu thereof "those Protocols"; and

(10) in subsection (e)(2) by inserting ", of Annex IV to the Antarctic Protocol," after "MARPOL Protocol".

(f) PENALTIES.—Section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908) is amended—

(1) in subsection (a) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(2) in subsection (b)(1) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(3) in subsection (b)(2) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(4) in subsection (d) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(5) in subsection (e) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol"; and

(6) in subsection (f) by inserting "or the Antarctic Protocol" after "MARPOL Protocol" both places it appears.

SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE ACTIVITIES.

(a) AGREEMENT OR LEGISLATION REQUIRED.—Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking "Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it" and inserting in lieu thereof "It".

(b) REPEALS.—Sections 5 and 7 of such Act (16 U.S.C. 2464 and 2466) are repealed.

(c) REDESIGNATION.—Section 6 of such Act (16 U.S.C. 2465) is redesignated as section 5.

TITLE III—POLAR RESEARCH AND POLICY STUDY

SEC. 301. POLAR RESEARCH AND POLICY STUDY.

Not later than March 1, 1997, the National Science Foundation shall provide a detailed report to the Congress on—

(1) the status of the implementation of the Arctic Environmental Protection Strategy and Federal funds being used for that purpose;

(2) all of the Federal programs relating to Arctic and Antarctic research and the total amount of funds expended annually for each such program, including—

(A) a comparison of the funding for logistical support in the Arctic and Antarctic;

(B) a comparison of the funding for research in the Arctic and Antarctic;

(C) a comparison of any other amounts being spent on Arctic and Antarctic programs; and

(D) an assessment of the actions taken to implement the recommendations of the Arctic Research Commission with respect to the use of such funds for research and logistical support in the Arctic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to bring before the House of Representatives H.R. 3060, the Antarctic Environmental Protection Act. I, along with the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Virginia [Mr. DAVIS], the gentleman from California [Mr. BROWN], and 16 other members from the Committee on Science, introduced H.R. 3060 on March 12, 1996 to enable the United States to implement the 1991 Protocol on Environmental Protection to the Antarctic Treaty.

Madam Speaker, the House passed H.R. 3060 on June 10, 1996 by a vote of 352 to 4. Yesterday the Senate sent back to us by unanimous consent the bill with a minor addition, a provision calling for a study of the amount of money the National Science Foundation spends on Arctic and Antarctic research. The Senate provision is noncontroversial and in no way impacts the provisions of the underlying bill.

H.R. 3060 enjoys universal support. The League of Conservation Voters, the Antarctic Project, the World Wildlife Fund, Greenpeace, the Sierra Club, and the Antarctic and Southern Ocean Coalition have all endorsed the bill. The National Science Foundation and the Department of State have also testified in support of enactment of H.R. 3060. In fact the Sierra Club calls this legislation a "tremendous achievement."

Madam Speaker, H.R. 3060 provides the legislative authority necessary for the United States to implement the 1991 Protocol on Environmental Protection to the Antarctic Treaty. The protocol represents an important addition to the uniquely successful system of peaceful cooperation and scientific research that has evolved under the Antarctic Treaty of 1959.

In 1991 the consultative parties agreed to strengthen the Antarctic's environment protections through a Protocol on Environmental Protection. The protocol builds on the Antarctic Treaty in an effort to improve the treaty's protections for the Antarctic environment. The protocol reaffirms the treaty's use of Antarctica specifically for peaceful purposes and accords priority to scientific research among the permitted activities.

The 1991 protocol is not self-executing. It requires each of the consultative parties to enact instruments of ratification to codify the terms of the protocol before it can enter into force. Two previous Congresses failed to pass the needed instruments of ratification for the 1991 Environmental Protocol to the Antarctic Treaty to take effect.

As with the safe drinking water reauthorization, the House has a historic opportunity to pass long overdue environmental legislation. I urge my colleagues to join me in voting to send H.R. 3060 to the President for his signature.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise also in strong support of H.R. 3060. Passage of this bill, as the gentleman from Pennsylvania [Mr. WALKER] indicated, will allow the United States to implement the Protocol on Environmental Protection to the Antarctic treaty.

The Antarctic Environmental Protection Act passed the House last June with strong bipartisan support. The bill before the House today is a slightly modified version of that bill, which was recently approved by the other body. Final passage of H.R. 3060 today will help ensure the preservation of one of the last pristine regions of the Earth and will ensure that Antarctica's enormous value as a scientific laboratory is not degraded.

I want to congratulate the chairman of the Committee on Science, the gentleman from Pennsylvania [Mr. WALKER], for his efforts to develop this bill and to bring it to final passage today. I have been pleased to work cooperatively with him on what has truly been a bipartisan effort. The culmination of this process is a bill that enjoys the support of Antarctic scientists, environmentalists and the Federal agencies responsible for administering the U.S. national program in Antarctica.

The proponents of H.R. 3060 all recognize the importance of protecting Antarctica as a unique world resource while allowing the valuable research carried on there to go forward. The Environmental Protocol designates Antarctica as a natural preserve devoted to peace and science and sets forth environmental protection principles and specific rules applicable to all human activities on the continent. Final ratification of the protocol by the United States, which becomes possible with passage of H.R. 3060, will help spur action by the remaining nations which have not completed ratification.

Madam Speaker, H.R. 3060 is a bipartisan bill that will ensure that a sensible and comprehensive environmental protection regime is instituted to govern all international activities conducted in Antarctica. The bill has been enthusiastically endorsed by those most affected by its provisions and closest to the issues involved. I urge my colleagues to support passage of the measure.

Madam Speaker, I reserve the balance of my time.

Mr. WALKER. Madam Speaker, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding me the time, I thank him for his leadership on this issue and for the leadership of the gentleman from California

[Mr. BROWN], ranking member, on this issue.

Madam Speaker, this is truly a landmark day for those of us who are seeking protection of the antarctic environment.

For the past 5 years, those of us who have been ardent longtime supporters for the preservation of the Antarctic Continent and its surrounding seas, have been working diligently toward this day.

Now with the passage of this bill today, and the President's subsequent signature into law, we will have finally achieved our objective since the United States began consideration of the implementation of the 1991 Protocol on Environmental Protection of the Antarctic Treaty.

While the United States is taking one small environmental step today, it is the Antarctic Continent and the nations with antarctic settlements which will be on the verge of taking one giant collective leap forward to protect the antarctic environment from the adverse effects of human activities.

After U.S. ratification of the Antarctic Treaty is enacted, and its eventual passage in the remaining 5 of 26 countries, the treaty will become fully enforceable.

Having had the opportunity to personally visit and participate in studies in Antarctica, under the guidance of the National Science Foundation, I clearly understand the need to reinforce the status of Antarctica as a natural reserve devoted to peace and science.

Antarctica provides the world with an unmatched natural laboratory for scientific research.

This international research is making invaluable contributions to our insights into the history of the Earth, the evolution of our universe, world climate change, global ocean circulation, ozone depletion, and astronomy, among many other very important planetary issues.

There are, however, pressures on the antarctic environment from the effect of human activity, which has risen fairly dramatically since research activities have intensified over the past few decades.

Today, there are more scientific stations on the continent, housing more scientists and support personnel, than ever.

Coupled with an increasing rise in antarctic tourism, additional pressures are made daily to this very unique and delicate environment.

The need to move forward on implementing the protocol is pressing and is never more compelling than now.

As world leaders in environmental stewardship, it is paramount that the United States join the other 20 current signatory parties that have enacted ratification of the protocol in their nation's legislative bodies.

It should also be noted, ironically however, that although the protocol is not yet in force on the U.S. settlements, we, for the most part, already adhere to the protocol tenants.

For example, NSF already conducts its antarctic activities in a manner consistent with the protocol's requirements and already issues environmental assessment regulations in compliance with the protocol.

Madam Speaker, I am a proud original cosponsor and a strong supporter of H.R. 3060, the Antarctic Environmental Protection Act.

H.R. 3060 comprehensively and effectively implements the Antarctic Treaty.

It achieves the appropriate balance between sound environmental practices and the promotion of antarctic scientific research.

It certainly deserves our support today and has already received the support of many others.

Not only is there a strong bipartisan congressional support for the bill, but it is also supported by a wide coalition of major environmental groups, the administration, and the antarctic research community.

I commend the chairman of the Science Committee, the gentleman from Pennsylvania, for his leadership in this effort.

The committee has played a crucial role in negotiating the language in this bill with such disparate groups as the State Department, the National Oceanic and Atmospheric Administration, the National Science Foundation, the Antarctica Project, the World Wildlife Fund, and Greenpeace, among others.

Madam Speaker, I urge all of my colleagues to support this important legislation to implement the Antarctic Environmental Protocol.

In doing so, we will preserve this fragile and still-developing glacier ecosystem for generations to come.

☐ 1600

Mr. BROWN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, today the House is considering the Senate amendments to H.R. 3060, the Antarctic Science, Tourism and Conservation Act of 1996. This bill brings U.S. law in line with the international agreement covering Antarctic environmental protection. The bill was referred to the House Resources Committee which I chair. In an effort to cooperate with the Science Committee, the Resources Committee agreed to let the measure be considered by the full House without amending the bill.

In the Senate, my Alaska colleague, Senator TED STEVENS, added an important amendment which I support. The Stevens amendment requires that the National Science Foundation provide Congress with a Polar Research and Policy Study by March 1, 1997. It will provide Congress with a status report on the implementation of the Arctic Environmental Protection Strategy; a comparison of Federal Arctic and Antarctic research efforts; and an assessment of what needs to be done to implement the Arctic Research Commission's recommendations for Arctic research.

The Antarctic environment is, of course, very important and I am pleased that we are acting on this bill to improve our understanding of that continent and its surrounding waters. However, the Arctic also faces many difficult resource management issues. These issues include how to fairly manage wildlife to meet the needs of native people in the Arctic, and how to deal with the massive pollution problems created by Soviet industrial and military use of Arctic land and water. The study called for in this bill will give us the information we need to properly allocate Federal logistical and financial resources in order to make sure that the Arctic and those that live there get a fair share of Federal research dollars.

I am glad that the House is acting to clear this bill today, and I urge an "aye" vote.

Mr. SCHIFF. Madam Speaker, the Subcommittee on Basic Research, which I chair, has responsibility for the National Science Foundation [NSF]. NSF is responsible, in part, for conducting research in Antarctica and the protection of the environment in this pristine and unique part of the world. The subcommittee has recently completed hearings on the future of the South Pole Station and the role of NSF in Antarctic research.

I believe it is important to recognize the uniqueness of Antarctica; a place where the temperature in winter can exceed −45° F and winds can reach 180 miles per hour; a place 1½ times the size of the United States. Antarctica's associated seas represent nearly 6 percent of the world's oceans and its ice, 70 percent of the Earth's fresh water. Lately, there have been news articles of the discovery of a large underground freshwater lake in Antarctica, Lake Vostok, 140 miles long, 30 miles wide, buried under 9,000 feet of ice and heated by the earth's core. And, most recently in the headline news, the meteorite that is credited with evidence of life on Mars was discovered in Antarctica.

We have much to learn from this area. The United States has important foreign policy, national security, scientific, and environmental interests in this vast region. With respect to international involvement in the Antarctic, there are seven countries which have territorial claims on Antarctica. The United States does not recognize these claims and there are 26 consultative parties to the Antarctic Treaty. Therefore, as we look to the future, the responsibilities of the United States and our commitment to the Antarctic and our role at the South Pole Station raises many questions.

This is one reason why the passage of H.R. 3060 is so important. The U.S. Senate gave its advice and consent to ratification of the Antarctic protocol in 1992. All that remains for the United States to become a party to the protocol is to enact the necessary implementing legislation. The protocol will activate when all 26 of the Antarctic Treaty consultative parties implement it. So far, 20 of the consultative parties have done so. The United States' ratification will provide impetus for the remaining five to join, as well.

I am proud to have been an original cosponsor of this bill. I want to commend Chairman WALKER for his leadership on this issue. I also want to point out that this has been a bipartisan issue. Mr. BROWN and Mr. CRAMER have been very supportive in our efforts to protect, understand, and research the continent of Antarctica.

I urge my colleagues to support this legislation.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 3060.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and concur in the Senate amendment to H.R. 3060.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DIRECTING THE CLERK TO MAKE CORRECTION IN ENROLLMENT OF H.R. 3060, ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the concurrent resolution (H. Con. Res. 211), directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 211

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty, the Clerk of the House of Representatives shall make the following technical correction: In section 201(a)(1) strike "paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11)" and insert in lieu thereof "paragraphs (1) through (10) of subsection (a) as paragraphs (3) through (12)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALIFORNIA INDIAN LAND TRANSFER ACT

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3642) to provide for the transfer of public lands to certain California Indian Tribes.

The Clerk read as follows:

H.R. 3642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Indian Land Transfer Act".

SEC. 2. LANDS HELD IN TRUST FOR VARIOUS TRIBES OF CALIFORNIA INDIANS.

(a) IN GENERAL.—Subject to section 3, all right, title, and interest of the United States in and to the lands described in subsection (b) in connection with each tribe, band, or group of California Indians listed in such subsection (including all improvements on such lands and appurtenances to such lands) are hereby declared to be held in trust status by the United States for the benefit of such tribe, band, or group.

(b) LANDS DESCRIBED.—The lands described in this subsection, comprising approximately 1,144.23 acres, and the related tribe, band, or group, are as follows:

(1) PIT RIVER TRIBE.—Lands with respect to the Pit River Tribe; 560 acres located as follows:

Township 42 North, Range 13 East, Mount Diablo Base and Meridian

Section 3:
S½ of NW¼, NW¼ of NW¼, 120 acres.
Township 43 North, Range 13 East
Section 1:
N½ of NE¼, 80 acres,
Section 22:
SE¼ of SE¼, 40 acres,
Section 25:
SE¼ of NW¼, 40 acres,
Section 26:
SW¼ of SE¼, 40 acres,
Section 27:
SE¼ of NW¼, 40 acres,
Section 28:
NE¼ of SW¼, 40 acres,
Section 32:
SE¼ of SE¼, 40 acres,
Section 34:
SE¼ of NW¼, 40 acres,

Township 44 North, Range 14 East, Mount Diablo Base and Meridian

Section 31:
S½ of SW¼, 80 acres.

(2) BRIDGEPORT PAIUTE INDIAN COLONY.—Lands with respect to the Bridgeport Paiute Indian Colony; 40 acres located as follows:

Township 5 North, Range 25 East, Mount Diablo Base and Meridian

Section 28:
SW¼ of NE¼.

(3) UTU UTU GWAITU PAIUTE TRIBE.—Lands with respect to Utu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation; 240 acres located as follows:

Township 2 South, Range 31 East, Mount Diablo Base and Meridian

Section 11:
SE¼ and E½ of SW¼.

(4) FORT INDEPENDENCE COMMUNITY OF PAIUTE INDIANS.—Lands with respect to the Fort Independence Community of Paiute Indians; 200 acres located as follows:

Township 13 South, Range 34 East, Mount Diablo Base and Meridian

Section 1:

W½ of Lot 5 in the NE¼, Lot 3, E½ of Lot 4, and E½ of Lot 5 in the NW¼.

(5) BARONA GROUP OF CAPITAN GRANDE BAND OF MISSION INDIANS.—Lands with respect to the Barona Group of Capitan Grande Band of Mission Indians; 5.03 acres located as follows:

Township 14 South, Range 2 East, San Bernardino Base and Meridian

Section 7, Lot 15.

(6) MORONGO BAND OF MISSION INDIANS.—Lands with respect to the Morongo Band of Mission Indians; approximately 40 acres located as follows: Township 3 South, Range 2 East, San Bernardino Base and Meridian

Section 20:
NW¼ of NE¼.

(7) PALA BAND OF MISSION INDIANS.—Lands with respect to the Pala Band of Mission Indians; 59.20 acres located as follows:

Township 9 South, Range 2 West, San Bernardino Base and Meridian

Section 13, Lot 1, and Section 14, Lots 1, 2, 3.

SEC. 3. EXISTING RIGHTS PRESERVED; MISCELLANEOUS PROVISIONS.

(a) EXISTING RIGHTS PRESERVED.—The declaration contained in section 2 shall be subject to valid existing rights in effect on the day before the enactment of this Act.

(b) NOTICE OF CANCELLATION OF GRAZING PRIVILEGES.—Grazing privileges on the lands described in section 2 shall terminate two years after the date of enactment of this Act.

(c) PROCEEDS FROM RENTS AND ROYALTIES TRANSFERRED TO INDIANS.—Amounts which accrue to the United States after the date of the enactment of this Act from sales, bonuses, royalties, and rentals relating to any land described in section 2 shall be available for use or obligation, in such manner and for such purposes as the Assistant Secretary, Indian Affairs, may approve, by the tribe, band, or group of Indians for whose benefit such land is held after the date of enactment of this Act.

(d) LAWS GOVERNING LANDS TO BE HELD IN TRUST.—Any lands which are to be held in trust for the benefit of any tribe, band, or group of Indians pursuant to this Act shall be added to the existing reservation of the tribe, band, or group, and the official boundaries of the reservation shall be modified accordingly. These lands shall be subject to the laws of the United States relating to Indian land in the same manner and to the same extent as other lands held in trust for such tribe, band, or group on the day before the date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3642, the California Indian Land Transfer Act which I introduced at the request of the administration in June, would transfer into trust, 1,144.23 acres of excess Federal land to the following Indian tribes: 560 acres to the Pit River Tribe; 40 acres to the Bridgeport Paiute Indian Colony; 240 acres to the Utu Utu Gwaitu Paiute Tribe; 200 acres to the Fort Independence Community of Paiute Indians; 5.03 acres to the Barona Group of Capitan Grande Band of Mission Indians; 40 acres to the Morongo Band of Mission

Indians; and 59.2 acres to the Pala Band of Mission Indians.

This bill also provides that valid existing rights shall be preserved on the lands to be taken into trust.

H.R. 3642 was originally proposed by the administration and is supported by the tribes.

Mr. Speaker, I recommend the approval of H.R. 3642.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a cosponsor of H.R. 3642 along with the chairman of the Subcommittee on Native American and Insular Affairs, Mr. GALLEGLY, and the senior Democrat of the Resources Committee, Mr. MILLER.

Enactment of this bill would transfer small parcels of land from the Bureau of Land Management to various Indian Tribes in the State of California. In each instance the land has been declared as appropriate for disposal by the BLM and the affected tribal governments have formally requested the land be transferred to them. As part of the process of drafting this legislation, the Department of the Interior contacted local communities and received support for, or a lack of interest, in each land transfers. These parcels may not be large in size but I hope they will prove of benefit to the tribes.

I believe this legislation is good policy. This is a case where the Federal Government examined its registry of lands and supports the release of lands it no longer deems necessary to remain under Federal control. The land my be excess to the needs of the Federal Government but I'm confident that the Indian tribes which will take over management of the lands will put them to good use.

I ask my colleagues to join me in supporting passage of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 3642.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT ACT

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3640) to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes.

The Clerk read as follows:

H.R. 3640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torres-Martinez Desert Cahuilla Indians Claims Settlement Act".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive Order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909 an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled "United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. The Imperial Irrigation District and Coachella Valley Water District", Case No. 82-1790 K (M) (hereafter in this section referred to as the "U.S. Suit") on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay $212,908.41 in past and future damages and the Imperial Irrigation District to pay $2,795,694.33 in past and future damages in lieu of the United States' request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Numbers 93-55389, 93-55398, and 93-55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92-55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al., Case No. 91-1670 J (LSP) (hereafter in this section referred to as the "Indian Suit") in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the District Court to facilitate settlement negotiations.

(b) PURPOSE.—The purpose of this Act is to facilitate and implement the settlement agreement negotiated and executed by the parties to the U.S. Suit and Indian Suit for the purpose of resolving their conflicting claims to their mutual satisfaction and in the public interest.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term "Tribe" means the Torres-Martinez Desert Cahuilla Indians, a federally recognized Indian tribe with a reservation located in Riverside and Imperial Counties, California.

(2) The term "allottees" means those individual Tribe members, their successors, heirs, and assigns, who have individual ownership of allotted Indian trust lands within the Torres-Martinez Indian Reservation.

(3) The term "Salton Sea" means the inland body of water located in Riverside and Imperial counties which serves as a drainage reservoir for water from precipitation, natural runoff, irrigation return flows, wastewater, floods, and other inflow from within its watershed area.

(4) The term "Settlement Agreement" means the Agreement of Compromise and Settlement Concerning Claims to Lands of the United States Within and on the Perimeter of the Salton Sea Drainage Reservoir Held in Trust for the Torres-Martinez Indians executed on June 18, 1996.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "permanent flowage easement" means the perpetual right by the water districts to use the described lands in the Salton Sink within and below the minus 220-foot contour as a drainage reservoir to receive and store water from their respective water and drainage systems, including flood water, return flows from irrigation, tail water, leach water, operational spills and any other water which overflows and floods such lands, originating from lands within such water districts.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States hereby approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. SETTLEMENT FUNDS.

(a) ESTABLISHMENT OF TRIBAL AND ALLOTTEES SETTLEMENT TRUST FUNDS ACCOUNTS.—

(1) IN GENERAL.—There are established in the Treasury of the United States three settlement trust fund accounts to be known as the "Torres-Martinez Settlement Trust Funds Account", the "Torres-Martinez Allottees Settlement Account I", and the "Torres-Martinez Allottees Settlement Account II", respectively.

(2) AVAILABILITY.—Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c).

(b) CONTRIBUTIONS TO THE SETTLEMENT TRUST FUNDS.—

(1) IN GENERAL.—Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) shall be allocated

among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) CASH PAYMENTS BY COACHELLA VALLEY WATER DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of $337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) CASH PAYMENTS BY IMPERIAL IRRIGATION DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of $3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) CASH PAYMENTS BY THE UNITED STATES.—Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of $10,200,000, of which sum—

(A) $4,200,000 shall be provided from moneys appropriated by Congress under section 1304 of title 31, United States Code, the conditions of which are deemed to have been met, including those of section 2414 of title 28, United States Code; and

(B) $6,000,000 shall be provided from moneys appropriated by Congress for this specific purpose to the Secretary.

(5) ADDITIONAL PAYMENTS.—In the event that any of the sums described in paragraphs (2) or (3) are not timely paid by the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) SEVERALLY LIABLE FOR PAYMENTS.—The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) ADMINISTRATION OF SETTLEMENT TRUST FUNDS.—The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

SEC. 6. TRUST LAND ACQUISITION AND STATUS.

(a) ACQUISITION AND PLACEMENT OF LANDS INTO TRUST.—

(1) IN GENERAL.—The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this Act. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this Act shall be considered as if such lands were so acquired in trust status in 1909 except as (i) to water rights as provided in subsection (c), and (ii) to valid rights existing at the time of acquisition pursuant to this Act.

(2) PRIMARY ACQUISITION AREA.—(A) The primary area within which lands may be acquired pursuant to paragraph (1) are those certain lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust by reason of paragraph (3).

(B) Lands may not be acquired under this paragraph if by majority vote of the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) objects to the Tribe's request to convey such lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement.

(3) SECONDARY ACQUISITION AREA.—

(A) Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

(i) the governing body of the city whose incorporated boundaries the subject lands are situated within, or

(ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement.

(b) RESTRICTIONS ON GAMING.—The Tribe shall have the right to conduct gaming on only one site within the lands acquired pursuant to subsection (a)(1) as more particularly provided in the Settlement Agreement.

(c) WATER RIGHTS.—All lands acquired by the Tribe under subsection (a) shall—

(1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

SEC. 7. PERMANENT FLOWAGE EASEMENTS.

(a) CONVEYANCE OF EASEMENT TO COACHELLA VALLEY WATER DISTRICT.—

(1) TRIBAL INTEREST.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) UNITED STATES INTEREST.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) CONVEYANCE OF EASEMENT TO IMPERIAL IRRIGATION DISTRICT.—

(1) TRIBAL INTEREST.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) UNITED STATES.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

SEC. 8. SATISFACTION OF CLAIMS, WAIVERS, AND RELEASES.

(a) SATISFACTION OF CLAIMS.—The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this Act shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 2 of this Act and further defined in the Settlement Agreement.

(b) APPROVAL OF WAIVERS AND RELEASES.—The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this Act.

SEC. 9. MISCELLANEOUS PROVISIONS.

(a) ELIGIBILITY FOR BENEFITS.—Nothing in this Act or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.—No payment pursuant to this Act shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) PRESERVATION OF EXISTING RIGHTS.—Except as provided in this Act or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) AMENDMENT OF SETTLEMENT AGREEMENT.—The Settlement Agreement may be amended from time to time in accordance with its terms and conditions.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—Sections 4, 5, 6, 7, and 8 shall take effect on the date on which the Secretary of the Interior determines the following conditions have been met:

(1) The Tribe agrees to the Settlement Agreement and the provisions of this Act and executes the releases and waivers required by the Settlement Agreement and this Act.

(2) The Coachella Valley Water District agrees to the Settlement Agreement and to the provisions of this Act.

(3) The Imperial Irrigation District agrees to the Settlement Agreement and to the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3640, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act introduced by our colleague, Mr. BONO of California, would facilitate and implement a settlement to resolve long-standing land claims made by the Torres-Martinez Indian Tribe relating to the inundation of their tribal lands by drainage water from various irrigation systems flowing to the Salton Sea. It is due to Mr. BONO's efforts that this has been brought to our attention.

This bill would establish three settlement trust funds in the U.S. Treasury which will be available to the Secretary of the Interior for distribution to the tribe.

In addition, H.R. 3640 provides that the Secretary of the Interior shall take land into trust when acquired by the tribe from within two acquisition areas defined in the settlement agreement.

It also provides that the United States and the tribe shall convey permanent flowage easements as to all Indian trust lands and all Federal lands, located below the minus 220-foot contour of the Salton Sink, to the Coachella Valley Water District and the Imperial Irrigation District.

Lands acquired by the tribe shall be subject to all valid and existing water rights.

The administration, the tribe, and the two irrigation districts have been working on this settlement for several years. Agreement has finally been reached and H.R. 3640 is the result. In fact, today Chairman YOUNG of the Committee on Resources received a letter from the Assistant Secretary for Indians Affairs at the Department of the Interior in support of Congressman BONO's bill. I will include this letter as part of my statement.

Finally, Mr. Speaker, let me point out that there is a land acquisition issue, relating to H.R. 3640, to be resolved between the Cabazon Band of Mission Indians and the Torres-Martinez Tribe. I understand that complicated differences have arisen between the two tribes regarding the implementation of H.R. 3640. These differences can be negotiated and resolved between the two tribes in a manner which is equitable and acceptable to both tribes. It is my understanding that steps are being taken to work this out as H.R. 3640 moves forward in the legislative process. We all look forward to a resolution to this matter by these two tribes.

I support H.R. 3640, Mr. Speaker. It is a good, fair settlement of a valid land claim and I recommend that it be passed by this body.

The letter previously referred to is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. DON YOUNG,
Chairman, House Committee on Resources, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee unanimously approved H.R. 3640, the Torres-Martinez Settlement Agreement Act, at the August 1, 1996, make-up of the bill. If enacted, H.R. 3640 will ratify the June 18, 1996, settlement agreement resolving claims and issues related to lands held in trust by the United States for the benefit of the Torres-Martinez Indians ("Agreement").

The Administration supports H.R. 3640, which it believes is an equitable and overdue resolution to this long-standing dispute between the Tribe and two water districts in Southern California. Moreover, as a signatory to the Agreement, the Federal Government is bound by the terms of the Agreement and has a legal obligation under its terms to support the enactment of this implementing legislation which is "substantively the same in text and form" as H.R. 3640.

The Department is aware that the Cabazon Band of Mission Indians has raised concerns regarding the potential impact enactment of H.R. 3640 may have on its interests. The Department prefers that these differences be resolved without modification to H.R. 3640 and it has encouraged the Cabazon and Torres-Martinez Tribes to meet to try to resolve their differences as soon as possible. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Again, thank you and the members of your subcommittee for your support and favorable treatment of this important legislation.

Sincerely,

ADA E. DEER,
Assistant Secretary for Indian Affairs.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would settle claims made by the Torres-Martinez Desert Cahuilla Indian Tribe against two irrigation districts in Southern California.

Mr. Speaker, before proceeding on, I just want to clarify for the record that the name of this tribe, the Torres-Martinez, is not in any way a reflection of the gentleman from California, ESTEBAN TORRES or the gentleman from California, MATTHEW MARTINEZ. I just want to clarify that for the record, Mr. Speaker.

Mr. Speaker, some 11,000 acres of reservation land has been unusable by the tribe due to flooding by the Salton Sea. The tribe had originally accepted the land with the understanding that the Salton Sea would recede allowing the tribe access to the lands. When this did not occur, the tribe filed a trespass suit against the two local irrigation districts. The courts found for the tribe and to head off additional litigation, the Department of the Interior brought all the parties together to work out a settlement. H.R. 3640 would enact the administration's settlement.

Mr. Speaker, passage of H.R. 3640 will allow the Torres-Martinez Tribe to procure land to utilize for the tribe's benefit and put an end to an 80-year dispute. It will lift barriers which have impeded needed improvements to California Highway 86. Further, it will ensure proper drainage for the local water districts.

Mr. Speaker, support for the administration's settlement enacted by this legislation is broad. The Resources Committee has received letters of support for its passage from at least 16 nearby Indian tribes including the Barona, Cahuilla, Campo, LaJolla, Morongo, San Manuel, and Soboba Tribes. Nearly every non-Indian community in the vicinity has written in support as well. Governor Wilson and California Attorney General Lundgren also support its passage.

Let me make it perfectly clear that I believe that the Torres-Martinez Tribe is the aggrieved party in this instance and it is they who are being compensated. I think this settlement is fair and should proceed. The Torres-Martinez Tribe has waited 80 long years for the Federal Government to make good on promises it made.

Having made this point I also want to mention that the Cabazon Tribe which runs a successful gaming operation in the vicinity has raised concerns over the settlement. The Department of the Interior failed to include the Cabazon Tribe in its discussions on the settlement. It should have. Failure to do so has caused for difficulties between the Cabazon and the Torres-Martinez Tribes which should not exist. The Cabazon Tribe is looking out for the welfare of its members and we should expect no less from them.

Mr. Speaker, the Torres-Martinez Tribe has given assurances to the committee that they will continue to meet with the Cabazon Tribe to try to work out their differences, pursuant to passage of this legislation. I think that is as it should be. I would like to see the tribes come to an equitable agreement but I believe this legislation should proceed.

Mr. Speaker, I wish to clarify that this settlement for Torres-Martinez is not done for our colleagues ESTEBAN TORRES and MATTHEW MARTINEZ as some have suggested.

I urge my colleagues to support passage of this bill.

Mr. Speaker, I include the following for the RECORD:

THE TORRES MARTINEZ DESERT
CAHUILLA INDIANS
Thermal, CA, August 30, 1996.

Re Torres Martinez Settlement Act, H.R. 3640 (S. 1893).

Mr. JOHN A. JAMES,
Tribal Chairman, Cabazon Band of Mission Indians, Indio, CA.

DEAR MR. JAMES: In recent meetings with the Administration and Congress, we have been informed that representatives of Cabazon are spreading the word around

Washington that Torres Martinez is unwilling to meet with Cabazon concerning the Torres Martinez Settlement Act, H.R. 3640 (S. 1893). Of course that is not true, as you are well aware.

My Tribal Council met with your Tribal Council in your tribal offices for several hours on July 29, and listened respectfully to your objections to the Torres Martinez Settlement legislation. You explained to us your view that the populated part of the valley is "Cabazon's market" and that our Tribe has no right to compete in "Cabazon's market". We explained to you our view that the entire Valley is "everyone's market", and that everyone has the right to compete in that market. You stated that you would attempt to defeat our Settlement legislation, unless we agreed to an amendment which would exclude any land acquisitions in the populated part of the Valley (north of Airport Blvd). We stated that we could not agree to such an amendment, because it would effectively destroy the most important economic-development benefits contained in our Settlement. The July 29 meeting ended on that note of respectful disagreement between sovereign tribal governments.

On August 9, I replied to your letter of August 6 requesting another meeting "to discuss our differences regarding H.R. 3640 and to make a sincere and diligent attempt to reach a compromise on this issue". After reviewing what had occurred at the July 29 meeting my August 9 letter made the following reply to your request for further meetings, discussions, and negotiations: "Unless you have a proposal different from the one which you presented to our Tribal Council on July 29th, we see no reason to revisit the same issues in another meeting. If you do have a different proposal, please put it in writing and send it to us for our Tribal Council's consideration. Any new issues can be discussed with you in another Council-to-Council meeting."

As I thought was made perfectly clear in my August 9 letter, we stand ready to meet with you at any time to discuss your concerns with H.R. 3640 (S. 1893). We still see no reason to revisit the same issues which were discussed with you for several hours on July 29; but if you have some reason to believe that further discussion for new issues might be fruitful, please contact me and we will arrange another Council-to-Council meeting at the earliest mutually convenient time. If you have a new proposal. If you have a new proposal (different from the one you presented at the July 29 meeting), please put it in writing and send it to me for presentation to my Tribal Council, so that we can begin thinking about it prior to the next meeting be held in our tribal offices.

In conclusion, I reiterate that my Tribal Council is ready and willing to meet with your Tribal Council at any mutually convenient time, to discuss H.R. 3640 (S. 1893) or any other matter of concern to you. If you wish to meet with us, all you have to do is ask.

Sincerely,

MARY E. BELARDO,
Tribal Chairperson.

CABAZON BAND OF
MISSION INDIANS,
Indio, CA, September 4, 1996.

Subject: Torres Martinez Settlement Act and H.R. 3640 (S. 1893).

Reference: Your letter of August 30, 1996.

Chairperson MARY E. BELARDO,
Torres Martinez Desert Cahuilla Indians, Thermal, CA.

DEAR MRS. BELARDO: Contrary to your statements that the Cabazon Band are spreading word that your tribe is unwilling to meet with us concerning H.R. 3640 (S. 1893), it was clear from your letter that you rejected our proposals and that you felt H.R. 3640 "your bill" and therefore it is not necessary for you to accommodate other tribes by amending it.

You apparently don't understand that it is all tribes who compete for the same market for their gaming facilities and that they must do so from where their traditional tribal lands are located. It is not "our" market, but a market that seven gaming facilities must share.

We oppose your unprecedented request to jump over seven cities and three other reservations in order to circumvent our position in the middle of our ancestral lands. This is not only unacceptable land planning, it sets a precedent that all tribes who are in poor locations will try to follow.

The House Resources Committee took an official position on August 2, 1996 directing the Torres Martinez and Cabazon Band of Mission Indians to resolve their differences regarding the terms of the proposed legislation. To that end, the Cabazon Band of Mission Indians took the initiative and met with you proposing three possible alternatives:

1. Re-align the gaming site acquisition to 7½ miles west of your current reservation boundaries. This would allow you to encroach into our traditional area and be within proximity to where our casino is located and have access to the market that all the tribes share.

2. Agree that any Torres Martinez casino be built near Fantasy Springs and the neighboring Spotlight 29 Casino immediately adjacent to our boundaries thus incorporating it in an "entertainment zone" which has already been approved by local municipal jurisdictions. This would allow three tribes to create a synergy to bring customers into the region in partnership with other non-Indian local governments.

3. Support the insertion of language into the proposed legislation which would enable the Cabazon tribe to purchase land up to 15 miles west of its current reservation boundaries in the event you attempt to purchase property west of our reservation. This could easily be inserted without affecting the current agreement executed with the water agencies. (This is our least favorite alternative.)

Negotiations and/or mitigation of differences is a two-way process. It was our interpretation, based on your letter of August 9, 1996, that you rejected our proposals and had no alternative offers. You further stated that future meetings would only be scheduled if the Cabazons came up with other alternatives.

Our concerns remain with the provision of your settlement agreement as it exists:

1. Violation of territorial jurisdictions by purchasing lands within our traditional tribal occupancy area in direct violation of Department of the Interior policy and regulations;

2. That the process was flawed by not following prescribed Department of the Interior procedures, specifically: Section 151.10(b) which requires that "the tribe sufficiently justify the need for additional land for gaming purposes; section 151.10(c) which requires "conclusion on factual findings that the tribe has explored all reasonable and viable alternatives (other than gaming) for economic development; section 151.10(e) that the "impacts be considered on local city and county governments (cities within 30 miles and tribes within 100 miles be notified and brought into discussions).

3. That the proposed legislation is contrary to the requirements of the Indian Gaming Regulatory Act of 1988 by setting a precedent for developing gaming lands off of established territorial properties, and part 1, section 20(a), 25 USC 2719(a) which requires that consultation be done with appropriate state and local officials, including officials of other nearby Indian tribes, and * * * that it will not be detrimental to surrounding communities.

4. Erodes the "good neighbor" policy the tribes have been attempting to establish between themselves and with local cities by circumventing input from the cities and allowing one tribe to invade the territory of another in order to have a casino in violation of existing regulations. This creates "bad blood".

The Cabazon Band of Mission Indians continues to stand ready to discuss viable alternatives and amendments to the proposed legislation so that all parties concerned will experience a "win-win" situation and equal treatment for all tribes. We urge you to halt the legislative process while you bring forward proposals acceptable to all which would mitigate the aberration of our tribal rights. In the absence of you immediate request to Congressman Bono that the process be halted, we feel it will be necessary to maintain strong opposition to the bill.

Sincerely,

JOHN JAMES,
Tribal Chairman.

CABAZON BAND OF
MISSION INDIANS,
Indio, CA, June 28, 1996.

Hon. SONNY BONO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONO: I am writing this letter in response to your inquiry of June 27, 1996. You stated that it was unclear why my tribal council is opposed to meeting in its entirety with the Torres-Martinez tribal council on the issue of the Torres-Martinez land settlement and our grave concern over their taking lands for gaming purposes in our area of jurisdiction, and the impact that it would have.

Let me start from the onset and make it clear that we very much want to meet with the Torres-Martinez tribe, but for them to call at the last minute with an ultimatum that our tribal council assemble and "face off" with theirs, on an issue which is very emotional on both sides, took us by surprise. I will be pleased to notice a meeting which is required in order for us to accommodate their wishes to meet with an equal number of representatives. It will, however, be necessary for us to have an exploratory meeting in order to define each other's issues and positions so that when our councils meet we can achieve the maximum amount of productivity.

Chairman Belardo of Torres-Martinez has indicated that her council will not allow her to meet with us except in its entirety. I am very concerned that this is demonstrative of a potential lack of confidence on the part of her council. It is critical that the Torres-Martinez be able to distill their positions and issues in order for any negotiation to bear fruit. We stand ready and prepared to meet to define the issues and subsequently have a like number of council members meet face to face and find a suitable compromise that will address their concerns, our concerns, and which will meet the federal government's trust responsibility to both of us.

I hope that this will serve to demonstrate our willingness and clear up any questions you may have about our intentions.

Thank you for committing to addressing our concerns. I would like to formally ask you to hold field hearings on this bill before it proceeds any further.

Sincerely,

JOHN A. JAMES,
Tribal Chairman.

CABAZON BAND OF
MISSION INDIANS,
Indio, CA, July 10, 1996.

Hon. SONNY BONO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONO: It is my understanding that you are unavailable to meet with me this weekend while you are here in the desert.

On July 9th my office contacted your scheduler, Inda Valter, who said she would see if a meeting were possible. Ms. Valter later informed by office that Brian Nestande recommended we talk to Catherine Bailey prior to setting an appointment with you. Ms. Valter also said your office was hoping to hear that the Cabazon Band of Mission Indians would be meeting with the Torres-Martinez tribe. Our response was that we are in the process of setting up that same meeting. It has since been scheduled for July 24th.

This morning, July 10th, Catherine Bailey informed our tribal secretary that Ms. Valter found your weekend in the desert to be fully booked. She did, however, say that you wanted to know if there were something that needed to be addressed in the near future.

Rather than communicating through staff, I believe we could accomplish far more in a brief one on one meeting. I know you have an extremely heavy schedule, and would not impose on you if this were not of the utmost importance to our tribe.

In addition, I wrote to you on June 28th, formally requesting field hearings on the H.R. 3640 issue. Would you let me know if you have considered this and deem it possible?

Respectfully,

MARK NICHOLS,
Chief Executive Officer.

CONGRESS OF THE UNITED STATES,
July 11, 1996.

MARK NICHOLS,
Cabazon Band of Mission Indians,
Indio, CA.

DEAR MR. NICHOLS: Thank you for your letter of July 10, 1996.

At our meeting in June, we agreed on a plan that the Cabazon meet directly with the Torres-Martinez to resolve its particular issues, and then report to me after doing so. I believe that the Cabazon should continue to go forward with this plan. As we have discussed, the settlement agreement and ratifying legislation provide both tribes with the flexibility to do this. Please be assured that when a meeting does occur between the two tribes, I will be glad to consider whatever conclusions are reached. If you have additional information you would like to share with me in the interim, please feel free to contact my staff, as I am confident they will continue to keep me fully informed.

At this time I do not believe a field hearing is needed. In my view, a field hearing would be redundant to the briefings we have already done, the press coverage and the congressional hearing.

Thank you for keeping me informed of the Cabazon's views.

Sincerely,

SONNY BONO,
Member of Congress.

CABAZON BAND OF
MISSION INDIANS,
Indio, CA, July 10, 1996.

MS. MARY BELARDO,
Tribal Chairperson, Torres-Martinez Desert Cahuilla Indians, Thermal, CA.

DEAR CHAIRPERSON BELARDO: We are pleased to see that the meeting of July 26th is still on. We will have name cards made for your council and look forward to an opportunity to productively explore a situation that we hope will meet both of our respective tribal concerns. As we are prepared to try to meet you half way, my council is concerned about your recent statements in The Desert Sun that there will be no adjustment or compromise.

Your conditions for a full council to council meeting and your meeting cancellations have been accepted. However, the new demands outlined in your July 16th letter create a problem for us. We place a lot of confidence in the analysis and guidance provided to us by our tribal attorney and chief executive officer. The members of the Cabazon tribal council may wish to hear their opinions on issues as the meeting progresses, therefore we cannot agree to gag them. I am hopeful that you will understand and accept our position on this issue. Our tribal secretary will be at the meeting in a strictly secretarial capacity not as a participant.

We agree to your stipulation that there be no press or media in attendance.

Sincerely,

JOHN A. JAMES,
Tribal Chairman.

THE TORRES MARTINEZ DESERT
CAHUILLA INDIANS,
Thermal, CA, July 22, 1996.

JOHN A. JAMES,
Chairman, Indio, CA.

DEAR CHAIRMAN JAMES: Thank you for your letter dated July 17, 1996. It is clear to us through this letter that you have misinterpreted the content of our most recent letter to you.

If you will recall we originally made the first contact with your tribe to request a meeting. Our reason for this meeting was to address the rumored concerns of the Cabazon people through their elected Tribal Council regarding our Settlement Agreement. It has been through several mutual changes that we have finally settled to meet with your Council on July 26, 1996 at your Tribal Administrative offices.

As Indian tribes we are often times required to hire staff (non-Indian) that can help our tribes prosper. However, the bottom line is we are still Indian people, with Indian thinking, customs and traditions. It is in this spirit that we come to hear from the Indian people of Cabazon.

To be truthful we have read the remarks of your (non-Indian) CEO in the papers and have seen and heard enough of his comments on television and radio. Frankly, we are not concerned with how he feels about an Indian tribe that is about to receive the most meaningful award granted to them in approximately the last 120 years, however we are willing to receive any papers or analysis that he would like to submit to us.

It is our belief that Indian people have only survived over these tumultuous years by sharing what little we have with one another, this is the Indian way.

If you feel that the people of Cabazon cannot speak their own true feelings then you may want to cancel our meeting, but we will not listen to any non Indians at this meeting. You describe this thinking as putting a "gag" on your staff, we see it as expressing our sovereign right and dealing with a fellow tribe in a government to government manner. We do not take our sovereign rights lightly and will need to insist on your understanding of this.

We look forward to meeting with your elected Tribal Council on July 26, 1996.

Sincerely,

MARY E. BELARDO,
Tribal Chairperson.

CABAZON BAND OF MISSION INDIANS,
Indio, CA, August 2, 1996.

MS. MARY BELARDO,
Tribal Chairperson, The Torres Martinez Desert Cahuilla Indians, Thermal, CA.

DEAR MARY: As you have been notified in the hearing language, it is the official House Resources Committee position that a resolution be worked out concerning our differences regarding H.R. 3640. In the absence of a resolution, we will be forced to pursue this to the next level. If you want the bill to pass this session it is imperative that we work this out. We would like to immediately begin negotiations so that we can find a solution that is mutually acceptable to both of our tribes.

The tribal council to council meeting was a beginning, however, our tribal council has determined that true progress can only be made through hard negotiations between assigned negotiating teams. We are prepared to put together such a team on short notice once you have committed to a meeting time. Would Monday, August 5th, at 2:00 p.m. be suitable?

Sincerely,

JOHN A. JAMES,
Tribal Chairman.

AGUA CALIENTE BAND OF
CAHUILLA INDIANS,
Palm Springs, CA, June 26, 1996.

Hon. SONNY BONO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONO. On behalf of the Agua Caliente Band of Indians, I would like to thank you for your efforts to keep our Tribal Council informed on the status of HR 3640, the Torres Martinez Desert Cahuilla Indians Claims Settlement Act. Upon review, we can find no reason to oppose this legislation. Further, we believe the negotiations leading to this legislation reflect the proper government-to-government relationship envisioned by the founders of this Nation.

Please feel free to contact me if I can be of any assistance to you in the future.

Respectfully yours,

RICHARD M. MILANOVICH,
Chairman, Tribal Council, Agua Caliente Band of Cahuilla Indians.

AUGUSTINE BAND OF MISSION INDIANS,
Coachella, CA, June 28, 1996.

Hon. SONNY BONO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONO: This letter is written to inform you that the Augustine Band of Mission Indians supports HR 3640, the Torres-Martinez Desert Cahulla Indians Claims Settlement Act. The Augustine Tribe has always extended full support to the Torres-Martinez Tribe in their on-going efforts to arrive at an equitable resolution of a long standing claim for lost lands.

You are to be commended for the time and effort you have dedicated to the Torres-Martinez Desert Cahuilla Indians to acquire a settlement of their claims.

Sincerely,

MARYANN MARTIN,
Chairperson.

BARONA INDIAN RESERVATION,
Lakeside, CA, August 30, 1996.

Hon. SONNY BONO,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Barona Band of Mission Indians, I am writing to you in support of HR 3640—the Torres Martinez Desert Cahuilla Indian Claims Settlement Act.

Your hard work and efforts on not only this legislation, but on other Indian issues are not going unnoticed. As our brothers and sisters of the Pechanga Band mentioned, . . ." with your help and the support of your colleagues, Native Americans are recapturing their dignity and price".

Mr. Bono, I urge you to support HR 3640. Thank you!

Sincerely,

CLIFFORD M. LACHAPPA,
Chairman.

CAHUILLA BAND OF INDIANS,
Anza, CA, June 25, 1996.

Hon. SONNY BONO,
Congress of the United States, Cannon House Office Building, Washington, DC.

HONORABLE CONGRESSMAN BONO: We the Cahuilla Band of Indians does support the "Torres Martinez Desert Cahuilla Indians Claims Settlement Act of 1996". We understand that the term of this act supports a settlement between the Torres Martinez Desert Cahuilla Indians, local water districts and the federal government.

The terms of the settlement agreement calling for compensation to the Torres Martinez tribe in the amount of $14 million. In addition, the tribe will be able to acquire 11,800 acres of land within boundaries specified in the bill.

Acquisition by the tribe will have no impact on existing water rights of the local communities and tribes. The Torres Martinez tribe will be allowed one limited gaming site on the newly acquired lands. Local cities, county and tribal governments will have the ability to veto acquisition of new lands within their jurisdiction.

We the Cahuilla Band of Indians supports Member of Congress Sonny Bono on the bill H.R. 3640.

Sincerely,

MICHELLE SALGADO,
Tribal Chairperson.

CAMPO BAND OF MISSION INDIANS,
August 19, 1996.

Hon. SONNY BONO,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Campo Band of Mission Indians, I would like to express our support in favor of H.R. 3640 the Torres Martinez Desert Cahuilla Indian Claim Settlement Act. We appreciate your constant concern regarding Native American issues. The dedication you have shown in regards to this legislation exemplify your sensitivity and understanding of our needs.

The Campo Band of Mission Indians look forward to collaborating with you on future endeavors.

Sincerely,

RALPH GOFF,
Chairman.

JAMUL BAND OF MISSION INDIANS,
Jamul, CA, July 18, 1996.

Hon. SONNY BONO,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN BONO: We the Jamul Band of Mission Indians support the "Torres Martinez Desert Cahuilla Indian Claims Settlement Act of 1996."

Upon review, we can find no reason to oppose this legislation. Further, we believe the negotiations leading to this legislation reflect the proper government-to-government relationship envisioned by the founders of this Nation.

Your continued support of bill H.R. 3640 is greatly appreciated by Indian Tribes in your Congressional District as well as other Congressional District in the Southern California area.

Sincerely,

RAYMOND HUNTER,
Chairman.

LA JOLLA INDIAN RESERVATION,
Valley Center, CA, August 15, 1996.

Hon. SONNY BONO,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the La Jolla Band of Mission Indians, I am writing to you in support of H.R. 3640, the Torres Martinez Desert Cahuilla Indian Claims Settlement Act. Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, native Americans are recapturing their dignity and pride.

The La Jolla Band of Mission Indians strongly support H.R. 3640.

Sincerely,

VIOLA A. PECK,
Acting Chairperson.

LOS COYOTES RESERVATION,
Warner Springs, CA, August 19, 1996.

Hon. SONNY BONO,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Los Coyotes Band of Mission Indians, I am writing to you in support of H.R. 3640, the Torres-Martinez Desert Cahuilla Indian Claims Settlement Act. Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, native Americans are recapturing their dignity and pride.

The Los Coyotes Band of Mission Indians strongly support H.R. 3640.

Sincerely,

FRANK TAYLOR,
Spokesman.

MANZANITA BAND OF MISSION INDIANS,
Boulevard, CA, July 18, 1996.

Hon. SONNY BONO,
House of Representatives, Washington DC.

DEAR CONGRESSMAN BONO: We the Manzanita Band of Mission Indians support the "Torres-Martinez Desert Cahuilla Indian Claims Settlement Act of 1995".

Upon review, we can find no reason to oppose this legislation. Further, we believe the negotiations leading to this legislation reflect the proper government-to-government relationship envisioned by the founders of this Nation.

Your continued support of Bill H.R. 3640 is greatly appreciated by Indian Tribes in your Congressional District as well as other Congressional Districts in the Southern California area.

Cordially,

FRANCES SHAW,
Chairman.

MORONGO BAND OF
MISSION INDIANS,
Banning, CA, June 26, 1996.

Hon. SONNY BONO,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Morongo Band of Mission Indians, I am writing to you in support of H.R. 3640, the Torres-Martinez Desert Cahuilla Indian Claims Settlement Act. Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, Native Americans are recapturing their dignity and pride.

The Morongo Band of Mission Indians strongly support H.R. 3640.

Sincerely,

MARY ANN ANDREAS,
Tribal Chairperson,
Morongo Band of Mission Indians.

PALA BAND OF
MISSION INDIANS,
Pala, CA, July 17, 1996.

Hon. SONNY BONO,
Cannon House Office Building,
Washington, DC.

DEAR MR. CONGRESSMAN: I want you to know how pleased the Pala Band of Mission Indians are with the introduction of H.R. 3640, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act.

The Pala Band of Mission Indians understands that this Act, H.R. 3640 supports a settlement between the Torres-Martinez Desert Cahuilla Indians, local water districts and the federal government.

The monetary compensation to the Tribe and the restoration of land lost to the Native people goes a long way to right a wrong and shows the proper government-to-government relationship envisioned by the founders of this great Nation.

The Tribal Council of the Pala Band of Mission Indians support this legislation and feels that with people such as you in government this Nation is on the right track to becoming the world leader it once was.

Please feel free to contact the Pala Band of Mission Indians if we can be of any assistance to you in the future.

We like what we see Mr. Congressman. You can make the difference!

ROBERT H. SMITH,
Chairman/CEO,
Pala Band of Mission Indians.

PECHANGA INDIAN RESERVATION,
Temecula, CA, July 30, 1996.

Hon. SONNY BONO,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the Pechanga Band of Luiseno Indians, I am writing to you in support of HR 3640, the Torres Martinez Desert Cahuilla Indian Claims Settlement Act: Once again you have demonstrated your concern regarding Indian issues and a clear understanding of tribal sovereignty.

Your dedicated efforts on this legislation show that you are committed to ensuring that land and natural resources are resolved fairly and equitably for Indian tribes.

Your willingness to solicit input from each of the Indian communities in our area while developing this bill shows a rare sensitivity to the needs of Indian communities.

In Indian Country your leadership is fast becoming a ray of renewed confidence and hope in the American system. With your help and the support of your colleagues, native Americans are recapturing their dignity and pride.

The Pechanga Band of Mission Indians strongly support HR 3640.

Sincerely,

MARK A. MACARRO,
Tribal Spokesman,
Pechanga Band of Mission Indians.

SAN MANUEL BAND OF
MISSION INDIANS,
Highland, CA, August 9, 1996.

Hon. SONNY BONO,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN BONO: On behalf of the San Manuel Band of Mission Indians, I would like to express our support in favor of HR 3640, the Torres Martinez Desert Cahuilla Indian Claims Settlement Act. We appreciate your constant concern regarding Native American issues. The dedication you have shown in regard to this legislation exemplify your sensitivity and understanding of our needs.

The San Manuel Band of Mission Indians look forward to collaborating with you on future endeavors.

Sincerely,

HENRY DURO, *Chairman.*

SAN PASQUAL BAND OF INDIANS,
Valley Center, CA, July 22, 1996.

Hon. SONNY BONO,
Cannon House Office Building,
Washington, DC.

HON. CONGRESSMAN BONO: The San Pasqual Band of Mission Indians supports "Torres Martinez Desert Cahuilla Indian Claims Settlement Act of 1996". We understand that the term of this act supports a settlement between the Torres Martinez Desert Cahuilla Indians, local water districts and the federal government.

The economic gain for Torres-Martinez is much needed. They have waited long and endured much.

The San Pasqual Band of Mission Indians heartily support you Congressman Bono on H.R. 3640.

Respectfully,

DOROTHY M. TAVUI.

SOBOBA BAND OF
MISSION INDIANS,
San Jacinto, CA, June 22, 1996.

Hon. SONNY BONO,
Cannon Office Building,
Washington, DC.

DEAR CONGRESSMAN BONO: The Soboba Band of Mission Indians supports your proposed bill concerning a land settlement with the Torres-Martinez Band of Mission Indians.

We believe a settlement will provide long overdue compensation to the Torres-Martinez Band for their land which was rendered useless since the early 1900's. We are pleased the federal government and the Band have reached an agreement. The settlement will not only benefit the Torres-Martinez Band but also the surrounding communities.

The Soboba Band appreciates your efforts in reaching a settlement and your support of Native Americans.

Sincerely,

CARL LOPEZ, *Chairman.*

TWENTY-NINE PALMS
BAND OF MISSION INDIANS,
Coachella, CA, June 26, 1996.

Hon. SONNY BONO,
Cannon Office Building,
Washington, DC.

DEAR CONGRESSMAN BONO: The Twenty-Nine Palms Band of Mission Indians, owners of the Spotlight 29 Casino located near Coachella, California, offers its support to your proposed bill concerning a land settlement with our nearby Native American neighbors, the Torres Martinez Desert Chahuilla Indians.

We believe that such a settlement will provide long overdue compensation to the Torres Martinez for their land which was flooded and rendered virtually useless since the early 1900's, and are pleased that the federal government has reached a solution which is acceptable to them.

The resolution will not only benefit the Torres Martinez but will also offer potential benefits to the surrounding communities by providing the Torres Martinez the opportunity to join with local efforts to enhance the economy and well being of citizen's in the area.

We appreciate your efforts to keep us informed of the settlement because of its effect on the overall community, and look forward to other cooperative efforts with your office in the future.

Sincerely,

DEAN MIKE,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am trying to be as explicit as I can on a very complicated issue. First of all, I do want to recognize the Cabazon Indians' legitimate complaint that they were not notified by the Department of the Interior, and, therefore, had to play catch-up in this situation and have a legitimate complaint.

□ 1615

So I just want to say, hopefully, as this legislation progresses, that we will do everything we can to encourage the tribes to work out a settlement on their dispute, but recognize that it is an Indian dispute and that they should settle that between themselves. We do not really have a good guy or a bad guy here. It is just that this situation came, and we do understand it, and they have my support as well. So we hope it will settle as this legislation goes on.

This has been going on for 80 years, and what happened, basically, is the Torres-Martinez land was flooded and they have not had a home. Eventually they had to sue, and that litigation has been going on for 15 years. We have finally brought this to closure, which is very important because it not only deals with the tribes but it deals with the local communities, as well.

We have a highway, Highway 86, that cannot be repaired because of this litigation and we lose 10 people, annually 10 people die, and we would love to repair this highway. This would finally permit us to fix this highway and get rid of those needless deaths on an annual basis.

Furthermore, we have a big agriculture community within the district, and there is a drainage issue. This would allow that drainage problem to go away so that the agricultural industry could drain and would not have to worry about encumbrances.

This action has been supported by the National Congress of American Indians and by just about everybody and, furthermore, it grants the tribe sovereignty, which I think we have to do. So we are not trying and I am not trying to act like the person that can dictate these issues. We just want to recognize that sovereignty exists and we have to recognize sovereignty. That is all we are doing.

Again, I want to say that anything I can do to help work on the agreement between the two tribes, I do want to say that I am available anytime.

The Torres-Martinez live in poverty and have lived in poverty. This will finally get them above poverty and give them a chance to survive. So basically that is a capsulation of the whole issue, but it is a very good bill and it could cure a lot of ills, and I urge my colleagues' support.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I rise today to express both my support and my deep concern over the passage of this legislation.

I want to be perfectly clear that I strongly and unequivocally support full compensation to the Torres-Martinez

Tribe for the injustices they have suffered in the last century. Today almost 123,000 acres of Torres-Martinez tribal reservation land lies submerged beneath the Salton Sea. This land was flooded early in this century. The tribe has never been fully compensated by the U.S. Government for that.

Our Government, Mr. Speaker, has a moral and legal obligation to settle this long overdue claim of the Torres-Martinez Tribe. It is my understanding that this is a tribe with very few resources, and this settlement agreement will better enable them to establish and maintain a sovereign-to-sovereign relationship with the U.S. Government.

But, Mr. Speaker, I must admit I am deeply troubled by the process which the Department of the Interior used to facilitate the settlement with the Torres-Martinez Tribe. It is my understanding that the Department of the Interior failed to meet with or even discuss the proposed settlement agreement with all the tribes who live in the area and who will be most affected by this legislation.

These consultations are especially important when we are dealing with issues that affect the economic viability of the different tribes. Unfortunately, in its eagerness to reach a settlement, the Department of the Interior failed to take these interests into account.

Mr. Speaker, when the Committee on Resources first considered this bill, I strongly encouraged the Department of the Interior to meet with the local tribes to try to resolve the differences that still exist on this bill. I am troubled that these meetings have never taken place.

Mr. Speaker, it is also unfortunate that this bill is being considered under the suspension calendar, so that there will be no chance to offer amendments to fine-tune this legislation. I hope the Senate will take the time to closely examine this bill and make sure it is equitable and fair for all groups impacted by this settlement agreement.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I thank the chairman for yielding me this time, and I want to thank the chairman for clarifying the title of this legislation, known as the Torres-Martinez Settlement Act, that in fact neither I, ESTEBAN TORRES, a Member of Congress, nor Representative MATTHEW MARTINEZ, a Member of Congress, have anything to do with this bill. It is simply the name of this particular California band of mission Indians.

Let me say that it is right for the United States to compensate the Torres-Martinez Tribe for the land that it lost through agricultural flooding, and I support resolution of the longstanding dispute between the tribe and the two water districts in southern California. But as the gentleman from Michigan, Mr. KILDEE, has stated, I cannot support the bill under the discussion that is being carried out here today.

H.R. 3460 is the result of a flawed process. It is a faulty bill because the Department of the Interior failed to follow its own procedures under the Indian Gaming Regulatory Act of 1988. That act, known as IGRA, requires the Department of the Interior to consult, I want to underscore that, consult with the Native American tribes and local municipal governments. And as the chairman has stated, the Department has admitted that such discussions never took place. Such discussions never took place.

Also in violation of IGRA, and of even greater concern, the proposed legislation sets a dangerous precedent by giving the tribe the right to purchase up to 640 acres for a gaming facility outside of traditional reservation boundaries.

Let me explain. Here we have a chart indicating by the yellow the initial parcel that was a settlement under the Bush administration, that gave the Torres-Martinez Tribe the basis for settling this land that was submerged under the Salton Sea. The Babbitt administration at the Department of the Interior later designated the second red zone here as a secondary zone. And this is where, then, we see that one tribe, no matter how disadvantaged it is, is given a special privilege because it has now leapfrogged over these other Indian tribes and communities without consultation in establishing a gaming facility up in this area.

If we allow this off-reservation land acquisition to move forward, what will stop other tribes in the States from seeking the permission to build casinos in other nontraditional land localities? Such special treatment erodes the trust and the cooperation that tribes have worked to establish between themselves and their local cities. It circumvents necessary input from affected communities. It violates existing regulations, and, yes, it just simply creates bad blood.

Let me make no mistake about this. This is not simply a bill to make overdue payments and amends to the Torres-Martinez Tribe. Let me show you the other side of the picture. Members should be aware that a very powerful and wealthy consortium of non-Indians, with gambling ventures around the country, is very much a part of this shady deal.

The GTECH Corp. and Full House Resorts, Inc., are angling to develop a casino enterprise on the prime land this bill would permit the tribe to acquire. Lee Iacocca, no less, and Alan Paulson stand to gain much more, yes, much more than those poor impoverished Indians of the Torres-Martinez Tribe from this bill.

These are serious allegations and this is a serious issue, and for these reasons I am dismayed to see this bill was rushed through on the suspension calendar. I had no chance to offer amendments. My colleagues had no chance to remedy the faults in this bill.

I would like to see full field hearings, consultations, due process, safeguard procedures to remedy the faults in this legislation and make it a true settlement, a true settlement rather than a special interest giveaway. But, unfortunately, the leadership is pushing this bill through under a restrictive rule. I cannot offer needed amendments or changes, and that compounds the injustice of this.

So I call upon Members of this body and I call upon Members of the other body to step up to the plate and fix this faulty bill. The other body can work and should work to redress the flaws in H.R. 3640, and I so recommend, my colleagues in this Chamber, to call upon their colleagues in the other body to do the same.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman will refrain from asking the Senate to take certain actions.

Mr. RICHARDSON. The Torres-Martinez Indian Reservation was created in 1876 in the Coachella Valley of California. The Salton Sea flooded approximately 2,000 acres of reservation lands and in 1909 and additional 9,000 acres of submerged lands were included in the reservation. This was done with the belief that the Salton Sea would recede allowing the tribe access to the lands. in 1982 the United States brought a trespass suit on behalf of the tribe against the Imperial Irrigation District [IID] and the Coachella Valley Water District [CVWD]. The court found for the tribe and awarded $212,908 in damages to the tribe from CVWD and $2,795,694 in damages from IID. A second suit was filed on behalf of the tribe. At this point the United States intervened to facilitate a settlement with the tribe and the two water districts.

This settlement legislation would require the CVWD to pay $337,908.41 to the tribe and its allottees and IID would pay $3,670,694.33. In addition the United States would pay $10,200,000 to the tribe. These amounts would be held in the U.S. Treasury in trust for the tribe and its allottee members.

The tribe would be allowed to acquire 11,800 acres of land to be considered as if it were acquired in 1909 except with regard to water rights. The tribe would be allowed to conduct gaming on only one site within this area. The local communities would have to support the casino and the tribe would be required to enter into a compact with the State. In return the water districts would receive a permanent flowage easement located within and below the 220-foot contour of the Salton Sink.

If this settlement is enacted, the tribe will waive all claims regarding the flooded lands of their reservation.

The administration is a party to this settlement and strongly supports it.

All but one local Indian tribe supports the bill as well as Governor Wilson and Attorney General Lundgren. The Cabazon Tribe was probably not consulted in the way that it should have been and I strongly encourage the two tribes to meet and talk out their differences. The Torres-Martinez Tribe has assured me they are willing to talk with the Cabazon.

I believe it is time to pass this bill and fix the wrong to the Torres-Martinez Tribe.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 3640, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOOPA VALLEY RESERVATION SOUTH BOUNDARY ADJUSTMENT ACT

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2710) to provide for the conveyance of certain land in the State of California to the Hoopa Valley Tribe, as amended.

The Clerk read as follows:

H.R. 2710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hoopa Valley Reservation South Boundary Adjustment Act".

SEC. 2. LAND TRANSFER TO RESERVATION.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the lands described in subsection (b) shall hereafter be held in trust by the United States for the benefit of the Hoopa Valley Tribe and shall be part of the Hoopa Valley Reservation.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are those portions of Townships 7 North and 8 North, Range 5 East and 6 East, Humboldt Meridian, California, within a boundary beginning at a point on the current south boundary of the Hoopa Valley Indian Reservation, marked and identified as "Post H.V.R. No. 8" on the Plat of the Hoopa Valley Indian Reservation prepared from a field survey conducted by C.T. Bissel, Augusta T. Smith and C.A. Robinson, Deputy Surveyors, approved by the Surveyor General, H. Pratt, March 18, 1892, and extending from said point on a bearing of north 72 degrees 30 minutes east, until intersecting with a line beginning at a point marked as "Post H.V.R. No. 3" on said survey and extending on a bearing of south 15 degrees 59 minutes east, comprising 2,641 acres more or less.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Six Rivers National Forest shall be adjusted to exclude the lands to be held in trust for the benefit of the Hoopa Valley Tribe pursuant to this section.

SEC. 3. SURVEY.

The Secretary of the Interior, acting through the Bureau of Land Management, shall survey and monument that portion of the boundary of the Hoopa Valley Reservation established by the addition of lands made by section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, H.R. 2710, the proposed Hoopa Valley Reservation South Boundary Adjustment Act, introduced by our colleague, the gentleman from California [Mr. RIGGS], would convey approximately 2,641 acres of land to the Hoopa Valley Tribe of California.

The land to be transferred is presently part of the Six Rivers National Forest and has been fully timbered pursuant to the Forest Service timber sales.

I note that these lands to be conveyed by H.R. 2710 contain the graves of the Tish-Tan-a-Tang band of Hoopa Indians and are currently used by the tribe for hunting, fishing, food gathering, and ceremonial purposes.

H.R. 2710 would eliminate a longstanding alternation of the originally intended boundary of the Hoopa Valley Indian Reservation.

Mr. Speaker, this is a fair and just bill and I urge my colleagues to support it.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I want to thank my very good friend and southern California colleague, Mr. GALLEGLY, from the community of Simi Valley in Ventura County.

Mr. Speaker, and colleagues, Mr. GALLEGLY has kind of given a quick overview of my legislation. This is simple straightforward legislation, but it is something that is fundamentally important as a matter of fairness and equity to the Hoopa Valley Tribe in Humboldt County, the largest county in my congressional district.

□ 1630

The Hoopa Valley Tribe is the largest self-governance tribe in California. This legislation would restore their reservation to its original intended 12-mile-by-12-mile square.

Let me provide a little bit more of detail. As Mr. GALLEGLY explained, we are proposing to transfer in this legislation 2,641 acres of land now owned by the United States of America and managed by the U.S. Forest Service to the Hoopa Valley Tribe to square their reservation.

For as long as 10,000 years, the Hoopa Valley Tribe has lived in the Hoopa Valley. It is a beautiful area which is bisected by the Trinity River, and their reservation actually begins at the mouth of the Trinity River Canyon.

As early as 1851, a proposed treaty would have established a reservation encompassing an area larger than the present reservation. In restoring this land at the southeast corner of what otherwise would be a 12-mile square, this bill will eliminate a dogleg, the dogleg as they know it, in the south boundary of the present reservation, correcting an action that occurred in 1875.

At that time, the original surveyors of the reservation indented the boundary and created this irregular dogleg. This was apparently done to accommodate some miners who had staked claims in the area. Although the claims soon played out and the miners left the area, the boundary was never changed or corrected.

As I mentioned, as Mr. GALLEGLY mentioned, this land is administered by the Forest Service as part of the Six Rivers National Forest. The original timber on this parcel of land was sold off by the end of the 1970's. The area to be transferred includes Tish-Tang, Tish-Tang Campground, a Forest Service facility. The tribe has stated that it will continue to operate Tish-Tang as a public campground with public ingress and egress. There will be continued access over this land to the Trinity River.

This could be particularly important if budget reductions necessitate reductions in Forest Service campground operations and maintenance. I have received correspondence, Mr. Speaker, from several local businesses that rely on the Trinity River corridor, asking that access to the road to Tish-Tang and the gravel bar at Tish-Tang remain in the public domain; that is to say, they want a guarantee of continued public access along this road and to the gravel bar at Tish-Tang.

I have raised these concerns with the Hoopa Valley Tribe, their tribal council and leadership. I have been assured that public access at Tish-Tang will not be hindered as a result of this land transfer. Members of the Hoopa Valley have long been outstanding stewards of California's north coast environment. They have been leaders, for example, in the efforts to restore the Trinity River. This is the most critical fishery, the Trinity-Klamath river system in my congressional district. This transfer would permit the tribes longstanding land management and economic development policies to be extended to the restored lands.

I commend the bipartisan leadership of the House Committee on Resources for moving this legislation and I urge its approval, again, as a matter of fairness and equity to the Hoopa Valley Tribe so that the boundary of the tribe's reservation can be adjusted to reflect the original intent of Congress.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. I certainly admire the Chair's generosity and sincere efforts in pronouncing my name. I know that this has always been a difficult problem with many Members but it is Faleomavaega. It is one of those Polynesian names.

Mr. Speaker, H.R. 2710 would transfer almost 2,640 acres of land currently within the Six Rivers National Forest to the Hoopa Valley Tribe to be held in trust for the Tribe. This land, which includes an operating campground, is adjacent to the southern boundary of the Hoopa Valley Reservation. There is question as to whether or not this land was intended to be part of the original reservation boundaries and by looking at a map of the area one could easily conclude that may have been the case. Regardless, the Forest Service has testified that it supports this transfer so long as public access to the area remains available. The Tribe has agreed to this and plans to continue to operate the campground for the public's use.

I hope addition of this land will benefit the Tribe in the future and ask my colleagues to join me in supporting passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 2710, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND ACT OF 1996

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2512) to provide for certain benefits of the Missouri River Basin Pick-Sloan project to the Crow Creek Sioux Tribe, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996".

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds that—

(1) the Congress approved the Pick-Sloan Missouri River basin program by passing the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.)—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan program, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the western boundary of the Crow Creek Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Crow Creek Sioux Tribe and the homeland of the members of the Tribe;

(4) Public Law 85-916 (72 Stat. 1766 et seq.) authorized the acquisition of 9,418 acres of Indian land on the Crow Creek Indian Reservation for the Fort Randall project and Public Law 87-735 (76 Stat. 704 et seq.) authorized the acquisition of 6,179 acres of Indian land on Crow Creek for the Big Bend project;

(5) Public Law 87-735 (76 Stat. 704 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Crow Creek Indian Reservation, by directing the Secretary of the Army to—

(A) replace, relocate, or reconstruct—

(i) any existing essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters; and

(ii) roads, bridges, and incidental matters or facilities in connection with such facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the requirements under Public Law 87-735 (76 Stat. 704 et seq.) with respect to the mitigation of the effects of the Fort Randall and Big Bend projects on the Crow Creek Indian Reservation have not been fulfilled;

(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Crow Creek Indian Reservation remains underdeveloped, in part as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and social development and cultural preservation of the Crow Creek Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan program; and

(9) the Crow Creek Sioux Tribe is entitled to additional benefits of the Pick-Sloan Missouri River basin program.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) FUND.—The term "Fund" means the Crow Creek Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).

(2) PLAN.—The term "plan" means the plan for socioeconomic recovery and cultural preservation prepared under section 5.

(3) PROGRAM.—The term "Program" means the power program of the Pick-Sloan Missouri River basin program, administered by the Western Area Power Administration.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) TRIBE.—The term "Tribe" means the Crow Creek Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

SEC. 4. ESTABLISHMENT OF CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.

(a) CROW CREEK SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Crow Creek Sioux Tribe Infrastructure Development Trust Fund".

(b) FUNDING.—Beginning with fiscal year 1997, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to $27,500,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b) into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with subparagraph (C).

(B) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw amounts from the account established under such paragraph and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d)(1), the Secretary of

the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.

(a) PLAN.—

(1) IN GENERAL.—The Tribe shall, not later than 2 years after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under section 4(d)(2). In developing the plan, the Tribe shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Crow Creek Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary of Health and Human Services, in consultation with the individuals and entities referred to in subsection (a)(1), determines to be—

(A) needed; and

(B) unavailable through existing facilities of the Indian Health Service on the Crow Creek Indian Reservation at the time of the determination.

(3) WATER SYSTEM.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Crow Creek Indian Reservation.

(4) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe at Big Bend Dam and at other locations on the Crow Creek Indian Reservation in South Dakota.

(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Tribe considers to be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund established under section 4.

SEC. 7. EFFECT OF PAYMENTS TO TRIBE.

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

(1) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River basin power rates.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) any treaty obligation of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2512, the proposed Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996, was introduced by our colleague, Mr. JOHNSON of South Dakota, last year. It would create a $27.5 million development fund to be used for the benefit of the Crow Creek Sioux Tribe.

This trust fund is being created to mitigate the effects of the Ford Randall water project and the Big Bend water project which inundated the lands of the tribe years ago.

This development fund would provide the tribe with resources for education facilities, health care facilities, a water system, and recreational facilities.

The moneys going into the development fund would be derived from the power program of the Pick-Sloan Missouri River Basin Program. The tribe would receive payments made on an annual basis derived from the interest earned on the development fund. H.R. 2512 is long overdue. It is a fair and just bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this bill, which was introduced by my good friend, Representative TIM JOHNSON. This bill rights an old wrong by compensating the Crow Creek Sioux Tribe for the massive and devastating impact of the Pick-Sloan plan, which authorized the construction of two dams, the Big Bend and Fort Randall dams, on the best lands of the Crow Creek Tribe. The dams flooded the 15,000 acres of the tribe's best grazing and woodlands and displaced entire communities against their will. Although Congress was aware of the extent of the damage and passed legislation in 1962 to replace lost tribal infrastructure, buildings, and roads, the Army Corps of Engineers and the Bureau of Indian Affairs never fulfilled our responsibility and commitment under the provisions of the law.

I agree with Rep. JOHNSON of South Dakota that it is time we followed through on our promises to the tribe. It goes without saying that we have had a rather poor history of keeping our promises to the Indian tribes. For example, we broke the Fort Laramie treaties of 1851 and 1868, treaties which the Crow Creek Sioux Tribe signed. We made a promise to the Tribe almost 35 years ago that we would help them because of all the damage that we inflicted upon them. As the ranking member of the House Subcommittee on Native American and Insular Affairs, I am glad to see that we are finally following through on our promises to the tribe.

Mr. Speaker, the gentleman from South Dakota has worked diligently and tirelessly on behalf of the nine recognized tribes of South Dakota, including the Crow Creek Sioux Tribe, to get this legislation passed. Mr. JOHNSON has been a loyal and hard working member of the subcommittee, and I certainly enjoyed immensely working with him in working on other pieces of legislation. I urge my colleagues to support passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

I would just like to take a minute and thank my colleague from American Samoa, my good friend, ENI FALEOMAVAEGA, for the bipartisan way that we continue to work on this legislation makes it a real pleasure for me. I want to take this time to publicly thank him.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I, too, would like to reciprocate by adding my commendation to the distinguished gentleman from California, as the chairman of our subcommittee, who has worked quite diligently in the past several months in passing this legislation that affects the needs of our Native American communities throughout the country as well as the territories. I really would like to express my appreciation to him for the fine working relationship that we have had over the past several months and on a very bipartisan basis for a change, Mr. Speaker.

Mr. JOHNSON of South Dakota. Mr. Speaker, I want to thank my colleagues for moving forward on this innovative legislation which is particularly important to the Crow Creek Sioux Tribe and to my State of South Dakota. I have been privileged to work with the tribe and with Senator DASCHLE on this bill and its companion in the Senate, and I am confident that my colleagues will support H.R. 2512.

The Crow Creek Sioux Tribe Infrastructure and Development Act would establish a trust fund within the Department of the Treasury for the development of certain tribal infrastructure projects for the Crow Creek Tribe. These projects were outlined in previous legislation but were never completed due to limited funding sources. The Crow Creek Development trust fund would be capitalized from a small percentage of hydropower revenues and would be capped at $27.5 million. Language included in this bill would prohibit any increase in power rates in connection with the trust fund. The tribe would then receive the interest from the fund to used according to a development plan based on legislation previously passed by Congress, and prepared in consultation with the Bureau of Indian Affairs and the Indian Health Service.

The Flood Control Act of 1994 created six massive earthen dams along the Missouri River. Known as the Pick-Sloan plan, this public works project has since provided much-needed flood control, recreation, irrigation, and hydropower for communities along the Missouri. Four of the Pick-Sloan dams are located in South Dakota and the benefits of the project have proven indispensable to the people of my State.

Unfortunately, construction of the Big Bend and Fort Randall dams was severely detrimental to economic and agricultural development for the Crow Creek Tribe. Over 15,000 acres of the tribe's most fertile and productive land were inundated as a direct result of construction. The tribal community has still not yet been adequately compensated for the economic deprivation caused by Pick-Sloan.

Through the Big Bend Act of 1962, Congress directed the U.S. Army Corps of Engineers and the Department of the Interior to take certain actions to alleviate the problems caused by the destruction of tribal resources and displacement of entire communities. Yet, these directives were either carried out inadequately or not at all.

Congress established precedent for the Infrastructure and Development Act with the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act of 1992, which set up a recovery fund financed entirely from a percentage of Pick-Sloan power revenues to compensate the tribes for lands lost to Pick-Sloan.

The Crow Creek Sioux Tribe Infrastructure Development Fund Act of 1995 will enable the Crow Creek Tribe to address and improve their infrastructure and will provide the needed resources for further economic development at the Crow Creek Indian reservation.

I am proud to have introduced this legislation on behalf of the Crow Creek Tribe, and I urge my colleagues to support this important legislation and correct this historic injustice against the Crow Creek Sioux Tribe.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for his comments, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 2512, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to provide for certain benefits of the Pick-Sloan Missouri River basin program to the Crow Creek Sioux Tribe, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the four bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY DROUGHT RELIEF ACT OF 1996

Mr. THORNBERRY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3910) to provide emergency drought relief to the city of Corpus Christi, TX, and the Canadian River Municipal Water Authority, TX, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Emergency Drought Relief Act of 1996".

SEC. 2. EMERGENCY DROUGHT RELIEF

(a) CORPUS CHRISTI.—

(1) EMERGENCY DROUGHT RELIEF.—For the purpose of providing emergency drought relief, the Secretary of the Interior shall defer all principal and interest payments without penalty or accrued interest for the 5-year period beginning on the date of enactment of this Act for the city of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6–07–01–X0675 involving the Nueces River Reclamation Project, Texas: Provided, That the city of Corpus Christi shall commit to use the funds thus made available exclusively for the acquisition of or construction of facilities related to alternative sources of water supply.

(2) ISSUANCE OF PERMITS.—If construction of facilities related to alternative water supplies referred to in paragraph (1) requires a Federal permit for use of Bureau of Reclamation lands or facilities, the Secretary shall issue such permits within 90 days after the date of enactment of this Act, recognizing the environmental impact statement FES74–54 and the environmental assessment dated March 1991 (relating to the Lavaca-Navidad River Authority Pipeline permit).

(b) CANADIAN RIVER MUNICIPAL WATER AUTHORITY.—

(1) RECOGNITION OF TRANSFER OF LANDS TO THE NATIONAL PARK SERVICE.—All obligations and associated debt under contract No. 14–06–500–485 for land and related relocations transferred to the National Park Service to form the Lake Meredith National Recreation Area under Public Law 101–628, in the amount of $4,000,000, shall be nonreimbursable. The Secretary shall recalculate the repayment schedule of the Canadian River Municipal Water Authority to reflect the determination of the preceding sentence and to implement the revised repayment schedule within one year of the date of enactment of this Act.

(2) EMERGENCY DROUGHT RELIEF.—The Secretary shall defer all principal and interest payments without penalty or accrued interest for the 3-year period beginning on the date of enactment of this Act for the Canadian River Municipal Water Authority under contract No. 14–06–500–485 as emergency drought relief to enable construction of additional water supply and conveyance facilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. THORNBERRY] and the gentleman from Texas [Mr. ORTIZ] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, I would like to thank the full committee chairman, the gentleman from Alaska [Mr. YOUNG], and the subcommittee chairman, the gentleman from California [Mr. DOOLITTLE], for their help on this measure.

As many of my colleagues know, we have had some severe drought conditions in the State of Texas and this bill helps to provide some relief to two areas that are particularly affected.

I also want to express my appreciation to the work of my colleague, the gentleman from Texas [Mr. ORTIZ]. He has been working on these issues for some time and I am certainly grateful for his willingness to work together to solve some very real problems that both of us have in our regions.

Mr. Speaker, H.R. 3910 is a bill that addresses some serious water problems in Texas. I will leave it to my colleague from Texas to discuss the portion of the bill that particularly affects the Corpus Christi area, but I know that that part of the State still suffers from the effects of drought and has a critical need to develop another water supply.

This bill will help them do that. The bill also allows the Canadian River Municipal Water Authority to develop alternative water supplies. This bill does not reduce the amount of money that the Canadian water authority owes to the Federal Government in the way of repaying the debt for construction of the dam for Lake Meredith, but it does postpone for 3 years our requirement to make payments and that deferment for the 3-year period allows the water authority to develop a field of water wells and construct an aqueduct that will get new well water to a location where it can be mixed with the water from Lake Meredith. That lake is the primary source of drinking water for more than 500,000 people in my area. It has not produced the amount of water expected and the severe drought earlier this year certainly caused additional problems. But the quality of the drinking water is also a problem.

The water from Lake Meredith does not meet the drinking water standards recommended by either the EPA or the Texas Department of Health. Only by mixing the lake water with well water is it really fit to drink.

This bill will allow that mixing which is required to be made by freeing up some funds to be used for the other project. The bill also reimburses the water authority for land which was transferred to the National Park Service several years ago. Every one, including the Bureau of Reclamation agrees that compensation is due for the loss of control of that land by the water authority. This was approximately 6 years ago when 43,000 acres was transferred from the water authority to create a national recreation area. This bill reimburses the acquisition costs which were way back in the early 1960's and relocations costs without any adjustment for inflation so that it is a truly minimal level of $4 million.

Mr. Speaker, of course, this bill does not offset all the problems that have been experienced because of the drought and other things; but it helps, and it does so in a fiscally responsible way. I urge my colleagues to approve it.

Mr. Speaker, I reserve the balance of my time.

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Mr. ORTIZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3910, which provides emergency drought relief for the city of Corpus Christi and 24 other cities in the surrounding area and the Nueces River Authority for the Canadian River Municipal Water Authority.

As many people know, Texas is suffering the effects of a very severe drought, and these two areas have been particularly affected.

Cities in my district have been restricting water use for months, and my constituents have lost many cattle and crops in these areas.

In fact it has been estimated that the drought has cost farmers and ranchers $2.4 billion in direct losses.

Without relief, we will soon be losing jobs and industries.

In my district, the city of Corpus Christi and the surrounding water service area are in an emergency situation.

Our available water supply is down over 70 percent in the last 36 months and is projected to be completely depleted within 24 months as the current drought continues.

Our water supply comes from the Nueces River project, a Bureau of Reclamation project which has cost considerably more than originally contracted and has produced much less water than local leaders were led to believe.

Because of this combination, the city is having trouble finding the resources needed to obtain more water reserves.

H.R. 3910 allows the city of Corpus Christi and the Canadian River Authority to defer their principal and interest payments, without penalty, on their Bureau of Reclamation water projects.

This bill will allow them to develop the funding necessary to build facilities for the necessary, additional water reserves.

The bill expedites the permitting process for facilities on Bureau of Reclamation property without bypassing the NEPA process.

It also requires the Bureau to recalculate the repayment schedule of the Canadian River Municipal Water Authority to allow for property and facilities transferred to the National Park Service.

I want to thank the chairman of the Subcommittee on Water and Power Resources, the gentleman from California [Mr. DOOLITTLE] and of course the ranking member, the gentleman from Oregon [Mr. DEFAZIO] and my good friend, the gentleman from Texas [Mr. THORNBERRY] and members of the staff for their work and help with this bill. I also want to thank the gentleman from Alaska [Mr. YOUNG] and the ranking member, the gentleman from California [Mr. MILLER] for their help in bringing this bill to the House in a bipartisan effort. I introduced this bill because of the importance of the situation in Texas, and I ask for the strong support of my colleagues.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Texas [Mr. THORNBERRY] that the House suspend the rules and pass the bill, H.R. 3910, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3910, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPORTS, JOBS, AND GROWTH ACT OF 1996

Mr. ROTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3759) to extend the authority of the Overseas Private Investment Corporation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Exports, Jobs, and Growth Act of 1996".

TITLE I—OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 101. INCOME LEVELS.

Section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended in paragraph (2) of the second undesignated paragraph—

(1) by striking "$984 or less in 1986 United States dollars" and inserting "$1,280 or less in 1994 United States dollars"; and

(2) by striking "$4,269 or more in 1986 United States dollars" and inserting "$5,556 or more in 1994 United States dollars".

SEC. 102. CEILING ON INVESTMENT INSURANCE.

Section 235(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(1)) is amended by striking "$13,500,000,000" and inserting "$25,000,000,000".

SEC. 103. CEILING ON FINANCING.

Section 235(a)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)(A)) is amended by striking "$9,500,000,000" and inserting "$20,000,000,000".

SEC. 104. ISSUING AUTHORITY.

Section 235(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)) is amended by striking "1966" and inserting "2001".

SEC. 105. POLICY GUIDANCE.

Section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended in the first paragraph—

(1) by striking "To mobilize" and inserting "To increase United States exports to, and to mobilize";

(2) by striking "of less developed" and inserting "of, less developed"; and

(3) by inserting "trade policy and" after "complementing the".

SEC. 106. BOARD OF DIRECTORS.

Section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) is amended—

(1) by striking the second and third sentences;

(2) in the fourth sentence by striking "(other than the President of the Corporation, appointed pursuant to subsection (c) who shall serve as a Director, ex-officio)";

(3) in the second undesignated paragraph—

(A) by inserting "the President of the Corporation, the Administrator of the Agency for International Development, the United States Trade Representative, and" after "including"; and

(B) by adding at the end the following: "The United States Trade Representative may designate a Deputy United States Trade Representative to serve on the Board in place of the United States Trade Representative."; and

(4) by inserting after the second undesignated paragraph the following:

"There shall be Chairman and a Vice Chairman of the Board, both of whom shall be designated by the President of the United States from among the Directors of the Board other than those appointed under the second sentence of the first paragraph of this subsection.".

TITLE II—TRADE AND DEVELOPMENT AGENCY

SEC. 201. TRADE AND DEVELOPMENT AGENCY AUTHORIZATION.

Section 661(f)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191(f)(1)(A)) is amended to read as follows:

"(1) AUTHORIZATION.—(A) There are authorized to be appropriated for purposes of this section, in addition to funds otherwise available for such purposes, $40,000,000 for fiscal 1997, and such sums as are necessary for fiscal year 1998.".

TITLE III—EXPORT PROMOTION PROGRAMS WITHIN THE INTERNATIONAL TRADE ADMINISTRATION

SEC. 301. EXPORT PROMOTION AUTHORIZATION.

Section 202 of the Export Administration Amendments Act of 1985 (15 U.S.C. 4052) is amended to read as follows:

"SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Commerce to carry out export promotion programs $240,000,000 for fiscal year 1997 and such sums as are necessary for fiscal year 1998.".

TITLE IV—TRADE PROMOTION COORDINATION COMMITTEE

SEC. 401. STRATEGIC EXPORT PLAN.

Section 2312(c) of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

"(6) identify means for providing more coordinated and comprehensive export promotion services to, and in behalf of, small- and medium-sized businesses; and

"(7) establish a set of priorities to promote United States exports to, and free market reforms in, the Middle East that are designed to stimulate job growth both in the United States and the region.".

SEC. 402. IMPLEMENTATION OF PRIMARY OBJECTIVES.

The Trade Promotion Coordinating Committee shall—

(1) identify the areas of overlap and duplication among Federal export promotion activities and report on the actions taken or efforts currently underway to eliminate such overlap and duplication;

(2) report on actions taken or efforts currently underway to promote better coordination between State, Federal, and private sector export promotion activities, including co-location, cost-sharing between Federal, State, and private sector export promotion programs, and sharing of market research data; and

(3) by not later than September 30, 1997, include the matters addressed in paragraphs (1) and (2) in the annual report required to be submitted under section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)).

SEC. 403. PRIVATE SECTOR DEVELOPMENT IN THE UKRAINE.

The Trade Promotion Coordinating Committee shall include in the annual report submitted in 1997 under section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)) a description of the activities of the departments and agencies of the Trade Promotion Coordinating Committee to foster United States trade and investment which facilitates private sector development in the Ukraine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ROTH] and the gentleman from Minnesota [Mr. PETERSON] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the title of this bill really says it all: exports, jobs, and growth. This is legislation that every Member can and should support. This is essential legislation.

Our bill reauthorizes three export agencies. They are the Overseas Private Investment Corporation, the Trade and Development Agency, and the U.S. Foreign Commercial Service. Each of these agencies is vital to U.S. exporters.

That is why our bill is supported by a broad national coalition of business leaders, exporters, and labor groups. We have some 15 different labor groups also backing this legislation. We have everyone from the Chamber of Commerce and NAM to the AFL–CIO.

Why have American businesses and American labor joined together in support of this bill? The real reason is that it creates jobs, good-paying jobs for our American workers.

Let me review the facts. OPIC provides the insurance and financing necessary for American companies to expand into the newly emerging markets in Eastern Europe, Asia, and Latin America. OPIC has generated $43 billion in exports. That translates into 200,000 jobs for American workers, 200,000 because of this one piece of legislation.

Our bill provides a 5-year plan to allow OPIC to grow, to serve more American exporters, and to add even more jobs for American workers.

OPIC does all of this without tossing one red cent to the American taxpayer. Let me repeat that again because there is a lot of misinformation and disinformation about this legislation by people who want to demagogue the legislation.

This legislation has not cost the American taxpayer one red cent. In fact, it has put into the American Treasury $2½ billion, and if this bill passes, if my colleagues join me in passing this legislation, we are going to add, as our placard says, $189 million every year to the U.S. Treasury for the next 5 years.

That is a replica of the check that was given to the U.S. Treasury by OPIC. OPIC is going to have some $5 billion in the U.S. Treasury in 5 years, and it is not going to cost the American taxpayer one single cent.

As we can see, on our chart the total exports that are going to be increased by this legislation are over $38 billion. The amount of jobs that are created, additional jobs in the next 5 years, are over 123,000 jobs.

This is a good piece of legislation, and I am asking my colleagues, I am appealing to their reason, not to their emotion, I am appealing to their reason to pass this legislation, yes, for our workers and for our companies, but also for the people in Latin America, some of the people in Africa, and in the Third World and also in Eastern European countries that we are trying to help. This legislation is going to put $2½ billion additional into the U.S. Treasury in the next 5 years, it is going to create over $38 billion in exports, and it is going to create over 123,000 jobs. Again I am appealing to my colleagues' reason to pass this legislation.

Mr. PETERSON of Minnesota. Mr. Speaker, we have a very diverse group that is opposing this bill. I would like to start off today by yielding such time as he may consume to the gentleman from Ohio [Mr. KASICH], the distinguished chairman of the House Committee on the Budget.

Mr. KASICH. Mr. Speaker, I think one of the best days that we had on this House floor during my 14 years in Congress was the day in which we reformed the welfare system in this country. We said that there should not be giveaway programs, that people in fact ought to go to work. Well, it was with great effort and with great inspiration that we moved forward to pass a bill to reform the welfare system in America as it relates to the poor, but now this is welfare Step Two.

This is now an effort to reform a welfare system that exists in America that does not benefit people who are poor. This is a welfare system that we have created in America that provides welfare to the rich and welfare to the well off.

Now let me just talk a little bit about the Overseas Private Investment Corporation and tell my colleagues that the people who are lined up against this bill come all the way from the left to the right. It is one of the most diverse coalitions I have ever seen in the House of Representatives, and I would like to talk about a few of the people who do know a little bit about economics and what they have to say about this program.

Milton Friedman, one of the foremost leading experts in economics in the world, had a comment that he wanted to make on OPIC. He said: I cannot see any redeeming aspect in the existence of OPIC. It is special interest legislation of the worst kind.

That is Milton Friedman from the Chicago School of Economics.

The National Taxpayers Union says that few other Federal programs can combine such undesirable elements as corporate welfare, wasteful spending, unneeded foreign aid, mismanagement and risk to taxpayers into one package, in referring to the Overseas Private Investment Corporation.

Now, when we take the National Taxpayers Union and Milton Friedman all saying that this program is a boondoggle, what are we attempting to do here today? Well, what we are attempting to do here today is not just to keep the Overseas Private Investment Corporation, which makes loans and loan guarantees and provides insurance out of the taxpayers' pocket to the largest corporations in America overwhelmingly, but now they want to come back and double, and double the amount of lending authority and risk-taking that they have as proposed in this legislation.

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This is not just a continuation of a dubious program like OPIC, but frankly, it is a doubling of the amount of risk the taxpayers are being asked to burden.

Let me just tell the Members a little bit about OPIC. We hear about it and we hear about all the jobs that are created. The gentleman from New Jersey [Mr. ANDREWS] did an analysis, loan by loan and jobs by jobs. The Overseas Private Investment Corporation could never connect the loans that are being made to these giant corporations to the creation of American jobs in this country.

The gentleman from New Jersey [Mr. ANDREWS] wrote into the law a provision that said that the Overseas Private Investment Corporation ought to trace the loans directly to the creation of jobs, and that organization has failed to do so. They have failed to do so because, frankly, the numbers that get thrown around on the creation of jobs are dubious at best. Let me tell the Members about some of the projects that the Overseas Private Investment Corporation invests in, using taxpayer money and taxpayer-funded risk insurance.

We developed a soft drink bottling company in Poland and in Ghana, a travel agency in Armenia. We have magazine publishing in Russia, a lumber mill in Lithuania, a shrimp farm in Ecuador, probably a jumbo shrimp farm, but a shrimp farm in Ecuador, pension management in Colombia, a hotel in the Ukraine, and restaurants in Argentina, 16 restaurants in Argentina.

Here we have a host of investments that are going on overseas, not inside the United States, but overseas, financed by taxpayers and insured by taxpayers. Let us talk about the portfolio. We asked the Congressional Budget Office to give us a list of the quality of the portfolio; in other words, what kind of risk-taking is the OPIC investing in?

As Members can see when we look at the rating in fiscal 1995, the OPIC is consistently using the taxpayers' money to give large corporations the ability to take risks in operations that are defined with a D minus credit rating, an F double negative credit rating.

If you went into a bank, if you were a taxpayer in America and walked into a bank to get a loan to buy a house and you said to a banker that "I have an F double negative rating," they would throw you out of the bank. But the Overseas Private Investment Corporation can march into these countries and they can get loans from the taxpayers, hardworking taxpayers, and then they can have those loans insured by hardworking taxpayers, the same taxpayers who do not have a prayer of securing a loan in regard to these kinds of credit ratings.

If we want to continue to debate this whole Overseas Private Investment Corporation, which, frankly, is welfare for the largest and most profitable corporations in this country, that is fine, we can debate it. But to come to this floor and argue that we ought to double the amount of loans and double the amount of risk-taking on the backs of the American taxpayers is wrong.

I would urge my colleagues to not permit, to not approve of a tremendous expansion in this program, when this Congress is engaged in trying to slow the growth of government. How much sense does it make to allow the largest corporations to use our money to invest in these kinds of investment opportunities that, in a normal American bank, you would not have a prayer of getting a loan. Let us defeat this Overseas Private Investment Corporation, take it back to the shop, try to fix the thing, and frankly, Mr. Speaker, try to phase it out. Less government is the motto of Congress.

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we just heard the gentleman from Ohio speak for 6 minutes and he did not say anything.

The truth of the matter is this program has not cost the American taxpayer one cent. In fact, there is $2.5 billion in the U.S. Treasury because of this program, and it will increase to $5 billion in 5 years. Those are the facts. That is not a bunch of demagoguery.

Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I certainly rise in support of H.R. 3759. I want to speak a word of appreciation to the gentleman from Wisconsin, Mr. ROTH, and the gentleman from Connecticut, Mr. GEJDENSON, Mr. ROTH, the chairman of the Subcommittee on International Economic Policy and Trade, and Mr. GEJDENSON, the ranking minority member, for their very excellent work in producing this legislation.

All of these agencies that are involved here, the Overseas Private Investment Corporation and the Trade and Development Agency and the Internationational Trade Administration, are very cost-effective and very excellent organizations. They receive uniformly high marks from the people who know them best, their clients, the thousands of firms and workers whose exports they promote. The demand for the services of these groups keeps rising.

Let me just take a moment to respond to some of the charges that are made against OPIC. The usual charge is that this is corporate welfare. The fact of the matter is, however, that the programs here are fully paid for by the fees and the premiums it charges customers and by the interest that it has earned on the reserves. There is no welfare here. There is no drain on the taxpayers' dollars here.

The charge of corporate welfare is simply wrong. It is misguided. Corporate welfare would be an appropriate label if OPIC gave away something for free, but it does not. The programs are fully paid for by the corporations which participate through fees and through premiums. OPIC, as the gentleman from Wisconsin has pointed out, is of enormous benefit to the U.S. economy. Since 1971, it has generated $40 billion in exports. That means profits for companies, and it means jobs for American workers. The estimate is that it has supported about 200,000 jobs in this country. That explains why OPIC has the support not just of corporate America, but also for the union movement.

If there were in fact corporate welfare, does anybody in this Chamber believe that the American union movement would support it? Of course, they understand that they get jobs from it. So some critics say the foreign investment by OPIC costs American jobs, but OPIC is forbidden by law to back any foreign projects that are likely to adversely affect U.S. jobs and exports.

In addition, OPIC supports U.S. foreign policy interests. That is an important point to make her. Not only does it produce more jobs in this country, not only does it produce more profits, not only is it not corporate welfare or any drain on the taxpayers' money, but OPIC supports American foreign policy interests. It uses the genius of the American private sector to promote the development of market economies in former Communist and other countries. It generates jobs and exports and growth in countries whose economic success is in our national interest. And, as has been pointed out, it helps reduce the Federal budget deficit.

The user fee, the premium, the interest earnings have enabled OPIC to turn over a profit to the United States Treasury every year of its existence. OPIC expects to contribute another $900 million to deficit reduction in the next 5 years. And OPIC has proven to be a safe investment for U.S. tax dollars. It has over a $2.5 billion reserve to cover loan defaults and insurance payouts. Yet, OPIC has historically paid claims for only 1 percent of the insurance it is provided, and fewer than 5 percent of the loans have defaulted.

OPIC does things for American exports and foreign policy that no private sector entity can do. It supports projects in places that are important to the United States, but where private firms are not ready to go. OPIC's unbroken record of profitability shows it can provide that support and still remain financially sound. This is a very small but very valuable agency. It has earned our support for more than two decades. It does not approach any definition of corporate welfare, and it deserves our continued support toady.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois [Mr. JACKSON], one of our newer Members.

Mr. JACKSON of Illinois. Mr. Speaker, I thank the gentleman from Minnesota for yielding time to me. Mr. Speaker, I rise today in strong opposition to H.R. 3759, a contentious bill which in my opinion is incorrectly being considered by the House today under suspension of the rules, a procedure normally reserved for noncontroversial measures. Just before we broke the August work period, a majority in this body voted to end Aid to Families with Dependent Children. This bill today will, in effect double one means of providing Aid to Dependent Corporations—the Overseas Private Investment Corporation—an agency of the Federal Government which provides welfare to America's largest corporations.

OPIC bestows corporate welfare upon multinational corporations through direct loans, subsidized loan guarantees, and political risk insurance. Secured by U.S. taxpayer dollars, OPIC provides American Fortune 500 companies with the incentive to enter into risky transactions from which conventional lenders have shied away. With the full faith and credit of the U.S. Government backing up their business ventures, OPIC's corporate clients have eliminated thousands of American jobs. With the destabilizing effects of corporate downsizing on American workers and their families, we should not be providing incentives for America's corporate giants to invest abroad, taking advantage of low-wage labor costs, lower standards, and often exploitive working conditions of Third World countries, rather than reinvesting and creating good jobs at home. We need to raise their standards toward ours, not lower ours to meet theirs in this increasingly global economy.

Mr. Speaker, at a time when our Government is calling upon the poor, children, and legal immigrants to make sacrifices in the name of balancing the Federal budget, I cannot imagine a more inappropriate climate in which to reauthorize—and, in fact, double—OPIC's financing authority from $9 to $20 billion and insurance ceilings from $13 to $25 billion. Under good circumstances, OPIC's corporate borrowers yield a private profit, boosting their bottomline and the dividends for their shareholders. Under bad circumstances, in the event that OPIC's multinational corporate borrowers default on their private obligation the burden becomes a public one. A private profit and a public loss—that's socialism for the rich. It is the U.S. taxpayer who will bear the burden of the risky or unstable conditions surrounding these investments.

It is true that OPIC has provided a vehicle for promoting investment in developing nations and regions previously ignored from projects in Sub-Saharan Africa, in Poland and to the now exploding investment opportunities in Russia and countries of the former Soviet Union. I support foreign aid and direct investment, both private and public, in developing nations. But OPIC is a bad vehicle because it privatizes the corporate benefits but potentially leaves American taxpayers vulnerable to corporate losses.

Have we not learned anything from the savings and loan debacle of the 1980's—just because there have not yet been huge losses associated with OPIC's investments, as its proponents claim, this does not guarantee future good fortune. The same claims of solvency were made by FSLIC, the Federal Savings & Loan Insurance Corporation until its crisis years. Hindsight is 20/20 one decade and $180 billion in taxpayer bailout dollars later.

OPIC has already placed $8.7 billion of the U.S. taxpayer dollars at risk. In 1995, OPIC made loan guarantees to DuPont for $200 million, and $165 million for CocaCola; and provided $842 million in investment insurance for Citicorp, a company with a net income of $3.5 billion in that same year. We cannot continue to underwrite the foreign investments of America's largest corporations. In doubling OPIC's corporate welfare, we are, in effect, aiding and abetting the downsizing of the American work force and the downsizing of the American dream.

Let me be clear * * * We just ended welfare—Government assistance to millions of poor people in our own communities, yet we are providing Government assistance to companies to invest in foreign countries. Before we take care of people in other countries we must take care of our people here at home.

Imagine what we could do if we invested the $120 million we're talking about today to leverage investments in our cities, our neighborhoods, and communities. It should not be used to make it easier for American companies to invest in Warsaw businesses when Polish-Americans on the southside of Chicago can't receive the same type of assistance.

Mr. Speaker, from the Congressional Progressive Caucus to the centrist Progressive Policy Institute to the conservative Progress and Freedom Foundation, opposition to this egregious form of corporate welfare spans the political and ideological spectrum. I urge my colleagues to end corporate welfare as we know it and vote "no" on H.R. 3759.

☐ 1715

Mr. ROTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to my good friend from Illinois who spoke that if we want to have jobs for those people we are taking off welfare, we have got to have good-paying jobs, and this bill provides that.

Incidentally, the Machinists Union sent me a letter and it says, "Contrary to assertions of critics of OPIC, American workers also have a stake in OPIC's reauthorization. OPIC should be permitted to continue its work in creating jobs for American workers."

Not only 1 union but 15 unions, I say to my friend from Illinois. Again OPIC has not cost the American taxpayer one red cent.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 3759, the Exports, Jobs and Growth Act of 1996. This measure promotes U.S. exports, spurs U.S. investment in overseas markets and promotes economic development—all at minimal cost to the American taxpayer. It is supported by a broad-based coalition of 15 business organizations and labor unions and more than 150 individual companies.

Adopted by a voice vote on July 10, 1996, by the International Relations Committee, this measure provides a 5-year authorization of the Overseas Private Investment Corporation.

I want to pay tribute to my colleagues on the committee, on both sides of the aisle, who have worked long and hard on this legislation.

I congratulate the gentleman from Wisconsin, TOBY ROTH, the distingushed chairman of the International Economic Policy and Trade Subcommittee, who has taken a leading role in shaping this important legislation and bringing it to the House floor this afternoon.

Founded in 1971, OPIC is a U.S. Government agency that provides project financing, investment insurance, and other services for American businesses in developing nations and emerging economies.

Its consideration today is all the more important in so far as its operating authority expires on September 30 of this year.

In its 25-year history, OPIC has supported $43 billion in American exports and close to 200,000 jobs while building reserves of some $2.6 billion. Over the past 2 years for New York State companies alone, OPIC has provided insurance and financial support for more than 400 projects generating $4.5 billion in American exports and over 9,000 U.S. jobs.

This is one of the very few U.S. Government agencies that is self-supporting, returning money every year since its inception. Every dollar of its $189 million of net income last year was deposited in the U.S. Treasury.

OPIC has demonstrated an outstanding track record in avoiding claims and achieving recoveries: The Political Risk Insurance Program has had to pay only 1 percent in claims and has had a recovery rate of 98 percent.

In a February 1996 privatization study an outside consultant, J.P. Morgan, concluded that OPIC is adequately reserved for the business it has on the books and plans for the future.

This legislation does call for large increases in OPIC's operating ceilings for its insurance and finance programs. But these increases will be phased in over a time period of 5 years or more. In addition, there is a demonstrable need for OPIC programs from American companies in all of the emerging markets around the world.

Furthermore, the Congressional Budget Office, in its review of this bill, has concluded that even with these higher limits OPIC will make a positive contribution of some $600 million in reducing the size of the deficit.

By requiring OPIC to invest only in U.S. Treasuries, we are in effect reducing the amount that the U.S. Treasury has to borrow day-to-day to fund the deficit. As a result, the taxpayer benefits from the premiums paid by private companies who use OPIC's services. This is corporate "workfare" not "welfare".

The bill also provides a 2-year authorization for the export promotion programs of the International Trade Administration of the Department of Commerce as well as for the Trade and Development Agency.

Since its inception in 1981, TDA has provided feasibility studies, specialized training grants, and other forms of technical assistance to American businesses competing for infrastructure and other industrial projects overseas.

Finally, the bill requires the Trade Promotion Coordinating Committee to provide more comprehensive services to small- and medium-sized businesses.

In sum, this bill will support billions of dollars of U.S. exports, the creation of thousands of jobs at minimal cost to the taxpayer.

Accordingly, I urge its immediate adoption.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, we are talking today about the Exports, Job and Growth Act of 1996. Whenever supporters give a bill a motherhood and apple pie title like that, and who is not against exports, who is not for growth and jobs? But it is time to take a hard look when people give a title to a bill like that.

It should be called the doubling OPIC Act. That is what we are doing today. We are expanding and doubling a Government agency, the Overseas Private Investment Corporation, at a time when many on this floor have committed themselves to balancing the budget and encouraging the private sector by asking, Is this an appropriate role for government?

We have heard how OPIC does not give subsidies. We have heard that charge. But can anyone tell us how this is true? The fact is that not only does OPIC receive operating expenses from the U.S. Government, but most importantly what it does is it sells the full faith and credit of the U.S. Government. That is what it does.

Does that sound familiar? That is what the savings and loan industry did. It sold the full faith and credit of the U.S. Government.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, how much money is OPIC going to cost the American taxpayer?

Mr. ROYCE. The answer, if it goes bust, about $25 billion.

Mr. ROTH. Has it cost the American taxpayer one red cent?

Mr. ROYCE. Let me respond to that. The savings and loan industry in the 1970's did not cost the taxpayer one red cent, but in the 1980's it certainly did.

Mr. ROTH. The gentleman has not answered the question.

Mr. ROYCE. Let me have my time; then you may have your time.

Mr. ROTH. The gentleman is yielding to my question, so I thought I would ask how much has it cost the American taxpayer. Not one red cent.

Mr. ROYCE. I just shared with you that it could cost the American taxpayer $25 billion because that is what you are putting the taxpayer on the hook for.

Mr. ROTH. That is not true.

Mr. ROYCE. Because you are ballooning this program up and, yes, it is the full faith and credit of the U.S. taxpayer that will be on the hook.

Mr. ROTH. That is not true.

Mr. ROYCE. There are no free lunches. As I said, this puts the American taxpayer on the hook. If we look at the countries that we are rating here, that we are insuring, some of them are rated as double F, double F by OPIC itself.

There is no end in sight to OPIC's expansion because OPIC has a good racket, because there is market value to Uncle Sam's backing, and that means OPIC discourages private sector competition.

The fact is that the private market in risk insurance will not reach its potential as long as OPIC is in business. Just read the recent J.P. Morgan report on OPIC. It does not make much of a case that private sector competitors are not being crowded out of the business. The J.P. Morgan report also says the demand for political risk insurance is growing.

So what is our response here today? Not faith that the market will expand to serve this new demand, but instead some say, Let's expand OPIC and deter private interests from taking this business.

There certainly are private alternatives to OPIC's latest and growing activity, and that is starting up investment funds for developing countries. Today there are hundreds of private developing country investment funds. Portfolio money is flooding into the developing world, all parts of the developing world.

Over the last several years several funds have started up to invest in Africa, long thought to be out of bounds for investors. Look them up, they are listed on the New York Stock Exchange. Individual Americans and institutions are buying these funds. So why is OPIC involved with the Africa Growth Fund or funds in Poland or Russia? The private sector responds; it does not need a government push.

Last, I will just say, what type of message are we sending to developing countries? We rightly preach privatization and the virtues of the free market, yet here we have OPIC giving Government subsidies. It sends the wrong message to the developing world.

Mr. ROTH. Mr. Speaker, just let me say so the American people know what is going on, there is not one red cent of Federal dollars involved in OPIC. OPIC is all private funds.

Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 3759. This legislation does not only deal with OPIC; it reauthorizes some of the most important export promotion programs including OPIC, the Trade and Development Agency, and the International Trade Administration.

I have heard some of my colleagues from Illinois, from Ohio, from California speak about this legislation. I would say I have always admired my colleague from Ohio. He is articulate. He is tenacious. He is also tenacious in holding onto a myth. Somebody has convinced him there is corporate welfare here. If you whisper, you shout that word, people get frightened. And, like mindless buffaloes, they stampede off the cliff or, like lemmings, they march into the sea.

We have to look out for what is in the best interests of the United States and our workers and our exporters. We have heard mention that OPIC might default. We have heard the old bugaboo raised about the savings and loan institutions. There is not a risk-free environment in the world.

But OPIC has been operating for 25 years. What kind of a record do you want? There has been no default. In fact, if you take a look at the conference report, I can tell you with verifiable numbers the following:

During the 25 years of its operation, OPIC estimates it has created $43 billion in exports to 140 countries. In direct jobs it has created at least 200,000 U.S. jobs, and they are good-paying jobs. And significantly, it is self-financing. There is no operation fund coming out of the U.S. Treasury. Through its own operations, it has funded them and it has built up in the process $2.5 billion in reserves to cover contingent liability, including deposits at the U.S. Treasury which of course we borrow because we are deficit financing government.

With a net income last year of $189 million, OPIC is able to cover, as it has always been, all of its own expenses and set reserves aside for insurance and financial risk through its own earnings.

For the U.S. economy to remain strong and vibrant in the 21st century, the U.S. Government must maintain and fund a comprehensive national export strategy. Exports currently account for nearly one-third of our Nation's reach growth. Yet stiff competition from export-driven economies in East Asia and the export-hungry countries of Europe constantly threaten the high-paying American jobs that are generated by these exports.

My colleague from Ohio mentioned the distinguished economist Milton Friedman. He is distinguished, but he is certainly not in the middle of the mainstream in the economists of the world or even the United States. He lives not apparently in a real world.

If we had a real world, we would not need OPIC, but we do not operate in a world in which other governments do not provide assistance to their exporters. They do. And more generously almost always than we do. If you want to retreat to an ivory tower. You can make a statement like the one quoted, but it is not realistic, ladies and gentlemen.

As the chairman of the Asia and the Pacific Subcommittee, this member witnessed firsthand how foreign governments take high-paying export jobs away from American workers. If this was bad for American workers, the first people here complaining about it would be organized labor and they are not here. They are supportive of this program.

Unclassified U.S. intelligence reports reveal that federal governments have stolen approximately $25 billion in recent years in potential U.S. contracts overseas by their generous assistance programs. How do these foreign governments take our jobs? Most importantly, they do not call export promotion corporate welfare. Political leaders in Germany, France, Japan, Canada, and all the industrialized countries of the world do not hesitate to give their exporters the tools necessary to win bids for lucrative infrastructure contracts in the world's developing countries.

□ 1730

No, they are out there working and financing it.

Today in my office, this very day, I was visiting with a senior official from Japan's Export-Import Bank, the largest by far in the world. One can be sure that if this body fails to pass this legislation, he will be back in Tokyo and declare that 6 percent of the world's population, that is everybody that lives outside the United States, as Japan's markets, only to be shared with Europeans and the new tigers of Asia. And, he can report that America's political leaders have decided not to challenge Japan's aggressive pro-export government policies.

In a perfect world, government should not be required to assist their exporters, investors or their workers. But we do not have that situation. The lucrative rewards in jobs of gaining contracts in the developing world are simply too great for those countries to resist.

That is why Japan supports over 36 percent of its total exports with some form of export credit. That's right, Japan supports over 36 percent of its total exports with some form of export credit. Compare that to the United States paltry figure of 2 percent of total exports.

Mr. Speaker, the U.S. Congress will severely disadvantage U.S. exporters and investors if we choose to unilaterally disarm. In the highly competitive race for global markets, OPIC and TDA are to American jobs what missiles and tanks are to our national security.

Therefore, this Member urges his colleagues to support H.R. 3759, the Exports, Jobs, and Growth Act of 1996.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there has been a lot of talk on this floor about how this program does not cost any money. I would just like to read out of the committee report here, page 11, where it has got the Congressional Budget Office cost estimate. "For 1997 through 2001, the net budgetary impact of title I is the increased cost by $120 million a year over current law."

That is just in black and white.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, not only does it cost the American taxpayers and come out of the budget to a tune of $120 million, I am not sure if my colleagues understand what a loan guarantee is. A loan guarantee by the Federal Government means if the loan goes bad, the Government makes the loan good. That is the direct liability by the taxpayers of this country involved in these programs.

If you have got an F minus-minus rating and you go under, guess who picks up the bill? The barber in Westerville picks up the bill, the beautician in Wheeling, WV, picks up the bill.

Look at this loan portfolio. We not only have direct costs of running this program, but tremendous liabilities to the taxpayers involved in loan guarantees from the Federal Government.

Mr. PETERSON of Minnesota. Mr. Speaker, reclaiming my time, we went through this with the savings and loan situation. I would like to know, the statement was made earlier this is all self-financing. What do you charge an F minus-minus company to make it a viable situation? How much do you have to charge a company like that? If you went into a bank and had an F minus-minus credit rating, you would not get a loan at all. So I think we need to get the whole facts of this out.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from Ohio, in the 25-year history of OPIC, have they ever failed to generate a net operating surplus? Have they ever?

Mr. KASICH. Mr. Speaker, if the gentleman will yield, let me just say to the gentleman, I will get you the loan portfolio chart. No banker that I have ever met in my lifetime would make these kinds of loans to somebody trying to go in and borrow money to build a house or create a small business. The simple fact of the matter is, is that this portfolio and the studies indicate that this portfolio is so risky you could not even privatize this operation, for the simple fact that people know that they would stand to lose billions and billions of dollars if these loans go bad, and I will anticipate that some of them in fact will.

If this is such a wonderful program, creating all these jobs that are so profitable, my question is why do you need the taxpayers to bail you out?

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I would like to thank my colleague for yielding me time.

Mr. Speaker, my colleague from Ohio just hit the nail on the head in this entire thing. What we are talking about, for folks at home who may be confused about this debate, is an insurance program run by the Federal Government for corporations who want to invest in risky political situations. They want to invest in risky political situations. We are running an insurance program for major corporations.

Now, the argument you will hear from supporters of this program is if we did not run OPIC, there would not be any U.S. exports and American companies would not invest overseas without OPIC's insurance program.

The fact of the matter is, that is not true. Of the $612 billion currently invested in developing countries, a third of them are insured by private companies who provide private insurance. You do not have to have the Government run it, they provide private insurance.

Of the 10 leading countries that the United States does export programs with, OPIC is not involved whatsoever. There is not a single OPIC dollar involved. So there are going to be export jobs out there whether or not OPIC exists, whether or not OPIC invests this money.

Listen to the irony. Here is what we are doing with OPIC. We are investing money in Eastern Europe that involves risky business deals. What we are doing in Eastern Europe is to try to help government-run corporations to make the transition to a private sector. In order to do that, we have to run a government corporation. We are trying to end government subsidies in Eastern Europe by running government subsidies right here in Washington, DC.

The bottom line is what this is about is the taxpayers' exposure for risky loans overseas. We are going to double it, in fact, up to $25 billion for one program, and $20 billion for the other program.

Who is going to get the money? Well, Coke, Union Carbide, Motorola. Last year Citicorp had income of $3.5 billion, and OPIC guaranteed $842 million. Citicorp is a bank, they do loans, they do investments. If they are coming to us to ask for insurance, does not that tell you maybe they are not too certain this portfolio is going to pay off?

It is bad deals for the taxpayers. We may not have lost money, but $20 billion, $25 billion, is at exposure for U.S. taxpayers. We should be ending OPIC, not doubling it.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from Washington, DC [Ms. NORTON].

Ms. NORTON. Mr. Speaker, let me try to rebut two points that have been made here.

Makes money. First of all, we lose right off the top. OPIC pays no taxes, pays no dividends, and two-thirds of its income comes from Treasury securities, from us to us. Second, unions who support it, there are always some unions who profit from exports. The real question for us is do we make up in the loss of jobs here?

For example, let me take four of the large OPIC users. Ford, minus 160,000 jobs here; Exxon, minus 83,000 jobs here; AT&T, minus 127,000 jobs here, General Electric, minus 185,000 jobs here.

When you show me they are making up for that kind of loss of jobs, you will get me.

Mr. ROTH. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 15 seconds.

Mr. ROTH. Mr. Speaker, they say reason cannot beat emotion. I think reason can beat emotion. I am appealing to your reason. What other bill have we brought on the floor of this House that creates 123,000 good paying jobs? None. In 5 years, this bill will create $38 billion in exports. This OPIC has not cost the American taxpayer one red cent, but in the Treasury we have $2.5 billion because of this bill.

Mr. Speaker, this is a good bill. I appeal to your reason to pass this bill for the American people.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 3759, the Exports, Jobs and Growth Act of 1996. This measure reauthorizes the Overseas Private Investment Corporation [OPIC], the Trade Development Agency [TDA], and the International Trade Administration [ITA].

Over the past 20 years our Nation's trade deficit has ballooned to over $100 billion, eliminating thousands of jobs and lowering standards of living for many Americans. Ironically, as the world economy becomes more globalized due to the North American Free-Trade Agreement [NAFTA] and the General Agreement of Tariffs and Trade [GATT], other governments have increasingly subsidized their companies' operations and have gained larger market shares with their respective products. Consequently, many American companies are left at a competitive disadvantage.

To meet this challenge we need to maintain agencies, like OPIC, TDA, and ITA, that promote and strengthen our Nation's trade goals and objectives. According to the General Accounting Office [GAO], OPIC is a "net negative" program. In other words, OPIC pays for itself. OPIC has successfully operated for 25 years and its programs are user-fee based, not taxpayer financed. Nationally, the Overseas Private Investment Corporation supported 200,000 American jobs and generated $43 billion in exports. Small and medium size American companies are direct beneficiaries of this program.

Through the ITA and TDA, companies from Hawaii are able to obtain market data and initiate contacts with foreign firms. Moreover, small businesses have increased their share of the TDA awards from 22 percent in 1992 to 40 percent in 1995. In addition, this bill ensures a better coordinated export promotion service to small and medium-size businesses. The TDA supported 140,000 jobs and generated $7 billion and the ITA supported 92,000 jobs and generated $5.4 billion in 1995.

In the State of Hawaii, an estimated 230 exporting companies depend on these agencies for support. As Hawaii continues to diversify its economy, these agencies will play a greater role in the overall trade growth and investments in the islands. In 1992, Hawaii exports totalled $15.3 million, 50.5 percent of the Gross State Product [GSP].

The services OPIC, TDA, and ITA provide to America's small and medium size businesses is essential to gaining access to foreign markets, continued growth of the export market and is the catalyst to U.S. competitiveness in a global economy.

We are starting to make some headway in the battle to decrease our trade deficit. In June, the Department of Commerce reported that our trade deficit fell to $8.1 billion, a 23 percent decrease from the month of May. Overall, the U.S. trade deficit $8.7 billion less than last year. With the help of all these agencies, foreign markets once closed to American products and services are now more open than ever. Unless we provide trade assistance to our small and medium size businesses, our trade balance with other countries will continue to soar and many more American jobs will be lost.

I urge my colleagues to support H.R. 3759.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of this important legislation. These programs are vital for maintaining our international competitiveness. The expansion of OPIC's insurance and finance authority is desperately needed to meet the demands of American businesses' increasing foreign investment. TDA is also important for providing American engineering firms the level playing field they need to compete in providing infrastructure to the developing world. As we know, this investment produces American exports, and these exports produce jobs. And the Foreign Commercial Service works directly with American exporters, both in this country and abroad, to assist them in dealing in foreign markets.

I am especially pleased that this legislation provides for special emphasis for assistance to small businesses. The export market is a key untapped resource for many American small businesses. They need the assistance of OPIC and especially the Foreign Commercial Service both in its American offices and at our embassies overseas.

Finally, I would like to refute the claims of those who say that this is corporate welfare. It is rather the Government performing its legitimate function of assisting American citizens in their dealings with foreign countries. In many countries, foreign trade and investment is still heavily regulated by the government. The only institution that can deal with those foreign government agencies as an equal is one affiliated with our Government. OPIC and TDA do not use taxpayer money to give one American business an unfair advantage over another American business, they use user fees to give American businesses an equal shot at competing with foreign businesses—all of which have equal or greater support from their own governments.

I hope this bill can be quickly enacted into law.

Mr. ANDREWS. Mr. Speaker, today the House will vote on H.R. 3759, to reauthorize one of the most egregious examples of corporate welfare in the Federal Government, the Overseas Private Investment Corporation [OPIC]. OPIC provides subsidized loans and insurance to large corporations for overseas investments, backed by the full faith and credit of the United States. OPIC gives corporations risk insurance at bargain-basement prices, to promote their expansion in unstable regions around the world, where private markets would be unwilling to lend at such low rates.

OPIC has placed at risk over $8.7 billion of taxpayer money. OPIC's generosity is extended to many Fortune 500 companies. DuPont received $200 million in loan guarantees. Coca-Cola obtained a loan guarantee of $165 million. Citicorp, with a net income of $3.5 billion in 1995, received $842 million of OPIC insurance. US West received $100 million in financing last year, while making a $1.3 billion profit. OPIC has helped other profitable companies, including McDonald's, Motorola, and Pepsi Cola.

H.R. 3759 doubles this corporate welfare, by increasing OPIC's ceilings for insurance and subsidized loans. H.R. 3759 doubles OPIC's cap on investment insurance, from $13 billion to $25 billion, and doubles OPIC's financing authority from $9 billion to $20 billion. Recently, we reduced welfare for the poor. We should not now double welfare for rich companies.

OPIC's corporate welfare hurts American workers. In 1994, Kimberly-Clark obtained $9.27 million from OPIC; the same year, the Labor Department certified that 600 of Kimberly-Clark's U.S. employees were adversely affected by the company's increased imports. Similarly, Levi-Strauss obtained $1.8 million in OPIC insurance, while the Government stated that 100 Levi-Strauss workers in the United States were hurt by the company's overseas trade. We should not encourage the largest corporations in America to invest abroad rather than reinvesting in America and creating jobs here at home.

OPIC puts taxpayer dollars at risk. OPIC obligates American taxpayers to underwrite the insurance for the possible loss of private investments by America's richest companies. OPIC has risked over $8.7 billion of U.S. taxpayer money in these markets. If there is political turmoil in an unstable country, and large companies lose their assets, the American taxpayers will have to bail them out. Taxpayers have already paid $80 billion to bail out Savings and Loans—we should not ask them to pay if OPIC's projects go bust.

OPIC wastes scarce Federal dollars. Proponents of OPIC claim that it has actually brought $2 billion to the Treasury. But OPIC does not generate income. Rather, OPIC generates reserves against possible potential insurance claims, which is not income to the Treasury and will not help offset the deficit. If there are claims against OPIC's outstanding insurance, these reserves could be wiped out. And OPIC gives loan guarantees, as well as insurance. If borrowers default on OPIC's outstanding loan guarantees, taxpayers will have to bail it out.

OPIC supports unnecessary projects. McDonald's received $14 million in loan guarantees to build 16 fast food restaurants in Brazil. OPIC guaranteed $27 million in loans for the renovation of a luxury hotel in Jamaica. OPIC even gave loan guarantees to a Costa Rican banana plantation, an Ecuadorian shrimp farm, and an art gallery in Haiti!

I urge my colleagues to join me in opposing the massive expansion of corporate welfare in H.R. 3759.

Mr. MANZULLO. Mr. Speaker, do you want to do something about improving wages and job security for your constituents? Then, support this bill.

As chairman of the Exports Subcommittee on Small Business, I held eight hearings on Federal export promotion programs. I've come away convinced that these programs are very helpful to small- and medium-sized firms, especially those new to exporting. What I discovered at these hearings is that the main problem facing small business is a lack of timely, accurate, and cost-effective information in finding potential customers overseas. This bill authorizes the trade functions of the Department of Commerce, including export assistance centers like the one headed by James Mied in Rockford, which small business exporters can use to find this information.

Many pundits have directed low wage growth and company downsizing. But several academic studies point to a growing correlation between companies that decide to export and higher wages, benefits, increased productivity, and more jobs. A study sponsored by the respected Institute for International Economics and the Manufacturing Institute concluded that:

First, firms that export grow jobs almost 20 percent faster than comparable nonexporting firms; second, exporting plants are 9 percent less likely to shut down than similar nonexporting plants; third, exporters pay their workers up to 10 percent more than nonexporting firms; and fourth, worker productivity is 20 percent higher at exporting firms.

What many do not realize is that these amazing statistics apply equally to small firms located in the heartland of America. During the early 1980's, Rockford led the Nation in unemployment at 26 percent. Now, thanks to an export-driven recovery over the past decade, Rockford has now one of the lowest unemployment rates in the country at 4 percent. During my visits to the 16th District, I am constantly amazed at the number of small firms engaged in world trade. RD Systems of Roscoe manufactures assembly machinery. Six years ago, they employed 11 people and only 5 percent of their business went overseas. Now, they employ 30 people and 60 percent of their business are exports, including a $1.7 million sale to China of a machine to manufacture cellular phone batteries. I find this repeated over and over throughout the 16th District where a little help from the Rockford export assistance center was the difference in making an overseas sale. If we want small firms to stay alive and grow, then looking to foreign markets should be one tool in their arsenal. I ask unanimous consent to insert in the RECORD a story from Business Week detailing this nationwide phenomena and an article from the Rockford Register Star providing local examples.

The Federal Government can serve as a helpful partner through OPIC, TDA, and the Department of Commerce International Trade Administration division in encouraging more and more small businesses to enter the global marketplace. This is not corporate welfare. This one important way we can grow jobs and increase job security in this country. And, H.R. 3759 raises revenue from corporations for the Government because OPIC's political and commercial risk insurance premiums brought in $122 million into the Treasury last year.

That's why the title of this legislation, the Exports, Jobs, and Growth Act of 1996, is aptly named. I also appreciate the willingness of Chairman ROTH to accede to my request to place in the statutory mandate of the Trade Promotion Coordinating Committee a requirement that they identify more ways they can coordinate export promotion services to work for small- and medium-sized businesses. Big companies have their own sources of information and more resources at their disposal. Encouraging more small business to become ready to export must be a top priority of the TPCC.

Finally, Mr. Speaker, I could not let this opportunity pass without a salute to the magnificent work of the chairman of the International Economic Policy and Trade Subcommittee, Mr. ROTH of Wisconsin. TOBY, this may be the last time, as a manager of a bill on the floor, that we can formally thank you for your service to this House. We will all miss your leadership next year.

Thank you, Mr. Speaker, for your indulgence, and I urge the adoption of this bill. The U.S. Chamber of Commerce; the Coalition for Employment Through Exports; the National Foreign Trade Council; and the United States-Russia Business Council are but a sample of the organizations in support of this legislation. Let's pass this bill on suspension today so that the other body can act expeditiously before OPIC expires at the end of this month.

[Special Report from Business Week, Apr. 17, 1995]

IT'S A SMALL (BUSINESS) WORLD

(By Amy Barrett in Washington)

For 102 years, Bicknell Manufacturing Co. has made industrial drill bits for construction equipment at its modest plant in Rockland, Me. For most of that time, the family-owned concern thrived, with growth of about 8% a year in the late 1980s. Then came the 1990 recession. The construction market withered—and with it demand for Bicknell's products. As sales stalled, the company scrambled for new business. "We had to change course," says John E. Purcell, Bicknell's general manager.

With little likehood of a quick turnaround at home, Bicknell set its sights on markets abroad. "There was much trepidation, with a capital T." says Purcell, 38, recalling that none of the 65 employees at the $4 million company had had any foreign experience. Still, with construction booms in Brazil, Colombia, and Mexico, the foreign market was beckoning. After Purcell found a distributor while visiting Mexico on a trade mission sponsored by the Small Business Administration, Bicknell began exporting to Latin America two years ago. And Purcell couldn't be more delighted with the results. He has just signed a deal to begin selling in China and Vietnam. This year, Purcell expects international sales to grow 20%, for 15% to 20% of the company's total revenue. "We're starting to see it pay off," he says.

Purcell's enthusiasm is just one case of a new global fever to hit U.S. business. This time, instead of afflicting the goliaths of Corporate America, it's sweeping through the ranks of U.S. entrepreneurs. Whether they're seeking to escape sluggish markets at home or build on their successes, more small companies are looking beyond the local and regional markets that have long nurtured and sustained them.

A survey of almost 750 companies by Arthur Andersen & Co. and National Small

Business United, a trade group, found that 20% of companies with fewer than 500 employees exported products and services last year. That's up from 16% in 1993 and 11% in 1992, the first year the survey was conducted. And many experts expect that the trend will continue as more and more small businesses plumb the potential of foreign markets. "It presents a huge growth opportunity," says David L. Birch, president of economic researcher Cognetics Inc.

The push abroad by a whole new stratum of U.S. companies is having a profound impact on the trade front. True, the $200,000 in foreign sales that Bicknell chalked up last year is nothing compared with Boeing Co.'s $11.4 billion in exports. But together, small companies are helping fuel an export explosion that has more than doubled total overseas sales since 1986, to $696 billion last year. While service sector exports are difficult to measure, DRI/McGraw-Hill figures that small businesses could account for 50.8% of the $548 billion worth of manufactured goods that the U.S. will likely export this year, up from 45.5% a decade ago.

Entrepreneurial success overseas is bound to produce other economic benefits. Bountiful markets abroad could insulate small companies from periodic downturns at home. And as it carves out more foreign business, small business could enhance its reputation as the job generator of the 1990s. "A lot of small businesses adding five or six people may not sound like much," says Donald T. Hilty senior fellow at the Economic Strategy Institute in Washington. "But when you add it all up, there's real potential for job creation."

Tiny Lucerne Farms in Fort Fairfield, Me., is certainly doing its part on the job front. Thanks to the dollar's precipitous drop against major currencies in recent months, George A. James, president of the $350,000 horse-feed company, says his products are 25% cheaper in yen terms compared with a year ago. That drew an inquiry from a Japanese distributor. Now, orders from Japan could double his total revenue this year. To keep up with the flood of business, James is planning to take on five new employees on top of his current eight-person team. "Without this international business, we could never expect to grow as rapidly and add these jobs," he says. "This is a real shot in the arm."

High-profile pacts such as the North American Free Trade Agreement and the General Agreement on Tariffs & Trade have also accelerated the march by small business into the global arena. Both agreements have gone a long wait toward lowering barriers to imports in foreign countries, while alerting entrepreneurs to opportunities abroad.

Jeff A. Victor, for one, credits NAFTA for his surging export volume. The general manager of $6 million Treatment Products Ltd., which makes car cleaners and waxes, had been trying to expand his small presence in Mexico since 1990. But stiff Mexican tariffs that ran as high as 20% made that impossible for the Chicago-based company. Six months after NAFTA went into effect in January, 1993, and tariffs started gradually dropping, Victor says he landed contracts with almost every major retail chain in Mexico, including Futurama, Gigante, and Soriana. His shipments to Mexico have tripled, to roughly $300,000, about 20% of the company's total exports. Victor concedes that Mexico's financial meltdown has hurt. One retailer has put a big order on hold. But he's sticking it out. To make his car wax more affordable to Mexican consumers, he's considering selling it in smaller bottles. "After selling in Mexico for five years, I'm not going to pack my bags and leave," he vows.

RISKY SHORES

The threat of a Mexican-style calamity in other countries isn't the only thing that makes venturing abroad so risky and complicated. Lining up customers and distributors—tough enough at home—becomes an enormous challenge when a market is a continent away. And then there's financing. Lenders are already leery of small companies. But the thought of a pint-size outfit venturing into uncharted markets is enough to give some bankers the vapors.

They have reason to be worried, because plenty of small companies are innocents abroad. Many entrepreneurs get their first taste of global markets by filling stray foreign orders that come their way. Often generated by referrals or chance meetings at domestic trade shows, these orders are quick and painless to fill—and can give the false impression that exporting isn't so tough. "A lot of small businesses export opportunistically," says Abby K. Shapiro, chairman of International Strategies Inc., a trade consulting firm. "The problem is not enough of them do it thoughtfully."

Lack of proper preparation can lead to costly mistakes. John P. Woolley, general manager of PC Industries, recalls how he shipped a $10,000 replacement computer component to a French customer six months ago and was stunned when he was billed $2,500 for value-added tax. Woolley's company had to absorb the unexpected bill. He says such expensive lessons are causing his $3 million Glenview (Ill.) company to rethink its overseas commitment. "The jury is still out on how strongly we'll pursue it," he says.

For small companies that decide to persevere with their export strategies, identifying suitable markets is generally the first step. Many turn to federal and state agencies for market information (page 101). The U.S. Commerce Dept., for instance, has a trade database available through its 73 field offices and public libraries. The database has research reports on 117 industries in 228 countries.

It's a good starting point for figuring out what's hot and what's not. Right now, environmental companies—those specializing in everything from waste-water treatment gear to landfill management—are finding opportunities in the newly industrialized markets of South Korea, Indonesia, Malaysia, and Taiwan. And in Latin America, a growing middle class is fueling a new wave of health consciousness. Companies making cholesterol-testing equipment, for instance, may find eager customers in Brazil and Mexico.

Some entrepreneurs display a lot of ingenuity when scoping out markets. Harden H. Wiedemann, chairman of Assurance Medical Inc., a $2 million Dallas company that sells alcohol- and drug-testing services, uses the Internet. He says he has found voluminous online information on the growing concern with alcohol-related problems in Argentina. "Some of the best information we fund we just stumbled on as we were surfing around," he says

FARTHER AFIELD

Not surprisingly, most first-time exporters head north of the border. With few language barriers, a similar business culture, and now NAFTA. Canada is the most appealing market for small companies. But entrepreneurs, emboldened by past trade triumphs or tempted by flourishing markets, are setting their sights on more distant climes. Fully 12% of those responding to the Arthur Andersen/Small Business United Survey say they export to Western Europe in 1994, while 11% targeted fast-growing markets in the Asia-Pacific region.

Heather Stone has certainly expanded her horizons. Last year, she began selling her invention— a scooter for people with leg or foot injuries—to a distributor in Canada. Then last fall, Stone was invited by the Japan External Trade Organization to display her product, called Roller-Aid, at a Japanese trade show. She now expects her company, Stoneheart Inc. in Cheney, Wash., to start shipping to Japan this summer. She figures exports will generate about 20% of her company's $500,000 in sales this year. "This international business just kind of fell in my lap," she says with a smile "For me, it wasn't as difficult as I expected."

Chasing emerging markets requires something many entrepreneurs already have: a stomach for risk. Like his counterparts at much bigger companies, Robert A. Giese of RGdata Inc. was quick to set his sights on untapped markets in the then-Soviet Union—as early as 1989. The Rochester (N.Y.) computer-net-working company that he founded in 1974 hadn't done any serious exporting. But he felt the opportunities in Russia and nearby countries were overwhelming. True, shipping was a nightmare, and phone communication was in the dark ages. But he says waiting until a market is stable makes no sense: "By then, everyone already has a dance partner." In 1989, he teamed up with three other small companies to pay for a $25,000 booth at a Commerce Dept.-sponsored trade show in Moscow. Last year, 20% of his $19 million in business came from former Soviet countries.

Some entrepreneurs have turned themselves into globe-trotting promoters to drum up business. Katherine Allen, who with her mother runs Allen Filters Inc., figures she spends almost a third of her time abroad, schmoozing with potential customers for her oil-cleanup products and services. Allen reckons that, of her yearly $4 million in sales, half comes from exports, thanks to her network of contacts from Singapore to São Paulo. And now—two years and numerous cocktail parties after her first visit to Beijing—she has potential customers in China. Allen Filters may not have the marquee value of big U.S. exporters, but Allen says her journeys have convinced her that a small company can make it if it understands markets and customers. "If they have a good foundation, I think the world is open to most small businesses," she says.

For the typical small company, however, a foreign partner or distributor is the only access to a new market. It's a crucial relationship. Lazy distributors won't do much for business, while inept or unsavory ones can ruin a small company's reputation in a new market. Two years ago, computer maker WIN Laboratories Ltd. in Manassas, Va., pulled out of a joint venture in Chile, blaming its Chilean partner for customs delays and weak sales. "It hasn't soured the outlook on exporting here," says Mark H. Magnussen, WIN's director of business development, who is considering joint ventures in Brazil and Mexico. "But in the future, we'll do a lot more legwork."

FISH STORY

Such research doesn't have to mean frequent trips to far-flung ports of call. One gold mine of information: U.S. companies that sell related products. Fred Hansen, vice-president for marketing at Mardel Laboratories Inc. in Glendale Heights, Ill., which makes water conditioners and other supplies for tropical-fish aquariums, hired a distributor in Hong Kong after contacting Penn Plax Plastics Inc., a Garden City (N.Y.) company that sells plastic underwater plants. The company didn't compete with Mardel, but it knew both the distributor and the industry well.

Small companies with bigger budgets can participate in trade shows sponsored by state and federal agencies. The Commerce Dept.'s Gold Key program, for example, can arrange for a small-business executive to meet with prescreened potential partners in a foreign country. Jim DeCarlo, president of Phenix Technologies, based in Accident, Md., met his Spanish distributor on such a jaunt. He spent three days in Madrid in 1993, meeting with potential partners at the U.S. embassy. The trip cost the company, which makes electrical testing equipment, roughly $3,500—a wise investment, says DeCarlo. "I wouldn't have known where to start" to look for a partner, he concedes.

Like their bigger brethren, some small businesses are establishing overseas arms. Eli E. Hertz, founder of Hertz Computer Corp. in New York, bought a small distributor in Israel in 1990 to sell his equipment. He says being nearby to handle his clients' servicing needs gives him an edge over rival exporters. Today, Israeli customers account for 25 percent of his $10 million in sales. "Being there is a huge advantage," Hertz says. His customers agree. "When they get a call, they're here in four hours," says Shlomo Stern, the head of systems operations for OFEK Securities & Investments Ltd.

Whatever their strategy for penetrating foreign markets, small companies inevitably find that lining up trade financing to pay for manufacturing or to extend credit to customers is the stiffest challenge of all. Many U.S. banks abandoned trade financing in the 1980s after the Latin American loan debacle. Even banks though to be entrepreneur-friendly shy away from tiny, complex, labor-intensive trade finance deals. Jeanne A. Hulit, vice-president for international banking at Key Bank of Maine, a unit of KeyCorp, says one recent small trade loan—less than $100,000—took so much time and energy that she might require an up-front fee from exporters in the future. "It was way too much work for a small loan," says Hulit.

Some small companies have benefited from trade finance programs sponsored by government agencies. Phenix Technologies' DeCarlo recently lined up a $400,000 revolving credit for his export business with the help of a guarantee from the Maryland Industrial Development Financing Authority. But such programs are poorly funded. Though the Small Business Administration and the Export-Import Bank have doubled the size of their financing programs since 1991, together they guaranteed only $253 million in export-related lending for small businesses in 1994.

And entrepreneurs still complain about excessive paperwork. Last fall, Thomas Parks, chairman of 423 million Quickway Industries, applied for a line of credit backed by the ExIm Bank to boost his company's auto machine-tool exports. The bank wanted to see audited financial statements for the past three years from Parks' customers. When Quickway asked six big foreign customers for such documents, all but one flatly refused, Parks says. "They said: 'It's just too complicated dealing with you guys,' " he recalls. In the end, Parks continued to draw on his company's own limited cash flow to finance his export expansion. But he says he hasn't grown nearly as fast as he had hoped.

Unfortunately for small companies, there's plenty more red tape awaiting them overseas. Foreign governments impose standards for imported goods that are often intended as barriers to imports. The Commerce Dept. figures that for the typical U.S. machine manufacturer, the cost of additional paperwork and certification can add up to $100,000 a year. That's a big bite for any company and potentially crushing for a small one. On top of that, importers often insist that suppliers meet guidelines set by the International Organization for Standardization. The group, representing 91 countries, sets quality measures on manufacturing procedures, design, and servicing. Many small companies find the certification too costly and time-consuming.

Of course, no one said that exploring exotic markets would be easy. It never has been—neither for caravan drivers plying the Silk Road nor for sailors seeking the Spice Islands. But like them, today's entrepreneurs know that playing it safe by staying at home may be the riskiest strategy of all.

WANT TO GO GLOBAL: HERE'S WHERE TO FIND HELP

At one time or another, many small businesses have toyed with the idea of going global. But just understanding the paperwork and bureaucracy associated with exporting can be daunting. Information is hard enough to come by. Even though the Commerce Dept. is more supportive of small business these days, it's still widely viewed as an advocate of big companies. And many entrepreneurs have given up in sheer frustration. Joel Krieger, head of marketing for Taub Floor Coverings Inc., a $3 million company based in Staten Island, N.Y., put his global plans on hold three years ago when he realized he didn't have the time or the staff to devote to coping with the complexity of foreign markets. "Just gathering the information available was staggering," he recalls.

Yet for small businesses willing to do their homework, there are a number of excellent resources to help them get started. They are relatively low-cost services; many are free of charge. In the long run, the guidance these services offer can speed up a new exporter's entry into foreign markets while helping to sidestep many of the most common—and costly—blunders. Here are just a few places to go when developing an export strategy.

Commerce Dept. Hot line

A good starting point. Specialists can provide details on different federal programs details on different federal programs that will help new exporters tap foreign markets, as well as general information on state export promotion programs. The Commerce Dept. can also offer guide sheets on a number of tricky exporting problems; including how to handle the paperwork required to qualify for the low tariffs under NAFTA. Consultations and information are free. Call 800 USA-TRADE.

Export opportunity hot line

Run by the Small Business Foundation of America, a nonprofit organization based in Washington. Calls are handled by trade experts. Tips include how to find a foreign distributor and cheap ways to test-market a product overseas. Companies that are exporting for the first time can also get advice on how to research potential markets. And exporters who have hit snags can get help in solving their problems. No charge. Call 800 243–7232. In Washington, call 202–223–1104.

Service Corps of retired executives

Working on conjunction with the Small Business Administration, SCORE serves to match up small businesses with mentors who have experience in foreign trade—at no cost. These volunteer business veterans can assist new or troubled exporters in putting together a strategy for succeeding abroad. SCORE has 370 chapters throughout all 50 states and roughly 500 seasoned exporting counselors.

Access to export capital

The AXCAP program is run by the Bankers' Association for Foreign Trade, a trade group. Small exporters who don't know where to go for financing can contact AXCAP specialists. Searching their national database, the group provides a small business with a list—usually within 24 hours—of banks in its area that handle various types of transactions. The searches are all free. Call 800 49AXCAP.

Export legal assistance network

Like it or not, small exporters will probably need a good attorney. A lawyer with experience in foreign trade can give new exporters advice on everything from protecting patents and trademarks to drafting contracts with new partners. This network provides free referrals to local attorneys with trade experience who provide one free counseling session for new exporters. Contact either the Commerce Dept. hot line or Judd L. Kessler, the national coordinator for the network, at the law firm of Porter, Wright, Morris & Arthur in Washington. Call 202 778–3000.

American society for quality control

This not-for-profit trade association offers free advice to companies that want to meet manufacturing standards set by the International Organization for Standardization, a group representing 91 countries. While the standards are fairly general, companies hoping to win substantial overseas business may have to adjust their operations to pass a certification test conducted by an accredited examiner. The society can also put callers in touch with other companies that have already gone through the process.

[From the Rockford Register Star, Aug. 13, 1995]

GLOBAL ECONOMY HITS HOME—LOCAL INDUSTRY CASHES IN ON GAINS IN AMERICAN EXPORTS

(By Georgette Braun)

ROCKFORD.—Mark Ellis figured it cost RD Systems less than $10,000 to land a $1.7 million contract last week to build four machines for a Chinese company that manufactures batteries for cell phones.

That one order represents a third of the company's $5 million in annual sales.

"It was mostly faxes, phone calls. I have 150,000 miles on my frequent flier card," said Ellis, sales manager for RD. "I know my way around Hong Kong better than I know my way around Rockford."

Selling overseas has become a bigger part of Ellis' job at the Roscoe company that employs 30 workers. Five years ago, exports were about 5 percent of RD Systems' sales. Today, it's 60 percent.

RD Systems is not alone in its reliance on exports to keep sales growing. Big export gains are being made on a national and local level.

In the second quarter, exports of U.S. goods and services grew at an annual rate of 7.2 percent, the Department of Commerce reported last month. That was much faster than the economy's 0.5 percent annual growth rate.

One reason for the export increase was the decline in the value of the dollar, which made U.S. products a better buy. Another reason was growing demand for U.S. products in the Asia/Pacific market.

Exports of manufactured goods, as a percentage of the gross domestic product, climbed to 10.7 percent last year from 7.5 percent in 1984.

In Illinois, exports grew by 99 percent between 1987 and 1993, exceeding the 90 percent increase recorded by the nation as a whole.

During the same period, export sales from the 611 zip code, which encompasses Winnebago County, grew 51.1 percent.

LOCAL EXPORTERS

Large local employers are among the top exporters in Illinois, according to Crain's Chicago Business. Sundstrand Corp., a Rockford-based aerospace and industrial parts maker, ranked 12th in last year's listing; Newell Co., a Freeport-based housewares, hardware and office suppliers maker, was 20th; and Woodward Governor Co., a Loves Park-based aircraft and industrial controls maker, ranked 23rd.

Manufacturers aren't the only ones growing because of an increase in international business.

Lorna Flores started AMCORE Bank's international services program six years ago. It now serves 28 companies.

The volume of transactions made through the program has more than tripled, she said.

One of the bank's most popular services helps companies obtain letters of credit that assure payment from foreign companies through a U.S. bank.

The letters are especially important in countries "where there is a lot of political risk," such as in Brazil or Mexico, she said.

Steven Morreim, president of QED Dryer Sales and Mfg., said he uses the bank's services "to keep us straight on paperwork."

The Rockford company is in the process of shipping a grain dryer worth more than $100,000 to a company in Russia. QED has done business in Nigeria, Turkey and Colombia.

Exporting makes up about 10 percent of the company's sales. Morreim expects to at least double that in five years. The company employs eight full-time workers.

LEGISLATION, EDUCATION

Local legislators and educators are also looking at how local companies can increase their exports.

Rep. Don Manzullo, R-Egan, is trying to reorganize U.S. trade agencies within the Department of Commerce to save money without hurting business exports.

Manzullo has been holding hearings on trade promotion and the function of various programs. He is working on trying to reorganize trade promotion efforts and cut duplication.

"The future of trade promotion must be easily accessible to the entire U.S. business community," he said in a statement earlier this month before testifying to the House International Relations Committee on the future of the Department of Commerce.

Rock Valley College, with other economic development groups, hopes to help small businesses through an "export clinic" to be held at the college Thursday, Aug. 24. The college next month will begin a three-month-long, once-a-week class on how to sell overseas.

Small companies are "the ones that need (help) most," because of limited resources, said Thomas de Seve, coordinator of international programs.

Getting into the business of exporting is not as hard as it seems, according to those who have done it.

"It's not intimidating," said Larry Lewis, owner and president of National Metal Specialists Corp. "The first time you go through it, it might be, but after you start repeating it, it's not bad."

Exports at National Metal make up about $300,000 of the company's $4 million in annual sales. The company ships to countries in Central America and South America.

National Metal's 60 employees manufacture mops and parts for mops.

Lewis said the company made inroads in exporting by making contacts at international trade shows. So far, profit margins made on exports has eclipsed those made domestically.

"Overall, it's 20 to 30 percent better," he said.

"The people are so happy to find the product. You don't have the intense retail pressure."

Mr. LAZIO of New York. Mr. Speaker, I rise today in favor of U.S. exports, quality jobs for American workers and H.R. 3759. This bill reauthorizes the Overseas Private Investment Corporation [OPIC] which plays a crucial role in encouraging and supporting U.S. private investment overseas. This bill is important to my home State of New York which ranks behind only California and Texas in total exports.

OPIC enables U.S. companies to play a major role in overseas markets. Since the breakup of the Soviet Union this need has become greater, and there is no better time for American companies to get a foot in these markets than now and by passing this bill, we will create jobs for Americans through the exports which are created. By the end of this month, OPIC estimates that their projects will generate $6 billion in U.S. exports and nearly 20,000 jobs.

OPIC operates as a self-sustaining institution, and there is no cost to the taxpayers. In fact, OPIC generated an income of $189 and had reserves of more than $2.4 billion and since 1971 OPIC has supported investments that will generate more than $43 billion in exports.

I ask my colleagues to join me in voting for a pro-jobs, pro-American measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. ROTH] that the House suspend the rules and pass the bill, H.R. 3759, as amended.

Mr. ROTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

RETIREMENT OF REAR ADM. THOMAS F. HALL, U.S. NAVY, CHIEF OF NAVAL RESERVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to recognize the dedication, public service, and patriotism of Rear Adm. Thomas F. Hall, U.S. Navy, Chief of Naval Reserve. Admiral Hall retires from the Navy on October 1, after a distinguished 37-year career of service to our Nation.

A native of Barnsdall, OK, Admiral Hall reported to the U.S. Naval Academy in 1959, graduated in 1963 and was designated a Naval Aviator in 1964. After earning his wings of gold, Admiral Hall joined the maritime patrol forces flying the new P–3 Orion. During flight training, he was named the outstanding student, and graduated No. 1 in his class. Admiral Hall continued to distinguish himself throughout his flying career amassing almost 5,000 pilot hours.

His initial fleet assignment was with Patrol Squadron Eight, flying combat missions in Southeast Asia. Subsequent tours included the U.S. Naval Academy, as a company officer and executive assistant to the commandant of midshipmen, Patrol Squadron Twenty-Three, completion of the command and staff course at the Naval War College, graduating with distinction, and assignment to the Bureau of Naval Personnel, where his billets included aviation staffs placement officer, head of air combat assignment. Admiral Hall returned to VP–8 as executive officer and then assumed duties as commanding officer. Admiral Hall also completed the course of instruction at the National War College, again graduating with distinction, and served on the staff of the Chief of Naval Operations where he served as head of the program objective memorandum development section, as chief of staff to Commander Fleet Air Keflavik, and as a fellow to the CNO's strategic studies group. In addition to command of VP–8, Admiral Hall has also served in command of Naval Air Station Bermuda, the Icelandic defense forces, and most recently, command of the Naval Reserve.

Since September 1992, Admiral Hall has been the Chief of Naval Reserve, guiding the Naval Reserve force through its largest drawdown, while maintaining readiness and significantly increasing contributory support to the fleet. Under Admiral Hall's leadership, the total force policy was realized—Regular Navy and Navy Reservists working side-by-side, meeting forward presence requirements in operations worldwide.

In August 1989, Admiral Hall was promoted to rear admiral (lower half) and in July 1992 to his present rank of rear admiral (upper half). Admiral Hall wears the Defense Superior Service Medal, Legion of Merit, Meritorious Service Medal, Meritorious Unit Commendation, and various unit and campaign awards, holds a masters degree in management from George Washington University and attended Harvard University senior executive program. In July 1992, Admiral Hall was awarded the Icelandic Order of the Falcon, Commander's Cross with Star, by the President of Iceland.

Our Nation, his wife Barbara, and his son Tom, can be immensely proud of the admiral's long and distinguished career and his service to our country. I wish Admiral Hall and his family best wishes in his retirement.

AFL–CIO ATTACK ADS ON REPUBLICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I wanted to follow up on some remarks I made on the floor earlier today during the course of the debate on one of our suspension bills, and that is the reference that I made to the new round of attack ads, because I do not think you call them anything but, the new round of attack ads being aired on television stations around the country and paid for by the AFL–CIO. These are television ads orchestrated by the big labor bosses of the AFL–CIO in Washington, airing exclusively in the congressional districts of incumbent Republicans, and they are part and parcel of an orchestrated campaign by the AFL–CIO to help the National Democratic Party win back control of the House of Representatives.

These new ads follow on the heels of their MediScare ads, where they distorted our efforts to preserve and to strengthen Medicare and protect it from bankruptcy by increasing annual spending for the program at a rate of 7 percent as opposed to the 14-percent annual growth rate of Medicare in recent years. That is to say, increasing spending for Medicare at twice the rate of inflation as opposed to three times the rate of inflation.

□ 1745

And of course those Mediscare television ads nor the fact that President Clinton, after much procrastination and foot dragging, has finally submitted his own proposal for saving Medicare from bankruptcy. That would grow the program. That would increase annual spending for Medicare benefits at 7.8 percent annually as opposed to our 7-percent growth rate.

Now the AFL–CIO has come on the air with ads claiming, using the big lie technique, that the Republican Congress voted to cut student loans. Well, let us go back and take a look at the record. In fact, the Republican majority in Congress last year as part of our 7-year plan for balancing the budget in H.R. 2491 increased funding for student loans by $12 billion, from $24 billion today to $36 billion in the year 2002. That is a 50-percent increase in Federal taxpayer benefits for student loans.

Under our proposal, which the President vetoed, a record 8.4 million student loans would be made in the year 2002 up from 6.7 million student loans in 1995. There simply are no cuts, yet the AFL–CIO insists on misrepresenting and deliberately distorting our record.

Second, Pell grants will increase this year to a maximum of $2,500 per student, the highest level of Pell grants in our country's history. That is the highest maximum award of a Pell grant for a college student in the history of our country. So we are supporting better education, especially for those who need it most.

We have attempted to begin slowly but surely transferring power and control over education back to local school districts and parents across the country. It does not belong back here in Washington under the control of bureaucrats because, after all, decisionmaking in public education is by a longstanding American tradition a decentralized custom.

So we have been working hard, Mr. Speaker, and we continued that work today with the passage, actually, I guess the vote was postponed until tomorrow, but we did today introduce legislation which will pass by an overwhelming bipartisan margin when we take this recorded vote tomorrow to reduce loan fees for students. That is the Student Debt Reduction Act of 1996 that we had on the floor earlier today.

We are not decreasing student loans, we are in fact increasing the accessibility and affordability of student loans. This follows on the heels of a doubling, a 100-percent increase, in taxpayer funding for public education in this country between 1945 and 1965, another 100-percent increase from 1965 to 1985, and a 20-percent increase in taxpayer funding for public education since 1985.

We Republicans are committed to improving education for our Nation's youth and saving them from a failed education system run by bureaucrats, which has too often not given them the hope and the opportunity and promise for a better future that a public education, which is the cornerstone of equal opportunity in a Democratic society, should provide.

So I will be speaking on this, I am sure again, as we proceed to conclude our legislative business over the next few weeks, but I wanted to take this opportunity, Mr. Speaker, to follow up on the debate we had today, particularly after the gentleman from Michigan [Mr. KILDEE] challenged my remarks and we were not able to debate it at that time. I would dearly like for one or more of my Democratic colleagues to come to the floor so that we could have a very legitimate, genuine, bipartisan debate on education funding and the right education policies for the future of our children.

JOB CREATION AND JOB LOSS IN AMERICA

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House tonight to talk about issues that I think are important to me, not only as a Member of Congress but also as a father and a parent and someone who is concerned about the future for my children and the future for all children in America. It is good to get away from Congress and to go out and talk to people in the district, and it has been great to have a congressional work period where I have had a chance to talk to folks and hear their concerns.

I come from central Florida. It is basically a pretty prosperous area. We do not have some of the problems of the urban areas, but one of the concerns that I hear repeated and that I personally have been concerned about is job creation.

Now, we have heard the President lauding some of the economic figures and unemployment figures, and we have heard touted the creation in this administration of 10 million jobs. So I thought I would look into these 10 million jobs and see what has been created, what has been done and what the future is for our children.

One of the interesting statistics, although 10 million jobs have been created in this administration, the bulk of those jobs are part-time jobs, they are low-paying jobs, they are contract jobs, and they are service jobs. In fact, I was startled to find that during just a 2-year period, from 1993 to 1995, that in fact a startling 8.4 million Americans lost their jobs, and that is the concern that I heard out there, is people fear losing their jobs.

What is interesting about 8.4 million people, Americans, losing their jobs during this 2-year period of the 4-year job expansion is the majority of those 8.4 million people who lost their jobs lost a good paying job, a high-technology job, or a job that was in a sophisticated area, and the majority of that 8.4 million had to take a job in a lower paying, a lower level, a less sophisticated job. And, really, that is the question that I heard asked of me and the question that I asked myself: What about the future? What about jobs for our children, when half of those jobs that are lost, that 8.4 million, we relegate our citizens to lower paying jobs?

Now, in 1989 there were 1 million more jobs in manufacturing than there were in Government. This is an alarming figure in what has happened since 1989. And listen to this: Last year there were 1.5 million jobs more in Government than there were in manufacturing in this country. So we are employing more people on the Government rolls.

And this story about ending big Government as we know it and the era the big Government is over, it just does not hold water because we have more people on public payrolls and less in manufacturing than we have ever had.

I had a conversation with a mother whose daughter was one of the few students in advanced physics, during the past weekend, and some time ago she told me about her daughter at the University of Florida, one of the few students in advanced physics. The next area after nuclear physics is the area she is in, advanced physics studies. Now she has transferred to Northwestern University and she is the only American student in her class in advanced physics. This is scary for the future. Her choices are going to be to work probably in Tokyo and Geneva when she finishes. What kinds of jobs are we creating?

And then we look at the job and education programs and they are a total failure. In my State we spent $1 billion on job training in the State of Florida, and a State report recently released said that less than 20 percent of those students who entered the job training program completed the program. Of that, only 19 percent, 19 percent of the 20 percent, ever got a job. So we are paying much more and we are getting less. We are not giving good opportunity for the future. We are replacing good paying jobs with jobs that do not pay much.

And the debate in this chamber has been about whether we pay people $5.15. That is not acceptable to me. That is not acceptable to the future. We can and we must do much better.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PETERSON) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. RIGGS) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes each day, today and on September 12.

Mr. METCALF, for 5 minutes, on September 11.

Mr. BURTON of Indiana, for 5 minutes each day, on September 11, 12, and 13.

Mr. MICA, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PETERSON of Minnesota) and to include extraneous matter:)

Mr. STARK.
Mr. ANDREWS.
Mr. NEAL.
Ms. HARMAN.
Mr. MONTGOMERY.
Mr. LIPINSKI.
Mr. BONIOR.
Mrs. SCHROEDER.
Mr. BARCIA.
Mr. FAZIO of California.

(The following Members (at the request of Mr. RIGGS) and to include extraneous matter:)

Mrs. MORELLA.
Mr. MARTINI.
Mr. FIELDS of Texas.
Ms. PRYCE.
Mr. CUNNINGHAM.
Mr. SPENCE.
Mr. SMITH of New Jersey.
Mr. DORNAN.
Mr. BURTON of Indiana.
Mr. BEREUTER.
Mr. HASTERT.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1324. An act to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and for other purposes; to the Committee on Commerce.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until Wednesday, September 11, 1996, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of September 9, 1996]

4892. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Colorado; Assessment Rate [Docket No. FV96–948–1 FIR] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4893. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—United States Standards for Grades of Frozen Cauliflower [FV–91–329] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4894. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Establishment of Handler Reporting Requirements and Interest Charges on Overdue Assessment Payments [FV96–956–1 FR] received August 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4895. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Idaho-Eastern Oregon Onions; Assessment Rate [Docket No. FV96–958–2 FIR] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4896. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Horses [Docket No. 95–079–2] received August 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4897. A letter from the Administrator, Food and Nutrition Service, transmitting the Service's final rule—Determination of Eligibility for Free Meals by Summer Food Service Program Sponsors and Free and Reduced Price Meals by Child and Adult Care Food Program Institutions (RIN: 0584–AB17) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4898. A letter from the Chief, Natural Resources Conservation Service, transmitting the Service's final rule—Wetlands Reserve Program (RIN: 0578–AA16) received August 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4899. A letter from the Secretary of Agriculture, transmitting the authorization of implementation of the Northeast Interstate Dairy Compact, pursuant to Public Law 104–127, section 147; to the Committee on Agriculture.

4900. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Coast Guard's AC&I appropriations for fiscal years 1992 and 1993, pursuant to 31 U.S.C. 1417(b); to the Committee on Appropriations.

4901. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 96–04, in the Standard Missile Medium Range Program, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4902. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 96–10, in the Phalanx close-in weapons system, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4903. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 96–01, in the fiscal year 1995 operation and maintenance, Navy [O&M,N] appropriation at the suballotment level, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4904. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 94–08, in the fiscal year 1990 operation and maintenance, Navy Reserve appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4905. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Department of the Navy violation, case number 95–01, in the fiscal year 1990 operation and maintenance, Navy [O&M,N] appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4906. A letter from the Principal Deputy Under Secretary of Defense (Comptroller), Department of Defense, transmitting notification that the Secretary has invoked the authority granted by 41 U.S.C. 3732 to authorize the military departments to incur obligations in excess of available appropriations for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, pursuant to 41 U.S.C. 11; to the Committee on National Security.

4907. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on National Security.

4908. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 16th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

4909. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Loans in Areas Having Special Flood Hazards [Regulation H, Docket No. R-0897] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4910. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Risk Based Capital Standards: Market Risk [Regulations H and Y; Docket No. R-0884] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4911. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Risk-Based Capital Standards: Market Risk [Docket No. 96-18] (RIN: 1557-AB14) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Finanical Services.

4912. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Loans in Areas Having Special Flood Hazards [Docket No. 96-20] (RIN: 1557-AB47) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4913. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loans in Areas Having Special Flood Hazards (RIN: 3052-AB57) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4914. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's annual report on the low-income housing and community development activities of the Federal Home Loan Bank System for 1995, pursuant to 12 U.S.C. 1422b; to the Committee on Banking and Financial Services.

4915. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's 1995 annual report, pursuant to 12 U.S.C. 1422b; to the Committee on Banking and Financial Services.

4916. A letter from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Delivery of Checks and Warrants to Addresses Outside the United States, its Territories and Possessions (RIN: 1510-AA55) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4917. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3734, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

4918. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rural—Indian Fellowship and Professional Development Programs (RIN: 1810-AA79) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4919. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Final Policy on Examination of Working Places (30 CFR Parts 56 and 57) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4920. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Patent Waiver Regulation (10 CFR Part 784) received August 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4921. A letter from the Deputy Administrator, Drug Enforcement Administration, transmitting the Administration's final rule—Removal of Exemption for Certain Pseudoephedrine Products Marketed Under the Federal Food, Drug, and Cosmetic Act (FD&C Act) [DEA-138F] (RIN: 1117-AA32) received September 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4922. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "Assessment of International Air Pollution Prevention and Control Technology," pursuant to Public Law 101-549, section 901(3) (104 Stat. 2706); to the Committee on Commerce.

4923. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for New Mexico—Albuquerque/Bernalillo County: General Conformity Rules [FRL-5549-9] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4924. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Louisiana: General Conformity Rule [FRL-5549-7] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4925. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of PM10 State Implementation Plan for Colorado; Telluride; Revisions to the Maintenance Demonstration [FRL-5607-6] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4926. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dearing, Kansas) [MM Docket No. 95-121] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4927. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended [CC Docket No. 96-61] received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4928. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Macomb, Illinois) [MM Docket No. 96-87] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4929. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Apalachicola, Monticello, Perry, Quincy, Springfield, Trenton, and Woodville, Florida) [MM Docket No. 95-82] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4930. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services [CC Docket No. 94-54] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4931. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992; Cable Pricing Flexibility [MM Docket No. 92-266; CS Docket No. 96-157] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4932. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hopkinsville, Kentucky) [MM Docket No. 96-106] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4933. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hartfield, Arkansas) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4934. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Burlington, Colorado; Brewster, Kansas) [MM Docket No. 94-134 received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4935. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services [CC Docket No. 92-297] received, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4936. A letter from the Chairman, Federal Communications Commission, transmitting the 61st annual report of the Commission including information required by the Communications Act of 1934, as amended, and the

Communications Satellite Act of 1962, pursuant to 47 U.S.C. 154(k); to the Committee on Commerce.

4937. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986 (16 CFR Part 307) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4938. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Sugar Alcohols and Dental Caries [Docket No. 95P-0003] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4941. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979, report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the third quarter of fiscal year 1996, April 1, 1996, April 1, 1996–June 30, 1996, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

4942. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Brunei for defense articles and services (Transmittal No. 96-73), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4943. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Turkey (Transmittal No. DTC-36-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4944. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC-56-96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4945. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC-59-96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4946. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled "Physicians Comparability Allowances," pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform and Oversight.

4947. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-392, "Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Temporary Act of 1996" received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4948. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-374, "Public Assistance Fair Hearing Procedures Temporary Amendment Act of 1996" received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4949. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-384, "Preservation of Residential Neighborhoods Against Nuisances Temporary Act of 1996", received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4950. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-381, "District of Columbia Housing Authority Temporary Amendment Act of 1996", received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4951. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-380, "Real Property Tax Reassessment Temporary Act of 1996", received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4952. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-391, "Drug Paraphernalia Amendment Act of 1996", received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4953. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-386, "Cable Television Franchise Amendment Act of 1996", received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4954. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-389, "Health and Hospitals Public Benefit Corporation Act of 1996" received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4955. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-340, "Alcoholic Beverage Underage Penalties Amendment Act of 1996" received September 6, 1996, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4956. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-348, "Emergency Assistance Clarification Amendment Act of 1996" received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4957. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-371, "Lottery Games Amendment Act of 1996" received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4958. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-372, "Testing of District Government Drivers of Commercial Motor Vehicles for Alcohol and Controlled Substances Temporary Amendment Act of 1996" received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4959. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-378, "Paternity Acknowledgment and Gas Station Advisory Board Re-establishment Temporary Act of 1996" received September 6, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4960. A letter from the Director of Central Intelligence, Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

4961. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Handicapped, transmitting the Committee's final rule—Additions to the Procurement List [96-003] received September 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4962. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [I.D. 96-001] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4963. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [I.D. 96-002] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4965. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Payment by Electronic Funds Transfer [FAC 90-42; FAR Case 91-118] (RIN: 9000-AG49) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4966. A letter from the Director, Office of Management and Budget, transmitting the Office's final rule—Executive, Management, and Supervisory Development (RIN: 3602-AF96) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4967. A letter from the Acting Director, Office of Management and Budget, transmitting a report entitled "The Information Resources Management (IRM) Plan of the Federal Government" for fiscal year 1995, pursuant to 44 U.S.C. 3514; to the Committee on Government Reform and Oversight.

4968. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of Marion, IN, Nonappropriated Fund Wage Area (RIN: 3206-AH60) received September 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4969. A letter from the Secretary of Labor, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

4970. A letter from the Secretary of Transportation, transmitting the Secretary's Management Report, October 1, 1995—March 31, 1996, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4971. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

4973. A letter from the Vice Chairman, Federal Election Commission, transmitting proposed regulations governing electronic filing of reports by political committees, pursuant to 2 U.S.C. 438(d)(1); to the Committee on House Oversight.

4975. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in 1994 and 1995, pursuant to 30 U.S.C. 237; to the Committee on Resources.

4976. A letter from the Deputy Associate Director for Compliance, Minerals Management Service, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4977. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Limes and Avacados Grown in Florida; Suspension of Certain Volume Regulations and Reporting Requirements [Docket No. FV–95–911–2 FIR] received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4978. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—1996–97 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018–AD76) received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4979. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Lassen Volcanic National Park (National Park Service) (RIN: 1024–AC52) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4980. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1996–97 Early Season (RIN: 1018–AD69) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4981. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Addition of Ten National Wildlife Refuges to the List of Open Areas for Hunting and/or Sport Fishing in Arkansas, Illinois, Indiana, Louisiana, Missouri, Mississippi, and Nebraska (RIN: 1018–AD77) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4982. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018–AD69) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4983. A letter from the Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Alaska Occupancy and Use; Alaska Homestead Settlement (RIN: 1004–AC90) received September 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4984. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Fisherman's Protective Act Guaranty Fund Procedures [Public Notice 2425] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4985. A letter from the Director, Minerals Management Service, transmitting the decision document for the proposed 5-Year Outer Continental Shelf [OCS] Oil and Gas Leasing Program for 1997–2002, pursuant to Public Law 91–190, section 102(s)(c); to the Committee on Resources.

4986. A letter from the Acting Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Golden Crab Fishery Off the Southern Atlantic States; Initial Regulations; OMB Control Numbers [Docket No. 950316075–6222–03; I.D. 022696A] (RIN: 0648–AH86) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4987. A letter from the Acting Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Summer Flounder and Scup Fisheries; Amendment 8 [Docket No. 960520141–6221–02; I.D. 042696A] (RIN: 0648–AH05) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4988. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 950725189–5260–02; I.D. 082096G] received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4989. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Tuna Fisheries; Fishery Closure [I.D. 081596C] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4990. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—The Fishing Capacity Reduction Initiative (FCRI); Final Program Notice and Announcement of Availability of Federal Assistance [Docket No. 95106161159–6230–04; I.D. 082096I] (RIN: 0648–ZA16) received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4991. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Ohio Regulatory Program [OH–238–FOR, No. 72] received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4992. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Utah Regulatory Program [SPATS No. UT–034] received August 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4993. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Virginia Regulatory Program [VA–108–FOR] received August 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4994. A letter from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Service of Process; Testimony by Employees and the Production of Documents in Legal Proceedings (RIN: 0651–XX07) received August 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4995. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Motor Vehicle Theft Prevention Act Program Regulations [OJP No. 1081] (RIN: 1121–AA38) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4996. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the use of Federal electronic surveillance laws, pursuant to Public Law 104–132, section 810(b) (110 Stat. 1312); to the Committee on the Judiciary.

4997. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Grants To Encourage Arrest Policies [OJP No. 1019] (RIN: 1121–AA35) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4998. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Introduction of New Employment Authorization Document [INS No. 1399–96] (RIN: 1115–AB73 received August 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4999. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the association's financial audit for the period ending March 31, 1996, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

5001. A letter from the Secretary of Transportation, transmitting the Department's study on tanker navigation safety standards: Evaluation of Oil Tanker Routing, pursuant to Public Law 101–380, section 4111(c) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

5002. A letter from the Secretary of Transportation, transmitting the Department's overview to the report of the commercial feasibility of high-speed ground transportation, pursuant to Public Law 102–240, section 1036(c)(1) (105 Stat. 1983); to the Committee on Transportation and Infrastructure.

5003. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Carrier Safety Regulations; Intermodal Transportation (Federal Highway Administration) [FHWA Docket No. MC–93–17] (RIN: 2125–AD14) received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5004. A letter from the Administrator, Federal Aviation Administration, transmitting the supplemental report to Congress on 1993 DOD military base closures and realignments, pursuant to Public Law 102–581, section 107; to the Committee on Transportation and Infrastructure.

5005. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Regulations Governing Fees for Service Performed in Connection With Licensing and Related Services—1996 Update (STB Ex Parte No. 542) received August 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5006. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Respiratory System (RIN: 2900–AE94) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5007. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes and Bills [Department of the Treasury Circular, Public Debt Series, No. 2-86] received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5008. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 96-43) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5009. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modifications of Bad Debts and Dealer Assignments of National Principal Contracts (RIN: 1545-AT14) received August 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5010. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employee Plans and Exempt Organizations; Requests for Certain Determination Letters and Applications For Recognition of Exemption (Announcement No. 96-92) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5011. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1996 Section 43 Inflation Adjustment (Notice 96-41) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5012. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1996 Marginal Production Rates (Notice 96-42) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5013. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Revenue Ruling 96-44) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5014. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Living in the Same Household and the Lump-Sum Death Payment (RIN: 0960-AE20) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5015. A letter from the Chairman, U.S. International Trade Commission, transmitting a copy of the 86 quarterly report on trade between the United States and China, the successor states to the former Soviet Union and other title IV countries during January-March 1996, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

5016. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Harvest Information Program (RIN: 1018-AD08) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5017. A letter from the Secretary of Energy, transmitting a report on the reasons why it will require more than 1 year to implement plans that are responsive to Defense Nuclear Facilities Safety Board recommendations with respect to public health and safety at DOE defense nuclear facilities, pursuant to 42 U.S.C. 2286d(f); jointly, to the Committees on Commerce and National Security.

5018. A letter from the Secretary of Defense, transmitting notification that the Department proposes to obligate up to $20 million of the fiscal year 1994 cooperative threat reduction [CTR] funding for the Defense Enterprise Fund and up to $29.0 million of the fiscal year 1996 CTR funding for a missile material storage facility [FMSF], pursuant to 22 U.S.C. 5955; jointly, to the Committees on International Relations and National Security.

5019. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, certification that Honduras has adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101-162, section 609(b)(2) (103 Sat. 1038); jointly, to the Committees on Resources and Appropriations.

5020. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program: Special Enrollment Periods and Waiting Period (RIN: 0938-AH33) received August 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Ways and Means and Commerce.

5021. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Requirements for Physician Incentive Plans in Prepaid Health Care Organizations [OMC-101-FC] (RIN: 0938-AF74) received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Ways and Means and Commerce.

5022. A letter from the Deputy Secretary of Defense, transmitting a report on Improved Access to Military Health Care of Covered Beneficiaries Entitled to Medicare, pursuant to Public Law 104-106, section 746; jointly, to the Committee on National Security, Ways and Means, Commerce, and Government Reform and Oversight.

[Submitted September 10, 1996]

5023. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Black Hills, South Dakota, Marketing Area; Termination of the Order [DA-96-12] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5024. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Assessment Rates for Specified Market Orders [Docket No. FV96-927-2 IFR] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5025. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Scrapie Indemnification Program [Docket No. 96-042-1] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5026. A letter from the Assistant Secretary, Department of Health and Human Services, transmitting the Department's final rule—Native American Programs (RIN: 0970-AB37) received September 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5027. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Rate for Valuing Benefits (29 CFR Part 4044) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5028. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations, Uniform Tire Quality Grading Standards (RIN: 2127-AF17) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5029. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Grande Fiesta Italiana Fireworks, Hempstead Harbor, New York (U.S. Coast Guard) [CGD01-96-109] (RIN: 2115-AA97) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5030. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modernization of Examination Methods (U.S. Coast Guard) [CGD 94-029] (RIN: 2115-AE94) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5031. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Abatement of Highway Traffic Noise and Construction Noise (Federal Highway Administration) [FHWA Docket No. 96-26] (RIN: 2125-AD97) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5032. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pilot State Highway Safety Program (National Highway Traffic Safety Administration) [NHTSA Docket No. 93-55, Notice 4] (RIN: 2127-AF94) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5033. A letter from the Deputy Secretary, Securities and Exchange Commission, Transmitting the Commission's final rule—Technical Amendments to Rule Relating to Payments for the Distribution of Shares by a Registered Open-End Management Investment Company (RIN: 3235-AG59) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5034. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for Certain Open-End Management Investment Companies to Impose Deferred Sales Loans (RIN: 3235-AD18) received September 10, 1996, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5035. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Order Execution Obligations (RIN: 3235-AG66) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5036. A letter from the Comptroller General, transmitting a list of all reports issued or released in July 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

5037. A letter from the Executive Director, Assassination Records Review Board, transmitting the JFK Assassination Records Review Board's compliance with the Freedom of Information Act for 1995, pursuant to 5 U.S.C. section 552; to the Committee on Government Reform and Oversight.

5038. A letter from the Acting Chair, Federal Subsistence Board, transmitting the Board's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C & Subpart D—1996-1997 Subsistence

Taking of Fish and Wildlife Regulations; Correcting Amendments (RIN: 1018–AD42) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5039. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Listing of the Umpqua River Cutthroat Trout in Oregon (RIN: 1018–AD96) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5040. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 1 [Docket No. 960409106–6207–02; I.D. 031196A] (RIN: 0648–AG26) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5041. A letter from the Acting Director, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Scallop Fishery; Closure in Registration Area D [Docket No. 960502124–6190–02; I.D. 083096D] received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5042. A letter from the Director, Bureau of Prisons, transmitting the Bureau's final rule—Education Tests: Minimum Standards for Administration, Interpretation, and Use [BOP–1031–F] (RIN: 2129–AA44) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5043. A letter from the Secretary, Federal Trade Commission, transmitting a copy of the joint U.S. Department of Justice/Federal Trade Commission "Statements of Enforcement Policy Relating to Health Care and Antitrust"; to the Committee on the Judiciary.

5044. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Immigration and Nationality Forms (INS No. 1638–95] (RIN: 1115–AD58) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5045. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Removal of Obsolete Sections of the Regulation Concerning Temporary Protected Status for Salvadorans [INS No. 1612–93] (RIN: 1115–AE43) received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5046. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Children Born Outside the United States; Application for Certificate of Citizenship [INS No. 1712–95] (RIN: 1115–AE07] received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5047. A letter from the Assistant General Counsel, U.S. Information Agency, transmitting the Agency's final rule—Exchange Visitor Program (22 CFR Part 514) received September 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5048. A letter from the Secretary of Transportation, transmitting the Department's study on tanker navigation safety standards: Evaluation of Oil Tanker Routing, Part 2—Atlantic and Florida Gulf Coasts, pursuant to Public Law 101–380, section 4111(b)(7) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

5049. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Container Integrity (National Highway Traffic Safety Administration) [Docket No. 93–02; Notice 14] (RIN: 2127–AF14) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5050. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Hilton Head, SC (U.S. Coast Guard) [CGD07–96–051] (RIN: 2115–AE46) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5051. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Bellingham Bay, Bellingham, WA (U.S. Coast Guard) [CGD13 96–028] (RIN: 2115–AA97) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5052. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Delta County Airport Escanaba, MI (Federal Aviation Administration) [Airspace Docket No. 96–AGL–3] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5053. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–7 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–264–AD; Amendment 39–9746; AD 96–18–19] (RIN: 2120–AA64) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5054. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Piaggio Model P–180 Airplanes (Federal Aviation Administration) [Docket No. 95–NM–256–AD; Amendment 39–9747; AD 96–18–20] (RIN: 2120–AA64) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5055. A letter from the Technical Advisor to the Assistant Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Notice of Public Hearing; Interest Netting Study (Announcement 96–75) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5056. A letter from the Technical Advisor to the Assistant Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96–39) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5057. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Section 355 Distributions By U.S. Corporations to Foreign Persons [TD 8682] received September 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5058. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96–46) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5059. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction in Certain Deductions of Mutual Life Insurance Companies (Revenue Ruling 96–42) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5060. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters (Revenue Procedure 96–47) received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5061. A letter from the Under Secretary of Defense for Acquisition and Technology, Department of Defense, transmitting amount of DOD purchases from foreign entities in fiscal year 1995, pursuant to Public Law 103–335, section 8058(b); jointly, to the Committees on National Security and Appropriations.

5062. A letter from the Administrator, Agency for International Development, transmitting the Agency's annual report to Congress on activities under the Denton Program for fiscal year 1996, pursuant to 10 U.S.C. 402; jointly, to the Committees on National Security and International Relations.

5063. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential determination regarding the drawdown of defense articles and services for Vietnam, pursuant to 22 U.S.C. 2318(a)(1); jointly, to the Committees on International Relations and Appropriations.

5064. A letter from the Chair, Civil Tiltrotor Development Advisory Committee, Department of Transportation, transmitting the report of the Civil Tiltrotor Development Advisory Committee [CTRDAC], pursuant to Public Law 102–581, section 135; jointly to the Committees on Transportation and Infrastructure and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3535. A bill to redesignate a Federal building in Suitland, MD, as the "W. Edwards Deming Federal Building" (Rept. 104–780). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3576. A bill to designate the U.S. courthouse located at 401 South Michigan Street, in South Bend, IN, as the "Robert Kurtz Rodibaugh United States Courthouse"; with amendments (Rept. 104–781). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUNNING of Kentucky (for himself and Mr. JACOBS):

H.R. 4039. A bill to make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL):

H.R. 4040. A bill to amend title 49, United States Code, relating to intermodal safe container transportation; to the Committee on Transportation and Infrastructure.

By Mr. CONDIT:

H.R. 4041. A bill to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Agriculture.

By Mr. NADLER:

H.R. 4042. A bill to designate the U.S. courthouse located at 500 Pearl Street in New York City, NY, as the "Ted Weiss United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ROBERTS:

H.R. 4043. A bill to establish the Tallgrass Prairie National Preserve in the State of Kansas, and for other purposes; to the Committee on Resources.

By Mr. SCHUMER (for himself, Mr. REED, Ms. LOFGREN Mr. ACKERMAN, and Mr. HASTINGS of Florida):

H.R. 4044. A bill to encourage States to regulate the sale and use of certain handguns, and to gather information on guns used in crimes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4045. A bill to provide for parity in the treatment of mental illness; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLANAGAN (for himself, Mr. BRYANT of Tennessee, Mr. CANADY, Mr. HEINEMAN, Mr. HOKE, and Mr. HYDE):

H.J. Res. 191. Joint resolution to confer honorary citizenship of the United States on Agnes Gonxha Bojahiu, also known as Mother Teresa; to the Committee on the Judiciary.

By Mr. WALKER:

H. Con. Res. 211. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

[Omitted from the Record of September 9, 1996]

240. By the SPEAKER: Memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 96-1022 extending condolences to the people of the Ukraine on the 10th anniversary of the Chernobyl disaster; to the Committee on International Relations.

241. Also, memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 96-1006 designating John L. "Jack" Swigert be honored and memorialized by a statue in the U.S. Capitol; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 195: Mr. HOLDEN.

H.R. 488: Mr. LIPINSKI.

H.R. 903: Mr. TORRICELLI.

H.R. 969: Mr. BALDACCI.

H.R. 1099: Mr. LEVIN.

H.R. 1462: Mr. KIM, Mr. LUCAS, Mr. DOOLITTLE, Mr. HEFLEY, Ms. FURSE, Mr. ZIMMER, Mr. EHRLICH, Mr. ENSIGN, Mr. HAYWORTH, Mr. CAMP, Mr. PETRI, Mr. REED, Ms. MILLENDER-McDONALD, Mr. BARCIA of Michigan, and Mr. DICKS.

H.R. 1568: Ms. NORTON, Mr. BARRETT of Wisconsin, and Ms. SLAUGHTER.

H.R. 1950: Mr. ROEMER.

H.R. 2138: Mr. SHAYS.

H.R. 2152: Mr. ANDREWS and Mr. RICHARDSON.

H.R. 2209: Mrs. VUCANOVICH and Mr. DeFAZIO.

H.R. 2270: Mr. BARCIA of Michigan.

H.R. 2480: Mrs. MEYERS of Kansas.

H.R. 2757: Mrs. MORELLA, Ms. DeLAURO, Mr. FLANAGAN, Mr. LEWIS of Georgia, and Mrs. LOWEY.

H.R. 2877: Mr. SANDERS.

H.R. 2976: Mr. BARCIA of Michigan, Mr. BLUTE, Mr. CHABOT, Mr. EHLERS, Mr. FILNER, Mr. LEWIS of Georgia, and Mr. SAXTON.

H.R. 3002: Mr. DREIER, Mr. McCOLLUM, and Mr. BAKER of Louisiana.

H.R. 3117: Mr. OLVER.

H.R. 3119: Mr. OLVER.

H.R. 3389: Mr. DAVIS.

H.R. 3445: Mr. ACKERMAN.

H.R. 3454: Mr. ACKERMAN.

H.R. 3556: Ms. NORTON and Mr. BAKER of Louisiana.

H.R. 3757: Mr. McDERMOTT.

H.R. 3817: Mr. ROSE, Mr. BAKER of Louisiana, Mr. DORNAN, Mr. NETHERCUTT, Mr. McINNIS, Mr. CHABOT, Mr. COX, Mr. McCOLLUM, Mr. TEJEDA, Mr. ALLARD, Mr. MICA, and Mr. ZIMMER.

H.R. 3905: Mr. HEINEMAN and Mr. McKEON.

H.R. 3937: Mrs. MYRICK, Mr. SAXTON, Mr. LIPINSKI, Mr. SHADEGG, Ms. DUNN of Washington, Mr. BRYANT of Tennessee, Mr. CHRISTENSEN, Mr. PARKER, Mr. COMBEST, Mr. SMITH of New Jersey, and Mr. ZIMMER.

H.R. 3942: Ms. McKINNEY and Mr. LIGHTFOOT.

H. Con. Res. 10: Mrs. MORELLA.

SENATE—*Tuesday, September 10, 1996*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Bishop H. Hasbrouck Hughes, Jr.

PRAYER

The guest Chaplain, Bishop H. Hasbrouck Hughes, Jr., Williamsburg, VA, offered the following prayer:

Let us pray:

O God, we bow in humble adoration before You this day as our Creator, Judge, and Sustainer.

As Creator, You manifest unfathomable power as the source of all life, all matter, all time and space, throughout a universe which knows no bounds.

As our Judge, it is to You we remain accountable, even as we exercise personal and collective judgments each day.

As Sustainer, You provide the natural resources of this bountiful land; and the human resources by which we help, and are helped by, one another. How grateful we are for Your manifold blessings.

Deliver us from approaching any day apart from reliance upon your guidance; especially in bearing the enormous responsibilities of leadership affecting the lives, security, hopes, and dreams, of the Nation's people.

Every Member of this assemblage feels the weight of high office; and today we ask for wisdom and strength as they undertake the tasks before them. May their decisions be harmonious with Your hope for humankind; and may the dream be unfading of a godly nation, where the blessings of liberty, justice, and peace are preserved for all. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

BISHOP H. HASBROUCK HUGHES, JR.

Mr. LOTT. Mr. President, before we give the opening script this morning, I yield to the distinguished Senator from Wyoming.

Mr. THOMAS. I want to thank Bishop H. Hasbrouck Hughes, Jr., for being here. Bishop Hughes has just retired from 8 years as the resident bishop of the Florida Conference of Methodist Churches. He has served nearly 40 years in various capacities in Virginia. Most importantly of all, the bishop's daughter, Kathi Wise, works for us in our office, and has been on the Hill for 18 years. We are very proud of her and very pleased to have you here, sir.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning the Senate will begin 3 hours of debate on H.R. 3396, the Defense of Marriage Act. At 12:30, following the debate, the Senate will recess until 2:15 today for the weekly party conferences to meet. At 2:15 following the recess, the Senate will begin two consecutive rollcall votes with the first being on the adoption of the Defense authorization conference report and the second on passage of the Defense of Marriage Act.

Following those votes, there will be 30 minutes for debate equally divided before there is a vote on S. 2056, the Employment Nondiscrimination bill. The Senate will then begin consideration of the Treasury-Postal appropriations bill with additional votes expected on that bill as we attempt to finish the remaining appropriations measures hopefully in the next 2 weeks.

As a reminder, there will be a joint meeting beginning at 10 a.m. on Wednesday to hear an address by Prime Minister Bruton of Ireland. All Members are asked to be in the Senate Chamber at 9:40 a.m. so we may proceed to the House of Representatives for that address.

SERGEANT AT ARMS GREG CASEY

Mr. LOTT. Mr. President, last Friday the Senate did adopt a resolution naming Greg Casey of Idaho to be the new Sergeant at Arms. It is a pleasure for me to be able to recognize Greg Casey. I think most Senators are familiar with him. He has been around Capitol Hill for a long time and has worked with Senator CRAIG and has been very close to Senator KEMPTHORNE. He has been very helpful in setting up the administrative operation in my office as leader.

With his background in Idaho, in business and government, I feel he will be an excellent Sergeant at Arms. He has a mighty responsibility of working with Senators on both sides of the aisle to make sure that we operate as efficiently and honestly as we possibly can. I am convinced that he will do an excellent job.

I yield to Senator CRAIG for comments in regard to his former chief of staff.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank the majority leader for yielding this morning and reflect on the wise and judicious decision of the majority leader to choose my chief of staff, Greg Casey, to become the new Sergeant at Arms of the U.S. Senate.

As the majority leader mentioned, Mr. President, Greg and I and Senator KEMPTHORNE go back a good many years in working in the political effort in Idaho and here in Washington. I had the privilege of hiring Greg to be a field director for me in my first congressional campaign. He came to Washington with me and served in a variety of capacities, ultimately becoming my chief of staff while I served in the House, left to go to Idaho to rebuild an organization called the Idaho Association of Commerce and Industry into a major force as a spokesman for business and industry in the State of Idaho. When I was elected to the Senate in 1990, I asked Greg to return with me to put my Senate staff together and he has served as my chief of staff since that time.

I am extremely excited for Greg and his family, and for Idaho, that the majority leader has chosen him to become the Sergeant of Arms here in the Senate, a very large responsibility. I am extremely proud that Greg now has the opportunity to serve in that capacity, not only for the Senate but for our country and for the State of Idaho.

I, on behalf of Idaho, can speak with a great deal of pride in saying we know Idaho is extremely proud today to have Greg Casey as the new Sergeant at Arms here in the U.S. Senate. Greg, congratulations. We will look forward to working with you, and also we will seek your counsel from time to time as it comes to the administration of my office and my offices in the State of Idaho.

Again, thank you, Mr. Majority Leader, for yielding. Let me now yield to my colleague, Senator DIRK KEMPTHORNE, who also has had a close working relationship with Greg Casey over many years.

Mr. KEMPTHORNE. Mr. President, I join in commending the majority leader for his decision in naming Greg Casey as our new Sergeant at Arms. It is an outstanding decision, and again I think it reflects well on the majority leader and the sort of individuals that he is surrounding himself with to carry out these very, very, critical issues and functions relating to this institution.

I have known Greg Casey for many, many years. We attended the University of Idaho together in the mid-1970's. In fact, it was at the University of Idaho that I had the honor to serve as student body president. I must acknowledge that Senator CRAIG also had the distinction of serving as student body president at the University of Idaho. It was in that capacity that I named Greg Casey to fill a vacancy that was on the student senate.

One of the things that I have always admired about Greg Casey is his devotion to what has to be done, his devotion at that time to the university, to the State, and as I have seen him in this atmosphere, his absolute devotion to this country.

We have named a patriot, now, to be the Sergeant at Arms of this institution. He is an individual who brings great enthusiasm to anything he does, a great energy level. He is an individual who brings innovation to everything he touches. I know whenever his tenure as Sergeant at Arms is complete he will be regarded as truly one of the best Sergeants at Arms that the U.S. Senate in its history ever had.

He also has the ability to stick to it. I think this is probably something that the majority leader, Senator LOTT, has recognized, and that is if you want a job done, have Greg Casey given the assignment because he will get it done, no matter what it takes, but he will do it with a style and with a dignity, and with a tenacity that you never have to doubt whether it will be done.

I also want to acknowledge that we talk about having good people around you. Well, Greg Casey has good people around him. In the late 1980's, he introduced me to a young lady that truly is a remarkable woman, Julia Laky, who then in 1990 became Mrs. Greg Casey. In the life that we have shared together, I had the honor as serving as best man at his wedding. Again, they are the sort of people that you are proud to say are our friends, we like them, the values that they have in their home are the values that America believes in. And I remember that, following the wedding, I guess it falls on the best man to make a toast. So I made the toast that their home would be blessed with more than just the two of them, and up there joining their family is Gregory Scott Casey, Jr. He is a fifth generation Idahoan. His dad is a fourth generation Idahoan.

I would like to say this to little Greg: Your dad is a great man, and he is someone that we all look up to. I know that just as little Gregory Scott Casey is in wonderful hands with his dad, Greg, and his mom, Julia, this Senate is in good hands with this new Sergeant at Arms, Greg Casey. So I am proud to call him a friend. He is someone that is going to serve us well. Again, I commend the majority leader for his decision in making this happen.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho, Mr. CRAIG, is recognized.

Mr. CRAIG. Mr. President, certainly Senator KEMPTHORNE and I, by our comments, can display only great pride in the fact that the majority leader has chosen Greg Casey to be our new Sergeant at Arms. We reflect that pride for our State of Idaho.

I say to Greg, his wife Julia, and Gregory, Jr., congratulations, we look forward to a good number of years working with you during your service in the U.S. Senate. I congratulate the majority leader for a wise choice.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, let me join with my colleagues in our congratulations to Gregory Casey for his appointment and our best wishes to him and his family in these very important new circumstances he faces. There are a number of people that have already spoken to his intelligence, ability, and his contribution to the Senate. I have had the opportunity to work with him as a member of the Ethics Committee and have watched with great admiration as he has taken on each of his difficult tasks in working with the Senators from Idaho.

So I know I speak for all of my colleagues on this side in wishing him our sincere congratulations. Isaac Bassett, who worked in this great Chamber for 64 years, up until 1894, left a diary of many thousands of pages. When he was appointed to his last position, he came to the floor and said there is no higher calling than that of public service in the U.S. Senate. I think Greg Casey appreciates that, understands that, and in the tradition of Isaac Bassett, and many of us who have had the great fortune to follow him, we look forward to working with him in a new role.

I yield the floor.

Mr. KENNEDY. Mr. President, I just want to say how impressed I am with the excellent comments and statements that have been made by my colleagues about someone that Members of the Senate have known over a long period of time. I have had the privilege of knowing Mr. Casey. But having the name Casey, if you track back over a long period, there must have been a Democrat in there somewhere. [Laughter.]

I know I can speak, as well, along with the minority leader and assure my colleagues that we will be fairly treated as well.

Congratulations, Mr. Casey.

Mr. LOTT. Mr. President, I believe we are ready now to go to the Defense of Marriage Act. Perhaps we will lay that bill down.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEFENSE OF MARRIAGE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 3396, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3396) to define and protect the institution of marriage.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I yield myself 10 minutes off of the time allocated to the Defense of Marriage Act.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I will not take much of the Senate's time to express my strong support for the Defense of Marriage Act this morning. It has already been discussed in earlier debate, and I am sure it is going to be supported eloquently by speeches later on today from Senator NICKLES of Oklahoma and others on both sides of the aisle.

I expect the outcome in the Senate will be lopsided when the vote is taken, as it was in the House, which passed the Defense of Marriage Act, as it is popularly called, by a vote of 342 to 67.

Judging from the calls and letters and comments I received when I was home during the August district work period—from all across the country, though—it is clear to me that this bill enjoys tremendous support among the American people.

President Clinton has promised to sign it into law. His Department of Justice has affirmed its position that H.R. 3396 "would be sustained as constitutional if challenged in courts."

This is not prejudiced legislation. It is not mean-spirited or exclusionary. It is a preemptive measure to make sure that a handful of judges, in a single State, cannot impose an agenda upon the entire Nation.

The Defense of Marriage Act is not an attack upon anyone. It is, rather, a response to an attack upon the institution of marriage itself.

This matter has received so much attention in the national press, that everyone should know by now what the problem is and why we need to pass DOMA, as it is usually referred to.

The problem is the serious possibility—some say even the strong likelihood—that the State court system of Hawaii would recognize as a legal union, equivalent or identical to marriage, a living arrangement of two persons of the same sex.

If such a decision affected only Hawaii, we could leave it to the residents of Hawaii to either live with the consequences or exercise their political rights to change things. But a court decision would not be limited to just one State. It would raise threatening possibilities in other States because of article IV, section 1 of the Constitution.

The article requires States to give "full faith and credit" to "the public acts, records, and judicial proceedings of every other State."

Would that mean a same-sex union would be entitled to equal recognition in South Dakota, Massachusetts, or my State of Mississippi? Both proponents and opponents of same-sex unions believe it would.

I believe we should not wait around to find out. What the Hawaiian court decides could also affect the operations of the Federal Government. It could have an impact upon programs like Medicare, Medicaid, veterans' pensions, and the Civil Service Retirement System.

If you redefine marriage, you should redefine eligibility for benefits under those and other programs. Imagine the financial and social consequences of taking such a step.

Inaction on the part of Congress would be equivalent to approval of what the Hawaiian courts may do. We can't afford such action.

No one should doubt that Congress does have the authority to act.

The same article of the Constitution that calls for "full faith and credit" for State court decisions also gives Congress the power to decide how that provision will be implemented. It says:

> And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

"And the effect thereof." Those words make clear what the Framers of the Constitution intended.

None of them, I don't think, could have foreseen the day when an American court would sanction same-sex marriages or unions, but they wisely provided for the possibility that some State court might do something like that someday. I don't know how to describe that kind of action. But it is a situation we are faced with now, and that is why we have this defense of marriage bill that we are debating this morning and will vote on probably around 2:30 or 2:45.

To force upon our communities the legal recognition of same-sex marriage would be social engineering beyond anything in the American experience.

When DOMA was discussed in committee, some objected that it violated States rights. Never mind that those who raised the objection never seemed to have any qualms about trampling those rights in the past in many instances.

DOMA actually reinforces States rights. It prevents one State from imposing upon all the others its own particular interpretation of the law.

The Defense of Marriage Act will ensure that each State can reach its own decision about this extremely controversial matter: The legal status of same-sex unions.

The Defense of Marriage Act, likewise, ensures that for the purposes of Federal programs, marriages will be defined by Federal law.

It is Congress' responsibility to say plainly what marriage is going to mean—what the spousal relationship is going to mean—in national programs that serve elderly, retirees, and the poor.

Our failure to do so would open up those programs to all sorts of confusion and claims and court actions.

This is more than a theoretical possibility. In 1970, a Federal court denied a same-sex couple legal recognition for veterans' benefits only because their State's law limited marriage to persons of opposite sex. I hate to think what would happen now if that case were brought in a State where these unions had the force of law.

Fortunately, it is not going to come to that. I hope we can get this bill passed overwhelmingly, in a bipartisan way, send it down to the White House, and have it signed into law very soon. We should not have ambiguity in this area. We should not have confusion. We should not leave it to court actions and challenges. This is a very important action. I think it will pass after a relatively short time and with surprisingly little opposition. But it is a serious matter. I think the American people are somewhat stunned that we would even have to pass such a law, but we do, and we are doing our job when we pass this legislation. It will be a small but a vital victory for the American family and for common sense.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mrs. FRAHM). The Senator from Massachusetts.

Mr. KENNEDY. As I understand it, the 3-hour time limit began when the legislation was laid before the Senate. Am I correct?

The PRESIDING OFFICER. The time needs to conclude by 12:30, so it would take unanimous consent to have the full 3 hours.

Mr. KENNEDY. If I could have the attention of the majority leader, would it be appropriate to have the 3 hours start at the time when the bill was actually laid down rather than at 9:30?

Mr. LOTT. We started, what was it, about 20 minutes until 10? Actually, I would prefer we do that to make sure we have the full 3 hours.

Mr. KENNEDY. I make that request then.

The PRESIDING OFFICER. Without objection, the recess will be delayed.

Mr. KENNEDY. I thank the Chair.

Madam President, I oppose the so-called Defense of Marriage Act, and I regret that the Senate is allocating scarce time at the end of this Congress to consider this unconstitutional, unnecessary, and divisive legislation.

There is, however, a silver lining to the Republican leadership's decision to schedule this debate. It gave many of us the opening we needed to raise a serious civil rights concern—the festering problem of unacceptable discrimination against gays and lesbians in the workplace. We debated that issue at length on Friday, and we will vote on it later this afternoon. I am very hopeful that a ban on job discrimination will pass the Senate. If it does, we will have the Defense of Marriage Act to thank for that achievement.

Nevertheless, I continue to be opposed to the Defense of Marriage Act for a variety of reasons.

We all know what is going on here. I regard this bill as a mean-spirited form of Republican legislative gay-bashing cynically calculated to try to inflame the public 8 weeks before the November 5 election.

I do not mean to say that opponents of same-sex marriage are intolerant, or bigots. Marriage is an ancient institution with religious underpinnings, and I understand that some people have deeply held religious or moral beliefs that lead them to oppose same-sex marriage.

But do they seriously believe this bill deserves this high priority? After all, the Hawaii court case that started all this won't be final for another 2 years, according to Hawaiian authorities, and the outcome of the case is far from certain. Even if the Hawaii courts eventually approve same-sex marriage, other States have ample authority under under current law to reject that decision in their own courts.

In fact, States and local governments across the country are already dealing with this issue in their own ways. Some have enacted domestic partnership laws. In others, mayors and Governors have issued executive orders for public employers. They don't need help from Congress to address the subject. And Federal law, which has never recognized same-sex marriages, hardly needs clarification at this suspicious moment.

This contrived debate has been gratuitously brought before Congress 1 month before adjournment. It has been placed on a suspiciously fast track to enactment despite the press of other business. The obvious explanation is a crass desire for partisan gain at the expense of tolerance and mutual understanding.

This bill is designed to divide Americans, to drive a wedge between one group of citizens and the rest of the country, solely for partisan advantage. It is a cynical election year gimmick, and it deserves to be rejected by all who deplore the intolerance and incivility that have come to dominate our national debate.

Over the past few months, we have come together as a nation to oppose in the strongest possible terms the church arson epidemic. We heard leaders across the political, racial, and religious spectrum discuss the need to rededicate ourselves to the fundamental values of tolerance and mutual respect that are the backbone of any free society. I just wish the Republican leadership in Congress would practice what they preached in San Diego.

In any event, whether Senators are for or against same-sex marriage, there are ample reasons to vote against this bill, because it represents an unconstitutional exercise of congressional power. This bill attempts to use the full faith and credit clause—article IV, section 1—of the Constitution to give the States greater authority to refuse to recognize gay marriages if such marriages are made legal in other States. But the purpose and history of the full faith and credit clause make clear that the Framers of the Constitution never intended to give Congress this power.

The full faith and credit clause was included in the Constitution as a means of binding the original separate States into a United States of America. The Framers feared that local rivalries could cause States to reject each other's laws, and that a dangerously chaotic situation could result. The full faith and credit clause requires the States to respect each other's laws; it facilitates interstate commerce and strengthens our Federal system.

The Constitution gives Congress no power to add or subtract from the full faith and credit clause. The States that ratified the Constitution would never have granted such sweeping authority to Congress, and no Congress in 200 years has exercised such power.

It is true that the full faith and credit clause gives Congress the authority to prescribe the effect of one State's laws in other States. But this does not give Congress the power to say that any such laws shall have no effect.

In fact, for that reason, leading scholars have labeled this bill flatly unconstitutional. Prof. Laurence Tribe of Harvard Law School writes that:

> The full faith and Credit Clause cannot be read as a fount of authority for Congress to set asunder the states that this clause so solemnly brought together. Such a reading would mean, for example, that Congress could decree that any state was free to disregard any Hawaii marriage, any California divorce, any Kansas default judgment—or any of a potentially endless list of official acts that a Congressional majority might wish to denigrate. This would convert the Constitution's most vital unifying clause into a license for balkanization and disunity.

Conservative constitutional scholar Cass Sunstein of the University of Chicago reached a similar conclusion in testimony before the Judiciary Committee on July 11. Sunstein pointed out that if Congress possessed authority to negate the effect of State court judgments:

> . . . a good deal of the entire federal system could be undone. Under the proponents' interpretation, Congress could simply say that any law Congress dislikes is of 'no effect' in other states . . . This would be an extraordinary power in light of the needs of a commercial republic. Nothing in the background of the full faith and credit clause suggests that this was anyone's understanding of the clause.

In his testimony, Professor Sunstein emphasized that the Supreme Court's recent opinion in Romer versus Evans, striking down an anti-gay referendum in Colorado, also casts doubt on the validity of this bill. Like the Colorado referendum struck down in Romer, this bill is "unprecedented * * * an oddity in our constitutional tradition drawn explicitly in terms of sexual orientation. Insofar as it draws the particular line that it does, it risks running afoul of Romer's prohibition on laws based on animus against homosexuals."

Scholarly opinion is clear: The bill before us is plainly unconstitutional. But even if it were constitutional, the bill should be rejected because it is unnecessary and ill-advised.

Proponents of the bill claim to be motivated by the possibility that the Hawaii courts will validate same-sex marriage, forcing the other 49 States to recognize Hawaii marriages. But if Hawaii courts recognize same-sex marriages some day—and that is a big "if"—the other States already have ample authority to defend their own marriage policies without meddling from Congress.

Dean Herma Hill Kay of the Boalt Hall School of Law is a nationally recognized expert on domestic relations law. She writes:

> The usual conflict of laws doctrine governing the recognition of a marriage performed in another state is that the state where recognition is sought need not recognize a marriage that would violate its public policy. A state with a clear prohibition against same-sex marriage could, if it chose to do so . . . refuse recognition.

Fifteen States have already made that judgment and decision. In other words, States already have the power that this bill pretends to give them. This is a matter for each state, not a matter for Congress. If Oklahoma refuses to recognize a Hawaii marriage because it violates Oklahoma public policy, that is Oklahoma's business. Congress can not give Oklahoma any more power than it already has. That is why the bill is not merely unconstitutional. It is, as Professor Sunstein calls it, a "constitutionally ill-advised intrusion" by Congress into an issue handled at the state level for the past 200 years.

For over two centuries, Congress has respected the right of States to establish their own laws of marriage, divorce, child custody, and other issues in domestic relations. It is ironic that our Republican friends who like to preach State rights are so quick to override State rights in this case.

The precedent created by this bill should alarm anyone who cares about Federal-State relations generally. If Congress invokes the full faith and credit clause to deny effect to unpopular State court judgments, why will it stop at gay marriages? Will Congress try to deny effect to unpopular commercial judgments? Will Congress try to deny effect to state court decisions protecting civil rights, divorce, child custody, or a wide range of different other issues?

As Professor Sunstein testified:

> This is not about same-sex marriage and homosexuality. This is about punitive damages, default judgments, product liability, everything else under the sun. From the constitutional point of view, this is not fundamentally a same-sex marriage act. This is federal permission to some States to ignore what other states have mandated. That is a very large step.

It is indeed. I would add only that it is a very large backward step. I urge the Senate not to take it, and to vote against this irresponsible and unconstitutional bill.

Madam President, I see the Senator from Minnesota rising. How much time would he require?

Mr. WELLSTONE. Madam President, 5 minutes?

Mr. KENNEDY. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I thank my colleague from Massachusetts and I say to my colleague from Oklahoma, I hope I have not gone before him and that this would be OK right now.

Madam President, I wanted to speak to, or build on, the remarks of my colleague from Massachusetts, Senator KENNEDY, about the ENDA bill, the Employment Nondiscrimination Act. I listened to some of the debate. Actually, when I was back home in Minnesota, I saw some of what went on, on the floor on Friday. We had no votes, and on Friday evening I caught some of it. I do not think I want to repeat the different arguments that were made. I would rather talk about this piece of legislation as it connects to people's lives.

I want to talk about a very close family friend. This friend of ours, over the years, really has had to live in a state of terror, though it has gotten somewhat better now. Several times, Madam President, he has had to go from one job to another, not because of the content of his character, not because of his ability, not because of his contributions to his employer or to his fellow workers or fellow employees, but because of his sexual orientation.

I really do think that the Employment Nondiscrimination Act is a matter of simple justice. I really hope that the U.S. Senate will vote for this piece of legislation. I am very proud to be an original cosponsor, because I believe if we vote for this piece of legislation, we really will have taken an enormous step forward toward ending discrimination in our country. It is just not right that a man or a woman, because of sexual orientation, should be in a situation where he or she could lose a job or not be able to obtain employment because of their sexual orientation. This is a basic civil rights issue.

There is no provision in this piece of legislation that calls for favorable treatment. There are no quotas. This piece of legislation just says we must extend basic civil rights protection against discrimination in employment to all citizens—to all citizens—in our country and we must end this discrimination based on sexual orientation.

I also want to mention, because I am very proud of my State, that in Minnesota, in 1992, we adopted very similar provisions to this piece of legislation in the Human Rights Act. We became the eighth State to guarantee protection against this type of discrimination. I would like to say, from the point of view of the business community, of the religious community, of communities within our larger Minnesota community, I think now there is very strong support for ending this discrimination.

This piece of legislation that we passed in our State has served our State well. If we pass this in the U.S. Senate and eventually pass this in the U.S. Congress, we will serve our country well. This is the right thing to do, to end discrimination in employment. What should matter is a person's ability. What should matter is the character of a person. What should matter is an employee's contribution to his or her business or place of work. What should not matter is sexual orientation.

We must end this discrimination. I hope my colleagues, Democrats and Republicans alike, will support this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield myself such time as necessary.

I am pleased today to bring before the Senate the Defense of Marriage Act, along with Senator BYRD and I think 30 cosponsors. We have introduced a measure which I believe is simple, it is limited in scope, and it is based on common sense. It shares broad bipartisan support, including that of President Clinton.

The bill does but two things: First, the bill restates the current and long-established understanding that marriage means a legal union between one man and one women as husband and wife. The act also defines spouse as a person of the opposite sex who is a husband or a wife. These definitions apply only to Federal law.

Second, the bill says that no State shall be required to give effect to a second State's acts, records, or judgments respecting a relationship between persons of the same sex that is treated as a marriage under the laws of that second State.

There is nothing earth-shattering here. No breaking of new ground. No setting of new precedents. Indeed, there provisions simply reaffirm what is already known, what is already in place.

The definitions of S. 1999 are based on common understanding rooted in our Nation's history, our statutes, and our case law. They merely reaffirm what Americans have meant for 200 years when using the words marriage and spouse. The current U.S. Code does not contain a definition of marriage, presumable because most Americans know what it means and never imagined challenges such as those we are facing today.

As mentioned earlier, the act's definitions apply to Federal law only. The act does not—let me repeat—does not intrude on the ability of the States to define marriage as they choose. To the contrary, this bill protects the right of States to define marriage for themselves. This way, each State will be able to decide for itself the type of marriage it will sanction.

The Defense of Marriage Act invokes Congress' constitutional authority, under article IV, section 1, to prescribe the effect that shall be given to the public acts, records, and judicial proceedings of the various states with regard to the full faith and credit clause.

As my colleagues know, in May 1993 the Hawaii Supreme Court rendered a preliminary ruling in favor of three same-sex couples who applied for marriage licenses. The court said the State's marriage law discriminated against the plaintiffs in violation of the equal-rights provision of the State Constitution. The case was remanded to the lower courts for a trial, to see if the State could show a compelling state interest to justify the marriage law. That trial is starting today in Hawaii.

It has become clear that advocates of same-sex unions intend to win the lawsuit in Hawaii and then invoke the full faith and credit clause to force the other 49 states to accept same-sex unions.

Many States are justifiably concerned that Hawaii's recognition of same-sex unions will compromise their own laws prohibiting such marriages. Legislators in over 30 States have introduced bills to deny recognition to same-sex unions. Fifteen States already have approved such laws, and many other states are now grappling with the issue-including Hawaii, where legislative leaders are fighting to block their own courts from sanctioning such marriages. This bill would address this issue head-on, and it would allow each State to make the final determination for itself.

It seems to me that the strategy of those who are advocating same-sex unions is profoundly undemocratic. I cannot envision a more appropriate time for invoking our constitutional authority to define the nature of States' obligations to one another. As State Representative Terrance Tom from Hawaii testified before a House subcommittee:

> If inaction by the Congress runs the risk that a single judge in Hawaii may redefine the scope of legislation throughout the other 49 States, [then] failure to act is a dereliction of the responsibilities [Congress was] invested with by the voters.

Another reason this bill is needed now concerns Federal benefits. The Federal Government extends benefits, rights, and privileges to persons who are married, and generally it accepts a State's definition of marriage. This bill will help the Federal Government defend the traditional and commonsense definitions of the American people. Otherwise, if Hawaii, or any other State, gives new meaning to the words "marriage" and "spouse," reverberations may be felt throughout the Federal Code.

The provisions of Federal law do not, of course, regulate only the activities of the Federal Government. Federal law also regulates private persons. Consider the implication of the Family and Medical Leave Act of 1993.

Shortly before passage of the act in the Senate, I attached an amendment that defines "spouse" as "a husband or wife, as the case may be." When the Secretary of Labor published his proposed regulations, a considerable number of comments were received urging that the definition of "spouse" be broadened to include domestic partners in committed relationships, including same-sex relationships. However, when the Secretary issued the final rules, he stated that the statutory definition of "spouse" and the legislative history of the act precluded such broadening of the definition.

That small amendment, unanimously adopted, spared a lot of costly and unnecessary litigation, and it spared Congress the shock it would have received from the American people if we had allowed the word "spouse" to mean something it had never meant before.

As my colleagues know, the White House has said that the President will sign this bill if "presented to him as currently written." The U.S. Department of Justice says that it expects the bill will "be sustained as constitutional if challenged in court."

Enactment of this bill will allow States to give full and fair consideration of how they wish to address the issue of same-sex marriages instead of rushing to legislate because of fear that another State's laws may be imposed upon them. It will also eliminate legal uncertainty concerning Federal benefits and make it clear what is meant when the words "marriage" and "spouse" are used in the Federal Code.

This effort reaffirms current practice and current policy. The fact that some may even consider this legislation controversial should make the average American stop and take stock of where we are as a country and where we want to go.

This legislation is important. It is about defense of marriage as an institution and as the backbone of the American family. I urge my colleagues to join with myself, Senator BYRD, and the other cosponsors in support of the Defense of Marriage Act.

Madam President, one final comment. Some people have stated incorrectly that this bill would ban same-sex marriages. They are incorrect. This bill does not ban same-sex marriages. It says one State doesn't have to recognize another State should they legalize same-sex marriages. Big difference; a big difference. If one State wishes to legalize same-sex marriages, say, the State of Maryland, Massachusetts or any other State, they can certainly do so, and this legislation would not prohibit it.

What this legislation would do is say they would not have to recognize same-sex marriages if some other State should enact it. I think it is an important distinction.

Also, it says for Federal benefits and Federal benefits purposes, we define marriage as legal union between male and female, and we define spouse as a member of the opposite sex.

It is very simple, very plain common sense. It should become law. I am pleased the House of Representatives passed it by a 5-to-1 margin, bipartisan support in the House of Representatives. I likewise hope later this afternoon our Senate colleagues will pass it with an overwhelming margin as well.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Madam President, at the outset, I ask everyone listening to this debate to note that the Federal Government has yet to issue a marriage license. That is not within our purview. It is not something the Federal Government does. Yet, in this instance, with the so-called Defense of Marriage Act, we are moving into the marriage business unilaterally in order to prohibit the approval by one State of another State's decision to recognize a particular marital or domestic arrangement.

The Defense of Marriage Act—and I want to quote the act —will amend the U.S. Constitution's full faith and credit clause by authorizing any State choosing to do so to deny all effect to any public act, record, or judicial proceeding by which another State either recognizes such marriages as valid and binding, or treats such marriages as giving rise to any right or claim under the laws.

In other words, this legislation says if one State decides to accept a domestic arrangement that another State does not already have, that other State can prohibit or deny the recognition of such domestic relation arrangement by the State.

Many top scholars believe this provision of the bill is unconstitutional. Our Constitution, the U.S. Constitution, states:

> Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

The first sentence of that clause of our Constitution is very clear: Every State is required to recognize the official public acts and judicial proceedings of other States. As was stated by the Supreme Court in Williams versus North Carolina, the very purpose of the full faith and credit clause was to alter the status of the several states as independent foreign sovereignties, each free to ignore the obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation."

Professor Tribe of Harvard, a noted constitutional law scholar, states further, in regard to this issue, that

> Congress possesses no power under any provision of the Constitution to legislate any such categorical exemption from the Full Faith and Credit Clause of article IV. For Congress to enact such an exemption—whether for same-sex marriages or for any other substantially defined category of public acts, records, or proceedings—would entail exercise by Congress of a "power not delegated to it by the United States Constitution"—a power therefore "reserved to the States" under the tenth amendment to the Constitution.

He goes on to state that "the proposed measure"—the domestic relations act, DOMA,

> . . . the proposed measure would create a precedent dangerous to the very idea of a United States of America. For if Congress may exempt same-sex marriage from full faith and credit, then Congress may also exempt from the mandate of the Full Faith and Credit Clause whatever category of judgments—including not only decrees affecting family structure but also specified types of commercial judgments—a majority of the House and Senate might wish to license States to nullify such contracts as their option. Such purported authority to dismantle the national unifying shield of article IV's Full Faith and Credit Clause, far from protecting States' rights, would destroy one of the Constitution's core guarantees that the United States of America will remain a union of equal sovereigns, that no law, not even one favored by a great majority of the States, can ever reduce any single State's official acts, on any subject, to second-class status; and, most basic of all, that there will be no ad hoc exceptions to the constitutional axiom, reflected in the tenth amendment's unambiguous language, that ours is a national Government whose powers are limited to those enumerated in the Constitution itself.

Professor Tribe essentially makes the point that this is not only not the Federal Government's business, but it is an assault at the very core of the national unity that we have enjoyed.

One of the real strengths of our system is that the Federal Government has limited powers, derived from the people, and those powers not explicitly given the Government are retained by the people and by the States. Our Constitution was and is as much about preventing the erosion of our liberties by Government as it is about setting up and implementing the processes of Government.

This bill, the Defense of Marriage Act, moved through the House of Representatives faster than any part of the contract on America. In fact, based on the level of rhetoric from some Members of Congress, you would think that our principal responsibility lies in the issuing of marriage licenses, and getting involved in domestic relations. That, Madam President, I think, suggests that the real objective of this legislation is not about legislating in the appropriate way for this Congress.

The second provision of the act further demonstrates that the Defense of Marriage Act is all about the politics of fear and division and about inciting people in an area that is admittedly controversial. The act would amend chapter 1 of title I by adding the following language:

> In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or a wife.

Madam President, you may want to consider, that it was not very many years ago that 16 States in our country prevented marriage between the races, interracial marriage. In fact, in some States it was called miscegenation. It was not until 1967 that the U.S. Supreme Court outlawed State miscegenation statutes. When that case was argued before the Supreme Court, the attorney general of Virginia seriously argued that the Virginia statute passed constitutional muster because both the white partner and the minority partner were subject to the same criminal penalty.

That kind of statutory restriction, Madam President, on people's ability to make a commitment to one another may seem unbelievable today, but it was a reality of life in this country not too many decades ago. Fortunately, our Supreme Court ultimately saw how inconsistent these statutes were to core American principles and declared them all unconstitutional. Just as importantly, the Supreme Court decision is no longer a matter of intense controversy; most Americans have come to understand just how unfair those State statutes were.

I point out, Madam President, I grew up, I would imagine the Presiding Officer also grew up at a time in our country when these statutes existed, and in fact I had the occasion to have a relative in my family married to a person who was not African American, who was white, and their marriage was illegal in half the States of this country. As a child, that did not make any sense to me. How was it that a State could decide that two people could not decide to make a domestic arrangement that they wanted to make? It did not make any sense to me then. The Supreme Court subsequently acted, and here we are faced with the exact same arguments, the very same arguments being made against domestic relations of another order. When two people decide to come together, it seems to me it should be a matter for them, their conscience, their God, and indeed that it, indeed, is inappropriate for this U.S. Congress to intervene in that decisionmaking.

As Dr. King stated so eloquently years ago, our Declaration of Independence was not just a matter of rhetoric and not an exercise in hypocrisy and not just words trotted out on suitable patriotic occasions, and then ignored while we all go about the business of real life. Dr. King knew that our Declaration of Independence was indeed a "declaration of intent," and that our history has been a history of making progress, albeit sometimes in fits and starts, but making progress toward full implementation of those American values for all of us.

In our system, the Constitution protects our freedoms and prevents Government from taking those freedoms away. At the same time, the genius of the system is that, at its best, it brings us together to expand opportunity and to expand freedom. Gay and lesbian Americans, however, do not yet fully enjoy the equal protection of the laws promised to every American by the 14th amendment. And this legislation, it seems to me, is a step in the absolute opposite direction of extending the equal protection of the laws to Americans without regard to their sexual orientation, just as we moved so fitfully in this country to extend those protections to Americans without regard to their race.

It seems to me, Madam President, that if we examine the history, it will show the fundamental truth of the notion that this Congress should be involved in expanding, and not restricting, individual liberty, that we should not involve the Federal Government in decisions that will restrict liberty, indeed, if anything, we should involve our Government in providing people with opportunities to contribute to the total of our society to the maximum extent of their ability and to be whoever they are within the context of this society.

That, indeed, is what freedom, that, indeed, is what the whole constitutional framework is about in this country, as I understand it, and as many people understand it who hold sacred the promise of freedom and independence that this declaration gives us. Strides have been made, Madam President, to provide gay and lesbian Americans the equal protection of the laws, but DOMA is a retreat from that goal.

Finally, Madam President, I point out to anyone who is listening to the debate, not only the divisive nature of the debate which, of course, becomes pretty apparent, but the fact that it is almost curious that the very people who argue against the Federal Government as an activist Federal Government, the very people who argue in favor of smaller Government, have absolutely no compunction about encouraging the Federal Government to expand its activism, to expand its role, and expand its intrusiveness into our everyday lives when it comes to their own agenda. If the agenda has to do with restricting liberty, it is OK to have an expanded Federal role. When the agenda relates to encouraging expanding opportunity, then that is when they cry foul and argue we should have smaller Government.

Indeed, this legislation represents just the opposite of smaller Government. It represents an intrusion by the Federal Government in areas that we have never trod before. It represents a decimation of a concept of a United States of America by striking at the heart of the full faith and credit clause which binds us together, and it tears us apart as Americans, and it sets up a point of controversy between and among the States that ought not be here.

I hope that every person on this floor and every person who is going to look at and vote on this bill considers for a moment what the judgment of history might be, if 50 years from now their grandchildren look at their debate and look at their words in support of this mean-spirited legislation, and consider the judgment that will be cast upon them then.

I had for a moment thought to bring to this floor some of the floor debate and some of the debate that happened during the civil rights era when the very same arguments that are being made in favor of this legislation were made in favor of keeping African Americans in second class citizenship in this country. Those arguments ultimately failed. And as Dr. King pointed out, he said, "The arc of history is long, but it bends towards justice."

I hope that we will not contribute to the retarding of that arc in the direction of justice, that we will all recognize that this is an inappropriate legislative activity by the Federal Government, and that we leave it up to the States in their wisdom to decide what kind of domestic relations arrangements they will or will not allow, and that we allow, in the final analysis, for the opportunity of every American to enjoy the same protections under the law as every other American and that we do not single out gay and lesbian Americans for second class status and as second class citizens by legislation labeled specifically to their domestic relations when we have never legislated in that area before in this body. On that point, Madam President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I rise in support of the Defense of Marriage Act. My objective this morning is to, No. 1, define what it is that we are here to protect, and No. 2, to define constitutionally what this issue is all about, because I sense that there is a great deal of misunderstanding in the country as to what we are trying to do.

I will talk very briefly about the Hawaii case and why we are here dealing with this issue. I would like to talk about its potential impact on other States, such as my State, Texas and then I would like to talk about a secondary, but nonetheless important, issue: the economic ramifications of what we are doing.

Let me be the first to say that the traditional family has stood for 5,000 years. There is no moment in recorded history when the traditional family was not recognized and sanctioned by a civilized society—it is the oldest institution that exists. The traditional family is found in the oldest writings of mankind, and is an institution which people decided was so important for happiness and progress that it was worth singling out and was worth giving special status above all other contracts in terms of a relationship among people.

So when some question what, 50 years from now, we are going to think about those are defending the traditional family today, I would just remind them that the traditional family has stood as the seminal institution which has formed the foundation for civilized society for some 5,000 years. While I am confident that there will be Senators debating other issues 50 years from now, I am even more confident that if, at that time, our society is one which we treasure and one which we admire and love, then it will be a society which respects and recognizes the special status of the traditional family.

We are here today because the traditional family is important to America. Further, it has always been important to civilization. Our Founders recognize that, and they set out a procedure in the Constitution which is as clear as any procedure could be as to what is Congress' role in this matter.

Let me begin by referring you to article IV, section 1, of the Constitution. Article IV, section 1 says: "Full faith and credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof."

In other words, article IV, section 1 of the Constitution requires States to recognize the contracts, the judicial proceedings, and the public records of every other State. Obviously, at the top of this list would be marriages. But it specifically gives Congress the power to prescribe under what circumstances such recognition will occur.

My first point is, those who say Congress has no role in this issue need only read the second sentence of article IV, section 1 of the Constitution to see that Congress has the only role in prescribing the circumstance under which one State must recognize a marriage that occurs in another State. We are here today doing exactly what the Founding Fathers prescribed in the Constitution that we should do.

Now, where did this issue come from? Well, its roots come from the fact that the Hawaiian constitution outlaws discrimination based on sex—basically, they have an equal rights amendment. In 1991, three different groups of people argued that they, in trying to engage in a same-sex marriage, were being discriminated against on the basis of sex, and that this violated the equal rights amendment written into the constitution of Hawaii. Essentially, their argument was that when two women or two men are denied a marriage license, one of them is being discriminated against based on the fact that they are of the same sex as the other person applying for the license. This is the foundation of the current judicial proceedings in Hawaii.

The Supreme Court in Hawaii ruled on this equal rights argument and sent the case back to the lower court, with the instructions that the lower court, in order to deny these three groups of people a marriage license, had to show that the State had an overriding interest in this issue. Now, obviously, we are hopeful such a case can be made and that the ruling will be in favor of preserving the special union between a man and a woman which forms the foundation of our traditional family.

The point is if the Hawaii court rules under the equal rights amendment of the Hawaii constitution—a provision that is not in the U.S. Constitution, though it was long debated as a potential addition—if the court rules in favor of single-sex marriages on the basis of sex discrimination, a failure to pass the Defense of Marriage Act here today will require the State of Texas, the State of Kansas, and every other State in the Union to recognize and give full faith and credit to single-sex marriages which occur in Hawaii.

There are those who say this is not a congressional matter, that it should be left up to the courts, but if this is left up to the courts, under article IV, section 1 of the U.S. Constitution, they will have no choice except to impose same-sex marriages on Texas, so long as they are sanctioned by Hawaii.

The Constitution allows Congress—in fact, gives us the responsibility—to prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof. What we are doing today in this bill is saying three things: No. 1, we are saying that there can be no question, as far as Federal law is concerned, that States have the right to ban same-sex marriages.

No. 2, we are saying that marriage is defined as a union between a man and a woman, and, therefore, with regard to the requirements of the full faith and credit clause, no matter what happens in Hawaii or any other State, no other State will be required to recognize a same-sex marriage as a traditional marriage.

Finally, we are saying that the Federal Government, itself, will recognize only marriages that occur between a man and a woman.

Now, let me talk very briefly about the economic ramifications of this. Speaking as a person who used to practice economics, when compared to the power of the family as the foundation of our civilization and our culture, dollars and cents—in this context—are not terribly important. But, as a secondary issue, they are important, and let me explain where.

A failure to pass this bill, if the Hawaii court rules in favor of same-sex marriages, will create, through the full faith and credit provision of the Constitution, a whole group of new beneficiaries—no one knows what the number would be—tens of thousands, hundreds of thousands, potentially more—who will be beneficiaries of newly created survivor benefits under Social Security, Federal retirement plans, and military retirement plans. It will trigger a whole group of new benefits under Federal health plans. And not only will it trigger these benefits for the Federal Government, but under the full faith and credit provision of the Constitution, it will impose—through teacher retirement plans, State retirement plans, State medical plans, and even railroad retirement plans—a whole new set of benefits and expenses which have not been planned or budgeted for under current law.

So here are the issues in very simple fashion: No. 1, is there anything unique about the traditional family? For every moment of recorded history, we have said yes. In every major religion in history, from the early Greek myths of the "Iliad" and the "Odyssey" to the oldest writings of the Bible to the oldest teachings of civilization, governments have recognized the traditional family as the foundation of prosperity and happiness, and in democratic societies, as the foundation of freedom. Human beings have always given traditional marriage a special sanction. Not that there cannot be contracts among individuals, but there is something unique about the traditional family in terms of what it does for our society and the foundation it provides—this is something that every civilized society in 5,000 years of recorded history has recognized. Are we so wise today that we are ready to reject 5,000 years of recorded history? I do not think so. I think that even the greatest society in the history of the world—which we have here today in the United States of America—that even a society as great as our own trifles with the traditional family at great peril to itself.

I intend to vote for the Defense of Marriage Act today because I want to defend, protect, and even perpetuate this historical recognition of the traditional family as the foundation for society. I believe the Federal Government is given clear a role in this debate by article IV, section 1 of the Constitution, which allows Congress to prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof. To fail to exercise our constitutional responsibility would mean that States which would not otherwise choose to recognize same-sex marriages would be forced to do so, if in this case Hawaii grants that recognition.

To say that we should stay out of this issue is to simply endorse same-sex marriages. I believe that we have an obligation to act. I believe this is a very clear, defining issue and I think it is one of those issues where it ought to be very clear where everybody stands. I stand with the traditional family. I do not believe 5,000 years of recorded history have been in error. I believe the traditional family—the union of a man and a woman, upon which our entire civilization is based—is unique, and I believe it is the foundation of our prosperity, our freedom, and our happiness. I want to defend this and I am confident that we will do so on this very day.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. Madam President, I will not need much more than 10 minutes or so.

Mr. KENNEDY. I think if you can do it in 10 minutes, that would be all right.

I yield 10 minutes to the Senator from Massachusetts.

Mr. KERRY. Madam President, I listened to my colleague, the Senator from Texas—and we will hear from others on this floor—talk about the need to defend marriages and to affirm a traditional marriage and to assert that this vote is somehow a vote that will define who is for traditional marriage and who is not.

Well, I don't agree with that definition of what this vote is about, and I do not want my feelings about, or opinions about, marriage or traditional marriage to be somehow tailored by political definitions. I am not for same-sex marriage. I have said that publicly. I would not vote for same-sex marriage.

I do not believe that this vote is specifically about defending marriage in America. I am going to vote against this bill. I will vote against this bill, though I am not for same-sex marriage, because I believe that this debate is fundamentally ugly, and it is fundamentally political, and it is fundamentally flawed.

The Defense of Marriage Act declares today on the floor of the Senate what most Americans think is pretty obvious. It declares what no State has adopted to the contrary, and won't, I imagine, for some time. In fact, the trend among States is to the contrary, no State withstanding that trend. Therefore, I suppose we really should not be surprised that the U.S. Senate is spending its time in an exercise of this kind, which ought to properly feed the cynicism that already attaches to so much of what we do in Washington.

The truth that we know, which today's exercise ignores, is that marriages fall apart in the United States, not because men and women are under siege by a mass movement of men marrying men or women marrying women. Marriages fall apart because men and women don't stay married. The real threat comes from the attitudes of many men and women married to each other and from the relationships of people in the opposite sex, not the same sex. Yet, this legislation is directed at something that has not happened and which needs no Federal intervention.

Obviously, the results of this bill will not be to preserve anything, but will serve to attack a group of people out of various motives and rationales, and certainly out of a lack of understanding and a lack of tolerance, and will only serve the purposes of the political season.

If this were truly a defense of marriage act, it would expand the learning experience for would-be husbands and wives. It would provide for counseling for all troubled marriages, not just for those who can afford it. It would provide treatment on demand for those with alcohol and substance abuse, or with the pernicious and endless invasions of their own abuse as children that they never break away from. It would expand the Violence Against Women Act. It would guarantee day care for every family that struggles and needs it. It would expand the curriculum in schools to expose high school students to a greater set of practical life choices. It would guarantee that our children would be able to read when they leave high school. It would expand the opportunity for adoptions. It would expand the protection of abused children. It would help children do things after school other than to go out and perhaps have unwanted teenage pregnancies. It would help augment Boys Clubs and Girls Clubs, YMCA's and YWCA's, school-to-work, and other alternatives so young people can grow into healthy, productive adults and have healthy adult relationships. But we all know the truth. The truth is that mistakes will be made and marriages will fail. But these are ways that we could truly defend marriage in America.

Mr. President, this bill is not necessary. No State has adopted same-sex marriage. We have a judicial question before the court in Hawaii, and it is astonishing to me that the very people who make the loudest and most continuous arguments about Federal mandates and Federal intrusion and leaving the States to their own devices and let the States work their will, before any State in the country has made a choice to do otherwise those very people are leading the charge to have the Federal Government not just intervene, but intervene with a power grab that reaches, unconstitutionally, to do things that you cannot do by statute.

I oppose this legislation because not only is it meant to divide Americans, but it is fundamentally unconstitutional, regardless of what your views are.

DOMA is unconstitutional. There is no single Member of the U.S. Senate who believes that it is within the Senate's power to strip away the word or spirit of a constitutional clause by simple statute.

DOMA would, de facto, add a section to our Constitution's full faith and credit clause, article IV, section 1, to allow the States not to recognize the legal marriage in another State. That is in direct conflict with the very specific understandings interpreted by the Supreme Court of the clause itself.

The clause states—simple words—"Full faith and credit shall be given"—not "may be given," "shall be given"—"in each State to the public Acts, Records and judicial Proceedings of every other State." It says:

> And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

It doesn't say no effect. It doesn't say can nullify. It doesn't say can obviate or avoid. It says it has to show how you merely procedurally prove that the act spoken of has taken place, and if it has taken place, then what is the full effect of that act in giving full faith and credit to that State.

I think any schoolchild could understand that allowing States to not accept the public act of another is the exact opposite of what the Founding Fathers laid forth in the clause itself. Let me repeat:

> Full faith and credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.

Now, if we intend to change it—and that is a different vote than having the constitutional process properly adhered to. But it seems to me that what Congress is doing is allowing a State to ignore another State's acts, and every law that Congress has ever passed has invoked the full faith and credit of another State's legislation.

All of these laws share a basic common denominator. They all implement the full faith and credit mandate. They do not restrict it. Not once has it been restricted in that way. For example, the Parental Kidnapping Prevention Act of 1990 provided the States have to enforce child custody determinations made by other States. The Full Faith and Credit for Child Support Orders of 1994 provided that States have to enforce child support determinations made by other States. It did not say you could not do it. It did not say you could avoid it. It did not diminish it. It said you have to enforce it. The Safe Homes for Women Act of 1994 required States to recognize protective orders issued in other States with regard to domestic violence.

Those laws are the products of constitutional exercises of the appropriate congressional law in implementing the full faith and credit clause. The bill before us, a statute, is the exact opposite. It is an extreme unconstitutional attempt to restrict and undermine the basic fundamental approach which helps create the concept of a unified and single nation. Madam President, this bill is not just unconstitutional. It is not just unprecedented.

It is also unnecessary.

Right now, as we speak, there is no rash outbreak among the States to recognize same-sex marriage.

In fact, States—one after another—are moving in the opposite direction. For example, the State of Michigan passed a law which defines marriage as the union between a man and a woman and declares Michigan will not recognize a same-sex marriage conducted in another State.

This bill is a solution in search of a problem.

Madam President, even if the Hawaiian Supreme Court decides to recognize same-sex marriage, Michigan and a dozen other States have spoken against it. Resolving this tension rests squarely with the judicial branch, not the Congress. This is a power grab into States' rights of monumental proportions.

Madam President, it is ironic that many of the arguments for this power grab are echoes of the discussion of interracial marriage a generation ago.

Nearly 30 years ago, this country and this body heard similar arguments against striking State laws criminalizing interracial marriage. And, the issue was resolved by the Supreme Court in the case Loving versus Virginia.

Until the Loving case was decided, many southern States had laws banning interracial marriage. When the Supreme Court ruled that this ban was unconstitutional, one Congressman from Louisiana felt compelled to come to the floor of the Senate and rail against the decision in addition to the nomination of Thurgood Marshall. He said, "this shows how far we are removed from the ideas of our Founding Fathers. The Justices of the Court interpret laws not on the basis of two centuries of wisdom, but rather in line with current social fads and their own personal theories on how to create the perfect society."

But that Congressman was wrong 30 years ago. And, thankfully the Court exhibited wisdom in overturning the ban. What if they had not? Pointedly and poignantly, Leon Higginbotham, Chief Justice Emeritus of the Third U.S. Court of Appeals, answers the question for us. He states that "if the Virginia courts had been sustained by the United States Supreme Court, Clarence Thomas could have been in the penitentiary today rather than serving as an Associate Justice of the Supreme Court."

Madam President, as late as 1981, in the midst of a discrimination case, a U.S. Senator threw his support behind a university which banned interracial dating and marriage. Defending a ban on interracial marriage in the 1980s.

Madam President, DOMA is unconstitutional, unprecedented and unnecessary. Again, I return to the original questions: What is its legislative purpose? What is its motivation? What does passage of this bill mean for the country?

It is hard to believe that this bill is anything other than a thinly veiled attempt to score political debating points by scapegoating gay and lesbian Americans. That is politics at its worst, Mr. President. It is a perfect exemplar of the polarizing issues E.J. Dionne describes in his book, "Why Americans Hate Politics."

In the past few years, legislative attacks on gay people have increased in frequency and scope. Trying to keep gay men and lesbians out of the armed services. Trying to keep AIDS educational materials free of any mention of homosexuality. Trying to take away the children of gay parents.

Certainly the struggle for civil rights is a long one and individual prejudices are difficult to overcome. The great civil rights teacher Martin Luther King observed:

> It is pretty difficult to like some people. Like is sentimental and it is pretty difficult to like someone bombing your home; it is pretty difficult to like somebody threatening your children; it is difficult to like congressmen who spend all of their time trying to defeat civil rights. But Jesus says love them, and love is greater than like.

Madam President, that is the ultimate irony. For a bill which purports to defend and regulate marriage, there has been so little talk of love here in this Chamber.

Madam President, as we quickly approach the end of the millennium, the problems facing average Americans and the pressures experienced by the American family are overwhelming—personal debt and bankruptcies are at an all-time high, divorce rates are skyrocketing, schools are crumbling, education costs are astronomical and health care costs continue to rise.

It is clear the Congress should be alleviating the pressures of the American family. That would be the best defense of marriage. If we want to defend marriage, we should be working to change the ugly reality of spousal abuse. We should be redoubling our efforts to eradicate alcohol, drug and other forms of substance abuse. We should acknowledge the pernicious ramifications of abandonment.

And we should commit our collective resources to creating educational opportunities for Americans, to securing health care and to easing the economic burden too many people feel today. We should bring Americans together with common purpose and empower individuals and communities to ease the pressure of today's increasingly complicated everyday life.

This bill does not bring people together. In fact, it does the exact opposite. It divides Americans. It is a stark reminder that all citizens who play by the rules, who pay their taxes and who contribute to the economic, social and political vibrancy of this great melting pot do not have equal rights.

I would have thought that the other side would have learned by now that there is a nasty boomerang effect to the politics of division. It rends the social and political fabric. It divides the country.

I have some experience with divided countries. I fought in one. I have looked into the eyes of hatred, bigotry, ignorance, of raw unbridled passion for conflict. Look to Northern Ireland, look to Bosnia, look to the Middle East—and see the end-product of the politics of division.

Let us stop this division. Let us balance the budget. Let us provide health security and retirement security. Let us protect our environment.

And, most of all, Madam President, let us give everyone a chance for an education. Education is the key to overcoming ignorance, to keeping families together, to providing a glimpse of the American dream. Bolstering education would do more to defend marriage than anything in this bill.

This is an unconstitutional, unprecedented, unnecessary and mean-spirited bill. I urge my colleagues to oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator has used the 10 minutes allowed.

Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from West Virginia.

Mr. BYRD. Do I have control of 45 minutes?

The PRESIDING OFFICER. Yes, the Senator does.

Mr. BYRD. I thank the Chair.

Mr. President, I am pleased to join my colleague, the senior Senator from Oklahoma, in cosponsoring the Defense of Marriage Act. Although I am glad to work with Senator NICKLES in this effort, I must admit that, in all of my nearly 44 years in the Congress, I never envisioned that I would see a measure such as the Defense of Marriage Act.

It is incomprehensible to me that federal legislation would be needed to provide a definition of two terms that for thousands of years have been perfectly clear and unquestioned. That we have arrived at a point where the Congress of the United States must actually reaffirm in the statute books something as simple as the definition of "marriage" and "spouse," is almost beyond my grasp. But as the current state of legal affairs has shown, this bill is a necessary endeavor.

Mr. President, there are some who say that the Senate is not dealing with a relevant matter here, that the time has not yet arrived for the Senate to debate this subject. I say the time is now, and this is a relevant matter. Action by the Senate and debate by the Senate are not something that should be delayed and put off until another day.

Let me read from "The Case For Same-Sex Marriage," by William N. Eskridge, Jr.

Now, the author of this treatise supports same-sex marriage. Let me read extracts from the treatise which clearly indicate that this is a matter that is relevant. It is relevant now. Reading from page 46:

> Many of the gay marriages have been performed by religious groups formed specifically for the gay, lesbian and bisexual faithful.
>
> The situation is more complicated among mainstream religious denominations. A few are openly supportive of gay marriages or unions. Following a vote on the matter in 1984, the Unitarian Universalist Association now affirms the growing practice of some of its ministers of conducting services of union of gay and lesbian couples and urges member societies to support their ministers in this practice. The Society of Friends leaves all issues to congregational decision and thousands of same-sex marriages have been sanctified in Quaker ceremonies since the 1970's. Other denominations are still studying the issue.

> The validity of same-sex marriage has been debated at the national level by the Presbyterian, Episcopal, Lutheran and Methodist churches.

So why not debate it here, Mr. President.

> A committee of Episcopal bishops proposed in 1994 that homosexual relationships need and should receive the pastoral care of the church, but the church diluted and downgraded the report. After intense debate also in 1994, the General Assembly of the Presbyterian Church USA adopted a resolution that its ministers are not permitted to bless same-sex unions. The Lutheran Church in 1993 debated but did not adopt a report advocating the blessing and legal recognition of same-sex unions. The Methodists followed a similar path in 1992.
>
> The pattern in these denominations has been the following: an individual church will bless a same-sex union or marriage and the ministers and theologians then call for a study of the issue. A report is written that is open to the idea. The report ignites a firestorm of protests from traditionalists in the denomination. The issue is suppressed or rejected at the denominational level. Local churches and theologians again press the issue some years later and the cycle begins again. My guess—

This is the author's guess. It is not my guess. This is a guess by the author.

> My guess is that one or more of the foregoing denominations will tilt towards same-sex unions or marriages in the next 5 to 10 years. Even the religions that are most prominently opposed to gay marriages have clergy who perform gay marriage ceremonies. The Roman Catholic Church firmly opposes gay marriage but its celebrated priest, John J. McNeill says that he and many other Catholic clergy have performed same-sex commitment services. Although Father McNeill's position is marginalized within the Catholic Church, it reflects the views of many devout Catholics. Support for same-sex marriage is probably most scarce among Baptists in the South.

The author says this:

> You can be assured that same-sex marriage is an issue that has arrived worldwide and that efforts to head it off will only be successful in the short term.

So, Mr. President, to those who say that it is not yet time to debate this issue, let them read from the book, "The Case for Same-Sex Marriage" and hear what an advocate of same-sex marriage says.

> You can be assured that same-sex marriage is an issue that has arrived, worldwide, and that efforts to head it off will only be successful in the short term.

The author closes the chapter as follows:

> The argument of this book is that Western culture generally, and the United States in particular, ought to and must recognize same-sex marriages.

Therefore, Mr. President, the time is now, the place is here, to debate this issue. It confronts us now. It comes ever nearer.

There are those who say, "Why does the Senate not debate and act upon relevant matters?" This is relevant. And it is relevant today.

In very simple and easy to read language, this bill says that a marriage is the legal union between one man and one woman as husband and wife, and that a spouse is a husband or wife of the opposite sex. There is not, of course, anything earth-shaking in that declaration. We are not breaking any new ground here. We are not setting any new precedent. We are not overturning the status quo in any way, shape or form. On the contrary, all this bill does is reaffirm for purposes of Federal law what is already understood by everyone.

Mr. President, throughout the annals of human experience, in dozens of civilizations and cultures of varying value systems, humanity has discovered that the permanent relationship between men and women is a keystone to the stability, strength, and health of human society—a relationship worthy of legal recognition and judicial protection. The purpose of this kind of union between human beings of opposite gender is primarily for the establishment of a home atmosphere in which a man and a woman pledge themselves exclusively to one another and who bring into being children for the fulfilment of their love for one another and for the greater good of the human community at large.

Obviously, human beings enter into a variety of relationships. Business partnerships, friendships, alliances for mutual benefits, and team memberships all depend upon emotional unions of one degree or another. For that reason, a number of these relationships have found standing under the laws of innumerable nations.

However, in no case, has anyone suggested that these relationships deserve the special recognition or the designation commonly understood as "marriage." The suggestion that relationships between members of the same gender should ever be accorded the status or the designation of marriage flies in the face of the thousands of years of experience about the societal stability that traditional marriage has afforded human civilization. To insist that male-male or female-female relationships must have the same status as the marriage relationship is more than unwise, it is patently absurd.

Out of such relationships children do not result. Of course, children do not always result from marriages as we have traditionally known them. But out of same-sex relationships no children can result. Out of such relationships emotional bonding oftentimes does not take place, and many such relationships do not result in the establishment of "families" as society universally interprets that term. Indeed, as history teaches us too often in the past, when cultures waxed casual about the uniqueness and sanctity of the marriage commitment between men and women, those cultures have been shown to be in decline. This was particularly true in the ancient world in Greece and, more particularly, in Rome. In both Greece and Rome, same-sex relationships were not uncommon, particularly among the upper classes. Plato and Aristotle referred to the existence of such relationships in their writings, as did Plutarch, the Greek biographer.

Homer, the Greek epic poet, in the "Iliad," wrote of the love relationship that existed between Achilles and Patroclus. Homer relates that after Patroclus was slain by Hector, Patroclus appeared to Achilles in a dream saying, "Do not lay my bones apart from yours, Achilles. Let one urn cover my bones with yours, that golden, two-handled urn that your mother so graciously gave you."

As to the Romans, Cicero mentioned casually that a former consul, who was Catiline's lover, approached him on Catiline's behalf. This was undoubtedly during the time of the "Catiline Conspiracy," which took place in the years 63 and 62 B.C.

Suetonius, the Roman biographer, relates that Julius Caesar prostituted his body to be abused by King Nicomedes of Bithynia, and that Curio the Elder, in an oration, called Caesar "a woman for all men and a man for all women."

While same-sex relations were not unknown, therefore, to the ancients, same-sex marriages were a different matter. But they did sometimes involve utilization of the forms and the customs of heterosexual marriage. For example, the Emperor Nero, who reigned between 54 and 68 A.D., took the marriage vows with a young man named Sporus, in a very public ceremony, with a gown and a veil and with all of the solemnities of matrimony, after which Nero took this Sporus with him, carried on a litter, all decked out with ornaments and jewels and the finery normally worn by empresses, and traveled to the resort towns in Greece and Italy, Nero, "many a time, sweetly kissing him."

Juvenal, the Roman satirical poet, wrote concerning a same-sex wedding, by way of a dialog:

> "I have a ceremony to attend tomorrow morning."
>
> "What sort of ceremony?"
>
> "Nothing special, just a gentleman friend of mine who is marrying another man and a small group has been invited."

Subsequently in the dialog, "Gracchus has given a dowry of 400 sesterces, signed the marriage tablets, said the blessing, held a great banquet, and the new bride now reclines on his husband's lap."

Juvenal looked upon such marriages disapprovingly, and as an example that should not be followed.

Mr. President, the marriage bond as recognized in the Judeo-Christian tradition, as well as in the legal codes of the world's most advanced societies, is the cornerstone on which the society itself depends for its moral and spiritual regeneration as that culture is handed down, father to son and mother to daughter.

Indeed, thousands of years of Judeo-Christian teachings leave absolutely no doubt as to the sanctity, purpose, and reason for the union of man and woman. One has only to turn to the Old Testament and read the word of God to understand how eternal is the true definition of marriage.

Mr. President, I am rapidly approaching my 79th birthday, and I hold in my hands a Bible, the Bible that was in my home when I was a child. This is the Bible that was read to me by my foster father. It is a Bible, the cover of which having been torn and worn, has been replaced. But this is the Bible, the King James Bible. And here is what it says in the first chapter of Genesis, 27th and 28th verses:

> So God created man in his own image, in the image of God created he him; male and female created he them.
>
> And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth . . .

And when God used the word "multiply," he wasn't talking about multiplying your stocks, bonds, your bank accounts or your cattle on a thousand hills or your race horses or your acreages of land. He was talking about procreation, multiplying, populating the Earth.

And after the flood, when the only humans who were left on the globe were Noah and his wife and his sons and their wives, the Bible says in chapter 9 of Genesis:

> And God blessed Noah and his sons, and said unto them, Be fruitful, and multiply, and replenish the earth.

Christians also look at the Gospel of Saint Mark, chapter 10, which states:

> But from the beginning of the creation God made them male and female.
>
> For this cause shall a man leave his father and mother, and cleave to his wife;
>
> And they twain shall be one flesh: so then they are no more twain, but one flesh.
>
> What therefore God hath joined together, let not man put asunder.

Woe betide that society, Mr. President, that fails to honor that heritage and begins to blur that tradition which was laid down by the Creator in the beginning.

Moreover, the drive being spearheaded by a small segment of today's culture reflects a demand for "political correctness" gone berserk. I think of Muzzey, who wrote the American history text that I studied in 1927, 1928, 1929, who said in the very first sentence, "America is the child of Europe." Now, Muzzey would have been hooted out of town for being "politically incorrect" in having said that. But that was nothing as compared with this.

This reflects a demand for political correctness that has gone berserk. We live in an era in which tolerance has progressed beyond a mere call for acceptance and crossed over to become a demand for the rest of us to give up beliefs that we revere and hold most dear in order to prove our collective purity. At some point, a line must be drawn by rational men and women who are willing to say, "Enough!"

Certainly in today's far too permissive world, traditional marriage as an institution is struggling. Divorce is far too frequent, as are male and female relationships which do not end in marriage. Certainly we do not want to launch a further assault on the institution of marriage by blurring its definition in this unwise way.

The drive for the acceptance of same-sex or same-gender "marriage" should serve for us as an indication that we have drawn too close to the edge and that we as a people are on the verge of trying so hard to please a few that we destroy the values and the spiritual beliefs of the many. Moreover, to seek the codification of same-sex marriage into our national or State legal codes is to make a mockery of those codes themselves. Many legal scholars believe that only after a majority of society comes to a consensus on the legality or illegality of one issue or another should that issue be written down in our legal institutions. The drive for same-sex marriage is, in effect, an effort to make a sneak attack on society by encoding this aberrant behavior in legal form before society itself has decided it should be legal—a proposition which is far in the distance, if ever to be realized.

Mr. President, I have heard arguments to the effect that the bill may be unconstitutional. I totally disagree with that.

Insofar as the proposal would relate to State recognition of same-sex marriages contracted in other States, Congress is empowered by the full faith and credit clause, article IV, section 1 of the Constitution, to enact "general Laws prescrib[ing] the Manner" in which such Acts of other States "shall be proved, and the Effect thereof."

Congress has from the beginning placed on the books implementing legislation, and it has in recent years enacted more limited statutes relating to child support and custody.

Opponents of the present bill argue that while Congress has authority to pass laws that enable acts, judgments and the like to be given effect in other States, it has no constitutional power to pass a law permitting States to deny full faith and credit to another State's laws and judgment. There is no judicial precedent one way or another on this issue, but it is not at all clear why a general empowering of Congress to "prescribe * * * the effect" of public acts does not give it discretion to define the "effect" so that a particular public act is not due full faith and credit. The plain reading of the clause would seem to encompass both expansion and contraction.

However, the argument con and the response assumes that the full faith and credit clause would obligate States to recognize same-sex marriages contracted in States in which they are authorized. This conclusion is far from evident. It is clear that the clause mandates recognition by other States of the judgments of the courts with jurisdiction in another State. But controversy has always attended consideration of the question of what the clause obligates States to do with respect to the "public acts" of other States. The judicial decisions are mixed, but "public acts" have never been accorded the same recognition as judicial judgments. States have generally been recognized to have the discretion to refuse cognizance of "public acts" that are contrary to their own public policy. Thus, in prescribing the "effect" on States of State laws that permit or authorize same-sex marriages, Congress may be deemed to be exercising authority under the full faith and credit clause to settle an issue not definitive within the clause itself.

The actual policy of the States in recognizing marriages contracted in other States to persons who would not be permitted to marry in the State in which the issue arises is mixed. The general tendency, based on comity rather than on compulsion under the full faith and credit clause, is to recognize marriages contracted in other States even though they could not have been celebrated in the recognizing State. The trend in such promulgations as the Restatement (Second) of Conflicts of Laws and the Uniform Marriage and Divorce Act was to recognize marriages everywhere if they were legal where contracted. But a "public policy" exception has been asserted, and, recently, as the Hawaii litigation has proceeded, several States have enacted laws declaring recognition of same-sex marriages to be contrary to the public policy of those States.

Thus, it cannot be said that Congress would be contracting a right heretofore clearly prescribed by the full faith and credit clause.

There are constitutional constraints upon Federal legislation. The relevant one to be considered is the equal protection clause and the effect of the Supreme Court's decision in Romer versus Evans. Struck down under the equal protection clause was a referendum-adopted provision of the Colorado constitution, which repealed local ordinances that provided civil rights protections for gay persons and which prohibited all legislative, executive or judicial action at any level of State or local government if that action was designed to protect homosexuals. The

Court held that under the equal protection clause, legislation adverse to homosexuals was to be scrutinized under a "rational basis" standard of review. The classification failed to pass this review, because it imposed a special disability on homosexuals not visited on any other class of people and it could not be justified by any of the arguments made by the State.

The impact of the case, and in other areas of governmental action adversely affecting gays, cannot be clearly discerned. Despite the Court's use of the rational basis standard, the opinion appears to view with skepticism the differential treatment of homosexuals as a class. At the least, we can say that the case requires the DOMA, if it becomes law, to be evaluated under the equal protection clause. That evaluation need not be fatal to the law. The proposal does adversely classify homosexuals as a class in defining what status, under the full faith and credit clause, States must accord.

The law would not preclude any State from recognizing such marriages. The Colorado amendment fell, not solely because of its differential classification but because the Court concluded, first, that the law was intended to affect adversely homosexuals as a class, and, second, that no rational basis could be asserted for the adverse treatment.

The proposal has been presented as one that would protect federalism interests and State sovereignty in the area of domestic relations, historically a subject of almost exclusive State concern. It is presented as a measure that permits, but does not require, States to deny recognition to same-sex marriages contracted in other States, affording States with strong public policy concerns the discretion to effectuate that policy. Thus, while the proposal adversely affects homosexuals as a class, it can be argued that it is grounded not in hostility to homosexuals, not in a legislative decision to target homosexuals because of their homosexuality, but to afford the States the discretion to act as their public policy on same-sex marriages dictates.

So, Mr. President, I am not here today to blast anyone. I am not here today to lash out at anybody. I am not here today to attack anybody. I am here saying that we need to recognize this age-old institution of marriage for what it is, what it always has been under the Judeo-Christian concepts of human experience—the marriage union of male and female.

On a more pragmatic level although no less important, this bill also addresses concerns with respect to the matter of Federal benefits. As I am sure my colleagues are aware, although many other Americans may not be, the Federal Government extends certain benefits and privileges to persons who are married, but in almost all cases those benefits are given on the basis of a State's definition of "marriage." In almost all cases at the Federal level, there is simply no definition of the terms "marriage" or "spouse."

Indeed, the word "marriage" appears in more than 800 sections of the Federal statutes and regulations, while the word "spouse" appears more than 3,100 times. And, as I have said, in all but a minute number of those instances—namely, the Family and Medical Leave Act—those terms are simply not defined. Until now, of course, there has never been a need to define them. Until now. That is why to debate this issue is relevant.

As I say, in debating the issue, I am not here to bash anyone. I am not here to bash anyone's personal beliefs. But if the State of Hawaii, or any other State, for that matter, redefines those terms, then what will happen at the Federal level? Who knows, for example, what the Social Security Administration is supposed to do when a so-called "spouse" of a same-sex marriage walks in and attempts to collect survivors benefits under the Social Security program? What is the Social Security clerk to say? Without a Federal definition—and that is what we are attempting to accomplish here—without a Federal definition of something that has been previously undefined, every department and every agency of the Federal Government that administers public benefit programs would be left in the lurch. We shall have sown the dragon's teeth!

Moreover, I urge my colleagues to think of the potential cost involved here. How much is it going to cost the Federal Government if the definition of "spouse" is changed? It is not a matter of irrelevancy at all. It is not a matter of attacking anyone's personal beliefs or personal activity. That is not my purpose here. What is the added cost in Medicare and Medicaid benefits if a new meaning is suddenly given to these terms? I know I do not have any reliable estimates of what such a change would mean, but then, I do not know of anyone who does. That is the point—nobody knows for sure. I do not think, though, that it is inconceivable that the costs associated with such a change could amount to hundreds of millions of dollars, if not billions—if not billions—of Federal taxpayer dollars.

Mr. President, for these reasons and others named by the opponents of same-sex or gender marriage, I hope that our colleagues here in the Senate will demonstrate their thorough opposition to efforts to subvert the traditional definition of "marriage" by going on record today against this very unnecessary idea.

Let us make clear that in our generation, at least, we understand the meaning and purpose of marriage and that we affirm our trust in the divine approbation—you do not have to be a preacher to say this; I am not a prophet or the son of a prophet; I am not a preacher or the son of a preacher; one does not have to be a prophet or a preacher—to affirm our trust in the divine approbation of union between a man and a woman, between a male and female for all time.

Mr. President, 41 years ago I was traveling with a House subcommittee of the Committee on Foreign Affairs. I visited the city of Baghdad, the city of the Arabian Nights, where Ali Baba followed the 40 thieves through the streets, and from which Sinbad the Sailor departed on his journey to the magnetic mountain.

I asked an old Arab guide to take me down to the old Biblical city of Babylon, where one of the famous seven wonders of the world, the hanging gardens, was created. As I reached the old city of Babylon I stood on the banks of the Euphrates River, that old river that is first mentioned in the Book of Genesis, which like a thread runs through the entire Bible, the Old Testament and the New, and is mentioned again in the Book of Revelation.

I stood on the site, or at least I was told I was standing on the site of where Belshazzar, the son of Nebuchadnezzar, held a great feast for 1,000 of his lords. Belshazzar took the cups that had been stolen from the temple by Nebuchadnezzar. He and his wife and concubines and his colleagues drank from those vessels, and Belshazzar saw the hand of a man writing on the plaster of the wall, over near the candlestick, and the hand wrote "me'ne, me'ne, te'kel, uphar'sin" and the countenance of Belshazzar changed, his knees buckled, and his legs trembled beneath him. He called in his astrologers and soothsayers and magicians and said, "Tell me what that writing means," but they were mystified. They could not interpret the writing. Then the queen told Belshazzar that there was a man in the kingdom who could interpret that writing. So, Daniel was brought before the king and told by the king that he, Daniel, would be clothed in scarlet with a golden chain around his neck, and that he would become a third partner in the kingdom if he could interpret that writing. Daniel interpreted the writing:

> God hath numbered thy kingdom and finished it. Thou art weighed in the balances and art found wanting. Thy kingdom is divided and given to the Medes and Persians.

That night Belshazzar was slain by Darius the Median, and his kingdom was divided.

Mr. President, America is being weighed in the balances. If same-sex marriage is accepted, the announcement will be official, America will have said that children do not need a mother and a father, two mothers or two fathers will be just as good.

This would be a catastrophe. Much of America has lost its moorings. Norms no longer exist. We have lost our way with a speed that is awesome. What took thousands of years to build is being dismantled in a generation.

I say to my colleagues, let us take our stand. The time is now. The subject is relevant. Let us defend the oldest institution, the institution of marriage between male and female, as set forth in the Holy Bible. Else we, too, will be weighed in the balances and found wanting.

I thank all Senators and I yield the floor.

Mr. NICKLES. Mr. President, I wish to thank Senator BYRD for that statement and also for cosponsoring this legislation, and for the outstanding research that he did, putting it in a historical perspective, as well. I think his statement was very well made and I very much appreciate his assistance in passing this legislation today.

Mr. KENNEDY. I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] has 10 minutes.

Mrs. BOXER. Thank you, Mr. President. Mr. President, yesterday I spoke about my views on discrimination in the workplace and on this Defense of Marriage Act. Today I summarize those remarks, as we head toward a vote on both of these bills.

First, I want to say I am proud of many of the companies in this country who have endorsed ENDA, which would stop workplace discrimination against gays and lesbians, and I urge my colleagues to join such blue chip companies as AT&T, Eastman Kodak, Genentech, Silicon Graphics, and Xerox, in supporting ENDA.

Now, there is a much longer list that I put into the RECORD yesterday, Mr. President, and I noted that many of those companies are based in California and they practice a policy of not discriminating. After all, what we are talking about here is individual performance, and one's sexual orientation should have nothing to do with that. If someone is qualified and does a good job, they should not be discriminated against for any reason, including sexual orientation. I know that most of us in this body in our own offices practice nondiscrimination, so it seems to me quite an easy thing to do. I am very hopeful we can pass ENDA.

On the Defense of Marriage Act, I want to point out once again that this act, in my opinion, has nothing to do with defending marriage. As one who has been married for many years to the same person, I can truly say if we want to defend marriage, we should be discussing ways that truly help lift the strains and stresses on marriage. We all know what those are. We all know the financial strains and stresses on marriage.

As a matter of fact, when I heard that we were going to be discussing a bill called the Defense of Marriage Act, I was looking forward to seeing what it was because I honestly thought because it is called the Defense of Marriage Act that it would be doing something to help us defend marriage in this country. One in two marriages does end in divorce in this country, and in many cases they are tragic endings—tragic for the partners, tragic for the children, tragic for the extended families—and there are things that we could do, such things as paycheck security, Mr. President. Such things as pension security. Such things that the Senator from Connecticut brought to us in terms of the Parental Leave Act, which the President supports.

We ought to be looking at ways to give that additional 24 hours to working families so they can spend more time if their child needs them at a school appointment or some special doctor's appoint. These are the kinds of things we ought to be looking at. These are the kind of things that would defend marriage, defend families. I do not think this Defense of Marriage Act is about any of that.

I do think, however, it is about something else. I believe it is about hurting a whole group of people for absolutely no reason whatsoever. Not one group in this country that fights for fairness for gays and lesbians has asked us to legalize gay marriage here in the U.S. Senate. Not one Member of the House or Senate is proposing a bill that would legalize gay marriage or give benefits to domestic partners. Not one State in the Union has recognized gay marriage at all. As a matter of fact, many have absolutely said "no" to gay marriage.

So here we have a situation where we are watching a preemptive strike on a proposal that doesn't exist. Yes, there is a court that is looking at the subject in Hawaii, but that decision is many years away, according to legal scholars.

I ask unanimous consent to have printed in the RECORD pages 44 and 45 of the hearing on the Judiciary, where you have legal scholars telling us, in fact, that States will not have to recognize other States' gay marriages, if they so choose.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE SENATE JUDICIARY COMMITTEE HEARING ON THE DEFENSE OF MARRIAGE ACT, JULY 11, 1996

I am pleased to have the opportunity to speak to you today on S. 1740, the proposed Defense of Marriage Act. I will not address the issues of policy that are raised by S. 1740. Instead I will be speaking only to the constitutional issues, which are novel, complex, and somewhat technical.[1] Because of the novelty and complexity of the issues, any judgments on the constitutional issues must be at least a bit tentative.

To summarize my view: S. 1740 is unprecedented in our nation's history; it is probably either pointless or unconstitutional; and while the constitutional issues are far from simple, it is safe to say that S. 1740 is a constitutionally ill-advised intrusion into a problem handled at the state level.

S. 1740 responds to an old problem, not a new one, and that problem—diverse state laws about marriage has been settled for a long time without national intervention. Thus there is a reasonable view that S. 1740 is pointless; it adds nothing to current law. If S. 1740 is not pointless—if states must give full faith and credit to the relevant marriages—S. 1740 may well be unconstitutional. In the nation's history, Congress has never declared that marriages in one state may not be recognized in another; it has not done this for polygamous marriages, marriages among minors, incestuous marriages, or bigamous marriages. It is unclear if Congress has the authority to enact such a bill under the commerce clause, the full faith and credit clause, or any other source of national authority. In addition, S. 1740 raises serious issues under the equal protection component of the due process clause in the aftermath of the Supreme Court's recent decision in *Romer* v. *Evans*.

I. BACKGROUND: FEDERALISM AND RECOGNITION OF OUT-OF-STATE MARRIAGES

The impetus for S. 1740 is easy to understand. If one state—Hawaii—recognizes same-sex marriage, is there not a danger that other states, whatever their views, will be forced to accept same-sex marriages as well? Perhaps people will fly to Hawaii, get married there, and effectively "bind" the rest of the union to Hawaii's rules, forcing all states to recognize marriages that violate their policies and judgments. A national solution seems necessary if one state's unusual rules threaten to unsettle the practices of forty-nine other states.

This scenario is, however, unlikely, for the full faith and credit clause has never been understood to bind the states in this way. For over two hundred years, states have worked out issues of this kind on their own. It is entirely to be expected that in a union of fifty diverse states, different states will have different rules governing marriage. American law has carefully worked out practical strategies for ensuring sensible results in these circumstances, as each state consults its own "public policy," and its own connection to the people involved, in deciding what to do with a marriage entered into elsewhere. In short: States have not been bound to recognize marriages if (a) they have a significant relation with the relevant people and (b) the marriage at issue violates a strongly held local policy.

Thus, for example, the first Restatement of Conflicts says that a marriage is usually valid everywhere if it was valid in the state in which the marriage occurred. But section 132 lists a number of exceptions, in which the law of "the domicile of either party" will govern: polygamous marriages, incestuous marriage, marriage of persons of different races, and marriage of a domiciliary which a state at the domicile makes void even though celebrated in another state. The Second Restatement of Conflicts, via section 283, taken a somewhat different approach. It says that the validity of a marriage will be determined by the state that "has the most significant relationship to the spouses and the marriage." It also provides that a marriage is valid everywhere if valid where contracted unless it violates the "strong public policy" of another state which had the most significant relationship to the spouses and the marriage at the time of the marriage. Thus a state might refuse to recognize incestuous marriages, polygamous marriages, or marriage of minors below a certain age.

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[1] I focus throughout on section 2. I do not believe that section 3 would be found unconstitutional, though it would be possible to raise questions under the equal protection clause, see *Romer* v. *Evans*, infra; see also W. Eskridge, "The Case for Same-Sex Marriage," (1996); Kuppelman, "Why Discrimination Against Lesbians and Gay Men Is Sex Discrimination," 69 NYU L. Rev. 197 (1994).

The two Restatements show that it is a longstanding practice for interested states to deny validity to marriages that violate their own public policy. Many cases have reflected a general view of this kind. See, e.g., *In re Vetas's Estate*, 170 P.2d 183 (1946); *Maurer* v. *Maurer*, 60 A.2d 440 (1948); *Bucea* v. *State*, 43 N.J. Super 815 (1957); *In re Takahashi's Estate*, 113 Mont. 490 (1942); *In re Duncan's Death*, 83 Idaho 254 (1961); *In re Mortenson's Estate*, 83 Ariz. 87 (1957). There is no Supreme Court ruling to the effect that this view violates the full faith and credit clause.

All this suggests that S. 1740 would respond to an old and familiar problem that has heretofore been settled through long-settled principles at the state level and without federal intervention. If some states do recognize same-sex marriage, the problem would be handled in the same way that countless similar problems have been handled, via "public policy" judgments by states having significant relationships with the parties. Different "public policies" will produce different results. This is consistent with longstanding practices and with the essential constitutional logic of the federal system. The greater irony is that the Hawaii legislature has recently made clear that a marriage is available only between a man and a woman, and hence there is no current problem that S. 1740 would address. I conclude that S. 1740 is constitutionally ill-advised because it intrudes, without current cause, into a traditional domain of the states.

If this traditional view is correct, S. 1740 is also pointless; it gives states no authority that they lack. But a lurking question remains: Why, exactly, does the full faith and credit clause not require states to recognize marriages celebrated elsewhere? The Supreme Court has not offered an explanation. Perhaps the answer lies in the fact that a marriage is in the nature of a contract, and hence it is not a "public Act, Record, [or] judicial Proceeding" within the meaning of the Clause. Perhaps the answer lies in the longstanding view that a state with a clear connection with the parties and strong local policies need not defer to another state's law. In either case there is no reason to enact S. 1740. But if the full faith and credit clause is interpreted to require states to respect certain marriages, and if S. 1740 negates that requirement, S. 1740 raises serious constitutional doubts.

II. CONGRESSIONAL AUTHORITY

Whether S. 1740 would be struck down as unconstitutional raised novel and complex issues. My conclusion is that no simple view is plausible, and that in view of the fact that this sort of issue has always been handled at the state level, S. 1740 makes little constitutional sense.

(a) Full faith and credit

The purpose of the full faith and credit clause was unifying—the clause was designed to help create a "United States" in which states would not compete against one another through a system in which judgments could be made part of interstate rivalry. The clause's historic function is to ensure that states will treat one another as equals rather than as competitors. In this way, the full faith and credit clause is akin to the commerce clause, operating against protectionism, in which one state uses its power over its persons and territories to punish outsiders. See Jackson, Full Faith and Credit—The Lawyer's Clause of the Constitution, 45 Column L. Rev. 1 (1945).

For reasons just stated, the full faith and credit clause has not been understood to mean that each state must recognize marriages celebrated in other states. But does the full faith and credit clause authorize S. 1740 if it is understood to give states permission to ignore judgments by which they would otherwise be bound? This is not clear. An affirmative answer might be supported by the following language: "And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the effect thereof." Perhaps Congress can say that some Acts, Records and Proceedings are of "no effect." Perhaps Congress' power over "the effect thereof" means that Congress can decide which Acts, Records and Proceedings have "effect." The question, then, is whether Congress may not only prescribe the manner of proof and also implement the clause by requiring "effect" upon certain proofs (what we might call the accepted "affirmative" power), but also say that certain Acts, Records, and Proceedings may be without effect when, in the absence of legislation, they would have effect (what we might call the "negative" power). Does the negative power exist, and how might it be limited? (Even if it does, Congress would have no power here if a marriage is not an Act, Record, or judicial Proceeding. I put that point to one side.)

This is a complex and difficult question, and no Supreme Court decision gives a clear ruling. A detailed historical study of the grant of power to Congress seems to suggest that the grant was designed to ensure that Congress could implement the full faith and credit clause by expanding the reach of state rules and judgments. That is because the clause has above all a unifying power. See Cook, The Powers of Congress Under the Full Faith and Credit Clause, 28 Yale LJ 421 (1919). In this view, the clause may well authorize Congress (for example) to make state judgments directly enforceable in other states, compel states to recognize rights created . . .

Mrs. BOXER. So one has to ask oneself, why are we doing this? I think the Washington Post today had an excellent editorial in which they say, "Why is the Senate taking up this matter now?" They also point out how this issue is years away—years away.

Well, I think we know why it is happening. It is election-year politics, and as one of the two Senators from California, I am not going to be part of that kind of politics.

As I said before, it is a preemptive strike on a nonexistent proposal. It is as if we decided, as a Nation, to bomb a country because we thought they were going to do something to harm us when, in fact, all they wanted to do is live in peace. Of course, America would never do such a thing. Why would we want to do it to a whole group of people?

I believe we are all Americans, Mr. President. I believe we do much better when we work together on issues, when we don't divide. If you read history books, you will see so many cases in history where a group of people is identified, and they are scapegoated, and they are treated differently, and they become nameless and faceless. It is what I call the politics of division, the politics of fear. I could never be associated with that kind of politics.

Mr. President, when I went into politics 20 years ago, I said to my constituents then—and I continue to tell them—that I would not always take the popular side of an issue. If I felt it was mean-spirited, I would come to the floor of whatever body I was in—and I have been in local government, I have been in the House, and now I am very fortunate to be in the greatest deliberative body in the world, the U.S. Senate—and say I felt the proposal was mean-spirited; it was scapegoating people, and I simply could not be a part of it. I think if I were to do that—and we all know what the polls show on this one—I think it would be an insult to my constituency and to me, and it would demean all of us, because I don't think that is why we get elected here. I think we get elected here sometimes to go against the wind. I think if we don't do that, it diminishes us.

Now, this vote isn't about how I feel on the issue of gay marriage. I think Senator JOHN KERRY said that very clearly. I have always supported the idea of communities deciding these issues without the long arm of the Federal Government. Many communities in my State recognize domestic partnerships for those who choose to make a commitment.

Frankly, I have to say, Mr. President, I haven't had one letter or phone call indicating that Congress should override these community decisions. So it isn't about how Senators feel on the issue of marriage or domestic partnerships. DOMA doesn't have anything to do with that. It certainly doesn't do anything, as I said, to defend marriages.

Now, we have read newspaper reports that the author of this bill on the other side happened to have been married three times. Now, I don't personally believe, if DOMA was the law, it would have had a difference on any of his marriages. Maybe he believes that, but I don't believe that is true. I believe if we were sincere and those of us who have long-term marriages would sit down and frankly discuss the stresses on our marriages and what needs to be done to defend our marriages, I don't believe we would list that our marriages are threatened by some community that is considering making domestic partnerships legal in their community.

So, to me, this is ugly politics. To me, it is about dividing us instead of bringing us together. To me, it is about scapegoating. To me, it is a diversion from what we should be doing. Why don't we use this time to pass President Clinton's college tax breaks, to ease the stress on our families today? Now, that would be defending marriage. That would be defending marriage. So by my "no" vote today, I am disassociating myself from the politics of negativity and the politics of scapegoating.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I am not positive if I heard my colleague from California correctly, but if you mentioned the sponsor of the bill has been married three times, I am the sponsor of the bill, and I haven't been married three times.

Mrs. BOXER. I said it was in the House. I meant the sponsor in the House.

Mr. NICKLES. I appreciate the correction, because I wasn't aware of that fact.

Mrs. BOXER. I said the sponsor of the bill in the House, clearly.

Mr. NICKLES. I yield 6 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, I am pleased to rise today on the floor of the Senate, along with many of my colleagues, to support the Defense of Marriage Act. In doing so, I am reiterating my strong, unequivocal support for traditional marriage as a legal union between one man and one woman.

Marriage is the institution in our society that civilizes our society by humanizing our lives. It is the social, legal and spiritual relationship that prepares the next generation for duties and opportunities. An 1884 decision by the Supreme Court called marriage "the sure foundation of all that is stable and noble in our civilization, the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement."

I don't think anything has changed that would change that definition given by the Supreme Court more than a hundred years ago.

The definition of marriage is not created by politicians and judges, and it cannot be changed by them. It is rooted in our history, in our laws and our deepest moral and religious convictions, and in our nature as human beings. It is the union of one man and one woman. This fact can be respected, or it can be resented, but it cannot be altered.

I suggest that our society has a compelling interest in respecting that definition. The breakdown of traditional marriage is our central social crisis, the cause of so much anguish and suffering, particularly for our children. Our urgent responsibility is to nurture and strengthen the institution of marriage, not undermine it with trendy moral relativism.

The institution of marriage is our most valuable cultural inheritance. It is our duty—perhaps our first duty—to pass it intact to the future.

Government cannot be neutral in this debate over marriage. It has sound reasons to prefer the traditional family in its policies. A social thinker, Michael Novak, has written:

> A people whose marriages and families are weak have no solid institutions . . . family life is the seedbed of economic skills, money habits, attitudes toward work and the arts of independence . . . parent-child roles are the absolutely critical center of social force.

So when we prefer traditional marriage and family in our law, it is not intolerance. Tolerance does not require us to say that all lifestyles are morally equal. It doesn't require us to weaken our social ideals. It does not require a reconstruction of our most basic institutions. And it should not require special recognition for those who have rejected that standard.

It is amazing to me—and I join Senator BYRD and others in this—and disturbing that this debate should even be necessary. I think it is a sign of our times and an indication of a deep moral confusion in our Nation. But events have made the definition of traditional marriage essential because the preservation of marriage has become an issue of self-preservation for our society.

We have a straightforward bill before us. We define "marriage" and "spouse" for the purposes of Federal law, and we ensure that no State will be required to give effect to a law of another State with respect to same-sex marriage. It is the reserve and the simplicity of the bill that I think ought to be commended. It does not overreach. It does not bring to bear the full range of authorities that Congress could invoke. Rather, it simply restates well-known and well-understood definitions and only legislates concerning a constitutional provision, the full faith and credit clause, which was to become the means by which same-sex marriages are promulgated throughout the States.

I'd like to discuss the two facets of the bill in greater detail. The definitions included in this bill for the words marriage and spouse are based on our common historical understanding of the institution of marriage, and simply state that marriage is the legal union between one man and one woman as husband and wife.

This definition is not surprising. But as Hadley Arkes wisely commented: "in the curious inversion that seems characteristic mainly of our own time, the act of restating, the act of confirming the tradition, is itself taken as an 'irregular' or radical move. That we should summon the nerve simply to restate the traditional understanding is taken as nothing less than an act of aggression." But no act of aggression is being undertaken. Rather, the definition included in this bill merely restates the understanding of marriage shared by Americans, and by peoples and cultures all over the world.

The Defense of Marriage Act also legislates concerning the full faith and credit clause of the Constitution. Through this bill, Congress avails itself of the power reserved for Congress in the Constitution and ensures that no State be required to give legal authority to a relationship between two people of the same sex which is treated as a marriage under the laws of another State.

Let me be very clear. This bill does not outlaw same-sex marriages: it merely ensures that if one State makes same-sex marriages legal, no other State will be automatically required through the full faith and credit clause to uphold that marriage in their own State.

That is our prerogative. That is what we seek to do today, and that is what I believe we should do.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COATS. I ask if I could have one more minute.

Mr. NICKLES. I yield the Senator an additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. COATS. As I said earlier, it is disturbing that the debate is necessary at all. I am thankful for the opportunity to discuss the importance of traditional marriage. For too long too many people have just assumed that marriage will survive whether or not it is encouraged, nurtured, or promoted.

The sad news is that the evidence is in. Marriage, like any other institution such as communities, churches, and schools, can suffer, and is, without the critical support of Federal, State, and local governments, communities, religions, and societal norms.

We need to begin a process of reminding ourselves what marriage is. We must tell our children what it means to be married. We must encourage young men and women to get married. We must help married couples to stay together when times are difficult. There is no longer any doubt that the slow demise of marriage in our country has been terribly harmful to children. It is time that we remind this country and ourselves how critically important heterosexual marriage is to a healthy society.

The Defense of Marriage Act is a wake-up call for our society. This bill gives us clear guidance as to the definition of marriage. It tells the States, clearly, that they are responsible for the marriages within their State. This bill ensures that States maintain the freedom to establish their own definitions and policies relating to marriage.

I encourage all of my colleagues to use this debate and the ensuing vote to make their support and belief of traditional marriage absolutely plain. Without a doubt, this vote is of the utmost importance to our children and to the very future of this country.

I thank the Senator from Oklahoma for the time.

Mr. NICKLES. Mr. President, I compliment the Senator from Indiana for his excellent speech, and I will yield the Senator from South Carolina 3 minutes.

Mr. THURMOND. I thank the Senator.

Mr. KENNEDY. Mr. President, if the Senator will yield for a question, are we going to have the opportunity of going back and forth? Perhaps after this we would have that chance to do it.

I appreciate it.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I rise today as an original cosponsor and in support of the Defense of Marriage Act.

This needed legislation is a straightforward approach to protect the rights of the individual States to determine policy decisions appropriately within their borders. Simply stated, this bill provides that no State be required to recognize a same-sex marriage that may have been given effect in another State. Additionally, this bill reaffirms the 200-year-old Federal policy in this country concerning the use of the words "marriage" and "spouse"—a marriage is the legal union of a man and a woman as husband and wife, and a spouse is a husband or wife of the opposite sex.

Mr. President, I can say without reservation that the fine people in my home State of South Carolina should not face the possibility of being forced to legally recognize same-sex marriages. This bill is needed to protect the right of every State to make their own determinations concerning the definition of a legal marriage.

Article IV, section 1 of the Constitution provides that full faith and credit be given in each State to the public acts, records, and judicial proceedings of every other State. Additionally, the Congress is granted the power to prescribe the manner in which State acts are given effect in other States. The Defense of Marriage Act is wholly consistent with the Constitution and protects the sovereignty of the States to make their own decisions concerning same-sex marriages.

Mr. President, I am amazed that we have reached the point in this country where the Congress must adopt this type of legislation to protect the sanctity of marriage. Because it is needed, I support the Defense of Marriage Act which reaffirms the notion of marriage as it has been recognized throughout 5000 years of civilization—marriage as a legal union between one man and one woman, as husband and wife.

Ms. MIKULSKI. Mr. President, I will vote for the Defense of Marriage Act. What this bill does is really quite simple.

It puts in the Federal law books what has always been the definition of a marriage—the legal union between one man and one woman. The bill also allows each State to determine for itself what is considered a marriage under that State's laws, and not to be bound by the decisions made by other States.

However, I would like to make some comments which I believe are important. First of all, I have been very concerned by the overheated rhetoric that has characterized the congressional and national debate on this issue. It has been divisive and much of it has been nasty and demeaning.

The last thing Americans need right now is another wedge issue. The last thing Americans need is an issue that turns us against one another, and that exacerbates bigotry and hate. It is time to stop the politics of hate. It might make for an exciting sound bite or a boost in the polls here and there, but it demeans us as a people. We are a better people than that.

We should recognize the politics behind this debate. It is an effort to make Members of Congress take an uncomfortable vote. It is an effort to put the President and Democrats on the spot, and at odds with a group of voters who have traditionally supported the President and the Democratic Party. I regret that. We owe it to the American people not to play politics with an issue as important as marriage.

My second point is this, and let me be very clear. I am against discrimination. My support for the Defense of Marriage Act does not lessen in any way my commitment to fighting for fair treatment for gays and lesbians in the workplace.

Later today we will have an opportunity to vote on legislation introduced by Senator KENNEDY, the Employment Nondiscrimination Act. This bill would end job discrimination based on sexual orientation. I am proud to be a cosponsor of this legislation and will proudly vote for it today. It is long overdue.

Mr. President, since I first came to the Congress I have made it a priority to fight to eliminate discrimination, whether it is discrimination on the basis of race, gender, disability or sexual orientation. Each of us deserves to be judged on the basis of our unique skills and talents and nothing else. Discrimination is wrong, plain and simple.

The Employment Nondiscrimination Act would extend Federal employment protections based on race, religion, gender, national origin, disability, and age to sexual orientation. In over 40 States, discrimination in employment based on sexual orientation is legal. Hardworking individuals can be fired from their jobs simply because of their sexual orientation.

And, as the law currently stands they have no legal recourse for discrimination based on sexual orientation. This amendment would extend the protections in title VII of the Civil Rights of 1964 and the Americans With Disabilities Act of 1990 to sexual orientation.

The Employment Nondiscrimination Act exempts from its coverage small business employing fewer than 15 people, private membership clubs, religious organizations, and education institutions controlled by religious organizations, as well as the Armed Forces.

Individuals should not be fired or denied a job simply based on their sexual orientation. Unfortunately, this kind of discrimination is rampant in both the public and private sectors. The extension of employment protections to sexual orientation is long overdue.

This is not about providing preferential treatment for any class of citizens. In fact, the Employment Nondiscrimination Act specifically prohibits preferential treatment.

The Defense of Marriage Act is about reaffirming the basic American tenet of marriage. The Employment Nondiscrimation Act is also about a basic American tenet—fairness. It is about fairness in hiring and fairness in treatment for people in their workplace.

I expect the Senate today will overwhelmingly approve the Defense of Marriage Act. And I support that. I hope that we will also pass—by an equally large margin—the Employment Nondiscrimination Act.

Mr. HATFIELD. Mr. President, today the Senate has before it an issue that has generated a great deal of debate across this Nation. I will support this legislation because I believe the question of State recognition of same-sex marriages must be resolved by each State individually, and not by one State on behalf of all others.

While the focus of this debate is whether members of the same sex may marry, the root of the matter is the full faith and credit clause of the Constitution, article IV, section 1. This clause provides that the States must recognize legislative acts, public records and judicial decisions of other states:

> Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Marriages are commonly given full faith and credit by other States. At this time, no State allows same-sex marriages, and a number have specifically outlawed them. Hawaii now appears to be on the verge of such recognition. If Hawaii becomes the first to allow same-sex marriages, other States would be required to recognize and give full faith and credit to those marriages.

The Defense of Marriage Act has been introduced in response to this possibility. The bill would restrict the effect of any state law that allows same-sex marriages to that state only. By making an exception to the full faith and credit clause, this legislation would allow each State to decide this divisive issue on its own.

The issue appears to be: Which side of the argument should have the burden of proof? If Congress does not act, the burden would be on those in opposition to same-sex marriages to affirmatively block them on a State-by-State basis. If Congress passes this legislation, those in support same-sex marriages would have to win recognition of such marriages on a State-by-State basis.

I believe each State should determine this volatile issue on its own, after a thorough debate. Therefore, I will cast my vote in favor of H.R. 3396.

Mr. MURKOWSKI. Mr. President, I rise in support of the Defense of Marriage Act.

Throughout the history of our Nation, family law has always been the province of the States and not the Federal Government. For we are a nation founded upon the principals of States' rights and limited Federal intrusion. And that is why this legislation is appropriate. The Defense of Marriage Act will ensure that each State shall be free to do what it believes is fitting and proper in regard to domestic law, including the recognition of same-sex marriages.

By defining the term marriage, Congress is protecting the individual sovereignty of each State. No State will now be required to recognize a same-sex marriage—and no State will be prevented from recognizing a same-sex marriage. Passing the Defense of Marriage Act is the surest method of preserving the will and prerogative of each and every State.

Additionally, the ramifications of the absence of a definition of marriage in Federal law are becoming apparent. The court case in Hawaii has merely brought some of those ramifications to our attention.

The Defense of Marriage Act does not prevent same-sex marriages at the State level; it merely defines marriages for Federal purposes, thereby establishing legal certainty and uniformity in federal benefits, rights and privileges for married persons.

I also rise to comment on the Employment Nondiscrimination Act. There are obvious and serious problems in employment discrimination and on its face, this bill may appear to resolve some of those problems. However, I believe that this bill will only heighten employment problems and discrimination based on sexual orientation.

The Employment Nondiscrimination Act will directly threaten an individual's right of privacy, a right specifically protected in the Alaska State Constitution. This bill will make sexuality an issue in the workplace because it will enable employers to ask employees questions regarding their sexual orientation. Indeed, the bill will require employers to keep records as to the sexual orientation of each and every employee in the same manner that employers are required to maintain records on other protected classes under title VII of the United States Code. The Employment Nondiscrimination Act represents Federal intrusion in an area that most believe warrants the highest level of privacy.

I urge my colleagues to support the Defense of Marriage Act and to oppose the Employment Nondiscrimination Act.

Mr. KEMPTHORNE. Mr. President, I rise today to express my strong support for the Defense of Marriage Act [DOMA]. The bill we consider today is an important step in defending States rights—as we have worked so hard to do throughout the 104th Congress—and in officially declaring the intent of Congress with regard to the issue of marriage.

Earlier this year, the State of Idaho took action on the issue of same-sex marriages. The State legislature, by a combined vote of 87 to 10, joined 13 other States in passing legislation which clearly declares that Idaho will not recognize same-sex marriages conducted in other States. Idaho has long prohibited same-sex marriages and should be allowed to ensure that, should such unions be approved elsewhere in the United States, Idaho's longstanding policy will not be changed. As the Idaho State Senate president pro tem stated when the bill was being considered, "[W]e should not change policy which has been there for 100 years because some other State changes policy." I could not agree more. The people of Idaho should not be forced to accept same-sex marriages, in violation of the longstanding policy of the State, merely because some other State decides to do so.

DOMA, therefore, merely serves to confirm that Idaho may do what it has already done. Acting under the guidance of the "Effects Clause" of the Constitution, section 2 of DOMA clarifies that a State has the right to deny other States' marriages which violate the public policy of that State. Opponents of this legislation have claimed that this portion of DOMA is unnecessary, and indeed, they may be correct. The courts have already upheld cases in which polygamous or incestuous marriages were not acknowledged by States outside of the one in which the marriage was performed. The courts may very well find the same thing with same-sex marriages. If so, section 2 is at worst redundant. If not, then it is imperative for Congress to use its constitutional authority to ensure that States are not required to recognize a marriage which is in violation of the policies of that State.

Section 3 of the bill establishes the Federal definition of the terms "marriage" and "spouse." There is nothing shocking here. Combined, these terms appear in nearly 4,000 places in Federal statutes and regulations, yet they have not been defined because State laws on marriage are so similar as to make such a definition unnecessary. DOMA takes the step to clarify the intent of these words, so the Federal meaning of these terms will not be changed even if a State should decide to radically alter its definition of "marriage" or "spouse."

Under the bill, marriage is defined as "a legal union between one man and one woman as husband and wife," and spouse is defined as "a person of the opposite sex who is a husband or wife." Looking at the definition of marriage and spouse in the States, this is clearly how these terms are intended to be defined. DOMA in no way prevents any State from using its own definition of these terms, but it does ensure that for Federal purposes, the definition will remain constant.

Mr. President, as part of the welfare reform bill which this Chamber overwhelmingly supported, we stressed the importance of marriage. The first two findings in the bill said, "Marriage is the foundation of a successful society," and "Marriage is an essential institution of a successful society which promotes the interests of children." What we are doing today is saying that we want to protect that institution. We want to maintain marriage as it has existed from the foundation of the United States, and, in fact, as it exists throughout the world today. Establishing a Federal definition of marriage and ensuring that States are not required to accept marriages which violate their public policies are modest, yet very important, parts of that process.

Mr. BURNS. Mr. President, as a cosponsor of the legislation now before us, H.R. 3396, the Defense of Marriage Act, I rise today to express my strong support of this bill. This straightforward legislation does just two things: First, provides that no State shall be required—I repeat, no State shall be required—to give effect to a law of any other State with respect to a same-sex marriage. Second, the Defense of Marriage Act defines the word "marriage" and "spouse" for purposes of Federal law. Though this bill is short in length—just 2½ pages in fact—it is long in substance.

As most of you are aware, the issue of same-sex marriages and consequently the introduction of the Defense of Marriage Act has come to the political forefront in part because of a 1993 Hawaii State Supreme Court decision. In the case of Baehr versus Lewin, the Hawaii State Supreme Court rules that the Hawaiian Constitution discriminates against the civil rights of same-sex couples by declaring that a legal marriage can only exist between individuals of the opposite sex.

In response to this decision,the Hawaii State Legislature has since indicated that the question of same-sex marriages is one of public policy and that the court therefore had no jurisdiction to decide the matter. The legislature has further held that the institution of marriage is inexorably linked with procreation and therefore may be validly limited to male/female couples.

Though Hawaii's Legislature has made it unmistakably clear that marriage is limited only to a man and a woman, the same-sex marriage issue still thrives in the Hawaii courts, and a lower court is scheduled to begin considering the issue this month. Should this court rule in favor of legalizing same-sex marriages, the repercussions of such a decision would have quite a legal effect.

Mr. President, because article IV, section I of the U.S. Constitution, requires that every State honor the "public Acts, Records, and judicial Proceedings" of every other State, the Hawaii court decision could potentially create a situation in which the remaining 49 States, including Montana, would have to recognize same-sex marriages if couples from or married in Hawaii move to another State. In addition, because there is currently no definition of marriage on the books, the Federal Government would be forced to recognize same-sex marriages for Federal benefit purposes. Since the word "marriage" appears in more than 800 sections of Federal statutes and regulations, and the word "spouse" appears more than 3,100 times, Federal benefits, such as Veterans, Health and Social Security, would all be subject to revision. Given the budget difficulties we are currently facing, it would be an understatement to say that this could have an enormous financial impact on our country. That troubles me deeply.

I know that there are people who are concerned that this bill will diminish the power of States to determine their own laws with respect to marriage. Now, let me say that anyone who knows me well, understands that I have always supported giving power back to the States. And I would have serious reservations about supporting this legislation if it mandated to the State of Hawaii, the State of Montana, or any other State for that matter what marriages they can legally recognize. As written, this bill in no way does that.

By adding a second sentence to article IV, section I of the Constitution that reads, "And the Congress may be general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be approved and the Effect thereof," the Framers of the Constitution had the foresight to give Congress the discretion to create exceptions to the mandate contained in the "Full Faith and Credit Clause." Therefore, the Defense of Marriage Act, as provided for by this exception, permits us to tackle the issue of same-sex marriages head on and, I am pleased to note, allows States to make the final determination concerning same-sex marriages without other States' law interfering. Let me say that another way. This bill will not outlaw same-sex marriages, it simply exempts a State from legally recognizing a marriage that does not fit its own definition of marriage. Under this bill, States will still be free to recognize gay marriages if they so choose. Under this bill, States will still be free to recognize gay marriages if they so choose. That is the way it should be, individual States deciding what is best for themselves.

Beside protecting the right of States to set their own policies on same-sex marriages, the Defense of Marriage Act puts Congress on record as defining the word marriage as "the legal union between one man and one woman as husband and wife," and the word spouse as "a person of the opposite sex who is a husband or wife." This is not groundbreaking language. It merely restates the current understanding. This language reaffirms what Congress, the executive agencies, and most Americans have meant for 200 years when using the words marriage and spouse—that a marriage is the legal union of a male and female of certain age in a holy estate of matrimony.

Mr. President, numerous polls show that the majority of American people, no matter their religious belief, clearly support protecting the sanctity of marriage. As a Nation we understand that the institution of marriage sets a necessary and high standard. Though most of us agree that everyone should have the right to privacy, most Americans believe the institution of marriage should be cherished and respected and so do I.

Although I know that this bill will not solve the problems that take place within individual marriages—particularly in light of statistics showing that one out of every two marriages in this country now ends in divorce—this legislation reaffirms that marriage between one man and one woman is still the single most important social institution. Marriage and the traditional values it represents is the heart of family life and has been shown to promote a healthy and stable society. Principles we sorely need to uphold in our country today.

Mr. President, at a time when it is becoming the exception, we have an opportunity today to reaffirm our commitment to the traditional two parent family. And I want to take a moment to thank all of those on both sides of the aisle who have worked so hard to bring this legislation to this point. I particularly want to commend Senator NICKLES for leading the way on this issue. On that note, because of Senator NICKLES efforts, and with the overwhelming support this bill received in the House earlier this summer, it looks as though we are going to see our way clear and pass this bill through Congress.

In closing, Mr. President, a number of my colleagues have delivered sound and eloquent arguments both in support of and in opposition to this bill today. I truly believe they do so with the most honorable of intentions. Let me remind my colleagues on both sides of this issue, however, that we are not the only voices speaking today. I have received literally thousands of letters and phone calls asking me to uphold the institution of marriage by voting for this legislation. I am sure many of my colleagues here in the Senate have as well. I trust you will listen to those voices.

Though I am fully aware that a vote for the Defense of Marriage Act will provide a reason for some to label me as intolerant, a bigot or uncompasionate—which I might add is not true—I am going to vote to send this bill to the President. I strongly urge my colleagues in the Senate to do the same. Thank you Mr. President.

I yield the floor.

Mr. FAIRCLOTH. Mr. President, I strongly support passage of the Defense of Marriage Act. It defies common sense to think that it would even be necessary to spell out the definition of "marriage" in Federal law. Yet it has become necessary, because what used to be a matter of self-evident truth has now become a topic of debate. The Defense of Marriage Act would make that definition clear, and it would protect States from being forced to recognize same sex unions recognized as marriages in other States.

Now, I don't claim to be an expert on what marriage is. But I think I can fairly confidently say what it should not be. First, it should not be simply a convenient arrangement that can be entered into or dissolved for frivolous reasons. Marriage forms families, and families form societies. Strong families form strong societies. Fractured families form fractured societies. So all of us have an interest in seeing that strong families are formed in the first place.

Same-sex unions do not make strong families. Supporters of same-sex marriage assume that they do. But that assumption has never been tested by any civilized society. No society has ever granted same-sex unions the same kind of official recognition granted to marriages, and for good reason.

In addition, marriage most certainly should not be just another means of securing government benefits. Yet this is one of the arguments that proponents of same-sex marriage use to justify this unprecedented social experiment. They claim that laws restricting marriage to persons of the opposite sex are discriminatory in part because, after all, same-sex partners are not entitled to health and other benefits extended to dependent spouses. I can think of few worse reasons for getting married. And I can think of few worse times to talk about creating yet another entitlement to government benefits.

Mr. President, some 15 States—including my State of North Carolina—have passed similar legislation clarifying the definition of marriage. Governors of several States have signed executive orders. And legislation is pending in some 20 other States. Even in the State of Hawaii—where a pending court case is helping drive this debate—the legislature has declared that marriage is defined as a legal union between one man and one woman.

Whatever happens in Hawaii, other States should not be forced to recognize same-sex relationships as marriages. This legislation would protect States rights to set standards in this area.

It is high time Congress spoke on this issue. I intend to vote for passage of the Defense Marriage Act, and I strongly urge my colleagues to do the same.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, I rise to address the legislation under consideration, the Defense of Marriage Act.

Proponents claim Congress needs to act swiftly to thwart an impending "threat against the family."

Let's put this in perspective.

Nearly 4,000 people have been killed in Los Angeles County alone in the last 5 years from gang-related violence. Criminal gangs are operating in more than 93 percent of American cities today. Children are being recruited to their death by gangs who prey on juveniles to do their bidding.

This is a threat against American families.

More than 10,000 people were hospitalized from methamphetamine abuse in California in 1994. Methamphetamine-addicted babies now outnumber crack babies in some hospitals.

And more than 1,000 toxic meth labs in California alone remain a public health threat because local jurisdictions don't have enough money to clean them up.

This is a threat against American families.

Right now, as we speak, some 15-year-old girl is dropping out of high school somewhere because she is pregnant, unmarried and unable to finish school. Teenage pregnancy is still at epidemic proportions in this country.

This is a threat against American families.

If we had our priorities straight, we'd be voting on legislation addressing these issues today instead of this bill.

Having said that, let me address the merits of the legislation before us.

I personally believe that the legal institution of marriage is the union between a man and a woman. But, as a matter of public policy, I oppose this legislation for two reasons: One, I believe it oversteps the role of Congress—setting a very bad precedent and perhaps even being unconstitutional; And Two, I believe it is unnecessary.

OVERSTEPS THE ROLE OF CONGRESS AND SETS A BAD PRECEDENT AND MAY BE UNCONSTITUTIONAL

I understand that the issue of same-sex marriage is one that generates strong feelings, and that an overwhelming majority of Americans are opposed to its legalization. That's why no State has, to date, ever sanctioned such unions.

But, even though some people hold deep moral convictions in opposition to the idea of same-sex marriage, and however substantial the majority opinion might be on this issue, Federal legislation is not the answer. In this case, this bill will do nothing to settle the question of whether same-sex marriages ought to be recognized.

It will only add fuel to an already divisive and mean-spirited debate—a debate conspicuously timed to coincide with the upcoming elections. It will only perpetuate more litigation and more controversy. It will only generate more division. And, worst of all, it sets this Nation on the slippery slope of transferring broad authority for legislating in the area of family law from the States to the Federal Government.

To my knowledge, never in the history of this Nation—for over 200 years—has Congress usurped States' authority to define marriage or delineate the circumstances under which a marriage can be performed.

If Congress can simply usurp States' authority to determine what the definition of marriage is, what is next? Divorce? Will we tell States they are not required to recognize divorce judgements they disagree with?

Should the Federal Government have the power to decide it won't recognize a second or third marriage?

How about age? Will the Federal Government determine at what age a person is permitted to marry?

Whether one accepts the idea of same-sex marriages or not is not the central issue here. The legislation before us will not prevent States from recognizing same-sex marriages. The issue before us is whether we want to inject the Federal Government into an area that has, for 200 years, been the exclusive purview of the States.

Proponents argue that Congress' authority to legislate in this area comes from the Constitution's full faith and credit clause. However, this is a pretty exotic interpretation of Congress' authority under that clause. Congress, in it's 200-year history has never once used the full faith and credit clause to nullify rather than implement the effect of a public act or judgment by a State.

In fact, this bill would turn the full faith and credit clause on its head. If Congress enacts this bill, the consequences could reach into many other areas of law and interstate commerce.

University of Chicago Law Professor Cass Sunstein said it best in testimony before the Senate Judiciary Committee:

> Under the proponents' interpretation, Congress could simply say that any law that Congress dislikes is of no effect in other States. There are interest groups all over the Nation who would be extremely thrilled to see the possibility that Congress can nullify the extraterritorial application of one State's judgments that it dislikes. Californian divorces, Idaho punitive damage judgments, Illinois products liability judgments—all of them would henceforth be up for grabs.

There is also the question of whether or not Congress has the authority to single out one class of people to impose such a broad disability on. It raises the question of whether this law would stand up to constitutional scrutiny under the equal protection clause.

LEGISLATION IS UNNECESSARY STATES ALREADY HAVE THE POWER NOT TO RECOGNIZE OUT OF STATE MARRIAGES

Even if Congress has the constitutional authority to grant itself this broad new power, there is nothing in our Nation's history to suggest that this law is necessary.

Whether or not to recognize an out-of-State marriage is not a new issue. It is quite old. And one which States have dealt with quite frequently without Federal legislation. There are volumes of cases involving incest, polygamy, adultery, minors and more, where the States have grappled with these issues successfully without the Federal Government.

According to conflict-of-laws doctrine, States may already refuse to recognize out-of-State marriages when the marriage violates that State's public policy. For example, expressions of public policy may be found in State statutes, State case law, or pronouncements by State attorneys general.

Section 283 of the Restatement of Conflicts of Law states:

> A marriage which satisfies the requirements of the state where the marriage was contracted will everywhere be recognized as valid, unless it violates the strong public policy of another state which had the most significant relationship to the spouses and the marriage at the time of the marriage.

A host of State court decisions dating back to the 1880's demonstrate

States ability to invalidate out-of-State marriages on public policy grounds.

For example, many States differ in what age they allow a person to enter into a marriage contract. Some States allow people to marry as young as 14. Other States do not permit such marriages or require parental consent.

State courts have made determinations on what marriages they will recognize based on their own public policies regarding age and other issues:

In Wilkins versus Zelichowski, a New Jersey court use public policy grounds to annul a marriage performed in Indiana involving a female under the age of 18.

In Catalano versus Catalano, a Connecticut court invalidated a marriage between an uncle and his niece declaring that "[a] state has the authority to declare what marriages of its citizens shall be recognized as valid, regardless of the fact that the marriages may have been entered into in foreign jurisdictions where they were valid."

In Mortenson versus Mortenson, an Arizona court applied the public policy exception to void a marriage performed in New Mexico between two first cousins.

STATES ARE ALREADY LEGISLATING IN THIS AREA

States are no less capable of dealing with the issue of same-sex marriages than they have been with other marriage issues. In fact, 15 States already have passed legislation either banning same-sex marriages or prohibiting the recognition of out-of-State same-sex marriages. Many others have or are currently considering similar legislation.

Many States already have statutes or case law reflecting State policy toward same-sex marriage. California law, for example, limits marriage to a "civil contract between a man and a woman," and has considered State legislation against recognition of out-of-State same-sex marriages.

The bottom line is, States have the authority to do what this legislation would do without Federal intervention, and should be left alone to deal with these issues according to their own laws and constitutional parameters.

I would be the first to say, that, if one State decides to recognize same-sex marriages, and if any other State is forced to recognize same-sex marriages against their own public policy as a result, then Federal legislation would be a reasonable course of action.

But, at the very least, Congress should wait until the Hawaii case works its way through the courts—which by all estimates could be several years away from final resolution—before entering into this fray and further complicating the legal issues involved.

For a Congress whose mantra has been returning power to the States, this legislation, it would seem, is a serious retreat from that idea, giving broad new power to the Federal Government in an area historically left under State control. I hope my colleagues will consider this and vote no on this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ASHCROFT). Who yields time?

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank the Senator. Let me say in regard to the Defense of Marriage Act, I agree with my colleagues who have risen and raised questions as to the motivations of why this legislation is before us. It is clearly, in my view, premature.

I hope, because this so-called Defense of Marriage Act is going to pass, that for those who claim they truly want to protect domestic relationships, partnerships that are not the traditional marriage relationships, we will consider that so that the protections in hospital rooms and other places where domestic partnerships are denied today is something all of us will determine we are going to resolve.

I do want to use this time, because I think we are on the brink, Mr. President, of adopting historic legislation in the midst of all of this, to speak in behalf of the Employment Nondiscrimination Act. I commend my colleagues, Senator KENNEDY of Massachusetts, my colleague from Connecticut, Senator LIEBERMAN, and Senator JEFFORDS from Vermont for their leadership on this issue. I am urging my colleagues to support the Employment Nondiscrimination Act.

> The history of our country thus far has been a history of the gradual extension, refinement and perfection of the guarantees of human freedom. By removing the denials of freedom experienced by some Americans, we are strengthening and giving greater validity to the freedom of all Americans.

Mr. President, those words were spoken by another Senator from Connecticut 32 years ago during the consideration of the landmark 1964 Civil Rights Act. Those words were spoken by my father in this Chamber. I believe those words are as germane today as they were when they were uttered 32 years ago. Over our entire history, this Congress and this Nation embarked on a quiet but monumental revolution, and that was to realize the full aspirations of our Founders that all men and women are truly created equal.

Throughout our history, Americans have strived to extend those rights to all Americans regardless of their skin color, religion, gender, disability, or political belief. But today, one group of Americans continues to be left unprotected in the workplace. That is gay and lesbian Americans. The Employment Nondiscrimination Act would go a long way toward extending greater equality to these Americans and ensuring them that they will be judged more by the strength of their labors than by their sexual orientation.

Much has changed in the 30 years since my father and others fought to enact civil rights legislation. At the time it was a controversial notion. It inflamed great passions. It tied up this body for weeks on end, the very notion that we would not be allowed to discriminate against people based on the color of their skin.

Today, I would suggest that if we were considering the 1964 Civil Rights Act, a resolution would be carried on a voice vote unanimously without any debate and any division. That was not the case 32 years ago. But for the reasons that I believe have more to do with intolerance and ignorance and moral courage, this country continues to allow gay and lesbian Americans to be judged not by their abilities or even the content of their character but by the prejudice of others. The amendment we are considering today is a commonsense response to this outrage. I hope we all want to say to gay Americans that when you are on the job in this country, you will be judged in the same manner that any American will be judged. The American people know this is the right thing to do. In fact, 84 percent of Americans believe that employers should not be allowed to discriminate based on sexual orientation.

Prominent business leaders, from Xerox, Microsoft, and RJR Nabisco, support this legislation. In fact, more than 650 private businesses include sexual orientation in their antidiscrimination policies. Political leaders past and present are also behind this effort.

From our former colleague, the Senator from Arizona, Senator Goldwater, to civil rights leader Coretta Scott King, the Governor of New Jersey, Christine Todd Whitman, and more than 30 Senate Democrats and Republicans—they all urge the adoption of this amendment. In fact, ironically, 66 of us in this body—66 of us, and 238 House Members, already have nondiscrimination policies for their employees. If just 66 in this body would ask the country to do what they do in their own offices, then we can adopt this legislation.

In my home State of Connecticut we have such protection for gay and lesbian workers. Has our business community suffered untoward consequences? Has the moral character of our State been dramatically harmed? Has Connecticut been overwhelmed by an onslaught of litigation? Have quotas been established for hiring gay workers? All of these issues have been raised in this body over the last several days, and to every one of them the answer in Connecticut has been "no." And in every other State where this has been adopted, the answer has been "no." In fact, Connecticut's antidiscrimination law is considered a success in providing recourse for those Americans affected by antigay bias, in giving them the guarantee they will be judged by the abilities of their labor and not their lifestyles.

In my view, this debate is behind the curve of where the American people are on this issue. The business community and the vast majority of American people recognize that gay Americans deserve and should be treated equally in the workplace. I believe this Congress must follow their lead. It is never a happy event when an American loses his or her job. It is particularly difficult when it is because of events out of one's control, such as downsizing, layoffs, companies moving offshore. We all understand the pain that people go through when they lose their jobs because of those circumstances.

But I can imagine few things worse than for one to lose a job because of the intolerance of others, and that is what exists today in the workplace. Rightly, we have acted to combat these wrongs when they are committed against people because of race, gender, age, and disability. I believe we must take this opportunity to extend that protection further to gay and lesbian Americans.

I urge all of my colleagues to join us in supporting this bill and providing to gay Americans the protections against job discrimination they so desperately need and deserve.

I thank my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. There remain 7 minutes and 11 seconds.

Mr. NICKLES. I yield the Senator from Kansas 5 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I would like to speak for just a few moments on the Defense of Marriage Act. I will speak in support of it. But it is an issue relating to marriage that I think is one that is an example of where divorce and related domestic matters have traditionally been subject to State law. I believe they should remain so.

Same-sex marriage is a concept with which few Americans are comfortable, and I do not believe that the judgment of one court in a single State should hold sway over the rest of the Nation. States should have the ability to disregard same-sex marriages if they so choose, and this legislation would permit them to do that.

Many aspects of this debate are troubling, as it touches not only on questions of law and the Constitution, but also on deeply held personal views about values, cultural traditions, and religion. As legislators, we are not always adept at debating matters such as this, and we find ourselves on far less comfortable ground in debating Federal legislative approaches to highly personal matters. We are more adept at debating matters of law and policy. But here I think we are on uncertain territory, and we have had already differing views expressed during the course of this debate.

Unfortunately, such debate sometimes occurs in an atmosphere of rigidity and intolerance. They are not dialogs aimed at reaching any sort of understanding but, rather, become shouting matches, which can happen in the public arena in our own States, not aimed at reaching any sort of understanding, in which each side becomes securely stationed behind its line in the sand. The terms of engagement are set by extremists at both ends. I have been picketed by both sides, out in my own State, in Kansas.

The debate over this legislation has been no exception. Nothing will make the issues any easier, but no purpose is served by abandoning civility and a respect for differing viewpoints in the process. Nor should we forget that at the heart of the debate over homosexuality are individual Americans. An abstract subject takes on different dimensions when given the face of a friend, a family member, a coworker. The things we all hold dear—family, friendships, a job, a home—present a unique set of challenges for the gay community. It should come as little surprise that, like anyone else, gay men and women would like to live their lives without being defined only by their sexual orientation.

Shortly after the August recess, I visited with a young man from Kansas who made a strong plea in opposition to the Defense of Marriage Act, arguing that fear was the driving force behind the measure. Although I was not persuaded to change my position on the legislation, I was deeply moved by his very genuine desire to move the debate beyond stereotypes and unchallenged assumptions.

Congress is not the ideal forum for the resolution of these issues, nor will any piece of legislation settle them. However, the tone we set in our deliberations is one which will be echoed around kitchen tables and worksites throughout the Nation. Let that tone be one which honors our democratic traditions of reasoned debate, responsible decisionmaking, and respect for all individuals.

I yield the floor.

Mr. KENNEDY. I yield 7 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, the legislation before this body obviously touches upon a deeply personal and emotional area. The institution of marriage is a vital foundation of any ordered society including this one. However, I think it is important amid a great deal of talk about the need to defend marriage, that we look at the context in which this legislation is brought before this body.

As a member of the Senate Judiciary Committee, I recently had an opportunity to attend a hearing on this legislation and review the arguments made by both sides. Based upon that record, it was obvious that both sides feel very strongly about the positions they hold. However, having reviewed the arguments, I have reached the conclusion that this legislation is neither necessary nor appropriate for the Federal Government to enact at this time.

First, it is not clear that this is even an appropriate area for Federal legislation. Historically, family law matters, including marriage, divorce, and child custody laws, have always been within the jurisdiction of State governments, not the Federal Government. Throughout my tenure in this body, I have opposed legislation which needlessly extends Federal jurisdiction into issues that have traditionally been the domain of the State and local governments. For this reason, I opposed crime legislation that expanded Federal law enforcement into areas traditionally handled by the State and local law enforcement. Similarly, I opposed efforts to federally mandate helmets for motorcycle riders, because I believed that States should retain that authority. This legislation is yet another example of a continuing trend of the Federal Government needlessly injecting itself into areas of the law which have been historically left to the States.

Second, and perhaps more telling, the alleged urgency of this Federal intervention is wholly unwarranted. The simple and undeniable fact is that no State currently recognizes same-sex marriage, nor does it even remotely appear that any State legislature may be contemplating doing so. While some of my colleagues voice a concern over a court case in the State of Hawaii, resolution of that trial will not determine this matter with any finality. There will be a series of appeals, no doubt. Even if the Hawaiian State courts find the Hawaiian constitution compels recognition of same-sex marriage, final resolution of this issue is at least a couple of years away. Somehow, this is still deemed a priority in the waning days of the 104th Congress. It is ironic that this Congress would set aside time needed for addressing issues such as the Chemical Weapons Treaty and funding for Head Start, to address a perceived problem which does not exist today and will not exist, if ever, for at least 2 years.

And this is from the same Congress that, for the second year in a row, will likely fail in its fundamental responsibility to pass all of the appropriations bills necessary to keep the Government operating. The same Congress that stalled passage of health insurance reform for nearly 9 months and took nearly as long to give the working families of this Nation a much-deserved and overdue raise in the minimum wage has somehow made this issue a priority.

Mr. President, even at some point in the future the Hawaiian State courts reach the conclusion that same-sex unions must be recognized under their constitution, there is a great deal of uncertainty as to what effect, if any, that decision might have on other States.

Legal opinions vary on this, but there is plenty of legal opinion that the States simply would not be compelled to give recognition to these marriages from other States. A number of legal scholars believe that States already have the authority, under traditional conflict of laws doctrines, to refuse to recognize marriages which are contrary to their own laws or public policy. If this is the case, States do not need the Federal Government granting them permission to exercise a right which they already hold. Until that view is resolved differently, it seems to me we should defer to the power of the States to address this issue on their own.

Some scholars believe that States would be compelled to recognize these unions by the full faith and credit clause of the U.S. Constitution, irrespective of this statutory effort to say otherwise. And still others oppose this bill because it, seemingly for the first time, assumes that Congress has the power to determine the applicability and scope of the full faith and credit clause, a position which would signal a significant change in the traditional application of this provision.

The degree of uncertainty surrounding the constitutional implications of this legislation is striking. That uncertainty, coupled with the fact same-sex marriage is not legal anywhere in this country, suggests to me we should move with caution. It is far more prudent, in my opinion, given the personal and divisive nature of this issue, to wait until a real, not a speculative, conflict arises between the States.

So, in my opinion, this legislation is unwarranted. Congress and the American people face many pressing challenges, challenges we all heard so much about at the recent conventions, challenges ranging from the need to reduce the Federal deficit to increasing educational opportunities and job security for all Americans and preventing the spread of drugs and crime in our country. Real problems which affect the lives of millions of Americans today.

(Mrs. KASSEBAUM assumed the chair.)

Mr. FEINGOLD. Madam President, I cannot think of a lower priority for the Federal Government than to spend this time interfering with the private laws of law-abiding citizens. Before we endeavor to address problems which do not even exist, we should dedicate ourselves to solving those that do. The people of this Nation expect and deserve nothing less, and, therefore, Madam President, I will oppose this legislation.

EMPLOYMENT NONDISCRIMINATION ACT

Let me say with regard to the ENDA bill, that is a piece of legislation I will support and cosponsor. It does, in fact, deal with a real problem in this country, unlike the DOMA legislation, and I hope that we have a strong positive vote of putting the Senate in favor of ending discrimination in that area.

Madam President, I rise today to offer my strong support for the Employment Nondiscrimination Act. I want to commend my colleague from Vermont, Senator JEFFORDS, and my colleague from Connecticut, Senator LIEBERMAN, as well as my colleague from Massachusetts, Senator KENNEDY, for their dedication to bringing this important piece of legislation before this body and to the attention of the American people. I am a cosponsor of this legislation and believe it should be adopted for very simple, but important and fundamental reasons.

Madam President, there can be no doubt that the history of this Nation is marked by our continuing efforts to stop discrimination—be it in the workplace, in our schools, or in our places of public accommodation. It is also equally true that this Nation's history is marked by the simple notion that if one works hard and keeps their nose to the grindstone, then they too may share in the American dream. Yet, in this country today, these simple but important foundations of our culture are denied to gay and lesbian Americans for no other reason than that they are in fact, gay or lesbian.

Madam President, this legislation would attempt to stop that practice and prohibit employment discrimination against individuals because of their sexual orientation. To date only nine States, including my home State of Wisconsin, have passed comprehensive legislation to ban employment discrimination based on sexual orientation. In the 41 remaining States, however, it is permissible to discriminate against a worker based upon that workers sexual orientation irrespective of their qualifications, dedication to their job, or work performance.

What this legislation would do is to simply ensure that basic American right to fair and just treatment in the employment arena cannot be denied based solely upon a person's sexual orientation. It provides, in essence, the right for gay and lesbian workers to be treated like everyone else—to be judged on the merits of one's contributions, not their sexual preference.

Madam President, it is essential to note that this bill confers no special or preferential rights upon gays and lesbians. It exempts small businesses, the military, and religious organizations and explicitly prohibits preferential treatment, including quotas. The focus of this effort is directed at stopping employment discrimination which exists today. The discrimination targeted by this measure is real. It is not speculative or merely a possibility at some point in the future—it is, in fact, occurring today. If this Nation is to reach its full potential in these ever changing economic times, then we must acknowledge and welcome the contribution of all hard-working Americans in the workplace. The Employment Nondiscrimination Act does just that. It is a sound, and in my view, necessary step to helping ensure the opportunity for millions of Americans to earn a living free of the fear of discrimination. It has the support of Members of both political parties, church and civic leaders, the President, as well as major corporations—corporations which know first hand the value of a discrimination free workplace. We should learn from their experiences.

The notion that someone could be fired solely because they are gay or lesbian should be offensive to each of us. Just a few weeks ago, for 8 days of political conventions, both major political parties spent countless hours in a battle to seem more inclusive, more tolerant, more fair than the other. This legislation offers Members of both parties a legitimate opportunity to move from rhetoric into action and provide gay and lesbian Americans the opportunity to work and earn a living free of the fear of losing their jobs solely because of their sexual orientation.

The very premise of job discrimination contradicts traditional American values and we must do all we can to stop it. We should adopt this legislation.

I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There are 3 minutes for the Senator from Oklahoma and 29 for the Senator from Massachusetts.

Mr. NICKLES. Madam President, I ask unanimous consent for an additional 2 minutes and recognize the Senator from Missouri for 5 minutes.

Mr. KENNEDY. I object, unless we have 4 minutes equally divided.

Mr. NICKLES. I ask unanimous consent both sides have an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Madam President, I thank the Senator from Oklahoma.

I am grateful for this opportunity to rise in support of this legislation, known as the Defense of Marriage Act. I believe it is important for us to outline exactly what this bill would do and what it would not do, because in much of the discussion, it is portrayed as a measure which would overrule State laws and somehow snatch from States the capacity for defining what a marriage is within the State.

The truth of the matter is, this would not change the capacity of States to define for their own purposes the nature of marriage in any State in America. It would define, for purposes of the Federal Government, what constitutes a marriage. And that is very important, because unless we have a Federal definition of what marriage is, a variety of States around the country could define marriage differently—they have not to date—and if they were to define marriage differently, people in different States would have different eligibility to receive Federal benefits, which would be inappropriate.

It has been said that it is not important to do this because there have not been any States making these changes. I think it is pretty clear that it is important to do this because States are on the brink of making such changes, one State's law having been stricken by its highest court on the basis that it was unduly discriminatory.

Let me just indicate that as long ago as in the 1970's, a male demanded increased educational benefits from the U.S. Government when he claimed that another male individual was his dependent spouse. The Veterans' Administration turned him down, and the Veterans' Administration was sued. The outcome turned on a Federal statute that made eligibility for the benefits contingent on his State's definition of "spouse" and "marriage."

If the definition is different in one State for Federal benefits than it is in another State, we will find that States will be able to accord benefits to citizens in a way which is irrational and inconsistent, giving citizens of one State higher benefits or different benefits than citizens of another State.

It is time for the Federal Government to define what a marriage is for purposes of Federal benefits which, obviously, come at the expense of the taxpayers of this country. It is not unreasonable at all, for purposes of Federal benefits, whether it is Social Security, education benefits, or veterans benefits of one kind or another, for this Congress to say these are the conditions under which those benefits flow. They should be uniform for people no matter where they come from in this country. People in one State should not have a higher claim on Federal benefits than people in another State.

For that reason, it is entirely appropriate for us, as a Congress, to say that we want a Federal benefits structure that follows a uniform definition of "marriage," and for purposes of the Federal benefits program, we have this definition, and that is what this law provides.

Second, this law then says that a State will not be required to recognize another State's definition of marriage if that includes individuals of the same sex. Now, every State has benefits that flow to those who are married. It comes from the fact that there are real societal and social benefits to marriages. Marriages bring children into the world. That is the next generation.

Unfortunately, it is the young people who defend the country when we are assaulted from abroad. And if you don't have children who grow up to be in the work force, who pays for the retirement of those who have already retired? We have set up our society on the basis of children who come into the world, and we honor the institution that brings children into the world and gives them values, by according special standing to marriage. That is not only done at the Federal level, which we already have addressed, it is done in every State in America.

A State ought to be able to say you are going to get these benefits if you are in this category, if you meet this definition of marriage. But if we use the term marriage in one State and then we allow another State to define it as something entirely different than what the first State which was developing the benefit structure intended, we have really allowed one State to define for other States what will be the qualifying characteristics for their laws and their benefits.

It is clear to me that a State should have the right to say that these are the characteristics of the relationship which will result in our State according you either the deduction or the special benefit, whether it relates to taxes or education or inheritance or the like. States should have the right to do that on their own terms.

So this proposal simply defines, in a uniform way for Federal benefits, the nature of what a marriage is, and it says that no State shall be able to impose its definition of marriage on other States.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. KENNEDY. Madam President, as I understand it, now there are 31 minutes remaining for our side?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Madam President, I yield 20 minutes to the Senator from Virginia, 6 minutes to the Senator from Nebraska, and 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Madam President, as one who represents a traditionally conservative State, it's not easy to take on this issue. In fact, many of my friends and supporters have urged me to sit this one out because of the potential political fallout, but I can't do that. I feel very strongly that this legislation is fundamentally wrong—and feeling as I do I would not be true to my conscience or my oath of office if I failed to speak out against it. I believe we have an obligation to confront the very real implications of the so-called Defense of Marriage Act.

Despite it's name, the Defense of Marriage Act does not defend marriage against some imminent, crippling threat. Maintaining the freedom of States to define a civil union or a legal right to benefits cannot—and will not—harm the strength and power of marriage. Neither can it diminish the love between a husband and a wife, nor the devotion they feel toward their children.

Whether the Government should give official sanction to same-sex relationships does raise some extremely difficult issues, Madam President—issues of morality, of religion, of child-bearing, of marriage and of the intimacies of life. But this legislation is not really about these difficult questions of domestic relations. As a constitutional matter, it is about placing the Federal Government in the midst of an issue firmly and historically within the jurisdiction of our States. And as a political matter, it is about denying a class of people benefits that no single State has yet conferred.

This bill also raises fundamental questions about the nature of our Federal system of Government, including the powers of the States under our Constitution and the scope of the full faith and credit clause. I believe the full faith and credit clause does not enable one State to legislate for another, and so the States don't need the protection of a Federal statute in this case. I also believe that it's inappropriate for the Federal Government to get involved in defining marriage—something States have done for themselves throughout our history.

These are important issues, Madam President, and they deserve a full discussion, but they are not the issues that make this debate so difficult—or so important.

For beneath the high-minded discussions of constitutional principles and States rights lurks the true issue which confounds and divides us: the issue of how we feel about intimate conduct we neither understand nor feel comfortable discussing.

Madam President, scientists have not yet discovered what causes homosexuals to be attracted to members of their own sex. For the vast majority of us who don't hear that particular drummer it's difficult to fully comprehend such an attraction.

But homosexuality has existed throughout human history. And even though medical research hasn't succeeded in telling us why a small but significant number of our fellow human beings have a different sexual orientation, the clear weight of serious scholarship has concluded that people do not choose to be homosexual, any more than they choose their gender or their race. Or any more than we choose to be heterosexual. And given the prejudice too often directed toward gay people and the pressure they feel to hide the truth—their very identities—from family, friends and employers, it's hard to imagine why anyone would actually choose to bear such a heavy burden unnecessarily.

The fact of the matter is that we can't change who we are, or how God made us and that realization is increasingly accepted by succeeding generations. It has been my experience that more and more high school and college students today accept individual classmates as straight or gay without emotion or stigma. They accept what they cannot change as a fact of life. Which brings to mind one of my favorite prayers:

> God, grant me the serenity to accept the things I cannot change
> The courage to change the things I can,
> And the wisdom to know the difference.

I suspect that for older generations fear has often kept this issue from being discussed openly before now—fear that anyone who expressed an understanding view of the plight of homosexuals was likely to be labeled one. Because of this fear, the battle against discrimination has largely been left to those who were directly affected by it. Madam President, I believe it is time for those of us who are not homosexual to join the fight. A basic respect for human dignity—which gives us the strength to reject racial, gender and religious intolerance—dictates that in America we also eliminate discrimination against homosexuals. I believe that ending this discrimination is the last frontier in the ultimate fight for civil and human rights.

Most Americans accept the basic tenet that discrimination for any reason is wrong. We grow uncomfortable, however, with some of its implications. The question we face now is whether that discomfort warrants continued discrimination.

Although we have made huge strides in the struggle against discrimination based on gender, race and religion, it is more difficult to see beyond our differences regarding sexual orientation. It's human nature to be uncomfortable with feelings we don't understand or share and to step away from those who are different. But it's also human resolve that allows us to overcome those impulses, to step forward and celebrate those many qualities we share. The fact that our hearts don't all speak in the same way is not cause or justification to discriminate.

There are not many in this Chamber who truly seek to discriminate. Some here support the Defense of Marriage Act because many of the good people they represent believe that homosexuality is morally wrong, and therefore same-sex unions should not be permitted by the Government. A number of our colleagues have told me privately that they are not comfortable supporting this legislation, but the political consequences are too great to oppose it.

Others admit that they intend to discriminate, but they believe that discrimination here is justified. They justify their prejudice against homosexuals by arguing that homosexuality is morally wrong—thereby assuming it is not a trait but a choice, and a choice to be condemned.

But history has shown that current moral and social views may ultimately prove to be a weak foundation on which to rest institutionalized discrimination.

Until 1967, 16 States, including my own State of Virginia, had laws banning couples from different races to marry. When the law was challenged, Virginia argued that interracial marriages were simply immoral. The trial court upheld Virginia's law and asserted that "Almighty God created the races white, black, yellow, malay, and red, and he placed them on separate continents. The fact that he separated the races shows that He did not intend for the races to mix." *Loving* v. *Virginia*, 388 U.S. 1 (1967). The Supreme Court struck down these archaic laws, holding that "the freedom of choice to marry" had "long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men."

Today we know that the moral discomfort—even revulsion—that citizens then felt about legalizing interracial marriages did not give them the right to discriminate 30 years ago. Just as discomfort over sexual orientation does not give us the right to discriminate against a class of Americans today.

Ultimately, Madam President, immorality flows from immoral choices. But if homosexuality is an inalienable characteristic, which cannot be altered by counseling or willpower, then moral objections to gay marriages do not appear to differ significantly from moral objections to interracial marriages.

Madam President, at its core marriage is a legal institution officially sanctioned by society through its Government. This poses the dilemma of whether a society should recognize a union which the majority either can't relate to or believes is contrary to established moral tenets or religious principles. We find ourselves again at the intersection of morality and Government, a place where some of our most divisive and complicated social issues have torn at us throughout our history as a Nation. Prayer in school, abortion, the death penalty, assisted suicide—these most troubling issues of our day force us to confront the difficulty of legislating where social mores and individual liberties collide.

I believe social mores can and should guide our Government. But sometimes we need to choose between conflicting moral judgments. For example, some believe very deeply that no matter how heinous a crime a person commits, the death penalty is immoral because no human should take the life of another. But while we respect those views, we have legally restored the death penalty. Many believe homosexuality is immoral, but many also believe that discriminating against people for attributes they cannot control is immoral. When moral objections are used to justify blatant discrimination, however, we need to tread carefully.

In this case, we should tread more carefully still, because marriage is also a religious institution. Religious ceremonies evoke powerful images: a couple committing themselves to each other before God and family, a union blessed and supported by religious teachings, a ceremony based on scripture and biblical studies. But we have to remember today that government has a role only in the civil institution, separate and distinct from marriage as a religious ceremony.

The truth is, this bill will not affect, one way or another, how individual religions deal with same-sex marriages. Government sanction of gay marriages does not alter the religious institution, and as author Andrew Sullivan has argued, "Particular religious arguments against same-sex marriages are rightly debated within the churches and faiths themselves." Religions that prohibit gay marriages will continue to do so, just as some refuse to permit marriages between individuals of different faiths. Such couples simply have to forgo the religious blessing of the marriage, and be content with only civil recognition of their union.

Marriage, as a civil institution, recognizes the union of two individuals who are so committed to each other that they seek to have their civic rights and responsibilities formally merged into one. And, Madam President, when that civil institution is separated from a religious ceremony, and that civil institution is recognized by a sovereign State, then denying Federal recognition of that union amounts to nothing short of indefensible discrimination.

Unfortunately, Madam President, discrimination is not new in this country. Countless courageous Americans have risked their careers and even their lives to defy discrimination. We forget today how difficult these acts were in their own time. We forget how different our world would be if these pioneers had taken the easy path. One thing we do know, Madam President, is that time has been the enemy of discrimination in America. It has allowed our views on race and gender and religion to evolve dramatically, inevitably, in the American tradition of progress and inclusion.

We're not there yet, Madam President. In matters of race, gender, and religion, we've passed the laws, implemented the court decisions, signed the executive orders. And every day we work to battle the underlying prejudice that no law or judicial remedy or executive act can completely erase. But we've made the greatest strides forward when individuals, faced with their moment in history, were not afraid to act. And time has allowed us to see more clearly the humanity that binds us, rather than the religious, gender, racial, and other differences that distinguish us. But I fear, Madam President, that if we don't stand here against this bill, we will stand on the wrong side of history, not unlike the majority of the Supreme Court who upheld the "separate but equal" doctrine in Plessy versus Ferguson. And with the benefit of time, the verdict of history is not likely to be as forgiving as we might believe it to be today.

Madam President, I believe we ought to continue to let the States decide if and how they want to confront the issue of a civil union between members of the same sex. They decide it in all other instances. In fact, they have managed it without congressional interference for 200 years. As the supreme court of Hawaii has recently noted, in the very case which has led to the introduction of the Defense of Marriage Act, "the power to regulate marriage is a sovereign function reserved exclusively to the respective States."

Most of us are uncomfortable discussing in public the intimacies of life. And most of us are equally uncomfortable with those who flaunt their eccentricities and their nonconformity, whether gay or straight.

But in the end, we cannot allow our discomfort to be used to justify discrimination. We are not entitled to that indulgence. We cannot afford it. But doing the right thing is not always easy and I know this is not an easy vote even for those who may agree with my argument.

It is, in a very real sense, a test of character and I hope as many colleagues as possible will take time to reflect before casting their vote. If enough of us have the courage to vote against the Defense of Marriage Act, I believe we can convince the President to do what I know in his heart of hearts he knows he should do to this discriminatory legislation. A nation as great as ours should not be enacting the Defense of Marriage Act.

Ultimately, Madam President, I would say to our fellow Senators: you don't have to be an advocate of same-sex marriages to vote against the Defense of Marriage Act. You only have to be an opponent of discrimination.

Madam President, I'll conclude today with the words of a courageous American whom I seldom quote but to whom I'm eternally indebted. President Lyndon Johnson often said, "It's not hard to do what's right, it's hard to know what's right." We know it is right to abolish discrimination. And if we reflect on what this bill is—an attempt to discriminate—rather than on what it is packaged to be—a defense of marriage—we will come down on the right side of history.

With that, Madam President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 6 minutes.

Mr. KENNEDY. Could the Senator yield for a unanimous-consent request?

Mr. KERREY. I yield.

Mr. THURMOND. Madam President, I ask unanimous consent that prior to the two consecutive votes scheduled at 2:15, there be 2 minutes of debate equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Madam President, the Defense of Marriage Act [DOMA] is proposed and sold as a simple measure, limited in scope, and based on common sense. It is none of these things. DOMA certainly cannot be called a simple measure when it proposes to have the Federal Government intervene in matters previously reserved to the States. Conservative advocates of States rights should not brush aside this interference merely because they find a purpose which holds special appeal to them. And with this law the Federal Government will have taken the first—and if history is a good guide, probably not the last—step into the States' business of marriage and family law.

DOMA certainly cannot be called limited in scope except for those of us who will be unaffected by this abridgement of rights. The small class of citizens affected do not believe this law is limited in scope. Of course the fact that only a relatively few homosexual couples will be affected begs the question: Why should we heterosexuals worry? We have more important business to tend to. Why should we put ourselves at risk for a small minority of men and women who are willing to make a lifetime commitment to another human being but, whose love of someone of the same sex violates others' personal beliefs? Two reasons. First, these couples are not hurting us with their actions; in fact they may be helping us by showing us that love can conquer hatred. Second, we may be next. That's how the rights of the majority are threatened: One minority group at a time.

As to the third representation made by supporters, DOMA does not appear to me to be based on common sense. Common sense tells me: Do not pass a law that is not needed. And DOMA is not needed. States can already refuse to recognize marriages that violate their strong public policies. For example, if Nebraska's Legislature chooses to not recognize a marriage contract between under-age couples, it can do so. The courts have upheld that right. The court would also uphold Nebraska's right to not recognize a same-sex marriage in another State although no State currently allows such marriages.

In fact, same-sex marriage laws are not sweeping their way through State legislatures. Local politicians are just as nervous or frightened of this issue as we are. Rather than getting ahead of an issue that is heading our way, we are losing our way to save our political heads.

So why worry about DOMA? I worry because despite references to the contrary we are doing much more than passing a law that is not needed. We are establishing, in the Federal code, a prohibition against a narrow class of people; a Federal law will preempt State law and discriminate against these individuals by saying they cannot do what all other Americans can legally do. And, we are establishing a means to carry out other Federal remedies to State-level family law problems. I would vote against DOMA if it only did the first of these things. However, it is the second which should strike fear into the heart of heterosexual Americans who wonder if this could affect them some day. The answer is it can and probably will. Even if it is not your loved one who is unable to visit you on your deathbed because laws forbid non-family members from entering your room, this bill could someday touch your life.

For example, once this bill has passed and been signed into law, advocates of Federal involvement in personal decisions may propose adding other language. They may say: Let's examine the heterosexual activity which common sense and empirical evidence tells us is a threat to the institution of marriage: divorce. Divorce—not same-sex marriage—is the No. 1 enemy of marriage. And, with a Federal definition of marriage in chapter 1 of title 1 of the United States Code, future Congresses would have a Federal vehicle to attack divorce. DOMA's language, which provides that " 'marriage' means only a legal union between one man and one woman as husband and wife," could easily be amended to prevent States from recognizing divorce decrees which occurred in the 1st year of marriage, 2nd year, or the 10th year.

Beyond divorce, we could add custody language or other Federal requirements on married couples. Supporters of DOMA say they are not creating a Federal certificate of marriage. True enough today. However, they are creating an easy way for us to reach that goal.

Supporters of DOMA say a Federal definition of marriage is needed because Federal benefits are at risk. This is making a mountain out of a mole hill. Even if the same percentage of homosexual Americans were married as heterosexual Americans, 40 percent, the threat to the Treasury would be modest. Approximately 5 percent of the population is gay or lesbian. Therefore, we are only talking about 2 percent of the population that could possibly benefit if same sex marriages were recognized. Further, Congress can choose to exclude same-sex partners from any Federal benefit it chooses, as we did with the family and medical leave legislation.

Proponents also say, the current United States Code does not contain a definition of marriage, presumably because Americans have known what it means. Not true. Federal definitions of marriage, divorce, child custody, and other family matters have been omitted because Americans have known what it means when the Federal Government starts to legislate in new areas. Americans know that once we start, we cannot stop.

Heterosexual Americans who wonder why they should be concerned with a law that restricts the freedom of a minority class should be advised: The bell that tolls for them could soon toll for thee.

Heterosexual Americans should know: Marriage is not under attack from rising numbers of homosexual Americans who are making commitments to each other. Marriage is under attack when a person is too busy, too preoccupied, and too concerned about taking care of No. 1 to take care of No. 2 or 3 or 4. Marriage is under attack in that moment when a man or woman is tempted to forget their commitment to love "until death do us part."

My mother and father's generation did not forget. My generation unfortunately did. My children's generation, thank God, appears to be remembering again. And in this remembering lies the hope for marriage and other sacred traditions so important to our Nation. Not a Federal statute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. WYDEN. Thank you, Madam President. Madam President, at the heart of this debate is a judgment each Senator must make about what the Federal Government ought to stick its nose into.

This has been a Congress dedicated to the proposition of reducing the role of the Federal Government in the lives of our citizens. This Congress has sought to turn away the Federal desire to intrude and leave important decisions to private individuals and, if necessary, local and State government.

Marriage has historically been a private matter between two people. It has long been a matter that has been reserved for the States. Now the Congress that has sought to contract Federal power hungers for Federal regulation of the institution of marriage. This Federal expansionism makes no sense to me.

When I talk with gay and lesbian Oregonians, they invariably ask me about the concerns held by the majority of Americans. They ask about jobs and wages and health care and crime. Not once has a gay or lesbian Oregonian come to me and asked that the Federal Government endorse their lifestyle. They simply ask to be left alone. In this regard, they are very similar to what I hear from ranchers and small business owners and fishermen and scores of other of our citizens.

One of the fundamental principles on which our Nation was built is the freedom to enjoy life, liberty, and the pursuit of happiness. The Constitution doesn't give Congress or the States the power to specifically exclude an individual or group of individuals from the enjoyment of life, liberty, or the pursuit of happiness. But this legislation would.

Is the legislation constitutional? Where in the Constitution does it say equal rights for all—except those that the majority disagrees with? This bill is not only of dubious constitutionality, it seems to me to be a repudiation of traditional conservatism. It is conservative, Madam President, to keep private conduct private. It is certainly conservative to promote monogamy. It is conservative to promote personal responsibility and commitment.

This bill isn't conservative; it is Big Brother to the core. My judgment is that this is a subject the Federal Government ought not stick its nose into.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 4 minutes.

Mr. BRADLEY. I ask unanimous consent to continue until my speech is finished.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BRADLEY. Madam President, the first point to make is that this issue should not be coming before us today. No State in the United States has passed a law that recognizes same-sex marriages. To the contrary, 15 States have passed laws prohibiting them. I wish I did not have to deal with this issue. It makes me feel uncomfortable. I feel I'm on ground full of quicksand. But, as a Senator, one is asked to vote to decide, so that is what I am doing today.

My views on gay issues have evolved over the years. I have always been opposed to discrimination on the basis of race, gender, ethnicity. Then I came to see that the same concerns about discrimination have to also apply to sexual orientation, if I were to carry the logic of civil rights to its natural conclusion.

But the countervailing thought in a society as diverse as ours is that opponents of gay rights have rooted their opposition to religion. Many opponents assert that God has not ordained homosexuality. These individuals sometimes use the power of Scripture to perpetuate the idea that homosexuality is a choice, and if you choose it, similar to choosing anything that Scripture prohibits, you are guilty of flaunting your dismissal of God's will and strictures. These individuals also sometimes use Scripture to perpetuate blatant discrimination, hiding behind Scripture to cover up an underlying intolerance.

Madam President, I believe that homosexuality is not a choice. Homosexual behavior, on occasion, might be a choice. But having a homosexual orientation and being a gay is not a choice. I believe that it is more similar to being born with red hair than it is to choosing to tell a lie. The latter requires a decision; the former just is. You can cover up the former, but underneath the dyes and wigs the hair is still red.

At the same time, I believe there is no denying the fact that large numbers of Americans have deeply held religious beliefs about homosexuality and marriage. Even in questions of discrimination against gays, there is a conflict between religious faith and rights. Madam President, I have resolved that conflict in my own mind by saying that in things secular rights shall prevail, be dominant.

I believe, for example, that there should be no discrimination against gays in housing and employment, and that is why I have been a long supporter of gay rights in these areas, with the proviso that religious institutions that would see these anti-discrimination laws as interfering with their freedom of religion are exempted. ENDA, in my view, does that. It achieves the balance between ending discrimination against gays and respecting freedom of religion. The issue of gay marriage, in my view, does not achieve that balance.

I believe marriage is, first of all, a predominantly religious institution. For example, it is one of the sacraments of the Christian faith, but it is also, in our society, a secular institution. Therefore, it is fraught with a degree of ambiguity. In all cases, it has been a state that exists between a man and a woman. In no country in the world, in no religion that I know of, does the state of marriage exist between two people of the same sex. Therefore, when we contemplate giving state sanction to same-sex marriages, we need to proceed cautiously.

At the same time there are many partners of same-sex relationships who have loving and committed relationships over many years. The question arises, how do we acknowledge the existence of these committed relationships—the partner's desire to be at the bedside of his or her dying partner or to see that a partner receives the benefits that accrue to a survivor of a long and loving relationship?

One might point out that the only way we can do that now is through marriage. There ought to be another way, and I am prepared to look for that other way, but I do not see marriage as flexible enough an institution to accept such redefinition at this time. Too many people in too many places of too many faiths see it as the state that exists between a man and a woman, and they see same-sex marriages as an incomprehensible trespass.

Madam President, that is what this bill is all about. That is what the so-called DOMA legislation is all about. It says marriage should not be redefined to include individuals of the same sex because marriage with all its religious connotations is different from a secular desire to get housing or a good job.

So, Madam President, in trying to balance the religious and historical idea of marriage with the need for extending rights, I say that rights should extend up to but not include recognition of same-sex marriages.

I yield the floor.

RECESS

The PRESIDING OFFICER. The Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:52 p.m., the Senate recessed until 2:15 p.m.; Whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997—CONFERENCE REPORT

The Senate resumed the consideration of the conference report.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, this Defense authorization bill has been done from the very outset in a very bipartisan spirit. Senator NUNN, I am sure, will speak on that side to that effect. We have worked together, Republicans and Democrats, to bring into the Senate a bill that we feel is fair and just. The House has already passed this particular bill. The President has said he will sign this particular bill. I urge all Senators to vote for this bill and show support for our Armed Forces, the men and women who are sacrificing by serving our country and risking their lives to protect the liberty and freedom of this country.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 1 minute.

Mr. NUNN. Mr. President, I share the sentiments of the Senator from South Carolina. This is a good bill for the men and women who serve in our military. This bill is an increase over the President's budget, but it is a decrease in real terms from last year's budget. So the decline in defense spending continues downward, but it is an incremental step upward from the President's budget.

The President said he will sign this. Virtually every provision in the House bill that the administration objected to has been either taken out of this conference report or has been handled in a way satisfactory to the administration. That would include the arms control provisions relating to the ABM Treaty and missile defense. It would also include those members of the military service who have HIV who, under the House bill, would have been automatically expelled from the service. That provision has been dropped.

So I urge those on this side of the aisle to vote for this bill as a strong step forward for our Nation's security.

Mr. GLENN. Mr. President, I rise in opposition to the conference report on the National Defense Authorization Act for Fiscal Year 1997. I oppose the conference report for many of the reasons I opposed the Senate bill. Unfortunately, the conference report is in many respects worse than the Senate bill.

The conference report includes $11.2 billion in unrequested funds, including almost $1 billion in additional funding for ballistic missile defense, hundreds of millions of dollars for unrequested military construction projects, and billions of dollars for weapons programs the Pentagon does not think it needs.

Another troubling aspect of the conference report involves land conveyances. I have been very concerned by the yearly practice in which Members of Congress include special land conveyances in the Defense authorization bill enabling the transfer of Federal property outside of the requirements of the Federal Property Act of 1949. Having been unable to curb outright the practice of making these sweetheart land deals, I have worked to ensure that the properties are screened by the General Services Administration to make sure that there is no other Federal interest in the properties. The conferees found the idea of protecting the Federal taxpayers' assets so distasteful that they refused to require a Federal screening for the land conveyances contained in the House bill. This decision is unacceptable in my view and I did not sign the conference report in large part due to this decision.

In addition, the conferees adopted a provision from the Senate bill which affords special retirement rights to a select group of employees affected by base closure. There has been no demonstrated need for this authority that will cost the American taxpayer millions of dollars in the out years and it is unfair to the hundreds of thousands of other Federal employees who have been affected by ongoing efforts to downsize the Government.

I would also mention my concern with a provision in the conference report that terminates the defense business operations funds [DBOF] in the year 1999. The purported reason for this provision as I understood from its proponents is to instill more discipline in the Defense Department's financial management. I have been concerned about the state of the Government's financial management for years. I have worked to enact legislation creating the inspectors general and the chief financial officers. I have held numerous and long detailed hearings on the condition of DBOF. I agree that the Pentagon has an obligation to the American taxpayer to focus more attention on getting its financial house in order. But, I do not agree that terminating DBOF will accomplish anything other than to create chaos where we should be seeking progress.

In addition, I have concerns about section 1033 of the conference report which significantly expands an existing program within the Department of Defense regarding the transfer of excess personal property. The Senate bill was silent on this issue. The House bill however expanded an existing DOD program which enables State and local agencies involved in drug enforcement activities to have a preference to obtain excess DOD personal property. The House bill expanded this program to enable all law enforcement activities to have this preference. Beyond that the conference added counterterrorism as an additional preferential category.

Now I bow to no one in my willingness to take action to enforce our drug laws and to fight terrorism. And it may be entirely appropriate for excess small arms and ammunition to be made available to law enforcement agencies for these purposes. However, I have serious concerns regarding the conference's approach. In particular, I have questions about the effect this provision will have on other entities entitled to receive excess property as a public benefit. I'm speaking not about small arms parts, but about computers, furniture, vehicles, and other equipment. Under current law potential beneficiaries to this equipment include, State agencies, hospitals, schools, the homeless, and other worthy causes. I do not believe that this concern was adequately considered in the conference. I intend to work with other Senators and Congressmen who share my concerns to clarify how the Secretary of Defense intends to implement this provision, and to take corrective legislative action if necessary.

The conferees also dropped a provision from the Senate bill that would allow women who are serving in the military or who are servicemembers' dependents from obtaining abortions in overseas military medical facilities. We have debated this issue repeatedly and I am very sorry the conferees again chose not to afford women who are stationed overseas the same basic rights available to women living in the United States.

Finally, I mention a number of House provisions that were dropped in conference: the so-called multilateralization and successor state provisions affecting the Anti-Ballistic Missile Treaty, the provision to repeal the don't-ask, don't-tell policy and the provisions relating to servicemembers diagnosed with HIV. I am genuinely pleased that these provisions were dropped from the conference report. However, I do not believe the mere elimination of completely unacceptable provisions from the conference report is a sufficient reason to support the conference report.

HUMANITARIAN DEMINING

Mr. LEAHY. Mr. President, I would like to ask a question regarding section 1304 of the pending fiscal year 1997 National Defense Authorization Act. This provision would amend title 10, section 401 entitled "Humanitarian and civic assistance provided in conjunction with military operations."

The point that I would like clarified is whether the annual $5 million cap in new subsection (c)(3) would be a U.S. Governmentwide cap, or whether it is a cap on only DOD humanitarian assistance appropriations.

Mr. THURMOND. I can assure Senator LEAHY that the cap imposed by section 1304 applies only to funds made available to the Department of Defense for humanitarian and civic assistance. It was not intended as a U.S. Governmentwide cap. It does not apply to funds that are made available to other Federal agencies such as the Department of State or the Agency for International Development.

Mr. LEAHY. I thank the Senator for his explanation.

Mrs. MURRAY. Mr. President, I rise today to express my extreme disappointment in the outcome of the House and Senate conference on the Department of Defense authorization legislation. The Senate's version of this legislation contained an amendment offered by myself and Senator SNOWE to allow women servicemembers stationed abroad to obtain privately funded abortions at military facilities. It was very unfortunate that this provision was dropped from the final version of this legislation during negotiations between the Senate and the House.

Mr. President, my amendment simply restored a policy which responds to the unique needs of women serving overseas in our armed services. This policy, which was in place between 1973 and 1988 and between 1993 and 1996, allowed women to use private resources for medical abortion services at military hospitals. This policy is necessary to ensure the health and safety of women servicemembers because overseas health care facilities often do not provide comparable and safe care. Women serving our country in the Armed Forces deserve the same quality of care as women in the United States and to put them at risk is dangerous, unnecessary, and plain wrong.

Further, as I have said before, requiring a woman to travel to the United States to perform this procedure only delays a very time-sensitive procedure and increases the cost—both for the individual and the taxpayer—when a woman is stationed abroad.

We have had many debates in the 104th Congress about a woman's right to choose. My amendment simply guaranteed that women who serve in our Armed Forces have the same rights as women in the United States. It is a right women service personnel have held for most of the last 23 years.

Dropping my amendment is yet another in a long series of actions taken by this Congress to eliminate a woman's right to choose. From the first days of the 104th Congress to the closing hours of this second session, women have seen the new majority seek to undermine their rights at every opportunity. It saddens me to see the will of the Senate and the health care options of women serving in the Armed Forces traded away to the voices of extremism.

This Congress must know that the women and men of this country are awake and aware of these actions. We will be back. I assure you.

Mr. McCAIN. Mr. President, I rise today in support of the conference agreement on the fiscal year 1997 National Defense Authorization Act. I urge all of my colleagues to support this bill, which represents a reasonable and balanced compromise between the House and Senate on a number of very difficult issues.

Mr. President, I want to take a few minutes to highlight just a few of the very positive aspects of this bill.

This bill provides $265.6 billion for defense activities for the coming fiscal year, implementing the decision of the Republican Congress to add $11.2 billion to the President's defense budget request. We fought hard for the last 2 years to add a total of $18 billion to the inadequate defense budgets of this administration, because we recognized the need to ensure both current and future readiness of our military services.

In the Readiness Subcommittee, we provided $1 billion more than the budget request for operations and maintenance of the Armed Forces, and $270 million more than requested for ammunition procurement. These increases will ensure sufficient funding for day-to-day operations and training for the coming fiscal year.

The bulk of the added funding was allocated to military modernization programs. The bill authorizes an additional $6 billion for procurement of modern weapons systems, including tactical aircraft, sealift and airlift assets, improved communications systems, surveillance and reconnaissance, and other important warfighting equipment. The bill also adds $2.6 billion for research and development to maintain the technological edge of our military forces on the battlefields of the future, including a significant increase in both theater and national missile defense programs.

The bill also includes a number of legislative provisions which, I believe, will serve the best interests of the taxpayer and the Department of Defense.

First, the bill includes a new discretionary waiver of domestic source restrictions for our allies with whom we have reciprocal defense procurement agreements. This provision, which was included in the Senate bill, will provide the needed flexibility for the Secretary of Defense to purchase the best equipment at the lowest price for our military services. It will also help to promote continued free trade among our allies, rather than threatening reciprocal trade in defense items by restricting the United States to buying only American-made products. In my view, this is one of the most important provisions in this bill because of its potential to save money and preserve our longstanding positive defense trade balances with our allies.

The bill also authorizes $14 million in a newly established account under the control of the Secretary of Defense for antiterrorism activities and programs. This provision was added to make funds available for urgent, emergency requirements necessary to deter or defend against terrorism directed at our military personnel. The bombing of the U.S. military housing complex in Dhahran demonstrated the need for such an account.

Last year, the Congress approved the enactment of several provisions related to accounting for missing service personnel which the Chairman of the Joint Chiefs of Staff and our warfighting CINC's opposed, arguing that they would interfere with their ability to conduct their missions in the event of war. This bill repeals several of those provisions without harming or limiting in any way the ability of the Department of Defense to continue its intensive program to locate and recover the remains of all those missing in action in wartime.

I am particularly pleased that the conferees agreed to drop from the bill both the Senate and House provisions regarding discharge of military personnel who test positive for the HIV virus. This allows the Department of Defense to continue its current policy of nondiscrimination and fair treatment of all military personnel with conditions which prevent them from deploying with their units.

The bill authorizes compensation for Vietnamese commandoes who participated in United States wartime operations in Vietnam and were captured by North Vietnam. Payment of these amounts is a matter of fairness and is long overdue.

The conferees also approved a Senate provision, cosponsored by myself, Senators LIEBERMAN, COATS, and ROBB, which directs the Department of Defense to conduct a new assessment of U.S. national security strategy and military force structure requirements. This provision provides specific guidance to the Department for its Quadrennial Defense Review. The provision also establishes a nonpartisan panel of national security experts to review the Department's work and to provide an independent assessment of alternative force structures and strategies. In light of the continuing changes in the post-cold-war world, I believe it is necessary to conduct such a comprehensive reassessment of our national security posture.

The bill also requires the Chairman of the Joint Chiefs of Staff to provide an assessment of the readiness requirements of each of the services, using a tiered readiness concept that I discussed in a March 1996 white paper. This report is important to the development of this concept, which could result in savings in operation and maintenance funding which could be reallocated to the modernization accounts where a significant shortfall remains.

The bill also includes language requiring fair pricing of United States military equipment to be transferred to Bosnia under existing drawdown authority. Since the equip and train program for the Bosnian Muslims is an essential part of the exit strategy for United States troops serving in the peace implementation force [IFOR] in Bosnia, it is essential that the program be implemented properly and promptly if we are to meet the end-of-1996 withdrawal deadline for IFOR.

Finally, the bill includes a provision requiring organizers of civilian sporting events to reimburse the Department of Defense for the cost of providing security and other support services, only if the event makes a profit. This provision is designed to ensure that defense dollars are available for defense purposes, but it will have no effect on the availability of our military services to provide needed security assistance at these events.

Again, I thank Chairman THURMOND and his staff for achieving such an excellent conference agreement on these important issues.

At the same time, Mr. President, I regret that the conferees deleted the Senate's provisions related to competitive allocation of workload among public and private maintenance depots. The Senate tried to take a positive step toward fair and open competition for depot maintenance work. I am sorry that the conferees were unable to agree to include these provisions, because it could have saved the taxpayers money and allowed the Pentagon to shed excess capacity at its government-owned depots.

The most controversial aspect of the depot issue is the 60–40 rule which requires that at least 60 percent of all funds expended on depot maintenance be spent in public depots, owned and operated by the Department of Defense. I believe that this 60–40 rule is arbitrary and prevents the Department of Defense from taking actions that could potentially result in a savings of billions of dollars. I would like to point to a recent report by the Congressional Budget Office entitled "Reducing the Deficit: Spending and Revenue Options." This report contains a section dealing with the depot issue and the potential savings that could be realized by relying upon the private sector to perform much of the work that the current 60–40 rule requires to be performed by the public depots. According to this report, cumulative savings after 6 years might amount to roughly $400 million, rising to over $3 billion after 10 years if the total workload assigned to public depots on a sole source basis is reduced to 30 percent. CBO estimates that, in the long run, DOD might save on the order of $1 billion annually if it used public depots only for those tasks that could not be handled competitively in the private sector. Estimated savings of shifting from public to private production range from 20 to 40 percent.

Mr. President, although readiness has been used as the justification for maintaining the arbitrary 60–40 rule, I believe that it is a justification without foundation. DOD already relies on the private sector to repair many specialized components on its most up-to-date systems. Furthermore, since we rely upon the private sector industrial capability to supply our military forces with this equipment, it seems unreasonable to distrust this same private sector capability to maintain the equipment.

That is the only major legislative provision which was resolved in a way that I cannot approve. In fact, let me say that I was very pleased with the resolution of a number of legislative provisions adopted in the last few days of the Senate's consideration of this bill. The conferees chose to remove legislative earmarks for all of these projects and considered each on a case-by-case basis. Of the most egregious legislative earmarks attached to the bill, none were included in this final conference agreement as legislative earmarks. For that wise decision, I thank the conferees.

However, Mr. President, I note with serious disappointment that many of the special interest and pork-barrel items, to which I objected in the additional views I filed with the Committee, are included in this conference agreement.

These programs are: $850 million in unrequested, low-priority military construction projects—$150 million more than the Senate-passed bill; $780 million for unrequested Guard and Reserve equipment, including $189.6 million for four C–130J aircraft; $470.7 million for nine additional C–130J aircraft, only one of which was requested by the Air Force; $15 million for continued aurora borealis research and construction of the High Frequency Active Auroral Research Program [HAARP], for which there is no current military requirement or validated use; $13 million for an unnecessary, duplicative, and cumbersome bureaucracy for oceanographic research, which the Navy does not need or want; and $701 million for advance procurement of a second new attack submarine, and language repeating the earmarking of these new submarines divided evenly between Newport News Shipbuilding and Electric Boat Shipyard.

Mr. President, these pork-barrel projects add up to approximately $2.8 billion. I am astonished that, once again, after fighting hard to sustain a much-needed increase in the defense budget, the conferees chose to spend these funds on pork.

Last year, we wasted $4 billion, or more than half of the total defense budget increase, on pork-barrel projects. I suppose this year's bill shows progress of a sort—we are only wasting $2.8 billion.

But, Mr. President, I will say again that the American people will not stand for this type of wasteful spending of their tax dollars. If, we, in Congress refuse to halt the pork-barreling, it will be more and more difficult to explain to the American people why we need to maintain adequate defense spending. I would prefer that the $2.8 billion wasted on pork-barrel projects had not been included in the bill. I hope that, next year, with the very real threat of a line-item veto of some of these items, the Congress will stop wasting defense dollars on these kind of special interest items.

Mr. President, let me conclude by saying, again, that I believe this is, overall, a very good conference agreement on the Defense authorization bill. Chairman THURMOND, Senator NUNN, and the staff on both sides of the Senate Armed Services Committee should be commended for their excellent work. I urge my colleagues to support this conference agreement.

Mr. BINGAMAN. Mr. President, I will vote for the fiscal year 1997 National Defense Authorization Act. I signed the conference report on this bill insofar as it pertains to bill language. I did not, however, sign the conference report's report language because I do not agree with the report language on the missile defense provisions, all of which were dropped from the bill. Several of my Democratic colleagues on the Senate Armed Services Committee took a similar position on the conference report's ballistic missile defense report language.

I will vote for the national defense authorization bill because, unlike last year, the vast majority of provisions in the bill are the result of bipartisan drafting and have full bipartisan support. I commend Senator THURMOND and Senator NUNN for their efforts to improve the process of the Senate Armed Services Committee during this legislative session. I would also like to commend Senator SMITH for fostering a cooperative working relationship on the Acquisition and Technology Subcommittee.

Mr. President, let me briefly talk about the report language on arms control and ballistic missile defense. In order to get this bill signed by the President, the majority agreed very late in the conference to drop all of the provisions regarding multilateralization of the ABM treaty and theater missile defense demarcation, which the President's advisers had objected to. If these provisions had not been dropped, I would not be supporting this bill, nor would the President be prepared to sign this bill. However, having given up the bill language, the majority attempted in this report language to revive what they had given up. As a matter of law I would urge the President to treat this report language as totally nonbinding and certainly not representing the views of this conferee, and perhaps not even representing the views of the majority of conferees. This report language was first presented to the minority in the middle of the last night of conference, and we had no opportunity to discuss it at member level. I felt compelled to make my very strong views known, that this language is unacceptable to me and as I just said should be treated by the administration as not in any way having the force of law.

The provisions dropped by the conferees raised serious legal and constitutional issues and would have infringed upon the President's prerogative to make foreign policy. What could not be achieved in bill language cannot be revived through report language. That is the strongly held view of at least this Senator.

Mr. President, that having been said, there is much that is good in this bill. While I do not believe that all of the additional funding included in this bill is warranted, there are many provisions that I worked to have included and that will strengthen our national security. These provisions include the extension of flexible section 845 authority to carry out advanced research projects to the services; the clarification of the section 2371, other transactions authority, to spur broader use by the services; a fair compromise with the administration with regard to dual-use technology programs; the reduction in the total amount allocated for the renovation of the Pentagon by $100,000,000; very strong support for the Department of Energy's stockpile stewardship program; very strong support for the Nunn-Lugar program and the Department of Energy's nonproliferation efforts. I also strongly supported the additional funds for the tactical high-energy laser program with Israel, and cosponsored an amendment with Senator KYL to restrict remote sensing over Israel. I supported a pay raise and an increase in the basic allowance for quarters for our troops, which I believe is well deserved. The bill also includes a provision supported by the Environmental Protection Agency that could speed the process for opening the waste isolation pilot plant while retaining EPA's clear authority on health and safety matters.

I have previously stated that we are entering a period of military-technical transformation. I believe that by maintaining a strong lead in advanced technologies, and using these technologies as a force multiplier, we can meet our national security requirements with a smaller force structure and at reduced costs. I believe many of us on the Senate Armed Services Committee will be looking hard at the implications of these changes for our military during the coming years.

I would like to address one issue that has raised some questions from my constituents in New Mexico. The House National Security Committee inserted a provision, sponsored by Congressman THORNBERRY, which allows certain Department of Energy sites, including the Pantex plant in Congressman THORNBERRY's district, to report directly to the headquarters office in Washington, DC, rather than through the Albuquerque Operations Office. The provision adds no value to the performance or reporting authorities for the Department of Energy. Indeed, if carried out, it would likely lead to balkanization within the weapons program. I am working with Senator DOMENICI to block this provision in the energy and water appropriations bill. If this attempt fails, I will pursue this issue in the next Congress to have the provision repealed.

Despite my concerns regarding the excessive funds which have been allocated for missile defense, I will vote for the National Defense Authorization Act. The effort to prepare this legislation was significantly improved since last year, resulting in a bill which contains many provisions which I can wholeheartedly support. Despite some differences on emphasis or funding amounts, I believe we have struck a reasonable balance. I would again like to commend Senator THURMOND and Senator NUNN on their leadership on this defense authorization bill. I would also like to acknowledge that we are losing several valued members of the Senate Armed Services Committee at the end of this legislative year. Senator NUNN, Senator EXON, and Senator COHEN will all be retiring and moving on to new challenges. Senator NUNN, of course, is the ranking member and former chairman, and has dedicated countless hours over the past 24 years to the Armed Services Committee work. His expertise and strong leadership are widely recognized and will certainly be missed.

Senator EXON has been our leader on strategic issues for the past 10 years. His contributions both there and in tying our committee's work to the Budget Committee will be sorely missed.

Senator COHEN has been one of the most productive members of the committee, a leader on issues ranging from acquisition reform to arms control matters and one of the members of the majority who has most frequently reached out to the minority to formulate truly bipartisan policies.

We have all benefited from their participation and membership on the Senate Armed Services Committee. They will be sorely missed by this Senator. I would also like to thank the many Senate Armed Services Committee staff members who work so diligently on this complex and lengthy legislation and support us so well. I want to particularly thank Bill Hoene, who, this year, took on supporting the Acquisition and Technology Subcommittee, as well as supporting the Strategic Forces, and John Etherton, who has supported the Acquisition and Technology Subcommittee for many years. They were an effective team.

The PRESIDING OFFICER. The question now occurs on agreeing to the conference report to accompany the Defense authorization bill, H.R. 3230. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The result was announced, yeas 73, nays 26, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—73

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Bryan
Burns
Campbell

Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Faircloth
Feinstein
Ford
Frahm
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kyl
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—26

Boxer
Bradley
Brown
Bumpers
Byrd
Dorgan
Exon
Feingold
Glenn
Harkin
Hatfield
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Moseley-Braun
Moynihan
Murray
Pell
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NOT VOTING—1

Pryor

The conference report was agreed to.

Mr. THURMOND. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEFENSE OF MARRIAGE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote on passage of H.R. 3396, the Defense of Marriage Act.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

Mr. President, during the debate this morning, we had excellent presentations by the Members who spoke at length about the serious legal and constitutional concerns raised by this bill. The first concern was that for over 200 years the States themselves have had sufficient power in recognizing or not recognizing marriage conditions in other States. They have done that for 200 years, and 15 States now have already indicated they would not recognize same-sex marriages, so they have the authority already after 200 years.

Second, by trying to enhance or diminish the full faith and credit provisions of the Constitution, that is basically unconstitutional. We cannot enhance full faith and credit. We cannot diminish it. It is a constitutional issue, and authority and action by statute cannot affect it. Therefore, I think, there are serious questions about the constitutionality.

Third, Mr. President, this is really, I think, a dangerous precedent. Today it is marriage, tomorrow it may be divorce, the third day it may be custody. Where will it end?

Mr. President, I do not think support of this is wise judgment. The States have the authority to be able to deal with it. It is particularly not necessary at the present time. I hope the legislation will be defeated.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, today the State of Hawaii's court is considering a case that would legalize same-sex marriage. This bill does not ban same-sex marriage, it just says that any State does not have to recognize a marriage performed in a State that does legalize same-sex marriage either through the courts or through legislation. I think this is a positive bill. Senator BYRD spoke eloquently on it.

In addition to that, this bill defines marriage as a legal union between male and female. It is almost absurd or unheard of to think we would have to do that. A lot of people, a lot of gay activists are requiring that we do that.

Mr. President, I urge our colleagues to support this legislation. It is constitutional. We do have opinions from the Attorney General and others in the Justice Department saying that it is constitutional. I urge my colleagues to support this important piece of legislation today.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. A rollcall has not been requested.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 14, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—85

Abraham
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Nunn
Pressler
Reid
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—14

Akaka
Boxer
Feingold
Feinstein
Inouye
Kennedy
Kerrey
Kerry
Moseley-Braun
Moynihan
Pell
Robb
Simon
Wyden

NOT VOTING—1

Pryor

The bill (H.R. 3396) was passed.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMPLOYMENT NONDISCRIMINATION ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2056, the Employment Nondiscrimination Act of 1996, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2056) to prohibit employment discrimination on the basis of sexual orientation.

The Senate resumed consideration of the bill.

Mr. KENNEDY. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Massachusetts.

Mr. KENNEDY. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Ms. MOSELEY-BRAUN. I thank the Chair. I thank the Senator from Massachusetts.

Mr. President, every American should have the opportunity to work, to use their talents to the fullest extent possible, and no one should be discriminated against. No one should be denied the opportunity to work at jobs they are qualified to fill. That is why I am so proud to be a cosponsor of S. 932, the Employment Nondiscrimination Act, along with 30 of my colleagues.

Strides have to be made to provide gay and lesbian Americans with full and equal protection of the laws promised every American by the 14th amendment. Nowhere is the absence of that protection felt more insidiously than in the area of employment.

The Employment Nondiscrimination Act prohibits employment discrimination based on sexual orientation. It creates no special rights, or quotas, it merely grants gay and lesbian Americans the same rights afforded other Americans in the workplace. The legislation exempts religious organizations and businesses with fewer than 15 employees, prohibits preferential treatment, and does not require an employer to provide benefits to domestic partners. It also does not apply to the Armed Forces.

It is so important to enact this bill into law. This bill is not about special rights; it is, instead, about equal rights, equal protection. Congress has the power to act to protect your rights, and overwhelming majorities of Americans support doing so. Every Member of Congress should support ENDA, because this legislation embodies American values. It is an essential step to take if we are to continue making progress toward ensuring equal opportunity for all Americans.

A broad coalition of religious, labor and business leaders have endorsed the bill, including the United Methodist Church, the Presbyterian Church, the ACLU, and the National Education Association.

The American Bar Association endorsed the bill when they stated:

> Over the years, and with some struggle, this Nation has extended employment discrimination protection to individuals on the basis of race, religion, gender, national origin, age, and disability. ENDA takes the next necessary step by extending this same basic protection to another group that has been vilified and victimized—gay men, lesbians, and bisexuals. All workers, regardless of their sexual orientation, are entitled to be judged on the strength of the work they do; they should not be deprived of their livelihood because of the prejudice of others.

Ending employment discrimination is an area where Federal action is needed to protect individual liberty and opportunity. Furthermore, it is important to provide a stable, healthy, and productive work environment for employees. Many companies have already adopted their own antidiscrimination policies, recognizing the negative impact discrimination can have on our country's transition into the 21st century's global workplace. They know that there is no place for discrimination in this country.

Furthermore, this is an issue of economic competitiveness. Our work force is what makes America strong. If we are going to head into the 21st century as strong as we can, we need to utilize the talents of all. Every American stands to benefit when each citizen is given a chance to contribute to the maximum extent of his or her ability.

This is also about fundamental fairness. Each of us should be allowed to fully participate in society, regardless of our gender, race, or sexual orientation. Americans should not be held back by conditions that have nothing to do with merit, or talents and abilities.

If there is any objective that should command complete American consensus, it is ensuring that every American has the chance to succeed—and that, in the final analysis, is what this bill is about. No issue is more critical to our country, and nothing makes a bigger difference in a person's life than opening up opportunities.

At this time there is no truly effective recourse for sexual orientation job discrimination in 41 States across the Nation. Currently, nine States have laws that prohibit discrimination on the basis of sexual orientation in employment, as well as in other areas, such as housing. But the vast majority of gay men and lesbians across the country have no protection.

Opponents of ENDA claim that this legislation will provide gay men and lesbians with special treatment and cause a proliferation of litigation, but that is not the case. ENDA prohibits giving preferential treatment to any individual based on sexual orientation. Thus, employers may not provide special treatment to gay men, lesbians, or heterosexuals. The bill provides that an employer may not use the fact of an individual's sexual orientation as the basis for positive or negative action against that individual in employment opportunities.

Furthermore, existing data suggests that ENDA will not result in much litigation. Consider the experience of the District of Columbia whose Human Rights Act (1977) was the first statute to bar employment discrimination on the basis of sexual orientation. The D.C. Department of Human Rights states that in fiscal year 1995, 435 discrimination complaints were filed. Out of the 435 complaints, only 20 were based on sexual orientation. The nine States having statutes giving legal remedies to employees suffering from sexual orientation job discrimination follow the same pattern as the District.

Although Illinois does not have an employment discrimination statute, the city of Chicago has an ordinance protecting gay men and lesbians from discrimination in the work place. Due to this city ordinance, Chicago residents have protection against discrimination. And it works. For example, in October 1991, a Chicago man, shortly after being hired as a waiter at a restaurant told his manager that he was gay. From that point on, the manager yelled and screamed at the man using derogatory epithets. None of the other employees were called similar names.

After a few months on the job, the man's shifts were cut from 6 to 7 shifts per week to 2 to 3 shifts per week. The assistant manager stated that the hours were being reduced because the waiter complained about carrying three hot plates at once and because he brought a donut into the restaurant. However, none of the other waiters carried three hot plates at once, nor were other employees penalized for bringing food into the restaurant. No one else on the staff had their shifts cut for the above reasons.

Because Chicago has a city ordinance protecting gay men and lesbians from employment discrimination, this man was able to file a complaint with the city of Chicago Commission on Human Relations. The commission found substantial evidence that the ordinance was violated. The restaurant appealed the case to the State courts and the court upheld the commission's decision.

It is clear that discrimination in the workplace still occurs. Without national legislation to protect all Americans, cases of discrimination against gay men and lesbian women will continue to occur unchallenged.

The basic principle we should keep in mind is that every American must have the opportunity to advance as far in their field as their hard work will take them. Gay and lesbian Americans should not have to face discrimination in the workplace, including being fired from a job, being denied a promotion, or experience harassment on the job just because of their sexual orientation.

As a matter of fundamental fairness and because all workers should be entitled to legal protection in the work force, I will enthusiastically support this legislation.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield to the Senator from Kansas 3 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for up to 3 minutes.

Mrs. KASSEBAUM. I would like to reiterate my opposition to the legislation before us.

Last Friday, we had a thorough debate on the Employment Nondiscrimination Act during the course of which important arguments were made why it should not become law.

First, Senator HATCH pointed out the relationship between this bill and title VII and how the use of statistics in certain cases will also be available under this bill. The net result is that under this bill, as under title VII, statistics may be used by the EEOC as evidence of discrimination. Employers, as a defensive measure, may feel compelled to keep track of the sexual preferences of their employees. This is an example of the unintended consequences that may flow from this bill.

Second, Senator ASHCROFT pointed out that the bill itself acknowledges that there are legitimate reasons why in certain situations the law should not apply. For example, the bill exempts the military as well as religious organizations and their not-for-profit activities. His question, which I think is a good one, is: If there are reasons for exempting these employers, may not these same reasons apply to other employers in the private sector?

Finally, Mr. President, I want to repeat my own principal objection to this bill. I do not believe that relying on more lawsuits and litigation, as this bill would do, will promote greater tolerance in the workplace. I believe prejudice and discrimination can be fought in other ways, and I hope that it would be done—leading by way of example.

The Senator from Massachusetts [Mr. KENNEDY], who is the author of the legislation, pointed out numerous examples of employers who adopted their own nondiscrimination policies, and I applaud those efforts, but I do not believe we need to create another legal cause of action with compensatory and punitive damages that will only lead to more division in the workplace, not less.

Mr. President, I urge my colleagues to vote against this bill, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for up to 2 minutes.

Mr. CHAFEE. Mr. President, I wish to take a moment to make two comments in favor of this bill, the Employment Nondiscrimination Act, or ENDA.

I believe the matter before the Senate is a very simple one: Whether or not sexual orientation is a factor that should be considered in employment decisions. In my view, the answer is clear. The only factor that should be considered in the workplace is the ability of an employee or potential employee to do the job at hand. Since sexual orientation, like race or ethnicity, has nothing to do with job ability, it seems to me it has no place as a basis for discrimination.

There is nothing particularly radical about this proposition, Mr. President. It is a singularly American belief that each and every person shall be judged not on unrelated factors such as color or gender but on their merits. In the workplace, that translates to an individual's job skills and capabilities. To judge a person otherwise, I believe, goes against the grain of what this whole country stands for. As Barry Goldwater recently noted, "job discrimination against gays or anybody else is contrary to each of our founding principles."

Other Senators have recounted tales of gays and lesbians who have suddenly lost their jobs when employers discovered their sexual orientation. These instances are shocking and, I believe, shameful. No one deserves such treatment.

So let me make one point clear, Mr. President. An employee whose behavior in the workplace is inappropriate deserves no protection from sanction. A gay employee who makes inappropriate statements or otherwise conducts him or herself in an inappropriate manner should not be countenanced. That is clear. The same would apply to a nongay individual who conducts him or herself inappropriately. That conduct would not be tolerated.

As my colleague from California, Mrs. FEINSTEIN, put it last Friday, "Do something that is improper conduct, and it all changes." Any kind of untoward behavior, no matter from whom it comes, must not be permitted.

This bill before us would provide basic protection to Americans who are subject now to arbitrary and unreasonable job denial or dismissal. I think that is appropriate, Mr. President, so I urge support of this measure.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for up to 2 minutes.

Mr. ROBB. Mr. President, I understand the difficulty many Members may have with the prospect of same-sex marriages, and so I understand why the vote completed just a few minutes ago was so tough for many Senators. But this one shouldn't be. Those of us who support the Employment Non-Discrimination Act have a simple plea—let's end discrimination in the workplace.

We can't forget, Mr. President, that we are a nation made prosperous and strong by the labor of millions of American workers. And each American worker—whether they build houses, pave roads, serve meals in country diners, or manage corporations—deserves to be judged by their dedication to their job and the quality of their work.

It is indefensible, that in a great country like ours men and women can lose their jobs, be passed over for promotions, or suffer harassment because they have—or are perceived to have—a different sexual orientation than the rest of us.

And for their part, American businesses deserve a work force which embodies maximum talent and minimal prejudice and dissention. Surely ending discrimination will improve productivity and enhance employee satisfaction. Former Senator Barry Goldwater, just quoted by the Senator from Rhode Island, wrote in support of this legislation: "job discrimination excludes qualified individuals, lowers work-force productivity and eventually hurts us all. It's not just bad—it's bad for business."

So this bill, Mr. President, which extends Federal employment discrimination protections modeled after those currently in place for race, gender, age, and disability to sexual orientation, is good for American businesses and good for American workers.

It is moderate, reasonable, and eminently fair. This vote on this bill ought to be an easy one. It specifically rejects special rights and preferences. It exempts businesses with 15 or less employees, as well as all religious institutions and educational nonprofits owned or managed by religious organizations. It does not affect the U.S. military. It does not provide benefits for same-sex partners.

I first became a cosponsor of the 1994 act in the midst of a very difficult reelection campaign. But I knew that equality on the job ought to be the right of every single American, that prejudice divides us, that discrimination is wrong, and that I could justify my support for this bill to anyone.

Mr. President, this bill is not about special rights for anyone. It is about equal rights for everyone. I urge my colleagues to vote "yes" to the Employment Non-Discrimination Act.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I yield the Senator from Indiana 4 minutes.

Mr. COATS. Mr. President, today's debate concerns an issue of extreme import and controversy—extending civil rights protection to sexual orientation.

This is an issue of great importance because, for the first time in our history, Federal legislation would protect an individual's behavior, rather than an individual's status, as traditional civil rights laws have done. The practical impact of this bill is that employers will no longer be able to consider or hold an employee accountable for any acts related to their sexual orientation.

The fact that this issue—the extension of civil rights to an individual's behavior—is controversial goes without saying. This is an issue about gay rights in the workplace, which the American people have not reached a moral consensus. Many Americans, including business people, those who support strong traditional families, and persons with religious or moral objections, have serious concerns about promoting homosexuality as a lifestyle. This is important, because if this bill becomes law, it will give the Federal stamp of approval to activities that are still considered illegal in many States. It is significant also because individual employers, employees, forprofit religious organizations and enterprises will no longer be able to conduct their business without the fear of Federal intrusion and potentially costly litigation.

Mr. President, we are not speaking of extending rights that every citizen of the United States is guaranteed—rather we are considering special rights for persons based on their lifestyle choice, as evidenced by their behavior. I share the concern of many that no person be subjected to violence and hatred simply because they do not meet with societal approval. But I am just as concerned about individuals who, because of sincerely and deeply held religious or moral convictions, find certain lifestyles to be morally unacceptable and yet are told by the Government that those beliefs must be kept private and may not be applied to their business decisions. These individuals are told that the first amendment's protections do not apply to the way they run their businesses, their family bookstore, or their day care center. This should not be the case.

I ask my colleagues to join with me in voting to preserve one of our Nation's most cherished rights: The freedom to freely exercise our religious beliefs and to not be coerced by the Government into accepting into our employ those whose behavior violates our deeply held religious convictions.

I yield back any time I have.

Mr. KENNEDY. I yield 2 minutes to the Senator from Vermont, a cosponsor on this important legislation.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. JEFFORDS. Mr. President, I have spoken at length on this issue previously so I will not extend my remarks to any great extent. I remind people what we are talking about here.

First of all, we ought to have a sense of the public; 84 to 85 percent of the people in this country say, "What is the issue? Pass the bill." Nobody should be inquired of about their sexual preference or whatever in getting employment. They ought to be allowed to work.

The questions about all these things that have been brought up—there are exceptions to almost all of them. The religious organizations are excepted, nonprofits are excepted. The rights of employers in all these areas are protected. There is no question here.

My question is why should I or why should my wife or my kids be asked, when they go to get a job in this Nation, "Where are you living and who are you living with?" And, if it is of the same sex, be inquired of as to what their sexual preferences are, their sexual activities? To me, that is a disgrace, to allow that to happen in this Nation of freedom, where working is so important, where our people ought to be free to work where they please and ought to be able to have a life they want and to live free from that kind of intimidation.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 2 minutes to the Senator from Connecticut, a cosponsor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. LIEBERMAN. Mr. President, I rise to support the bill. This bill offers us an opportunity to take, not only a fundamental principle of American life and history, but in my opinion the driving impulse of the American experience, which is equal opportunity, and apply it to a specific circumstance. The basic question here is whether a person who works hard, plays by the rules, does the job, is entitled to be protected from discrimination in hiring, in promotion, in salary, based on a very private and personal decision which is that person's sexual orientation.

You do not have to decide the question of whether you believe homosexuality is right or wrong. You do not have to decide the question of whether domestic partnership is right or wrong. You do not have to decide the question of whether one's sexual orientation is a matter of choice or whether you are born with it, to vote for this bill. All of that is irrelevant.

The question here is whether we are going to protect a category of our fellow Americans, fellow citizens, fellow human beings—children of God—from being discriminated against based on their sexual orientation; a private matter.

I say the answer has to be "yes." In 1996, it is time to offer that protection to keep the promise of the American Constitution and the American dream. This is a narrowly circumscribed bill. By God, this bill even says to an employer you can regulate the clothing of someone working for you if that is an issue.

I support the bill and ask all my colleagues to do the same.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield the Senator from Utah 4 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 4 minutes.

Mr. HATCH. Mr. President, everybody here knows I have worked hard to pass the hate crime statistics bill, I worked hard with the distinguished Senator from Massachusetts to pass AIDS bills and do other things that benefit people who are gay and lesbians. I believe that we should respond to the needs of our citizens in these regards. Special protected status in the law, however, is another matter. I, therefore, oppose this legislation.

Mr. President, I oppose this legislation. This bill represents a massive increase in Federal power. The Federal bureaucracy will have a field day with this bill. The bill will be a litigation bonanza. Moreover, this bill deals in a blunderbuss way with an issue much more complex than issues raised by legislation addressing race, ethnicity, and gender. Sexual orientation involves conduct, not immutable nonbehavioral characteristics.

Indeed, during the debate about homosexuals in the military, Gen. Colin Powell made this point in responding to the suggestion that discrimination against homosexuals in the military should be equated with racial discrimination. He said,

> Skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument.

Indeed, this very bill exempts employment in the U.S. military, although it does not exempt the National Guard.

It is totally indefensible to say that a black person should be denied the right to teach children of any race in any of our public or private schools. But should the Senate run roughshod over the concerns of parents and educators about having homosexuals teach their kids?

I mentioned last week on the floor that Loudoun County, VA, parents and educators wanted to fire a male health and physical education teacher at a middle school, who was also an assistant athletic coach at a high school because of public homosexual conduct, in this case, participation in homosexual videos. Such concern is not triggered just by participation in videos. It can be triggered by public displays of romantic, physical affection between two persons of the same sex.

In Loudoun County, the school superintendent said,

> We believe that teachers, as people who are chosen to be instructors as well as leaders of our young people, should be exemplary in their professional as well as personal lives. What we have here is an allegation of a lifestyle that is not in keeping with that. If the allegations are true, that is not conduct befitting a teacher.

One parent of a daughter who attended a school where this person taught said she believed that what people do in their private lives is their business—unless they are teachers. "I want our teachers to have the highest moral fiber. I'm not comfortable with him doing both." A school board member said,

> Here we have a teacher in a middle school working with children who are at that age where they are struggling with their identity. This is obviously a person who has made bad choices. To give someone like this access to children at that stage of development would be irresponsible of us.

And just because some of the citizens of Loudoun County and across this country do not share the view of public morality of some of the sponsors of this measure, who seek to cast aspersions on opponents of this legislation, does not make those citizens bigots.

Moreover, those proponents of this bill who, wrongly in my view, support blatant, intentional discrimination on the basis of immutable characteristics such as race and ethnicity in teacher hires in order to provide role models to students, are in no position to lecture parents concerned about the conduct of teachers as role models. Finally, I want to know how it is that proponents of a bill that itself exempts the military can dismiss the concerns of parents about the conduct of their children's teachers.

I note, Mr. President, that if a school district wanted to dismiss, or decline to hire, a male teacher, for example, who engages in romantic, physical displays of affection in public with his male partner, this bill makes such a dismissal or refusal illegal—unless the school district will do the same regarding a male teacher's equivalent display of romantic affection for his wife or girlfriend.

Additionally, this bill will empower the EEOC to require employers to collect statistics on the sexual orientation of their employees.

One proponent of this bill last week said the bill does not give the EEOC this authority. That is wrong. The bill, at section 11, gives the EEOC, "with respect to the administration and enforcement of this act" the same power the EEOC has to administer and enforce title VII of the 1964 Civil Rights Act. Under title VII, the EEOC collects statistics on the race, ethnicity, and gender of employees. Would the EEOC request such information? No one in this body can assure us that the EEOC won't do so at some time in the future. Remember, the EEOC is one of those entities responsible for the growth and development of quotas and other preferences under title VII, relying heavily on statistics in the process.

Moreover, it is well established that statistics can be used in intentional discrimination cases under title VII, such as pattern or practice cases. So, notwithstanding language in the bill about prima facie cases of disparate impact, this bill does not at all preclude the use of statistics in sexual orientation cases.

Suppose a complainant, alleging that he was discriminatorily denied a promotion because he is a homosexual, asserts that a supervisor made anti homosexual remarks, and one or two more complainants make the same allegations. Those allegations, and evidence of a supervisor's anti homosexual remarks, could be combined by a Federal enforcement agency or private plaintiffs' lawyer with statistics on the number or percentage of homosexuals in the job in question, or the promotion rates based on sexual orientation, or both, to press a case of a pattern or practice of discrimination.

Finally, let me note that this bill will lead to reverse discrimination and preferences in favor of homosexuals, and I will mention just one way that will happen. The bill's provision allegedly barring preferential treatment does not affect judicial power to enforce this bill. This bill gives the courts the same jurisdiction and powers as such courts have to enforce title VII of the Civil Rights Act of 1964. Further, the procedures and remedies applicable for a title VII violation are available under this bill.

Under title VII's section 706(g), the Federal courts are authorized to order such affirmative action as may be appropriate in cases of intentional discrimination. The Supreme Court has said, unfortunately, that there are some cases in which a court may order numerical and other forms of preferential relief under title VII. Moreover, such preferential relief can be entered as part of a consent decree with the Federal Government, which wields enormous leverage over employers in these costly lawsuits, and in cases with private plaintiffs' lawyers.

Proponents of this legislation have argued that it will not produce much litigation, because there have been very few cases brought in the States with similar laws. That prediction is not persuasive. By authorizing the EEOC to become involved in and to initiate law suits based on gender-preference discrimination, this bill would lead to scores of thousands of new law suits against persons acting on the basis of strongly held religious views. Consider the case of religious broadcasters, for example. This bill would force religious broadcasters to engage in hiring and promotion practices that are contrary to their reasonable, deeply held religious views. We should not force citizens to endorse sexual practices that are contrary to their religious views. This bill, however, would do just that.

Let me also say that my support for the Hate Crimes Statistics Act, which Senator SIMON and I have gotten through the Senate and enacted into law twice, is fully consistent with my position on this bill. My view that absolutely no one should be subjected to violence or vandalism because of who they are is, of course, widely shared. But it does not follow from the fact that while everyone, including homosexuals, should be free of violence, society must confer affirmative civil protections on the basis of sexual orientation not available, I might add, to everyone else.

Let me just add this. There is a religious side to this that must be considered. There are sincerely believing, mainstream religious people in this country who believe we have gone too far in this matter. Can you imagine a religious broadcaster, because they are in a profitmaking business, having to comply with the provisions of this act?

I urge the defeat of this legislation.

Mr. HATFIELD. Mr. President, throughout my career in public service, amounting to over four decades now, I have fought to end discrimination and advance the ideal of equal opportunity in society. One of my first successes as a young Oregon State legislator in the early 1950's was as the sponsor of the Oregon Public Accommodations Act, which prohibited discrimination on the basis of race in public accommodations. With this new law, Oregon set an example for the Nation.

The Public Accommodations Act was the first of many divisive civil rights debates in which I have become involved. I have also played a role in many other civil rights advances as this Nation has attempted to stamp out the irrational and hateful scourge of discrimination. These efforts have often taken the form of extending protection from discrimination in the workplace. Over the years, we have focused on discrimination on the basis of race, gender, national origin, age, religion, and disability. These laws are based on a simple premise: Employees should be judged on the work they do, not on the basis of prejudice not related to workplace performance.

The time has arrived to take the next logical step toward equality of opportunity in the workplace. Senate bill 2056, the Employment Nondiscrimination Act which would prohibit discrimination in employment on the basis of sexual orientation is such a step. The Employment Nondiscrimination Act focuses on a group of citizens who have been victimized and vilified like few other minority groups in this Nation's history. Oregon has not been spared from this prejudice, and I speak here today on behalf of many Oregonians touched by it. One prominent example took place in Medford, OR, last year where two women were murdered. Their murderer confessed that he killed them because of his hate for homosexuals.

While we will not be able to wash this type of deep-seeded hatred from our society merely by enacting a Federal statute, employment relations is narrowly focused and appropriate for a Federal statement of national policy, as we have demonstrated many times. This legislation now before the Senate takes a very measured approach toward addressing this difficult problem. It does not create special protections, preferences, or hiring quotas for gay people. As has been the case in prior civil rights statutes, particularly the Civil Rights Act of 1991, this legislation specifically prohibits quotas on the basis of sexual orientation. This prohibition is further undergirded by a provision that prohibits an employee from bringing a disparate impact suit.

Religious organizations are given a broad exemption from this proposal. The armed services are also exempt, as are small businesses with fewer than 15 employees. Moreover, no business would be required to provide benefits to an employee's same-sex partner.

As this Nation turns the corner toward the 21st century, the global nature of our economy is becoming more and more apparent. If we are to compete in this marketplace, we must break down the barriers to hiring the most qualified and talented person for the job. Prejudice is such a barrier. It is intolerable and irrational for it to color decisions in the workplace.

The employee manual for my office has for some time included a specific provision prohibiting discrimination based on sexual orientation. A majority of the Fortune 500 companies have reached this same conclusion. It is time for this body to do the same. It is time for our laws to reflect a point of fundamental fairness: An employee should be free from discrimination at work because of personal characteristics unrelated to the successful performance of his or her job.

Mr. LAUTENBERG. Mr. President, I rise as a cosponsor of the Employment Nondiscrimination Act, or ENDA, to urge my colleagues to support this historic and important legislation.

This bill would ensure that no American citizen is discriminated against in employment because of their sexual orientation. It's a simple, straightforward bill. And it stands for a fundamental American principle: the principle that discrimination of any kind is wrong.

Mr. President, our Nation was founded over 200 years ago by people who had migrated to America largely to escape persecution. The earliest Americans often didn't fit in where they used to live. They were different. Maybe they belonged to a religious minority. Maybe they had different political ideas. Or maybe they were ostracized merely because of the way they looked.

These earliest Americans left their homes, their communities, and their homelands to live in a new kind of nation. A nation that not only tolerated differences, but honored them.

From the beginning, Mr. President, this respect for individual differences—perhaps more than anything else—is what has defined us as Americans. It lies at the heart of our culture. It's embedded in our Constitution. And, in the eyes of the world, it's what makes America the special place it is.

Unfortunately, Mr. President, our Nation has not always lived up to our own highest principles. And it's often taken great battles to make sure that we do.

It took almost 100 years and a civil war to eliminate slavery.

It took another 100 years, and enormous social strife, to outlaw racial discrimination.

And it took a long, difficult effort to win women the right to vote, and to prohibit sex discrimination.

Unfortunately, Mr. President, the fight for equal rights for all Americans is not over. Today, it is still legal to fire someone because they are gay, lesbian, or even heterosexual—or merely for being perceived as such.

This kind of discrimination affects hardworking Americans in all sorts of jobs, no matter how well they perform their duties. With hundreds of such cases documented, and many others undocumented, countless Americans fear losing their jobs to discrimination.

Mr. President, today we have another opportunity to restore our commitment to American principles. But, this time, we can do it without the bloodshed and division of previous battles.

Today we have an opportunity to extend the Civil Rights Act, and to say to each and every American, that you have a right to be treated as an individual in employment. You have a right to be judged on the quality of your work. A right to be judged on the basis of your performance. And sexual orientation is irrelevant.

Mr. President, the right to be treated as an individual in employment is consistent with the great American tradition of individual liberties. And so it should not be surprising that it enjoys strong public support. Most Americans believe that people should not be denied a job, or a promotion, simply because of their sexual orientation.

But discrimination against homosexual Americans remains a serious problem. Many employers just will not hire a gay or a lesbian. Or they will fire or fail to promote them once they have been hired.

Sometimes, Mr. President, employment discrimination is based on raw and malicious bigotry—open hatred of people different than themselves.

But often, the discrimination is more subtle. Often, employers don't hate gays. They're just uncomfortable with them. They're uneasy with the concept of homosexuality. And, so, all other things being equal, they'll choose to hire someone with whom they're more comfortable.

Mr. President, from the perspective of an individual employer, that decision may seem entirely reasonable. But that's equally true of employers who are just uncomfortable with blacks. Or employers who are just uncomfortable with Jews.

For those employers, we say: you may be uncomfortable with blacks or Jews. But you may not discriminate against them. Because it's wrong. It's wrong morally and ethically. And it's not fair.

The same reasoning applies in the case of discrimination based on sexual orientation.

Mr. President, individual employers are not making these decisions in isolation. Millions of employers are making similar decisions. And together, they can create a systemic bias with serious consequences.

In the case of homosexuals, this bias limits their opportunity to find meaningful employment. It limits their ability to make ends meet financially. It limits their ability to live full and satisfying lives, and to make meaningful contributions to society.

Mr. President, that's not right. Every American should have the opportunity to live the American Dream. Every American. No matter their race. No matter their religion. And no matter their sexual orientation.

Mr. President, as Senator LIEBERMAN said on the floor last week, we are all God's children. Each and every one of us.

And if we allow hate and discrimination against anyone, we damn our own loved ones. We shame ourselves. And we violate the fundmental principles upon which this great Nation was based.

Mr. President, let me just close by recalling the words of the Declaration of Independence. All men are created equal. They are endowed by their creator with certain inalienable rights. Among those are life, liberty, and the pursuit of happiness.

Mr. President, let us live up to the principles of that Declaration. Let us be true to our values as Americans. And let us ensure that our own loved ones enjoy the respect and dignity that each and every American deserves.

I urge my colleagues to support this legislation.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls 5 minutes 30 seconds.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, for 200 years, we have tried to free this Nation from forms of discrimination. Discrimination was written into the Constitution of the United States, and the American people have paid a fierce price for discrimination over its history.

We fought a civil war in the 1860's. It really was not until the late 1950's that we began to rally in support of the work of Dr. Martin Luther King—by businessmen, by laborers, by church leaders, by all Americans—and said, "Let's finally get serious and free ourselves from discrimination."

We all remember what happened with the Japanese internment, one of the darkest periods in American history at the beginning of World War II. And still this country went ahead with that dastardly act.

So in the 1960's, we began to make progress on the issues of race, with the 1964 and 1965 act. Many of the arguments I just heard on the floor of the U.S. Senate were made during that particular debate. Then in 1965, we freed ourselves from a national-origin quota system in immigration, we freed ourselves from the Asian Pacific triangle that was left over from the early part of the 1900's, called the yellow peril. We made progress.

We made progress on race. Then we began on religion and national origin. Then we began to make progress on gender. We did not include an equal rights amendment that said there were "founding mothers" as well as Founding Fathers, but, nonetheless, we began to knock down the walls of discrimination on the issues of gender, and we became a more powerful and significant and stronger nation.

In recent years, we have made progress with regards to Americans with disabilities. Six years ago we passed that legislation to say to 44 million Americans, "We will do everything we can to recognize it isn't disability, it is ability, it is what you can do, what you can contribute, that you can be a part of the American dream." That has been the path that we have taken in this country, and we have an opportunity to take a very important and significant step by supporting ENDA.

Just the other night, under the leadership of Senators DOMENICI and WELLSTONE, we began to make progress in terms of knocking down the discrimination that exists with regard to mental health in our country. That exists out there. It exists in our health care systems. We began to knock down that barrier as well with the action that was supported by Republicans and Democrats alike.

Mr. President, today we have the chance to take a meaningful forward step on the road to make America America. We have a really important opportunity to turn our back on bigotry, to turn our back on intolerance, to turn our back on discrimination. We can take an important step in the progress of making America America.

America will only be America when we free ourselves from discrimination, and this particular legislation, carefully crafted, tries to say, "If you work in America, if you have the ability to work, you can work, and you ought to be judged on your ability to work and not on the issues of sexual orientation." That is the case.

We know that discrimination against gay men and lesbian women exists in this country today, No. 1.

No. 2, we know that there are no laws to protect them.

No. 3, we know that the whole issue of gay men and lesbian women is an immutable condition. It is a condition of life.

What we are trying to say is when Americans want to work and can work and do a job, they ought to be able to be judged on the job that they are going to do and not on one of these other factors.

We can free ourselves from discrimination against those gay men and lesbian women in the employment place. This is a targeted response to that challenge, and I hope we will support it and pass it overwhelmingly.

I withhold the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma controls 5 minutes 40 seconds. The Senator from Massachusetts 1 minute 26 seconds.

Mr. NICKLES. Mr. President, I rise in opposition to Senator KENNEDY's bill, and I urge my colleagues to do the same.

Senator KENNEDY's bill before us elevates sexual orientation to special status under the Civil Rights Act. It grants Government approval, acceptance, and protection to homosexual and bisexual behavior under the Civil Rights Act.

Sexual orientation, as defined under the bill proposed by Senator KENNEDY, includes homosexuality, bisexuality, and heterosexuality. It does not just apply to people in a monogamous relationship. Basically, any of the above sexual behaviors are going to be protected by the Federal Government. Such behavior must be OK, because Uncle Sam is now going to protect it.

Senator BYRD made an eloquent speech earlier today, and he read from the Bible. He quoted a couple verses in Genesis talking about what God said about marriage. Many people believe the Bible and believe in it very strongly. Maybe that is recognized by the authors of ENDA, because they exempted religious organizations, but they did not exempt religious people.

We exempt churches under the bill. Well, a lot of people consider themselves part of a church 7 days a week, and they have very serious problems with granting special status to people based on their sexual orientation because they are learning, whether they are Jewish or whether they are Christian or whether they are Muslim, that homosexuality is wrong, it is immoral and should not be condoned and certainly should not be elevated to a special protected status by the Federal Government.

Does that mean that you want to discriminate? No. But should homosexuals and bisexuals have special protected status? Most people would say no.

Mr. President, nine States have something in their statutes, in their State codes, that provide some protections for sexual orientation; 41 States do not. The State of Massachusetts does. The State of Oklahoma does not. I do not really want the State of Massachusetts putting their mandate on my State. Maybe our norms are a little different.

The sponsor of ENDA did exempt religious organizations. They did not exempt schools. There is a high school principal in West Virginia who was recently caught cross-dressing, and he was arrested for soliciting. That was against the law. That was against the State's prostitution laws. What if he was just cross-dressing? He would be protected under ENDA. Cross-dressing could be considered part of a sexual orientation.

What about a schoolteacher who is found to be in homosexual videos—Senator HATCH mentioned one example—what if somebody was particularly well known as a gay activist? What if the school board said, "We really don't want this person to be teaching our kids physical education in the fifth grade." The school board might say, "That is not the type of mentor, teacher or role model that we would like to have for our young people." They can be sued, under this legislation, not only for compensatory damages, but for punitive damages.

Some of us have stated the net result of this bill is going to require employers to ask questions about sexual orientation. That has been denied by the proponents. But the facts are, if you are sued, if someone sues you and says, "Mr. Employer, you didn't hire me because of my sexual orientation, the fact I am well known as a gay, the employer might say, I didn't know that." But they can still sue.

How are employers to protect themselves? They are going to have to ask a lot of questions. One way of protecting yourself is to tell the court or convince the court that you have hired homosexuals in the past. How do you find that out? Well, you better ask questions.

You will have to ask questions and have to survey all your employees. We have never done that before. But the net result of this legislation is that employers would have to ask an employee to at least be able to defend himself. And they would have to ask what their sexual orientation is. That may not be well received by the employees, and it may not be well received by their employers because now you really have the intrusive arm of the Federal Government going into areas they should not.

The sponsors of ENDA have exemptions for religious organizations that are not-for-profit. What about a religious broadcaster? What about a religious book store? Bingo, we are going to tell them, we do not care what your belief is, you are going to have to hire somebody that maybe is diametrically opposed to your fundamental beliefs.

Three years ago, we passed legislation that said we rejected President Clinton's call for gays in the military—Congress did—with an overwhelming vote. Three years ago today, we adopted a policy that says, "Don't ask, don't tell." We are going to tell the school boards that such a policy is not good enough, because this legislation goes way beyond "don't ask, don't tell," way beyond "don't ask, don't tell."

So that is what Congress said was acceptable for the military. Congress said, sexual orientation is relevant concerning the military, but now, if ENDA becomes law, we are going to tell millions of employers, oh, sexual orientation is irrelevant; it does not make any difference; we do not care what your personal beliefs are, we do not care what your religious beliefs are, it is irrelevant. For some people it is relevant, and for some school boards it might be relevant, or for some religious people or some religious groups or religious broadcasters it is very, very relevant.

Mr. President, this legislation is a serious mistake and goes way too far. I urge my colleagues to vote no.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I would like to use my leader time for whatever time I may consume.

The PRESIDING OFFICER. The minority leader has a right to do so.

Mr. DASCHLE. Mr. President, there has been so much misinformation about what this does and does not do, so many claims about the effect it has on certain groups and places of employment, that I would not be surprised that people are confused and very concerned.

As we vote, I think we ought to try to clear the air as much as possible as to what this does. This bill simply rectifies a significant omission in our job discrimination laws, period. It simply prohibits anyone from using sexual orientation as the basis for hiring, firing, promotion, or pay. ENDA allows no special privileges, period. It grants no special rights to any group of people. It simply ensures that no one will be denied the opportunity to support him or herself financially because of discrimination on the job.

This is a matter of simple fairness and common sense. In terms of fairness, no one should be denied employment on the basis of a characteristic that does not relate to his or her ability to get the job done. This principle is already embodied in our civil rights laws. It protects religious institutions. Churches, synagogues, and related institutions will not be forced to change their hiring practices by this bill, nor will it apply to the military or to small businesses with fewer than 15 employees. This is a narrowly crafted bill that simply upholds the basic American principle that employees should be judged by the work they do. It deserves our support.

I ask my colleagues, prior to the time we vote, how many times have we heard the same arguments raised against minorities in other segments of our society, against African Americans, against the disabled, against women? The same arguments that I just heard presented to our colleagues on the Senate floor moments ago were used in the 1960's, in the 1970's, and in the 1980's. We have heard them all.

I ask my colleagues, who today would come to the floor to roll back the rights now that we provided African Americans? Who would come to the floor to roll back the rights we have given women? Who would propose now we roll back the rights for the disabled? Every time we come to the floor, we pronounce our advocacy of freedom. We talk about how free this democracy is, how great it is for all of us to enjoy the magnificent freedom that we enjoy beyond that of anybody else. If this is true, then we will support the freedom guaranteed in this legislation, too. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts has 1 minute, 26 seconds remaining. For the Senator from Oklahoma, all time has expired.

Mr. NICKLES. Mr. President, let me just check and see if the majority leader wants to make a speech on his time. In the meantime, unless the Senator from Massachusetts wants to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I will use leader time to make a closing statement.

The PRESIDING OFFICER. The majority leader has that right.

Mr. LOTT. The legislation we will be voting on in a few minutes, the Employment Nondiscrimination Act, known here as ENDA, should be rejected by the Senate, in my opinion. In its various versions it has been around for many years, I think probably as many as 20 years. But even when there was a Democratic majority in the Senate, this bill was never even called up before.

We are bringing it up today for a vote, a freestanding vote without amendments, as part of our larger effort to work together and move ahead on urgent business of the Senate. There were intense and lengthy negotiations last week to try to come to a conclusion on how to handle the appropriations bill, the Defense of Marriage Act, ENDA—this legislation—and the defense authorization bill, and I have tried to set a record of trying to be fair and make sure that we have our chance to make our cases here, within limits, and then move on, do the business of the Senate, and then move on.

So that is how this legislation was set up to be considered in a freestanding way. There are those that really do not think it should have been brought up this way or would have preferred it not even come up as an amendment. But I think it is a fair process, and it is one that we agreed to in order to be able to do our business. So, be that as it may, that is how we got to where we are.

ENDA, in my opinion, is part of a larger attempt to equate, by law, what the bill itself calls, in the language of the bill, "homosexuality, bisexuality, or heterosexuality." This is part of a larger campaign to validate or to approve conduct that remains illegal in many States. That has to be of concern to a lot of Senators whose States would fall in that category.

ENDA would mean that ethical and religious objections to homosexual or bisexual conduct would have to be pushed aside or closeted. Those objections could no longer touch the workplace. The bill before us seems to be full of exceptions, exceptions for small businesses, the Armed Forces, religious organizations, though not for law enforcement, schools, day care, or for-profit entities that are part of a church's religious mission.

It seems to me there are many instances that should have been exempted or should have been excluded. It seems to me that this is just a guarantee of multiple lawsuits as to exactly what the intent is and what it means. We do not need that. I think Senator HATCH explained in his very definitive statement on September 6 those exemptions will not limit the damage that will be done by this bill. It would put the full force of the Federal Government behind the campaign to validate a lifestyle that is unacceptable in many areas. I think that is the heart of the matter.

Under ENDA, the antidiscrimination apparatus of the Federal Government—the apparatus of the Federal Government—would treat sexual orientation like race. It would scrutinize employment practices, require remedial hiring or promotion, and treat negative attitudes in this area as workplace harassment.

President Clinton's letter supporting this legislation notes that 41 States currently do not outlaw discrimination in employment on the basis of sexual orientation. Only nine States have adopted anything like ENDA. Only 18 Senators represent States which have their own versions of this type of legislation, and 82 Senators are here to represent States which do not have their own laws similar to this one. I cannot believe that the majority of the Senate will impose upon those 41 States a piece of legislation which the citizens of those States apparently do not want.

If ever there was a case of "Washington knows best," ENDA is it. If ever there was a one-size-fits-all approach to social engineering, ENDA is it.

Mr. President, the American people are not bigoted or hateful or prejudiced. They just are not. When it comes to ENDA, the American people are cautious, prudent, and weary. I think they are right. They have seen the good intentions of official Washington go astray time and time again. They have heard sweet slogans to cover up legislation with major problems.

That is the case with ENDA. Senators NICKLES and ASHCROFT and others who have spoken have very forcefully explained the ramifications of what seems to be a simple bill. But it is not simple at all. It is a blank check to a court system increasingly out of touch, in many instances, with the public. It is an open invitation to a Federal bureaucracy brutally indifferent to what goes on in American life—in our businesses, in our schools, and in our communities.

In short, I think this legislation is out of sync with the majority of American people. I think the Senate should not pass it. It a very serious matter, and I urge my colleagues to vote against it.

I yield the floor, Mr. President.

Mr. NICKLES. Mr. President, we are about to vote on final passage of S. 2056, the Employment Nondiscrimination Act. I urge each Senator to vote "no."

Before we vote, I want to address a few issues that have come up during debate. Time does not, of course, allow me to go into these issues in detail.

I urge each Senator to consider the moral implications of this vote. In her recent, acclaimed book, "The De-Moralization of Society," Gertrude Himmelfarb reminded us of a truth that needs to be repeated here:

> Individuals, families, churches, and communities cannot operate in isolation, [they] cannot long maintain values at odds with those legitimated by the state and popularized by the culture. * * * Values, even traditional values, require legitimation. At the very least, they require not to be illegitimated. And in a secular society, legitimation or illegitimation is in the hands of the dominant culture, the state, and the courts.

This bill goes to the heart of traditional values—the values of religious liberty, free association, and traditional sexual morality.

ENDA is solicitous of religious organizations, Mr. President, but what about religious individuals? This bill concedes that it is going to compel an approval of homosexual and bisexual behavior—that is why religious organizations are exempted from the bill—but what about religious individuals?

ENDA will punish those Americans who believe it is important to apply their moral views in the workplace. To millions of Americans, human sexuality is still a matter of the deepest moral concern, but ENDA says to them that in the workplace they cannot make distinctions based on sexual orientation, no matter how compelling.

Mr. President, I have heard it said on this floor that ENDA is necessary to guarantee to homosexuals and bisexuals the equal protection of the laws. That is not true.

The Constitution of the United States guarantees to every person the equal protection of the laws.

Our colleagues know, for example, that under Federal employment laws as now written every heterosexual, homosexual, or bisexual person is treated equally. Of course, Federal law does not prohibit discrimination on the basis of sexual orientation, so Government bureaucrats cannot forbid or require a particular result if "sexual orientation" should become an issue in the workplace, but each person has identical rights, whatever his or her sexual orientation.

I believe that ENDA is going to mean quotas. The sponsors don't think so, and they point to Section 7 of the bill that says that an employer shall not give preferential treatment or establish a quota based on sexual orientation.

Of course, there were many people who thought that the Civil Rights Act of 1964 also prohibited quotas and preferential treatment. History has shown that view to be naive. Today, quotas and preferential treatment are a red-hot issue all across the country—but they are opposed by the vast, vast majority of the American people.

I would remind Senators that ENDA gives to the EEOC—in §11(a)(1)—the Attorney General—in §11(a)(4)—and the Federal courts—in §11(a)(5)—the same powers they have with respect to race and sex discrimination under current law—see §11(b). All of the powers of the EEOC and the courts will be brought to bear against the employer who believes that sexual orientation cannot be ignored in his workplace.

There are a hundred traps for every covered employer. For example, if ENDA is enacted 42 U.S.C. 2000e–2(m) will make it an "an unlawful employment practice" if sexual orientation "was a motivating factor for any employment practice, even though other factors also motivated the practice."

Mr. President, ENDA is a power grab, and it is exactly the kind of inside-the-Beltway power grab that Americans have come to resent.

ENDA threatens to make sexuality an issue where it has never been an issue before. Currently, most employers don't know about their employees' sexual orientation and don't care. ENDA will help put an end to that. Some employers do care, and ENDA will put an end to that, too. ENDA is about sexuality, but it is not about privacy. ENDA is about going public.

Mr. President, I have heard it said on this floor that 80 percent of the American people support this bill. This is not true.

The claim seems to be based on a poll taken by Newsweek magazine: In that poll, conducted in May of this year, 84 percent of the Newsweek respondents did say there should be "equal rights for gays in terms of job opportunities"—but that doesn't mean 84 percent of Americans want a new Federal mandate. In fact, that very same poll shows that they don't.

When asked about the effort the country has already made "to protect the rights of gays and lesbians," 26 percent said the country had made the right amount of effort, 27 percent said more effort is needed, but 40 percent said the effort had gone too far.

When asked specifically if there should be "special legislation to guarantee equal rights for gays," 41 percent agreed that there should be such legislation but 52 percent said there should not be such legislation. In sum, Americans favor fairness but they oppose the heavy hand of government which is what ENDA represents.

Mr. President, ENDA equates homosexuality and bisexuality with heterosexuality, but the American people have never regarded homosexuality or bisexuality as the moral or legal equivalent of heterosexuality, whether in the workplace or not.

ENDA for bids discrimination "on the basis of sexual orientation" which it defines to mean "homosexuality, bisexuality, or heterosexuality, whether such orientation is real or perceived." Frankly, no one knows what those words mean or how they will be applied in many real-life situations.

There is much more that ought to be said, Mr. President, but let me conclude with this.

Just 3 years ago yesterday, the Senate voted 63 to 33 for a compromise policy on homosexuals in the military. With that vote and later votes and the President's signature, the laws of the United States states that homosexuality was relevant to service in the Armed Forces of the United States, and that open homosexuality was disqualifying.

Today, we will vote on ENDA, a bill that will tell every employer in America that homosexuality and bisexuality must at all times and in all workplaces be irrelevant. Can the Senate truly believe that homosexuality can be relevant in the military services but must be irrelevant in the thousands of private workplaces that will be covered by ENDA?

The Congress and the President have told the Pentagon that homosexuality is contrary to good order and discipline—is it now going to tell every private employer in America that, regardless of his or her own moral judgment, homosexuality and bisexuality are just another orientation that Congress has decreed to be irrelevant?

Mr. President, are we prepared to levy fines on a school district that uses a policy that looks very much like the military's "don't ask, don't tell"? Are we prepared to force the American people into a policy that holds sexual orientation irrelevant in every workplace except the church and the military? What are we going to say to the small business owner who wants to know why he, a private citizen with strong moral views, doesn't have at least as much freedom to choose employees as a Navy recruiter?

ENDA is a radical step, and it is a step in the wrong direction. It should be defeated.

Mr. President, I ask unanimous consent several letters urging opposition to this bill be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE,
Washington, DC, September 10, 1996.

MEMBERS OF THE U.S. SENATE: The Senate will soon consider the Employment Nondiscrimination Act (ENDA), S. 2056. On behalf of our membership of over 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 76 American chambers of commerce abroad, I am writing to urge you to vote against this bill.

S. 2056 amends Title VII of the 1964 Civil Rights Act to allow lawsuits against employers, for compensatory and punitive damages, based on an individual's actual or perceived sexual orientation. Notwithstanding our concerns regarding the specifics of S. 2056, a significant addition of this nature to our basic laws against employment discrimination should be thoroughly deliberated and vented through our legislative process. Thus, the measure should be the subject of hearings and careful consideration by the appropriate committees. ENDA has not been considered by the Labor and Human Resources Committee nor any other committee in the 104th Congress. To pass this bill without thorough consideration by the appropriate committees would be, at best, manifestly unfair to American employers as well as all of the citizens who would be affected by such sweeping legislation.

The Senate should not hastily pass this legislation without first thoroughly considering all of its advantages and disadvantages. We urge you to vote against ENDA and send it to the appropriate committees for careful consideration.

Sincerely,

R. BRUCE JOSTEN.
Senior Vice President,
Membership Policy Group.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, September 10, 1996.

Hon. DON NICKLES,
Senate Hart Office,
Washington, DC.

DEAR SENATOR NICKLES: On behalf of the NAM's 14,000 member companies, 10,000 of which employ 500 or fewer workers, I urge your opposition to the Employment Non-Discrimination Act (ENDA), S. 2056.

This measure is an unwarranted and unwise extension of Title VII of the Civil Rights Act. Expanding Title VII is a significant legislative initiative that should not be undertaken without the careful consideration afforded by the committee process. The ENDA has not been the subject of any hearings in the Labor and Human Resources Committee, nor has it been considered by any committee in the 104th Congress. Surely an initiative that would have such far-reaching consequences for individual privacy rights, employment policies and employers, rights should have the benefit of full congressional consideration.

Expanding the reach of Title VII would not only increase an already daunting case load at the EEOC (which currently has significant backlogs due to enforcement authority for the Americans With Disabilities Act), but would dramatically increase record-keeping requirements for most employers. The burden of federal recordkeeping requirements falls disproportionately on smaller companies. It is these same companies that continue to generate the greatest number of new jobs and growth in our economy.

I urge you to reject the efforts of the ENDA backers to short-circuit the legislative process, and vote against S. 2056.

Sincerely,

SHARON F. CANNER,
Vice President,
Human Resources Policy.

BUSINESS LEADERSHIP COUNCIL,
Washington, DC, September 10, 1996.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: On behalf of the Business Leadership Council I am writing to express strong opposition to S. 2056, the so-called "Employment Nondiscrimination Act."

At a time when Congress and the Nation should be working toward cooperation in the workplace, this measure once again revives the failed agenda of confrontation, regulation, and litigation. This bill would expand Title VII of the Civil Rights Act to include and amorphous category based on sexual orientation. As a result the legislation threatens to embroil virtually every workplace in politically and socially motivated controversies which will cost jobs for thousands of workers.

We hail your leadership in opposing this dangerous and costly piece of legislation and will work vigorously to ensure its defeat.

Very truly yours,

DAVID L. THOMPSON.

SMALL BUSINESS
SURVIVAL COMMITTEE,
Washington, DC, September 10, 1996.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: On behalf of the 45,000 members of the Small Business Survival Committee, I urge the defeat of the Employment Nondiscrimination Act, S. 2056. Unlike other protected classes under Title VII of the Civil Rights Act of 1964, sexual orientation is a private matter of choice and lifestyle. Federal workplace policy has not and should not intrude in this highly volatile area.

This radical piece of social legislation is anti-worker and anti-small business. There can be no doubt that the bill, if enacted, would result in excessive lawsuits, regulations and costs. As is typically the case with dictates and mandates, the brunt of the federal policy would fall on small businesses across the country. Every dollar spent defending against this ill-conceived measure would be money denied to workers in the form of raises and denied to small businesses to be used to create jobs.

We strongly oppose S. 2056. Thank you for your leadership against the bill.

Sincerely,

KAREN KERRIGAN,
President.

Mr. NICKLES. If the Senator yields back his time, I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, I just want to take 30 seconds.

Mr. President, our friend from Rhode Island pointed out that Barry Goldwater supports this legislation. Coretta Scott King wrote to all of us. In the Coretta Scott King letter she says:

> As my husband, Martin Luther King, Jr. said, "Injustice anywhere is a threat to justice everywhere," and, "I have fought too long and hard against segregated public accommodations to end up segregating my moral concern. Justice is indivisible."

Those are the words of Dr. Martin Luther King, Jr. They could be said again here on the floor of the U.S. Senate on this particular issue, because what it is all about is the questions of discrimination and bigotry in the workplace. Below the clock in this Senate are the words "E pluribus unum," one out of many. Why do we not eliminate the discrimination that excludes so many of our fellow citizens and make them part of the one as well?

This legislation will help. I ask unanimous consent to have printed in the RECORD the letter from Coretta Scott King.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE KING CENTER,
Atlanta, GA, September 10, 1996.

DEAR SENATOR: Ernest Dillon, an African-American postal employee in Detroit, worked hard and was good at his job. But that wasn't enough. Deciding he was gay, his co-workers repeatedly taunted him, until one day, while on the job they beat him unconscious. And the harassment did not end there. It continued unabated until he was forced out, fearing for his life.

Mr. Dillon sought relief—first from his employer, then from the courts. Tragically, both turned their backs on him. Had he been harassed for being black, federal civil rights law would have protected him. But job discrimination, and even serious harassment, based on sexual orientation is still perfectly legal in the United States of America in 1996. This is unjust, un-American, and intolerable.

Today, workplace discrimination against gay men and lesbians is real, widespread, and continues to cast a dark shadow on our ideals as a free and fair nation. To remedy this situation a bipartisan coalition in Congress introduced the Employment Non-Discrimination Act. This essential legislation will provide dedicated workers with long-overdue protection from irrational fear and unjust discrimination based on sexual orientation.

I am proud to join mayors, governors, religious leaders, CEOs, and the Leadership Conference on Civil Rights in support of this essential legislation. Lesbians and gay men are a productive part of the American workforce, but the gap in current law leaves them vulnerable to bigotry in the workplace. For too long, our nation has ignored discrimination against this group of Americans. They work hard, pay their taxes, and yet continue to be denied equal protection under the law. It is time for a change.

I am encouraged that in a recent Newsweek poll, 84 percent of the respondents favored protecting gay and lesbian people from job discrimination, and I am proud to stand with the overwhelming majority of Americans who recognize the importance of such protection.

The bill in Congress will grant the same rights to victims of discrimination based on sexual orientation that are now available to victims of racial, gender, and religious discrimination and those who have been unfairly treated in the workplace because of their age, ethnic background, or disability. The bill provides no preferential treatment or special rights. It simply requires that all people be judged by their skills and the quality of their work, and not by the prejudice, fear, and stereotypes of others. It is time to root out bias, whatever form it takes.

As my husband, Martin Luther King, Jr. said, "Injustice anywhere is a threat to justice everywhere," and "I have fought too long and hard against segregated public accommodations to end up segregating my moral concern. Justice is indivisible."

Lesbians and gays supported the African American freedom struggle. None of us who achieved that freedom should turn our back on this next phase of the movement for freedom and dignity. Like Martin, I believe you cannot stand for freedom for one group of people, and deny it to others. As history affirms, none of us is free until all of us are free.

The Employment Non-Discrimination Act is a logical extension of the Bill of Rights and the civil rights reforms of the 1950s and 1960s. Then as now, we were told that employers were not prejudiced, but their workers and customers feared diversity. In the 1960s, businesses cited "customer preference" to rationalize their refusal to hire African Americans. We should learn from these mistakes and not repeat them.

The great promise of our democracy is that we encourage all people to reach their full potential, and provide protection against senseless discrimination and persecution. In doing so, we strengthen ourselves as a nation and all that America stands for.

Congress should help stop job discrimination by enacting the Employment Non-Discrimination Act. Fundamental principles of fairness and human dignity are at stake. All Americans who support real equality in the workplace should watch closely on Tuesday, September 10th as Senators cast their votes on this landmark legislation.

Sincerely,

CORETTA SCOTT KING.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Chafee
Cohen
Conrad
D'Amato
Daschle
Dodd
Dorgan
Feingold
Feinstein
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Reid
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Specter
Wellstone
Wyden

NAYS—50

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Byrd
Campbell
Coats
Cochran
Coverdell
Craig
DeWine
Domenici
Exon
Faircloth
Ford
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Pryor

The bill (S. 2056) was rejected.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I voted against S. 2056, the Employment Nondiscrimination Act. I would like to take a few moments of the Senate's time to explain my opposition and concerns with respect to that legislation.

At the outset, however, I would first like to acknowledge the fact that I do not condone employment discrimination based on factors immaterial to the performance of one's duties. I do not practice it in my own office, nor am I aware of any other member of the Senate that does. And, as the proponents of S. 2056 have shown, many employers throughout this nation—both large and small—have adopted nondiscrimination provisions as part of their corporate policies. I applaud that effort.

But the fact that I do not approve of, or practice, employment discrimination does not mean that I believe it is wise for the Senate to pass this bill at this time. On the contrary, I think it is inadvisable, at this late stage of the 104th Congress, for us to shift our focus from the immediate tasks at hand to a matter that is clearly deserving of extended deliberation by way of committee hearings and floor debate.

Mr. President, in my opinion, the legal ramifications that could necessarily extend from enactment of this Act are monumental. I believe this is so because passage of the Act would, for the first time in our history, place sexual conduct on an equitable legal footing with such benign, nonbehavioral factors as race, gender, and national origin—immutable characteristics which each of us possess, but which none of us can alter.

It is my hope, then, that when the 105th Congress convenes next year, hearings may be held that will bring together various legal scholars who will concentrate on this important aspect, and in so doing help us, as Senators, in making a more informed decision.

Until such considerations and debate has taken place, I cannot, in all good conscience, support this measure.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; **[$108,447,000]** *$111,348,000*: *Provided*, That up to $500,000 shall be made available to implement section 528 of this Act.

AUTOMATION ENHANCEMENT

INCLUDING TRANSFER OF FUNDS

For the development and acquisition of automatic data processing equipment, software, and services for the Department of the

Treasury, $27,100,000, of which $15,000,000 shall be available to the United States Customs Service for the Automated Commercial Environment project, and of which $5,600,000 shall be available to the [United States Customs Service] *Departmental offices* for the International Trade Data System: *Provided*, That these funds shall remain available until September 30, 1999: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds shall be used to support or supplement Internal Revenue Service appropriations for Information Systems and Tax Systems Modernization[: *Provided further*, That none of the funds available for the Automated Commercial Environment or the International Trade Data System may be obligated without the advance approval of the House and Senate Committees on Appropriations].

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $29,319,000 *$30,153,000*.

[OFFICE OF PROFESSIONAL RESPONSIBILITY

[SALARIES AND EXPENSES

[INCLUDING TRANSFER OF FUNDS

[For necessary expenses of the Office of Professional Responsibility, including purchase and hire of passenger motor vehicles, up to $3,000,000, to be derived through transfer from the United States Customs Service, salaries and expenses appropriation: *Provided*, That none of the funds shall be obligated without the advance approval of the House and Senate Committees on Appropriations.]

TREASURY BUILDINGS AND ANNEX REPAIR AND RESTORATION

INCLUDING TRANSFER OF FUNDS

For the repair, alteration, and improvement of the Treasury Building and Annex, [the Bureau of Alcohol, Tobacco and Firearms National Laboratory Center and the Fire Investigation Research and Development Center, and the Rowley Secret Service Training Center, $22,892,000] *$43,684,000*, to remain available until expended: *Provided*, That [funds for the Bureau of Alcohol, Tobacco and Firearms National Laboratory Center and the Fire Investigation Research and Development Center and the Rowley Secret Service Training Center shall not be available until a prospectus authorizing such facilities is approved by the House Committee on Transportation and Infrastructure: *Provided further*, That] funds previously made available under this title for the Secret Service Headquarter's building shall be transferred to the Secret Service Acquisition, Construction, Improvement and Related Expenses appropriation.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $22,387,000: *Provided*, That notwithstanding any other provision of law, the Director of the Financial Crimes Enforcement Network may procure up to $500,000 in specialized, unique, or novel automatic data processing equipment, ancillary equipment, software, services, and related resources from commercial vendors without regard to otherwise applicable procurement laws and regulations and without full and open competition, utilizing procedures best suited under the circumstances of the procurement to efficiently fulfill the agency's requirements: *Provided further*, That funds appropriated in this account may be used to procure personal services contracts.

DEPARTMENT OF THE TREASURY FORFEITURE FUND

[For necessary expenses of the Treasury Forfeiture Fund, notwithstanding any other provision of law, not to exceed $7,500,000 shall be made available for the development of a Federal wireless communication system, to be derived from deposits in the Fund] *For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102–393, not to exceed $10,000,000, to be derived from deposits in the fund*: *Provided*, That the Secretary of the Treasury is authorized to receive all unavailable collections transferred from the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1509) by the Director of the Office of Drug Control Policy as a deposit into the Treasury Forfeiture Fund (31 U.S.C. 9703(a)).

VIOLENT CRIME REDUCTION PROGRAMS

INCLUDING TRANSFER OF FUNDS

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(a) As authorized by section 190001(e), [$89,800,000] *$112,000,000*, of which [$15,005,000] *$38,900,000* shall be available to the United States Customs Service; of which [$47,624,000] *$31,450,000* shall be available to the Bureau of Alcohol, Tobacco and Firearms, of which [$2,500,000] *$3,000,000* shall be available for administering the Gang Resistance Education and Training program, of which [$3,662,000] *$4,150,000* shall be available for ballistics technologies, *including the purchase, maintenance and upgrading of equipment* and of which [$41,462,000] *$29,500,000* shall be available to enhance training and purchase equipment and services; [of which $5,971,000 shall be available to the Secretary as authorized by section 732 of Public Law 104–132;] of which $1,000,000 shall be available to the Financial Crimes Enforcement Network; of which [$20,200,000] *$24,500,000* shall be available to the United States Secret Service, of which no less than $1,000,000 shall be available for a grant for activities related to the investigations of missing and exploited children*; of which $3,150,000 shall be available to the Federal Law Enforcement Training Center until expended; and of which $13,000,000 shall be available to the Federal Drug Control Programs, High Intensity Drug Trafficking Areas program only if additional areas are designated and consultation has been completed with the Committees on Appropriation*.

(b) As authorized by section 32401, [$7,200,000] *$8,000,000*, for disbursement through grants, cooperative agreements or contracts, to local governments for Gang Resistance Education and Training: *Provided*, That notwithstanding sections 32401 and 310001, such funds shall be allocated only to the affected State and local law enforcement and prevention organizations participating in such projects.

TREASURY FRANCHISE FUND

There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103–356, to be available as provided in such section for expenses and equipment necessary for the maintenance and operation of such financial and administrative support services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital, shall be used to capitalize such fund: *Provided further*, That such fund shall be reimbursed or credited with the payments, including advanced payments, from applicable appropriations and funds available to the Department and other Federal agencies for which such administrative and financial services are performed, at rates which will recover all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of Automatic Data Processing (ADP) software and systems, and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Treasury financial management, ADP, and other support systems: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103–356.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; [$51,681,000] *$52,242,000*, of which [$9,423,000] *$9,884,000* for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 1999: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy[: *Provided further*, That funds appropriated in this account shall be available for training United States Postal Service law enforcement personnel and Postal police officers, at the discretion of the Director; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training at the Center]*: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training at the Center*: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, [$18,884,000] *$19,884,000*, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, [$191,799,000] *$196,338,000*, of which not to exceed $14,277,000 shall remain available until expended for systems modernization initiatives. In addition, $90,000, to be derived from the Oil Spill Liability Trust Fund, to reimburse the Service for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380: *Provided*, That none of the funds made available for systems modernization initiatives may not be obligated until the Commissioner of the Financial Management Service has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 650 vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $12,500 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; provision of laboratory assistance to State and local agencies, with or without reimbursement; [$389,982,000] *$395,597,000*, of which $12,011,000, to remain available until expended, shall be available for arson investigations, with priority assigned to any [arson involving] *arson, explosion or violence against* religious institutions; which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in the fiscal year ending on September 30, 1997: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c) [and the inability of the Bureau of Alcohol, Tobacco and Firearms to process or act upon such applications for felons convicted of a violent crime, firearms violations, or drug-related crimes shall not be subject to judicial review]: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c)[: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to State or local authorities who have obtained similar equipment through a Federal grant or subsidy]: *Provided further*, That, notwithstanding any other provision of law, all aircraft *and spare parts* owned and operated by the Bureau of Alcohol, Tobacco and Firearms shall be transferred to the United States Customs Service[: *Provided further*, That no funds under this heading shall be available to conduct a reduction in force]: *Provided further*, That no funds available for separation incentive payments as authorized by section 525 of this Act may be obligated without the advance approval of the House and Senate Committees on Appropriations: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

LABORATORY FACILITIES

For necessary expenses for design of a new facility or facilities, to house the Bureau of Alcohol, Tobacco and Firearms National Laboratory Center and the Fire Investigation Research and Development Center, not to exceed 185,000 occupiable square feet, $6,978,000, to remain available until expended: Provided, That these funds shall not be available until a prospectus of authorization for the Laboratory Facilities is approved by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

INCLUDING TRANSFER OF FUNDS

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed [$20,000] *$30,000* for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; [$1,489,224,000 (increased by $500,000) (reduced by $500,000) (reduced by $2,000,000); of which $65,000,000 shall be available until expended for Operation Hardline; of which $28,000,000 shall be available until expended for expenses associated with Operation Gateway; of which up to $3,000,000 shall be available for transfer to the Office of Professional Responsibility] *$1,421,543,000*; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research and not to exceed $1,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081 and up to $6,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year[: *Provided further*, That the United States Custom Service shall implement the General Aviation Telephonic Entry program within 30 days of enactment of this Act: *Provided further*, That no funds under this heading shall be available to conduct a reduction in force: *Provided further*, That no funds available for separation incentive payments as authorized by section 525 of this Act may be obligated without the advance approval of the House and Senate Committees on Appropriations]: *Provided further*, That the Spirit of St. Louis Airport in St. Louis County, Missouri, shall be designated a port of entry[: *Provided further*, That no funds under this Act may be used to provide less than 30 days public notice for any change in apparel regulations]*: Provided further, That $750,000 shall be available for additional part-time and temporary positions in the Honolulu Customs District.*

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $83,363,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1997 without the prior approval of the House and Senate Committees on Appropriations.

AIR INTERDICTION PROCUREMENT

For the purchase and restoration of aircraft, marine vessels and air surveillance equipment for the Customs air and marine interdiction programs, [$28,000,000] *$45,000,000*: *Provided*, That such resources shall not be available until September 30, 1997, and shall remain available until expended.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary, and to remain available until expended.

HARBOR MAINTENANCE FEE COLLECTION

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $169,735,000: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 1997 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at $165,335,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing assistance to taxpayers, management services, and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,722,985,000] *$1,728,840,000*, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$4,052,586,000,] $4,085,355,000, *of which not to exceed $1,000,000 shall remain available until September 30, 1999 for research.*

INFORMATION SYSTEMS

INCLUDING TRANSFER OF FUNDS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including tax systems modernization (modernized developmental systems), modernized operational systems, services and compliance, and support systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,077,450,000] *$1,240,473,000*, of which [$424,500,000] *$402,473,000* shall be available for tax systems modernization program activities: *Provided*, That *of the funds appropriated for non-Tax Systems Modernization, $200,000,000, and $66,000,000 of the funds appropriated for Tax Systems Modernization may not be obligated until the Secretary of the Treasury consults with the Committees on Appropriations and provides criteria explaining the needs and priorities of the respective programs, as well as, the deficiencies identified by the General Accounting Office: Provided further, That* [none of the funds made available for tax systems modernization shall be available until the Internal Revenue Service establishes a restructured contractual relationship with a commercial sector company] to manage, integrate, test, and implement all portions of the tax systems modernization program, except that funds up to $59,100,000 may be used to support a Government Program Management Office, [not to exceed a total staffing of 50 individuals,] and other necessary Program Management activities *to include support from the Internal Revenue Service's Integration Support Contractor and Federal Research and Development Center*: *Provided further*, That none of the funds made available for tax systems modernization may be used by the Internal Revenue Service to carry out activities associated with the development of a request for proposal and contract award, *with a commercial sector company to manage, integrate, test and implement all portions of the tax systems modernization program without the approval of the Department of the Treasury's Modernization Management Board which shall assure that an adequate planning and business case analysis has been conducted and that the General Accounting Office's "Best Practices" for strategic information management have been followed except that funds shall be available for activities related to submission to and review by the Department's Modernization Management Board* [except that funds shall be available for the sharing of data and information and general oversight of the process by the Associate Commissioner of the Internal Revenue Service for Modernization, and such funds as may be necessary shall be transferred to the Department of Defense which will conduct all technical activities associated with the development of a request for proposal and contract award]: *Provided further*, That none of these funds may be used to support in excess of 150 full-time equivalent positions in support of tax systems modernization*: Provided further, That funds up to $2,000,000 may be used to support the Department's Modernization Management Board*: *Provided further*, That these funds shall remain available until September 30, 1999.

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading for [Tax Systems Modernization] *Information Systems* in Public Law 104–52, [$100,000,000] *$120,000,000* are rescinded, in Public Law 103–329, [$51,685,000] *$45,000,000* are rescinded, in Public Law 102–393, $2,421,000 are rescinded, and in Public Law 102–141, [$20,341,000] *$7,026,000* are rescinded.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

[SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

[SEC. 104. No funds available in this Act to the Internal Revenue Service for separation incentive payments as authorized by section 525 of this Act may be obligated without the advance approval of the House and Senate Committees on Appropriations.

[SEC. 105. The Internal Revenue Service shall contract with an independent accounting firm to determine the revenue losses (if any) which would result from implementing H.R. 2450, as introduced in the 104th Congress.]

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed 702 vehicles for police-type use, of which 665 shall be for replacement only), and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That 3 U.S.C. 203(a) is amended by deleting "but not exceeding twelve hundred in number"; [$528,368,000] *$519,265,000*, of which $1,200,000 shall be available as a grant for activities related to the investigations of missing and exploited children[: *Provided further*, That resources made available as a grant for activities related to the investigations of missing and exploited children shall not be available until September 30, 1997, and shall remain available until expended].

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, [$31,298,000] *$29,165,000*, to remain available until expended: *Provided*, That funds previously provided under the title, "Treasury Buildings and Annex Repair and Restoration," for the Secret Service's Headquarters Building, shall be transferred to this account.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 111. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1997, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 112. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 113. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 114. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 115. The funds provided to the Bureau of Alcohol Tobacco and Firearms for fiscal year 1997 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

[SEC. 116. Paragraph (3)(C) of section 9703(g) of title 31, United States Code, is amended—

[(1) by striking in the third sentence "and at the end of each fiscal year thereafter";

[(2) by inserting in lieu thereof "1994, 1995, and 1996"; and

[(3) by adding at the end the following new sentence: "At the end of fiscal year 1997, and at the end of each fiscal year thereafter, the Secretary shall reserve any amounts that are required to be retained in the Fund to ensure the availability of amounts in the subsequent fiscal year for purposes authorized under subsection (a)."]

SEC. 117. Of the funds available to the Internal Revenue Service, $13,000,000 shall be made available to continue the private sector debt collection program which was initiated in fiscal year 1996 and $13,000,000 shall be transferred to the Departmental Offices appropriation to initiate a new private sector debt collection program: *Provided*, That the transfer provided herein shall be in addition to any other transfer authority contained in this Act.

[PRIORITY PLACEMENT, JOB PLACEMENT, RETRAINING, AND COUNSELING PROGRAMS FOR U.S. TREASURY DEPARTMENT EMPLOYEES AFFECTED BY A REDUCTION IN FORCE

[SEC. 118. (a) DEFINITIONS.—

[(1) For the purposes of this section, the term "agency" means the United States Department of the Treasury.

[(2) For the purposes of this section, the term "eligible employee" means any employee of the agency who—

[(A) is scheduled to be separated from service due to a reduction in force under—

[(i) regulations prescribed under section 3502 of title 5, United States Code; or

[(ii) procedures established under section 3595 of title 5, United States Code; or

[(B) is separated from service due to such a reduction in force, but does not include—

[(i) an employee separated from service for cause on charges of misconduct or delinquency; or

[(ii) an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

[(b) PRIORITY PLACEMENT PROGRAM.—Not later than 30 days after the date of the enactment of this Act, the U.S. Department of the Treasury shall establish a priority placement program for eligible employees.

[(c) The priority placement program established under subsection (b) shall include provisions under which a vacant position shall not be filled by the appointment or transfer of any individual from outside of the agency if—

[(1) there is then available any eligible employee who applies for the position within 30 days of the agency issuing a job announcement and is qualified (or can be trained or retrained to become qualified within 90 days of assuming the position) for the position; and

[(2) the position is within the same commuting area as the eligible employee's last-held position or residence.

[(d) JOB PLACEMENT AND COUNSELING SERVICES.—The head of the agency may establish a program to provide job placement and counseling services to eligible employees and their families.

[(1) TYPES OF SERVICES.—A program established under subsection (d) may include, is not limited to, such services as—

[(A) career and personal counseling;

[(B) training and job search skills; and

[(C) job placement assistance, including assistance provided through cooperative arrangements with State and local employment services offices.

[(e) REFERRAL OF ELIGIBLE EMPLOYEES TO PRIVATE SECTOR CONTRACTORS.—Any contract related to the Internal Revenue Services' Tax Systems Modernization program shall contain a provision requiring that the contractor, in hiring employees for the performance of the contract, shall obtain referrals of eligible employees, who consent to such referral, from the priority placement or job placement programs established under this section.]

SEC. 119. Section 923(j) of title 18, U.S.C., is amended by striking the period after the last sentence, and inserting the following: ", including the right of a licensee to conduct 'curios or relics' firearms transfers and business away from their business premises with another licensee without regard as to whether the location of where the business is conducted is located in the State specified on the license of either licensee.".

This title may be cited as the "Treasury Department Appropriations Act, 1997".

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, [$85,080,000] *$90,433,000*: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1997.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President and the White House Office

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $40,193,000: *Provided*, That $420,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $7,827,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

Special Assistance to the President and the Official Residence of the Vice President

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,280,000: *Provided*, That $150,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities: *Provided further*, That $8,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted for approval to the Committees on Appropriations of the House and Senate a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

Council of Economic Advisers

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,439,000.

Office of Policy Development

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,867,000: *Provided*, That $45,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

National Security Council

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,648,000: *Provided*, That $3,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

Office of Administration

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, $26,100,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles: *Provided*, That $340,700 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

Office of Management and Budget

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $55,573,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs.

Office of National Drug Control Policy

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $34,838,000, of which $18,000,000 shall remain available until expended, consisting of $1,000,000 for policy research and evaluation and $17,000,000 for the Counter-Drug Technology Assessment Center for counternarcotics research and development projects [of which $1,000,000 shall be obligated for State conferences on model State drug laws]: *Provided*, That the $17,000,000 for the Counter-Drug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office[: *Provided further*, That $2,500,000 of the funds available for the salaries and expenses of the Office of National Drug Control Policy may not be obligated until the Director reaches agreement with the House and Senate Committees on Appropriations on a final fiscal year 1997 organizational plan]: *Provided further*, That the Secretary of the Treasury is authorized to receive all unavailable collections transferred from the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1509) by the Director of the Office of Drug Control Policy as a deposit into the Treasury Forfeiture Fund (31 U.S.C. 9703(a)).

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, [$113,000,000] *$103,000,000* for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, [of which $3,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in Lake County, Indiana; of which $2,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area for the Gulf Coast States of Louisiana, Alabama, and Mississippi; of which $5,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area dedicated to combating methamphetamine use, production and trafficking in a five State area including Iowa, Missouri, Nebraska, South Dakota, and Kansas;] of which no less than [$59,000,000] *$52,000,000* shall be transferred to State and local entities for drug control activities; and of which up to [$54,000,000] *$51,000,000* may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided*, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act.

This title may be cited as the "Executive Office Appropriations Act, 1997".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28; $1,800,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, [$27,524,000] *$28,700,000*, [of which no less than $2,500,000 shall be available for internal automated data processing systems, and] of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,588,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), [$209,193,000] *$257,162,000*, to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of [$5,364,392,000] *$5,412,361,000*, of which (1) not to exceed [$540,000,000] *$657,724,000* shall remain available until expended for construction of additional projects at locations [as follows: Fresno, California, Federal Building and U.S. Courthouse; Denver, Colorado, U.S. Courthouse; District of Columbia, U.S. Courthouse Annex; Miami, Florida, U.S. Courthouse; Orlando, Florida, U.S. Courthouse; Covington, Kentucky, U.S. Courthouse; London, Kentucky, U.S. Courthouse; Babb, Montana, Piegan Border Station; Sweetgrass, Montana, Border Station; Las Vegas, Nevada, U.S. Courthouse; Brooklyn, New York, U.S. Courthouse; Cleveland, Ohio, U.S. Courthouse; Youngstown, Ohio, U.S. Courthouse; Portland, Oregon, Consolidated Law Enforcement Federal Office Building; Erie, Pennsylvania, U.S. Courthouse; Philadelphia, Pennsylvania, Department of Veterans Affairs—Federal Complex, phase II; Columbia, South Carolina, U.S. Courthouse; Corpus Christi, Texas, U.S. Courthouse; Salt Lake City, Utah, Moss Courthouse Annex and Alteration; Blaine, Washington, U.S. Border Station; Oroville, Washington, U.S. Border Station; Seattle, Washington, U.S. Courthouse; and, Sumas, Washington, U.S. Border Station, (Claim): *Provided*, That the total cost of the immediately foregoing United States Courthouse or United States Courthouse annex construction projects shall be reduced by no less than 10 percent from the prospectus level estimate by improving design efficiencies, curtailing planned interior finishes requiring more efficient use of courtroom and library space, and by otherwise limiting space requirements: *Provided further*, That each of the immediately foregoing construction projects may not exceed the original authorized level for site acquisition, design, or construction, unless advanced approval is obtained from the House and Senate Committees on Appropriations: *Provided further*, That from funds available in the Federal Buildings Fund, $20,000,000 shall be available until expended for environmental clean up activities at the Southeast Federal Center in the District of Columbia] *and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:*

New Construction:
District of Columbia:
Southeast Federal Center Site Preparation, $20,000,000
Maryland:
Montgomery and Prince Georges Counties—Food and Drug Administration Consolidation, $13,000,000
Montana:
Babb, Piegan Border Station, $333,000
Sweetgrass, Border Station, $1,066,000
Nevada:
Las Vegas, U.S. Courthouse, $96,011,000
New York:
Brooklyn, U.S. Courthouse, $187,179,000
Ohio:
Cleveland, U.S. Courthouse, $142,291,000
Oregon:
Portland, Consolidated Law Federal Office Building, $86,000,000
Pennsylvania:
Philadelphia, Department of Veterans Affairs—Federal Complex, phase II, $15,156,000
Texas:
Corpus Christi, U.S. Courthouse, $26,610,000
Washington:
Blaine, U.S. Border Station, $15,419,000
Oroville, U.S. Border Station, $1,483,000
Seattle, U.S. Courthouse, $17,740,000
Sumas, U.S. Border Station, (Claim), $1,177,000
Nationwide:
Security Enhancements, various buildings, $24,259,000

Non-prospectus Projects Program, $10,000,000: Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 per centum unless advanced approval is obtained from the House and Senate Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 1999, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $250,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92–313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; [(2) not to exceed $635,000,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services, as follows: District of Columbia, Ariel Rios Building; District of Columbia, Department of Justice Building (Main), phase, 1; District of Columbia, Layfayette Building; District of Columbia, State Department Building; Honolulu, Hawaii, Prince Jonah Kuhio Kalanianaole Federal Building and U.S. Courthouse; Chicago, Illinois, Everett M. Dirksen Federal Building; Chicago, Illinois, John C. Kluczynski, Jr. Federal Building (IRS); Andover, Massachusetts, IRS Regional Service Center; Concord, New Hampshire, J.C. Cleveland Federal Building; Camden, New Jersey, U.S. Post Office-Courthouse; Albany, New York, James T. Foley

Post Office-Courthouse; Brookhaven, New York, IRS Service Center; New York, New York, Jacob K. Javits Federal Building; Scranton, Pennsylvania, Federal Building-U.S. Courthouse; Providence, Rhode Island, Federal Building-U.S. Courthouse; Fort Worth, Texas, Federal Center; Nationwide repairs and alterations: Security Upgrades; Chlorofluorocarbons Program; Elevator Program; and, Energy Program:] *(2) not to exceed $616,990,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided further, That the amounts provided in this or any prior Act for Repairs and Alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:*

Repairs and alterations:
District of Columbia:
Ariel Rios Building, $62,740,000
Hawaii:
Honolulu, Prince Jonah Kuhio Kalanianaole Federal Building and U.S. Courthouse, $4,140,000
Illinois:
Chicago, Everett M. Dirksen Federal Building, $18,844,000
Chicago, John C. Kluczynski, Jr. Federal Building (IRS), $13,414,000
Louisiana:
New Orleans, Customhouse, $3,500,000
Massachusetts:
Andover, IRS Regional Service Center, $812,000
New Hampshire:
Concord, J.C. Cleveland Federal Building, $8,251,000
New Jersey:
Camden, U.S. Post Office-Courthouse $11,096,000
New York:
Albany, James T. Foley Post Office-Courthouse, $3,880,000
Brookhaven, IRS Service Center, $2,272,000
New York, Jacob K. Javits Federal Building, $13,651,000
Pennsylvania:
Scranton, Federal Building-U.S. Courthouse, $10,610,000
Rhode Island:
Providence, Federal Building-U.S. Courthouse, $8,209,000
Texas:
Fort Worth, Federal Center, $11,259,000
Nationwide:
Chlorofluorocarbons Program, $43,533,000
Elevator Program, $17,100,000
Energy Program, $20,000,000
Security Enhancements, various buildings, $2,686,000
Basic Repairs and Alterations, $360,000,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the amounts provided in this or any prior Act for Repairs and Alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the originally authorized amount, except each project may be increased by an amount not to exceed 10 percent when advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects[: *Provided further*, That such sums as may be necessary shall be made available for ongoing renovation and consolidation efforts at the National Veterinary Services Laboratory and a biocontainment facility at the National Animal Disease Center, as directed in Public Law 104–52]: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1999, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects: *Provided further*, That $5,700,000 of the funds provided under this heading in Public Law 103–329, for the IRS Service Center, Holtsville, New York, shall be available until September 30, 1998; (3) not to exceed $173,075,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended: *Provided further, That up to $1,500,000 shall be available for a design prospectus of the Federal Building and U.S. Courthouse located at 811 Grand Avenue in Kansas City, Missouri;* [(4) not to exceed $3,903,205,000, to remain available until expended, for building operations, leasing activities, and rental of space, of which up to $205,000,000 shall be available for security enhancements;] *(4) not to exceed $2,343,795,000 for rental of space which shall remain available until expended; and (5) not to exceed $1,532,465,000 for building operations which shall remain available until expended* [and (5) not to exceed $4,800,000 for the development and acquisition of automatic data processing equipment, software, and services for the Public Buildings Service which shall remain available until September 30, 1999 for transfer to accounts and in amounts as necessary to satisfy the requirements of the Public Buildings Service]: *Provided further*, That funds available to the General Services Administration shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further, That funds provided in this Act under the heading "Security Enhancements, various buildings" may be used, by project in accordance with an approved prospectus*[: *Provided further*, That the Administrator is authorized in fiscal year 1997 and thereafter, to enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia, or with any person, firm, association, or corporation, as may be necessary to implement the trade center plan at the Federal Triangle Project and is hereby granted all the rights and authorities of the former Pennsylvania Avenue Development Corporation (PADC) with regards to property transferred from PADC to the General Services Administration in fiscal year 1996: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings]: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1997, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of [$5,364,392,000] *$5,412,361,000* shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation management activities; procurement and supply management activities; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; [$109,091,000] *$110,173,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, [$33,274,000] *$33,863,000*: *Provided*, That not to exceed $5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, $2,180,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended (3 U.S.C. 102 note), $5,600,000.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SECTION 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1997 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 404. Section 10 of the General Services Administration General Provisions, Public Law 100-440, dated September 22, 1988, is hereby repealed.

SEC. 405. No funds made available by this Act shall be used to transmit a fiscal year 1998 request for United States Courthouse construction that does not meet the design guide standards for construction as established by the General Services [Administration,] *Administration and* the Judicial Conference of the United States[, and the Office of Management and Budget] and does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the request must be accompanied by a standardized courtroom utilization study of each facility to be replaced or expanded.

[SEC. 406. None of the funds provided in this Act may be used to implement a plan for the Ronald Reagan Building (International Trade Center, Washington, D.C.) which would permit the Woodrow Wilson Center to pay the General Services Administration less than the rate per square foot assessment for space and services which is paid by other Federal entities.

[SEC. 407. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the requested rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

[SEC. 408. The Administrator of the General Services is directed to ensure that the materials used for the facade on the United States Courthouse Annex, Savannah, Georgia project are compatible with the existing Savannah Federal Building-U.S. Courthouse fascade, in order to ensure compatibility of this new facility with the Savannah historic district and to ensure that the Annex will not endanger the National Landmark status of the Savannah historic district.]

SEC. 409. (a) Section 210 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490) is amended by adding at the end the following new subsection:

"(l)(1) The Administrator may establish, acquire space for, and equip flexiplace work telecommuting centers (in this subsection referred to as 'telecommuting centers') for use by employees of Federal agencies, State and local governments, and the private sector in accordance with this subsection.

"(2) The Administrator may make any telecommuting center available for use by individuals who are not Federal employees to the extent the center is not being fully utilized by Federal employees. The Administrator shall give Federal employees priority in using the telecommuting centers.

"(3)(A) The Administrator shall charge user fees for the use of any telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services except that in no instance shall such fee be less than that necessary to pay the cost of establishing and operating the center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.

"(B) Amounts received by the Administrator after September 30, 1993, as user fees for use of any telecommuting center may be deposited into the Fund established under subsection (f) of this section and may be used by the Administrator to pay costs incurred in the establishment and operation of the center.

"(4) The Administrator may provide guidance, assistance, and oversight to any person regarding establishment and operation of alternative workplace arrangements, such as telecommuting, hoteling, virtual offices, and other distributive work arrangements.

"(5) In considering whether to acquire any space, quarters, buildings, or other facilities for use by employees of any executive agency, the head of that agency shall consider whether the need for the facilities can be met using alternative workplace arrangements referred to in paragraph (4).

(b) Section 13 of the Public Building Act of 1959, as amended, (107 Stat. 438; 40 U.S.C. 612) is amended—

(1) by striking "(xi)" and inserting in lieu thereof "(xii)"; and

(2) by striking "and (x)" and inserting in lieu thereof "(x) telecommuting centers and (xi)".

SEC. 410. Section 6 of the General Services Administration General Provisions, Public Law 103-123, dated October 28, 1993, is hereby repealed.

SEC. 411. Notwithstanding any other provision of law, the Administrator of General Services is authorized and directed to acquire the land bounded by S.W. First Avenue, S.W. Second Avenue, S.W. Main Street, and S.W. Madison Street, Portland, Oregon, for the purposes of constructing the proposed Law Enforcement Center on the site.

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, [$23,297,000] *$24,549,000*, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, [$195,109,000] *$198,964,000*: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

[NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[(RESCISSION)

[Of the funds made available under this heading in Public Law 104-52, $4,500,000 are rescinded.]

ARCHIVES FACILITIES AND PRESIDENTIAL LIBRARIES

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities and presidential libraries, [$9,500,000] *and to provide adequate storage for holdings, $18,229,000* to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, [$4,000,000] *$5,000,000* to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,078,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty; **[**$86,576,000**]** *$87,076,000, of which not to exceed $1,000,000 shall be available for the establishment of health promotion and disease prevention programs for Federal employees*; and in addition **[**$93,486,000**]** *$94,736,000* for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printing materials for annuitants, for the retirement and insurance programs, of which **[**$2,250,000**]** *$3,500,000* shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7–1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1997, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

GENERAL PROVISIONS—OFFICE OF PERSONNEL MANAGEMENT

SEC. 421. The first sentence of section 1304(e)(1) of title 5, United States Code, is amended by inserting after "basis" the following ", including personnel management services performed at the request of individual agencies (which would otherwise be the responsibility of such agencies), or at the request of nonappropriated fund instrumentalities".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $8,645,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

REVOLVING FUND

For reducing any accumulated deficit in the accounts of the revolving fund established under 5 U.S.C. 1304(e), **[**$4,755,000**]** *$5,000,000*.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; **[**$7,840,000**]** *$8,116,000*.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, **[**$33,269,000**]** *$34,293,000*: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1997".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

[SEC. 503. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92–28. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.**]**

SEC. 504. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 505. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Treasury Department.

SEC. 506. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 507. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or

contact of such officer or employee with any Member or committee of Congress as described in paragraph (1).

SEC. 508. The Office of Personnel Management may, during the fiscal year ending September 30, 1997, accept donations of supplies, services, land, and equipment for the Federal Executive Institute and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 509. The United States Secret Service may, during the fiscal year ending September 30, 1997, and hereafter, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 510. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 511. None of the funds made available in this Act may be used to provide any nonpublic information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 512. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 513. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 514. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 515. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1997 from appropriations made available for salaries and expenses for fiscal year 1997 in this Act, shall remain available through September 30, 1998, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

SEC. 516. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth in the budget estimates submitted for appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards in the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools separately set forth in the budget schedules: *Provided further, That this provision does not apply to accounts that do not contain an object identification for travel.*

SEC. 517. Notwithstanding any other provision of law or regulation during the fiscal year ending September 30, 1997, and thereafter:

(1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, DC Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, SW, Maine Avenue and Water Streets, SW, Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates.

(2) The authority of the special police officers of the United States Mint extends to the buildings and land under the custody and control of the Mint; to the streets, sidewalks and open areas in the vicinity to such facilities; to surrounding parking facilities used by Mint employees; and to the protection in transit of bullion, coins, dies, and other property and assets of, or in the custody of, the Mint.

(3) The exercise of police authority by Bureau or Mint officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau or the Mint, respectively, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

[SEC. 518. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

[SEC. 519. The provision of section 518 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.]

SEC. 520. No part of any appropriation made available in this Act shall be used to implement Bureau of Alcohol, Tobacco and Firearms Ruling TD ATF–360; Re: Notice Nos. 782, 780, 91F009P.

[SEC. 521. Notwithstanding title 5, United States Code, Personal Service Contractors (PSC) employed by the Department of the Treasury for assignment in a country other than the United States, shall be considered as Federal Government employees for purposes of making available Federal employee health and life insurance.

[SEC. 522. Section 5131 of title 31, United States Code, is amended by striking subsection (c); and by redesignating subsection (d) as subsection (c).]

SEC. 523. Section 5112(i)(4) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

"(C) The Secretary may continue to mint and issue coins in accordance with the specifications contained in paragraphs (7), (8), (9), and (10) of subsection (a) and paragraph (1)(A) of this subsection at the same time the Secretary in minting and issuing other bullion and proof gold coins under this subsection in accordance with such program procedures and coin specifications, designs, varieties, quantities, denominations, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.": *Provided*, That profits generated from the sale of gold to the United States Mint for this program shall be considered as a receipt to be deposited into the General Fund of the Treasury.

SEC. 524. Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(k) The Secretary may mint and issue bullion and proof platinum coins in accordance with such specifications, designs, varieties, quantities, denominations, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.": *Provided*, That the Secretary is authorized to use Government platinum reserves stockpiled at the United States Mint as working inventory and shall ensure that reserves utilized are replaced by the Mint.

SEC. 525. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF CERTAIN FEDERAL AGENCIES.—(a) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, and the United States Customs Service;

(2) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by an agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least [12 months] *3 years*, but does not include—

[(A) any employee who, upon separation and application, would then be eligible for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;]

[(B)] *(A)* a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

[(C)] *(B)* an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under [the applicable retirement system referred to in subparagraph (A)] *subchapter III* *of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency*;

[(D)] *(C)* an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

[(E)] *(D)* an employee who, upon completing an additional period of service is *as* referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

[(F)] *(E)* an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

[(G)] *(F)* an employee covered by statutory reemployment rights who is on transfer to another organization; or

[(H)] *(G)* any employee who, during the twenty four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention [allowable] *allowance* under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of each agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before March 31, 1997;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, an agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

[SEC. 525A. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

[(a) AUTHORITY.—The United States Agency for International Development is authorized to offer voluntary separation incentive payments to no more than 100 of its employees in accordance with section 525 of this Act.

[(b) EXCEPTION.—Section 525(a)(2)(A) of this Act shall not apply to an employee of the United States Agency for International Development who, upon separation and application, would be eligible for an immediate annuity under sections 8336(d)(2) and 8414(b)(1)(B) of title 5, United States Code.

[(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

[SEC. 526. That provisions of law governing procurement or public contracts shall not be applicable to the procurement of goods or services necessary for carrying out Bureau of Engraving and Printing program and operation: *Provided*, That the authority contained in this provision shall expire on September 30, 1999.

[SEC. 527. The United States Mint is hereby authorized to establish a demonstration project under the authorities of title V, U.S.C., chapter 47: *Provided*, That the Director of the United States Mint shall be appointed by the President, by and with the advice and consent of the Senate; the Director shall serve on the basis of a six-year contract, which may be renewed, so long as the Director's performance, as set forth in an annual performance agreement with the Secretary of the Treasury, is satisfactory; and the Director shall receive as basic compensation for a calendar year an amount equal to the annual rate of basic pay for level I of the Executive Schedule under section 5312 of title 5 and, in addition, may receive an annual bonus awarded by the Secretary, based upon the Secretary's evaluation of the Director's performance in accordance with the performance agreement.]

SEC. 528. (a) REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay from amounts appropriated in title I of this Act under the heading, "Departmental Offices, Salaries and Expenses", up to $500,000 to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(2) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under paragraph (1) upon submission by the individual of documentation verifying the attorney fees and costs.

(3) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this subsection.

(b) LIMITATION ON FILING OF CLAIMS.—The Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of the enactment of this Act.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(c) *(d)* REDUCTION.—The amount paid pursuant to this section to an individual for attorney fees and costs described in subsection (a) shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

(d) *(e)* PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—Payment under this section, when accepted by an individual described in subsection (a), shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

SEC. 529. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 530. MINT FACILITY FOR GOLD AND PLATINUM COINS.—Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(l) MINT FACILITY FOR GOLD AND PLATINUM COINS.—Notwithstanding any other provision of law, the United States Mint Facility at West Point, New York, shall be used to strike and distribute all gold coins and all platinum coins minted by the Secretary under this title or any other provision of law, including all proof and uncirculated gold bullion coins and commemorative coins.".

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1997 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975, or (6) is a national of the People's Republic of China who qualifys for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, *including Federal records disposed of pursuant to a records schedule* recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. For the fiscal year ending September 30, 1997, and thereafter, any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. (a) IN GENERAL.—Section 1306 of title 31, United States Code, is amended to read as follows:

"§ 1306. Use of foreign credits

"(a) IN GENERAL.—Foreign credits (including currencies) owed to or owned by the United States may be used by any agency for any purpose for which appropriations are made for the agency for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), but only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency.

"(b) EXCEPTION TO REIMBURSEMENT REQUIREMENT.—Credits described in subsection (a) that are received as exchanged allowances, or as the proceeds of the sale of personal property, may be used in whole or partial payment for the acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.".

(b) APPLICABILITY.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1997, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1996, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1997, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

(2) during the period consisting of the remainder of fiscal year 1997, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1997 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1997 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1996 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1996, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1996, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1996.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 618. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 619. Notwithstanding section 1346 of title 31, United States Code, or section 613 of this Act, funds made available for fiscal year 1997 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 620. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 621. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1997 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 622. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 623. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 624. (a) None of the funds made available in this Act or any other Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity

Commission Notice N-915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 625. No funds appropriated in this or any other Act for fiscal year 1997 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive Order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 626. (a) None of the funds appropriated by this or any other Act may be expended by any Federal Agency to procure any product or service subject to section 5124 of Public Law 104–106 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) that agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

(b) After **[**July 31, 1997**]** *December 31, 1998*, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.

SEC. 627. Subsection (f) of section 403 of Public Law 103–356 is amended by deleting "October 1, 1999" and inserting "October 1, 2001".

SEC. 628. (a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds made available by this Act for the Department of the Treasury shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would permit the Secretary of the Treasury to make any loan or extension of credit under section 5302 of title 31, United States Code, with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government)—

(1) with respect to a loan or extension of credit for more than 60 days, unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

(A) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed loan or extension of credit; and

(B) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by an assured source of repayment to ensure that all United States funds will be repaid; and

(2) other than as provided by an Act of Congress, if that loan or extension of credit would result in expenditures and obligations, including contingent obligations, aggregating more than $1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.

(b) WAIVER OF LIMITATIONS.—The President may exceed the dollar and time limitations in subsection (a)(2) if he certifies in writing to the Congress that a financial crisis in that foreign country poses a threat to vital United States economic interests or to the stability of the international financial system.

(c) EXPEDITED PROCEDURES FOR A RESOLUTION OF DISAPPROVAL.—A presidential certification pursuant to subsection (b) shall not take effect, if the Congress, within 30 calendar days after receiving such certification, enacts a joint resolution of disapproval, as described in paragraph (5) of this subsection.

(1) REFERENCE TO COMMITTEES.—All joint resolutions introduced in the Senate to disapprove the certification shall be referred to the Committee on Banking, Housing, and Urban Affairs, and in the House of Representatives, to the appropriate committees.

(2) DISCHARGE OF COMMITTEES.—(A) If the committee of either House to which a resolution has been referred has not reported it at the end of 15 days after its introduction, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same matter.

(B) A motion to discharge may be made only by an individual favoring the resolution, and is privileged in the Senate; and debate thereon shall be limited to not more than 1 hour, the time to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees.

(3) FLOOR CONSIDERATION IN THE SENATE.—(A) A motion in the Senate to proceed to the consideration of a resolution shall be privileged.

(B) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

(4) In the case of a resolution, if prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(5) For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 628(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, notice of which was submitted to the Congress on __________.", with the blank space being filled with the appropriate date.

(d) APPLICABILITY.—This section—

(1) shall not apply to any action taken as part of the program of assistance to Mexico announced by the President on January 31, 1995; and

(2) shall remain in effect through fiscal year 1997.

SEC. 629. (a) TECHNICAL AMENDMENT.—Section 640 of Public Law 104–52 (109 Stat. 513) is amended by striking "Service performed" and inserting "Hereafter, service performed".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in Public Law 104–52 on the date of its enactment.

SEC. 630. Notwithstanding any other provision of law, no part of any appropriation contained in this Act for any fiscal year shall be available for paying Sunday premium or differential pay to any employee unless such employee actually performed work during the time corresponding to such premium or differential pay.

SEC. 631. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 632. (a) FEDERAL EMPLOYEE REPRESENTATION IMPROVEMENT.—Subsection (d) of section 205 of title 18, United States Code, is amended to read as follows:

"(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing—

"(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or

"(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

"(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

"(A) is a claim under subsection (a)(1) or (b)(1);

"(B) is a judicial or administrative proceeding where the organization or group is a party; or

"(C) involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group.".

(b) APPLICATION TO LABOR-MANAGEMENT RELATIONS.—Section 205 of title 18, United States Code, is amended by adding at the end the following:

"(i) Nothing in this section prevents an employee from acting pursuant to—

"(1) chapter 71 of title 5;

"(2) section 1004 or chapter 12 of title 39;

"(3) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b);

"(4) chapter 10 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4104 et seq.); or

"(5) any provision of any other Federal or District of Columbia law that authorizes labor-management relations between an agency or instrumentality of the United States or the District of Columbia and any labor organization that represents its employees.".

(c) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

SEC. 633. SURVIVOR ANNUITY RESUMPTION UPON TERMINATION OF MARRIAGE.—(a) AMENDMENTS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8341(e) of title 5, United States Code, is amended by adding at the end the following:

"(4) If the annuity of a child under this subchapter terminates under paragraph (3)(E) because of marriage, then, if such marriage ends, such annuity shall resume on the first day of the month in which it ends, but only if—

"(A) any lump sum paid is returned to the Fund; and

"(B) that individual is not otherwise ineligible for such annuity.".

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8443(b) of such title is amended by adding at the end the following: "If the annuity of a child under this subchapter terminates under subparagraph (E) because of marriage, then, if such marriage ends, such annuity shall resume on the first day of the month in which it ends, but only if any lump sum paid is returned to the Fund, and that individual is not otherwise ineligible for such annuity.".

(3) FEDERAL EMPLOYEES HEALTH BENEFITS.—Section 8908 of title 5, United States Code, is amended by adding at the end of the following new subsection:

"(d) A surviving child whose survivor annuity under section 8341(e) or 8443(b) was terminated and is later restored under paragraph (4) of section 8341(e) or the last sentence of section 8443(b) may, under regulations prescribed by the Office, enroll in a health benefits plan described by section 8903 or 8903a if such surviving child was covered by any such plan immediately before such annuity was terminated.".

[(b) APPLICABILITY.—The amendments made by section 1 shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that any recomputation of benefits shall be payable only with respect to amounts accruing for periods beginning on or after the date of the enactment of this Act.]

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any termination of marriage taking effect before, on, or after the date of enactment of this Act, except that benefits shall be payable only with respect to amounts accruing for periods beginning on the first day of the month beginning after the later of such termination of marriage or such date of enactment.

[SEC. 634. AVAILABILITY OF ANNUAL LEAVE TO MEET MINIMUM AGE AND SERVICE REQUIREMENTS FOR TITLE TO AN IMMEDIATE ANNUITY.—(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended by adding at the end the following:

["(o)(1) An employee involuntarily separated from service due to a reduction in force shall, upon written election, be given credit for days of unused annual leave standing to such employee's credit under a formal leave system as of the date of separation, if and to the extent necessary in order to meet the minimum age and service requirements for title to an annuity under this section.

["(2) The Office shall prescribe any regulations which may be necessary to carry out this subsection, including regulations under which contributions to the Fund shall, with respect to the days of leave for which credit is given under this subsection, be made—

["(A) by the employee, equal to the employee contributions which would have been required for those days if separation had not occurred; and

["(B) by the agency from which separated, equal to the Government contributions which would have been required if separation had not occurred.

Contributions under the preceding sentence shall be determined based on the rate of basic pay last in effect before separation.

["(3) Nothing in this subsection shall be considered—

["(A) to allow credit to be given for any leave standing to the credit of the employee (other than by restoration) pursuant to subchapter III or IV of chapter 63 or other similar authority;

["(B) to permit or require the making of any contributions to the Thrift Savings Fund with respect to any period after the date of separation; or

["(C) to make any days of annual leave creditable for purposes of section 8333, any determination of average pay, or any computation of annuity.

["(4)(A) The taking of a lump-sum payment under section 5551 or other similar authority shall not make any of the leave to which such payment relates unavailable for purposes of this subsection.

["(B) The use of any leave for purposes of this subsection shall not reduce the amount of leave for which a lump-sum payment is payable under section 5551 or other similar authority.

["(5) This subsection shall apply with respect to separations occurring on or after the date of the enactment of this subsection and before July 1, 2002.".

[(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8412 of title 5, United States Code, is amended by adding at the end the following:

["(i)(1) An employee involuntarily separated from service due to a reduction in force shall, upon written election, be given credit for days of unused annual leave standing to such employee's credit under a formal leave system as of the date of separation, if and to the extent necessary in order to meet the minimum age and service requirements for title to an annuity under this section or section 8414.

["(2) The Office shall prescribe any regulations which may be necessary to carry out this subsection, including regulations under which contributions to the Fund shall, with respect to the days of leave for which credit is given under this subsection, be made—

["(A) by the employee, equal to the employee contributions which would have been required for those days if separation had not occurred; and

["(B) by the agency from which separated, equal to the Government contributions which would have been required if separation had not occurred.

Contributions under the preceding sentence shall be determined based on the rate of basic pay last in effect before separation.

["(3) Nothing in this subsection shall be considered—

["(A) to allow credit to be given for any leave standing to the credit of the employee (other than by restoration) pursuant to subchapter III or IV of chapter 63 or other similar authority;

["(B) to permit or require the making of any contributions to the Thrift Savings Fund with respect to any period after the date of separation; or

["(C) to make any days of annual leave creditable for purposes of section 8410, any determination of average pay, or any computation of annuity.

["(4)(A) The taking of a lump-sum payment under section 5551 or other similar authority shall not make any of the leave to which such payment relates unavailable for purposes of this subsection.

["(B) The use of any leave for purposes of this subsection shall not reduce the amount of leave for which a lump-sum payment is payable under section 5551 or other similar authority.

["(5) This subsection shall apply with respect to separations occurring on or after the date of the enactment of this subsection and before July 1, 2002.".]

SEC. 634. AVAILABILITY OF ANNUAL LEAVE FOR EMPLOYEES AFFECTED BY REDUCTION IN FORCE.—Section 6302 of title 5, United States Code, is amended by adding at the end of the following new subsection:

"(g) An employee who is being involuntarily separated from an agency due to a reduction in force or transfer of function under subchapter I of chapter 35 may elect to use annual leave to the employee's credit to remain on the agency's rolls after the date the employee would otherwise have been separated if, and only to the extent that, such additional time in a pay status will enable the employee to qualify for an immediate annuity under section 8336, 8412, 8414, or to qualify to carry health benefits coverage into retirement under section 8905(b).".

SEC. 635. Section 207(e)(6)(B) of title 18, United States Code, is amended by striking "level V of the Executive Schedule" and inserting "level 5 of the Senior Executive Service".

SEC. 636. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.—(a) AUTHORITY.—Notwithstanding any other provision of law, amounts appropriated by this Act (or any other Act for fiscal year 1997 or any fiscal year thereafter) for salaries and expenses may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means an agency employee whose position is that of—

(1) a law enforcement officer; or

(2) a supervisor or management official.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code, *and any agency of the Legislative Branch of Government including any office or committee of the Senate or the House of Representatives;*

(2) the term "law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5;

(3) the terms "supervisor" and "management official" have the respective meanings given them by section 7103(a) of such title 5, and

(4) the term "professional liability insurance" means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

(d) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

[SEC. 637. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

[SEC. 638. (a) For purposes of this section, the term "political appointee" means any individual who—

[(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

[(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under section 3132(a) (5), (6), and (7) of title 5, United States Code, respectively; or

[(3) is employed in a position in the executive branch of the Government under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

[(b) The President, acting through the Office of Management and Budget and the Office of Personnel Management, shall take such actions as necessary (including reduction-in-force actions under procedures consistent with those established under section 3595 of title 5, United States Code) to ensure that the number of political appointees shall not, during any fiscal year beginning after September 30, 1997, exceed a total of 2,300 (determined on a full-time equivalent basis).]

SEC. 639. Section 608 of Public Law 104–52 is amended in the first sentence by inserting before the period, ", including Federal records disposed of pursuant to a records schedule".

SEC. 640. In reviewing and analyzing the contracting out, outsourcing or privatization of business and administrative functions, and in implementing 40 U.S.C. sections 1413 and 1423, and other provisions, in title LI of the National Defense Authorization Act for fiscal year 1996 (the Information Technology Management Reform Act)—

(1) the Director of the Office of Management and Budget and the heads of the executive agencies may have studies, analyses, reviews and other management assistance performed by the private sector;

(2) the reviews, analyses, and studies called for by 40 U.S.C. section 1413(b)(2) (B) and (C) shall be completed and reported to the Agency Head within 180 days, or less measured from when a study analysis or review is initiated unless the Agency Head determines additional time is needed; and

(3) in accordance with principles and rules governing organizational conflicts of interest, persons involved in a particular study may not compete for any work that is to be or is outsourced as a result of that study.

(4) this section will apply with respect to studies occurring on or after the date of enactment of this subsection and completed before September 1, 1999 and the Comptroller General of the United States shall review and provide an assessment of this program by January 1, 1999.

SEC. 641. (a) SECTION 1.—AUTHORIZATION OF APPROPRIATIONS.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note, Public Law 101–12, April 10, 1989, 103 Stat. 34, as amended Public Law 103–424, Section 1, October 29, 1994, 108 Stat. 4361), is amended by striking the words: "1993, 1994, 1995, 1996, and 1997," and inserting in lieu thereof "1998, 1999, 2000, 2001, and 2002".

(b) SECTION 2.—EFFECTIVE DATE. This Act shall take effect on October 1, 1998.

SEC. 642. (a) SECTION 1.—AUTHORIZATION OF APPROPRIATIONS.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 103–424; 103 Stat. 34) is amended by striking out: "1993, 1994, 1995, 1996, and 1997," and inserting in lieu thereof "1998, 1999, 2000, 2001, and 2002".

(b) SECTION 2.—EFFECTIVE DATE.—This Act shall take effect on October 1, 1998.

SEC. 643. MODIFICATIONS OF NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE.—(a) QUORUM.—Paragraph (4) of section 637(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52, 109 Stat. 510) is amended by striking "Seven" and inserting "Nine".

(b) CO-CHAIRS.—

(1) IN GENERAL.—Paragraph (3) of section 637(b) of such Act is amended—

(A) by striking "a Chairman" and inserting "Co-Chairs", and

(B) by striking "Chairman" in the heading and inserting "Co-Chairs".

(2) CONFORMING AMENDMENTS.—(A) Paragraph (5)(B) of section 637(b) of such Act is amended by striking "a Chairman" and inserting "Co-Chairs".

(B) Subsections (b)(4), (d)(1)(B), (d)(3), and (e)(1) of section 637 of such Act are each amended by striking "Chairman" each place it appears and inserting "Co-Chairs".

(c) GIFTS.—Section 637(d) of such Act is amended by adding at the end the following new paragraph:

"(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this section."

(d) TRAVEL EXPENSES.—Section 637(f)(2) of such Act is amended by striking "shall" and inserting "may".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Treasury, Postal Service, and General Government Appropriations Act, 1996.

SEC. 644. (a) IN GENERAL.—Section 202(a) of title 39, United States Code, is amended by striking "$10,000 a year" and inserting "$30,000 a year".

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at the beginning of the next applicable pay period beginning after the date of the enactment of this Act.

SEC. 645. REGULATORY ACCOUNTING.—(a) IN GENERAL.—No later than September 30, 1997, the Director of the Office of Management and Budget shall submit to the Congress an accounting statement that estimates the cumulative costs and benefits of Federal regulatory programs.

(b) NOTICE.—The Director shall provide public notice and an opportunity to comment on the accounting statement and report under subsection (c).

(c) ASSOCIATED REPORT.—The Director shall submit with the accounting statement an associated report that shall contain, at a minimum—

(1) analysis of the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government;

(2) estimates of the costs and benefits of each rule that is likely to have a gross annual effect on the economy of $100,000,000 or more in increased costs; and

(3) recommendations from the Director and public comments to reform or eliminate any Federal regulatory program or program element that

is inefficient or is not a sound use of national resources.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to be used in connection with investigations of arson at religious institutions, $12,011,000, available upon enactment of this Act and to remain available until expended.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading [for Tax Systems Modernization] in Public Law 104–52, [$12,011,000] *$16,500,000* are rescinded.

[TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated by this Act shall be available to pay any amount to, or to pay the administrative expenses in connection with, any health plan under the Federal employees health benefit program, when it is made known to the Federal official having authority to obligate or expend such funds that such health plan operates a health care provider incentive plan that does not meet the requirements of section 1876(i)(8)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(8)(A)) for physician incentive plans in contracts with eligible organizations under section 1876 of such Act.]

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1997".

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have conferred with the manager of the bill that is pending and have sought 15 minutes as if in morning business. I do not think I will use that but I want to speak to a juvenile justice bill which I am going to introduce. I ask consent that I be permitted to speak up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2062 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I yield the floor and thank the Chair for recognizing me. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, in February 1992, it occurred to me one day after reading some mail from people in North Carolina that the Senate wasn't paying very much attention to the steadily rising Federal debt, and I decided on that February afternoon in 1992 that I would begin a daily report to the Senate specifying the exact Federal debt as of close of business the day before down to the penny. Of course, on Monday it would have to be close of business the previous Friday.

We have not missed a day in making that report. There have been a few times when I was absent when fellow Senators made the report for me.

In any case, Mr. President, at the close of business yesterday, Monday, September 9, the Federal debt of the United States stood at $5,214,144,675,542.25.

Five years ago, on September 9, 1991, the record shows that the Federal debt stood at $3,618,482,000,000 rounded off.

And 10 years ago, September 9, 1986, the Federal debt stood at $2,106,631,000,000.

Just for the interest in it, we checked the Federal debt of 15 years ago—that was September 9, 1981—at which time the Federal debt stood at $977,439,000,000.

So those figures alone will show you the escalation of the spending practices of the Congress of the United States, and all the irresponsibility of that lies like a dead cat on the doorstep of the Congress of the United States, where I work and where Members of the House of Representatives work.

Twenty-five years ago, if you want to go back that far, on September 9, 1971, the Federal debt stood at $415,807,000,000. This report reflects an increase of more than $4 trillion in Federal debt during the 25 years from 1971 to 1996. If you want the precise figure, the Federal debt has increased during the past 25 years by $4,798,337,675,542.25.

Mr. President, this is a perfect outrage imposed upon the next generation and the next generation after that and the next generation after that, because they are the ones who are going to have to pay this debt. They are going to have to pay the interest on it, which is enormous. We have all of these promising politicians running around the countryside these days promising everything under the Sun for the taxpayers to pay for, which means that it will be bought on credit and not a thing will be done about this Federal debt. That is precisely why in February 1992 I began to make these reports.

I might add as a matter of interest, Mr. President, that one day when I came to make this report, I stopped in the cloakroom and Senators were waiting for a rollcall vote that had been scheduled by unanimous consent about 10 minutes hence. Just to see what the answers would be, I asked Senators how many million there were in a trillion. They scratched their heads, and I got two or three different answers. Only one of them was correct. Of course, as every schoolboy knows, or is supposed to know, there are a million million in a trillion, and the coming generations are going to have to deal with $5 million million-plus in debt run up by the Congress of the United States.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. SHELBY. Mr. President, I ask unanimous consent that Paul Irving, a legislative fellow with the subcommittee, and Bruce Townsend, a fellow with the office of Senator MIKULSKI, be granted floor privileges during deliberations on H.R. 3756, the Treasury, Postal Service, and general Government appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, today with my distinguished ranking member, Senator KERREY, I bring before the Senate the Appropriations Committee recommendations on fiscal year 1997 appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President and certain independent agencies.

The bill we are presenting today contains total funding of $23,487,761,000. This bill is $324,007,000 above the appropriations provided in fiscal year 1996. The mandatory accounts make up $320,850,000 of this increase. In other words, this bill is $3,157,000 in discretionary spending above the fiscal year 1996 level.

Of the totals in this bill we are recommending $11,291,000,000 for new discretionary spending.

The $11,291,000,000 the committee proposes for domestic discretionary programs is $1.354 billion below the President's request. Let me repeat that, Mr. President. This bill is $1.354 billion below the President's fiscal year 1997 request. The fiscal year 1996 bill was $1.8 billion below the President's request. That is a reduction of $3.15 billion below what the President requested in 2 years.

Reaching this level has not been an easy task. We have had to make some very difficult decisions, while trying to ensure that funds are made available to carry out essential Government services.

Mr. President, this bill includes $10,185,009,000 for the Department of the Treasury. The Treasury Department has varied responsibilities, the bulk of which are directed to the revenues and expenditures of this Government and law enforcement functions.

This bill includes $90,433,000 for payment to the Postal Service Fund for free mail for the blind, overseas voting, and a payment to offset previous shortfalls in revenue forgone funding.

The President receives $183,339,000 to exercise the duties and responsibilities of the Executive Office of the President.

This bill includes $657,724,000 for construction of new courthouses and Federal facilities. This funding provides the General Services Administration with the ability to let construction contracts for courthouses for which the construction schedule is slated in fiscal year 1997.

The courthouses funded in this bill are those listed as the top priority of the administrative office of the courts for fiscal year 1997.

There is $12.08 billion in mandatory payments through the Office of Personnel Management for annuitant and employee health, disability and retirement, and life insurance benefits. There is $850 million for other independent agencies.

Mr. President, this subcommittee continues to be a strong supporter of law enforcement. We have done what we can to ensure that the law enforcement agencies funded in this bill have the resources to do the job we ask them to do.

We have utilized the salaries and expenses account, as well as, funds from the Violent Crime Trust Fund to enhance law enforcement efforts.

In addition, the committee has provided funding over the President's request for the Nation's drug policy office. While I have been highly critical of this administration's previous commitment to combating the growing drug problem in this country, I fully support the efforts and leadership of the new drug czar, General Barry McCaffrey.

Under his leadership, it is my hope that the alarming rise in teen drug use can be turned back, before this country feels its tragic consequences—such as, more crime, more death, more young futures lost. Drugs are a plague that claim the hopes and dreams, the aspirations and goals, of our young people. We need to do more. This bill does more.

The fiscal year 1997 Treasury bill funds the Office of National Drug Control Policy at the President's request of $34,838,000 and provides $103 million for high-intensity drug trafficking areas.

While the committee has attempted to give the drug czar sufficient flexibility to address the high-intensity drug trafficking areas, the bill does encourage the drug czar to give high priority to certain areas of the country where the methamphetamine problem is overtaking many communities.

The committee has further provided an additional $13 million in funding within the Violent Crime Trust Fund to designate new HIDTAs.

In addition, the committee has provided $65 million for southwest border antidrug efforts, $83 million for air and marine interdiction and $45 million for procurement of an additional P-3AEW aircraft for detection and interdiction purposes.

There has been considerable discussion since this bill was reported from the subcommittee about the level of funding for the Internal Revenue Service.

Some have questioned overall funding in this bill for the IRS, but the major focus has been directed toward the committee's action regarding the IRS tax systems modernization or TSM program. I would like to take a few moments to describe how we arrived at the funding level for the IRS.

This bill includes $6,880,221,000 for the IRS; this total is $1.14 billion below the President's request and $468 million below the fiscal year 1996 appropriation. There are those, including the President, who have said—you have to fund the IRS at the requested level to ensure that tax systems modernization continues and that funds "owed" the Government are collected.

Mr. President, the IRS budget makes up approximately 65 percent of the committee's discretionary spending. Think about it—65 percent.

As the largest consumer of revenues under the committee's discretionary budget and competitor with equally important funding priorities in the budget, like law enforcement, the IRS is subject to reductions, which would otherwise have to come from these other important programs.

A dollar more for law enforcement, means a dollar less somewhere else—and this budget, which I believe to be consistent with the priorities of the President, reflects an emphasis on law enforcement, particularly drug enforcement.

While the Committee's funding for the IRS is significantly below the President's request—$1.14 billion and $468 million below last year's appropriated level—the Committee feels strongly that these funding levels are adequate, and more than justified given the dismal record of the Internal Revenue Service.

Mr. President, the IRS, until very recently, has refused to respond to bipartisan concerns that have been raised by the Congress and the General Accounting Office.

Its overall lack of financial accountability and failure to produce quantifiable results in tax systems modernization has done little to encourage the committee of the IRS's commitment to ensuring that funds appropriated are being spent wisely or effectively. The taxpayer deserves accountability, particularly from the IRS. But more than that, Mr. President, no taxpayer should be held to a level of accountability that even the IRS cannot meet.

The committee has gone to great lengths to ensure that the IRS is adequately funded, and that sufficient resources are provided for taxpayer assistance and tax return processing.

There is nothing in this bill which will inhibit the IRS from doing their job. Any forecasts of doom and gloom are not accurate.

We have spent a long time looking at IRS operations, especially tax systems modernization over the past 1½ years during my tenure as chairman. I worked with Senator KERREY, the ranking Democrat on this. Frankly, I am not pleased with what I have seen after the expenditure of millions of dollars.

TSM programs that the committee and the GAO have reviewed, have almost always come in late and over budget and have almost universally—universally, Mr. President—not lived up to expectations, despite hundreds of millions of dollars being spent. The Department of the Treasury has indicated the current program is off course.

They are not the only ones, though, who have reached that conclusion. The General Accounting Office and National Research Council have been highly critical of the direction TSM is headed.

I have stated many times that we must modernize the IRS. I will support that effort. To follow the current course, or lack of course, the IRS has chartered for TSM at this time would be irresponsible.

TSM is clearly not providing us with what we have been seeking and what taxpayers deserve.

Mr. President, I feel very strongly that the subcommittee would be abdicating its responsibilities if it did not take action.

Funds are provided in this bill to continue current information systems, but no money is available for further TSM development. I expect the Department's review board to take an active roll in ensuring corrections are made, and made soon.

When the Department of the Treasury and the Internal Revenue Service have shown that things are back on track, we can proceed with providing funds for programs that work. Let me repeat that—we will support programs that work and provide the IRS with the necessary tools to achieve efficiency and effectiveness.

Mr. President, this bill does not spend as much as the President would like. If it did, the subcommittee would be over a billion dollars above its allocation, and that is not the way to balance the budget.

Tough choices were made as said—in a way that attempted to reflect the priorities of the President and the Congress—law enforcement is plussed up across the board. It is, however, the result of long, hard hours of work on the part of the members and the staff of this subcommittee.

I want to thank all of them for that effort. I believe it is workable and should be enacted.

I yield to Senator KERREY, the subcommittee's ranking member.

Mr. KERREY. Mr. President, as the distinguished Senator from Alabama, Chairman SHELBY, just indicated, we are bringing to the floor of the Senate recommendations on the fiscal year 1997 appropriations for the Department of Treasury, Postal Service, and independent agencies.

First of all, I thank Senator SHELBY for his dedicated work on this bill. He worked very long and hard on the difficult issues he has just outlined for Members, and throughout the process, as well, he has forged a very cooperative relationship not just with myself but with all the subcommittee members on both sides of aisle.

The subcommittee has achieved a balanced approach of dealing with the many programs and activities under the jurisdiction of the subcommittee while staying within the 602(b) allocation. This allocation is $11.081 billion, $1.6 billion below the administration's request. While required to make substantial reductions from the request level, I believe the program funding levels included in the bill are both fiscally responsible and very reasonable.

Senator SHELBY has discussed the major funding highlights, and rather than repeating those highlights, I will limit my comments to a few areas I would like to emphasize. As Senator SHELBY said, the IRS received $6.8 billion, 60 percent of the discretionary allocation, which is $1 billion lower than the administration's request, but it is $200 million above the House mark.

The reduction from the request reflects our decision to limit IRS spending to cost-effective and operational efforts. As you know, there have been continuing questions, as the chairman just indicated, concerning the TSM, the tax system modernization efforts, questions I am attempting to answer, as well, through my work on the subcommittee, as well as through the efforts of the newly formed IRS Restructuring Commission.

A June 1996 GAO report stated the IRS has not made adequate progress in correcting its management and technical weaknesses, nor have they fully implemented any of the GAO recommendations. In addition, the IRS does not have a process for selecting, controlling, and evaluating its technology investments. It does not have a clear basis for making investment decisions, and it does not have a complete procedure for requirements management, quality assurance, configuration management, project planning and tracking.

Finally, it does not have an integrated structural architecture or security and data architecture. The recommended funding in this bill is adequate to support ongoing operations and maintenance and to support those systems that have provided taxpayer assistance, such as Telefile and the Electronic File Transfer System.

Of the funds provided IRS, $200 million of non-TSM and $66 million of TSM funds may not be obligated until the Secretary of the Treasury consults with the Committee on Appropriations and provides criteria to explain the needs and priorities of the proposed programs. It is our hope that by fencing these funds, the IRS will develop an integrated systems architecture and that we can proceed toward completing a modernized tax system.

As I mentioned, I will continue to work with the IRS both through the subcommittee and the IRS restructuring commission to ensure they are moving in the right direction and that a modernized tax system will be provided to our citizens.

I believe, second, the administration is moving in the right direction. As the chairman indicated, I, too, strongly support the appointment of General McCaffrey as the head of the Office of National Drug Control Policy. This bill fully funds the administration's efforts. However, I continue to have a number of questions on the direction we are pursuing in the war against drugs.

I believe ONDCP must develop long-term measurable strategies for decreasing drug use and drug-related crimes. I want ONDCP to set standards for measuring success. I want these measures to show that the dollars being spent are keeping children from starting to use drugs, reducing the number of hard-core drug users, and limiting the amount of drugs coming into the country.

To ensure the law enforcement agencies can work in conjunction with the ONDCP to achieve these results, the subcommittee has increased the law enforcement funding levels to provide additional training and equipment, infrastructure investments in technologies on the Southwest border and, as the chairman stated, a P-3AEW aircraft for interdiction of illegal narcotics.

Through the violent crime reduction trust fund, we have continued funding for important crime reduction programs, such as gang resistance education and training, and FinCen enforcement programs.

In addition, we have provided funding above the request level to increase participation in the High Intensity Drug Trafficking Area, or the HIDTA Program.

A third area I want to mention, Mr. President, is the General Services Administration. We have provided, through the GSA, for Federal buildings funds, for the site, design, or construction of five courthouses. Funding for these court facilities is consistent with the courthouse construction criteria we established last year. The application of these criterion allowed us to choose specific court projects, as opposed to applying the House approach of applying across-the-board cuts to the entire construction program.

As Senator SHELBY indicated, we have also included funding for the five northern border stations, the construction of a Federal office building in Portland, OR, the site preparation for the Food and Drug Administration consolidation, the completion of a Veterans' Affairs office complex, and the environmental cleanup of the southeast Federal Center.

I also point out that this bill fully funds the administration's request for the Executive Offices of the President, the Federal Labor Relations Authority, the Merit Systems Protection Board, and the Office of Personnel Management.

Finally, funding increases are specified for the National Archives repairs and restoration account. These increases will provide much-needed repairs of two Presidential libraries: The Truman and Roosevelt Libraries and the National Archives headquarters facility. The funding level also indicates that we continue to support the Archives electronic access project. The Archives has recently provided us with a work plan for completing this important project to bring their files online and to provide a full catalog system. We are looking forward to the Archives making significant strides toward accomplishing this project in the near future.

However, Mr. President, I must raise an objection to the provision which provides funding of $500,000 to cover the attorneys' fees for those fired from the White House Travel Office. It is a genuine disagreement between the chairman and I—I believe the only one in the entire bill. This action, in my reasoned opinion, would set a bad precedent for Congress paying the attorney fees of an indicted individual. This is not a precedent I believe we should set.

Mr. President, that summarizes, as I see it, the bill's funding levels. We have tried to accommodate the numerous Member requests, and while it is difficult to always accommodate these requests, we have tried to include all those that were possible given funding restrictions. I also acknowledge the fine work done by the staff on this bill. They are Chuck Parkinson, Diane Hill, Hallie Hastert, Paul Irving, and others.

I thank them for their helping in permitting us to bring this bill before the Senate.

I yield the floor.

Mr. SHELBY. Mr. President, we are trying to clear, with both sides, a number of matters. We have worked out a number of committee amendments, and we have several that we are trying to clear with the other side of the aisle at the moment. I want to take a minute to thank Senator KERREY for his leadership on the committee. We have had a number of hearings throughout the year. Some of them have been tough hearings. He has made a real contribution to the tax system changes that we envision in the future.

We have set up a task force that he is involved in. As a matter of fact, he suggested this to me a year or so ago, as he was not satisfied—and he worked on this committee before I had —with the modernization program of the Internal Revenue Service and thought that, of all the agencies in Government, Internal Revenue Service should be on the cutting edge of technology and should not be behind in any way. Some of us are concerned that maybe the IRS is getting behind. Getting behind what? The marketplace.

There has been a tremendous revolution in the software industry, and Senator KERREY and I both have talked and met with various people that are dealing in financial electronic software of various kinds. The market, it seems to me, is farther ahead in various areas than the IRS. This is not a good sign for the future of the IRS or the future of Government, because most people in America always thought—and I came to believe it—that the IRS had the best of everything and was on the cutting edge. But I will submit to you that they are not. I believe the Senator from Nebraska believes that. He is also interested in—and so am I—the task force to study the IRS and our tax laws and everything that goes with it. I believe we are going to get some good results out of that, some great recommendations. He may want to take a minute to talk about that.

Mr. KERREY. Mr. President, the chairman is quite right. Last year, during the conference deliberations—we had seen, throughout the last couple of years, a considerable accumulation of reports, specifically, the General Accounting Office evaluation of tax system modernization. While it has not all been a loss, there is no question that there has been significant disappointment and the evaluation of GAO is quite negative. I must point out that some of that difficulty is caused by us.

Earlier today, we actually had the first meeting of the restructuring of the commission. Commissioner Richardson appeared before that commission, observing that the mission statement itself very often does not connect to many of the things that are identified as great successes. Very specifically, the mission statement of the IRS is to collect taxes in the most cost-effective way possible. One of the things that we often don't look at is what does it cost us to collect the taxes, and how can we do it in a more cost-effective way, not just measuring the money we spend but the money the taxpayers spend to comply with the laws. One of the examples is we have this alternative minimum tax. There are about 4 million taxpayers that are identified as possibly candidates for paying this AMT. What has happened is, of 4 million taxpayers, 90 percent—3.6 million of that 4 million—after they have gone through all the work and hired the accountants to do the calculation of taxes, they discover they owe no taxes at all. The question is, what are the man and women hours and time on task?

That is substantial to collect a relatively small amount of money. What we have to do, in my judgment, is not just look at the cost-effectiveness of the IRS versus what they collect, but what kind of friction or cost is imposed out there for that taxpayer, either the households or the business, because they have substantial costs that are imposed. When I say "sometimes we cause the problems," we passed a tax bill with 900 new changes that are required, and the President signed it and it goes into law. I asked the Commissioner this morning if she ever, in the 3½, or whatever years she has been in office, had a time when she has gone to the President and said, Mr. President, I urge you to veto the tax bill because this is going to make it difficult to accomplish the mix of keeping the IRS a cost-effective, low-cost operation, both in terms of the costs to the taxpayers and the costs to the people that are out there in the community. The answer to the question was, "no," she never has. The day that starts to happen—the day the IRS Commissioner says to the President, you may want to do this for whatever the reason, but here is what it will cost the American taxpayers to fill out the forms and go through that, it seems to me that will be the day you are going to start to see the customer out there, the taxpayer, say they are finally understanding it.

We, very often, say here that we have to collect money to accomplish some social or economic good. We don't really think about what that taxpayer out there is going to have to go through in order to comply with the forms, the regulations, and the rules, and all the other sort of things to put in place.

But there is no question that we have a very, very serious problem in that we have to go from where we are now, which is we have expended $8 billion or $9 billion, thus far, on TSM, perhaps a great deal more than that, over a bit longer period of time. It depends on when you track it. We are really not much closer to where we needed to go when we started the whole process.

All of us understand that one of the most costly things that happen in tax collection is when a mistake is made—not by the taxpayer but by the IRS. When the IRS makes a mistake, that is an expensive thing to try to correct, whether it is giving somebody advice over the phone, or any mistake made in the entire system. Those mistakes are the most costly things of all to fix. So the more they can reduce the mistakes, the better off they are. The least costly environment of all, the least number of mistakes are the mistakes made in a paperless environment. Those transactions that are currently done, a limited number of transactions to be done without paper, have a very, very substantial difference in terms of mistakes versus the ones that continue to be done by paper, through all the processing centers.

So I hope, I say to my friend from Alabama, that we are able, in restructuring the commission, to come to the Congress, and all the stakeholders involved, and we are able to make some recommendations so that 10, 15 years from now, at some point in the future, people will say that it was worth spending a million dollars on. You did actually make some recommendations. I point out, Mr. President, that one of the things that I think makes that more likely rather than less, is Congressman PORTMAN and I are cochairs. He is from the House and he is also a Republican. My experience is that more often, some things you can't make bipartisan but we have a difficult subject. If you can make it bipartisan, you tend to make it more likely you are going to be successful. So I appreciate the Senator's support in the hearings.

Mr. President, I can tell you that there is no better cross-examiner than Chairman SHELBY when it comes to watching out for the taxpayer's money. There is no better cross-examiner than the Senator from Alabama when it comes to trying to make sure that the taxpayers are getting a good dollar's return on their investment, and I appreciate the Senator's support for this effort.

Mr. SHELBY. Mr. President, I again acknowledge the hard work and the leadership that the Senator from Nebraska, Mr. KERREY, has brought here. He is absolutely right. When we are dealing with something as complicated as the Internal Revenue Service modernization and taxes in general, it is going to take, I believe, as he does, a bipartisan effort to do this. If we can bring something out of this commission that we will listen to and do something about here that will modernize the IRS, that will help the taxpayers understand the system, will help the taxpayers keep more of their money without a lot of cumbersome involvement, we will be doing part of our job here today.

Mr. President, I ask unanimous consent that the committee amendments to H.R. 3756 be considered and agreed to en bloc, provided that no points of order be waived thereon and that the measure, as amended, be considered as original text for the purpose of further amendment, with the exception of the following amendments: Page 2, line 18; page 16, line 16 through page 17, line 2; page 80, line 20 through page 81, line 4; that portion of the amendment on page 129, line 20 through page 130, line 18.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were considered and agreed to en bloc with the above noted exceptions.

The PRESIDING OFFICER. The Senator from North Carolina.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 2, LINE 18

Mr. HELMS. Mr. President, let me inquire of the Parliamentarian and the Chair, all committee amendments have been approved except one, is that my understanding? Except four.

The PRESIDING OFFICER. There are four committee amendments that have not been adopted.

Mr. HELMS. Very well. Will the clerk just reference them.

The PRESIDING OFFICER. The clerk will report the first excepted committee amendment.

The legislative clerk read as follows:

On page 2, line 18, strike the numeral and insert $111,348,000.

Mr. HELMS. That is subject to amendment, is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 5208 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 2, LINE 18

Mr. HELMS. On behalf of the distinguished occupant of the chair, Mr. THOMPSON, I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. THOMPSON, for himself, Mr. HELMS, Mr. THURMOND, and Mrs. HUTCHISON, proposes an amendment numbered 5208 to the committee amendment on page 2, line 18.

The amendment is as follows:

At the end of the committee amendment insert the following:

No adjustment under section 5303 of title 5, U.S. Code, for Members of Congress and members of the President's Cabinet shall be considered to have taken effect in FY '97.

Mr. HELMS. Mr. President, the pending amendment that the distinguished Senator from Tennessee [Mr. THOMPSON] and I have offered forbids any Member of Congress, House or Senate, from receiving a pay raise or cost of living adjustment in the fiscal year 1997 that begins in a few days on October 1. Here we are, both Houses of Congress, asking the American people to make the sacrifices necessary to get the Nation's fiscal house in order, and it seems to me that all of us should be willing to forego even the thought of a pay increase.

Each day I make a formal report to the Senate specifying the staggering federal debt as of the close of business the previous day. Most of this enormous burden was run up by Congress in prior years. But, the point is that Congress alone is charged with the constitutional duty of authorizing and appropriating funds for Federal spending, and it's our responsibility to pay the debt down and live within our means. The activities of Congress, the timidity of Congress, the inclination to play politics with the public purse—all of this has brought us to a Federal debt that, as of close of business yesterday, stood at $5,214,144,675,542.25, or $19,625.30 for every man, woman and child in America on a per capita basis.

Mr. President, while we are systematically piling on to the arrearage which our children and grandchildren must bear, the notion that Congress deserves a pay raise is absurd.

Since I came to the Senate, interest on the money borrowed and spent by the Congress of the United States cost the American taxpayers over $3.5 trillion. Three trillion and 500 billion dollars, just to pay interest on excessive spending authorized and approved by the Congress. Just last year Congress spent over $235 billion on interest alone.

It is true, Mr. President, that the 104th Congress has garnered an impressive list of accomplishments. For the first time since Neil Armstrong walked on the moon, this Congress has enacted a balanced budget—which was vetoed to the glee of the national media. It has reformed the dilapidated welfare system; the President signed the bill, but immediately gutted part of it by issuing a host of waivers. Congress reined in the out-of-control trial lawyers and passed the Partial Birth Abortion ban, but both pieces of legislation were vetoed.) And Congress eliminated 270 wasteful Federal programs and agencies and succeeded in cutting year-to-year discretionary spending by $53 billion.

This Congress has done a lot, Mr. President, but we can't rest on our laurels. We're asking the American people to tighten their belts. And we should demonstrate our solidarity with them by rejecting the built-in congressional pay raises which, as Senator THOMPSON said last year, "stick in the craw of the American people." It's the least we can do.

It is crucial that while the American people are making sacrifices and taking steps toward independence from the Federal Government, the Congress of the United States share in these sacrifices.

Americans need lower taxes, higher wages and better jobs. Only a growing economy can provide the society we want. Only a balanced budget—and proper tax policies—can provide an atmosphere in which the economy can approach the rate of growth of which it's capable. Until this is realized, Mr. President, Congress deserves no pay raise.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask the managers of the bill, in order to save a little time: Senator INHOFE has an amendment that will take no time at all. It will not require a vote or anything like that. I wonder if it would be in order, in the judgment of the managers of the bill, for me to set aside the pending amendment for the purpose only of Senator INHOFE's being recognized for his brief amendment. Would that be satisfactory?

Mr. SHELBY. I have no problem with that.

Mr. HELMS. I make that as a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, it is not my intention to offer an amendment at this time, as I told the Senator from Oregon, but just to make a brief statement about the concern that I have with the bill in hopes that, when you come up with the management amendments, you will include the proposed amendment as a part of those. It should be noncontroversial. I cannot imagine anyone would be opposed to it.

Back in the 100th Congress, which is the year I was first elected to the other body, they passed Public Law 100-440, in that they made the requirement that the General Services Administration be required to hire up to, and maintain an average of, 1,000 full-time Federal positions for the full-time Federal Protective Officers. These are the people who serve as security in Federal buildings. Both the House and Senate versions have language that would take that section out.

When the Murrah Federal Office Building in Oklahoma was bombed, they, the GSA, had only provided security of one individual. It was from a company called Rent-A-Cop. That Rent-A-Cop individual, one individual, had to cover that building and several other buildings.

While it can never be known if the tragedy could have been averted, it is the opinion of the police officers from whom the American Federation of Government Employees solicited comments that any trained FPO would have noted the parked rental vehicle which carried the bomb and immediately raised questions about its presence.

It is also the opinion of the law enforcement community that the physical presence of FPO's at the Murrah Building would have served as a major deterrent to those who might have been contemplating committing that crime.

The current ratio is something in the neighborhood of one officer for every 21 buildings. If they complied with this, the GSA, they should have reached a ratio of 1 per 8 by 1992. They did not do this. I think, if we repeal this section, it is sending the wrong message out, saying we want to be more lenient in terms of protection in Federal buildings.

So I have an amendment that would merely delete that particular section that would repeal Public Law 100-440, section 10, and would allow the GSA to continue and encourage them to go ahead and comply with the law they should be complying with right now. That would be the intent. I only ask the two managers of the bill, when the managers' amendments come up, that they give serious consideration to this.

Mr. SHELBY. Will the Senator from Oklahoma yield?

Mr. INHOFE. I will be happy to yield.

Mr. SHELBY. I, as the manager of the bill, along with Senator KERREY—we are going to try to work with you to make that part of the managers' amendment. We believe it will be. But if it is not, we will tell you and give you a chance to offer it on the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. It seems to me what the Senator is asking for is quite reasonable. We will work with him to try to get it done.

Mr. INHOFE. I thank the Senator and thank the Senator from North Carolina for yielding to me. I yield the floor.

Mr. HELMS. Mr. President, regular order. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment by the Senator from North Carolina.

Mr. THOMPSON. Mr. President, this amendment would deny the automatic cost-of-living adjustment [COLA] to Members of Congress.

Last year, I sponsored this very same amendment with the Senator from New Mexico, Senator DOMENICI. I believe now, as I did then, that this amendment is an important part of the efforts we have made in this Congress to balance the budget by the year 2002.

Mr. President, some might ask how passing an amendment requiring Members of Congress to forego a cost-of-living adjustment will achieve savings that will move us towards a balanced budget. The simple answer is that a pay freeze for Members of Congress will not produce significant budget savings. But, Mr. President, the savings that this amendment achieves is not the point. This amendment is important because of what it communicates to the American people. Let me take a minute to explain what I mean.

During this 104th Congress, we have debated many fundamental issues facing this country. While Republicans and Democrats still disagree on many of these issues, there are certain principles around which a consensus is developing.

Probably the most important of these principles is that we need to get our fiscal house in order to avoid national bankruptcy and to preserve the country that we have known for our children and grandchildren.

It is true that our national debt and interest on that debt are strangling us. We cannot sustain deficits endlessly in the future at the rate we have. It will cause interest rates to soar and national savings, investment and growth to plummet. If we continue on the path we have followed in the past, we will be leaving a legacy of significantly lower living standards to future generations.

Mr. President, I think we are in the beginning stages, finally, of facing up to these problems. Last year, this Congress sent the President the Balanced Budget Act, which will lead us to a balanced budget in the year 2002—for the first time in decades in this country. I regret that the President chose to veto this legislation. However, I do think that the Republicans in Congress have succeeded in convincing the President—however belatedly—that a balanced budget is both necessary and important.

As a consequence, I believe that we have a great opportunity to work together to solve this problem. Although we may differ on the means by which we solve it, I think we can certainly agree on the end that we must all work toward.

During this debate, I think that we in Congress have done a better job of communicating to the American people the level of sacrifice that is necessary to reach a balanced budget. People are beginning to realize that, if we are to solve this problem, we cannot have everything exactly as we have had it in years past. Sooner or later we are going to all have to make some sacrifices for the sake of our country. We will have to look at things like the rate of growth in non-discretionary spending, the cost of some of the major military engagements abroad, and the whole issue of cost-of-living increases, among other things.

Mr. President, the point of all of this is that everybody is going to have to pitch in, and the American people now know it. Nobody is going to get all of what they want. I feel there are very few Americans who are not willing to help, as long as they believe that they are being treated fairly, and that everyone is being asked to sacrifice.

The amendment we offer today is based upon the simple proposition that while we are asking the American people to make these adjustments, we must ask the same of ourselves. We certainly should not be having automatic cost-of-living increases for this body during this particular period of time. Automatic pay increases, where we do not even have to vote on them, stick in the craw of the American people, and further diminish the already low regard they have for Members of Congress.

Some people will say that freezing the pay of Members of Congress is a largely symbolic act. I agree. I have already stated that the turning back a COLA does not achieve much in budget savings. But, Mr. President, I believe that symbolism is important. We need to lead by example by showing the American people that we in Congress are willing to make a personal contribution to the effort of balancing the budget.

Mr. President, I think we have already begun to demonstrate to the American people that this body is willing to do its part. We have addressed the problems of gifts and free trips for Members of Congress. We have applied the laws to ourselves that have, for so many years, been applied to the American people. We have tried to face up to the pension issues which will bring us more into line with other employees and other people in the private sector. So, turning down an automatic cost-of-living increase this year—as we did last year—is a part of that overall picture.

In conclusion, Mr. President, I want to note that I did not decide to offer this amendment without giving thought to the impact that it would have on my colleagues in the Congress who have families with children and are faced with expenses for education and maintaining two separate residences. These individuals cannot continue to withstand indefinitely the erosion of purchasing power that this pay freeze represents. However, at this crucial time in our history, I believe that a pay increase is not appropriate. Since we have made significant progress on budget issues in these past 2 years, it is my hope that we can make even more progress and avoid the need for pay freezes in the future.

I urge my colleagues to support the Thompson-Helms amendment to continue the work we have started in this historic Congress.

Mr. HELMS. I do not know if there is further debate, Mr. President. That is up to the managers.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, we have no objection to the amendment, the Thompson amendment.

Mr. KERREY. Mr. President, if the Senator from Alabama will just withhold and give me a couple of minutes here?

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent Senator WELLSTONE, from Minnesota, be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. I am ready to proceed.

Mr. SHELBY. We have no objection to the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 5208) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WYDEN. Mr. President, I have an amendment involving managed care; 5206 is the number of the amendment.

The PRESIDING OFFICER. Does the Senator wish to amend the first committee amendment?

Mr. KERREY. If the Senator from Oregon would allow me to dispose of this, I have to dispose, I believe, of the underlying committee amendment that we just attached an amendment to.

Mr. President, I urge adoption of the underlying committee amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the underlying committee amendment, as amended.

The excepted committee amendment on page 2, line 18, as amended, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5206 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 16, LINE 16, THROUGH PAGE 17, LINE 2

(Purpose: To prohibit the restriction of certain types of medical communications between a health care provider and a patient)

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have an amendment No. 5206, involving managed health care.

The PRESIDING OFFICER. Is the Senator attempting to amend the next committee amendment?

Mr. WYDEN. Yes.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Excepted committee amendment beginning on page 16, line 16, through page 17, line 2.

Mr. WYDEN. Mr. President, I rise to offer an amendment which will add much-needed new protections for the sacred, confidential relationship between physicians and their patients. In doing so, I want to single out, on a bipartisan basis, the excellent work done by a number of Members of Congress on this issue.

In particular, I would like to single out Dr. GREG GANSKE, a Member of the House, a physician, a Republican. He has done excellent work with Congressman MARKEY in the House, and also to thank Senator KENNEDY, who joins me in this effort.

This matter of protecting the rights of patients in health maintenance organizations has been thoroughly bipartisan through this Congress, and I want to make sure that this body understands that there is a very strong track record of bipartisan support for this issue.

The PRESIDING OFFICER. If the Senator will suspend so we might have the amendment read. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. KENNEDY, proposes an amendment numbered 5206 to the committee amendment on page 16, line 16, through page 17, line 2.

Mr. WYDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Committee amendment, insert the following new title:

TITLE —PROTECTION OF PATIENT COMMUNICATIONS

SEC. 01. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Patient Communications Protection Act of 1996".

(b) FINDINGS.—Congress finds the following:

(1) Patients need access to all relevant information to make appropriate decisions, with their physicians, about their health care.

(2) Restrictions on the ability of physicians to provide full disclosure of all relevant information to patients making health care decisions violate the principles of informed consent and practitioner ethical standards.

(3) The offering and operation of health plans affect commerce among the States. Health care providers located in one State serve patients who reside in other States as well as that State. In order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in one State as well as those operating among the several States.

SEC. 02. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) IN GENERAL.—

(1) PROHIBITION OF CERTAIN PROVISIONS.—Subject to paragraph (2), an entity offering a health plan (as defined in subsection (d)(2) may not include any provision that prohibits or restricts any medical communication (as defined in subsection (b)) as part of—

(A) a written contract or agreement with a health care provider.

(B) a written statement to such a provider or

(C) an oral communication to such a provider.

"(2) CONSTRUCTION.—Nothing in this section shall be construed as preventing an entity from exercising mutually agreed upon terms and conditions not inconsistent with paragraph (1), including terms or conditions requiring a physician to participate in, and cooperate with, all programs, policies, and procedures developed or operated by the person, corporation, partnership association, or other organization to ensure, review, or improve the quality of health care.

(3) NULLIFICATION.—Any provision described in paragraph (1) is null and void.

(b) MEDICAL COMMUNICATION DEFINED.—In this section, the term "medical communication" means a communication made by a health care provider with a patient of the provider (or the guardian or legal representative of such patient) with respect to the patient's physical or mental condition or treatment options.

(c) ENFORCEMENT THROUGH IMPOSITION OF CIVIL MONEY PENALTY.—

(1) IN GENERAL.—Any entity that violates paragraph (1) of subsection (a) shall be subject to a civil money penalty of up to $25,000 for each violation. No such penalty shall be imposed solely on the basis of an oral communication unless the communication is part of a pattern or practice of such communications and the violation is demonstrated by a preponderance of the evidence.

(2) PROCEDURES.—The provisions of subsection (c) through (l) of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) shall apply to civil money penalties under paragraph (1) in the same manner as they apply to a penalty or proceeding under section 1128A(a) of such Act.

(d) DEFINITIONS.—For purposes of this section:

(1) HEALTH CARE PROVIDER.—The term "health care provider" means anyone licensed or certified under State law to provide health care services.

(2) HEALTH PLAN.—The term "health plan" means any public or private health plan or arrangement (including an employee welfare benefit plan) which provides, or pays the cost of, health benefits, and includes an organization of health care providers that furnishes health services under a contract or agreement with such a plan.

(3) COVERAGE OF THIRD PARTY ADMINISTRATORS.—In the case of a health plan that is an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974), any third party administrator or other person with responsibility for contracts with health care providers under the plan shall be considered, for purposes of this section, to be an entity offering such health plan.

(e) NON-PREEMPTION OF STATE LAW.—A State may establish or enforce requirements with respect to the subject matter of this section, but only if such requirements are consistent with this title and are more protective of medical communications than the requirements established under this section.

(g) EFFECTIVE DATE.—Subsection (a) shall take effect 180 days after the date of the enactment of this Act and shall apply to medical communications made on or after such date.

The PRESIDING OFFICER. The Senator can continue.

Mr. WYDEN. Mr. President, again, this amendment involves some very important rights with respect to consumer protection as it relates to health care practitioners, health care plans and the fact that it appears that some physicians are actually gagged in terms of what they can tell their patients about their illnesses and their treatment.

These gag provisions often are included in contracts for purely financial reasons. They limit the kinds of therapies that physicians or other licensed health care practitioners may recommend. It can restrict a practitioner from recommending a patient consult a physician outside a plan or go to a facility outside the plan's network.

In addition, these kinds of approaches may even prohibit a practitioner from discussing financial incentives or penalties physicians may be subject to based on treatments that are recommended or ignored, in the case of an individual physician.

Mr. President, the preamble of the Hippocratic oath tells physicians, "First, do no harm." The message of these gag restrictions, unfortunately, is, "First, support the bottom line." That is not good health care, and it is certainly not good managed care.

Several months ago, the Washington Post cited a startling example involving Mid-Atlantic Medical Services health plans, a large Washington metro area provider. This plan wrote a letter to network practitioners informing them that:

> Effective immediately, all referrals from (the plan) to specialists may be for only one visit.

And in bold type the letter stated:

> We are terminating the contracts of physicians and affiliates who fail to meet the performance patterns for their specialty.

Obviously, this is a bad deal for patients on two counts. First, the patients may not be getting the kind of health care that is needed.

Second, the plan may restrict the physician from informing the patient about referral restrictions so the patient doesn't even know whether they are being medically shortchanged via the plan's policy.

In my home State of Oregon, where we do have a great number of managed health care services and plans, our State law specifically prohibits these kinds of provisions. Many managed care plans in our State are offering good quality services. They are able to do it in a way that allows them to be both patient-oriented and consumer-friendly and still be sensitive to their financial needs.

Unfortunately, even in our State, a State where there are good managed care plans, problems can develop. For example, an orthopedic surgeon in Portland recently was in a situation where their managed care plan demanded that this particular physician diagnose problems in patients apart from the ones for which they were referred. He was, in effect, in a situation where he was told to keep his mouth shut and instead re-refer those particular patients back to their primary care physician.

This physician wrote to us:

> This is extremely disappointing to patients, as you might imagine. This requires more visits on their part to their primary care physician and then back to me, which is extremely inefficient.

Another physician, a family practice physician in rural Enterprise, OR, wrote that this antigag legislation is needed because "when a physician recommends medical treatment for a patient and a plan denies coverage for that treatment, patients and physicians need an effective mechanism to challenge the plan."

I think it is understood that the free flow of information between doctors and patients is the very foundation of good health care. State legal protections on this matter vary. Some States have taken steps to limit these gag rules, but one of the reasons that I come to the floor today and why this legislation has received strong bipartisan support is that I think it is time for a national standard to deal with a national problem.

This amendment is rifle-shot legislation prohibiting only oral gag provisions in contracts or in a pattern of oral communications between plans and practitioners that limit discussion of a patient's physical or mental condition or treatment options. Health plans would still be able to protect and enforce provisions involving all other aspects of their relationship with their practitioners, including the confidentiality of proprietary business information.

In developing this amendment, Mr. President, I and others have talked with many who offer managed care health services, as well as practitioners and consumer advocates. Our enforcement provision specifies penalties for violations by plans of up to $25,000 per event. The amendment also specifies that State laws which meet or exceed the Federal standard set herein will not be preempted by Federal law.

I would like to point out to my colleagues that this amendment has been endorsed by the Association of American Physicians and Surgeons, the American Association of Retired Persons, the Center for Patient Advocacy, Citizen Action, Consumers Union, the American College of Emergency Physicians and a number of other organizations. I ask unanimous consent to have printed in the RECORD letters from these groups.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 1, 1996.

Hon. RON WYDEN,
259 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WYDEN: We are writing to express our strong support for "The Patient Communications Protection Act."

As you know, it has become common for insurers to incorporate clauses or policies into providers' contracts that restrict their ability to communicate with their patients. Such "gag clauses" seriously threaten the quality of care for American patients. Not only do gag clauses deny patients the fundamental right to make a fully informed decision about the care they receive, but also they prevent health care providers from delivering the highest quality of care.

Your legislation would prohibit the use of gag clauses. By opening the lines of communication between patients and their physicians, the bill helps to ensure that the practice of medicine occurs in the doctors office not in the corporate boardroom.

We, at the Center for Patient Advocacy, applaud your efforts in behalf of American patients. We look forward to working with you to secure passage of the Patient Communications Protection Act.

Sincerely,

NEIL KAHANOVITZ, M.D.,
President and Founder.
TERRE MCFILLEN HALL,
Executive Director.

OREGON MEDICAL ASSOCIATION,
Portland, OR, July 22, 1996.

Hon. RON WYDEN,
U.S. Senate, Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR WYDEN: Thank you for asking for input from the Oregon Medical Association prior to your introduction of the Patient Communication Act of 1996. The "gag rules" decreed by some of the managed care organizations would, indeed, make a reasonable person gag. We appreciate your interest in halting such activities and your intent to prohibit by federal law such draconian practices. I know how much you value and how well you understand the necessity of open communication between patients and their physicians. Such rules, and the knowledge that such rules exist, undermine the trust that patients absolutely must have for their physicians if the relationship is to be of value.

As you know, we here in the O.M.A. introduced and orchestrated the 1995 state legislature's passage of the Oregon Patient Protection Act which prohibited "gag clauses" in managed care contracts here in Oregon, as you are now intending to do at the federal level. As usual, your state is out in front showing the way in health care.

We appreciate your sharing and exchanging ideas and apprising us of pending legislation and we value such dialogue. Please keep us informed of the progress of this bill, on which we certainly are in agreement.

Sincerely yours,

FRANK J. BAUMEISTER, Jr., M.D.,
President.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, August 30, 1996.

Hon. RON WYDEN,
Russell Senate Office Building, U.S. House of Representatives, Washington, DC.

DEAR SENATOR WYDEN: The National Committee to Preserve Social Security and Medicare, on behalf of its 5.5 million members and supporters, endorses S. 2005, the "Patient Communications Protection Act of 1996." By addressing a concern health care providers and patients may have with managed care, this bill may encourage Medicare beneficiaries to enroll in managed care plans.

This bill will encourage full and open communication between physicians and their patients, which are vital to the prevention of and recovery from illness. Frank discussions cannot occur if providers are prohibited by health plans from disclosing all available treatment options. In addition, the use by some managed care companies of financial incentives to limit costly care also limits communication between the provider and the patient.

Managed care enrollees have a right to expect that they will receive appropriate care for their medical condition, without regard to the cost to the managed care company. The best way to ensure that appropriate care is given to foster full communication between provider and patient.

We applaud your effort to advance the "Patient Communications Protection Act" and look forward to working with you toward final enactment of this important bill.

Sincerely,

MARTHA A. MCSTEEN,
President.

ASSOCIATION OF AMERICAN
PHYSICIANS AND SURGEONS, INC.,
Tucson, AZ, July 29, 1996.

Hon. RON WYDEN,
Russell Senate Building,
Washington, DC.

DEAR SENATOR WYDEN: The Association of American Physicians and Surgeons supports your efforts to protect the sanctity of the patient-physician relationship with the "Patients Right to Know Act of 1996."

Our association strongly supports the liberty of contract and freedom of association. However, such liberty has bounds. Contracts of adhesion are immoral, unjust and should be unlawful. Patients are being exploited by powerful organizations.

Patients should be able to rely upon their physicians' ethics. However, today certain organizations are gaining the economic power to exclude and financially destroy conscientious physicians who place their obligations to the patient ahead of the interests of the "plan." Restrictions on communication with our patients not only undermine quality of care, but are a blatant violation of the Hippocratic Oath. Prohibition of "gag rules" is a crucial step toward protecting patients.

Contracts which restrict physicians' freedom to communicate their best judgment are only one of the most egregious violations of patients' rights.

AAPS believes Congress should consider legislation which would protect patients' right to choice, confidentiality, the ability to privately contract, and to receive full advance disclosure of the terms of their insurance/health care plan in plain language. The AAPS "Patient's Bill of Rights" which will be introduced as a Congressional resolution by Rep. Linda Smith, addresses those issues. We hope it will serve as a model and catalyst for future legislation.

Information is the best prescription. Prohibition of "gag clauses" is the first step in that direction, and we hope it sets the stage for additional patient protections to come from the 104th Congress.

Sincerely,

JANE M. ORIENT, M.D.,
Executive Director.

AMERICAN COUNSELING ASSOCIATION,
Alexandria, VA, August 20, 1996.

Hon. RON WYDEN,
U.S. Senate, Russell Senate Building, Washington, DC.

DEAR SENATOR WYDEN: I am writing on behalf of the American Counseling Association (ACA), the nation's largest nonprofit organization representing licensed and certified professional counselors, to express our support for your legislation S. 2005, the Patient Communications Protection Act of 1996. As behavioral healthcare providers, professional counselors would be greatly helped by your legislation. However, we could appreciate your consideration of a minor change in the bill's definition of a "health care provider" from "anyone licensed under State law to provide health care services . . ." to "anyone licensed or certified under State law to provide health care services . . ."

Currently, 33 states—including the State of Oregon—and the District of Columbia license professional counselors to provide behavioral healthcare services to their residents. In eight other states—including Arizona, Kentucky, Maryland, New Hampshire, New Mexico, Rhode Island, Washington, and Wisconsin—professional counselors are certified, and thus would not be considered "health care providers" under S. 2005. Attached for your information is a survey comparing state policies regarding licensure and certification.

We have discussed this issue with Steve Jenning of your staff, who states he saw no reason this change couldn't be included in the legislation as it moves forward. Should you be agreeable to this proposed change, we would be happy to provide you with any assistance or further information you may need. Please use Scott Barstow of our Office of Government Relations as our contact on this issue, at (703) 823-9800 x234.

Thank you for your time and consideration. We look forward to working with you on behavioral healthcare issues and other areas of mutual concern.

Sincerely,

GAIL ROBINSON,
President.

AMERICAN CHIROPRACTIC ASSOCIATION,
Arlington, VA, July 30, 1996.

Hon. RON WYDEN,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR WYDEN: Yesterday your office contacted the ACA seeking endorsement for a bill you are drafting to prohibit health insurance plans from restricting or limiting communication between health providers and patients about treatment options and procedures. This practice is most often employed by managed care plans through what are called "gag rules." The ACA has endorsed legislation in the House, H.R. 2976, that would prohibit these gag rules, and we commend you for your efforts to eliminate this unfair practice.

However, in the materials your staff provided us (attached), it appeared that your proposal would limit the effect of the bill to only those communications between medical doctors and health plan participants. Thus, health plans technically would be permitted to continue to employ "gag rules" on communications between non-M.D. health providers and their patients enrolled in managed care plans.

Such language concerns the ACA, since as you are aware, doctors of chiropractic are not M.D.s, but rather are fully licensed health care providers so recognized in every state. It is our belief that any legislative proposal to prohibit the establishment of "gag rules" in managed care plans should apply to all providers licensed or otherwise recognized by a state authority. Since hundreds of millions of consumers utilize non-M.D. health professionals every year, we believe your proposal needs to be broadened.

Therefore, before endorsing your bill, ACA would strongly urge you to expand its definition of health provider to mean any health professional licensed, certified or registered in a state to provide health care services. This would extend the sensible protections your legislation offers to those patients who utilize the services of health professionals who are not M.D.s.

ACA appreciates and acknowledges your past efforts on behalf of the chiropractic profession and the tens of millions of patients who visit doctors of chiropractic every year. We hope that you will see fit to make the modifications that we have respectfully submitted in this letter.

Sincerely,

GARRETT F. CUNEO,
Executive Vice President.

Mr. WYDEN. Mr. President, let me also, in closing, quote briefly from a few of these endorsements.

The Association of American Physicians writes:

> Restrictions on communication with our patients not only undermine quality of care, but [constitutes] a blatant violation of the Hippocratic oath. Prohibition of "gag rules" is a crucial step toward protecting patients.

The Center for Patient Advocacy writes:

> It has become common for insurers to incorporate clauses or policies into providers' contracts that restrict their ability to communicate with their patients. Such gag clauses seriously threaten the quality of care for American patients.

Mr. President, let me conclude by saying that my part of the country was involved in the pioneering work in the managed care area. I have seen in my community—we have perhaps the highest concentration of managed Medicare in the country, with almost 50 percent of the older people in managed care—that it is possible to offer good quality managed care services.

What has concerned me is that there has been a pattern documented of managed care plans cutting corners and, unfortunately, imposing these gag clauses which get in the way of the doctor-patient relationship and the patient having the kind of information that a patient needs in order to make their own decisions about their health care.

I don't think that is what the health care future of our country is all about. As I talk to patients, and I have sought to work in this area since my days with the elderly before being elected to Congress, I find that patients today hunger for information. I suspect in the years ahead, you are going to have medical patients in our country at their computer looking at the Internet to get information about medical services, and it seems to contradict the future of American health care to have these gag rules which would cut off essential information in managed care plans between providers and plans and their patients.

Mr. President, I hope that my colleagues will support this legislation. It has received bipartisan support on both sides of the Hill. I hope this will receive a unanimous vote here in the Senate today.

Mr. KENNEDY. Mr. President, one of the most dramatic changes in the American health care system in recent years has been the growth of managed care plans such as health maintenance organizations, preferred provider organizations, point of service plans, and other types of network plans. Today, more than half of all Americans with private insurance are enrolled in such plans, and 70 percent of covered employees in businesses with more than 10 employees are enrolled in managed care. Between 1990 and 1995 alone, the proportion of Blue Cross and Blue Shield enrollees participating in managed care plans skyrocketed from just one in five to almost half. Even conventional fee-for-service plans have increasingly adopted features of managed care, such as ongoing medical review and case management.

In many ways, this is a positive development. Managed care offers the opportunity to extend the best medical practice to all medical practice. It emphasizes helping people to stay healthy, rather than simply caring for them when they become sick. It helps provide more coordinated and more effective care for people with multiple medical needs. It offers a needed antidote to the incentives in fee-for-service medicine to provide unnecessary care—incentives that have contributed a great deal to the high cost of care in recent years.

In fact, in 1973, Congress enacted the first Federal legislation to encourage HMO's, in recognition of these potential benefits for improving the quality of care.

At its best, managed care fulfills these goals. Numerous studies have found that managed care compares favorably to fee-for-service medicine on a variety of quality measures, including use of preventive care, early diagnosis of some conditions, and patient satisfaction. Many HMO's—including a number based in Massachusetts—have made vigorous efforts to improve the quality of care, gather and use systematic data to improve clinical decision-making, and assure an appropriate mix of primary and specialty care.

But the same financial incentives that can lead HMO's and other managed care providers to practice more cost-effective medicine also can lead to under-treatment or inappropriate restrictions on specialty care, expensive treatments, and new treatments. As Dr. Raymond Scalettar, speaking on behalf of the Joint Commission on Accreditation of Health Care Organizations, recently testified,

> The relative comfort with which the fee-for-service sector has ordered and provided health care services has been replaced with strict priorities for limiting the volume of services, especially expensive specialty services, whenever possible . . . [T]hese realities are legitimate causes for concern, because no one can predict the precise point at which overall cost-cutting and quality care intersect. The American public wants to be assured that managed care is a good value, and that they will receive the quality of care they expect regardless of age, type of disorder, existence of a chronic condition or other potential basis for discrimination.

In recent months a spate of critical articles in the press has suggested that too many managed care plans place their bottom line ahead of their patients' well-being—and are pressuring physicians in their networks to do the same. These abuses include failure to inform patients of particular treatment options; excessive barriers to reduce referrals to specialists for evaluation and treatment; unwillingness to order appropriate diagnostic tests; and reluctance to pay for potentially life-saving treatment. In some cases, these failures have had tragic consequences.

For example, David and Joyce Ching spent 12 weeks trying unsuccessfully to obtain a referral to a specialist from their primary care physician or gatekeeper in the MetLife HMO Plan. Not until David refused to leave the office of the gatekeeper physician was his wife referred to a specialist. Within 24 hours of her visit to a specialist, Joyce was diagnosed with cancer. She died 15 months later.

Alan and Christy DeMeurers had a similarly frustrating experience with their HMO. An HMO-provided oncologist recommended—in violation of the HMO rules—that Christy obtain a bone marrow transplant and made the necessary referral. The DeMeurers spent months trying to get this treatment. Not only did the HMO seek to deny the treatment, it attempted to deny the DeMeurers information about the treatment itself. By going outside the HMO plan, the DeMeurers were finally able to get answers to their questions about the treatment, and Christy was finally able to get the treatment recommended by her original oncologist.

In the long run, the most effective means of assuring quality in managed care is for the industry itself to make sure that quality is always a top priority. I am encouraged by the industry's recent development of a "philosophy of care" that sets out ethical principles for its members, by the growing trend toward accreditation, and by the increasingly widespread use of standardized quality assessment measures. But I also believe that basic Federal regulations to assure that every plan meets at least minimum standards is necessary.

With this amendment, the Senate has a chance to go firmly on record against a truly flagrant practice—the use of "gag rules" to keep physicians from informing patients of all their treatment options and making their best professional recommendations. Gag rules take a number of forms. They include:

Forbidding a physician to discuss treatment options not covered by the insurance plan or prior to consultation with officers of the plan;

Forbidding the referral of patients to specialists or facilities not participating in the plan.

So-called "non-disparagement clauses" in contracts, which are designed to keep network physicians from urging patients to switch to another plan, but which are also used to threaten physicians who recommend therapies the plan refuses to cover; rules forbidding physicians to inform patients of financial incentives or utilization management rules that could lead to denial of appropriate treatment; denying information to patients that a physician has been de-selected from a plan.

The amendment we are offering today targets the most abusive type of gag rule: those that forbid physicians to discuss all treatment options with the patient and make the best possible professional recommendation, even if that recommendation is for a non-covered service or could be construed to disparage the plan for not covering it. Our amendment forbids plans from "prohibiting or restricting any medical communication" with a patient "with respect to the patient's physical or mental condition or treatment options."

This is a basic rule which everyone endorses in theory, but which has been violated in practice. The standards of the Joint Commission on Accreditation of Health Care Organizations require that "Physicians cannot be restricted from sharing treatment options with their patients, whether or not the options are covered by the plan."

As Dr. John Ludden of the Harvard Community Health Plan, testifying for the American Association of Health Plans has said, The AAHP firmly believes that there should be open communications between health professionals and their patients about health status, medical conditions, and treatment options."

Legislation similar to this amendment recently passed the House Commerce Committee on a unanimous bipartisan vote. President Clinton has strongly endorsed the proposal. The congressional session is drawing to close. Today, the Senate has the opportunity to act to protect patients across the country from these abusive gag rules. I urge the Senate to approve this amendment.

Mr. KERREY. Mr. President, I looked at this amendment, as has the chairman. It is similar to an amendment offered by the Senator from North Carolina. We are having some review done on it. It is likely that we might be willing to accept the amendment. If the Senator would be willing to wait for a bit until we can get that language reviewed to make sure there are no problems with it, it is likely we will be able to accept it, as we did the Senator from North Carolina's amendment.

Mr. SHELBY. Mr. President, we have not had a chance to really study the Wyden amendment yet. We have just had a quick opportunity to review the Senator's amendment. We need to look at it more closely, and we have some other people doing it. There are some other committees this could have tremendous impact on. We do not know what CBO will say about this, if anything. It might need to be scored, what the cost is, if any. We just started into the bill. We have a little time, I believe. I was wondering if the Senator from Oregon would set it aside and let us look at it.

Mr. WYDEN. Let me first say to my friend, this is not an issue involving the Congressional Budget Office.

Mr. SHELBY. Sure. That is good.

Mr. WYDEN. This is simply a matter of patients and managed care organizations not being subjected to these gag rules which keep them from having information. But I think that the request that the Senator from Alabama and the Senator from Nebraska makes is a reasonable one. I saw the thrashing we were going through at the beginning in the effort to work out a number of these amendments on a bipartisan basis. So I am happy to hold off a bit in terms of a vote to work further with the Senator from Nebraska and the Senator from Alabama.

Let me say, also, that I have noted that what the Senator from North Carolina has indicated he was interested in as well is quite similar to what I have sought to do. If anything, it just corroborates the proposition that we are discussing here today that there is bipartisan interest on both sides of Capitol Hill in this matter with the growth of managed care in our country.

This is an issue that millions of consumers care about that I think, for those of us who believe in managed care, has great potential. It is absolutely critical at this time to lock in these consumer protections and restrict these gag rules. From my previous experience in working with the Senator from Alabama, I know that he will pursue this in good faith. I ask that we have the vote a bit later and have an opportunity to consult further with the Senators from Nebraska and Alabama. I will be happy to yield.

Mr. SHELBY. If the Senator from Oregon will just yield briefly, this would give us a chance for both my staff and the staff of the Senator from Nebraska to look at this amendment and see what the significance of it is. We will be glad to get back with the Senator. Is that OK?

Mr. WYDEN. Yes.

Mr. KERREY. If I could comment on the substance as well. I think both the Senator from Oregon and the Senator from North Carolina identified a very important problem in the current health care system. He is quite right. It is one thing to say to a patient, I am not going to pay for a procedure; it is quite another to say you cannot talk amongst one another, or I am going to be prohibited from telling you about a procedure that you may say you want.

We are moving into an environment, not just on the private-sector side, but, also, in many of the Government programs in Medicare. Many of the States are using managed care with Medicaid as well. I think the Senator from Oregon has identified a very, very important consumer problem.

It is far better for us to give the consumer more information than they need, far better for us to make certain that the consumer, the patient, is well-informed of what the choices are, as opposed to on the basis of being concerned they might ask for something that I am going to say no to if I am running the managed care program. It is far better to give them the information, it seems to me, than to deny it to them.

So my hope is we will be able to clear both this and the amendment of the Senator from North Carolina, subject to no serious problems being raised.

Mr. WYDEN. If the Senator from Nebraska will allow me to reclaim my time, let me just say I think that both of you have indicated your desire to work on this. I very much appreciate your comments.

I say to Senator KERREY, I know of your interest in this health care issue and the fact that it has been longstanding. Let us say that for purposes of working on this in a bipartisan way, I will not request that the vote be taken right now and look forward to voting a little bit later today on this when the staffs have had a chance to work with it further.

Mr. KERREY. Right.

Mr. SHELBY. Mr. President, I ask unanimous consent that the pending committee amendments be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I have a number of amendments I will offer that are either technical in nature or necessary to change the bill because of events which have occurred since the bill was reported or are of a noncontroversial nature. All of these amendments, I understand, have been cleared with Senator KERREY's staff.

Mr. KERREY. They have been cleared. We have no problem with the amendments.

AMENDMENT NO. 5209

(Purpose: Technical correction to H.R. 3756)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5209.

Mr. SHELBY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 131, line 13, strike "and".

On page 131, line 18, strike ".", and insert "; and".

Mr. SHELBY. Mr. President, this is a technical amendment which corrects an initial printing error. It has been cleared on both sides. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5209) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5210

(Purpose: To strike language to conform to other bill language)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5210.

Mr. SHELBY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, strike all from line 9 through line 15.

Mr. SHELBY. Mr. President, this, again, is a technical and conforming amendment which is necessary to conform with the committee action, striking section 116. It has been cleared on both sides of the aisle.

Mr. KERREY. Mr. President, I have no objection to this amendment.

Mr. SHELBY. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5210) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5211

(Purpose: Technical correction to H.R. 3756)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5211.

Mr. SHELBY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 4, line type "$29,319,000".

Mr. SHELBY. Mr. President, this, again, is a technical amendment. In printing the bill, the GPO failed to line type the figure in the House-passed bill. This amendment does this. It has been cleared on both sides of the aisle.

Mr. KERREY. We have no objection.

Mr. SHELBY. Mr. President, I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5211) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. KERREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5212

(Purpose: To strike section 632)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5212.

Mr. SHELBY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 118, line 16 strike all through page 120, line 15.

Mr. SHELBY. Mr. President, this amendment strikes section 632 of the bill. The President signed a freestanding bill, H.R. 782, which includes the provisions of section 632, on August 1 of this year. This amendment has been cleared on both sides of the aisle.

Mr. KERREY. We have no objection to this amendment.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5212) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5213

(Purpose: To strike Title VII)

Mr. SHELBY. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5213.

Mr. SHELBY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 135, strike line 5 through line 20.

Mr. SHELBY. Mr. President, this amendment strikes title VII of the bill. Because of the urgency of investigations of the church fires, this language was included in the agriculture appropriations bill. The President signed that bill on August 6. I understand that this amendment has been cleared on both sides.

Mr. KERREY. It has been cleared. We have no objection.

Mr. SHELBY. I urge its adoption.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5213) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5214

(Purpose: To provide funding to the Postal Service for payment of nonfunded liabilities)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5214.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, after line 23 insert the following:

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department of the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $35,536,000.

Mr. SHELBY. Mr. President, this amendment before the Senate provides funding to the Postal Service for liabilities incurred by the former Post Office Department. The funds are paid to the Department of Labor for workmen's compensation claims.

Mr. President, this provision was inadvertently left out of the bill. It is a mandatory payment and does not have an impact on the discretionary funding in the bill.

This amendment, I understand, has been cleared on both sides of the aisle.

Mr. KERREY. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5214) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5215

(Purpose: To define and conform language for expenditure of funds for information systems of the Internal Revenue Service)

Mr. SHELBY. Mr. President, I have another amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5215.

Mr. SHELBY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 21 strike all from "(modernized" through "systems" on line 23, and insert: "(development and deployment) and operational information systems".

On page 23, line 14 strike all from "to manage," through "Management Office" on line 17.

On page 23, line 18 strike "and other necessary Program Management activities" and insert: "the Internal Revenue Service shall seek contractual support in managing, integrating, testing and implementing".

On page 23, line 22 strike all from "none of" through "program without" on page 24, line 3.

On page 24, line 5 strike "which".

On page 24, line 8 strike all from "except that" through "Board" on line 11.

On page 24, line 18 strike all from "*Provided further,*" through "modernization" on line 20.

Mr. SHELBY. Mr. President, this amendment makes a number of corrections to further define the actions that the Internal Revenue Service is to take with regard to the information systems account we have been talking about.

It has been cleared on both sides of the aisle.

Mr. KERREY. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5215) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5216

(Purpose: To provide for assistance to Special Agents of the Department of State's Diplomatic Security Service)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5216.

Mr. SHELBY. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 128, line 9 before the semicolon insert the following: ", or under section 4823 of title 22, United States Code".

Mr. SHELBY. Mr. President, this amendment amends section 636 of the bill which provides authority for agencies to provide assistance to agents who secure liability insurance. This amendment will provide this authority to the State Department if it chooses to provide the same assistance to special agents of the Department of State's Diplomatic Security Service.

It is my understanding that it has been cleared on both sides of aisle.

Mr. KERREY. It has been cleared. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5216) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5217

(Purpose: To provide Federal Executive Boards ability to expand funds)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5217.

Mr. SHELBY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 101, on line 3, insert after "boards" the following: "(except Federal Executive Boards)".

Mr. SHELBY. Mr. President, section 613 prohibits the executive department from pooling or passing the hat for funds. This amendment allows for agencies to contribute funds to Federal executive boards when they are created. It is very tightly written, and it is intended to meet specific problems faced by these boards.

It is my understanding it has been cleared on both sides.

Mr. KERREY. It has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5217) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5218

(Purpose: To expand flexibility to OPM in providing services to CSRS and FERS annuitants)

Mr. SHELBY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5218.

Mr. SHELBY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, after line 20, add the following new section:

SEC. 422. Subparagraph (B) of section 8348(a)(1) of title 5, United States Code, is amended by striking "title;" and inserting "title and providing other post-adjudicative services to annuitants;".

Mr. SHELBY. Mr. President, this amendment would expand the flexibility available to OPM in providing services to CSRS and FERS annuitants in such functions as processing health benefits enrollment changes, changes of address and responding to annuitant inquiries. All of these postadjudication matters would be funded in the same way, and therefore fully integrated with the postretirement COLA adjustments, Federal and State tax withholding and allotments from annuity payments.

It is my understanding it has been cleared on both sides of the aisle.

Mr. KERREY. It has been cleared.

The PRESIDING OFFICER. The question on agreeing to the amendment.

The amendment (No. 5218) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5219

(Purpose: To provide that the Administrator of General Service have funds available to make payments for the Federal Communications Commission)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5219.

Mr. SHELBY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, line 21 before the colon insert the following new provision: ": *Provided further*, That to the extent that the Federal Communications Commission does not receive sufficient appropriations for necessary expenses associated with its relocation to the Portals in Washington, DC, funds available to the Administrator of General Services shall hereafter be available for payments to the lessor of the amortized amount, to be financed at the lowest cost to the Government, of such expenses. Such payments shall be in addition to amounts authorized pursuant to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606) and shall be made for a term not to exceed the useful life of the improvements, furniture, equipment, and services provided, up to a maximum of ten years."

Mr. SHELBY. Mr. President, this amendment before the Senate provides authority to the General Services Administration to negotiate payment for housing the Federal Communications Commission in Washington, DC.

It is my understanding this amendment, too, has been cleared on both sides.

Mr. KERREY. It has been cleared. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5219) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5220

(Purpose: Technical amendment to H.R. 3756)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5220.

Mr. SHELBY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, line 10 strike all from "*Provided further*," through "House and Senate:" on line 16.

Mr. SHELBY. Mr. President, this is a technical amendment that strikes a provision which is identical to a provision which appears at another place in the bill.

It has been cleared, I understand, on both sides of the aisle.

Mr. KERREY. It has been cleared. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5220) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5221

(Purpose: To strike provision requiring a study of courtroom utilization)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5221.

Mr. SHELBY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 61, line 5 strike all from ": *Provided*," through "or expanded" on line 8.

Mr. SHELBY. Mr. President, the committee included language in the bill when it was reported to require the Administrative Office of the Courts to do a space utilization study of courtroom space and utilization. Since the bill was reported from the committee, the AOC has been working with the appropriate authorizing committees to review courtroom space and utilization. These issues should appropriately be reviewed in this manner. It is for that reason I am moving to strike this provision.

It has been cleared on both sides.

Mr. KERREY. It has been cleared. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5221) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5222

(Purpose: To allow agencies to advance employee FEHB premiums for employees on leave without pay)

Mr. SHELBY. Mr. President, I have another amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5222.

Mr. SHELBY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, after line 20 add the following new section

SEC. . Paragraph (1) of section 8906(e) of title 5, United States Code, is amended—

(1) by striking the last sentence of that paragraph and redesignating the remainder of that paragraph as (1)(A);

(2) by adding at the end of paragraph (1)(A) (as so designated) the following:

"(B) During each pay period in which an enrollment continues under subparagraph (A)—

"(i) employee and Government contributions required by this section shall be paid on a current basis; and

"(ii) if necessary, the head of the employing Agency shall approve advance payment, recoverable in the same manner as under section 5524a(c), of a portion of basic pay sufficient to pay current employee contributions.

"(C) Each agency shall establish procedures for accepting direct payments of employee contributions for the purposes of this paragraph.".

Mr. SHELBY. Mr. President, this amendment will solve problems that agencies, the Office of Personal Management, and the Federal employee health benefit carriers have experienced with regard to payment of health care premiums by allowing agencies to advance the employee premium for employees on leave without pay, rather than waiting for the employees to return to work.

I understand this has been cleared on both sides.

Mr. KERREY. It has been cleared. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment (No. 5222) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. What is the pending business, Mr. President?

The PRESIDING OFFICER. The amendment of the Senator from Oregon, the second-degree amendment.

Mr. DORGAN. I ask unanimous consent we set that aside. As I understand, the managers talked about setting aside the amendment by the Senator from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5223 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 16, LINE 16 THROUGH LINE 2 ON PAGE 17

(Purpose: To amend the Internal Revenue Code of 1986 to end deferral for United States shareholders on income of controlled foreign corporations attributable to property imported into the United States)

Mr. DORGAN. Mr. President, I offer a second-degree amendment to the second committee amendment.

I believe the second committee amendment is now the pending business.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. On behalf of myself, Senator HOLLINGS, Senator BUMPERS, Senator KERRY of Massachusetts, Senator SIMON, Senator KOHL, and Senators REID, WELLSTONE, LEAHY, HARKIN, FEINGOLD, and KENNEDY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. HOLLINGS, Mr. BUMPERS, Mr. KERRY, Mr. SIMON, Mr. KOHL, Mr. REID, Mr. WELLSTONE, Mr. LEAHY, Mr. HARKIN, Mr. FEINGOLD, and Mr. KENNEDY, proposes an amendment numbered 5223 to excepted committee amendment on page 16 line 16 through line 2 on page 17.

Mr. DORGAN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 (defining foreign base company income) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) imported property income for the taxable year (determined under subsection (h) and reduced as provided in subsection (b)(5))."

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 of such Code is amended by adding at the end the following new subsection:

"(h) IMPORTED PROPERTY INCOME.—

"(1) IN GENERAL.—For purposes of subsection (a)(6), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) manufacturing, producing, growing, or extracting imported property,

"(B) the sale, exchange, or other disposition of imported property, or

"(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

"(2) IMPORTED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

"(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

"(i) such property would be imported into the United States, or

"(ii) such property would be used as a component in other property which would be imported into the United States.

"(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

"(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States, or

"(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

"(3) DEFINITIONS AND SPECIAL RULES.—

"(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use an intangible (as defined in section 936(b)(3)(B)) in the United States.

"(B) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

"(C) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income."

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) of such Code (relating to separate application of section with respect to certain categories of income) is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) imported property income, and".

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(h))."

(3) LOOK-THRU RULES TO APPLY.—Subparagraph (F) of section 904(d)(3) of such Code is amended by striking "or (E)" and inserting "(E), or (I)".

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of such Code (relating to certain prior year deficits may be taken into account) is amended by inserting the following subclause after subclause (II) (and by redesignating the following subclauses accordingly):

"(III) imported property income,".

(2) Paragraph (5) of section 954(b) of such Code (relating to deductions to be taken into account) is amended by striking "and the foreign base company oil related income" and inserting "the foreign base company oil related income, and the imported property income".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1996, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 1996.

Mr. DORGAN. Mr. President, this amendment is not a germane amendment to this appropriations bill. I assume notice will be made of that, so I immediately agree this is not germane to this legislation.

However, this is, perhaps, the only remaining opportunity to offer such an amendment. I offered it about a year ago, and the Senate had a vote on it. It was a 52 to 47 vote. It deals with a provision in our tax law which encourages and provides incentives to U.S. companies that move jobs overseas from this country to their foreign factories operating in tax havens.

I have believed for some long while that we have an obligation in Congress to decide that we will change our Tax Code sufficiently so we will not be providing incentives to ship U.S. manufacturing jobs overseas.

I offered this amendment last year, almost a year ago now, and, as I indicated, the vote on it was on a vote to table, and it was 52 to 47. I recognize this is controversial, but I also maintain it is critically important. I also do not prefer to offer a nongermane amendment to this particular appropriations bill. I have great respect for the Senator from Alabama and the Senator from Nebraska. They want to get this bill done, and I understand that. I don't intend to hold them up forever on this, but I would like to have a discussion about this and have a vote on it. I know there are a couple of others who want to speak about this amendment as well.

Let me try to briefly describe what this amendment would do. Before I do that, let me say again to those who will point out that this is nongermane, I admit that, and I assert that we have faced nongermane amendments from both sides of the aisle in the past year or two here in Congress. We have recently seen an amendment dealing with a gas tax repeal on a White House travel bill. So we have seen a whole range of nongermane amendments. While I agree with others that that is not the preferable way to do business, this is the last opportunity to offer such an amendment.

Let me talk for a moment about the specifics. On July 8, this year, the Boston Globe had an article that was entitled "Tax Code Gives Companies a Lift," and I would like to read a few paragraphs of it because it was a fascinating, lengthy article written by Aaron Zitner of the Boston Globe. The first paragraph describes what has long concerned me and persuaded me previously, and now again, to offer an amendment of the type I am offering today. It reads in the Globe:

> When Robert M. Silva's job moved to Singapore two years ago, his company flew him overseas so he could train his replacement. Then the company closed its North Reading factory [in Massachusetts], laid off Silva and 119 co-workers and began importing from its Asian plant the medical products once made in Massachusetts.
>
> Moving jobs to Singapore had obvious advantages for Baxter International Inc. Taxes are low, and Silva's $26,000 salary was far higher than what the company pays his replacement.
>
> But Baxter reaped another reward for moving overseas: a tax break, courtesy of the United States Government. In the name of boosting U.S. business, the Tax Code offers a special benefit to companies that move jobs offshore. . . .
>
> It is one of many tax breaks that ripple perversely through the economy—favoring multinationals over small firms, favoring investors over average taxpayers and favoring foreign workers over those at home.

Those are the first paragraphs of a lengthy and very interesting article in the Boston Globe. This paragraph talks about a man named Robert Silva. I have never met him, and I don't ever expect to meet him. He is one of many Americans who discovered that his job no longer exists in this country; it exists in Singapore. He discovered he was sent to Singapore to train his replacement. He is a taxpayer, like others, who pays taxes to our Government for a lot of things that he no doubt supports. But I will bet you that Mr. Silva, like many others, does not support a provision in our Tax Code that actually rewards those who would move U.S. jobs overseas.

Now, what is this reward, and what is the amendment I am proposing? The amendment I am proposing is not to repeal all of something called deferral. That is not my proposal. The Senate actually voted once to repeal deferral many years ago. It just did not go beyond the Senate. But the Senate has already acted to repeal something called deferral. What is deferral? That means that if you are an American manufacturing company producing overseas, you make an income there, and you generally don't have to report it and pay taxes on it in this country. You may defer that tax obligation until and unless you repatriate the income to our country. That is a special tax break called deferral. You can defer any taxes you would have owed to this country on income you made in a plant outside of this country.

As I indicated, the Senate in 1975 voted to repeal all of the deferral tax break. Of course, it was a different day, a different debate. It was very controversial then. In 1987, the House of Representatives voted to repeal a small part of deferral. In fact, it is exactly the part that I am proposing that we now repeal. The House of Representatives passed this provision, which I now offer the Senate, in 1987. The provision says that those U.S. companies who establish a manufacturing plant overseas, move their U.S. jobs overseas to tax havens, and then ship their products back into this country will lose the deferral on their tax break—the tax break called deferral—that amount of income attributable to the goods they move back into our country. It is a very small slice of this issue called deferral, but it would close that, because that which now exists is to say to a U.S. company, close your manufacturing plant in Boston or Bismarck or Los Angeles and then move it overseas to a tax haven and the American taxpayer will make a deal with you. If you do that, we will give you a tax break. What is that tax break worth? It is worth $2.2 billion in 7 years. That is how much is paid to companies who locate their manufacturing jobs in other countries as opposed to this country.

Now, I don't know of anyone who really can stand up and say, boy, this makes a lot of sense. It is an affirmative policy on our part to reward the export of American jobs. I don't know of anyone who is proposing that. If there are people who propose that, I would very much like them to come to the floor of the Senate and see if we can begin debating it, because I hope we will have some discussion. A year ago, when I offered this amendment, we were told that some hearings might be held and that this is not the time, the place, nor the way, and I understood all that. I did not agree with it. But as is usually the case, a year passes and not much happens. I wanted to offer this a month or two ago and wasn't able to do that, given the parliamentary circumstances. So now I am required, if I am to offer it at all in this session of Congress, to offer it today on this piece of legislation.

I would like to go over a couple of charts. Lest anyone thinks this is something that is irrelevant and not important, I would like to go over a few charts to describe why I think this is important. First of all, I would like to talk about manufacturing jobs in this country. The trend line on manufacturing jobs is dismal. The trend line is that we are a country with fewer and fewer manufacturing jobs, and manufacturing jobs, traditionally, have been the good jobs that pay good income with good benefits. But you see what is happening.

Since 1979, we have lost about 3 million good-paying manufacturing jobs in this country. We continue to see manufacturing jobs move elsewhere, and I know people say, "Well, yes, but we have more service jobs," and this and that and the other. The fact is that getting a job at minimum wage, working for some discount store on the edge of a city, is not a replacement for good manufacturing jobs that traditionally have paid good income in this country. This is what is happening to manufacturing jobs in our country. That is a ominous trend. Part of that is because those manufacturing jobs are being exported. Exported how? Well, for a lot of reasons, one of which is that we actually encourage it in our Tax Code.

Next is "Employment by Foreign Manufacturing Affiliates of United States Companies"—U.S. firms and their employment. Here is what is happening to manufacturing employment in the United States. That is the red line. You see what is happening to that. That is going down.

U.S. companies manufacturing abroad, what is happening to their employment? That is going up. Those lines show clearly what is happening on manufacturing employment by U.S. corporations in Asia and Latin America, the location of most low wage and tax haven countries.

"Employment in Foreign Manufacturing Affiliates." You can see what is happening over the years. That employment continues to increase. Again, this is manufacturing and manufacturing jobs are traditionally the best source of jobs or the best income and the most secure.

"Employment by U.S. Firms in Foreign Tax Havens." You will see Ireland, the Netherlands, Hong Kong, Singapore. Singapore, 74,700 firms. I am not suggesting that a United States company should not be able to have a foreign affiliate and manufacture in Singapore. A United States company might well want to establish an affiliate in Singapore in order to manufacture there to compete in Korea. I am not suggesting that is inappropriate. I am not suggesting we change that. I am saying that if a United States company decides it wants to manufacture in Singapore for the purpose of serving the United States market, the company that manufactures in the United States to serve the United States market is put at a substantial disadvantage. Why? Because at least in part we have provided in our Tax Code a reward for those who left which translates into a penalty for those who stayed.

"Growth of Manufacturing Employment." You can see what is happening again, in the number of countries where manufacturing jobs have been moving with robust growth and what is happening in the United States. That is not, it seems to me, what we should aspire to have happen in our country.

"Growth of Imports of Manufactured Products." Once again, the line shows that we have a steady upward trend of growth of imports from manufactured products. The moment I say this some will say, "Well, he wants to stop the imports." This is not the case. This is not, on the one hand, a debate between those who want free and open and unrestricted trade and those, on the other hand, who are protectionist, xenophobic stooges who do not understand what is happening in the world. That is the way it is characterized. That is a lot of baloney. What this is is a narrow question of whether or not we ought to have in our Tax Code that provision which provides a significant incentive to say to a U.S. manufacturer, "We will make you a deal: Move your jobs overseas and we will give you tax relief. Compete after you move overseas against a domestic company that stayed in the United States and will be at a disadvantage because we gave you a tax advantage and did not give the company that stayed here a tax advantage."

That, it seems to me, is exactly the wrong message we want to be sending to American manufacturers.

Well, I do not know that I need to provide more evidence that manufacturing jobs are leaving this country. It is, I suppose, difficult to discuss this with a great deal of success at a time when those who receive these benefits are the largest enterprises in our country, literally in many cases the largest enterprises in the world, spending an enormous amount of time lobbying to keep what they now have, preventing someone from taking away the benefits they now have. There are not people walking around the streets carrying placards telling us that we have to shut this tax loophole because almost no one knows it exists.

Mr. Silva, who has lost his job in Massachusetts, may not know it exists, but it contributed to his losing his job. A woman named Carolyn Richard probably does not know it exists. She is a woman married with one child, a 10th grade education, one of 500 people who worked in a Fruit of the Loom factory, 8-hour days, stitching shoulder joints and hemming T-shirts. She, with a lot of others, worked hard. They liked their jobs, did well. But they cannot compete against others who will work for a dollar a day, a dollar an hour, and so companies that would employ Carolyn Richard decide they will close their American plant because they can make that product elsewhere less expensively.

I admit there are several things that persuade companies to do this, one of which is a tax break. Several others include being able to pole vault over an entire range of knotty little problems in this country that we served 75 years debating—should there be child labor protection laws? Should there be safety in the workplace? If so, what should those standards be? Should we prevent the dumping of chemicals and effluents into the air and water by manufacturing plants? We spent 75 years debating that and came to some conclusions about it, and we have child labor laws; we have worker safety protection issues; we have minimum wages; we have provisions that you cannot dump chemicals into our water; you cannot dump effluents into the airshed that pollute this country.

So that is what costs money, and some are able to pole vault over all of those issues by saying: I do not have to pay the minimum wage; I can hire a 14-year old and pay them 14 cents an hour and work them 14 hours a day; I can dump chemicals into the stream; I can dump pollution into the airshed; I do not have to care about OSHA inspectors, safe work place; I do not have to care about any of those things and save money because I can move this plant overseas. Besides, when I am done doing that, I can claim a tax break because the American taxpayers will pay me and others who do it $2.2 billion in 7 years if I will just consider moving my American jobs elsewhere.

There is at the moment a wonderful series that I would commend to my colleagues being done in the Philadelphia Inquirer by fellows named Donald Barlett and James Steele. They have done a substantial amount of economic work. They have won the Pulitzer Prize, a couple Pulitzer Prizes for their reporting, and they have now published 3 of an expected 10 pieces dealing with these issues—trade, tax preferences. What is happening to an endangered label, they say. "Made in the U.S.A." "An Endangered Label: 'Made in the U.S.A.'"

Product after product once made or grown in the United States now comes from abroad and one of the biggest losers in this influx is small business.

From one of their articles I wanted to read a couple of paragraphs that I think summarize part of this issue for me.

> Unlike multinational corporations that have closed factories in the United States and shifted the production abroad to take advantage of cheap labor, small companies seldom have that option. It is these businesses, employing a few to a dozen workers, that are being squeezed out. Individually, they barely register a blip on the economic indicators. Taken together, they provide a livelihood for millions.
>
> Small businesses have scant access to people in Congress who write the laws and little influence in the White House. They rarely receive favorable hearings from regulatory authorities. With few exceptions, their appeals for help go unheard when imports of competing products from low wage countries begin flooding in.

Mr. President, Mr. Glover, chief counsel from the Small Business Administration's Office of Advocacy, said it pretty well. He was speaking of part of this amendment. He talked about the legislative offering that I have proposed, "encouraging small and mid-sized domestic businesses by reducing the competitive advantage a business might receive by moving its operations overseas."

"We recognize," he said, "the fact of life that some businesses may move their production operations to a foreign nation for reasons of market access, materials availability or a variety of other concerns."

And I recognize that as well.

He also said, "We also know that domestic small businesses, having neither the resources nor the expertise for such a move, should be assured that their globe-trotting, multinational competitors will not be provided tax advantages as well. Eliminating the deferrals for a U.S. business which has closed its domestic production and moved abroad and which now seeks to sell those same products domestically will help small businesses to be competitive and at least give them a sense of fair treatment."

Mr. President, I could go on at some length because this is a very controversial issue. Not long ago, a couple of people who worked for an organization that has been put together and funded by the largest companies in this country, which benefit from this tax break, put together a piece in one of the tax publications here in town. It was just a scathing attack of this proposal of mine. It described all that is wrong with it and why the current system is wonderful and why what I am proposing is so awful.

A response to that was recently done by the Congressional Research Service, prepared by its senior specialist in economic policy, Jane Gravelle. It was published recently, and it debunks all of the hollow issues that were raised about this legislation.

This is not rocket science, no matter what those who come to the floor may say. This is not complicated. It is not even highly technical in its application. The question that we ought to address as Members of the Senate, at the time when this country is losing more and more manufacturing jobs, is this: Do we want to continue in our Tax Code to subsidize the exodus of American jobs overseas, by saying to U.S. companies, "If you put U.S. jobs overseas rather than here at home we will give you a tax break"? "If you have a plant here at home, shut the door, get rid of the workers, move it overseas, and the American taxpayer will say thank you by giving you a check."

If you believe that makes sense and if you believe there is any room in this country where you can stand up and describe that as a sensible public policy, then you ought to vote against what I am proposing. But if you, like most people, think that our Tax Code at least ought to be neutral on the question of where you locate jobs—and it probably ought to be more than neutral—we ought to tip it on the side of saying, if you create jobs here, we will provide incentives for you. We ought to turn it around. Instead of providing incentives for those who ship jobs out of our country, we ought to create incentives for those who create jobs in this country.

We are told this is a global economy and some Members of the Senate and the House simply lack the capability of understanding the new realities of the global economy. I do not know whether they refer to me when they say that, or the Senator from South Carolina. I do not know who it is who does not understand all this global economy. I confess to growing up in a town of 300 people, attending a high school with a class of 9. I graduated in a senior class of 9. They did not teach us, necessarily, higher math in our high school, but we got reasonably good training. They taught us to think a little bit, use a little judgment, have a little common sense.

I could go back to Regent, ND, tonight, perhaps hold a meeting in the Regent town hall, and most of the folks in Regent would come, because it is a small town. There is probably not a lot going on there this evening. Regent was a town where there probably was not much going on when I was a student there. It is a wonderful community, small but wonderful. If we could get all the folks there in the Regent Center tonight, we could talk to them about what do they think we ought to do on tax policy. Do you think we ought to encourage some jobs that exist in North Dakota or in Colorado, New Hampshire, Rhode Island—do you think we ought to encourage those jobs to move elsewhere, just leave our country? Take a manufacturing job and send it elsewhere? Make shoes, shirts, belts and television sets and cars elsewhere? Or would it be better if you could find a way to try to keep most of those jobs here?

If we could get all the folks there in Regent and talk to them, they might raise the question of the global economy. They might say, "Isn't the global economy kind of an inevitable circumstance nowadays, where we are competing against those workers who live in Sri Lanka, in Bangladesh, in Malaysia, in Singapore?" Yes, it is, absolutely. That is the reality. We are competing against those people and that is precisely why we are losing manufacturing jobs. We should have to compete with virtually everyone in the world, providing the competition is fair.

I would ask this. Is it fair to ask a worker in Alabama, Colorado, South Carolina, or North Dakota to compete against someone who makes 14 cents an hour? Can we compete against someone who makes 14 cents an hour? Should we compete? Is it necessary to be required to compete against someone who makes 14 cents an hour? I can tell you about some people who do make 14 cents an hour working 11 hours a day, 6 days a week. I can tell you about them. How about making 14 cents an hour at age 14? Working 14 hours a day? I can tell you about some of them.

So, if the answer to the question is no, we should not have to compete against that, then the question is, what do we do? We not only create a circumstance in our country where we say you are going to compete against it, but we say if you will simply take the opportunity to access low wages elsewhere, we will give you a tax break.

Folks in my hometown would, I think, find that fairly dumb. I do not know how else you describe that. I think they would say that is a pretty dumb policy. What kind of minds conspired together to figure out that we ought to have a tax break if we boot jobs out of our country? What kind of high-minded people? Tell me where they got their education. What kind of high-minded people is it who believe it makes sense for us to create tax policy that has the consequence of weakening our country and weakening the job base that has been the very foundation for economic growth in America?

Economic growth in this country is not economic growth based on target discount stores on the edge of our cities, paying minimum wage. In fact, I went through one recently with my little daughter, trying to find a bathing suit. Do you know, I could not find an employee. I walked around forever trying to find somebody who worked there. They have a store and, at least to my knowledge, no discernible employees.

I finally found somebody to take my money. But is that a substitute? Are those jobs the substitute for good manufacturing jobs? Of course not. So the question is, should we decide to focus a bit on this question? We will have people come and say, "No, no, you should not focus on it. This is irrelevant, it is extraneous, and besides you have it all wrong. This tax break is not really a tax break; those who you say get it do not get it, and if they do get it, it really doesn't matter." There are always three or four stages of denial here in this Chamber.

But some of us think this is important. The global economy is a reality. I am not suggesting we put up walls and keep products out. I am not suggesting that we tie the hands of American corporations. I am suggesting that we decide, on behalf of our country, that rather than provide incentives to those who would move jobs outside of our country, we consider providing incentives to those who would create jobs inside of our country, and that is the central question before us.

So, I have a couple of other things I want to say, but I know the Senator from South Carolina wishes to speak on this. I, at this point, yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I will be as brief as I possibly can. I will not take long. This is a subject that really deserves several days of debate.

But, in a capsule, we are going to bring it right to a head, I think, in the next couple of hours, in that Pat Choate, the author of "Agents Of Influence," has been selected as the Vice Presidential candidate by Ross Perot, in this so-called Reform Party.

Mr. Choate was the vice president in charge of policy at TRW. When he published this book, which factually has never been challenged, he, of course, was relieved of his post as vice president of TRW and has been out as a consultant to industry.

There is no question that finally, finally, in this election, trade and jobs will really come into focus, as the distinguished Senator from North Dakota is bringing right here.

Let me hasten to add, I support, of course, our Democratic ticket of Clinton-Gore and will continue to support them. I have tried to work—with respect, unsuccessfully, of course—on NAFTA and GATT to change our trade policy and save us from these two flawed agreements. But we are going to have to try to do our dead level best to bring them into the real world of trade and jobs, and I am confident that the selection of Mr. Choate will really bring it front and center.

There is no question, don't put this gentleman in a debate with any of the persons mentioned here, and he is far, far more informed. They do not have to bring up the case of Smoot-Hawley and think you are going to show a picture and rattle this gentleman.

Let me first commend my distinguished colleague from North Dakota. He has been very erudite in this particular matter, because he feels keenly about the two really great issues facing our Nation.

One, of course, is trying to get this Congress to pay the bills. And you heard earlier today the distinguished Senator from North Carolina holler, "Up, up and away, the debt." The national debt has gone to some $5.2 trillion. I remember well when President Reagan came to office, it wasn't even $1 trillion.

We had 38 Presidents of the United States, Republican and Democrat, 200 years of history, and never a trillion-dollar debt, with the cost of all the wars—Revolutionary, 1812—right on up—Civil War, Spanish American, World War I, II, Korea, Vietnam, with the cost of all the wars, we had not gotten to a trillion-dollar debt.

Now, without the cost of a war, in 15 years we have gone to $5.2 trillion. And, as a result, we are raising taxes a billion dollars a day. I use that expression, "raising taxes a billion dollars a day," advisedly for the simple reason is, Mr. President, you have to pay the interest costs. They say there are two things in life unavoidable: death and taxes. Make it a third: interest costs on the national debt. We have to pay that. Republicans and Democrats vote every time to pay the interest costs on the national debt.

So that is a billion a day for nothing. That is not for schools. That is not for defense. That is not for education or housing or the environment. You don't get anything for that. You are just paying for the past profligacies of these Congresses. That is problem No. 1.

Problem No. 2 is barely mentioned, and I speak advisedly about jobs, because I have been in the game. I didn't come here as a neophyte. We can start off 37 years ago. When I took office, we had an agriculture State. When I left, we had an industrial State.

Anybody connected with the history of our great State of South Carolina will tell you the technical training program that we instituted is a big attraction for industrial investment and expansion, period, for South Carolina, New Hampshire, or anywhere else. I offered Governor Sununu in the Presidential race in the early eighties to come up there and institute my technical training, but New Hampshire wanted to leave it to the industries.

I talked to my friends at Wang, in, Nashua. I said, I don't see how you expect any expansion except to run away from the taxes in Boston, coming up Highway 128, or whatever it is, to get out of the taxes in that beautiful State of New Hampshire, which everyone will agree is one of the most beautiful in the entire Nation.

But be that as it may, we are not just talking philosophically as an economist or anything else, we are talking business sense. I have worked firsthand with the chairmen of the boards, the vice chairmen, come on down to No. 6 man who really has to get the operation in the black. That is the gentleman or lady that counts. And when you give them a spread sheet and you tell them the hourly wages and how it is going to come out, when they break ground, when the plant will be complete, you can get in operation in 7 months or a year or less, whatever it is, you are beginning to talk sense, and that is the way we work at it.

Right to the point, our poor friends in Alabama went totally overboard. In Alabama, they paid over $300 million to get Mercedes Benz. I was in that competition. I will never forget meeting with the Mercedes executives. I carried them down to South Carolina to Bosch, and at Bosch, I showed them where they not only were making the fuel injectors, but they were making the antilock brakes for the Mercedes Benz. They were making the antilock brakes for the Toyota, for all Ford cars and all General Motors cars.

I showed them a good little country boy from Dorchester County who had been trained in our technical training system, sent to Stuttgart and learned the German apprenticeship system and was instructing in Charleston, SC, the German apprentice system.

The man from Mercedes said, "This is what we want. We are looking for a port. We are looking for the skills." But the great executives back in Germany were looking for money, so we lost out on that one.

I only introduce that because these rat-a-tat talks about "I'm for jobs, I'm for jobs," they don't know anything about the retaining, anything about the work in trying to get the job there, keep the job there and get the expansion, which we are doing in South Carolina.

Having said that, Mr. President, I notice my distinguished friend had to talk almost defensively. He said, "Wait a minute, I'm not trying to put up a wall or anything else." It is very unfortunate I have to do the same thing. I am speaking defensively trying to qualify as you might a witness in a case, because this is the real case of the United States of America and nobody wants to try it, Republican or Democrat. Oh, no, they want to ignore it.

Let me go right to the heart of the matter. Yes, in the cold war, we had to sacrifice our industrial backbone in order to spread capitalism and bring about freedom in the Pacific rim and we used the Marshall plan to rebuild Europe, and it worked. Nobody is complaining about that sacrifice.

I used to testify back in the fifties before the old International Trade Commission—International Tariff it was called at that particular time. They said, "Governor, what do you expect these emerging countries to make, the airplanes and the computers?" Let them make the clothing and the shoes. That is why 86 percent of the shoes on this floor are imported; 66 percent, two-thirds of the clothing you are looking at is imported.

So I said, "Yes, you have to give the lesser skilled jobs to the emerging countries," but we have done that. As my friend, Senator Dole, says, "Been there, done that." So all right, it worked.

Now we are into a global competition, and who is making the computers and who is making the airplanes? Our competitors. So don't come now with this argument about we are rebuilding the world. We have to rebuild the United States. Our standard of living has gone out of the window.

You cannot be a world power—let's talk security and national defense—you cannot be a world power unless you are a manufacturing power. Ten years ago, we had 26 percent of our work force in manufacturing. We almost had half at the end of the war. That is what won the war.

I spent 3 years overseas in World War II. Yes, we had brave soldiers. These people are talking about the veterans' record. But Rosie the Riveter won World War II. We inundated them. I can see me now saying, "Send those planes. Keep sending them." They kept shooting them down, but we had more. Building No. 1 down in Marietta, GA, was spitting out five B–29's a day.

Rosie the Riveter, our industrial backbone, won World War II, and we are losing world war III, the economic war, because instead of now going from half to 26 percent 10 years ago, today we are down to 13 percent.

That up east Harvard group would give that lecture, "small is beautiful, service economy," all these here nonsensical arguments. And we are going to the poorhouse. That is why real wages have dropped 20 percent in the last 20 years, for the simple reason that the big multinationals have increased their profits by moving offshore.

Mr. President, we are competing with ourselves. Mark it down. I am not worried about Japan. I am not here to bash Japan. I am here to bash me, us, you, the Congress, the silly policy. What we have in manufacturing is the cost of labor is 30 percent of volume. And we know it is a given. We had many witnesses testify to that in our particular hearings, that you can save as much as 20 percent of volume of sales by moving offshore to a low-wage country.

Take a company, a manufacturer with $500 million in sales, they can keep the head office, the sales force here in America; but they can move their manufacturing offshore and make $100 million at 20 percent or they can continue to work their own people and go bankrupt, because that is the competition. Do not talk about the global competition. I am talking about the fellow next door that has already moved.

When you come up here, they dance around hollering, "retrain, retrain, retrain." I want to say a word about that to get it on the record, because we know about training. We do not have to wait on Washington to get us industrial expansion in South Carolina.

But Oneita Mills closed recently in South Carolina. We had 487 jobs making these T-shirts. We got that 35 years ago, a beautiful little plant, wonderful workers. The average age there was 47 years of age, Mr. President. Retrain them. Do it Secretary Reich's way, the Secretary of Labor. Go ahead and retrain them; and tomorrow morning give me 487 expert computer operators. Are you going to hire the 47-year-old computer operator or the 20- or 21-year-old computer operator? To ask the question is to answer it. You are not going to take on the health costs, the retirement costs of the 47-year-old.

You can keep on retraining them. They are out in this little rural town, scavenging, trying to make enough money, where their husbands probably were in the tobacco allotment. They want to cut that out. Together they work and save enough money to send the boy to Clemson. I am seeing it happening, and I am coming around here hearing "skills, skills." We have skills. Do not give me that. I have skills coming out of my ear.

And do not give me any of these other arguments they are talking about, product liability, and all of these other silly—why do you think we have Hoffmann La Roche and BMW. And go right on down. And we have now 50 Japanese plants. I have almost 100 German plants, a bunch of British plants. Michelin—the French—they just announced another expansion. I remember calling on them in Paris in 1961. Now they are going up to 11,600 employees, Senator, with their North American headquarters in Greenville, SC. I got Bowater; I have got their North American plant in Greenville, S.C. So let us get on with what the Senator from North Dakota wants to talk about, and that is, these freebies that are being given out to continue a policy that was well-conceived in order to spread capitalism and defeat communism in the cold war. We have won that war.

Now we look around, and we have sacrificed the working people of America, and our standard of living. And the job is for you and I to be realistic and start building it back up. And do not come—I can hear it now, because I can tell you, Senator, once they chose Pat Choate, you are going to find the multinationals, they are going to come down here on your necks and heads around here, "free trade, free trade, protectionism, protectionism, protectionism."

Let me plead guilty. I am a protectionist. We have the Army to protect us against the enemies from without. We have the FBI to protect us from the enemies within. We have Social Security to protect us from the ravages of old age, Medicare to protect us in ill health. The fundamentals of government, that is what we are up here for.

I remember when Ronald Reagan was sworn in in the rotunda. He raised his hand to preserve, protect, and defend. And when we came back down here on the Senate floor and started talking about it, he said, "Oh, no, we don't want to be protectionist." You darn right I want to protect our industrial backbone, our standard of living, and the jobs of America. And I want a competitive trade policy. We are not competing. We have been taken over by a fifth column within the ranks in this land of ours.

Remember, we heard this same argument about comparative advantage and free trade from David Ricardo in the earliest, earliest of days. Or the Brits, once we got our freedom, they said, "Now, just you little fledgling nation, the United States of America, you trade back with the mother country with what you produce best, and we will trade back with what we produce best," the doctrine of comparative advantage, free trade, free trade, free trade. And you know what Alexander Hamilton said? He wrote it in a little booklet, "Reports on Manufacturers." Get a copy of it. There is one left. It is on guard over there at the Library of Congress where I hope to be tonight because they have a wonderful reading going on over there. But this is even again more important.

And in the "Reports on Manufacturers," Alexander Hamilton told the Brits in one line, "Bug off. We are not going to remain your colony. We are not going to continue to ship our agricultural products, our timber, our iron, our coal, and bring in your manufactured products. You have to be a nation State. You have to have a preeminence in manufacturing."

The second bill, Mr. President, on July 4, 1789, that actually passed this Congress was a protectionist bill, setting a 50-percent tariff on 60 some articles going on down the list. And we built this United States of America, this economic giant with protectionism.

Abraham Lincoln, when he was going to get the transcontinental railroad—that same type of crowd is buzzing around us here tonight; and they will be around tomorrow; and they will say, go ahead and let us have free trade, free trade—they told President Lincoln that we should get the steel from England. He said no. He would build our own steel mills. When they got through, they had not only the transcontinental railroad, but they had their own steal capacity.

And so it was in the Depression, in the darkest days. Franklin Roosevelt came in with his competitive free trade under Cordell Hull. And Dwight David Eisenhower, in 1955, put quotas on imported oil because we had to sort of build up our capacity. And we have done that from time to time. And now is a time again when we survey the horizon, and start talking as realists. And quit giving us these symbolic baloneys, malarkeys such as Smoot-Hawley.

Mr. President, right to the point, I ask unanimous consent—I am trying to save time here—I ask unanimous consent to have printed in the RECORD the record made by our distinguished former colleague, Senator John Heinz of Pennsylvania entitled "The Myth of Smoot-Hawley" back in 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MYTH OF SMOOT-HAWLEY

Mr. HEINZ. Mr. President, every time someone in the administration or the Congress gives a speech about a more aggressive trade policy or the need to confront our trading partners with their subsidies, barriers to import and other unfair practices, others, often in the academic community or in the Congress immediately react with speeches on the return of Smoot-Hawley and the dark days of blatant protectionism. "Smoot-Hawley," for those uninitiated in this arcane field, is the Tariff Act of 1930 (Public Law 71-361) which among other things imposed significant increases on a large number of items in the Tariff Schedules. The act has also been, for a number of years, the basis of our countervailling duty law and a number of other provisions relating to unfair trade practices, a fact that tends to be ignored when people talk about the evils of Smoot-Hawley.

A return to Smoot-Hawley, of course, is intended to mean a return to depression, unemployment, poverty, misery, and even war, all of which apparently were directly caused by this awful piece of legislation. Smoot-Hawley has thus become a code word for protectionism, and in turn a code word for depression and major economic disaster. Those who sometimes wonder at the ability of Congress to change the country's direction through legislation must marvel at the sea change in our economy apparently wrought by this single bill in 1930.

Historians and economists, who usually view these things objectively, realize that the truth is a good deal more complicated, that the causes of the Depression were far deeper, and that the link between high tariffs and economic disaster is much more tenuous than is implied by this simplistic linkage. Now, however, someone has dared to explode this myth publicly through an economic analysis of the actual tariff increases in the act and their effects in the early years of the Depression. The study points out that the increases in question affected only 231 million dollars' worth of products in the second half of 1930, significantly less than 1 percent of world trade; that in 1930-32 duty-free imports into the United States dropped at virtually the same percentage rate as dutiable imports; and that a 13.5 percent drop in GNP in 1930 can hardly be blamed on a single piece of legislation that was not even enacted until midyear.

This, of course, in not to suggest that high tariffs are good or that Smoot-Hawley was a wise piece of legislation. It was not. But it was also clearly not responsible for all the ills of the 1930's that are habitually blamed on it by those who fancy themselves defenders of free trade. While I believe this study does have some policy implications, which I may want to discuss at some future time, one of the most useful things it may do is help us all clean up our rhetoric and reflect a more sophisticated—and accurate—view of economic history.

Mr. President, I ask that the study, by Don Bedell of Bedell Associates, be printed in the RECORD.

The study follows:

BEDELL ASSOCIATES,
Palm Desert, Calif., April 1983

TARIFFS MISCAST AS VILLAIN IN BEARING BLAME FOR GREAT DEPRESSION—SMOOT/HAWLEY EXONERATED

(By Donald W. Bedell)

SMOOT/HAWLEY, DEPRESSION AND WORLD REVOLUTION

It has recently become fashionable for media reporters, editorial writers here and abroad, economists, Members of Congress, members of foreign governments, UN organizations and a wide variety of scholars to express the conviction that the United States, by the single act of causing the Tariff Act of 1930 to become law (Public Law 361 of the 71st Congress) plunged the world into an economic depression, may well have prolonged it, led to Hitler and World War II.

Smoot/Hawley lifted import tariffs into the U.S. for a cross section of products beginning mid-year 1930, or *more than 8 months following the 1929 financial collapse.* Many observers are tempted simply repeat "free trade" economic doctrine by claiming that this relatively insignificant statute contained an inherent trigger mechanism which upset a neatly functioning world trading system based squarely on the theory of comparative economics, and which propelled the world into a cataclysm of unmeasurable proportions.

We believe that sound policy development in international trade must be based solidly on facts as opposed to suspicious, political or national bias, or "off-the-cuff" impressions 50 to 60 years later of how certain events may have occurred.

When pertinent economic, statistical and trade data are carefully examined will they show, on the basis of preponderance of fact, that passage of the Act did in fact trigger or prolong the Great Depression of the Thirties, that it had nothing to do with the Great Depression, or that it represented a minor response of a desperate nation to a giant world-wide economic collapse already underway?

It should be recalled that by the time Smoot/Hawley was passed 6 months had elapsed of 1930 and 8 months had gone by since the economic collapse in October, 1929. Manufacturing plants were already absorbing losses, agriculture surpluses began to accumulate, the spectre of homes being foreclosed appeared, and unemployment showed ominous signs of a precipitous rise.

The country was stunned, as was the rest of the world. All nations sought very elusive solutions. Even by 1932, and the Roosevelt election, improvisation and experiment described government response and the technique of the New Deal, in the words of Arthur Schlesinger, Jr. in a New York Times article on April 10, 1983. President Roosevelt himself is quoted in the article as saying in the 1932 campaign, "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

The facts are that, rightly or wrongly, there were no major Roosevelt Administration initiatives regarding foreign trade until well into his Administration; thus clearly suggesting that initiatives in that sector were not thought to be any more important than the Hoover Administration thought them. However, when all the numbers are examined we believe neither. President Hoover nor President Roosevelt can be faulted for placing international trade's role in world economy near the end of a long list of sectors of the economy that had caused chaos and suffering and therefore needed major corrective legislation.

How important was international trade to the U.S.? How important was U.S. trade to its partners in the Twenties and Thirties?

In 1919, 66% of U.S. imports were duty free, or $2.9 Billion of a total of $4.3 Billion. Exports amounted to $5.2 Billion in that year making a total trade number of $9.6 Billion or about 14% of the world's total. See Chart I below.

CHART I.—U.S. GROSS NATIONAL PRODUCT, 1929–33

[Dollar amounts in billions]

	1929	1930	1931	1932	1933
GNP	$103.4	$89.5	$76.3	$56.8	$55.4
U.S. international trade	$9.6	$6.8	$4.5	$2.9	$3.2
U.S. international trade percent of GNP	$.3	7.6	5.9	5.1	$5.6[1]

[1] Series U, Department of Commerce of the United States, Bureau of Economic Analysis.

Using the numbers in that same Chart I it can be seen that U.S. imports amounted to $4.3 Billion or just slightly above 12% of total world trade. When account is taken of the fact that only 33%, or $1.5 Billion, of U.S. imports was in the Dutiable category, the entire impact of Smoot/Hawley has to be focused on the $1.5 Billion number which is barely 1.5% of U.S. GNP and 4% of world imports.

What was the impact? In dollars Dutiable imports fell by $462 Million, or from $1.5 Billion to $1.0 Billion, during 1930. It's difficult to determine how much of that small number occurred in the second half of 1930 but the probability is that it was less than 50%. In any case, the total impact of Smoot/Hawley in 1930 was limited to a "damage" number of $231 Million; spread over several hundred products and several hundred countries.

A further analysis of imports into the U.S. discloses that all European countries accounted for 30% or $1.3 Billion in 1929 divided as follows: U.K. at $330 Million or 7½%, France at $171 Million or 3.9%, Germany at $255 Million or 5.9%, and some 15 other nations accounting for $578 Million or 13.1% for an average of 1%.

These numbers suggest that U.S. imports were spread broadly over a great array of products and countries, so that any tariff action would by definition have only a quite modest impact in any given year or could be projected to have any important cumulative effect.

This same phenomenon is apparent for Asian countries which accounted for 29% of U.S. imports divided as follows: China at 3.8%, Japan at $432 Million and 9.8% and with some 20 other countries sharing in 15% or less than 1% on average.

Australia's share was 1.3% and all African countries sold 2.5% of U.S. imports.

Western Hemisphere countries provided some 37% of U.S. imports with Canada at 11.4%, Cuba at 4.7%, Mexico at 2.7%, Brazil at 4.7% and all others accounting for 13.3% or about 1% each.

The conclusion appears inescapable on the basis of these numbers; a potential adverse impact of $231 Million spread over the great array of imported products which were available in 1929 could not realistically have had any measurable impact on America's trading partners.

Meanwhile, the Gross National Product (GNP) in the United States had dropped an unprecedented 13.5% in 1930 alone, from $103.4 Billion in 1929 to $89 Billion by the end of 1930. It is unrealistic to expect that a shift in U.S. international imports of just 1.6% of U.S. GNP in 1930, for example ($231 Million or $14.4 Billion) could be viewed as establishing a "precedent" for America's trading partners to follow, or represented a "model" to follow.

Even more to the point an impact of just 1.6% could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

Note should be taken of the claim by those who repeat the Smoot/Hawley "villain" theory that it set off a "chain" reaction around the world. While there is some evidence that certain of America's trading partners retaliated against the U.S. there can be no reliance placed on the assertion that those same trading partners retaliated against each other by way of showing anger and frustration with the U.S. Self-interest alone would dictate otherwise, common sense would intercede on the side of avoidance of "shooting oneself in the foot," and the facts disclose that world trade declined by 18% by the end of 1930 while U.S. trade declined by some 10% more or 28%. U.S. foreign trade continued to decline by 10% more through 1931, or 53% versus 43% for worldwide trade, but U.S. share of world trade declined by only 18% from 14% to 11.3% by the end of 1931.

Reference was made earlier to the Duty Free category of U.S. imports. What is especially significant about those import numbers is the fact that they dropped in dollars by an almost identical percentage as did Dutiable goods through 1931 and beyond: Duty Free imports declined by 29% in 1930 versus 27% for Dutiable goods, and by the end of 1931 the numbers were 52% versus 51% respectively.

The only rational explanation for this phenomenon is that Americans were buying less and prices were falling. No basis exists for any claim that Smoot/Hawley had a distinctively devastating effect on imports beyond and separate from the economic impact of the economic collapse in 1929.

Based on the numbers examined so far, Smoot/Hawley is clearly a mis-cast villain. Further, the numbers suggest the clear possibility that when compared to the enormity of the developing international economic crisis Smoot/Hawley had only a minimal impact and international trade was a victim of the Great Depression.

This possibility will become clear when the course of the Gross National Product (GNP) during 1929–1933 is examined and when price behaviour world-wide is reviewed, and when particular Tariff Schedules of Manufacturers outlined in the legislation are analyzed.

Before getting to that point another curious aspect of the "villain" theory is worthy of note. Without careful recollection it is tempting to view a period of our history some 50–60 years ago in terms of our present world. Such a superficial view not only makes no contribution to constructive policy-making. It overlooks several vital considerations which characterized the Twenties and Thirties:

1. The international trading system of the Twenties bears no relation to the interdependent world of the Eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the General Agreement for Tariffs and Trade (GATT) for example for resolution of disputes. There were no trade "leaders" among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the "economy-critical" context as currently in the U.S. As indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. foreign trade was relatively an amorphous phenomenon quite unlike the highly structured system of the Eighties; characterized largely then by "caveat emptor" and a broadly laissez-faire philosophy generally unacceptable presently.

These characteristics, together with the fact that 66 percent of U.S. imports were Duty Free in 1929 and beyond, placed overall international trade for Americans in the Twenties and Thirties on a very low level of priority especially against the backdrop of world-wide depression. Americans in the Twenties and Thirties could no more visualize the world of the Eighties than we in the Eighties can legitimately hold them responsible for failure by viewing their world in other than the most pragmatic and realistic way given those circumstances.

For those Americans then, and for us now, the numbers remain the same. On the basis of sheer order of magnitude of the numbers illustrated so far, the "villain" theory often attributed to Smoot/Hawley is an incorrect reading of history and a misunderstanding of the basic and incontrovertible law of cause and effect.

It should also now be recalled that, despite heroic efforts by U.S. policy-makers its GNP continued to slump year-by-year and reached a total of just $55.4 billion in 1933 for a total decline from 1929 levels of 46 percent. The financial collapse of October, 1920 had indeed left its mark.

By 1933 the 1929 collapse had prompted formation in the U.S. of the Reconstruction Finance Corporation, Federal Home Loan Bank Board, brought in a Democrat President with a program to take control of banking, provide credit to property owners and corporations in financial difficulties, relief to farmers, regulation and stimulation of business, new labor laws and social security legislation.[1]

So concerned were American citizens about domestic economic affairs, including the Roosevelt Administration and the Congress, that scant attention was paid to the solitary figure of Secretary of State Cordell Hull. He, alone among the Cabinet, was convinced that international trade had material relevance to lifting the country back from depression. His efforts to liberalize trade in general and to find markets abroad for U.S. products in particular from among representatives of economically stricken Europe, Asia and Latin America were abruptly ended by the President and the 1933 London Economic Conference collapsed without result.

The Secretary did manage to make modest contributions to eventual trade recovery through the Most Favored Nation (MFN) concept. But it would be left for the United States at the end of World War II to undertake an economic and political role of leadership in the world; a role which in the Twenties and Thirties Americans in and out of government felt no need to assume, and did not assume. Evidence that conditions in the trade world would have been better, or even different, had the U.S. attempted some leadership role cannot responsibly be assembled. Changing the course of past history has always been less fruitful than applying perceptively history's lessons.

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[1] Beard, Charles and Mary. New Basic History of the United States.

The most frequently used members thrown out about Smoot/Hawley's impact by those who believe in the "villain" theory are those which clearly establish that U.S. dollar decline in foreign trade plummeted by 66 percent by the end of 1933 from 1929 levels, $9.6 billion to $3.2 billion annually.

Much is made of the co-incidence that world-wide trade also sank about 66 percent for the period. Chart II summarizes the numbers.

CHART II.—UNITED STATES AND WORLD TRADE, 1929–33

[In billions of U.S. dollars]

	1929	1930	1931	1932	1933
United States:					
Exports	5.2	3.8	2.4	1.6	1.7
Imports	4.4	3.0	2.1	1.3	1.5
Worldwide:					
Exports	33.0	26.5	18.9	12.9	11.7
Imports	35.6	29.1	20.8	14.0	*12.5

*Series U Department of Commerce of the United States, League of Nations, and International Monetary Fund.

The inference is that since Smoot/Hawley was the first "protectionist" legislation of the Twenties, and the end of 1933 saw an equal drop in trade that Smoot/Hawley must have caused it. Even the data already presented suggest the relative irrelevance of the tariff-raising Act on a strictly trade numbers basis. When we examine the role of a world-wide price decline in the trade figures for almost every product made or commodity grown the "villain" Smoot/Hawley's impact will not be measurable.

It may be relevant to note here that the world's trading "system" paid as little attention to America's revival of foreign trade beginning in 1934 as it did to American trade policy in the early Thirties. From 1934 through 1939 U.S. foreign trade rose in dollars by 80% compared to world-wide growth of 15%. Imports grew by 68% and exports climbed by a stunning 93%. U.S. GNP by 1939 had developed to $91 billion, to within 88% of its 1929 level.

Perhaps this suggests that America's trading partners were more vulnerable to an economic collapse and thus much less resilient than was the U.S. In any case the international trade decline beginning as a result of the 1929 economic collapse, and the subsequent return by the U.S. beginning in 1934 appear clearly to have been wholly unrelated to Smoot/Hawley.

As we begin to analyze certain specific Schedules appearing in the Tariff Act of 1930 it should be noted that sharp erosion of prices world-wide caused dollar volumes in trade statistics to drop rather more than unit-volume thus emphasizing the decline value. In addition, it must be remembered that as the Great Depression wore on, people simply bought less of everything increasing further price pressure downward. All this wholly apart from Smoot/Hawley.

When considering specific Schedules, No. 5 which includes Sugar, Molasses, and Manufactures Of, maple sugar cane, sirups, adonite, dulcite, galactose, inulin, lactose and sugar candy. Between 1929 and 1933 import volume into the U.S. declined by about 40% in dollars. In price on a world basis producers suffered a stunning 60% drop. Volume of sugar imports declined by only 42% into the U.S. in tons. All these changes lend no credibility to the "villain" theory unless one assumes, erroneously, that the world price of sugar was so delicately balanced that a 28% drop in sugar imports by tons into the U.S. in 1930 destroyed the price structure and that the decline was caused by tariffs and not at least shared by decreased purchases by consumers in the U.S. and around the world.

Schedule 4 describes Wood and Manufactures Of, timber hewn, maple, brier root, cedar from Spain, wood veneer, hubs for wheels, casks, boxes, reed and rattan, toothpicks, porch furniture, blinds and clothes pins among a great variety of product categories. Dollar imports into the U.S. slipped by 52% from 1929 to 1933. By applying our own GNP as a reasonable index of prices both at home and overseas, unit volume decreased only 6% since GNP had dropped by 46% in 1933. The world-wide price decline did not help profitability of wood product makers, but to tie that modest decline in volume to a law affecting only 6½% of U.S. imports in 1929 puts great stress on credibility, in terms of harm done to any one country or group of countries.

Schedule 9, Cotton Manufactures, a decline of 54% in dollars is registered for the period, against a drop of 46% in price as reflected in the GNP number. On the assumption that U.S. GNP constituted a rough comparison to world prices, and the fact that U.S. imports of these products was infinitesimal, Smoot/Hawley was irrelevant. Further, the price of raw cotton in the world plunged 50% from 1929 to 1933. U.S. growers had to suffer the consequences of that low price but the price itself was set by world market prices, and was totally unaffected by any tariff action by the U.S.

Schedule 12 deals with Silk Manufactures, a category which decreased by some 60% in dollars. While the decrease amounted to 14% more than the GNP drop, volume of product remained nearly the same during the period. Assigning responsibility to Smoot/Hawley for this very large decrease in price beginning in 1930 stretches credibility beyond the breaking point.

Several additional examples of price behaviour are relevant.

One is Schedule 2 products which include brick and tile. Another is Schedule 3 iron and steel products. One outstanding casualty of the financial collapse in October, 1929 was the Gross Private Investment number. From $16.2 Billion annually in 1939 by 1933 it has fallen by 91% to just $1.4 Billion. No tariff policy, in all candor, could have so devastated an industry as did the economic collapse of 1929. For all intents and purposes construction came to a halt and markets for glass, brick and steel products with it.

Another example of price degradation world-wide completely unrelated to tariff policy is Petroleum products. By 1933 these products had decreased in world price by 82% but Smott/Hawley had no Petroleum Schedule. The world market place set the price.

Another example of price erosion in world market is contained in the history of exported cotton goods from the United States. Between 1929 and 1933 the volume of exported goods actually increased by 13.5% while the dollar value dropped 48%. This result was wholly unrelated to the tariff policy of any country.

While these examples do not include all Schedules of Smoot/Hawley they clearly suggest that overwhelming economic and financial forces were at work affecting supply and demand and hence on prices of all products and commodities and that these forces simply obscured any measurable impact the Tariff Act of 1930 might possibly have had under conditions of several years earlier.

To assert otherwise puts on those proponents of the Smoot/Hawley "villian" theory a formidable challenge to explain the following questions:

1. What was the nature of the "trigger" mechanism in the Act that set off the alleged domino phenomenon in 1930 that began or prolonged the Great Depression when implementation of the Act did not begin until mid-year?

2. In what ways was the size and nature of U.S. foreign trade in 1929 so significant and critical to the world economy's health that a less than 4% swing in U.S. imports could be termed a crushing and devastating blow?

3. On the basis of what economic theory can the Act be said to have caused a GNP drop of an astounding drop of 13.5% in 1930 when the Act was only passed in mid-1930? DId the entire decline take place in the second half of 1930? Did world-wide trade begin its decline of some $13 Billion only in the second half of 1930?

4. Does the fact that duty free imports into the U.S. dropped in 1930 and 1931 and in 1932 at the same percentage rate as dutiable imports support the view that Smoot/Hawley was the cause of the decline in U.S. imports?

4. Is the fact that world wide trade declined less rapidly than did U.S. foreign trade prove the assertion that American trading partners retaliated against each other as well as against the U.S. because and subsequently held the U.S. accountable for starting an international trade war?

5. Was the international trading system of the Twenties so delicately balanced that a single hastily drawn tariff increase bill affecting just $231 Million of dutiable products in the second half of 1930 began a chain reaction that scuttled the entire system? Percentage-wise $231 Million is but 0.65% of all of 1929 world-wide trade and just half that of world-wide imports.

The preponderance of history and facts of economic life in the international area make an affirmative response by the "villain" proponents an intolerable burden.

It must be said that the U.S. does offer a tempting target for Americans who incessantly cry "mea culpa" over all the world's problems, and for many among our trading partners to explain their problems in terms of perceived American inability to solve those problems.

In the world of the Eighties U.S. has indeed very serious and perhaps grave responsibility to assume leadership in international trade and finance, and in politics as well.

On the record, the United States has met that challenge beginning shortly after World War II.

The U.S. role in structuring the United Nations, the General Agreement on Tariffs and Trade (GATT), the International Monetary Fund, the Bretton Woods and Dumbarton Oaks Conference on monetary policy, the World Bank and various Regional Development Banks, for example, is a record unparalleled in the history of mankind.

But in the Twenties and Thirties there was no acknowledged leader in International affairs. On the contrary, evidence abounds that most nations preferred the centuries-old patterns of international trade which emphasized pure competition free from interference by any effective international supervisory body such as GATT.

Even in the Eighties examples abound of trading nations succumbing to nationalistic tendencies and ignoring signed trade agreements. Yet the United States continues as the bulwark in trade liberalization proposals within the GATT. It does so not because it could not defend itself against any kind of retaliation in a worst case scenario but because no other nation is strong enough to support them successfully without the United States.

The basic rules of GATT are primarily for all those countries who can't protect themselves in the world of the Eighties and beyond without rule of conduct and discipline.

The attempt to assign responsibility to the U.S. in the Thirties for passing the Smoot/Hawley tariff act and thus set off a chain reaction of international depression and war is, on the basis of a prepondance of fact, a serious mis-reading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.

It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all those responsible for developing new and imaginative measures designed to liberalize international trade.

Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.

Nothing is less worthwhile than attempting to re-write history, not learning from it. Nothing is more worthwhile than making careful and perceptive and objective analysis in the hope that it may lead to an improved and liberalized international trading system.

Mr. HOLLINGS. One, Smoot-Hawley, Mr. President, was passed 8 months after the crash. It could not have caused the crash we had that occurred in 1929. Smoot-Hawley was June 1930.

It only affected one-third of the trade. As is stated here, Alan William Wolff, in "Improving United States Trade Policy," "Smoot-Hawley was only half of that which had been put into effect by the Fordney-McCumber Tariff Act of 1922. Even after enactment of Smoot-Hawley, two-thirds of all U.S. imports, in value, entered the United States duty-free."

A statement, also, by the distinguished professor of economics at MIT, Paul Krugman, who just recently had an article, and we will get to that—I did not realize this was coming up —in the London Economist relative to monetary policy. He stated, in "The Age of Diminished Expectations," "In popular arguments against protectionism, the usual warning is that protectionism threatens our jobs—the Smoot-Hawley tariff of 1931, we are told, caused the Depression, and history can repeat itself."

> The claim that protectionism caused the Depression is nonsense; the claim that future protectionism will lead to a repeat performance is equally nonsensical.

Now, Mr. President, within 3 years in 1933 we had a plus balance of trade. Trade at that time was only about 1 percent of our GNP. It is up to about 17 percent to 18 percent. It was not a factor, really, but that is the false history that these politicians run around and they will call the Senator from North Dakota "Smoot," and they will call the Senator from South Carolina "Hawley." There they are on the floor again. They are trying to get in protectionism and start a depression.

Mr. President, when they get to trade deficits, I have another article that we want to have printed in the RECORD, because they all talk, "exports, exports, exports." They never want to talk about imports.

I want to have printed in the RECORD the merchandise trade deficits since 1979, and I ask unanimous consent to have it printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Merchandise trade deficit since 1979

	Billion
1979	$27.6
1980	25.5
1981	28.0
1982	36.0
1983	67.1
1984	112.5
1985	122.2
1986	145.1
1987	159.6
1988	127.0
1989	115.0
1990	109.0
1991	73.8
1992	96.1
1993	132.6
1994	166.1
1995	174

Mr. HOLLINGS. Mr. President, it shows we lost 1.5 trillion bucks in deficits. That means more imports than exports. I could get into the argument about exports creating 20,000 jobs. The Department of Commerce finally revised that just 6 weeks ago. It is only 14,000 jobs. The exports are not the reason.

I am quoting from Business Week, September 2, just 8 days ago:

> Indeed, exports are not the reason for the second quarter deterioration in the trade deficit. That blame goes to imports. Exports dipped 0.3 percent in June to $69.7 billion, but much of the decline reflected a drop in the volatile aircraft shipments. For the quarter, total exports rose at a 7.3 percent annual rate, up from 2.6 percent in the first quarter.
>
> So far, the dollar's recent strength has not forced exporters to raise prices. Export prices fell 0.5 percent in July and, excluding farm products and the soaring cost of grain prices, are down 1.6 percent from a year ago. That plus improving economies in Mexico and Canada should continue to lift exports in coming months.
>
> The story for imports is much less encouraging for growth. Despite a 3.3 percent drop in imports in June, goods and services from abroad in the second quarter still soared at a 13.9 percent annual rate, up from an already rapid 11.7 percent gain in the first.

Rather than get into the whole article, every time I get to this particular part of the debate they all want to talk exports, exports, and that is more or less like the octopus squirting oil on the troubled waters and escaping in its own dark mist. Exports are not our problem; they are our opportunity, and we have every office in the Lord's world working with exports. I work with the Export Council and gave out the awards in my own backyard just this past month. But the truth is that it is imports and it is the deficit of $1.5 trillion in the last 12 to 13 years.

Now, Mr. President, the competition, that is what we really want to talk about. The competition is our sales. I remember these folks coming to me in the early days now that we have been in this game for at least 35 years, and the export job creation myth—I use a figure in the debate I got from the Department of Commerce of 41 percent back in 1978, 41 percent of the imports in the United States were U.S. companies that moved their manufacturing offshore, and bringing it back in, the finished product. It was 41 percent then, and since that there has been a deluge. But if you go over there, they give you the 41 percent.

I have been like a detective trying to get the truth out of that crowd, but they are controlled. They are controlled on this particular score, particularly when you make these joint ventures. You cannot go into China. You cannot go into Japan. You cannot go into Indonesia unless you make a joint venture, and that part you have 49 and they have 50 percent, and that part of your manufacturing, the 49 percent, is not counted in the figures. That is why we do not realize how we have gone from some 26 percent in manufacturing 10 years ago down to 13 percent.

However, 50 percent of the U.S. exports come from 100 companies, 80 percent from 250 companies, a very small part. Our distinguished colleague from North Dakota is talking about small business. These are the same companies, now, that have been the largest downsizers.

Did you hear that right? Those are the ones who were talking about downsizing. General Electric in 1985 had 243,000 jobs; in 1995, they are down to 150,000. IBM shaved 132,000 jobs in the last 10 years; it now employs more people abroad than at home. Abroad is 116,000. We have a foreign company—Mr. President, IBM is not a United States company any longer. They have more workers overseas, 116,000 and 111,000 here. Intel reduced U.S. employment last year 22,000, down to 17,000. General Motors in 1985 had 559,000 and are down to 314,000 last year.

I ask unanimous consent to have printed in the RECORD at this point another emphasis on this measure, and that is by William Greider on August 8, 1996, in the Rolling Stone, "How the taxpayer-funded Export-Import Bank helps ship the jobs overseas."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE EX-IM FILES

HOW THE TAXPAYER-FUNDED EXPORT-IMPORT BANK HELPS SHIP JOBS OVERSEAS

(By William Greider)

WASHINGTON, D.C.—As the Nation's salesman in chief, Bill Clinton looks like a smashing success. When Clinton came to office, his long-term strategy for restoring American prosperity had many facets, but the core of the plan could be summarized in one word: exports. The U.S. economy would boom or stagnate, it was assumed, depending on how American goods fared in global markets. So the president mobilized the government in pursuit of sales.

Flying squads of Cabinet officers, sometimes accompanied by corporate CEOs, were dispatched to forage for buyers in foreign capitals from Beijing to Jakarta. The Commerce Department targeted 10 nations—India, Mexico and Brazil among them—as the "big emerging markets." Trade negotiators hammered on Japan and China to buy more American stuff. And two new agreements were completed—GATT and NAFTA—to reduce foreign tariffs.

U.S. industrial exports have soared in the Clinton years, from $396 billion during the recessionary trough of 1992 to around $520 billion last year. And as this administration has said time and again, more exports means more jobs—usually good jobs with higher wages. In his fierce commitment to trade, Clinton is not much different from Ronald Reagan, who (notwithstanding his laissezfaire pretensions) also played hardball on trade deals and, in some cases, intervened with more effective results. George Bush, too, bargained on behalf of corporate interests and played globe-trotting salesman. Promoting exports and foreign investment is not a new idea; it has enjoyed a bipartisan political consensus for decades.

What does seem to be new in American politics are the thickening doubts among citizens and a rising chorus of critics, informed and uninformed, who question Washington's assumptions about exports. The conventional strategy, the critics argue, may help the multinational companies turn profits, but does it really serve American workers and the broad public interest? The new realities of globalized production play havoc with the old logic of exports-equal-jobs. Sometimes it is the jobs that are exported, too.

This contradiction, usually covered up with platitudes and doublespeak in political debate, becomes powerfully clear when you look closely at the dealings of an obscure federal agency located just across Lafayette Park from the White House: the U.S. Export-Import Bank with only 440 civil servants and a budget of less than $1 billion—small change as Washington bureaucracies go.

Yet America's most important multinational corporations devote solicitous attention to the Ex-Im Bank. Their lobbyists shepherd its appropriation through Congress every year and defend the agency against occasional attacks. Why? The Ex-Im Bank provides U.S. corporations with hundreds of millions of dollars each year in financial grease that smooths their trade deals in the new global economy.

This year, Ex-Im will pump our $744 million in taxpayer subsidies to America's export producers, financing the below-market loans and loan guarantees that help U.S. companies sell aircraft, telecommunications equipment, electric power turbines and other products—sometimes even entire factories—to foreign markets. Since the biggest subsidies always go to the largest corporations, skeptics in Congress sometimes refer to Ex-Im as the Bank of Boeing. It might as well be called the Bank of General Electric—or AT&T, IBM, Caterpillar or other leading producers. Ex-Im's senior officers call these firms "the customers."

But the banker-bureaucrats at Ex-Im see their main mission as fostering American employment. "Our motto is, Jobs through exports," says James C. Cruse, vice president for policy planning, "Exports are not the end in itself, so we don't care about the company and the company profits." That was indeed the purpose when the bank was chartered as a federal agency back in 1945 and the reason it has always enjoyed broad support, including that of organized labor.

At this moment, the tiny agency is under intense pressure from influential U.S. multinationals to change the rules of the game. Specifically, the companies want taxpayer money to subsidize the sale of products that aren't actually manufactured in America. They want subsidies for products that are not really U.S. exports, since companies ship them from their factories abroad to buyers in other foreign countries. If the rules aren't changed, the exporters warn, they will lose major deals in the fierce global competition and may be compelled to move still more of their production offshore.

"Global competitiveness, multinational sourcing and the deindustrialization of the U.S." wrote Cruse in a policy memo for the bank," were the three most common factors that exporters cited as reasons to revise Ex-Im Bank's foreign content policy. . . . U.S. companies need multisourcing to be able to compete with foreign companies. Foreign buyers are becoming more sophisticated and they are expressing certain preferences for a particular item to be sourced foreign . . . [and] U.S. suppliers may not always exist for a particular good."

In plainer language, foreign is usually cheaper—often because the wages are much lower—and sometimes better. As U.S. producers have begun to buy more hardware and machinery overseas, the capacity to make the same components in the United States has diminished or even disappeared. What the companies want in Cruse's bureaucratic parlance, is "broadly based support for foreign-sourced components."

As the complaints from American firms swelled in the last few years, Ex-Im officials agreed to convene the Foreign Content Policy Review Group to explore how the U.S. financing rules might be relaxed. The review group's members include 11 major exporters (General Electric, AT&T, Boeing, Caterpillar, Raytheon, McDonnell Douglas and others) plus several labor representatives from the AFL-CIO and the machinists' and textile-workers' unions.

The Ex-Im Bank must decide who wins and who loses—a fundamental argument over what is in the national interest, give globalized business. The review group discussions are couched in polite police talk, but they speak directly to the economic anxieties of Americans. If young workers worried about their livelihood could hear what these powerful American companies are saying in private, there would be many more sleepless nights in manufacturing towns across this Nation. The information below is taken from confidential Ex-Im Bank members that were recently leaked to me. What these executives have to say is not reassuring, but it's at least a more accurate vision of the future than anything you are likely to hear from this year's political candidates.

A decade ago the rule was simple: Ex-Im would not underwrite any trade package that was not 100 percent U.S.-made. Then and now Ex-Im scrutinizes the content of very large export projects, item by item. to establish the national origin of subcomponents. Any subcomponents produced offshore must be shipped back to American factories to be incorporated into the final assembly. If Caterpillar sells 10 earthmoving machines to Indonesia all 10 of them have to come out of a U.S. factory to get a U.S. subsidy, even if the axles or engines were made abroad.

By the late 1980s, however, as major manufacturers pursued globalization strategies that moved more of their production offshore. Ex-Im, with labor approval opened the door. In 1987 it agreed to finance deals with 15 percent foreign inside content. Partial financing would also be provided for export deals that involved at least 50 percent U.S. content.

Now the multinationals are back at the table again, demanding still more latitude. The bank's rules, they complain, have created a bureaucratic snarl that threatens U.S. sales. These regulations are oblivious to the complexities of modern trade which multinationals routinely "export" and "import" huge volumes of goods internally—that is among their own fur-flung subsidiaries or foreign joint ventures.

The flavor of the company complaints is revealed in Ex-Im Bank minutes of the review group's first meeting last year, where various company managers sounded off about the new global realities. David Wallbaum, from Caterpillar, urged the bank to be "more flexible in supporting foreign content," according to the minutes, General Electric's Selig S. Merber said GE needs "access [to] worldwide pricing." Merber proposed that instead of insisting on American content item by item, Ex-Im look only at the U.S. aggregate.

Lisa DeSoto of Fluor Daniel, one of America's largest construction engineering firms, suggested in a follow-up memo that Ex-Im subsidize "procurement from the NAFTA countries," Mexico and Canada as if the goods were from the U.S.

But it was Angel Torres, a representative for AT&T, who spoke more bluntly than the others, AT&T's foreign content has grown in the last 10 years because the U.S. is becoming a "service-oriented society," Torres said, according to the minutes. "AT&T's priority," he declared, "is to increase the allowable percentage of foreign content."

When I rang up these corporate managers and some others to ask them to elaborate on their views, all of them ducked my questions. The one exception was David L. Thornton, a manager from Boeing, whose newest jetliner, the 777, actually involves 30 percent foreign content in the manufacturing process (mostly from Japan). It still qualifies for full Ex-Im financing. Thornton explained, because Boeing's original investment in research and development also counts in the sales price. "Our general view of 75 percent is we can live with it for the time being," Thornton said, "but over time it probably won't be adequate."

The labor-union representatives, not surprisingly, choked at the ominous implications of such comments—especially the matter-of-fact references to America's de-industrialization. Corporate leaders and politicians, after all, have been celebrating the "comeback" of American manufacturing in the 1990s. Exports are booming, and U.S.

competitiveness has supposedly been restored, thanks to the corporate restructurings and downsizings. Stock prices are rising, and shareholders are happy again.

The private corporate view is not so cheery for the employees. A memo from one multinational corporation (its identity whited-out by Ex-Im bureaucrats) made it sound like the demise of American manufacturing is already inevitable. "We believe the current policy does not reflect the de-industrialization of the U.S. economy and the rise of the Western European and Asian capabilities to produce high-tech quality equipment . . ." the memo states. "Location is no longer important in the competitive equation, and where the suppliers of components will be [is] wherever the competitive advantage lies."

The more that labor heard from the companies, the more hostile it became to any revision. "We have been presented with no credible evidence that current bank policies have cost companies sales, thereby reducing U.S. employment," the labor representatives fired back in a jointly signed letter in April. "While we understand that global corporations might prefer fewer restrictions—even the provision of financing regardless of the effect on jobs in the United States—that desire simply ignores the very purpose of extending taxpayer-based credit."

If Ex-Im agrees to finance more foreign content, the labor reps asked, won't that simply encourage the multinationals to move still more U.S. jobs overseas, thus accelerating deindustrialization? When I put this question to Ex-Im officials and corporate spokesmen, their answer was a limp assurance that this isn't what the bank or the companies have in mind.

But can anyone trust these assurances? The massive corporate layoffs have sown general suspicions of the companies' national loyalties, and the "outsourcing" of high-wage jobs has already boiled up as a strike issue in major labor-management confrontations. The United Auto Workers shut down General Motors earlier this year over that question. The UAW lost a long, bitter strike at Caterpillar when it demanded wage cutbacks, threatening to relocate production if the union didn't yield. The International Association of Machinists and Aerospace Workers closed down Boeing's assembly lines for two months last fall, demanding a stronger guarantee of job security as Boeing globalizes more of its supplier base.

"Ex-Im financing is corporate welfare with a fig leaf of U.S. jobs, and now they want to take away the fig leaf," says Mark A. Anderson, director of the AFL' task force on trade. "They want to be able to ship stuff from Indonesia to China and use U.S. financing, I said to them, 'You're nuts. If you go ahead with this, you're going to be eaten alive in Congress.'"

George J. Kourpiss, president of the machinists' union whose members make aircraft at Boeing and McDonnell Douglas, and jet engines at GE and Pratt & Whitney, put it more starkly: "The American people aren't financing that bank to take work away from us. If the foreign content gets bigger, then we're using the bank to destroy ourselves."

EXPORTS—JOBS

According to the government's dubious rule of thumb, each $1 billion in new exports generates 16,000 jobs. By that measure, Bill Clinton's traveling salesmen brought home 2 million good jobs. So why is there not greater celebration? The first, most-obvious explanation is imports. Foreign imports soared, too, albeit at a slower rate of growth, and so America's trade deficit with other nationals actually doubled in size under Clinton, despite his aggressive corporate strategy. Thus a critic might apply the government's own equation to Clinton's trade deficit and argue that there was actually a net loss of 11 million good jobs.

Bickering over the trade arithmetic, however, does not get to the heart of what's happening and what really bothers people: the specter of continued downsizing among the nation's leading industrial firms. In fact, globalization has created a disturbing anomaly. U.S. exports multiply robustly, yet meanwhile the largest multinationals that do most of the exporting are shrinking dramatically as employers. It's important to note that about half of U.S. manufacturing exports comes from only 100 companies, and 80 percent from some 250 firms, according to Ex-Im's executive vice president, Allan I. Mendelowitz. The top 15 exporters—names like GM, GE, Boeing, IBM—account for nearly one quarter of all U.S. manufactured exports. Yet these same firms are shedding American employers in alarming dimensions. The 15 largest export producers with few exceptions have steadily reduced their U.S. work forces during the past 10 years—some of them quite drastically—even though their export sales nearly doubled.

GE is a prime example because the company is widely emulated in business circles for its tough-minded corporate strategies. In 1985, GE employed 243,000 Americans and 10 years later, only 150,000. GE became stronger, then Executive Vice President Frank P. Doyle said. But, he conceded. We did a lot of violence to the expectations of the American work force.

So, too, did GM, the top U.S. exporter in dollar volume (though the auto companies are not big users of Ex-IM financing). GM has shrunk in U.S. work force from 559,000 to 314,000. IBM shed more than half of its U.S. workers during the past decade (about 132,000 people). By 1995, Big Blue had become a truly global firm—with more employees abroad than at home (116,000 to 111,000). Even Intel, a thriving semiconductor maker, shrank U.S. employment last year from 22,000 to 17,000. Motorola has grown, but its work force is now only 56 percent American.

The top exporters that increased their U.S. employment didn't begin to offset the losses. The bottom line tells the story. The government's great substitute for America's major multinational corporations has not been reciprocated, at least not for American workers. The contradiction is not quite as stark as the statistics make it appear, because the job shrinkage is more complicated than simply shipping jobs offshore. Some companies eliminated masses of employees both at home and abroad. Others, like Boeing, reduced payrolls primarily because global demand weakened in their sectors. Some jobs were wiped out by labor-saving technologies and reorganizations. But virtually all of these companies offloaded major elements of production to lower-cost independent suppliers, both in the U.S. and overseas. If the jobs did not disappear, the wages were downsized.

This dislocation poses an important question, which American politicians have not addressed. Does the success of America's multinationals translate into general prosperity for the country or merely for the companies and their shareholders? The question is a killer for politicians—liberals and conservatives alike—because it challenges three generations of conventional wisdom. That's why most Democrats or Republicans never ask it.

When these facts are mentioned, the exporters retreat to a few trusty justifications. First there is the "half a loaf" argument. Yes, it is unfortunately true that companies must disperse an increasing share of the production jobs abroad, either to reduce costs or to appease the foreign customers. But if this were not done, there might be no export sales at all and, thus, no jobs for Americans. Next, there is the "me, too" argument. All of the other advanced industrial nations have export banks that provide financing subsidies to their multinationals. The export banks in Europe do allow greater foreign content than the U.S.—but only if the goods originate from an allied nation in the European community. France supports German goods and vice versa, just as Michigan supports California. The U.S. Ex-Im Bank, as Mendelowitz has pointed out, actually provides greater risk protection and generally charges lower premiums.

Japan's Ex-Im bank is indeed more flexible than America's, but Japan's industrial system also operates on a very different principle; major Japanese corporations take responsibility for their employees. That understanding creates a mutual trust that allows both the government and the firms to pursue more sophisticated globalization strategies. Japanese jobs are regularly eliminated when Japan's manufacturing is relocated offshore in Asia or in Europe (and sometimes in the U.S.), but the companies find new jobs for displaced employees and only rarely, reluctantly, lay off anyone.

"The situation that our companies see," Ex-Im's Cruse explains, "is that Japan is willing to finance as much as 50 percent foreign content, and [the companies] say to us, "You're not competitive." But an important difference is that the Japanese government doesn't have to worry about the workers because the Japanese companies worry about them. . . . If GE subcontracts work to Indonesia, it tends to lay off a line of workers back in the U.S."

BAIT AND SWITCH

In April 1994, AT&T announced a $150 trillion joint venture with China's Qingdao Telecommunications to build two new factories, in the Shandong province and in the city of Chengdu, in the Sichuan province, that will manufacture the high-capacity 5ESS switch, the heart of AT&T's advanced telephone systems. AT&T's chairman, Robert Allen, said that it will more than double its Chinese work force over the next two or three years.

Five months later, in September, the Ex-Im Bank in Washington approved the first of $87.6 million in loan guarantees to underwrite AT&T's export sales to China—switching equipment that will modernize the phone systems in Qingdao and several other cities. AT&T won the contract in head-to-head competition with Canada's Northern Telecom, Germany's Siemens and France's Alcatel Alsthom. The Clinton administration celebrated another big win for the home team.

But who actually won in this deal? A Telecom Publishing Group article provided a different version of what AT&T's victory meant for the United States. "While some equipment for AT&T's network projects in China will be built in this country," the article reported, "the Chinese are demanding that eventually the bulk of the equipment in their system be built in their country, the carrier [AT&T] said."

An AT&T public-affairs vice president, Christopher Padilla, denies this, but then Padilla also denies that AT&T is prodding the Ex-Im Bank to relax its foreign-content rules. Further, he assures me that despite their proximity, there was no explicit quid pro quo and no connection between the two transactions, the taxpayer-financed export sales and AT&T's agreement to build new factories in China.

"It's a reality of the marketplace," Padilla says. "If we tried to pursue a strategy of just making everything in Oklahoma City"—where the 5ESS switch is now manufactured—"we wouldn't have any market share at all."

The White House also led cheers for Boeing because Boeing was also stomping its competitors in the Chinese market. In 1994 alone, Boeing sold 21 737s and seven 757s to various Chinese airlines and obtained nearly $1 billion in Ex-Im loans to finance the deals. When President Clinton hailed the news, he did not mention that Boeing had agreed to consign selected elements of its production work to Chinese factories. The state-owned aircraft company at Xian, for instance began making tail sections for the 737, work that is normally done at Boeing's plant in Wichita, Kan. The first order for Xian was for 100 sets, but that was just the beginning. In March 1996, a China news agency boasted that Boeing had agreed to buy 1,500 tail sections from Chinese factories, both for the 737 and the 757. The deal was described as "the biggest contract in the history of China's aviation industry."

Unlike AT&T and some others, Boeing is relatively straightforward about acknowledging that it's trading away jobs and technology for foreign sales. China intends to build its own world-class aircraft industry, and Boeing helps by giving China a piece of the action, relocating high-wage production jobs from America to low-wage China, as well as relocating some elements of the advanced technology that made Boeing the world leader in commercial aircraft. Boeing has told its suppliers to do the same. Northrop Grumman, in Texas, is sharing production of 757 tail sections with Chengdu Aircraft, in China.

"What we've done with China," says Lawrence W. Clarkson, Boeing's vice president for international development, "we've done for the same reason we did it with Japan—to gain market access." The two transactions—the export sales and job transfers—are legally separate but typically negotiated in tandem, Clarkson explains. China always insists upon a written acknowledgement of the job commitment in the export sales contract—the same sale to China submitted to the Ex-Im Bank for its financial assistance.

Until recently, the Ex-Im Bank's operative policy on this issue could be described as "don't ask, don't tell": The bank officials didn't ask the companies if they were offloading jobs, and the companies didn't tell them. When I asked various Ex-Im managers if they knew about AT&T's new switch factories in China before they approved AT&T's export financing their answer was no. What about companies like Boeing doing similar deals?

"Yes, we're aware of that," Cruse says. It's not that the companies tell us, but it's not hard to read the newspapers."

After prodding from labor officials, the bank last year began requiring exports to reveal whether they dispersed U.S. jobs or technology in connection with the Ex-Im-financed sales. But the federal agency still approves these deals without weighing the potential impact on future employment. In fact, Ex-Im still pretends that the export sales and corporate decisions to relocate jobs are unrelated transactions, though every company knows otherwise.

The practice of swapping jobs for sales is widespread in global trade—deals are negotiated in secrecy because such practices ostensibly violate trade rules. But everyone knows the game, and most everyone plays it. If Boeing doesn't swap jobs for Chinese sales, then its European competitor Airbus will. If AT&T doesn't move its switch manufacturing to China, then Siemens or Alcatel will (in fact, Alcatel already has). The cliché at Boeing is "60 percent of something is better than 100 percent of nothing."

The trouble is that nothing may be what many American workers wind up with anyway—especially if China eventually becomes a world-class aircraft producers itself. Officials at the Communications Workers of America, which represents AT&T workers, recall that Ma Bell once made all its home telephones in the U.S. and now makes none here.

Is the same migration under way now for the high-tech switches? The AT&T spokesman insists not. Anyway, he adds the assurance that the most valuable input in these switches is the software, not the hardware from the factories, and the design work is still American. This may reassure the techies, but it's not much comfort to those who work on the assembly lines. Besides, AT&T plans to open a branch of Bell Laboratories in China.

The dilemma facing American multinationals is quite real, but the question remains: Why should American taxpayers subsidize export deals contingent on increased foreign production, or even offloading portions of the American industrial base? Americans are told repeatedly that they cannot exercise any influence over these global firms, but that claim is mistaken. The Ex-Im Bank is an important choke point in the bottom line of these multinationals. Americans should demand that the subsidies be turned off, at least for the largest companies, until the multinationals are willing to provide concrete commitments to their work forces.

The gut issue is not about economics but about national loyalty and mutual trust. "Every meeting we have in the union, we open it with the pledge of allegiance," machinists union president George Kouepias muses, "Maybe the companies should start doing that at their board meetings."

Mr. HOLLINGS. Now, Mr. President, that gives a general feel for the amendment that I cosponsored with the Senator from North Dakota, just a minuscule part, but it will start maybe in the other direction the conscience and the awareness and the understanding of us as Senators about this important particular problem.

We are giving deferrals of $2.2 billion over 7 years to companies using your taxpayer money and my taxpayer money. Talking about the deficit, using our taxpayer money to get them out of the country, to lose the jobs. We have a financial gimmick, the Eximbank; they call it the "bank of Boeing", to, by gosh, move the jobs over there.

Now they have taken over in Europe, and you watch, in China, they are demanding now and they have in the RECORD the particular article that we had about the number of tail assemblies being manufactured for the 27 747 planes ordered by the People's Republic of China. We have now orders over there to manufacture in China over 1,000 planes. So, gradually the value to the economy of these exports is being diminished. We are losing, losing, losing, and we act like we are happy about it, running around here competing with ourselves over 60 percent of exports and imports being U.S.-generated.

I don't blame the Chinese, the Japanese, and all for the ignorance or the lack of awareness on the part of the Government of the United States and its policy. I would ride a free train. I do blame—the agents of influence, Senator. They got 100 Washington law firms, paid $113 million to represent one country—Japan. Do you know what it is for the 100 Senators and the 435 House Members? Mr. President, $71.3 million. The people of Japan, by way of pay, are represented better in Washington than the people of the United States. When are we going to wake up? When are we going to sober up? When are we going to compete? You will get a little flavor of it in an hour when they announce that Vice President fellow, because he will run all over the country and run a touchdown. I am telling you right now you are going to see an "O.J." going around running touchdowns economically when this fellow gets started because he knows the subject.

This is a serious amendment to bring the attention of the U.S. Senate to this all-important problem of losing our standard of living and jobs. Let's quit financing it, let's stop subsidizing it, let's stop bankrolling it, and let's stop using that symbolic nonsense of free trade and protectionism. We have to come here and start protecting our industrial backbone. Your security as a nation is like a three-legged stool. One leg is the values of a nation. We sacrificed to feed the hungry in Somalia. We sacrificed to build democracy in Haiti. We sacrificed to try to build peace in Bosnia. Unquestioned. The second leg, Mr. President, is that of military strength. Unquestioned. The third leg, economic strength, is fractured. Our stool of the United States is about to topple because what we are talking about is family values and homosexual marriages and all kind of them silly things coming around here like we in Congress can control these things, and our duty and responsibility to pay the bill goes wanting. Our duty and responsibility is to develop, in a bipartisan fashion, a competitive trade policy because that is what we are into. Europe is protectionist. They enforce their laws. In 1980, we had a $4 billion deficit in the balance of textile trade, and Europe had it. They enforced their particular trade laws and they are down to less than $1 billion, and we are up to a $36 billion deficit in the balance on textile trade. So the Senator from New Hampshire has to know where his textile industry has gone. I thank the distinguished colleagues. I thank, particularly, the Senator from North Dakota.

I yield the floor.

Mr. KERRY. Mr. President, I am pleased to support the amendment by my colleague, the Senator from North Dakota.

Mr. President, we must balance the budget. We cannot set our sights lower than that goal. Earlier in this session of Congress, I introduced a bill which would cut wasteful and unnecessary spending by $90 billion over 7 years. This spring, I worked with my distinguished colleague from Arizona [Senator McCAIN], to reduce spending programs, subsidies, and corporate welfare by $60 billion over 6 years. And most recently, I introduced the Family Income and Economic Security Act—a 20-point program to provide education, job, income and retirement security for Americans while eliminating wasteful spending and costly, counterproductive subsidies and giveaways. This provision is an integral part of that 20-point plan.

Mr. President, it is clear that all sectors of our society must contribute to the effort of deficit reduction. That includes the private business sector.

The Dorgan-Kerry amendment would close a noxious loophole in our Tax Code which is costing the American taxpayers $2.2 billion over 7 years. And, Mr. President, what adds insult to injury is the fact the current tax law also encourages domestic manufacturers to move their plants overseas. The Senator from North Dakota is quite correct in calling this loophole the job export subsidy. This is clearly something the American taxpayers and our national economy cannot afford.

This is not just a hypothetical situation. I ask unanimous consent to have printed in the RECORD a compelling article from the Boston Globe which describes the effect of this loophole on Massachusetts companies and their workers.

Mr. President, if we are to remain a competitive Nation, we must do all we can to eliminate our budget deficit, reduce our national debt, maintain robust economic growth, and encourage manufacturers to retain high-wage jobs on our shores. This amendment moves us in that direction and I encourage our colleagues to support it.

I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, July 8, 1996]

TAX CODE GIVES COMPANIES A LIFT

(By Aaron Zitner)

WASHINGTON.—When Robert M. Silva's job moved to Singapore two years ago, his company flew him overseas so he could train his replacement. Then the company closed its North Reading factory, laid off Silva and 119 co-workers and began importing from its Asian plant medical products once made in Massachusetts.

Moving jobs to Singapore had obvious advantages for Baxter International Inc. Taxes are low, and Silva's $26,000 salary was far higher than what the company pays his replacement.

But Baxter reaped another reward for moving overseas: a tax break, courtesy of the United States government. In the name of boosting US business, the tax code offers a special benefit to companies that move jobs offshore, a gift also accepted by Massachusetts employers such as Stratus Computer Inc. of Marlborough (500 layoffs last year), Augat Inc. of Mansfield (260 layoffs) and the Shrewsbury division of Quantum Corp. (85 layoffs), among others.

It is one of many tax breaks that ripple perversely through the economy—favoring multinationals over small firms, investors over average taxpayers and foreign workers over those at home.

The federal government gives up about $70 billion each year through corporate tax breaks, enough to cover the IRS bill for every Massachusetts resident two times over. Corporate tax breaks carry a lower political profile than direct subsidies to businesses for programs such as the one that helps McDonald's Corp. sell Chicken McNuggets overseas. But they cost about as much. For a nation trying to balance its budget and pay for social services tax benefits to businesses are a gold mine.

"The tax code is a major source of corporate welfare," says US Rep. Lane Evans, an Illinois Democrat. "Not only that, but we are using our tax dollars in a way that hurts our own economy. It drains our treasury. It forces average Americans to bear a larger share of the tax burden."

The Clinton administration says that closing some tax breaks may force companies to raise prices and lose customers, and therefore pay less taxes. "There are two sides to every part of this," says Leslie Samuels, until recently the Treasury Department's tax policy chief. "If you're thinking that there's hundreds of billions of dollars, it's not there."

Republican lawmakers have actually moved to widen some tax breaks. A 1993 law, for example, narrowed the provision that benefited Baxter International, Stratus and Augut, but a GOP bill scheduled for debate on the Senate floor today would fully restore the loophole.

Other lawmakers and analysts disagree with that approach. At a time when Medicare, Medicaid and other social welfare programs are being curtailed, they say, many tax policies which explicitly benefit corporations cannot be justified. These critics argue:

The US should not give tax breaks for breaking the law. For example, after testing faulty medical products on unwitting hospital patients, C.R. Bard Inc. paid $61 million in penalties in 1993. But the pain was tempered by the tax code, which allowed Bard to take half the fine as a tax deduction.

Tax breaks to boost exports are not worth the cost. Companies naturally will try to sell their products overseas, so export incentives worth at least $7 billion a year are a waste of money.

Too many companies pay no taxes at all. Nearly 60 percent of US-controlled corporations and 74 percent of foreign companies doing business here paid no federal tax in 1991, the last year figures were available. Critics say the US is not tough enough on companies that use illegal accounting maneuvers to shift profits to low-tax nations. The amount lost to the Treasury each year: as much as $40 billion over and above the $70 billion in legal tax breaks.

Congress must stop the bidding war among the states for jobs, in which companies win ever-greater tax breaks to relocate. It should not let states use federal tax dollars when "poaching" jobs from other states. Labor Secretary Robert Reich calls it "one of the most egregious forms of corporate welfare."

Congress and the Clinton administration have cut some tax concessions to businesses. They curtailed deductions for meals, sports tickets and country club dues, raising $3 billion a year in tax revenue. They also banned write-offs for "excessive" executive salaries, those over $1 million, raising $70 million annually. And they have worked out a deal—not yet final—to phase out a tax break for companies that build plants in Puerto Rico, which costs $2.6 billion a year in tax revenue.

But as a presidential candidate, Clinton promised more. He vowed to make foreign companies, widely accused of underpaying US taxes, pay $45 billion more over four years. Clinton has taken steps in this direction, but Treasury officials cannot show how much money has been gained. Moreover, the president has done little to fulfill another promise in his 232-page campaign platform, called "Putting People First," to "end tax breaks for American companies that shut down their plants here and ship American jobs overseas."

INCENTIVE TO LEAVE

Just ask Robert Silva.

A 33-year-old father of two, Silva spent six years at the C.R. Bard plant in North Reading. He assembled and tested infusion pumps, devices that allow patients to receive regular injections without a nurse or traditional needle.

In 1993, the Bard unit was bought by Illinois-based Baxter. "They promised us the world. Then they moved the plant to Singapore after telling us they wouldn't," says Silva of Nashua. About 130 people lost their jobs. "It was quite the shock. People were in tears that day."

One incentive for Baxter's move, critics say, was a tax break known as the "runaway plant loophole," which accounts for $1.7 billion each year in lost tax revenue. Here's how it works:

The US taxes the worldwide profits of American companies. A million dollars earned in Ireland, for example, will be taxed at the US rate of 35 percent, minus the 10 percent tax the company must pay to the Irish government.

But Baxter, or any other company, is not required to pay the US tax bill unless it moves the money home to give to shareholders or to reinvest in the business here. As long as the money remains overseas—invested in foreign plants or banks—Baxter will pay only a small tax to Singapore. That is a total $191 million tax on its overseas profits over the years that the company has no intention of paying.

"The tax code literally says, 'Move your plant overseas and we'll give you a tax break,'" says Sen. Byron Dorgan, a North Dakota Democrat.

The "runaway plant loophole" also has saved millions of dollars for Stratus, Quantum, Digital Equipment Corp. of Maynard and many others that have moved New England jobs overseas while deferring US taxes on overseas profits.

"Closing it would discourage further investment in growing our business," said Mark Fredrickson, a spokesman for EMC Corp. of Hopkinton, a computer equipment maker that has accumulated $388 million in untaxed overseas profits over the years. "It helps our profitability and helps secure the local jobs we have. The bigger we become, the more people have to be employed her eat corporate headquarters."

Many companies take advantage of two other tax breaks designed to encourage exports. By creating a "foreign sales corporation," which often exists only on paper, a firm can claim a tax exemption on some of its export sales. For example, Zoom Telephonics Inc. of Mansfield said recently it lowered its tax rate by selling more products through its foreign sales corporation. These tax rules, created in 1971 and refined in 1984, cost the government $1.5 billion a year.

The US Treasury also forfeits $3.6 billion annually through the "title passage loophole," as Sen. Edward M. Kennedy has dubbed it, which allows companies to claim that some US sales were actually made on foreign soil. Companies do this because they sometimes have foreign tax credits they cannot use unless they show more foreign income.

A BREAK FOR LAWBREAKERS

While the tax code causes pain for some US workers, it provides comfort to some companies that break the law.

Last year, for example, three former executives of C. R. Bard Inc. were convicted of conspiring to conceal flaws in medical catheters manufactured in Billerica and Haverhill. Two deaths allegedly were linked to the catheters, and prosecutors said the faulty devices caused 21 emergency surgeries. Bard's $61 million legal settlement with the government was the largest ever for violations of Food and Drug Administration rules.

But the tax code cushioned the New Jersey-based company. Half of the settlement—$30.5 million—could be used as a tax write-off against earnings. That was the amount Bard paid to settle civil charges. The money was meant to reimburse the Medicare program for buying catheters that should not have been on the market. "When they earned the money they should not have earned from the catheters, they paid taxes on it. So when they give up those earnings, they should get the taxes back," said Michael Loucks, the assistant US attorney who prosecuted Bard.

After agreeing last year to pay the second-largest amount ever in a health-care fraud case—$161 million—Caremark International Inc. plans to take a $110 million charge against earnings, on top of a write-off to cover its legal costs.

Tax law prevents companies from deducting criminal penalties, avoiding an incentive to commit criminal acts. Loucks said Bard did not negotiate with the Justice Department over what portion of the settlement would be a civil penalty, and therefore tax-deductible. But some companies try to. "Part of the reason companies would rather do civil settlements is because they are deductible," he said.

ZERO-TAX ACCOUNTING

Some companies have gone beyond shielding profits from taxes. By stretching or even breaking U.S. accounting rules, they pay no tax at all. Their goal is to shift profits out of the country into low-tax nations like Bermuda, Ireland or Hong Kong. Their tool is the accounting ledger, and critics of the tax code say it is effective.

International Business Machines Corp., for example, paid virtually no tax in 1987, despite $25 billion in U.S. sales. Sen. Kennedy says IBM shifted an undue amount of its worldwide research costs onto its U.S. operation. That raised its American expenses, he says, and lowered its profits. IBM says its accounting practices are legal, but will not comment further.

Similarly, Nissan Motor Corp. of Japan overcharged its U.S. subsidiary for cars, the IRS charged several years ago, lowering its U.S. profits and tax bill. Nissan agreed to pay the IRS $160 million, one of several settlements with the agency the automaker signed between 1987 and 1993.

Both U.S. and foreign companies cut their taxes by profit shifting, but many lawmakers and tax analysts believe the practice is particularly widespread among foreign companies. More than 70 percent of foreign firms paid no tax each year between 1987 and 1991, the IRS reports, compared to about 60 percent of U.S. companies. Clearly, some paid no tax because they did not make a profit, but many lawmakers believe others are illegally shifting profits overseas.

Estimates on the tax revenue loss range from $10 billion to $40 billion a year. Treasury officials say the figure will decrease over time because of tighter regulations created under the Clinton administration.

Will the new rules raise the $45 billion that Clinton said he would draw from foreign companies over four years? "It would be nice to say, 'Here's what's going to happen,' but I don't think anyone in the trenches can reliably say that," said Samuels, the former Treasury tax policy chief.

One group of lawmakers says the transfer-pricing system must be scrapped. In its place, they propose a formula similar to what the states use now to determine what portion of a company's profits can be taxed. The formula bases the tax on what portion of a company's sales, property and personnel are in each state.

The Treasury Department, under pressure from Sen. Dorgan, is holding a conference this year to consider how such a formula might be created.

A $143 MILLION JOLT

Every year, the US government spends $143 million to help generate electricity and run recreation programs for Tennessee and six neighboring states. Now 63 years old, the Tennessee Valley Authority keeps the region's electricity rates low.

By contrast, electric rates in Massachusetts are high. And that is a key reason Lexington-based Raytheon Co. last year threatened to take 15,000 jobs out of state unless it won $40 million in tax and electric rate relief. Had it left, Raytheon's likely new home would have been in Tennessee. In other words, says US Rep. Martin T. Meehan, a Lowell Democrat, Washington collected tax dollars from Massachusetts, then sent them to Tennessee, effectively helping to lure Massachusetts jobs.

Now, Fidelity Investments of Boston and the mutual fund industry, as well as life insurance companies, are demanding similar tax relief. Increasingly, other states find themselves being forced to offer tax breaks to businesses that threaten to leave town.

"This is one of the most egregious forms of corporate welfare, because the company essentially holds the state up to ransom," Labor Secretary Reich says. "It's bad, because it's a zero-sum game. No new jobs are created. . . . From the national standpoint, this is money that is subsidizing companies with no net benefit whatsoever."

Furthermore, tax breaks don't always save jobs. Raytheon this year is trying to buy out 4,400 workers whose jobs the tax relief intended to save. In 1993, Digital Equipment Corp. angered Boston officials when it closed its Roxbury factory and laid off 190 workers after taking $7 million from the city in financing, tax cuts and other subsidies.

Now, some are calling for the federal government to step in. Last year, Massachusetts delegates to an annual small business conference at the White House urged the president to ban the use of federal money in interstate bidding wars.

Congress could tax businesses on the value of the incentives they receive from states, or it could deny federal funding to states that get into bidding wars. It also could bar states from using federal grant money or government-backed loans in incentive packages.

Massachusetts at times has used federal dollars to lure businesses. Springfield, for example, this year beat out sites in six other states to be the home of a new customer service center for First Notice Systems of Medford, which could employ as many as 900 people. As an incentive, the city offered federal funds to train company workers. It also borrowed money from the federal government and used the cash, in essence, to give First Notice a low-interest loan for building renovations.

CORPORATE DARLINGS

Businesses like the tax breaks because, unlike spending programs and direct subsidies, they are outside the federal budget and therefore not subject to Revenue Service for tax rebates on weapons programs that date to the early 1980s. The IRS says the tax credits are not deserved, since the Pentagon paid for the weapons research and usually covers the costs even of failed weapons programs. But the companies have won an early round in the courts, arguing that the Pentagon paid for the weapons, not the research that produced them. The tax refunds could total billions of dollars.

Each tax break is a choice, favoring one group of taxpayers over another. Export rules, for example, favor exporters over companies that sell in the US. The "runaway plant loophole" favors companies that hire foreign workers over companies that strive for the "Made in the USA" label.

Most broadly, corporate tax breaks generally favor wealthy Americans over the less-well off. Tax benefits are designed to help businesses create jobs, but when corporations win a tax break it is the owners of the company who gain most.

Last December, with Republicans and Democrats deadlocked over a plan to end a 21-day shutdown of the federal government, 91 corporate chief executives signed a two-page newspaper advertisement that urged Congress to balance the budget. "Without a balanced budget, the party's over. No matter which party you're in," the ad said.

Seven of the CEOs were from companies that take advantage of a major tax break for purchasing new equipment, which costs the US $26 billion a year. Exxon saved $760 million because of the so-called accelerated depreciation rules, according to calculations by the Center for the Study of Responsive Law, a Washington-based Ralph Nader group. Ford Motor Co., Chrysler Corp., DuPont and others that signed the ad saved hundreds of millions dollars more.

General Motors is a major recipient of federal technology grants. Kodak claimed $37 million in export and manufacturing tax credits last year. In 1994, IBM paid no US taxes on $11 billion in profits it earned overseas, while the US Labor Department reported that 1,755 IBM jobs were moved abroad.

"How can you demand that the budget be balanced when you're taking tax breaks like this?" asked Janice Shields, a former accounting professor now with the watchdog group. "These things save the companies from going into debt, but it's causing the country to do that."

Ms. MIKULSKI. Mr. President, I rise in support of the jobs export subsidy amendment. This amendment will help to end the exodus of U.S. manufacturing industry overseas by eliminating a provision in the tax law that encourages and rewards that exodus.

How does the Dorgan amendment do this? It ends the tax deferral on profits of overseas U.S. companies who move plants to foreign tax havens then ship products back to the United States for sale.

This amendment eliminates a tax subsidy that is unfair to America's workers, that is unfair to taxpayers, and that is unfair to domestic companies.

Current law provides an incentive to move. We are actually rewarding companies for killing U.S. jobs. That makes absolutely no sense. How can this Congress say it is for working families when we reward multinational firms who move their jobs overseas?

Since 1979, our country has lost 3 million good-paying manufacturing jobs. This tax break is one reason why. We can't afford to lose one more job, and that's why we need this amendment.

Current law costs the American taxpayer. The Joint Economic Committee estimates this subsidy will result in $2.26 billion over 7 years in lost revenues. If we are serious about giving taxpayers a break, and in reducing our deficit, this is one tax subsidy we just can't afford.

Current law actually puts companies that remain in the United States at a competitive disadvantage. We don't reward the good guys. We don't provide a tax break for them for keeping jobs here at home. Instead we make it harder for them to compete by giving an edge to those who move jobs overseas. This amendment will help create a level playing field so the "good guys" have a fair chance to compete.

It's important to understand what this amendment does not do. It does not hinder U.S. companies that produce abroad from competing with foreign firms in foreign markets. It does not burden companies with a new tax. It simply eliminates the special tax treatment given to overseas U.S. companies.

I urge my colleagues to support this amendment. It's good for America's workers. It's good for the taxpayers. It's good for America's domestic companies.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KERREY. Mr. President, I am going to talk here for a bit until we can get a final group of amendments, which we would like to offer. Both the chairman and I have agreed to those. We should be able to get that list put together soon. One is an amendment that I and about 10 or 12 other Senators offered, having to do with reorganization of the IRS. The language of the amendment says:

> The Internal Revenue Service is prohibited from expending funds for field office reorganization until the National Commission of Restructuring the IRS has had an opportunity to issue the final report.

The chairman has agreed to accept that language into this bill. Let me be clear that my intent is to change it when we get into conference. The idea is not to postpone this until after the final commission report. That, to me, would be an inappropriate thing for us to do.

What is appropriate is to ask the Treasury Department to come up with a justification on customer service, a justification on cost-effectiveness, and a number of other areas, which they currently have not done. They are talking about actually doing a reduction of force of about 2,300 at a time. For example, they are also proposing to fire another 14 or 15 upper-echelon executives. Some other questions have been raised by a number of Members. That is what this amendment is attempting to do.

It will be my intent to modify that language once we get to conference.

Mr. SHELBY. Mr. President, I ask unanimous consent that the pending committee amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 5225 THROUGH 5232, EN BLOC

Mr. SHELBY. Mr. President, I send a group of amendments to the desk, en bloc, and ask for their immediate consideration.

The amendments are as follows: One is for myself to extend the pilot program authority provided by the GMRA until December 31, 1999; one for Senator STEVENS to clarify section 645 of the bill; one for Senator MIKULSKI regarding closure of an alley in the District of Columbia for construction of a Federal building; one for Senators MACK and GRAHAM to transfer a property for animal research; one for Senator D'AMATO to provide criminal sanctions for fictitious financial instruments; one for Senator GREGG regarding distribution of Federal employees' names; one for Senator KOHL, a sense-of-the-Senate resolution, regarding IRS telephone service; one for Senator KERREY regarding the IRS reorganization.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 5225 through 5232, en bloc.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 5225

(Purpose: To extend the OMB's authority to streamline financial management authority under the GMRA pilot program)

On page 135, after line 4 insert the following new section:

SEC. . Subsection (b) of section 404 of Public Law 103-356 is amended by deleting "September 30, 1997" and inserting "December 31, 1999".

AMENDMENT NO. 5226

(Purpose: To provide for a Government accounting of regulatory costs and benefits of major rules, and for other purposes)

On page 134, line 7 strike all through page 135, line 4, and insert the following:

SEC. 645. REGULATORY ACCOUNTING.

(a) IN GENERAL.—No later than September 30, 1997, the Director of the Office of Management and Budget shall submit to the Congress a report that provides—

(1) estimates of the total annual costs and benefits of Federal regulatory programs, including quantitative and nonquantitative measures of regulatory costs and benefits;

(2) estimates of the costs and benefits (including quantitative and nonquantitative measures) of each rule that is likely to have a gross annual effect on the economy of $100,000,000 or more in increased costs;

(3) an assessment of the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government; and

(4) recommendations from the Director and a description of significant public comments to reform or eliminate any Federal regulatory program or program element that is inefficient, ineffective, or is not a sound use of the Nation's resources.

(b) NOTICE.—The Director shall provide public notice and an opportunity to comment on the report under subsection (a) before the report is issued in final form.

AMENDMENT NO. 5227

(Purpose: To provide for the closing of an alley owned by the United States to allow construction of a facility for the United States Government in the District of Columbia)

On page 93, after line 19 insert the following new section:

SEC. . FACILITY FOR THE UNITED STATES GOVERNMENT

(a) CLOSING OF ALLEY.—The alley bisecting the property on which a facility is being constructed for use by the United States Government at 930 H Street, N.W., Washington, District of Columbia, is closed to the public, without regard to any contingencies.

(b) JURISDICTION.—The Administrator of General Services shall have administrative jurisdiction over, and shall hold title on behalf of the United States in, the alley, property, and facility referred to in subsection (a).

AMENDMENT NO. 5228

(Purpose: To transfer certain property to be used as an animal research facility)

At the appropriate place in the bill, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Secretary may, on behalf of the United States, transfer to the University of Miami, without charge, title to the real property and improvements that as of the date of the enactment of this Act constitute the Federal facility known as the Perrine Primate Center, subject to the condition that, during the 10-year period beginning on the date of the transfer—

(1) the University will provide for the continued use of the real property and improvements as an animal research facility, including primates, and such use will be the exclusive use of the property (with such incidental exceptions as the Secretary may approve); or

(2) the real property and improvements will be used for research-related purposes other than the purpose specified in paragraph (1) (or for both of such purposes), if the Secretary and the University enter into an agreement accordingly.

(b) The conveyance under subsection (a) shall not become effective unless the conveyance specifies that, if the University of Miami engages in a material breach of the conditions specified in such subsection, title to the real property and improvements involved reverts to the United States at the election of the Secretary.

(c) The real property referred to in subsections (a) and (b) is located in the county of Dade in the State of Florida, and is a parcel consisting of the northernmost 30 acre-parcel of the area. The exact acreage and legal description used for purposes of the transfer under subsection (a) shall be in accordance with a survey that is satisfactory to the Secretary.

(d) For the purposes of this section—

(1) the term "Secretary" means the Secretary of Health and Human Services; and

(2) the term "University of Miami" means the University of Miami located in the State of Florida.

AMENDMENT NO. 5229

(Purpose: To prohibit the fraudulent production, sale, transportation, or possession of fictitious items purporting to be valid financial instruments of the United States, foreign governments, States, political subdivisions, or private organizations, to increase the penalties for counterfeiting violations, and for other purposes)

At the appropriate place in the bill, insert the following new section:

SEC. . CRIMINAL SANCTIONS FOR FICTITIOUS FINANCIAL INSTRUMENTS AND COUNTERFEITING.

(a) INCREASED PENALTIES FOR COUNTERFEITING VIOLATIONS.—Sections 474 and 474A of title 18, United States Code, are amended by striking "class C felony" each place that term appears and inserting "class B felony".

(b) CRIMINAL PENALTY FOR PRODUCTION, SALE, TRANSPORTATION, POSSESSION OF FICTITIOUS FINANCIAL INSTRUMENTS PURPORTING TO BE THOSE OF THE STATES, OF POLITICAL SUBDIVISIONS, AND OF PRIVATE ORGANIZATIONS.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by inserting after section 513, the following new section:

"§ 514. Fictitious obligations

"(a) Whoever, with the intent to defraud—

"(1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;

"(2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the same, or with like intent possesses, within the United States; or

"(3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States,

any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

"(b) For purposes of this section, any term used in this section that is defined in section 513(c) has the same meaning given such term in section 513(c).

"(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.".

(2) TECHNICAL AMENDMENT.—The analysis for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 513 the following:

"514. Fictitious obligations.".

(c) PERIOD OF EFFECT.—This section and the amendments made by this section shall become effective on the date of enactment of this Act and shall remain in effect during each fiscal year following that date of enactment.

Mr. D'AMATO. Mr. President, I would like to commend the distinguished chairman and ranking minority member of the Treasury Appropriations Subcommittee. Thanks to their efforts, we have reached an agreement to include my amendment into this important legislation. This amendment incorporates the text of S. 1009, the Financial Instruments Anti-Fraud Act. This bill has bipartisan support and has been cosponsored by Senators LIEBERMAN, GRASSLEY, JOHNSTON, BRYAN, BOND, and FRAHM.

Mr. President, over the past several years, innovative criminals have exploited a loophole in Federal anticounterfeiting laws. These laws do not specifically criminalize the production or passing of a phony check, bond or security if is not a copy of an actual financial instrument. Criminals are now making and passing completely fictitious financial instruments. These instruments may involve, for example, a bank, an asset or a security that does not even exist.

Under existing Federal and State law, in order to prosecute a criminal who produces or passes a completely fictitious instrument, the criminal must use the wires or mails, or deposit the instrument in a bank. These laws simply do not prohibit the making and passing of fictitious financial instruments.

The International Chamber of Commerce estimates that frauds involving fictitious financial instruments cost investors around the world $10 million per day. The Office of the Comptroller of the Currency reports that in the first 6 months of 1996, con artists have attempted to pass more than $3 billion in fictitious instruments in the United States.

In many cases, criminals who are caught attempting to perpetrate these frauds cannot be prosecuted. That is wrong. This loophole must be closed.

On July 17, the Banking Committee held hearings on this issue. Charitable institutions such as the Salvation Army and the National Council of Churches of Christ testified that they lost millions of dollars in these scams. The committee also heard testimony from a private institution in North Carolina that paid out on a fictitious financial instrument.

Mr. President, there is another sinister side to these frauds. Antigovernment groups use fictitious financial instruments to commit economic terrorism against Government agencies, private businesses, and individuals. Prior to their 81-day siege, the Montana Freemen passed fictitious instruments called comptroller warrants. The Freeman used these instruments to stockpile food, water, gasoline, and even vehicles.

This past April, a California woman, Elizabeth Broderick, was arrested for mail fraud and conspiracy for passing comptroller warrants to banks, automobile dealers, bail bondsmen and even the IRS. Ms. Broderick, who calls herself the Lien Queen, has held seminars on how to produce and pass phony checks, charging her students $125 each. Federal authorities monitored the Lien Queen's activities for several years. They finally were able to arrest her only after she slipped and used the mails to send some of her phony checks.

Fictitious instruments are an important source of funds for antigovernment groups. The Lien Queen attempted to pass more than $124 million in phony checks. LeRoy Schweitzer, the founder of the Montana Freemen, successfully passed more than $85 million in phony notes, netting more than $670,000 in profits.

Armed antigovernment groups such as the Freemen use fictitious instruments to undermine the banking and monetary systems of the United States. These groups believe that the Federal Government has declared war on its citizens, and that Federal institutions such as the Federal Reserve must be destroyed.

My amendment would close this loophole. The amendment would give Federal agents the tools necessary to prevent millions of dollars in losses to banks, mutual funds, and individuals.

Under this amendment, criminals found guilty of trafficking in fictitious financial instruments would face up to 25 years in prison.

Mr. President, the Banking Committee has worked closely with the Treasury Department and the Secret Service to develop this legislation. I would like to thank my colleagues who are cosponsors of the bill and the floor managers. Federal law enforcement officials need this weapon to combat this new brand of financial fraud and to protect our financial institutions.

AMENDMENT NO. 5230

(Purpose: To prohibit distribution of federal employee personal information without consent of the individual)

On page 135, after line 4, add the following new section:

SEC. . None of the funds appropriated by this Act may be used by an agency to provide a Federal employee's home address except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

Mr. GREGG. Mr. President, earlier this year the Vice-President of the United States, ALBERT GORE, directed the Office of Personnel Management [OPM] to make available to the Federal Employees' Union the home addresses of all Federal employees regardless of their affiliation with the Federal Employee Union. The Administration claims this is just a step to enable the unions to communicate with employees in an emergency.

Subsequently, on March 8, 1996, OPM published in the Federal Register a notice of proposed rulemaking which raises considerable privacy concerns and in my opinion severely undermines the Privacy Act of 1974. Citing as its reason for the new rulemaking—the confusion and turmoil caused by the Government shutdowns—OPM proposed permitting Federal agencies to release employee addresses to recognized Federal labor organizations. This notice went on to state that, "OPM has determined that the most current home addresses of OPM employees are contained in the payroll system records. Because this system is updated for changes annually by OPM employees and is automated, it is the most efficient, as well as the most accurate, mechanism for releasing this information."

What perplexes me is that if the Federal Employee Union is interested in obtaining the addresses of all Federal employees, the union itself should ask for the addresses. The idea of mandating the availability of Federal employee addresses is outrageous and a direct violation of the Privacy Act of 1974. The Federal Government cannot and should not make available to the Federal labor unions the addresses of all Federal employees regardless of their union or non-union affiliation. This would not be permitted under my amendment.

My amendment is a simple one. It states that no Federal funds will be made available to the OPM or any other Federal Government agency to provide Federal Government employee addresses to anyone unless authorized by that given employee or ordered by a court of competent jurisdiction.

I ask unanimous consent that a July 28, 1996 Washington Post article, and a subsequent letter to the editor appearing in the Washington Post on August 12, 1996, be printed in the RECORD following my remarks.

I want to thank the chairman and ranking member for making my amendment part of their managers' amendment and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 28, 1996]

THE ERA OF JOB INSECURITY

(By Mike Causey)

If you think the words "Uncle Sam" still mean total job security, chances are you have been out of touch for a while.

In the past, about 33 percent of the people who hired on with government made it to retirement. Turnover was low compared with many private companies. But the image of the government as a rock-steady employer may be gone with the wind.

Even the Internal Revenue Service—one of the government's few moneymaking operations and an agency that has detailed plans to keep trucking AFTER a major nuclear attack—is having layoffs.

The Defense Department is shrinking rapidly. The once-glamorous National Aeronautics and Space Administration is getting smaller, and congressional Republicans still want to see the Commerce Department disappear altogether.

Working for the government today is a little like being in a big crowd at an outdoor rock concert during a violent electrical storm: Some people won't even get wet, or know it if they do. Others will get wet but won't get hurt. But a few may end up on the receiving end of a bolt of lightening. Welcome to "stable" federal employment, 1996 style.

Several things have combined to make government service less binding. They include the new retirement system (with its portable 401(k), which doesn't lock employees into a pension plan); the end of the Cold War; the new emphasis on deficit reduction and the adoption of "reengineering" as a form of New Age religion.

Federal unions have taken reengineering in stride. They are supporting President Clinton for reelection, even though he is campaigning on his success in eliminating 231,000 federal jobs. It could have been worse, and it will be if Republican Robert J. Dole is elected, unions tell members.

Unions soon will be able to reach members (and nonmembers) at home, thanks to a White House order telling agencies to give their employees' home addresses to unions. This isn't a political payoff, both sides say, but a way to allow unions to communicate with employees during emergencies. House Republicans are furious, contending that the arrangement violates the privacy rights of federal workers.

In the meantime, congressional Republicans have shut down two styles of buyouts, which, for want of better terms, might be called the "Golden Handshakes" and "Zombie Buyouts."

Golden Handshakes involved paying retirement-age workers as much as $25,000 to retire. Zombie Buyouts are so named because some agencies revived the program (which legally died last year) to offer another chance at buyouts to employees this year.

Members of Congress think some agencies milked buyouts when they offered employees as much as $25,000 to leave and then paid them big-buck bonuses to delay their departure. Those employees got bonuses and buyouts.

Because of concerns about past buyouts, future buyouts in non-Defense agencies will be selective and closely monitored.

In parts of the IRS, one in every four employees is facing layoff. That includes about 2,000 workers in the Washington area. The IRS has asked for limited buyout authority, and the Senate is working on allowing the agency to give buyouts to early retirees. But the IRS has determined that nobody who is eligible for either regular or early retirement will get a buyout, even if Congress approves them for early retirees.

The Agency for International Development also is seeking limited buyout authority. Rep. Benjamin A. Gilman (R-N.Y.) is pushing the plan. It would allow AID to pay severance of as much as $25,000 to as many as 100 workers—none of them eligible to retire—who agree to resign. Normally employees who resign can't get severance. The plan, supported by the White House and congressional leaders, would let AID—and maybe other agencies—have what amounts to buyouts without offering buyouts. It also sends a message to retirement-age workers that the era of buyouts, for them, may be gone.

[From the Washington Post]

SAFEGUARD THE PRIVACY OF FEDERAL EMPLOYEES

As the concerned wife of a federal employee, I implore The Post: Please tell me that Mike Causey misspoke in his July 28 column "The Era of Job Insecurity" [Metro]. Mr. Causey reported that the Clinton administration has ordered federal agencies to give the home addresses of their employees, including nonmembers, to federal unions. The unions and the Clinton people claim this is just a step to enable the unions to communicate with employees in emergencies.

While government employees' names, grades and salaries are matters of public record, until now, their home addresses have not been publicly available.

How are the unions going to ensure that some disgruntled person with access to the lists of home addresses—someone who is currently undergoing a tax audit, for example—doesn't start sending threatening letters to the home of the auditor who is assigned to her case? Or what if she decides to drop by the auditor's home for a personal confrontation?

I have no doubt that agencies will try to withhold the addresses of some of their employees—FBI agents, IRS criminal investigators, etc.—because they might be harassed at home. One has to wonder, through, why a secretary at the FBI or a personnel staffer at the National Archives shouldn't be entitled to the same respect for her privacy. Additionally, many federal workers are married to other federal employees. What happens when the FBI secretary is married to an FBI agent? How does the FBI manage to give the union the secretary's home address without also handing over the home address of the agent?

It's true that we give our addresses out to our friends, associates and businesses, such as bank and department stores, all the time. But that choice is ours, and we freely assume any risks attached to the release of our addresses. Additionally, we can limit the amount of information we provide to any particular person or institution. The public library has my home address, but it has no information on what either my husband or I do for a living. The same is true of various museums and charities. No one who comes across our address on a membership renewal form has any reason to associate us with the government, unless we choose for them to have that information.

Having been both a tax law specialist in the disclosure function at IRS and a personnel staffer with that agency, I am somewhat familiar with the obligation of federal agencies to safeguard information they collect. I'm curious as to whether any privacy considerations come into play here. My own gut reaction is that federal agencies have no business handing over the addresses of their employees to unions or to anyone else who asks for them.

Regina F. McCormick—New York.

AMENDMENT NO. 5231

(Purpose: To express the sense of Congress that the level of telephone assistance provided by the Internal Revenue Service to taxpayers should be increased)

At the appropriate place in the bill, insert the following new section:

SEC. . SENSE OF CONGRESS REGARDING TELEPHONE ASSISTANCE PROVIDED BY INTERNAL REVENUE SERVICE.

It is the sense of the Congress that the Internal Revenue Service should, in implementing any reorganization plan or otherwise, make all efforts to increase the level of service provided to taxpayers through its telephone assistance program. It is further the sense of the Congress that the Internal Revenue Service should establish performance goals, operating standards, and management practices which ensures such an increase in customer service.

AMENDMENT NO. 5232

On page 26 after line 9 add the following new section:

The Internal Revenue Service is prohibited from expending funds for the field office reorganization plan until the National Commission on Restructuring the Internal Revenue Service has had an opportunity to issue their final report.

Mr. CONRAD. Mr. President, this amendment would disallow funds for the Internal Revenue Service to execute their field office reorganization plan until the National Commission on Restructuring the IRS has had an opportunity to issue its final report.

The amendment addresses the recent proposal by the IRS to downsize the offices of its headquarters and those in the field. Recently, the IRS announced that it will cut back 3,300 employees at sites around the country and hire 1,400 new employees to do the same work at another location. While this Congress has routinely supported initiatives to eliminate unnecessary positions at Federal agencies, I worry that this recent decision at the IRS will do nothing to aid taxpayers in America and may reduce the level of customer service taxpayers deserve.

The IRS formulated this plan, without regard to final decisions on fiscal year 1997 spending levels, in order to consolidate the administrative operations of their field offices. Because these offices are to remain open, there does not seem to be a reason for rehiring 1,400 people to perform the jobs that are capably being done in the field. In my own State of North Dakota, our taxpayers will lose many people who provide front-line services such as a public affairs officer, a taxpayer education coordinator, and several others who provide the critical liaison between the taxpayer and the IRS. I fail to see how shifting these positions to larger metropolitan areas will increase the efficiency of work already being done.

Mr. President, I receive many letters every year from concerned North Dakotans who have exhausted several hours and days attempting to reach representatives of the IRS. Their complaints have only intensified over the years. This recent decision by the IRS will only worsen an already tenuous relation between taxpayers and the IRS.

This amendment prevents the IRS from taking these actions in their field offices until the National Commission to Restructure the Internal Revenue Service has had a chance to report back to Congress on the troubles facing the IRS and their possible solutions. Until the Congress has had a chance to evaluate and propose solutions to many of the predicaments at the IRS, it does not make sense to frustrate taxpayers with a pointless restructuring plan which does nothing to better serve their needs. I ask my colleagues to support this amendment.

Mr. SHELBY. I ask unanimous consent that these amendments be considered and agreed to, en bloc, and that accompanying statements be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 5225 through 5232), en bloc, were agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WESTERN STATES HIGH INTENSITY DRUG TRAFFICKING AREA

Mr. CAMPBELL. Mr. President, I take this opportunity to join my distinguished colleagues from the West in recognizing the alarming rise in drug trafficking plaguing our region of the country. Included in the committee report to accompany this measure, there is language giving consideration for this problem, with special consideration for the State of Colorado. The committee further directed the Office of National Drug Control Policy to evaluate the drug problem in the Rocky Mountain region and elsewhere, and report its findings back to the committee.

Would the Senator from Alabama yield a few moments at this time to enter into a brief colloquy?

Mr. SHELBY. I would be happy to yield to the Senator from Colorado.

Mr. CAMPBELL. I thank the Senator from Alabama.

As chairman of the subcommittee with jurisdiction, the Senator from Alabama is aware of the drug problem facing the entire country.

I would like to point out the efforts of the Rocky Mountain Division of the Drug Enforcement Agency. In cooperation with numerous State and local law enforcement agencies, DEA has presented a proposal to the Office of National Drug Control Policy to have the region identified as a high intensity drug trafficking area. For example, at the Treasury, Postal and Government Operations Subcommittee hearing of June 26, the ONDCP Director, General McCaffrey, cited the drug smuggling problem in Denver, CO. Thorough investigations by law enforcement personnel indicate that the trafficking problem centered in Denver impacts not only the neighboring States of Utah and Wyoming, but also the rest of the Nation. In addition, evidence suggests that Denver serves as a transshipment point between Los Angeles, Mexico, and the east coast.

Based upon the actions taken by the appropriate law enforcement agencies in the Rocky Mountain region, as well as the advanced stage of their pending request to be identified as a high intensity drug trafficking area, I take this opportunity to request that the Senator continue to work with me to address this matter.

Mr. SHELBY. I look forward to working with the Senator on this matter. I know how important combating the drug trafficking problem is to the communities in the Rocky Mountain region.

Mr. CAMPBELL. I thank the distinguished Senator from Alabama for his consideration and I yield the floor.

Mr. HATCH. Mr. President, I want to commend my esteemed colleague from Colorado, Senator CAMPBELL, for his vision and hard work on the drug trafficking problem in the Rocky Mountain region. I join him today in supporting the committee's focus on the unfortunate, growing tragedy in our region.

The Rocky Mountain region contains three important States. My home State of Utah, Colorado, the home State for my colleague, Senator CAMPBELL, and the State of Wyoming. It is important that the DEA and other Federal and State drug enforcement officers be able to accomplish their important tasks in each of these States, and the citizens of each one will benefit greatly from this project. It clearly is appropriate to this Senator that the Office of National Drug Control Policy should designate the States of Utah, Colorado, and Wyoming for increased assistance in the fight against drug traffickers.

Again, I want to thank my colleagues Senators SHELBY and KERREY for their leadership and hard work on this important legislation. I yield the floor.

GANG RESISTANCE EDUCATION AND TRAINING PROGRAM

Mr. GRASSLEY. Would the distinguished chairman of the Treasury-

Postal Appropriations Subcommittee yield to a question?

Mr. SHELBY. I would be happy to yield to my friend, the Senator from Iowa.

Mr. GRASSLEY. I fully agree with the statement in the committee's report that the Gang Resistance Education and Training [GREAT] Program has proven to be highly successful. It is my understanding that the committee has provided funding for an expansion of the GREAT Program. Is my understanding correct?

Mr. SHELBY. I thank the Senator from Iowa for his support of this worthwhile program. It has proven to be very successful and very popular with State and local law enforcement authorities. The Senator is correct. The committee has provided funds for an expansion of the GREAT Program.

Mr. GRASSLEY. The Sioux City, IA, police department was one of the first agencies in my State to do a pilot GREAT Program in a public school environment. Because of their participation in the GREAT Program, this school in Sioux City went from a high-risk school to being recognized as one of Iowa's First In the Nation in Education [FINE] schools this past year. This is a significant and very important turnaround. I would urge my friend, the Senator from Alabama, to give serious consideration to adding Sioux City to the GREAT Program during the conference on this bill.

Mr. SHELBY. I can assure the Senator from Iowa that we will give Sioux City every consideration during the conference on this appropriations bill.

Mr. GRASSLEY. I thank the Senator for his assurance.

Mr. SHELBY. Mr. President, I yield the floor.

Mr. KERREY. Mr. President, as I understand it, we are going to go out relatively soon.

PRAISING THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION

Mr. HOLLINGS. Mr. President, I wanted to say a word of praise for James Lee Witt of the Federal Emergency Management Administration. I was highly critical back during Hugo, at the time we had that hurricane in 1989, and justifiably so. What I did is go down at that particular time, on September 21, the next morning, with Senator THURMOND, and we reviewed the tremendous damage done to our air base, our naval base, the outer islands, the homes and everything, and realizing without electricity, communications, and otherwise, I could not do any good.

I flew back late that Friday evening and early Saturday morning, I got on the phone to FEMA, and I outlined the needs of generators, food, water, tents, and at personal insistence, Mr. Morris, then the FEMA Director, said, "Senator, you don't understand the procedure." I said, "What procedure?" He says, "You know you are supposed to get the mayor to advertise, and if he can't find two contractors to do the job, to satisfy the needs, then he bucks the request up to the Governor and the Governor does a similar thing; he surveys and gets two refusals, and then they come to Washington." I said, "Are you serious?" He said, "Of course." I said, "You are crazy," and I hung up and called General Gray of the Marine Corps, who was out at that time on the Army-Navy golf course. I said, "General, the ox is in the ditch," and I outlined it. He said, "Don't worry, we will get it in there." We have Parris Island located in the particular hurricane path down there. When I got down there the next day or day and a half, I ran into Gen. Ernest Troy Cook, who is a lieutenant general in charge of Quantico in the line of command. He motioned to me to be rather quiet. I said, "What is the matter?" He said, "They have a procedure where I am not supposed to be helping, but it is obvious that the general called me, General Gray, and I am going to continue to do it." But go easy on this FEMA fellow because he is trying to hold up everything I am trying to do. They were trying to cancel help. Here, today, we find Director James Lee Witt is down in North Carolina going over the needs of all the people down there.

He was down there on Friday morning in South Carolina and in North Carolina when Senator THURMOND and I went there. I have a brochure here, the pertinent parts of which I will include, and I ask unanimous consent to have printed in the RECORD to show you how organized and orchestrated he was.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY, EMERGENCY SUPPORT TEAM, FEMA HEADQUARTERS, EMERGENCY INFORMATION AND COORDINATION CENTER

HURRICANE FRAN SITUATION REPORT NO. 2—REPORTING PERIOD: 7 A.M. EDT, SEPTEMBER 5, 1996 TO 7 A.M. EDT SEPTEMBER 6, 1996

1. Background

The National Weather Service advises that FRAN is still a large and dangerous hurricane as it continues to move inland. It has not strengthened during the past 24 hours and is expected to weaken over land. It appears to be in a state of development where tropical storm-force winds have spread out laterally.

The eye of Hurricane FRAN passed over Cape Fear, North Carolina, during late evening September 5. Hurricane-force winds spread inland up to 100 miles from the coast and tropical-force winds extended over water up to 290 miles. Power outages, flooded streets and flapping roofs were reported from south of Myrtle Beach, South Carolina, to north of Topsail Beach, North Carolina. The storm accounted for nine confirmed deaths.

Hurricane warnings remain in effect through the night from Cape Fear, North Carolina, to the North Carolina-Virginia border including Pamlico and Albermarle Sounds. A tropical storm warning continues in effect from north of the North Carolina-Virginia border to Chincoteague, Virginia, including the Greater Hamptons Roads Area. A tropical storm warning is also in effect for the lower Chesapeake Bay.

All other hurricane warnings and watches were discontinued at 11:00 p.m. September 5.

A high wind warning and tornado watch are in effect for the interior sections of northeast North Carolina. A high wind watch is also in effect for parts of east-central Virginia late September 5 and all day September 6.

The U.S. Weather Service advises that officials need to continue preparedness actions in northeastern northeast North Carolina and east-central Virginia.

2. Current situation

FEMA Headquarters: The Emergency Support Team (EST) continued Level One operations (full staffing).

Regional Activity: The Atlanta Regional Operations Center (ROC) remains operational at Level 3 activation. Regional ESFs #1 through #12 will support ROC operations 24-hours per day until further notice.

The Emergency Response Team—Advance Element (ERT–A) is in position at the Georgia EOC. Regional Emergency Support Functions #2, #3, #5, #6, #7, #8, #10, #12 and the designated 1st US Army DCO/DCE provided representation for the ERT–A at the Georgia EOC beginning at 10:00 a.m. EDT on September 5.

The Advance Element of the ERT–N Red Team arrived in Columbia, South Carolina, on September 5. Team members operated in an Alternate Emergency Operations Center. Because of the change in the storm's track, the Advance Element of the ERT–N Red Team is preparing to relocate to Raleigh, North Carolina on September 6.

Federal Coordinating Officer Lacy Suiter is leading an advance team to Raleigh to work with Region IV ERT–A on redeployment of the remainder of the Advance Element. The advance contingent consists of 16 personnel representing the following organizations or groups: Community Relations; Public Affairs; Congressional Affairs; Information and Planning; Operations; Logistics; Finance and Administration.

The remainder of the group will relocate to Raleigh by charter air on September 6. Prior to leaving South Carolina, the group will transition its responsibilities to Region VI ERT–A.

Seven Operations Sections personnel deployed with the ERT–N Red Team Advance Element to the Alternate EOC. They have begun coordinating with their counterparts in the Region IV Regional Operations Center and the State EOC.

The Operations Section Chief and an Operations Officer went to Raleigh with the advance group from the ERT–N Red Team Advance Element.

Thirteen representatives from Emergency Support Functions #1, #3, #4, #6, #7 and #8 arrived at the Interim EOC and received briefings and workspace. South Carolina had requested one representative from each support function to work in the State EOC. The temporary address is 300 Gervais Street.

The Region IV ROC has provided Mission Assignment Activation Letters and taskings to Federal agency representatives at the ROC and mailed originals to agency offices. Two National Field Assessment Teams (FAsT) have been activated, and the East Team members arrived in Columbia, South Carolina, on September 5.

Region IV State Liaison are:

Florida: Annette Harrell at 904–413–9969 (fax 904–488–1016)

Georgia: John Johnson at 404–624–7000 (fax 404–624–7205)

South Carolina: Steve Brown at 803–734–8020 (fax 803–734–8062)

North Carolina: Bobby Clark at 919–733–3718 (fax 919–733–5406)

4. Weather forecast

The official forecast moves the track farther inland. The anticipated path will take FRAN over central Virginia, the eastern panhandle of West Virginia, west central Maryland and central Pennsylvania. The hurricane is predicted to weaken gradually over land. Speed is about 16 m.p.h. Hurricane-force winds will continue to spread inland up to 100 miles.

In addition to the heavy winds, heavy rainfall is likely, particularly over higher terrain. Rainfalls of 5 to 10 inches, sometimes locally even higher, are expected along the FRANs path. Heavy rains are expected to cause significant inland flooding over the next few days, especially in the mountainous areas of NC, VA, WV, MD, and central PA

5. Severity of impact on political jurisdictions

A. Jurisdictions Affected

(1) Florida: No evacuations have occurred.

(2) Georgia: Voluntary evacuations took place in coastal counties. Chatham County officials ordered evacuation of the coastal islands, manufactured homes and low-lying areas.

(3) South Carolina: Governor David Beasley issued an evacuation order at 2:40 p.m. EDT September 4 for those parts of Georgetown and Horry Counties east of US 17 and for all barrier islands, beachfront properties, low-lying areas and all property bordering waterways in Jasper, Beaufort, Colleton and Charleston Counties. The city of Mullins is reported to be without power.

(4) North Carolina: Voluntary evacuation occurred for beach communities in the Cape Fear region. Bald Head Island residents were ordered to evacuate. The city of Raleigh is reported to be without power.

6. Status of declaration

On September 4 Georgia Governor Zell Miller declared a state of emergency in Camden, Glynn, McIntosh, Liberty, Bryan, Chatham, Charlton, Brantley, Wayne, Long and Effingham Counties.

South Carolina Governor David Beasley declared a statewide emergency on September 4 and the following day requested from the President a major disaster declaration for the State. On September 5 North Carolina Governor James Hunt also declared a state of emergency and then requested from the President a major disaster declaration for the State. Both requests for a Presidential declaration went through FEMA Region IV Director Kenneth D. Hutchison.

7. Status of Federal operations

EST mitigation activities continue in full force. Staff has completed the following actions: Identified communities in South Carolina, North Carolina, Virginia, West Virginia and Maryland that are not participating in the National Flood Insurance Program (NFIP); alerted the FEMA Map Service Center of anticipated map shipments during the coming weekend; established which publications are available for distribution in the post-disaster environment.

Staff is working on the following items: Assisting the GIS Hub in assuring the delivery of available digital maps for the anticipated affected States; determining communities that the NFIP has not yet mapped or that are still using a converted Flood Hazard Boundary Map. (In either case, this reflects no updating since 1980.)

A FEMA Region IV mitigation staff person will meet with the ERT-A Red Team Deputy Field Coordinating Officer before going to North Carolina and South Carolina. A FEMA Region III mitigation official is on alert for deployment to Virginia and other States in Region III.

The FEMA Mobile Emergency Response support (MERS) Detachment from Thomasville, GA, deployed five Field Assessment Team (FAsT) vehicles and six MERS Support Element (MSE) personnel to Columbia, SC, to support National FAsT-A. Additionally, the Thomasville MERS has deployed 30 vehicles and 41 personnel to Warner-Robins AFB near Macon, GA, to await direction following landfall of Hurricane FRAN.

The Maynard, MA, MERS Detachment spent the night near Richmond, VA, enroute to Raleigh, NC. Maynard MERS has deployed 19 vehicles and 22 personnel. The Denton MERS deployed 5 FAsT vehicles and 6 MSE personnel to Raleigh, via U.S. Air Force C–17 aircraft to support National FAsT-B.

The Mobile Air Transportable Telecommunications System (MATTS) has deployed one truck and two personnel with two ground satellite terminal systems to Columbia, SC, in support of the FEMA Recovery Channel. In addition, the remainder of the Denton MERS Detachment and the MATTS continue on alert.

Tentatively, plans call for the State of South Carolina to transport the National FAsT Team and members of two State Assessment Teams with a limited complement of FAsT equipment and supplies to the anticipated impact areas along the coast. The three teams will merge into two units and work as Federal/State teams.

Staff from Mt. Weather are enroute to the Carolinas with a full complement of communications and support equipment. Arrival is anticipated to be during the morning of September 6. The equipment includes: 5 vehicles (2 cargo vans, 1 passenger van, 1 Bronco and 1 Explorer); 2 satellite downlink/uplink dishes (1 viedo, 1 digital); 1 G3 PBX with 300 phones; 1 data router; miscellaneous equipment for the Advance ERT–N Team (16 VHF radios, 1 VHF repeater, 6 satellite telephones and some cellular phones).

The FEMA National Hurricane Center Liaison Team is in the National Hurricane Center in Miami, Florida and continues to provide FEMA Headquarters with storm updates.

FEMA is identifying and preparing to ship numerous Initial Response Resources (IRR) to support hurricane response efforts. These resources include tarpaulins, plastic sheeting, tents, cots, sleeping bags, blankets, emergency portable generators, flashlights and portable radios.

A. Information and Planning Section (ESF #5) began operations on Wednesday, September 5, and has been supporting two daily situation status briefings, as well as preparing daily situation reports, population maps of the affected areas and predicted hurricane tracks.

(1) Defense coordinating element

The Department of Defense Liaison indicated that three mobilization points have been identified depending on where the hurricane hits. If FRAN makes landfall south of Charleston, South Carolina, the Base Support Installation (BSI) will be Fort Stewart, near Savannah, Georgia. If the hurricane makes landfall south of Camp Lejeune, South Carolina, the BSI will be Fort Jackson, Columbia, South Carolina. If the storm makes landfall north of Camp Lejeune, the BSI will be Fort Bragg, Fayetteville, North Carolina. Each BSI must be habitable.

After landfall, but prior to a Presidential Declaration, DOD will be ready to provide support under Section 403(C) of the Stafford Act. The DoD Director of Military Support will coordinate such support. It will consist of air transport for various kinds of response and support teams, telecommunications systems and other needed materiel.

(2) Operations support branch

a. ESF #1 (Transportation). A temporary Crisis Management Center is operational on a limited basis tracking the hurricane. A small watch team was on duty during the night. A complete augmentation cadre from all operating administrations will be activated September 6.

Federal Aviation Administration Crisis Response Working Groups are active. Two mobile communications teams are on standby. One team will support GSA regional operations and the other FAA response and reconstitution efforts.

All air facilities within 75 miles of the coast line in the storm watch area are at the highest level of preparedness. Facilities in Florida and Georgia are back on routine status. Facilities in Virginia are at Readiness Level Alpha.

The Federal Railway Administration is working with the railroads to assess their storm preparedness. FRA headquarters emergency staff will check with FRA Region III to determine specific impacts on CSXT and Norfolk Southern operations. Both carriers have experience with such storms and have emergency plans in place.

RESPA/OPS has contacted State pipeline safety offices in the Carolinas, Florida and Georgia to coordinate preparations for the storm. The OPS Eastern Region Office will monitor conditions in this area if we begin to experience flooding.

The Coast Guard districts along the east coast are in the highest readiness condition possible. The Coast Guard has received from the Secretary of Transportation involuntary recall authority for reservists.

Hurricane FRAN has had the following impacts on transportation.

The following North Carolina airports were closed: New Hanover International, Wilmington, Myrtle Beach International; Guard Strand, Myrtle Beach; Beaufort County; Hilton Head; and Fayetteville Regional/Grannis Field.

Effective September 5 AMTRAK suspended operations on trains 81/91 and 82/92 (Silver Star) and trains 97 and 98 (Silver Meteor), both New York to Florida trains. These suspensions will last at least through September 6.

The U.S. Coast Guard Captain of the Port closed these ports: Charleston and Georgetown, South Carolina and Wilmington, North Carolina.

b. ESF #2 (Communications). Georgia Emergency Management Agency has arranged with AT&T for a representative in the EOC.

GTE Mobile NET is staging backup equipment at Raleigh/Durham, North Carolina. GTE Telephone Operations in Myrtle Beach and Georgetown also has equipment at the closed Myrtle Beach AFB it can activate if the base becomes a Disaster Field Office (DFO) site.

The FEMA/Mount Weather Emergency Assistance Center (MWEAC) Communications Resource Manager has been given area points of contact for GTE and BELLCORE.

c. ESF #7 (Resource Support). The General Services Administration EOC became active at 7:00 a.m. EDT Wednesday. Its counterpart ESF #7 did the same.

GSA Region IV has deployed a number of personnel to the ROC, to the ERT-A or to other units. In addition other personnel are on stand-by. ESF 7 is contributing to the Federal response in the following ways: Determining sources for and costs of obtaining 40 shower units and 600 portable toilets with cleaning service for North and South Carolina; procuring the identified initial response resources on the commercial market; deploying the ERT-A for each state; contracting for two 53-foot trailers each day to move FEMA-help initial response resources to the disaster area.

Operational goals for the next 24-hour period include the following: Continue to assist in deploying the initial response resources to the affected States; continue to locate additional resources; determine the location of the disaster Field Offices and mobilization points; recover and restore General Services Administration and Federal operations in the disaster area; provide protection for all federally-owned or leased facilities.

GSA Region III is arranging to provide 9 drivers and tractors (rated at 80,000 lbs. gross weight) to move preloaded refrigerated trailers filled with an assortment of IRR items from the Regional Emergency Inventory Center at Fort Gillem, Atlanta, Georgia. In addition, Region III is arranging to provide drivers, tractors and trailers to load and move 768 rolls of plastic sheeting from Thomasville, Georgia, to Fort Gillem.

Region III staff has contacted 29 vendors in the Georgia, North Carolina and South Carolina areas, and 25 of the vendors stated that they will be moving their equipment out of the affected areas until after the storm subsidies. Once damages have been assessed, the vendors would be willing to assist. Four of the vendors are looking for drivers and trucks to handle this request. Sheila Madison will be on duty at 6 a.m. EDT September 6 to handle this problem.

(3) Infrastructure support branch

The Infrastructure Support Branch continues to monitor all activities of ESF #3, #12, and the FEMA Infrastructure Officer. An action tracking updates shows that 50 generators are being moved from Fort Stewart to Fort Jackson and 50 more from Jacksonville, FL. These moves are to anticipate requests from North Carolina.

The Infrastructure Teams for ERT-N Red Team arrived in Atlanta, GA, late on September 6 and is scheduled to deploy Friday morning to Raleigh, NC. And the ERT-N Red Team will deploy to Raleigh, from Columbia SC.

As Hurricane FRAN came ashore and moved slowly north, there are no damage data or impact assessment at this time. Preliminary damage assessment teams are scheduled to be in the field once daylight arrives.

a. ESF #3 (Public Works & Engineering). During the past 24 hours the U.S. Army Corps of Engineers (USACE) continued preparations for individual and multi-state response. Two backup divisions were alerted and their EOCs activated to Level 1. ESF Representatives are enroute to Columbia, South Carolina, and Atlanta, Georgia, with a September 6 arrival anticipated.

Fifty generators are being moved from Jacksonville, Florida, to Ft. Jackson, South Carolina and an additional 50 from Ft. Stewart to Ft. Jackson. They will remain there until FEMA decides on their use. Also, 25,000 liters of water were moved to Ft. Gillem, Atlanta, Georgia. They will remain there until FEMA decides their use.

During the next 24 hours USACE will spend a FAsT representative to Columbia, South Carolina. Contingency planning will focus on the following activities: Identify backup command structures and hand-off procedures for smooth transition from division to division and district to district; identify possible displacement locations for the district; be prepared to relocate or deploy generators, if needed; be prepared to respond to multi-sate disaster requirements; coordinate the transfer of water and ice obtained through the Atlanta Council of Government to Fort Jackson, South Carolina.

b. ESF #12 (Energy). Coordination with the Nuclear Regulatory Commission is taking place.

(4) Human services branch

a. The Human Services Section of the ERT-N Red Team Advance Element established contact with the Region IV ROC and Region IV ERT-A in Raleigh. Arrangements are complete to start preliminary damage assessment activities. The Small Business Administration will participate in this process in both states. Initial contacts with ESF-6, the National Teleregistration Center and the National Processing Service Center have occurred. When the President approves a disaster declaration for a State, the 1-800 number for national teleregistration will be released to the public.

b. ESF #11 (Food). The US Department of Agriculture/Food Service has identified sources of bulk food supplies should they be needed.

c. Donations referred an offer 200,000 lbs. of ice left over from the Olympics from the Atlanta Council of Government to USACE. The latter accepted and is coordinating the transfer to Fort Jackson, South Carolina.

Greyhound Bus Company offered the use of 50 buses. Donations referred this offer to the Senate Donations Coordinator.

In both North and South Carolina the following activations have occurred: State donations management systems including toll-free numbers and phone banks; donations coordination teams; State donations coordinators.

The States will release the phone numbers to the public after Hurricane FRAN makes landfall. FEMA will assist the States deploying Donations Coordination to North and South Carolina.

The Red Cross is ready to receive immediate referrals of in-kind or cash donations. The number for in-kind donations is 1-800-7-IN-KIND. The number for cash donation is 1-800-HELP-NOW. In addition, the Adventist Community Service will accept donations at 1-800-253-3000.

FEMA headquarters is facilitating a conference call at 10:00 a.m. today (September 6) with national voluntary agency donations managers, State Donations Coordinators in North and South Carolina and representatives of business and industry to share basic information on donating plans and procedures.

A Community Relations advance team is in place in South Carolina and is coordinating the deployment of additional community relations personnel. Similar actions will occur in North Carolina.

(5) Emergency services branch

a. ESF #4 (Firefighting). Two Interagency Incident Management Teams (IMT) were in staging by late September 5, one in Charlotte, North Carolina, and the other in Savannah, Georgia. There are approximately 70 interagency personnel involved in the current operation. Personnel are assisting on the two IMTs, in two State EOCs, at the Region IV Operations Center and at FEMA Headquarters.

b. ESF #8 (Health & Medical Services). Eleven National Disaster Medical Assistance Teams (DMATS) and one Disaster Mortuary Team (DMT) continue on alert. In addition one 25-person Medical/Management Support Team is in staging at the Fayetteville, North Carolina, VA Medical Center.

The Veterans' Administration is identifying additional medical support in anticipation of future needs.

c. ESF #9 (Urban Search & Rescue). The initial Incident Support Team (IST) relocated to the Raleigh-Durham area on September 5. A second IST is currently being deployed to the Alternate EOC in Columbia and was scheduled to arrive late afternoon September 5.

One ESF-9 representative at the Task Force Leader level is assigned to the South Caroline State EOC and one is assigned to the North Carolina State EOC. Both were expected to be in place by early evening on September 5.

Three Urban Search & Rescue Teams geographically closest to North Carolina are in position to provide assistant to North and South Caroline if needed. These are VA-1 (Fairfax County), VA-2 (Virginia Beach) and MD-1 (Montgomery County). MD-1 will stage in Gold Rock, North Carolina. Staging areas for the other two units are unknown at this time.

d. ESF #10 staffed the ERT-N in Columbia, South Carolina, and the ERT-N in Raleigh, North Carolina, on September 5. In addition, it has also staffed the National FAsT at Fort Jackson, Columbia, South Carolina, and the Eastern FAsT at Raleigh, North Carolina.

5. A second IST is standing by to be deployed.

One ESF-9 representative at the Task Force Leader level is assigned to the SC State EOC and one is assigned to the NC State EOC. Both were expected to be in place by early evening on September 5.

Three Urban Search & Rescue Teams geographically closet to NC are in position to provide assistance to North and South Carolina if needed. These are VA-1 (Fairfax County), VA-2 (Virginia Beach) and MD-1 (Montgomery County). MD-1 will stage in Gold Rock, NC. Staging areas for the other two units are unknown at this time.

d. ESF #10 staffed the ERT-N in Columbia, SC, and the ERT-N in Raleigh, NC, on September 5. In addition, it has also staffed the National FAsT at Fort Jackson, Columbia, SC, and the Eastern FAsT at Raleigh, NC.

In addition, eight On-scene Coordinators are on standby in Atlanta, for response to potential hazardous materials incidents. The Mobile Command Post is also on standby. Contractor support is available.

Staff has coordinated with the U.S. Coast Guard as well as with State Emergency Planning Commissions in North and South Carolina.

MICHEL S. PAWLOWSKI,
EST Director.

IRR COMMODITIES STATUS

Item	Source location	Ordered	Enroute	Destination or (enroute destination)	ETD (ATD)	ETA (ATA)
WATER						
ICE (wet) cubed/shaved	Donated, Atlanta			200,000 Bags	Sep 6–1200	Sep 6.
Water (bottled, bulk, ROWPU)			25,000 Liters		Sep 6–1200	Sep 6.
Water Bottles, 1 Litre	Donated, Atlanta				Sep 6—200	Sep 6.
FOOD						
Baby Food, assorted solid	Sourced by GSA	30,000 Ea				
Baby Formula	Sourced by GSA	30,000 Ea				
Disposable Dinner Packets (w/napkin, wet wipes, etc.)	Sourced by GSA	75,000 Ea				
Meals-Ready-to-Eat (MREs)	Sourced by GSA	25,000 Ea				
SHELTER						
Blankets, Blend	Sourced by GSA	4,000 Ea				
Blankets, Wool	Redi-Center		1,420 Ea	(Ft. Jackson)	(Sep 5—1530)	(Sep 5—2400).
			4.580 Ea		Sep 5	Sep 6.
Cots, Commercial	Redi-Center		2,996 Ea	(Ft. Jackson)	(Sep 5—1530)	(Sep 5—2400).
Plastic Sheeting, roofing quality, reinforced, 20' X 100' (blue "FEMA")	Thomasville MERS		800 Ro	(Ft. Jackson)		
			Truck 1		Sep 5—1900	Sep 6.
			Truck 2		Sep 5—2200	Sep 6.
Non-FEMA spec plastic, 20' X 100" (for household goods)	Redi-Center	1232 Ro	616 Ro	(Ft. Jackson)	Sep 5—1530	Sep 6.
Tarps, 20' X 20' or 20' X 40' (for household goods)	Redi-Center		1,000 Ea	(Ft. Jackson)-	Sep 5—1530	Sep 6.
Sleeping Bags, Commercial, Waterproof	Redi-Center		900 Ea	(Ft. Jackson)	Sep 5—1530)	(Sep 5—2400).
Sleeping Bags, Commercial, Waterproof	Sourced by GSA	900 Ea				
Tents, commercial 4, 6, and 8 Person)	Redi-Center		600 Ea	(Ft. Jackson)	Sep 5—1530)	(Sep 5—2400).
Tents, Commercial 4, 6, and 8 Person)	Sourced by GSA		1400 Ea			
Tent Kit (stove, lantern, potty, fire extinguisher, fuel)		300 Ea				
HEALTH & COMFORT						
Bathroom Tissue	Sourced by GSA	12,000 Ro				
Bathroom Tissue	Redi-Center	768 Ro	768 Ro	(Ft. Jackson)	(Sep 5—1530)	Sep 6.
Comfort Kits, unisex (towel, washcloth, soap, towelettes)	Redi-Center		3,000 Ea	(Ft. Jackson)	(Sep 5—1530)	Sep 6.
Comfort Kits, unisex (towel, washcloth, soap, towelettes)		3,000 Ea				
Towelettes	Sourced by GSA		10,000 Ea			
Diapers, Disposable, assorted sizes (S,M,L)	Sourced by GSA	2,000 Cs				
Diapers, Disposable, assorted sizes (S,M,L)	Redi-Center					
Infants		27 Bx		(Ft. Jackson)	(Sep 5—1530)	Sep 6.
Adults		12 Bx		(Ft. Jackson)	(Sep 5—1530)	Sep 6.
EQUIPMENT						
Portable Radios, handheld AM/FM w/batteries	Redi-Center		6,000 Ea	(Ft. Jackson)	(Sep 5—1530)	Sep 6.
Flashlights	Redi-Center		6,000 Ea	(Ft. Jackson)	(Sep 5—1530)	Sep 6.
Batteries, D cell	Redi-Center		12,000 Ea	(Ft. Jackson)	(Sep 5—1530)	Sep 6.
Batteries, AA cell	Redi-Center		12,000 Ea	(Ft. Jackson)	(Sep 5—1530)	Sep 6.
Emergency Generator, Assorted Kws	Ft. Stewart		50 Ea	(Ft. Jackson)	(Sep 6	Sep 6.
Emergency Generator, Assorted Kws	Jacksonville UACE		50 Ea	(Ft. Jackson)	Sep 6	Sep 6.
Emergency Generator, Assorted Kws	Jacksonville UACE	100 Ea		Ft. Bragg	Sep 6	Sep 7.
Industrial Ice Makers						
Mobile Kitchens (Flyaway kits)						
Portable Refigerated Vans						
Portable Showers		200 Ea				
Portable Toilets w/Service		600 Ea				

STATUS OF FIELD TEAMS

[As of 09/06/96—0500 hrs]

Field team	Team leader		Team size	Status	Staging location (origin)	Departure date/time (ETD or ATD)	Operating location (destination)	Arrival; date time (ETA or ATA)
	Name	Pager number cellular phone						
ERT–N Red Team	Lacy Suiter FCO		24	Deployed to Raleigh and Columbia.	Wash, DC	Advance element 9/5 ATD0800.	Columbia, SC and Raleigh, NC.	ATA:0930 9/5.
ITS	Time Ritter		9	Deployed	Stateville, NC			EPA 0900 9/5.
ERT–A (Region 4)	Glen Woodard	(H) 404–355–0117	15	Deployed	Atlanta	Arrived	Raleigh, NC	ATA 1500.
ERT–A (Region 6)	Gary Jones	Skypage 759–8888, 817–391–0959.	23	Deployed	Denton	ETD 1700 9/5	Columbia, SC	ETA 2000 9/5.
ERT–A (Region 8)	Doug Gore	Skypage 521–9883	16	On alert	Denver	TBD		
ERT–A (Composite Team)	Jim Duncan	W–312/408–5592	16	On alert	Various locations	TBD		
US&R VA–TF1	Steve Rhea	703–916–4662	62	Deployed	Fairfax Co	2315 9/6	Raleigh, NC	
US&R–VA–TF2	Chase Sargent	804–475–7046 804–373–4569.	62	Predeploy	VA Beach	0600 9/6	Raleigh, NC	
US&R–MD–TF1	Tom Carr	301/831–2104	62	Activated	Mont. Co.	2120 9/5	Raleigh, NC	
US&R–CA–2	TBD		62	Backup		TBD		
US&R–NY–1	TBD		62	Backup		TBD		
US&R–WA–1	TBD		62	Backup		TBD		
US&R 1ST	Jim Strickland	Pager PIN1884692 703/916–4617.	11	Deployed will reposition at Raleigh.	Various locations	Advance element 0900 9/5.	Raleigh, NC	ATA1030.
DMAT–FL–1	Hank Christen	Pager 904/986–1815	42	Activated	Eglin AFB (Pensacola).	ETD 0600 9/6	TBD	TBD.
DMAT–FL–5	Bill Johnson	Pager 305/222–0655	35	On alert	Miami (Comm)			
DMAT–MA–2	Dr. Richard Aghababian.	Work 508/856–4101	35	On alert	Worcester Apt. (Comm) Chicopee AFB (Mil).			
DMAT–KY	John Hoyle	Pager 513/209–0001	35	On alert	Cincinnati Apt (Comm) Wright Patterson AFB (Mil).			
DMAT OH–1	Dr. Paul Reger	Pager 1–800 SKY–PAGE PIN2899950.	35	On alert	Toledo (Comm) Toledo (Mil).			
DMAT MI–1	Dr. Karl Bandlirn	Pager (313) 813–0953.	35	On alert	Detroit Arp (Comm) Selfridge AFB (Mil)L.			
DMAT PHS–1 *IRR Priority	Cdr. Kevin Yeskey	Pager 301–295–6773	42	Activated	Rockville, MD (via ground).	ETD 2100 9/5	Richmond, VA to RON	ETA 0001 9/6.
DMAT GA–3	Stanley Batchelor	Pager 1–800–592–9904.	35	On alert	Atlanta (via ground)			
DMAT NC–1	Dr. Llewellyn Stringer	Work 910–765–6762	42	Activated	Winston-Salem (via ground).		TBD	TBD.
MSU	Gary Moore	1–800–759–8888 PIN 2277085.	25	Activated	Rockville, MD (via ground).	Advance element ATD 1230 9/5.	Fayetteville, NC (VA Med Ctr).	Arrived 1930 9/5.
DMORT	Commander Thomas Shepardson.	Work 315–471–2349	6	On alert	Various location throughout U.S..			
FAsT–A	Jeannie Gallahger	617/223–9494	6	Deployed	Columbia, SC	9/4 ATD1900	Columbia, SC	9/5 ATA 1000.

STATUS OF FIELD TEAMS—Continued

[As of 09/06/96—0500 hrs]

Field team	Team leader		Team size	Status	Staging location (origin)	Departure date/time (ETD or ATD)	Operating location (destination)	Arrival; date time (ETA or ATA)
	Name	Pager number cellular phone						
FAsT–A MSE	Thomasville	Thomasville MOC	6	Deployed	Thomasville	Arrived	Columbia, SC	9/5 ATA 1800.
FAsT–B	Mike Delorenzo (RIV)		6	Deployed	NC State EOC	9/5 1000ETD	Nat'l Guard Armory, Raleigh, NC.	9/5 ETA 1800.
FAST B (MSE)	Denton	Denton MOC	6	Deployed	Denton, TX, Ft. Worth NAS.	9/5 1000ETD	Raleigh, NC	9/5 ATA 1530.
MATTS	N/A	N/A	9	Stand by	MWEAC Berryville, VA			
MERS Maynard	N/A	N/A	22	Deployed	VSAB Maynard, MA		Richmond, VA 9/6-redeploy to Raleigh.	
MERS TVILLE	N/A	N/A	41	Deployed	VSAB Thomasville GA	ETD 9/6 0700	Macon, GA, 9/6 location TBD.	
MERS Denton	N/A	N/A		Alerted	VSAB Denton, TX			
MERS Denver	N/A	N/A		Alerted	VSAB Denver, CO			
MERS Bothell	N/A	N/A		Alerted	Bothell, WA	VSAB		
DUSFS Incident Mgmt Team	Pat O'Bannon	W–9049429351	30	Staging	Various locations	ETD 1200 9/5	Staging at Savannah Charlotte.	ETA varies.
USFS Florida State IMT	TBD	TBD	30	Staging	Various locations	ETD1200 9/5	Savannah	ETA varies.

Mr. HOLLINGS. Mr. President, we know that you have to get generators around at the fast food places. People do not have power. They are not preparing meals. You are working trying to get the mud out of the house and trying to stop the roof from leaking.

So, if you can get a hamburger, fine. Incidentally, we also found that we needed food stamps for 10 days to be honored and redeemed at the fast food places. We needed a supply company. People volunteered all around the country, and it started flowing in. And we were afraid that the perishables would spoil.

So, Gen. Colin Powell sent me a supply company from Georgia up to Charleston so we could handle it. All of these kinds of things we worked on, and finally came to the floor with the holdup by the mayor. That occurred, and the letter came from FEMA that the Governor had to take care of 25 percent of the cost, and the Governor bucked 13 percent of the 25 percent to the mayor. The mayor said, "Wait a minute. If I have to pay 13 percent of all costs for all of these troops and help and companies, what have you, I will have to raise taxes. After everybody is taken care of and happy, I will be out of office." So, more or less there was a freeze of the balance.

When we got on the floor here in the U.S. Senate with ALAN SIMPSON on the other side of the aisle, after day 8, 9, and finally day 15, we cleared that because we had the law in the Pennsylvania case where they pay 100 percent. James Lee Witt was there 100 percent with all of the units of government and joining hands and doing an outstanding job.

So having criticized FEMA, I think it is only noteworthy here and deserved that I should say that we properly praise him.

I thank the distinguished leaders of this bill for yielding me the time.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. KERREY. Mr. President, I ask unanimous consent that Senator JEFFORDS, DORGAN, CONRAD, INOUYE, HARKIN, LEAHY, THURMOND, AKAKA, and DASCHLE be added as cosponsors of the IRS reorganization amendment that I offered earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, we are about to go out here pretty soon. I want to talk a couple of minutes prior to that. Whenever we get ready to propound the UC to come back in tomorrow, I will cease and desist and pick it up again tomorrow.

I indicated earlier my support for the administration's selection of General McCaffrey to be the drug czar, the head of OMDCP. Indeed, I must say that I believe that some of that change can be attributed to last year Senator SHELBY and I objected to the funding of the OMDCP office. That is when Dr. BROWN was still there. We objected. We didn't see much progress. Change was made, and Senator SHELBY and I support General McCaffrey and his position.

There are three things that I think we need to focus on. One is you have to reduce the number of young people that are starting to use drugs to zero. That is only going to occur with the President leading.

A lot of people made fun of Ronald Reagan and Nancy Reagan when they did this, "Just say no." But the fact is it works. Kids do not know gray. They do not know in between. It is either yes or no, hot or cold, black or white. You have to say "no" over and over. Otherwise they will start. So that is issue No 1.

You can see one of the reasons that we were concerned last year. You can see that of all the problems that we have—I do not know if you can see it on this pretty small thing compared to what we normally put up down here: marijuana, LSD, inhalants. In Nebraska we had a young man recently who was killed as a result of consumption of methamphetamine. Every State in the country is now seeing a substantial increase in methamphetamine. It is a drug more dangerous than cocaine because of its impact upon the body, more difficult to detect, and we are seeing increased consumption. That is why people are concerned. In spite of some success in other areas, we are not willing to battle it when it comes to youth.

This is another little chart that shows alcohol and marijuana use in Nebraska in 1993 through 1995. It is up.

I just do not think there is any other workable solution than the President of the United States on national television saying to the youth of America, "Just say no." Over and over and over, we saw in the entertainment industry the bad guys who are the ones who smoked, drank, and did drugs—not the good guys. You have to send a message out there that these drugs are dangerous, and say to young people, "Just do not do them."

Second, the big area is in the area of interdiction and reducing the amount of drugs coming in. Senator SHELBY has been on our committee taking a big lead in making sure that our law enforcement people have the resources they need to knock those drugs down.

The third area that I would like to call a little bit of attention to is the area of hardcore drug users. I am going to go through a couple of charts very quickly just so people understand how we spend our $15 billion. This little thing you probably can't see. That is the drug czar up there; $137 million; Justice spent $7 billion; HHS, $2.3 billion; Treasury, $1.1 billion; even Veterans' Affairs spent $1 billion; Defense $800 million; Education $658 million. That is the proportion. The pie is put together something like that.

But one of the most interesting, and I think telling, facts for an awful lot of us trying to figure out what to do, tell the kids "no," and give the law enforcement people the resources. There is almost universal agreement on that.

But one of the most difficult problems is this fact. This is how much every single year since 1987, and this is how far this goes back—10 years. You can actually track it all the way back if you want to. We have been spending more and more, with a different mix of expenditures; different sort of combinations; one year a little more interdiction; one year maybe prevention, and treatment—all of this different mix of efforts. The number of hardcore drug users stayed the same at about 2.7 million. It is a very important fact.

I do not have an answer to it. I do not really know myself what we need to be doing with hardcore drug users. I had some experience in it. I was trained in pharmacy prior to getting a preinduction notice from my draft board and signing up for the world's hardest, most powerful Navy. I was trained in that. I was a patient in a hospital. My roommate was addicted to Dilantin from serious burns. So I got some experience with addiction.

It seems to me that just in general terms the solution lies somewhere out there in the market. The solution I would love to see would be the President—because he is the guy in the pulpit—saying to the pharmaceutical companies, "Look. You sell about $80 billion of over-the-counter and prescription drugs every single year to 260 million Americans, plus or minus a few millions. That is $80 billion a year." The Senator from South Carolina was talking about jobs in America. The pharmaceutical industry is one of the most important employers in the United States. These 2.7 million hardcore drug users spend $60 billion a year to feed their drug habit. That is a lot of money, as I see it. It is almost three-fourths of all the money that is being spent on legal drugs by Americans through pharmaceutical companies. I believe the pharmaceutical companies know a lot about addiction. It is an addiction. They know a lot about addiction. They have done research on it. They have had experience all the way for the last 30 years. I know that when I was practicing pharmacy in 1965 our No. 1 moving pharmaceutical in the store in Lincoln where I worked was Dexedrine. They then said that Dexedrine was not habit forming. We now know it is very seriously addictive, and we have restricted access to it.

I would put a challenge to it. There must be some better solution to what we have right now. Again, I have not reached any conclusion. I am not talking about legalization. I am not talking about basically throwing open the door and letting people have at it. But I know that when something is constant, when a number remains relatively constant, we ought to pay attention to it. I pay attention to gravity. I pay attention to things that stay the same no matter what I do. And the number of hardcore drug users in the United States of America has stayed the same regardless of what we have done.

I think it deserves some additional attention by any Member who is trying to figure out how to make this $15 billion-plus expenditure that we make every single year work so that we can say that we are getting the job done.

Again, I want to repeat. When it comes to kids, it has to be, "Just say no."

It has to be from parents. It has to be from political leaders, and the most important political leader is the President of the United States. When it comes to interdiction, you just have to play hardball with these guys. They are bad guys. They have to be dealt with very firmly. You have to put an unwelcome sign out in the United States, in every single State. You have to make sure that local law enforcement people have the resources to get convictions, and on and on.

But as for these hardcore drug users, I have to tell you, Mr. President, I am not persuaded at all that the status quo is working. All I have to offer right now is a big question mark. I have no answers, which is not altogether unusual for me when it comes to these more complex and difficult subjects.

I am through with my remarks here. We are ready to go out.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with speakers permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLY CLYDE DIFFIE'S RETIREMENT

Mr. HEFLIN. Mr. President, I want to take a moment to congratulate my friend, Billy Clyde Diffie, who entered the ranks of retired persons on August 31, 1996.

Billy Clyde Diffie was born on March 27, 1934 in Ohatchee, AL to Carl and Alta Diffie. He graduated from Ohatchee High School, where he excelled as a running back. He followed in his father's footsteps by later taking a job at the Anniston Foundry in Anniston, AL. In July 1959, he began a career with the Alabama Highway Department as an engineer assistant. Over the next three and a half decades, until his retirement last month, he worked his way through the engineer grades all the way to the rank of CE 1—civil engineer.

Right by his side during his long career with the Alabama Highway Department was his wife, Vera Sue, who he married on April 17, 1953. They have five children, Rodney Clyde, Stanley Keith, Anthony Karl, Pamela Rene, and Kimberly Sue. All five children graduated from Sylacauga High School in Sylacauga, AL, where the Diffies reside in the Fairmont Community. They have just recently purchased a second home in Laguna Beach, FL, just in time for his retirement. The house is located between his brother's beach house and his sister's on the other side.

As his children were growing up, Billy was very active in little league baseball both as a parent and as an umpire. He also coached baseball and football and was active in the youth program at the Marble City Baptist Church.

I congratulate and commend Billy Clyde Diffie on his outstanding career and wish him all the best for a happy, healthy retirement.

MESSAGES FROM THE HOUSE

At 5:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the concurrent resolution (H. Con. Res. 211) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty.

The message further announced that pursuant to the provisions of Senate Concurrent Resolution 47, 104th Congress, the Speaker appoints the following Members on the part of the House to the Joint Congressional Committee on Inaugural Ceremonies: Mr. GINGRICH of Georgia, Mr. ARMEY of Texas, and Mr. GEPHARDT of Missouri.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3942. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-309 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC-3943. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-310 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC-3944. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-311 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3945. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–312 adopted by the Councilon July 3, 1996; to the Committee on Governmental Affairs.

EC–3946. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–314 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3947. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–315 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3948. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–316 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3949. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–317 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3950. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–318 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3951. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–320 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3952. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–321 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3953. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–322 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3954. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–323 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3955. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–325 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3956. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–326 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3957. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–327 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3958. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–328 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3959. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–329 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3960. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–331 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3961. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–332 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3962. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–333 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3963. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–334 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3964. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–337 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3965. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–338 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3966. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–339 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3967. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–340 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3968. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–341 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3969. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–342 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3970. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–343 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3971. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–347 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3972. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–348 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3973. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–349 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3974. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–353 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3975. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–354 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3976. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–355 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3977. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–358 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3978. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–359 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3979. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–360 adopted by the Council on July 3, 1996; to the Committee on Governmental Affairs.

EC–3980. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–361 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3981. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–362 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3982. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–364 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3983. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–367 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3984. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–370 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3985. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–371 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3986. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–372 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3987. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–374 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–378 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–380 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3990. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–381 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3991. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–384 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3992. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–386 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3993. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–389 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3994. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–391 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3995. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–392 adopted by the Council on July 17, 1996; to the Committee on Governmental Affairs.

EC–3996. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list (received on August 27, 1996); to the Committee on Governmental Affairs.

EC–3997. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list (received on September 3, 1996); to the Committee on Governmental Affairs.

EC–3998. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list (received on September 6, 1996); to the Committee on Governmental Affairs.

EC–3999. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule concerning Senior Executive Service, (RIN 3602-AF96) received on September 3, 1996; to the Committee on Governmental Affairs.

EC–4000. A communication from the Comptroller General of The United States, transmitting, pursuant to law, a list of reports and testimony for July 1996; to the Committee on Governmental Affairs.

EC–4001. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Inspector General Act for the period ending March 31, 1996; to the Committee on Governmental Affairs.

EC–4002. A communication from the Deputy Associate Administrator for Acquisition Policy of the General Services Administration, transmitting, pursuant to law, a report concerning a rule regarding Federal Acquisition Regulation; Payment by Electronic Funds Transfer (received August 28, 1996); to the Committee on Governmental Affairs.

EC–4003. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 2061. A bill to amend title II of the Trade Act of 1974 to clarify the definition of domestic industry and to include certain agricultural products for purposes of providing relief from injury caused by import competition, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI:

S. 2062. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 2061. A bill to amend title II of the Trade Act of 1974 to clarify the definition of domestic industry and to include certain agricultural products for purposes of providing relief from injury caused by import competition, and for other purposes; to the Committee on Finance.

THE AGRICULTURAL TRADE REFORM ACT OF 1996

• Ms. SNOWE. Mr. President, I am introducing legislation today to give agricultural producers, including potato producers, some important and badly needed new tools for combating injurious increases in imports from foreign countries.

The Trade Act of 1974 contains provisions that permit U.S. industries to seek relief from serious injury caused by increased quantities of imports. In practice, however, it has been very difficult for many U.S. industries to actually secure action under the act to remedy this kind of injury.

The ineffectiveness of the act results from some of the specific language in the statute. Specifically, the law requires the International Trade Commission, when evaluating a petition for relief from injury, to consider whether the injury affects the entire U.S. industry, or a segment of an industry located in a major geographic area of the U.S. whose production constitutes a substantial portion of the total domestic injury. This language has been interpreted by the ITC to mean that all or nearly all of the U.S. industry must be seriously injured by the imports before it can qualify for any relief.

Thus, if an important segment of an industry is being severely injured by imports that compete directly with that segment, the businesses who comprise this portion of the industry will not have much recourse—even though the industry segment in question may employ thousands of Americans and generate billions of dollars annually for the U.S. economy. In other words, our current trade laws leave large segments of an industry that serve particular regions and markets, or have other distinguishing features, practically helpless in the face of sharp and damaging import surges.

In addition, even if large industry subdivisions could qualify for assistance, the timeframes under the Trade Act for expedited, or provisional, relief for agricultural products are too long to respond in time to prevent or adequately remedy injury caused by increasing imports. At a minimum, 3 months must elapse before any relief can be provided, irrespective of the damage that American businesses may suffer during that time. And 3 months is an absolute minimum. In reality, it could take substantially longer to provide expedited relief.

Mr. President, when it comes to agricultural products, the problems in U.S. trade law that I have described are particularly acute. Due to their perishable nature, many agricultural products cannot be inventoried until imports subside or the ITC grants relief—if the industry is so fortunate—many months or even years later. And most agricultural producers, who are heavily dependent on credit each year to produce and sell a crop, cannot wait that long. They need assistance in the short term, while the injury is occurring, if they are going to survive an import surge. Also, because crops are grown during particular seasons and serve specific markets related to production in those growing seasons, the agricultural industry is more prone to segmentation. Finally, many of the agricultural industry entities that would have to file a petition for relief under the Trade Act are really grower groups that do not necessarily have the financial wherewithal to spend millions of dollars researching, filing, and pursuing a petition before the ITC.

The bill that I have introduced today is designed to empower America's agricultural producers to seek and obtain effective remedies for damaging import surges. It will make the Trade Act more user friendly for American businesses. Unlike the current law, which sets criteria for ITC consideration that are impossible to meet and that do not reflect the realities of today's industry, my bill establishes more useful criteria. It permits the ITC to consider the impacts of import surges on an important segment of an agricultural industry when determining whether a domestic industry has been injured by imports. This segment is defined as a portion of the domestic industry located in a specific geographic area whose collective production constitutes a significant portion of the entire domestic industry. The ITC would also be required to consider whether this segment primarily serves the domestic market in the specific geographic area, and whether substantial imports are entering the area.

Rather than rely solely on an industry petition to initiate an ITC review of whether provisional, or expedited, relief deserves to be granted, my bill would permit the U.S. Trade Representative or the Congress, via a resolution, to request such review.

Because the time frames in the present law for considering and providing provisional relief are so long that the damage from imports can already be done well before a decision by the ITC is ever issued, this bill would shorten the time frame for provisional relief determinations by the ITC by allowing the commission to waive, in certain circumstances, the act's requirement that imports be monitored by the USTR for at least 90 days.

And, finally, the bill expands the list of agricultural products eligible for provisional relief to include any potato product, including processed potato products. Under current law, only perishable agricultural products and citrus products are eligible to apply for expedited relief determinations. But this narrow eligibility list unreasonably excludes important U.S. agribusinesses, such as our frozen french fry producers, from the expedited remedies available in the Trade Act.

Major American companies like Ore-Ida and Lamb Weston have reported that U.S. companies have lost 150 million pounds of french fry sales in the U.S. market to Canada in 1996 alone due to Canadian imports priced below market rates. And Canada, particularly the western provinces, has dramatically expanded its french fry production capacity to expand exports to the United States even further over the next several years. Without the changes in my bill, these critical American businesses will have no effective means for combating a Canadian import surge in the next year.

For too long, American agriculture has been trying to combat sophisticated foreign competition with the equivalent of sticks and stones. My bill strengthens the position of American agricultural producers in the competitive arena, and will either provide effective remedies for agricultural producers, or provide effective deterrents to the depredations of their competitors from other countries. I hope other Senators with an interest in fair play for our domestic agricultural producers will join me in cosponsoring this important legislation. Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Trade Reform Act of 1996".

SEC. 2. DEFINITION OF DOMESTIC INDUSTRY, ETC.

(a) DOMESTIC INDUSTRY.—

(1) IN GENERAL.—Section 202(c)(6)(A)(i) of the Trade Act of 1974 (19 U.S.C. 2252(c)(6)(A)(i) is amended to read as follows:

"(A)(i) The term 'domestic industry' means, with respect to an article—

"(I) the producers as a whole of the like or directly competitive article or those producers whose collective production of the like or directly competitive article constitutes a major proportion of the total domestic production of such article, or

"(II) the producers of a like or directly competitive perishable agricultural product, citrus product, or potato product, in a specific geographic area of the United States whose collective production in such area of such article constitutes a significant proportion of the total domestic production of such article.".

(2) DETERMINATION BY COMMISSION.—Section 202(c)(4) of such Act (19 U.S.C. 2252(c)(4)) is amended—

(1) by striking "and" at the end of subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting "; and", and

(3) by adding at the end the following new subparagraph:

"(D) may—

"(i) in the case of one or more domestic producers—

"(I) who produce a like or directly competitive perishable agricultural product, citrus product, or potato product in a specific geographic area of the United States,

"(II) whose production of the product in such area constitutes a significant portion of the domestic industry in the United States, and

"(III) who primarily serve the market in such area, and

"(ii) if there are substantial imports of a like or directly competitive product in such area,

treat as such domestic industry only that portion of the production of the product located in such area.".

(b) SPECIFIC GEOGRAPHIC AREA OF THE UNITED STATES, ETC.—Section 202(c)(6) of such Act (19 U.S.C. 2252(c)(6)) is amended by adding at the end the following new subparagraphs:

"(E) The term 'specific geographic area of the United States' means a discrete and distinguishable geographic area in the United States in which a perishable agricultural product, citrus product, or potato product is produced.

"(F) The term 'significant portion of the domestic industry in the United States' means an important, recognizable part of the domestic industry, including a part of the industry characterized by production in the same growing season.".

SEC. 3. PROVISIONAL RELIEF.

(a) IN GENERAL.—Section 202(d)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2252(d)(1)(C)) is amended to read as follows:

"(C)(i) If—

"(I) a petition filed under subsection (a)—

"(aa) alleges injury from imports of a perishable agricultural product, citrus product, or potato product that has been, on the date the allegation is included in the petition, subject to monitoring by the Commission under subparagraph (B) for not less than 90 days; and

(bb) requests that provisional relief be provided under this subsection with respect to such imports; or

"(II) a request made of the President or the Trade Representative, or a resolution adopted by either the Committee on Ways and Means or the Committee on Finance, under subsection (b), states that provisional relief provided under this subsection with respect to such imports may be necessary to prevent or remedy serious injury, or the threat thereof, to the domestic industry

the Commission shall, not later than the 21st day after the day on which the request was filed, make a determination described in clause (ii), on the basis of available information.

"(ii) The determination described in this clause is a determination by the Commission whether increased imports (either actual or relative to domestic production) of the perishable agricultural product, citrus product, or potato product are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a like or directly competitive perishable agricultural product, citrus product, or potato product and whether either—

"(I) the serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or

"(II) the serious injury cannot be timely prevented through investigation under subsection (b) and action under section 203.".

(b) SPECIAL RULES FOR CONSIDERING CERTAIN REQUESTS.—Section 202(d)(1) of such Act (19 U.S.C. 2252(d)(1)) is amended by adding at the end the following new subparagraph:

"(H) In considering a petition filed under subsection (a) or a request or resolution described in subsection (b), the Commission may waive the 90-day monitoring requirement in subparagraph (C)(i)(I)(aa), if—

"(i) there is a reasonable expectation, based on all available evidence, including significant increases in production or production capacity for the product occurring in the country from which the like or directly competitive product is imported in the year preceding such petition, request, or resolution that the product will be imported from that country in the current year in such quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a like or directly competitive product; and

"(ii) the quantities of imports of the like or directly competitive product from that country reported for the 1-month period preceding the date of such petition, request, or resolution are consistent with such expectation.".

(c) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2)(B)(i) of such Act (19 U.S.C. 2252(a)(2)(B)(i)) is amended by striking

"subsection (d)(1)(C)(i)" and inserting "subsection (d)(1)(C)(i)(I)(aa)".

(2) Section 202(d)(1)(A) of such Act (19 U.S.C. 2252(d)(1)(A)) are amended by striking "perishable agricultural product or citrus product" each place it appears and inserting "perishable agricultural product, citrus product, or potato product".

(3) Section 202(d)(5) of such Act (19 U.S.C. 2252(d)(5)) is amended by adding at the end the following new subparagraph:

"(D) The term 'potato product' means any potato product including any processed potato product.".●

By Mr. DOMENICI:

S. 2062. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

JUVENILE JUSTICE AND DELINQUENCY MODERNIZATION ACT OF 1996

Mr. DOMENICI. Mr. President, noting that the occupant of the chair is the chairman of the subcommittee of jurisdiction of the Judiciary Committee and noting that he and others on that committee have been working diligently in an effort to modernize the Juvenile Justice Act which has been on the books for a long time and obviously is in need of modernization, I rise today to introduce a bill which I hope the subcommittee and the Committee of the Judiciary will take into consideration as they put together a modern bill. I choose to call my bill, which is comprehensive and is the result of some long work on my part and some hard work on the part of a number of people, the Juvenile Justice Modernization Act of 1996.

Mr. President, I rise today to introduce the Juvenile Justice Modernization Act of 1996, a bill to change the focus of our Federal juvenile crime and delinquency prevention efforts. Simply put, the current Federal approach to juvenile crime is outdated, under-funded and ineffective. It fails to address today's increasingly violent juvenile offender, while simultaneously imposing unrealistic burdens on State and local governments.

The nature of juvenile crime has changed substantially since Congress first enacted the Juvenile Justice and Delinquency Prevention Act over 20 years ago. From 1985 to 1994, the teen homicide rate increased 172 percent. Today, more kids use more drugs, have more guns and commit more violent crimes than ever before. Violent street gangs have begun to supply children with the sense of belonging once provided by the traditional family structure. The time has come for a greater Federal role in combating violent juvenile crime, but that new role should not tie the hands of State and local governments nor prevent them from implementing new and innovative solutions to this growing problem.

In July, Senator THOMPSON, the chairman of the Judiciary Committee's Subcommittee on Youth Violence, and I held a hearing in my home State of New Mexico to address this issue. New Mexico faces many of the same problems as other States—rising youth violence, increased teen pregnancy rates, overburdened law enforcement, judicial and corrections systems and a lack of adequate funding for juvenile crime prevention and enforcement programs. In New Mexico alone, 43 percent of the juveniles in State correctional facilities had at least 10 prior referrals to the juvenile system, 75 percent have a history of committing violent crime, 80 percent have a history of gang involvement, 67 percent have been truant, dropped out or expelled from school, and 63 percent report weekly use of drugs or alcohol. Clearly my State, like most others, faces an enormous challenge.

When we held our hearings, I proposed that we should increase Federal funding to allow States to implement better prevention programs and law enforcement and prosecution policies which reflect the changing nature of juvenile crime. This bill increases Federal juvenile justice funding from $160 to $500 million and creates two separate $250 million block grants for States.

The first $250 million will be available to States in much the same manner as under the current Federal law. However, the bill eliminates two of the most burdensome mandates in Federal law and makes it easier for States to meet the remaining ones.

However, we cannot simply throw money at the States and expect that the problem will go away. States must be willing to try new and innovative approaches and get tough on the most violent juvenile offenders. The second $250 million will fund incentive grants, available to States which enact certain juvenile justice reforms. Many of the suggested reforms in the bill came from ideas raised at the hearings we held in New Mexico. At those hearings, we heard from a wide variety of witnesses, and I want to tell you what they told us, because many of them had thoughtful criticisms and solutions to the problems States and localities face in dealing with juvenile crime.

We heard from judges, who described to us the lack of respect many kids have for the justice system. Children are not born with a lack of respect for law and order, it is learned after numerous contacts with a criminal justice system that typically imposes no penalties until the child commits a heinous act of violence. As one judge so eloquently stated:

> The initial contact with the law is a very important event in a young delinquent's life * * * when that contact occurs and nothing of significance occurs, as the youth perceives matters, that youth has turned a corner and formed an opinion about the law enforcement community.

The judges universally agreed that the No. 1 thing we need to do in our juvenile justice system is create a system of graduated sanctions, so that every delinquent act—no matter how small—has a sure, swift and substantial punishment. For quite some time, our juvenile courts have focused too heavily on rehabilitation and not enough on punishment. We instead need balance—we need to use punishment as well as treatment to re-teach kids the difference between right and wrong.

When confronted with certain penalties for bad acts, children respond and are less likely to re-offend in the future. This bill encourages States to implement graduated sanctions programs and provides them with the resources to do so.

We also heard from director of the Children, Youth and Families Department in New Mexico, and the superintendent of the largest juvenile correctional facility in the State. While both noted the need to hold juveniles accountable for their actions, they also indicated the need to get parents involved in the process and to make sure that juveniles who are parents take responsibility for their children. According to one witness who has worked with delinquent kids for over 20 years,

> Two decades ago, when kids were misbehaving or out of control, [she] could talk to Mom and Dad about it. Now, parents have become enablers rather than good role models who set limits.

My bill will encourage States to enact laws and pursue programs to strengthen families in order to prevent the next generation of kids from growing up without parents and without discipline. It will require juveniles who have children to take financial responsibility for them as a condition of their parole or probation. It also will encourage States to enact laws to impose civil liability on parents for the destructive acts of their children and will provide more money for prevention programs to give families a better chance to raise their children so that they never get into trouble.

At our hearing, we also heard from educators and community leaders. They universally noted the need to keep kids in school, and to give them constructive things to do and positive role models to guide them. My bill will encourage States to adopt zero-tolerance truancy policies, enhanced mentoring programs and to increase the availability of educational and recreational programs that benefit all children. It also will encourage States to provide alternative classrooms and schools for delinquent kids, so that children who are expelled for disciplinary reasons are not simply forgotten and left out of the education system. The easiest way to ensure that children will become criminals is to expel them from school and deny them an education. Children deserve every opportunity to get an education, and my bill will encourage that.

Finally, at our hearing we heard from the victims of violent juvenile crime. Their compelling stories convinced me of the need to change the way we currently treat the most violent juveniles. In my State, an innocent young girl was brutally attacked by a 15-year-old young man who stabbed her in the neck as part of his gang initiation. The attack left her paralyzed. In New Mexico, the maximum sentence the young man can receive is a little over 4 years in a juvenile facility. Here is what the 18-year-old victim said about our current juvenile justice system:

> The out-dated laws which exist in our legal system today are nothing but a joke to juveniles. Our laws were meant for juveniles who were committing crimes like truancy and breaking curfews. They are not designed to deal with the violent crimes that juveniles are committing today.

For any Senator who has spoken to victims of juvenile crime in their State, I think this comment sums up the fear and frustration felt around the country. Our system protects violent juvenile criminals rather than protecting victims. Unless a kid commits murder, our system usually fails to hold him accountable for his actions. That must change, and this bill encourages States to adopt mandatory adult prosecution for juveniles over age 14 who commit serious violent crimes.

The bill also protects victims in other ways—by giving States an incentive to adopt victims' rights legislation, to allow for open access to juvenile court proceedings, and to require adult records, including fingerprints and photographs, be kept for violent juveniles. Victims and their families should have access to court proceedings, the right to know when a criminal has been sentenced, when he will be released, and the public has a right to be protected from future violent acts through the imposition of adult sentences for adult crimes. If States adopt these suggested reforms, and I think that many States will, our streets will be safer and there will be fewer innocent victims of violent juvenile crime.

Mr. President, I realize that we cannot change the juvenile justice system overnight. And I realize that this is for the most part, an issue which must be dealt with at the State and local level. But the Federal Government has a role to play and a responsibility to fulfill. That responsibility is to ensure that our streets are safe by giving States the resources and flexibility to implement new and innovative solutions to this very serious problem. My bill provides some suggestions on how we might do that.

I realize that time is short in this Congress, but I really believe that we can no longer sweep this problem under the rug and act like the current approach actually works. Clearly, it does not. I hope that my colleagues will support my efforts along with the efforts of others, that we will give our input to the committees of jurisdiction and ultimately vote on the floor of the Senate to dramatically change the Federal Government's role as it pertains to youth offenders in the United States.

In summary, we will repeal the following mandates found in the Juvenile Justice Act:

Deinstitutionalization of status offenders, those juveniles who commit acts that are criminal if committed by a child but not criminal if done by an adult. We will remove youths from adult jails and lockups, and we will provide flexibility to States by changing the current law on "sight and sound" separation found in the Juvenile Justice Act into a broad principle: States must provide physical separation for incarcerated juveniles and adults, but not necessarily sight-and-sound separation, which has been such a burden and so expensive, in particular in rural and small town facilities in the United States. We need to provide for the sharing of staff in facilities, not require that there be separate staff in each instance.

We make new findings and purposes for this entire section. Then, ultimately, we say that our States will receive incentive grants if they do the following three things:

Implement graduated sanctions, whereby every juvenile offender receives punishment for every crime, no matter how small. Punishment should be of an increasing severity, based on the nature of the crime and if the juvenile is a repeat offender.

Second, fingerprint and photography records to be kept for juveniles 15 and under who commit felonies, and, finally, mandatory adult prosecution for juveniles 14 years and older who commit serious violent crimes.

In addition to these three, without which the incentive grants will not be available, we provide a long list of actions that many think are required in our States if we are ever going to get a handle on this, and then ask the States, as their best practices, to adopt at least five of them. These reforms have been suggested by the very best people who are out there in the field struggling to do something about this very serious problem.

Mr. President, I have a section-by-section analysis and an outline and short table of contents of the bill. I ask unanimous consent that they be printed in the RECORD and that the bill be printed in the RECORD.

There being no objection, the material was orderd to be printed in the RECORD, as follows:

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Juvenile Justice Modernization Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—REFORM OF EXISTING PROGRAMS

Sec. 101. Findings and purpose.
Sec. 102. Definitions.
Sec. 103. Youth violence reduction.
Sec. 104. Annual report.
Sec. 105. Block grants for State and local programs.
Sec. 106. Allocation.
Sec. 107. State plans.
Sec. 108. Repeals.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

Sec. 201. Incentive grants for accountability-based reforms.

TITLE III—GENERAL PROVISIONS

Sec. 301. Authorization of appropriations.
Sec. 302. Technical and conforming amendments.
Sec. 303. Effective date; applicability of amendments.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Nation's juvenile justice system is in trouble—facilities are dangerously overcrowded, field staff is overworked, and a growing number of children are breaking the law;

(2) a redesigned juvenile corrections program for the next century should be based on 4 principles—accountability for offenders and their families, restitution for victims, community-based prevention, and community involvement;

(3) existing programs have not adequately responded to the particular problems of juvenile delinquents in the 1990's;

(4) State and local communities, which experience directly the devastating failure of the juvenile justice system, do not presently have sufficient resources to deal comprehensively with the problems of juvenile crime and delinquency;

(5) limited State and local resources are being unnecessarily wasted complying with overly technical Federal requirements for "sight and sound" separation currently in effect under the 1974 Act. Prohibiting the commingling of adults and juvenile populations would achieve this important purpose without imposing an undue burden on State and local governments;

(6) limited State and local resources are being unnecessarily wasted complying with the overly restrictive Federal mandate that no juveniles be detained or confined in any jail or lockup for adults. This mandate is particularly burdensome for rural communities;

(7) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the area of sentencing;

(8) the term "prevention" in the context of this Act means both ensuring that families have a greater chance to raise their children so that those children do not engage in criminal or delinquent activities, and preventing children who have engaged in those activities from becoming permanently entrenched in the juvenile justice system;

(9) in 1992 alone, there were over 110,000 juvenile arrests for violent crimes, and 16.64 times that number of juvenile arrests for property and other crimes;

(10) in 1994, males ages 14 through 24 constituted only 8 percent of the population but

accounted for more than 25 percent of all homicide victims and nearly half of all convicted murderers;

(11) in a survey of 250 judges, 93 percent of those judges stated that juvenile offenders should be fingerprinted, 85 percent stated that juvenile criminal records should be made available to adult authorities, and 40 percent stated that the minimum age for facing murder charges should be 14 or 15;

(12) studies indicate that good parenting skills, including normative development, monitoring, and discipline, clearly affects whether children will become delinquent, and adequate supervision of free-time activities, whereabouts, and peer interaction is critical to ensure that children do not drift into delinquency;

(13) 20 years ago, less than half of our Nation's cities reported gang activity, while a generation later, reasonable estimates indicate that there are now more than 500,000 gang members in more than 16,000 gangs on the streets of our cities, and there were more than 580,000 gang crimes in 1993;

(14) while the premise of adult corrections is that incarceration prevents the offender from committing additional crimes and punishes the offender by depriving the offender of freedom, the premise of juvenile corrections and this Act is that, unlike adults, children have a significant potential to change and become productive, law-abiding members of society if the juvenile justice system is premised upon accountability, consistent imposition of sanctions and graduated sanctions imposed so that every wrongful Act has a penalty;

(15) the high incidence of delinquency in the United States today results in an enormous annual cost and an immeasurable loss of human life, personal security, and wasted human resources; and

(16) juvenile delinquency constitutes a growing threat to the national welfare, requiring immediate and comprehensive action by the Federal Government to reduce and eliminate this threat.

TITLE I—REFORM OF EXISTING PROGRAMS

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking "(b)"; and

(B) by striking "Federal Government" and inserting "Federal, State, and local governments".

(b) PURPOSE.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"SEC. 102. PURPOSES.

"The purposes of this title and title II are—

"(1) to assist State and local governments in promoting public safety by supporting juvenile delinquency prevention and control activities;

"(2) to encourage and promote programs designed to keep in school juvenile delinquents expelled or suspended for disciplinary reasons;

"(3) to assist State and local governments in promoting public safety by encouraging accountability through the imposition of meaningful sanctions for acts of juvenile delinquency;

"(4) to assist State and local governments in promoting public safety by improving the extent, accuracy, availability and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system;

"(5) to assist State and local governments in promoting public safety by encouraging the identification of violent and hardcore juveniles and transferring such juveniles out of the jurisdiction of the juvenile justice system and into the jurisdiction of adult criminal court;

"(6) to assist State and local governments in promoting public safety by providing resources to States to build or expand juvenile detention facilities;

"(7) to provide for the evaluation of federally assisted juvenile crime control programs, and training necessary for the establishment and operation of such programs;

"(8) to ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

"(9) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.".

SEC. 102. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3), by inserting "punishment," after "control,";

(2) in paragraph (22)(iii), by striking "and" at the end;

(3) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(24) the term 'serious violent crime' means—

"(A) murder or nonnegligent manslaughter, or robbery; or

"(B) aggravated assault committed with the use of a firearm, kidnaping, felony aggravated battery, assault with intent to commit a serious violent crime, and vehicular homicide committed while under the influence of an intoxicating liquor or controlled substance; and

"(25) the term 'serious habitual offender' means a juvenile who meets one or more of the following criteria:

"(A) Arrest for a capital, life, or first degree aggravated sexual offense.

"(B) Not less than 5 arrests, with 3 arrests chargeable as felonies and at least 3 arrests occurring within the preceding 12 months.

"(C) Not less than 10 arrests, with 2 arrests chargeable as felonies and at least 3 arrests occurring within the preceding 12 months.

"(D) Not less than 10 arrests, with 8 or more arrests for misdemeanor crimes involving theft, assault, battery, narcotics possession or distribution, or possession of weapons, and at least 3 arrests occurring within the preceding 12 months.".

SEC. 103. YOUTH VIOLENCE REDUCTION.

(a) OFFICE OF YOUTH VIOLENCE REDUCTION.—Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is amended—

(1) by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction"; and

(2) by striking subsections (b) and (c) and inserting the following:

"(b) ADMINISTRATOR.—The Office shall be headed by an Administrator (hereafter in this title referred to as the 'Administrator') who—

"(1) shall—

"(A) be a career appointee (as that term is defined in section 3132(a)(4) of title 5, United States Code) serving at the pleasure of the Attorney General and having experience in juvenile justice programs; and

"(B) report to the head of the Office of Justice Programs; and

"(2) may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this title.".

(b) CONCENTRATION OF FEDERAL EFFORTS.—Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by inserting before "diversion" the following: "punishment";

(B) in the first sentence, by inserting before the period the following: ", and shall submit such plan to the Congress"; and

(C) by striking the second sentence;

(2) in subsection (b)—

(A) in paragraph (1), by adding "and" at the end; and

(B) by striking paragraphs (2) through (7) and inserting the following:

"(2) reduce duplication among Federal juvenile delinquency programs and activities conducted by Federal departments and agencies.";

(3) by redesignating subsection (h) as subsection (f); and

(4) by striking subsection (i).

(c) COORDINATING COUNCIL ON YOUTH VIOLENCE REDUCTION.—Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in the section heading, by striking "JUVENILE JUSTICE AND DELINQUENCY PREVENTION" and inserting "YOUTH VIOLENCE REDUCTION"; and

(2) by striking "Justice and Delinquency Prevention" each place that term appears and inserting "Youth Violence Reduction".

SEC. 104. ANNUAL REPORT.

Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Governor of each State a report that contains the following with respect to such fiscal year:

(1) SUMMARY AND ANALYSIS.—A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the number of repeat offenders, the number of juveniles using weapons, the number of juvenile and adults victims and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

(A) the types of offenses with which the juveniles are charged, data on serious violent crimes committed by juveniles and data on serious habitual offenders;

(B) the race and gender of the juveniles and their victims;

(C) the ages of the juveniles and their victims;

(D) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

(E) the number of juveniles who died while in custody and the circumstances under which they died;

(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school;

(G) the number of juveniles who are substance abusers; and

(H) information on juveniles fathering or giving birth to illegitimate children and whether these juveniles have assumed financial responsibility for their children.

(2) ACTIVITIES FUNDED.—A description of the activities for which funds are expended under this part.

(3) STATE COMPLIANCE.—A description based on the most recent data available of the extent to which each State complies with section 223 and with the plan submitted under such section by the State for such fiscal year.

(4) SUMMARY AND EXPLANATION.—A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replacing such program or activity in other locations.

(5) EXEMPLARY PROGRAMS AND PRACTICES.—A description of selected exemplary delinquency prevention programs and accountability based youth violence reduction practices.

SEC. 105. BLOCK GRANTS FOR STATE AND LOCAL PROGRAMS.

Section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ", including initiatives for holding juveniles accountable for any act for which they are adjudicated delinquent, increasing public awareness of juvenile proceedings, and improving the content, accuracy, availability, and usefulness of juvenile court and law enforcement records (including fingerprints and photographs) and education programs such as funding for extended hours for libraries and recreational programs which benefit all juveniles";

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) Of amounts made available to carry out this part in any fiscal year, $10,000,000 or 1 percent (whichever is greater) may be used by the Administrator—

"(A) to establish and maintain a clearinghouse to disseminate to the States information on juvenile delinquency prevention, treatment, and control; and

"(B) to provide training and technical assistance to States to improve the administration of the juvenile justice system."; and

(B) in paragraph (2), by striking the last sentence.

SEC. 106. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended to read as follows:

"SEC. 222. ALLOCATION OF FUNDS.

"(a) ALLOCATION AND DISTRIBUTION OF FUNDS.—

"(1) IN GENERAL.—Of the total amount made available to carry out this part for each fiscal year, the Administrator shall allocate to each State the sum of—

"(A) an amount that bears the same relation to one-third of such total as the number of juveniles in the State bears to the number of juveniles in all States;

"(B) an amount that bears the same relation to one-third of such total as the number of juveniles from families with incomes below the poverty line in the State bears to the number of such juveniles in all States; and

"(C) an amount that bears the same relation to one-third of such total as the average annual number of part 1 violent crimes reported by the State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data are available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

"(2) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.35 percent of one-third of the total amount appropriated to carry out this part for each fiscal year.

"(3) UNAVAILABILITY OF INFORMATION.—For purposes of this subsection, if data regarding the measures governing allocation of funds under paragraphs (1) and (2) in any State are unavailable or substantially inaccurate, the Administrator and the State shall utilize the best available comparable data for the purposes of allocation of any funds under this part.

"(b) AVAILABILITY.—Any amounts made available to carry out this section shall remain available until expended.".

SEC. 107. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) by striking the second sentence;

(B) in paragraph (5) by striking ", other than" and all that follows through "section 222(d),"; and

(C) by striking paragraph (14) and inserting the following:

"(14) provide assurances that, in each secure facility located in the State (including any jail or lockup for adults), there is no commingling in the same cell or community room of, or any other regular contact between—

"(A) any juvenile detained or confined for any period of time in that facility; and

"(B) any adult offender detained or confined for any period of time in that facility.";

(D) by striking paragraphs (3), (8), (9), (10), (12), (13), (15), (17), (18), (19), (24), and (25); and

(E) by redesignating paragraphs (4), (5), (6), (7), (11), (14), (16), (20), (21), (22), and (23) as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13), respectively; and

(2) by striking subsections (c) and (d).

SEC. 108. REPEALS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in title II—

(A) by striking parts C, E, F, G, and H;

(B) by striking part I, as added by Public Law 102-586; and

(C) by amending the heading of part I, as in effect immediately before the date of enactment of Public Law 102-586, to read as follows:

"PART E—GENERAL AND ADMINISTRATIVE PROVISIONS"; and

(2) by striking title V, as added by Public Law 102-586.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

SEC. 201. INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part B the following:

"PART C—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

"SEC. 241. AUTHORIZATION OF GRANTS.

"The Administrator shall provide juvenile delinquent accountability grants under section 242 to eligible States to carry out the purposes of this title.

"SEC. 242. ACCOUNTABILITY-BASED INCENTIVE GRANTS.

"(a) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application at such time, in such form, and containing such assurances and information as the Administrator may require by rule, including assurances that the State has in effect (or will have in effect not later than 1 year after the date on which the State submits such application) laws, or has implemented (or will implement not later than 1 year after the date on which the State submits such application)—

"(1) policies and programs that ensure that juveniles who commit an act after attaining 14 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution;

"(2) graduated sanctions for juvenile offenders, ensuring a sanction for every delinquent or criminal act, ensuring that the sanction is of increasing severity based on the nature of the act, and escalating the sanction with each subsequent delinquent or criminal act; and

"(3) a system of records relating to any adjudication of juveniles less than 15 years of age who are adjudicated delinquent for conduct that if committed by an adult would constitute a serious violent crime. Such records shall be—

"(A) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

"(B) submitted to the Federal Bureau of Investigation in the same manner as adult records are so submitted;

"(C) retained for a period of time that is equal to the period of time records are retained for adults; and

"(D) available to law enforcement agencies, the courts, and school officials (and such school officials shall be subject to the same standards and penalties that law enforcement and juvenile justice system employees are subject to under Federal and State law, for handling and disclosing such information).

"(b) ADDITIONAL AMOUNT BASED ON ACCOUNTABILITY-BASED YOUTH VIOLENCE REDUCTION PRACTICES.—A State that receives a grant under subsection (a) is eligible to receive an additional amount of funds added to such grant if such State demonstrates that the State has in effect, or will have in effect, not later than 1 year after the deadline established by the Administrator for the submitting of applications under subsection (a) for the fiscal year at issue, not less than 5 of the following practices:

"(1) VICTIMS' RIGHTS.—Increased victims' rights, including the right to a final conclusion free from unreasonable delay, and the right to be notified of any release or escape of an offender who committed a crime against a particular victim.

"(2) VICTIM RESTITUTION.—Mandatory victim restitution.

"(3) ACCESS TO PROCEEDINGS.—Public access to juvenile court proceedings.

"(4) PARENTAL RESPONSIBILITY.—Juvenile curfews and parental civil liability for serious acts committed by juveniles released to the custody of their parents by the court.

"(5) ZERO TOLERANCE FOR DEADBEAT JUVENILE PARENTS.—Require as condition of parole that—

"(A) juvenile offenders who are parents demonstrate parental responsibility by working and paying child support; and

"(B) juveniles attend and successfully complete school or pursue vocational training.

"(6) SERIOUS HABITUAL OFFENDERS COMPREHENSIVE ACTION PROGRAM (SHOCAP).—A multidisciplinary, interagency management, information and monitoring system for the early identification, control, supervision, and treatment of the most serious juvenile offenders.

"(7) COMMUNITY-WIDE PARTNERSHIPS.—Community-wide partnerships involving county, municipal government, school districts, appropriate State agencies, and nonprofit organizations to administer a unified approach to juvenile delinquency.

"(8) ZERO TOLERANCE FOR TRUANCY.—School districts should implement programs to curb truancy and implement certain and swift punishments for truancy, including parental notification of every absence, mandatory Saturday school makeup sessions for truants or weekends in jail for truants and denial of participation or attendance at extracurricular activities by truants.

"(9) ALTERNATIVE SCHOOLING.—A requirement that, as a condition of receiving any State funding provided to school districts in accordance with a formula allocation based on the number of children enrolled in school in the school district, each school district shall establish one or more alternative schools or classrooms for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons and shall require that such juveniles attend the alternative schools or classrooms. Any juvenile who refuses to attend such alternative school or classroom shall be immediately detained pending a hearing. If a student is transferred from a regular school to an alternative school for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons such State funding shall also be transferred to the alternative school.

"(10) JUDICIAL JURISDICTION.—A system under which municipal and magistrate courts have—

"(A) jurisdiction over minor delinquency offenses such as truancy, curfew violations, and vandalism; and

"(B) short term detention authority for habitual minor delinquent behavior.

"(11) ELIMINATION OF CERTAIN INEFFECTIVE PENALTIES.—Eliminate 'counsel and release' or 'refer and release' as a penalty for juveniles with respect to the second or subsequent offense for which the juvenile is referred to a juvenile probation officer.

"(12) REPORT BACK ORDERS.—A system of 'report back' orders whenever juveniles are placed on probation, so that after a period of time (not to exceed 2 months) the juvenile appears before and advises the judge of the progress of the juvenile in meeting certain goals.

"(13) PENALTIES FOR USE OF FIREARM.—Mandatory penalties for the use of a firearm during a violent crime or a drug felony.

"(14) STREET GANGS.—Make it illegal to engage in criminal conduct as a member of a street gang and impose severe penalties for terrorism by criminal street gangs.

"(15) CHARACTER COUNTS.—Character education and training for juvenile offenders.

"(16) MENTORING.—Mentoring programs for at-risk youth.

"(17) DRUG COURTS AND COMMUNITY-ORIENTED POLICING STRATEGIES.—Courts for juveniles charged with drug offenses and community-oriented policing strategies.

"SEC. 243. FORMULAS FOR GRANTS.

"The amount made available for any fiscal year for grants under section 241 shall be allocated among the States proportionately on the basis of the number of residents of such States who are less than 18 years of age, in accordance with the following:

"(1) 50 percent shall be allocated among the States that meet the requirements of section 242(a).

"(2) 50 percent shall be allocated among the States that meet the requirements of subsections (a) and (b) of section 242.

"SEC. 244. ACCOUNTABILITY.

"A State that receives a grant under section 241 shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Administrator, and shall ensure that any funds used to carry out section 241 shall represent the best value for the State at the lowest possible cost and employ the best available technology.

"SEC. 245. LIMITATION ON USE OF FUNDS.

"(a) NONSUPPLANTING REQUIREMENT.—Funds made available under section 241 shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(b) ADMINISTRATIVE AND RELATED COSTS.—Not more than 2 percent of the funds appropriated under section 291(c) for a fiscal year shall be available to the Administrator for such fiscal year for purposes of—

"(1) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this part; and

"(2) technical assistance relating to the use of grants made under section 241, and development and implementation of policies, programs, and practices described in section 242.

"(c) CARRYOVER OF APPROPRIATIONS.—Funds appropriated under section 291(c) shall remain available until expended.

"(d) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a proposal as described in an application approved under this part.".

TITLE III—GENERAL PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended to read as follows:

"SEC. 291. AUTHORIZATION OF APPROPRIATIONS.

"(a) OFFICE OF YOUTH VIOLENCE REDUCTION.—There are authorized to be appropriated for each of fiscal years 1997, 1998, 1999, 2000, and 2001 such sums as may be necessary to carry out part A.

"(b) BLOCK GRANTS FOR STATE AND LOCAL PROGRAMS.—There is authorized to be appropriated to carry out part B $250,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

"(c) INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS.—There is authorized to be appropriated to carry out part C $250,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

"(d) SOURCE OF APPROPRIATIONS.—Funds authorized by this section to be appropriated may be appropriated from the Violent Crime Reduction Trust Fund.".

SEC. 302. TECHNICAL AND CONFORMING AMENDMENTS.

(a) JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. et seq.) is amended—

(1) in part A, by striking the part designation and the part heading and inserting the following:

"OFFICE OF YOUTH VIOLENCE REDUCTION";

(2) in section 217(a), by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction";

(3) in part B, in the part heading, by striking "FEDERAL ASSISTANCE" and inserting "BLOCK GRANTS";

(4) in section 222, by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction";

(5) in section 299A, by striking "this Act" each place that term appears and inserting "this title";

(6) by striking section 299C;

(7) in section 299D—

(A) in subsection (b), by striking "Except as provided in the second sentence of section 222(c), financial" and inserting "Financial"; and

(B) by striking subsection (d);

(8) by redesignating sections 299A, 299B, and 299D as sections 292, 293, and 294, respectively;

(9) in section 385(c), by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction"; and

(10) in section 403(2), by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction".

(b) TITLE 5.—Section 5315 of subchapter II of chapter 53 of title 5, United States Code, is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction".

(c) TITLE 18.—Section 4351(b) of title 18, United States Code, is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction".

(d) TITLE 39.—Section 3220 of title 39, United States Code, is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place that term appears and inserting "Office of Youth Violence Reduction".

(e) SOCIAL SECURITY ACT.—Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction".

(f) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—The Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 102(a)(5), by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction";

(2) in section 801, by striking "Office of Juvenile Justice and Delinquency Prevention" each place that term appears and inserting "Office of Youth Violence Reduction";

(3) in section 804, by striking "Office of Juvenile Justice and Delinquency Prevention" each place that term appears and inserting "Office of Youth Violence Reduction";

(4) in section 805, by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction";

(5) in section 813, by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction";

(6) in section 1701(a), by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction"; and

(7) in section 2501(a)(2), by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction".

(g) VICTIMS OF CHILD ABUSE ACT.—Sections 217 and 222 of the Victims of Child Abuse Act (42 U.S.C. 13013, 13022) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place that term appears and inserting "Office of Youth Violence Reduction".

(h) NATIONAL CHILD PROTECTION ACT OF 1993.—Section 2(f) of the National Child Protection Act of 1993 (42 U.S.C. 5119(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Youth Violence Reduction".

(i) OTHER REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Office of Juvenile Justice and Delinquency Prevention established under section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974, as in effect on the day before the date of enactment of this Act, shall be deemed to refer to the Office of Youth Violence Reduction established under section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

SEC. 303. EFFECTIVE DATE; APPLICABILITY OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

(b) APPLICABILITY OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to any fiscal year beginning before the effective date of this Act.

Juvenile Justice Modernization Act of 1996—SECTION-BY-SECTION ANALYSIS

Section 1—Short title & table of contents.

TITLE I—REFORM OF EXISTING JUVENILE JUSTICE PROGRAMS

Section 101—Strikes the "Findings" in subsection (a) of Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601). Amends subparagraph (b) of Section 101 to recognize the need for comprehensive state, local and federal government action to combat juvenile crime.

Amends the "Purposes" in Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) to recognize the new Act's focus on assisting State and local governments' efforts to promote public safety by supporting juvenile delinquency prevention and law enforcement programs and to provide for the establishment, operation and evaluation of federally assisted juvenile crime programs.

Section 102—Amends Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) and adds two new terms.

For purposes of the Act, "serious violent crime" means murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault with a firearm, kidnaping, felony aggravated battery, assault with the intent to commit a serious violent crime, or vehicular homicide committed while under the influence of an intoxicating liquor or controlled substance.

"Serious habitual offender" means a juvenile who meets one or more of several criteria: (1) Arrest for a capital, life or first degree aggravated sexual offense; (2) 5 or more arrests, with 3 chargeable as felonies and at least 3 arrests within the preceding 12 months; (3) 10 or more arrests, with 2 chargeable as felonies and at least 3 arrests in the preceding 12 months; or (4) 10 or more arrests, with 8 or more for misdemeanor crimes involving theft, battery, narcotics possession or possession of weapons, with at least 3 arrests occurring within the preceding 12 months.

Section 103—Amends Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611) and renames the Office of Juvenile Justice and Delinquency Prevention. OJJDP will be known as the "Office of Youth Violence Reduction."

Eliminates Presidential appointment for the Administrator of the Office. Requires that the Administrator of the Office be a career appointee with experience in juvenile justice programs. The Administrator will report to the head of the Office of Justice Programs and will continue to prescribe regulations and administer grants awarded by the Office. Eliminates the Deputy Administrator position.

Amends Section 204 of the JJ&DP Act and requires the Administrator to submit to Congress the plan for the implementation of federal juvenile delinquency programs. Eliminates requirement that the Administrator consult with the Coordinating Council on Juvenile Justice and Delinquency Prevention. Limits the Office's responsibilities to two: to report to the President on all matters related to federal juvenile justice programs and to reduce duplication of federal juvenile justice programs and the activities of federal departments and agencies.

Renames the Coordinating Council on Juvenile Justice and Delinquency Prevention as the "Coordinating Council on Youth Violence Reduction."

Amends Section 207 of the JJ&DP Act and requires the Administrator to submit an annual report to the President, Congress and the Governors of the 50 states which contains a summary and analysis of juvenile crime and incarceration data, as well as information on juvenile substance abuse and the degree to which juvenile offenders have taken financial responsibility for their children. The annual report also must contain a description of activities funded under the Act, an explanation of the extent to which states comply with the requirements of Section 223, a summary and evaluation of each program or activity for which assistance is provided, and a list and description of selected exemplary delinquency prevention programs and accountability-based youth violence reduction practices.

Section 104—Amends Section 221 of the JJ&DP Act to authorize the Administrator to make grants to states for initiatives with the additional purposes of holding juveniles accountable for all delinquent acts, increasing public awareness of juvenile proceedings, improving juvenile court and law enforcement records, including fingerprints and photographs and increasing the availability of education programs which benefit all juveniles.

Allows the Administrator to use the greater of one percent of the funds made available under the Act or $10 million to establish and maintain a clearinghouse to disseminate to States information on juvenile delinquency, prevention, treatment and control and to provide training and technical assistance to States to improve their juvenile justice systems.

Section 105—Amends Section 222 of the JJ&DP Act and creates a new formula for the allocation and distribution of grants under Part B of the Act. $250 million available under this section will be allocated based equally on the number of juveniles in each state, the number of juveniles in the state living below the poverty line and the violent crime rate of the state.

Maintains federal funding levels by requiring that each state continue to receive 0.35 percent of one-third of the funds appropriated to carry out the Act. Allows the Administrator and states to use the best available comparable data to determine eligibility under the formula. Eliminates the requirement that states use 5 percent of grant money to assist state advisory groups.

Section 106—Amends Section 223 of the JJ&DP Act and eliminates the requirement that states update their plans annually to include new programs and challenge activities. Eliminates the requirement that states form juvenile justice advisory groups. Eliminates the requirement that 75 percent of funds be used for particular programs.

Eliminates many of the mandates imposed upon states as conditions of receiving federal funds, including deinstitutionalization of status offenders and removal of juveniles from adult jails and lock-ups. Requires that States provide assurances that there is no commingling of or regular contact between juvenile and adult offenders in the same cell or community room in state facilities.

Section 107—Repeals several parts in title II of the JJ&DP Act. Eliminates the National Institute for Juvenile Justice and Delinquency Prevention, Special Emphasis Prevention and Treatment Programs, State Challenge Activities, Treatment for Juvenile Offenders Who Are Victims of Child Abuse or Neglect, Mentoring, Boot Camps and the White House Conference on Juvenile Justice. Eliminates state incentive grants for local delinquency prevention programs.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

Section 201—Amends the JJ&DP Act by creating a new Part C. Creates a new Section 241 authorizing the Administrator to award $250 million in new incentive grants for states which enact certain accountability-based reforms to their juvenile justice systems. States must submit applications to the Administrator certifying that the State has enacted or implemented (or will enact or implement within one year) certain laws and policies which will improve the State's juvenile justice system.

Creates a new Section 242(a). States must enact the following three reforms in order to receive 50 percent of the funds available under Part C: (1) policies and programs to ensure that juveniles age 14 or over who commit "serious violent crimes" are prosecuted as adults; (2) graduated sanctions, ensuring a punishment for every delinquent or criminal act, and ensuring that the sanctions are of increasing severity for each subsequent offense; and (3) require that adult records (including fingerprints and photographs) be kept for juveniles under age 15 who commit "serious violent crimes."

Creates a new Section 242(b). In addition to the reforms mentioned above, States must enact five of the following in order to receive 100 percent of the funds available under Part C: (1) victims' rights laws; (2) mandatory victim restitution; (3) public access to juvenile court proceedings; (4) juvenile curfews and civil parental responsibility laws for serious acts committed by juveniles released to the custody of their parents; (5) financial responsibility for offspring and successful completion of school or vocational training as a condition of parole or probation; (6) serious habitual offender comprehensive action plans, a multi disciplinary interagency system for the early identification, control, monitoring, supervision and treatment of the most serious juvenile offenders; (7) community-wide partnerships involving county and municipal governments, school districts, State agencies and private organizations to administer a unified approach to juvenile justice; (8) zero tolerance for truancy, including parental notification and mandatory make-up sessions for truants; (9) alternative schools or classrooms for expelled or suspended juveniles; (10) jurisdiction for municipal and magistrate courts over minor delinquency offenses and short-term detention authority for habitual minor delinquency behavior; (11) expedited prosecution procedures and prompt resolution of juvenile cases; (12) eliminate "counsel and release" or "refer and release" as a penalty for second offenses for which juveniles are referred to a juvenile probation officer; (13) "report back orders" whereby juveniles on probation appear before the court and advise the court of their progress in meeting certain goals; (14) mandatory penalties for the use of a firearm during a violent crime or drug felony; (15) laws making it illegal to engage in criminal conduct as a member of a street gang; (16) character education and training; (17) mentoring programs for at-risk youth; (18) courts for juveniles charged with drug offenses and community-oriented policing strategies.

Creates a new Section 243. Grants will be allocated proportionately based on the number of residents in the State under the age of 18, in accordance with the following: (1) 50 percent allocated among the States which meet the requirements of Section 242(a); and (2) 50 percent among the States which meet the requirements of Sections 242(a) and 242(b).

Creates a new Section 244 requiring that States utilize accounting, auditing and fiscal procedures prescribed by the Administrator and that States ensure that funds used will represent the best value for the State at the lowest cost and employ the best available technology.

Creates a new Section 245 prohibiting States from using grants to supplant existing State juvenile justice funds. Allows up to 2 percent of available funds be available to the Administrator for research and evaluation projects, and technical assistance. Appropriated funds will carry over and remain available until expended. The Federal share of grant received under Part C must not exceed 90 percent of the costs of the submitted proposal.

TITLE III—GENERAL PROVISIONS

Section 301—Authorizes necessary funding through 2001 for the Office of Youth Violence Reduction. Authorizes $250 million for each year through 2001 for Part B grants and $250 million for each year through 2001 for Part C grants. Allows appropriation of funds from the Violent Crime Reduction Trust Fund.

Section 302—Technical and conforming amendments.

Section 303—Sets the effective date of the Act as the first day of the first fiscal year beginning after the date of enactment.

OUTLINE OF DOMENICI JUVENILE JUSTICE BILL

TITLE I—GRANTS TO STATES

1. New "Findings" and "Purposes" sections which discuss the increase and changing nature of juvenile crime.

2. Repeal the following mandates found in the current Juvenile Justice Act:

(a) deinstitutionalization of "status" offenders—those juveniles who commit acts that are criminal if committed by a child but not criminal if done by an adult;

(b) remove youths from adult jails and lockups; and

3. Provide flexibility to states by changing the current law "sight and sound" mandate found in the Juvenile Justice Act into a broad principle:

(a) provide physical separation of incarcerated juveniles and adults, but not necessarily sight and sound separation;

(Need to allow for the sharing of staff and facilities. Rural areas should be able to keep adults and juveniles in the same facility so long as they are in separate cells.)

Require states to provide assurances that they are adhering to the principles.

4. More money and more flexibility for states:

GRANTS

Replace Justice's OJJDP with a new office within DOJ's OJP. Make the new Administrator a career person who serves at the pleasure of the Attorney General.

Increase funding from $150 million per year to $500 million.

Use one-half ($250 million) for grants to the states for prevention programs for juveniles and meeting requirements of the incentive grants. Grants will be distributed proportionately based on number of juveniles below age 18, poverty and crime rates.

States could use the money to continue to fund existing programs, create their own new programs or to meet the requirements for the second set of grants.

Allow funds to be used for programs directed at all juveniles not just "at risk" juveniles. For example, money could be used to keep libraries and gyms open and staffed after hours.

No strings other than one mandate regarding minorities and retaining one current mandate, as a "principle."

States file an action plan with the Office of Juvenile Crime Control and Delinquency Prevention.

$250 million for new incentive-based grants for states which enact certain reforms (much like Truth-in-Sentencing).

Grants would be used for law enforcement.

THREE STRINGS FOR THE INCENTIVE GRANTS

States must certify to the Administrator that they have enacted or will within one year enact laws to require that they have implemented a system of:

1. Graduated sanctions, whereby every juvenile offender receives a punishment for every crime.

The punishment should be of increasing severity based on the nature of the crime and if the juvenile is a repeat offender.

2. Fingerprint and photograph records to be kept for juveniles 15 and under who commit felonies.

Records would be kept like adult records—submitted to the FBI, available to law enforcement, courts and schools.

For non-felony crimes, records would follow juvenile as long as he/she is in the juvenile system. Whether to seal records would be at the discretion of the judge, but would always be available for law enforcement purposes.

For felony crimes (regardless of whether tried as juvenile or adult) records would follow juvenile into adulthood. There would be no special rules allowing sealing of records just because the offender is a juvenile.

3. Mandatory adult prosecution for juveniles 14 or over who commit a "serious violent crimes."

"Serious violent crimes" are defined as murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault with a firearm, kidnaping, felony aggravated battery, and vehicular homicide committed while under the influence of an intoxicating liquor or controlled substance.

States would also have to enact at least five of the following juvenile justice "best practices" to receive the additional funds:

1. Provide for victims' rights including final conclusion free from unreasonable delay and right to be notified of any release or escape of an offender who committed a crime against a particular victim.

2. Mandatory victim restitution.

3. Public access to juvenile court proceedings.

4. Parental responsibility laws for serious acts committed by juveniles released to their parents by the court and juvenile curfews.

5. Financial responsibility for offspring as condition for parole.

6. Serious habitual offenders comprehensive action program. If you do the crime you do the time. Among other items, it establishes a system for tracking the most serious juvenile offenders

7. Establish community-wide partnerships involving county, municipal governments, school districts, appropriate state agencies and non-profits to administer a unified approach to delinquency.

8. Zero tolerance for truancy. School districts should implement programs to curb truancy and implement certain and swift punishments for truancy. For example, parents should be advised of every absence; schools should hold Saturday "make-up" sessions or weekends in jail or denying extra curricular activities to truants.

9. Alternative schools or classrooms for expelled or suspended juveniles. Expelled or suspended students should be required to attend. Alternative schools should start earlier and go later than regular school. Counseling, tutoring, community service, and work oriented restitution would be required during extra hours. Any juvenile who refuses to attend alternative school would be subject to immediate detention pending a hearing. Funding made available from the state on a formula for each pupil should follow the child so if the child is put into an alternative school, the state funding should follow that student.

10. Provide municipal and magistrate courts with jurisdiction over minor delinquency offenses such as truancy, curfew, motor vehicle violations and graffiti. Authorize Municipal and Magistrate courts short term detention authority in response to persistent minor delinquent behavior.

11. Establish expedited procedures for prosecution and prompt resolution of juvenile cases.

12. Eliminate "counsel and release" or "refer and release" as a penalty for a second or subsequent offense.

13. Institute a system of "report back" orders whenever juveniles are placed on probation so that after a period of time (two months) the juvenile advises the judge of his/her progress toward meeting certain goals.

14. Mandatory penalties for the use of a firearm during a violent crime or drug felony.

15. Enact a state law making it illegal to engage in criminal conduct as a member of a street gang and enact a street terrorism act.

16. Provide Character education and training, like Character Counts.

17. Establish mentoring programs for youth in trouble.

18. Youth drug courts and community oriented policing strategies targeted at juveniles.

Mr. DOMENICI. Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and referred.

ADDITIONAL COSPONSORS

S. 984

At the request of Mr. GRASSLEY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 984, a bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes.

S. 1632

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1632, a bill to prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

S. 1975

At the request of Mr. MCCONNELL, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1975, a bill to amend the Competitive, Special, and Facilities Research Grant Act to provide increased emphasis on competitive grants to promote agricultural research projects regarding precision agriculture and to provide for the dissemination of the results of the research projects, and for other purposes.

S. 1978

At the request of Mr. DORGAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1978, a bill to establish an Emergency Commission To End the Trade Deficit.

S. 2030

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, and for other purposes.

S. 2056

At the request of Mr. BRYAN, his name was added as a cosponsor of S. 2056, a bill to prohibit employment discrimination on the basis of sexual orientation.

SENATE RESOLUTION 286

At the request of Mr. DODD, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from Ohio [Mr. DEWINE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Vermont [Mr. JEFFORDS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. THURMOND], the Senator from Louisiana [Mr. BREAUX], the Senator from South Dakota [Mr. DASCHLE], the Senator from California [Mrs. FEINSTEIN], the Senator from Kentucky [Mr. FORD], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Rhode Island [Mr. PELL], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Resolution 286, a resolution to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.

AMENDMENTS SUBMITTED

THE TREASURY DEPARTMENT APPROPRIATIONS ACT, 1997

WYDEN (AND KENNEDY) AMENDMENT NO. 5206

Mr. WYDEN (for himself and Mr. KENNEDY) proposed an amendment to the bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the end of the Committee amendment insert the following new title:

TITLE —PROTECTION OF PATIENT COMMUNICATIONS

SEC. 01. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Patient Communications Protection Act of 1996".

(b) FINDINGS.—Congress finds the following:

(1) Patients need access to all relevant information to make appropriate decisions, with their physicians, about their health care.

(2) Restrictions on the ability of physicians to provide full disclosure of all relevant information to patients making health care decisions violate the principles of informed consent and practitioner ethical standards.

(3) The offering and operation of health plans affect commerce among the States. Health care providers located in one State serve patients who reside in other States as well as that State. In order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in one State as well as those operating among the several States.

SEC. 02. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) IN GENERAL.—

(1) PROHIBITION OF CERTAIN PROVISIONS.—Subject to paragraph (2), an entity offering a health plan (as defined in subsection (d)(2)) may not include any provision that prohibits or restricts any medical communication (as defined in subsection (b)) as part of—

(A) a written contract or agreement with a health care provider.

(B) a written statement to such a provider or

(C) an oral communication to such a provider.

(2) CONSTRUCTION.—Nothing in this section shall be construed as preventing an entity from exercising mutually agreed upon terms and conditions not inconsistent with paragraph (1), including terms or conditions requiring a physician to participate in, and cooperate with, all programs, policies, and procedures developed or operated by the person, corporation, partnership, association,. or other organization to ensure, review, or improve the quality of health care.

(3) NULLIFICATION.—Any provision described in paragraph (1) is null and void.

(b) MEDICAL COMMUNICATION DEFINED.—In this section, the term "medical communication" means a communication made by a health care provider with a patient of the provider (or the guardian or legal representative of such patient) with respect to the patient's physical or mental condition or treatment options.

(c) ENFORCEMENT THROUGH IMPOSITION OF CIVIL MONEY PENALTY.—

(1) IN GENERAL.—Any entity that violates paragraph (1) of subsection (a) shall be subject to a civil money penalty of up to $25,000 for each violation. No such penalty shall be imposed solely on the basis of an oral communication unless the communication is part of a pattern or practice of such communications and the violation is demonstrated by a preponderance of the evidence.

(2) PROCEDURES.—The provisions of subsection (c) through (l) of section 1129A of the Social Security Act (42 U.S.C. 1320a-(a) shall apply to civil money penalties under paragraph (1) in the same manner as they apply to a penalty or proceeding under section 1128(a) of such Act.

(d) DEFINITIONS.—For purposes of this section.

(1) HEALTH CARE PROVIDER.—The term "health care provider" means anyone licensed or certified under State law to provide health care services.

(2) HEALTH PLAN.—The term "health plan" means any public or private health plan or arrangement (including an employee welfare benefit plan) which provides, or pays the cost of, health benefits, and includes an organization of health care providers that furnishes health services under a contract or agreement with such a plan.

(3) COVERAGE OF THIRD PARTY ADMINISTRATORS.—In the case of a health plan that is an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974), any third party administrator or other person with responsibility for contracts with health care providers under the plan shall be considered, for purposes of this section, to be an entity offering such health plan.

(e) NON-PREEMPTION OF STATE LAW.—A State may establish or enforce requirements with respect to the subject matter of this section, but only if such requirements are consistent with this title and are more protective of medical communications than the requirements established under this section.

(f) EFFECTIVE DATE.—Subsection (a) shall take effect 180 days after the date of the enactment of this Act and shall apply to medical communications made on or after such date.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 5207

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself, Mr. Wyden, Mr. Glenn, Mr. Kerry, Mr. Simon, Mr. Kennedy, Mrs. Boxer, and Mr. Reid) submitted an amendment intended to be proposed by them to the bill, H.R. 3756, supra; as follows:

At the appropriate place insert the following: "Section 245(b) of title 18, United States Code, is amended (1) in paragraph (2) in the matter before subparagraph (A), by inserting ', sexual orientation,' after 'religion'; and (2) in paragraph (4)(A), by inserting ', sexual orientation,' after 'religion'."

THOMPSON (AND OTHERS) AMENDMENT NO. 5208

Mr. HELMS (for Mr. Thompson, for himself, Mr. Helms, Mr. Thurmond, Mrs. Hutchison, Mr. Wellstone, and Mr. Grassley) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the end of the Committee amendment insert the following: "No adjustment under section 5303 of title 5, United States Code, for Members of Congress and members of the President's Cabinet shall be considered to have taken effect in fiscal year 1997."

SHELBY AMENDMENTS NOS. 5209–5222

Mr. SHELBY proposed 14 amendments to the bill, H.R. 3756, supra; as follows:

Amendment No. 5209

On page 131, line 13, strike "and".

On page 131, line 18, strike ".", and insert ", and".

Amendment No. 5210

On page 42, strike all from line 9 through line 15.

Amendment No. 5211

On page 4, line 4, line type "$29,319,000".

Amendment No. 5212

On page 118, line 16 strike all through page 120, line 15.

Amendment No. 5213

On page 135, strike line 5 through line 20.

Amendment No. 5214

On page 34, after line 23 insert the following:

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $35,536,000.

Amendment No. 5215

On page 22, line 21 strike all from "(modernized" through "systems" on line 23, and insert: "(development and deployment) and operational information systems".

On page 23, line 14 strike all from "to manage," through "Management Office" on line 17.

On page 23, line 18 strike "and other necessary Program Management activities" and insert: "the Internal Revenue Service shall seek contractual support in managing, integrating, testing and implementing".

On page 23, line 22 strike all from "none of" through "program without" on page 24, line 3.

On page 24, line 5 strike "which".

On page 24, line 8 strike all from "except that" through "Board" on line 11.

On page 24, line 18 strike all from ": *Provided further,*" through "modernization" on line 20.

Amendment No. 5216

On page 128, line 9 before the semicolon insert the following: ", or under section 4823 of title 22, United States Code."

Amendment No. 5217

On page 101, on line 3, insert after "boards" the following: "(except Federal Executive Boards)".

Amendment No. 5218

On page 69, after line 20, add the following new section:

Sec. 422. Subparagraph (B) of section 8348(a)(1) of title 5, United States Code, is amended by striking "title;" and inserting "title and providing other post-adjudicative services to annuitants;".

Amendment No. 5219

On page 57, line 21 before the colon insert the following new provision: ": *Provided further,* That to the extent that the Federal Communications Commission does not receive sufficient appropriations for necessary expenses associated with its relocation to the Portals in Washington, DC, funds available to the Administrator of General Services shall hereafter be available for payments to the lessor of the amortized amount, to be financed at the lowest cost to the Government, of such expenses. Such payments shall be in addition to amounts authorized pursuant to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606) and shall be made for a term not to exceed the useful life of the improvements, furniture, equipment, and services provided, up to a maximum of ten years.".

Amendment No. 5220

On page 51, line 10 strike all from "*Provided further,*" through "House and Senate." on line 16.

Amendment No. 5221

On page 61, line 5 strike all from ": *Provided,*" through "or expanded" on line 8.

Amendment No. 5222

On page 69, after line 20 add the following new section:

Sec. . Paragraph (1) of section 8906(e) of title 5, United States Code, is amended—

(1) by striking the last sentence of that paragraph and redesignating the remainder of that paragraph as (1)(A);

(2) by adding at the end of paragraph (1)(A) (as so designated) the following:

"(B) During each pay period in which an enrollment continues under subparagraph (A)—

"(i) employee and Government contributions required by this section shall be paid on a current basis; and

"(ii) if necessary, the head of the employing Agency shall approve advance payment, recoverable in the same manner as under section 5524a(c), of a portion of basic pay sufficient to pay current employee contributions.

"(C) Each agency shall establish procedures for accepting direct payments of employee contributions for the purposes of this paragraph.".

DORGAN (AND OTHERS) AMENDMENT NO. 5223

Mr. DORGAN (for himself, Mr. Bumpers, Mr. Hollings, Mr. Kerry, Mr. Simon, Mr. Kohl, Mr. Reid, Mr. Wellstone, Mr. Leahy, Mr. Harkin, Mr. Feingold, and Mr. Kennedy) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) General Rule.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 (defining foreign base company income) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) imported property income for the taxable year (determined under subsection (h) and reduced as provided in subsection (b)(5))."

(b) Definition of Imported Property Income.—Section 954 of such Code is amended by adding at the end the following new subsection:

"(h) Imported Property Income.—

"(1) In general.—For purposes of subsection (a)(6), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) manufacturing, producing, growing, or extracting imported property,

"(B) the sale, exchange, or other disposition of imported property, or

"(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

"(2) Imported property.—For purposes of this subsection—

"(A) In general.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

"(B) Imported property includes certain property imported by unrelated persons.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

"(i) such property would be imported into the United States, or

"(ii) such property would be used as a component in other property which would be imported into the United States.

"(C) Exception for property subsequently exported.—The term 'imported property' does not include any property which is imported into the United States and which—

"(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States, or

"(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

"(3) DEFINITIONS AND SPECIAL RULES.—

"(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use an intangible (as defined in section 936(b)(3)(B)) in the United States.

"(B) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

"(C) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income."

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) of such Code (relating to separate application of section with respect to certain categories of income) is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) imported property income, and".

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(h))."

(3) LOOK-THRU RULES TO APPLY.—Subparagraph (F) of section 904(d)(3) of such Code is amended by striking "or (E)" and inserting "(E), or (I)".

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of such Code (relating to certain prior year deficits may be taken into account) is amended by inserting the following subclause after subclause (II) (and by redesignating the following subclauses accordingly):

"(III) imported property income,".

(2) Paragraph (5) of section 954(b) of such Code (relating to deductions to be taken into account) is amended by striking "and the foreign base company oil related income" and inserting "the foreign base company oil related income, and the imported property income".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1996, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 1996.

THOMAS AMENDMENT NO. 5224

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the end of title VI add the following:

SEC. 646. (a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be used by the Office of Management and Budget, or any other agency, to publish, promulgate, or enforce any policy, regulation, or circular, or any rule or authority in any other form, that would permit any Federal agency to provide a commercially available property or service to any other department or agency of government unless the policy, regulation, circular, or other rule or authority meets the requirements prescribed under subsection (b).

(b)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations applicable to any policy regulation, circular, or other rule or authority referred to in subsection (a).

(2) The requirements prescribed under paragraph (1) shall include the following:

(A) A requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector.

(B) A requirement for cost and performance benchmarks relating to the property or service provided relative to comparable services provided by other government agencies and contractors in order to permit effective oversight of the cost and provision of such property or service by the agency concerned or the Office of Management and Budget.

SHELBY AMENDMENT NO. 5225

Mr. SHELBY proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 135, after line 4, insert the following new section:

SEC. . Subsection (b) of section 404 of Public Law 103-356 is amended by deleting "September 30, 1997" and inserting "December 31, 1999".

STEVENS AMENDMENT NO. 5226

Mr. SHELBY (for Mr. STEVENS) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 134, line 7 strike all through page 135, line 4, and insert the following:

SEC. 645. REGULATORY ACCOUNTING.

(a) IN GENERAL.—No later than September 30, 1997, the Director of the Office of Management and Budget shall submit to the Congress a report that provides—

(1) estimates of the total annual costs and benefits of Federal regulatory programs, including quantitative and nonquantitative measures of regulatory costs and benefits;

(2) estimates of the costs and benefits (including quantitative and nonquantitative measures) of each rule that is likely to have a gross annual effect on the economy of $100,000,000 or more in increased costs;

(3) an assessment of the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government; and

(4) recommendations from the Director and a description of significant public comments to reform or eliminate any Federal regulatory program or program element that is inefficient, ineffective, or is not a sound use of the Nation's resources.

(b) NOTICE.—The Director shall provide public notice and an opportunity to comment on the report under subsection (a) before the report is issued in final form.

MIKULSKI AMENDMENT NO. 5227

Mr. SHELBY (for Ms. MIKULSKI) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 93, after line 19 insert the following new section:

SEC. . FACILITY FOR THE UNITED STATES GOVERNMENT.

(a) CLOSING OF ALLEY.—The alley bisecting the property on which a facility is being constructed for use by the United States Government at 930 H Street, N.W., Washington, District of Columbia, is closed to the public, without regard to any contingencies.

(b) JURISDICTION.—The Administration of General Services shall have administrative jurisdiction over, and shall hold title on behalf of the United States in, the alley, property, and facility referred to in subsection (a).

MACK (AND GRAHAM) AMENDMENT NO. 5228

Mr. SHELBY (for Mr. MACK, for himself and Mr. GRAHAM) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Secretary may, on behalf of the United States, transfer to the University of Miami, without charge, title to the real property and improvements that as of the date of the enactment of this Act constitute the Federal facility known as the Perrine Primate Center, subject to the condition that, during the 10-year period beginning on the date of the transfer—

(1) the University will provide for the continued use of the real property and improvements as an animal research facility, including primates, and such use will be the exclusive use of the property (with such incidental exceptions as the Secretary may approve); or

(2) the real property and improvements will be used for research-related purposes other than the purpose specified in paragraph (1) (or for both of such purposes), if the Secretary and the University enter into an agreement accordingly.

(b) The conveyance under subsection (a) shall not become effective unless the conveyance specifies that, if the University of Miami engages in a material breach of the conditions specified in such subsection, title to the real property and improvements involved reverts to the United States at the election of the Secretary.

(c) The real property referred to in subsections (a) and (b) is located in the county of Dade in the State of Florida, and is a parcel consisting of the northernmost 30 acre-parcel of the area. The exact acreage and legal description used for purposes of the transfer under subsection (a) shall be in accordance with a survey that is satisfactory to the Secretary.

(d) For the purposes of this section—

(1) the term "Secretary" means the Secretary of Health and Human Services; and

(2) the term "University of Miami" means the University of Miami located in the State of Florida.

D'AMATO AMENDMENT NO. 5229

Mr. SHELBY (for Mr. D'AMATO) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CRIMINAL SANCTIONS FOR FICTITIOUS FINANCIAL INSTRUMENTS AND COUNTERFEITING.

(a) INCREASED PENALTIES FOR COUNTERFEITING VIOLATIONS.—Sections 474 and 474A of title 18, United States Code, are amended by striking "class C felony" each place that term appears and inserting "class B felony".

(b) CRIMINAL PENALTY FOR PRODUCTION, SALE, TRANSPORTATION, POSSESSION OF FICTITIOUS FINANCIAL INSTRUMENTS PURPORTING TO BE THOSE OF THE STATES, OF POLITICAL SUBDIVISIONS, AND OF PRIVATE ORGANIZATIONS.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by inserting after section 513, the following new section:

"§ 514. Fictitious obligations

"(a) Whoever, with the intent to defraud—

"(1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;

"(2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the same, or with like intent possesses, within the United States; or

"(3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States,

any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

"(b) For purposes of this section, any term used in this subdivision that is defined in section 513(c) has the same meaning given such term in section 513(c).

"(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.".

(2) TECHNICAL AMENDMENT.—The analysis for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 513 the following:

"514. Fictitious obligations.".

(c) PERIOD OF EFFECT.—This section and the amendments made by this section shall become effective on the date of enactment of this Act and shall remain in effect during each fiscal year following that date of enactment.

GREGG AMENDMENT NO. 5230

Mr. SHELBY (for Mr. GREGG) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 135, after line 4, add the following new section:

SEC. . None of the funds appropriated by this Act may be used by an agency to provide a Federal employee's home address except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

KOHL AMENDMENT NO. 5231

Mr. SHELBY (for Mr. KOHL) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . SENSE OF CONGRESS REGARDING TELEPHONE ASSISTANCE PROVIDED BY INTERNAL REVENUE SERVICE.

It is the sense of the Congress that the Internal Revenue Service should, in implementing any reorganization plan or otherwise, make all efforts to increase the level of service provided to taxpayers through its telephone assistance program. It is further the sense of the Congress that the Internal Revenue Service should establish performance goals, operating standards, and management practices which ensure such an increase in customer service.

KERREY (AND CHAFEE) AMENDMENT NO. 5232

Mr. SHELBY (for Mr. KERREY, for himself, Mr. CHAFEE, Mr. JEFFORDS, Mr. DORGAN, Mr. CONRAD, Mr. INOUYE, Mr. HARKIN, Mr. LEAHY, Mr. THURMOND, Mr. AKAKA, and Mr. DASCHLE) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 26, after line 9, add the following new section:

The Internal Revenue Service is prohibited from expending funds for the field office reorganization plan until the National Commission on Restructuring the Internal Revenue Service has had an opportunity to issue their final report.

HELMS (AND INHOFE) AMENDMENT NO. 5233

(Ordered to lie on the table.)

Mr. HELMS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by them to the bill, H.R. 3756, supra; as follows:

At the end of the bill add the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds appropriated by this Act shall be available to pay any amount to, or to pay the administrative expenses in connection with, any health plan under the Federal employees health benefits program, when the Federal official having authority to obligate or expend such funds determines that such health plan operates a health care provider incentive plan that does not meet the requirements of section 1876(i)(8)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(8)(A)) for physician incentive plans in contracts with eligible organizations under section 1876 of such Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 10, 1996, at 5 p.m. in executive session, to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, September 10, 1996 session of the Senate for the purpose of conducting a hearing on Amtrak Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 10, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, September 10, 1996, at 10 a.m., for a hearing on the subject: Technical and Management Issues in IRS Modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Constitution, Federalism, and Property Rights be authorized to meet during the session of the Senate on Tuesday, September 10, 1996, at 10 a.m. to hold a hearing on Constitutional Implications of the Chemical Weapons Convention.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUD OVERSIGHT

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on HUD Oversight and Structure of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, September 10, 1996, to conduct a hearing on oversight of the Fair Housing Act and its enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DEATH OF AN ORIGINAL

• Mr. THOMPSON. Mr. President, with Monday's passing of bluegrass legend Bill Monroe at the age of 84, Tennessee and the world mourn the loss of an American musical original.

In a career spanning more than 60 years, Bill Monroe was the undisputed king and keeper of the music that he pioneered. In his trademark dress suit, and white, ten-gallon hat, Bill Monroe held the stage before admiring audiences around the world who watched him create and then popularize bluegrass music.

Bill Monroe's music is truly American and completely original. He created bluegrass from his imagination and named it for the rolling hills where he was born.

With his band, the "Blue Grass Boys," Monroe mixed the music he heard as a child with the blues, Irish fiddle tunes and his own energy to create the sound we know today.

Bill Monroe's bluegrass is high-powered folk music, known for the instrumental mastery it demands, the high-velocity picking, tight harmonies, and the high, lonesome sound of the tenor lead.

Bill Monroe created a wonderful mix of crackling, bright sound with a lightning pace that instantly challenged musicians and listeners alike.

Bluegrass sounds like no other music before or since, and we have Bill Monroe to thank for it.

This musical frontiersman will be sorely missed He was a musical museum of American folk life who regularly entertained in bluegrass clubs and at outdoor festivals until the end of his years.

Though he was born in Kentucky, those of us from Tennessee proudly claim Bill Monroe as one of our own. He was a fixture on the Grand Ole Opry, and he spent much of his time in and around Nashville when he wasn't out on the road, playing for the massive crowds that always came out to hear him.

Bill Monroe didn't talk much, but his feelings came out eloquently when he was behind his mandolin and in front of an audience. Songs like "Blue Moon of Kentucky," "Uncle Pen," and "Rawhide" have already stood the test of time to become classics, and Bill Monroe's original gift comes through in each note.

He was born September 13, 1911 in rural western Kentucky into a family where nearly everyone played a musical instrument. The youngest of eight children, he went on to win numerous awards, including a Grammy and the National Medal of Arts for his life's achievement.

Almost no kind of music can be traced to the work of a single person, but bluegrass is different. It will always belong to Bill Monroe. His contribution to music is unequaled, and he will be greatly missed by all of us.•

CURIOUS CASE OF WHITE HOUSE VERSUS UNITED NATIONS

• Mr. SIMON. Mr. President, I have already mentioned to my colleagues that I think we are mishandling the matter of the election of the U.N. Secretary General.

Our inattention to the needs beyond our boarder—as well as to poverty here at home is not something Americans can be proud of.

And our failure to pay U.N. dues, our failure to join other nations in peacekeeping operations too frequently, our reluctance to lead when leadership is essential, and our negative tone toward U.N. Secretary-General Boutros Boutros-Ghali have all been mistakes.

Recently Georgie Anne Geyer had a column in the Chicago Tribune commenting about our handling of the Boutros-Ghali matter.

Georgie Anne Geyer is an experienced observer of the international scene; and when she comments on something like this, we should listen carefully to what she says.

Mr. President, I ask that the article from the Chicago Tribune be printed in the RECORD.

The article follows:

[From the Chicago Tribune]

CURIOUS CASE OF WHITE HOUSE VERSUS THE U.N.

(By Georgie Anne Geyer)

NEW YORK.—The international storm brewing here began May 13, when U.S. Secretary of State Warren Christopher received UN Secretary-General Boutros Boutros-Ghali and told the controversial Egyptian diplomat flatly, "President Clinton does not want to give you a second mandate."

According to internal reports at the United Nations here, Boutros-Ghali said, only partly in jest, "Look, you are a good lawyer: Defend my case," To which, Christopher responded, not in jest at all, "I am the lawyer of the president of the United States and not yours."

Not only was this curious case of the White House versus the UN Plaza not "rested," but all hell then broke loose on a number of continents and in the corridors of myriad foreign ministries, from Beijing to Budapest.

Christopher followed up the initial shock announcement by putting forward the idea of a "compromise" by which Boutros-Ghali would stay one year and then leave. (To which the Egyptian diplomat responded tartly: "is this some sort of "tip"? If so, it's not very generous.")

Next, in Bonn for meeting, Boutros-Ghali received a private phone call from New York warning him that an announcement would come from the State Department in Washington the next day that the United States no longer supported him. (And so, at that point, Boutros-Ghali, who is no slouch when it comes to tactics, peremptorily moved on this unique geopolitical chessboard, announcing his intention to seek re-election for another five-year term.)

On July 8, the drama moved to Africa—to the Organization of African Unity meeting in Yaounde, Cameroon—where Washington sent an unusually large delegation of nine senior diplomats to try to sidetrack any support for the secretary-general.

Instead, Only three of the 54 African member states voted against the Egyptian UN leader, one of those being war-torn Rwanda, which opposed him because of his criticism of the massacres there.

If all of that were not enough, threats began to come out of the American administration that it would use its veto in the Security Council if Boutros-Ghali were backed this fall by a majority in the United Nations. But this presents a still further conundrum, for after the Cold War ended, Security Council members agreed not to use the veto, in order to free the UN from the constricting manner in which the Soviet Union had used it for so many years.

All of this is now at a classic diplomatic impasse. From a day and more of interviewing in the UN, I can say that many, many foreign diplomats are mad as hell at what they perceive as a repetition of historical American arrogance.

Floating around the United Nations now is the idea of a new "compromise" by which the secretary-general would accept a face-saving extension of his term. But that would not affect the main problem of this UN very much at all.

The real problem is that this administration tries to assert its power on matters like the choice of a secretary-general but consistently refused to show any leadership on the big issues facing the post-Cold War UN. If the UN has been less than what it could have been in these pivotal years, the primary responsibility for that failure has not been Boutros-Ghali's.•

RETIREMENT OF REAR ADM. THOMAS F. HALL, U.S. NAVY, CHIEF OF NAVAL RESERVE

• Mr. INHOFE. Mr. President, I rise today to recognize the dedication, public service, and patriotism of Rear Adm. Thomas F. Hall, U.S. Navy, Chief of Naval Reserve. Admiral Hall retires from the Navy on October 1, after a distinguished 37-year career of service to our Nation.

A native of Barnsdall, OK, Admiral Hall reported to the U.S. Naval Academy in 1959, graduated in 1963 and was designated a naval aviator in 1964. After earning his Wings of Gold, Admiral Hall chose to join the maritime patrol forces flying the new P–3 Orion. Excelling in flight training, he graduated No. 1 in his class, and was named the outstanding student. Admiral Hall continued to distinguish himself throughout his flying career amassing almost 5,000 pilot hours.

His initial fleet assignment was with Patrol Squadron 8, flying combat missions in Southeast Asia. Subsequent tours included the U.S. Naval Academy, as a Company Officer and Executive Assistant to the Commandant of Midshipmen, Patrol Squadron 23, completion of the command and staff course at the Naval War College, graduating with distinction, and assignment to the Bureau of Naval Personnel, were his billets included aviation staffs placement officer, head of air combat placement, and assistant head of aviation junior officer assignment. Admiral Hall returned to VP–8 as executive officer and then assumed duties as Commanding Officer. Admiral Hall also completed the course of instruction at the National War College, again graduating with distinction, and served on the staff of the Chief of Naval Operations where he served as Head of the Program Objective Memorandum Development section, as Chief of Staff to Commander Fleet Air Keflavik, and as a fellow to the CNO's strategic studies group. In addition to command of VP–8, Admiral Hall has also served in command of Naval Air Station Bermuda, the Icelandic Defense Forces, and most recently, command of the Naval Reserve.

Since September 1992, Admiral Hall has been the Chief of Naval Reserve, leading the Naval Reserve Force through its largest drawdown, while maintaining readiness and significantly increasing reserve contributory support to the fleet. Under Admiral Hall's leadership, the total force policy became a reality—Regular Navy and Naval Reservists working side-by-side, in operations worldwide, meeting the Navy's forward presence requirements.

In August 1989, Admiral Hall was promoted to Rear Admiral—lower half—and in July 1992 to his present rank of Rear Admiral—upper half. Admiral Hall wears the Defense Superior Service Medal, Legion of Merit, Meritorious Service Medal, Meritorious Unit Commendation, and various unit and campaign awards, holds a masters degree in management from George Washington University and attended Harvard University senior executives program. In July 1992, Admiral Hall was awarded the Icelandic Order of the Falcon, Commander's Cross with star, by the President of Iceland.

Our Nation, his wife Barbara, and his son Tom, can be immensely proud of the Admiral's long and distinguished career and his service to our country. I wish Admiral Hall and his family best wishes in his retirement.•

TRIBUTE TO JEROME R. VANMETER

• Mr. ROCKEFELLER. Mr. President, I want to pay tribute to a special West Virginian, Jerome R. "Coach" VanMeter. For more than 50 years, he was a high school football and basketball coach from Beckley. He is known throughout southern West Virginia as a man who not only has won many high school sporting events, but also as someone who has touched the lives of many young people. It is in this month of August that Mr. VanMeter celebrates his 96th birthday.

Mr. VanMeter received numerous awards during his long tenure as a coach. He was named Coach of the Year from 1948 until 1951 and was later selected to the West Virginia Sports Hall of Fame in 1963. Being one of the founders of the West Virginia High School Coaches Association is another one of Mr. VanMeter's crowning achievements. He was also proud to serve on many State selections committees responsible for choosing outstanding basketball and football players throughout the State.

Coach VanMeter has achieved much more than just personal awards. He has coached many of his teams to great success. His football teams won three state championships while his basketball teams won six. Four of those six State basketball championships were won consecutively, still a State record for the longest consecutive State basketball tournament wins.

Mr. VanMeter has not only contributed on the field and court, but has also been deeply involved in community endeavors. While living in Beckley, he served as president of the local Kiwanis Club later becoming lieutenant governor of the West Virginia District. In addition, Mr. VanMeter has also contributed some of his precious skills to the Raleigh County Education Association and the Heber Street Methodist Church as chairman of the board of trustees. Furthermore, he volunteered his time to serve on the junior and senior chamber of commerce for several years.

Jerome "Coach" VanMeter's numerous accomplishments merit notice and praise. His enthusiasm and concern for the many athletes he coached and his commitment to his community provide a model we should all strive to attain.•

THE MINNESOTA PARALYMPIANS

• Mr. WELLSTONE. Mr. President, I rise today to pay tribute to the Minnesota athletes who competed in the 1996 Paralympic Games in Atlanta. Over 3,500 athletes from more than 100 nations competed in the games, making it one of the world's largest sporting events. Overall the United States won 157 medals, including 46 Gold Medals. I salute each and every one of America's athletes, but I would like to mention a few of the 10 Minnesotans who participated in these important games.

The U.S. Paralympic cycling team won 13 medals in the road and track races during this year's games. Christopher Pyrkosz of Livonia, MN, was among those receiving a team medal for his efforts on the U.S. team.

Susan Hagel of Minneapolis and Josie Johnson of Gary also took home Bronze Medals, as part of the U.S. Paralympic women's basketball team.

The U.S. Paralympic judo team surprised the crowds in Atlanta with their strong showing in this year's competition. Jim Mastro of Fridley earned a Bronze Medal for his individual efforts.

Mitch Siedenfeld of Minneapolis also took home a Bronze Medal for his performance of the U.S. Paralympic table tennis team.

The 1996 Paralympic Games in Atlanta demonstrated the independence and empowerment of individuals with disabilities. Dozens of records were broken at this year's games, and the competition received considerable media attention around the world. The strength and determination of the Paralympic athletes is amazing, and I am sure that my colleagues join me in celebrating the United States' excellent overall showing during this year's games.•

ELIOT H. BANK

• Mr. LEVIN. Mr. President, it is with great pleasure that I recognize and honor Eliot H. Bank for his selection to receive the Association of Reconditioner's [ACR] Morris Hershson Award of Merit.

Eliot H. Bank was born in Chicago, IL, on March 13, 1935, to Sam & Mollie Bank. The family moved to Detroit in 1937. Like me, Eliot still considers himself incredibly lucky to have grown up in Detroit. Through his parents he gained an appreciation for many of the finer things in Michigan, including Hank Greenberg and the Detroit Tigers, fishing in the many lakes with his father—and later his son, Coney Island hot dogs, the Detroit Lions, and Belle Isle. From his parents he also learned the importance of public service and political activism. He was active in the early years of Detroit's public television station channel 56, and remains very active in many charitable organizations. He also ran for local public office in 1972.

Eliot's career in the drum reconditioning business has been long and varied. For the past 15 years, he has been executive vice president of Columbus Steel Drum Co. which operates one of the largest reconditioning plants in the world, and one which many consider to be the standard of the industry.

A member of ACR since 1960, Eliot has held almost every post in the association, including 3 years as chairman, 20 years on the board of directors, 8 years on the executive board, and the chairmanship of nearly every committee. Eliot is proudest of two of his accomplishments during his ACR chairmanship: Establishing new generation and finishing the work of his predecessors in establishing the ACR code of operating practices. New generation was initiated when Eliot decided to improve ACR's educational efforts toward the younger generation working in the industry. He recognized that within this younger generation were the future industry leaders.

In 1981, Eliot established drum management programs at 35 major automotive plants in the Midwest. This program, which continues today, provides the proper disposal and recycling of empty industrial containers that contain residues of hazardous materials.

In 1991, Eliot was part of a team put together by the International Confederation of Drum Reconditioners [ICDR]. They attended the United Nations meeting in Geneva and were successful in implementing the rules and regulations governing reconditioned steel drums in chapter 9 of the U.N. Code. From 1993 to 1996, Eliot served as chairman of the ICDR.

He is very proud of his family—wife, Elizabeth, an art and antiques dealer; daughter, Cindy Bank, Federal relations officer in Washington, DC, for the University of Michigan; son, Michael Bank, general manager of Columbus Steel Drum Co. in Columbus, OH; daughter, Katherine Garland, a designer in Chicago; daughter, Amy Katz, head of human resources, Somerset Collection, in Troy, MI; daughter-in-law, Patty Bank; son-in-law, Larry Garland; four terrific grandchildren—Brock and Shelby Bank and Addie and Ellery Garland; his sister and brother-in-law, Iris and Arnold Kaufman; and soon to be son-in-law, Todd Franklin.

I know that my Senate colleagues will join me in congratulating Eliot H. Bank on being awarded the Morris Hershson Award of Merit.•

HIGHER TUITION, MORE GRADE INFLATION

• Mr. SIMON. Mr. President, recently, Lawrence Gladieux and Robert Reischauer had an op-ed piece in the Washington Post that is a thoughtful and careful analysis of what we ought to be doing in the field of education.

President Clinton deserves praise for being a genuine education President. He was a genuine education Governor, as Governor of Arkansas, also.

President Clinton's support of direct lending in the face of strong opposition from the banks and the guaranty agencies marks him as no flash-in-the-pan gladiator who gives up easily.

But the wisdom of having any kind of tax cuts at this point in our Nation's fiscal history is extremely doubtful.

If we want to put more money into education, as I do, we can do it much more wisely and prudently than through the proposals that have been announced by the President, popular as they are.

I ask that the Gladieux and Reischauer item be printed in the RECORD.

The material follows:

[From the Washington Post]

HIGHER TUITION, MORE GRADE INFLATION

(By Lawrence E. Gladieux and Robert D. Reischauer)

More than any president since Lyndon Johnson, Bill Clinton has linked his presidency to strengthening and broadening American education. He has argued persuasively that the nation needs to increase its investment in education to spur economic growth, expand opportunity and reduce growing income disparities. He has certainly earned the right to try to make education work for him as an issue in his reelection campaign, and that's clearly what he plans to do.

Unfortunately, one way the president has chosen to pursue his goals for education is by competing with the GOP on tax cuts. The centerpiece of his education agenda—tax breaks for families paying college tuition—would be bad tax policy and worse education policy. While tuition tax relief may be wildly popular with voters and leave Republicans speechless, it won't achieve the president's worthy objectives for education, won't help those most in need and will create more problems than it solves.

Under the president's plan, families could choose to deduct up to $10,000 in tuition from their taxable income or take a tax credit (a direct offset against federal income tax) of $1,500 for the first year of undergraduate education or training. The credit would be available for a second year if the student maintains a B average.

The vast majority of taxpayers who incur tuition expenses—joint filers with incomes up to $100,000 and single filers up to $70,000—would be eligible for these tax breaks. But before the nation invests the $43 billion that the administration says this plan will cost over the next six years, the public should demand that policy makers answer these questions:

Will tuition tax credit and deductions boost postsecondary enrollment? Not significantly. Most of the benefits would go to families of students who would have attended college anyway. For them, it will be a windfall. That won't lift the country's net investment in education or widen opportunities for higher education. For families who don't have quite enough to send their child to college, the tax relief may come too late to make a difference. While those families could adjust their payroll withholding, most won't. Thus any relief would be realized in year-end tax refunds, long after families needed the money to pay the tuition.

Will they help moderate- and low-income students who have the most difficulty meeting tuition costs? A tax deduction would be of no use to those without taxable income. On the other hand, the proposed $1,500 tax credit—because it would be "refundable"—would benefit even students and families that owe no taxes. But nearly 4 million low-income students would largely be excluded from the tax credit because they receive Pell Grants which, under the Clinton plan, would be subtracted from their tax-credit eligibility.

Will the plan lead to greater federal intrusion into higher education? The Internal Revenue Service would have to certify the amount of tuition students actually paid, the size of their Pell Grants and whether they maintained B averages. This could impose complex regulatory burdens on universities and further complicate the tax code. It's no wonder the Treasury Department has long resisted proposals for tuition tax breaks.

Will the program encourage still higher tuition levels and more grade inflation? While the tuition spiral may be moderating slightly, college price increases have averaged more than twice the rate of inflation during the 1990s. With the vast majority of students receiving tax relief, colleges might have less incentive to hold down their tuition increases. Grades, which have been rising almost as rapidly as tuition, might get an extra boost too if professors hesitate to deny their students the B needed to renew the tax credit.

If more than $40 billion in new resources really can be found to expand access to higher education, is this the best way to invest it? A far better alternative to tuition tax schemes is need-based student financial aid. The existing aid program, imperfect as they may be, are a much more effective way to equalize educational opportunity and increase enrollment rates. More than $40 billion could go a long way toward restoring the purchasing power of Pell Grants and other proven programs, whose benefits inflation has eroded by as much as 50 percent during the past 15 years. Unlike tuition tax cuts, expanded need-based aid would not drag the IRS into the process of delivering educational benefits. Need-based aid also is less likely to increase inflationary pressure on college prices, because such aid goes to only a portion of the college-going population.

Economists have long argued that the tax code shouldn't be used if the same objective can be met through a direct-expenditure program. Tax incentives for college savings might make sense; parents seem to need more encouragement to put money away for their children's education. But tax relief for current tuition expenditures fails the test.

Maybe Clinton's tuition tax-relief plan, like the Republican across-the-board tax-cut proposals, can be chalked up to election-year pandering that will be forgotten after November. But oft-repeated campaign themes sometimes make it into the policy stream. That was the case in 1992, when candidate Clinton promised student-loan reform and community service that, as president, he turned into constructive initiatives. If re-elected, Clinton again may stick with his campaign mantra. This time, it's tuition tax breaks. This time, he shouldn't.•

HAD IT NOT BEEN FOR THE VILLAGE . . .

• Mr. SIMON. Mr. President, we are hearing a great deal of talk about whether a family should save a child or whether a village should save a child. Obviously, we all should be doing what we can to save children.

The morning after the Democratic convention, I picked up the Chicago Tribune and read one person's moving story. Her name is Bunnie Reidel. I have never met her, but sometime I hope to have the honor of meeting her.

She tells a story that is important for all Americans to hear.

I ask that her story be printed in the CONGRESSIONAL RECORD.

The article follows:

HAD IT NOT BEEN FOR THE VILLAGE . . .

(By Bunnie Riedel)

These days the word "village" makes Republicans hiss and sneer and makes Democrats cheer wildly. Maybe it's because *village* has become the rallying cry for Republican-backed "parental rights" laws. Or maybe because the word is Afrocentric, as is the context from which "It takes a village to raise a child" is lifted. I don't know. I am sure, however, that parental rights proposals send chills down my spine and if it hadn't been for that much-maligned village, I would not be who I am today. In fact, I'd most likely be dead.

My youth was a living hell at best. I have the distinction of having had not one, but two mothers who were total failures.

My first mother was my biological mother. She became an itinerant farm worker, alcoholic, and finally, murder victim. I was her 12th child and there were three more to follow me. She left the Ozarks of Missouri while she was pregnant with me, with my older sister at her side, stopping just long enough in Tulsa to have me and then move on to California. There she worked the fields, lived off the kindness of loser men and drank her once attractive self into complete ruin. When I was two, she became pregnant again and decided to give me (not my sister or the new baby) up for adoption to her two landlords. I didn't see my older sister, Debra, for another 20 years and I met the original 10 children (left behind in Missouri) 10 years after that.

My second mother, Naomi, thought of herself as being completely antithetical to the first and in many ways she was. She provided a home, clothes, great cooking and regular church attendance. I can count the number of times she hugged me on one hand and count even fewer times she told me she loved me. Our home looked fine from without but was a nightmare within. My father died when I was 8 and Naomi conveniently forgot his admonition that she was not to hit me. So hit me she did. With belts, coat hangers, kicks, hair and ear-pulling, Naomi was determined to beat the hell out of me.

But more than the beatings. I'll never forget the things she said: "You'll never amount to anything." "You're so stupid." "Sometimes I would like to kill you." These verbal tirades were almost worse than the physical beatings because they would last for hours. I'll never forget the time I had a girlfriend spending the night and my mother woke me up at 4 a.m. and railed on me until 7. My friend will never forget it either. Even now, after 25 years, my old friend mentions that episode every time we see each other.

For me, and for so many children like me, the village became our lifesaver. I would leave the house in the morning with swollen, red eyes (from crying myself to sleep the night before) and find haven for a few hours a day with adults who were actually kind, helpful and praised my accomplishments. School was my salvation. It was the teachers I encountered at public school who gave me a glimpse of what life could actually be like. In that glimpse, I saw a world beyond my mother's house, full of wonder and unafraid of inquiry. It was a world where discipline was administered with dignity and self-esteem was valued. Mrs. Nyberg, Mr. Woody, Mrs. Papadakis, Mr. Pessano, Mr. McDonald and Mrs. Edwards were people who broadened my horizons with ideas and information that were unattainable at home. They were people who gave me something to hold onto throughout those dark, ugly days and none of them knew that.

In my neighborhood, there were other examples of caring adults. My Girl Scout leader thought I had a keen, interesting mind and she told me so. The German woman down the street (with the six kids) taught me how to do the twist and offered me graham crackers and hot chocolate. My friend's aunt spent hours with me as I entered my teen years, talking to me like I was really a human being.

I used every excuse I could to go out into the village. I was active in after-school activities and clubs. I began working at 13. I went away to church camp. I excelled in drama, journalism and forensics. These are the things that kept me from drowning myself in drugs or alcohol. These people and activities kept me from killing myself that one awful night when I was 16 and I had reached the end of my rope. These people and activities gave me the courage to pack a bag and leave home at 17, two weeks before I was ready to start my first semester at the university my mother insisted I could not go to, even though I had a scholarship and grants that completely paid my way. If it hadn't been for that village . . .

Now, many years since Naomi's death and many miles from that home that was not a home, I count on the village as a parent. When my children were little, the village taught me simple things that I had not learned at home; how to breast feed, how to change diapers, how to teach my children to read, how to discipline without violence. As my children have become teenagers and I have become a single parent, the village has become even more critical to my family's health and well-being. There are those loving adults at our church who adore my children, give them new experiences and constant encouragement. There are those caring adults at their school who challenge them to stretch their imaginations and use their intellect. There are those adults in our neighborhood who wave and smile and provide a watchful eye of protection. As a single, custodial parent of children whose father is 3,000 miles away and rarely sees them, I count on the men in the village to provide examples to my son and daughter of what dedicated, responsible men look like.

I know firsthand that not every parent is wise, all-knowing and caretaking. Sometimes it is because they did not receive those things themselves as children; sometimes it is because they are hopelessly lost in their own egos.

Making fun of a promising and true statement, that it does indeed "take a village to raise a child," does not change bad parents into good ones, it only furthers political games at the expense of children. Writing into law that a parent's "rights" are absolute and inalienable (and thereby overturning almost 2,000 state child abuse statutes), will not strengthen families but lead to despair for the most vulnerable members of those families.

The village saved my life.•

A CALL TO TONE DOWN THE VIOLENCE

• Mr. SIMON. Mr. President, during our recess Joan Beck, an editorial writer for the Chicago Tribune who also does a column for the Tribune, had a column in which she calls on TV and movie executives to reduce the violence.

It is a subject that I have spent a fair amount of time on, and it is important to creating a more stable society and a brighter future for our children.

This is an area where bi-partisanship should mark our actions. I applaud both Bob Dole and Bill Clinton for being concerned here.

Mr. President, I ask that the article from The Chicago Tribune be printed in the RECORD.

The article follows:

A CALL TO TONE DOWN THE VIOLENCE

(By Joan Beck)

Bob Dole's latest efforts to persuade Hollywood to tone down the amount of violence in the movies got two thumbs down from most of his critics. They ridiculed his taste in films. They fretted about censorship. And they give him only pro forma applause before ignoring what he was saying.

Bill Clinton last week got TV broadcasters to agree to air a minimum of three hours of educational television for children every week. But his critics carped about government over-regulation. They argued about how to define "educational." And they bristled about TV executives being used to further Clinton's re-election campaign.

But both the president and his Republican challenger are right about the dangers of exposing impressionable children to so much violence on TV and in the movies. The points they are making shouldn't be ignored.

Crime statistics may be down slightly in a few urban areas. But bombings, bomb threats and bomb scares are increasing. Drive-by shootings are being committed by kids on bicycles to young to have cars. One in every three black men in their 20s are either in prison or on probation or parole—up from one in four five year ago. Many urban parks and streets are abandoned at night because people fear for their lives.

Violent behavior has multiple—and interlocking—causes, of course. They include poverty, hopelessness, abuse, poor parenting, illegal drugs, mental illness, alcohol, racism, distorted values, gangs, the absence of violence in movies and TV.

Of these, the easiest and quickest to change may be television and movies.

Adults who enjoy violence as entertainment and the media executives who profit from it argue there is no convincing evidence to link violence in mass media to violence in real life. Like tobacco company honchos, they dismiss stacks of studies showing they are wrong.

But at the same time they claim TV does not promote violent behavior, media executives assure advertisers that commercials will influence millions of viewers. Their marketing departments have piles of research to back them up.

It is tricky to pinpoint how big an effect violence on TV and in the movies has on children and young people. Excessive exposure to filmed violence in childhood may not erupt into homicide and crime until adolescence. Other factors certainly make some children more vulnerable than others to media influences.

But the June issue of the Harvard Mental Health Letter sums up persuasive evidence that does link watching violence in mass media and aggressive behavior. The report is written by L. Rowell Huesmann, professor of psychology and communication, University of Michigan at Ann Arbor, and Jessica Moise, a doctoral student at the University of Michigan.

More than 100 laboratory studies done over the last 40 years show that at least some children exposed to films of dramatic violence act more aggressively afterward toward inanimate objects and other youngsters, the newsletter says. It adds, "These results have been found in many countries among boys and girls of all social classes, races, ages and levels of intelligence."

In addition, more than 50 field studies made over the last 20 years find that "children who habitually watch more media violence behave more aggressively and accept aggression more readily as a way to solve problems." The connection shows up regardless of age, sex, social class and previous level of aggression, the author say.

Watching violence in the media leads to aggressive behavior in five ways, the Harvard newsletter says. First, children may imitate characters they see in the media, especially if they are admirable and their actions are rewarded. Then they tend to internalize the behavior and use it automatically in their everyday lives.

Second, violence in the media desensitizes children to the effects of violence. "The more televised violence a child watches, the more acceptable aggressive behavior becomes," says the newsletter. It also makes children expect others to act violently and therefore feel they should, too.

Third, seeing violence in the media helps a child justify to himself his own acts of aggression and relieves any guilt he might feel, freeing him to continue to behave aggressively.

Fourth, watching violent acts on TV and in movies may activate aggressive thoughts and feelings a child already has or serve as a cognitive cue for later violent behavior. And fifth, children who watch a lot of violence can become desentized to it and the emotional and physiological responses that might turn them away from it become dulled.

"The studies are conclusive," says the Harvard newsletter. "The evidence leaves no room for doubt that exposure to media violence stimulates aggression."

The new V chip that lets parents cut off their children's access to violent programs should help. More high quality, "educational" shows for children on TV is a positive move. And all of us who fear violence and regret the changes we are making to protect ourselves—airline security checks, gated communities, more police, more prisons, more restrictions on ourselves about walking in the parks and on certain streets—can stop supporting violence as entertainment.

We can cut violence on TV and in movies out of our lives and help make it unprofitable for those who sell it. If enough of us refuse to pay to see violent films, studios will make fewer of them. If enough of us change the channel when a violent TV show comes on, broadcasters will get the message.

Cutting back on violence as entertainment won't solve the problem of violence in the real world. But it should help. It's something we can do now, while we try to figure out how to end poverty and keep fathers in the home and create more effective schools and end drug abuse and deal with all the other factors that contribute to violent crime.●

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF IRELAND

Mr. SHELBY. Mr. President, I ask unanimous consent that the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency, John Bruton, Prime Minister of Ireland, into the House Chamber for the joint meeting on Wednesday, September 11, 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. SHELBY. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 640.

The PRESIDING OFFICER (Mr. SMITH) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 640) entitled "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small flood control projects.
Sec. 103. Small bank stabilization projects.
Sec. 104. Small navigation projects.
Sec. 105. Small shoreline protection projects.
Sec. 106. Small snagging and sediment removal project, Mississippi River, Little Falls, Minnesota.
Sec. 107. Small projects for improvement of the environment.
Sec. 108. Project to mitigate shore damage.

TITLE II—GENERALLY APPLICABLE PROVISIONS

Sec. 201. Cost sharing for dredged material disposal areas.
Sec. 202. Flood control policy.
Sec. 203. Feasibility study cost-sharing.
Sec. 204. Restoration of environmental quality.
Sec. 205. Environmental dredging.
Sec. 206. Aquatic ecosystem restoration.
Sec. 207. Beneficial uses of dredged material.
Sec. 208. Recreation policy and user fees.
Sec. 209. Recovery of costs.
Sec. 210. Cost sharing of environmental projects.
Sec. 211. Construction of flood control projects by non-Federal interests.
Sec. 212. Engineering and environmental innovations of national significance.
Sec. 213. Lease authority.
Sec. 214. Collaborative research and development.
Sec. 215. Dam safety program.
Sec. 216. Maintenance, rehabilitation, and modernization of facilities.
Sec. 217. Long-term sediment management strategies.
Sec. 218. Dredged material disposal facility partnerships.
Sec. 219. Obstruction removal requirement.
Sec. 220. Small project authorizations.
Sec. 221. Uneconomical cost-sharing requirements.
Sec. 222. Planning assistance to States.
Sec. 223. Corps of Engineers expenses.
Sec. 224. State and Federal agency review period.
Sec. 225. Limitation on reimbursement of non-Federal costs per project.
Sec. 226. Aquatic plant control.
Sec. 227. Sediments decontamination technology.
Sec. 228. Shore protection.
Sec. 229. Project deauthorizations.
Sec. 230. Support of Army Civil Works Program.
Sec. 231. Benefits to navigation.
Sec. 232. Loss of life prevention.
Sec. 233. Scenic and aesthetic considerations.
Sec. 234. Removal of study prohibitions.
Sec. 235. Sense of Congress; requirement regarding notice.
Sec. 236. Reservoir Management Technical Advisory Committee.
Sec. 237. Technical corrections.

TITLE III—PROJECT MODIFICATIONS

Sec. 301. Mobile Harbor, Alabama.
Sec. 302. Alamo Dam, Arizona.
Sec. 303. Nogales Wash and Tributaries, Arizona.
Sec. 304. Phoenix, Arizona.
Sec. 305. San Francisco River at Clifton, Arizona.
Sec. 306. Channel Islands Harbor, California
Sec. 307. Glenn-Colusa, California.
Sec. 308. Los Angeles and Long Beach Harbors, San Pedro Bay, California.
Sec. 309. Oakland Harbor, California.
Sec. 310. Queensway Bay, California.
Sec. 311. San Luis Rey, California.
Sec. 312. Thames River, Connecticut.
Sec. 313. Potomac River, Washington, District Of Columbia.
Sec. 314. Canaveral Harbor, Florida.
Sec. 315. Captiva Island, Florida.
Sec. 316. Central and southern Florida, Canal 51.
Sec. 317. Central and southern Florida, Canal 111 (C-111).
Sec. 318. Jacksonville Harbor (Mill Cove), Florida.
Sec. 319. Panama City Beaches, Florida.
Sec. 320. Tybee Island, Georgia.
Sec. 321. White River, Indiana.
Sec. 322. Chicago, Illinois.
Sec. 323. Chicago Lock and Thomas J. O'Brien Lock, Illinois.
Sec. 324. Kaskaskia River, Illinois.
Sec. 325. Locks and Dam 26, Alton, Illinois and Missouri.
Sec. 326. North Branch of Chicago River, Illinois.
Sec. 327. Illinois and Michigan Canal.
Sec. 328. Halstead, Kansas.
Sec. 329. Levisa and Tug Forks of the Big Sandy River and Cumberland River, Kentucky, West Virginia, and Virginia.
Sec. 330. Prestonburg, Kentucky.
Sec. 331. Comite River, Louisiana.
Sec. 332. Grand Isle and vicinity, Louisiana.
Sec. 333. Lake Pontchartrain, Louisiana.
Sec. 334. Mississippi Delta Region, Louisiana.
Sec. 335. Mississippi River Outlets, Venice, Louisiana.
Sec. 336. Red River Waterway, Louisiana.
Sec. 337. Westwego to Harvey Canal, Louisiana.
Sec. 338. Tolchester Channel, Maryland.
Sec. 339. Saginaw River, Michigan.
Sec. 340. Sault Sainte Marie, Chippewa County, Michigan.
Sec. 341. Stillwater, Minnesota.
Sec. 342. Cape Girardeau, Missouri.
Sec. 343. New Madrid Harbor, Missouri.
Sec. 344. St. John's Bayou—New Madrid Floodway, Missouri.
Sec. 345. Joseph G. Minish Passaic River Park, New Jersey.
Sec. 346. Molly Ann's Brook, New Jersey.
Sec. 347. Passaic River, New Jersey.
Sec. 348. Ramapo River at Oakland, New Jersey and New York.
Sec. 349. Raritan Bay and Sandy Hook Bay, New Jersey.
Sec. 350. Arthur Kill, New York and New Jersey.
Sec. 351. Jones Inlet, New York.
Sec. 352. Kill Van Kull, New York and New Jersey.
Sec. 353. Wilmington Harbor-Northeast Cape Fear River, North Carolina.
Sec. 354. Garrison Dam, North Dakota.
Sec. 355. Reno Beach-Howards Farm, Ohio.
Sec. 356. Wister Lake, Oklahoma.
Sec. 357. Bonneville Lock and Dam, Columbia River, Oregon and Washington.
Sec. 358. Columbia River dredging, Oregon and Washington.
Sec. 359. Grays Landing Lock and Dam, Monongahela River, Pennsylvania.
Sec. 360. Lackawanna River at Scranton, Pennsylvania.
Sec. 361. Mussers Dam, Middle Creek, Snyder County, Pennsylvania.
Sec. 362. Saw Mill Run, Pennsylvania.
Sec. 363. Schuylkill River, Pennsylvania.
Sec. 364. South Central Pennsylvania.
Sec. 365. Wyoming Valley, Pennsylvania.
Sec. 366. San Juan Harbor, Puerto Rico.
Sec. 367. Narragansett, Rhode Island.
Sec. 368. Charleston Harbor, South Carolina.
Sec. 369. Dallas Floodway Extension, Dallas, Texas.
Sec. 370. Upper Jordan River, Utah.
Sec. 371. Haysi Lake, Virginia.
Sec. 372. Rudee Inlet, Virginia Beach, Virginia.

Sec. 373. Virginia Beach, Virginia.
Sec. 374. East Waterway, Washington.
Sec. 375. Bluestone Lake, West Virginia.
Sec. 376. Moorefield, West Virginia.
Sec. 377. Southern West Virginia.
Sec. 378. West Virginia trail head facilities.
Sec. 379. Kickapoo River, Wisconsin.
Sec. 380. Teton County, Wyoming.

TITLE IV—STUDIES

Sec. 401. Corps capability study, Alaska.
Sec. 402. McDowell Mountain, Arizona.
Sec. 403. Nogales Wash and Tributaries, Arizona.
Sec. 404. Garden Grove, California.
Sec. 405. Mugu Lagoon, California.
Sec. 406. Santa Ynez, California.
Sec. 407. Southern California infrastructure.
Sec. 408. Yolo Bypass, Sacramento-San Joaquin Delta, California.
Sec. 409. Chain of Rocks Canal, Illinois.
Sec. 410. Quincy, Illinois.
Sec. 411. Springfield, Illinois.
Sec. 412. Beauty Creek Watershed, Valparaiso City, Porter County, Indiana.
Sec. 413. Grand Calumet River, Hammond, Indiana.
Sec. 414. Indiana Harbor Canal, East Chicago, Lake County, Indiana.
Sec. 415. Koontz Lake, Indiana.
Sec. 416. Little Calumet River, Indiana.
Sec. 417. Tippecanoe River Watershed, Indiana.
Sec. 418. Calcasieu Ship Channel, Hackberry, Louisiana.
Sec. 419. Huron River, Michigan.
Sec. 420. Saco River, New Hampshire.
Sec. 421. Buffalo River Greenway, New York.
Sec. 422. Port of Newburgh, New York.
Sec. 423. Port of New York-New Jersey sediment study.
Sec. 424. Port of New York-New Jersey navigation study.
Sec. 425. Chagrin River, Ohio.
Sec. 426. Cuyahoga River, Ohio.
Sec. 427. Charleston, South Carolina, estuary.
Sec. 428. Mustang Island, Corpus Christi, Texas.
Sec. 429. Prince William County, Virginia.
Sec. 430. Pacific region.
Sec. 431. Financing of infrastructure needs of small and medium ports.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Project deauthorizations.
Sec. 502. Project reauthorizations.
Sec. 503. Continuation of authorization of certain projects.
Sec. 504. Land conveyances.
Sec. 505. Namings.
Sec. 506. Watershed management, restoration, and development.
Sec. 507. Lakes program.
Sec. 508. Maintenance of navigation channels.
Sec. 509. Great Lakes remedial action plans and sediment remediation.
Sec. 510. Great Lakes dredged material testing and evaluation manual.
Sec. 511. Great Lakes sediment reduction.
Sec. 512. Great Lakes confined disposal facilities.
Sec. 513. Chesapeake Bay restoration and protection program.
Sec. 514. Extension of jurisdiction of Mississippi River Commission.
Sec. 515. Alternative to annual passes.
Sec. 516. Recreation partnership initiative.
Sec. 517. Environmental infrastructure.
Sec. 518. Corps capability to conserve fish and wildlife.
Sec. 519. Periodic beach nourishment.
Sec. 520. Control of aquatic plants.
Sec. 521. Hopper dredges.
Sec. 522. Design and construction assistance.
Sec. 523. Field office headquarters facilities.
Sec. 524. Corps of Engineers restructuring plan.
Sec. 525. Lake Superior Center.
Sec. 526. Jackson County, Alabama.
Sec. 527. Earthquake Preparedness Center of Expertise Extension.
Sec. 528. Quarantine facility.
Sec. 529. Benton and Washington Counties, Arkansas.
Sec. 530. Calaveras County, California.
Sec. 531. Farmington Dam, California.
Sec. 532. Prado Dam safety improvements, California.
Sec. 533. Los Angeles County Drainage Area, California.
Sec. 534. Seven Oaks Dam, California.
Sec. 535. Manatee County, Florida.
Sec. 536. Tampa, Florida.
Sec. 537. Watershed management plan for Deep River Basin, Indiana.
Sec. 538. Southern and eastern Kentucky.
Sec. 539. Louisiana coastal wetlands restoration projects.
Sec. 540. Southeast Louisiana.
Sec. 541. Restoration projects for Maryland, Pennsylvania, and West Virginia.
Sec. 542. Cumberland, Maryland.
Sec. 543. Beneficial use of dredged material, Poplar Island, Maryland.
Sec. 544. Erosion control measures, Smith Island, Maryland.
Sec. 545. Duluth, Minnesota, alternative technology project.
Sec. 546. Redwood River Basin, Minnesota.
Sec. 547. Natchez Bluffs, Mississippi.
Sec. 548. Sardis Lake, Mississippi.
Sec. 549. Missouri River management.
Sec. 550. St. Charles County, Missouri, flood protection.
Sec. 551. Durham, New Hampshire.
Sec. 552. Hackensack Meadowlands area, New Jersey.
Sec. 553. Authorization of dredge material containment facility for Port of New York/New Jersey.
Sec. 554. Hudson River habitat restoration, New York.
Sec. 555. Queens County, New York.
Sec. 556. New York Bight and Harbor study.
Sec. 557. New York State Canal System.
Sec. 558. New York City Watershed.
Sec. 559. Ohio River Greenway.
Sec. 560. Northeastern Ohio.
Sec. 561. Grand Lake, Oklahoma.
Sec. 562. Broad Top region of Pennsylvania.
Sec. 563. Curwensville Lake, Pennsylvania.
Sec. 564. Hopper Dredge McFarland.
Sec. 565. Philadelphia, Pennsylvania.
Sec. 566. Upper Susquehanna River Basin, Pennsylvania and New York.
Sec. 567. Seven Points Visitors Center, Raystown Lake, Pennsylvania.
Sec. 568. Southeastern Pennsylvania.
Sec. 569. Wills Creek, Hyndman, Pennsylvania.
Sec. 570. Blackstone River Valley, Rhode Island and Massachusetts.
Sec. 571. East Ridge, Tennessee.
Sec. 572. Murfreesboro, Tennessee.
Sec. 573. Buffalo Bayou, Texas.
Sec. 574. Harris County, Texas.
Sec. 575. San Antonio River, Texas.
Sec. 576. Neabsco Creek, Virginia.
Sec. 577. Tangier Island, Virginia.
Sec. 578. Pierce County, Washington.
Sec. 579. Washington Aqueduct.
Sec. 580. Greenbrier River Basin, West Virginia, flood protection.
Sec. 581. Huntington, West Virginia.
Sec. 582. Lower Mud River, Milton, West Virginia.
Sec. 583. West Virginia and Pennsylvania flood control.
Sec. 584. Evaluation of beach material.
Sec. 585. National Center for Nanofabrication and Molecular Self-Assembly.
Sec. 586. Sense of Congress regarding St. Lawrence Seaway tolls.
Sec. 587. Prado Dam, California.
Sec. 588. Morganza, Louisiana to the Gulf of Mexico.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

Sec. 601. Extension of expenditure authority under Harbor Maintenance Trust Fund.

SEC. 2. DEFINITION.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $57,300,000, with an estimated Federal cost of $42,975,000 and an estimated non-Federal cost of $14,325,000, consisting of the following:

(i) Approximately 24 miles of slurry wall in the existing levees along the lower American River.

(ii) Approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal.

(iii) 3 telemeter streamflow gages upstream from the Folsom Reservoir.

(iv) Modifications to the existing flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal sponsor shall receive credit toward the non-Federal share of the cost of the project for expenses that the sponsor has incurred for design and construction of any of the features authorized pursuant to this paragraph prior to the date on which Federal funds are appropriated for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) OPERATION OF FOLSOM DAM.—The Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity as an interim measure and extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency until such date as a comprehensive flood control plan for the American River Watershed has been implemented.

(D) RESPONSIBILITY OF NON-FEDERAL SPONSOR.—The non-Federal sponsor shall be responsible for all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements undertaken pursuant to this paragraph, as well as for 25 percent of the costs for the variable flood control operation of the Folsom Dam and Reservoir (including any incremental power and water purchase costs incurred by the Western Area Power Administration or the Bureau of Reclamation and any direction, capital, and operation and maintenance costs borne by either of such agencies). Notwithstanding any contract or other agreement, the remaining 75 percent of the costs for the variable flood control operation of the Folsom Dam and Reservoir shall be the responsibility of the United States and shall be nonreimbursable.

(2) SAN LORENZO RIVER, SANTA CRUZ, CALIFORNIA.—The project for flood control, San Lorenzo River, Santa Cruz, California: Report of the

Chief of Engineers, dated June 30, 1994, at a total cost of $21,800,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $10,900,000.

(3) SANTA BARBARA HARBOR, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,840,000, with an estimated Federal cost of $4,670,000 and an estimated non-Federal cost of $1,170,000.

(4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for navigation and storm damage reduction, Santa Monica Breakwater, Santa Monica, California: Report of the Chief of Engineers, dated June 7, 1996, at a total cost of $6,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(5) MARIN COUNTY SHORELINE, SAN RAFAEL, CALIFORNIA.—The project for storm damage reduction, Marin County shoreline, San Rafael, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $28,300,000, with an estimated Federal cost of $18,400,000 and an estimated non-Federal cost of $9,900,000.

(6) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,000,000 and an estimated non-Federal cost of $5,180,000.

(7) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and Tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated November 15, 1994, at a total cost of $17,144,000, with an estimated Federal cost of $12,858,000 and an estimated non-Federal cost of $4,286,000.

(8) ATLANTIC INTRACOASTAL WATERWAY, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Atlantic Intracoastal Waterway, St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,881,000. Operation, maintenance, repair, replacement, and rehabilitation shall be a non-Federal responsibility and the non-Federal interest must assume ownership of the bridge.

(9) LAKE MICHIGAN, ILLINOIS.—The project for storm damage reduction and shoreline erosion protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The project shall include the breakwater near the South Water Filtration Plant described in the report as a separate element of the project, at a total cost of $11,470,000, with an estimated Federal cost of $7,460,000 and an estimated non-Federal cost of $4,010,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs incurred by the non-Federal interest—

(A) in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, if such work is determined by the Secretary to be a component of the project; and

(B) in constructing the breakwater near the South Water Filtration Plant in Chicago, Illinois.

(10) KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KENTUCKY.—The project for navigation, Kentucky Lock and Dam, Tennessee River, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $393,200,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(11) POND CREEK, JEFFERSON COUNTY, KENTUCKY.—The project for flood control, Pond Creek, Jefferson County, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,080,000, with an estimated Federal cost of $10,993,000 and an estimated non-Federal cost of $5,087,000.

(12) WOLF CREEK DAM AND LAKE CUMBERLAND, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $53,763,000, with an estimated non-Federal cost of $53,763,000. Funds derived by the Tennessee Valley Authority from its power program and funds derived from any private or public entity designated by the Southeastern Power Administration may be used to pay all or part of the costs of the project.

(13) PORT FOURCHON, LAFOURCHE PARISH, LOUISIANA.—A project for navigation, Belle Pass and Bayou Lafourche, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of $4,440,000, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $2,140,000.

(14) WEST BANK OF THE MISSISSIPPI RIVER, NEW ORLEANS (EAST OF HARVEY CANAL), LOUISIANA.—The project for hurricane damage reduction, West Bank of the Mississippi River in the vicinity of New Orleans (East of Harvey Canal), Louisiana: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of $126,000,000, with an estimated Federal cost of $82,200,000 and an estimated non-Federal cost of $43,800,000.

(15) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $11,800,000, with an estimated Federal cost of $6,040,000 and an estimated non-Federal cost of $5,760,000.

(16) LAS CRUCES, NEW MEXICO.—The project for flood control, Las Cruces, New Mexico: Report of the Chief of Engineers, dated June 24, 1996, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(17) LONG BEACH ISLAND, NEW YORK.—The project for storm damage reduction, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of $72,090,000, with an estimated Federal cost of $46,858,000 and an estimated non-Federal cost of $25,232,000.

(18) WILMINGTON HARBOR, CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear and Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,953,000, with an estimated Federal cost of $15,032,000 and an estimated non-Federal cost of $8,921,000.

(19) DUCK CREEK, CINCINNATI, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,947,000, with an estimated Federal cost of $11,960,000 and an estimated non-Federal cost of $3,987,000.

(20) WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon: Report of the Chief of Engineers, dated February 1, 1996, at a total cost of $38,000,000, with an estimated Federal cost of $38,000,000.

(21) RIO GRANDE DE ARECIBO, PUERTO RICO.—The project for flood control, Rio Grande de Arecibo, Puerto Rico: Report of the Chief of Engineers, dated April 5, 1994, at a total cost of $19,951,000, with an estimated Federal cost of $10,557,000 and an estimated non-Federal cost of $9,394,000.

(22) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor Deepening and Widening, South Carolina: Report of the Chief of Engineers, dated July 18, 1996, at a total cost of $116,639,000, with an estimated Federal cost of $72,798,000 and an estimated non-Federal cost of $43,841,000.

(23) BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $34,600,000, with an estimated Federal cost of $25,900,000 and an estimated non-Federal cost of $8,700,000.

(24) WATERTOWN, SOUTH DAKOTA.—The project for flood control, Watertown and Vicinity, South Dakota: Report of the Chief of Engineers, dated August 31, 1994, at a total cost of $18,000,000, with an estimated Federal cost of $13,200,000 and an estimated non-Federal cost of $4,800,000.

(25) GULF INTRACOASTAL WATERWAY, ARANSAS NATIONAL WILDLIFE REFUGE, TEXAS.—The project for navigation and environmental preservation, Gulf Intracoastal Waterway, Aransas National Wildlife Refuge, Texas: Report of the Chief of Engineers, dated May 28, 1996, at a total cost of $18,283,000, with an estimated Federal cost of $18,283,000.

(26) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total initial construction cost of $292,797,000, with an estimated Federal cost of $210,891,000 and an estimated non-Federal cost of $81,906,000. The project shall include deferred construction of additional environmental restoration features over the life of the project, at a total average annual cost of $786,000, with an estimated Federal cost of $590,000 and an estimated non-Federal cost of $196,000. The construction of berthing areas and the removal of pipelines and other obstructions that are necessary for the project shall be accomplished at non-Federal expense. Non-Federal interests shall receive credit toward cash contributions required during construction and subsequent to construction for design and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project.

(27) MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $229,581,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. In conducting any real estate acquisition activities with respect to the project, the Secretary shall give priority consideration to those individuals who would be directly affected by any physical displacement due to project design and shall consider the financial circumstances of such individuals. The Secretary shall proceed with real estate acquisition in connection with the project expeditiously.

(b) PROJECTS WITH PENDING CHIEF'S REPORTS.—The following projects are authorized to be carried out by the Secretary substantially in accordance with a final report of the Chief of Engineers if such report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of $10,365,000, with an estimated Federal cost of

$4,344,000 and an estimated non-Federal cost of $6,021,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,342,000, with an estimated Federal cost of $4,006,000 and an estimated non-Federal cost of $1,336,000.

(3) ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA.—The project for navigation, St. Paul Harbor, St. Paul, Alaska, with an estimated total cost of $18,981,000, with an estimated Federal cost of $12,188,000 and an estimated non-Federal cost of $6,793,000.

(4) NORCO BLUFFS, RIVERSIDE COUNTY, CALIFORNIA.—A project for bluff stabilization, Norco Bluffs, Riverside County, California, with an estimated total cost of $8,600,000, with an estimated Federal cost of $6,450,000 and an estimated non-Federal cost of $2,150,000.

(5) PORT OF LONG BEACH (DEEPENING), CALIFORNIA.—The project for navigation, Port of Long Beach (Deepening), California, at a total cost of $37,288,000, with an estimated Federal cost of $14,318,000 and an estimated non-Federal cost of $22,970,000.

(6) TERMINUS DAM, KAWEAH RIVER, CALIFORNIA.—The project for flood damage reduction and water supply, Terminus Dam, Kaweah River, California, at a total estimated cost of $34,500,000, with an estimated Federal cost of $20,200,000 and an estimated non-Federal cost of $14,300,000.

(7) REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.—A project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, at a total cost of $9,423,000, with an estimated first Federal cost of $6,125,000, and an estimated first non-Federal cost of $3,298,000, and an average annual cost of $282,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $183,000 and an estimated annual non-Federal cost of $99,000.

(8) BREVARD COUNTY, FLORIDA.—The project for shoreline protection, Brevard County, Florida, at a total first cost of $76,620,000, with an estimated first Federal cost of $36,006,000, and an estimated first non-Federal cost of $40,614,000, and an average annual cost of $2,341,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,109,000 and an estimated annual non-Federal cost of $1,232,000.

(9) MIAMI HARBOR CHANNEL, FLORIDA.—The project for navigation, Miami Harbor Channel, Miami, Florida, with an estimated total cost of $3,221,000, with an estimated Federal cost of $1,800,000 and an estimated non-Federal cost of $1,421,000.

(10) NORTH WORTH INLET, FLORIDA.—The project for navigation and shoreline protection, Lake Worth Inlet, Palm Beach Harbor, Florida, at a total cost of $3,915,000, with an estimated Federal cost of $1,762,000 and an estimated non-Federal cost of $2,153,000.

(11) LOWER SAVANNAH RIVER BASIN, SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA.—The project for navigation and related purposes, Lower Savannah River Basin, Savannah River, Georgia and South Carolina, at a total cost of $3,419,000, with an estimated Federal cost of $2,551,000, and an estimated non-Federal cost of $868,000.

(12) ABSECON ISLAND, NEW JERSEY.—The project for storm damage reduction and shoreline protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey, at a total cost of $52,000,000, with an estimated Federal cost of $34,000,000 and an estimated non-Federal cost of $18,000,000.

(13) CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Cape Fear River deepening, North Carolina, at a total cost of $210,264,000, with an estimated Federal cost of $130,159,000, and an estimated non-Federal cost of $80,105,000.

SEC. 102. SMALL FLOOD CONTROL PROJECTS.

(a) PROJECT DESCRIPTIONS.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) SOUTH UPLAND, SAN BERNADINO COUNTY, CALIFORNIA.—Project for flood control, South Upland, San Bernadino County, California.

(2) BIRDS, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Birds, Lawrence County, Illinois.

(3) BRIDGEPORT, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Bridgeport, Lawrence County, Illinois.

(4) EMBARRAS RIVER, VILLA GROVE, ILLINOIS.—Project for flood control, Embarras River, Villa Grove, Illinois.

(5) FRANKFORT, WILL COUNTY, ILLINOIS.—Project for flood control, Frankfort, Will County, Illinois.

(6) SUMNER, LAWRENCE COUNTY, ILLINOIS.—Project for flood control, Sumner, Lawrence County, Illinois.

(7) VERMILLION RIVER, DEMANADE PARK, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Demanade Park, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(8) VERMILLION RIVER, QUAIL HOLLOW SUBDIVISION, LAFAYETTE, LOUISIANA.—Project for nonstructural flood control, Vermillion River, Quail Hollow Subdivision, Lafayette, Louisiana. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the Lafayette Parish feasibility study and expedite completion of the study under this paragraph.

(9) KAWKAWLIN RIVER, BAY COUNTY, MICHIGAN.—Project for flood control, Kawkawlin River, Bay County, Michigan.

(10) WHITNEY DRAIN, ARENAC COUNTY, MICHIGAN.—Project for flood control, Whitney Drain, Arenac County, Michigan.

(11) FESTUS AND CRYSTAL CITY, MISSOURI.—Project for flood control, Festus and Crystal City, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(12) KIMMSWICK, MISSOURI.—Project for flood control, Kimmswick, Missouri. In carrying out the study and the project (if any) under this paragraph, the Secretary shall use relevant information from the existing reconnaissance study and shall expedite completion of the study under this paragraph.

(13) RIVER DES PERES, ST. LOUIS COUNTY, MISSOURI.—Project for flood control, River Des Peres, St. Louis County, Missouri. In carrying out the study and the project (if any), the Secretary shall determine the feasibility of potential flood control measures, consider potential storm water runoff and related improvements, and cooperate with the Metropolitan St. Louis Sewer District.

(14) BUFFALO CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Buffalo Creek, Erie County, New York.

(15) CAZENOVIA CREEK, ERIE COUNTY, NEW YORK.—Project for flood control, Cazenovia Creek, Erie County, New York.

(16) CHEEKTOWAGA, ERIE COUNTY, NEW YORK.—Project for flood control, Cheektowaga, Erie County, New York.

(17) FULMER CREEK, VILLAGE OF MOHAWK, NEW YORK.—Project for flood control, Fulmer Creek, Village of Mohawk, New York.

(18) MOYER CREEK, VILLAGE OF FRANKFORT, NEW YORK.—Project for flood control, Moyer Creek, Village of Frankfort, New York.

(19) SAUQUOIT CREEK, WHITESBORO, NEW YORK.—Project for flood control, Sauquoit Creek, Whitesboro, New York.

(20) STEELE CREEK, VILLAGE OF ILION, NEW YORK.—Project for flood control, Steele Creek, Village of Ilion, New York.

(21) WILLAMETTE RIVER, OREGON.—Project for nonstructural flood control, Willamette River, Oregon, including floodplain and ecosystem restoration.

(22) GREENBRIER RIVER BASIN, WEST VIRGINIA.—Project for flood control, consisting of an early flood warning system, Greenbrier River Basin, West Virginia.

(b) COST ALLOCATIONS.—

(1) LAKE ELSINORE, CALIFORNIA.—The maximum amount of Federal funds that may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the project for flood control, Lake Elsinore, Riverside County, California, shall be $7,500,000.

(2) LOST CREEK, COLUMBUS, NEBRASKA.—The maximum amount of Federal funds that may be allotted under such section 205 for the project for flood control, Lost Creek, Columbus, Nebraska, shall be $5,500,000.

(3) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the projects referred to in paragraphs (1) and (2) in order to take into account the change in the Federal participation in such projects pursuant to such paragraphs.

(4) COST SHARING.—Nothing in this subsection shall be construed to affect any cost-sharing requirement applicable to the project referred to in paragraph (1) under the Water Resources Development Act of 1986.

SEC. 103. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) ST. JOSEPH RIVER, INDIANA.—Project for bank stabilization, St. Joseph River, South Bend, Indiana, including recreation and pedestrian access features.

(2) ALLEGHENY RIVER AT OIL CITY, PENNSYLVANIA.—Project for bank stabilization to address erosion problems affecting the pipeline crossing the Allegheny River at Oil City, Pennsylvania, including measures to address erosion affecting the pipeline in the bed of the Allegheny River and its adjacent banks.

(3) CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—Project for bank stabilization, Cumberland River, Nashville, Tennessee.

(4) TENNESSEE RIVER, HAMILTON COUNTY, TENNESSEE.—Project for bank stabilization, Tennessee River, Hamilton County, Tennessee; except that the maximum amount of Federal funds that may be allotted for the project shall be $7,500,000.

SEC. 104. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is feasible, shall carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) AKUTAN, ALASKA.—Project for navigation, Akutan, Alaska, consisting of a bulkhead and a wave barrier, including application of innovative technology involving use of a permeable breakwater.

(2) GRAND MARAIS HARBOR BREAKWATER, MICHIGAN.—Project for navigation, Grand Marais Harbor breakwater, Michigan.

(3) DULUTH, MINNESOTA.—Project for navigation, Duluth, Minnesota.

(4) TACONITE, MINNESOTA.—Project for navigation, Taconite, Minnesota.

(5) TWO HARBORS, MINNESOTA.—Project for navigation, Two Harbors, Minnesota.

(6) CARUTHERSVILLE HARBOR, PEMISCOT COUNTY, MISSOURI.—Project for navigation, Caruthersville Harbor, Pemiscot County, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(7) NEW MADRID COUNTY HARBOR, MISSOURI.—Project for navigation, New Madrid County Harbor, Missouri, including enlargement of the existing harbor and bank stabilization measures.

(8) BROOKLYN, NEW YORK.—Project for navigation, Brooklyn, New York, including restoration of the pier and related navigation support structures, at the Sixty-Ninth Street Pier.

(9) BUFFALO INNER HARBOR, BUFFALO, NEW YORK.—Project for navigation, Buffalo Inner Harbor, Buffalo, New York.

(10) GLENN COVE CREEK, NEW YORK.—Project for navigation, Glenn Cove Creek, New York, including bulkheading.

(11) UNION SHIP CANAL, BUFFALO AND LACKAWANNA, NEW YORK.—Project for navigation, Union Ship Canal, Buffalo and Lackawanna, New York.

SEC. 105. SMALL SHORELINE PROTECTION PROJECTS.

(a) PROJECT AUTHORIZATIONS.—The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that the project is feasible, shall carry out the project under section 3 of the Shoreline Protection Act of August 13, 1946 (33 U.S.C. 426g):

(1) FAULKNER'S ISLAND, CONNECTICUT.—Project for shoreline protection, Faulkner's Island, Connecticut; except that the maximum amount of Federal funds that may be allotted for the project shall be $4,500,000.

(2) FORT PIERCE, FLORIDA.—Project for 1 mile of additional shoreline protection, Fort Pierce, Florida.

(3) ORCHARD BEACH, BRONX, NEW YORK.—Project for shoreline protection, Orchard Beach, Bronx, New York, New York; except that the maximum amount of Federal funds that may be allotted for the project shall be $5,200,000.

(4) SYLVAN BEACH BREAKWATER, VERONA, ONEIDA COUNTY, NEW YORK.—Project for shoreline protection, Sylvan Beach breakwater, Verona, Oneida County, New York.

(b) COST SHARING AGREEMENT.—In carrying out the project authorized by subsection (a)(1), the Secretary shall enter into an agreement with the property owner to determine the allocation of the project costs.

SEC. 106. SMALL SNAGGING AND SEDIMENT REMOVAL PROJECT, MISSISSIPPI RIVER, LITTLE FALLS, MINNESOTA.

The Secretary shall conduct a study for a project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, including removal of sediment from culverts. The study shall include a determination of the adequacy of culverts to maintain flows through the channel. If the Secretary determines that the project is feasible, the Secretary shall carry out the project under section 3 of the River and Harbor Act of March 2, 1945 (33 U.S.C. 603a; 59 Stat. 23).

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that the project is appropriate, shall carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309(a)):

(1) UPPER TRUCKEE RIVER, EL DORADO COUNTY, CALIFORNIA.—Project for environmental restoration, Upper Truckee River, El Dorado County, California, including measures for restoration of degraded wetlands and wildlife enhancement.

(2) SAN LORENZO RIVER, CALIFORNIA.—Project for habitat restoration, San Lorenzo River, California.

(3) WHITTIER NARROWS DAM, CALIFORNIA.—Project for environmental restoration and remediation of contaminated water sources, Whittier Narrows Dam, California.

(4) UPPER JORDAN RIVER, SALT LAKE COUNTY, UTAH.—Project for channel restoration and environmental improvement, Upper Jordan River, Salt Lake County, Utah.

SEC. 108. PROJECT TO MITIGATE SHORE DAMAGE.

The Secretary shall expedite the Assateague Island restoration feature of the Ocean City, Maryland, and vicinity study and, if the Secretary determines that the Federal navigation project has contributed to degradation of the shoreline, the Secretary shall carry out the project for shoreline restoration under section 111 of the River and Harbor Act of 1968 (82 Stat. 735); except that the maximum amount of Federal funds that may be allotted by the Secretary for the project shall be $35,000,000. In carrying out the project, the Secretary shall coordinate with affected Federal and State agencies and shall enter into an agreement with the Federal property owner to determine the allocation of the project costs.

TITLE II—GENERALLY APPLICABLE PROVISIONS

SEC. 201. COST SHARING FOR DREDGED MATERIAL DISPOSAL AREAS.

(a) CONSTRUCTION.—Section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a); 100 Stat. 4082–4083) is amended—

(1) by striking the last sentence of paragraph (2) and inserting the following: "The value of lands, easements, rights-of-way, and relocations provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.";

(2) in paragraph (3)—

(A) by inserting "and" after "rights-of-way,";

(B) by striking ", and dredged material disposal areas"; and

(C) by inserting ", including any lands, easements, rights-of-way, and relocations (other than utility relocations accomplished under paragraph (4)) that are necessary for dredged material disposal facilities" before the period at the end of such paragraph; and

(3) by adding at the end the following:

"(5) DREDGED MATERIAL DISPOSAL FACILITIES FOR PROJECT CONSTRUCTION.—For purposes of this subsection, the term 'general navigation features' includes constructed land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for project construction and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph.".

(b) OPERATION AND MAINTENANCE.—Section 101(b) of such Act (33 U.S.C. 2211(b); 100 Stat. 4083) is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Federal";

(2) by indenting and moving paragraph (1), as designated by paragraph (1) of this subsection, 2 ems to the right;

(3) by striking "pursuant to this Act" and inserting "by the Secretary pursuant to this Act or any other law approved after the date of the enactment of this Act"; and

(4) by adding at the end thereof the following:

"(2) DREDGED MATERIAL DISPOSAL FACILITIES.—The Federal share of the cost of constructing land-based and aquatic dredged material disposal facilities that are necessary for the disposal of dredged material required for the operation and maintenance of a project and for which a contract for construction has not been awarded on or before the date of the enactment of this paragraph shall be determined in accordance with subsection (a). The Federal share of operating and maintaining such facilities shall be determined in accordance with paragraph (1).".

(c) AGREEMENT.—Section 101(e)(1) of such Act (33 U.S.C. 2211(e)(1); 100 Stat. 4083) is amended by striking "and to provide dredged material disposal areas and perform" and inserting "including those necessary for dredged material disposal facilities, and to perform".

(d) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—Section 101 of such Act (33 U.S.C. 2211; 100 Stat. 4082–4084) is further amended by adding at the end the following:

"(f) CONSIDERATION OF FUNDING REQUIREMENTS AND EQUITABLE APPORTIONMENT.—The Secretary shall ensure, to the extent practicable, that—

"(1) funding necessary for operation and maintenance dredging of commercial navigation harbors is provided before Federal funds are obligated for payment of the Federal share of costs associated with construction of dredged material disposal facilities in accordance with subsections (a) and (b);

"(2) funds expended for such construction are equitably apportioned in accordance with regional needs; and

"(3) the Secretary's participation in the construction of dredged material disposal facilities does not result in unfair competition with potential private sector providers of such facilities.".

(e) ELIGIBLE OPERATIONS AND MAINTENANCE DEFINED.—Section 214(2) of such Act (33 U.S.C. 2241; 100 Stat. 4108) is amended—

(1) in subparagraph (A)—

(A) by inserting "Federal" after "means all";

(B) by inserting "(i)" after "including"; and

(C) by inserting before the period at the end the following: "; (ii) the construction of dredged material disposal facilities that are necessary for the operation and maintenance of any harbor or inland harbor; (iii) dredging and disposing of contaminated sediments which are in or which affect the maintenance of Federal navigation channels; (iv) mitigating for impacts resulting from Federal navigation operation and maintenance activities; and (v) operating and maintaining dredged material disposal facilities"; and

(2) in subparagraph (C) by striking "rights-of-way, or dredged material disposal areas," and inserting "or rights-of-way,".

(f) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendments made by this section to any project for which a contract for construction has not been awarded on or before such date of enactment.

(g) SAVINGS CLAUSE.—Nothing in this section (including the amendments made by this section) shall increase, or result in the increase of, the non-Federal share of the costs of—

(1) any dredged material disposal facility authorized before the date of the enactment of this Act, including any facility authorized by section 123 of the River and Harbor Act of 1970 (84 Stat. 1823); or

(2) any dredged material disposal facility that is necessary for the construction or maintenance of a project authorized before the date of the enactment of this Act.

SEC. 202. FLOOD CONTROL POLICY.

(a) FLOOD CONTROL COST SHARING.—

(1) INCREASED NON-FEDERAL CONTRIBUTIONS.—Subsections (a) and (b) of section 103 of the

Water Resources Development Act of 1986 (33 U.S.C. 2213(a) and (b)) are each amended by striking "25 percent" each place it appears and inserting "35 percent".

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to any project authorized after the date of the enactment of this Act and to any flood control project which is not specifically authorized by Congress for which a Detailed Project Report is approved after such date of enactment or, in the case of a project for which no Detailed Project Report is prepared, construction is initiated after such date of enactment.

(b) ABILITY TO PAY.—

(1) IN GENERAL.—Section 103(m) of such Act (33 U.S.C. 2213(m)) is amended to read as follows:

"(m) ABILITY TO PAY.—

"(1) IN GENERAL.—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay.

"(2) CRITERIA AND PROCEDURES.—The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; except that such criteria and procedures shall be revised within 6 months after the date of such enactment to reflect the requirements of paragraph (3).

"(3) REVISION OF PROCEDURES.—In revising procedures pursuant to paragraph (1), the Secretary—

"(A) shall consider—

"(i) per capita income data for the county or counties in which the project is to be located; and

"(ii) the per capita non-Federal cost of construction of the project for the county or counties in which the project is to be located;

"(B) shall not consider criteria (other than criteria described in subparagraph (A)) in effect on the day before the date of the enactment of the Water Resources Development Act of 1996; and

"(C) may consider additional criteria relating to the non-Federal interest's financial ability to carry out its cost-sharing responsibilities, to the extent that the application of such criteria does not eliminate areas from eligibility for a reduction in the non-Federal share as determined under subparagraph (A).

"(4) NON-FEDERAL SHARE.—Notwithstanding subsection (a), the Secretary shall reduce or eliminate the requirement that a non-Federal interest make a cash contribution for any project that is determined to be eligible for a reduction in the non-Federal share under procedures in effect under paragraphs (1), (2), and (3).".

(2) APPLICABILITY.—

(A) GENERALLY.—Subject to subparagraph (C), the amendment made by paragraph (1) shall apply to any project, or separable element thereof, with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(B) AMENDMENT OF COOPERATION AGREEMENT.—If requested by the non-Federal interest, the Secretary shall amend a project cooperation agreement executed on or before the date of the enactment of this Act to reflect the application of the amendment made by paragraph (1) to any project for which a contract for construction has not been awarded on or before such date of enactment.

(C) NON-FEDERAL OPTION.—If requested by the non-Federal interest, the Secretary shall apply the criteria and procedures established pursuant to section 103(m) of the Water Resources Development Act of 1986 as in effect on the day before the date of the enactment of this Act for projects that are authorized before the date of the enactment of this Act.

(c) FLOOD PLAIN MANAGEMENT PLANS.—

(1) IN GENERAL.—Section 402 of such Act (33 U.S.C. 701b–12; 100 Stat. 4133) is amended to read as follows:

"SEC. 402. FLOOD PLAIN MANAGEMENT REQUIREMENTS.

"(a) COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.—Before construction of any project for local flood protection or any project for hurricane or storm damage reduction and involving Federal assistance from the Secretary, the non-Federal interest shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

"(b) FLOOD PLAIN MANAGEMENT PLANS.—Within 1 year after the date of signing a project cooperation agreement for construction of a project to which subsection (a) applies, the non-Federal interest shall prepare a flood plain management plan designed to reduce the impacts of future flood events in the project area. Such plan shall be implemented by the non-Federal interest not later than 1 year after completion of construction of the project.

"(c) GUIDELINES.—

"(1) IN GENERAL.—Within 6 months after the date of the enactment of this subsection, the Secretary shall develop guidelines for preparation of flood plain management plans by non-Federal interests under subsection (b). Such guidelines shall address potential measures, practices and policies to reduce loss of life, injuries, damages to property and facilities, public expenditures, and other adverse impacts associated with flooding and to preserve and enhance natural flood plain values.

"(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to confer any regulatory authority upon the Secretary.

"(d) TECHNICAL SUPPORT.—The Secretary is authorized to provide technical support to a non-Federal interest for a project to which subsection (a) applies for the development and implementation of plans prepared under subsection (b).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any project or separable element thereof with respect to which the Secretary and the non-Federal interest have not entered into a project cooperation agreement on or before the date of the enactment of this Act.

(d) NON-STRUCTURAL FLOOD CONTROL POLICY.—

(1) REVIEW.—The Secretary shall conduct a review of policies, procedures, and techniques relating to the evaluation and development of flood control measures with a view toward identifying impediments that may exist to justifying non-structural flood control measures as alternatives to structural measures.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the findings on the review conducted under this subsection, together with any recommendations for modifying existing law to remove any impediments identified under such review.

(e) EMERGENCY RESPONSE.—Section 5(a)(1) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended by inserting before the first semicolon the following: ", or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor".

(f) NONSTRUCTURAL ALTERNATIVES.—Section 73 of the Water Resources Development Act of 1974 (33 U.S.C. 701b–11; 88 Stat. 32) is amended by striking subsection (a) and inserting the following:

"(a) In the survey, planning, or design by any Federal agency of any project involving flood protection, such agency, with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages, shall consider and address in adequate detail nonstructural alternatives, including measures that may be implemented by others, to prevent or reduce flood damages. Such alternatives may include watershed management, wetlands restoration, elevation or flood proofing of structures, floodplain regulation, relocation, and acquisition of floodplain lands for recreational, fish and wildlife, and other public purposes.".

SEC. 203. FEASIBILITY STUDY COST-SHARING.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking "during the period of such study";

(2) by inserting after the first sentence the following: "During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost-sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j). In the event the project which is the subject of the study is not authorized within the earlier of 5 years of the date of the final report of the Chief of Engineers concerning such study or 2 years of the date of termination of the study, the non-Federal share of any such excess costs shall be paid to the United States on the last day of such period."; and

(3) in the second sentence, by striking "such non-Federal contribution" and inserting "the non-Federal share required under this paragraph".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost-sharing agreement entered into by the Secretary and non-Federal interests. Upon request of the non-Federal interest, the Secretary shall amend any feasibility cost-sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 204. RESTORATION OF ENVIRONMENTAL QUALITY.

(a) REVIEW OF PROJECTS.—Section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)) is amended—

(1) by striking "the operation of"; and

(2) by inserting before the period at the end the following: "and to determine if the operation of such projects has contributed to the degradation of the quality of the environment".

(b) PROGRAM OF PROJECTS.—Section 1135(b) of such Act is amended by striking the last 2 sentences of subsection (b).

(c) RESTORATION OF ENVIRONMENTAL QUALITY.—Section 1135 of such Act is further amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following new subsections:

"(c) RESTORATION OF ENVIRONMENTAL QUALITY.—If the Secretary determines that construction of a water resource project by the Secretary or operation of a water resources project constructed by the Secretary has contributed to the degradation of the quality of the environment, the Secretary may undertake measures for restoration of environmental quality and measures for enhancement of environmental quality that are associated with the restoration, either through modifications at the project site or at other locations that have been affected by the construction or operation of the project, if such measures do not conflict with the authorized project purposes.

"(d) NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) of this section shall be 25 percent. Not more than 80 percent of the non-Federal share may be in kind, including a facility, supply, or service that is necessary to carry out the modification. No more than $5,000,000 in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section."; and

(3) in subsection (f), as so redesignated, by striking "program conducted under subsection (b)" and inserting "programs conducted under subsections (b) and (c)".

(d) DEFINITION.—Section 1135 of such Act is further amended by adding at the end the following:

"(h) DEFINITION.—In this section the term 'water resources project constructed by the Secretary' includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service).".

SEC. 205. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (104 Stat. 4639–4640) is amended—

(1) in each of subsections (a), (b), and (c) by inserting "and remediate" after "remove" each place it appears;

(2) in subsection (b)(1) by inserting "and remediation" after "removal" each place it appears;

(3) in subsection (b)(2) by striking "$10,000,000" and inserting "$30,000,000"; and

(4) by striking subsection (f) and inserting the following:

"(f) In carrying out this section, the Secretary shall give priority to work in the following areas:

"(1) Brooklyn Waterfront, New York.

"(2) Buffalo Harbor and River, New York.

"(3) Ashtabula River, Ohio.

"(4) Mahoning River, Ohio.

"(5) Lower Fox River, Wisconsin.".

SEC. 206. AQUATIC ECOSYSTEM RESTORATION.

(a) GENERAL AUTHORITY.—The Secretary is authorized to carry out aquatic ecosystem restoration and protection projects when the Secretary determines that such projects will improve the quality of the environment and are in the public interest and that the environmental and economic benefits, both monetary and nonmonetary, of the project to be undertaken pursuant to this section justify the cost.

(b) COST SHARING.—Non-Federal interests shall provide 50 percent of the cost of construction of any project carried out under this section, including provision of all lands, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary to pay the non-Federal share of the costs of construction required by this section and to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.

(e) FUNDING.—There is authorized to be appropriated not to exceed $25,000,000 annually to carry out this section.

SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (106 Stat. 4826) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD.—In developing and carrying out a project for navigation involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of such disposal method are minimal and that the benefits to the aquatic environment to be derived from such disposal method, including the creation of wetlands and control of shoreline erosion, justify its selection. The Federal share of such incremental costs shall be determined in accordance with subsection (c).".

SEC. 208. RECREATION POLICY AND USER FEES.

(a) RECREATION POLICIES.—

(1) IN GENERAL.—The Secretary shall provide increased emphasis on and opportunities for recreation at water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) RECREATION USER FEES.—Section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)) is amended by adding at the end the following:

"(5) USE OF FEES COLLECTED AT FACILITY.—Subject to advance appropriations, the Secretary of the Army shall ensure that at least an amount equal to the total amount of fees collected at any project under this subsection in a fiscal year beginning after September 30, 1996, are expended in the succeeding fiscal year at such project for operation and maintenance of recreational facilities at such project.".

SEC. 209. RECOVERY OF COSTS.

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the Army Civil Works program and any other amounts recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Army for any expenditure for environmental response activities in support of the Army civil works program shall be credited to the appropriate trust fund account from which the cost of such response action has been paid or will be charged.

SEC. 210. COST SHARING OF ENVIRONMENTAL PROJECTS.

(a) IN GENERAL.—Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following new paragraph:

"(7) subject to section 906 of this Act, environmental protection and restoration: 50 percent.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply only to projects authorized after the date of the enactment of this Act.

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) AUTHORITY.—Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) STUDIES AND DESIGN ACTIVITIES.—

(1) BY NON-FEDERAL INTERESTS.—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and design documents for any construction to be undertaken pursuant to subsection (a).

(2) BY SECRETARY.—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and design activities for any construction to be undertaken pursuant to subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies and design activities during the period that the studies and design activities will be conducted.

(c) COMPLETION OF STUDIES AND DESIGN ACTIVITIES.—In the case of any study or design documents for a flood control project that were initiated before the date of the enactment of this Act, the Secretary is authorized to complete and transmit to the appropriate non-Federal interests the study or design documents or, upon the request of such non-Federal interests, to terminate the study or design activities and transmit the partially completed study or design documents to such non-Federal interests for completion. Studies and design documents subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) AUTHORITY TO CARRY OUT IMPROVEMENT.—

(1) IN GENERAL.—Any non-Federal interest which has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a flood control project or separable element thereof based on the results of completed studies and design documents for the project or element, may carry out the project or element if a final environmental impact statement has been filed for the project or element.

(2) PERMITS.—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) MONITORING.—The Secretary shall monitor any project for which a permit is granted under this subsection in order to ensure that such project is constructed, operated, and maintained in accordance with the terms and conditions of such permit.

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to appropriation Acts, the Secretary is authorized to reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element thereof, constructed pursuant to this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest; and

(B) if the Secretary finds, after a review of studies and design documents prepared pursuant to this section, that construction of the

project or separable element is economically justified and environmentally acceptable.

(2) SPECIAL RULES.—

(A) REIMBURSEMENT.—For work (including work associated with studies, planning, design, and construction) carried out by a non-Federal interest with respect to a project described in subsection (f), the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse, without interest, the non-Federal interest an amount equal to the estimated Federal share of the cost of such work if such work is later recommended by the Chief of Engineers and approved by the Secretary.

(B) CREDIT.—If the non-Federal interest for a project described in subsection (f) carries out work before completion of a reconnaissance study by the Secretary and if such work is determined by the Secretary to be compatible with the project later recommended by the Secretary, the Secretary shall credit the non-Federal interest for its share of the cost of the project for such work.

(3) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary deems appropriate.

(4) MONITORING.—The Secretary shall regularly monitor and audit any project for flood control approved for construction under this section by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(5) LIMITATION ON REIMBURSEMENTS.—No reimbursement shall be made under this section unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(f) SPECIFIC PROJECTS.—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) BERRYESSA CREEK, CALIFORNIA.—The Berryessa Creek element of the project for flood control, Coyote and Berryessa Creeks, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1990 (104 Stat. 4606); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(2) LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.—The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611).

(3) STOCKTON METROPOLITAN AREA, CALIFORNIA.—The project for flood control, Stockton Metropolitan Area, California.

(4) UPPER GUADALUPE RIVER, CALIFORNIA.—The project for flood control, Upper Guadalupe River, California.

(5) BRAYS BAYOU, TEXAS.—Flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to the diversion component of such element.

(6) HUNTING BAYOU, TEXAS.—The Hunting Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by such section; except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(7) WHITE OAK BAYOU, TEXAS.—The project for flood control, White Oak Bayou watershed, Texas.

(g) TREATMENT OF FLOOD DAMAGE PREVENTION MEASURES.—For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

SEC. 212. ENGINEERING AND ENVIRONMENTAL INNOVATIONS OF NATIONAL SIGNIFICANCE.

(a) SURVEYS, PLANS, AND STUDIES.—To encourage innovative and environmentally sound engineering solutions and innovative environmental solutions to problems of national significance, the Secretary may undertake surveys, plans, and studies and prepare reports which may lead to work under existing civil works authorities or to recommendations for authorizations.

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each fiscal year beginning after September 30, 1996.

(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

SEC. 213. LEASE AUTHORITY.

Notwithstanding any other provision of law, the Secretary may lease space available in buildings for which funding for construction or purchase was provided from the revolving fund established by the 1st section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576; 67 Stat. 199) under such terms and conditions as are acceptable to the Secretary. The proceeds from such leases shall be credited to the revolving fund for the purposes set forth in such Act.

SEC. 214. COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) FUNDING FROM OTHER FEDERAL SOURCES.—Section 7 of the Water Resources Development Act of 1988 (102 Stat. 4022–4023) is amended—

(1) in subsection (a) by inserting "civil works" before "mission"; and

(2) by striking subsection (e) and inserting the following:

"(e) FUNDING FROM OTHER FEDERAL SOURCES.—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out the purposes of this section.".

(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—Such section 7 is further amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following new subsection:

"(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—

"(1) IN GENERAL.—If the Secretary determines that information developed as a result of research and development activities conducted by the Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years of its development and that such information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, the Secretary may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of the date the Secretary enters into such an agreement with respect to such technology or the last day of the 2-year period beginning on the date of such determination.

"(2) TREATMENT.—Any technology covered by this section which becomes the subject of a cooperative research and development agreement shall be accorded the protection provided under section 12(c)(7)(B) of such Act (15 U.S.C. 3710a(c)(7)(B)) as if such technology had been developed under a cooperative research and development agreement."; and

(3) in subsection (d), as so redesignated, by striking "(b)" and inserting "(c)".

SEC. 215. DAM SAFETY PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "National Dam Safety Program Act of 1996".

(b) FINDINGS.—Congress finds the following:

(1) Dams are an essential part of the national infrastructure. Dams fail from time to time with catastrophic results; thus, dam safety is a vital public concern.

(2) Dam failures have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption.

(3) Some dams are at or near the end of their structural, useful, or operational life. With respect to future dam failures, the loss, destruction, and disruption can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(A) improved design and construction standards and practices supported by a national dam performance resource bank;

(B) safe operations and maintenance procedures;

(C) early warning systems;

(D) coordinated emergency preparedness plans; and

(E) public awareness and involvement programs.

(4) Dam safety problems persist nationwide. The diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving Federal and State governments and the private sector. An expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of such loss, destruction, and disruption from dam failure by an amount far greater than the cost of such program.

(5) There is a fundamental need for a national dam safety program and the need will continue. An effective national program in dam safety hazards reduction will require input from and review by Federal and non-Federal experts in dams design, construction, operation, and maintenance and in the practical application of dam failure hazards reduction measures. At the present time, there is no national dam safety program.

(6) The coordinating authority for national leadership is provided through the Federal Emergency Management Agency's (hereinafter in this section referred to as "FEMA") dam safety program through Executive Order 12148 in coordination with appropriate Federal agencies and the States.

(7) While FEMA's dam safety program shall continue as a proper Federal undertaking and shall provide the foundation for a National Dam Safety Program, statutory authority to meet increasing needs and to discharge Federal responsibilities in national dam safety is needed.

(8) Statutory authority will strengthen FEMA's leadership role, will codify the national

dam safety program, and will authorize the Director of FEMA (hereinafter in this section referred to as the "Director") to communicate directly with Congress on authorizations and appropriations and to build upon the hazard reduction aspects of national dam safety.

(c) PURPOSE.—It is the purpose of this section to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program which will bring together the Federal and non-Federal communities' expertise and resources to achieve national dam safety hazard reduction. It is not the intent of this section to preempt any other Federal or State authorities nor is the intent of this section to mandate State participation in the grant assistance program to be established under this section.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) FEDERAL AGENCY.—The term "Federal agency" means any Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of any dam.

(2) NON-FEDERAL AGENCY.—The term "non-Federal agency" means any State agency that has regulatory authority over the safety of non-Federal dams.

(3) FEDERAL GUIDELINES FOR DAM SAFETY.—The term "Federal Guidelines for Dam Safety" refers to a FEMA publication number 93, dated June 1979, which defines management practices for dam safety at all Federal agencies.

(4) PROGRAM.—The term "program" means the national dam safety program established under subsection (e).

(5) DAM.—The term "dam" means any artificial barrier with the ability to impound water, wastewater, or liquid-borne materials for the purpose of storage or control of water which is—

(A) 25 feet or more in height from (i) the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or (ii) from the lowest elevation of the outside limit of the barrier if the barrier is not across a stream channel or watercourse, to the maximum water storage elevation; or

(B) has an impounding capacity for maximum storage elevation of 50 acre-feet or more.

Such term does not include any such barrier which is not greater than 6 feet in height regardless of storage capacity or which has a storage capacity at maximum water storage elevation not greater than 15 acre-feet regardless of height, unless such barrier, due to its location or other physical characteristics, is likely to pose a significant threat to human life or property in the event of its failure. Such term does not include a levee.

(6) HAZARD REDUCTION.—The term "hazard reduction" means those efforts utilized to reduce the potential consequences of dam failure to life and property.

(7) STATE.—The term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(8) PARTICIPATING STATE.—The term "participating State" means any State that elects to participate in the grant assistance program established under this Act.

(9) UNITED STATES.—The term "United States" means, when used in a geographical sense, all of the States.

(10) MODEL STATE DAM SAFETY PROGRAM.—The term "Model State Dam Safety Program" refers to a document, published by FEMA (No. 123, dated April 1987) and its amendments, developed by State dam safety officials, which acts as a guideline to State dam safety agencies for establishing a dam safety regulatory program or improving an already-established program.

(e) NATIONAL DAM SAFETY PROGRAM.—

(1) AUTHORITY.—The Director, in consultation with appropriate Federal agencies, State dam safety agencies, and the National Dam Safety Review Board established by paragraph (5)(C), shall establish and maintain, in accordance with the provisions and policies of this Act, a coordinated national dam safety program. This program shall—

(A) be administered by FEMA to achieve the objectives set forth in paragraph (3);

(B) involve, where appropriate, the Departments of Agriculture, Defense, Energy, Interior, and Labor, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the International Boundaries Commission (United States section), the Tennessee Valley Authority, and FEMA; and

(C) include each of the components described in paragraph (4), the implementation plan described in paragraph (5), and the assistance for State dam safety programs to be provided under this section.

(2) DUTIES.—The Director—

(A) within 270 days after the date of the enactment of this Act, shall develop the implementation plan described in paragraph (5);

(B) within 300 days after such date of enactment, shall submit to the appropriate authorizing committees of Congress the implementation plan described in paragraph (5); and

(C) by rule within 360 days after such date of enactment—

(i) shall develop and implement the national dam safety program under this section;

(ii) shall establish goals, priorities, and target dates for implementation of the program; and

(iii) shall provide a method for cooperation and coordination with, and assistance to (as feasible), interested governmental entities in all States.

(3) OBJECTIVES.—The objectives of the national dam safety program are as follows:

(A) To ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction.

(B) To encourage acceptable engineering policies and procedures used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness.

(C) To encourage establishment and implementation of effective dam safety programs in each participating State based on State standards.

(D) To develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs.

(E) To develop technical assistance materials for Federal and non-Federal dam safety programs.

(F) To develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

(4) COMPONENTS.—

(A) IN GENERAL.—The national dam safety program shall consist of a Federal element and a non-Federal element and 3 functional activities: leadership, technical assistance, and public awareness.

(B) ELEMENTS.—

(i) FEDERAL ELEMENT.—The Federal element of the program incorporates all the activities and practices undertaken by Federal agencies to implement the Federal Guidelines for Dam Safety.

(ii) NON-FEDERAL ELEMENT.—The non-Federal element of the program involves the activities and practices undertaken by participating States, local governments, and the private sector to safely build, regulate, operate, and maintain dams and Federal activities which foster State efforts to develop and implement effective programs for the safety of dams.

(C) ACTIVITIES.—

(i) LEADERSHIP ACTIVITY.—The leadership activity of the program shall be the responsibility of FEMA. FEMA shall coordinate Federal efforts in cooperation with appropriate Federal agencies and State dam safety agencies.

(ii) TECHNICAL ASSISTANCE ACTIVITY.—The technical assistance activity of the program involves the transfer of knowledge and technical information among the Federal and non-Federal elements.

(iii) PUBLIC AWARENESS ACTIVITY.—The public awareness activity provides for the education of the public, including State and local officials, to the hazards of dam failure and ways to reduce the adverse consequences of dam failure and related matters.

(5) GRANT ASSISTANCE PROGRAM.—The Director shall develop an implementation plan which shall demonstrate dam safety improvements through fiscal year 2001 and shall recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations. The implementation plan shall provide, at a minimum, for the following:

(A) ASSISTANCE PROGRAM.—In order to encourage the establishment and maintenance of effective programs intended to ensure dam safety to protect human life and property and to improve such existing programs, the Director shall provide, from amounts made available under subsection (g) of this section, assistance to participating States to establish and maintain dam safety programs, first, according to the basic provisions for a dam safety program listed below and, second, according to more advanced requirements and standards authorized by the review board under subparagraph (C) and the Director with the assistance of established criteria such as the Model State Dam Safety Program. Participating State dam safety programs must be working toward meeting the following primary criteria to be eligible for primary assistance or must meet the following primary criteria prior to working toward advanced assistance:

(i) STATE LEGISLATION.—A dam safety program must be authorized by State legislation to include, at a minimum, the following:

(I) PLAN REVIEW AND APPROVAL.—Authority to review and approve plans and specifications to construct, enlarge, modify, remove, or abandon dams.

(II) PERIODIC INSPECTIONS DURING CONSTRUCTION.—Authority to perform periodic inspections during construction for the purpose of ensuring compliance with approved plans and specifications.

(III) STATE APPROVAL.—Upon completion of construction, a requirement that, before operation of the structure, State approval is received.

(IV) SAFETY INSPECTIONS.—Authority to require or perform the inspection of all dams and reservoirs that pose a significant threat to human life and property in the event of failure at least every 5 years to determine their continued safety and a procedure for more detailed and frequent safety inspections.

(V) PROFESSIONAL ENGINEER.—A requirement that all inspections be performed under the supervision of a registered professional engineer with related experience in dam design and construction.

(VI) ORDERS.—Authority to issue orders, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when deemed necessary.

(VII) REGULATIONS.—Rules and regulations for carrying out the provisions of the State's legislative authority.

(VIII) EMERGENCY FUNDS.—Necessary emergency funds to assure timely repairs or other changes to, or removal of, a dam in order to protect human life and property and, if the owner does not take action, to take appropriate action as expeditiously as possible.

(IX) EMERGENCY PROCEDURES.—A system of emergency procedures that would be utilized in the event a dam fails or in the event a dam's failure is imminent, together with an identification of those dams where failure could be reasonably expected to endanger human life and of the maximum area that could be inundated in the event of a failure of the dam, as well as identification of those necessary public facilities that would be affected by such inundation.

(ii) STATE APPROPRIATIONS.—State appropriations must be budgeted to carry out the provisions of the State legislation.

(B) WORK PLAN CONTRACTS.—The Director shall enter into contracts with each participating State to determine a work plan necessary for a particular State dam safety program to reach a level of program performance previously agreed upon in the contract. Federal assistance under this section shall be provided to aid the State dam safety program in achieving its goal.

(C) NATIONAL DAM SAFETY REVIEW BOARD.—

(i) IN GENERAL.—There is authorized to be established a National Dam Safety Review Board (hereinafter in this section referred to as the "Board"), which shall be responsible for monitoring participating State implementation of the requirements of the assistance program. The Board is authorized to utilize the expertise of other agencies of the United States and to enter into contracts for necessary studies to carry out the requirements of this section. The Board shall consist of 11 members selected for their expertise in dam safety as follows:

(I) 5 to represent FEMA, the Federal Energy Regulatory Commission, and the Departments of Agriculture, Defense, and Interior.

(II) 5 members selected by the Director who are dam safety officials of States.

(III) 1 member selected by the Director to represent the United States Committee on Large Dams.

(ii) NO COMPENSATION OF MEMBERS.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States. Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

(iii) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Board.

(iv) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(D) MAINTENANCE OF EFFORT.—No grant may be made to a participating State under this subsection in any fiscal year unless the State enters into such agreement with the Director as the Director may require to ensure that the participating State will maintain its aggregate expenditures from all other sources for programs to assure dam safety for the protection of human life and property at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this Act.

(E) PROCEDURE FOR APPROVAL OF STATE PARTICIPATION.—Any program which is submitted to the Director for participation in the assistance program under this subsection shall be deemed approved 120 days following its receipt by the Director unless the Director determines within such 120-day period that the submitted program fails to reasonably meet the requirements of subparagraphs (A) and (B). If the Director determines the submitted program cannot be approved for participation, the Director shall immediately notify the State in writing, together with his or her reasons and those changes needed to enable the submitted program to be approved.

(F) REVIEW OF STATE PROGRAMS.—Utilizing the expertise of the Board, the Director shall periodically review the approved State dam safety programs. In the event the Board finds that a program of a participating State has proven inadequate to reasonably protect human life and property and the Director agrees, the Director shall revoke approval of the State's participation in the assistance program and withhold assistance under this section, until the State program has been reapproved.

(G) COOPERATION OF FEDERAL AGENCIES.—The head of any Federal agency, when requested by any State dam safety agency, shall provide information on the construction, operation, or maintenance of any dam or allow officials of the State agency to participate in any Federal inspection of any dam.

(H) DAM INSURANCE REPORT.—Within 180 days after the date of the enactment of this Act, the Director shall report to the Congress on the availability of dam insurance and make recommendations.

(f) BIENNIAL REPORT.—Within 90 days after the last day of each odd-numbered fiscal year, the Director shall submit a biennial report to Congress describing the status of the program being implemented under this section and describing the progress achieved by the Federal agencies during the 2 previous years in implementing the Federal Guidelines for Dam Safety. Each such report shall include any recommendations for legislative and other action deemed necessary and appropriate. The report shall also include a summary of the progress being made in improving dam safety by participating States.

(g) AUTHORIZING OF APPROPRIATIONS.—

(1) GENERAL PROGRAM.—

(A) FUNDING.—There are authorized to be appropriated to the Director to carry out the provisions of subsections (e) and (f) (in addition to any authorizations for similar purposes included in other Acts and the authorizations set forth in paragraphs (2) through (5) of this subsection)—

(i) $1,000,000 for fiscal year 1997;

(ii) $2,000,000 for fiscal year 1998;

(iii) $4,000,000 for fiscal year 1999;

(iv) $4,000,000 for fiscal year 2000; and

(v) $4,000,000 for fiscal year 2001.

(B) APPORTIONMENT FORMULA.—

(i) IN GENERAL.—Subject to clause (ii), sums appropriated under this paragraph shall be distributed annually among participating States on the following basis: One-third among those States determined in subsection (e) as qualifying for funding, and two-thirds in proportion to the number of dams and appearing as State-regulated dams on the National Dam Inventory in each participating State that has been determined in subsection (e)(5)(A) as qualifying for funding, to the number of dams in all participating States.

(ii) LIMITATION TO 50 PERCENT OF COST.—In no event shall funds distributed to any State under this paragraph exceed 50 percent of the reasonable cost of implementing an approved dam safety program in such State.

(iii) ALLOCATION BETWEEN PRIMARY AND ADVANCED ASSISTANCE PROGRAMS.— The Director and Review Board shall determine how much of funds appropriated under this paragraph is allotted to participating States needing primary funding and those needing advanced funding.

(2) TRAINING.—

(A) IN GENERAL.—The Director shall, at the request of any State that has or intends to develop a dam safety program under subsection (e)(5)(A), provide training for State dam safety staff and inspectors.

(B) FUNDING.—There is authorized to be appropriated to carry out this paragraph $500,000 for each of fiscal years 1997 through 2001.

(3) RESEARCH.—

(A) IN GENERAL.—The Director shall undertake a program of technical and archival research in order to develop improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection, together with devices for the continued monitoring, of dams for safety purposes.

(B) STATE PARTICIPATION; REPORTS.—The Director shall provide for State participation in the research under this paragraph and periodically advise all States and Congress of the results of such research.

(C) FUNDING.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for each of fiscal years 1997 through 2001.

(4) DAM INVENTORY.—

(A) MAINTENANCE AND PUBLICATION.—The Secretary is authorized to maintain and periodically publish updated information on the inventory of dams.

(B) FUNDING.—There is authorized to be appropriated to carry out this paragraph $500,000 for each of fiscal years 1997 through 2001.

(5) PERSONNEL.—

(A) EMPLOYMENT.—The Director is authorized to employ additional staff personnel in numbers sufficient to carry out the provisions of this section.

(B) FUNDING.—There is authorized to be appropriated to carry out this paragraph $400,000 for each of fiscal years 1997 through 2001.

(6) LIMITATION.—No funds authorized by this section shall be used to construct or repair any Federal or non-Federal dams.

(h) CONFORMING AMENDMENTS.—The Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (33 U.S.C 467-467m; Public Law 92-367), is amended—

(1) in the first section by striking "means any artificial barrier" and all that follows through the period at the end and inserting "has the meaning such term has under subsection (d) of the National Dam Safety Program Act of 1996.";

(2) by striking the 2d sentence of section 3;

(3) by striking section 5 and sections 7 through 14; and

(4) by redesignating section 6 as section 5.

SEC. 216. MAINTENANCE, REHABILITATION, AND MODERNIZATION OF FACILITIES.

In accomplishing the maintenance, rehabilitation, and modernization of hydroelectric power generating facilities at water resources projects under the jurisdiction of the Department of the Army, the Secretary is authorized to increase the efficiency of energy production and the capacity of these facilities if, after consulting with other appropriate Federal and State agencies, the Secretary determines that such uprating—

(1) is economically justified and financially feasible;

(2) will not result in significant adverse effects on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operation changes in the project.

SEC. 217. LONG-TERM SEDIMENT MANAGEMENT STRATEGIES.

(a) DEVELOPMENT.—The Secretary shall enter into cooperative agreements with non-Federal

sponsors of navigation projects for development of long-term management strategies for controlling sediments in such projects.

(b) Contents of Strategies.—Each strategy developed under this section for a navigation project—

(1) shall include assessments of the following with respect to the project: sediment rates and composition, sediment reduction options, dredging practices, long-term management of any dredged material disposal facilities, remediation of such facilities, and alternative disposal and reuse options;

(2) shall include a timetable for implementation of the strategy; and

(3) shall incorporate, as much as possible, relevant ongoing planning efforts, including remedial action planning, dredged material management planning, harbor and waterfront development planning, and watershed management planning.

(c) Consultation.—In developing strategies under this section, the Secretary shall consult with interested Federal agencies, States, and Indian tribes and provide an opportunity for public comment.

SEC. 218. DREDGED MATERIAL DISPOSAL FACILITY PARTNERSHIPS.

(a) Additional Capacity.—

(1) Provided by Secretary.—At the request of a non-Federal project sponsor, the Secretary may provide additional capacity at a dredged material disposal facility constructed by the Secretary beyond that which would be required for project purposes if the non-Federal project sponsor agrees to pay, during the period of construction, all costs associated with the construction of the additional capacity.

(2) Cost Recovery Authority.—The non-Federal project sponsor may recover the costs assigned to the additional capacity through fees assessed on 3rd parties whose dredged material is deposited in the facility and who enter into agreements with the non-Federal sponsor for the use of such facility. The amount of such fees may be determined by the non-Federal sponsor.

(b) Non-Federal Use of Disposal Facilities.—

(1) In General.—The Secretary—

(A) may permit the use of any dredged material disposal facility under the jurisdiction of, or managed by, the Secretary by a non-Federal interest if the Secretary determines that such use will not reduce the availability of the facility for project purposes; and

(B) may impose fees to recover capital, operation, and maintenance costs associated with such use.

(2) Use of Fees.—Notwithstanding section 401(c) of the Federal Water Pollution Control Act but subject to advance appropriations, any monies received through collection of fees under this subsection shall be available to the Secretary, and shall be used by the Secretary, for the operation and maintenance of the disposal facility from which they were collected.

(c) Public-Private Partnerships.—

(1) In General.—The Secretary may carry out a program to evaluate and implement opportunities for public-private partnerships in the design, construction, management, or operation of dredged material disposal facilties in connection with construction or maintenance of Federal navigation projects.

(2) Private Financing.—

(A) Agreements.—In carrying out this subsection, the Secretary may enter into an agreement with a project sponsor, a private entity, or both for the acquisition, design, construction, management, or operation of a dredged material disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material) using funds provided in whole or in part by the private entity.

(B) Reimbursement.—If any funds provided by a private entity are used to carry out a project under this subsection, the Secretary may reimburse the private entity over a period of time agreed to by the parties to the agreement through the payment of subsequent user fees. Such fees may include the payment of a disposal or tipping fee for placement of suitable dredged material at the facility.

(C) Amount of Fees.—User fees paid pursuant to subparagraph (B) shall be sufficient to repay funds contributed by the private entity plus a reasonable return on investment approved by the Secretary in cooperation with the project sponsor and the private entity.

(D) Federal Share.—The Federal share of such fee shall be equal to the percentage of the total cost which would otherwise be borne by the Federal Government as required pursuant to existing cost sharing requirements, including section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2325).

(E) Budget Act Compliance.—Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)) authorized by this section shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 219. OBSTRUCTION REMOVAL REQUIREMENT.

(a) Penalty.—Section 16 of the Act of March 3, 1899 (33 U.S.C. 411; 30 Stat. 1153), is amended—

(1) by striking "thirteen, fourteen, and fifteen" each place it appears and inserting "13, 14, 15, 19, and 20"; and

(2) by striking "not exceeding twenty-five hundred dollars nor less than five hundred dollars" and inserting "of up to $25,000 per day".

(b) General Authority.—Section 20 of the Act of March 3, 1899 (33 U.S.C. 415; 30 Stat. 1154), is amended—

(1) by striking "expense" the first place it appears in subsection (a) and inserting "actual expense, including administrative expenses,";

(2) in subsection (b) by striking "cost" and inserting "actual cost, including administrative costs,";

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

"(b) Removal Requirement.—Within 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of this section.".

SEC. 220. SMALL PROJECT AUTHORIZATIONS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking "$12,500,000" and inserting "$15,000,000"; and

(2) by striking "$500,000" and inserting "$1,500,000".

SEC. 221. UNECONOMICAL COST-SHARING REQUIREMENTS.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended by striking the period at the end of the first sentence and inserting the following: "; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.".

SEC. 222. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a) by inserting ", watersheds, or ecosystems" after "basins";

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking "$6,000,000" and inserting "$10,000,000"; and

(B) by striking "$300,000" and inserting "$500,000".

SEC. 223. CORPS OF ENGINEERS EXPENSES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u; 64 Stat. 183) is amended—

(1) by striking "continental limits of the"; and

(2) by striking the 2d colon and all that follows through "for this purpose".

SEC. 224. STATE AND FEDERAL AGENCY REVIEW PERIOD.

The 1st section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved December 22, 1944 (33 U.S.C. 701–1(a); 58 Stat. 888), is amended—

(1) by striking "Within ninety" and inserting "Within 30"; and

(2) by striking "ninety-day period." and inserting "30-day period.".

SEC. 225. LIMITATION ON REIMBURSEMENT OF NON-FEDERAL COSTS PER PROJECT.

Section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is amended—

(1) by striking "$3,000,000" and inserting "$5,000,000"; and

(2) by striking the final period.

SEC. 226. AQUATIC PLANT CONTROL.

(a) Additional Controlled Plants.—Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting after "alligatorweed," the following: "melaleuca,".

(b) Authorization.—Section 104(b) of such Act (33 U.S.C. 610(b)) is amended by striking "$12,000,000" and inserting "$15,000,000".

SEC. 227. SEDIMENTS DECONTAMINATION TECHNOLOGY.

(a) Project Purpose.—Section 405(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863) is amended by adding at the end the following:

"(3) Project purpose.—The purpose of the project to be carried out under this section is to provide for the development of 1 or more sediment decontamination technologies on a pilot scale demonstrating a capacity of at least 500,000 cubic yards per year.".

(b) Authorization of Appropriations.—The first sentence of section 405(c) of such Act is amended to read as follows: "There is authorized to be appropriated to carry out this section $10,000,000 for fiscal years beginning after September 30, 1996.".

(c) Reports.—Section 405 of such Act is amended by adding at the end the following:

"(d) Reports.—Not later than September 30, 1998, and periodically thereafter, the Administrator and the Secretary shall transmit to Congress a report on the results of the project to be carried out under this section, including an assessment of the progress made in achieving the intent of the program set forth in subsection (a)(3).".

SEC. 228. SHORE PROTECTION.

(a) DECLARATION OF POLICY.—Subsection (a) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e; 60 Stat. 1056), is amended—

(1) by striking "damage to the shores" and inserting "damage to the shores and beaches"; and

(2) by striking "the following provisions" and all that follows through the period at the end of subsection (a) and inserting the following: "this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.".

(b) NONPUBLIC SHORES.—Subsection (d) of such section is amended by striking "or from the protection of nearby public property or" and inserting ", if there are sufficient benefits, including benefits to local and regional economic development and to the local and regional ecology (as determined under subsection (e)(2)(B)), or"; and

(c) AUTHORIZATION OF PROJECTS.—Subsection (e) of such section is amended—

(1) by striking "(e) No" and inserting the following:

"(e) AUTHORIZATION OF PROJECTS.—

"(1) IN GENERAL.—No";

(2) by moving the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) 2 ems to the right; and

(3) by adding at the end the following:

"(2) STUDIES.—

"(A) IN GENERAL.—The Secretary shall—

"(i) recommend to Congress studies concerning shore protection projects that meet the criteria established under this Act (including subparagraph (B)(iii)) and other applicable law;

"(ii) conduct such studies as Congress requires under applicable laws; and

"(iii) report the results of the studies to the appropriate committees of Congress.

"(B) RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.—

"(i) IN GENERAL.—The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).

"(ii) CONSIDERATIONS.—In making recommendations, the Secretary shall consider the economic and ecological benefits of a shore protection project and the ability of the non-Federal interest to participate in the project.

"(iii) CONSIDERATION OF LOCAL AND REGIONAL BENEFITS.—In analyzing the economic and ecological benefits of a shore protection project, or a flood control or other water resource project the purpose of which includes shore protection, the Secretary shall consider benefits to local and regional economic development, and to the local and regional ecology, in calculating the full economic and ecological justifications for the project.

"(C) COORDINATION OF PROJECTS.—In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary shall—

"(i) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and

"(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

"(3) SHORE PROTECTION PROJECTS.—

"(A) IN GENERAL.—The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

"(B) AGREEMENTS.—

"(i) REQUIREMENT.—After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a non-Federal interest with respect to the project or separable element.

"(ii) TERMS.—The agreement shall—

"(I) specify the life of the project; and

"(II) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

"(C) COORDINATION OF PROJECTS.—In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C).

"(4) REPORT TO CONGRESS.—The Secretary shall report biennially to the appropriate committees of Congress on the status of all ongoing shore protection studies and shore protection projects carried out under the jurisdiction of the Secretary.".

(d) REQUIREMENT OF AGREEMENTS PRIOR TO REIMBURSEMENTS.—

(1) SMALL SHORE PROTECTION PROJECTS.—Section 2 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426f; 60 Stat. 1056), is amended—

(A) by striking "SEC. 2. The Secretary of the Army" and inserting the following:

"SEC. 2. REIMBURSEMENTS.

"(a) IN GENERAL.—The Secretary";

(B) in subsection (a) (as so designated)—

(i) by striking "local interests" and inserting "non-Federal interests";

(ii) by inserting "or separable element of the project" after "project"; and

(iii) by inserting "or separable elements" after "projects" each place it appears; and

(C) by adding at the end the following:

"(b) AGREEMENTS.—

"(1) REQUIREMENT.—After authorization of reimbursement by the Secretary under this section, and before commencement of construction, of a shore protection project, the Secretary shall enter into a written agreement with the non-Federal interest with respect to the project or separable element.

"(2) TERMS.—The agreement shall—

"(A) specify the life of the project; and

"(B) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.".

(2) OTHER SHORELINE PROTECTION PROJECTS.—Section 206(e)(1)(A) of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1(e)(1)(A); 106 Stat. 4829) is amended by inserting before the semicolon the following: "and enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation)".

(e) STATE AND REGIONAL PLANS.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is further amended—

(1) by redesignating section 4 (33 U.S.C. 426h) as section 5; and

(2) by inserting after section 3 (33 U.S.C. 426g) the following:

"SEC. 4. STATE AND REGIONAL PLANS.

"The Secretary may—

"(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State;

"(2) encourage State participation in the implementation of the plan; and

"(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.".

(f) DEFINITIONS.—

(1) IN GENERAL.—Section 5 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426h), (as redesignated by subsection (e)(1)) is amended to read as follows:

"SEC. 5. DEFINITIONS.

"In this Act, the following definitions apply:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers.

"(2) SEPARABLE ELEMENT.—The term 'separable element' has the meaning provided by section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)).

"(3) SHORE.—The term 'shore' includes each shoreline of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, and lakes, estuaries, and bays directly connected therewith.

"(4) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.".

(2) CONFORMING AMENDMENTS.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is amended—

(A) in subsection (b)(3) of the first section (33 U.S.C. 426e(b)(3)) by striking "of the Army, acting through the Chief of Engineers," and by striking the final period; and

(B) in section 3 (33 U.S.C. 426g) by striking "Secretary of the Army" and inserting "Secretary".

(g) OBJECTIVES OF PROJECTS.—Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2; 84 Stat. 1829) is amended by inserting "(including shore protection projects such as projects for beach nourishment, including the replacement of sand)" after "water resource projects".

SEC. 229. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) by striking "Before" at the beginning of the second sentence and inserting "Upon"; and

(2) by inserting "planning, designing, or" before "construction" in the last sentence.

(b) TECHNICAL AMENDMENT.—Section 52 of the Water Resources Development Act of 1988 (33 U.S.C. 579a note; 102 Stat. 4044) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d), respectively.

SEC. 230. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) GENERAL AUTHORITY.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, cooperative agreements, and grants with non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and non-profit organizations.

(b) SPECIAL RULES.—With respect to contracts for research and development, the Secretary may include requirements that have potential *commercial application and may also use such potential application as an evaluation factor where appropriate.*

SEC. 231. BENEFITS TO NAVIGATION.

In evaluating potential improvements to navigation and the maintenance of navigation projects, the Secretary shall consider, and include for purposes of project justification, economic benefits generated by cruise ships as commercial navigation benefits.

SEC. 232. LOSS OF LIFE PREVENTION.

Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended by inserting "including the loss of life which may be associated with flooding and coastal storm events," after "costs,".

SEC. 233. SCENIC AND AESTHETIC CONSIDERATIONS.

In conducting studies of potential water resources projects, the Secretary shall consider measures to preserve and enhance scenic and aesthetic qualities in the vicinity of such projects.

SEC. 234. REMOVAL OF STUDY PROHIBITIONS.

Nothing in section 208 of the Urgent Supplemental Appropriations Act, 1986 (100 Stat. 749), section 505 of the Energy and Water Development Appropriations Act, 1993 (106 Stat. 1343), or any other provision of law shall be deemed to limit the authority of the Secretary to undertake studies for the purpose of investigating alternative modes of financing hydroelectric power facilities under the jurisdiction of the Department of the Army with funds appropriated after the date of the enactment of this Act.

SEC. 235. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 236. RESERVOIR MANAGEMENT TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319; 104 Stat. 4639) is amended—

(1) by striking subsection (a); and

(2) by striking "(b) Public Participation.—".

SEC. 237. TECHNICAL CORRECTIONS.

(a) Section 203 of 1992 Act.—Section 203(b) of the Water Resources Development Act of 1992 (106 Stat. 4826) is amended by striking "(8662)" and inserting "(8862)".

(b) Section 225 of 1992 Act.—Section 225(c) of the Water Resources Development Act of 1992 (106 Stat. 4838) is amended by striking "(8662)" in the second sentence and inserting "(8862)".

TITLE III—PROJECT MODIFICATIONS

SEC. 301. MOBILE HARBOR, ALABAMA.

The undesignated paragraph under the heading "Mobile Harbor, Alabama" in section 201(a) of the Water Resources Development Act of 1986 (100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: "In disposing of dredged material from such project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives for beneficial uses of dredged material and environmental restoration.".

SEC. 302. ALAMO DAM, ARIZONA.

The project for flood control and other purposes, Alamo Dam and Lake, Arizona, authorized by section 10 of the River and Harbor Act of December 22, 1944, (58 Stat. 900), is modified to authorize the Secretary to operate the Alamo Dam to provide fish and wildlife benefits both upstream and downstream of the Dam. Such operation shall not reduce flood control and recreation benefits provided by the project.

SEC. 303. NOGALES WASH AND TRIBUTARIES, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to direct the Secretary to permit the non-Federal contribution for the project to be determined in accordance with sections 103(k) and 103(m) of the Water Resources Development Act of 1986 and to direct the Secretary to enter into negotiations with non-Federal interests pursuant to section 103(l) of such Act concerning the timing of the initial payment of the non-Federal contribution.

SEC. 304. PHOENIX, ARIZONA.

Section 321 of the Water Resources Development Act of 1992 (106 Stat. 4848) is amended—

(1) by striking "control" and inserting "control, ecosystem restoration,"; and

(2) by striking "$6,500,000." and inserting "$17,500,000.".

SEC. 305. SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.

The project for flood control, San Francisco River, Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of $21,100,000, with an estimated Federal cost of $13,800,000 and an estimated non-Federal cost of $7,300,000.

SEC. 306. CHANNEL ISLANDS HARBOR, CALIFORNIA.

The project for navigation, Channel Islands Harbor, Port of Hueneme, California, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1252) is modified to direct the Secretary to pay 100 percent of the costs of dredging the Channel Islands Harbor sand trap.

SEC. 307. GLENN-COLUSA, CALIFORNIA.

The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 948), and as modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), is further modified to authorize the Secretary to carry out the portion of the project at Glenn-Colusa, California, at a total cost of $14,200,000.

SEC. 308. LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.

The navigation project for Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201(b) of the Water Resources Development Act of 1986 (100 Stat. 4091), is modified to provide that, notwithstanding section 101(a)(4) of such Act, the cost of the relocation of the sewer outfall by the Port of Los Angeles shall be credited toward the payment required from the non-Federal interest by section 101(a)(2) of such Act.

SEC. 309. OAKLAND HARBOR, CALIFORNIA.

The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202 of the Water Resources Development Act of 1986 (100 Stat. 4092), are modified by combining the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated in such section 202, at a total cost of $90,850,000, with an estimated Federal cost of $59,150,000 and an estimated non-Federal cost of $31,700,000. The non-Federal share of project costs and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project.

SEC. 310. QUEENSWAY BAY, CALIFORNIA.

Section 4(e) of the Water Resources Development Act of 1988 (102 Stat. 4016) is amended by adding at the end the following sentence: "In addition, the Secretary shall perform advance maintenance dredging in the Queensway Bay Channel, California, at a total cost of $5,000,000.".

SEC. 311. SAN LUIS REY, CALIFORNIA.

The project for flood control of the San Luis Rey River, California, authorized pursuant to section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5; 79 Stat. 1073–1074), is modified to authorize the Secretary to construct the project at a total cost not to exceed $81,600,000 with an estimated Federal cost of $61,100,000 and an estimated non-Federal cost of $20,500,000.

SEC. 312. THAMES RIVER, CONNECTICUT.

(a) Reconfiguration of Turning Basin.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), is modified to make the turning basin have the following alignment: Starting at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees 25 minutes 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees 24 minutes 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees 41 minutes 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees 16 minutes 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees 01 minute 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees 00 minutes 00 seconds east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(b) Non-Federal Responsibility for Initial Dredging.—Any required initial dredging of the widened portions of the turning basin identified in subsection (a) shall be accomplished at non-Federal expense.

(c) Conforming Deauthorization.—Those portions of the existing turning basin which are not included in the reconfigured turning basin as described in subsection (a) shall no longer be authorized after the date of the enactment of this Act.

SEC. 313. POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.

The project for flood protection, Potomac River, Washington, District of Columbia, authorized by section 5 of the Flood Control Act of June 22, 1936 (74 Stat. 1574), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated May 1992 at a Federal cost of $1,800,000; except that a temporary closure may be used instead of a permanent structure at 17th Street. Operation and maintenance of the project shall be a Federal responsibility.

SEC. 314. CANAVERAL HARBOR, FLORIDA.

The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement *of stone protection on both sides of the channel as general navigation features. The Secretary shall reimburse any costs that are incurred by the non-Federal sponsor in connection with the reclassified work and that the Secretary determines to be in excess of the non-Federal share of costs for general navigation features. The Federal and non-Federal shares of the cost of the reclassified work shall be determined in accordance with section 101 of the Water Resources Development Act of 1986.*

SEC. 315. CAPTIVA ISLAND, FLORIDA.

The project for shoreline protection, Captiva Island, Lee County, Florida, authorized pursuant to section 201 of the Flood Control Act of 1965 (79 Stat. 1073), is modified to direct the Secretary to reimburse the non-Federal interest for beach renourishment work accomplished by such interest as if such work occurred after execution of the agreement entered into pursuant to section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d–5) with respect to such project.

SEC. 316. CENTRAL AND SOUTHERN FLORIDA, CANAL 51.

The project for flood protection of West Palm Beach, Florida (C–51), authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled "Everglades Protection Project, Palm Beach County, Florida, Conceptual Design", with such modifications as are approved by the Secretary. The additional work authorized by this subsection shall be accomplished at Federal expense. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, and all costs of such operation and maintenance shall be provided by non-Federal interests.

SEC. 317. CENTRAL AND SOUTHERN FLORIDA, CANAL 111 (C–111).

(a) In General.—The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176) and modified by section 203 of the Flood Control Act of 1968 (82 Stat. 740–741), is modified to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled "Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C–111), South Dade County, Florida", dated May 1994, including acquisition by non-Federal interests of such portions of the Frog Pond and Rocky Glades areas as are needed for the project.

(b) Cost Sharing.—

(1) Federal Share.—The Federal share of the cost of implementing the plan of improvement shall be 50 percent.

(2) Department of Interior Responsibility.—The Department of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project. The amount paid by the Department of the Interior shall be included as part of the Federal share of the cost of implementing the plan.

(3) Operation and Maintenance.—The non-Federal share of operation and maintenance costs of the improvements undertaken pursuant to this subsection shall be 100 percent; except that the Federal Government shall reimburse the non-Federal project sponsor 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in the Everglades National Park.

SEC. 318. JACKSONVILLE HARBOR (MILL COVE), FLORIDA.

The project for navigation, Jacksonville Harbor (Mill Cove), Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139–4140), is modified to direct the Secretary to carry out a project for flow and circulation improvement within Mill Cove, at a total cost of $2,000,000, with an estimated Federal cost of $2,000,000.

SEC. 319. PANAMA CITY BEACHES, FLORIDA.

(a) In General.—The project for shoreline protection, Panama City Beaches, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133), is modified to direct the Secretary to enter into an agreement with the non-Federal interest for carrying out such project in accordance with section 206 of the Water Resources Development Act of 1992 (106 Stat. 4828).

(b) Report.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the progress made in carrying out this section.

SEC. 320. TYBEE ISLAND, GEORGIA.

The project for beach erosion control, Tybee Island, Georgia, authorized pursuant to section 201 of the Flood Control Act of 1968 (42 U.S.C. 1962d–5), is modified to include as an integral part of the project the portion of the ocean shore of Tybee Island located south of the existing south terminal groin between 18th and 19th Streets.

SEC. 321. WHITE RIVER, INDIANA.

The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1586), is modified to authorize the Secretary to undertake riverfront alterations as described in the Central Indianapolis Waterfront Concept Master Plan, dated February 1994, at a total cost of $85,975,000, with an estimated first Federal cost of $39,975,000 and an estimated first non-Federal cost of $46,000,000. The cost of work, including relocations undertaken by the non-Federal interest after February 15, 1994, on features identified in the Master Plan shall be credited toward the non-Federal share of project costs.

SEC. 322. CHICAGO, ILLINOIS.

The project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to limit the capacity of the reservoir project not to exceed 11,000,000,000 gallons or 32,000 acre-feet, to provide that the reservoir project may not be located north of 55th Street or west of East Avenue in the vicinity of McCook, Illinois, and to provide that the reservoir project may only be constructed on the basis of a specific plan that has been evaluated by the Secretary under the provisions of the National Environmental Policy Act of 1969.

SEC. 323. CHICAGO LOCK AND THOMAS J. O'BRIEN LOCK, ILLINOIS.

The project for navigation, Chicago Harbor, Lake Michigan, Illinois, for which operation and maintenance responsibility was transferred to the Secretary under chapter IV of title I of the Supplemental Appropriations Act, 1983 (97 Stat. 311) and section 107 of the Energy and Water Development Appropriation Act, 1982 (95 Stat. 1137) is modified to direct the Secretary to conduct a study to determine the feasibility of making such structural repairs as are necessary to prevent leakage through the Chicago Lock and the Thomas J. O'Brien Lock, Illinois, and to determine the need for installing permanent flow measurement equipment at such locks to measure any leakage. The Secretary is authorized to carry out such repairs and installations as are necessary following completion of the study.

SEC. 324. KASKASKIA RIVER, ILLINOIS.

The project for navigation, Kaskaskia River, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to add fish and wildlife and habitat restoration as project purposes.

SEC. 325. LOCKS AND DAM 26, ALTON, ILLINOIS AND MISSOURI.

Section 102(l) of the Water Resources Development Act of 1990 (104 Stat. 4613) is amended—

(1) by striking ", that requires no separable project lands and" and inserting "on project lands and other contiguous nonproject lands, including those lands referred to as the Alton Commons. The recreational development";

(2) by inserting "shall be" before "at a Federal construction"; and

(3) by striking ". The recreational development" and inserting ", and".

SEC. 326. NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.

The project for flood protection, North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated March 1994, at a total cost of $34,228,000, with an estimated Federal cost of $20,905,000 and an estimated non-Federal cost of $13,323,000.

SEC. 327. ILLINOIS AND MICHIGAN CANAL.

Section 314(a) of the Water Resources Development Act of 1992 (106 Stat. 4847) is amended by adding at the end the following: "Such improvements shall include marina development at Lock 14, to be carried out in consultation with the Illinois Department of Natural Resources, at a total cost of $6,374,000.".

SEC. 328. HALSTEAD, KANSAS.

The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated March 19, 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

SEC. 329. LEVISA AND TUG FORKS OF THE BIG SANDY RIVER AND CUMBERLAND RIVER, KENTUCKY, WEST VIRGINIA, AND VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Cumberland River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to provide that the minimum level of flood protection to be afforded by the project shall be the level required to provide protection from a 100-year flood or from the flood of April 1977, whichever level of protection is greater.

SEC. 330. PRESTONBURG, KENTUCKY.

Section 109(a) of Public Law 104–46 (109 Stat. 408) is amended by striking "Modification No. 2" and inserting "Modification No. 3".

SEC. 331. COMITE RIVER, LOUISIANA.

The Comite River Diversion project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resource Development Act of 1992 (106 Stat. 4802–4803), is modified to authorize the Secretary to construct the project at a total cost of $121,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $51,023,000.

SEC. 332. GRAND ISLE AND VICINITY, LOUISIANA.

The project for hurricane damage prevention, flood control, and beach erosion along Grand Isle and Vicinity, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to construct a permanent breakwater and levee system at a total cost of $17,000,000.

SEC. 333. LAKE PONTCHARTRAIN, LOUISIANA.

The project for hurricane damage prevention and flood control, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to provide that St. Bernard Parish, Louisiana, and the Lake Borgne Basin Levee District, Louisiana, shall not be required to pay the unpaid balance, including interest, of the non-Federal cost-share of the project.

SEC. 334. MISSISSIPPI DELTA REGION, LOUISIANA.

The Mississippi Delta Region project, Louisiana, authorized as part of the project for hurricane-flood protection project on Lake Pontchartrain, Louisiana, by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to direct the Secretary to provide a credit to the State of Louisiana toward its non-Federal share of the cost of the project. The credit shall be for the cost incurred by the State in developing and relocating oyster beds to offset the adverse impacts on active and productive oyster beds in the Davis Pond project area but shall not exceed $7,500,000.

SEC. 335. MISSISSIPPI RIVER OUTLETS, VENICE, LOUISIANA.

The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is modified to provide for the extension of the 16-foot deep by 250-foot wide Baptiste Collette Bayou entrance channel to approximately Mile 8 of the Mississippi River-Gulf Outlet navigation channel, at a total estimated Federal cost of $80,000.

SEC. 336. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources and Development Act of 1986 (100 Stat. 4142) and modified by section 102(p) of the Water Resources and Development Act of 1990 (104 Stat. 4613), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $10,500,000; and

(2) to provide that lands that are purchased adjacent to the Loggy Bayou Wildlife Management Area may be located in Caddo Parish or Red River Parish.

SEC. 337. WESTWEGO TO HARVEY CANAL, LOUISIANA.

The project West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana, authorized by section 401(f) of the Water Resources Development Act of 1986 (100 Stat. 4128), is modified to include the Lake Cataouatche Area Levee as part of the authorized project, at a total cost of $14,375,000, with an estimated Federal cost of $9,344,000 and an estimated non-Federal cost of $5,031,000.

SEC. 338. TOLCHESTER CHANNEL, MARYLAND.

The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297) is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if determined to be feasible and necessary for safe and efficient navigation, to implement such straightening as part of project maintenance.

SEC. 339. SAGINAW RIVER, MICHIGAN.

The project for flood protection, Saginaw River, Michigan, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) is modified to include as part of the project the design and construction of an inflatable dam on the Flint River, Michigan, at a total cost of $500,000.

SEC. 340. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.

(a) IN GENERAL.—The project for navigation, Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254–4255), is modified as provided by this subsection.

(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the project referred to in subsection (a) shall be paid as follows:

(1) That portion of the non-Federal share which the Secretary determines is attributable to use of the lock by vessels calling at Canadian ports shall be paid by the United States.

(2) The remaining portion of the non-Federal share shall be paid by the Great Lakes States pursuant to an agreement entered into by such States.

(c) PAYMENT TERM OF ADDITIONAL PERCENTAGE.—The amount to be paid by non-Federal interests pursuant to section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and this subsection with respect to the project referred to in subsection (a) may be paid over a period of 50 years or the expected life of the project, whichever is shorter.

(d) GREAT LAKES STATES DEFINED.—For the purposes of this section, the term "Great Lakes States" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

SEC. 341. STILLWATER, MINNESOTA.

Section 363 of the Water Resources Development Act of 1992 (106 Stat. 4861–4862) is amended—

(1) by inserting after "riverfront," the following: "and expansion of such system if the Secretary determines that the expansion is feasible,";

(2) by striking "$3,200,000" and inserting "$11,600,000";

(3) by striking "$2,400,000" and inserting "$8,700,000"; and

(4) by striking "$800,000" and inserting "$2,900,000".

SEC. 342. CAPE GIRARDEAU, MISSOURI.

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118–4119), is modified to authorize the Secretary to construct the project, including implementation of nonstructural measures, at a total cost of $45,414,000, with an estimated Federal cost of $33,030,000 and an estimated non-Federal cost of $12,384,000.

SEC. 343. NEW MADRID HARBOR, MISSOURI.

The project for navigation, New Madrid Harbor, Missouri, authorized pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 102(n) of the Water Resources Development Act of 1992 (106 Stat. 4807), is further modified to direct the Secretary to assume responsibility for maintenance of the existing Federal channel referred to in such section 102(n) in addition to maintaining New Madrid County Harbor.

SEC. 344. ST. JOHN'S BAYOU—NEW MADRID FLOODWAY, MISSOURI.

Notwithstanding any other provision of law, Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project for flood control, St. John's Bayou and New Madrid Floodway, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4118).

SEC. 345. JOSEPH G. MINISH PASSAIC RIVER PARK, NEW JERSEY.

Section 101(a)(18)(B) of the Water Resources Development Act of 1990 (104 Stat. 4608) is amended by striking "$25,000,000" and inserting "$75,000,000".

SEC. 346. MOLLY ANN'S BROOK, NEW JERSEY.

The project for flood control, Molly Ann's Brook, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4119), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated April 3, 1996, at a total cost of $40,100,000, with an estimated Federal cost of $22,600,000 and an estimated non-Federal cost of $17,500,000.

SEC. 347. PASSAIC RIVER, NEW JERSEY.

Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254) is amended to read as follows:

"SEC. 1148. PASSAIC RIVER BASIN.

"(a) ACQUISITION OF LANDS.—The Secretary is authorized to acquire from willing sellers lands on which residential structures are located and which are subject to frequent and recurring flood damage, as identified in the supplemental floodway report of the Corps of Engineers, Passaic River Buyout Study, September 1995, at an estimated total cost of $194,000,000.

"(b) RETENTION OF LANDS FOR FLOOD PROTECTION.—Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin.

"(c) COST SHARING.—The non-Federal share of the cost of carrying out this section shall be 25 percent plus any amount that might result from application of the requirements of subsection (d).

"(d) APPLICABILITY OF BENEFIT-COST RATIO WAIVER AUTHORITY.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of this Act, to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.".

SEC. 348. RAMAPO RIVER AT OAKLAND, NEW JERSEY AND NEW YORK.

The project for flood control, Ramapo River at Oakland, New Jersey and New York, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4120), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated May 1994, at a total cost of $11,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $2,800,000.

SEC. 349. RARITAN BAY AND SANDY HOOK BAY, NEW JERSEY.

Section 102(q) of the Water Resources Development Act of 1992 (106 Stat. 4808) is amended by striking "for Cliffwood Beach".

SEC. 350. ARTHUR KILL, NEW YORK AND NEW JERSEY.

The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to carry out the project to a depth of not to exceed 45 feet if determined to be feasible by the Secretary at a total cost of $83,000,000.

SEC. 351. JONES INLET, NEW YORK.

The project for navigation, Jones Inlet, New York, authorized by section 2 of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), is modified to direct the Secretary to place uncontaminated dredged material on beach areas downdrift from the federally maintained channel for the purpose of mitigating the interruption of littoral system natural processes caused by the jetty and continued dredging of the federally maintained channel.

SEC. 352. KILL VAN KULL, NEW YORK AND NEW JERSEY.

The project for navigation, Kill Van Kull, New York and New Jersey, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to carry out the project at a total cost of $750,000,000.

SEC. 353. WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum dated April 1990 and the General Design Memorandum Supplement dated February 1994, at a total cost of $52,041,000, with an estimated Federal cost of $25,729,000 and an estimated non-Federal cost of $26,312,000.

SEC. 354. GARRISON DAM, NORTH DAKOTA.

The project for flood control, Garrison Dam, North Dakota, authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891), is modified to authorize the Secretary to acquire permanent flowage and saturation easements over the lands in Williams County, North Dakota, extending from the riverward margin of the Buford-Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford-Trenton Irrigation District pumping station located in the northeast quarter of section 17, township 152 north, range 104 west, and continuing northeasterly downstream to the land referred to as the East Bottom, and any other lands outside of the boundaries of the Buford-Trenton Irrigation District which have been adversely affected by rising ground water and surface flooding. Any easement acquired by the Secretary pursuant to this subsection shall include the right, power, and privilege of the Government to submerge, overflow, percolate, and saturate the surface and subsurface of the land. The cost of acquiring such easements shall not exceed 90 percent, or be less than 75 percent, of the unaffected fee value of the lands. The project is further modified to authorize the Secretary to provide a lump sum payment of $60,000 to the Buford-Trenton Irrigation District for power requirements associated with operation of the drainage pumps and to relinquish all right, title, and interest of the United States to the drainage pumps located within the boundaries of the Irrigation District.

SEC. 355. RENO BEACH-HOWARDS FARM, OHIO.

The project for flood protection, Reno Beach-Howards Farm, Ohio, authorized by section 203 of the Flood Control Act, 1948 (62 Stat. 1178), is modified to provide that the value of lands, easements, rights-of-way, and disposal areas that are necessary to carry out the project and are provided by the non-Federal interest shall be determined on the basis of the appraisal performed by the Corps of Engineers and dated April 4, 1985.

SEC. 356. WISTER LAKE, OKLAHOMA.

The flood control project for Wister Lake, LeFlore County, Oklahoma, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1218), is modified to increase the elevation of the conservation pool to 478 feet and to adjust the seasonal pool operation to accommodate the change in the conservation pool elevation.

SEC. 357. BONNEVILLE LOCK AND DAM, COLUMBIA RIVER, OREGON AND WASHINGTON.

(a) In General.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by section 83 of the Water Resources Development Act of 1974 (88 Stat. 35), is further modified to authorize the Secretary to convey to the city of North Bonneville, Washington, at no further cost to the city, all right, title and interest of the United States in and to the following:

(1) Any municipal facilities, utilities fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically, Lots M1 through M15, M16 (the "community center lot"), M18, M19, M22, M24, S42 through S45, and S52 through S60.

(2) The "school lot" described as Lot 2, block 5, on the plat of relocated North Bonneville.

(3) Parcels 2 and C, but only upon the completion of any environmental response actions required under applicable law.

(4) That portion of Parcel B lying south of the existing city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, provided the Secretary determines, at the time of the proposed conveyance, that the Army has taken all action necessary to protect human health and the environment.

(5) Such portions of Parcel H which can be conveyed without a requirement for further investigation, inventory or other action by the Department of the Army under the provisions of the National Historic Preservation Act.

(6) Such easements as the Secretary deems necessary for—

(A) sewer and water line crossings of relocated Washington State Highway 14; and

(B) reasonable public access to the Columbia River across those portions of Hamilton Island that remain under the ownership of the United States.

(b) Time Period for Conveyances.—The conveyances referred to in subsections (a)(1), (a)(2), (a)(5), and (a)(6)(A) shall be completed within 180 days after the United States receives the release referred to in subsection (d). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subsection.

(c) Purpose.—The purpose of the conveyances authorized by subsection (a) is to resolve all outstanding issues between the United States and the city of North Bonneville.

(d) Acknowledgement of Payment; Release of Claims Relating to Relocation of City.—As a prerequisite to the conveyances authorized by subsection (a), the city of North Bonneville shall execute an acknowledgement of payment of just compensation and shall execute a release of any and all claims for relief of any kind against the United States growing out of the relocation of the city of North Bonneville, or any prior Federal legislation relating thereto, and shall dismiss, with prejudice, any pending litigation, if any, involving such matters.

(e) Release by Attorney General.—Upon receipt of the city's acknowledgment and release referred to in subsection (d), the Attorney General of the United States shall dismiss any pending litigation, if any, arising out of the relocation of the city of North Bonneville, and execute a release of any and all rights to damages of any kind under the February 20, 1987, judgment of the United States Claims Court, including any interest thereon.

(f) Acknowledgment of Entitlements; Release by City of Claims.—Within 60 days after the conveyances authorized by subsection (a) (other than paragraph (6)(B)) have been completed, the city shall execute an acknowledgement that all entitlements under such paragraph have been completed and shall execute a release of any and all claims for relief of any kind against the United States arising out of this subsection.

(g) Effects on City.—Beginning on the date of the enactment of this Act, the city of North Bonneville, or any successor in interest thereto, shall—

(1) be precluded from exercising any jurisdiction over any lands owned in whole or in part by the United States and administered by the United States Army Corps of Engineers in connection with the Bonneville project; and

(2) be authorized to change the zoning designations of, sell, or resell Parcels S35 and S56, which are presently designated as open spaces.

SEC. 358. COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.

The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the River and Harbor Appropriations Act of June 18, 1878 (20 Stat. 152), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the existing deep draft channel between the mouth of the river and river mile 34 at a cost not to exceed $2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

SEC. 359. GRAYS LANDING LOCK AND DAM, MONONGAHELA RIVER, PENNSYLVANIA.

The project for navigation Grays Landing Lock and Dam, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), is modified to authorize the Secretary to construct the project at a total cost of $181,000,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

SEC. 360. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.

The project for flood control, Lackawanna River at Scranton, Pennsylvania, authorized by section 101(16) of the Water Resources Development Act of 1992 (106 Stat. 4803), is modified to direct the Secretary to carry out the project for flood control for the Plot and Green Ridge sections of the project.

SEC. 361. MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PENNSYLVANIA.

Section 209(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4830) is amended by striking "$3,000,000" and inserting "$5,000,000".

SEC. 362. SAW MILL RUN, PENNSYLVANIA.

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to carry out the project in accordance with the report of the Corps of Engineers dated April 8, 1994, at a total cost of $12,780,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

SEC. 363. SCHUYLKILL RIVER, PENNSYLVANIA.

The navigation project for the Schuylkill River, Pennsylvania, authorized by the first section of the River and Harbor Appropriations Act of August 8, 1917 (40 Stat. 252), is modified to provide for the periodic removal and disposal of sediment to a depth of 6 feet detained within portions of the Fairmount pool between the Fairmount Dam and the Columbia Bridge, generally within the limits of the channel alignments referred to as the Schuylkill River Racecourse and return lane, and the Belmont Water Works intakes and Boathouse Row.

SEC. 364. SOUTH CENTRAL PENNSYLVANIA.

(a) Cost Sharing.—Section 313(d)(3)(A) of the Water Resources Development Act of 1992 (106

Stat. 4846; 109 Stat. 407) is amended to read as follows:

"(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for design and construction services and other in-kind work, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary. The Federal share may be provided in the form of grants or reimbursements of project costs. Non-Federal interests shall also receive credit for grants and the value of work performed on behalf of such interests by State and local agencies.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 313(g)(1) of such Act (106 Stat. 4846; 109 Stat. 407) is amended by striking "$50,000,000" and inserting "$90,000,000".

SEC. 365. WYOMING VALLEY, PENNSYLVANIA.

The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary to undertake as part of the construction of the project mechanical and electrical upgrades to existing stormwater pumping stations in the Wyoming Valley and to undertake mitigation measures.

SEC. 366. SAN JUAN HARBOR, PUERTO RICO.

The project for navigation, San Juan Harbor, Puerto Rico, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4097), is modified to authorize the Secretary to deepen the bar channel to depths varying from 49 feet to 56 feet below mean low water with other modifications to authorized interior channels as generally described in the General Reevaluation Report and Environmental Assessment, dated March 1994, at a total cost of $43,993,000, with an estimated Federal cost of $27,341,000 and an estimated non-Federal cost of $16,652,000.

SEC. 367. NARRAGANSETT, RHODE ISLAND.

Section 361(a) of the Water Resources Development Act of 1992 (106 Stat. 4861) is amended—

(1) by striking "$200,000" and inserting "$1,900,000";

(2) by striking "$150,000" and inserting "$1,425,000"; and

(3) by striking "$50,000" and inserting "$475,000".

SEC. 368. CHARLESTON HARBOR, SOUTH CAROLINA.

The project for navigation, Charleston Harbor, South Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4096), is modified to direct the Secretary to undertake ditching, clearing, spillway replacement, and dike reconstruction of the Clouter Creek Disposal Area, as a part of the operation and maintenance of the Charleston Harbor project.

SEC. 369. DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.

(a) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to provide that flood protection works constructed by the non-Federal interests along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the project and the cost of such works shall be credited against the non-Federal share of project costs but shall not be included in calculating benefits of the project.

(b) DETERMINATION OF AMOUNT.—The amount to be credited under subsection (a) shall be determined by the Secretary. In determining such amount, the Secretary may permit crediting only for that portion of the work performed by the non-Federal interests which is compatible with the project referred to in subsection (a), including any modification thereof, and which is required for construction of such project.

(c) CASH CONTRIBUTION.—Nothing in this section shall be construed to limit the applicability of the requirement contained in section 103(a)(1)(A) of the Water Resources Development Act of 1986 to the project referred to in subsection (a).

SEC. 370. UPPER JORDAN RIVER, UTAH.

The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to authorize the Secretary to construct the project at a total cost of $12,870,000, with an estimated Federal cost of $8,580,000 and an estimated non-Federal cost of $4,290,000.

SEC. 371. HAYSI LAKE, VIRGINIA.

The Haysi Lake, Virginia, feature of the project for flood control, Tug Fork of the Big Sandy River, Kentucky, West Virginia, and Virginia, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified—

(1) to add recreation and fish and wildlife enhancement as project purposes;

(2) to direct the Secretary to construct the Haysi Dam feature of the project substantially in accordance with Plan A as set forth in the Draft General Plan Supplement Report for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995;

(3) to direct the Secretary to apply section 103(m) of the Water Resources Development Act of 1986 (100 Stat. 4087) to the construction of such feature in the same manner as that section is applied to other projects or project features construed pursuant to such section 202(a); and

(4) to provide for operation and maintenance of recreational facilities on a reimbursable basis.

SEC. 372. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to authorize the Secretary to continue maintenance of the project for 50 years beginning on the date of initial construction of the project. The Federal share of the cost of such maintenance shall be determined in accordance with title I of the Water Resources Development Act of 1986.

SEC. 373. VIRGINIA BEACH, VIRGINIA.

The non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), shall be reduced by $3,120,803, or by such amount as is determined by an audit carried out by the Secretary to be due to the city of Virginia Beach as reimbursement for the Federal share of beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperative agreement is executed for the project.

SEC. 374. EAST WATERWAY, WASHINGTON.

The project for navigation, East and West waterways, Seattle Harbor, Washington, authorized by the first section of the River and Harbor Appropriations Act of March 2, 1919 (40 Stat. 1275), is modified to direct the Secretary—

(1) to expedite review of potential deepening of the channel in the East waterway from Elliott Bay to Terminal 25 to a depth of up to 51 feet; and

(2) if determined to be feasible, to implement such deepening as part of project maintenance. In carrying out work authorized by this section, the Secretary shall coordinate with the Port of Seattle regarding use of Slip 27 as a dredged material disposal area.

SEC. 375. BLUESTONE LAKE, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by inserting "except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project," after "project," the first place it appears.

SEC. 376. MOOREFIELD, WEST VIRGINIA.

The project for flood control, Moorefield, West Virginia, authorized by section 101(a)(25) of the Water Resources Development Act of 1990 (104 Stat. 4610–4611), is modified to authorize the Secretary to construct the project at a total cost of $22,000,000, with an estimated Federal cost of $17,100,000 and an estimated non-Federal cost of $4,900,000.

SEC. 377. SOUTHERN WEST VIRGINIA.

(a) COST SHARING.—Section 340(c)(3) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

"(3) COST SHARING.—

"(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project. The Federal share may be in the form of grants or reimbursements of project costs.

"(B) INTEREST.—In the event of delays in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

"(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

"(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.".

(b) FUNDING.—Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended by striking "$5,000,000" and inserting "$25,000,000".

SEC. 378. WEST VIRGINIA TRAIL HEAD FACILITIES.

Section 306 of the Water Resources Development Act of 1992 (106 Stat. 4840–4841) is amended by adding at the end the following:

"The Secretary shall enter into an interagency agreement with the Federal entity which provided assistance in the preparation of the study for the purposes of providing ongoing technical assistance and oversight for the trail facilities envisioned by the master plan developed under this section. The Federal entity shall provide such assistance and oversight.".

SEC. 379. KICKAPOO RIVER, WISCONSIN.

(a) IN GENERAL.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1190) and modified by section 814 of the Water Resources Development

Act of 1986 (100 Stat. 4169), is further modified as provided by this section.

(b) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States to the lands described in paragraph (3), including all works, structures, and other improvements to such lands.

(2) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this subsection, on the date of the transfer under paragraph (1), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in paragraph (3). Such lands shall be specified in accordance with paragraph (4)(C) and may not exceed a total of 1,200 acres.

(3) LAND DESCRIPTION.—The lands to be transferred pursuant to paragraphs (1) and (2) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in subsection (a) in Vernon County, Wisconsin, in the following sections:

(A) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(B) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(C) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(4) TERMS AND CONDITIONS.—

(A) HOLD HARMLESS; REIMBURSEMENT OF UNITED STATES.—The transfer under paragraph (1) shall be made on the condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer. If title to the lands described in paragraph (3) is sold or transferred by the State, then the State shall reimburse the United States for the price originally paid by the United States for purchasing such lands.

(B) IN GENERAL.—The Secretary shall make the transfers under paragraphs (1) and (2) only if on or before October 31, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in subparagraph (C), with the tribal organization (as defined by section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))) of the Ho-Chunk Nation.

(C) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in subparagraph (B) shall contain, at a minimum, the following:

(i) A description of sites and associated lands to be transferred to the Secretary of the Interior under paragraph (2).

(ii) An agreement specifying that the lands transferred under paragraphs (1) and (2) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(iii) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under paragraphs (1) and (2).

(iv) A provision requiring a review of the plan referred to in clause (iii) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under paragraph (2). Such provision may include a plan for the transfer by the State to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(5) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under paragraph (2), and any lands transferred to the Secretary of the Interior pursuant to the memorandum of understanding entered into under paragraph (3), shall be held in trust for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(6) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in subsection (a) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(7) DEAUTHORIZATION.—Except as provided in subsection (c), the LaFarge Dam and Lake portion of the project referred to in subsection (a) is not authorized after the date of the transfer under this subsection.

(8) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in subsection (a) until the date of the transfer under this section.

(c) COMPLETION OF PROJECT FEATURES.—

(1) REQUIREMENT.—The Secretary shall undertake the completion of the following features of the project referred to in subsection (a):

(A) The continued relocation of State highway route 131 and county highway routes P and F substantially in accordance with plans contained in Design Memorandum No. 6, Relocation-LaFarge Reservoir, dated June 1970; except that the relocation shall generally follow the existing road rights-of-way through the Kickapoo Valley.

(B) Environmental cleanup and site restoration of abandoned wells, farm sites, and safety modifications to the water control structures.

(C) Cultural resource activities to meet the requirements of Federal law.

(2) PARTICIPATION BY STATE OF WISCONSIN.—In undertaking the completion of the features described in paragraph (1), the Secretary shall determine the requirements of the State of Wisconsin on the location and design of each such feature.

(d) FUNDING.—There is authorized to be appropriated to carry out this section for fiscal years beginning after September 30, 1996, $17,000,000.

SEC. 380. TETON COUNTY, WYOMING.

Section 840 of the Water Resources Development Act of 1986 (100 Stat. 4176) is amended—

(1) by striking ": Provided, That" and inserting "; except that";

(2) by striking "in cash or materials" and inserting ", through providing in-kind services or cash or materials,"; and

(3) by adding at the end the following: "In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsor permitting the non-Federal sponsor to perform operation and maintenance for the project on a cost-reimbursable basis.".

TITLE IV—STUDIES

SEC. 401. CORPS CAPABILITY STUDY, ALASKA.

The Secretary shall review the capability of the Corps of Engineers to plan, design, construct, operate, and maintain rural sanitation projects for rural and Native villages in Alaska. Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit findings and recommendations on the agency's capability, together with recommendations on the advisability of assuming such a mission.

SEC. 402. MCDOWELL MOUNTAIN, ARIZONA.

The Secretary shall credit the non-Federal share of the cost of the feasibility study on the McDowell Mountain project an amount equivalent to the cost of work performed by the city of Scottsdale, Arizona, and accomplished prior to the city's entering into an agreement with the Secretary if the Secretary determines that the work is necessary for the study.

SEC. 403. NOGALES WASH AND TRIBUTARIES, ARIZONA.

(a) STUDY.—The Secretary shall conduct a study of the relationship of flooding in Nogales, Arizona, and floodflows emanating from Mexico.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations concerning the appropriate level of non-Federal participation in the project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606).

SEC. 404. GARDEN GROVE, CALIFORNIA.

The Secretary shall conduct a study to assess the feasibility of implementing improvements in the regional flood control system within Garden Grove, California.

SEC. 405. MUGU LAGOON, CALIFORNIA.

(a) STUDY.—The Secretary shall conduct a study of the environmental impacts associated with sediment transport, flood flows, and upstream watershed land use practices on Mugu Lagoon, California. The study shall include an evaluation of alternatives for the restoration of the estuarine ecosystem functions and values associated with Mugu Lagoon and the endangered and threatened species inhabiting the area.

(b) CONSULTATION AND COORDINATION.—In conducting the study, the Secretary shall consult with the Secretary of the Navy and shall coordinate with State and local resource agencies to assure that the study is compatible with restoration efforts for the Calleguas Creek watershed.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 406. SANTA YNEZ, CALIFORNIA.

(a) PLANNING.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prepare a comprehensive river basin management plan addressing the long term ecological, economic, and flood control needs of the Santa Ynez River basin, California. In preparing such plan, the Secretary shall consult the Santa Barbara Flood Control District and other affected local governmental entities.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the Santa Barbara Flood Control District with respect to implementation of the plan to be prepared under subsection (a).

SEC. 407. SOUTHERN CALIFORNIA INFRASTRUCTURE.

(a) ASSISTANCE.—Section 116(d)(1) of the Water Resources Development Act of 1990 (104 Stat. 4624) is amended—

(1) in the heading of paragraph (1) by inserting "AND ASSISTANCE" after "STUDY"; and

(2) by adding at the end the following: "In addition, the Secretary shall provide technical, design, and planning assistance to non-Federal interests in developing potential infrastructure projects.".

(b) FUNDING.—Section 116(d)(3) of such Act is amended by striking "$1,500,000" and inserting "$7,500,000".

SEC. 408. YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo Bypass in the Sacramento-San Joaquin Delta, *California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.*

SEC. 409. CHAIN OF ROCKS CANAL, ILLINOIS.

The Secretary shall complete a limited reevaluation of the authorized St. Louis Harbor Project in the vicinity of the Chain of Rocks Canal, Illinois, and consistent with the authorized purposes of that project, to include evacuation of waters interior to the Chain of Rocks Canal East Levee.

SEC. 410. QUINCY, ILLINOIS.

(a) STUDY.—The Secretary shall study and evaluate the critical infrastructure of the Fabius River Drainage District, the South Quincy Drainage and Levee District, the Sny Island Levee Drainage District, and the city of Quincy, Illinois—

(1) to determine if additional flood protection needs of such infrastructure should be identified or implemented;

(2) to produce a definition of critical infrastructure;

(3) to develop evaluation criteria; and

(4) to enhance existing geographic information system databases to encompass relevant data that identify critical infrastructure for use in emergencies and in routine operation and maintenance activities.

(b) CONSIDERATION OF OTHER STUDIES.—In conducting the study under this section, the Secretary shall consider the recommendations of the Interagency Floodplain Management Committee Report, the findings of the Floodplain Management Assessment of the Upper Mississippi River and Lower Missouri Rivers and Tributaries, and other relevant studies and findings.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with recommendations regarding each of the purposes of the study described in paragraphs (1) through (4) of subsection (a).

SEC. 411. SPRINGFIELD, ILLINOIS.

The Secretary shall provide technical, planning, and design assistance to the city of Springfield, Illinois, in developing—

(1) an environmental impact statement for the proposed development of a water supply reservoir, including the preparation of necessary documentation in support of the environmental impact statement; and

(2) an evaluation of technical, economic, and environmental impacts of such development.

SEC. 412. BEAUTY CREEK WATERSHED, VALPARAISO CITY, PORTER COUNTY, INDIANA.

The Secretary shall conduct a study to assess the feasibility of implementing streambank erosion control measures and flood control measures within the Beauty Creek watershed, Valparaiso City, Porter County, Indiana.

SEC. 413. GRAND CALUMET RIVER, HAMMOND, INDIANA.

(a) STUDY.—The Secretary shall conduct a study to establish a methodology and schedule to restore the wetlands at Wolf Lake and George Lake in Hammond, Indiana.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 414. INDIANA HARBOR CANAL, EAST CHICAGO, LAKE COUNTY, INDIANA.

The Secretary shall conduct a study of the feasibility of including environmental and recreational features, including a vegetation buffer, as part of the project for navigation, Indiana Harbor Canal, East Chicago, Lake County, Indiana, authorized by the first section of the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 657).

SEC. 415. KOONTZ LAKE, INDIANA.

The Secretary shall conduct a study of the feasibility of implementing measures to restore Koontz Lake, Indiana, including measures to remove silt, sediment, nutrients, aquatic growth, and other noxious materials from Koontz Lake, measures to improve public access facilities to Koontz Lake, and measures to prevent or abate the deposit of sediments and nutrients in Koontz Lake.

SEC. 416. LITTLE CALUMET RIVER, INDIANA.

(a) STUDY.—The Secretary shall conduct a study of the impact of the project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), on flooding and water quality in the vicinity of the Black Oak area of Gary, Indiana.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations for cost-effective remediation of impacts described in subsection (a).

(c) FEDERAL SHARE.—The Federal share of the cost of the study to be conducted under subsection (a) shall be 100 percent.

SEC. 417. TIPPECANOE RIVER WATERSHED, INDIANA.

(a) STUDY.—The Secretary shall conduct a study of water quality and environmental restoration needs in the Tippecanoe River watershed, Indiana, including measures necessary to reduce siltation in Lake Shafer and Lake Freeman.

(b) ASSISTANCE.—The Secretary shall provide technical, planning, and design assistance to the Shafer Freeman Lakes Environmental Conservation Corporation in addressing potential environmental restoration activities determined as a result of the study conducted under subsection (a).

SEC. 418. CALCASIEU SHIP CHANNEL, HACKBERRY, LOUISIANA.

The Secretary shall conduct a study to determine the need for improved navigation and related support service structures in the vicinity of the Calcasieu Ship Channel, Hackberry, Louisiana.

SEC. 419. HURON RIVER, MICHIGAN.

The Secretary shall conduct a study to determine the need for channel improvements and associated modifications for the purpose of providing a harbor of refuge at Huron River, Michigan.

SEC. 420. SACO RIVER, NEW HAMPSHIRE.

The Secretary shall conduct a study of flood control problems along the Saco River in Hart's Location, New Hampshire, for the purpose of evaluating retaining walls, berms, and other structures with a view to potential solutions involving repair or replacement of existing structures and shall consider other alternatives for flood damage reduction.

SEC. 421. BUFFALO RIVER GREENWAY, NEW YORK.

The Secretary shall conduct a study of a potential greenway trail project along the Buffalo River between the park system of the city of Buffalo, New York, and Lake Erie. Such study shall include preparation of an integrated plan of development that takes into consideration the adjacent parks, nature preserves, bikeways, and related recreational facilities.

SEC. 422. PORT OF NEWBURGH, NEW YORK.

The Secretary shall conduct a study of the feasibility of carrying out improvements for navigation at the port of Newburgh, New York.

SEC. 423. PORT OF NEW YORK-NEW JERSEY SEDIMENT STUDY.

(a) STUDY OF MEASURES TO REDUCE SEDIMENT DEPOSITION.—The Secretary shall conduct a study of measures that could reduce sediment deposition in the vicinity of the Port of New York-New Jersey for the purpose of reducing the volumes to be dredged for navigation projects in the Port.

(b) DREDGED MATERIAL DISPOSAL STUDY.—The Secretary shall conduct a study to determine the feasibility of constructing and operating an underwater confined dredged material disposal site in the Port of New York-New Jersey which could accommodate as much as 250,000 cubic yards of dredged materials for the purpose of demonstrating the feasibility of an underwater confined disposal pit as an environmentally suitable method of containing certain sediments.

(c) REPORT.—The Secretary shall transmit to Congress a report on the results of the studies conducted under this section, together with any recommendations of the Secretary concerning reduction of sediment deposition referred to in subsection (a).

SEC. 424. PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY.

The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

SEC. 425. CHAGRIN RIVER, OHIO.

The Secretary shall conduct a study of flooding problems along the Chagrin River in Eastlake, Ohio. In conducting such study, the Secretary shall evaluate potential solutions to flooding from all sources, including that resulting from ice jams, and shall evaluate the feasibility of a sedimentation collection pit and other potential measures to reduce flooding.

SEC. 426. CUYAHOGA RIVER, OHIO.

The Secretary shall conduct a study to evaluate the integrity of the bulkhead system located on the Federal channel along the Cuyahoga River in the vicinity of Cleveland, Ohio, and shall provide to the non-Federal interest an analysis of costs and repairs of the bulkhead system.

SEC. 427. CHARLESTON, SOUTH CAROLINA, ESTUARY.

The Secretary is authorized to conduct a study of the Charleston estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

SEC. 428. MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.

The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

SEC. 429. PRINCE WILLIAM COUNTY, VIRGINIA.

The Secretary shall conduct a study of flooding, erosion, and other water resources problems in Prince William County, Virginia, including an assessment of wetlands protection, erosion control, and flood damage reduction needs of the County.

SEC. 430. PACIFIC REGION.

(a) STUDY.—The Secretary is authorized to conduct studies in the interest of navigation in that part of the Pacific region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(b) COST SHARING.—The cost sharing provisions of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215; 100 Stat.

4088–4089) shall apply to studies under this section.

SEC. 431. FINANCING OF INFRASTRUCTURE NEEDS OF SMALL AND MEDIUM PORTS.

(a) STUDY.—The Secretary shall conduct a study of alternative financing mechanisms for ensuring adequate funding for the infrastructure needs of small and medium ports.

(b) MECHANISMS TO BE STUDIED.—Mechanisms to be studied under subsection (a) shall include the establishment of revolving loan funds.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. PROJECT DEAUTHORIZATIONS.

The following projects are not authorized after the date of the enactment of this Act:

(1) BRANFORD HARBOR, CONNECTICUT.—The following portion of the project for navigation, Branford River, Connecticut, authorized by the first section of the Rivers and Harbors Appropriations Act of June 13, 1902 (32 Stat. 333): Starting at a point on the Federal channel line whose coordinates are N156181.32, E581572.38, running south 70 degrees 11 minutes 8 seconds west a distance of 171.58 feet to another point on the Federal channel line whose coordinates are N156123.18, E581410.96.

(2) BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297): A 2.4-acre anchorage area, 9 feet deep, and an adjacent 0.6-acre anchorage, 6 feet deep, located on the west side of Johnsons River.

(3) GUILFORD HARBOR, CONNECTICUT.—The following portion of the project for navigation, Guilford Harbor, Connecticut, authorized by section 2 of the Act entitled "An Act authorizing construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (50 Stat. 13): Starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees 58 minutes 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees 18 minutes 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees 41 minutes 37.9 seconds east 55.000 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees 18 minutes 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees 58 minutes 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees 0 minutes 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(4) JOHNSONS RIVER CHANNEL, BRIDGEPORT HARBOR, CONNECTICUT.—The following portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of July 24, 1946 (60 Stat. 634): Northerly of a line across the Federal channel. The coordinates of such line are N 123318.35, E 486301.68 and N 123257.15, E 486380.77.

(5) MYSTIC RIVER, CONNECTICUT.—The following portion of the project for improving the Mystic River, Connecticut, authorized by the River and Harbor Act approved March 4, 1913 (37 Stat. 802):

Beginning in the 15-foot deep channel at coordinates north 190860.82, east 814416.20, thence running southeast about 52.01 feet to the coordinates north 190809.47, east 814424.49, thence running southwest about 34.02 feet to coordinates north 190780.46, east 814406.70, thence running north about 80.91 feet to the point of beginning.

(6) NORWALK HARBOR, CONNECTICUT.—

(A) DEAUTHORIZATION.—The portion of the project for navigation, Norwalk Harbor, Connecticut, authorized by the River and Harbor Act of March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96, and those portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 13), not included in the description of the realignment of the project contained in subparagraph (B).

(B) REALIGNMENT DESCRIPTION.—The realigned 6-foot deep East Norwalk Channel and Anchorage is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the existing Federal anchorage until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(C) REDESIGNATION.—All of the realigned channel shall be redesignated as anchorage, with the exception of that portion of the channel which narrows to a width of 100 feet and terminates at a line whose coordinates are N96456.81, E419260.06, and N96390.37, E419185.32, which shall remain as a channel.

(7) SOUTHPORT HARBOR, CONNECTICUT.—

(A) DEAUTHORIZATION PORTION OF PROJECT.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1029):

(i) The 6-foot deep anchorage located at the head of the project.

(ii) The portion of the 9-foot deep channel beginning at a bend in the channel whose coordinates are north 109131.16, east 452653.32 running thence in a northeasterly direction about 943.01 feet to a point whose coordinates are north 109635.22, east 453450.31 running thence in a southeasterly direction about 22.66 feet to a point whose coordinates are north 109617.15, east 453463.98 running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(B) REMAINDER.—The remaining portion of the project referred to in subparagraph (A) northerly of a line whose coordinates are north 108699.15, east 452768.36 and north 108655.66, east 452858.73 shall be redesignated as an anchorage.

(8) STONY CREEK, BRANFORD, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577): The 6-foot maneuvering basin starting at a point N157031.91, E599030.79, thence running northeasterly about 221.16 feet to a point N157191.06, E599184.37, thence running northerly about 162.60 feet to a point N157353.56, E599189.99, thence running southwesterly about 358.90 feet to the point of origin.

(9) KENNEBUNK RIVER, MAINE.—That portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and consisting of a 6-foot deep channel that lies northerly of a line whose coordinates are N191412.53, E417265.28 and N191445.83, E417332.48.

(10) YORK HARBOR, MAINE.—That portion of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), located in the 8-foot deep anchorage area beginning at coordinates N 109340.19, E 372066.93, thence running north 65 degrees 12 minutes 10.5 seconds E 423.27 feet to a point N 109517.71, E372451.17, thence running north 28 degrees 42 minutes 58.3 seconds west 11.68 feet to a point N 109527.95, E 372445.56, thence running south 63 degrees 37 minutes 24.6 seconds west 422.63 feet returning to the point of beginning and that portion in the 8-foot deep anchorage area beginning at coordinates N 108557.24, E 371645.88, thence running south 60 degrees 41 minutes 17.2 seconds east 484.51 feet to a point N 108320.04, E 372068.36, thence running north 29 degrees 12 minutes 53.3 seconds east 15.28 feet to a point N 108333.38, E 372075.82, thence running north 62 degrees 29 minutes 42.1 seconds west 484.73 feet returning to the point of beginning.

(11) CHELSEA RIVER, BOSTON HARBOR, MASSACHUSETTS.—The following portion of the project for navigation, Boston Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of a 35-foot deep channel in the Chelsea River: Beginning at a point on the northern limit of the existing project N505357.84, E724519.19, thence running northeasterly about 384.19 feet along the northern limit of the existing project to a bend on the northern limit of the existing project N505526.87, E724864.20, thence running southeasterly about 368.00 feet along the northern limit of the existing project to another point N505404.77, E725211.35, thence running westerly about 594.53 feet to a point N505376.12, E724617.51, thence running southwesterly about 100.00 feet to the point of origin.

(12) COHASSET HARBOR, COHASSET, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to the point of origin.

(B) The portion starting at a point N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to the point of origin.

(C) The portion starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds

west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to the point of origin.

(13) FALMOUTH, MASSACHUSETTS.—

(A) DEAUTHORIZATIONS.—The following portions of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172):

(i) The portion commencing at a point north 199286.37 east 844394.81 a line running north 73 degrees 09 minutes 29 seconds east 440.34 feet to a point north 199413.99 east 844816.36, thence turning and running north 43 degrees 09 minutes 34.5 seconds east 119.99 feet to a point north 199501.52 east 844898.44, thence turning and running south 66 degrees 52 minutes 03.5 seconds east 547.66 feet returning to a point north 199286.41 east 844394.91.

(ii) The portion commencing at a point north 199647.41 east 845035.25 a line running north 43 degrees 09 minutes 33.1 seconds east 767.15 feet to a point north 200207.01 east 845560.00, thence turning and running north 11 degrees 04 minutes 24.3 seconds west 380.08 feet to a point north 200580.01 east 845487.00, thence turning and running north 22 degrees 05 minutes 50.8 seconds east 1332.36 feet to a point north 201814.50 east 845988.21, thence turning and running north 02 degrees 54 minutes 15.7 seconds east 15.0 feet to a point north 201829.48 east 845988.97, thence turning and running south 24 degrees 56 minutes 42.3 seconds west 1410.29 feet returning to the point north 200550.75 east 845394.18.

(B) REDESIGNATION.—The portion of the project for navigation Falmouth, Massachusetts, referred to in subparagraph (A) upstream of a line designated by the 2 points north 199463.18 east 844496.40 and north 199350.36 east 844544.60 is redesignated as an anchorage area.

(14) MYSTIC RIVER, MASSACHUSETTS.—The following portion of the project for navigation, Mystic River, Massachusetts, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 164): The 35–foot deep channel beginning at a point on the northern limit of the existing project, N506243.78, E717600.27, thence running easterly about 1000.00 feet along the northern limit of the existing project to a point, N506083.42, E718587.33, thence running southerly about 40.00 feet to a point, N506043.94, E718580.91, thence running westerly about 1000.00 feet to a point, N506204.29, E717593.85, thence running northerly about 40.00 feet to the point of origin.

(15) RESERVED CHANNEL, BOSTON, MASSACHUSETTS.—That portion of the project for navigation, Reserved Channel, Boston, Massachusetts, authorized by section 101(a)(12) of the Water Resources Development Act of 1990 (104 Stat. 4607), that consists of a 40-foot deep channel beginning at a point along the southern limit of the authorized project, N489391.22, E728246.54, thence running northerly about 54 feet to a point, N489445.53, E728244.97, thence running easterly about 2,926 feet to a point, N489527.38, E731170.41, thence running southeasterly about 81 feet to a point, N489474.87, E731232.55, thence running westerly about 2,987 feet to the point of origin.

(16) WEYMOUTH-FORE AND TOWN RIVERS, MASSACHUSETTS.—The following portions of the project for navigation, Weymouth-Fore and Town Rivers, Boston Harbor, Massachusetts, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1089):

(A) The 35–foot deep channel beginning at a bend on the southern limit of the existing project, N457394.01, E741109.74, thence running westerly about 405.25 feet to a point, N457334.64, E740708.86, thence running southwesterly about 462.60 feet to another bend in the southern limit of the existing project, N457132.00, E740293.00, thence running northeasterly about 857.74 feet along the southern limit of the existing project to the point of origin.

(B) The 15 and 35-foot deep channels beginning at a point on the southern limit of the existing project, N457163.41, E739903.49, thence running northerly about 111.99 feet to a point, N457275.37, E739900.76, thence running westerly about 692.37 feet to a point N457303.40, E739208.96, thence running southwesterly about 190.01 feet to another point on the southern limit of the existing project, N457233.17, E739032.41, thence running easterly about 873.87 feet along the southern limit of the existing project to the point of origin.

(17) COCHECO RIVER, NEW HAMPSHIRE.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 436), that consists of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01.

(18) MORRISTOWN HARBOR, NEW YORK.—The following portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Rivers and Harbors Act of January 21, 1927 (44 Stat. 1011): The portion that lies north of the north boundary of Morris Street extended.

(19) OSWEGATCHIE RIVER, OGDENSBURG NEW YORK.—The portion of the Federal channel of the project for navigation, Ogdensburg Harbor, New York, authorized by the first section of the Rivers and Harbors Appropriations Act of June 25, 1910 (36 Stat. 635), as modified by the first section of the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1037), that is in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge upstream to the northernmost alignment of the Lake Street bridge.

(20) CONNEAUT HARBOR, OHIO.—The most southerly 300 feet of the 1,670-foot long Shore Arm of the project for navigation, Conneaut Harbor, Ohio, authorized by the first section of the Rivers and Harbors Appropriation Act of June 25, 1910 (36 Stat. 653).

(21) LORAIN SMALL BOAT BASIN, LAKE ERIE, OHIO.—The portion of the Federal navigation channel, Lorain Small Boat Basin, Lake Erie, Ohio, authorized pursuant to section 107 of the River and Harbor Act of 1960 (74 Stat. 486) that is situated in the State of Ohio, County of Lorain, Township of Black River and is a part of Original Black River Township Lot Number 1, Tract Number 1, further known as being submerged lands of Lake Erie owned by the State of Ohio and that is more definitely described as follows:

Commencing at a drill hole found on the centerline of Lakeside Avenue (60 feet in width) at the intersection of the centerline of the East Shorearm of Lorain Harbor, said point is known as United States Army Corps of Engineers Monument No. 203 (N658012.20, E208953.88).

Thence, in a line north 75 degrees 26 minutes 12 seconds west, a distance of 387.87 feet to a point (N658109.73, E2089163.47). This point is hereinafter in this paragraph referred to as the "principal point of beginning".

Thence, north 58 degrees 14 minutes 11 seconds west, a distance of 50.00 feet to a point (N658136.05, E2089120.96).

Thence, south 67 degrees 49 minutes 32 seconds west, a distance of 665.16 feet to a point (N657885.00, E2088505.00).

Thence, north 88 degrees 13 minutes 52 seconds west, a distance of 551.38 feet to a point (N657902.02, E2087953.88).

Thence, north 29 degrees 17 minutes 42 seconds east, a distance of 114.18 feet to point (N658001.60, E2088009.75).

Thence, south 88 degrees 11 minutes 40 seconds east, a distance of 477.00 feet to a point (N657986.57, E2088486.51).

Thence, north 68 degrees 11 minutes 06 seconds east, a distance of 601.95 feet to a point (N658210.26, E2089045.35).

Thence, north 35 degrees 11 minutes 34 seconds east, a distance of 89.58 feet to a point (N658283.47, E2089096.98).

Thence, south 20 degrees 56 minutes 30 seconds east, a distance of 186.03 feet to the principal point of beginning (N658109.73, E2089163.47) and containing within such bounds 2.81 acres, more or less, of submerged land.

(22) APPONAUG COVE, WARWICK, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized under section 101 of the River and Harbor Act of 1960 (74 Stat. 480): The 6-foot channel bounded by coordinates N223269.93, E513089.12; N223348.31, E512799.54; N223251.78, E512773.41; and N223178.0, E513046.0.

(23) PORT WASHINGTON HARBOR, WISCONSIN.—The following portion of the navigation project for Port Washington Harbor, Wisconsin, authorized by the Rivers and Harbors Appropriations Act of July 11, 1870 (16 Stat. 223): Beginning at the northwest corner of project at Channel Pt. No. 36, of the Federal Navigation Project, Port Washington Harbor, Ozaukee County, Wisconsin, at coordinates N513529.68, E2535215.64, thence 188 degrees 31 minutes 59 seconds, a distance of 178.32 feet, thence 196 degrees 47 minutes 17 seconds, a distance of 574.80 feet, thence 270 degrees 58 minutes 25 seconds, a distance of 465.50 feet, thence 178 degrees 56 minutes 17 seconds, a distance of 130.05 feet, thence 87 degrees 17 minutes 05 seconds, a distance of 510.22 feet, thence 104 degrees 58 minutes 31 seconds, a distance of 178.33 feet, thence 115 degrees 47 minutes 55 seconds, a distance of 244.15 feet, thence 25 degrees 12 minutes 08 seconds, a distance of 310.00 feet, thence 294 degrees 46 minutes 50 seconds, a distance of 390.20 feet, thence 16 degrees 56 minutes 16 seconds, a distance of 570.90 feet, thence 266 degrees 01 minutes 25 seconds, a distance of 190.78 feet to Channel Pt. No. 36, point of beginning.

SEC. 502. PROJECT REAUTHORIZATIONS.

(a) GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.—The project for flood control, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized pursuant to section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary; except that the scope of the project includes ground water protection and conservation, agricultural water supply, and waterfowl management.

(b) WHITE RIVER, ARKANSAS.—The project for navigation, White River Navigation to Batesville, Arkansas, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4139) and deauthorized by section 52(b) of the Water Resources Development Act of 1988 (102 Stat. 4045), is authorized to be carried out by the Secretary.

(c) DES PLAINES RIVER, ILLINOIS.—The project for wetlands research, Des Plaines River, Illinois, authorized by section 45 of the Water Resources Development Act of 1988 (102 Stat. 4041) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(d) ALPENA HARBOR, MICHIGAN.—The project for navigation, Alpena Harbor, Michigan, authorized by section 301 of the River and Harbor

Act of 1965 (79 Stat. 1090) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(e) ONTONAGON HARBOR, ONTONAGON COUNTY, MICHIGAN.—The project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(f) KNIFE RIVER HARBOR, MINNESOTA.—The project for navigation, Knife River Harbor, Minnesota, authorized by section 100 of the Water Resources Development Act of 1974 (88 Stat. 41) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

(g) CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 118) and deauthorized pursuant to section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary.

SEC. 503. CONTINUATION OF AUTHORIZATION OF CERTAIN PROJECTS.

(a) GENERAL RULE.—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the following projects shall remain authorized to be carried out by the Secretary:

(1) CEDAR RIVER HARBOR, MICHIGAN.—The project for navigation, Cedar River Harbor, Michigan, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090).

(2) CROSS VILLAGE HARBOR, MICHIGAN.—The project for navigation, Cross Village Harbor, Michigan, authorized by section 101 of the River and Harbor Act of 1966 (80 Stat. 1405).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period that begins on the date of the enactment of this Act unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 504. LAND CONVEYANCES.

(a) OAKLAND INNER HARBOR TIDAL CANAL PROPERTY, CALIFORNIA.—Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633) is amended—

(1) by inserting after paragraph (2) the following new paragraph:

"(3) To adjacent land owners, the United States title to all or portions of that part of the Oakland Inner Harbor Tidal Canal which are located within the boundaries of the city in which such land rests. Such conveyance shall be at fair market value.";

(2) by inserting after "right-of-way" the following: "or other rights deemed necessary by the Secretary"; and

(3) by adding at the end the following: "The conveyances and processes involved will be at no cost to the United States.".

(b) MARIEMONT, OHIO.—

(1) IN GENERAL.—The Secretary shall convey to the village of Mariemont, Ohio, for a sum of $85,000 all right, title, and interest of the United States in and to a parcel of land (including improvements thereto) under the jurisdiction of the Corps of Engineers and known as the "Ohio River Division Laboratory", as such parcel is described in paragraph (4).

(2) TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(3) PROCEEDS.—All proceeds from the conveyance under paragraph (1) shall be deposited in the general fund of the Treasury of the United States and credited as miscellaneous receipts.

(4) PROPERTY DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel situated in the State of Ohio, County of Hamilton, Township 4, Fractional Range 2, Miami Purchase, Columbia Township, Section 15, being parts of Lots 5 and 6 of the subdivision of the dower tract of the estate of Joseph Ferris as recorded in Plat Book 4, Page 112, of the Plat Records of Hamilton County, Ohio, Recorder's Office, and more particularly described as follows:

Beginning at an iron pin set to mark the intersection of the easterly line of Lot 5 of said subdivision of said dower tract with the northerly line of the right-of-way of the Norfolk and Western Railway Company as shown in Plat Book 27, Page 182, Hamilton County, Ohio, Surveyor's Office, thence with said northerly right-of-way line;

South 70 degrees 10 minutes 13 seconds west 258.52 feet to a point; thence leaving the northerly right-of-way of the Norfolk and Western Railway Company;

North 18 degrees 22 minutes 02 seconds west 302.31 feet to a point in the south line of Mariemont Avenue; thence along said south line;

North 72 degrees 34 minutes 35 seconds east 167.50 feet to a point; thence leaving the south line of Mariemont Avenue;

North 17 degrees 25 minutes 25 seconds west 49.00 feet to a point; thence

North 72 degrees 34 minutes 35 seconds east 100.00 feet to a point; thence

South 17 degrees 25 minutes 25 seconds east 49.00 feet to a point; thence

North 72 degrees 34 minutes 35 seconds east 238.90 feet to a point; thence

South 00 degrees 52 minutes 07 seconds east 297.02 feet to a point in the northerly line of the Norfolk and Western Railway Company; thence with said northerly right-of-way;

South 70 degrees 10 minutes 13 seconds west 159.63 feet to a point of beginning, containing 3.22 acres, more or less.

(c) EUFAULA LAKE, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall convey to the city of Eufaula, Oklahoma, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 12.5 acres located at the Eufaula Lake project.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the parcel (as determined by the Secretary) and payment of all costs of the United States in making the conveyance, including the costs of—

(A) the survey required under paragraph (4);

(B) any other necessary survey or survey monumentation;

(C) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(D) any coordination necessary with respect to requirements relating to endangered species, cultural resources, and clean air (including the costs of agency consultation and public hearings).

(3) LAND SURVEYS.—The exact acreage and description of the parcel to be conveyed under paragraph (1) shall be determined by such surveys as the Secretary considers necessary, which shall be carried out to the satisfaction of the Secretary.

(4) ENVIRONMENTAL BASELINE SURVEY.—Prior to making the conveyance under paragraph (1), the Secretary shall conduct an environmental baseline survey to determine the levels of any contamination (as of the date of the survey) for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable law.

(5) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance under paragraph (1) shall be subject to existing rights and to retention by the United States of a flowage easement over all portions of the parcel that lie at or below the flowage easement contour for the Eufaula Lake project.

(6) OTHER TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(d) BOARDMAN, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the city of Boardman, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 141 acres acquired as part of the John Day Lock and Dam project in the vicinity of such city currently under lease to the Boardman Park and Recreation District.

(2) CONSIDERATION.—

(A) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, then title to such property shall revert to the Secretary.

(B) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in subparagraph (A) shall be conveyed at fair market value.

(3) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance of properties under this subsection shall be subject to existing first rights of refusal regarding acquisition of such properties and to retention of a flowage easement over portions of the properties that the Secretary determines to be necessary for operation of the project.

(4) OTHER TERMS AND CONDITIONS.—The conveyance of properties under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) TRI-CITIES AREA, WASHINGTON.—

(1) GENERAL AUTHORITY.—As soon as practicable after the date of the enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in paragraph (2) of all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIPTIONS.—

(A) BENTON COUNTY.—The property to be conveyed pursuant to paragraph (1) to Benton County, Washington, is the property in such county which is designated "Area D" on Exhibit A to Army Lease No. DACW-68-1-81-43.

(B) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to Franklin County, Washington, is—

(i) the 105.01 acres of property leased pursuant to Army Lease No. DACW-68-1-77-20 as executed by Franklin County, Washington, on April 7, 1977;

(ii) the 35 acres of property leased pursuant to Supplemental Agreement No. 1 to Army Lease No. DACW-68-1-77-20;

(iii) the 20 acres of property commonly known as "Richland Bend" which is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(iv) the 7.05 acres of property commonly known as "Taylor Flat" which is designated by

the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20;

(v) the 14.69 acres of property commonly known as "Byers Landing" which is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW-68-1-77-20; and

(vi) all levees within Franklin County, Washington, as of the date of the enactment of this Act, and the property upon which the levees are situated.

(C) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the city of Kennewick, Washington, is the property within the city which is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(D) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed pursuant to paragraph (1), to the city of Richland, Washington, is the property within the city which is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the Cities of Kennewick and Richland, Washington.

(E) CITY OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1), to the city of Pasco, Washington, is—

(i) the property within the city of Pasco, Washington, which is leased pursuant to Army Lease No. DACW-68-1-77-10; and

(ii) all levees within such city, as of the date of the enactment of this Act, and the property upon which the levees are situated.

(F) PORT OF PASCO, WASHINGTON.—The property to be conveyed pursuant to paragraph (1) to the Port of Pasco, Washington, is—

(i) the property owned by the United States which is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(ii) the property owned by the United States which is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(G) ADDITIONAL PROPERTIES.—In addition to properties described in subparagraphs (A) through (F), the Secretary may convey to a local government referred to in subparagraphs (A) through (F) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(3) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The conveyances under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(B) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in paragraph (2)(B)(vi) shall be conveyed only after Franklin County, Washington, has entered into a written agreement with the Secretary which provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(C) SPECIAL RULE FOR CITY OF PASCO.—The property described in paragraph (2)(E)(ii) shall be conveyed only after the city of Pasco, Washington, has entered into a written agreement with the Secretary which provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out that agreement.

(D) CONSIDERATION.—

(i) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this subsection that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, then title to such property shall revert to the Secretary.

(ii) OTHER PROPERTIES.—Properties to be conveyed under this subsection and not described in clause (i) shall be conveyed at fair market value.

(4) LAKE WALLULA LEVEES.—

(A) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(i) CONTRACT.—Within 30 days after the date of the enactment of this Act, the Secretary shall contract with a private entity agreed to under clause (ii) to determine, within 6 months after such date of enactment, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(ii) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under clause (i) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(B) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of such local government to a height not lower than the minimum safe height determined pursuant to subparagraph (A).

(f) APPLICABILITY OF OTHER LAWS.—Any contract for sale, deed, or other transfer of real property under this section shall be carried out in compliance with all applicable provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act and other environmental laws.

SEC. 505. NAMINGS.

(a) MILT BRANDT VISITORS CENTER, CALIFORNIA.—

(1) DESIGNATION.—The visitors center at Warm Springs Dam, California, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192), shall be known and designated as the "Milt Brandt Visitors Center".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the visitors center referred to in paragraph (1) shall be deemed to be a reference to the "Milt Brandt Visitors Center".

(b) CARR CREEK LAKE, KENTUCKY.—

(1) DESIGNATION.—Carr Fork Lake in Knott County, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), shall be known and designated as the "Carr Creek Lake".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "Carr Creek Lake".

(c) WILLIAM H. NATCHER BRIDGE, MACEO, KENTUCKY, AND ROCKPORT, INDIANA.—

(1) DESIGNATION.—The bridge on United States Route 231 which crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, shall be known and designated as the "William H. Natcher Bridge".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in paragraph (1) shall be deemed to be a reference to the "William H. Natcher Bridge".

(d) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—

(1) DESIGNATION.—Uniontown Lock and Dam, on the Ohio River, Indiana and Kentucky, shall be known and designated as the "John T. Myers Lock and Dam".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "John T. Myers Lock and Dam".

(e) J. EDWARD ROUSH LAKE, INDIANA.—

(1) REDESIGNATION.—The lake on the Wabash River in Huntington and Wells Counties, Indiana, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 312), and known as Huntington Lake, shall be known and designated as the "J. Edward Roush Lake".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lake referred to in paragraph (1) shall be deemed to be a reference to the "J. Edward Roush Lake".

(f) RUSSELL B. LONG LOCK AND DAM, RED RIVER WATERWAY, LOUISIANA.—

(1) DESIGNATION.—Lock and Dam 4 of the Red River Waterway, Louisiana, shall be known and designated as the "Russell B. Long Lock and Dam".

(2) LEGAL REFERENCES.—A reference in any law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) shall be deemed to be a reference to the "Russell B. Long Lock and Dam".

(g) WILLIAM L. JESS DAM AND INTAKE STRUCTURE, OREGON.—

(1) DESIGNATION.—The dam located at mile 153.6 on the Rogue River in Jackson County, Oregon, and commonly known as the Lost Creek Dam Lake Project, shall be known and designated as the "William L. Jess Dam and Intake Structure".

(2) LEGAL REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the dam referred to in section 1 shall be deemed to be a reference to the "William L. Jess Dam and Intake Structure".

(h) ABERDEEN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—The lock and dam at Mile 358 of the Tennessee-Tombigbee Waterway is designated as the "Aberdeen Lock and Dam".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "Aberdeen Lock and Dam".

(i) AMORY LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock A at Mile 371 of the Tennessee-Tombigbee Waterway is designated as the "Amory Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "Amory Lock".

(j) FULTON LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock C at Mile 391 of the Tennessee-Tombigbee Waterway is designated as the "Fulton Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "Fulton Lock".

(k) HOWELL HEFLIN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) REDESIGNATION.—The lock and dam at Mile 266 of the Tennessee-Tombigbee Waterway,

known as the Gainesville Lock and Dam, is redesignated as the "Howell Heflin Lock and Dam".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "Howell Heflin Lock and Dam".

(l) G.V. "SONNY" MONTGOMERY LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock E at Mile 407 of the Tennessee-Tombigbee Waterway is designated as the "G.V. 'Sonny' Montgomery Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "G.V. 'Sonny' Montgomery Lock".

(m) JOHN RANKIN LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock D at Mile 398 of the Tennessee-Tombigbee Waterway is designated as the "John Rankin Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock referred to in paragraph (1) is deemed to be a reference to the "John Rankin Lock".

(n) JOHN C. STENNIS LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) REDESIGNATION.—The lock and dam at Mile 335 of the Tennessee-Tombigbee Waterway, known as the Columbus Lock and Dam, is redesignated as the "John C. Stennis Lock and Dam".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "John C. Stennis Lock and Dam".

(o) JAMIE WHITTEN LOCK AND DAM, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) REDESIGNATION.—The lock and dam at Mile 412 of the Tennessee-Tombigbee Waterway, known as the Bay Springs Lock and Dam, is redesignated as the "Jamie Whitten Lock and Dam".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the lock and dam referred to in paragraph (1) is deemed to be a reference to the "Jamie Whitten Lock and Dam".

(p) GLOVER WILKINS LOCK, TENNESSEE-TOMBIGBEE WATERWAY.—

(1) DESIGNATION.—Lock B at Mile 376 of the Tennessee-Tombigbee Waterway is designated as the "Glover Wilkins Lock".

(2) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record to the lock referred to in paragraph (1) is deemed to be a reference to the "Glover Wilkins Lock".

SEC. 506. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary is authorized to provide technical, planning, and design assistance to non-Federal interests for carrying out watershed management, restoration, and development projects at the locations described in subsection (d).

(b) SPECIFIC MEASURES.—Assistance provided pursuant to subsection (a) may be in support of non-Federal projects for the following purposes:

(1) Management and restoration of water quality.

(2) Control and remediation of toxic sediments.

(3) Restoration of degraded streams, rivers, wetlands, and other waterbodies to their natural condition as a means to control flooding, excessive erosion, and sedimentation.

(4) Protection and restoration of watersheds, including urban watersheds.

(5) Demonstration of technologies for nonstructural measures to reduce destructive impact of flooding.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance provided under this section shall be 50 percent.

(d) PROJECT LOCATIONS.—The Secretary may provide assistance under subsection (a) for projects at the following locations:

(1) Gila River and Tributaries, Santa Cruz River, Arizona.

(2) Rio Salado, Salt River, Phoenix and Tempe, Arizona.

(3) Colusa basin, California.

(4) Los Angeles River watershed, California.

(5) Russian River watershed, California.

(6) Sacramento River watershed, California.

(7) San Pablo Bay watershed, California.

(8) Nancy Creek, Utoy Creek, and North Peachtree Creek and South Peachtree Creek basin, Georgia.

(9) Lower Platte River watershed, Nebraska.

(10) Juniata River watershed, Pennsylvania, including Raystown Lake.

(11) Upper Potomac River watershed, Grant and Mineral Counties, West Virginia.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal years beginning after September 30, 1996.

SEC. 507. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148–4149) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(3) by adding at the end the following:

"(12) Goodyear Lake, Otsego County, New York, removal of silt and aquatic growth;

"(13) Otsego Lake, Otsego County, New York, removal of silt and aquatic growth and measures to address high nutrient concentration;

"(14) Oneida Lake, Oneida County, New York, removal of silt and aquatic growth;

"(15) Skaneateles and Owasco Lakes, New York, removal of silt and aquatic growth and prevention of sediment deposit; and

"(16) Twin Lakes, Paris, Illinois, removal of silt and excess aquatic vegetation, including measures to address excessive sedimentation, high nutrient concentration, and shoreline erosion.".

SEC. 508. MAINTENANCE OF NAVIGATION CHANNELS.

(a) IN GENERAL.—Upon request of the non-Federal interest, the Secretary shall be responsible for maintenance of the following navigation channels constructed or improved by non-Federal interests if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel was constructed in accordance with applicable permits and appropriate engineering and design standards:

(1) Humboldt Harbor and Bay, Fields Landing Channel, California.

(2) Mare Island Strait, California; except that, for purposes of this section, the navigation channel shall be deemed to have been constructed or improved by non-Federal interests.

(3) Mississippi River Ship Channel, Chalmette Slip, Louisiana.

(4) Greenville Inner Harbor Channel, Mississippi.

(5) Providence Harbor Shipping Channel, Rhode Island.

(6) Matagorda Ship Channel, Point Comfort Turning Basin, Texas.

(7) Corpus Christi Ship Channel, Rincon Canal System, Texas.

(8) Brazos Island Harbor, Texas, connecting channel to Mexico.

(9) Blair Waterway, Tacoma Harbor, Washington.

(b) COMPLETION OF ASSESSMENT.—Within 6 months of receipt of a request from the non-Federal interest for Federal assumption of maintenance of a channel listed in subsection (a), the Secretary shall make a determination as provided in subsection (a) and advise the non-Federal interest of the Secretary's determination.

SEC. 509. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (104 Stat. 4644) is amended to read as follows:

"SEC. 401. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

"(a) GREAT LAKES REMEDIAL ACTION PLANS.—

"(1) IN GENERAL.—The Secretary is authorized to provide technical, planning, and engineering assistance to State and local governments and nongovernmental entities designated by the State or local government in the development and implementation of remedial action plans for areas of concern in the Great Lakes identified under the Great Lakes Water Quality Agreement of 1978.

"(2) NON-FEDERAL SHARE.—Non-Federal interests shall contribute, in cash or by providing in-kind contributions, 50 percent of costs of activities for which assistance is provided under paragraph (1).

"(b) SEDIMENT REMEDIATION DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (acting through the Great Lakes National Program Office), may conduct pilot- and full-scale demonstration projects of promising techniques to remediate contaminated sediments in freshwater coastal regions in the Great Lakes basin. The Secretary must conduct no fewer than 3 full-scale demonstration projects under this subsection.

"(2) SITE SELECTION FOR DEMONSTRATION PROJECTS.—In selecting the sites for the technology demonstration projects, the Secretary shall give priority consideration to Saginaw Bay, Michigan, Sheboygan Harbor, Wisconsin, Grand Calumet River, Indiana, Ashtabula River, Ohio, Buffalo River, New York, and Duluth/Superior Harbor, Minnesota.

"(3) DEADLINE FOR IDENTIFICATIONS.—Within 18 months after the date of the enactment of this subsection, the Secretary shall identify the sites and technologies to be demonstrated and complete each such full-scale demonstration project within 3 years after such date of enactment.

"(4) NON-FEDERAL SHARE.—Non-Federal interests shall contribute 50 percent of costs of projects under this subsection. Such costs may be paid in cash or by providing in-kind contributions.

"(5) AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 1997 through 2000.".

SEC. 510. GREAT LAKES DREDGED MATERIAL TESTING AND EVALUATION MANUAL.

The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall provide technical assistance to non-Federal interests on testing procedures contained in the Great Lakes Dredged Material Testing and Evaluation Manual developed pursuant to section 230.2(c) of title 40, Code of Federal Regulations.

SEC. 511. GREAT LAKES SEDIMENT REDUCTION.

(a) GREAT LAKES TRIBUTARY SEDIMENT TRANSPORT MODEL.—For each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern identified under the

Great Lakes Water Quality Agreement of 1978, the Secretary, in consultation and coordination with the Great Lakes States, shall develop a tributary sediment transport model.

(b) REQUIREMENTS FOR MODELS.—In developing a tributary sediment transport model under this section, the Secretary shall—

(1) build upon data and monitoring information generated in earlier studies and programs of the Great Lakes and their tributaries; and

(2) complete models for 30 major river systems, either individually or in combination as part of a set, within the 5-year period beginning on the date of the enactment of this Act.

SEC. 512. GREAT LAKES CONFINED DISPOSAL FACILITIES.

(a) ASSESSMENT.—The Secretary shall conduct an assessment of the general conditions of confined disposal facilities in the Great Lakes.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the assessment conducted under subsection (a), including the following:

(1) A description of the cumulative effects of confined disposal facilities in the Great Lakes.

(2) Recommendations for specific remediation actions for each confined disposal facility in the Great Lakes.

(3) An evaluation of, and recommendations for, confined disposal facility management practices and technologies to conserve capacity at such facilities and to minimize adverse environmental effects at such facilities throughout the Great Lakes system.

SEC. 513. CHESAPEAKE BAY RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program to provide to non-Federal interests in the Chesapeake Bay watershed technical, planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned and will be publicly operated and maintained.

(c) COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement pursuant to section 221 of the Flood Control Act of 1970 (84 Stat. 1818) with a non-Federal interest to provide for technical, planning, design, and construction assistance for the project.

(2) REQUIREMENTS.—Each agreement entered into pursuant to this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a plan, including appropriate engineering plans and specifications and an estimate of expected benefits.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) PROVISION OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interests for a project to which this section applies shall provide the lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(B) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of total project costs.

(C) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate with the heads of appropriate Federal agencies.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000.

SEC. 514. EXTENSION OF JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The jurisdiction of the Mississippi River Commission, established by the first section of the Act of June 28, 1879 (33 U.S.C. 641; 21 Stat. 37), is extended to include—

(1) all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico;

(2) Alexander County, Illinois; and

(3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

SEC. 515. ALTERNATIVE TO ANNUAL PASSES.

(a) IN GENERAL.—The Secretary shall evaluate the feasibility of implementing an alternative to the $25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

(b) ANNUAL PASS.—The evaluation under subsection (a) shall include the establishment of an annual pass which costs $10 or less for the use of recreation facilities at Raystown Lake, Pennsylvania.

(c) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the project carried out under this section, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

SEC. 516. RECREATION PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—The Secretary shall promote Federal, non-Federal, and private sector cooperation in creating public recreation opportunities and developing the necessary supporting infrastructure at water resources projects of the Corps of Engineers.

(b) INFRASTRUCTURE IMPROVEMENTS.—

(1) RECREATION INFRASTRUCTURE IMPROVEMENTS.—In demonstrating the feasibility of the public-private cooperative, the Secretary shall provide, at Federal expense, such infrastructure improvements as are necessary to support a potential private recreational development at the Raystown Lake Project, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the project.

(2) AGREEMENT.—The Secretary shall enter into an agreement with an appropriate non-Federal public entity to ensure that the infrastructure improvements constructed by the Secretary on non-project lands pursuant to paragraph (1) are transferred to and operated and maintained by the non-Federal public entity.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $4,500,000 for fiscal years beginning after September 30, 1996.

(c) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the cooperative efforts carried out under this section, including the improvements required by subsection (b).

SEC. 517. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by adding at the end the following new subsection:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing construction assistance under this section—

"(1) $10,000,000 for the project described in subsection (c)(5);

"(2) $2,000,000 for the project described in subsection (c)(6);

"(3) $10,000,000 for the project described in subsection (c)(7);

"(4) $11,000,000 for the project described in subsection (c)(8);

"(5) $20,000,000 for the project described in subsection (c)(16); and

"(6) $20,000,000 for the project described in subsection (c)(17).".

SEC. 518. CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b); 100 Stat. 4157) is amended—

(1) by striking "$5,000,000"; and inserting "$10,000,000"; and

(2) in paragraph (4) by inserting "and Virginia" after "Maryland".

SEC. 519. PERIODIC BEACH NOURISHMENT.

The Secretary shall carry out periodic beach nourishment for each of the following projects for a period of 50 years beginning on the date of initiation of construction of such project:

(1) BROWARD COUNTY, FLORIDA.—Project for shoreline protection, segments II and III, Broward County, Florida.

(2) FORT PIERCE, FLORIDA.—Project for shoreline protection, Fort Pierce, Florida.

(3) LEE COUNTY, FLORIDA.—Project for shoreline protection, Lee County, Captiva Island segment, Florida.

(4) PALM BEACH COUNTY, FLORIDA.—Project for shoreline protection, Jupiter/Carlin, Ocean Ridge, and Boca Raton North Beach segments, Palm Beach County, Florida.

(5) PANAMA CITY BEACHES, FLORIDA.—Project for shoreline protection, Panama City Beaches, Florida.

(6) TYBEE ISLAND, GEORGIA.—Project for beach erosion control, Tybee Island, Georgia.

SEC. 520. CONTROL OF AQUATIC PLANTS.

The Secretary shall carry out under section 104(b) of the River and Harbor Act of 1958 (33 U.S.C. 610(b))—

(1) a program to control aquatic plants in Lake St. Clair, Michigan; and

(2) program to control aquatic plants in the Schuylkill River, Philadelphia, Pennsylvania.

SEC. 521. HOPPER DREDGES.

Section 3 of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following:

"(c) PROGRAM TO INCREASE USE OF PRIVATE HOPPER DREDGES.—

"(1) INITIATION.—The Secretary shall initiate a program to increase the use of private industry hopper dredges for the construction and maintenance of Federal navigation channels.

"(2) READY RESERVE STATUS FOR HOPPER DREDGE WHEELER.—In order to carry out the requirements of this subsection, the Secretary shall, not later than the earlier of 90 days after the date of completion of the rehabilitation of the hopper dredge McFarland pursuant to section 564 of the Water Resources Development Act of 1996 or October 1, 1997, place the Federal hopper dredge Wheeler in a ready reserve status.

"(3) TESTING AND USE OF READY RESERVE HOPPER DREDGE.—The Secretary may periodically perform routine tests of the equipment of the vessel placed in a ready reserve status under this subsection to ensure the vessel's ability to perform emergency work. The Secretary shall not assign any scheduled hopper dredging work to such vessel but shall perform any repairs needed to maintain the vessel in a fully operational condition. The Secretary may place the vessel in active status in order to perform any dredging work only in the event the Secretary determines that private industry has failed to submit a responsive and responsible bid for work advertised by the Secretary or to carry out the project as required pursuant to a contract with the Secretary.

"(4) REPAIR AND REHABILITATION.—The Secretary may undertake any repair and rehabilitation of any Federal hopper dredge, including the vessel placed in ready reserve status under paragraph (2) to allow the vessel to be placed into active status as provided in paragraph (3).

"(5) PROCEDURES.—The Secretary shall develop and implement procedures to ensure that, to the maximum extent practicable, private industry hopper dredge capacity is available to meet both routine and time-sensitive dredging needs. Such procedures shall include—

"(A) scheduling of contract solicitations to effectively distribute dredging work throughout the dredging season; and

"(B) use of expedited contracting procedures to allow dredges performing routine work to be made available to meet time-sensitive, urgent, or emergency dredging needs.

"(6) REPORT.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall report to Congress on whether the vessel placed in ready reserve status pursuant to paragraph (2) is needed to be returned to active status or continued in a ready reserve status or whether another Federal hopper dredge should be placed in a ready reserve status.

"(7) LIMITATIONS.—

"(A) REDUCTIONS IN STATUS.—The Secretary may not further reduce the readiness status of any Federal hopper dredge below a ready reserve status except any vessel placed in such status for not less than 5 years which the Secretary determines has not been used sufficiently to justify retaining the vessel in such status.

"(B) INCREASE IN ASSIGNMENTS OF DREDGING WORK.—For each fiscal year beginning after the date of the enactment of this subsection, the Secretary shall not assign any greater quantity of dredging work to any Federal hopper dredge in an active status than was assigned to that vessel in the average of the 3 prior fiscal years.

"(8) CONTRACTS; PAYMENT OF CAPITAL COSTS.—The Secretary may enter into a contract for the maintenance and crewing of any vessel retained in a ready reserve status. The capital costs (including depreciation costs) of any vessel retained in such status shall be paid for out of funds made available from the Harbor Maintenance Trust Fund and shall not be charged against the Corps of Engineers' Revolving Fund Account or any individual project cost unless the vessel is specifically used in connection with that project.".

SEC. 522. DESIGN AND CONSTRUCTION ASSISTANCE.

The Secretary shall provide design and construction assistance to non-Federal interests for the following projects:

(1) Repair and rehabilitation of the Lower Girard Lake Dam, Girard, Ohio, at an estimated total cost of $2,500,000.

(2) Construction of a multi-purpose dam and reservoir, Bear Valley Dam, Franklin County, Pennsylvania, at an estimated total cost of $15,000,000.

(3) Repair and upgrade of the dam and appurtenant features at Lake Merriweather, Little Calfpasture River, Virginia, at an estimated total cost of $6,000,000.

SEC. 523. FIELD OFFICE HEADQUARTERS FACILITIES.

Subject to amounts being made available in advance in appropriations Acts, the Secretary may use Plant Replacement and Improvement Program funds to design and construct a new headquarters facility for—

(1) the New England Division, Waltham, Massachusetts; and

(2) the Jacksonville District, Jacksonville, Florida.

SEC. 524. CORPS OF ENGINEERS RESTRUCTURING PLAN.

(a) DIVISION OFFICE, CHICAGO, ILLINOIS.—The Secretary shall continue to maintain a division office of the Corps of Engineers in Chicago, Illinois, notwithstanding any plan developed pursuant to title I of the Energy and Water Development Appropriations Act, 1996 (109 Stat. 405) to reduce the number of division offices. Such division office shall be responsible for the 5 district offices for which the division office was responsible on June 1, 1996.

(b) DISTRICT OFFICE, ST. LOUIS, MISSOURI.—The Secretary shall not reassign the St. Louis District of the Corps of Engineers from the operational control of the Lower Mississippi Valley Division.

SEC. 525. LAKE SUPERIOR CENTER.

(a) CONSTRUCTION.—The Secretary, shall assist the Minnesota Lake Superior Center authority in the construction of an educational facility to be used in connection with efforts to educate the public in the economic, recreational, biological, aesthetic, and spiritual worth of Lake Superior and other large bodies of fresh water.

(b) PUBLIC OWNERSHIP.—Prior to providing any assistance under subsection (a), the Secretary shall verify that the facility to be constructed under subsection (a) will be owned by the public authority established by the State of Minnesota to develop, operate, and maintain the Lake Superior Center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, $10,000,000 for the construction of the facility under subsection (a).

SEC. 526. JACKSON COUNTY, ALABAMA.

The Secretary shall provide technical, planning, and design assistance to non-Federal interests for wastewater treatment and related facilities, remediation of point and nonpoint sources of pollution and contaminated riverbed sediments, and related activities in Jackson County, Alabama, including the city of Stevenson. The Federal cost of such assistance may not exceed $5,000,000.

SEC. 527. EARTHQUAKE PREPAREDNESS CENTER OF EXPERTISE EXTENSION.

The Secretary shall establish an extension of the Earthquake Preparedness Center of Expertise for the central United States at an existing district office of the Corps of Engineers near the New Madrid fault.

SEC. 528. QUARANTINE FACILITY.

Section 108(c) of the Water Resources Development Act of 1992 (106 Stat. 4816) is amended by striking "$1,000,000" and inserting "$4,000,000".

SEC. 529. BENTON AND WASHINGTON COUNTIES, ARKANSAS.

Section 220 of the Water Resources Development Act of 1992 (106 Stat. 4836–4837) is amended by adding at the end the following new subsection:

"(c) USE OF FEDERAL FUNDS.—The Secretary may make available to the non-Federal interests funds not to exceed an amount equal to the Federal share of the total project cost to be used by the non-Federal interests to undertake the work directly or by contract.".

SEC. 530. CALAVERAS COUNTY, CALIFORNIA.

(a) COOPERATION AGREEMENTS.—The Secretary shall enter into cooperation agreements with non-Federal interests to develop and carry out, in cooperation with Federal and State agencies, reclamation and protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines in the watershed of the lower Mokelume River in Calaveras County, California.

(b) CONSULTATION WITH FEDERAL ENTITIES.—Any project under subsection (a) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(c) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under cooperation agreements entered into under subsection (a) shall be 75 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent. The non-Federal share of project costs may be provided in the form of design and construction services. Non-Federal interests shall receive credit for the reasonable costs of such services completed by such interests prior to entering an agreement with the Secretary for a project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for projects undertaken under this section.

SEC. 531. FARMINGTON DAM, CALIFORNIA.

(a) CONJUNCTIVE USE STUDY.—The Secretary is directed to continue participation in the Stockton, California Metropolitan Area Flood Control study to include the evaluation of the feasibility of storage of water at Farmington Dam to implement a conjunctive use plan. In conducting the study, the Secretary shall consult with the Stockton East Water District concerning joint operation or potential transfer of Farmington Dam. The Secretary shall make recommendations on facility transfers and operational alternatives as part of the Secretary's report to Congress.

(b) REPORT.—The Secretary shall report to Congress, no later than 1 year after the date of the enactment of this Act, on the feasibility of a conjunctive use plan using Farmington Dam for water storage.

SEC. 532. LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.

The non-Federal share for a project to add water conservation to the existing Los Angeles County Drainage Area, California, project shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

SEC. 533. PRADO DAM SAFETY IMPROVEMENTS, CALIFORNIA.

The Secretary, in coordination with the State of California, shall provide technical assistance to Orange County, California, in developing appropriate public safety and access improvements associated with that portion of California State Route 71 being relocated for the Prado Dam feature of the project authorized as part of the project for flood control, Santa Ana River Mainstem, California, by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113).

SEC. 534. SEVEN OAKS DAM, CALIFORNIA.

The non-Federal share for a project to add water conservation to the Seven Oaks Dam, Santa Ana River Mainstem, California, project shall be 100 percent of separable first costs and separable operation, maintenance, and replacement costs associated with the water conservation purpose.

SEC. 535. MANATEE COUNTY, FLORIDA.

The project for flood control, Cedar Hammock (Wares Creek), Florida, is authorized to be carried out by the Secretary substantially in accordance with the Final Detailed Project Report and Environmental Assessment, dated April 1995, at a total cost of $13,846,000, with an estimated first Federal cost of $8,783,000 and an estimated non-Federal cost of $5,063,000.

SEC. 536. TAMPA, FLORIDA.

The Secretary may enter into a cooperative agreement under section 230 of this Act with the Museum of Science and Industry, Tampa, Florida, to provide technical, planning, and design assistance to demonstrate the water quality functions found in wetlands, at an estimated total Federal cost of $500,000.

SEC. 537. WATERSHED MANAGEMENT PLAN FOR DEEP RIVER BASIN, INDIANA.

(a) DEVELOPMENT.—The Secretary, in consultation with the Natural Resources Conservation Service of the Department of Agriculture, shall develop a watershed management plan for the Deep River Basin, Indiana, which includes Deep River, Lake George, Turkey Creek, and other related tributaries in Indiana.

(b) CONTENTS.—The plan to be developed by the Secretary under subsection (a) shall address specific concerns related to the Deep River Basin area, including sediment flow into Deep River, Turkey Creek, and other tributaries; control of sediment quality in Lake George; flooding problems; the safety of the Lake George Dam; and watershed management.

SEC. 538. SOUTHERN AND EASTERN KENTUCKY.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in southern and eastern Kentucky. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southern and eastern Kentucky, including projects for wastewater treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal, except that the non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest before entry into the agreement with the Secretary. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR CERTAIN FINANCING COSTS.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for such non-Federal interest to provide the non-Federal share of the project's cost.

(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs, including for costs associated with obtaining permits necessary for the placement of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs shall be 100 percent non-Federal.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHERN AND EASTERN KENTUCKY DEFINED.—For purposes of this section, the term "southern and eastern Kentucky" means Morgan, Floyd, Pulaski, Wayne, Laurel, Knox, Pike, Menifee, Perry, Harlan, Breathitt, Martin, Jackson, Wolfe, Clay, Magoffin, Owsley, Johnson, Leslie, Lawrence, Knott, Bell, McCreary, Rockcastle, Whitley, Lee, and Letcher Counties, Kentucky.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 539. LOUISIANA COASTAL WETLANDS RESTORATION PROJECTS.

Section 303(f) of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3952(f); 104 Stat. 4782–4783) is amended—

(1) in paragraph (4) by striking "and (3)" and inserting "(3), and (5)"; and

(2) by adding at the end the following:

"(5) FEDERAL SHARE IN CALENDAR YEARS 1996 AND 1997.—Notwithstanding paragraphs (1) and (2), amounts made available in accordance with section 306 of this title to carry out coastal wetlands restoration projects under this section in calendar years 1996 and 1997 shall provide 90 percent of the cost of such projects.".

SEC. 540. SOUTHEAST LOUISIANA.

(a) FLOOD CONTROL.—The Secretary is directed to proceed with engineering, design, and construction of projects to provide for flood control and improvements to rainfall drainage systems in Jefferson, Orleans, and St. Tammany Parishes, Louisiana, in accordance with the following reports of the New Orleans District Engineer: Jefferson and Orleans Parishes, Louisiana, Urban Flood Control and Water Quality Management, July 1992; Tangipahoa, Techefuncte, and Tickfaw Rivers, Louisiana, June 1991; St. Tammany Parish, Louisiana, July 1996; and Schneider Canal, Slidell, Louisiana, Hurricane Protection, May 1990.

(b) COST SHARING.—The cost of any work performed by the non-Federal interests subsequent to the reports referred to in subsection (a) and determined by the Secretary to be a compatible and integral part of the projects shall be credited toward the non-Federal share of the projects.

(c) FUNDING.—There is authorized to be appropriated $100,000,000 for the initiation and partial accomplishment of projects described in the reports referred to in subsection (a).

SEC. 541. RESTORATION PROJECTS FOR MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA.

(a) IN GENERAL.—

(1) COOPERATION AGREEMENTS.—The Secretary shall enter into cooperation agreements with non-Federal interests to develop and carry out, in cooperation with Federal and State agencies, reclamation and protection projects for the purpose of abating and mitigating surface water quality degradation caused by abandoned mines along—

(A) the North Branch of the Potomac River, Maryland, Pennsylvania, and West Virginia; and

(B) the New River, West Virginia, watershed.

(2) ADDITIONAL MEASURES.—Projects under paragraph (1) may also include measures for the abatement and mitigation of surface water quality degradation caused by the lack of sanitary wastewater treatment facilities or the need to enhance such facilities.

(3) CONSULTATION WITH FEDERAL ENTITIES.—Any project under paragraph (1) that is located on lands owned by the United States shall be undertaken in consultation with the Federal entity with administrative jurisdiction over such lands.

(b) FEDERAL SHARE.—The Federal share of the cost of the activities conducted under cooperation agreements entered into under subsection (a)(1) shall be 75 percent; except that, with respect to projects located on lands owned by the United States, the Federal share shall be 100 percent. The non-Federal share of project costs may be provided in the form of design and construction services. Non-Federal interests shall receive credit for the reasonable costs of such services completed by such interests prior to entering an agreement with the Secretary for a project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for projects undertaken under subsection (a)(1)(A) and $5,000,000 for projects undertaken under subsection (a)(1)(B).

SEC. 542. CUMBERLAND, MARYLAND.

The Secretary is directed to provide technical, planning, and design assistance to State, local, and other Federal entities for the restoration of the Chesapeake and Ohio Canal, in the vicinity of Cumberland, Maryland.

SEC. 543. BENEFICIAL USE OF DREDGED MATERIAL, POPLAR ISLAND, MARYLAND.

The Secretary shall carry out a project for the beneficial use of dredged material at Poplar Island, Maryland, pursuant to section 204 of the Water Resources Development Act of 1992; except that, notwithstanding the limitation contained in subsection (e) of such section, the initial cost of constructing dikes for the project shall be $78,000,000, with an estimated Federal cost of $58,500,000 and an estimated non-Federal cost of $19,500,000.

SEC. 544. EROSION CONTROL MEASURES, SMITH ISLAND, MARYLAND.

(a) IN GENERAL.—The Secretary shall implement erosion control measures in the vicinity of Rhodes Point, Smith Island, Maryland, at an estimated total Federal cost of $450,000.

(b) IMPLEMENTATION ON EMERGENCY BASIS.—The project under subsection (a) shall be carried out on an emergency basis in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in infrastructure facilities.

(c) COST SHARING.—Cost sharing applicable to hurricane and storm damage reduction shall be applicable to the project to be carried out under subsection (a).

SEC. 545. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary shall develop and implement alternative methods for decontamination and disposal of contaminated dredged material at the Port of Duluth, Minnesota.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, to carry out this section $1,000,000. Such sums shall remain available until expended.

SEC. 546. REDWOOD RIVER BASIN, MINNESOTA.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture and the State of Minnesota, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damages, improve water quality, and create wildlife habitat in the Redwood River basin and the subbasins draining into the Minnesota River, at an estimated Federal cost of $4,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) COOPERATION AGREEMENT.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including activities for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 547. NATCHEZ BLUFFS, MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall carry out the project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi, substantially in accordance with (1) the Natchez Bluffs Study, dated September 1985, (2) the Natchez Bluffs Study: Supplement I, dated June 1990, and (3) the Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in subsection (b), at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000.

(b) DESCRIPTION OF PROJECT LOCATION.—The portions of the Natchez Bluffs where the project is to be carried out under subsection (a) are described in the studies referred to in subsection (a) as—

(1) Clifton Avenue, area 3;

(2) the bluff above Silver Street, area 6;

(3) the bluff above Natchez Under-the-Hill, area 7; and

(4) Madison Street to State Street, area 4.

SEC. 548. SARDIS LAKE, MISSISSIPPI.

(a) MANAGEMENT.—The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis, Mississippi, to the maximum extent practicable, in the management of existing and proposed leases of land consistent with the Sardis Lake Recreation and Tourism Master Plan prepared by the city for the economic development of the Sardis Lake area.

(b) FLOOD CONTROL STORAGE.—The Secretary shall review the study conducted by the city of Sardis, Mississippi, regarding the impact of the Sardis Lake Recreation and Tourism Master Plan prepared by the city on flood control storage in Sardis Lake. The city shall not be required to reimburse the Secretary for the cost of such storage, or the cost of the Secretary's review, if the Secretary finds that the loss of flood control storage resulting from implementation of the master plan is not significant.

SEC. 549. MISSOURI RIVER MANAGEMENT.

(a) NAVIGATION SEASON EXTENSION.—

(1) INCREASES.—The Secretary, working with the Secretary of Agriculture and the Secretary of the Interior, shall incrementally increase the length of each navigation season for the Missouri River by 15 days from the length of the previous navigation season and those seasons thereafter, until such time as the navigation season for the Missouri River is increased by 1 month from the length of the navigation season on April 1, 1996.

(2) APPLICATION OF INCREASES.—Increases in the length of the navigation season under paragraph (1) shall be applied in calendar year 1996 so that the navigation season in such calendar year for the Missouri River begins on April 1, 1996, and ends on December 15, 1996.

(3) ADJUSTMENT OF NAVIGATION LEVELS.—Scheduled full navigation levels shall be incrementally increased to coincide with increases in the navigation season under paragraph (1).

(b) WATER CONTROL POLICIES AFFECTING NAVIGATION CHANNELS.—The Secretary may not take any action which is inconsistent with a water control policy of the Corps of Engineers in effect on January 1, 1995, if such action would result in—

(1) a reduction of 10 days or more in the total number of days in a year during which vessels are able to use navigation channels; or

(2) a substantial increase in flood damage to lands adjacent to a navigation channel, unless such action is specifically authorized by a law enacted after the date of the enactment of this Act.

(c) ECONOMIC AND ENVIRONMENTAL IMPACT EVALUATION.—Whenever a Federal department, agency, or instrumentality conducts an environmental impact statement with respect to management of the Missouri River system, the head of such department, agency, or instrumentality shall also conduct a cost benefit analysis on any changes proposed in the management of the Missouri River.

SEC. 550. ST. CHARLES COUNTY, MISSOURI, FLOOD PROTECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law or regulation, no county located at the confluence of the Missouri and Mississippi Rivers or community located in any county located at the confluence of the Missouri and Mississippi Rivers shall have its participation in any Federal program suspended, revoked, or otherwise affected solely due to that county or community permitting the raising of levees by any public-sponsored levee district, along an alignment approved by the circuit court of such county, to a level sufficient to contain a 20-year flood.

(b) TREATMENT OF EXISTING PERMITS.—If any public-sponsored levee district has received a Federal permit valid during the Great Flood of 1993 to improve or modify its levee system before the date of the enactment of this Act, such permit shall be considered adequate to allow the raising of the height of levees in such system under subsection (a).

SEC. 551. DURHAM, NEW HAMPSHIRE.

The Secretary may enter into a cooperative agreement under section 230 of this Act with the University of New Hampshire to provide technical assistance for a water treatment technology center addressing the needs of small communities.

SEC. 552. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324(b)(1) of the Water Resources Development Act of 1992 (106 Stat. 4849) is amended to read as follows:

"(1) Mitigation, enhancement, and acquisition of significant wetlands that contribute to the Meadowlands ecosystem.".

SEC. 553. AUTHORIZATION OF DREDGE MATERIAL CONTAINMENT FACILITY FOR PORT OF NEW YORK/NEW JERSEY.

(a) IN GENERAL.—The Secretary is authorized to construct, operate, and maintain a dredged material containment facility with a capacity commensurate with the long-term dredged material disposal needs of port facilities under the jurisdiction of the Port of New York/New Jersey. Such facility may be a near-shore dredged material disposal facility along the Brooklyn waterfront. The costs associated with feasibility studies, design, engineering, and construction shall be shared with the local sponsor in accordance with the provisions of section 101 of the Water Resources Development Act of 1986.

(b) BENEFICIAL USE.—After the facility to be constructed under subsection (a) has been filled to capacity with dredged material, the Secretary shall maintain the facility for the public benefit.

SEC. 554. HUDSON RIVER HABITAT RESTORATION, NEW YORK.

(a) HABITAT RESTORATION PROJECT.—The Secretary shall expedite the feasibility study of the Hudson River Habitat Restoration, Hudson River Basin, New York, and shall carry out no fewer than 4 projects for habitat restoration, to the extent the Secretary determines such work to be technically feasible. Such projects shall be designed to—

(1) provide a pilot project to assess and improve habitat value and environmental outputs of recommended projects;

(2) provide a demonstration project to evaluate various restoration techniques for effectiveness and cost;

(3) fill an important local habitat need within a specific portion of the study area; and

(4) take advantage of ongoing or planned actions by other agencies, local municipalities, or environmental groups that would increase the effectiveness or decrease the overall cost of implementing one of the recommended restoration project sites.

(b) NON-FEDERAL SHARE.—Non-Federal interests shall provide 25 percent of the cost on each project undertaken under subsection (a). The non-Federal share may be in the form of cash or in-kind contributions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $11,000,000.

SEC. 555. QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) lies between the southerly high water line (as of the date of enactment of this Act) of Anable Basin (also known as the "11th Street Basin") and the northerly high water line (as of the date of enactment of this Act) of Newtown Creek; and

(3) extends from the high water line (as of the date of enactment of this Act) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREA BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) APPLICABILITY OF FEDERAL LAW.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of the enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

SEC. 556. NEW YORK BIGHT AND HARBOR STUDY.

Section 326(f) of the Water Resources Development Act of 1992 (106 Stat. 4851) is amended by striking "$1,000,000" and inserting "$5,000,000".

SEC. 557. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—The Secretary is authorized to make capital improvements to the New York State Canal System.

(b) AGREEMENTS.—The Secretary shall, with the consent of appropriate local and State entities, enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State Canal System and its related facilities, including trailside facilities and other recreational projects along the waterways of the canal system.

(c) NEW YORK STATE CANAL SYSTEM DEFINED.—In this section, the term "New York State Canal System" means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals.

(d) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 558. NEW YORK CITY WATERSHED.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program for providing environmental assistance to non-Federal interests in the New York City Watershed.

(2) FORM.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the New York City Watershed, including projects for water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) ELIGIBLE PROJECTS.—

(1) CERTIFICATION.—A project shall be eligible for financial assistance under this section only if the State director for the project certifies to the Secretary that the project will contribute to the protection and enhancement of the quality or quantity of the New York City water supply.

(2) SPECIAL CONSIDERATION.—In certifying projects to the Secretary, the State director shall give special consideration to those projects implementing plans, agreements, and measures which preserve and enhance the economic and social character of the watershed communities.

(3) PROJECT DESCRIPTIONS.—Projects eligible for assistance under this section shall include the following:

(A) Implementation of intergovernmental agreements for coordinating regulatory and management responsibilities.

(B) Acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use.

(C) Acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality.

(D) Natural resources stewardship on public and private lands to promote land uses that preserve and enhance the economic and social character of the watershed communities and protect and enhance water quality.

(d) COOPERATION AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with the State director for the project to be carried out with such assistance.

(e) COST SHARING.—

(1) IN GENERAL.—Total project costs under each agreement entered into under this section shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into the agreement with the Secretary for a project. The Federal share may be in the form of grants or reimbursements of project costs.

(2) INTEREST.—In the event of delays in the reimbursement of the non-Federal share of a project, the non-Federal interest shall receive credit for reasonable interest costs incurred to provide the non-Federal share of a project's cost.

(3) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward its share of project costs, including direct costs associated with obtaining permits necessary for the placement of such project on public owned or controlled lands, but not to exceed 25 percent of total project costs.

(4) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2000, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with recommendations concerning whether such program should be implemented on a national basis.

(h) NEW YORK CITY WATERSHED DEFINED.—For purposes of this section, the term "New York City Watershed" means the land area within the counties of Delaware, Greene, Schoharie, Ulster, Sullivan, Westchester, Putnam, and Duchess which contributes water to the water supply system of New York City.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000.

SEC. 559. OHIO RIVER GREENWAY.

(a) EXPEDITED COMPLETION OF STUDY.—The Secretary is directed to expedite the completion of the study for the Ohio River Greenway, Jeffersonville, Clarksville, and New Albany, Indiana.

(b) CONSTRUCTION.—Upon completion of the study, if the Secretary determines that the project is feasible, the Secretary shall participate with the non-Federal interests in the construction of the project.

(c) COST SHARING.—Total project costs under this section shall be shared at 50 percent Federal and 50 percent non-Federal.

(d) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-Federal interests shall be responsible for providing all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for the project.

(e) CREDIT.—The non-Federal interests shall receive credit for those costs incurred by the non-Federal interests that the Secretary determines are compatible with the study, design, and implementation of the project.

SEC. 560. NORTHEASTERN OHIO.

The Secretary is authorized to provide technical assistance to local interests for planning the establishment of a regional water authority in northeastern Ohio to address the water problems of the region. The Federal share of the costs of such planning shall not exceed 75 percent.

SEC. 561. GRAND LAKE, OKLAHOMA.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Army shall carry out and complete a study of flood control in Grand/Neosho Basin and tributaries in the vicinity of Pensacola Dam in northeastern Oklahoma to determine the scope of the backwater effects of operation of the dam and to identify any lands which the Secretary determines have been adversely impacted by such operation or should have been originally purchased as flowage easement for the project.

(b) ACQUISITION OF REAL PROPERTY.—Upon completion of the study and subject to advance appropriations, the Secretary shall acquire from willing sellers such real property interests in any lands identified in the study as the Secretary determines are necessary to reduce the adverse impacts identified in the study conducted under subsection (a).

(c) IMPLEMENTATION REPORTS.—The Secretary shall transmit to Congress reports on the operation of the Pensacola Dam, including data on and a description of releases in anticipation of flooding (referred to as preoccupancy releases), and the implementation of this section. The first of such reports shall be transmitted not later than 2 years after the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal years beginning after September 30, 1996.

(2) MAXIMUM FUNDING FOR STUDY.—Of amounts appropriated to carry out this section, not to exceed $1,500,000 shall be available for carrying out the study under subsection (a).

SEC. 562. BROAD TOP REGION OF PENNSYLVANIA.

Section 304 of the Water Resources Development Act of 1992 (106 Stat. 4840) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) COST SHARING.—The Federal share of the cost of the activities conducted under the cooperative agreement entered into under subsection (a) shall be 75 percent. The non-Federal share of project costs may be provided in the form of design and construction services and other in-kind work provided by the non-Federal interests, whether occurring subsequent to, or within 6 years prior to, entering into an agreement with the Secretary. Non-Federal interests shall receive credit for grants and the value of work performed on behalf of such interests by State and local agencies."; and

(2) in subsection (c) by striking "$5,500,000" and inserting "$11,000,000".

SEC. 563. CURWENSVILLE LAKE, PENNSYLVANIA.

The Secretary shall modify the allocation of costs for the water reallocation project at Curwensville Lake, Pennsylvania, to the extent that the Secretary determines that such reallocation will provide environmental restoration benefits in meeting in-stream flow needs in the Susquehanna River basin.

SEC. 564. HOPPER DREDGE MCFARLAND.

(a) PROJECT AUTHORIZATION.—The Secretary is authorized to carry out a project at the Philadelphia Naval Shipyard, Pennsylvania, to make modernization and efficiency improvements to the hopper dredge McFarland.

(b) REQUIREMENTS.—In carrying out the project under subsection (a), the Secretary shall—

(1) determine whether the McFarland should be returned to active service or the reserve fleet after the project is completed; and

(2) establish minimum standards of dredging service to be met in areas served by the McFarland while the drydocking is taking place.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 565. PHILADELPHIA, PENNSYLVANIA.

(a) WATER WORKS RESTORATION.—

(1) IN GENERAL.—The Secretary shall provide planning, design, and construction assistance for the protection and restoration of the Philadelphia, Pennsylvania Water Works.

(2) COORDINATION.—In providing assistance under this subsection, the Secretary shall coordinate with the Fairmount Park Commission and the Secretary of the Interior.

(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $1,000,000 for fiscal years beginning after September 30, 1996.

(b) COOPERATION AGREEMENT FOR SCHUYLKILL NAVIGATION CANAL.—

(1) IN GENERAL.—The Secretary shall enter into a cooperation agreement with the city of Philadelphia, Pennsylvania, to participate in the operation, maintenance, and rehabilitation of the Schuylkill Navigation Canal at Manayunk.

(2) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of the operation, maintenance, and rehabilitation under paragraph (1) shall not exceed $300,000 annually.

(3) AREA INCLUDED.—For purposes of this subsection, the Schuylkill Navigation Canal includes the section approximately 10,000 feet long extending between Lock and Fountain Streets, Philadelphia, Pennsylvania.

(c) SCHUYLKILL RIVER PARK.—

(1) ASSISTANCE.—The Secretary is authorized to provide technical, planning, design, and construction assistance for the Schuylkill River Park, Philadelphia, Pennsylvania.

(2) FUNDING.—There is authorized to be appropriated $2,700,000 to carry out this subsection.

(d) PENNYPACK PARK.—

(1) ASSISTANCE.—The Secretary is authorized to provide technical, design, construction, and financial assistance for measures for the improvement and restoration of aquatic habitats and aquatic resources at Pennypack Park, Philadelphia, Pennsylvania.

(2) COOPERATION AGREEMENTS.—In providing assistance under this subsection, the Secretary shall enter into cooperation agreements with the city of Philadelphia, acting through the Fairmount Park Commission.

(3) FUNDING.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, $15,000,000 to carry out this subsection.

(e) FRANKFORD DAM.—

(1) COOPERATION AGREEMENTS.—The Secretary shall enter into cooperation agreements with the city of Philadelphia, Pennsylvania, acting through the Fairmount Park Commission, to provide assistance for the elimination of the Frankford Dam, the replacement of the Rhawn Street Dam, and modifications to the Roosevelt Dam and the Verree Road Dam.

(2) FUNDING.—There is authorized to be appropriated for fiscal years beginning after September 30, 1996, $900,000, to carry out this subsection.

SEC. 566. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

(a) STUDY AND STRATEGY DEVELOPMENT.—The Secretary, in cooperation with the Secretary of Agriculture, the State of Pennsylvania, and the State of New York, shall conduct a study, and develop a strategy, for using wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damages, improve water quality, and create wildlife habitat in the following portions of the Upper Susquehanna River basin:

(1) the Juniata River watershed, Pennsylvania, at an estimated Federal cost of $15,000,000; and

(2) the Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of $10,000,000.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy shall be 25 percent and may be provided through in-kind services and materials.

(c) COOPERATION AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies, including activities for the implementation of wetland restoration projects and soil and water conservation measures.

(d) IMPLEMENTATION.—The Secretary shall undertake development and implementation of the strategy authorized by this section in cooperation with local landowners and local government officials.

SEC. 567. SEVEN POINTS VISITORS CENTER, RAYSTOWN LAKE, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall construct a visitors center and related public use facilities at the Seven Points Recreation Area at Raystown Lake, Pennsylvania, generally in accordance with the Master Plan Update (1994) for the Raystown Lake Project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 568. SOUTHEASTERN PENNSYLVANIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pilot program for providing environmental assistance to non-Federal interests in southeastern Pennsylvania. Such assistance may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in southeastern Pennsylvania, including projects for waste water treatment and related facilities, water supply, storage, treatment, and distribution facilities, and surface water resource protection and development.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(c) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of each such legal and institutional structures as are necessary to assure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non-Federal. The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project. The Federal share may be in the form of grants or reimbursements of project costs.

(B) INTEREST.—In the event of delays in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(C) LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs, including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands, but not to exceed 25 percent of total project costs.

(D) OPERATION AND MAINTENANCE.—Operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent non-Federal.

(d) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law which would otherwise apply to a project to be carried out with assistance provided under this section.

(e) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(f) SOUTHEASTERN PENNSYLVANIA DEFINED.—For purposes of this section, the term "Southeastern Pennsylvania" means Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pennsylvania.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal years beginning after September 30, 1996. Such sums shall remain available until expended.

SEC. 569. WILLS CREEK, HYNDMAN, PENNSYLVANIA.

The Secretary shall carry out a project for flood control, Wills Creek, Borough of Hyndman, Pennsylvania, at an estimated total cost of $5,000,000. For purposes of section 209 of the Flood Control Act of 1970 (84 Stat. 1829), benefits attributable to the national economic development objectives set forth in such section shall include all primary, secondary, and tertiary benefits attributable to the flood control project authorized by this section regardless of to whom such benefits may accrue.

SEC. 570. BLACKSTONE RIVER VALLEY, RHODE ISLAND AND MASSACHUSETTS.

(a) IN GENERAL.—The Secretary, in coordination with Federal, State, and local interests, shall provide technical, planning, and design assistance in the development and restoration of the Blackstone River Valley National Heritage Corridor, Rhode Island, and Massachusetts.

(b) FEDERAL SHARE.—Funds made available under this section for planning and design of a project may not exceed 75 percent of the total cost of such planning and design.

SEC. 571. EAST RIDGE, TENNESSEE.

The Secretary shall review the flood management study for the East Ridge and Hamilton County area undertaken by the Tennessee Valley Authority and shall carry out the project at an estimated total cost of $25,000,000.

SEC. 572. MURFREESBORO, TENNESSEE.

The Secretary shall carry out a project for environmental enhancement, Murfreesboro, Tennessee, in accordance with the Report and Environmental Assessment, Black Fox, Murfree and Oaklands Spring Wetlands, Murfreesboro, Rutherford County, Tennessee, dated August 1994.

SEC. 573. BUFFALO BAYOU, TEXAS.

The non-Federal interest for the projects for flood control, Buffalo Bayou Basin, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258), and Buffalo Bayou and tributaries, Texas, authorized by section 101 of the Water Resources Development Act of 1990 (104 Stat. 4610), may be reimbursed by up to $5,000,000 or may receive a credit of up to $5,000,000 against required non-Federal project cost-sharing contributions for work performed by the non-Federal interest at each of the following locations if such work is compatible with the following authorized projects: White Oak Bayou, Brays Bayou, Hunting Bayou, Garners Bayou, and the Upper Reach on Greens Bayou.

SEC. 574. SAN ANTONIO RIVER, TEXAS.

Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority an amount not to exceed $5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of the enactment of this Act.

SEC. 575. NEABSCO CREEK, VIRGINIA.

The Secretary shall carry out a project for flood control, Neabsco Creek Watershed, Prince William County, Virginia, at an estimated total cost of $1,500,000.

SEC. 576. TANGIER ISLAND, VIRGINIA.

The Secretary is directed to design and construct a breakwater at the North Channel on Tangier Island, Virginia, at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000. Congress finds that in view of the historic preservation benefits resulting from the project authorized by this section, the overall benefits of the project exceed the costs of the project.

SEC. 577. HARRIS COUNTY, TEXAS.

(a) IN GENERAL.—During any evaluation of economic benefits and costs for projects set forth in subsection (b) that occurs after the date of the enactment of this Act, the Secretary shall not consider flood control works constructed by non-Federal interests within the drainage area of such projects prior to the date of such evaluation in the determination of conditions existing prior to construction of the project.

(b) SPECIFIC PROJECTS.—The projects to which subsection (a) apply are—

(1) the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by section 101(a) of the Water Resources Development Act of 1990 (104 Stat. 4610);

(2) the project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014); and

(3) the project for flood control, Buffalo Bayou Basin, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1258).

SEC. 578. PIERCE COUNTY, WASHINGTON.

(a) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Pierce County, Washington, to address measures that are necessary to assure that non-Federal levees are adequately maintained and satisfy eligibility criteria for rehabilitation assistance under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n; 55 Stat. 650). Such assistance shall include a review of the requirements of the Puyallup Tribe of Indians Settlement Act of 1989 (Public Law 101–41) and standards for project maintenance and vegetation management used by the Secretary to determine eligibility for levee rehabilitation assistance with a view toward amending such standards as needed to make non-Federal levees eligible for assistance that may be necessary as a result of future flooding.

(b) LEVEE REHABILITATION.—The Secretary shall expedite a review to determine the extent to which requirements of the Puyallup Tribe of Indians Settlement Act of 1989 limited the ability of non-Federal interests to adequately maintain existing non-Federal levees that were damaged by flooding in 1995 and 1996 and, to the extent that such ability was limited by such Act, the Secretary shall carry out the rehabilitation of such levees.

SEC. 579. WASHINGTON AQUEDUCT.

(a) REGIONAL ENTITY.—

(1) IN GENERAL.—Congress encourages the non-Federal public water supply customers of the Washington Aqueduct to establish a non-Federal public or private entity, or to enter into an agreement with an existing non-Federal public or private entity, to receive title to the Washington Aqueduct and to operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of such customers.

(2) CONSENT OF CONGRESS.—Congress grants consent to the jurisdictions which are customers of the Washington Aqueduct to establish a non-Federal entity to receive title to the Washington Aqueduct and to operate, maintain, and manage the Washington Aqueduct.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall preclude the jurisdictions referred to in this subsection from pursuing alternative options regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(b) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress in achieving the objectives of subsection (a) and a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a non-Federal public or private entity. Such plan shall include a transfer of ownership, operation, maintenance, and management of the Washington Aqueduct that is consistent with the provisions of this section and a detailed consideration of any proposal to transfer such ownership or operation, maintenance, or management to a private entity.

(c) TRANSFER.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transfer, without consideration but subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States and the non-Federal public water supply customers, all right, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, equipment, supplies, and personalty—

(A) to a non-Federal public or private entity established pursuant to subsection (a); or

(B) in the event no entity is established pursuant to subsection (a), a non-Federal public or private entity selected by the Secretary which reflects, to the extent possible, a consensus among the non-Federal public water supply customers.

(2) TRANSFEREE SELECTION CRITERIA.—The selection of a non-Federal public or private entity under paragraph (1)(B) shall be based on technical, managerial, and financial capabilities and on consultation with the non-Federal public water supply customers and after opportunity for public input.

(3) ASSUMPTION OF RESPONSIBILITIES.—The entity to whom transfer under paragraph (1) is made shall assume full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with its intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Washington Aqueduct service area.

(4) EXTENSION.—Notwithstanding the 2-year deadline established in paragraph (1), the Secretary may provide a 1-time 6-month extension of such deadline if the Secretary determines that the non-Federal public water supply customers are making progress in establishing an entity pursuant to subsection (a) and that such an extension would likely result in the establishment of such an entity.

(d) INTERIM BORROWING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to the Secretary for fiscal years 1997 and 1998 borrowing authority in amounts sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements during such fiscal years for the Washington Aqueduct to assure its continued operation until such time as the transfer under subsection (c) has taken place, provided that such amounts do not exceed $16,000,000 for fiscal year 1997 and $54,000,000 for fiscal year 1998.

(2) TERMS AND CONDITIONS.—The borrowing authority under paragraph (1) shall be provided to the Secretary by the Secretary of the Treasury under such terms and conditions as the Secretary of the Treasury determines to be necessary in the public interest and may be provided only after each of the non-Federal public water supply customers of the Washington Aqueduct has entered into a contractual agreement with the Secretary to pay its pro rata share of the costs associated with such borrowing.

(3) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation

with other Federal agencies, shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that assesses the impact of the borrowing authority provided under this subsection on near-term improvement projects under the Washington Aqueduct Improvement Program, work scheduled during fiscal years 1997 and 1998, and the financial liability to be incurred.

(e) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) WASHINGTON AQUEDUCT.—The term "Washington Aqueduct" means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of the enactment of this Act, including the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir, the infrastructure and appurtenances used to treat water taken from the Potomac River by such facilities to potable standards, and related water distributions facilities.

(2) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMERS.—The term "non-Federal public water supply customers" means the District of Columbia, Arlington County, Virginia, and the city of Falls Church, Virginia.

SEC. 580. GREENBRIER RIVER BASIN, WEST VIRGINIA, FLOOD PROTECTION.

(a) IN GENERAL.—The Secretary is directed to design and implement a flood damage reduction program for the Greenbrier River Basin, West Virginia, in the vicinity of Durbin, Cass, Marlinton, Renick, Ronceverte, and Alderson as generally presented in the District Engineer's draft Greenbrier River Basin Study Evaluation Report, dated July 1994, to the extent provided under subsection (b) to afford those communities a level of protection against flooding sufficient to reduce future losses to these communities from the likelihood of flooding such as occurred in November 1985, January 1996, and May 1996.

(b) FLOOD PROTECTION MEASURES.—The flood damage reduction program referred to in subsection (a) may include the following as the Chief of Engineers determines necessary and advisable in consultation with the communities referred to in subsection (a)—

(1) local protection projects such as levees, floodwalls, channelization, small tributary stream impoundments, and nonstructural measures such as individual flood proofing; and

(2) floodplain relocations and resettlement site developments, floodplain evacuations, and a comprehensive river corridor and watershed management plan generally in accordance with the District Engineer's draft Greenbrier River Corridor Management Plan, Concept Study, dated April 1996.

(c) CONSIDERATIONS.—For purposes of section 209 of the Flood Control Act of 1970 (84 Stat. 1829), benefits attributable to the national economic development objectives set forth therein shall include all primary, secondary, and tertiary benefits attributable to the flood damage reduction program authorized by this section regardless to whomever they might accrue.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 581. HUNTINGTON, WEST VIRGINIA.

The Secretary may enter into a cooperative agreement with Marshall University, Huntington, West Virginia, to provide technical assistance to the Center for Environmental, Geotechnical and Applied Sciences.

SEC. 582. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The Secretary shall review the watershed plan and the environmental impact statement prepared for the Lower Mud River, Milton, West Virginia by the Natural Resources Conservation Service pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) and shall carry out the project.

SEC. 583. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.

(a) IN GENERAL.—The Secretary shall design and construct flood control measures in the Cheat and Tygart River Basins, West Virginia, and the Lower Allegheny, Lower Monongahela, West Branch Susquehana, and Juanita River Basins, Pennsylvania, at a level of protection sufficient to prevent any future losses to these communities from flooding such as occurred in January 1996, but no less than 100 year level of protection.

(b) PRIORITY COMMUNITIES.— In implementing this section, the Secretary shall give priority to the communities of Parsons and Rowlesburg, West Virginia, in the Cheat River Basin and Bellington and Phillipi, West Virginia, in the Tygart River Basin, and Connellsville, Pennsylvania, in the Lower Monongahela River Basin, and Benson, Hooversville, Clymer, and New Bethlehem, Pennsylvania, in the Lower Allegheny River Basin, and Patton, Barnesboro, Coalport and Spangler, Pennsylvania, in the West Branch Susquehanna River Basin, and Bedford, Linds Crossings, and Logan Township in the Juniata River Basin.

(c) CONSIDERATIONS.—For purposes of section 209 of the Flood Control Act of 1970, benefits attributable to the national economic development objectives set forth in such section shall include all primary, secondary, and tertiary benefits attributable to the flood control measures authorized by this section regardless of to whom such benefits may accrue.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal years beginning after September 30, 1996.

SEC. 584. EVALUATION OF BEACH MATERIAL.

(a) IN GENERAL.—The Secretary and the Secretary of the Interior shall evaluate procedures and requirements used in the selection and approval of materials to be used in the restoration and nourishment of beaches. Such evaluation shall address the potential effects of changing existing procedures and requirements on the implementation of beach restoration and nourishment projects and on the aquatic environment.

(b) CONSULTATION.—In conducting the evaluation under this section, the Secretaries shall consult with appropriate State agencies.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretaries shall transmit a report to Congress on their findings under this section.

SEC. 585. NATIONAL CENTER FOR NANOFABRICATION AND MOLECULAR SELF-ASSEMBLY.

(a) IN GENERAL.—The Secretary is authorized to provide financial assistance for not to exceed 50 percent of the costs of the necessary fixed and movable equipment for a National Center for Nanofabrication and Molecular Self-Assembly to be located in Evanston, Illinois.

(b) TERMS AND CONDITIONS.—No financial assistance may be provided under this section unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for fiscal years beginning after September 30, 1996 .

SEC. 586. SENSE OF CONGRESS REGARDING ST. LAWRENCE SEAWAY TOLLS.

It is the sense of Congress that the President should engage in negotiations with the Government of Canada for the purposes of—

(1) eliminating tolls along the St. Lawrence Seaway system; and

(2) identifying ways to maximize the movement of goods and commerce through the St. Lawrence Seaway.

SEC. 587. PRADO DAM, CALIFORNIA.

(a) SEPARABLE ELEMENT REVIEW.—

(1) REVIEW.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall review, in cooperation with the non-Federal interest, the Prado Dam feature of the project for flood control, Santa Ana River Mainstem, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4113), with a view toward determining whether the feature may be considered a separable element, as that term is defined in section 103(f) of such Act.

(2) MODIFICATION OF COST-SHARING REQUIREMENT.—If the Prado Dam feature is determined to be a separable element under paragraph (1), the Secretary shall reduce the non-Federal cost-sharing requirement for such feature in accordance with section 103(a)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(3)) and shall enter into a project cooperation agreement with the non-Federal interest to reflect the modified cost-sharing requirement and to carry out construction.

(b) DAM SAFETY ADJUSTMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall determine the estimated costs associated with dam safety improvements that would have been required in the absence of flood control improvements authorized for the Santa Ana River Mainstem project referred to in subsection (a) and shall reduce the non-Federal share for the Prado Dam feature of such project by an amount equal to the Federal share of such dam safety improvements, updated to current price levels.

SEC. 588. MORGANZA, LOUISIANA TO THE GULF OF MEXICO.

(1) STUDY.—The Secretary shall conduct a study of the environmental, flood control and navigational impacts assoiciated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study currently being conducted under the Morganza, Louisiana to the Gulf of Mexico feasibility study. In preparing such study, the Secretary shall consult the South Terrebonne Tidewater Management and Conservation District and consider the District's Preliminary Design Document, dated February, 1994. Further, the Secretary shall evaluate the findings of the Coastal Wetlands Planning, Protection and Restoration Federal Task Force, as authorized by Public Law 101-646, relating to the lock structure.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with recommendations on immediate implementation not later than 6 months after the enactment of this Act.

TITLE VI—EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY UNDER HARBOR MAINTENANCE TRUST FUND.

Paragraph (1) of section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from Harbor Maintenance Trust Fund) is amended to read as follows:

"(1) to carry out section 210 of the Water Resources Development Act of 1986 (as in effect on the date of the enactment of the Water Resources Development Act of 1996),".

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the

House and request a conference with the House on the disagreeing vote and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. SMITH) appointed Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. BAUCUS, and Mr. MOYNIHAN conferees on the part of the Senate.

CLARIFYING THE DESIGNATION OF NORMAL TRADE RELATIONS

Mr. SHELBY. Mr. President, I ask unanimous consent the Finance Committee be discharged from further consideration of S. 1918, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1918) to amend trade laws and related provisions to clarify the designation of normal trade relations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, I rise in strong support of S. 1918, legislation aimed at bringing a modicum of clarity to our trade laws. This bill, cosponsored by all 20 members of the Senate Committee on Finance, would replace the term "most-favored-nation" with a more direct, more accurate, less muddled phrase to describe the basis of our trade policy.

Since the 18th century, American trade policy has been one of nondiscrimination: the vast majority of our trading partners receive treatment equal to all others. Not most-favored treatment, but normal treatment. And hence, we propose the term "normal trade relations" in the hopes that it will lessen the confusion when we discuss trade matters.

At the root of the problem is that we continue to use a term that first appeared at the end of the 17th century—"most-favored-nation"—in our treaties and agreements, in our trade laws and executive orders, a term that, even then, was a misnomer.

There is, Mr. President, no single most favored nation. As noted in a 1919 report to the Congress by the United States Tariff Commission (known today as the U.S. International Trade Commission):

> It is neither the purpose nor the effect of the most-favored-nation clause to establish a "most favored nation;" on the contrary its use implies the intention that the maximum of advantages which either of the parties to a treaty has extended or shall extend to any third State—for the moment the "most-favored"—shall be given or be made accessible to the other party."

That is, the most favored nation is not the nation with which we are negotiating, but rather a third nation altogether that happens to benefit from the lowest tariffs or smallest trade barriers with respect to some particular product. The most-favored-nation principle means merely that we will grant to the country with which we are negotiating the same terms that we give to that third country, for the moment the most favored.

Little wonder, then, that the term, though used for more than two centuries, has increasingly caused public confusion. And yet we must have a term to describe our normal trade relations for the simple reason that there is still in law a very unfavorable tariff—that is, the Smoot-Hawley Tariff Act of 1930, the last tariff schedule enacted line-by-line by the Congress, producing the highest tariff rates, overall, in our history.

In response to the disaster that followed, the Roosevelt administration negotiated a series of trade agreements—agreements with individual countries as well as multilateral agreements negotiated under the auspices of the General Agreement on Tariffs and Trade. These agreements brought down our tariffs, as they brought down tariffs worldwide.

These are the tariffs that we call our most-favored-nation tariff rates, which, in fact, apply to the vast majority of our trading partners. They are thus the norm, and not in any way more favorable than the tariffs that apply to nearly all other countries.

Nor are they, in fact, the lowest tariff rates the United States applies. We have free trade arrangements with Canada, Israel, and Mexico. We grant other tariff preferences to developing countries under the Generalized System of Preferences, to Caribbean nations under the Caribbean Basin Initiative and to Andean countries under the Andean Trade Preferences Act. The tariff rates under all of these regimes are lower than the most-favored-nation rates referred to in our laws and treaties. Hence the confusion, and hence the need to change the terminology to clarify that our most-favored-nation tariff rates represent, in fact, our normal trade relations.

Mr. President, this legislation in no way intends to alter our fundamental international obligations. The term "most-favored-nation" has a long history of application and interpretation, and that will stand. This legislation is not intended as a substantive change in our trade policy. Rather, it is intended only as a change in nomenclature with the sole purpose of making our trade policy more comprehensible.

Mr. President, it is rare that legislation before the Senate has the cosponsorship of the entire membership of the committee of jurisdiction. That is the case with S. 1918, which strikes a bipartisan blow for clarity in our trade laws.

Mr. SHELBY. I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1918) was deemed read for a third time and passed, as follows:

S. 1918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) Since the 18th century, the principle of nondiscrimination among countries with which the United States has trade relations, commonly referred to as "most-favored-nation" treatment, has been a cornerstone of United States trade policy.

(2) Although the principle remains firmly in place as a fundamental concept in United States trade relations, the term "most-favored-nation" is a misnomer which has led to public misunderstanding.

(3) It is neither the purpose nor the effect of the most-favored-nation principle to treat any country as "most favored". To the contrary, the principle reflects the intention to confer on a country the same trade benefits that are conferred on any other country, that is, the intention not to discriminate among trading partners.

(4) The term "normal trade relations" is a more accurate description of the principle of nondiscrimination as it applies to the tariffs applicable generally to imports from United States trading partners, that is, the general rates of duty set forth in column 1 of the Harmonized Tariff Schedule of the United States.

(b) POLICY.—It is the sense of the Congress that—

(1) the language used in the United States laws, treaties, agreements, executive orders, directives, and regulations should more clearly and accurately reflect the underlying principles of United States trade policy; and

(2) accordingly, the term "normal trade relations" should, where appropriate, be substituted for the term "most-favored-nation".

SEC 2. CHANGE IN TERMINOLOGY.

(a) TRADE EXPANSION ACT OF 1962.—The heading for section 251 of the Trade Expansion Act of 1962 (19 U.S.C. 1881) is amended to read as follows: "**NORMAL TRADE RELATIONS**".

(b) TRADE ACT OF 1974.—(1) Section 402 of the Trade Act of 1974 (19 U.S.C. 2432) is amended by striking "(most-favored-nation treatment)" each place it appears and inserting "(normal trade relations)".

(2) Section 601(9) of the Trade Act of 1974 (19 U.S.C. 2481(9)) is amended by striking "most-favored-nation treatment" and inserting "trade treatment based on normal trade relations (known under international law as most-favored-nation treatment)".

(c) CFTA.—Section 302(a)(3)(C) of the United States Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended by striking "the most-favored-nation rate of duty" each place it appears and inserting "the general subcolumn of the column 1 rate of duty set forth in the Harmonized Tariff Schedule of the United States".

(d) NAFTA.—Section 202(n) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332(n)) is amended by striking "most-favored-nation".

(e) SEED ACT.—Section 2(c)(11) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 (c)(11)) is amended—

(1) by striking "(commonly referred to as 'most favored nation status')", and

(2) by striking "MOST FAVORED NATION TRADE STATUS" in the heading and inserting "NORMAL TRADE RELATIONS".

(f) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 103(4) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(4)) is amended by striking "(commonly referred to as most-favored-nation status')".

SEC. 3. SAVINGS PROVISIONS

Nothing in this Act shall affect the meaning of any provision of law, Executive order, Presidential proclamation, rule, regulation, delegation of authority, other document, or treaty or other international agreement of the United States relating to the principle of "most-favored-nation" (or "most favored nation") treatment. Any Executive order, Presidential proclamation, rule, regulation, delegation of authority, other document, or treaty or other international agreement of the United States that has been issued, made, granted, or allowed to become effective and that is in effect on the effective date of this Act, or was to become effective on or after the effective date of this Act, shall continue in effect according to its terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

G.V. (SONNY) MONTGOMERY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. SHELBY. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 1669, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1669) to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G. V. (Sonny) Montgomery Department of Veterans Affairs Medical Center."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I am privileged to have introduced S. 1669, along with Senator THAD COCHRAN, to name the VA medical center in Jackson, MS, in honor of our friend and colleague, Representative SONNY MONTGOMERY. A companion bill, H.R. 3253, was introduced by Representative MIKE PARKER, and it has already passed the House.

As many of you know, Congressman MONTGOMERY is retiring at the end of his current term after 30 illustrious years in the House. He has had a distinguished career and served under seven Presidents. "Mr. Veteran," as many of us have affectionately called SONNY, led efforts to obtain Cabinet-level status for the Department of Veterans Affairs. He introduced and guided to passage a peacetime GI education bill which provides incentives for both recruitment and retention of qualified young men and women for the Armed Forces. This landmark legislation bears his name as the Montgomery GI bill.

Congressman MONTGOMERY has strongly championed the State Veterans Affairs nursing homes. He has done yeoman's service for veterans as chairman of the Veterans' Affairs Committee and as a distinguished member of the House National Security Committee. Veterans throughout the Nation have benefited greatly from the outstanding resources provided by VA facilities established and improved under SONNY's watch. In particular, veterans from Mississippi, and neighboring States, are well served by the Veterans Benefits Administration Southern Area Office, the VA Regional Office, and two VA medical centers made possible by the chairman's able hand.

The VA medical center in Jackson definitely needs an official name. Others have distinguished names such as the Sam Rayburn VA, the Jerry Pettis VA, and the James Haley Veterans Hospital. Unquestionably, Representative SONNY MONTGOMERY, Congress' "Mr. Veteran," truly is well-deserving of having the Jackson VA Medical Center named in his honor.

It is very appropriate that this legislation comes before us now because of several events that are occurring to pay tribute to SONNY. Representative MONTGOMERY is being honored this week by his colleagues on the House Veterans' Affairs Committee for his dedicated service. Also, Mississippi State University, the chairman's alma mater, is hosting a benefit dinner for him. Proceeds from this benefit will establish the Sonny Montgomery Scholars Program at MSU. Furthermore, House colleagues have made arrangements to plant a magnolia tree on the southeast corner of the Capitol Grounds as a living testimony of SONNY's many years of service and outstanding achievements.

Mr. President, SONNY is one of the most outstanding, revered, and beloved Members of Congress. Veterans' Affairs Committee Chairman ALAN SIMPSON is a cosponsor of S. 1669, and strongly supports this measure. I urge my colleagues to join with me in this fitting tribute to our friend and colleague, Representative G.V. (SONNY) MONTGOMERY.

Mr. President, I ask unanimous consent to have printed in the RECORD a "Dear Colleague" letter dated May 9, 1996.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
RUSSELL SENATE OFFICE BUILDING,
Washington, DC, May 9, 1996.

DEAR COLLEAGUE: I am privileged to have recently introduced S. 1669, along with Sen. Thad Cochran, to name the Department of Veterans Affairs Medical Center in Jackson, MS, in honor of our friend and colleague, Rep. G. V. (Sonny) Montgomery. A companion bill has been introduced in the House.

As many of you know, Congressman Montgomery is retiring at the end of his current term after 30 illustrious years in the House. He has had a distinguished career and served under seven presidents. "Mr. Veteran", as many of us have affectionately called Sonny, lead efforts to obtain cabinet level status for the VA. He introduced and guided to passage a peacetime G.I. education bill which provides incentives for both recruitment and retention of qualified young men and women for the armed forces. This landmark legislation bears his name as the Montgomery G.I. Bill.

Additionally, Congressman Montgomery has strongly supported veterans programs such as the State Veterans Affairs Nursing Homes. He has done yeoman's service for veterans as chairman of the Veterans Affairs Committee and as a distinguished member of the House National Security Committee. Veterans throughout the Nation have benefited greatly from the outstanding resources provided by VA facilities established and improved under Sonny's watch. In particular, veterans from Mississippi, and neighboring states, are well served by the Veterans Benefits Administration Southern Area Office, the VA Regional Office, and two VA Medical Centers made possible by the chairman's able hand.

The VA Medical Center in Jackson needs an official name. Others have distinguished names such as the Sam Rayburn VA, the Jerry Pettis VA, and the James Haley Veterans Hospital. Rep. Sonny Montgomery, Congress' "Mr. Veteran" truly is well-deserving of having the Jackson VA Medical Center named in his honor.

I would appreciate your joining me in support of S. 1669. Please call Ney Williams of my staff at 224-4553 to cosponsor. Thank you for your consideration, and with kind regards, I am

Sincerely yours,

TRENT LOTT.

Mr. COCHRAN. Mr. President, I am pleased to join my colleague in honoring our friend, the gentleman from Mississippi, SONNY MONTGOMERY, who is retiring from the House of Representatives at the end of this Congress. We have joined in sponsoring this bill to name the VA medical center in Jackson, MS, the G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center. Throughout his career, as a senior member of the House National Security Committee and as chairman of the Veterans' Affairs Committee, SONNY has demonstrated genuine concern for the health, education, and well-being of our Nation's veterans. He firmly believes that we should treat veterans with dignity and compassion, and he has worked hard as chairman of the Veterans' Affairs Committee to enact programs and provide facilities to meet that obligation.

SONNY's concern for and attention to the men and women of our Armed Forces is firmly rooted in his own experiences, having served in the Army and Army National Guard for a total of 38 years. SONNY served in World War II and during the Korean War. As a dedicated member of the Mississippi Army National Guard, he was promoted to the rank of major general before his retirement in 1981.

SONNY's political career began as a member of the Mississippi State Senate from Lauderdale County. He served with distinction for 10 years, from 1956–1966. In 1966, he ran for and won the seat in Congress from the Third District of Mississippi. SONNY has proven to be a very capable, productive, and popular Representative. He was overwhelmingly reelected each term since the 90th Congress.

During that 30-year period of service he has earned the reputation of a champion of national defense and veterans' issues, and he often is referred to by his colleagues as "Mr. Veteran" or "Mr. National Guard."

When SONNY was elected to Congress in 1966, American soldiers were fighting in the war in Vietnam. He demonstrated his concern for those who were involved in that dangerous and deadly region by spending Christmas each year in Vietnam with the soldiers.

On these trips, SONNY would carry blank cards with him and when he ran into young soldiers from Mississippi, he would ask them to write the names and addresses of their families on these cards. When SONNY returned home he would take the time to call each soldier's family to let them know that he had seen their son or daughter and relay any stories or news that might interest them. Today, people still thank SONNY for these phone calls.

In 1975 he was appointed chairman of the House Select Committee on Missing Persons in Southeast Asia. In 1977, President Carter named him to the Woodstock Commission, which traveled to Hanoi to investigate further, those Americans missing in action. More recently, SONNY was a member of the delegation that brought back the first returned remains of United States personnel missing in North Korea during the Korean war.

SONNY MONTGOMERY stands as an example of a true patriot, and for this he has been recognized by his colleagues many times. In 1984, the Speaker of the House asked that he lead the House contingent to the commemoration of the 40th Anniversary of the D-day Invasion at Normandy, a particularly appropriate designation because SONNY fought in the European theater during this war. In 1988, when the reciting of the Pledge of Allegiance was instituted as daily practice by the House of Representatives, SONNY was asked by the Speaker to be the first Member to lead this body in the Pledge.

Throughout our time together as members of our State's congressional delegation, I have had the opportunity to observe SONNY in many situations. A most recent instance was during the last round of base closure and realignment. Two of the bases in his district were considered for closure, one of which had been on the closure list in two previous rounds. SONNY was most persuasive and successful in convincing the Base Closure Commission that Naval Air Station Meridian and Columbus Air Force Base are essential to the pilot training in both of those services. SONNY was willing to do everything he could to keep these bases open. Today, these bases remain open, largely due to the efforts of SONNY MONTGOMERY.

As a senior member of the House Armed Services Committee, now named the National Security Committee, SONNY MONTGOMERY has been a tremendous influence on our national defense policy. He has consistently supported the maintenance of a strong force.

SONNY was one of seven Democrats who in early 1994 paid a visit to President Clinton to insist on increased defense spending by his administration, particularly in the area of military pay, and to urge him to reduce nondefense spending by the Department of Defense. SONNY has always considered the protection of our freedom to be the highest priority of our Government, and he has done his best to ensure our national security.

Because of SONNY MONTGOMERY, the National Guard and Reserves are different services than they were 25 years ago. As a member of the Mississippi Army National Guard SONNY saw untapped potential in the Guard and Reserve forces, and as a senior member of the National Security Committee, he has strengthened our reserve component forces in significant ways. Over and over again, SONNY insisted that in order for the Guard and Reserves to be truly ready reserve forces, they must have first-line equipment, top facilities, and more serious training. As we saw in the gulf war, our Guard and Reserves have now been transformed into an essential component of our total forces. In addition, SONNY has always emphasized the need to keep the missions of each Guard unit relevant.

Recently, SONNY negotiated with officials at the Pentagon in order to reassign the duties of a National Guard battalion in east Mississippi, which might have been considered for closure. Instead, this battalion will be the first Guard unit in the Nation to be equipped with and train on the high-technology Avenger air defense system, a key weapon in Operations Desert Shield and Desert Storm. Our active forces will be better supported by contributions from National Guard units in the future because of SONNY MONTGOMERY.

Another high priority for him has been the recruitment and retention of soldiers; and out of this concern came the GI bill which bears his name. SONNY considers this legislation to be his greatest accomplishment. Under the Montgomery GI bill, active duty, National Guard, and Reserve personnel are entitled to educational assistance benefits which would enable them to pursue their educational goals while serving our country. Since being passed into law in 1985, approximately 2 million military personnel have participated in the program, and over 550,000 have already attended schools with its assistance. The Montgomery GI bill has significantly improved recruiting efforts for all of the services, and it has provided much-needed training to veterans and retirees preparing to enter the work force.

In addition to protecting our national security, SONNY has consistently sought proper recognition and benefits for veterans. In the 100th Congress, SONNY fought to have the Secretary of Veterans Affairs elevated to a Cabinet-level position. When SONNY saw a need to improve the review of veterans' claims, he sponsored a bill to establish the Court of Veterans' Appeals in order to ensure the complete judicial review of each claim. Within a month, this bill was signed into law, and right away veterans saw needed changes in the claims process. Also, he has worked to streamline the services offered at regional service centers and hospitals, aiming toward providing, in effect, one-stop shopping for our veterans.

During the last Congress, SONNY authored legislation to extend compensation to our most recent veterans, those who fought in the Persian Gulf war. The Veterans' Persian Gulf War Benefits Act, now law, requires the VA to give priority to veterans suffering from undiagnosed illnesses after their service in the Persian Gulf region. The bill also established new research and outreach programs to further the identification of this disease. This legislation is just another demonstration of his belief that we have a moral obligation to care for and compensate those who have suffered disabling injuries during their service to our country.

While in the Army and for his efforts in service to military personnel and veterans of our country, SONNY has received many awards, including the Legion of Merit, Meritorious Service Medal, Combat Infantry Badge, Army Commendation Medal, a Bronze Star for Valor, and Mississippi Magnolia Cross Award, and the Harry S. Truman Award, which is the highest award given by the National Guard Association of the United States. In addition, he has been recognized by the American Red Cross, the Veterans of Foreign Wars, the Reserve Officers Association of the United States, and AMVETS of World War II. He is past president of the Mississippi National Guard Association, and he remains an active member of the American Legion and VFW Post 79 in Meridian, MS. Veterans' organizations across the country are saddened to see SONNY retire.

Above all of SONNY's legislative accomplishments, he must be recognized and appreciated for his patience, congeniality, and compassion. Having maintained so many friendships in both parties, SONNY has often been called to be a mediator. He has been on good terms with Republican and Democrat leaders in Congress and Presidents of both parties throughout four decades, and his friendship with former President Bush goes back to their days as freshmen in the House. His peers regard him as a respected friend, who is wholly dedicated to his purpose in office. A small example of his loyalty is evidenced by the number of hours he has logged in the Speaker's chair, a duty many consider drudgery, but something that SONNY has viewed as an opportunity to serve his fellow Members.

I will miss his good counsel and true friendship. Mississippi's Third District and the entire Nation will miss his strong leadership and clear vision. Members like SONNY are rare, and his leaving signals the end of an era for southern Democrats, and the House of Representatives as well.

I am pleased to join my colleague, Senator LOTT, in offering S. 1669, a bill to name the Department of Veterans Affairs Medical Center in Jackson, MS, for SONNY MONTGOMERY, and I urge all of my colleagues to support the renaming of this facility.

Mr. SIMPSON. Mr. President, in reflecting on my own lifetime of public service, I can think of no one whose sincere dedication to veterans, combined with the ability to transform that dedication into a concrete reality, exceeds that of my old and dear friend G.V. "SONNY" MONTGOMERY.

We all know why the Montgomery GI bill carries SONNY MONTGOMERY's name. It's not just an honor, it is a clear depiction of reality. What some Members of this body may not realize is that SONNY MONTGOMERY's interests and everlasting impact extend far beyond the veterans' education benefit that carries his name.

There is no path down which a veteran may travel that hasn't been scouted first and smoothed and improved by the Congressman from Mississippi, SONNY MONTGOMERY.

There is no benefit provided to our veterans by a grateful nation that does not bear the imprint of the longtime chairman, and now ranking minority member, of the House Committee on Veterans' Affairs, SONNY MONTGOMERY.

The rules of the Senate Committee on Veterans' Affairs limit proposals to name VA facilities to the names of individuals who are deceased. As we consider the measure before us today, some may wonder what has occurred to amend that standard.

If such a person were to exist, I could assume that they do not know the stirring 30-year record of service and legislation written by SONNY MONTGOMERY. If such a question is raised, I will only say to the inquirer that exceptional service calls for exceptional action and that such an action also calls for an exception to the rule. This is such a time. A rule that would prohibit application of the name G.V. SONNY MONTGOMERY to the VA Medical Center in Jackson, MS, is a rule begging to be temporarily laid aside—in sheer gratitude from us all.

In fact, SONNY MONTGOMERY is the dominant presence in the world of veterans' affairs and the genial and generous shadow he casts extends far beyond the boundaries of the State of Mississippi. An honor limited only to his native State of Mississippi is an honor quite inadequate to describe his full legacy.

In reflecting on the full and honest career and commitment of the senior Congressman from Mississippi, I conclude that if honors truly reflected accomplishment, we would likely have to name the whole shooting match of the Department of Veterans Affairs after SONNY MONTGOMERY.

When SONNY MONTGOMERY leaves us in the Congress and returns to his beloved home as a private citizen he will leave behind an unmatched legacy of unselfish commitment and service. He will leave behind shoes that it would take a giant to fill. The only way that veterans may not benefit in the future from the career of SONNY MONTGOMERY will be if the height of the bar he set is up there so high that those who follow him may be discouraged by the fact that it will be so difficult to equal, much less exceed, his remarkable record. SONNY MONTGOMERY will serve as an example to generations of all legislators to come. I am so very proud to join in supporting legislation to recognize an example, and a career, and a wonderful, never tiring, ever focused, lovely, kind, incomparable man, by ensuring that the VA Medical Center in Jackson, MS, will forever carry the name that his actions have made synonymous with love of veterans: G.V. SONNY MONTGOMERY.

I love him. He has saved my skin a time or two. He is my true friend. God bless him.

I thank the Chair.

Mr. SHELBY. I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1669) was deemed read for a third time and passed, as follows:

S. 1669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JACKSON, MISSISSIPPI.

(a) NAME.—The Department of Veterans Affairs medical center in Jackson, Mississippi, shall be known and designated as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997.

ORDERS FOR WEDNESDAY, SEPTEMBER 11, 1996

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. on Wednesday, September 11; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume H.R. 3756, the Treasury-Postal appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. SHELBY. Mr. President, tomorrow morning the Senate will be resuming the Treasury-Postal appropriations bill. We hope to complete action on that bill during tomorrow's session. Therefore, Senators can anticipate votes throughout the day and a possible late-night session may be necessary.

Also, as a reminder to all Senators, tomorrow at 10 a.m. there will be a joint meeting of Congress to hear an address by Prime Minister Bruton, of Ireland. Members are asked to be in the Senate Chamber at 9:40 a.m., so they may proceed to the House of Representatives for the address.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. SHELBY. If there is no further business to come before the Senate, I ask unanimous consent the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Wednesday, September 11, 1996, at 11 a.m.

EXTENSIONS OF REMARKS

THE ONE-YEAR ANNIVERSARY OF THE KIDNAPING OF JASWANT SINGH KHALRA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. CUNNINGHAM. Mr. Speaker, I rise today to draw attention to the one-year anniversary of the kidnaping of Jaswant Singh Khalra. As we observe the anniversary of that event, which occurred at 9:15 a.m. on September 6, 1995, we must draw attention that Mr. Khalra remains in custody and his whereabouts unknown.

As Secretary of Human Rights Wing (Shiromani Akali Dal), Mr. Khalra had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured and murdered them, and declared their cremated bodies unidentified. After this report was made published, Mr. Khalra was told by the Armitsar district police chief, "We have made 25,000 disappear. It would be easy to make one more disappear."

More recently, an article in the August 14–20 issue of World Sikh News quotes Ajit Sandhu, the district police chief implicated in the kidnaping of Mr. Khalra, as saying that "I am proud of what I did. I did it for the nation. I did no wrong." Mr. Sandhu has labeled the charges of mass cremations a bundle of lies despite the Central Bureau of Investigations admission to the Indian Supreme Court that its preliminary investigation had turned up evidence that nearly 1,000 young Sikhs had been cremated as Mr. Khalra's report described. This preliminary investigation is ongoing, and human rights activists in Punjab, Khalistan, say that the number may be as high as 30,000 or more.

Mr. Khalra was exercising his fundamental right to speak out and expose atrocities committed by this government. As long as Mr. Khalra remains in detention, how can anyone in India feel secure exercising his or her democratic liberties? I ask my colleagues to recognize the continued human rights abuses by India and work to reduce aid to India until it protects the democratic rights of its people.

IT'S NOT OUR FAULT IF WE ASK DOCTORS TO KILL PEOPLE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. STARK. Mr. Speaker, the Association of Managed Healthcare Organizations has sent Members of Congress a letter opposing the anti-gag rule legislation proposed by our colleagues GANSKE and MARKEY. They say, in short, "it's not managed care companies' fault if they ask doctors to kill people." To be precise, the lobby group says:

> AMHO suggests that, if a physician believes that the terms of a contract force him to practice medicine in a manner he finds less than responsible or ethical, he should not sign such a contract.

It is exactly such thoughts that are fueling the national anger and backlash against managed care. Their letter could be nominated for the Marie Antoinette "let them eat cake" memorial quote.

As managed care grows to become the dominant form of care in more and more communities, doctors cannot survive financially without signing up with a number of plans. Some doctors will have the courage and independence not to sign bad contracts, but doctors are human and to feed their families, most of them will sign. The Congress, as representatives of the public interest, has the duty to protect the public against Godfather plans presenting doctors with offers they can't refuse.

A TRIBUTE TO STICKNEY TOWNSHIP ON ITS 95TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to congratulate Stickney Township, located in the Third Congressional District, on its 95th anniversary this year.

The township was formed in 1901 when railroad pioneer Alpheus Stickney and a group of residents met at what is now the southwest corner of Midway Airport in Chicago and decided to break away from Lyons Township. Mr. Stickney envisioned the area as great freight transfer and rail clearing yard. The new township drained swamps, built roads, bridges, sewers, and provided schools to attract new residents and business and industry.

During the 1930's, the township assumed care for the poor and homeless and inaugurated a health care program that has brought the township national recognition. Stickney Township was among the first municipalities to offer free cholesterol screening for residents and mammograms for women as well as mental health counseling, dental care for children and the elderly, immunizations, home care for the aged, and a host of other vital health care services.

These programs and others earned Stickney Township the Governor's Hometown Award for Senior Achievement in 1990 and Illinois township of the Year honors in 1992.

As Township Supervisor Louis Viverito said in observing the 95th anniversary, "Stickney Township has a proud heritage, and I think the record will show that we are doing out part to continue and embellish that tradition. At a time when some people are questioning the worth of township government, we are proving that by changing with the times and meeting today's needs, we can provide grassroots services at a very low cost to the taxpayers."

Mr. Speaker, I congratulate Supervisor Viverito, his predecessors, and all those who have made Stickney Township a great place to live and work on its 95th anniversary.

TRIBUTE TO JEANNE O. BUSSE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. BONIOR. Mr. Speaker, the March of Dimes is an organization with a noble mission: to fight birth defects and childhood diseases. We all share the March of Dimes dream which is that every child should have the opportunity to live a healthy life.

For the past 13 years, the Southeast Michigan Chapter of the March of Dimes Birth Defects Foundation has honored several Macomb County residents who are outstanding members of our community and have helped in the campaign for healthier babies. On the evening of Wednesday, September 25, 1996, the chapter will be hosting the 13th annual Alexander Macomb Citizen of the Year Award dinner. The award, instituted in 1984, is named after my home county's namesake, Gen. Alexander Macomb, a hero of the War of 1812.

This year, the March of Dimes has chosen Jeanne O. Busse as a recipient of the award. Jeanne is a model for volunteerism and has dedicated time and effort to people in her community in diverse ways. Over the years she has been involved with the Girl Scouts and the Boy Scouts serving as a den mother and on the board of directors. She has been active as a school board member and served as the president of the Macomb County School Board Association. She has never been afraid to take on more civic responsibility and, beyond that, Jeanne has always found time to participate in her church and religious functions. Throughout all of her work, she has kept in mind the value of children to society.

Dr. Jonas Salk's polio vaccine is just one of the more famous breakthroughs that would not have been possible without March of Dimes research funding. Without people like Jeanne Busse the job of protecting babies would be that much more difficult.

I applaud the Southeast Michigan Chapter of the March of Dimes and Jeanne Busse for their leadership, advocacy, and community service. I know that Jeanne Busse is honored by the recognition and I urge my colleagues to join me in saluting her as a 1996 recipient of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Alexander Macomb Citizen of the Year Award.

THE NATIONAL WOMEN'S POLITICAL CAUCUS SILVER ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mrs. MORELLA. Mr. Speaker, I rise in honor of the National Women's Political Caucus [NWPC] on the occasion of its 25th anniversary.

The National Women's Political Caucus is a grassroots organization committed to increasing the number of women holding elected and appointed office in the U.S. Government. Since its founding in 1971, NWPC has supported the efforts of women seeking political office, regardless of party affiliation.

Thanks in part to NWPC's multifaceted agenda of support for women seeking political office, our Nation has benefited from a continued increase in women's political participation. Over the past 25 years, America has seen the number of women in State legislatures jump from 362 to 1,536 and the number of women in Congress grow from 15 to 58.

NWPC is instrumental to women seeking political office and to women facing the challenges of holding office once elected. Many women get their start in politics through their involvement in local chapters of the caucus across the country. NWPC's educational programs, campaign training, and grassroots opportunities are invaluable for women candidates as they rise up through the ranks of the political world.

The NWPC helps women gain elected and appointed office by holding campaign workshops, providing campaign support, and encouraging the appointment of women to policy-making posts. The caucus also conducts research on women as candidates, using the results of these studies to increase the number of winning women candidates. For women in office, the caucus provides networking opportunities and forums for discussion, including newsletters for and about women in politics.

As the cochair of the Congressional Caucus for Women's Issues, I know how important it is to elect women to Congress. Although we come from many different backgrounds and have different areas of expertise, we share a common commitment and perspective that has already improved the political landscape for American women. From issues ranging from women's health to women's economic equity, Congresswomen are making a difference. The National Women's Political Caucus has been a driving force in opening up political office to women, and I sincerely thank NWPC for its outstanding work. Mr. Speaker, please join me in recognizing the National Women's Political Caucus for its commitment to the support and advancement of women in politics.

THANK YOU, MARLENE MOULDER, FOR YOUR LOYAL SERVICE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. FIELDS of Texas. Mr. Speaker, it was with mixed emotions that I announced last December 11 my decision to retire from the House at the conclusion of my current term. As I explained at the time, the decision to retire was made more difficult because of the loyalty and dedication of my staff and because of the genuine friendship I feel for them. Each one of them has served the men and women of Texas' Eighth Congressional District in an extraordinary way.

Today, I want to thank one member of my staff, Marlene Moulder, a staff assistant in my Humble office, for everything she's done for me and my constituents in the 11 years that she has worked in my office.

A native of Houston, Marlene has overseen my service academy nominations board, which recommends outstanding young men and women for appointments to the Nation's four service academies, since she joined my staff. The nominating process in my office is highly competitive, strictly merit based, and scrupulously fair. As a result, it is considered one of the most successful such programs in the Nation; 161 young men and women living in the Eighth Congressional District have received appointments to the service academies since Marlene began managing the program in early 1986. Much of the credit for the program's success can be directly attributed to the dedication and hard work that Marlene devotes to it.

Indeed, Marlene's work with the board and the Nation's service academies led to her receiving the Air Force Association's Civilian of the Year award in 1988, and the U.S. Air Force Academy recognition award from the San Jacinto Association of Air Force Academy graduates in 1992. Marlene has been asked to address educators, other congressional staffers, parents, students, and service academy liaison officials regarding how the academy nominating process works.

In addition to her service academy responsibilities, Marlene has handled tour and flag requests, as well as receptionist and secretarial duties during her years on my staff. Perhaps Marlene's greatest strength is her ability to work well with people, constituents and coworkers alike, to resolve problems or answer questions from constituents, and to help ensure that whatever needs to get done in my office actually gets done.

Marlene has been an active member of several civic groups during her tenure in my office, serving as treasurer and then president of the Channelview Channelette Booster Club. She also has volunteered her time and talents to the Sterling Forest Civic Association, the Sterling Shadows Neighborhood Watch program, and the Channelview ISD advisory board for fundraising guidelines.

Marlene is deeply devoted to her wonderful daughter, Carrie, who is currently a senior at Loyola University in New Orleans.

Marlene Moulder is one of those hard-working men and women who make all of us in this institution look better than we deserve. I know she has done that for me, and I appreciate this opportunity to publicly thank her for the dedication, loyalty and professionalism she has exhibited throughout the years it has been my privilege to know and work with her.

Marlene has yet to make a definite decision about what she wants to do in the years ahead. But I am confident that the skills and the personal qualities she has demonstrated in my office will lead to continued success in the future.

Mr. Speaker, I know you join with me in saying thank you to Marlene Moulder for her years of loyal service to me, to the men and women of Texas' Eighth Congressional District, and to this great institution. And I know you join with me in wishing Marlene, and her daughter Carrie, and the best in the years ahead.

TRIBUTE TO MAJ. GEN. WILLIAM E. EICHER, U.S. ARMY, RET.

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. SPENCE. Mr. Speaker, I would like to recognize the illustrious career of Maj. Gen. William E. Eicher, U.S. (Ret.), who officially retired as vice president of technical services of the American Defense Preparedness Association on August 31 of this year. General Eicher will be honored officially on September 16 with the William R. Moseley Award for excellence in munitions management. This award was established in 1982 and named after a long time executive and chairman of the board of Day and Zimmermann, Inc., a Pennsylvania based munitions producer. The William R. Moseley Award panel has selected General Eicher because he has made the greatest overall contribution to the munitions program this year.

I had the pleasure of meeting General Eicher and recognized in him an earnest commitment to the security of this great Nation. His career is one threaded with remarkable accomplishments, and so I wish to share with my colleagues some of the highlights of General Eicher's 44 years of distinguished service to our Nation.

General Eicher was a commander, logistician, staff officer, and systems manager during 32 years of active military service. He commanded logistical activities both at retail and wholesale levels. Similarly, he was also involved in the acquisition, production, and distribution of material. He was on the staff of the Army Material Command as director of maintenance. His responsibilities included directing that Command's worldwide maintenance management program. As Assistant Deputy Chief of Staff for Logistics on the Army staff, he assisted in the worldwide management of all aspects of the Army's complex logistic structure.

For over 5 years he was commander of the Army's Armament Material Readiness Command and was responsible for dispensing operable/quality munitions and armament material worldwide to the Department of Defense and Allied Forces. He controlled multifaceted operations in such disciplines as procurement, industrial operations, material and maintenance management, personnel, management information systems, engineering quality assurance, and financial management. Inherent in General Eicher's role as commander were the responsibilities to plan, organize, review, and manage people and things.

He exercised extensive responsibilities in the management of weapon systems and conventional munitions, and he was deeply involved in the acquisition and production of both weapons/ammunition. His working knowledge of armaments supply and maintenance activities of fielded systems gave him unique insight into the logistics requirements of systems support. He has a broad background in integrated logistics support management and the application of this process to both developmental and fielded material.

General Eicher joined the American Defense Preparedness Association in 1984 as vice president, technical services. He was responsible for the overall operations of the technical services, which consists of 26 technical divisions, and for the conduct of over 50 meetings a year. His additional responsibilities included conducting studies and roundtable type meetings, publication of white papers, and a wide range of support activities for the Department of Defense and other U.S. Government agencies.

As vice president, technical services, General Eicher was in the forefront of the efforts to define and maintain a viable industrial base consistent with national security interests. His skillful leadership was especially crucial during the ongoing adjustments in post-cold-war defense policies. His insights were regularly sought by the Department of Defense, thereby enhancing ADPA's contribution to the formulation of industrial base policies. ADPA's enviable reputation as a forum for ethical dialog between Government and industry is largely attributable to General Eicher's vision and his keen appreciation of industrial base issues. Working with industry and Government volunteers, he consistently designed and directed programs of exceptional technical conferences that are the hallmark of ADPA's service to the Nation and defense community.

Mr. Speaker, General Eicher's distinguished career is a model of hard work, loyalty, and patriotism. I ask my colleagues to join me in thanking him for his contributions to our Nation. Furthermore, I want to extend my congratulations to General Eicher for being honored as this year's recipient of the William R. Moseley Award. I wish General Eicher and his family success and happiness in the coming years.

GUESS WHAT CLUNKY BUREAUCRATIC MACHINE COMES IN NO. 1

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. STARK. Mr. Speaker, you, Mr. Speaker, like to talk about the withering away of Medicare. When questioned about your statement, you say you didn't really, really mean for Medicare to whither away, just the agency that administers it, the Health Care Financing Administration [HCFA]. You like to make fun of HCFA as a clunky, bureaucratic machine.

I'm not sure what the difference is between destroying a program and destroying its administration, but I hope you will take the time to read the enclosed opening paragraphs from the American Medical Association's newspaper American Medical News of August 26, 1996.

> MEDICARE SHAPES UP CLAIMS
>
> Q: What well-known health insurer has the highest proportion of claims filed electronically, the lowest average cost per claim processed, and has cut the real cost per claim processed by 85% since 1975?
>
> A: It's not some hotshot entrepreneur or Wall Street wonder company.
>
> It's Medicare.
>
> You know, that federal program run by the Health Care Financing Administration and the gang of 34 (carriers).
>
> Medicare is the undisputed leader in electronic claims. The program now electronically processes 79% of all claims and nearly 71% of Part B claims. That compares with 66% of claims for the runner-up, the nation's Blue Cross and Blue Shield plans, and a paltry 20% for commercial carriers.
>
> Increasing electronic claims processing has been the major factor in driving down Medicare's processing cost per Part B claim from $8.03 (in today's dollars) in 1975 to 94 cents in 1995.
>
> But HCFA isn't resting on its laurels. Over the next six to 12 months, the agency will begin implementing several measures designed to increase claims processing efficiency and lower costs even further.
>
> A first step will be taken toward standardizing electronic claims formats. New universal provider identification numbers will be issued, and a uniform payer identification system will be developed. National uniform claims review standards will be expanded, and steps will be taken to shift routine claims processing from the local carriers to two giant processing centers.
>
> All of these initiatives could help physicians by streamlining medical review, coordination of benefits with non-Medicare payers and speeding payments.

TRIBUTE TO THE EMPLOYEES OF THE MIDAS INTERNATIONAL CORP.

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. LIPINSKI. Mr. Speaker, today I pay tribute to an outstanding group of workers in my district who were recently recognized for their commitment to quality and safety in the workplace—the 231 employees at the Midas International Corp. facility in Bedford Park, IL.

The facility was recently selected by the Occupational Safety and Health Administration [OSHA] for participation in the Voluntary Protections Programs [VPP] as a Merit site. The VPP program recognizes worksites for achieving excellence in their safety and health programs through cooperation among labor, management, and the Government. The Merit is often a stepping stone to the Star Program, the highest level of participation in the VPP.

The Midas Bedford Park, which manufactures motor vehicle parts and accessories, is the second site in my district to achieve the honor of VPP approval. The OSHA review team commended Midas for its strong commitment to safety and health at the facility. The Midas workers are represented by the International Brotherhood of Teamsters, Local 781.

Mr. Speaker, I congratulate the workers and management of the Midas Bedford Park facility on this great achievement and wish them continued success in maintaining health and safety at their workplace.

TRIBUTE TO DR. RAYMOND CONTESTI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. BONIOR. Mr. Speaker, the March of Dimes is an organization with a noble mission: to fight birth defects and childhood diseases. We all share the March of Dimes dream which is that every child should have the opportunity to live a healthy life.

For the past 13 years, the Southeast Michigan Chapter of the March of Dimes Birth Defects Foundation has honored several Macomb County residents who are outstanding members of our community and have helped in the campaign for healthier babies. On the evening of Wednesday, September 25, 1996, the chapter will be hosting the 13th annual "Alexander Macomb Citizen of the Year" award dinner. The award, instituted in 1984, is named after my home county's namesake, Gen. Alexander Macomb, a hero of the War of 1812.

This year, the March of Dimes has chosen Dr. Raymound Contesti as a recipient of the award. Dr. Contesti, the youngest of 10 children, learned at an early age that service to one's community is the way to a good life. Throughout his distinguished career as an educator and superintendent of schools, he has been recognized for outstanding commitment to his community. In 1995 he was named "Citizen of the Year" by the Mount Clemens General Hospital Foundation and "Distinguished Citizen of the Year" by the Boy Scouts organization in 1994 as a champion of youth involvement. They could not have chosen a more deserving human being.

Dr. Jonas Salk's polio vaccine is just one of the more famous breakthroughs that would not have been possible without March of Dimes research funding. Without people like Dr. Raymond Contesti the job of protecting babies would be that much more difficult.

I applaud the Southeast Michigan Chapter of the March of Dimes and Dr. Raymond Contesti for their leadership, advocacy, and community service. I am sure that Dr. Contesti is honored by the recognition and I urge my colleagues to join me in saluting him as a 1996 recipient of the "Alexander Macomb Citizen of the Year Award."

TRIBUTE TO SOLID ROCK BAPTIST CHURCH OF PATERSON, NJ

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to the Solid Rock Baptist Church of Paterson in the Eight Congressional District in New Jersey.

Next year, Mr. Speaker, the Solid Rock Baptist Church will celebrate its 50th anniversary as a spiritual leader in the Northern New Jersey area. The church was founded in September 1947 when a group of four deeply religious souls, Deacon Miledge Primus, Minister James Shropshire, Sister Lucille Scott, and Sister Catherine Primus, sought to crease a place of sanctuary.

The church struggles with the initial growing pains felt by many new establishments during their formative years. Finally, in August 1954, Rev. Timothy Fennel became pastor to the nearly 100 members and rapidly strengthened the organization's membership and infrastructure.

Under the leadership and guidance of Reverend Fennel, the Solid Rock Baptist Church ordained five deacons and initiated a number of auxiliary functions, including the creation of the missionary circle, deaconess board senior choir, gospel chorus, junior choir, usher board busy bees, and M club. The church also provided assistance to area hospitals and the surrounding community through its pastor's aides, nurses aides, youth guild, Sunday school Bible class, and prayer meetings.

After a life of dedication to the Solid Rock Baptist Church, Reverend Fennel passed away on September, 23, 1976. However, Mr. Speaker, he left the church with a meaningful legacy and vivacious future. In the 1980's, under the leadership of Reverend Shearin, the church initiated a number of remodeling projects. He also established the stewardship and Bible study programs.

Finally, Mr. Speaker, the Solid Rock Baptist Church built such a strong presence in the community that they no longer had to look outside the organization for guidance. The church elected a favorite son as pastor in 1996.

Rev. Jack Lotts has been a member of the Solid Rock Baptist Church since his return from military duty in 1961. He graduated in 1987 with a certificate in christian ministry from the New York Theological Seminary in New York City and was ordained on October 29, 1989. Throughout his tenure with the church, Reverend Lotts has exhibited the commitment to the spiritual growth and development demonstrated by Reverend Fennel and the original founders of the church. He is certainly the right man to led the Solid Rock Baptist church into its next 50 years.

Mr. Speaker, I ask you to help me salute the Solid Rock Baptist Church for its historic achievements, and pray for its continued success in the future.

TRIBUTE TO THE HONORABLE GREG LASHUTKA

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Ms. PRYCE. Mr. Speaker, today I rise to pay tribute to the Honorable Greg Lashutka, the mayor of Columbus, OH, on the occasion of his earning the Distinguished Eagle Scout Award [DESA]. Through the course of my 18 years of public service, I have had the privilege of working closely with Mayor Lashutka and can thus attest firsthand to his unparalleled devotion to the betterment of the city of Columbus, his tireless involvement in civic activities, and his remarkable commitment to God and family. Mayor Lashutka truly embodies the spirit of this extraordinary award.

The highest award administered by the National Eagle Scout Association, the Distinguished Eagle Scout Award honors an elite few who have achieved a state of eminence through their chosen careers and lifeworks. Recipients are determined by the Distinguished Eagle Scout Award Committee, which is comprised entirely of previous DESA winners. The selection process is rigorous and deliberate, and a substantial percentage of nominations is declined. Among those honored with the DESA include former President Gerald R. Ford, several governors, CEO's of Fortune 500 companies, nationally known doctors, lawyers, and educators, and some of my colleagues in this body. Mayor Greg Lashutka will be only the second Distinguished Eagle Scout Award winner in central Ohio.

In 1958, a 14-year-old Greg Lashutka was awarded the Eagle Scout Award at the Bethany English Lutheran Church in Cleveland, OH. Thirty-seven years later, Mayor Lashutka has rightfully earned the admiration and respect of all those with whom he has come in contact. His resume reflects his all-American experience: Co-Captain of the 1965 Ohio State University football team; a decorated naval officer in Vietnam; city attorney for the city of Columbus; a successful private attorney with a prestigious Columbus firm; and finally mayor of the 16th largest city in the United States. Under his adept leadership, Columbus has grown profoundly, becoming nationally renown for its crime prevention, cultural activities, international trade, and business-friendly environment. His innovative and thoughtful leadership has earned Columbus a designation as an All-American City in 1992, and himself the honors of 1996 president of the National League of Cities as well as 1993 Municipal Leader of the Year Award from American City and County Magazine.

Equally important, however, is Mayor Lashutka's social and civic involvement. His active participation in countless organizations and groups—often as a board member or as chairman—is truly remarkable. The mayor devotes much of his already scarce time to the Boy Scouts of America; the boys and girls clubs of Columbus; the Columbus Civic Center Committee; the Columbus Urban League; the Heart Fund; the Big Brother Association of Columbus; the German Village Society; the Central Ohio Chapter of the March of Dimes; and other outstanding, philanthropic organizations. Mayor Lashutka is happily married to Catherine Adams and is a loving father of four.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in congratulating my good friend, Mayor Greg Lashutka, for being awarded the Distinguished Eagle Scout Award, and in recognition of his astonishing lifelong service to the city of Columbus.

HONORING CHIEF JUDGE NORMAN W. BLACK

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. BENTSEN. Mr. Speaker, I rise to honor the Honorable Norman W. Black, Chief Judge for the U.S. District Court for the Southern District of Texas, as he prepares to assume senior status later this year.

Judge Black's 16 years as a U.S. district judge cap a career of service to his country, to his community, to education, and to the practice of law. His career has been marked by a deep commitment to integrity, hard work, fairness, honesty, and justice.

Judge Black obtained both his undergraduate and legal education at the University of Texas. He served in the U.S. Army Military Police from 1955 to 1957 before beginning his legal career as an assistant U.S. attorney. Later, he participated in the formation of the law firm of Black, Hebinck, Hargorve & Clark. He engaged in private practice from 1959 to 1976.

In 1976, he was appointed U.S. Magistrate for the Southern District of Texas. In 1979, President Carter appointed him U.S. District Judge for the Southern District of Texas at the recommendation of Senator Lloyd Bentsen, and he has served as chief judge since October 1992.

Each year, the Houston Bar Association evaluates all sitting judges in Harris County, including U.S. district court judges. Judge Black routinely rates as one of the top judges in every category evaluated by members of the trial bar who practice in the various courts.

The best testaments to Judge Black's achievements come from his colleagues and those who have practiced before him. I want to quote from some of their statements nominating Judge Black in 1995 for the Samuel Pessarra Outstanding Jurist Award.

Attorney David Beck, who has appeared before Judge Black, stated, "I have always found Judge Black to be objective and even-handed in his rulings and courteous to all litigants and their counsel. He rules decisively and timely, works extremely hard, and is knowledgeable of the law, which is no easy task given the numerous substantive areas to which our judges are consistently exposed."

Chief Judge Henry A. Politz of the U.S. Court of Appeals, Fifth Judicial Circuit, had this to say about Judge Black: "On the administrative level, he is nothing short of a marvel. * * * I wish all of our judges had his keen instinct for what is right in just about every situation."

Attorney James B. Sales stated, "A universal comment is that he possesses impeccable integrity, fairness, and honesty. Indeed, he is the epitome of the kind of judge that we all admire and hold as the standard by which to measure others who aspire to the Bench."

In addition to his commitment to law, Judge Black has contributed tremendously to education and to our community. He has taught at the University of Houston School of Law, the University of Cincinnati, and the South Texas College of Law, where he currently is adjunct professor. He is much-loved by his students, and his seminar is always the first one closed because of over-subscription.

Judge Black's contributions to his community include membership in the Houston Philosophical Society, as well as the Federal, Texas, Houston, and American Bar Associations. He has been instrumental in developing mentoring and fellowship programs to encourage interest in and knowledge of the law. Judge Black also has been active in many of our community's religious and cultural institutions. Despite these many commitments, Judge Black has always found time to be a loving husband, father, and grandfather.

Judge Black will be sorely missed by all who have worked with him, all who value the law, and all who appreciate his fairness and integrity. We wish him well.

THE RAIDERS ARE COMING—AND I DON'T MEAN THE FOOTBALL TEAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. STARK. Mr. Speaker, the raiders I am referring to do not wear football helmets and they do not throw a ball. They are profiteering health care entrepreneurs, and they are quickly moving into our community.

The move toward investor-owned health care, particularly where doctors are sharing in the financial risk and have incentives to deny care, means that patients could be denied access to critical medical resources. Significant health care dollars are being siphoned off to pay shareholders, soaring executives salaries and exorbitant marketing costs. Meanwhile, the number of Americans who are uninsured and underinsured is growing.

The explosion of profit-sharing health care companies is leading the current transformation of the U.S. health care market, and they have arrived in our district. Watch out. The move toward monopolistic, for-profit health care requires a legislative response to protect patients and consumers.

THE MOVE TO FOR-PROFIT HEALTH CARE: COLUMBIA-HCA

The largest, most aggressive for-profit health care company is Columbia-HCA Healthcare Corporation [Columbia]. Columbia has aggressively pursued the acquisition of nonprofit hospitals. As a result, Columbia now owns 355 hospitals making it the wealthiest for-profit chain with $18 billion in annual revenue.

Columbia owns the San Leandro Hospital; the San Leandro Surgery and Outpatient Center; Estudillo Surgery Center; and the San Jose Hospital as well as Diablo Valley Surgery Center in Concord. Elsewhere in the bay area, Columbia owns Healdsburg General Hospital and Palm Drive Hospital in Sebastopol; Columbia Los Gatos Surgical Center; Mammography Plus Medical Group; and Sereno Surgicenter in Los Gatos in addition to the four facilities in the south bay that comprise the Good Samaritan chain. They have reportedly offered to negotiate deals with almost every hospital in the bay area including Sequoia, Eden, and St. Rose.

I have asked Medicare to investigate whether Columbia's merger mania is bad for the patients and for our community.

Will quality patient care be provided?

As a for-profit hospital, Columbia's primary obligation is to its out-of-town shareholders. Their focus is on the bottom line, not quality care.

We will see a reduction in care provided to the poor in our community!

Columbia offers physicians up to 20 percent ownership interest to encourage physicians to direct paying patients to their hospital, and charity cases away from the Columbia hospital. Study after study shows that for-profit hospitals provide a lower level of charity care than do nonprofit hospitals.

Will services be eliminated that are vital to our community?

It is likely that programs such as trauma centers and neonatal intensive care units will be eliminated.

Will Columbia close local hospitals?

It has a history of buying many local hospitals and closing them to increase bed occupancy and profits in other units.

Will existing labor contracts be ignored?

Columbia is reportedly reneging on labor contracts at Good Samaritan Hospital and has an antilabor record.

Capitalism is great but should patients be put at risk?

I do not believe health care is a commodity. Joseph Cardinal Bernadin said it best:

> Health care is fundamentally different from most other goods and services. It is about the most human and intimate needs of people, their families, and communities. It is because of this crucial difference that each of us should work to preserve the predominately non-profit character of our health care delivery system.

The goal is not health care anymore—it is care of the stockholder interest. I am preparing legislation to make sure: First, for-profit do not skim off the healthiest patients and dump the sickest, money-losing patients in public hospitals; and second, the public's investment in nonprofit hospitals is not lost through phony sales prices. You can count on me to fight the takeover of our community's hospital system and keep the "care" in health care.

TRIBUTE TO THE SOUTHWEST SUBURBAN CENTER ON AGING ON ITS 25TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. LIPINSKI. Mr. Speaker, today I rise to pay tribute to an outstanding organization in my district that for 25 years has addressed the needs of older residents—the Southwest Suburban Center on Aging in La Grange, IL.

The center is enjoying its silver anniversary of providing a variety of important services for senior citizens. The agency drew out a study commissioned by the La Grange Kiwanis Club in 1970 that determined that not only was the senior population growing in the area, but that the vast majority of this group did not know where to turn for assistance.

The senior center was initially established as an arm of a local mental health agency, but because of the great demand for its services, it soon became a separate entity. In 1974, it leased its first facility, a building in La Grange, which it still occupies 22 years later.

Beginning with a staff of three on 1971, the center grew to employ a staff of 26 and over 300 volunteers. Today, the center now serves more than 10,000 seniors in 22 communities. The services provided range from arts and crafts classes to delivering meals to the homebound to investigating suspected cases of abuse of the elderly.

However, the varied offerings of the Southwest Suburban Center on Aging all contribute to one goal: to promote independent living for seniors and support their efforts to maintain healthy active lifestyles within their communities.

Mr. Speaker, I congratulate the Southwest Suburban Center on Aging for 25 years of service to the senior citizens of its community, and wish the organization many more years of service.

TRIBUTE TO LOUIS ELIAS, WILLIAM MORGAN, AND GABRIEL KASSAB

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. BONIOR. Mr. Speaker, the March of Dimes is an organization with a noble mission: to fight birth defects and childhood disease. We all share the March of Dimes dream which is that every child should have the opportunity to live a health life.

For the past 12 years, the Southeast Michigan Chapter of the March of Dimes Birth Defects Foundation has honored several Macomb County residents who are outstanding members of our community and have helped in the campaign for healthier babies. On the evening of Wednesday, September 25, 1996, the chapter will be hosting the 13th annual Alexander Macomb Citizen of the Year award dinner. The award, instituted in 1984, is named after my home country's namesake, Gen. Alexander Macomb, a hero of the War of 1812.

This year, the March of Dimes has chosen Louis Elias, William Morgan, and Gabriel Kassab as recipients of the Family of the Year Award. The Elias family executives can be counted on to devote time and money to numerous charitable and civic groups. Mr. Elias is known as a quiet philanthropist. His generous donations over the years have benefited many charitable organizations. Mr. Kassab has been active in several civic and social groups. He has also served on the executive board of the Boys Scouts of America. Mr. Morgan was instrumental in instituting the service club system of operations which annually returns over $2 million to the community. The Elias family members have been ardent backers of the March of Dimes' dream of erasing birth defects.

I applaud the Southeast Michigan Chapter of the March of Dimes and the Elias Family for their leadership, advocacy, and community service. The Elias Brothers are living proof that the business community meets their civic responsibility. I am sure that the Elias families are honored by the recognition and I urge my colleagues to join me in saluting them as the 1996 recipients of the Alexander Macomb Family of the Year Award.

TURKEY: NEW GOVERNMENT, SAME OLD REPRESSION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. SMITH of New Jersey. Mr. Speaker, in the last few weeks, the new Government of Turkey has demonstrated a familiar disregard for international human rights commitments and earlier promises made to secure entry into a European Union customs agreement. On August 26, 41 members of the Peoples Democracy Party [HADEP], including its leadership, were charged for alleged ties with the outlawed Kurdistan Workers Party [PKK]. The same day, two editors of the Turkish Daily News were charged with "damaging the prestige of the armed forces" by publishing an opinion poll. And, on September 3, Akin Birdal, president of the Human Rights Association of Turkey, was detained for participating on a delegation negotiating the release of Turkish soldiers captured by the PKK.

Mr. Speaker, the HADEP case follows an all too familiar pattern. The Turkish Government is stepping up efforts to delegitimize and dismantle HADEP, Turkey's only Kurdish-based political party. Supported by more than 1.2 million votes in last December's elections, HADEP was increasingly viewed as a possible interlocutor in the bloody conflict between government forces and Kurdish militants. Yet, like its director predecessor, the Democracy Party [DEP], whose 13 parliamentarians were imprisoned or exiled for speech crimes, HADEP has now become the government's target. In June, following a party convention at which a Turkish flag was torn down, 28 HADEP leaders were detained and have been held ever since, without being charged—despite their disavowal of any connection to the flag incident. Following the convention three HADEP members were murdered and party offices in Izmir were bombed. Two men accused of tearing down the flag have been charged with treason and could face the death penalty.

Mr. Speaker, nationalist hysteria over the flag incident also had negative consequences for a former DEP Member of Parliament, Sirri Sakik, who has been charged for saying, "People who desire that a certain respect be paid to their own flags should also be respectful of others' flags". Prosecutors deemed this statement to be advocating separatism and charged Sakik under article 8 of the Anti-Terror law. Mr. Speaker, you may recall that article 8 was amended with great fanfare last fall to mollify European concerns about Turkey's human rights record in advance of the vote on Turkey's customs union entry. Dozens of people have since been jailed under the new and improved article 8, and hundreds of others under similarly restrictive statutes.

Mr. Speaker, the Turkish Daily News case demonstrates how mainstream journalists also face continued repression. Ilnur Cevik, who participated in a Helsinki Commission briefing on Turkish elections, and Hayri Birler face up to 6 years in prison for publishing results of a poll on preferences for government alternatives following last year's elections. The polls were published in February and some speculate that the belated decision to prosecute was based on growing displeasure in military circles with Cevik's perceived support of Refah, the Muslim-based party.

Mr. Speaker, another troubling case involves Human Rights Association [HRA] President Akin Birdal, who participated in a 1995 Helsinki Commission briefing. A valuable source of information on human rights abuses in Turkey, the Association and its president, Akin Birdal, have received numerous awards in the United States and Europe. Since its inception, HRA activists have faced severe repression. Fifteen branches have been closed in southeast Turkey, activists and leaders have been murdered by government-supported death squads, and hundreds of HRA members have been arrested and imprisoned. The absurd justification for the latest detention, however, made the authorities look even more capricious than usual.

Akin Birdal participated in a delegation seeking the release of Turkish soldiers captured by the PKK. The delegation, led by a Member of Parliament from the ruling Refah Party and including other well-known human rights activists, was discussed in the press and government circles for weeks. Although unsuccessful, the delegation's mission fueled speculation that the government might be reconsidering its purely military approach to the Kurdish insurgency. Such speculation caused sufficient consternation in ruling circles to order detention of delegation members. Although the government released the delegation members on September 6, it remains unclear whether they will be charged under Penal Code Article 169 for aiding an illegal organization, for which they could face up to 5 years in prison.

These recent incidents, Mr. Speaker, punctuate the routine repression occurring daily in Turkey. None accused in these incidents committed acts of violence, but are being silenced rather for speaking against government-sponsored violence and policies that have prolonged a bloody internal war. And, if the pattern of past convictions of former parliamentarians and others repeats itself, the only evidence that will emerge to suggest support for terrorism will be clumsy fabrications and testimony coerced under torture.

Our important ally Turkey, Mr. Speaker, is facing a serious multidimensional crisis. If we are to help Turkey address this crisis, we must be firm in our support for a political solution to the conflict which has claimed more than 21,000 lives and created more than three million internal refugees. Recent events in northern Iraq have underscored regional instability complicated in no small part by Kurdish unrest in Turkey. Clearly, Turkey's leaders will pay little more than lip service to human rights commitments when it become necessary to secure cooperation with Western governments. They will continue such policies as long as Western governments remain willing to overlook abuses in order to advance security or economic objectives. Turkey's allies should undertake every effort to support the victims of this peculiar form of democracy. Mr. Speaker, I urge my colleagues to speak out against recurring restrictions imposed on free speech in Turkey and call upon the Turkish Government, once again, to release all those imprisoned for nonviolent expression, including the HADEP members and former DEP parliamentarians.

ETHICS COMMITTEE HANDLING OF GINGRICH CASE A TRAVESTY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mrs. SCHROEDER. Mr. Speaker 7 years ago, we had an Ethics Committee investigation against Speaker Jim Wright. The committee had requested an outside counsel, Richard Phelan, to prepare a report on the Wright case.

Here is what Congressman NEWT GINGRICH said on "Meet the Press" about releasing Mr. Phelan's report to the public:

> Now, that report is secret; I don't know of anybody other than the committee members and Mr. Phelan who know what's in it—except Mr. Wright's lawyer. And I think that report and the back-up documents have to be published.
>
> I cannot imagine going to the country * * * tell them we've got a $1.6 million report—and, by the way, there's nothing in it, but you can't see it.
>
> Clearly, that report is going to have to be published.
>
> Well, I think the first key test is whether or not the Phelan report is published, and the background documents and the appropriate interviews of 65 witnesses under oath are published.
>
> I think it's vital that we establish as a Congress our commitment to publish that report and to release those documents so the country can judge whether or not the man second in line to be president—the speaker of the House—should be in that position.

Congressman GINGRICH also demanded that Mr. Phelan be given the independence necessary to do a thorough and complete job. He wrote to the Ethics Committee chairman insisting that Mr. Phelan have full authority to investigate the Wright case; that he be allowed to make public statements and reports; and that a copy of his contract with the committee be made public.

Today, the tables are turned. Speaker GINGRICH is under investigation, but it is an investigation cloaked in secrecy. It is an investigation undermined by the committee's own members.

In this Monday's rollcall, several former special and committee counsels expressed grave reservations about how the current Ethics Committee is handling the Gingrich case.

Worse, in yesterday's Manchester, CT, Journal Inquirer, the chairman of the very Ethics Committee subcommittee charged with conducting the investigation trashes the very process he is heading up. Congressman PORTER GOSS is quoted as saying:

> It's a foolish process that needs to be changed. I'm not going to defend the process.

Congressman GOSS goes on to trivialize the report prepared by special counsel James Cole and criticize the press for running stories about the report.

Congressman GOSS should resign from the Ethics Committee. He is sabotaging the very process he is supposed to be leading. If he wants to be Speaker GINGRICH's defense counsel fine—it's a free country—but get off the Ethics Committee.

Worse, he is discussing a report he claims can't be discussed. Members of Congress can't read the report. The taxpayers—who paid the half million dollars it cost to prepare it—can't read the report. We have no way of knowing what's in it.

Yet Congressman GOSS feels free to discuss, characterize, and minimize the report while at the same time saying that under committee rules it is secret and can't be talked about.

This reminds me of the old TV quiz show, "I've Got a Secret." The Ethics Committee has a secret—a half-million-dollar investigation of Speaker NEWT GINGRICH that it doesn't want the public to see.

My advice to the committee is to trust the good judgment of the American public. Release the report and let the chips fall where they may.

GINGRICH ON MEDICARE

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. HASTERT. Mr. Speaker, I commend the following article to your attention. It ran on July 25, 1996, on page A–18 of the Washington Times. I think that the American people will benefit from the truth about the Medicare debate which is printed in this respected newspaper.

[From the Washington Times, July 25, 1996]

GINGRICH ON MEDICARE

Besides the customary $40 million in political action committee (PAC) contributions organized labor gives to Democratic candidates for Congress each election cycle, it pours millions of additional dollars of unregulated "soft money" into the Democratic Party and untold millions more in "in-kind" (telephone work, election-day duties, etc.) contributions.

For the 1995-96 election cycle, the AFL-CIO will supplement these normal contributions to the Democratic Party, all of which come directly from compulsory union dues, with a special assessment that will extract another $35 million from the paychecks of union workers irrespective of their political allegiance.

The bulk of these new funds has been used to finance "issue advocacy" ads for radio and television, so far mostly about Medicare. In the latest version, which splashes the label "Newt Gingrich on Medicare" across the television screen, the ad selectively and completely out of context quotes from an October speech by the Republican Speaker: "Now, we don't get rid of it in round one because we don't think that that's politically smart and we don't think that's the right way to go through a transition. But we believe it's going to wither on the vine," Clearly, any viewer would infer—erroneously, as is easily demonstrated—that the antecedent of "it" is Medicare. In fact, the antecedent is the Health Care Financing Administration (HCFA), the bureaucratic behemoth administering Medicare, which presidential candidate Bill Clinton promised to "scrap" in his 1992 campaign manifesto, "Putting People First."

The ad further asserts that Republicans sought to "cut Medicare and give new tax breaks to the wealthy." So inaccurate is the ad—the CNN ad-watch team has called it "dishonest"—that the viewer would never know that, under the GOP seven-year balanced-budget plan vetoed by President Clinton, Medicare expenditures per beneficiary would have increased by 50 percent, rising from less than $4,800 in 1995 to nearly $7,100 in 2002. Aware of this indisputable fact, the typical viewer might have a difficult time understanding how Republicans sought to have Medicare "wither on the vine." Concerning the "tax breaks to the wealthy," in fact, more than 60 percent of the 7-year $245 billion tax cut would have financed a $500 per child (under 18) tax credit for families with adjusted gross incomes no higher than $110,000. Considering that production and non-supervisory employees were working on average more hours per week and earning a higher inflation-adjusted wage in January 1993, when Mr. Clinton was inaugurated, than they worked and earned in May 1996, union members might view the $500 per child tax credit vetoed by President Clinton differently than their labor bosses, who clearly have their own agenda in mind.

To conclusively demonstrate the AFL-CIO's campaign of intentional distortion and lies, it is worth repeating exactly what Mr. Gingrich said about the HCFA last October. "We tell Boris Yeltsin, 'Get rid of centralized command bureaucracies. Go to the marketplace.' OK, what do you think the Health Care Financing Administration is? It's a centralized command bureaucracy. It's everything we're telling Boris Yeltsin to get rid of. Now, we don't get rid of it in round one, because we don't think that that's politically smart and we don't think that's the right way to go through a transition. But we believe it's going to wither on the vine."

In the context of the entire quote and considering Medicare spending per beneficiary was scheduled to increase under the GOP budget plan by $2,300 per year by 2002, who could possibly believe that Mr. Gingrich was referring to Medicare when speaking of "wither[ing] on the vine"? Only liars. The sooner union workers learn the truth about Medicare and tax cuts their bosses seem so afraid to share with them, the sooner they can choose leaders who pursue an agenda more compatible with their needs.

NATIONAL MENTAL HEALTH IMPROVEMENT ACT OF 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. STARK. Mr. Speaker, today, I am introducing the National Mental Health Improvement Act of 1996. This bill will provide parity in insurance coverage of mental illness and improve mental health services available to Medicare beneficiaries. It represents an urgently needed change in coverage to end discrimination against those with mental illness and to reflect the contemporary methods of providing mental health care and preventing unnecessary hospitalizations.

The bill prohibits health plans from imposing treatment limitations or financial requirements on coverage of mental illness if similar limitations or requirements are not imposed on coverage of services for other conditions. The bill also expands Medicare part A and part B mental health and substance abuse benefits to include a wider array of settings in which services may be delivered. It eliminates the current bias in the law toward delivering services in general hospitals. It permits services to be delivered in a variety of residential and community-based settings. Through use of residential and community-based services, costly inpatient hospitalization can be avoided. Services can be delivered in the setting most appropriate to the individual's needs.

In 1991, as a nation we spent approximately $58 billion for the treatment of mental illness and another $17 billion for substance abuse disorders. Medicare expenditures in these areas for 1993 were estimated at $3.6 billion of 2.7 percent of Medicare's total spending. Over 80 percent of that cost was for inpatient hospitalization.

In addition to these direct medical costs there are also enormous social costs resulting from these disorders. It has been estimated that severe mental illness and substance abuse disorders cost $78 billion per year in lost productivity, lost earnings due to illness or premature death, and costs for criminal justice, welfare, and family care giving.

Two to three percent of the population experience severe mental illness or substance abuse disorders. This population is very diverse. When given the appropriate treatment, some people's mental health problems never recur. Others have chronic problems that can persist for decades. And mental illness and substance abuse disorders include many different diagnoses, levels of disability, and duration of disability.

This bill addresses two fundamental problems in both public, as well as private, health care coverage of mental illness today. First, despite the prevalence and cost of untreated mental illness, many health insurance plans do not cover the expense of mental illness treatment as they do other illnesses. Insurance companies set different, lower limits on the scope and duration of care for mental illness as compared to other illnesses. This means that people suffering from depression get less care and less coverage than those suffering a heart attack. Yet, both illnesses are real.

Access problems to mental health benefits are mainly the result of these restrictions. About half of all health care plans limit coverage for hospitalization cost from 30 to 60 days. Outpatient benefits are restricted by the number of visits or dollar limits in 70 percent of the plans. Plan participants with mental health disorders are subject to arbitrary limits that are unrelated to treatment needs. Patients rarely have the choice of alternative plans with greater coverage since more than 80 percent of all plans limit inpatient care and more than 98 percent of plans limit outpatient care.

Access to equitable mental health treatment is essential. And it can be done at a reasonable price. By enacting this bill, we can reduce public sector spending by $16.6 billion, while only slightly increasing insurance premiums—just 4 percent or around $2.50 per person a month. The out-of-pocket expenses for individuals receiving care would be lowered by about $3.2 billion. Two dollars and fifty cents is a small price to pay for ending health care discrimination.

Second, diagnosis and treatment of mental illness and substance abuse have changed dramatically since the Medicare benefit was designed. No longer are treatment options limited to large public psychiatric hospitals. The great majority of people can be treated on an outpatient basis, recover quickly and return to productive lives. Even those who once would have been banished to the back wards of large institutions can now live successfully in the community. But today's Medicare benefits do not reflect this change in mental health care.

This bill would permit Medicare to pay for a number of intensive community-based services. In addition to outpatient psychotherapy and partial hospitalization that are already covered, beneficiaries would also have access to psychiatric rehabilitation, ambulatory detoxification, in-home services, day treatment for substance abuse and day treatment for children under age 19. In these programs, people can remain in their own homes while receiving services. These programs provide the structure and assistance that people need to function on a daily basis and return to productive lives.

They do so at a cost that is much less than inpatient hospitalization. For example, the National Institute of Mental Health in 1993 estimated that the cost of inpatient treatment for schizophrenia can run as high as $700 per day, including medication. The average daily cost of partial hospitalization in a community mental health center is only about $90 per day. When community-based services are provided, inpatient hospitalizations will be less frequent and stays will be shorter. In many cases hospitalizations will be prevented altogether.

This bill will also make case management available for those with severe mental illness or substance abuse disorders. People with severe disorders often need help managing many aspects of their lives. Case management assists people with severe disorders by making referrals to appropriate providers and monitoring the services received to make sure they are coordinated and meeting the beneficiaries' needs. Case managers can also help beneficiaries in areas such as obtaining a job, housing, or legal assistance. When services are coordinated through a case manager, the chances of successful treatment are improved.

For those who cannot be treated while living in their own homes, this bill will make several residential treatment alternatives available. These alternatives include residential detoxification centers, crisis residential programs, therapeutic family or group treatment homes and residential centers for substance abuse. Clinicians will no longer be limited to sending their patients to inpatient hospitals. Treatment can be provided in the specialized setting best suited to addressing the person's specific problem.

Right now in psychiatric hospitals, benefits may be paid for 190 days in a person's lifetime. This limit was originally established primarily in order to contain Federal costs. In fact, CBO estimates that under modern treatment methods only about 1.6 percent of Medicare enrollees hospitalized for mental disorders or substance abuse used more than 190 days of service over a 5-year period.

Under the provisions of this bill, beneficiaries who need inpatient hospitalization can be admitted to the type of hospital that can best provide treatment for his or her needs. Inpatient hospitalization would be covered for up to 60 days per year. The average length of hospital stay for mental illness in 1992 for an adult was 16 days and for an adolescent was 24 days. The 60-day limit, therefore, would adequately cover inpatient hospitalization for the vast majority of Medicare beneficiaries, while still providing some modest cost containment. Restructuring the benefit in this manner will level the playing field for psychiatric and general hospitals.

The bill I am introducing today is an important step toward providing comprehensive coverage for mental health. Leveling the health care coverage playing field to include mental illness and timely treatment in appropriate settings will lessen health care costs in the long run. These provisions will also lessen the social costs of crime, welfare, and lost productivity to society. This bill will assure that the mental health needs of all Americans are no longer ignored. I urge my colleagues to join me in support of this bill.

A summary of the bill follows:

IN GENERAL

The bill revises the current tax code to deter health plans from imposing treatment limitations or financial requirements on coverage of mental illness if similar limitations or requirements are not imposed on coverage of services for other conditions. The bill also revises the current mental health benefits available under Medicare to deemphasize inpatient hospitalization and to include an array of intensive residential and intensive community-based services.

TITLE I PROVISIONS

The bill prohibits health plans for imposing treatment limitations or financial requirements on coverage of mental illness if similar limitations or requirements are not imposed on coverage of services for other conditions.

The bill amends the Tax Code to impose a tax equal to 25 percent of the health plan's premiums if health plans do not comply. The tax applies only to those plans who are willfully negligent.

TITLE II PROVISIONS

The bill permits benefits to be paid for 60 days per year for inpatient hospital services furnished primarily for the diagnosis or treatment of mental illness or substance abuse. The benefit is the same in both psychiatric and general hospitals.

The following intensive residential services are covered for up to 120 days per year: Residential detoxification centers; crisis residential or mental illness treatment programs; therapeutic family or group treatment home; and residential centers for substance abuse.

Additional days to complete treatment in an intensive residential setting may be used from inpatient hospital days, as long as 15 days are retained for inpatient hospitalization. The cost of providing the additional days of service, however, could not exceed the actuarial value of days of inpatient services.

A facility must be legally authorized under State law to provide intensive residential services or be accredited by an accreditation organization approved by the Secretary in consultation with the State.

A facility must meet other requirements the Secretary may impose to assure quality of services.

Services must be furnished in accordance with standards established by the Secretary for management of the services.

Inpatient hospitalization and intensive residential services would be subject to the same deductibles and copayment as inpatient hospital services for physical disorders.

PART B PROVISIONS

Outpatient psychotherapy for children and the initial 5 outpatient visits for treatment of mental illness or substance abuse of an individual over age 18 have a 20-percent copayment. Subsequent therapy for adults would remain subject to the 50-percent copayment.

The following intensive community-based services are available for 90 days per year with a 20-percent copayment—except as noted below: Partial hospitalization; psychiatric rehabilitation; day treatment for substance abuse; day treatment under age 19; in-home services; case management; and ambulatory detoxification.

Case management would be available with no copayment and for unlimited duration for "an adult with serious mental illness, a child with a serious emotional disturbance, or an adult or child with a serious substance abuse disorder—as determined in accordance with criteria established by the Secretary."

Day treatment for children under age 19 would be available for up to 180 days per year.

Additional days of service to complete treatment can be used from intensive residential days. The cost of providing the additional days of service, however, could not exceed the actuarial value of days of intensive residential services.

A nonphysician mental health or substance abuse professional is permitted to supervise the individualized plan of treatment to the extent permitted under State law. A physician remains responsible for the establishment and periodic review of the plan of treatment.

Any program furnishing these services—whether facility-based or freestanding—must be legally authorized under State law or accredited by an accreditation organization approved by the Secretary in consultation with the State. They must meet standards established by the Secretary for the management of such services.

ONE-YEAR ANNIVERSARY OF ABDUCTION OF HUMAN RIGHTS ACTIVIST

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. BURTON of Indiana, Mr. Speaker, September 6 marks the 1-year anniversary of the Indian Government's abduction of human rights advocate Jaswant Singh Khalra. As I have said in previous statements on the floor about this tragic case, Mr. Khalra was kidnaped after he exposed the widespread use of cremations by Indian authorities in Punjab to dispose of victims of extrajudicial killings.

Recently, India's Central Bureau of Investigation was forced to admit in court that at least 1,000 such cremations had occurred in Punjab. The actual number is certainly many times higher than that. The United States State Department reported that between 1991–93, the Indian Government paid over 41,000 cash bounties to police in Punjab for the killings of Sikhs.

Before Mr. Khalra was abducted, he stated publicly, and with a great deal of courage, that the number of cremations of innocent Sikhs was probably as high as 25,000. He was picked up by authorities a short time after that statement and has not been seen since. That was 1 year ago.

In the video, "Disappearances in Punjab," a policewoman testifies that she saw prisoners in custody whose legs had been broken. These prisoners were reported to have been killed later in staged "encounters."

Mr. Speaker, it is time for the Indian Government to release Jaswant Singh Khalra and own up to the crimes committed in Punjab. With the Indian Government's atrocious human rights record, it is no wonder that there is such a strong movement among the Sikh people for an independent nation of Khalistan.

Mr. Speaker, I hope that the pro-India lobby, and my friends in Congress who have opposed legislation to punish India for it brutal treatment of the Sikhs, the Kashmiris, and other minorities, will pay attention to what is happening over there, and will also call for the immediate release of Mr. Khalra.

THANK YOU, CHUCK MILHEM

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. BARCIA. Mr. Speaker, the most important and valuable resource we have in this country is our children. Providing a safe environment for them to grow and mature has always been this country's No. 1 priority. People who dedicate their time and energy to making this possible are most deserving of our praise and thanks. Mr. Chuck Milhem is one of those people. He is being honored on September 11, 1996, by the Boys and Girls Clubs of Bay County Inc., with its Eighth Annual Helping Hand Award for his more than 10 years of support and dedication to this outstanding organization.

Chuck Milhem was born in 1929, the year the stock market crashed. He grew up in a tough, lower east side neighborhood in Detroit, and learned early the importance of community centers for children. His time there not only provided an alternative to gang activities but convinced him that higher education was the road to a better future. Chuck attended Wayne State University in Detroit and after leaving to join the Navy during the Korean war, returned to complete his degree. While working at a bank to help defer college costs, Chuck was introduced to the world of coin-operated vending machines. This interest eventually led him to accept a job with Brunswick.

At Brunswick, Chuck was instrumental in the introduction and widespread popularity of the coin-operated air hockey table. Chuck's talent and success did not go unnoticed and eventually led him to the presidency of Valley Recreation Products from 1979 to 1994. Always a leader, Chuck helped found the VNEA, Valley National Eight Ball Association. Today the VNEA has 200 operators and almost 50,000 sanctioned players. The VNEA's concentration on youth leagues reflects Chuck's concern and commitment to American children. As Mr. Milhem knows so well, "Giving youngsters a place to excel at something, no matter what the circumstances at home, is not to be taken lightly."

The caring and concern Chuck Milhem has shown to both his career and his community serve as an example to all of us. Many of us talk about making the world a safer place for our children but few do anything about it. Chuck Milhem has not only made it happen but has made a lasting commitment of over 10 years to make it happen. How many of us can say that?

Mr. Speaker, I invite you and all of our colleagues to join me in congratulating Chuck Milhem, his wife Florence, and his children Laurel and Janice, for his well-deserved honor from the Boys and Girls Clubs of Bay County.

HONORING NORRIS JAMES QUINN IN THE DEDICATION OF THE FIRE TRAINING CENTER IN HIS NAME

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. NEAL of Massachusetts. Mr. Speaker, today it brings me great pleasure to recognize fire drillmaster Norris James Quinn who devoted 40 years of public service to the people of Springfield, MA. In his first 20 years of commitment to the city, Quinn was promoted through the ranks first to lieutenant, and then to captain, culminating with his appointment as permanent drillmaster (chief of training). In this capacity, Chief Quinn greatly contributed to the establishment of a new fire training center.

In 1968, Chief Quinn began the search throughout the city for a site for land to construct the new facility. After weeks of planning and preparation by Quinn, his dream of a state-of-the-art fire training center was realized. Since its completion, the training center has instructed countless firefighters. His commitment to the safety of his fellow firefighters has in turn greatly aided the community as a whole.

I served as the mayor of Springfield when Chief Quinn retired in 1987 and was proud to have such an outstanding citizen serving the city. His legacy shall carry on as future generations of firefighters benefit from Quinn's achievement. On Tuesday, September 17, 1996 this facility will be renamed the "Norris J. Quinn Fire Training Center". It is fitting that this institution be named after a man that devoted much of his profession in the training of Springfield's firefighters. I salute Chief Quinn for his distinguished career and offer my heartfelt congratulations for this great honor of which he is so deserving.

REMARKS ON THE 80TH BIRTHDAY OF STANLEY A. DASHEW

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Ms. HARMAN. Mr. Speaker, few at 80 can sail a large boat, take professional-caliber photographs, work out at the gym for 2-hour stints several times a week, help to build new entrepreneurial ventures, and new buildings for UCLA's International Student Center.

Stan Dashew can.

In the close to 40 years I've known him—half his life and most of mine—he has never disappointed. Always creative. Always caring. Always ready to make the most of his day.

He brought enormous happiness to his late wife, Rita, an extraordinary woman whom I called my godmother. When Rita died suddenly, Stan's obituary in the Los Angeles Times describing their last evening together was as moving a testament about a marriage as could ever be written.

Since Rita's death, Stan has moved on with life—as creative and caring as ever. He remains a devoted father, stepfather, and grandfather, and now a happy partner to Elizabeth.

No past-tense is necessary. Stan is living the American dream. The son of immigrants who grew up during the Depression, he built Dashew Business Machines into a major producer of magnetic entry cards, bank credit cards, transmit systems, offshore mooring buoys, and more recently, unique bow thrusters for ships.

Many years ago he sailed to California from Michigan with his young family. No doubt he will set out on new voyages in the future.

Happy Birthday Stan.

SALUTE TO LT. GEN. EDWARD J. BRONARS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. DORNAN. Mr. Speaker, in today's Washington Times, my good friend Lt. Col. Ollie North provides a fitting tribute to Lt. Gen. Edward J. Bronars, a true American war hero.

[From the Washington Times, Sept. 10, 1996]

Farewell Salute to a Hero for All Seasons

(By Ollie North)

America has lost one of its true heroes and I have lost a great friend. Last Friday, Lt. Gen. Edward J. Bronars, U.S. Marine Corps (Ret.), war hero, husband, father, mentor and steadfast ally in the face of adversity, died at Walter Reed Army Medical Center.

First and last, Ed Bronars was a patriot. He spent his entire adult life in selfless service to our country. Born on April 12, 1927, in Chicago, he was graduated from the U.S. Naval Academy in 1950 and was commissioned in the United States Marine Corps. During his 32-year career with the Corps, Gen. Bronars served in two wars—Korean and Vietnam—and the chest of his forest green uniform carried the Silver Star, the Bronze Star, the Distinguished Service Medal, and the Legion of Merit with Combat "V" for valor.

And while he was respected and admired by fellow Marines for his intelligence, courage and professionalism, few outside of his family and close friends knew of the risks he had taken for our country "behind the lines" in Eastern Europe during the now long-forgotten Cold War. But the selection boards knew—and so in 1979 Ed Bronars was promoted to lieutenant general—the second highest designation in the USMC. When he retired from the Marines in 1982 he was the deputy chief of staff for manpower at Headquarters Marine Corps.

But retirement for Ed Bronars didn't really mean "retirement." From 1982 to 1985, he served as the president of the Navy Relief Society, a private, non-profit, volunteer supported organization dedicated to helping young military personnel and their families. From 1986 to 1987, Gen. Bronars served as executive director of the Association of Military Schools and Colleges and, then in 1987 he volunteered to become the administrator of the Legal Defense Fund established by my Naval Academy Classmates.

Why did a retired general jump from a nice, soft job as the executive director of one of Washington's many Associations—to heading up the legal defense fund of a fellow who was having the book thrown at him by the entire Washington establishment—and the mainstream media to-boot? For Ed Bronars it was easy—one of his own was in trouble—a whole lot of trouble! And Ed Bronars knew what the words of the Marine Corps motto—Semper Fidelis—meant.

When we were both on active duty, Gen. Bronars had been my division commander, and in 1981, he had selected me to serve on Ronald Reagan's National Security Council Staff. He knew of my reservations about the assignment—and he knew how hard I had tried to get out of it to go back to the Marines. Now—the guy he'd ordered to the White House needed help—and Ed Bronars was there.

It was Ed Bronars' careful steady hand, his unquestioned integrity and his perseverance that made it possible for us to pay the millions in legal bills we accrued in the great Iran-Contra controversy. Without his steadfast help, unwavering encouragement and good counsel, the long ordeal of 1986–1989 could well have been an unbearable burden for my family and me.

And later it was Gen. Bronars who encouraged me to start Freedom Alliance; the 5091(c)(3) non-profit, charitable and educational organization I founded in 1990. In March 1991, Gen. Bronors became the chairman of the board of Freedom Alliance and served in that capacity until his death.

At Freedom Alliance, Gen. Bronars led Operation Homefront, a campaign which supplied over 125,000 care packages to the men and women serving in the Persian Gulf War. He also originated the HEROeS Scholarship Program (Honoring, Educating, and Remembering Our Survivors) which provided up to $10,000 in educational grants to the surviving family members of Gulf war casualties, and the CAST Program (Casualty Assistance Support Team), a $50,000 grant from Freedom Alliance, administered by military chaplains to assist family members in visiting their loved ones in military hospitals as a result of wounds in the Persian Gulf War.

Gen. Bronars also became a public advocate for the readiness and integrity of the U.S. Armed Forces. He testified before the Bush administration's Presidential Commission on the Assignment of Women in the Armed Forces, and with the voice of experience, warned of the dangers in placing women directly into the horror of combat. He did the same in opposing the Clinton administration's proposals regarding homosexuals in our armed forces.

And with all of this, he still devoted time to the Marine Corps Scholarship Fund and the Young Marines program for at-risk youth. In all he did, Ed Bronars sought no recognition, no honor, no praise for countless hours of toil and trouble. In every event his good humor would prevail over the naysayers, his perseverance inspired the weary and his friendship offset the adversaries.

Many knew Ed Bronars as a great leader. A good number knew he was a steadfast patriot. A handful knew him as a war hero. The beautiful Dot Bronars knew him as her husband. Bruce and Bobbi knew him as their Dad. I was blessed to have him as a faithful friend. Semper Fidelis, we'll miss you, Ed!

INTRODUCTION OF SENATE-PASSED MENTAL HEALTH PARITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. STARK. Mr. Speaker, I am introducing today the identical bill the Senate passed on September 5 by 82–15, offered by Senator DOMENICI, WELLSTONE, and many others, to provide mental health lifetime and annual cap parity.

I would like to see much more extensive mental health legislation passed. I would like to see an elimination of all caps, in both physical and mental health, but this bill is a step forward, has widespread support, and is the least we can and should do in this Congress.

If the House can pass identical legislation this month, this incremental health reform could become law this year and begin to help innumerable families who face the crisis of paying for mental health needs.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Mental Health Parity Act of 1996".

SEC. 2. PLAN PROTECTIONS FOR INDIVIDUALS WITH A MENTAL ILLNESS.

(a) Permissible Coverage Limits Under a Group Health Plan.—

(1) Aggregate lifetime limits.—

(A) In general.—With respect to a group health plan offered by a health insurance issuer, that applies an aggregate lifetime limit to plan payments for medical or surgical services covered under the plan, if such plan also provides a mental health benefit such plan shall—

(i) include plan payments made for mental health services under the plan in such aggregate lifetime limit; or

(ii) establish a separate aggregate lifetime limit applicable to plan payments for mental health services under which the dollar amount of such limit (with respect to mental health services) is equal to or greater than the dollar amount of the aggregate lifetime limit on plan payments for medical or surgical services.

(B) No lifetime limit.—With respect to a group health plan offered by a health insurance issuer, that does not apply an aggregate lifetime limit to plan payments for medical or surgical services covered under the plan, such plan may not apply an aggregate lifetime limit to plan payments for mental health services covered under the plan.

(2) Annual limits.—

(A) In general.—With respect to a group health plan offered by a health insurance issuer, that applies an annual limit to plan payments for medical or surgical services covered under the plan, if such plan also provides a mental health benefit such plan shall—

(i) include plan payments made for mental health services under the plan in such annual limit; or

(ii) establish a separate annual limit applicable to plan payments for mental health services under which the dollar amount of such limit (with respect to mental health services) is equal to or greater than the dollar amount of the annual limit on plan payments for medical or surgical services.

(B) No annual limit.—With respect to a group health plan offered by a health insurance issuer, that does not apply an annual limit to plan payments for medical or surgical services covered under the plan, such plan may not apply an annual limit to plan payments for mental health services covered under the plan.

(b) Rule of Construction.—

(1) In general.—Nothing in this section shall be construed as prohibiting a group health plan offered by a health insurance issuer, from—

(A) utilizing other forms of cost containment not prohibited under subsection (a); or

(B) applying requirements that make distinctions between acute care and chronic care.

(2) Nonapplicability.—This section shall not apply to—

(A) substance abuse or chemical dependency benefits; or

(B) health benefits or health plans paid for under title XVIII or XIX of the Social Security Act.

(3) STATE LAW.—Nothing in this section shall be construed to preempt any State law that provides for greater parity with respect to mental health benefits than that required under this section.

(c) SMALL EMPLOYER EXEMPTION.—

(1) IN GENERAL.—This section shall not apply to plans maintained by employers that employ less than 26 employees.

(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

(C) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

SEC. 3. DEFINITIONS.

For purposes of this title:

(1) GROUP HEALTH PLAN.—

(A) IN GENERAL.—The term "group health plan" means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974) to the extent that the plan provides medical care (as defined in paragraph (2)) and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

(B) MEDICAL CARE.—The term "medical care" means amounts paid for—

(i) the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body.

(ii) amounts paid for transportation primarily for and essential to medical care referred to in clause (i), and

(iii) amounts paid for insurance covering medical care referred to in clauses (i) and (ii).

(2) HEALTH INSURANCE COVERAGE.—The term "health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

(3) HEALTH INSURANCE ISSUER.—The term "health insurance issuer" means an insurance company, insurance service, or insurance organization (including a health maintenance organization, as defined in paragraph (4)) which is licensed to engage in the business of insurance in a State and which is subject to State law which regulates insurance (within the meaning of section 514(b)(2) of the Employee Retirement Income Security Act of 1974), and includes a plan sponsor described in section 3(16)(B) of the Employee Retirement Income Security Act of 1974 in the case of a group health plan which is an employee welfare benefit plan (as defined in section 3(1) of such Act). Such term does not include a group health plan.

(4) HEALTH MAINTENANCE ORGANIZATION.—The term "health maintenance organization" means—

(A) a federally qualified health maintenance organization (as defined in section 1301(a) of the Public Health Service Act).

(B) an organization recognized under State law as a health maintenance organization, or

(C) a similar organization regulated under State law for solvency in the same manner and to the same extent as such a health maintenance organization.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

SEC. 4. SUNSET.

Sections 1 through 3 shall cease to be effective on September 30, 2001.

SEC. 5. FEDERAL EMPLOYEE HEALTH BENEFIT PROGRAM.

For the Federal Employee Health Benefit Program, sections 1 through 3 will take effect on October 1, 1997.

LORET RUPPE: AN UNSELFISH CIVIL SERVANT WITH A VISION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. BEREUTER. Mr. Speaker, as the attached excerpts from an Economist obituary indicate, Loret Ruppe was an extraordinarily effective, dedicated, and public-service oriented leader for one of America's most optimistic programs, the Peace Corps. Her leadership of that Agency helped instill in it her own dedication and desire to help those most in need of America's can-do spirit.

As Director of the Peace Corps, Loret Ruppe worked with this Member to facilitate cooperation between that important program and the highly successful, Farmer-to-Farmer Program. The marriage of these two American technical assistance programs insures that Loret Ruppe's outstanding legacy continues in all those villages and out-of-the way places where her Peace Corps and Farmer-to-Farmer soldiers spread the positive results of her optimism and determination.

[From the Economist, Aug. 24, 1996]

LORET RUPPE

When Loret Ruppe was made director of America's Peace Corps in 1981, it was probably the least attractive of political appointments in the gift of the president. "We called it the peace corpse," recalls a diplomat embarrassed by young Americans dumped in, say, an African village and expected to promote western ideas. Ronald Reagan, the new broom who in 1980 had swept away the Democrats, was prepared formally to bury the corpse. But Mrs. Ruppe, a prominent Republican who had been leader of the Reagan-Bush campaign in Michigan, wanted the job, and Mr. Reagan was happy, though surprised, to repay a political debt cheaply. If she finished it off, no one would be too bothered.

To some, Mrs. Ruppe seemed as naive as her new charges. She was approaching middle age, a mother hen with five daughters, adept at Republican money-raising, but with no foreign experience. But delve deeper. Mrs. Ruppe's mother was an anti-nuclear campaigner who alarmed her family by camping out on the bomb-testing grounds in Nevada. And she had been an admirer of President Kennedy, like her (and Mrs. Ruppe) a Roman Catholic, who had created the Peace Corps in 1961.

So there was a seed, and it germinated. Mrs. Ruppe decided that the Peace Corps was a good idea that had been discredited by its Kennedy-minded sloppiness. The Peace Corps had been the one fresh project that Kennedy had brought to the presidency. He called it his "winning number". He visualized the many thousands of students who had supported him during his election campaign as "soldiers of peace". He contrasted them with "ugly American" ambassadors who "lacked compassion." In his inaugural address in 1961 Kennedy said that the Peace Corps would help those "in the huts and villages of half the globe struggling to break the bonds of mass misery." For poor countries this was a hurtfully condescending message from a fat cat. They wanted money and investment, not what a critic of Kennedy called "some Harvard boy or Vassar girl" who "lives in a mud hut and speaks Swahili".

KENNEDY'S CHILDREN

In fact, few in the early days of the Peace Corps had equipped themselves even with fluency in a second language before setting forth. Many were innocents abroad. Wise minds in the Kennedy circle did advise caution in the selection of recruits. Notwithstanding, they said, the admirable enthusiasm of the thousands of Americans who applied by every post to be allowed to help the miserable Africans and Asians, they should have appropriate skills and a degree of maturity. But the average age of Kennedy's Peace Corps "children", as they came to be called, was an unmatured 21.

The corps that Mrs. Ruppe took over in 1981 had shrunk from 15,000 in the 1960s to about 5,000. In the previous decade seven directors had come and gone. The corps budget had been cut, and cut again. The Soviet Union said, perhaps correctly, that the corps was a weapon in the cold war; in those days nearly everything was. The corps, Mrs. Ruppe recalled later, was in "the least liked, least supported, least respected" part of the United States budget.

At first Mrs. Ruppe took no salary. This was no hardship for her—she came from a wealthy family of brewers—but the gesture was well received. The many liberals in the corps, initially hostile to a Reagan appointee, were won over by her clear belief in the movement and her sensible management. She ensured that anyone sent to the 90 or so countries served by the corps had a skill to offer, most commonly in agriculture as the majority of the world's poor are peasants, but there was, too, a wide range of expertise available, from nursing to computers. These days the average age of members is 29. Some are over 50, bringing to their tasks years of experience. Under Mrs. Ruppe the corps gained flexibility: sometimes a farmer, or a doctor or an engineer, will take a sabbatical from his regular job to spend some useful time overseas. The present director, Mark Gearan, said that Mrs. Ruppe was "the driving force" in its revitalization.

Kennedy's "winning number" has spread far beyond the bounds of his New Frontier. These days all the rich countries have dozens of organisations that send volunteers abroad to poor and not-so-poor countries. Some of them are government-supported, although many are private, relying on charity. In France, voluntary work abroad has been acceptable as an alternative to military service. Such schemes are generally regarded as a Good Thing, perhaps suspiciously so. This year, keeping 6,529 Peace Corps people in the field will cost America $219m, about $33,500 a person, a good deal less than the expense of running the most junior diplomat. Neither is Peace Corps work solely altruistic. For a Peace Corps scientist specialising in, say, pest control, Africa is a laboratory not available at home. As a result, the rich world becomes subtly richer. In 1989, after eight years as director of the corps, Mrs. Ruppe became ambassador to Norway, Washington's reward to one of its least-ugly Americans.

TRIBUTE TO SENIOR M.SGT. FREDRICK D. HAM

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to honor Senior M. Sgt. Fredrick D. Ham who is retiring from the U.S. Air Force at McClellan AFB, CA.

Senior Master Sergeant Ham has completed 26 years of dedicated service to our country. As a senior master sergeant, leader, and finally as a respected first sergeant assigned to the 77th Communications Squadron at McClellan Air Force Base, CA, he has provided dedicated and distinguished service.

Today as we honor his retirement, we reflect on the outstanding career which Fred started in October 1970 when he enlisted in the U.S. Air Force. Upon completion of basic training at Lackland AFB, TX, Lackland became his first permanent duty assignment. While there, he performed duties as an interior electrician until cross-training into the work control career field in 1972.

In December 1972, he was assigned to Torrejon AFB, Spain, where he worked as an in-service work programmer, controller, scheduler, quality control technician, service call NCOIC, and NCOIC of customer service. In 1982, he traveled stateside to Kirtland AFB, NM. Selected for promotion to master sergeant in 1983, he attended the First Sergeant Academy. He was selected honor graduate of his class.

In 1986, Fred again went overseas to Bitburgh AB, Germany, where he was first sergeant of the 36th Aircraft Generation Squadron and 36th Equipment Maintenance Squadron. While there, in February 1988, he attended the NCO Academy at Kapaun AS, Germany (class honor graduate) and was the winner of the John L. Levitow award. That same year, he was selected as Bitburgh's First Sergeant of the Year.

In 1990, he was assigned to McClellan AFB, where he served as the first sergeant of the 77th Communications Squadron until his retirement. In April 1992, he graduated from the Senior NCO Academy as a distinguished graduate while earning honors as the Military Studies Award Winner.

In 1994, Fred was selected as the McClellan AFB First Sergeant of the Year.

Senior Master Sergeant Ham is married to the former Diane Huse of Chicago, IL. They have a daughter Rebecca, who resides in Othello, WA, and two grandsons, Matthew, 6 and Dustin, 2.

Fred D. Ham's career reflects a commitment to our Nation, characterized by dedicated selfless service, love for the Air Force and commitment to excellence. Senior Master Sergeant Ham's performance, over a quarter of a century of service, personifies the traits of courage, competency, and integrity that our Nation has come to expect from its first sergeants. On behalf of the Congress of the United States and the people of this great Nation, I offer our heartfelt appreciation and best wishes for a first sergeant who served his country so admirably.

HOUSE OF REPRESENTATIVES—*Wednesday, September 11, 1996*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. HEFLEY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 11, 1996.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Bless this day and bless this land,
Keep us safe with Your strong hand.
May Your spirit, O God, forgive,
All our lives so we might live.

May Your benediction, O gracious God, that is new every morning and with us until the last light of day, surround us and keep us in Your peace, now and forevermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency John Bruton, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, September 5, 1996, the House will stand in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10 a.m., the following proceedings were had:

☐ 0955

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY, JOHN BRUTON, PRIME MINISTER OF IRELAND

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Donald T. Kellaher, announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of Ireland into the Chamber: the gentleman from Texas [Mr. ARMEY]; the gentleman from Texas [Mr. DELAY]; the gentleman from Ohio [Mr. BOEHNER]; the gentleman from California [Mr. COX]; the gentleman from New York [Mr. GILMAN]; the gentleman from Massachusetts [Mr. BLUTE]; the gentleman from New Jersey [Mr. FRANKS]; the gentleman from New York [Mr. KING]; the gentleman from New York [Mr. LAZIO]; the gentleman from New York [Mr. QUINN]; the gentleman from Pennsylvania [Mr. ENGLISH]; the gentleman from Illinois [Mr. FLANAGAN]; the gentlewoman from New York [Mrs. KELLY]; the gentleman from New Jersey [Mr. MARTINI]; the gentleman from Michigan [Mr. BONIOR]; the gentlewoman from Connecticut [Mrs. KENNELLY]; the gentleman from Maryland [Mr. HOYER]; the gentleman from Mississippi [Mr. MONTGOMERY]; the gentleman from Massachusetts [Mr. MARKEY]; the gentleman from Michigan [Mr. KILDEE]; the gentleman from Montana [Mr. WILLIAMS]; the gentleman from Pennsylvania [Mr. BORSKI]; the gentleman from New York [Mr. MANTON]; the gentleman from Washington [Mr. MCDERMOTT]; the gentleman from Massachusetts [Mr. NEAL]; the gentleman from Virginia [Mr. MORAN]; the gentlewoman from New York [Mrs. MALONEY]; and the gentleman from Rhode Island [Mr. KENNEDY].

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency, John Bruton, the Prime Minister of Ireland into the Chamber: the Senator from Wyoming [Mr. SIMPSON]; the Senator from Mississippi [Mr. COCHRAN]; the Senator from Alaska [Mr. STEVENS]; the Senator from Florida [Mr. MACK]; the Senator from South Dakota [Mr. DASCHLE]; the Senator from Massachusetts [Mr. KENNEDY]; the Senator from Vermont [Mr. LEAHY]; and the Senator from Rhode Island [Mr. PELL].

☐ 1000

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, Dr. Joseph Edsel Edmunds, Ambassador of Saint Lucia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 10 o'clock and 5 minutes a.m., the Assistant to the Sergeant at Arms announced His Excellency, John Bruton, the Prime Minister of Ireland.

The Prime Minister of Ireland, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

deem it a high honor and personal pleasure to present to you His Excellency, John Bruton, the Taoiseach, Prime Minister of Ireland.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, JOHN BRUTON, PRIME MINISTER OF IRELAND

PRIME MINISTER BRUTON. Mr. Speaker, Senator THURMOND, Members of Congress, it is a great honor to Ireland that I have been asked to address this joint session of Congress today, as only the 30th head of State or government of an European country to do so since 1945. But it is a particular honor to be asked to speak here on this day, the 11th of September.

For it was on this day, the 11th of September, 210 years ago almost to the hour, that delegates from New York, New Jersey, Delaware, Pennsylvania, and Virginia met just 32 miles from here at Annapolis in Maryland, and it was there, at Annapolis, that they decided to convene the convention in Philadelphia that gave the people the Constitution of the United States of America, the world's first Federal constitution, the constitution that made Americans "the first people whom Heaven has favoured with an opportunity of deliberating upon, and choosing, the form of government under which they shall live," making America the pioneer of that most powerful of all political ideas: democracy under the rule of law.

Two hundred and ten years later Americans can look back with pride at what they have given to the world. Never before in that long period have more of humanity lived under a system based on democracy and the rule of law than do so today.

Even in the case of countries as afflicted as Burma, people are standing up for democracy and the rule of law. For the first time in their history, the Russian people have freely elected their own President. The American model, constitutional democracy, has succeeded and spread because it is built on a realistic view of human nature. Checks and balances are needed.

As James Madison said: "You must first enable the Government to control the governed, and in the next place, oblige it to control itself."

American democracy has worked because it has controlled itself through the separation of powers in a written Constitution, and through a strong and independent Supreme Court that interprets that Constitution.

As President Andrew Jackson, a man of Irish ancestry, said in 1821: "The great can protect themselves, but the poor and humble require the arm and the shield of the law."

I speak today as President in office of the European Council, a body that is aiming to do for the 15 member states of the European Union what the men who met, and they unfortunately only were men who met at Annapolis and at Philadelphia, did so long ago for the 13 colonies of America. The European Union, through an Inter-Governmental Conference launched last April in Turin, is seeking to write a new constitution for Europe that will enable the European Union to add new members to its east, just as your constitution of 1789 enabled this great union to add so many new members to its west.

The establishment of the United States of America was the great constructive constitutional achievement of the late 18th century. The establishment of the European Union out of the devastation of World War II could be described as the great constructive constitutional achievement of the late 20th century.

We in Europe have much to learn from American experience. Americans came together because of necessity. Very few of the eventual Framers of the U.S. Constitution who met at Annapolis were inspired by the theories of Montesquieu or Locke, wanting to build the perfect state, a model democracy, a castle built in the sky. They came together rather because they had to reach urgent agreement on a framework to sort out immediate problems about shipping on the Potomac, about how they would pay for the army, about who was going to pay taxes and how they were going to be collected, how they would get their goods to market, and how their frontiers would be protected, very practical problems.

Americans in 1786 knew at Annapolis that they could not agree on commercial reforms to protect trade without making political reforms as well. That is why the men at Annapolis 210 years ago decided to call a constitutional conference in Philadelphia the following May. By working together to find the means of solving the practical problems of life for their citizens, the Framers of the U.S. Constitution forged the most durable and perhaps the fairest system of government the world has ever seen. They came together as people who were each loyal, first and foremost, to their own States. But they knew that that loyalty and allegiance could find its best expression as part of a wider American continental loyalty.

Mr. Speaker, it was necessity that brought Europe together too, the necessity of reconstruction after World War II, the necessity of resisting communism, and the necessity to resolve national conflicts that had caused 3 wars in just 80 years. That dynamic, that necessity, continues in Europe today.

It is often said that politicians and politics are made to serve commercial needs. The European Union has done the reverse. It has made commerce the servant of a great political objective. By creating a single coal and steel industry, a single agricultural market, a single commercial market, the European Union has created economic bonds that bind its members together politically.

The European Union has undermined the economic base of that force that causes wars, national chauvinism, but the psychological base of national chauvinism still remains a threat in Europe. If Europeans do not constantly work at bringing their union closer together, the strains arising from remaining differences will gradually pull their union apart.

Can the European Union create economic bonds that are strong enough to persuade European states to make sacrifices and take risks for a common objective? That is an important question for Europe, and it is also an important question for Europe's allies and the United States. And it is a question that Europe has to answer for itself. And depending on that answer, we will know whether the Yugoslav violence of 1992–93 was just the last convulsion of an old and primitive Europe or a sign of wider threats to come. And Europe has to answer that question while simultaneously bringing in new members, with a different political tradition from Central and Eastern Europe. That problem, that precise problem of bringing existing members closer together, while also expanding membership, is a familiar problem to anyone who has studied the 19th century history of the United States.

Europe's task of constitution-building today is particularly difficult. Europeans were on different sides in past wars, whereas America's Founding Fathers had all been on the same side. But, Mr. Speaker, we are determined to make the European Union work, to make it work for peace, to make the European Union a firm friend and partner of this great American union.

The United States has built a union that is robust enough to accommodate radical disagreements and still take tough decisions when tough decisions have to be taken. Europe must do the same.

This union, the United States, has worked because it is based on freedom. As Thomas Jefferson said, "Error of opinion may be tolerated, so long as reason is left free to combat it."

Conformism of thinking, political correctness, if you will, is the great enemy of democratic discourse. We must not be afraid to disagree. We must not dismiss other people's opinions just because they have used the wrong words to express them. Equally, we must accept that some people's views are so profoundly different from ours that we will never agree with them or them with us.

Living with difference. That's the challenge for the United States today. It's the challenge for Europe. It's the challenge for Ireland as a whole, but in a very particular way, it is a challenge for Northern Ireland—living with difference.

In Northern Ireland we see two communities, each offended by the views of the other, and by how those views are expressed. Two communities, each feeling itself to be a minority, a minority that has been oppressed or a minority that may be oppressed in the future. The fears of each community mirror those of the other.

Two minorities, equally justly proud of their heritage, each believing that their heritage is founded on tolerance and civil liberties, and each believing that sincerely. Two minorities who yet will always be different from one another, but who have not yet been able to see that, on many important issues, they already agree with one another far more than they disagree, and far more than either agree with others. They have exaggerated their differences and minimized their similarities.

Thus, if there is to be a peaceful and fair accommodation in Northern Ireland, each tradition must be willing to sit down and listen for long enough to the views, the worries, and the concerns of the other tradition, to uncover the common ground.

Thanks to the efforts of so many people here in the United States, the President and Vice President GORE, Speaker GINGRICH, and other leaders of both Houses of Congress, most of the parties in Northern Ireland have been sitting down and listening to one another since the 10th of June, under the able chairmanship of Senator George Mitchell, whose skill and commitment I salute today. They have had about 6 weeks of talks together, and they have reached agreement on important procedural issues, and laid the foundation for forward movement.

Against the background of 25 years of barbarity of every kind, and almost four centuries of distrust, it is hard to expect rapid agreement between nine different parties in the space of only 6 weeks. My own view is that the harmony that we seek will not come overnight. It will come in stages, from the experience of working together to solve practical, immediate problems.

But, if that is to happen, it is the strong view of my government that the talks must now move beyond procedure and soon discuss really substantive issues, substantive issues of disagreement. This must happen quickly. This must happen quickly if we are not to miss the window of opportunity, so often highlighted by President Clinton during his recent visit to Ireland.

On that occasion, the President spoke for all Americans. Almost as much as the Irish themselves, Americans welcomed the political efforts that gave us a ceasefire of 17 months. But now all of us want the IRA to stop for good. True negotiations can only take place in an atmosphere of genuine peace.

The all-party talks, for which we have all worked so hard, have been delivered. We must have everybody there at those talks now, genuinely willing, and able, to negotiate. That can only happen when everyone has been convinced that violence will never be used again to intimidate opponents or to control supporters, never again. That means a cessation of violence by the IRA that will hold in all circumstances, and I know that I have the full support of the U.S. Congress for that vital objective.

In trying to work out a system of government that all can share in Northern Ireland in quality and parity of esteem, we are not asking Unionists to cease to be loyally British, any more than we are asking Nationalists to cease to be loyally Irish, any more than the original Framers of the U.S. Constitution ceased to be loyal Virginians or loyal members of the Commonwealth of Massachusetts. We are asking Nationalists and Unionists to agree on a political framework which will allow them, together, to take on responsibility for solving the day-to-day problems that affect the lives of the 1½ million people who live in Northern Ireland, and to do so in harmony and cooperation with Britain and with the rest of Ireland.

Let the parties build on what they already agree about. All parties in Northern Ireland already agree that the form of government should be democratic. All agree that there should be a Bill of Rights. All agree that there should be links with the rest of the island. Each tradition agrees that the other should be respected, and each agrees that the other tradition cannot be coerced.

The Irish Government has no interest in propelling anybody into an arrangement that they do not wish to be part of. We are not motivated by any interests of our own other than that of obtaining an agreement which is reasonable and fair to the aspirations of both communities in Northern Ireland.

Mr. Speaker, as a historian, I know that you are very conscious of the fact that Europe has many psychological boundaries that go back to the Thirty Years War and further, boundaries of religion, boundaries between one world view and another. One of those psychological boundaries does indeed run through the ancient province of Ulster. Yet similar boundaries in Europe have not prevented the development of agreed political structures across boundaries, which allow regions and countries, majorities and minorities, and within states, to work together in partnership, to the mutual benefit of their people.

We in Ireland can admire our history. We can regret aspects of it, too, but we certainly cannot erase it. We don't owe our history any debts. We can't relive our great-grandparents' lives for them. We are not obliged to take offense on their behalf, any more than we are obligated to atone for their sins.

□ 1030

It is our task to live in this generation, as people who live in Ireland and whose children will live there too.

Northern Ireland needs a political system that allows the people there to take responsibility together for their own future. Taking responsibility, something that you, Mr. Speaker, and many other Members of this Congress on both sides of the House have emphasized time and again, taking responsibility. Thanks to the generous support of Congress, the people of Northern Ireland, of both traditions, already take responsibility together for economic projects, aided by the International Fund for Ireland.

They also have taken responsibility together at a local level this summer by agreeing in very different circumstances in many areas the routes of contentious marches. Unfortunately, agreement was not reached in every case, but one should not underrate the importance of responsibility having been taken in many other cases.

But a wider political agreement is what we need now. The destructive force of sectarianism is all too easily fanned. It can quickly get beyond the control of those who fan it, making compromise impossible, and eventually coming back to consume its authors.

That is why we need an agreement, within a workable timeframe. Such an agreement is within reach. The Irish and British Governments were able to agree last year on a detailed model or framework of such an agreement. The parties can add to that. They can subtract from it, or they can come up with an entirely new draft. But the core problems that the two governments, the British and Irish Governments, have plainly identified last year must be tackled and overcome by this present generation of political leaders. I am absolutely determined that that will happen.

Mr. Speaker, a number of the men who met in Philadelphia to frame the U.S. Constitution were of Ulster Scots ancestry. Some of their distant cousins sit on the Unionist benches at the Belfast talks, just as some of their ancestors defended Derry's walls in 1689.

If men of that ancestry could devise the fairest and greatest democratic Constitution in the world, surely they can work with neighbors today to devise a fair and just system for their own country.

Agreed institutions for Northern Ireland must be ones that enforce fairness and check the arbitrary excesses of whoever happens to be in the majority in any area at any particular time.

Your second President, John Adams, made a bleak, but not altogether unrealistic, comment on universal human nature, when he said:

> The people, when unchecked, have been as unjust, tyrannical, brutal, barbarous and cruel as any king or senate possessed of uncontrollable power. The majority has eternally, and without exception, usurped over the rights of the minority.

Mr. Speaker, that is why the enforcement of fairness through law has been one of the keystones of the American Constitution.

That is also why we need rules, and a balanced system of institutions, in Northern Ireland. Rules which limit uncontrollable power. Rules that require people to share power. Rules that allow people to build trust through small successes. Rules which recognize that people are different from one another, and that people's allegiances may be many and varied.

That is a lesson that the world as a whole needs to learn, if it is to live at peace.

Political theorists of the 19th century assumed that a person could only have one sovereign allegiance to his or her territorial nation state.

In the 19th and early 20th centuries, territorially based natural resources, agriculture and mineral, were crucial to the economy, so nation and territory normally had to be one and the same.

In contrast, knowledge, instant communications, multiculturalism, or at least a multiplicity of cultures, and mobility, people moving from one country to another, money moving from one country to another in an instant, these would be the characteristics of the 21st century, and nationalities will inevitably become more and more intermixed, one with the other. That is why in many parts of the world, a new political model is needed to organize this new social reality, a model that recognizes that people can have more allegiances than one, and yet live and work happily together.

The European Union reflects that new concept. In the European Union one can at the same time owe allegiance to Flanders, to Belgium, and to Europe, and yet share the same working and living space with someone who has the different set of national allegiances.

If such a model can work for Europe, it can work for Northern Ireland too, and if we can get it right in Northern Ireland, we will be setting a model for similarly divided communities across the world, just as men of Irish descent set a model for the world 210 years ago today, when they met at Annapolis and decided to draw up the Constitution of this United States.

Yes, both Ireland and the United States have responsibilities to the wider world, to the 6 billion people who inhabit this globe. There are three times as many people in the world today as there were when the Irish state was founded in December 1921, and six times as many people as there were when the United States was formed. Africa had half Europe's population in 1950. Thirty years from now there will be three times as many Africans as Europeans.

All of these people will have to be fed and clothed. All will need around 2,000 calories per day, some will want to consume more, some ought to consume less, and will need, and this is even more important, two liters per day of clean, I emphasize, clean, water. There will be 2 billion more people in the globe 30 years from now, all of whom will have those requirements, and we know that that is going to happen. And all of them, if we are to have peace, will need to feel that they are respected parts of the world community, that they are not second class.

The world is a better place today than it was 50 years ago. It can be even better 50 years from now if we build freedom, freedom for all, within rules set by democratic consent.

Lawmakers everywhere must remember that rules work best when there is consent to the way in which they have been played, and when everyone has had a recognized input to the making of the rules. That is why we need to reform the United Nations, because we cannot impose rules unilaterally. If the United Nations had not been set up in San Francisco in 1946, we would have to be inventing it today, because given the scale of the world's problem, given the extreme increase in world population, we must have a means of making rules which allow us all to share the world together, rules in which all nations have had a part in the making.

Let me take one area as an example of where world rules are needed. We need global rules against terrorism, terrorism which exploits the freedom of our media. As President Bush said, "simply by capturing the headlines and television time, the terrorist partially succeeds."

Violence and democratic politics can never mix. Civilized states do not negotiate under threat. That is why those who wish to win respect through democratic politics must give up all connections with terror, give up the threat of terror, and give up even giving coded warnings about terror.

□ 1040

Terror cannot be part of the political calculus of a democracy. That is why Ireland strongly supports the United States efforts to create world rules to combat terrorism, terrorism of which United States citizens have been victims in recent times.

Freedom and democracy work, because in a democracy change must be based on consent, and because it gives space to individuals to innovate; creating the best conditions, freedom, for economic growth.

Ireland is a good example of a democracy that works. Ireland's economic growth rate last year was the highest in Europe for the third year in a row. Inflation in Ireland is amongst the lowest in Europe. Government spending came down from 52 percent of GNP in 1986, to just 40 percent today. Four times as many Irish people go to college today as did so in 1965. The proportion of Irish children who complete high school have quadrupled since then and the numbers have more than quadrupled.

As a result, as a direct result, one-third of all U.S. high-technology investment going to Europe as a whole comes to Ireland. One-third.

Education is the key.

We do have problems. Too many Irish people are unemployed.

But the biggest common factor amongst the unemployed is that they left school too early. It is not enough that 85 percent of Irish children complete high school, or to use the Irish term, sit the Leaving Certificate, we need 100 percent to do so. Not just to acquire a technical qualification but to understand their place in the world, where they are coming from, who they are, and as much as possible about the other peoples with whom they must share this increasingly crowded globe.

Mr. Speaker, I thank all Americans, and Americans of Irish heritage in particular, for their contribution to Ireland's success. I salute the contributions that men and women of Irish heritage have made to this great Nation, in every walk of life.

Mr. Speaker, I ask Congress to continue to support the peace process in Ireland. And, Mr. Speaker, I ask Congress, representing this great American union, to work together with the European Union to build a structure of peace for the world as a whole.

Thank you.

[Applause, the Members rising.]

At 10 o'clock and 43 minutes a.m., the Prime Minister of Ireland accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 45 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12 noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. CAMP] at 12 noon.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. ROTH. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3396. An act to define and protect the institution of marriage.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3230) "An Act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

The message also announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 1669. An act to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center"; and

S. 1918. An act to amend trade laws and related provisions to clarify the designation of normal trade relations.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 640) "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. BAUCUS, and Mr. MOYNIHAN, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minute speeches on each side.

EXPORTS, JOBS, AND GROWTH ACT OF 1996

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, today we are going to have a very important vote. Yesterday, under suspension, we debated H.R. 3759, and I ask my colleagues to pay attention to this bill. It is the Exports, Jobs, and Growth Act. It adds $38 billion in exports. It adds some 123,000 new American jobs, and it cuts the deficit by $600 million. Fifteen unions have endorsed this legislation, business has endorsed this legislation, people all across America are asking for this bill.

With all the emphasis today on the negative things in politics, let us do something positive for America. Let us vote for H.R. 3759 when it comes up today.

RELEASE THE OUTSIDE COUNSEL'S REPORT ON NEWT GINGRICH

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, a month ago James Cole, who is the special counsel investigating our Speaker, NEWT GINGRICH, filed a report with the Committee on Standards of Official Conduct. It cost half a million dollars of taxpayers' money.

What has happened to it? Well, it has been submerged by the Committee on Standards of Official Conduct. They are not going to release it, it appears.

Well, what did NEWT GINGRICH say about these kinds of reports? Back in March 1989, he said in regard to the report of the special counsel on our former Speaker, Jim Wright:

> Now that report is secret; I don't know what's in it. I don't know of anybody other than the committee members and Mr. Phelan, who was special counsel, who know what is in it—except Mr. Wright's lawyer. And I think that report and the back-up documents have to be published.
>
> I cannot imagine going to the country—tell them we've got a $1.6 million report—and, by the way, there's nothing in it, but you can't see it, but clearly that report is going to have to be published.

Well, Mr. Speaker, why don't you tell your Committee on Standards of Official Conduct to release the report? They are meeting today at 1:30. Let every Member have it. I would like to have a copy of that report. Every Member of this House by tomorrow should have a copy of that report. I do not know what is in it. I do not know if it exonerates you, but let us release the report.

VOTE "YES" FOR THE EXPORTS, JOBS, AND GROWTH ACT

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, today we will vote on the Exports, Jobs, and Growth Act. This bill is divided into three parts, first the Overseas Private Investment Corporation, which helps to ensure against long-term political and commercial risk.

The Congressional Budget Office estimates that OPIC will lower the deficit by $600 million over the next 5 years. OPIC is not corporate welfare because companies pay, I will repeat, pay for the services they receive.

Second is the Trade Development Agency. This small 38-employee agency designs in-U.S. specifications into foreign infrastructure projects so American companies can gain valuable contracts overseas.

Finally is the International Trade Administration division of the Commerce Department. Within this division is the United States and Foreign Commercial Service which operates 83 field offices in the United States. They primarily serve small business exporters in the search for export opportunities.

If Members vote against this legislation, it will unilaterally disarm American workers in the global trade war. Our European and Asian competitors spend much more on these programs. It is time to wake up to the imperfect reality of the global trading system and support this legislation. The Clinton administration supports it; business groups support it; labor unions support it. Vote for H.R. 3759.

TIME FOR ETHICS COMMITTEE TO QUIT STALLING

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, revise and extend her remarks, and include extraneous material.)

Mrs. SCHROEDER. Mr. Speaker, today the New York Times lead editorial talks about this House and its stalling on ethics. This is shameful. The New York Times points out that the Committee on Standards of Official Conduct is supposed to meet today, and it goes on to say: If after all this time, Mrs. JOHNSON and her colleagues cannot rise above partisanship to act promptly on Mr. Cole's findings and make them public, then they will demonstrate that this is little more than a charade and not the principled committee upholding the traditions and honor of this House.

Mr. Speaker, I hope everybody looks at this and everybody in this body realizes we will all be tainted if we do not get this report out. It has taken 2 years, it has taken half a million dollars, and they are trying to hermetically seal it down there, say none of us can see it, but then pronounce that it says nothing. If it said nothing, I would think we would be able to see it.

Mr. Speaker, I include the New York Times article for the RECORD.

[From the New York Times, Sept. 11, 1996]

STALLING ON ETHICS

Crowning two years of partisan gridlock, the House Ethics Committee seems determined to sacrifice whatever little is left of its credibility by letting Congress adjourn without resolving any of the pending ethics complaints against Speaker Newt Gingrich. The committee's present plans do not even call for making public the lengthy report filed last month by James Cole, the special counsel belatedly hired by the committee to look into tax law charges against the Speaker.

By stalling so long to shield him, the committee's Republican chairwoman, Nancy Johnson of Connecticut, has left the panel little time to resolve all allegations against Mr. Gingrich. But the two weeks or so before Congress adjourns is surely ample time to bring at least this phase of the case to an honorable conclusion.

Mrs. Johnson and her G.O.P. colleagues succumbed to public pressure last December and finally agreed to retain an outside counsel, Mr. Cole. They gave him a limited mandate to examine whether Mr. Gingrich had violated tax laws by using tax-deductible donations to finance a college course he taught in Georgia in 1993. It intentionally omitted a range of questions involving Gopac, Mr. Gingrich's aggressively partisan political action committee, which helped to develop the course. These questions, which are the subject of a complaint filed by the House minority whip, David Bonior, also need review by an outside counsel, but Republicans on the committee are resisting.

It is not known whether the evidence gathered by Mr. Cole exonerates the Speaker on the tax charges, or suggests he behaved either improperly or unethically. Committee members have said the report simply lays out the facts while failing to make any recommendations. But the issue at this point is not just Mr. Gingrich's conduct, or the thoroughness of Mr. Cole's work, but the efficacy of the committee itself.

The Ethics Committee is scheduled to meet today. If after all this time Mrs. Johnson and her colleagues cannot rise above partisanship to act promptly on Mr. Cole's findings and make them public, they will demonstrate that this supposedly principled panel is little more than a charade.

OUR CHILDREN DESERVE BETTER THAN DRUGS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the National Center on Addiction and Substance Abuse has released some survey information on teenage drug activity that is absolutely shocking.

The researchers found that by the time a teen reaches the age of 17, 68 percent of them can buy pot within a day; 62 percent have friends who use marijuana; 58 percent have been solicited to buy marijuana; 58 percent know someone who uses acid, cocaine, or heroin; 40 percent have personally witnessed the sale of drugs in their own neighborhood; and less than one in three attend a drug-free school.

Mr. Speaker, this country is losing the war on drugs. We are literally losing a generation of children to hopelessness, to shattered dreams, and eventually to a loss of their freedom.

Our children deserve better. Every child should have a strong family, a drug-free school, and safe streets. And we must do all we can as leaders to make this a reality for all children, before it's too late.

Mr. Speaker, where is our President on this?

ETHICS COMMITTEE SHOULD RELEASE COLE'S REPORT

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, 7 years ago, the current Speaker of the House of Representatives stood on this very floor and said I think that it is vital that we take as a Congress our commitment to publish that report and to release those documents so that the country can judge whether or not the man who is second in line to be President, the Speaker of the House, should be in that position.

Of course, that was NEWT GINGRICH talking about then Speaker Jim Wright. But Speaker GINGRICH's words are as true today as they were 7 years ago. And now we have another report, this one not by Mr. Phelan, but by James Cole, that cost the taxpayers of this country a half million dollars, and every Member of the House of Representatives should know today what is in that report. The people of this Nation who paid for that report need to know what is in that report.

Again the words of then Member GINGRICH, now Speaker GINGRICH, who said I cannot imagine going to the country to tell them that we have got $1.6 million in this report, and, by the way, there is nothing in it. You cannot see it. We must let the American people and this Congress see this report.

TWIN DISASTERS HIT EASTERN NORTH CAROLINA

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, I have just returned from the second district of North Carolina. The devastation to people, property, and crops is overwhelming. We are moving to assess the damage and provide relief to the human suffering caused by Hurricane Fran. I delivered a check to the American Red Cross from U.S. Tobacco to help alleviate the budgetary strain that Fran has placed on the Red Cross. Today, I am joining my colleagues from eastern North Carolina in introducing a bipartisan bill that will provide emergency appropriations to agencies that may run out of money due to the devastation from the hurricane and ongoing flooding.

Mr. Speaker, I want to thank the President for visiting eastern North Carolina this coming weekend to assess the damage on a first-hand basis. He will see the extent of the devastation from Hurricane Fran. Hopefully, he will stop to speak with the tobacco farmers in my district who have suffered a major blow from this natural disaster. But as Bill Clinton flies over the destruction to the people and property of North Carolina, he might ponder about the man-made disaster he helped create—FDA regulation of tobacco—and the devastation it will bring to the tobacco farmers in my district.

RELEASE ETHICS REPORT ON SPEAKER

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. DELAURO. Mr. Speaker, NEWT GINGRICH is absolutely right. He said, "The 435 Members of the House should look at all the facts, should have available to them all the reports and all the background documents and the American people should have the same."

NEWT GINGRICH said that in 1989 about the ethics report on then Speaker Jim Wright. And what he said then about the need for full disclosure is equally true today about the outside counsel's report on NEWT GINGRICH'S own dealings.

Don't just take my word for it. Today's New York Times calls upon the House Ethics Committee to release the report. The Times says "If after all this time, Mrs. Johnson and her colleagues cannot rise above partisanship to act promptly on Mr. Coles' findings and make them public, they will demonstrate that this supposedly principled panel is little more than a charade.

Stop the coverup. Release the ethics report on NEWT GINGRICH.

EXPORTS, JOBS, AND GROWTH ACT OF 1996

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, if Members want to send high-paying export-related jobs to Japan, Germany, France, and Canada then they should vote today against, the Jobs, Exports and Growth Act of 1996.

But if Members want to keep high-paying export-related jobs in the United States while generating over $600 million toward deficit reduction, then they should vote for this legislation.

Revisionists have labeled the Overseas Private Investment Corporation as corporate welfare. Yesterday, this Member challenged their leader, the distinguished gentleman from Ohio, to point to 1 year in the last 25 of OPIC's history where it lost taxpayer's money.

You know what Mr. Speaker, the gentleman from Ohio didn't answer this Member's question because he can't. OPIC has generated positive net income for our Government very year since its inception in 1971—that's why it has $2.6 billion in reserves.

Without OPIC, America would have sent $43 billion in United States exports and 200,000 American jobs to Japan, France, Germany, Canada, Italy, and other industrialized countries. Political leaders in those countries don't call it corporate welfare, they rightly call export promotion a national priority.

THE NEW AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is a new book out called "The Complete Guide to Offshore Money Havens." A big ad in the Wall Street Journal says "Make millions, protect your privacy and legally avoid paying any taxes on the profits."

Think about it. The New America. Invest overseas, hire foreign workers for pennies, then ship your product back to America. And do not worry if you make a profit; you do not even have to pay taxes on it.

There are more loopholes in the U.S. Tax Code than those old hockey nets at the Boston Garden. Beam me up. The truth is, America keeps shipping jobs and money overseas, and America is getting in return two truckloads of mangoes and two baseball players to be named later. Think about that shot.

OPPOSE THE EXPORTS, JOBS, AND GROWTH ACT

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, I rise in opposition to H.R. 3759, the so-called Exports, Jobs, and Growth Act. This legislation is going to double the size of OPIC, the Overseas Private Investment Corporation. The increase will dramatically increase the exposure of OPIC to high risk areas, such as Africa and Russia, and default on these loans would have a very substantial impact on our budget.

At a time when we are so doggone concerned about the size of our budget deficit, how can we in good conscience expand a program that protects the profits of Fortune 500 corporations at the expense of the American taxpayer and sends more jobs overseas?

□ 1215

I strongly urge my colleagues to oppose corporate welfare and vote against H.R. 3759.

NEW YORK TIMES IS RIGHT: ETHICS COMMITTEE IS STALLING ON GINGRICH COMPLAINTS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the New York Times has it about right. For the past 2 years we have witnessed a systematic coverup and stall by the Committee on Standards of Official Conduct in dealing with the ethics complaints regarding our Speaker, NEWT GINGRICH.

They stalled for the consideration of the early complaints. They dismissed those complaints without interviewing without gathering evidence. They stalled in the gathering of evidence in the major complaints against Speaker GINGRICH. And finally, reluctantly, they yielded to public pressure and appointed an outside counsel.

But when they appointed the outside counsel, they restrained his ability to engage in a comprehensive investigation, and then they limited his mandate and what he could investigate. And then, finally, they did not allow him to draw conclusions from the investigation that he engaged in after spending $500,000.

This House cannot go home to our constituents and not be able to report on the findings of the special counsel. The time has come for the Committee on Standards of Official Conduct to stop the coverup, to stop the stall, and to give this House the information that it has and to let the special counsel do its work.

OPIC BILL WILL DOUBLE SUBSIDIZED INSURANCE TO FORTUNE 500 COMPANIES

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, Members should vote "no" on the OPIC bill before us today unless we want to double subsidized insurance and loans for the Fortune 500. That is what the OPIC bill does.

OPIC is touted as a Government subsidized entity that acts like a private corporation. Nonsense. If it is a corporation, why does it pay no taxes? That is a subsidy right off the top. Why does it declare no dividends? Why does two-thirds of its income come from Treasury securities?

Contrary to what we were told yesterday, the AFL–CIO does not support this bill. It has no position. Why? Because some unions support it and some do not.

The standard should be not are some jobs made, but are more jobs made than are in fact destroyed. Look at the OPIC Fortune 500, just 4 of them: Ford, 160,000 Americans laid off; Exxon, 83,000 Americans laid off; AT&T, 127,000 Americans laid off; GE, 85,000 Americans laid off.

Until they bring in jobs to match Americans laid off, we must vote against more subsidies for OPIC.

TREASURY AND THE DEBT CRISIS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, last November I was extremely concerned about the debt ceiling. I admired the manner in which Secretary Rubin handled the crisis. Secretary Rubin and his staff worked diligently to find a solution to the possibility of hitting the debt ceiling.

Congress' failure to take action placed the Department of the Treasury in a precarious position. Congressional leadership was holding the debt ceiling hostage during the battle of the budget. Congress played chicken with the financial markets and the good name of our country. Secretary Rubin skillfully used every tool possible to save the credit reputation of the United States and to keep the United States from defaulting. The United States faced the real possibility of a default. Our credit rating had dropped.

Secretary Rubin took courageous steps to keep the Government functioning and the markets stabilized and he was severely criticized. At one point, there was even talk of impeachment. Unfortunately, Secretary Rubin was criticized by many Members of this body. Many were concerned about the use of investments of Federal employment retirement funds. The General Accounting Office [GAO] has released a report on Treasury's handling of the debt ceiling. The GAO report concluded that Treasury conducted the Nation's debt management legally and properly during the debt ceiling crisis. Treasury's actions avoided a default and violation of the statutory debt limit.

The GAO report reviewed all actions taken by the Treasury during the period leading up to and after the debt limit was reached, approximately October 1995, through March 1996. Treasury used extraordinary measures because the statutory limit was not raised until 5 months after the old limit was reached. The GAO report concluded Treasury used normal debt management procedures such as investment of trust fund assets. Also, Treasury acted in a proper and legal manner. Treasury's actions were designed to ensure full and prompt restoration of lost interest to uninvested trust funds within the limits of the law.

I am pleased with the results of the GAO report. This report confirms my belief that Secretary Rubin acted properly and averted a serious and volatile crisis. Once again, I think we should commend the actions Secretary Rubin took this past winter.

VOTE "NO" ON OPIC CORPORATE WELFARE PROGRAM

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, let us be frank. Exxon, Ford, Citibank, and DuPont are profitable multibillion dollar corporations who pay their CEO's millions of dollars in salary. These companies do not need OPIC corporate welfare payments from the taxpayers of this country to provide them with incentives to invest abroad. Incentives to invest abroad.

At a time when some Members of this body are proposing huge cuts in Medicare, Medicaid, education, veterans programs, environmental protection, it is totally absurd to increase the amount of corporate welfare that we provide to these huge profitable corporations.

Not only is this a bad deal for taxpayers, it is bad economic development and job creation. Many of these same corporations are downsizing, laying off hundreds of thousands of American workers. Our policy should not be to encourage these companies to invest abroad, our policy should be to demand that these companies reinvest in the United States of America, in the State of Vermont, all over this country, and create decent paying jobs here.

Let us vote no on this OPIC corporate welfare program.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT SHOULD RELEASE SPECIAL COUNSEL REPORT ON SPEAKER GINGRICH BEFORE ADJOURNMENT

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I am appalled at how my colleagues across the aisle are misusing the powers of the Committee on Standards of Official Conduct. They have stalled the review process on a complaint about Speaker GINGRICH to such an extent that now they may not even address the allegations at all before we adjourn this year.

Exactly what does the Committee on Standards of Official Conduct do, if it will not report on findings? What is in the report that they do not want the American people to see it?

The investigation has so far cost the American people half a million dollars. I think these same taxpayers, as well as Mr. GINGRICH's own constituents in Georgia, deserve to know if the allegations are true or false.

If the Republicans on the Committee on Standards of Official Conduct plan to adjourn before addressing this complaint, the least they should do is release the report from the outside counsel. Let the people of America judge for ourselves if there is any wrongdoing.

TAX CUTS FOR THE WEALTHY MEANS CUTS FOR MEDICARE AND STUDENT LOANS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, we have been here before. The same folks who brought you the Government shutdown are back. Speaker NEWT GINGRICH, Bob Dole, and others want a $500 billion tax break, mostly for the wealthy.

What does that mean? It means more Medicare cuts, higher even than the $270 billion that the Gingrich-Dole plan originally gave us. It means a doubling of premiums. Where premiums are $46 a month for senior citizens for Medicare, those premiums will go to $90 or $100 a month, perhaps even $110 a month, to pay for the tax break for the wealthy that Mr. Dole and Mr. GINGRICH want to bring to us. It means higher deductibles and higher copayments for Medicare. It means elimination and cutting back of the student loan program and higher costs for those student loans that still remain.

Mr. Speaker, these tax breaks for the wealthy mean more Medicare cuts, more student loan cuts. They are simply not what the public wants.

THE ARGUMENT AGAINST A RETURN TO SUPPLY SIDE ECONOMICS

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, just before the August recess the Wall Street Journal published an op-ed urging Presidential candidate Bob Dole to embrace a return to supply side economics. Shortly thereafter the Journal printed a letter I authored in response to that op-ed, showing that the economy performed better since 1992 than it had during the previous 12 years of supply side economics.

In comparing economic performance under Clinton since 1992, to the Reagan-Bush years, we find that under President Clinton the economy has grown more rapidly, employment has risen at a faster rate, per capita income has increased more quickly, and the deficit is much smaller relative to the economy.

Last month's unemployment rate of 5.1 percent provides evidence of just how healthy the economy has become despite the fact that the growth has not been shared equally among all regions of the Nation.

Mr. Speaker, we owe much of this progress to the success of the 1993 budget reduction law which was enacted by the Democratic Congress. It was reduced the deficit by more than 60 percent. It has expanded the EITC program, providing tax breaks averaging $500 for New Yorkers alone.

Let us not return to supply side economics. Let us keep on a steady course which is providing economic growth for all Americans.

GOP MEANS GET OLD PEOPLE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I support tax cuts cuts. We all support tax cuts, but not when they are at the expense of Medicare.

We have already witnessed attempts by the Gringrich-Dole Congress over the last 2 years to raid Medicare for tax breaks for the rich. Democrats stood up and stopped the Republicans dead in their tracks, preventing the demise of Medicare as we know it.

Today, Bob Dole is back in town, meeting with Speaker GINGRICH behind closed doors, likely discussing ways to attack Medicare again for their tax break schemes. Last year Speaker GINGRICH and former Senator Dole proposed the largest Medicare cuts in history to pay for a tax break that would have primarily benefited the wealthy.

Mr. Speaker, it is the same old story. GOP truly means get old people, again and again.

□ 1230

APPOINTMENT OF CONFEREES ON H.R. 3666, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and

Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES

Mr. STOKES. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. STOKES moves that the managers on the part of the House be instructed to agree to the amendments of the Senate numbered 95, 117, and 118.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] and the gentleman from California [Mr. LEWIS] each will control 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to explain my motion to instruct House conferees on the 1997 VA-HUD-Independent Agencies Appropriations Act. I will be the first to admit that this instruction is not quite the norm, but I strongly believe that circumstances and timing dictate this course of action.

The first part of my motion deals with benefits for Vietnam Veterans' children suffering from spina bifida if their parents were exposed to agent orange. It directs the House conferees to agree to the Agent Orange Benefits Act added by the Senate (amendment number 95). The Senate provision is supported by the administration and is the result of research conducted by the National Academy of Sciences in response to congressional direction in 1991. A report issued by the National Academy this past March updated an earlier study presented in 1993. This year's report indicated limited suggestive evidence of an association between exposure to agent orange and incidence of spina bifida in offspring. Based on this new study, the VA has recommended that spina bifida in veterans' offspring be considered service-connected. Without this important provision, the VA lacks the authority to extend benefits to the children of veterans.

Although caring for the spina bifida children will have a cost, the amendment more than compensates for those expenses. By overturning the Gardner decision, the amendment fully pays for the cost of treatment and benefits and even returns several million dollars to the U.S. Treasury for deficit reduction. Under the Gardner decision will still allow veterans to receive compensation for additional disability or death caused by the VA only if there is evidence the VA was at fault. It is noteworthy that provisions overturning the Gardner decision have been included in several recent reconciliation bills. Since it appears highly unlikely that a separate reconciliation bill will be enacted this Congress, it makes sense to capture these savings now.

The second part of my motion deals with parity for mental health coverage under group health plans. It directs the House conferees to agree to the Senate amendment, No. 118, that would require health plans that have benefit limits on medical and surgical condition is to have the same limits on mental conditions. This provision is supported by National Alliance for the Mentally Ill, the National Mental Health Association, the American Psychiatric Association, the American Psychological Association, and the American Medical Association, among others.

Certain opponents of this measure may argue that small businesses can not absorb the cost of this provision. I strenuously disagree with that assessment. The Congressional Budget Office estimates that private insurance premiums will increase by only 0.4 percent under the terms of this provision, of which employers would pay only .16 percent. In addition, small businesses with 25 or fewer employees are exempt from the provision. Also, the provision ceases to have effect if it would result in a 1 percent or greater increase in the cost of a group health plan's premiums. I am convinced these modifications adequately address the concerns of small businesses.

The final part of my motion directs the House conferees to agree to the Senate amendment, No. 117, requiring health plan coverage for a minimum hospital stay of 48 hours for newborns and mothers following childbirth. This provision was agreed to by a unanimous vote in the other body. Similar legislation in the House has the bipartisan support of more than 150 cosponsors. The provision makes common sense, and it often makes economic sense. Too many times when newborn children and their mothers are discharged from hospitals just hours after birth, complications such as jaundice or more serious conditions require rehospitalization usually at greater cost. Mr. Speaker, the CBO estimates the only cost of this provision in 1997 is $1 million for the establishment of an advisory commission. Over the period 1997–2002, it is anticipated asset sales will more than offset any impact on the Federal deficit.

Mr. Speaker, as I said at the outset, I realize this approach is somewhat usual in that these provisions more properly lie within the jurisdiction of the legislative committees. Were it not for the looming adjournment date and the shortness of time remaining in which to do our business as well as the broad-based support for these provisions, I would not be urging this course. Also, since it appears likely the VA–HUD appropriations conference report may not offer an opportunity for separate votes on these important matters, this may be House Members' only chance to indicate their position on these issues.

For all these reasons, I strongly urge my colleagues to support my motion to instruct the VA–HUD conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot help but respond or react to my colleague's comments regarding these very, very important matters that now, by way of a motion to instruct, will be directed toward the conference on that bill that has to do with the Departments of Veterans Affairs, Housing, NASA, EPA, not health care. The gentleman has indicated that this may very well be one of the few trains to leave town and, therefore, these items of great importance ought to be attached to this package just because there will be no other chance.

I wanted to be very clear, Mr. Speaker, that this is the first time, that the chairman of the subcommittee has had a chance to even take a look at these items. They address subject areas that are very, very important, but they are subject areas that are not germane to our bill. They are subject areas that, indeed, deserve the light of day that normally would involve our legislative hearing process. They are very important items to the consumers who might be impacted by these items if they should eventually become a permanent part of this bill and have it be signed into law.

Just to make a specific point regarding the three items, if one would just address oneself to the 48-hour notice regarding that which should be required of health insurance that is available to people in the consuming public. Essentially this instruction would tell the conferees by way of the House that we should include a requirement of a 48-hour notice within our bill as it goes to the President's desk.

Frankly, there are lots of pros and cons to that issue. But indeed I am not sure the American public is ready to receive this issue in this form. Average families out there, after the fact, are going to realize that suddenly there is a new premium added to their insurance contracts because of some action arbitrarily taken by the House, taken by the House without any notice to them, taken by the House without any indication as to how that will impact their future health care circumstances.

Indeed, just before we broke for the recess, we had a health care package move forward from the House to the President. That package did not include this 48-hour notice item. Indeed it was much too controversial for the authorizing committees to deal with at the time. So as of this moment, we are about to put them into this train that is leaving town without our knowing whether the arguments in favor weigh on that side or the arguments against weigh on the other side. It is exactly how we should not be handling appropriations bills.

I must say that I am tempted to talk with my colleague, the gentleman from Ohio [Mr. STOKES], my dear friend from Ohio, and ask him in great detail about spina bifida and about mental health parity, but frankly he and I, even in our own subcommittee discussions where we talk off the record, have not had a chance to discuss these matters.

□ 1245

Mr. Speaker, I presume he like myself, even though I spent a lot of years in the health insurance business, does not presume expertise in these technical policy areas.

This is absolutely the wrong way to legislate, at the wrong time, in an environment that will create problems that we are going to have to live with ourselves in the months and years ahead, and the public at the other end will be scratching their heads and saying is this what we sent them up there to do?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I want to compliment the gentleman on his statement. As I understand it, none of these three issues constitute subject matter that would be ordinarily entertained by this particular bill. Traditionally the VA-HUD appropriations bill deals with the funding of the Veterans' Administration, the Department of Housing and Urban Development and a lot of independent agencies, but this bill is not a general health bill; is it?

Mr. LEWIS of California. That is correct; is it not.

Mr. LIVINGSTON. If the gentleman would yield further, it just strikes me as a very, very unusual procedure for us to find that these totally extraneous issues, no matter how meritorious they may be, and in fact are worthy, because our hearts go out to anybody with a child with spina bifida or to a mother who has left the hospital early, but still there are extraneous issues to this bill. And to be dropped on the gentleman at the last minute and be told, "Well, you've got to consider these without regard to the traditional authorization process," is, in fact, not the way that legislation ought to be conducted.

I know it is the position of the gentleman from Ohio [Mr. STOKES] that the membership should vote to instruct the conferees on this particular issue and to go and accept what the Senate has done, but it does seem to me to risk a great danger that we in the haste of trying to do good things in advance of an election all of a sudden adopt things, measures, in such a legislative domain which later on prove to be ill advised or unwarranted or beyond capability to afford or within, say, a trend of increasing government direction that, frankly, the American people tend to resent these days.

The whole procedure is highly subject to question, so I just want to commend the gentleman from California [Mr. LEWIS] for raising this issue; I agree with him. I do not know if this matter were brought to a vote how it would turn out. I suspect that most Members would be inclined to sympathize with the subject matter. But I have to stress it is my own feeling that this is just not the way to conduct the legislative business of the United States of America.

Mr. LEWIS of California. Mr. Speaker, I appreciate the gentleman's comments, and they are very helpful comments.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me commend my good friend, the gentleman from California [Mr. LEWIS] and his ranking member for the great job they do on this very difficult appropriations subcommittee dealing with so many agencies and departments, and I know it is a very difficult job.

Having said that, I would just have to say that there is no need for a motion to instruct on the provision regarding the Newborns and Mothers Health Protection Act because the Republican leadership has already agreed to accept that provision, and we will be fighting for it.

Mr. Speaker, this provision is critical because the well-being of newborn babies and new mothers is at stake all across this country.

Mr. Speaker, we will be ashamed to let political maneuvering getting in the way of passing this vital piece of legislation that is attached to the VA-HUD appropriation bill.

Mr. Speaker, I have recently heard from a gentleman in my district whose 19-year-old daughter is a victim of this terrible trend of drive-through deliveries. She delivered a baby this past April, and she was released from the hospital less than 24 hours later, kicked out of the hospital, even though the baby had a severe blood disorder, and, my colleagues, 4 days later this young 19-year-old mother had her lung explode, and she has since had three strokes. Tragically, she is still in the hospital and will never again lead a normal life. She is a 19-year-old who cannot even take care of her newborn baby. That is so, so pathetic.

It is these examples, and there are many more, that drove me to introduce this legislation which was subsequently taken up over in the Senate the other day, sponsored by Mrs. KASSEBAUM, Mr. FRIST, and Mr. BRADLEY on a bipartisan basis, and it is badly, badly needed. So I would just hope that my good friend, the gentleman from California [Mr. LEWIS] and the ranking member would support that legislation when it is taken up in the conference.

Regardless of the outcome of this vote, we must continue to fight for the well-being of the most cherished population, these young newborns.

Mr. LEWIS of California. Mr. Speaker, I yield myself whatever additional time I might consume.

Mr. Speaker, I think most Members who are focusing at all upon this discussion know full well that these riders that are being proposed by way of this motion to instruct are items that on the surface look very, very appealing. There is little doubt that it would be foolish of any of us to suggest that Members ought to walk in here and vote knee-jerk, or otherwise, against this proposal.

Having said that, I think the public would be misinformed if they thought this appropriations committee of our authorizing committees of jurisdiction had reviewed these issues, held hearings effectively on these issues and really provided the kind of input that the legislative process ought to included.

One more time we are asked to support riders at the last moment, and I want the Speaker and my colleagues to know that as I go to conference I will weigh very carefully the amount of input that we have received from those Members who have responsibilities of jurisdiction. By no way, shape or form does this reflect what I consider to be an obligation on my part to respond positively to these last-minute considerations, which fall well outside my jurisdiction.

Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I thank our colleague, the gentleman from Ohio [Mr. STOKES], for presenting this motion here today, and I rise in strong support of the motion. I want to stress again that these issues that we are dealing with today have bipartisan support both in this House as well as in the other body, and I want to also say that on the subject of the early, discharge or the so called drive-by delivery, I really appreciate what our colleague, the gentleman from New York [Mr. SOLOMON], has said here today, and I want to endorse it. But I want to stress to all our people here that there is urgent need for medical care for these mothers that are postpartum and these newborn babies.

Mr. Speaker, we do not keep mothers and babies in hospitals to give them hotel service. They are there for medical reasons, whether it is jaundice and mental retardation or hemorrhaging, and that has already been said very well today by the gentleman from Ohio [Mr. STOKES].

But I want to go on to the second issue, and that is the question of mental health and the parity question under mental health. Again, I want to stress that this is a bipartisan issue. One of the most prominent Republican leaders in the other body is the author of this proposal. Senator DOMENICI put this in the Senate bill, and it is that provision that we want protected in this motion to instruct. This discrimination against mental health medical treatment must end, and it must end now. It is the product of gross ignorance and apathy, and this Congress should go on record today against it.

Members realize, as the gentleman from Ohio [Mr. STOKES], has outlined, that it is different from the original parity issue. It releases the cap on lifetime payments, and the Senate adopted it with full support, full bipartisan support.

But again I want to say that this should not be viewed here today as a partisan issue, and I believe, and here I believe strongly and congratulate the gentleman from Ohio [Mr. STOKES], that the campaign rhetoric must stop and we must do something here and now for the American people, hardworking families, on issues that count, and this definitely is it. The fictions and the ignorance about mental health treatment, the actual return of payment, return of payment to the employers, and to the work and productivity is very apparent, everyone knows it, and we must stop the fiction surrounding this and tell those people that have projected huge costs that they are unrealistic and they really do not know what they are talking about. With that, I thank my colleague from Ohio for having yielded this time to me.

In my State of New Jersey, our Governor, Christine Todd Whitman, has already signed a 48-hour minimum hospitalization proposal into law, and it has been very well received by the public.

I want my colleagues to realize that the latest version of mental health parity is a very modest requirement that health insurance companies provide equal coverage for physical and mental illness in their annual caps and lifetime caps—that's all. Nothing more, nothing less.

In other words, insurance carriers can no longer impose dramatically lower annual or lifetime limits for mental illness coverage than those which they offer for physical ailments.

Today, I will be introducing the House companion bill to the Domenici-Wellstone bill with a bipartisan coalition of Members who share my view that the flagrant discrimination health insurance companies engage in with respect to treating mental illness must come to an end. Retaining this modest proposal begins that process.

Both the Bradley-Frist and Domenici-Wellstone amendments were overwhelmingly approved by the Senate, and I believe that these amendments would enjoy similar levels of support in the House provided that they are retained in the final conference committee.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, at the outset I want to thank the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES], my good friends, for their really outstanding work on this bill.

Mr. Speaker, I rise in strong support of this motion which includes 3 provisions that are critically needed by American families. One of the provisions included in this motion will provide health care, vocational rehabilitation and compensation to Vietnam veterans and their families who are dealing with the effects of exposure to agent orange. A recent report by the National Academy of Sciences showed a link between Vietnam veterans' exposure to agent orange and the occurrence of spina bifida in their children. This provision will give the families of our proud veterans the support they need to care for their children suffering from spina bifida as a result of their military service.

This motion also includes a provision that will insure that mothers and newborns receive adequate hospital coverage during the critical time following a delivery. We have all read the tragic stories of women and babies forced from the hospital before they were ready to go because of the increasing number of health insurers limiting hospital coverage to 24 hours or less. I know as a mother of three grown children how very important this time is to a new mother. The Bradley amendment mandates minimum hospital coverage of 48 hours for a normal delivery and 96 hours for cesarean section. The standards are set by the American College of Obstetricians and Gynocologists and the American Academy of Pediatrics. This provision does not mandate how long any single patient should remain in the hospital but assures that the decision about what is best for each mother and baby's health is made by the patient and her doctor and not by an inflexible insurance policy.

Finally this motion takes us another step toward improving the health security of hard-working Americans and their families. Sadly the health insurance reform bill passed earlier this summer did not include a simple provision to insure that mental health benefits are treated like other health benefits. Not long before the Senate unanimously approved mental health parity, and nearly 100 of my colleagues in the House signed a letter to the Speaker in support of it. Yet when the final bill reached the floor it was gone; shame on this House.

With this motion to recommit we have a second chance to end discrimination against mental illness and help remove its stigma. Mr. Speaker, we must not let this opportunity to do what is right slip away yet again. I urge my colleagues to support this motion.

Mr. LEWIS of California. Mr. Speaker, I have no further requests for time, but I will yield myself 2 minutes by way of closing to make a minor point.

Mr. Speaker, I think the House should know that this motion to instruct does involve a number of very important policy areas, instructing the House to take action as conferees dealing with the other body. In the area of mental parity, for example, there are some very real costs that are involved. While in the 1997 year those costs are difficult to measure over a period of 5 years, there will be an absolute cost of somewhere near 550 millions of dollars.

□ 1300

That would be a cost obligation extended forward without any discussions at the authorizing committee level, and without any real debate or light of day in terms of the pros and cons related to that very important subject area.

As we deal with questions that relate to the newborn, a similar problem. These are issues that through the appropriate authorizing committees could very well have been discussed thoroughly. But suddenly in this motion to instruct we have a package here that, over time, is going to cost a minimum of $110 million. We have identified ways to pay for it without any kind of thorough review.

One of the suggestions, as indicated by the other body, is that we might sell Governor's Island, a little spot in New York that is of interest to some of my colleagues. I am not sure if the Members who have had the Governor's Island near their territory have been consulted at all. I think probably not. My colleague, the gentlewoman from New York [Ms. MOLINARI], indicated to me that there had been very little consultation as far as she personally is concerned. I understand Governor's Island may be in another Member's district. If I asked him, I am sure he was not consulted about that transfer.

Further, there is another little item that makes up a big part of that package. We are going to sell the airspace rights above Union Station as a mechanism for providing funding for this new solution that the House must face as we try to conclude this bill that is the only train leaving town. It is not the way to carry forward our business, Mr.

Speaker. Indeed, I do not feel obligated to follow the letter of this procedural motion, as this chairman goes forward.

Mr. Speaker, I reserve the balance of my time.

Mr. STOKES. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I really appreciate the time being allocated to me by the gentleman from Ohio [Mr. STOKES] and the fact that he has sponsored what I consider to be a very important motion to instruct the conferees on the bill.

I have always respected the work he has done, and I do want this body to know of my great respect for the gentleman from California [Mr. LEWIS], who chairs the subcommittee and who has done such an exemplary job and is so humane.

This particular motion would include three critical and humane provisions that have been incorporated by our colleagues in the other body. I think they do have bipartisan support. There is no doubt about it.

First, it would incorporate the mental health parity compromise that was accepted by the Senate. This compromise is a critical step towards finally treating mental illness like the disease it is. I heard from the President of the American Psychiatric Association, Dr. Harold I. Eist, who testified before the Civil Service Subcommittee last week on mental health parity. He emphasized what we already know: Mental illness is treatable, and treating mental illness saves money and increases productivity.

Mr. Speaker, this compromise is really quite modest. It provides parity for annual and lifetime caps. It includes a provision included by Senator GRAHAM to ensure that it will not cause premiums to rise by more than 1 percent. In light of the last CBO report that estimated that premiums will rise less than one-sixth that amount, I think it is highly unlikely we would ever reach that ceiling.

Second, the motion incorporates the 48-hour postpartum care provision that has been discussed. I am a cosponsor on the House side of the Solomon version of that very important bill. I would like very much to see it in the VA-HUD bill. As managed care becomes increasingly prevalent, we are seeing mothers and their newborns in and out of the hospital in as short a time as 12 hours.

Many illnesses in newborns are not detectable until the first 48 hours. Those first 2 days are absolutely critical. Guidelines of the American Academy of Pediatrics Association and ACOG specify that mothers should stay in the hospital for 48 hours for normal delivery and 96 for cesarean delivery. This provision would ensure that this happens.

My State of Maryland has enacted similar legislation. Although many insurers are finding loopholes to get around it, it is having a very positive effect on those who are now able to stay the full 48 hours, and federally this would enhance what the State has done.

Third, this motion to instruct would include the agent orange spina bifida provision. Surely our Government should be responsible for the health care of children with spina bifida if one of their parents was exposed to agent orange during the Vietnam war. It is the only responsible and humane thing to do.

I urge my colleagues to pass the motion.

Mr. STOKES. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES] for yielding time to me.

I rise in favor of this motion to instruct on all three provisions, which I think are vital; but, if I could speak to the one dealing with mental health parity, I think this is crucial legislation. Let me give the Members some examples why.

Currently many insurance policies have lifetime caps of $1 million for various diseases: cancer, heart, et cetera. However, the lifetime limits for mental illness are often set at $50,000 or less; $1 million here, $50,000 here. Additionally, insurance plans impose annual caps of sometimes $10,000 or less on treatments of mental illness, but these caps are usually not imposed on other medical conditions.

What happens then is that these limits on mental illness cause individuals not to seek the treatment or to pay out of pocket. They must rely on public mental health facilities, or if they can afford it, to pay themselves. This is important language because, while we were not able to get parity in the health reform legislation that passed this year, we do have a chance at limited parity this year. I would urge my colleagues to support that.

Mr. Speaker, are there good reasons why? Let me give the Members some statistics why this is so important. Mental illnesses and disorders cost our society over $270 billion annually each year in lost productivity and treatment costs. Roughly almost 20 percent of our adults in this country suffer from mental or addictive disorders in any 6-month period, but only 20 percent of the 20 percent, one out of five, will get any kind of treatment.

Seven and one-half million American children are plagued by mental disorders, such as depression, autism, and learning disabilities. In 1985 and only 30 cents was spent on research for every $100 of costs imposed by mental disorders. Let me repeat that; 30 cents was spent on research for every $1,300 of costs imposed by mental disorders. In comparison, 73 cents and $1.63 respectively were spent on research for every $100 of costs in heart disease and cancer.

Insurance programs, including Medicare, continue to discriminate against individuals with mental illness by requiring a higher copayment than other services. In my own State of West Virginia, we found that almost 42,000 West Virginians receive some type of mental health treatment. There are 1.8 million people in West Virginia. In other words, only 2.3 percent are getting any kind of treatment.

Mr. Speaker, this is crucial legislation. It is not enough. I am very grateful for the gentlewoman from New Jersey, Mrs. MARGE ROUKEMA, chair of the mental health working group, who with the gentleman from Oregon, Mr. PETER DEFAZIO and myself, have cochaired that organization, a bipartisan organization. I am thinking back to Syl Conte, who for so many years fought for the decade of the brain, and all the gains that has brought those suffering from mental disabilities and mental afflictions.

The fact of the matter is that this is money well spent, and this is important legislation. I urge Members to support the motion to instruct.

Mr. STOKES. Mr. Speaker, I am leased to yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I also rise in favor of this motion to instruct. I agree, of course, with all three provisions that are being specified here. But I particularly want to make reference in support of the newborn and mother's health, with a 48-hour minimum hospital stay, addressing the so-called drive-through delivery problem that increasingly we see around the country with various insurance companies.

My own State of New Jersey requires a minimum stay of 48 hours for normal delivery and 4 days for a C-section. But I have to say that, even though there are a number of States like New Jersey increasingly that are passing State laws for minimum hospital stays for newborns, there are also a lot of loopholes.

For example, in New Jersey, where a lot of people work in New York City or work in Philadelphia, many times the insurance coverage is excepted from the State law because the person, mother or father in this case, works out of State.

In addition, some of the insurance companies that are based out of New Jersey have claimed that they do not have to abide by New Jersey's law with regard to minimum hospital stay. We do need Federal legislation. Let no one suggest this can be handled strictly by the States. It cannot. We do need Federal legislation to guarantee minimum stays for mothers with newborn children.

Mr. Speaker, I just want to relate my own experience with this situation. Both of my children were born by C-section. When my daughter, who just turned 3 years old, was born, our insurance company, our policy, allowed for 4 days for a C-section. But when my son was born, he is now 18 months, the policy had changed. The insurance company only allowed 2 days for a C-section.

Some people say it is up to the doctor, the doctor can always make an exception. But what happens in these cases is that the doctors are basically told by the insurance companies that, if they make an exception and let the child or mother stay an extra day or two, then they are basically penalized. They are told, if this continues, they may lose their hospital privileges or they may not be covered anymore.

We were basically told we only had the 2 days for my son. What happened is just before he was to be released from the hospital they found that he had jaundice, so they let him stay. They let my wife and him stay another day, for the third day. But that is an excellent example of the type of disorders that can be found, or that are not found unless a child stays the extra day. Jaundice is something that is not discovered very quickly, and many times children and mothers who are released from the hospitals go home and they found that they have jaundice, and they have to come back into the hospital again.

I am very supportive of this legislation and this motion to instruct. There is no question in my mind that mothers should have at least 48 hours for a normal delivery and they should have the 4 days for a C-section. It is the only right thing to do. The choice should be with the mother and the doctor, not with the insurance company. I fully support this motion to instruct.

Mr. STOKES. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California [Ms. PELOSI], a highly respected and hardworking member of the Committee on Appropriations.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am grateful to Mr. STOKES for presenting this motion to instruct conferees on the VA–HUD appropriations bill. As Members know, and others have attested to, the motion instructs the conferees to agree to three meritorious Senate provisions. The first is the Daschle amendment, which would authorize the VA to provide benefits to children born with spina bifida if one of the parents was exposed to agent orange during the Vietnam war.

Spina bifida is a debilitating birth defect resulting when the fetus's spine fails to form properly. Fortunately, we can help improve the lives of the children involved, with the benefits.

Mr. Speaker, this is a very important provision.

The second provision is the Domenici-Wellstone amendment to begin the important process of increasing coverage for treatment of mental illnesses. This limited provision simply requires any group health insurance that covers mental illness to provide the same amounts on annual and lifetime coverage that the plan provides for physical illness.

Much more needs to be done to ensure equity for coverage for mental illness, but this is a good beginning. Anyone who has had mental illness in their families can attest to the importance of moving toward a more equitable insurance coverage. The pain caused by mental illness is immense. The loss to productivity is staggering. We need to do more, and we need to do it now.

Next, I come to the third area, where Congress by this motion to instruct has the opportunity to end the shameful practice of drive-through deliveries. I feel most comfortable talking about this issue, I say proudly to the gentleman from Ohio [Mr. STOKES] and the gentleman from California [Mr. LEWIS], as the mother of five children, and soon to be grandmother. I see the difference in how mothers were treated when they went to the hospital to have babies when I had my children, and what my daughter faces now, and many other young women face now.

Mr. Speaker, I thank the gentlemen that we are privileged to serve with in this body should all listen to the women on this issue. When it comes to delivering babies, we know of what we speak. We have been there. We have done that. Twenty-four hours simply may not be enough in many cases.

I have received a great deal of mail from my constituents on this subject, so I do not speak only from personal experience, but from the pleas of new mothers for more coverage. The Bradley amendment would require insurance companies to cover at least 48 hours of hospitalization for a conventional delivery and at least 96 hours for a cesarean section.

□ 1315

In California 1 out of every 6 births are covered by insurers limiting coverage to 24 hours. This attempt to limit coverage is associated with increased complications requiring women to have to return to the hospital, so they are not saving any money. I will submit for the record an example which I have received from my constituent, as I urge my colleagues to give our babies a healthy start and our mothers a good start, too, on that wonderful adventure of motherhood and support the Stokes motion to instruct.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. WAXMAN], the distinguished ranking member on the Subcommittee on Health and Environment of the Committee on Commerce.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding me some time so I could speak in favor of the motion to instruct the conferees.

Mr. Speaker, we have an opportunity to remedy a serious mistake this House made when we failed to act to assure parity of treatment for mental health care benefits in earlier legislation. There is simply no excuse for the continued discrimination against people with mental health problems.

The Republican majority refused to allow the inclusion of the Domenici-Wellstone compromise in the conference agreement on the Kennedy-Kassebaum health insurance portability bill. It was wrong then, and it would be compounding the error to refuse it again.

The losers because of our failure to act are the American people. It is every person and every family who has known the tragedy of struggling with mental illness and having no adequate insurance coverage for the services needed to treat it.

The proposal before us is a modified one that only assures parity for mental health benefits in terms of annual and lifetime limits on benefits. It is affordable, it is necessary, it is right. We cannot say no again to taking this vital, important step.

Let us send a clear and strong message to our conferees to adopt this provision and bring some fairness and sense to our treatment of mental health benefits. I hope that all Members will instruct the conferees to go along with this provision, and that the conferees come back with a recommendation to use this opportunity to put in these provisions, to move down the track to assuring what ought to be complete parity between mental and physical health insurance coverage.

Mr. STOKES. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from Ohio is recognized for 3½ minutes.

Mr. STOKES. Mr. Speaker, this motion to instruct, although offered by our side of the House, is certainly offered in a bipartisan manner. I think it is evident that it has strong bipartisan support by virtue of the fact that I have yielded both to Members on this side and the other side of the aisle.

That is as it should be, because that is also in keeping with the manner in which I try to work on the subcommittee with the chairman of this particular subcommittee, a man for whom I have the highest regard and whom I deem to be a good friend and with whom I have enjoyed working. It is in that vein that I am working with him and look forward to working with him in conference to bring back to the House a bill that both he and I will continue to support, as I supported the bill which he brought to the floor a month or so ago. Working with JERRY LEWIS is one of the finest experiences I have had in the House, and I want to continue and will continue working with him on that bipartisan type of basis.

I said originally that the procedure here does deviate somewhat from the norm. I wish that we had had more time for he and I to sit down and discuss this, but in working with the leadership on this side, I gave him notices as quickly as I could do so. I apologize to him personally for any inconvenience that caused him in any respect.

I hope that the Members of the House will vote on these three very important issues. This is the only opportunity that our body has had to endorse these very important issues. I think it is important that we go to conference having been instructed by the House on the importance of these three issues on a bipartisan basis to all of the American people. I urge my colleagues to support this motion to instruct the conferees.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in making an effort to conclude this discussion, I just wanted to mention for the record that the motion to instruct is quite unusual. It involves three areas that are really new to this subcommittee, areas that really do not involve our field of jurisdiction. They were included because it is an election year and these items are of concern to many groups out there, and it does sound like good policy.

The public should know that if these provisions become law, there are very significant implications in terms of the premiums that consumers and businesses would have to pay across the country to meet this new mandate from the Federal Government. Uncle Sam is not giving us anything for free in this process.

Having said that, I do know a little bit about some of this subject area because of my own professional background in the life and health insurance business. I am very disconcerted that we would even be considering these measures in this form without giving them the kind of serious hearings by committees of jurisdictions that they truly deserve.

My colleague from California who spoke earlier, HENRY WAXMAN, and I have worked together for many, many a year. He is a very talented Member, without a doubt. Yet over the years when he was the chairman of the subcommittee that did have responsibility in these areas, I did not see measures coming forth from that subcommittee reflecting those expressions that we heard today on the floor.

Indeed, it is very close to election, only 8 weeks away. At this point in time, I believe, as the House votes on this, all the Members will understand that we will go to conference on these issues that are not under the jurisdiction of this subcommittee.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3666, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SANDERS. Mr. Speaker, today Congress has the opportunity to put an end to the insidious practice of insurance companies sending moms and babes home before they are ready to go.

Hurried discharges after childbirth fly in the face of established medical practice, insult the precious institution of motherhood, and greatly increase the likelihood that newborn babies could suffer irreversible brain damage or require emergency medical care for illnesses within hours or days after discharge. These abbreviated stays also put mothers at risk.

Mothers and doctors are not seeking cadillac health care coverage, they are merely demanding similar coverage to that received by mothers and infants in every other industrialized nation on Earth.

Efforts by insurers to arbitrarily limit maternity stays for mothers and newborns should be of concern to all of us. Decisions on how long mothers and newborns should stay in the hospital should be made by doctors and patients together based upon medical and health care needs and not primarily by the short-term business predictions of shortsighted health insurance providers.

Mr. Speaker, the former CEO of U.S. Healthcare, Leonard Abramson, earned $20 million in a single year. Following the recent acquisition of U.S. Healthcare by Aetna, Mr. Abramson made a personal profit of approximately $1 billion. With an additional night in the hospital for a mother and her child costing between $700 to $1100, Mr. Abramson's take home pay and bonus could provide as many as 1,020,000 babies and their mothers an extra night in the hospital. To put it another way, one man's salary and bonus is enough to provide one-quarter of all the babies born in America and their moms an extra night in the hospital.

In August of 1995, the House of Representatives passed a resolution that I introduced which called upon the insurance industry as a whole to abide by the established discharge guidelines of the American College of Obstetricians and Gynecologists an the American Academy of Pediatrics until there is clear and convincing evidence to demonstrate a need for a change in these guidelines. Unfortunately, the insurance industry has done nothing in response to congressional resolve on this matter, except organize opposition to such coverage.

Today Congress has the chance to require insurance companies to pay for appropriate maternity stays for mothers and their newborns by supporting the motion to instruct on the VA–HUD bill. I encourage my colleagues to support the motion to instruct and stand with American families.

Mr. MILLER of California. Mr. Speaker, I rise in strong support of the motion offered by Mr. STOKES, particularly with regard to two important provisions that will have great benefits for American families—the provisions to protect new mothers and their infants by ensuring minimum maternity benefits; and provisions that begin to address the very serious problem of health insurance discrimination against persons with mental illness.

I was the first Member of Congress to introduce legislation to stop drive-through deliveries when it became apparent in my home State of California, where managed care is widely used, that short hospital stays for maternity was a good way to save insurers money. Such short stays were having serious consequences for the health and well-being of new mothers and their babies, and it was clear that legislation was needed to prescribe a minimum period for insurance coverage to stop insurers from dictating what should be a medical decision. At least 29 States have agreed and adopted such laws or regulations.

We must guarantee that this minimum standard be applied nationally, and include so-called ERISA plans, and the only way we can do this is through the amendment to the VA–HUD appropriations bill that was adopted unanimously by the Senate under the able leadership of Senator BRADLEY. The gentleman from New York [Mr. SOLOMON], and I join in a bipartisan effort to promote the Bradley/Kassebaum/Frist babies legislation that was moving in the Senate and in the House by jointly sponsoring H.R. 3226. At last count, 111 of you have signed on to this bill, and the President has repeatedly urged its adoption.

As far as the mental health parity provisions are concerned, they are an important first step to equalize health insurance plan coverage for the treatment of mental illnesses and other medical conditions. The evidence is clear: severe mental illness is every bit as debilitating and treatable as physical illnesses. When is this country going to stop the unfounded prejudice against the mentally ill? When are insurers going to stop perpetuating this myth that coverage for mental illness will somehow break the bank and that this somehow justifies insurance discrimination against millions of citizens? The Senate has seen the light on this issue and has voted three times this Congress for mental health parity. While the provisions most recently adopted in H.R. 3666 do not go as far as I would have preferred, I do believe they establish a critical new protection for individuals who suffer from mental illness who need catastrophic insurance coverage, and for their families.

I am happy that the gentleman from Ohio has brought the attention of the House to these important provisions that were added to H.R. 3666 by the other body, and urge my colleagues to support his effort.

Mr. TORKILDSEN. Mr. Speaker, I would like the record to show my strong support for the Stokes' motion to instruct VA/HUD appropriation conferees. This motion instructed House conferees to accept the Senate amendments related to mental health parity and postpartum insurance coverage.

I was not present during voting on September 11, but had I been present, I would have voted for the motion. The motion passed with an overwhelming bi-partisan majority.

Both provisions provide for a healthy future for some or our Nation's most vulnerable citizens. The first prevents insurers from limiting coverage through higher copayments, fewer visits or shorter hospital stays simply because the individual is treated for mental illness. Mental health parity is a matter of basic fairness.

The National Advisory Mental Health Council [NAMHC] reported to Congress in 1993 that parity coverage of treatment of severe mental illness would actually save the national economy $2.2 billion a year in reduced absenteeism, increased productivity, and reduced general health care cost. The MIT Sloan School of Management reported in 1995 that clinical depression costs American employers $28.8 billion a year.

The initial reports from the Medicaid Mental Health Project in my home State of Massachusetts find similar savings attributable to the implementation of a more competitive, flexible approach to the provision of mental illness treatment services: five percent increase in persons using services; 22 percent reduction in overall expenditures; and a more competitive array of services offered.

Our Nation pays a high price for ignoring mental illness. Severe mental disorders, such as schizophrenia, manic depressive illness, and severe depression, affect 2.8 percent of the adult population and account for approximately 25 percent of all Federal disability payments. This Congress has recognized and acted on the fact that mental illness is as severe as physical illness.

This motion also provides critical insurance protections for newborns and their mothers. I am a proud cosponsor of H.R. 3226, the Newborns' and Mothers' Health Protection Act, which mandates hospital insurance coverage of 48 hours for a vaginal delivery and 96 hours for a caesarean section, the standards set by the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics. It does not mandate how long mothers and babies should remain in the hospital; it does not dictate medical care—it simply enables it to be practiced.

Twenty-nine States have already enacted legislation to end the so-called drive-through deliveries, but Federal legislation is necessary to provide uniform standards for all States and extend protections to those covered under ERISA plans. The legislation would not, however, pre-empt State law.

By providing a healthy start for all newborns, we are insuring healthy future for our Nation.

Ms. DeLAURO. Mr. Speaker, I rise in strong support of the motion to instruct the conferees on H.R. 3666, Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997, which the House passed on September 11, 1996. The issues of parity for mental health coverage and allowing a 48 hours hospital stay for newborns and mothers following child birth are extremely timely and relevant.

As an active participant in the fight for health care reform, I continue to believe that all Americans should have the security of knowing that they will have health care coverage—regardless of their health or economic status.

Perhaps no group of individuals has faced more discrimination by our Nation's health care system than those with mental illnesses. In the past 15 years, a revolution has occurred in neurobiology that has clearly documented that many of these severe mental illnesses are, in fact, physical illnesses. These physical disorders of the brain—neurobiological disorders—are characterized by neuroanatomical and neurochemical abnormalities. Controlled clinical research undertaken by scientists across the Nation have produced a body of irrefutable scientific evidence documenting the physical nature of these disorders.

Despite this, individuals with neurobiological disorders and their families continue to face discrimination and stigmatization by health insurance plans and society at large. I have visited with families who have had to cope not only with the emotional pain of dealing the neurobiological disorders, such as schizophrenia and autism, but the financial hardship as well.

Health insurance coverage for mental disorders is often limited to 30 to 60 inpatient days per year, compared with 120 days for physical illnesses; copayments, which are usually about 20 percent for physical illnesses, are often raised to 50 percent. Because of these arbitrary limits on coverage, individuals and families affected by these disorders are faced with onerous financial burdens. These people deserve the same kind of care and treatment that is available to those who suffer from other severe illnesses such as cancer, diabetes, or heart disease.

Families who are faced with severe mental illnesses should not be placed in a different category—financially burdened, stigmatized, and treated as if they had done something wrong.

On June 8, 1995, I introduced the Equitable health Care for Neurobiological Disorders Act of 1995. My bill would help these individuals and their families by requiring nondiscriminatory treatment of neurobiological disorders. Health care plans would be required to provide coverage that is not more restrictive than coverage provided for other major physical illnesses and that is consistent with effective and common methods of controlling health care costs—such as copayments and deductibles. My bill also stipulates specific benefits that must be provided and assesses a penalty on those plans that do not comply with the Act's requirements.

I believe that the provisions included in the Senate's version of the VA/HUD appropriations bill is a strong start toward achieving equity for those who truly suffer from mental illness. Requiring equal health coverage for these disorders is not just important to individuals suffering from neurobiological disorders and their families. it is also important to the Nation. According to the National Institutes of Mental Health, equitable insurance coverage for severe mental disorders will yield $2.2 billion in net savings each year through decreased use of general medical services and a substantial decrease in social costs.

I also strong support the provision included in the Senate VA/HUD appropriations bill requiring health plan coverage for a minimum hospital stay of 48 hours for newborns and mothers following childbirth.

I have spoken with Wilfred Reguero, M.D., the chairman of the St. Raphael OB/Gyn Department, and other hospital staff at a trip to St. Raephael's Hospital in my district. They told me of the dangers of early discharges for new mothers and their infants—discharges that are dictated by certain insurance companies, not doctors. The decision to discharge a new mother and her child should be based on medical criteria, not on the bottom line.

According to reports published by the University of California San Francisco and Dartmouth's Hitchcock Medical Center, a post-delivery hospital stay of 24 hours or less means infants are not adequately tested and monitored by medical professionals for conditions that appear in the first few days of life, including jaundice and excessive weight loss. The reports found that mothers also experience medical difficulties, including lactation difficulties, urinary tract infections, incisional pain and post-partum pain and depression.

I have cosponsored two bills H.R. 1948 and 1950 which would require health plans to provide maternity benefits for a minimum hospital stay for a mother and her newborn following the birth of her child. The bills do not mandate the length of hospital stays, but requires that longer stays are covered if deemed necessary by a woman, her family, and her physician. The legislation includes:

A minimum stay of 48 hours for vaginal deliveries and 96 hours for caesarean-section deliveries.

An exception for home births.

A requirement for health plans to provide written notice to enrollees regarding coverage included in the act.

I know that many States, including Connecticut, are pursuing similar laws, but we need Federal legislation to make sure that women who are covered by health insurance companies that are headquartered in other Sates are protected under the law. That's why I am so pleased that this legislation was included in the Senate VA/HUD appropriations bill and should be included in the final VA/HUD appropriations bill as well.

I urge my colleagues to join me in supporting these instructions. Adoption of these policies will go a long way toward saving billions or dollars, eliminating the stigma and misunderstanding so often associated with neurobiological disorders, and ensuring that all mothers and babies are adequately cared for.

Mr. LEWIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STOKES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 392, nays 17, not voting 24, as follows:

[Roll No. 407]

YEAS—392

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—17

Campbell
Cooley
DeLay
Doolittle
Ehlers
Geren
Hancock
Herger
Johnson (CT)
Knollenberg
Largent
Lewis (CA)
Rohrabacher
Scarborough
Shadegg
Stump
Thomas

NOT VOTING—24

Bilirakis
Brown (FL)
Collins (IL)
de la Garza
Ganske
Graham
Hayes
Heineman
Hilleary
Houghton
Istook
Johnston
McCarthy
McNulty
Mollohan
Norwood
Pastor
Portman
Riggs
Scott
Solomon
Torkildsen
Wilson
Zeliff

□ 1345

Messrs. KNOLLENBERG, THOMAS, and LEWIS of California changed their vote from "yea" to "nay."

Messrs. CRAPO, CHRYSLER, and SMITH of Michigan changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. McCARTHY. Mr. Speaker, during rollcall vote No. 407, the motion to instruct conferees on H.R. 3666, I was unavoidably detained. Had I been present, I would have voted "aye."

□ 1345

The SPEAKER pro tempore (Mr. DREIER). Without objection, the Chair appoints the following conferees: Mr. LEWIS of California, Mr. DELAY, Mrs. VUCANOVICH, and Messrs. WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, LIVINGSTON, STOKES, MOLLOHAN, CHAPMAN, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1996

Mr. SMITH of Texas. Mr. Speaker, pursuant to clause 1 of rule XX, and by direction of the Committee on the Judiciary, I move to take from the Speaker's table the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Does the gentleman from Texas wish to debate the motion to go to conference?

Mr. SMITH of Texas. Mr. Speaker, this is the customary request which will enable us to go to conference on this important bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2202 be instructed to recede to the provisions contained in section 105 (relating to increased personnel levels for the Labor Department).

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognzied for 30 minutes, and the gentleman from Texas [Mr. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion I am offering would instruct conferees to retain the provisions in the Senate-passed bill that provides for 350 additional Department of Labor wage and hour inspectors and staff to enforce violations of the Federal wage and hour laws. It is no more complicated and no less simple than that.

The reason is that the cornerstone of our efforts to control immigration must be to shut off the job magnet that draws so many undocumented aliens into the country. Increasing border patrols is of course important, but that can be done through the appropriations process, as we have been doing for the last 2 years. But it is imperative that we enhance the authority to prosecute those employers who knowingly hire illegal workers instead of American workers.

For example, we know that each year more than 100,000 foreign workers enter the work force by overstaying their visas. No amount of border enforcement will deter this, since they enter legally with passports and visas. No amount of border enforcement will deter the desire, the magnet that draws people into this country, and that is to seek jobs. The only way to deter this form of illegal immigration is in the workplace, by denying them jobs.

Case in point: In the 14-month-old Detroit newspaper dispute we have reports of illegal immigrants, not replacement workers from within the United States, but people without a valid passport, no right in this country, are coming in and they have been investigated, INS is conducting investigations on them. It is a serious incursion and a serious charge and it is being investigated by INS now, but this gives reason for the instruction motion that I would urge that we adopt in as large a number as possible.

We must enhance the authority to prosecute employers who knowingly hire illegal workers instead of American workers, and there can be no doubt that an increased number of Labor Department inspectors will reduce the possibility that employers will hire illegal workers. The Jordan Commission, remembering the late Barbara Jordan, recommended this increase, since studies show that most employers who hire illegal workers also violate labor standards.

This goes together. We want to deal with this problem and the only way is to move to the Senate-passed version that authorizes 350 additional inspectors to enforce these violations or alleged violations of Federal Wage and hour laws.

The report of the Jordan Commission concluded with this statement: The commission believes that an effective work site strategy for deterring illegal immigration requires enhancement of labor standards enforcement. Now, I expect that the 350 additional inspectors would be used to enhance enforcement of labor standards in those areas where high concentrations of illegals are employed.

In fiscal years 1993 through 1995, the Department of Labor recovered nearly $60 million in unpaid minimum wages for more than a quarter of a million workers and another $300 million in unpaid overtime for more than a half million additional workers.

More can be accomplished with these additional personnel. And just as importantly, increased enforcement will help level the playing field for those honest employers who play by the rules and hire American workers and pay them a fair wage.

So all of the Members who like to talk about preventing illegal immigration, please, let us all repair to this motion to instruct. It is an important one, it is critical for maintaining good labor standards in this country, and I ask my colleagues to join with me in voting yes on a more tough and effective workplace enforcement.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to the motion to instruct conferees.

The appointment of House conferees for H.R. 2202 marks another important juncture on the road to immigration reform. Hopefully it also means that the final destination is very close.

The Immigration in the National Interest Act is just what it says, an effort to fundamentally reorient national immigration policy so that it protects first and foremost the needs of American workers, taxpayers, and families.

We worked long and hard within the Committee on the Judiciary to bring this bill to the House floor where it passed by a margin of 333 to 87. Other Senate colleagues also labored intensely to bring forth a slightly different version of this legislation, passed by a vote of 97 to 3. These lopsided majorities clearly reflect the will of the American people, that Congress get serious about immigration reform. Not tomorrow. Not next session. But now.

Illegal immigration has reached a crisis. One million permanent illegal aliens enter the country every 2.5 years. Half of these illegal aliens use fraudulent documents to wrongly obtain jobs and government benefits, and one quarter of all Federal prisoners are illegal aliens.

Think of the human cost in pain and suffering to innocent victims. Think of the financial cost to taxpayers of incarceration in the criminal justice system.

H.R. 2202 will better secure our borders by doubling the number of border patrol agents and cracking down on repeat illegal border crossings. It will increase interior enforcement and make it more difficult for illegal aliens to take jobs away from American citizens.

□ 1400

And it will reduce the number of criminal aliens and the flow of illegal drugs into our country.

The bill adopts the most comprehensive overhaul of our deportation system in this century. Deportation procedures are streamlined, and opportunities for illegal aliens and criminal aliens to "game the system" in order to stay in the United States disappear. Aliens who show up with no documents to legitimately enter the United States will be quickly turned back, rather than be given lengthy immigration hearings to which a vast majority new show up.

H.R. 2202 also tackles the pressing problem of immigration and welfare. Our official national policy for almost a century has been that aliens should not be admitted to or remain in the United States if they become a "public charge"—dependent on welfare.

Today, that presumption is turned upside down. Noncitizens receive a disproportionate share of welfare benefits in large States such as California. When all types of benefits are included, immigrants receive $25 billion more in benefits than they pay in taxes. The number of immigrants on Supplemental Security Income increases by 50 percent each year. We cannot continue down this road.

America's generosity towards those immigrants who want to work and produce and contribute will continue. But we should not admit immigrants who will live off the American taxpayers.

H.R. 2202 ensures that sponsors of immigrants will be legally responsible for those they bring into the country. The bill also ensures that sponsors first have the means to meet this financial commitment. It makes no sense, as current law allows, for sponsor who are themselves on welfare to promise that they will keep the new immigrants they sponsor off of welfare. Obviously, this is a promise that cannot be kept, and the taxpayer foots the bill.

This is truly landmark legislation. And it is long overdue. It's time to put the interests of American workers, taxpayers, and families first. It's time to push through to the finish, and complete passage of the Immigration in the National Interest Act.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT], ranking member on the Subcommittee on Immigration, who more than any other member on the committee fought to protect American workers, who started out with the Smith-Bryant bill, got cut out by the leadership and we now meet here at this juncture before we go to conference.

Mr. BRYANT of Texas. Mr. Speaker, I thank the chairman for yielding me the time and for his kind words.

Mr. Speaker, a bill that began as a bipartisan effort to address a very difficult problem for our country, the problem being immigration and illegal immigration, has at this stage, I think it is fair to say, degenerated into a bill that is now going to be a partisan contrivance designed to somehow isolate certain Members and make them subject to political attacks and maybe try to do the same thing to the President.

I heard the comments of the gentleman from Texas [Mr. SMITH] a moment ago about the difficulties this country faces with immigration. I agree with every one of the things he said. But the problem is that the bill, apparently, the conference committee proposal that will be taken up tomorrow, the provisions within it do not address the problems. It is just that simple.

Consider this: Much has been made of the Jordan commission report because of the enormous credibility Barbara Jordan has in this country and in this institution. This bill was advertised over and over, both by me back when I was proud to cosponsor it because at that time I think it was a constructive action, Mr. SMITH and others, as a bill designed to implement the bipartisan recommendations of the Jordan commission. Yet on point after point after point, the bill has abandoned those important provisions and yet kept the name and the implied sponsorship of a great woman who led a commission that did a very good job.

The most recent apparent abandonment of those provisions is the fact that the Jordan commission observed that studies show that most employers hiring illegal workers also violate labor standards. Accordingly, the Jordan commission recommended that we increase the number of Labor Department wage and hour inspectors to help us stop that and directly help us stop illegal immigration. What happened?

We came out of the committee with 150 additional inspectors, just as the Jordan commission reported, but before it came to the floor, the Speaker, Mr. GINGRICH, the gentleman from new York, Mr. SOLOMON, the chairman of the Committee on Rules, the powers that be, while listening to the whisperings in their ears of lobbyists for employers, said we are not going to let that stay in the bill.

So by the time the bill got to the floor, the 150 new inspectors designed to help us deal with the problem Mr. SMITH was talking about were gone. The U.S. Senate passed the bill. When the U.S. Senate passed the bill, there were 350 additional Labor Department wage and hour inspectors. But we saw the draft of the Republican conference committee proposal that will be taken up tomorrow. What does it have? Zero.

The question is whether we are going to legislate here in the interest of the American people, write legislation that really deals with the problem that we are facing, and it is a big problem, with regard to illegal immigration and the displacement of American workers or whether we are going to do what the lobbyists tell us to do.

I urge the Members of the House to come to this floor and vote in favor of the Conyers motion to instruct and to tell whoever it is that is calling the shots behind the scenes, we want 350 wage and hour workers back in this bill. We want them to be able to augment the efforts of our other Government agencies in trying to fight illegal immigration. We want a bill that does what the advertisers and the sponsors of this bill say they are trying to do. And that is stop people who do not live in this country, who are not supposed to be in this country from taking the jobs of working Americans. Vote for the motion to instruct.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. GALLEGLY], chairman of the House task force on illegal immigration.

Mr. GALLEGLY. Mr. Speaker, one of the most critical challenges facing the 104th Congress is the passage of comprehensive and effective immigration reform legislation. For many years the American people have expressed frustration that its leaders in Congress have failed to enact policies to eliminate the unacceptable high levels of illegal entry into our country.

Under the able leadership of the gentleman from Texas, Mr. LAMAR SMITH, chairman of the House Subcommittee on Immigration and Claims, the House of Representatives will soon consider a conference report which finally addresses the public concern over this problem in a serious and comprehensive manner.

One of the most important elements of this conference report is the so-called Gallegly amendment. This provision is really quite straightforward. It simply eliminates the ability of the Federal Government to force States to provide a free public education to illegal immigrants.

This unfunded mandate is especially disturbing considering that 95 percent of the cost of providing a public education is born by State taxpayers. In addition, my amendment has been modified to make absolutely sure that illegal immigrant children who are already enrolled in public schools will not be removed from those schools. This compromise provides that illegal immigrants who are currently enrolled in a public school will continue to receive a free public education through the highest grade either in elementary or secondary school.

For example, an illegal immigrant student in 2d grade could get a free education until the 6th grade or an illegal student in the 7th grade could continue through the 12th grade, provided they remained within the same school district.

It is important to keep in mind that all these provisions dealing with illegal immigrants currently enrolled in public schools apply only to the States that choose to deny illegal immigrants a free public education. If a State, be it New York, Oregon, or any other State, wants to continue to provide a free public education to illegal immigrants as they currently do, they would be perfectly entitled to continue that policy.

Mr. Speaker, California alone spends over $2 billion per year to educate illegal immigrants, and our Nation spends over $4 billion in this unfunded mandate. It is time that we at least give the States this important tool for reducing incentives for illegal immigrants to stay in our country.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK], ranking member of the Committee on the Judiciary, a member of the Subcommittee on Immigration.

Mr. FRANK of Massachusetts. Mr. Speaker, I agree that this is a very important subject. I agree that we should be acting to try to diminish illegal immigration. It is for that reason that I deplore as seriously as I can both the method by which this bill has been considered and the substances.

I am a member of the Subcommittee on Immigration as I have been since coming to Congress. I am very proud of the bipartisan efforts in which I participated in 1986 and in 1990 and at other times to deal with immigration legislation. For the first time in the 16 years I have been a Member of Congress, gross partisanship has run this process. Those of us who participated in good faith have assurances from the chairman of the subcommittee that this would be done in a bipartisan way in the deliberations at the committee stage. Those of us who were Democrats were completely excluded from the process to the point where, despite our repeated requests, we could not even see a copy of this complex legislation until 9:30 last night.

My colleagues will remember that the Republican leadership was ready to push this bill through before the recess, and only our objection stopped it. They were going to put it through without our having a chance to see it. Then, despite the fact that it was ready to be passed in August, they withheld it from us, despite our requests to be able to look at it until last night.

This substitution of partisan exclusion for a bipartisan process is the reason why we may very well not have a bill. The fault will lie at the feet of those who changed a tradition of bipartisanship. I believe the chairman of the subcommittee when he said, do not worry, we are just talking among ourselves. We will have a participatory process.

That apparently consists of us seeing the bill last night and then trying to run it through conference tomorrow. That is their participatory process. Now, I understand why they did it that way. There are in this bill several provisions which do not deal with illegal immigration, they deal with discrimination. They make it easier for people to discriminate against American citizens of Hispanic or Asian origin in particular.

In 1986, back in the bipartisan days, now long over with us, we adopted legislation that said, if you hire people who are here illegally, you will be punished. We feared that that would lead to discrimination. People would say, I better not hire anybody who is Hispanic or Asian who might be foreign because they might be here illegally. We had a variety of safeguards in there including antidiscrimination provisions which were unanimously agreed to finally by the conference.

We put provisions in there that said, if you are denied work by someone who is motivated by fear of sanctions, despite your having done the right things, we are going to protect you. And we said to businesses, you cannot use the rules against hiring people illegally as a justification for saying, Mexicans are too much trouble, Asians are too much trouble.

This bill weakens that. This bill deliberately, clearly and intentionally, to use the word this bill likes, weakens those protections for Hispanics. By the way, we had a study by the General Accounting Office. They said the provisions were not strong enough. The General Accounting Office said, yes, the sanctions have led to discrimination. Understand, we are not here talking about keeping out people who are here illegally. We are talking about Mexican-American citizens, Asian-American citizens. And some employers say, I do not want to mess with you guys because you might be here illegally. We said, you cannot do that. You cannot simply refuse. You have to give them a chance to prove that they are here legally.

We had provisions there that protected people. They now changed that law. Those provisions are not before us. This sanction proposal, we are not dealing with that. What they did in this bill is gratuitously go back to the 1986 law and weaken the antidiscrimination provisions by saying that you will be found guilty to discriminating only if the Government proves intent. In other words, if you are by now dumb enough to use bigoted words, we can do it. but if it is overwhelmingly clear from the way you have behaved, from your work force, et cetera, that you are discriminating, we will not be able to protect you.

We also have problems from people who apply and are illegally turned down because the Government makes a mistake. We said, what if somebody said, I will hire you if you are here legally and the Government makes a mistake. My friends on the other side talk frequently of the fact that the Government makes mistakes. We know the Government makes mistakes. So we said, if you are in fact someone who is here legally and you are refused a job because the Government made an error, we will allow you to recover damages from the Government.

Do my colleagues know what they did? They knocked that out. What does that have to do with illegal immigration? We put provisions in there to protect people who are lawfully here, American citizens, people who may have been born here. We put in provisions to protect them from harmful error. My colleagues knocked it out.

□ 1415

No wonder they did not want to let us see it until last night. They weakened anti-discrimination provisions that have been in the law for 10 years, that the GAO said should have been strengthened. They weakened out ability to have Americans get money back from the Government.

We passed the Taxpayers Bill of Rights for the IRS. But if the IRS and the Social Security Administration, somebody else, makes a mistake about one's eligibility to work, and they lose a job because of it, they do not get any help, and do my colleagues know what the Republican answer was? "Oh, well, there's a reciprocal problem there because you, if you were illegally turned down for the job, you lost the job, but the employer has also been hurt because the employer didn't get to hire you." That is the kind of equivalence we get here.

We have legislation that addresses an important subject, and up until the committee process we dealt with it in a bipartisan way, and once it got out of committee somebody made a decision, and I do not know; we could not find out who. Everybody I talked to thought it was a terrible decision. Apparently the decision was made by the ether. But the decision was to withhold from the Democratic members of this subcommittee and full committee and others in the House, and I am told this happened on the other side as well, any chance to look at this complicated bill.

We got it at 9:30 last night, and they plan to pass it tomorrow, quite contrary to the assurances I received from the chairman of the subcommittee and others, and they also, having let us play games, having apparently made us feel good, pretending they were paying attention to us, it seems to me, during the committee process, they then systematically weakened or took out of that bill everything that would protect American citizens against discrimination, American citizens against government error.

Mr. Speaker, we do not stop illegal immigration by diminishing the rights of Americans citizens, but that is what this bill does. I do not like the amendment offered by the gentleman from California regarding education. The right of children to go to school the second to the sixth grade does not seem to me a great right, and if my colleagues believe that education stops at the sixth grade, I guess it does to my colleagues, too.

But I want to say that that is not the only provision of this bill that bothers me and there are provisions of the bill that systematically reduce rights that are now available to American citizens who, if they happen to be Hispanic or Asian, might get caught up in the web. I am very disappointed that the Republican leadership choose a partisan method and choose to give in to these kinds of fears because they will be responsible for the likely result: no legislation.

We pass immigration legislation when we do it in a bipartisan and cooperative way. We defeat it when we use these kinds of partisan methods, particularly when they are used to diminish rights that already exist among American citizens.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BERMAN] who has been a member of the Committee on the Judiciary for a considerable period of time and is widely reputed to be an expert on immigration.

Mr. BERMAN. Mr. Speaker, I thank the ranking member of our Committee on the Judiciary for yielding me this time.

I rise in support of the motion to instruct the conferees. It is a funny situation when we deal with a provision in the bill that is the critical increase in the number of wage and hour inspectors in order to make immigration reform meaningful by giving us the resources to go to the work site where the big problem is, and the Senate bill provided, I believe, 200, 300. The House bill provided 150. It was taken out by a floor amendment that had nothing to do with the issue of wage and hour inspectors. It dealt with collapsing from a meaningful verification program to a weak verification program, and that was taken out, and now we come back with a proposed draft, the rumors are, and it is more than rumors. The proposed conference committee document that has very kindly been shown to out side of the aisle before the conference indicates there will be no increase in wage and hour inspectors.

If my colleagues want to get a handle on the issue of illegal immigration, putting all of the rhetoric aside, there are some key steps. At the border, meaningful verification; right now employer sanctions are a joke, and a systematic effort to take those industries and employers who systematically recruit and hire illegal immigrants because of their desire to violate wage and hour standards and take a very exploitable work force and utilize them in order to produce their product at below average scale and capture the market in that fashion.

This bill goes along with the Clinton administration's effort to increase the border patrol, does a whole bunch of other things which in some cases are very incendiary, dilutes its initial attempts to provide meaningful verification, thereby rendering fairly ineffective, to my way of thinking, all of the efforts to deal with denial of employment or public benefits to illegal immigrants and strips away any serious increase in wage and hour supporters, wage and hour division inspectors, which could provide the kind of policing of those employers who want to hire illegal immigrants in order to exploit them in callous disregard of Federal law knowing that those people will never utilize the remedies available to them.

So the motion to instruct is a very important one.

The other larger question which I think the majority has to consider is do they want the bill? They are insisting. The Governor from California came out yesterday and joined the Speaker of the House in a press conference, insisting on including a provision in this bill, an amended form of the Gallegly amendment that all law enforcement tells us is crazy, that all educators tell us is bad, which requires that the children of people who came here illegally at one point or another be refused admission or kicked out of the public schools.

The President has made it quite clear that that will result in a veto.

When I read that the Governor of California came back to Washington, came back to Washington to insist on a provision which he knows will require a veto, I tried to think why, since he ballyhoos himself as somebody who is trying to do something about illegal immigration. I think Ron Prince, who was the chairman; he was the chairman of the committee to pass proposition 187, probably put it most accurately when he indicated that there are some Republicans in this House and in the Senate and in the Republican campaign who want to veto a bill. They do not want to do anything about illegal immigration. They want an issue. So they take the one provision that has drawn a clear statement of a veto and insist that that provision be kept in the bill even though it is bad public policy, even though all of law enforcement says that it will make their job much more difficult. All educators, nearly all educators oppose the provision. I wonder what the agenda is of the people who would make that the condition for this conference report.

Mr. GALLEGLY. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from California.

Mr. GALLEGLY. Mr. Speaker, I cannot let the statement pass, and I thank the gentleman for yielding, that all law enforcement opposes it when I know my good friend, the gentleman from California [Mr. BERMAN], knows that not to be true. In fact, just 3 days ago one of the largest law enforcement agencies in the country, the California Sheriffs Association, strongly endorsed it. The National Alliance endorsed it. A large portion of the rank and file of the Fraternal Order of Police endorsed it. So I would say to the gentleman the cops on the street support it.

Mr. BERMAN. Reclaiming my time, Mr. Speaker, I should amend my statement. The vast majority of leadership and individual chiefs of police of jurisdictions most affected by this provision think it would be a terrible idea.

Now I am trying to understand what the motivation is for someone like Governor Wilson to come to Washington, hold a press conference, urge passage of a bill with a provision that he knows will draw a veto. There is two cynical, but perhaps accurate, interpretations of the motivations for this action.

One is again to have an issue rather than a law. All the time and effort spent by the chairman of the subcommittee and Senator SIMPSON to try and improve our ability to deal with illegal immigration will be a waste of time if this bill is vetoed. Those people want an issue.

The other even more cynical interpretation of the motivations of the Governor is what happened on both the House and Senate floors. Actually the Senate did not even take it up. The large growers in California hate anything which makes efforts to enforce our laws against illegal immigration tougher because they have historically relied on bringing in undocumented workers to pick the crops. They came in with a rather brazen effort on the House floor to try and create a new 500,000 farm worker-guest worker amendment to bring in these people. That amendment got trounced on a bipartisan basis. My view is that those same growers do not want to see this bill pass, but no one can be against this kind of a bill from that community. So instead they and the Governor, as their representative, comes here and insists on a provision he knows will result in a veto.

It is a pretty cynical story. It is a pretty sad story. It means a lot of important provisions in this bill, provisions providing for reimbursement for health care institutions, provisions that at least go down the road toward some meaningful verification, hopefully all of those will go down the drain because of an insistence on this one provision.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I thank the chairman for yielding me the time.

With all due respect to my friend, the gentleman from California [Mr. BERMAN], I just could not let some of these statements stand without some form of rebuttal, as he referred to the element of farm worker issue being drowned.

I have to remind the gentleman that it was only 3 months ago that this very body passed the bill that we are discussing, only a much tougher bill, 333 to 87, including the education issue, and in fact on a stand-alone vote, whether we should give the States the rights to make the decision for themselves, it passed by almost a hundred votes, stand-alone.

The people of California have been crying for this support, and the issue, the issue of where we were 3 months ago with a 333 to 87 vote; how many votes do we have in this body that we get that many folks to agree on? Just let me finish this, and I will be happy to yield. Three hundred thirty-three to eighty-seven this body voted to support this immigration bill including a provision, unmodified provision, that would allow the States to deny a free public education to those that have no legal right to be in this country. Since that time we have modified it to the point of giving a grandfather clause to all of those in K through 6 and those in 7 through 12, watered it down considerably, and now even with a much more modified version the President of the United States is saying he would veto something that almost a 4 to 1 margin in the House supported, a strong bipartisan vote, and the people of California in an initiative 2 years ago voted by almost a 2 to 1 margin. It appears to me the President of the United States, if in fact he really is talking seriously about a veto, is not listening to the people of California.

And further I would just like to add that with all the due respect that I have for our President, he has talked about vetoes in the past. Sometimes he does what he says; sometimes he does not. I am just saying that I do not believe that he would veto this bill, I do not think that it is the right thing for him to do, he knows it is not what the people of California want.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. GALLEGLY. I am happy to yield to my friend, the gentleman from California.

☐ 1430

Mr. BERMAN. The gentleman misunderstood me. First of all, the 333 votes the gentleman referred to included a number of us who made it very clear that we want a great part of what is in this bill, we do not want, with all due respect, the gentleman's amendment in the bill, and that we would move it on to conference in the hope that a conference committee would convene and decide to pull that amendment out, since it was not in the Senate.

The second point I wanted to make was my point about the growers had nothing to do with the 333 vote. It was why would the Governor of California do that, with a chance to get meaningful provisions.

Mr. GALLEGLY. Reclaiming my time, Mr. Speaker, I would say to the gentleman from California [Mr. BERMAN], this issue is very clearly I think an issue that the gentleman, my good friend, would agree is something that I have worked on for many years.

I have 20-some provisions in this bill that I strongly believe in. We have modified, we have cut back. We have made compromises that quite frankly I do not think we should have made, but for the sake of moving the bill ahead, I have supported it. I think we have come to the point where we cannot continue to chisel away and have a real bill.

The people of California can no longer afford to provide a free public education to everyone. It has a denigrating effect on the citizens of our States in providing an education to the children of legal residents and citizens. I think that issue has been sorely missed in this debate.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I in no way question the sincerity of the gentleman's commitment to his amendment. I think he is wrong, but I think he is sincere. He has always had this position. He has pushed for it for a long time.

I just wish that, given that he had two strong efforts in this bill, major efforts, one for a meaningful verification system that could give some meaning to employer sanctions, and what I think is a somewhat crazy scheme on how to try and help deal with the problem of illegal immigration by kicking kids out of schools, he had been able to prevail on the first and yielded on the second, rather than yielding on meaningful verification and insisting on his provision.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute and 30 seconds to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for this leadership, and the leadership of the members of the Subcommittee on Immigration and Claims of the Committee on the Judiciary. I certainly want to acknowledge the bipartisan approach of my colleague, the gentleman from Texas, in the effort to distinguish and separate illegal immigration from legal immigration.

However, it is important to note that we still have an open question. Even now there is just a GAO study about taking rights away from citizen children. It is a study with the intent, of course, that we ultimately may deny the children born in the United States their rights.

Then I might say, as I rise to support the motion to instruct of my ranking member, the gentleman from Michigan, [Mr. CONYERS], how can we eliminate the Labor Department inspectors that would in fact be able to eliminate some of the very problems that the Honorable Barbara Jordan from Texas, as leader of the President's commission, indicated we had to do to protect workers, and to avoid the paying of wages below the minimum wage and unsafe working conditions?

We have already determined that the Labor Department and its inspector division has found some millions of dollars of situations where minimum wages were not paid, or unsafe conditions. It seems if we are truly sincere about reform in immigration that we will have those inspectors.

Last, let me say how unfortunate it is that if some of our citizens who have to be verified, particularly Hispanic citizens with Hispanic surnames, find out that they are legal and then they have no remedy, no way to address their grievances, I would say we need to look at making this a better reform and do a better job. I rise to support the motion to instruct.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, when we get carried away in this body, we really get carried away. If ever I heard overkill, we are talking about overkill today.

In the conference agreement you have agreed to 900 new people in INS over a 3-year period, 900. I know what the Members are going to say, but they do no check on wage and hour. No, but if they do their job, there is no necessity for anybody to be checking on wage and hour. We are giving them 900 new people over a 3-year period.

Second, in the conference agreement you have agreed to the new workplace verification rule. Let us give them a chance. Let us give the 900 a chance, and let us give the new workplace verification system an opportunity to work. Then we can determine whether we need anything else.

I do not know how much experience you have with wage and hour people, but I have had a lot of experience in the school business. In fact, I had to threaten them, to tell them never, ever to step in again to my business manager's office, that they will come through the superintendent. Why? Because he was very, very valuable to me and to that school system. I could not have him have a stroke over the insensitivity of the gentleman who appeared there and said, do not tell me you are not doing anything wrong. I will stay here until I find it. He went all over my district doing the same, until I got him transferred to the district of the gentleman from Pennsylvania [Mr. MCDADE]. I figured he would have a tougher time up there.

Now, let us get back again to the point: 900 new people in INS. If they do their job, and we are giving them the opportunity by giving them more people, then we are getting to the root of the problem we are talking about, and we have eliminated that problem. That is what we have done. Also you have done it if our new verification system works the way we hope it will work.

So let us not get carried away and add 350 more here and another thousand some other place. Let us, as a matter of fact, see whether we have not gotten to the root of the problem, and solved the problem with the 900 and with the new verification system.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman from Pennsylvania is understandably confused, because he thought we were using regular procedures. He kept saying, you have agreed in the conference report. No, there is not any conference report. There was an internal Republican discussion, and they produced something that they intend to ram through the conference in a day. But in fact the gentleman mistook the current situation for regular legislative procedure.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California, Mr. XAVIER BECERRA, who I have asked to conclude this discussion by saving him for last to use the remaining time on our side.

The SPEAKER pro tempore. the gentleman from California [Mr. BECERRA] is recognized for 2 minutes and 45 seconds.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there are a number of problems with this so-called conference report, not least of which is the backroom deals that occurred on the majority side of the aisle in both Houses which did not allow anyone from the

Democratic side of the aisle to participate in any of the negotiations that took place over the last 3 to 4 months.

Now we are going to try to pass out a bill in about 48 hours, never having seen or had a chance to discuss any of these so-called changes. It is upsetting to see that the Republicans have decided to weaken protections against discrimination for U.S. citizens. They are gutting even a compromise that was reached in the light of day in committee, and the backrooms deals were cut, and that language that protected people from discrimination was removed.

It is sad to see that this Congress has now reached the stage where it is going to blame children and punish children for the acts of adults. I have never seen that happen in a court of law, but here we go, not punishing adults for the acts of children, but punishing children for the acts of adults. That is what this Congress wishes to do by denying kids the access to education.

By the way, talking about unfunded mandates, doing what they want to do in this bill will cost hundreds of millions of dollars to the schools throughout this Nation. That is not my statement, that is the statement of the California School Board Association, which is opposing the Gallegly amendment.

What is worst about all of this is jobs. The reason people come into this country, whether with or without documents, is to get a better paying job for their family. This bill, unfortunately, does little, if anything, to try to preserve and protect American jobs. We had a provision in the Senate bill that said, let us provide 350 investigators to make sure we inspect the workplaces in this country to make sure jobs are held for American citizens.

We have right now a total of 750 investigators nationwide to cover 6 million places of employment. That is about 8,000 places of employment per investigator, to investigate to find out if someone is hired with the authorization to work in this country.

The Senate, including the Republicans in the Senate, said let us give the Department of Labor the opportunity to do a better job of investigating. Why? Because we have found we have been able to recoup money for a lot of American citizens that would have otherwise not been employed, and those people who are not employed and are in jobs that are not authorized, to get them out and leave the jobs for the American citizens.

What we find is that that was all gutted. This so-called conference report that Democrats have never even seen until today does not include any funding for that. Why? If we are really out to protect jobs for Americans, if we are really out to reform our immigration laws, then let us do the thing that most Americans wish to see most, jobs, jobs for Americans, or those entitled to work in this country. This bill does not provide that type of protection.

I am amazed, we found somehow the capacity in this Congress to give moneys, funds for 300 additional border patrol agents more than even what the administration, the Clinton administration, requested. The President requested about 700 new border patrol officers. This Congress said, we are going to give you 1,000. When the administration said we need more investigators to make sure people are employed because they are authorized to work, this Congress said no, you cannot do it. So there we have.

We are going to find a situation, unlike what the chairman of the Committee on Economic and Educational Opportunities said, that you can stop them all at the border. I wish it was true but it is not, because almost half of the people undocumented in this country come legally through a visa, a student visa or a work visa. Then they overstay and become illegal after that. They are the ones you will never catch. Half of the people, they will continue to be employed and you will not have the investigators to spot them. Bad bill. Vote against this.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Speaker pro tempore (Mr. DREIER) announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 181, nays 236, not voting 16, as follows:

[Roll No. 408]

YEAS—181

Abercrombie
Ackerman
Allard
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McInnis
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weller
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NAYS—236

Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Meyers

Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—16

Brown (FL)
Buyer
Collins (IL)
de la Garza
Ganske
Hayes
Heineman
McNulty
Mollohan
Norwood
Pastor
Portman
Riggs
Scott
Torkildsen
Zeliff

☐ 1503

Mr. TANNER, Mr. BAESLER, and Mrs. MORELLA changed their vote from "yea" to "nay."

Messrs. ALLARD, McINNIS, and LUTHER changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DREIER). Without objection, the Chair appoints the following conferees:

Messrs. HYDE, SMITH of Texas, GALLEGLY, MCCOLLUM, GOODLATTE, BRYANT of Tennessee, BONO, CONYERS, FRANK of Massachusetts, BERMAN, BRYANT of Texas, BECERRA, GOODLING, CUNNINGHAM, MCKEON, MARTINEZ, GENE GREEN of Texas, SHAW, and JACOBS.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, September 10, 1996, in the order in which that motion was entertained.

Votes will be taken in the following order: House Resolution 470 by the yeas and nays; H.R. 3863 by the yeas and nays; H.R. 3539, de novo; and H.R. 3759 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MONITORING OF STUDENT RIGHT TO KNOW AND CAMPUS SECURITY ACT OF 1990

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 470.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and agree to the resolution, House Resolution 470, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 409]

YEAS—413

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOT VOTING—20

Bono
Brown (FL)
Bryant (TX)
Collins (IL)
Conyers
de la Garza
Ganske
Hayes
Heineman
McNulty
Mollohan
Norwood
Pastor
Payne (NJ)
Portman
Riggs
Roybal-Allard
Scott
Torkildsen
Zeliff

☐ 1521

So (two-thirds having voted in favor thereof) the rules were suspended, and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DREIER). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

STUDENT DEBT REDUCTION ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3863, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3863, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 18, as follows:

[Roll No. 410]

YEAS—414

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—1

Williams

NOT VOTING—18

Bono
Brown (FL)
Bryant (TX)
Chenoweth
Collins (IL)
de la Garza
Ganske
Hayes
Heineman
McNulty
Mollohan
Norwood
Pastor
Portman
Riggs
Scott
Torkildsen
Zeliff

□ 1533

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL AVIATION AUTHORIZATION ACT OF 1996

The SPEAKER pro tempore (Mr. DREIER). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3539, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 3539, as amended.

The question was taken.

The SPEAKER pro tempore. Two-thirds of those present not having voted in the affirmative, the motion is rejected.

RECORDED VOTE

Mr. GILCHREST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 398, noes 17, not voting 18, as follows:

[Roll No. 411]

AYES—398

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)

Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOES—17

Allard
Barr
Canady
Cooley
Cox
Hefley
Hyde
Largent
Meyers
Myrick
Sanford
Sensenbrenner
Shadegg
Souder
Stockman
Stump
Wolf

NOT VOTING—18

Baker (CA)
Brown (FL)
Bryant (TX)
Collins (IL)
de la Garza
Ganske
Hayes
Heineman
McNulty
Mollohan
Norwood
Pastor
Portman
Riggs
Scott
Torkildsen
Weldon (PA)
Zeliff

☐ 1543

Messrs. McINTOSH, ROHRABACHER, ROYCE, and SCARBOROUGH changed their vote from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPORTS, JOBS, AND GROWTH ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3759, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. ROTH] that the House suspend the rules and pass the bill, H.R. 3759, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 157, nays 260, not voting 16, as follows:

[Roll No. 412]

YEAS—157

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (NE)
Barton
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Bliley
Blumenauer
Boehner
Brewster
Brown (CA)
Brown (OH)
Bryant (TN)
Callahan
Calvert
Cardin
Castle
Christensen
Clayton
Clinger
Clyburn
Coleman
Danner
Davis
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Edwards
Engel
Ewing
Fattah
Fazio
Fields (TX)
Filner
Flake
Foglietta
Forbes
Franks (CT)
Frisa
Frost
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (FL)
Hefner
Hilliard
Houghton
Hoyer
Hyde
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
King
Kolbe
LaHood
Lantos
Latham
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lofgren
Lowey
Lucas
Maloney
Manton
Manzullo
Martinez
Matsui
McCarthy
McDade
Menendez
Meyers
Mink
Moakley
Moran
Morella
Myers
Nadler
Oberstar
Olver
Ortiz
Orton
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Quinn
Rangel
Richardson
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sawyer
Schiff
Serrano
Sisisky
Skaggs
Skeen
Smith (NJ)
Stenholm
Studds
Tanner
Tejeda
Thomas
Thompson
Thurman
Torres
Torricelli
Traficant
Vento
Ward
Watt (NC)
Weller
Wicker
Williams
Wilson
Wise
Wynn
Young (AK)

NAYS—260

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (WI)
Bartlett
Bass
Bevill
Bilbray
Bilirakis
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Camp
Campbell
Canady
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clement
Coble
Coburn
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Deal
DeFazio
Dellums
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Duncan
Dunn
Durbin
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Farr
Fawell
Fields (LA)
Flanagan
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Funderburk
Furse
Gallegly
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hancock
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
Largent
LaTourette
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Luther
Markey
Martini
Mascara
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Nussle
Obey
Owens
Oxley
Packard
Pallone
Parker
Paxon
Peterson (MN)
Petri
Pombo
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Reed
Regula
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
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Schumer
Seastrand
Sensenbrenner
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Smith (MI)
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Solomon
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Stockman
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Stump
Stupak
Talent
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Tauzin
Taylor (MS)
Taylor (NC)

Thornberry
Thornton
Tiahrt
Towns
Upton
Velazquez
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wolf
Woolsey
Yates
Young (FL)
Zimmer

NOT VOTING—16

Brown (FL)
Bryant (TX)
Collins (IL)
de la Garza
Ganske
Hayes
Heineman
McNulty
Mollohan
Norwood
Pastor
Portman
Riggs
Scott
Torkildsen
Zeliff

☐ 1551

Mr. BAESLER and Mr. BILBRAY changed their vote from "yea" to "nay."

Mrs. KELLY changed her vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, because of a death in my family, I was not in attendance for rollcall votes Nos. 407, 408, 409, 410, 411, and 412.

Had I been in attendance, I would have voted "yea" on rollcall votes Nos. 407, 409, 410, and 411, and "nay" on rollcall votes Nos. 408 and 412.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No.'s 407, 408, 409, 410, and 411 I would have voted "yes," and on rollcall No. 412 I would have voted "no." Unfortunately, I was not present due to a physical ailment and subsequently requested an official leave of absence for the day which was granted.

Mr. HUTCHINSON. Mr. Speaker, last week we had an opportunity to honor one of our most distinguished colleagues with a truly fitting tribute by renaming the Jackson Mississippi VA Medical Center to the G.V. Sonny Montgomery Department of Veterans Affairs Medical Center.

Mr. Montgomery has given extraordinary service to this country and has made monumental contributions on behalf of America's veterans. His service in World War II and later in the Mississippi National Guard shaped a lifelong commitment to a strong national defense. As an advocate of peace through strength during some of the greatest threats to our country's security, SONNY MONTGOMERY always knew that in order for our Nation to face and resist its adversaries, it must treat its defenders with dignity. He emulated this belief during his 14 year chairmanship of the Veterans' Affairs Committee and the 25 years of vigorous, dedicated work on the Armed Services and National Security Committees.

SONNY MONTGOMERY'S legislative record is one of steady and patient progress, consistently a product of hard work and consensus building. It may fairly be said that he has left a legacy to America's veterans through his relentless efforts to protect, improve, and expand their benefits and services.

SONNY MONTGOMERY is a man admired by his peers, cherished by his friends, and deeply respected by all that know him. It has been an honor to serve with him on the Committee on Veterans' Affairs. I strongly support the measure to bestow the name of such a remarkable gentleman upon this medical center.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, Wednesday, September 11, 1996, to file a conference report on the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

G.V. (SONNY) MONTGOMERY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1669) to name the Department of Veterans Affairs Medical Center in Jackson, MS as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. ROTH). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1669

But it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JACKSON, MISSISSIPPI.

(a) NAME.—The Department of Veterans Affairs medical center in Jackson, Mississippi, shall be known and designated as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1669.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without prejudice to the possible resumption of legislative business, the Chair will entertain requests for special order speeches.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CLINTONOMICS VERSUS REAGANOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HINCHEY] is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, just before the August recess, the Wall Street Journal published an op-ed written by economist Alan Reynolds of the Hudson Institute.

That op-ed, entitled "Clintonomics doesn't measure up," urged presidential candidate Bob Dole to embrace a return to supply-side economics based on what was portrayed as anemic economic growth during the past 4 years.

Reynolds argued that key statistics showed economic performance was superior during the supply-side years of President Reagan than it has been since President Clinton was elected to office.

As I read the article, it became clear to me that Mr. Reynolds, a long-time advocate for supply-side policies, was not providing objective analysis of this situation.

Calling on the resources of the Joint Economic Committee, of which I am a member, I conducted extensive research into Reynolds' economic analysis and the statistics he used to make his case.

I was not surprised to find that the analysis was orchestrated in a manner that proved to be generous to the supply-side years and not so generous to the Clinton years.

First, Reynolds conveniently began his analysis in 1983, the third year of Reagan's presidency, rather than in 1981, the year in which the Reagan tax cut was actually enacted.

The huge budget deficits resulting from those tax reductions forced up interest rates in 1981 and plunged the economy into the deepest recession since the Great Depression.

Unemployment reached almost 11 percent nationally, and the strong recovery in the years that followed must be seen from that perspective: from that economic nadir, we had nowhere else to go but up.

In addition, Reynolds also excluded the Bush years from his analysis despite the fact that supply-side policies were continued throughout that era.

The Journal recently printed a letter I authored in response to that op-ed that included a more complete comparison of economic performance since 1992 and that during the full Reagan-Bush 12 years.

The analysis showed the economy has in fact performed better since 1993 than it had during the previous 12 years of supply-side economics.

Under Clinton, the economy has grown more rapidly, employment has risen at a faster rate, per capita income has increased more quickly, and the deficit is smaller relative to the economy.

Gross domestic product growth has been 2.5 percent under annually since 1992, as opposed to 2.4 percent Reagan-Bush.

Employment grew at a rate of 2.6 percent each year since 1992, a full percentage point higher than in the years from 1981–1992.

And finally, the deficit has averaged 2.9 percent of the size of the economy under Clinton, while it averaged 4.3 percent under Reagan and Bush.

Last month's unemployment rate of 5.1 percent provides further evidence of just how healthy the national economy has become in recent times.

Mr. Speaker, I am not arguing that all areas of the Nation have experienced equal economic progress during the last 4 years.

There are areas such as the Hudson Valley and the Southern Tier in my State that continue to experience significant economic anxiety and widespread underemployment.

While there is much left to do to help get people to work, even these areas have experienced improvements in their local economies since 1992.

Mr. Speaker, we owe much of our economic progress to the success of the 1993 budget reduction law that was enacted by the Democratic Congress.

It has reduced the deficit by 60 percent, from $290 billion in 1992 to an estimated $117 billion this year.

The law has resulted in four straight years of deficit reduction for the first time in about 100 years.

And the deficit this year is expected to be at its smallest size relative to the economy since 1974.

In addition to the historic deficit reduction which has occurred, the law also significantly expanded the EITC program providing tax cuts to families earning less than $28,000 annually.

According to the U.S. Department of Treasury, in my congressional district, an estimated 31,974 working families have received tax breaks averaging $480 this year due to the expansion of the EITC.

By any measure then, whether it is economic performance, deficit reduction, or tax relief to working families, the 1993 budget law has been a great success.

Despite all of these positive statistics on economic performance that were included in my Wall Street Journal piece, I am disappointed to say that I was not successful in convincing GOP candidate Bob Dole that a return to supply-side economics would be unwise.

Last month, Dole released his $550 billion tax plan with breaks targeted to only the wealthiest families in our Nation, and paid for by a magical economic growth dividend.

This morning, Senator Dole held meetings in the House of Representatives to peddle his supply-side economic plan to reluctant Republican Members of this body.

The American people must know that history speaks for itself on supply-side economics: the Dole plan will bankrupt our Nation, undermine economic growth, and increase worker unemployment.

It is time that we pay tribute to the 1993 budget law which has been a tremendous success in reviving the economy and creating good, decent-paying jobs for millions of Americans.

□ 1600

TRIBUTE TO H.C. "LADD" HITCH JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. LUCAS] is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, it is with a solemn heart that I rise today to share with my colleagues the passing of H.C. "Ladd" Hitch of Guymon, OK.

A pioneer cattleman and prominent Oklahoma Panhandle businessman, Ladd was truly a remarkable man who left an indelible mark on his community, his State, and his industry. He was the third-generation patriarch of a family that settled and prospered in what once was called our Nation's "No Man's Land." The fact that a thriving agricultural economy has developed on this once barren land is a testament to his family's frontier spirit.

The Hitch's settled in the Oklahoma Panhandle in 1884. Ladd was born in 1918 and by the time he reached adulthood, he and his family had revolutionized production agriculture in the region. As the Hitch legacy in the region grew, the family's visionary business practices never waned. They introduced one of the first irrigation systems in the Panhandle region. This innovation supplied the ability to produce an abundant feed supply and led to the establishment in 1953 of one of the Southwest's first large-scale cattle feedlot operations. Last year, the National Cattleman's Association listed Hitch Enterprises as the ninth largest cattle feeding operation in the country.

Mr. Hitch was one of the founding members of the Oklahoma Cattleman's Association, was the first recipient of the National Cattleman of the Year Award, was named "Feedlot Magazine's Commercial Feeder of the Year," and was selected as a "Stockman of the Century." His activities were not just limited to agriculture. During his life, he served as the chairman of the Board of Regents of Oklahoma State University, was the former director of the University of Oklahoma Research Center, was a member of the Oklahoma Medical Research Foundation, and had been a trustee of the National Cowboy Hall of Fame.

As a cow calf operator from western Oklahoma, a former member of the Oklahoma State Legislature, and now a member of the U.S. House of Representatives, I had the opportunity to deal with Ladd Hitch on many different issues both business and legislative. He was a man of integrity, drive, and vision. Ladd died on July 29, 1996, while attending the Oklahoma State Cattleman's Association in Oklahoma City at the National Cowboy Hall of Fame. The site of his death memorializes many of the greatest aspects of life. Ladd will be missed.

TEEN DRUG USE SKYROCKETING UNDER CLINTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House once again, and I have been before the House before, to talk about the problem of drug and substance abuse and the problem with our young people in this country, and the problem of the drug epidemic across this Nation.

Tonight I want to again call to the attention of my colleagues these absolutely startling statistics that have come out within the last month about teen drug use skyrocketing, particularly in the years since 1992 to 1995, under this administration.

If we look at the overall drug use and abuse, particularly, again, among our teenagers, 12 to 17 years old, it is up 78 percent. Marijuana use, 1992 to 1995, is up 105 percent. LSD use, up 105 percent also. Cocaine use is up 166 percent.

Even in my area, a wonderful, calm, traditionally family-oriented area of central Florida, heroin use and abuse is skyrocketing, particularly among our young people. I am alarmed as a parent, I am alarmed as a father, and I am alarmed as an American about this trend.

It is easy to trace this trend. In the Clinton years, from 1992 to 1995, we saw the steps that led to this. First we saw the firing by the new President of two-thirds of the drug czar's staff. Then we saw the appointment of Joycelyn Elders, the chief health officer for the Nation, who said: Just say maybe; just say maybe try it.

We saw the dismantling of our drug interdiction efforts to stop drugs, cocaine and heroin, at the borders and at their sources, almost a total dismantling proposed by this administration.

And then finally, a great insult, we saw the lowering of the standards in the highest office in this land, the While House. The White House, which is supposed to set the standards, in fact, lowered the standards, and we saw the records of people being employed that were so bad that they had to institute a drug-testing program at the insistence of the Secret Service.

Mr. Speaker, that is the problem. This is the situation. What do we do about it? This Congress, this new majority, and I, as a parent and an American, think we must act. This Congress is taking steps. Under the leadership of this new majority, we are restoring money to the drug czar's office. We are working with a new drug czar to see that that is an effective office.

We know that we must fight drugs on four fronts: by education, interdiction, enforcement, and treatment; that we cannot, as this administration has said and proposed and done, just treat the wounded in battle. That is what we are doing by putting all of our sources and resources in treatment only.

Mr. Speaker, we are going to restore those funds, and we are going to make a four-pronged approach. We are going to lick this problem, but it is going to take everyone from the White House to the courthouse, every parent, every concerned citizen, and every Member of Congress to join this effort, because we are losing a generation. We cannot afford to lose our young people in this war on drugs. We must band together. This Congress must act in a positive fashion. We must approach this in a bipartisan manner. Then we can take back our children, we can take back our streets, we can take back our neighborhoods.

We have 1.6 million Americans incarcerated in this land. Seventy percent of them are in jails and prisons because of drug use and abuse. This is the problem we have created. This is the problem we need to address. We must join together to start with our young people and bring this drug epidemic facing our Nation and our youth under control.

Mr. Speaker, I urge your cooperation in this effort, and that of my colleagues.

DOLE-GINGRICH ECONOMIC PLAN CONTAINS TAX BREAKS MOSTLY FOR THE WEALTHY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. BROWN] is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, here we go again. The same folks who brought us the Government shutdown, the two Government shutdowns earlier this year and late last year, are back. Former Senator Dole and Speaker GINGRICH are bringing us a $500 billion economic package, have proposed a $500 billion economic plan tax break package, mostly for the wealthy, that will result in more cuts to Medicare, more cuts to student loans, more cuts to Medicaid, and more cuts to environmental programs.

Mr. Speaker, let us look at a bit of history as we discuss this Dole economic plan, and as we discuss the cuts in Medicare and what all of that means, and what that meant last year.

Last year the plan of the Speaker, the Gentleman from Georgia [Mr. GINGRICH], and Senator Dole was to give some $245 billion in tax breaks mostly for the wealthy, and they planned to pay for this plan by making $270 billion of cuts in Medicare and several billion, about $180 billion cuts in Medicaid, several billion worth of cuts in student loans, and several billion of cuts in environmental protection.

This $245 billion tax break mostly for the wealthy, which would result in the $270 billion in Medicare cuts, was the beginning of the unraveling of the Medicare Program. Let me quote what Speaker GINGRICH said about Medicare, and let me quote what then-Senator Dole said about Medicare.

Last October Speaker GINGRICH, speaking to a group of insurance executives, all of whom would benefit greatly from this dismantling of the Medicare Program, said, "Now we didn't get rid of Medicare in round one, because we don't think that is politically smart. We don't think that is the right way to go through a transition. But we believe that Medicare is going to wither on the vine."

The same day, speaking to another group, a group called the American Conservation Union, then-Senator Dole, who was leading the fight for the Medicare cuts in the Senate, said, "I was there, fighting the fight, voting against Medicare, one of 12, because we knew it wouldn't work in 1965."

Since that time, the same people that tried to, on the one hand, say they are here to try to defend Medicare and save Medicare, are attacking Medicare under their breath, attacking Medicare behind closed doors in Republican caucuses, and occasionally letting it slip and attacking Medicare in public.

One prominent member of the Committee on Ways and Means called Medicare socialized medicine. The majority leader, the gentleman from Texas [Mr. ARMEY], said that in a free society Medicare would not exist, whatever that means. Other prominent Republicans have labeled Medicare a program of socialism, a program that does not make sense for people, a program that we simply do not need.

Mr. Speaker, the point is that this crowd, GINGRICH, Dole, the gentleman from Texas, Mr. ARMEY, the leadership of the Republican Party, not mainstream Republicanism, which most people in this country that are Republicans I think are more likely to believe in, and not the mainstream Republicanism that supported Medicare in past decades, but this new extremist crowd of GINGRICH and ARMEY and the gentleman from Texas, TOM DELAY, and some of the other leaders in the other House are simply opposed to Medicare. They wanted it to wither on the vine. They bragged about voting against it.

It is pretty clear that this $245 billion tax cut they proposed last year and paid for by the $200-some billion tax cuts in Medicare are the way they can end the program of Medicare, end the programs of student loans, end some of the environmental protection measures.

□ 1615

That brings us to the point today, to the Dole program today he has proposed in the Presidential race. I might add that Senator Dole and his running mate, Mr. Kemp, came to the Republican Caucus today to talk about how they were going to pay for the major tax break, mostly for the wealthy, and talk about how they were going to do the Medicare cuts.

A few Republicans have stood up and been honest about what the Dole economic plan means. If you are going to provide $500 billion in tax breaks, mostly for the rich, then you are going to have to cut Medicare even more than then-Senator Dole and Speaker GINGRICH proposed last year. That simply means that if it was $270 billion in cuts in Medicare last year, they are going to propose even more cuts this year, once they are honest with the public.

What that really means is those senior citizens that are now paying $46 a month for Medicare premiums will have their premium at least doubled, to $90 or $100 or maybe $110 a month to pay for their premium. It also means that deductibles will be higher. It also means that copays will be higher. So that this party, this GINGRICH-Dole party that says they are against tax increases, clearly want to put this senior citizen tax on Medicare beneficiaries. It is not $46 a month, which is what it used to be, or $5 or $10 copayments, what it used to be, or $50 deductible, what it used to be. All of a sudden it is probably going to be double that in order to pay for this huge $500 billion in tax breaks, mostly for the wealthy.

At the same time they are going to go right at the heart of student loans and end the student loan program that students in this country have been accustomed to, raise the prices on other kinds of student loans and student grants, cut student grants and raise the prices on other student loans, and in order again to pay for this $500 billion boondoggle, mostly for wealthy taxpayers, to go after programs that protect the environment, something the American people clearly will not stand for.

I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. I thank the gentleman for yielding. I appreciate the opportunity to visit with the gentleman tonight and talk about this $548 billion tax cut that has become a political issue around the country. In fact I know the gentleman mentioned that Senator Dole was here today talking to the Republican leadership, and during that time I heard that he had mentioned that this whole campaign is about trust. I thought it was appropriate in that trust is important, whether you are running for the White House or Members of Congress or whatever elected office you have. But I noticed he wants us to believe that the $548 billion tax cut will not lead to higher budget deficits and increased interest rates.

The gentleman mentioned earlier that the tax cuts will not work without getting into social programs like Medicare and maybe Social Security. But let us look at history. The gentleman mentioned the $245 billion tax cut last year where Medicare was on the table to be cut. This year, at least this fall, nobody is talking about it on the Republican side because they want to wait until after the election before they come back and put that on the chopping block.

But since Senator Dole talked about it, this campaign is about trust. It is really kind of hard, with what you have said, to talk about trust when you see what happened last year with the $245 billion tax cuts and the $270 billion, even using their terminology, the $270 billion cut in growth in Medicare spending.

But again let us talk about that growth in Medicare spending. If you have 10 million, for example, people receiving Medicare today, and 5 years from now you have 25 million that may be expected, these are numbers we pick out of the air, and we are not planning for that growth, then it is a cut.

I know it is sometimes hard to explain that to folks. But let me mention today I saw in the New York Times the architect of the Reagan tax cut plan in the early 1980's, Murray Weidenbaum, said of Senator Dole's proposed tax cuts: Cutting income taxes alone is not going to energize the economy sufficiently to prevent a rise in the budget deficit.

This last Sunday on "Meet the Press," another architect or budget adviser, Richard Darman, who worked under both Presidents Reagan and Bush, reminded us that Reagan had to raise taxes five times after enacting the very popular 1981 tax cuts to make up for that lost revenue, and we still had our debt and deficit mushroom in the 1980's, even after five tax increases, after 1981.

If my colleagues are building a campaign on trust, then let us look back at the past decade or two decades and see where that trust would be. I think the gentleman mentioned it, Senator D'AMATO mentioned that under the Dole plan, funding for such programs like Medicare would definitely be affected. In fact his quote is, he went so far as to say: "I'm not running this year so I can say it and tell the truth."

I do not think that is what people in America want when they talk about trust, when they talk about all of us want a tax cut but we also want to balance the budget.

Let me even quote another former U.S. Senator. Senator Warren Rudman from New Hampshire agrees when he says, "Unless you are willing to do some major reforms in entitlements, there is no way you can do this."

What is an entitlement? That is a word in Washington we use but in our districts, entitlements are Social Security, they are Medicare, they are programs that people depend on to make sure they can have the quality of life that they should have.

My concern is why is Senator Dole not telling the American people that that is what he wants to do for $540 billion in tax cuts, when they got burned last year by trying to do $245 billion, so they doubled it almost? And they are still going to attack Medicare, education, student loans. If you are building a campaign on trust, let us talk about that. Let us talk about it before November 5, instead of waiting until after a new Congress comes in, and then making those cuts.

Mr. BROWN of Ohio. Retaking my time for 1 moment, to my friend from Texas, that is exactly the point. Last year they proposed $245 billion in tax breaks, mostly for the wealthy, and the way they wanted to pay for those tax breaks, cuts in Medicare, going right to the heart of cutting student loans, and cutting environmental programs, they could not do because the public rose up in opposition to it. This year Senator Dole, former Senator Dole, wants to give a tax break, again mostly to the wealthy, of twice that amount, but they are not telling us how they are going to pay for it. It is clear the only way they are going to pay for it is go twice as hard at Medicare, twice as hard at student loans and twice as hard at the environment. But they look at us and say, "Trust me until after the election is over, we'll tell you after the election." It is clear what they are going to do, go after the same programs the public would not stand for in 1995 and 1996 which they shut down the Government over, saying if we cannot have our Medicare cuts we are going to shut down the Government. What is this crowd going to do? If Senator Dole wins the election and GINGRICH and the Republicans in the Senate take control, how are they going to run the Government then? Go right after Medicare, student loans, and the environment one more time.

Mr. GENE GREEN of Texas. Going back, let me say something else about budget cuts, obviously Medicare and student loans, but they have to go to discretionary spending if they do not do entitlements. Some of that discretionary money is Border Patrol, the FBI, crime control, airline safety. There are a lot of programs that would be on the chopping block. But again they doubled the tax cuts they wanted in 1995 and 1996, they could not get them, and in Texas we call that a pig in a poke. Our folks are not going to buy it, and that is what this is. This proposed $500 billion tax cut is a pig in a poke.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Florida [Mr. GIBBONS] was here in 1965 when Medicare was created. At that time, half the senior citizens of America had no health insurance. Today only 1 percent of senior citizens have no health insurance because of Medicare. Medicare clearly has worked. You look at what Speaker GINGRICH has said about Medicare, that he wants to see it wither on the vine, and those are his words, not mine. You look at what the next top-ranked Republican in Congress has said, Mr. ARMEY, that in a free society you would not have Medicare. You look at what one of the top Republicans in Ways and Means has said, he calls it socialized medicine. You look at what Senator Dole said. He said, "In 1965 I was there fighting the fight, voting against Medicare, 1 out of 12, because it wouldn't work." It is clear when 99 percent of the elderly in this country have health insurance and can live the last years of their life with dignity knowing that most of their health care will be taken care of that it is a program that works. I resent, as I think everybody on this floor resents, the kind of talk that Mr. GINGRICH and Mr. ARMEY and some of the others have said when they belittle Medicare and belittle what it has done for people in this country.

I yield to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. First of all, this is a very important discussion. Let me say as one who was here, as the gentleman said, when Medicare was created, one of the unintended results that has come out of Medicare is that old age is now much kinder than it used to be. It is much more humane than it used to be, and Medicare itself has lifted millions of older folks out of poverty. But one of the unintended results that we never dreamed would happen is it has created in the American economy an infrastructure that can take care of the particular needs of old people. That is what has done so much.

Medicare is going to have to make some changes to make sure that it is fiscally sound and in place for the people in the future. Those changes do not need to be radical. Essentially we need to get tough, effectively tough on cutting out the waste, fraud, and abuse. Then after we have done that, if there is any need to change the financing system, it should be changed. But we have a good program, it is very important that we maintain it, and it has really helped many millions of people in the United States.

Mr. BROWN of Ohio. I thank the gentleman from Florida. There have been efforts by the gentleman from Michigan [Mr. STUPAK] and me in the Committee on Commerce, and by the gentleman from New Jersey [Mr. PALLONE] to deal with the fraud questions, because we can save $80 or $90 billion in the next 7 years simply by attacking fraud, waste and abuse in a systematic way. That is the first step, not making these major cuts in Medicare in order to give tax breaks to the wealthiest people in our country.

I yield to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments and for taking this special order out and for my friend from Florida, Mr. GIBBONS, who has been a champion for Medicare and for elderly people in this country today.

I would like to embellish a little, if I could, on what SAM GIBBONS has talked about and how important this is, and comments you made about how important this is to our seniors and what a difference it has made over a period of time since 1965 when it became law.

One of the things that has aggravated me in this debate the most was the fact that most people in politics and in the country do not seem to understand what the income level is of the people who are receiving Medicare today.

The Department of Labor study that Secretary Reich released about a year ago, within the last year, indicated that 60 percent of our seniors have income of $10,000 a year or less. That includes their Social Security and their annuity if they have one. Ten thousand dollars a year or less. That is why this is such an important and, as it turned out, volatile issue in American society today.

I have got a woman in my district, and she is a good friend of mine. I do not want to mention her name in this special order, but let me just put it this way. Margie is her first name. She was a riveter and made the B-29's that helped us win the Second World War. She is close to 80 years of age now. She worked all her life, helped us win the war and now she lives on her Social Security. After she gets done paying her rent, her Medicare, her medicine and her MediGap insurance, she has got $130 left for that month and that has got to go for food, for heating, for all her utility bills.

That is why we have fought so hard to make sure that people like her do not have to pay an extra $700 a year in the next 4 or 5 years for Medicare, because they cannot afford it. It is a huge part of their annual income.

Now we have got this proposal that Senator Dole and Mr. Kemp and Mr. GINGRICH have put together that would cut taxes 15 percent. But the problem with that is, besides most of it going to the folks, very folks at the top, is that it would either blow a big hole in our deficit, and we have brought this deficit down from $290 billion 4 years ago to $116 billion now. We have brought it down by 60 percent.

□ 1630

It is going to blow a big hole like we did during the eighties when we spent on defense and then cut the revenue out of the Government. Or the other option is you are going to have to cut from education and programs like Medicare.

So the approach that the President has suggested and we are suggesting, where you target your tax relief to education, $10,000 tax deduction or $1,500 credit for years 13 and 14 in school; you target it on kids; or on the sale of your home, so the middle class gets a capital gains relief. Those things are more modest, although each in themselves is a rather large component, but they are much more modest than an across-the-board cut, and they target people who need it.

So I thank my colleague for raising the issue of Medicare and how it fits into this debate. We are going to be there, protecting it, making sure it is solvent, as the gentleman from Florida [Mr. GIBBONS] has talked to us about, and making sure that it is there for people. There is no reason why we cannot make sure that this program is there in the future.

We, as you have correctly pointed out, have taken two generations out of poverty when they became seniors because of Medicare in 1965, and your numbers are absolutely on the mark: 30–40 percent of the people in this country who became seniors went into poverty, before Medicare. Now that number is down considerably from that figure, and it has been a wonderful program for many, many people. We are going to do all we can to maintain its viability, its solvency, and make sure it is there for future generations.

I thank my colleague for his comments.

Mr. BROWN of Ohio. I would add, before yielding to the gentleman from New Jersey [Mr. PALLONE], that it is important to keep in mind what he said when he talked about Marjorie in Macomb County, or I talked about people that I know in Lorraine or Medina or all over my district, that the proposal last year would have raised premiums, the monthly premium, from $46 to $85 or $90. It would have raised the deductible, now $250 a year, somewhat higher, and would have raised the copays, which are typically $5 or $10, to some higher amount.

What is important about that is that they were cutting Medicare $270 billion to pay for a tax cut of about that amount. Senator Dole proposes twice the tax break, again, mostly for the wealthy. Does that mean the premiums are going to go up from $46 to $110 or $120 or $130 a month? Does that mean that the deductible will go from $250 to $400 or $500, or the copays will go to $15 or $25? We do not know that. They are not telling us.

In order to pay for a tax break of $550 billion, it is pretty clear the Medicare premium is going to go well over $100 a month, and you are talking, what Mr. BONIOR said, that 60 percent of Medicare beneficiaries are living on less than $10,000 a year. While going from $46 to $100 a month might not be very much for Mr. ARMEY, who talks about Medicare being socialism, or Mr. GINGRICH or Mr. Dole or a Member of Congress, it is a lot for somebody living on $10,000 a year.

I yield to my friend from New Jersey, Mr. PALLONE, who has done more to protect Medicare and fight these cuts and NEWT GINGRICH's "wither on the vine."

Mr. PALLONE. I thank the gentleman for what he said. I just wanted to follow up on what he and the gentleman from Michigan [Mr. BONIOR] said.

It is amazing to me how the other party, the Republican leadership, keeps trying to talk about these changes in Medicare and these cuts in Medicare as if they do not really have an impact on real people. But they do.

When both of you were talking about some lower-income seniors, I had the best experience with that when I had a senior forum in 1995, at the time when the Republican leadership was talking about eliminating the Medicaid payment for Medicare part B. In other words, if you are below a certain income so that you are eligible for Medicaid, right now Medicaid pays your part B Medicare premiums, which is for your doctor bills, to pay for your insurance so your doctor bills are covered.

Mr. BROWN of Ohio. In other words, that $46 payment, if you are especially poor, that $46 payment the government will help you with so you can qualify for Medicare.

Mr. PALLONE. Exactly. These were people that could not even afford to pay the $46 that the average person pays now for Medicare part B to pay for their doctor bills. Under the Republican proposal that was considered by this House, and actually passed by this House in 1995, that money would have been taken away. So essentially those really low income senior citizens would not have had Medicaid paying for that Medicare part B premium.

I was talking to people who could not afford to pay another $7 or $8 a month.

Mr. BROWN of Ohio. I think it is important to remember that the people that need help on paying their Medicare premium, the $46 a month, are not usually people that have been on welfare all their lives. They are usually people that have been working all their lives, that never made a lot of money, that want to live their last year in dignity.

I remember in the Committee on Commerce the gentleman and I and others worked on an amendment to at least, as bad as the Medicare bill overall was, to at least put that part of the Medicare law back into place, that Government would help those people that worked all their lives in perhaps minimum wage or slightly above, to help them with their Medicare premium, so they in fact would qualify for Medicare. If I recall, that was voted down on a party line vote because Speaker GINGRICH did not want it in the law.

Mr. PALLONE. Not only strictly party line, every Republican voted against it, but if you remember when it came to the floor, Speaker GINGRICH had said he was going to correct it and he never did. He actually came here one day in the well and said he was going to correct that, and it was not going to be in the bill when it came to the floor, and he never did.

Mr. BROWN of Ohio. If I recall, he said he had corrected it initially. Then a staff person said, "NEWT, come over here," and he explained he had not. And he ignored it and said, "We will take care of it later." It has not been. Fortunately, a Presidential veto stopped it from happening.

Mr. PALLONE. We are primarily talking about widows, elderly women whose husbands had passed on and who did not have any pension or anything to pay their way, and were therefore eligible for this, what they called qualified Medicare beneficiaries.

I only mention that again by reference to the comments that the two of you have made, which is whenever you have these Medicare cuts, there is no free lunch. Essentially what it does is drive up costs in every other way.

You mentioned about the higher premiums for Medicare part B that were proposed by the Republicans in 1995. You mentioned the higher deductibles. You mentioned the higher copayments. But we also had this year, in 1996, actually as part of the budget that the Republicans passed in the spring, the idea of eliminating balanced billing.

In other words, essentially, if you decided you wanted to stay in traditional Medicare, you did not want to go into an HMO or managed care, under the present Republican budget for 1996, the one that passed in 1996, you could actually be charged an unlimited amount by the physician over and above what Medicare could pay.

So if it is not a question of a higher premium or a higher deductible then there are going to be overcharges. They basically have that right on the table now as we speak in 1996, that doctors can charge unlimited amounts over and above what Medicare could pay, now pays, if you stay in your traditional Medicare plan.

Mr. BROWN of Ohio. Mr. Speaker, taking back my time for a moment, the changes that Speaker GINGRICH and Mr. Dole put into the Medicare and Medicaid bill, will go the exact opposite direction of where we wanted to go in detecting fraud, waste, and abuse, rooting it out and eliminating it.

There is the balanced billing issue, there is the issue that allows a doctor, which is prohibited now under the law, but which they want to allow a doctor to be able to refer a patient to an MRI facility or some other diagnostic or clinical facility that the doctor owns, and then go ahead and charge the Government for the referral and the original visit, and then the diagnostic equipment and treatment at that center. It was one issue after another issue that they opened up to more fraud, waste, and abuse, in a system that already has 10 or 15 percent fraud, waste, and abuse.

The first thing we need to do with Medicare and Medicaid is not make cuts to pay for a tax break for a relatively small number of very wealthy people. The first thing we need to do is root out the waste, fraud and abuse. Then we can deal with the fiscal issues with Medicare. But do not charge senior citizens, raise their premium from $46 to $110 a year, and raise the deductibles and copays.

Mr. PALLONE. I wanted to raise three other instances. It is not just seniors that are going to end up paying more because of these cuts; the general public will as well. First of all, the fact, I do not think you mentioned it, you may have, the fact when you cut Medicare, and it is already happening, those that have supplemental insurance, most seniors carry supplemental, Medigap type insurance, the cost of that keeps going up.

I see the gentlewoman from Connecticut is here, who has been so much involved and taken a leadership role on this issue. In our States, New Jersey, New York, and Connecticut, Medigap insurance costs have gone up from 11 to 14 percent every year in the last few years, all time highs. A lot of that is attributed to the cuts in Medicare. If you cut Medicare, then you are going to see higher costs for your Medigap insurance.

Also in New Jersey, let me give you an example, most of the hospitals that I represent in my district rely on Medicare and Medicaid for a majority of their reimbursement, a majority of the money they are taking in. When there is a shortfall, either they close or they find some other way to pay for things. We have seen arise in uncompensated care. We actually have a tax, if you will, on uncompensated care, that we end up paying.

So the general public ends up paying for the difference too. Taxes and costs go up for the general public, because the hospitals are not getting the reimbursement rate they were previously getting. So it is not just seniors that are going to pay more. Everyone is going to pay more, and they are going to pay it in various ways that maybe are not as obvious, but they still end up paying.

Mr. BROWN of Ohio. I yield to the gentlewoman from Connecticut.

Ms. DeLAURO. Mr. Speaker, I really am delighted to join with my colleagues tonight, and I thank the gentleman from Ohio for his leadership on this effort. Just in listening to the conversation, there is not anyone who has suggested that we should not be looking at making the Medicare program a stronger program, a better program, in a variety of ways. No one has their head in the sand to say that hey, it is good. It was started in 1965, we have now insured 99 percent of seniors. In the past that was 46 percent of seniors who had health insurance. But how do we go ahead and make it better?

My colleagues were talking about the issue of fraud and abuse. There is in the system, I have introduced legislation, others have introduced legislation, to try to correct that problem. We did not remove the monitoring mechanism and the way to make sure that these restrictions on fraud and abuse would be lifted, rather than to look at them and refine it, the whole issue of holding down the costs, because our colleagues on the other side of the aisle will say they are trying to hold costs down.

What is amazing to me is they only want to hold the costs down for America's seniors and for working families. You can hold the costs down, but in order to hold the costs down all over in the health care system, you have to hold the costs down in insurance companies, on hospitals, on doctors, on pharmaceutical companies, and everyone else. Why are we just singling out seniors to do that with, and thereby increasing their premiums and deductibles? They are not talking about doing anything about holding costs down in any other place in the system.

Also, another point, where they held up their trustees' report and talked about how the trustees said we had to fix the program, that was $90 billion.

We voted here for a democratic bill that talked about $90 billion, the difference now between $90 and $270 and that tax break of $245 billion for the wealthiest Americans. Now Mr. Dole comes up here and he says to us that he wants a tax cut, and he is going to look at $600 billion in a tax cut, and we know through CBO and others about that potentially $300 billion in a cut for Medicare?

My point is that we know there ought to be changes, but the question is, and I know my colleagues have talked about this already, but the litany from the leadership on the other side of the aisle about fixing this program ought to put the fear of God into the public and give a sense of who can they trust on this issue? Mr. Dole, who talked about being proud of being 1 of 12 that he voted against Medicare because it was a program that did not work? Our colleague, BILL THOMAS, who not just a month ago on this floor talked about Medicare as a socialist system? The majority leader on the other side, saying that this is a program that he would not be part of in the free world? Mr. GINGRICH, talking about it withering on the vine? Mr. D'AMATO, from the other body, talking about how with this new Dole tax plan, that he believes and knows that there are going to have to be drastic cuts in the Medicare program?

It is a question of who do you trust to fix the program, a good program that could be made better. That is what this is about. And that is why I think it is an education process for the American people to understand this debate and truly know who wants to fix it, and who ultimately would like to see it done in to their peril.

So I thank my colleague for giving me the opportunity of having this conversation with all of you tonight on this issue.

Mr. BROWN of Ohio. I thank my friend from Connecticut, who has done such a marvelous job in showing leadership, in not just protecting Medicare against major budget cuts from Speaker GINGRICH and Mr. Dole, but also offering alternatives to strengthen Medicare and make it work for the next generation.

I would add on one thing to what the gentlewoman from Connecticut said, when she talked about holding down costs. Mr. GINGRICH, in talking about Medicare withering on the vine and Mr. Dole saying it would not work when he voted against it 30 years ago, and Mr. THOMAS calling it socialized medicine, and on and on and on, they want to increase costs to senior citizens. They want to double the premiums and copays and deductibles. But they really see Medicare as sort of a piggy bank, that you have this big pot of money, a slush fund or piggy bank, whatever term you want to use.

□ 1645

Medicare is a big program. A lot of money goes through Medicare every year in taking care of tens of millions of seniors' health care. What has happened is they first want to raid this piggybank or slush fund to the tune of $270 billion in tax breaks, mostly for the rich. Now that Mr. Dole has proposed a bigger tax break, they want to cut it even more.

Mr. Speaker, they also want to raid it in another way, and that is some of the programs they have, so that Medicare does in fact wither on the vine. Mr. GINGRICH has proposed something called medical savings accounts, which allows insurance companies to raid this piggybank or raid this slush fund.

It is no secret or it is no coincidence, I should say, that, when Mr. GINGRICH made his little speech about Medicare withering on the vine when he said we did not get rid of Medicare in round one because we did not think it was politically smart to do that, and we do not think it is the right way to go through a transition, but we believe it is going to wither on the vine. When Mr. GINGRICH said that back in October of 1995, he was speaking to a group of insurance company executives, all of whom will benefit from his Medicare plan.

So, first of all, he takes money out of Medicare to go to a tax break for the richest Americans. Then the money that is left in Medicare will not be spent on senior citizen health care to the same degree that it is now. The money that is left, much of it will go to those insurance companies for bigger profits and more money for them.

So we see already a declining amount of money in Medicare as a result of the Gingrich tax breaks for the rich. We see a further diminishing of this Medicare pot that should go to people like Margie in Macomb County, or people like the gentleman from New Jersey [Mr. PALLONE] was talking about. Instead of going to them, it is going to insurance executives. It is going to the people at Golden Rule, in Indiana, to the Blue Cross/Blue Shield. Those are the people that Mr. GINGRICH was speaking to that day. It is one thing after another that way.

Mr. Speaker, the reason Medicare will wither on the vine under the Gingrich plan is he will cut the amount of money in it with the tax breaks. We will see more of the health care dollars going to insurance companies so that senior citizens will have even less, and then the system literally does wither on the vine.

He was speaking correctly when he said it would wither on the vine under his proposal. He was not lying to the American people if he gets his way. But he is not going to get his way because the four of us and dozens of others in this body will continue to fight that. The President will continue to fight that. Clearly, the American people have been on our side because the Republicans shut the Government down in order to give this big tax break and make Medicare cuts.

So it is clear that the more people know about the Gingrich-Dole plan on Medicare, that they want to double premiums and increase copays and increase deductibles, the more the people will be unhappy about it.

I yield to my friend from New Jersey.

Mr. PALLONE. I also wanted to say, I know the gentleman mentioned Medicaid as well, and we talked about that a little, and the same phenomena, particularly by reference to what it means for people other than seniors, their children and grandchildren. A part of the Republican leadership strategy from the beginning has been to also cut back on Medicaid, and the majority of the money in Medicaid right now pays for nursing home care. So, again, it primarily deals with taking care of the health care needs of the senior citizens.

We fought a very hard battle, you and each of the four people and the others that spoke here this afternoon, in trying to make sure that Medicaid was not cut back and also that it was not block granted. If it was block granted and it was cut significantly, I think what you would have seen essentially is that the States, in taking on more responsibility and relaxation of Federal standards and Federal requirements, basically would have shifted more and more of the Medicaid burden, the nursing home burden, if you will, to children, to spouses, to grandchildren.

Right now, as we all know and we have talked about this before, a State cannot go after a spouse for certain purposes. They cannot take their home. They cannot take their car. They have to leave them a certain amount of living expenses if one's spouse is in a nursing home. They cannot go after children or grandchildren to pay for Medicaid nursing home expenses. But the Republican legislation that was before the House last year and again this year basically would have eliminated those requirements and allowed the States to go after those people in order to recover costs.

So what we would have seen is the cuts in Medicaid to finance these tax breaks primarily for wealthy individuals. More of the costs would have been shifted to the spouse, who is still living at home, to the children, to the grandchildren. Again, there is no free lunch. The end result of that would have been hardship for those people, hardship for children who instead of paying college costs, which are a big burden for them, for their children, would end up having to pay for nursing home care for their parents.

Mr. Speaker, that is the kind of shifting of costs that really bothers me. The other side of the aisle, GINGRICH and the Republican leadership, they want to give the impression that we can make these cuts in Medicare and Medicaid and it is not going to matter. It is not a big deal.

They keep saying we are really only cutting the growth, we are not doing anything that will harm anybody. But it has a direct impact in the shifting of costs not only to the senior citizens but also to their families. That is what I think we fought very hard against and we have to keep fighting for.

Mr. BONIOR. Would the gentleman yield on that?

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. BONIOR. The gentleman makes a very good point. We are not talking here about something that will affect just seniors in this country, as he has so eloquently just stated. We are talking about the family who has kids coming up and maybe want to go to college, and they have aging parents who may need nursing home care or who may be on Medicare. When these things occur at that level of reduction, for our parents and our grandparents who are 65 and older, and who may need nursing home care and need that Medicaid payment, then those responsibilities and those pressures and those demands fall on people that are basically our age here who have kids and then who have parents who are getting up there in age.

That financial pressure is just quite incredible not only financially but mentally as well, the stress of having to make that decision whether you are going to send your son or daughter to college or you are going to take care of your parent.

Mr. Speaker, this was something that occurred on a very regular basis prior to 1965, before we had Medicare, before we had a Medicaid program in this country. What was occurring is when elderly people got ill, either their kids basically took care of them or they had to live in poverty. So what we are trying to do here is keep all the units of the family solvent. We are talking about kids who want to go to school. We want to support the student loan program. They wanted to cut it back.

We are talking about elderly parents who may need nursing home care. We want to make sure that it is there for them in terms of Medicaid. They wanted to repeal the whole program, not only repeal the program but do away with the regulations that allowed our parents and grandparents who may have to have nursing home care to live with some sense of dignity, where they are not tied up, where they are not gagged or fed improperly or abused, as they were prior to the government making regulations to stop this sort of abuse of our parents and grandparents.

So the gentleman from new Jersey [Mr. PALLONE] is right on in terms of dealing with this question of the burden of leadership shift, and it will shift dramatically, as it has in instances already, to those folks at home who have children and who have aging parents as well.

Ms. DELAURO. If the gentleman would yield just on that point.

Mr. BROWN of Ohio. I yield to the gentlewoman.

Ms. DELAURO. Mr. Speaker, it is so clear. Nursing home care and what the proposal was with regard to Medicaid really gets into the heart and soul of what families are struggling with today.

It is a very difficult decision to send a loved one to a nursing home. You make it with a sense of, am I doing the right thing for my elderly grandparents or parents; am I making the right decision for them, for me; what happens with my children?

And this whole Medicaid proposal that says the money goes to the State, States will make a determination and make a choice between whether or not they spend their Medicaid dollars on children or on seniors in nursing homes. They were going to remove the national standards on nursing home care, as has been pointed out, put the burdens on spouses and adult children.

Once again it was turned around. Suppose we find ourselves in a situation where our parent, if this went through, if we were not able to hold it back this time around, that the family would then, having made the decision of putting someone in a nursing home, have to take the person back into their home. What kind of cost is that? What kind of help do I provide——

Mr. BONIOR. If the gentlewoman would yield. The cost is about $39,000 a year for nursing home care. It is a phenomenal cost.

Ms. DELAURO. It really is. I went to speak to the Milford Senior Center yesterday. They have their club today. There were about 200 people. And we were talking about this, and we were talking about the nursing home care. After it, a woman came up to me. She says, you know, she says, I rely on the nursing home. My husband is there.

It was a very tough decision for her to put her husband in the nursing home. She said: He is getting wonderful care and they are taking good care of him. And she says: I would not be able to do that, I cannot do that if something should jeopardize all of that.

That is what we were looking at. And, quite frankly, my concern is that we beat that battle back one time. It was the American public, the outrage of the American public on what was going to happen. Now we listen to people over and over again coming back and talking about the same things again; that they are not——

Mr. BROWN of Ohio. The same thing, only worse, I would add, because now the tax break mostly for the wealthy is twice the size Mr. GINGRICH and Mr. DOLE originally planned, which means, I guess, they will not tell us, but we have to figure it will mean twice as large a cut in student loans, twice as large a cut in the environment and twice as large a cut in Medicare or Medicaid or twice as large an increase in premiums, deductibles and co-pays. They simply will not tell us.

I yield to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. This goal of the Gingrich-Dole-Kemp plan here is indeed a bridge to the past, to pick up on a metaphor that has been thrown around the last few weeks. They are reaching deep into the past to a day where we did not have Medicare for our grandparents, where we did not have Medicaid that would take care of nursing homes, or we do not have help for our students.

It is quite bizarre, especially given the fact that my colleagues on the other side of the aisle consider themselves the epitome of futurism, the futurist ideas that they were espousing at the beginning of the Congress. And yet where do they want to take us? They want to take us way back when the security for the family was nonexistent basically in this country, in many ways.

So it is very, very perplexing. What we need to do is build on the programs that we have, streamling them, making them more efficient but making sure that they are there so that people will have the opportunity to lead productive and good lives.

Mr. BROWN of Ohio. Think about the programs, and there are certainly Government programs that have wasted dollars and Government programs that have not worked, but think of the two programs we are talking about most today, a couple or three programs, Medicare and student loans.

Medicare has lifted millions of the elderly out of poverty in the last decade or two or three of their lives. Student loans have provided opportunities for millions of middle class families to send their children to college.

Both programs obviously can use some adjustment, but it is clear from what Mr. Dole's campaign manager said, Senator D'AMATO said, what Mr. Kemp, what Mr. Dole, Mr. GINGRICH said, that they really want to eliminate these programs in the next decade. They are two programs that work so very well for middle class America, for poor America, for everybody.

Mr. BONIOR. On top of that, let me tell my colleagues what is especially disturbing to me. I remember picking up maybe 18 months ago the first volume of the Progress in Freedom Foundation's newsletter, that is the foundation founded by the Speaker, Mr. GINGRICH. And in their newsletter, actually it was more of a newspaper as opposed to a newsletter, I remember vividly reading the headlines. And it was, for heaven's sake eliminate Social Security.

That is where they are going next. That is where they are headed next. And they have already got their think tanks working, they are already talking about it. And we told, folks, that they were coming after Medicare. And the proof is in their own words as we have mentioned here on several occasions this evening in this 1 hour special order: wither on the vine, proud to have voted against it, no place in the free world. And now they got folks working on getting rid of the Social Security System.

□ 1700

It has been a lifesaver for people in this country.

Mr. BROWN of Ohio. There are the intellectuals, quote unquote, in the Gingrich revolution that sit over at the Heritage Foundation or sit over in their ivory towers and somewhere around the Capitol in one of these really fancy buildings and think up all these great ideas and are totally out of touch with Margie in Macomb County and totally out of touch with the woman that Ms. DELAURO talked about, that have real problems, living on $8,000 a year, that struggle, that were able to send their kids to college on student loans, that need their Social Security, that use Medicare in the last couple of decades of their lives. They are coming up with these ideas and then these are the ideas they are trying to foist on the American people out of some think tank. The Social Security, Medicare, student loans, we are going to keep fighting for it because those are important and those have made millions of Americans who have brought them into the middle class and kept them in the middle class. That is what all of us should be here for.

Mr. PALLONE. I just wanted to follow up. It is funny you are talking about these Washington think tanks. I was just harking back to during the August district work period when we were not in Washington, I had a lot of senior forums. Over and over again, I just got these commonsense approaches from the seniors in my district about what to do to improve Medicare. And they all talked about long-term care, preventative measures.

In New Jersey, we have with the casino revenue fund. We refinance a program where if you are below a certain income, I think it may be probably close to $20,000 now for a two-family household, where if you are below that income, the casino revenue money pays for your prescription drugs. You have to pay like $5, but then you get the rest of the prescription drug for free, paid for with the casino money.

Also the State has experimented, I know other States have as well, with home health care. In other words, where over and above Medicare right now, they will pay for a certain type of home health care cost on an experimental basis. All the seniors kept telling me the whole time is, why are you guys talking about these negative changes, if you will, that the Republicans are proposing on Medicare. Why not think of some positive ways to save money through prevention or through dealing with long-term care problems. And it is true. There is no question that in New Jersey, once that prescription drug benefit came into play with the casino revenue money, which we were fortunate to have, that it saved a lot of money for people that did not have to be hospitalized or did not have to be placed in nursing homes or boarding homes. And the same with the home health care.

They have personal care, attendant service for certain people that come in so that they can stay in their apartment or stay in their house. Over and over again, studies have been done for the House of Representatives, for various committees, that show if you move in that direction, that ultimately you will save money because you prevent institutionalized care, which is so much more expensive. We do not hear about that from our colleagues on the other side of the aisle. They just want to talk about scrapping Medicare, having it wither on the vine.

Ms. DELAURO. That is such a relevant point, because what all of the data indicates is that the point was, in terms of health insurance, that you spread the risk so that the more people who are insured and who are covered, that is the way that you bring costs down. When you are operating in 2 systems, if you will, with people who have it and people who do not have it, people who do not have it get their health care from somewhere and that cost does not go into a vapor. Everybody else who does have it picks up that cost.

So the whole point has been, how do we get more people insured to lower the cost of health care. What we ought to be doing is thinking about that future, of insuring more people. We have only one system today where 99 percent of the population are covered, and that is Medicare for seniors.

And one of the items on the agenda, the Families First agenda that the Democrats have proposed for implementing after January 1 is to see if we can try to insure children from zero to 13 so that we have got another pool of people covered for insurance, again, to give parents the peace of mind that they have the opportunity to get insurance for their kids and make that more affordable.

Mr. BROWN of Ohio. And to ultimately save money so the 12-year-old child with the cold will go to the family doctor rather than waiting until she is sicker and going to an emergency room.

Ms. DELAURO. So the point is, where do we need to go, as my colleague from New Jersey said, with regard to improving Medicare. We need to look at home health care, which can save us money. We need to look at the cost of prescription drugs to bring that cost down. What is it, what is it in the mindset that says, let us unravel the one system that we have that is approaching coverage of most of the population, thereby holding the cost down and not build on it but rather unravel it and go back to where it is helter-skelter, when we ought to be moving in the direction of trying to cover more and more people today who are without insurance and to look at preventative measures. It is, as our colleague from Michigan said, it is a bridge to the past and not the bridge to the future that we need to be making in order to assure affordable good quality health care for everyone in this country.

Mr. BONIOR. I will try to answer your question in terms of the mindset. It is the same mindset that denies proper labor guarantees in this country so people can bargain and organize in this country. It is the same mindset that, because of that, allows the society to become one that hires people who are temporary employees. The largest employer in the country is temporary manpower services now.

It is the same mindset that has these folks working in our society without health insurance, without any pensions, certainly without any pension portability, and without many of the other benefits that were fought for, gained, and took us successfully, at the conclusion of the Second World War, into a very productive, most productive period in our history during the 1950's and 1960's.

There is a huge retrenchment, there is a huge bridge to the past, pre-World War II, pre-1930's, and it is very, very scary. It is very, very scary. Where the protections of working men and women in this country are gone and the educational opportunities for our young people are becoming harder and harder to realize. And of course this assault on our seniors, their attacks on Medicare and Medicaid, and eventually, I predict, Social Security, if they are continued in power. So it is something that is worth fighting for, that we have fought for and will continue to do so.

Mr. BROWN of Ohio. I think, in summary, we have a couple more minutes, thinking about the bridge to the future and making the student loan program, particularly the direct loan program, work, make it available to people, make Medicare continue to improve Medicare and Medicaid so that we can deal with the increasing costs but continue to cover people and continue to give people, lift people out of poverty, as we have done, contrasted with this bridge to the past that we have talked about where we do not want to go back to the days when, before the GI bill, when there were not opportunities for middle-class families to send their children or themselves to college.

We do not want to go back prior to the 1930's, when there was not a Social Security Program. We do not want to go back to the period before 1965, when there was not Medicare or Medicaid, when 50 percent, 54 percent, I guess, of senior citizens in this country had no health insurance prior to the mid-1960's, and now only 1 percent has no health insurance. There is no reason to go back. That is why we need to look forward.

I think the commitment, certainly from all four of us and many others here, is to continue to improve Medicare, continue to improve Medicaid, continue to improve the direct loan program, student loans overall, student grants, to take care of the elderly and to protect our natural resources by good environmental protection measures and to continue to give students opportunities, middle-class families, poor kids, give them opportunities that they can produce and they can give back to society.

I think that is what we are asking, and it is a rejection of these tax breaks for the rich to make all of these cuts in programs that matter, Medicare, student loans, environment, but instead to make these programs more efficient, make them work, bridge to the future so that students will have that opportunity so all of us can grow together.

I thank my friends from New Jersey, Michigan, and Connecticut.

WHITE HOUSE TASK LIST

The SPEAKER pro tempore (Mr. ROTH). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. COX] is recognized for 60 minutes as the designee of the majority leader.

Mr. COX of California. Mr. Speaker, I rise this afternoon to talk about a document that was recently provided, very belatedly, by the White House to the Congress, a document now referred to as the task list. It is dated December 13, 1994, but it was just provided to the Congress in recent days. The task list shows 39 scandals that the White House staff in the West Wing, taxpayer supported staff, decided that they needed to work on because there was now going to be a Republican Congress. This memo was prepared just after the November 1994 elections.

I would like to read just briefly the scandals that the White House decided that it needed to task its own staff to work on. Some of these scandals are, of course, well known to the American people, but other scandals have only recently become known, even though this memo was written on December 13, 1994.

No. 1, Foster document handling. We will return shortly to the specifics contained in this memo on each of these. There are several admissions of illegality in this very memo.

Travel Office. We know all about Travelgate, of course. That has become a major scandal just as they predicted in here.

White House-Treasury contacts. Of course, we know about the illegal contacts between senior political appointees at the Department of the Treasury and the White House, tipping off the President, giving a heads up to the President and Mrs. Clinton about the criminal referral of the Whitewater matter.

Obstruction of justice, I am reading this from the White House internal memo, obstruction of justice re DOJ handling of criminal referrals. Use of White House resources for response efforts. Of course, that is what this memo is all about, but that is one of the scandals that is listed here. This entire memo is devoted to how to spin the press about the various scandals.

Foster suicide. Espy. Of course we know that Mr. Smaltz was assigned as an independent counsel to investigate the Mike Espy ethics question. We know about the criminal problems with Tysons there. Henry Cisneros, Ron Brown, Hubbell. Of course, we all know about the next top ranking man at the White House right underneath the Attorney General, Webster Hubbell, who is now in jail.

Ickes, union representation. And of course with Coia and all that ABC News has done on this scandal just in recent days, we now know why in 1994 they were worried about that.

Stephanopoulos, Nation's Bank. Again, this is a White House memo that they prepared secretly inside the White House using taxpayer resources and in the White House counsel's office, which they should not have been doing. That is not appropriate use of taxpayer funds. They have listed all of these scandals that they wanted to innoculate against and spin the press about.

The Stephanopoulos-Nation's Bank story was of course what the press widely described as a sweetheart, below market mortgage for George Stephanopoulos, the kind of deal that ordinary Americans could not get.

□ 1715

State Department passport files; another Clinton administration scandal that we are so familiar with.

Archives abuse of personal system. This is one scandal that they have not fully disclosed to us and that we will find out more about.

The Legal Defense Fund, and of course we know all about the ethical problems that the President encountered there, soliciting funds for the Legal Defense Fund when such solicitation is, in fact, in violation of the law.

The Health Care Task Force, and of course we know that that resulted in litigation against Hillary Rodham Clinton's task force. We know that a Federal judge ruled against the task force, and found that it was put together in violation of the Federal Advisory Committee Act and that documents were withheld from the public and from Congress when they should not have been.

Now there are 39 of these scandals that White House staff—there is a name of a White House staffer right after each one of these, after each one of these scandals, and they were all assigned and presumably are all still working at taxpayer expense on preventing the Congress from getting to know all of the facts in these things.

White House operations, drugs, passes, helicopters, and does that not ring a bell for so many of us? Each of those scandals, drugs in the White House, the passes being given to people without personnel clearances, the misuse of helicopters which resulted in the termination of White House staff; this is next on the White House, the Clinton, list of scandals that they were working on secretly in the White House.

Residence renovations. This is one that they believed was a potential scandal, but the American people do not yet know about it. We have just received this document.

Presidential immunity. Well, of course, we know that that is all having to do with the Paula Jones litigation, Paula Jones having sued the Governor of Arkansas for acts in his capacity, not as Governor but as a private individual apparently abusing the office, at least according to the allegations in the complaint, and the President has used not outside lawyers but taxpayer supported lawyers to make sure that his private civil litigation could be put off until afterward. This is, by the way, something that the courts have now reversed on and they have decided that President Clinton cannot put this off, but he has successfully put it off beyond the election.

White House Arkansans, Thomasson, Nash, Rasco; need we say more?

PIC surplus.

Improper electioneering at the SBA.

Now these are all admissions by the Clinton White House to themselves within the White House internally of what they were doing wrong.

GSA.

Value Partners. Now Value Partners was, of course, the partnership that Hillary Rodham Clinton invested in. Rather than putting their funds in a blind trust, they did not do so like President Bush did, like President Reagan did, like President Carter did; rather, ran their own investments, and Hillary Rodham Clinton was a partner in Value Partners, a hedge fund which sold short pharmaceutical stocks at a time that the pharmaceutical stock market was falling through the floor because of the Hillary Rodham Clinton Task Force, and that was, of course, scandal number 7 or so up here on the list.

Presidential campaign, FEC audit.

Commodities.

Now of course we know what the commodities is all about. That is the miraculous fortune that Hillary Rodham Clinton made on the investment of a mere thousand dollars in the cattle futures market.

Gubernatorial campaigns; Lindsey, Wright, recordkeeping. There is more in this memo about that later on, but of course we know that in connection with the Whitewater criminal prosecution that Mr. Lindsey was named as an unindicted coconspirator.

Gubernatorial campaigns dash MGSL, and that means Morgan Guaranty Savings and Loan. The S&L at the heart of the Whitewater scandal was apparently involved in gubernatorial campaigns, gubernatorial campaigns back in Arkansas that the White House counsel were working on in this administration in the White House, 1994, December, with taxpayer funds.

And then the next scandal is Whitewater slash Morgan Guaranty Savings and Loan.

Other: MGSL slash McDougal, right below that.

Rose law firm, the next scandal. HRC, and that is Hillary Rodham Clinton, worked for Morgan Guarantee S&L.

David Hale slash Susan McDougal slash SBA, and there are different White House staffers assigned to it.

Tucker, and of course Tucker is now in jail, the Governor, or headed for jail.

Next: Lasater, bond deals, cocaine, Roger Clinton.

Now this is not a Member of Congress reading things to impugn the White House. This is a White House memo that says "privileged" on it because it is being handled by lawyers in the White House counsel's office at taxpayer expense for Bill Clinton, that was requested by the Congress and was not turned over to us until just now.

Lasater, bond deals, cocaine, Roger Clinton was the next scandal that they have tasked White House staff to work on.

Use of loans to achieve legislative initiatives. This is a new one that we were not aware of, but apparently they were working to cover that up.

Mena Airport. Well, we all know about the drugs and deaths surrounding Mena airport while Bill Clinton was Governor.

Troopers, another scandal, the so-called Troopergate scandal, and then there is a whole category here of scandal, women. That was during the Clinton campaign when President Clinton was running in 1992, his own campaign, not Republicans but his own campaign, referred to as bimbo eruptions.

Now this memo goes on in the case of each scandal to describe tasks to be performed and strategy for dealing with that particular scandal.

Let me give you one example.

Mr. WALKER. If the gentleman would yield before the gentleman moves on, could I just clarify in my own mind what the gentleman is telling us about the memo itself? Do I understand the gentleman to say that this is not a memo prepared by any congressional committee or any organization here on Capitol Hill, or for that matter, any outside organization? Do I understand the gentleman correctly? This is a memo that was prepared inside the White House?

Mr. COX of California. That is correct. This document called the White House task list is dated December 13, 1994. It was compiled by an associate counsel to the President, Jane Sherburne. Her initials are on it, and it lists all of the scandals that she anticipated would plague the Clinton administration and that Congress was now likely to look into because in 1994 we had just been elected, a Republican Congress, not yet sworn into office, and this memo explains how they were going to make sure that Congress did not——

Mr. WALKER. That is what I wanted to clarify.

Now the date the gentleman has given us is December 13, 1994, which is a matter of a few weeks after Republicans have taken over the Congress. Now they had had no problem up until then because literally all of the calls for investigation of White House potential problems had been buried on Capitol Hill.

But now, if I understand the gentleman correctly, this memo is prepared because they now anticipated that they would have some problems with the new Congress that would obviously not be friendly on some of these issues and would actually likely investigate some of the scandals.

Is that the gentleman's impression?

Mr. COX of California. That is exactly right, and it is rather clear that Jane Sherburne, the associate White House counsel who personally drew up this list of all of these scandals, was prescient. While they were claiming no wrongdoing, behind the scenes they were putting together memorandums like this, and the result in the ensuring years has been that 5 of Bill Clinton's closest associates, including his Attorney General and including the Governor of Arkansas, have since been convicted of crimes.

Mr. WALKER. So what they were doing here was they decided that, "OK, we've got a problem. We've got a Congress that is likely to begin looking into things that have gone wrong in this administration."

And so is the gentleman telling us that what they did was they prepared a list of everything that they thought Congress might look into where they had themselves a big problem?

Mr. COX of California. That is exactly right, and furthermore, what I have just covered is the list of the names of these scandals, but the memo, which is quite lengthy, goes on then to describe the strategy for dealing with each of these scandals so that anyone trying to investigate would not be able to get to the bottom of it, and I will give you one example.

One page 4 of this memo there is a heading, "Security," by which they mean White House security slash Livingstone issues.

Now keep in mind that this was dated December 13, 1994. You may recall approximately when Craig Livingstone came upon the national scene, became a household name because of that Clinton scandal. It was not in 1994, but in 1996, 2 years later. But listen to what this memo says back in 1994.

"Review Livingstone file."

Now, presumably they did.

"Interview Livingstone."

They wanted, apparently, to deal with Livingstone problems back in 1994, all of which were covered up so that the Congress and the American people did not find out about them and did not find out at all about Filegate, literally hundreds of files on Republicans who had worked in the White House in previous administrations, FBI files which had been collected by this White House under Craig Livingston.

Mr. WALKER. Okay, but if I can just follow up on the gentleman for another moment.

So what we have here is a memo that was prepared internally within the White House suggesting that they knew that they had a series of scandals that Congress was likely to investigate and that they had reason to be worring about.

Is that what we believe we have in front of us?

Mr. COX of California. That is precisely this memo. I will give you another example if you wish.

Mr. WALKER. Now, if this was an internal document within the White House, how do we now have it?

Mr. COX of California. Well, of course we had to subpoena it, we had to threaten to subpoena it, because we asked for all of the Travelgate memos to be turned over. Travelgate, which was another Clinton White House scandal, involved the firing and smearing, through the use of the EBI, of what we now know were honest and innocent White House civilian career employees.

Mr. WALKER. So the only way that this memo came to light was the fact that Congress was subpoenaing documents. Now, was this particular memo withheld from Congress for a while?

Mr. COX of California. For a very long while, The request for 3,000 pages was originally described not all that long ago by the White House as a request for toilet paper, that this was a trivial request, that they should not be asked for such documents. When finally we got the first 1,000 pages of the 3,000 that we requested, we got the famous list of all of the FBI files, the background files, the very, very confidential law enforcement background files, on people who had worked in the White House. These had been collected illegally by the White House for patently political purposes.

Mr. WALKER. And so for a while the White House was claiming that this information was in fact information that no one had the right to know, not even the Congress, when originally the memo was prepared because they believed that Congress would want to know about these matters.

☐ 1730

Mr. COX of California. Precisely. In fact, while we learn about this same process in what turns out to be pulling teeth from the White House, trying to get them to cooperate, because they are claiming executive privilege about all of these things so they do not have to do anything cooperative with the Congress, they first gave us 1,000 of the 3,000 pages. And in that first batch of documents which we got under a threat of subpoena, we found out about Filegate and all of the FBI files that had been collected on senior officials, including James Baker and others well known.

But we did not get this memo. It was only 2 weeks ago, on August 15, that we got this memo. This is brand new, and almost no one, even many of our colleagues here in Congress, has yet had the opportunity to read this, but it is clearly shocking.

Mr. WALKER. So while White House spokesmen like the press secretary, Mr. McCurry, and even officials within the White House, have gone to the American public and suggested to them that there is absolutely no substance to any of the scandals that have been discussed on Capitol Hill and that Congress should be embarrassed to look into these matters, they internally had prepared a document which suggested that all of those scandals were real, and in fact, that they were very worried about them?

Mr. COX of California. Correct. Not only were they very worried about them, but what is outlined in this memo is a specific step-by-step plan to keep the Congress and the American people from finding out the truth.

Mr. WALKER. So this is not just a listing of the scandals they are worried about, this is a listing on how they are going to cover it up?

Mr. COX of California. Let me read it. Here the issue is "chain of custody re transfer of Clinton personal files." Of course, we are talking about the Whitewater files here, because these have not been turned over. They have not been made public. The President has not come clean and cooperated on this.

Here is an item on the to do list: "Determine strategy re release of Whitewater file." They wanted to determine their strategy for releasing this. This was not a decision to share with the public, they want to find out how they can selectively make this available. I do not know what else a strategy re release of files is. If you were going to share the information and cooperate and show there was nothing to be concerned about, you would simply make the information public. But here they say they want to determine a strategy re release of Whitewater file.

"Under search of Foster office", another heading, they have this item to do: legal research on the basis for resisting identification and production of all documents in Vince Foster's office and Bernie's safe. So they wanted to go and do legal research so they could come up with a legal pretext for resisting identifying and producing all documents in Vince Foster's office and Bernie's safe. That is the kind of memo.

Mr. WALKER. So what we have here is a memo designed to look into all of the ways in which they could resist any kind of investigation on Capitol Hill; and is it possible that some of this was also designed to resist any investigation by a special counsel?

Mr. COX of California. I do not think there is much question about that. Under the heading "Obstruction of justice," and I have to repeat, because otherwise this sounds——

Mr. WALKER. They believed they had a problem with obstruction of justice?

Mr. COX of California. It is the very heading in their own memo, "Obstruction of justice." This is prepared by the White House counsel's office, analyzing the legal problems of the Clinton administration.

Mr. WALKER. So in 1994 the legal counsel's office believes that the White House could have a problem with obstruction of justice?

Mr. COX of California. It does not say "could," it says "Obstruction of justice," and underneath that it says "Delay in addressing criminal referrals, Department of Justice role." Under that it says, "Determine usual process." Think of what it is that we are talking about here. The delay in addressing the criminal referrals, that was, of course, the delay in referring for criminal prosecution the whole Madison Guaranty Savings and Loan default and collapse at taxpayer expense.

The job for the White House counsel, and remember, this is now Whitewater, this is the real Whitewater business, with Madison Guarantee and the Whitewater loan transactions and so on. We have the White House counsel, the lawyers for the President of the United Stats in his official capacity, working at taxpayer expense to do this task: Determine usual process, so we can find out how they should have done it, because obviously they know they did not do it the usual way, so they had to look up, after the fact, what would have been the usual way to handle the Whitewater transaction.

Mr. WALKER. Is the White House counsel's office even supposed to be engaged in this kind of thing?

Mr. COX of California. This is one of the reasons why I am here on the floor this evening, because as senior associate counsel to the President myself in the White House counsel's office, I could not be more familiar with the distinguished history of the White House counsel's office and its authentic purpose.

The reason that the White House counsel has a five-decade history of serving Presidents from both parties is that its mission is to protect the President and the Presidency from illegal acts or from any kind of trouble arising during his course or her course, should we have a woman President one of these days, of administration during the course of office.

It is for the President's official activities, not for his tax returns, his personal tax returns, and certainly not for his private investments, and certainly not for the criminal investigation or prosecution of his friends and cronies from Arkansas or even elsewhere in the administration. But that is exactly what this White House counsel's office has been doing.

I will tell you, when I worked in the White House counsel's office in a previous administration, we did not look at the President's tax returns. That was done at the President's personal expense by the President's own private law firm. But in this White House counsel's office, Vince Foster at the time of his death was actually working on the Whitewater partnership tax return. That is what he was doing in the West Wing of the White House at Government expense.

It is a perversion and abuse of that function, and it is obviously all the more poignant when one reads this very long memo called the task list of some 39 separate scandals identified by the Clinton administration, all being handled in that White House counsel's office.

Mr. WALKER. If I understand what the gentleman has told us, you have the White House counsel's office preparing a memo on how to evade examination by the Congress of matters that they believed were of serious concern, and also how to evade potential legal prosecution for some of the things that may in fact be illegal?

Mr. COX of California. That is correct; and also how to conjure, after the fact, legal justifications and pretext for sins of omission and commission already occurred.

Mr. WALKER. Is there any precedent for the White House legal counsel's office, for the White House counsel's office, to be the perpetrator of a memo designed to bring about a cover-up?

Mr. COX of California. To the contrary. In past administrations, the role of the White House counsel's office has been to facilitate the flow of information, to make sure that when a question arises in connection with a potential scandal or an accusation of lawbreaking, that all of the relevant information is shared not only with law enforcement authorities or an independent counsel, but also with the Congress.

I can tell the Members that in the Bush administration, in the Reagan administration where I served, and I am sure that this is true also of the Carter administration, the Ford administration, that if there was a question of the President breaking the law, if there was a suspicion that the White House staff might themselves to be complicit in law-breaking, then no claim of executive privilege would be used to shield that person from proper inquiry by the law enforcement authorities or by Congress in fulfillment of its oversight responsibilities.

To the contrary, this administration has asserted executive privilege, up until August 15; over this very document. Executive privilege is not meant to be a shield for White House staff who are accused of criminal misdeeds. Neither is it supposed to be a shield for the President's own personal investment problems. Rather, it is meant to protect the Nation and the national security.

Mr. WALKER. Am I not correct that a number of people who are tasked on this memo, it is called a task list, as I understand it, a number of the people who are listed as having the task of doing these jobs that are designed, as the gentleman points out, for cover-up, are in fact employees of the White House counsel's office?

Mr. COX of California. In fact, they are all of them employees of the White House, all of them staff of the President.

Mr. WALKER. Let me check with the gentleman. For instance, I see down here the name Kendall. Now, Kendall——

Mr. COX of California. David Kendall is an outside lawyer.

Mr. WALKER. But a number of the people who are given these tasks involved with trying to withhold information from Congress and also to cover up these scandals are in fact people who are employed at the taxpayers' expense in the White House counsel's office, is that correct?

Mr. COX of California. That is correct, in the White House counsel's office and in the White House staff, a total of 15 staff members, we have toted this up, earning an annual salary of $1.3 million. These people who are supposed to be doing the people's business, executing on legislation, policy, and the national responsibilities of the President of the United States, are instead on scandal detail, and what a long scandal list it is, 39 separate scandals identified in this memo, and strategy outlined not just for dealing with the Congress, not just for withholding documents, not just for coming up with legal pretexts for doing so, but also for dealing with the press. Because in almost each case, there is another item to do on the list: Prepare press strategy.

We have, for example, a heading "White House/Treasury Contacts." You remember Mr. Altman had had to resign because of illegal contacts between the highest levels of the Treasury Department and the White House, tipping them off as to pending investigations, when that was a complete violation of normal procedure. "Prepare press strategy" is what they have on their list here.

So when you see a representative of the White House in the press room or a representative of the Treasury in the press room coming clean with the press, what they are really doing is executing on a strategy that was concocted all the way back in December 1994 to prevent the American people and the Congress from learning the truth.

Mr. WALKER. I think this is one of the more incredible documents that we have had released. Of course, it was released under duress. The committee literally was told for months that these kinds of documents did not exist in the White House, and that the committee had no right to be asking for them, and then only under extreme circumstances did this particular memo come to light.

Now we find out within this memo that, in fact, there was a plan being executed to try to see to it that such memos did get to Capitol Hill, and that responsible investigators were not able to understand anything about what was really happening inside the White House.

I find all of this extremely disturbing. It is one thing to claim executive privilege as a way of protecting vial national secrets that affect the operation of the Government. It is another thing to claim executive privilege and try to use it to cover up the misdeeds of people within the White House and within the administration, misdeeds that are so obvious that the White House counsel's office was able to prepare a list of all the ones that they thought that they were potentially guilty of.

It is a horrible manifestation of the use of executive privilege and is something which I would think in most cases should disturb anyone who looks at the willingness of public officials to come clean about potential problems within their jurisdiction.

Mr. COX of California. There is no question that this memo gives the lie to two claims made by the White House. The first is that they would be relying on outside counsel, which, of course, they should, because these are all scandals, private criminal problems of the people involved. Clearly they were still using the White House counsel's office, even after they hired their outside counsel. They were using some 15 members of the White House staff at an expense, an annual salary, of $1.3 million.

Second, when they said they were coming clean, when they said they were cooperating and trying to put all the information out for the public to see, what they were really doing was just the opposite, using legal devices to cover it up and stonewall. Unfortunately, now executive privilege in this administration is coming to be a synonym for coverup.

Consider just a few items on page 10 of the task force memo. We have under the heading "Whitewater investment", "Press strategy." It is all sort of the Dick Morris spin of how are we going to pretend to be talking truthfully to the American people on these issues when, in fact, it is all a strategem?

Take a look here under the heading "MGSL," Madison Guaranty Savings & Loan, where they say "Rose Law Firm work, HRC," Hillary Rodham Clinton; A, conflicts; B, enabled Madison Guaranty to stay open longer than it should have. What an admission in a document we did not get until 2 weeks ago.

Mr. WALKER. I would agree with the gentleman, that is a fairly big item. In other words, they knew that some of the work done by the Rose Law Firm enabled the Madison Guaranty Savings & Loan to stay open longer than it should have, and those were the kinds of institutions, as I recall, that cost the taxpayers millions of dollars when these savings and loans stayed open longer than they should have and continued to eat up the resources.

□ 1745

Mr. COX of California. This is, of course, what this memo says, but we know what the public face has been, the public face of the White House, that Mrs. Clinton did no such work and in fact had nothing to do with Whitewater or Madison Guaranty Savings and Loan or the Rose Law Firm involvement in this, and in fact the collapse of Madison Guaranty had nothing to do with her.

But in this memo, which is not prepared for you or for me or for law enforcement but for each of the people in the White House, the heading is, "Rose Law Firm work, HRC, conflicts enabled MGSL to stay open longer than it should have."

This is the scandal that they are dealing with internally and this is their approach to each one of the 39 scandals listed in this memo: Develop a press or spin strategy.

The White House counsel's office rather obviously is being misused on the taxpayer's tab. The American people should not be asked to shell out for what amounts to coverup and back-and-fill strategy in the White House, the protection of Presidential cronies and the protection of people who ultimately, since 1994, have found themselves in jail and behind bars, being convicted of felonies.

Mr. WALKER. I found it kind of interesting, something on page 11, where it talks about Negative Associations, it calls it. Among the people listed are Jim Guy Tucker, David Hale, Jim McDougal, and Dan Lasater. Three of those names, we have become quite familiar with, as the trials have gone forward in the whole Whitewater mess, but obviously the White House had some very big concerns about the fact that the President has, or the White House has some of those negative associations. But then behind Dan Lasater's name, there is a parentheses saying "bond deals, cocaine, and Roger Clinton." I mean, we obviously have a range of people here that the White House counsel's office was very worried about, thus these negative associations.

Mr. COX of California. This, remember, is a task list. So presumably after receiving these instructions from Jane Sherburne on December 13, 1994, the people who were listed here followed through on those tasks. That means that the White House internally, at taxpayer expense, went out to put together information on Dan Lasater's bond deals, information on Dan Lasater's involvement with cocaine, and that is according to this memo, and Roger Clinton and his involvement with the foregoing, with Dan Lasater, bond deals and cocaine, all or some of the above. But those documents that were most assuredly prepared, if people followed through on this task list, have not been provided to this Congress nor apparently to law enforcement authorities. Each one of these 39 scandals with its subsidiary task listed on this memo is something that the White House, at public expense, using the White House lawyers and the counsel's office, has decided to build a wall around, to stonewall, so that the American people, law enforcement, and the Congress cannot find out about it. That of course is exactly why this memo was prepared just after the election of the Republican Congress, and that is why the press has so reported.

Mr. ROHRABACHER. If the gentleman would yield for a question, I have not read these documents. But of course both of us worked in the Reagan White House, so we are somewhat familiar with the internal workings of the White House and also the relationship between the White House and the Congress.

Would the gentleman answer for me, does this memo in any way indicate that the higher levels of management in the White House, the White House staff, had prior knowledge of the FBI Filegate scandal?

Mr. COX of California. Mr. Speaker, as a matter of fact, there is a heading in this memo concerning security/Livingstone issues. It appears at page 4 of the memo. Two of the tasks under that heading are: Review Livingstone file, and interview Livingstone. Obviously the White House counsel's office had a problem with Livingstone and security in the White House at that time.

Apparently his FBI and personnel files, and the result of any search of his background and the result of any search of the issues that have all exploded onto the national scene since then obviously must have been that they knew in 1994 what was going on. Yet, as we know, those FBI files on your colleagues and mine who worked in the Reagan and Bush White Houses, all of those files were kept there and not returned to the FBI. They had been improperly obtained by some political thugs to begin with, and they were kept apparently with the knowledge of at least the White House counsel's office.

Mr. ROHRABACHER. Mr. Speaker, so this document seems to indicate that the senior staff of the White House knew there was something wrong and was looking into this situation that would have led them to investigate what was happening with what a year later became, actually more than a year later, became the FBI file scandal. Is that correct?

Mr. COX of California. Mr. Speaker, that is correct.

Mr. ROHRABACHER. Let us remember what happened when the information about the Filegate scandal came out originally. Correct me if my memory is faulty here. Did the President not act like he did not know anything about this? In fact, did the President not say: Well, we are only talking about 39 files, and it has something to do with a military fellow that was over here on some sort of a transfer over here to the White House? So, in other words, this was all an act on the part of the senior staff of the White House, perhaps the President.

Mr. WALKER. If I recall correctly, they called it a kind of a bureaucratic snafu.

Mr. COX of California. I believe my colleague would be correct if he had said that that was a precise quotation from the President. He described this as a bureaucratic snafu. This was a couple of years after the White House counsel's office began investigating the whole thing according to this very memo and identified it as a scandal in the making. Only, they identified it just to themselves, not to anyone else. Yet when it first burst upon the national scene, it was for the President to say, this is merely a bureaucratic snafu. Now we know that the administration was at least criminally incompetent if not malevolent in abusing the privacy of scores of honest public servants.

Mr. ROHRABACHER. The first figure we were given by the White House was, I think, 39 or something like that, FBI files were involved, they in fact knew that the number that they were giving out at that time was incorrect. This indicates that they had done a study, at least they had red-flagged this a long time before, and that was probably an intentional, I would say, error, or intentional misinformation, when eventually the figure came out of 900 FBI files. So this is indicating that they were looking into that matter. When the number 39 went up to 900 FBI files, this is all part and parcel of something the White House had thought out a long time before.

Mr. COX of California. What we know specifically from this memo is that the White House had reason to be concerned about Craig Livingstone himself in December 1994 because not only were they worried about security issues for which he was responsible but the task, the specific task on this list is to interview Livingstone and look at Livingstone's file. You would not look at Livingston's file unless you thought he was a problem.

Any kind of competent search about Livingstone, since we have all read about him in the newspaper and his unsavory background, would obviously have yielded the result that such a person ought not to have been placed and maintained in a position requiring professionalism and trust. We know nonetheless the result. This political hack was maintained in this position, this very sensitive position in the White House with access to FBI files on so many Americans for 2 years.

Mr. WALKER. In fact was given raises as I recall.

Mr. COX. of California. And described by George Stephanopoulos as a very able, competent person, who they loved having in the job.

Mr. ROHRABACHER. And this man had been involved with opposition research during political campaigns prior to this time?

Mr. COX of California. Well, of course. And he was a bouncer.

Mr. ROHRABACHER. Mr. Speaker, having our background in the White House, let us examine this angle of the story. What has happened in other White Houses that we could actually compare it to? Did Chuck Colson not have something to do with an FBI file?

Mr. COX of California. He possessed one FBI file, it was learned, and therefore he was convicted and sent to prison, for one file.

Mr. ROHRABACHER. So Chuck Colson, in the Nixon era, when we had a Republican in the White House, was found guilty of mishandling one FBI file and went to prison. And today we know that there were probably up to 900 FBI files in the possession of a person who had been involved with opposition research for the Democratic Party, yet this question does not seem to be asked of the President by the press anymore.

Mr. COX of California. The comparison is not apt if we just leave it at that. The truth is that the White House counsel's office in its current incarnation is literally a response to Watergate. They decided that no longer would the lawyers for the President be kept in a small office in the Old Executive Office Building across the street. There were only two of them in the Nixon administration.

We all remember John Dean's testimony about his inability to come across with the President and convince him of the gravity of these things. The White House counsel's office was then moved right into the West Wing of the White House. It became a significant law firm, with very, very professional people who have acquitted themselves with great distinction through the Carter administration, through the Ford administration, through the Reagan administration and the Bush administration, to keep the administration out of trouble, to prevent things like this from happening. But what goes on in this White House counsel's office? They are the engines of these misdeeds. It is the White House counsel's office that was coming up with these FBI files, multiplying one hundredfold the crime for which Mr. Colson was convicted during Watergate.

Mr. WALKER. Mr. Speaker, I seem to recall some years ago a press secretary in a Republican administration who got fired for having made up a quote along the way. Now you look down through this memo, and this memo has a press strategy for purposely misleading the public. The level of question that arises from this kind of task list is pretty substantial.

Mr. COX of California. It does trouble me that with respect to each one of these 39 scandals, one of the items to do, on the to-do list for the White House counsel's office, the legal counsel of the President of the United States, is to develop a press strategy. If we are coming clean, if we are trying to share with the American people all the relevant facts so that their minds can be put at ease that no illegality is occurring at the highest levels of our Government, one would wish that, rather than a press strategy, we simply had a procedure by which the documents were shared and made public.

Mr. Speaker, they ought to be shared with law enforcement, shared with the American people and with the Congress. Instead, each time we have a scandal listed here, whether it is Ickes' union representation, Stephanopoulos, Nations Bank, improper electioneering at the SBA, Presidential campaign and FEC audit, commodities. There are 39 of these.

Mr. WALKER. The use of time and White House resources for response efforts. In other words, what they are admitting to there is they have got this problem. They are using the taxpayer dollar. They are using the White House itself and taxpayer dollars for essentially political responses.

Mr. COX of California. That is precisely it. The press strategy seems to be the preoccupation of the White House counsel's office, whereas they are supposed to be paid by the taxpayers and they are for the benefit of the President to keep everything on the level, to keep the President and the highest levels of our executive branch out of trouble.

Mr. ROHRABACHER. So we can assume through this memo, can we not, that basically the White House and the upper echelons of the White House were red-flagging every possible problem so that they could build contingency plans in case these things came to the public's attention. So when things like the FBI scandal or perhaps even the billing records scandal, the billing records that miraculously appeared in the living quarters of the first family in the White House, that were lost for so long, that perhaps that was not just an accident. Perhaps actually a strategy was developed on how to handle this crisis. Maybe there is another file someplace else that basically details how to handle all of these problems that are red-flagged.

Mr. COX of California. The gentleman is being very circumspect and charitable, having now received this memo, to say "perhaps." It is obvious that the purpose of this task list is to marshal all of the efforts of the White House staff, led by White House lawyers, to prevent Congress from investigating each and every one of these 39 scandals.

One of the headings in this memo is Research Re Limitation on Legislative Power to Investigate. What the White House counsel's office is doing here is coming up with legal arguments that will prevent the Congress from getting to the bottom of what they have already identified as scandals.

□ 1800

"Research re: limitations on legislative power to investigate." Under that heading, we have DNC, DCCC, DSCC.

For those of us who are uninitiated, the DNC is the Democratic National Committee, the DCCC is the Democratic Congressional Campaign Committee, and the DSCC is the Democratic Senatorial Campaign Committee.

Under that they have "surrogates." So they are going to be using all of their political machinery. This is a taxpayer paid memo, and taxpayer paid lawyers inside the White House wrote this memo about DCCC, DNC and DSCC, to use them as surrogates to announce to the American people that there are legal reasons, that the White House counsel then went out and researched and came up with, that Congress cannot and should not be investigating these 39 scandals, which are neatly itemized in this secret memo.

Mr. ROHRABACHER. Could this be characterized again, and you looked at these things legally, Mr. COX, and you are a trained lawyer and I am not, I have a journalistic background, but would it be inaccurate to suggest that this was a game plan for a coverup?

Mr. COX of California. As I said earlier, it appears chiefly from this brand new memo, which we have had only for a few weeks, and also from all of the context of the administration's nonresponse to our request for those 3,000 documents, which they referred to as a request for toilet paper and which eventually yielded the information about Filegate and all the FBI files on earlier administrative personnel that they obtained for political purposes, that executive privilege, which has been their basis for refusing to turn over these documents, is increasingly becoming a synonym for coverup.

Mr. ROHRABACHER. I think it is important that those people who are reading this in the CONGRESSIONAL RECORD or hearing this over C-SPAN should understand that none of the information we are talking about in this memo, or, I might add, many of the other revelations we have discovered, whether it is the FBI files or the billing records we were trying to find for the Rose Law Firm in dealing with this S&L scandal which the First Lady was in some way attached to, these things would not have been ever disclosed to the public, nothing about this would ever be known by the public, except for the fact that the U.S. Congress changed hands.

This memo, it appears that this memo is a recognition that the administration recognized very early on that the game was up in terms of hiding everything from the public. That they could have kept all of this information, if the Democrats would have maintained control of the House and the Senate, and there was no way the public would ever have known about this.

Which also suggests one other thing, and this is a point I would like to make and the public should understand: The liberal Democrats, who controlled both Houses of Congress and control the executive branch today, have a total disdain for the press. They do not believe that the press can uncover anything. They in fact trusted that the press would not even try to uncover any of these things.

It was only when the House of Representatives changed hands and we had the power then to subpoena and ask people under oath questions about these types of misdeeds, that the administration became cautious enough and became frightened enough to try to look at what their potential vulnerabilities were. If we would not have had control of the House, they would not fear a thing from us.

Mr. WALKER. If the gentleman would yield, I think the gentleman from California makes an excellent point, because actually Chairman CLINGER, at that time a ranking minority member of the committee, attempted to pursue the Travelgate scandal while a minority member of the committee, attempted to get the committee to look into the problem at that time. He was told by the Democrats that it would not be done. In fact, I think, I do not remember exactly, but I think they actually voted him down and suggested to him that he was not going to be able to pursue the matter. It was not until he became chairman of the committee that he was able to pursue the matter, because specifically that committee decided to permit the White House to cover this matter up and not take it up before the proper congressional committees.

Mr. COX of California. It is at least true that prior to the revelations, so many of which have occurred since the election of an opposition party to get to the bottom of this in the White House, that there was an attitude by the Democrats in power in Congress at the time that they simply did not want to know the answer to these questions, because, after all, we had not seen this document until just a few weeks ago. But now that we have it, I think any fair-minded person, any Democrat or any Republican, would have to say, this is a virtual roadmap to scandal.

If the majority party in Congress were to put together a list of scandals of the administration that ran to more than a dozen, it would be called a partisan exercise. Yet here we have, prepared by the White House staff itself, by President Clinton's own staff, a secret memo for their own privileged consumption, stamped "privileged" on the cover, a list of 39 scandals, with detail of each, and some rather damaging admissions about each.

Let me point our just one such that we have not referred to in this brief colloquy, and that is the scandal labeled Hubbell, and that is, of course, Webster Hubbell, the acting Attorney General. "Webster Hubbell's cooperation is to be monitored."

Now, why would we be concerned with this? This is right before "determine press strategy." Why would we be concerned with monitoring Webster Hubbell's cooperation, if we were willing to let the special prosecutor do his job?

The answer is, of course, the administration was very concerned about just how far Webster Hubbell might go in cooperating with that special prosecutor. As we all know, Webster Hubbell was subsequently convicted and sent to jail.

Mr. WALKER. And right below that is "Ickes's union representation." We know that one of the unions and one of the individuals that Mr. Ickes had a relationship with now now somebody who has been under congressional investigation, and where we have FBI data calling him a criminal associate of the mob, this person who Mr. Ickes was associated with. I see they were assembling a binder with summary and key documents with regard to that union representation.

Well, since the White House has had this direct relationship with this person, Mr. Coia, who has been called by the FBI a criminal associate of the mob, that could be a very damaging kind of question that is raised as a part of the scandal memo prepared at the White House.

In fact, "ABC News" has done quite an exposé on this. It turns out the scandal itself was under active investigation by the White House Counsel's Office on December 13, 1994, and it is highlighted in this White House task list.

Mr. WALKER. But since that time, the President has continued to have direct association with the person involved, the gentleman described as a criminal associate of the mob.

Mr. COX of California. I think at this point it would be appropriate, because each of our colleagues should have the benefit of this memo in full, that I ask unanimous consent to include the memorandum in its entirety in the RECORD at this point.

The SPEAKER pro tempore. Without objection, subject to the rules of the House.

There was no objection.

TASK LIST—DECEMBER 13, 1994

1. ISSUES

a. Foster document handling (Nemetz)
b. Travel Office (Cerf)
c. White House/Treasury contacts (revisited; report) (JCS)
d. Obstruction of justice (DOJ handling of criminal referrals; Jay Stephens; RTC whistleblower reprisals)
e. Use of White House resources for response efforts (Nolan)
f. Foster suicide (Nemetz)
g. Espy (ethics; expanded Smaltz inquiry re Tyson's, Hatch Act) (Mills/Nolan)
h. Cisneros
i. Brown
j. Hubbell
k. Ickes/union representation
l. Stephanopoulos/NationsBank
m. State Department—passport files
n. Archives—abuse of personnel system
o. Legal Defense Fund (Mills)
p. Health Care Task Force (Neuwirth)
q. White House operations (drugs, passes, helicopters) (Mills/Nolan)
r. Residence renovations (Neuwirth)
s. Presidential immunity (Sloan)
t. White House Arkansans (Thomasson, Nash, Rasco)
u. PIC surplus
v. Improper electioneering (SBA)
w. GSA (Roger Johnson)
x. Value Partners (Neuwirth)
y. Presidential campaign (FEC audit)
z. Commodities (Kendall)
aa. Gubernatorial campaigns (Lindsey, Wright)—record keeping (Kendall)
ab. Gubernatorial campaigns)—MGSL (Kendall)
ac. Whitewater/MGSL (Kendall)
ad. Other MGSL/McDougal (Kendall)
ae. Rose Law Firm (HRC work for MGSL; Frost Case, FSLIC representation) (Kendall)
af. David Hale/Susan McDougal/SBA (Kendall)
ag. Tucker
ah. Lasater (bond deals; cocaine; Roger Clinton)
ai. Use of loans to achieve legislative initiatives
aj. ADFA (political favors; Larry Nichols)
ak. Mena Airport
al. troopers
am. women (Kendall/Bennett)

2. PRELIMINARIES

a. Identify key republican objectives and routes for achieving them—e.g.
  i. sustain shadow on WJC character
  ii. hype HRC threat to white men, traditional women
b. Identify guiding principles for responses—e.g.
  i. nothing to hide
  ii. stick to the facts
  iii. get it right the first time
  iv. keep it simple
  v. resist harassment
  vi. govern America
c. Executive privilege research
  i. OLC state of the play
  ii. comments by republicans re assertion
  iii. protocol
  iv. strategy/principles for asserting
d. Research re entitlement of Congress to HRC/WJC transcripts of depositions given to Fiske
e. Research re congressional subpoena power
  i. reach (HRC/WJC)
  ii. precedents
  iii. committee rules
  iv. procedures
f. Research re limitations on legislative power to investigate
  i. legislative purpose
  ii. overreaching precedents
g. Learn new Hill committee jurisdiction, membership
h. Courtesy visits to Hill—member and staff level (e.g., Frank, Sarbanes, leadership; Harris, Meek, etc.)
i. Consultations
j. Offensive structure
  i. FEC legal research
  ii. W&C
  iii. DNC/DCCC/DSCC
  iv. surrogates
k. Representation of Administration officials by private counsel
  i. compensation
l. Research re proper role of OWHC with respect to pre-inaugural issues with an aim toward articulating principles for determining who should be principal spokesperson on a particular issue and the extent to which each (private counsel/ OHWC) should participate.

3. FOSTER DOCUMENTS HANDLING

a. Independent counsel inquiry

(1) identify options with respect to issuance of report—(a) precedents
(2) inquire about status and timing
(3) HRC/WJC depositions
ii. status check with counsel for individuals
b. Congressional hearings
i. identify likely committees (Senate Banking; House Banking, Gov Ops, Judiciary)
(1) identify friends—key Members and staff
(2) identify leadership
(3) identify key republicans
ii. congressional visits
(1) Daschle
(2) Sarbanes & other Banking
(3) house
iii. prepare background materials
(1) assemble public record
(2) talking points and fact memoranda
iv. determine how to handle representation of individual White House staff
(1) outside counsel
(2) attorney fees
(3) assertion of privileges
c. Press strategy
d. Surrogate role
i. Hamilton
ii. identify others
e. Offensive research
f. Issue specific tasks
i. security/Livingstone issues
(1) debrief Joel
(2) review Livingstone file
(3) consult with Randy Turk
(4) interview Livingstone
(5) fact memo
ii. inconclusiveness re Williams removal of documents
(1) confer with Ed Dennis
(2) debrief Joel re security officer
(3) assemble public reports of document removal on 7/20 and statements attributed to White House officials
iii. chain of custody re transfer of Clinton personal files
(1) complete interviews
(a) Carolyn Huber
(b) Linda Tripp
(c) Deborah Gorhan
(d) Bob Barnett
(e) Syvia Mathews
(2) fact memo
(3) assemble public record
(4) determine strategy re release of White H_2O Devel Corp. file
iv. search of Foster office
(1) assemble public record
(a) including any relevant testimony at Senate hearing on Foster suicide in July 1994
(2) fact memo
(a) obligation to seal the office immediately
(b) obligation to cooperate with law enforcement authorities vs. protection of privileged material
(c) basis for protecting disclosure to Congress of privileged material in VF office
(3) legal research
(i) basis for resisting identification/production of all documents in VF office and Bernie's safe
v. Delay in surfacing suicide note
(1) complete interviews
(a) Gergen
(b) Burton
(2) assemble material in public record
(3) fact memo
(4) legal research
(a) obligations to disclose a note to law enforcement authorities
(i) if not obviously a suicide note
(ii) timeliness requirements

4. FOSTER SUICIDE

a. Chris Ruddy/Center for Western Journalism
b. Causes for suicide
c. Monitor Senate report; coordinate with Hamilton
d. Develop press response

5. OBSTRUCTION OF JUSTICE

a. *Delay in addressing criminal referrals*; DOJ role (D.C. and Paula Casey)
i. determine usual process
ii. develop chronology/fact memo with key
(1) Charles Banks
(2) Paula Casey
(3) (track Lewis correspondence released by Leach)
iii. identify Committee interest (D'Amato; House)
iv. assemble public record
b. RTC/Kansas City investigation (suspension of Jean Lewis, Richard Iorio etc.; April Breslaw; pre-1993 activity)
i. develop chronology of known facts and key documents
ii. interview Breslaw
iii. identify Committee interest (Leach; Senate)
iv. examine last day of House hearings for offensive help
c. Jay Stephens retention
i. track public record
ii. identify efforts to give IC civil jurisdiction
iii. identify Committee interest (D'Amato; House)

6. WHITE HOUSE/TREASURY CONTACTS

a. Senate Report
i. review/comment on Report
ii. keep in touch with Minority Report developments
iii. prepare press strategy
iv. identify surrogates
b. White House investigation of White House/Treasury contacts (receipt of information about RTC investigation; work product; redactions)
i. prepare file memorandum describing use of unredacted transcripts
ii. determine continuing Bond interest
c. Truthfulness of White House and other Administration witnesses (referral of testimony to Starr—Ickes, Stephanopoulos)
i. consult with lawyers
ii. identify areas of vulnerability
iii. research on perjury
iv. press response
d. Heads-up policy
i. surrogates
ii. uniform application
iii. Treasury status
iv. press strategy for release of Committee report
v. work up background paper on precedents
e. Recusal policies/OGE/Executive Orders
i. press strategy for release of Committee report
ii. background paper
iii. consult with OGE
iv. consider Executive Order or other response to Committee
f. Contacts policy (Executive Order)
i. press strategy for release of Committee report
ii. background paper
iii. consult with OGE
iv. consider Executive order or other response to Committee
g. Rikki Tigert
i. determine her first likely congressional appearance in the new congress
ii. assemble public record
iii. interview Gergen, Tigert and Klein re communications on the subject of recusal
(1) determine response to allegations of "pressure"
(2) determine response to allegation that Klein misled the committee
iv. determine press strategy/talking points

7. SMALTZ INVESTIGATION

a. Espy—ethics (Mills)
b. Beyond Espy ethics (Hatch Act, Tyson's)
i. determine charter, scope of inquiry
ii. determine press strategy
iii. identify congressional interest
iv. assemble public record
v. fact gathering

8. WHITE HOUSE WHITEWATER RESPONSE EFFORT

a. Legal research
i. the appropriate role of White House staff with respect to issues arising pre-inauguration (see above)
b. Fact development (scope of effort, etc.)
c. Determine press strategy/develop talking points
d. Assemble public record
i. Lindsey involvement pre-1994
ii. Ickes' Ward Room undertaking (1/94)
iii. Polesta damage control effort

9. CISNEROS

a. Gather facts
b. Establish contact with counsel
c. Determine press strategy/develop talking points
d. Identify source of congressional interest
e. Assemble binder with summary and key documents

10. BROWN

a. Establish contact with counsel
b. Determine press strategy/develop talking points
c. Identify source of congressional interest
d. Assemble binder with summary and key documents

11. HUBBELL

a. Monitor cooperation
b. Determine press strategy/develop talking points

12. ICKES (UNION REPRESENTATION)

a. Monitor
b. Assemble binder with summary and key documents

13. STEPHANOPOULOS (NATIONSBANK)

a. Monitor
b. Assemble binder with summary and key documents

14. STATE DEPARTMENT (PASSPORT FILES)

a. Identify issue
b. Determine congressional interest
c. Assemble binder with summary and key documents

15. ARCHIVES (ABUSE OF PERSONNEL SYSTEM)

a. Identify issue
b. Determine congressional interest
c. Assemble binder with summary and key documents

16. SBA (IMPROPER ELECTIONEERING)

a. Identify issue
b. Determine congressional interest
c. Assemble binder with summary and key documents

17. GSA (ROGER JOHNSON)

a. Identify issue
b. Determine congressional interest
c. Assemble binder with summary and key documents

18. FEC AUDIT

a. Determine congressional interest
b. Assemble binder with summary and key documents

19. FIC SURPLUS

- a. Identify issue
- b. Determine congressional interest
- c. Assemble binder with summary and key documents

20. MGSL-RELATED

- a. Whitewater Investment
  - i. assemble public record
  - ii. review documents, including work of accountants and tax returns; Lyons reports
  - iii. develop fact memo and chronology
  - iv. press strategy
- b. MGSL
  - i. assemble public record
  - ii. review W&C documents
  - iii. develop fact memo and chronology
  - iv. fact memo
    - (1) why MGSL failed; relationship of campaign contributions to failure
    - (2) Rose Law Firm work (HRC 1985)
      - (a) conflicts
      - (b) enabled MGSL to stay open longer than it should have
  - v. surrogate strategy
- c. Rose Law Firm
  - i. fact memo
    - (1) status of conflicts inquiry
    - (2) Frost case
    - (3) Rose services to FSLIC related to Lasater brokerage firm (HRC 2 hours in 1987, signed pleadings for VF)
    - (4) billing practices
  - ii. assemble public record
  - iii. determine press strategy
- d. David Hale

21. OTHER PRE-INAUGURAL

- a. Gubernatorial Campaigns
  - i. identify issues
    - (1) whether expenditures and loans were properly reported under state law
      - (a) Lindsey role
      - (b) Betsey Wright
    - (2) role of the Bank of Cherry Valley
    - (3) Starr looking at 1984, 1986, 1990
  - ii. interview Kendall; review Kendall documents
  - iii. interview Snyder/Lindsey
  - iv. fact memo
  - v. press strategy
- b. Negative Associations
  - i. Jim Guy Tucker
  - ii. David Hale (SBA)
  - iii. Jim McDougal
  - iv. Dan Lasater (bond deals, cocaine, Roger Clinton)
- c. Mena Airport
  - i. identify issue
  - ii. determine congressional interest
  - iii. assemble binder with summary and key documents
- d. ADFA
  - i. identify issue (political favors)
  - ii. determine congressional interest
  - iii. assemble binder with summary and key documents
- e. Use by Governor Clinton of loans to further legislative initiatives
  - i. identify issue
  - ii. determine congressional interests
  - iii. assemble binder with summary and key documents
- f. Commodities
  - i. determine congressional interest
  - ii. assemble binder with summary and key documents
- g. Paula Jones
  - i. assemble binder with summary and key documents
- h. Troopers
  - i. identify issue (job for silence, other)
  - ii. determine congressional interest
  - iii. assemble binder with summary and key documents

Mr. COX of California. I thank the Speaker.

The memo is quite extraordinary. It is single-spaced, goes on for 12 pages, and, as I said, lists 39 scandals, most of which, now, 2 years later, are known to the American people, but a few of which are actually brand new. It actually details how each of these scandals was assigned to White House staff, 15 such staffers, and according to the press, these staffers earned a total salary of $1.3 million. This is taxpayer money, all of which is being misspent because that is not the appropriate function of the White House Counsel's office. That is not the appropriate function of the White House staff. Working on these matters inside the West Wing of the White House is itself a scandal of the first order.

Mr. ROHRABACHER. I have not read this memo, obviously. I appreciate the gentleman making this available to me and available to the other Members. But just a quick glance shows you that one of the issues red-flagged in this memo is how to deal with questions about the Vincent Foster suicide. One wonders why, if this was just a straight up and down suicide, which we have always, the news media and everyone else wants to just steamroller anyone who has any questions, serious questions about basically some of the facts behind the suicide and the time immediately thereafter. It just notes here that they are taking, red-flagging Vincent Foster, and red-flagging "obligation to seal the office immediately." And, B, "to cooperate with law enforcement authorities versus protection of privileged material."

What we have here is basically an outline for something concerning the death of Vincent Foster and the prevention of certain information from getting to the public. It appears to me, and again I would have to study this further to relate this to other facts of the case and see how it really plays together, but it appears to me what they are doing here is trying to set down a legal strategy for justifying things they did to prevent information about Vincent Foster, coming from Vincent Foster's office or about the suicide, from coming to public attention.

Mr. COX of California. In fact, on page 3, under the heading "Foster Document Handling," there is a subheading, identifying friends for the congressional hearings, key members and staff, and the list of names of our colleagues, Mr. DASCHLE, Mr. SARBANES, develop a press strategy, and then there is a heading "Offensive Research."

This is not a memo prepared by a White House willing to cooperate. This is a memorandum prepared by a White House that has carefully outlined 39 separate scandals and the strategy for covering them up.

ECONOMIC GROWTH UNDER PRESIDENT CLINTON

The SPEAKER pro tempore (Mr. ROTH). Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, this past Saturday, former Senator Dole, now the Republican candidate for President, said in his radio address, "The Congressional Joint Economic Committee reports that last year 66 countries had economic growth rates that surpassed ours. The President may think that when it comes to economic growth 67th place is good enough, but I do not. I want America to lead the world again in terms of economic growth, rising incomes, and greater job opportunities."

In building his bridge to the past, Mr. Dole must have overlooked the present. Just look at the good news about the economy that came out in the 2 weeks before he spoke. One week before his speech, the Commerce Department's Bureau of Economic Analysis revised the second quarter growth rate of the gross domestic product upward to 4.8 percent. Exports and business investments showed strong upward movement.

Tuesday before he spoke, the conference board reported the index of leading economic indicators, which projects the economy's health for the next 6 to 9 months, reached a record high.

Last Friday, before the Joint Economic Committee, the Commissioner of the Bureau of Labor Statistics reported that 250,000 jobs were created last month. This builds on the nearly 200,000 jobs we created in July, and on the 10.5 million in the President's first 3½ years in office.

A report in the June issue of the monthly Labor Review, which the Bureau of Labor Statistics publishes, shows that between 1993 and 1995 jobs in relatively higher earning occupations and industries grew at almost twice the rate as jobs in comparatively lower earning occupations and industries.

In August, the share of women with jobs reached a record high of 57.2 percent, the highest employment record for women in our Nation's history.

Mr. Dole promises fiscal responsibility. However, look at the record. Before leaving office in 1993, President Bush's Council of Economic Advisers left an economic report for the President. In it they forecasted how well the economy would perform and what the size of the Federal budget deficit would be following President Bush's economic program.

The most optimistic forecast was for the deficit to be $201 billion by 1996. Under President Clinton's leadership, the Congressional Budget Office projects the deficit to be $116 billion in

1996. That is $85 billion less than the rosiest projection President Bush promised.

After 3½ years under President Clinton, we have the lowest combined rates of unemployment, inflation, and mortgage rates since the 1960's, which is the biggest tax cut of all for working Americans and retirees on fixed incomes.

□ 1815

Now, let us listen to the words of the chairman of the Federal Reserve Board, Alan Greenspan. Testifying before the Joint Economic Committee in January 1994, Dr. Greenspan clearly stated what he felt was the cause of the speedup in economic growth. He said, and I quote, "The actions taken last year to reduce the Federal budget have been instrumental in creating the basis for declining inflation expectations and easing pressures on the long-term interest rates."

"What I," and again I am quoting Dr. Greenspan, "argued at the time is that the purpose of getting a lower budget deficit was essentially to improve the long-term outlook, and that if the deficit reduction is credible, then the long-term outlook gets discounted up front. Indeed, that is precisely what is happening."

"I," and again I am quoting Dr. Greenspan, "think a substantial part of the improvement in economic activity and the low rates of inflation can be directly related to a changing financial expectation that we might finally be coming to grips with this very severe problem."

That was in January 1994. He is not crediting shutting down the Government and holding needed Government services hostage to unfair budget deals for making financial markets believe that new and better fiscal management was finally in place. Dr. Greenspan was crediting the Budget Reconciliation Act of 1993, with the, and again I quote him, "substantial part of the improvement in economic activity and the low rates of interest."

I agree with Dr. Greenspan. I am proud of the economic record President Clinton and the Democrats have accomplished in the last 4 years. We still have a great deal more to do, but we are on the right track.

As President Clinton says, we must build a bridge to the future. It is not a toll bridge, because it will be a bridge paid for by careful planning. We do not need a bridge to the past built with IOU's and growing deficits that will mortgage our future, and we do not need to go back to slow job growth and fewer opportunities. We need to look forward.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

The SPEAKER pro tempore (Mr. ROTH). Under a previous order of the House, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes.

Mr. FIELDS of Louisiana. Mr. Speaker, tonight I am joined by one of our colleagues, the gentleman from Illinois [Mr. JACKSON], who will talk along with me on the subject of HBCU's, historically black colleges and universities.

Mr. Speaker, on September 23 of this year, historically black colleges and universities all across the country will celebrate Black College Day, and on that day many colleges across the country will recognize some of the great contributions of historically black colleges and universities. But to put this whole discussion of HBCU's in the proper perspective and the proper context, I would like to talk about the history behind historically black colleges and universities.

HBCU's are defined as any historically black college or university established prior to 1964 whose principal mission was and is the education of black Americans and is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education.

There are 103, Mr. Speaker, historically black colleges and universities; only 3 percent of all colleges and universities in this country. They are located in the Southeast, in the District of Columbia, and the Virgin Islands. They include 41 public 4-year colleges and universities, 8 public 2-year universities, 46 private 4-year schools, and 8 private schools with 2-year curriculum.

Most of our colleges are more than 100 years old. Cheyney University of Pennsylvania being the oldest, founded in 1837. Historically black colleges and universities enroll only 16 percent of African-American undergraduate students, however they graduate about 30 percent of all African-American students nationwide.

To show the contributions that these schools, colleges, and universities have had and the impact they have had to the African-American community and to societies as a whole, with marginal resources HBCU's have been able to accomplish a lot. Federal moneys for research and development to HBCU's in 1990 was $101 million; only 1.1 percent of the total Federal money dedicated to research and development across the Nation. But yet in spite of the lack of resources, these colleges and universities still were able to produce doctors and lawyers and scientists and engineers.

However, with limited resources, 37 percent of all the students attending HCBU's come from families with incomes of less than $25,000. Retention and graduation rates at HCBU's are higher than non-HCBU's in this Nation. Enrollment has grown, Mr. Speaker, at historically black colleges and universities from 70,000 overall in 1954 to 200,000 in 1980, and from 239,000 in 1988 to 257,000 in 1990. So you see the trend of HCBU's, the enrollment rather, on these colleges and universities.

HCBU's also noted an increase in transfer students from other institutions. Seventy-three percent of all transfer students in the fall of 1993 went to historically black colleges and universities. This shows the quality of these schools across the country. Many students are transferring to these colleges and universities across the country.

On the graduate level, from 1977 to 1990, the amount of doctoral degrees awarded by HCBU's increased by 214 percent. In sciences, 44 percent of the bachelor degrees awarded to blacks were from historically black colleges and universities; 41 percent of the math degrees awarded were awarded from HCBU's; 38 percent of the computer science and life sciences degrees; and 25 percent of the engineering degrees were awarded to blacks by HCBU's.

In my State, Xavier University in New Orleans ranked second in placing black students in medical school. In fact, over the last 10 years, 93 percent of all of Xavier graduates who entered medical school received their medical degrees.

Remembering that HCBU's enroll only 17 percent of all black college students nationwide, this statistic is very encouraging. Moreover, HCBU's maintain low tuition. The average tuition with fees in 1992 and 1993 was $5,008, less than half of the average cost of private colleges and universities nationally.

Historically black colleges and universities educate almost 40 percent of the country's black college graduates, 75 percent of all black Ph.D's, 46 percent of all black business executives, 50 percent of all black engineers, 80 percent of all black Federal judges, 50 percent of all black attorneys, 75 percent of all black military officers, and 85 percent of all black doctors.

So you see the impact of HCBU's as relates to the medical community and the black community as well as engineers, doctors, lawyers, and military officers alike.

For example, many individuals who serve in government today, in public office, graduated from HCBU's. In the Congressional Black Caucus, for example, 16 of the Congressional Black Caucus members in this Congress serving today graduated from historically black colleges and universities.

The gentlewoman from Florida CORRINE BROWN, graduated from Florida A&M, the gentlewoman from North Carolina, EVA CLAYTON, North Carolina A&T; the gentleman from South Carolina, JAMES CLYBURN, graduated from South Carolina State; the gentleman from Maryland, ELIJAH CUMMINGS, Howard University; the gentleman from Tennessee, HAROLD FORD, Howard

University; the gentleman from Florida, Congressman ALCEE HASTINGS, graduated from Florida A&M and Howard University; the gentleman from Alabama, Congressman EARL HILLIARD, graduated from Morehouse College as well as Howard University; the honorable distinguished colleague who is with me tonight, the gentleman from Illinois, JESSE JACKSON, Jr., graduated from North Carolina A&T; the gentleman from Louisiana, Congressman WILLIAM JEFFERSON, graduated from Southern University; the gentleman from Georgia, Congressman JOHN LEWIS, Fisk University; the gentlewoman from Florida, Congresswoman CARRIE MEEK, graduated from Florida A&M University; the gentleman from Mississippi, Congressman BENNIE THOMPSON, Tougaloo College and Jackson State University; the gentleman from New York, Congressman ED TOWNS, graduated from North Carolina A&T; the gentleman from Maryland, Congressman ALBERT WYNN, Howard University; and, of course, I graduated from an HCBU as well. I graduated from Southern University in Baton Rouge, which so happens to be the largest historically black college in the entire country, with a system of over 14,000 students with colleges located in Baton Rouge, Shreveport and New Orleans.

It is the largest historically black college in the country. And in a real sense, for all of the public HCBU's, Southern University to some degree set the tone in terms of what will happen to other colleges and universities as relates to Federal funding and as relates to State funding as well.

I am pleased tonight to be joined by a very distinguished colleague of this House, Congressman JESSE JACKSON, Jr., who graduated from North Carolina A&T, who will enter into a colloquy with me to further talk about the need to preserve historically black colleges and universities and I yield to the gentleman.

Mr. JACKSON of Illinois. I thank the gentleman for yielding. Let me first begin by congratulating the distinguished gentleman from the Fourth Congressional District of Louisiana, who I had the privilege of meeting in 1983 while he was a student at Southern University in Baton Rouge, LA, and I was a student at North Carolina A&T State University.

We prided ourselves, as aggies, in our ability to beat Southern University in football and every other possible athletic endeavor that we engaged in.

There is a serious camaraderie that exists amongst those of us who are graduates of historically black institutions, and I want to take this opportunity as a product of those institutions to certainly engage in this colloquy and in this special order with the gentleman from Louisiana, Congressman CLEO FIELDS.

Many Members of this institution probably do not know that while Congressman CLEO FIELDS is the youngest African-American to have ever had the privilege of serving in this institution, he served the people of the Fourth Congressional District of Louisiana with great distinction and will not be in the 105th Congress due to attacks on the Voting Rights Act and gerrymandering in the State of Louisiana that has undermined the Fourth Congressional District of Louisiana.

The people of the Fourth Congressional District of Louisiana have been served with great distinction. Young African-American men, including myself, have been inspired by the example that Congressman CLEO FIELDS has laid for all of us.

I saw Congressman CLEO FIELDS during special orders, while I was the field director of the Rainbow Coalition, knowing that he was the president of the Student Government Association of Southern University who subsequently ran for State senate while he was a student his senior year, and was elected by the people of that particular district to serve in the State senate, having just finished his senior courses at Southern University.

He served in the State legislature with great distinction and then subsequently earned his way on to the reapportionment committee in the State of Louisiana, and consistent with the 1965 Voting Rights Act, was able to enfranchise literally hundreds of thousands of people in the State of Louisiana who had been heretofore without representation.

□ 1830

So Congressman CLEO FIELDS, as the youngest African-American, has earned his place in history, but it is really a larger statement about the quality and the caliber of leadership that historically black colleges have created.

The first African-Americans arrived in this Nation on slave ships in 1619. There was a century's old struggle to end racism in our Nation and certainly racism that was legally enforced by law, the institution known as slavery. The very foundation of our Nation was a Civil War, a very bloody war between north and south over whether or not we should be individual States or united as a Nation.

After the Civil War, in 1863, when President Lincoln signed the Emancipation Proclamation, ushered in a period known as First Reconstruction. During that period, 131 historically black colleges were founded to educate the newly freed slaves.

I might add, Representative FIELDS, during First Reconstruction, 22 African Americans were elected to serve in this institution, between 1863 and 1896. There was a direct relationship between their participation in this Congress and in State legislatures all across our country that made it possible for African-Americans to come to institutions like this Congress and fight for the kind of resources that would educate those who had historically been denied education in these institutions.

As Representative FIELDS has already indicated, more than 40 percent of all college graduates who are African-American still come from the remaining 102 or 103 institutions that presently exist. That was really the commitment that our Nation had made to newly freed slaves in our Nation. I might add that you indicated that in 1964, since 1964, that officially ended the period of officially designating colleges as historically black colleges and universities, not one historically black college or university has been founded since that reconstruction period.

One of the reasons I commend you and commend other members of the Congressional Black Caucus and Progressive Caucus and Members of this institution who continue to fight to sustain these institutions is because they know that the products of these institutions, once people become educated and become integrated, if you will, through that education in the society, they can then continue the desegregation of the society which really was a testament to this movement.

Sixteen Members of Congress are presently graduates of historically black colleges and universities. EVA CLAYTON and ADOLPHUS TOWNS are graduates of North Carolina A&T, where I had the privilege of attending that institution. I might add, Congressman FIELDS, that it is really the mission of historically black colleges to train, to educate, and provide the kind of environment during the formative years of students through which they can learn.

I remember I went to a predominantly white high school here in Washington, DC. While I had tremendous professors who worked very hard toward my academic development, when I went to predominantly white high schools, and I have nothing against predominantly white universities or colleges or high schools, I attended several of them myself, but for me as a young African-American male in this society, to have Dr. Liston as a psychology teacher and to have professors who were African-Americans, to see African-Americans who could be chancellors or universities and heads of math departments and Dr. Quiester Craig at North Carolina A&T as the head of the business department, to see Dr. Howard as a mathematician who worked in the business department at A&T State university during my formative years between 18 and 21 years old, for me to be able to see African-Americans who had achieved at universities all across this country, it really fought stereotypes in my own mind about what I could be. And so I set at an early age, as a result of the mission of those institutions really to train its leadership, to allow it to have the free voice to move beyond the stereotypes and say that we can really make it, that we can really achieve.

This is really what the mission of historically black colleges has been. I would certainly hope that Members of this body would continue to support historically black colleges and universities. They represent the very best that our community has to produce. I am honored to have this opportunity to engage in a colloquy with the distinguished gentleman from Louisiana.

Mr. FIELDS of Louisiana. I thank the gentleman for his comments. The gentleman is right, not only is one inspired at an HBCU or can be inspired at an HBCU, but taking a moment of personal privilege, it also builds leadership. I often wonder today, had I not had the opportunity to attend Southern University and had the opportunity to be freshman class president and president of an entire student body and had to manage a budget in excess of $150,000 as a young college student, or had the opportunity to travel abroad, representing a student body of 10,000 students and then having the opportunity to compete to serve on the board of regents as the student representative, but for that foundation at Southern, I do not know if I would have had the opportunity to serve in the State senate at a very young age and serve now in Congress at a very young age.

Southern, that HBCU was a place to prepare me to be a young leader or to be a person who was able to be elected to public office, and the same thing it did to you and for you and for other Members of the CBC. That was really my first elected office. We had to run a campaign and you had to be responsive to constituents, the students, and that was a learning place for me.

That is why I would like to see CBC Members, you and I, as we have worked with the CBC, Congressional Black Caucus, to make this HBCU day, the 23d of this month, make it a significant day not just having a good program on a black college in this country but also show leadership among students where students register to vote in the hundreds of thousands across this country on September 23.

I am glad that this gentleman decided to initiate this program with the Congressional Black Caucus. I am glad that members of the Congressional Black Caucus, through your leadership and others, will be on college campuses across this country on black college day and certainly I urge SGA presidents, for example, to participate and get students registered to vote, because you have a civic responsibility on a college campus and young people who are sitting in a classroom on a historically black college need to know that there is a responsibility that goes along with that.

Mr. JACKSON of Illinois. Mr. Speaker, if the gentleman would yield, there are some intangibles that come from being a product of a historically black college, some things we hardly even think of. When I was at North Carolina A&T, to expect that an African-American could serve as the president of the student body, that was not like a farfetched idea. That was what was kind of expected, that we could run a student government association.

On the other hand, when I went to the University of Illinois, where I very fortunately received my juris doctorate degree, it was not necessarily expected that an African-American could serve as the president of the SGA and be responsible for a million-dollar budget in terms of student activities and student fees or that we could organize the student body in such a way as to bring about the kind of campus life that we thought was acceptable to most of the students or bring about the kind of programs and speakers that we wanted to come to the university. This is an intangible.

So I left A&T feeling that, yes, I can serve as the president of the SGA or, yes, I could be the chancellor of an institution. And so the gentleman is so correct when he says that the African-American historically black colleges serve as an incubator for African-American leadership. I look forward to traveling on September 23 to a historically black college either in North Carolina or certainly in my district or wherever it is that I am needed in order to articulate the significance that these institutions have had.

But I think the gentleman raises another very interesting point, that there is a relationship between the education of those who have been historically denied, those historically black colleges, and political participation.

During First Reconstruction, 22 African-Americans were elected to Congress and to State legislatures, all across our country, the byproduct of which elected officials whose students voted for at that time who could come and serve in these bodies and fight for more resources. When students do not vote, students do not participate in the process, they cannot elect people to representative bodies across this great democracy for the purpose of fighting for those resources. So one of the things I have encouraged students to do, whether they are Democrat or Republican, really it is a nonpartisan effort, not promoting one party over the other, in 1996, as a result of the passage of the motor voter law of 1993, people can simply dial 1–800–register and fill out the voter registration application card over the phone and it will be mailed to them, just dial 1–800–register and they are full participants in democracy.

Mr. FIELDS of Louisiana. It is so simple now because of what this Congress did. It is so simple now to register to vote. There are organizations like Rock the Vote, for example, who travel all across the country and have a 1–800 number where a student in a dormitory room can get on the phone and dial 1–800–register and be a registered voter.

The motor-voter law did so much to encourage participation, particularly young participation in the process where young people could register to vote. So certainly a part of our effort with the CBC members traveling all across the country on September 23, actually participating in black college day, we will urge students to register to vote.

I will give you a scenario, something that happened to me when I was student body president at Southern.

Southern's budget, there is so much power in the vote and that student vote, that vote of 10,000 students sitting idly on a college campus can impact not only local policy but national policy as well. College students, HBCU or not, all across America, young college students can have a serious impact on elections and the outcomes of elections, if they simply exercise that constitutional right to vote.

When I was president of the student body at Southern University, there was a bill in the legislature to cut funding at Southern University by almost 20 percent. It was unbelievable and the student body, we had a meeting with the student senate and the student senate met and we all said, what we will do is we will march to the State capitol and in record numbers. And we will protest on the steps of the capitol and we will demand our legislators to come out of the session and speak to us and address this issue of higher education, not only at Southern but colleges all across Louisiana were being cut because the budget was tight and lawmakers saw fit to fund other areas and cut higher education across the board.

So we marched, about 5,000 students, and other college campuses met us on the steps of the capitol. We had 7,000 students on the steps of the State capitol in Louisiana protesting and demanding that legislators come out and address our concerns and also reconsider this across-the-board cut on higher education. We could not get a legislator to come out and address us.

And when we regrouped at the end of the day, college students and college presidents from all over the State, and we talked, why would not legislators address us, because politicians we thought look at three things, reelection, reelection and reelection. And then it dawned on us, how many of us are registered to vote? Of the 7,000 students we marched from all across the State to the capitol, we probably had 200 of them registered to vote. So we were talking loud and saying nothing, because we failed to use the power of the vote.

So what we decided to do was to think smart. We decided to have massive voter registration drives on all college campuses across the State of Louisiana and eventually presidents and Greek organizations, if they had a party, they had the party for a purpose, you had to be registered to vote to enter. We registered thousands upon thousands of students. Then it was not that easy because you had to actually take students, according to Louisiana law, back then to the registrar of voters office to actually register the student to vote.

So we had to use resources like buses and use moneys to rent buses to take students to register to vote. We registered 5,000-some odd students just on Southern's campus alone. And then the Governor and the legislators started calling the SGA presidents and wanting to know what they wanted in the appropriations bill.

□ 1845

So it just goes to show you the power in the student vote. Had we not exercised that power to vote we still would be marching, talking about saying nothing.

So you know I am just so excited that you are part of this HBCU Day where we encourage young college students on Black College Day, on the 23d, not just to have a program and talk about the significance of black colleges and universities in this country, but have the gall to be willing to protect them and stand by them by registering to vote and using that significant power by voting in all the elections. I mean that is just something that students all across this Nation should and must do.

Mr. JACKSON of Illinois. If the gentleman would yield, I would like to share a brief story I had experienced while I was at North Carolina A&T State University, a story that is similar to the one that the distinguished gentleman from Louisiana has mentioned. I was the vice president along with a good friend of mine by the name of Rick Bradley who was the president of a group that we founded on North Carolina A&T State University campus called Students United for a Free South Africa [SUFAFSA], and one of the things that we did outside of protesting various banking institutions in North Carolina that were still involved in doing business with South Africa, fighting for disinvestment or divestment of these various institutions, trying to get North Carolina A&T and the North Carolina school systems to divest their pension funds from businesses that were doing business in South Africa, we did a lot of research on South African issues. And it was not very long before international focus turned to more domestic issues, when we found ourselves fighting against apartheid in South Africa, but also as the most politically astute and aware group on campus with issues that affected us domestically.

Our struggle against apartheid in South Africa encouraged us and forced us to look at the role that our congressman, who represented North Carolina A&T State University at that time, was playing in South Africa, the free South Africa movement, and we found at that time that our representative did not represent the position of our organization, and we began registering people to vote on our campus. We would not let the Deltas, the Q's, the Alphas, Sigma Gamma Wu's, we would not let any organization on North Carolina A&T State University's campus host a party or an event on the campus unless they were registered to vote and the students on that campus could prove that they were registered to vote, and as a result we registered of the 4,200 students, of North Carolina A&T State University's campus we registered more than 3,600 aggies to participate in the political process. And on election day, while we came very close to defeating that Member of Congress, we were only 60 votes away in the general election, and I will leave the gentleman's name anonymous for the purposes of my discussion, but when I was sworn into the 104th Congress as the 91st African-American to ever have the privilege of serving in this institution, that Member of Congress came up to me, congratulated me for my electoral victory, gave me an embrace, a hug, and said, "You know, I am very familiar with you. You almost beat me on that day."

And we were within 60 votes of beating that Member of Congress. As a result of that again I graduated in 1987. Students across the State of North Carolina were registered to vote and participate in the political process. The end result was a census taken in 1990, a reapportionment plan in 1991, the implementation of that reapportionment plan in 1992, and the by-product of which in 1996, the 12th Congressional district is now represented by Congressman MEL WATT, who represents North Carolina A&T as well as Winston-Salem and I believe as many as 6 other historically black colleges.

So it is possible, and I will yield back to the gentleman in just about 30 seconds.

Very few people know that they can register where they live. Students do not live in New York if they are at A&T. They do not live in Chicago if they are at A&T. They live in Greensboro, NC.

According to the law, you can register wherever you spend the last 3 nights in a row. That is home. If your name has changed, you are now an unregistered voter. If you just got married, your name was Smith last week, you married a Williams last week, you are now an unregistered voter because your name has changed, and as a result of efforts of many who fought and died in this country, Wiola Wheatson, a white woman, got her brains blown out at point blank range trying to register students to vote.

Martin Luther King, Jr., and Bobby Kennedy and others have died trying to reduce the age from 21 to 18. As a result of their efforts, you can now dial 1-800-REGISTER and become a full participant in this democracy, and I might add those who are interested in doing it ought to do it soon because the election is approaching.

Mr. FIELDS of Louisiana. Absolutely, and you know this whole voter registration among young people is really catching on.

I do not know if you are familiar with the shows called the Tom Journal Morning Show. It is a show that is on every morning on many of the syndicated shows on many of the ministations all across America.

I mean I was sitting in—I was driving in the car the other day, and I heard Tom Journal that morning talking about how people, particularly young people, need to register to vote, and he started this thing: You know, register five people to vote and call their names in and I will announce them over the air. And people were actually registering people to vote, and he was announcing the names over the air.

I just think that is so encouraging because a lot of people do not wake up in the morning, young people for example, who is about to go to a biology lab, who is on a college campus, not thinking about voting per se, interested in the future, interested in the outcome of elections, but not registered. As you stated, many college students, when they leave from Illinois and go to Los Angeles to register for college, they may be registered back home, but the likelihood of them going back to Illinois from California to vote on election day is not all that great. And so it is incumbent upon them to register to vote at that college, at that university because they are going to be there 4 to 5 years on the average.

So that is really home. That is where they are going to be during the local and State and perhaps Federal elections. So that is where they ought to exercise the power. They should never go powerless.

And I was just impressed with Tom Journal. I think that is the name of the show, the Tom Journal Morning Show. You know, encouraging people to register to vote.

I will give you an example.

Yes, we talk about, you and I debate night and day, for student loans and grants, Pell grants, to make sure that those opportunities are available to students today as they were available to us when we were in college. Why is it? I mean people that asked the question why is it that legislators would move on college tuition and raise college tuition or vote to cut higher education so that schools and board of directors have to raise college tuition and cut Pell grants and student loans and things of that nature? I mean let us look at it from a political perspective and preserve seniors on the other hand. Let us look at it from a political perspective.

If you look on the voter register rolls and you see most of the registered voters in this country are of the age of 55 to 65, and the fewest number of registered voters are between the ages of 18 and 35, then of course you are more likely to move on that age group than you are likely to move on the age group that is most registered to vote, but not just registered to vote, but more likely to go to the polls and vote on election day. Because it is one thing to register to vote, but it is another thing to actually go out and use the power by voting.

So college students—I mean we can fight. You and I and other Members of this Congress on both sides of the aisle, we can fight night and day about, you know, we need to keep student loans, we need to keep opportunities available to elementary, secondary, and higher education, but if we do not have students out there—they get enough of ire education, they get enough of a Pell grant, they thinking enough of student loans, that they are not exercising a power that they rightfully have by going to the polls and vote, especially after we passed this easy, easy, easy voter registration process.

I mean this bill that we have passed in this Congress. We passed a bill, as you stated, where a student government president, for example, can walk into a classroom and register every student. A teacher rather, a professor in a class at an institution, can say all right, first day of school, the first question:

How many of you all are registered to vote right here at this college?

And have the forms there. It is legal. OK, register to vote.

Do not have to dictate how you register, Democrat or Republican; that is irrelevant for registration purposes, or how you vote or who you vote for. You know, I am not going to advocate teachers do that. But it should be part of the learning process.

You talk about personal responsibility? One of the first basic personal responsibilities that individuals have is to claim citizenship by registering to vote, and then that teacher, that professor—I mean just think about if every college campus—just think about HBCU's, just take black colleges, for example, on Monday, the 23d. If every professor say, OK, what we will do this day is we will register every student in this class. When you walk into my class, you have the opportunity to register to vote the first 5 minutes, and I will personally turn these forms in. And the 100 percent voter registration on college campus, the kind of power, and not just HBCU's, historically black colleges, but all college students can have if they only exercise that constitutional right, and it is so easy to do.

I mean some can right now in their dormitories just dial 1–800–REGISTER and be registered to vote.

Mr. JACKSON of Illinois. If the gentleman would yield, and I thank the gentleman for yielding once again, you know this is a democracy. We claim to be the largest democracy in the world, the oldest democracy in the world, the most practicing and the most functioning democracy in the world, but nothing could be more tragic than to realize that fewer and fewer people are voting in our local, State, and national elections. There seems to be some kind of disconnect between the people's participation in this democracy and what takes place in the halls of this Congress and the State legislatures around our country.

And so when one even talks about voter registration, the reality is we have sufficient enough technology in our country today. Whenever you get pulled over by a police officer, get pulled over by a state trooper or any law enforcement official, he can take your drivers license, and they can determine whether or not you are guilty or wanted of a felony or a misdemeanor in any of the 50 States. Because many of those police computers are connected to Interpol, we can find out within moments whether or not you are wanted for an international crime including terrorism or some international conspiracy. And so within moments we can find out whether or not you are guilty or wanted of some offense against this Nation or any nation around the world.

And yet to participate in this democracy there still remains so many barriers, including a 30-day cut off before the Federal election or the local election.

One of the States in our country that has the highest participation, which has absolutely no registration whatsoever, is the State of North Dakota. There is no voter register required. You just show up on election day, prove that you live in the State of North Dakota, can vote and keep right on about your business.

So even voter registration, which is obviously important for political purposes, is really an outdated method for including and encouraging people to participate in the political process.

But the gentleman touched upon something else that I want to, if he would not mind, allow me the opportunity to talk about for a moment, and that is the whole issue of why vote at all? Why participate in the political process?

When I was teaching political organizing classes and political education classes for the Rainbow Coalition before I became a Member of this body, I used to teach that there were really three types—two types of material power, but really three types of power. Spiritual power is obviously an important power, but it is not a material power. So for the purposes of this discussion we will leave spiritual power out; really two types of material power:

One is economic, and the other is political, and by definition poor people, disenfranchised people and increasingly growing body of students in our Nation, because they take student loans out to go to school, but at the end of school they cannot find a job, they cannot get the kind of employment that addresses the debt that they have received as a result of being a student; by definition poor people and disenfranchised people and students do not have economic power. What is available to them? The alternative is available. Political power.

And why is political power so important? Political power and the political system really is the distribution system for the economic system. It is in this institution and in State legislatures around this country that we determine how the economic system in our Nation is distributed. Some of us on one given day may talk about tax cuts; others may refer to them as entitlements for the poor.

□ 1900

Some of us may refer to them as welfare benefits. Others of us look at tax breaks for the wealthy. So it is called tax breaks if you are a wealthy person in this country, but if you are receiving a Federal benefit, it is called welfare. So even how it is labeled and what it is called in our society is the byproduct of how we define it politically.

So when people begin to see the relationship between their vote, it is easy to cut welfare in an election year. It is easy to attack the most vulnerable in an election year, because those who do not vote cannot defend themselves. Those who do vote will get a tax break. Those who do not vote will get their Federal benefits withdrawn, or even their constitutional rights violated or undermined, and I mean that by Democrats or by Republicans. We have to acknowledge that all of us, and many of us, have a political weakness when it comes to those vulnerable political, commercial type issues that could affect our reelection to this institution.

So once people understand and begin to appreciate that the political system is really the distribution system for our economic system, I might add that they begin to participate in great numbers. No long ago one of the Presidential candidates had suggested that, for example, he would propose an across-the-board 15 percent tax cut.

The next question I ask as an elected official is how is he going to pay for that tax cut. There is only one way to pay for it, do what General Powell said, eliminate the entitlement state as we know it. What are those entitlements? Those entitlements would be Medicare, Medicaid, and ending Social Security as we know it. That is really the only way to pay for a 15 percent across-the-board tax cut.

Mr. FIELDS of Louisiana. Or what about education?

Mr. JACKSON of Illinois. We talked about one of the President's plans to rebuild schools, the physical infrastructure, and leverage that money, $5 billion, leverage it four times, to $20 billion, to $23 billion, to rebuild the infrastructure of our public school systems. But if in fact we are not paying what we should be paying in terms of taxes and making sure that those resources are not going to an over-bloated military budget, but are being directed in a way that can help the average American to help change the quality of their lives, not for the rich but for those who are most vulnerable.

Mr. FIELDS of Louisiana. You are a former student leader on your college campus. How did you and your colleagues encourage young people or get young people at North Carolina A&T registered to vote? Let us face it, there are a lot of students who are not from North Carolina, who really do not care about the local politics of North Carolina, some not even concentrating on national politics, either. They are at North Carolina A&T just to get an education. When I was at Southern, that was one of the big things I had to face, trying to encourage students to register to vote, though they were not from the State.

What did you do to encourage nonresidents, so to speak, though they are residents once they register for school, to take an interest in registering to vote and actually vote on an election day?

Mr. JACKSON of Illinois. One of the campuses in North Carolina, right in front of the library has a statue, a statue of a famous North Carolinian. On that statue there is a placard that reads "This Nation is democratic in direct proportion to its people's education." I remember that from 11 years ago when I was a student at North Carolina A&T. "This Nation is democratic in direct proportion to its people's education." And guess what, the converse of that statement is also true: This Nation is undemocratic in direct proportion to the level of literacy and intelligence and education or lack of education thereof of its people.

So one of the things that I found most valuable for getting students to participate is education. I simply tell them that they are the first generation of Americans who are graduating with a college degree, graduate with a college degree, and if they decide to go to graduate school, 3 years for law school or 4 to 8 years, however long it may take to get a medical degree, where they have so many student loans as a result of their college education that it fundamentally affects their career options and their alternatives.

I chose public service. Fortunately, I went to North Carolina A&T State University. I played football for North Carolina A&T State University for a year or so before I received an academic scholarship. I left college not owing any money, so my genuine desire to become a public servant was directly related to me not owing $80,000 or $90,000 in bills that are associated with my college education. Had I owed $100,000, $110,000, $120,000 as a result of graduating from the seminary and graduating from law school, I quite probably would have had to have assumed a role in private, in the private sector or in private America, just to make the kind of salary that would address these bills.

I share that with students, that when they graduate from college, that they are the first generation of Americans who are more than likely moving back home with their parents. Their moving back home with their parents is part of the political process. Many of them who are incubated by their college environment, when they leave college, they are finding for the very first time that there are more unemployed people in this Nation with college degrees and Master's degrees than at any other point in time in our Nation's history.

They then engage the political system, and if they stop complaining about what they do not have and just start using what they have got, pick up their vote early one morning and exercise it, exercise it in an intelligent way, not just vote for exercise but exercise their right to vote and make a sound decision, this country will become more democratic.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman for his comment. There are so many creative ways we used, so many creative ways to register young people to vote on a college campus. We used all kinds of techniques. We got all the professors involved, professors encouraged students to get on a bus. At that time we had to take the bus.

That is why I cannot even comprehend why a student is not registered to vote, because in 1994 when I was SU president, in 1984, rather, when I was SU president, you had to take students to register. I could not walk up to a student in Louisiana and say, or anybody, are you registered to vote; no, I am not. I could not register that student. But this Congress passed legislation where you can do that now.

If I was SU president I would walk around with voter registration cards in my pocket. For every student I came in contact with, I would ask the question, are you registered to vote? Because they empowered me as their student representative on the board of regents, their student representative as president of the student body, to speak with force to legislators to protect the institution and protect higher education statewide. Going back to talking about it and saying nothing, we can always complain about the problem, but you are part of the problem if you are not participating.

I was not as fortunate as you. Look at me, I am a little smaller than you. I could not play football, could not play many sports. I did not have an athletic scholarship. I had a book scholarship, a small academic scholarship, a book scholarship that only lasted 1 year that I received from the American Legion.

My family, my mom and my dad died when I was young, 5 years old. My mom raised 10 of us. There were 10 of us. I could not even afford to take out a student loan, to even entertain the thought of taking out a $5,000 student loan each semester. I could not even see how one could pay $5,000. At the end of the day, $20,000, $30,000, $40,000 after you graduate, I could not understand that.

I had the opportunity to participate in the Government's Pell Grant Program. I was able to get BEOG, the basic educational opportunity grant. Without that BEOG, quite frankly, since I did not have an athletic scholarship, I had a small academic scholarship that only took care of my books, so I do not know if I would have been able to attend college.

It would have been irresponsible of me as a recipient of the BEOG, a Government grant for higher education to assist me, because I did not have the kind of resources that other students may have had, to not vote. I wanted to protect my BEOG. Every time I heard of fights in Washington, DC, about cutting the BEOG and cutting Pell grants, I wanted to register even more students, because I wanted to make sure that this program was protected, because it is a program that gave benefits to so many students who, through no fault of their own, just did not have the resources and parents did not have the resources to send them to school.

Without it, I would not have gotten a higher education. Mr. Speaker, that is why it is so important. I am going to give a list of members of this Congressional Black Caucus who will attend Black College Day on the 23d of this month. I just think that is outstanding. I want to thank you for your leadership, that every member of the CBC, every last, every individual member of the CBC, the Congressional Black Caucus, will be at an HBCU on Monday, September 23, celebrating Black College Day, and encouraging young students to register and vote on all college campuses across America.

Mr. JACKSON of Illinois. If the gentleman will yield, Mr. Speaker, it is really amazing when we talk about this process. I want to thank the distinguished gentleman from Louisiana for his leadership, and the leadership that he has shown oftentimes by himself on the floor of this Congress, toward trying to get young people to participate in the process.

Today, we passed in the U.S. Congress a bill under suspension of the rules called the Student Debt Reduction Act, which will go a long way toward reducing the debt of students who have taken out these various loans.

I might add, Mr. Speaker, that we did not pass the Student Debt Elimination Act, which would totally wipe out the debt of every student who has ever had a student loan in this country. We can afford it. We are the richest Nation in the history of the world, we can afford it. If we education is a real priority, we can pass a student debt elimination act. But you know what, students are going to have to be mad enough about student loans as a collective body, a spirit is going to have to sweep across the Nation where students are calling for the elimination of debt. Because our Nation can afford to put children through college.

The President has a program for 2 years, others have proposed 4-year programs for students who desire to go to college. We can afford it if we consider education to be a National Defense Act. If our country is democratic in direct proportion to our Nation's education, then the defense of this democracy, education, must be seen as the defense of this democracy.

Mr. FIELDS of Louisiana. Let me just tell the gentleman where many of our colleagues will be on September 23. The gentleman from Georgia, SANFORD BISHOP, will attend Albany State College. I just think this is history making, having every member of the CBC at a historically black college in this country to talk about, listen, it is time to not just have a program, but to register to vote.

The gentlewoman from Florida, Ms. CORRINE BROWN, will be at Bethune Cookman College and Edward Waters College, as well; the gentleman from Missouri, Mr. WILLIAM CLAY, Lincoln University; the gentlewoman from North Carolina, EVA CLAYTON, Fayetteville State; the gentleman from Maryland, Mr. ELIJAH CUMMINGS, a new Member of this body, Morgan State and Coppin State University; the gentleman from Pennsylvania, Mr. CHAKA FATTAH, Lincoln University; the gentleman from Florida, Mr. ALCEE HASTINGS, Florida A&M; the gentleman from Alabama, Mr. EARL HILLIARD, will be at Alabama State University; the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, will be at Howard University; the gentleman from Louisiana, Mr. WILLIAM JEFFERSON, Xavier University in New Orleans; the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, the Paul Quinn College; the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, Texas Southern University; the gentleman from Georgia, Mr. JOHN LEWIS, AU Center; the gentlewoman from Florida, Mrs. CARRIE MEEK, will be at Florida Memorial College; the gentleman from Virginia, Mr. BOBBIE SCOTT, Norfolk State University; the gentleman from Mississippi, Mr. BENNIE THOMPSON, Jackson State University; the gentleman from Maryland, Mr. ALBERT WYNN, Bowie State University.

I can go on and on. Every member of the CBC, and you are trying to make your alma mater, A&T, or North Carolina A&T, and a college in Illinois, in your district. There is so much energy among CBC members who want to participate, who want to be at a college on that day to get your people registered to vote. But the SGA presidents have a responsibility and the Greek presidents have a responsibility, and all the civic and social organizations have a responsibility. They have a responsibility to say, by the end of the day, we will register 100 percent of our student body. Professors have a responsibility.

Mr. JACKSON of Illinois. An achievable goal.

Mr. FIELDS of Louisiana. College presidents have a responsibility. Most colleges, when I was going to school, we had what you call a convocation, and freshmen had freshmen seminars, something they had to attend every week. Every student had to attend convocation. You attended convocation.

What would happen if a college president said, OK, at this convocation, for the first 15 minutes, I want every student to be registered to vote; pass out the cards, not influencing students as to how to vote or how to register in terms of party affiliation, but if you choose to register, you have 15 minutes to do so right now.

I passed a bill in Louisiana where registration, college registration, will incorporate voter registration, when the registrars or voters office has to be present during college registration on college campuses in the State of Louisiana; a way to register students to vote when they register for college.

You worked when you were a kid on a piece, and I remember talking to you, I was at Southern and you were at A&T, talking about registering students to vote when they graduate from high school; if they graduated with a diploma in one hand and the voter registration card in the other. I remember that, and that worked. I went back to Louisiana and I tried to institute the same thing. I said, OK, when you graduate from high school, you have to have a diploma in one hand.

Mr. JACKSON of Illinois. Knowledge in one hand and empowerment in the other hand, that is correct.

Mr. FIELDS of Louisiana. Knowledge and power. I cannot overemphasize how important this is. For the 23d, it is HBCU, historical black colleges and universities, but listen, every college students, irrespective of what college they attend, ought to register to vote. SGA presidents have their responsibility.

Mr. JACKSON of Illinois. The old adage is true, if you do not vote, do not complain; really, do not complain if you are not voting, if you are not participating in the political process. The reality is that if you do not vote, you do vote. You vote by definition for the person you do not want to win. That is not a Democratic or Republican statement, that is just a statement of political reality. If you do not vote, you cannot complain. If you do not vote, you got what is coming to you that is coming to you, because it is coming to you.

Mr. FIELDS of Louisiana. Or if you use the excuse that I am not from Illinois or from Chicago, I am only here for school.

□ 1915

You live there, and you will be living there for the next 2, 3, 4 years.

Mr. JACKSON of Illinois. Nor can you use the excuse that "I don't trust politicians, I don't like politicians." Run yourself. Come up here and try some of this. If you want to engage in a debate, if you want to engage in some discourse about the future of our Nation and the future of our community. Don't vote for the politician of your choice. You run and find out how difficult it is to talk hope into people who are dispirited, to talk hope into the disenfranchised, and to bring them into the political process and see how difficult it is.

If I were a DJ in America, on the radio every morning talking jive, and you had no substance to your jive, beyond the jive that you are talking, there is something wrong with that, if you are just complaining.

I am a graduate of Chicago Theological Seminary, and I speak in a lot of churches. Just about every Sunday, my pastor, the pastor of the Salem Baptist Church in Chicago, the Reverend James Meeks, we have altar call in our church. You would be surprised. I had a meeting with some of the people at our church who counsel members of our church. And I asked them some questions about what do people share with them most to be their problems. Some people are concerned about losing their job when they come to altar call, some are concerned about their illness, whether or not they can check into a hospital, whether or not they can afford to add a burden to their family. People come to altar call to pray for a whole lot of reasons. Many of these things are resolvable if they are in the political process.

Mr. FIELDS of Louisiana. Let me ask the gentleman a question. If I were sitting at home tonight and I wanted to register to vote, in my dormitory, watching television, doing whatever, washing, and I just want to register to vote, what is that number that I can call right now if I wanted to register to vote?

Mr. JACKSON of Illinois. I would look at that Jaguar from Southern University who is sitting at home.

Mr. FIELDS of Louisiana. What is that number for my edification?

Mr. JACKSON of Illinois. 1-800-REGISTER. It is really simple. 1-800-REGISTER. And "register" is spelled R-E-G-I-S-T-E-R. It costs you nothing. It is free.

Mr. FIELDS of Louisiana. I want to make sure I am doing it right. All I have to do if I go back to my office right now and I wanted to register to vote is pick up the phone and dial 1-800-REGISTER?

Mr. JACKSON of Illinois. That is correct.

Mr. FIELDS of Louisiana. That is all I have to do?

Mr. JACKSON of Illinois. Unless you are from the State of Illinois.

Mr. FIELDS of Louisiana. What will happen? They will send me a package or something?

Mr. JACKSON of Illinois. It is a toll-free call where they prompt, they ask you for your name, address, phone number, verify who you are through your State Secretary of State.

Mr. FIELDS of Louisiana. They set this up, and then I have to sign it or something?

Mr. JACKSON of Illinois. That is all you have to do is sign it. It is postage paid, and returned to you.

Mr. FIELDS of Louisiana. Mr. Speaker, I include the following material for the RECORD:

APPENDIX—SOME PROMINENT HBUC ALUMNI

Leaders of the Past

Nobel Laureate Martin Luther King, Jr. (Morehouse), Supreme Court Justice Thurgood Marshall (Lincoln and Howard), educators W.E.B. DuBois (Fisk), Mary McLeod Bethune (Scotia Seminary [Barber-Scotia]), Lucy C. Laney ([Clark] Atlanta), scientist-educator Booker T. Washington (Hampton), Urban League leader Whitney Young (Kentucky State), NAACP leader Walter F. White ([Clark] Atlanta), writer Ralph Ellison (Tuskegee), poet-lyricist James Weldson Johnson ([Clark] Atlanta), and activists Medgar Evers (Alcorn State) and Rosa Parks (Alabama State).

And the Present

Writers: Nobel Laureate Toni Morrison (Howard), Alice Walker (Spelman), Nikki Giovanni (Fisk), the late Alex Haley (Alcorn State and Elizabeth City State), and Imamu Amin Baraka (Leroi Jones) (Howard). Opera singers: Jessye Morman (Howard and Leonryne Price (Central State). Historians: John W. Blassingame (Fort Valley State and Howard) and John Hope Franklin (Fisk).

Political leaders: Jesse Jackson (North Carolina A&T), former ambassador to the United Nations Andrew Young, Jr. (Dillard and Howard), former Virginia Governor Douglas Wilder (Howard), former New York Mayor David Dinkins (Howard), former Atlanta mayor Maynard Jackson (Morehouse), former Memphis mayor Willie Herenton (LeMonye-Owen), Secretary of Energy Hazel O'Leary (Fisk), former Surgeon-General Joceyln Elders (Philander Smith), former Secretary of Health and Human Services Louis Sullivan (Morehouse), and many others such as * * * and NAACP leader Benjamin Hooks (Howard).

Enterainers: film director Spike Lee (Morehouse); actor-television host Oprah Winfrey (Tennessee State); actors Ossie Davis (Howard), Tim Reid (Norfolk State), Phylicia Rashad (Howard), director-actor Kenny Leon (Clark [Atlanta]), Esther Rolle (Spelman); musicians Roberta Flack (Howard), Lionel Ritchie (Tuskegee), Erskine Hawkins (Alabama State), Billy Eckstine (Howard), Billy Taylor (Virginia State), and Branford Marsalis (Southern).

Also journalist Carl Rowan (Tennessee State); astronaut Ronald E. McNair (North Carolina A&T); architect Tarlee Brown (Tuskegee); founder of a literary journal, Charles H. Rowell (Alabama A&M); kidney transplant specialist Dr. Samuel Lee Kounta (University of Arkansas at Pine Bluff); president and chief executive officer of Atlanta Life Insurance, Jesse Hill, Jr. (Lincoln); educator Marva Collins (Clark [Atlanta]); the first Black woman member of the American College of Physicians, Dr. Margaret E. Grisby (Prairie View A&M); jurists Joseph W. Hatchett of the U.S. Court of Appeals for the Eleventh Circuit (Florida A&M) and Henry E. Frye of the North Carolina Supreme Court (North Carolina A&T), and coaches John Chaney (Bethune-Cookman), Clarence Gaines (Morgan State), Art Shell (University of Maryland Eastern Shore), and Eddie Robinson (Leland).

Military leaders: the late Daniel James (Tuskegee), the first Black four-star general; Russell C. Davis (Tuskegee), first Black Air National Guard general; Dr. Marion Mann (Tuskegee), medical corps general; Air Force Generals Lucius Theus, Tirus Hall, James F. Hamlet, Rufus L. Billups, and Charles B. Jiggets (all of Tuskegee); Army generals Eugene R. Cromarie (Florida A&M), Julitis W. Becton, Jr. (Prairie View A&M), Edward Honor (Southern), Guthrie L. Turner (Shaw), Henry Doctor, Jr., James R. Klugh, and George Price (all of South Carolina State); and Army nurses corps general Clara Adams-Ender (North Carolina A&M).[1]

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

ALABAMA

Alabama A&M University
Alabama State University
Bishop State Community College
Concordia College
Fredd State Technical College
Lawson State Community College
Miles College
Oakwood College
Selma University
J.F. Drake Technical College
Stillman College
Talladega College
Trenholm State Technical College
Tuskegee University

ARKANSAS

Arkansas Baptist College
Philander Smith College
Shorter College
University of Arkansas at Pine Bluff

DELAWARE

Delaware State University

DISTRICT OF COLUMBIA

Howard University
University of the District of Columbia

FLORIDA

Bethune-Cookman College
Edward Waters College
Florida A&M University
Florida Memorial College

GEORGIA

Albany State College
Clark Atlanta University
Fort Valley State College
Interdenominational Theological Center
Morehouse College
Morehouse School of Medicine
Morris Brown College
Paine College
Savannah State College
Spelman College

KENTUCKY

Kentucky State University

LOUISIANA

Dillard University
Grambling State University
Southern University and A&M College at Baton Rouge
Southern University at New Orleans
Southern University at Shreveport/Bossier City
Xavier University

MARYLAND

Bowie State University
Coppin State College
Morgan State University
University of Maryland Eastern Shore

MICHIGAN

Lewis College of Business

MISSISSIPPI

Alcorn State University
Coahoma Community College
Jackson State University
Mary Holmes College
Mississippi Valley State University
Rust College
Tougaloo College

MISSOURI

Harris-Stowe State College
Lincoln University

NORTH CAROLINA

Barber-Scotia College
Bennett College
Elizabeth City State University
Fayetteville State University
Johnson C. Smith University
Livingstone College
North Carolina A&T State University
North Carolina Central University
Saint Augustine's College
Shaw University
Winston-Salem State University

OHIO

Central State University
Wilberforce University

OKLAHOMA

Langston University

PENNSYLVANIA

Cheyney State University of PA
Lincoln University

SOUTH CAROLINA

Allen University
Benedict College
Claflin College
Clinton Junior College
Denmark Technical College
Morris College
South Carolina State University
Voorhees College

TENNESSEE

Fisk University
Knoxville College
Lane College
Lemoyne-Owen College
Meharry Medical College
Tennessee State University

TEXAS

Huston-Tillotson College
Jarvis Christian College
Paul Quinn College
Prairie View A&M University
Saint Phillip's College
Southwestern Christian College

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[1] This list, by no means comprehensive, was compiled from information obtained by AAUP Committee L from the institutions listed, and from Christa Brelin, ed., Who's Who Among Black Americans, 1992–93 (7th ed.). Detroit: Gale Research, Inc., 1993, and from Leadership and Learning, An Interpretive History of Historically Black Land-Grant Colleges and Universities, 99–111.

Texas College
Texas Southern University
Wiley College

VIRGINIA

Hampton University
Norfolk State University
Saint Paul's College
Virginia State University
Virginia Union University

WEST VIRGINIA

Bluefield State College
West Virginia State University

U.S. VIRGIN ISLANDS

University of the Virgin Islands

FEDERAL AGENCIES SUPPORTING HBCUS UNDER EXECUTIVE ORDER 12876

U.S. Departments of:
- Agriculture
- Commerce
- Defense
- Education
- Energy
- Health and Human Services
- Housing and Urban Development
- The Interior
- Justice
- Labor
- State
- Transportation
- Treasury
- Veterans Affairs

Agency for International Development
Appalachian Regional Commission
Central Intelligence Agency
Environmental Protection Agency
Equal Employment Opportunity Commission
National Aeronautics and Space Administration
National Credit Union Administration
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Nuclear Regulatory Commission
Small Business Administration
United States Information Agency

TABLE 10.—FALL ENROLLMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, BY INSTITUTION, CONTROL, AND SEX: 1976 TO 1990

Institution	State	Year established	Control	1976		1978		1980	
				Total	Women	Total	Women	Total	Women
1	2	3	4	5	6	7	8	9	10
Total	......	......	......	222,613	117,944	227,797	123,581	233,557	127,170
**Alabama A&M University	AL	1875	Public 4-year	4,564	2,246	4,425	2,056	4,380	2,104
Alabama State University[2]	AL	1874	Public 4-year	4,153	2,455	4,794	2,844	4,066	2,416
Bishop State Community College[3]	AL	1927	Public 2-year	1,649	920	1,500	956	1,425	955
C.A. Fredd State Technical College	AL	1965	Public 2-year	......	......	......	......	......	......
Carver State Technical College	AL	1962	Public 2-year	......	......	......	......	......	......
Concordia College[4]	AL	1922	Private 2-year	137	70	228	170	243	182
Daniel Payne College, Birmingham[5]	AL	1889	Private 4-year	346	165	......	......	......	......
J.F. Drake Technical College	AL	1961	Public 2-year	......	......	......	......	......	......
Lawson State Community College[6]	AL	1965	Public 2-year	1,345	870	1,271	913	1,056	728
Lomax-Hannon Junior College[7]	AL	1893	Private 2-year	126	76	160	89	96	42
Miles College	AL	1905	Private 4-year	1,469	739	1,283	704	1,014	528
Oakwood College[8]	AL	1896	Private 4-year	1,171	652	1,266	654	1,303	751
Selma University	AL	1878	Private 4-year	650	324	632	371	501	276
Stillman College[9]	AL	1876	Private 4-year	857	497	607	360	558	317
Talladega College[10]	AL	1867	Private 4-year	625	406	705	481	797	576
Trenholm State Technical College	AL	1966	Public 2-year	......	......	......	......	......	......
**Tuskegee University[11]	AL	1881	Private 4-year	3,571	1,797	3,298	1,708	3,736	1,930
Arkansas Baptist College	AR	1901	Private 4-year	583	173	445	182	296	146
Philander Smith College	AR	1877	Private 4-year	592	249	550	248	590	282
Shorter College	AR	1886	Private 2-year	199	98	172	92	164	72
**University of Arkansas, Pine Bluff[12]	AR	1873	Public 4-year	3,062	1,653	2,998	1,730	3,064	1,750
**Delaware State College	DE	1891	Public 4-year	1,844	885	2,153	1,031	2,084	1,096
Howard University[13]	DC	1867	Private 4-year	9,815	4,708	10,339	5,066	11,321	5,845
**University of the District of Columbia[14]	DC	1851	Public 4-year	1,322	966	13,661	7,634	13,900	7,698
Bethune-Cookman College[15]	FL	1904	Private 4-year	1,517	855	1,791	1,045	1,738	1,045
Edward Waters College[16]	FL	1866	Private 4-year	743	417	660	406	836	548
**Florida A&M University[17]	FL	1877	Public 4-year	5,779	2,913	5,882	2,987	5,371	2,726
Florida Memorial College[18]	FL	1879	Private 4-year	412	177	797	428	950	502
Albany State College	GA	1903	Public 4-year	2,222	1,289	1,750	1,066	1,555	897
Clark Atlanta University[19]	GA	1989	Private 4-year	......	......	......	......	......	......
Atlanta University[20]	GA	1865	Private 4-year	1,177	656	1,227	658	1,371	706
Clark College[21]	GA	1869	Private 4-year	1,792	1,135	1,849	1,216	2,107	1,397
**Fort Valley State College[22]	GA	1895	Public 4-year	1,869	910	1,872	973	1,814	983
Interdenominational Theological Center	GA	1958	Private 4-year	227	31	288	41	273	36
Morehouse College	GA	1867	Private 4-year	1,402	0	1,659	0	2,006	28
Morehouse School of Medicine[23]	GA	1978	Private 4-year	......	......	......	......	......	......
Morris Brown College[24]	GA	1881	Private 4-year	1,579	806	1,684	950	1,611	983
Paine College	GA	1882	Private 4-year	775	472	817	563	748	473
Savannah State College[25]	GA	1890	Public 4-year	2,847	1,713	2,229	1,291	2,110	1,090
Spelman College[26]	GA	1881	Private 4-year	1,289	1,289	1,262	1,262	1,366	1,366
**Kentucky State University	KY	1886	Public 4-year	2,389	1,167	2,196	1,045	2,336	1,236
Dillard University[27]	LA	1869	Private 4-year	1,186	875	1,217	891	1,208	902
Grambling State University[28]	LA	1901	Public 4-year	4,048	2,144	3,623	1,968	3,549	1,797
**Southern University and A&M College, Baton Rouge	LA	1880	Public 4-year	8,995	4,970	8,061	4,424	8,372	4,409
Southern University, New Orleans	LA	1959	Public 4-year	3,311	1,928	2,710	1,748	2,574	1,733
Southern University, Shreveport-Bossier City Campus	LA	1964	Public 2-year	974	580	692	481	723	507
Xavier University of Louisiana[29]	LA	1915	Private 4-year	1,846	1,086	1,895	1,166	2,004	1,277
Bowie State University[30]	MD	1865	Public 4-year	2,845	1,598	2,722	1,545	2,757	1,619
Coppin State College[31]	MD	1900	Public 4-year	2,949	2,122	2,874	2,114	2,541	1,838
Morgan State University	MD	1867	Public 4-year	6,254	3,333	5,209	2,891	5,050	2,851
**University of Maryland, Eastern Shore	MD	1886	Public 4-year	994	451	1,057	462	1,073	543
Lewis College of Business[32]	MI	1874	Private 2-year	225	180	560	431	487	392
**Alcorn State University	MS	1871	Public 4-year	2,603	1,476	2,296	1,365	2,341	1,346
Coahoma Community College[33]	MS	1949	Public 2-year	1,446	696	1,425	837	1,394	984
Hinds Community College, Utica Campus[34]	MS	1954	Public 2-year	994	544	834	492	1,005	575
Jackson State University	MS	1877	Public 4-year	7,928	4,283	7,646	4,274	7,099	4,078
Mary Holmes College	MS	1892	Private 2-year	624	279	655	333	422	218
Mississippi Industrial College[35]	MS	1905	Private 4-year	314	162	270	150	239	139
Mississippi Valley State University	MS	1946	Public 4-year	3,228	1,718	2,899	1,629	2,564	1,461
Natchez Junior College[36]	MS	1884	Private 2-year	19	16	62	56	......	......
Prentiss Institute[37]	MS	1907	Private 2-year	139	80	81	50	146	83
Rust College	MS	1866	Private 4-year	883	555	725	503	715	434
Tougaloo College[38]	MS	1869	Private 4-year	810	541	960	634	886	598
Harris-Stowe State College[39]	MO	1857	Public 4-year	1,248	862	1,102	827	1,175	832
**Lincoln University[40]	MO	1866	Public 4-year	2,341	1,037	2,332	1,047	2,651	1,202
Barber-Scotia College[41]	NC	1867	Private 4-year	526	289	401	247	317	191
Bennett College[42]	NC	1873	Private 4-year	618	618	614	614	620	620
Elizabeth City State University[43]	NC	1891	Public 4-year	1,651	929	1,584	908	1,488	836
Fayetteville State University[44]	NC	1877	Public 4-year	1,940	1,114	2,125	1,268	2,465	1,440
Johnson College Smith University	NC	1867	Private 4-year	1,599	805	1,473	766	1,379	740
Livingstone College	NC	1879	Private 4-year	909	400	921	448	879	366
**North Carolina Agricultural and Technical State University	NC	1891	Public 4-year	5,515	2,675	5,385	2,580	5,510	2,473
North Carolina Central University[45]	NC	1910	Public 4-year	4,782	2,849	4,810	2,919	4,910	3,013
St. Augustine's College	NC	1867	Private 4-year	1,641	997	1,762	1,003	1,861	1,063
Shaw University	NC	1865	Private 4-year	1,453	648	1,263	549	1,523	749
Winston-Salem State University[46]	NC	1892	Public 4-year	2,094	1,277	2,204	1,329	2,220	1,313
Central State University[47]	OH	1887	Public 4-year	2,182	1,084	2,414	1,171	3,031	1,554
Wilberforce University[48]	OH	1856	Private 4-year	1,109	493	1,026	473	1,082	558
**Langston University[49]	OK	1897	Public 4-year	1,128	503	942	391	1,179	497

TABLE 10.—FALL ENROLLMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, BY INSTITUTION, CONTROL, AND SEX: 1976 TO 1990—Continued

Institution	State	Year established	Control	1976		1978		1980	
				Total	Women	Total	Women	Total	Women
1	2	3	4	5	6	7	8	9	10
Cheyney University of Pennsylvania[50]	PA	1837	Public 4-year	2,848	1,289	2,637	1,345	2,426	1,249
Lincoln University[51]	PA	1854	Public 4-year	1,104	537	1,132	513	1,294	665
Allen University[52]	SC	1870	Private 4-year	543	275	419	213	410	210
Benedict College	SC	1870	Private 4-year	1,982	1,267	1,761	1,152	1,426	914
Claflin College[53]	SC	1869	Private 4-year	1,005	640	852	560	739	481
Clinton Junior College[54]	SC	1894	Private 2-year	208	81	122	34	116	54
Denmark Technical College[55]	SC	1948	Public 2-year	—	—	565	239	669	317
Friendship College[56]	SC	1891	Private 2-year	193	56	166	46	343	141
Morris College	SC	1908	Private 4-year	638	368	637	386	626	372
**South Carolina State College	SC	1896	Public 4-year	3,678	2,127	3,437	1,999	3,929	2,192
Voorhees College[57]	SC	1897	Private 4-year	1,050	617	794	487	613	390
Fisk University[58]	TN	1867	Private 4-year	1,279	761	1,150	721	1,009	682
Knoxville College[59]	TN	1875	Private 4-year	837	435	713	343	557	205
Lane College[60]	TN	1882	Private 4-year	701	341	673	345	757	378
LeMoyne-Owen College[61]	TN	1862	Private 4-year	1,118	677	990	637	1,063	690
Meharry Medical College[62]	TN	1876	Private 4-year	886	362	1,038	445	817	298
Morristown College[63]	TN	1881	Private 2-year	176	79	149	68	114	45
**Tennessee State University[64]	TN	1912	Public 4-year	5,480	2,919	5,537	2,855	8,318	4,435
Bishop College[65]	TX	1881	Private 4-year	1,664	694	1,569	708	945	273
Huston-Tillotson College[66]	TX	1876	Private 4-year	717	268	616	271	692	290
Jarvis Christian College[67]	TX	1912	Private 4-year	526	257	480	237	619	307
Paul Quinn College[68]	TX	1872	Private 4-year	537	236	421	195	438	230
**Prairie View A&M University	TX	1876	Public 4-year	5,118	2,660	5,101	2,667	6,592	3,542
St. Philip's College	TX	1927	Public 2-year	6,900	2,034	6,782	2,218	6,860	2,308
Southwestern Christian College[69]	TX	1949	Private 4-year	341	154	471	138	285	146
Texas College	TX	1894	Private 4-year	725	377	468	241	476	218
Texas Southern University[70]	TX	1947	Public 4-year	9,170	4,350	8,802	4,261	8,100	3,564
Wiley College	TX	1873	Private 4-year	599	293	615	319	664	328
Hampton University[71]	VA	1868	Private 4-year	2,805	1,714	2,808	1,738	3,230	1,930
Norfolk State University[72]	VA	1935	Public 4-year	6,956	4,074	7,283	4,146	7,286	4,324
St. Paul's College	VA	1888	Private 4-year	626	331	615	313	645	322
Virginia College[73]	VA	1886	Private 2-year	242	91	251	88	—	—
**Virginia State University[74]	VA	1882	Public 4-year	5,229	2,963	4,475	2,518	4,668	2,645
Virginia Union University	VA	1865	Private 4-year	1,424	704	1,178	618	1,361	682
Bluefield State College	WV	1895	Public 4-year	1,735	774	2,283	1,173	2,742	1,456
West Virginia State College	WV	1891	Public 4-year	4,001	1,813	3,678	1,874	4,353	2,413
**University of the Virgin Islands, St. Thomas Campus[75]	VI	1962	Public 4-year	2,122	1,350	1,848	1,266	2,148	1,533

—Data not reported or not applicable.

**Land-grant institution.

[1] Preliminary data.

[2] Founded as the Lincoln Normal School, a private institution. In 1874, became first state-supported historically black college.

[3] Founded as the Alabama State Branch by Mrs. Fredericka Evans and Dr. H. Council Trenholm, President of Alabama State College. In 1936, the College began offering a 2-year curriculum as part of the parent institution, Alabama State University. In 1965, the College became an independent junior college and the name was changed to Mobile State Junior College. In 1971, the name of the institution was changed to honor its first President, Dr. S.D. Bishop.

[4] Formerly called Alabama Lutheran Academy and College. In 1981 changed name to Concordia College. Affiliated with the Lutheran Church, Missouri Synod.

[5] School closed in 1977.

[6] In October 1973, Wenonah Vocational Trade School for Negroes (founded in 1949) and Theodore Alfred Lawson State Junior College (founded in 1963 and known as the Wenonah State Technical Junior College between 1963 and 1969), merged as a result of Alabama legislation adopted June 1972.

[7] Prior to closing in 1984, the school was affiliated with the African Methodist Episcopal Zion Church.

[8] Is owned and operated by the General Conference of Seventh-Day Adventists.

[9] Affiliated with the Presbyterian Church.

[10] Was the first school in Alabama to admit students regardless of race.

[11] Founded by Booker T. Washington. Formerly called Tuskegee Institute.

[12] Founded as Branch Normal College, it continued from 1927 until 1972 as Arkansas Agricultural, Mechanical, and Normal College. In 1972, it joined four other campuses to comprise the University of Arkansas System.

[13] Founded as a coeducational and multiracial private university in 1867 by an act of the U.S. Congress, the University is named after General Oliver Otis Howard, Commissioner of the Freedmen's Bureau.

[14] The roots of the University of the District of Columbia, the nation's only metropolitan, land-grant institution of higher education stretch back to 1851 when Myrtilla Miner opened a school to prepare black women to teach. In 1976, three public higher education institutions, D.C. Teachers College, Federal City College, and Washington Technical Institute, were merged into the University of the District of Columbia. This merger caused the apparent enrollment increase in 1978.

[15] Upon the merger in 1923 of Cookman Institute for Men, founded in 1872 by the Reverend D.S.B. Darnell, and Daytona Normal and Industrial Institute for Women, founded in 1904 by Dr. Mary McLeod Bethune, the institution became the Daytona Cookman Collegiate Institute and was taken over by the Board of Education of the Methodist Church. The name was later changed to Bethune-Cookman College.

[16] Founded as Brown Theological Institute. Edward Waters College is the oldest historically black institute of higher learning in the State of Florida. Affiliated with the African Methodist Episcopal Church.

[17] Designated as a land-grant institution in 1891 and became a university in 1953. Founded in 1887 as the State Normal College For Colored Students.

[18] Affiliated with the Baptist Church.

[19] Atlanta University and Clark College merged July 1, 1989, and became Clark Atlanta University.

[20] In 1929, the college became an exclusively graduate and professional institution, the first with a predominantly black student body; merged with Clark College in 1989.

[21] Founded as the first Methodist-affiliated college to serve African Americans.

[22] The Fort Valley Normal and Industrial School merged with the Forsyth State Teachers and Agricultural College in 1939 to become Fort Valley State College.

[23] Morehouse School of Medicine began in 1975 as a medical program within Morehouse College. In April 1985, the school was granted full accreditation to award an M.D. degree.

[24] Affiliated with the African Methodist Episcopal Church and is the only surviving college founded by blacks in Georgia.

[25] Called Georgia State College until 1947, it was established as a school for the training and education of Negro youth. It served as the state land-grant institution for blacks until this function was transferred to Fort Valley State College. The Regents of the University System changed the name to Savannah State College in 1950.

[26] The nation's oldest undergraduate liberal arts college for black women.

[27] Affiliated with the United Church of Christ and the United Methodist Church.

[28] Founded by Charles P. Adams. Is a multi-purpose, state-supported, coeducational institution.

[29] The only historically black institution with Catholic affiliation.

[30] Bowie State University is part of the University of Maryland System. Formerly Bowie State College.

[31] The only public senior college in the University of Maryland System.

[32] Founded by Dr. Violet T. Lewis to provide postsecondary business education to urban dwellers unable to obtain training from other institutions. This school originated in a store front in Indianapolis, Indiana.

[33] Was established as Coahoma Junior College in 1949. In 1989, the College was renamed Coahoma Community College.

[34] Founded by Dr. William H. Holtzclaw. Formerly called Utica Junior College and then Hinds Junior College.

[35] Lost accreditation in 1983 and closed in 1986. Lane College in Tennessee maintains their records.

[36] School no longer eligible for listing.

[37] Formerly Prentiss Normal and Industrial Institute. Closed in 1990.

[38] In 1869, the American Missionary Association of New York purchased a plantation of 500 acres near Jackson, Mississippi, and established on it a school for the training of young people irrespective of their religion and race.

[39] Founded in 1857 as the first teacher education institution west of the Mississippi. Was formerly known as Harris Teachers College and Harris Stowe College.

[40] A land-grant, comprehensive, multi-purpose institution of higher education founded by members of the 62nd and 65th U.S. Colored Infantry units as Lincoln Institute in 1866.

[41] Founded as Scotia Seminary, a preparatory for young Negro women. In 1916 changed its name to Scotia Women's College. Merged with Barber Memorial College in 1930. In 1932 changed name to Barber-Scotia College and then changed to coeducational in 1954. Historically affiliated to the Presbyterian Church (USA).

[42] Founded as a coeducational institution and reorganized as a women's college in 1926. Is affiliated with the United Methodist Church.

[43] Founded as a Normal School for the specific purpose of teaching and training teachers of the black race to teach in the common schools. Since 1972, it has been part of the 16-campus University of North Carolina System. Granted its first degrees in 1939 when it was known as Elizabeth City State Teachers College.

[44] Began as Howard School in 1867. In 1877 its name was changed to the State Colored Normal School. It is the second oldest state-supported institution in North Carolina and one of the oldest teacher education institutions in the South. In 1939, the institution began a 4-year program and became Fayetteville State Teachers College marking the beginning of a 4-year curriculum. In 1972, became part of the University of North Carolina System.

[45] Founded by Dr. James E. Shepard. In 1925, became the nation's first state-supported liberal arts college for black people.

[46] Founded as Slater Industrial Academy. Became Winston-Salem Teachers College, the first black institution in the U.S. to grant degrees for teaching in the elementary grades.

[47] Originated as a separate department of Wilberforce University in 1887. Became independent in 1947.

[48] Founded as the first coeducational college for blacks. Affiliated with the African Methodist Episcopal Church.

[49] Was founded as the Colored Agricultural and Normal University. The present name was adopted in 1941.

[50] Founded by Richard Humphreys, a Philadelphia Quaker. It is the nation's oldest historically black institution of higher learning. Began as a high school in 1837 and offered its first baccalaureate degree in the 1930s. Formerly known as Cheyney State College.

[51] The first institution established anywhere in the world to provide higher education in the arts and sciences for male youth of African descent. It was chartered as Ashmun Institute, an all-male institution, and remained as such for almost 100 years. It graduated its first woman in 1953, but it did not become fully coeducational until 1965.

[52] Founded under the auspices of the African Methodist Episcopal Church.

[53] Founded by two Methodist laymen from Massachusetts, William and Lee Claflin.

[54] School was not eligible for listing in 1988. Affiliated with the African Methodist Episcopal Zion Church.

[55] Founded as an all black trade school. In 1969, became a public 2-year branch campus of the South Carolina technical education system.

[56] Closed in 1982. Formerly known as Friendship Junior College.

[57] Founded by Elizabeth Evelyn Wright, it is a coeducational, liberal arts college.

[58] Incorporated under the laws of the State of Tennessee on August 22, 1867. The purpose was the education and training of young black men and women.

[59] Knoxville College now has two campuses. In 1989, Morristown College merged with Knoxville College. Knoxville was founded in 1875 by the United Presbyterian Church of North America.

[60] Founded by the Colored (Christian) Methodist Episcopal Church as the C.M.E. High School, and became Lane College in 1895.

[61] In 1968 LeMoyne College and Owen College merged.

[62] Founded as the Medical Department of Central Tennessee College, with the mission of educating health professionals for the black population. Meharry became an independent medical college in 1915. Meharry Medical College has trained close to one-third of the black physicians and dentists practicing in the United States today.

[63] After closing in 1988, Morristown was annexed by Knoxville College in 1989.

[64] Founded in 1912 as the Tennessee Agriculture and Industrial State Normal School for Negroes. It merged with the University of Tennessee at Nashville in 1979 and now has two campuses.

[65] Closed in 1988; was affiliated with the Baptist Church.

[66] Was formed in 1952 by the merger of Tillotson College (founded in 1875) and Samuel Huston College (founded in 1876). Is supported by the United Methodist Church and the United Church of Christ.

[67] A private coeducational college founded in 1912 and affiliated with the Christian Church (Disciples of Christ).

[68] Paul Quinn College began in a one room building in Austin, Texas, by a group of African Methodist Episcopal circuit riders who saw a need for a trade school to teach newly freed slaves. The college moved to Dallas in 1990 to the campus formerly occupied by Bishop College which closed in 1988.

[69] Formerly a 2-year institution, but became a 4-year institution offering bachelor's degrees in 1984.

[70] Founded as the Houston Colored Junior College. Its successor, Houston College for Negroes was transferred to the State of Texas following passage of a bill creating Texas State University for Negroes. Established as a State University in 1947. The name was changed to Texas Southern University in 1951.

[71] Founded by General Samuel Chapman Armstrong. Hampton is Virginia's only coeducational, non-denominational 4-year private college. Formerly known as Hampton Institute and Hampton College.

[72] Formerly known as Norfolk State College.

[73] Changed name to Virginia Seminary and College. Closed in 1980.

[74] The first fully state-supported, 4-year bachelor's degree black college in America. Founded in March 1882, when the Virginia legislature passed a bill to charter the Virginia Normal and Collegiate Institute. Formerly known as Virginia State College.

[75] This is a public, coeducational, land-grant institution that was founded in 1962 by enabling legislation of the Virgin Islands Legislature. Formerly known as College of Virgin Islands.

Note.—Some schools are estimated on the previous year enrollment on this table.

Source: U.S. Department of Education, National Center for Education Statistics, Higher Education General Information Survey (HEGIS), "Fall Enrollment in Colleges and Universities" surveys; and Integrated Postsecondary Education Data System (IPEDS), "Fall Enrollment" surveys. (This table was prepared January 1992.)

COMBATING THE NATION'S DRUG PROBLEM

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to talk tonight a little bit about the growing debate about the drug war and talk about some of the things that this Congress has done to combat the drug problem in America and the youth.

I think there are two things that we need to keep in mind. One is the statistics, and the other is the recent salvo of the Clinton administration about tobacco. I, like you, have young children. I am concerned about my children smoking at early ages and I am concerned about the health problems of smoking and so forth. But why did Bill Clinton come out so strong now, on the eve of an election, against tobacco when he has had the Presidency for 4 years? Why suddenly?

One of the suggestions that people have, and I think this is a legitimate, it goes back to when Bill Clinton was talking on national TV on MTV, the music television show which gets a huge audience of, say, 13 to 20-year-olds, I will watch it every now and then myself, it is good, it is not just those ages; they have some good programs; of course they have some other things that are pretty questionable.

He was asked if given another chance to smoke marijuana, would he have inhaled; because, of course, Bill Clinton would have everyone in America believing that he never inhaled, which this particular President seems to be able to get away with a lot of things but he is famous for saying he did not inhale. But when asked by an MTV audience full of 13-, 14-, 15-, 16-year-olds, if you had it to do again would you have inhaled, to which a snickering, laughing Bill Clinton said, "Sure. Sure, if I could. I tried before. Ha-ha."

So here we are, he is running for the President of the United States and at that time, this was on June 12, 1992, he was clearly on his way to being the Democrat nominee, standing in front of 13-, 14-, 15-year-olds, makes a joke about it. So let us kind of say, well, that is what happened. Think about that as exhibit 1.

Now play that scenario again, Mr. Candidate for President Clinton, if you had to do it again, would you have inhaled?

"You know, if I had to do it again, I never would have smoked marijuana. I never would have tried. It hurts your ambition, it hurts your grades, it hurts your abilities to do sports. It can be a steppingstone drug to other drugs. It could have psychological addiction. It is a bad thing. I tried it, it was rampant in the 1960's. Do not fall for it in the 1990's. We know so much more about it."

Just think, Mr. Speaker, if you are a 14-year-old kid and you are sitting on the fence with half your friends smoking marijuana and the other half not smoking and you were sitting on the fence, in that audience, and you had the soon-to-be President of the United States tell you, sure, if I had another chance I would try it, versus, no way, hell no, it is bad for you, do not make my mistake, think which way you would go if you were that 14-year-old.

Instead, what happens is we have a passive, I would say endorsement on drug use and drug culture.

So what is the Clinton drug record? Here are some great statistics that have just come out. They are not great in the sense that they are optimistic by any stretch, but they have just come out. They are from a 1996, August, 1 month ago, report by the Household Survey on Drug Abuse, the Department of Human Services, which of course is controlled by the Clinton liberal Democrats. But it says that drug use among teenagers has exploded. From 1992 to 1995, overall drug use from 12- to 17-year-olds has gone up 78 percent. Marijuana use during the 1992 to 1995 period is up 105 percent. LSD, 103 percent increase. Cocaine, from 1994 to 1995, 166 percent increase.

Think about that, Mr. Speaker. That is all during the Clinton administration, during the period of time when he was slashing interdiction, cutting funding for drug enforcement agents and sending these cynical messages to our children about what drug use means.

I had a conversation with my 13-year-old the other day. We have a constant dialogue about this because already in her class, even though she goes to a very good school, I know most of the parents, most of the kids have gone to that same school all their life, they do not have a lot of transplants coming in and out of the system, it is a very stable environment, they already have one kid who was smoking marijuana in their class.

If you want some more statistics, and this is something that as a parent of four kids I am very concerned about—this is from the Luntz Research Co.—by the time the average teenager reaches 17, 79 percent of the teenagers have friends who are regular drinkers, 60 percent of the teenagers can buy marijuana within 1 day, 62 percent of our teenagers under 17 have friends who use marijuana, 58 percent have been solicited to buy marijuana, 58 percent know someone who personally uses acid, cocaine or heroin, 43 percent know someone who has a personal drug problem, and 42 percent find marijuana easier to buy than either beer or cigarettes. I think that is very interesting. These statistics, Mr. Speaker, as you know, are of major concern.

This past weekend, the Speaker was outraged when the President had the audacity to write a letter that blamed Congress for not fully funding his anti-drug program. We know what has happened. His sideshow with tobacco has not brought in the poll numbers that he expected, so he is going to come at the drug problem now head-on by blaming it on Congress. So here are some statistics on that that we want to talk about.

Is Congress to blame? One of President Clinton's first acts as President was to slash the staff of the drug czar by 83 percent. He cut drug interdiction spending 25 percent below the Bush administration. And from 1992 to 1995, 227 agent positions were eliminated from the Drug Enforcement Agency.

Let us talk about the Drug Enforcement Agency, Mr. Speaker. I believe the total number of employees at the Drug Enforcement Agency, the DEA as it is called often, I believe it is around 6,800 people. How many people do we have working for the IRS? One hundred eleven thousand employees.

So we have got 111,000 employees who are going to breathe down the necks of middle-class tax-paying Americans to make sure that they fill out their taxes right. But in terms of cracking down on drug thugs, we only have about 6,800 people and 227 of them have had their jobs eliminated under President Clinton.

Drug prosecution. What is going on over at the Attorney General's office? They are in on that, too. Drug prosecution has dropped 12 percent during Clinton's first 2 years as President. And we remember one of his key top advisers and Cabinet members had a son who was involved and arrested for drug usage and maybe drug sales, I am not sure; I know drug usage, and at the time she said, as a good mother should say, she thought he had done no wrong; I guess a good mother should say, I am still behind my son, I love him, even though he has done wrong; but I would say in true Clinton administration fashion; blamed it on society. That is the kind of people that we seem to have surrounding the President.

The recent book that came out by Gary Aldrich who was a top FBI adviser over at the White House, the name of the book is "Unlimited Access," it is an FBI agent who is no longer with the administration but who was there during the key periods of time in the administration, he talks about the big difference between, say, Bush applicants and Clinton applicants. And I am not going to say that this book is gospel, I am not going to say that all of this has been verified. Frankly, some of it has, some of it has not. I will say this; that if Anita Hill said anything that was truth, then this book is gospel compared to Anita Hill, but I am not going to get into opinions too much, just read a little bit of it here.

That a minority of Bush applicants, and this is on page 112 of the book, experimented and admitted to inhaling illegal drugs. They were very sorry. They said, yes, I smoked marijuana once or twice, I was in college, everybody was doing it, so I stopped, I stopped using marijuana after I left college. I am ashamed that I ever did it, but it was stupid and I am sorry agents like you were risking your lives fighting drug traffickers and I did not have the guts to stand up to peer pressure.

What Mr. Aldrich does in his book, he contrasts this to Clinton staffers. Remember, this guy was there at the time. He said, by contrast, Clinton staffers, older or younger, make no apology for their illegal drug use, which was much more extensive, with heavy drugs like cocaine, crack, LSD. Many were actually in your face about it, using the FBI interview to try to debate me, me being Gary Aldrich, on the merits of making drugs legal.

That sets a tone of this White House having certainly, I am not going to say a drug culture, but certainly a different view of drugs entirely than society; because I think society as a whole recognizes the danger of drugs, recognizes that it is not a positive thing, that society as a whole does not want to legalize marijuana, which again was one of the Clinton Cabinet and adviser things that they brought up.

Here is another quote, again Mr. Aldrich says incidents like these, and it is talking about an incident of somebody who had had some marijuana and polygraph problems, but the word had trickled down that the Clinton staff system was rigged and there were some paperwork problems, that they would blur over people's drug use or whatever like that.

□ 1930

This book goes into great detail about it. It also talks about the drug czar and some of the Cabinet members. Originally the drug czar was not the gentleman who is drug czar now, who is a fine gentleman and doing a very good job over there. I am glad to see that Clinton has recognized that, and I am sorry to see it is in the 11th hour of his administration.

But, you know, getting back to what the Gingrich-Clinton discussion was about over the weekend, I think it is good to hear what the Speaker said in his letter back to Clinton. Clinton wrote that Congress has not come up with $640 million in appropriations or his request to spend more money on drugs in the safe and drug free school program.

I am a member of appropriations, as you are, Mr. Speaker. I have never been lobbied by anybody except for the new drug czar about increasing spending for drug interdiction, enforcement, or convictions. I have not had anybody from the administration contact me as an appropriations member and say this is what we need. I have had some other agencies do that, but they were not acting from the administration.

The Speaker wrote back: It is an outrage to watch you, to the President, to watch you, the President, joke about your own drug use. You have eliminated 83 percent of the drug czar's office after being sworn in, and you stood by while your Surgeon General called for drug legalization and your Attorney General testified against mandatory minimum sentences for drug dealers.

He also contended that Clinton tried to cut antidrug efforts by law enforcement agencies, appointed Federal judges who are easy on drug dealers.

Mr. Speaker, let me talk about that. Typical Clinton-appointed judge: This was a case where a woman pulled up into a high crime district in New York City. She hops out of her car. Four men come out of the dark alleyway and put two duffel bags into the trunk of the car. When that happened, law enforcement personnel closed in on her. The people ran. The police caught them. They arrested them, took them to court.

In court, the liberal Clinton-appointed judge threw out the bags of cocaine, which was in the duffel bags, full of, I think, 80 pounds of cocaine in each duffel bag, threw that out as evidence. He said in that neighborhood running from the police is logical and rational behavior because police in that neighborhood are oppressive. That was the Clinton-appointed judge who was supposed to be protecting our children on our streets from drug thugs and traffickers and pushers.

That is the kind of mentality we have here. It is just two different perceptions of the problem.

The letter from Mr. GINGRICH goes on, and I think it is a good one, but he points to a lot of facts. This year, Republicans in Congress will provide $173 million for the Drug Enforcement Agency. That is $20 million more than the President had requested.

The Republican Congress is increasing funding for INS, $542 million, including 400 more Border Patrol agents. That, Mr. Speaker, is the Immigration Service. As we know, one of the big problems we have with drug trafficking is people coming over the borders from out of the country bringing in drugs. If we can crack down on illegal immigration, we are also cracking down on drug trafficking.

Mr. Speaker, it is interesting to note that 22 percent of the prison population in our Federal penal system are illegal aliens, and 80 percent of them are in jail for violent offenses, and many, many related to drugs.

Republicans are also providing $914 million in the defense budget for drug interdiction and counter drug activities. I met with a gentleman today who represents a group who is trying to support new funding for an airplane for Customs. This airplane has a special kind of radar that can be used to detect drug dealers. As you probably know, Mr. Speaker, most drugs right now are the ones south of the border and are coming from Peru or Bolivia. They are manufactured there, and then they are brought to Colombia, where the lab is. Then from Colombia they are flown to a ship or flown to another country and dropped off, either with a quick landing, or sometimes they have to just drop the stuff and keep going.

This drug interdiction plan would track drug planes and tell the people on the ground where they are going to, and so forth, because right now, of course, the drug planes are flying without flight plans, without running lights and so forth, and they are very hard to detect. Drug interdiction planes would be a great help in fighting that.

We are spending $13 million more than President Clinton requested for intelligence efforts against drug cartels, and $9.5 more for interdictions on the southwest border. We have increased funding to fight drugs in high crime neighborhoods by $10 million.

Now, we have a philosophical disagreement on some of the spending for the Safe and Drug Free Schools Program, because some of that was frankly getting wasted. But there is a lot of good that came from it, because this was a Reagan program. It was part of the Nancy Reagan just say no program.

One of the things that is interesting about Nancy Reagan's program, Mr. Speaker, is that as the liberal Washington elite snickered at it because it was just too simple, it is interesting that up until 1992, drug usage for every drug except for heroin fell up until 1992. Then you get a new President, you get a new tone, a new drug philosophy, and what happens? Drug usage is right back up.

So this is something that we have got to keep fighting on. It is something where marijuana is more deadly now than it was when we were teenagers. There are chemicals and so forth that are mixed into it. It is not the same plant that parents say, "Well, I smoked a little marijuana. It will not hurt my 15 year old." It might, because it is a different drug, and it is a different age in terms of drugs.

So I think that when you look at the statistics that the Luntz Corp. put out, we have got to be very, very concerned.

With that, Mr. Speaker, I am going to move on to a couple of the other things that are of great concern in terms of this Congress, some of the reforms that we have done.

This Congress has made a lot of changes. The reforms we have put in are all commonsense based. We have given the President the line-item veto. That will be effective in January. We have applied the same laws to Congress that the private sector has to live under. That goes for OSHA, EPA, regulatory departments of all natures that have to govern us. This was a Republican initiative.

We have cut the budget of Congress by $67 million. We have eliminated 28 committees and subcommittees, and reduced our own staff by approximately one-third.

We have banned most gifts to Members of Congress. There was a time, as you know, when the Congressmen could do anything, travel anywhere, and collect honorariums. That is not the case anymore.

We have reduced the franking privileges, that is the free mail we get. In my office, and I know in yours, Mr. Speaker, we keep it down, because it is running for reelection on the taxpayers' expense.

We have put term limits on committee chairs and top congressional leaders. We have done that because we think that that will put new blood and new energy into the committee system, instead of some old bull who has been sitting there for 25 years, and maybe he is contributing, maybe he is not. Somebody else comes along who has more energy and perhaps more intellect, he has only been there 6 years. Let him have a shot at it. That is something we think is very important.

We have moved in terms of reducing the amount of Government. We have tried our best to dismantle some of the bureaucracy, not all of it, but some of the duplications and so forth. We have reduced the paperwork in the Federal agencies.

One of the things that I have always been amazed at as I go down in the basement of the Rayburn Building across the hall is there are rolls and rolls of paper, some of them as tall as I am, and it is just paper we will use in our Government Printing Office for all our documents and so forth. I would venture to say, many of them get processed, printed, and thrown away, still unread.

Just kind of skipping around a little bit, we have eliminated over 270 unnecessary Federal programs. The number of bureaucrats was reduced in 29 of the 39 major government offices. Defense spending was reduced as a result of congressional initiatives.

We have to be very careful on defense spending because it costs so much to train somebody to drive a tank or fly an airplane, and that is someone's son or daughter in that expensive equipment, and we want them to have the best equipment that is available. Also, you never know how many fronts there may be a problem on, the Middle East, Bosnia, Korea. We have to be ready in America.

We cut spending last year by $45 billion. We reformed welfare and changed welfare to a program that is work-based, and we have put the caseworkers back home closer to the decision-making process, rather than having a cookie-cutter, one-size-fits-all.

But, you know the thing that worries me the most, Mr. Speaker, is you are working harder and harder and getting nowhere for it. Are you worried that your children are not going to be able to have the lifestyle that you enjoy? Are you worried that your children are not going to be able to enjoy the American dream? Has big government, high taxes, and excess of regulations and deficit spending, has it stolen or diminished the American dream?

I think that it has. What this Congress has tried to do is work for commonsense reforms. We have tried to balance the budget in a fair way. We have tried to put sanity back into our tax system, with such things as eliminating the marriage tax penalty. We have tried to make government more responsive and operate like a household budget, rather than like some kind of Santa Claus fantasy that we can just tap into some instant money machine somewhere, and the money just keeps flowing and flowing and flowing. We have tried to do this, because balancing the budget is about people.

You know, an individual today owes about $18,000 on the national debt. That means a couple working to pay their mortgage is having to pay a higher mortgage rate because the interest rates are higher because the budget is not balanced. That means a professional woman pursuing a career, leasing a car, has to pay higher payments, on buying that car, has to pay higher interest rates on that, or the small business person.

It also means that a small baby, like my nephew, Walker Watson, will have to pay over $200,000 in interest over his lifetime just on the national debt above and beyond State, local, and Federal taxes.

Balancing the budget is not about numbers, it is about people. It is not just about people, it is about a future of children in the American dream. I think we can change the system. I think we can restore sanity to Washington, Mr. Speaker. We have got to do it in a bipartisan way, we have got to do it in a fair way, and we have got to do it outside of Washington. We have got to go home, every weekend, and constantly talk to the American people about this process, because it is something that affects all of us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PORTMAN (at the request of Mr. ARMEY), for today, on account of a death in the family.

Mr. RIGGS (at the request of Mr. ARMEY), for today, on account of illness.

Mr. GANSKE (at the request of Mr. ARMEY), for today and September 12, on account of illness.

Mr. HEINEMAN (at the request of Mr. ARMEY), for today and September 12, on account of illness.

Mr. TORKILDSEN (at the request of Mr. ARMEY), for today, on account of official business.

Mr. PASTOR (at the request of Mr. GEPHARDT), for today, on account of business in the district.

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. SCOTT (at the request of Mr. GEPHARDT), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CHAMBLIS to revise and extend their remarks and include extraneous material:)

Mr. LUCAS, for 5 minutes, today,

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GIBBONS, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,061.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. HAMILTON.
Mr. TORRICELLI.
Mr. SANDERS.
Mr. LEVIN.
Mr. STOKES.
Mr. STARK.
Mr. DOYLE.
Mr. CLEMENT.
Mrs. MALONEY.

(The following Members (at the request of Mr. CHAMBLISS) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. BAKER of California.
Mr. DUNCAN.
Mr. THORNBERRY.
Mr. SMITH of Michigan.
Mr. WALSH.
Mr. STOCKMAN.
Mr. SCHAEFER.
Mr. SOLOMON.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. CLINGER.
Mr. HAYES.
Mr. CRAPO.
Mr. GILLMOR.
Mr. EDWARDS.
Mr. DUNCAN.
Mr. KILDEE.
Mr. OBEY.
Mr. MATSUI.
Mr. POSHARD.
Mr. RAMSTAD.
Mr. MOLLOHAN.
Mr. DORNAN.
Ms. DELAURO.
Mrs. JOHNSON of Connecticut.
Mrs. LOWEY.
Mr. GIBBONS.
Ms. ROS-LEHTINEN.
Mr. BENTSEN.
Mr. OWENS.
Mr. FORBES in three instances.
Mr. PORTMAN.
Mr. MCINTOSH.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1662. An act to establish areas of wilderness and recreation in the State of Oregon, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2428. An act to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

H.R. 4018. An act to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1992.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, September 12, 1996, at 10 a.m.

EXPENDITURE REPORTS CONCERNING FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees, U.S. House of Representatives, during the 2d quarter of 1996 in connection with official foreign travel, pursuant to Public Law 95–384, as well as reports by various miscellaneous groups and individuals concerning expenditures in connection with official foreign travel authorized by the Speaker, U.S. House of Representatives, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James McCormick	5/21	5/25	Abidjan		950.00		3,986.05				4,936.05
Sean Peterson	5/20	5/25	Abidjan		1,140.00		3,293.05				4,433.05
Committee total					2,090.00		7,279.10				9,369.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES LEACH, Chairman, July 29, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Paul Berkowitz	4/9	4/13	Switzerland		1,240.00						1,240.00
Commercial airfare							3,131.95				3,131.95
	5/17	5/21	Taiwan		798.00						798.00
Commercial airfare							2,758.95				2,758.95
Debi Bodlander	4/5	4/13	Israel		[3]2,714.00						2,714.00
Commercial airfare							4,622.95				4,622.95
Elana Broitman	4/19	4/20	Austria		253.00						253.00
	4/20	4/22	Hungary		636.00						636.00
Commercial airfare							3,119.75				3,119.75
	6/7	6/11	Nicaragua		980.00						980.00
Commercial airfare							1,382.95				1,382.95
Hon. Dan Burton	4/7	4/9	Chile		581.00		(4)				581.00
	4/9	4/11	Argentina		548.00		(4)		7,961.53		8,509.53
	4/11	4/14	Brazil		597.00		(4)				597.00
Phil Christenson	4/1	4/11	South Africa		1,922.00						1,922.00
	4/11	4/12	Botswana		80.00						80.00
	4/12	4/15	South Africa		218.00						218.00
Commercial airfare							7,805.15				7,805.15
Karen Donfried	4/7	4/9	Turkey		[3]216.00						216.00
	4/9	4/13	Germany		[3]811.00						811.00
	4/13	4/16	Belgium		[3]569.00						569.00
Commercial airfare							4,381.55				4,381.55
Scott Feeney	4/7	4/9	Chile		581.00		(4)				581.00
	4/9	4/11	Argentina		548.00		(4)				548.00
	4/11	4/14	Brazil		597.00		(4)				597.00
Hon. Victor Frazer	4/7	4/9	Chile		581.00		(4)				581.00
	4/9	4/11	Argentina		548.00		(4)				548.00
	4/11	4/14	Chile		597.00		(4)				597.00
Richard Garon	4/10	4/11	Croatia		[3]1,300.00						1,300.00
	4/11	4/14	Bosnia								
	4/14	4/15	Croatia								
Commercial airfare							$2,300.95				$2,300.95
Kristen Gilley	4/4	4/11	South Africa		[3]1,216.00						1,216.00
	4/11	4/12	Botswana		80.00						80.00
	4/12	4/14	South Africa		[3]572.00						572.00
Commercial airfare							6,245.65				6,245.65
Christopher Hankin	6/21	6/25	Germany		950.00						950.00
Commercial airfare							3,284.25				3,284.25
Hon. Nancy Johnson	4/7	4/9	Chile		581.00		(4)				581.00
	4/9	4/11	Argentina		548.00		(4)				548.00
	4/11	4/14	Brazil		597.00		(4)				597.00
David Jung	4/7	4/9	Turkey		376.00						376.00
	4/9	4/13	Germany		999.00						999.00
	4/13	4/16	Belgium		1,016.00						1,016.00
Commercial airfare							4,381.55				4,381.55
Gilead Kapen	4/7	4/9	Chile		581.00		(4)				581.00
	4/9	4/11	Argentina		548.00		(4)				548.00
	4/11	4/14	Brazil		597.00		(4)				597.00
Hon. Jay Kim	4/3	4/4	Singapore		355.97						355.97
	4/4	4/8	Malaysia		812.00						812.00
	4/8	4/11	Philippines		744.00						744.00
Commercial airfare							1,761.00				1,761.00
Mark Kirk	3/30	3/31	England		[3]48.00						48.00
	3/31	4/4	Egypt		[3]762.00						762.00
	4/4	4/9	South Africa		[3]1,040.00						1,040.00
	4/9	4/15	Bosnia		[3]1,455.00						1,455.00
Commercial airfare							6,071.25				6,071.25
	6/7	6/12	Nicaragua		1,225.00						1,225.00
Commercial airfare							1,382.95				1,382.95
Christopher Kojm	3/31	4/1	Hungary		212.00						212.00
	4/1	4/3	Poland		520.00						520.00
	4/3	4/4	Czech Republic		[3]383.00						383.00
	4/4	4/5	Slovakia								
Commercial airfare							3,834.85				3,834.85
Cliff Kupchan	3/31	4/7	Morocco		822.00						822.00
	4/7	4/11	South Africa		[3]840.00						840.00
	4/11	4/12	Bostswana		80.00						80.00
Commercial airfare							7,091.85				7,091.85
John Mackey	4/19	4/20	Austria		253.00						253.00
	4/20	4/22	Hungary		636.00						636.00
Commercial airfare							3,119.75				3,119.75
	4/8	4/9	Mexico		222.00		(4)				222.00
	4/9	4/11	Panama		278.00		(4)				278.00
	4/11	4/13	Bolivia		282.00		(4)				282.00
	4/13	4/15	Peru		504.00		(4)				504.00
Les Munson	3/31	4/6	Morocco		822.00						822.00
	4/6	4/11	South Africa		[3]855.00						855.00
	4/11	4/12	Botswana		80.00						80.00
	4/12	4/13	South Africa		[3]571.00						571.00
Commercial airfare							3,834.85				3,834.85
Cliff Kupchan	3/31	4/7	Morocco		[3]822.00						822.00
	4/7	4/11	South Africa		[3]840.00						840.00
	4/11	4/12	Botswana		80.00						80.00
Commercial airfare							7,091.85				7,091.85
John Mackey	4/19	4/20	Austria		253.00						253.00
	4/20	4/22	Hungary		636.00						636.00
Commercial airfare							3,119.75				3,119.75
	4/8	4/9	Mexico		222.00		(4)				222.00
	4/9	4/11	Panama		278.00		(4)				278.00
	4/11	4/13	Bolivia		282.00		(4)				282.00
	4/13	4/15	Peru		504.00		(4)				504.00
Les Munson	3/31	4/6	Morocco		822.00						822.00
	4/6	4/11	South Africa		[3]855.00						855.00
	4/11	4/12	Botswana		80.00						80.00
	4/12	4/13	South Africa		[3]571.00						571.00
Commercial airfare							7,055.85				7,055.85
Ken Nelson	4/25	4/27	Canada		310.00						310.00
Commercial airfare							388.00				388.00
Roger Noriega	3/31	4/3	Haiti		[3]260.00						260.00
Commercial airfare							642.95				642.95
	4/25	4/27	Canada		349.00						349.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1996—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							388.00				388.00
	5/31	6/3	Nicaragua		150.00						150.00
Commercial airfare							1,382.95				1,382.95
Steve Rademaker	3/30	4/1	Hungary		212.00						212.00
	4/1	4/3	Poland		520.00						520.00
	4/3	4/4	Czech Republic		[3] 269.00						269.00
	4/4	4/6	Slovakia		388.00						388.00
	4/6	4/9	Russia		[3] 477.14						477.14
Commercial airfare							4,271.35				4,271.35
Grover Joseph Rees	6/7	6/9	Mexico		371.66						371.66
Commercial airfare							502.95				502.95
Dan Restrepo	4/7	4/9	Chile		581.00		(4)				581.00
	4/9	4/11	Argentina		548.00		(4)				548.00
	4/11	4/14	Brazil		597.00		(4)				597.00
Frank Record	4/1	4/6	Morocco		822.00						822.00
Commercial airfare							3,354.25				3,354.25
	4/25	4/27	Canada		[3] 300.00						300.00
Commercial airfare							388.00				388.00
Walker Roberts	3/30	4/1	Hungary		212.00						212.00
	4/1	4/3	Poland		520.00						520.00
	4/3	4/4	Czech Republic		[3] 463.00						463.00
	4/4	4/5	Slovakia								
Commercial airfare							3,834.85				3,834.85
Hon. Charlie Rose	5/23	5/25	Taiwan								
Commercial airfare							2,523.95				2,523.95
Hon. Toby Roth	6/21	6/25	Germany		950.00						950.00
Commercial airfare							3,284.25				3,284.25
Mara Rudman	3/31	4/4	Egypt		[3] 550.24						550.24
	4/4	4/9	Israel		[3] 1,320.00						1,320.00
Commercial airfare							4,756.25				4,756.25
Marty Sletzinger	4/7	4/9	Turkey		564.00						564.00
	4/10	4/11	Croatia		300.00						300.00
	4/11	4/14	Bosnia		0.00						0.00
	4/14	4/15	Croatia		0.00						0.00
Commercial airfare							4,551.65				4,551.65
Hillel Weinberg	4/7	4/9	Turkey		276.00				46.20		322.20
	4/9	4/13	Germany		999.00						999.00
	4/13	4/16	Belgium		[3] 351.00						351.00
Commercial airfare							4,381.55				4,381.55
David Weiner	4/25	4/27	Canada		[3] 314.58						314.58
Commercial airfare							388.00				388.00
Hon. Al Wynn	4/7	4/9	Chile		581.00		(4)				581.00
	4/9	4/11	Argentina		548.00		(4)				548.00
	4/11	4/14	Brazil		597.00		(4)				597.00
Committee total					54,078.59		108,772.10		8,007.73		170.858.42

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refund of unused per diem.

[4] Military air transportation.

BEN GILMAN, Chairman, Aug. 9, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, BOSNIA, CROATIA AND HUNGARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 29 AND MAR. 4, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sonny Callahan	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Charles Wilson	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Bob Stump	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Bob Doman	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Esteban Torres	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Charles Taylor	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Richard Hastings	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Mac Thornberry	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Victor Frazer	3/1	3/2	Italy		200.00		(3)				200.00
Hon. W. Livingood	3/1	3/2	Italy		200.00		(3)				200.00
Charles Flickner	3/1	3/2	Italy		200.00		(3)				200.00
Bill Inglee	3/1	3/2	Italy		200.00		(3)				200.00
Brett O'Brien	3/1	3/2	Italy		200.00		(3)				200.00
Mark Murray	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Sonny Callahan	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Charles Wilson	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Bob Stump	3/2	3/3	Croatia		280.00		(3)				280.00
Hon Bob Dornan	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Esteban Torres	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Charles Taylor	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Richard Hastings	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Mac Thornberry	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Victor Frazer	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. W. Livingood	3/2	3/3	Croatia		280.00		(3)				280.00
Charles Flickner	3/2	3/3	Croatia		280.00		(3)				280.00
Bill Inglee	3/2	3/3	Croatia		280.00		(3)				280.00
Brett O'Brien	3/2	3/3	Croatia		280.00		(3)				280.00
Mark Murray	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Sonny Callahan	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Charles Wilson	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Bob Stump	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Bob Doman	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Esteban Torres	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Charles Taylor	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Richard Hastings	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Mac Thornberry	3/3	3/4	Hungary		212.00		(3)				212.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, BOSNIA, CROATIA AND HUNGARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 29 AND MAR. 4, 1996—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Victor Frazer	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. W. Livingood	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Charles Flickner	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Bill Inglee	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Brett O'Brien	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Mark Murray	3/3	3/4	Hungary		212.00		(3)				212.00
Committee total					9,688.00						9,688.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

SONNY CALLAHAN, Apr. 1, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 21, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Hon. Gerald Solomon	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Hon. Sherwood Boehlert	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Hon. Jan Meyers	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Hon. Marge Roukema	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Hon. Floyd Spence	5/17	5/20	Greece		823.50		(3)				823.50
Hon. Michael Bilirakis	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Hon. Porter Goss	5/17	5/21	Greece		841.68		(3)				841.68
Hon. Toby Roth	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Hon. Bobby Rush	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Hon. Pat Schroeder	5/17	5/21	Greece		1,098.00		(3)				1,098.00
John Herzberg	5/16	5/21	Greece		1,441.13		1,271.00				2,712.13
Jo Weber	5/16	5/21	Greece		1,441.13		2,577.12				4,018.25
Michael Ennis	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Chris Kojm	5/17	5/21	Greece		1,098.00		(3)				1,098.00
William Cox	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Ronald W. Lasch	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Linda Pedigo	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Jim Doran	5/17	5/21	Greece		1,098.00		(3)				1,098.00
Committee total					21,017.44		3,848.12				24,865.56

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUGLAS BEREUTER, June 14, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO U.S.-RUSSIA JOINT COMMISSION ON POW–MIA AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND JUNE 1, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Pete Peterson	5/26	5/27	Germany		240.00		(3)				240.00
	5/27	5/29	Azerbaijan		394.00		(3)				394.00
	5/29	5/31	Georgia		426.00		(3)				426.00
	5/31	6/1	Germany		240.00		(3)				240.00
Suzanne Farmer	5/26	5/27	Germany		240.00		(3)				240.00
	5/27	5/29	Azerbaijan		394.00		(3)				394.00
	5/29	5/31	Georgia		426.00		(3)				426.00
	5/31	6/1	Germany		240.00		(3)				240.00
Committee total					2,600.00						2,600.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PETE PETERSON, June 7, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HUNGARY, BOSNIA, AND CROATIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 21 AND JUNE 24, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David L. Hobson	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
Hon. Bill Barrett	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
Hon. Joe Knollenberg	6/21	6/23	Hungary		324.00		(3)				324.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HUNGARY, BOSNIA, AND CROATIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 21 AND JUNE 24, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
Hon. Dan Miller	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
Hon. Robert W. Ney	6/21	6/23	Hungary		324.00		(3)				-324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
Hon. Tom Bevill	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
Hon. John S. Tanner	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230		(3)				230
Hon. Wilson Livingood	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
Kenneth Kraft	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		[3]				230.00
Brian Gunderson	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
John Plashal	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
R. Scott Lilly	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
Dudley L. Tademy	6/21	6/23	Hungary		324.00		(3)				324.00
	6/22	6/22	Bosnia				(3)				
	6/23	6/23	Bosnia				(3)				
	6/23	6/24	Croatia		230.00		(3)				230.00
Committee total					7,202,000						7,202,000

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID L. HOBSON, July 17, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO A TRI-LATERAL FORUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 2, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Amo Houghton	6/28	7/2	United Kingdom								
Hon. Clifford Stearns	6/29	7/2	United Kingdom		93.00		3,082.45				3,175.45
Hon. Charles Taylor	6/29	7/2	United Kingdom		93.00		3,082.45				3,175.45
Hon. Kika de la Garza	6/29	7/2	United Kingdom		93.00		3,082.45				3,175.45
Hon. James McDermott	6/29	7/2	United Kingdom		93.00		3,271.45				3,364.45
Robert Van Wicklin	6/29	7/2	United Kingdom		93.00		3,215.45				3,308.45
Julie Paradis	6/29	7/2	United Kingdom		93.00		3,082.45				3,175.45
Committee total					558.00		18,816.70				19,374.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AMO HOUGHTON, Aug. 2, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO OSCE PARLIAMENTARY ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 9, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Henry Hyde	7/5	7/9	Sweden		1,216.00	(3)					1,216.00
Hon. Patricia Schroeder	7/5	7/9	Sweden		1,216.00	(3)					1,216.00
Hon. Steny Hoyer	7/5	7/9	Sweden		1,216.00	(3)					1,216.00
Hon. Benjamin Cardin	7/5	7/9	Sweden		1,216.00	(3)					1,216.00
Hon. Louise McIntosh Slaughter	7/5	7/9	Sweden		1,216.00	(3)					1,216.00
Hon. Bob Clement	7/5	7/9	Sweden		1,216.00	(3)					1,216.00
Hon. Greg Laughlin	7/5	7/9	Sweden		1,216.00	(3)					1,216.00
Hon. Bill Brewster	7/5	7/9	Sweden		1,216.00	(3)					1,216.00
Hon. Pat Danner	7/5	7/9	Sweden		1,216.00	(3)					1,216.00
Hon. Karen Thurman	7/5	7/9	Sweden		1,216.00		(3)				1,216.00
Hon. Alcee Hastings	7/5	7/9	Sweden		1,216.00		(3)				1,216.00
Hon. Matt Salmon	7/5	7/9	Sweden		1,216.00		(3)				1,216.00
Hon. Jesse L. Jackson	7/5	7/9	Sweden		1,216.00		(3)				1,216.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO OSCE PARLIAMENTARY ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 9, 1996—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Samuel Wise	7/5	7/9	Sweden		1,216.00		(3)				1,056.00
Hon. Ronald McNamara	7/5	7/9	Sweden		1,216.00		(3)				1,216.00
Hon. Erika Schlager	7/5	7/9	Sweden		1,216.00		(3)				1,171.89
Marlene Kaufmann	7/5	7/9	Sweden		1,216.00		(3)				826.85
Michael Amitay	7/5	7/9	Sweden		1,216.00		(3)				762.00
Mark Gage	7/5	7/9	Sweden		1,216.00		(3)				984.00
Caroline Cooper	7/5	7/9	Sweden		1,216.00		(3)				973.47
Committee total					23,866.00						22,798.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY HYDE, Aug. 2, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GARDNER PECKHAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 24, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gardner Peckham	2/12	2/14	Germany		301.00						301.00
	2/14	2/21	Bosnia		1,288.00						1,288.00
	2/21	2/22	Croatia		228.00						228.00
	2/22	2/24	Italy		337.00		1,515.75				1,852.75
Committee total					2,154.00		1,515.75				3,669.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM, Mar. 18, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DAVID JOERGENSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 31 AND APR. 14, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Joergenson	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Committee total					3,379.00						3,379.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN D. JOERGENSON, May 14, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JASON LOVELL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 7 AND APR. 14, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jason Lovell	4/7	4/9	Chile		581.00						581.00
	4/9	4/11	Argentina		548.00						548.00
	4/11	4/14	Brazil		597.00						597.00
Committee total					1,726.00						1,726.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JASON LOVELL, Apr. 30, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. ANDREA P. CAMP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 31 AND APR. 14, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Andrea P. Camp	3/31	3/31	Panama				(3)				
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Committee total					3,379.00						3,379.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

ANDREA P. CAMP, May 14, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. SAMUEL LANCASTER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 8 AND APR. 15, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Samuel G. Lancaster	4/8	4/9	Mexico		221.75		(3)				221.75
	4/9	4/11	Panama		278.00		(3)				278.00
	4/11	4/11	Colombia				(3)				
	4/11	4/13	Bolivia		282.00		(3)				282.00
	4/13	4/15	Peoria		504.00		(3)				504.00
Committee total					1,285.75						1,285.75

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

SAMUEL LANCASTER, May 29, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HONORABLE GREG LAUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 8 AND MAY 14, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Greg Laughlin	5/8	5/14	Russia		100.00		3,280.95		306.00		3,686.95
Committee total					100.00		3,280.95		306.00		3,686.95

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GREG LAUGHLIN, May 30, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of September 10, 1996]

4939. A letter from the Secretary of Energy, transmitting the Department's 34th quarterly report to Congress on the status of Exxon and stripper well oil overcharge funds as of March 31, 1996; to the Committee on Commerce.

4940. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (94–1558—Engine Manufacturers Association, on Behalf of Certain of Its Members versus Environmental Protection Agency); to the Committee on Commerce.

4964. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's rule—Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities, Disabled Veterans and Veterans of the Vietnam Era; Approval of Information Collection Requirements and OMB Control Numbers (RIN: 1215–AA62, 1215–AA76) received August 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4972. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (95–5057—Scott Armstrong, et al. versus Executive Office of the President); to the Committee on Government Reform and Oversight.

4974. A letter from the Director, Financial Services, Library of Congress, transmitting the activities of the Capitol preservation fund for the first 9 months of fiscal year 1996, which ended on June 30, 1996, and comparable data for the same period of the previous fiscal year; to the Committee on House Oversight.

5000. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (92–3133—United States of America versus Rochell Ardall Crowder); to the Committee on the Judiciary.

[Submitted September 11, 1996]

5065. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Control of Air Pollution; Final Rule for New Gasoline Spark-Ignition Marine Engines; Exemptions for New Nonroad Compression-Ignition Engines At or Above 37 Kilowatts and New Nonroad Spark-Ignition Engines At or Below 19 Kilowatts [FRL–5548–8] received September 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5066. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Las Vegas, New Mexico) [MM Docket No. 95–161] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5067. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Brunei for defense articles and services (Transmittal No. 96–63), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5068. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 96–64), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5069. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Sweden (Transmittal No. DTC–41–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5070. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of a major military equipment with Sweden (Transmittal No. DTC–40–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5071. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–31–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5072. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–38–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5073. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to United Kingdom (Transmittal No. DTC–54–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5074. A letter form the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the temporary export of defense articles or defense services sold commercially to

Kazakhstan (Transmittal No. DTC–49–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5075. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Norway (Transmittal No. DTC–55–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2076. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the temporary export of defense articles or defense services sold commercially to the Department of National Defense, Government of Malaysia (Transmittal No. DTC–45–96), pursuant to 22 U.S.C. 23776(c); to the Committee on International Relations.

5077. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–43–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5078. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5079. A letter from the FOIA Officer and General Counsel, Federal Mediation and Conciliation Service, transmitting a copy of the annual report in compliance with Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

5080. A letter from the Secretary, Securities and Exchange Commission, transmitting a correction to the Commission's annual report submitted June 12, 1996; to the Committee on Government Reform and Oversight.

5081. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries Off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 951227306–5306–01; I.D. 082996C] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5082. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Editorial Amendments for Classification and Program Review; Inmate Discipline; Education, Training, and Leisure Time Program Standards; and Release Gratuities [BOP–1057–F] (RIN: 1120–AA56) received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5083. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a draft of proposed legislation to modify the existing authorization for flood damage reduction at Cape Girardeau—Jackson Metropolitan Area, MO, to authorize the Secretary of the Army to construct the project at a total cost of $42,776,000; to the Committee on Transportation and Infrastructure.

5084. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a draft of proposed legislation to modify the project for deep-draft navigation at San Juan Harbor, PR, to authorize the Secretary of the Army to construct the project at a total cost of $45,085,000; to the Committee on Transportation and Infrastructure.

5085. A letter from the Chairman, Railroad Retirement Board, transmitting the results of a determination of the Railroad Retirement Account's ability to pay benefits in each of the next 5 years, pursuant to 45 U.S.C. 231u(a)(1); jointly, to the Committees on Ways and Means and Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. CLAYTON (for herself, Mr. ROSE, Mr. JONES, Mr. BALLENGER, Mr. FUNDERBURK, Mr. HEINEMAN, Mr. HEFNER, Mr. WATT of North Carolina, Mr. COBLE, Mr. BURR, Mr. HOYER, Mr. BLILEY, Mr. DAVIS, Mr. PAYNE of Virginia, Mr. SISISKY, Mr. WOLF, Mr. CLYBURN, Mr. SPRATT, Mr. WISE, Mr. CUMMINGS, Mrs. MORELLA, and Mr. WYNN):

H.R. 4046. A bill to make emergency supplemental appropriations for fiscal year 1996 to provide relief from the damages caused by Hurricane Fran and other natural disasters of 1996; to the Committee on Appropriations.

By Mrs. JOHNSON of Connecticut (for herself, Mr. DINGELL, Mr. GREENWOOD, Mr. STARK, Mr. SHAW, Mr. CARDIN, Mr. SAXTON, Mr. PALLONE, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. DURBIN, Mr. RAHALL, Mr. ACKERMAN, Mr. ANDREWS, and Mr. HILLIARD):

H.R. 4047. A bill to amend title XVIII of the Social Security Act to provide additional consumer protections for Medicare supplemental insurance; to the Committee on Commerce.

By Mr. BAKER of California (for himself, Mr. RIGGS, Mrs. SEASTRAND, Mr. RADANOVICH, Mr. HORN, Mr. DREIER, Mr. KIM, and Mr. CALVERT):

H.R. 4048. A bill to enhance California's habitat, water quality, and water supply; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR:

H.R. 4049. A bill to permit States to prohibit the disposal of solid waste imported from other nations; to the Committee on Commerce.

By Mr. GIBBONS:

H.R. 4050. A bill to amend the Internal Revenue Code of 1986 to replace the current individual and corporate income taxes, and the Social Security and Medicare taxes, with a value-added tax; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself and Mr. KLUG):

H.R. 4051. A bill to waive temporarily the Medicaid enrollment composition rule for Managed Health Services of Wisconsin; to the Committee on Commerce.

By Mr. KLECZKA (for himself and Mr. STARK):

H.R. 4052. A bill to amend the Internal Revenue Code of 1986 to assure continued health insurance coverage of retired workers; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD:

H.R. 4053. A bill to impose temporarily a 25-percent duty on imports of wheat gluten and to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to wheat gluten; to the Committee on Ways and Means.

By Mr. LIGHTFOOT:

H.R. 4054. A bill to provide relief to agricultural producers who granted easements to, or owned or operated land condemned by, the Secretary of the Army for flooding losses caused by water retention at the dam site at Lake Redrock, IA, to the extent that the actual losses exceed the estimates of the Secretary, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LOFGREN:

H.R. 4055. A bill to require initial intake screenings and the use of youth development specialists in Federal juvenile proceedings, and to encourage States and local governments to use similar procedures; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 4056. A bill to amend the Immigration and Nationality Act to provide for less restrictive standards for naturalization as a citizen of the United States for certain categories of persons; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 4057. A bill to suspend temporarily the duty on the chemical DEMT; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself, Mr. DEFAZIO, Mr. WISE, Mrs. JOHNSON of Connecticut, Mrs. MORELLA, Ms. NORTON, Ms. KAPTUR, Mr. MCCOLLUM, Mr. KASICH, AND Mr. HUTCHINSON):

H.R. 4058. A bill to provide for parity for mental health benefits under group health plans; to the Committee on Commerce, and in addition to the Committees on Economic and Educational Opportunities, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SEASTRAND:

H.R. 4059. A bill to provide for the acquisition of certain property on Santa Cruz Island; to the Committee on Resources.

By Mr. SOLOMON (for himself, Mr. STUMP, Mr. WATTS of Oklahoma, and Mr. LONGLEY):

H.R. 4060. A bill to establish the Commission on the Future for America's Veterans; to the Committee on Veterans' Affairs, and in addition to the Committees on Rules, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT:

H.R. 4061. A bill to provide for the establishment of uniform accounting systems, standards, and reporting systems in the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SOLOMON (for himself and Mr. GILMAN):

H. Con. Res. 212. Concurrent resolution endorsing the adoption by the European Parliament of a resolution supporting the Republic of China on Taiwan's efforts at joining the community of nations; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD:

H. Res. 518. Resolution to establish a select committee to investigate CIA involvement in the financing, distribution, and promulgation of crack cocaine and the use of any proceeds to support the Contras; to the Committee on Rules.

By Mr. SOLOMON:

H. Res. 519. Resolution to amend House Rules to require the random drug testing of Members, officers, and employees of the House; to the Committee on Rules.

By Ms. WATERS:

H. Res. 520. Resolution to establish a select committee to investigate CIA involvement in crack cocaine sales to fund Contras; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

242. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Kentucky, relative to Senate Joint Resolution No. 50, postratifying the 27th article of amendment to the Constitution of the United States of America deferring any variations in the compensation of Members of the U.S. Congress until an election of U.S. Representatives shall have intervened; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. LEACH.

H.R. 72: Mrs. FOWLER and Mr. STEARNS.

H.R. 103: Mr. METCALF.

H.R. 210: Mr. COX.

H.R. 1023: Mr. KINGSTON.

H.R. 1090: Mr. SAXTON.

H.R. 1363: Mr. GREENWOOD.

H.R. 1386: Mr. FRANKS of Connecticut and Mr. MCCOLLUM.

H.R. 1402: Mr. STOKES and Mr. BROWN of Ohio.

H.R. 1998: Mr. BACHUS, Mr. NEY, and Ms. PRYCE.

H.R. 2084: Mr. NADLER.

H.R. 2085: Mr. NADLER.

H.R. 2089: Mr. ROHRABACHER and Mr. SKEEN.

H.R. 2247: Ms. ESHOO.

H.R. 2508: Mr. HAYWORTH and Ms. MCCARTHY.

H.R. 2535: Mr. BARR.

H.R. 2900: Mr. MICA, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. BEREUTER, Mr. ROBERTS, Mr. FRELINGHUYSEN, Mr. LEWIS of Kentucky, Mr. BALDACCI, Mr. CASTLE, Mr. CHRISTENSEN, Mr. REED, Mr. MARTINEZ, and Mr. BENTSEN.

H.R. 3002: Mr. WICKER.

H.R. 3077: Ms. SLAUGHTER and Mr. CRAMER.

H.R. 3142: Ms. PRYCE and Mr. INGLIS of South Carolina.

H.R. 3178: Mr. ABERCROMBIE.

H.R. 3207: Ms. SLAUGHTER and Mr. ACKERMAN.

H.R. 3221: Mr. ACKERMAN, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. FIELDS of Louisiana, and Mr. BROWN of California.

H.R. 3226: Mr. MCDERMOTT, Mr. ANDREWS, Mr. CONYERS, Mr. BOEHLERT, Mr. STARK, Mr. BAKER of Louisiana, Mr. SAXTON, Mr. VENTO, and Mr. LONGLEY.

H.R. 3307: Mr. PARKER, Mr. BREWSTER, Mr. PETERSON of Minnesota, Mr. HALL of Texas, Mr. SISISKY, Mr. CONDIT, and Mr. PETE GEREN of Texas.

H.R. 3337: Ms. SLAUGHTER.

H.R. 3348: Ms. NORTON.

H.R. 3401: Mr. TORRICELLI, Mr. LATHAM, and Mr. OWENS.

H.R. 3430: Mr. CANADY, Mr. SAWYER, Ms. PRYCE, Mr. JOHNSON of South Dakota, Mr. OXLEY, Mr. LUCAS, and Mr. CAMPBELL.

H.R. 3511: Mr. DELLUMS, Mr. ROMERO-BARCELÓ, and Mr. YATES.

H.R. 3584: Mr. MANTON.

H.R. 3590: Ms. SLAUGHTER, Ms. NORTON, Ms. FURSE, and Mr. MATSUI.

H.R. 3646: Mr. DELLUMS.

H.R. 3654: Mr. TAUZIN, Mr. FATTAH, Mr. CLEMENT, Mr. GEJDENSON, and Ms. VELÁZQUEZ.

H.R. 3678: Mr. COLEMAN.

H.R. 3714: Mr. MATSUI, Ms. SLAUGHTER, Mr. CONDIT, Mr. COLEMAN, Mr. HALL of Ohio, Ms. FURSE, and Mr. RAHALL.

H.R. 3727: Mr. BROWN of California, Mr. DELLUMS, Mrs. MORELLA, and Mr. MANZULLO.

H.R. 3745: Mr. TALENT.

H.R. 3752: Mrs. SMITH of Washington.

H.R. 3905: Mr. WELLER.

H.R. 3923: Mr. TRAFICANT, Mr. CLINGER, Mrs. MEEK of Florida, Mr. COBLE, Mr. FROST, Mr. EHRLICH, Mr. KENNEDY of Rhode Island, Mr. COSTELLO, Mr. MCDADE, Mrs. SEASTRAND, Mr. BALDACCI, Mr. PETE GEREN of Texas, and Mr. GREENWOOD.

H.R. 3927: Mr. WAXMAN, Mr. MORAN, Mr. KLUG, Mr. FAZIO of California, Mr. DELLUMS, Mr. LIPINSKI, and Mr. MATSUI.

H.R. 3928: Mr. DELLUMS.

H.R. 3963: Mr. BLUTE, Mr. HORN, Mr. BARR, and Mr. BALDACCI.

H.R. 4000: Mr. MANTON, Mr. VENTO, Mr. GEJDENSON, Mr. BEVILL, Mr. BAESLER, Mr. KLECZKA, Mr. CLEMENT, Mr. BROWN of Ohio, and Mr. FROST.

H.R. 4011: Mr. CAMP and Mr. MANZULLO.

H.J. Res. 191: Mr. HASTERT, Mr. LIPINSKI, and Mr. NETHERCUTT.

H. Con. Res. 63: Mr. BALDACCI and Mr. STUMP.

H. Con. Res. 135: Mr. WILLIAMS, Ms. PELOSI, Mrs. LOWEY, and Mr. DAVIS.

H. Con. Res. 176: Mr. DAVIS, Mr. COBURN, Mr. LIPINSKI, Mr. SKEEN, Mr. BLUTE, Mr. WATTS of Oklahoma, Mr. PETE GEREN of Texas, Mr. CAMP, Mr. CAMPBELL, and Mrs. MORELLA.

H. Con. Res. 180: Mr. MANTON, Mr. FOX, and Mr. HOBSON.

H. Con. Res. 199: Ms. SLAUGHTER, Mr. BALDACCI, and Mrs. MALONEY.

H. Res. 478: Mr. JACOBS, Mr. MATSUI, Mr. LUCAS, and Mr. CLEMENT.

H. Res. 486: Mr. HOSTETTLER, Mr. BARTLETT of Maryland, Mr. DORNAN, Mr. FIELDS of Texas, and Mr. BAKER of California.

H. Res. 510: Mr. STOCKMAN, Ms. GREENE of Utah, and Mr. ENGLISH of Pennsylvania.

SENATE—*Wednesday, September 11, 1996*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God, our Father, this is a new day. Banish all the gloom and darkness of worry and fear. Set us free to praise and worship You in joy and gladness. May we neither gloat over yesterday's successes nor be grim over yesterday's defeats. Help us make a fresh start and give ourselves fully to the challenges and opportunities of this day.

Grant us a vibrant enthusiasm so that we can accept each responsibility with delight and care for each person with affirmation. We know that life is an accumulation of days lived fully for Your glory or wasted on anxious care. Fill our minds with Your spirit so that we can think creatively; transform our attitudes so we can reflect Your patience and peace; brighten our countenance so that we will radiate Your joy; infuse strengths into our bodies so that we will have resiliency for the pressures of whatever the day will bring.

We look ahead to the decisions we will have to make today, and our deepest longing is that we will not miss Your best for us or our Nation. We dedicate this day to trust You all the way. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning, the Senate will resume consideration of H.R. 3756, the Treasury-Postal appropriations bill. I understand there are two pending amendments, and I hope we may dispose of those amendments in short order and continue to make progress on the bill.

It is my intention to complete action on the Treasury-Postal appropriations bill this evening. That will certainly take cooperation—it always does—across the aisles. We need to help the managers by coming on over and offering amendments. Amendments are, in fact, needed so that we can be able to complete action at a reasonable hour tonight so we can then go tomorrow to the Chemical Weapons Convention.

If we do not get the Treasury-Postal Service appropriations bill completed this evening, then I am going to have to weigh exactly what we do with regard to the Chemical Weapons Convention. We made a commitment to do that. I intend to do that, but in order to do that, we are going to have to get this bill done. We are going to have to have some cooperation with that.

In accordance with the consent agreement reached on June 28, I do anticipate beginning the consideration of Executive Calendar No. 12, which is the Chemical Weapons Convention. We hope to be able to complete that in 1 day, instead of going all day tomorrow and going over until Friday. Again, with cooperation of the Members, we would like to see if we can complete that tomorrow, because we do have a Jewish holiday on Friday. We will not have any votes after 12 o'clock for sure, but if we could complete work on the CWC by tomorrow night, then Members will have more time to get to their homes to celebrate this special date for our Jewish Members.

We will probably have a 1-hour closed session at the end of the debate on the Chemical Weapons Convention, because it appears that some of the information Senators really need to have will not be declassified. If it is not declassified by noon tomorrow, we will give Members, I believe 4 hours notice is required under the rules. We will convene in the Old Senate Chamber, and then we will go to votes right after that.

Again, I urge all Senators to come to the floor if they have amendments. The smart thing to do would be to not offer a lot more amendments. Let's just go ahead and pass the Treasury-Postal appropriations bill and be done with it. Would that be all right with the chairman?

Mr. SHELBY. That will be fine.

Mr. LOTT. So go to third reading as soon as you can.

Mr. SHELBY. In 5 minutes.

Mr. LOTT. I yield the floor.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the Senate will resume consideration of H.R. 3756, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Wyden/Kennedy amendment No. 5206 (to committee amendment beginning on page 16, line 16, through page 17, line 2) to prohibit the restriction of certain types of medical communications between a health care provider and a patient.

Dorgan amendment No. 5223 (to committee amendment beginning on page 16, line 16, through page 17, line 2) to amend the Internal Revenue Code of 1986 to end deferral for United States shareholders on income of controlled foreign corporations attributable to property imported into the United States.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 5206

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the Wyden amendment.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. SHELBY. Mr. President, I ask unanimous consent that privilege of the floor be granted to Paul Irving, staff of Treasury, Post Office.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5223

Mr. DORGAN. Mr. President, I believe that the amendment which I offered yesterday is the pending business before the Senate. Is that correct?

The PRESIDING OFFICER. The Senator is correct. The pending question is the Dorgan amendment No. 5223.

Mr. DORGAN. Mr. President, it is kind of an upside-down world out

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

there. You look at the news from day to day. A few weeks ago we all listened to the news and discovered that, if you were roughly 7 feet tall and had basketball skills, you could sign a contract for $100 million. One 7-foot-2-inch athlete signed a contract for $115 million to play basketball for 7 years. That would employ, by the way, about 4,000 elementary school teachers for a year, that $115 million; but in our economy it is one very good basketball player. Sounds a little confusing to me that that represents the value system, but that is the system.

This morning in the paper there is an article that says credit card companies are going to end the free ride. They are going to start charging a fee for those who pay off their credit card bills. Isn't that interesting? They are going to charge a fee for those who pay their credit card bills off in full every month. Why? Because if you are paying off your credit card bill and settling your balance, they are not making money off you. So the result is they will charge a fee for that. Sound kind of like a screwball idea? It does to me.

Or how about this screwball idea. Have a provision in America's Tax Code that says to a corporation, we will give you a special little deal. We know that you are here in America. We know that you built a plant here. You hired a bunch of workers. You have made a product here for 30 years. You make profits here. But we will give you a special little deal. If you will simply shut your American plant down, fire all those workers, get rid of all that in America, and move the whole system to a foreign tax haven, open a new factory overseas, hire new foreign workers, make exactly the same product you were making in America, and then ship the product from that foreign tax haven country into America and make your profit that way, we will give you a deal. We will give you a tax break if you will do that. Close your American plant, produce overseas instead, and we will give you a tax break. Sound like a screwball idea? It is current tax law.

I have an amendment that is pending before the Senate that will lose today. We voted on this before, 52–47. I lost a year ago. We are going to vote again today, and no doubt I will lose again today. Why? Because anyone standing in this Chamber feels comfortable going home telling their folks who sent them here that it was "my priority to decide to keep a tax provision that says let's reward people who move American jobs overseas"? No. That is not why. There is not one person who can find one good reason to have this in current tax law. Not one.

I do not stand here asking for 10 reasons why this ought to be repealed. I would like to find one sober American who can explain to me one reason why this ought to be kept in American tax law. At the very least our tax law ought to be export-neutral with respect to jobs.

Mr. KERREY. I wonder if the Senator will yield?

Mr. DORGAN. I am glad to yield.

Mr. KERREY. The Senator and I, I guess a month ago, discussed a long article that was in the New York Times, in the business section of the New York Times, describing a U.S. corporation, actually a multinational corporation, described by the operator, with $9 billion for the revenue total as reported in the paper, and $2 billion for net income as reported by the paper. And the tax rate was down to 3 or 4 percent.

One particular transaction that was under examination was shipping all the income to the Dutch Antilles so they would not have to pay any capital gains tax. When the CEO of the company, the owner of the company, was asked the question, "Well, don't you feel bad about not paying any taxes in the United States of America?" his answer was, "That's what multinational corporations are for."

Is that the sort of thing that the Senator believes that the U.S. taxpayers, basically the taxpayers of the United States are subsidizing, because they are paying the taxes? If somebody does not pay tax—if I forgive you all of your taxes and say, "Senator DORGAN, you don't have to pay any taxes at all, somebody else is going to pick up the tax for it, somebody else is going to be subsidizing your reduction in tax"—in this case, what you are describing is a situation where not only am I subsidizing the fact that you are not paying any taxes, not only am I paying more and you are paying less, but I am paying more and you are paying less and you are moving operations abroad.

Mr. DORGAN. What I have not mentioned in discussion, because it is slightly different but probably an even more important discussion, is that 73 percent of foreign corporations doing business in America pay zero in Federal income taxes to this country—not a little, or not much, they pay zero. Mr. President, 73 percent of foreign corporations doing business in America—and those names everyone would understand and recognize instantly; they are the names on the products people are buying in this country—they do hundreds of billions of dollars of business in this country every year, and 73 percent of them pay zero in taxes to our country.

A slightly different issue but in the same general family of tax problems, in addition to the strainer through which all of this flows and through which these corporations can come in, earn billions of dollars and pay zero taxes in our country, in addition to that, we actually have a provision in this Tax Code that says, by the way, if you are an American company and you are having to compete against a foreign corporation coming into our country—what is the solution? Move your jobs, leave our country, produce in Sri Lanka, Bangladesh, Malaysia, Singapore, produce elsewhere. Hire foreign workers. Not only can you get a tax break, you can get lower wages over there. You can hire somebody for 14 cents an hour, a quarter an hour, 50 cents an hour, $1 an hour. You do not have to worry about pumping effluents into the air, dumping chemicals into the water. You can hire kids and work them 14 hours a day. Move your jobs and go overseas, our Tax Code says to companies, and then ship the product back here and compete with someone who stayed here.

I represent a State not unlike the Senator from Nebraska. North Dakota is slightly smaller in population. I toured a little manufacturing facility recently with 55 workers. They are wonderful workers who love their jobs. It is a great little company, struggling and not making a lot of money, but making it in a small community in North Dakota. They do not have the opportunity to decide, "I think we will move our production, we will move our manufacturing to Singapore." They do not have that opportunity. They do not have that luxury. They are just working every day, doing the best they can, trying to make a profit.

Assume that some other company makes the same products that compete with this little company. One of them was an arrowhead on arrows used in archery that are sold in stores around this country, little steel arrowheads for hunting and target practice. Assume another company makes that same product to compete with this little North Dakota company and they decide, "I think we will make them overseas." Our Tax Code says, "Well, good for you, good decision." In fact, we will reward you for making that decision. Any money you make, any income you make, as long as you do not repatriate it, keep it over there, invest it over there, you never have to pay American income taxes. Our Tax Code says, "Yes, jump on the bandwagon. Move jobs overseas."

The fact is, our manufacturing job base is diminished. It used to be 24 percent in 1979. Now it is down close to a 15 percent manufacturing job base.

The Senator from South Carolina said yesterday, and I agree with him, no country will long remain a strong world economic power unless it retains a strong manufacturing base. The Senator from South Carolina went far afield yesterday talking about a wide range of trade issues. There is nothing wrong with that because that is also part of the global discussion. But this is a very simple, modest amendment. We are not talking rocket science here. I am not talking about global strategies, the global economy, or international trade. I am talking about a simple proposition: Should this country, under any condition, decide that in its Tax Code it should subsidize moving U.S. jobs overseas? If this Congress cannot stand up and take the first small baby step in deciding that we should no longer subsidize moving jobs overseas, then Lord help a legislative body that cannot make that fundamental, small decision on behalf of a country.

The Senator from South Carolina, in discussing trade yesterday, talked about protectionist, and "protectionist" has a very specific meeting for a lot of people debating the global economy. Should anyone in this Chamber, at least when it comes to this issue, this simple little tax provision that now rewards those who move American jobs overseas, should anyone in this Chamber deny they are interested in protecting America's jobs, deny their interest in standing up for this country's manufacturing base? No, I am not suggesting putting up barriers, but I am suggesting deciding we will put an end to an insidious, perverse tax provision that rewards those who do the wrong things moving American jobs overseas.

Mr. KERREY. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. KERREY. The opponents are not up here to engage in a discussion.

One of the arguments I have heard against the Senator's amendment is that it is effectively a tariff. I wonder if the Senator could pretend I am an opponent of the amendment and talk to the American people a bit about this issue of whether or not the change in Tax Code that you are proposing would result in a tariff?

Mr. DORGAN. That is an absolutely absurd contention. It makes no sense at all for someone to say, "Well, this is a tariff." This has nothing to do with tariffs, nothing to do with international trade.

I would love to offer, incidentally, some amendments on trade, but I shall not. This has to do, simply, with a tax subsidy that now tilts the playing field and says to a company, "If you move those jobs from Akron, from Toledo, from Bismarck, from Lincoln, to some tax-haven company, we will reward you." How much is the reward? Well, I come from a town, as I said yesterday, of 300 people, a high school class of nine, a wonderful community in southwestern North Dakota. The reward here is not giant in the context of our Federal budget. It is $2.2 billion in 7 years.

Now, that may not sound like much to people here who would chair a Budget Committee, for example. Go to my hometown and talk about $2.2 billion that the Federal Government asks other Americans to pay effectively as a subsidy to companies who would move their jobs overseas, and then see what kind of reaction you get from people who think with a bit of common sense.

Now, how does this perversity occur in the Tax Code? This is called deferral, a fairly common concept in tax law. It has been there a long while. There also are many antideferral provisions in the Tax Code. In fact, the Senate voted a couple of decades ago to eliminate all deferral altogether. Deferral means a U.S. company does business overseas, makes profits and, therefore, does not have to pay tax on their profits because they can defer it indefinitely—in fact, until and unless they bring the money back to the United States.

The Senate at one point voted to eliminate all deferral. The House of Representatives, when I served in the House, voted to eliminate a narrow portion of deferral, which is exactly what I am proposing we do. Eliminate deferral when a company moves their jobs to tax havens overseas, produces a product with those jobs and ships the products back into our country to compete against other companies whose jobs and production are here.

Again, this is not rocket science. I am not proposing something that is hard to understand. I expect in the next couple of hours I will lose. I expect those who are now concerned about this and who do not want to debate it apparently on the floor of the Senate are strategizing how they will offer something that prevents an up-or-down vote on this. They will either offer to table it, or they will offer some other device, and they will try to ricochet the vote because the last thing in the world they want to do is deal with this.

We have organizations in this town formed and financed by the largest corporations in America and the world whose job it is to protect this tax subsidy—2.2 billion dollars' worth. So you have all kinds of lobbyists across this town who have done an enormous amount of work here in the Senate to make sure that this will not pass. That is the way the system works.

However, in my judgment, it is not much of a system that allows us to ever make an excuse for a Tax Code that on behalf of the American people says our interest is served by paying those who diminish America's economic strength, who move America's economic production abroad.

Let me make a couple of other brief points. I do not propose to object if a U.S. corporation decides that it is going to compete in Japan or Korea or Europe, and in order to do that, because Japan is locating its production facilities in Thailand or Indonesia, the U.S. corporation says, "Well, I will open up a plant in Indonesia to produce products to be sold in Korea." I would prefer they not do that. I prefer they put those jobs in North Dakota, as a matter of fact, or in Colorado. But if they decide they have to have offshore production to compete with others with offshore production, fine, I am not interrupting that. My amendment says, however, if you are going to create offshore production facilities to create products to ship back into America to compete against American firms, then you are going to obey the same tax laws. You can't defer anything. If you make a profit, you pay taxes on the profit. You made the profit by making a product and selling it in the American marketplace. So you pay the same tax that the American producer pays, who stayed here and produced here. That is all my amendment says. It is very narrow.

Now, the second point I want to make is this: Some say—and they will say it with gusto, if only they will come out and debate this amendment—and I fully understand why they don't want to debate this amendment—but they would say, "You don't understand; we are dealing with a global economy. You don't have the foggiest understanding of what on Earth is going on in this world. If you did, you would not offer this nonsense and you would not talk the way you do about the trade deficit."

Well, the global economy has changed. Our economy in the United States has changed our economic circumstances. That is certainly true. We for 75 years fought in this country about some fundamental issues—minimum wage, safe workplaces, pollution, environmental standards, issues with respect to child labor—and we came to some conclusions on all of them. Then some economic enterprises—the largest in the world, in fact—found a way to pole vault over all of those issues and say: You don't understand. Those fights did not mean anything. We can hire kids—oh, not in America, but we can hire kids and we can go to other countries and hire 14-year-olds, and we can work them 14 hours a day and pay them 14 cents an hour, and they can make whatever they make, and we can ship that back to the United States, and we can sell it in supermarkets and in the discount stores. We can do that in the name of profit because it is part of the global economy.

Well, that might be the way they have described the global economy, but it is not fair competition. Free trade ought to mean fair trade. This is not fair competition. Those who describe the global economy as working in that way are describing a system that is now being discussed in the Philadelphia Inquirer. I think they are doing 10 or so segments that are wonderful segments on this entire issue. The one in Monday's newspaper deals with exporting jobs again. It describes a couple—Lynn and Ed Tevis—who worked for a company for 20 years and were discarded like a wrench that was used up. Human capital now is like a wrench or a hammer or a pair of pliers. When they are done with it, they throw it away. They are told: We are sorry. You worked for us 20 years. This job is now in Singapore, or this job is now in Bangladesh. Your job with us is over.

That is what is happening in this country.

My suggestion is not that we decide that we are not part of the global economy. We are. My suggestion is that we decide, as a country, what the rules are for access to our marketplace. Is there a rule about accessing America's marketplace with labor from 14-year-olds who are paid 14 cents an hour? Is there or isn't there? If there is, let's start enforcing it. Should there be a rule that at least the American taxpayers should be assured that the Tax Code is not subsidizing the movement overseas of American jobs? Should there be that assurance made to the American taxpayer? The only way we will give them that assurance is to step up now and vote.

The desk I sit at in the U.S. Senate was a desk that was occupied at one point by a man named La Follette from Wisconsin, Senator La Follette. For those that don't know the tradition of the Senate, the tradition has always been to carve your name inside the desk drawer of the Senate desk. It has been a longstanding tradition in the Senate. If you pull out the desk drawer, the bottom drawer—the only drawer in the desk—you will find a list of names of Senators who sat in that desk.

I was told a story by Senator BYRD, who is the preeminent historian of the U.S. Senate, about Senator La Follette. He was once speaking from this desk many, many decades ago, I believe he said, in a filibuster. He ordered down for a turkey sandwich and a glass of eggnog. Senator BYRD, as he told the story, said that the eggnog was delivered at this desk to Senator La Follette, and he was trying to take a sip of eggnog as he was speaking. He took a mouth full of this eggnog and spit it out and hollered, "It's poison, it's poison." Some days later, back then, they got the analysis of the eggnog and discovered, indeed, there had been poison put in that poor Senator's eggnog. So I have not had an urge to filibuster from this desk since the recitation of that wonderful story about another occupant of this desk, Senator La Follette. I did not ever hear the conclusion of that story, whether they found out who laced the eggnog. But I am not ordering eggnog today, and I am not intending to filibuster. I do expect that there are a whole lot of folks in this town—hired by enterprises that will benefit from this $2.2 billion—who think this is real poison. Oh, they think this is awful. God forbid that we should pass something like this amendment. What an awful thing to do. Senator DORGAN just doesn't understand.

Well, the point is, I do understand. What we are doing is fundamentally wrong. What we are doing weakens this country. What we are doing in our Tax Code says to multinational corporations that you can make a choice about where to put your jobs, and you can put them elsewhere, move them out of America, because jobs are not the issue. Well, jobs are the issue. Good jobs that pay well and provide real security for American workers are the issue. American workers are not tools. They are part of a group of people who help make these companies the great companies they are.

I am going to finish with one short story. Just after Christmas this past year, I was on an airplane, Northwest Airlines, traveling from North Dakota back to Washington, DC. I read a story in the Minneapolis Star Tribune that brought tears to my eyes. It was a story about a businessman and his wife. I believe his name was Mr. Nagle. He was a fellow who started a company in the early 1980's and was incredibly successful, made an enormous amount of money. It was a very simple idea. The company's name is Rollerblade, which many Americans will recognize. He began, as I recall, in a circumstance where hockey players wanted something to practice skating on when it wasn't wintertime up in our part of the country, Minnesota and North Dakota. So there was invented something that was the early version of what we now know as "Rollerblades." The Rollerblade company, I believe, was probably the pioneering company. This fellow ran the company and he turned this tiny little company into something extraordinary. It grew and blossomed and prospered and made enormous profits. What a wonderful success story for this fellow and his workers and his corporation. Then he sold Rollerblade Corp. He and his wife moved to Florida. I was on the plane that morning after the Christmas season, and I read the story about what this fellow had done. Just before Christmas, this company, that had some nearly 300 employees in the company out in the manufacturing plants making rollerblades and in the production, control, finance, and various places, these employees began to receive Christmas greetings from this fellow and his wife, who used to own their company but who had sold it a couple of months previous. As these employees opened up their Christmas greetings at home, they discovered a Christmas card and a check from this man and his wife.

The check equaled a certain amount of money multiplied times the months that each of those employees had worked for that company. Some checks were as much as $20,000 to the people out on the manufacturing line.

But there is more. This fellow not only sent them a check, but he told them that he had prepaid the taxes on the checks. So this was theirs. The taxes were paid, and he was sending this money to them because he ran a very successful company, sold it, made an enormous amount of money. And he said, "I know that part of the reason, a major reason, this company succeeded was because you people worked for it. You people that made those rollerblades, those skates out on the manufacturing line, made this company what it was. I made a lot of money as a result, and I want to share some of that with you now that I have left this company."

Out of the blue, a check for $20,000 with the tax prepaid. I got back to Washington, DC, after I read that story. I called him down in Florida. I said, "You know, at a time when so many in American business believe that workers have no value, they are just wrenches and tools and things that you either hire or throw away at will, it is so nice to see someone who once again believes that part of what made that company successful were the men and women who worked for that company."

It was such a wonderful story. That ought not to be the exception. One would hope that would be the rule in our country. But this man is such an exceptional man. Everyone else does it differently. Everyone else now says people do not matter; they are expendable; get rid of them. For the jobs in Kansas City, "If you can put more money in Bangladesh, move it to Bangladesh. It does not matter."

Here is a picture of two people. And I have lots and lots of pictures that I will not show today. Lynn and Ed Tevis moved 1,200 miles for a company they had worked 12 to 14 years for already. They downsized and moved 1,200 miles. Two years later they downsized again, and said, "You are done. It is all over; nothing more." It is just human capital that is expendable.

My point is this: I do not believe the U.S. Senate can make decisions about jobs for international businesses and for U.S. corporations. But I believe that this Senate can make decisions about whether our Tax Code rewards those people who do the wrong things about jobs. I do believe our Tax Code could stand on the side of American businesses who stay here and have jobs here and compete here. When we find that our Tax Code says to others, "Go away, ship your products back, and we will give you a competitive advantage over the people who stayed here," I believe that our Tax Code can be changed to decide that is unfair, and that we will not allow that to happen anymore.

I offered this yesterday. The Senator from South Carolina spoke. I assume that we will have someone come and procedurally offer a motion to try to avoid the debate on this. I would love to have the debate. I would love to find one person who will give me one reason that we ought to reward anyone with tax breaks that move jobs overseas;

just one. I am not asking for a dozen. I am not asking for the impossible. One person give me one reason; just come, stand, and give me one reason. The last time we had someone come and say, "Well, we will hold hearings on this. This is not the place. This is not the time. This is not the way." They will come today again. They will say, "This is not the place. This is not the time. This is not the way to hold hearings."

I have heard all of that before. Just give me one reason that this country ought to have a Tax Code that says we encourage moving American jobs abroad. If anyone can do that, alert me that you are coming so we can spend a little time visiting about it, and I would love to have the American people hear the other side of this debate.

I have spoken twice now at some length. The American people have not had the advantage of having someone else come, and stand up and say, "Count me in. My name is X, Y, and Z, and I believe we ought to have in our Tax Code an incentive to move jobs overseas." Is there anyone who will do that? Anyone?

Well, I doubt it. But it is now in current law, and we must take it out at some point. A lot of folks don't want it taken out. Those are the folks who will benefit by the $2.2 billion. That is the way the political system works. But if we keep prodding, agitating, one of these days we are going to get this Congress to do the right thing.

I tried to break the cement in the driveway one day, and it reminded me that it is a lot like legislating. If you take a 16-pound mallet and try to break cement in a driveway, you wind up hitting the driveway as hard as you can with this giant mallet, and nothing happens. You hit it again, and nothing happens. You hit it again, and nothing happens. About the 15th time you hit this big slab of cement, the whole darned thing collapses.

That is the way legislative activity is as well. You don't always get it the first time. You don't always see a discernible result. But one of these days we will change this provision in the tax law. It is not the biggest issue in the world. But it is something that ought to be changed, and something this Congress ought to remedy. This will not be the end of the debate.

But I appreciate the indulgence of the Presiding Officer, and I appreciate also the patience of the Senator from South Carolina.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, let me try to answer why there will not be one come and join the debate. It is easily understood. It is the result, of course, of our affirmative action policy after World War II of trying to rebuild the industrialized nations. It spread capitalism in Europe, and out into the Pacific rim. And our affirmative action policy called for various things to induce American investment overseas. We put in, as you can find in the early morning news now on the front of the business page, the Overseas Private Investment Corporation, subject to assault because it is no longer needed. It was needed at that time. Industry had to be ensured against expropriation and the loss of their investment overseas.

So we passed the Overseas Private Investment Corporation [OPIC]. Then we found that we could subsidize, give inducements by way of actual subsidy for export overseas, with the Export-Import Bank. And we put in various tax deferrals.

The reason the distinguished Senator from North Dakota in our amendment is not going to win, as he says, today as you can only look at the Republican screen at Channel 2. And it says new taxes. Once it is labeled as new taxes, that crowd will run in the other direction because we live in this symbolic poster world of true-false, up-down, "I am for the families, and against taxes; I am for jobs, and against crime." And that is all you get out of them—is symbolic nonsense. So they will not really get to the guts of the issue.

It is not a new tax. It just says those who are paying taxes for production here should be on an equal footing and not penalized with American investment and corporations overseas for producing overseas. We are trying to cut out that deferral.

As a result of our affirmative action policy and spreading capitalism after World War II—I am not debunking it, or regretting it. It has worked. The Marshall plan is one of the great success stories of all history by way of people taxing themselves. They think. They didn't have pollsters running around loose in the late 1940's to get these children to come to the U.S. Senate—true-false. Just look at the polls. I will go back home, and, "I am against taxes." In fact, only 17 percent of the people in one poll taken at that time, Gallop, said at that particular time—that only 17 percent favored the Marshall plan. But we had division as they all talked to. Everybody wants to use the buzzwords, and they come on with their little 20-second sound bite, and said, "we have the vision." There is not any vision in any of this stuff going on about gay marriages and everything else. They are not national problems whatever. When you get to a real national problem, as it is about the economic security—and I emphasize "economic security"—you can find the Senators want it.

I would amend the idea of just jobs because jobs appeals to the polls. You are for jobs, or against jobs. And it makes it just a little political nuance of a campaign. The truth is the security of the United States of America is an issue here with respect to this particular amendment. The passage of the amendment is not going to ensure the security. It is going to begin as a wake-up call, and a trend backward.

I have described that the success of the United States, the strengths that we have as a nation, the security that we have as a nation, rests, as it were, on the three-legged stool: The one leg, the values of a nation. That leg is strong, and unchallenged. We sacrificed to feed the hungry in Somalia.

We sacrificed to build democracy in Haiti. We sacrificed to build peace in Bosnia. Everyone the world around as we travel knows the great contributions and sacrifices made by American taxpayers for its values.

The second leg is that, Mr. President, of course, of our military strength. That is unquestioned.

But that third leg, that economic leg, without which we cannot foster values or protect ourselves militarily—and I emphasize in World War II we won on account of Rosie the Riveter; our industrial might overwhelmed Hitler; there is not any question about that—has become somewhat fractured and enfeebled, if you might, as a result of the affirmative action.

Now, what was the affirmative action? As I said, not only the subsidies, the insurance, the deferrals, but get out of here, just scatter, let us get industry, get American investment abroad and spread capitalism. As I say, it has not only been successful but it has become unfairly competitive.

When I say unfairly competitive, I mean that the other competitors in the Pacific rim do not practice free trade. Oh, they use the rhetoric of free trade, but I can tell you here and now, try to get into some of the markets. Our textile industry tried to get into Korea. They have got to get a vote of the Korean textile folks before they can come into Korea. Try to get into Japan. Oh, they talk a little here about Motorola is doing a little bit; Intel will come in a little bit. But really in trying to open up the markets, we have had a dismal record over some 50 years trying to get into the country that we saved that does not practice free trade. Come on. Everybody knows that.

(Mr. ASHCROFT assumed the chair.)

Mr. HOLLINGS. What happens is that now we are confronted—and that is why you do not find them in the Chamber—with the opposition. You might call them the enemy here, the fifth column in this economic war. Let us start and list the soldiers in that particular opposition or enemy, that fifth column.

The soldiers in that fifth column begin, of course, with the State Department. The State Department had an affirmative action of sacrificing the industrial might for friends. Fortunately, Secretary Christopher has changed that. Secretary Brown changed that to some extent. And we are beginning to change that. But that is the way it started. That was the best of diplomacy: "Oh, don't worry; we are fat, rich and happy back in America." We have seen it over the 30 years I have served in the Senate.

We started with these corporations that we induced overseas as nationals that became multinationals. They found out that they could produce more economically, make a profit for their stockholders, and as a natural development the nationals became multinationals.

And the banks—Chase Manhattan, First Citicorp, all the big banks as of 1973—I remember back in the 1970's we found out that our large American banks were making the majority of their profits outside of the United States, so they were not really American banks. They were multinationals or had their, let us say, loyalty and nationalism, profitwise at least, outside of the United States, certainly not in the United States of America.

So you have the State Department; you have the multinationals; you have the banks, and then, of course, with that money they developed the consultants and academia. All the consultants are not paid by those who are coming along talking about jobs and the economic security. You go to any of these conferences, these particular institutes all over this city are just rampant with these consultants who are talking, "Free trade, free trade, free trade," shouting, "Smoot-Hawley, Smoot-Hawley. We are going to end the world and go into a global depression."

And otherwise academia. I do not have that booklet with me. There was a very sharp economist, Miss Jacobsen, who put out the booklet here some 10 years ago showing how academia had been taken over by the foreign entities and the multinationals. You go up east to the Ivy League and find out their investments up there to bring about the thought and get a free ride into dumping their goods back here in the United States and they will not allow us into their markets.

So you have academia; you have consultants; you have the multinationals; you have the multinational banks and, of course, the State Department. Then when we debated back when I first came here—I will never forget it—and we passed the textile bill—it did not get past the House but we passed one here in the late 1960's, early 1970's—at that particular time we found out the real opposition that gears up the votes in this Chamber. And that is the retailers. In order to bring it to the attention of our colleagues, we went down into the stores here in Washington, DC, and we got a shirt that was manufactured in Taiwan—well, a ladies blouse, I remember correctly, one made in Taiwan for $32 and the one made in New Jersey was also $32. We found a catching glove made in Korea at $42 and one made in Michigan at $42.

We went down the list. We piled the desk up to show that the retailers were not by way of global competition reducing the price. They were making a bigger profit. So the retailers are really geared up and they call their stores around and everything else of that kind and they intimate to us as politicians, U.S. Senators, and they come in and zoom in on us and we have to be for "free trade, free trade. Let's don't Smoot-Hawley, start a worldwide depression."

So you have then the retailers. Then, of course, you have the Washington lawyers, and none other than now the Reform Party Vice-Presidential nominee, Dr. Pat Choate. In his book "The Agents of Influence," he took one country, the country of Japan, and listed out how they had over 100 Washington firms, lawyers, consultants, paid over $113 million to represent the people of Japan here in the Capitol, where the 100 Senators, the 435 congressmen, the cumulative salaries of the 535 is $73.1 million. By way of pay, the people of Japan are better represented here in Washington, DC, than the people of the United States of America. You have a powerful force.

Chair the Commerce Committee, which I have for years and am now the ranking member, and get these trade measures and others to come up, and they zoom in immediately with the Washington lawyers, and I mean powerful ones, Mr. President. They are no more powerful than the Special Trade Representative. Heavens above. We saw my good friend, Bob Strauss, we saw my good friend Bill Brock, all representing the foreigners after they had been the Special Trade Representative. It was like Colin Powell going over to represent Saddam. And what did we have to do? Put a rider in the bill of the Special Trade Representative; they could not do that after 5 years. It caught Mickey Kantor—he was the first one—now Secretary Kantor, the Secretary of Commerce, when he was Special Ambassador Kantor, but we had to finally put it in there to stop that. But we had the best of the best trained, the best of the best friends and influence, ambassadorial rank, coming around, and after you are talking "free trade, free trade, Smoot-Hawley."

I will be glad to yield for a question.

Mr. BROWN. I notice the Senator is the No. 2 sponsor on the bill. Perhaps he might respond to a few questions that I have with regard to it?

Mr. HOLLINGS. Yes, sir.

Mr. BROWN. I notice, reading through the amendment, it gives a special exemption for oil. Everybody is subject to this special tax except the oil companies. Why was the decision made? What is the reasoning for giving the special treatment to oil?

Mr. HOLLINGS. The principal author could respond more accurately, but I am convinced we did that to try to get votes. I hope agriculture——

Mr. BROWN. That is without precedent.

Mr. HOLLINGS. Yes. Agriculture, that crowd there, I will never forget when I went out campaigning in the Presidential race, "Dutch" Reagan's special station in Des Moines, IA, you get on there at 5 o'clock for questions. They said no Democrat would appear. So, you know, if it was for free—I did not have any money—I got on there, and they said, "Senator, you come from a textile State and you want all this protectionism and subsidies and everything else. How do you expect to get a vote out here in agricultural Iowa?"

I said, wait a minute, let me correct the record. No. 1, I happen to be for subsidies. I happen to be for the quotas and the protectionism for agricultural quotas. We have wonderful farm folks, growing soybeans, wheat, corn, everything else in South Carolina. But let me get the record clear. We do not ask for a subsidy for textiles. We do not ask for Export-Import Bank financing. We do not ask for tax deferrals. When I get to that Nebraska corn, when I get to Colorado and these agricultural States, that is the crowd that runs around hollering, "Free trade, free trade, keep subsidizing me, keep financing me, keep deferring me." Because why? Our friend Wayne Andrus has all the news on Sunday. He has "Meet the Press," he has "This Week With David Brinkley," he has even the public television and everything else. All he talks is, "exports, exports, exports," and we come in here like monkeys on a string hollering, "exports, exports, exports." I mean, we have a regular drumbeat.

I would ask the Senator from North Dakota who drafted our amendment, I am sure oil is a matter of national security, and we put in special provisions, as we well know, for oil.

Mr. BROWN. The other question I had—there were several others, as I went through it. I notice the distinguished Senator from North Dakota said, "We encourage moving jobs abroad, and we ought to take that language out of the code."

I have looked through the amendment. I do not find "striking" language, other than striking the end of the period and adding additional language. Is there a section of the code where we "encourage moving jobs abroad?"

Mr. HOLLINGS. The tax deferral itself, obviously. Oh, yes, that encourages it.

Mr. BROWN. What section is that?

Mr. HOLLINGS. The cost and everything. IBM moved all their research overseas. We are losing not only our jobs in manufacturing, we are losing our research centers and everything else of that kind.

Mr. BROWN. The Senator talked about repealing something out of the law, yet there is nothing repealed in the amendment.

Mr. HOLLINGS. Modifying the deferral itself.

Mr. BROWN. The deferral?

Mr. HOLLINGS. Tax, income made from production overseas. There is a tax deferral for that, and this does away, partially, with that by the amount of products shipped back in and jobs lost. That is the way the amendment is worded.

Mr. BROWN. If I can put this in my own words, and maybe the Senator will correct me, we are not saying there is a section in the code that does that, we are saying it is simply not covered in the code?

Mr. HOLLINGS. We are referring to the tax deferral section.

Mr. BROWN. I do not find any repeal of that tax deferral section in here.

Mr. HOLLINGS. It is a modification of it.

Mr. BROWN. I wonder if there are other countries that have provisions like this. This, in effect, is that it taxes profits on activity outside of the United States, I take it?

Mr. HOLLINGS. Right.

Mr. BROWN. Are there other countries that do a similar thing?

Mr. HOLLINGS. Do they do it? They make sure that they do not make a profit. You ought to come and see how they highball the cost of the parts that they ship through the Port of Charleston, SC, and send up to, let us say, Nissan-Tennessee to make automobiles up there. They get a high cost for the part so Nissan-Tennessee is not even making a profit in Tennessee.

We have tried to correct that one. Oh, they have every gimmick in the book. When you get with these tax lawyers, they know how to get around anything and everything.

Incidentally, I have an article here about Nissan, and Nissan is moving to Mexico. We will get into that on NAFTA. We love to get these foreign investments, but they are just passthroughs now. An expansion of BMW that had come to Spartanburg, SC, is going into Mexico. They will follow the market, which is fine. It is a matter of taking care of your stockholders and profits and that kind of thing. Business is business.

But we have to understand that the business of the U.S. Senate is to look at the overall economy, and when we have these deficits in the balance of trade, over $1.5 trillion in the past 12 years, come, we have to do something about it.

You will get some who come here, like my distinguished friend from New York, he will get up, "Why, America has always been a great nation on account of commerce. We are a trading nation. Are we going back on our history?"

We were a trading nation of a plus balance of trade, not a minus. Not a minus. What does the record show, heavens above? That thing goes up, up, and away. I think it was in 1992 we finally got it under $100 billion, only to a $96.1 billion deficit; in 1993, it was $132.6 billion; 1994, a $166.1 billion deficit in the balance of trade—more imports than exports. Not what my friend, Wayne Andrus from Archer-Daniels-Midland—"exports, exports, exports." We have to look at the overall picture.

In 1995, $174 billion? We are going up, up, and away. We are losing our shirt and enjoying it. We, as Senators, are telling the American people, "We are fat, rich, and happy. Don't worry about your economy. All you have to do is worry about gay marriages. The States are taking care of it."

We come up on the silliest thing. Instead of balancing the budget, we will give you a constitutional amendment so we can run on it. Come on.

Mr. BROWN. The Senator referred to the phenomenon. I think it is the game played sometimes with automobile manufacturers, where they take their profit overseas and overprice the automobile as it comes in here so they do not show any profit in the United States.

Mr. HOLLINGS. They overprice the parts and assemble them here. That is what they are doing.

Mr. BROWN. So, by manipulating the prices, they are avoiding recognizing profit in this country and thus avoid paying taxes in this country?

Mr. HOLLINGS. Oh, yes, that is right.

Mr. BROWN. Doesn't our tax law now give us the tools to go after them when they play those games with prices?

Mr. HOLLINGS. I think our tax law does. But there are some——

Mr. BROWN. It simply does not get done.

Mr. HOLLINGS. In the Treasury Department, it just does not get done. You and I know we need, for example, hundreds more Customs agents. They have told us down at Treasury there are billions of transshipments. We just got China, and there is a case right now of over $5 billion. It is really a sad case.

In the textile debate, I said, "Wait a minute, I will withdraw this textile bill entirely if we just enforce the law." So you are right. If we enforced our tax laws, if we enforced our trade laws, our customs law, our import duties, we would do a lot to solve this.

If I were king for a day, I would start by abolishing the International Trade Commission. Every time they find injury, a violation of our trade laws, dumping, over at the International Trade Administration, in Commerce, then they have to buck it over to the International Trade Commission, and that crowd constantly bubbles, "free trade, free trade, free trade," and finds against us.

So, the business folks in America say, "Why even bring the case? It takes you 3 or 4 years. You go through all that gauntlet with Washington lawyers and costs, and when you finally get it, you are not going to win anyway"? So they say, "We will just move our production overseas." That is the good reason for the production moving overseas and the loss of jobs here.

But, Mr. President, let me sum up that particular matter of the fifth column, so we will understand it. I would no longer include our State Department, but I could certainly start off with our multinationals, our multinational banks, the consultants, academia, the retailers, the Washington lawyers, and, of course, the Special Trade Representatives, all representing them and heading up these particular entities. When you get all of those coming in giving you a false history—free trade, free trade, Smoot-Hawley, Smoot-Hawley—that is the reason for this particular bill.

The distinguished Senator from North Dakota, I think, used the expression "go far afield." That is my intent, to bring understanding. Unless we can get a grasp of our history and how we built this strong America and what is really the opposition, the fifth column that confronts us, we are not going to get a competitive economic society. We are going to just service the economy and take in wash and serve hamburgers to each other. We will have no manufacturing capabilities. When war comes, we will have no military production. We will have to depend, like Japan, on the gulf war, and that is why you panic. They say, "No, we are going to cut it off to the United States and say no to her and she won't be able to do these things of protecting freedom the world around."

So it is not far afield. This is to break open the door. This particular amendment is a wake-up call, and it is not a spurious one whatsoever. It is current.

I refer, Mr. President, to the article, once again, of our distinguished friend, William Grieder, former editor at the Washington Post and now the editor of Rolling Stone.

I ask unanimous consent the "Ex-Im Files," an article dated August 5, 1996, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EX-IM FILES

HOW THE TAXPAYER-FUNDED EXPORT-IMPORT BANK HELPS SHIP JOBS OVERSEAS

(By William Greider)

WASHINGTON, DC.—As the Nation's salesman in chief, Bill Clinton looks like a smashing success. When Clinton came to office, his long-term strategy for restoring

American prosperity had many facets, but the core of the plan could be summarized in one word: exports. The U.S. economy would boom or stagnate, it was assumed, depending on how American goods fared in global markets. So the president mobilized the government in pursuit of sales.

Flying squads of Cabinet officers, sometimes accompanied by corporate CEOs, were dispatched to forage for buyers in foreign capitals from Beijing to Jakarta. The Commerce Department targeted 10 nations—India, Mexico and Brazil among them—as the "big emerging markets." Trade negotiators hammered on Japan and China to buy more American stuff. And two new agreements were completed—GATT and NAFTA—to reduce foreign tariffs.

U.S. industrial exports have soared in the Clinton years, from $396 billion during the recessionary trough of 1992 to around $520 billion last year. And as this administration has said time and again, more exports means more jobs—usually good jobs with higher wages. In his fierce commitment to trade, Clinton is not much different from Ronald Reagan, who (notwithstanding his laissez faire pretensions) also played hardball on trade deals and, in some cases, intervened with more effective results. George Bush, too, bargained on behalf of corporate interests and played globe-trotting salesman. Promoting exports and foreign investment is not a new idea; it has enjoyed a bipartisan political consensus for decades.

What does seem to be new in American politics are the thickening doubts among citizens and a rising chorus of critics, informed and uninformed, who question Washington's assumptions about exports. The conventional strategy, the critics argue, may help the multinational companies turn profits, but does it really serve American workers and the broad public interest? The new realities of globalized production play havoc with the old logic of exports-equal-jobs. Sometimes it is the jobs that are exported, too.

This contradiction, usually covered up with platitudes and doublespeak in political debate, becomes powerfully clear when you look closely at the dealings of an obscure federal agency located just across Lafayette Park from the White House: the U.S. Export-Import Bank with only 440 civil servants and a budget of less than $1 billion—small change as Washington bureaucracies go.

Yet America's most important multinational corporations devote solicitous attention to the Ex-Im Bank. Their lobbyists shepherd its appropriation through Congress every year and defend the agency against occasional attacks. Why? The Ex-Im Bank provides U.S. corporations with hundreds of millions of dollars each year in financial grease that smooths their trade deals in the new global economy.

This year, Ex-Im will pump our $744 million in taxpayer subsidies to America's export producers, financing the below-market loans and loan guarantees that help U.S. companies sell aircraft, telecommunications equipment, electric power turbines and other products—sometimes even entire factories—to foreign markets. Since the biggest subsidies always go to the largest corporations, skeptics in Congress sometimes refer to Ex-Im as the Bank of Boeing. It might as well be called the Bank of General Electric—or AT&T, IBM, Caterpillar or other leading producers. Ex-Im's senior officers call these firms "the customers."

But the banker-bureaucrats at Ex-Im see their main mission as fostering American employment. "Our motto is, Jobs through exports," says James C. Cruse, vice president for policy planning, "Exports are not the end in itself, so we don't care about the company and the company profits." That was indeed the purpose when the bank was chartered as a federal agency back in 1945 and the reason it has always enjoyed broad support, including that of organized labor.

At this moment, the tiny agency is under intense pressure from influential U.S. multinationals to change the rules of the game. Specifically, the companies want taxpayer money to subsidize the sale of products that aren't actually manufactured in America. They want subsidies for products that are not really U.S. exports, since companies ship them from their factories abroad to buyers in other foreign countries. If the rules aren't changed, the exporters warn, they will lose major deals in the fierce global competition and may be compelled to move still more of their production offshore.

"Global competitiveness, multinational sourcing and the deindustrialization of the U.S." wrote Cruse in a policy memo for the bank, "were the three most common factors that exporters cited as reasons to revise Ex-Im Bank's foreign content policy. . . . U.S. companies need multisourcing to be able to compete with foreign companies. Foreign buyers are becoming more sophisticated and they are expressing certain preferences for a particular item to be sourced foreign . . . [and] U.S. suppliers may not always exist for a particular good."

In plainer language, foreign is usually cheaper—often because the wages are much lower—and sometimes better. As U.S. producers have begun to buy more hardware and machinery overseas, the capacity to make the same components in the United States has diminished or even disappeared. What the companies want in Cruse's bureaucratic parlance, is "broadly based support for foreign-sourced components."

As the complaints from American firms swelled in the last few years, Ex-Im officials agreed to convene the Foreign Content Policy Review Group to explore how the U.S. financing rules might be relaxed. The review group's members include 11 major exporters (General Electric, AT&T, Boeing, Caterpillar, Raytheon, McDonnell Douglas and others) plus several labor representatives from the AFL–CIO and the machinists' and textile-workers' unions.

The Ex-Im Bank must decide who wins and who loses—a fundamental argument over what is in the national interest, give globalized business. The review group discussions are couched in polite police talk, but they speak directly to the economic anxieties of Americans. If young workers worried about their livelihood could hear what these powerful American companies are saying in private, there would be many more sleepless nights in manufacturing towns across this Nation. The information below is taken from confidential Ex-Im Bank members that were recently leaked to me. What these executives have to say is not reassuring, but it's at least a more accurate vision of the future than anything you are likely to hear from this year's political candidates.

A decade ago the rule was simple: Ex-Im would not underwrite any trade package that was not 100 percent U.S.-made. Then and now Ex-Im scrutinizes the content of very large export projects, item by item. to establish the national origin of subcomponents. Any subcomponents produced offshore must be shipped back to American factories to be incorporated into the final assembly. If Caterpillar sells 10 earthmoving machines to Indonesia all 10 of them have to come out of a U.S. factory to get a U.S. subsidy, even if the axles or engines were made abroad.

By the late 1980s, however, as major manufacturers pursued globalization strategies that moved more of their production offshore. Ex-Im, with labor approval opened the door. In 1987 it agreed to finance deals with 15 percent foreign inside content. Partial financing would also be provided for export deals that involved at least 50 percent U.S. content.

Now the multinationals are back at the table again, demanding still more latitude. The bank's rules, they complain, have created a bureaucratic snarl that threatens U.S. sales. These regulations are oblivious to the complexities of modern trade which multinationals routinely "export" and "import" huge volumes of goods internally—that is among their own fur-flung subsidiaries or foreign joint ventures.

The flavor of the company complaints is revealed in Ex-Im Bank minutes of the review group's first meeting last year, where various company managers sounded off about the new global realities. David Wallbaum, from Caterpillar, urged the bank to be "more flexible in supporting foreign content," according to the minutes, General Electric's Selig S. Merber said GE needs "access [to] worldwide pricing." Merber proposed that instead of insisting on American content item by item, Ex-Im look only at the U.S. aggregate.

Lisa DeSoto of Fluor Daniel, one of America's largest construction engineering firms, suggested in a follow-up memo that Ex-Im subsidize "procurement from the NAFTA countries," Mexico and Canada as if the goods were from the U.S.

But it was Angel Torres, a representative for AT&T, who spoke more bluntly than the others. AT&T's foreign content has grown in the last 10 years because the U.S. is becoming a "service-oriented society," Torres said, according to the minutes. "AT&T's priority," he declared, "is to increase the allowable percentage of foreign content."

When I rang up these corporate managers and some others to ask them to elaborate on their views, all of them ducked my questions. The one exception was David L. Thornton, a manager from Boeing, whose newest jetliner, the 777, actually involves 30 percent foreign content in the manufacturing process (mostly from Japan). It still qualifies for full Ex-Im financing. Thornton explained, because Boeing's original investment in research and development also counts in the sales price. "Our general view of 75 percent is we can live with it for the time being," Thornton said, "but over time it probably won't be adequate."

The labor-union representatives, not surprisingly, choked at the ominous implications of such comments—especially the matter-of-fact references to America's de-industrialization. Corporate leaders and politicians, after all, have been celebrating the "comeback" of American manufacturing in the 1990s. Exports are booming, and U.S. competitiveness has supposedly been restored, thanks to the corporate restructurings and downsizings. Stock prices are rising, and shareholders are happy again.

The private corporate view is not so cheery for the employees. A memo from one multinational corporation (its identity whited-out by Ex-Im bureaucrats) made it sound like the demise of American manufacturing is already inevitable. "We believe the current policy does not reflect the de-industrialization of the U.S. economy and the rise of the

Western European and Asian capabilities to produce high-tech quality equipment . . .'' the memo states. "Location is no longer important in the competitive equation, and where the suppliers of components will be [is] wherever the competitive advantage lies.''

The more that labor heard from the companies, the more hostile it became to any revision. "We have been presented with no credible evidence that current bank policies have cost companies sales, thereby reducing U.S. employment,'' the labor representatives fired back in a jointly signed letter in April. "While we understand that global corporations might prefer fewer restrictions—even the provision of financing regardless of the effect on jobs in the United States—that desire simply ignores the very purpose of extending taxpayer-based credit.''

If Ex-Im agrees to finance more foreign content, the labor reps asked, won't that simply encourage the multinationals to move still more U.S. jobs overseas, thus accelerating deindustrialization? When I put this question to Ex-Im officials and corporate spokesmen, their answer was a limp assurance that this isn't what the bank or the companies have in mind.

But can anyone trust these assurances? The massive corporate layoffs have sown general suspicions of the companies' national loyalties, and the "outsourcing'' of high-wage jobs has already boiled up as a strike issue in major labor-management confrontations. The United Auto Workers shut down General Motors earlier this year over that question. The UAW lost a long, bitter strike at Caterpillar when it demanded wage cutbacks, threatening to relocate production if the union didn't yield. The International Association of Machinists and Aerospace Workers closed down Boeing's assembly lines for two months last fall, demanding a stronger guarantee of job security as Boeing globalizes more of its supplier base.

"Ex-Im financing is corporate welfare with a fig leaf of U.S. jobs, and now they want to take away the fig leaf,'' says Mark A. Anderson, director of the AFL's task force on trade. "They want to be able to ship stuff from Indonesia to China and use U.S. financing, I said to them, 'You're nuts. If you go ahead with this, you're going to be eaten alive in Congress.' ''

George J. Kourpiss, president of the machinists' union whose members make aircraft at Boeing and McDonnell Douglas, and jet engines at GE and Pratt & Whitney, put it more starkly: "The American people aren't financing that bank to take work away from us. If the foreign content gets bigger, then we're using the bank to destroy ourselves.''

EXPORTS—JOBS

According to the government's dubious rule of thumb, each $1 billion in new exports generates 16,000 jobs. By that measure, Bill Clinton's traveling salesmen brought home 2 million good jobs. So why is there not greater celebration? The first, most-obvious explanation is imports. Foreign imports soared, too, albeit at a slower rate of growth, and so America's trade deficit with other nationals actually doubled in size under Clinton, despite his aggressive corporate strategy. Thus a critic might apply the government's own equation to Clinton's trade deficit and argue that there was actually a net loss of 11 million good jobs.

Bickering over the trade arithmetic, however, does not get to the heart of what's happening and what really bothers people: the specter of continued downsizing among the nation's leading industrial firms. In fact, globalization has created a disturbing anomaly. U.S. exports multiply robustly, yet meanwhile the largest multinationals that do most of the exporting are shrinking dramatically as employers. It's important to note that about half of U.S. manufacturing exports comes from only 100 companies, and 80 percent from some 250 firms, according to Ex-Im's executive vice president, Allan I. Mendelowitz. The top 15 exporters—names like GM, GE, Boeing, IBM—account for nearly one quarter of all U.S. manufactured exports. Yet these same firms are shedding American employers in alarming dimensions. The 15 largest export producers with few exceptions have steadily reduced their U.S. work forces during the past 10 years—some of them quite drastically—even though their export sales nearly doubled.

GE is a prime example because the company is widely emulated in business circles for its tough-minded corporate strategies. In 1985, GE employed 243,000 Americans and 10 years later, only 150,000. GE became stronger, then Executive Vice President Frank P. Doyle said. But, he conceded. We did a lot of violence to the expectations of the American work force.

So, too, did GM, the top U.S. exporter in dollar volume (though the auto companies are not big users of Ex-Im financing). GM has shrunk in U.S. work force from 559,000 to 314,000. IBM shed more than half of its U.S. workers during the past decade (about 132,000 people). By 1995, Big Blue had become a truly global firm—with more employees abroad than at home (116,000 to 111,000). Even Intel, a thriving semiconductor maker, shrank U.S. employment last year from 22,000 to 17,000. Motorola has grown, but its work force is now only 56 percent American.

The top exporters that increased their U.S. employment didn't begin to offset the losses. The bottom line tells the story. The government's great substitute for America's major multinational corporations has not been reciprocated, at least not for American workers. The contradiction is not quite as stark as the statistics make it appear, because the job shrinkage is more complicated than simply shipping jobs offshore. Some companies eliminated masses of employees both at home and abroad. Others, like Boeing, reduced payrolls primarily because global demand weakened in their sectors. Some jobs were wiped out by labor-saving technologies and reorganizations. But virtually all of these companies offloaded major elements of production to lower-cost independent suppliers, both in the U.S. and overseas. If the jobs did not disappear, the wages were downsized.

This dislocation poses an important question, which American politicians have not addressed. Does the success of America's multinationals translate into general prosperity for the country or merely for the companies and their shareholders? The question is a killer for politicians—liberals and conservatives alike—because it challenges three generations of conventional wisdom. That's why most Democrats or Republicans never ask it.

When these facts are mentioned, the exporters retreat to a few trusty justifications. First there is the "half a loaf'' argument. Yes, it is unfortunately true that companies must disperse an increasing share of the production jobs abroad, either to reduce costs or to appease the foreign customers. But if this were not done, there might be no export sales at all and, thus, no jobs for Americans. Next, there is the "me, too'' argument. All of the other advanced industrial nations have export banks that provide financing subsidies to their multinationals. The export banks in Europe do allow greater foreign content than the U.S.—but only if the goods originate from an allied nation in the European community. France supports German goods and vice versa, just as Michigan supports California. The U.S. Ex-Im Bank, as Mendelowitz has pointed out, actually provides greater risk protection and generally charges lower premiums.

Japan's Ex-Im bank is indeed more flexible than America's, but Japan's industrial system also operates on a very different principle; major Japanese corporations take responsibility for their employees. That understanding creates a mutual trust that allows both the government and the firms to pursue more sophisticated globalization strategies. Japanese jobs are regularly eliminated when Japan's manufacturing is relocated offshore in Asia or in Europe (and sometimes in the U.S.), but the companies find new jobs for displaced employees and only rarely, reluctantly, lay off anyone.

"The situation that our companies see,'' Ex-Im's Cruse explains, "is that Japan is willing to finance as much as 50 percent foreign content, and [the companies] say to us, 'You're not competitive.' But an important difference is that the Japanese government doesn't have to worry about the workers because the Japanese companies worry about them. . . . If GE subcontracts work to Indonesia, it tends to lay off a line of workers back in the U.S.''

BAIT AND SWITCH

In April 1994, AT&T announced a $150 trillion joint venture with China's Qingdao Telecommunications to build two new factories, in the Shandong province and in the city of Chengdu, in the Sichuan province, that will manufacture the high-capacity 5ESS switch, the heart of AT&T's advanced telephone systems. AT&T's chairman, Robert Allen, said that it will more than double its Chinese work force over the next two or three years.

Five months later, in September, the Ex-Im Bank in Washington approved the first of $87.6 million in loan guarantees to underwrite AT&T's export sales to China—switching equipment that will modernize the phone systems in Qingdao and several other cities. AT&T won the contract in head-to-head competition with Canada's Northern Telecom, Germany's Siemens and France's Alcatel Alsthom. The Clinton administration celebrated another big win for the home team.

But who actually won in this deal? A Telecom Publishing Group article provided a different version of what AT&T's victory meant for the United States. "While some equipment for AT&T's network projects in China will be built in this country,'' the article reported, "the Chinese are demanding that eventually the bulk of the equipment in their system be built in their country, the carrier [AT&T] said.''

An AT&T public-affairs vice president, Christopher Padilla, denies this, but then Padilla also denies that AT&T is prodding the Ex-Im Bank to relax its foreign-content rules. Further, he assures me that despite their proximity, there was no explicit quid pro quo and no connection between the two transactions, the taxpayer-financed export sales and AT&T's agreement to build new factories in China.

"It's a reality of the marketplace,'' Padilla says. "If we tried to pursue a strategy of just making everything in Oklahoma City''—where the 5ESS switch is now manufactured—"we wouldn't have any market share at all.''

> The White House also led cheers for Boeing because Boeing was also stomping its competitors in the Chinese market. In 1994 alone, Boeing sold 21 737s and seven 757s to various Chinese airlines and obtained nearly $1 billion in Ex-Im loans to finance the deals. When President Clinton hailed the news, he did not mention that Boeing had agreed to consign selected elements of its production work to Chinese factories. The state-owned aircraft company at Xian, for instance began making tail sections for the 737, work that is normally done at Boeing's plant in Wichita, Kan. The first order for Xian was for 100 sets, but that was just the beginning. In March 1996, a China news agency boasted that Boeing had agreed to buy 1,500 tail sections from Chinese factories, both for the 737 and the 757. The deal was described as "the biggest contract in the history of China's aviation industry."
>
> Unlike AT&T and some others, Boeing is relatively straightforward about acknowledging that it's trading away jobs and technology for foreign sales. China intends to build its own world-class aircraft industry, and Boeing helps by giving China a piece of the action, relocating high-wage production jobs from America to low-wage China, as well as relocating some elements of the advanced technology that made Boeing the world leader in commercial aircraft. Boeing has told its suppliers to do the same. Northrop Grumman, in Texas, is sharing production of 757 tail sections with Chengdu Aircraft, in China.
>
> "What we've done with China," says Lawrence W. Clarkson, Boeing's vice president for international development, "we've done for the same reason we did it with Japan—to gain market access." The two transactions—the export sales and job transfers—are legally separate but typically negotiated in tandem, Clarkson explains. China always insists upon a written acknowledgement of the job commitment in the export sales contract—the same sale to China submitted to the Ex-Im Bank for its financial assistance.
>
> Until recently, the Ex-Im Bank's operative policy on this issue could be described as "don't ask, don't tell": The bank officials didn't ask the companies if they were offloading jobs, and the companies didn't tell them. When I asked various Ex-Im managers if they knew about AT&T's new switch factories in China before they approved AT&T's export financing their answer was no. What about companies like Boeing doing similar deals?
>
> "Yes, we're aware of that," Cruse says. It's not that the companies tell us, but it's not hard to read the newspapers."
>
> After prodding from labor officials, the bank last year began requiring exports to reveal whether they dispersed U.S. jobs or technology in connection with the Ex-Im-financed sales. But the federal agency still approves these deals without weighing the potential impact on future employment. In fact, Ex-Im still pretends that the export sales and corporate decisions to relocate jobs are unrelated transactions, though every company knows otherwise.
>
> The practice of swapping jobs for sales is widespread in global trade—deals are negotiated in secrecy because such practices ostensibly violate trade rules. But everyone knows the game, and most everyone plays it. If Boeing doesn't swap jobs for Chinese sales, then its European competitor Airbus will. If AT&T doesn't move its switch manufacturing to China, then Siemens or Alcatel will (in fact, Alcatel already has). The cliché at Boeing is "60 percent of something is better than 100 percent of nothing."
>
> The trouble is that nothing may be what many American workers wind up with anyway—especially if China eventually becomes a world-class aircraft producers itself. Officials at the Communications Workers of America, which represents AT&T workers, recall that Ma Bell once made all its home telephones in the U.S. and now makes none here.
>
> Is the same migration under way now for the high-tech switches? The AT&T spokesman insists not. Anyway, he adds the assurance that the most valuable input in these switches is the software, not the hardware from the factories, and the design work is still American. This may reassure the techies, but it's not much comfort to those who work on the assembly lines. Besides, AT&T plans to open a branch of Bell Laboratories in China.
>
> The dilemma facing American multinationals is quite real, but the question remains: Why should American taxpayers subsidize export deals contingent on increased foreign production, or even offloading portions of the American industrial base? Americans are told repeatedly that they cannot exercise any influence over these global firms, but that claim is mistaken. The Ex-Im Bank is an important choke point in the bottom line of these multinationals. Americans should demand that the subsidies be turned off, at least for the largest companies, until the multinationals are willing to provide concrete commitments to their work forces.
>
> The gut issue is not about economics but about national loyalty and mutual trust. "Every meeting we have in the union, we open it with the pledge of allegiance," machinists union president George Kouepias muses, "Maybe the companies should start doing that at their board meetings."

Mr. HOLLINGS. Just referring to the article, if you please, Mr. President, and everyone ought to read this article, it says:

> Globalization has created a disturbing anomaly. While U.S. exports grow robustly, the corporations that do most of the exporting are the busiest downsizers.

When they fire everybody, it is a polite word, that is just downsizing so they are becoming more competitive. They are just, by gosh, getting rid of the United States worker and employing the offshore worker.

But I quote this particular sentence:

> GE is a prime example because the company is widely emulated in business circles for its tough-minded corporate strategies. In 1985, GE employed 243,000 Americans and 10 years later, only 150,000. GE became stronger, then executive Vice President Frank P. Doyle said. But he conceded. We did a lot of violence to the expectations of the American work force.

Get that sentence, the vice president of GE, when they cut down to 150,000 jobs, so-called downsizing, fired them. I used to have five GE's. I had one at Irmo. I have one still at Greenville which is doing well. I have one which was brought into Florence. It made cellular radios and now MRI's. It has taken the business away from competitors. But the one I had in Charleston has gone to Brazil. We are losing good plants down there, and here is why: "We did a lot of violence to the expectations of the American work force."

Mr. President, I ask that our colleagues refer to the Philadelphia Inquirer of Monday, September 9, Tuesday, September 10, and again today: Endangered Label "Made in the United States."

It is a wonderful article of how we are losing our industrial backbone, how small businesses lose out to foreign competition.

I was asked at the Chicago convention, Mr. President, "Senator, you Democrats, why don't you all do something for small business?"

I said, "Oh, no, that small business crowd is organized by the National Federation of Independent Business." I have won recognition and awards from that group, but, generally speaking, they are not for the small business on this particular score, they are talking about free trade, free trade as retailers to make a bigger profit.

I thank the wonderful Philadelphia Inquirer. This is the headline: "Small businesses lose out to foreign competition." I want the NFIB to read these series of articles.

Mr. President, referring just to one part, let's start off with the first paragraph:

> In early 1980's when stainless steel knives, forks and spoons suddenly surged into the United States from Japan, South Korea and Taiwan in response to lowered tariffs and cutthroat foreign prices, the domestic industry found itself in trouble.
>
> American producers, contending it was unfair competition, appealed to the United States trade commission to impose higher tariffs on imported flatware. The trade commission is an independent Government agency whose main job is to monitor the impact of the imports on the U.S. industries.
>
> If the ITC agrees with the complaint, the presidentially appointed commissioners may recommend that duties be imposed. Even so, there is no assurance that the duties will actually be assessed and, in most cases, they are not. The final decision rests with the White House which historically has refused to impose additional duties.
>
> After 5 months of study, the commission ruled on May 1, 1984, that stainless flatware was "not being imported into the United States in such increased quantities as to be a substantial cause of serious injury or the threat thereof to the domestic industry."
>
> On the contrary, the ITC held that the "economic data on the performance of this industry failed to demonstrate the required degree of serious injury mandated by the statute. Rather, the industry is doing reasonably well."
>
> According to ITC findings, nine companies produced flatware in the United States in 1982. Today—

Now listen, Mr. President—

> Today, most of them are either out of business or purchasing flatware from foreign services. Except for two small plants, Oneida, Ltd., in Oneida, New York, there is virtually no stainless steel flatware production in the United States.

I could go down the list of commodities after commodities after commodities, and you can see, Mr. President, where these companies are just moving the strength—it is not just jobs—it is moving the strength of the United States. When they get to national defense, everybody comes out here on the defense authorization bill and votes overwhelmingly on a defense appropriations bill. But right to the point, they forget their history and how we got here and how we were able to maintain and sustain the strength of the greatest superpower.

Mr. President, we are the last remaining superpower. Look at them run all around. The atom bomb, the nuclear bomb cannot be used—should not be used. We do not have the manpower that the People's Republic of China has and others have that are coming along now and are going to build up their military strength. And they do not care anymore about the 6th Fleet coming in to protect them.

The name of the game is the economic warfare, and the great superpower—and if you read Eamonn Fingleton's book—"Blindside" is the title of that book—you will find that within 4 short years, the largest economic power in this world will be the country of Japan. Already they are a larger manufacturer. Here is a little place not bigger than California, with 125 million compared to our 260 million, and vast resources, with oil and all the natural wealth that we have here, all the talent, all the research and everything else, and they produce more in Japan today, manufacturing, than the United States of America. Economically, their GNP, their productivity, will be greater than that of the United States. Their per capita income, right now they are richer than we are. We cannot get into their markets. We still, as a result of the fifth column, keep saying "free trade, free trade, Smoot-Hawley, Smoot-Hawley." We are losing our shirts. We are losing our shirts.

By the year 2015, the People's Republic of China will come along. They are producing economically. I just visited there in April, and I think they are going capitalistic. I think it will succeed. I hope. And we have our fingers crossed it will succeed.

What do we need to do? We need to really start enforcing our laws on the books. Get rid of the International Trade Commission. You can see the political cabal that comes in any time they appoint a member. They have to swear on the altar of free trade, almighty allegiance, and everything else before they go over there. That is a big part of the fifth column. We have to quit financing.

We have to actually someday repeal that GATT, World Trade Organization. We lost our sovereignty. In the Kodak case, we found out, Mr. President, we found out that we lost our sovereignty because the Japanese said, "Go to the WTO," instead of really enforcing what we said on the floor of the Senate. They said, "Oh, no, we're not going to do away with section 301." The Japanese have said, "You have already done away with it when you signed up."

You get these emerging nations and you see how they vote. Back in April we had these particular human rights violations in the People's Republic of China. We brought it up at the United Nations. The United Nations voted to have a hearing on it. Our friends at the People's Republic went down into Africa; they picked up the emerging nations' votes, and they said human rights was a nonissue. They have not even had a hearing. That is politically how that U.N. crowd works. When are we going to wake up in this land of ours and not understand the fifth column working against the American industrial worker?

So we need more customs agents. And, yes, Mr. President, we need the Dorgan-Hollings measure to cut out these subsidies of tax deferrals for those who are induced with incentives to go abroad and make more money. We need to change our tax laws, a value added tax.

If I manufacturer this desk in the State of South Carolina, I have to pay the income tax, the corporate tax, the sales tax involved, and everything else, all the taxes, and I ship it to Paris, France. If I manufactured this desk in Paris, France, they put on a value added tax of 15 percent, but when it leaves the port of Le Havre to come here to Washington, they deduct the 15 percent. That is a 15 percent disadvantage to a manufacturer in the United States of America, and we need the money.

The Budget Committee, eight of us, bipartisan, in 1987, voted to get on top of this monster with a value added tax allocated to the deficit and the debt. But these pollster-politicians running around, "I'm against taxes, I'm against taxes, I'm against taxes; I'm going to give you a 15 percent tax cut," when we are broke in the Government. Growth, growth, growth—there is no education in the second kick of a mule.

How do you think this got up to a $5.23 trillion debt? We never got to $1 trillion until Ronald Reagan came to town with Kemp-Roth. And he debunked it. Senator Bob Dole debunked it. Howard Baker called it a "riverboat gamble." George Walker Herbert Bush, President Bush, called it "voodoo." But now we have a party running for national office on voodoo. When are we going to learn and sober up?

The Dorgan-Hollings amendment is a wakeup call here to the reality of the greatness of this Nation. Historically, we had this in the very earliest days. David Ricardo in "The Doctrine of Comparative Advantage." They came to Alexander Hamilton and James Madison and Jefferson, because they all joined in with Hamilton. The Brits said, when we won our freedom in this little fledging nation, they said, "Look, you trade with what you produce best, and we'll trade back with what we produce best"— "The Doctrine of Comparative Advantage," economics 101, David Ricardo.

Alexander Hamilton wrote a little booklet, "Reports on Manufacturers." It is over at the Library of Congress. Do not read the entire booklet, but in one word he told the Brits, "Bug off." He said, "We are not going to remain your colony and just ship our agricultural products, our iron, our timber, our coal. We are going to be a Nation-State, and we are going to manufacture, we are going to manufacture and produce our own products."

When they talk of tariffs, the second bill—the first bill had to do with the seal—the second bill that passed this great Congress that we stand in, on July 4, 1789, I say to the Senator from Nebraska, the second bill that we ever passed was a tariff bill of 50 percent on 60 articles going right on down the list. We built the greatness, the economic strength, this economic giant, the United States of America, with protectionism.

We did it with Lincoln when we built the steel mills for the transcontinental railroad. We came to Nebraska under Roosevelt and said, for agriculture, we are going to put in price supports and protectionism, protective quotas that I support under Roosevelt to rebuild from the darkness of the Depression. With Eisenhower, oil import quotas, we have used protectionism. So do not come here and give me "Smoot-Hawley protectionism. Are you for free trade?" And everybody running around like children, hollering, "There's no free lunch. There's no free trade." I yield the floor.

Mr. MOYNIHAN. Mr. President, under the amendment of my friend from North Dakota, U.S. corporations or individual investors that own 10 percent or more of the stock of a U.S.-controlled foreign corporation would be taxed currently on the foreign corporation's profits when it sells goods back into the United States. Under present law, such profits are not taxed by the United States at the time earned. Instead, taxation is deferred until the foreign corporation's earnings are repatriated, that is, returned to its U.S. shareholders in the form of dividends or gains on the sale of their stock. In many cases, the sole U.S. shareholder of a foreign corporation is the parent corporation. In other cases, several U.S. corporations or investors own the foreign corporation.

The premise underlying this proposal is that plants are being moved abroad for tax reasons. While this is a fair topic for examination, I do not believe this has been established with any certainty, and before the current rules are changed it must be. Investment abroad that is not tax driven is good for the United States. It promotes exports and enhances the competitiveness of our companies.

The evidence suggests that the decision to locate production abroad primarily depends not on tax considerations, but instead on practical business considerations, such as proximity to raw materials, access to distribution channels, lower wage rates, prospects for growth, regulatory climate and other nontax factors. Taxes are certainly taken into account, but they are not the predominant factor, since the bulk of U.S. direct investment in foreign countries is in countries with effective business tax rates in excess of, or comparable to, the United States.

Over 70 percent of assets held by United States-owned foreign manufacturers are held in high-tax jurisdictions, such as Canada, the United Kingdom, Japan, Germany, France, Italy, Belgium, and Australia. In contrast, the two low-tax jurisdictions most often cited as having runaway plants—Ireland and Singapore—have only 4.2 percent of the total assets held by United States-owned foreign manufacturers. Furthermore, excluding Canada, only 7.2 percent of total sales by United States-owned foreign manufacturers were to the United States market in 1990, with over 60 percent to local markets and the remainder to other foreign countries. Finally, according to the Departments of Treasury and Commerce, less than 15 percent of total imports from U.S. affiliates came from low-tax countries. Thus, the weight of the evidence indicates that, at most, taxes appear to affect investment decisions only where the investor is relatively indifferent between two locations.

Would this amendment be effective in keeping production in the U.S.? It is hard to imagine that it would alter many decisions to locate plants abroad. Those producing goods abroad for the U.S. market would continue to do so for practical reasons, and simply face higher taxes. For example, the proposal would apply to a U.S.-owned company that grows bananas abroad and imports them into the United States, even though there are virtually no producers of bananas in the United States. As a result, the bill would have a negative impact on many businesses that would not be economically viable in the United States, or for which locating production in the United States would be impractical. At the same time, the vast majority of U.S. businesses with foreign subsidiaries would not be greatly affected by the proposal because their foreign operations do not produce for the U.S. market. Over 90 percent of all sales by United States-owned foreign manufacturers located outside of Canada are to foreign markets.

From the standpoint of competitiveness, other countries typically do not require their taxpayers to pay tax currently on the earnings from operations conducted abroad by a foreign subsidiary. U.S.-owned businesses must compete against foreign-owned businesses that are located in low-tax jurisdictions and are not taxed currently by their home countries. It is unlikely that many of our major trading partners would respond to enactment of this amendment by imposing current taxation on their companies.

Administrability of the amendment of the Senator from North Dakota is also a concern. Under the legislation, U.S. shareholders would be taxed currently not only on the profits from imports into the United States, but on the foreign corporation's income from sales to third parties that import the goods into the United States, if it was reasonable to expect that such property would be imported into the United States, or used as a component in other property which would be imported into the United States.

Staff at the Treasury Department and the Joint Committee on Taxation have raised questions about the administrative feasibility of enforcing the provision in the case of foreign corporations selling outside the United States to a third party importer. It would be very difficult for the IRS to identify those sales to third parties triggering taxation because the products are destined for the U.S. market, particularly given that many taxpayers could be expected to restructure their U.S. sales via third parties in an attempt to avoid the provision. Further, the recordkeeping required of taxpayers could be onerous.

Finally, this proposal conflicts with the intent of the Multilateral Agreement on Investment of the Organisation for Economic Co-operation and Development [OECD]. Since 1991, the United States has been working toward a legally binding comprehensive investment agreement in the OECD. In May 1995, the OECD Council finally agreed to negotiate a Multilateral Agreement on Investment. The objective of the United States in those talks is to reach agreement that will set high standards for liberalizing investment rules and increasing investment protection. The idea is to make foreign investing safer for U.S. companies because U.S. investment overseas promotes exports and enhances the competitiveness of our companies. Foreign subsidiaries of U.S. companies are the primary customers for U.S. exports—over one-fourth of U.S. exports go to them each year. Those exports account for more than 2 million of the 8 million U.S. jobs supported by U.S. exports. The proposal before us goes in exactly the opposite direction of our efforts in the OECD.

I am committed to doing everything possible to ensure that the U.S. economy remains strong, that decent jobs are available to those that seek them, and that American workers dislocated by the increasingly global economy are assisted in finding new opportunities. However, I believe the opening of production facilities abroad is often good news, not bad, and that this amendment would not accomplish its stated purpose.

I hope we will not act improvidently on this important matter, and I therefore urge that this amendment not be adopted.

Mr. HATCH. Mr. President, I rise today in opposition to the amendment from the Senator from North Dakota.

Mr. President, this is another one of those amendments that sounds so easy, so simple, and so straightforward, that it seems that every member of this body should be immediately jumping up on his or her feet and agreeing with what the distinguished Senator from North Dakota is saying. I only wish our world were as simple and the problems so easy to solve as the proponents of this amendment would have us believe.

However, today's world is not very simple, especially when we are discussing the world of international business and the tax law. Unfortunately, the assumptions upon which this amendment are based are just plain wrong and the result will be to punish companies for looking out for the best interests of their employees and stockholders.

First, let me make it clear, Mr. President, that I have no doubt that the Senator from North Dakota and his supporters are very sincere in their beliefs about this issue, and that the amendment is well intentioned. However, based on the real world that we live in, the amendment is both unnecessary and will prove to be counterproductive.

As I understand the amendment, it is based on S. 1597, which the Senator from North Dakota introduced this past March. This bill would deny what my friend from North Dakota calls unwarranted tax breaks to U.S. companies that set up manufacturing operations in a foreign country and export goods from those operations back into the United States.

In the floor statement that accompanied the introduction of S. 1597, the Senator from North Dakota implies that a large number of American companies are abandoning U.S. soil and removing their operations, lock, stock, and barrel, to other locations on the globe where they can find cheaper labor and lower taxes. As a result, goes the argument, American jobs are being lost in the process. And, according to the Senator from North Dakota, to add insult to injury, our tax code is rewarding such behavior with special tax breaks.

S. 1597, and the amendment before us, is designed to end what he calls unwarranted tax breaks and punish those supposedly unscrupulous companies that are allegedly taking unfair advantage of the rules to gain profit for themselves at the expense of American workers.

Well, Mr. President, at first blush, who wouldn't be in favor of cracking down on such awful practices and unfair tax breaks?

The only problem is that the scenario set out by the Senator from North Dakota does not reflect what is going on in the real world. It is an oversimplistic solution to a misidentified problem.

In the world as oversimplified by the proponents of this amendment, U.S. companies are abandoning loyal American workers to save a few dollars an hour with cheap overseas labor in tax haven countries. In the real world, Mr. President, this is simply not the case. At least two-thirds of the investment and sales of foreign subsidiaries of U.S. companies are in countries where the average labor cost is higher than in the United States. Moreover, the average tax rate paid by U.S. multinational companies is lower in the United States than it is outside the United States. More than 75 percent of all imports to the United States from U.S.-owned foreign subsidiaries is from developed nations, where taxes typically are either higher than or similar to the U.S. rate.

While it is true that some U.S. companies have set up manufacturing operations in other countries with lower labor costs, they have generally done so in order to stay competitive with other companies in the same industry that have cheaper labor costs.

We live in a global economy, Mr. President. Many products, especially those in the high technology industries, can be as easily assembled in Malaysia as in California. When U.S. companies have taken their low-skill assembly operations overseas, they have done so as a matter of survival. In other words, any jobs lost to Americans by a move of an assembly plant overseas would most likely have been lost anyway—and probably then some.

Companies that go out of business because they are no longer competitive pay no wages and create no new jobs and pay no taxes. Companies that can successfully compete in the world marketplace most often expand employment, add security to U.S. workers, and contribute to the U.S. tax base.

In the world as oversimplified by the proponents of this amendment, U.S. companies are moving their manufacturing operations to other countries, only to export the majority of the product back to the United States. In the real world, Mr. President, again, this is simply not the case. In 1993, 66 percent of the sales of U.S. foreign subsidiaries were made to customers in the foreign country, 23 percent were made to customers in other foreign countries, and only 11 percent were exported back to the United States.

These data show that one of major real-world answers as to why U.S. companies set up manufacturing operations overseas is to be closer to their customers. Many customers demand a local presence of their supplier. Moreover, as a practical matter, local conditions often dictate that the U.S. company manufacture locally in order to be able to take advantage of the business opportunity in that country. For example, how could U.S. software manufacturers sell their products abroad without local operations to customize and service the software? We have seen the same thing happen in the United States, where foreign automobile manufacturers have moved their operations here in order to be closer to their markets.

Contrary to what the Senator from North Dakota is asserting, there are often a number of benefits to the domestic job market when a U.S.-based multinational company sets up a subsidiary in a foreign country. The 1991 Economic Report of the President notes that ". . . U.S. direct investment abroad stimulates U.S. companies to be more competitive internationally, which can generate U.S. exports and jobs. Equally important, U.S. direct investment abroad allows U.S. firms to allocate their resources more efficiently, thus creating healthier domestic operations, which, in turn, tend to create jobs."

I would also note, Mr. President, that the overseas business operations of U.S.-based multinational companies contributed a record net surplus of $130 billion in 1990 to our balance of payments. This number has very likely gone even higher in the years since 1990. In addition, these U.S.-based multinational companies have been responsible for significant employment in the United States. Much of this employment is generated by the foreign operations of these corporations. For example, in most cases, the research and development work that leads to the assembly operations overseas is performed right here in the United States. Let's look again at the software industry, which is very important to my home state of Utah. Additional sales in foreign countries, generated by subsidiaries of U.S. software companies, lead to increased employment in the United States to support those sales and to continue the research necessary to improve those products.

Now, Mr. President, let's discuss just exactly what this amendment would do. At the heart of the so-called tax break that the Senator from North Dakota is trying to partially eliminate is the long-standing tax principle that says a taxpayer doesn't have to pay tax on income until that income is received. One example of this concept that individuals run into every day is the fact that we do not have to pay taxes on unrealized capital gains on property until we sell that property. For instance, if a taxpayer holds 100 shares of stock that he or she bought 20 years ago at $10 per share, and that stock is now worth $100 per share, our tax code does not tax that individual until he or she actually sells the stock and realizes the gain.

We have a similar principle in place that applies when a U.S. company sets up a subsidiary in another country. Under the tax law, with some exceptions, the U.S. company does not have to pay tax on the earnings of the foreign subsidiary until the money is actually returned to the U.S. parent. This principle is commonly known as deferral because the tax is deferred until the earnings are repatriated to the United States, much the same as the tax is deferred to an individual on a capital gain until the sale is accomplished and the gain is realized.

What the amendment before us would do is to end deferral to the extent that income is earned on goods shipped back into the United States. What, one might ask, is wrong with this? Wouldn't this be effective in preventing U.S. companies from uprooting their domestic manufacturing operations and moving them overseas?

Mr. President, I submit that there are several major problems with this proposal and that it would not be effective. Indeed, I believe this proposal would be counterproductive and result in fewer U.S. jobs. The amendment goes way beyond the problem being described and applies where there is no indication of alleged abuse. For one thing, there is no provision in the amendment to limit the loss of deferral to those situations where actual U.S. employment has been displaced. Indeed, the amendment doesn't even require that there be a showing of increased foreign investment or reduced U.S. employment. Thus, any U.S. company with existing foreign operations could be penalized, even if no U.S. plants closed and even if the U.S. employment actually increased.

In addition, this amendment would add a great deal of complexity to an already mind-numbingly complicated part of the Internal Revenue Code. The determination of "imported property income" as required by the amendment would require a whole new set of assumptions and recordkeeping, all of which adds to the huge compliance burden already faced by all taxpayers. Moreover, the Internal Revenue Service would have to add more trained personnel to audit this provision, and this at a time when Congress and the American people are demanding cuts in IRS funding. The provisions in the amendment calling for a new foreign tax credit basket would also add more complexity and unfairness from possible double taxation. The administrative expenses of complying with these provisions could easily outweigh the amount of revenue collected from this amendment.

Finally, Mr. President, this provision is not likely to achieve its goal of retaining U.S. jobs. Many countries with wages lower than those in the United States also have high corporate income tax rates. Loss of deferral in these countries would not result in any extra U.S. tax liability because the U.S. tax would be offset with the foreign tax credit for income taxes paid in the foreign country. Additionally, because this amendment does not affect the major reason that U.S. companies establish foreign subsidiaries, which as I mentioned is to be closer to its customers, this change would only punish companies that try to better compete in a world market. These firms will still take whatever action is necessary to compete globally. But, if the U.S. begins to punish them for being responsive to world competition and for taking advantage of international business opportunities, the result might be that some companies could move all operations out of the United States to reduce the onerous results of this amendment. At the very least, the increased cost of complying with these unnecessary provisions would leave less money available for companies to expand and create more U.S. employment.

In the real world, Mr. President, multinational companies are making business decisions based on a number of economic factors, only one of which is the tax consideration. This amendment tries to simplify a complex world and solve a problem without realizing the real causes of the problem. As a result, the solution doesn't fit and it simply will not work.

As a final note, Mr. President, it is important to note that this amendment does not belong on this bill. As my colleague from North Dakota well knows, this is a tax provision that can only be considered, under the U.S. Constitution, on a revenue measure originating from the House of Representatives. The underlying appropriations bill is not such a measure. Therefore, if the Senate were to make the mistake of passing this measure, the House would undoubtedly exercise its prerogative and send this bill back to the Senate under the so-called "blue slip" procedure. This, of course, would only delay in getting an important appropriations bill passed.

I urge my colleagues to oppose this perhaps well-intentioned but seriously misguided amendment.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, this amendment is bad policy from top to bottom. If enacted, it would hurt U.S. companies and destroy jobs. It is, I am afraid, motivated more by political considerations than anything else.

Under generally accepted tax principles in the United States and around the world, income is taxed when it is realized by a taxpayer. When income is earned but not received until some future date—say, for example, income in a pension plan or an individual retirement account—then taxation is normally deferred.

Eliminating or even limiting deferrals would put American companies at a competitive disadvantage in the global marketplace. This amendment does not—as it purports to do—eliminate a privilege; rather, it imposes a penalty, and a severe one at that. It will not increase revenues for the U.S. Treasury. It will, however, hurt American companies that are trying both to run their day-to-day operations and to compete with foreign businesses.

What does this amendment do? It assumes that allowing U.S. multinationals to defer taxes on the income of their foreign subsidiaries is a tax break. That is a false assumption, because deferring only means that taxes are not due until the time that income has actually been received, or in the case of multinationals, repatriated back to the U.S. parent company. This amendment not only taxes income before it is realized, it carries with it the potential to tax income that is never realized at all.

Since none of our trading partners subject their companies to such a burden, our companies would suffer. No other country in the world denies deferral on active business income as extensively as the United States, now, with respect to passive income, for example. According to a 1990 white paper submitted by the International Competition Subcommittee of the American Bar Association Section of Taxation to congressional tax writing committees, France, Germany, Japan, The Netherlands, and others, do not tax domestic parent companies on any earnings of their foreign marketing subsidiaries until such earnings are repatriated. The earnings are deferred without additional tax penalties.

No one can doubt the importance of the global economy to American jobs and American economic strength. If we are to provide good jobs for our citizens, it is important that we stay competitive. Already, current tax rules create a disadvantage for U.S. businesses that operate overseas and compete in foreign markets. Recent data demonstrate that U.S. multinationals are already taxed more heavily on their foreign income than on their domestic income. The current U.S. Tax Code has a strong bias against U.S. multinationals. Its sourcing rules and strict limitations on foreign tax credits expose the foreign investments of U.S. companies to double taxation. It also gives less favorable treatment to foreign affiliates by making them ineligible for the R&D tax credit or accelerated depreciation, and denies them the ability to include losses in the U.S. parent's consolidated income tax return. Current law does not, as the sponsors of this amendment assume, reward U.S. corporations with offshore operations.

Clearly, imposing more taxes on American companies weakens U.S. international competitiveness, hurts American companies and American jobs, and gives our foreign competitors a greater advantage—just the opposite of what the amendment's sponsors say they want.

Not only will this amendment increase direct taxes on U.S. companies, it will also increase regulatory costs associated with compliance and enforcement. The proposal will add enormous complexity to the already onerous and complicated U.S. Tax Code in the area of international taxes. The changes will be difficult for businesses to comply with and virtually impossible for the IRS to administer and enforce. For example, a U.S. multinational may manufacture a component—say, a computer chip —that eventually finds its way into a finished product that is ultimately imported into the United States by a foreign company, without the U.S. multinational's knowledge or consent. The IRS, in this case, would have to trace potentially long chains of unrelated parties that may alter a product or incorporate it into another product in order to enforce the requirements of this proposal. Similarly, businesses would have to employ complicated and tedious procedures to determine if their products could potentially ever be imported back into the United States. That, Mr. President, is just one reason that proposals like this need careful study by the Finance Committee, not an instant debate on the floor.

This amendment means more taxes, more regulations, and more power to the IRS—powers which, I can assure my colleague, the country hardly needs.

Today, U.S. companies face intense competition in both domestic and international markets. Nothing can be worse for our companies struggling to compete in the global economy than to burden them with more government regulations and taxes.

There are several mistaken premises in this amendment, and I would like briefly to address some of them.

First of all, the amendment's underlying premise is that when American companies open factories, plants and offices overseas, they reduce American jobs. That's simply not true. U.S. firms establish operations abroad primarily in order to penetrate foreign markets and take advantage of foreign business opportunities. In many cases, U.S.

manufacturers cannot sell to foreign customers unless they have local plants in those foreign countries. For example, under the Canadian auto pact, United States companies must manufacture in Canada to export into the Canadian market. Without United States operations in Canada, the United States would lose the current $44 billion of sales in Canada. Were that to happen, the consequences to America would be serious indeed—not only in terms of economic damage, but in terms of lost jobs —American jobs— as well.

Another misperception is that American companies move their operations overseas so that they can procure cheap labor. Again, not so. Most multinational companies' foreign investments are in other industrialized countries where labor costs are often higher than in the United States. In 1993, two-thirds of the assets and sales of United States-controlled foreign corporations were in seven countries: the United Kingdom, Canada, France, Germany, Japan, the Netherlands, and Switzerland. The average annual compensation paid by these corporations in 1993 was $49,005, 15 percent higher than the average $42,606 compensation paid in the United States. U.S. firms do not go abroad for cheap labor, they go abroad because their business demands it. For example, industries that rely on natural resources must develop them in the geographic locations in which those resources are found.

This amendment also assumes that overseas operations cost U.S. jobs. Wrong again. American operations overseas produce American exports. Exports support and create American jobs. Consider this: The Department of Commerce has calculated that every $1 billion dollars in manufactured exports creates—directly—14, 313 manufacturing jobs in the United States Clearly, U.S. companies that have operations overseas are a benefit to, not a detraction from, American jobs and the American economy.

The amendment incorrectly assumes that U.S. companies invest offshore to export back to the U.S. market. But a look at the facts shows the reverse. In 1993, 66 percent of U.S. multinational sales were within the foreign company of incorporation, 23 percent of sales went to other foreign locations, and only 11 percent represented exports to the United States. If anything, multinationals are boosting the U.S. trade balance. According to 1993 Commerce Department data, U.S. multinationals decrease the trade deficit by $11.5 billion per year.

I must say that it's too bad the sponsors suspect the worst motives in our American companies, rather than supporting them as they look for new opportunities to boost the American economy and create new jobs in the United States.

While few would disagree with the stated goals of this amendment—preventing U.S. job loss and encouraging U.S. competitiveness—it is clear that in practice this amendment would have exactly the opposite effect. Let's call a spade a spade. This is not a proposal to stimulate employment or to strengthen America's position in the international arena. It is a protectionist, antitrade measure that attempts to exploit the fears and insecurities that Americans feel today due to the real degree of economic uncertainty. But the American economy is not being hurt by U.S. trade or by U.S. businesses expanding their presence overseas. Rather, trade and overseas investment strengthen and expand our economy.

When American businesses go overseas, it is a sign of American economic strength and expanding opportunities. It means that American companies are competitive throughout the world. We should be happy to see our companies doing so well, instead of fearing international growth. We are the world's economic superpower, and should be encouraging international development and promoting trade, not discouraging it as this amendment does.

The entire argument of the Senator from South Carolina can be summed up by one of his own lines: "This country is going out of business."

If you believe that statement, then support this amendment and every other protectionist idea that comes down the pike. But if you believe, as I do, that we are the most successful and competitive economy in the world and with the most free and fair competition, vote with me and table this amendment.

And one other point in reflection of the Senator from South Carolina: Boeing believes that the Chinese commercial aircraft market over the next 20 years will reach $185 billion. Obviously, it will go to those suppliers who will allow some of the work to be done in China. As Larry Clarkson, Boeing's top official for international development says: "If we hadn't moved work to China, we wouldn't have gotten orders."

I think he knows more about Boeing's business than the Senator from South Carolina—and Boeing is now hiring—in the United States.

Mr. HOLLINGS. Mr. President, the people of the Republic of China characterize me as the "Senator from Boeing." I realize that the French airbus was competing with us, and we are proud of Boeing and we are proud of its products. I am a competitor and I want to see the United States win at all costs.

However, when we debated our textile bills and I passed one vetoed by President Carter, two vetoed by President Reagan, one vetoed by President Bush, get them to pass it, keep knocking on the door, I kept watching our colleagues from the State of Washington who opposed us with the free trade, and how wonderful to have trade overseas, which nobody denies. Everybody believes in trade. Instead of abolishing the Commerce Department, I am standing on this side of the aisle trying to defend commerce and to defend the department and trying to defend trade. But what you have to do is emphasize this flow of imports into the United States and find out why.

Let me read from this article one little paragraph about Boeing. In the article, "The Ex-Im Files," by William Grieder. It was previously printed in the RECORD:

> The White House also led cheers for Boeing because Boeing was also stomping its competitors in the Chinese market. In 1994 alone, Boeing sold 21 737s and seven 757s to various Chinese airlines and obtained nearly $1 billion in Ex-Im loans to finance the deals. When President Clinton hailed the news, he did not mention that Boeing had agreed to consign selected elements of its production work to Chinese factories. The state-owned aircraft company at Xian, for instance began making tail sections for the 737, work that is normally done at Boeing's plant in Wichita, KS. The first order for Xian was for 100 sets, but that was just the beginning. In March 1996, a China news agency boasted that Boeing had agreed to buy 1,500 tail sections from Chinese factories, both for the 737 and the 757. The deal was described as "the biggest contract in the history of China's aviation industry."

Now, Mr. President, one, that is in violation of the Export-Import Bank law. So it is not partisan guilt or liability or misunderstanding. The President of the United States, hailing it under the Export-Import Bank, is for production in the United States, not to finance production in China. You ask what to do, how to wake them up. "Free trade, free trade. It is wonderful for trade and you don't lose jobs and it is good for the economy." Here are the facts. As I warned 25 years ago, or almost 30 years ago, in that debate, I said, wait until it hits you.

Last year, to Mexico we lost 10,000 textile jobs. We said in the NAFTA debate that we were going to lose them. Now we know from NAFTA, we have gone from a plus balance of $5 billion exports, exports, exports—how about the imports?—to a deficit of $15 billion. And those who oppose us will admit we have lost at least 300,000 jobs.

Point: Boeing is having it happen to them. If you are going to lose your textiles, you are going to lose your flatware, you are going to lose your steel industry, your manufacturers and industrial strength. You are going to lose one thing we are preeminent in, airplane manufacturing, and finance it in violation of the Export-Import Bank. Then if we haven't done anything else, I say to the Senator from North Dakota, we have at least awakened them, given them a wakeup call for what is going on, because it's going to happen in Washington and in Wichita, KS, where they make the wonderful planes we are so proud of. But they are going to be losing the jobs. Airbus is taking over. I opposed the Ex-Im contract with Japan. Wait until the Japanese and Chinese start manufacturing aircraft. Then I want to see this crowd here. We will come in coveralls when we can't afford decent clothing, hollering "free trade, free trade, free trade."

This country is going out of business. We need to wake up. These are the kinds of things to debate. Let's take that Dorgan-Hollings amendment and vote it up, and don't say this is an amendment against trade. This is just an amendment to put the foreign manufacturer on the same basis as American manufacturers for American corporations.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I will not further delay this, with the exception of making two points. I was off the floor. My understanding is that a couple of points were made in opposition to this legislation that I want to respond to. One is that this would prevent an American company from establishing offshore production with which to compete against a foreign company that is producing offshore and selling in some foreign country. This bill doesn't affect that at all. If you are opposed to this bill for that reason, smile; this bill doesn't affect that. This bill only affects U.S. producers who move offshore to produce for the purpose of sending the production back into our country. That is the only purpose.

Second, this would be enormously complex, we are told. A wonderful article was written by Lee Sheppard recently. She says something about that. She wrote:

> Complexity never seems to bother corporate tax managers when it flows in their favor, such as in transfer pricing or the design of nonqualified deferred compensation plans. Surely no one wants to add materially to the complexity of America's already complex foreign tax provisions, though no one is seriously suggesting simplifying them in business's favor. The Dorgan bill proposes a destination-based tax liability; other provisions, like the foreign sales corporation provisions, grant destination-based benefits.

My point is that those who stand up and use the corporate arguments being offered around town in ample quantities are using arguments that largely don't apply to this. So, as I said previously, if you believe our Tax Code ought to be neutral on the question of whether you export American jobs, just to make it neutral, then vote for this amendment. If you believe we should continue doing what we are doing, subsidizing the export of jobs, then vote against the amendment, and then let's have a further discussion at some later point. I hope Members of the Senate will decide to support this.

With that, I yield the floor.

Mr. ROTH. Mr. President, this tax amendment is not appropriate at this time.

This appropriations bill is not a revenue bill. If this amendment passes, this appropriations bill will be potentially subject to a blue slip by the House. A blue slip would in effect kill this bill and the Senate would have to start anew.

Therefore, a tax amendment at this time would unnecessarily jeopardize the appropriations process. Amending an appropriations bill is not the proper way to make fundamental changes to international tax policy.

The international area is a very complex section of the Tax Code. No one is happy when certain companies move abroad and manufacture products that are sold back to the United States.

At the same time, it is important to understand that American companies are players in the global economy and that expansion abroad means more jobs back home. In fact, by 1990, manufactured exports of American companies with operations overseas created over 5 million jobs in the United States.

If we are to continue to provide good jobs for our citizens, it is important that we stay competitive in this emerging global economy by expanding our presence abroad.

American companies with overseas investments have been waging a hard fight, but a successful one to keep exports flowing from the United States.

American companies operating overseas also help the balance of trade for the United States.

According to the Department of Commerce, in 1993, American companies operating overseas helped reduce our trade deficit by $11.5 billion.

A study by the National Bureau of Economic Research found that manufacturing by foreign affiliates of American companies increases exports from the American parent company located in the United States.

This amendment attacks the tax rule known as deferral and would materially increase the cost to many American companies engaged in business overseas.

This increase in costs will make it more difficult for American companies to compete with foreign manufacturers that are not subject to these additional costs.

This amendment is based on the assumption that if companies don't build plants abroad, they will automatically build plants in the United States. In fact, many companies would probably just decide not to expand at all.

If additional production facilities are not added, American companies would lose economies of scale that help them compete in the global marketplace.

These economies are particularly crucial in the commodities business where price really matters.

American companies would also be hurt in their efforts to expand in foreign markets.

Our companies are motivated to invest abroad in order to penetrate markets otherwise commercially inaccessible to American firms and then expand that market share.

The absence of American companies abroad would limit our ability to sell to foreign customers.

There is a positive relationship between investment abroad and domestic expansion.

Leading American corporations operating in both the United States and abroad have expanded their employment and sales in the United States, their investments in the United States, and their exports from the United States at substantially faster rates than industry generally. During the 1980's, American exporting companies had a better record on employment than the typical large American manufacturing firm.

The contention that American manufacturing companies are harming our economy by shifting jobs abroad and importing cheaper products into the United States simply does not bear up under scrutiny.

Rather, the exact opposite is true. Investment abroad by American exporting companies provides the platform for growth in exports and creates jobs in the United States.

Overall, this amendment would hurt our economy. It would decrease the activities of domestic exporters and decrease jobs in the United States.

This misguided amendment would give foreign-owned companies a huge competitive advantage and help them provide economic and job benefits for their home countries at the expense of the United States.

We do not need to adopt legislation that hurts companies who go abroad for the legitimate purpose of becoming competitive in the international market.

Overall, this area is one of extreme complexity and of greatest importance to our economy and the creation of jobs in America.

The major international tax policy changes which would result from this amendment are within the jurisdiction of the Senate Finance Committee. It would be inappropriate and dangerous for such significant changes to the Tax Code to be made piecemeal on the Senate floor.

As I have stated in the past, the Finance Committee will be holding hearings to look at the international area and the kind of issues that are raised by this amendment.

For these reasons, I must respectfully oppose this amendment.

Mr. SHELBY. Mr. President, the chairman of the Senate Finance Committee is opposed to the amendment of the Senator from North Dakota. In his statement, he raises several important points that I want to share with you right now. The most important is that this amendment, the Dorgan amendment, if accepted, would potentially subject the entire bill, including funding for drug enforcement, law enforcement, to a blue slip. This would effectively kill the entire bill and, with it, funding for critical priorities such as the drug czar, drug enforcement, Customs, border guards, ATF, Secret Service, White House, IRS, civil service pensions, and so forth.

The Senator from North Dakota raises an important issue, and it ought to be debated and considered by the appropriate committee at the appropriate time. I don't believe this is the right time. It is misplaced here and it threatens to jeopardize our entire bill today. I note that the House, for the record, has blue-slipped less blatant attempts to raise revenues and change tax policy. Some of you will recall that 2 years ago the Senate adopted an amendment with regard to taxes on diesel fuel. It passed overwhelmingly here in this body, and it had strong support in the House at that time, including from the then-chairman of the Ways and Means Committee. Yet, because of the constitutional issue, he chose to utilize the blue-slip procedure over there and the Treasury bill was sent back to the Senate. In effect, had the Senate not adopted separate legislation striking that provision, the House would have had to begin the process of drafting and moving the necessary appropriations bill all over again.

I don't believe that is what we want to happen here. I don't believe we can afford such a procedure. Our Nation's law enforcement people, Mr. President, cannot afford such a procedure. Our Nation's drug policy and funding for that policy cannot afford such a procedure. This country's civil servants, who rely on this bill every year to fund their pensions and disabilities, cannot afford such a procedure here. I cannot stress enough this afternoon the important funding in this bill —and most of you are aware of this—which this amendment would jeopardize.

Mr. KERREY. Mr. President, I have cosponsored and voted for this amendment in the past, but the fact this is a tax issue put on an appropriation bill has caused me some concern. The Senator from Alabama, the chairman, is quite right. In this instance, as a consequence of the revenue issue, we risk having this whole thing sent back over to us. Otherwise, I would be supporting the Senator from North Dakota without any reservations. I urge colleagues to consider the procedural issue here and, when Senator SHELBY of Alabama so moves, keep this concern in mind.

Mr. SHELBY. Mr. President, to reassert this amendment raises constitutional questions with regard to raising revenue, which we are all familiar with. For these reasons I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama to lay on the table the amendment of the Senator from North Dakota. On this question, the yeas and nays were ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—58

Abraham
Ashcroft
Baucus
Bennett
Bond
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Feinstein
Frahm
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
Moynihan
Murkowski
Murray
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simpson
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond

NAYS—41

Akaka
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Ford
Graham
Harkin
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
McConnell
Mikulski
Moseley-Braun
Pell
Reid
Robb
Rockefeller
Sarbanes
Simon
Smith
Warner
Wellstone
Wyden

NOT VOTING—1

Pryor

The motion to lay on the table amendment No. 5223 was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERREY. I ask unanimous concept to add Senators SNOWE and PRESSLER as cosponsors to Amendment 5232 regarding IRS reorganization.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

AMENDMENT NO. 5206

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 5206, the WYDEN amendment.

Mr. SHELBY. Mr. President, the WYDEN amendment contains direct spending and revenue legislation which would increase the deficit by $85 million for the period 2002 through 2006.

At this point, I raise a point of order, pursuant to section 202 of House Concurrent Resolution 67, the concurrent resolution of the budget for the fiscal year 1996. I raise the budget point of order.

Mr. WYDEN. I move to waive the point of order and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak on my amendment at this time.

The PRESIDING OFFICER. The motion is debatable.

Mr. WYDEN. Mr. President, the Senator from Alabama is raising a point of order on a revenue issue that simply does not apply to this amendment. I believe the Senator from Alabama is talking about a Congressional Budget Office report that was done on the House legislation on this matter, and I would just like to inform my colleagues that this amendment contains a change from the House legislation, a change that was added at the direct request of a number of managed care organizations, that deals with this question of revenue.

If I could briefly engage the Senator from Alabama on this matter? The Senator from Alabama, I know, is trying to juggle a number of matters, but I would like to ask the Senator from Alabama, does he have a Congressional Budget Office report at this time that specifically cites this revenue projection on my amendment which is pending before the Senate?

Mr. SHELBY. If the Senator from Oregon will yield?

Mr. WYDEN. I am happy to yield.

Mr. SHELBY. We have an oral statement from the Budget Committee staff that this violates the concurrent resolution and will cost $85 million. They scored it that way.

Mr. WYDEN. Mr. President, the Senator from Alabama told me that he does not have an official report from the Congressional Budget Office with respect to revenue on it. The Senator has said that the majority staff projects that it will cost $85 million.

Mr. SHELBY. If the Senator from Oregon will yield for a correction?

Mr. WYDEN. I am happy to yield.

Mr. SHELBY. The CBO, not the majority staff, is where this number comes from, $85 million that is a violation of the rule. Not the majority staff but the Congressional Budget Office itself.

Mr. WYDEN. If the chairman of the subcommittee would provide me a copy of that, I would very much like to see that. Because the fact is, and let us go to the discussion of this matter, this has nothing to do with the Federal budget. What I am seeking to do is to make sure that managed care plans, the fastest growing part of American health care today, are not allowed to impose gag rules that impede patients from getting all the information that they need with respect to medical services and medical treatments.

I come, Mr. President, from a part of the country that has pioneered managed care. The Portland metropolitan area that I represented, first in the House and now as a Senator, has the highest concentration of managed care in our country. We have seen good managed care, and there is plenty of it in Oregon.

Unfortunately, there are managed care plans that have cut corners and that have kept a patient from a full range of those who provide necessary services. There are plans in the country where there have been oral communications where a plan says to a particular provider: "We're watching the number of referrals that you are making out of the network. We don't want you to refer to that particular specialist."

This is going on in our country. It is not right, and that is what this issue is all about. This is not a budget issue, I say to my colleagues. This is a matter of right and wrong. This is a matter of whether you are going to stand up for consumers, stand on the side of patients, or whether you are going to see those gag rules that keep patients from getting the information that they need and deserve.

Mr. President, the preamble of the Hippocratic oath, which guides so much of American health care, is a statement to physicians: "First, do no harm."

The message of these gag restrictions, these gag clauses that we are seeing in managed care plans all across the country is not "First, do no harm." Their message is, "First, support the bottom line." That is the issue that we are debating. That is not good health care. That is certainly not good managed care.

Several months ago, the Washington Post cited a startling example involving the Mid-Atlantic Medical Services health plan, a large Washington metro area provider. This plan wrote a letter to network practitioners informing them that "effective immediately, all referrals from (the plan) to specialists may be for only one visit." And in bold type, the letter stated: "We are terminating the contracts of physicians and affiliates who fail to meet the performance patterns for their speciality."

That is the kind of gag rule, that is the kind of constraint that is being imposed on patients in the American health care system today by some managed care plans. Certainly, not all the managed care plans, and it is certainly not representative of what we are seeing in Oregon, but it is happening across the country. We have even seen it in a State like mine that has good managed care, and this is a bad deal for patients all around.

First, patients end up not getting the kind of health care that they need.

Second, the plan may restrict the provider, the physician, from informing the patient about referral restrictions so that the patient doesn't even know that they are being medically shortchanged via the plan's policy.

So what you have, stemming from the gag clauses, is a situation where our patients are in the dark in the fastest growing sector of American health care. These gag clauses keep the patients from even knowing, from even being in a position to understand that they are being medically shortchanged via a plan's policy.

Let me mention a couple of providers who have brought this to my attention in Oregon.

One orthopedic surgeon faced a situation where his managed care plan demanded he diagnose problems in patients apart from the ones for which they were referred. He, in effect, was told he had to keep his mouth shut and instead re-refer those folks back to their primary care physician.

This physician wrote me: "This is extremely disappointing to patients, as you might imagine. This requires more visits on their part to their primary care physician and then back to me, which is extremely inefficient."

Another physician, a family practitioner in a rural part of the State, wrote that antigag legislation was needed because "when a physician recommends medical treatment for a patient and a plan denies coverage for that treatment, patients and physicians need an effective mechanism to challenge the plan."

So what we find is that these kinds of communications, communication between a plan and a provider, such as an oral communication, are getting in the way of the doctor-patient relationship, and that is why consumer groups and provider groups all across this country are up in arms and have weighed in on behalf of this particular amendment.

There are some protections. A handful of States do offer some protections for the patient, but they vary widely from State to State. So that is why I bring this matter to the Senate's attention.

Senator KENNEDY joins me in this effort to set a national standard for what has become a national problem, but I would like to emphasize how bipartisan this effort is. Senators need to understand that if they vote against my amendment, they are essentially voting against the amendment that Senator HELMS has also filed. It is a little bit different. It has not been formally addressed in the Senate, but it is essentially what Senator HELMS has sought.

In the House, Dr. GREG GANSKE, a Republican, a physician, has done yeoman work on this matter, with Congressman ED MARKEY of Massachusetts, a Democrat. They have held voluminous hearings in the House where this has been a problem documented on the record.

The Commerce Committee dealt with this issue—I would like all my colleagues to know this, as we move to a vote on this matter—the House Commerce Committee dealt with this on a unanimous basis, on a bipartisan unanimous basis, and I simply want my colleagues to know that while Senator KENNEDY joins me formally in this effort, Senator HELMS has filed what amounts to almost an identical amendment to what I offer today.

Dr. GANSKE and ED MARKEY, on a bipartisan basis in the House, have engineered committee approval of it, so this is not a partisan issue that comes before the Senate today.

This amendment is rifle-shot legislation prohibiting only gag provisions in contracts or in a pattern of oral communications between plans and practitioners which would limit discussion of a patient's physical or mental condition or treatment options.

I want to emphasize that health plans would still be able to protect and enforce provisions involving all other aspects of their relationships with practitioners, including confidentiality and proprietary business information. The reason that is important, Mr. President, is obviously it is not in the interest of the American people or this body to have the U.S. Senate fishing about in the proprietary records of health plans.

What this is all about is making sure that patients get information about health services, about their physical or mental condition, about treatment options. They deserve the right to information about health services and not face these gag clauses that keep them from getting the information that they deserve.

I want my colleagues to know that I have worked hard with leaders in the managed care community, as well as practitioners and consumer advocates in crafting this legislation. The amendment specifies that State laws which meet or exceed the Federal standard set out here would not be preempted by Federal law.

The bill has been endorsed by a wide variety of provider groups, physician groups, as well as by consumer organizations. The endorsements for this particular amendment include the Association of American Physicians and Surgeons, the American Association of Retired Persons, the Center for Patient

Advocacy, Citizen Action, the Consumers Union, the American College of Emergency Physicians, and a number of other organizations.

Here is what the Association of American Physicians had to say with respect to this amendment. They said:

> Restrictions on communication with our patients not only undermine quality of care, but are a blatant violation of the Hippocratic oath. Prohibition of gag rules is a crucial step toward protecting patients.

The Center for Patient Advocacy said:

> It has become common for insurers to incorporate clauses or policies into providers' contracts that restrict their ability to communicate with their patients. Such gag clauses seriously threaten the quality of care for American patients.

So what we have, Mr. President, and colleagues, is essentially a pattern across the country with these gag rules that turns the Hippocratic oath on its head. A Hippocratic oath that tells physicians, "First, do no harm," has become all too often, "First, think about the bottom line."

So I am very hopeful that on a bipartisan basis the Senate will pass, hopefully without opposition, my amendment. As I say, a vote against my amendment is essentially a vote against what Senator HELMS has filed in this body. It is a vote against what Dr. GANSKE has sought to do in the House. And most importantly, it is a vote against patients and consumers all across the country.

If you vote against this amendment today, which will undoubtedly be the only chance the Senate gets to go on record on it in this session, then you are sending a message to managed care plans across the country that if you want to stiff the patients, if you want to stiff those who are vulnerable and those who need health care in America, it is all right. You can keep from them information about their physical and mental options and alternatives. You can keep information from them about treatment and kinds of services. I cannot believe that is what the U.S. Senate would want to do.

I think what the U.S. Senate would want to do is what Senator HELMS has sought to do, what Dr. GANSKE has sought to do, what Congressman MARKEY and Senator KENNEDY and I have sought to do, and that is to stand up for the rights of the patients.

So I am hopeful that this will be supported widely by Senators today. We should not let these gag rules between plans and an individual physician get in the way of the sacred doctor-patient relationship. These plans are the fastest growing part of American health care today. And we ought to go on record as being on the side of patients, as being on the side of the vast majority of doctors and providers in this country who want their patients to know all their treatment options, all the services that are available to them. I hope that Senators on a bipartisan basis will support this effort.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, first of all, I want to commend Senator WYDEN for providing leadership in this very, very important area of health policy. I welcome the opportunity to join with him on an issue that really affects, in a very significant and important way, the quality of health care that is being practiced in this country. I commend him and others who have been involved with this legislation.

I would like to address the Senate just very briefly on this issue and also make a comment about the procedural situation that we find ourselves in at the present time.

As Senator WYDEN has pointed out, one of the most dramatic changes in the health care system in recent years has been the growth of managed care programs. In many ways, this is a positive development. Managed care offers the opportunity to extend the best medical practices to all medical practice, to emphasize health maintenance and to provide more coordinated care. Numerous studies have found that managed care compares favorably with the fee-for-service medicine on a variety of different quality measures.

Many HMO's have made vigorous efforts to improve the quality of care, to gather and use systematic data to improve clinical decisionmaking and assure an appropriate mix of primary and specialty care. But the same financial incentives that can lead HMO's and other managed care providers to practice more cost-effective medicine also can lead to undertreatment or inappropriate restrictions on specialty care, expensive treatments, and new treatments.

In recent months, the spate of critical articles in the press has suggested that too many managed care plans place the bottom line ahead of their patients' well-being—and are pressuring physicians in their networks to do the same. So these abuses include failure to inform the patients of particular treatment options; excessive barriers to reduce referrals to specialists for evaluation and treatment; unwillingness to order appropriate diagnostic tests; and reluctance to pay for potentially life-saving treatment. In some cases, these failures have had tragic consequences.

In the long run, the most effective means of assuring quality in managed care is for the industry itself to make sure that quality is always a top priority. I am encouraged by the industry's recent development of a philosophy of care that sets out ethical principles for its members, by the growing trend toward accreditation, and by increasingly widespread use of standardized quality assessment measures. But I also believe that basic Federal regulations to assure that every plan meets at least minimum standards is necessary.

So, with this amendment, the Senate has a chance to go firmly on record against a truly flagrant practice—the use of gag rules to keep physicians from informing patients of all their treatment options in making their best professional recommendations.

Gag rules take a number of forms. This amendment targets the most abusive and most inappropriate type of gag rule: gag rules that forbid physicians to discuss all treatment options with the patient and make the best possible professional recommendation, even if that recommendation is for a non-covered service or could be construed to disparage the plan for not covering it.

Our amendment forbids plans from prohibiting or restricting any medical communication with a patient with respect to the patient's physical or mental condition or treatment options. This is a basic rule which everyone endorses in theory but which has been violated in practice. The standards of the Joint Commission on Accreditation of Health Care Organizations requires that "Physicians cannot be restricted from sharing treatment options with their patients, whether or not the options are covered by the plan."

Dr. John Ludden of the Harvard Community Health Plan, testifying for the American Association of Health Plans, has said: "The AAHP firmly believes that there should be open communications between health professionals and their patients about health status, medical conditions, and treatment options."

Legislation similar to this amendment passed the House Commerce Committee on a unanimous bipartisan vote. President Clinton has strongly endorsed the proposal.

The congressional session is drawing to a close. Today the Senate has the opportunity to act to protect patients across the country from these abusive gag rules, and I urge the Senate to approve the amendment.

Mr. President, I just want to make a very brief comment about this point of order. Mr. President, this making of a point of order is an abuse of the budget system. Basically, what we are talking about, for those that are trying to hide behind the point of order, is that the costs that are affected come from the most egregious abuses in the health care system by systems which are shortchanging and endangering the health of the American people.

You cannot hide behind this procedural vote on this issue, Mr. President. You just cannot hide. This is not about involving additional burdens or costs to the Federal Government. What you are basically talking about is providing protections to the sleaziest operators in this country that are endangering the health of the American people, and every consumer will know it.

Make no mistake about it. Make no mistake about it. We are talking about trying to get the best health care. That means that the best information that the best doctors in this country can provide ought to be provided to patients. Patients deserve to have that information.

We are seeing an abuse of the budgetary system by raising the point of order on this particular measure. Make no mistake about it, every consumer is going to know what this is about. This is not about procedure; this is about substance. This is about substance. You can have a technical point of order, but it is about substance, about quality of health.

We only have the opportunity to offer it on this particular measure. I commend Senator WYDEN for providing the initiative. We all ought to be very clear about what is involved in a technical point of order. It is an abuse of the budget system in every sense of the word. It involves the most important issue regarding health and that is the quality of health for American consumers.

The idea that the Senate, after we have had unanimous and bipartisan support over in the House of Representatives, is going to try and hide under a technical amendment, will be a shameful day here in the U.S. Senate.

Mrs. KASSEBAUM. Mr. President, I say, first, this is not an effort to hide behind a technical point of order. I care just as much as the Senator from Massachusetts or the Senator from Oregon about the quality of health care. We all do in this Chamber. There is a process, unfortunately—or fortunately—under which we operate around. That process requires us to do some things to assure that issues are considered with some thoroughness, and I believe that is appropriate.

I agree in many ways, in all ways, actually, on the principle to which the Senator from Oregon and the Senator from Massachusetts are speaking. Patients should have access to complete and accurate information regarding their health care. None of us here in this Chamber disagree with that concept, or with the concept that doctors should be allowed to share that information with their patients. Patients' communications with their doctor should be protected. I think we would all feel this is a prime concern. It is a vital part of the health care process.

I have a great deal of sympathy for the motivations behind the amendment that is offered by Senators WYDEN and KENNEDY. However, I believe it would simply be irresponsible to approve it in the absence of any review or discussion of its provisions at any level in the U.S. Senate. The legislation upon which the amendment is based was introduced barely a month ago on July 31 and no committee hearings have been held.

I have visited with Senator WYDEN because, as chairman of the Labor and Human Resources Committee, I have wanted to hold hearings on this legislation since we came back from the August recess. It has not been possible to find a time that we were able to put a hearing together. That does not mean that it is not going to happen, and certainly it should be a priority of the next Congress. However, just as so often happens here when we begin to run out of time, we want to add everything that we can to the appropriations bills that are moving.

In this instance, as has been pointed out, a similar proposal was approved by the Commerce Committee in the House of Representatives. It is a bipartisan measure. There is nothing partisan about this. It passed unanimously in committee. It has not been considered by the full House of Representatives. I believe that, when we are looking at aspects of a very important and yet complex piece of legislation, we do have to go through the procedures and processes that are part of our operation here, whether we want to or not.

It certainly is not unprecedented to have extraneous amendments offered at the last minute. However, the Senate's being asked to decide a highly complex issue without the benefit of any review at all is, I suggest, Mr. President, a mistake. It is a mistake. Our procedures may delay consideration of legislation we support, but it protects us from legislation that we do not support as well. We need to be able to understand what a piece of legislation is all about. For example, we are not sure what CBO's scoring of this amendment is. It might not be important, but it is a requirement we have scoring around here. We have that requirement so we can better understand the budgetary consequences of our actions, and—generally—we are required to provide offsets for spending increases.

As I mentioned earlier and as Senator WYDEN pointed out, the House Commerce Committee has considered this issue and has held extensive hearings. I have visited with Congressman GANSKE myself, and I have high regard for the dedication that he has given to this issue and for the time that he has spent with it. His being a doctor, I have high regard for his understanding of the issue. I have great interest in his work and feel that he is to be commended for moving forward the discussion to the point that it has progressed.

However, I point out that even the authors of the amendment before the Senate acknowledge that the work of the House committee is not the final word, as several provisions of the amendment depart from the language approved by the House committee. The reason that we have committees in the Senate and the reason that each one of us spends, or should spend, so many hours in committee work is to lend some degree of thought and expertise to public policy issues.

It can be very frustrating when legislation does not move forward at the pace we would like to see. Nevertheless, the committee system is one of the processes, and perhaps breaks, that we have here, Mr. President. That system enables us to turn out, one would hope, a finished product where we understand what the language means and which avoids the unintended consequences of the initial language proposed.

In the course of this work, I think we find that very little is as simple as it may seem at first glance. We also find our initial solutions can spawn problems just as serious as those we set out to address. Such solutions are inevitably refined and improved as additional information is gathered.

In an area as complex and dynamic as managed care, we need to give serious thought and deliberation before launching the Federal Government into the middle of private contractual arrangements. The amendment is intended to address an important issue regarding quality health care, and it is an important issue. But good intentions are not sufficient; we need to understand the consequences of the language we use and the actions we take.

In fact, President Clinton himself has acknowledged the need for a closer examination of managed care issues with his recent announcement of his plans to establish the National Commission on Health Care Quality.

As I stated when I began speaking, I am not arguing that this issue should be ignored. In fact, I think it is a very important issue for us to look at and one of the next important steps in any of our health care debates. It is a legitimate concern.

It is for this reason I intend to propose an amendment calling for action in this area early next year after there has been an opportunity to review the full ramifications of the solution proposed by the Senator from Oregon. A vote "no" on this motion, Mr. President, does not mean that we do not care. A vote "no" is not hiding behind some procedural arrangement. A vote "no" is simply saying we have a process that we should make work as intended in order to give us the best end result on an issue that we all care deeply about and that I believe should be of prime concern.

I yield the floor.

Mr. CONRAD. Mr. President, I think this is a fundamental issue and that we ought to address it now.

Mr. President, I come from a long medical tradition on my mother's side of the family. My grandfather and virtually all of his relatives were doctors.

My grandfather was a pioneer surgeon in North Dakota and was the chief of staff of our local hospital. In many ways, I grew up in a medical family.

The notion that we would have a gag rule on doctors and what they can tell their patients is anathema to those who are medical professionals. It is not limited to medical professionals. I think it is anathema to any American. The notion that a doctor, by contract, is precluded from sharing certain information with a patient about that patient's illness is unconscionable—unconscionable.

What kind of system do we have when a doctor can be precluded from telling a patient about treatment options, about referral options in America?

Mr. President, I met yesterday with medical professionals from my State. I do not use the English language lightly. I said that I believe these gag rules are immoral, and I do believe it is immoral, Mr. President, to say to a doctor, "You are restricted and limited in what you can say about what you know about a patient's options." You know, it sounds to me like another country and another time. Maybe that would go over in the Soviet Union. Maybe that would have gone over in Germany in the thirties. This is America in the nineties. No doctor should be precluded from discussing with a patient the treatment options of that patient. That is outrageous.

Mr. President, we may not be able to solve this matter completely in the days that remain in this session, but we can start, and we should start, and we have the opportunity in this amendment. This amendment has been carefully crafted. The House has gone over it, the medical community has gone over it, some of the best minds of the U.S. Senate have gone over it, and they have crafted an amendment that is a rifle shot. It says very clearly what cannot be gagged, what communications ought to be able to freely flow between a patient and the person who is responsible for that patient's care.

Mr. President, we ought to pass this amendment. We ought to pass this amendment. I can't think of a single good reason why this amendment ought to be stopped. I can just say that I have discussed this with people in my home State on my most recent trip home. They are just mystified how, in America, you can have a circumstance in which a doctor is precluded and prevented from talking to their patients about treatment options that are available to them. Well, that is just beyond description in terms of the morality of the circumstance.

Mr. President, I want to commend Senator WYDEN for coming forward with this amendment at this time. I would commend anybody on the other side of the aisle—and I would do it publicly—if they came forward with this amendment, because I feel that strongly about it. This is something we ought to pass. It ought to be bipartisan. There ought not to be a whiff of partisanship about it. I thank my colleague from Oregon, Senator WYDEN, for doing, I think, a superb job in bringing this amendment to the attention of the body. This ought to pass 100–0. I don't care about points of order and all the rest. I don't know whether people are hiding behind it or not. Frankly, I just think it is inappropriate in this circumstance to be talking about a point of order with respect to an amendment that is so totally and fully justified.

Again, I want to thank my colleague, Senator WYDEN, for authoring this amendment and bringing it to our attention. I hope this amendment passes 100–0 on the floor of the U.S. Senate. That would send a very good message across this country about what is acceptable and what is not acceptable.

I will just add this final point. If this is the direction that we are going to go in with health care in America, there is going to be an enormous reaction in this country. I predict that today. If this is the direction we are going to go in, in which patients are denied information about their coverage options, then we have big trouble in this country. We can address it right here today and pass this amendment, and we should.

I thank the Chair and yield the floor.

Mr. SHELBY. Mr. President, I will speak to this in a second.

Mr. President, I ask unanimous consent that during the consideration of the committee amendment on page 80 regarding abortion funding there be 1 hour of debate prior to a motion to table, to be equally divided between Senators NICKLES and BOXER, and that no other action occur prior to the motion to table. This has been cleared with Senator KERREY.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. SHELBY. Mr. President, CBO has told staff from both sides of the aisle, Republicans and Democrats, that the scoring of this amendment is the same as the scoring of the Ganske bill in the House, and they will be providing a written confirmation on this scoring to both of our staffs immediately. It could be imminent. We will present it and insert it into the RECORD as soon as we get it from CBO. It is going to be the same thing. CBO says to us that it is going to cost $85 million and it violates the Budget Act.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KENNEDY, is recognized.

Mr. KENNEDY. Mr. President, I will just respond very briefly to two points. One is about the consideration of this amendment. I say to my friend and colleague from Kansas, Senator KASSEBAUM, with all respect, we did not have any hearings on the mental health provision that we just passed here 82 to 15, the Domenici-Wellstone amendment. We didn't have any hearings in our committee on that particular issue. We did not have any on the Lodine patent extension, which was added by some of our majority Members to the Kassebaum-Kennedy bill. That would have been something we should have had a good deal of hearings on. We did not have any on the Mediguide amendment that was added in the agricultural appropriations bill. Hearings would have been useful. Those affect consumer information as well. So the fact of the matter is, on this issue, it has been reviewed in detail in hearings in the House of Representatives. It is a simple concept, and there is absolutely adequate justification.

Finally, Mr. President, on the budget item—and we all have the budget items here—it is my understanding that, for 1997, 1998, 1999, 2000, and 2001, the items which are listed in the budget, that may be the potential cost, can be assumed within the range of differences and estimates within the Budget Committee. What it is not is in the year 2002. Do you know what that figure is that we are going to risk denying American consumers and patients information that is vital to their health? It is $15 million. It is $15 million. Do you know how the Budget Committee gets that? They say, well, when patients actually find out that there is a better treatment for their illness, what they are going to do is get the better treatment for their illness, which means that they may very well get less wages because if they increase the cost of their health insurance, they are going to get less wages. That is the estimate. That is going to be the result—$15 million in the year 2002.

We are being asked now to allow the gag rule on doctors in this country to continue. This is a result of the pressure of the insurance company, and you are trying to tell us that this is a budget item, that this is a matter of budget process and procedure, in order to maintain the integrity of the Federal budget? It is an excuse, and it is an abuse of the budget process. It is the worst kind of abuse, because by denying this kind of information to patients, what we are doing is using the budget process as a way to provide an out for the sleaziest operators and at the same time, endangering the health of the American people. That is absolutely wrong. It was never intended in any debate or discussion of the Budget rules. This is a matter of substance.

I look forward to supporting the Wyden amendment and, again, I commend him for his leadership in bringing this extremely important measure to the Senate floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, first, I express my thanks to Senator KENNEDY. He has done yeoman work on so many health issues over the years. He has just been so helpful to me as a new Member of the Senate. I thank him for all of his help and that of his staff in preparing this amendment.

I think it is clear, Mr. President, that this amendment is not some sort of exotic animal that has just wandered onto the floor of the U.S. Senate to be considered, as if the Members have no awareness of what this issue is all about.

This issue has been the subject of extensive hearings in the House of Representatives. This issue has been all over the news media across the country. Suffice it to say that virtually every Member of this body has heard from constituents and from providers at home about this particular issue. I know that virtually every time I am home—I come from a part of the country which has some of the very best managed care in the Nation—that I hear from patients and consumers about this particular issue.

It really comes down to a question of whether we are going to keep faith with the Hippocratic oath of doing no harm to patients, making sure they have information about the various treatments and services that are essential to them, or to turn that Hippocratic oath on its head and in effect say the first obligations are to the bottom line.

This amendment is rifle-shot legislation. It prohibits only gag provisions in contracts that relate to patient care. It goes only to the question of whether or not patients are going to be able to get full and complete information about their physical and mental condition and about the treatment options that are available to them. It is not going to interfere with proprietary matters. It is not going to allow fishing expeditions into proprietary business information that ought to be the property of the health maintenance organizations. It goes just to the question of whether patients have a right to know.

Some may say now is not the time; that maybe next session it can be taken up. I would ask that one not substitute this kind of discussion of maybe tomorrow or maybe next year for what is simple justice and common sense for medical patients in the fastest growing sector of American health care. This has not been a partisan issue. Dr. GANSKE, a Republican, a physician on the House side, has done superb work along with Congressman MARKEY, a Democrat.

I have noted that Senator HELMS has filed an amendment which is very similar to the one that I will be seeking a vote on in a few moments. But there is a question, it seems to me, of consumer justice, of the patient's right to know, and we should not ask those patients to wait any longer given the documented record of abuses and problems.

We know that our health care system involving billions and billions of dollars is now being driven by managed care. One plan after another in the U.S. Senate has looked to managed care as the centerpiece of American health care as we look into the next century.

My view is—I come from a part of the country where there are many good managed care plans—that managed care will play a big role, a significant role in delivering quality care in a cost-effective way to the patients and consumers of our country. But let us not let a small number of plans—plans that have been cutting corners and have been found to be cutting corners from hearings that have been held in the Capitol—in effect continue those consumer abuses that take a toll on patients across this country.

This is not a vote about an arcane kind of issue with respect to the budget. This is a question of justice for patients, of the patient's right to know, and of patients needing information about the various treatment options available to them.

I hope my colleagues will in the spirit that this has been addressed in the House pass this with a bipartisan and significant vote. That is the way it was tackled in the House Commerce Committee. I hope we will send a message today to the vast majority of patients, doctors, and others who offer good medical care that we are on your side, that we are going to isolate those gag rules, that we are going to say that is not what we want American health care to look like in the 21st century, and that we would vote today to ban these insidious, unconscionable gag rules that restrict the right of medical patients in our country to know about essential services.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered, the Chair notes.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I wish to speak briefly in order to mention to the Senator from Oregon that he has talked a couple of times about the language of the Senator from North Carolina, Senator HELMS. I just visited with Senator HELMS to ask him what he thought of the provision before us. He pointed out that his language is much more narrowly drawn. It applies only to the Federal Employees Health Benefits Plan and includes some specific criteria. He has some difficulty believing that we should expand it further without understanding more of the ramifications.

I, like everyone else, have great sympathy for what Senator WYDEN has been wanting to accomplish, and what Congressman GANSKE wants to do in the House. I just have to say, however, it may not be as easily done as we would like to believe that it could be. That is all the more reason, I think, that we ought to at least have a hearing in the Senate and take the legislation through the committee.

As I said, and as Senator KENNEDY pointed out, we have considered some major legislation which has not gone through the full committee process. But, in general, those have been instances in which we have had some fairly extensive debate.

This proposal came to us without advance warning and without benefit of prior discussion in the committee or in the Senate. We are simply not prepared to look at language regarding contractual arrangements in the private sector and make wise decisions about it overnight.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, we have debated this for quite awhile today, and also, as some of you recall, fairly extensively last night.

Mr. President, this is not a Treasury appropriations issue that is before us. This debate has addressed the issue, and adopted an amendment. The amendment would cause the committee to find $85 million in the conference to stay within our allocation. We would have to take funds from the accounts that I spoke about earlier. The bill funds law enforcement, the IRS, and other basic Government functions, such as the Secret Service, and GSA. This bill does not come close to the President's budget request. The administration would like more money in this bill for law enforcement and others, not less.

This amendment would further reduce those programs, if it were adopted, $85 million. The Senator's amendment may be a worthy one, and probably is a worthy one, but the committee has an obligation, I believe, to fund the basic Government functions before the committee that we have jurisdiction over, and the Wyden amendment undermines the committee's ability to do so.

I hope that the Senate will not waive the Budget Act.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, the Senator from Indiana asked me if he could speak. We are moving to a vote. He has a clarification question. I was seeking the floor to give him an opportunity to be recognized.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. COATS. Mr. President, I thank the Senator from Nebraska for yielding for the purposes of a question.

I would like to ask the sponsor of the amendment, Senator WYDEN from Oregon, a question and see if I can get a clarification. I have just been advised that the amendment that he has offered preempts current State law; our current law. Is that correct?

Mr. WYDEN. No, that is not correct. In fact, we specifically protect the rights of States to go further.

Mr. COATS. What if States decide to go a little more narrow?

Mr. WYDEN. This is in fact a national standard. Yes, we do say—because managed care plans, many of them, operate in more than one State, we have said, you bet, we have a national problem. It is a national standard. But there are a small number of States that have dealt with this in a thoughtful kind of way. We specifically protect those States.

Mr. COATS. That is my dilemma because Indiana has, in my opinion, dealt with it in a thoughtful way. In some instances, the statute that we have is broader than the amendment offered by the Senator from Oregon and therefore I would think would be acceptable. But in other instances it is narrower. In other words, it is crafted to how Indiana best sees the need to provide information to consumers to protect them.

So that I assume then the answer is that that portion of the Indiana consumer protection and consumer information statute, which does not conform to the amendment, is preempted.

Mr. WYDEN. Well, the parts that protect the patient and protect Indiana physicians, those parts are in fact protected under my amendment. But if there are parts of the Indiana statute that do not adequately protect Indiana physicians and do not adequately protect Indiana consumers, yes, there would be a Federal standard.

Mr. COATS. If the Senator will yield further, that was not directly my question. Indiana has made a determination through its legislature, through its Governor, through consultation with consumer groups, patient groups, provider groups, about the best means of providing information and protecting consumers. And so my question is, does the Senator's amendment preempt those decisions on the part of Indiana citizens and the Indiana legislature that do not happen to conform, that would be construed by the Senator as being more narrow? In other words, they might not meet all of the Senator's criteria but they certainly meet the criteria that the people in our State believe appropriate to provide protection to patients.

Mr. WYDEN. If the Senator will let me respond, as the Senator knows—and both of us are veterans of the House Commerce Committee—not very much goes through the House Commerce Committee unanimously. Dr. GANSKE is not known as a poster child for the anti-States rights movement. This is a bill that has been worked on so as to be sensitive to the rights of States. What it does essentially is bring the same kind of consumer protections at the Federal level that we do in a number of Medicare areas. The Senator and I worked, for example, in the House on Medicare risk contracts and the like. This does say that on certain matters up to what amounts to a floor of consumer protection there ought to be a national standard. And that is how we deal with it here. That is how Dr. GANSKE dealt with it in the House.

Mr. COATS. I think I have the Senator's answer. The Senator's amendment does preempt those portions of Indiana law that do not conform with his definition of a floor or minimum standard. I believe our State has taken adequate steps to provide protections and information for consumers and therefore I will have to oppose the amendment. The Senator answered my question. I do not need to know the history of what happened in the committee or whether Mr. GANSKE is right or wrong. I am just looking out for my State of Indiana which made a determination of what is best for our consumers, and we are very happy in Indiana. I cannot support an amendment that preempts what we have done.

Mr. WYDEN. If the Senator will let me respond once more, I cannot imagine that Indiana State law allows these plans to gag Indiana doctors. I have not reviewed the Indiana law, but I just cannot believe that Indiana law does permit these kinds of gag rules. That is all we do in this legislation. If the Senator is looking for a way to vote against what physician groups and patients all across this country have been calling for, so be it. I know the Senator has done a lot of good work in health care. But I cannot believe that Indiana law is coming out in favor of these kinds of gag provisions. All we are seeking to do in this legislation is prevent them as well.

Mr. COATS. That is my last word here. I know that the Senator is very familiar with what the State of Oregon has done. The constituents of Oregon have elected him because they feel he knows what is going on in that State. It does not sound to me as if the Senator from Oregon knows what the State of Indiana has done. They elected this Senator because they know I know what is going on in that State. So I think it is presumptuous for the Senator from Oregon to say what Indiana has done is incorrect when he does not even know what it is.

All I am saying is I want to protect Indiana's right to make a determination of what is in the best interests of their citizens, and the Senator has answered my question. He preempts that part of our law which does not conform to what he thinks is right, but obviously it has to reflect what we in Indiana think is right. So I thank the Senator for his responses.

Mrs. BOXER. Will the Senator yield to me for a question?

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. KERREY. Mr. President, we have an hour of deliberation following this vote on an abortion amendment and Members on both sides that are anxious for that vote to occur have asked me to expedite it in order to be able to do other things. And so I think we have debated this. I will be pleased to allow it to go on if I have something additionally constructive, but I think people pretty well have this thing laid down.

Mr. President, I have not made a statement on this. I hope that Members actually will vote to waive in this case. We are trying to move in the direction of managed care, particularly those of us who are trying to work both sides of the aisle and get some agreement on providing incentives in Medicare to control costs, to increase choice, and allow people to purchase into managed care. The CBO does not calculate any savings that occur as a consequence of people liking managed care as a result of knowing that they are going to get all the information to purchase it and reduce taxpayer exposure as a consequence. All they do is calculate some marginal increase in costs that might occur as a result of more expensive treatments being done. They offer no savings as a result of people saying we now like managed care better because of what occurs.

This is eventually going to become law. Later on, we are going to pass an amendment with a big vote that gives Federal employees the same right. They are going to have the same right that the Senator from Oregon is now asking for all other people, especially for Medicare patients that are out there who are trying to ascertain whether or not they want to purchase into a managed care environment. So I think especially for budget reasons, CBO, with all due respect, has not calculated the increased savings that will occur as a consequence of seniors in particular saying we now have more confidence in managed care as a result of getting all the information.

The PRESIDING OFFICER. The question now is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—51

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Reid
Robb
Rockefeller
Sarbanes
Simon
Smith
Snowe
Specter
Wellstone
Wyden

NAYS—48

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Frahm
Frist
Gorton
Gramm
Grams
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Pryor

The PRESIDING OFFICER. On this vote the ayes are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained.

Mr. SHELBY. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 5235 TO COMMITTEE AMENDMENT ON PAGE 16, LINE 16

(Purpose: To express the sense of the Senate regarding communications between physicians and their patients)

Mrs. KASSEBAUM. Mr. President, I send to the desk an amendment to the committee amendment and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 5235 to committee amendment on page 16, line 16.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment, insert the following new section:

SEC. . PROTECTION OF PATIENT COMMUNICATIONS.

(a) FINDINGS.—Congress finds that—

(1) the health care market is dynamic, and the rapid changes seen in recent years can be expected to continue;

(2) the transformation of the health care market has promoted the development of innovative new treatments and more efficient delivery systems, but has also raised new and complex health policy challenges, touching on issues such as access, affordability, cost containment, and quality;

(3) appropriately addressing these challenges and the trade-offs they involve will require thoughtful and deliberate consideration by lawmakers, providers, consumers, and third-party payers; and

(4) the Patient Communications Protection Act of 1996 (S. 2005, 104th Congress) was first introduced in the Senate on July 31, 1996, and has not been subject to hearings or other review by the Senate or any of its committees.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Labor and Human Resources of the Senate, taking into account any relevant findings of the National Commission on Health Care Quality and other public and private entities with expertise in quality health care service delivery, should act expeditiously in the first session of the 105th Congress to schedule hearings and executive session consideration of legislation designed to ensure that patients be given access to all relevant information concerning their health care so as to permit such patients, in consultation with their physicians, to make appropriate decisions regarding their health care, and that the Senate should promptly consider that legislation.

Mrs. KASSEBAUM. Mr. President, this amendment is very brief, if I may just explain it. It expresses the sense of the Senate regarding communications between physicians and their patients. It addresses the same issue that we have just been debating. I think we have had a good and extensive debate. My concern with the amendment on which we just voted was that its provisions had not been fully considered and had not been the subject of any hearings in the Senate. We needed to approach the issue, I thought, in a more cautious way—even though there was strong support for the concept behind that amendment.

My amendment is just saying that:

It is the sense of the Senate that the Committee on Labor and Human Resources of the Senate, taking into account any relevant findings of the National Commission on Health Care Quality and other public and private entities with expertise and quality health care service delivery, should act expeditiously in the first session of the 105th Congress to schedule hearings and executive session consideration of legislation designed to ensure that patients be given access to all relevant information concerning their health care so as to permit such patients, in consultation with their physicians, to make appropriate decisions regarding their health care, and that the Senate should promptly consider that legislation.

This amendment is consistent with the intent of the legislation offered by the Senator from Oregon and the Senator from Massachusetts, but puts the Senate on record as supporting the use of the standard and proper procedures that I think are needed to give this issue the full and careful consideration it deserves.

Since we have had, I think, a full debate, I ask for the yeas and nays and for the immediate consideration of this measure.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have not seen the sense of the Senate, offered by Senator KASSEBAUM, but I would like to discuss this further with her. I also might say that as a new Member of the Senate, she has been especially helpful to me. We have worked on a variety of things, Food and Drug Administration issues and the like. I want her to understand that it has not been particularly pleasant to spend the afternoon taking different positions with somebody I admire. I want her to understand that.

Again, I have not seen a copy of the sense of the Senate offered by the chair of the committee. She seeks to offer a study of this issue involving gag rules on medical patients; is that correct?

We have my amendment which passed 51 to 48, but did not get 60 votes, on a proposal that keeps these health maintenance plans from imposing gag rules that keep their patients from getting a full range of information about medical services and treatments and their health care options.

My amendment does not deal with the abortion issue. Perhaps some may have thought it did. It simply deals with all of those physical and mental health services and the treatment options that patients need to make decisions.

The Senate passed my amendment 51 to 48. Of course, it needed 60 votes. I gather now that the Chair of the committee seeks a study of this particular issue. I yield to her to find out whether this, in fact, is a study, or is this legislation with some teeth in it that actually does ban these gag rules, these insidious, offensive, anticonsumer gag rules that keep patients from knowing about their rights?

Mrs. KASSEBAUM. Mr. President, no, this is not another study. It is a sense-of-the-Senate resolution. So it does not have statutory authority as the language of the Senator from Oregon would have had.

However, it does not call for another study. It simply says that the Senate should take into account any relevant findings of the National Commission on Health Care Quality which President Clinton has said he would appoint and other public and private entities with expertise in this issue and in the quality of health care service delivery. We would consider the views of those entities at a hearing before the Labor and

Human Resources Committee, the committee of jurisdiction over this legislation.

I do not think another study is important so much as gaining understanding through a hearing about what facts are known and what points of view would be expressed from different aspects of the health care service delivery industry, and then acting expeditiously.

So I assume the bill of the Senator from Oregon would be the vehicle in the next Congress. Hopefully, the bill would be introduced right at the beginning of the Congress, so that there would be time to look at it. I think that the interest in this issue is indicative of the fact there is going to be a great deal of interest in legislation regarding this subject.

So I am not calling for a study. My amendment says we should act expeditiously, but we should review all of the pertinent information that is available.

Mr. WYDEN. Mr. President and colleagues, I hope that it is understood that while I think that the Chair of the committee means well and is sincere in this effort, I think that the sense of the Senate that she offers today is very risky business.

This is September of 1996. The Senator from Kansas essentially is saying September, October, November, December, January, February, as the next Senate gets into business, that sometime 6 to 8 months from now we can talk again about the rights of patients in the fastest growing sector of American health care. I think this is risky business.

It is one thing to study an issue when it is abstract, when it may not have direct and immediate consequences, but what the Senator from Kansas is saying is that when you have patients being hurt today, being subjected to risk today when they do not have access to all the information about the physical and mental health services that may be available to them when they need that information to make decisions about their treatment, the Senator from Kansas is saying they cannot have it. I know that the Senator from Kansas does not intend it that way—putting patients at risk.

It means that today in Oregon and in Kansas and all across the country where there are gag rules that keep patients from knowing of their rights, they will not be able to have that information. It is not available to them. The U.S. Senate is saying, instead of voting for legislation or allowing me to get 60 votes on my amendment, what we will do is not give those patients the rights they need, not make sure that they can know of all the physical and mental health services that they deserve, and instead tell them that sometime next year, sometime in the future, we will go on.

I think it is a mistake. It puts patients at risk. This Member of the U.S. Senate is not willing to play that kind of Russian roulette with the well-being of patients in the fastest growing sector of American health care.

I am happy to yield to the Senator.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I suggest that we have been in the 104th Congress for 2 years. This legislation was introduced in the House some time ago. It would have been useful to us here in the U.S. Senate if this legislation had been before us prior to July 31. We would then have had time to hold committee hearings, which I think would have enabled us to make some corrections or additions or changes and to understand better the consequences of all the steps toward the goals we do support. I think it is not fair to say all of a sudden that, because a bill introduced right before the August recess has not yet been considered, that means it is something we do not care about. There was time in which the process could have moved forward, had the bill been introduced earlier.

Mr. WYDEN. Mr. President and colleagues, there is no question in my mind about the sincerity and good will of the Senator from Kansas. She, along with Senator KENNEDY, have done, I think, an especially valuable service this session with the insurance involving portability. For the first time in America, because of the work of the Senator from Kansas, we are going to make sure that workers are not going to be locked into their jobs. They are going to have a chance to enjoy the American dream because of their hard work. No one questions the sincerity and the desire of the Senator from Kansas to tackle these very real and very human kinds of problems that affect so many of our families.

I feel very strongly—and looking at the sense of the Senate, it calls for consulting public and private entities with expertise and quality health care service delivery. The fact is that the House, in hearings that were public, shown on C-SPAN and the like, did exactly that. They had extensive discussions with the very people that this sense-of-the-Senate resolution suggests we talk with.

It would be one thing if there had been no discussions with these distinguished people in the private sector. Those discussions have taken place. They have been held. That is why Dr. GANSKE, a Republican, and Congressman MARKEY, a Democrat, came together and got a unanimous vote to go forward and protect the rights of health care patients in the fastest growing part of American health care.

We have done, it seems to me, the essence of this sense-of-the-Senate resolution, No. 1.

No. 2, I think it puts patients at risk because it allows gag rules to go forward unimpeded in the months after this Congress adjourns.

I hope my colleagues and the Senate understand just how pernicious these gag rules are. What these gag rules are all about is that a plan may say to a physician, "You are making too many referrals outside the network, outside the health maintenance plan." The plan may say, "I do not want to have a referral to an ophthalmologist or a cardiologist or another specialist." These are very anticonsumer provisions that are becoming a part of American health care. They have been documented. They are a matter of public record. I just think it is very risky business to say that instead of protecting the rights of the patients, instead of protecting the rights of the consumer, what we will do is study it a bit and talk to some of the same people that we already talked to, rather than protecting those rights of the patients.

So this Senator believes that we should not have another study, should not have yet another analysis. If I could just briefly engage the chair of the committee, Senator KASSEBAUM, who I know is having some discussions on several matters. But I wanted to see if it might be possible to have the distinguished chair of the committee lay aside her sense-of-the-Senate resolution at this time, and perhaps we can have some more discussion toward seeing if, on a bipartisan basis, we can come up with some piece of legislation that has some teeth in it before we conclude with this bill, and that we recognize that a majority of Senators voted to put some real teeth into this issue. It wasn't 60; it was 51. But a majority of Senators said that they didn't think these gag clauses were in the interest of American patients. They said this was anticonsumer. I would like to see—like we have done with FDA and other matters—whether the distinguished chair of the committee and I could work a bit further on this between now and the end of the day and perhaps come back to the Senate with a bipartisan proposal that really would provide a measure of relief to patients at this time.

Now, to do that, the Senator from Kansas would have to lay aside her sense-of-the-Senate proposal. I just ask if she would be willing to do that at this point, and during the interim, I ask that she and I and Senator KENNEDY and our respective staffs, on a bipartisan basis, see if we can come up with a bipartisan proposal that would really have teeth in it and protect the rights of the patients.

I yield to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I have no objection to setting aside the underlying committee amendment, if that is the wish of the Senator. I thought, actually, we could voice vote the sense of the Senate. There are many other amendments that will require lengthy debate. If we want to set aside the entire amendment, that is fine. I am happy to do so, so the debate can proceed on other amendments.

Mr. WYDEN. If I might say further, I was asking the chair of the committee to lay aside, for the moment, her sense-of-the-Senate resolution so that, hopefully, the next time this comes up in the Senate—hopefully, later today—we would have a bipartisan proposal that would have some real teeth in it that would protect the rights of patients. Is that acceptable to the chair of the committee?

Mrs. KASSEBAUM. Mr. President, no. As I stated, I am happy to lay aside the underlying amendment. Otherwise, my sense of the Senate is open to being amended. I feel that would not be a good position in which to be placed at this point. I am happy to do so and proceed with other amendments to the bill and see what we can work out. That is the position I take.

Mr. WYDEN. Reluctantly, I will have to oppose the sense-of-the-Senate resolution. I want to take a few more minutes to tell the Senate why I am going to oppose the sense-of-the-Senate resolution.

You pass the sense-of-the-Senate resolution and you are playing Russian roulette with consumers in our health care system. We have patients and consumers who are being denied the information they need with respect to medical services for their physical and mental problems and the treatment options that are available to them. You pass this sense-of-the-Senate resolution and what you say to those patients, in the fastest growing sector of American health care, is, "We are not on your side. We don't want you to have any rights now. We are not going to do anything about these pernicious, offensive gag rules that exist today. Instead, what we will do is go out and talk to a whole bunch of the same people that the U.S. Congress has already talked to."

I think that is unfortunate. I think it is risky business. I think that when you have patients who are in jeopardy—and make no mistake about it, that is what happens when you have these gag rules. These patients are in jeopardy. They are not being told what they need to know as it relates to essential health services and the information they need.

I will tell you, I am just absolutely baffled at how the U.S. Senate can say, at a time when patients hunger for information about health care services, at a time when they want to get it on the Internet, at a time when they can go to special programs offered by health care providers, just to know about new treatments and options, I can't understand how the U.S. Senate would then say that we are going to stiff those patients, we are not going to give them the information they need, we are not going to tell them what they need to know to make the essential decisions about the treatment and the services that they think are best for them.

So I think that this sense-of-the-Senate resolution puts patients at risk. It means that we are not going to get any help for patients who need it now, who can't wait 6, 8, 10 months, or whenever it might be until the Senate might take this up again. It is not completely clear to me what the timetable of this might possibly be. But I think that this sense-of-the-Senate resolution puts patients at risk. I think it jeopardizes the well-being of vulnerable people. I think it is the antithesis of sensible health care policy, which ought to be built on the patient's right to know—the right to know everything, not just those things that might be in a planned financial interest. I just can't believe that this Senate wants to wrap up the discussion of this topic by telling patients that we are going to be on the side of the gag rules, we are going to be on the side of those who want to keep you from having information. But that is what this sense-of-the-Senate resolution does.

Unfortunately, it says we won't protect patients now. We are not going to stand up for them when they face these gag rules that limit their right to know. I want it understood that this Senator is going to oppose this sense-of-the-Senate resolution, because it puts patients at risk. It sends the message—and perhaps some may desire to do this—that the U.S. Senate is doing something to help patients when, in fact, it is not. The earlier amendment, the amendment that banned these gag clauses, helped patients. It helped them now, because it made sure that they could have access to all the information they need to make informed and thoughtful choices.

I can tell my colleagues that I come from a part of the country that has managed care, that has had managed care perhaps longer than any other. We pioneered it. We have good managed care. We still have some of these abuses. But I can assure you that your communities and your States have a whole lot more of these problems than we do.

I think it is going to be very, very hard to go home and explain to patients, explain to doctors—because doctors have endorsed this effort to eliminate the gag rules—how it is in the public interest. I cannot possibly believe that you can stand up at a community meeting of physicians, patients, or citizens and say we are not going to give you the information you need about medical services and medical treatments. But instead of giving you the information that you need we are going to have a gag rule, and you can't find out about your rights.

Mrs. BOXER. Will the Senator yield to me for a question?

Mr. WYDEN. I will, and I want to yield to Senator KERREY who has been helping me for the better part of 24 hours.

Mrs. BOXER. I will be very brief. I wonder if the Senator knows that before he happily came to this body we made an incredible contribution to the whole country when we passed a Sense of the Senate on this subject. That happened to be a Boxer amendment that was endorsed by Senator KENNEDY which put the Senate on record as saying that patients have a right to know the treatment options that are available to them. It was very straight forward. Unfortunately, what happened as a result of some of the games that are played around here is that Sense of the Senate was dropped from the conference after everybody voted for it.

I think the time has come to do what the Senator from Oregon has suggested, and I think the fact that the Senator from Oregon got 51 votes shows that the Senate is ready to move forward on his amendment and not study this to death. Because frankly, if you study this to death people are going to die. We heard stories in California where people did not know their treatment options, and tragedies flowed from that.

I want to underscore what the Senator is saying. I say to my friend from Oregon that I am glad that he is being tough on this. I think there are a lot of people around here that want to vote for meaningless things so they can go home and say, "Yes, I didn't vote for the Wyden amendment but I voted for the sense of the Senate." And I think what the Senator is doing by being, I would say, very strong although very respectful and very aware of the way he has presented. He is saying that the time for these meaningless studies has come and gone, and we need to get to the business of saving lives.

I wanted to thank the Senator. I again repeat my question: Was the Senator aware that we did go on record several months ago on this issue?

Mr. WYDEN. I very much appreciate the Senator from California making me aware of this. I was not. It just seems to me, as the Senator has indicated, that it is time to act. Before I came to the Congress and served in the House where we served together, I was head of a senior citizens group, a great panel. I had not run for public office before. I had never been involved in public office. When we started that senior citizens group we said we are going to focus on the good ideas that help people. We do not care whether they are Democrat. We do not care whether they are Republican. We are just going to focus on the ideas that help people. I think that is what Dr. GANSKE did when he took this up in the House, a Republican physician, who said that what we need to do is help people. We certainly are not helping people by having these gag rules that keep people from knowing about their rights much.

So the House, as we have discussed, and in the committee on a unanimous basis, said we are going to stand up for the patients, we are going to stand up for the providers, the vast majority of doctors who are honest and ethical, and want to tell their patients about their rights. And it made great bipartisan progress.

That is what I want to do here. I know the Senator from Nebraska has been trying to help me for the better part of 24 hours. I want to yield to him.

Mr. KERREY. Mr. President, I wanted to ask the Senator from Oregon if he would be willing to allow the underlying amendment to be set aside so we can proceed to the next item of business under the unanimous consent agreement and come back to the amendment. We have an hour agreement for the next amendment, and we can come back to it.

Mr. WYDEN. The Senator from Nebraska has been very helpful. I appreciate it. That is acceptable to me.

Mr. SHELBY. Parliamentary inquiry. We set aside the committee amendment, and then the Kassebaum amendment which is the second degree, then we go under the UC to the pending committee amendment, as I understand it. Is it the committee amendment, and then the Kassebaum amendment in the second degree. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SHELBY. If we set aside the committee amendment and the Kassebaum second degree, at the end of the hour of debate, which we have already gotten a UC on, we would automatically come back to the committee amendment and the Kassebaum amendment. Is that correct?

The PRESIDING OFFICER. That is correct. Once the next committee amendment is disposed of, then we would return to the underlying committee amendment which also has the Kassebaum amendment on it.

Mr. SHELBY. I ask unanimous consent to set aside the committee amendment and the second-degree amendment to it, the Kassebaum amendment, so we can go forward.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 80, LINE 20 THROUGH PAGE 81, LINE 4

The PRESIDING OFFICER. The clerk will report the next committee amendment.

The bill clerk read as follows:

Beginning on page 80, strike line 20 through page 81, line 4.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Who yields time?

Mrs. BOXER. I wonder if we could hear what the unanimous consent exactly was.

The PRESIDING OFFICER. The unanimous-consent agreement would be to set aside the underlying committee amendment, which is the second committee amendment which also contains the Kassebaum second-degree amendment. We would then go to the third committee amendment. With that amendment, 30 minutes are under the control of the Senator from California, and 30 minutes under the control of the Senator from Oklahoma at which time the motion to table would be in order.

Mrs. BOXER. Mr. President, I think it would be appropriate for the opposing side, the side that wishes to strike the committee language, to go first. Clearly the Senator from California and the Senator from Nebraska are very pleased with the action of the committee and support the committee. I think it is most appropriate for those wishing to strike the committee language to proceed at this time. Then we can respond.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I yield myself such time as I need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, let me first say that this very same issue was debated by this body last year in our consideration of the Treasury-Postal Service appropriations bill.

Mr. President, at that time this body voted 50 to 44 to accept the very language that the amendment before us asked us to strike. So this Senate has already voted in this same context to restrict Federal funds for abortion, specifically to restrict the use of Federal funds for abortion coverage of the Federal health care plans to cases of rape, incest, or the life of the mother.

Mr. President, I wanted that noted out front so that we all realize that we are not covering any new ground. This is something that should not take, frankly, very much of the Senate's time.

Mr. President, the issue of abortion is an important matter of conscience to millions of Americans. We tried to promote our views in the democratic arena. We seek to embody these views in our Nation's laws. As someone who is pro-life I worked, obviously, to promote the value of and protect the innocent human life. But, Mr. President, the discussion of this amendment is much more narrow. The discussion of this amendment does not need to reach that moral level of debate. The key question in regard to this amendment that we have to answer simply is this: Should taxpayers pay for these abortions?

Again, I emphasize the Senate spoke last year by a vote of 50 to 44 and said no.

I believe that we should not ask the taxpayers to promote a policy of abortion on demand. This amendment that I am going to move to table after we conclude our debate would strike the House language on this subject and would change current law. Our position, my position is to retain current law, to retain what the Senate did last year by a vote of 50 to 44, and to retain the current House language. I believe we should retain this language that permits Federal employee health plans to cover abortion only in the cases of rape, incest, and threats to the life of the mother. In essence, this is a Hyde amendment-type debate.

The vast majority of Americans, 69 percent, in a 1992 ABC-Washington Post poll said they opposed taxpayer funding for abortions for low-income individuals.

If that many people oppose subsidizing abortions for poor people, I think there would be even more opposition to subsidizing abortions for higher income Government workers. The reality is that in every single poll I have ever seen done, the vast majority of Americans, whatever their position on the issue of abortion, say no taxpayers funding.

We should make no mistake about it. This is a taxpayers subsidy. In 1995, the Federal Government paid an average of 74 percent of the cost of a Federal employee's health premium. That is taxpayer money. I suggest it is wrong. I think we should leave the taxpayers out of the whole debate and out of the whole issue. Therefore, I believe we should support the House language, that we should support current law, and that would mean tabling this amendment.

In summary, then, this matter has been debated time and time again on this floor. The issue is a narrow one, a very narrow one, and it is simply this: Should taxpayers' dollars, all taxpayers in this country, be taken by the Federal Government and used to subsidize and fund abortions? Current law says no. Current law limits abortion availability in Federal employee health care plans to cases of rape, incest, and to save the life of the mother. That is current law. That is what the Senate voted for last year. That is the House position, as well.

I might add that when we went through this debate last year, ultimately the House acquiesced in the Senate's three exceptions. These were our exceptions from the Senate. They acquiesced, and that is where we are today. My motion to table would simply restore current law.

At this point, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I yield myself 7 minutes.

The issue as presented by my friend and colleague from Ohio is quite different, in my view, from the way he put it forward to the American people. To me, the question is clear: Should women Federal employees or their dependents be treated the same as other women in the work force or should they be singled out, punished, have their rights taken away from them and be treated differently?

We get into a lot of debate in the Senate on very important issues. None could be more important than this, regardless of the way you view the issue on abortion. And we know in the Republican platform, the platform committee adopted a platform which would criminalize abortion, urging adoption of a constitutional amendment which would deny women the right to choose even in matters of rape or incest, and we know that many here who speak out on this issue and that is really their whole desire.

The fact is, abortion is legal in this great land.

My friend and colleague says we are trying to stop abortion on demand. There is no such thing as abortion on demand in this country. There is a Supreme Court case called Roe versus Wade. Yes, a woman has the right to make this personal, private decision without a U.S. Senator telling her what to do in the first 3 months of her pregnancy. She has the right to make that decision with her doctor and her God without the Senator from Ohio or another State who holds an opposite view essentially saying, no, we do not think that is right.

She can make that choice under Roe versus Wade. After that, the State has an interest, and rules apply to that abortion. So there is no such thing as abortion on demand.

The bottom line is, this is a tough, personal, private matter, and I really think it is about time we trusted women to make that choice. Why should we say that a woman who happens to work for the Federal Government or her dependents should not have this right?

My friend says we disposed of this matter on a vote before. Yes, we did. As a matter of fact, in 1993, in this Senate, before my friend got here, we restored the rights of women in the Federal Government to be treated equally. I really do not think women are asking for much here other than to have equal treatment, to be respected for the choices that they make, and, unfortunately, what this amendment will do by disagreeing with the committee of the Senate is to tell a woman who happens to work for her Government, she cannot use her own insurance to exercise a perfectly legal right.

My friends in the Senate, I have to say, if there was an amendment to stop a man who happens to work in the Federal Government from getting a perfectly legal medical procedure, one that might protect his health, there would be an uproar around here. They would say, how could you do that to the men of this country? Why not treat the men who work for the Federal Government the same way we treat men who work in the private sector?

The answer, in this particular case, with this particular amendment, is you cannot win your point with the American people. You do not have the votes in this country to put Government in the middle of this personal, private decision. And so what do you do? Every chance you get, I say to my colleagues on the other side of this issue, you chip away and you chip away and you chip away at the right of women to choose.

If you are a woman today, what this Congress has done in its extremism, I say, is to tell a woman who is willing to die for her country by serving in the military that she cannot go to a hospital, a military hospital, and have a safe and legal abortion which could potentially save her life—that right has been taken away. This Congress has been chipping away at a woman's right to choose.

I am so proud of this committee which took a stand against the extremism of the House of Representatives and restored the rights of women who are Federal employees to use their own insurance for which they pay a percentage, to exercise a perfectly legal right.

Mr. President, I should like to reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I yield myself 1 minute.

Let me just briefly respond. This is not an issue of equal treatment. This is not an issue of that at all. It does not tell anyone what to do. I think we need to keep our eye on the ball and discuss not the whole issue of abortion here today. I think it is important we discuss what is in front of us. What is in front of us is a very narrow issue, and that simply is, are we going to use Federal tax dollars to subsidize, pay for abortions?

The vast majority of the American people say, no, we see absolutely no reason to do this. On an issue as contentious as this is and where there are good people on both sides of the battle, why in the world we would say, this Congress would say we are going to take Federal tax dollars to subsidize abortions makes absolutely no sense.

Let me at this point yield to my colleague from Indiana 10 minutes.

Mr. COATS. Less than that, 5 minutes.

Mr. DEWINE. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for up to 5 minutes.

Mr. COATS. Mr. President, the Senator from Ohio essentially made the points I was going to make in response to the Senator from California, who I think has mischaracterized the issue before us. The issue before us has nothing to do with a woman's right to have an abortion. It has nothing to do with an amendment that, in her words, denies the choice of women, takes away a woman's right to choose. It is not an amendment to stop anyone from getting a perfectly legal procedure accomplished. So I think it is important for our colleagues to understand what the amendment does and what it does not do.

This is not a debate on whether or not a woman has a right to an abortion. I have suggested for a number of years, ever since I have been in the Senate, that we ought to have that debate. We have had that debate on occasion. But this is not the debate we are having today. The debate we are having today is on the amendment offered by the Senator from Ohio, which simply restores to the Senate bill the language that was incorporated in the House, that says, except in the cases where the life of the mother is in jeopardy or in cases of rape or incest, the taxpayer will not be asked to fund abortions chosen by a woman under the Federal Employees Health Benefits plan.

There are a number of perfectly legal procedures, medical procedures, that are not covered by the health insurance plan. Not every health insurance plan covers every procedure. I do not know what percent of private insurance policies cover the cost of abortion, but that is not an issue either. The question is whether or not the Federal Employees Health Benefits plan, which every Federal employee participates in, will cover abortion. There are, as I said, a number of procedures that are not covered. That is a matter of determination by the organization that provides the insurance. We have the ability to select from a number of different insurance plans. But the issue is whether or not the taxpayer will be asked to pay for it.

This is not just another medical procedure. This is a procedure that is extraordinarily controversial, where American opinion is divided, where taxpayers, for religious reasons, moral conscience reasons, and other reasons feel they should not have to use their tax dollars to pay for something they believe fundamentally violates their religious beliefs, their moral convictions.

This is a debate we have had now for 20 years, and pretty consistently over the last 20 years, with a couple of exceptions, the Congress, whether it has been a Democrat-controlled Congress or a Republican-controlled Congress, has pretty consistently supported the proposition that taxpayers should not be coerced into paying for a procedure which many of them feel violates some of their most deeply held beliefs. That has been, as I said, supported by both Democrats and Republicans. Democrats controlled the House throughout the decade of the 1980's and the early 1990's, and the Hyde amendment, which is essentially what the Senator from Ohio was offering, was supported by both parties. It has been supported here in the U.S. Senate. It says that, except in those instances of rape, incest, and protecting the life of the mother, we will not ask the taxpayer to pay for it.

Since the Federal Government subsidizes our insurance costs—up to about 74 percent, I think is the latest figure—clearly, the cost of an abortion would be subsidized and paid for, at least three-fourths of it would be subsidized and paid for, by the Federal taxpayer. That is why the amendment is being offered.

So I think it is important we focus on the amendment that is here. We can reserve time—I am sure both sides would be willing to accommodate it at some point—to discuss the larger issue of abortion: the meaning of life, when life begins, what restrictions if any should be placed on abortions, the whole idea of Roe versus Wade, the Supreme Court decision. Those are all issues that are legitimate issues but have nothing to do with this amendment.

So let us make sure that we focus on what the amendment seeks to do and what the amendment does not seek to do. I have more I can say in this regard, but I think in the interests of time here, since my 5 minutes is up, I will cease at this point and then we will talk about it, but let us keep the discussion focused on what the amendment is all about.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I will take 1 minute and then I will yield 5 minutes to one of the leaders on this issue, Senator MIKULSKI. Let me just respond briefly.

To hear Senators say this has nothing to do with a woman's right to choose, makes me think sometime that we are in never-never land around here. Of course it has something to do with a woman's right to choose. You are telling more than a million women, more than 1 million women, who happen to work for the Federal Government or rely on the FEHBP for health insurance that they should be treated differently when it comes to their right to choose. They work hard. They ought to be trusted. So, it is all fine to stand here and say it is being mischaracterized, it has nothing to do with the right to choose, but if you are a Federal employee and, let us say, you earn $20,000 a year and you pay for a percentage of your health insurance and you cannot get an abortion with that health insurance, even if your doctor says you might be paralyzed for life—because there is no exception for that—I assure you we are talking reality. We are not talking something that does not really exist. This is a real threat to a woman's right to choose if she is a Federal employee.

Mr. COATS. Will the Senator yield on that point for a question?

Mrs. BOXER. I cannot yield on my time, but if you use your time I will be glad to, because I do not have enough time.

Mr. DEWINE. I yield my colleague 1 minute.

Mr. COATS. I understand. We will use our time. I would like to ask a question.

The Senator from California said we are denying women who work for the Federal Government the same rights that all other women have.

Are you saying that every insurance policy in America has coverage for abortion and therefore every other woman in America has the right to have an abortion paid for under her insurance policy? Or, are there different policies, some that offer it, some that do not offer it?

Mrs. BOXER. The vast majority of plans do offer abortion, and in the private sector most women have the opportunity to find a plan that would, in fact, cover that if they so chose. Whereas in this particular amendment we are saying no one, no one who works for the Federal Government, through the Federal Employees Health Benefits plan, can get such a policy. We are restricting the freedom of the women who work for the Federal Government.

Mr. COATS. We checked with Planned Parenthood and asked them that question. They disagreed with what you just said. They said there is no way, they do not have specific information about the availability of abortion coverage, how many insurance policies cover it, how many do not.

The point is, it is not an accurate statement to say we are denying women who work for the Federal Government the opportunity that all women have. That is not an accurate statement.

Mrs. BOXER. Maybe my friend would appreciate we know that 78 million women——

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. On my time, if I might respond, we know for sure that 78 million women in the private sector do affirmatively have this choice. So we have 78 million women that we know of who have this choice but the 1.2 million women who work for the Federal Government or are dependents of Federal employees do not have the choice and cannot have the choice if the Senators on that side of the aisle prevail.

Mr. President, I yield 5 minutes to our leader on this committee, along with Senator KERREY, Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Mr. President, I rise in very strong support of the committee amendment and in opposition to the Nickles amendment.

As a member of the Senate Appropriations Committee and a member of the Subcommittee on Treasury and Postal Services, we made very clear in the committee the dominant view in the committee is that we wanted the women of the United States of America to be able to have abortions where medically appropriate in their health insurance legislation. This bill was reported by the Senate Appropriations Committee, and it would enable Federal employees whose health insurance is provided under the Federal Employees Health Benefits plan to receive coverage for abortion services, subject to all the traditional laws of the land.

The Nickles amendment would reinstate the language from the House bill which prohibits coverage for abortion except in the case of life endangerment, rape, or incest. It would continue a ban which has prevented Federal employees from receiving the health care service which is widely, if not totally, available for private sector employees.

We think limiting it to life of the mother, rape, or incest is medically dangerous. We believe the decision should be made by the mother, with the consulting physician, using whatever is her religious conviction to be able to proceed with something that is deemed by the physician as medically appropriate. We leave that decision to be made not on the floor of the Congress but in a doctor's office.

The 104th Congress has been a tough one to support a woman's right to choose in that most private of matters not to have a child. Bill after bill after bill after bill, we have faced votes on women's reproductive rights.

In the 104th Congress, between the House and the Senate, this Congress has voted 51 times on this issue. The 104th Congress has been unprecedented in its assault also on Federal employees—their pay, their benefits and their livelihoods. What we have with this amendment is a vote on abortion and also on the basic benefit package for Federal employees.

I represent over 280,000 Federal employees in the State of Maryland, the Social Security Administration that makes sure the checks go out on time, the National Institutes of Health that right now are doing research to ensure the saving of lives.

We want the very people who are able to do research on fertility and reproduction to be able to have access to what is medically necessary in terms of the relationship of abortion.

Federal employees have faced assault after assault in these last 2 years. They face tremendous employment insecurity, downsizing, and so on. I view this amendment as yet another assault on these public servants. It goes directly after the benefits of Federal employees.

Health insurance is part of the compensation package to which they are entitled. The cost of insurance coverage is shared by the Federal Government and by the employee. I know that the proponents of continuing the ban on abortion coverage for Federal employees say they are only trying to prevent taxpayer funding of abortion, but that is not what this debate is about. This is about prohibiting the compensation package of Federal employees from being used for a legal and sometimes vital medical service. Health insurance is part of the Federal employee's pay. The decisions related to health care should be made between the patient and the physician.

If we were to extend the logic of those who favor the ban, we might next prohibit Federal employees from using their own paychecks to pay for an abortion. No one is seriously suggesting that Federal employees ought not to have the right to do what they want with their own money. We should not be also placing unfair restrictions on the type of health insurance that Federal employees can purchase under their own Federal Employees Health Benefits plan.

Over 1.2 million women of reproductive age depend on the FEHB for their medical care. We know that access to reproductive health services is essential to women's health. We know that restrictions that make it more difficult for women to obtain early abortions where medically appropriate increase the likelihood that women will put their health at risk by being forced to continue a high-risk pregnancy. If we continue to ban the abortion services and leave only these very narrow exemptions, these 1.2 million women of reproductive health age who depend on FEHB will not have access to abortion even when their health is seriously threatened. We are going to be replacing the informed judgment of medical practitioners with that of politicians.

Let me conclude by reiterating that decisions on abortion should be made by the woman in close consultation with her physician. Only a woman and her physician can weigh her unique circumstances and make the decision as to what is medically necessary and medically appropriate. It is wrong for Congress to try to issue a blanket prohibition.

I will vote "no" on Nickles and up on the committee amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I yield myself such time as I may consume.

Very briefly, let me say, again, this is not a debate about abortion. This is not a debate to determine what a person can do or cannot do. That is not what is at issue here. What is at issue here is what will be covered. What is at issue is whether or not Federal tax dollars taken from all Americans, many of whom find this procedure to be abhorrent, whether or not we will involuntarily take their money to pay for abortions.

Congress has voted time and time again not to do that. The vast majority of the American people in every public opinion poll anyone has seen indicate they do not want that done. It is a very, very narrow issue.

Let me read the current law. Our position is the current law simply should be sustained:

> No funds appropriated by this act shall be available to pay for an abortion or administrative expenses in connection with any health plan under the Federal Employees Health Benefits program which provides any benefits or coverage for abortions. The provision of this section shall not apply where the life of the mother will be in danger if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

Mr. President, let me yield to my colleague from Oklahoma.

Mrs. BOXER. Will the Senator yield for a question? I will be happy to do it on my time.

Mr. DEWINE. On your time, fine.

Mrs. BOXER. My colleague keeps reiterating, as do my other colleagues on the other side, that this is about Federal funds and people oppose spending Federal funds.

Would my friend support an amendment that said that women Federal employees who do, in fact, exercise their right to choose and use their insurance could be reimbursed for the portion of the premium which they paid themselves which, in this case, is about 28 percent? Would my colleague work with me on such an approach so at least they can get reimbursed for the portion of their share of the premium?

Mr. DEWINE. I am not sure how that will function, how that will work or how to mechanically get that done. The bottom line is, in fact, you can buy riders, you can, in fact, buy separate policies.

All we are saying is, when the latest study shows 74 percent of the premiums are paid by other taxpayers, it is a legitimate issue.

Mrs. BOXER. I say thank you to my friend and take back my time. I think this points out for all the American people to see that this is not about Federal funds, because I just made a very reasonable proposal that since women pay approximately 28 percent of their premiums out of their own pocket, why not allow them to get this coverage and reimburse them for 28 percent of the cost of the procedure? My friend says he doesn't know how it would work. We figure out a lot tougher things around here.

Mr. President, I yield 5 minutes to my friend——

The PRESIDING OFFICER. The Senator from Ohio had not relinquished the floor. He responded to a question from the Senator from California.

Mrs. BOXER. I am sorry. I reserve the remainder of my time.

Mr. DEWINE. I yield to my colleague from Indiana.

Mr. COATS. Mr. President, I would like to address the question just asked by the Senator from California.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. I say to the Senator from California, who asked would we be willing to accept an amendment which would allow reimbursement for an abortion for that portion of the premium which is paid for by the Federal employee, again, I think the Senator misses the point here.

From one standpoint, she is saying these women have no other place to go, they can't get an abortion. One-fourth the premium is $62, if it is a $250 abortion. I have been told that is the going rate for an abortion. So are you telling me that an employee of the Federal Government who has a job, a full-time job, who is working for the Federal Government is unable to come up with $62 in order to pay for an abortion?

Mrs. BOXER. May I respond on my friend's time? I will be brief.

Mr. COATS. I would like you to respond on my time, but you did not let me respond on your time.

Mrs. BOXER. I will tell you what I will do for my friend, I will respond on my time.

Mr. COATS. That is what you asked me to do. That is appropriate.

Mrs. BOXER. The Senator is right. I should respond to him on my own time. He is perfectly correct.

I say to my friend from Indiana, he says I miss the point. I say, those on the other side of the aisle, who are trying to deny Federal employees their equal rights, miss the point. If your argument is that taxpayers do not want their funds used, I am giving you a way out of this, in fairness. If my friend thinks $62 is not a lot of money, let me point out to him a fact. Twenty-five percent of the Federal employees earn less than $25,000, and 18,000 Federal employees are at or below the Federal poverty level.

I say to my friend, $62 is a lot of money for those people. But let us face the fact, you do not even want to go that far and allow them to get that reimbursement. My question, I think, really smoked out the true attitude on the other side of the aisle. This is not about Federal taxpayers' dollars; this is about chipping away at a woman's right to choose. It is very clear. You know, at the convention in San Diego, we saw what the goal is. This is chipping away wherever you can.

I yield 5 minutes to my friend from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President. I thank the Senator from California.

In spite of the fact that the majority of the American people embrace the freedom of reproductive choice, the efforts to use Government intervention as a bar to the right to choose continues. Every year that I have been in the Congress, and 9 years before that, we have had to consider whether or not female Federal employees should be able to choose a health plan that includes abortion as part of its reproductive health services.

We have not been considering whether or not these women have the right to abortion. The Supreme Court affirmed they do over 20 years ago. This issue, the one we are considering, is whether or not we should prevent their insurance from covering the procedure.

In reality, we are considering whether or not we should put barriers in the way of our own employees exercising their constitutionally protected rights. I do not—and this is a matter of public record—I do not personally favor abortion. My own religious beliefs hold life dear, and I would prefer that every potential child have a chance to be born.

I do, however, believe fundamentally in the right of every woman to make her own private decision concerning her pregnancy. I cannot fathom telling my employees, or any employee in the Federal Government, that they cannot fully exercise their constitutionally protected right to choose because Congress was playing politics with their health insurance plans.

We are debating whether or not Congress will, for yet another year, deny Federal employees a benefit available to most women who work in the private sector. It is common practice in the health insurance industry for private health care plans to cover complete reproductive services, including pregnancy, childbirth, and abortion. This is because most women want the right to choose. It is also because it is better medicine, as Senator MIKULSKI pointed out in her statement.

In addition, this motion would restrict access to earned benefits. I think this is a very important point. Federal employees pay a portion of the cost of their health care benefits. A Federal employee chooses a Federal health benefits package and then pays a monthly fee to their chosen health care plan. Employees are free to choose from some 342 plans, 178 of which would not cover abortion even if they could. The employee chooses a plan and then pays for part of it.

The balance of the premium is an earned benefit, which is compensation. It is part of their pay, their compensation. Let me repeat for those who may not understand this point. It is not a gift from the Federal Government to its employees. It is earned by those employees, including women employees.

Approximately 9 million Federal employees, their dependents, and Federal retirees depend on Federal benefits for their health insurance. This includes 1.2 million women of reproductive age who rely on the Federal Employee Health Benefits program. The restrictions that this amendment would renew would prevent 1.2 million women from receiving the full reproductive health services that their doctors might want to provide for them.

Since 1983, Mr. President, Congress has changed the rules in this area not once, not twice, but four times. We have literally been playing political ping pong with women's reproductive health. I urge my colleagues to just put this issue to rest and allow women full access to health benefits and full access to the constitutionally protected right to choose.

Most women who choose to have an abortion do not use their insurance coverage to pay for it. Most women want to keep the matter private. But even if most women do not use the benefits, there is a matter of principle that the benefits should not be denied to them. We should remove the intrusion of politics from earned Federal employee benefits and from the private health decisions of our employees. This Congress should not continue to play politics with women's lives and women's health.

In conclusion, Mr. President, I would say, as I mentioned in another debate, for those who urge smaller Government, I would point out that here is another instance in which those who tell us that the issue and the objective is smaller Government, only say so when it does not relate to people's personal liberty and their private lives. This is yet another intrusion in the private lives and private liberties of women, in terms of the exercise of their Federally constitutionally protected rights. I suggest that this amendment ought to be denied. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE. Mr. President, I yield to my colleague from Oklahoma 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. NICKLES. Mr. President, first, let me compliment my colleague from Ohio and also my colleague from Indiana for their statements. Let me kind of try to put this in perspective. Senator DEWINE raised a concern about a committee amendment. At some point he will have a motion to strike the committee amendment or to table the committee amendment.

What is he doing? What does this mean? Well, last year the House and the Senate agreed to language that said we are not going to use Federal taxpayers' money to include abortion as a fringe benefit in health care plans except in cases of rape and incest and to protect the life of the mother.

One of my colleagues mentioned, well, we should be consistent. That was the policy of the Federal Government, frankly, from 1984 to 1993, until Bill Clinton became President. He changed it. That lasted in 1994 and 1995. We changed it last year. We had a vote. We actually had a kind of unusual session. We had a Saturday session. We had three votes on it and basically ended up with the policy that the Senator from Ohio is trying to maintain.

What is that policy? That policy is the same thing that was in the House language, that being that Federal taxpayers' moneys will not be used to provide abortions for Federal employees unless necessary to protect the life of the mother or in cases of rape or incest. That was last year's policy. That is what the House is trying to maintain. That is what the Senator from Ohio and Indiana and myself are trying to maintain, to continue last year's policy.

The committee had an amendment to strike the House language. That would open it up and that would allow Federal employees to receive taxpayer subsidies to pay for abortion. We did not agree with that last year. We did not agree with it for 10 years, 1984 through 1993. Bill Clinton wanted to change it. We changed that back last year. We are trying to maintain last year's policy. We had two or three votes on it, as I mentioned, in an unusual Saturday session.

I remember my colleague from Ohio stayed here. He had a very important family meeting in Ohio, and he stayed here to vote on this because he felt that it was important. I will never forget that, because we literally are talking about, do we want abortion to be a fringe benefit in health care plans? Some people say, well, you are attacking a woman's right to choose. We are saying, no, it should not be a standard fringe benefit.

Abortion is not another standard health procedure. It happens to be taking the life of an innocent, unborn child. Do we really want the Federal Government to subsidize that? A lot of people think, well, maybe that should be a woman's right, but we should not be subsidizing it. If this amendment does not pass, we are going to be subsidizing it. Taxpayers pay for about three-fourths of it.

So when I think of that and I think of what kind of protections we give to unborn endangered species, thousands of endangered species—we have significant protections. As a matter of fact, if you destroy their unborn, you can be subjected to prison, you can be subjected to $50,000 fines—but not for unborn children. We are not even trying to elevate unborn children to the protected status of endangered species; but we are trying to say: Taxpayers, you should not have to subsidize the destruction of innocent, unborn human beings.

That is what the DeWine amendment or the DeWine resolution is, to strike the committee language. I believe the Senator from Ohio is exactly right. Abortion should not be a fringe benefit. It should not be included as a standard option. If Federal employees want to purchase it, they certainly can. The cost is minimal. It is $250 or $300.

We should not include it as a standard fringe benefit and say, look, if the Federal Government does it, why should not all health care plans in America? Not all health care plans do. A lot of health care plans do not. We should not have an item in our standard health care package for Federal employees that actually results in the destruction of an innocent human being.

I compliment my colleague from Ohio. I hope our colleagues will support that and remember how they voted last year when we had an extraordinary Saturday session and we adopted the present policy. The present policy being, again, that for Federal employees, we will not include abortion as a standard fringe benefit unless it is necessary to save the life of the mother or in cases of rape and incest.

I thank my colleague. I yield the floor.

Mrs. BOXER. Mr. President, might I say that the more I listen to this debate the more I compliment my friends, the Senator from Nebraska, Senator KERREY, and the Senator from Maryland, Senator MIKULSKI, who argued this eloquently in the committee—to treat Federal employees the same way, the way more than 75 million American women are treated in the private work force.

We hear from the Senators from Oklahoma, Ohio and Indiana saying this has nothing to do with the right to choose, yet we hear a speech about destroying an innocent life. Let me say this is very much about the right to choose and the right of a woman to make a private personal decision with her own physician, to be able to use her insurance that she pays for, and yet when I offer to my friends to talk about a way to at least reimburse her for the portion that she pays out of her own pocket, he says no, there are excuses and reasons why we could not do that.

This is, frankly, an attack and assault on a woman's right to choose. It is aimed at Federal employees. My friends would love to aim it at every woman in America. They cannot do it. They do not have the votes to do it. So they chip away.

I yield 4 minutes to the Senator from Rhode Island, Senator CHAFEE.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Rhode Island is recognized for 4 minutes.

Mr. CHAFEE. Mr. President, I will take a few minutes to speak in favor of the committee amendment. What this committee amendment would do is allow the Federal employees health program to resume coverage for abortion services. Unfortunately, and I believe it was unfortunate, last year, Congress voted to prohibit the Federal employees health program from covering abortions for our female employees and our female dependents.

If this committee amendment were not adopted—in other words, if it were rejected —we will be responsible for continuing a lower standard of health insurance for our female employees than they could get if they worked in the private sector. In the private sector you can get this. What this says is you cannot offer this service.

Now, there is nothing that says these programs have to include coverage for abortion services. Not at all. Indeed, before that amendment last year was passed, out of the 345 health plans that are all put under the Federal Employees Health Benefits program, 345 of them—about half; 178—offered some form of abortion coverage. In other words, a woman could choose this if she wanted; if she wanted a plan that did not cover it, fine, she could choose that. But it seems to me terribly unfair for us to say, no, no, none of those programs can offer this benefit to women who might want to have it. Indeed, if they are in the private sector, they could get it.

Now, some say this is a gift of the Federal Government to these women. No, it is a benefit. It is a benefit that comes with the health package that our Federal Government offers. It is like saying that a woman could not use her private funds, her earnings, her salary, her wages from the Federal Government to obtain an abortion. Nobody is suggesting that, because the Constitution says the woman has a right to go out and buy this procedure—it is a legal procedure, a medical procedure—and the right is held up by the Supreme Court.

Mr. President, I think what is being attempted here is a very, very, unfair move against employees of the Federal Government.

Last, here is a notice that came out last year after this prohibition was passed in the Congress.

> Dear Blue-Cross and Blue-Shield benefit plan member:
>
> On November 19, 1995, public law [so and so] was enacted which limits the Federal Employees Health Benefit plans coverage of legal abortions.

And then it says to the whole of the plan that they no longer can cover that. You are out of luck. If you are in the private sector, as I said, you can get this, but you cannot get it any longer if you are a Federal employee. There are 345 plans and none of them can be permitted to offer it. I think it is very, very unfortunate, Mr. President.

I hope the attempt to defeat the amendment is not successful.

Mrs. MURRAY. Mr. President, I rise today in opposition to the motion by the Senator from Ohio, and in support of full access to reproductive health care, including abortion services, for civil servants.

Last year, as my colleagues know, this Congress denied women who are civil servants from participating in health insurance plans which cover abortion services. This overturned previous policy, which allowed these women—like millions of women employed in the private sector—access to complete reproductive health care.

Mr. President, major health insurers such as Blue Cross/Blue Shield provide this coverage for women in private sector jobs across the country. It is approved of by a majority of the American public. By denying the same options for Federal employees, we set a different standard for millions of women. Nine million Americans are covered by the Federal Health Benefits Program, and none of them should be denied access to complete reproductive health care services. It sends the message that public servants do not have the same rights as private sector workers, and that is wrong.

Civil servants are no different that any other American. They are regular people: secretaries, engineers, maintenance workers, and caseworkers. Why should they be treated any differently than other workers? They pay for their premiums and deductibles like everyone else, and they should be allowed the same options as other women in this country. Civil servants are being asked to do tougher and tougher jobs with the downsizing of our Federal government—and are stepping up to the task. They should not be required to make further sacrifices simply because they are an easy target for those in Congress who would outlaw abortions all together.

Mr. President, we have all heard the stories of women who were forced into very difficult situations as soon as this policy was enacted this year. We heard about Susan Alexander who wanted to have the child she was carrying, but found out gross fetal deformities made her child's development "incompatible" with life, and threatened her life as well. Her doctors all recommended terminating her pregnancy for medical reasons. Unfortunately, she and her husband were shocked to find that her insurance policy no longer covered what turned out to be a very complicated and expensive procedure, performed to protect her life.

Mr. President, we know there are other women out there like Susan Alexander who have been directly affected by the decision made in this body last year. We know that to continue this policy will have a serious and tangible impact on women's health. Therefore, it is irresponsible to continue to deny women access to a full range of health care services because Congress has turned the health care choices of women into a political football.

Make no mistake about it, we are once again confronted with an attempt to deny women the rights they now hold. Women have the legal right of choice in this country, and the majority in this country support that right. This policy is micro-management of the worst kind, and it is wrong. The U.S. Congress should not be making reproductive health choices for Federal workers. Nor should it discriminate against Federal workers who choose to have an abortion.

By denying civil servants health coverage for abortion services, Congress does just that. It continues to force Federal employees and their families to purchase separate insurance to cover reproductive health services. It continues to add financial considerations to a very time-sensitive, personal decision. And, above all, it reinforces the message to civil servants that the same rules do not apply to them. Their health is subject to the political winds of Congress.

Mr. President, this is not reasonable to expect of people who are dedicated to serving the public good. I commend Senator BOXER for her vigilance and dedication on behalf of women everywhere, and thank her for her leadership in protecting the rights of civil servants. Once again, I urge my colleagues to reject this motion.

Mr. ROBB. Mr. President, I rise today to support the committee amendment which would strike House provisions prohibiting the Federal Employee Health Benefits Program from providing coverage for abortion services.

The vast majority of private health plans provide coverage for abortion services. The House bill is telling Federal employees that, because of who their employer is, they shouldn't have the ability to choose a health plan which covers this legal medical procedure.

An employee who opposes abortions can choose a health care plan which does not cover the service, which I understand was almost half of all FEHBP plans prior to last year's prohibition. I don't believe, however, that it is appropriate for us to preclude employees who want this coverage from choosing it.

For this reason, I urge my colleagues to support the committee amendment and vote against tabling this proposal.

Ms. SNOWE. Mr. President, I rise in strong opposition to this effort to reinstate the ban on abortions in Federal employee health benefits plans. It is yet another ripple in a steady stream of attacks on women's reproductive rights and health.

This debate is painfully familiar. One year ago, the Senator from Oklahoma, Senator NICKLES, offered an amendment, which—regrettably—passed this body and changed the status-quo of health care for Federal employees and their dependents in America. It represented a giant step backward for the rights and health of women who are covered by the Federal Employees Health Benefits Plan [FEHBP]. It prohibited the FEHBP from covering abortions—except when the woman's life is in danger or in cases of rape or incest.

As the result of these restrictions, Federal employees and their dependents enrolled in FEHBP's who need abortions must pay for them out of their own pocket, except in cases of rape, incest, or to save the life of the mother. This may result in significant hardship to a woman and her family, especially because many Federal employees have incomes at or below the poverty level, which is $12,980 for a family of three.

In fact, 25 percent of all Federal employees earn less than $25,000—with nearly 18,000 Federal employees having incomes below or just slightly above the Federal poverty level. And while the average cost of an early abortion performed in a clinic is $250, the cost rises to $1,760 if performed on an outpatient basis in a hospital.

This means that some Federal employees may be forced to decide between paying for an abortion and buying food for their children or paying rent. Others may be forced to carry their unintended pregnancies to term. It is shameful that our Federal employees have such terrible options.

Denying abortion coverage to Federal employees may also endanger a woman's health. Restrictions that delay an abortion make it more likely that a woman will continue a potentially health-threatening pregnancy to term, or undergo abortion procedures later in a pregnancy when they are far more risky to a woman's health.

Just because we have the power of the purse in Congress does not mean we should have the power to penalize women in public service by denying them their reproductive freedoms or threatening their health.

There are currently 1.2 million women of reproductive age who rely on their Federal health plan for their medical care—and that's 1.2 million American women who would be summarily stripped of their constitutionally guaranteed right to choose because they or a family member work for the Federal Government.

Federal employees should have no fewer rights than any other American worker who earns a health care benefit as part of their compensation package.

Some argue that the Federal Government has a right to dictate which medical services will be covered under the FEHBP. They argue that Federal tax dollars should not pay for abortions.

That's what some would like this debate to be about—taxpayer funding for abortion. But that's simply not the case. In fact, that argument is a red herring.

Taxpayers would not fund abortions covered by Federal health plans. Far from it. The Federal Government, like millions of private employers across the country, contributes a portion of its employee's insurance premiums, and the employee pays the rest. Thus, FEHBP coverage is not pocket money for Federal employees. It is not an allowance or a Federal handout. It is direct compensation earned by Federal employees. And I would like to note that CBO has determined that coverage of abortions—a legal medical procedure—does not add to the cost of the premium.

This anti-choice restriction on Federal employees health benefits arbitrarily and unjustifiably reduces their total compensation package. The fact is, any service not covered by their health insurance which they must pay for out-of-pocket amounts to a pay cut in their hard-earned wages. It is not for Congress to determine how those hard-earned wages should or should not be spent. Wages and benefits belong to the employees.

According to the Office of Personnel Management, which oversees the FEHBP, between 1993 and 1995, 178 of the 345 FEHB plans provided abortion coverage. Of the "Big Five" health plans offered to Federal employees, four of the five offered abortion coverage. This range of options allows employees who object to abortions to choose any one of the hundreds of Federal health plans that would not cover the procedure.

Today, 78 million women in America have abortion coverage in the private sector. Two-thirds of private fee-for-service plans provide the full range of reproductive health services, including abortions. And 70 percent of health maintenance organizations [HMO's] provide abortion coverage.

Finally, a majority of people in America believe that abortion should be safe, legal and rare. These Americans do not distinguish between women who work in the private sector and women who work for the Federal Government.

A person's ability to exercise a constitutional right should not be determined by an employer—even when the employer is the Federal Government. What we can and must do today is ensure that we do not maintain the existing two-tiered system of rights for our citizens—one for women who work for or are insured by the Federal Government, and another for those women who work in the private sector. We must not allow such discrimination to continue. And we must stop sending a signal to our Federal employees and their female dependents that we do not value their health or their reproductive rights. I urge my colleagues to join me in voting to oppose this motion to table the committee amendment.

Mr. KERRY. Mr. President, today once again the radical right has come to this Senate floor to impose their will against the wishes of a vast majority of Americans. They have come forth again to add an amendment to the Treasury, Postal Service, and general Government appropriations bill that would limit reproductive health services for 1.2 million female Federal employees.

The Treasury-postal bill provides the funding for the Federal Employees Health Benefits Program [FEHBP], our network of insurance plans that cover approximately 9 million Federal employees and their dependents. Today, there are approximately 1.2 million women of reproductive age who rely on the FEHBP for their medical care.

Mr. President, in the United States we have a Constitution that guarantees an extensive list of freedoms upon which the Government cannot infringe. Perhaps the sponsors of this amendment do not understand the issue at hand. The Supreme Court ruled in Roe versus Wade that abortions are constitutional. It is completely legal for a woman who wants to have an abortion to obtain the services of a doctor who is willing to provide an abortion. Congress should not have the ability to decree to a woman that she cannot obtain an insurance policy that covers abortion, which is a fully legal procedure. This is not the role of Congress. We have no right to impose ourselves and our sense of morality in this way upon the women who work for the Federal Government.

Failing to make abortion illegal, antichoice Members of Congress are trying to make this right more difficult to exercise. Singling out abortion for exclusion from health care plans that cover other reproductive health care is harmful to women's health and discriminates against women in public service.

In 1993 and 1994, Congress voted to permit Federal employees, like workers in the private sector, to choose a health care plan that covered a full range of reproductive health services, including abortion. It is my belief that health insurance is part of an employees' earned compensation. As is common in private industry, costs for insurance coverage for Federal employees are shared by the employer and the employee. This is similar to the private sector where approximately two-thirds of private fee-for-service plans and 70 percent of health maintenance organizations provide abortion coverage.

Despite these facts, last year Congress stripped Federal employees of this right. This year, some Members are again attempting to restrict women's access to reproductive health services. Mr. President, this is not right. It is a troublesome manifestation of the Congress' well-known plantation mentality.

Mr. President, this amendment is unjustly restrictive and discriminatory. Passage of this amendment assigns an inferior status to women working in the Federal Government. It is time to stop these attempts to chip away at a woman's legal right to choose. I urge my colleagues to vote against this amendment.

Mr. DEWINE. Mr. President, would the Chair advise Members how much time remains?

The PRESIDING OFFICER. The Senator from Ohio has 8 minutes and 18 seconds under his control, and Senator BOXER has 4 minutes under her control.

Mr. DEWINE. Mr. President, let me yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DEWINE. Mr. President, we are concluding this debate and we will shortly be voting on my motion to table the amendment.

Again, I think it is important that we keep our eye focused on the ball. We can come down here in the well of the Senate and discuss for hours the issue of abortion. That is not what this debate really is about. What this debate is about is a very narrow issue, a very narrow question, which is simply this: Should this body go against the will of the American people? The vast majority of the American people, even those who really have mixed feelings on the abortion issue, the vast majority of the American people say, no, I do not want my tax dollars being used for abortion. That is what this is because 74 percent of the premium of the Federal employee is paid for by taxpayers; roughly three-fourths of the premium is paid for by taxpayers.

This is a horribly contentious issue, an issue that divides families. It is an issue that friends do not want to talk about. It is an issue, quite frankly, that the Federal taxpayers have said time and time again that they do not want to be involved in, they do not want to fund.

We are not debating a woman's right to choose today. We are not debating that. We are not debating what a person can do. We are simply debating whether taxpayers are going to pay for this very, very, controversial procedure. That is what we really are talking about.

I yield to my colleague from Indiana.

Mr. COATS. Mr. President, just to summarize so Members know exactly what it is we are voting on. This is not, despite what has been said, this is not an issue over whether or not a woman has the right to choose to have an abortion. We do not change any constitutional rulings. We do not change anything in that regard.

This is simply an issue as to whether the taxpayer will be forced to pay for an abortion of a Federal employee's demand for an abortion. Mr. President, 70 percent or more of the citizens of the United States, whether they are pro-life, pro-choice, or neutral on the question, have consistently stated in polls and surveys that, regardless of their position, more than 70 percent have said no in an issue that is this controversial, which violates the conscience and religious beliefs of many people, or that is simply a taxpayer issue. We do not believe the taxpayer should be forced to pay for the abortion of someone else.

This goes one step further because it limits it to just Federal employees. The Senator from Ohio wants to retain the policy that has effectively been in practice, totally, almost consistently for more than 20 years, consistently supported by both Democrats and Republicans, whether Democrats have been in control of the Congress or whether Republicans have been in control of the Congress.

So I hope my colleagues will vote to maintain the current law—the current law being that we will not force taxpayers to pay for the abortions of Federal employees. And we do allow exceptions to that rule: If the life of the mother is in jeopardy or in cases of rape or incest.

I think that is a reasonable policy, and it has been consistently supported. I hope we retain that law.

Mr. DEWINE. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I have 4 minutes left, is that correct?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. And the other side has how much?

The PRESIDING OFFICER. They have 4 minutes 23 seconds.

Mrs. BOXER. I will yield the remainder of the time to Senator KERREY, who has really worked hard in the committee to do the right thing, to give Federal employees equal treatment with the 75 million other women that have that choice in the private sector.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, first of all, all Members have made up their minds on this issue. So it is not a question of trying to persuade anybody one way or the other. It is trying to say to the American people, those of us who intend to vote for allowing Federal employee health programs—as in this bill, their insurance money—to be used to pay for reproductive services, including legal abortions.

I have a great deal of respect for the Senator from Ohio, the Senator from Indiana, the occupant of the chair, and others who hold a different view. But when they come and say this is about using taxpayer money to pay for abortions, really, the only way you can prevent taxpayer money from being used for abortions by Federal employees would be to actually come in and prohibit their salaries to be used in any way at all for abortion, because their salaries are paid for with taxpayer money.

If my salary is paid for with taxpayer money, if I am already provided a subsidy in my salary, what good does it do to say that they can't have health insurance programs do it? We have two-thirds of the health insurance programs in the United States and 70 percent of the HMO's in the United States already providing reproductive services, as well as legal abortions.

You are not really preventing taxpayer money from being used, not at all. If their salary is used to pay for abortion, that is taxpayer money. What you are doing is—you think that is what you are accomplishing, but you are not. What you are doing, in fact, is changing the rules and saying to women who are Federal employees that you are going to be treated differently than 70 percent of the other employees that are out in the work force.

There are 9 million Federal employees, approximately 1.2 million women of reproductive age, who rely on the Federal Employee Health Benefits program for medical coverage. Until November 19, 1995, Federal employees—like workers in the private sector—were permitted to choose a health care plan that covered a full range of reproductive health benefit services. So I say to citizens out there, who say, "gee, I think we ought to restrict use of the Federal Employee Health Benefits Program for something that I don't want to pay for," that is not what you get done. All you are saying is they can't use health care benefits; you are not saying they can't use salary, which is taxpayer money as well.

In 1993 and 1994, Congress voted to permit Federal employees to choose the health care plan that covered abortion. And from 1983 until that time, Congress prohibited the Federal Employee Health Benefits Program from covering abortion services, except in cases where the woman's life was in danger.

Mr. President, one of the problems here—especially for lower income Federal employees, of whom we have a considerable number—is if you examine what the American Medical Association has said in this case. They have indicated, and they say it with evidence to back up the claim, that restrictions such as this—that deter and delay women from making a legal choice—make it more likely that women will continue a potential health-threatening pregnancy to term or undergo abortion procedures that would endanger their health. That is what the medical community has said that has examined this.

So I hope the citizens that are listening to this argument will understand that this is really not about using taxpayer money. You would have to restrict the use of salaries in order to accomplish that objective.

The PRESIDING OFFICER. The time of the Senator has expired. All time of Senator BOXER has expired.

Who yields time?

Mr. DEWINE. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes 22 seconds.

Mr. DEWINE. I yield myself the balance of that time. In just a moment—4 minutes, roughly—I will make a motion to table this amendment. Let me, again, walk the Members through the procedure of exactly where we are.

The DeWine-Nickles motion to table will result in the following. This is what it means. First, that the status quo will remain. The law—as previously passed by this Congress, by this Senate, by the House, and signed into law by President Clinton—will remain the same. This vote, a vote to table, is consistent with what the Senate did a little over a year ago, by a vote of 50 to 44.

Again, Mr. President, we need to focus on the narrow issue before us. It is so easy for us—because we all have strong feelings about the issue—to get engaged in a debate about a woman's right to choose, pro-life issues, and even engaged in a debate about all kinds of different things connected with the abortion issue. That's not what we are here today to debate.

We are here to debate a very narrow question: Should current law prevail, which restricts from Federal coverage, health insurance coverage of Federal employees, one procedure—the abortion procedure—and allows it only in the case of rape, incest, or to save the life of the mother? That is the issue. The issue is fundamentally, with all due respect to my colleague from Nebraska, whether or not taxpayers are going to subsidize this at the rate of 74 percent. That is really what the issue is all about.

The vast majority of the American people, time and time and time again, have said "no." The country is very divided on the abortion issue, but it is overwhelmingly against using Federal tax dollars for abortions.

Again, the motion to table will simply preserve the status quo, will reaffirm what the Senate did a year ago. Frankly, it is consistent with what the law was from 1984 to 1993. It was only changed when President Clinton took office, for 2 years, and that law then was changed. So really going back to 1984, until the current time, this motion to table is consistent with what the law has been during that period of time, with the exception of 2 years.

Mr. President, I yield back the balance of my time.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware [Mr. ROTH] is necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent due to family illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Biden
Bond
Breaux
Brown
Burns
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
DeWine
Domenici
Dorgan
Exon
Faircloth
Ford
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Johnston
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Santorum
Shelby
Smith
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Daschle
Dodd
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Specter
Stevens
Wellstone
Wyden

NOT VOTING—2

Pryor
Roth

So the motion to lay on the table the committee amendment beginning on page 80, line 20 through page 81, line 4 was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I make a point of order the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order.

The question recurs on the second committee amendment to which is pending amendment No. 5235, offered by Mrs. KASSEBAUM, the Senator from Kansas.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent the Senator from Arizona be permitted to speak for 5 minutes as in morning business, and the Senator from Nebraska for 5 minutes immediately thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized for 5 minutes.

Mr. GRAMM. Could we have order, Mr. President.

The PRESIDING OFFICER. The Senate will come to order so the Senator from Arizona can be heard.

The Senator from Arizona.

UNITED STATES MILITARY ACTION AGAINST IRAQ

Mr. McCAIN. Mr. President, this morning we learned that Iraq fired a surface-to-air missile at American F-16's patrolling the no-fly zone over what has now become an imaginary Kurdish safe haven in northern Iraq. This latest challenge to the safety of American pilots and to the credibility of American security guarantees in the Persian Gulf region comes on the heels of Saddam Hussein's rejection of United States warnings not to repair his air defense systems damaged by our cruise missile strikes in southern Iraq.

The necessity of further United States military action against Iraq is now obvious. And by his actions, Saddam Hussein has made the strongest argument for a disproportionate U.S. response of considerably greater military significance than our military action last week.

Furthermore, Saddam's aggressive challenges to the United States, and his success in reasserting his control in northern Iraq as his troops and the troops of his new Kurdish allies, the KDP, completed their conquest of the region on Monday, reveal the critical importance of curbing the Clinton administration's tendencies to rhetorical inconsistency in defining its objectives, disingenuous explanations of its policy choices, and exaggerated claims of success.

Our strikes last week were in response to Iraq's conquest, in alliance with the KDP, of the Kurdish city of Irbil. But by striking targets in the south, the administration chose not a disproportionate response to Iraqi aggression, but a minimal response that was disconnected from the offense it was ostensibly intended to punish. As one administration official put it: "* * * We know that we did the right thing in terms of stopping Saddam Hussein in whatever thoughts he might about moving south and in letting him know that when he abuses his people or threatens the region, that we will be there. * * * we really whacked him."

Evident in that statement are the three harmful administration tendencies cited above. Our stated purpose to stop Saddam's abuse of his people was quickly overridden by, in the words of another administration official, the judgment that "we should not be involved in the civil war in the north." And while administration officials at first suggested that our strikes in southern Iraq would affect Iraq's action in the north, they now emphasize that the strikes were intended only to serve our strategic interest in restricting Saddam's ability to threaten his neighbors from the south.

It is clear now that the erosion of coalition unity, evident in Turkey and Saudi Arabia's refusal to allow United States warplanes to undertake offensive operations from bases in those countries, had a far more important influence on our choice of targets and the level of force used than administration officials have admitted.

Most importantly, the President's claims that our strikes were successful in achieving their objectives are belied by the events of this week. By what measurement can we assert that Saddam has been persuaded to treat his people humanely; that he has been compelled to abide by U.N. resolutions and the terms of the cease-fire agreement; that the containment of Iraq has been further advanced; and that the United States and our allies are strategically better off since we fired 44 cruise missiles at Iraqi air defense systems in the south?

Since those strikes, Saddam's Kurdish allies have achieved a complete victory in the north, and Saddam has regained control of an area from which he has been excluded for several years. Kurdish refugees are again flooding across the border. Saddam, in utter contempt for U.S. warnings, has begun repairing the radar sites we struck last week. He, at least temporarily, split the Desert Storm coalition. And in violation of the cease-fire agreement and U.N. Security Council resolutions, he has fired missiles at U.S. planes patrolling an internationally established no-fly zone. As successes go, this one leaves much to be desired.

Clearly, Iraq's attempted downing of American planes requires a military response from us. I have little doubt that the President will order a response. Given that Iraq's action represents a challenge not just to the United States, but to the international coalition responsible for enforcing the no-fly zone, I would expect that we will have greater cooperation from our allies than we experienced last week. Thus our ability to take the disproportionate, truly punishing action which is clearly called for under the circumstances should not be limited by the consequences of our failure to maintain coalition unity.

Decisions about the dimensions of our response are, of course, the President's to make. I pray that he will choose wisely.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

THE COMPREHENSIVE TEST BAN TREATY

Mr. EXON. Although there are many important things the U.S. Senate is in the process of doing right now, I want to pause for just a moment, if I might, to bring to my colleagues attention that yesterday, history was made at the U.N. General Assembly. After nearly 3 years of intense negotiations at the 61. Nation Conference on Disarmament, the world community reached an agreement on a treaty to ban nuclear weapons testing. This Comprehensive Test Ban Treaty, strongly supported by all five declared nuclear states, was overwhelmingly adopted by the U.N. General Assembly on a vote of 158 to 3 with 5 abstentions, clearing the way for world's nations—actual and potential nuclear states alike—to sign the agreement later this month.

After over 40 years of nuclear weapons testing and more than 2,000 detonations, this valuable tool in stemming nuclear weapons proliferation is finally within reach. In order for the treaty to enter into force, each of the world's 44 nations identified as possessing nuclear weapons or the research capability necessary to develop them must sign the comprehensive test ban agreement. As my colleagues are aware, India has led a high-profile campaign to prevent this from happening and frustrate the will of the world community to close the nuclear weapons Pandora's box. This temporary setback should not diminish, however, the significance of yesterday's truly historic vote. I am confident that India will see the wisdom of halting the spread of nuclear weapons and sign the Comprehensive Test Ban Treaty before too long. In the meantime, mankind can celebrate the fact that for the first time in history, the world's superpowers have agreed to end the testing of nuclear weapons forever.

Many of our allies played critical roles over the past 3 years in making passage of the Comprehensive Test Ban Treaty a reality. But I wish to take this opportunity to praise President Bill Clinton for his leadership on the issue of the Test Ban Treaty and nuclear weapons proliferation. The United States has been a world leader in halting the spread of nuclear weapons technology during the tenure of the Clinton administration. The earlier extension of the Nuclear Non-Proliferation Treaty and now the completion of the Comprehensive Test Ban Treaty are important milestones in the history of arms control, and the President deserves a great deal of credit in making it happen.

In addition to lauding President Clinton's dedication to this important aspect of our national security, I wish to praise the efforts of Secretary of State Warren Christopher, Arms Control and Disarmament Agency head John Holum, and U.S. negotiator to the conference on disarmament Stephen Ledogar.

I wish also to single out the tireless dedication of Senator MARK HATFIELD to the cause of a verifiable Comprehensive Test Ban Treaty. As my colleagues know, Senator HATFIELD will be leaving the U.S. Senate at the conclusion of this session, ending 30 years of distinguished service to his country. I can think of no more fitting way to highlight the last few months of his career than yesterday's treaty approval. Four years ago, I joined him and former majority leader George Mitchell in authoring a law phasing out American nuclear weapons testing and jump-starting international negotiations designed to achieve a permanent test ban. It is, therefore, with a great deal of pride that I herald the action of the General Assembly and look forward to the treaty signing ceremony later this month. I remind the Senate, with Senator Mitchell gone and Senator HATFIELD and myself leaving come January, the continued leadership in this area falls to Senator LEVIN and others to take up the challenge.

Mr. President, I thank the Senate and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks recognition?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill

Mr. KERREY. Mr. President, I ask unanimous consent that the pending amendment be laid aside just for the consideration of an amendment offered by the distinguished Senator from Virginia, Senator WARNER.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 5240

Mr. WARNER. Mr. President, I thank the distinguished managers of the bill, and I thank my two colleagues who, for various reasons, at this point in time have an interest in the floor procedure and have permitted me, as a matter of Senatorial courtesy, to proceed with the following amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 5240. On page 53, beginning on line 23, strike "and in compliance with the reprogramming guidelines of the appropriate Committee of the House and Senate."

Mr. WARNER. Mr. President, first of all, I would like to commend the Appropriations Committee, subcommittee Chairman SHELBY and Senator KERREY for their efforts in including funding for security requirements in both the new construction and repair and alterations categories for the Federal buildings program of the General Services Administration in the fiscal year 1997 Treasury, postal appropriations bill.

The current security environment is uncertain and variable. Unforeseen circumstances, and events can radically change the requirements for security expenditures in real time and at a moment's notice as witnessed by recent tragic events in our Nation.

Current language in the Senate appropriations bill requires compliance with formal reprogramming processes in order to use funds for security purposes. While this requirement is an appropriate check on security expenditures, and I commend my colleagues for their swift action in this area in the past, I remain concerned that during a congressional recess, a delay in the implementation of reprogramming measures for security could impede actions necessary for the immediate protection of our Federal work force.

My amendment would allow GSA to use any funds previously appropriated for repairs and alterations and building operations and rental space to meet minimum standards for security upon notification of the Appropriations Committee of the House and Senate that such a determination had been made.

I would also request that should my amendment be agreed to, clarifying report language be added stating the following:

> The Committee has included requested funding for security as a line item in both New Construction and Repairs and Alterations in addition to amounts requested in Basic Repairs. A provision authorizing the use of other repair funds has also been included to ensure that the GSA can respond quickly to safety and security requirements as they are identified. Safety and security concerns are to be addressed as a top priority in using capital funds provided in the bill.

As the chairman of the Subcommittee on Transportation and Infrastructure, with oversight responsibility over the General Services Administration, I have been pleased with GSA's actions to date in meeting an enhanced level of security at GSA controlled buildings and facilities. I would like to commend the Appropriations Committee for actions taken following the Oklahoma City bombing in the fiscal year 1995 legislation, continuing reprogramming efforts approved by both the authorizers and appropriators in fiscal year 1996, and now in the Treasury, postal appropriations bill that we have before us for fiscal year 1997.

I think that all of my colleagues would agree that in light of the new threatening environment we are under, resulting from incidents of domestic terrorism like the Oklahoma City bombing, providing a safe and secure environment for our Federal work forces and visitors to our Federal buildings should be the highest priority.

That is the intention of this amendment. I am pleased to learn from the distinguished manager, the Senator from Nebraska, it appears it is acceptable. And Senator SHELBY has, likewise, indicated that.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, both Senator SHELBY and I have looked at this amendment. We agree it is a good amendment. We appreciate the Senator from Virginia bringing it to our attention, and we are willing to accept it.

Mr. WARNER. Mr. President, I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5240) was agreed to.

Mr. WARNER. Thank you, Mr. President.

I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the pending committee amendment, and the Kassebaum amendment thereto, be laid aside in status quo. In explanation of that unanimous consent request, Senator KASSEBAUM is, I believe, in a meeting having to do with the FDA reform. There has been a lot of discussion back and forth about how to handle these two amendments. The Senator from Oregon is here and is continuing to pursue his desire in this effort. He has been willing to have these set aside for now so we can take up other issues, and amendments can perhaps be agreed to, and perhaps other amendments can be debated and voted on, if necessary. We will continue to work to see how we can resolve that. I make that unanimous consent request.

Mr. WYDEN. Reserving the right to object, and I do not intend to object, I just want it understood that I have spent the last couple of hours trying to work, in a bipartisan way, to address this, to address the budgetary concerns. I want the majority leader, Senator LOTT, to understand that I have no interest in prolonging this. I do want to protect the rights of these vulnerable patients and get that done today. But I have no desire to prolong this.

Mr. President, we are going to continue, as the majority leader requested, to work to try to fashion something that is acceptable. We thought we had something a minute ago, but, apparently, we have some more work to do.

With that, I withdraw my reservation. I appreciate the majority leader trying to help us by setting that aside.

Mr. LOTT. Mr. President, was that request agreed to?

The PRESIDING OFFICER. I thought the Senator from Alabama was rising to speak on the request.

Is there objection to the request?

Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. That has been done.

AMENDMENT NO. 5224

(Purpose: To limit the use of funds to provide for Federal agencies to furnish commercially available property or services to other Federal agencies)

Mr. THOMAS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 5224.

Mr. THOMAS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VI add the following:

SEC. 646. (a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be used by the Office of Management and Budget, or any other agency, to publish, promulgate, or enforce any policy, regulation, or circular, or any rule or authority in any other form, that would permit any Federal agency to provide a commercially available property or service to any other department or agency of government unless the policy, regulation, circular, or other rule or authority meets the requirements prescribed under subsection (b).

(b)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations applicable to any policy regulation, circular, or other rule or authority referred to in subsection (a).

(2) The requirements prescribed under paragraph (1) shall include the following:

(A) A requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector.

(B) A requirement for cost and performance benchmarks relating to the property or service provided relative to comparable services provided by other government agencies and contractors in order to permit effective oversight of the cost and provision of such property or service by the agency concerned or the Office of Management and Budget.

AMENDMENT NO. 5224, AS MODIFIED

Mr. THOMAS. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 5224), as modified, is as follows:

At the end of title VI add the following:

SEC. 646. (a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be used by the Office of Management and Budget, or any other agency, to publish, promulgate, or enforce any policy, regulation, or circular, or any rule or authority in any other form, that would permit any Federal agency to provide a commercially available property or service to any other department or agency of government unless the policy, regulation, circular, or other rule or authority meets the requirements prescribed under subsection (b).

(b)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations applicable to any policy regulation, circular, or other rule or authority referred to in subsection (a).

(2) The requirements prescribed under paragraph (1) shall include the following:

(A) A requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector.

(B) A requirement for cost and performance benchmarks relating to the property or service provided relative to comparable services provided by other government agencies and contractors in order to permit effective oversight of the cost and provision of such property or service by the agency concerned or the Office of Management and Budget.

(C) The regulation would not apply to contingency operations associated with a national emergency.

Mr. THOMAS. Mr. President, I want to explain the amendment, if I may, and then ask that we have a vote on it. It has to do with the Federal Government's policy of more than 40 years that the Government should not compete with the private sector in areas in which the private sector can legitimately function. In fact, the Government should rely on the private sector to supply commercially available goods and services.

However, this policy is too often ignored. For example, the Defense Science Board calculates that out of 850,000 full-time positions needed to provide commercial services for the military, 640,000 are held by Federal employees rather than private sector personnel.

I want to go back and talk about commercial services, however, because the modification that I sent to the desk exempts emergencies and exempts factors that are not routinely commercial completely from the bill. There is a new administration policy that prompts this particular amendment.

OMB has come out with a policy that grandfathers existing Interservice Support Agreements from cost-comparison requirements. In other words, it says if you have had this kind of Interservice Support Agreement, it is not even necessary to inquire as to what the cost would be if, indeed, there would be savings in the private sector.

The Interservice Support Agreements permit one Federal agency to provide goods or services to another agency. This new policy gives agencies until October 1, 1997, to go out and recruit business from other agencies, without performing any cost analysis.

The administration implicitly argues that this entrepreneurial approach to Government will save the taxpayers money—and they don't even know what the cost comparisons are. Some examples of existing ISSAs are: Aerial photography, mapping services, laboratory services, printing services. Other specific examples are: A U.S. Geological Survey was hired by the Bureau of Reclamation to participate in the High Plains Groundwater Recharge Program. The project took twice as long and cost three times as much as the private sector standard.

In Jacksonville, FL, the Navy Public Works Division recently completed a state-of-the-art environmental lab to provide routine hazardous waste characterization. These services are already available from the private sector, and the Navy intends to offer these services now to other Government agencies.

Mr. President, this is not the concept that most of us have for Government. It is common sense, I think, that activities that are integral to Government, activities for emergencies, for defense, activities such as plane wrecks and all these things, those things, of course, are excluded under the bill. But when we are talking about routine services that can be provided commercially in the private sector, then they should be.

There are a few examples of direct Government competition with the private sector. So there is a new policy that encourages the Federal Government to compete with the private sector. I think that is philosophically wrong. Certainly, it hurts small business. There isn't even competition for projects —no public solicitation—the private sector never knows if there is a need that they could fulfill.

We did this, by the way, in the Wyoming legislature when I was there. We had a bill that said that in those areas where the function can be commercially carried out, there ought not to be competition by the Government, that there ought to be at least an analysis of the cost, and a fair analysis, so these things can be done, to the extent that it is possible, to save the taxpayers money and do it in the private sector. Numerous studies have shown that outsourcing can save the Government $9 billion to $10 billion annually.

Further, it seems to me that this process of having extra commercial activities carried on by Government agencies circumvents the appropriations process. If an agency is able to do the work for another agency, it is likely to have more resources and employees than it really needs to fulfill its primary mission. It may be wasting taxpayers' resources and may need to be cut back. If an agency appropriations is cut and it recruits business, it is circumventing the appropriations process. The amendment that we have simply indicates that none of the dollars in this particular appropriations can be used unless, and the rule says:

> A requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector.

It is very simple. It simply says that you have to take a look at letting the private sector do this and get the cost of that before one agency provides it to the Government sector for another agency.

I emphasize that we have been doing it for 40 years. This is a new OMB policy. It is a rule for the supplemental handbook. By the way, as to the handbook itself, I think we are going to hear—and we have heard from one agency, the Defense Department specifically—"Well, we will be curtailed on a number of these essential support emergency activities."

Let me give you the modification first of all. It makes it clear that the amendment does not apply to national security. Furthermore, this OMB rule has an exemption. Nothing in this amendment would change advanced planning for contingencies; therefore, contingencies or emergencies, such as the Value Jet crash in the Everglades. There are two protections from that kind of thing. One is the rule itself, and the other as the amendment to this bill.

So it just seems to me that if you believe in the idea that the Government ought to be contained to those things that are uniquely Government activities and that beyond that we ought to go to the private sector, we have a broader bill that we have had for some time. We intended to have hearings on it. The hearings have been postponed twice—once at the request of the minority. So we have been prepared to have hearings on the broader bill. This one simply deals with the newest OMB supplemental handbook proposition. It says that you have to continue to do what you have been doing; and that is consider the cost of doing it in the private sector.

It is hard for me to imagine that anyone can object to the difficulty of doing things that can be done in the private sector, and doing them in the private sector if they are going to save us money. The idea that you can't do it in an emergency is not a valid one. It is not valid because of the handbook exemption. It is not valid because of the modification that we have put on the bill. This kind of thing, of course, simply expands Government.

I mentioned that we introduced S. 1724, the Freedom From Government Competition Act. It causes the Government to go outside. It causes OMB to study those things that are inherently governmental functions.

Senator STEVENS plans to hold a hearing on this bill in September. The Small Business Committee in the House has already held several hearings. But this is a smaller issue. While I am delighted that Senator STEVENS will be holding hearings on the broader bill, there is really no reason for small businesses to be caught under this Clinton administration ISSA policy, the Interservice Support Agreement policy. The amendment is very simple. It merely reaffirms existing law. It would prohibit the appropriation of funds of one agency to provide commercially available goods and services for another agency unless the cost comparison is done and more oversight is conducted on the agreement to provide more information about what we are doing. The amendment will create private-sector jobs, which is what we talk about all the time on both sides of the aisle. It will help small businesses. It will save taxpayer dollars and make Government smaller and more efficient.

Mr. President, the bottom line is we want Government to cost less. This is a way to do that.

So I urge my colleagues to support this amendment. It is a commonsense amendment, a good-government amendment, and a pro taxpayer reform amendment.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I would like to call up amendment No. 5237 and offer it as a second-degree amendment to the pending committee amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMS. Mr. President, this is a simple and straightforward amendment.

Mr. GLENN. I object.

The PRESIDING OFFICER. If the Senator will suspend. Is there objection?

Mr. GLENN. Mr. President, I object, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Minnesota has the floor. Is there objection to the unanimous-consent request?

Mr. GLENN. Yes. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Minnesota has the floor. The objection is heard. The Senator from Minnesota has the floor.

Mr. GRAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I must oppose the amendment offered by my colleague from Wyoming, Senator THOMAS. The amendment would require cost comparisons and cost and performance benchmarks before any Federal agency can provide any other Federal agency with property or services.

I am a very strong supporter of increasing the efficiency of Government. Much of my effort over the last few years has been devoted to exactly that—passing the Chief Financial Officer Act, expanding inspectors general, and with the new procurement legislation we passed that was the work of not only the White House in the last administration but this administration and our Governmental Affairs Committee, as well as people in the Pentagon. So we have a track record of working in these areas of increasing the efficiency of Government and along with it of having a greater reliance on the private sector which we have provided in some of the new procurement legislation for providing goods and services to the Government.

In spite of that, I have difficulty supporting this amendment. Its impact, I do not think, has been completely reviewed and I think it is unnecessary and perhaps too broad. Let me go into some of that in a little more detail.

First, I must oppose the amendment because a floor amendment on an appropriations bill does not provide an adequate opportunity in which to consider this far-reaching proposal, and it is, indeed, a far-reaching proposal. The Governmental Affairs Committee, as I think the proponent has already mentioned, actually has a hearing scheduled for next week, September 19, on Senator THOMAS' related bill, S. 1724. I know we have had several hearings put off, and I understand that, and I understand the frustrations of people when they do not get appropriate hearings in committee to go ahead and opt for direct floor action. But consideration in committee will consider that legislation that also addresses Government and private sector issues. Consideration by the committee with substantive jurisdiction is needed before this proposal should be considered on the Senate floor. To bring the amendment to the floor when the sponsor has a hearing in only 1 week before the appropriate committee I do not feel is the best way to proceed, the best informed way to proceed on this issue.

Second, it is my feeling, having been into some of these things over the last several years, the amendment is unnecessary. The economy act at section 1535 of title XXXI of the United States Code already requires that an agency head determine that goods or services cannot be provided as conveniently or cheaply by a commercial enterprise before going to another agency for those goods or services. The cost and performance requirement of the present amendment would on their face have basically the same result as the economy act.

The relation of the amendment to the current law is exactly the sort of issue that should be discussed at a committee hearing. I think we also need to examine the relation of the OMB regulations required by the amendment to OMB's circular A–76 that currently governs agency cost comparisons with private sector goods and services. To accept an amendment in the Chamber that on its face largely duplicates existing law and regulation is not the best way to proceed.

This overlap also concerns me with regard to the franchise fund pilots created by the Government Management Reform Act, GMRA, of 1994, which is Public Law 103–356. That act was a bipartisan effort of the Governmental Affairs Committee, and it passed unanimously in the Senate. The GMRA, the Government Management Reform Act, franchise fund pilots open up competition between agency service providers and the private sector for common administrative services. This program uses basic market force principles to search for better, quicker, and cheaper services. OMB is currently overseeing this program, and we should not enact new legislation that would affect it until we hear from OMB as to how this competition project is working.

My third objection to the amendment is that it is too broad. For example, in its original version it had no exemption for national security emergencies or danger to public health or safety.

Let me say right there that we had a letter from the Under Secretary of the Navy, John Hamre, who is working in these areas of better efficiency over in the Defense Department, and he felt it really gave a lot of trouble in this particular area.

I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNDER SECRETARY OF DEFENSE,
Washington DC, September 11, 1996.
Hon. RICHARD C. SHELBY,
Chairman, Subcommittee on Treasury, Postal Service and General Government, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I have just learned of an amendment that Senator Thomas is proposing to offer on the Appropriations Bill for the Treasury, Postal Service and General Government. The amendment would require that before one federal agency can provide a service to another agency a cost comparison for providing the service would have to be made between the private sector and the government agency.

I recognize that the motivations behind this amendment are very worthwhile. We should use the private sector as much as possible for providing services; however, the unintended consequences of this amendment would be devastating to many of the cross agency operations that are now being conducted.

In its current form, this amendment could cost lives and delay essential support that has to occur immediately in time of emergency. Had this amendment been in place in the past, the Department of Defense (DOD) could not have transported equipment and material immediately for such catastrophes as Hurricane Andrew, the Oklahoma City bombing, the search for survivors and aircraft parts following the explosion of TWA 800, and numerous earthquake, fire and flood demands that are placed on the Department. These are extensive inter-agency arrangements for DOD support in times of emergency that are totally undermined by this amendment.

I strongly urge you to defer action on the amendment being offered by Senator Thomas until you have had an opportunity to hold a hearing on the implications of the amendment. This proposal while well intended, has far reaching consequences which must be studied and understood.

JOHN J. HAMRE.

Mr. GLENN. I understand though that this will be modified to accommodate that problem. I have not seen the modification yet specifically, but I understand that Senator THOMAS has modified his amendment to address concerns raised by the Department of Defense concerning national emergencies and that was one of the problems. I understand the amendment will provide an exemption for national security contingencies. Maybe that will solve the problem, maybe it will not, but that is a concern about the amendment, and I think the scope of it is still unclear.

If enacted into law in its original version, the amendment would appear to prohibit, for instance, some other things, and I do not know whether these are covered under contingencies or not. It would appear to prohibit the CIA from contracting with NSA or DIA, the National Security Agency or the Defense Intelligence Agency, for classified goods or services—for example, a spy satellite or equipment—without performing cost comparisons and benchmarks. While OMB might try to provide for such exemptions in the regulations required by the amendment, the amendment, as I understood it, provides no limitations on its comprehensive scope.

I am also concerned about the amendment's references to "enforcing any policy or any authority in any other form." I put that in quotes, concerned about the amendment's reference to "enforcing any policy or any authority in any other form."

I am not certain what this might include. It could be interpreted to cover the budget. It would seem even to cover apportionment of funds. After all, when OMB apportions funds, it conveys an authority to outlay funds. How would this impact on interagency activities? I am not sure. Maybe it would be good. Maybe it would be bad. But these terms do concern me. I do not believe we should enact into law such an overarching requirement, a very major piece of legislation, without careful consideration of its scope and necessary exemptions.

The broad language of the amendment might also cover FFRDC's. Many times agencies contract with another agency such as DOE for goods or services to be provided by FFRDC, and this arrangement would seem to be covered by the amendment. I do not believe the Senate has sufficiently considered this proposal in order to subject the National Labs, the Center for Naval Analysis, and other FFRDC's with the blanket requirements of this amendment, and they would be affected by it. They could not help but be affected by it.

Finally, I am concerned that there could be other situations that this amendment would needlessly burden with reporting and study requirements. There could be instances in which an agency contracts for goods or services that another agency procures from other sources, even the private sector. There are also revolving funds and many interagency reimbursable activities that would appear to be covered by the amendment. And to subject all such activities to the terms of this amendment, without certainty about the impact, concerns me very much.

Again, the sponsors of the amendment may hope that OMB will provide the right exemptions for the right cases. But the text of the amendment is very, very comprehensive. Again, this is just another reason why I think we should not enact into law legislative language of such broad scope—not today, anyway.

Next week, OMB's Deputy Director for Management, John Koskinen, will testify before the Governmental Affairs Committee on various OMB and other agency initiatives to increase agency reliance on the private sector. That is one of the subjects of the hearing, and to create incentives for agencies to search for more economical ways to procure goods and services. That hearing will be very informative as to this debate. It should include this amendment, and that is where I think we should consider this amendment, not here on the appropriations legislation.

So I think I do not see any problem with recommending to my colleagues, with something of this broad a scope—and this is not an insignificant amendment, this is a major step in whatever direction it would be leading and is very, very far-reaching—I think, to wait 1 week until the head of OMB can give his testimony and give his opinion on this and indicate to us how this would operate at the executive branch level. It seems to me, that is not a delay that is intolerable.

For these reasons, I urge my colleagues to oppose the amendment. I think it is very far-reaching. It is not an innocuous little amendment; it is one that is very far-reaching, and after we know the scope of it better, it might be something I could well support. But I would like to have Mr. Koskinen's testimony on it and have it before the committee so we could explore, in a little bit more detail, the ramifications of this or the implications of it before we vote on it in an appropriations bill acting on the floor today.

Mr. President, for all those reasons, I oppose the legislation and hope my colleagues support that position. I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I appreciate the comments of my colleague from Ohio. Let me see if I cannot respond to some of them.

First of all, they talk about a hearing. We have delayed hearings twice now. We have asked for hearings, had them set up, they have been delayed—once at Senator GLENN's request. I think it is time we move forward with this proposition.

It is a narrow amendment. It is not a broad amendment. It is not a wide-reaching amendment. As a matter of fact, it deals only with circular No. A-76 and the language there where OMB has said, effective October 1997, "The cost comparison requirements of this supplemental handbook will not apply to existing or renewed ISSA or consolidation of commercial services."

This is not the broad bill that we have asked for a hearing on. It is not nearly as broad as I think it ought to be to effect this idea that we ought to be doing these things in the private sector. This notion that somehow we are going to get more efficiency out of doing it out of Government is one, I think, we have gotten long past. So we will be doing that, and we will be going further. This one only has to do with the changes that have been made by OMB.

The idea, of course, that it will affect the letter that the Senator read from the Department of Defense probably is not applicable in the first place. However, we have, in order to make sure that is not the case, amended and changed—modified the amendment with the language that "the regulations would not apply to contingency operations associated with a national emergency." Clearly, I think that does that.

I want to interject here to ask unanimous consent that Senator STEVENS, the chairman of the Governmental Affairs Committee, and Senator FRAHM be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. The idea that is far-sweeping and far-ranging is that this has been in place for all these years until now. OMB simply changed it. It puts it back where it was, before OMB changed this. So the idea that it is an unknown is simply not true. It is simply not the case. It simply says to OMB, you cannot enforce these new rules that you put out that have changed what we have been doing now forever. So that is really what it amounts to.

I think it is very important that we move on these. We have had some other debates today about whether there have been hearings or whether there have not been hearings. It depends on which side you are on as to whether that is important. But the fact is, this is a relatively minor change and one that simply puts us back to where it is. If, in the hearings that subsequently occur, there is evidence that the OMB change is appropriate, then I urge the committee to authorize, in committee, them to do that. In the meantime, I think we ought not remove the requirements, the simple requirements that if you are going to offer a service to another agency—not services for yourself, offer them for another agency, which is a growing tendency within Government—that, first of all, you have to consider the outrageous notion of seeing if there is an alternative that is less expensive. That is really not very difficult. It is really not a new idea. Most people who do significant work contracting try to get more than one idea of what it costs. That is what we are talking about here.

As a matter of fact, I mentioned the idea that the statute on efficiency continues to exist. The problem is OMB is not abiding by it. That is the problem. It does continue to exist. It does say, yet, in the statute, that we ought to be doing this stuff in the private sector. The problem is, it is not being adhered to. The procurement act provides that an agency "can provide another agency with goods and services if the goods and services cannot be provided by contract as conveniently or cheaply as a commercial enterprise." That is the law, but the rule negates that. That is what we are talking about. It is not a widespread change, not an unknown. It simply says we ought to go by what it says in the economy act, and not change it by OMB.

So, I suppose if we are going to deal with a broader bill, which I hope we do—I hope we make some conversions more to private sector use—then I agree we ought to take a look at it in the committee. This part of it, however, simply says, live under the law. It simply says, do not change the law. Go ahead and ask that, when you want to provide services to another agency, that the private sector ought to be examined first to see if, indeed, that is a more efficient and more effective way to provide those services.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. THOMAS. We will ask when there are more people here.

Mr. LOTT. Mr. President, will the distinguished Senator from Wyoming yield?

Mr. THOMAS. Yes, I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, after consultation with the Democratic leader and with the hope we can get a finite list and begin to work through these amendments, as we have done over the past couple of weeks, so we can get an agreement on amendments that we must, in fact, have votes on, I ask unanimous consent that the following be the only first-degree amendments remaining in order to the Treasury-Postal Service appropriations bill; that they be subject to second-degree amendments which are relevant to the first-degree amendment; that they may be offered in the first degree or in the second degree to a committee amendment; that the committee amendments be subject to second-degree amendments which are either on the list or relevant to an amendment on the list, if that amendment has been offered to the committee amendment; that no motions to recommit be in order and that upon the disposition of these amendments and the committee amendments the bill be read for a third time.

Mr. President, I submit for the RECORD the list. It is at the desk. The distinguished Democratic leader has a copy of this list.

The list is as follows:

REPUBLICAN AMENDMENTS TO H.R. 3756, THE TREASURY-POSTAL APPROPRIATIONS BILL

Abraham—Relevant.

Shelby—Managers amendments.

Shelby—Authority for GSA to work with Smithsonian to determine office space.

Stevens—Relevant.

Stevens—(1) Allow ACIR to use non-appropriated funds; (2) IRS commission.

Stevens—(1) Kodiak, Alaska Port of Entry Designation; (2) FOIA/privacy.

Grassley—Add $28 million to USCS; REDUCE TSM.

Inhofe—Strike Section 404(FPS position repeal).

Thomas—Inter-service Support Agreement.

Hatfield—Localflex pilot program.

Hatfield—Provide $1,450,000 for renovation of Pioneer Courthouse in Portland, Oregon.

Faircloth—(1) Prohibit IRS from using color printing except when describing tax law changes; (2) Social Security Administration.

Helms—Health care provider incentive plans.

Brown—Financial Management Bill.

Grams—Improve IRS telephone service.

Hutchison—Border Stations.

Kassebaum—(1) Job Training; (2) Relevant.

Lott—(1) Education; Relevant.

Lott—(1) Terrorism; Relevant.

Lott—(1) Drugs; Relevant.

Lott—(1) IRS; Relevant.

Nickles—re: Welfare.

Nickles—Workers rights.

Nickles—Presidential imunities.

Nickles—Relevant.

Hatch—Relevant.

Hatch—Relevant.

McCain—HIDTA Funding.

McCain—Federal overtime pay.

McCain—Udall Foundation.

McCain—Relevant.

Jeffords—Relevant.

Domenici—Relevant.

Ashcroft—Working flexibility.

Ashcroft—Relevant.

Thomas—Limit fund for Fed. Agencies to furnish commercially available services to other Fed. Agencies.

Coverdell—Relevant.

Coverdell—Relevant.

Gramm—Border stations.

Thompson—GSA telephone pilot project.

D'Amato—TWA crash.

D'Amato—Commemorative coin.

Warner—GSA building security.

Inhofe—Sec. 404.

Lott—Relevant.

Lott—Relevant.

TPO AMENDMENTS

Biden—(1) Drugs; (2) Drugs.

Bingaman—Energy savings.

Boxer—(1) Junk guns; (2) Pensions.

Bryan—(1) COLA for judges; (2) White House Travel (w/Levin/Reid); (3) Congressional pension.

Byrd—(1) Telecommuting center/W.VA; (2) Relevant.

Daschle—(1) Congressional employees health insurance; (2) Education; (3) Arson & Explosive repository; (4) Relevant; (5) Relevant; (6) Presidential immunities; (7) Welfare.

Dorgan—Indian Housing.

Feingold—Committee amdt p 129.

Feinstein—(1) Hate crimes (w/Wyden); (2) Relevant; (3) Taggants.

Graham—(1) Medicare receipts using emergency care; (2) Welfare formula fairness.

Hollings—Death benefits.

Kennedy—(1) Physicians gag (w/Wyden); (2) Education; (3) Workers protection; (4) Legal services.

Kerrey—(1) Managers package; (2) IRS review; (3) Relevant.

Kerry-Feinstein—(1) Relevant; (2) Taggants.

Kohl—Gun free school zones.

Lautenberg—Domestic abusers guns.

Levin—(1) White House travel (w/Reid); (2) SoS U.S./Japan auto.

Moseley-Braun—Age discrimination.

Reid—(1) White House Travel (w/Levin); (2) Judges' pay.

Simon—(1) Desalinization; (2) Pension auditing.

Wyden—Physician's gag (W/Kennedy).

Mr. LOTT. Mr. President, I would like to say right here that if there are any additions made to this list, it will be only after consultation and agreement between the two leaders.

That is the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank the leader for his cooperation. It is a rather lengthy list, unfortunately, but now we have, at least, a list we can work on. Hopefully, we will both be able to work through getting these amendments removed if they are not really relevant to this bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me just say, the majority leader and I have had the opportunity in the last couple hours to talk to our Members and to urge their cooperation in coming forth with prospective amendments. I would emphasize that they are prospective. I hope that in many cases Senators would not feel compelled to offer them. Our hope is that we can resolve this bill some time in the not-too-distant future.

I hope that all of our colleagues can work with us to limit the list of amendments, to limit the debate on the amendments, once they are called up, and to see if we cannot complete our work. I have asked Members of our leadership to work with our caucus in order to put this list together now in a realistic fashion. And I hope that only in those cases where Senators truly felt that it was essential that the amendment be offered on this bill, that it be done so.

So I am urging cooperation, in concert with the majority leader, in the hope that we can come to some completion successfully on this bill some time in the not-too-distant future.

Mr. LOTT. Mr. President, did we get unanimous consent agreement on that?

The PRESIDING OFFICER. Yes.

UNANIMOUS CONSENT AGREEMENT—H.R. 3662

Mr. LOTT. Mr. President, I have another one. Showing full faith and effort to be accommodating to the Senators, and to get agreements that they really desire, I ask unanimous consent that during the Senate's consideration of the Interior appropriations bill, that it not be in order to consider any amendment relative to Ward Valley prior to Tuesday, September 17, 1996. This has been requested by the Senator from California, Senator BOXER. We would like to accommodate that request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. THOMAS. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5224, AS MODIFIED

Mr. GLENN. Mr. President, it is my understanding we will each use about 5 minutes, and then I think the two leaders want to propose a unanimous-consent request after that. So if we can proceed on that basis, would that be satisfactory with my colleague?

Mr. THOMAS. That is fine.

Mr. GLENN. I ask unanimous consent that we have 5 minutes on a side to wrap this up, and then we will probably go to a vote after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I want to respond briefly to the comments my colleague made a moment ago. This is a broad act. He said the Economy Act of 1982 is really not working and that is one reason we are putting this in. I don't like putting other legislation that might not work on top of legislation he says is already not working. Let's make work the legislation that is in law now. I am all for that.

Basically, it does what we are proposing here. In fact, I have a copy of that Economy Act of 1982 here, and one of the things provided under section 1335 under "agency agreements," part 4 of paragraph (A) says: "The head of the agency decides ordered goods or services cannot be provided as conveniently or cheaply by a commercial enterprise already required."

I agree that should be lived up to. So then we come in with the legislation that my colleague and friend, Senator THOMAS, says is not as broad as I am interpreting it to be, and yet the words in it say that "except as provided in subsection (B)"—which I will get to in a moment—"none of the funds appropriated under any other act may be used by OMB or any other agency to publish, promulgate or enforce any policy, regulation, circular or any rule or authority in any other form that would permit any Federal agency to provide a commercially available property or service to any other Department of Government unless the policy, regulation, circular or other rule meets the requirements in subsection (B)."

Subsection (B) says 120 days after this OMB will prescribe regulations as required, subject to the following, which shall include the following: A requirement for comparison between the costs of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector.

That is a mammoth requirement for any law or regulation to come out under. The (B) part of that, which is the last part, is a requirement for cost and performance benchmarks relating to the property or service provided relative to comparable services provided by other Government agencies and contractors permitting the oversight of this—and so on—agency concerned with the Office of Management and Budget.

That is a very, very broad-reaching, extremely broad-reaching, amendment.

I would say it is true, it is already covered under the Economy Act of 1982, as I quoted just a moment ago, and the best thing I would advise is we bring this to the attention of Mr. Koskinen, who is going to appear before the committee next week, that we ask his opinion about how broad-gauged this is and why he is not already enforcing the Economy Act of 1982. That is the way to proceed, as I see it, in good Government, not just to automatically pass something that does the same thing that is not being adhered to in earlier legislation.

Mr. President, I suggest we have that as our method of procedure. I am all for efficiency in Government, but I am not just for passing one law and covering up deficiencies in carrying out a law that is already on the books and should be adhered to.

I reserve the remainder of my time. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 1½ minutes remaining.

Mr. DASCHLE. Mr. President, I think for the interest of Senators, as I understand it, we are about to have a vote. Does the Senator from Wyoming know approximately what length of additional time he will need to complete his remarks?

Mr. THOMAS. I believe I probably have about 2 minutes, and Senator GLENN has 1½ minutes. So I would guess less than 5 minutes.

Mr. DASCHLE. Mr. President, I ask unanimous consent, assuming that is agreeable to the majority leader, to have the vote on the amendment offered by the Senator from Wyoming no later than 6:20.

Mr. THOMAS. It is fine with me.

Mr. GLENN. That will be fine.

Mr. LOTT. Mr. President, if that request was not made, I enter that request now. I ask unanimous consent that we have that vote not later than 6:20, and before if all time is yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wyoming has 2 minutes 5 seconds remaining.

Mr. THOMAS. Mr. President, I would agree with the Senator if what he is saying were the case, and I think it is not. We have indicated that the statute requires under the Efficiency Act what we are asking here: that there be this effort to communicate in the private sector and measure that cost.

The problem is this one right here. This is March 1996, called the "Revised Supplemental Handbook, Performance of Commercial Activities, Executive Office of the President, Office of Management and Budget." It says:

> The cost comparison requirements of this supplemental handbook will not apply to existing or renewed ISSA's or the consolidation of commercial services.

So it is not just a function of the law not being lived up to but, in fact, is a change that has been put in place by OMB. So that is what we are seeking to do. We are not seeking to change the law. We are not seeking to change the basic operation of this statute, but we are saying that there are changes made by Executive order which remove that requirement that those activities that are being carried on by one agency for another, not the activities for themselves, one agency for another, that the requirement continue to exist as it has in the past, that we see if there are commercial activities available at a lesser, more efficient cost.

This is simply an effort to put back in place the requirement that has been in place for a very long time, that for the activities that are acquired from another agency within Government, that there be an effort to determine if it can be done more cheaply, more efficiently in the private sector.

This is not a new idea. This is an idea that now exists in law but has been taken out of the law by OMB. This would put it back. It is not broad. I hope very much that the Senator from Ohio, and his committee, will take a look at this whole broad thing. But in the meantime, I think we need to return where we were so that private industry can be part of this idea.

We have used it for a very long time. It has to do with being more efficient. It has to do with good Government. It has to do with strengthening the private sector. I certainly urge my colleagues to vote aye.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I yield back the balance of my time, and assume my colleague does.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to add Senator MCCONNELL as a cosponsor to amendment No. 5232.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question occurs on agreeing to amendment No. 5224, as modified, offered by the Senator from Wyoming. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware [Mr. ROTH] is necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of family illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—59

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Bradley
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Feinstein
Frahm
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell

Murkowski
Nickles
Pressler
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Bingaman
Boxer
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—2

Pryor
Roth

The amendment (No. 5224), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I ask unanimous consent that the pending committee amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 5249 THROUGH AMENDMENT NO. 5255, EN BLOC

Mr. SHELBY. Mr. President, I send a group of amendments, en bloc, to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments, en bloc, numbered 5249 through amendment No. 5255.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 5249

(Purpose: To provide for the Advisory Commission on Intergovernmental Affairs to continue operations)

Page 93 after line 19 insert the following new section:

SEC. . Notwithstanding the provision under the heading "ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS" under title IV of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52; 109 Stat. 480), the Advisory Commission on Intergovernmental Relations may continue in existence during fiscal year 1997 and each fiscal year thereafter.

AMENDMENT NO. 5250

(Purpose: To strike section 404)

On page 60, line 19 strike all through line 21.

AMENDMENT NO. 5251

(Purpose: To provide for an audit by Inspector Generals of administratively uncontrollable overtime practices, to revise guidelines for such practices, and for other purposes)

At the appropriate place in the bill, insert the following new section:

SEC. . (a) No later than 45 days after the date of the enactment of this Act, the Inspector General of each Federal department or agency that uses administratively uncontrollable overtime in the pay of any employee shall—

(1) conduct an audit on the use of administratively uncontrollable overtime by employees of such department or agency, which shall include—

(A) an examination of the policies, extent, costs, and other relevant aspects of the use of administratively uncontrollable overtime at the department or agency; and

(B) a determination of whether the eligibility criteria of the department or agency and payment of administratively uncontrollable overtime comply with Federal statutory and regulatory requirements; and

(2) submit a report of the findings and conclusions of such audit to—

(A) the Office of Personnel Management;

(B) the Governmental Affairs Committee of the Senate; and

(C) the Government Reform and Oversight Committee of the House of Representatives.

(b) No later than 30 days after the submission of the report under subsection (a), the Office of Personnel Management shall issue revised guidelines to all Federal departments and agencies that—

(1) limit the use of administratively uncontrollable overtime to employees meeting the statutory intent of section 5545(c)(2) of title 5, United States Code; and

(2) expressly prohibit the use of administratively uncontrollable overtime for—

(A) customary or routine work duties; and

(B) work duties that are primarily administrative in nature, or occur in noncompelling circumstances.

Mr. MCCAIN. Mr. President, this amendment will address the abuses of Administratively Uncontrolled Overtime—AUO—throughout the Federal Government.

The costs to taxpayers of AUO misuse, estimated at $323 million at a single Federal agency since 1990, are significant. With improper oversight, AUO is likely to be costing the Treasury tens of millions of dollars a year. This amendment will empower the Office of Personnel Management [OPM] to stop these abuses.

First, it directs the Inspector General [IG] of each agency that utilizes AUO to audit its use and cost. The findings of these audits must be reported to the Congress and the Office of Personnel Management within 45 days.

Second, OPM shall review these IG audits, and issue revised guidelines to the respective agencies to limit the use of AUO to its statutory intent. These strengthened guidelines shall prohibit the use of AUO for routine or inappropriate work duties.

The amendment directs OPM to issue these new guidelines, to prevent the ongoing misuse of AUO, within 30 days of receiving the Inspector General audits.

For my colleagues who, like myself, have not been acutely aware of the details and minutiae of Federal overtime policies, let me briefly describe AUO and how it can readily be fixed on behalf of taxpayers in this appropriations bill.

"Administratively Uncontrolled Overtime" was authorized by Congress to pay overtime to law enforcement officers for vital investigative duties that require them to work irregular and unscheduled hours—pursuing suspects, undercover work, special investigative operations, et cetera. That makes sense. Agency regulations stipulate that AUO should be reserved for work duties that are "compelling" and where it would be negligent for officers to stop their enforcement actions.

What has been going on, however, for too many of the 6,300 employees receiving AUO, is that it has turned into a unjustified salary and retirement supplement for the most routine work duties imaginable. And that makes no sense whatsoever for taxpayers.

I'd like to describe the abuses of AUO that occurred in a single Federal agency in my State, as revealed by a selfless Federal employee who stood much to lose by uncovering this waste.

One Immigration and Naturalization Service [INS] officer in Arizona reported that every single officer and supervisor at his facility was receiving the maximum AUO possible, despite the fact that "In two years . . . not one legitimately qualifying AUO hour has been worked in my department."

Mr. President, somehow those duties don't sound like "hot pursuit" to me. They certainly are necessary, but they do not meet the statutory criteria for AUO. This is not an isolated problem of mere local concern. Both the Inspector General and the INS's top policymakers have recognized this ongoing abuse of AUO.

The INS investigated the use of AUO at a detention facility in Arizona and found that: "None of the work performed [in Florence] met the criteria for AUO, because the overtime hours could be administratively controlled."

The Inspector General at the Department of Justice then further investigated this INS facility, and the IG's findings provide the perfect rationale for this amendment. The IG stated that "[W]e encountered no information [at the INS detention center] to demonstrate efforts to follow up on or implement" the INS's own recommendations.

The IG recommended that "The issue of AUO needs to be systematically addressed." That is exactly what this amendment would accomplish.

I would like to add that "Citizens Against Government Waste" have endorsed this amendment, and I urge my colleagues to support it.

I ask unanimous consent that some accompanying material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 11, 1996]

INS Accused of Tolerating Citizenship Testing Fraud

(By William Branigin)

The Immigration and Naturalization Service came under fire yesterday from congressional Republicans over allegations of fraud in the testing of new citizenship applicants and the payment of millions of dollars in overtime to federal law enforcement officers.

In a hearing of the House Government Reform and Oversight subcommittee on national security Republican members assailed what they described as a "controversial Clinton administration program," called Citizenship USA, that has streamlined naturalization procedures and helped produce record numbers of new citizens this year.

Rep. Mark Edward Souder (R–Ind.) charged that a program in which the INS licenses private organizations to test applicants on U.S. civics and English proficiency has led to "serious instances of testing fraud in the citizenship process." He said the INS "has done a very poor job of * * * cracking down on testing fraud" and suggested that the Clinton administration is pushing naturalization as part of a plan to enlist large numbers of new Democratic voters in time for the November elections.

T. Alexander Aleinikoff, executive associate commissioner of the INS for programs, rejected those charges. He said the agency has tightened monitoring of the privatized testing, which began under the previous Republican administration, and defended the Citizenship USA program as a needed response to an upsurge of applicants that threatened to overwhelm the naturalization system.

While Republicans see politics behind the processing of this year's record 1 million-plus citizenship applicants, administration officials regard the subcommittee's investigation itself as politically motivated.

Among the witnesses at yesterday's hearing was Jewell Elghazali, who formerly worked in Dallas for Naturalization Assistance Services, Inc., one of six entities authorized by INS to test immigrants on civics and English as part of the naturalization process.

"There is a lot of fraud going on" in the programs, she testified. When she alerted a superior in the company to indications of cheating on tests administered by affiliates, she was fired, she said.

Elghazali said that in grading tests during her five months at the firm, she found numerous cases in which the written answers of different applicants were in the same handwriting and responses to multi-choice questions—including wrong answers—were identical. She said that in many cases, applicants who had passed the test could not speak English when they called to inquire about the results. Some Spanish speakers became irate when there was no one in the office who could respond to them in their native language, she said.

Paul W. Roberts, the chief executive officer of Naturalization Assistance Services, told the subcommittee that the firm has "acted swiftly to revoke all licensees discovered engaging in improprieties." He said the for-profit company has shut down 43 of its test sites as a result of its own monitoring and argued that, in any case, passing the standardized test does not automatically guarantee citizenship for an applicant, who must still pass an interview with an INS examiner.

INS Commissioner Doris M. Meissner acknowledged that "there have been problems" with the company, which has been warned that it faces suspension unless cleared by an INS review. "If we need to suspend them, we will," she said. But she insisted that "there is no validity to the notion that people are becoming citizens today who would not have 10 years ago" because of a lowering of standards. She said citizenship requirements have remained unchanged.

In a separate news conference yesterday, Sen. John McCain (R–Ariz.) called for a congressional investigation into alleged abuses by the INS and other government agencies of a type of overtime pay. He cited a report by a watchdog group, Citizens Against Government Waste, that the INS has spent $323 million on "administratively uncontrollable overtime" since 1990, much of it in violation of regulations.

The overtime pay, amounting to as much as 25 percent of many employees' salaries, has become an "entitlement program" that wastes tens of millions of dollars a year, the watchdog group charged.

While the overtime is supposed to compensate law enforcement officers for working long hours on investigations or surveillance, it has been used routinely to pay for mundane duties such as delivering mail, guarding prisoners during meal times and substituting for absent employees, the citizens group charged. Besides the INS, "administratively uncontrollable overtime" has been used in the departments of justice, defense, interior and agriculture, the group said.

Meissner said that in principle, the overtime category "is a very good deal for the taxpayers." But she conceded that there has been a tendency to misuse it as "an ongoing bonus" and vowed renewed efforts to ensure it is properly managed.

[From the Tribune, Sept. 2, 1996]

INS To Review Overtime Policies After Charges of Abuse

(By the Associated Press)

FLORENCE.—The Immigration and Naturalization Service will review its policies for filing overtime after government and civic groups showed it improperly spent millions of dollars on overtime.

The agency's decision followed criticism by U.S. Sen. John McCain and a citizens watchdog group, which released a report last week estimating that the INS office here spent $60 million on overtime last year alone.

The extra payments allow officers to pad their pensions and up their salaries by as much as 25 percent, according to the Citizens Against Government Waste.

At issue is special pay called Administratively Uncontrollable Overtime (AUO). The fund was created to compensate federal officers for duties that require irregular hours, such as surveillance or undercover work.

Federal rules say such overtime can be used only for "uncontrollable" overtime—work that can't be regulated or routinely scheduled by supervisors.

According to government reports, the INS managers in Florence are using the fund for day-to-day duties, such as delivering mail, guarding prisoners during meals, going to court and filling in for absent employees.

Documents obtained by The Arizona Republic show a 1995 INS probe and another in April 1996 by the Justice Department's Office of the Inspector General concluded the practice being abused.

"None of the work performed in Florence met the criteria for AUO because the overtime hours could be administratively controlled," the 1995 INS report said.

Virginia Kice, spokeswoman for the INS Western Region, said the agency is aware of the concerns and is conducting a review of the policy.

"We want to be sure that whatever we do is not only appropriate, that it's prudent, it's responsible and it won't have a negative impact on our enforcement operation," she said.

According to John Raidt, McCain's legislative director, such abuse is likely rampant in government agencies. The special overtime is available for employees of at least four agencies: the Justice Department, which includes INS; the Defense Department; the Department of Interior; and the Department of Agriculture.

McCain plans to amend a Senate appropriations bill to place tighter restrictions on such overtime and will ask for hearings this fall before the Senate Governmental Affairs Committee, Raidt said.

Critics say INS supervisors have an incentive to keep paying the special overtime. If managers supervise employees who qualify for the extra pay, then the managers also qualify for the money, according to federal guidelines.

Amendment No. 5252

At the appropriate place, insert the following:

Sec. . Notwithstanding section 8116 of title 5, United States Code, and in addition to any payment made under 5 U.S.C. 8101 et seq., beginning in fiscal year 1997 and thereafter, the head of any department or agency is authorized to pay from appropriations made available to the department or agency a death gratuity to the personal representative (as that term is defined by applicable law) of a civilian employee of that department or agency whose death resulted from an injury sustained in the line of duty on or after August 2, 1990: *Provided*, That payments made pursuant to this section, in combination with the payments made pursuant to sections 8133(f) and 8134(a) of such title 5 and section 312 of Public Law 103–332 (108 Stat. 2537), may not exceed a total of $10,000 per employee.

Mr. HOLLINGS. Mr. President, my amendment is quite simple. It increases the reimbursement for funeral and burial costs and specific related expenses to $10,000 for Federal civilian employees who die as result of injuries sustained in the performance of duty. This amendment would apply to the dedicated civil servants who were tragically killed in the line of duty while accompanying Commerce Secretary Ron Brown on his trade mission to Bosnia and Croatia. And it would apply to the survivors of those Federal civilian employees who died during the bombing of the Murrah Building in Oklahoma City.

Under current law, Federal civilian employees who die in the performance of duty receive only a $1,000 reimbursement for funeral and burial costs, and related expenses. This amount was set in 1960, and it has not been adjusted since that time.

This is not the case for military personnel. In 1990, at the beginning of the gulf war, Congress increased death-related benefits for the survivors of the military personnel killed in the line of duty. Military survivors are currently provided slightly more than $10,000 for funeral and burial costs.

My amendment recognizes that civilian employees are no less dedicated and they are all too often called upon to make the ultimate sacrifice in the service of the United States. Further, I should note that this amendment does not require additional appropriations. It provides the discretion to agency heads to pay these increased benefits from existing appropriations.

Mr. President, in short, this amendment provides for equity and updates current law. This is a good amendment that I believe all my colleagues should support.

I urge its adoption.

AMENDMENT NO. 5253

(Purpose: To provide for training of explosive detection canines)

At the appropriate place in the bill insert the following new section:

SEC. . EXPLOSIVES DETECTION CANINE PROGRAM.

(a) AUTHORIZATION.—

(1) The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by federal agencies, or other agencies providing explosives detection services at airports in the United States.

(2) The Secretary of the Treasury shall establish an explosives detection canine training program for the training of canines for explosives detection at airports in the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

AMENDMENT NO. 5254

At the appropriate place in the bill, insert the following:

SEC. . DESIGNATION OF MARK O. HATFIELD UNITED STATES COURTHOUSE.

The United States Courthouse under construction at 1030 Southwest 3d Avenue in Portland, Oregon, shall be known and designated as the "Mark O. Hatfield United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Mark O. Hatfield United States Courthouse".

SEC. 3. EFFECTIVE DATE.

This section shall take effect on January 2, 1997.

AMENDMENT NO. 5255

(Purpose: To provide for the establishment of uniform accounting systems, standards, and reporting systems in the Federal Government, and for other purposes)

At the end of the bill, add the following new title:

TITLE ___—FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT

SEC. ___01. SHORT TITLE.

This title may be cited as the "Federal Financial Management Improvement Act of 1996".

SEC. ___02. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Much effort has been devoted to strengthening Federal internal accounting controls in the past. Although progress has been made in recent years, Federal accounting standards have not been uniformly implemented in financial management systems for agencies.

(2) Federal financial management continues to be seriously deficient, and Federal financial management and fiscal practices have failed to—

(A) identify costs fully;

(B) reflect the total liabilities of congressional actions; and

(C) accurately report the financial condition of the Federal Government.

(3) Current Federal accounting practices do not accurately report financial results of the Federal Government or the full costs of programs and activities. The continued use of these practices undermines the Government's ability to provide credible and reliable financial data and encourages already widespread Government waste, and will not assist in achieving a balanced budget.

(4) Waste and inefficiency in the Federal Government undermine the confidence of the American people in the Government and reduce the Federal Government's ability to address vital public needs adequately.

(5) To rebuild the accountability and credibility of the Federal Government, and restore public confidence in the Federal Government, agencies must incorporate accounting standards and reporting objectives established for the Federal Government into their financial management systems so that all the assets and liabilities, revenues, and expenditures or expenses, and the full costs of programs and activities of the Federal Government can be consistently and accurately recorded, monitored, and uniformly reported throughout the Federal Government.

(6) Since its establishment in October 1990, the Federal Accounting Standards Advisory Board (hereinafter referred to as the "FASAB") has made substantial progress toward developing and recommending a comprehensive set of accounting concepts and standards for the Federal Government. When the accounting concepts and standards developed by FASAB are incorporated into Federal financial management systems, agencies will be able to provide cost and financial information that will assist the Congress and financial managers to evaluate the cost and performance of Federal programs and activities, and will therefore provide important information that has been lacking, but is needed for improved decisionmaking by financial managers and the Congress.

(7) The development of financial management systems with the capacity to support these standards and concepts will, over the long term, improve Federal financial management.

(b) PURPOSES.—The purposes of this title are to—

(1) provide for consistency of accounting by an agency from one fiscal year to the next, and uniform accounting standards throughout the Federal Government;

(2) require Federal financial management systems to support full disclosure of Federal financial data, including the full costs of Federal programs and activities, to the citizens, the Congress, the President, and agency management, so that programs and activities can be considered based on their full costs and merits;

(3) increase the accountability and credibility of Federal financial management;

(4) improve performance, productivity and efficiency of Federal Government financial management;

(5) establish financial management systems to support controlling the cost of Federal Government;

(6) build upon and complement the Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2838), the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the Government Management Reform Act of 1994 (Public Law 103–356; 108 Stat. 3410); and

(7) increase the capability of agencies to monitor execution of the budget by more readily permitting reports that compare spending of resources to results of activities.

SEC. ___03. IMPLEMENTATION OF FEDERAL FINANCIAL MANAGEMENT IMPROVEMENTS.

(a) IN GENERAL.—Each agency shall implement and maintain financial management systems that comply with Federal financial management systems requirements, applicable Federal accounting standards, and the United States Government Standard General Ledger at the transaction level.

(b) PRIORITY.—Each agency shall give priority in funding and provide sufficient resources to implement this title.

(c) AUDIT COMPLIANCE FINDING.—

(1) IN GENERAL.—Each audit required by section 3521(e) of title 31, United States Code, shall report whether the agency financial management systems comply with the requirements of subsection (a).

(2) CONTENT OF REPORTS.—When the person performing the audit required by section 3521(e) of title 31, United States Code, reports that the agency financial management systems do not comply with the requirements of subsection (a), the person performing the audit shall include in the report on the audit—

(A) the name and position of any officer or employee responsible for the financial management systems that have been found not to comply with the requirements of subsection (a);

(B) all facts pertaining to the failure to comply with the requirements of subsection (a), including—

(i) the nature and extent of the noncompliance;

(ii) the primary reason or cause of the noncompliance;

(iii) any official responsible for the noncompliance; and

(iv) any relevant comments from any responsible officer or employee; and

(C) a statement with respect to the recommended remedial actions and the timeframes to implement such actions.

(d) COMPLIANCE DETERMINATION.—

(1) IN GENERAL.—No later than the date described under paragraph (2), the Director, acting through the Controller of the Office of

Federal Financial Management, shall determine whether the financial management systems of an agency comply with the requirements of subsection (a). Such determination shall be based on—

(A) a review of the report on the applicable agency-wide audited financial statement;

(B) the agency comments on such report; and

(C) any other information the Director considers relevant and appropriate.

(2) DATE OF DETERMINATION.—The determination under paragraph (1) shall be made no later than 90 days after the earlier of—

(A) the date of the receipt of an agency-wide audited financial statement; or

(B) the last day of the fiscal year following the year covered by such statement.

(e) COMPLIANCE IMPLEMENTATION.—

(1) IN GENERAL.—If the Director determines that the financial management systems of an agency do not comply with the requirements of subsection (a), the head of the agency, in consultation with the Director, shall establish a remediation plan that shall include the resources, remedies, and intermediate target dates necessary to bring the agency's financial management systems into compliance.

(2) TIME PERIOD FOR COMPLIANCE.—A remediation plan shall bring the agency's financial management systems into compliance no later than 2 years after the date on which the Director makes a determination under paragraph (1), unless the agency, with concurrence of the Director—

(A) determines that the agency's financial management systems are so deficient as to preclude compliance with the requirements of subsection (a) within 2 years;

(B) specifies the most feasible date for bringing the agency's financial management systems into compliance with the requirements of subsection (a); and

(C) designates an official of the agency who shall be responsible for bringing the agency's financial management systems into compliance with the requirements of subsection (a) by the date specified under subparagraph (B).

(3) TRANSFER OF FUNDS FOR CERTAIN IMPROVEMENTS.—For an agency that has established a remediation plan under paragraph (2), the head of the agency, to the extent provided in an appropriation and with the concurrence of the Director, may transfer not to exceed 2 percent of available agency appropriations to be merged with and to be available for the same period of time as the appropriation or fund to which transferred, for priority financial management system improvements. Such authority shall be used only for priority financial management system improvements as identified by the head of the agency, with the concurrence of the Director, and in no case for an item for which Congress has denied funds. The head of the agency shall notify Congress 30 days before such a transfer is made pursuant to such authority.

(4) REPORT IF NONCOMPLIANCE WITHIN TIME PERIOD.—If an agency fails to bring its financial management systems into compliance within the time period specified under paragraph (2), the Director shall submit a report of such failure to the Committees on Governmental Affairs and Appropriations of the Senate and the Committees on Government Reform and Oversight and Appropriations of the House of Representatives. The report shall include—

(A) the name and position of any officer or employee responsible for the financial management systems that have been found not to comply with the requirements of subsection (a);

(B) the facts pertaining to the failure to comply with the requirements of subsection (a), including the nature and extent of the noncompliance, the primary reason or cause for the failure to comply, and any extenuating circumstances;

(C) a statement of the remedial actions needed; and

(D) a statement of any administrative action to be taken with respect to any responsible officer or employee.

(f) PERSONAL RESPONSIBILITY.—Any financial officer or program manager who knowingly and willfully commits, permits, or authorizes material deviation from the requirements of subsection (a) may be subject to administrative disciplinary action, suspension from duty, or removal from office.

SEC. ___04. APPLICATION TO CONGRESS AND THE JUDICIAL BRANCH.

(a) IN GENERAL.—The Federal financial management requirements of this title may be adopted by—

(1) the Senate by resolution as an exercise of the rulemaking power of the Senate;

(2) the House of Representatives by resolution as an exercise of the rulemaking power of the House of Representatives; or

(3) the Judicial Conference of the United States by regulation for the judicial branch.

(b) STUDY AND REPORT.—No later than October 1, 1997—

(1) the Secretary of the Senate and the Clerk of the House of Representatives shall jointly conduct a study and submit a report to Congress on how the offices and committees of the Senate and the House of Representatives, and all offices and agencies of the legislative branch may achieve compliance with financial management and accounting standards in a manner comparable to the requirements of this title; and

(2) the Chief Justice of the United States shall conduct a study and submit a report to Congress on how the judiciary may achieve compliance with financial management and accounting standards in a manner comparable to the requirements of this title.

SEC. ___05. REPORTING REQUIREMENTS.

(a) REPORTS BY DIRECTOR.—No later than March 31 of each year, the Director shall submit a report to the Congress regarding implementation of this title. The Director may include the report in the financial management status report and the 5-year financial management plan submitted under section 3512(a)(1) of title 31, United States Code.

(b) REPORTS BY THE COMPTROLLER GENERAL.—No later than October 1, 1997, and October 1, of each year thereafter, the Comptroller General of the United States shall report to the appropriate committees of the Congress concerning—

(1) compliance with the requirements of section ___03(a) of this title, including whether the financial statements of the Federal Government have been prepared in accordance with applicable accounting standards; and

(2) the adequacy of uniform accounting standards for the Federal Government.

SEC. ___06. CONFORMING AMENDMENTS.

(a) AUDITS BY AGENCIES.—Section 3521(f)(1) of title 31, United States Code, is amended in the first sentence by inserting "and the Controller of the Office of Federal Financial Management" before the period.

(b) FINANCIAL MANAGEMENT STATUS REPORT.—Section 3512(a)(2) of title 31, United States Code, is amended by—

(1) in subparagraph (D) by striking "and" after the semicolon;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

"(E) a listing of agencies whose financial management systems do not comply substantially with the requirements of the Federal Financial Management Improvement Act of 1996, the period of time that such agencies have not been in compliance, and a summary statement of the efforts underway to remedy the noncompliance; and".

SEC. ___07. DEFINITIONS.

For purposes of this title:

(1) AGENCY.—The term "agency" means a department or agency of the United States Government as defined in section 901(b) of title 31, United States Code.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(3) FEDERAL ACCOUNTING STANDARDS.—The term "Federal accounting standards" means applicable accounting principles, standards, and requirements consistent with section 902(a)(3)(A) of title 31, United States Code, and includes concept statements with respect to the objectives of Federal financial reporting.

(4) FINANCIAL MANAGEMENT SYSTEMS.—The term "financial management systems" includes the financial systems and the financial portions of mixed systems necessary to support financial management, including automated and manual processes, procedures, controls, data, hardware, software, and support personnel dedicated to the operation and maintenance of system functions.

(5) FINANCIAL SYSTEM.—The term "financial system" includes an information system, comprised of one or more applications, that is used for—

(A) collecting, processing, maintaining, transmitting, or reporting data about financial events;

(B) supporting financial planning or budgeting activities;

(C) accumulating and reporting costs information; or

(D) supporting the preparation of financial statements.

(6) MIXED SYSTEM.—The term "mixed system" means an information system that supports both financial and nonfinancial functions of the Federal Government or components thereof.

SEC. ___08. EFFECTIVE DATE.

This title shall take effect on October 1, 1996.

Mr. BROWN. Mr. President, today I offer an amendment that has already passed the Senate as a free-standing bill called the Federal Financial Management Improvement Act of 1996 (S. 1130). This measure brings urgent reforms to Federal financial management and restores accountability to the Government. The Senate should include this measure in the Treasury, Postal Service, and General Government appropriations bill because it is our best hope for enacting these important reforms into law this year. There is very little time left in this session and it is of the utmost importance that Congress send this measure to the President before we leave town. However, I strongly encourage efforts currently underway in the House Government Reform and Oversight Committee to pass S. 1130. Chairman CLINGER as well as Government Management Subcommittee Chairman HORN are working hard on the bill and I hope they are able to get it through the House of Representatives during these busy weeks.

Mr. President, I'll make just a brief statement on financial management reform. Several years ago, in an effort to identify excess spending in the Federal budget, I inquired as to overhead costs in Federal programs. I was advised that the Federal accounting system makes it impossible to identify overhead expenses for most Federal operations. The Federal Government, it turned out, has over 200 separate primary accounting systems, making it impossible to compare something as basic as overhead costs.

Worse, many of these systems are shamefully inadequate even on their own terms. The Internal Revenue Service offers another disturbing example of poor financial management and its consequences. The General Accounting Office testified before the Governmental Affairs Committee on June 6, 1996, that despite years of criticism, "fundamental, persistent problems remain uncorrected" at the IRS. For example, the IRS cannot substantiate the amounts reported for specific types of taxes collected, such as Social Security taxes, income taxes, and excise taxes. The IRS cannot even verify a significant portion of its own nonpayroll operating expenses, which total $3 billion. One can hardly resist observing that this is the agency that demands precision from every taxpayer in America.

The IRS is just a small part of a Government so massive and complex that it controls and directs cash resources of almost $2 trillion per year, issuing 900 million checks and maintaining a payroll and benefits system for over 5 million Government employees. Clearly it is imperative that the Government use a uniform and widely accepted set of accounting standards across the hundreds of agencies and departments that make up this Government.

Enactment of this measure into law would be a great step toward putting Federal financial management in order. It requires that all Federal agencies implement and maintain uniform accounting standards. The result will be more accurate and reliable information for program managers and leaders in Congress, meaning better decisions will be made: tax dollars will be put to better use, and a measure of confidence in the Government will be restored. While this is not the kind of legislation that makes headlines, it is of great significance. Its passage would be a major accomplishment for the 104th Congress.

Mr. SHELBY. Mr. President, the amendments I have offered are as follows: One is for Senator STEVENS, to provide that the ACIR utilize nonappropriated funds for continued operations; for Senator INHOFE, to strike section 404 of the bill; for Senator MCCAIN, regarding a study of the administratively uncontrollable overtime; for Senator HOLLINGS, to provide certain death benefits to civilian Government employees; for myself and Senator KERREY, regarding explosive detection training for canines; for myself, naming the new courthouse in Portland, OR; for Senator BROWN, regarding Federal financial management improvement.

Mr. KERREY. Mr. President, we have reviewed the amendments on this side, and we support all of them.

Mr. SHELBY. Mr. President, I ask unanimous consent that these amendments be considered and agreed to, en bloc, and that any accompanying statements be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 5249 through 5255), en bloc, were agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. I suggest the absence of a quorum.

Mr. REID. Mr. President, will the chairman withhold?

Mr. SHELBY. I am glad to withhold.

Mr. REID. I ask unanimous consent that the pending amendment be set aside so that I may be allowed to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Reserving the right to object, I would like to check with Senator KASSEBAUM on her amendment, and also Senator WYDEN, who has been conferring with her, before we do that.

Mr. WYDEN. Did the Senator from Alabama ask unanimous consent to lay aside——

Mr. SHELBY. The Senator from Nevada asked unanimous consent. What we would like to know is, where are the Senator and Senator KASSEBAUM on the amendment?

Mr. WYDEN. Senator KASSEBAUM and I are continuing to discuss these matters. I think it is fair to say, in fact, that Senator KASSEBAUM indicated that she thought it was appropriate to go on with further business, and we will continue to discuss the matters with respect to the gag rule a bit more.

Mr. SHELBY. I have no objection to temporarily setting aside the Kassebaum amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I will shortly send the amendment to the desk on my behalf and that of Senator LEVIN and that of Senator BIDEN.

Mr. President, we have heard a lot in this Chamber about the issue of reimbursing the former employee of the White House Travel Office, Billy Dale, for attorney fees. There have been hours of talk in this Chamber about that issue. Unfortunately, Mr. President, much of what we have heard has been based on emotion and not on facts. In fact, there is very little, if any, factual support for this very costly expenditure of a $0.5 million—$500,000—to reimburse attorneys on the Billy Dale case.

The American people, in effect, are being asked to pay for the attorney fees of a person who was lawfully indicted and legitimately prosecuted. Let me repeat: The American people are being asked to pay the attorney fees for a person who was indicted lawfully—no question about that—and who was legitimately prosecuted.

Proponents of this taxpayer expenditure contend that Mr. Dale was wrongfully prosecuted. Yet, neither Dale nor these high-powered lawyers who represented him—and still represent him—ever raised any of this in any proceeding or in any case that was before the courts. They didn't move to dismiss his indictment on the ground of prosecutorial misconduct.

In fact, when they filed a motion for acquittal, the court, having heard the evidence, denied the motion for acquittal. Why? Because it was the judge's reasonable assessment that sufficient evidence existed for a reasonable person to find Billy Dale guilty of the charges.

Mr. Dale and his attorneys also failed to allege wrongdoing against those who investigated him, and there is no evidence to support that there was any wrongdoing by the people who did the investigation. The watchdog of Congress, the General Accounting Office, reviewed the case and determined that the FBI and the IRS action taken during the period surrounding the removal of the Travel Office employees were reasonable and consistent with the Agencies' normal procedures.

Mr. President, a review by the Office of Professional Responsibility in the Justice Department concluded that there was no wrongdoing on the part of any FBI employees regarding the Travel Office matter.

Mr. President, I want to say that I believe that the chairman of this subcommittee and the ranking member, the junior Senators from Alabama and Nebraska, have brought a good bill before this body. There are scores of amendments that have been filed. I would bet that a number of them are not germane. Certainly this one is, and I felt there is language in this bill that relates to this issue where this bill would pay, in effect, Mr. Dale's attorneys $500,000, and that this should be something that should be discussed. This should be an issue that is debated, and I do that under the recognition that I think the two managers of this legislation have done a good job.

But let me repeat regarding these attorney fees that there is no evidence to support that Mr. Dale—as Mr. Dale and his attorneys did raise—there is nothing to support that there was any wrongdoing in this investigation. I repeat: The General Accounting Office reviewed this matter and determined that the FBI and the IRS did nothing wrong regarding the procedures in the Travel Office. They were reasonable and consistent with the Agencies' normal procedures and practices.

A review by the Office of Professional Responsibility in the Justice Department concluded that there was no wrongdoing on part of any FBI employee regarding the Travel Office matter, and it is clear that all the people who investigated this case were there long before this administration took office. Notwithstanding this, the American taxpayers have been asked to pay almost $0.5 million to Dale's attorneys. This is clearly a private relief bill.

If this had been in the form of an amendment, our rules would have allowed us to raise a point of order, and this procedure could have been knocked out. But in that the committee and the subcommittee had, in effect, amended the House bill, we have nothing to raise a point of order on. As a result of that, this is the only alternative we have.

We are being asked as a body to grant this relief absent any hearing or committee report on this subject. The matter should be subject to the ordinary procedures for private relief bills provided under Senate rule XIV.

That is why I am offering this amendment, along with Senators LEVIN and BIDEN, that comports with the procedures set out in rule XIV. The amendment that will shortly be offered refers the reimbursement of Mr. Dale's attorney fees to the Federal Court of Claims.

Mr. President, the Federal Court of Claims is a body in which the judges are appointed for a period of 15 years. This is a body that has been in existence for over 100 years. It has decided exactly the type of issue presented in the Billy Dale matter on hundreds and hundreds of cases. This court has special jurisdiction for cases involving claims against the Federal Government.

As I have indicated, it is made up of approximately 15 judges. These are referred to as article 1 judges because they serve for a time certain, and these people are appointed by the President of the United States for these 15-year terms. They handle primarily contractual claims, fifth amendment claims, and certain Indian claims.

Over the past century, Congress has referred thousands of cases to the court. The court reviews these cases under specific statutory authority and procedures set out in claims cases under the United States. Initially, the case is referred to a chief judge who designates another judge. In fact, they usually have three people that hear these cases, and these three judges become the reviewing body.

The bottom line is this panel has the most expertise that we have in America to handle this kind of case.

I think this is something we would want to do to avoid the bitter political acrimony that has taken place on this floor in the past regarding this matter. It would seem that we should refer it to the body separate and apart from the policy involved. If in fact this amendment carries, it is up to the Court of Claims to determine the extent to which Mr. Dale has a legal and equitable remedy in this matter and whether or not the taxpayers should pay him money.

Now, I think justice and equity weighs against Mr. Dale, but let the Court of Claims determine that. This amendment is the least we can do for the American taxpayer. Half a million dollars may be pocket change for some and maybe even Mr. Dale's attorneys, but it is not to the American public. It is a lot of money to the American public.

Facts do not support such a controversial expenditure on behalf of someone who has been indicted for embezzlement and offered to plead guilty.

Here is what we are being asked to do. We are being asked to pay $500,000 in attorney's fees for someone who admitted his guilt, basically, according to his attorney. Here is what his attorneys wrote to the U.S. attorney:

> Mr. Dale will enter a plea of guilty to a single count of 18 U.S.C. section 654. He will acknowledge that he intentionally placed Travel Office funds in his personal checking account without authorization.

Here is what he, Mr. President, has agreed to plead guilty to.

This is the statute.

> Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongly converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined under this title . . . the value of the money and property thus embezzled . . . or imprisoned not more than 10 years, or both.

It seems somewhat unique to me that someone who, in writing, agreed to plead guilty, could be sentenced to up to 10 years in prison, fined the amount of money he stole, is now coming before the Congress of the United States and saying pay my attorney's fees. Why? Because he was acquitted.

Mr. President, I am a trial lawyer. Before I came here, I tried a lot of cases. I did criminal work. I believe in our system of justice. The vast majority of times trial by jury works out right. The right decision is not always reached, but most of the time it is. The vast majority of the time the right decision is reached. A lot of times the jury does not arrive at the right result, but they arrive at a result. Sometimes they do not, as we know it appears to a lot of us in the O.J. Simpson case or the Menendez brothers. The juries do not always do the right thing, but most of the time they do. This is an instance clearly when they did not do the right thing.

Now, the facts do not support such a controversial expenditure on behalf of someone who is indicted for embezzlement and offered to plead guilty to a felony.

This issue is not about the firing of the Travel Office employees in 1993. Most agree that these terminations were not handled appropriately. But everyone also agrees that their dismissals were legal, that the administration, the White House, had a right to do that within the prerogatives of the law and the office held by the President.

I repeat, the people who were relieved of duty there were relieved of duty legally. Whether it was done in an appropriate manner without hurting a lot of feelings and kind of roughshod, that is something we can all talk about. We would all agree it could have been handled better. But nothing was done illegally. This amendment that will be offered is about putting an end to the partisan election year games that are now occurring in Congress. Half a million dollars is too high a price to ask of taxpayers, the people of the State of Nevada, Ohio, Washington, Kansas, Pennsylvania, Utah, and the rest of the country. This is about putting an end to partisan, election-year games now occurring in Congress. I repeat, half a million dollars is too high a price to ask the taxpayers to bear for such an obvious election-year program.

Those who seek to embarrass this administration should not ask the taxpayers to finance their fun and games. If we decide as a body to reimburse Mr. Dale as called for in this legislation now before the Senate, we will be setting a dangerous precedent. This will be the first time in the history of this Congress that we will have paid the attorney's fees of a lawfully indicted and prosecuted individual. There is precedent to pay the legal fees for the Travel Office employees who were not indicted, and we should do that. No problem with that. There is nothing in precedent that would prevent the Government from rectifying a wrong. Travel Office employees who had to pay legal fees should be reimbursed. The independent law governs this area. That is the best we have. We can talk about it.

Payment of attorney's fees is permitted if the following two conditions are satisfied. No. 1, the subject in the investigation would not have been investigated but for the independent counsel, and No. 2, the person was not indicted. Not indicted. Clearly, Mr. Dale would follow under that basis. He was indicted and he was lawfully indicted. Under independent counsel, the way the statute reads, there could even be prosecutorial misconduct when the indictment takes place and he still would not be reimbursed for his attorney's fees. In this situation, there is no question that he was indicted properly, legally. Mr. Dale's attorneys never raised prosecutorial misconduct, never.

As we all know, Mr. Dale was indicted. The independent counsel law is explicit about the requirement that attorney's fees can be recovered only if the individual was not subject to indictment. There are no exceptions to this rule. If we are going to establish new precedent, there at least should be a foundation for doing so, and the indictment of a person legally is certainly strange grounds to set a precedent for this Congress to start reimbursing people after the jury returns an acquittal verdict.

There have been no Congressional hearings. There is no foundation in the instant case. There is no committee report laying out the reasons for breaking long-established precedent.

Without a lot of politics involved, we have offered the appropriate response to Mr. Dale's problem. If in fact he has been wronged, which I do not think he has, but if he has, why is this not referred to the appropriate tribunal, which would be the Court of Claims? We have done it hundreds and thousands of times, as I have indicated earlier. Legislation to pay attorney's fees for specific individuals is a form of private relief. Senate rule 14.9 governs the Senate consideration of private relief legislation.

What we have in this instance is that private relief legislation has been folded over into this Treasury-Postal Service bill. If this amendment were not raised, the American public would be paying half a million dollars. They may pay half a million dollars anyway if this bill passes and this amendment does not carry, but they will know that a man who agreed to plead guilty to a felony, a man who was properly indicted—there was never a question of prosecutorial misconduct ever raised during the trial proceedings—is going to be paid $500,000 in attorney's fees. I think that sets a very, very dangerous precedent. In short, it requires, this amendment I will offer, the adoption of a resolution referring such matter, as I have indicated, to the Court of Claims. That is why we have the Court of Claims.

What would the American public think if anytime someone is indicted and acquitted that we pay their attorney's fees? Or do we pick and choose what attorney's fees we pay if there is an acquittal? We do that legislatively? If there is a problem it should be referred to the Court of Claims. There is statutory procedure in place for dealing with this. Under 28 U.S.C. 2509, the Federal claims court determines whether the private relief sought from U.S. taxpayers is appropriate.

We have heard the plaintive cries of how they were terminated improperly. Remember, the President had the ability and the legal right to fire the people for no reason. I have acknowledged that they could have been terminated in a different manner. Procedurally, the claims court assumes jurisdiction of these cases upon referral of either House of Congress. Upon review, the court must determine whether there is a legal or equitable claim to taxpayer money or whether such payment would be simply a gratuity. Our amendment follows precedent and is in compliance with the statute.

To many, Billy Dale is the epitome of the modern-day victim. The media—remember where he worked. He worked in the White House Travel Office. Millions of dollars went through his hands every year. And his job was to make happy the people who travel from the White House, but especially the press, especially the press. He had to make them happy. That was his main function. He served them well. He made them happy, and they have done a great job of portraying him as victim. In Nevada, Seattle, Cleveland, or anyplace else, it would not be that way. It would not be that way. In any city in Nevada, if this were explained to them, he would not be a victim. He would be somebody who should be prosecuted, as was determined by the Justice Department.

In addition to his high-priced attorney, Mr. Dale has received public support from many notable heavyweights in the media. He took good care of them. He runs in powerful circles and has no shortage of influential supporters. Today he has become the poster boy for every—I should not say for every—for many fundraisers. At many Republican fundraisers around the country, Billy Dale is the poster boy. As it was reported in August in the media, candidate Dole had offered him a job in his Presidential campaign. He is still the subject of a plethora of sympathetic pieces in the news by his old friends in the media.

This has all culminated in today's effort to attempt to embarrass the President by appropriating $500,000 very quietly. It is in the bill. There would be no vote on it. It was just slipped through here quietly and the American taxpayers then would be confronted with people saying, "Yeah, we told you so. The President has agreed to pay this money because he was so wrong." He is not so wrong. The Congress of the United States should not be involved in this. It should be referred to the Court of Claims.

The real facts according to his indictment have yet to be aired, but we are going to talk about those. If such an appropriation took place in this bill, under the Federal election laws it should be deemed as an in-kind contribution to campaigns around the country, Republican in nature.

When it comes to Billy Dale, many speak of conspiracies. But it is the conspiracy of silence that I would like to speak about a little bit today. The silence over the activities that led to Mr. Dale's indictment is deafening. All we seem to hear about is poor Billy Dale. However there is reason why the man was indicted, and let us not forget that Mr. Dale agreed—I repeat—to plead guilty to embezzlement. Mr. Dale is, in my opinion, an admitted crook. He is today asking the American taxpayer to pick up his legal bill.

He has every right to do this, but let us do it in the Court of Claims. He has waived, in my opinion, every right of confidentiality, with his campaign by his attorneys and him to be reimbursed for attorney's fees, regarding the facts supporting his prosecution. If the American public is going to pay $500,000 to a high-priced Washington law firm, they should know the whole story. So let us talk a little bit about the whole story. Let us talk about some of the things that he testified to at his trial.

He testified to a number of things. He admitted putting 55 checks for Travel Office funds totaling some $54,000 in his personal bank account. Mr. President, if we want to get into more detailed facts, and we can do that, we will find that he was very careful in the checks that he put in his personal bank account. He basically put in checks that would be very, very difficult to trace. What checks did he put in his personal bank account? Checks that came from foreign news outlets, from Mexico, from places in Europe, from Asia. He was very careful. He did not put into his personal bank account checks from CBS, ABC, and other American media outlets. He took into his personal checking account checks that could not be traced.

He also had a number of explanations why he did this. It was more convenient—that is a real laugher—more convenient. The bank that held the checks legally for the Travel Office was about a block from the White House where he worked. His personal bank was miles away, out in Maryland someplace.

He admitted during the trial, admitted cashing refund checks to the Travel Office received from telephone companies for trips where the press had been overcharged.

He admitted that by not putting the refund checks in the Travel Office bank account he was breaching an obligation he had to apply any surplus in that account toward the very next trip. He even got into—he was storing this money up so he could cover foreign trips during October and November. It is a little difficult in an election year. They just do not happen.

He admitted that there were times in 1992 that he cashed Travel Office checks but did not write them down in his petty cash log, and that anyone looking for them in the log would not know that he had cashed the checks.

He admitted during the trial to putting checks that were supposed to go into the Travel Office surplus fund account at the Riggs Bank into his own personal account. This is what I have talked about. One was a block away, the other was at his home.

He admitted during the trial that he did not even tell the individual who worked with him in the Travel Office for 30 years, his chief assistant, Gary Wright, of this practice of putting these checks into his own account and not the office account. No one knew except him. It was a secret. Why? Because he was stealing the money. He admitted to cashing one check for $5,000, writing down only $2,000 for that check in the petty cash log. When he was first contacted by the investigators about that he was silent. They talked to him again: Silent. Suddenly, after having run to his credit union and borrowing enough money to cover this, he brought the money back and said, "I had it in my desk drawer." Of course he did not have it in his desk drawer.

Dale admitted that he overcharged for some of the flights and undercharged for others, instead of just charging exactly what the trip cost. Then he offered some incomprehensible explanation to the investigators, why that was beneficial.

There are many other things that he admitted during the trial, but the fact of the matter is we are being asked here to reimburse attorney's fees of $500,000 for Billy Dale, his attorneys, so he can carry on this campaign of harassment that he has been engaged in in the past 6 months or year.

We can look at a prosecution memo. Before cases are brought in Federal court—you have heard the expression, "What are they trying to do, make a Federal case out of it?" That, Mr. President, comes with very good reason, because in the federal system, and the Presiding Officer knows, having been an Attorney General, as most people, that Federal cases are developed under very detailed circumstances. Almost every time a case is filed that results in indictment, a prosecution memo is prepared. A prosecution memo was prepared in this case.

I will read just a little bit from the prosecution memo:

> The FBI has investigated this matter and strongly supports these charges.

That is in the first paragraph. I repeat:

> The FBI has investigated this matter and strongly supports these charges.

What are these charges?

> We propose to charge Billy Ray Dale, the former director of the White House Telegraph and Travel Office, with converting to his own use approximately $54,000 in checks and $14,000 in cash received by him in connection with his official duties.

The only reason the $14,000 figure isn't higher is because records were destroyed. This is the petty cash fund for only 1 year. It certainly would have been much higher if those records had been available.

There are a number of other things in this prosecution memo that I think call out for comment when Congress is being asked to respond to half a million dollars:

No legitimate explanation for these deposits. It talks about the missing cash in addition to the missing checks. There were numerous checks cashed, unreconciled estimated bills and large fluctuations in the bank balances. This is from the prosecution memo.

> A decision was made to inform the Travel Office employees that the examination was being conducted as part of the National Performance Review. RECORDS were in a shambles.

Thirteen checks made out to cash for which there was little or no documentation established how the cash was spent. There was a questionable transaction involving a $5,000 check to cash. Further, he had no explanation of the discrepancy—this is the $5,000 check—but that he later found the money in his desk. The report found a lack of financial controls and accounting systems. We know that.

Most importantly, the report found discrepancies with the petty cash fund, which he controlled.

Also, they indicate that this certainly was no kind of a witch hunt. They also, Mr. President, came to the conclusion:

> We found no evidence of illegal conduct by any other member of the Travel Office. The media checks selected by Dale for deposit into his account were not from mainstream press organizations, but rather English, Japanese, German and Hispanic media. Dale's selection of these checks is significant. The refund checks invariably were generated by the vendors on their own. They arrived unexpectedly, and their absence would not be missed. Similarly, the checks from these esoteric news services were less likely to be scrutinized by these services when returned by their bank, and those organizations would be less likely to understand the meaning of Dale's name on the deposits and not the Travel Office.

Because he wrote on them "For deposit only to Billy R. Dale."

> We could find no legitimate reason for these checks to be deposited in Dale's personal bank account. It certainly was not easier—

Still quoting from this memo:

> It certainly was not easier for Dale to have taken checks to home, to Maryland, rather than walk across the street. Indeed, on four occasions, Travel Office checks were deposited by Dale in his account on the same day deposits were made to the Travel Office account at Riggs.

There is certainly no evidence at all that Dale ever used any of these moneys from his personal account to pay Travel Office expenses. Then why would he put it in there? He would put it in there so he could use the money.

Then, of course, they do a minimal accounting to find out what would happen if he spent this money and where he spent it. They did that and arrived at the conclusion he had to take the money and use it on his own: homes purchased, children getting money. These are not my words. This is from the Justice Department:

> The evidence indicates that Dale stole the missing $14,000 in cash. He cannot claim credibly that he used relatively large amounts of unused checks to pay trip expenses during the period. He offered no explanation for the misrecording.

Dale was asked three times about the $5,000 check, and he finally said on the third occasion:

> He now had an explanation for the missing money. Dale went to his desk and produced an envelope containing $2,800 in cash, enough to make up the difference, which he told the investigator this corresponded to a portion of the missing money. Dale told the investigator that he had set the $3,000 aside for an upcoming trip to Indonesia because he sometimes had to pay kickbacks when he traveled to that part of the world.

Dale's explanation, of course, is not credible. There is no reason why this cash would not have been used for another trip. So his explanation is without any foundation whatsoever.

His explanation about needing this money in Indonesia is inconsistent with the travel records for that period. The $5,000 check was cashed in October of 1992. He made no international trips from January 10, 1992, until he left the office in May of 1993. The question is asked, why wasn't he convicted? We all ask that question.

I am not going to impugn the ability of the prosecutors, but it must have been a busy week. I don't think they were very well prepared for this case. Acquittals come, as we all know. Sometimes they shouldn't come. So, in finality, the prosecution memo says:

> We propose to charge Dale with two counts of conversion under United States Code 654.

So, Mr. President, there is more here to this than we have heard in the past. For example, we have referred to his plea agreement. November 30, 1994, I am reading directly from his letter:

> Mr. Dale will enter a plea of guilty to a single count of 18 U.S. Code 654. He will acknowledge he intentionally placed Travel Office funds in his personal checking account without authorization.

It goes on to explain what he would like in the way of a sentence.

I believe the facts simply do not support a half-million-dollar payment to Dale's attorneys. It is clear that the Justice Department had probable cause to indict and prosecute Billy Dale. It is important to keep in mind who it was who made this determination—career service attorneys at the Department of Justice. The White House had nothing to do with this. Likely—not likely; no question about it—that people doing this were holdovers from the Bush and Reagan administrations, professional prosecutors.

This is a private relief claim at best and should be referred to the Court of Claims. It has been turned into a political matter and should be removed from the political arena. Claims court is the proper forum for deciding whether Mr. Dale's attorneys are entitled to receive taxpayer compensation; otherwise, we are breaking well-established precedent for purely political purposes. In doing so, we would create a tremendously dangerous precedent in this body.

We cannot make a mistake about it. This reimbursement is for Presidential politics. Mr. Dale runs in high circles now and has become the poster boy for every Republican—I should not say "every"—for many political fundraisers held by the Republicans. He was offered a job by Presidential candidate Dole, as reported in the press. And there are a few $1,000 fundraisers at which he appears.

Any appropriations should be considered an in-kind contribution to the Republican Presidential campaign. The record we have laid out today evidences the need to remove this matter from this body and to take it to the Court of Claims where appropriate consideration can be given. At a minimum, don't the taxpayers at least deserve this? What kind of a precedent would we set by including, in an appropriations bill, a payment for somebody's attorney's fees who was rightfully indicted and was acquitted by a jury, which happens in our system?

Mr. Dale's attorneys down on K Street, or wherever they are, I do not think will go hungry awaiting this decision. It is the right thing to do. The amendment that is going to be offered says that he should be reimbursed if the Court of Claims determines Dale has a legal or equitable claim.

AMENDMENT NO. 5256

(Purpose: To refer the White House travel office matter to the Court of Federal Claims)

Mr. REID. Mr. President, I send an amendment to the desk on my behalf and that of Senator LEVIN and Senator BIDEN.

The PRESIDING OFFICER (Mr. GORTON). The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. LEVIN and Mr. BIDEN, proposes an amendment numbered 5256.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 91, line 3, strike "The" and insert "Except as provided in subsection (f), the".

On page 92, between lines 21 and 22, add the following:

(f)(1) Any former employee of the White House Travel Office whose employment in that office was terminated on May 19, 1993, and who was subject to criminal indictment for conduct in connection with such employment, shall be reimbursed for attorney fees and costs under this section but only if the claim for such attorney fees and costs, which shall be referred to the chief judge of the United States Court of Federal Claims, is determined by the chief judge to be a legal or equitable claim, as provided in paragraph (2).

(2) The chief judge shall—

(A) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(B) report back to the Senate, at the earliest practicable date, providing—

(i) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in this section as a legal or equitable claim against the United States or a gratuity; and

(ii) the amount, if any, legally or equitably due from the United States to any individual referred to in this section.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the amendment relate to the amendment of the Senator from Nevada?

Mr. HATCH. It does.

The PRESIDING OFFICER. The clerk will report.

Mr. REID. Mr. President, could I make a parliamentary inquiry?

The PRESIDING OFFICER. State your parliamentary inquiry.

Mr. REID. Is there a second-degree amendment pending to the amendment offered by the Senators from Michigan and Nevada?

The PRESIDING OFFICER. The Chair is attempting to make that determination.

Mr. REID. Mr. President, I was only curious. Something was sent to the desk.

The PRESIDING OFFICER. The Senator from Nevada has in fact sent, not one, but two amendments to the desk at the same time. It would take unanimous consent to consider the two amendments as a single amendment.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5256, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the amendment offered by the Senators from Nevada, Michigan and Delaware be modified to strike lines 1 and 2 of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5256), as modified, is as follows:

On page 92, between lines 21 and 22, add the following:

(f)(1) Any former employee of the White House Travel Office whose employment in that office was terminated on May 19, 1993, and who was subject to criminal indictment for conduct in connection with such employment, shall be reimbursed for attorney fees and costs under this section but only if the claim for such attorney fees and costs, which shall be referred to the chief judge of the United States Court of Federal Claims, is determined by the chief judge to be a legal or equitable claim, as provided in paragraph (2).

(2) The chief judge shall—

(A) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(B) report back to the Senate, at the earliest practicable date, providing—

(i) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in this section as a legal or equitable claim against the United States or a gratuity; and

(ii) the amount, if any, legally or equitably due from the United States to any individual referred to in this section.

AMENDMENT NO. 5257 TO AMENDMENT NO. 5256

(Purpose: To reimburse the victims of the Travel Office firing and investigation)

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 5257.

Mr. HATCH. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

(2) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under paragraph (1) upon submission by the individual of documentation verifying the attorney fees and costs.

(3) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this subsection.

(b) LIMITATION ON FILING OF CLAIMS.—The Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of the enactment of this Act.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) REDUCTION.—The amount paid pursuant to this section to an individual for attorney fees and costs described in subsection (a) shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

(e) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—Payment under this section, when accepted by an individual described in subsection (a), shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

SEC. 529. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 528. (a) REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay from amounts appropriated in title I of this Act under the heading, "Departmental Offices, Salaries and Expenses", up to $499,999 to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

Mr. SHELBY. Mr. President, it is moving on in the day and Senator KERREY and I have talked to a number of Members about any votes requested tonight. We will try to stack them tomorrow. He has no disagreement with that.

I yield to him for any comments.

Mr. KERREY. We have not had a discussion with the leadership about this. We have lots of people who would like to bring amendments down.

Mr. SHELBY. Subject to the approval of both leaders?

Mr. KERREY. We will try to get in touch with the leadership and see if we can work that out.

Mr. SHELBY. I yield the floor.

THE PRESIDING OFFICER. The Presiding Officer, in his capacity as the Senator from Washington, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

AMENDMENT NO. 5208, AS MODIFIED

Mr. SHELBY. I ask unanimous consent that amendment 5208, which was previously agreed to, be modified with the changes I now send to the desk, and, further, that the modifications be considered agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5208), as modified, is as follows:

At the end of the committee amendment, insert the following:

"No adjustment for:

"(1) members of Congress under section 601(a) of the Legislative Reorganization Act of 1946, and

"(2) members of the President's Cabinet (as defined in 5 U.S.C. section 5312) under section 5318 of Title 5, U.S. Code,

shall be considered to have taken effect in fiscal year 1997.".

Mr. SHELBY. I yield the floor.

AMENDMENT NO. 5256, AS MODIFIED

Mr. LEVIN. Mr. President, the appropriations bill before the Senate includes a provision to pay attorney's fees for the employees of the White House Travel Office who were dismissed from their jobs in 1993. This provision is similar to Senate bill 1561 sponsored by Senator HATCH earlier this year and to House bill 2937.

The provision would direct the Secretary of the Treasury to pay up to $500,000 of taxpayers' money to six former Travel Office employees; $50,000 of that amount would go to five of the employees who were already partially reimbursed by last year's appropriations bill. The rest, or about $450,000, would go to reimburse former Travel Office Director Billy Dale's attorney fees.

Unlike the other Travel Office employees, Billy Dale was subject to a Federal indictment and prosecution for embezzlement and conversion. It is that indictment and prosecution for embezzlement and conversion which is the source of the attorney fees. I want to repeat that because that is the critical issue that is before the Senate: It is the attorney fees that related to the FBI indictment and prosecution for embezzlement and conversion that is the source of the attorney fees that is in this bill. The provision, though, in this bill, lumps together both the unindicted and the indicted Travel Office employees. That is the mistake which should be remedied.

We know that the White House staff acted inappropriately when they summarily fired all the Travel Office employees in May 1993. The White House acknowledged that in their July 1993 management review when it said—this is the White House speaking—that the White House erred in not treating the Travel Office employees with more sensitivity. We also know that the White House staff erred in that conduct with respect to the FBI. They took actions which they should not have, which had the appearance of trying to influence the FBI. The White House acknowledged that in their 1993 management review when that review said, "The White House erred in not being sufficiently vigilant in guarding against even the appearance of pressure on the FBI."

The White House, by its own acknowledgment, was wrong when it allowed people with personal financial interest in the Travel Office to be involved in the work of the office and in evaluating the office. The White House management report acknowledged this, as well, when it said, "The White House erred in permitting people with personal interests in the outcome to be involved in evaluating the Travel Office."

Now, it is because of those errors, those facts, on the part of the White House relative to the firing of those employees that the Congress agreed to pay the attorney fees of former Travel Office employees who were fired, who should not have been fired, who were improperly filed. We appropriated $150,000 in last year's appropriation for the Department of Transportation, and we will complete that course of action with the remaining $50,000 with this appropriations bill.

I do not have any argument with that. Quite the opposite. I think it was the right thing to do. We ought to pay those attorney fees relative to the firing of those employees.

However, $450,000 of the money in this bill would go for something far different than paying attorney fees for employees who everybody has already acknowledged should not have been fire—$450,000 of the taxpayers' money in this bill will go to pay the attorney fees that Billy Dale incurred in his defense against a criminal indictment. That $450,000 was not incurred because Dale was wrongly fired. It was incurred because a proper FBI investigation and a proper Department of Justice review found substantial evidence of embezzlement and conversion on the part of Billy Dale.

It was not the wrongful firing which relates to these $450,000 in bills for attorneys. It is because Billy Dale was indicted. He was indicted following a proper FBI investigation. He was indicted following a proper Department of Justice review which found substantial evidence of embezzlement and conversion on his part.

Now, as best as I can determine, if we pass this legislation as currently drafted, it will be the first time in our history that we have passed legislation to pay attorney fees incurred by someone who has been, from all appearances, lawfully indicted.

Now, maybe there is another case; maybe there is another instance where someone who was—I emphasize this—lawfully indicted following a proper investigation by the FBI, and following a proper review by the Department of Justice. Maybe there is another instance, but we can't find it.

So what is in this bill is precedent-setting. There is not an adequate foundation to set this precedent. The only law that allows for the payment of attorney fees incurred because of a criminal investigation is the independent counsel law. That law explicitly prohibits individuals from recovering their attorney fees if they have been indicted.

Now, while the attorney fees at issue here don't involve the independent counsel law, it is the only standard that we have on the books where the situation is comparable, so that it is reasonable that it would serve as our guide. Ten years ago, when we reauthorized the independent counsel law for the first time, we concluded that the independent counsel statute may create inequitable situations, where persons who would otherwise not be involved in a criminal investigation could incur sizable attorney fees solely because of the independent counsel law.

We decided, therefore, to allow for the reimbursement of attorney fees for persons subject to investigation under the independent counsel law if they met a two-part test. First, they had to show that they would not have incurred the attorney fees but for the independent counsel statute, and, second, they were not eligible if they were indicted.

No one at the time, or since, has ever mentioned, much less considered, the possibility of paying attorney fees for an indicted individual. Now, when Congress took the first step last year of paying the attorney fees of the fired White House Travel Office employees by including $150,000 in the Department of Transportation appropriations bill, that legislation explicitly limited payment of that money to reimburse attorney fees only of White House Travel Office employees who "were not the subject of the FBI investigation." That is why it was passed so easily by a voice vote. It coincided with the independent counsel standard. But the legislation before us would violate that standard. If we are going to do that, we better have some criteria for the precedent that we are setting.

The reason that we have made an indictment the threshold beyond which there is to be no reimbursement for attorney fees is because an indictment requires a determination that there be probable cause that the person subject to the indictment committed a crime. The grand jury is comprised of average citizens who make a determination as to whether or not there is probable cause to go forward with an indictment and a trial. It is a system that we use thousands of times a year, if not a day, across this country. In order to be indicted, a prosecutor must present evidence to a grand jury to show probable cause that a crime was committed and that a specific person is the one who committed the crime.

Whether or not the indicted person is eventually acquitted does not take away from the fact that there was probable cause to believe that the person had committed a crime. Acquittal doesn't mean that the indictment never should have been brought. It means that the judge or jury did not believe there was proof beyond a reasonable doubt that the indicted individual was guilty. We have almost a thousand acquittals a year in this country in the Federal system alone, and I suspect a reasonable number of those involve relatively short jury deliberations, like the Billy Dale case. There is nothing unusual or suspect about such acquittals. That is the way the criminal process works.

But what if an indictment had been improperly obtained? If that is the case, that the indictment was tainted or obtained improperly, the defendant can seek to have it thrown out before or during trial. Rule 12 of the Federal Rules of Criminal Procedure provides for a defendant to make a number of pretrial motions, "including any defense or objection to the prosecution, based on defects in the institution of the prosecution"—there I am quoting rule 12—"or based on defects in the indictment," and again I am quoting rule 12. Those motions are made in hundreds—probably thousands—of cases.

Outside of rule 12, courts may also recognize challenges to a prosecution or an indictment based on lack of due process. The court may dismiss an indictment as an exercise of its inherent supervisory authority to protect a defendant's due process.

These are long-recognized defenses to improper criminal prosecutions. Those defenses, though, are supposed to be raised in the judicial process and, in most cases, prior to trial. Rule 12 explicitly requires that any claim of defect in the institution of the prosecution, or the indictment, must be made prior to trial. Extensive case law supports the requirement with the result that any claim not raised prior to trial is deemed waived. So there is a clear and appropriate way for a defendant in a criminal case to challenge the fairness or the propriety of a prosecution.

As far as I can tell, Billy Dale did not raise any of these challenges during the course of his prosecution. The court docket for Billy Dale's case does not show any motion to dismiss because of alleged defects in the indictment, or because of alleged Government misconduct, or because of a claim of lack of due process; nor does the docket show that Billy Dale made any of those claims during the course of his trial. If he had these claims, he should have raised them at the trial. Had he been convicted and appealed the conviction, he would have been precluded from raising them on appeal, because if the claims haven't been made before trial, then the defendant will be treated as having waived those defenses.

Now, in support of this legislation, Senator HATCH has claimed that Dale's indictment and prosecution were a "grave miscarriage of justice," and that Dale was "wrongfully prosecuted." Well, if Billy Dale had those claims at the time of his trial, he had the opportunity and the legal obligation to raise them at trial. If he did not raise those claims there, then unless there are compelling reasons, we should be particularly careful in considering them here under this very rare and unusual process of private relief legislation.

If the answer is that Billy Dale has one of these claims, but did not raise it at the appropriate time, then we need an explanation as to why he did not raise it in the appropriate form at the appropriate time. There may be a legitimate reason, and we should hear that. But, so far, there is nothing on the record to that effect.

Without a compelling reason to justify Dale's failure to make his case about a wrongful prosecution while at trial, we would be overthrowing longstanding and critically important precedent in criminal procedure and in our handling of private relief bills were we to act at this time. We would be saying to hundreds, perhaps thousands, of defendants, that although they failed to make a timely motion challenging the legitimacy of the private prosecution brought against them, they can still come to Congress and we will consider paying their legal fees, even though they would be forbidden from challenging the legitimacy of the prosecution were the case on appeal from a conviction.

But let's assume there was a legitimate reason for Dale to have failed to raise this claim of wrongful prosecution at the trial. If that were true, then we could be in a position to consider the substance of the claim. But, surely, before we pay his attorney fees out of taxpayer money, we ought to determine that the prosecution was improper.

As the record now stands, I don't see evidence to support such a claim. We don't have a Senate hearing record, or even a Senate committee report on this legislation, because there aren't any. The only record we have upon which we are supposed to judge this matter is the House committee report that accompanies the bill.

Mr. President, I have read the House committee report. I do not find anything in that report to justify a finding that either the FBI investigation or Department of Justice prosecution of Billy Dale was improper. What I have found is this: White House staff did a poor job in responding to evidence of financial mismanagement in the White House Travel Office, did a poor job of handling long-time White House Travel Office employees, and the White House summarily fired all the Travel Office employees before all the facts were known. The White House itself acknowledged these errors back in 1993.

There is nothing new about those findings. In July 1993, the error was acknowledged by the White House in the firing of Travel Office employees.

What else have we found? It was found before, but the White House conveyed a heightened sense of urgency about the allegations involving the Travel Office to the FBI and coordinated a press release with the FBI which created the appearance of pressuring the FBI. The White House acknowledged that error back in July 1993.

Those White House errors do not mean that the investigation by the FBI or the prosecution by the Department of Justice were improper. That is the heart of the matter. Errors in the firing, yes. They have been acknowledged for years. But the prosecution of Billy Dale, the investigation by the FBI, the prosecution by the Department of Justice—were they defective? There is not even an allegation of that. That is what these legal fees relate to. They do not relate to the firing. We are paying those legal fees. They relate to the defense of a criminal indictment which was properly brought following a proper FBI investigation, following a proper Department of Justice prosecution that no one has said was improper. There is nothing in the House report, which is the only report we have, that says that the FBI investigation was tainted, or wrong, or defective, or improper. There is nothing in that House report which says that the Department of Justice prosecution was tainted, or defective, or improper.

That is what these legal fees relate to. We are paying the legal fees for the firing. And we ought to. They were done inappropriately. That has been acknowledged for years. We paid $150,000 last year in the appropriations bill. And this appropriations bill appropriates an additional $50,000, and we ought to pay it. It is the $450,000 for the defense against an indictment which was properly brought which is the issue here and which would set a precedent. We have never paid the legal fees of someone who was properly and legally indicted. If we open up that door, we would have thousands of folks out there who are acquitted, and many of whom are acquitted in just as short a time, who will have an equal claim.

That is the issue. Whether or not we ought to have the Court of Claims say that there was something inappropriate here before this money is paid, that is what this amendment does. It does not say strike the money. It says refer this to the Court of Claims to see if there is an equitable claim. And if there is, pay it.

Mr. President, it was not the White House which carried out the criminal investigation which led to the indictment of Billy Dale. It was the FBI. Has anyone said that investigation by the FBI was inappropriate, or tainted? Not that I have heard; not in the House committee report, which is the only report we have on it. The White House did not review the evidence obtained by the FBI and determine that it should be presented to a grand jury for possible indictment. That was the Department of Justice. It was not the White House that reviewed the FBI investigation and said, "Hey, we are going to indict this person." The Department of Justice made that decision. I have not heard anyone say that the Department of Justice concluded that it should seek an indictment of Billy Dale which was tainted, or defective, or inappropriate, or improper. That is not in the House report, the only report we have.

The White House did not hear the evidence and determine that there was probable cause to believe that Billy Dale had embezzled $54,000 from the White House Travel Office. That was the grand jury, and the White House did not try this case and determine that there was sufficient evidence to sustain a conviction. That was the judge. The judge did that. The judge heard this evidence and decided that there was sufficient evidence to sustain a conviction of Billy Dale and let this case go to the jury and denied a motion for directed verdict.

There is no evidence, there is no allegation, that the Federal Bureau of Investigation pursued its investigation in an improper manner. There is no evidence that the decision to prosecute a decision made by career attorneys at the Justice Department was improper. That allegation has not been made. It is not in the House report. I do not think it would be sustainable if someone made it. There is no evidence that the indictment by the grand jury was improper. There is no evidence that the criminal trial conducted by a well-respected judge, whom Dale himself lauded as being fair, was in any way improper. In fact, Dale was asked at a hearing on the House side before the Committee on Government Reform and Oversight in January of this year by Congressman KANJORSKI whether Dale was "suggesting in any way that either those attorneys in the Justice Department, the people in the grand jury, the judge that tried the case, or the people that made up the jury were in some way compromised?" That was the exact question. Billy Dale responded, "Absolutely not."

On May 28, 1993, the FBI released a report of its internal review of its contacts with the White House on the Travel Office. The FBI Director concluded that "The FBI acted correctly". He said that "FBI personnel declined to offer guidance, restricted their interest to the parameters of a possible criminal investigation and did not commit to conducting a criminal investigation until after consultation with appropriate personnel within the FBI and Department of Justice."

The GAO looked into the handling of the White House Travel Office. In its report in May of 1994 it stated, "FBI interactions with Associate Counsel Kennedy and White House press officials occurred in a mode of urgency but GAO found no evidence that the FBI took inappropriate action as a result of those conditions."

The GAO went on to say that it found that the FBI actions "during the period surrounding the removal of the Travel Office employees were reasonable and consistent with the agency's normal procedures."

The Office of Professional Responsibility in the Department of Justice also reviewed the conduct of the FBI in this matter, and in its report, dated March 18, 1994, said the following: "Based on our inquiry, we have concluded that the FBI acted properly throughout its dealings with the White House regarding the Travel Office matter."

Providing more detail, the report went on to say, "As noted, we found no wrongdoing on the part of any FBI employees regarding the Travel Office matter, but the various FBI agents who had direct contact with White House Associate William Kennedy have different recollections of their conversations with him. All agreed that they did not interpret Kennedy's statements as threats or attempts by him to pressure them to respond to the factual situation in an inappropriate manner, or in any way inconsistent with normal procedures."

I am continuing to quote. "And the record makes clear that the agents who had direct contact at the White House, as well as their superiors at FBI headquarters, followed normal procedures in responding to the Travel Office matter."

The Office of Professional Responsibility goes on to say that "ill-advised and erroneous" action by White House staff during this time—"ill-advised and erroneous" action by White House staff during this time; everyone concedes that. But the Office of Professional Responsibility said, "—created the appearance that the FBI was being used by the White House for political purposes" but concluded that the problem was one of appearance and not substance with regard to the FBI.

The House committee report lays out a summary of the facts in this case, a summary with which I do not have much dispute, but in reaching its conclusion it, like the legislation, makes no distinction between former Travel Office employees who were not indicted and Billy Dale who was indicted. That is the distinction which this appropriations bill does not make either. It is the critical distinction because there has been concession, there has been acknowledgement, there has been awareness for years that errors were made by the White House in the firing of those people and the attorney's fees have been paid, and they have been paid except for $50,000, in this bill, properly.

But there is another case, there is another situation in here. That is the proper legal indictment of Billy Dale following a proper investigation by the FBI, following a proper review of that investigation by the Department of Justice, following a proper indictment by the Department of Justice from the grand jury, following a proper jury trial.

The issue with respect to this legislation then is not the payment—and I am going to repeat this because we are going to hear a lot about the improper firing, which is conceded, has been acknowledged for years, and I have no doubt that we will hear later tonight, perhaps tomorrow, in great detail about the improper firing of these employees of the Travel Office, and that is not the issue. That has been acknowledged at least for 2 years. Those attorney fees, again, should be and have been paid for the most part and will be paid, the balance, in this legislation. I think it is supported universally that they were inappropriate firings and that the legal fees should be paid. I do not know anyone who disagrees with that one.

The issue here is the payment of attorney fees to somebody who was properly and legally indicted for the first time that I can find in our history. No standards in the committee report, no committee report from the Senate, just a private bill to pay attorney fees of people legally indicted, following a proper investigation by the FBI, not tainted, not alleged to be tainted, following proper prosecution, not tainted, not alleged to be tainted, either at trial or in the House report or as far as I know here. What was improper was the firing. But the indictment was proper, too, and I am going to spend a few minutes as to what that evidence was that led the FBI and the Department of Justice to seek an indictment and to prosecute Billy Dale.

This indictment was based on a finding of probable cause that a named individual committed a crime. Billy Dale was in charge of the White House Travel Office. He served as its head for 11 years, had been in the office for 32 years. There were six other employees in the Travel Office who worked under Billy Dale. None of these employees, including Billy Dale, was a member of the civil service. All the employees, including Billy Dale, served at the pleasure of the President and could be fired at will.

The job of the White House Travel Office is to accommodate the White House press corps by arranging for their transportation and housing while on travel to cover the President. Although the Federal employees in the Travel Office are paid for at taxpayer expense, the payment for the travel, the airplane, taxi, train, hotel costs are paid for by the respective news organizations. The moneys for travel are funneled through the White House Travel Office, so while the White House Travel Office employees will make the arrangements for the airplane charter and handle the reservations for hotel accommodations and meals, the money to pay for those items will be collected by the Federal employees at the Travel Office from the news organizations and then paid to the respective companies that have incurred the costs.

To cover the costs in advance and keep the operation running, the Federal employees at the Travel Office oversee and maintain an account at the Riggs Bank through which payments and reimbursements are made.

So let's say that the White House press corps needs 20 rooms at a hotel in Paris. The White House Travel Office books the 20 rooms, pays for them when required either upfront or after the trip, and then it bills each respective news organization for its share of the expenses.

That is how it is done. Why Federal employees should be the ones responsible for getting the press corps around the world and accommodated may not be 100 percent clear, but that is the way it works. There is no problem with that. That is the way it works.

White House Travel Office employees would often go on these trips to manage the travel and to cover incidental costs such as baggage handlers and local transportation. The employees who would go on a trip would take a fair amount of cash with them to pay for the necessary expenses. They get this money, this cash they took along with them from a petty cash account that they maintained at the Travel Office. They were supposed to work as follows: The petty cash account would be replenished by cashing checks at the Riggs Bank where the main account for the office was maintained, recording the number of the check and the amount cashed in a petty cash log. The Travel Office employees were supposed to use either the Riggs Bank account, which was several blocks away, that is all, from the White House, or the petty cash account, which was in the Travel Office, to cover the expenses while traveling with the White House press corps.

In May 1993, the White House counsel's office requested Peat Marwick, a private accounting firm, to conduct a review of the financial records of the Travel Office. That review found, according to the summary, "significant accounting system weaknesses, including missing or inadequate documentation for disbursements, a lack of financial control consciousness, no formal financial reporting process, no reconciliations of financial information, no documented system of checks and balances on transactions and accounting decisions within the office, no general ledger of cash receipts, disbursement journals, no copies of bills on file."

Now, in particular, Peat Marwick noted about "eight discrepancies between the amounts written to cash on the Riggs National Bank account and the recording of these amounts into the petty cash fund."

"Each of the eight checks was made out to cash and signed by the director of the press travel office and endorsed by the same individual. Those discrepancies totaled," according to Peat Marwick, "$23,000."

As a result of that audit, the FBI began an investigation, and during the investigation the FBI learned the following. Sometime around 1988, Billy Dale started depositing checks that belonged to the Travel Office into his own personal account in Maryland that he had with his wife. Dale deposited, the FBI found, 55 checks over 3 years totaling $54,000. He did not reveal that he was depositing those checks into his account in Maryland instead of in the office account across the street to anybody. He did not acknowledge or notify Peat Marwick he was doing it. He did not tell the FBI he was doing it. He did not tell his coworkers at the White House he was doing it—nobody. The FBI uncovered the deposits in his account because it had subpoenaed the records from that account.

The FBI also learned that on numerous occasions Dale cashed Travel Office checks for petty cash at the Riggs Bank but failed to record that fact on the petty cash ledger, which he was supposed to do. There was an unaccounted-for discrepancy of $13,000. During the Peat Marwick audit, Dale never mentioned these facts and irregularities to auditors. He never told anyone else about that money. We are here talking about petty cash. He did not tell his fellow employees in the White House Travel Office, anybody at the FBI once the FBI investigation started. And this is from the trial transcript now of Billy Dale.

> Question: And you never told your deputy that you had taken checks out of the Travel Office and put them into your personal account, did you?
>
> Answer: That is correct.
>
> Question: And you never told any of the people in the Travel Office that you had taken checks out and put them in your personal account?
>
> Answer: That is true.

Over the course of 3 years, 1988 to 1991, Billy Dale took checks intended for the White House Travel Office, which were checks mostly from telephone companies to reimburse the Travel Office for prior payments in excess of needs. He took those checks, which were supposed to go to the Travel Office, deposited them in his personal bank account in Clinton, MD. He never told anyone, again, people he had worked with for decades, about taking those checks.

When he was asked about which checks he took, this is what he admitted at trial. How did he select the checks which he was not going to deposit in the Riggs account across the street? It was the office account. The ones he took to Clinton, MD, and deposited and merged with his own private funds with his wife in his own personal bank accounts, how did he pick them? Which ones? There were thousands of checks which come in:

> Question: And you took a little more care in selecting these checks, didn't you?
>
> Answer: I don't know what you mean.
>
> Question: Well, you took the telephone refund checks, because there was no record in the office that these telephone refund checks were issued and coming back to the office; right?
>
> Answer: That is right.
>
> Question: And so no one would know that the money was missing, right?
>
> Answer: That is right.
>
> Question: And, so that no one would learn of what were you doing, right?
>
> Answer: That is right.

Now, again, the FBI was not told by Billy Dale that he deposited $54,000 in checks in his personal account. He did not tell Peat Marwick during their review. Despite the negative report by Peat Marwick about financial mismanagement, he did not disclose it then. He never told anyone about that—3 years, deposits checks in his personal account. It was only after they were subpoenaed by the FBI that they discovered the deposits of these Travel Office checks by Mr. Dale.

So, now the FBI learns, because of its subpoenaed bank records, of these deposits of $54,000 in Travel Office money in his personal account. That is not a small amount of money and it is not a minor act by a Federal employee. It is a willful, intentional deposit of Travel Office funds in an employee's private bank account. He did not keep the funds separate. He merged them in his own private account, all mixed together.

There is not one of us in this Chamber who would tolerate that conduct by any of our employees. No one in private industry would allow that. He did it surreptitiously, he did it secretly, and even when he knew that the FBI was investigating the financial management of the Travel Office, he kept it a secret.

That is about as good probable cause as a lot of prosecutors are going to get in a lot of cases. At trial, Billy Dale testified and presented an explanation for his conduct. He said that he was under pressure by news organizations to keep the size of the office account at Riggs, the so-called surplus in that account, at a reasonable amount. But he said he needed more money than that in order to pay the bills, and he testified he needed "convenience and flexibility" in getting cash for trips.

Apparently walking two blocks to the Riggs Bank and cashing a telephone refund check to take on a trip was not sufficient convenience. So here is what he testified he did. He testified he kept a personal hoard of cash at his home, not his home bank in Clinton, but his house. He kept $20,000, he said, at his house. This came, he said, from the proceeds of a small business that he sold, from rent that he received from his children, and from the proceeds of his brother's estate. He testified that he would take a telephone refund check for the Travel Office, which might be in an amount of, say, $800 or $1,000, he would go home, take that amount from his cash reserve. He would then bring that amount from his cash reserve into the Travel Office. He would then take the refund check which was intended for the Travel Office and deposit it in his personal account at the Clinton, MD, bank. That is his explanation as to how he deposited $54,000 of Travel Office money in his personal checking account, for flexibility and convenience.

He could have cashed these checks two blocks away at the Riggs Bank, a bank that Travel Office employees used all the time, but he did not do that. He deposited them in his personal bank account, merged with his personal money for "flexibility and convenience." He never made a copy of the checks, never told anyone in the Travel Office about them. No other Travel Office employee who had the same financial needs and responsibilities on these trips—no other Travel Office employee deposited Travel Office checks in their personal checking accounts. All the other Travel Office employees used either cash from the Riggs account or cash from the petty cash account in the office. All the others—not Billy Dale.

Now, those facts surely were reasonable grounds upon which to proceed. No one has argued—again, I emphasize, no one has argued that the decision to prosecute was not reasonable here or that the FBI investigation was not reasonable here. The judge found that that was adequate to sustain a conviction.

Supporters of Billy Dale say because he was acquitted in just a few hours, somehow or other that taints the prosecution. Are we going to get into the business of awarding attorney's fees to an indicted, properly indicted but acquitted, individual based on the amount of time that it took to acquit? O.J. Simpson's trial lasted over a year and the jury deliberated less than a day. Should the State of California pay O.J. Simpson's attorney's fees because of the brevity of the deliberation? I do not think we want to walk down that road. I do not think we want to base our judgment on the validity of a criminal prosecution on the length of a jury's deliberation.

Moreover, Billy Dale offered to plead guilty to a felony. This is a situation where we are asked to decide whether a person who offered to plead guilty to a felony should receive $450,000 in taxpayers' money to pay for his defense when his offer to plead guilty was rejected by the Government as not being adequate and he went to trial. The offer is to a felony called "wrongful conversion" to one's own use and property under his control. He offered to plead guilty to a felony called "wrongful conversion." He did it on November 30, 1994. This information has been made public in many newspapers. Several points in this written plea offer are important to note.

First, it is clearly and unequivocally an offer to plead guilty to one count. It is one count of violation of the U.S. Code, section 654, which states as follows:

> Whoever, being an officer or employee of the United States, or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined under this title not more than the value of the money or property thus embezzled or converted . . . .

And so forth.

Billy Dale says he did not agree to plead guilty to embezzlement, and that is correct. He did agree to plead guilty to wrongful conversion, which is part of the same statute as the embezzlement language, the same section, section 655 of 18 U.S. Code, which makes it a felony to either embezzle or wrongfully convert. Both crimes carry the same maximum penalties of up to 10 years in prison.

Billy Dale not only offered to pay a fine of not to exceed $69,000, he also offered to accept up to 4 months imprisonment, one-half of which was to be served in jail.

Why was Billy Dale offering to plead guilty? As he has said in various testimonies since he offered to plead guilty: Because he wanted to spare his family the grief and expense of a trial. But he also offered to plead guilty because he did not want to face the risk, a risk that he must have thought he had a reasonable likelihood of incurring, the risk of a longer jail term. His attorney wrote in the plea offer and the consequences of the acceptance of the plea—this is the attorney for Billy Dale that said in the plea offer:

> The Government will be able to publicize the conviction in a case that has received considerable notoriety. The defendant will in all likelihood receive some jail time and will suffer a substantial financial detriment, all of which is important to the Government. Moreover, Mr. Dale will be forced to live with the stigma of having acted criminally in his handling of the Travel Office money.
>
> On the other hand—

His attorney writes in the plea offer:

> Mr. Dale will avoid the expensive trial and the risk of a substantially longer jail term.

So he offered to plead guilty, pay both a sizable fine and actually serve some time in jail.

One other fact relative to the trial. At the end of the Government's case, Billy Dale made a motion for acquittal, and that was denied. This motion allows the judge to assess the presentation of the Government's evidence and decide if, on its face, it is insufficient to present to a jury.

Rule XXIX of the Federal rules of criminal procedure provide that:

> The court, on motion of a defendant or on its own motion, shall order the entry of judgment of acquittal of one or more offenses charged in the indictment after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses.

So here was another check on the legitimacy of the prosecution. Even though the grand jury was appropriately convened and the indictment was without defect and the prosecution did not violate due process and was not inappropriately selective, the defendant can ask the judge to consider whether the evidence of guilt, as presented by the Government, is sufficient to sustain a conviction by the jury. If the Government did not present sufficient evidence to convict, then the case does not go to the jury. The judge must acquit based on the motion of the defendant over its own motion.

Billy Dale made this motion, and it was denied by the judge. So, in the opinion of the judge, after the Government had presented all of its evidence, there was sufficient evidence to sustain a conviction.

I think a reasonable person looking at this record would find it reasonable to conclude that the criminal prosecution of Billy Dale was legitimate. Three separate reports on the firing of the White House Travel Office employees concluded there was no wrongdoing by the FBI, which was the lead investigative agency into alleged criminal conduct in the Travel Office. The GAO concluded in May 1994 that "the FBI and the IRS actions during the period surrounding the removal of the Travel Office employees were reasonable and consistent with the agency's normal procedures."

The FBI's internal review in May 1993 determined "the FBI acted correctly:"

> FBI personnel declined to offer guidance, restricted their interest to the parameters of a possible criminal investigation and did not commit to conducting a criminal investigation until after consultation with appropriate personnel within the FBI and the Department of Justice.

Third, the review by the Office of Professional Responsibility and the Department of Justice concluded:

> We found no wrongdoing on the part of any FBI employees regarding the Travel Office matter.

The Senate has not had 1 hour of hearings on this bill. We don't have a committee report upon which we can assess the facts, not only of the criminal prosecution but of the estimate for the attorney's fees.

The House committee report upon which we are supposed to rely does not even mention, does not discuss the nature of the indictment or the facts surrounding the indictment or the basis for it. Those facts are ignored. What it focuses on and what I am sure will be focused on here tonight is the inappropriateness of the firings, which the White House and others concede.

The attorney's fees relating to the firing are, concededly, appropriately paid. We should pay them. We paid three-quarters of them. We should pay the balance in this bill. Those are not at issue. It is not the firings that is at issue here. It is whether or not the criminal indictment and the prosecution was defective and inappropriate. That is the issue, because that is what these $450,000 of attorney's fees relate to.

The basis upon which we should consider paying Mr. Dale's attorney's fees would be if there had been information uncovered that the Federal Government acted unfairly in indicting Mr. Dale. If there was sufficient evidence of that, then we should be given that information. That is the only basis upon which we ought to be considering spending almost a half million dollars of the taxpayers' money to reimburse Billy Dale and setting a precedent, which, as far as we can determine, is, indeed, a precedent, paying the attorney's fees of someone who is properly and legally indicted.

We do not have a record of the facts upon which we can make such a judgment.

Finally, Mr. President, there is a process in law to get that record. This legislation is effectively a private relief bill. In fact, the Parliamentarian has already ruled that the freestanding bill is a private relief bill for Billy Dale.

There is a statutory procedure, 28 U.S. Code, section 2509. That procedure provides that the Court of Claims can determine whether or not private relief sought from Congress and the taxpayers by an individual or group of individuals is appropriate.

Under that statute, the Court of Federal Claims, on referral from either the Senate or the House, is required to determine if there is a legal or equitable claim to taxpayers' money or whether such payment would be simply a gratuity. The statute provides the following in part, and here I am reading section 2509 of 28 U.S. Code:

> Whenever a bill is referred by either House of Congress to the chief judge of the United States Court of Federal Claims, the chief judge shall designate a judge as hearing officer for the case and a panel of three judges of the court to serve as a reviewing body.
>
> Each hearing officer and each review panel shall have authority to do and perform any acts which may be necessary or proper for the official performance of their duties, including the power of subpoena and the power to administer oaths and affirmation.
>
> The hearing officer shall determine the facts and shall append to his findings of fact conclusions sufficient to inform Congress whether the demand is a legal or equitable claim or gratuity and the amount legally or equitably due from the United States to the claimant.

Referral under this statute to the Court of Claims would require the court to develop a factual record outside the rhetoric of politics upon which we could either then base a judgment or, in the case of the amendment that has actually been filed, all that would be necessary is for the Court of Claims to determine that, in fact, it is an equitable claim. And then the legal fees would be automatically paid. We would be given a report under the amendment which the Senator from Nevada filed, but it would not have to come back here for further action. We would authorize these attorney's fees subject to a determination and finding by the Court of Claims pursuant to a law which is on the books that that is an equitable claim against the United States.

Surely, we owe that much to the American taxpayers who would be paying this bill, and we owe that much to ourselves before making a decision on overturning decades of precedent. That is what the amendment would do.

Again, it allows for the five Travel Office employees who were not indicted to receive the final reimbursement of $50,000 for their legal fees, which I think we all support. But it would refer the matter relative to Billy Dale's attorney's fees to the Court of Federal Claims for determination on the merits, and if the court determines that Billy Dale has either a legal or equitable claim, then this amendment would provide Billy Dale would be paid directly at that time when the findings of the Court of Claims become final.

No additional action would be required other than a report to us of what that final decision is. If, however, the court were to conclude that the payments to Billy Dale were not based on a legal or equitable claim but would be a gratuity, then the fees would not be paid.

This is a routine procedure. We use this procedure dozens of times. We refer cases to the Court of Claims all the time. We do it with private relief bills all the time. Sometimes the court finds that there is a legal or equitable claim; sometimes it finds that it is a mere gratuity. But before we set a precedent that we may come to regret, there should be, from some objective source, a determination that this claim is a legal or equitable basis.

Adoption of the Reid amendment, which has been cosponsored by myself and Senator BIDEN, is the surest way to remove this issue from politics, which is regrettably infused. Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr HATCH. I yield to the distinguished majority leader. I would like to retain my right to the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Utah for yielding, but I do think we need to notify our Members of where we are. It will not take me but just a moment.

For the information of all Senators, earlier this evening the Senate reached an agreement which limits the amendments in order to the Treasury-Postal Service appropriations bill. The managers have been working, along with the leadership representatives, with a number of Senators, to reduce that list, instead of just a large list of amendments here.

However, the grand total of amendments on the list is somewhere between 95 and 97, I guess, amendments, which certainly is unsatisfactory at this point. It makes it very difficult for us to be able to complete the bill. But in order for the managers to continue to work and try to reduce these amendments or to clear some of the amendments, I would like to announce now, there will be no further votes this evening, and any votes ordered tonight on this or other amendments will be stacked at 9:30 a.m. on Thursday.

Senators should be aware that the managers are here and are willing to debate, perhaps accept amendments or to conclude some of the amendments that are now being debated. Members should expect rollcall votes, of course, throughout the day on Thursday. It would be my intent, in the morning, after consultation with the managers and the minority leader, that we would continue on amendments in the morning.

After the stacked votes, if any, at 9:30—we had hoped to go to the Chemical Weapons Convention at 10 o'clock in the morning. It looks like we will have to just delay that and see where we are, which means that we could have to go very, very late into the night on Thursday night, could actually have to go over until Friday to have a vote on Friday morning.

In any event, there will not be any votes after 12 noon on Friday, since it is a Jewish holiday. I had hoped we could come to some reasonable conclusion on this bill, get it completed, and then spend the necessary time tomorrow on the Chemical Weapons Convention.

It is my intent to go to the Chemical Weapons Convention tomorrow. I just do not know when it might be now in an effort to try to get some conclusion on these amendments and complete this bill. But there will be no further rollcall votes tonight. The next vote will be at 9:30 in the morning, if any are ordered.

Does the minority leader have any comment?

Mr. DASCHLE. Mr. President, let me just say, I want to thank the Members of our leadership for working with Members on our side. As I understand it, the list is quite extensive on both sides. There are 51 Republican amendments and almost that many, not quite that many, Democratic amendments. But we are going to do our best to work with the majority leader to see if we can bring that list down substantially by tomorrow.

Obviously, Senators would be very helpful to both of us if we could limit the amount of time on many of those amendments and offer additional amendments tonight. There is no reason even if there are no more votes why we cannot have a number of amendments yet tonight. So, hopefully we can do that and be in a much better position to come to some final assessment as to what the list looks like by midmorning tomorrow.

Mr. LOTT. Mr. President, just in conclusion, certainly we will be working with the Senator from South Dakota. We will get this list pared down to what I guess is a real list, probably two or three or four or five max. I do not know why we have to go through these exercises, but we do, and we will do the best we can.

Again, under the rules we have, every Senator has his right or her right to make their case, and we will work with them on that. But I do want to remind Senators, a lot of times they think, "Well, this will kind of just go away, and I won't have to stay late tomorrow night, and I can fly home tomorrow night or I'll be able to leave Friday morning."

There are some things around here that have to occur. And we have a unanimous-consent agreement on the Chemical Weapons Convention. I have an obligation to call that up. And I am going to. It requires 10 hours under the rule. We can either cut that time down or we can take the whole 10 hours. We can go late tomorrow night. But if we do not begin until 1 or 2 or whatever time, it would be very late tomorrow night, and we could not do anything about it basically. That one would go until we got to the end.

So when Senators come, pleading, saying, "I want to go home," there would not be anything we could do if we wanted to. Or I guess one other option is, we can go over and have a vote on that on Friday morning. I know that there are some Members of the Jewish faith who would like very much on their holiday to be able to leave on Friday morning so they can be with their families before the Jewish holiday begins. I would like to honor that, but we are in a bind here.

If we finish this bill at a reasonable time, we can go to chemical weapons at a reasonable time. We either get a time agreement, or vote late tomorrow night, or vote on Friday. This is one time where the leadership is not going to have a lot of options.

So I plead, once again, with our Members, let us be reasonable. This is not the last train. We still have plenty of times to play games, if we insist, on both sides of the aisle. I am not putting the other side down. We have ours on there, you have yours. So let us agree to hold hands and do this bill, and we can save all of our choice, lovely, luscious amendments for the next bill or the next bill. We still have 3 weeks. We do not have to do it on this one. Then we can do two very important bills—Treasury-Postal Service, Chemical Weapons Convention. And I believe we can work on that in the morning. I have seen miracles happen around here before. Maybe we could come up with one in the morning.

Mr. REID. Would the majority leader yield?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Might I just make one other point.

I appreciate the indulgence of the Senator from Nevada.

As I look at the list on both sides, the one thing I think the majority leader will agree with me on, about two-thirds, if not three-fourths of those amendments are legislative amendments. I believe we made a very big mistake a year ago in overriding the Chair on the question of legislating on appropriations bills.

I think we are paying a heavy price, and will continue to pay a heavy price, so long as we continue to insist that even on appropriations bills we can add anything to everything. And that issue will come back. It stung us and it has caused us more problems in the last 2 years than virtually anything else. I think it was a big mistake. Our Republican colleagues insisted at the time to overrule the Chair and allow the practice of legislating on appropriations bills, so these amendments are fair game. But we are now paying the price, and continue to pay the price so long as that issue becomes almost a joke with regard to these appropriations bills.

So I think when we get back for the 105th Congress, and when we have the opportunity again, in the majority, to deal with this issue, I hope we can restore the rule.

Mr. LOTT. The majority will certainly look at that very closely because we will be working in the majority with the minority. I think this is one case where maybe we can agree and in fact change the rule or take action to bring some reasonableness back to this area. I think I agree with what the Senator is saying. Let us work together no matter, you know, which party is in control to get that resolved.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. REID. While both leaders are on the floor, speaking for me, this Senator, and for—sorry.

Mr. LOTT. I believe that is correct. I believe the Senator from Utah had yielded to me.

Mr. REID. I am sorry.

Mr. HATCH. I will be happy to yield for a question, and then retain my right to the floor.

Mr. REID. I want to make a brief statement. I apologize.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. While both leaders are here, I want them to understand that, speaking for this Senator, Senator LEVIN and Senator BIDEN, we do not intend to hold this bill up because of the amendment we have offered. However, if we do not get a vote on our amendment, then we have no alternative. We need an up-or-down vote on our amendment. And the procedure, the way things are now before us, we will not be able to do that. So we will agree to a time agreement, and be totally reasonable, but we want an up-or-down vote on whether or not this matter should be referred to the Court of Claims.

Mr. DASCHLE. Mr. President, would it be in order to ask unanimous consent to get a time agreement, say, for additional debate of no more than an hour and 20 minutes? I am prepared to offer one of the amendments I was planning to offer in order to accommodate the schedule if we could, perhaps, divide the next 90 minutes equally.

Mr. HATCH. I might add, it is going to take me a little bit of time to rebut what they have said. I will certainly be amenable to trying.

Mr. DASCHLE. How much time does the Senator from Utah need?

Mr. HATCH. I have no idea. I imagine 45 minutes to an hour.

Mr. REID. I need about 15 minutes if I get an up-or-down vote on my amendment sometime through this process.

Mr. DASCHLE. I would like about 10 minutes, so perhaps we could take an hour on the Republican side and a half hour on the Democratic side.

Mr. LOTT. I believe the chairman of the committee has some comments.

Mr. DASCHLE. Could we ask unanimous consent that the time for the amendment be divided two-thirds/one-third, providing the Republicans with an hour, the Democrats with half an hour, beginning at 8:45, with a vote to be held tomorrow morning.

Mr. LOTT. Is this on the Hatch amendment?

Mr. HATCH. And the Reid amendments, back to back, following the end of the debate.

Let me say this: The proponents have taken 2 hours; I believe I can finish in about an hour, and I will try to do it in less time than that, but I do have to rebut what they have had to say because I think it has been outrageous.

Mr. REID. If the Senator would yield again, I have no problem with the reasonable suggestion made by the Democratic leader as long as we have a vote on both amendments.

Mr. SHELBY. I wonder if the Democrat leader would yield?

Mr. DASCHLE. I yield.

The PRESIDING OFFICER. The Senator from Utah has the time.

Mr. HATCH. The parliamentary situation is that the Reid-Levin amendment has been filed. We filed a second-degree amendment. Their amendment would go to the Court of Claims. Frankly, I do not see any reason why, if we went on my amendment, why you have to have a vote on your amendment.

Mr. REID. That is the whole problem. We want a vote. We want the Senate to vote as to whether that matter should be referred to the Court of Claims. If the Senate says no, we will walk away from this.

If we only get a vote to keep this in the bill, then I think I can speak for the Senator from Michigan and the Senator from Delaware, we are going to talk here a while.

Mr. HATCH. You are going to filibuster the bill over that issue?

This is legitimate. You filed an amendment; we filed a second-degree amendment.

Mr. DASCHLE. Would it accommodate both to have two freestanding amendments back to back, voted up or down at 9:30? That would accommodate everyone and resolve the matter, and we could move on to other issues.

Mr. HATCH. Fine with me.

Mr. LOTT. Mr. President, I believe we can get an agreement to that. I want to clarify the time that we are talking about.

Mr. HATCH. Will the Senator yield? I will move to table the Reid amendment, but it would be a vote up or down.

Mr. REID. We understand. We would have an opportunity to offer our amendment, and you could move to table it.

Mr. LOTT. I believe that would do it.

Mr. President, I thank the Democratic leader for the suggestion in trying to put that in motion here.

I ask unanimous consent that the time on the pending issue be limited to 60 minutes under the control of Senator HATCH, with 50 minutes to Senator HATCH and 10 minutes with Senator SHELBY, and then 30 minutes of time under the control of Senator DASCHLE or his designee, and votes occur first on the amendment No. 5257, and then on or in relation to the amendment of the Senator from Nevada, and that vote occur at 9:30.

Mr. DASCHLE. It would accommodate a Senator if that vote could occur at 9:45.

Mr. LOTT. We would have that vote at 9:45. Every time we do that, it pushes the Chemical Weapons Convention further back down, but the vote is to occur at 9:45.

I also ask each amendment be in the first degree and no second-degree amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, this has to be one of the most hypocritical White Houses in this century. And that is really saying something. Frankly, I think it is abominable, absolutely abominable. And my colleagues on the other side of the aisle are attempting to retry Mr. Dale right here in the Senate. Senator LEVIN, the distinguished Senator from Michigan, is even suggesting that Billy Dale should have been found guilty.

Fortunately—fortunately—our system calls for a more equitable fair process. Mr. Dale has been tried by a jury of his peers, and he was acquitted in less than 2 hours. I think there is a principle called double jeopardy. I am really amazed that after this man was smeared by the White House—for greedy purposes, to help their buddies, the Thomasons, and their relative, Ms. Cornelius—was put through an abysmal trial that cost him $500,000. And this outfit is acting like something should not be done.

I found the White House critical in this issue, and that is an understatement. The fact is, these people were smeared. They were treated improperly. They were abused. The FBI was abused, and it was all done for the purposes of greed, so they could take care of their buddies.

The fact of the matter is, if you look at what has happened here, it is just pathetic. A memorandum we got from the White House admits to the wrongdoing:

> You all may dimly remember the Travel Office affair in which a number of White House staff, many immature and self-promoting, took impulsive and foolhardy actions to root out problems at the beginning of the Clinton administration and gallantly recommended they take over its operation.

Those comments were from the White House itself.

Now, let me read from the Watkins memorandum. This is an interim White House memorandum. I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Privileged and Confidential—Memorandum]

From: David Watkins.

Subject: Response to Internal White House Travel Office Management Review.

In an effort to respond to the Internal Travel Office Review, I have prepared this memorandum, which details my response to the various conclusions of that Report. This is a soul cleansing, carefully detailing the surrounding circumstances and the pressures that demanded that action be taken immediately. It is my first attempt to be sure the record is straight, something I have not done in previous conversations with investigators—where I have been protective and vague as possible. I know you will carefully consider the issues and concerns expressed herein.

As a preliminary matter, the procedure followed in finalizing the report was needlessly unfair. Even in the context of General Accounting Office audits and reviews, the reviewed agency is afforded the opportunity to respond to the report and criticisms prior to release and publication. This is an important step which allows inaccuracies or erroneous conclusions to be addressed and corrected prior to publication, and more importantly, allows the criticized party to respond to the contents of the report. Unfortunately, in this case, neither I nor others directly involved were afforded any opportunity to rebut the contents and conclusions of the internal Review.

In this case, I was notified of the forthcoming reprimand around 10 a.m. on July 2. But I received a copy of the report shortly after noon the same day, and at the exact time from that briefing the report was publicly released. I was never afforded the opportunity to respond, and until this memorandum, I have never responded to the report or its contents.

With the recent release of GAO audits and the resultant press coverage and criticism of my office, setting the record straight on the Travel Office occurrences is important.

BACKGROUND

As you recall, an issue developed between the Secret Service and the First Family in February and March requiring resolution and action on your's and my part. The First Family was anxious to have that situation immediately resolved, and the First Lady in particular was extremely upset with the delayed action in that case.

Likewise, in this case, the First Lady took interest in having the Travel Office situation resolved quickly, following Harry Thomason's bringing it to her attention. Thomason briefed the First Lady on his suspicion that the Travel Office was improperly funnelling business to a single charter company, and told her that the functions of that office could be easily replaced and reallocated.

Once this made it onto the First Lady's agenda, Vince Foster became involved, and he and Harry Thomason regularly informed me of her attention to the Travel Office situation—as well as her insistence that the situation be resolved immediately by replacing the Travel Office staff.

Foster regularly informed me that the First Lady was concerned and desired action—the action desired was the firing of the Travel Office staff. On Friday, while I was in Memphis, Foster told me that it was important that I speak directly with the First Lady that day. I called her that evening and she conveyed to me in clear terms that her desire for swift and clear action to resolve the situation. She mentioned that Thomason had explained how the Travel Office could be run after removing the current staff—that plan included bringing in World Wide Travel and Penny Sample to handle the basic travel functions, the actual actions taken post dismissal and in light of that she thought immediate action was in order.

On Monday morning, you came to my office and met with me and Patsy Thomasson. At that meeting you explained that this was on the First Lady's "radar screen." The message you conveyed to me was clear: immediate action must be taken. I explained to you that I had decided to terminate the Travel Office employees, and you expressed relief that we were finally going to take action (to resolve the situation in conformity with the First Lady's wishes). We both knew that there would be hell to pay if, after our failure in the Secret Service situation earlier, we failed to take swift and decisive action in conformity with the First Lady's wishes. You then approved the decision to terminate the Travel Office staff, and I indicated I would send you a memorandum outlining the decision and plan, which I did.

I have never stated all this so clearly before, but to form a complete and accurate picture it must be kept in mind while reading the specific criticisms of the Podesta Management Review. I will now address those criticisms directly.

RESPONSE TO SECTION II "DISCUSSION OF PRINCIPAL ISSUES" OF TRAVEL OFFICE REVIEW

"Travel Office Management" (Page 14):

"The review conducted by KPMG Peat Marwick uncovered serious financial mismanagement." At .

At the strong recommendation of myself and others in my office, KPMG Peat Marwick was brought in—instead of having the FBI take over immediately—to review the financial practices of the Travel Office. I concurred in Peat Marwick's analysis and conclusions: Management of the Travel Office was abysmal.

"Treatment of the Travel Office Employees" (Page 15):

"While all White House Office employees serve at the pleasure of the President, the abrupt manner of dismissal of the Travel Office employees was unnecessary and insensitive." At ____.

In the conversation with the Travel Office staff notifying them of their termination, I explained that a review of the Travel Office operations had always been planned to conform to the general review process implemented across the White House administrative offices and the Office of Administration. I further explained my decision to terminate them; I explained that from a management perspective, in this case it was best to relieve them all immediately from their jobs and provide them a additional two weeks in pay. I informed them of this and asked them to leave immediately. The tone was firm, with emphasis on the mismanagement recounted in the Peat Marwick report. I explained that in light of that mismanagement, it was best to dismiss the entire office.

The allegation in the report that this was insensitive is wrong. These employees work at the pleasure of the President and all in the White House Office should understand that there is extremely low tolerance for the severely negligent and unaccountable procedures followed in that office. In light of the First Lady's insistence for immediate action and your concurrence, the abrupt manner of dismissal, from my perspective, was the only option.

"Moreover, the Peat Marwick report did not furnished efficient cause for terminating the employees without financial authority. As a legal matter, the White House has this right to terminate an employee without cause. In this case, however, the White House asserted that this termination of all seven was for cause. Based on the information available, this assertion was inappropriate with respect to the employees who did not exercise financial authority. . . . Abuses cause, in some humans approach was in order. For example, even if it were decided that the Travel Office would operate more efficiently with a reorganized, smaller staff, an effort could have been made to locate other federal employment for those who would be displace." At 15.

As early as February, the intent of Management and Administration was to review and reorganize the Travel Office before October 1 into a leaner operation—just as with every other office within the domain of Management and Administration, from the Photo Office to the Telephone Office to the Travel Office. That remained the plan until the intense pressures surrounding this incident arose in May. If given time to develop, the original plan to reorganize the Travel Office for a smooth transition in September would have allowed the Travel Office employees to seek other federal placement, along with other Executive Office of the President staff, in anticipation of the end of the fiscal year staff cuts; however, when pressure began to build for immediate action in the Travel Office, the long-term plans were short-circuited.

"The other major White House mistake in the treatment of the former Travel Office employees was in tarnishing their reputations. This resulted, in discussed above, from the inappropriate disclosure of an FBI investigation into potential wrongdoing in the Travel Office. (p. 15) * * * It was a mistake for the White House to publicly discuss FBI involvement, which led to the disclosure of the FBI investigations. * * * The talking points prepared by Watkins' office for the press office stated that the White House had asked the FBI to investigate. Eller had also sanctioned the FBI in an earlier draft of talking points. In making that reference, Watkins and Eller were insensitive to the effect such reference can have on the reputation of an innocent person. This mistake was compounded when Fouter's and Kennedy's instruction to eliminate the FBI reference was not carried out. Watkins did attempt to reach Myers, and Eller himself omitted the FBI references in his own background press briefings the morning of May 19. However, neither ensured that Myers avoided the reference." At 18.

Revealing the ongoing FBI investigation was insensitive, but that fact comprised one sentence in a draft version of talking points drafted by one of my staff and distributed for comment on the morning of May 19—the day of the termination. The talking points were distributed to Foster, Kennedy, Myers, and Eller with the expectation that we would have until the 2 o'clock press briefing to get the kinks worked out of the talking points. As soon as the suggestion came to delete the reference to the FBI, it was done. I immediately went to see Myers to inform her of the change and sensitivity to the ongoing investigation, but she had gone to the Hill with the President. I struck that sentence from Eller's copy and asked him to inform Myers. As soon as Myers returned from the Hill, prior to noon—more than an hour before the press briefing—I proceeded to her office and told her not to mention the FBI investigation She informed me that it was too late. She had already responded by phone to a reporter's inquiry by phone.

Thus, this was a mistake made on my part because I was not intuitive enough to take the talking points drafted by one of my staff and realize that the FBI investigation should not be mentioned—despite the strong support this provided for White House actions.

"Catherine Cornelius also played a role in the dismissal of the Travel Office employees, and she to had a personnel stake in the outcome. As the three memos she wrote on the Travel Office attest, who was eager to work in and, if possible, manage the Office. Her proposal to reorganize the travel office was appropriate and would be considered usual to any transition process. But her role in the decision-making process after she came, in effect, an 'accuser' of the Travel Office employees, by collecting documents and alleging possible wrongdoing, was inappropriate. * * * [E]very effort should be made to insulate the federal government's management decisions from even the appearance that personal interests have played a role in the outcome of those decisions." At 20.

Catherine Cornelius had no part in the dismissals. I put no stock in most of what Cornelius told me except to the degree it was factual. Her arguments for dismissal and reorganization had absolutely no bearing on the final decision to terminate the employees. If her input had been respected, the need for Peat Marwick would have been negligible, but in light of her self-interest and her tendency to exaggerate, I decided to rely exclusively on a professional accounting firm. Catherine Cornelius, despite the Review's suggestion to the contrary, had absolutely no role in the decision-making process, and was in no danger of being placed in charge of the Travel Office. My intent all along was to put a trained financial manager over all the White House administrative operations, including the Travel Office.

When I assigned Catherine to the Travel Office, I did ask her to provide a report to me on May 15 based on her previous experience and actual experience in the Travel Office. She was placed in the Travel Office because of her prior experience in that area and a need to move her out of my immediate office—where she had become a liability to daily operations. Having had extensive experience with Catherine, I knew that her report would contain unworkable recommendations, but as I have in the past, I expected to distill those with which I disagreed from those I thought helpful. Unfortunately, due to her desire to revamp the Travel Office in her own likeness, Catherine may have ignored my intent to carefully review and scrutinize any recommendations made.

After Catherine became an "accuser" of the Travel Office staff, her input was merely on a factual level. I interviewed her to derive the factual basis of her allegations and for facts about the tasks performed by the Travel Office staff, but never asked for other, non-factual input other than the May 15 report I was expecting. All views she expressed were evaluated in light of her known bias. To put it simply, she had no impact on the decision-making process other than by providing factual information.

"The White House took several actions that demonstrated an insensitivity to the appearance of favoritism. Hiring World Wide Travel on a no-bid basis—even as an interim, stop-gap measure—created the appearance of favoritism toward a local friend from the campaign. World Wide's president, Betta Carney, is a long-time acquaintance of Watkins. Watkins' Little Rock advertising agency was a client of World Wide in the 1970s and World Wide was a client of Watkins' agency during that time period." At 20.

Part of the plan for immediate replacement of the Travel Office staff was use of World Wide Travel Service to book commercial flights for the Office. This aspect of the plan was discussed with all interested parties, and all concurred with knowledge that World Wide had been the campaign's travel agent. This made the most sense due to the fact that we could not have publicly solicited bids in light of confidentiality concerns and when we had ongoing business needs that had to be taken care of immediately following the terminations.

As for my longtime acquaintance with Betta Carney and World Wide Travel, I must point to my experience in the business world. There, reliance on a firm from whom one has received exceptional service is the rule.

As well, since the time I was a client of World Wide's and since World Wide was a client of my advertising agency in the 1970s, I have personally and professionally used at least half a dozen other travel services. So, any suggestion that calling them in this case derived from that history is absurd, and the media suggestions of improper favoritism were likewise absurd.

We had recent experience with World Wide, and based on that experience I knew we could rely on them for confidentiality in handling and preparing to handle the Travel Office business, until the business could be subject to full and open competition.

"None of this implies any improper conduct by World Wide, which is a well-established, successful travel agency, twenty-third largest in the country. World Wide executives understood that they could secure White House business only through an open, competitive bidding process. But the impression of favoring a local supporter was impossible to dispel."

At this point in the sequence of events, with the current plan approved by the First Lady and yourself including resort to World Wide Travel, it would have unnecessarily heightened confusion to recruit an unknown travel service. Again, a primary source of the problem was the abruptness caused by the calls for immediate action in the Travel Office and the at least daily inquiries. If my plan to slowly shift as the fiscal year came to a close had remained intact, a travel agent would have been procured in a more transparent fashion. However, since at the time of hiring World Wide it was known that they had a GSA contract, hiring World Wide was not as questionable or "non-competitive" as the Report or the press would have one believe.

"Bringing in Penny Sample, President of Air Advantage, to handle press charters on a no-bid, volunteer basis furthered the appearance that the White House was trying to help its friends. Sample was the Clinton-Gore campaign's charter broker and a close associate of Darnell Martens. This implies no improper conduct on Sample's part, but, again, created an appearance of favoritism." At 20.

Like World Wide Travel, Penny Sample was part of the short-term plan for running the Travel Office after the terminations. Since she was willing to volunteer her services without her or her company receiving any compensation—because we realized, like they did, that they would be conflicted out of virtually all White House business—we believed the conflicts and appearance of favoritism issue had been sufficiently addressed. Again, we did not believe it to be favoritism to have a former service provider for the campaign volunteer to assist the White House.

"White House Management" (Page 21):

"The White House made a number of management mistakes in handling the Travel Office."

"Lax Procedures"

"The responsibility for Thomason's influence on the Travel Office incident must be attributed to White House management. Thomason should have avoided continued involvement in a matter in which his business partner and his friends in the charter business stood to benefit and in which there was an appearance of financial conflict of interest. But lax procedures allowed his continued participation in the process. . . . There should be better management control with respect to the mission that any non-White House staff person is brought in to carry out. Permitting Thomason—or any non-staff person who comes in on special assignment—to work on problems outside the scope of his or her assignment is not a good practice." At 21.

Management and Administration had no part in bringing Thomason into the White House. In fact, the responsible office failed or intentionally neglected to inform Management and Administration of the nature of his work. Contact with this Office on the subject consisted only of the First Lady's Office calling to insist on immediate access for Thomason.

"Placing Cornelius in Travel Office."

"Given Cornelius' personal interest in running the Travel Office, Watkins should not have placed her in the Office to make recommendations on how the Office should be structured."

As stated above, Catherine was placed in the Travel Office because of her experience in travel and to allow her to make a meaningful and significant contribution to this Administration. The original assignment was made to see if she would work there permanently—if she liked that work and if it likewise suited her. The report I asked her to draft and provide on May 15 was in no way the driving force for her assignment to the office, it was simply a way to help determine her long-term suitability. She was placed in that office because of her extensive experience since October 1991 in coordinating travel for then-candidate Bill Clinton. She was not placed in the Travel Office primarily to make recommendations on its future structure.

"Watkins compounded the problem where in responses to Thomason's complaints, he asked Cornelius to be alert to possible wrongdoing or corruption. Cornelius lacked the experience or preparation for this role. Nor was she given my guidance." At 21.

Catherine was not asked to investigate or document wrongdoing by the Travel Office staff. I understood that she lacked experience to perform such a task. Catherine was merely asked to observe what transpired in the Travel Office—nothing further was requested or expected. Special training is not needed to keep one's eyes and ears open, to observe. I never asked her to collect documents or other information; she undertook this of her own volition.

"If, in April, Watkins thought the allegations reported by Thomason should be looked at more seriously, he should have done so in a more professional manner." At 21.

The suggestion that this could be more professionally handled is absurd. I noted the allegations, but thought they could wait for review—and knew they would be examined—during the course of the planned internal review of the Travel Office. For that reason, no action was taken other than to ask to Catherine to "keep her eyes and ears open."

"Poor Planning."

"There was no adequate plan in place to manage the Travel Office in the aftermath of the dismissals." At 21.

Harry Thomason indicated that he could put a more efficient structure in place in an hour's time to handle all the tasks of the Travel Office. While I believed that my original plan to carefully review the Travel Office would best serve the White House, when I spoke with the First Lady on Friday night, May 14, she cited Thomason's plan as support for the need for immediate action. That action involved utilizing World Wide Travel and Penny Sample in the short term. As well, in my memo to you on May 17 explaining my intent to terminate the Travel Office employees the next day, the intention to use World Wide Travel was outlined. You approved this action based on this memo prior to the actual terminations.

"For example, no one in the decision-making chain spoke to the White House press and press advance staff members who worked closely with the Travel Office employees, knew the employees there, understood the services they provided and the degree to which they were relied upon by members of the travelling press and other considerations. None was contacted by Watkins." At 22.

In light of the need for absolute confidentiality, it would have been foolhardy to consult the press or press advance staffs. From the staff review and Catherine Cornelius' experience (this is the primary area where her factual expertise was relied upon), we in fact did know the services that the Travel Office staff performed. Catherine Cornelius and Harry Thomason regularly and repeatedly reassured me that the press charter function could easily be assumed with the assistance of Penny Sample. "Thus, plans to replace these aspects of the Travel Office functions were in place prior to the dismissals. Then, when the need for immediate replacement became evident, I committed to provide whatever manpower was needed to perform the services the Travel Office staff had performed.

Immediately following the dismissals, meetings were held with the press and press advance staff to make all necessary arrangements for upcoming trips. These discussions came after the fact, but were accompanied with a commitment from my office for all necessary resources to perform the job.

"The absence of a plan prompted the last-minute use of World Wide Travel and Penny Sample of Air Advantage, which fueled the charges of favoritism already discussed." At 22.

As explained above, the plan was to use World Wide Travel and Penny Sample; there was no absence of a plan. Because of the need for confidentiality and the need for quick action, reliance on those with whom we had experience seemed the only rational decision. Having performed superbly in the campaign and in light of our need for immediate travel agent support—due to the pressure for immediate action from several quarters—we decided the plan would include short-term reliance on World Wide Travel.

I would have much preferred to have my staff carefully review the Travel Office and make a detailed business plan for the new fiscal year. This proved impossible, though, when the pressure for action from the First Lady and you became irresistible. This demand for immediate action forced me to accept hastily formulated plans for hasty, inadvisable action.

"Overview."

"The management problems in the handling of the Travel Office extended beyond the White House Office of Management and Administration. The Chief of Staff and the White House Counsel's Office had the opportunity to contain the momentum of the incident, but did not take adequate advantage of this opportunity." At 22.

"The process should have been handled in a more careful, deliberate fashion. Before any decision was made, the Travel Office employees should have been interviewed and other White House staff who understood the operations of the Travel Office should have been consulted. If dismissals were deemed appropriate, a new structure should have been designed and readied for implementation before any action was taken. Throughout, the process should have treated the Travel Office employees with sensitivity and decency." At 22.

As stated above, I too would have much preferred to have my staff carefully review the Travel Office and formulate a detailed business plan for the new fiscal year. This proved impossible, though, when pressure for action became irresistible. It forced me to accept hastily formulated plans for hasty, inadvisable action.

CONCLUSION

I think all this makes clear that the Travel Office incident was driven by pressures for action originating outside my Office. If I thought I could have resisted those pressures, undertaken more considered action, and remained in the White House, I certainly would have done so. But after the Secret Service incident, it was made clear that I must more forcefully and immediately follow the direction of the First Family. I was convinced that failure to take immediate action in this case would have been directly contrary to the wishes of the First Lady, something that would not have been tolerated in light of the Secret Service incident earlier in the year.

For this reason, I was forced to undertake the Travel Office reorganization without a business plan firmly in hand—something I had never before done in years as a management consultant, where such plans were my business.

All failings outlined in the Podesta Management Review were either mistaken and groundless criticism, or were based on actions dictated by the need for instant action. This reorganization required more careful review, but in this case that possibility was foreclosed. Delaying action was beyond my control.

Mr. HATCH. I am absolutely astounded that people would come here and try to try Billy Dale again.

I am now going to quote Mr. Watkins:

> On Monday morning, you came to my office and met with me and Patsy Thomasson. At that meeting, you explained this was on the First Lady's radar screen. The message you conveyed to me was clear: immediate action must be taken. I explained to you that I had decided to terminate the Travel Office employees, and you expressed relief that we were finally going to take action (to resolve the situation in conformity with the First Lady's wishes.) We both knew that there would be hell to pay if after our failure in the Secret Service situation earlier, we failed to take swift and decisive action in conformity with the First Lady's wishes. You then approved the decision to terminate the Travel Office staff, and I indicated I would send you a memorandum outlining the decision and plan, which I did.

This is a memorandum, which is marked privileged and confidential, is from David Watkins in response to the internal White House Travel Office Management Review. The White House even admits they were doing the wrong things.

The distinguished Senator from Michigan claims this case should be referred to the Claims Court because the Senate has not done a report on the issue. I disagree: the facts in this case are not in dispute. The reason you have a Claims Court proceedings is because you have disputed facts. In this case, the facts are not in dispute.

And these facts have been well-documented: no less than four reports have been done on this issue, as well as 2 years' worth of investigations and hearings, and a debate on the floor of this chamber that was filibustered when the bill was filibustered as a free-standing bill. Two years' worth of investigations and hearings on the House side has established the facts. The only reason to refer this case to the claims court would be if the facts were in question. The facts, in this instance, are not even in dispute.

I might also add that the other side has referred to a document that, for all intents and purposes, is a privileged document that should never have been made public. It is the prosecutor's memorandum.

Somebody has violated the most sacred canons of ethics in giving a prosecutor's memorandum, which tells the Government's side of the case. My colleagues have read from it like it is fact, when, in fact, it isn't fact. They refer to two documents—one is the "prosecution memorandum," and the other is a "plea agreement."

Now, where did they get those documents? Those documents are not permitted to be given to anybody. Somebody at Justice or the prosecutor's office has violated the most sacred canons of ethics, giving a memorandum of one side of the case, which may or may not be the true facts with regard to the other side. In this case, they are not the true facts. They are relying on confidential documents that were given improperly—through the Department of Justice, I presume. The Administration ought to know better than that.

Those documents are protected under the Department of Justice' own regulations. Once again, this is a politicization of the Justice Department, or the prosecutor's office, one or the other. There is no other way it could be. If the Justice Department has allowed White House people to get these documents, which apparently has been the case here, so they could leak them to Members of Congress to smear again Billy Dale and his colleagues, then that is further evidence of hypocrisy.

One thing I found interesting, is the quote the distinguished Senator from Nevada has on the chart behind him. Notably, it is only part of the quote. Let me read the whole quote. I am reading from a response from Billy Dale's lawyer to an op ed written by Robert Bennett to the Wall Street Journal. In the op ed, Mr. Bennett suggested that Billy Dale had entered a plea agreement of guilty, which he never did. Mr. Bennett was incorrect in his suggestion that the letter of the counsel for Billy Dale of November 30, 1994, constituted a willingness by Billy Dale to admit the charge of embezzlement of which he was acquitted. The attorney for Billy Dale criticized Mr. Bennett because he said that Mr. Bennett accurately quoted the first sentence of that letter which stated that Mr. Dale was prepared to enter a plea of guilty to one single count under 18 U.S.C. 654. However, Mr. Bennett, as well as my friend from Nevada on his chart, chose to omit the sentence that immediately follows. That sentence says that Mr. Dale would not admit to any intent to defraud or to permanently deprive anyone of the money that was represented by the checks he deposited in his personal account.

This admission is imperative in order for the Government to have an actual plea. In order to take a plea, Mr. Dale would have had to have admitted or pled guilty to defrauding the Government. Mr. Dale refused to do that. Now, the quote illustrated by the distinguished Senator from Nevada doesn't give the full facts. Instead of giving the full facts, the distinguished Senator from Nevada is attempting to retry Mr. Dale's case on the Senate floor. I think that it is wholly improper, especially when a jury tried it and Mr. Dale was acquitted within 2 hours.

I will tell you one more thing. I am going to refer the matter of the leaking of confidential documents by the Administration to the Office of Professional Responsibility, because the Justice Department has acted irresponsibly, or the prosecutor's office has acted irresponsibly.

I oppose the Reid amendment that would strike the provision to reimburse Billy Dale and to refer his case to the claims court. As I reiterated time and again, reimbursement of these legal fees simply remedies the grave miscarriage of justice that resulted in the investigation of Billy Dale and the other former White House Travel Office employees, which they are willing to reimburse. They are unwilling to admit, as really gentlemen ought to, that they have smeared this man, that the White House deliberately did it, that they were acting pursuant to Mrs. Clinton's demands, according to Watkins—that was a memorandum written at or near the time of the demands—that the White House acted out of greed, and that they put Mr. Dale through a half-million dollars of legal fees, not to speak of the loss of reputation, the bad publicity, the tremendous strain of going through a criminal trial when they knew he did nothing wrong. Then, my colleagues on the other side of the aisle come here to the floor of the Senate and claim that Mr. Dale entered a plea of guilty.

Let me tell you something. I have been around courtrooms for many years of my life. I know a number of people who weren't guilty that would enter a plea to some really minor, lesser count so that they would not get bled to death with attorney's fees, court costs, ulcers, bad health, ruination of the family, and 101 other things that happen. Anybody that doesn't understand that has never been in a court of law, or at least doesn't understand, or just plain isn't telling the truth.

For many months, the Congress and the Nation believed President Clinton had supported Mr. Dale's reimbursement. In fact, I publicly commended the President on numerous occasions for his equitable decision to sign the bill if we would pass it up here. Unfortunately, I understand the President Clinton has chosen to retract his support for such reimbursement. That is why I call this a hypocritical White House. Under these facts and circumstances, knowing what has transpired, and knowing the hell they put these people through, not to be willing to reimburse them is just unbelievable.

I am very disappointed that the President has changed his position on this issue, because passing this legislation is the right thing to do. After being fired, the Travel Office employees were forced to seek legal representation to defend themselves against a Federal criminal investigation in which they had become targets. These public servants became the victims of unjust and inappropriate abuse of Federal law enforcement by some White House officials. I continue to be outraged by the arrogance of power demonstrated by this Administration in this matter.

The way these individuals were fired and investigated was unconscionable. Over the course of the last several months, I have worked in a bipartisan effort to get a freestanding Billy Dale reimbursement measure passed. I wanted to pass this measure months ago so that President Clinton could put this ordeal behind him. He said he would sign it. But the Senate has continued to be met with resistance by some Members on the other side of the aisle. First, my colleagues wanted to offer a GATT amendment to the proposal and then they wanted to offer a minimum wage amendment. Then we worked together to advance their objectives on both the GATT and minimum wage issues. We dealt with both of them in the Senate.

Having worked in a bipartisan manner, I thought the Senate would be able to pass a freestanding bill without any additional delays. The last time we tried to bring up this bill, the distinguished minority leader objected, stating Mr. Dale had a fee arrangement with his lawyers that would obligate him to pay only part of his bill, which, for the record, is not true. As well, we were told that some Members on the other side of the aisle had additional amendments—amendments which to this day we have not seen.

Accordingly, Senator SHELBY, the chairman of the Treasury-Postal Subcommittee took this initiative by incorporating the Dale measure in this appropriations bill. Yet, once again, this is an effort to thwart a proposal to restore Dale and his colleagues to the position they were in before being attacked by "friends" of President and Mrs. Clinton and their allies on the White House staff.

Mr. Dale and his Travel Office colleagues served at the pleasure of the President. Some of the employees served as many as eight different Presidents, both Republican and Democrat. They provided years of faithful service. For this service, they were fired based upon trumped up charges by political "friends" of the President and the First Lady. These loyal public servants were then investigated by the Federal Bureau of Investigation, the Department of Justice, and the Internal Revenue Service. The FBI was intimidated to do this by none other than Mr. KENNEDY at the White House, who no longer is there—and for good reason. Mr. Dale was subsequently indicted and prosecuted for embezzlement. On December 1, 1995, after 2½ years of being investigated by Federal agencies, as well as incurring tremendous legal expenses, Mr. Dale was found not guilty of all charges after only 2 hours of jury deliberation.

You would think our colleagues on the other side would give credibility to that and not try to retry him here in the U.S. Senate. It is unseemly. This questionable use of the Federal criminal justice system created a situation where Mr. Dale had to spend some $500,000 on attorney's fees and even consider accepting a plea agreement, when he had committed no crime, but with the express provision that he would not plead guilty to embezzlement. To make matters worse, the administration went so far as to leak, in violation of its own regulations, a confidential letter in which Mr. Dale's attorney discussed the notion of a plea agreement—something that goes on in almost every criminal case where there is a chance of resolving a case by settlement.

That is what was involved here in that matter.

Mr. Dale's attorney, on behalf of his client, offered to end the case but expressly stated that Mr. Dale would not admit that he converted or stole funds, the necessary elements for an embezzlement prosecution. Faced with the ruinous legal costs, Mr. Dale's lawyers explored the possibility of a settlement, but not as an admission of guilt. The Department of Justice's leaking of the plea agreement discussion was irresponsible. But, this administration does have a troubling record of failing to respect the privacy of individuals. The President himself unfairly repeated information derived from this unconscionable leak, suggesting that the confidential discussions of a possible plea bargain with the prosecutors in the face of his own administration's outrageous abuse of the FBI should somehow count against Mr. Dale.

Mr. Dale and his colleagues recently found themselves in the news again after trying to put the circumstances of this behind them. It was discovered that Mr. Dale's FBI background file was requested by the White House Personnel Security Office 7 months after he was fired. It now appears that the Travel Office Seven were not only fired unjustifiably but in some cases their personal background file summaries were inappropriately requested and possibly reviewed. Some think the whole 900 files that were improperly requested—and possibly reviewed; many of which were reviewed—was as a result of trying to get Billy Dale.

So the invasion of privacy that these individuals have had to endure continued, and to have to put up with these arguments here today, again I say it is unseemly.

What makes President Clinton's opposition to the reimbursement to Mr. Dale all the more astonishing is the fact that no less than 23 White House employees have requested Federal reimbursement of counsel fees in connection with congressional or independent counsel investigations into the White House Travel Office, or Whitewater. Among those who have requested reimbursement are Thomas (Mack) McLarty, George Stephanopoulos, John Podesta, Ricki Seidman, and Bruce Lindsay —just to mention a few of the 23.

A number of these requests have been approved by the Clinton Justice Department. For instance, Mr. Podesta. I am glad they did in the case of Mr. Podesta. And the Department has said, "We are continuing to process requests and anticipate acting on some of them in the near future."

I ask unanimous consent that a letter to me from the Department of Justice dated September 6, and a memorandum from the Department of Justice to Lisa Kaufman, Senior Investigative Counsel of the Senate Judiciary Committee, dated September 5, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 6, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: This supplements our prior informal responses to your letter, dated August 21, 1996, which requested documents and information about recent assertions of executive privilege and requests for reimbursement of private counsel fees arising from certain congressional and Independent Counsel inquiries. We have already provided on an expedited basis the principal documents that are responsive to the first two items of your request. This letter provides further information regarding those two items, as well as information and documents regarding the remaining items. We hope that what we are providing today will be sufficient to complete our response to your request, but we would be pleased to work with Committee staff if you desire additional documents or information.

The first two items of your request seek documents and information concerning the President's two assertions of executive privilege in May 1996 in response to a subpoena issued to the White House by the House Committee on Government Reform and Oversight. This past Friday, August 30, 1996, we provided your staff copies of the submissions to the House Committee on May 9 and May 30, 1996, informing the Committee of the President's privilege assertions. The submissions include the Attorney General's two letter opinions to the President, dated May 8 and May 23, 1996, setting forth the legal basis for the assertions. These documents should provide you with a good understanding of the purpose and scope of the privilege assertions.

The first of the President's assertions of executive privilege, on May 8th, was a protective assertion of privilege over the entire group of confidential White House Counsel's Office documents being sought by House Committee at that time, to be effective only for such time as was necessary for the review and consultations required to determine whether to make a conclusive claim of privilege for particular documents. The Attorney General's May 8th letter to the President summarizes the circumstances necessitating the protective assertion:

"The subpoena covers a large volume of confidential White House Counsel's Office documents. The Counsel to the President notified the Chairman of the Committee today that he was invoking the procedures of the standing directive governing consideration of whether to assert executive privilege, President Reagan's memorandum of November 4, 1982, and that he specifically requested, pursuant to paragraph 5 of that directive, that the Committee hold its subpoena in abeyance pending a final Presidential decision on the matter. This request was necessitated by the deadline imposed by the Chairman, the volume of documents that must be specifically and individually reviewed for possible assertion of privilege, and the need under the directive to consult with the Attorney General, on the basis of that review, before presenting the matter to the President for a final determination. The Chairman rejected the request and indicated that he intends to proceed with a Committee vote on the contempt citation tomorrow.[1]

The Attorney General's letter went on to advise the President as follows:

"Based on these circumstances, it is my legal judgment that executive privilege may properly be asserted with respect to the entire set of White House Counsel's Office documents currently being withheld from the Committee, pending a final Presidential decision on the matter. This would be a protective assertion of executive privilege designed to ensure your ability to make a final decision, after consultation with the Attorney General, as to which specific documents are deserving of a conclusive claim of executive privilege."

The Counsel to the President's letter to the Committee Chairman the following day, May 9th, informed the Committee of the President's assertion of executive privilege:

"Consistent with [the Attorney General's letter opinion], the President has directed me to inform you that he invokes executive privilege, as a protective matter, with respect to all documents in the categories identified [previously in the letter], until such time as the President, after consultation with the Attorney General, makes a final decision as to which specific documents require a claim of executive privilege. * * *

"I hereby request that your Committee hold its request in abeyance until such time as a Presidential decision as to executive privilege has been made with respect to specific, individual documents."

The review and consultation process implemented after the May 8th protective assertion of privilege was as follows: The White House Counsel's Office conducted a specific review of all withheld documents and made an initial determination as to which particular documents should be considered further for inclusion in a conclusive assertion of privilege. Then, only the documents that the Counsel's Office had determined as a preliminary matter should be considered further for the conclusive assertion were presented to the Department for the required consultation with the Attorney General.

After this process was completed, the President made a conclusive assertion of privilege with respect to particular documents. The Counsel to the President's May 30th letter informed the Committee of the President's assertion of privilege with respect to the specified documents and also produced to the Committee the remaining documents that had been subject to the May 8th protective assertion of privilege. The Counsel's May 30th letter also enclosed the Attorney General's May 23rd letter to the President setting forth her opinion that executive privilege could properly be asserted with respect to the specified documents. Although the entirety of the letters from the Counsel to the President and the Attorney General should be reviewed in order to understand the rationale for the conclusive assertion of privilege, the essential separation of powers and confidentiality concerns underlying the claim are summarized in the following passage from the Attorney General's letter to the President:

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[1] The background for the protective assertion of privilege is described in letters from the White House to the House Committee. The subpoena issued by the House Committee in January of this year sought a large number of confidential documents held by the White House Counsel's Office. These included confidential deliberative, attorney-client and attorney work-product materials prepared by the Counsel's Office in response to ongoing congressional and independent counsel investigations, as well as other confidential materials such as the personnel files of individual employees. In February, the Counsel to the President met with the Committee Chairman seeking to negotiate an accommodation. We understand that the Counsel to the President offered the Committee at that time the opportunity to review all of the personnel files (which included Mr. Dale's file), but raised objections to making available certain deliberative, attorney-client and attorney work product materials and made an accommodation proposal with respect to these materials. The Committee Chairman agreed to consider the proposals and respond, but no response was received until May 2nd, when the Committee indicated it would vote on May 9th on whether to hold the Counsel to the President in contempt of Congress, unless all withheld documents were turned over beforehand. This one-week notice provided the White House Counsel's Office insufficient time to review all of the materials and consider, together with the Attorney General, whether assertion of executive privilege with respect to particular documents was warranted.

"The Counsel to the President is appropriately concerned that the Committee's demand raises significant separation of powers concerns and that compliance with it beyond the accommodations already reached with the Committee would compromise the ability of his Office to advise and assist the President in connection with the pending Committee and Independent Counsel investigations. It would also have a chilling effect on the Office's discharge of its responsibilities in future congressional investigations, and in all of its other areas of responsibility. I agree that the ability of the White House Counsel's Office to serve the President would be significantly impaired if the confidentiality of its communications and work-product is not protected, especially where the confidential documents are prepared in order to assist the President and his staff in responding to an investigation by the entity seeking the documents. Impairing the ability of the Counsel's Office to perform its important functions for the President would in turn impair the ability of you and future Presidents to carry out your constitutional responsibilities.

"The Supreme Court has expressly (and unanimously) recognized that the Constitution gives the President the power to protect the confidentiality of White House communications. This power is rooted in the "need for protection of communications between high Government officials and those who advise and assist them in the performance of their manifold duties." *United States v. Nixon*. 418 U.S. 683, 705 (1974). "A President and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions and to do so in a way many would be unwilling to express except privately." *Id.* at 708. Executive privilege applies to these White House Counsel's Office documents because of their deliberative nature, and because they fall within the scope of the attorney-client privilege and the work-product doctrine, *see Upjohn Co. V. United States*, 449 U.S. 383 (1981); *Hichman v. Taylor*, 329 U.S. 495 (1947). Both the attorney-client privileges and the work-product doctrine are subsumed under executive privilege." *See Response to Congressional Requests for Information Regarding Decisions made Under the Independent Counsel Act*, 10 Op. O.L.C. 68, 78 & n.17 (1986); *Confidentiality of the Attorney General's Communications in Counseling the President*, 6 Op. O.L.C. 481, 490 & n.17, 494 & n.24 (1982).

As for the particular focus of your inquiry, the White House Counsel's Office determined during the initial stage of the review process following the protective assertion of privilege to exclude from further consideration for the conclusive assertion of privilege the set of personnel records it had earlier called to the Committee's attention (see note 1, supra). It is our understanding that Mr. Dale's personnel file, including FBI-related material, was among these personnel records. Because of this determination by the Counsel's Office, the personnel records were not presented to the Department for review and they were among the documents the White House produced to the House Committee on May 30th. Thus, there was never an occasion for the Department to be consulted concerning the possibility of an assertion of executive privilege with respect to FBI-related material contained in Mr. Dale's personnel file. Accordingly, we have no documents responsive to your request for "documents discussing or analyzing whether executive privilege could be asserted with respect to" such material.

On Thursday, September 5, 1996, we provided information and three documents responsive to the third and fourth items of your request. A copy of our memorandum to Committee staff is enclosed along with an additional copy of the accompanying documents. In summary, the following FBI employees have requested representation with regard to the White House Travel Office matter: James Bourke, David Bowie, John Collingwood, Patrick Foran, Richard Hildreth, Barbara King, Peggy Larson, Sharon MacGargle, Patrick Maloy, Larry Potts, Thomas Renaghan, Therese Rodrique, Gregory Schwarz, Dennis Sculimbrene, Cecilia Woods. The requests of Bourke, Bowie, Collingwood, Foran, Larson, MacGargle, Potts, Renaghan, Schwarz, Sculimbrene, and Woods have been approved. The remaining requests have been held in abeyance because we have been advised that no congressional depositions are anticipated at this time. Enclosed are FBI records regarding these requests.

In addition, Sherry Carner and Janice George initially requested reimbursement for private counsel fees; however, the House Committee ultimately allowed them to be accompanied by FBI counsel, so their requests were withdrawn.

We have completed consultation with the White House and the Independent Counsel in accordance with established executive branch consultation practices and, hence, we are providing the following additional information regarding the fourth and fifth items of your request: The following White House employees requested reimbursement of counsel fees in connection with congressional or Independent Counsel investigations about the White House Travel Office or Whitewater: Mary Beck, Lisa Caputo, Nelson Cunningham, Jonathan Denbo, Neil Doering, Charles Easley, Dwight Holden, Carolyn Huber, Ed Hughes, Bruce Lindsay, Kelli McClure, Thomas McLarty, Douglas Matties, DeeDee Myers, Beth Nolan, Bruce Overton, John Podesta, Ashley Raines, Ricki Seidman, Clifford Sloan, George Stephanopoulos, Kathleen Whalen, Jonathan Yarowsky. The requests of Beck, Holden, Podesta, and Yarowsky have been approved. The remainder are pending, but we are continuing to process requests and anticipate acting on some of them in the near future.

With regard to the fifth item of your request, the Department of Justice has paid no fees to date in connection with these matters. The Department has agreed to pay private counsel fees as indicated in our September 5th memorandum to Committee staff in accordance with the enclosed sample retention agreement.

I hope that this information is helpful. Please do not hesitate to contact me if we can provide additional assistance regarding this or any other matter.

Sincerely,

Andrew Fois,
Assistant Attorney General.

U.S. Department of Justice,
Office of Legislative Affairs,
Washington, DC, September 5, 1996.

To: Lisa Kaufman, Senior Investigative Counsel, Senate Judiciary Committee; Karen Robb, Minority Staff Director, Senate Judiciary Committee.

From: Faith Burton, Special Counsel, Office of Legislative Affairs.

Re: Chairman Hatch's Letter of August 21, 1996.

This is to provide information on an expedited basis in response to Lisa's request in connection with Chairman Hatch's August 21, 1996, letter regarding requests for government reimbursement of private counsel. This information, and three enclosed documents, respond to the third and fourth items of the letter.

The following FBI employees have requested representation with regard to congressional inquiries regarding the White House Travel Office matter: James Bourke, David Bowie, John Collingwood, Patrick Foran, Richard Hildreth, Barbara King, Peggy Larson, Sharon MacGargle, Patrick Maloy, Larry Potts, Thomas Renaghan, Therese Rodrique, Gregory Schwarz, Dennis Sculimbrene, Cecilia Woods. The requests of Bourke, Bowie, Collingwood, Foran, Larson, MacGargle, Potts, Renaghan, Schwarz, Sculimbrene, and Woods have been approved. The remaining requests have been held in abeyance because we have been advised that no congressional depositions are anticipated at this time.

In addition, Sherry Carner and Janice George initially requested reimbursement for private counsel fees; however, the House Committee ultimately allowed them to be accompanied by FBI counsel, so their requests were withdrawn.

Please contact me at 514–1653 if you have any questions about this information. We are working on a more complete response to the Chairman's letter and will get it to you as soon as possible.

Conditions of Private Counsel Retention by the Department of Justice for Representation of Current and Former Federal Employees

The following items and conditions shall apply to the retention of a private attorney's legal services by the Department of Justice to represent current and former federal employees in civil, congressional, or criminal proceedings.

NATURE OF RETENTION

Subject to the availability of funds, the Department of Justice agrees to pay an attorney, or other members of his or her firm, for those legal services reasonably necessitated by the defense of a current or former federal employee (hereinafter "client") in civil, congressional, or criminal proceedings.

The Department will not honor bills for services that the Department determines were not directly related to the defense of issues presented by such matters. Examples of services for which the Department will not pay include, but are not limited to:

a. administrative claims, civil actions, or any indemnification proceedings against the United States on behalf of the client for any adverse monetary judgment, whether before or after the entry of such an adverse judgment;

b. cross claims against do-defendants or counterclaims against plaintiff, unless the Department of Justice determines in advance of its filing that a counterclaim is essential to the defense of the employee and the employee agrees that any recovery on the counterclaim will be paid to the United States as a reimbursement for the costs of the defense of the employee;

c. requests made under the Freedom of Information or Privacy Acts or civil suits against the United States under the Freedom of Information or Privacy Acts, or on any other basis, to secure documents for use in the defense of the client;

d. any legal work that advances only the individual interests of the employee; and

e. certain administrative expenses noted in paragraph number 4 below.

The retained attorney is free to undertake such actions as set for the above, but must negotiate any charges with the client and may not pass those charges on to the Department of Justice.

The above list is not exhaustive. The Department of Justice will not reimburse services deemed reasonably necessary to the defense of an employee if they are not in the interests of the United States.

To avoid confusion over whether the retained attorney may bill the Department for a particular service under this retention agreement, the retained attorney should consult the Justice Department attorney assigned to the case, mentioned in the accompanying letter before undertaking the service.

BILLABLE HOURS

The Department of Justice agrees to pay the retained attorney for any amount of time not exceeding 120 billable hours per month for services performed in the defense of the client. The retained attorney may use the services of any number of attorneys, paralegals, or legal assistants in his or her firm so long as the aggregate number of billable hours in any given month does not exceed 120 hours. The client is free, however, to retain the attorney, or members of the firm, to perform work in excess of 120 hours per month so long as the firm does not bill the excess charge to the Department of Justice.

The Department will consider paying for services in excess of 120 hours in any given month if the press of litigation (e.g., trial preparation) clearly necessitates the expenditure of more time. The retained attorney must make requests for additional compensation to the Department in writing in advance of such expenditures.

LEGAL FEES

The Department agrees to pay the retained attorney up to $99.00 per lawyer hour, plus expenses as described in paragraph 4 below. The charge for any services should not exceed the retained attorney's ordinary and customary charge for such services. This fee is based on the consideration that the retained attorney has been practicing law in excess of 5 years.

In the event the retained attorney uses the services of other lawyers in his or her firm, or the services of a paralegal or legal assistant, the Department agrees to pay the following fees.

a. Lawyer with more than 5 years practicing experience: $99.00 per lawyer hour

b. Lawyer with 3—5 years of practicing experience: $79.00 per lawyer hour

c. Lawyer with 0—3 years of practicing experience: $66.00 per lawyer hour

d. Paralegal or legal assistant: $39.00 per hour.

The Department of Justice periodically reviews the hourly rates paid to attorneys retained to defend federal employees under 28 C.F.R. §50.16. If, during the period of this agreement, the Department revises the schedule of hourly rates payable in such cases, the Department will pay revised rates for services rendered after the effective date of the revision in rates.

EXPENSES

While the Department will pay normal overhead expenses actually incurred (e.g., postage, telephone tolls, travel, transcripts), the retained attorney must itemize these charges. The Department will not accept for payment a bill that shows only a standard fee or percentage as "overhead". The retained attorney must describe, justify, and clear IN ADVANCE unusual or exceptionally high expenses.

In addition, the retained attorney must describe, justify, and clear in advance any consultations with or retention of experts or expert witnesses.

The retained attorney must secure advance approval to use computer-assisted research that involves charges in excess of $250.00 in a given month.

The retained attorney must separately justify and obtain advance approval for services such as printing, graphic reproduction, or preparation of demonstrative evidence or explanatory exhibits.

The retained attorney must itemize and justify in-house copying costs exceeding $125.00 in a given month. The Department will pay the per page copying cost at the government rate set forth at 28 C.F.R. §16.10(2).

The retained attorney must itemize and justify facsimile transmission costs exceeding $150.00 in a given month.

The Department will pay expenses such as secretarial overtime or the purchase of books only in exceptional situations. The retained attorney must obtain advance approval for such expenditures.

Travel expenses may not include first class service or deluxe accommodations. The retained attorney may not bill time spent in travel unless it is used to accomplish tasks related to the litigation. The retained attorney must specifically identify such tasks.

The Department will not pay for meal charges not related to out-of-town travel.

The Department will not provide compensation for client or other entertainment.

The Department will not pay expenses for meals incidental to overtime.

The Department will not pay for expenses that can normally be absorbed as clerical overhead, such as time spent in preparing legal bills and filing papers with the Court. The retained attorney must separately list and justify messenger services.

The retained attorney must enumerate the expenses incurred for hiring local counsel by rate, hour, and kind of service. These hours must fall within the 120-hour monthly maximum. The hourly rates paid to local counsel may not exceed the rates listed in paragraph 3 above.

FORMAT OF BILLS

The retained attorney must submit bills on a monthly basis, stating the date of each service performed; the name of the attorney or legal assistant performing the service; a description of the service; and the time in tenths, sixths, or quarters of an hour, required to perform the service. Because of the limitation on reimbursable hours, a bill must include all services rendered in a given month. The Department will not consider subsequent bills for services rendered in a month for which it has already received a bill.

In describing the nature of the service performed, the itemization must reflect each litigation activity for which reimbursement is claimed.

The retained attorney must attach copies of airline tickets, hotel bills, and bills for deposition and hearing transcripts to the billing statement.

The retained attorney must itemize local mileage costs (e.g., purpose of travel and number of miles). The Department will pay the standard government cost per mile rate for the use of privately owned vehicles.

Before the Department of Justice will pay a bill, Department attorneys with substantive knowledge of the litigation will review it. If the retained attorney believes that the detail of the legal bill would compromise litigation tactics if disclosed to Department attorneys assigned to the case, the retained attorney should list those particular billing items on a separate sheet of paper with an indication of the specific concern. Department attorneys uninvolved with this case will independently review the separated, sensitive portion of the bill solely to determine if payment is appropriate under applicable standards.

The individuals reviewing the bills will not discuss these items with the Department of Justice attorneys having responsibility for the case, nor will those responsible attorneys review the items in question.

After Department attorneys complete the review of a bill, the Department will notify the billing counsel if the Department deems any item or items nonreimbursable or if any item or items require further explanation. When further information or explanation is needed, the Department will hold the entire bill until the retained attorney responds. Only after the Department receives and reviews the response will the Department certify the bill in whole or in part for payment. For that reason, the retained attorney must respond promptly.

Should the Department determine that any items are not reimbursable under this agreement, the billing counsel may request further review of the Department's determination. The retained attorney shall make such a written request to the appropriate Branch director at the address indicated in the forwarding letter. The billing counsel must submit such requests for further review within 30 days, unless additional time is specifically requested and approved. Thereafter, the Department will not reconsider its determination.

BILLING ADDRESS

The retained attorney should submit all bills to:

Director, Office of Planning, Budget and Evaluation, Civil Division, United States Department of Justice, Washington, D.C. 20530, Attn: Room 7038 Todd Building.

PROMPT PAYMENT

The Prompt Payment Act is applicable to payments under this agreement and requires the payment of interest on overdue payments. Determinations of interest due will be made in accordance with provisions of the Prompt Payment Act and Office of Management and Budget Circular A-125.

GAO REVIEW

Periodically, the Department of Justice may ask the retained attorney to submit copies of the time sheets to the General Accounting Office (GAO) for purposes of auditing the accuracy of corresponding monthly bills, copies of which the Department will forward directly to GAO.

TERMINATION

The Department of Justice reserves the right to terminate its retention agreement with the retained attorney at any time for reasons set forth in 28 C.F.R. §50.16.

ACCEPTANCE

I agree that my retention by the Department of Justice to represent John Yarowsky in connection with the House Committee on Government Reform and Oversight's Investigation of the White House Travel Office matter will be in accordance with the applicable statutes, regulations, and the foregoing terms and conditions. This written instrument, together with the applicable statutes and regulations, represents the entire agreement between the Department of Justice and the undersigned, any past or future oral agreements notwithstanding.

Mr. HATCH. Mr. President, here we have the Clinton administration quietly approving reimbursement of legal expenses for its people at a time when President Clinton opposes giving Mr. Dale a "special preference." That was said by the President in his Rose Garden conference of August 1, 1996. It was hypocritically said by the President under these circumstances.

The reimbursement of the legal fees of Billy Dale, and other hard-working, honest civil servants wrongly fired from the White House Travel Office, will right the wrong of an overreaching executive branch. You would think they would want to get this mess behind them. But, no. They come here and besmirch representatives of the other side. These people have been through hell enough. It is unseemly.

This provision is also an attempt, I might add, to make the Travel Office Seven whole at least financially by providing for their attorney's fees. My colleagues on the other side are willing to let the others get reimbursed their attorney's fees because they do not amount to much. They are also, I am sure, in support of reimbursing the 23 White House employees their attorney's fees, but not Mr. Dale.

I believe reimbursing Mr. Dale and all of the Travel Office employees is the least we can do after all that they have been through.

I urge my colleagues on the other side of the aisle not to hold up this measure any longer—no more excuses, no more delays. Let us get this legislation passed today and put an end to it once and for all.

I appreciate the Clinton administration's desire to cover the legal fees of those who have been loyal to the President, and I want to point out that a mechanism exists for the Department of Justice to consider doing so, too. That is OK. Mr. Dale is not so fortunate. He also was loyal to a number of Presidents, including this one. But his reward is to be put through an unseemly, vicious, miserable, costly criminal indictment and trial.

To indict somebody, all you have to show is reasonable suspicion. To convict them, you have to show guilt beyond a reasonable doubt. And that is where the White House, the Justice Department, and the prosecutors failed. And they rightly failed, because Mr. Dale was not guilty.

As I noted, the Clinton White House staff is certainly availing themselves of the current avenues for reimbursement. But for the Clinton administration to oppose the reimbursement of Mr. Dale's legal fees at the same time White House staff are seeking reimbursement through the Department of Justice is transparent. It is inconsistent, to say the least. And I might add it is hypocritical. It is hypocritical. And it is amazing to me that the people at the White House don't have the guts to admit it and just say, "Let us do what is right here."

To me there isn't any question. They can't show any wrongdoing by Billy Dale. To try to besmirch him on the Senate floor in a double-jeopardy type of situation by bringing up what you think is one side of the case facts after a jury of his peers acquitted him, I have to tell you, it is unseemly. Moreover, anybody would consider a guilty plea to something that does not amount to very much if they could get a load of hundreds of thousands of dollars of additional legal fees off their backs. Anybody would do that. To suggest otherwise is just not right. Time after time, I have seen defendants consider plea agreements in unjust prosecutions, and this was one of them.

This provision provides for payment of the legal expenses incurred by Billy Dale, Barney Brasseaux, John Dreylinger, Ralph Maughan, John McSweeney, and Gary Wright incurred after being terminated in May 1993, amid false allegations made by President Clinton's political cronies.

Although Mr. Dale suffered the greatest financial loss, half a million dollars, the remaining six employees collectively incurred about $200,000 in their own defense. The appropriations bill for the Department of Transportation for fiscal 1994 provided approximately $150,000 in reimbursement of legal fees. This provision would provide the balance.

This provision would not provide for compensation of all expenses associated with the investigation into the Travel Office matter, such as legal costs incurred in preparation for appearing before Congress. But it would provide for attorneys' fees and costs that resulted from these seven men defending themselves against criminal charges.

The Travel Office employees will have 120 days after this legislation is enacted to submit verification of valid legal expenses.

Reimbursement is limited up to $500,000, and does not include fees associated with appearances before or in preparation of congressional investigations or hearings.

After the former Travel Office employees were fired due to charges of financial irregularities by political profiteers, they were investigated by the Federal Bureau of Investigation, the Department of Justice, and the Internal Revenue Service. Mr. Dale was subsequently indicted and tried as a result of the investigation and after incurring a tremendous legal debt for his defense, Mr. Dale was acquitted on all charges. The other Travel Office employees also incurred legal expenses for their own defenses.

None of these former Travel Office employees held high-level positions in the administration. Many of them had worked for both Democratic and Republican Presidents. Were it not for their positions as employees of the Federal Government, and because they found themselves in the unfortunate position of having jobs coveted by friends of the Clintons, they would not have been subject to a Federal criminal investigation.

The legal fees placed on these middle-class public servants have been astronomical. The monetary damage they sustained is quantifiable. This provision will not cover the emotional damage of this abuse of power by the Clinton administration. Nor will it return to these faithful Government employees their reputations or faith in the Government they had served. It merely covers the attorneys' fees and costs associated with the criminal investigation.

According to Attorney General Reno, the White House has the authority to seek representation from the Department of Justice for Government employees who have been called to testify regarding matters within the scope of their employment. Customarily, representation of these employees is handled by attorneys for the agency for which the employee works. There are instances however, in which it would be inappropriate for agency attorneys to represent employees of the agency. In these cases, the Department of Justice has authority to provide reimbursement for the fees associated with retaining private counsel. With respect to the Travel Office and FBI files and Whitewater investigations, 23 White House employees have requested reimbursement for the legal fees of their private attorneys.

Should a White House employee want to receive reimbursement for their legal fees for their cooperation in providing testimony, there is a relatively simple procedure they must follow. First, all bills for legal fees for private counsel must be submitted to the White House Counsel's Office. This information is then forwarded to the Civil Division of the Justice Department with a written recommendation as to the merit of the request. The Department will then, either approve or deny the request consistent with their own guidelines. That is the extent of it.

As I stated previously, 23 White House employees have requested Federal reimbursement of counsel fees in connection with congressional or independent counsel investigations into the White House Travel Office or Whitewater. A number of these requests have been approved by the Clinton Justice Department, and the Department has said: "we are continuing to process requests and anticipate acting on some of them in the near future."

Today, I am not addressing whether the reimbursement of legal fees for individuals appearing before Congress is appropriate or not. In fact, if the law permits it, I have no objection to employees of the White House seeking reimbursement. My point in raising the issue at all is to expose the hypocrisy of the Clinton administration. The Clinton White House victimized Billy Dale and his colleagues which lead to the political prosecution of Mr. Dale leaving him with $500,000 in legal fees. Even the White House has admitted it improperly handled the White House Travel Office matter. In fact, a document produced to the Senate Judiciary Committee from the White House, which appears to be talking points for a meeting with the House Democratic Caucus, states the following, "You all may dimly remember the Travel Office affair: in which a number of White House staff—many immature and self-promoting—took impulsive and foolhardy actions to root out problems at the beginning of the Clinton administration and to then gallantly recommend that they take over its operation." Now, the White House has the chutspah to authorize the payment of fees to its people and not to Billy Dale. I find this astonishing.

In a press conference on November 16, 1995, months after the Travel Office employees had been fired, President Clinton told the American public that he regretted the hardship that Mr. Dale and his colleagues had endured because of their abrupt firings. He also said that it appeared the White House did not handle the Travel Office dismissals appropriately. This was, in my opinion, a genuine attempt by the President to take responsibility for what happened to these loyal Government employees.

Then on January 30, 1996, White House spokesman Mr. McCurry stated, "Yes, and he would sign it", referring to Mr. Clinton's intent to sign this measure. Again, just prior to the recent press conference in the Rose Garden on August 1, 1996, White House Press Secretary, Mr. Toiv, reaffirmed that President Clinton would sign legislation to reimburse the former Travel Office employees. He stated, and I quote, "I would just repeat that when the bill arrives on the President's desk, he would sign it."

Despite the administration's previous position, the President said at the August 1, 1996, press conference in response to a question regarding whether he would keep his word and sign this bill, "I didn't—I never gave my word on that". He then stated that an error had been made by his spokesman, "I have made it clear to Mr. McCurry what my position is on this. And if an error was made by my spokesman, I'm sorry, but I have not broken my word to anybody."

After President Clinton's apparent U-turn on this issue, in an interview with CNN on August 26, 1996, President Clinton took the extraordinary step to state that individuals serving in his administration have been ruined by pure, naked, raw politics". He then went on to say that he would pursue every avenue, including raising money himself, to pay for the legal expenses of his aides. He then continued to say in reference to his aides, "Do I feel terrible about the completely innocent middle-class people who have been wrecked financially by this? I certainly do. But I didn't abuse them. And it's high time that the people who abuse have to take responsibility for what they do".

I must admit that I am disappointed and shocked by the steps that this administration has taken to smear the Travel Office employees. The President's recent comments are in direct contradiction to his previous statements expressing concern for the former Travel Office employees. He is willing to assist his aides, and criticize the Congress for pursuing an investigation into wrongdoing by his administration, but will not accept responsibility for the wrongful treatment of Billy Dale? Give me a break.

In the embarrassment of having lost a case so blatantly politically motivated, individuals within the Department of Justice chose to leak a document revealing that Mr. Dale considered accepting a plea bargain. Notably, as the Justice Department is fully aware, and is articulated in their own regulations, information regarding plea negotiations is confidential, not for public dissemination. I can only sympathize with Mr. Dale, who after years of constant invasion of his and his family's privacy, and incurring enormous expenses, considered a settlement in the hopes of ending this nightmare. Some of my colleagues have suggested that Mr. Dale admitted his culpability by considering a plea agreement. So too, has President Clinton, a former State attorney general and law professor. Now, we have a "Dear Colleague" letter distributed yesterday which also disseminates this confidential information. The facts are, however, that Mr. Dale never agreed to admit to committing the essential elements necessary for an embezzlement prosecution. He simply agreed to settle the case without an admission of guilt. Any suggestion that such a strategic tactic equates to an admission of guilt is outrageous and is yet just a further attempt to smear Mr. Dale's reputation.

Department of Justice guidelines specifically state that information which "tends to create dangers of prejudice without serving a significant law enforcement function," should not be released to the public. The disclosure of a plea agreement clearly fits within this definition. It is troubling to me that the Department of Justice, The President, and some of my colleagues in the Senate continue to ignore this.

Whitewater is the investigation of the possibility of the Clintons using their political positions for personal gain in a virtually risk-free investment, and then, engaging in damage control activities. There has been no credible allegation that the Government somehow abused the Whitewater participants. By contrast, the Travelgate investigation is a case of sheer and utter abuse by the executive branch. By politicizing the Department of Justice and the FBI, the administration literally ruined the livelihood and reputation of seven hard-working civil servants.

I believe a distinction should be made between reimbursement of fees for appearances before Congress and those involving the misuse of the judicial system for purely political purposes. This provision does not allow payment of legal fees in connection with any appearance before Congress. Accordingly, within the parameters of the provision, Whitewater witnesses could not be reimbursed. Appearing before Congress simply would not be covered by this provision.

Unlike Travelgate, however, the Whitewater matter has not been completed. Many questions have been left unanswered in the Whitewater investigation and an Independent Counsel is still trying to determine whether or not there have been any criminal violations. Any perpetrators of a coverup must be brought to justice. Let us not forget it was just this past January when Rose law firm billing records mysteriously surfaced within the residence of the White House. Individuals with access to this area of the White House must be questioned to find the truth. The American people deserve no less.

Unlike the witnesses in the Whitewater hearings, these former employees of the White House Travel Office were targeted by the Office of the President. They were victims of an administration that politicized the Department of Justice and the FBI. In contrast, the Whitewater witnesses have not been subjected to such persecution, and were questioned in the hope of shedding light on the details of the Clinton's investment. These witnesses certainly had information pertinent to the investigation, but they were not the target of the investigation. The individuals in the Travel Office matter were victimized not because they happened to come into contact with an investigation as many ordinary citizens could and is clearly the case with the Whitewater witnesses, but because they held positions in the Government that allowed them to become the subject of an investigative probe. I think this provision affirms that it is appropriate to compensate these people who have been put to such expense under these special circumstances.

Moreover, the victims in the Travelgate matter are clear and identifiable. Mr. Dale and the six other former employees of the White House Travel Office had their reputations marred by the Clinton administration. They endured investigations by the FBI, the IRS, the Department of Justice, as well as that of Peat Marwick. Their families were placed under the strain of having been investigated for 2½ years, all without a single proven instance of wrong-doing on the part of the Travel Office employees.

Mr. President, those on the other side have indicated that this bill which reimburses Billy Dale is unprecedented. I would like to point out that the House passed this bill with overwhelming bipartisan support, and, despite the bipartisan support of the House, some of my colleagues on the other side of the aisle in this Chamber oppose this provision stating it sets a bad precedent.

Let me just quickly quote Congressman BARNEY FRANK, a well-respected Democrat, a memorandum of the Judiciary Committee over there, a person with whom I work on the Judiciary Committee in the Senate as well about this very issue. He said, "This neither sets a precedent nor precludes someone. Any new case will be judged on the same merits."

I agree with Congressman FRANK. After all, Congress is not bound by the actions of another Congress.

I might also add that in the Transportation appropriations bill for fiscal year 1995, five of the Travel Office Seven had some of their legal expenses reimbursed. Since receiving reimbursement for their legal expenses at that time, these individuals have incurred more legal debt. Not included in the fiscal year 1995 Transportation appropriations bill were the legal expenses of Billy Dale. The provisions of this bill allow reimbursement for these additional fees, and for Mr. Dale.

When the Transportation appropriations bill was passed, no one made a fuss. These individuals were reimbursed, as they deserved to be. Billy Dale deserves the same treatment. After all, he was sacked just like all the others, sacked unjustly.

I have heard arguments that if we are to reimburse Billy Dale even after being indicted, the floodgates would be opened, and we would be obligated to reimburse anyone who was investigated by the Federal Government and found innocent of all charges.

I do not believe that is the case, nor do I believe that this White House or any White House in the future is going to do the outrageous smearing that occurred in this case. This is a unique case that involved the executive branch at the highest level doing this to decent, honorable, honest people who have been vindicated by the courts of law.

As we are all aware, Congress can decide the merits of all claims on a case-by-case basis. By passing this provision, we are not setting a precedent as is done in a court of law. We are simply passing a judgment based on the circumstances of this case that the firing of the Travel Office Seven was unjust and the manner by which they were investigated was inappropriate and unwarranted.

The Administration erred in the way they dealt with the Travel Office situation. By reimbursing the legal expenses of Billy Dale and his colleagues, Congress would be taking a step to correct the administration's error in judgment.

Now, reimbursing legal expenses is not wholly unprecedented, I might add. Although the circumstances are somewhat different, Hamilton Jordan is an example of someone who, in my opinion, was unfairly investigated after being accused of cocaine use. After an independent counsel was appointed and all the evidence gathered, Mr. Jordan was cleared of all charges. Congress then decided to reimburse Mr. Jordan's legal fees because the charges lodged against him were found to be baseless.

Because unjust situations sometimes arise, the independent counsel statutes have provisions designed to rectify these grievances. Why can't my colleagues treat this matter as decently as those of us who were then in the Senate treated Hamilton Jordan? Why is it we have to go through this? Would it not be in the best interests of the President to put this behind us?

The White House was able to bring the power of Federal law enforcement to bear on the Travel Office employees, and the facts show that they did it improperly for purposes of greed.

In response to the claim that such a payment is unprecedented, I say that the circumstances by which Billy Dale and the others were fired is unprecedented, and it should be treated as such. We are not talking about some low-level bureaucrat in the halls of the bureaucracies of this city. We are talking about right in the halls of the upper levels of the White House itself where this injustice was perpetrated. The circumstances by which Mr. Billy Dale and the others were prosecuted and were investigated and charged and targeted, and prosecuted in Dale's case, were unprecedented.

This is a meritorious case for reimbursement. It is as meritorious as any I have ever seen. What was done to these people never should have occurred in this manner. House Republicans and House Democrats recognize this fact. There was not an attempt to indict him all over, convict him again after a jury acquitted him, or go through the facts in a further attempt to smear Mr. Dale. The fact is, the media knew he was honest, and everybody else knew he was honest, and, above all, a jury of his peers found him to be honest. What was done to these people should not have been done.

We had bipartisan passage in the House—we ought to have that here. I think everyone in this body recognizes that fact. If we in Congress are to reimburse legal fees on a case-by-case basis when the case merits it, as this one does, then it is the right thing to do, and I have never, never seen a case more worthy than this one that could come before the Senate. I can tell some other injustices that were certainly terrible that should be straightened out, too, but nothing like this.

It has also been suggested by my colleagues on the other side of the aisle that H.R. 2937 is a private relief bill, and typically these bills are referred to the Court of Claims for factfinding. First, I would like to point out that H.R. 2937 is not a private relief bill. This bill was passed through the House on the Suspension Calendar, which handles public bills. There is a separate calendar that deals with private relief bills. The CONGRESSIONAL RECORD reflects the fact that H.R. 2937 was on a public bill calendar, and there was a rollcall vote when it finally passed earlier this year.

Second, a private relief bill must name all those making a claim. H.R. 2937 does not name the former Travel Office employees specifically. Even if H.R. 2937 was a private relief bill, however, congressional referrals are typically made to the Court of Claims only if the facts of the claim are complicated and unclear.

In this case, numerous reports as well as 2 years' worth of investigations and House hearings have exposed the facts in this case. The facts are very clear, and there is very little dispute to what occurred. Additionally, the only other reason to refer the matter to the Claims Court would be if there was a dispute as to the amount of money that is being claimed.

Once again, Mr. Dale and his former colleagues submitted their bills to the House Judiciary Committee, and those amounts were included in the House bill. There is no dispute about the bills that have been submitted. In short, there is no reason why my colleagues should want to remove this language from the Treasury-Postal bill on the basis that the facts are unclear. We in this body and the administration know what the facts are and we know where the blame lies.

Mr. President, I hope our colleagues will vote to support the Hatch amendment and will vote to turn down this attempt to throw this matter into the Court of Claims. There is nothing in dispute here. I think everybody who is fair will acknowledge that.

Might I ask, how much of my time remains?

The PRESIDING OFFICER. The Senator has 20 minutes and 35 seconds remaining.

Mr. HATCH. I reserve the remainder of my time.

AMENDMENT NO. 5257, AS MODIFIED

Mr. HATCH. Mr. President, if I could, pursuant to the UC, I send a modified amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 5257), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . (a) REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay from amounts appropriated in title I of this Act under the heading, "Departmental Offices, Salaries and Expenses", up to $499,999 to reimburse former employees of the White House Travel office whose employment in that office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(2) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under paragraph (1) upon submission by the individual of documentation verifying the attorney fees and costs.

(3) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this subsection.

(b) LIMITATION ON FILING OF CLAIMS.—The Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of the enactment of this Act.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) REDUCTION.—The amount paid pursuant to this section to an individual for attorney fees and costs described in subsection (a) shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

(c) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—Payment under this section, when accepted by an individual described in subsection (a), shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

SEC. 529. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that——

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

The PRESIDING OFFICER. The majority manager of the bill is recognized.

Mr. SHELBY. Mr. President, the subcommittee has included the $500,000 for the reimbursement of the Travel Office employees terminated by the White House in May 1993. And why? I want to explain that briefly.

Over 3 years later, we are attempting to offset the cost of the tremendous legal fees that these individuals, I believe, were wrongfully forced to assume. The provision here would pay the attorney's fees and costs they incurred with respect to that termination.

Why do we need this legislation? In October 1993, as part of the fiscal year 1994 transportation appropriations bill, the Congress authorized the payment of $150,000 for the legal bills of the five White House Travel Office employees who, after being summarily fired, were placed on administrative leave and later transferred to other Federal agencies. This sum, $150,000, was insufficient to completely cover the legal costs of the five employees and did not address the attorney's fees of the other two fired Travel Office employees because they were still under investigation. Both employees have since been exonerated of any wrongdoing, and I believe they deserve similar reimbursement for the extraordinary and unnecessary legal expenses they were required to incur. Mr. Dale's attorneys' costs alone are close to half a million dollars.

This is a unique case, to say the least. Each claim against the United States should be judged on a case-by-case basis, and it is not the intent of this provision in this bill to set a precedent that in every case the payment of attorney's fees and costs is justified.

What is the justification of the attorney's fees here? I believe the firing of the White House employees, and especially Mr. Dale, was one of the most appalling abuses of power that I have ever seen, because I think it shows what little regard the White House has had for the plight of these loyal, dedicated public servants and their families.

And it was totally unnecessary, which makes it even worse. The White House could have fired the Travel Office without as much as a whimper. And yet, the White House felt compelled to devise a strategy that would blunt the claims of nepotism and political motivation that would certainly follow replacing a nonpartisan, career Travel office with Little Rock business associates, friends and relatives.

Now, after several years of investigation that has sometimes raised issues of constitutional dimension—claims of executive privilege, contempt citations—the facts make clear that:

No. 1, a concerted effort was undertaken in the White House and by close friends and associates of the President and First Lady to take over the Travel Office.

No. 2, it was not sufficient to simply fire the career civil servants serving in the Office, which it was the prerogative of the White House to do. Instead, White House staff colluded to raise false claims of criminal wrongdoing against the Travel Office staff to justify what was purely a political move to benefit friends and associates of the President and First Lady.

No. 3, the White House improperly used the FBI to initiate a criminal investigation against the White House Travel staff based solely on the allegations of the President's cousin, Catherine Cornelius, who admittedly intended to run the White House Travel Office once the career employees were ousted.

No. 4, the White House publicly made allegations of criminal wrongdoing and financial mismanagement before an accounting audit was ever completed on the Travel Office.

No. 5, the seven long-time career employees were never given an opportunity to respond to the allegations or answer the accusations made against them—they were given minutes notice of their termination, and almost immediately escorted off the White House premises by, none other than Craig Livingstone, the head of White House Personnel Security.

No. 6, the GAO found in its May 1994 report that while senior White House officials said the terminations were based on "findings of serious financial management weaknesses, we noted that individuals who had personal and business interests in the Travel Office created the momentum and ultimately led to the examination of the Travel Office operations."

No. 7, the GAO also agreed with the White House's own Management Review of the Travel Office affair that "the public acknowledgment of the criminal investigation had the effect of tarnishing the employees' reputations, and the existence of the criminal investigation caused the employees to retain legal counsel, reportedly at considerable expense."

I am saddened to see that the President went back on his commitment to support reimbursing the Travel Office employees. In January of this year, Mike McCurry, the President's spokesman and Press Secretary made it clear that the President was not only sorry for the treatment of Mr. Dale and his colleagues, but that he would sign a bill to reimburse them for their legal costs.

It appears now that the President intends to make a political statement out of their misfortune. Upset with congressional investigations into Whitewater and the Travelgate matter itself, he now intends to hold these long-time career employees hostage to his political posturing.

It was not enough that they were used as an excuse to give his friends and relatives Government jobs.

It was not enough that these employees were accused of criminal conduct without a shred of evidence, other than the allegations of a 24-year-old relative.

It was not enough that these employees were subject to IRS audits, that their FBI files were improperly requested as late as seven months after they were fired. Recall that it was Craig Livingstone who escorted the Travel Office employees out of the White House in May of 1993. We are now supposed to believe that he was not aware that Billy Dale was not working in the White House when his own office requested Mr. Dale's FBI file 7 months later in December of that year?

It was not enough that Mr. Dale was acquitted after only 2 hours of deliberation by the jury. Two hours. The man was acquitted. And what was the White House response? What was the President's personal lawyer doing on all the morning talk shows? He accused Mr. Dale of accepting a plea bargain. Talk about insult to injury.

This decent, loyal employee is set-up by the White House, and then when he is acquitted in a court of law by a jury of his peers, the President's personal attorney gets on national television and implies that Mr. Dale is a criminal that tried to get off easy.

Why is the White House so intent on destroying Billy Dale?

The White House has every reason to be embarrassed by their actions, every reason to want to avoid talking about Billy Dale—but it is an absolute outrage, that the President of the United States would seek to use this man as a foil for his own political gain. It is wrong. It is unjust. It is unkind, uncharitable, and indecent.

The Senators' amendment, Senators REID and LEVIN, is, therefore, misplaced and I urge my colleagues to vote against it.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. Mr. President, it is my understanding the minority leader wishes to speak at this time. I suggest the absence of a quorum and indicate the time not run that is left for the Senator from Utah and the Senators from Michigan and Nevada. He should be here momentarily.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I am dumbfounded that we are tonight debating whether or not we should, for the first time in history, pay the attorney's fees for an individual who was properly indicted and properly prosecuted. Is the U.S. Congress going to start reimbursing every Federal defendant who is acquitted? If the answer is no, then I must question why are we being asked to do so in this case. There is no argument about reimbursing fees for those who are not indicted. The only argument is about paying the fees for one individual who was, again, properly indicted and properly prosecuted.

Unfortunately, instead of addressing the issues the American people are really concerned about—job security, personal security, retirement security—some of our Republican colleagues have decided to raise this issue in a blatant attempt to score political points in a Presidential election year. They are willing to spend $500,000 of taxpayer dollars in an attempt to embarrass the White House. In this era of tight budgets and competing priorities, we cannot afford to waste that kind of money to pay for Republican attack ads from the Senate floor. There is absolutely no precedent for this legislation to pay Billy Dale's legal expenses.

We have never agreed to pay the legal expenses for anyone who is indicted. The Independent Counsel Act provides for the reimbursement of legal expenses for a person who is not indicted. Billy Dale, however, was indicted and was prosecuted by the Justice Department, not the independent counsel. Moreover, there is absolutely no evidence that Billy Dale was indicted unfairly. Mr. Dale never filed any motions or raised any legal objections to his indictment, and I am unaware of any finding by any court that the indictment was somehow improper or motivated by political purpose. Nor have we held any hearings on the matter. There is no factual basis for violating the Senate precedent and giving half a million dollars to Billy Dale or anyone else.

There are also undisputed facts about this matter that I find somewhat disturbing.

We know that Mr. Dale deposited over 50 Travel Office checks worth approximately $54,000 into his personal account over a 3-year period of time. He never told anyone in the Travel Office or in the Bush or Clinton White Houses about these secret deposits. These deposits only came to light because of a FBI investigation, not because Mr. Dale disclosed this information.

We know that Mr. Dale offered to plead guilty to a felony before the trial. That is fact.

We know that Mr. Dale admitted that it was "a terrible decision on my part."

We know that at the end of the trial, the judge ruled that there was sufficient evidence for a reasonable jury to convict Dale of all charges brought against him.

In the end, the jury acquitted Mr. Dale of the charges, but that does not mean the taxpayers should pay his legal expenses. If we gave a half a million dollars to every defendant who was acquitted, I am sure we would have people lining up for criminal trials in every courthouse in America. The fact is, we have never reimbursed anyone who was indicted, even if they were later acquitted by a jury.

So why do my Republican colleagues seek special treatment for Mr. Dale? Why should Mr. Dale be treated differently than every other criminal defendant in America?

It seems to me that he is being treated differently because my Republican colleagues are using the Travel Office matter for purely political purposes. Of course, my colleagues on the other side of the aisle say that Mr. Dale deserves to be reimbursed and that Democrats are blocking reimbursement for political reasons.

To put an end to partisan bickering over the issues, we Democrats have offered a very reasonable amendment. And let me just commend the distinguished Senators from Michigan and Nevada for their tenacity and for their willingness to bring this issue to the floor in a way that is certainly eminently reasonable, that recognizes past precedent, that recognizes the importance of a procedure that has been used over and over again in circumstances just like this.

Let us send, as they suggest in their proposal, this issue to the neutral arbiter, the U.S. Claims Court, to determine whether it is appropriate to reimburse Mr. Dale. Why not do what we have done in the past? Why not use the procedure that we have in law that will allow us a fair and objective hearing, a fair and objective analysis as to whether or not this ought to be done?

The claims court can hold hearings to obtain all the facts outside of the world of partisan politics 2 months before a Presidential election and render a recommendation that will not be tainted by partisan motivations and bias. The claims court has extensive experience in resolving these types of claims.

The Parliamentarian has already indicated that the provision to reimburse Mr. Dale is a private relief provision. There is a law in place that allows the Senate to send requests for private relief to the claims court so the court can decide whether the relief is sought in a legal way and is legally appropriate.

Mr. President, this is a fair and well-established method for resolving a dispute. It has worked before. Passage of this amendment would allow the Senate to make a decision based on legal rather than political considerations. If the claims court recommends reimbursement for Mr. Dale, then the public would know what he actually deserves, and we will not worry that he is the beneficiary of some political windfall. We are willing to live by the decision made by the claims court.

On the other hand, if the court would rule that Mr. Dale does not deserve to be reimbursed, then he will not be given a half a million dollars of taxpayers' money improperly. There is one-half million dollars at stake.

The public deserves a neutral determination on this issue, and there is an important Senate precedent at stake. We owe it to this institution to act carefully and thoughtfully, even in the heat of a Presidential election year.

Again, let me commend my colleagues, and for all these reasons, I urge all of our colleagues to join them in favor of the amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, how much time is left to Senator REID?

The PRESIDING OFFICER. Twenty-two and a half minutes.

Mr. REID. Mr. President, I am wondering if the 8½ minutes the leader used can be charged to leader time, and we can have the full half hour?

Mr. DASCHLE. Mr. President, I ask unanimous consent that the time that I have consumed in the presentation of my remarks be taken from my leader time.

The PRESIDING OFFICER. The Democratic leader has that right.

Mr. DASCHLE. I thank the Chair.

Mr. LEVIN. Mr. President, parliamentary inquiry. I understand there is time for debate in the morning. Is that debate part of the time which the Chair just indicated Senator REID has left?

The PRESIDING OFFICER. There has been no order entered yet with respect to the debate tomorrow.

Mr. HATCH. As I understand it, there will be 15 minutes divided equally, and I think that is the way we should go.

Mr. LEVIN. I also had the same understanding. I am not sure whether that was part of a UC. I ask Senator REID if he will yield 5 minutes to me.

Mr. HATCH. Can we ask unanimous consent that the 15 minutes, from 9:30 to 9:45 before the vote, be divided equally between Senator REID and myself or Senator SHELBY?

Mr. REID. I think they are planning to do that in wrapup.

Mr. HATCH. I will let it go then.

Mr. LEVIN. Mr. President, I ask if Senator REID might yield 5 minutes.

Mr. REID. I yield as much time as the Senator may consume.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, there is plenty of evidence of White House mistakes and errors in the firing. Those have been acknowledged now for years. They have been recounted here again tonight. They have been acknowledged, as they should be. People who had legal fees that resulted from that firing should have those legal fees reimbursed, those who were not indicted. They have been reimbursed except for $50,000. That $50,000 is part of this bill. That is not what is at issue.

What is at issue is the $450,000 which would go to someone who was properly indicted, properly prosecuted, and whether or not this Senate, for the first time in our history, will be approving legal fees to someone who was legally indicted. And that is the issue.

It was not the White House that carried out the criminal investigation of Billy Dale. That was the FBI, and there is no evidence that has been alleged that I know of that the FBI investigation that led to the indictment was improper. There was no allegation at trial, there was no allegation in the House committee report that the FBI investigation that led to the criminal proceeding, that led to the attorney's fees which are at issue here, was an improper investigation.

It was not the White House which decided to prosecute. It was a very professional Department of Justice which made a decision to prosecute based not on anything that the White House had done, but on what Billy Dale had done, relative to the deposit of checks that belonged to the Travel Office, in his own personal account, and relative to cashing checks that were intended for petty cash that didn't end up going through the petty cash ledger.

It was his actions which the FBI investigation determined were indictable.

It was his actions, not the White House action, it was his deposit of checks in his personal account, mingling money that did not belong to him in his private bank account. It was those actions that led to the indictment, led to the prosecution, not the White House action.

It was his own actions which led to an indictment which resulted in legal fees which are the subject of this issue.

Should we, for the first time without a Senate hearing, without a House report which makes even a reference to any impropriety in the indictment and prosecution, should this Senate decide that this defendant, unlike any other defendant, should have his legal fees paid, although he was indicted?

Our good friend from Utah said, "What about Ham Jordan?" Ham Jordan was not indicted. That is the dividing line which we are asked to cross, the dividing line between people who were indicted and people who were not.

The White House Travel Office people, except for Billy Dale, were not indicted. Ham Jordan was not indicted. People who were investigated by the independent counsel who were not indicted are entitled to legal fees if legal fees result because of the existence of an independent counsel. We have provided for legal fee reimbursement for people not indicted. We have awarded legal fees for people not indicted. The independent counsel statute provides for legal fees for people not indicted.

Should we cross that line? I think we ought to be very careful of setting a precedent, so careful that we ought to simply say, OK, these fees will be paid subject to one thing, and that is, that we got a law which says that we can refer a private claim, a private bill, to the Court of Claims, and the Court of Claims can determine if there is a legal or equitable basis for the claim.

Is there an equitable basis for this claim? The Senator from Utah feels that there is. He feels that with great intensity, as does the Senator from Alabama. I would propose to both of them that we test their hypothesis. There is a test. There is a test in law. We wrote the law. It is a reference to the Court of Claims. I propose to them that they test their hypothesis that there was anything wrong, that there was something wrong with the prosecution, investigation and indictment here. Because unless there was, there is no basis for the payment of legal fees. Test that hypothesis.

I call upon them to support an amendment which simply says, yes, we will pay those fees if the Court of Claims finds that there was an inequity here. That is the way to test their hypothesis. We can argue these facts back and forth all night. But one thing is indisputable, we have put in law a process to give us an objective evaluation of a private claim of this kind. Take it out of politics. It does not belong there. When you set a precedent of this kind, be sure you are acting on firm ground, free it from any political taint, any political coloration, refer it to the body that we have set up in law to determine whether or not a claim of this kind is based on an equitable claim.

Mr. President, I made an inquiry of the Chair back on May 14 relative to the Senate bill that Senator HATCH introduced, which would provide relief for the Travel Office employees. That inquiry which I made to the Chair on May 14 was whether or not the bill before us, which was that freestanding bill of Senator HATCH, is a private bill. The Presiding Officer ruled, after, if my recollection is clear, he consulted with the Parliamentarian, that it is a private bill.

My parliamentary inquiry at this time is, is the Senator correct that that was the ruling of the Chair on May 14 relative to that parliamentary inquiry?

The PRESIDING OFFICER. That was the response of the Chair to that inquiry.

Mr. LEVIN. Mr. President, I thank the Chair for that, and I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. There has been some talk about there should not be talk on this floor about the prosecution memo, about a plea of guilty. Mr. President, we are not in court. We are in the Senate of the United States, some say the greatest debating society in the history of the world. I think it is appropriate, in a great debating arena, to talk about the facts. This is not a court of law where there are objections as to hearsay, objections as to questions having already been asked, or it is repetitive, or you do not understand it. We are here to bring out the facts, the facts from wherever we might find them. We have found facts relating to this case that for a long time have been covered up. They have been hidden in the bowels of wherever they are hidden in this big city.

The fact is that in this instance we have learned that there was an instance in a document called the prosecution memo, where among other things they found: "We propose to charge Billy Ray Dale . . . with converting to his own use approximately $54,000 in checks and $14,000 in cash"—and I put here recognizing that they could only get 1 year of the money that he stole; there was a lot more money he stole, but the records, as indicated, have been destroyed—"received by him in connection with his official duties. The FBI has investigated this matter and strongly supports these charges." Justice Department, Public Integrity Section.

We are here in the Senate of the United States to talk about the facts. And the facts are, this man was indicted, and he was properly indicted. There was never a question of whether or not he was properly indicted. Had it been on the basis of the legislation talked about by my friend from Michigan, these facts would have never been given to the American public, they would have never been given to the American public that he wrote a letter through his attorney saying he would plead guilty, that the prosecution memo, line after line, indicates that this man did a lot of things that were criminal in nature. The fact, Mr. President, that he was acquitted by a jury is really too bad. But it happens, it happens in our system of justice.

It is simply wrong to accuse this administration of leaking the memo. I do not think it is my obligation to indicate where the prosecution memo was obtained, but I do know that I obtained it, and I do know it did not come from anybody in the Justice Department, did not come from anybody in the White House, directly or indirectly. It is a reckless charge, lacking in merit. We are entitled, in this Senate Chamber, to talk about letters written admitting guilt. We are entitled, in this Senate Chamber, to talk about facts as determined in a prosecution memo.

Mr. HATCH. Would the Senator yield on that for just a question?

Mr. REID. I will be happy to yield for a question.

Mr. HATCH. I appreciate my colleague yielding.

My question is this. I know the Senator did not get it from the White House directly or from the Justice Department directly, because the Senator told me where he got it. The Senator got it from the House of Representatives, which I presume whomever they got it from got it from the White House or the Justice Department. Those are the only two places it could have been obtained. I am not accusing the Senator from Nevada, although I question—I question—whether a document that so one sided should be used especially a document that is confidential. I question whether that sort of document should be used on the floor of the Senate.

Mr. REID. I say to my friend from Utah, and he is my friend from the neighboring State of Utah, that the prosecution memo sets forth facts in the case. We are entitled in this body to have facts in the case. We have heard a lot of facts over these many months from the other side about this poor Billy Dale, how he has just been put upon by everybody. The fact of the matter is, he has not been. The fact of the matter is, he was indicted, properly indicted. After having been indicted, he had a letter written saying, "I want to plead guilty." And I think we are entitled to hear that. The American taxpayers are entitled to hear it. I think it is important to acknowledge, not only that, but his admissions during the trial phase.

Mr. LEVIN. Will the Senator yield for an additional question?

Mr. REID. I will be happy to yield for an additional question.

Mr. LEVIN. It is in line with the question of the Senator from Utah. Is it not true that when the Justice Department was asked for that prosecution memo by the House, it did everything in its power not to give that prosecution memo to the House, and, as a matter of fact, it was only after the House subpoenaed that prosecution memo that it was then delivered to the House? So it is not as though the Department of Justice just handed it over to the House. They told the House, this is a sensitive document. They did not want to turn that over to the House. The House, Representative Clinger insisted on it, issued a subpoena, and that is when this document was delivered to the House of Representatives. Is that correct?

Mr. REID. Absolutely, that is correct. It is not just that the Justice Department was hoping who would read it. They did not want to give it up.

Mr. HATCH. Will the Senator yield on that point?

Mr. REID. Yes.

Mr. HATCH. The Justice Department was not subpoenaed for that document. If anybody was, it was the White House. Why would they have that document?

Mr. REID. I do not know how they got it. But it was by virtue of the subpoena.

Mr. HATCH. But you do not know?

Mr. REID. I say to my friend from Michigan and my friend from Utah, I do not know how it wound up in the House. It got there as a result of Chairman CLINGER wanting it and having gotten it, and it worked its way to this body, as it should.

Now, I repeat, if the Billy Dale constituency is so confident that they have merits on their side, they should allow for this to be removed from this political arena during this Presidential election time and decided by an independent body. That is why we have the Court of Claims.

There has been a lot of talk here tonight about other Travel Office employees. The other Travel Office employees were not indicted, and they have been or will be fully reimbursed. They have gotten most of their money now, except for a few incidentals, and everyone acknowledges they should be paid. We are willing to do that.

The House and others at the time they acted simply did not have the facts. Billy Dale is not an honest person. The jury did not find that he was honest. They acquitted him. The jury in the Menendez brothers case did not find they were good sons. They acquitted them on the first go-round. They were acquitted. It was a hung jury—hung jury. They did not find that they were nice young men who were good to their parents, just as this jury did not find that Billy Dale was honest. That was not a requirement of their findings. They looked at jury instructions and ruled upon those jury instructions in weighing the fact that he was not guilty as charged.

I disagree with them. I think any reasonable person would. But the prosecution did a lousy job of presenting the case to the jury. It happens.

He admitted being dishonest, and I think it is important we recognize that there are many disputed facts. My good friend, the distinguished senior Senator from Utah, says there are no disputed facts. There are lots of disputed facts. That is why, in my opinion, it is not right to give him attorney's fees. This is raw politics. This money is not for trial. Some of the money in the time sheets that have been presented deal with even press events. He had to appear at press events.

Mr. President, the prosecution memo, we should not leave that memo so soon. We will go to a few pages on the prosecution memo in summation.

Shortly after the Travel Office employees were fired, the FBI began its investigation under our supervision.

The vast majority of the allegations we examined prove meritless as to other Travel Office employees. However, we found substantial evidence that Dale, in fact, stole at least $14,000 in petty cash, and he converted approximately $54,000 worth of travel checks to his own use.

We found no evidence of illegal conduct by any other member of the Travel Office. That is why we have agreed to reimburse them. The media checks selected by Dale for deposit in his account were not for Main Street press organizations but English, Japanese, German, and Hispanic media.

The selection is significant. The refunds were generated by the vendors on their own and arrived unexpectedly, and their absence would not be missed. Similarly, the checks from the esoteric news services were less likely to be scrutinized.

Mr. President, I think it is also of note in the prosecution memo—because until I read this, this is the first I knew about this—the petty cash logs covering the period prior to February 1992 are missing. Dale had no explanation for the missing logs. These deal with petty cash. This is where he got the cash. He did not deal with checks in this instance.

Another few lines from the prosecution memo:

> The evidence indicates that Dale stole this missing $14,000 in cash.

Next:

> There was simply no need to cash these sizable checks at the time they were presented.

Next:

> He cannot claim credibly he used the relatively large amounts of unrecorded cash to pay trip expenses during this period.

Finally:

> Dale's explanation is not credible.

That is what this case is all about. That is why the Court of Claims should review this.

Mr. President, this is important that we go forward on this to the Court of Claims. It would take politics out of this. It would send it to a body that is designated under our laws and the Constitution to deal with cases like this. Hundreds and hundreds of cases have been forwarded to them—private claims cases.

Now, if this amendment offered by the Senators from Nevada, Michigan, and Delaware, if it does not pass, if this amendment does not pass, the next thing that will be said is that the Senate approved the payment of $500,000 to Billy Ray Dale. The fact of the matter is that the right way to handle this is not in the political arena, where people are crowing over what was done or not done. The fact is, it should be referred to the Court of Claims, and let this body decide this disputed factual case on the facts and on the money.

We are given $500,000, or $499,999 to approve this. This is the dispute, the amount of money. And there is a dispute whether he is entitled to it and whether he is entitled to the amount of money requested.

We have done, I think, the honorable thing. We have come before this body, as many have suggested, in an outright denial in the amendment of giving him this money. We have done it, we think, in a reasonable manner, and we have an independent third party determine whether or not this money should be paid to Billy Ray Dale and, if so, how much should be paid.

I reserve the balance of my time.

Mr. HATCH. How much time is remaining?

The PRESIDING OFFICER. The Senator has 20 minutes remaining, and the other side has 7 minutes remaining.

Mr. HATCH. Mr. President, let me just say a few words, and then I will again yield the floor. I would like not to use all of my time, if my colleagues are willing to yield back.

The distinguished Senator from Michigan has repeatedly stated time and time again that Mr. Dale put money into his own account. No one disputes that. That is the way it was done through the years, and there was nothing illegal about doing that, either. The White House Travel Office is run for the benefit of the White House and the media. As part of that job, Mr. Dale had to have access to funds on short notice. No one has complained about that fact. Most importantly, the media did not care that Mr. Dale put their money, the media's money, into his account.

However, Mr. Dale does deny, and the jury agreed, that he did not steal or convert that money or those funds, and was found not guilty of the charges that were levied against him. In fact, one of the distinguished members of the media testified for him, Sam Donaldson, one of the most well-known people in the press today, a person for whom I have a lot of respect.

The fact of the matter is that the Justice Department can indict anybody they want to. Grand juries generally do what the prosecutors tell them to do. That is no big deal. I find it unconscionable that after having been tried, having incurred legal expenses of half a million dollars, and then having a jury of his peers acquit him that my colleagues here on the Senate floor are suggesting that they think Mr. Dale is still guilty.

I do not find that in good form. Frankly, it really is a sin, especially when you go to the real facts of how this man and his partners, his colleagues in the Travel Office, were screwed by the White House, for greedy purposes, by people who just got the White House, thought they had total power, and wanted to move their friends into the lucrative Travel Office business. I am specifically speaking of Mr. and Mrs. Thomasson and a personal relative of the President. Not only did they do that, but they even used White House counsel to intimidate the FBI in this matter. They did an inadequate accounting in this matter. It was anything to get rid of these people so they could put their cronies into this lucrative position.

These people had served the White House for years, various Presidents, and had done so with the respect of all prior White Houses. The White House itself, in the memo I read earlier, found in the material sent by the White House, said they had messed this up, and they had acted improperly.

This is from the White House:

> You all may dimly remember the Travel Office affair, in which a number of the White House staff—many immature and self-promoting—took impulsive and foolhardy actions to root out problems at the beginning of the Clinton administration and to then gallantly recommend that they take over its operation.

That was straight out of a document provided by the White House.

The fact is that I don't think anybody who looks at this fairly could deny that these people deserve to be treated fairly. This is a question of fairness. It is a question of justice. It is a question of making amends for a White House that acted improperly, and did so, for the most part based on personal greed.

To clarify the record, I have done some investigation in the interim period here. I want to discuss, for a minute, the exposure of the plea agreement and the prosecution memo. I believe these are the accurate facts. We have checked with the parties concerned. The White House called us and said they were not responsible. I don't want to accuse the White House. I just said it has to be the Justice Department or the White House, one or the other. That is all it could be. In fact, the plea agreement was leaked from the Department of Justice or the White House to U.S. News and World Report. In addition, the Department of Justice, when they did produce that document to Chairman CLINGER's committee, failed, in violation of their own regulations, to treat that document in a sensitive and confidential manner. The second document, the prosecution memorandum, was produced after the trial to the House of Representatives. Once again, someone on the Democrat side of the House of Representatives leaked this very confidential memo. Once again, it is my contention that this Administration and their friends in Congress would do anything to harass Mr. Dale.

It is hypocritical. It is hypocritical for the White House to take care of their own people and not be willing to right this wrong. I can't imagine anybody who looks at the facts, clearly, coming to any other conclusion other than that this is an injustice to these people, a terrible ordeal to Mr. Dale and his family, and it ought to be rectified. That is what the Congress is trying to do at this point. That is certainly what I am trying to do. I think that is what any fair-minded person would try to do.

To come in here and make a case that they don't believe that Mr. Dale was innocent, after he was proven innocent, after a jury of his peers found him to be innocent, after members of the media, whose money was involved, testified he was innocent, is pretty astounding to me. Once again, I oppose the motion of the Senator from Nevada to strike the language to reimburse the legal expenses of the seven White House Travel Office employees who were victimized by the Clinton administration for nothing more than political favoritism.

The only crime that Mr. Dale and his colleagues committed was having the bad fortune of holding a job which political cronies of the White House wanted. The politicization of the Department of Justice and the FBI in bringing numerous investigations, and finally a bogus prosecution against Mr. Dale, is unconscionable and it should not be tolerated. My colleagues on the other side of the aisle claim that such a payment is unprecedented, in response to which, I say, the circumstances by which Billy Dale was persecuted and smeared, and the others fired, is unprecedented. It deserves unprecedented treatment and resolution. And it should be treated as such. This is a meritorious case. If I have ever seen one, this is one. What was done to these people should never have occurred in this manner. House Republicans and House Democrats recognize this fact. Why can't Senate Republicans and Senate Democrats recognize this fact? I think everybody in this body really knows this to be the fact. If we in Congress are to reimburse legal fees on a case-by-case basis when the case merits it, then that is a good thing. I have never seen a case more worthy than this particular case.

Now, there is no reason to go to the court of claims in this matter. Let's just do what is right. There is no doubt in my mind that part of the reason why our colleagues on the other side want the court of claims to decide this matter is so they get it beyond the election. Frankly, this should not involve the election. This is doing what is right. If I were the President, I would say, if you could get rid of this, do what's right, pass the bill, and let it be forgotten.

But I will tell you some people who are never going to forget this, even if this bill passes and the President signs it into law, and that is Billy Dale and the people with him. No amount of reimbursement of attorney fees, no amount of compensation, no amount of money, compensatory, punitive, or otherwise, will make up for what they have been through. I can tell you right now that Billy Dale undoubtedly has lost 8 or 10 years of his life because of this ordeal, and so would anybody in this body.

I want you to know that if we have any self-respect at all, this body will do what is right here. I am asking my colleagues to do what's right here. I hope there are some on the other side that will see their way clear to do what's right in this matter. That is what I ask.

If my colleagues are prepared to yield back their time, I will yield back mine.

Mr. LEVIN. I ask for 2 additional minutes.

Mr. HATCH. I will reserve the balance of my time then.

Mr. LEVIN. Will the Senator from Nevada yield 2 minutes?

Mr. REID. Yes.

Mr. LEVIN. Mr. President, I have a couple of quick comments. First of all, I believe I heard the Senator from Utah, some minutes back, say that the Justice Department leaked the prosecution memo. I now ask unanimous consent to have printed in the RECORD a letter from the Justice Department to Representative WILLIAM CLINGER, saying that the only reason they are presenting this prosecution memo, as Representative CLINGER was insisting upon, is because they were threatening the Attorney General with contempt, unless that prosecution memo was provided to the House committee.

So this was not a memo that was provided to anybody willingly, as far as I know, by the Justice Department. This was a memo that was subpoenaed and obtained upon threat of contempt of the Attorney General herself.

I ask unanimous consent that the letter from the Department of Justice, not from the White House, to Representative CLINGER, dated May 8, saying that they were now enclosing this, despite their very strong reluctance to do so, and it was all set forth in this letter, be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. What I said was that somebody from either the Justice Department or White House leaked it to the U.S. News & World Report before Chairman CLINGER asked for this material.

Mr. LEVIN. I don't know what the basis of the Senator's statement is—

Mr. HATCH. The U.S. News & World Report.

Mr. LEVIN. The basis of the Senator's statement 10 minutes ago that the Justice Department leaked this, it seems to me, is not established by any factual evidence that he has provided.

Mr. HATCH. If the Senator will yield, the point I was making is this. Although Representative CLINGER had a right to ask for it, I am not sure they should have given it to him. But they did. But at least before they gave it to him, somebody leaked it to U.S. News & World Report. That somebody had to be somebody in the Justice Department or the White House, which were the only two bodies who could possibly have had it. The White House called me, and, in all fairness to them, they said it wasn't them.

So it had to be. If it was not them, the Justice Department, or somebody who got into the Justice Department, stole it. I do not think that is possible.

The PRESIDING OFFICER. Is there objection to the request?

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 8, 1996.

Hon. WILLIAM F. CLINGER, Jr.,
Chairman, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Based upon my conversation with Barbara Olson this morning, we understand that the Attorney General will be removed from the Committee's contempt proceedings agenda as a result of our providing the enclosed documents.

The enclosed documents are the prosecution memorandum for Billy Ray Dale and a related prosecutorial decisionmaking document plus two declination memoranda concerning decisions not to bring criminal charges against other individuals. As our February 26th letter explained other individuals. As our February 26th letter explained, extremely sensitive criminal justice documents of this kind are made available outside the Department only under the most extraordinary circumstances. We made these particular documents available for committee review only as a result of the Committee's subpoena; we brought them to the Committee's offices for review three times and advised the staff that we would return with them as often as necessary to accommodate the Committee's oversight needs.

We would prefer to continue to provide these core deliberative documents to the Committee on that basis. In light of the Committee's announced intention to hold the Attorney General of the United States in contempt of Congress, we are forwarding these documents to you. In doing so, we do not intend to prejudice in any way the Department's response to any future requests from the Committee or any other congressional committee.

We are very concerned that the public disclosure of this deliberative process and attorney work product material might inhibit the candor of our internal deliberations. We have requested and Committee staff have agreed that access to these types of documents will be limited to Members and Committee staff and that the Committee will not disclose the documents outside the Committee without first affording the Department an opportunity to confer with staff further about our concerns regarding such disclosure. We reiterate that request as to these documents and, further, urge the Committee to limit access to Committee staff only and make no copies.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mr. LEVIN. The document in question had been brought to the committees, and I am now here quoting the letter, prior to its being delivered pursuant to the threat of contempt of the Attorney General, that these documents, according to the letter, were made "available for committee review only as a result of the committee's subpoena; we brought them to the committee's offices for review three times and advised the staff that we would return with them as often as necessary to accommodate the committee's oversight needs. We would prefer to continue to provide these core deliberative documents to the committee on that basis."

But then they go on to say, "In light of the committee's announced intention to hold the Attorney General of the United States in contempt of Congress, we are forwarding these documents to you."

They have previously shared the document with Members three times. So to attribute leaks to any particular source without evidence under these circumstances, it seems to me, is without foundation.

No. 2, I may have misheard the Senator from Utah on this. I may have misheard the Senator from Utah on another point. If I did, then I would stand corrected. I believe, however, that the Senator from Utah said that he had deposited checks that belonged to the Travel Office for 30 years in his own account.

Mr. HATCH. No, I didn't say that. I said he had been depositing some of the checks of the media.

Mr. LEVIN. That this was done regularly.

Mr. HATCH. It was done regularly for years.

Mr. LEVIN. No one knew it.

Mr. HATCH. The people there knew it.

Mr. LEVIN. Oh, no. May I make this very clear? No one knew that he was depositing checks in his own personal checking account.

Mr. HATCH. The media has never objected. The point I was making is the media, when they knew about it, never objected—never objected at any time. And, in fact, one major representative of the media testified—

Mr. LEVIN. His colleagues did not know. The FBI was not informed when they were investigating the practices in the office. Peat Marwick, when they looked at this, were not informed by him that he had done this.

So the point that that practice being somehow or other appropriate because it had been going on for a long time, it seems to me, begs the question.

Finally, I would urge my friend from Utah to test this course of action. He said that he cannot imagine anyone coming to any other conclusion than the one that he has come to, that there was an injustice for these people. Again, I urge him to test that hypothesis by doing what we do regularly with private bills, which is to refer them to the Court of Claims. This will be the only defendant in history legally indicted whose legal fees will be paid. It will be the only defendant whose legal fees will have been paid who was properly indicted.

The Senator from Utah feels, with great certainty under his hypothesis, that no one else can come to any other conclusion that an injustice was done here should be tested by doing what we have done with private bills over and over and over again. This would be the exception to a rule that we do not pay legal fees to people properly indicted.

Test the hypothesis, Senator. Send this claim to the Court of Appeals. And, if you are right, that they find, and that any reasonable person would find, that there was an inequity here, in fact, not only will the fees be paid, but they should be paid. But that should be done by an objective person, an objective party, an objective institution, the Court of Claims, and not by this body 2 months before an election in the heat of a political campaign.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, because the question has been raised from the trial transcript at pages 129 and 130, Dale admitted that he didn't tell anyone else at the Travel Office that he was putting these checks into his own account and not the Travel Office account. He admitted that he didn't even tell the individual he worked with in the Travel Office for 30 years, his chief assistant, Gary Wright, of this practice.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I will take a couple of minutes, Mr. President.

For the record, in the House interview with the Peat Marwick representative that was so mightily represented here, the Peat Marwick representative said that this case, meaning the White House Travel Office audit, was the only one he has been involved in where he was told the outcome before the investigation was completed.

This was a trumped-up case against decent people, and even though everybody admits that it would have been better for Mr. Dale to not have put the money in his account, that it was a mistake to do that, nevertheless, nobody that I know of accuses him of having taken that money for his own use. In fact, to the contrary, the testimony in the trial, and that which resulted in his acquittal, was that he used the money properly, that he had to have access to it to be able to solve the problems with the media.

So I think it is really overreaching to try to say because a person is indicted, that an injustice could not have occurred. I can give a lot of cases where people have been unjustly indicted. This is one of them. This is an exceptional case. It ought to be treated exceptionally.

The fact of the matter is that the White House was trying to please four people, Harry Thomasson and his wife, Linda, Catherine, Cornelius, and Clerissa Cerda. The David Watkins memo makes that clear. I do not think anybody could read that memo and then fail to get outraged by the way these people were treated.

Finally, just to make the Record clear, the plea agreement was leaked by someone in the Justice Department, or the White House, to U.S. News & World Report. The prosecution memo was provided to Chairman CLINGER, who shared it with his minority counterparts, and somebody on the minority staff gave it to the media. The plea agreement had to be leaked by either the White House or the Justice Department. I am willing to take the White House word that they did not do that. Then, it had to be somebody in the Justice Department who did, because they are the only other people who had access to it. And it was improper. It was wrong. It was unethical.

But be that as it may, that does not change the facts of this case that these were decent people who had served successive Presidencies, who had decent reputations, who did their job well and who pleased both the White House and the media, who were just plain mistreated, unjustly, by a superaggressive White House that was acting in its own greedy interests. And if there is ever a case where we ought to stand up and say this is an exceptional situation, we ought to provide this exceptional remedy, this is the case to do it in.

So I am asking my colleagues to vote for the Hatch amendment, which would grant these funds, and to vote down the Reid-Levin amendment, which would again force this man to get attorneys and go to the Court of Claims to get that which is justly his to begin with. That is what you call justice in America: making wrongs right.

Having said all of that, I understand I still have some time. So I yield the remainder of my time, and I do not want to keep my colleagues any longer than I have to.

The PRESIDING OFFICER. All time is yielded back.

LIVE ANIMAL HOLDING FACILITY AT BOISE STATE UNIVERSITY

Mr. CRAIG. Mr. President, I would like to discuss with the Chairman a process that has been initiated between the General Services Administration [GSA] and several Federal, State and local agencies, of which the Appropriations Committee would want to take cognizance. This process concerns the feasibility of designing and constructing a live animal research and holding facility at Boise State University.

The facility would be used for basic and applied ecological research, providing biological information and related technical support to natural resource managers and policymakers, and education and information transfer. It would directly serve the Raptor Research Center at Boise State University.

A first meeting has been held between GSA representatives and some of the agencies that will use the proposed facility, including the U.S. Fish and Wildlife Service, the Idaho Department of Fish and Game, the Peregrine Fund, and Boise State University, which would be the site of the facility. GSA believes this is the kind of project that falls within its purview and is something that may be beneficial to undertake.

Mr. SHELBY. I thank the Senator from Idaho for providing this information and would ask what are the goals of this process at this time?

Mr. CRAIG. The discussions currently underway are preliminary and should lead to a determination of whether to initiate a formal feasibility study.

Mr. SHELBY. Does the Senator foresee any costs associated with these preliminary steps?

Mr. CRAIG. No. These initial contacts are necessary to determine if the project can and should be pursued by GSA and other agencies involved.

Mr. SHELBY. I thank the Senator for this information and assure him the committee will follow the outcome of these meetings with interest. Such activities would be under this subcommittee's jurisdiction and we will want to continue to monitor any progress on this project and keep it under consideration for the future.

REGULATORY ACCOUNTING

Mr. STEVENS. Mr. President, I want to address the regulatory accounting provision in section 645 of the Treasury-postal appropriations bill, H.R. 3756. I believe the public has the right to know the benefits of Federal regulatory programs, as well as their costs, which have been estimated to be $600 billion per year.

To address concerns raised by Senators GLENN and LEVIN, I made technical changes. First, subsection 645(a)(1) requires OMB to provide estimates of the total annual costs and benefits of Federal regulatory programs in the upcoming fiscal year. This includes impacts from rules issued before fiscal year 1997, not just new rules. But OMB need not assess costs and benefits realized in preceding years. I deleted the word "cumulative" to clarify that. OMB should use the valuable information already available, and supplement it where needed. Where agencies have, or can produce, detailed information on the costs and benefits of individual programs, they should use it. I expect a rule of reason will prevail: Where the agencies can produce detail that will be informative to the Congress and the public, they should do so. Where it is extremely burdensome to provide such detail, broader estimates should suffice.

Subsection 645(a)(3) requires OMB to assess the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government. Beyond compliance costs, regulation also creates a drag on real wages, economic growth, and productivity. OMB should use available information, where relevant, to assess the direct and indirect impacts of Federal rules. OMB also should discuss the serious problem of unfunded Federal mandates and inform Congress what it is doing about the problem.

In the end, I expect OMB to produce a credible and reliable picture of the regulatory process—a picture that highlights the costs and benefits of regulatory programs and that allows Congress to determine which programs and program elements are working well, and which are not.

ERIE FEDERAL COURTHOUSE PROJECT

Mr. SPECTER. Mr. President, I would like to address the issue of funding for the Erie Federal Complex construction project, which includes a courthouse annex. The current courthouse provides inadequate space and is not consolidated at a single location. The new facility will accommodate the existing and anticipated future demands of the courts and will allow for the consolidation of the courts in one convenient location. The House bill for fiscal year 1997 provides the $3.3 million required for site acquisition and design work, as requested by the General Services Administration. I am troubled, however, that the Senate bill does not include funding for the Erie Federal Complex.

I join with my constituents in Erie in recognizing the importance of this project to the community and support funding the Erie project in fiscal year 1997. This project is duly authorized. Further, $3.135 million for site acquisition and design was contained in both the House and Senate versions of the fiscal year 1995 Treasury, postal appropriations bill, but was dropped in conference that year because of an internal House decision to defund certain projects which I am advised was not based on the merits of the proposed Erie project.

I would ask the distinguished Chairman, my good friend from Alabama, for his views on the Erie project and whether he believes it merits favorable consideration during conference.

Mr. SHELBY. I thank my colleague from Pennsylvania for his comments in support of the Federal Complex project, which will benefit the administration of justice in Erie, PA. I regret that the Senate funding levels are constrained and that it has been difficult to identify funds for a number of worthwhile courthouse projects. As we proceed to conference with the House, I intend to work closely with the senior Senator from Pennsylvania to obtain funds for site acquisition and design, as requested by the Administration. The Erie project has been approved for funds by the Senate in previous legislation and thus deserves our best efforts.

Mr. KOHL. Mr. President, I would ask for just a few moments to discuss my amendment, which the Senate unanimously adopted during yesterday's debate. First, let me thank Senators SHELBY and KERREY for their support and hard work in crafting the Treasury-postal appropriations legislation before us.

My amendment, which expresses the sense of the Congress, relates to the Internal Revenue Service telephone assistance program, one which the IRS advertises as a first line of assistance to the American taxpayer. I am pleased that it is now included in this bill because when it comes to telephone assistance, the IRS customer service record is abysmal. In fact, it's an embarrassment.

In fiscal year 1995, IRS assistors reportedly answered 38 percent of taxpayers' calls. In fiscal year 1996, the figure improved slightly, but still only 46 percent of taxpayers got through to IRS assistance personnel. In other words, currently, less than half of the taxpayers in need of help even get through to an IRS assistor, and that may be after trying once or trying 10 times. In terms of pure accessibility, the statistics are even more startling. During the fiscal year 1996 filing season, a mere 20 percent of taxpayers got through to an IRS assistor on their first try.

As many of my colleagues know, before coming to the United States Senate, I ran a business. And if there's one simple bit of wisdom learned from my years in business, and practiced to the best of my ability, it is that the customer always comes first. In adopting my amendment, I am pleased that the Senate has spoken with one voice in sending that same message to the IRS—take whatever steps necessary to put your customers, the taxpayers of this country, first.

I would add that I know customer service is of great concern to the distinguished ranking member, Senator KERREY of Nebraska, who cochairs the National Commission to Restructure the Internal Revenue Service. I hope that we can continue to work together on this issue when the Commission reports to Congress next July.

Mr. President, each year Americans in all walks of life and from every income bracket encounter questions when filling out tax forms and calculating tax obligations. And since few people dispute the challenges of navigating the current tax code, it comes as no surprise that many Americans seek help in order to fulfill their civic duty responsibly and accurately. The IRS' toll free 1-800 assistance service would seem a logical first step. But the

IRS, on the receiving end, if you will, picks up the line less than half the time. Thus, the majority of callers do not even have the opportunity to pose, let alone work out, their questions.

This fact is troubling, very troubling, particularly when considered in light of other problems. For example, many constituents in my homestate of Wisconsin who have the good fortune, or should I say the good luck, to get through to IRS assistors, have then been put on hold and subjected to significant waits that have sometimes ended with a random and inexplicable disconnection of the line.

Simply put, this level of service is unacceptable. And in the end, it's not unreasonable to speculate that it works against our overall efforts to streamline the government. After all, if taxpayer questions are not being answered, more mistakes are being made and more IRS follow-up and investigation is required.

The IRS is aware of the problems. The General Accounting Office has issued reports. The Social Security Administration and private sector interests provide numerous examples of ways to improve telephone assistance. And now Congress has made the first of what may be many calls to the IRS, urging them to establish performance goals, operating standards and management practices—whatever it takes to get the lines answered and put the customer first.

ATF "DISABILITY RELIEF" PROGRAM

Mr. SIMON. Mr. President, I say to Senator LAUTENBERG, I would like to raise an issue of great importance. The current version of this appropriations bill would not fund the Bureau of Alcohol, Tobacco and Firearms' [ATF] disability relief program. Under current Federal law, someone who has been convicted of a crime punishable by more than 1 year is ineligible, or disabled, from possessing a firearm—a sensible idea. However, Congress created a loophole in 1965 whereby convicted felons could apply to ATF to have their firearm privileges restored, at an estimated taxpayer cost of $10,000 per waiver granted.

We have fought to end this program and have succeeded in stripping the program's funding in annual appropriations bills since 1992.

This year, we face an additional challenge in our efforts to keep guns out of the hands of convicted felons. A recent court case in Pennsylvania has misinterpreted our intentions and opened the door for these convicted felons to apply for judicial review of their disability relief applications.

In this case, Rice versus United States, the Third Circuit Court of Appeals found that the current funding prohibition does not make clear congressional intent to bar all avenues of relief for convicted felons. By their reasoning, since ATF is unable to consider applications for relief, felons are entitled to ask the courts to review their applications.

This misguided decision could flood the courts with felons seeking the restoration of their gun rights, effectively shifting from ATF to the courts the burden of considering these applications. Instead of wasting taxpayer money and the time of ATF agents—which could be much better spent on important law enforcement efforts, such as the investigation of church arsons—we would now be wasting court resources and distracting the courts from consideration of serious criminal cases.

Fortunately, another decision by the fifth circuit in U.S. versus McGill found that congressional intent to prohibit any Federal relief—either through ATF or the courts—is clear. The fifth circuit concluded that convicted felons are therefore not eligible for judicial review of their relief applications.

Given this conflict in the circuit courts, we should clarify our original and sustaining intention. The goal of this provision has always been to prohibit convicted felons from getting their guns back—whether through ATF or the courts. It was never our intention to shift the burden to the courts.

Congressman DURBIN and his colleagues succeeded in their efforts to include language in the House appropriations bill to make clear that convicted felons may not use the courts in their efforts to get their guns back. I applaud the House committee for its wise vote on this issue.

During the same markup, Congressman DURBIN'S efforts were undermined by a related exemption offered by Congressman OBEY. This exemption would allow those individuals convicted of nonviolent felonies the ability to appeal for judicial review of their relief application.

According to Congressman OBEY'S amendment, the opportunity to appeal to the courts would be closed to those "felons convicted of violent crimes, firearms violations, or drug-related crimes." All other felons would be allowed to apply to the courts for review of their relief applications.

Mr. OBEY'S exemption is clearly inconsistent with the original intent of this provision for three simple reasons:

First, one need only consider people like Al Capone and countless other violent criminals who were convicted of lesser, nonviolent felonies, to understand how dangerous this "Capone amendment" will be to public safety. Our intent when we first passed this provision—and every year thereafter—has been to prohibit anyone who was convicted of a crime punishable by more than 1 year from restoring their gun privileges via the ATF procedure or a judicial review.

Second, as Dewey Stokes, the former President of the Fraternal Order of Police noted, most criminals do not commit murder as their first crime. Rather, most criminals start by committing non-violent crimes which escalate into violent crimes. An ATF analysis shows that between 1985 and 1992, 69 non-violent felons were granted firearms relief and subsequently re-arrested for violent crimes such as attempted murder, first degree sexual assault, child molestation, kidnaping/abduction, and drug trafficking.

Third, there is no reason in the world for the taxpayers' money and court resources to be wasted by allowing the review of any convicted felons' application to get their guns back. It made no sense for ATF to take agents away from their important law enforcement work, and it makes even less sense for the courts, which have no experience or expertise in this area, to be burdened with this unnecessary job. Let me make this point perfectly clear: It was never our intent, nor is it now, for the courts to review a convicted felon's application for firearm privilege restoration.

Mr. LAUTENBERG. I thank the Senator for clearly laying out the facts. As the coauthor of this provision, I share his interest and concern about this issue. I agree with his analysis completely and intend to closely follow this situation in the coming year to see if any further legislation is necessary to clarify our intent. I would also like to take this opportunity to let my colleague know how much I enjoyed working on this issue with him as well as so many other matters. I want to ensure him that although he will not be here next year to continue his work in the Senate on this matter, I fully intend to carry on the fight for us both.

FLEXIBILITY FOR TELECOMMUTING CENTERS

Mr. WARNER. Mr. President, in an effort to meet the changing needs of the Federal work force, I rise in support of a provision contained in the Treasury postal appropriations bill which authorizes the General Services Administration to begin work on a series of flexiplace work telecommuting centers.

Currently, many Federal employees from both the legislative and executive branches are enjoying the convenience and efficiency of six completed telecommuting centers located throughout the Metropolitan Washington, DC area.

While Federal employees enjoy the advantages of working at these telecommuting centers, their employer, the Federal Government, reaps the benefits of increased productivity and improved work quality.

As the Senate accepts the important responsibility to reign in Federal spending and control our Federal debt, we surely realize that these telecommuting centers must be economically self-supporting or they will not succeed.

For that reason, I, along with my friend in the House of Representatives, Congressman FRANK WOLF, have asked our respective Appropriations Committees to insert language granting much needed flexibility to the General Services Administration in regard to telecommuting centers.

In order to maintain these centers as self-sufficient entities, the Congress must allow non-Federal employees to fill any vacant slots in the telecommuting centers. Currently, Federal employees cannot fill all of the slots all of the time, so it only makes sense to allow non-Federal employees utilize these facilities and increase the revenue going to these important centers.

This legislation also permits the Administrator of General Services Administration to transfer control of any or all of the telecommuting centers to State, local, or nonprofit organizations. This step will further ensure the economic viability of these telecommuting centers.

While maintaining the necessary commitments to our Federal work force, this language will provide the necessary flexibility to let these telecommuting centers thrive and prosper without Federal micromanagement and increased Government spending.

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. FOREIGN OIL CONSUMPTION: HERE IS WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 6, the United States imported 7,400,000 barrels of oil each day, 1,300,000 less than the 8,700,000 imported during the same week a year ago.

Nevertheless, Americans relied on foreign oil for 53 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,400,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 10, the Federal debt stood at $5,217,211,394,956.03.

Five years ago, September 10, 1991, the Federal debt stood at $3,617,377,000,000.

Ten years ago, September 10, 1986, the Federal debt stood at $2,103,341,000,000.

Fifteen years ago, September 10, 1981, the Federal debt stood at $979,625,000.000.

Twenty-five years ago, September 10, 1971, the Federal debt stood at $415,728,000,000. This reflects an increase of more than $4 trillion ($4,801,483,394,956.03) during the 25 years from 1971 to 1996.

ZION NO. 1, MISSIONARY BAPTIST CHURCH 126TH ANNIVERSARY

Mr. HEFLIN. Mr. President, on Sunday, August 11, 1996, the Zion No. 1, Missionary Baptist Church celebrated its 126th anniversary. Zion No. 1 was formed in 1870, only a few miles from its present location in Barton, AL. It is one of the oldest in the State of Alabama.

Arthur Barton, a white landowner, donated the land for this church as a gift to its organizers, who had a phenomenal zeal for worshipping God. The church they built stood for many years. A second building, home of the Pine Grove Methodist Episcopal Church, located on a hill just off Highway 72 in west Colbert County, was purchased from the Methodist Conference by the small Zion No. 1 congregation in 1891 for $300.

This church building was held together by wooden pegs. It is reported that there are no nails in the building. Kerosene or coal oil lamps were used for light. Two enormous pillars were visible in the center of the sanctuary running from the floor to the ceiling. These are still in place today.

During the Civil War, the Pine Grove Methodist Episcopal Church building had been used as a temporary hospital for wounded soldiers. It is said that two cannon balls were found in the walls as a result of a battle which took place between the town of Barton and the Tennessee River. There were blood stains on the floor and on portions of its baseboards and gunshot holes were visible in the walls. The basic structure which exists today remains largely as it was when it was constructed before the Civil War. Subsequent renovations have hidden evidence that it was once a hospital and church for wounded Confederate soldiers.

In 1969, brick was added, as well as new fixtures, carpeting, and a public address system. In 1977, a new roof was added, carpeting was laid in the educational annex, and folding doors were added.

The years between 1978 and 1986 were a time of rapid growth for Zion No. 1, Missionary Baptist Church. The congregation purchased three acres of land to expand the cemetery, and the central heating system was installed. A second educational annex, which includes a baptismal pool, was constructed. Previously, the Tennessee River had been used for baptizing new members.

The Reverend Wayne S. Bracy became the 16th and current pastor on February 8, 1992. He has brought a fervent spiritual atmosphere and a commitment to teaching and training to Zion No. 1.

I am pleased to congratulate the Zion No. 1, Missionary Baptist Church on the occasion of its 126th anniversary. Its rich heritage and dedicated leaders and members are testaments to the tremendous role religion continues to play in America's culture and development.

TRIBUTE TO SHERIFF JOHN L. ALDRIDGE

Mr. HEFLIN. Mr. President, my longtime friend, Sheriff John L. Aldridge, is one of the giants of law enforcement in the State of Alabama. He has spent over 30 years in law enforcement and is presently serving his sixth term as sheriff of Colbert County, AL, having first been elected in 1975. He was the commissioner of public safety for the city of Tuscumbia from 1960 through 1969. He is a loyal and dedicated public servant whose service and commitment to law enforcement in general and his community in particular have been impeccable.

Sheriff Aldridge received his bachelor of science degree in law enforcement from the University of North Alabama. He is a past president of the Alabama Sheriff's Association and is a member of the board of trustees of the Alabama Sheriff's Boys-Girls Ranches. He has received many honors and awards, including County Officer of the Year from the Sheffield Elks' Lodge and the Colbert County American Legion. He is a past State Officer of the Year and Officer of the Year for Colbert, Lauderdale, and Franklin Counties. In 1977, he received the Liberty Bell Award from the Colbert County Bar Association. Under former Governor George Wallace, he served on the executive board of the Alabama Law Enforcement Agency.

He is also a past president of the Lions Club and past commander of American Legion Post 31. He is a Mason and first vice president of the Sheffield, Alabama Kiwanis Club, as well as a former member of the Tuscumbia Utility Board and of the Colbert County Hospital Board. He served for a time as a board member of the Colbert-Lauderdale Attention Home for Delinquent Boys and Girls.

He is a loyal Democrat whose enthusiasm for the party has never wavered. In 1992, he served on the Steering Committee for the Clinton-Gore Campaign.

He strongly endorsed the ticket that year and, although the Democrats did not carry Alabama, campaigned tirelessly for his party's candidates.

Sheriff Aldridge's leadership and service have gone far beyond what we traditionally think of as law enforcement duties. He initiated a rape counseling program for the Muscle Shoals Mental Health Center to assure victims of rape were interviewed by a female professional counselor rather than a male. When the program was begun, there were no female officers in law enforcement in Colbert County. Sheriff Aldridge made a firm commitment to change this. He received an award from the Muscle Shoals Mental Health Center for initiating this program.

Under his tenure as chairman of the Sheffield Kiwanis Club Major Emphasis Program on "Safeguard Against Crime," the club received the Silver Bell Award for his work in organizing a county-wide program aimed at reducing crime and spurring public interest in law enforcement.

I am proud to commend and congratulate Sheriff John Aldridge for his many years of outstanding leadership in terms of law enforcement and community service. I look forward to seeing more of the fruits of his labors first-hand when I return home to Colbert County next year.

GREATER RECOGNITION FOR TAIWAN

Mr. HELMS. Mr. President, on July 17, the European Parliament passed a resolution urging that Taiwan be granted greater recognition in international organizations, and calling for a study of the issues surrounding Taiwan's participation in the United Nations.

I find this resolution both impressive and appropriate, Mr. President, and I fully agree that Taiwan deserves a greater role in international organizations. The Republic of China is a full democracy, with a remarkably successful economy. Furthermore, Taiwan plays an important role in world affairs.

It is high time that Taiwan be accorded its well-deserved stature in international organizations.

Mr. President, I find it gratifying that Taiwan has won this recognition aforementioned from the European Parliament, and I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

EUROPEAN PARLIAMENT

Having regard to Article J.7 of the Treaty on European Union.

A. Satisfied with the current state of Taiwan's democracy and Taiwan's respect for the principles of justice, human rights, and fundamental freedom,

B. welcoming the fact that the elections in Taiwan were conducted democratically and peacefully despite the overt aggression and provocation by the People's Republic of China,

C. having regard to Taiwan's wish to participate in international aid to developing countries,

D. having regard to the significance of developments in the political situation in Taiwan for the whole of East Asia at the geopolitical and economic level and in terms of a policy of stability, security and peace in the Western Pacific region,

E. welcoming the attitude of reconciliation displayed by President Lee Teng-hui towards the People's Republic of China and looking forward to a dialogue spanning both sides of the Taiwan Straits,

F. convinced that the people of Taiwan ought to be better represented in international organizations than they are at present, which would benefit both Taiwan and the whole of the international community,

G. whereas neither the European Union nor any of its Member States have diplomatic relations with the Government of Taiwan, recognizing only the People's Republic of China,

H. whereas Taiwan is very important to the European Union and its Member States as a trade partner,

I. whereas it is important for the European Union and its Member States to develop their relations with the governments of both the People's Republic of China and Taiwan in an amicable and constructive spirit,

J. urging the governments of the People's Republic of China and Taiwan to intensify their cooperation,

K. stressing that participation by Taiwan in certain international organizations can assist with finding common ground between China and Taiwan and facilitate reconciliation between the two sides,

L. regretting the fact that Taiwan at present is prevented from making a full contribution to the United Nations and its agencies, and stressing that, for the efficiency of the UN. Taiwan's participation would be desirable and valuable.

1. Urges:

(a) the Council and Member States to support Taiwan's attempts to secure better representation than it currently enjoys in international organizations in the fields of human and labour rights, economic affairs, the environment and development cooperation following the precedent of certain cases, known to international law, of countries recognized as independent and sovereign even though the nature of their diplomatic connections and the person of then head of state did not display the full symbolic panoply of complete sovereignty (e.g. Her Britannic Majesty's Dominions, American Samoa, or, until recently the Ukraine and Belarus);

(b) the Council and Member States to ask the United Nations to investigate the possibility of setting up a UN working group to study the scopes for Taiwan to participate in the activities of bodies answerable to the UN General Assembly;

(c) the Council and Member States to encourage the governments of the People's Republic of China and Taiwan to intensify their cooperation in a constructive and peaceful spirit;

(d) the Council to Urge the Commission to adopt measures with a view to opening a European Union information office in Taipei;

2. Instructs its President to forward this resolution to the Council and to the Commission.

CAM NEELY

Mr. KERRY. Mr. President, I come to the floor today to recognize the achievements and contributions of one of Massachusetts' most beloved sports personalities, Mr. Cam Neely of the Boston Bruins.

Last week, Cam announced his retirement from the Boston Bruins after 5 years of struggle and pain caused by nagging injuries. He had played 13 years in the National Hockey League, 3 with the Vancouver Canucks and the last 10 seasons with the Bruins. Through his decade with the Bruins, Cam has become the prototype NHL power forward by combining bone-crushing power with overwhelming talent and grace.

In addition to his presence on the ice, he has made a continuing contribution to the community off the ice by establishing the Cam Neely Foundation and planning the Neely House, which will provide a place to stay in Boston for families of cancer patients undergoing treatment at area hospitals.

Throughout his career, Cam Neely rose to the challenge of being a top tier player in the NHL, setting records, redefining his position, and setting the standard by which forwards in the NHL are measured today. He played with courage and finesse. His career is a string of highlight films peppered with accomplishments and awards. In his first season with the Bruins, he was awarded the coveted Seventh-Player Award which is given to the Bruin who makes the most significant sustained contribution to the club over the duration of the season. That same season he led the team in scoring with 36 goals. In 1988, Cam provided the spark that lit the fire behind the Bruins' playoff series victory over the Montreal Canadiens—the first such victory in 45 years. During the 1989–90 season, Cam became only the fifth Bruin in history to reach the 50 goals mark and in 1990–91 he became only the second Bruin ever to reach 50 goals in consecutive seasons, joining the great Phil Esposito.

Cam was at the height of his talent and skills in the 1991 playoff series against the Pittsburgh Penguins when he suffered an injury that would change his career. The hit resulted in an injury to his thigh that never fully healed. That injury led to another, and then another, and the pain never ceased. For 5 years, Cam Neely was the epitome of perseverance as he worked to keep his body in shape and prepared to play. He never let up and he never gave up. Every season marked a triumphant return to the ice for Boston's most admired hockey player. He would play in pain until the pain became unbearable. He would play whenever he was needed and his body would allow him. He kept coming back, and the Bruins' fans loved him dearly for his efforts.

Cam rose above the issues of money and contracts and salary disputes and always seemed to be smiling and happy. He played hockey because he loved the game and it was part of him. During his announcement last week he said, "I've always wanted to stay in this game as long as I could [while] achieving results and making positive contributions to my team. I never, ever wanted to play the game for the money or simply to go through the motions. Believe me, I loved playing in the big game. I loved the competitiveness of the sport. Since the day I arrived in Boston, I gave 100 percent to our team, to my teammates, and our fans."

Nobody would argue that fact. Cam worked hard for the Bruins. Even his teammates, opponents, and coaches agree.

"There'll be a lot of highlight clips. I'll just remember him running over people, things like him grabbing the puck and splitting the defense to score against [Patrick] Roy the year we finally beat the Canadiens," Bruins captain Ray Bourque said. "And I'll remember seeing stars when he ran over me during a Canada Cup practice. It was fun to know you had Cam on your side."

"You know when I realized how great he was?" asked Don Sweeney, defenseman and long time teammate of Neely's. "When he was back for a game and then out for a game, then back for a game, then out for a game. The difference when we had him and when we didn't was tremendous. There was a ripple effect he had on every player in that locker room."

Adam Oates, Cam's longtime line mate and the man who with him comprised one of the most feared scoring combinations in the NHL, said that Cam's announcement was "something that we knew was going to happen all along. And today's the black day that it's happening."

Former Bruin standout Derek Sanderson has always considered Cam Neely one of the game's best forwards. "His teammates will miss him, and no one will miss him more than Oates. Guys like him don't come along very often. No one can score like Cam; no one can hit like Cam," he said. "You can't replace him, you go along without him."

Derek's words echo the feelings of most of the Bruins' faithful. Cam Neely cannot be replaced. The team will go on without him. Like Bobby Orr, Gord Kluzak, and Normand Leveille, Cam is forced to leave the game he loves too soon, and before the fans are ready to let him go. But for every game, every period, and every shift, I, and every other Bruins fan, will look to the right wing and imagine the hulking No. 8 streaking along the boards, taking the puck onto his stick, and blazing it past the netminder into the mesh netting of the goal. And, quietly, we will cheer.

TRIBUTE TO HOWELL HEFLIN: MY FRIEND, THE "JUDGE"

Mr. PRESSLER. Mr. President, today I would like to pay tribute to Senator HOWELL HEFLIN, a dear friend and colleague who is retiring from the Senate this year. Senator HEFLIN and I are classmates, having been elected to the Senate at the same time. During the past 18 years, I have had the opportunity to watch my friend from Alabama establish himself as a distinguished leader and statesman. As a U.S. Senator and Alabama Supreme Court Justice, he has served his country and his State well. Alabamians should be proud of their country judge.

HOWELL HEFLIN continues a family tradition of public service. As the nephew of U.S. Senator Thomas Heflin, Senator HEFLIN brought to the Senate a bloodline of conviction to America's foundation and potential. His character and background as Chief Justice of the Alabama Supreme Court have shone brightly during his chairmanship of the Ethics Committee and during his service on the Senate Judiciary Committee. As a champion of ethics and an independent thinker, it is no wonder Senator HEFLIN still is referred to as the judge by his fellow Senators.

Mr. President, as a farm State Senator, I salute HOWELL HEFLIN's commitment to Alabama agriculture. As chairman of the Senate Commerce, Science, and Transportation Committee, I commend him for his work on rural electrification. As a member of the Senate Agriculture Committee, Nutrition, and Forestry Committee, he has fought for the interests of Alabama's cotton, peanut, and soybean industries. He also has strived for Federal crop insurance and flood relief for Alabama farmers. Alabama farmers and farm families surely will miss his undying dedication to their industry.

Mr. President, one of the toughest jobs for members of Congress occurs when we have to vote on legislation that has sparked strong division within our constituencies. As an infamous storyteller, Senator HEFLIN often relays metaphors that shed light on the difficulty of this predicament. For example, HOWELL HEFLIN once told us a story about a hunter who is caught in a treetop and is being chased by a bobcat. The hunter yells to his friend, "Hurry up and shoot it!" Unsure of his aim, his comrade yells back, "I'm not sure I can hit him. I might hit you!" In return, the trapped hunter yells, "Shoot anyway. I need some relief!"

Another account of HOWELL HEFLIN's lightheartedness was a speech he delivered during a Senate floor discussion regarding the status of the rose as the official national flower. As the Senate deliberated whether or not to designate the rose as America's flower, Senator HEFLIN took to the floor with a poem. He remarked that, "Roses are red, violets are blue, why must I choose between the two?" Remarks such as this have provided the members of this body—and his Alabama constituents—with many moments of fond repose over the past 18 years. Senator HEFLIN's sense of humor will be missed dearly.

So soon we will bid farewell to our dear friend from Alabama—HOWELL HEFLIN. My wife, Harriet and I wish Senator HEFLIN and his lovely wife, Elizabeth Ann, the very best. They are a wonderful couple, and we will miss them very much. As the 104th Congress draws to a close, they can look forward to being able to return to their home State of Alabama and enjoy one of their favorite pastimes: spending time with their grandchildren. Mr. President, I again would like to wish Senator HEFLIN godspeed as he leaves the U.S. Senate. He leaves in his wake a career, character, and reputation marked by excellence.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2428. An act to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

H.R. 4018. An Act to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1992.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2512. An act to provide for certain benefits of the Pick-Sloan Missouri River basin program to the Crow Creek Sioux Tribe, and for other purposes.

H.R. 2710. An act to provide for the conveyance of certain land in the State of California to the Hoopa Valley Tribe.

H.R. 3056. An act to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another country.

H.R. 3640. An act to provide for the settlement of issues and claims related to the trust lands of the Torress-Martinez Dzert Cahuilla Indians, and for other purposes.

H.R. 3642. An act to provide for the transfer of public lands to certain California Indian Tribes.

H.R. 3910. An act to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2710. An act to provide for the conveyance of certain land in the State of California to the Hoopa Valley Tribe; to the Committee on Indian Affairs.

H.R. 3056. An act to permit a county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county; to the Committee on Finance.

H.R. 3642. An act to provide for the transfer of public lands to certain California Indian Tribes; to the Committee on Indian Affairs.

H.R. 3910. An act to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following measure was placed on the calendar under the order of February 10, 1995:

S. 391. A bill to authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, and for other purposes.

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2512. An act to provide for certain benefits of the Pick-Sloan Missouri River basin program to the Crow Creek Sioux Tribe, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4004. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the sequestration update report dated August 20, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Rules and Administration, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Committee on Indian Affairs, and to the Select Committee on Intelligence.

EC-4005. A communication from the Chief of the Regulations unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report concerning a rule regarding Revenue Procedure (RP-242645-96), received on September 6, 1996; to the Committee on Finance.

EC-4006. A communication from the Chief of the Regulations unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report concerning a rule regarding Notice 96-43, received on September 6, 1996; to the Committee on Finance.

EC-4007. A communication from the Chief of the Regulations unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report concerning a rule regarding Revenue Ruling 96-44, received on September 6, 1996; to the Committee on Finance.

EC-4008. A communication from the Chief of the Regulations unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report concerning a rule regarding Announcement 96-92, received on September 6, 1996; to the Committee on Finance.

EC-4009. A communication from the Chief of the Regulations unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report concerning a rule regarding Revenue Ruling 96-46, received on September 6, 1996; to the Committee on Finance.

EC-4010. A communication from the Chief of the Regulations unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report concerning a rule regarding Revenue Procedure 96-47, received on September 6, 1996; to the Committee on Finance.

EC-4011. A communication from the Chief of the Regulations unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report concerning a rule regarding Revenue Procedure 96-42, received on September 6, 1996; to the Committee on Finance.

EC-4012. A communication from the Deputy Excecutive Director and Chief Operating Officer of the Pension Benefit Guaranty Coporation, transmitting, pursuant to law, a rule with respect to allocation of assets in single employer plans, received on September 10, 1996; to the Committee on Labor and Human Resources.

EC-4013. A communication from the Acting Director of the Office of Management and Budget in the Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment (P.L. 104-193), received on September 10, 1996; to the Committee on Budget.

EC-4014. A communication from the Director of the Fish and Wildlife Service of the U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered and Threatened Wildlife Plants: Listing of the Umpqua River Cutthroat Trout in Oregon" (RIN 1018-AD96) received on September 10, 1996; to the Committee on Environment and Public Works.

EC-4015. A communication from the Inspector General of the U.S. Railroad Retirement Board, transmitting, pursuant to law, the budget submission for fiscal year 1998; to the Committee on Labor and Human Resources.

EC-4016. A communication from the Assistant Secretary of Labor for Mine Safety and Health in the Department of Labor, transmitting, a report concerning an examination of working places; to the Committee on Labor and Human Resources.

EC-4017. A communication from the Secretary of Health and Human Services, tranmsmitting, pursuant to law, a rule entitled "Reduction of Reporting Requirements for the State Systems Advance Planning Document (APD) Process," (RIN 0970-AB46) received on August 8, 1996; to the Committee on Labor and Human Resources.

EC-4018. A communication from the Executive Director of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, a rule entitled "Americans with Disabilities Act Accessibility Guidelines; Detectable Warnings," (RIN 3014-AA18) received on August 7, 1996; to the Committee on Labor and Human Resources.

EC-4019. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule regarding control of air pollution, (FRL5548-8) received on September 10, 1996; to the Committee on Environment and Public Works.

EC-4020. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules including a rule entitled "Approval and Promulgation of Implementation Plans for Louisiana: General Conformity Rules" (FRL5549-7, 5549-9, 5549-6) received on September 5, 1996; to the Committee on Environment and Public Works.

EC-4021. A communication from the General Counsel of the U.S. Department of Transportation, transmitting, pursuant to law, a report concerning a rule regarding procedures for abatement of highway traffic noise (RIN 2125-AD97) received on September 5, 1996; to the Committee on Environment and Public Works.

EC-4022. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to a Program Acquisition Unit Cost(PAUC); to the Committee on Armed Services.

EC-4023. A communication from the Secretary of Defense, transmitting, pursuant to law, a report regarding Cooperative Threat Reduction [CTR]; to the Committee on Armed Services.

EC-4024. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report regarding Department of Defense purchases from foreign entities for fiscal year 1995; to the Committee on Armed Services.

EC-4025. A communication from the Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled "Provision of Early Intervention and Special Education to Eligible DoD Dependents in Overseas Areas," (received on September 10, 1996); to the Committee on Armed Services.

EC-4026. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, a report regarding a rule entitled "Exemptions for Certain Open-End Management Investment Companies to Impose Deferred Sales Loads," (RIN 3235-AD18) received on September, 10, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-4027. A communication from the Attorney-Advisor of the Federal Register Certifying Officer, Financial Management Service of the Department of the Treasury, transmitting, pursuant to law, a rule entitled "Depositaries for Federal Taxes" (RIN 1510-AA54) received on August 21, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-4028. A communication from the Vice President and Treasurer of Farm Credit Financial Partners, transmitting, a notice regarding the Retirement Plan for Agricultural Credit Associations and Farm Credit Banks in the First Farm Credit District; to the Committee on Govermental Affairs.

EC-4029. A communication from the Deputy Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Prevailing Rate Systems," (RIN 3206-AH-60) received on September 10, 1996; to the Committee on Governmental Affairs.

EC-4030. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, a report regarding the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC-4031. A communication from the Acting Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "The Information Resources Management (IRM) Plan of the Federal Government" for fiscal year 1995; to the Committee on Governmental Affairs.

EC-4032. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a rule regarding debarment and suspention in procurement and nonprocurement activities (RIN 1991-AB24) received on August 27, 1996; to the Committee on Governmental Affairs.

EC-4033. A communication from the Administrator of the Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a rule entitled "Termination Order-Black Hills," received on September 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4034. A communication from the Administrator of the Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a rule entitled "Assessment Rates for Specified Marketing Orders," (FV96-927-2 IFR) received on September 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4035. A communication from the Congressional Review Coordinator, transmitting, pursuant to law, a rule entitled "Scrapie Indemnification Program," received on September 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4036. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95-01; to the Committee on Appropriations.

EC-4037. A communication from the Deputy Assistant Director for Fisheries, National Marine Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule regarding fisheries of the Caribbean, (RIN 0648-AG26) received on September 10, 1996; to the Committee on Commerce, Science, and Transportation.

EC-4038. A communication from the Acting Director Office of Sustainable Fisheries, National Marine Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule regarding trip limit reductions (received on September 10, 1996); to the Committee on Commerce, Science, and Transportation.

EC-4039. A communication from the Acting Director Office of Sustainable Fisheries, National Marine Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule regarding fisheries of the exclusive economic zone off Alaska (received on September 10, 1996); to the Committee on Commerce, Science, and Transportation.

EC-4040. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report regarding environmental compliance and restoration program for fiscal year 1995; to the Committee on Commerce, Science, and Transportation.

EC-4041. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule regarding revision of class E airspace (RIN 2120-AA66 (1996-0122) received on September 9, 1996); to the Committee on Commerce, Science, and Transportation.

EC-4042. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule entitled "Compressed Natural Gas Fuel Integrity" (RIN AF14); to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committees was submitted:

By Mr. Helms, from the Committee on Foreign Relations: Treaty Doc. 103-21 The Chemical Weapons Convention (Exec. Rept. 104-33)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That (a) the Senate advise and consent to the ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993, including the following annexes and associated documents, all such documents being integral parts of and collectively referred to in this resolution as the "Convention" (contained in Treaty Document 103-21), subject to the conditions of subsection (b) and the declarations of subsection (e):

(1) The Annex on Chemicals.

(2) The Annex on Implementation and Verification (also known as the "Verification Annex").

(3) The Annex on the Protection of Confidential Information (also known as the "Confidentiality Annex").

(4) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(5) The Text on the Establishment of a Preparatory Commission.

(b) CONDITIONS.—The advice and consent of the Senate to the ratification of the Convention is subject to the following conditions, which shall be binding upon the President:

(1) AMENDMENT CONFERENCES.—The United States will be present and participate fully in all Amendment Conferences and will cast its vote, either affirmatively or negatively, on all proposed amendments made at such conferences, to ensure that—

(A) the United States has an opportunity to consider any and all amendments in accordance with its Constitutional processes; and

(B) no amendment to the Convention enters into force without the approval of the United States.

(2) PRESIDENTIAL CERTIFICATION ON DATA DECLARATIONS.—(A) Not later than 10 days after the Convention enters into force, or not later than 10 days after the deposit of the Russian instrument of ratification of the Convention, whichever is later, the President shall either—

(i) certify to the Senate that Russia has complied satisfactorily with the data declaration requirements of the Wyoming Memorandum of Understanding; or

(ii) submit to the Senate a report on apparent discrepancies in Russia's data under the Wyoming Memorandum of Understanding and the results of any bilateral discussions regarding those discrepancies.

(B) For purposes of this paragraph, the term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(3) PRESIDENTIAL CERTIFICATION ON THE BILATERAL DESTRUCTION AGREEMENT.—Before the deposit of the United States instrument of ratification of the Convention, the President shall certify in writing to the Senate that—

(A) a United States-Russian agreement on implementation of the Bilateral Destruction Agreement has been or will shortly be concluded, and that the verification procedures under that agreement will meet or exceed those mandated by the Convention, or

(B) the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons will be prepared, when the Convention enters into force, to submit a plan for meeting the Organization's full monitoring responsibilities that will include United States and Russian facilities as well as those of other parties to the Convention.

(4) NONCOMPLIANCE.—If the President determines that a party to the Convention is in violation of the Convention and that the actions of such party threaten the national security interests of the United States, the President shall—

(A) consult with, and promptly submit a report to, the Senate detailing the effect of such actions on the Convention;

(B) seek on an urgent basis a meeting at the highest diplomatic level with the Organization for the Prohibition of Chemical Weapons (in this resolution referred to as the "Organization") and the noncompliant party with the objective of bringing the noncompliant party into compliance;

(C) in the event that a party to the Convention is determined not to be in compliance with the convention, request consultations with the Organization on whether to—

(i) restrict or suspend the noncompliant party's rights and privileges under the Convention until the party complies with its obligations;

(ii) recommend collective measures in conformity with international law; or

(iii) bring the issue to the attention of the United Nations General Assembly and Security Council; and

(D) in the event that noncompliance continues, determine whether or not continued adherence to the Convention is in the national security interests of the United States and so inform the Senate.

(5) FINANCING IMPLEMENTATION.—The United States understands that in order to ensure the commitment of Russia to destroy its Chemical stockpiles, in the event that Russia ratifies the Convention, Russia must maintain a substantial stake in financing the implementation of the Convention. The costs of implementing the Convention should

be borne by all parties to the Convention. The deposit of the United States instrument of ratification of the Convention shall not be contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia or any other party to the Convention.

(6) IMPLEMENTATION ARRANGEMENTS.—If the Convention does not enter into force or if the Convention comes into force with the United States having ratified the Convention but with Russia having taken no action to ratify or accede to the Convention, then the President shall, if he plans to implement reductions of United States Chemical forces as a matter of national policy or in a manner consistent with the Convention.

(A) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(B) take no action to reduce the United States Chemical stockpile at a pace faster than that currently planned and consistent with the Convention until the President submits to the Senate his determination that such reductions are in the national security interests of the United States.

(7) PRESIDENTIAL CERTIFICATION AND REPORT ON NATIONAL TECHNICAL MEANS.—Not later than 90 days after the deposit of the United States instrument of ratification of the Convention, the President shall certify that the United States National Technical Means and the provisions of the Convention on verification of compliance, when viewed together, are sufficient to ensure effective verification of compliance with the provisions of the Convention. This certification shall be accompanied by a report, which may be supplemented by a classified annex, indicating how the United States National Technical Means, including collection, processing and analytic resources, will be marshalled, together with the Convention's verification provisions, to ensure effective verification of compliance. Such certification and report shall be submitted to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(c) DECLARATIONS.—The advice and consent of the Senate to ratification of the Convention is subject to the following declarations, which express the intent of the Senate:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988. For purposes of this declaration, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

(2) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

(3) RETALIATORY POLICY.—The Senate declares that the United States should strongly reiterate its retaliatory policy that the use of chemical weapons against United States military forces or civilians would result in an overwhelming and devastating response, which may include the whole range of available weaponry.

(4) CHEMICAL DEFENSE PROGRAM.—The Senate declares that ratification of the Convention will not obviate the need for a robust, adequately funded Chemical defense program, together with improved national intelligence capabilities in the nonproliferation area, maintenance of an effective deterrent through capable conventional forces, trade-enabling export controls, and other capabilities. In giving its advice and consent to ratification of the Convention, the Senate does so with full appreciation that the entry into force of the Convention enhances the responsibility of the Senate to ensure that the United States continues an effective and adequately funded Chemical defense program. The Senate further declares that the United States should continue to develop theater missile defense to intercept ballistic missiles that might carry Chemical weapons and should enhance defenses of the United States Armed Forces against the use of chemical weapons in the field.

(5) ENFORCEMENT POLICY.—The Senate urges the President to pursue compliance questions under the Convention vigorously and to seek international sanctions if a party to the Convention does not comply with the Convention, including the "obligation to make every reasonable effort to demonstrate its compliance with this Convention", pursuant to paragraph 11 of Article IX. It should not be necessary to prove the noncompliance of a party to the Convention before the United States raises issues bilaterally or in appropriate international fora and takes appropriate actions.

(6) APPROVAL OF INSPECTORS.—The Senate expects that the United States will exercise its right to reject a proposed inspector or inspection assistant when the facts indicate that this person is likely to seek information to which the inspection team is not entitled or to mishandle information that the team obtains.

(7) ASSISTANCE TO RUSSIA.—The Senate declares that, if the United States provides limited financial assistance for the destruction of Russian chemical weapons, the United States should, in exchange for such assistance, require Russia to destroy its chemical weapons stocks at a proportional rate to the destruction of United States chemical weapons stocks, and to take the action before the Convention deadline. In addition, the Senate urges the President to request Russia to allow inspections of former military facilities that have been converted to commercial production, given the possibility that these plants could one day be reconverted to military use, and that any United States assistance for the destruction of the Russian chemical stockpile be apportioned according to Russia's openness to these broad based inspections.

(8) EXPANDING CHEMICAL ARSENALS IN COUNTRIES NOT PARTY TO THE CHEMICAL WEAPONS CONVENTION.—It is the sense of the Senate that, if during the time the Convention remains in force the President determines that there has been an expansion of the chemical weapons arsenals of any country not a party to the Convention so as to jeopardize the supreme national interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the Convention remains in the national interest of the United States.

(9) COMPLIANCE.—Concerned by the clear pattern of Soviet noncompliance with arms control agreements and continued cases of noncompliance by Russia, the Senate declares the following:

(A) The Convention is in the interest of the United States only if both the United States and Russia, among others, are in strict compliance with the terms of the Convention as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not be efforts, intentions, or commitments to comply.

(B)(i) Given its concern about compliance issues, the Senate expects the President to offer regular briefings, but not less than several times a year, to the Committees on Foreign Relations and Armed Services and the Select Committee on Intelligence of the Senate on compliance issues related to the Convention. Such briefings shall include a description of all United States efforts in diplomatic channels and bilateral as well as the multilateral Organization fora to resolve the compliance issues and shall include, but would not necessarily be limited to a description of—

(I) any compliance issues, other than those requiring challenge inspections, that the United States plans to raise with the Organization; and

(II) any compliance issues raised at the Organization, within 30 days.

(ii) Any Presidential determination that Russia is in noncompliance with the Convention shall be transmitted to the committees specified in clause (i) within 30 days of such a determination, together with a written report, including all unclassified summary, explaining why it is in the national security interests of the United States to continue as a party to the Convention.

(10) SUBMISSION OF FUTURE AGREEMENTS AS TREATIES.—The Senate declares that after the Senate gives its advice and consent to ratification of the Convention, any agreement or understanding which in any material way modifies, amends, or reinterprets United States and Russian obligations, or those of any other country, under the Convention, including the time frame for implementation of the Convention, should be submitted to the Senate for its advice and consent to ratification.

(11) RIOT CONTROL AGENTS.—(A) The Senate, recognizing that the Convention's prohibition on the use of riot control agents as a "method of warfare" precludes the use of such agents against combatants, including use for humanitarian purposes where combatants and noncombatants intermingled, urges the President—

(i) to give high priority to continuing efforts to develop effective nonchemical, nonlethal alternatives to riot control agents for use in situations where combatants and noncombatants are intermingled; and

(ii) to ensure that the United States actively participates with other parties to the Convention in any reassessment of the appropriateness of the prohibition as it might apply to such situations as the rescue of downed air crews and passengers and escaping prisoners or in situations in which civilians are being used to mask or screen attacks.

(B) For purposes of this paragraph, the term "riot control agents" is used within the meaning of Article II(4) of the Convention.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2063. A bill to limit the authority of the Secretary of the Army to acquire land adjacent to Abiquiu Dam in New Mexico; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 2064. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:

S. 2065. A bill to amend the Higher Education Act of 1965 to require open campus security crime logs at institutions of higher education; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. EXON, Mr. KERREY, Mr. WELLSTONE, Mr. PRESSLER, Mr. GRASSLEY, and Mr. HARKIN):

S. 2066. A bill to amend the Northern Great Plains Rural Development Act to the duration of the Northern Great Plains Rural Development Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2063. A bill to limit the authority of the Secretary of the Army to acquire land adjacent to Abiquiu Dam in New Mexico; to the Committee on Environment and Public Works.

ABIQUIU DAM LEGISLATION

• Mr. DOMENICI. Mr. President, today I introduce a bill that clarifies the intent of Congress regarding Public Law 100–522. That law authorized the Army Corps of Engineers to store water at Abiquiu Dam in northern New Mexico. The law also authorized the corps to acquire lands adjacent to Abiquiu Dam for recreational access purposes.

For the past several years, the corps' Albuquerque office has been working to determine how the area around the dam should be developed. During that time, it became clear that the local community was extremely concerned that the corps might proceed with condemnation of all 6,000 acres of flood easement lands around the lake. Such an action would be extremely disruptive to the Abiquiu community.

In response to those concerns, I introduced legislation last Congress that would have clarified that the acquisition of lands adjacent to the dam by the corps would be from willing sellers only. Since that time, the corps and the local Abiquiu Reservoir Advisory Council have been meeting to address the concerns of the local community.

Both the local community and I are very appreciative of the outreach and involvement that the Army Corps' Albuquerque district engineer has shown on this issue since I introduced my legislation last Congress. Indeed, in July of 1995 the corps released its master plan/environmental assessment for Abiquiu Reservoir, a plan which specifically reflected the intent of Public Law 100–522 by recommending that acquisition of land around the reservoir should only be from willing sellers.

However, because of the inherent short-term nature of the position of Albuquerque district engineer, and because of past concerns about corps policy toward condemnation of land at the reservoir, the local community still believes, as do I, that there should be an express clarification of congressional intent to protect the local community at Abiquiu from unreasonable condemnation proceedings.

Consequently, today I am again introducing legislation that will clarify congressional intent that land acquired by the corps at Abiquiu Dam is to be acquired from willing sellers only. This legislation will give the citizens of the Abiquiu area the peace of mind that they deserve about the integrity of their property. As one long-time Abiquiu resident told me recently, "I don't want my grandchildren to have to go through this terrible threat of the Government taking away our ranch." My legislation will put an end to that threat, and I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON LAND ACQUISITION.

Section 1 of the Act entitled "An Act to authorize continued storage of water at Abiquiu Dam in New Mexico", approved October 24, 1988 (43 U.S.C. 620a note), is amended by inserting immediately following "acquire lands" the following: "only from willing sellers".•

By Ms. SNOWE:

S. 2064. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Labor and Human Resources.

THE BREAST CANCER RESEARCH EXTENSION ACT OF 1996

• Ms. SNOWE. Mr. President, I introduce legislation which authorizes increased funding for breast cancer research.

Over the past 5 years, Congress has demonstrated an increased commitment to the fight against breast cancer. Back in 1991, less than $100 million was spent on breast cancer research. Since then, Congress has steadily increased this allocation. These increases have stimulated new and exciting research that has begun to unravel the mysteries of this devastating disease and is moving us closer to a cure. Today, we must send a message through our authorization level to scientists and research policymakers that we are committed to continued funding for this important research.

This increase in funding is necessary because breast cancer has reached crisis levels in America. This year alone, 184,000 new cases of breast cancer will be diagnosed in this country, and more than 44,000 women will die from this disease. Breast cancer is the most common form of cancer and the second leading cause of cancer deaths among American women. Today, over 2.6 million American women are living with this disease. In my home State of Maine, it is the most commonly diagnosed cancer among women, representing more than 30 percent of all new cancers in Maine women.

In addition to these enormous human costs, breast cancer also exacts a heavy financial toll—over $6 billion of our health care dollars are spent on breast cancer annually.

Today, however, there is cause for hope. Recent scientific progress made in the fight to conquer breast cancer is encouraging. Researchers have isolated the genes responsible for heritable breast cancer, and are beginning to understand the mechanism of the cancer cell itself. It is imperative that we capitalize upon these advances by continuing to support the scientists investigating this disease and their innovative research.

For this reason, my bill increases the fiscal year 1997 funding authorization level for breast cancer research to $575 million. This level is just $20 million over the National Cancer Institute's fiscal year 1997 bypass budget, representing the funding level scientists believe is necessary to make progress against this disease. This increased funding will contribute substantially toward solving the mysteries surrounding breast cancer. Our continued investment will save countless lives and health care dollars, and prevent undue suffering in millions of American women and families.

On behalf of the 2.6 million women living with breast cancer, I urge my colleagues to support this important bill.•

By Mrs. FEINSTEIN:

S. 2065. A bill to amend the Higher Education Act of 1965 to require open campus security crime logs at institutions of higher education; to the Committee on Labor and Human Resources.

THE OPEN CAMPUS POLICE LOGS ACT OF 1996

• Mrs. FEINSTEIN. Mr. President, today I introduce the Open Campus Police Logs Act of 1996.

Mr. President, every year around this time thousands of students leave home to begin their pursuit of a college degree. These students—and their parents—expect not only a quality education, but also a campus on which they can study and live in safety. Yet, statistics show that during a 4-year-period, one in four college students will become a victim of violent crime. And according to the Chronicle of Higher Education, the number of crimes on college campuses are on the rise.

Under the Campus Security Act of 1990, colleges and universities are required to make crime statistics available to students, applicants and school employees. However, under-reporting of crime statistics by school administrators and the utilization of internal campus disciplinary systems, which are protected by privacy laws, have rendered the existing law ineffective.

All too often, we hear stories of college administrators who pressure victims to use discretion and to settle cases internally—without resort to the criminal justice system. Offenders then come before the campus tribunal, and are never publicly processed for the crimes. Sometimes, even the victims themselves cannot find out what happened in these internal trials.

And all too often, Mr. President, colleges and universities concerned about their image have been found to underreport crime and hide the true statistics from applicants and the media.

Students are unable to discover the true rate of campus crime, and are therefore unable to make informed decisions about where to go and how safe certain areas truly are.

The bill I am proposing today would extend the current law, in order to further inform students of the crimes occurring on college campuses so that they can better protect themselves.

This bill would continue to require that schools receiving Federal money compile statistics on crimes like murder and rape. However, it would also require schools to maintain a daily log—one that is open to public inspection—of all crimes committed against person or property.

These daily logs would chronicle not only the time, place and date of the crime, but also the names and addresses of all those arrested by the campus police or security force. No more could colleges hide statistics in annual reports and with secret, unreported disciplinary hearings. Every student or employee would have access, every day, to information about every arrest occurring on campus.

Some colleges and universities will argue that this bill is too burdensome. But this legislation should not be viewed by college administrators as an added burden for the campus security office, but rather as an effective tool to better inform the collegiate community. Students and employees have a right to know what dangers they face on campus. It is through this improved awareness that students and faculty will be able to better protect themselves. After all, one of the best weapons we have for deterring crime is accurate and timely information.

A New York Times reporter recently wrote about a woman who had been raped in February of last year—by a fellow student at her university in Ohio. Although the university's disciplinary board found the accused guilty of violating the student code regarding sexual assault, he was merely placed on student probation. He never went through a criminal trial.

As a result, the offending student was free to come and go on a campus where most women did not—and indeed could not—realize that he had committed any crime at all.

At this same school, Mr. President—where the student rapist was placed on probation—possession of a beer by an underage student can result in automatic suspension.

Furthermore, when the university published their official crime statistics later that fall, no rapes were reported. It is clear that compliance with reporting requirements could be far better.

Colleges and universities have made it their mission to provide a quality education in a suitable environment to America's students. By failing to disclose the true nature of crime on their campuses, administrations are not living up to this goal. We must make our campuses safer, by allowing students to better protect themselves from potential crime through the daily, public disclosure of past incidents and potential dangers.

Mr. President, it is an unfortunate fact that today's students must take care to protect themselves from serious crime on our college campuses. Yes, protecting the privacy of accused students is important. But protecting the safety of potential victims is equally vital to providing an enriching and safe experience for each and every one of the many children who leave home each year in search of a future full of promise and prosperity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Open Campus Police Logs Act of 1996".

SEC. 2. DAILY RECORD AND DISCLOSURE OF REPORTED CRIMES.

(a) AMENDMENT.—Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f) is amended by adding at the end the following new paragraph:

"(8) Each institution participating in any program under this title which maintains either a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording in chronological order all crimes against persons or property reported to its police or security department, the date, time, and location of such crimes, and, if an arrest has been made, the names and addresses of all persons arrested and charges against such persons arrested. The provision of this paragraph shall not be construed to require an institution to identify in its log, unless otherwise provided by law, the names of the persons reporting the crime, the victim or victims, any witnesses or suspects who have not been arrested, or other information relating to any investigation of the crime. All entries in such daily logs shall, unless otherwise provided by State or Federal law, be open to public inspection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.•

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. EXON, Mr. KERREY, Mr. WELLSTONE, Mr. PRESSLER, Mr. GRASSLEY, and Mr. HARKIN):

S. 2066. A bill to amend the Northern Great Plains Rural Development Act to the duration of the Northern Great Plains Rural Development Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NORTHERN GREAT PLAINS RURAL DEVELOPMENT ACT AMENDMENT ACT OF 1996

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF NORTHERN GREAT PLAINS RURAL DEVELOPMENT COMMISSION.

Section 11 of the Northern Great Plains Rural Development Act (Public Law 103–318; 7 U.S.C. 2661 note) is amended by striking "the earlier" and all that follows through the period at the end and inserting "September 30, 1997.".

ADDITIONAL COSPONSORS

S. 607

At the request of Mr. SIMPSON, his name was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1189

At the request of Mr. DEWINE, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

S. 1505

At the request of Mr. LOTT, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1898

At the request of Mr. SIMON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1898, a bill to protect the genetic privacy of individuals, and for other purposes.

S. 1929

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1929, a bill to extend the authority for the Homeless Veterans' Reintegration Projects for fiscal years 1997 through 1999, and for other purposes.

S. 1944

At the request of Mr. HATFIELD, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 1944, a bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism.

S. 1951

At the request of Mr. FORD, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1951, a bill to ensure the competitiveness of the United States textile and apparel industry.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1963, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 1967

At the request of Mr. BROWN, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Mr. SIMON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1967, a bill to provide that members of the Armed Forces who performed services for the peacekeeping efforts in Somalia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

S. 2030

At the request of Mr. LOTT, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Kentucky [Mr. FORD], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, and for other purposes.

AMENDMENT NO. 5224

At the request of Mr. THOMAS the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Kansas [Mrs. FRAHM] were added as cosponsors of amendment No. 5224 proposed to H.R. 3756, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 5232

At the request of Mr. KERREY the names of the Senator from Maine [Ms. SNOWE], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of amendment No. 5232 proposed to H.R. 3756, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENTS SUBMITTED

THE TREASURY DEPARTMENT APPROPRIATIONS ACT, 1997

DASCHLE (AND DORGAN) AMENDMENT NO. 5234

(Ordered to lie on the table.)

Mr. DASCHLE (for himself, Mr. DORGAN, and Mr. SIMON) submitted an amendment intended to be proposed by them to the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

TITLE ___—HEALTH INSURANCE EQUITY FOR CONGRESSIONAL AND CONTRACT EMPLOYEES

SEC. ___01. SHORT TITLE OF TITLE.

This title may be cited as the "Congressional Contractor Health Insurance Equity Act".

SEC. ___02. DEFINITIONS.

For purposes of this title:

(1) CONTRACT.—The term "contract" means any contract for items or services or any lease of Government property (including any subcontract of such contract or any sublease of such lease)—

(A) the consideration with respect to which is greater than $75,000 per year,

(B) with respect to a contract for services, requires at least 1000 hours of services, and

(C) entered into between any entity or instrumentality of the legislative branch of the Federal Government and any individual or entity employing at least 15 full-time employees.

(2) EMPLOYEE.—The term "employee" has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)).

(3) ENTITY OF THE LEGISLATIVE BRANCH.—The term "entity of the legislative branch" includes the following:

(A) The House of Representatives.

(B) The Senate.

(C) The Capitol Guide Service.

(D) The Capitol Police.

(E) The Congressional Budget Office.

(F) The Office of the Architect of the Capitol.

(G) The Office of the Attending Physician.

(H) The Office of Compliance.

(4) GROUP HEALTH PLAN.—The term "group health plan" means any plan or arrangement which provides, or pays the cost of, health benefits that are actuarially equivalent to the benefits provided under the standard option service benefit plan offered under chapter 89 of title 5, United States Code.

(5) INSTRUMENTALITY OF THE LEGISLATIVE BRANCH.—The term "instrumentality of the legislative branch" means the following:

(A) The General Accounting Office.

(B) The Government Printing Office.

(C) The Library of Congress.

SEC. ___03. GENERAL REQUIREMENTS CONCERNING CONTRACTS COVERED UNDER THIS ACT.

(a) IN GENERAL.—Any contract made or entered into by any entity or instrumentality of the legislative branch of the Federal Government shall contain provisions that require that—

(1) all persons employed by the contractor in the performance of the contract or at the location of the leasehold be offered health insurance coverage under a group health plan; and

(2) with respect to the premiums for such plan with respect to each employee—

(A) the contractor pay a percentage equal to the average Government contribution required under section 8906 of title 5, United States Code, for health insurance coverage provided under chapter 89 of such title; and

(B) the employee pay the remainder of such premiums.

(b) OPTION TO PURCHASE.—

(1) IN GENERAL.—Notwithstanding section 8914 of title 5, United States Code, a contractor to which subsection (a) applies that does not offer health insurance coverage under a group health plan to its employees on the date on which the contract is to take effect, may obtain any health benefits plan offered under chapter 89 of title 5, United States Code, for all persons employed by the contractor in the performance of the contract or at the location of the leasehold. Any contractor that exercises the option to purchase such coverage shall make any Government contributions required for such coverage under section 8906 of title 5, United States Code, with the employee paying the contribution required for such coverage for Federal employees.

(2) CALCULATION OF AMOUNT OF PREMIUMS.—Subject to paragraph (3)(B), the Director of the Office of Personnel Management shall calculate the amount of premiums for health benefits plans made available to contractor

employees under paragraph (1) separately from Federal employees and annuitants enrolled in such plans.

(3) REVIEW BY OFFICE OF PERSONNEL MANAGEMENT.—

(A) ANNUAL REVIEW.—The Director of the Office of Personnel Management shall review at the end of each calendar year whether the nonapplication of paragraph (2) would result in higher adverse selection, risk segmentation in, or a substantial increase in premiums for such health benefits plans. Such review shall include a study by the Director of the health care utilization and risks of contractor employees. The Director shall submit a report to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate which shall contain the results of such review.

(B) NONAPPLICATION OF PARAGRAPH (2).—Beginning in the calendar year following a certification by the Director of the Office of Personnel Management under subparagraph (A) that the nonapplication of paragraph (2) will not result in higher adverse selection, risk segmentation in, or a substantial increase in premiums for such health benefits plans, paragraph (2) shall not apply.

(4) REQUIREMENT OF OPM.—The Director of the Office of Personnel Management shall take such actions as are appropriate to enable a contractor described in paragraph (1) to obtain the health insurance described in such paragraph.

(c) ADMINISTRATIVE FUNCTIONS.—

(1) IN GENERAL.—The office within the entity or instrumentality of the legislative branch of the Federal Government which administers the health benefits plans for Federal employees of such entity or instrumentality shall perform such tasks with respect to plan coverage purchased under subsection (b) by contractors with contracts with such entity or instrumentality.

(2) WAIVER AUTHORITY.—Waiver of the requirements of this title may be made by such office upon application.

SEC. ___04. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply with respect to contracts executed, modified, or renewed on or after January 1, 1997.

(b) TERMINATION.—

(1) IN GENERAL.—This title shall not apply on and after October 1, 2001.

(2) TRANSITION RULE.—In the case of any contract under which, pursuant to this title, health insurance coverage is provided for calendar year 2001, the contractor and the employees shall, notwithstanding section ___03(a)(2), pay 1⅓ of the otherwise required monthly premium for such coverage in monthly installments during the period beginning on January 1, 2001, and ending before October 1, 2001.

KASSEBAUM AMENDMENT NO. 5235

Mrs. KASSEBAUM proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the end of the committee amendment, insert the following new section:

SEC. . PROTECTION OF PATIENT COMMUNICATIONS.

(a) FINDINGS.—Congress finds that—

(1) the health care market is dynamic, and the rapid changes seen in recent years can be expected to continue;

(2) the transformation of the health care market has promoted the development of innovative new treatments and more efficient delivery systems, but has also raised new and complex health policy challenges, touching on issues such as access, affordability, cost containment, and quality;

(3) appropriately addressing these challenges and the trade-offs they involve will require thoughtful and deliberate consideration by lawmakers, providers, consumers, and third-party payers; and

(4) the Patient Communications Protection Act of 1996 (S. 2005, 104th Congress) was first introduced in the Senate on July 31, 1996, and has not been subject to hearings or other review by the Senate or any of its committees.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Labor and Human Resources of the Senate, taking into account any relevant findings of the National Commission on Health Care Quality and other public and private entities with expertise in quality health care service delivery, should act expeditiously in the first session of the 105th Congress to schedule hearings and executive session consideration of legislation designed to ensure that patients be given access to all relevant information concerning their health care so as to permit such patients, in consultation with their physicians, to make appropriate decisions regarding their health care, and that the Senate should promptly consider that legislation.

SIMON (AND JEFFORDS) AMENDMENT NO. 5236

(Ordered to lie on the table.)

Mr. SIMON (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following new title:

TITLE ___—PENSION AUDIT IMPROVEMENT ACT OF 1996

SEC. ___. SHORT TITLE.

This title may be cited as the "Pension Audit Improvement Act of 1996".

SEC. ___. PROVISIONS RELATING TO LIMITED SCOPE AUDIT.

(a) IN GENERAL.—Subparagraph (C) of section 103(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(C)) is amended by adding at the end the following new clause:

"(ii) If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic investigation by a State or Federal agency that holds assets or processes transactions of the employee pension benefit plan."

(b) CONFORMING AMENDMENTS.—

(1) Section 103(a)(3)(A) of such Act (29 U.S.C. 1023(a)(3)(A)) is amended by striking "subparagraph (C)" and inserting "subparagraph (C)(i)".

(2) Section 103(a)(3)(C) of such Act (29 U.S.C. 1023(a)(3)(C)) is amended by striking "(C) The" and inserting "(C)(i) In the case of an employee benefit plan other than an employee pension benefit plan, the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to opinions required under section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 for plan years beginning on or after January 1 of the calendar year following the date of the enactment of this Act.

SEC. ___. REPORTING AND ENFORCEMENT REQUIREMENTS FOR EMPLOYEE PENSION BENEFIT PLANS.

(a) IN GENERAL.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended—

(1) by redesignating section 111 as section 112, and

(2) by inserting after section 110 the following new section:

"REPORTING OF CERTAIN EVENTS INVOLVING PENSION PLANS

"SEC. 111. (a) REQUIRED NOTIFICATIONS.—

"(1) NOTIFICATIONS BY ACCOUNTANT TO PLAN ADMINISTRATOR.—

"(A) DETERMINATION OF LIKELIHOOD OF CRIMINAL ACTIVITY.—If an accountant engaged by the administrator of an employee pension benefit plan under section 103(a)(3)(A) detects or otherwise becomes aware of information indicating that a criminal activity may have occurred with respect to the plan, the accountant shall, in accordance with generally accepted auditing standards, determine whether it is likely that the criminal activity has occurred.

"(B) NOTIFICATION.—If an accountant determines under subparagraph (A) that it is likely that the criminal activity has occurred, the accountant shall, as soon as practicable—

"(i) notify and fully inform the plan administrator of the criminal activity in writing, or

"(ii) if the accountant has determined that the criminal activity involved an individual who is the plan administrator or who is a senior official of the plan administrator, notify and fully inform the named fiduciary of the plan who is not the plan administrator and who is designated under section 402(b)(5) to receive such notice of the criminal activity in writing.

"(2) NOTIFICATION BY ACCOUNTANT WHERE FAILURE TO TAKE REMEDIAL ACTION.—If, after providing the notification required under paragraph (1)(B), the accountant concludes that—

"(A) the plan administrator or the designated named fiduciary has been fully informed of the criminal activity,

"(B) the criminal activity has a material effect on the financial statements of the plan, and

"(C) the plan administrator or the designated named fiduciary has not taken timely and appropriate remedial actions with respect to the criminal activity,

the accountant shall, as soon as practicable, report its conclusions in writing to the plan administrator or designated named fiduciary, as applicable.

"(3) NOTIFICATION OF SECRETARY.—

"(A) IN GENERAL.—A plan administrator or designated named fiduciary of a plan receiving a report under paragraph (2) shall, not later than 5 business days after receipt of such report—

"(i) notify the Secretary of such report, and

"(ii) furnish to the accountant making such report a copy of the notice furnished to the Secretary under clause (i).

"(B) FAILURE TO RECEIVE NOTICE.—If an accountant does not receive a copy of the notice under subparagraph (A)(ii) within the time period prescribed therein, the accountant shall—

"(i) resign from engagement with the plan, or

"(ii) furnish to the Secretary a copy of its report under paragraph (2) not later than 1 business day following the close of such time period.

"(4) RESPONSE BY SECRETARY.—

"(A) IN GENERAL.—Any investigation by the Secretary in response to the notification under subparagraph (A)(i) or (B)(ii) of paragraph (3) shall be completed within 180 days of the receipt of such notification, unless the Secretary determines that additional time is necessary to complete the investigation due to—

"(i) the complexity of the investigation,

"(ii) the lack of cooperation by plan representatives, or

"(iii) the need for coordination with other law enforcement agencies.

The Secretary's failure to comply with this subparagraph shall not be a defense to any civil complaint or criminal charge arising from notification under subparagraph (A)(i) or (B)(ii) of paragraph (3).

"(B) DISCLOSURE OF REPORT PROHIBITED.—

"(i) IN GENERAL.—Notwithstanding section 106 and except as provided in clause (ii), an officer or employee of the United States shall not disclose to the public any report described in paragraph (2) which is furnished to the Secretary under paragraph (3).

"(ii) EXCEPTIONS.—Clause (i) shall not be construed to prohibit the disclosure of such report by an officer or employee of the United States—

"(I) in carrying out their duties under this title (other than section 106), or

"(II) to any law enforcement authority of any Federal agency, any State or local government or political subdivision thereof, or any foreign country for purposes of carrying out their official duties.

"(iii) PENALTY FOR DISCLOSURE.—Any person who knowingly or willfully discloses any report in violation of this subparagraph shall, upon conviction, be guilty of a felony and punished by a fine in any amount not exceeding $5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution. In addition to any other punishment, such person shall be dismissed from office or discharged from employment upon conviction for such offense.

"(5) CRIMINAL ACTIVITY DEFINED.—

"(A) For purposes of this subsection, the term 'criminal activity' means—

"(i) a theft, embezzlement, or a violation of section 664 of title 18, United States Code (relating to theft or embezzlement from an employee benefit plan);

"(ii) an extortion or a violation of section 1951 of such title 18 (relating to interference with commerce by threats or violence);

"(iii) a bribery, a kickback, or a violation of section 1954 of such title 18 (relating to offer, acceptance, or solicitation to influence operations of an employee benefit plan);

"(iv) a violation of section 1027 of such title 18 (relating to false statements and concealment of facts in relation to employer benefit plan records); or

"(v) a violation of section 411, 501, or 511 of this title (relating to criminal violations).

"(B) The term 'criminal activity' shall not include any act or omission described in this paragraph involving less than $1,000 unless there is reason to believe that the act or omission may bear on the integrity of plan management.

"(b) NOTIFICATION UPON TERMINATION OF ENGAGEMENT OF ACCOUNTANT.—

"(1) NOTIFICATION BY PLAN ADMINISTRATOR.—Within 5 business days after the termination of an engagement for auditing services under section 103(a)(3)(A) with respect to an employee pension benefit plan, the administrator of such plan shall—

"(A) notify the Secretary in writing of such termination, giving the reasons for such termination, and

"(B) furnish the accountant whose engagement was terminated with a copy of the notification sent to the Secretary.

"(2) NOTIFICATION BY ACCOUNTANT.—If the accountant referred to in paragraph (1)(B) has not received a copy of the administrator's notification to the Secretary as required under paragraph (1)(B), or if the accountant disagrees with the reasons given in the notification of termination of the engagement for auditing services, the accountant shall notify the Secretary in writing of the termination, giving the reasons for the termination, within 10 business days after the termination of the engagement.

"(c) DETERMINATION OF PERIODS REQUIRED FOR NOTIFICATION.—In determining whether a notification required under this section with respect to any act or omission has been made within the required number of business days—

"(1) the day on which such act or omission begins shall not be included; and

"(2) Saturdays, Sundays, and legal holidays shall not be included.

For purposes of this subsection, the term 'legal holiday' means any Federal legal holiday and any other day appointed as a holiday by the State in which the person responsible for making the notification principally conducts his business.

"(d) IMMUNITY FOR GOOD FAITH NOTIFICATION OR REPORT.—Except as provided in this Act, no accountant, plan administrator, or designated named fiduciary shall be liable to any person for any finding, conclusion, or statement made in any notification or report made pursuant to subsection (a) or (b), or pursuant to any regulations issued thereunder, if such finding, conclusion, or statement is made in good faith."

(b) DESIGNATION OF NAMED FIDUCIARY.—Section 402(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1102(b)) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) if such plan engages an independent qualified public accountant under section 103(a)(3)(A), designate a named fiduciary other than the plan administrator to receive any notification from such accountant required under section 111(a)(1)(B)(ii)."

(c) CIVIL PENALTY.—

(1) IN GENERAL.—Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended by adding at the end the following new paragraph:

"(5) The Secretary may assess a civil penalty of up to $50,000 against any plan administrator or accountant who knowingly and willfully fails to provide the Secretary with any notification as required under section 111."

(2) CONFORMING AMENDMENT.—Section 502(a)(6) of such Act (29 U.S.C. 1132(a)(6)) is amended by striking "subsection (c)(2) or (i) or (l)" and inserting "paragraph (2), (4), or (5) of subsection (c) or subsection (i) or (l)".

(d) CLERICAL AMENDMENTS.—

(1) Section 514(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(d)) is amended by striking "111" and inserting "112".

(2) The table of contents in section 1 of such Act is amended by striking the item relating to section 111 and inserting the following new items:

"Sec. 111. Reporting of certain events involving pension plans.

"Sec. 112. Repeal and effective date."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any criminal activity or termination of engagement described in such amendments only if the 5-day period described in such amendments in connection with such criminal activity or termination commences at least 90 days after the date of the enactment of this Act.

SEC. ___. ADDITIONAL REQUIREMENTS FOR QUALIFIED PUBLIC ACCOUNTANTS.

(a) IN GENERAL.—Section 103(a)(3)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(D)) is amended—

(1) by inserting "(i)" after "(D)";

(2) by inserting ", with respect to any engagement of an accountant under subparagraph (A)" after "means";

(3) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(4) by striking the period at the end of subclause (III) (as so redesignated) and inserting a comma;

(5) by adding after subclause (III) (as so redesignated), and flush with clause (i), the following:

"but only if such person meets the requirements of clauses (ii) and (iii) with respect to such engagement."; and

(6) by adding at the end the following new clauses:

"(ii) A person meets the requirements of this clause with respect to an engagement of such person as an accountant under subparagraph (A) if such person—

"(I) has in operation an appropriate internal quality control system;

"(II) has undergone a qualified external quality control review of the person's accounting and auditing practices, including such practices relevant to employee pension benefit plans (if any), during the 3-year period immediately preceding such engagement; and

"(III) has completed, within the 2-year period immediately preceding such engagement, at least 80 hours of continuing education or training which contributes to the accountant's professional proficiency and which meets such requirements as may be prescribed by the Secretary in regulations.

The Secretary shall issue the regulations under subclause (III) no later than December 31, 1997.

"(iii) A person meets the requirements of this clause with respect to an engagement of such person as an accountant under subparagraph (A) if such person meets such additional requirements and qualifications of regulations which the Secretary deems necessary to ensure the quality of plan audits.

"(iv) For purposes of clause (ii)(II), an external quality control review shall be treated as qualified with respect to a person referred to in clause (ii) if—

"(I) such review is performed in accordance with the requirements of external quality control review programs of recognized auditing standard-setting bodies, as determined under regulations of the Secretary, and

"(II) in the case of any such person who has, during the peer review period, conducted one or more previous audits of employee pension benefit plans, such review includes the review of an appropriate number (determined as provided in such regulations, but in no case less than one) of plan audits in relation to the scale of such person's auditing practice.

The Secretary shall issue the regulations under subclause (I) no later than December 31, 1997."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to plan years beginning on or after the date which is 3 years after the date of the enactment of this Act.

(2) RESTRICTIONS ON CONDUCTING EXAMINATIONS.—Clause (iii) of section 103(a)(3)(D) of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)(6)) shall take effect on the date of enactment of this Act.

SEC. ___. CLARIFICATION OF FIDUCIARY PENALTIES.

(a) MODIFICATION OF PROHIBITION OF ASSIGNMENT OR ALIENATION.—

(1) AMENDMENT TO ERISA.—Section 206(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(d)) is amended by adding at the end the following new paragraphs:

"(4) Paragraph (1) shall not apply to any offset of a participant's accrued benefit in an employee pension benefit plan against an amount that the participant is ordered or required to pay to the plan if—

"(A) the order or requirement to pay arises—

"(i) under a judgment of conviction for a crime involving such plan,

"(ii) under a civil judgment (including a consent order or decree) entered by a court in an action brought in connection with a violation (or alleged violation) of part 4 of this subtitle, or

"(iii) pursuant to a settlement agreement between the Secretary and the participant, or a settlement agreement between the Pension Benefit Guaranty Corporation and the participant, in connection with a violation (or alleged violation) of part 4 of this subtitle,

"(B) the judgment, order, decree, or settlement agreement expressly provides for the offset of all or part of the amount ordered or required to be paid to the plan against the participant's accrued benefit in the plan, and

"(C) if the participant has a spouse at the time at which the offset is to be made—

"(i) such spouse has consented in writing to such offset and such consent is witnessed by a notary public or representative of the plan,

"(ii) such spouse is ordered or required in such judgment, order, decree, or settlement to pay an amount to the plan in connection with a violation of part 4 of this subtitle, or

"(iii) in such judgment, order, decree, or settlement, such spouse retains the right to receive the value of the survivor annuity under a qualified joint and survivor annuity provided pursuant to section 205(a)(1) and under a qualified preretirement survivor annuity provided pursuant to section 205(a)(2), determined in accordance with paragraph (5).

"(5)(A) The value of the survivor annuity described in paragraph (4)(C)(iii) shall be determined as if—

"(i) the participant terminated employment on the date of the offset,

"(ii) there was no offset,

"(iii) the plan permitted retirement only on or after normal retirement age,

"(iv) the plan provided only the minimum-required qualified joint and survivor annuity, and

"(v) the amount of the qualified preretirement survivor annuity under the plan is equal to the amount of the survivor annuity payable under the minimum-required qualified joint and survivor annuity.

"(B) For purposes of this paragraph, the term 'minimum-required qualified joint and survivor annuity' means the qualified joint and survivor annuity which is the actuarial equivalent of a single annuity for the life of the participant and under which the survivor annuity is 50 percent of the amount of the annuity which is payable during the joint lives of the participant and the spouse."

(2) AMENDMENT TO INTERNAL REVENUE CODE.—Section 401(a)(13) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraphs:

"(C) SPECIAL RULE FOR CERTAIN JUDGMENTS AND SETTLEMENTS.—Subparagraph (A) shall not apply to any offset of a participant's accrued benefit in a plan against an amount that the participant is ordered or required to pay to the plan if—

"(i) the order or requirement to pay arises—

"(I) under a judgment of conviction for a crime involving such plan,

"(II) under a civil judgment (including a consent order or decree) entered by a court in an action brought in connection with a violation (or alleged violation) of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, or

"(III) pursuant to a settlement agreement between the Secretary of Labor and the participant, or a settlement agreement between the Pension Benefit Guaranty Corporation and the participant, in connection with a violation (or alleged violation) of part 4 of subtitle B of title I of such Act,

"(ii) the judgment, order, decree, or settlement agreement expressly provides for the offset of all or part of the amount ordered or required to be paid to the plan against the participant's accrued benefit in the plan, and

"(iii) if the participant has a spouse at the time at which the offset is to be made—

"(I) such spouse has consented in writing to such offset and such consent is witnessed by a notary public or representative of the plan,

"(II) such spouse is ordered or required to pay in such judgment, order, decree, or settlement an amount to the plan in connection with a violation of part 4 of subtitle B of title I of such Act, or

"(III) in such judgment, order, decree, or settlement, such spouse retains the right to receive the value of the survivor annuity under a qualified joint and survivor annuity provided pursuant to paragraph (11)(A)(i) and under a qualified preretirement survivor annuity provided pursuant to paragraph 11(A)(ii), determined in accordance with subparagraph (D).

"(D) DETERMINATION OF VALUE OF SURVIVOR ANNUITY IN CONNECTION WITH OFFSET.—The value of the survivor annuity described in subparagraph (C)(iii)(III) shall be determined as if—

"(i) the participant terminated employment on the date of the offset,

"(ii) there was no offset,

"(iii) the plan permitted retirement only on or after normal retirement age,

"(iv) the plan provided only the minimum-required qualified joint and survivor annuity, and

"(v) the amount of the qualified preretirement survivor annuity under the plan is equal to the amount of the survivor annuity payable under the minimum-required qualified joint and survivor annuity.

For purposes of this subparagraph, the term 'minimum-required qualified joint and survivor annuity' means the qualified joint and survivor annuity which is the actuarial equivalent of a single annuity for the life of the participant and under which the survivor annuity is 50 percent of the amount of the annuity which is payable during the joint lives of the participant and the spouse.

"(E) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—With respect to the requirements of subsections (a) and (k) of section 401, section 403(b), and section 409(d), a plan shall not be treated as failing to meet such requirements solely by reason of an offset under subparagraph (C)."

(3) EFFECTIVE DATE.—The amendment made by this subsection shall apply to judgments, orders, and decrees issued, and settlement agreements entered into, on or after the date of enactment of this Act.

(b) CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.—

(1) IMPOSITION AND AMOUNT OF PENALTY MADE DISCRETIONARY.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(A) by striking "shall" and inserting "may", and

(B) by striking "equal to" and inserting "not greater than".

(2) APPLICABLE RECOVERY AMOUNT.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

"(2) For purposes of paragraph (1), the term 'applicable recovery amount' means any amount which is recovered from (or on behalf of) any fiduciary or other person with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under subsection (a)(2) or (a)(5). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence."

(3) OTHER RULES.—Section 502(l) of such Act (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraphs:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount."

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employment Retirement Income Security Act of 1974 occurring on or after the date of the enactment of this Act.

(B) TRANSITION RULE.—In applying the amendment made by paragraph (2) (relating to applicable recovery amount), a breach or other violation occurring before the date of the enactment of this Act which continues after the 180th day after such date (and which may be discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

GRAMS AMENDMENT NO. 5237

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At appropriate place insert the following section:

"SEC. . IMPROVEMENT OF THE IRS 1-800 HELP LINE SERVICE.

"(a) Funds made available by this or any other Act to the Internal Revenue Services shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 help line for taxpayers.

(b) The Commissioner shall make the improvement of the IRS 1-800 help line service a priority and allocate resources necessary to ensure the increase in phone lines and staff to improve the IRS 1-800 help line service.

BRYAN AMENDMENT NO. 5238

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. ___. FEDERAL RETIREMENT PROVISIONS RELATING TO MEMBERS OF CONGRESS AND CONGRESSIONAL EMPLOYEES.

(a) SHORT TITLE.—This section may be cited as the "Congressional Annuity Reform Act of 1996".

(b) RELATING TO THE YEARS OF SERVICE AS A MEMBER OF CONGRESS AND CONGRESSIONAL EMPLOYEES FOR PURPOSES OF COMPUTING AN ANNUITY.—

(1) CSRS.—Section 8339 of title 5, United States Code, is amended—

(A) in subsection (a) by inserting "or Member" after "employee";

(B) by striking subsections (b) and (c); and

(C) in subsection (h)—

(i) in the first sentence by striking out "subsections (a), (b)" and inserting in lieu thereof "subsections (a),"; and

(ii) in the second sentence by striking out "subsections (c) and (f)" and inserting in lieu thereof "subsections (a) and (f)".

(2) FERS.—Section 8415 of title 5, United States Code, is amended—

(A) by striking subsections (b) and (c);

(B) in subsections (a) and (g) by inserting "or Member" after "employee" each place it appears; and

(C) in subsection (g)(2) by striking out "Congressional employee".

(c) CONTRIBUTION RATES.—

(1) CSRS.—(A) Section 8334(a)(1) of title 5, United States Code, is amended—

(i) by striking out "of an employee, 7½ percent of the basic pay of a Congressional employee," and inserting in lieu thereof "of an employee, a Member,"; and

(ii) by striking out "basic pay of a Member," and inserting in lieu thereof "basic pay of".

(B) The table under section 8334(c) of title 5, United States Code, is amended—

(i) in the item relating to Member or employee for Congressional employee service by striking out

"	7½.......	After December 31, 1969."

and inserting in lieu thereof

"	7½.......	December 31, 1969 to (but not including) the effective date of the Congressional Annuity Reform Act of 1996.
"	7..........	On and after the effective date of the Congressional Annuity Reform Act of 1996.";

and

(ii) in the item relating to Member for Member service by striking out

"	8..........	After December 31, 1969."

and inserting in lieu thereof

"	8..........	December 31, 1969 to (but not including) the effective date of the Congressional Annuity Reform Act of 1996.
"	7..........	On and after the effective date of the Congressional Annuity Reform Act of 1996.".

(2) FERS.—Section 8422(a)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A) by striking out "employee (other than a law enforcement officer, firefighter, air traffic controller, or Congressional employee)" and inserting in lieu thereof "employee or Member (other than a law enforcement officer, firefighter, or air traffic controller)"; and

.(B) in subparagraph (B)—

(i) by striking out "a Member,"; and

(ii) by striking out "air traffic controller, or Congressional employee," and inserting in lieu thereof "or air traffic controller,".

(d) ADMINISTRATIVE REGULATIONS.—The Office of Personnel Management, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, may prescribe regulations to carry out the provisions of this section and the amendments made by this section for applicable employees and Members of Congress.

(e) EFFECTIVE DATES.—

(1) SHORT TITLE.—Subsection (a) shall take effect on the date of the enactment of this Act.

(2) COLA ADJUSTMENTS.—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply with respect to annuities commencing on or after such date.

(3) YEARS OF SERVICE; ANNUITY COMPUTATION.—(A) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act and shall apply only with regard to the computation of an annuity relating to—

(i) the service of a Member of Congress as a Member or as a Congressional employee performed after such date; and

(ii) the service of a Congressional employee as a Congressional employee performed after such date.

(B) An annuity shall be computed as though the amendments made under subsection (c) had not been enacted with regard to—

(i) the service of a Member of Congress as a Member or a Congressional employee or military service performed before the date of the enactment of this Act; and

(ii) the service of a Congressional employee as a Congressional employee or military service performed before the date of the enactment of this Act.

(4) CONTRIBUTION RATES.—The amendments made by subsection (d) shall take effect on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.

(5) REGULATIONS.—The provisions of subsection (e) shall take effect on the date of the enactment of this Act.

(6) ALTERNATIVE EFFECTIVE DATE RELATING TO MEMBERS OF CONGRESS.—If a court of competent jurisdiction makes a final determination that a provision of this subsection violates the 27th amendment of the United States Constitution, the effective date and application dates relating to Members of Congress shall be January 3, 1997.

FAIRCLOTH AMENDMENT NO. 5239

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) SENSE OF THE SENATE REGARDING TRANSFERS FROM MEDICARE TRUST FUNDS.—It is the sense of the Senate that none of the funds made available in this Act under the heading "Title II—Department of Health and Human Services—Health Care Financing Administration—Program Management" for transfer from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund should be used for expenditures for official time for employees of the Department of Health and Human Services pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(b) SENSE OF THE SENATE REGARDING TRANSFERS FROM OASDI TRUST FUND.—It is the sense of the Senate that none of the funds made available in this Act under the heading "Title IV—Related Agencies—Social Security Administration—Limitation on Administrative Expenses" for transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund should be used for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

WARNER AMENDMENT NO. 5240

Mr. WARNER proposed an amendment to the bill, H.R. 3756, supra; as follows:

One page 53, beginning on line 23, strike "and in compliance with the reprogramming guidelines of the appropriate Committee of the House and Senate."

LAUTENBERG AMENDMENTS NOS. 5241–5243

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted three amendments intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

AMENDMENT NO. 5241

At the end of the committee amendment insert the following:

SEC. . GUN BAN FOR INDIVIDUALS COMMITTING DOMESTIC VIOLENCE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(33) The term 'crime involving domestic violence' means a felony or misdemeanor crime of violence, regardless of length, term, or manner of punishment, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim under the domestic or family violence laws of the jurisdiction in which such felony or misdemeanor was committed.".

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "or" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.";

(2) in subsection (g)—

(A) by striking "or" at the end of paragraph (7);

(B) in paragraph (8), by striking the comma and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel,"; and

(3) in subsection (s)(3)(B)(i), by inserting before the semicolon the following: "and has not been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel".

(c) RULES AND REGULATIONS.—Section 926(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) regulations providing for the effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(9) or (g)(9) of section 922.".

AMENDMENT NO. 5242

At the end of amendment No. — insert the following:

SEC. . GUN BAN FOR INDIVIDUALS COMMITTING DOMESTIC VIOLENCE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is emended by adding at the end the following new paragraph:

"(33) The term 'crime involving domestic violence' means a felony or misdemeanor crime of violence, regardless of length, term, or manner of punishment, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim under the domestic or family violence laws of the jurisdiction in which such felony or misdemeanor was committed.".

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "or" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.";

(2) in subsection (g)—

(A) by striking "or" at the end of paragraph (7);

(B) in paragraph (8), by striking the comma and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel,"; and

(3) in subsection (s)(3)(B)(i), by inserting before the semicolon the following: "and has not been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel".

(c) RULES AND REGULATIONS.—Section 926(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) regulations providing for the effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(9) or (g)(9) of section 922.".

AMENDMENT NO. 5243

At the appropriate place, insert the following:

SEC. . GUN BAN FOR INDIVIDUALS COMMITTING DOMESTIC VIOLENCE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(33) The term 'crime involving domestic violence' means a felony or misdemeanor crime of violence, regardless of length, term, or manner of punishment, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim under the domestic or family violence laws of the jurisdiction in which such felony or misdemeanor was committed.".

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "or" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.";

(2) in subsection (g)—

(A) by striking "or" at the end of paragraph (7);

(B) in paragraph (8), by striking the comma and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel."; and

(3) in subsection (s)(3)(B)(i), by inserting before the semicolon the following: "and has not been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel".

(c) RULES AND REGULATIONS.—Section 926(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) regulations providing for the effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(9) or (g)(9) of section 922.".

KOHL AMENDMENT NO. 5244

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . PROHIBITION.

Section 922(q) of title 18, United States Code, is amended to read as follows:

"(q)(1) The Congress finds and declares that—

"(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

"(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

"(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary the House of Representatives and the Committee on the Judiciary of the Senate;

"(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

"(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

"(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

"(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

"(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

"(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

"(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"(B) Subparagraph (A) does not apply to the possession of a firearm—

"(i) on private property not part of school grounds;

"(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

"(iii) that is—

"(I) not loaded; and

"(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

"(iv) by an individual for use in a program approved by a school in the school zone;

"(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

"(vi) by a law enforcement officer acting in his or her official capacity; or

"(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

"(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

"(B) Subparagraph (A) does not apply to the discharge of a firearm—

"(i) on private property not part of school grounds;

"(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

"(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

"(iv) by a law enforcement officer acting in his or her official capacity.

"(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.".

GRAHAM AMENDMENTS NOS. 5245–5246

(Ordered to lie on the table.)

Mr. GRAHAM submitted two amendments intended to be proposed by him to the bill, H.R. 5245, supra; as follows:

AMENDMENT NO. 5245

At the appropriate place, insert the following:

SEC. . REQUIREMENTS FOR MEDICARE MANAGED CARE.

(a) ACCESS TO EMERGENCY SERVICES.—Subparagraph (B) of section 1876(c)(4) of the Social Security Act (42 U.S.C. 1395mm(c)(4)) is amended to read as follows:

"(B) meet the requirements of section 3 of the Access to Emergency Medical Care Act of 1995 with respect to members enrolled with an organization under this section.".

(b) TIMELY AUTHORIZATION FOR PROMPTLY NEEDED CARE IDENTIFIED AS A RESULT OR REQUIRED SCREENING EVALUATION.—Section 1876(c) of such Act (42 U.S.C. 1395mm(c)) is amended by adding at the end the following:

"(9)(A) The organization must provide access 24 hours a day, 7 days a week to individuals who are authorized to make any prior authorizations required by the organization for coverage of items and services (other than emergency services) that a treating physician or other emergency department personnel identify, pursuant to a screening evaluation required under section 1867(a), as being needed promptly by an individual enrolled with the organization under this part.

"(B) The organization is deemed to have approved a request for such promptly needed items and services if the physician or other emergency department personnel involved—

"(i) has made a reasonable effort to contact an individual described in subparagraph (A) for authorization to provide an appropriate referral for such items and services or to provide the items and services to the individual and access to the person has not been provided (as required in subparagraph (A)), or

"(ii) has requested such authorization from the person and the person has not denied the authorization within 30 minutes after the time the request is made.

"(C) Approval of a request for a prior authorization determination (including a deemed approval under subparagraph (B)) shall be treated as approval of a request for any items and services that are required to treat the medical condition identified pursuant to the required screening evaluation.

"(D) In this paragraph, the term 'emergency services' means—

"(i) health care items and services furnished in the emergency department of a hospital (including a trauma center), and

"(ii) ancillary services routinely available to such department, to the extent they are required to evaluate and treat an emergency medical condition (as defined in subparagraph (E)) until the condition is stabilized.

"(E) In subparagraph (D), the term 'emergency medical condition' means a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(i) placing the person's health in serious jeopardy,

"(ii) serious impairment to bodily functions, or

"(iii) serious dysfunction of any bodily organ or part.".

"(F) In subparagraph (D), the term 'stabilization' means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result or occur before an individual can be transferred in compliance with the requirements of section 1867 of the Social Security Act.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective for contract years beginning on or after the date of this Act.

AMENDMENT NO. 5246

At the appropriate place, insert the following:

TITLE ___—WELFARE FORMULA FAIRNESS COMMISSION

SECTION ___01. SHORT TITLE.

This title may be cited as the "Welfare Formula Fairness Commission Act of 1996".

SEC. ___02. WELFARE FORMULA FAIRNESS COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Welfare Formula Fairness Commission (in this title referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 13 members, of whom—

(A) 3 shall be appointed by the President, of whom not more than 2 shall be of the same political party;

(B) 3 shall be appointed by the Majority Leader of the Senate;

(C) 2 shall be appointed by the Minority Leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 2 shall be appointed by the Minority Leader of the House of Representatives.

(2) DATE.—The appointments of the members of the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chair.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIR AND VICE CHAIR.—The Commission shall select a Chair and Vice Chair from among its members.

(h) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study—

(A) the temporary assistance for needy families block grant program established under part A of title IV of the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and

(B) the funding formulas applied, the bonus payments provided, the penalties imposed, and the work requirements established under such program.

(2) CONSULTATION.—In addressing the issue described in paragraph (1)(B), the Commission shall consult with the Comptroller General of the United States and shall consider the following:

(A) The rate of poverty in each State.

(B) The total taxable resources in each State.

(C) Differences in the efficient operation of the temporary assistance for needy families block grant program among the States.

(D) Per capita income in each State.

(E) The cost of living in each State.

(3) REPORTS.—

(A) FIRST REPORT.—

(i) IN GENERAL.—The Commission shall submit a first report to the Congress by not later than June 1, 1997.

(ii) REQUIREMENT.—The report submitted to the Congress under clause (i) shall include the Commission's recommendation with respect to the issue described in paragraph (1)(B) in the form of an implementation bill containing such statutory provisions as the

Commission may determine are necessary or appropriate to implement such recommendation. Only an implementation bill submitted to the Congress under this paragraph shall be considered under the procedures established under section ___03.

(B) SUBSEQUENT REPORTS.—The Commission shall issue subsequent reports to the Congress by not later than December 31, 1997, and December 31, 1998.

(i) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(k) TERMINATION OF THE COMMISSION.—The Commission shall terminate not later than December 31, 1998.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission such sums as are necessary to carry out the purposes of this title.

SEC. ___03. CONGRESSIONAL CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) IMPLEMENTING BILL.—An implementing bill described in section ___02(h)(3)(A)(ii) shall be considered by the Congress under the procedures for consideration described in subsection (b).

(b) CONGRESSIONAL CONSIDERATION.—

(1) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementing bill described in subsection (a), and supersedes other rules only to the extent that such rules are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) INTRODUCTION AND REFERRAL.—On the day on which the implementing bill described in subsection (a) is transmitted to the House of Representatives and the Senate, such bill shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, for himself or herself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself or herself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which the implementing bill is transmitted, the bill shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. If the implementing bill is not introduced within 5 days of its transmission, any Member of the House and of the Senate may introduce such bill. The implementing bill introduced in the House of Representatives and the Senate shall be referred to the appropriate committees of each House.

(3) PERIOD FOR COMMITTEE CONSIDERATION.—If the committee or committees of either House to which an implementing bill has been referred have not reported the bill at the close of July 1, 1997 (or if such House is not in session, the next day such House is in session), such committee or committees shall be automatically discharged from further consideration of the implementing bill and it shall be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE SENATE.—

(A) IN GENERAL.—Within 5 days after the implementing bill is placed on the calendar, the Majority Leader, at a time to be determined by the Majority Leader in consultation with the Minority Leader, shall proceed to the consideration of the bill. If on the sixth day after the bill is placed on the calendar, the Senate has not proceeded to consideration of the bill, then the presiding officer shall automatically place the bill before the Senate for consideration. A motion in the Senate to proceed to the consideration of an implementing bill shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) TIME LIMITATION ON CONSIDERATION OF BILL.—

(i) IN GENERAL.—Debate in the Senate on an implementing bill, and all amendments and debatable motions and appeals in connection therewith, shall be limited to not more than 30 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(ii) DEBATE OF AMENDMENTS, MOTIONS, POINTS OF ORDER, AND APPEALS.—In the Senate, no amendment which is not relevant to the bill shall be in order. Debate in the Senate on any amendment, debatable motion or appeal, or point of order in connection with an implementing bill shall be limited to—

(I) not more than 2 hours for each first degree relevant amendment,

(II) one hour for each second degree relevant amendment, and

(III) 30 minutes for each debatable motion or appeal, or point of order submitted to the Senate,

to be equally divided between, and controlled by, the mover and the manager of the implementing bill, except that in the event the manager of the implementing bill is in favor of any such amendment, motion, appeal, or point of order, the time in opposition thereto, shall be controlled by the Minority Leader or designee of the Minority Leader. The Majority Leader and Minority Leader, or either of them, may, from time under their control on the passage of an implementing bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal, or point of order.

(C) OTHER MOTIONS.—A motion to recommit an implementing bill is not in order.

(D) FINAL PASSAGE.—Upon the expiration of the 30 hours available for consideration of the implementing bill, it shall not be in order to offer or vote on any amendment to, or motion with respect to, such bill. Immediately following the conclusion of debate in the Senate on an implementing bill that was introduced in the Senate, such bill shall be deemed to have been read a third time and the vote on final passage of such bill shall occur without any intervening action or debate.

(E) DEBATE ON DIFFERENCES BETWEEN THE HOUSES.—Debate in the Senate on motions and amendments appropriate to resolve the differences between the Houses, at any particular stage of the proceedings, shall be limited to not more than 5 hours.

(F) DEBATE ON CONFERENCE REPORT.—Debate in the Senate on the conference report shall be limited to not more than 10 hours.

(5) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) PROCEED TO CONSIDERATION.—On the sixth day after the implementing bill is placed on the calendar, it shall be privileged for any Member to move without debate that the House resolve itself into the Committee of the Whole House on the State of the Union, for the consideration of the bill, and the first reading of the bill shall be dispensed with.

(B) GENERAL DEBATE.—After general debate, which shall be confined to the implementing bill and which shall not exceed 4 hours, to be equally divided and controlled by the Chairman and Ranking Minority Member of the Committee or Committees to which the bill had been referred, the bill shall be considered for amendment by title under the 5-minute rule and each title shall be considered as having been read. The total time for considering all amendments shall be limited to 26 hours of which the total time for debating each amendment under the 5-minute rule shall not exceed one hour.

(C) RISE AND REPORT.—At the conclusion of the consideration of the implementing bill for amendment, the Committee of the Whole on the State of the Union shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto, and the House shall proceed to vote on final passage without intervening motion except one motion to recommit.

(6) COMPUTATION OF DAYS.—For purposes of this subsection, in computing a number of days in either House, there shall be excluded—

(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain, or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday not excluded under subparagraph (A) when either House is not in session.

INHOFE AMENDMENT NO. 5247

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

On page 60, strike lines 19 through 21.

HATFIELD AMENDMENT NO. 5248

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

TITLE —LOCAL EMPOWERMENT AND FLEXIBILITY PILOT ACT OF 1996

SECTION 01. SHORT TITLE.

This Act may be cited as the "Local Empowerment and Flexibility Pilot Act of 1996."

SEC. 02. FINDINGS.

The Congress finds that—

(1) historically, Federal programs have addressed the Nation's problems by providing categorical financial assistance with detailed requirements relating to the use of funds;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some program requirements may inadvertently impede the effective delivery of services;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery of many kinds of services;

(4) our nation's communities are diverse and many have innovative planning and community involvement strategies to comprehensively meet their particular service needs for providing service, but Federal, State, and local grant and other requirements often hamper effective implementation of such strategies.

(5) it is more important than ever to provide programs that—

(A) promote more effective and efficient delivery of services at all levels of government to meet the full range of needs of individuals, families, and society;

(B) respond flexibly to the diverse needs of the Nation's communities;

(C) reduce the barriers between programs that impede the State, local, and tribal governments' ability to effectively deliver services; and

(D) empower State, local, and tribal governments and private, nonprofit organizations to be innovative in creating programs that meet the unique needs of their communities while continuing to address national policy goals; and

SEC. 03. PURPOSES.

The purposes of this Act are to—

(1) improve the delivery of services to the public;

(2) promote State, local and tribal governments and private, non-profit organizations and consortiums to identify goals to improve their communities and the lives of their citizens;

(3) enable eligible applicants to adapt programs of Federal financial assistance to the particular needs of their communities by integrating programs and program funds across existing Federal financial assistance programs that have similar purposes;

(4) more effectively meet the goals and purposes of Federal, State and local financial assistance programs;

(5) empower eligible applicants to work together to build stronger cooperative, intergovernmental and private partnerships to address critical service problems;

(6) place less emphasis in Federal financial assistance programs on complying with procedures and more emphasis on achieving Federal, State, local and tribal policy goals;

(7) facilitate State, local, and tribal government efforts to develop regional or metropolitan solutions to shared problems;

(8) improve intergovernmental efficiency.

SEC. 04. DEFINITIONS.

For purposes of this Act:

(1) AFFECTED FEDERAL AGENCY.—The term "affected Federal agency" means the Federal agency with principal authority for the administration of an eligible Federal financial assistance program included in a plan.

(2) AFFECTED STATE AGENCY.—The term "affected State agency" means—

(A) any State agency with authority for the administration of any State program or eligible Federal financial assistance program; and

(B) with respect to education programs, the term shall include the State Education Agency as defined by the Elementary and Secondary Education Act and the Higher Education Act.

(3) APPROVED FLEXIBILITY PLAN.—The term "approved flexibility plan" means a flexiblility plan or the part of a flexibility plan, that is approved by the Community Empowerment Board under section 8.

(4) BOARD.—The term "Board" means the Community Empowerment Board established under section 5.

(5) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(6) ELIGIBLE APPLICANT.—The term "eligible applicant" means a State, local, or tribal government, qualified organization, or qualified consortium that is eligible to receive financial assistance under 1 or more eligible Federal financial assistance programs.

(7) ELIGIBLE FEDERAL FINANCIAL ASSISTANCE PROGRAM.—The term "eligible Federal financial assistance program"—

(A) except as provided in subparagraph (B), means a domestic assistance program (as defined under section 6101(4) of title 31, United States Code) under which financial assistance is available, directly or indirectly, to a State, local, or tribal government or a qualified organization to carry out activities consistent with national policy goals; and

(B) does not include—

(i) a Federal program under which direct financial assistance is provided by the Federal Government directly to an individual beneficiary of that financial assistance, or to a State to provide direct financial assistance, or to a State to provide direct financial or food voucher assistance directly to an individual beneficiary;

(ii) a program carried out with direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)); or

(iii) a program of assistance referred to in section 6101(4)(A)(ix) of title 31, United States Code or Section 3(10) of the Congressional Budget Act of 1974.

(8) EMPOWERMENT ZONE-ELIGIBLE AREA.—The term "empowerment zone-eligible area" means any area nominated for designation under subchapter U of chapter I of the Internal Revenue Code of 1986 that was ruled as meeting the technical eligibility standards established for that Federal policy.

(9) FLEXIBILITY PLAN.—The term "flexibility plan" means a comprehensive plan or part of such plan for the integration and administration by an eligible applicant of financial assistance provided by the Federal Government under 2 or more eligible Federal financial assistance programs that includes funds from Federal, State, local, or tribal government or private sources to address the service needs of a community.

(10) LOCAL GOVERNMENT.—The term "local government" means—

(A) a political subdivision of a State that is a unit of general local government (as defined under section 6501 of title 31, United States Code);

(B) any combination of political subdivisions described in subparagraph (A) that submits an application to the Board; or

(C) a local educational agency as defined under section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)).

(11) QUALIFIED CONSORTIUM.—The term "qualified consortium" means a group that is composed of 2 or more qualified organizations, State, local, or tribal agencies that receive federally appropriated funds.

(12) QUALIFIED ORGANIZATION.—The term "qualified organization" means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)).

(13) SMALL GOVERNMENT.—The term "small government" means any small governmental jurisdiction defined in section 601(5) of title 5, United States Code, and a tribal government.

(14) STATE.—The term "State" means each of the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

(15) STATE LEGISLATIVE OFFICIAL.—The term "State legislative official" means—

(A) the presiding officer of a chamber of a State legislature; and

(B) the minority leader of a chamber of a State legislature.

(14) TRIBAL GOVERNMENT.—The term "tribal government" means the governing entity of an Indian tribe, as that term is defined in the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 05. ESTABLISHMENT OF COMMUNITY EMPOWERMENT BOARD.

(a) IN GENERAL.—There is established a Community Empowerment Board, which shall consist of—

(1) the Secretary of Housing and Urban Development;

(2) the Secretary of Health and Human Services;

(3) the Secretary of Agriculture;

(4) the Secretary of Transportation;

(5) the Secretary of Education;

(6) the Secretary of Commerce;

(7) the Secretary of Labor;

(8) the Secretary of the Treasury;

(9) the Attorney General;

(10) the Secretary of the Interior;

(11) the Secretary of Energy;

(12) the Secretary of Veterans Affairs;

(13) the Secretary of Defense;

(14) the Director of the Federal Emergency Management Agency;

(15) the Administrator of the Environment Protection Agency;

(16) the Director of the National Drug Control Policy;

(17) the Administrator of the Small Business Administration;

(18) the Director of the Office of Management and Budget;

(19) the Administator of General Services; and

(20) other officials of the Executive Branch as directed by the President.

(b) CHAIR.—The President shall designate the Chair of the Board from among its members.

(c) FUNCTIONS.—

(1) IN GENERAL.—The Board shall—

(A) no later than 180 days after implementation of this Act, select 6 states to participate in this Act;

(B) receive, review, and approve or disapprove flexibility plans in accordance with section 7;

(C) consider all requests for technical assistance from eligible applicants and, when appropriate, provide or direct that an affected Federal agency provide the head of an agency that administers an eligible Federal financial assistance program under which substantial Federal financial assistance would be provided under the plan to provide technical assistance to the eligible applicant, and to the extent permitted by law, special assistance to interested small governments to support the development and implementation of a flexibility plan, which may include expedited processing;

(D) in consultation with the Director, monitor the progress of development and implementation of flexibility plans;

(E) in consultation with the Director, coordinate and assist Federal agencies in identifying regulations of eligible Federal financial assistance programs for revision, repeal and coordination;

(F) evaluate performance standards and evaluation criteria for eligible Federal financial assistance programs, and make specific recommendations to agencies regarding how to revise such standards and criteria in order to establish specific performance and outcome measures upon which the success of such programs and the success of the plan may be compared and evaluated; and

(G) designate a Federal agency to be primarily responsible for the oversight, monitoring, and evaluation of the implementation of a plan.

(2) QUALIFICATIONS FOR STATES.—Of the 6 States selected for participation under paragraph 1 (A)—3 States shall each have a population of 3,500,000 or more as determined under the most recent decennial census; and

(B) 3 States shall each have a population of 3,500,000 or less as determined under the most recent decennial census.

(d) COORDINATION AND ASSISTANCE.—The Director, in consultation with the Board, shall coordinate and assist Federal agencies in creating—

(1) a uniform application to be used to apply for assistance from eligible Federal financial assistance programs;

(2) a release form to be used by grantees to facilitate, where appropriate and otherwise lawful, the sharing of information across eligible Federal financial assistance programs; and

(3) a system wherein an organization or consortium of organizations may use one proposal to apply for funding from multiple eligible Federal financial assistance programs.

(e) DETAILS AND ASSIGNMENTS TO BOARD.—At the request of the Board and with the approval of the appropriate Federal agency, staff of the agency may be detailed or assigned to the Board on a nonreimbursable basis.

(f) INTERAGENCY FINANCING.—Notwithstanding any other law, interagency financing is authorized to carry out the purposes of this Act.

(g) JUDICIAL REVIEW.—The actions of the Board shall not be subject to judicial review.

SEC. 06. APPLICATION FOR APPROVAL OF FLEXIBILITY PLAN.

(A) IN GENERAL.—An eligible applicant may submit to the Board in accordance with this section an application for approval of a flexibility plan.

(b) CONTENTS OF APPLICATION.—An application submitted under this section shall include—

(1) a proposed flexibility plan that complies with subsection (c);

(2) written certification by the chief executive of the applicant, and such additional assurances as may be required by the Board, that—

(A) the applicant has the ability, authority, and resources to implement the proposed plan, throughout the geographic area in which the proposed plan is intended to apply; and

(B) amounts are available from non-Federal sources to pay the non-Federal share of all eligible Federal financial assistance programs included in the proposed plan;

(C) the flexibility plan prohibits the integration or combination of program funds across existing Federal financial assistance programs which do not have similar purposes.

(3) all comments on the proposed plan submitted under subsection (d) by a Governor, affected State agency, State legislative official, or a chief executive of a local or tribal government that would be directly affected by implementation of the proposed plan, and the applicant's responses to those comments;

(4) written documentation that the eligible applicant informed the affected community of the contents of the plan and gave the public opportunity to comment upon the plan, including at least one public hearing involving agencies, qualified organizations, eligible intended beneficiaries of the plan, and others directly affected by the plan;

(5) a summary of the public comment received on the plan and the applicant's responses to the significant comments;

(6) other relevant information the Board may require to review or approve the proposed plan.

(c) CONTENTS OF PLAN.—A flexibility plan submitted by an eligible applicant under this section shall include—

(1) the geographic area and timeframe to which the plan applies and the rationale for selecting the area and timeframe;

(2) the particular groups of individuals, by service needs, economic circumstances, or other defining factors, who currently receive services and benefits under the eligible Federal financial assistance programs included in the plan and the particular groups of individuals, by service needs, economic circumstances, or other defining factors who would receive services and benefits under the plan;

(3) the specific goals and measurable performance criteria that demonstrate how the plan is expected to improve the delivery of services to the public including—

(A) a description of how performance shall be measured under the plan when compared to the current performance of the eligible Federal financial assistance programs included in the plan; and

(B) a system for the comprehensive evaluation of the impact of the plan on individuals who receive services and benefits in the community affected by the plan, that shall include—

(i) a list of goals to improve the community and the lives of its citizens in the geographic area covered by the plan;

(ii) a list of goals identified by the State in which the plan is to be implemented, if such goals have been established by the State; and

(iii) a description of how the plan will—

(I) attain the goals listed in clauses (i) and (ii);

(II) measure performance; and

(III) collect and maintain data;

(4) the eligible Federal financial assistance programs included in the plan and the specific services and benefits to be provided under the plan under such programs, including—

(A) criteria for determining eligibility for services and benefits under the plan;

(B) the services and benefits available under the plan;

(C) the amounts and form (such as cash, in-kind contributions, or financial instruments) of non-service benefits; and

(D) any other descriptive information the Board considers necessary to approve the plan;

(5) a description of the statutory goals and purposes of each Federal financial assistance program included in the plan and how the goals and purposes of such programs shall more effectively be met at the State, local and tribal level;

(6) a general description of how the plan appropriately addresses any effect that administration of each eligible Federal financial assistance program included in the plan would have on the administration of programs not included in the plan;

(7) a description of how the flexibility plan will adequately achieve the purposes of this Act;

(8) except for the requirements described under section 7(f)(3), any Federal statutory or regulatory requirement of an eligible Federal financial assistance program included in the plan, the waiver of which is necessary to implement the plan, and the detailed justification for the waiver request;

(9) any State, local, or tribal statutory, regulatory, or other requirement, the waiver of which is necessary to implement the plan,

and an indication of commitment of the appropriate State, local, or tribal governments to grant such waivers;

(9) a description of the Federal fiscal control and related accountability procedures applicable under the plan;

(10) a description of the sources and amounts of all non-Federal funds that are required to carry out eligible Federal financial assistance programs included in the plan;

(11) verification that Federal funds made available under the plan will not supplant non-Federal funds for existing services and activities that promote the goals of the plan;

(12) verification that none of the Federal funds under the plan would be used to—

(A) meet maintenance of effort requirements of such an activity, or

(B) meet State, local, or tribal matching shares; and

(13) any other relevant information the Board may require to approve the plan;

(d) PROCEDURE FOR APPLYING.—

(1) SUBMISSION TO AFFECTED STATE AND LOCAL GOVERNMENTS.—An eligible applicant shall submit an application for approval of a proposed flexibility plan to each State government and each local government that the applicant deems to be directly affected by the plan, at least 60 days before submitting the application to the Board.

(2) REVIEW BY AFFECTED GOVERNMENT.—The Governor, affected State agency head, State legislative official, and the chief executive officer of a local government that receives an application submitted under paragraph (1) may each, by no later than 60 days after the date of that receipt—

(A) prepare comments on the proposed flexibility plan included in the application;

(B) describe and make commitments to waive any State or local laws or other requirements which are necessary for successful implementation of the proposed plan; and

(C) submit the comments and commitments to the eligible applicant.

(3) SUBMITTAL TO BOARD.—Applications for approval of a flexibility plan shall only be submitted to the Board between—

(A) October 1, 1997 and March 31, 1998; or

(B) October 1, 1998 and March 31, 1999.

(4) ACTION BY AFFECTED GOVERNMENT.—If the Governor, affected State agency head, State legislative official or the chief executive officer of a local government—

(A) fails to act on or otherwise endorse a plan application within 60 days after receiving an application under paragraph (1);

(B) does not make and submit to the eligible applicant the commitments described in paragraph (2) (A) and (B); or

(C) disagrees with all or part of the proposed flexibility plan;

the eligible applicant may submit the application to the Board if the application is amended as necessary for the successful implementation of the proposed plan without the commitment made under paragraph (2)(B), including by adding an updated description of the ability of the proposed flexibility plan to meet plan goals and satisfy performance criteria in the absence of statutory and regulatory waivers and financial and technical support from the State or local government.

(e) TRIBAL SOVEREIGNTY.—Nothing under this Act shall be construed to affect, or otherwise alter, the sovereign relationship between tribal governments and the Federal Government.

(f) ELIGIBILITY FOR OTHER ASSISTANCE.—Disapproval by the Board of a flexibility plan submitted by an eligible applicant under this Act shall not affect the eligibility of the applicant for assistance under any Federal program.

(g) STATE, LOCAL OR TRIBAL AUTHORITY.—Nothing in this Act shall be construed to grant the Board, Federal agency, or any eligible applicant authority to waive or otherwise preempt—

(1) any State, local, or tribal law or regulation including the legal authority under State law of any affected State agency, State entity, or public official over programs that are under the jurisdiction of the agency, entity or official; or

(2) the existing authority of a State, local, or tribal government or qualified organization or consortium with respect to an eligible Federal financial assistance program included in the plan unless such entity has consented to the terms of the plan.

SEC. 07. REVIEW AND APPROVAL OF FLEXIBILITY PLANS AND WAIVER REQUESTS.

(a) REVIEW OF APPLICATIONS.—Upon receipt of an application for approval of a proposed flexibility plan, the Board shall notify the eligible applicant as to whether or not the plan is complete. If the Board determines a plan is complete, the Board shall—

(1) establish procedures for consultation with the applicant during the review process;

(2) publish notice of the application for approval in the Federal Register and make available the contents to any interested party upon written request;

(3) if appropriate, coordinate public hearings on the plan by either the Board or the appropriate Federal agency;

(4) approve or disapprove plans submitted under—

(i) section 6(d)(3)(A) no later than July 31, 1998; or

(ii) section 6(d)(3)(B) no later than July 31, 1999;

(5) in the case of any disapproval of a plan, include written justification of the reasons for disapproval in the notice of disapproval sent to the applicant;

(6) publicly announce and forward to Congress on July 31, 1998 and July 31, 1999, the list of approved flexibility plans, including an identification of approved plans that request statutory or regulatory waivers and the identification of such requested waivers.

(b) APPROVAL—

(1) IN GENERAL.—The Board may approve a flexibility plan for which an application is submitted by an eligible applicant under this Act, if the Board determines that—

(A) the contents of the application for approval of the plan comply with the requirements of this Act; and

(B) the contents of the flexibility plan indicate that the plan will effectively achieve the purposes of this Act described in section 3 by adhering to the conditions described in sections 6 and 7;

(2) RESTRICTION.—(A) The Board may approve no more than 30 plans; and

(B) only three approved plans may be submitted by state applicants.

(3) REQUIREMENT TO DISAPPROVE PLAN.—The Board must disapprove a flexibility plan if the Board determines that—

(A) implementation of the plan would result in any increase in the total amount of obligations or outlays of discretionary appropriations or direct spending under Federal financial assistance programs, over the amounts of such obligations and outlays that would occur under those programs without implementation of the plan; or

(B) the flexibility plan fails to comply with paragraph (1).

(4) SPECIFICATION OF PERIOD OF EFFECTIVENESS.—In approving any flexibility plan, the Board shall specify the period during which the plan is effective, which is no case shall be greater than 5 years from the date of approval.

(d) MEMORANDA OF UNDERSTANDING REQUIRED.—

(1) IN GENERAL.—An approved flexibility plan may not take effect until the Board receives a signed memorandum of understanding agreed to by the eligible applicant that would receive Federal financial assistance administered under the flexibility plan and by each affected Federal agency.

(2) CONTENTS.—A memorandum of understanding under this subsection shall specify all understanding that have been reached by the affected Federal agencies and the eligible applicant. The memorandum shall include understanding with respect to—

(A) the conditions described in sections 6 and 7;

(B) the effective dates of all State; local or tribal government waivers;

(C) technical or special assistance being provided to the eligible applicant; and

(D) the effective date and timeframe of the plan and each Federal waiver approved in the plan;

(E)(i) the total amount of Federal funds that will be provided as services and benefits under or used to administer eligible Federal financial assistance programs included in the plan; or

(ii) a mechanism for determining that amount, including specification of the total amount of Federal funds that will be provided or used under each eligible Federal financial assistance program included in the plan.

(e) LIMITATION ON CONFIDENTIALITY REQUIREMENTS.—The Board may not, as a condition of approval of flexibility plan or with respect to the implementation of an approved flexibility plan, establish any confidentiality requirement that would—

(1) impede the exchange of information needed for the design or provision of services and benefits under the plans; or

(2) conflict with law.

(f) LIMITATION ON THE USE OF FUNDS.—The Board may not approve any plan that includes funds under an eligible Federal financial assistance program to—

(1) support tuition vouchers for children attending private elementary or secondary schools; or

(2) otherwise pay their cost of attending such schools.

(g) WAIVERS OF FEDERAL REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other law and subject to paragraphs (2) and (3), affected Federal agencies may waive, for a period of time not to exceed 5 years from the date the Board receives a signed memorandum of understanding, any statutory or regulatory requirement of an eligible Federal assistance program included in an approved flexibility plan of an eligible applicant if that waiver is—

(A) necessary for implementation of the flexibility plan;

(B) not disapproved by the Board; and

(C) necessary to effectively achieve the purposes of this Act described in section 3 by adhering to the conditions described in sections 6 and 7.

(2) EFFECTIVE PERIOD OF WAIVER.—A waiver granted under this section shall terminate on the earlier of—

(A) the expiration of a period specified by the affected Federal agency not to exceed five years from the date the Board receives the signed memorandum of understanding; or

(B) any date on which the flexibility plan for which the waiver is granted ceases to be effective.

(3) RESTRICTION ON WAIVER AUTHORITY.—Any affected Federal agency may not grant a waiver for a statutory or regulatory requirement of an eligible Federal financial assistance program requested under this section that—

(A) may be waived under another provision of law except in accordance with the requirements and limitations imposed by that other provision of law;

(B) enforces statutory or constitutional rights of individuals including the right to equal access and opportunity in housing and education, including any requirement under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq);

(C) enforces any civil rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(D) protects public health and safety, the environment, labor standards, or worker safety;

(E) provides for a maintenance of effort, matching share or prohibition on supplanting; or

(F) grants any person a cause of action.

SEC. 08. IMPLEMENTATION, AMENDING AND TERMINATION OF APPROVED FLEXIBILITY PLANS.

(a) IMPLEMENTATION.—

(1) The Board, in consultation with the Director, shall issue guidance to implement this Act within 180 days after the date of enactment of this Act.

(2) Notwithstanding any other law, any service or benefit that is provided under an eligible Federal financial assistance program included in an approved flexibility plan shall be paid and administered in the manner specified in the approved flexibility plan.

(3) The authority provided under this Act to waive provisions of grant agreements may be exercised only as long as the funds provided for the grant program in question are available for obligation by the Federal Government.

(b) AMENDING OF FLEXIBILITY PLAN.—

(1) In the event that an eligible applicant—

(A) desires an amendment to an approved flexibility plan in order to better meet the purposes of this Act; or

(B) requires an amendment to ensure continued implementation of an approved flexibility plan, the applicant shall—

(i) submit the proposed amendment to the Board for review and approval; and

(ii) upon approval, enter into a revised memorandum of understanding with the affected Federal agency.

(2) Approval of the Board and, when appropriate, affected Federal agency, shall be based upon the same conditions required for approval of a flexibility plan.

(c) TERMINATION OF PLAN.—

(1) TERMINATION OF PLAN BY BOARD.—

(A) IN GENERAL.—The Board shall terminate an approved flexibility plan, if, after consultation with the affected Federal agencies, the Board determines that—

(i) the applicant of the approved flexibility plan is unable to meet the commitments under this Act; or

(ii) audit or oversight activities determine there has been fraud or abuse involving Federal funds under the plan.

(B) TRANSITION PERIOD.—In terminating an approved flexibility plan under this paragraph, the Board shall allow a reasonable period of time for appropriate Federal agencies and eligible applicants to resume administration of Federal programs that are eligible Federal financial assistance programs included in the plan.

(2) REVOCATION OF WAIVER.—

(A) The Board may recommend that an affected Federal agency, and an affected Federal agency may, revoke a waiver under section 7(f) if the applicant of the approved flexibility plan fails to—

(i) comply with the requirements of the plan;

(ii) make acceptable progress towards achieving the goals and performance criteria set forth in the plan; or

(iii) use funds in accordance with the plan.

(B) Affected Federal agencies shall revoke all waivers issued under section 7(f) for a flexibility plan if the Board terminates the plan.

(C) EXPLANATION REQUIRED.—In the case of termination of a plan or revocation of a waiver, as appropriate, the Board or affected Federal agencies shall provide for the former eligible applicant a written justification of the reasons for termination or revocation.

SEC. 09 EVALUATIONS AND REPORTS.

(a) APPROVED APPLICANTS.

(1) IN GENERAL.—An applicant of an approved flexibility plan, in accordance with guidance issued by the Board, shall—

(A) submit any reports on and cooperate in any audits of the implementation of its approved flexibility plan; and

(B) monitor the effect implementation of the plan has had on—

(i) individuals who receive services and benefits under the plan;

(ii) communities in which those individuals live;

(iii) costs of administering and providing assistance under eligible Federal financial assistance programs included in the plan; and

(iv) performance of the eligible Federal financial assistance programs included in the plan compared to the performance of such programs prior to implementation of the plan.

(2) INITIAL 1-YEAR REPORT.—No later than 90 days after the end of the 1-year period beginning on the date the plan takes effect, and annually thereafter, the approved applicant, respectively, shall submit to the Board a report on the principal activities, achievements, and shortcomings under the plan during the period covered by the report, comparing those achievements and shortcomings to the goals and performance criteria included in the plan under section 6(c)(3).

(3) FINAL REPORT.—No later than 120 days after the end of the effective period of an approved flexibility plan, the approved applicant shall submit to the Board a final report on implementation of the plan, including a full evaluation of the successes and shortcomings of the plan and the effects of that implementation on individuals who receive benefits under the eligible Federal financial assistance programs under the plan.

(b) BOARD.—No later than two years after the date of the enactment of this Act, and annually thereafter, the Board shall submit a report to the President and the Congress on the Federal statutory and regulatory requirements of eligible Federal financial assistance programs that are most frequently waived under section 7(f) with respect to approved flexibility plans. The President shall review the report and identify those statutory and regulatory requirements that the President determines should be amended or repealed.

(c) DIRECTOR.—Two years after this Act goes into effect, and no less than 60 days after repeal of this Act, the Director shall report on its progress in achieving the functions outlined in section 5(d).

(c) GENERAL ACCOUNTING OFFICE.—

(1) Beginning on the date of enactment of this Act, the General Accounting Office shall—

(A) evaluate the effectiveness of eligible Federal financial assistance programs included in flexibility plans approved pursuant to this Act compared with such programs not included in a flexibility plan;

(B) establish and maintain, through the effective date of this statute, a program for the ongoing collection of data and analysis of each eligible Federal financial assistance program included in an approved flexibility plan.

(2) No later than January 1, 2005, the General Accounting Office shall submit a report to Congress and the President that describes and evaluates the results of the evaluations conducted pursuant to paragraphs (1) and any recommendations on how to improve flexibility in the administration of eligible Federal Financial assistance programs.

(d) ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.—No later than January 1, 2005, the Advisory Commission on Intergovernmental Relations shall submit a report to the Congress and President that—

(1) describes the extent to which this Act has improved the ability of State, local and tribal governments, particularly smaller units of government, to make more effective use of two or more Federal financial assistance programs included in a flexibility plan;

(2) evaluates if or how the Flexibility provided by this Act has improved the system of Federal financial assistance to State, local and tribal governments, and enabled governments and community organizations to work together more effectively; and

(3) includes recommendations with respect to flexibility for State, local and tribal governments.

SEC. 010. REPEAL.

This Act is repealed on January 1, 2005.

SEC. 011. DELIVERY DATE OF FEDERAL CONTRACT, GRANT, AND ASSISTANCE APPLICATIONS.

(a) GENERAL RULES.—

(1) DATE OF DELIVERY.—The Director of the Office of Management and Budget shall direct all Federal agencies to develop a consistent policy relating to Federal contract, grant, and other assistance applications which stipulated that if any bid, grant application, or other document required to be filled within a prescribed period or on or before a prescribed date is, after such period or such date delivered by United States mail to the agency, officer, or office with such bid, grant application, or other document is required to be made, the date of the United States postmark stamped on the cover in which such bid, grant application, or other document is mailed shall be deemed to be the date of delivery, as the case may be.

(2) MAILING REQUIREMENTS.—This subsection applies only if—

(A) the postmark date falls within the prescribed period or on or before the prescribed date for the filing (including any extension granted for such filing) of the bid, grant application, or other document; and

(B) the bid, grant application, or other document was, within the time prescribed in subparagraph (A), deposited in the mail in the United States in an envelope or other appropriate wrapper, postage prepaid, properly addressed to the agency, officer, or office with which the bid, grant application, or other document is required to be made.

(b) POSTMARKS.—This section shall apply in the case of postmarks not made by the United States Postal Service only if and to the extent provided by the regulations prescribed by Federal agencies.

(c) REGISTERED AND CERTIFIED MAILING.—

(1) REGISTERED MAIL.—For purposes of this section, if any such bid, grant application, or other document is sent by United States registered mail—

(A) such registration shall be prima facie evidence that the bid, grant application, or other document was delivered to the agency, officer, or office to which addressed; and

(B) the date of registration shall be deemed the postmark date.

(2) CERTIFIED MAIL.—Federal agencies are authorized to provide by regulations the extent to which the provisions of paragraph (1) of this subsection with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall remain in effect notwithstanding section 10 of this Act.

STEVENS AMENDMENT NO. 5249

Mr. SHELBY (for Mr. STEVENS) proposed an amendment to the bill, H.R. 3756, supra; as follows:

SEC. . Notwithstanding the provision under the heading "ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS" under title IV of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52; 109 Stat. 480), the Advisory Commission on Intergovernmental Relations may continue in existence during fiscal year 1997 and each fiscal year thereafter.

INOUYE AMENDMENT NO. 5250

Mr. SHELBY (for Mr. INHOFE) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 60, line 19 strike all through line 21.

MCCAIN AMENDMENT NO. 5251

Mr. SHELBY (for Mr. MCCAIN) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) No later than 45 days after the date of the enactment of this Act, the Inspector General of each Federal department or agency that uses administratively uncontrollable overtime in the pay of any employee shall—

(1) conduct an audit on the use of administratively uncontrollable overtime by employees of such department or agency, which shall include—

(A) an examination of the policies, extent, costs, and other relevant aspects of the use of administratively uncontrollable overtime at the department or agency; and

(B) a determination of whether the eligibility criteria of the department or agency and payment of administratively uncontrollable overtime comply with Federal statutory and regulatory requirements; and

(2) submit a report of the findings and conclusions of such audit to—

(A) the Office of Personnel Management;

(B) the Government Affairs Committee of the Senate; and

(C) the Government Reform and Oversight Committee of the House of Representatives.

(b) No later than 30 days after the submission of the report under subsection (a), the Office of Personnel Management shall issue revised guidelines to all Federal departments and agencies that—

(1) limit the use of administratively uncontrollable overtime to employees meeting the statutory intent of section 5545(c)(2) of title 5, United States Code; and

(2) expressly prohibit the use of administratively uncontrollable overtime for—

(A) customary or routine work duties; and

(B) work duties that are primarily administrative in nature, or occur in noncompelling circumstances.

HOLLINGS AMENDMENT NO. 5252

Mr. SHELBY (for Mr. HOLLINGS) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding section 8116 of title 5, United States Code, and in addition to any payment made under 5 U.S.C. 8101 et seq., beginning in fiscal year 1997 and thereafter, the head of any department or agency is authorized to pay from appropriations made available to the department or agency a death gratuity to the personal representative (as that term is defined by applicable law) of a civilian employee of that department or agency whose death resulted from an injury sustained in the line of duty on or after August 2, 1990: *Provided*, That payments made pursuant to this section, in combination with the payments made pursuant to sections 8133(f) and 8134(a) of such title 5 and section 312 of Public Law 103-332 (108 Stat. 2537), may not exceed a total of $10,000 per employee.

SHELBY (AND KERREY) AMENDMENT NO. 5253

Mr. SHELBY (for himself and Mr. KERREY) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . EXPLOSIVES DETECTION CANINE PROGRAM.

(a) AUTHORIZATION.—

(1) The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by federal agencies, or other agencies providing explosives detection services at airports in the United States.

(2) The Secretary of the Treasury shall establish an explosives detection canine training program for the training of canines for explosives detection at airports in the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SHELBY AMENDMENT NO. 5254

Mr. SHELBY proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following;

SEC. . DESIGNATION OF MARK O. HATFIELD UNITED STATES COURTHOUSE.

The United States Courthouse under construction at 1030 Southwest 3d Avenue in Portland, Oregon, shall be known and designated as the "Mark O. Hatfield United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Mark O. Hatfield United States Courthouse".

SEC. 3. EFFECTIVE DATE.

This section shall take effect on January 2, 1997.

BROWN AMENDMENT NO. 5255

Mr. SHELBY (for Mr. BROWN) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the end of the bill, add the following new title:

TITLE ___—FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT

SEC. ___01. SHORT TITLE.

This title may be cited as the "Federal Financial Management Improvement Act of 1996".

SEC. ___02. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Much effort has been devoted to strengthening Federal internal accounting controls in the past. Although progress has been made in recent years, Federal accounting standards have not been uniformly implemented in financial management systems for agencies.

(2) Federal financial management continues to be seriously deficient, and Federal financial management and fiscal practices have failed to—

(A) identify costs fully;

(B) reflect the total liabilities of congressional actions; and

(C) accurately report the financial condition of the Federal Government.

(3) Current Federal accounting practices do not accurately report financial results of the Federal Government or the full costs of programs and activities. The continued use of these practices undermines the Government's ability to provide credible and reliable financial data and encourages already widespread Government waste, and will not assist in achieving a balanced budget.

(4) Waste and inefficiency in the Federal Government undermine the confidence of the American people in the Government and reduce the Federal Government's ability to address vital public needs adequately.

(5) To rebuild the accountability and credibility of the Federal Government, and restore public confidence in the Federal Government, agencies must incorporate accounting standards and reporting objectives established for the Federal Government into their financial management systems so that all the assets and liabilities, revenues, and expenditures or expenses, and the full costs of programs and activities of the Federal Government can be consistently and accurately recorded, monitored, and uniformly reported throughout the Federal Government.

(6) Since its establishment in October 1990, the Federal Accounting Standards Advisory Board (hereinafter referred to as the "FASAB") has made substantial progress toward developing and recommending a comprehensive set of accounting concepts and standards for the Federal Government. When the accounting concepts and standards developed by FASAB are incorporated into Federal financial management systems, agencies

will be able to provide cost and financial information that will assist the Congress and financial managers to evaluate the cost and performance of Federal programs and activities, and will therefore provide important information that has been lacking, but is needed for improved decisionmaking by financial managers and the Congress.

(7) The development of financial management systems with the capacity to support these standards and concepts will, over the long term, improve Federal financial management.

(b) PURPOSES.—The purposes of this title are to—

(1) provide for consistency of accounting by an agency from one fiscal year to the next, and uniform accounting standards throughout the Federal Government;

(2) require Federal financial management systems to support full disclosure of Federal financial data, including the full costs of Federal programs and activities, to the citizens, the Congress, the President, and agency management, so that programs and activities can be considered based on their full costs and merits;

(3) increase the accountability and credibility of Federal financial management;

(4) improve performance, productivity and efficiency of Federal Government financial management;

(5) establish financial management systems to support controlling the cost of Federal Government;

(6) build upon and complement the Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2838), the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the Government Management Reform Act of 1994 (Public Law 103–356; 108 Stat. 3410); and

(7) increase the capability of agencies to monitor execution of the budget by more readily permitting reports that compare spending of resources to results of activities.

SEC. ___03. IMPLEMENTATION OF FEDERAL FINANCIAL MANAGEMENT IMPROVEMENTS.

(a) IN GENERAL.—Each agency shall implement and maintain financial management systems that comply with Federal financial management systems requirements, applicable Federal accounting standards, and the United States Government Standard General Ledger at the transaction level.

(b) PRIORITY.—Each agency shall give priority in funding and provide sufficient resources to implement this title.

(c) AUDIT COMPLIANCE FINDING.—

(1) IN GENERAL.—Each audit required by section 3521(e) of title 31, United States Code, shall report whether the agency financial management systems comply with the requirements of subsection (a).

(2) CONTENT OF REPORTS.—When the person performing the audit required by section 3521(e) of title 31, United States Code, reports that the agency financial management systems do not comply with the requirements of subsection (a), the person performing the audit shall include in the report on the audit—

(A) the name and position of any officer or employee responsible for the financial management systems that have been found not to comply with the requirements of subsection (a);

(B) all facts pertaining to the failure to comply with the requirements of subsection (a), including—

(i) the nature and extent of the noncompliance;

(ii) the primary reason or cause of the noncompliance;

(iii) any official responsible for the noncompliance; and

(iv) any relevant comments from any responsible officer or employee; and

(C) a statement with respect to the recommended remedial actions and the timeframes to implement such actions.

(d) COMPLIANCE DETERMINATION.—

(1) IN GENERAL.—No later than the date described under paragraph (2), the Director, acting through the Controller of the Office of Federal Financial Management, shall determine whether the financial management systems of an agency comply with the requirements of subsection (a). Such determination shall be based on—

(A) a review of the report on the applicable agency-wide audited financial statement;

(B) the agency comments on such report; and

(C) any other information the Director considers relevant and appropriate.

(2) DATE OF DETERMINATION.—The determination under paragraph (1) shall be made no later than 90 days after the earlier of—

(A) the date of the receipt of an agency-wide audited financial statement; or

(B) the last day of the fiscal year following the year covered by such statement.

(e) COMPLIANCE IMPLEMENTATION.—

(1) IN GENERAL.—If the Director determines that the financial management systems of an agency do not comply with the requirements of subsection (a), the head of the agency, in consultation with the Director, shall establish a remediation plan that shall include the resources, remedies, and intermediate target dates necessary to bring the agency's financial management systems into compliance.

(2) TIME PERIOD FOR COMPLIANCE.—A remediation plan shall bring the agency's financial management systems into compliance no later than 2 years after the date on which the Director makes a determination under paragraph (1), unless the agency, with concurrence of the Director—

(A) determines that the agency's financial management systems are so deficient as to preclude compliance with the requirements of subsection (a) within 2 years;

(B) specifies the most feasible date for bringing the agency's financial management systems into compliance with the requirements of subsection (a); and

(C) designates an official of the agency who shall be responsible for bringing the agency's financial management systems into compliance with the requirements of subsection (a) by the date specified under subparagraph (B).

(3) TRANSFER OF FUNDS FOR CERTAIN IMPROVEMENTS.—For an agency that has established a remediation plan under paragraph (2), the head of the agency, to the extent provided in an appropriation and with the concurrence of the Director, may transfer not to exceed 2 percent of available agency appropriations to be merged with and to be available for the same period of time as the appropriation or fund to which transferred, for priority financial management system improvements. Such authority shall be used only for priority financial management system improvements as identified by the head of the agency, with the concurrence of the Director, and in no case for an item for which Congress has denied funds. The head of the agency shall notify Congress 30 days before such a transfer is made pursuant to such authority.

(4) REPORT IF NONCOMPLIANCE WITHIN TIME PERIOD.—If an agency fails to bring its financial management systems into compliance within the time period specified under paragraph (2), the Director shall submit a report of such failure to the Committees on Governmental Affairs and Appropriations of the Senate and the Committees on Government Reform and Oversight and Appropriations of the House of Representatives. The report shall include—

(A) the name and position of any officer or employee responsible for the financial management systems that have been found not to comply with the requirements of subsection (a);

(B) the facts pertaining to the failure to comply with the requirements of subsection (a), including the nature and extent of the noncompliance, the primary reason or cause for the failure to comply, and any extenuating circumstances;

(C) a statement of the remedial actions needed; and

(D) a statement of any administrative action to be taken with respect to any responsible officer or employee.

(f) PERSONAL RESPONSIBILITY.—Any financial officer or program manager who knowingly and willfully commits, permits, or authorizes material deviation from the requirements of subsection (a) may be subject to administrative disciplinary action, suspension from duty, or removal from office.

SEC. ___04. APPLICATION TO CONGRESS AND THE JUDICIAL BRANCH.

(a) IN GENERAL.—The Federal financial management requirements of this title may be adopted by—

(1) the Senate by resolution as an exercise of the rulemaking power of the Senate;

(2) the House of Representatives by resolution as an exercise of the rulemaking power of the House of Representatives; or

(3) the Judicial Conference of the United States by regulation for the judicial branch.

(b) STUDY AND REPORT.—No later than October 1, 1997—

(1) the Secretary of the Senate and the Clerk of the House of Representatives shall jointly conduct a study and submit a report to Congress on how the offices and committees of the Senate and the House of Representatives, and all offices and agencies of the legislative branch may achieve compliance with financial management and accounting standards in a manner comparable to the requirements of this title; and

(2) the Chief Justice of the United States shall conduct a study and submit a report to Congress on how the judiciary may achieve compliance with financial management and accounting standards in a manner comparable to the requirements of this title.

SEC. ___05. REPORTING REQUIREMENTS.

(a) REPORTS BY DIRECTOR.—No later than March 31 of each year, the Director shall submit a report to the Congress regarding implementation of this title. The Director may include the report in the financial management status report and the 5-year financial management plan submitted under section 3512(a)(1) of title 31, United States Code.

(b) REPORTS BY THE COMPTROLLER GENERAL.—No later than October 1, 1997, and October 1, of each year thereafter, the Comptroller General of the United States shall report to the appropriate committees of the Congress concerning—

(1) compliance with the requirements of section ___03(a) of this title, including whether the financial statements of the Federal Government have been prepared in accordance with applicable accounting standards; and

(2) the adequacy of uniform accounting standards for the Federal Government.

SEC. ___06. CONFORMING AMENDMENTS.

(a) AUDITS BY AGENCIES.—Section 3521(f)(1) of title 31, United States Code, is amended in the first sentence by inserting "and the Controller of the Office of Federal Financial Management" before the period.

(b) FINANCIAL MANAGEMENT STATUS REPORT.—Section 3512(a)(2) of title 31, United States Code, is amended by—

(1) in subparagraph (D) by striking "and" after the semicolon;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

"(E) a listing of agencies whose financial management systems do not comply substantially with the requirements of the Federal Financial Management Improvement Act of 1996, the period of time that such agencies have not been in compliance, and a summary statement of the efforts underway to remedy the noncompliance; and".

SEC. ___07. DEFINITIONS.

For purposes of this title:

(1) AGENCY.—The term "agency" means a department or agency of the United States Government as defined in section 901(b) of title 31, United States Code.

(2) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(3) FEDERAL ACCOUNTING STANDARDS.—The term "Federal accounting standards" means applicable accounting principles, standards, and requirements consistent with section 902(a)(3)(A) of title 31, United States Code, and includes concept statements with respect to the objectives of Federal financial reporting.

(4) FINANCIAL MANAGEMENT SYSTEMS.—The term "financial management systems" includes the financial systems and the financial portions of mixed systems necessary to support financial management, including automated and manual processes, procedures, controls, data, hardware, software, and support personnel dedicated to the operation and maintenance of system functions.

(5) FINANCIAL SYSTEM.—The term "financial system" includes an information system, comprised of one or more applications, that is used for—

(A) collecting, processing, maintaining, transmitting, or reporting data about financial events;

(B) supporting financial planning or budgeting activities;

(C) accumulating and reporting costs information; or

(D) supporting the preparation of financial statements.

(6) MIXED SYSTEM.—The term "mixed system" means an information system that supports both financial and nonfinancial functions of the Federal Government or components thereof.

SEC. ___08. EFFECTIVE DATE.

This title shall take effect on October 1, 1996.

REID (AND OTHERS) AMENDMENT NO. 5256

Mr. REID (for himself, Mr. LEVIN, and Mr. BIDEN) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 91, line 3, strike "The" and insert "Except as provided in subsection (f), the".

On page 92, between lines 21 and 22, add the following:

(f)(1) Any former employee of the White House Travel Office whose employment in that office was terminated on May 19, 1993, and who was subject to criminal indictment for conduct in connection with such employment, shall be reimbursed for attorney fees and costs under this section but only if the claim for such attorney fees and costs, which shall be referred to the chief judge of the United States Court of Federal Claims, is determined by the chief judge to be a legal or equitable claim, as provided in paragraph (2).

(2) The chief judge shall—

(A) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(B) report back to the Senate, at the earliest practicable date, providing—

(i) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in this section as a legal or equitable claim against the United States or a gratuity; and

(ii) the amount, if any, legally or equitably due from the United States to any individual referred to in this section.

HATCH AMENDMENT NO. 5257

Mr. HATCH proposed an amendment to amendment No. 5256 proposed by Mr. REID to the bill, H.R. 3756, supra; as follows:

Strike all after the first word and insert the following:

(2) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under paragraph (1) upon submission by the individual of documentation verifying the attorney fees and costs.

(3) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this subsection.

(b) LIMITATION ON FILING OF CLAIMS.—The Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of the enactment of this Act.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) REDUCTION.—The amount paid pursuant to this section to an individual for attorney fees and costs described in subsection (a) shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

(c) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—Payment under this section, when accepted by an individual described in subsection (a), shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

SEC. 529. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 528. (a) REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay from amounts appropriated in title I of this Act under the heading, "Departmental Offices, Salaries and Expenses", up to $499,999 to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

NOTICE OF HEARING

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Thursday, September 19, 1996, at 9:30 a.m., in room 562 of the Dirksen Senate Office Building. The hearing will discuss Social Security reform.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 11, 1996, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 11, 1996, at 2 p.m. to hold a hearing on "Mergers and Competition in the Telecommunications Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 11, 1966, at 9 a.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 11, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Wednesday, September 11, at 9:30 a.m., Hearing Room (SD-406) on the Intermodal Surface Transportation Efficiency Act and the role of Federal, State, and local governments in surface transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REGARDING PUERTO RICO ECONOMIC INCENTIVES

• Mr. D'AMATO. Mr. President, I have said in the past, and continue to believe, that the action taken by Congress in eliminating section 936 without a permanent replacement program that provides a major stimulus to economic development in Puerto Rico and the creation of well-paying and stable jobs was unfortunate.

We have the seeds of a replacement program in new Internal Revenue Code section 30A that provides a targeted wage credit to companies currently doing business in Puerto Rico based upon the compensation paid to their qualified employees. Although this is certainly movement in the right direction, it does not allow new business starts, and the credit will sunset in 10 years. As such, it does not provide the permanency that is needed to maintain the economic development of Puerto Rico, and will adversely impact States like New York.

Corporations headquartered in New York State that have invested in Puerto Rico employ over 39,000 persons in New York. Moreover, Puerto Rican subsidiaries of mainland companies purchase approximately $195 million per year worth of supplies and services from New York. Consequently, when the wage credit sunsets in 2006 and corporations are drawn to other regions where there are tax incentives, New York State will lose not only jobs, but a significant amount of income from goods and services.

Mr. President, Congress needs to work with the elected representatives of Puerto Rico to expand section 30A into a dynamic and effective job creation incentive that helps to bring new and high-paying jobs to Puerto Rico. By doing so, we will raise Puerto Rico's economic standards and provide efficient Federal incentives to accomplish those goals. I firmly believe that Congress, working with Governor Rossello and other elected leaders from Puerto Rico, can successfully fashion a program that achieves economic progress for Puerto Rico and efficiency in Federal expenditures.•

SHOULD WE TROT OUT THE NEW DEAL AGAIN?

• Mr. SIMON. Mr. President, one of the ablest aldermen in the city of Chicago, Burton F. Natarus, recently had a commentary in the Chicago Tribune in which he calls for a public works program along the lines of the WPA. It makes eminent good sense.

We can learn from history, but we're apparently unwilling to do it.

The welfare bill that passed is going to cause huge problems in our society if we don't come up with something better and do it quickly.

A WPA type of welfare reform would cost a little more initially, but saves huge amounts of money in the long run and be of great assistance to impoverished areas, whether rural or urban.

Right now we are trying to have welfare reform but do it without creating jobs for the unskilled and without having day care for their children.

Anything labeled "welfare reform" that doesn't provide the jobs and doesn't provide day care is not really welfare reform.

Mr. President, I ask that Alderman Natarus' article be printed in the RECORD.

The article follows:

[From the Chicago Tribune, Aug. 22, 1996]

SHOULD WE TROT OUT THE NEW DEAL AGAIN?

(By Burton F. Natarus)

On July 24, the Senate approved a comprehensive welfare bill, the most sweeping change since the creation of the New Deal 60 years ago. Federal guarantees of cash assistance for the nation's poorest children have evaporated and states will be given new powers to run welfare on their own. The measure also imposes a five-year lifetime limit on cash assistance payments to any family and requires the head of every family on welfare to work within two years or lose benefits.

While we laud the new thrust toward the self-sufficiency of our population, and the end of the obsolete aspects of the 60-year-old welfare system, we have serious concerns about jobs. Where are they to come from? Where is the new workforce to go? To Bainbridge Island, Wash., to work for Microsoft? To the high-tech Naperville corridor for that chemical engineering position? The welfare reform bill, which President Clinton is expected to sign, presumes there will be jobs available for the workforce. These jobs may or may not exist and we have to face the brutal fact that generations of welfare families have no saleable working skills. Recall the controversial "workfare" Comprehensive Employment and Training Act program from the Nixon administration in the flush, moneyed '70s, when Congress tried to create jobs accompanied by teaching and skills training. Limited in scope and a short-term solution to unemployment, it finally ended with the Reagan era and here we are 10 years later with no significant federal jobs program as we throw the poor out on their own.

With the CETA program, the private sector created low-level and semi-skilled jobs, which concentrated in the food service, truck driving and clerical fields. There were considerable financial incentives for the private sector to participate in CETA. These incentives do not exist today and the private sector may not be willing nor is it able to create entry-level jobs in sufficient numbers.

In 1929, the Depression commenced its sad and ugly course and by 1933 12 million able-bodied Americans were out of work. No work. No money. The country was, however, fortunate enough to have Franklin Roosevelt as its 32nd president. We know of his long roster of massive relief measures and social programs to cope with the Depression and a country in crisis: farm relief, unemployment insurance, Social Security, fair bankruptcy and foreclosure procedures and numerous federal jobs measures. At the 1932 Democratic National Convention in Chicago, Roosevelt declared, "I pledge myself to a new deal. . . . This is more than a political campaign; it is a call to arms."

What we need is a "new" New Deal and a call to arms. Let us recall some of those job-creating public works bills of the Roosevelt administration.

In March 1933, his recovery plan included the Civilian Conservation Corps, which gave 250,000 young men meals, housing, wages and the necessities of life for their work in the national forests and other government properties.

There was the Works Progress Administration and in the words of Sen. Paul Simon (D-Ill.) 10 years ago, it was "refreshingly sensible." The WPA put 8.5 million people to work building bridges, airports, highways and developing programs to foster cultural awareness. The Federal Art Project's works are still seen today in murals at such places as Lane Tech and the Lakeview Post Office. Hundreds of thousands of Chicagoans worked for the WPA during these years, including thousands of laborers, artists and writers who worked for $95 a month. In Illinois, from 1935–38, these new hires built 28 million square feet of sidewalks, 1,895 rural bridges, 300,000 public artworks. A recent New York Times Magazine article entitled, "When Work Disappears" recounts the staggering national accomplishments of the administration, from playgrounds, athletic fields, viaducts and culverts, to LaGuardia Airport and FDR Drive. This week it has been nationally reported that the cities with the most decrepit crumbling and unsafe bridges in the country are New York and Washington, D.C. In Chicago, we could also use the help of our citizens in repairing old infrastructure.

The Public Works Administration created jobs and stimulated business between 1933 and 1939. The federal government spent $6 billion on construction of the Washington, D.C. Mall, Hoover Dam, the Lincoln Tunnel and Ft. Knox. This bureau also created jobs geared toward the preservation of public works.

The creation of the Tennessee Valley Authority put the government in the electric power business, selling electricity in competition with private firms, and giving the government ownership of hydroelectric plants in large rivers. Under the program, Norris Dam was built on the Tennessee River and the Bonneville and Grand Coulee on the Columbia River. These dams employed hundreds of thousands of people who ended up not only supporting themselves and their families but constructing enduring legacies for the country. How many flood plains could use dams right here in Illinois?

World War II eventually solved the unemployment problem but you can imagine how bereft the country would have been for those 10 years without the PWA, the WPA, the CCC and the TVA. One powerful reason why it makes good economic sense to place people on the federal payroll is that the jobs are taxable and the tax monies revert to the federal government as wages are disbursed. Programs such as the WPA pay for themselves in the long run, which is so much more financially efficient than a dole or handout.

Furthermore, when the federal worker leaves his public sector job he will be ready, or at least more ready, for private sector employment, having received on-the-job training in a specific field. Incidentally, the jobs would not be ad aeternitum nor for the lifetime of an individual. They would be for a finite period after which time others would be hired and given a chance to learn replicable skills. By creating these government jobs an economic rippling effect inevitably occurs in which private industry is stimulated.

A federal public jobs program would not carry the stigma of welfare so public jobs must be made available for those who will no longer be on the dole. We owe our citizens this much. This is indeed a call to arms and in this matter we have no choice.

'The WPA was the most beneficial project in the history of the United States. Bringing it back is long overdue . . . There are plenty of projects now without having to make work. Everything is deteriorating—bridges, buildings, roads, schools, everything.'•

TRIBUTE TO OATS

• Mr. BOND. Mr. President, I rise today to pay a special tribute to Older Adults Transportation Service, Inc. [OATS]. It is a great pleasure to recognize OATS for its 25 years of loyal service to residents in the State of Missouri.

OATS was founded in November 1971, as the Cooperative Transportation Service, to provide reliable transportation to seniors, people with disabilities and rural residents of Missouri in order to increase their mobility to live independently in their own communities. Since then, the not-for-profit corporation has grown from 3 buses serving 8 mid-Missouri counties, into a fleet of over 300 vehicles serving 87 out of Missouri's 113 counties. Today, over 1,000 volunteers and 342 drivers and staff dedicate their time and energy to increasing mobility and extending a lifeline for those with special transportation needs.

As OATS celebrates its 25th anniversary on September 25, 1996, it is an honor to congratulate its members on their long lasting commitment to Missourians. I wish OATS the best of luck in all its future endeavors and continued success in its service to others.•

WHY DO WE KEEP STIFFING THE UNITED NATIONS?

• Mr. SIMON. Mr. President, the Los Angeles Times recently carried an op-ed piece by James P. Muldoon, Jr., and Rafael Moreno under the title, "Why Do We Keep Stiffing the U.N.?"

My colleagues know of my unhappiness with our failure to pay the debt we owe.

Our provincialism is astounding. The article refers to our debt as being $1.5 billion. That may be a slight exaggeration, but it is at least $1.2 billion and probably somewhat higher than that.

What is also of interest is their paragraph on relative cost paid by different countries. They write:

> It's difficult for Europeans to accept that the U.N. is a budget-buster for the U.S. The costs to Americans for the U.N. in general and U.N. peacekeeping in particular are significantly lower than they are for Europeans. The U.S. costs for the 1996 U.N. regular budget come to only $1.24 per American, while the people of San Marino owe $4.75 each. Luxembourg $2.06 each and for the Swedes $1.57 each. The U.S. per capita cost for 16 U.N. peacekeeping operations in 1994 was less than $4.

I ask my colleagues to read what Mr. Muldoon and Mr. Moreno have to say.

I ask that the op-ed piece be printed in the RECORD.

The op-ed piece follows:

WHY DO WE KEEP STIFFING THE U.N.?

(By James P. Muldoon Jr. and Rafael Moreno)

Italian President Oscar Scalfaro, in an address to the U.N. General Assembly earlier this year, diplomatically yet firmly took the United States to task about its mountain of debt to the United Nations. Sadly, Scalfaro's message is hardly new. Over the past few months, nearly all our European partners have expressed similar discontent with U.S. leadership at the U.N.

This week the Council on Foreign Relations issued a report by a bipartisan group of U.S. foreign-policy experts, who warn that Washington's hostility to the U.N. is damaging both the world organization and America's national interests. The report says that politicians have misrepresented U.N. activities in such trouble spots as Somalia and Bosnia in order to cover up their own policy failures.

America's U.N. debt now tops $1.5 billion. French President Jacque Chirac chided members of Congress, in a joint session, saying their shortsightedness was weakening America's position of global leadership. Behind the scenes, similar messages of concern are being registered across Europe. America's allies are confounded by the intense anti-U.N. rhetoric that has emerged during the U.N.'s 50th anniversary year, intensifying as the presidential election nears.

Since the end of the Cold War, the major powers have recognized that the U.S. could not (and would not) be the world's policeman. For that reason, many countries, including the U.S. attempted to make the U.N.'s "collective security" machinery function in response to a range of conflicts over the past five years that were not imagined by the drafters of the U.N. Charter. Yet when the peacekeeping missions in Somalia, the former Yugoslavia and Haiti lost their way, the "great powers" who approved and mandated these missions conveniently shifted most of the blame onto the secretary-general and the U.N. secretariat, distancing themselves from their decisions and mandates in the Security Council. When the bills came due, the greatest power—the United States—said it was unable to pay.

It's difficult for Europeans to accept that the U.N. is a budget-buster for the U.S. The costs to Americans for the U.N. in general and U.N. peacekeeping in particular are significantly lower than they are for Europeans. The U.S. costs for the 1996 U.N. regular budget come to only $1.24 per American, while the people of San Marino owe $4.75 each. Luxembourg $2.06 each and for the Swedes $1.57 each. The U.S. per capita cost for 16 U.N. peacekeeping operations in 1994 was less than $4.

Making matters worse is the U.S. arrogance when discussing problems of U.N. peacekeeping, especially regarding the U.N. troops in the former Yugoslavia, and the disavowal of Washington, particularly Congress, for America's part in the "failure" of the U.N. in the Balkans. The real facts regarding the limitations of U.N. peacekeeping in the post-Cold War period is a shameful record of "great power" mismanagement and unrealistic mandates. The vast majority of U.N. Troops in peacekeeping missions are from such member states as Fiji, Pakistan, Malaysia, Italy and Spain. The permanent members of the Security Council—the U.S., Britain, France, Russia and China—have extraordinary power and can stop the expansion or addition of U.N. missions simply by voting no. The fact that they hold such power is the primary reason that they are expected to pay more for these missions and to deploy larger troop contingents.

European concerns go well beyond the matter of America's $1.5-billion U.N. debt. One thing that most bothers our allies is the cynical American tendency to take advantage of the organization when it serves our national interest—as it did with Haiti—or to use it as an excuse to hide behind when it doesn't—Bosnia, for example.

This is not a debate about the $4.40 that each American owes the U.N. but about the kind of world we want in the 21st century. Will it be one with the U.S. as the haughty and lonely superpower or one with nations and peoples following America's moral leadership and working out differences through dialogue, cooperation and common will, something very similar to what the U.N. is all about?•

THE 50TH ANNIVERSARY OF UNIROYAL GOODRICH PLANT IN TUSCALOOSA, AL

• Mr. SHELBY. Mr. President, I rise today in honor of the Uniroyal Goodrich Tire Manufacturing facility in Tuscaloosa, AL, which is celebrating its 50th year of successful production and community service. For half a century, the Uniroyal Goodrich plant has been an important part of Tuscaloosa's economic and social fabric as well as a source of great pride within the community.

For the last 50 years, the history of the Uniroyal Goodrich plant has reflected that of our Nation. In 1946, as our Nation was moving from wartime to a peacetime economy, BF Goodrich was leading the way, purchasing an unfinished tire plant from the Federal Government, and on October 23, 1946, rolling the first tire off the assembly line. Since then, a long series of ambitious modernizations and expansions have enabled the Tuscaloosa facility to keep pace with the constant business and technological innovations which have been the hallmark of American industry. Although Tuscaloosa's tire manufacturing plant began by producing belted bias tires in an 860,000-

square-foot structure, today the facility is double its original size, 40 acres under one roof, and produces high performance radial tires 24 hours a day, 7 days a week.

America's post-war success, like the success of the Tuscaloosa facility, has been a product of teamwork. In 1986, BF Goodrich joined forces with the Uniroyal Co. to produce high-quality tires. In 1990, the Uniroyal Goodrich Tire Co. became part of Michelin North America. This new team promises to be a leader in American industry for many years to come.

The important role the Uniroyal Goodrich plant has played in the development of Tuscaloosa as a growing and prosperous community cannot be overstated. It is a rare Tuscaloosa family who does not have a father, son, brother, sister, or cousin who is a current or previous employee of the plant. The plant's first weekly payroll, back in 1946, was $542.23 for 12 employees. This payroll has grown to over $1.3 million for 2,000 hard-working local men and women. This income rolls over many times in the local economy, benefiting all of Tuscaloosa's businesses and individuals.

I am immensely grateful for, and proud of, the Uniroyal Goodrich Tire Manufacturing plant and the men and women who work hard there every day. On behalf of all Tuscaloosans, I would therefore like to congratulate the Uniroyal Goodrich Tire Manufacturing plant for 50 years of outstanding production and community service. I wish them another 50 years of success and prosperity.•

IF WE WERE SERIOUS

• Mr. SIMON. Mr. President, when Richard Darman served as The Office of Management and Budget Director, I sometimes disagreed with him; but I always had great respect for him.

He had an op-ed piece in The New York Times on September 1 that contains a great deal of common sense; and as we know, common sense is all too often the last thing that gets discussed during a political campaign.

He says correctly that we have to look at the entitlement picture. To pretend that we can balance the budget without looking at entitlements is living in a dream world, even if both political parties were not asking for tax cuts. The request for tax cuts simply compounds this problem.

Second, he suggests that we have to look at urban problems. If I can expand that to say we ought to be looking at the question of poverty, which is what he is really suggesting. That means looking at education and some other basics.

I have long favored having a WPA type of jobs program where we would pay people the minimum wage for 4-days a week. The fifth day they would have to be out trying to find a job in the private sector. When people cannot read and write, we would get them into a program. If their literacy and educational background was woefully inadequate, we would get them into a program to get their GED. If they have no marketable skill, we would get them to a community college or technical school.

The reality is there is no way of achieving the kind of society we should have on the cheap, as Darman points out.

The third reality that he mentions in his article is that we are growing older and obviously that has a huge impact on the entitlement scene.

There is one other reality that he does not mention that ought to be put on the table and that is in terms of taxation. Contrary to the general myth, the percentage of our taxes that goes for government support is lower than any of the countries of western Europe or Japan, Australia, and New Zealand, if the Japanese industrial compact is considered. The lone exception to that is Turkey.

We ought to be looking at a value-added tax; we ought to be looking at a more realistic gasoline tax; we ought to be raising cigarette taxes, both for our economic health and our physical health.

In any event, the Darman discussion should move us a little more toward reality.

Mr. President, I ask that this article from The New York Times be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 1, 1996]

IF WE WERE SERIOUS

(By Richard Darman)

The prime-time convention shows have come to their balloon-drop endings. The mini-movies, zingers and dramatic speeches are over. What follows now, we are told, is the "serious campaign."

That is a notion which many would dismiss as oxymoronic. But it has the virtue of suggesting an interesting question: What important issues might the candidates address if the campaign actually were serious?

The question is not put to dismiss what has been presented so far. Bill Clinton and Bob Dole have both recognized that a governing majority requires far broader appeal than either party's traditional base provides. They have both broadened their reach.

Bob Dole has distanced himself from the dour anti-government focus of the House Republicans by selecting Jack Kemp—signaling an interest in growth, while underlining his commitment to equal opportunity, inclusiveness and tolerance. Bill Clinton has adopted a Reaganesque command of symbols and ceremony, declaring "hope is back." And he has again reversed himself on welfare and taxes, asserting "the era of big government is over."

How much of this is to be taken seriously, others may judge. Choices have been framed: whether to continue on the current path or pursue a bolder reach for growth; to rely on government or "trust the people"; to "bridge" forward or back to the future. The problem is that such formulations, though important, are abstract. As presented by the major candidates, they barely touch fundamental issues America must face.

One such issue, growing middle-class entitlements, was mentioned in a convention speech, but not by any of the candidates. Colin Powell warned of "condemning our children and grandchildren with a crushing burden of debt that will deny them the American Dream." He noted, "We all need to understand it is the entitlement state that must be reformed, and not just the welfare state." Virtually all serious analysts agree: if entitlements are not reformed before the baby-boom generation reaches age 60, the feel-good talk about recent progress on the deficit will be replaced by a sense of crisis.

The sensible course is to avoid a baby-boomer retirement shock by addressing the problem well in advance. But the major candidates either pretend the problem does not exist, propose to hand it to a commission, or wish it away with heroic assumptions about economic growth. Indeed, while sidestepping the problem, the candidates actually act as if government were going to be long, not short, on revenue. Without providing credible proposals for spending reduction, both candidates offer the voters attractive tax cuts—what Ross Perot has termed "free candy just before elections."

The facts are these, however: There are good reasons public policy should seek to increase growth. These range from interests in reducing the deficit and financing Social Security to increasing opportunity for the poor and improving the quality of life for all. But growth is limited by labor-force participation and the rate of increase in productivity. These can and should be improved by cutting marginal tax rates and the tax on capital gains. But significant improvements in productivity also require radical improvements in education and training, and major breakthroughs in research and development. These, in turn, require the expenditure of political and financial capital. Even with these, the likely increase in growth would not suffice to offset too much free candy.

In any case, major improvements in long-term productivity growth take time to achieve. Meanwhile, the deficit cannot be eliminated by focusing on non-entitlements and using the new line-item veto. The "anti-government" public and politicians care too much about expenditures for law enforcement, immigration control, drug abuse prevention, air safety, environmental protection, biomedical research, and so on. So if the baby-boomers are to avoid a shock, if the deficit is to be kept under control, and if a tax increase is to be avoided, entitlement reform will have to be faced promptly.

This issue is at the heart of the budget problem. Yet if it were merely budgetary, it would long since have been solved. The dilemma is that entitlements principally involve the broad American middle that is key to electoral success. That is why entitlements are the "third rail" of American politics and lend themselves to demagoguery. They are treated simplistically though they involve complex questions: Who in the middle class should be protected against exactly what risks? What should be the relative responsibility of government and individuals in assuring risk protection? What are the obligations of working generations to generations too young or too old to work? Leadership is needed to help frame responsible answers to just such difficult questions. Yet no candidate has trusted the people enough to risk a serious discussion.

A second fundamental problem is as obvious as the first and as unattended: America's deposing inner cities. Clearly, talk of hope, history and the American Dream is hollow if it does not address the large population trapped in ghettos. Urban ghettos represent a moral failure and a substantial economic cost. Indeed, if left unattended, the decivilizing effects of urban neglect may pose a more widespread threat to the American Dream. Yet this problem, too, has difficulty attracting a serious word.

Jack Kemp deserves credit for being among the few major politicians to put the urban problem on the national agenda. But, unfortunately, putting this problem on the agenda and offering viable solutions are not necessarily the same. Jobs must be created near blighted areas, and tax incentives could help. but they cannot possibly suffice. A zero capital gains rate will not counter the fear of random violence or organized mayhem. Low marginal rates alone will not produce healthy role models or families, effective education, a reduction in drug abuse, or the basics of a civilized infrastructure. Given the scale of the urban problem, very large amounts of public and private investment are required. And while the investment may pay for itself over generations, in the near term it means that in addition to tax incentives there must be significant spending. Yet these days, no major politician seems willing to admit publicly that great dreams cannot be achieved on the cheap.

A third fundamental problem is not quite as obvious as the first two. It is the flip side of a good thing: Americans can expect to live longer. The Census Bureau estimates that, in 2010, there will be more than 40 million Americans aged 65 and over. Six million will be 85 and over—and that is before the baby-boomers reach 85. with breakthroughs in biomedical research, these numbers will be even more compelling. There is not only a very large generation headed toward retirement. But in the move from the 20th to the 21st century, something close to an additional generation is being added to expected life.

This will necessitate a minor cultural and economic revolution. It is not merely an issue of entitlement finance. Retirement ages will have to increase. Job and retraining opportunities will have to be developed. New community-living arrangements will have to be expanded. Profound issues of morality will have to be confronted.

Bob Dole has spoken eloquently of the "gracious compensations of age." At 73, he is healthy and active—a symbol of the enormous potential represented by the growing numbers of healthy older Americans. He is perfectly positioned to raise national consciousness about the risks and opportunities presented by the aging of America.

As the campaign moves into its "serious" phase, however, it may be naive to imagine that candidates might actually treat us as if we could face serious problems seriously. Bill Clinton has had four years to address these problems and has not yet done so. And while elections elicit new proposals, they rarely produce serious discussion. The politicians are, naturally enough, trying to get elected. To get them to be serious, we ourselves would have to be serious. And if balloons, simple nostrums and promises of free candy are all we demand, that is probably about all we will get.●

TRIBUTE TO THE TOWN OF HOLLIS, NH, ON THE OCCASION OF THEIR 250TH ANNIVERSARY

● Mr. SMITH. Mr. President, I rise today to pay tribute to the people of Hollis, NH, on their town's 250th anniversary. Since April, the residents of Hollis have been celebrating their town's anniversary with numerous festivities including the strawberry festival, a museum opening, a civic profile, a firemen's muster, an apple festival, a marathon road race and many other enjoyable events. The town's celebration on September 14th will mark their official 250th anniversary and is certain to bring the whole town together for this historic event.

The history of Hollis dates back to the year 1746 when the area of West Dunstable was divided into four different parts—Dunstable, Monson, Merrimack, and Hollis. Later on April 3, 1746, then-Governor Benning Wentworth signed the town's first charter officially naming the town Holles. It was on this date that the people from a loose settlement of families gathered under one wing of a church in the Hollis area to join together to unite their town.

Originally, Hollis was granted the name of Holles after Governor Wentworth's friend, the Duke of Newcastle. Eventually, the town residents changed the spelling of Holles to Hollis in honor of an English merchant they admired for his high level of intellect and his generosity to Harvard College. Many descendants of the town's first settlers still live in Hollis today. Before the signing of the charter, there were 75 families that resided in the geographical location of Hollis. When the charter was signed, 20 families were forced to reside in the Dunstable area. These 20 families fought for 30 years to be reunited with their fellow neighbors and their home, Hollis. To this day, the residents of Hollis use this example as an illustration of their town's commitment of unity.

The passage of 250 years of history has changed the way of life for the people of Hollis. Some of the minor changes include the tithing men and fence viewers who have disappeared from election ballots and the decay of the whipping post in the town common. Nevertheless, these few minor changes have not changed the bond the families feel for Hollis, nor the civic responsibilities they have held in the town since 1746. Joan Tinklepaugh, who wrote a history for the town, states it best when she says, "we are all joined together by the stitches of the quilt of humanity that makes up the town called Hollis."

I congratulate the many residents of Hollis on this festive occasion, and for their sense of unity and dedication. Enjoy the celebration and may the years to come be as prosperous as your last 250 years. Happy birthday Hollis.●

ORDERS FOR THURSDAY, SEPTEMBER 12, 1996

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, September 12; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, the Senate immediately resume consideration of the Treasury-postal appropriations bill, and further there be 15 minutes of debate equally divided in the usual form in regard to the pending amendments offered by Senators HATCH and REID. I further ask that prior to the second vote there be 2 minutes of debate equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SHELBY. Under a previous order, there will be two consecutive rollcall votes beginning at 9:45 tomorrow morning. The first will be on the Hatch amendment regarding the White House Travel Office, to be followed by a vote on or in relation to the Reid amendment. Following those votes, the Senate will remain on the Treasury-postal appropriations bill, and it is hoped we will complete action on that matter as early as possible so that the Senate may begin consideration of the Chemical Weapons Convention Treaty during Thursday's session. The majority leader has announced that rollcall votes will occur throughout the day on Thursday and Senators should plan their schedules accordingly.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SHELBY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 10:21 p.m., adjourned until Thursday, September 12, 1996, at 9:30 a.m.

EXTENSIONS OF REMARKS

SALUTE TO LEMOYNE COLLEGE'S 50TH ANNIVERSARY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. WALSH. Mr. Speaker, this year as we celebrate the 50th anniversary of LeMoyne College, I would like to applaud an outstanding Jesuit institution in Central New York. This is a college which prides itself on its value-oriented education, a campus whose achievements truly stand apart from the rest.

LeMoyne College was founded by the Jesuits in 1946. On September 5, 1947 the college began classes with an enrollment of 450 students. Recently LeMoyne was nationally recognized in U.S. News and World Report as ranking second among the top 10 regional liberal arts colleges in the north. The total number of undergraduate degrees awarded through June 1996 was 16,700.

LeMoyne prides itself on being the first Jesuit college in the world to open its doors to both men and women. However, their accomplishments do not end there. They created a center for continuous learning, an adult education division, to meet the needs of nontraditional students. Every student is viewed as an individual with different ethnic, geographic and academic interests. Each receives personal consideration in small class settings. This classroom atmosphere strengthens the special bond that develops between the professors and students alike.

The Panasci Family Chapel, built in 1994, enhances the spirit of family, tradition and values that distinguish LeMoyne from any other university. Campus Ministry conducts programs such as PIC-projects in the community, which allows students to be active in community service.

I am proud to recognize LeMoyne's many successes. We are fortunate to have an institution such as this in central New York. I congratulate LeMoyne's administration, faculty and staff for their efforts in providing men and women with a well-rounded, family-oriented education.

I would like to take a moment to commend those who were instrumental in the founding and development of LeMoyne. Without their hard work, dedication and devotion, the college would not be the institution of higher learning that it is today. They are: The Most Reverend Walter A. Foery, D.D.; Rev. Robert F. Grewen, S.J.; Leonard P. Markert; Edward P. Eagan; W. Marcus Crahan; and T. Frank Dolan. I also salute LeMoyne's president, Rev. Robert A. Mitchell, S.J. and the interim academic vice president, Rev. Edmund G. Ryan, S.J., for their valuable leadership.

I ask my colleagues to join me today in wishing this extraordinary institution all the best in what is certain to be an outstanding future.

TAX CUTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 28, 1996, into the CONGRESSIONAL RECORD.

THE RIGHT KIND OF TAX CUTS

Bob Dole has recently proposed $550 billion in tax cuts. Tax cuts are certainly a popular thing to propose, but there is a right way and a wrong way to cut taxes. Tax cuts need to be targeted to those who need them most, they should expand investment and opportunity, and they must be fully paid for so they don't balloon the budget deficit.

OVERALL TAX BURDEN

Over the last 25 years, taxes paid by Americans at the federal, state, and local levels have risen from around 29% of the national income—gross domestic product—to 31% today. Of that, the share going to federal income taxes—both corporate and individual—has dropped from 12% to 11%. The share going to federal social security taxes has increased from 5% to 8%, and the share going to state and local taxes has also risen, from 10% of GDP to 11%. For most individuals, the biggest direct tax bite comes from state and local taxes, then social security taxes, and then federal income taxes.

PROPOSED PLAN

Of these various components, the Dole plan proposes reducing federal income taxes, but has no provisions that would reduce the burden on working families of social security taxes. Moreover, his plan to shift more federal responsibilities back to the states and localities would make it more difficult for them to reduce their taxes.

The Dole tax plan includes a reduction in the top capital gains tax rate, a $500 per child tax credit expanded Individual Retirement Accounts, a lower tax on social security benefits for upper-income retirees, and some education and training tax breaks. But the centerpiece of the plan—accounting for three-fourths of the cuts—is a 15% reduction in income tax rates. Since the income tax rate for most Americans is currently 15%, the plan would bring that down to around 13%. Higher income people pay taxes at a higher rate, so they would benefit more from the rate cut. The main benefit for average income families is the $500 per child tax credit.

QUESTIONS

The tax cut plan is currently getting careful scrutiny, and several questions have been raised about it.

The first question is why propose such a major change in tax policy when the economy seems to be doing fairly well. Four years ago, we faced runaway budget deficits approaching $300 billion per year, sluggish job growth, and weak business investment growth. But today, the deficit has been cut in more than half, unemployment is down to 5.4%, business investment is up, inflation is in check, the economy is expanding at a solid pace. Stronger growth in the economy would be helpful, but this is not the kind of economic picture overall that would seem to call for a major shift in fiscal policy.

A second question is how much of this is economic "smoke and mirrors" and rosy scenarios. The proposed $550 billion tax cut could balloon the deficit, since it relies on "supply side" assumptions that the tax cuts will to a large extent pay for themselves by encouraging greater work effort. Similar supply-side arguments were heard in the early 1980s to justify a tax cut that was supposed to lead to a balanced budget; instead it helped quadruple the national debt. If it weren't for the interest we are paying on the debt built up during the 1980s, the federal budget would be in balance today.

A third question is who gets the tax cuts. It has been estimated that more than 40% of the benefits would go to families making over $100,000—the top 50% of taxpayers. That's better than those proposed by House Speaker Newt Gingrich which gave more than half of the tax cuts to the richest 5%, but it is still tilted too much to the wealthy.

A fourth question is what spending cuts will be required to help pay for the tax cuts. Certainly a significant part of such a tax cut should be paid for by spending reductions. But what specific programs would have to be cut? The Dole plan is short on specifics, and several of his spending cut proposals are huge but vague or not politically feasible. Yet this tax plan is much larger than the one House Speaker Newt Gingrich proposed last year, and to finance that he wanted to sharply cut back Medicare, cut drug abuse prevention, and cut environmental protections. The Dole plan would require spending reductions far greater than anything proposed in recent years. We should not threaten Medicare and Social Security as well as important investments in our young people with tax cuts going to the wealthy.

Assessment. The bottom line for me on any tax cut proposal is whether it improves the lot of the ordinary Hoosier. It doesn't help the ordinary Hoosier if a specific tax cut balloons the deficit and results in much higher interest rates and mortgage rates. It doesn't help the ordinary Hoosier if a specific tax cut provides enormous tax breaks for people making well over $100,000, paid for by cutting back Medicare, student loans, and environmental protections. And it doesn't help the ordinary Hoosier if a specific tax cut reverses the progress we have made on the economy in recent years. Every tax cut proposal needs to be carefully and thoroughly analyzed.

I favor tax cuts, but they must be set up in the right way. First, they must be targeted largely to those who need tax relief the most. Various proposed tax breaks should be phased out for those at the highest income levels who need them much less than ordinary taxpayers. Second, tax cuts should encourage savings, investment, and opportunity. Thus I favor, for example, tax breaks for education and skills training, which promote investment in our nation's future and expands opportunity for our young people.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Third, tax cuts must be paid for. The costs to the Treasury must be fully offset by savings elsewhere—savings that are real, rather than phony "smoke and mirrors" projections, specific, and made today, rather than promised several years down the road. We have made major progress in recent years in reducing the budget deficit from $290 billion four years ago to less than $120 billion today. We should not give up on deficit reduction. Until we balance the budget, every dollar in new tax cuts not paid for is borrowed from our children.

Conclusion. The current national debate on tax cuts is a healthy one. We need an informed policy debate, going beyond the rhetoric and slogans, looking at the details of the specific plans, looking at the hard numbers, and carefully assessing the impact on the overall economy. I favor a simpler and fairer tax system, one that improves—rather than worsens—the lot of ordinary Hoosiers.

TRIBUTE TO ROBERT LADD ON THE OCCASION OF HIS RETIREMENT FROM THE AMERICAN LEGION POST 183

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. GILLMOR. Mr. Speaker, I firmly believe that we can never thank our veterans enough for putting their lives on the line in defense of our Nation. As a veteran myself, I am aware of the tremendous service veterans organizations give to their communities and the country as a whole.

For this reason, I am proud to rise today and recognize Mr. Robert Ladd of American Legion Post 183, Pemberville, OH, on the occasion of his 50 years of service to the post. Robert is a veteran of World War II and has been the post's finance officer since 1962.

Mr. Speaker, Robert Ladd's distinguished military service is a model of patriotism and citizenship. His commitment to the American Legion continues this exemplary service. I ask my colleagues to join me in wishing Robert and his family well as they begin this new chapter in their lives.

May they fully enjoy the blessings of peace and freedom that Robert Ladd has so ably defended as a U.S. veteran.

DESCENDANTS' DAY PROCLAMATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. CLEMENT. Mr. Speaker, I am proud to submit this declaration by Trust for the Future to the U.S. House of Representatives to honor the work of Trust for the Future and its president, Charles A. Howell III.

Be it known by all present, that, from this day forward, the last Sunday of June is to be known as Descendants' Day. Henceforth, this shall be the day in each year when all the world's citizens take an accounting of their activities during the preceding year which have impacted our descendants and our neighbors across time.

Be it further proclaimed, that the ultimate goal of this endeavour is to reach the day when we can celebrate a year where the consequences of our actions have no measurable negative impact on our descendants and neighbors across time and instead we can measure the residual impact of our human activities and find them to be undeniably sustainable and beneficial.

We aspire to encourage others around the world to join in this yearly celebration of courageous accountability in the sure knowledge that we will be followed, as we have been preceded, by billions of persons who will either damn us or praise us for the efforts we may or may not expend on their behalf.

Whatever the consequences may be to our present generations we must immediately recognize this opportunity for high service to those we will never know or who will never look up to us in love and gratitude for our steadfastness in this effort. We ask the God of all Humankind to help us achieve our high calling for we can only be successful if we have Divine Guidance and Undergirding.

On this the Eleventh day of the Ninth month in the year of Our Lord One Thousand Nine Hundred and Ninety Six, we affirm our desire to pursue this course with all diligence and hereunto set our hand.

TRIBUTE TO RETIREES OF STERLING HEIGHTS FIRE DEPARTMENT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. LEVIN. Mr. Speaker, on Friday, September 27, I will be privileged to attend the 10th annual dinner dance held by the Sterling Heights Fire Fighters Union Local No. 1557. Five retiring firefighters will be recognized on that occasion. Among them are distinguished captains, and a fire inspector, training chief, and fire marshal—all recipients of honor awards and letters of gratitude. Together they have given over 123 years of dedicated service to the citizens of the city of Sterling Heights. Repeatedly over the past three decades each of them has unselfishly risked his life to protect the safety and property of Sterling Heights residents.

The Sterling Heights Fire Department doesn't just fight fires—they are called upon by the community for other kinds of service, too. And so these men will also be remembered for their individual qualities—for fine drawing work on fire pumper proposals, for fine departmental photographic work, for the quality of prayer offered and a divine singing voice when it was needed, for their work on previous retirement parties, and for citizen training and community open house participation.

Mr. Speaker, I mention each individual firefighter's name and years of service today so that all Americans will know of their outstanding contribution and commitment to the people of Sterling Heights and surrounding communities: Capt. David W. Hagen, hired as a fireman January 15, 1973, died October 31, 1995—in memoriam; Chief of Training John Frisch, hired as a fireman August 23, 1971; Fire Inspector Bruce N. Cann, hired as a fireman January 4, 1971; Capt. Edward J. Burley, hired as a fireman January 4, 1971; and Inspector John (Jack) Swiatkowski, hired as a fireman January 4, 1971.

Jack and Marge Swiatkowski, have been friends of mine for many years. They have been active in government—Marge is a former Commissioner, the community, and the union for a long time. I offer special congratulations to him.

These gentlemen have earned the appreciation and respect of their community. Mr. Speaker, for this dedication, and uncommon valor, I pay tribute to these gentlemen and I join my neighbors in saluting them on the occasion of their retirement.

HONORING LOU LAWLER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. BENTSEN. Mr. Speaker, I rise to honor Lou Lawler, a community leader in my congressional district and a true heroine to many of us. Lou has brightened the lives of her neighbors in La Porte, TX, through a lifetime of selfless service, and she has touched the lives of seafarers from around the world through her work at the Barbours Cut Seafarers Center, which provides a home away from home for seafarers passing through the busy Port of Houston. I can think of no more appropriate way to honor Lou than by renaming the center the Lou Lawler Seafarers Center, and I am proud to join so many others in our community in congratulating and thanking Lou as she is so honored this Friday, September 13, 1996.

Lou has been active in her community from the day she arrived in La Porte with her husband Jack in 1947. She has been an adviser to mayors, Members of Congress, and Governors. Organizations in which she has been active have included the American Cancer Society, American Heart Association, Rehabilitation Foundation for East Harris County, Salvation Army, American Red Cross, and Air National Guard. As a lifetime member of the PTA, she has worked tirelessly to improve our schools. As a member of the First United Methodist Church of La Porte, she serves on the inter-church council and the social concerns committee. She served on the board of directors of La Porte State Bank and Charter Bank. She has been an election precinct chairman for years. And in 1981, she became the first woman president of the La Porte-Bayshore Chamber of Commerce.

But such lists alone do not come close to doing her justice to Lou Lawler. They do not do justice to her tireless energy, her amazing creativity, her can-do attitude, and her tremendous love.

These qualities are most evident in Lou's work with the seafarers center, which she helped establish in 1983. The center likely would not exist at all if not for Lou's unflagging efforts, and it has flourished because of her. The center provides many necessary services, from the spiritual to the medical to the social, for the more than 100,000 seafarers who pass each year through the Port of Houston, the busiest trade port in the United States. The seafarers center truly does provide a home away from home for these seafarers, and it better enables the port to serve its vital function in our region's economy.

Lou Lawler has done just about everything at the seafarers center, from volunteering to serving as chairman of the board. She currently serves as vice president of the Houston International Seafarers Center and is a board member of the North American Maritime Ministry Association. She was one of the first women to graduate from the Seafarers Center's Chaplaincy Training School. In 1992, Lou was presented a special recognition from the Vatican for her efforts in working with the Apostleship of the Sea World Conference held in Houston. And last year, the seafarers center presented her with the Tall Ship Award, which goes to an individual not directly involved in the maritime field who has served the seafarers center.

A recent profile of Lou Lawler in the Houston Chronicle had this headline: "The Jewel of La Porte: Lou Lawler Loves to Give to the Community." Through her work at the seafarers' center, Lou's love has rippled around the world. Although we will never be able to match what Lou has done for us, this Friday is an opportunity for our community to give some of that love back to Lou. We thank her for her friendly smile and her warm greeting. We thank her for her leadership by example. We thank her for reminding us every day how much difference one person can make.

TRIBUTE TO NICHOLAS POLONSKI

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to Nicholas Polonski, the founder of the Northside Community Development Council in the Greenpoint-Williamsburg section of Brooklyn, NY. Mr. Polonski has been a tireless advocate for the residents of the Northside neighborhood of Brooklyn for over 40 years.

The Northside Community Development Council was formed by Nick Polonski after he had led a successful fight against a large paper machinery company located in Greenpoint. His experience in community advocacy is vast. He has successfully advocated for tenants' rights, for welfare for needy people, and against the planned closure of a firehouse, among many other causes.

As a serviceman in World War II he was awarded the Silver Star for Gallantry in Action for having saved the lives of wounded officers during enemy combat. He repeated such valiant acts following his return to civilian life by saving the life of a police officer in a motorcycle accident many years later.

The Northside Community Development Council celebrated its success on September 6, 1996 by holding its annual dinner and dance. At that dinner-dance, the council honored Brooklyn Borough president Howard Golden; Monsignor David Cassato of Our Lady of Mount Carmel; Pat Ferris, district coordinator for senator Martin Connor; John Talmage, executive assistant to councilman Ken Fisher; David Sweeney, executive director for Greenpoint Manufacturing & Design Center; James Mallon, executive director for Northside and Peter McGuiness Senior Citizen Centers; Tillie Tarantino, executive director of Swinging 60's Senior Center; Captain Fries, commanding officer of the 94th Precinct; and John McDonough, vice president of Republic Bank.

Mr. Speaker, I ask my colleagues to join with me today in tribute to Nicholas Polonski for his commitment to the well-being of his community. I also want to stand in recognition and appreciation of the success of the Northside Community Development Council and to the talent and dedication to public service of those honored at its annual dinner dance celebration.

BIPARTISANSHIP

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 14, 1996, into the CONGRESSIONAL RECORD.

LEGISLATIVE WRAPUP: A CASE FOR BIPARTISANSHIP

Only a few months ago the 104th Congress was being widely criticized as one of the least productive sessions in modern history: a Congress long on promise but short on results, a Congress that was very busy, spending long hours in session, but achieving very little. Its sessions were as contentious and uncompromising as any in memory, epitomized by the bitter fight over the budget that closed much of the government for a total of 27 days and set a new low for harsh debate. This Congress was on the brink of failure, blocked by the ideological fervor of the majority that could not be translated into laws.

But that changed in the last week of the congressional session before the August recess. In a flurry of legislative activity; Congress, with my strong support, approved several important bills, including: landmark welfare legislation, a health insurance bill, a catch-up minimum wage bill, a rewrite of the safe drinking water laws, and a package of incentives for small business. This Congress can now boast a stronger record of achievement after a very rocky and unproductive start.

WHAT HAPPENED

What brought the majority and minority together after months of gridlock was a shared fear on the part of the Members of returning to their constituents this fall empty handed and the willingness to compromise on extreme positions. Ideology quickly gave way to pragmatism, and Republicans and Democrats struck deals with each other and the President to shape legislation. They decided that they needed laws enacted, not just confrontational issues. The difference in attitude was most striking among the House leadership. The Speaker, who shunned compromise only last year, is now praising the importance of compromise.

Now there is a scramble among the parties to claim credit for the recent successes. Some Members claimed it was the greatest week in the history of the Congress and the most significant Congress in a generation, but by any reasonable measure that is overstating the record. This Congress' modest accomplishments scarcely measure up to the Congresses of the past which adopted the Bill of Rights, emancipated the slaves, approved the Social Security Act, or oversaw two world wars. But without any doubt the last week of July saw the most serious legislative week in the 104th Congress. The virtues of bipartisanship have been rediscovered and there has been a rush of important legislation.

WHAT WAS APPROVED

The bills that were passed in a burst of lawmaking do alter the lives of millions of Americans. The bills impact on everything from paychecks to the purity of tap water. They include:

Welfare reform.—Congress passed a major overhaul of the federal welfare program by ending the federal guarantee to the poor, limiting assistance to five years requiring recipients to work in exchange for benefits, and giving states more flexibility to administer their programs.

Health insurance.—Congress approved a modest health insurance bill which expands access to health insurance by making it easier for people to get coverage when they have pre-existing medical conditions, and to keep it when they change or lose jobs. The measure also gradually increases the deductibility of self-employed health costs from 30% to 80%.

Minimum wage.—Congress increased the minimum wage for the first time in five years, raising the hourly wage from $4.25 to $5.15 over a two-year period.

Small business incentives.—The minimum wage bill also includes incentives for small businesses: an increased deduction for business-related equipment costs, more flexible rules on subchapter S corporations, and several other measures to encourage business growth.

Environmental laws.—Congress also approved two important environmental bills. It passed a rewrite of the safe drinking water law which gives the Environmental Protection Agency more flexibility in regulating contaminants in drinking water and provides assistance to states and localities in complying with the law. Congress also revised food safety laws to increase protections for children while easing burdensome restrictions on helpful pesticides.

Among the other important achievements of this Congress are a sweeping overhaul of the telecommunications law, the most significant rewrite of federal farm programs since the Great Depression, and a long-awaited measure to give the President a line-item veto power.

GENERAL ASSESSMENT

It is important, however, not to overstate the legislative success of the last week. After all, the minimum wage and the health insurance bills are fairly modest and conventional pieces of legislation. The minimum wage increase simply compensates for some of the effects of inflation, and is not really an advance. The health insurance bill makes a modest improvement in the health care system by making it easier for people who already have insurance to keep it if they can afford it. That is a useful step, but it does not begin to deal with the two great problems of health care: the rapidly escalating cost of care and the fact that one-seventh of the population of the country is still uninsured. The safe drinking water bill was enacted because it promises a large amount of federal aid to communities to improve their water systems.

CONCLUSION

I think the legislative legacy of the 104th Congress has for all practical purposes been written in the last few weeks. In September the Congress might add to its list of accomplishments as it finishes work on bills to crack down on illegal immigration, take new steps to combat terrorism, and reform some other programs like housing. But most of the rest of the session will be dominated by work on routine appropriations bills and on a few hot button social issues, such as an override vote on the President's veto of a bill outlawing late term abortions, a bill to make English the official language of the United States, and a bill to allow states to deny recognition to same-sex marriages.

I think the Nation has been well-served as Congress has moved from gridlock to a more positive phase. People have been turned off by efforts to promote a revolutionary agenda, to shut government down, and to fight ideological wars. I've always felt the American people have a strong strain of pragmatism about them and my guess is they will approve the pragmatic methods and incremental bills that have been passed in recent weeks.

TRIBUTE TO KENNETH BOCKBRADER ON THE OCCASION OF HIS RETIREMENT FROM THE AMERICAN LEGION POST 183

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. GILLMOR. Mr. Speaker, I firmly believe that we can never thank our veterans enough for putting their lives on the line in defense of our Nation. As a veteran myself, I am aware of the tremendous service veterans organizations give to their communities and the country as a whole.

For this reason, I am proud to rise today and recognize Mr. Kenneth Bockbrader of American Legion Post 183, Pemberville, OH on the occasion of his 50 years of service to the post. Kenneth is a veteran of World War II and is presently a member of Freedom Post 183 Color Guard.

Mr. Speaker, Kenneth Bockbrader's distinguished military service is a model of patriotism and citizenship. His commitment to the American Legion continues this exemplary service. I ask my colleagues to join me in wishing Kenneth and his family well as they begin this new chapter in their lives.

May they fully enjoy the blessings of peace and freedom that Kenneth Bockbrader has so ably defended as a U.S. veteran.

COLUMBIA GOOD GOVERNMENT WEEK

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. CLEMENT. Mr. Speaker, as we enter the election season, which is the true test of our democracy, debates about the future of our country echo throughout American communities—from the Alaskan frontier to the Florida Keys. Yet in November, when it is time to vote, nearly half of Americans stay at home.

The President and Congress must address the financial and structural challenges of our Medicare Program, which faces bankruptcy. Governors and State legislators must assure that a healthy Medicaid Program continues to provide health care access to the States' most vulnerable children and adults. Local leaders must address issues related to health care delivery, taxes, education, and jobs.

Because more American should register to vote and exercise their right to vote;

Because none of the critical issues facing us can be resolved effectively and no long-term solutions can be reached without the input of informed, concerned voters;

And because employers must do more in communities to help foster enthusiasm for participation in the democratic process,

I congratulate Columbia/HCA Healthcare Corporation for their designation of September 8 through 14 as "Columbia Good Government Week." And I encourage Columbia's 285,000 employees and 90,000 associated physicians in 38 States to register to vote, to share their opinions with Federal, State, and local candidates, to encourage others in their communities to learn more about the issues facing American, and to encourage everyone to exercise their right to vote.

TRIBUTE TO OFFICER MARK OLIVERIO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. LEVIN. Mr. Speaker, I rise today to commend Officer Mark Oliverio of the Sterling Heights Police Department on his receipt of the 1996 DARE Officer of the Year Award for Michigan.

Through the Drug Abuse and Resistance Education Program, Officer Oliverio has been a positive influence in the lives of hundreds of children in Sterling Heights, MI. For the last 5½ years, Officer Oliverio has taught 5th and 6th graders how to say "no" to the dangers of drug and alcohol abuse. In his own words, Officer Oliverio said "I wanted to get in, and in my own way, fight the drug problem." Clearly, Officer Oliverio is achieving this goal.

The DARE Officer of the Year Award recognizes Officer Oliverio's contributions to the community which extend beyond DARE instruction. Officer Oliverio still maintains a close relationship with the students of Havel Elementary School. He often ate lunch with students and attended extra curricular activities. In addition, he provided crisis counseling to students following a fatal bicycle accident. Havel Principal Robert Koenigsknecht said, "He is always here for us."

Over the years, my staff and I have attended many successful DARE graduations under the able guidance of Officer Oliverio. His compassion and dedication to his students is unmistakable.

Mr. Speaker, I would like to extend my congratulations to Officer Oliverio on behalf of the children whose lives he has touched and the community he has enriched.

IN MEMORY OF RICHARD SAMUEL MANNE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. BENTSEN. Mr. Speaker, I rise on behalf of myself and my colleague from Houston, Congressman GENE GREEN, to remember a great civil rights and civic leader, Richard Samuel Manne, of Baytown, TX, who passed away on September 5, 1996. In his memory, we wish to include in the RECORD the following obituary that appeared in the Houston Chronicle. He is deserving of such recognition because of his personal commitment to ending discrimination in all of its forms and to working for civil rights and voting rights for all Americans. He will be sorely missed.

OBITUARY OF RICHARD SAMUEL MANNE

Richard Samuel Manne, age 69, of Baytown, Texas, died on September 5, 1996. Son of the late Geoffrey and Eva Manne of Memphis, Tennessee. Manne was born October 19, 1926 in New Orleans and grew up in Memphis. After graduating first in his high school class at Memphis Central High, Manne won a full scholarship to Yale University, from which he graduated with honors at age 19. He then attended Vanderbilt University, receiving a masters degree in chemical engineering. In 1947 he moved to Baytown to work for Humble Oil, and in 1948 he married Beverly Maisel, who survives him. He retired from Exxon in 1983 after working for 35 years at its research center in Baytown. His research led to a variety of patents. Having grown up in the Deep South, Manne hated discrimination in all forms. In the 1950's and 1960's he worked as an activist for civil rights and voting rights. He co-founded and later chaired the Harris County Democrats, and founded and published the Bi-Monthly Star, a political gazette. In an era when Christmas parties at Exxon were racially segregated, he refused to attend the "whites only" parties and instead celebrated the holidays with black employees in the basement of the research center. Through his work in politics, he became interested in law and began attending South Texas College of Law at night, while continuing to work for Exxon. He graduated first in his class at South Texas, served as editor-in-chief of the law review, and was asked to serve on the faculty after graduation. He taught at the law school for many years and served on its Board of Visitors. He also founded the LSAT Review Course of Texas, and taught the course for more than twenty years. After retirement from Exxon, he expanded his private practice of law, which he continued until his death. Manne was remembered by friends and family at the evening service on September 6 at Congregation K'Nesseth Israel in Baytown. In addition to his wife Beverly, he is survived by his brother Henry G. Manne of Arlington, Virginia; his sons Neal and Burton of Houston; daughter-in-law Nancy D. McGregor of Houston; niece Emily Manne of Atlanta, Georgia; nephew Geoffrey Manne of Chicago, Illinois; grandchildren Benjamin, Elizabeth and Oliva Manne of Houston; and several aunts and cousins.

TRIBUTE TO DORIS ROSENBLUM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mrs. MALONEY. Mr. Speaker, today I rise in a special tribute to Doris Rosenblum, a resident of the west side of Manhattan who dedicated over 35 years to improving the quality of life in her community. I am saddened to report that with her death on August 29, 1996, we lost an energetic and spirited activist who had a measurable and permanent impact on the neighborhoods and residents of Manhattan through her service to the public good.

Doris Rosenblum's activism was not limited to specific issues. She worked tirelessly to provide housing for poor and low-income people, for education, for schools, for cleaner streets, for the construction of community centers, and for many other causes throughout the 35 years of her dedicated advocacy work. Notably, Doris was the founder of the Stryker's Bay Neighborhood Association. She also helped organize West Side High School as a community-based alternative school and acted as the school's administrator from 1972 until 1979.

Doris served her community in an official capacity as well. From 1971 until 1990, Doris was a member of community board 7, and the board's district manager from 1983 to 1990. I am also proud to report that Doris received special recognition for her years of hard work when Manhattan Borough President Ruth Messinger appointed her the official historian for the borough of Manhattan.

I rise today, Mr. Speaker, to celebrate and pay tribute to the life's work of Doris Rosenblum, a person to whom we all owe a debt of gratitude. She is an example to each of us who have chosen to serve in the public interest and I ask my colleagues to join with me in honor of her relentless dedication to the good of her community.

MENTAL HEALTH COVERAGE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. STARK. Mr. Speaker, in the past week, I have introduced two bills to improve mental health coverage. On Monday, September 9, I introduced the National Mental Health Improvement Act of 1996 which provides parity in insurance coverage of mental illness and improves mental health services available to Medicare beneficiaries. On September 10, I introduced a second mental health bill identical to the bill passed by Senator DOMENICI and others in the Senate on September 5 by a vote of 82 to 15.

Today, Representative LOUIS STOKES offered a motion to instruct the House conferees on the VA–HUD appropriations bill to recede to the Senate on several key amendments adopted by the Senate to the fiscal year 1997 VA–HUD appropriations bill. One key amendment on which the motion was based is the mental health amendment offered by Senator DOMENICI—the companion of which I introduced in the House on September 10. I applaud the efforts of Mr. STOKES and support his motion to instruct.

It is a tragedy that mental health parity was abandoned in the Kennedy-Kassebaum health insurance bill, and is a primary reason why I voted against the bill. The bills I introduced this week represent an urgently needed change in coverage to end discrimination against those with mental illness. The denial of equal treatment for the mentally ill is not about money—it's only about discrimination. The mental health need of all Americans can no longer be ignored.

THANK YOU, KATHY O'BRIEN, FOR YOUR LOYAL SERVICE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. FIELDS. Mr. Speaker, it was with mixed emotions that I announced last December 11 my decision to retire from the House at the conclusion of my current term. As I explained at the time, the decision to retire was made more difficult because of the loyalty and dedication of my staff—and because of the genuine friendship I feel for them.

Today, I want to thank one member of my staff—Kathryn O'Brien, my staff assistant in my Conroe district office—for everything she's done for me and my constituents in the almost 4 years that she has worked in my office.

When Montgomery County was first added to the 8th Congressional District in 1993, I asked friends, business leaders and political leaders in Montgomery County if they could recommend someone to head up the Conroe office. Kathy came highly recommended as someone whose people skills and dedication to getting the job done would be a major asset to me as I worked to represent the men and women of Montgomery County in Congress.

Prior to working in my Conroe office, Kathy had worked as a legal secretary in the Montgomery County Attorney's office, where she handled a wide variety of legal duties. Her professional skills and her enthusiasm were widely recognized, and her skill at dealing with people was very much appreciated.

Kathy has used those skills effectively in my Conroe office, where she has assisted constituents throughout Montgomery County who have experienced problems with Federal agencies, including the Social Security Administration, the Department of Veterans Affairs, the Immigration and Naturalization Service, the Internal Revenue Service, and the Federal Emergency Management Agency. Through her efforts, lost Social Security checks have been located, immigration problems have been resolved, overdue military medals have been presented to veterans and disaster aid has reached those who needed it.

Kathy has represented me at events in Montgomery County I was unable to attend, and has relayed the concerns of constituents in Montgomery County to my district and Washington staff.

For 10 years, Kathy served with distinction in the U.S. Air Force as a communications specialist in Germany and Texas. With a top-secret clearance, Kathy helped prepare and transmit a variety of communications from her duty station. In the Air Force, she earned the Vietnam Era Service Award, the Expert Marksman Award, as well as her telecommunications certification. All of us appreciate the dedication to her country that Kathy exhibited as a member of the U.S. Air Force.

Kathy has lived overseas for much of her life, and has traveled extensively throughout Europe and the United States.

Kathy has yet to make a definite decision about what she wants to do in the years ahead. But I am confident that the skills and the personal qualities she has demonstrated as a member of my staff will lead to continued success in the future.

Kathy O'Brien is one of those hardworking men and women who make all of us in this institution look better than we deserve. She has done that for me, and I appreciate this opportunity to publicly thank her for the dedication, loyalty, and professionalism she has exhibited as a member of my staff.

Mr. Speaker, I know you join with me in saying thank you to Kathy O'Brien for her years of loyal service to me, to the men and women of Texas' 8th Congressional District, and to this great institution. And I know you join with me in wishing Kathy, her son Cesare Antonio, and her daughter, Valerie Anne, all the best in the years ahead.

RECOGNIZING BILL PENCE

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. BAKER of California. Mr. Speaker, according to the 19th century French physiologist Claude Bernard, "The true worth of a researcher lies in pursuing what he did not seek in his experiment as well as what he sought." In other words, the true scientist seeks truth where he finds it, and does so diligently and doggedly.

That's a mission that has been fulfilled ably by Bill Pence, who has taught science in the San Ramon Unified School District for 20 years. Bill has been named 1 of 100 teachers nationwide to receive the Tandy Technology Award for his outstanding service to his students and to our country.

Bill has poured his life, his energy, and thousands of his own dollars into making sure his high school laboratory stays on the leading edge of research and technology. Moreover, he has actively sought help from the private sector, soliciting everything from personal computers to a thermocycler in order to facilitate the calibre of research he knows is vital to true scientific education.

In 1994, two of Bill's students gained national headlines when they discovered human genes that may be linked to cancer. The students, Yu Fong Hong and Li Ho, found this new data in a classroom experiment—an experiment made possible because of the dedication of Bill Pence.

It is with great pride and pleasure that I ask my colleagues to join me in honoring Bill Pence's commitment to the young people of my home district in the East Bay region of San Francisco and thank him for representing the best in American education. The future is brighter for thousands of young people because of Bill's work, and he merits our gratitude for all he has done for tomorrow's leaders.

TRIBUTE TO EMIL AND ROSE BIANCIELLA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. TORRICELLI. Mr. Speaker, I rise today in order to congratulate Emil and Rose Bianciella of Bayonne, NJ, on their 50th wedding anniversary. This remarkable couple was married on August 25, 1946. They have been life-long residents of Hudson County, devoted to both their community and family.

The Bianciellas have enjoyed the joy of togetherness for five decades. Their love and dedication to each other and their family has been obvious to even the most casual observer. I believe their children, Rachel Libby and Joseph Bianciella, would say that they have been wonderful parents. Emil and Rose have also lavished their affection on their three grandchildren, Anthony, Kimberly, and Arianna.

In life, it is the special moments that should be cherished, and a 50th wedding anniversary is one of those times. I wish both of them another 50 years of wonderful matrimony.

THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 11, 1996, into the CONGRESSIONAL RECORD.

THE ECONOMIC OUTLOOK

As I travel around the 9th District, Hoosiers continue to ask me about the economy and its outlook. They wonder about the outlook for jobs and our international competitiveness, but most recognize that the economy is in better shape now than it was several years ago. They hear a lot about proposals to change our economic policy, stimulate growth through major new tax cuts, and ease up on our deficit reduction effort. They question whether this is the time to make a major change in economic policy.

On many measures, the economy today is in good shape. Unemployment is near a 25-year low, and so is inflation. The stock market is booming, growth of the overall economy is solid, and Federal Reserve officials have been optimistic enough about inflation to leave interest rates unchanged. Of course there are some problems. Income inequality has worsened over the past several years, and wages, which have been stagnant since the early 1980s, are just now starting to rise again.

But overall, progress has been made. In January 1993, the federal budget deficit was spiraling upward while the economy was in the slowest recovery of the postwar era. The President and Congress passed the 1993 deficit reduction package which has led to a dramatic drop in the deficit and has helped produce a steady, sustainable economic recovery. Critics were saying that the package would cause a recession and higher unemployment, but it has had just the opposite effect, boosting the economy in several key ways. My view is that whatever adjustments we might make to our economic policy, we should not waver from our central goal of reducing the deficit, balancing the budget, and creating the conditions for non-inflationary growth in the American economy. We must avoid policies that threaten to again balloon the deficit.

PERFORMANCE OF THE ECONOMY

Deficit Reduction

Washington has been obsessed with deficits for more than a decade. American voters have consistently rated the budget deficit as one of their top public policy concerns. So the good news is that the deficit has declined significantly since passage of the 1993 deficit reduction package. The deficit this fiscal year will be $116 billion. That's almost $50 billion less than last year and far below the deficit peak of $290 billion in 1992. That will make the deficit as a share of the economy, at 1.5%, the lowest since 1974, and the lowest of all the major industrialized countries. We must continue on to our goal of a balanced budget.

Economic growth

The pace of the current expansion of the economy is solid and modest, growing at a 2.5% rate since 1993. This is better than the 1.5% growth rate in the previous four years, and slightly above the average of the major industrialized nations. Growth in the second quarter of 1996 was at a robust 4.8% rate, but that should moderate in the last half of the year. After 65 months, the cycle of expansion that the economy is enjoying has already outlasted all but two of the other eight postwar expansions. Even so, the economy is growing in a balanced way, and inflation, which has killed off a number of previous economic expansions, has not occurred. Strong, non-inflationary growth will do much to improve the outlook for working Americans.

Jobs

Job growth continues to remain strong. The economy has created nearly 10 million new jobs in the last four years. Most of these were good jobs paying above-average wages, and most were in the private sector, an indication of a revitalized economy. In 1995, more than 50,000 net jobs were created in Indiana. Leading the way in Hoosier job growth was the manufacturing sector, with a 7% increase in employment. This means the strong rebound in manufacturing jobs is continuing, after heavy losses between 1989 and 1993.

Unemployment

Strong job growth has helped bring the unemployment rate down to its lowest level in years. Since the beginning of 1993, the national unemployment rate has dropped from 7.1% to 5.1%. In Indiana, the news is even better, where the economy has outperformed the national economy, resulting in an unemployment rate of just 4.2%. Experts expect the unemployment rate to remain steady through 1997.

Inflation

Inflation, which peaked at 6.1% in 1990, has remained below 3% in recent years. During 1995, the inflation rate was only 2.5%, and it is expected to remain around 3% through 1997. The Federal Reserve has done a good job of keeping inflation in check.

Productivity

While not as robust as in the 1950s and 1960s, productivity continues to show solid gains, and the United States remains the most productive nation in the world. The lower interest rates resulting from deficit reduction have boosted business investment and productivity.

Wages

A continuing problem is that while we have created millions of new jobs and the national income is rising, wages for the average family have not kept pace with inflation. Since 1968, while the incomes of middle class and poor families have dropped in real terms, the income of households in the top 20% of the population has increased by almost 50%. Although there are signs that wages for the average worker have begun to improve, our policies must ensure that all Americans benefit from economic growth. The recent increase in the minimum wage is a positive step in the right direction.

Trade deficit

Another disappointment is the trade deficit. Even though the U.S. is exporting a record amount of goods and services, we still import over $100 billion more than we export. This trade gap is expected to narrow as improved economic growth in Europe and elsewhere improves the ability of other countries to buy U.S. products. And recently the monthly trade deficit did improve by 20%.

We have made significant progress in the last four years, and most forecasters expect the economy to continue on its path of modest growth, low inflation, and low unemployment. That is good news. We have to continue working to reduce the budget deficit. But, we must do it in a way that does not jeopardize our economic gains. We need to make sure that any proposed tax cuts are fully paid for, up front, and do not balloon the deficit. We have to continue investing in education, research, and infrastructure. These are things that help build a foundation for the long-term economic health of the country. The bottom line for me is that the policies we follow should improve the lives of average working families. I think we are on the right path, but there is more work to be done.

AMERICA'S VETERANS DESERVE BETTER THAN THE CLINTON ADMINISTRATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. SOLOMON. Mr. Speaker, 4 years ago, then Governor Clinton campaigned as if he would be a great defender and proponent of America's veterans, their benefits and their role in his administration. Now, as is the case with many other campaign promises and claims he has levied, his record says differently.

From the constitutional amendment to prohibit the physical desecration of the American Flag, to the employment of veterans at the White House and in his administration, President Clinton has repeatedly proven himself to be a disappointment to so many veterans who believed he was on their side in 1992. Even when it comes to financing the VA hospitals that provide critical health care to service-disabled veterans, President Clinton cannot compare to the record this Congress has shown. In fact, the congressional budget would spend $10.6 billion more than the President over the next 6 years and the House has proposed spending $60 million more on veterans health care than the President in 1997 alone.

The following article which appeared in the August 26, 1996 edition of Insight magazine outlines perfectly the feeling of abandonment many of America's courageous veterans feel as a result of this President's actions, or inactions. Clearly, President Clinton's record on veterans issues says more than his rhetoric.

LAST LINE OF DEFENSE

(By David Wagner)

Many Vietnam-era veterans rallied around Bill Clinton during his campaign for the White House. Now some are wondering if the president is a deserter in their battle for those who served.

In 1992, Lewis B. Puller, Jr., a severely wounded Vietnam veteran and son of legendary Marine Gen. "Chesty" Puller, won the 1992 Pulitzer Prize for his autobiography Fortunate Son: The healing of a Vietnam Vet. On May 11, 1994, he committed suicide.

At the time, Puller had been working with John Wheeler—president of the Vietnam Children's Fund, chairman of the committee that raised funds to build the Vietnam Veterans Memorial and author of Touched With Fire: The Future of the Vietnam Generation. The two were trying to obtain from the Clinton White House an accounting of its records of hiring veterans for senior positions.

Puller and Wheeler had supported Bill Clinton in 1992 and had helped rally vets to the militarily challenged Democrat's candidacy. For instance, Wheeler wrote an op-ed that appeared in USA Today during the 1992 Democratic primaries rebuking then-candidate Sen. Bob Kerrey of Nebraska for exploiting his Vietnam experience in the race against Clinton.

Puller and Wheeler had expected that once the new administration was in office it would reciprocate by hiring vets for senior positions in rough proportion to their numbers in the workforce. But they received no hiring data—just a part-time appointment for Puller to the Battle Monuments Commission.

Further evidence about the attitude of the new administration toward the military unsettled Puller and Wheeler. There was, for instance, the incident in which a general officer, greeting a new White House staffer, was told insultingly, "We don't talk to people in the military around here."

Wheeler points out that Puller had many personal problems at the time of his suicide, so the perceived stonewalling by the White House was unlikely to have been the sole source of Puller's final depressive episode. But, says Wheeler, it took its toll. "One of the last things Lew ever said to me was, 'I feel used by Clinton.'"

According to figures that Wheeler since wrung from the White House, 4 percent of the political appointees in the Clinton White House are veterans. He notes for comparison that 59 percent of senators, 40 percent of representatives and 37 percent of men over age 35 in the nationwide workforce are vets.

Furthermore, there were 132 male veterans and one female veteran in Senate-confirmed positions in December 1994 under Clinton. In December 1992—while President Bush still was in office but after many of his appointees already had left for greener pastures—there still were 189 male veterans in Senate-confirmed positions.

"Using Bush levels as a baseline," says Wheeler, "Clinton cut total vets by 57 and added 76 women and 64 nonvet men. For the Vietnam generation, Clinton cut vets by 12 and added 75 women and 105 nonvet men. Room for the increases in women and nonvet men was made by cutting out only vets."

Obtaining even such limited numbers, says Wheeler, was an ordeal that began with polite letters and escalated into a Freedom of Information Act, or FOIA, request. This led to a White House meeting and was followed by more stonewalling.

Leading veterans' organizations do not see the problem in the same terms. Bill Smith, a spokesman for the Veterans of Foreign Wars, or VFW, told Insight: "This administration is not antiveteran at all. Jesse Brown, secretary of Veterans Affairs is earnestly working in the interests of vets. In an age of budget cutbacks, VA has fared well."

On the question of whether customary numbers of veterans are being hired for senior positions, Smith says that though he has seen no surveys, he is not aware of any discrimination. "Compare the administration with the Congress: There are fewer vets there too."

"I'm not surprised he's seen no surveys," says Wheeler. "I still haven't gotten the information I've been promised, and I've been at it for almost three years. Look, the VFW is a venerable organization, but its job is to look after veterans' benefits, not veterans' values. There are about 26 million American veterans altogether. About 4 million of them are primarily interested in benefits, and the mainline vet organizations represent them very well. But the rest of us are more interested in the values represented by military service: sacrifice, country, freedom, the reality of things beyond your immediate circle that are worth dying for. These values are traditional . . . and they are the antithesis of the life the Clintons live."

Those values issues could have an electoral spillover. "These guys helped put Clinton over the top in 1992," says Wheeler. "If they desert him in '96, he could yet lose this election. Strange, but no one has done any polling of vets on their presidential preferences. The mainstream vet organizations are scared of what they'd find."

The VFW's Smith says his organization hasn't conducted any veteran polling. "We're nonpartisan, not a PAC—but I haven't heard of any of the veteran PACs having any poll numbers either."

For Wheeler, the Clinton administration's good record on veterans' benefits supports, rather than contradicts, his overall theory: "The Clintons want their vets to be victims, not partners. They want to be photographed in attitudes of pitying kindness toward veterans, but they don't want them as colleagues in the Executive Office of the President. They've done some good for vets on the benefits side of things, but when it comes to recognizing vets as anything more than just another victim class, this administration shows its antiveteran face."

On April 17, 1994, in a letter to then-White House counsel Lloyd Cutler, Wheeler filed a FOIA request for the vet hiring data. This request led to a White House meeting on June 22, 1994, attended by Clinton administration officials Jody Greenstone and Steve Hilton, representing Cutler, and Bob Bell, of the National Security Council staff. At this meeting, as a settlement of Wheeler's FOIA request, the White House agreed to supply him with requested information.

Some information has, in fact, been rolling into Wheeler's mailbox. He now receives quarterly reports on the hiring of veterans for the approximately 850 Senate-confirmed slots. As per Wheeler's request, this information is broken down by gender and age. But Wheeler still is awaiting information on vet hiring in the Executive Office of the President, despite agreement at the June 1994 meeting that this information is public and despite the fact that the White House's promise to provide it was offered as part of a settlement of the FOIA request.

Besides the question of hiring, three Vietnam vets whose sons were killed in Somalia still are waiting for an adequate accounting of the decisions that may have placed their sons in unnecessary danger, such as the decision to exclude tanks from the Somalia mission.

Army Ranger Cpl. Jamie Smith bled to death during a battle in Mogadishu, Sgt. Casey Joyce and Cpl. Dominic Phila, both soldiers, also died there on the same day: Oct. 3, 1993. Thereafter, the Smith and Pila families worked together with retired Lt. Col. Larry Joyce, Casey's father, to learn what led to those tragic events.

Joyce tapped his Pentagon contacts and reports that the field commanders in Somalia had requested tank support, that the request had been approved up the chain of command through the Pentagon—and that it had been denied at the White House level for reasons that were political rather than military: The administration wanted to avoid the appearance of escalating the Somalia mission.

Joyce composed a handwritten letter to Clinton and had it delivered through a White House contact. On Nov. 19, Joyce recalls, the president called him and said a meeting would be arranged for the following week—but no further calls came.

On Dec. 15, 1993, the day Defense Secretary Les Aspin resigned, about a half-hour before the resignation announcement, Joyce received a call from presidential assistant Betty Currie assuring him that the president still wanted to meet with him. Joyce says he suspects this call was made to forestall his potential criticisms of military decisions taken on Aspin's watch, including the fatal mistakes in Somalia, for which some say Aspin had been made to take the fall.

Currie tells Insight that she cannot remember calling Joyce on that particular day. "But if he said so," she adds, "it's probably true."

In March 1994, Joyce, retired Capt. Jim Smith and retired Sgt. Ben Phila met with Democratic Sen. Sam Nunn of Georgia, at that time the chairman of the Senate Armed Services Committee. Nunn scheduled a hearing, with Joyce and Smith as witnesses, for May 12, 1994. on May 11, as Capitol Hill committee procedure requires, they faxed their written testimony to Nunn's committee—and within an hour of sending the fax they received a call from the National Security Council asking them to meet with the president the next day.

By this time, testifying before Nunn's committee was a higher priority for the bereaved fathers than meeting with the president. But on the morning of the hearing, the schedule was juggled so Joyce and Smith would testify after lunch. Then, during the hearing's luncheon break, they were taken to a limo, whisked off to the White House and deposited in the Oval Office with Clinton, National Security Adviser Anthony Lake and senior White House aide George Stephanopoulos.

Joyce says that during the meeting he found Clinton arrogant, insensitive and anxious to retain control of the conversation. Stephanopoulos hung back near the door, looking annoyed, according to Joyce, and frequently checked his watch.

The line the president took was that he had relied upon his military commanders and had not wanted to make former President Johnson's mistake of trying to micromanage military operations from the Oval Office.

Joyce seized on a pause in the president's word flow to ask if it were true that at the time that Casey Joyce, Jamie Smith and Dominic Phila were killed, Clinton already was working on a diplomatic solution brokered by former President Carter, using Carter's contacts with Somalian "warlord" Gen. Mohamed Farah Aideed, and that Clinton had accepted Carter's opinion that a military solution in Somalia would not work?

Joyce says Clinton acknowledged all this.

Joyce then asked why a raid aimed at capturing Aideed had been carried out on Oct. 3. "He was stunned at the question," Joyce tells Insight. "He then said: 'On Oct. 3, I asked Tony Lake the same question.' But later, after that meeting, I asked Gen. Colin Powell whether the military had been told of any change in the Somalia strategy, and he said no, it had not."

Joyce says that, publicly and privately, the Clinton administration "is sticking to a canned response that says the operation in Somalia saved lives and therefore our boys did not die in vain. But the lifesaving part of the mission was the humanitarian part, which ended in March of '93. The rest—the part our sons died in—was just President Clinton's participation in Boutros Boutros-Ghali's personal vendetta against Aideed."

Throughout the 45-minute meeting, says Caroline Smith, Jamie's mother, "the president never acknowledged any responsibility whatsoever. He was sorry, of course, but as far as taking responsibility, he diffused it all over the place."

The White House referred calls on all these matters to the VA. VA spokesman Jim Holly tells Insight that the Clinton administration's record on veterans' benefits and veteran hiring makes this "the most pro-vet administration since FDR signed the GI Bill."

On July 28 the president told a Disabled American Veterans conference in New Orleans: "We're still around because of you."

But others besides Wheeler are alarmed at the plight of veterans. On July 31, Rep. John Mica, a Florida Republican, shepherded the Veterans Employment Opportunities Act of 1996 through the House. The bill would strengthen veteran preferences in federal hiring and allow vets in federal employment to appeal adverse actions to the Merit Systems Protection Board.

"Right now," Mica tells Insight, "veterans are the last hired, first fired."

But for Wheeler the issue is not filling quotas, but showing respect. "I'm not trying to obtain a given number of senior White House jobs for veterans," Wheeler says, "I'm trying to confirm or disprove a growing impression that this White House doesn't want veterans in its face."

In a National Public Radio interview on March 14, 1994, Puller observed: "Clinton came in with a lot of baggage. His draft record back in the sixties; he went to Yale Law School, where virtually no one served; so, I sense sort of a 'we-they' mentality there."

"I know a number of years ago," Puller continued, "somebody said there's an unbridgeable gulf between those who served and those who didn't serve in the Vietnam War. I don't believe that any more, but I feel like veterans have made more of an effort to be accessible to Clinton, and to his administration, than his administration has to be accessible to them."

Instead of accepting Puller's outreach, Wheeler says, this White House has comported itself toward veterans as though inspired by a remark of Shakespeare's great villain, Iago: "He hath a daily beauty in his life that makes me ugly."

A POINT OF LIGHT FOR ALL AMERICANS: DAVID MINKIN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. OWENS. Mr. Speaker, I rise today to honor David Minkin, an individual whose concern for his fellow man and worthy philanthropic pursuits over the past six decades have earned him the love, respect, and gratitude of the many individuals he has touched. His life is a testament that human compassion is a factor that matters most in life. Mr. Minkin is a point of light for all Americans.

Throughout his professional life as a real estate developer, builder owner and manager, Mr. Minkin has been viewed by those with whom he has been associated with as a fair, sincere, and loyal person. However, it has been his philantrophic deeds that have earned him the greatest respect and admiration of those whose lives he has touched.

For the past 64 years, David Minkin has worked tirelessly in improving the health care for the residents of the Flatbush section of Brooklyn by continuing the fundraising efforts for the Kingsbrook Jewish Medical Center begun by his parents Rose and Bernard Minkin in 1932.

Throughout the past six decades, Mr. Minkin has held many key offices at the facility. He served as president of Kingsbrook until 1995 when he stepped down to assume the role of president emiritus and he remains the faculty's chief benefactor, leading fundraising efforts and contributing millions of dollars for the center.

Mr. Minkin's first major contribution to Kingsbrook was the construction of an acute care facility named in honor of his parents in 1967 in which he raised and personally contributed several millions of dollars. He later spearheaded the construction of the last three buildings of the nine-building Kingsbrook complex.

During his life David Minkin has been recognized for his contributions to a broad spectrum of religious, cultural, educational and social service agencies, institutions, and organizations. His participation and recognition for many of these worthy efforts cross religious boundaries with recognition in the Catholic community as well as in his own Jewish faith.

In 1976 Kingsbrook named a facility for skilled nursing care and rehabilitation services, the "David Minkin Rehabilitation Institute" in honor of his contributions and dedicated service to the facility. In addition, David was awarded the Medical Society of the County of Kings 19th Annual Citizen's Award, in appreciation of his tireless efforts in improving the health and well-being of the citizens of Brooklyn through his unstinting devotion to Kingsbrook Jewish Medical Center.

Among his many other honors, David was awarded the Prime Minister's Medal from State of Israel Bonds, as well as the Ubi Caritas Award from Catholic Charities. A generous contribution to the Catholic Charities of Brooklyn and Queens resulted in a residence that would provide 100 units of supportive housing for the elderly. In appreciation the organization named the facility in David Minkin's honor.

At a time when charitable giving is decreasing, it is appropriate that we join his friends and family in celebrating this point of light for all Americans—David Minkin.

THE EPA CLUSTER RULE

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. MOLLOHAN. Mr. Speaker, I want to join my colleagues in support of the direction taken by the U.S. Environmental Protection Agency on the Cluster Rule for the pulp and paper industry. On behalf of my constituents who are employed by the paper and forest products industry—one of West Virginia's five major economic sectors—I urge the EPA to promptly finalize a Cluster Rule.

I am very pleased that on July 15, 1996, the EPA published in the Federal Register information on two technology options for final guidelines for bleached papergrade kraft and soda mills based on best available technology under the Cluster Rule. In this notice, the EPA stated that complete substitution of chlorine dioxide, identified as Option A in the proposal, should be given the same consideration as oxygen delignification coupled with complete substitution of chlorine dioxide, identified as Option B. In fact, the EPA stated in this proposal that "both options appear to reduce dioxins and furans in wastewaters to concentrations at or below the current analytical minimum levels."

In the first district of West Virginia, about 900 people are employed at the Luke Pulp and Paper Mill. Luke, which meets the requirements of Option A, is one of the Nation's largest paper mills. I understand that Option B would cost this mill, which in the past 5 years has spent over $45 million on environmental protection improvements, an additional $100 million.

I compliment and thank the Agency for the direction they have taken to provide for the fullest possible protection of the environment while at the same time ensuring that the final rule will not place on unreasonable cost burden on the pulp and paper industry. This approach demonstrates regulatory flexibility at its best.

I rise to join my colleagues in an endorsement of Option A.

TRIBUTE TO GEORGE SWEENEY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Ms. DELAURO. Mr. Speaker, on Thursday, September 12, 1996, George Sweeney will be honored with a retirement dinner. George has served the New Haven Fire Department for more than 39 years.

George's career with the New Haven Fire Department began in 1957 when he was assigned to Engine Company 4 at the Central Station. He served in this capacity until January 26, 1977 when he was promoted to lieutenant. While he was with Engine Company 4, he was commended by the board of fire commissioners for his actions at a four alarm fire at the Yale Art & Architecture Building on June 14, 1969. In the following years, George served with a number of companies including Hook and Ladder Company 3, Lombard Station, Engine Company 7, Lombard Station, Engine Company 10, Lombard Station, Engine Company 15, Fountain Station, Hook and Ladder Company 5, Fountain Station. In 1991 he became the acting supervisor of records and operations at the Motor Apparatus and Building Maintenance Division.

Firefighting is a career which demands incredible dedication, courage and bravery, and a deep commitment to helping others. Firefighters are public servants in the truest sense. They risk their lives every day to protect citizens. During his tenure with the New Haven Fire Department, George was awarded a meritorious citation for his part in a heroic attempt to rescue two children from the second floor of a three story building. George's actions speak to his immeasurable sense of responsibility for the citizens of New Haven. George is also the recipient of three unit citations. He has been honored by the Connecticut State Fireman's Association in 1992 in recognition of 35 years of service and he was named Firefighter of the Year in 1995 by the New Haven Block Watch Association.

George Sweeney has devoted himself and his life to a career as a firefighter for the city of New Haven. For over 39 years George has served the people of the city. In that time he has truly made a difference in people's lives, in some cases his efforts have meant the difference between life and death. I am proud to join George's family, friends and colleagues as they honor him on his retirement. He deserves our deepest thanks and appreciation.

"PITCHING SOCIALISM"

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. DUNCAN. Mr. Speaker, many taxpayers around the Nation are being ripped off by mega-millionaire sports team owners who are getting lavish stadiums built largely at public expense. We do not do this for other businesses and should not for sports teams either.

To show how bad these deals are for the taxpayers, I would like to urge my colleagues and other readers of the RECORD to read the following National Review article, "Pitching Socialism," by Raymond J. Keating.

[From the National Review, Apr. 22, 1996]

PITCHING SOCIALISM

(By Raymond J. Keating)

As a federal prosecutor and now mayor of New York, Rudy Giuliani has taken on Wall Street, the Mob, even a number of powerful city unions. But when it's time to talk baseball with George "The Boss" Steinbrenner, Giuliani goes weak in the knees.

That's because Steinbrenner is threatening to move the Bronx Bombers to New Jersey unless he gets a new, taxpayer-financed stadium. In a city that has already endured the traumatic departure of the Dodgers and Giants for the West Coast, this bit of brinkmanship is taken quite seriously. The mayor's office, in fact, has suggested the city might be willing to shell out as much as $1 billion for some choice real estate and a new stadium.

The New York Mets like the sound of this action. They are suggesting that a mere $100 million, to help fund a new stadium with a retractable dome, would keep them from moving out to the Long Island suburbs.

While no other city—or state, for that matter—has even considered forking over $1.1 billion to subsidize multi-millionaire owners and athletes, stadium socialism is a serious problem across the nation. Maryland taxpayers, for example, are being socked for almost $300 million—some of the money to partly finance a new stadium for the Washington Redskins, and some to fully finance a new stadium for the former Cleveland Browns.

The public in general does not support such plans, despite the popularity of professional sports. A national poll conducted by Media Research & Communications recently found that 80 percent of Americans oppose the use of their tax dollars for sports stadiums and arenas.

The politicians, however, mesmerized by the glamour of pro sports and the prospect of increased revenue, seem determined to have their way. Very rarely do elected officials schedule referenda on government financing and ownership of sports facilities. And in some instances, when they have done so and the votes have not gone their way, they have changed the rules in mid game. Last September, Seattle voters turned down a proposal that would have hiked taxes to pay for a new stadium for the Mariners and for repairs to the Kingdome, home of the Seahawks. A month later, state and local officials ignored the vote and approved a $320-million plan for the Mariners' park.

The economic justification for government-financed sports facilities has always been based more on spin than on substance. First, the team or elected officials will hire a consulting firm to produce studies predicting substantial economic benefits from a new stadium or arena. These studies rely on the Keynesian notion of an "economic multiplier"—the justification for every government "stimulus project" in the past half-century. The calculation works by taking the dollars "invested" in building a facility, adds an estimate of money to be spent by spectators at each event, and multiplies the results by an additional number to arrive at an estimate of increased economic activity.

The problem is that the multiplier effect is all but impossible to measure accurately. Judgments about the catalytic effects of dollars moving through the economy amount to nothing more than statistical guesswork (a dirty little secret of the economic profession). Indeed, it is doubtful that any real multiplier effect occurs at all, because of something called the "substitution effect."

Simply put, the substitution effect holds that leisure dollars—that fairly limited amount of income that a family will devote to entertainment—will be spent one way or another. If there is no ballpark for a family to go to, then it will spend those dollars on some other activity, like a movie or a concert. Government-funded stadiums, then, turn out at best to be zero-sum games—a simple shifting of limited resources.

This larger economic picture, however, is usually lost on politicians bedazzled by the bustling markets for red hots and frozen yoghurt in places like Camden Yards and Jacobs Field.

The politicians are also oblivious to the negative effects of the higher taxes needed to pay for these facilities—like rising private-sector costs and diminished incentives for working, investing, and risk-taking. Government ventures usually wind up being net economic losses in the long run.

The Toronto Skydome, opened in 1989, is a prime example. A recent report from the Pioneer Institute notes that as the Skydome was constructed, cost overruns boosted the Ontario taxpayers' portion of the total bill from $120 million to $322 million. The government's share in the Skydome was eventually privatized in 1992 for $120 million—a considerable loss.

A spate of books, as well as independent studies from groups like the Heartland and Pioneer Institutes and the Brookings Institution, have expressed skepticism about economic growth owing to taxpayer-funded sports facilities. The most recent study, a 1994 Heartland Institute analysis conducted by economist Robert Baade, concluded that "professional sports is not statistically significant in determining economic growth rates." There is "no support for the notion that there is an economic rationale for public subsidies to sports teams and stadium and arena construction." Sports teams and their facilities are largely byproducts, not sources, of economic growth.

Two other negative effects of government-owned sports facilities have become painfully obvious. First, because teams rent rather than own their stadiums, they are turning into transients, tearing up community roots (witness the Cleveland Browns) in a dash for new taxpayer-financed stadiums, relocation payments worth tens of millions, and even taxpayer-guaranteed profits (as in the deal that enticed the Los Angeles Rams to move to St. Louis).

Second, team owners and players, insulated by taxpayers from the cost of stadium financing, are doing extremely well without having to exert themselves to meet the demands of their market. Fans know intuitively that something is wrong when mediocre ballplayers sign multi-million-dollar deals, or ticket prices remain the same when the team is forty games out of the playoffs.

Despite general public disapproval and a lack of supporting economic arguments, even a number of conservatives have pushed for government financing of sports facilities. Leading welfare reformer Gov. Tommy Thompson of Wisconsin has kept the Milwaukee Brewers on the dole, lobbying hard for a new taxpayer-financed ballpark. And Massachusetts Governor William Weld's support for a government-financed stadium/convention center in Boston calls into question his self-proclaimed supply-sider status. Even George Will has gone native. In the January 22 Newsweek, he wrote favorably of the state-built home of the Baltimore Orioles.

While real conservatives have to love the tradition of the ballpark—the game, the hot dogs, the chatter—sentiment shouldn't dim our rationality. Markets work. If new stadiums and arenas have economic value, individuals acting in the marketplace will see that such facilities are built without any government intervention. San Francisco voters, in fact, have held fast. They have voted down taxpayer-funded stadiums on four separate occasions, and now the Giants are privately financing a new ballpark. Rudy Giuliani and his counterparts across the nation should take note, and stand up to Boss Steinbrenner and the other owners. When it comes to corporate welfare, just say no.

THE 2000 CENSUS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 21, 1996 into the CONGRESSIONAL RECORD.

THE 2000 CENSUS

The results of the year 2000 census will provide a snapshot of America. The census—which collects information not only on population, but on race, income, housing and family size—will affect all Americans. The changing nature of America, as reflected in the 2000 census, will alter the political and economic realities of the United States for decades to come.

The Constitution requires that the population be counted every ten years. Census results determine the number of seats each state has in the U.S. House of Representatives. Boundaries of congressional and state legislative districts, as well as school boards and city council districts, are redrawn based on census data. Federal aid to states is based on population figures. The census also benefits the private sector by providing businesses with information about consumers.

PROBLEMS WITH THE 1990 CENSUS

The Census Bureau is exploring new approaches to gathering information for the 2000 census. Previously, the Census has counted the number of Americans by, first, sending questionnaires to every known address in the country and, second, by sending "enumerators" door-to-door to try to get responses from people who did not respond to their questionnaires.

There is general agreement that this approach had its drawbacks in the last census. It proved very costly, and missed many people, 4 million citizens by one estimate. Undercounting was a particular problem in rural and inner city areas where people tend to be harder to reach. In addition, fewer people responded to the questionnaire. The number of responses dropped from a 1970 level of 85% to 63%. The Census had to hire additional enumerators to count those who didn't respond, adding significantly to the cost of the census. All told, the 1990 census cost $2.6 billion, and if the census were conducted in the same manner in the year 2000, the cost could rise to about $4.8 billion.

NEW APPROACHES FOR THE 2000 CENSUS

The Census is proposing to take a different approach for the 2000 questionnaires, but plans to distribute them more broadly. Forms will not only be sent in the mail, as before, but be made available at grocery stores, churches, schools and community centers. The agency is also investigating whether the public could respond by telephone or via the Internet.

Furthermore, the Census hopes to encourage greater response by redesigning the form to make it easier to distinguish from junk mail and make it less intimidating. The number of questions on the short form will be cut from 17 to 8, and on the long form (which is sent to 1 in 6 households) from 59 to 55. The questionnaire will also explain why the government needs the information. A form being tested, for example, explains the data will help the government and communities plan education and health care services and distribute highway funds.

The most controversial aspect of the Census plan is its proposed use of "sampling" to count the population in 2000. In previous censuses the bureau made an actual head count of citizens using mail-in forms and enumerators, but this approach was missing an increasing number of people. For the 2000 census the agency plans to use mail-in forms and enumerators until 90% of households in a given county have been counted. Then a statistical sample of 10% of the remaining households will be selected, and enumerators will be sent, repeatedly if necessary, to count them. The results will be used to estimate the total number of those who were originally missed.

The Census says that this approach will improve the accuracy of its population count and reduce costs, as there will be less reliance on using enumerators. Critics respond that use of sampling is unconstitutional because the Constitution calls for an "actual enumeration." Decisions in lower federal courts, however, have upheld the use of sampling so long as it supplements, and does not replace, an actual count, but the Supreme Court has not yet ruled on the matter. Congress also continues to debate the issue.

JEFFERSONVILLE FACILITY

Jeffersonville is home to the second largest Census facility in the country. The Data Preparation Division supports about 175 Census Bureau projects, including the decennial and agriculture-economic censuses. The division assists in the assembly and mailing of questionnaires; the reproduction of working and training materials; receiving, editing, coding and problem resolution of data; data entry and microfilming; and the management of Census records.

The Jeffersonville facility will play an important role in the collection of data for the 2000 census. It currently employs over 1370 workers, but that number will rise to handle the increased workload for the census. In addition to its normal data-gathering activities, Jeffersonville will be responsible for high-tech processing of census information.

I opposed a funding bill for Census and other activities in the Commerce Department because it provided inadequate resources for the agency as it prepares for the 2000 census. The House bill would force delay in education and out-reach efforts aimed at increasing the number of households which respond to the census. It would also deny much needed increases for current economic statistics. I will work to increase the funding level for the Census Bureau as congressional debate continues on this appropriations bill.

CONCLUSION

I appreciate the outstanding work done by Census employees in Jeffersonville and around the country. The decennial census is an important event, and its outcome has profound consequences on planning for the future, on the distribution of federal aid, and on the make-up of congressional districts in the next decade.

The Census Bureau is working to respond to new challenges. Most would acknowledge that the 1990 census had its shortcomings. The decennial census will always be an enormous and complex undertaking, but changes must be made to make it more accurate and cost-effective, particularly in an era of severe budget constraints.

I strongly support efforts to simplify the census questionnaire and improve distribution. We must also work to educate a new generation of Americans about the importance of responding to the census so that mail-in rates improve. I agree that steps must be taken to address the problem of undercounting. My preference is to improve the actual count rather than rely on statistical sampling, but recognize that Census may have to consider new approaches to produce a more accurate count.

L.A. TIMES EXPOSES PRESCRIPTION FRAUD; H.R. 2839 IS ONE WAY TO REDUCE ABUSE, SAVE LIVES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. STARK. Mr. Speaker, the August 18, 1996 Los Angeles Times contained an excellent article on the massive amount of prescription drug fraud in our society and the deaths and illnesses it causes.

Last year, I introduced a bill, H.R. 2839, to encourage a medication evaluation and dispensing system which would stop much of the abuse of the prescription drug market, save lives, and avoid billions of dollars in medical injuries and expense. Last week, I described how the General Accounting Office recommends this type of program for the Nation.

Today, I am entering in the RECORD the L.A. Times story which documents the enormity of the problem and its cost to our society. I hope the passage of a bill like H.R. 2839 will be a priority of the next Congress.

[From the Los Angeles Times, Aug. 18, 1996]

PRESCRIPTION FRAUD: ABUSING THE SYSTEM

(By Dan Weikel)

Millions of pills are being illegally resold on the streets. Some see a double standard in leniency toward doctors and the rich and powerful who overuse drugs.

Along one massive front of the war on drugs, where fortunes are amassed and lives destroyed, barely a skirmish has been waged.

Every year, hundreds of millions of prescription pills flow into the nation's illicit drug market, creating a giant cornucopia of painkillers, stimulants and tranquilizers. They are believed to be among the most abused substances in the country, even rivaling the estimated use of cocaine and crack.

But in California and elsewhere, only a few agents, often equipped with the most lenient narcotics laws, investigate the illegal trafficking of powerful pharmaceutical by doctors and others. In this backwater of enforcement, recognition comes hard and frustrations abound.

"There is just no glory in it—no guns, no piles of coke, and no bundles of cash to stack up for the TV cameras." said Special Agent Walter Allen III of the state Bureau of Narcotic Enforcement, who supervises prescription fraud cases.

It seems the only time prescription drug abuse gets serious attention is when a celebrity tumbles—be it Betty Ford, Elizabeth Taylor or superstar producer Don Simpson, who died of an overdose in January from a lethal mix of cocaine and 20 prescription drugs.

In an extraordinary effort, authorities from local, state and federal law enforcement agencies are investigating more than a dozen doctors suspected of unlawfully supply prescription drugs to the producer of such hits as "48 Hours," "Top Gun" and "Beverly Hills Cop."

On Friday, the offices of two of those doctors, both psychiatrists, were raided by investigators. The home of one also was searched.

"Abuse of prescription drugs is a serious problem in our society, but nobody pays attention until somebody big and powerful like Don Simpson drops dead," said Steve Simmons, the California Medical Board's senior investigator on the case. "But this kind of thing happens all the time to lots of regular folks."

Even when law enforcement resources are marshaled, the returns often are small. No more than two dozen doctors, dentists and pharmacists are prosecuted annually for prescription drug offenses, case records show. Most get probation and stay in practice, largely because it is harder to prosecute a professional in a white coat than a street-corner pusher.

In California, about three of four physicians convicted of a prescription drug crime keep their licenses. Users often do more time in jail.

"There are two kinds of justice in this system," said former state narcotics agent Paul K. King, who worked on prescription fraud in Los Angeles County for 10 years. "One for doctors, and one for everybody else."

Take the case of Dr. Eric C. Tucker, whom state narcotics authorities suspected of illegal trafficking after scrutinizing prescription records.

Before his arrest in 1991, court records show, Tucker issued more than 7,000 questionable prescriptions for the stimulant Preludin and another 7,600 for Dilaudid, so-called drugstore heroin, an addictive pain reliever that fetches up to $100 a pill on the street.

More Dilaudid was coming out of Tucker's Montebello office every year than at County-USC Medical Center, the West Coast's largest public hospital.

Tucker, than 59, pleaded guilty to two felony counts of prescription fraud and lost his medical license. Although responsible for flooding the illegal market with hundreds of thousands, if not millions, of dangerous pills, he was sentenced to eight days in jail.

In contrast, Daniel G. Siemianowski, 38, of Los Angeles, a low-level street dealer and first-time offender, was prosecuted about the same time as Tucker. Police arrested him with about four ounces of crack and powder cocaine on the front seat of his car—a speck compared to the doctor's goods. Siemianowski's sentence: a year behind bars.

About 2.6 million people in the United States use prescription painkillers, stimulants, tranquilizers and sedatives for "nonmedical reasons"—more than the estimated use of heroin, crack and cocaine, according to surveys by the National Institute of Drug Abuse. Only marijuana is more popular.

Users run the gamut from street addicts to senior citizens who mix afternoon cocktails of tranquilizers, and even teenagers who sell their doses of Ritalin to classmates.

Some combine prescription drugs with illicit narcotics to enhance the high. Others use tranquilizers to soften the crash from cocaine and heroin, helping them sustain their habits. For many others, pharmaceuticals simply are their drugs of choice.

Sandra K. Bauer, a member of the California Board of Pharmacy, knows how easy it is to fall to prescription drugs—and how complacent regulatory and law enforcement agencies sometimes can be in searching out the truth.

In 1990, before Bauer joined the board, her 34-year-old sister collapsed after injecting three times the lethal amount of Demerol—synthetic morphine. Although the coroner found needle marks on her arms and thighs, police had accepted her husband's explanation that she had suffered from terminal cancer.

"I told him that was ridiculous," Bauer recalled of her conversation with the detective. "There was no cancer."

Bauer insisted that authorities take anotyher look because her sister was a drug addict. During a search of her sister's home, police discovered shelves full of syringes, tranquilizers and potent painkillers.

"It was classic middle-class drug abuse," Bauer said. "You go to a doctor and get a bogus prescription. Then you get the pharmacy to fill it, and have your insurance company pay for it all. No one suspects anything."

To ensure a thorough investigation of her sister's death, Bauer lobbied state legislators, high-ranking law enforcement officials, journalists and officials on the state pharmacy and medical boards. As a result, two doctors and two pharmacists lost their licenses.

"Had I not intervened, my sister simply would have been buried—end of story," she said.

Even then, Bauer did not back off. Through a friend who was the appointments secretary for then-Assembly Speaker Willie Brown, she maneuvered her way onto the state pharmacy board in 1992. Bauer has been working ever since to improve professional discipline and the state's obsolete system of monitoring prescription drugs.

ENORMOUS PROFITS

The U.S. Drug Enforcement Administration has estimated that about $25 billion in prescription drugs were sold on the illicit street market in 1993, compared to a government estimate of $31 billion spent that year on cocaine, including crack.

What makes pills so attractive to abusers and purveyors are their purity, predictable effect and low cost compared to illicit drugs. For about $10, less than the price of a few rocks of crack, a user can combine two or three times the therapeutic dose of codeine with the sedative glutethimide to achieve a high similar to heroin.

Although some of the drugs are smuggled into the country or stolen from distributors, a large portion comes from medical offices and pharmacies.

State and federal law prohibits the dispensing of controlled substances unless good-faith medical exams are performed, accepted prescribing practices are followed, and there is adequate medical justification. It also is illegal for someone to fraudulently obtain prescription drugs, a practice known as doctor-shopping.

By American Medical Assn. estimates, 1% to 1.5% of physicians dishonestly prescribe drugs, and another 5% are grossly negligent in their prescribing. In California, that represents 4,500 to 4,875 doctors.

For the unscrupulous professional, the profits can be enormous. Doctors, dentists and pharmacists have made millions by turning their practices into lucrative pill mills, where fraudulent prescriptions—written in minutes—have sold for $200 to $600 apiece, depending on the substance.

Working at the other end of the spectrum are doctor-shoppers, who trick physicians and pharmacists with self-inflicted injuries, forged prescriptions and stories about back pain or old war wounds.

During an eight-month period in 1990, Vicki J. Renaldo of Oceanside duped 42 San Diego area doctors and 26 pharmacies into giving her thousands of codeine tablets—all paid for by Medi-Cal. She was convicted and sentenced to two years in state prison.

Another doctor-shopper in the Midwest managed to scam 134 physicians.

"It's so easy to do. The doctors don't really question you," said Barbara Curtis, 42, a member of Benzodiazepines Anonymous, a Los Angeles-based support group for prescription drug addicts. For almost 20 years, Curtis went to three or four doctors to secure supplies of two painkillers—Vicoden and Fiorinal with codeine.

"Migraine headaches was all I had to say."

"There seems to be a constant supply of these drugs on the black market," said Dr. Greg N. Haynor of the Haight Ashbury Free Clinic in San Francisco, one of the nation's leading drug treatment centers. "The fact is, a lot of pills are floating around out there that can pack quite a wallop."

Depending on the year, a quarter to a half of emergency room admissions related to drug abuse involve a prescription drug either taken by itself or in combination with alcohol or other controlled substances, according to the national Drug Abuse Warning Network.

The network surveys emergency rooms in 43 metropolitan areas to measure the consequences of drug use. It does not determine whether the prescription drugs were obtained illegally.

Of the top 20 drugs mentioned in the emergency room episodes, about 75% were prescription painkillers, sedatives, stimulants and tranquilizers.

Despite the enormity of the problem, prescription drug abuse remains a low priority for law enforcement, which has had its hands full fighting illicit drugs at home and abroad.

Building a prescription prosecution can take months, sometimes years, of tedious work. Pharmacy records must be scrutinized, and undercover buys must show conclusively that drugs were prescribed without good-faith exams or medical justification.

Because of the lengthy investigations and a shortage of agents, no more than 20 doctors, dentists and pharmacists a year are prosecuted criminally in California for prescription drug offenses. Federal authorities, on average, convict 240 people a year for federal drug-diversion offenses, or about five per state.

Even when charges are filed, however, juries balk at returning convictions. When they do, the sentences often are short.

LENIENT LAWS

Part of the reason, according to law enforcement officials, is that medical practitioners usually are charged under laws that can be filed either as a misdemeanor punishable by no more than a year in jail, or as a low-grade felony, which carries a penalty of 16 months to three years in prison.

The way the laws are written, prosecutors say, health care professionals can escape more serious drug-trafficking charges if they have written a prescription, no matter how fraudulent.

Assistant U.S. Atty. Alka Sagar said she has handled about 10 prescription fraud cases in federal court in Los Angeles since 1990. Of those, she said, one doctor received a short prison sentence; the rest pleaded guilty and were placed on probation.

Although felony convictions for prescription fraud are considered easier to obtain in federal court than in state court, the penalties can be just as light because sentencing guidelines are geared almost exclusively toward street drugs.

"You could make a series of undercover buys for 60 pills each and the sentencing range would be zero to six months. Even if each buy was 100 times that amount, it would still be zero to six months," Sagar said. "You'd have to raid a drug factory to get a tough sentence."

In California, few police departments, even in major cities such as Los Angeles, have specialized officers or anyone with training in prescription drug abuse. The same holds true elsewhere in the nation.

Responsibility for investigating pharmaceutical abuse in California usually rests with the state's Bureau of Narcotic Enforcement. But, of the agency's 300 officers, about seven are assigned the task, and they sometimes are burdened with other assignments. Prescription drugs also represent a fraction of investigations by state Medi-Cal fraud units and professional boards.

Nationally, the federal government spends $13 billion to $14 billion annually on the war on drugs. But only $70 million goes to the DEA to investigate prescription drug offenses—a small fraction of the agency's billion-dollar budget—and part of that is earmarked to halt the illegal flow of chemicals to clandestine labs.

Making enforcement even harder is that the state's computerized tracking system for the sale of controlled substances is obsolete. Because data has to be entered by hand, the unit can analyze only 10% to 15% of the 1.5 million controlled substance prescriptions forwarded annually.

Former state narcotics officer Paul King, who recently retired, recalled a frustrating incident that he says reflects a prevailing attitude toward pill fraud.

King said he learned in 1988 that federal officers in Ohio had arrested a drug runner as he got off a plane from Los Angeles International Airport with at least $600,000 worth of Dilaudid in a shoe box—12,000 pills.

At the time, the heroin-like drug was pouring into the illicit market in Los Angeles and then to destinations nationwide. To King's dismay, federal agents wanted to use the courier as an informant for a standard cocaine case, torpedoing any investigation of the Dilaudid shipment, which was as valuable as 40 to 50 kilograms of wholesale cocaine.

"You couldn't put $600,000 of any other drug that I'm aware of in a shoe box, and this guy was carrying it in plain sight," King said. "I later found out that the courier wasn't even prosecuted."

SUCCESSES RARE

Although there have been some successful crackdowns, critics say those have been few and far between.

During the mid- to late-1980s, state and federal authorities prosecuted more than 34 doctors, pharmacists and runners during Operation Rx, one of the largest raids on pill mills in Los Angeles. Also during the '80s, the powerful sedative Quaalude was virtually eliminated as a problem by regulatory and law enforcement action.

Still, for the most part, prosecutors are reluctant to file charges in prescription fraud cases because they believe that their limited resources are better spent fighting street drugs.

It is against this backdrop that comedian Chevy Chase managed to stay out of serious trouble in 1994. For some time, the former star of "Saturday Night Live" has had a problem with painkillers, which he says he first took for back injuries caused by pratfalls.

State narcotics officials spent almost a year compiling prescription records on Chase, whom they suspected of illegally obtaining the potent painkillers Percocet and Percodan from numerous doctors. His Pacific Palisades home was searched, as were several physicians' offices.

Agents believed the evidence showed that Chase had engaged in unlawful doctor-shopping and recommended that charges be filed by the Los Angeles County district attorney's office. But that's as far as it went; prosecutors considered the case unwinnable.

Explaining his decision not to file charges against Chase, Deputy Dist. Atty. John Lynch said not only was the doctor-shopping law vague, but it was unclear whether Chase had committed any fraud as defined by the statute.

Los Angeles attorney Zia F. Modabber, a spokesman for Chase, declined to comment because of pending litigation brought against the comedian by a former chauffeur. The driver contends that he has been unable to get work since he was caught by police in 1994 while allegedly ferrying painkillers into Canada for Chase. The judge has restricted public discussion of that case, which is nearing trial.

"I think it would be inappropriate to discuss the issues," Modabber said, "not because we have anything to hide, but out of respect for the justice system."

A SLAP ON THE WRIST

Disciplinary records from state pharmacy and medical boards also raise questions about the resolve of regulatory agencies to get tough with those who violate criminal and professional codes.

From 1990 to 1995, the state medical board disciplined about 120 physicians for drug-related matters, 44 of whom were convicted of drug crimes. The pharmacy board disciplined about 160 people. The dental board disciplined 20.

One in four pharmacists or pharmacy owners, one in four dentists, and one in nine physicians lost their licenses after charges were sustained. Some of the cases included minor offenses for which license revocations would seem inappropriate.

But even when physicians were found guilty of criminal offenses, including felonies, three out of four kept their licenses. One of them was Dr. Jovencio L. Raneses, formerly of Anaheim Hills.

In 1990, Raneses agreed to plead guilty to one felony count of illegally prescribing controlled substances. He was sentenced to one day in jail and three years probation. Four felony counts were dismissed.

Case records show that Raneses issued thousands of fraudulent prescriptions for Dilaudid through a bogus treatment program for back pain. Authorities estimated that the scheme netted a minimum of $400,000 from January 1988 to April 1989.

Despite the scale of the operation, the state medical board decided in December 1993 to suspend Raneses' license for two months and place him on eight years professional probation.

Back in 1984, the board first warned Raneses about his prescribing practices and ordered him to take medical courses. Court records show that he never took the classes, and the state never checked to see if he did.

Such examples have prompted allegations over the years that the medical board, as well as other regulatory agencies, have done little to rid their professions of the worst offenders.

Medical and pharmacy board officials acknowledge that there have been some problems with professional discipline, but say that reforms have been made since the early 1990s when the criticisms were at their height.

Records show that more complaints are being investigated and more people disciplined because of streamlined procedures.

Laws now require the automatic suspensions of medical, dental and pharmacy licenses for someone convicted of a felony. In addition, investigators say, they are seeking more court orders to suspend medical licenses after a person is arrested.

"There have been some improvements," said John Lancara, chief of enforcement for the state medical board, who was hired in the early 1990s to help overhaul the disciplinary system. "Our goal is to vigorously enforce the Medical Practices Act."

Meanwhile, at the pharmacy board, backlogs of cases—some of which had lingered for 10 years—have been eliminated. More records are being computerized, and fines that went unpaid for years are being collected.

Board member Bauer argues, however, that there is plenty of room for improvement. She compares the public attitude toward prescription drug abuse to that surrounding drunk driving before a grass-roots movement resulted in stronger laws.

"No one really sees this as a crime," she said. "To me, what is this if not a crime? We need to change people's attitudes. There is a need to say, 'This is a problem.'"

TRIBUTE TO THE REMSENBURG COMMUNITY CHURCH

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Remsenburg Community Church, and to celebrate the 100th anniversary of this glorious house of worship, serving this pastoral south shore Long Island, NY, hamlet.

On September 15, 1896, the Remsenburg Community Church building was dedicated by the congregation. For the ensuing 100 years, the "Red Brick Church" has served the spiritual needs of its congregants, strengthening the entire community through countless acts of charity and fellowship.

Both the church and the hamlet owe their appellation to Dr. Charles Remsen, the man who generously provided the funds to build this community its own house of worship. To show Dr. Remsen their appreciation, his neighbors moved to rename this hamlet in the southeastern corner of Southampton Town. On July 27, 1895, this former section of Speonk was formally founded as Remsenburg.

Though settlers pre-date the Revolutionary War, the organized founding of the Presbyterian Church dates back to July 3, 1853. Before Dr. Remsen's beneficent gesture, congregants gathered in schools and homes to worship, while ministers from neighboring towns were hired to preach God's word. The first frame church was dedicated in 1854 on Elijah Phillips's land, and the charter members include some of Suffolk County's prominent founding families: Selah Raynor, Merinda Halsey, Mrs. Nancy Tuthill, and Sophia Rogers.

The cornerstone of the current church building was laid on April 18, 1896, by the pastor, Rev. Minot Morgan, on land donated by John and Elizabeth Dayton. The Suffolk County News reported that a "handsome new brick church in Remsenburg, presented to the Presbyterian Society of that village by Dr. Charles Remsen, was dedicated on September 15."

Today, the community church has an active membership of 36, with another 30 friends who attend services regularly; the Sunday school instructs about 15 students. Operated by the board of trustees, the church benefits from the enthusiasm and hard work of its own Ladies Aid Society and the Chapelettes.

On Sunday, September 15, at 10 a.m., Remsenburg Community Church members will hold a special service of thanksgiving. Today, more than ever, our Nation relies on the spiritual sustenance and communal support that our churches and temples provide. That is why I ask my colleagues to join me in saluting the Remsenburg Community Church. This bastion of community faith and fellowship has strengthened the fibers that bind this community and have made Eastern Long Island a better place to live.

A TRIBUTE TO TRINITY SCHOOL AT RIVER RIDGE BLUE RIBBON SCHOOL AWARD WINNER

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. RAMSTAD. Mr. Speaker, I rise today to praise Trinity School at River Ridge, located in my district in Bloomington, MN, for being named winner of the U.S. Department of Education's prestigious Blue Ribbon Award.

The Department of Education could not have selected a more deserving school for this highly coveted honor. When it comes to a comprehensive and successful approach to excellence in teaching, student achievement, leadership, and parental involvement, Trinity School at River Ridge has, in just 10 short years since its opening, set a lofty standard.

Mr. Speaker, this high distinction was well earned. Everyone at Trinity played a role in achieving this extraordinary level of educational excellence. Trinity was the only private school in Minnesota to receive the Blue Ribbon designation, and 1 of only 50 private schools selected nationwide.

Under the visionary leadership of a most remarkable man, Headmaster William Wacker, Trinity School has flourished. Always there for each and every student, William Wacker provides at all hours of the day a willing ear, an understanding shoulder, and a marvelous source of advice and encouragement.

The board of trustees, under the leadership of Louis Grams and full of caring and committed individuals, has selflessly devoted the time, talent, and energy necessary to make Trinity School at River Ridge one of the best in all of America.

Trinity School at River Ridge's special mission and educational approach are perhaps best described in the words of John Buri, a psychology professor at a private college in our area and member of the school's board of trustees: "In a national educational system where acquisition of job skills is of primary importance, it is good to see recognition of an institution where truly human qualities are valued and where there is an effort to educate the whole person. Trinity School is about the task of what is truly education."

Trinity School at River Ridge calls its approach "An Education in Truth, Beauty and Goodness."

Forming a true community of learners through the active involvement of students, Trinity School at River Ridge has instituted a common, coherent, and integrated curriculum that helps students apply their knowledge more effectively. The constant evaluation of students at Trinity School is a critical part of this unique education. Students, teachers, and parents know where resources and energy need to be focused.

This historic designation was accomplished through the pioneering and innovative contributions of a truly dedicated administrative staff and dynamic collection of committed teachers. Their deep and unwavering commitment to the students forms the foundation for a very special relationship with the young people at Trinity School at River Ridge. The teachers and staff have gone above and beyond all reasonable expectations to help kids.

Mr. Speaker, another key ingredient in the overwhelming success of Trinity School at River Ridge has been the precedent-setting and inspiring level of involvement by parents. In this day and age when we in Congress hear so much blame being placed on the lack of participation by parents in their children's education, Trinity parents stand out as shining examples of the miracles that can happen when adults take the time to help out at their schools.

But, Mr. Speaker, the No. 1 reason Trinity School at River Ridge has been chosen as a Blue Ribbon Award winner is its spirited students. This student body is focused in a most impressive way on real achievement and a relentless pursuit of the highest standards of excellence. The students have worked hard to create a safe, supportive, and drug-free environment. They have worked hard to establish a record of academic excellence across the board.

From student leadership to participation in public service projects to help people in need in the community, from the heavy emphasis on scholastic achievement to the enthusiastic way they revel in the success of their classmates, the students of Trinity School at River Ridge deserve to claim this national honor as their own. The students at Trinity are the kind of young people any parents would be proud to call their own.

Mr. Speaker, please join me in congratulating everyone at Trinity School at River Ridge on a job well done and for setting such a powerful example of what can be accomplished by a school if everyone pitches in and strives to do their best.

Today we salute Trinity School at River Ridge for proving that schools all across America can succeed if everyone puts their minds and hearts into the effort.

"ANSWERING AMERICA'S CALL": ESSAY BY KELSEY PERKINS

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. SCHAEFER. Mr. Speaker, the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor an annual Voice of Democracy broadcast scriptwriting contest. This year's contest attracted more than 116,000 secondary school students competing for 54 national scholarships totaling more than $118,000. The theme this year was "Answering America's Call".

I am pleased to report that Kelsey Perkins of Aurora, CO, was the State winner of this year's contest. Kelsey, a senior at Smoky Hill High School, is active in her school and has won many scholastic and musical awards, including the Yale Book Award, National Merit Commendation, National Honor Society, and membership as a violinist in the all-State orchestra. Although she maintains a 4.0 grade point average at school, she still finds time to play field hockey, hike, camp, and read.

I commend Kelsey's composition to your attention, Mr. Speaker, as it gives excellent reasons why Americans should become involved in their country's Armed Forces, government, and community. It proves that democracy requires commitment and involvement by all citizens.

I congratulate Kelsey Perkins and her sponsoring VFW Post 3161 in Aurora, CO, on this fine essay.

"ANSWERING AMERICA'S CALL"

Good Morning, and welcome to the American Safari Corporation. I will be your guide for today's tour. What brought most of you here was not the call of the wild, rather it was the call of America. Today we will be conducting a tour in search of some rare species. Now I'm sure that some of you have been told that our search is futile since the prize we are seeking is often considered to be almost extinct. I'll let you be the judge of that. For those of you who are not familiar with our goal today, let me begin by telling you that we are searching for some responsible Americans. Before we set out, I will outline three identifying marks of a responsible American which will help you in our hunt.

The first sign of a responsible American is often that of involvement in our country's armed services. In many countries across the world, military service is mandatory for young men. They have no choice in whether or not to serve their country. In the United States we have no such requirements. Service is voluntary during peace-time. The strength of a country's military is often the standard by which it is judged by other nations. The military is not only a fighting force, it is an international representative of its country. Service shows patriotism and pride for one's home. The armed forces serve the common good by protecting America's interests in all areas, and by embodying the strength, skill and patriotism that symbolizes our country and fills every American with pride. For many citizens, military service offers the perfect opportunity to answer America's call and take on responsibility for our nation. Our armed forces have very high standards for their applicants. By meeting this standard of excellence through service in the armed forces, many men and women are successfully answering America's call to responsibility.

The second tell-tale mark to look for in our hunt is involvement in the government. Perhaps one of the best days to search for responsible Americans is on the first Tuesday in November. They can be seen in herds as they assemble to vote. In a day and age where many people are content to sit on the sidelines and not become involved in our government, utilizing one's right to vote and becoming involved in the government is a sure sign of a responsible American. As President Harry S. Truman observed, "It's not the hand that signs the laws that holds the destiny of America. It's the hand that casts the ballot."

Responsible Americans not only participate, but realize what an honor their role in government is. Our founding fathers risked execution by first daring to give Americans their rights to vote and to be involved in government because their actions of protesting unfair government were seen as treasonous. Since the Revolution, Americans have fought and died in many wars to keep Americans free. They fought and died to maintain our rights which include voting and government participation. As citizens of the United States today, it is our duty and privilege to vote in elections and to be involved and informed about our national and local government. Answering America's call includes meeting these responsibilities which support the rights for which many men and women have risked their lives.

One final way to find a responsible American is to look for those who are involved in community service. Acts of unselfish kindness for the common good or the benefit of others is not too much to ask in a nation which has so much. Community service touches the individual lives which make up this great country. It serves as a testimony to our country's humanity. Behind the mass of the armed forces and government are the everyday individuals in life which can be touched and inspired by the work of a few citizens who have realized their responsibility as members of this nation. Many organizations work year round to meet the basic needs of our nation's people because we have a responsibility to those less fortunate than ourselves. So, be sure to search for those who spend their free time helping others in such places as food banks, soup kitchens, and schools.

Well, I hope my little overview has given you a better idea of what to look for in your hunt for a responsible American. Don't forget to look for those obvious signs we reviewed: military service, government participation, and community service. With these in mind, you're sure to find a trail. Please also consider yourself in regards to what's been said today. Don't be afraid to answer America's call personally. By doing so, you could greatly increase the responsible American population. They don't have to be an endangered species!

COMMENDING KURT ANGLE OF THE U.S.A. OLYMPIC WRESTLING TEAM AND MT. LEBANON, PA

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. DOYLE. Mr. Speaker, I wish to commend one of my constituents, Mr. Kurt Angle, for his heroic athletic achievement at the 1996 Centennial Olympic Games in Atlanta, GA. Mr. Angle represented his family, his community, and his country with dignity and honor in earning a gold medal in the 220-pound division of Olympic freestyle wrestling.

As one of America's best hopes for a medal and the defending 1995 world champion in the 220-pound class, Mr. Angle withstood the intense pressures of competing against the best wrestlers in the world and persevered to achieve his dream.

Mr. Angle has been a National Collegiate Association of America [NCAA] champion from Clarion University as well as a world champion. He was worked many hours sharpening his skills and practicing his trade, striving to be the very best that this country has to offer. He has shown leadership, as a 3-year captain of his collegiate squad, and displayed the ability to work with teammates toward a larger goal.

Kurt Angle has competed on many levels, in many international tournaments and has always performed to the best of his abilities. That he has finally achieved the gold medal in a competition as important as the Olympic games is a true testament to his courage and character. The community of Mt. Lebanon has long known of Kurt Angle's athletic gifts and now we are happy to share them, and him, with the rest of the world. His strength and determination are qualities that all Americans can look upon and be proud.

I join many in the 18th Congressional District, and across the United States, in congratulating Kurt Angle for this glorious achievement. Thank you, Kurt, for proving that hard work can bring us closer to our dreams.

WELFARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 7, 1996 into the CONGRESSIONAL RECORD.

THE WELFARE REFORM BILL

With passage of the welfare reform bill, Congress has made a sweeping change in social policy. It came to pass because of rising public indignation over an open-ended entitlement welfare system. We are ending welfare as we know it, creating a new system without really knowing what its impact will be, but feeling strongly that the present system needs radical change.

I supported this bill because I concluded a long time ago that the current welfare system cries out for reform. Virtually no one defends it. It undermines the basic values of work, responsibility and family, traps generation after generation in dependency, and hurts the very people that it was designed to help. The principal goal of this legislation is to promote work and self-sufficiency and to end dependence.

WHAT THE BILL DOES

For sixty years the welfare system has been driven by the view that if you are poor and eligible you're guaranteed a check. This bill ends that guarantee. As of July 1, 1997, the federal program of welfare—Aid to Families With Dependent Children—will be eliminated. A new program, Temporary Assistance for Needy Families (TANF) will provide block grants which states will use to run their own welfare systems.

Abled-bodied welfare recipients will now be required to work after two years, or lose benefits. By the year 2002, states should have 50% of welfare recipients in work programs. Moreover, the bill establishes a five-year lifetime limit on TANF benefits, although states can exempt up to 20% of their caseloads and use their own funds to provide assistance after the five-year cutoff.

TANF benefits are prohibited to those convicted of drug felonies, single mothers who refuse to help identify the fathers of their children, families without minor children, and teen parents unless they stay in school and live with an adult. Most legal immigrants who are not citizens will lose eligibility for food stamps and Supplemental Security Income (SSI). States will decide whether to provide TANF or Medicaid benefits to legal immigrants.

Current welfare child care programs are converted into a block grant to states, which may not cut off TANF to a parent with a child under six who could not work because of a lack of child care.

The bill also tightens eligibility standards for food stamps, and limits childless adults age 50 and under to three months of food stamps in any three year period unless they are working or training for a job. People who are laid off from their jobs during that period could receive an additional three months of food stamp benefits.

Child support enforcement is also strengthened. The bill requires states to develop computerized listings of child support orders and new hires, place more emphasis on paternity establishment, and suspend or restrict the use of driver's licenses, professional licenses, and recreational licenses of parents who are delinquent on child support payments.

The bill is expected to save the federal government $55 billion over the next six years, mostly due to the cuts in food stamps and benefits for legal immigrants.

ASSESSMENT

I think this bill meets several key tests. It moves people from welfare to work, imposes time limits, provides child care and health care, cracks down on child support enforcement, and gives us a chance to break the cycle of dependency. This bill is much better than previous welfare reform legislation considered by Congress, which was too soft on work and too tough on children. Those bills failed to provide adequate child care and health care and imposed deep cuts on school lunches and help for disabled children.

This bill turns upside down the relationship between Washington and the states on welfare. Under the present system, states share the cost of welfare, but Washington writes most of the rules and provides a large share of the money, especially when the welfare rolls rise. Under this bill, the federal and state governments will continue to share the cost but each state will manage its own program and be responsible for coming up with extra money if the federal money is not enough. Much responsibility now rests with states.

The idea behind the bill is to get people into jobs, the sooner the better, and then try to develop ways to sustain them in the workforce. It envisions welfare offices as job placements centers where applicants are steered toward training and work rather than handed a check.

But this is far from a perfect bill. I'm concerned about the estimates that the bill will make hundreds of thousands of children poorer. Legal immigrants who have played by the rules and have played by the rules and have every reason to assume that they are welcome here, will be stripped of their federal benefits. The roughly $24 billion cut in food stamps over the next six years is very deep. One of the questions the bill does not confront is what to do about people who are willing to work but cannot find a job. And negotiations will almost certainly continue between the federal government and the states over welfare rules.

I think all of us want to push people off of welfare who are able to work, but this bill probably does not do enough to help people become self-sustaining. I am deeply concerned that the major part of our budget cutting efforts in this Congress is focused on reducing programs for the poor.

When dealing with welfare I think we all have to admit a certain level of humility. There are so many people on welfare today with so many different problems that it is extremely difficult to gauge exactly how these changes will impact them. There will be continuing efforts to review programs for job training, education, and economic investments. Already legislation has been introduced aimed at curing the deeper ills of communities. This bill does not solve the desperate problems of chronic poverty in America, and so almost certainly we have not heard the last of the welfare debate.

The real choice was between the present system and this bill. My conclusion is that we simply have to be willing to let states experiment to find ways to break the cycle of dependency that keeps dragging people down. In my view, the bill probably represents our best hope for figuring out how to solve the problems of the poor and underclass.

THE ENVIRONMENTAL PROTECTION AGENCY'S [EPA] PROPOSED CLUSTER RULE FOR THE PULP AND PAPER INDUSTRY:

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. CRAPO. Mr. Speaker, I am pleased to provide comments on the proposed Cluster rule for the pulp and paper industry, and specifically comments on the EPA's July 15 Federal Register notice. The forest and paper industry provides significant jobs and economic benefits in our State and its local communities. Several of us have communicated with EPA's staff directly in the past to express our concern about the original 1993 proposal. We believe strongly that EPA can, and should be able to achieve important environmental goals without damaging our State and communities. We commend EPA's efforts to improve the proposed rule, first in last spring's Federal Register notice on the MACT portion of the Cluster rule, and most recently in the July 15 notice. We urge you to promptly issue a final Cluster rule that incorporates these and other necessary improvements.

One of the many improvements that has been announced for consideration for the final rule is the selection of option A as the basis for best available technology limits. The July 15 notice identifies this option as the most cost-effective, noting that it appears to provide comparable benefits to the more costly option, especially in the area reductions in key pollutant parameters.

Improving the cost-effectiveness of the Cluster rule will also help ensure the success of the voluntary incentives program EPA has proposed. We encourage EPA to continue to seek new ways of achieving greater regulatory flexibility. For this new program to succeed, EPA must ensure that the criteria are focused on improvements in environmental measures and the incentives provide meaningful inducements for potential participants.

We urge EPA again to move forward promptly to issue a final rule incorporating option A and the other improvements being considered. We believe that such a rule would protect the environment as well as the jobs employing the men and women who support Idaho's local communities.

A SPECIAL SALUTE TO REV. DR. DONALD JACOBS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. STOKES. Mr. Speaker, I rise to salute Rev. Dr. Donald G. Jacobs on the occasion of his retirement after more than 55 years of services in the ministry. On September 27, 1996, the membership of his present congregation, Community A.M.E. Church, will hold a retirement dinner honoring Dr. Jacobs. I am proud to join in this tribute to a distinguished member of the religious community who is a gifted leader and a good friend.

Dr. Jacobs has served more than 55 years as a minister and pastor in African Methodist Episcopal Churches in Pennsylvania and Ohio. The Ohio churches include a circuit in Bainbridge and Hillsboro; Quinn Chapel in Stubenville; and St. Paul Church in Canton, OH. Dr. Jacobs began his ministry in the Cleveland area with his pastorship of St. James A.M.E. Church. He also served as pastor at Mt. Moriah A.M.E. Church prior to his pastorship at Community Church. Dr. Jacobs is a strong leader who possesses vision and wisdom. He has been an inspiration and champion to all who have come to know him.

Mr. Speaker, Dr. Jacobs has also utilized his pastoral calling to bring about important social change. He is the past executive director of the Interchurch Council of Greater Cleveland and was the first African-American director. Activities which were initiated under his leadership include the initiation of a hunger center; the development of an interracial program aimed at involving area churches in job development for inner-city youth; and support of activities aimed at serving mothers on welfare.

Further, as a member of the National Council of Churches, Dr. Jacobs helped to organize Partners in Ecumenism, a national effort to more significantly involve African-American clergy and laity in the American religious community. Other board memberships include the Ohio Humanities Council, the Urban League of Greater Cleveland, and Wilberforce University.

Mr. Speaker, during his lifetime Dr. Jacobs has also been a strong voice in the struggle for civil rights. He is the past president of the Cleveland Branch NAACP. I recall that in the 1960's, Dr. Jacobs organized demonstrations at the building site of a new Federal building to protest the exclusion of African-Americans from unions in Cleveland. As cochairman of the Emergency Committee of Clergy for Civil Rights, Dr. Jacobs helped form an interfaith and interracial group of Cleveland clergy to participate in voter registration drives in Mississippi.

I also recall that when my brother, Carl, launched his campaign to become the mayor of Cleveland in 1967, he had the strong support of Dr. Jacobs as cochair of the Clergy for Carl Stokes Committee. This unified effort resulted in Carl's successful campaign victory, making him the first black mayor of a major American city.

Mr. Speaker, as we pay tribute to Rev. Dr. Donald Jacobs, we honor an individual who has led a life of devotion and service to others. I take special pride in saluting Dr. Donald Jacobs. We wish him well in his retirement and commend him for a life of devotion and leadership.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. OBEY. Mr. Speaker, today, I would like to salute two outstanding young women who have been honored with the Girl Scouts of the U.S.A. Gold Award by the Birch Trails Girl Scout Council in my home town Wausau, WI. They are Jessica Thoms and Margaret Stahr.

They are being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Leadership Award project, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

The earning of the Girl Scout Gold Award is a major accomplishment for these young women, and I believe they should receive the public recognition due them for this significant service to their community and their country.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. WILLIAM M. "MAC" THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. THORNBERRY. Mr. Speaker, today I would like to salute 10 outstanding young women who have each been honored with the Girl Scout Gold Award by the Texas Plains Girl Scout Council in Amarillo, TX. Each is being honored for earning the highest achievement award in Girl Scouting. The Girl Scout award symbolizes outstanding accomplishments in areas of leadership, community service, career planning, and personal development. The award can be earned by girls age 14–17, or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving 2.5 million girls, has awarded more than 20,000 Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the senior Girl Scout Leadership Award, and the senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As members of the Texas Plains Girl Scout Council, these senior Girl Scouts began working toward their Girl Scout Gold Award over 2 years ago. Each completed projects in an area which made a positive and significant impact in their community. These outstanding young women reached this achievement through many hours of dedication and commitment.

Angie Davenport and Angie Turpen of Lefors, TX designed and carried out a project to prevent crime and vandalism by organizing neighborhood watch groups. Jennifer Ellis of Amarillo, TX took it upon herself to create a program for young girls to better understand the needs of the disabled. Janel Kirby of Amarillo, TX created a project that involved making identification labels for each registered member of the Texas Plains Girl Scout Council to be used when they travel. Christy O'Dell of Amarillo, TX designed a project with a two fold purpose. She helped to provide residents of a retirement center the chance to hear musical presentations in the convenience of their community, and also allow the performers a chance to hone their skills. Amanda Peters of Amarillo, TX used her knowledge of computers to organize and design a library for her local church. Penelope Schuster of Amarillo, TX organized a clothing drive to aid local charities in providing clothing for economically disadvantaged women applying for jobs. Jennifer Walton of Amarillo, TX heightened awareness of national women's history through a rally at her school, which included special speakers and presentations. Jenny Whisenhunt of Amarillo, TX created a project to recognize senior citizens at a banquet, giving the senior citizens a forum in which to share their life experiences with family and friends. Jessica Nichols of Amarillo, TX organized a book drive to create a library at her local church.

Each of these senior Girl Scouts deserve public recognition for their efforts to serve the community and the country.

HONORING WINNERS OF HISPANIC INDEPENDENCE AWARDS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the Hispanic Independence Awards Ceremony that will be held on Saturday, September 14, 1996, at the General Motors Institute in my hometown of Flint, MI.

September is National Hispanic Heritage Month and the Hispanic Independence Awards Ceremony kicks off a month-long celebration of Hispanic culture, ideas, and achievements in Genesee County. The Hispanic community will once again honor individuals who have selflessly committed themselves to making Flint and Genesee County a better place in which to live.

Each award is named for a prominent deceased member of the Hispanic community who exemplified the ideals espoused by the award. The Pedro Mata Leadership Award is given to a person who has provided leadership, encouragement, and influence in the Hispanic community. This year's recipient is Mr. Pete Mata. The Tano Resendez Award for community service is given to a person who has dedicated personal efforts to promoting civic and cultural activities. The award this year is being given to Dr. Eduardo Lorenzo. The Joe Benavidez Award for education is presented to a person who has supported educational issues relating to Hispanics of all ages. Ms. Janie Rubio is this year's recipient. The Labor Involvement Award is being given to Ms. Estela Mata for her efforts to increase community awareness, improve the quality of life, and open doors for Hispanics. The Bruno Valdez Arts and Entertainment Award is presented to a Hispanic artist who has promoted Hispanic culture through professional and personal activity. The award this year is being given to Mr. Roel Martinez. The Veterans Award is given to a member of the Hispanic Community who has honorably served in the U.S. Armed Forces. Mr. Aleucion Duran is being honored with the award this year. Ms. Lorena Gonzalez will be given the Maria DeLeary Award. This year the Hispanic community will honor Mr. Domingo Berlanga for his selfless work that he devotes to the Hispanic Community.

To honor those of the Hispanic community just starting to pursue their life goals, the Pedro Mata, Jr., Scholarship Award will be given to Ms. Holly Saultman. The purpose of this award is to foster a commitment to community service and encourage continued education.

Mr. Speaker, it is with great pride that I rise today and ask my colleagues in the House of Representatives to join me in congratulating the winners of these awards. The recipients are to be commended for their dedication, commitment, and leadership to the Hispanic community of Flint and Genesee County.

TRIBUTE TO THE MEMBERS OF THE SOUTH BAY POST NO. 8300 OF THE VETERANS OF FOREIGN WARS IN EAST PATCHOGUE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the members of the South Bay Post No. 8300 of the Veterans of Foreign Wars, in East Patchogue, Long Island as they celebrate the 50th anniversary of the post's founding this Saturday, September 14.

Established by World War II veterans returning home to Brookhaven Town after leading America's victory over fascism, the South Bay Post takes its name from the Great South Bay that separates the south shore of Suffolk County from Fire Island and the Atlantic Ocean. South Bay Post No. 8300 was officially chartered on September 14, 1946, and Howard D. Hunter was chosen as the post's first commander.

Utilizing a surplus Army hospital building from Camp Upton, now Brookhaven National Laboratory, the post opened its headquarters on Dunton Avenue in East Patchogue in the early 1950's on land purchased from the town of Brookhaven for $1. Post members moved the hospital building from Camp Upton in three sections, installed the foundation and completed all the necessary renovations. Since its inception, the post headquarters have been expanded to accommodate its membership, that rose from an original 73 veterans to a high of 142 in 1973. Today the roster stands at 79.

On May 30, 1947, the post held its first important event when it sponsored a Memorial Day parade and service at the Bellport Cemetery. The post still continues its annual Memorial Day parade tradition.

During South Bay Post No. 8300's half-century lifespan, many changes have come to this area of Long Island. What remains unchanged is the devotion that the post's charter members possess for their country and comrades-in-arms. This Saturday night, during the 50th anniversary celebration dinner, Post Commander Dominic Chiapperino will present 50-year pins to 11 charter members whose passion and faith in America and the Veterans of Foreign Wars post they founded have never wavered.

I ask my colleagues in the U.S. House of Representatives to join me in saluting these 11 charter members of South Bay Post No. 8300, Veterans of Foreign Wars, on their 50-year anniversary. The 50-year charter members are: Anthony Fuoco, Ralph Fuoco, Sam Fuoco, Anthony Satornino, Dominic Satornino, Charles Stethani, Vincent Stethani, Walter Albasi, James Cardamone, Gasper Perry, and Joseph Stethani.

As citizens of this free and prosperous Nation, all Americans owe our war veterans a tremendous debt of gratitude for the sacrifices they endured and the efforts they made on our behalf. Please join me in saluting South Bay Post No. 8300 of the Veterans of Foreign Wars and all of its members, for all they do for our veterans and for all they've done for America.

INTRODUCTORY STATEMENT FOR H.R. 4050 VALUE-ADDED TAX PROPOSAL

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. GIBBONS. Mr. Speaker, the United States must have a new revenue system. We cannot afford the current system. It costs too much to operate. It destroys Americans' confidence in their Government and it hurts our economy by exporting American job opportunities.

Today, I have introduced H.R. 4050, and I have also placed in the CONGRESSIONAL RECORD a statement and a technical description for this proposal. This is the best that I have been able to do, drawing upon my 27 years of experience on the Committee on Ways and Means and my 34 years in Congress. I welcome discussion and criticism.

The legislation is comprehensive. First, it repeals all income taxes, personal and corporate. Second, it replaces the revenue lost with a value-added tax [VAT] on all goods and services at one flat tax rate. Third, it recognizes the current individual tax burden and it contains a proposal to keep this tax burden as it currently is and has been for the last 30 years.

A value-added tax is paid for by every American consumer which, by the way, is the ultimate impact of our current system. It is collected by business and remitted by business to the U.S. Government. A VAT simply taxes the value of each good and service on its way to the ultimate consumer. It does so in a fashion which does not cause the rate of taxation to pyramid.

THE CURRENT SYSTEM

While raising the revenue we need and achieving some of the goals we originally set for it, our income tax system has become a maze of complexity, intimidating to almost all taxpayers in its broad scope and labyrinthine nature. Because of this complexity, most Americans think the Tax Code is unfair. Most believe it allows the wealthiest to escape fair taxation and leaves the heavier burden on those less fortunate. On average, Federal taxes take about 23.8 percent of family income. At the very least, Americans deserve a tax system they can understand and trust, one with the consistency that assures that all are paying by the same process.

Businesses, too, feel overly burdened by our tax system. Compliance requests, complex forms, and expensive staff are needed to merely comply.

Our current tax system has the effect of exporting our job opportunities. Practically all countries have a value-added tax. Their VAT is subtracted from the price of their goods are exported to the United States. When their goods enter our tax environment, we collect little if any U.S. tax. But when our goods and services enter their countries, they add their VAT to the price of our goods before they are sold. Therefore, our goods, when sold overseas, carry the tax costs of two systems but their goods sold in our country are largely exempt from taxation. The ultimate impact is to diminish and export our U.S.-based job opportunities.

MY PROPOSAL FOR AN AMERICAN VALUE-ADDED TAX—H.R. 4050

The bill I am introducing today would eliminate all of these problems. It repeals the individual and corporate income taxes as well as the Social Security and Medicare taxes—approximately 90 percent of our current Federal taxes. It is my proposal for a single-rate subtraction-method value-added tax as a complete replacement for our current tax system. I feel confident that this bill will give the Congress a strong starting point for this important debate. A technical explanation of this bill follows my introductory statement.

A value-added tax is a tax placed on the sale of goods and services at each point where the value of a product is increased instead of taxing income as it is received. For example, a tax would be imposed when timber was sold. If the purchaser of the timber made it into paper and sold the paper, a tax would be placed on the value added by the papermaker. The value added by the papermaker would be determined by adding up the gross receipts from the sales of paper and subtracting the cost of business purchases—for example, timber, equipment, chemicals for bleaching, electricity or other energy costs, et cetera. Because the tax applies only to businesses, the value-added tax is not collected upon the sale of an owner-occupied private residence.

Under a VAT, American exports would not be taxed because they will be taxed when they enter a foreign country—if we taxed them in the United States then we cannot be competitive and this will cost us American jobs. The tax would apply only to consumption of goods and services that takes place in the United States, whether imported or domestically produced. All imported goods would have our VAT added to this cost.

My VAT legislation provides a simple, understandable means of collecting the revenue the Government needs to operate and satisfying our citizens' right to understand their tax burden. All consumers would have the same tax rate. The simplicity of this system would improve compliance and reduce administrative costs for both the payor and the Government.

Many alternative tax systems purport to be simple, but a close examination of the details belies that claim. My VAT has no special exemptions or deductions and it has only one rate.

DISTRIBUTION OF TAX BURDEN

As the Congress considers any alternative to our current system, I state quite emphatically that two debates should remain outside of the discussion of a new tax system: First the amount of revenue the Government raises and spends, and second the distribution of the tax burden. The former has been discussed extensively in this 104th Congress, and perhaps rightly so, but on any count it is a debate that should take place outside of tax reform. The latter, burden distribution, should remain as it is—a progressive American system that helps the least among us and ensures that those benefiting the most from our democratic government and open economy pay their fair share. Both must be addressed. Neither should hinder our review of a VAT.

One of my key tenets in formulating a new tax regime is to maintain the same degree of progressivity that our current system has. The imposition of my VAT would not accomplish that by itself. Title III of my bill, the burden adjuster, is designed to keep the tax burden as it is now and has been for the last 30 years. Because the estimated 20-percent rate would likely result in a tax increase compared to current law for lower-income Americans and a tax decrease for upper-income Americans, my proposal adjusts that result so that, on average, each income group would bear the same burden it bears today.

My goals in designing this burden adjustment are: No. 1 to keep the adjustment mechanism itself as simple as possible; and No. 2 to minimize the number of taxpayers who would be subject to it. I believe that I have succeeded on both counts.

Since this is a key tax fairness issue, I want to share some details on its specifics and how it was developed. The burden adjustment aspect of my proposal is very simple. The 50 million taxpayers with incomes of less than

$30,000 would get a rebate of the value-added tax they would pay, and the 17.5 million with incomes above $75,000 would be charged a bit extra. The 42 million taxpayers with incomes between $30,000 and $75,000 would not have to deal with an income tax at all.

Specifically, a rebate to low-income—up to $30,000—Americans would bring them to their current burden level. The rebate would be phased out proportionally, reaching zero at $30,000. The Internal Revenue Service would provide a table showing the amount of rebate at each income level. Taxpayers would simply look up their income in the table in order to know how much their rebate would be. They could file for their rebate from the IRS or, as the Secretary may arrange, they could receive it along with other cash transfers they may get from the Federal Government.

Taxpayers with income of more than $75,000 would pay a 17-percent flat rate on the amount of their adjusted gross incomes that exceeds $75,000. This low, flat rate would be sufficient to keep the average tax rate of the top 16 percent of the population at its current rate—under the assumption that they spend all of their income and pay the 20-percent VAT on their purchases.

The rebate calculation is very easy and would be done by the IRS. All taxpayers would need to do is look up their income in a table. The extra assessment calculation is as simple as possible. Taxpayers would apply a flat rate to an already familiar measure of income.

The vast middle-class—those with incomes between $30,000 and $75,000—would not have to bother with any of this. They would simply pay the VAT when they purchased goods and services. Period. No forms, no filing, no IRS.

So, with my value-added tax, 42 million taxpayers would no longer file tax forms of any kind. Another 50 million people would have the simple task of applying for a rebate of the VAT they pay, which they could look up in a table provided to them. Only 16 percent of all current taxpayers—17.5 million out of 110.8 million taxpayers—would be required to file and pay the additional assessment.

No complicated transition rules are needed—this VAT, with its rebate system for businesses, eliminates the need.

CONCLUSION

I look forward to vigorous discussion of my proposal with all commentators and participants in the policymaking process. It is through such dialog that sound changes to our tax laws evolve.

As we prepare to reform our current tax system, the implications of replacement must be fully understood and dealt with. We need to educate ourselves. I applaud Ways and Means Committee Chairman ARCHER for holding hearings on this subject.

I have spent years working on the ideas that I have presented here. And the ideas are certainly not mine alone. Hundreds of Americans have written on this subject and practically every country on earth with the exception of Australia has a form of value added taxation.

I could not have brought these many ideas together and presented them as I have without the help of some very fine and learned professionals: Janice Mays, currently chief counsel and staff director for the Democratic members of the Committee on Ways and Means who formerly served in that capacity for the full committee, John Buckley, currently chief tax counsel to the Democratic members of the Committee on Ways and Means and former chief of staff to the Joint Committee on Taxation and prior to that assistant legislative counsel to the House of Representatives; Kathleen O'Connell, chief economist for the Democratic members of the Committee on Ways and Means and former deputy assistant director for tax analysis at the Congressional Budget Office, Ellen Dadisman, Frank Phifer and others on our Democratic staff. I have also received much assistance from many other generous public servants.

Numerous others, particularly those in the private sector, have studied, written, and discussed for endless hours with me on this subject. Nothing is perfect and nothing is ever final, but this is the best that I have been able to do. Your input is welcomed. I would be glad to respond to all comments.

TECHNICAL DESCRIPTION OF H.R. 4050

The bill consists of three titles. The bill's provisions take effect on January 1, 1998.

TITLE I

Title I of the bill repeals the individual and corporate income taxes (including the minimum taxes), and the employment taxes used to fund the Social Security and Medicare programs. These repealed taxes constitute approximately 90 percent of current Federal revenues. The bill maintains the current funding of those programs by dedicating a portion of the revenues raised from the value-added tax imposed by Title II of the bill to the appropriate trust funds for such programs.

TITLE II

Title II of the bill imposes a broad-based, single rate, subtraction method, value-added tax. Businesses would collect and remit the tax. The estimated rate of the tax would be 20 percent. The 20 percent rate is an estimate of the rate that, in combination with the burden adjustment provisions of title III, will result in the bill being both revenue neutral and distributionally neutral. The rate was selected to minimize the number of taxpayers affected by the burden adjustment provisions.

Except for an exception for very small businesses, all persons engaged in business activities in the United States would be responsible for collecting and remitting the value-added tax. Businesses with gross receipts of less than $12,000 per year would be exempt from the tax unless they waive that exemption. For this purpose, the term "business activity" means the sale of property in the United States, the grant of the right to use property in the United States, and the performance of services in the United States other than as an employee. Such activities would be subject to the value-added tax if they are carried on continuously or regularly, regardless of profit motive.

The amount of the value added by any business during any taxable period would be computed under the subtraction method. The business would total its gross receipts from business activities for the taxable period and then subtract the amount (referred to as "business purchases") paid by the business during the taxable period for products and services to be used or sold in the business activity. Business purchases do not include amounts paid for employee compensation. If the amount paid for business purchases during any taxable period exceeds the business gross receipts for that taxable period, the business would be entitled to a refund equal to the VAT rate times that excess.

The value-added tax would be adjusted at the international border. In the case of exports, the adjustment would be made by excluding gross receipts from exports of goods and services from business gross receipts. Business purchases would include the cost of goods and services used to produce exported goods and services, thereby refunding to the exporter the value-added tax embedded in the price of those goods and services. In the case of imports, the adjustment would be made by excluding purchases of imported products or services in computing the amount of business purchases. There are also provisions that would refund the value-added tax to persons (such as tourists) making nonbusiness purchases of property in the United States for use outside the United States. There would be a tax on nonbusiness imports of property or services into the United States.

Businesses engaged in providing financial services would be subject to the value-added tax based on the value of the financial intermediation services that they provide. Those businesses could specify that a portion of the amounts they receive such as interest are implicit fees for financial intermediation services and the amount so specified would be treated as a deductible business purchase by the person paying the interest. Except for businesses engaged in providing financial services, dividends, interest, and other returns from financial assets would be excluded from gross receipts for purposes of the value-added tax.

There are rules for goods and services furnished by governmental entities and tax-exempt organizations. Those goods and services would be exempt from the value-added tax unless there is a separate charge imposed. If the full cost of the goods or services is not covered by the amounts charged for them, the entity cannot deduct the portion of its business purchases funded from other sources in computing its value added. Public utility services, mass transit services, and postal services furnished by governmental entities would be subject to the tax even if there is no separate charge.

TITLE III

Title III of the bill provides a rebate of the value-added tax to low-income individuals and imposes an assessment on high-income individuals.

Individuals whose adjusted net income for a year does not exceed $30,000 would be eligible for a rebate of the value-added tax. The amount of the rebate would be the applicable percentage of the individual's adjusted net income. The applicable percentage is 20 percent reduced by two-thirds of one percent for each whole $1,000 of the individual's adjusted net income. For the purposes of the rebate, adjusted net income includes the value of some non-indexed Federal transfer payments received during the year.

Individuals would be eligible to receive a rebate only if they are citizens and residents of the United States for the entire year, have a principal place of abode in the United States for more than half the year, and are not the dependent of another taxpayer.

The bill contains provisions for the advance payment of the rebate by employers. These provisions are similar to the provisions of current law which provide for advance payment of the earned income credit.

Taxpayers with net incomes over $75,000 would be required to pay an assessment equal to 17 percent of their net income under current law except that net income would include:

1. tax-exempt interest,

2. foreign earned income excludable under current Internal Revenue Code section 911, and

3. items of elective deferred compensation and nonqualified deferred compensation when there is not a substantial risk of forfeiture.

The bill's change in the treatment of nonqualified deferred compensation is necessary to prevent avoidance of the bill's assessment. The bill repeals the corporate income tax and therefore eliminates the current-law impediments to the use of nonqualified deferred compensation.

In addition, the bill contains provisions to prevent corporations from being used to avoid the assessment. The undistributed income of closely held corporations would be deemed distributed to their shareholders.

H.R. 4050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) IN GENERAL.—This Act may be cited as the "Revenue Restructuring Act of 1996".

(b) FUNDAMENTAL PRINCIPLES FOR TAX RESTRUCTURING.—The provisions of this Act are a substitute for the current Federal income taxes and social security and medicare employment taxes and are designed to meet the following principles which should govern all proposals for fundamental tax reform:

(1) REVENUE NEUTRALITY.—The debate about the best method by which the Government raises revenue should not be confused with the issue of how much revenue the Government should raise.

(2) FAIRNESS.—Equitable distribution of the tax burden is of paramount importance. Tax reform should not be used as an opportunity to alter the current distribution of the burden of Federal taxes.

(3) SIMPLICITY.—Much of the unhappiness with the current Federal tax system arises from its perceived complexity. Tax reform should focus on the creation of a truly simpler system, thereby avoiding the ill will and skepticism generated by the current Federal tax system.

(4) ECONOMIC EFFICIENCY.—A good revenue system should minimize interference in economic markets. It should result in the least amount of distortion and bias, should encourage economic growth, and should promote the vigor and competitiveness of American companies.

(5) INTERNATIONAL COMPETITIVENESS.—The current income tax is an impediment to maximum competitiveness of American companies in international markets. Any reform proposal should be border-adjustable and promote the competitiveness of American companies.

(c) RESPONSIBILITIES OF DEPARTMENT OF TREASURY.—The rate of the value added tax and the burden adjustment provisions contained in this Act are tentative and intended to be both revenue neutral and distributionally neutral. The Secretary of the Treasury shall, within 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives such adjustments to—

(1) the rate of the tax imposed by title II of this Act, and

(2) the burden adjustments established by title III of this Act,

to ensure that the provisions of this Act do not result in a significant change in the amount of Federal revenues or in the distribution of the Federal tax burden.

(d) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(e) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code.

TITLE I—REPEAL OF INDIVIDUAL AND CORPORATE INCOME TAXES AND SOCIAL SECURITY AND MEDICARE TAXES

Sec. 101. Repeal of individual and corporate income taxes.
Sec. 102. Repeal of social security and medicare taxes.

TITLE II—VALUE ADDED TAX

Sec. 201. Imposition of value added tax.

"Subtitle L—Value Added Tax

"CHAPTER 100—VALUE ADDED TAX

"SUBCHAPTER A—IMPOSITION OF TAX

"Sec. 10001. Tax imposed.

"SUBCHAPTER B—COMPUTATION OF TAX

"Sec. 10011. Taxable value added.
"Sec. 10012. Business activity.
"Sec. 10013. Gross receipts from business activities.
"Sec. 10014. Business purchases.
"Sec. 10015. Exemption for certain nontaxable exchanges.

"SUBCHAPTER C—GENERAL RULES

"Sec. 10021. Accounting methods.
"Sec. 10022. Governmental entities and exempt organizations.
"Sec. 10023. Post-sale price adjustments and refunds; bad debts.
"Sec. 10024. Source rules.
"Sec. 10025. Conversions.

"SUBCHAPTER D—SPECIAL RULES

"Sec. 10031. International transportation services.
"Sec. 10032. Financial intermediation services.
"Sec. 10033. Nonbusiness imports of property or services.
"Sec. 10034. Refund for certain nonbusiness purchases.

"SUBCHAPTER E—SMALL BUSINESS EXEMPTION

"Sec. 10041. Small business exemption.

"SUBCHAPTER F—DEFINITIONS

"Sec. 10051. Definitions.

"SUBCHAPTER G—ADMINISTRATION

"Sec. 10061. Liability for tax.
"Sec. 10062. Time for filing return; taxable period.
"Sec. 10063. Treatment of related businesses.
"Sec. 10064. Secretary to be notified of certain events.
"Sec. 10065. Regulations.

Sec. 202. Refund authority.
Sec. 203. Dedication of portion of VAT revenues to Social Security Trust Funds.

TITLE III—BURDEN ADJUSTMENTS

Sec. 301. Rebate of value added tax to low-income individuals; burden assessment on high-income individuals.

"CHAPTER 7—VALUE ADDED TAX BURDEN ADJUSTMENTS

"SUBCHAPTER A—REBATE TO LOW-INCOME INDIVIDUALS

"Sec. 1601. Rebate to low-income individuals.
"Sec. 1602. Advance payment of rebate.

"SUBCHAPTER B—BURDEN ASSESSMENT ON HIGH-INCOME INDIVIDUALS

"Sec. 1611. Assessment on high-income individuals.
"Sec. 1612. Inclusion of undistributed income of certain corporations.

TITLE I—REPEAL OF INDIVIDUAL AND CORPORATE INCOME TAXES AND SOCIAL SECURITY AND MEDICARE TAXES

SEC. 101. REPEAL OF INDIVIDUAL AND CORPORATE INCOME TAXES.

(a) IN GENERAL.—Subchapter A of chapter 1 (relating to normal taxes and surtaxes) is hereby repealed.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1997.

SEC. 102. REPEAL OF SOCIAL SECURITY AND MEDICARE TAXES.

(a) IN GENERAL.—

(1) Chapter 21 (relating to Federal Insurance Contributions Act) is hereby repealed.

(2) Chapter 2 (relating to self-employment tax) is hereby repealed.

(b) REPEAL OF TIER 1 RAILROAD RETIREMENT TAXES.—

(1) Subsection (a) of section 3201 (relating to tax on employees) is hereby repealed.

(2) Subsection (a) of section 3211 (relating to tax on employee representatives) is amended by striking paragraph (1).

(3) Section 3221 (relating to tax on employers) is amended by striking subsections (a) and (e).

(4) Paragraph (2) of section 3231(e) is amended—

(A) by striking clause (iii) of subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) APPLICABLE BASE.—The term 'applicable base' means for any calendar year the contribution and benefit base determined under section 230 of the Social Security Act for such calendar year; except that—

"(i) for purposes of this chapter, and

"(ii) computing average monthly compensation under section 3(j) of the Railroad Retirement Act of 1974 (except with respect to annuity amounts determined under subsection (a) or (f)(3) of section 3 of such Act),

clause (2) of the first sentence, and the second sentence, of subsection (c) of section 230 of the Social Security Act shall be disregarded."

(4) Subsection (e) of section 3231 is amended by striking paragraph (4).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (a)(2)) shall apply to remuneration paid after December 31, 1997.

(2) SELF-EMPLOYMENT TAX.—The amendment made by subsection (a)(2) shall apply to taxable years beginning after December 31, 1997.

TITLE II—VALUE ADDED TAX

SEC. 201. IMPOSITION OF VALUE ADDED TAX.

The Internal Revenue Code of 1986 is amended by adding at the end the following new subtitle:

"Subtitle L—Value Added Tax

"CHAPTER 100. Value added tax.

"CHAPTER 100—VALUE ADDED TAX

"SUBCHAPTER A. Imposition of tax.
"SUBCHAPTER B. Computation of tax.
"SUBCHAPTER C. General rules.
"SUBCHAPTER D. Special rules.
"SUBCHAPTER E. Small business exemption.
"SUBCHAPTER F. Definitions.
"SUBCHAPTER G. Administration.

"Subchapter A—Imposition of Tax

"Sec. 10001. Tax imposed.

"SEC. 10001. TAX IMPOSED.

"In the case of any person engaged in any business activity, there is hereby imposed for each taxable period a tax in an amount equal to 20 percent of the taxable value added.

"Subchapter B—Computation of Tax

"Sec. 10011. Taxable value added.

"Sec. 10012. Business activity.

"Sec. 10013. Gross receipts from business activities.

"Sec. 10014. Business purchases.

"Sec. 10015. Exemption for certain nontaxable exchanges.

"SEC. 10011. TAXABLE VALUE ADDED.

"(a) IN GENERAL.—For purposes of this chapter, the term 'taxable value added' means the amount by which—

"(1) the gross receipts of any person from business activities for a taxable period, exceed

"(2) the business purchases of such person for the taxable period.

"(b) REFUND IF BUSINESS PURCHASES EXCEED GROSS RECEIPTS.—If the business purchases described in subsection (a)(2) exceeds the gross receipts described in subsection (a)(1) for any taxable period, an amount equal to 20 percent of such excess shall be treated as an overpayment of the tax imposed by section 10001 for such period.

"SEC. 10012. BUSINESS ACTIVITY.

"(a) IN GENERAL.—For purposes of this chapter, the term 'business activity' means—

"(1) any of the following transactions by any person in connection with a business—

"(A) any sale of property in the United States,

"(B) any grant of a right to use property in the United States, and

"(C) the performance of services in the United States, and

"(2) the export of property or services from the United States in connection with a business.

For purposes of the preceding sentence, the term 'property' does not include any financial instrument (as defined in section 10051) or money.

"(b) EXCEPTION FOR SERVICES PERFORMED AS EMPLOYEE.—For purposes of this chapter, the term 'business activity' does not include the performance of services by an employee for the employee's employer.

"SEC. 10013. GROSS RECEIPTS FROM BUSINESS ACTIVITIES.

"(a) IN GENERAL.—For purposes of this chapter, the term 'gross receipts' means all receipts from a business activity.

"(b) EXPORTS.—

"(1) GENERAL RULE.—For purposes of this chapter, the term 'gross receipts' does not include amounts received by the exporter for property or services exported from the United States for use or consumption outside the United States.

"(2) EXPORT THROUGH NONBUSINESS ENTITY.—For purposes of paragraph (1), if property or services are sold to a governmental entity or exempt organization for export and are exported other than in a business activity of such entity or organization, then the seller of such property or services is deemed to be the exporter thereof.

"(3) INTERNATIONAL TRANSPORTATION.—

"For treatment of international transportation services, see section 10031.

"(c) EXCHANGES.—For purposes of this chapter, the amount treated as gross receipts from an exchange is the amount of money plus the fair market value of other consideration received in the exchange.

"(d) CERTAIN INSURANCE PROCEEDS.—For purposes of this chapter, the term 'gross receipts' includes the proceeds of property and casualty insurance for losses in connection with a business activity.

"(e) TAXES.—For purposes of this chapter, the term 'gross receipts' shall not include—

"(1) any separately stated excise tax, sales tax, customs duty, or other levy imposed by a Federal, State, or local government which is imposed on a business transaction and which is received or collected by the seller in connection with the sale, and

"(2) any tax imposed by chapter 31, 32, 33, 34, 35, 36, 39, 51, 52, or 53.

"(f) TRANSFERS TO RELATED PERSONS.—

"(1) IN GENERAL.—For purposes of this chapter, the amount treated as the gross receipts from any transaction described in section 10012(a)(1) between related persons shall be the fair market value of the property sold, right granted, or services performed (as the case may be).

"(2) RELATED PERSON.—For purposes of this subsection, the term 'related person' means—

"(A) in the case of an employment relationship, an employer and employee,

"(B) in the case of any entity, an owner of the entity,

"(C) any person specified in regulations, and

"(D) any member of the family (within the meaning of section 267(c)(4)) of any individual described in subparagraph (A), (B), or (C).

"(3) OWNER.—For purposes of paragraph (2), the term 'owner' means—

"(A) the proprietor of a sole proprietorship, and

"(B) any holder of a beneficial interest in a corporation, partnership, trust, or other entity.

"SEC. 10014. BUSINESS PURCHASES.

"(a) IN GENERAL.—For purposes of this chapter, the term 'business purchase' means any amount paid or incurred to acquire property, a right to use property, or services for use or sale in a business activity. For purposes of the preceding sentence, the term 'property' does not include any financial instrument or money.

"(b) EXCEPTIONS.—The term 'business purchase' does not include—

"(1) any amount paid or incurred as current or deferred compensation to employees or for employee benefits,

"(2) any payment which is unlawful under Federal, State, or local law, or

"(3) except as provided in subsection (d)—

"(A) any amount paid or incurred as a premium for insurance other than property and casualty insurance, or

"(B) any other implicit intermediation fees.

"(c) IMPORTS.—The term 'business purchase' does not include—

"(1) any amount paid or incurred for the import of property or services, and

"(2) in the case of imported property, any amounts paid or incurred for the transportation of such property to the United States (if such costs are not included in the amount paid for the property).

"(d) FINANCIAL INTERMEDIATION SERVICES.—

"(1) IN GENERAL.—For purposes of this chapter, business purchases include implicit financial intermediation fees.

"(2) IMPLICIT FINANCIAL INTERMEDIATION FEES.—For purposes of paragraph (1), the term 'implicit financial intermediation fees' means amounts allocable to the business activity for which a person has received notice under section 10032(d) (relating to implicit financial intermediation fees) and which have otherwise not been taken into account.

"(3) CROSS REFERENCE.—

For additional treatment of financial intermediation services, see section 10032.

"(e) EXCHANGES.—For purposes of this chapter, the amount treated as paid or incurred for business purchases in connection with an exchange is the amount of money plus the fair market value of other consideration transferred in the exchange.

"(f) TAXES.—For purposes of this chapter, the term 'business purchase' does not include any excise tax, sales tax, customs duty, or other separately stated levy imposed by a Federal, State, or local government on business purchases.

"(g) GAMBLING PAYMENTS.—Except as provided in subsection (a), in the case of a business activity involving gambling, lotteries, or other games of chance, business purchases include amounts paid to winners.

"SEC. 10015. EXEMPTION FOR CERTAIN NONTAXABLE EXCHANGES.

"(a) GENERAL RULE.—For purposes of this chapter, gross receipts shall not include gross receipts from an applicable nontaxable transaction except to the extent attributable to money or other property received in the transaction.

"(b) APPLICABLE NONTAXABLE TRANSACTIONS.—For purposes of this section, the term 'applicable nontaxable transaction' means any transaction—

"(1) to which section 332, 351, 368, or 721 applies, or

"(2) which is specified by the Secretary and with respect to which gain is not recognized in whole or in part under chapter 1.

"Subchapter C—General Rules

"Sec. 10021. Accounting methods.

"Sec. 10022. Governmental entities and exempt organizations.

"Sec. 10023. Post-sale price adjustments and refunds; bad debts.

"Sec. 10024. Source rules.

"Sec. 10025. Conversions.

"SEC. 10021. ACCOUNTING METHODS.

"(a) IN GENERAL.—Except as provided in this section, a person subject to tax under this chapter may use any of the following methods of accounting for purposes of this chapter:

"(1) The cash receipts and disbursements method.

"(2) An accrual method.

"(3) Any other method permitted by the Secretary.

The Secretary may require a person to modify any method to clearly reflect gross receipts and business purchases.

"(b) CONSISTENCY REQUIREMENT.—All persons which are members of a controlled group of corporations which does not elect to be treated as one person for purposes of this chapter under section 10063(a)(2) shall use the same method of accounting for purposes of this chapter.

"(c) SPECIAL RULES FOR LONG-TERM CONTRACTS.—

"(1) IN GENERAL.—In the case of any sale pursuant to a long-term contract (as defined in section 460(f))—

"(A) the seller shall use the percentage of completion method in computing gross receipts from the contract, and

"(B) the purchaser shall use the cash receipts and disbursements method in computing business purchases from the contract.

"(2) Reporting.—The Secretary may require taxpayers to file statements containing such information with respect to long-term contracts as the Secretary may prescribe.

"(d) Installment Method Prohibited.—Gross receipts from the sale of property shall not be taken into account for purposes of this chapter under the installment method.

"SEC. 10022. GOVERNMENTAL ENTITIES AND EXEMPT ORGANIZATIONS.

"(a) In General.—For purposes of this chapter, the transfer of property, the grant of a right to use property, or the furnishing of services by a governmental entity or an exempt organization shall be treated as a business activity if there is a separately stated charge for such transfer, grant, or furnishing.

"(b) Special Rules for Governmental Entities.—For purposes of this chapter—

"(1) In general.—The transfer of property, the grant of a right to use property, or furnishing of services by a governmental entity with respect to any of the following activities shall be treated as a business activity whether or not there is a separately stated charge for such transfer or furnishing:

"(A) Public utility services.

"(B) Mass transit services.

"(C) Postal services.

"(D) Any activity not involving the exercise of any essential governmental function (within the meaning of section 115).

"(2) Gross receipts.—In the case of a transfer of property, grant of a right to use property, or furnishing of services which is treated as a business activity solely by reason of paragraph (1), gross receipts shall be determined on the basis of the fair market value of such property, right, or services.

"(c) Business Purchases Reduced By Subsidies.—

"(1) In general.—For purposes of this chapter, in the case of a business activity of an exempt organization or a governmental entity (other than an activity which is treated as a business activity solely by reason of subsection (b)(1)), the business purchases for such activity shall be reduced by the amount of any subsidy provided for that activity.

"(2) Subsidy.—For purposes of paragraph (1), the term 'subsidy' means the portion of the cost of the transfer of property, the right to use property, or the furnishing of services, which is not borne by amounts charged therefor.

"(d) Allocation.—The Secretary shall by regulation provide for the proper allocation of gross receipts and business purchases between business activities and other activities.

"(e) Self-Consumption of Property or Services.—Notwithstanding the provisions of this section, the Secretary may by regulation provide that property produced, or services furnished, by a governmental entity or an exempt organization for use by itself are to be treated as sold in a business activity if such treatment is necessary to carry out the purposes of this chapter. In any such case the taxable value added shall be determined by reference to the fair market value of the property or services.

"SEC. 10023. POST-SALE PRICE ADJUSTMENTS AND REFUNDS; BAD DEBTS.

"(a) Price Adjustments and Refunds.—

"(1) Receipt treated as reduction in business purchases.—If a person subject to tax under this chapter receives a post-sale price adjustment attributable to a business purchase which was taken into account in computing the taxable value added for a prior taxable period, then the amount of such adjustment shall be treated as a reduction in business purchases for the taxable period in which it is received.

"(2) Issuance treated as reduction in gross receipts.—If a person subject to tax under this chapter issues a post-sale price adjustment for a sale the gross receipts from which were taken into account in computing the taxable value added for a prior taxable period, then the amount of such adjustment shall be treated as a reduction in gross receipts for the taxable period in which it is issued.

"(3) Post-sale price adjustment.—For purposes of this subsection, the term 'post-sale price adjustment' means a refund, rebate, or other price allowance attributable to a sale of property or services.

"(b) Bad Debts.—

"(1) Seller.—

"(A) Writeoffs and writedowns.—If an amount owed to a seller of business property or services that was taken into account as gross receipts in computing the taxable value added of the seller for a prior taxable period becomes wholly or partially uncollectible during any subsequent taxable period, then the seller shall treat the amount (or part thereof that is uncollectible) as a reduction in gross receipts for the taxable period in which it becomes wholly or partially uncollectible.

"(B) Notice.—Whenever a seller treats an amount as wholly or partially uncollectible under subparagraph (A), the seller shall notify the purchaser of the amount the seller is treating as uncollectible. The notice shall set forth with specificity the purchase or purchases to which the treatment relates and shall be sent to the purchaser at the purchaser's last known address within 10 days after close of the taxable period in which the seller treats the amount as wholly or partially uncollectible.

"(C) Recoveries.—If a seller receives payment for an amount that was treated as a reduction in gross receipts under subparagraph (A) in a prior taxable period, then the seller shall treat the payment as a gross receipt for the taxable period in which it is received.

"(2) Purchaser.—

"(A) Writeoffs and writedowns.—If a purchaser receives notice under paragraph (1)(B) from a seller for all or a portion of the amount owed for business property or services that the purchaser treated as a business purchase in a prior taxable period, then the purchaser shall treat such amount as a reduction in business purchases for the taxable period in which the notice is received.

"(B) Repayments.—If a purchaser pays all or part of an amount treated as a reduction in business purchases under subparagraph (A) in a prior taxable period, then the purchaser shall treat the amount paid as a business purchase for the taxable period in which the payment is made.

"SEC. 10024. SOURCE RULES.

"(a) Sales of Property.—For purposes of this chapter, a sale of property shall be treated as occurring in the United States if the property is located in the United States at the time of the sale.

"(b) Right To Use Property.—For purposes of this chapter, the grant of a right to use property shall be treated as occurring in the United States to the extent such right involves the use of such property in the United States.

"(c) Sales of Services.—

"(1) General rule.—For purposes of this chapter, a sale of services shall be treated as occurring in the United States to the extent that—

"(A) the services are provided from a place of business, or with respect to property, in the United States, or

"(B) the services are incidental to the provision of services within the United States.

"(2) Cross reference.—

"For treatment of international transportation services, see section 10031.

"SEC. 10025. CONVERSIONS.

For purposes of this chapter, any conversion of property or services from use in a business activity to use in any other activity, or from use in any other activity to use in a business activity, shall be treated as a sale of the property or services for their fair market value.

"Subchapter D—Special Rules

"Sec. 10031. International transportation services.
"Sec. 10032. Financial intermediation services.
"Sec. 10033. Nonbusiness imports of property or services.
"Sec. 10034. Refund for certain nonbusiness purchases.

"SEC. 10031. INTERNATIONAL TRANSPORTATION SERVICES.

"(a) Exports.—For purposes of this chapter, in the case of property exported from the United States—

"(1) Gross Receipts.—The term 'gross receipts' does not include receipts from transportation of such property from the United States.

"(2) Business Purchases.—The term 'business purchase' does not include amounts paid or incurred for transportation of such property from the United States.

"(b) International Transportation of Passengers.—For purposes of this chapter—

"(1) Gross receipts.—Gross receipts—

"(A) do not include receipts from the transportation of passengers from outside the United States to a destination in the United States, but

"(B) include receipts from the transportation of passengers from the United States to a destination outside the United States.

"(2) Business purchases.—Business purchases—

"(A) do not include amounts paid or incurred in a business activity for the transportation of passengers from outside the United States to a destination in the United States, but

"(B) include amounts paid or incurred in a business activity for the transportation of passengers from the United States to a destination outside the United States.

"SEC. 10032. FINANCIAL INTERMEDIATION SERVICES.

"(a) General Rule.—For purposes of this chapter—

"(1) the providing of financial intermediation services shall be treated as a business activity, and

"(2) this chapter shall be applied to such business activity by substituting financial receipts and adjusted business purchases properly allocable to such business activity for gross receipts and business purchases.

"(b) Financial Receipts.—For purposes of this section, the term 'financial receipts' means all receipts other than amounts received as contributions to capital.

"(c) Adjusted Business Purchases.—For purposes of this section, the term 'adjusted business purchases' means business purchases, adjusted as follows:

"(1) Principal and interest.—Business purchases include any principal or interest payments properly allocable to the business activity described in subsection (a).

"(2) FINANCIAL INSTRUMENTS.—Notwithstanding any other provision of this chapter, business purchases include the cost of, and payments under, financial instruments (other than financial instruments representing equity interests in the person subject to the tax imposed by this chapter).

"(3) INSURANCE CLAIMS.—Business purchases include claims and cash surrender values paid in connection with insurance or reinsurance services.

"(4) REINSURANCE.—Business purchases include amounts paid for reinsurance.

"(d) REPORTING TO CUSTOMERS.—

"(1) ALLOCATION AND REPORTING.—

"(A) IN GENERAL.—A person engaged in the business activity of providing financial intermediation services shall—

"(i) allocate fees received for such services (other than services for which separately stated fees are charged) among recipients of such services on a reasonable and consistent basis, and

"(ii) report to each recipient the fees so allocated.

"(B) TIMING.—The report under subparagraph (A)(ii) shall be furnished to the recipient no later than the 45th day after the close of a taxable period.

"(2) EXCEPTION.—The Secretary shall establish procedures under which notice need not be given under this subsection to persons with respect to whom services are not provided in connection with a business activity.

"(e) DEFINITIONS.—For purposes of this section—

"(1) FINANCIAL INTERMEDIATION SERVICE.—The term 'financial intermediation service' means—

"(A) lending services,

"(B) insurance services,

"(C) market-making and dealer services, and

"(D) any other service provided as a business activity in which a person acts as an intermediary in—

"(i) the transfer of property, services, or financial assets, liabilities, risks, or instruments (or income or expense derived therefrom) between two or more other persons, or

"(ii) the pooling of economic risk among other persons,

and derives all or a portion of such person's gross receipts from streams of income or expense, discounts, or other financial flows associated with the matter with respect to which such person is acting as an intermediary.

"(2) LENDING SERVICES.—The term 'lending services' means the regular making of loans and providing credit to, or taking deposits from, customers, but does not include an installment or delayed payment arrangement provided by a seller of property or services under which additional charges or fees are imposed by the seller for late payment and for which no interest is charged.

"(3) MARKET-MAKING OR DEALER SERVICES.—The term 'market-making or dealer services' means services provided by a person who—

"(A) regularly purchases financial instruments from or sells financial instruments to customers in the ordinary course of a trade or business, or

"(B) regularly offers to enter into, assume, offset, assign, or otherwise terminate positions in financial instruments with customers in the ordinary course of a trade or business.

"SEC. 10033. NONBUSINESS IMPORTS OF PROPERTY OR SERVICES.

"(a) IMPOSITION OF TAX.—There is hereby imposed on the taxable nonbusiness import of any property or services a tax equal to 20 percent of the sum of—

"(1) the amount paid or incurred for the property or services, plus

"(2) in the case of property, any amounts paid or incurred for transportation costs (if such costs are not included in the amount paid for the property).

"(b) TAXABLE NONBUSINESS IMPORT.—For purposes of subsection (a), the term 'taxable nonbusiness import' means any import of any property or services for use or consumption within the United States unless—

"(1) such property or services is imported for use or sale in a business activity of the importer, or

"(2) such property is imported free of duty under chapter 98 of the Harmonized Tariff Schedule of the United States.

"SEC. 10034. REFUND FOR CERTAIN NONBUSINESS PURCHASES.

"(a) REFUND ALLOWED.—If the tax imposed by section 10001 was paid on any qualified nonbusiness purchase, the Secretary shall pay (without interest) to the purchaser an amount equal to such tax.

"(b) QUALIFIED NONBUSINESS PURCHASE.—For purposes of this section, the term 'qualified nonbusiness purchase' means any purchase of property or services if—

"(1) such purchase is not in connection with a business,

"(2) the purchaser establishes to the satisfaction of the Secretary that substantially all of the use of such property or services is outside the United States, and

"(3) the amount of the tax imposed by section 10001 on such purchase is separately stated.

"(c) PERIOD FOR FILING CLAIMS.—No claim shall be allowed under this section with respect to any purchase unless filed by the purchaser not later than 180 days after the date of such purchase.

"Subchapter E—Small Business Exemption

"Sec. 10041. Small business exemption.

"SEC. 10041. SMALL BUSINESS EXEMPTION.

"(a) EXEMPTION.—Except as provided in subsection (b), if the aggregate amount of gross receipts of any person for any taxable period and the 3 preceding taxable periods does not exceed the exemption amount, no tax shall be imposed under section 10001 (and no credit or refund shall be allowed under section 10011) for the taxable period.

"(b) EXCEPTIONS.—

"(1) PERSON MUST ALWAYS BE EXEMPT.—Subsection (a) shall not apply to any person for a taxable period unless the person was exempt from the tax imposed by section 10001 for all preceding taxable periods.

"(2) ELECTION.—Subsection (a) shall not apply to any person for a taxable period if the person elects not to have subsection (a) apply for the taxable period.

"(c) STATEMENTS.—A person to which this section applies for any taxable period shall file a statement containing such information as the Secretary may prescribe.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) EXEMPTION AMOUNT.—The term 'exemption amount' means $12,000 (or an equivalent amount if the taxable period is not a calendar quarter).

"(2) PERSONS NOT ENGAGED IN BUSINESS FOR ENTIRE PERIOD.—If a person was not engaged in a business activity for the entire period referred to in subsection (a), such subsection shall be applied on the basis of the period the person was so engaged.

"(3) PREDECESSORS.—Any reference in this section to a person shall include a reference to any predecessor of the person.

"Subchapter F—Definitions

"Sec. 10051. Definitions.

"SEC. 10051. DEFINITIONS.

"For purposes of this chapter—

"(1) SALE OF SERVICES.—The term 'sale of services' means the performance of services for consideration, and includes the granting of a right to the performance of services or to reimbursement (including the granting of warranties, insurance, and similar items) for consideration.

"(2) GRANT OF RIGHT TO USE PROPERTY.—The term 'grant of a right to use property' means the granting of a right to use property for consideration.

"(3) SALE OF PROPERTY.—The term 'sale of property' means the transfer of ownership of property from a seller to a purchaser for consideration.

"(4) PROPERTY.—The term 'property' means any tangible or intangible property.

"(5) BUSINESS.—The term 'business' includes any activity carried on continuously or regularly, whether or not for profit, that involves or is intended to involve the sale of property, the grant of a right to use property, or the sale of services.

"(6) BUSINESS PROPERTY OR SERVICE.—The term 'business property or service' means any property or service the sale of which by the owner or provider thereof would be a business activity or which is used by the owner or provider in a business activity.

"(7) EMPLOYEE.—The term 'employee' has the same meaning as when such term is used for purposes of chapter 24 (relating to withholding).

"(8) PERSON.—The term 'person' has the meaning given such term by section 7701(a)(1), but also includes any governmental entity.

"(9) UNITED STATES.—The term 'United States', when used in a geographic sense, includes the customs territory of the United States (as defined in General Headnote 2 of the Harmonized Tariff Schedules of the United States) and any area seaward of the States lying within the outer boundaries of the outer continental shelf (as defined in section 1331 of title 43, United States Code).

"(10) GOVERNMENTAL ENTITY.—The term 'governmental entity' means the United States, any State or political subdivision thereof, the District of Columbia, a Commonwealth or possession of the United States, or any agency or instrumentality of any of the foregoing.

"(11) EXEMPT ORGANIZATION.—The term 'exempt organization' means any organization exempt from taxation under chapter 1.

"(12) FINANCIAL INSTRUMENT DEFINED.—The term 'financial instrument' means any—

"(A) share of stock in a corporation,

"(B) partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust,

"(C) note, bond, debenture, or other evidence of indebtedness,

"(D) interest rate, currency, or equity notional principal contract,

"(E) evidence of an interest in, or a derivative financial instrument in, any financial instrument described in subparagraph (A), (B), (C), or (D), or any currency, including any option, forward contract, short position, and any similar financial instrument in such a financial instrument or currency, and

"(F) position which—

"(i) is not a financial instrument described in subparagraph (A), (B), (C), (D), or (E),

"(ii) is a hedge with respect to such a financial instrument, and

"(iii) is clearly identified in the dealer's records as being described in this subparagraph before the close of the day on which it was acquired or entered into (or such other time as the Secretary may by regulations prescribe).

"(13) Use includes held for use.—Property or services held for use by any person shall be treated as used by that person.

"(14) Exchanges treated as sales.—An exchange shall be treated as a sale.

"Subchapter G—Administration

"Sec. 10061. Liability for tax.

"Sec. 10062. Time for filing return; taxable period.

"Sec. 10063. Treatment of related businesses.

"Sec. 10064. Secretary to be notified of certain events.

"Sec. 10065. Regulations.

"SEC. 10061. LIABILITY FOR TAX.

"The person selling property, granting the right to use property, or selling services shall be liable for the tax imposed by section 10001.

"SEC. 10062. TIME FOR FILING RETURN; TAXABLE PERIOD.

"(a) Filing Return.—Before the 16th day of the second calendar month beginning after the close of each taxable period, each person subject to tax under this chapter shall file a return of the tax imposed by section 10001 for such taxable period.

"(b) Taxable Period.—For purposes of this chapter—

"(1) In general.—The term 'taxable period' means a calendar quarter, except that if a taxpayer has a taxable year under chapter 1 other than the calendar year, then such term means a quarter of that taxable year.

"(2) Other periods.—To the extent provided in regulations, the term 'taxable period' includes a period selected by a person other than a calendar quarter.

"(3) Authority to shorten length of tax period.—The Secretary may shorten the length of a person's taxable period under this subsection to the extent the Secretary deems such action necessary to protect the revenue.

"SEC. 10063. TREATMENT OF RELATED BUSINESSES.

"(a) General Rule.—For purposes of this chapter—

"(1) Affiliated groups and businesses under common control.—Except to the extent otherwise provided in regulations—

"(A) an affiliated group of corporations (as defined in section 1504(a) without regard to paragraphs (2), (4), and (7) of section 1504(b)), or

"(B) two or more businesses (whether or not incorporated) under common control within the meaning of section 52(b) and the regulations thereunder,

shall be treated as one person.

"(2) Controlled group.—A controlled group of corporations, as defined in section 1563(a) (determined without regard to the second sentence of paragraph (4) of such section and without regard to section 1563(e)(3)(C)), may elect to be treated as one person.

"(b) Related Party Transactions.—For purposes of this chapter, transactions in the United States between corporations or other businesses that are treated, or that may elect to be treated, as one person under subsection (a) shall not be taken into account in computing the gross receipts or business purchases of any such corporation or business.

"SEC. 10064. SECRETARY TO BE NOTIFIED OF CERTAIN EVENTS.

"To the extent provided in regulations, each person engaged in a business shall notify the Secretary (at such time or times as may be prescribed by regulation) of—

"(1) any change in the form in which the business is conducted, and

"(2) any other change that might affect—

"(A) the liability for the tax imposed by section 10001,

"(B) the amount of such tax or any credit against such tax, or

"(C) the administration of such tax in the case of such person.

"SEC. 10065. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this chapter."

SEC. 202. REFUND AUTHORITY.

Section 6402 (relating to authority to make credits or refunds) is amended by designating subsection (h) as subsection (j) and by inserting after subsection (g) the following new subsection:

"(h) Repayment of Value Added Tax.—Within 45 days after the date on which a value added tax return is filed pursuant to section 10062 showing an overpayment, the Secretary shall make, to the extent the Secretary deems practical, a limited examination of the return to discover omissions and errors of computation, and shall determine the amount of the overpayment, if any, for the taxable period to which the return relates and refund the amount of such overpayment to the person who filed the return."

SEC. 203. DEDICATION OF PORTION OF VAT REVENUES TO SOCIAL SECURITY TRUST FUNDS.

(a) In General.—The Secretary of the Treasury shall deposit in each Social Security Trust Fund for periods after 1997 that portion of the revenues from the tax imposed by chapter 100 of the Internal Revenue Code of 1986 which is necessary to maintain each such Fund in the same position it would be in but for the amendments made by section 102 of this Act.

(b) Social Security Trust Funds.—For purposes of subsection (a), the Social Security Trust Funds are—

(1) the Federal Old-Age and Survivors Insurance Trust Fund established by section 201(a) of the Social Security Act,

(2) the Federal Disability Insurance Trust Fund established by section 201(b) of such Act, and

(3) the Federal Hospital Insurance Trust Fund established by section 1817(a) of such Act.

TITLE III—BURDEN ADJUSTMENTS

SEC. 301. REBATE OF VALUE ADDED TAX TO LOW-INCOME INDIVIDUALS; BURDEN ASSESSMENT ON HIGH-INCOME INDIVIDUALS.

(a) In General.—Subtitle A is amended by adding at the end the following new chapter:

"CHAPTER 7—VALUE ADDED TAX BURDEN ADJUSTMENTS

"Subchapter A. Rebate to low-income individuals.

"Subchapter B. Burden assessment on high-income individuals.

"Subchapter A—Rebate to Low-Income Individuals

"Sec. 1601. Rebate to low-income individuals.

"Sec. 1602. Advance payment of rebate.

"SEC. 1601. REBATE TO LOW-INCOME INDIVIDUALS.

"(a) General Rule.—The Secretary shall, for each taxable year, pay to each eligible individual an amount equal to the VAT rebate for such year.

"(b) VAT Rebate.—For purposes of this section—

"(1) In general.—The VAT rebate for any taxable year is an amount equal to the applicable percentage of so much of the adjusted net income of the eligible individual for such year as does not exceed $30,000.

"(2) Applicable percentage.—For purposes of paragraph (1), the applicable percentage is 20 percent reduced (but not below zero) by ⅔ of 1 percentage point for each whole $1,000 of the individual's adjusted net income.

"(3) Adjusted net income.—The term 'adjusted net income' means the sum of—

"(A) the net income (as defined in section 1611(c)) for the taxable year, plus

"(B) the value of specified Federal transfer payments received during the taxable year.

"(4) Specified Federal transfer payments.—The term 'specified Federal transfer payments' means—

"(A) aid provided under a State plan approved under part A of title IV of the Social Security Act (relating to aid to families with dependent children),

"(B) assistance provided under—

"(i) the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977), or

"(ii) the portion of the program under sections 21 and 22 of such Act which provides food assistance, and

"(C) any other Federal assistance which consists of money payments or script and which is not adjusted for changes in the cost-of-living.

"(c) Eligible Individual.—For purposes of this section, the term 'eligible individual' means any individual if—

"(1) such individual is a citizen or resident of the United States for the entire taxable year,

"(2) such individual's principal place of abode is in the United States for more than one-half of such taxable year,

"(3) such individual is not a dependent of another taxpayer for any taxable year beginning in the same calendar year as such taxable year, and

"(4) such individual's adjusted net income for the taxable year does not exceed $30,000.

"(d) Amount of Rebate To Be Determined under Tables.—

"(1) In general.—The amount of the rebate allowed by this section shall be determined under tables prescribed by the Secretary.

"(2) Requirements for tables.—The tables prescribed under paragraph (1) shall reflect the provisions of subsection (b) and shall have income brackets of not greater than $50 each.

"(e) Married Individuals Must File Joint Claim.—In the case of an individual who is married (within the meaning of section 7703), this section shall apply only if a joint claim is filed by such individual and such individual's spouse, and such joint claim shows the combined adjusted net incomes of such individual and spouse.

"(f) Coordination With Periodic Payments of Rebate.—If any payment is made to the individual under section 1602 during any calendar year or if periodic payments have been made to the individual under this section during any calendar year, then such individual shall pay to the Secretary an amount equal to the excess (if any) of—

"(1) the aggregate amount of such payments, over

"(2) the maximum amount which would be payable to such individual under this section (for such individual's last taxable year beginning in such calendar year) without regard to such payments and on the basis of the actual adjusted net income of such individual for such taxable year.

Any amount required to be paid under this subsection shall be assessed and collected in the same manner as tax imposed by chapter 1.

"(g) Claim Required To Be Filed, Etc.—

"(1) In general.—No payment shall be made under this section unless claim therefor is filed with the Secretary.

"(2) Rebate payable with federal transfer payments, etc..—To the maximum extent practical, the Secretary shall arrange for the payment of the rebate under this section to be made with Federal transfer payments and payments of social security benefits.

"SEC. 1602. ADVANCE PAYMENT OF REBATE.

"(a) General Rule.—Except as otherwise provided in this section, every employer making payment of wages to an employee with respect to whom a VAT rebate eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment to such employee equal to such employee's VAT rebate advance amount.

"(b) VAT Rebate Eligibility Certificate.—For purposes of this title, a VAT rebate eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive payments under section 1601 for the taxable year,

"(2) certifies the employee's estimate of his adjusted net income (as defined in section 1601(b)) for the taxable year other than income from wages from such employer, and

"(3) certifies—

"(A) that the employee does not have another VAT rebate eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer, and

"(B) that the spouse of the employee does not have a VAT rebate eligibility certificate in effect.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) VAT Rebate Advance Amount.—For purposes of this title, the term 'VAT rebate advance amount' means, with respect to any payroll period, the amount determined—

"(1) on the basis of the employee's wages from the employer for such period and the employee's estimate under subsection (b)(2) of his adjusted net income (as defined in section 1601(b)) for the taxable year other than from such wages, and

"(2) in accordance with tables prescribed by the Secretary.

"(d) Payments To Be Treated As Payments Value Added Tax.—

"(1) In general.—For purposes of this title, payments made by an employer under subsection (a) to his employees for any payroll period—

"(A) shall not be treated as the payment of compensation, and

"(B) shall be treated as made out of amounts of the taxes imposed for the payroll period under chapter 100 (relating to value added tax), as if the employer had paid to the Secretary, on the day on which the wages are paid to the employees, an amount equal to such payments.

"(2) Advance payments exceed taxes due.—In the case of any employer, if for any payroll period the aggregate amount of VAT rebate advance payments exceeds the sum of the amounts referred to in paragraph (1)(B), each such advance payment shall be reduced by an amount which bears the same ratio to such excess as such advance payment bears to the aggregate amount of all such advance payments.

"(3) Employer may make full advance payments.—The Secretary shall prescribe regulations under which an employer may elect (in lieu of any application of paragraph (2))—

"(A) to pay in full all VAT rebate advance amounts, and

"(B) to have additional amounts paid by reason of this paragraph treated as the advance payment of taxes imposed by this title.

"(e) Furnishing and Taking Effect of Certificates.—Rules similar to the rules of section 3507(e) shall apply for purposes of this section.

"Subchapter B—Burden Assessment on High-Income Individuals

"Sec. 1611. Assessment on high-income individuals.
"Sec. 1612. Inclusion of undistributed income of certain corporations.

"SEC. 1611. ASSESSMENT ON HIGH-INCOME INDIVIDUALS.

"(a) General Rule.—Each assessable person whose net income for the taxable year exceeds the threshold amount shall pay an assessment for such year equal to 17 percent of the excess (if any) of such income over the threshold amount.

"(b) Assessable Person.—For purposes of this subchapter, the term 'assessable person' means any individual, estate, or trust other than a trust exempt from taxation under chapter 1.

"(c) Net Income.—

"(1) In general.—For purposes of this section, the term 'net income' means adjusted gross income determined with the modifications described in the following paragraphs.

"(2) Certain exclusions disregarded.—Net income shall be determined without regard to—

"(A) sections 911, 931, and 933,

"(B) section 457, and

"(C) any exclusion from gross income for any elective deferral (as defined in section 402(g)(3)).

"(3) Certain amounts included.—

"(A) Tax exempt interest.—Net income shall be increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

"(B) Nonqualified deferred compensation.—Deferred compensation shall be included in gross income for the 1st taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (within the meaning of section 457(f)(3)). The preceding sentence shall not apply to any plan or contract described in section 457(f)(2).

"(4) Estates and trusts.—The adjusted gross income of an estate or trust shall be determined in accordance with section 67(e).

"(d) Threshold Amount.—For purposes of this section—

"(1) In general.—The term 'threshold amount' means—

"(A) except as provided in subparagraph (B), $75,000, and

"(B) zero in the case of a taxpayer who—

"(i) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and

"(ii) does not live apart from his spouse at all times during the taxable year.

"(2) Special rules for trusts.—

"(A) In general.—Except as otherwise provided in this paragraph, the threshold amount for any trust shall be zero.

"(B) Exception for current distribution trusts.—Subparagraph (A) shall not apply to any trust to which section 651 applies for the taxable year.

"(C) Beneficiary may allocate threshold.—Any beneficiary of a trust to which subparagraph (A) applies may elect to allocate any portion of such beneficiary's threshold amount under paragraph (1) for any taxable year to such trust. Such allocation shall apply for such trust's taxable year beginning in the taxable year from which made and shall reduce the threshold amount otherwise available to such beneficiary.

"(d) Assessment Collected As Tax.—For purposes of subtitle F, the assessment imposed by this section shall be treated as if it were a tax imposed by chapter 1.

"SEC. 1612. INCLUSION OF UNDISTRIBUTED INCOME OF CERTAIN CORPORATIONS.

"(a) General Rule.—Each assessable person who owns (within the meaning of section 542(a)) stock in a corporation on the last day in the taxable year of such corporation on which such corporation was an applicable corporation shall include in gross income (for such person's taxable year in which or with which such taxable year of the corporation ends) as a dividend the amount such person would have received as a dividend if on such last day such corporation had distributed pro rata to its shareholders an amount which bears the same ratio to the undistributed income of the corporation for the taxable year as the portion of such taxable year during which such corporation is an applicable corporation bears to the entire taxable year.

"(b) Applicable Corporation.—For purposes of this section—

"(1) In general.—The term 'applicable corporation' means—

"(A) any corporation engaged in a service-related business in which a shareholder performs substantial services, and

"(B) any closely held C corporation.

Such term shall not include any corporation exempt from taxation under chapter 1.

"(2) Service-related business.—The term 'service-related business' means any trade or business described in subparagraph (A) of section 1202(e)(3).

"(3) Closely held C corporation.—The term 'closely held C corporation' means any C corporation if, at any time during the last half of the taxable year, more than 50 percent in value of its outstanding stock is owned, directly or indirectly through the application of section 544, by or for not more than 10 individuals.

"(c) Undistributed Income.—For purposes of this section—

"(1) In general.—The term 'undistributed income' means the net income of the corporation for the taxable year reduced any distributions by the corporation to its shareholders with respect to its stock—

"(A) which are made during the taxable year and not taken into account under subparagraph (B) for the preceding taxable year, or

"(B) which—

"(i) are made after the close of the taxable year and on or before the 45th day following the close of the taxable year, and

"(ii) are designated, at such time and in such manner as the Secretary may prescribe, as distributions for purposes of this paragraph.

Any distribution described in subparagraph (B) shall be included in the gross income of the shareholder for the shareholder's taxable year which includes the last day of the taxable year of the corporation for which the reduction under this paragraph was made.

"(2) NET INCOME.—Net income shall be determined in the same way as taxable income under chapter 1 as in effect on the day before the date of the enactment of this section.

"(d) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (d) and (e) of section 551 shall apply with respect to amounts required to be included in gross income under this section."

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle A is amended adding at the end the following new item:

"Chapter 7. Value added tax burden adjustments."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

THE SUPREME COURT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 4, 1996 into the CONGRESSIONAL RECORD.

THE SUPREME COURT

The U.S. Supreme Court recently completed its 1995–1996 term. Hoosiers don't often talk to me about the Court, but its actions have a wide-ranging impact on our daily lives and have important consequences for Congress as well. Under our constitutional system of checks-and-balances, the Court's decisions help define the limits of congressional authority.

The Court in recent years has been marked by the emergence of a conservative majority. Its conservatism is marked by a preference for law enforcement in the area of criminal law, by a general skepticism of affirmative action, and by a sympathetic view of state powers in our federal system of government. This Court has worked on several occasions to enhance the powers of the states at the expense of Congress.

But the conservative majority is not monolithic. Justice Antonin Scalia is perhaps the most ardently conservative voice on the Court, but his sharp and bitter dissents, often directed at fellow conservatives, suggest his influence has diminished. The decisive votes on key decisions, in contrast, belong to the two "moderate" conservatives, Justices Sandra Day O'Connor and Anthony Kennedy. Both are conservative, but not predictably so. In some areas of the law, most notably redistricting and state-federal relations, O'Connor and Kennedy have joined their conservative colleagues to upset long-settled constitutional principles. But in other areas, often involving individual liberties, the two Justices have taken a pragmatic, incremental approach, forging narrow majorities with their more liberal colleagues.

The number of petitions arriving at the Supreme Court has climbed to about 7,000 a term, but the Justices are taking and deciding fewer cases. This term, the Court issued the fewest written opinions (just 75) in more than 40 years. This trend reflects in part the judicial philosophy of the Court's conservative majority—that the Court should defer to elected lawmakers on policy matters and should let legal issues percolate in the lower courts before weighing in.

What follows is a summary of the key decisions from this term.

INDIVIDUAL RIGHTS

The highest profile cases decided this term involved individual rights. Justices O'Connor and Kennedy were the swing votes. Both have rejected government policies which seek to classify people—to their advantage or disadvantage—by race, gender or sexual orientation.

In an important sex-discrimination case, the Court ruled that the men-only admissions policy at the Virginia Military Institute, a state-supported college, was unconstitutional and that the alternative program the state had devised for women was an inadequate substitute for admitting women to the military college. The Court also struck down a Colorado state constitutional amendment that nullified existing civil rights protections for homosexuals and barred the passage of any new laws protecting them at the state or local level.

The Court invalidated four congressional districts in Texas and North Carolina which included a majority of minority voters. The Court held that the use of race as a "predominant factor" in drawing district lines made the districts presumptively unconstitutional. Many states, particularly in the South, had created majority-black or hispanic districts in the last round of redistricting in an effort to comply with Justice Department interpretations of the federal Voting Rights Act. The Court, in the last two terms, has thrown out several of these maps, and will likely revisit the issue next term.

FEDERALISM

The Court also addressed fundamental questions about the distribution of power between states and the federal government. The conservative majority has acted in recent years to curb the reach of federal authority, particularly when it may intrude on state powers. Last year, for example, the Court overturned a federal law banning gun possession within 1000 feet of a school.

This term the Court curbed the authority of Congress to subject states to lawsuits in federal courts. The case centered on a 1988 gaming law that gave Indian tribes the right to sue states in federal court to bring them to the bargaining table over terms for opening casinos. The Court held that the Eleventh Amendment to the Constitution forbids Congress from authorizing private parties, including Indian tribes, to bring lawsuits in federal court against unconsenting states.

OTHER KEY DECISIONS

The Court issued several other important decisions this term.

The Court decided several important cases relating to free speech. The Court struck down a provision of a 1992 federal law permitting cable television stations to ban indecent programming on public access channels. It also ruled that political parties could not be limited in the amount of money they spend on behalf of their candidates as long as the expenditures are independent and not coordinated with the candidate. In a third case the Court said independent government contractors could not be fired for failing to show political loyalty. In addition, the Court struck down laws in Rhode Island and other states that prohibited the advertising of beer and liquor prices.

In the area of criminal law, the Court upheld provisions of a new federal law setting strict limits on the ability of federal courts to hear appeals from state prison inmates who have previously filed a petition challenging the constitutionality of their conviction or sentence. The Court also held that the government may seize cars, houses and other property used for criminal activity even if the actual owner of the property did not know about the wrongdoing.

CONCLUSION

Conservatives now control the Court, and even the liberal-leaning Justices, including Clinton appointees Ruth Bader Ginsburg and Stephen Breyer, are much more pragmatic than the old left. They are moderate on economic issues and fairly liberal on social issues, but often side with the conservative majority in criminal law cases.

The ideological center of the Court has moved to the right over the last few years, but the conservative majority is fragile. Only three Justices—Scalia, Thomas and Rehnquist—are reliably conservative, and overall the conservatives hold a narrow 5–4 advantage. The replacement of a single Justice could make a significant difference in the dynamics of the Court.

SPEECH BY KIM SANG HYUN

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. DAVIS. Mr. Speaker, I believe that my colleagues would benefit from hearing the words of Kim Sang Hyun, Member of the National Assembly of the Republic of Korea, and I ask unanimous consent to have Kim Sang Hyun's speech at National Press Club on September 5, 1996, be entered into the RECORD.

BEYOND AUTHORITARIAN LEGACIES: NEW POLITICAL LEADERSHIP FOR KOREA

(By Kim Sang Hyunq, Member of the National Assembly, The Republic of Korea)

Good morning, ladies and gentlemen.

I would like to begin by telling you what a long way it took me to be here this morning to speak to you at this prestigious press club. It took ten years. It was back in 1986 when I was invited to have the honor of speaking before this forum. Korea was then under the military dictatorship of Chun Doo-hwan, and I was prohibited from leaving the country, as were many other democracy fighters, including my colleagues who have joined me here today. I would like to introduce them to you all in the audience: (would you all come forward here, please.)

From my left, Congressman Park Chung-Hoon. He was an able leader of student movement, and he was put into jail for four times for his courageous struggle for democratization. Congressman Chang Young-Dal, who spent 8 years in prison for the crime of fighting for democracy against military rule. The last but not the least in importance, Congressman Kim Chang Be, who was the leader of the citizens of Kwangju who bravely fought the troops of General Chun and General Roh during the massacre of 1980, and later was sentenced to death.

As for myself, I spent 4 years and 3 months in prison; I was put under house arrest on 73 occasions; I was physically tortured on three occasions; and I was banned from politics for 17 years. Throughout these hard years of my political and personal ordeal, under prosecution, repression and humiliation, I never lost my spirit or my sense of duty and honor to struggle for the cause of democracy for Korea and for the cause of an ultimate unification of our nation.

It was not until 1992 that I was set free politically to make my way back to the national legislature. Well, I am sorry we may sound like a bunch of ex-convicts. And I don't even remember what my charges were for which I was sent to jail. (Wait for a laughter.) (To the three members, "Thank you for coming out.")

Before we go into hard subjects, I want to introduce my wife. The life of the wife of an opposition politician in Korea was very difficult in those dark days. She persevered many difficult years because of me. Without her love and support, I would not have made it this far. The only good I have done for her is that I have chosen to stay married to her, now in our 38th year. But I had no other place to go anyway.

Ladies and gentlemen, I know this National Press Club, while dedicating itself to protection and promotion of the freedom of speech, has played an important role for human rights and democracy around the world. It is indeed my privilege to speak here on the topic of the need for new leadership for true democracy in Korea, and on the issue of national unification.

President Kim Young-sam's government was launched in 1993. However, the genesis of his government was a politically immoral merger of three parties under Roh Tae-woo in 1990. This brought an end to my political alliance with Kim Young-sam. Nevertheless, after he became President, I sincerely wished him to succeed in carrying out political reforms and completing the process of democratization for which we had fought together.

After more than three and a half years of his presidency, it is clear that he has failed to meet the expectation of the people for democratic reforms and a rebuilding of democratic institutions. In the view of many, including myself, Kim Young-sam has failed because of his role in the three-party merger and the complacency of supporters of authoritarian regimes who have resisted reform.

At the threshold of the 21st century, Korea calls for new political leadership to carry out genuine democratic reforms. Next year, 1997, we will have a presidential election, which I view as an opportunity to seek the kind of new leadership that can take the nation into the next millennium of civilization. If we fail to capture that opportunity, we would be pushed to the sidelines only to watch a continuation of the old practices of political division and internal bickering, instead of opening a new era of democracy and unification.

In every respect, the next year's presidential election is crucially important. It is crucially important because it offers an opportunity to realize a truly democratic transfer of power from the government party to the opposition party of a legitimate national and democratic tradition. It will be an opportunity for us to move forward to resolve the undesirable conflicts of regionalism and to narrow the unhealthy gaps between all socio-economic classes. We can then move forward to work for a settlement of peace on the Korean peninsula as a necessary step toward unification.

Ladies and gentlemen, I am preparing to run for the nomination of the presidential candidate of my party, the National Congress for New Politics. New politics today calls for new leadership. The era of coups, disrupting constitutional order or an era of authoritarian rule, suppressing democratic development, has ended.

We need a new leadership not to justify the means to an end, but to establish a tradition of respecting the process of democracy. We need a new leadership to bring about democracy within an organization as a model and to establish the rule of law as the basic instrument of governance. We need a new leadership that would not be content or remain complacent with past contributions to democratization or with the status quo of the division of the nation. A new leadership that can meet the challenge of an independent and peaceful unification. In the coming era of national unification, we need a national leader who can earn respect and trust from the 70 million Koreans of the North and the South.

By new leadership, I mean a political leadership of vision for a new world order, a statesmanship that can lead the nation harmoniously within and "the politics of co-prosperity" without into the 21st century and beyond. Korea needs a new political leader who sees politics not as a "zero-sum game" but as a process of building a consensus and maintaining a balance through discussion and negotiation.

If the 20th century was an age of conflict and confrontation, the 21st century should become a century of reconciliation and cooperation. If the Korean peninsula of the 20th century was the arena of competition in the balance of power between the East and the West, the 21st century Korea should be able to play the role of a bridge to cooperation and prosperity in the Asia Pacific region.

A new era of a new century needs a new, creative political leadership, and I seriously intend to provide that kind of leadership which our people deserve. To win the next year's presidential election and to realize a "horizontal transfer of power" for the first time in our history, we the main opposition party must develop the right strategy. I see three sides of the strategy:

First, a presidential candidate must be elected democratically by his or her party members in a national convention. To this end, I have insisted that my party's candidate be selected through a free and open competition at the next convention, not by acclamation for a particular individual. The democratic process of selecting our party candidate should result in a welcome festivity for all members of our party and the people of Korea. I firmly believe that free competition for the party's presidential candidate will reform the undemocratic practices of both government and opposition parties, which are currently controlled and led by equally authoritarian party heads. I believe free competition will provide a turning point for a mature democracy.

Second, we must bring an end to the chronic politics of regional hegemony, that has been a fact of life for decades. South Korea needs a successful presidential candidate who opposes against "rule by regional division," and who can bring about regional harmony between the east and the west of its land.

Third, we must unite all opposition forces into a grand coalition. The absence of solidarity within the opposition camp has been one of the primary causes for the opposition's failure in taking over the reigns of government. Not to make the same mistake, an opposition presidential candidate should be someone who is considered objectively best qualified in terms of political career and statesmanship. Only such candidate can bring opposition parties together and move forward to win the presidency. When I am elected as the candidate of my party next year, I promise that with a vision of high politics, I will unite my party with the Democratic Party, which is an important stream of our opposition, and with other democratic forces.

Now I want to share with you some of my perspectives on the issue of North-South relations and unification.

In this post-Cold War era, Korea remains the only divided nation in the world, and there is no reconciliation between the north and the south; therefore, no genuine peace on the peninsula. In my view, we should change our thinking into a new approach to the frustrating task of unification. For a new turning point, I have long thought of an approach to a peaceful unification on the basis of what I would call "the security and well-being of all Koreans" and with cooperation and support of the surrounding countries.

In the past, the issue of unification was exploited as a means of protecting the security of regimes by both leaders of the south and the north. Unification policy should be carried out to help build an all Korean national community towards security, peace and prosperity for all Koreans. The principle of "security and well-being for all Koreans" should replace the conflict of political interest. The principle of "an all Korean national community" should replace "the confrontation of political systems." Only then we can move forward to peaceful coexistence and common prosperity.

A unified Korea will have an expanded national economy to participate actively in world trade, playing a pivotal role in promotion of regional security and economic cooperation in Northeast Asia.

Having proven itself as a winner of a half-century long economic and political competition with North Korea, the confident South Korea should not be too hard on the North. In this context, a soft-landing makes a lot of sense. We should avoid implosion or explosion. We should take the initiative in inducing North Korea to reform and opening.

In order to secure a durable peace structure, I propose a two-track, parallel approach to negotiation with North Korea for a simultaneous successful conclusion of negotiations between the North and the South and between North Korea and the United States. A final peace agreement from such parallel negotiations should provide a nuclear transparency by North Korea.

As an interim move, and with the 4-party proposal pending, I propose that the U.S. president meet with the leaders of South Korea and North Korea in a third country outside the Korean peninsula to discuss and ultimately to sign a peace agreement.

With a peace mechanism for the peninsula, we can move forward to a "2+4 peace agreement" with the support of the United States, China, Japan and Russia, which will become the basis for a multi-lateral security cooperative system in the region.

Let me now focus on inter-Korean relations. To move closer to unification, agreements reached between the North and the South must be honored. We agreed on the July 4, 1972 joint statement on the principles of autonomy, peace and national unity, and signed the December 1991 Basic Agreement for reconciliation, non-aggression, exchanges and cooperation.

In the spirit of these agreements, we both North and South Korea should amend or abolish those laws and policies that impede progress towards the process of unification. Specifically, South Korea should replace "the national security law" with a "law for maintaining the democratic order." For the same token, North Korea must revise its criminal laws the constitution of the North Korean Workers Party. At the same time, practical measures of confidence building must be put into action so that both sides can move towards a mutual reduction of military arms.

If we start these measures, and if we can build on them for a further step towards unification, a peaceful unification will become a matter of time, not direction. Our approach to unification should neither be the German style of absorption nor the Vietnamese style of a military takeover by force. Ours should be a creative third style that we have not yet seen in the history of the world.

To this end, I announce my intention to meet with North Korea's virtual leader Kim Jong Il at Panmunjom or at a place to be agreed on after I become my party's presidential candidate. I am confident that we can reach a constructive agreement on an incremental but substantive modality of negotiations and progress towards "security and prosperity for all Koreans."

Because of geopolitics, Korea in the 20th century became a battlefield of power struggle and ideological conflict, but in the 21st century a unified Korea, because of the same geopolitical reason, is expected to play the role of a balancer in power relationship and an important contributor to regional cooperation and world peace.

Next I want to discuss the environmental issues. I have always had a special interest in environment. It seems to me many governments still do not deal with environmental protection as an urgent priority issue. I am particularly concerned about the deteriorating state of environment in Northeast Asia. Unless we do something more about it, it will only become worse.

This remarkable economic growth of South Korea, the failure of North Korea's socialist economic system, the rapid industrialization and a huge amount of energy consumption by China all are the culprits contributing to the pollution of environment in East Asia. To discuss these common problems, I am planning to hold a conference to which North Korea, China, Japan, Mongolia, Taiwan, and Russia will also be invited. In this conjunction, I also propose that an Asian environmental summit be held to find better ways to promote cooperation on environmental issues.

Finally, I would like to discuss my views on how we can develop a healthier relationship between the United States and Korea. There is no doubt that many Koreans remain appreciative of many constructive roles that the United States has played in the security and economic growth of their country in modern history. The people of Korea, along with those of the international community, believe that the United States, the only remaining superpower in this post-Cold War era, should play a leading role in the establishment of a new world order based upon a principle of mutual reciprocity.

At the same time, we want to see U.S. policy for Korea become more supportive of Korean unification. It should not in anyway contribute to the perpetuation of the divided Korea.

For the bilateral economic relations, I support Korea's market opening, but I oppose unfair pressure from the United States on the process of market opening.

Before I conclude, I want to say again, "an era of confrontation and conflict is gone." In the new era of political negotiation and democratic compromise, the old political strategy of "all or nothing" will not work. I would not be shy to say that I am the one who can lead Korea towards a better nation in the next century, with a kind of new leadership of vision, open-mindedness, balance and creativity.

I want to create a new political culture of dialogue, through which the nation can build a non-partisan consensus on important national issues. I will pursue a democratic compromise rather than trying to impose a unilateral view of one party or one group on the people.

I also want to mention that Korea's political achievement owes a lot to many supporters from several countries, and particularly from America. I want to lead Korea, and under my leadership, Korea will pay back its debts to many friends of democracy and human rights.

Thank you very much.

CONGRATULATING THE MIDWAY, TX, ALL-STARS BOYS BASEBALL TEAM FOR WINNING THE STATE CHAMPIONSHIP

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. EDWARDS. Mr. Speaker, today I congratulate the Midway, TX, 10-year-old All-Stars Boys Baseball Team for an unbelievable comeback on the road to clinching the Texas State Championship.

The 12 young men on this team showed a winning attitude in late July when they were one game away from elimination in the Texas State tournament. The All-Stars lost the first game of the championship and were faced with a difficult situation: win every single game or be eliminated from the tournament.

The Midway All-Stars rose to the challenge. The team battled back to win four straight games, one of which went into extra innings. In the final championship game, the Midway All-Stars won 3–1 to bring home the State championship.

Everyone of these young men showed a can-do, never quit attitude. Even when they were faced with a nearly impossible situation, they showed pride, diligence, and dedication. They played as a team and won as a team.

Members of this championship squad include Tyler Andersen, Scott Boyd, Brady Conine, Craig Cunningham, Stephen Davis, Charlie Hicks, Jake Lee, Alberto Lopez, Ryan Lormand, Brandon Maddux, Jake Reichenstein, and Matt Reinke.

Thanks also go the Manager Brad Davis and Coach Butch Maddux for their work leading these young men.

I ask members to join me in congratulating this championship team and their coaches for this outstanding athletic accomplishment.

MERCY HEALTHCARE CELEBRATES 100 YEARS OF SERVICE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. MATSUI. Mr. Speaker, I rise today to recognize one of northern California's greatest medical resources, Mercy Healthcare, on the occasion of its 100th year of hospital service to this area.

The Sisters of Mercy began making their mark on this area some 140 years ago when they traveled from San Francisco to Sacramento, then an emerging Gold Rush town. Once here, they compassionately administered to the poor and the orphaned, offering basic necessities such as food, clothing and shelter.

Recognizing a greater need for health care, the Sisters quickly embarked on an endeavor to build an institution which would care for the medical needs of the people of Sacramento. Their dream was realized in 1896, when they opened the city's first private hospital.

In 1897, shortly after they opened Mater Misericordiae Hospital, the Sisters started a training school for nurses. Over the next half century, the Mercy College of Nursing would train more than 600 nurses, including many young women who traveled overseas to care for the injured and dying victims of both World Wars.

Less than 30 years after it opened, the hospital was closed and a new, more modern one took its place. The new hospital opened to the public on February 11, 1925. For the next 42 years, it would serve as the Sisters' only Sacramento area hospital, and the focal point for their evolving healthcare ministry.

Throughout this period, Mercy General would provide many firsts in the local medical community. In 1953, the hospital campus celebrated the opening of Sacramento Valley's first hospital dedicated solely to the care of children, the 40-bed Mercy Children's Hospital. A year later, the hospital dedicated the J.L.R. Marsh Memorial Wing to care for children crippled during the polio epidemic, as well as adults injured in industrial accidents. In 1959, the hospital opened Sacramento's first intensive care unit; in 1964, Mercy installed one of the west coast's first electronic data processing systems for accounting; and in 1968, they dedicated a special unit to provide care for heart patients. Today, Mercy General's tradition of quality continues, hosting one of the Nation's best cardiac surgery programs and a renowned stroke program.

As the region's healthcare needs changed and grew over the years, the Sisters were always poised to respond. Since the opening of their first hospital, Mercy has expanded its service to a number of communities in northern California. In addition to Mercy Healthcare Sacramento, there are now hospitals in Redding, Folsom, and Carmichael. In addition, the Sisters spread their health ministry south in 1993 with an affiliation between Methodist Hospital and Mercy Healthcare Sacramento, the organization that today carries out the Sisters' health ministry. Another affiliation between Mercy and Sierra Nevada Memorial Hospital in Grass Valley was completed in 1995.

Guided by the Sisters' values and compassion for serving those in need, Mercy Healthcare Sacramento is preparing to enter its second century of health ministry to the people of northern California. Mr. Speaker, I ask my colleagues to join me in saluting the tremendous service the Sisters of Mercy have provided this region during the past century, and in wishing them many years of continued growth and success.

REPORT FROM INDIANA—DALE ANDERSON

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. McINTOSH. Mr. Speaker, I'd like to include in the RECORD a very special letter that a constituent sent to me.

The letter was sent by Dale Anderson from Shelbyville, IN. Mr. Anderson wrote about the memory of his late wife, Carla Anderson. He describes Carla's hope of a bright future for our country.

And I would like to share his letter for our friends and colleagues.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. GINGRICH: I am writing this letter in memory of my wife, Carla. Unfortunately, she passed away on November 15, 1995. She was one of your greatest supporters and in favor of all your legislative agenda.

It was her hope and dream to see this country given back to the people, to protect our children and grandchildren from the grips of the liberal party of this nation. If everyone was as strong in their conviction to be a conservative Republican as she was, our country would be in better shape today. She wouldn't want the conservative lawmakers to back down on any of their legislative agenda or your contract with America.

We were on a $900.00-a-month Social Security.

She has your picture hanging above our telephone in the dining room and she was very proud of it. If all the Republicans in this country were as strong in their convictions to get this nation back on its feet as she was, you'd have no trouble passing your legislative agenda.

It would be a great honor to her if you would read this letter on the house floor with all members present. We live in the Second Congressional District of Indiana with the Honorable David McIntosh serving as our representative.

KASSEBAUM-KENNEDY PORTABILITY FOR MEDIGAP INSURANCE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, a few weeks ago, the Congress passed and President Clinton signed into law Federal guarantees that workers with health insurance cannot be denied coverage when changing or leaving jobs because of a preexisting condition. This is an important first step to improving access to health care for those who play by the rules and pay their premiums.

We owe the same guarantees to our senior and disabled constituents, and so today we are introducing a targeted portability bill for Medigap insurance.

People on Medicare who have a Medigap plan, or are in an HMO or Medicare Select plan should be able to purchase the same level of coverage without regard to a preexisting condition when they move out of the service area or if the insurer goes out of business.

Seniors and the disabled who want to try a managed care plan or a Medicare Select policy should have the peace of mind that they can return to their Medigap plan if they change their mind during the first year of their enrollment and have not tried these choices before.

As employers grapple with rising health care costs, their valued retirees should not be left out in the cold if their health plan coverage is terminated.

And very importantly, disabled individuals around the country should have the access to all Medigap choices that Medicare enrollees who are fortunate enough to live in Connecticut have, where we were smart enough to guarantee this access.

Proposals have been made to do more—just as have been made for health insurance reform.

My colleagues in the House and Senate who join me today in this initiative began this process with me last year when Senator CHAFEE and I helped make available nationwide the Medicare Select option which helps seniors save money on their Medigap insurance by using a network of participating providers. During that debate, worthwhile proposals to improve Medigap equity were made, and I am pleased that this bill moves this debate forward.

Like Kassebaum-Kennedy, our Medigap portability proposal is a first step to create fairness for people on Medicare who play by the rules to cover the costs Medicare does not.

H.R. 4047

MEDIGAP AMENDMENTS OF 1996

Insurers must guarantee issue Medigap insurance—with no preexisting condition limitations—to Medicare beneficiaries provided:

They have had continuous coverage (no break in coverage longer than 2 months/63 days); and

The policy in which they wish to enroll has a comparable or less generous benefits package.

This portability protection would apply to the following Medicare beneficiaries:

Individuals enrolled in a Medicare HMMO or Medicare Select plan and who move outside the plan service area, or if the plan goes out of business or withdraws from the market;

Individuals with Medigap policies who move to a state where their carrier is not licensed to do business, or whose carrier withdraws from the market;

Individuals with retiree health plans providing benefits supplemental to Medicare and whose employer terminates or substantially reduces plan benefits; and

Individuals enrolled in a Medicare HMO or Medicare Select plan who, during their first 12 months of enrollment in either plan type, choose to return to Medicare fee-for-service. In these situations, the following may apply:

Medicare beneficiaries will have a one-time option to try both a Medicare HMO and a Medicare Select plan.

Individuals electing HMO or Select coverage when first eligible for full Medicare benefits have up to 12 months to change their minds. During the first 6 months of their Medicare eligibility, they retain their current law ability to enroll in any Medigap plan without regard to preexisting conditions. Between 7 and 12 months, they will be able to obtain coverage comparable to the benefits offered by the plan in which they have been enrolled.

Individuals with coverage from a Medicare HMO or retiree health plan often have supplemental benefits which do not neatly fit one of the standard Medigap "A through J" policy definitions. In these cases, the state insurance commissioner will evaluate the plan to determine the most equivalent Medigap policy into which the individual could transfer.

Insurers may impose no preexisting condition limitation during the initial six-month enrollment period after a beneficiary first becomes eligible for Medicare.

All Medigap plan choices will be guaranteed for the Medicare disabled. Anyone will be able to enroll in a Medigap plan of their choosing without discrimination during the first six months of their eligibility for Medicare benefits, regardless of age. Current Medicare disabled beneficiaries will have a one-time open enrollment period to guarantee their access to all Medigap plan options.

Private organizations will be able to prepare consumer education and information materials through HHS grants funded by an assessment on Medigap insurers and managed care organizations. Information would be made available to Medicare beneficiaries and their families about the Medicare HMOs, Medicare Select policies, and Medigap insurance offered in their areas. Materials would include a comparison of benefits, cost, quality, and performance and the results of consumer satisfaction surveys of each plan.

TRIBUTE TO REV. DAVID A. MUELLER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, Rev. David Mueller has devoted the past 32 years of his life to parish ministry, including 15 years of service at Concordia Lutheran Church in south Dade County.

This Sunday, September 15, Reverend Mueller will retire from his full-time parish ministry and this will be marked by a special service at Concordia. Along with his wife Cassie, his children, Paul and Becky, and his brother and sister, the congregation will be joined by his former classmate Rev. Ronald Schuette in recognizing Reverend Mueller's contributions.

Reverend Mueller has provided leadership based on faith and compassion throughout the past three decades. He has served as a chaplain to the men and women of three branches of our armed services, the Navy, Marine Corps, and Coast Guard. He ministered to our troops in Vietnam, where he was present during the Tet offensive, and later to those who serve in the U.S. Coast Guard. As a reservist, Reverend Mueller pioneered the circuit-riding ministry with the 7th District Coast Guard cutters and was awarded the Coast Guard Achievement Medal in 1989 for this work. The Lutheran Church also recognized his work with the Bronze Saint Martin of Tours Medal.

South Florida has been the primary beneficiary of Reverend Mueller's labors. His first assignment, following graduation from Concordia Seminary in 1964, was to develop congregations in the Florida Keys. After serving as an active-duty chaplain, he returned to south Florida in 1975 as pastor of Concordia in Kendall.

Reverend Mueller has also been active in the field of human care ministry. In addition to his theological education, he was awarded a master's degree in counseling from the University of Miami. Reverend Mueller has served as director of Christian counseling for the Christian Community Service Agency in Miami.

He has lent his background and leadership to a number of community efforts, including the Lutheran Disaster Response which worked to ease the suffering inflicted by Hurricane Andrew.

As he lays down the burdens of full-time parish ministry, Reverend Mueller will now devote himself to pastoral counseling, as well as temporarily serving as a vacancy pastor at Mount Olive Lutheran Church and School in Perrine. While all the members of his congregation will miss him, the example he has set will continue to be felt in the years to come. Reverend Mueller can look back over his years of work and say, in the words of Saint Paul, "I have fought the good fight, I have finished my course, I have kept the faith."

THE CLUSTER RULE FOR THE PULP AND PAPER INDUSTRY

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. HAYES. Mr. Speaker, since it was first proposed in 1993, I have been one of the most outspoken critics of the Environmental Protection Agency [EPA] effort to institute comprehensive regulations of air emission and water effluent limitations for the pulp and paper industry.

The Clean Air Act of 1990 mandates the EPA set standards based upon maximum achievable control technology [MACT] for new and existing standards for 189 hazardous pollutants listed in the act. Similarly, the Clean Water Act authorizes the EPA to regularly amend effluent requirements that establish restrictions on the types and volume of pollutants that industrial facilities may discharge. Subsequently, in October 1993, EPA promulgated rules specifically designed to combine or cluster these requirements with respect to regulating the pulp and paper industry. This so-called cluster rule has become a prime example of how Federal regulators lose sight of the big picture and waste taxpayers dollars by working against the regulated community instead of with it to protect the environment.

Since agreeing to analyze industry collected data, the process has accelerated and run much more smoothly and unobtrusively. Yet, EPA is at it again by offering two possible best available technology [BAT] alternatives that their own data indicates are almost $1 billion apart for virtually identical environmental benefit. Substantial further investments in capital improvements without accounting for industry input will further jeopardize workers and their families for negligible environmental gain.

The substitution of chlorine dioxide for chlorine or Option A is already voluntarily being implemented across the country to enhance environmental effectiveness and is supported by both employers and employees throughout the pulp and paper industry. Although never a consequential source of dioxins, since 1985, the industry has decreased the amount of dioxins generated by almost 90 percent. The more costly options B could end up costing pulp, paper, and forestry operations in Louisiana alone an estimated $133 million more than option A.

The pulp, paper, and forestry industry is the second largest manufacturing sector in Louisiana. The industry employs nearly 27,000 workers earning almost $900 million.

Common sense, therefore, dictates that an industry that is this important to the past, present, and certainly the future economic good fortune of our State and its citizens merits praise, not punishment. The industry has been progressive in its commitment to the stewardship of our natural resources in Louisiana. Option A along with the appropriate voluntary incentive program will afford the pulp, paper, and forestry industry, employers and workers alike, the opportunity to better contribute to Louisiana's economy, provide for their families, and protect our environment. After all, in Louisiana, our marshes, our rivers, and our bayous as well as our great wilderness and the wildlife that resides there are not only a recreational delight but an economic necessity.

With all this in mind, I urge EPA to break from its inherent institutional culture and institute option A.

TRIBUTE TO THE NORTHPORT VETERANS AFFAIRS MEDICAL CENTER AND THE NASSAU/SUFFOLK CHAPTER OF AMERICAN EX-PRISONERS OF WAR IN HONOR OF THE 1996 POW/MIA RECOGNITION DAY CEREMONY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Northport Veterans Affairs Medical Center and the Nassau/Suffolk County Chapter of American Ex-Prisoners of War, in honor of the 1996 POW/MIA Recognition Day ceremony they are sponsoring on Monday, September 16, in Northport, Long Island, NY.

Joining Commander Martin Andrews of the Nassau/Suffolk Chapter of American Ex-Prisoners of War and Director E.M. Travers, M.D. of the Northport Veterans Affairs Medical Center will be former prisoners of war, who will share their own personal accounts of their time in captivity.

I strongly believe the Federal Government has a sacred responsibility to determine, to the fullest extent possible, the fate of our missing military personnel and to share that information with their family. That's why we must provide due process for those who are desperately seeking the true fate of their loved ones and establish accountability measures for all American military service personnel who become missing in action or prisoners of war.

As a former prisoner of war, Commander Andrews knows firsthand the personal pain and suffering of being imprisoned by a wartime foe. That's why he and his wife volunteer at the Northport VA Medical Center's VIP (Very Important Patient/Persons) Customer Service Enhancement Program, to give something back to these true American patriots. The VIP Program recognizes valuable employees and volunteers as ambassadors who are committed to improving service to our veterans.

VA–VIP ambassadors greet visitors, answer questions about the medical center, provide directions and assistance to those needing help getting from their car, and provide care and courtesy to all visitors. This is the kind of program our brave service men and women have earned the right to expect and deserve.

As we gather together on September 16 to pay the highest honor and tribute to ex-prisoners of war like Arnold Bocksel, who will be on hand to give his own personal reflections of his time in captivity, I call upon my fellow Members of Congress to join me in expressing personal heartfelt thanks and gratitude for their outstanding service to our country.

Thank you Commander Andrews, Senior Vice Commander Thomas McGee, Junior Vice Commander Raymond Ives, and all members of the Nassau/Suffolk Chapter of American Ex-Prisoners of War, we are all glad to have you back.

FOREIGN MINISTER JOHN CHANG OF THE REPUBLIC OF CHINA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. CLINGER. Mr. Speaker, President Lee Teng-hui of the Republic of China appointed Mr. John H. Chang as his new Foreign Minister in June 1996. Educated at Georgetown University, Minister Chang served previously as the Republic of China's political Vice Minister of Foreign Affairs and most recently as Minister of Overseas Chinese Affairs. At age 55, Minister Chang is a distinguished career diplomat and will certainly strengthen the ongoing relations between his country and ours.

Minister Chang came from a very deprived childhood. He and his twin brother, Winston H. (Hsiao-tz'u) Chang, were raised by their maternal grandmother and uncle. Overcoming their extreme poverty and lack of parental attention, the brothers struggled, worked hard and rose to positions of prominence: John H. (Hsiao-yen) is now the Foreign Minister and Winston H. (Hsiao-tz'u) was the president of Soochow University before succumbing to heart ailments last year.

In a moving chronicle, "Days of Shelled Peanuts," the late Dr. Winston H. Chang detailed the hardships he and his brother endured during those years of deprivation. I ask that the chronicle be printed in the RECORD for the reference of students of contemporary Chinese history.

DAYS OF SHELLED PEANUTS

(By Winston Hsiao-tz'u Chang)

My twin brother Hsiao-yen and I were born in Kweiling, Kwangsi province, in 1941. Soon after our birth, our maternal (hereafter, Grandmother) took us to her home in Kiangsi province. In 1949 Grandmother and our maternal uncle (hereafter, Uncle) moved us to Hsinchu, Taiwan where they raised us.

When our mother died, Hsiao-yen and I were infants. We have no memory of our mother. But Grandmother described her as a loving daughter who wrote a good script. Grandmother said our mother was pretty, elegant, decisive and competent. I later found some information about Mother, along with pictures of her. I learned that soon after high school she volunteered in the War of Resistance against Japan by joining the Youth Corps. During her training in the Youth Corps, she worked as hard as any man. Mother was not reticent; she was resolute and ready to take on any assignment. Mother was considered a modern woman with new ideas.

My maternal grandfather (hereafter Grandfather), who lived in Nanchang, was quite wealthy. I left his Nanchang home when I was six years old. I remember Grandfather's home as being very big. It had a very imposing main door with two huge brass door rings. A pair of stone lions guarded each side of the main door. A large courtyard was enclosed on four sides by two-story buildings. It was an impressive compound. Grandfather was a typical scholar. He recited poetry, composed literary couplets, read classics, and practiced calligraphy. As a young man he had passed a number of examinations, including the village examination, the county examination and the provincial examination. Local people honored him with the title of "Mini Triple Crown." He was born too late to have taken the national examination; when he was of age, the national examination was no longer given. Yet he was so erudite that he would have passed the national examination with top honors if he had taken it. Grandmother, on the other hand, was a kind woman with a firm and perservering personality. Despite her love for us, she never wavered from her strict principles of child rearing.

The 1940's in China were a period of upheaval. The family elders deliberated much about whether the family should leave China. Grandfather did not want to leave behind his vast fortune, including land and property, or the children. But Grandmother and Uncle finally decided to take Hsiao-yen and me to Taiwan.

Grandmother took some cash and jewelry with her to Taiwan. Believing that her stay in Taiwan would be brief, she did not take much money with her. What she brought with her was enough to support her family for a short time. But it soon became difficult to meet living expenses. Because everyone in Taiwan was poor, everyone's living standards were about the same. So our family's financial condition was not exceptional. Even though we had little we didn't feel any pain.

To make a living, Uncle made bread buns at home which he sold in the market. Later, he sold various small items, such as fountain pens, socks, and plastic bags. I went with him everywhere. I quickly understood that without Uncle's hard work, we would have trouble making ends meet.

We were so poor that we could not afford to buy shoes, so Grandmother made cloth shoes for us. My brother and I were usually barefoot when we went to school. All of our schoolmates were barefoot too, so no one had anything to complain about. Furthermore, not wearing shoes helped us run fast. We loved playing. We didn't care how hot or how cold the ground was. When we had to wear shoes on more formal occasions, we felt uncomfortable.

We dressed in our khaki school uniforms most of the time. Pencils and paper were used very sparingly. Buying a new pencil was a special occasion. A fountain pen was considered a fantastic luxury item. At the time I most admired those children who had bicycles; these children seemed to have the most fun. I wanted to borrow their bicycles to see if I could ride one.

Our home was very modest. It didn't even have a bathroom. At the time Uncle was peddling soap so we used a few wooden soapbar crates to partition a small corner of the kitchen, which we converted into a bathroom. To take a bath in winter we boiled water in a kettle, poured the hot water into a wooden tub and mixed it with cold water. Later, the wooden tub was replaced by a thicker aluminum basin. We used a homemade soap to bathe ourselves. That was a good snapshot of how we lived.

Sometimes we were so poor that we could not afford to buy rice. We had previously charged our rice and not paid our bill on time, so the rice vendor would not extend us any further credit. Then Uncle used flour, which was cheaper than rice, to make bread buns, which was many times all we ate. Sometimes Uncle would serve vegetables mixed with flour balls. When we could not afford flour, we ate peanuts. When we came home from school, if we saw Uncle kneading dough we knew we would be eating bread buns. But if we saw a big bundle wrapped in a newspaper, we knew we would be having peanuts for supper. We would first shell the cooked peanuts one by one and then eat them. Sometimes we ate peanuts for several days. But I am glad to have lived through those early days of deprivation. They helped build my character from an early age. I had no doubt that life is a struggle.

We had two bamboo beds in our house. Grandmother used the small one while Hsien-yen and I shared the big one. We pinched and poked each other every night until we reached senior high school. Those days gave me fondest memories of childhood.

I attended the Tungmen Primary School in Hsinshu. Most of my classmates were Taiwanese, so I learned to speak Taiwanese fluently. When I was in junior high school, Ms. Lu Hua-hsien was a mathematics teacher at a Chungli high school. A friend of the family, she suggested that my brother and I stay with her so she could help us build a good foundation in mathematics. So during three years of junior high school my brother and I lived with this Hakka lady and became very proficient in the Hakka dialect.

Grandmother and Uncle loved us totally, but they never spoiled us. They were very strict regarding our studies and manners. They had rules on grooming, dressing, eating properly and greeting elders appropriately. But I was certainly not a perfect child. I detested going to a tutor for supplementary lessons. As soon as I got to the tutor's home, I would quickly sneak out and go to a movie theater. Upon spotting an unsuspecting paying patron entering the theater, I would sneak in with him without paying. When the movie was over, Grandmother and Uncle would be waiting for me outside of the theater. They knew where I was. When they caught me, I had to kneel on the ground for punishment. After that, Grandmother would patiently explain why such harsh punishment was necessary.

Despite the strict discipline at home, I could not understand why I had to study hard. My casual attitude towards studying continued even during my junior high school years. Most of my classmates were from farming families. By our standards, they were extremely unruly. We would finish eating our lunch by ten o'clock. Then during the noon recess, we engaged in many activities. We filled our empty lunch boxes with shrimp and worms we caught in the fields. We then built a fire and feasted on what we had caught. In the summer I would go swimming in the river with my classmates. I really enjoyed the outdoor activities.

Although I played a lot with my friends, I kept up with my schoolwork because Grandmother and Uncle made sure I did not neglect my homework. During our junior high school days, Uncle made Hsiao-yen and me copy our Chinese and English lessons after school. Otherwise he would not give us any pocket money. Uncle believed that even if we didn't learn anything, at least copying the lessons once every day would help us remember something. In addition, we would learn good penmanship. Yet, in primary and junior high schools I never studied on my own initiative. However, seeds for learning were planted early in life; they began to sprout when I was in senior high school. I suddenly understood how to study on my own. I tasted the joy of learning.

Hsiao-yen and I attended Soochow University, but my family's financial condition was not any better at that time. A private school, Soochow charged high tuition. In addition to tuition, there were the living expenses. We never had enough money. We took our meals at a small eatery, but we could never pay our board on time every month. The man running the eatery was very nice. Even if we were behind in payments, he didn't force us to pay and continued to let us eat our meals there. He had an ingenious strategy. He hung a blackboard in his eatery and underneath everyone's name was a Chinese ideogram composed of five strokes. For each day that we didn't pay for our meal, he would add a stroke to the ideogram. He would later erase strokes, depending on how much we paid. Every month, Hsiao-yen's and my name would go on the blackboard, sometimes accumulating more than ten strokes. We could not pay until we received money from our uncle in Hsinchu.

We had the same problem with our rent. We lived in a very tiny room with a bathroom right outside our room. We chose that room because it was cheap. When we failed to pay the rent, the landlord would embarrass us by raising his voice so that others could hear him. My brother and I had no choice but to swallow our pride and continue to live there. As for tuition, we had more than once asked Mr. Shen Ping to be our guarantor. He would take us to see the president of the University, praising Hsiao-yen and me as good students and asking that we be allowed to enroll before paying tuition since we didn't always have the tuition money on time. He also wrote a guarantee, pledging to pay our debts if we didn't. Through these delaying tactics, we were able to finish our college.

From a very early period, Grandfather taught my brother and me to recite poetry, and Uncle taught us classical Chinese. Because of these early lessons we had an interest in Chinese studies. After entering

Soochow University, I enjoyed my Chinese studies classes very much—like a fish taking to water. But during my freshman year, a law suit against my uncle determined my career choice.

That trouble started with my uncle. He had borrowed money from someone and did not pay it back. But the lender didn't start any legal actions against my uncle; someone else went to the court and asked the court to seize our house. Uncle became very upset and he felt he was not being fairly treated. It was true that he owed someone money, but he felt it would be more appropriate for the lender to sue him instead of a third party. After the lawsuit was filed, Uncle had no idea about how to respond. He tried to study the law books of the Republic of China. It was all to no avail. He couldn't prevent his house from being seized.

Uncle's trouble devastated me. I thought that if I were a law student, I would know how to help my family. At the very least, I would be able to write petitions and to comprehend the legal procedures. Perhaps our legal rights would have been preserved and our house might not have been seized. After witnessing my uncle's misfortune, I made a quiet decision that I would switch from Chinese studies and study law.

The first year, there were many candidates for the law program. Only one space was available that year, but I placed second in a competitive examination. So I didn't get into the law program and felt very bad. The following year, there was no space at all. The third year I still wanted to switch to law, but a teacher told me that since I already had two years of Chinese studies, I would have wasted a lot of time because I would have to start from the beginning again. He advised me to finish my degree in Chinese studies first. If I switched to law after that, I would have a solid foundation in Chinese language training and would be a better lawyer because of my language skills. He also told me about a few well-known attorneys who were Chinese majors first before they studied law. The teacher suggested that I follow that route.

He convinced me to wait. I finished my degree in Chinese studies, served in the Army, and then returned to Soochow University as a sophomore majoring in law. The law program at Soochow takes five years to complete, so I spent a total of eight years, earning two bachelors' degrees from Soochow University.

Because I had tasted the joy of learning, I was a better law student than most. Right before an examination, my classmates would often ask me to help them review our course of study. Because of this type of prepping fellow classmates, I gained a very good understanding of law.

After Soochow University, I traveled to the U.S. for graduate studies. First I received my Master's degree in political science from the Southern Methodist University in Texas. Later I received my L.L.M. and J.D. degrees from Tulane University in New Orleans, Louisiana. When I returned to Taiwan in 1978, I was thirty-four years old. I was very glad that I had completed my studies by the age of 35—in accordance with the timetable I had set up for myself.

I have always maintained that you have to be very serious about your studies before you can reap any rewards. Your determination decides what you will achieve. Regardless of what stage or level of learning you pursue, you must always be enthusiastic about learning and you must never stop gaining knowledge. When I studied in the U.S., I totally immersed myself in my studies. Nothing distracted me. For example, my classnotes were sometimes sloppy because I had taken them very quickly. After I returned home, I listened to the tapes I had made of the class and recopied all of my classnotes so I would have very neat notes to review later. Only after such painstaking work was I able to identify the issues I needed to focus on as well as grasp the professor's main points. Later when I became a teacher, I shared my learning experiences with my students.

I was in the United States for six years. In order to earn money for tuition I worked every summer. The first summer, a friend of an American roommate gave me a ride every day to a construction site. I helped lay foundations for houses. American houses are very simple to construct. My fellow workers and I would dig a hole in the ground, set up steel rods and pour cement. The rest would be taken care of by a different crew. So our foundation crew moved rapidly from job site to job site. The Texas sun is very hot, and I perspired profusely. The first day after work, my fingers were bruised and bleeding so I had to wrap them in bandages. The following day I wore gloves. A few days later, I wore out my gloves. For the entire summer, I worked with my hands, laying crude steel rods and pouring cement. I earned only three dollars an hour. But it was good money then, and I didn't mind all the hard work.

I also worked as a waiter. I started out as a busboy; my job was to help waiters move tables, to clear tables for waiters, and to take the dirty dishes to the kitchen.

Besides construction work and waiting on tables, I also worked as a security guard at a beer factory and at a bank. Wearing a tight-fitting uniform and carrying a gun, I made my rounds every hour. The rest of the time was essentially mine. It was easy work and the job was ideal for me. I had plenty of time to study. That summer, I had enough spare time to translate a law book into Chinese.

Grandmother is the most important person in my life. Hard times in Taitung did not overcome her. She always told us that poverty would never crush anyone and that everyone must have pride and ambition. She never mentioned our father. When we were kids, we would ask her about him. She assured us that our father was an upright and courageous man—a very good man. Our thoughtful and loving grandmother enabled us to have a normal childhood and taught us to be resourceful and respectful.

When I was in the last year of senior high school, Grandmother was already in poor health. She still got up early every morning to do some light housework such as dusting tables and chairs. She patiently welcomed each new day. Then one morning it was eerily quiet. I did not hear her comforting activity. When I rushed to her bedside, she had already died in her sleep.

Grandmother has passed on. I will never forget what she taught me. She instilled a typical Chinese attitude that has deeply permeated my life. Grandmother has enabled Hsiao-yen and me to live normal productive lives despite all the speculation about our parents. Grandmother gave Hsiao-yen and me the support to live our lives with dignity and pride.

Ten years ago when I finished my studies in the U.S., Soochow University happened to have a teaching position available. So I returned to my alma mater to start a career in academia. I have always been attracted to law. I have always believed that for a country to thrive, it must have its own body of law. For example, if the United States did not have a strong legal system and Constitution, all of its material goods and scientific progress would not be enough to sustain its social cohesiveness. Here in Taiwan we must head in a similar direction. It does not matter what career a person has chosen—whether education, academic studies, administration or any other field—he too can serve both his society and country and find meaning in life if he is totally dedicated and selfless. Even though not all of us will be successful in all we do, as long as we do our best in our chosen field, we will be completely fulfilling our mission in life. This is my attitude towards life. This is what I expect of myself. This is what I pledge to myself for now and the future.

A TRIBUTE TO JOSEPHINE PIRACCI

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. SOLOMON. Mr. Speaker, every now and then in my position as a Congressman, I have the privilege of honoring those people out there whose performance day in and day out improves the quality of life for an entire neighborhood or school or community. I call these people our silent heros. That's because they do their job without remiss and all too often without the accolades they deserve.

Mr. Speaker, I'd like to bring your attention to one such hero today, Ms. Josephine Piracci of Clifton Park, NY in my congressional district. Josephine has been a faithful employee of the Shenendehowa Public Library for 20 years now and has done more than her share in making the Clifton Park and Halfmoon area of New York a great place to live and raise a family.

I say that because what could be more critical to any community and especially its young people, than a library. And there's something even more special about a public library that just seems so American. I think it's that it embodies the free exchange of ideas and intellectual freedom that has allowed this country to thrive and has been the beacon drawing millions from distant lands throughout our history.

Now, how does Ms. Piracci fit into all this? Easy. For 20 years now, she has played an active role in helping others to expand their minds, be it a child forming their first sentences, or a businessowner researching the latest trends and technologies that might allow their business to expand and put someone else to work.

Josephine made this type of impact right from the beginning starting part-time as a children's librarian. And she didn't stop there, Mr. Speaker. Jo, as her friends and colleagues know her, went on to become director of the library by 1985 and has remained so ever since. During her tenure, she presided over the largest expansion in the history of the Shenendehowa Library. In fact, the library grew four times its size, from 4,500 square feet to 18,000 square feet.

As you know, Mr. Speaker, organizing and directing such a rapid and enormous change can be both exhilarating and frustrating. But Jo had a vision of a facility that would better serve all aspects of her community and the persistence to carry it through. Now that's what it takes to get the job done.

Mr. Speaker, I have always been one to judge people based on what they return to their community. By that measure, Josephine Piracci is a truly great American. I ask you, Mr. Speaker, and all Members of the House to rise with me now in tribute to her and her outstanding record of public service. She has certainly earned it.

AVIATION CADET ANNIVERSARY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mr. DORNAN. Mr. Speaker, October 11, 1996 will mark the 35th anniversary of the last person to graduate from the U.S. Air Force's Aviation Cadet Program. I graduated as an aviation cadet myself at the start of my military service in the Air Force. The Aviation Cadet Program actually started in 1917 and almost all rated officers in the Signal Corps, Army Air Corps, Army Air Forces, and U.S. Air Force were trained under this program.

The pilots were called flying cadets for the first 24 years of the program and the name was changed to aviation cadets on June 24, 1991. Cadet alumni are honorably advancing the cause of having the U.S. Postal Service issue a postage stamp commemorating the achievements of aviation cadets. I am proud of my experience as a cadet and of my service to our great Nation. I believe it would be a fitting tribute for aviation cadets to be recognized and honored for their service by the Postal Service.

IN HONOR OF THE CHAIRS OF THE WOMEN'S CAMPAIGN OF THE UJA-FEDERATION OF NEW YORK

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1996

Mrs. LOWEY. Mr. Speaker, tonight, the UJA-Federation of New York will honor the 56 women who have chaired the Women's Campaign since 1934. These women of vision dedicated themselves to the UJA-Federation's mission of safeguarding and caring for the Jewish community throughout the world. They understood the importance of the United States-Israel relationship, and worked tirelessly to bring together Jews in Israel and the diaspora. We can all take pride in the contributions these women made to the well-being of the Jewish people.

What is striking about these women is both the depth and breadth of their commitment to the Jewish community. Through their outstanding efforts with the UJA-Federation, they left their mark on New York, on the Nation, on Israel and on the world. These women were truly leaders.

Many of these women fought for education and for the arts, for human rights and for religious freedom, raising funds for a local and overseas network of health and human service organizations. In the 1930's and 1940's, these women led the fight to bring European Jews to safety in America. They were at the forefront of efforts to establish and then secure the independent Jewish homeland of Israel. And, more recently, they led Operation Exodus, which transported Jews in peril to Israel and the United States.

Each of these women devoted her time, her heart, and her life to Jewish communal service. And each is proof that just one woman can make a real difference.

The chairs of the Women's Campaign, past and present, are:

Barbara Ochs Adler (1934–35), Adele Lehman (1936), Edith Limburg (1937–38), Adele Levy (1939), Hortense Hirsch (1939–41), Cecile Mayer (1939–40), Rose Goldenstein (1941–43), Leonie Guinzberg (1942–43), Elinor Bernheim (1943–44), and Jane Heimerdinger (1943–44).

Bess Lazrus (1944–45), Dorothy Geller (1945–46), Sophie Udell (1945–49), Rose Carlebach (1947–48), Evelyn Asinof (1949–50), Lea Horne (1950–51), Louise Schwarz (1951–52), Gertrude Oresman (1952–54), Elinor Guggenheimer (1953–54), Berenice Rogers (1955–56), Doris Rosenberg (1955–56), and Margaret Kempner (1957–58).

Erna Michael (1957–58), Syd Goldstein (1957–58), Phyllis Siegel (1958–60), Elaine S. Winik (1958–60), Phyllis Tishman (1959–60), Jean P. Bloustein (1961–63), Rena A. Cohen (1961–64), Jennie Whitehill (1961–62), Elinor Gimbel (1963–65), Fan Harris (1964–66), Pat Gantz (1964–66, 1976–77), Jane Marx (1966–67), Bobbie Abrams (1967–69), and Blanche Ross (1967–69).

Elaine Guld (1968–71), Eleanor Sack (1970), Blanche G. Etra (1970–71), Adele Block (1971–73, 1975), Betty Dreifuss (1972–73), Lilian Marcus (1972–73), Myrtle Hirsch (1974–75), Bernice L. Rudnick (1974–75), Peggy Tishman (1975), Mary Froelich (1976–78), Mildred Geiger (1978–79), and Elaine P. Moore (1980–81).

Esther Treitel (1982–83), Phyllis Carash (1984–85), Naomi Kronish (1986–87), Klara Silverstein (1988–89), Frances Brandt (1990–91), Bryn Cohen (1992–93), Arlene Wittels (1994–95), and Mady Harman (1996–97).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 12, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 16

3:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to review benefits to the United States of U.S. foreign assistance.

SD–138

SEPTEMBER 17

9:00 a.m.

Small Business

To hold hearings to examine the impact of Union Salting Campaigns on small businesses.

SR–428A

9:30 a.m.

Commerce, Science, and Transportation

To hold closed hearings to examine aviation security challenges.

S–407, Capitol

Energy and Natural Resources

To hold hearings to examine issues with regard to United States climate change policy.

SD–366

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

Indian Affairs

To hold hearings to examine economic development on Indian reservations.

SR–485

10:00 a.m.

Labor and Human Resources

To hold oversight hearings on activities of the National Labor Relations Board.

SD–430

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on issues relating to computational biology.

SR–253

SEPTEMBER 18

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine how fatigue affects the various transportation systems.

SR–253

Energy and Natural Resources

To hold hearings on S. 1920, to amend the Alaska National Interest Lands Conservation Act, and S. 1998, to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilichik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corporation and Knikatnu, Inc. regarding the conveyances of certain lands in Alaska Under the Alaska Native Claims Settlement Act.

SD–366

10:00 a.m.
Judiciary
To hold hearings on S. 1961, to establish the United States Intellectual Property Organization, and to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform.
SD–226

2:00 p.m.
Judiciary
To hold hearings to examine the Bailey decision's effect on certain prosecutions with regard to violent and drug trafficking crimes.
SD–226

SEPTEMBER 19

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1539, to establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border, S. 1583, to establish the Lower Eastern Shore American Heritage Area, S. 1785, to establish in the Department of the Interior the Essex National Heritage Area Commission, and S. 1808, to establish a program for the preservation of additional historic property throughout the Nation.
SD–366

10:00 a.m.
Veterans' Affairs
To hold hearings on the implementation of Public Law 102-4, the medical and scientific bases for associations between herbicide exposure and disease.
SR–418

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the power of the Federal courts to impose taxes.
SD–226

SEPTEMBER 24

9:30 a.m.
Indian Affairs
To hold hearings to examine civil jurisdiction in Indian country.
SR–485

SEPTEMBER 25

9:30 a.m.
Indian Affairs
To hold hearings to examine the phase out of the Navajo/Hopi relocation program.
SR–485

OCTOBER 2

9:30 a.m.
Indian Affairs
To hold oversight hearings on the regulatory activities of the National Indian Gaming Commission.
Room to be announced

CANCELLATIONS

SEPTEMBER 12

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2031, to provide health plan protections for individuals with a mental illness.
SD–430

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

HOUSE OF REPRESENTATIVES—*Thursday, September 12, 1996*

The House met at 10 a.m.

Rev. Kenneth P. Rogers, pastor, Lewisville Bible Church, Lewisville, TX, offered the following prayer:

Our Father in heaven, holy is Your name.

You are the Sovereign Lord of the universe, the Creator, the God of our Founding Fathers, the One who sent His Son to die for our sins and to rise again that we might have eternal life through faith in Him.

We ask for wisdom for the activities and decisions that are made here today. Guide and bless these men and women who have been sent here by the people of the States that they represent. Bless their families with love and peace.

May this Congress pass laws that will strengthen families, strengthen the spiritual and moral fiber of our Nation, and contribute to unity, justice, and peace.

Lord, what we do matters to You.

In the name of Jesus Christ, our Savior. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. PORTMAN] come forward and lead the House in the Pledge of Allegiance.

Mr. PORTMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. MYERS of Indiana submitted the following conference report and statement on the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

CONFERENCE REPORT (H. REPT. 104–782)

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3816) "making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $153,872,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $180,000;

San Joaquin River Basin, Caliente Creek, California, $150,000;

Tampa Harbor, Alafia Channel, Florida, $100,000;

Lake George, Hobart, Indiana, $100,000;

Little Calumet River Basin, Cady Marsh Ditch, Indiana, $200,000;

Tahoe Basin Study, Nevada and California, $100,000;

Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $300,000;

Brigantine Inlet to Great Egg Harbor Inlet, New Jersey, $360,000;

Great Egg Harbor Inlet to Townsends Inlet, New Jersey, $200,000;

Manasquan Inlet to Barnegat Inlet, New Jersey, $250,000;

Townsends Inlet to Cape May Inlet, New Jersey, $245,000;

South Shore of Staten Island, New York, $200,000;

Mussers Dam, Middle Creek, Snyder County, Pennsylvania, $450,000;

Rhode Island South Coast, Habitat Restoration and Storm Damage Reduction, Rhode Island, $100,000;

Monongahela River, West Virginia, $500,000;

Monongahela River, Fairmont, West Virginia, $100,000; and

Tygart River Basin, Philippi, West Virginia, $100,000.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,081,942,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, and Lock and Dam 24, Mississippi River, Illinois and Missouri, projects, and of which funds are provided for the following projects in the amounts specified:

Red River Emergency Bank Protection, Arkansas, $3,000,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $7,000,000;

Indianapolis Central Waterfront, Indiana, $7,000,000;

Indiana Shoreline Erosion, Indiana, $2,200,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $18,000,000;

Martin County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $350,000;

Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $2,500,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $2,000,000;

Town of Martin (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $300,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,050,000;

Salyersville, Kentucky, $3,000,000;

Lake Pontchartrain and Vicinity, Louisiana, $17,025,000;

Lake Pontchartrain (Jefferson Parish) Stormwater Discharge, Louisiana, $4,750,000;

Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $100,000;

Red River Emergency Bank Protection, Louisiana, $3,400,000;

Glen Foerd, Pennsylvania, $800,000;

South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, $7,000,000;

Seekonk River, Rhode Island Bridge removal, $650,000;

Wallisville Lake, Texas, $7,500,000;

Richmond Filtration Plant, Virginia, $3,500,000;

Virginia Beach, Virginia, $8,000,000;

Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,300,000;

Lower Mingo (Kermit) (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $4,000,000;

Lower Mingo (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, Tributaries Supplement, $105,000; and

Upper Mingo County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $3,500,000: Provided, That of the funds provided for the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, $3,000,000 is provided, to remain available until expended, for design and construction of a regional visitor center in the vicinity of Shreveport, Louisiana at full Federal expense: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,000,000 of the funds appropriated in Public Law 104–46 for construction of the Ohio River Flood Protection, Indiana, project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed, in cooperation with State, county, and city officials and in consultation with the Des Moines River Greenbelt Advisory Committee, to provide highway and other signs appropriate to direct the public to the bike trail which runs from downtown Des Moines, Iowa, to the Big Creek Recreation area at the Corps of Engineers Saylorville Lake project and the wildlife refuge in Jasper and Marion Counties in Iowa authorized in Public Law 101–302: Provided further, That any law, regulation, documents or record of the United States in which such projects are referred to shall be held to refer to the bike trail as the Neal Smith Bike Trail and to such centers as the Neal Smith Prairie Wildlife Learning Center: Provided further, That the Secretary is directed to initiate construction on the Joseph G. Minish Historic Waterfront Park, New Jersey, project; furthermore, the Secretary may transfer not to exceed $900,000 from General Investigations appropriations made in Title I of the Energy and Water Development Appropriations Act, Public Law 103–126 (107 Stat. 1313) for the Passaic River, Mainstem, New Jersey, to Construction, General for the Joseph G. Minish Historic Waterfront Park, New Jersey, project and that the Committees on Appropriations of the House and Senate shall be promptly advised of such transfer: Provided further, That of the funds provided herein, $1,000,000 shall be for payment to the Kansas City Southern Industries, Inc. in partial reimbursement of costs associated with the relocation and modification of the Louisiana and Arkansas (L&A) Railway Bridge at Alexandria, Louisiana, for navigation requirements of the Red River navigation project: Provided further, That using $500,000 of the funds appropriated for the Passaic River Mainstem, New Jersey, project under the heading "General Investigations" in Public Law 103–126, the Secretary of the Army, acting through the Chief of Engineers, is directed to begin implementation of the Passaic River Preservation of Natural Storage Areas separable element of the Passaic River Flood Reduction Project, New Jersey: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to initiate construction on the following projects in the amounts specified:

Humboldt Harbor, California, $2,500,000;

San Lorenzo River, California, $200,000;

Faulkner's Island, Connecticut, $1,500,000;

Chicago Shoreline, Illinois, $8,000,000;

Pond Creek, Jefferson City, Kentucky, $1,500,000;

Natchez Bluff, Mississippi, $4,500,000;

Wood River, Grand Isle, Nebraska, $1,000,000;

New York City Watershed, New York, $1,000,000;

Duck Creek, Cincinnati, Ohio, $466,000;

Saw Mill Run, Pittsburgh, Pennsylvania, $500,000;

West Virginia and Pennsylvania Flooding, West Virginia and Pennsylvania, $1,000,000;

Upper Jordan River, Utah, $500,000;

San Juan Harbor, Puerto Rico, $800,000; and

Allendale Dam, Rhode Island, $195,000: Provided further, That no fully allocated funding policy shall apply to construction of the projects listed above, and the Secretary of the Army is directed to undertake these projects using continuing contracts where sufficient funds to complete the projects are not available from funds provided herein or in prior years.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $310,374,000, to remain available until expended: Provided, That the President of the Mississippi River Commission is directed henceforth to use the variable cost recovery rate set forth in OMB Circular A–126 for use of the Commission aircraft authorized by the Flood Control Act of 1946, Public Law 526: Provided further, That notwithstanding the funding limitations set forth in Public Law 104–6 (109 Stat. 85), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use additional funds appropriated herein or previously appropriated to complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,697,015,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities, and of which funds are provided for the following projects in the amounts specified:

Raystown Lake, Pennsylvania, $4,190,000; and

Cooper Lake and Channels, Texas, $2,601,000: Provided, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct a landing at Guntersville, Alabama, as described in the Master Plan Report of the Nashville District titled "Guntersville Landing" dated June, 1996: Provided further, That the Secretary of the Army is directed to design and implement at full Federal expense an early flood warning system for the Greenbrier and Cheat River Basins, West Virginia within eighteen months from the date of enactment of this Act: Provided further, That the Secretary of the Army is directed during fiscal year 1997 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma: Provided further, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project: Provided further, That the Secretary of the Army is directed to use $600,000 of funding provided herein to perform maintenance dredging of the Cocheco River navigation project, New Hampshire.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $10,000,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to $8,000,000 of the funds appropriated herein and under this heading in Public Law 104–134 to rehabilitate non-Federal flood control levees along the Puyallup and Carbon Rivers in Pierce County, Washington.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, and for costs of implementing the Secretary of the Army's plan to reduce the number of division offices as directed in title I, Public Law 104–46, $149,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices: Provided further, That with funds provided herein and notwithstanding any other provision of law, the Secretary of the Army shall develop and submit to the Congress (including the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives) within 60 days of enactment of this Act, a plan which reduces the number of division offices within the United States Army Corps of Engineers to no less than 6 and no more than 8, with each division responsible for at least 4 district offices, but does not close or change any civil function of any district office: Provided further, That notwithstanding any other provision of law, the Secretary of the Army is directed to begin implementing the division office plan on April 1, 1997: Provided further, That up to $1,500,000 may be transferred to this account from any other appropriation account in this title.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) In fiscal year 1997, the Secretary of the Army shall advertise for competitive bid at least 8,500,000 cubic yards of the hopper dredge volume accomplished with government owned dredges in fiscal year 1992.

(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped

contractor doing the work or to respond to emergency requirements.

SEC. 102. None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvements or major repair of the Federal vessel, McFARLAND, except for normal maintenance and repair necessary to maintain the vessel McFARLAND's current operational condition.

SEC. 103. The flood control project for Moorefield, West Virginia, authorized by section 101(a)(25) of the Water Resources Development Act of 1990 (Public Law 101–640, 104 Stat. 4610) is modified to authorize the Secretary of the Army to construct the project at a total cost of $26,200,000, with an estimated first Federal cost of $20,300,000 and an estimated first non-Federal cost of $5,900,000.

SEC. 104. The project for navigation, Grays Landing Lock and Dam, Monongahela River, Pennsylvania (Lock and Dam 7 Replacement), authorized by section 301(a) of the Water Resources Development Act of 1986 (Public Law 99–662, 100 Stat. 4110) is modified to authorize the Secretary of the Army to construct the project at a total cost of $181,000,000, with an estimated first Federal cost of $181,000,000.

SEC. 105. From the date of enactment of this Act, non-structural flood control measures implemented under Section 202(a) of Public Law 96–367 shall prevent future losses that would occur from a flood equal in magnitude to the April 1977 level by providing protection from the April 1977 level or the 100-year frequency event, whichever is greater.

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to reprogram, obligate and expend such additional sums as are necessary to continue construction and cover anticipated contract earnings of any water resources project that received an appropriation or allowance for construction in or through an appropriations Act or resolution of the then-current fiscal year or the two fiscal years immediately prior to that fiscal year, in order to prevent the termination of a contract or the delay of scheduled work.

SEC. 107. The Corps of Engineers is hereby directed to complete the Charleston Riverfront (Haddad) Park Project, West Virginia, as described in the design memorandum approved November, 1992, on a 50–50 cost-share basis with the City. The Corps of Engineers shall pay one-half of all costs for settling contractor claims on the completed project and for completing the wharf. The Federal portion of these costs shall be obtained by reprogramming available Operations & Maintenance funds. The project cost limitation in the Project Cooperation Agreement shall be increased to reflect the actual costs of the completed project.

SEC. 108. The flood control project for Arkansas City, Kansas authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662, 100 Stat. 4116) is modified to authorize the Secretary of the Army to construct the project at a total cost of $38,500,000, with an estimated first Federal cost of $28,100,000 and an estimated first non-Federal cost of $10,400,000.

SEC. 109. Funds previously provided under the Fiscal Year 1993 Energy and Water Development Appropriations Act, Public Law 102–377, for the Elk Creek Dam, Oregon, project, are hereby made available to plan and implement long term management measures at Elk Creek Dam to maintain the project in an uncompleted state and to take necessary steps to provide passive fish passage through the project.

SEC. 110. The Secretary of the Army is authorized and directed to modify the project for the Hudson River, New York, New York City to Waterford, authorized by the Act of June 25, 1910 (Public Law 264, 61st Congress, 36 Stat. 635), to include design and construction of a 300-foot wide channel to a depth of 24 feet (mean low water), extending from the existing Federal channel in the vicinity of the Hudson City Light to the north dock at Union Street, Athens, New York.

SEC. 111. Section 109(a) of Public Law 104–46 (109 Stat. 408) with regard to Prestonsburg, Kentucky, is amended by striking "Modification No. 2" and inserting "Modification No. 3".

SEC. 112. The emergency gate construction project for Abiquiu Dam, New Mexico, authorized by section 1112 of the Water Resources Development Act of 1986 (Public Law 99–662, 100 Stat. 4232) is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at an estimated total cost of $7,000,000. The non-Federal share of the project shall be 25 percent of those costs of the project attributable to an increase in flood protection as a result of the installation of such gates.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102–575 (106 Stat. 4605), and for feasibility studies of alternatives to the Uintah and Upalco Units, $42,527,000, to remain available until expended, of which $16,700,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: Provided, That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Act and $11,700,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,100,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, $16,650,000, to remain available until expended: Provided, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: Provided further, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended: Provided further, That of the total appropriated, $250,000 shall be available to complete the appraisal study and initiate preconstruction engineering and design for the Del Norte County and Crescent City, California, Wastewater Reclamation Project, and $250,000 shall be available to complete the appraisal study, and initiate preconstruction engineering and design for the Fort Bragg, California, Water Supply Project.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, $394,056,000, to remain available until expended, of which $22,410,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $58,740,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: Provided, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: Provided further, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: Provided further, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditures for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: Provided further, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, is amended by inserting "1996, and 1997" in lieu of "and 1996": Provided further, That the amount authorized by section 210 of Public Law 100–557 (102 Stat. 2791), is amended to $56,362,000 (October 1996 prices plus or minus cost indexing), and funds are authorized to be appropriated through the twelfth fiscal year after construction funds are first made available.

Provided further, That utilizing funds appropriated for the Tucson Aqueduct System Reliability Investigation, the Bureau of Reclamation is directed to complete, by the end of fiscal year 1997, the environmental impact statement being conducted on the proposed surface reservoir. The Bureau of Reclamation is further directed to work with the City of Tucson on any outstanding issues related to the preferred alternative.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, $267,876,000, to remain available until expended: Provided, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), may be derived from that fund: Provided further, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: Provided further, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $12,290,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l); Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $37,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000: Provided, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $30,000,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102–575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $46,000,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 6 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, research and development activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passager motor vehicles (not to exceed 24 for replacement only), $2,710,908,000, to remain available until expended.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102–486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; and the purchase of passenger motor vehicles (not to exceed 3 for replacement only); $43,200,000, to remain available until expended: Provided, That revenues received by the Department for uranium programs and estimated to total $42,200,000 in fiscal year 1997 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 33002(b) and 42 U.S.C. 2296(b)(2): Provided further, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than $1,000,000.

Section 161k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201k) with respect to the Paducah Gaseous Diffusion Plant, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Ohio, the guidelines shall require, at a minimum, the presence of an adequate number of security guards carrying side arms at all times to ensure maintenance of security at the gaseous diffusion plants.

Section 311(b) of the USEC Privatization Act (Public Law 104–134, title III, chapter 1, subchapter A) insert the following:

"(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required or authorized by section 8432 and 8351 of title 5, United States Code, for employees who elect to retain their coverage under CSRS or FERS pursuant to paragraph (1).".

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $200,200,000, to be derived from the Fund, to remain available until expended: Provided, That $34,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property of facility or for plant or facility acquisition, construction, or expansion, $996,000,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $182,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund: Provided, That none of the funds provided herein shall be distributed to the State of Nevada or affected units of local government (as defined by Public Law 97–425) by direct payment, grant, or other means, for financial assistance under section 116 of the Nuclear Waste Policy Act of 1982, as amended: Provided further, That the foregoing proviso shall not apply to payments in lieu of taxes under section 116(c)(3)(A) of the Nuclear Waste Policy Act of 1982, as amended: Provided further, That no later than September 30, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include:

(1) the preliminary design concept for the critical elements for the repository and waste package;

(2) a total system performance assessment, based upon the design concept and the scientific data and analysis available by September 30, 1998, describing the probable behavior of the repository in the Yucca Mountain geological setting relative to the overall system performance standards;

(3) a plan and cost estimate for the remaining work required to complete a license application; and

(4) an estimate of the costs to construct and operate the repository in accordance with the design concept.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $215,021,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $125,388,000 in fiscal year 1997 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than $89,633,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $23,853,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 94 for replacement only), $3,911,198,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 20, of which 19 are for replacement only), $5,459,304,000, to remain available until expended and, in addition, $160,000,000 for privatization initiatives, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of passenger motor vehicles (not to exceed 2 for replacement only), $1,605,733,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $200,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $4,000,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1997, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $16,359,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $25,210,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $3,787,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $193,582,000, to remain available until expended, of which $185,687,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $5,432,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $3,774,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $970,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $146,290,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $146,290,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1997 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

SEC. 301. PRIORITY PLACEMENT, JOB PLACEMENT, RETRAINING, AND COUNSELING PROGRAMS FOR UNITED STATES DEPARTMENT OF ENERGY EMPLOYEES AFFECTED BY A REDUCTION IN FORCE.

(a) DEFINITIONS.—

(1) For the purposes of this section, the term "agency" means the United States Department of Energy.

(2) For the purposes of this section, the term "eligible employee" means any employee of the agency who—

(A) is scheduled to be separated from service due to a reduction in force under—

(i) regulations prescribed under section 3502 of title 5, United States Code; or

(ii) procedures established under section 3595 of title 5, United States Code; or

(B) is separated from service due to such a reduction in force, but does not include—

(i) an employee separated from service for cause on charges of misconduct or delinquency; or

(ii) an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) PRIORITY PLACEMENT AND RETRAINING PROGRAM.—Not later than 30 days after the date of the enactment of this Act, the United States Department of Energy shall establish an agency-wide priority placement and retraining program for eligible employees.

(c) The priority placement program established under subsection (b) shall include provisions under which a vacant position shall not be filled by the appointment or transfer of any individual from outside of the agency if—

(1) there is then available any eligible employee who applies for the position within 30 days of the agency issuing a job announcement and is qualified (or can be trained or retrained to become qualified within 90 days of assuming the position) for the position; and

(2) the position is within the same commuting area as the eligible employee's last-held position or residence.

(d) JOB PLACEMENT AND COUNSELING SERVICES.—The head of the agency may establish a program to provide job placement and counseling services to eligible employees.

A program established under subsection (d) may include, but is not limited to, such services as—

(1) career and personal counseling;

(2) training and job search skills; and

(3) job placement assistance, including assistance provided through cooperative arrangements with State and local employment services offices.

SEC. 302. None of the funds appropriated by this or any other Act may be used to implement section 3140 of H.R. 3230 as reported by the Committee of Conference on July 30, 1996. The Secretary of Energy shall develop a plan to reorganize the field activities and management of the national security functions of the Department of Energy and shall submit such plan to the Congress not later than 120 days after the date of enactment of this Act. The plan will specifically identify all significant functions performed by the Department's national security operations and area offices and make recommendations as to where those functions should be performed.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $160,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $16,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $471,800,000, to remain available until expended: Provided, That of the amount appropriated herein, $11,000,000 shall be derived from the Nuclear Waste Fund: Provided further, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: Provided further, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $457,300,000 in fiscal year 1997 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the funds herein appropriated for regulatory reviews and other activities pertaining to waste stored at the Hanford site, Washington, shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1997 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1997 appropriation estimated at not more than $14,500,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: Provided, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: Provided further, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: Provided further, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1997 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1997 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,531,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $106,000,000, to remain available until expended: Provided, That of the funds provided herein, $15,000,000 shall be made available for the Environmental Research Center in Muscle Shoals, Alabama: Provided further, That of the funds provided herein, $6,000,000 shall be made available for operation, maintenance, improvement, and surveillance of Land Between the Lakes: Provided further, That of the amount provided herein, $15,000,000 shall be available for Economic Development activities: Provided further, That none of the funds provided herein shall be available for detailed engineering and design or constructing a replacement for Chickamauga Lock and Dam on the Tennessee River System.

TITLE V

GENERAL PROVISIONS

SEC. 501. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 502. 42 U.S.C. 7262 is repealed.

SEC. 503. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 504. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

SEC. 505. Public Law 101–514, the Energy and Water Development Appropriations Act, 1991, is amended effective September 30, 1997 or upon operation of the temperature control device, by striking the proviso under the heading "Construction, Rehabilitation, Operations and Maintenance, Western Area Power Administration".

SEC. 506. The Secretary of the Interior shall extend the water service contracts for the following projects, entered into by the Secretary of the Interior under subsection (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) and section 9(c) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), for a period of 1 additional year after the dates on which each of the contracts, respectively, would expire but for this section:

(1) The Bostwick District (Kansas portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Republic County, Jewell County, and Cloud County, Kansas.

(2) The Bostwick District (Nebraska portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Harlan County, Franklin County, Webster County, and Nuckolls County, Nebraska.

(3) The Frenchman-Cambridge District, Misouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Chase County, Frontier County, Hitchcock County, Furnas County, and Harlan County, Nebraska.

SEC. 507. Funds made available by this Act to the Department of Energy shall be available only for the purposes for which they have been made available by this Act. The Department of Energy shall report by February 28, 1997 to the Committees on Appropriations of the House and Senate on the Department of Energy's adherence to the recommendation included in the accompanying report.

SEC. 508. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to a subelement of an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the subelement of such institution has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the subelement of such institution; or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 509. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to a subelement of an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the subelement of such institution has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to students (who are 17 years of age or older) for purposes of Federal military recruiting: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and the most recent previous educational institutions enrolled in by the students.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 510. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 511. The Administrator may offer employees voluntary separation incentives as deemed necessary which shall not exceed $25,000. Recipients who accept employment with the United States within five years after separation shall repay the entire amount to the Bonneville Power Administration. This authority shall expire September 30, 2000.

SEC. 512. Following section 4(h)(10)(C) of the Northwest Power Planning and Conservation Act, insert the following new section:

(4)(h)(10)(D) INDEPENDENT SCIENTIFIC REVIEW PANEL.—(i) The Northwest Power Planning Council (Council) shall appoint an Independent Scientific Review Panel (Panel), which shall be comprised of eleven members, to review projects proposed to be funded through that portion of the Bonneville Power Administration's (BPA) annual fish and wildlife budget that implements the Council's fish and wildlife program. Members shall be appointed from a list of no fewer than 20 scientists submitted by the National Academy of Sciences (Academy), provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Panel. The Academy shall provide such nominations within 90 days of the date of this enactment, and in any case not later than December 31, 1996. If appointments are required in subsequent years, the Council shall request nominations from the Academy and the Academy shall provide nominations not later than 90 days after the date of this request. If the Academy does not provide nominations within these time requirements, the Council may appoint such members as the Council deems appropriate.

(ii) SCIENTIFIC PEER REVIEW GROUPS.—The Council shall establish Scientific Peer Review Groups (Peer Review Groups), which shall be comprised of the appropriate number of scientists, from a list submitted by the Academy to assist the Panel in making its recommendations to the Council for projects to be funded through BPA's annual fish and wildlife budget, provided that Pacific Northwest scientists with expertise in Columbia River anadromous and non-anadromous fish and wildlife and ocean experts shall be among those represented on the Peer Review Groups. The Academy shall provide such nominations within 90 days of the date of this enactment, and in any case not later than December 31, 1996. If appointments are required in subsequent years, the Council shall request nominations from the Academy and the Academy shall provide nominations not later than 90 days after the date of this request. If the Academy does not provide nominations within these time requirements, the Council may appoint such members as the Council deems appropriate.

(iii) CONFLICT OF INTEREST AND COMPENSATION.—Panel and Peer Review Group members may be compensated and shall be considered subject to the conflict of interest standards that apply to scientists performing comparable work for the National Academy of Sciences; provided that a Panel or Peer Review Group members with a direct or indirect financial interest in a project, or projects, shall recuse him or herself from review of, or recommendations associated with, such project or projects. All expenses of the Panel and the Peer Review Groups shall be paid by BPA as provided for under paragraph (vii). Neither the Panel nor the Peer Review Groups shall be deemed advisory committees within the meaning of the Federal Advisory Committee Act.

(iv) PROJECT CRITERIA AND REVIEW.—The Peer Review Groups, in conjunction with the Panel, shall review projects proposed to be funded through BPA's annual fish and wildlife budget and make recommendations on matters related to such projects to the Council no later than June 15 of each year. If the recommendations are not received by the Council by this date, the Council may proceed to make final recommendations on project funding to BPA, relying on the best information available. The Panel and Peer Review Groups shall review a sufficient number of projects to adequately ensure that the list of prioritized projects recommended is consistent with the Council's program. Project recommendations shall be based on a determination that projects: are based on sound science principles; benefit fish and wildlife; and have a clearly defined objective and outcome with provisions for monitoring and evaulation of results. The Panel, with assistance from the Peer Review Groups, shall review, on an annual basis, the results of prior year expenditures based upon these criteria and submit its findings to the Council for its review.

(v) PUBLIC REVIEW.—Upon completion of the review of projects to be funded through BPA's annual fish and wildlife budget, the Peer Review Groups shall submit its findings to the Panel. The Panel shall analyze the information submitted by the Peer Review Groups and submit recommendations on project priorities to the Council. The Council shall make the Panel's findings available to the public and subject to public comment.

(vi) RESPONSIBILITIES OF THE COUNCIL.—The Council shall fully consider the recommendations of the Panel when making its final recommendations of projects to be funded through BPA's annual fish and wildlife budget, and if the Council does not incorporate a recommendation of the Panel, the Council shall explain in writing its reasons for not accepting Panel recommendations. In making its recommendations to BPA, the Council shall consider the impact of ocean conditions on fish and wildlife populations; and shall determine whether the projects employ cost effective measures to achieve program objectives. The Council, after consideration of the recommendations of the Panel and other appropriate entities, shall be responsible for making the final recommendations of projects to be funded through BPA's annual fish and wildlife budget.

(vii) COST LIMITATION.—The cost of this provision shall not exceed $2,000,000 in 1997 dollars.

(viii) EXPIRATION.—This paragraph shall expire on September 30, 2000.

DESIGNATION OF JIM CHAPMAN LAKE

SEC. 513. Cooper Lake, located on the Sulphur River near Cooper, Texas, is named and designated as the "Jim Chapman Lake". Any reference in a law, map, regulation, document, or record of the United States to such lake shall be held to be a reference to the "Jim Chapman Lake".

DESIGNATION OF WILLIAM L. JESS DAM AND INTAKE STRUCTURE

SEC. 514. The dam located at mile 158.6 on the Rogue River in Jackson County, Oregon, and commonly known as the Lost Creek Dam Lake Project, shall be known and designated as the "William L. Jess Dam and Intake Structure". Any reference in a law, map, regulation, document, paper, or other record of the United States to the dam referred to as Lost Creek Dam Lake Project, shall be deemed to be a reference to the "William L. Jess Dam and Intake Structure".

DESIGNATION OF J. BENNETT JOHNSTON WATERWAY

SEC. 515. The portion of the Red River, Louisiana, from new river mile 0 to new river mile 235 shall be known and designated as the "J. Bennett Johnston Waterway". Any reference in a law, map, regulation, document, paper, or other record of the United States to such portion of the Red River shall be deemed to be a reference to the "J. Bennett Johnston Waterway".

This Act may be cited as the "Energy and Water Development Appropriations Act, 1997".

And the Senate agree to the same.

JOHN T. MYERS,
HAROLD ROGERS,
JOE KNOLLENBERG,
FRANK RIGGS,
RODNEY P. FRELINGHUYSEN,
JIM BUNN,
MIKE PARKER,
BOB LIVINGSTON,
TOM BEVILL,
VIC FAZIO,
JIM CHAPMAN,
PETER J. VISCLOSKY,
Managers on the Part of the House.

PETE V. DOMENICI,
MARK O. HATFIELD,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,

J. BENNETT JOHNSTON,
ROBERT C. BYRD,
FRITZ HOLLINGS,
HARRY REID,
J. ROBERT KERREY,
PATTY MURRAY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 104–679 and Senate Report 104–320 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement appropriates $153,872,000 for General Investigations instead of $153,628,000 as proposed by the House and $154,557,000 as proposed by the Senate.

On July 11, 1996, the Assistant Secretary of the Army for Civil Works advised the committees of a proposal to modify current Corps of Engineers guidance governing the reconnaissance phase of the study process. Under the proposal, the scope of the reconnaissance phase would be returned to that envisioned by section 905(b) of the Water Resources Development Act of 1986, which is to develop a preliminary appraisal of the Federal interest, benefits, costs, and environmental impacts of a potential project, develop a scope of work for the feasibility study, and negotiate a feasibility study cost-sharing agreement. The goal would be to complete the reconnaissance phase within six months at a cost of approximately $100,000. After careful consideration, the conferees have decided to support this initiative and have funded all new reconnaissance studies at the $100,000 level. The conferees have been assured that this initiative is a true efficiency move aimed at returning reconnaissance efforts back to the original concept for that phase and will not transfer cost and time to the feasibility phase of the study process. The conferees are also aware that the $100,000 model may not be suitable for all projects and expect the Corps to exercise appropriate judgment in adjusting the scope of the reconnaissance effort to accommodate the needs of particularly complex issues or large geographic areas.

The conference agreement includes $500,000 for the Corps of Engineers to initiate studies of the navigation needs of several of Alaska's coastal communities. The funds will be used for the Western Harbors, Aleutians East Borough, Arctic Coast Navigation, King Cove, and Akutan Harbor reconnaissance studies. By combining these studies under a single heading the Corps of Engineers is expected to be able to accomplish the work substantially below the cost of addressing each project separately.

The conferees agree that the Corps of Engineers may include the Southampton Shoal Channel and extension in the San Francisco Bay Bar Channel, California, reconnaissance study to permit a comprehensive examination of the San Francisco-to-Stockton Ship Channel to determine the feasibility of increasing operating depths required for commerce and international trade.

The conference agreement includes $150,000 for preconstruction engineering and design of the New Harmony, Indiana, project.

The conferees have provided $10,750,000 for the Upper Mississippi River and Illinois Waterway navigation study instead of $10,500,000 as proposed by the House and $11,000,000 as proposed by the Senate. The conferees direct the Corps of Engineers to accelerate the execution of feasibility study activities in accordance with the approved project study plan in such a manner that schedule recovery will be maximized and a final report will be completed as soon as practicable.

The conference agreement includes $600,000 equally divided for the Corps of Engineers to undertake preconstruction engineering and design for the project to provide flood protection to the Green Ridge and Plot sections of the Lackawanna River, Scranton, Pennsylvania, project as proposed by the Senate. The House had proposed to fund this work under the Construction, General, account.

The conferees have provided $100,000 for a reconnaissance study of the need for channel deepening in the Port of New York and New Jersey and $100,000 to initiate a feasibility study should the reconnaissance effort demonstrate a Federal interest in the project.

The conference agreement includes $100,000 for the Corps of Engineers to initiate a reconnaissance study leading to a Master Plan of the Wing Deer Park on Boone Lake in Johnson City, Tennessee.

The conference agreement includes $100,000 for the Corps of Engineers to initiate a reconnaissance study of environmental restoration opportunities along the Upper Jordan River, Utah, that includes examining water quality, wetland habitat, and flood control as a means of restoring the watershed of the Jordan River Basin. The conferees direct the Corps to review and recommend modifications to the Jordan River Stability Study conducted by Salt Lake County.

The conference agreement includes a total of $6,280,000 for Coordination Studies With Other Agencies instead of $4,280,000 as proposed by the House and $8,040,000 as proposed by the Senate. The conferees expect the Corps to use the funds provided to accomplish the highest priority work among the various activities funded under this program. In addition, the Corps is directed to use $450,000 to continue to participate in the interagency ecosystem management task force's Pacific Northwest forest case study as described in the Senate Report. The conferees agree with the language in the House report regarding the Planning Assistance to States program.

The conferees have provided $27,000,000 for the Corps of Engineers' Research and Development program. Within the funds provided, the conferees have provided $300,000 to continue the Corps of Engineers Construction Technology Transfer project and $1,600,000 for cost-shared research and development and installation of composite pilings as described in the Senate report. The conferees also are in agreement with the language in the House report regarding the CFIRMS project.

The conferees have included language in the bill earmarking funds for the following projects in the amounts specified: Norco Bluffs, California, $180,000; San Joaquin River Basin, Caliente Creek, California, $150,000; Tampa Harbor, Alafia Channel, Florida, $100,000; Lake George, Hobart, Indiana, $100,000; Little Calumet River Basin, Cady Marsh Ditch, Indiana, $200,000; Tahoe Basin Study, Nevada and California, $100,000; Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $300,000; Brigantine Inlet to Great Egg Harbor Inlet, New Jersey, $360,000; Great Egg Harbor Inlet to Townsends Inlet, New Jersey, $200,000; Manasquan Inlet to Barnegat Inlet, New Jersey, $250,000; Townsends Inlet to Cape May Inlet, New Jersey, $245,000; South Shore of Staten Island, New York, $200,000; Mussers Dam, Middle Creek, Snyder County, Pennsylvania, $450,000; Rhode Island South Coast, Habitat Restoration and Storm Damage Reduction, Rhode Island, $100,000; Monongahela River, West Virginia, $500,000; Monongahela River, Fairmont, West Virginia, $100,000; and Tygart River Basin, Philippi, West Virginia, $100,000.

The conference agreement deletes funds earmarked in the Senate bill for the Red River Navigation, Southwest, Arkansas, study.

The conference agreement also deletes language contained in the Senate bill earmarking funds for studies of Coastal Navigation Improvements in Alaska, the Walker River Basin in Nevada, and the Bolinas Lagoon in California. Funding for those studies has been included in the overall amount appropriated for General Investigations.

The conferees are aware of recent efforts by the Corps of Engineers to increase the use of the private sector in performing, planning, engineering and design work for Corps projects. However, the conferees believe that the Corps of Engineers needs to intensify those efforts. The conferees expect the Corps, on a programmatic basis, to achieve a goal of having the private sector perform at least 35% of planning, and 40% of engineering, design work and construction phase services for projects as defined in 40 U.S.C. 541–544. Additionally, in those instances where a district office has not achieved a contracting level of at least 25% of planning, engineering, design work and construction phase services for projects in that district, private sector contracting should be increased by 10 percentage points in fiscal year 1997 and in each subsequent fiscal year until the level of work contracted to the private sector reaches at least 25%; however, in no case shall the actual increase per year be less than 5 percentage points. It is not the conferees' intent that the Corps reduce the contracting levels in those offices that are already conducting more than 35% of planning, and 40% of engineering, design work and construction phase services with the private sector. Contracting with the private sector as set forth above shall continue to be conducted in compliance with the normal qualification based selection process found in 40 U.S.C. 541–544.

CONSTRUCTION, GENERAL

The conference agreement appropriates $1,081,942,000 for Construction, General, instead of $1,035,394,000 as proposed by the House and $1,049,306,000 as proposed by the Senate.

The conference agreement includes $2,000,000 for the Sacramento River, Glen-Colusa Irrigation District, California, project, the same as the budget request and the amount provided by the House and the Senate. This project is an integral part of the effort to develop a long-term solution to the fish passage problem at the Hamilton City pumping plant. It is the conferees' intent that the Corps of Engineers participate in, and, when necessary, provide direct support to this important Federal-state effort.

The conference agreement provides $4,000,000 for the Palm Beach County, Florida, project. Of the funds provided, $1,919,000 is for the Jupiter/Carlin segment as proposed in the budget request. The remaining funds are to be used for the Boca Raton and Ocean Ridge segments of the project.

The conference agreement includes $1,200,000 for the Corps of Engineers to reimburse the local sponsor for the Federal share of costs associated with renourishment of the Captiva Island segment of the Lee County, Florida, project.

The conferees are in agreement with the language in the House and Senate reports regarding the Missouri River Levee System project.

The conference agreement includes $17,025,000 for the Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, project. Of the amount provided above the budget request, $4,500,000 shall be used for levee raising and landside runoff control for Jefferson Parish lakefront levees and $8,500,000 shall be used to continue construction of parallel protection along the Orleans Avenue and London Avenue outfall canals. In addition, $1,500,000 has been provided for the West Bank-East of Harvey Canal, Louisiana, project.

The conferees have provided $17,500,000 for the Southeast Louisiana, Louisiana project. These funds are to be used to continue engineering, design, and construction of projects to provide for flood control and improvements to rainfall drainage systems in Jefferson, Orleans, and St. Tammany Parishes, Louisiana, in accordance with the following reports of the New Orleans District Engineer: Jefferson and Orleans Parishes, Louisiana, Urban Flood Control and Water Quality Management, July 1992; Tangipahoa, Techefuncte and Tickfaw Rivers, Louisiana, June 1991; St. Tammany Parish, Louisiana, June 1996; and Schneider Canal, Slidell, Louisiana, Hurricane Protection, May 1990; all of which are authorized for construction by Public Law 104–46.

The conferees have provided $250,000 for the Grand Isle and Vicinity, Louisiana, project to initiate preconstruction engineering and design on the modifications to the authorized hurricane protection project to include shoreline protection features on the north side of the island and to continue construction of breakwaters.

Within funds provided for the South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, the conferees have provided $500,000 for the Redstone Township project.

The conference agreement provides $1,000,000 each for the Arkansas City, Kansas, and Winfield, Kansas, projects as proposed by the Senate. The conferees are aware that the Winfield project is ahead of schedule and, therefore, the two-phase approach to construction described in the Senate report is not required for that project.

The conferees recognize the need to widen the Port of Freeport, Texas, navigation channel at the intersection of the Gulf Intracoastal Waterway and the bend located in the inner harbor in order to complete the channel deepening project. The conferees are also aware that during the period of construction, approximately $16,000,000 appropriated for the project was reprogrammed by the Corps of Engineers to other projects. Therefore, the conferees would not object to the Corps of Engineers' reprogramming of available funds back to the Freeport Harbor project to complete this important work.

The conference agreement includes $32,650,000 for the section 205 program as proposed by the Senate. Using those funds, the Corps of Engineers is directed to undertake the projects described in the House and Senate reports. The conference agreement includes $3,916,000 for the Muscle Shoals, Alabama, project, $2,950,000 for the St. Peters Old Town Levee, Missouri, project, and $3,370,000 for the Cedar River at Renton, Washington, project. In addition, the conferees have learned of the harmful effects of local flooding along St. Asaph's Creek in Stanford, Kentucky, and along Hanging Fork Creek in Hustonville, Kentucky, and direct the Corps of Engineers to conduct a study to determine causes and possible remedies to this condition.

The conference agreement includes $9,500,000 for the section 14 program as proposed by the House. Using those funds, the Corps of Engineers is directed to undertake the projects described in the House and Senate reports. The conference agreement includes $395,000 for the Washington-on-the-Brazos, Texas, project as proposed by the House.

The conference agreement includes $5,800,000 for the section 103 program as proposed by the House. Using those funds, the Corps of Engineers is directed to undertake the projects described in the House and Senate reports. The amount provided for the Lummi Shore Road, Washington, project is $1,700,000 as proposed by the Senate.

The conference agreement includes $11,632,000 for the section 107 program. Using those funds, the Corps of Engineers is directed to undertake the projects described in the House and Senate reports. In addition, within available funds, $100,000 is provided to initiate a feasibility study for the Tennessee River in Bridgeport, Jackson County, Alabama.

The conferees direct the Corps of Engineers to undertake the Walker River Basin, Nevada, project under the section 208 program as described in the House report.

The conference agreement includes $17,000,000 for the section 1135 program. Using those funds, the Corps of Engineers is directed to undertake the projects described in the House and Senate reports except the Bernado Waterfowl Management Area project in New Mexico. The conferees understand that the local sponsor for that project no longer wishes to participate in the project and, therefore, funding is not needed.

The conference agreement includes a total of $41,426,000 for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project. In addition to the amounts provided in the budget request, the conference agreement includes: $18,000,000 for the Harlan, Kentucky, element; $4,050,000 for the Williamsburg, Kentucky, element; $2,500,000 for the Middlesboro, Kentucky, element; $2,000,000 for the Pike County, Kentucky, element; $350,000 for the Martin County, Kentucky, element; $300,000 for the Town of Martin, Kentucky, element; $3,500,000 for the Upper Mingo County, West Virginia, element; $4,000,000 for the Lower Mingo (Kermit), West Virginia, element; $1,300,000 for the Hatfield Bottom, West Virginia, element; and $105,000 for the Lower Mingo, West Virginia, to carry out the work described in the House and Senate reports. In addition, the conference agreement deletes $1,600,000 requested by the Administration for detailed project reports.

The conferees have included language in the bill earmarking funds for the following projects in the amounts specified: Red River Emergency Bank Protection, Arkansas, $3,000,000; San Timoteo Creek, California, $7,000,000; Indianapolis Central Waterfront, Indiana, $7,000,000; Indiana Shoreline Erosion, Indiana, $2,200,000; Harlan, Kentucky, $18,000,000; Martin County, Kentucky, $350,000; Middlesboro, Kentucky, $2,500,000; Pike County, Kentucky, $2,000,000; Town of Martin, Kentucky, $300,000; Williamsburg, Kentucky, $4,050,000; Salyersville, Kentucky, $3,000,000; Lake Pontchartrain and Vicinity, Louisiana, $17,025,000; Lake Pontchartrain (Jefferson Parish) Stormwater Discharge, Louisiana, $4,750,000; Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $100,000; Red River Emergency Bank Protection, Louisiana, $3,400,000; Glen Foerd, Pennsylvania, $800,000; South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, $7,000,000; Seekonk River, Rhode Island, $650,000; Wallisville Lake, Texas, $7,500,000; Richmond Filtration Plant, Virginia, $3,500,000; Virginia Beach, Virginia, $8,000,000; Hatfield Bottom, West Virginia, $1,300,000; Lower Mingo (Kermit), West Virginia, $4,000,000; Lower Mingo Tributaries Supplement, West Virginia, $105,000; and Upper Mingo County, West Virginia, $3,500,000.

The funds provided for the Red River Emergency Bank Protection project in Arkansas are to be used for construction of the Hurricane revetment. Of the funds provided for the Red River Emergency Bank Protection project in Louisiana, $3,000,000 is for design and construction of the Cat Island revetment and $400,000 is for the sediment transport study described in the Senate report.

The conference agreement includes language in the bill directing the Secretary of the Army to: use $3,000,000 of the funds provided for the Red River Waterway, Mississippi River to Shreveport, Louisiana, project to construct a regional visitor center in the vicinity of Shreveport, Louisiana; use $1,000,000 of the funds provided for the Red River Waterway, Mississippi River to

Shreveport, Louisiana, project for partial reimbursement of costs associated with relocation and modification of the Louisiana and Arkansas Railway Bridge at Alexandria, Louisiana; use $1,000,000 of the funds appropriated in Public Law 104-46 for construction of the Ohio River Flood Protection, Indiana, project; provide signs to direct the public to facilities associated with the Saylorville Lake, Iowa, project and the wildlife refuge in Jasper and Marion Counties in Iowa as described in the House report; and use $500,000 of the funds appropriated in Public Law 103-126 to begin implementation of the Passaic River Preservation of Natural Storage Areas separable element of the Passaic River Flood Reduction, New Jersey, project. In addition, the conference agreement includes language directing the Secretary of the Army to initiate construction of the Joseph G. Minish Historic Waterfront Park, New Jersey, project using funds appropriated in Public Law 103-126. The bill also includes language naming the bike trail associated with the Saylorville Lake, Iowa, project as the Neal Smith Bike Trail and centers in Jasper and Marion Counties as the Neal Smith Prairie Wildlife Learning Center.

The conference agreement includes language in the bill which authorizes and directs the Secretary of the Army to initiate construction of the following projects in the amounts specified: Humboldt Harbor, California, $2,500,000; San Lorenzo River, California, $200,000; Faulkner's Island, Connecticut, $1,500,000; Chicago Shoreline, Illinois, $8,000,000; Pond Creek, Jefferson City, Kentucky, $1,500,000; Natchez Bluff, Mississippi, $4,500,000; Wood River, Grand Isle, Nebraska, $1,000,000; New York City Watershed, New York, $1,000,000; Duck Creek, Cincinnati, Ohio, $466,000; Saw Mill Run, Pennsylvania, $500,000; West Virginia and Pennsylvania Flooding, Pennsylvania and West Virginia, $1,000,000; San Juan Harbor, Puerto Rico, $800,000; Allendale Dam, Rhode Island, $195,000; and Upper Jordan River, Utah, $500,000. The funds provided for the West Virginia and Pennsylvania project are for work as described in section 583 of S. 640 as passed by the House and shall be used for the following flood control projects: Huntingdon County Orbisonia/Rock Hill Furnace, Pennsylvania, Black Log Creek ($150,000); Huntingdon County Coalmont Borough, Coal Bank Run ($75,000); Huntingdon County Carbon Township, Shoups Run ($75,000); Blair County Logan Township ($500,000); and Blair County Altoona, Pennsylvania ($200,000). The funds provided for the New York City Watershed project are for work as described in section 558 of S. 640 as passed by the House.

The conference agreement deletes funds earmarked in the House bill for the Ohio River Flood Protection, Indiana, project and deletes funds earmarked in the Senate bill for the Red River Chloride Control, Texas, project.

The conference agreement deletes language contained in the Senate bill earmarking funds for the following projects: Larsen Bay Harbor, Alaska; Ouzinkie Harbor, Alaska; Valdez Harbor, Intertidal Water Retention, Alaska; Kake Harbor, Alaska; Panama City Beaches, Florida; Boston Harbor, Massachusetts; Poplar Island, Maryland; Ouachita River Levees, Louisiana; and Mill Creek, Ohio. Funding for these projects has been provided in the overall amount appropriated for Construction, General. The conference agreement also deletes language contained in the Senate bill for the Helena and Vicinity, Arkansas, project. Funding for that project has been provided in the Mississippi River and Tributaries account.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement appropriates $310,374,000 for Flood Control, Mississippi River and Tributaries instead of $302,990,000 as proposed by the House and $312,513,000 as proposed by the Senate.

The conference agreement includes an additional $2,860,000 for work to bring Mississippi River levees up to grade. Using those funds, the Corps of Engineers is directed to undertake additional work in Louisiana and Mississippi as described in the House and Senate reports.

The conference agreement includes an additional $3,000,000 for the Corps of Engineers to undertake additional work on the Big Sunflower River in Yazoo Basin in Mississippi, including Black Bayou Item 2, Black Bayou Item 3, and the purchase of mitigation lands.

The conferees are aware of a sedimentation problem in Union County, Mississippi, resulting from recurring flooding of the Little Tallahatchie River in the vicinity of New Albany, Mississippi. The Corps of Engineers shall provide the Committee on Appropriations with a report, not later than April 1, 1997, which provides details on: a) the nature of the problem; b) options to solve the flooding problem, along with a time line and associated costs for each option; and c) statutory authority for the Corps of Engineers to do the work necessary to resolve the problem.

The conferees direct the Army Corps of Engineers to submit a report to the Congress, by January 31, 1997, on the status of the Bonnet Carre' Freshwater Diversion Project. The conferees further direct the Corps to provide its assessment of whether the project, as currently formulated, would achieve its goals, and to provide recommendations of the Corps as to future program options and potential enhancement which would achieve these goals in the most timely and cost effective manner.

The conference agreement includes language proposed by the Senate that directs the President of the Mississippi River Commission to use the variable cost recovery rate set forth in OMB Circular A-126 for use of the Commission aircraft.

In addition, the conference agreement includes language directing the Secretary of the Army to use additional funds appropriated in this Act or previously appropriated funds to complete the Hickman Bluff, Kentucky, project.

The conferees have provided $965,000 to continue the Morganza to the Gulf of Mexico, Louisiana, feasibility study. The conferees recommend that the Corps of Engineers use an appropriate amount of the funds provided to prepare a report on the feasibility of expediting the construction of a lock structure in the Houma Navigation Canal as an independent feature of this study authority.

The conferees are concerned about the abnormal annual flooding that occurs to industries and businesses along the waterfront areas of Morgan City and Berwick, Louisiana. The conferees understand that a means to solve the problem is pending authorization. This plan includes provisions for temporary flood proofing and for the study of a long-term solution including the relocation of riverside industries to a safe non-flood area in the vicinity. The Corps of Engineers should proceed immediately to construction upon passage of the authorization of this project with funds available to the Mississippi River and Tributaries project.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $1,697,015,000 for Operation and Maintenance, General, instead of $1,701,180,000 as proposed by the House and $1,688,358,000 as proposed by the Senate.

The conferees are concerned about the Administration's plans to stop requesting funds for the maintenance of smaller navigation projects beginning in fiscal year 1998. Failure to adequately maintain those projects will cause economic hardship for many communities throughout the nation and result in hazardous navigation conditions that could directly lead to the loss of life and property. The conferees expect the Administration to continue to request adequate funds for maintenance of these projects.

The conferees direct the Corps of Engineers to use funds appropriated in this Act to conduct and continue their participation in the comprehensive water resources study of the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins with the states of Alabama, Florida, and Georgia, as specified in the Memorandum of Agreement dated January 3, 1992, as supplemented or amended, between the parties (the states of Alabama, Georgia, Florida, and the Army Corps of Engineers), through December 31, 1997 or the completion of the Comprehensive Study. Further funding contributions made by the states up to and including fiscal year 1996 will be considered in any additional funding requirement for contract studies or elements thereof.

The conferees have provided an additional $550,000 for the Corps of Engineers to continue repairs to the damaged east and west jetties and to construct a concrete cap on the east jetty at Newport Bay Harbor in California.

The Secretary of the Army is encouraged to conduct a study assessment and report to the Congress no later than one year from the date of enactment of this Act on the need and suitability to modify the Local Cooperation Agreement under which the Port of Santa Cruz now performs the Federal operations and maintenance mission at Santa Cruz Harbor in California. The study will particularly examine the need for an inflationary and cost of living increase adjustment that was not specified in the original agreement.

Of the funds provided for the Sepulveda Dam, California, project, it is the conferees' intent that a significant portion shall be used for environmental restoration and wildlife habitat.

The conference agreement includes $8,000,000 for the New York Harbor, New York project. The funds provided above the budget request are to be used to perform remaining dredged material management plan study activities and to implement short term disposal alternatives which have been determined to be feasible and quickly implementable and to investigate methods to reduce sediment contamination within the harbor.

The conferees agree that the Corps of Engineers may use nontraditional means for erosion control on the Missouri River below the Fort Peck Dam in Montana to the North Dakota border.

The conference agreement includes $7,552,000 for the Manteo (Shallowbag Bay), North Carolina, project to be used for additional maintenance dredging and monitoring of the terminal groin constructed at Oregon Inlet.

The conference agreement includes language in the bill earmarking funds for the following projects in the amounts specified: Raystown Lake, Pennsylvania, $4,190,000; and Cooper Lake and Channels, Texas, $2,601,000.

Language has been included in the bill which directs the Secretary of the Army to: use $1,000,000 of the funds provided in the bill to design and construct a landing at Guntersville, Alabama; design and implement an early flood warning system for the Greenbrier and Cheat River Basins in West Virginia; maintain a minimum conservation pool of 475.5 feet at Wister Lake in Oklahoma; and use $600,000 to perform maintenance dredging of the Cocheco River, New Hampshire, project. Language has also been included in the bill which provides that no funds available to the Corps of Engineers shall be used to acquire land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project.

The conference agreement deletes language contained in Senate bill earmarking funds for the Compton Creek Channel, California, project and the Buford-Trenton Irrigation District erosion control project in North Dakota. Funding for these projects has been included in the overall amount appropriated for Operation and Maintenance, General.

REGULATORY PROGRAM

The conference agreement appropriates $101,000,000 for the Regulatory Program as proposed by the House and the Senate.

The conferees agree that the Corps of Engineers should seek ways to implement the proposed administrative appeals process within the resources provided.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement appropriates $10,000,000 for Flood Control and Coastal Emergencies as proposed by the House and the Senate. In addition, the conference agreement includes language proposed by the House which directs the Secretary of the Army to use up to $8,000,000 of the funds appropriated in this Act and in Public Law 104–134 to rehabilitate non-Federal flood control levees along the Puyallup and Carbon Rivers in Pierce County, Washington.

OIL SPILL RESEARCH

The conference agreement provides no funds for the Oil Spill Research program.

GENERAL EXPENSES

The conference agreement appropriates $149,000,000 for General Expenses instead of $145,000,000 as proposed by the House and $153,000,000 as proposed by the Senate.

The conference agreement deletes language contained in the Senate bill which would have prohibited the Secretary of the Army from obligating funds for the closure of the Pacific Ocean Division.

The conferees have, however, included language in the bill which directs the Secretary of the Army to begin implementing a plan to reduce the number of division offices to no more than eight and no less than six on April 1, 1997, and which provides authority for the Corps of Engineers to transfer up $1,500,000 into this account from other accounts in this Title to mitigate impacts in the delay in implementation of the division closure plan.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

The conference agreement, in Section 101, includes language which provides that the Secretary of the Army, in fiscal year 1997, shall advertise for competitive bid at least 8,500,000 cubic yards of the hopper dredge volume accomplished with Government-owned dredges in fiscal year 1992 instead of 10,000,000 cubic yards as proposed by the House and 7,500,000 cubic yards as proposed by the Senate. During the period in which any of the Federal hopper dredges are placed in the reserve fleet or on standby status, or out of service for lengthy repair or rehabilitation, reallocating the entire 8,500,000 cubic yards among the remaining Federal dredges would require further reduction in their days of service, thus making their operation more costly and less competitive. Therefore, if any of the Federal hopper dredges is removed from service for repair or rehabilitation or placed in the reserve fleet or on standby status and is prevented from accomplishing the level of work it has carried out during the past three fiscal years, the conferees direct the Corps of Engineers to reduce the 8,500,000 cubic yards by the share allocated to that dredge over the past three fiscal years which has been put out for bid to the private sector.

The conference agreement, in Section 102, includes language prohibiting the use of funds available to the Corps of Engineers to study, design, or undertake improvements or major repair to the hopper dredge *McFarland*, except for normal maintenance and repair necessary to maintain the vessel in its current operational condition. This language is identical to language contained in the fiscal year 1996 Energy and Water Development Appropriations Act. The House bill contained a similar provision, while the Senate bill did not address the issue.

The conference agreement, in Section 103, includes language proposed by the Senate which modifies the authorization for the Moorefield, West Virginia, project by increasing the project's estimated cost.

The conference agreement, in Section 104, includes language proposed by the Senate which modifies the authorization for the Grays Landing Lock and Dam, Monongahela River, Pennsylvania, project by increasing the project's estimated cost.

The conference agreement, in Section 105, includes language proposed by the Senate which provides that flood control measures implemented under the authority of Section 202(a) of Public Law 96–367 shall prevent future losses that would occur from a flood equal in magnitude to the flood of April 1977 or the 100-year frequency event, whichever is greater. The Senate language has been amended to clarify that it applies to nonstructural flood control measures.

The conference agreement, in Section 106, includes language proposed by the Senate which will prevent the termination of contracts or the delay of scheduled work at specifically funded ongoing construction projects because of insufficient funding. When exercising this authority, the Secretary of the Army should be guided by the direction contained in the Senate report.

The conference agreement, in Section 107, includes language proposed by the Senate directing the Corps of Engineers to complete the Charleston Riverfront (Haddad) Park, West Virginia, project.

The conference agreement, in Section 108, includes language proposed by the Senate which modifies the authorization for the Arkansas City, Kansas, project by increasing the project's estimated cost with an amendment to reflect the current Federal and non-Federal costs.

The conference agreement, in Section 109, includes language proposed by the Senate which provides that funds appropriated in the fiscal year 1993 Energy and Water Development Appropriations Act for the Elk Creek Dam, Oregon, project are available to plan and implement long term management measures at Elk Creek Dam to maintain the project in an uncompleted state and to take necessary steps to provide fish passage through the project.

The conference agreement, in section 110, includes language authorizing and directing the Secretary of the Army to modify the Hudson River, New York, project, to provide for a 330-foot wide channel to a depth of 24 feet from the existing Federal channel in the vicinity of Hudson City Light to the north dock at Union Street, Athens, New York.

The conference agreement, in section 111, includes a provision amending language contained in the fiscal year 1996 Energy and Water Development Appropriations Act regarding the conveyance of land to the City of Prestonsburg, Kentucky.

The conference agreement, in section 112, includes language modifying the authorization for the project to perform emergency gate construction at Abiquiu Dam in New Mexico.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	ALABAMA				
(N)	ALABAMA RIVER BELOW CLAIBORNE LOCK AND DAM, AL	250,000	---	---	---
	CAHABA RIVER BASIN, JEFFERSON COUNTY, AL	---	---	100,000	---
(N)	DOG RIVER, AL	100,000	---	100,000	---
	VILLAGE CREEK, JEFFERSON CNTY (BIRMINGHAM WATERSHEDS)	---	---	100,000	---
	ALASKA				
(FDP)	ANIAK, AK	113,000	---	113,000	---
(E)	CHENA RIVER WATERSHED, AK	223,000	---	223,000	---
(N)	CHIGNIK HARBOR, AK	---	61,000	---	61,000
	COSTAL STUDIES NAVIGATION IMPROVEMENT	---	---	500,000	---
(FC)	COOK INLET, AK	---	150,000	---	150,000
(N)	DUTCH HARBOR, AK	148,000	---	148,000	---
(N)	KENAI RIVER, AK	---	---	100,000	---
(N)	KUSKOKWIM RIVER, AK	238,000	---	238,000	---
(N)	NOME HARBOR IMPROVEMENTS, AK	160,000	---	160,000	---
(N)	SAND POINT HARBOR, AK	100,000	---	100,000	---
(N)	SEWARD HARBOR, AK	100,000	---	100,000	---
(N)	SITKA LIGHTERING FACILITY AK	---	---	90,000	---
(N)	ST PAUL HARBOR, AK	15,000	---	15,000	---
(N)	ST PAUL HARBOR, AK	---	150,000	---	150,000
(N)	WRANGELL HARBOR, AK	200,000	---	200,000	---
	ARIZONA				
(RCP)	ALAMO LAKE, AZ	257,000	---	257,000	---
(FDP)	GILA RIVER & TRIBUTARIES, N SCOTTSDALE DRAINAGE AREA,	300,000	---	300,000	---
(FDP)	GILA RIVER & TRIBUTARIES, SANTA CRUZ RIVER BASIN, AZ	290,000	---	290,000	---
(FDP)	GILA RIVER, TORTOLITA DRAINAGE AREA, AZ	200,000	---	200,000	---
(FDP)	RIO DE FLAG, FLAGSTAFF, AZ	500,000	---	500,000	---
(E)	RIO SALADO WATERSHED ECOSYSTEM, AZ	500,000	---	500,000	---
	TRES RIOS, AZ	---	---	200,000	---
(FC)	TUCSON DRAINAGE AREA, AZ	---	500,000	---	500,000
	ARKANSAS				
(FDP)	MAY BRANCH, FORT SMITH, AR	265,000	---	265,000	---
(FDP)	MCKINNEY BAYOU, AR & TX	250,000	---	250,000	---
	CALIFORNIA				
(FC)	AMERICAN RIVER WATERSHED, CA	---	3,500,000	---	3,500,000
	BOLINAS LAGOON, CA	---	---	100,000	---
(SPE)	CENTRAL BASIN GROUNDWATER PROJECT, CA	363,000	---	363,000	---
	CITIES OF ARCADIA AND SIERRA MADRE, CA	---	---	300,000	---
	CITY OF HUNTINGTON BEACH, CA	---	---	100,000	---
(N)	CRESCENT CITY HARBOR, CA	---	495,000	---	495,000
	DRY CREEK (MIDDLETOWN), CA	---	---	100,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
(E)	IMPERIAL COUNTY WATERSHED STUDY, CA..................	389,000	---	389,000	---
(FC)	KAWEAH RIVER, CA......................................	---	600,000	---	1,000,000
(SPE)	LACDA WATER CONS & SUP (HANSEN & LOPEZ DAMS), CA......	370,000	---	370,000	---
(SPE)	LACDA WATER CONS & SUP(WHITTIER NARROWS & SANTA FE DAM	430,000	---	430,000	---
	MALIBU COASTAL AREA, CA...............................	---	---	200,000	---
	MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA........	---	---	---	250,000
(N)	MARINA DEL REY AND BALLONA CREEK, CA..................	200,000	---	200,000	---
	MOJAVE RIVER FORKS DAM, CA............................	---	---	100,000	---
(E)	N CA STREAMS, CACHE CREEK ENVIRONMENTAL RESTORATION, C	250,000	---	250,000	---
	N CA STREAMS, COLUSA BASIN DRAINAGE SYSTEMS, CA.......	---	---	100,000	---
(E)	N CA STREAMS, SACRAMENTO RIVER FISH MIGRATION, CA.....	300,000	---	300,000	---
	N CA STREAMS, SUISUN MARSH WATERSHED, CA..............	---	---	100,000	---
	N CA STREAMS, VACAVILLE/DIXON, CA.....................	---	---	100,000	---
(FC)	N CA STREAMS, WINTERS & VICINITY, CA..................	---	150,000	---	150,000
(FDP)	N CA STREAMS, WINTERS & VICINITY, CA..................	30,000	---	30,000	---
(FDP)	N CA STREAMS, YUBA RIVER BASIN, CA....................	120,000	---	120,000	---
(FC)	NAPA RIVER, CA..	---	700,000	---	700,000
(E)	NAPA RIVER, SALT MARSH RESTORATION, CA................	377,000	---	377,000	---
(E)	NEWPORT BAY HARBOR, CA................................	200,000	---	200,000	---
	NORCO BLUFFS, CA......................................	---	---	---	180,000
	NOYO HARBOR BREAKWATER, CA............................	---	---	---	300,000
(E)	NORTHERN CALIFORNIA STREAMS, MIDDLE CREEK, CA.........	410,000	---	410,000	---
(FC)	PAJARO RIVER AT WATSONVILLE, CA.......................	---	810,000	---	810,000
(SP)	PENINSULA BEACH, CA...................................	252,000	---	252,000	---
(N)	PILLAR POINT HARBOR, CA...............................	250,000	---	250,000	---
(N)	PORT HUENEME, CA......................................	200,000	---	200,000	---
(N)	PORT OF LONG BEACH (DEEPENING), CA....................	---	194,000	---	194,000
(E)	PRADO BASIN WATER SUPPLY, CA..........................	350,000	---	350,000	---
(FDP)	RANCHO PALOS VERDES, CA...............................	270,000	---	270,000	---
(E)	RUSSIAN RIVER, ECOSYSTEM RESTORATION, CA..............	386,000	---	386,000	---
	SACRAMENTO RIVER WATERSHED MANAGEMENT, CA.............	---	---	100,000	---
(SPE)	SACRAMENTO-SAN JOAQUIN DELTA, CA......................	600,000	---	600,000	---
(E)	SACRAMENTO-SAN JOAQUIN DELTA, LITTLE HOLLAND TRACT, CA	150,000	---	150,000	---
(E)	SACRAMENTO-SAN JOAQUIN DELTA, WESTERN DELTA ISLANDS, C	400,000	---	400,000	---
(FDP)	SAN ANTONIO CREEK, CA.................................	128,000	---	128,000	---
	SAN DIEGO HARBOR, CA..................................	---	---	100,000	---
	SAN FRANCISCO BAY BAR CHANNEL, CA.....................	---	---	100,000	---
(E)	SAN JOAQUIN R BASIN, PINE FLAT DAM, F&WL HABITAT RESTO	500,000	---	500,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, ARROYO PASAJERO (FRESNO CO),.	1,000,000	---	1,000,000	---
	SAN JOAQUIN RIVER BASIN, CALIENTE CREEK, CA...........	---	---	150,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, SOUTH SACRAMENTO COUNTY STREA	550,000	---	550,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, C	540,000	---	540,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, TULE RIVER, CA...............	200,000	---	200,000	---
	SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, CA...	---	---	100,000	---
(E)	SAN JUAN AND ALISO CREEKS WATERSHED MANAGEMENT, CA....	365,000	---	365,000	---
(FDP)	SANTA BARBARA COUNTY STREAMS, LOWER MISSION CREEK, CA.	350,000	---	350,000	---
	SANTA MARGARITA RIVER AND TRIBUTARIES, CA.............	---	---	100,000	---
	SANTA MONICA WATER INFRASTRUCTURE RELIABILITY, CA.....	---	---	100,000	---
(FC)	SEVEN OAKS AND PRADO DAMS WATER CONSERVATION, CA......	---	250,000	---	250,000
(FDP)	SEVEN OAKS AND PRADO DAMS WATER CONSERVATION, CA......	60,000	---	60,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
(FDP)	UPPER GUADALUPE RIVER, CA..............................	579,000	---	579,000	---
(FDP)	UPPER PENITENCIA CREEK, CA.............................	450,000	---	450,000	---
(SP)	VENTURA AND SANTA BARBARA COUNTY SHORELINE, CA........	252,000	---	252,000	---
	VENTURA HARBOR SAND BYPASS, CA.........................	---	---	100,000	---
(FDP)	WHITEWATER RIVER BASIN, CA.............................	430,000	---	430,000	---
	DELAWARE				
(N)	C&D CANAL - BALTIMORE HBR CONN CHANNELS, DE & MD (DEEP	45,000	---	45,000	---
(N)	C&D CANAL - BALTIMORE HBR CONN CHANNELS, DE & MD (DEEP	---	1,210,000	---	1,210,000
(SP)	DELAWARE BAY COASTLINE, DE & NJ.......................	557,000	---	557,000	---
(SP)	DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, D	288,000	---	288,000	---
(N)	DELAWARE RIVER MAIN CHANNEL DEEPENING, DE, NJ & PA....	---	156,000	---	156,000
	FLORIDA				
(N)	BIG BEND CHANNEL.......................................	---	250,000	---	250,000
	BREVARD COUNTY, FL.....................................	---	---	---	500,000
	CHICOPIT BAY, FL.......................................	---	---	100,000	---
	DADE COUNTY WATER REUSE FACILITY, FL...................	---	---	200,000	---
	FORT PIERCE HARBOR, FL.................................	---	---	100,000	---
	HILLSBORO COUNTY, FL...................................	---	---	100,000	---
(N)	HILLSBORO INLET, FL....................................	---	200,000	---	200,000
(N)	INTRACOASTAL WATERWAY, PALM BEACH COUNTY, FL..........	---	200,000	---	200,000
(N)	INTRACOASTAL WATERWAY, PALM BEACH COUNTY, FL..........	39,000	---	39,000	---
(N)	JACKSONVILLE HARBOR, FL................................	246,000	---	246,000	---
(SP)	LIDO KEY SARASOTA COUNTY, FL...........................	26,000	---	26,000	---
(BE)	NASSAU COUNTY, FL......................................	---	400,000	---	400,000
(N)	PONCE DE LEON INLET, FL................................	112,000	---	112,000	---
(N)	PORT EVERGLADES, FL....................................	---	---	100,000	---
	ST JOHNS RIVER, FL.....................................	---	---	250,000	---
(N)	ST LUCIE INLET, FL.....................................	---	300,000	---	300,000
	TAMPA HARBOR, ALAFIA CHANNEL, FL.......................	---	---	100,000	---
	GEORGIA				
(E)	ATLANTA WATERSHED, GA..................................	325,000	---	325,000	---
(N)	BRUNSWICK HARBOR, GA...................................	250,000	---	250,000	---
(FDP)	FLINT RIVER BASIN STUDY, GA............................	260,000	---	100,000	---
(N)	LOWER SAVANNAH RIVER, GA & SC..........................	---	400,000	---	400,000
(N)	SAVANNAH HARBOR EXPANSION, GA..........................	400,000	---	400,000	---
	SAVANNAH/CHATHAM COUNTY REGIONAL FLOOD CONTROL, GA....	---	---	100,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	HAWAII				
(N)	BARBERS POINT HARBOR MODIFICATION, OAHU, HI	350,000	---	350,000	---
(N)	KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	---	365,000	---	365,000
(N)	MAUI SECOND HARBOR, MAUI, HI	120,000	---	120,000	---
(FDP)	WAILUPE STREAM FLOOD CONTROL STUDY, OAHU, HI	230,000	---	230,000	---
	ILLINOIS				
(FDP)	ALEXANDER AND PULASKI COUNTIES, IL	175,000	---	175,000	---
(FC)	DES PLAINES RIVER, IL	---	350,000	---	350,000
(RDP)	FREEPORT, IL	200,000	---	200,000	---
	KANKAKEE RIVER BASIN, IL	---	---	100,000	---
	MISSISSIPPI RIVER AT QUINCY, IL	---	---	100,000	---
(FC)	NUTWOOD DRAINAGE AND LEVEE DISTRICT, IL	---	100,000	---	100,000
	OHIO RIVER, SOUTHEASTERN, IL	---	---	100,000	---
	PEORIA RIVERFRONT DEVELOPMENT, IL	---	---	100,000	---
(RCP)	UPPER MISSISSIPPI & ILLINOIS NAV STUDY, IL, IA, MN, MO	9,883,000	---	10,750,000	---
	WOOD RIVER DRAINAGE AND LEVEE DISTRICT, IL	---	---	100,000	---
	INDIANA				
(FC)	INDIANAPOLIS, WHITE RIVER (NORTH), IN	---	475,000	---	475,000
	LAKE GEORGE, HOBART, IN	---	---	---	100,000
	LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), IN	---	---	---	200,000
	NEW HARMONY, IN	---	---	---	150,000
	OHIO RIVER GREENWAY, IN	---	---	---	200,000
	TIPPECANOE RIVER, IN	---	---	100,000	---
(FDP)	WABASH RIVER BASIN (MIDDLE REACHES), IN & IL	105,000	---	200,000	---
	IOWA				
(RCP)	CORALVILLE LAKE, IA	235,000	---	235,000	---
	KANSAS				
(SPE)	GRAND (NEOSHO) RIVER, KS	129,000	---	129,000	---
(RCP)	KANOPOLIS LAKE, KS	25,000	---	25,000	---
(RCP)	MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, KS	145,000	---	145,000	---
(RCP)	SALINA, KS	302,000	---	302,000	---
(RCP)	TOPEKA, KS	367,000	---	367,000	---
(FC)	TURKEY CREEK BASIN, KS & MO	---	25,000	---	25,000
(FDP)	TURKEY CREEK BASIN, KS & MO	79,000	---	79,000	---
(RCP)	WILSON LAKE, KS	155,000	---	155,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	KENTUCKY				
(N)	GREEN AND BARREN RIVERS NAVIGATION DISPOSITION STUDY,.	380,000	---	180,000	---
(N)	KENTUCKY LOCK, KY	---	3,000,000	---	3,000,000
(FDP)	LEXINGTON, FAYETTE COUNTY, KY	149,000	---	149,000	---
	LOWER CUMBERLAND RIVER, KY	---	---	100,000	---
(FDP)	METROPOLITAN CINCINNATI, NORTHERN KENTUCKY, KY	315,000	---	315,000	---
(FDP)	METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	80,000	---	80,000	---
(FC)	METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	---	150,000	---	150,000
	METROPOLITAN LOUISVILLE, MILL CREEK, KY	---	---	100,000	---
(FDP)	METROPOLITAN LOUISVILLE, SOUTHWEST, KY	262,000	---	262,000	---
(N)	OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	7,719,000	---	7,719,000	---
	PANTHER CREEK, KY	---	---	100,000	---
	LOUISIANA				
(FDP)	AMITE RIVER AND TRIBUTARIES, LA	---	---	200,000	---
	BAYOU BLANC, CROWLEY, LA	---	---	100,000	---
(FDP)	BAYOU TIGRE, ERATH, LA	100,000	---	100,000	---
(FDP)	BLACK BAYOU DIVERSION, LA	100,000	---	100,000	---
(FC)	COMITE RIVER, LA	---	200,000	---	200,000
(FC)	EAST BATON ROUGE PARISH, LA	---	400,000	---	400,000
(N)	INTRACOASTAL WATERWAY LOCKS, LA	600,000	---	600,000	---
(FDP)	JEFFERSON PARISH, LA	593,000	---	593,000	---
(FDP)	LAFAYETTE PARISH, LA	200,000	---	200,000	---
(N)	MISSISSIPPI RIVER SHIP CHANNEL IMPROVEMENTS, LA	278,000	---	278,000	---
(FDP)	ORLEANS PARISH, LA	300,000	---	300,000	---
	SABINE DIVERSION CANAL, LA	---	---	100,000	---
(FDP)	ST TAMMANY PARISH, LA	200,000	---	200,000	---
(FC)	WEST BANK - EAST OF HARVEY CANAL, LA	---	50,000	---	50,000
(FDP)	WEST SHORE - LAKE PONTCHARTRAIN, LA	129,000	---	129,000	---
	MARYLAND				
(FDP)	ANACOSTIA RIVER AND TRIBUTARIES, MD & DC	700,000	---	700,000	---
(E)	ANACOSTIA RIVER FEDERAL WATERSHED IMPACT ASSESSMENT, M	442,000	---	442,000	---
(N)	BALTIMORE HARBOR ANCHORAGES & CHANNELS, MD	---	338,000	---	338,000
(N)	BALTIMORE HARBOR ANCHORAGES & CHANNELS, MD	191,000	---	191,000	---
(FDP)	BALTIMORE METROPOLITAN WATER RESOURCES STUDY, MD	596,000	---	596,000	---
(SPE)	CHESAPEAKE BAY TIME VARIABLE MODEL, MD, VA, PA & DC	522,000	---	522,000	---
(FC)	JENNINGS RANDOLPH LAKE - REALLOCATION, MD & WV	---	37,000	---	37,000
(RCP)	JENNINGS RANDOLPH LAKE - REALLOCATION, MD & WV	34,000	---	34,000	---
(N)	OCEAN CITY, MD AND VICINITY	740,000	---	740,000	150,000
(FDP)	PATUXENT RIVER WATER RESOURCES, MD	200,000	---	200,000	---
(E)	SMITH ISLAND ENVIRONMENTAL RESTORATION, MD	300,000	---	300,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	MASSACHUSETTS				
(E)	BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI	300,000	---	300,000	---
(N)	BOSTON HARBOR, MA	---	90,000	---	90,000
	MICHIGAN				
	SAULT STE MARIE, MI	---	---	---	250,000
	MINNESOTA				
(FC)	CROOKSTON, MN	---	190,000	---	190,000
(FDP)	CROOKSTON, MN	56,000	---	56,000	---
	MISSISSIPPI				
(FC)	JACKSON METROPOLITAN AREA, MS	---	2,790,000	---	2,790,000
	MISSOURI				
(FC)	BLUE RIVER BASIN, KANSAS CITY, MO	---	450,000	---	450,000
(FDP)	CHESTERFIELD, MO	285,000	---	285,000	---
(RCP)	FABIUS RIVER LEVEE AND DRAINAGE DISTRICT, MO	318,000	---	318,000	---
(FDP)	FESTUS AND CRYSTAL CITY, MO	50,000	---	250,000	---
	KIMMSWICK, MO	---	---	50,000	---
(FDP)	LOWER RIVER DES PERES, MO	50,000	---	150,000	---
(FDP)	SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	55,000	---	55,000	---
(N)	ST. LOUIS HARBOR, MO AND IL	---	---	---	650,000
	NEBRASKA				
(FDP)	ANTELOPE CREEK, LINCOLN, NE	175,000	---	175,000	---
(FDP)	LOWER PLATTE RIVER & TRIBUTARIES, NE	420,000	---	420,000	---
	NEVADA				
(E)	LOWER LAS VEGAS WASH WETLANDS, NV	210,000	---	210,000	---
(E)	LOWER TRUCKEE RIVER, PAIUTE, NV	250,000	---	250,000	---
(E)	LOWER TRUCKEE RIVER, WASHOE COUNTY, NV	250,000	---	250,000	---
(FDP)	NORTH LAS VEGAS, CHANNEL "A", NV	100,000	---	100,000	---
(FDP)	TRUCKEE MEADOWS, RENO, NV	650,000	---	650,000	---
(N)	TAHOE BASIN, NV AND CA	---	---	100,000	---
	WALKER RIVER BASIN, NV	---	---	300,000	---
	WALKER RIVER BASIN RESTORATION, NV	---	---	100,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	NEW JERSEY				
	BARNEGAT BAY ESTUARY AND WATERSHED, NJ	---	---	100,000	---
	BARNEGAT INLET TO LITTLE EGG HARBOR INLET, NJ	---	---	300,000	---
(SP)	BRIGANTINE INLET TO GREAT EGG HARBOR INLET, NJ	160,000	---	160,000	200,000
	GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NJ	---	---	200,000	---
(SP)	LOWER CAPE MAY MEADOWS - CAPE MAY POINT, NJ	231,000	---	231,000	---
	MANASQUAN INLET TO BARNEGAT INLET, NJ	---	---	250,000	---
	NEW JERSEY INTERCOASTAL WATERWAY, NJ	---	---	100,000	---
(SP)	RARITAN BAY AND SANDY HOOK BAY (CLIFFWOOD BEACH), NJ	25,000	---	---	---
(SP)	RARITAN BAY AND SANDY HOOK BAY, NJ	590,000	---	725,000	---
(FC)	RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	---	2,781,000	---	2,781,000
(FDP)	SOUTH RIVER, RARITAN RIVER BASIN, NJ	400,000	---	400,000	---
(SP)	TOWNSENDS INLET TO CAPE MAY INLET, NJ	45,000	---	45,000	200,000
	NEW MEXICO				
(FC)	LAS CRUCES, EL PASO AND VICINITY, NM	---	207,000	---	207,000
(SPE)	RIO CHAMA, ABIQUIU DAM TO ESPANOLA, NM	150,000	---	150,000	---
	NEW YORK				
(RCP)	ADDISON, NY	75,000	---	75,000	---
(N)	ARTHUR KILL CHANNEL - HOWLAND HOOK MARINE TERMINAL, NY	---	1,200,000	---	1,200,000
(SP)	ATLANTIC COAST OF NEW YORK, NY	1,400,000	---	1,400,000	---
	CHEMUNG RIVER BASIN, NY	---	---	100,000	---
(N)	HUDSON RIVER HABITAT RESTORATION, NY	375,000	---	375,000	---
(SP)	JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY	600,000	---	600,000	---
(BE)	LONG BEACH ISLAND, NY	---	742,000	---	742,000
(N)	NEW YORK AND NEW JERSEY HARBOR, NY & NJ	---	---	200,000	---
	NORTH SHORE OF LONG ISLAND, NY	---	---	250,000	---
(SPE)	ONONDAGA LAKE, NY	120,000	---	120,000	---
	SOUTH SHORE OF LONG ISLAND, NY	---	---	100,000	---
	SOUTH SHORE OF STATEN ISLAND, NY	---	---	200,000	---
(FDP)	SUSQUEHANNA RIVER BASIN WATER MANAGEMENT, NY, PA & MD.	209,000	---	209,000	---
	UPPER SUSQUEHANNA RIVER BASIN, NY & PA	---	---	100,000	---
(FDP)	UPPER DELAWARE RIVER WATERSHED, NY	---	---	100,000	---
(SP)	YONKERS SHORELINE, NY	25,000	---	25,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	NORTH CAROLINA				
(FC)	BRUNSWICK COUNTY BEACHES, NC..........................	---	500,000	---	500,000
(N)	CAPE FEAR - NORTHEAST (CAPE FEAR) RIVER, NC...........	---	1,000,000	---	1,000,000
(SP)	DARE COUNTY BEACHES, NC...............................	400,000	---	400,000	---
	TENNESSEE RIVER AND TRIBUTARIES, NC...................	---	---	100,000	---
(N)	WILMINGTON HARBOR - NORTHEAST CAPE FEAR RIVER, NC.....	---	100,000	---	100,000
	NORTH DAKOTA				
(SPE)	DEVILS LAKE, ND.......................................	1,100,000	---	1,100,000	---
(FDP)	GRAND FORKS, ND.......................................	361,000	---	361,000	---
	OHIO				
	HOCKING RIVER BASIN, OH...............................	---	---	100,000	---
	CLEVELAND HARBOR, OH..................................	---	---	300,000	---
	OREGON				
(N)	COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA..	600,000	---	600,000	---
(E)	MIDDLE FORK WILLAMETTE FISHERY RESTORATION, OR........	179,000	---	179,000	---
(E)	WALLA WALLA RIVER WATERSHED, OR & WA..................	230,000	---	230,000	---
(COM)	WILLAMETTE RIVER BASIN REVIEW, OR.....................	400,000	---	400,000	---
(MP)	WILLAMETTE RIVER TEMPERATURE CONTROL, OR..............	---	1,000,000	---	1,000,000
	PENNSYLVANIA				
	BEAVER RIVER, PA......................................	---	---	100,000	---
(E)	CONEMAUGH RVR BASIN, NANTY GLO ENVIRONMENTAL RESTORATI	50,000	---	50,000	---
(FDP)	JUNIATA RIVER BASIN, PA...............................	600,000	---	600,000	---
(FDP)	LACKAWANNA RIVER, (GREEN RIDGE & PLOT SECTIONS).......	---	---	---	600,000
	LOWER WEST BRANCH SUSQUEHANNA RIVER BASIN, PA.........	---	---	100,000	---
(FDP)	MILTON, PA..	73,000	---	73,000	---
	MUSSERS DAM, MIDDLE CREEK, SNYDER COUNTY, PA..........	---	---	---	450,000
(FDP)	SCHYULKILL RIVER BASIN, SCHUYLKILL HAVEN AREA, PA.....	175,000	---	175,000	---
	TIOGA RIVER WATERSHED, PA.............................	---	---	100,000	---
(RCP)	YOUGHIOGHENY RIVER LAKE, STORAGE REALLOCATION, PA & MD	175,000	---	175,000	---
	PUERTO RICO				
(FC)	RIO GUANAJIBO, PR.....................................	---	600,000	---	600,000
(FC)	RIO NIGUA AT SALINAS, PR..............................	---	329,000	---	329,000
(N)	SAN JUAN HARBOR, PR...................................	---	150,000	---	150,000
	RHODE ISLAND				
	RHODE ISLAND SOUTH COAST, HABITAT REST. AND STORM DAMAGE REDUCTION, RI.............................	---	---	100,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	SOUTH CAROLINA				
(N)	ATLANTIC INTRACOASTAL WATERWAY, SC	---	---	100,000	---
(N)	CHARLESTON HARBOR, SC (DEEPENING & WIDENING)	---	225,000	---	225,000
(N)	GEORGETOWN HARBOR, SC	207,000	---	207,000	---
(N)	SANTEE, COOPER, CONGAREE RIVERS, SC	254,000	---	254,000	---
	YADKIN/PEE DEE RIVERS WATERSHED, SC	---	---	100,000	---
	TENNESSEE				
	BLACK FOX, MURFREE AND OAKLAND SPRINGS, WETLANDS, TN	---	---	---	300,000
	DUCK RIVER, TN	---	---	100,000	---
(FDP)	EAST RIDGE, HAMILTON COUNTY, TN	---	---	---	200,000
(FDP)	EMILY AVE & TIMOTHY ST., KNOXVILLE, TN	---	---	100,000	---
(FDP)	METRO CENTER LEVEE, DAVIDSON COUNTY, TN	330,000	---	330,000	---
	WING DEER PARK, BOONE LAKE, TN	---	---	100,000	---
	TEXAS				
(FDP)	ALPINE, TX	178,000	---	178,000	---
(FC)	BRAYS BAYOU, HOUSTON, TX	---	1,110,000	---	1,110,000
(SPE)	COLONIAS ALONG U.S.-MEXICO BORDER, TX & AZ	320,000	---	520,000	---
(N)	CORPUS CHRISTI SHIP CHANNEL, TX	100,000	---	100,000	---
(FC)	CYPRESS CREEK, HOUSTON, TX	---	400,000	---	400,000
(E)	CYPRESS VALLEY WATERSHED, TX	50,000	---	50,000	---
(FC)	DALLAS FLOODWAY EXTENSION, TRINITY RIVER, TX	---	930,000	---	930,000
(N)	GIWW - ARANSAS NATIONAL WILDLIFE REFUGE, TX	---	857,000	---	857,000
	GIWW - BRAZOS RIVER TO PORT O'CONNOR	---	---	100,000	---
(RDP)	GIWW - HIGH ISLAND TO BRAZOS RIVER, TX	1,200,000	---	1,200,000	---
	GIWW - PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	---	---	100,000	---
(FC)	GRAHAM, TX (BRAZOS RIVER BASIN)	---	50,000	---	50,000
(FC)	GREENS BAYOU, HOUSTON, TX	---	860,000	---	860,000
(N)	HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	---	1,900,000	---	1,900,000
	LOWER RIO GRANDE BASIN, TX	---	---	---	150,000
(N)	NECHES RIVER & TRIBUTARIES SALTWATER BARRIER, TX	---	520,000	---	520,000
(FDP)	NORTHWEST EL PASO, TX	300,000	---	100,000	---
(FDP)	PECAN BAYOU, BROWNWOOD, TX	140,000	---	140,000	---
(E)	PLAINVIEW, BRAZOS RIVER BASIN, TX	100,000	---	100,000	---
(FC)	SOUTH MAIN CHANNEL, TX	---	650,000	---	650,000
(FDP)	UPPER TRINITY RIVER BASIN, TX	1,230,000	---	1,230,000	---
	UTAH				
(FDP)	PROVO AND VICINITY, UT	320,000	---	320,000	---
(E)	UPPER JORDAN RIVER RESTORATION, UT	---	---	100,000	---
	VIRGIN ISLANDS				
(N)	CROWN BAY CHANNEL, VI	---	100,000	---	100,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	VIRGINIA				
(N)	AIWW BRIDGE AT GREAT BRIDGE, VA	---	344,000	---	344,000
(SP)	CHESAPEAKE BAY SHORELINE, POQUOSON, VA	301,000	---	301,000	---
	ELIZABETH RIVER BASIN, VA	---	---	100,000	---
(RCP)	JOHN H KERR LAKE, VA & NC	620,000	---	620,000	---
	LOWER POTOMAC ESTUARY WATERSHED, VA & MD	---	---	100,000	---
(SPE)	NANSEMOND RIVER BASIN, SUFFOLK, VA	226,000	---	226,000	---
	NORFOLK VIRGNIA, VICINITY OF WILLOUGHBY SPIT, VA	---	---	---	375,000
	POWELL RIVER WATERSHED, VA	---	---	100,000	---
(BE)	SANDBRIDGE, VIRGINIA BEACH, VA	---	283,000	---	283,000
	WASHINGTON				
	BLAIR WATERWAY, PORT OF TACOMA, WA	---	---	100,000	---
(SPE)	CHIEF JOSEPH POOL RAISE, WA	300,000	---	300,000	---
(E)	DUWAMISH AND GREEN RIVER, WA	150,000	---	150,000	---
(RCP)	HOWARD HANSON DAM, WA	320,000	---	320,000	---
(RCP)	LAKE WASHINGTON SHIP CANAL, WA	140,000	---	140,000	---
(N)	PUGET SOUND CONFINED DISPOSAL SITES, WA	330,000	---	330,000	---
(FDP)	SKAGIT RIVER, WA	350,000	---	350,000	---
(E)	STILLAGUAMISH RIVER, WA	331,000	---	331,000	---
	WEST VIRGINIA				
(E)	CHEAT R B, N BRANCH, LICK RUN ENVIRONMENTAL RESTORATIO	350,000	---	350,000	---
(FDP)	GREENBRIER RIVER BASIN, WV	---	---	500,000	---
(N)	KANAWHA RIVER NAVIGATION, WV	400,000	---	400,000	---
(N)	LONDON LOCKS AND DAM, WV	---	366,000	---	366,000
(N)	MARMET LOCKS AND DAM, WV	---	1,850,000	---	1,850,000
	MERCER COUNTY, WV	---	---	100,000	---
	MONONGAHELA RIVER, WV	---	---	---	500,000
	MONONGAHELA RIVER (FAIRMONT), WV	---	---	100,000	---
(FDP)	NORTH BRANCH POTOMAC RVR ENVIRONMENTAL RESTORATION, WV	550,000	---	550,000	---
	TYGART RIVER BASIN (PHILIPPI), WV	---	---	100,000	---
(E)	TYGART VALLEY R B, GRASSY RUN ENVIRONMENTAL RESTORATIO	350,000	---	350,000	---
	WISCONSIN				
(RCP)	FOX RIVER, WI	187,000	---	187,000	---
	WYOMING				
(E)	JACKSON HOLE RESTORATION, WY	200,000	---	200,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	MISCELLANEOUS				
	AUTOMATED INFORMATION SYSTEM SUPPORT..................	650,000	---	650,000	---
	COASTAL FIELD DATA COLLECTION.........................	1,500,000	---	1,500,000	---
	COORDINATION STUDIES WITH OTHER AGENCIES..............	8,540,000	---	6,280,000	---
	FLOOD DAMAGE DATA.....................................	250,000	---	250,000	---
	FLOOD PLAIN MANAGEMENT SERVICES.......................	10,000,000	---	8,000,000	---
	GREAT LAKES REMEDIAL ACTION PROGRAM (SEC. 401)........	---	---	500,000	---
	HYDROLOGIC STUDIES....................................	500,000	---	500,000	---
	INTERNATIONAL WATER STUDIES...........................	300,000	---	300,000	---
	NATIONAL DREDGING NEEDS STUDY OF PORTS AND HARBORS....	575,000	---	---	---
	PRECIPITAITON STUDIES (NATIONAL WEATHER SERVICE)......	500,000	---	400,000	---
	REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT..	300,000	---	300,000	---
	RESEARCH AND DEVELOPMENT..............................	27,000,000	---	27,000,000	---
	SCIENTIFIC AND TECHNICAL INFORMATION CENTERS..........	150,000	---	---	---
	STREAM GAGING (U.S. GEOLOGICAL SURVEY)................	770,000	---	770,000	---
	TRANSPORTATION SYSTEMS................................	950,000	---	900,000	---
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-16,064,000	---	-18,064,000	---
	TOTAL, GENERAL INVESTIGATIONS....................	103,760,000	38,740,000	108,827,000	45,045,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	ALABAMA		
(N)	BAYOU LA BATRE, AL	1,123,000	1,123,000
(N)	BLACK WARRIOR AND TOMBIGBEE RIVERS, VICINITY OF JACKSO	600,000	600,000
(N)	TENNESSEE - TOMBIGBEE WATERWAY WILDLIFE MITIGATION, AL	4,281,000	4,281,000
(MP)	WALTER F GEORGE LOCK AND DAM, AL & GA (MAJOR REHAB)	900,000	500,000
	ALASKA		
	DILLINGHAM, AK (SHORELINE EROSION)	---	3,302,000
(FC)	BETHEL BANK STABILIZATION, AK	3,800,000	3,800,000
(N)	KAKE HARBOR, AK	4,000,000	3,500,000
	ARIZONA		
(FC)	CLIFTON, AZ	204,000	204,000
(FC)	RILLITO RIVER, AZ	4,406,000	4,406,000
	ARKANSAS		
(MP)	DARDANELLE LOCK AND DAM POWERHOUSE, AR (MAJOR REHAB)	6,000,000	6,000,000
(N)	MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	1,414,000	1,414,000
(N)	MONTGOMERY POINT LOCK & DAM, AR	5,886,000	7,000,000
	RED RIVER EMERGENCY BANK PROTECTION, AR &LA	---	3,000,000
	CALIFORNIA		
	CORTE MADERA, CA	---	200,000
(FC)	COYOTE AND BERRYESSA CREEKS, CA	2,400,000	2,400,000
(FC)	GUADALUPE RIVER, CA	5,000,000	7,500,000
	HUMBOLDT HARBOR AND BAY, CA	---	2,500,000
(FC)	LOS ANGELES COUNTY DRAINAGE AREA, CA	14,400,000	14,400,000
(N)	LOS ANGELES HARBOR, CA	850,000	10,000,000
(FC)	LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	50,000	500,000
(FC)	MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	4,200,000	4,200,000
(FC)	MERCED COUNTY STREAMS, CA	800,000	800,000
(FC)	MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	100,000	1,500,000
(N)	OAKLAND HARBOR, CA	4,306,000	4,306,000
(N)	RICHMOND HARBOR, CA	3,000,000	4,000,000
(FC)	SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	6,100,000	8,000,000
(FC)	SACRAMENTO RIVER, GLENN COLUSA IRRIGATION DISTRICT, CA	2,000,000	2,000,000
(N)	SAN FRANCISCO BAY TO STOCKTON, CA	500,000	500,000
(FC)	SAN LORENZO RIVER, CA	200,000	200,000
(FC)	SANTA ANA RIVER MAINSTEM, CA	51,020,000	51,020,000
(FC)	SANTA PAULA CREEK, CA	4,200,000	4,200,000
	SILVER STRAND SHORELINE, IMPERIAL BEACH, CA	---	400,000
(BE)	SURFSIDE - SUNSET - NEWPORT BEACH, CA	5,604,000	5,604,000
(FC)	UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	300,000	300,000
(FC)	WEST SACRAMENTO, CA	5,700,000	5,900,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	COLORADO		
(FC)	ALAMOSA, CO	100,000	100,000
	CONNECTICUT		
	FAULKNER'S ISLAND, CT	---	1,500,000
	DELAWARE		
(BE)	DELAWARE COAST PROTECTION, DE	214,000	214,000
	FLORIDA		
	CANAVERAL HARBOR SAND BYPASS, FL	---	3,500,000
(FC)	CENTRAL AND SOUTHERN FLORIDA, FL	17,237,000	17,237,000
(FC)	DADE COUNTY, FL	2,100,000	2,100,000
(FC)	FOUR RIVER BASINS, FL	580,000	580,000
	FT PIERCE BEACH, FL	---	3,000,000
(MP)	JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	1,400,000	1,400,000
(E)	KISSIMMEE RIVER, FL	3,000,000	3,000,000
	LEE COUNTY, FL	---	1,200,000
(N)	MANATEE HARBOR, FL	2,800,000	2,800,000
(BE)	MARTIN COUNTY, FL	109,000	109,000
(N)	MIAMI HARBOR CHANNEL, FL	500,000	3,000,000
(BE)	PALM BEACH COUNTY, FL (REIMBURSEMENT)	1,919,000	4,000,000
	PANAMA CITY BEACHES, FL	---	400,000
(BE)	PINELLAS COUNTY, FL	5,865,000	7,500,000
	ST JOHNS COUNTY, ST AUGUSTINE BEACH, FL	---	300,000
	SARASOTA COUNTY, FL (VENICE SEGMENT)	---	900,000
	GEORGIA		
(MP)	HARTWELL LAKE POWERHOUSE, GA & SC (MAJOR REHAB)	8,300,000	8,300,000
(MP)	RICHARD B RUSSELL DAM AND LAKE, GA & SC	1,500,000	1,500,000
(MP)	THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB)	4,900,000	4,900,000
	TYBEE ISLAND, GA	---	2,500,000
	HAWAII		
(FC)	ALENAIO STREAM, HAWAII, HI	500,000	500,000
(FC)	IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR)	345,000	345,000
(N)	KAWAIHAE SMALL BOAT HARBOR, HAWAII, HI	2,238,000	2,238,000
(N)	MAALAEA HARBOR, MAUI, HI	517,000	517,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	ILLINOIS		
(BE)	CHICAGO SHORELINE, IL..................................	1,300,000	8,000,000
(FC)	EAST ST LOUIS, IL......................................	2,300,000	2,300,000
	EAST ST LOUIS AND VICINITY (INTERIOR FLOOD CONTROL), I	---	300,000
(N)	LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH	3,000,000	3,000,000
(N)	LOCK AND DAM 25, MISSISSIPPI RIVER, IL & MO (MAJOR REH	3,000,000	3,000,000
(FC)	LOVES PARK, IL...	2,000,000	2,000,000
(N)	MELVIN PRICE LOCK AND DAM, IL & MO......................	4,000,000	4,000,000
(FC)	O'HARE RESERVOIR, IL...................................	1,918,000	1,918,000
(N)	OLMSTED LOCKS AND DAM, IL & KY.........................	70,352,000	70,352,000
(FC)	REND LAKE, IL (DEF CORR)...............................	500,000	500,000
(N)	UPPER MISS RIVER SYSTEM ENV MGMT PROG, IL, IA, MO, MN.	15,694,000	16,694,000
	INDIANA		
(N)	BURNS WATERWAY HARBOR, IN (MAJOR REHAB)................	4,000,000	4,000,000
(FC)	FORT WAYNE METROPOLITAN AREA, IN.......................	7,000,000	7,000,000
	INDIANA SHORELINE EROSION, IN..........................	---	2,200,000
	INDIANAPOLIS CENTRAL WATERFRONT, IN....................	---	7,000,000
(FC)	LITTLE CALUMET RIVER, IN...............................	11,000,000	11,000,000
	IOWA		
(N)	LOCK AND DAM 14, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	2,800,000	2,800,000
(N)	MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	1,600,000	3,000,000
(FC)	MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO...........	400,000	650,000
(FC)	MUSCATINE ISLAND, IA...................................	500,000	500,000
(FC)	PERRY CREEK, IA..	5,363,000	5,363,000
(FC)	WEST DES MOINES, DES MOINES, IA........................	2,814,000	2,814,000
	KANSAS		
(FC)	ARKANSAS CITY, KS......................................	50,000	1,000,000
(FC)	WINFIELD, KS...	50,000	1,000,000
	KENTUCKY		
(MP)	BARKLEY DAM AND LAKE BARKLEY, KY & TN..................	4,400,000	4,400,000
(FC)	DEWEY LAKE, KY (DAM SAFETY)............................	2,000,000	2,000,000
(N)	MCALPINE LOCKS & DAMS, KY & IN.........................	7,501,000	8,401,000
(FC)	METROPOLITAN LOUISVILLE, POND CREEK, KY................	3,089,000	1,500,000
	SALYERSVILLE, KY.......................................	---	3,000,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	LOUISIANA		
(FC)	ALOHA - RIGOLETTE, LA	1,600,000	1,600,000
	GRAND ISLE AND VICINITY, LA	---	250,000
(FC)	LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	4,025,000	17,025,000
	LAKE PONTCHARTRAIN STORMWATER DISCHARGE, LA	---	4,750,000
(FC)	LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	517,000	517,000
(N)	MISSISSIPPI RIVER - GULF OUTLET, LA	3,100,000	3,100,000
(N)	MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	752,000	1,252,000
(FC)	NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	2,300,000	2,300,000
(FC)	OUACHITA RIVER LEVEES, LA	---	100,000
	RED RVR BELOW DENISON DAM LEVEE/BANK STAB, LA, AR & TX	---	100,000
	RED RIVER EMERGENCY BANK PROTECTION, LA	---	3,400,000
(N)	RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L	4,800,000	9,500,000
(FC)	SOUTHEAST LOUISIANA, LA	10,000,000	17,500,000
	WEST BANK - EAST OF HARVEY CANAL, LA	---	1,500,000
(FC)	WESTWEGO TO HARVEY CANAL, LA (HURRICANE PROTECTION)	4,206,000	5,706,000
	MARYLAND		
(E)	CHESAPEAKE BAY OYSTER RECOVERY, MD	206,000	206,000
(E)	POPLAR ISLAND, MD	22,000,000	9,500,000
	MASSACHUSETTS		
(N)	BOSTON HARBOR, MA	---	500,000
(FC)	HODGES VILLAGE DAM, MA (MAJOR REHAB)	5,200,000	2,000,000
(FC)	ROUGHANS POINT, REVERE, MA	2,663,000	2,663,000
(FC)	TOWN BROOK, QUINCY AND BRAINTREE, MA	3,137,000	3,137,000
	MINNESOTA		
(FC)	CHASKA, MN	1,609,000	1,609,000
(FC)	MARSHALL, MN	500,000	400,000
(N)	PINE RIVER DAM, CROSS LAKE, MN (DAM SAFETY)	680,000	680,000
(FC)	ST. CROIX RIVER, STILLWATER, MN	---	500,000
	MISSISSIPPI		
	NATCHEZ BLUFF, MS	---	4,500,000
	MISSOURI		
(FC)	BLUE RIVER CHANNEL, KANSAS CITY, MO	8,300,000	10,300,000
(FC)	CAPE GIRARDEAU - JACKSON, MO	1,000,000	1,000,000
(FC)	MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	1,600,000	1,600,000
(N)	MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	3,400,000	3,400,000
(MP)	TABLE ROCK LAKE, MO & AR (DAM SAFETY)	460,000	460,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	NEBRASKA		
(FC)	MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD.........	100,000	100,000
(FC)	WOOD RIVER, GRAND ISLAND, NE.........................	1,000,000	1,000,000
	NEVADA		
(FC)	TROPICANA AND FLAMINGO WASHES, NV....................	10,260,000	10,260,000
	NEW JERSEY		
(BE)	CAPE MAY INLET TO LOWER TOWNSHIP, NJ.................	1,965,000	1,965,000
(BE)	GREAT EGG HARBOR INLET AND PECK BEACH, NJ............	380,000	380,000
(FC)	MOLLY ANN'S BROOK AT HALEDON, PROSPECT PARK AND PATERS	8,150,000	8,150,000
(FC)	RAMAPO RIVER AT OAKLAND, NJ..........................	250,000	250,000
(BE)	SANDY HOOK TO BARNEGAT INLET, NJ.....................	24,118,000	24,118,000
	NEW MEXICO		
(FC)	ABIQUIU DAM EMERGENCY GATES, NM......................	1,000,000	1,000,000
(FC)	ACEQUIAS IRRIGATION SYSTEM, NM.......................	300,000	1,000,000
(FC)	ALAMOGORDO, NM.......................................	100,000	100,000
(FC)	GALISTEO DAM, NM (DAM SAFETY)........................	150,000	150,000
(FC)	MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	3,700,000	3,700,000
(FC)	RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,.	100,000	100,000
(FC)	TWO RIVERS DAM, NM (DAM SAFETY)......................	250,000	250,000
	NEW YORK		
(BE)	EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY,	1,298,000	1,298,000
	FIRE ISLAND INLET TO JONES INLET, NY.................	---	4,471,000
(BE)	FIRE ISLAND INLET TO MONTAUK POINT, NY...............	13,900,000	13,900,000
(N)	KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ........	600,000	600,000
	NEW YORK CITY WATERSHED, NY..........................	---	1,000,000
(N)	NEW YORK HARBOR COLLECTION AND REMOVAL OF DRIFT, NY &.	100,000	100,000
	NORTH CAROLINA		
(N)	AIWW - REPLACEMENT OF FEDERAL HIGHWAY BRIDGES, NC.....	6,400,000	6,400,000
(BE)	CAROLINA BEACH AND VICINITY, NC......................	6,533,000	6,533,000
	NORTH DAKOTA		
(MP)	GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB).......	337,000	337,000
(FC)	HOMME LAKE, ND (DAM SAFETY)..........................	450,000	450,000
(FC)	LAKE ASHTABULA AND BALDHILL DAM, ND (DAM SAFETY)......	1,450,000	1,450,000
(FC)	LAKE ASHTABULA AND BALDHILL DAM, ND (MAJOR REHAB).....	1,200,000	1,200,000
(FC)	SHEYENNE RIVER, ND...................................	500,000	500,000
(FC)	SOURIS RIVER, ND.....................................	1,700,000	1,700,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	OHIO		
(FC)	BEACH CITY LAKE, MUSKINGUM RIVER LAKES, OH (DAM SAFETY	220,000	220,000
(FC)	HOLES CREEK, WEST CARROLLTON, OH	592,000	592,000
(FC)	METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH	466,000	466,000
	MILL CREEK, OH	---	500,000
(FC)	WEST COLUMBUS, OH	11,400,000	11,400,000
	OKLAHOMA		
(FC)	FRY CREEKS, BIXBY, OK	5,000,000	5,000,000
(FC)	MINGO CREEK, TULSA, OK	5,100,000	5,100,000
(MP)	TENKILLER FERRY LAKE, OK (DAM SAFETY)	690,000	690,000
	OREGON		
(MP)	BONNEVILLE POWERHOUSE PHASE I, OR & WA (MAJOR REHAB)	500,000	500,000
(MP)	BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB)	6,600,000	6,600,000
(MP)	BONNEVILLE SECOND POWERHOUSE, OR & WA	600,000	600,000
(MP)	COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	4,300,000	4,300,000
(N)	COOS BAY, OR	4,900,000	4,900,000
(FC)	ELK CREEK LAKE, OR	500,000	500,000
	PENNSYLVANIA		
	GLEN FOERD, PA	---	800,000
(N)	GRAYS LANDING LOCK AND DAM, MONONGAHELA RIVER, PA	100,000	100,000
(FC)	JOHNSTOWN, PA (MAJOR REHAB)	2,200,000	2,200,000
(FC)	LACKAWANNA RIVER, OLYPHANT, PA	610,000	610,000
(FC)	LACKAWANNA RIVER, SCRANTON, PA	358,000	358,000
(N)	LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	17,100,000	17,100,000
(BE)	PRESQUE ISLE PENINSULA, PA (PERMANENT)	485,000	485,000
(FC)	SAW MILL RUN, PITTSBURGH, PA	500,000	500,000
	SOUTH CENTRAL PA ENVIRONMENTAL RESTORATION, PA	---	7,000,000
	WEST VIRGINIA & PENNSYLVANIA FLOOD CONTROL, PA & WV	---	1,000,000
(FC)	WYOMING VALLEY, PA (LEVEE RAISING)	14,063,000	14,063,000
	RHODE ISLAND		
	ALLENDALE DAM, RI	---	195,000
	INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, RI	---	650,000
	PUERTO RICO		
(FC)	ARECIBO RIVER, PR	350,000	---
(FC)	PORTUGUES AND BUCANA RIVERS, PR	7,500,000	7,500,000
(FC)	RIO DE LA PLATA, PR	600,000	600,000
(FC)	RIO GRANDE DE LOIZA, PR	2,540,000	---
(FC)	RIO PUERTO NUEVO, PR	7,663,000	7,663,000
(N)	SAN JUAN HARBOR, PR	---	800,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	SOUTH CAROLINA		
(BE)	MYRTLE BEACH, SC	13,000,000	13,000,000
	SOUTH DAKOTA		
(FC)	BIG SIOUX RIVER, SIOUX FALLS, SD	2,200,000	---
	TEXAS		
(FC)	BEALS CREEK, BIG SPRING, TX	1,396,000	1,396,000
(N)	CHANNEL TO VICTORIA, TX	9,550,000	9,550,000
(FC)	CLEAR CREEK, TX	1,700,000	1,700,000
(FC)	EL PASO, TX	8,200,000	8,200,000
(N)	GIWW - SARGENT BEACH, TX	18,300,000	18,300,000
(FC)	MCGRATH CREEK, WICHITA FALLS, TX	900,000	900,000
(FC)	RAY ROBERTS LAKE, TX	3,004,000	3,004,000
(MP)	SAM RAYBURN DAM AND RESERVOIR, TX (DAM SAFETY)	1,200,000	1,200,000
(FC)	SAN ANTONIO CHANNEL IMPROVEMENT, TX	1,600,000	1,600,000
(FC)	SIMS BAYOU, HOUSTON, TX	11,200,000	11,200,000
(FC)	WACO LAKE, TX (DAM SAFETY)	300,000	300,000
	WALLISVILLE LAKE, TX	---	7,500,000
	UTAH		
(FC)	LITTLE DELL LAKE, UT	---	3,300,000
	UPPER JORDAN RIVER, UT	---	500,000
	VIRGINIA		
(FC)	JAMES R OLIN FLOOD CONTROL PROJECT, VA	6,800,000	6,800,000
(N)	NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	1,200,000	1,200,000
	RICHMOND FILTRATION PLANT, VA	---	3,500,000
(FC)	ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	1,100,000	1,100,000
	VIRGINIA BEACH, VA	---	8,000,000
(BE)	VIRGINIA BEACH, VA (REIMBURSEMENT)	487,000	487,000
	WASHINGTON		
(MP)	COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	107,000,000	96,000,000
(FC)	HOWARD HANSON DAM, WA (DAM SAFETY)	1,400,000	1,400,000
(MP)	LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	3,600,000	3,600,000
(MP)	THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH	3,000,000	2,000,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	WEST VIRGINIA		
(FC)	LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	6,921,000	41,426,000
(FC)	MOOREFIELD, WV..	6,385,000	6,385,000
(FC)	PETERSBURG, WV..	4,516,000	4,516,000
(N)	ROBERT C BYRD LOCKS AND DAM, WV & OH.................	12,158,000	12,158,000
(N)	WINFIELD LOCKS AND DAM, WV..............................	30,900,000	30,900,000
	WISCONSIN		
	LAFARGE LAKE, KICKAPOO RIVER, WI........................	---	20,000
(FC)	PORTAGE, WI...	1,700,000	1,700,000
	MISCELLANEOUS		
	AQUATIC PLANT CONTROL PROGRAM..........................	2,500,000	2,000,000
	BEACH EROSION CONTROL PROJECTS (SECTION 103)..........	3,000,000	5,800,000
	BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204).....	4,000,000	1,500,000
	CLEARING AND SNAGGING PROJECT..........................	500,000	500,000
	DAM SAFETY ASSURANCE PROGRAM...........................	2,000,000	2,000,000
	EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14).	7,500,000	9,500,000
	EMPLOYEES' COMPENSATION..................................	18,892,000	18,892,000
	FLOOD CONTROL PROJECTS (SECTION 205)...................	24,500,000	32,650,000
	INLAND WATERWAYS USERS BOARD - BOARD EXPENSES..........	40,000	40,000
	INLAND WATERWAYS USERS BOARD - CORPS EXPENSES..........	185,000	185,000
	NAVIGATION MITIGATION PROJECT..........................	500,000	500,000
	NAVIGATION PROJECTS (SECTION 107)......................	5,000,000	11,632,000
	PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	15,000,000	17,000,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-46,716,000	-52,500,000
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	TOTAL, CONSTRUCTION GENERAL..........................	914,000,000	1,081,942,000
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CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	GENERAL INVESTIGATIONS		
	SURVEYS:		
	GENERAL STUDIES:		
	MEMPHIS METROPOLITAN AREA, TN & MS	---	100,000
(FDP)	MORGANZA, LA TO THE GULF OF MEXICO	965,000	965,000
(FDP)	MISSISSIPPI DELTA, MS	338,000	338,000
(FDP)	REELFOOT LAKE, TN	350,000	350,000
(FDP)	WOLF RIVER, MEMPHIS, TN	130,000	130,000
	COLLECTION AND STUDY OF BASIC DATA	335,000	335,000
	PRECONSTRUCTION ENGINEERING AND DESIGN:		
(FC)	EASTERN ARKANSAS REGION (COMPREHENSIVE STUDY), AR	788,000	788,000
	SUBTOTAL, GENERAL INVESTIGATIONS	2,906,000	3,006,000
	CONSTRUCTION		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	50,800,000	50,800,000
(FC)	EIGHT MILE CREEK, AR	841,000	841,000
(FC)	HELENA & VICINITY, AR	150,000	150,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	24,369,000	27,229,000
(FC)	ST FRANCIS BASIN, AR & MO	8,900,000	8,900,000
	ST JOHNS BAYOU - NEW MADRID, MO	---	100,000
(FC)	WHITEMAN'S CREEK, AR	1,000,000	1,000,000
(FC)	ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	5,020,000	5,445,000
(FC)	ATCHAFALAYA BASIN, LA	18,600,000	18,600,000
(FC)	MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS	800,000	800,000
(FC)	MISSISSIPPI DELTA REGION, LA	11,800,000	11,800,000
(FC)	TENSAS BASIN, RED RIVER BACKWATER, LA	11,393,000	11,393,000
	YAZOO BASIN, MS:	(33,164,000)	(44,464,000)
(FC)	BACKWATER LESS ROCKY BAYOU, MS	20,000	20,000
(FC)	BIG SUNFLOWER RIVER, MS	6,807,000	9,807,000
(FC)	DEMONSTRATION EROSION CONTROL, MS	12,700,000	18,000,000
(FC)	F&WL MITIGATION LANDS, MS	480,000	480,000
(FC)	MAIN STEM, MS	25,000	25,000
(FC)	REFORMULATION UNIT, MS	3,459,000	3,459,000
(FC)	TRIBUTARIES, MS	904,000	904,000
(FC)	UPPER YAZOO PROJECTS, MS	8,769,000	11,769,000
(FC)	NONCONNAH CREEK, FLOOD CONTROL FEATURE, TN & MS	4,000,000	4,000,000
(FC)	WEST TENNESSEE TRIBUTARIES, TN	3,024,000	3,024,000
	SUBTOTAL, CONSTRUCTION	173,861,000	188,546,000

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	MAINTENANCE		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	65,101,000	65,101,000
(FC)	INSPECTION OF COMPLETED WORKS, AR	475,000	475,000
(FC)	LOWER ARKANSAS RIVER - NORTH BANK, AR	156,000	156,000
(FC)	LOWER ARKANSAS RIVER - SOUTH BANK, AR	121,000	121,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	5,458,000	5,458,000
(FC)	ST FRANCIS RIVER BASIN, AR & MO	9,815,000	9,815,000
(FC)	TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	2,631,000	2,631,000
(FC)	WHITE RIVER BACKWATER, AR	1,300,000	1,300,000
(FC)	INSPECTION OF COMPLETED WORKS, IL	50,000	50,000
(FC)	INSPECTION OF COMPLETED WORKS, KY	28,000	28,000
(FC)	ATCHAFALAYA BASIN FLOODWAY SYSTEM, LA	150,000	150,000
(FC)	ATCHAFALAYA BASIN, LA	12,223,000	12,223,000
(FC)	BATON ROUGE HARBOR - DEVIL SWAMP, LA	172,000	172,000
(FC)	BAYOU COCODRIE AND TRIBUTARIES, LA	92,000	92,000
(FC)	BONNET CARRE, LA	1,228,000	1,228,000
(FC)	INSPECTION OF COMPLETED WORKS, LA	415,000	415,000
(FC)	LOWER RED RIVER - SOUTH BANK LEVEES, LA	56,000	56,000
(FC)	MISSISSIPPI DELTA REGION, CAERNARVON, LA	261,000	261,000
(FC)	OLD RIVER, LA	5,025,000	5,025,000
(FC)	TENSAS BASIN, RED RIVER BACKWATER, LA	2,849,000	2,849,000
(N)	GREENVILLE HARBOR, MS	239,000	239,000
(FC)	INSPECTION OF COMPLETED WORKS, MS	195,000	195,000
(N)	VICKSBURG HARBOR, MS	122,000	122,000
	YAZOO BASIN, MS:	(18,658,000)	(21,897,000)
(FC)	ARKABUTLA LAKE, MS	2,838,000	2,838,000
(FC)	BIG SUNFLOWER RIVER, MS	668,000	1,700,000
(FC)	ENID LAKE, MS	2,821,000	2,821,000
(FC)	GREENWOOD, MS	751,000	751,000
(FC)	GRENADA LAKE, MS	3,783,000	3,783,000
(FC)	MAIN STEM, MS	936,000	936,000
(FC)	SARDIS LAKE, MS	3,946,000	6,046,000
(FC)	TRIBUTARIES, MS	1,287,000	1,287,000
(FC)	WILL M WHITTINGTON AUX CHAN, MS	485,000	485,000
(FC)	YAZOO BACKWATER AREA, MS	393,000	500,000
(FC)	YAZOO CITY, MS	750,000	750,000
(FC)	INSPECTION OF COMPLETED WORKS, MO	223,000	223,000
(FC)	WAPPAPELLO LAKE, MO	3,545,000	3,545,000
(FC)	INSPECTION OF COMPLETED WORKS, TN	129,000	129,000
(N)	MEMPHIS HARBOR (MCKELLAR LAKE), TN	1,700,000	1,700,000
(FC)	MAPPING	1,064,000	1,064,000
	SUBTOTAL, MAINTENANCE	133,481,000	136,720,000
	REDUCTION FOR SAVINGS AND SLIPPAGE	-17,748,000	-17,898,000
	TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	292,500,000	310,374,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	ALABAMA		
	ACF-ACT COMPREHENSIVE WATER STUDY	---	250,000
(N)	ALABAMA - COOSA RIVER, AL	5,839,000	5,839,000
(N)	BAYOU CODEN, AL	5,000	5,000
(N)	BAYOU LA BATRE, AL	5,000	5,000
(N)	BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	16,693,000	19,193,000
(N)	DOG AND FOWL RIVERS, AL	550,000	550,000
(N)	GULF INTRACOASTAL WATERWAY, AL	3,054,000	3,054,000
(FC)	INSPECTION OF COMPLETED WORKS, AL	35,000	35,000
(MP)	MILLERS FERRY LOCK & DAM - WILLIAM "BILL" DANNELLY LAK	6,647,000	6,647,000
(N)	MOBILE HARBOR, AL	17,918,000	17,918,000
(N)	PERDIDO PASS CHANNEL, AL	899,000	899,000
(N)	PROJECT CONDITION SURVEYS, AL	392,000	392,000
(MP)	ROBERT F HENRY LOCK AND DAM, AL	4,491,000	4,491,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, AL	90,000	90,000
(N)	TENNESSEE - TOMBIGBEE WATERWAY, AL & MS	19,192,000	22,892,000
(MP)	WALTER F GEORGE LOCK AND DAM, AL & GA	5,972,000	5,972,000
	ALASKA		
(N)	ANCHORAGE HARBOR, AK	1,200,000	1,200,000
(N)	BETHEL HARBOR, AK	325,000	325,000
(FC)	CHENA RIVER LAKES, AK	1,726,000	1,726,000
(N)	CRESCENT BAY HARBOR, SITKA, AK	70,000	70,000
(N)	DILLINGHAM HARBOR, AK	551,000	551,000
(N)	DOUGLAS HARBOR, AK	396,000	396,000
(N)	DRY PASS, AK	345,000	345,000
(N)	HOMER HARBOR, AK	233,000	233,000
(FC)	INSPECTION OF COMPLETED WORKS, AK	24,000	24,000
(N)	NINILCHIK HARBOR, AK	181,000	181,000
(N)	NOME HARBOR, AK	260,000	260,000
(N)	PROJECT CONDITION SURVEYS, AK	565,000	565,000
	ARIZONA		
(FC)	ALAMO LAKE, AZ	1,069,000	1,069,000
(FC)	INSPECTION OF COMPLETED WORKS, AZ	72,000	72,000
(FC)	PAINTED ROCK DAM, AZ	1,136,000	1,136,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, AZ	70,000	70,000
(FC)	WHITLOW RANCH DAM, AZ	112,000	112,000
	ARKANSAS		
(MP)	BEAVER LAKE, AR	3,961,000	3,961,000
(MP)	BLAKELY MT DAM - LAKE OUACHITA, AR	4,595,000	4,595,000
(FC)	BLUE MOUNTAIN LAKE, AR	1,088,000	1,088,000
(MP)	BULL SHOALS LAKE, AR	4,416,000	4,416,000
(MP)	DARDANELLE LOCK AND DAM, AR	5,793,000	5,793,000
(MP)	DEGRAY LAKE, AR	4,088,000	4,088,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	DEQUEEN LAKE, AR	1,051,000	1,051,000
(FC)	DIERKS LAKE, AR	1,034,000	1,034,000
(FC)	GILLHAM LAKE, AR	995,000	995,000
(MP)	GREERS FERRY LAKE, AR	4,264,000	4,264,000
(N)	HELENA HARBOR, AR	455,000	455,000
(FC)	INSPECTION OF COMPLETED WORKS, AR	209,000	209,000
(N)	MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	24,155,000	24,155,000
(FC)	MILLWOOD LAKE, AR	1,743,000	1,743,000
(MP)	NARROWS DAM - LAKE GREESON, AR	3,614,000	3,614,000
(FC)	NIMROD LAKE, AR	1,295,000	1,295,000
(MP)	NORFORK LAKE, AR	3,505,000	3,505,000
(N)	OSCEOLA HARBOR, AR	426,000	426,000
(N)	OUACHITA AND BLACK RIVERS, AR & LA	5,763,000	5,763,000
(MP)	OZARK - JETA TAYLOR LOCK AND DAM, AR	3,986,000	3,986,000
(N)	PROJECT CONDITION SURVEYS, AR	5,000	5,000
(N)	WHITE RIVER, AR	2,257,000	2,257,000
(N)	YELLOW BEND PORT, AR	113,000	113,000
	CALIFORNIA		
(FC)	BLACK BUTTE LAKE, CA	1,576,000	1,576,000
(FC)	BUCHANAN DAM - H V EASTMAN LAKE, CA	1,376,000	1,376,000
(N)	CHANNEL ISLANDS HARBOR, CA	2,000,000	2,000,000
(FC)	COYOTE VALLEY DAM (LAKE MENDOCINO), CA	2,432,000	2,432,000
(FC)	DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	3,177,000	3,177,000
(FC)	FARMINGTON DAM, CA	192,000	192,000
(FC)	HIDDEN DAM - HENSLEY LAKE, CA	1,446,000	1,446,000
(N)	HUMBOLDT HARBOR AND BAY, CA	3,155,000	3,155,000
(FC)	INSPECTION OF COMPLETED WORKS, CA	1,224,000	1,224,000
(FC)	ISABELLA LAKE, CA	1,125,000	1,125,000
(N)	LOS ANGELES - LONG BEACH HARBOR MODEL, CA	165,000	165,000
(N)	LOS ANGELES - LONG BEACH HARBORS, CA	100,000	1,600,000
(FC)	LOS ANGELES COUNTY DRAINAGE AREA, CA	3,729,000	4,229,000
	LOS ANGELES COUNTY DRAINAGE AREA (SEPULVEDA DAM), CA..	---	2,000,000
(FC)	MERCED COUNTY STREAM GROUP, CA	291,000	291,000
(FC)	MOJAVE RIVER DAM, CA	222,000	222,000
	MORO BAY HARBOR, CA	---	300,000
(N)	MOSS LANDING HARBOR, CA	1,130,000	1,130,000
(N)	NAPA RIVER, CA	2,056,000	2,056,000
(FC)	NEW HOGAN LAKE, CA	1,651,000	1,651,000
(MP)	NEW MELONES LAKE (DOWNSTREAM CHANNEL), CA	910,000	910,000
(N)	NEWPORT BAY HARBOR, CA	40,000	590,000
(N)	NOYO RIVER & HARBOR, CA	736,000	736,000
(N)	OAKLAND HARBOR, CA	2,625,000	2,625,000
(N)	OCEANSIDE HARBOR, CA	680,000	680,000
(FC)	PINE FLAT LAKE, CA	2,721,000	2,721,000
(N)	PORT HUENEME, CA	399,000	399,000
(N)	PROJECT CONDITION SURVEYS, CA	1,415,000	1,415,000
(N)	RICHMOND HARBOR, CA	3,025,000	3,025,000
(N)	SACRAMENTO RIVER (30 FOOT PROJECT), CA	2,099,000	2,099,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA.	897,000	897,000
(N)	SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	105,000	105,000
(N)	SAN DIEGO HARBOR, CA	175,000	175,000
(N)	SAN DIEGO RIVER - MISSION BAY, CA	35,000	35,000
(N)	SAN FRANCISCO BAY - DELTA MODEL STRUCTURE, CA	2,030,000	2,030,000
(N)	SAN FRANCISCO BAY LONG TERM MANAGEMENT STRATEGY, CA	100,000	100,000
(N)	SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA	2,290,000	2,290,000
(N)	SAN FRANCISCO HARBOR, CA	2,365,000	2,365,000
(N)	SAN JOAQUIN RIVER, CA	1,960,000	1,660,000
(N)	SAN LEANDRO MARINA (JACK D MALTESTER CHANNEL), CA	1,450,000	1,450,000
(N)	SAN PABLO BAY AND MARE ISLAND STRAIT, CA	1,410,000	1,410,000
(N)	SAN RAFAEL CREEK, CA	2,515,000	2,515,000
(FC)	SANTA ANA RIVER BASIN, CA	2,739,000	2,739,000
(N)	SANTA BARBARA HARBOR, CA	1,265,000	1,265,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, CA	739,000	739,000
(FC)	SUCCESS LAKE, CA	1,610,000	1,610,000
(N)	SUISUN BAY CHANNEL, CA	745,000	745,000
(FC)	TERMINUS DAM (LAKE KAWEAH), CA	1,569,000	2,249,000
(N)	VENTURA HARBOR, CA	2,300,000	2,300,000
(N)	YUBA RIVER, CA	48,000	48,000
	COLORADO		
(FC)	BEAR CREEK LAKE, CO	423,000	423,000
(FC)	CHATFIELD LAKE, CO	793,000	793,000
(FC)	CHERRY CREEK LAKE, CO	1,084,000	1,084,000
(FC)	INSPECTION OF COMPLETED WORKS, CO	63,000	63,000
(FC)	JOHN MARTIN RESERVOIR, CO	1,415,000	1,415,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, CO	330,000	330,000
(FC)	TRINIDAD LAKE, CO	632,000	632,000
	CONNECTICUT		
(FC)	BLACK ROCK LAKE, CT	396,000	396,000
(FC)	COLEBROOK RIVER LAKE, CT	419,000	419,000
(FC)	HANCOCK BROOK LAKE, CT	469,000	469,000
(FC)	HOP BROOK LAKE, CT	868,000	868,000
(FC)	INSPECTION OF COMPLETED WORKS, CT	3,000	3,000
(FC)	MANSFIELD HOLLOW LAKE, CT	470,000	470,000
(FC)	NORTHFIELD BROOK LAKE, CT	415,000	415,000
(N)	PROJECT CONDITION SURVEYS, CT	1,210,000	1,210,000
(FC)	STAMFORD HURRICANE BARRIER, CT	402,000	402,000
(FC)	THOMASTON DAM, CT	477,000	477,000
(FC)	WEST THOMPSON LAKE, CT	426,000	426,000
	DELAWARE		
(N)	CHESAPEAKE AND DELAWARE CANAL - ST GEORGE'S BRIDGE REP	14,000,000	14,000,000
(N)	INDIAN RIVER INLET AND BAY, DE	100,000	100,000
(N)	INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	11,602,000	11,602,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	42,000	42,000
(N)	MURDERKILL RIVER, DE..................................	265,000	265,000
(N)	WATERWAY INDIAN RIVER INLET TO REHOBOTH BAY, DE.......	315,000	315,000
(N)	WILMINGTON HARBOR, DE.................................	4,810,000	4,810,000
	DISTRICT OF COLUMBIA		
(FC)	INSPECTION OF COMPLETED WORKS, DC.....................	7,000	7,000
(N)	POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC......	829,000	829,000
(N)	POTOMAC RIVER BELOW WASHINGTON, DC....................	62,000	62,000
(N)	PROJECT CONDITION SURVEYS, DC.........................	30,000	30,000
(N)	WASHINGTON HARBOR, DC.................................	34,000	34,000
	FLORIDA		
(N)	AIWW, NORFOLK TO ST JOHNS RIVER, FL, GA, SC, NC & VA..	1,436,000	1,436,000
(N)	APALACHICOLA BAY, FL..................................	150,000	150,000
(N)	CANAVERAL HARBOR, FL..................................	3,545,000	3,545,000
(FC)	CENTRAL AND SOUTHERN FLORIDA, FL......................	9,513,000	9,513,000
(N)	CHARLOTTE HARBOR, FL..................................	35,000	2,400,000
(N)	EAST PASS CHANNEL, FL.................................	886,000	886,000
(N)	ESCAMBIA AND CONECUH RIVERS, FL.......................	136,000	136,000
(N)	FERNANDINA HARBOR, FL.................................	1,848,000	1,848,000
	FORT MYERS BEACH, FL..................................	---	375,000
(N)	FORT PIERCE HARBOR, FL................................	696,000	696,000
(FC)	INSPECTION OF COMPLETED WORKS, FL.....................	50,000	50,000
(N)	INTRACOASTAL WATERWAY, CALOOSAHATCHEE R TO ANCLOTE R,.	209,000	209,000
(N)	INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL......	3,538,000	3,538,000
(N)	JACKSONVILLE HARBOR, FL...............................	2,965,000	5,000,000
(MP)	JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	5,040,000	5,040,000
(N)	JOHNS PASS, PINELLAS COUNTY, FL.......................	40,000	40,000
(N)	LA GRANGE BAYOU, FL...................................	80,000	80,000
(N)	LONG BOAT PASS, FL....................................	40,000	40,000
(N)	MIAMI HARBOR, FL......................................	343,000	343,000
(N)	NEW PASS, SARASOTA, FL................................	30,000	30,000
(N)	OKEECHOBEE WATERWAY, FL...............................	4,276,000	4,276,000
(N)	OKLAWAHA RIVER, FL....................................	155,000	155,000
(N)	PALM BEACH HARBOR, FL.................................	2,233,000	2,233,000
(N)	PANAMA CITY HARBOR, FL................................	35,000	35,000
(N)	PENSACOLA HARBOR, FL..................................	120,000	120,000
(N)	PONCE DE LEON INLET, FL...............................	113,000	113,000
(N)	PORT EVERGLADES HARBOR, FL............................	55,000	55,000
(N)	PROJECT CONDITION SURVEYS, FL.........................	500,000	500,000
	REMOVAL OF AQUATIC GROWTH, FL.........................	3,980,000	3,980,000
(N)	ST AUGUSTINE HARBOR, FL...............................	10,000	10,000
(N)	ST LUCIE INLET, FL....................................	68,000	68,000
(N)	ST PETERSBURG HARBOR, FL..............................	13,000	13,000
(N)	TAMPA HARBOR, FL......................................	4,068,000	4,068,000
(N)	WITHLACOOCHIE RIVER, FL...............................	41,000	41,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	GEORGIA		
(MP)	ALLATOONA LAKE, GA.	4,514,000	4,514,000
(N)	APALACHICOLA CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &.	4,109,000	4,109,000
(N)	ATLANTIC INTRACOASTAL WATERWAY, GA.	1,710,000	1,710,000
(N)	BRUNSWICK HARBOR, GA.	2,883,000	3,400,000
(MP)	BUFORD DAM AND LAKE SIDNEY LANIER, GA.	6,649,000	6,649,000
(MP)	CARTERS DAM AND LAKE, GA.	4,324,000	4,324,000
(MP)	HARTWELL LAKE, GA & SC.	9,441,000	9,081,000
(FC)	INSPECTION OF COMPLETED WORKS, GA.	40,000	40,000
(MP)	J STROM THURMOND LAKE, GA & SC.	10,378,000	9,978,000
(MP)	RICHARD B RUSSELL DAM AND LAKE, GA & SC.	6,357,000	6,117,000
(N)	SAVANNAH HARBOR, GA.	14,714,000	16,000,000
(N)	SAVANNAH RIVER BELOW AUGUSTA, GA.	277,000	1,277,000
(MP)	WEST POINT DAM AND LAKE, GA & AL.	4,911,000	4,911,000
	HAWAII		
(N)	BARBERS POINT HARBOR, HI.	150,000	150,000
(FC)	INSPECTION OF COMPLETED WORKS, HI.	200,000	200,000
(N)	PROJECT CONDITION SURVEYS, HI.	275,000	275,000
	IDAHO		
(MP)	ALBENI FALLS DAM, ID.	4,535,000	4,535,000
(MP)	DWORSHAK DAM AND RESERVOIR, ID.	7,939,000	7,939,000
(FC)	INSPECTION OF COMPLETED WORKS, ID.	114,000	114,000
(FC)	LUCKY PEAK LAKE, ID.	1,151,000	1,151,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, ID.	272,000	272,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ID.	45,000	45,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	ILLINOIS		
(N)	CALUMET HARBOR AND RIVER, IL & IN	1,258,000	1,258,000
(FC)	CARLYLE LAKE, IL	4,497,000	4,497,000
(N)	CHICAGO HARBOR, IL	3,528,000	4,100,000
(N)	CHICAGO RIVER, IL	507,000	507,000
(FC)	FARM CREEK RESERVOIRS, IL	257,000	257,000
(N)	ILLINOIS WATERWAY (LMVD PORTION), IL	881,000	881,000
(N)	ILLINOIS WATERWAY (NCD PORTION), IL & IN	23,726,000	23,726,000
(FC)	INSPECTION OF COMPLETED WORKS, IL	712,000	712,000
(N)	KASKASKIA RIVER NAVIGATION, IL	1,556,000	1,556,000
(N)	LAKE MICHIGAN DIVERSION, IL	498,000	498,000
(FC)	LAKE SHELBYVILLE, IL	5,763,000	5,763,000
(N)	MISS R BETWEEN MO R AND MINNEAPOLIS (LMVD PORTION), IL	13,081,000	13,081,000
(N)	MISS R BETWEEN MO R AND MINNEAPOLIS, IL, IA, MN, MO &.	79,423,000	79,423,000
(FC)	NORTH BRANCH CHICAGO RIVER, IL	150,000	150,000
(N)	PROJECT CONDITION SURVEYS, IL	105,000	105,000
(FC)	REND LAKE, IL	3,568,000	3,568,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	191,000	191,000
(N)	WAUKEGAN HARBOR, IL	1,167,000	1,167,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	INDIANA		
(FC)	BROOKVILLE LAKE, IN.	815,000	815,000
(N)	BURNS WATERWAY HARBOR, IN.	1,193,000	1,193,000
(N)	BURNS WATERWAY SMALL BOAT HARBOR, IN.	5,000	5,000
(FC)	CAGLES MILL LAKE, IN.	661,000	661,000
(FC)	CECIL M HARDEN LAKE, IN.	739,000	739,000
(FC)	HUNTINGTON LAKE, IN.	733,000	733,000
(N)	INDIANA HARBOR, IN.	458,000	600,000
(FC)	INSPECTION OF COMPLETED WORKS, IN.	117,000	117,000
(N)	MICHIGAN CITY HARBOR, IN.	62,000	62,000
(FC)	MISSISSINEWA LAKE, IN.	993,000	993,000
(FC)	MONROE LAKE, IN.	749,000	749,000
(FC)	PATOKA LAKE, IN.	605,000	605,000
(N)	PROJECT CONDITION SURVEYS, IN.	26,000	26,000
(FC)	SALAMONIE LAKE, IN.	799,000	799,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN.	110,000	110,000
	IOWA		
(FC)	CORALVILLE LAKE, IA.	2,726,000	2,726,000
(FC)	INSPECTION OF COMPLETED WORKS, IA.	874,000	874,000
(FC)	MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA.	64,000	64,000
(N)	MISSOURI RIVER - SIOUX CITY TO MOUTH, IA, NE, KS & MO.	6,210,000	6,210,000
(N)	PROJECT CONDITION SURVEYS, IA.	61,000	61,000
(FC)	RATHBUN LAKE, IA.	1,884,000	1,884,000
(FC)	RED ROCK DAM - LAKE RED ROCK, IA.	3,518,000	3,518,000
(FC)	SAYLORVILLE LAKE, IA.	3,635,000	3,635,000
	KANSAS		
(FC)	CLINTON LAKE, KS.	1,473,000	1,473,000
(FC)	COUNCIL GROVE LAKE, KS.	1,032,000	1,032,000
(FC)	EL DORADO LAKE, KS.	489,000	489,000
(FC)	ELK CITY LAKE, KS.	723,000	723,000
(FC)	FALL RIVER LAKE, KS.	737,000	737,000
(FC)	HILLSDALE LAKE, KS.	807,000	807,000
(FC)	INSPECTION OF COMPLETED WORKS, KS.	78,000	78,000
(FC)	JOHN REDMOND DAM AND RESERVOIR, KS.	4,054,000	4,054,000
(FC)	KANOPOLIS LAKE, KS.	1,395,000	1,395,000
(FC)	MARION LAKE, KS.	1,038,000	1,038,000
(FC)	MELVERN LAKE, KS.	1,580,000	1,580,000
(FC)	MILFORD LAKE, KS.	1,759,000	1,759,000
(FC)	PEARSON - SKUBITZ BIG HILL LAKE, KS.	798,000	798,000
(FC)	PERRY LAKE, KS.	1,798,000	1,798,000
(FC)	POMONA LAKE, KS.	1,720,000	1,720,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, KS.	56,000	56,000
(FC)	TORONTO LAKE, KS.	357,000	357,000
(FC)	TUTTLE CREEK LAKE, KS.	2,031,000	2,031,000
(FC)	WILSON LAKE, KS.	1,715,000	1,715,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	KENTUCKY		
(MP)	BARKLEY DAM AND LAKE BARKLEY, KY & TN	8,429,000	8,429,000
(FC)	BARREN RIVER LAKE, KY	1,968,000	1,968,000
(N)	BIG SANDY HARBOR, KY	1,080,000	1,080,000
(FC)	BUCKHORN LAKE, KY	1,232,000	1,232,000
(FC)	CARR FORK LAKE, KY	1,397,000	1,397,000
(FC)	CAVE RUN LAKE, KY	964,000	964,000
(FC)	DEWEY LAKE, KY	1,330,000	1,330,000
(N)	ELVIS STAHR (HICKMAN) HARBOR, KY	420,000	420,000
(FC)	FISHTRAP LAKE, KY	1,944,000	1,944,000
(FC)	GRAYSON LAKE, KY	1,249,000	1,249,000
(N)	GREEN AND BARREN RIVERS, KY	1,835,000	1,835,000
(FC)	GREEN RIVER LAKE, KY	1,791,000	1,791,000
(FC)	INSPECTION OF COMPLETED WORKS, KY	153,000	153,000
(N)	KENTUCKY RIVER, KY	1,148,000	1,148,000
(MP)	LAUREL RIVER LAKE, KY	1,235,000	1,235,000
(N)	LICKING RIVER OPEN CHANNEL WORK, KY	23,000	23,000
(FC)	MARTINS FORK LAKE, KY	692,000	692,000
(FC)	MIDDLESBORO CUMBERLAND RIVER BASIN, KY	83,000	83,000
(FC)	NOLIN LAKE, KY	1,725,000	1,725,000
(N)	OHIO RIVER LOCKS AND DAMS, KY, IL, IN, OH, PA & WV	52,146,000	52,146,000
(N)	OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN, OH, PA & WV.	6,533,000	6,533,000
(FC)	PAINTSVILLE LAKE, KY	1,041,000	1,041,000
(N)	PROJECT CONDITION SURVEYS, KY	5,000	5,000
(FC)	ROUGH RIVER LAKE, KY	1,790,000	1,790,000
(FC)	TAYLORSVILLE LAKE, KY	1,015,000	1,015,000
(MP)	WOLF CREEK DAM - LAKE CUMBERLAND, KY	5,996,000	5,996,000
(FC)	YATESVILLE LAKE, KY	1,067,000	1,067,000
	LOUISIANA		
(N)	ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	8,281,000	8,281,000
(N)	BARATARIA BAY WATERWAY, LA	497,000	497,000
(FC)	BAYOU BODCAU RESERVOIR, LA	520,000	520,000
(N)	BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA	10,000	10,000
(FC)	BAYOU PIERRE, LA	25,000	25,000
(N)	BAYOU TECHE AND VERMILION RIVER, LA	25,000	25,000
(N)	BAYOU TECHE, LA	119,000	119,000
(FC)	CADDO LAKE, LA	138,000	138,000
(N)	CALCASIEU RIVER AND PASS, LA	4,535,000	4,535,000
(N)	FRESHWATER BAYOU, LA	1,947,000	1,947,000
(N)	GULF INTRACOASTAL WATERWAY, LA & TX	16,603,000	16,603,000
(N)	HOUMA NAVIGATION CANAL, LA	2,321,000	2,321,000
(FC)	INSPECTION OF COMPLETED WORKS, LA	418,000	418,000
(N)	LAKE PROVIDENCE HARBOR, LA	321,000	321,000
(N)	MADISON PARISH PORT, LA	38,000	38,000
(N)	MERMENTAU RIVER, LA	1,000,000	1,000,000
(N)	MISSISSIPPI RIVER - BATON ROUGE TO GULF OF MEXICO, LA.	46,155,000	46,155,000
(N)	MISSISSIPPI RIVER - GULF OUTLET, LA	12,828,000	12,828,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	MISSISSIPPI RIVER OUTLETS AT VENICE, LA	2,190,000	2,190,000
(N)	PROJECT CONDITION SURVEYS, LA	144,000	144,000
(N)	RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L	9,853,000	10,853,000
	REMOVAL OF AQUATIC GROWTH, LA	1,890,000	1,890,000
(N)	TANGIPAHOA RIVER, LA	150,000	150,000
(FC)	WALLACE LAKE, LA	165,000	165,000
(N)	WATERWAY - EMPIRE TO THE GULF, LA	115,000	115,000
(N)	WATERWAY FROM INTRACOASTAL WATERWAY TO B DULAC, LA	225,000	225,000
	MAINE		
(N)	PROJECT CONDITION SURVEYS, ME	1,131,000	1,131,000
(N)	SCARBOROUGH RIVER, ME	1,167,000	1,167,000
(N)	YORK HARBOR, ME	714,000	714,000
	MARYLAND		
(N)	BALTIMORE HARBOR & CHANNELS, MD (50 FT)	10,711,000	10,711,000
(N)	BALTIMORE HARBOR (DRIFT REMOVAL), MD	420,000	420,000
(N)	BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	550,000	550,000
(N)	CRISFIELD HARBOR, MD	478,000	478,000
(FC)	CUMBERLAND, MD AND RIDGELEY, WV	108,000	108,000
(N)	FISHING BAY, MD	695,000	695,000
	FISHING CREEK, MD	---	400,000
(N)	HONGA RIVER AND TAR BAY, MD	65,000	65,000
(FC)	INSPECTION OF COMPLETED WORKS, MD	32,000	32,000
(FC)	JENNINGS RANDOLPH LAKE, MD & WV	1,600,000	1,600,000
(N)	NORTHEAST RIVER, MD	117,000	117,000
(N)	OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	582,000	582,000
(N)	PROJECT CONDITION SURVEYS, MD	300,000	300,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, MD	119,000	119,000
(N)	TILGHMAN ISLAND HARBOR, MD	50,000	50,000
(N)	TWITCH COVE AND BIG THOROFARE RIVER, MD	744,000	744,000
(N)	WICOMICO RIVER, MD	70,000	70,000
	MASSACHUSETTS		
(N)	ANDREWS RIVER, MA	165,000	165,000
(FC)	BARRE FALLS DAM, MA	324,000	324,000
(FC)	BIRCH HILL DAM, MA	451,000	451,000
(FC)	BUFFUMVILLE LAKE, MA	348,000	348,000
(N)	CAPE COD CANAL, MA	8,191,000	8,191,000
(FC)	CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	378,000	378,000
(FC)	CONANT BROOK LAKE, MA	168,000	168,000
(N)	CUTTYHUNK HARBOR, MA	101,000	101,000
(N)	DUXBURY HARBOR, MA	1,882,000	1,882,000
(FC)	EAST BRIMFIELD LAKE, MA	294,000	294,000
(N)	GREEN HARBOR, MA	262,000	262,000
(FC)	HODGES VILLAGE DAM, MA	339,000	339,000
(N)	HYANNIS HARBOR, MA	358,000	358,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	INSPECTION OF COMPLETED WORKS, MA	112,000	112,000
(FC)	KNIGHTVILLE DAM, MA	371,000	371,000
(FC)	LITTLEVILLE LAKE, MA	338,000	338,000
(FC)	NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,	595,000	595,000
(N)	PROJECT CONDITION SURVEYS, MA	971,000	971,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MA	16,000	16,000
(FC)	TULLY LAKE, MA	376,000	376,000
(FC)	WEST HILL DAM, MA	521,000	521,000
(FC)	WESTVILLE LAKE, MA	387,000	387,000
	MICHIGAN		
(N)	ALPENA HARBOR, MI	254,000	254,000
(N)	ARCADIA HARBOR, MI	293,000	293,000
(N)	AU SABLE HARBOR, MI	22,000	22,000
(N)	BLACK RIVER (PORT HURON), MI	23,000	23,000
(N)	CASEVILLE HARBOR, MI	124,000	124,000
	CEDAR RIVER HARBOR, MI	---	125,000
(N)	CHANNELS IN LAKE ST CLAIR, MI	125,000	125,000
(N)	CHARLEVOIX HARBOR, MI	80,000	80,000
(N)	CHEBOYGAN HARBOR, MI	105,000	105,000
(N)	CLINTON RIVER, MI	113,000	113,000
(N)	DETROIT RIVER, MI	3,466,000	3,466,000
(N)	FRANKFORT HARBOR, MI	38,000	38,000
(N)	GRAND HAVEN HARBOR, MI	1,278,000	1,278,000
(N)	HARBOR BEACH HARBOR, MI	112,000	112,000
(N)	HARRISVILLE HARBOR, MI	368,000	368,000
(N)	HOLLAND HARBOR, MI	614,000	614,000
(N)	INLAND ROUTE, MI	23,000	23,000
(FC)	INSPECTION OF COMPLETED WORKS, MI	205,000	205,000
	KAWKAWLIN RIVER, MI	---	160,000
(N)	KEWEENAW WATERWAY, MI	302,000	302,000
(N)	LAC LA BELLE, MI	82,000	82,000
(N)	LELAND HARBOR, MI	306,000	306,000
(N)	LEXINGTON HARBOR, MI	225,000	225,000
(N)	LITTLE LAKE HARBOR, MI	94,000	94,000
(N)	LUDINGTON HARBOR, MI	166,000	166,000
(N)	MACKINAW CITY HARBOR MI	22,000	22,000
(N)	MANISTEE HARBOR, MI	60,000	60,000
(N)	MANISTIQUE HARBOR, MI	323,000	323,000
(N)	MENOMINEE HARBOR, MI & WI	484,000	484,000
(N)	MONROE HARBOR, MI	717,000	717,000
(N)	MUSKEGON HARBOR, MI	126,000	126,000
(N)	NEW BUFFALO HARBOR, MI	25,000	25,000
(N)	ONTONAGON HARBOR, MI	496,000	496,000
(N)	PENTWATER HARBOR, MI	1,719,000	1,719,000
(N)	PETOSKEY HARBOR, MI	163,000	163,000
(N)	POINT LOOKOUT HARBOR, MI	298,000	298,000
(N)	PORT AUSTIN HARBOR, MI	163,000	163,000
(N)	PORT SANILAC HARBOR, MI	218,000	218,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	PORTAGE LAKE HARBOR, MI	255,000	255,000
(N)	PRESQUE ISLE HARBOR, MI	82,000	82,000
(N)	PROJECT CONDITION SURVEYS, MI	169,000	169,000
(N)	ROUGE RIVER, MI	502,000	502,000
(N)	SAGINAW RIVER, MI	1,729,000	1,729,000
(N)	SAUGATUCK HARBOR, MI	1,926,000	1,926,000
(N)	SEBEWAING RIVER, MI	538,000	538,000
(N)	SOUTH HAVEN HARBOR, MI	35,000	35,000
(N)	ST CLAIR RIVER, MI	767,000	767,000
(N)	ST JOSEPH HARBOR, MI	671,000	996,000
(MP)	ST MARYS RIVER, MI	16,557,000	16,557,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,301,000	2,301,000
(N)	WHITE LAKE HARBOR, MI	1,688,000	1,688,000
(N)	WHITEFISH POINT HARBOR, MI	22,000	22,000
	MINNESOTA		
(FC)	BIGSTONE LAKE WHETSTONE RIVER, MN & SD	179,000	179,000
(N)	DULUTH - SUPERIOR HARBOR, MN & WI	2,665,000	2,665,000
(N)	GRAND MARAIS HARBOR, MN	22,000	22,000
(FC)	INSPECTION OF COMPLETED WORKS, MN	9,000	9,000
(FC)	LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	835,000	835,000
(N)	MINNESOTA RIVER, MN	145,000	145,000
(FC)	ORWELL LAKE, MN	2,909,000	2,909,000
(N)	PROJECT CONDITION SURVEYS, MN	59,000	59,000
(FC)	RED LAKE RESERVOIR, MN	87,000	87,000
(N)	RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	2,397,000	2,397,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	231,000	231,000
(N)	TWO HARBORS, MN	157,000	157,000
	MISSISSIPPI		
(N)	BILOXI HARBOR, MS	800,000	800,000
(N)	CLAIBORNE COUNTY PORT, MS	3,000	3,000
(FC)	EAST FORK, TOMBIGBEE RIVER, MS	200,000	200,000
(N)	GULFPORT HARBOR, MS	2,999,000	2,999,000
(FC)	INSPECTION OF COMPLETED WORKS, MS	114,000	114,000
(N)	MOUTH OF YAZOO RIVER, MS	78,000	78,000
(FC)	OKATIBBEE LAKE, MS	1,693,000	1,693,000
(N)	PASCAGOULA HARBOR, MS	3,001,000	3,001,000
(N)	PEARL RIVER, MS & LA	1,983,000	1,983,000
(N)	PROJECT CONDITION SURVEYS, MS	5,000	5,000
(N)	ROSEDALE HARBOR, MS	348,000	348,000
(N)	YAZOO RIVER, MS	15,000	15,000
	MISSOURI		
(N)	CARUTHERSVILLE HARBOR, MO	315,000	315,000
(MP)	CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	5,197,000	5,197,000
(FC)	CLEARWATER LAKE, MO	2,025,000	2,025,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(MP)	HARRY S TRUMAN DAM AND RESERVOIR, MO..................	8,418,000	8,418,000
(FC)	INSPECTION OF COMPLETED WORKS, MO....................	203,000	203,000
(FC)	LITTLE BLUE RIVER LAKES, MO..........................	878,000	878,000
(FC)	LONG BRANCH LAKE, MO.................................	747,000	747,000
(N)	MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	14,299,000	14,299,000
(N)	NEW MADRID HARBOR, MO................................	265,000	265,000
(FC)	POMME DE TERRE LAKE, MO..............................	1,845,000	1,845,000
(N)	PROJECT CONDITION SURVEYS, MO........................	5,000	5,000
(FC)	SMITHVILLE LAKE, MO..................................	1,046,000	1,046,000
(N)	SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO........	101,000	101,000
(MP)	STOCKTON LAKE, MO....................................	3,391,000	3,391,000
(MP)	TABLE ROCK LAKE, MO..................................	5,501,000	5,501,000
(FC)	UNION LAKE, MO.......................................	16,000	16,000
(FC)	WAPPAPELLO LAKE, MO..................................	20,000	20,000
	MONTANA		
(MP)	FT PECK DAM AND LAKE, MT.............................	3,684,000	3,684,000
(FC)	INSPECTION OF COMPLETED WORKS, MT....................	16,000	16,000
(MP)	LIBBY DAM, LAKE KOOCANUSA, MT........................	8,127,000	8,127,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, MT..................	47,000	47,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MT..........	14,000	14,000
	NEBRASKA		
(MP)	GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD.......	6,193,000	6,193,000
(FC)	HARLAN COUNTY LAKE, NE...............................	1,382,000	1,382,000
	MISSOURI NATIONAL RECREATIONAL RIVER, NE..............	---	200,000
(MP)	MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO,.	1,000,000	1,000,000
(MP)	MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING, NE.	500,000	500,000
(FC)	PAPILLION CREEK & TRIBUTARIES LAKES, NE...............	736,000	736,000
(FC)	SALT CREEK AND TRIBUTARIES, NE.......................	928,000	928,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, NE..................	442,000	442,000
	NEVADA		
(FC)	MARTIS CREEK LAKE, NV & CA...........................	483,000	483,000
(FC)	PINE AND MATHEWS CANYONS LAKES, NV...................	164,000	164,000
	NEW HAMPSHIRE		
(FC)	BLACKWATER DAM, NH...................................	415,000	415,000
(FC)	EDWARD MACDOWELL LAKE, NH............................	468,000	468,000
(FC)	FRANKLIN FALLS DAM, NH...............................	731,000	731,000
(FC)	HOPKINTON - EVERETT LAKES, NH........................	1,887,000	1,887,000
(FC)	OTTER BROOK LAKE, NH.................................	489,000	489,000
(N)	PROJECT CONDITION SURVEYS, NH........................	355,000	355,000
(FC)	SURRY MOUNTAIN LAKE, NH..............................	532,000	532,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	NEW JERSEY		
(N)	BARNEGAT INLET, NJ	1,275,000	1,275,000
(N)	CHEESEQUAKE CREEK, NJ	430,000	430,000
(N)	COLD SPRING INLET, NJ	500,000	500,000
(N)	DELAWARE RIVER AT CAMDEN, NJ	20,000	20,000
(N)	DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	15,195,000	15,195,000
(N)	DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	1,445,000	1,445,000
(FC)	INSPECTION OF COMPLETED WORKS, NJ	293,000	293,000
(N)	KEYPORT HARBOR, NJ	50,000	50,000
(N)	MANASQUAN RIVER, NJ	2,300,000	2,300,000
(N)	MATAWAN CREEK, NJ	50,000	50,000
(N)	NEW JERSEY INTRACOASTAL WATERWAY, NJ	2,079,000	2,079,000
(N)	NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	1,190,000	1,190,000
(N)	PROJECT CONDITION SURVEYS, NJ	354,000	354,000
(N)	SHARK RIVER, NJ	420,000	420,000
(N)	SHOAL HARBOR AND COMPTON CREEK, NJ	375,000	375,000
	NEW MEXICO		
(FC)	ABIQUIU DAM, NM	1,340,000	1,340,000
(FC)	COCHITI LAKE, NM	1,987,000	1,987,000
(FC)	CONCHAS LAKE, NM	1,105,000	1,105,000
(FC)	GALISTEO DAM, NM	356,000	356,000
(FC)	INSPECTION OF COMPLETED WORKS, NM	109,000	109,000
(FC)	JEMEZ CANYON DAM, NM	425,000	425,000
(FC)	SANTA ROSA DAM AND LAKE, NM	966,000	966,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, NM	66,000	66,000
(FC)	TWO RIVERS DAM, NM	455,000	455,000
	UPPER RIO GRANDE, WATER OPERATIONS MODEL	---	210,000
	NEW YORK		
(FC)	ALMOND LAKE, NY	525,000	525,000
(FC)	ARKPORT DAM, NY	259,000	259,000
(N)	BAY RIDGE AND RED HOOK CHANNELS, NY	465,000	465,000
(N)	BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	3,906,000	3,906,000
(N)	BRONX RIVER, NY	365,000	365,000
(N)	BUFFALO HARBOR, NY	1,476,000	1,476,000
(N)	DUNKIRK HARBOR, NY	263,000	263,000
(N)	EAST ROCKAWAY INLET, NY	90,000	90,000
(FC)	EAST SIDNEY LAKE, NY	466,000	466,000
(N)	EASTCHESTER CREEK, NY	625,000	625,000
(N)	FIRE ISLAND INLET, NY	120,000	120,000
(N)	FIRE ISLAND TO JONES INLET, NY	900,000	900,000
(N)	FLUSHING BAY & CREEK, NY	380,000	380,000
(N)	HUDSON RIVER CHANNEL, NY	925,000	925,000
(N)	HUDSON RIVER, NY	2,215,000	2,215,000
(FC)	INSPECTION OF COMPLETED WORKS, NY	540,000	540,000
(N)	JAMAICA BAY, NY	1,300,000	1,300,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	JONES INLET, NY	1,005,000	1,005,000
(N)	LAKE MONTAUK HARBOR, NY	85,000	85,000
	LITTLE SODUS BAY HARBOR, NY	---	1,700,000
	MAMARONECK HARBOR, NY	---	500,000
(N)	MATTITUCK HARBOR, NY	100,000	100,000
(N)	MORICHES INLET, NY	80,000	80,000
(FC)	MT MORRIS LAKE, NY	2,361,000	2,361,000
(N)	NEW YORK AND NEW JERSEY CHANNELS, NY	1,750,000	1,750,000
(N)	NEW YORK HARBOR (DRIFT REMOVAL), NY & NJ	4,273,000	4,273,000
(N)	NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	730,000	730,000
(N)	NEW YORK HARBOR, NY	5,798,000	8,000,000
	NEW YORK-NEW JERSEY CHANNEL SURVEYS, NY & NJ	---	500,000
(N)	OSWEGO HARBOR, NY	285,000	285,000
(N)	PROJECT CONDITION SURVEYS, NY	109,000	109,000
(N)	ROCHESTER HARBOR, NY	918,000	918,000
(N)	RONDOUT HARBOR, NY	740,000	740,000
(N)	SHINNECOCK INLET, NY	500,000	500,000
(FC)	SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	900,000	900,000
(N)	STURGEON POINT HARBOR, NY	15,000	15,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	527,000	527,000
(N)	WESTCHESTER CREEK, NY	500,000	500,000
(FC)	WHITNEY POINT LAKE, NY	510,000	510,000
	NORTH CAROLINA		
(N)	ATLANTIC BEACH CHANNELS, NC	20,000	20,000
(N)	ATLANTIC INTRACOASTAL WATERWAY, NC	5,328,000	5,328,000
(N)	AVON HARBOR, NC	20,000	20,000
(FC)	B EVERETT JORDAN DAM AND LAKE, NC	1,128,000	1,128,000
(N)	BEAUFORT HARBOR, NC	20,000	20,000
(N)	BELHAVEN HARBOR, NC	90,000	90,000
(N)	BOGUE INLET AND CHANNEL, NC	655,000	655,000
(N)	CAPE FEAR RIVER ABOVE WILMINGTON, NC	686,000	686,000
(N)	CAROLINA BEACH INLET, NC	852,000	852,000
(N)	CHANNEL FROM BACK SOUND TO LOOKOUT BIGHT, NC	20,000	20,000
(N)	DRUM INLET, NC	2,000,000	2,000,000
(FC)	FALLS LAKE, NC	1,043,000	1,043,000
(FC)	INSPECTION OF COMPLETED WORKS, NC	22,000	22,000
(N)	LOCKWOODS FOLLY RIVER, NC	857,000	857,000
(N)	MANTEO (SHALLOWBAG) BAY, NC	6,171,000	7,552,000
(N)	MASONBORO INLET AND CONNECTING CHANNELS, NC	890,000	890,000
(N)	MOREHEAD CITY HARBOR, NC	2,748,000	2,748,000
(N)	NEW RIVER INLET, NC	1,595,000	1,595,000
(N)	NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	840,000	840,000
(N)	PAMLICO AND TAR RIVERS, NC	125,000	125,000
(N)	PROJECT CONDITION SURVEYS, NC	59,000	59,000
(N)	ROANOKE RIVER, NC	125,000	125,000
(N)	ROLLINSON CHANNEL, NC	20,000	20,000
(N)	STUMPY POINT BAY, NC	20,000	20,000
(FC)	W KERR SCOTT DAM AND RESERVOIR, NC	1,904,000	1,904,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	WATERWAY CONNECTING PAMLICO SOUND AND BEAUFORT HARBOR,	20,000	20,000
(N)	WATERWAY CONNECTING SWANQUARTER BAY AND DEEP BAY, NC..	20,000	20,000
(N)	WILMINGTON HARBOR, NC..............................	5,757,000	5,757,000
	NORTH DAKOTA		
(FC)	BOWMAN - HALEY LAKE, ND.............................	229,000	229,000
(MP)	GARRISON DAM, LAKE SAKAKAWEA, ND....................	8,445,000	8,445,000
(FC)	HOMME LAKE, ND......................................	150,000	150,000
(FC)	INSPECTION OF COMPLETED WORKS, ND...................	104,000	104,000
(FC)	LAKE ASHTABULA AND BALDHILL DAM, ND.................	933,000	933,000
	MISSOURI RIVER BETWEEN FT. PECK DAM, MT AND GAVINS PT. DAM, SD & NE, BTID (SEC. 33).......................	---	750,000
	LAKE SAKAKAWEA, ND (MOSQUITO CONTROL)................	---	50,000
(FC)	PIPESTEM LAKE, ND...................................	418,000	418,000
(FC)	SOURIS RIVER, ND....................................	261,000	261,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ND..........	33,000	33,000
	OHIO		
(FC)	ALUM CREEK LAKE, OH.................................	693,000	693,000
(N)	ASHTABULA HARBOR, OH................................	718,000	718,000
(FC)	BERLIN LAKE, OH.....................................	1,429,000	1,429,000
(FC)	CAESAR CREEK LAKE, OH...............................	1,142,000	1,142,000
(FC)	CLARENCE J BROWN DAM, OH............................	808,000	808,000
(N)	CLEVELAND HARBOR, OH................................	17,938,000	17,938,000
(FC)	DEER CREEK LAKE, OH.................................	628,000	628,000
(FC)	DELAWARE LAKE, OH...................................	671,000	671,000
(FC)	DILLON LAKE, OH.....................................	503,000	503,000
(N)	FAIRPORT HARBOR, OH.................................	866,000	866,000
(N)	HURON HARBOR, OH....................................	1,030,000	1,030,000
(FC)	INSPECTION OF COMPLETED WORKS, OH...................	335,000	335,000
(N)	LORAIN HARBOR, OH...................................	445,000	445,000
(FC)	MASSILLON LOCAL PROTECTION PROJECT, OH..............	25,000	25,000
(FC)	MICHAEL J KIRWAN DAM AND RESERVOIR, OH..............	887,000	887,000
(FC)	MOSQUITO CREEK LAKE, OH.............................	899,000	899,000
(FC)	MUSKINGUM RIVER LAKES, OH...........................	5,793,000	5,793,000
(FC)	NORTH BRANCH KOKOSING RIVER LAKE, OH................	312,000	312,000
(FC)	PAINT CREEK LAKE, OH................................	1,664,000	1,664,000
(N)	PORTSMOUTH HARBOR, OH...............................	15,000	15,000
(N)	PROJECT CONDITION SURVEYS, OH.......................	26,000	26,000
(FC)	ROSEVILLE LOCAL PROTECTION PROJECT, OH..............	30,000	30,000
(N)	SANDUSKY HARBOR, OH.................................	1,013,000	1,013,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH..........	283,000	283,000
(N)	TOLEDO HARBOR, OH...................................	3,340,000	3,340,000
(FC)	TOM JENKINS DAM, OH.................................	367,000	367,000
(FC)	WEST FORK OF MILL CREEK LAKE, OH....................	558,000	558,000
(FC)	WILLIAM H HARSHA LAKE, OH...........................	802,000	802,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	OKLAHOMA		
(FC)	ARCADIA LAKE, OK	295,000	295,000
(FC)	BIRCH LAKE, OK	812,000	812,000
(MP)	BROKEN BOW LAKE, OK	1,691,000	1,691,000
(FC)	CANDY LAKE, OK	39,000	39,000
(FC)	CANTON LAKE, OK	1,848,000	1,848,000
(FC)	COPAN LAKE, OK	916,000	916,000
(MP)	EUFAULA LAKE, OK	3,522,000	3,522,000
(MP)	FORT GIBSON LAKE, OK	3,269,000	3,269,000
(FC)	FORT SUPPLY LAKE, OK	802,000	802,000
(FC)	GREAT SALT PLAINS LAKE, OK	330,000	330,000
(FC)	HEYBURN LAKE, OK	764,000	764,000
(FC)	HUGO LAKE, OK	1,619,000	1,619,000
(FC)	HULAH LAKE, OK	424,000	424,000
(FC)	INSPECTION OF COMPLETED WORKS, OK	84,000	84,000
(FC)	KAW LAKE, OK	1,781,000	1,781,000
(MP)	KEYSTONE LAKE, OK	3,545,000	3,545,000
(FC)	OOLOGAH LAKE, OK	1,326,000	1,326,000
(FC)	OPTIMA LAKE, OK	247,000	247,000
(FC)	PENSACOLA RESERVOIR - LAKE OF THE CHEROKEES, OK	10,000	1,000,000
(FC)	PINE CREEK LAKE, OK	1,182,000	1,182,000
(MP)	ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	3,546,000	3,546,000
(FC)	SARDIS LAKE, OK	932,000	932,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, OK	474,000	474,000
(FC)	SKIATOOK LAKE, OK	922,000	922,000
(MP)	TENKILLER FERRY LAKE, OK	3,554,000	3,554,000
(FC)	WAURIKA LAKE, OK	1,521,000	1,521,000
(MP)	WEBBERS FALLS LOCK AND DAM, OK	2,902,000	2,902,000
(FC)	WISTER LAKE, OK	856,000	856,000
	OREGON		
(FC)	APPLEGATE LAKE, OR	699,000	699,000
(FC)	BLUE RIVER LAKE, OR	273,000	273,000
(MP)	BONNEVILLE LOCK AND DAM, OR	17,109,000	17,109,000
(N)	CHETCO RIVER, OR	530,000	530,000
(N)	COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	11,739,000	14,139,000
(N)	COLUMBIA RIVER AT THE MOUTH, OR & WA	8,021,000	8,021,000
(N)	COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	344,000	344,000
(N)	COOS BAY, OR	4,433,000	4,433,000
(N)	COQUILLE RIVER, OR	559,000	559,000
(FC)	COTTAGE GROVE LAKE, OR	756,000	756,000
(MP)	COUGAR LAKE, OR	1,466,000	1,466,000
(N)	DEPOE BAY, OR	3,000	3,000
(MP)	DETROIT LAKE, OR	2,217,000	2,217,000
(FC)	DORENA LAKE, OR	597,000	597,000
(FC)	FALL CREEK LAKE, OR	551,000	551,000
(FC)	FERN RIDGE LAKE, OR	964,000	964,000
(MP)	GREEN PETER - FOSTER LAKES, OR	2,549,000	2,549,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(MP)	HILLS CREEK LAKE, OR	764,000	764,000
(FC)	INSPECTION OF COMPLETED WORKS, OR	184,000	184,000
(MP)	JOHN DAY LOCK AND DAM, OR & WA	14,558,000	14,558,000
(MP)	LOOKOUT POINT LAKE, OR	4,138,000	4,138,000
(MP)	LOST CREEK LAKE, OR	4,021,000	4,021,000
(MP)	MCNARY LOCK AND DAM, OR & WA	11,242,000	11,242,000
(N)	PORT ORFORD, OR	396,000	396,000
(N)	PROJECT CONDITION SURVEYS, OR	154,000	154,000
(N)	ROGUE RIVER, OR	1,153,000	1,153,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, OR	102,000	102,000
(N)	SIUSLAW RIVER, OR	753,000	753,000
(N)	SKIPANON CHANNEL, OR	17,000	17,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	56,000	56,000
(N)	TILLAMOOK BAY AND BAR, OR	13,000	13,000
(N)	UMPQUA RIVER, OR	1,228,000	1,228,000
(N)	WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	1,201,000	1,201,000
(FC)	WILLAMETTE RIVER BANK PROTECTION, OR	60,000	60,000
	WILLAMETTE RIVER BASIN, OR	---	600,000
(FC)	WILLOW CREEK LAKE, OR	603,000	603,000
(N)	YAQUINA BAY AND HARBOR, OR	2,192,000	2,192,000
	PENNSYLVANIA		
(N)	ALLEGHENY RIVER, PA	7,586,000	7,586,000
(FC)	ALVIN R BUSH DAM, PA	635,000	635,000
(FC)	AYLESWORTH CREEK LAKE, PA	219,000	219,000
(FC)	BELTZVILLE LAKE, PA	830,000	830,000
(FC)	BLUE MARSH LAKE, PA	2,194,000	2,194,000
(FC)	CONEMAUGH RIVER LAKE, PA	2,252,000	2,252,000
(FC)	COWANESQUE LAKE, PA	2,076,000	2,076,000
(FC)	CROOKED CREEK LAKE, PA	1,301,000	1,301,000
(FC)	CURWENSVILLE LAKE, PA	754,000	754,000
(FC)	EAST BRANCH CLARION RIVER LAKE, PA	1,071,000	1,071,000
(N)	ERIE HARBOR, PA	25,000	25,000
(FC)	FOSTER JOSEPH SAYERS DAM, PA	744,000	744,000
(FC)	FRANCIS E WALTER DAM, PA	818,000	818,000
(FC)	GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	587,000	587,000
(FC)	INSPECTION OF COMPLETED WORKS, PA	181,000	181,000
(FC)	JOHNSTOWN, PA	222,000	222,000
(FC)	KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,399,000	1,399,000
(FC)	LOYALHANNA LAKE, PA	1,138,000	1,138,000
(FC)	MAHONING CREEK LAKE, PA	1,317,000	1,317,000
(N)	MONONGAHELA RIVER, PA	16,940,000	16,940,000
(N)	PROJECT CONDITION SURVEYS, PA	1,228,000	1,228,000
(FC)	PROMPTON LAKE, PA	586,000	586,000
(FC)	PUNXSUTAWNEY, PA	12,000	12,000
(FC)	RAYSTOWN LAKE, PA	3,690,000	4,190,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, PA	60,000	60,000
(N)	SCHUYLKILL RIVER, PA	350,000	350,000
(FC)	SHENANGO RIVER LAKE, PA	2,418,000	2,418,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	STILLWATER LAKE, PA	345,000	345,000
(FC)	TIOGA - HAMMOND LAKES, PA	2,577,000	2,577,000
(FC)	TIONESTA LAKE, PA	1,231,000	1,231,000
(FC)	UNION CITY LAKE, PA	297,000	297,000
(FC)	WOODCOCK CREEK LAKE, PA	919,000	919,000
(FC)	YORK INDIAN ROCK DAM, PA	1,297,000	1,297,000
(FC)	YOUGHIOGHENY RIVER LAKE, PA & MD	2,154,000	2,154,000
	RHODE ISLAND		
(N)	PROJECT CONDITION SURVEYS, RI	444,000	444,000
	SOUTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY, SC	2,589,000	2,989,000
(N)	CHARLESTON HARBOR, SC	4,609,000	4,859,000
(N)	COOPER RIVER, CHARLESTON HARBOR, SC	3,287,000	3,900,000
(N)	FOLLY RIVER, SC	392,000	604,000
(N)	GEORGETOWN HARBOR, SC	3,088,000	3,088,000
(FC)	INSPECTION OF COMPLETED WORKS, SC	27,000	27,000
(N)	LITTLE RIVER INLET, SC & NC	40,000	40,000
(N)	MURRELLS INLET, SC	42,000	42,000
(N)	PORT ROYAL HARBOR, SC	81,000	151,000
(N)	PROJECT CONDITION SURVEYS, SC	23,000	23,000
(N)	SHIPYARD RIVER, SC	395,000	545,000
(N)	TOWN CREEK, SC	488,000	588,000
	SOUTH DAKOTA		
(MP)	BIG BEND DAM - LAKE SHARPE, SD	6,457,000	6,457,000
(FC)	COLD BROOK LAKE, SD	201,000	201,000
(FC)	COTTONWOOD SPRINGS LAKE, SD	186,000	186,000
(MP)	FT RANDALL DAM - LAKE FRANCIS CASE, SD	8,041,000	8,041,000
(FC)	LAKE TRAVERSE, SD & MN	430,000	430,000
(MP)	OAHE DAM - LAKE OAHE, SD & ND	9,911,000	9,911,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, SD	311,000	311,000
	TENNESSEE		
(MP)	CENTER HILL LAKE, TN	4,938,000	4,938,000
(MP)	CHEATHAM LOCK AND DAM, TN	5,559,000	5,559,000
(MP)	CORDELL HULL DAM AND RESERVOIR, TN	4,694,000	4,694,000
(MP)	DALE HOLLOW LAKE, TN	3,908,000	3,908,000
(FC)	INSPECTION OF COMPLETED WORKS, TN	130,000	130,000
(MP)	J PERCY PRIEST DAM AND RESERVOIR, TN	4,039,000	4,039,000
(MP)	OLD HICKORY LOCK AND DAM, TN	6,833,000	6,833,000
(N)	PROJECT CONDITION SURVEYS, TN	7,000	7,000
(N)	TENNESSEE RIVER, TN	13,612,000	13,612,000
(N)	WOLF RIVER HARBOR, TN	650,000	650,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	TEXAS		
(FC)	AQUILLA LAKE, TX	627,000	627,000
(FC)	ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,162,000	1,162,000
(FC)	BARDWELL LAKE, TX	1,344,000	1,344,000
(N)	BAYPORT SHIP CHANNEL, TX	1,160,000	1,160,000
(FC)	BELTON LAKE, TX	2,325,000	2,325,000
(FC)	BENBROOK LAKE, TX	1,572,000	1,572,000
(N)	BRAZOS ISLAND HARBOR, TX	3,328,000	3,328,000
(FC)	BUFFALO BAYOU AND TRIBUTARIES, TX	3,413,000	3,413,000
(FC)	CANYON LAKE, TX	2,001,000	2,001,000
(N)	CEDAR BAYOU, TX	600,000	600,000
(N)	CHANNEL TO PORT MANSFIELD, TX	160,000	160,000
(FC)	COOPER LAKE AND CHANNELS, TX	951,000	2,601,000
(N)	CORPUS CHRISTI SHIP CHANNEL, TX	4,360,000	4,360,000
(MP)	DENISON DAM - LAKE TEXOMA, TX	5,275,000	5,275,000
(N)	DOUBLE BAYOU, TX	510,000	510,000
(FC)	ESTELLINE SPRINGS, TX	12,000	12,000
(FC)	FERRELLS BRIDGE DAM - LAKE O'THE PINES, TX	2,182,000	2,182,000
(N)	FREEPORT HARBOR, TX	3,140,000	3,140,000
(N)	GALVESTON HARBOR AND CHANNEL, TX	3,693,000	3,693,000
(N)	GIWW - CHANNEL TO VICTORIA, TX	620,000	620,000
(N)	GIWW - CHOCOLATE BAYOU, TX	300,000	300,000
(FC)	GRANGER DAM AND LAKE, TX	1,416,000	1,416,000
(FC)	GRAPEVINE LAKE, TX	1,968,000	1,968,000
(N)	GULF INTRACOASTAL WATERWAY, TX	19,138,000	19,138,000
(FC)	HORDS CREEK LAKE, TX	1,004,000	1,004,000
(N)	HOUSTON SHIP CHANNEL, TX	4,323,000	4,323,000
(FC)	INSPECTION OF COMPLETED WORKS, TX	590,000	590,000
(FC)	JOE POOL LAKE, TX	774,000	774,000
(FC)	LAKE KEMP, TX	235,000	235,000
(FC)	LAVON LAKE, TX	2,180,000	2,180,000
(FC)	LEWISVILLE DAM, TX	2,589,000	2,589,000
(N)	MATAGORDA SHIP CHANNEL, TX	1,490,000	1,490,000
(N)	MOUTH OF THE COLORADO RIVER, TX	1,165,000	1,165,000
(FC)	NAVARRO MILLS LAKE, TX	1,380,000	1,380,000
(FC)	NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	1,539,000	1,539,000
(FC)	O C FISHER DAM AND LAKE, TX	792,000	792,000
(FC)	PAT MAYSE LAKE, TX	796,000	796,000
(FC)	PROCTOR LAKE, TX	1,543,000	1,543,000
(N)	PROJECT CONDITION SURVEYS, TX	60,000	60,000
(FC)	RAY ROBERTS LAKE, TX	711,000	711,000
(N)	SABINE - NECHES WATERWAY, TX	10,050,000	10,050,000
(MP)	SAM RAYBURN DAM AND RESERVOIR, TX	3,462,000	3,462,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, TX	77,000	77,000
(FC)	SOMERVILLE LAKE, TX	2,385,000	2,385,000
(FC)	STILLHOUSE HOLLOW DAM, TX	1,567,000	1,567,000
(N)	TEXAS CITY SHIP CHANNEL, TX	1,250,000	1,250,000
(MP)	TOWN BLUFF DAM - B A STEINHAGEN LAKE, TX	1,571,000	1,571,000
(N)	TRINITY RIVER & TRIBUTARIES, TX	35,000	35,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	WACO LAKE, TX......................................	1,901,000	1,901,000
(FC)	WALLISVILLE LAKE, TX................................	449,000	449,000
(MP)	WHITNEY LAKE, TX....................................	3,326,000	3,326,000
(FC)	WRIGHT PATMAN DAM AND LAKE, TX......................	2,295,000	2,295,000
	UTAH		
(FC)	INSPECTION OF COMPLETED WORKS, UT....................	41,000	41,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, UT..................	159,000	159,000
	VERMONT		
(FC)	BALL MOUNTAIN LAKE, VT..............................	854,000	854,000
(FC)	INSPECTION OF COMPLETED WORKS, VT....................	133,000	133,000
(N)	NARROWS OF LAKE CHAMPLAIN, VT & NY...................	46,000	46,000
(FC)	NORTH HARTLAND LAKE, VT.............................	555,000	555,000
(FC)	NORTH SPRINGFIELD LAKE, VT..........................	668,000	668,000
(FC)	TOWNSHEND LAKE, VT..................................	592,000	592,000
(FC)	UNION VILLAGE DAM, VT...............................	392,000	392,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	VIRGINIA		
(N)	APPOMATTOX RIVER, VA.	5,000	5,000
(N)	ATLANTIC INTRACOASTAL WATERWAY, VA.	2,290,000	2,290,000
(N)	BROAD CREEK, VA.	1,000	1,000
(N)	CHANNEL TO NEWPORT NEWS, VA.	50,000	50,000
(N)	CHINCOTEAGUE BAY CHANNEL, VA.	125,000	125,000
(N)	CHINCOTEAGUE HARBOR OF REFUGE, VA.	144,000	144,000
(N)	CHINCOTEAGUE INLET, VA.	887,000	887,000
(FC)	GATHRIGHT DAM AND LAKE MOOMAW, VA.	1,481,000	1,481,000
(N)	HAMPTON CREEK, VA.	210,000	210,000
(N)	HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	700,000	700,000
(N)	HORN HARBOR, VA.	125,000	125,000
(FC)	INSPECTION OF COMPLETED WORKS, VA.	84,000	84,000
(N)	JAMES RIVER CHANNEL, VA.	2,567,000	3,567,000
(MP)	JOHN H KERR LAKE, VA & NC.	6,652,000	6,652,000
(FC)	JOHN W FLANNAGAN DAM AND RESERVOIR, VA.	1,498,000	1,498,000
(N)	LYNNHAVEN INLET, VA.	712,000	712,000
(N)	NEABSCO CREEK, VA.	137,000	137,000
(N)	NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V	232,000	232,000
(N)	NORFOLK HARBOR, VA.	5,000,000	5,000,000
(FC)	NORTH FORK OF POUND RIVER LAKE, VA.	337,000	337,000
(N)	PARKER CREEK, VA.	113,000	113,000
(N)	PARROTTS CREEK, VA.	234,000	234,000
(MP)	PHILPOTT LAKE, VA.	2,203,000	2,203,000
(N)	POTOMAC RIVER AT ALEXANDRIA, VA.	41,000	41,000
(N)	PROJECT CONDITION SURVEYS, VA.	711,000	711,000
(N)	RUDEE INLET, VA.	608,000	608,000
(N)	THIMBLE SHOAL CHANNEL, VA.	152,000	152,000
(N)	TYLERS BEACH, VA.	170,000	170,000
(N)	WATERWAY ON THE COAST OF VIRGINIA, VA.	1,246,000	1,246,000
	WASHINGTON		
(MP)	CHIEF JOSEPH DAM, WA.	12,830,000	12,830,000
(N)	COLUMBIA RIVER AT BAKER BAY, WA & OR.	44,000	44,000
(N)	COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA.	38,000	38,000
(N)	EDIZ HOOK, WA.	746,000	746,000
(N)	EVERETT HARBOR AND SNOHOMISH RIVER, WA.	853,000	853,000
(N)	FRIDAY HARBOR, WA.	52,000	52,000
(N)	GRAYS HARBOR AND CHEHALIS RIVER, WA.	7,479,000	8,009,000
(FC)	HOWARD HANSON DAM, WA.	1,198,000	1,198,000
(MP)	ICE HARBOR LOCK AND DAM, WA.	7,689,000	7,689,000
(FC)	INSPECTION OF COMPLETED WORKS, WA.	116,000	116,000
(N)	LAKE CROCKETT (KEYSTONE HARBOR), WA.	34,000	34,000
(N)	LAKE WASHINGTON SHIP CANAL, WA.	6,833,000	6,833,000
(MP)	LITTLE GOOSE LOCK AND DAM, WA.	5,187,000	5,187,000
(MP)	LOWER GRANITE LOCK AND DAM, WA.	7,541,000	7,541,000
(MP)	LOWER MONUMENTAL LOCK AND DAM, WA.	5,876,000	5,876,000
(FC)	MILL CREEK LAKE, VIRGIL B BENNINGTON LAKE, WA.	737,000	737,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	MT ST HELENS, WA	414,000	414,000
(FC)	MUD MOUNTAIN DAM, WA	1,860,000	1,860,000
(N)	OLYMPIA HARBOR, WA	9,000	9,000
(N)	PROJECT CONDITION SURVEYS, WA	282,000	282,000
(N)	PUGET SOUND AND TRIBUTARY WATERS, WA	1,100,000	1,100,000
(N)	QUILLAYUTE RIVER, WA	769,000	769,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, WA	421,000	421,000
(N)	SEATTLE HARBOR, WA	265,000	265,000
(FC)	STILLAGUAMISH RIVER, WA	185,000	185,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	87,000	87,000
(N)	SWINOMISH CHANNEL, WA	365,000	365,000
(FC)	TACOMA, PUYALLUP RIVER, WA	66,000	66,000
(MP)	THE DALLES LOCK AND DAM, WA & OR	10,820,000	10,820,000
(N)	WILLAPA RIVER AND HARBOR, WA	1,002,000	1,002,000
	WEST VIRGINIA		
(FC)	BEECH FORK LAKE, WV	1,069,000	1,069,000
(FC)	BLUESTONE LAKE, WV	1,647,000	1,647,000
(FC)	BURNSVILLE LAKE, WV	1,427,000	1,427,000
(FC)	EAST LYNN LAKE, WV	1,520,000	1,520,000
(N)	ELK RIVER HARBOR, WV	3,000	3,000
(FC)	ELKINS, WV	11,000	11,000
(FC)	INSPECTION OF COMPLETED WORKS, WV	73,000	73,000
(N)	KANAWHA RIVER LOCKS AND DAMS, WV	8,759,000	8,759,000
(FC)	R D BAILEY LAKE, WV	1,504,000	1,504,000
(FC)	STONEWALL JACKSON LAKE, WV	940,000	940,000
(FC)	SUMMERSVILLE LAKE, WV	1,512,000	1,512,000
(FC)	SUTTON LAKE, WV	1,481,000	1,481,000
(N)	TYGART LAKE, WV	780,000	780,000
	WISCONSIN		
(N)	ASHLAND HARBOR, WI	276,000	276,000
(FC)	EAU GALLE RIVER LAKE, WI	585,000	585,000
(N)	FOX RIVER, WI	2,602,000	2,752,000
(N)	GREEN BAY HARBOR, WI	1,018,000	1,018,000
(N)	GREEN BAY HARBOR, WI (DIKE DISPOSAL)	3,793,000	3,793,000
(FC)	INSPECTION OF COMPLETED WORKS, WI	46,000	46,000
(N)	KENOSHA HARBOR, WI	465,000	465,000
(N)	KEWAUNEE HARBOR, WI	329,000	329,000
(FC)	LA FARGE LAKE, WI	120,000	120,000
(N)	LA POINTE HARBOR, WI	22,000	22,000
(N)	MANITOWOC HARBOR, WI	187,000	187,000
(N)	MILWAUKEE HARBOR, WI	2,673,000	2,673,000
(N)	OCONTO HARBOR, WI	58,000	58,000
(N)	PORT WASHINGTON HARBOR, WI	40,000	40,000
(N)	PORT WING HARBOR, WI	109,000	109,000
(N)	PROJECT CONDITION SURVEYS, WI	78,000	78,000
(N)	SAXON HARBOR, WI	188,000	188,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	SHEBOYGAN HARBOR, WI..................................	560,000	560,000
(N)	STURGEON BAY HARBOR & LAKE MICHIGAN SHIP CANAL, WI....	299,000	299,000
(N)	SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI..........	424,000	424,000
(N)	TWO RIVERS HARBOR, WI.................................	29,000	29,000
	WYOMING		
(FC)	JACKSON HOLE LEVEES, WY...............................	1,041,000	1,041,000
(FC)	SCHEDULING RESERVOIR OPERATIONS, WY...................	36,000	36,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	MISCELLANEOUS		
	COASTAL INLET RESEARCH PROGRAM........................	2,000,000	1,250,000
	CULTURAL RESOURCES (NAGPRA/CURATION)..................	2,000,000	1,000,000
	DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM..	480,000	480,000
	DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER).	1,000,000	1,500,000
	EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES	700,000	700,000
	MISSISSIPPI RIVER BASIN MAINSTEM MODEL DEVELOPMENT....	500,000	500,000
	MONITORING OF COMPLETED COASTAL PROJECTS..............	1,900,000	1,500,000
	NATIONAL DAM SAFETY PROGRAM...........................	20,000	20,000
	NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP).......	5,500,000	5,000,000
	OPERATIONS TECHNICAL SUPPORT..........................	2,650,000	2,175,000
	PEER REVIEW PROGRAM...................................	200,000	---
	PROTECT, CLEAR AND STRAIGHTEN CHANNELS (SECTION 3)....	50,000	50,000
	RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION...	500,000	500,000
	REMOVAL OF SUNKEN VESSELS.............................	500,000	500,000
	REPAIR EVALUATION MAINTENANCE RESEARCH (REMR II)......	2,000,000	1,500,000
	RIVER CONFLUENCE ICE RESEARCH.........................	500,000	500,000
	WATERBORNE COMMERCE STATISTICS........................	4,000,000	4,000,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-32,216,000	-32,966,000
	TOTAL, OPERATION AND MAINTENANCE...............	1,663,000,000	1,697,015,000

TITLE II

Department of the Interior

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement appropriates $43,627,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the House and the Senate.

BUREAU OF RECLAMATION

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

GENERAL INVESTIGATIONS

The conference agreement appropriates $16,650,000 for General Investigations instead of $14,548,000 as proposed by the House and $18,105,000 as proposed by the Senate.

The conference agreement includes $1,000,000 for the Bureau of Reclamation to undertake feasibility studies for water conservation projects in the Deschutes and Rogue River basins in Oregon.

The conference agreement includes language in the bill providing $250,000 for the Del Norte County and Crescent City, California, Wastewater Reclamation project, and $250,000 for the Fort Bragg, California, Water Supply project.

The conferees understand that the Bureau of Reclamation has been working cooperatively with interested parties in efforts to secure reliable and safe water supplies for the City and County of Santa Fe, New Mexico. The Bureau is to be commended and is encouraged to continue to provide assistance and work cooperatively with the City and County in the regional planning process to resolve critical issues associated with providing clean, reliable drinking water for the region.

The conference agreement deletes language contained in the Senate bill earmarking funds for the Cheyenne River Sioux Reservation, South Dakota, study. Funding for this study is included in the overall amount provided for General Investigations.

CONSTRUCTION PROGRAM

The conference agreement appropriates $394,056,000 for the Construction Program instead of $367,496,000 as proposed by the House and $398,596,700 as proposed by the Senate.

The conferees have included $440,000 for the In-Situ Copper Mining Research Project, located near Casa Grande, Arizona, which has been transferred to the Bureau of Reclamation from the Bureau of Mines, for the continuation of the field test as proposed by the House. The funds are to be cost-shared by the private sector partner as provided for in the contract. It is the conferees' understanding that sufficient funds were transferred with the project to support Reclamation's in-house research and oversight responsibilities through the conclusion of the project. The Bureau of Reclamation should closely examine the research data to explore the application of the technology to other of its programs.

The conference agreement includes $500,000, $250,000 above the budget request, for the Bureau of Reclamation to undertake an environmental analysis and perform engineering for screening the Contra Costa Canal intake at Rock Slough in California.

In lieu of the directive contained in the House report, the conferees direct the Bureau of Reclamation to provide private entities with a fair and reasonable opportunity to construct, rather than design and construct, new fish screen and fish recovery facilities associated with the Glenn-Colusa Irrigation District's Hamilton City Pumping Plant, with oversight responsibility by the Bureau of Reclamation in cooperation with the Glenn-Colusa Irrigation District.

The conferees have provided $1,100,000, the same as the level provided by the House, for work on alternative fish guidance systems and for new work on a positive barrier screen at Reclamation District 108's Wilkins Slough pumping plant. Of the funds provided, $500,000 shall be allocated to work on alternative fish guidance systems.

The conferees have provided an additional $2,500,000 for the Endangered Species Recovery Implementation program for a wetland restoration project to be carried out along the Williamson River in Klamath County, Oregon, pursuant to the Upper Klamath Basin Working Group. Within 30 days of enactment of this Act, these funds shall be transferred in their entirety to a nonprofit entity with expertise in fish and wildlife management, and with a memorandum of understanding with the Bureau of Reclamation, to hold in an interest-bearing account and disburse as appropriate to other entities to accomplish the project purposes. This project shall be carried out jointly between the private entity, the Bureau of Reclamation, the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service of the Department of Agriculture, and non-Federal interests in the project area.

The conference agreement includes language proposed by the House that directs the Bureau of Reclamation to complete, by the end of fiscal year 1997, the environmental impact statement being conducted on the proposed Tucson, Arizona, surface reservoir.

The conference agreement deletes language contained in the Senate bill for the Mid-Dakota Rural Water System in South Dakota. Funding for this project has been provided within the overall amount appropriated for the Construction Program.

The conference agreement includes language proposed by the Senate extending the authority for the Reclamation States Emergency Drought Relief Act of 1991, Public Law 102–250, through 1997. The bill also includes language proposed by the Senate increasing the cost ceiling for the Umatilla Basin project in Oregon.

The conference agreement deletes funding proposed by the Senate for the McCall Wastewater Treatment facility in Idaho and the Devils Lake, North Dakota, Desalination project.

The conference agreement includes $58,740,000 for the Central Arizona Project instead of $51,155,000 as proposed by the House and $58,325,700 as proposed by the Senate. The specific items which comprise the total reduction of $12,988,000 are as follows: Hayden-Rhodes Aqueduct, Siphon Repairs, Noncontract Costs—$1,616,000; Hayden-Rhodes Aqueduct, Other Repairs, Noncontract Costs—$1,509,000; Other Project Costs, Water Allocations, Noncontract Costs—$500,000; Other Project Costs, Curation Facilities, O&M During Construction—$350,000; Other Project Costs, Curation Facilities, Noncontract Costs—$400,000; Other Project Costs, Native Fish Protection, Major Contracts—$2,775,000; Other Project Costs, Native Fish Protection, Noncontract Costs—$332,000; Other Project Costs, Environmental Enhancement, Major Contracts—$900,000; Other Project Costs, Environmental Enhancement, Noncontract Costs—$801,000; New Wadell Dam, Recreation Facilities—$1,550,000; and New Wadell Dam, Noncontract Costs—$2,255,000. The amount provided for the Central Arizona Project includes $200,000 for the Sierra Vista effluent recharge project and $1,470,000 for the Roadrunner Campground at New Wadell Dam.

The conference agreement includes $225,000 each for the Spring Run Salmon and Coho Salmon programs as proposed by the House. The conferees expect that the funds deposited with the National Fish and Wildlife Foundation for these programs shall be subject to the same process, including matching requirements and competitive selection, as are other grants administered by the Foundation. The conferees emphasize the desire to build partnerships between diverse communities, leverage the use of taxpayer funds and maximize the value of projects selected for funding. The Foundation shall continue to have authority to select projects for funding through this program in order to realize the greatest fish and wildlife benefits.

OPERATION AND MAINTENANCE

The conference agreement appropriates $267,876,000 for Operation and Maintenance instead of $286,232,000 as proposed by the House and $280,876,000 as proposed by the Senate.

The conferees are aware that the Bureau of Reclamation and the Bonneville Power Administration (BPA) have been negotiating an agreement under which BPA will provide direct funding for the annual operations and maintenance costs associated with Reclamation's hydropower generation facilities in the Pacific Northwest. This approach would replace the existing procedure under which Reclamation requests annual appropriations to cover those costs with BPA providing reimbursement to the Treasury. The conferees believe the agreement should provide greater assurance of an appropriate level of funding for maintenance of power facilities thereby reducing the frequency of costly overhauls and increasing the reliability of BPA's power supply. The funding level for Reclamation's operation and maintenance program contained in the conference agreement assumes that direct funding by BPA will be implemented beginning in fiscal year 1997.

The conferees direct the Bureau of Reclamation to carry out the items of work described in the House and Senate reports.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

The conference agreement appropriates $12,715,000 for the Bureau of Reclamation Loan Program Account as proposed by the House and the Senate.

CENTRAL VALLEY PROJECT RESTORATION FUND

Funding for the Contra Costa Canal Rock Slough fish screen project is contained within the amounts appropriated under the Construction Program.

GENERAL ADMINISTRATIVE EXPENSES

The conference agreement appropriates $46,000,000 for General Administrative Expenses instead of $45,150,000 as proposed by the House and $48,307,000 as proposed by the Senate.

The bill includes appropriations to continue work of the Western Water Policy Review Advisory Commission authorized under Public Law 102–575, Title 30, Western Water Policy Review Act. A question has arisen regarding the authority of the Commission to hire temporary staff from outside of the Federal government. It is not the intent of Congress in Section 3007 (c)(1) of the subject Act to require the Commission to obtain permission from the Secretary of the Interior for each temporary position to be filled. This section is included only to advise the Commission of the desirability of utilizing Federal staff where they can be made available to the Commission at no cost. However, given the special needs of the Commission for independent analysis of Federal programs, and the very abbreviated time frame for their work, it is recognized that the Commission must be able to fill temporary positions where necessary with persons from outside of the Federal government.

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
GENERAL INVESTIGATIONS		
ARIZONA		
HOPI WATER MANAGEMENT STUDY..........................	80,000	---
NAVAJO WATER MANAGEMENT STUDY........................	100,000	---
SOUTHERN ARIZONA REGIONAL WATER MANAGEMENT STUDY......	150,000	150,000
WEST SALT RIVER VALLEY WATER RESOURCES MGMT STUDY.....	---	200,000
CALIFORNIA		
DEL NORTE CNTY/CRESCENT CITY WASTEWATER RECLAMATION ST	---	250,000
DELTA MODEL DEVELOPMENT GROUP........................	90,000	---
FORT BRAGG WATER RECLAMATION STUDY...................	---	250,000
FRIANT UPPER BASIN OPTIMIZATION AND REUSE STUDY.......	75,000	75,000
IMPERIAL VALLEY WATER RECLAMATION....................	175,000	175,000
LOWER OWENS RIVER STUDY..............................	100,000	100,000
MYSTIC LAKE WATERSHED MANAGEMENT INVESTIGATION........	100,000	---
NEW MELONES TEMPERTURE CONTROL EVALUATION............	90,000	---
NEW MELONES WATER MANAGEMENT STUDY...................	---	100,000
SACRAMENTO COUNTY WATER RECLAMATION AND REUSE STUDY...	---	150,000
SALTON SEA RESEARCH PROJECT..........................	---	200,000
SAN FRANCISCO AREA RECLAMATION STUDY.................	1,500,000	1,500,000
SOUTHERN CALIFORNIA COASTAL WATER SUPPLY STUDY........	250,000	250,000
SOUTHERN CALIFORNIA COMPREHENSIVE WATER STUDY.........	750,000	750,000
VERDE RIVER BASIN MANAGEMENT STUDY...................	125,000	125,000
COLORADO		
DOLORES RIVER BASIN RUNOFF MODEL.....................	75,000	---
UPPER ARKANSAS RIVER NEEDS ASSESSMENT................	100,000	---
IDAHO		
IDAHO RIVER SYSTEMS MANAGEMENT.......................	250,000	250,000
UPPER SNAKE RIVER BASIN SALMON MIGRATION WATER STUDY..	300,000	300,000
UPPER SALMON RIVER WATER OPTIMIZATION STUDY..........	150,000	150,000
KANSAS		
CHENEY RESERVOIR WATER QUALITY INVESTIGATION..........	100,000	100,000
MONTANA		
COLD CLIMATE WASTEWATER TREATMENT....................	35,000	35,000
FORT PECK INDIAN RESERVATION.........................	---	210,000
JEFFERSON RIVER BASIN RETURN FLOW STUDY..............	80,000	80,000
MONTANA RIVER SYSTEMS STUDY..........................	150,000	100,000
WESTERN MONTANA WATER CONSERVATION STUDY.............	150,000	150,000
YELLOWSTONE RIVER BASIN STUDY........................	100,000	100,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
NEBRASKA		
NEBRASKA WATER SUPPLY ASSESSMENT	100,000	100,000
NEVADA		
CARSON RIVER BASIN	---	200,000
WALKER RIVER BASIN	---	250,000
NEW MEXICO		
MIDDLE RIO GRANDE WATER CONVEYANCE PLAN	100,000	100,000
RIO GRANDE/LOW FLOW CONVEYANCE CHANNEL STUDY	200,000	200,000
SAN JUAN GALLUP-NAVAJO PIPELINE	---	150,000
OKLAHOMA		
OKLAHOMA WATER SUPPLY STUDY	125,000	125,000
OREGON		
CENTRAL OREGON IRRIGATION SYSTEM CONSERVATION FEASIBIL	250,000	250,000
GRANDE RONDE WATER OPTIMIZATION STUDY	150,000	150,000
NORTHWEST OREGON REGIONAL WATER SUPPLY STUDY	200,000	200,000
OREGON STREAM RESTORATION PLANNING STUDY	150,000	150,000
OREGON SUBBASIN CONSERVATION PLANNING	100,000	100,000
OREGON WATER CONSERVATION PROJECTS	---	1,000,000
SOUTHERN OREGON COASTAL RIVER BASINS	200,000	200,000
UMATILLA BASIN PROJECT, PHASE III	100,000	200,000
SOUTH DAKOTA		
BLACK HILLS REGIONAL WATER MANAGEMENT STUDY	75,000	75,000
CHEYENNE RIVER SIOUX RESERVATION	---	150,000
TEXAS		
EDWARDS AQUIFER REGIONAL WATER RESOURCES AND MANAGEMEN	190,000	190,000
RINCON BAYOU-NUECES MARCH WETLANDS RESTORATION/ENHANCE	100,000	100,000
RIO GRANDE/RIO BRAVO INTERNATIONAL BASIN ASSESSMENT	200,000	200,000
RIO GRANDE CONVEYANCE CANAL/PIPELINE	---	200,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
UTAH		
ASHLEY/BRUSH CREEK OPTIMIZATION STUDY.................	200,000	200,000
CARBON/EMERY COUNTY WATER MANAGEMENT PLAN.............	100,000	50,000
OGDEN RIVER BASIN WATER QUALITY MANAGEMENT INVESTIGATI	50,000	50,000
WASHINGTON		
WASHINGTON RIVER BASIN PLANNING.......................	125,000	125,000
VARIOUS		
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM......	360,000	360,000
ENVIRONMENTAL AND INTERAGENCY COORDINATION ACTIVITIES.	1,745,000	1,250,000
GENERAL PLANNING STUDIES..............................	1,985,000	1,785,000
INVESTIGATION OF EXISTING PROJECTS....................	705,000	705,000
MINOR WORK ON COMPLETED PROJECTS......................	145,000	145,000
MISSOURI RIVER BASIN TRIBES IN ND/SD WATER RESOURCES M	250,000	250,000
PALLID STURGEON RECOVERY DECISION SUPPORT SYSTEM......	140,000	140,000
TECHNICAL ASSISTANCE TO STATES........................	1,925,000	1,500,000
UPPER SNAKE RIVER BASIN STORAGE OPTIMIZATION	50,000	50,000
TOTAL, GENERAL INVESTIGATIONS..................	15,095,000	16,650,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
CONSTRUCTION PROGRAM		
CONSTRUCTION AND REHABILITATION AND COLORADO RIVER BASIN SALINITY CONTROL PROJECTS		
ARIZONA		
CRBSCP, TITLE I DIVISION	2,300,000	2,300,000
IN SITU COPPER MINING RESEARCH PROJECT	---	440,000
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT	7,000,000	7,000,000
CALIFORNIA		
BRACKISH WATER RECLAMATION DEMONSTRATION FACILITY	---	1,000,000
CENTRAL VALLEY PROJECT:		
AMERICAN RIVER DIVISION	11,000,000	11,000,000
AUBURN-FOLSOM SOUTH UNIT	2,500,000	2,500,000
DELTA DIVISION	8,850,000	9,100,000
MISCELLANEOUS PROJECT PROGRAMS	14,200,000	14,850,000
SACRAMENTO RIVER DIVISION	7,200,000	9,115,000
SAN JOAQUIN DIVISION	4,737,000	4,737,000
SAN LUIS UNIT	2,900,000	2,900,000
SHASTA DIVISION	500,000	500,000
TRINITY RIVER RESTORATION PROGRAM	5,000,000	5,000,000
LOS ANGELES AREA WATER RECLAMATION / REUSE PROGRAM	14,300,000	14,300,000
SAN DIEGO AREA WATER RECLAMATION AND REUSE PROGRAM	9,340,000	9,340,000
SAN GABRIEL BASIN PROJECT, WATER RECLAMATION AND REUSE	5,800,000	5,800,000
SAN JOSE WATER RECLAMATION AND REUSE PROGRAM	2,760,000	2,760,000
IDAHO		
MINIDOKA NORTH SIDE DRAINWATER PROJECT	180,000	180,000
NORTH DAKOTA		
GARRISON DIVERSION UNIT, P-SMBP	21,600,000	23,000,000
OREGON		
UMATILLA BASIN PROJECT	4,900,000	6,100,000
SOUTH DAKOTA		
BELLE FOURCHE UNIT, P-SMBP	5,100,000	5,100,000
MID-DAKOTA RURAL WATER SYSTEM	2,500,000	10,000,000
MNI WICONI PROJECT	28,350,000	28,350,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
TEXAS		
NORTHWEST WASTEWATER REUSE PROJECT....................	---	2,000,000
WASHINGTON		
COLUMBIA BASIN PROJECT, IRRIGATION FACILITIES	2,590,000	2,590,000
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT..........	4,475,000	4,475,000
VARIOUS		
COLUMBIA / SNAKE RIVER SALMON RECOVERY PROJECT........	15,000,000	15,000,000
CRBSCP, TITLE II DIVISION............................	10,500,000	10,500,000
DROUGHT EMERGENCY ASSISTANCE.........................	---	2,000,000
EFFICIENCY INCENTIVES PROGRAM........................	4,350,000	1,500,000
ENDANGERED SPECIES RECOVERY IMPLEMENTATION............	14,511,000	17,011,000
NATIVE AMERICAN AFFAIRS PROGRAM......................	6,759,000	6,759,000
NATIONAL FISH AND WILDLIFE FOUNDATION................	2,500,000	1,300,000
SUBTOTAL, REGULAR CONSTRUCTION.................	53,620,000	54,070,000
DRAINAGE AND MINOR CONSTRUCTION:		
BOISE PROJECT, ID....................................	200,000	200,000
BRANTLEY PROJECT, NM.................................	700,000	700,000
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM, AZ, CA,.	2,100,000	2,100,000
CRSP, DALLAS CREEK PROJECT, CO......................	300,000	300,000
KLAMATH PROJECT, OR, CA.............................	2,245,000	2,245,000
LAKE MEREDITH SALINITY CONTROL PROJECT, NM, TX......	100,000	100,000
LEADVILLE / ARKANSAS RIVER RECOVERY PROJECT, CO.....	650,000	650,000
MOUNTAIN PARK PROJECT, OK...........................	1,700,000	1,700,000
NEWLANDS PROJECT, CA, NV............................	6,550,000	6,550,000
PICK-SLOAN MISSOURI BASIN PROGRAM:		
NORTH LOUP DIVISION, NE...........................	900,000	900,000
OAHE UNIT, SD.....................................	85,000	85,000
RECLAMATION RECREATION MANAGEMENT ACT-TITLE 28, VARI	3,515,000	2,155,000
RIO GRANDE PROJECT, NM, TX..........................	1,000,000	1,000,000
SAN LUIS VALLEY, CLOSED BASIN DIVISION, CO..........	400,000	400,000
TRES RIOS WETLANDS DEMONSTRATION, AZ................	500,000	500,000
VELARDE COMMUNITY DITCH, NM.........................	2,000,000	3,200,000
WETLANDS DEVELOPMENT, VARIOUS.......................	3,938,000	4,138,000
YAKIMA FISH PASSAGE/PROTECTIVE FACILITIES, WA.......	370,000	370,000
SUBTOTAL, DRAINAGE AND MINOR CONSTRUCTION.......	27,253,000	27,293,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
SAFETY OF DAMS PROGRAM:		
CROOKED RIVER PROJECT, OCHOCO DAM, OR...............	900,000	900,000
CVP, FOLSOM DAM (MORMON ISLAND), CA.................	1,750,000	1,750,000
DEPARTMENT DAM SAFETY PROGRAM, VARIOUS..............	1,200,000	1,200,000
INITIATE SAFETY OF DAMS CORRECTIVE ACTION...........	25,050,000	25,050,000
SAFETY OF DAMS CORRECTIVE ACTION STUDIES............	2,500,000	2,500,000
SALT RIVER PROJECT, BARTLETT DAM, AZ................	3,097,000	3,097,000
SALT RIVER PROJECT, HORSESHOE DAM, AZ...............	403,000	403,000
SAN ANGELO PROJECT, TWIN BUTTES DAM, TX.............	23,000,000	23,000,000
SAN CARLOS IRRIGATION PROJECT, COOLIDGE DAM, AZ.....	221,000	221,000
SCOFIELD PROJECT, SCOFIELD DAM, UT..................	500,000	500,000
YAKIMA PROJECT, BUMPING LAKE DAM, WA................	640,000	640,000
SUBTOTAL, SAFEY OF DAMS PROGRAM.................	59,261,000	59,261,000
REHABILITATION AND BETTERMENT:		
SHOSHONE PROJECT, WY................................	1,459,000	1,459,000
WEBER BASIN PROJECT, UT.............................	1,700,000	1,700,000
SUBTOTAL, REHABILITATION AND BETTERMENT.........	3,159,000	3,159,000
SCIENCE AND TECHNOLOGY:		
GROUNDWATER RECHARGE DEMONSTRATION PROGRAM..........	540,000	1,415,000
IMPROVED RIVER BASIN MANAGEMENT CONTROL SYSTEM (PHAS	400,000	---
TECHNOLOGY ADVANCEMENT..............................	400,000	300,000
WATERSHED RIVER SYSTEM MANAGEMENT PROGRAM...........	1,000,000	1,000,000
WATER TREATMENT TECHNOLOGY..........................	2,000,000	1,300,000
WATER TECHNOLOGY/ENVIRONMENTAL RESEARCH.............	3,800,000	2,800,000
SUBTOTAL, SCIENCE AND TECHNOLOGY................	8,140,000	6,815,000
TOTAL, CONSTRUCTION AND REHABILITATION AND COLORADO RIVER BASIN SALINITY CONTROL PROJECTS	319,515,000	335,035,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
COLORADO RIVER STORAGE PROJECT		
UPPER COLORADO RIVER BASIN FUND AND PARTICIPATING PROJECTS		
COLORADO		
ANIMAS-LA PLATA PARTICIIPATING PROJECT................	9,500,000	8,500,000
DOLORES PARTICIPATING PROJECT.........................	6,115,000	6,115,000
UTAH		
CENTRAL UTAH PARTICIPATING PROJECT, BONNEVILLE UNIT...	7,495,000	7,495,000
RECREATIONAL AND FISH AND WILDLIFE FACILITIES.........	2,440,000	2,440,000
TOTAL, COLORADO RIVER STORAGE PROJECT...........	25,550,000	24,550,000
COLORADO RIVER BASIN PROJECT		
CENTRAL ARIZONA PROJECT		
ARIZONA		
CENTRAL ARIZONA PROJECT, WATER DEVELOPMENT (LCRBDF)...	71,728,000	58,740,000
CENTRAL ARIZONA PROJECT, SAFETY OF DAMS...............	4,918,000	4,918,000
TOTAL, COLORADO RIVER BASIN PROJECT............	76,646,000	63,658,000
ASSOCIATED ITEMS		
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS...	-29,187,000	-29,187,000
TOTAL, CONSTRUCTION PROGRAM.....................	392,524,000	394,056,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
LOAN PROGRAM		
ARIZONA		
TOHONO O'ODHAM NATION - SCHUK TOAK DISTRICT...........	1,810,000	1,810,000
CALIFORNIA		
CASTROVILLE IRRIGATION WATER SUPPLY PROJECT...........	2,000,000	2,000,000
CHINO BASIN DESALINATION PROJECT, SANTA ANA WATERSHED.	1,650,000	1,650,000
EASTERN MUNICIPAL WATER DISTRICT NO. 3................	1,030,000	1,030,000
SALINAS VALLEY WATER RECLAMATION FACILITY FOR CROP IRR	1,500,000	1,500,000
TEMESCAL VALLEY PROJECT, ELSINORE VALLEY MUNICIPAL WAT	1,650,000	1,650,000
OREGON		
MILLTOWN HILL PROJECT, DOUGLAS COUNTY................	2,650,000	2,650,000
VARIOUS		
LOAN ADMINISTRATION..................................	425,000	425,000
TOTAL, LOAN PROGRAM.............................	12,715,000	12,715,000

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreements are discussed below.

REPROGRAMMINGS

The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 1997 unless specifically identified in the House, Senate, or conference reports. Any reallocations of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Appropriations Committees in advance in writing and may not be implemented prior to approval by the Committees. This action has been taken as a result of liberal use of this authority by the Department to fund activities which were neither presented to nor approved by Congress. The Committees will review the need for this authority as part of the fiscal year 1998 appropriations process.

USE OF RECEIPTS FROM LEASING OR SELLING GOVERNMENT PROPERTY OR ASSETS

The conferees expect the receipts from either the lease or sale of government assets, less the costs directly related to the lease or sale, to be remitted to the United States Treasury unless specific authority is contained in the Appropriations Act permitting the Department to retain these receipts to offset funding requirements.

The Department should perform a comprehensive review of current government assets which may be available for lease or sale and the potential revenues available from such sources, and be prepared to discuss this issue and the need for additional legislation during the fiscal year 1998 appropriations process.

PROGRAM DIRECTION ACCOUNTS

The conferees expect the Department to adhere to the funding levels provided for each program direction account in fiscal year 1997. If any funds other than the unobligated balances available for these specific activities at the end of fiscal year 1996 are to be used, the Department is expected to submit a reprogramming to Congress. This requirement pertains to the use of any prior year deobligations or any other reserve or other program accounts which may be used to augment the program direction funding.

GENERAL REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

In the event that specific program guidance contained in the House, Senate, or conference reports requires a general reduction of available funding, such reductions shall not be applied disproportionately against any program, project, or activity.

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

The conference agreement appropriates $2,710,908,000 for Energy Supply, Research and Development Activities instead of $2,668,573,000 as proposed by the House and $2,764,043,000 as proposed by the Senate. The agreement deletes language proposed by the House directing that $1,440,000 be made available for FTE reductions, and deletes language proposed by the Senate providing $5,000,000 for research of converting saline water to fresh water.

SOLAR AND RENEWABLE ENERGY PROGRAMS

Funding of $29,000,000 is provided for the wind energy program, of which $2,000,000 shall be for the Kotzebue, Alaska project.

Funding of $55,300,000 for biofuels energy systems is equally divided between two distinct programs, the power systems program and the transportation program. The $27,650,000 provided for the power systems program includes the budget request amount to complete demonstration of the hot-gas filtration system at the gasifier in Hawaii. This year's funding is the final year of funding for this project. The power systems program also includes funding for the gasifier in Burlington, Vermont, and $4,000,000 for the biomass cogeneration turbine development program, $1,000,000 less than the amount requested. The transportation program includes $3,000,000 for the cost-shared biomass ethanol plant in Gridley, California, and $1,000,000 for testing forest residue feedstocks at the Department's biomass ethanol user facility, with the remainder of the funds made available for biochemical conversion. The conferees direct that funding for the regional biomass program and the feedstock program be allocated equally between the power systems and transportation programs.

Funding of $750,000 for the solar international program is to be allocated to nongovernmental organizations which are active in joint implementation activities to develop specific international energy projects. The conferees direct that any carryover funds available on October 1, 1996 in the solar international and solar transfer programs be used only to honor existing contracts. Carryover funds from these two programs are not to be available for obligation for new contracts or agreements.

Funding of $30,000,000 is provided for the geothermal program, including $300,000 for the Geo-Heat Center at the University of Oregon Institute of Technology and $2,000,000 for the Geysers geothermal project, which represents the final Federal contribution to this program.

Funding of $1,000,000 is provided for hydropower for the cost-shared fish-friendly turbine research and development program.

Funding of $4,000,000 is provided for renewable Indian energy resources, including $1,000,000 for the final Federal share of theHaida Alaska Native Village Corporation's Reynolds Creek hydroelectric project, $2,000,000 for the Eyak Native Corporation's Power Creek hydroelectric project and $1,000,000 for the Klawock-Thorne Bay-Kasaan electrical intertie.

Due to severe budget constraints, the conferees have not included the Senate language encouraging the Department to start a new program developing metal matrix composites.

The conference agreement does not direct a specific reduction in the number of federal employees at Headquarters.

NUCLEAR ENERGY

The conferees have provided $38,000,000 for the light water reactor program, $2,000,000 less than the budget request and the Senate amount. This is the final Federal contribution to the light water reactor program. The conferees have not included funding to demonstrate or study annealment of reactor cores.

The conferees note that there is insufficient funding to support a viable nuclear engineering and radiation science research program. This program is underfunded to the point where the viability of the nuclear engineering academic departments in the United States, and the nuclear science capability of the nation, are at risk. The health and vitality of the academic infrastructure in nuclear science and engineering in the U.S. depends on an adequately funded research program. Therefore, the conferees urge the Department to include sufficient funding to reinstate the Nuclear Engineering Education Research program in the fiscal year 1998 budget request.

The conference agreement includes $12,704,000 for the isotope support program including $5,000,000 to implement the Department's record of decision on the production of molybdenum-99.

ENVIRONMENT, SAFETY AND HEALTH

The Radiation Effects Research Foundation (RERF) is a private foundation co-funded by the governments of the United States and Japan to study the effects of radiation on the survivors of theHiroshima and Nagasaki bombings. The conferees agree that this program is a defense-related activity and have included the fiscal year 1997 funding of $15,000,000 in the environment, safety and health program under Other Defense Activities.

ENERGY RESEARCH

Biological and environmental research

The conference agreement includes $10,000,000 for the final phase of the Biomedical Information Communication Center at the Oregon Health Sciences University. The database resulting from the project will be used to track the efficacy and effect of medical treatments, and assist in research efforts associated with the long-term effects of low-level exposure to potential environmental hazards such as radiation or electromagnetic fields. The conference agreement also includes $3,000,000 for the Indiana University School of Medicine. The University is nationally renowned for its achievements in the field of nuclear medicine. This contribution will allow the university to expand its efforts in the research and treatment of cancer, AIDS and other life-threatening diseases.

Within available funds, $1,000,000 is provided to establish a collaborative Boron Neutron Capture Therapy (BNCT) program utilizing the nuclear radiation capabilities at the McClellan Nuclear Radiation Center (MNRC). This program will help establish the efficacy of BNCT for the treatment of inoperable brain tumors and will expand to include other difficult-to-treat malignancies such as melanoma, skull-base tumors, inherently radio-resistant tumors, long-bone sarcoma in children and pediatric brain tumors.

Fusion

The conferees have provided $232,500,000 for the fusion energy program, an increase of $7,500,000 over the House recommendation. The conferees support the House and Senate inclusion of program direction and computational support within the amount provided for the fusion program. The conferees encourage the Department to reduce the amount identified for program direction, but do not stipulate amounts for program direction or computational support. To further provide maximum flexibility, the conferees have not included the prescriptive language included in the House report.

The conferees have provided funds to continue and complete operations and provide for safe shutdown of the TFTR in fiscal year 1997. This is the final year of funding for fusion operations at the TFTR.

The conference agreement includes funding to continue the U.S. participation in the engineering design activities phase of the international thermonuclear experimental reactor (ITER) project, to which the United States is committed through fiscal year 1998.

Basic energy sciences

Funding of $7,000,000 is provided for the Experimental Program to Stimulate Competitive Research (EPSCoR) program. Also, the conference agreement provides $3,200,000 for the Midwest Superconductivity Consortium. The conferees support collaborative multi-institution, multi-discipline materials research efforts involving ion exchange membranes, ion exchange resins, and solidification-stabilization for immobilization of hazardous wastes. The conferees are aware of an industrial multi-institutional consortium in the southeast which is exploring research in these applications and encourages the Department to determine whether there is a Departmental interest in joining this consortium.

The conference agreement includes $10,000,000 for the University of Alabama. Funding of $9,500,000 is provided to complete the Energy, Minerals, and Materials Research Center which focuses on fundamental research in state-of-the-art manufacturing technologies related to energy efficiency and conservation, environmentally responsible production techniques and advanced information systems at the University of Alabama-Tuscaloosa. The remaining $500,000 is provided to the University of Alabama-Birmingham in support of a cooperative research agreement to use magnetic resonance imaging systems to develop advanced cardiovascular imaging applications. The conference agreement also includes $7,000,000 for the Center for Technological Research with Industry at Rose-Hulman Institute of Technology. This project will complement the school's ongoing efforts to increase our nation's competitiveness by coordinating technology-based research with industrial and governmental sponsors.

Other energy research activities

The conference agreement includes $10,000,000 for the establishment of the energy and environmental technology applications project at the University of Southwestern Louisiana. The project will enhance fundamental automation research in areas designed to improve the nation's global competitiveness and energy efficiency.

The conferees have included the House recommendation for program direction, $30,600,000, but do not agree with the House direction that $2,500,000 be available for expenses related to workforce reduction. The conferees have not recommended a specific amount for the technology transfer program.

ENERGY SUPPORT ACTIVITIES

The conferees agree with the House recommendation that funding for University and Science Education programs be provided from the sponsoring programs in the Department. The Department of Energy spends well over $100,000,000 throughout its programs to support science and education activities. To the extent such activities benefit and are a byproduct of the line programs, those programs should, within available funds, be the educational sponsor.

IN-HOUSE ENERGY MANAGEMENT

Last year, Congress eliminated the In-House Energy Management program as a stand-alone program. Notwithstanding this direction, the Department defied the clear intent of Congress and continued the program by using other available Departmental resources. The conferees encourage the Department to continue to carry out energy conservation activities, but do not support the resurrection of a separate program which was eliminated last year. To the extent the Department has not already done so, the conferees recommend that the Department conform its procurement regulations to the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256). The conferees expect the Department to set an example and continue to lead the Federal Government in the procurement of energy saving devices and services.

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT (NON-DEFENSE)

The conferees agree with the House report language on the Wayne, New Jersey project.

The university robotics program is funded in the Defense Environmental Restoration and Waste Management program.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

The conference agreement appropriates net funding of $1,000,000 instead of $11,772,000 as proposed by the House and no funding as proposed by the Senate.

The conference agreement includes bill language proposed by the Senate which would permit security guards to carry side arms at the gaseous diffusion plants.

The conference agreement retains bill language proposed by the Senate providing for payment by the United States Enrichment Corporation of necessary employee and agency contributions to the Thrift Savings Fund.

The conferees agree to provide up to $10,000,000 of program funds for transparency measures.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement appropriates $200,200,000 as proposed by the House instead of $205,200,000 as proposed by the Senate. The conference agreement retains language proposed by the House providing $34,000,000 for the uranium and thorium reimbursement program.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

The conference agreement appropriates $996,000,000 for General Science and Research Activities as proposed by the House instead of $1,000,626,000 as proposed by the Senate.

NUCLEAR WASTE DISPOSAL FUND

The conference agreement appropriates $182,000,000 as proposed by the House instead of $200,028,000 as proposed by the Senate and deletes language proposed by the House making the appropriation subject to authorization. The conference agreement includes language proposed by the House prohibiting distribution of funds appropriated under this heading for the State of Nevada or affected units of local government. The agreement also includes language proposed by the Senate requiring the Secretary to prepare a viability assessment of the Yucca Mountain site, amended to impose a deadline of September 30, 1998 instead of June 30, 1998 as proposed by the Senate.

The conferees direct that the appropriated funds be used in accordance with the Civilian Radioactive Waste Management Draft Program plan issued by the Department in May 1996 and for interim storage activities as authorized by law.

DEPARTMENTAL ADMINISTRATION

The conference agreement appropriates $215,021,000 for Departmental Administration instead of $194,000,000 as proposed by the House and $218,017,000 as proposed by the Senate. Revenues of $125,388,000 are estimated to be received in fiscal year 1997, resulting in a net appropriation of $89,633,000. The proposed funding level includes $6,000,000 available only for severance, termination, and related costs resulting from the reduction in personnel in Departmental Administration. The conference agreement includes $2,000,000 in environmental policy studies for the Department to continue analytic global climate change studies.

The conference agreement deletes bill language proposed by the House specifying end-of-year employment levels by organization in the Department of Energy. However, the conferees are cognizant of these proposed employment levels and strongly urge the Department to use these as a guideline for proportionate reductions in fiscal year 1997.

The conference agreement deletes language proposed by the Senate to provide voluntary separation incentives for the Department of Energy and to require payment by the Department of Energy to the Office of Personnel Management.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement appropriates $23,853,000 instead of $25,000,000 as proposed by the House and $23,103,000 as proposed by the Senate.

The conferees agree that the current case load of the Office of Contractor Employee Protection does not support a separate office of the current size, and direct the Inspector General to assume the responsibility for these activities.

ATOMIC ENERGY DEFENSE ACTIVITIES

Weapons activities

The conference agreement appropriates $3,911,198,000 instead of $3,684,378,000 as proposed by the House and $3,988,602,000 as proposed by the Senate.

The conference agreement supports the direction provided in the Senate report for the stockpile stewardship program with the following adjustments. An increase of $30,000,000 over the budget request is provided for the accelerated strategic computing initiative. An additional $10,000,000 over the budget request has been provided for the technology transfer program; within this program up to $10,000,000 should be allocated for the American Textile Partnership (AMTEX), and up to $10,000,000 should be allocated for the Advanced Computational and Technology Initiative (ACTI). The conference agreement provides specific funding levels identified by the House and Senate for the University of Rochester and the Naval Research Laboratory in the inertial confinement fusion program.

For core stockpile management, the conference agreement provides $1,834,470,000. Funding of $150,000,000 is provided for a new tritium source, instead of $100,000,000 as proposed by the House and $160,000,000 as proposed by the Senate. The conferees direct the Department to notify the House and Senate Committees on Appropriations prior to initiating in-reactor tests of tritium target rods at a commercial light water reactor. Enhanced surveillance activities are increased by $15,000,000; advanced manufacturing activities are increased by $80,000,000; and $6,000,000 is included for upgrades for the tritium recycling facility.

For program direction funding, the conference agreement provides $325,600,000 which includes $22,600,000 for the final settlement payment for the community assistance program at Los Alamos, New Mexico. The funding provided is $31,404,000 less than the budget request for salaries and other expenses, and the conferees agree that these reductions should be taken proportionately as recommended in the House report.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement appropriates $5,459,304,000 for Defense Environmental Restoration and Waste Management instead of

$5,409,310,000 as proposed by the House and $5,605,210,000 as proposed by the Senate.

The conference agreement deletes language included by the Senate earmarking $2,000,000 for demonstration of stir-melter technology and $5,000,000 for the electrometallurgical treatment of spent nuclear fuel.

The conferees have provided $15,000,000 for "Closure Projects," a new initiative to accelerate the closure of facilities or significantly reduce outyear mortgage costs. The conferees direct the Department to include funding at an appropriate level for this activity as part of the fiscal year 1998 budget request.

The conference agreement provides $1,762,194,000 for environmental restoration, the same as the budget request.

Within the waste management program, up to $2,000,000 is provided for demonstration of stir-melter technology developed by the Department and previously intended to be used at the Savannah River Site. The Department is directed to seek alternative use of this technology to maximize the investment already made in this technology.

The conferees encourage the Department to support planning and concepts refinement for a Systems Approach to Precision Farming and Technology Integration consistent with the 1995 Department of Energy/U.S. Department of Agriculture Memorandum of Understanding.

The conference agreement provides the budget request for site operations activities which were transferred to the nuclear materials and facility stabilization program. This includes the training and transportation budget requests which were reduced by the House.

The conferees also direct the Department to provide $2,000,000 from the Defense Environmental Restoration and Waste Management account, through the Department's Memorandum of Understanding with the Department of Health and Human Services, for theHanford Thyroid study.

Within the budget request for robotics in the technology development program, $4,000,000 is provided for the university robotics program as proposed by the House.

The conferees are pleased with the progress to date in implementing the environmental basic research program. In a recent review by the National Research Council, the Council endorsed this program and acknowledged, "* * * establishment of this mission-directed, basic research program as both an urgent and a prudent investment for the nation." The National Research Council report further notes that the, "* * * long-term success of this program is highly dependent on the continuing partnership between EM, which understands the cleanup problems and research needs, and ER, which, through its mission to manage the department's basic research programs, understands how to select and manage research. The committee endorses the efforts made by EM and ER staff to work together and encourages them to continue their efforts to build an effective Environmental Management Science Program."

Due to budget constraints, the conference agreement provides $170,000,000 for the environmental privatization program at Richland, Washington. The conferees note with much interest the recent National Academy of Sciences (NAS) report on theHanford high-level waste tank remediation program. The conferees agree with the NAS statement that, "* * * a time during which funding is constrained is precisely the wrong time to drop work on alternatives that might achieve satisfactory results at a significantly lower cost." The NAS report notes that developing such backup technologies "* * * would still allow remediation to proceed expeditiously." The conferees therefore recommend allocating up to $15,000,000 for technology development of such alternatives. An example of such alternatives brought to the attention of the Committees is a recent industry proposal to develop small, modular inductive in-can vitrification and in-tank processing as high-payoff backup technologies.

The conferees have provided $411,511,000 for the program direction account, a reduction of $35,000,000 from the budget request. The number of Headquarters Federal employees are to be reduced, and travel expenses and advisory and assistance services at Headquarters and the field are to be reduced. The conferees are very concerned with the Department's current plan to reduce employees at Headquarters by transferring them to the field. Any attempt to move employees to field offices without sufficient justification and a demonstrated critical need in the field will not be supported by Congress. Funding for environmental cleanup programs will continue to be constrained next year, and the Department must ensure that it is not just moving the problem to another year and another location.

The conference agreement maintains the current policy that no cleanup funds are to be used for economic development activities. The conferees have provided $62,000,000 in the worker and community transition program which was established and authorized to fund such activities, and expect all economic development activities to be funded from that program.

The conferees note with concern the tendency of the FY 1997 defense authorization Act to disregard an equitable allocation of funds added above the budget request in the Defense Environmental Restoration and Waste Management account. Therefore, the conferees encourage the Department to prioritize those programs and activities which would benefit from these additional funds and submit a reprogramming request necessary to implement such programs and activities which the Department deems a priority for the Defense Environmental Management mission.

Hanford Tank Farms privatization

The conferees support statements in the House report that steps should be taken to minimize any negative budgetary impact on current cleanup activities at Hanford resulting from the creation of a privatization fund for theHanford Tank Waste Remediation System program. The Department has also advised the conferees that this privatization fund does not take monies away from theHanford cleanup operating budget for FY 1997. Despite these assurances, however, concerns persist that the privatization fund will result in further funding cuts to Hanford's operating budget and accompanying job losses at the site. In response to these concerns, the conferees state their agreement with the Department that the specific establishment of the privatization fund will not directly cause additional delays in cleanup schedules or layoffs at Hanford in FY 1997.

Furthermore, the conferees strongly encourage the Department, to the maximum extent possible, to allocate savings that result from the new management contract at Hanford and any prior year balances to the privatization program for the treatment of high and low level waste at theHanford site.

FIXED ASSET ACQUISITION

The conference agreement provides $160,000,000 for this activity, instead of $134,500,000 as proposed by the House and $182,000,000 as proposed by the Senate. This funding is included in the Defense Environmental Restoration and Waste Management appropriation account.

OTHER DEFENSE ACTIVITIES

The conference agreement appropriates $1,605,733,000 for Other Defense Activities instead of $1,459,533,000 as proposed by the House and $1,606,833,000 as proposed by the Senate. Details of the conference agreement are provided below.

NONPROLIFERATION AND NATIONAL SECURITY

The conference agreement provides $634,472,000 for nonproliferation and national security instead of $564,272,000 as proposed by the House and $649,872,000 as proposed by the Senate.

In the nonproliferation and verification research and development program, the conferees have provided an additional $17,000,000 to the Department to undertake a research and development program to address the technical means for detecting the presence, transportation, production, and use of materials to make biological and chemical weapons.

Within the funding for arms control, a total of $30,000,000 is for the Industrial Partnering Program, $7,900,000 is to complete the canning of spent nuclear fuel rods in North Korea, and an additional $20,000,000 over the budget request of $92,637,000 is provided for the materials protection, control, and accounting program.

The conference agreement includes the Senate proposal for the intelligence program, and provides $88,122,000 for the program direction account.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $78,800,000, an increase of $15,000,000 over the budget request, for defense-related environment, safety and health activities. The conferees have recommended funding the budget request of $15,000,000 for the Radiation Effects Research Foundation in fiscal year 1997 in this account. The Foundation had previously been funded in the environment, safety and health (nondefense) account.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides $62,000,000 for the worker and community transition program instead of $57,000,000 as provided by the House and $67,000,000 as provided by the Senate.

NUCLEAR ENERGY (DEFENSE)

The conference agreement provides $45,000,000 for the international nuclear safety program to improve the safety of Soviet-designed nuclear reactors. The conferees have provided $3,500,000 for preparatory work for converting the fuel in three Russian production reactors so that they do not produce weapons-grade plutonium while providing heat and electricity.

FISSILE MATERIALS DISPOSITION

The conference agreement provides $103,796,000 for fissile materials disposition, an increase of $10,000,000 over the budget request. As proposed by the Senate, the additional funding will permit the Department to undertake a cooperative technology effort on the verifiable dismantlement and conversion of plutonium from former Soviet Union weapons. This effort will use new ARIES technology to transform weapons grade plutonium removed from Russian weapons into plutonium oxide or hydride which is unsuitable for weapons.

NAVAL REACTORS

The conference agreement provides $681,932,000, as proposed by the House, instead of $663,932,000 as proposed by the Senate. The additional $18,000,000 over the budget request will be used to continue test reactor inactivation efforts.

POWER MARKETING ADMINISTRATIONS

Alaska Power Marketing Administration

The conference agreement appropriates $4,000,000, as proposed by the House and the Senate.

Bonneville Power Administration

A total of $3,750,000,000 has been made available to Bonneville as permanent borrowing authority. For fiscal year 1997, the conferees recommend $277,000,000 in new borrowing authority, a reduction of $10,000,000 from the budget request. During fiscal year 1997, Bonneville plans to repay the Treasury $835,000,000, of which $278,000,000 is to repay principal on the Federal investment in these facilities. The conferees agree that no new direct loans may be made in fiscal year 1997. The conferees agree with the Senate report language pertaining to fish and wildlife agreements and mid-Columbia hydroelectric plants. While the conferees recognize Bonneville's need to remain competitive and assure its payments to the Treasury, Bonneville should make every effort to fulfill the commitments it has made to renewable energy and energy conservation resources.

The conferees have agreed to retain the voluntary separation incentive language provided in fiscal year 1996, but have agreed to limit the authority to September 30, 2000.

BPA energy services business

The changes occurring in the electric utility industry are expected to result in changes to the authorities and responsibilities of the Bonneville Power Administration. The conferees support the efforts of the Governors, through establishment of the Regional Review, to develop consensus recommendations for restructuring Bonneville. The conferees have heard legitimate concerns expressed about Bonneville's formation of an energy services business. While the conferees are not eliminating funding for this venture, it should only be continued in the context of the historic energy efficiency services Bonneville has offered to its existing customers.

The conferees have agreed to limit Bonneville's borrowing authority to $10 million for their energy services business line, a decrease of $10 million from Bonneville's request. Including this amount should not be viewed as an endorsement by the conferees of Bonneville's ESB activities. Bonneville should limit its activities to the continuation of historic services to existing customers, including new contracts with existing customers, not to cumulatively exceed $3 million until the Regional Review has determined the appropriateness of the activities and developed clear parameters. If the Regional Review or ultimately Congressional action does not support Bonneville's proposed new venture, Bonneville should not expand its activities into this area. When entering into these contracts with existing customers, such contracts shall provide full cost recovery. The parameters developed by the Regional Review should address the appropriate level of capitalization, competitive implications and maintenance of a competitive energy services market, and minimize the risk of cross-subsidies from BPA's core power marketing and transmission customers. The conferees expect Bonneville to act consistent with the recommendations made by the Regional Review.

The conferees share the concern of the House report that Bonneville's activities in this area may compete with the private sector. Bonneville shall work with representatives of the energy services industry in the Northwest to reach agreement on principles which assure that Bonneville's activities are structured to enlarge the energy services market and do not compete with work that the private sector could reasonably perform. The conferees understand that, with the exception of Federal agencies, Bonneville has committed to doing virtually no work with retail consumers without the support of the local utility and the conferees expect Bonneville to carry out this commitment.

The Northwest Power Planning Council shall prepare a report on Bonneville's implementation of the Regional Review recommendations regarding the Energy Services Business within 180 days of enactment of this legislation, but in any case not later than May 1, 1997. The Council is encouraged to provide greater definition to the recommendations provided by the Regional Review.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER MARKETING ADMINISTRATION

The conference agreement appropriates $16,359,000, $2,500,000 more than the amount proposed by the Senate and $2,500,000 less than the amount proposed by the House.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER MARKETING ADMINISTRATION

The conference agreement appropriates $25,210,000, as proposed by the House and the Senate.

OPERATION AND MAINTENANCE, WESTERN AREA POWER MARKETING ADMINISTRATION

The conference agreement appropriates $193,582,000, instead of $211,582,000 as proposed by the House and $201,582,000 as proposed by the Senate.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement appropriates $970,000, as proposed by the House and the Senate.

FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement appropriates $146,290,000 as proposed by the Senate instead of $141,290,000 as proposed by the House. Revenues are established at a rate equal to the amount provided for program activities, resulting in a net appropriation of zero.

GENERAL PROVISIONS

The conference agreement includes language proposed by the House pertaining to priority placement, job placement, retraining, and counseling programs for Department of Energy employees affected by a reduction in force.

The conference agreement includes language providing that none of the funds appropriated by this or any other Act may be used in implement section 3140 of H.R. 3230 as reported by the Committee on Conference on July 30, 1996. The Secretary of Energy shall develop a plan to reorganize the field activities and management of the national security functions of the Department of Energy and shall submit such plan to the Congress not later than 120 days after the date of enactment of this Act. The plan will specifically identify all significant functions performed by the Department's national security operations and area offices and make recommendations as to where those functions should be performed.

The conference agreement deletes language proposed by the Senate pertaining to use of voluntary separation incentives by the Department of Energy and payments to the Office of Personnel Management for retirement benefits.

Department of Energy (in thousands)

	Budget Estimate	Conference
ENERGY SUPPLY, RESEARCH AND DEVELOPMENT		
SOLAR AND RENEWABLE ENERGY		
Solar energy		
Solar building technology research	5,000	2,500
Photovoltaic energy systems	86,994	60,000
Solar thermal energy systems	23,750	22,250
Biomass/biofuels energy systems	80,890	---
Power systems	---	27,650
Transportation	---	27,650
Subtotal, Biomass/biofuels energy systems	80,890	55,300
Wind energy systems	49,650	29,000
Renewable energy production incentive program	3,489	2,000
International solar energy program	---	750
National renewable energy laboratory	2,200	500
Construction		
96-E-100 FTLB renovation and expansion, Golden, CO	2,800	2,800
Subtotal, National renewable energy laboratory	5,000	3,300
Solar and renewable energy deployment	8,509	---
Total, Solar Energy	263,282	175,100
Geothermal		
Geothermal technology development	35,600	30,000
Hydrogen research	11,012	15,000
Hydropower development	---	1,000
Renewable Indian energy resources	---	4,000
Electric energy systems and storage		
Electric and magnetic fields R&D	8,000	8,000
High temperature superconducting R&D	23,050	19,750
Energy storage systems	4,000	4,000
Climate challenge	1,000	---
Total, Electric energy systems and storage	36,050	31,750
Program direction	17,301	13,102
TOTAL, SOLAR AND RENEWABLE ENERGY	363,245	269,952

Department of Energy (in thousands)

	Budget Estimate	Conference
NUCLEAR ENERGY		
Nuclear energy R&D		
Light water reactor	40,000	38,000
Advanced radioisotope power system	40,000	38,810
Nuclear technology R&D	30,000	20,000
Oak Ridge landlord	16,000	11,520
Test reactor area landlord	3,000	2,000
Construction		
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID	1,000	1,000
Subtotal, Test reactor area landlord	4,000	3,000
Advanced test reactor fusion irradiation	800	800
University reactor fuel assistance and support	6,950	4,000
Total, Nuclear energy R&D	137,750	116,130
Termination costs	76,900	76,900
Construction		
97-E-200 Modifications to reactors, sodium system drain and closure, Argonne National Lab - West, ID	1,200	1,200
97-E-201 Modifications to reactors, hot fuel examination facility equipment upgrades, ANL-W	1,000	1,000
Subtotal, Construction	2,200	2,200
Total, Termination costs	79,100	79,100
Isotope support	12,704	12,704
Program direction	18,500	14,800
TOTAL, NUCLEAR ENERGY	248,054	222,734

Department of Energy (in thousands)

	Budget Estimate	Conference
ENVIRONMENT, SAFETY AND HEALTH		
Environment, safety and health	73,160	48,200
Program direction	39,046	37,300
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	112,206	85,500
ENERGY RESEARCH		
Biological and environmental research		
Biological and environmental research R&D	342,962	352,962
Construction		
91-EM-100 Environmental & molecular sciences laboratory, PNL, Richland, WA	35,113	35,113
Total, Biological and environmental research	379,075	389,075
Fusion energy	255,600	232,500
Basic energy sciences		
Materials sciences	334,560	332,060
Chemical sciences	173,370	171,870
Engineering and geosciences	41,250	41,250
Energy biosciences	28,185	28,185
Capital equipment	45,695	45,695
Construction		
GPE-400 General plant projects	9,275	9,275
97-E-305 Accelerator and reactor improvements and modifications, various locations	2,500	2,500
95-E-305 Accelerator improvement projects	9,840	9,840
96-E-300 Combustion research facility, Phase II, SNL/L	9,000	9,000
Subtotal, Construction	30,615	30,615
Total, Basic energy sciences	653,675	649,675

Department of Energy (in thousands)

	Budget Estimate	Conference
Other energy research		
Computational and technology research...............	158,143	153,500
Energy research analyses...........................	2,000	2,000
Program direction..................................	42,154	30,600
Multiprogram energy labs - facility support		
Multiprogram general purpose facilities...........	7,625	---
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations....	21,260	---
95-E-301 Central heating plant rehabilitation, Phase I (ANL)................................	---	2,500
95-E-303 Electrical safety rehab (PNL)........	---	1,500
95-E-310 Multiprogram laboratory rehabilitation, phase I (PNL).................	---	2,960
Subtotal, Construction......................	21,260	6,960
Subtotal, Multiprogram gen. purpose facilities	28,885	6,960
Environment, safety and health		
Construction		
96-E-333 Multiprogram energy laboratories upgrades, various locations..................	---	7,424
95-E-307 Fire Safety imp. III (ANL)...........	---	1,000
95-E-308 Sanitary system mods. II (BNL).......	---	1,032
95-E-309 Loss prevention upgrades (BNL).......	---	4,620
93-E-320 Fire and safety improvements, phase II (ANL)................................	---	224
Subtotal, Environment, safety and health......	---	14,300
Subtotal, Multiprogram energy labs - fac. suppor	28,885	21,260
Total, Other energy research.....................	231,182	207,360
TOTAL, ENERGY RESEARCH...........................	1,519,532	1,478,610

Department of Energy (in thousands)

	Budget Estimate	Conference
ENERGY SUPPORT ACTIVITIES		
University and science education programs	19,900	---
Technical information management program	2,300	2,300
Program direction	8,700	8,700
Construction	1,000	1,000
Total, Technical information management program	12,000	12,000
Field offices and management	121,723	98,400
Information systems investment	14,900	---
In-house energy management	3,941	---
Construction		
IHE - 500 Modifications for energy mgmt	1,759	---
Total, In-house energy management	5,700	---
TOTAL, ENERGY SUPPORT ACTIVITIES	174,223	110,400

Department of Energy (in thousands)

	Budget Estimate	Conference
ENVIRONMENTAL RESTORATION & WASTE MGMT. (NON-DEFENSE)		
Environmental restoration	358,239	328,000
Waste management	192,799	177,994
Construction		
97-E-600 ANL waste handling facility, CH	360	360
94-E-602 Bethel Valley federal facility agreement upgrades, ORNL	1,106	1,106
91-E-600 Rehabilitation of waste management building 306, ANL	2,066	2,066
88-R-830 Liquid low-level waste collection and transfer system upgrade, ORNL	2,692	2,692
Subtotal, Construction	6,224	6,224
Total, Waste management	199,023	184,218
Nuclear materials and facilities stabilization	84,782	73,100
Construction		
93-E-900 Long-term storage of TMI-2 fuel, INEL	6,571	6,571
Total, Nuclear materials and fac stabilization	91,353	79,671
Site operations	2,799	---
TOTAL, ENVIRONMENTAL RESTORATION AND WASTE MGMT	651,414	591,889
Subtotal, Energy supply, research and development	3,068,674	2,759,085
Use of prior year balances	---	-48,177
General reduction, ESR&D	-48,177	---
TOTAL, ENERGY SUPPLY, RESEARCH AND DEVELOPMENT	3,020,497	2,710,908

Department of Energy (in thousands)

	Budget Estimate	Conference
URANIUM SUPPLY AND ENRICHMENT ACTIVITIES		
Uranium program activities	77,594	52,466
Program direction	5,672	4,000
Construction		
96-U-201 depleted UF6 cylinder storage yards, Paducah, Kentucky gaseous diffusion plant	4,000	4,000
Subtotal, Uranium supply & enrichment activities	87,266	60,466
Revenues - Sales	-42,200	-42,200
Use of prior year balances	-17,266	-17,266
TOTAL, URANIUM SUPPLY AND ENRICHMENT ACTIVITIES	27,800	1,000
URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND		
Decontamination and Decommissioning Fund	240,200	200,200

Department of Energy (in thousands)

	Budget Estimate	Conference
GENERAL SCIENCE AND RESEARCH		
High energy physics		
Research and technology	---	210,000
Physics research	141,290	---
Facility operations	362,955	360,075
Construction		
97-G-303 Master substation upgrade, SLAC	3,000	3,000
94-G-304 B-Factory, SLAC	45,000	45,000
92-G-302 Fermilab main injector, Fermilab	52,000	52,000
Subtotal, Construction	100,000	100,000
Subtotal, Facility operations	462,955	460,075
High energy technology	74,880	---
Total, High energy physics	679,125	670,075
Nuclear physics	253,425	250,925
Construction		
91-G-300 Relativistic heavy ion collider, BNL	65,000	65,000
Total, Nuclear physics	318,425	315,925
General science program direction	11,600	10,000
TOTAL, GENERAL SCIENCE AND RESEARCH	1,009,150	996,000

Department of Energy (in thousands)

	Budget Estimate	Conference
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Office of the Secretary - salaries and expenses.....	2,850	2,000
General management - personnel compensation and benefits..	119,647	100,695
Severance, termination and related cost............	---	6,000
General management - other expenses................	83,604	74,900
Program support		
Minority economic impact..........................	2,900	1,500
Policy analysis and system studies................	3,493	500
Consumer affairs..................................	40	40
Public affairs....................................	65	50
Environmental policy studies......................	4,928	2,500
Scientific and technical training.................	1,000	500
Subtotal, Program support.......................	12,426	5,090
Total, Administrative operations.................	218,527	188,685
Cost of work for others............................	26,336	26,336
Total, Departmental administration (gross)........	244,863	215,021
Miscellaneous revenues.............................	-125,388	-125,388
TOTAL, DEPARTMENTAL ADMINISTRATION (net)..........	119,475	89,633
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General........................	30,502	24,750
Use of prior year balances.........................	-897	-897
TOTAL, OFFICE OF INSPECTOR GENERAL...............	29,605	23,853

Department of Energy (in thousands)

	Budget Estimate	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
WEAPONS ACTIVITIES		
Stockpile stewardship		
Core stockpile stewardship........................	1,062,570	1,132,570
Construction		
96-D-102 Stockpile stewardship facilities revitalization, Phase VI, various locations.....	19,250	19,250
96-D-103 ATLAS, Los Alamos National Laboratory..	15,100	15,100
96-D-104 Process and environmental technology laboratory, SNL................................	14,100	14,100
96-D-105 Contained firing facility addition, LLNL..	17,100	17,100
95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL..........................	15,000	15,000
94-D-102 Nuclear Weapons Research, development and testing facilities revitalization, Phase V, various locations................................	7,787	7,787
Subtotal, Construction........................	88,337	88,337
Subtotal, Core stockpile stewardship...........	1,150,907	1,220,907
Inertial fusion..................................	234,560	234,560
Construction		
96-D-111 National ignition facility, TBD........	131,900	131,900
Subtotal, Inertial fusion......................	366,460	366,460
Technology transfer/education		
Technology transfer............................	49,400	59,400
Education......................................	10,000	10,000
Subtotal, Technology transfer/education.........	59,400	69,400
Total, Stockpile stewardship.....................	1,576,767	1,656,767

Department of Energy (in thousands)

	Budget Estimate	Conference
Stockpile management	1,704,470	1,834,470
Construction		
Production base		
88-D-122 Facilities capability assurance program (FCAP), various locations	21,940	21,940
Environmental, safety and health		
97-D-121 Consolidated pit packaging system, Pantex plant, Amarillo, TX	870	870
97-D-122 Nuclear materials storage facility renovation, LANL, Los Alamos, NM	4,000	4,000
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS	1,400	1,400
97-D-124 Steam plant waste water treatment facility, upgrade, Y-12 plant, Oak Ridge, TN	600	600
96-D-122 Sewage treatment quality upgrade (STQU) Pantex plant	100	100
96-D-123 Retrofit HVAX and chillers, for Ozone protection Y-12 plant	7,000	7,000
95-D-122 Sanitary sewer upgrade, Y-12 plant	10,900	10,900
94-D-124 Hydrogen fluoride supply system, Y-12 plant	4,900	4,900
94-D-125 Upgrade life safety, Kansas City plant	5,200	5,200
94-D-127 Emergency notification system, Pantex plant	2,200	2,200
93-D-122 Life safety upgrades, Y-12 plant	7,200	7,200
Subtotal, Environmental, safety and health	44,370	44,370

Department of Energy (in thousands)

	Budget Estimate	Conference
Safeguards and security		
88-D-123 Security enhancement, Pantex plant.....	9,739	9,739
Nuclear weapons incident response		
96-D-125 Washington measurement operations facility, Andrews Air Force Base, MD...........	3,825	3,825
Reconfiguration		
93-D-123 Non-nuclear reconfiguration, various locations................................	14,487	14,487
Subtotal, Construction........................	94,361	94,361
Total, Stockpile management.......................	1,798,831	1,928,831
Program direction.................................	334,404	325,600
TOTAL, WEAPONS ACTIVITIES.........................	3,710,002	3,911,198

Department of Energy (in thousands)

	Budget Estimate	Conference
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Environmental restoration	1,385,546	1,385,546
Uranium enrichment D&D fund contribution	376,648	376,648
Total, Environmental restoration	1,762,194	1,762,194
Waste management	1,448,326	1,490,320
Construction		
97-D-402 Tank farm restoration and safe operations, Richland, WA	7,584	7,584
96-D-408 Waste mgmt upgrades, various locations	11,246	11,246
95-D-402 Install permanent electrical service WIPP, AL	752	752
95-D-405 Industrial landfill V and construction/ demolition landfill VII, Y-12 Plant, Oak Ridge, TN	200	200
94-D-404 Melton Valley storage tank capacity increase, ORNL	6,345	6,345
94-D-407 Initial tank retrieval systems, Richland, WA	12,600	12,600
93-D-182 Replacement of cross-site transfer system, Richland, WA	8,100	8,100
93-D-187 High level waste removal from filled waste tanks, Savannah River, SC	20,000	20,000
89-D-174 Replacement high level waste evaporator, Savannah River, SC	11,500	11,500
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	10,000	10,000
Subtotal, Construction	88,327	88,327
Total, Waste management	1,536,653	1,578,647

Department of Energy (in thousands)

	Budget Estimate	Conference
Nuclear materials and facilities stabilization........	818,664	1,173,718
Construction		
97-D-450 Actinide packaging and storage facility, Savannah River Site, Aiken, SC....................	7,900	7,900
97-D-451 B-Plant safety class ventilation upgrades, Richland, WA...........................	1,500	1,500
97-D-470 Environment monitoring laboratory, Savannah River, Aiken, SC........................	---	2,500
97-D-473 Health physics site support facility, Savannah River, Aiken, SC........................	---	2,000
96-D-406 Spent nuclear fuels canister storage and stabilization facility, Richland, WA............	60,672	60,672
96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID..............	---	6,790
96-D-464 Electrical & utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, ID.......................	10,440	10,440
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC............................	---	8,541
95-E-600 Hazardous materials training center, Richland, WA..................................	---	7,900
95-D-155 Upgrade site road infrastructure, Savannah River, South Carolina..................	---	4,137
95-D-456 Security facilities consolidation, Idaho Chemical Processing Plant, INEL, Idaho...........	4,645	4,645
94-D-401 Emergency response facility, INEL, ID....	---	547
Subtotal, Construction..........................	85,157	117,572
Total, Nuclear materials & fac. stabilization.....	903,821	1,291,290

Department of Energy (in thousands)

	Budget Estimate	Conference
Site operations	297,054	---
Construction		
96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID	6,790	---
97-D-470 Environment monitoring laboratory, Savannah River, Aiken, SC	2,500	---
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken, SC	8,541	---
97-D-473 Health physics site support facility, Savannah River, Aiken, SC	2,000	---
95-E-600 Hazardous materials management and emergency response training center, Richland, WA	7,900	---
95-D-155 Upgrade site road infrastructure, Savannah River, SC	4,137	---
94-D-401 Emergency response facility, INEL, ID	547	---
Total, Site operations	329,469	---
Technology development	303,771	303,771
Policy and management	48,155	23,155
Environmental science program	52,136	62,136
Environmental management privatization	185,000	170,000
Closure projects	---	15,000
Program direction	446,511	411,511
Subtotal, Defense environmental management	5,567,710	5,617,704
Savannah river pension refund	-8,000	-8,000
Use of prior year balances	-150,400	-150,400
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	5,409,310	5,459,304
FIXED ASSET ACQUISITIONS (SEC. 621)		
Defense Environmental Restoration & Waste Management Privatization initiative, various locations	182,000	160,000

Department of Energy (in thousands)

	Budget Estimate	Conference
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Nonproliferation and national security		
Verification and control technology		
Nonproliferation and verification, R&D..........	194,919	211,919
Arms control..................................	181,244	216,244
Intelligence..................................	29,185	34,185
Subtotal, Verification and control technology.	405,348	462,348
Emergency management............................	16,794	16,794
Nuclear safeguards and security.................	47,208	47,208
Security investigations.........................	22,000	20,000
Program direction - NN..........................	95,622	88,122
Subtotal, Nonproliferation and national security	586,972	634,472
Environment, safety and health (Defense)...........	53,094	68,094
Program direction - EH..........................	10,706	10,706
Subtotal, Environment, safety & health (Defense)	63,800	78,800
Worker and community transition....................	62,659	57,659
Program direction - WT..........................	4,341	4,341
Subtotal, Worker and community transition.......	67,000	62,000
Fissile materials disposition......................	73,163	83,163
Program direction - MD..........................	3,633	3,633
Construction		
97-D-140 Consolidated special nuclear materials storage plant, site TBD......................	17,000	17,000
Subtotal, Fissile materials control/disposition.	93,796	103,796
Nuclear energy (Defense)		
International nuclear safety....................	66,200	45,000
Nuclear security................................	6,000	3,500
Subtotal, Nuclear energy (Defense)..............	72,200	48,500
Total, Other national security programs...........	883,768	927,568

Department of Energy (in thousands)

	Budget Estimate	Conference
Naval reactors		
Naval reactors development	623,130	641,130
Construction		
GPN-101 General plant projects, various locations	8,200	8,200
97-D-201 Advanced test reactor secondary coolant system refurbishment, INEL, ID	400	400
95-D-200 Laboratory systems and hot cell upgrades, various locations	4,800	4,800
95-D-201 Advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, ID	500	500
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	8,000	8,000
Subtotal, Construction	21,900	21,900
Subtotal, Naval reactors development	645,030	663,030
Program direction	18,902	18,902
Total, Naval reactors	663,932	681,932
Subtotal, Other defense activities	1,547,700	1,609,500
Use of prior year balances	---	-3,767
TOTAL, OTHER DEFENSE ACTIVITIES	1,547,700	1,605,733
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	200,000	200,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	11,049,012	11,336,235

Department of Energy (in thousands)

	Budget Estimate	Conference
POWER MARKETING ADMINISTRATIONS		
ALASKA POWER ADMINISTRATION		
Operation and maintenance/program direction...........	4,000	4,000
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Operation and maintenance/program direction.........	3,989	3,989
Purchase power and wheeling.........................	23,456	23,456
Subtotal, Operation and maintenance..............	27,445	27,445
Use of prior year balances...........................	-6,545	-11,086
TOTAL, SOUTHEASTERN POWER ADMINISTRATION..........	20,900	16,359
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses..................................	2,793	2,793
Purchase power and wheeling.........................	1,095	1,095
Program direction...................................	17,862	17,862
Construction..	6,054	6,054
Subtotal, Operation and maintenance..............	27,804	27,804
Use of prior year balances...........................	-904	-2,594
TOTAL, SOUTHWESTERN POWER ADMINISTRATION..........	26,900	25,210

Department of Energy (in thousands)

	Budget Estimate	Conference
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation......................	29,764	29,764
System operation and maintenance....................	33,453	33,453
Purchase power and wheeling.........................	74,235	74,235
Program direction...................................	105,807	105,807
Utah mitigation and conservation....................	5,432	5,432
Subtotal, Operation and maintenance...............	248,691	248,691
Use of prior year balances............................	-30,800	-55,109
Transfer of authority from Department of Interior.....	3,774	3,774
TOTAL, WESTERN AREA POWER ADMINISTRATION..........	217,891	193,582
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance.............................	970	970
TOTAL, POWER MARKETING ADMINISTRATIONS................	270,661	240,121
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission..................	159,397	156,290
Use of prior year balances (FERC).....................	---	-10,000
FERC revenues...	-159,397	-146,290
TOTAL, FEDERAL ENERGY REGULATORY COMMISSION.......	---	---

Department of Energy (in thousands)

	Budget Estimate	Conference
FIXED ASSET ACQUISITIONS (SEC. 621)		
Energy Supply, Research and Development		
Basic sciences		
96-E-300, Combustion research facility, Phase II, SNL/L	13,000	---
General Science and Research Activities		
High energy physics		
94-G-304, B-factory, SLAC	35,100	---
92-G-302, Fermilab main injector, Fermilab	36,750	---
Nuclear physics		
91-G-300, Relativistic heavy ion collider, BNL	131,216	---
Subtotal, General Science and Research Activities	203,066	---
TOTAL, FIXED ASSET ACQUISITIONS (SEC. 621)	216,066	---
NUCLEAR WASTE DISPOSAL FUND		
Discretionary funding	200,028	182,000

Department of Energy (in thousands)

	Budget Estimate	Conference
ENERGY AND WATER DEVELOPMENT ACCOUNTS		
Energy Programs:		
Energy Supply, Research and Development	3,020,497	2,710,908
Uranium Supply and Enrichment Activities	70,000	43,200
Revenues	-42,200	-42,200
Total, Uranium supply and enrichment	27,800	1,000
Uranium enrichment D&D fund	240,200	200,200
General Science and Research Activities	1,009,150	996,000
Nuclear Waste Disposal Fund	200,028	182,000
Departmental Administration	244,863	215,021
Revenues	-125,388	-125,388
Total, Departmental administration	119,475	89,633
Office of the Inspector General	29,605	23,853
Total, Energy programs	4,646,755	4,203,594
Environmental Restoration and Waste Management		
Defense function	(5,591,310)	(5,619,304)
Non-defense function	(891,614)	(792,089)
Total, Environmental Restoration and Waste Mgmt	(6,482,924)	(6,411,393)
Atomic Energy Defense Activities		
Weapons Activities	3,710,002	3,911,198
Defense Environmental Restoration and Waste Mgmt	5,409,310	5,459,304
Fixed asset acquisitions (sec. 621)	182,000	160,000
Other Defense Activities	1,547,700	1,605,733
Defense nuclear waste disposal	200,000	200,000
Total, Atomic Energy Defense Activities	11,049,012	11,336,235

Department of Energy (in thousands)

	Budget Estimate	Conference
Power Marketing Administrations		
Alaska Power Administration	4,000	4,000
Southeastern Power Administration	20,900	16,359
Southwestern Power Administration	26,900	25,210
Western Area Power Administration	217,891	193,582
Falcon and Amistad Operating and Maintenance Fund	970	970
Total, Power Marketing Administrations	270,661	240,121
Federal Energy Regulatory Commission		
Salaries and expenses	159,397	146,290
Revenues	-159,397	-146,290
Total, Federal Energy Regulatory Commission	---	---
Fixed asset acquisitions (sec. 621)	216,066	---
TOTAL, ENERGY AND WATER DEVELOPMENT ACCOUNTS	16,182,494	15,779,950

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

The conference agreement appropriates $160,000,000 instead of $155,331,000 as proposed by the House and $165,000,000 as proposed by the Senate.

Of the total amount appropriated, $57,000,000 is provided for area development, $3,331,000 is provided for salaries and expenses, and $99,669,000 is provided for highway development.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

The conference agreement appropriates $16,000,000 for the Defense Nuclear Facilities Safety Board instead of $12,000,000 as proposed by the House and $17,000,000 as proposed by the Senate.

DELAWARE RIVER BASIN COMMISSION

The conference agreement appropriates no funding for Salaries and Expenses as proposed by the House instead of $342,000 as proposed by the Senate and appropriates no funding as a contribution to the Delaware River Basin Commission instead of $500,000 as proposed by the Senate.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

The conference agreement appropriates no funding as proposed by the House instead of $508,000 as proposed by the Senate.

NUCLEAR REGULATORY COMMISSION

The conference agreement appropriates $471,800,000 as proposed by the House and the Senate. Of this amount, $14,500,000 is to be provided from general funds; the remainder, $457,300,000, is to be fully offset by fees and collections.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

The conference agreement appropriates $2,531,000 as proposed by the House and Senate.

The conference agreement deletes language proposed by the House making the appropriation subject to the authorization required under the heading "Nuclear Waste Disposal Fund" and includes technical language proposed by the House to derive funds from the Nuclear Waste Fund instead of technical language proposed by the Senate to transfer funds from the Nuclear Waste Fund.

SUSQUEHANNA RIVER BASIN COMMISSION

The conference agreement appropriates no funds for Salaries and Expenses as proposed by the House instead of $322,000 as proposed by the Senate and appropriates no funds as a contribution to the Susquehanna River Commission as proposed by the House instead of $300,000 as proposed by the Senate.

TENNESSEE VALLEY AUTHORITY

The conference agreement appropriates $106,000,000 for the Tennessee Valley Authority instead of $97,169,000 as proposed by the House and $113,000,000 as proposed by the Senate.

The conference agreement earmarks $15,000,000 for the Environmental Research Center in Muscle Shoals, Alabama instead of prohibiting the use of funds for the center (except for necessary termination expenses) as proposed by the House and $20,000,000 as proposed by the Senate.

The conference agreement earmarks $6,000,000 for Land Between the Lakes instead of $5,000,000 as proposed by the House and $8,000,000 as proposed by the Senate.

The conference agreement earmarks $15,000,000 for economic development instead of $16,000,000 as proposed by the House and $9,000,000 as proposed by the Senate.

The conference agreement includes $70,000,000 for stewardship and land and water activities of the TVA.

The conference agreement includes language proposed by the Senate prohibiting the use of funds for detailed engineering, design and construction of a replacement for Chickamauga Lock and Dam on the Tennessee River system.

The conferees agree to require TVA to comply with reprogramming guidelines. the House and Senate Committees will work with TVA to establish detailed guidelines to improve the Authority's financial accountability.

TITLE V

GENERAL PROVISIONS

SEC. 501.—The conference agreement includes language proposed by the House and Senate regarding the purchase of American-made equipment and products, and language proposed by the House prohibiting contracts with persons falsely labeling products as made in America.

SEC. 502.—The conference agreement includes language proposed by the House repealing 42 U.S.C. 7262 which provides authority to the Secretary of Energy to accept gifts, bequests, and devises of money.

SEC. 503.—The conference agreement includes language proposed by the House which provides that none of the funds made available by this Act may be used to determine the final point of discharge for the interceptor drain for San Luis Unit of the Central Valley Project until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters. The language also provides that the costs of the Kesterson Reservoir Cleanup Program and the San Joaquin Valley Drainage Program shall be classified as reimbursable or nonreimbursable by the Secretary of the Interior as described in the Bureau of Reclamation report entitled, "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995" and that any future obligation of funds for drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries pursuant to Reclamation law.

SEC. 504.—The conference agreement includes language proposed by the House which provides that none of the funds appropriated in this Act may be used to revise the Missouri River Master Water Control Manual if such revision provided for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in states that have rivers draining into the Missouri River below the Gavins Point Dam.

SEC. 505.—The conference agreement amends language proposed by the House repealing a provision included in the Energy and Water Development Appropriations Act, 1991, which made bypass releases for temperature control purposes at the Shasta Dam nonreimbursable. The conferees have included this provision to make reimbursable any replacement power purchases necessitated by water releases for fishery purposes that must bypass the generators in Shasta Dam, and have made the provision effective upon operation of the Shasta temperature control device or September 30, 1997. The temperature control device construction should be completed early in fiscal year 1997. The conferees anticipate that it will eliminate waste of electrical energy and the need for replacement power purchases, and urge the Bureau of Reclamation to achieve operation as soon as possible.

SEC. 506.—The conference agreement includes language proposed by the Senate which extends the water service contracts for the Bostwick District (Kansas portion), and Bostwick District (Nebraska portion) projects for a period of one additional year after the dates on which each of the contracts would have otherwise expired. The language has been amended to make technical corrections.

SEC. 507.—The conference agreement includes language proposed by the Senate requiring the Department of Energy to submit a monthly report on adherence to recommendations included in the reports accompanying this appropriations act. The language has been modified to make this a one-time report, due on February 28, 1997. This report should describe the status and expected actions to be taken for each recommendation included in the House, Senate, or conference report.

SEC. 508, 509, 510.—The conference agreement includes language proposed by the House denying funds to institutions of higher learning which prevent campus access to units of the Senior Reserve Officer Training Corps or Federal military recruiting on campus, amended to apply only to such subelements of affected institutions which prevent campus access. The language also prohibits the use of funds to enter into or renew contracts with entities failing to comply with statutory reporting requirements concerning the employment of certain veterans.

SEC. 511.—The conference agreement deletes language proposed by the House repealing section 508(f) of the Energy and Water Development Appropriations Act, 1996, providing the Administrator of the Bonneville Power Administration the authority to offer employees voluntary separation incentives up to $25,000. The voluntary separation incentive language is retained and modified to extend the buyout authority until September 30, 2000.

SEC. 512.—The conference agreement modifies language proposed by the Senate regarding scientific review of the Bonneville Power Administration's fish and wildlife programs.

The Managers believe that successful implementation of the Northwest Power Planning Council's (Council) fish and wildlife program would be benefited by the advice of independent scientists with expertise on the enhancement of Columbia River fish and wildlife. The Managers understand that the Council, together with the National Marine Fisheries Service, has established an "Independent Scientific Advisory Board" (ISAB) in order to provide scientific advice to the Council and NMFS on the Council's plan for fish and wildlife for the River system. The Managers have included language in its bill directing the National Academy of Sciences to submit a list of individuals to the Council to serve on an "Independent Scientific Review Panel" (Panel) to review projects for funding under BPA's annual fish and wildlife program. The Managers note that nothing in the bill language precludes NAS from recommending the same scientists that serve on the ISAB to serve on the newly created Independent Scientific Review Panel, provided that members meet the conflict of interest standards spelled out in the bill language. If ISAB scientists are selected to serve on the newly created Panel, such scientists should not be compensated twice for their services.

The Managers understand that the Council has also developed multi-year work plans that are used to make decisions for fish and wildlife projects. The Managers note that nothing in the bill language prohibits the Panel and Peer Review Groups from reviewing such multi-year work plan proposals.

BPA's annual fish and wildlife budget for the Council's program totals well over $100 million. Its purpose is to protect, mitigate, and enhance fish and wildlife populations along the Columbia and Snake River system. The Managers recognize that the Columbia Basin Fish and Wildlife Authority (CBFWA) is presently responsible for prioritizing Council program measures and making recommendations to the Council on projects to be funded through BPA's annual fish and wildlife budget. The Managers understand that each year roughly four hundred proposals are submitted for review by CBFWA in order to receive funding from BPA's annual budget. CBFWA's advice is important. CBFWA members, however, are also the Federal and State fish and wildlife agencies and the tribes who financially benefit from the program. The Managers believe that independent scientific review would remove any suggestion of conflict of interest in prioritizing programs, and add an important element of independent scientific review to the Council decision making process.

The bill language seeks to ensure that Northwest ratepayer dollars are being spent in a cost effective and objective manner. The bill language requires that the Council establish, from a list submitted by NAS, Scientific Peer Review Groups to assist the Panel in making its recommendations to the Council. Projects shall be reviewed based upon the following criteria: projects benefit fish and wildlife in the region; have a clearly defined objective and outcome; and are based on sound science principles.

After review of the projects by the Panel and Peer Review Groups, the Panel shall submit its recommendations on project priorities to the Council for consideration. The Council shall make the Panel's recommendations available to the public for review.

The Council shall review recommendations of the Panel, the Columbia Basin Fish and Wildlife Authority, and others, in making its final recommendations to BPA of projects to be funded through BPA's annual fish and wildlife budget. If the Council does not follow the advice of the Panel, it is to explain in writing the basis for its decision. The Managers understand that ocean conditions are a contributing factor to the health of fish and wildlife populations in the region, and have directed the Council to consider the impacts of ocean conditions in making its recommendations to BPA to fund projects. Bill language also directs the Council to determine whether project recommendations employ cost effective measures to achieve its objectives. The bill language expressly states the Council, after review of Panel and other recommendations, has the authority to make final recommendations to BPA on project(s) to be funded through BPA's annual fish and wildlife budget.

The provision shall go into effect upon the date of enactment, and the Managers intend that the provision be used to start the planning process for the expenditure of BPA's FY98 fish and wildlife budget. This provision shall expire on September 30, 2000.

SEC. 513.—The conference agreement includes language renaming Cooper Lake in Texas as the "Jim Chapman Lake."

SEC. 514.—The conference agreement includes language naming a dam on the Rogue River in Jackson County, Oregon, as the "William L. Jess Dam and Intake Structure."

SEC. 515.—The conference agreement includes language designating a portion of the Red River in Louisiana as the "J. Bennett Johnston Waterway."

GENERAL PROVISIONS NOT ADOPTED

The conference agreement deletes language proposed by the House prohibiting the Tennessee Valley Authority from imposing a performance deposit in connection with permits issued for docks and other residential shoreline alternations.

The conference agreement deletes language proposed by the Senate pertaining to the authority of the State of Oregon to enter into memorandum of understanding with the State of Washington to address issues regarding theHanford Reservation.

The conference agreement deletes language proposed by the Senate which gives the State of Oregon an opportunity to review and comment on certain remedial actions at theHanford Nuclear Reservation in the State of Washington.

The conference agreement deletes language contained in sections 507 and 508 of the Senate bill which would have deferred principal and interest payments for one year on the water service contracts for the Nueces River and Canadian River projects in Texas.

The conference agreement deletes language proposed by the Senate, the text of S. 534, to provide authority for states to limit the interstate transportation of municipal solid waste and to provide for state and local government control of the movement of municipal solid waste and recyclable material.

The conference agreement deletes language proposed by the Senate expressing the sense of the Senate regarding a United States semiconductor trade agreement with Japan.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1997 recommended by the Committee of Conference, with comparisons to the fiscal year 1996 amount, the 1997 budget estimates, and the House and Senate bills for 1997 follow:

New budget (obligational) authority, fiscal year 1996	$19,935,654,000
Budget estimates of new (obligational) authority, fiscal year 1997	20,648,952,000
House bill, fiscal year 1997	19,838,990,000
Senate bill, fiscal year 1997	20,736,858,700
Conference agreement, fiscal year 1997	20,401,108,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1996	+465,454,000
Budget estimates of new (obligational) authority, fiscal year 1997	−247,844,000
House bill, fiscal year 1997	+562,118,000
Senate bill, fiscal year 1997	−335,750,700

JOHN T. MYERS,
HAROLD ROGERS,
JOE KNOLLENBERG,
FRANK RIGGS,
RODNEY P. FRELINGHUYSEN,
JIM BUNN,
MIKE PARKER,
BOB LIVINGSTON,
TOM BEVILL,
VIC FAZIO,
JIM CHAPMAN,
PETER J. VISCLOSKY,
Managers on the Part of the House.

PETE V. DOMENICI,
MARK O. HATFIELD,
THAD COCHRAN,
SLADE GORTON,
MITCH MCCONNELL,
ROBERT F. BENNETT,
CONRAD BURNS,
J. BENNETT JOHNSTON,
ROBERT C. BYRD,
FRITZ HOLLINGS,
HARRY REID,
J. ROBERT KERREY,
PATTY MURRAY,
Managers on the Part of the Senate.

MAKING IN ORDER TODAY OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent that it be in order at any time on Thursday, September 12, 1996, or any day thereafter to consider a conference report to accompany the bill, H.R. 3816; that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read when called up.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

WELCOMING THE REVEREND KENNETH P. ROGERS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, with a great deal of pleasure today I would like to welcome to our body Pastor Ken Rogers of the Lewisville Bible Church, where my wife and I worship.

Ken is a native of New Jersey. He is a graduate of the Dallas Theological Seminary. He has pastored churches in Nebraska and in New York, and now resides in Lewisville, TX, with his wife Lou Ann and his two sons, Dan and Nate.

It is a very special thing for me to see him open our session today in prayer, and I would like to just share a thought with you that Ken shares with me often as he reminds me of a quote from George Washington, our Founding Father, where George Washington said, and I quote, "It is impossible to rightly govern the world without God and the Bible."

COMMONSENSE GOVERNMENT REFORM NEEDED

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I brought in an official congressional ice bucket, because I thought it was the perfect symbol of what we are trying to do and how it sometimes gets misrepresented.

When we became a majority for the first time in 40 years, we were trying, frankly, to pinch a few pennies to save some money and to be able to provide tax relief. As we looked around at things that we might not need to be doing, we discovered that ice buckets were being delivered every morning to every office. We were under the impression that refrigerators have now been invented and were available, and in fact it turned out every office had refrigerators and virtually every staff member knew how to get ice out of the refrigerator. By eliminating the delivery of ice, we save $400,000 a year.

In terms of being a commonsense Congress, I just think this ice bucket tells the story about as well as anything we have done. For years and years, long after refrigerators became common, ice was being delivered. The Washington bureaucracy just kept doing whatever it was doing, even if it made no sense.

Maybe to some folks $400,000 a year is not a lot of money, but that is enough money to give over 300 families the tax relief Bob Dole is offering without increasing the deficit, and I would suggest that it is exactly the kind of commonsense reform, saving $400,000 by stopping the ice bucket, that allows us to talk about returning money to the American people without doing anything to harm the Government that is necessary, but doing everything to cut out the waste that is unnecessary.

GAO REPORT ON THE DEBT CEILING CRISIS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, the General Accounting Office recently released its report, demanded by the Republican majority, of the conduct of the Treasury Department and Secretary of the Treasury Robert Rubin during the debt ceiling crisis.

The GAO reports that the Treasury Department and Treasury Secretary Rubin conducted the Nation's debt management legally and properly during the debt ceiling crisis, avoiding default on our Nation's debt and a violation of the statutory debt limit.

In the wake of the GAO's finding that Secretary Rubin acted in accordance with statutory authority provided by the Congress, those Members of the majority that sought Mr. Rubin's impeachment or resignation owe him an apology.

The Republicans were wrong when they opposed the Clinton budget of 1993, which cut in half the debt. The Republicans were wrong when they sought the resignation of Secretary Rubin for keeping the Government solvent, and they are wrong now to go back to voodoo economics that is going to ballon the deficit. Let us not do that again, Mr. Speaker.

AMERICAN PEOPLE NEED RELIEF, NOT NEW TAXES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I ask the American people, are you working harder and harder every day; every month, every year, and having less to show for it? Are you concerned that your children will not be better off than you are? Are you worried that they will not be able to enjoy and share the American dream as we know it? Do you have concerns that big Government, wasteful spending, and big bureaucracy has stolen the American dream?

I have those concerns. The Republican Congress and many Members on the Democrat side have those concerns, too. We have worked for a balanced budget. We have worked for commonsense reform of the bureaucracy. We have worked for affordable and accessible health care. We have worked to reduce taxes. It concerns met that President Clinton, when he talked about tax cuts at the Democrat Convention, actually his proposals increased taxes over $64 billion, new dollars.

We do not need to increase taxes at this time. The American middle class people need tax relief, not additional taxes. Mr. Speaker, we need to refused the size of government. We need to reduce spending. We do not need to increase taxes at this time.

WILL REPUBLICANS ICE MEDICARE WITH BOB DOLE'S PROPOSED TAX CUT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I am glad the Speaker brought that ice bucket in here. My concern is that they are going to ice Medicare with that $548 billion tax cut.

Yesterday, in front of the Republican Caucus Senator Dole said that this year's campaign is about trust. Senator Dole wants the American people to believe and trust that his proposed tax cuts will improve their economic conditions. He wants them to believe that a $548 billion tax cut will not lead to higher budget deficits and increased interest rates, but major Republican economists say that Senator Dole's tax cuts will not work.

If history is any lesson, when Speaker GINGRICH and then Senator Dole tried to pass a $245 billion tax cut last year, they went after Medicare, $270 billion. Do not let them ice Medicare. Senator D'AMATO admitted that under the Dole plan funding for such programs as Medicare would definitely be affected. He went even as far as to say, I know I am not running this year, so he can tell the truth. Even former economic advisers to Reagan are now saying that tax cuts do not produce the kind of economic stimulation Senator Dole promised.

Mr. Speaker, let us not repeat the 1990's budget-busting plans.

INTRODUCING LEGISLATION COMMEMORATING THE UNDERGROUND RAILROAD

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, today I am going to introduce legislation commemorating an important story in our Nation's history, the underground railroad in my hometown of Cincinnati, which was a major stop in the underground railroad, a vital means for thousands of slaves to escape to freedom until the end of the Civil War.

The stories of the brave men, women, and children of all races that comprised the underground railroad experience have tremendous power to inspire us and teach us about racial understanding, about cooperation, reconciliation today, 130 years later.

The legislation I am introducing today is simple. It authorizes no additional Federal funding. The citizens of Cincinnati have already raised more than $400,000 in private contributions for this effort. The bill designates the National Underground Railroad Freedom Center in Cincinnati as an affiliated area within the National Park Service, and establishes a framework for cooperation between the Underground Railroad Center and the National Park Service.

People from around the country will be able to come to this center to learn more about this important chapter in our history. Mr. Speaker, I want to commend the dedicated Cincinnatians who have led this effort, and I would urge all of my colleagues to join me in this.

TIME FOR AN INVESTIGATION OF INTERNATIONAL TRADE COMMISSION AND LEE FRANKEL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Florida tomato farmers have simply gone bankrupt. Mexican tomatoes are being dumped on our market, $2 a crate. It cost about $7 to produce them. Florida farmers went to the WhiteHouse, and then came to Congress, and everybody laughed at them. They filed a section 201 lawsuit under the Trade Act. The International Trade Commission ruled in favor of Mexico.

The chief investigator, Lee Frankel, now works for the organization that imports most of the Mexican tomatoes, and is making most of the money on Mexican tomatoes. I say it is time for a grand jury to investigate the International Trade Commission and Lee Frankel, who I believe are lining their pockets and screwing American farmers.

Right to the point, I would also like to suggest to somebody they start looking inside those tomato trucks down there. They would not be surprised to find out, I suspect, that most of the heroin and cocaine coming into this country is coming in produce trucks.

Beam me up, Mr. Speaker.

TRIBUTE TO RALPH GABBARD

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, this morning I pay tribute to Ralph Gabbard, a friend and a servant to Kentucky. Ralph passed away Tuesday night at the young age of 50.

Ralph was a radio and TV broadcaster all of his life.

And from his teenage days as a radio disc jockey in the 1960's, Ralph grew to serve our State, and unintentionally made a name for himself, like no other media person of our time.

Unassumingly, yet with tenacity, he went about the task of being the best broadcaster he could be, and succeeded. He redefined what we call the broadcaster's public service obligation.

His commitment to news, his commitment to community, his commitment to industry excellence, was unsurpassed inside or outside of the TV stations and boardrooms where his legacies will live.

EXPRESSING CONCERN THAT THE REPORT OF THE SPECIAL COUNSEL WAS PUT ON ICE

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, just a moment ago the Speaker of the House held up an ice bucket. What concerns the American people, and should concern them, is that the report of the Special Counsel which was given to the Ethics Committee one month ago may well have been put on ice, because, Mr. Speaker, this report, which took 9 months to complete——

POINTS OF ORDER

Mr. LINDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state the point of order.

Mr. LINDER. Mr. Speaker, is it not correct that the rules of the House under regular order prevent people from speaking on the floor of the House with respect to matters before the Ethics Committee?

The SPEAKER pro tempore. The gentleman is correct.

The gentleman from West Virginia may proceed in order.

Mr. WISE. Continuing, Mr. Speaker, my concern is that any report which has been presented and investigated——

Mr. LINDER. Regular order, Mr. Speaker. Regular order.

Mr. WISE. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

□ 1015

Mr. LINDER. Mr. Speaker, I will repeat that references to matters before the Ethics Committee are out of order to be addressed on the floor of this House.

The SPEAKER pro tempore (Mr. LATOURETTE). The previous ruling of the Chair is again sustained and the gentleman from West Virginia may proceed in order.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, if the gentleman from Georgia who raised a point of order feels that the words of the gentleman from West Virginia concerning the lack of the Ethics Committee to make the report public is out of order, the gentleman can demand that the gentleman from West Virginia's words be taken down, is that not correct, Mr. Speaker?

Mr. LINDER. I appreciate the gentleman's instructions on parliamentary procedure.

The SPEAKER pro tempore. The gentleman will kindly suspend so there may be proper decorum in the House.

The gentleman from Georgia has not taken that step. The gentleman from Georgia made a point of order.

Mr. VOLKMER. I just asked if that was available.

The SPEAKER pro tempore. The gentleman is correct.

The gentleman from West Virginia will please proceed in order.

Mr. WISE. Continuing, Mr. Speaker, or trying to, any report dealing with an investigative body that has had at least 9 months of investigation and may have cost as much as one-half million dollars I think should be released before the Congress goes home.

POINT OF ORDER

Mr. WALKER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman from Pennsylvania will state his point of order.

Mr. WALKER. Mr. Speaker, the gentleman from West Virginia continues to proceed out of order of the House and should be called to order by the Chair.

Mr. WISE. Mr. Speaker, if I may respond.

The SPEAKER pro tempore. If both gentlemen will suspend.

The Chair at this time will read the rule and will repeat the admonition from the Chair of June 26, 1996.

It is an essential rule of decorum in debate that Members should refrain from references in debate to the conduct of other Members where such conduct is not the question actually pending before the House by way of a report from the Committee on Standards of Official conduct or by way of another question of the privileges of the House. This principle is documented on pages 168 and 526 of the House Rules and Manual and reflects the consistent rulings of the Chair in this and in prior Congresses and applies to 1-minute and special-order speeches.

Neither the filing of a complaint before the Committee on Standards of Official Conduct, nor the publication in another forum of charges that are personally critical of another Member, justify the references to such charges on the floor of the House. This includes references to the motivations of Members who file complaints and to members of the Committee on Standards of Official Conduct.

Clause 1 of rule XIV is a prohibition against engaging in personality in debate. It derives from article I, section 5 of the Constitution, which authorizes each House to make its own rules and to punish its Members for disorderly behavior, and has been part of the rules of the House in some relevant form since 1789. This rule supersedes any claim of a member to be free from questioning in any other place.

On January 27, 1909, the House adopted a report that stated the following: "It is * * * the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members. * * *" (Cannon's Precedents, volume 8, at section 2497). This report was in response to improper references in debate to the President, but clearly reiterated a principle that all occupants of the Chair in this and in prior Congresses have held to be equally applicable to Members' remarks in debate toward each other.

The Chair asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

PARLIAMENTARY INQUIRIES

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. I listened to the Speaker in support of his ruling and comment upon the precedents of the House. But I did not hear the words "reports from other special counsel." I did not hear that report. I heard about the reports from the Ethics Committee, et cetera, but not from the special counsel.

The SPEAKER pro tempore. Until such time as there is a report pending on the floor of the House from the Standards Committee, or a question of privilege, the issue is not debatable on the floor of the House.

Mrs. SCHROEDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Mrs. SCHROEDER. Mr. Speaker, I may have misunderstood the gentleman from West Virginia, but I heard the gentleman from West Virginia talk about any report from any committee. I do not think he directly attached it to the Ethics Committee. And so, therefore, I cannot understand what this ruling has to do with what the gentleman said.

The SPEAKER pro tempore. Any reference to pending proceedings is out of order. The Chair in the course of this morning's activities first ruled on the gentleman from Georgia's point of order when there was a specific reference to the counsel's report, and now the Chair has issued an admonishment reiterating the rule of the House and would invite the gentleman from West Virginia to proceed in order.

Mrs. SCHROEDER. Further parliamentary inquiry, Mr. Speaker.

Is the Chair saying that we cannot refer to anything in any committee? That is what I understand the ruling to be. Because the gentleman is talking generically.

The SPEAKER pro tempore. It is in particular to matters before the Standards Committee dealing with sitting Members. That is the ruling of the Chair.

Mr. WISE. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman has 20 seconds remaining.

The gentleman from West Virginia will please proceed in order.

Mr. WISE. Mr. Speaker, the Speaker himself stated in 1989 the 435 Members of the House should look at all the facts, should have available to them all the reports and all the background documents, and the American people should have the same.

It is clear the Republican leadership today wants to talk about ice buckets, and they do not want to let me talk about whether reports from the Ethics Committee are being put on ice. I think it is a sad day.

THE CLINTON ADMINISTRATION AND THE WAR ON DRUGS

(Ms. GREENE of Utah asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GREENE of Utah. Mr. Speaker, let us talk about a real scandal, and that is the Clinton administration's approach to the war on drugs. Ever since President Clinton took office, his cavalier attitude about drug use has had widespread effect across the country. According to a recent administration study, overall drug use by teenagers has nearly doubled in the last 4 years. Marijuana use is up 37 percent, LSD use is up 183 percent, cocaine use is up 166 percent.

Mr. Speaker, I thought the President was supposed to be a role model for children. But when asked on MTV if he had the chance to do it over again would he inhale, the President replied, sure, if I could, I tried before.

Mr. Speaker, this is the wrong message for our children. The Clinton administration has dropped the ball on taking the war on drugs seriously, causing untold suffering, pain, and even death for our children and their families. To the people on the other side of Pennsylvania Avenue, it all seems to be a game, a game where the only response is, do whatever you want.

ENOUGH IS ENOUGH

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, in an editorial yesterday, the New York Times said, the House Ethics Committee, quote, "seems determined to sacrifice whatever little is left of its credibility by letting Congress adjourn without resolving any of the pending ethics complaints against Speaker NEWT GINGRICH."

POINT OF ORDER

Mr. WALKER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman from Georgia will suspend.

The gentleman from Pennsylvania will state his point of order.

Mr. WALKER. Mr. Speaker, the gentleman from Georgia is engaging in debate which is outside the rules of the House and should be admonished by the Chair.

Mr. VOLKMER. Mr. Speaker, the gentleman from Georgia is merely reading from a New York newspaper.

The SPEAKER pro tempore. The gentleman from Missouri will suspend.

The gentleman from Pennsylvania is correct. Consistent with prior rulings, the gentleman from Georgia is advised to proceed in order.

Does the gentleman from Missouri wish to be recognized?

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Is the Chair now telling us that if there has been a periodical published, that in regard to the Ethics Committee, that we cannot comment on it? Or cannot read from it?

The SPEAKER pro tempore. Newspaper accounts detailing a pending investigation before the Standards Committee not yet brought to the floor of the House come under the same restrictions as the Member's own words. That has been the basis of the rulings of the Chair, yes, sir.

Mr. VOLKMER. Further parliamentary inquiry, Mr. Speaker.

In other words, you are saying, under your ruling, every Member of this House is gagged as far as commenting on a report from the Ethics Committee?

The SPEAKER pro tempore. Precedents have long held that to be the standard, that is correct. That is the ruling of the Chair.

The gentleman from Georgia may proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, I can clearly understand that the gentlemen from Pennsylvania and Georgia desire to silence us on this issue, but this issue will not go away.

Mr. Speaker, if I might continue.

The outside counsel, James Cole, has submitted an extensive report on his 9-month investigation of Speaker GINGRICH.

POINT OF ORDER

Mr. WALKER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman from Georgia will suspend.

The gentleman from Pennsylvania will state his point of order.

Mr. WALKER. Mr. Speaker, the gentleman from Georgia continues to proceed out of order, and the Chair should require that the gentleman observe the regular order of the House.

The SPEAKER pro tempore. The gentleman from Georgia must either proceed in regular order or be seated.

Mr. VOLKMER. Did the Chair rule that the gentleman's words were not in order?

The SPEAKER pro tempore. That is correct. The gentleman continues to refer to a pending investigation before the Standards Committee.

Mr. VOLKMER. He merely stated that a report had been filed with the Ethics Committee. He did not mention any action of the Ethics Committee.

The SPEAKER pro tempore. It is the Chair's opinion and ruling that that is part of the prohibited debate.

The gentleman from Georgia is invited to proceed in regular order.

Mr. LEWIS of Georgia. Mr. Speaker, let me just say, enough is enough.

Mr. Speaker, if the Ethics Committee will not act, the American people have a right to judge for themselves.

POINT OF ORDER

Mr. WALKER. Mr. Speaker, the gentleman from Georgia continues to proceed out of order in the House. The gentleman is not following the Chair's admonishment that Members have an obligation to the House and to the institution to proceed in order.

The point of order is that the gentleman is out of order.

The SPEAKER pro tempore. The point of order is again sustained, and the gentleman from Georgia is again advised to please proceed in regular order or be seated.

Mr. LEWIS of Georgia. Mr. Speaker, the Ethics Committee has a responsibility and a moral obligation to release the outside counsel's report.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman from Georgia will suspend.

The other gentleman from Georgia will state his point of order.

Mr. LINDER. Mr. Speaker, this is the fourth time that the gentleman has referred to matters on the floor that were in the Ethics Committee and ignored the admonition of the Chair. Maybe it is perhaps time for him to be seated.

The SPEAKER pro tempore. The gentleman's point of order for the fourth time is sustained and correct and the other gentleman from Georgia is again invited to proceed in regular order.

Mr. LEWIS of Georgia. Mr. Speaker, if the committee refuses to release the report, the American people can only assume a coverup of massive proportions.

Release this report. Release it now, Mr. Speaker.

UPHOLD THE RULES OF THE HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it is disappointing to watch this institution rip itself apart in the way that is happening here today. The fact is that every Member of this institution has an obligation to the rules of the institution. It is entirely legitimate for Members to engage in very tough debate, but they should do it within the rules. That is very hard when we all feel very emotional about some of these issues and we feel as though the politics of the moment demands that we step beyond what is required of us as House Members.

Mr. Speaker, I thought we all swore a duty to the Constitution of the United States. I thought that that is what this institution is supposed to be all about. The fact is that what we are witnessing this morning is people who put politics above that oath. That is a disappointment. It should never happen on this floor. It is obvious that, despite any kind of ruling of the Chair, Members are going to proceed because they think it is politically feasible for them to do so.

WHEN IS A REPORT A REPORT?

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I was prepared to speak on another matter, but I think I am prepared now to speak that in this body, Members have a right to speak. And if we cannot speak on the House floor, when we cannot mention words like report and what has happened to this country when one side is gagged because the other side has more votes than this side, I must ask, Mr. Speaker, when is a report a report?

When a gentlewoman from Connecticut discusses it with the majority leader, is it then a report? When later that day the majority leader says, oh, no, there is no report, then it is not a report? When the American taxpayers pay a half million dollars and then get 100 pages back, is that a report?

POINT OF ORDER

Mr. LINDER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman from Michigan will suspend.

The gentleman from Georgia will state his point of order.

Mr. LINDER. Mr. Speaker, the gentleman is referring to matters again before the Standards Committee and the Speaker has ruled again and again that that is out of order. The gentleman should either continue in order or sit down.

The SPEAKER pro tempore. The point of order is well taken. To the extent that the gentleman from Michigan refers to a pending matter before the Standards Committee, he is asked to refrain from those observations and proceed in order.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, I have listened very carefully to the gentleman from Michigan. Very, very carefully. Never once was the word Ethics Committee mentioned or Official Standards mentioned. Only a generic statement as to meetings between a gentlewoman, whom he did not identify the gentlewoman from Connecticut, and he only said the gentlewoman from Connecticut talked to the gentleman from Texas.

If you want to assume that he is talking about the Ethics Committee, you can do that. But that is what it is, an assumption. He never once mentioned it.

The SPEAKER pro tempore. In response to the gentleman from Missouri, the Chair determined the gentleman from Michigan's remarks to refer to the chairman of the committee, and, hence, the ruling.

Mr. LINDER. Mr. Speaker, the gentleman is not stating a parliamentary inquiry, he is engaging in debate.

The SPEAKER pro tempore. The gentleman from Michigan may proceed in order on his 1-minute address.

Mr. STUPAK. I would like to be heard on the point of order.

The SPEAKER pro tempore. The Chair has ruled. The gentleman may either make a point of order or proceed in order.

POINT OF ORDER

Mr. STUPAK. Mr. Speaker, I would like to make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

□ 1030

Mr. STUPAK. Mr. Speaker, I have talked about 100 pages that cost the taxpayers half a million dollars. I have asked when is a report a report? I have asked when a Member from Connecticut discusses it with the majority leader is it a report? I have asked when the majority leader then denies there is not a report, then is it a report? And, based upon that, according to the gentleman who made the objection and the ruling from the Chair, there is a report, if I reach your conclusions correctly.

So if there is a report, then why do you know there is a report, why do the people over here know there is a report, and none of us know there is a report? So if there is a report, why do we not just release the report?

That is my point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman fails to state a point of order. The Chair, however, has not ruled that there is a report. The Chair has ruled it is improper during the course of 1-minute discussions to discuss a pending investigation before the Committee on Standards of Official Conduct.

The gentleman is invited to proceed in order on the balance of his time.

Mr. STUPAK. Mr. Speaker, since you have reached the conclusion that there is a report, let me then go back to what Speaker GINGRICH said in 1989, and I quote: The Speaker said: "435 Members of the House should look at all the facts, should have available to them all the reports and all the background documents, and the American people should have the same."

Mr. Speaker, since you have concluded there is a report, please release the report.

A WOLF IN SHEEP'S CLOTHING

(Mr. CHRYSLER asked and given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, some say that it is tough for normal, hardworking Americans to tell one political party from another. However, if you are out there looking to hang your hat on a defining issue separating the two major parties, look no further than taxes.

The Democrats' view of the economy could be summed up in a few short phrases, according to Ronald Reagan: If it moves, tax it; if it keeps moving, regulate it; and if it stops moving, subsidize it.

We believe that we need less Government and lower taxes. We need to let people keep more of what they earn and save, and we need to let people make their own decisions how they spend their money, not the Government.

Keep this in mind when you examine President Clinton's latest tax proposal: Initially it appears to be Republican, but upon closer examination, the tax cuts are temporary, while the tax increases are permanent, totaling $63 billion.

Mr. Speaker, I think we all remember that story about the wolf in sheep's clothing.

RELEASE REPORT BY OUTSIDE COUNSEL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, there are only 15 days left before this Congress adjourns, and, with so little time left, it is critically important that the House Committee on Standards of Official Conduct immediately release the 100-page report by the outside counsel probing the dealings of Speaker NEWT GINGRICH.

POINTS OF ORDER

Mr. LINDER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, the gentlewoman from Connecticut is referring directly to matters before the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The gentleman is correct. The gentlewoman is directed to continue in order.

Ms. DELAURO. Mr. Speaker, I think it is important to heed the words of Speaker GINGRICH in 1989, and I quote: "I think it is vital that we establish as a Congress our commitment to publish that report," making reference to the report against Speaker Jim Wright at the time, "and to release those documents, so the country can judge whether or not the man second in line to be President of the United States of America, the Speaker of the House, should be in that position."

Stop the coverup. Release the report.

Further in 1989, Speaker GINGRICH said——

POINT OF ORDER

Mr. LINDER. Mr. Speaker, further point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, I would ask you to enforce the rules of this House, because each of these Members has found ways to go back to the references to the Committee on Standards of Official Conduct, when they should be called out of order and asked to sit down.

The SPEAKER pro tempore. The Chair has repeatedly asked Members to respect the rules of the House and rulings of the Chair. There are opportunities available to the Chair to enforce the rules of the House. The appropriate manner in which to enforce it at this moment in time is a point of order made by another Member.

PARLIAMENTARY INQUIRIES

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, is the Speaker ruling that the comments made by Speaker GINGRICH in March 1989 are inappropriate?

The SPEAKER pro tempore. The Chair has not ruled on the historical references made by this Speaker or the previous Speaker. The Chair is ruling that the observations concerning the pending matter, the matter pending before the Committee on Standards of Official Conduct, should not be brought to the floor of the House.

Mr. VOLKMER. Mr. Speaker, I believe the gentlewoman was quoting the Speaker of the House from March 1989.

The SPEAKER pro tempore. With all due respect, in the hearing of the Chair, the gentlewoman went beyond that and inserted in the middle of her historical reference another reference.

Mr. STUPAK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STUPAK. Mr. Speaker, the gentlewoman from Connecticut was going to comment upon a 1990 statement made concerning a past case. Is the Speaker saying that is improper for her to do that?

The SPEAKER pro tempore. Once again, the Chair has not stated nor made any ruling in reference to the historical observations made by this speaker. It was relative to other observations made by the speaker.

Mr. STUPAK. Mr. Speaker, it would then be relevant for the speaker to comment on a 1990 Member without objection?

The SPEAKER pro tempore. The Chair is doing its best to be clairvoyant, but the Chair will make its ruling when matters occur, and not in anticipation of speech.

Mr. STUPAK. I heard 1990. I just did not want another comment about something in anticipation, so the gentlewoman can at least finish her statement, in all due respect.

The SPEAKER pro tempore. The gentlewoman may proceed in order.

Ms. DELAURO. Mr. Speaker, a further historical, further perspective. I quote from Congressman GINGRICH at the time in 1989: "The 435 Members of the House should look at all of the facts, should have available to them all of the reports and all of the background documents, and the American people should have the same."

Indeed, the American people are owed the same. Release the report.

RESPECT RIGHTS OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the tactics being employed on the floor today I think are extremely unfortunate. All 435 Members of this House know that the Committee on Standards of Official Conduct is made up in a bipartisan way, the only such committee of the Congress, where there are equal numbers of Democrats and Republicans. These 10 Members serve on this committee for the benefit of all of us, and there is not one Member that does not understand that they have a very, very difficult job.

We also know that over the years this committee, under difficult circumstances, has always done its job, and they have done it in a bipartisan way. The committee continues to work in such a fashion, and we ought to respect the 10 Members, 5 Democrats and 5 Republicans, who are on this committee, respect the work they do on behalf of the institution, and on behalf of each and every one of us, who at some point in time or another have been subject to such allegations.

Please respect their rights.

HISTORICAL PERSPECTIVE ON COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, "I have a number of concerns regarding the Ethics Committee's contract and instructions to the special counsel.

"First, I am concerned that the scope and authority and the independence of the special counsel will be limited by the guidelines the Ethics Committee has established.

"The committee shall give the special counsel full cooperation in the issuance of subpoenas."

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, the gentleman is not adhering to the rulings of the House again with respect to speaking on the floor regarding matters before the Committee on Standards of Official Conduct.

Mr. MILLER of California. Mr. Speaker, if I may be heard on the point of order?

The SPEAKER pro tempore. The Chair will hear the gentleman from California.

Mr. MILLER of California. Mr. Speaker, the words I have uttered up until the time I was interrupted are not my words. They are in fact the words of Speaker GINGRICH on July 28, 1988, in a letter from Speaker GINGRICH to the Honorable JULIAN DIXON, the former Chair of the Committee on Standards of Official Conduct. Therefore, Mr. Speaker, this is proper.

If I can continue to be heard on the point of order, Mr. Speaker, I am not speaking to a matter that is currently before the Committee on Standards of Official Conduct. I am speaking to a matter that was before the Committee on Standards of Official Conduct in 1988, where the question was raised at that time as to whether or not that committee had, one, limited the scope of inquiry by the special counsel, where the question was raised as to the contract between the special counsel and the committee, and whether or not the committee was——

The SPEAKER pro tempore. The gentleman will kindly suspend. The Chair is prepared to rule.

Mr. MILLER of California. Mr. Speaker, I have not been heard on the point of order. I have a right to be heard.

The SPEAKER pro tempore. The Chair is acceding to the gentleman from California's points. The gentleman may proceed in that context.

Mr. MILLER of California. I only wanted you to do that after I presented the evidence.

The SPEAKER pro tempore. The Chair has ruled. The gentleman may proceed in order, with his 1-minute time limitation.

Mr. MILLER of California. Further, "The committee shall give the outside counsel full cooperation in the issuance of subpoenas.

"The outside counsel shall be free, after discussions with the Committee, to make such public statements and reports the counsel deems appropriate.

"The outside counsel shall have full authority to recommend what formal charges be brought before the Ethics Committee.

"The committee shall not countermand or interfere with the outside counsel's ability to take steps necessary to conduct a full and fair investigation."

The Speaker went on to say it was his impression from the press reports that "the Ethics Committee has specifically failed to meet the test that was set forth by Common Cause."

He says, "I would therefore like a copy of the resolution, the guidelines adopted by the Ethics Committee outlining the authority the committee has given the special counsel in order to carry out the responsibilities of the outside counsel."

Mr. Speaker, if it was good in 1988 for Speaker Wright, then it is good today for Speaker GINGRICH.

AMERICA CANNOT AFFORD DOLE'S MASSIVE TAX CUTS

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, 20 years ago a Republican President told the city of New York and, by extension, all American cities to drop dead. Now with Bob Dole, the Republicans are planning the funeral. It just takes simple arithmetic to know that his plan to cut taxes by $550 billion just does not add up, especially for urban America.

Bob Dole says he would not put forward such a plan if it would mean massive cuts in Medicare and would hurt Social Security. He told a group of veterans last month he would not cut their programs. He also said he would increase defense spending. But he still says he can do all of this and balance the budget by 2002.

Now, this is not pie in the sky; this is a whole bakery in the sky. But for cities the big question is what is left to cut? The answer is programs that are helping urban America, programs that are helping working families, cuts in Medicare, education, and health and environment.

But urban Americans just cannot afford Bob Dole's bakery in the sky. The difference between Bob Dole and Bill Clinton could not be more stark.

DEBATE SHOULD NOT BE STIFLED IN THE HOUSE

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I love this House of Representatives. I love what it stands for. And when there is a shadow cast upon the Speaker of the House of Representatives, there is a shadow cast upon this institution, there is a shadow cast upon the democracy that this institution represents.

As a reporter, I will tell you that many times I have seen myself in a position where I have been threatened by someone who was in authority, who did not want me to bring forward a certain news story, bring forth certain facts. But never in my life did I imagine it would be when I would leave the job of being a reporter and come to be an elected official on the floor, that my colleagues would say let us stifle the debate. Let us not talk about it. Let us not remove the shadow that hangs over the head of the Speaker and this House and this Nation by allowing sunlight to shine upon it. Let us stifle the people.

It was when the Democrats were running the House that then Congressman GINGRICH was allowed to say I think it is vital that we establish as a Congress our commitment to publish the report to release those documents so that the country can judge. Today the country cannot judge, Mr. Speaker.

A GOVERNMENT OF LAWS, NOT OF MEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Mrs. SCHROEDER. Mr. Speaker, these 1-minutes opened with the Speaker talking about an ice bucket, and then we went to the gentleman from California talking about historically how this House was dealt with every single issue dealing with conduct, no matter who the Member was, that we treated ourselves as a group that abided by laws, because that is the tradition of our country, a government of laws and not of men.

But the one thing we have not seen and that we have now seen today is the Speaker forgot to tell us his recipe for ice, and that is to take anything that deals with him, add water, and freeze it, and you never let it come out.

□ 1045

Today free speech has been frozen on the House floor. I never thought I could live to see that day. We have now had a ruling today that newspapers can discuss these issues, editorial boards can discuss these issues, but the Members of this body who are most affected are gagged and frozen.

URGING SUPPORT OF H.R. 4066, EMERGENCY DISASTER ASSISTANCE SUPPLEMENTARY APPROPRIATIONS ACT FOR FISCAL YEAR 1996

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I had not planned to speak on this issue, but what I would say is it is unfortunate we would want to use a rule to stifle an opportunity to have full discussion and we should find ways, whether we like what is going to come out on any given thing, to be able to discuss things with a certain amount of civility.

What I do want to say, to use the rest of my 1 minute, is that America has been struck by hurricanes and hurricanes, and certainly we are aware of the devastation that Fran has brought more than five States throughout this country, an the oncoming of other hurricanes is very present with us.

More than 800,000 people in my State were without electricity and water and now some one-third of them still remain without electricity or water. More than 26 people have lost their lives in this hurricane.

Yesterday, many of us introduced into the House a bill, H.R. 4066, an Emergency Disaster Assistance Supplementary Appropriation Act for fiscal year 1996. I urge all of my colleagues on both sides of the aisle to support that for the life and the protection and property of all the people who may potentially be hurt. FEMA needs our help. We need to act immediately.

WE MUST NOT SLASH MEDICARE

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, yesterday, Presidential candidate Bob Dole came back to Washington in an attempt to rally the troops around his tax cut proposal. It has become increasingly obvious, sadly, that the leadership of this House and the Presidential Republican candidate are capable of generating only one basic idea, and that basic idea is to cut taxes for the wealthy at the expense of every other American.

There is no way we can reduce taxes by $550 billion, which is what Mr. Dole proposes to do, without slashing away at Medicare even more severely than was attempted by this House in the budget that was passed here and vetoed by the President. We saw an attempt to cut Medicare here by $270 billion. The Dole plan will cut it, in all probability, by more than twice that amount.

Let us not slash Medicare. Let us be sensible about it and let us see this plan for exactly what it is: An attempt to deprive elderly Americans of the health care they so desperately need and the security that their families need as well.

PROPOSED REPUBLICAN CUTS WILL RESULT IN DEVASTATION OF MEDICARE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I just want to follow up on what my colleague from New York just said. We know what happened in the last 2 years with the Republican leadership plans to cut Medicare and Medicaid.

If those plans had gone into effect, and thank goodness they did not because of the President and because Democrats in Congress constantly fought against it, if they had gone into effect what we would have seen is increased costs for senior citizens as well as the general population. We would have seen the actual costs for part B premiums under Medicare almost doubled. We would have seen copayments go up and deductibles go up for Medicare, and, at the same time, we also saw the proposal this year in 1996 that would basically have allowed doctors, if a senior stayed in traditional Medicare, to charge whatever they want over and above what Medicare pays the physician.

The bottom line is that there is no free lunch. If we impose these tremendous cuts in Medicare that were proposed by the Republican leadership in the past 2 years, and even more cuts that would be proposed because of what Presidential candidate Dole is saying, we will see devastation of Medicare.

JUST SAY NO TO "HEMP-DOPE"

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, I want to know what these guys are smoking. the Hemp-Dope ticket expects to cut taxes by $550 billion, increase military spending, balance the budget, and, at the same time, promises not to decimate Medicare and Social Security.

As always, their plan cuts taxes for the wealthy first, then leaves the hard spending cuts for future Presidents. That is what I would call a political hit and run.

Moreover, Mr. Speaker, Hemp-Dope wants to abolish the Department of Education at a time when our young people will have to compete in a changing global economy. Simply put, our Nation cannot afford another decade of voodoo Reaganomics, which bankrupted us in the first place.

As the President said, we are on the right track to the 21st century. Just say no to Hemp-Dope.

ABIDING BY THE RULES OF THE HOUSE WILL MAINTAIN CIVILITY ON THE HOUSE FLOOR

(Mr. LINDER asked and was given permission address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, in closing these 1 minutes this morning, I want to make the point that nobody here was gagged, nobody was prevented from speaking on a subject they wished to speak on. They can go outside these doors in the Speaker's lobby or upstairs and hold a press conference and say all they want to say about the matters they were referring to this morning.

What they cannot do is talk about matters before the Committee on Standards of Official Conduct on the floor of this House because it is against the rules of the House to do so. And that is the only point that was raised consistently this morning and was also being ignored, even ignoring rule after rule by the Speaker.

If we want to maintain some degree of civility on the floor of this House to engage in honest political debate, we should at least abide by the rules or try to change them and not continually ignore the Speaker's admonitions.

REQUEST FOR PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, SEPTEMBER 13, 1996, TO FILE CONFERENCE REPORT ON H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight Friday, September 13, 1996, to file a conference report on the bill H.R. 3675, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year 1997, and for other purposes.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from Indiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, I would urge that the gentleman withhold that request.

I do not personally have an objection to its being filed, I support the bill, but I have been informed by our leadership that another committee does, and absent their presence, I would feel obligated to object if the motion is made at this time.

Mr. MYERS of Indiana. Mr. Speaker, I will withdraw it. I understood it had been cleared by the gentleman's side.

Mr. OBEY. Mr. Speaker, it had been cleared as far as the committee is concerned, but we were just informed by our leadership that there is a problem with another committee.

Mr. MYERS of Indiana. Mr. Speaker, I withdraw my unanimous-consent request at this time.

GENERAL LEAVE

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, and that I may include tabular and extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONFERENCE REPORT ON H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. MYERS of Indiana. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 3816), making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House today, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of earlier today.)

The SPEAKER pro tempore. The gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

The conference agreement that we are bringing to the floor at this time for this next fiscal year is $19.973 billion of new budget authority. This is $562 million higher than the version passed by the House a few weeks ago and $343 million below the Senate-passed level.

The greatest amount of this increase is in Defense—a $449 million increase in Defense activities.

A lot of people do not realize that 57 percent of the energy and water bill—over half—is Defense related. Domestic discretionary programs have been reduced by $48 million below last year. $11.4 billion is in Defense. Of that amount, $5,620,000,000 is for environmental restoration and waste management. No small amount.

That is the most rapidly growing account that we have. We are cleaning up the nuclear waste and other wastes that have been accumulating through the years.

Mr. Speaker, the bill has five titles. Title I is related to water resources. We have more than 25,000 miles of inland waterways. The deep ports of our country all come under the jurisdiction of this bill. The title contains $3.5 billion for Corps of Engineers water resource programs this year. This is $136 million more than last year, and it is $210 million above the President's request.

A great amount is for operation and maintenance. Some of the locks and dams that are operating in our country, delivering goods to the seaports for world markets, are 60 years old and in bad repair. We should really be appropriating more money for their maintenance. But unfortunately, this year, because of the budget restraints, we are unable to do the entire job that should be done.

Title II funds the Bureau of Reclamation. It appropriates $819 million. It is less than last year.

Title III contains $15.8 trillion for the Department of Energy. The biggest part of this is for Defense-related activities. Much of it is for the environmental restoration and waste management program.

Title IV funds independent agencies.

And title V is the portion of the bill containing general provisions that are the responsibility of this committee.

Mr. Speaker, there are many people to thank for this conference report, particularly our staff who worked into the wee hours this morning preparing the conference report. And they worked hard over the last weekend preparing the materials. So our staff and their capable leadership is to be thanked for the document we have today. And we are especially grateful to the members of our committee, both on the majority and minority side.

I especially want to thank my colleague for 30 years, the ranking minority member, former chairman of this subcommittee, the gentleman from Alabama, Mr. TOM BEVILL. We have worked together very closely through the years. When he was chairman, we worked very closely. He honored my requests and we always had complete agreement. That has not changed this year.

I personally want to thank the chairman and all the Members in the other body who have worked on this bill under the capable leadership of Chairman PETE DOMENICI and the ranking member, Senator JOHNSTON from Louisiana. They have worked very cooperatively with us to make this product possible.

Mr. Speaker, I urge all Members to support the conference report.

Mr. Speaker, I rise in support of the conference report to accompany H.R. 3816, the Energy and Water Development Appropriations Act, 1997.

Mr. Speaker, the committee of conference on H.R. 3816 met throughout yesterday afternoon and into the evening to revolve the substantial differences between the House and Senate versions of the bill. Because of the dedicated efforts of Members on both sides of the aisle and both sides of the Hill, we were able to reach satisfactory compromises on a range of difficult issues.

The conference agreement appropriates $19.973 billion in new budget authority for programs under the subcommittee's jurisdiction. This amount includes $11.352 billion for atomic Defense-related activities and $8.621 billion for domestic discretionary programs of the Department of Energy, the Corps of Engineers, the Bureau of Reclamation, and various independent agencies. The total amount is $562 million higher than appropriated by the House-passed bill but $343 million lower than the Senate-passed version. The greatest portion of the increase above the House—approximately $449 million—is committed to the Defense-related activities of the Department of Energy. These additional funds are necessary to maintain our nuclear defense capabilities and to address the environmental legacy of the nuclear production era.

While Defense spending in the energy and water bill has risen for fiscal year 1997, domestic discretionary appropriations have continued to decline. Funding for civilian energy and water programs is reduced by $48 million below last year's level. Once again, the energy and water bill turns the rhetoric of deficit reduction into reality, without sacrificing the necessary and cost-effective programs within the bill's domain.

Title I of the conference report appropriates $3.5 billion to the water resource programs of the U.S. Army Corps of Engineers. This represents a $136 million increase over the fiscal year 1996 level and an increase of $210 million over the administration's budget request. The conferees have taken positive action to address critical infrastructure needs throughout the country. The conferees appreciate the benefits to be derived from navigation, flood control, and harbor maintenance projects and have acted to ensure that the Nation will continue to realize a meaningful return on its infrastructure investments.

The committee on conference emphatically rejected proposed policies of the administration which would effectively terminate the role of the corps in coastal flood protection and small harbor maintenance. The conferees recognize the real national benefits—economic and otherwise—which accrue from corps activities in these areas and continue to support the agency's historical water resource missions.

Title II of the bill includes funding for the Bureau of Reclamation and the Central Utah Project completion account. The amount appropriated under title II, $819 million, is less than both the fiscal year 1996 level and the budget request for fiscal year 1997. The conferees recognize that the Bureau has largely accomplished its historical mission of reclaiming the West and expect that declining appropriations will continue to match the agency's diminishing role in western life.

Title III appropriates $15.78 billion for the Department of Energy. The conferees recognize that certain missions of the Department are critical to the welfare of the country. The Department's management of these programs, however, has evoked frustration, disappointment and, in some instances, hostility. The Department must streamline and improve its management; shed low-value and nonessential missions; and set a bold new direction for the future. Otherwise, its own institutional future will remain very much in doubt.

Funding levels for certain DOE programs include: $270 million for solar and renewable energy; $223 million for nuclear energy research; $233 million for fusion energy sciences; $996 million for general science and research; and $382 million for nuclear waste disposal activities. Spending for atomic energy defense activities of DOE includes $3.911 billion for weapons, including stockpile stewardship and management, $5.459 billion for Defense environmental restoration and waste management, and $1.606 billion for other Defense activities.

Title IV of the bill funds various agencies and commissions with missions relating to energy and water development. Within title IV, the conference agreement includes $160 million for the Appalachian Regional Commission, $16 million for the Defense Nuclear Facilities Safety Board, $106 million for the Tennessee Valley Authority, and $472 million for the Nuclear Regulatory Commission. The conferees provided final year funding for independent river basin commissions in fiscal year 1996.

Mr. Speaker, our conference could not have concluded so successfully without the dedicated and unified efforts of my colleagues on the Subcommittee on Energy and Water Development. We approached the conference in a spirit of teamwork and collegiality and stuck together through often difficult negotiations. I am proud to have been associated with each and every one of the subcommittee members during our recent deliberations and throughout the 104th Congress.

I pay a special tribute, Mr. Speaker, to the esteemed ranking minority member and longtime chairman of the subcommittee, the Honorable TOM BEVILL. Throughout his career on the committee and in the Congress, he has established a model for civility and honor. He has always approached his responsibilities in a fair and nonpartisan manner. He is a gentleman in the truest sense of the word and will be sorely missed by this institution once he begins his well-deserved retirement.

Mr. Speaker, I urge all Members to support the conference agreement.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1997 (H.R. 3816)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	121,767,000	142,500,000	153,628,000	154,557,000	153,872,000	+32,105,000
Construction, general	804,573,000	914,000,000	1,035,394,000	1,049,306,000	1,081,942,000	+277,369,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	307,885,000	292,500,000	302,990,000	312,513,000	310,374,000	+2,489,000
Operation and maintenance, general	1,703,697,000	1,663,000,000	1,701,180,000	1,688,358,000	1,697,015,000	-6,682,000
Emergency appropriations (P.L. 104-134)	30,000,000					-30,000,000
Regulatory program	101,000,000	112,000,000	101,000,000	101,000,000	101,000,000	
Flood control and coastal emergencies	10,000,000	15,000,000	10,000,000	10,000,000	10,000,000	
Emergency appropriations (P.L. 104-134)	135,000,000					-135,000,000
General expenses	151,500,000	153,000,000	145,000,000	153,000,000	149,000,000	-2,500,000
Oil spill research	850,000	850,000				-850,000
Total, title I, Department of Defense - Civil	3,366,272,000	3,292,850,000	3,449,192,000	3,468,734,000	3,503,203,000	+136,931,000
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	18,905,000	25,827,000	25,827,000	25,827,000	25,827,000	+6,922,000
Fish, wildlife, and recreation mitigation and conservation	18,503,000	11,700,000	11,700,000	11,700,000	11,700,000	-6,803,000
Utah reclamation mitigation and conservation account	5,485,000	5,000,000	5,000,000	5,000,000	5,000,000	-485,000
Program oversight and administration	1,246,000	1,100,000	1,100,000	1,100,000	1,100,000	-146,000
Total, Central Utah project completion account	44,139,000	43,627,000	43,627,000	43,627,000	43,627,000	-512,000
Bureau of Reclamation						
General investigations	12,684,000	15,095,000	14,548,000	18,105,000	16,650,000	+3,966,000
Construction program	411,046,000	392,524,000	367,496,000	398,596,700	394,056,000	-16,990,000
Emergency appropriations (P.L. 104-134)	9,000,000					-9,000,000
Operation and maintenance	273,076,000	292,876,000	286,232,000	280,876,000	267,876,000	-5,200,000
Loan program	11,668,000	12,715,000	12,715,000	12,715,000	12,715,000	+1,047,000
(Limitation on direct loans)	(37,000,000)	(37,000,000)	(37,000,000)	(37,000,000)	(37,000,000)	
General administrative expenses	48,150,000	48,971,000	45,150,000	48,307,000	46,000,000	-2,150,000
Colorado River Dam fund (by transfer, permanent authority)	(-4,556,000)	(-3,774,000)	(-3,774,000)	(-3,774,000)	(-3,774,000)	(+782,000)
Central Valley project restoration fund	43,579,000	38,000,000	38,000,000	38,000,000	38,000,000	-5,579,000
Total, Bureau of Reclamation	809,203,000	800,181,000	764,141,000	796,599,700	775,297,000	-33,906,000
Total, title II, Department of the Interior	853,342,000	843,808,000	807,768,000	840,226,700	818,924,000	-34,418,000
(By transfer)	(-4,556,000)	(-3,774,000)	(-3,774,000)	(-3,774,000)	(-3,774,000)	(+782,000)
TITLE III - DEPARTMENT OF ENERGY						
Energy Supply, Research and Development Activities	2,727,407,000	3,020,497,000	2,668,573,000	2,764,043,000	2,710,908,000	-16,499,000
Uranium Supply and Enrichment Activities	64,197,000	70,000,000	53,972,000	42,200,000	43,200,000	-20,997,000
Gross revenues	-34,903,000	-42,200,000	-42,200,000	-42,200,000	-42,200,000	-7,297,000
Net appropriation	29,294,000	27,800,000	11,772,000		1,000,000	-28,294,000
Uranium enrichment decontamination and decommissioning fund	278,807,000	240,200,000	200,200,000	205,200,000	200,200,000	-78,607,000
General Science and Research Activities	981,000,000	1,009,150,000	996,000,000	1,000,626,000	996,000,000	+15,000,000
Nuclear Waste Disposal Fund	151,600,000	200,028,000	182,000,000	200,028,000	182,000,000	+30,400,000
Departmental Administration	366,697,000	244,863,000	194,000,000	218,017,000	215,021,000	-151,676,000
Miscellaneous revenues	-122,306,000	-125,388,000	-125,388,000	-125,388,000	-125,388,000	-3,082,000
Net appropriation	244,391,000	119,475,000	68,612,000	92,629,000	89,633,000	-154,758,000
Office of the Inspector General	25,000,000	29,605,000	25,000,000	23,103,000	23,853,000	-1,147,000
Environmental Restoration and Waste Management:						
Defense function	(5,557,532,000)	(5,591,310,000)	(5,543,810,000)	(5,787,210,000)	(5,619,304,000)	(+61,772,000)
Non-defense function	(900,348,000)	(891,614,000)	(822,346,000)	(801,905,000)	(792,089,000)	(-108,259,000)
Total	(6,457,880,000)	(6,482,924,000)	(6,366,156,000)	(6,589,115,000)	(6,411,393,000)	(-46,487,000)
Atomic Energy Defense Activities						
Weapons Activities	3,460,314,000	3,710,002,000	3,684,378,000	3,988,602,000	3,911,198,000	+450,884,000
Defense Environmental Restoration and Waste Management	5,557,532,000	5,409,310,000	5,409,310,000	5,605,210,000	5,459,304,000	-98,228,000
Fixed asset acquisitions (sec. 621)		182,000,000	134,500,000	182,000,000	160,000,000	+160,000,000
Other Defense Activities	1,388,212,000	1,547,700,000	1,459,533,000	1,606,833,000	1,605,733,000	+217,521,000
Defense Nuclear Waste Disposal	248,400,000	200,000,000	200,000,000	200,000,000	200,000,000	-48,400,000
Total, Atomic Energy Defense Activities	10,654,458,000	11,049,012,000	10,887,721,000	11,582,645,000	11,336,235,000	+681,777,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1997 (H.R. 3816) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Power Marketing Administrations						
Operation and maintenance, Alaska Power Administration	4,260,000	4,000,000	4,000,000	4,000,000	4,000,000	-260,000
(By transfer)	(5,500,000)					(-5,500,000)
Operation and maintenance, Southeastern Power Administration	19,843,000	20,900,000	18,859,000	13,859,000	16,359,000	-3,484,000
Operation and maintenance, Southwestern Power Administration	29,778,000	26,900,000	25,210,000	25,210,000	25,210,000	-4,568,000
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	257,652,000	217,891,000	211,582,000	201,582,000	193,582,000	-64,070,000
(By transfer, permanent authority)	(4,556,000)	(3,774,000)	(3,774,000)	(3,774,000)	(3,774,000)	(-782,000)
Falcon and Amistad operating and maintenance fund	1,000,000	970,000	970,000	970,000	970,000	-30,000
Total, Power Marketing Administrations	312,533,000	270,661,000	260,621,000	245,621,000	240,121,000	-72,412,000
Federal Energy Regulatory Commission						
Salaries and expenses	131,290,000	159,397,000	141,290,000	146,290,000	146,290,000	+15,000,000
Revenues applied	-131,290,000	-159,397,000	-141,290,000	-146,290,000	-146,290,000	-15,000,000
Fixed asset acquisitions (sec. 621)		216,066,000				
Total, title III, Department of Energy	15,404,490,000	16,182,494,000	15,300,499,000	16,113,895,000	15,779,950,000	+375,460,000
(By transfer)	(10,056,000)	(3,774,000)	(3,774,000)	(3,774,000)	(3,774,000)	(-6,282,000)
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	170,000,000	170,000,000	155,331,000	165,000,000	160,000,000	-10,000,000
Defense Nuclear Facilities Safety Board	17,000,000	17,000,000	12,000,000	17,000,000	16,000,000	-1,000,000
Delaware River Basin Commission:						
Salaries and expenses	343,000	342,000		342,000		-343,000
Contribution to Delaware River Basin Commission	428,000	534,000		500,000		-428,000
Total	771,000	876,000		842,000		-771,000
Interstate Commission on the Potomac River Basin:						
Contribution to Interstate Commission on the Potomac River Basin	511,000	508,000		508,000		-511,000
Nuclear Regulatory Commission:						
Salaries and expenses	468,300,000	475,300,000	471,800,000	471,800,000	471,800,000	+3,500,000
Revenues	-457,300,000	-457,800,000	-457,300,000	-457,300,000	-457,300,000	
Subtotal	11,000,000	17,500,000	14,500,000	14,500,000	14,500,000	+3,500,000
Office of Inspector General	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	
Revenues	-5,000,000	-5,000,000	-5,000,000	-5,000,000	-5,000,000	
Subtotal						
Total	11,000,000	17,500,000	14,500,000	14,500,000	14,500,000	+3,500,000
Nuclear Waste Technical Review Board	2,531,000	3,214,000	2,531,000	2,531,000	2,531,000	
Susquehanna River Basin Commission:						
Salaries and expenses	318,000	322,000		322,000		-318,000
Contribution to Susquehanna River Basin Commission	250,000	380,000		300,000		-250,000
Total	568,000	702,000		622,000		-568,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	109,169,000	120,000,000	97,169,000	113,000,000	106,000,000	-3,169,000
Total, title IV, Independent agencies	311,550,000	329,800,000	281,531,000	314,003,000	299,031,000	-12,519,000
Scorekeeping adjustments	-609,343,000	-428,000,000	-428,000,000	-421,000,000	-428,000,000	+181,343,000
Grand total:						
New budget (obligational) authority	19,326,311,000	20,220,952,000	19,410,990,000	20,315,858,700	19,973,108,000	+646,797,000
(By transfer)	(5,500,000)					(-5,500,000)

Mr. MYERS of Indiana. Mr. Speaker, I reserve the balance of my time.

Mr. BEVILL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this fiscal year 1997 Energy and Water Appropriations Conference Report. I am honored to be here with my good friend and colleague of many years, the gentleman from Indiana, Chairman JOHN MYERS, and I want to commend him for the leadership that he has shown in crafting this very difficult bill.

Also, I want to commend the staff for their outstanding work. It looked impossible about 24 hours ago for this bill to get to the floor here, but they worked, as the chairman pointed out, until 5:30 this morning, worked all night, and, as a matter of fact, day and night all week.

So, actually, this conference report is a fine example of nonpartisan legislating. There were very significant differences between the House and the Senate bills, and so after those many hours, and many difficult issues were worked out and compromises were made, we have come out, in my judgment, with the best possible conference report that we could with the limited funds that we were allocated.

Under the chairman's able leadership this was certainly a responsible compromise that was fashioned. He played a very important role in this, of course.

The report recommends, as the chairman has pointed out, $19.9 billion in funding for the Corps of Engineers, the Bureau of Reclamation, the Department of Energy, the Nuclear Regulatory Commission, which, by the way, is over last year, and many other programs. All these programs are crucial to the development and maintenance of our Nation's infrastructure as well as our science and technological research capabilities.

□ 1100

Although the conference report is a fair and balanced agreement, there just was not enough money, especially for nondefense, discretionary funds for all the good and worthwhile projects. We know and we are very much aware and very conscious of the fact that many good projects, civil works projects that are needed, we were not able to fund them. As a matter of fact, we are very much aware and very conscious of the fact that many of our locks and dams and canals and waterways, there are 25,000 miles of navigable inland waterways in this country, they are not adequately funded even for maintenance, and we know and are very much aware that this is false economics.

This conference report required us to make tough choices. I think we have done the best that we could to maintain a responsible energy and water program for America within the limited funds. I hope that Members will consider the delicate balance realized in crafting this legislation. It is a good compromise and will ensure the Nation continues to move forward with critical water projects, energy programs, vital research, and particularly one that we put a great deal of money in, as much as possible, flood control projects. With the recent floods we are all very mindful of what these mean to our Nation in saving lives and of course property damages.

I urge the Members to support this conference report. On this occasion of my last energy and water development appropriation bill, I want to take this opportunity to thank the Members for their support and friendship through the years. I admire their dedication to this country and their constituents, and I wish for them individually and as a Congress much success. They and this great institution have enriched my life and made on it better. Again, I urge my colleagues to support this conference report and I urge Members to be supportive of this throughout on this occasion.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS], ranking majority member of this committee, a very valuable member of this conference. At a time when he had concerns on his own subcommittee where he is chair, he gave all of his time to this committee. We thank him for that.

Mr. ROGERS. Mr. Speaker, obviously, I stand here in support of a good, fiscally sound bill that provides for the national security, as well as for important comfort to small forgotten communities that are flooded routinely. I support the bill very strongly.

Mr. Speaker, I rise for a much more, I think, important reason. That is to personally state, and I think I speak for all Members of the body when I say this, how much we owe a debt of gratitude to Chairman JOHN MYERS and to his very able ranking member, TOM BEVILL. This subcommittee has truly worked in a very nonpartisan way under Chairman BEVILL earlier and now under Chairman MYERS.

Yogi Berra said you can observe a lot just by watching, and I have been watching the operation of these two men in that subcommittee for a number of years now. I have never heard a partisan word spoken in that subcommittee, never. Every member of the subcommittee, regardless of party, is given equal standing to say or do whatever they think is best. And the chairman, Chairman MYERS, and before him, Chairman BEVILL, always gave us the opportunity to speak, to make our case and, whenever possible, when they could find the money, they were always there to try to help their colleagues help their part of America.

They say that the only place where success comes before work is the dictionary, and I can say that on this subcommittee that certainly is true. The big success of this subcommittee has been the tremendous hard work that goes into it.

There are literally thousands of projects and programs that this subcommittee has to go through every year, many of them extremely complicated. The Nation's nuclear laboratories, for example, and the nuclear programs the subcommittee has to oversee, many of them top secret military matters which have to be heard behind closed doors, you get no glory for that type of thing. These men sought no glory, certainly, in their work on the subcommittee.

I stand here mainly to thank JOHN MYERS and TOM BEVILL, two Members obviously, of course, who are choosing to retire. The House and, more importantly, the Nation will be at a great loss because the accumulated and cumulative experience and expertise of these two men on all the projects covered in this very important bill will be sorely missed. It is going to be really tough for the rest of us to try to pick up the slack that is laying there, really tough, because none of us have the experience nor the expertise that these two gentlemen have accumulated over the years. They have both been here quite a few years, not long enough but quite a few. But they have been here just long enough to pick up a vast amount of knowledge and expertise that we are going to sorely miss.

Mr. Speaker, they say that duty makes one do a job well but that love makes one do a job beautifully. I have to tell my colleagues that the job these two gentlemen have been doing for their Nation has been beautiful, and we appreciate their love of Nation and their love of their work more than we can every say.

They were also able to keep their eye on the horizon. They had to realize they have a finite number of dollars to spend and an incredible amount of work to do. They were always able to keep their eyes on that larger picture. The larger picture was something so important to our Nation that in its very earliest days it was given the highest of priorities by one of my favorite people in all time, and that is Henry Clay from my beloved State of Kentucky, who had what he called the American plan.

Henry Clay the conservative, the fiscal conservative, believed that one of the most important things that we had to do as a nation was build its canals and its roads and its infrastructure. And this great conservative led the charge to defend the American plan and promote it. And these two gentlemen have picked up that cause and have carried it to a new height, in my judgment; that is, protecting and building the infrastructure, the important things that make our Nation work for all of us. And that is their modern day American plan, one that we support. They have kept their eyes on that horizon.

I will close with this. Two stonecutters were asked the same question: What are you doing? The first one said, why, I am cutting this stone into two blocks. But the second one said, and these would be the answers of both JOHN MYERS and TOM BEVILL, the second stonecutter said, I am on a team that is building a cathedral.

Gentlemen, you have built a great America in large part and we thank you for that.

Mr. BEVILL. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I take this time for two purposes, first of all of all to explain that at the proper time I will have a motion to recommit at the desk, and I am offering it essentially for three reasons.

First of all, on the overall spending question, this bill is $646 million above last year. I personally find it difficult to explain that when we compare it to the spending level which is being provided in other bills for programs which affect the needs of desperately needy children.

Second, I support adequate funds for cleanup of our nuclear weapons sites and programs, and to assist the former Soviet Union in its efforts to secure nuclear material and clean up unsafe nuclear power plants, and the bill provides for these programs. I congratulate the committee for it. But I do not believe that it is rational that we continue to increase funds for nuclear weapons production in the wake of the end of the cold war.

Third, this bill contains $38 million for the advanced light water reactor program. Members may recall the House bill contained $17 million. The Senate bill contained $22 million. Those amounts have been added together to continue this corporate welfare program for the nuclear industry. These funds will go to large corporations to assist them in licensing new nuclear power plants which will never be built. There are several other reasons that I have concerns about this bill, as well, and that is why I will be offering a straight motion to recommit with no instructions.

Having said that, I would like to spend the rest of my time commenting on the two gentlemen who brought this bill to us today. If you took a poll of this House and asked Members to name the two most decent Members of the House, I would be very surprised if the name of JOHN MYERS and the name of TOM BEVILL will not wind up at the very top of the list.

There are two kinds of people in public life, just like there are two kinds of people in private endeavors. There are angle players and then there are problem solvers. I think anybody who knows these two gentleman knows that they fall into the latter category.

I have watched both of them for as long as I have had the privilege to serve in this institution, and I have never once seen either one of them in any way bring dishonor to this House or the constituents who were wise enough to elect them as many times as they elected them. This House will suffer from their departure. We respect their decision to retire, but I think that whether JOHN was speaking on the Republican side of the aisle or TOM on the Democratic side of the aisle, you could never tell which was which, had you seen them deal with the substance of the bill.

We have various responsibilities in our efforts to serve our constituents in this place. Sometimes those responsibilities are complementary and sometimes they are conflicting. We have responsibilities to country, responsibilities to this institution, responsibilities to our political parties, to our districts, to our constituents, and to our principles.

I have seen both of these gentlemen meet those responsibilities in the highest possible fashion, in the way that brings the greatest honor to this institution and to the country that this institution tries to serve. I consider it a personal privilege to have served with both of them, and I think every Member who knows them feels the same way.

I wish them both everything good that can happen in life when they leave here, and thank them on behalf of the Members of this House for their service.

Mr. MYERS of Indiana. Mr. Speaker, I yield 4 minutes to our colleague, the gentleman from Michigan [Mr. KNOLLENBERG], a very valued, hardworking member of this subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I, too, want to pay tribute to the outstanding work of my good friend, the chairman, JOHN MYERS, and ranking member, TOM BEVILL. I can tell you that it really is not a partisan or challenging or confrontational kind of committee. With these two gentlemen they have been kind of like family. I do not suggest to you that it always is calm and cool, but for the most part it really is.

I think it is, it really is a case where we must and should be obligated, are obligated to salute these two fine gentlemen for all their work. I have come to know them, I think, very closely, and I value their friendship and wish them both the very, very best in their future endeavors. I understand they both have something lined up, so good luck on all of that.

I rise in strong support of this conference report for the Energy and Water Appropriations Act for 1997. I believe it is a good bill, and you have heard the story. It may not be perfect, but we must not let perfection become the enemy of good. I urge my colleagues on both sides to support the conference report.

As with every other appropriations bill, this conference report is a product of some tough choices. We do not simply spread the pain evenly among the programs in our jurisdiction, because I think that causes a fault of subsidizing in many cases failure, programs that should be in fact downsized or terminated.

□ 1115

Instead what we did, we prioritized spending program by program based on their efficiency and their national importance.

One thing that I like about this bill is the committee continued commitment to basic research and development especially when the nature of the research is such that it may take years or even decades to complete. It is the proper role of the Federal Government to support basic research. I am concerned that too often, however, we support applied technology and commercialization interfering with the marketplace at the expense of basic research.

The portion of this bill which I am very enthusiastic about is the initiation of the closure project fund. The conference report includes money for this fund which will accelerate the decommissioning and cleanup of former defense nuclear facilities. By stabilizing, consolidating and removing nuclear material from the facilities more rapidly, we will ensure a safer environment for our workers and our communities. To qualify for the closure project funds, the sites must demonstrate and validate several criteria including a project completion date within 10 years of the application.

Mr. Speaker, the closure project fund is a type of program that can save the EM from becoming a century-long spending fiasco. What we need and what the closure projects fund incentives is a responsible manageable cleanup program to bring closure to the EM program and free up the Department of Energy's largest fiscal expenditure for budget deficit reduction. We see this as a first step toward an accelerated cleanup program with a defined ending. We anticipate that this fund will play a much more significant role in the years to come.

This is again a good conference report. I encourage my colleagues to support this conference report. I thank the gentleman from Indiana [Mr. MYERS] for yielding me this time.

Mr. BEVILL. Mr. Speaker, I yield 1 minute to our colleague, the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman from Alabama very much for the time.

Mr. Speaker, I want join the chorus in paying tribute to our colleagues who are retiring, the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL]. It was my pleasure to serve with them on their subcommittee for a couple of years, and they have been kind to me then and ever since. I think we all wish them good health and happiness in the years that lie ahead.

I also appreciate their good work in this bill and particularly with respect to funding for nuclear weapons plant cleanup sites. I am glad that the conference report, like the House bill, provides for a separate account for so-called privatization projects at DOE sites such as the one in my area, Rocky Flats. My understanding is that this can be used for high-priority cleanup projects including both those that would involve construction of new treatment facilities and others that might not necessarily involve that sort of construction. If I may engage the gentleman for a moment, I just wanted to inquire whether this is a correct interpretation of that part of the bill.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SKAGGS. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, the gentleman is correct. The funds for the privatization can be used either for new facilities for treatment, or they may be used to upgrade and to improve facilities. Rocky Flats was covered.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman very much.

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I rise in obvious strong support of this legislation. This is once again an excellent product of the subcommittee that has always known how to work together. The efforts of the chairman and ranking member, the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] have resulted in a conference agreement that is fair, balanced, and which seeks to achieve many goals with few resources.

I want to congratulate these two Members on their long careers and their fine achievements in Congress. Their cooperative spirit is a valuable example of how bipartisan leadership can produce excellent results.

This year's energy and water bill manages to provide funding for many important water projects including, I might say, a number in my State of California as well as funding for environmental cleanup, renewable energy and many other vital activities.

Overall, the bill is a remarkable achievement in this time of declining budgets.

The writing is on the wall. Each year it becomes more and more difficult to meet all of the flood control, water supply, energy and environmental needs of this country. More and more emphasis is being placed on setting priorities, and, as in many other years, the Federal Government will play a reduced role in the future. It is imperative that we take a comprehensive review of our energy and water needs and focus less on incremental projects and more on broad-based solutions to our problems.

I want to point out that this bill is $200 million less than was requested by the administration. It is, I think, far more than many thought would be available to this committee, or possible to pass through this body.

I want to pay particular tribute to the chairman and his longtime sidekick, the gentleman from Alabama [Mr. BEVILL], for the degree to which they fought the battle that made it possible to provide the budget authority to this committee to meet the minimum needs that all of us understood needed to be provided. I want to thank both of them for their distinguished service. This year's bill is testament to their hard work, their strong leadership. I want to congratulate them for a wonderful achievement, and I can only say for those of us like the gentleman from Michigan [Mr. KNOLLENBERG] and myself who will hopefully be here in the next Congress, we have no better model from which we can take whatever key to success we may have in the future.

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

I rise in obvious support of the conference report. But more than supporting the product of the subcommittee this year in the conference work of yesterday, I want to join so many of my colleagues today in saying that what I think is a fine legislative product that the House will vote on in just a few minutes exemplifies, as many have said, the tremendous work not only of this subcommittee, which I have been pleased to be a member of for a number of years, but the team spirit and the nonpartisan work ethic of the gentleman from Indiana [Mr. MYERS], the chairman, and the gentleman from Alabama [Mr. BEVILL], the ranking member. It has been my privilege to serve with these two gentleman since 1985 and on the committee since 1989.

I will say that I do not believe there exists in this body, and perhaps in the history of the country, two men who came to public life together in this institution and who have worked hand in hand in a way to fashion not just a legislative product that is good for the country and good for all of us, but a product that truly has improved the lives of all Americans because it is our infrastructure, our future, our economy. It is transportation and water resources that truly have made America without question the strongest country in the world.

The legacy of the gentleman from Alabama [Mr. BEVILL], and the legacy of the gentleman from Indiana [Mr. MYERS], will be one that they leave this institution after three decades, with a legacy that they have made this country stronger and better, have helped its people and its families, and who leave here the kind of dedicated service and an example to which all who follow should aspire to duplicate.

My hat is off, and my congratulations to both of these gentleman. I appreciate so much just having the opportunity to work with them, to be a part of their great careers in this institution, and to have been able to serve with them on what I think is some of the best work, the best committee in the entire U.S. Congress. I congratulate them on this product and urge the adoption of the conference report.

Mr. BEVILL. Mr. Speaker, I yield back the balance of our time.

Mr MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding this time to me.

I just want to say as these two gentleman leave the Chamber after years of distinguished service, when I came here as a freshman in 1993, they were among the first two leaders I met, and I remember the gentleman from Indiana, JOHN MYERS, when we were going up to what was called the Princeton Conference, but should have been called Plainsboro because that is where it was, I remember he said on the way, "Don't let anyone tell you how to vote, including me," and I have not forgotten that, and I have followed his wisdom, and I can remember the distinguished chairman at that time, the gentleman from Alabama, [Mr. BEVILL] who was nice enough when he met me to take me back to his office, offered me a cup of tea and introduced me to his wife, and both of these gentleman are the type of hard-working legislators, they do not always hit the headlines, they are both very civil gentleman, and they are the key and the core of what makes the Congress of the United States work. We have a few colleagues on both sides that get up and scream and shout and do a lot of things. Not much happens. We have a few that even violate House rules in terms of assaulting other Members occasionally. Nobody much cares about them. But when it comes to the team of MYERS and BEVILL and that is replicated in a few places, I think all of the House and the American people can take pride in what these two gentleman have done during their career in Congress, and I wish them both the best in the years ahead.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume to say, "Thank you" for the nice things people have said about this subcommittee, and more particularly, what they have said about the gentleman from Alabama [Mr. BEVILL] and me. There are three of us on the subcommittee who are voluntarily not coming back next year: the gentleman from Texas, Mr. CHAPMAN, Mr. BEVILL, and myself. While we are retiring from Congress, that does not mean we are quitting. We are still going to be concerned about Congress and what it is doing and the activities of this subcommittee.

It has been a great honor for 30 years to serve in the House, but even more particularly, to serve with my colleague Mr. BEVILL. The subcommittee truly has been not bipartisan, but nonpartisan. But under Mr. BEVILL's leadership, the subcommittee has always disregarded politics. So it has been a honor to have served on this committee. I thank the staff and the committee for their charity, their understanding, and the help that they have provided for both TOM and me.

So we thank you very much from deep in our heart.

Mr. THORNBERRY. Mr. Speaker, I would like to take this opportunity to briefly address section 302 of H.R. 3816, the Energy and Water Development Conference Report for Fiscal Year 1997. Section 302 pertains to section 3140 of the 1997 Defense Authorization Act, H.R. 3230, which I had introduced in the National Security Committee and which has been approved by both the House and Senate.

Section 3140 addresses an issue of critical importance to our national security—the management of the Nation's nuclear weapons complex and, specifically, whether a management structure which was designed 45 years ago is able to meet the challenges we face today. Numerous studies completed over the past several years have revealed that it is not.

As far back as 1981, in a report revealingly entitled "A New Headquarters/Field Structure Could Provide a Better Framework for Improving Department of Energy Operations," the General Accounting Office was recommending that changes needed to be made to the basic management structure at DOE.

More recently, in August 1993, the GAO issued a detailed criticism of past management practices in the Department entitled "Management Problems Require a Long-Term Commitment to Change." The report lauded recent initiatives by the DOE over the previous year, but noted that strong leadership was needed to build an effective management structure for the future. The report noted communication problems and a weak work force with limited technical and administrative skills. Overall, GAO concluded, "DOE has significant management problems, as reported by many oversight groups and acknowledged by agency leadership." As examples, the report cited a number of telling observations and conclusions, including:

> According to over 90 percent of the 114 senior DOE managers we interviewed, organizational lines of authority need to be clarified * * *. Many of DOE's senior managers told GAO that "fiefdoms" throughout the field structure hampered their operations.
>
> Management of the nuclear weapons complex and the national laboratory system * * * is today in disarray * * * its management is under severe stress.
>
> GAO believes that having field units report directly to senior officials at headquarters who are responsible for a program is a promising strategy. We have supported stronger headquarters-to-field-program accountability in DOE, and having field offices report directly to program assistant secretaries is a way to establish accountability. [Our goal] is to establish a more direct line of command between headquarters and field program personnel.
>
> Overall reporting between field offices and headquarters must be established and understood. And direction and guidance on program matters and oversight from headquarters offices needs to be clarified, coordinated, and integrated if the [O'Leary reporting scheme] or any other scheme is to work effectively.

The GAO followed its August 1993 report with another in February 1994 in which it once again found that, "DOE's management of the laboratories is highly fragmented, lacking both a strategic focus and consistency across program lines."

Two years later, and 2 years after the most recent reforms by the current Secretary were put in place, the GAO released another report which uncovered still more problems. In this report, entitled "Department of Energy, A Framework for Restructuring DOE and Its Missions," the GAO found that: "Attempts to establish direct accountability among program offices at headquarters, administrative units, field offices, and the national laboratories have been especially difficult. Reporting relationships changed often and sometimes have been confusing."

But GAO is not the only one who has been critical of DOE's management structure over the past several years.

In 1989, in a report to the Secretary of Energy, the Advisory Committee on Nuclear Safety recommended that the Secretary: "streamline management to make responsibilities clear, that you put knowledgeable people in line positions of responsibility, and that you give them authority. This is important for assurance of nuclear safety. Solving the DOE's problems will require upper management and operating personnel to work together closely and effectively. This will not be possible if the staff must work through buffers of people who are not technically competent."

The Defense Nuclear Facilities Safety Board—whose members are appointed by the President—has echoed these concerns. In March of 1996, one of its members, John W. Crawford, issued a report titled "Assessment Concerning Safety at Defense Nuclear Facilities: The DOE Technical Personnel Problem." The report contained a number of conclusions regarding DOE management and internal efforts to fix the problems, including:

> Field organizations have had a long history of relative independence from subordination to Headquarters; thus these differences are likely to be difficult to resolve. A recent effort to do so was led by an action group of senior Headquarters and field managers under the aegis of the Strategic Alignment Implementation Group. The results of the deliberations by the action group were reported to the Associate Deputy Secretary for Field Management in a memorandum dated June 22, 1995, from the Manager Richland Operations Office. The document states that "The Strategic Alignment Team identified the need for clarity in roles, responsibilities, authority, and accountability between Headquarters [and] the operations offices * * * to improve coordination and eliminate duplication of work." It offered a plan for doing so. However, the plan was submitted in draft form and, as far as the Board has been made aware, no action has been taken on it.
>
> The Defense Nuclear Facilities Safety Board has recommended a strengthened and streamlined managerial approach and clear lines of authority and control. The DNFSB acknowledges that years of doing things a certain way and bureaucratic inertia has made reform next to impossible.

It is because of these studies that section 3140 was included as part of the 1997 Defense Authorization Act. The section would accomplish three main objectives aimed at streamlining the DOE management structure and addressing the concerns raised in these numerous reports. These objectives include: Establishing a clear and streamlined reporting channel between the Assistant Secretary of Energy for Defense Programs and the area offices of the four production sites, three labs and the Nevada test site. The direct reporting channel applies only to site operations matters within the context of the site's security function. Site operations matters are defined to include budget, personnel and procurement matters.

Requiring the Secretary of Energy to report to Congress on how to further reorganize field activities and management of the national security functions of the Department of Energy. The plan must identify all significant functions presently performed by the operations offices relating to any of the facilities and laboratories covered by this section and which of these functions could be performed: (1) by the area offices of the Department of Energy located at the facilities and laboratories; or (2) by the Assistant Secretary of Energy for Defense Programs. The plan must also recommend and address other internal streamlining and reorganization initiatives that the Department of Energy could pursue.

Establishing a Defense Programs Management Council to advise the Secretary on policy matters, operational concerns, strategic planning, and development of priorities relating to the Department's national security functions. The Council shall be composed of the directors of the four production sites, the three labs, and the Nevada test site and shall report directly to the Assistant Secretary for Defense Programs. The Council shall be operated and staffed by the Assistant Secretary for Defense Programs through resources available to the Office of the Secretary of Energy.

Section 3140 would apply to the following facilities and laboratories of the Department of Energy: the Kansas City plant, Kansas City, MO, the Pantex plant, Amarillo, TX; the Y–12 plant, Oak Ridge, TN, the Savannah River site, Aiken, SC; the Los Alamos National Laboratory, Los Alamos, NM; the Sandia National Laboratory, Albuquerque, NM; the Lawrence

Livermore National Laboratory, Livermore, CA; the Nevada test site, Nevada.

The provision in this appropriation bill pertains to section 3140 requires that the Secretary of Energy "develop a plan to reorganize the field activities and management of the national security functions of the Department of Energy." I have been assured by officials within the Department of Energy that they recognize the seriousness of the problem, and they will conduct a serious study in response to this provision and that they will take action.

Therefore, I support the conference report. I will, however, closely follow the actions of the DOE to ensure that the safety of workers and civilians are protected, that taxpayer dollars are used wisely and efficiently, and that the security of the country is protected.

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. LATOURETTE). Is the gentleman opposed to the conference report?

Mr. OBEY. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 383, nays 29, not voting 21, as follows:

[Roll No. 413]

YEAS—383

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—29

Burton
Chabot
Cooley
Davis
DeFazio
Ensign
Gekas
Hilleary
Holden
Johnson, Sam
Johnston
Klug
McHale
Moran
Morella
Neumann
Obey
Oxley
Petri
Ramstad
Reed
Roemer
Royce
Sanford
Schroeder
Sensenbrenner
Shays
Stearns
Stockman

NOT VOTING—21

Bass
Brown (CA)
Bryant (TX)
Clay
Clinger
de la Garza
Dooley
Flake
Ganske
Hayes
Heineman
Lincoln
McNulty
Meyers
Payne (NJ)
Richardson
Ros-Lehtinen
Scott
Smith (TX)
Stokes
Zeliff

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Messrs. PETRI, SHAYS, and BURTON of Indiana changed their vote from "yea" to "nay."

Mrs. MALONEY, Mrs. LOWEY, and Mr. SCHUMER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, due to unavoidable circumstances, I was unable to vote on House rollcall vote No. 413, the conference report on energy and water appropriations for fiscal year 1997.

Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, on Thursday, September 12, 1996, the House voted on the conference report to the fiscal year 1997 Energy and Water Appropriations Act.

I was unable to cast my vote on the conference report as I was granted an official leave of absence from House proceedings on September 12. Had I been present, I would have voted "aye" on rollcall 413.

EXTENDING MOST-FAVORED-NATION TREATMENT TO CAMBODIA

Mr. CRANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1642) to extend nondiscriminatory treatment—most-favored-nation treatment—to the products of Cambodia, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) despite recent increases in acts of repression by the Cambodian Government and growing government corruption that has contributed to substantial environmental degradation, Cambodia has made some progress towards democratic rule after 20 years of undemocratic regimes and civil war, and is striving to rebuild its market economy;

(2) extension of unconditional most-favored-nation treatment would assist Cambodia in developing its economy based on free market principles and becoming competitive in the global marketplace;

(3) establishing normal commercial relations on a reciprocal basis with Cambodia will promote United States exports to the rapidly growing Southeast Asian region and expand opportunities for United States business and investment in the Cambodian economy; and

(4) expanding bilateral trade relations that includes a commercial agreement may promote further progress by Cambodia on human rights and democratic rule and assist Cambodia in adopting regional and world trading rules and principles.

SEC. 2. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF CAMBODIA.

(a) HARMONIZED TARIFF SCHEDULE AMENDMENT.—General note 3(b) of the Harmonized Tariff Schedule of the United States is amended by striking "Kampuchea".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the effective date of a notice published in the Federal Register by the United States Trade Representative that a trade agreement obligating reciprocal most-favored-nation treatment between Cambodia and the United States has entered into force.

SEC. 3. REPORT TO CONGRESS.

The President shall submit to the Congress, not later than 18 months after the date of the enactment of this Act, a report on the trade relations between the United States and Cambodia pursuant to the trade agreement described in section 2(b).

Mr. CRANE (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. (Mr. LATOURETTE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Illinois?

Mr. RANGEL. Mr. Speaker, reserving the right to object, I have discussed this with the chairman of the Subcommittee on Trade, it is a noncontroversial addition that has been placed on it by the Senate, and I do not object.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. Further reserving the right to object, I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, I thank the ranking minority member of our distinguished trade subcommittee for his comments and would remind colleagues that this already cleared the House on a bipartisan basis. The only thing that the Senate did was modify the House language in a specific way noting that Cambodia has made progress toward democratic rule and is striving to rebuild its economy. The amendment finds that expanding our bilateral trade relations may promote further progress by Cambodia on human rights and democracy and may assist that country in adopting regional and world trading principles. Given its progress already, I would urge my colleagues to support passage of this important legislation.

Mr. RANGEL. Mr. Speaker, I support the gentleman from Illinois, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1642.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, to inquire of the schedule for the remainder of the week and next week.

Before I yield, I would like to pose a question as well to the leader. We on this side of the aisle have repeatedly requested that you schedule a vote on House Resolution 288, a resolution commending the U.S. Armed Forces for carrying out the military mission in Iraq.

As you know, the Senate passed this resolution by a vote of 96 to 1 on September 5. I do not note that it is scheduled for the week. I do not believe it has been scheduled for next week. We have heard from staff that it will not be scheduled. We believe that the House should act as we traditionally do after a military engagement. I think we should act, as the Senate has, to support our Armed Forces. That is really all the resolution does. I am once again asking if the leader would schedule a vote immediately on this important resolution.

Mr. Speaker, I yield to the majority leader for any response he wants to give.

Mr. ARMEY. I thank the gentleman for yielding. I do not know whether the two gentlemen, the gentleman from Pennsylvania and the gentleman from California, would prefer that I let you have your colloquy and then we go to the schedule.

Mr. FAZIO of California. This is related to the schedule if the gentleman has any response. Otherwise I could yield to the gentleman from Pennsylvania.

Mr. ARMEY. It seems that I might be able to more neatly conduct my business of announcing the schedule. If the two of you gentlemen want to have a bit of a colloquy, go ahead and have that first.

Mr. FAZIO of California. I would be interested in whatever comment the gentleman from Pennsylvania, a member of the Committee on Armed Services, has.

Mr. WELDON of Pennsylvania. I thank my colleague and friend for yielding.

Mr. Speaker, as a senior member of the Committee on National Security and chair of one of the subcommittees, I understand the gentleman's concern about having a vote on this floor and very frankly I agree with him, but I have a great deal of concern with the Senate resolution in light of the actions that have taken place over the past several days. In fact, in a recently adjourned House Committee on National Security meeting where I asked Chairman FLOYD SPENCE if he or Vice Chairman RON DELLUMS have been briefed on what is occurring now, they both replied no. I questioned the chairman of the Committee on International Relations, BEN GILMAN, and he has not been briefed. Chairman LIVINGSTON has not been briefed.

We have a President announcing that we are sending F-117 planes to the base in Kuwait because we cannot base them in Saudi Arabia and now Saddam Hussein is saying by basing them in Kuwait, that is in fact Kuwait declaring an act of war against Iraq.

These are situations that require under the War Powers Act this body to be consulted with. That, in fact, is not taking place. In face the U.N. resolution which authorizes us there in the first place in fact requires this President to abide by that resolution.

To my dear friend and colleague, I say we have to have a vote but not on the Senate resolution. This body needs to vote on whether or not we support this President and what he is doing with our troops right now. I am going to demand that next week and I will be glad to support my colleague but not with a Senate resolution and giving this President the authority to put our people in harm's way with no plan. That is my question to my friend.

Mr. FAZIO of California. Reclaiming my time, Mr. Speaker, I wonder if the leader would want to associate himself with the position taken by the Member in the well.

Mr. ARMEY. If the gentleman will yield further, let me, Mr. Speaker, just predicate my remarks on the schedule by responding to the gentleman from California.

If the gentleman from California will continue to yield, it is very clear, it seems to most of us, that current events have outpaced the resolution on Iraq passed by the Senate last week. It is not likely that the House will bring the resolution passed last week up for a vote. While I say that, let me say, Mr. Speaker, that I am sure I speak for every Member of this body when I say the House of Representatives stands in support of our men and women in uniform everywhere they may be stationed in the world and that our support for men and women in this area of the world is of particular interest to us today.

Having made those comments, I would just say that the leadership has not had brought to its attention from any of the relevant committees in the House that might initiate a resolution related to current events in Iraq, a resolution that they would have us to bring to the floor.

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At this point, we have nothing in leadership under consideration to bring to the floor on that subject.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, and I appreciate the candid response, it seems to me totally inappropriate for us to allow events that may be taking place even as we speak to get in the way of an effort to resolve as a group, bipartisanly, that we want to support the American men and women who are engaged in this conflict. It seems to me that is a minimum thing.

We may want to talk about other aspects of this. We are in the middle of a political campaign. But this is a bottom line request, and I know the leader has brought other matters to the floor without a direct committee jurisdiction. So I guess I would still hope that he would reconsider that decision, let us get this behind us, and move on to other issues.

I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I find it incredible that we might stall a vote for support of our troops that may or may not be in harm's way, but are clearly flying at this time missions of risk, and we would stall that based upon whether or not Saddam Hussein believes this is an act of war because we have moved some military hardware and perhaps some troops into a country that has already been attacked and assaulted and invaded by Saddam Hussein in the past, and he has built up military assets on their border.

So now it is Saddam Hussein's characterization of what this President has done that may or may not dictate whether or not we are going to provide a congressional resolution of support for our troops. It is just ludicrous that we would be in that situation.

Mr. ARMEY. Mr. Speaker, if the gentleman from California would yield further, I would like to make one statement related to this question and then get on with announcing the schedule. Let me just say to the gentleman from California, when the President of the United States, the Commander in Chief of the Armed Forces, determines that he wants to commit American men and woman and American military resources to a field of action, it is in my judgment appropriate that the President of the United States would share information with the appropriate Members of the Congress in committee positions and in leadership positions on both sides of the aisle, on both ends of the building. Only after Congress is fully and completely briefed by the administration regarding the actions that they have underway and the consequences of those actions as things are playing out on the ground, should Congress then take it upon itself to move forward with a resolution saying something about the position Congress takes on that action.

But I must say, in all candor, it would be very premature for this body to bring forward a resolution about these actions in Iraq at a time when this body has not yet had any briefing by the administration regarding what exactly it is they are doing in Iraq. I personally would not want to, as a Member of this Congress, vote on a resolution that involves American men and women and American materials committed to a field of conflict, with no more knowledge about what is happening on that than what it is I read in the newspapers.

So I would suggest that if the administration would like a resolution from this body, the administration might initiate efforts to brief this body on what actions are being taken.

Mr. FAZIO of California. Reclaiming my time, I would simply say, before briefly yielding to my friend from New York, that the Senate voted 96 to 1 to support the troops. That is all we are talking about. We are not talking about the need for better consultation or any further action that the committees of jurisdiction may want to take. We are simply saying that we ought to be together as a country in support of our men and women. This is not in support of every aspect of this involvement that we have once again been forced to take up in Iraq.

I yield briefly to my friend from New York, Mr. ENGEL, for whatever comment he may wish to make, a member of the Committee on International Relations.

Mr. ENGEL. Mr. Speaker, let me say, with all due respect to the majority leader, I do not think our being briefed has one thing to do with congressional support for our men and women who are putting their lives on the line. Whether or not we feel we have been briefed, I have something here where we had a briefing by the State Department. There have been several other briefings. I think we should just support our men and women over there. I think it is very, very clear, unfortunately, that the Republicans here are playing politics, and frankly want to embarrass the President as much as possible.

Mr. ARMEY. If the gentleman from California would yield further, under regular order, I think it is appropriate at this time for us to announce the schedule on behalf of the Members, and then perhaps the gentlemen so gathered here on the floor would like to come together in a special order to have this very broad-based debate.

I might say to the gentleman from California, first of all, it is not appropriate for us to take up a resolution passed by the other body. That is a resolution of the other body. I might then further say that I am sure the gentleman from California would agree with me that the support that each and every Member of this body gives to our men and women in the field is so profoundly known and stated that it hardly needs a formal vote on a resolution.

That being the case, I think this body in all prudence should await any action taken, by way of any statement from which any inference could be drawn related to the action currently under way in Iraq, until the President and the administration brief Members of this body about what exactly is being done.

Mr. FAZIO of California. At this point I will yield to the gentleman for whatever comments he may wish to make on the schedule.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, the House has finished its legislative business for the week. The House will next meet at 12 o'clock noon on Monday, September 16, for a pro forma session. Of course, there will be no legislative business and no votes on that day.

On Tuesday, September 17, the House will meet at 12:30 p.m. for morning hour and at 2 o'clock p.m. to consider a number of bills under suspension of the rules. We will distribute a list of suspensions to all Members' offices as soon as it is ready. Any recorded votes ordered on the suspensions will be postponed until 5 o'clock p.m. on Tuesday next.

Mr. Speaker, on Wednesday we hope to take up H.R. 1858, the Regulatory Burden Relief Act, which will be subject to a rule. We also expect a number of conference reports will be ready next week, including H.R. 3675, the Department of Transportation Appropriations Act; H.R. 3610, the Department of Defense Appropriations Act; H.R. 3666, VA-HUD Appropriations; H.R. 2202, the Immigration and Nationality Act; and H.R. 3005, the Securities Amendments of 1996.

The House may also consider a fiscal year 1997 omnibus appropriations bill next week.

We will conclude legislative business by 2 o'clock p.m. on Friday, September 20, and I do thank the gentleman for yielding me this time.

Mr. FAZIO of California. Mr. Speaker, if I could reclaim my time, I have a couple of questions. Is it likely that we would have votes only Friday, September 20, or would it be possible we would end up, as recently, not being in on Friday?

Mr. ARMEY. I thank the gentleman for that inquiry, and if the gentleman will yield further, we try to accommodate to the Members as much as we can. I think in all realistic projections, we should expect these conference reports to really be coming out of the various conferences next week, and I think realistically we should all anticipate we will in fact be here on Friday finishing up these conference reports.

We are all anxious to complete the year's business and move to sine die, and I have, as the song says, high hopes that these conference reports will be coming to the body in such numbers that we should project our being here on Friday.

Mr. FAZIO of California. If the gentleman would allow me to reclaim my time, is it possible we would have no votes on Wednesday before noon? Is that likely to be the case?

Mr. ARMEY. At this point I would expect we would have votes after 5 on Tuesday.

Mr. FAZIO of California. We ought to be prepared on Wednesday for votes in the morning.

Mr. ARMEY. It is my hope we will work long and hard cleaning up and passing conference reports next week, and keep ourselves busy until that 2 o'clock departure time.

Mr. FAZIO of California. Mr. Speaker, I have a question regarding the Regulatory Burden Relief Act. I know the gentleman from Iowa, the chairman of the Committee on Banking and Financial Services, has a thankless task in trying to put together the right mix of policies to try to get something that could be supported on the Floor.

Is it possible that the minority could be informed about what the rule consideration will be in terms of getting amendments to the Committee on Rules by a given time? Are we going to be taking it up on Tuesday? Is there going to be ample opportunity to amend that legislation on the floor? Will that come under a closed rule, or on suspension?

Mr. ARMEY. Again, I thank the gentleman for that inquiry. The Committee on Rules is discussing bringing that up on Tuesday. If the gentleman would accept, I think what we perhaps can best proceed at this time by having the gentleman from New York [Mr. SOLOMON] and the gentleman from Massachusetts [Mr. MOAKLEY] conclude their discussions about their planning for the committee, and then we will make every effort in conjunction with the committee to see that all members are notified of the meeting time and try to accommodate any efforts to bring amendment requests before the committee.

Mr. FAZIO of California. Mr. Speaker, let me yield to my friend, the gentleman from Montana [Mr. WILLIAMS], for any question he may have.

Mr. WILLIAMS. Mr. Speaker, I have no questions. If the minority leader is completed with the schedule, I would ask my friend to yield to continue the dialog which was preceding prior to the announcement of the schedule.

Mr. ARMEY. If the gentleman from California would yield further, if it is in order, I would like to make my unanimous consent requests, and then, if in fact it is the will of the Chair to let the gentleman continue in this in order for the other Members to make their discourse, I actually have other things on my schedule I would like to do.

The SPEAKER pro tempore (Mr. LATOURETTE). The time of the gentleman from California has expired.

PARLIAMENTARY INQUIRY

Mr. FAZIO of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FAZIO of California. Mr. Speaker, would it be possible for the majority leader to pose a unanimous-consent request that the item which has been discussed here be continued for half an hour, since several Members seem to want to be heard?

The SPEAKER pro tempore. Members may seek 1-minute recognition before special orders.

Mr. ARMEY. Mr. Speaker, the gentleman from California [Mr. DORNAN] apparently has the first special order and indicated he would be happy to make time available for Members who want to make comments on this.

ADJOURNMENT TO MONDAY, SEPTEMBER 16, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 17, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 16, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, September 17, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with no Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests at this point.

VIOLATING AN AMERICAN TRADITION

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, I would remind my colleagues and all elected Federal officials, as well as candidates for President and Vice President, that the United States has a long and valued tradition of ending politics at the water's edge.

I have served in this body under a number of administrations, including those of former President Reagan and Bush. Under both Presidents, this country was involved in contentious controversial military matters, but always and without exception the leadership on both sides of the aisle supported those Republican Presidents' military actions overseas.

Speaker Tip O'Neill supported Ronald Reagan's actions, even when he disagreed with them, for example in Lebanon. Speaker Jim Wright supported the actions of his President. Speaker Tom Foley supported the actions of his President.

We are coming perilously close in this Congress and in the Presidential campaigns to violating that valued American tradition.

PRESIDENT GOING BEYOND MANDATES OF U.N. RESOLUTION

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I am outraged at what is currently happening here—comments being made.

First of all, there is no Member of this body who does not fully support our troops. Let us make that statement known up front. In fact we on this side have restored $8 billion of cuts that this administration made to support those troops.

What is happening right now is that this President is going beyond the mandates of the U.N. resolution, which do not give the United States unilateral authority to go in and take action in Iraq. There is no provision in there for unilateral action. The allies are not behind us, as President Bush had when he went in there in the first place. In fact, Saudi Arabia is now considering denying us basing rights for the F-117's.

□ 1215

We know nothing about what is occurring. As a senior member of the Committee on National Security, I asked our chairman, who has not been briefed, about what is occurring, and we are about to send our young pilots into harm's way with no plan, no functionary understanding for us in this Congress about what the ultimate game plan is.

The War Powers Act requires this President to consult with us, and we in this institution should demand that take place.

If anyone wants to charge politics, I would say the politics is this administration rushing to send our troops into harm's way with no justifiable situation that merits that action.

STOP PLAYING POLITICS AND SUPPORT OUR TROOPS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I would say to my colleague from Pennsylvania if this is not politics being played, I do not know what it is.

We can have all the briefings we want, the fact of the matter is the support for our men and women ought to be forthcoming and it ought to be done the way the Senate did, passed it virtually unanimously. We ought to stop playing politics and support our troops. We ought to support our men and women. We ought not to let Saddam Hussein control the situation.

Quite frankly, as someone who supported President Bush when it came to the Persian Gulf War, if President Bush had done what he should have done and removed Saddam Hussein we would not be in the position we are right now.

So I think that we ought to stand behind our President. We ought to stand behind our men and women. We ought to not play politics just because there is an election coming up 6 weeks from now.

We ought to do what is right. We ought to do what the Senate did, and we ought to pass some kind of resolution supporting our men and women. The fact that we have been briefed or have not been briefed or have not been briefed enough is totally irrelevant. The fact is we should be supporting our President in a bipartisan fashion the way Congress has always done and support our men and women.

CONSULTATION IS IMPORTANT

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, if the gentleman from Pennsylvania [Mr. WELDON] wants to stand tight, I will yield him some time, even though it is only a minute.

I am going to do a one-hour special order on supporting the troops. I am wearing the pin, air force fighter pilot here is wearing the pin of the First Armored Division, which is not an armored division anymore. It is now light infantry in Bosnia, because all our tanks are up in Germany. And that was done without total consultation with this House.

Consultation is important. I served 3 weeks while Jerry Ford was President, 4 years of Carter, 8 years of Reagan, 4 years of Bush, and even though the timing was not timely sometimes, always there was consultation with the gang of 8: the two Intelligence Committee chairmen, the 2 Armed Services Committee chairmen, the 2 Foreign Affairs or International Relations chairmen.

This is just God awful what is happening here. And everybody in uniform knows this chairman supports them, so I do not have to apologize for that.

I demand constitutional authority of this House over men and women going into combat. And the minimum we should get is what we have had ever since World War II: consultation. That is what crossing the beach means: full support with the elected Senators and Representatives of the men and women in uniform; being consulted in this Chamber.

CONGRESS NEEDS TO BE INFORMED

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I want to just echo the remarks of the gentleman from California and the gentleman from Pennsylvania that have just gotten up here and talked about.

I would say to my friend from New York there has never been anybody in this House in the year and 9 months I have been here who has supported our troops more than I have. I have given them my full support in Bosnia, over an operation which I did not particularly agree with, but I supported the men and women once they were there.

We are on the brink right now of potentially another Operation Desert Storm, but yet nobody in this House has any idea what is going on.

I just left a national security meeting 30 minutes ago, in which the gentleman from Pennsylvania [Mr. WELDON] made the comment, he said does anybody on either side of the aisle have any information about exactly what is going on in Iraq right now.

Nobody, nobody has any idea, and yet we are asked to stand up here and take action to fund operations we know nothing about, to support operations we know nothing about.

I think it is unfair. It is un-American. This body deserves to know. I implore the President to inform us, to let us know what is going on.

TRIBUTE TO MARTI MORGAN

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I come before the House for just one moment to announce the passing of one of our staffers, a dear friend, Martha B. Morgan, affectionately known as Marti Morgan, who I had the great pleasure and honor of working with on the Committee on Government Operations, which is now the Committee on Government Reform and Oversight.

Marti was a professional staffer. She was from New Mexico, I believe, and she sat behind me for several years on the Government Reform Subcommittee with the gentleman from New York [Mr. TOWNS] and others, and she was truly one of those unsung heroes of this Chamber and of this Congress.

She worked so hard. On the minority side we had very few staff members on the Committee on Government Reform and Oversight, so she used to have to do double duty. But she was always there and did a great job and I appreciated her service so much to me and to our committee and to our subcommittee.

And then she joined the majority, as I did, and we cut the staff dramatically, eliminated many positions, so our staffers had to work even harder. But she was one of those people who cared about this Congress and who cared about this country and whose efforts will be missed.

I just want to wish Marti's family my sympathy, express the sympathy on behalf of our committee and the subcommittee and this Congress to her family and remember her in this hour.

THE CHURCH INSURANCE PROTECTION ACT

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise today to remind this House of the continuing threat to our Nation's sacred houses of worship.

Reverend J. Linzie Whitmill recently contacted me to say that his insurance company is threatening to cancel his church's fire protection policy. Mr. Speaker, Reverend Whitmill and his congregation have not been negligent in minimizing the risk of fire, nor have they been negligent in paying their insurance premiums.

How then is it that this model insurance client is facing cancellation of the insurance that provides his congregation financial and emotional security and peace of mind? Apparently, the insurance company feels threatened by the recent plague of church arson. This injustice must be stopped.

Before we adjourn, I urge this Congress to approve H.R. 3830, the Church Insurance Protection Act [CIPA] to guarantee insurance protection for our churches. America's churches cannot wait until next year for passage of this bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COOLEY of Oregon). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEMBERS SHOULD LEARN THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, we have seen a good deal of hand-wringing and posturing these past few days on this floor and in the editorial pages of our Nation's major and minor newspapers about the ethics process. I guess that is to be expected, given that we are deep into the blatant partisan election-year politicking that often overtakes us every 2 years. And I suppose I should not be surprised that editorial writers have not studied the rule book of the Committee on Standards of Official Conduct or of this House, and, therefore, often write pieces that misstate or confuse facts.

But I do expect more from Members of this institution, all of whom are bound by the rules of this House and all of whom have an obligation to improve in its credibility, not attempt to tear it further down.

The fact is, however, that many of my friends on the other side of the aisle seem not to have read and understood the rules of the Committee on Standards of Official Conduct as prescribed in this little blue book. These rules clearly state that we on the Committee on Standards of Official Conduct are not permitted to do what my friends are so desperately trying to get us to do, and that is release information before our process is complete.

Now, I have said before and I say again that I have long believed that the current process, as prescribed by the rules in this little blue book and our House rules, this process is in serious need of review and reform, and that is happening. But the last time we implemented major changes was in 1989, and most observers, as well as most Members, I think, believe that it is time to do more.

I have been saying that for years, and I have been trying to advance constructive proposals for reform of this process through the Committee on Rules, which is the proper venue for these discussions. But I have been blocked in that effort on the Committee on Rules by some of the very people who are now so vigorously urging our committee to ignore our rules.

So on the one hand they seem to be complaining about the constraints of our current rules, while on the other hand they refuse to allow us on the Committee on Rules to plan for changes in the process so we do not fall into these same problems in the next Congress.

Mr. Speaker, my dear friend from Colorado, Mrs. SCHROEDER, inserted some remarks into Tuesday's RECORD, calling on me to resign my current position on the Committee on Standards of Official Conduct. I would suggest to her, in good nature, that I would like nothing more than to relinquish my post on that committee. I could say it the other way, and do the Brer Rabbit and say, "Oh, please, don't fire me from the committee; don't throw me into that briar patch," but the truth is I have served my time there and I would love to move on.

As all Members know, serving there is a difficult and very thankless task. It is no fun, it is extremely hard work, but, again, I am constrained by the very rules of the committee and by my obligation to faithfully discharge my duty to this House, and I will do that.

I would say to the gentlewoman from Colorado [Mrs. SCHROEDER], and to all my colleagues who have lambasted our committee in recent days, join me in my attempt to get real reform of the ethics process for the next Congress.

For instance, I have proposed changes to the process that would help to address the problem we seem to be having, where Members of this House, perhaps because they have not read or do not fully understand the committee's current rules, make statements that are misleading and confusing to other Members, and to the public, and to the media.

My proposal would make all Members eligible to serve on the ethics panel, similar to a jury approach, where anyone could be called as needed at any time perhaps. Perhaps, then, Members would pay more attention to the rules.

This type of reform would, I think, ensure that Members become more familiar with the rules and procedures of that committee, which are important, and since they too could be called upon to serve duty there in the future. In that case, then, perhaps they would be a little less likely to excoriate their colleagues who are currently doing the heavy lifting on that committee.

I have other ideas, all of which are included in House Resolution 346, and I invite my colleagues to look at the proposal and add others to it, and to bring forward ideas of their own, so that we can have the best possible reform of the ethics process.

We have an opportunity to turn all the partisan rancor into a positive force for change, and I hope we do not let that opportunity pass us by. The purpose of the ethics committee is to build a credibility of the institution. When we abuse the rules, we detract from the credibility of the institution and that does no Member or the institution any good.

□ 1230

THE CLINTON ADMINISTRATION AND THE WAR ON DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House once again, I intent to come before the House as many times as it takes, to see what we can do as a Congress, as a Nation, as parents, as concerned citizens to see how we can stem the drug epidemic in this country. I cannot think of any greater failure of an administration in my lifetime then the failure of this current administration in addressing and in fact ignoring the problem of drug abuse and drug misuse.

It is a very documentable history. It is a story that began in 1992, and we see the results today in our communities and our streets and our schools and in our homes. What is interesting to note with this chart that I brought here today is the use of illegal drugs and the history of our efforts in that war on drugs.

In 1980, we see where President Reagan took over and said, just say no. And his wife, Nancy Reagan, said, just say no, and provided the leadership to this Nation and to our young people and said, drugs are the wrong way to go. We see the chart from 1980 going down and then we see President Bush and Mrs. Bush, and they continued that policy of just say no, that drugs will destroy lives and drugs will destroy our young people.

Then we see 1992, and the latest statistics are absolutely astounding. We see 1992, when President Clinton took office and he first fired the drug czar. Then he hired Joycelyn Elders, our chief health officer for this Nation, who said, just say maybe, maybe take drugs, kids.

Then we saw the destruction of our interdiction program to stop in a most cost-effective manner drugs at their source. Then finally, in the insult to the highest office in this land, we saw the White House failing to curtail the employment of people with admitted recent drug use and drug abuse histories, which just startled me as a member of the committee that investigated that matter. So this is what we see, this is what they did, and this is what we get.

Take this second chart, if you would, teen drug use. These statistics should shock every Member of Congress and every parent and every person in the media, the rampant increase in drug use by our teenagers, 12 to 17 years old. I repeated this yesterday, drug use up 78 percent, marijuana use, not the kind of marijuana of the 1960's and the 1970's, we are talking about more potent, more brain destructive, more gene destructive marijuana than kids have ever used before, up 105 percent. LSD use, 105 percent, cocaine, 166 percent increase.

This is among our teenagers. So we see why we have 1.6 million of our Americans in jail, 70 percent of them in jail because of drug-related incidents. We see why we have honest citizens and senior citizens and Americans living behind bars in fear, afraid to go out at night, afraid to go out of their home because we have created this situation.

Mr. Speaker, this is the problem, and what are we doing about it? As part of this new majority, as someone who called on the previous Congress to look at the situation and do something and examine it and restore drug interdiction, we are doing something. Today we are meeting and there are hearings on restoring our Coast Guard effort. Today we are working in the appropriations measures that are before this Congress to restore our military effort to stop drugs in a cost-effective manner at their source. We are going to restore also our efforts with our Drug Enforcement Agency that were proposed for slashing by this administration, not by this new majority.

So, Mr. Speaker, it takes leadership. It takes leadership from the White House. It takes leadership from the Congress. We must set the standard. We cannot lower the standard. We cannot have a White House or a President that in fact lower the standards for our young people because this is the results we get. This is a headline that every American should see, every American should see that.

ETHICS COMMITTEE INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, just a few moments ago, a member of the House Ethics Committee from Florida came and spoke about the rules of that committee. Earlier today we had a discussion on this floor. In fact, we were prevented from having a discussion about whether or not that committee should release a report that is currently before it with respect to the activities of Speaker GINGRICH and the tax laws of this country and the misuse of nonprofit charitable foundations in political campaigns.

The Speaker said that apparently they could not release the report, and the chairman of that committee has said they cannot release that report, that the rules do not allow for it.

I would refer them to the rules of the House which have been mimicked in the rules of the committee. It said, no information or testimony received—

POINT OF ORDER

Mr. WELDON of Pennsylvania. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman from Pennsylvania will state his point of order.

Mr. WELDON of Pennsylvania. Mr. Speaker, my point of order is, the gentleman is proceeding out of order. This is a matter before the Ethics Committee. The gentleman knows the rules of this body.

Mr. MILLER of California. Mr. Speaker, if I may be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, the previous speaker from Florida got up and was talking about his initiative to reform the rules of the House Ethics Committee and stated about whether or not a report could be released or information can be released. I am differing with the gentleman with respect to that statement and the statement of the rules of the House. I believe the rules of the Ethics Committee are not a matter before the committee.

The SPEAKER pro tempore. The Chair will remind Members to refrain from discussing specific official conduct cases.

The gentleman from California [Mr. MILLER] may proceed in order.

Mr. MILLER of California. The point being this, if I can finish reading this section: That no information or testimony received or the contents of a complaint or the fact of a finding, of a filing shall be publicly disclosed by any committee or staff member unless, unless specifically authorized in each instance by a vote of the full committee. The point being this: Any report that is before the committee on House ethics at any time can be released by a vote of that committee. Should the committee choose not to vote, that report will continue to be secret. If the committee shall choose to vote, that report will become public both to the Members of this House and to the Members of the public in general.

This issue, this issue about the committee's ability to release or not release a report is not one of first impression before this Congress. It was raised in 1988 in the matter regarding Speaker Jim Wright. At that time Congressman NEWT GINGRICH, not then-Speaker but now-Speaker, Congressman NEWT GINGRICH wrote to the gentleman from California, JULIAN DIXON, then chairman of the Ethics Committee, and said to him that he believed that it was absolutely essential that all 435 Members of this House have access to the reports and to information.

He went on to list, I believe, eight or nine criteria in that letter that he believed should be invoked, the most important of which have not been currently done in this session of the Congress. That is that any special or independent counsel appointed by the Ethics Committee shall have the ability to conduct a free and full investigation, that the committee shall in no way hamper that, the committee shall only cooperate, and that that special counsel shall have the discretion from time to time to make a decision to release information or to make public statements.

Speaker GINGRICH in 1988 said he had serious concerns about whether or not the Ethics Committee was engaging in that fashion, asked for the release of the report on Speaker Wright before the subcommittee had a chance to fully consider it or the full committee and all, all relevant documents, transcripts, statements, interviews of any witnesses before that committee.

Now we find that in fact we are told that we cannot adhere to what has been the policy of the Ethics Committee from its inception on a bipartisan basis to deliver to this Congress and to the people of this country a report on ethical charges by any Member against any other Member, by members of the public against Members, an unbiased report.

The problem that we have today is the problem that we had in 1988. Again, that problem was recognized by Speaker GINGRICH when he stated that it was simply untenable for the American public to believe and for Members of this House to believe that we could have a free and open and fair investigation of the most powerful Member of this House, the Speaker of the House of Representatives, by the Ethics Committee, and there should be in place at all times a free and fair investigation by an independent and special counsel.

SITUATION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to continue the dialog that we started before the House went into special orders regarding the current situation in Iraq.

As a senior member of Committee on National Security and chairman of Subcommittee on Military Research and Development, I take great pride in supporting our troops in all possible ways. I supported the President when he initially went in to take action in Iraq because I had an idea of what was occurring. In fact, I sat through a briefing a week ago that, I might add, was attended by less than 100 of my colleagues, where we were briefed by the State Department and the military on what was happening. Unfortunately, the briefing, which was closed, did not tell me much more than that as reported by CNN and the national news media.

My concern is right now, Mr. Speaker, that we are reading reports that the President, in his position as Commander in Chief, is now escalating that. First, we have seen additional shots of cruise missiles. Now we are hearing that F-117's are being transferred to the theater. We are hearing that those F-117's may be based in Kuwait, partly because the Saudis are saying they do not want to have them based in their country. We are furthermore hearing that Saddam, in fact, has considered Kuwait's action, in allowing the basing to take place there, an act of aggression against Iraq.

Mr. Speaker, we may want to, in fact, support all of this. But the point is that the President is doing this unilaterally. There, in fact, has been no consultation with this body.

My colleagues on the other side raised the issue of how they supported President Bush during Desert Storm. In fact, I went back and checked the CONGRESSIONAL RECORD. Two of the three speakers who stood up just a few short moments ago actually voted against President Bush's involvement of our troops. That is OK, because they should have that right to speak their mind. But we are not being given the opportunity to even understand what is going on, let alone vote to put our troops into harm's way.

Right now we are sending young troops and 117's over to the Middle East and no one has been briefed. The chairman of the Committee on International Relations, the chairman of the Committee on National Security, the chairman of the Committee on Appropriations, even the majority leader has told me he has not been given a briefing as to what is going on. This, Mr. Speaker, is unacceptable. We need to know what is going on because we are putting our troops in a situation this weekend that could result in actions, hostile actions against our people.

I, for one, as a representative of 600,000 constituents, I want to know what, in fact, my constituents are being subjected to in terms of this President's operations.

□ 1245

Mr. Speaker, that has not been done. I yield to my friend.

Mr. CHAMBLISS. I know the gentleman was a Member of this body back with events leading, where at the time events leading up to Desert Storm occurred. Can you tell us that President Bush did at that time as far as informing the Members of this body what was going on?

Mr. WELDON of Pennsylvania. The gentleman raises an excellent point and one that we need to keep in mind. President Bush went to the United Nations six or seven consecutive times and had the United Nations pass very specific resolutions, and then he came to this body and allowed us to have a vote, and I might add, by the way, just for the record, that I checked the RECORD. The Speaker at the time, Mr. Foley, voted "no" against President Bush; the majority leader at the time, Mr. GEPHARDT, voted "no"; Mr. BONIOR voted "no"; all against the deployment and the support of our troops in the Middle East as requested by President Bush. But that is OK. They are allowed to do that.

My point is that we are not being given that opportunity. Who knows what this President is getting us into? We have no idea. We do not know. All we know is our allies are not supporting us except for Great Britain, and all we know is now even some of the Arab countries are having second thoughts about what unilateral actions we are taking. That to me, Mr. Speaker, is outrageous and should allow this body to have a vote.

Mr. Speaker, I am preparing right now today, and I would hope that our colleagues who are sitting in their offices, or their staff members, would call my office to support not only a letter asking what is going on but a resolution asking for the legal justification under the United Nations resolution that is very specific for us to take unilateral action, and also asking for the compliance with the War Powers Act. Why have not the leader of the Committee on National Security, why have not the bipartisan leaders of the Committee on International Affairs been consulted in the current plans for this weekend? Perhaps it is that we do not have any plans, or perhaps those plans have not been totally thought out.

We, in this body, whether a member of those appropriate committees or not, have the right and the responsibility to know what situations our troops are being placed into, and in my opinion based upon what I am seeing and hearing that, in fact, is not occurring.

This is an issue, Mr. Speaker, that is going to be on the minds of the American people this weekend because right now our kids who fly those F-117's are gassing them up and fueling them up for a 2-day flight to the Middle East. There is not one Member in this body who has any idea of what they are doing there. Are we going to be attacking specific targets? Do we know if there is backup support being provided? What is our exit plan? Is our goal to go in and get Saddam Hussein or to go in after chemical weapons facilities? What we are going after? No one knows.

Mr. Speaker, we demand some answers.

MAKING CLOUDS GO AWAY

The SPEAKER pro tempore. (Mr. COOLEY of Oregon). Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, Members of the House, this is a sad day for me as a Member of this body having served here 20 years. You know, last year when the ethics complaints were being filed against the Speaker, I characterized what is happening to this House as there was a great cloud over this House and we needed to remove that cloud. That cloud has not been removed; in fact, it has gotten darker. It has done more to harm the image of the U.S. House of Representatives than any actions that have been taken on legislation.

Even though their Contract With America would have cut Medicare, would have cut environmental protection, would have cut education, all to give tax cuts for the wealthy; that is bad enough. But what is going on today and has been going on with the Committee on Standards of Official Conduct and its coverup of what the Speaker of the House has done is shameful beyond any comprehension.

It is a sad day when Members of the House cannot even get a copy of the report that the special counsel has filed with the Committee on Standards of Official Conduct on just one of several, seven, complaints that have been filed against the Speaker. Only on one. They have not done anything on the others.

What is the gentlewoman from Connecticut doing? Well, she met with the floor leader the other day. She has had press conferences in Connecticut. But she will not tell us anything. In fact they met just yesterday. Why did they not release the report?

I am sure not one of the five Republican Members of that Committee on Standards of Official Conduct will ever vote to release that report. All they have to do is vote to release it and it comes out. You and the public, Members of the House, the media, everybody, will know what is in that report. They do not want you and I or anybody else to know what is in that report.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. Yes, and by the way, for the public's edification, no Democratic member of the Committee on Standards of Official Conduct can tell us what is in that report. The Committee on Standards of Official Conduct, as a body, has to release it. So we cannot find out from them—

Mrs. SCHROEDER. If the gentleman will yield, one of the things that troubled me was I believe they are now trying to say, "Oh, well, this is not a report."

Now I want to know what we spent $500,000 for, for a hundred pages of paper, and they think they can escape all the rules of this House by calling it something other than a report. It is a very—what was this? Just kind of a gift to someone to go put some papers together? I mean that does not make any sense to me at all.

Mr. VOLKMER. I say it is a huge waste of taxpayer's money to spend $500,000 to have a very good attorney to gather up all this evidence and give it to the committee, which the committee already had, and if it is not a report, then I do not know what it is, but it is their way of getting out of releasing it.

That is all it amounts to.

Ms. DELAURO. If the gentleman will yield? If I might, there is precedent here for what we are talking about. All you have to do is to go back a few years, and I just will read you two or three quotes, and I will let you guess who said them.

Now that report is secret. I do not know what is in it. I do not know of anybody other than the committee members and Mr. Phalen who know what is in it, except Mr. Wright's lawyer, and I think that that report and the backup documents have to be published.

That was the then-Congressman NEWT GINGRICH.

I cannot imagine going to the country, tell them we have got a $1.6 million report, and by the way there is nothing in it, but you cannot see it.

This is exactly what we are talking about.

Mr. VOLKMER. That is NEWT GINGRICH all over again.

Ms. DELAURO. Clearly that report is going to have to be published. That is right. The now-Speaker was right when he spoke in 1989. That report, it is a report by any other name is a report, ought to be published and the Members of this House ought to know what is in it. More importantly, the American public ought to know what is in it.

Mr. VOLKMER. That is correct. Good or bad, whatever. The public is entitled to know.

Mr. KLINK. If the gentleman will yield, our friend and colleague, the gentleman from Florida, PORTER GOSS, was on the floor a few moments ago, and he talked about the fact that the Committee on Standards of Official Conduct's investigation in the system was broken, and I would suggest to my colleagues on the other side of the aisle, let us fix it in a bipartisan manner. Let us not make a difference in this House of Representatives whether the Speaker is a Democrat or a Republican, he would be treated differently. I think we need to send some sunshine on this House to make those shadows and those clouds go away.

ANSWER OUR QUESTIONS, MR. PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. CHAMBLISS] is recognized for 5 minutes.

Mr. CHAMBLISS. Mr. Speaker, you know there is something going on here that I simply do not understand. A couple weeks ago when the President took the action that he took to counteract the action of Saddam Hussein and Iraq, I came out immediately in strong support of the action that the President took. I think the President did the right thing. There is not time in an emergency situation like that for the President to come to Congress and say, "Hey, this is going on, this is what I want to do, can I do it, should I do it?" That is his decision to make. He made that decision; the American people fully support that.

But now we are 2 weeks after the fact. We are 2 weeks into a crisis situation in the Middle Eastern part of this world, a very dangerous part of the world and a part of the world in which we already had sacrifices back 3 or 4 years ago. It is a part of the world that we have got to keep our pulse on, and what we are into now is the President of the United States again sending our young men and women into harm's way without coming to the Congress and saying after this 2-week period, "Ladies and gentleman of the Congress, this is what is going on, I need you to know this, and I need your input into this."

As I go home this weekend, I have 3 military bases in my district, I am going to be asked by men and women, not only military men and women, but civilian men and women, "Tell me about what is going on in Iraq."

I am going to say, "Hey, you pick up the Atlanta Journal, you pick up the Macon telegraph, you will find out what's going on, and you'll know just as much as I know."

There is something basically wrong about that.

The chairman of a very powerful subcommittee on the Committee on National Security got up a minute ago and said that he knows nothing about this. He is the gentleman that is responsible for the research and development of the weapons that are being sent to Iraq today. He has no idea whether what he has been working on for the last several years by being a member of the Committee on National Security is the right thing to do. He knows nothing, nobody in this Congress knows anything about what is going on.

I do not think we are asking a whole lot of the President to say, "Mr. President, please come to us and just tell us what's going on. Why are you sending our men and women into harm's way? What should we tell our constituents out there as to why we are supporting you?" And it is a very crucial question on a very crucial issue that I simply do not understand why we are not being advised on, and I yield to my friend from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my friend for yielding, and I commend him for his leadership on armed services issues. He has been one of our brightest stars on the committee this year, and we appreciate that.

The issue here, Mr. Speaker, is we supported I publicly supported, President Clinton when he said we were going to send our troops to take action because of the situation with the Kurds. But then, Mr. Speaker, we heard that the first strikes were not successful, that some of the cruise missiles were off by as much as 500 miles. We were not given a specific briefing on that. I sat through the limited briefing that occurred last week, but then a second wave of a attacks occurred, and we were told that was a mop-up operation.

By now, day by day, hour by hour, new information comes out, Mr. Speaker, that we have no idea what is going on. It is all from the news media that we are now sending 8 or 10 F-117's over, that we are redeploying some other troops, that we are now putting in Kuwait, that perhaps Saudi Arabia is not being as supportive as it was, that the whole coalition that was there initially in Desert Storm is falling apart, that we cannot get that kind of support because the action has not taken—we need to have those questions answered because these are our kids that this President is sending into harm's way.

And believe me, Mr. Speaker, if there are casualties over this weekend, we are going to demand to know why we were not consulted, and we are going to demand to know why we did not have compliance with the War Powers Act; why, in fact, we are going beyond the U.N. resolutions where unilaterally it looks like the United States alone is taking up this mission. These are questions that FLOYD SPENCE and RON DELLUMS and BEN GILMAN and LEE HAMILTON need to have answered and should have been briefed on.

But, Mr. Speaker, as of today, as the gentleman pointed out, less than an hour ago in an arms national security markup meeting when I asked the chairman very directly, "Mr. Chairman, have you at all been briefed on what is going on"; he said, "No, I will be coming out with a statement and a letter shortly, today or tomorrow, expressing my concern on this issue."

Mr. Speaker, we are talking about American kids. We are not talking about some far-off. We are talking about our kids that are now being put on alert status to be sent over into a hostile environment where we know this madman is out to get them, and if this President wants us to get behind him, then he better make that case to us.

We will support the troops, no doubt about that. The question is, will we support the President, and that remains to be seen based upon what the plan is. None of us know what the plan is. We read about it every day and not only hear about it from the news announcement by a man named McCurry. He is not the President of the United States, and he is not charged with the responsibility of briefing us.

HURRICANE FRAN

Mr. WISE. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. DORNAN. Mr. Speaker, reserving the right to object, and of course I will not object, I do not know what happened earlier where 1 minute was cut off for the Members of the minority. I was a minority Member for 18 years. I just think 1 minute and 5 minutes, and 60 minutes can go on all night, and I did not vote for that midnight cutoff. But I just wondered if we have a long series of 5 minutes who were not recorded or requesting a 5-minute speech today so I know how much time I have before my special order, because I am the first with a 60-minute special order today.

Could I inquire of my colleagues how many 5 minutes they are going to ask?

The SPEAKER pro tempore. The Chair cannot predict how many 5 minutes are going to be coming up. The Chair would intend to extend courtesy to all Members on the floor to request 5 minutes.

Mr. DORNAN. Well believe me, a robust, wide open, freewheeling debate in the world's greatest legislature, I will not object to any unanimous-consent request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia.

There was no objection.

□ 1300

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

CONCERNS REGARDING IRAQ

Mr. WISE. Mr. Speaker, I am going to speak about Hurricane Fran, but I want to take just a moment to address some of the concerns that have been addressed concerning Iraq.

I happen to be one of the most ardent supporters of the War Powers Act. I have been frustrated that Presidents of both parties have disregarded it in years past. Be that as it may, I think this situation that the President is in is difficult enough already.

I note with interest that a previous speaker talked about President Bush going to the United Nations six or seven times. That is true. There was a vote in Congress. That was over a 6-month period, as we slowly built troops up to a 500,000 person level.

In this case, we have surface-to-air missiles winging at our airplanes during the last couple of days. We have Saddam Hussein drawing direct provocations, lines in the sands. I do not remember, in the case of an immediate action, I do not remember President Bush or President Reagan coming to Congress to announce in advance the details of how they are going to invade Grenada, perform the air raid on Libya, or invade Panama, all actions which received bipartisan support. I suggest that may be the reason Congress has not received a full briefing today on the details about what probably will be upcoming military action in Iraq.

Later on, of course, there does need to be full explanation. I, too, watch with concern, as much as anyone else. I also know the Commander in Chief needs some flexibility.

Mr. Speaker, I want to talk about Hurricane Fran because, Mr. Speaker, as that storm has devastated so much of our east coast, as it certainly has eight counties, actually more than that, a number of counties in West Virginia. Governor Caperton requested a disaster assistance declaration from President Clinton. I backed up that request. I am happy to say the White House acted immediately. Now eight counties in West Virginia, as well as a number of others across the east coast, are now in a federally declared disaster area.

People should know, Mr. Speaker, that this means that the full range of Federal Emergency Management Agency programs are available today as we speak to the residents of all those declared counties. So what I have encouraged my constituents to do is immediately to call the toll free number, the FEMA, Federal Emergency Management Agency toll-free number of 1-800-462-9029, because they can begin the application process right now, Mr. Speaker. They can start that going. They do not have to wait to speak to anybody personally.

Also, Mr. Speaker, I have gotten a lot of questions about, well, if I were in a flood before, and we have had four now in West Virginia in the last 9 months, if I was in a disaster area during the last year, do I file again? And the answer, Mr. Speaker, is yes. Anyone who was hit by Fran in West Virginia is in one of the declared disaster counties needs to call that toll-free number, once again identify themselves, the county they are in, and begin immediately to receive that assistance.

The Federal Emergency Management Agency is going to be offering, Mr. Speaker, the same assistance as in past floods: disaster housing assistance for those who need it, special crisis counseling for those with special needs, unemployment assistance to those who have been put out of work by the flooding, special loans for homeowners, renters, and business owners to repair or replace damaged property, tax assistance through programs from the IRS, the State and local governments. This is crucial, Mr. Speaker, that people begin this process now.

It is likely that FEMA will set up throughout the State of West Virginia several disaster relief centers where people can walk in and receive personal assistance. I urge, though, Mr. Speaker, that people not wait for that, but call that toll-free number.

There is something else constituents can do as well, Mr. Speaker. That is, if they have suffered damage and they have a lot of debris, they should document that damage as much as possible through photographs, videotaping, whatever means possible. In some cases, the National Guard is going to have to pick that debris up, or others will have to pick that debris up and get it out of the way, so it is important to document that.

Mr. Speaker, there have been an incredible number of sagas of heroism during the last few days. You cannot say enough about the National Guard, the Red Cross, the Salvation Army, the volunteer fire departments, the emergency services operations, both State- and county-wide.

There are so many tales of heroism: The elementary school principal in Moorefield, who came beseeching the Governor to get her school back up and running so they lost as few days as possible, to bring stability back to people's lives; the contractor in Hardy

County who worked himself to exhaustion and a trip to the hospital trying to shore up the levee to make sure that damage was minimized.

So many tales: Other contractors donating equipment throughout the area to help try and stave off the damage caused by the flooding; the Hampshire County junior high students who went door-to-door taking water to people. Mr. Speaker, there are so many tales that relate, once again, how people pull together in the best spirit of West Virginians.

We have another digging out to do, Mr. Speaker, but happily, FEMA has responded quickly, and now what I urge people to do is to take advantage of that, even if they have another claim in from a previous flood, and we have had far too many this year in our State, but even if they have a claim in, they need to call, Mr. Speaker, that toll-free number of 1-800-462-9029 and begin that process of digging out.

UNITED STATES REACTION TO ACTIONS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 60 minutes.

Mr. TALENT. Mr. Speaker, I wanted to address briefly the incidence and pattern of behavior with regard to our reaction to Saddam Hussein's latest actions in Iraq, and I want to preface it by saying that I have defended the President's decisions in Missouri with my constituents. I think it is important, given the history we have had with Saddam Hussein, to show him that the action we clearly regard as aggressive and the world regards as aggressive not be something he can get away with easily.

This is the kind of person who keeps pushing and keeps pushing until he is stopped. it is better to try to stop him, to stop him at the early stages, rather than to wait until you have some kind of a general conflagration.

I felt the President was right in responding. I did not want to second-guess the particular tactics that he chose. However, I think it is also important to be sensitive now to the kinds of concerns that my friend, the gentleman from Pennsylvania [Mr. WELDON] raised with regard to the fact that we are no longer dealing with a single response to a single incident.

We are now dealing with a chain of responses, an ongoing pattern of behavior, and a policy that is being developed, a policy that involves ongoing and perhaps intermittent but ongoing military strikes. Even apart from the legalities of the War Powers Act, it would, it seems to me, to be both prudent and, as a matter of comity, an important thing for the President to consult at least with the bipartisan leadership.

My understanding is that this has not been done. The longer this goes on, the more questions are going to be raised about it, the more important it will be to have unity within the Congress and the country as a whole.

I do not understand, completely apart from the politics, completely apart from the War Powers Act, I do not understand why the President would not want at least on a quiet basis to be consulting and informing the bipartisan leadership of the Congress better than he has. It would, it seems to me, be a prudent thing to do.

Mr. WELDON. Mr. Speaker, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Speaker, I thank my colleague and friend for yielding to me.

Let me just state, in response to the previous gentleman who spoke, nobody questions the United States responding to air strikes against our planes protecting the no-fly zones. No one is questioning that.

We are not asking the President to come in. That was an original, original action as a result of the U.N. resolutions that were passed and the cooperative nations supporting our action agreed to establish no-fly zones. No one in this body is questioning whether or not we can respond if the Iraqis fire missiles at our planes protecting those no-fly zones. But that is not what we are talking about now.

First of all, even though those no-fly zones were a result of the U.N. resolutions, they have now been changed. The definition lines have been expanded. Now we are sending over F-117's for other strikes, for deep-strike bombing strikes. We do not know what this new mission is because it was not in the original U.N. resolutions, which is the reason why we are there in the first place.

The point we are making, Mr. Speaker, is we have a whole new set of issues now that appear to not even be consistent with the U.N. resolutions, appear to be far beyond the original mission that was a multinational effort, and which the Congress has not been consulted on. The urgency is that as we adjourn today, this weekend our young pilots are flying F-117's over, to apparently be based in Kuwait. I think we should at least know that.

I am a strong supporter and friend and defender of Kuwait, but I would like to know if that, in fact, is the case, and if they are in Kuwait, is this going to be their base of action? If they are there, why are they not placed in one of the airfields we are currently involved in in Saudi Arabia? Is it because, as the media are saying, that the Saudis have turned us down? None of these questions have been answered.

Mr. Speaker, mark my words, if there is a casualty of an American, we are going to hold this President accountable. We are talking about our kids. We are not trying to disrupt what the President wants to do or interrupt his foreign policy. But there is a role constitutionally for this Congress to be involved in, and that has not occurred.

I thank my friend for yielding.

Mr. TALENT. It leads me to wonder, Mr. Speaker. I think there would be very strong support on both sides of the aisle for any plausible plan to respond on an ongoing and consistent basis to the depredations by Saddam Hussein. I know I would be very receptive to that.

I repeat, I have been defending the President. I wondered at the time when this was occurring why the press was so interested in my comments back home. I think it was because, here I was a Republican defending what the President was doing, but I thought his response was very appropriate.

If we are having difficulty getting the Saudis to go along, we know we have had difficulty getting the Europeans to go along, all the more important that we be consulted here, and that we be able to act in a united way between the executive and legislative branches.

I am not saying this, inviting the President to come in, so we can step on what he is trying to do. I think probably we would be supportive if it was a reasonable plan. But if he does not do that then certainly he exposes himself to the criticisms.

MEMBERS SHOULD NOT BRING POLITICS INTO SENSITIVE FOREIGN POLICY DECISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. HEFNER] is recognized for 5 minutes.

Mr. HEFNER. Mr. Speaker, I have served for many years on the Committee on Appropriations. It is interesting to come here and see history rewritten, history changed.

I remember many years ago when, and the gentleman just made a statement, and certainly I do not want to see the blood of one American boy lost, made the statement if we lose one person, we are going to hold the President of the United States accountable. We lost 240 people in Lebanon to a terrorist strike, and we did not hold President Reagan responsible for this, because we thought he was working in the best interests of the United States.

But we have had the Republicans absolutely not supporting the situation in Bosnia, which is an uneasy peace, but there is peace in Bosnia now. There are not grandmothers that are being shot and children shot, they are going back to school. In Haiti, they opposed the mission in Haiti, and so far it has not been perfect, but it is working.

This is, in my view, politics at its crassest, and to me, it is unbecoming of this body. Certainly Saddam has to be the most ruthless dictator in the history of mankind, that would rank right along with Genghis Khan and people of that stripe. And certainly the President of the United States has an awesome responsibility. I do not know what all the problems are in getting cooperation with our allies, but that has always been a problem.

I remember a few years ago when they wanted to close the Persian Gulf, they threatened to close the Persian Gulf, the Iranians. We could not get permission from the Saudis to even fuel in their ports, but we went and unilaterally, unilaterally kept the Persian Gulf open because it was a source of oil for the free world.

So to get into politics on something that is as sensitive as the situation in Iraq in my view goes beyond the political arena.

LAUDING FEMA'S RESPONSIVENESS IN RECENT NATIONAL CRISES

Mr. HEFNER. A couple of other things I would just like to mention here on my time. I would like to congratulate and thank a government agency. They do not get many pats on the back. But FEMA has been one of the most responsive agencies in my memory, not only because North Carolina was hit so hard with Fran, but all across this country, in Oklahoma and all over this country, FEMA has really been an exemplary agency of the Federal Government. I think we owe them a real salute because of the great work they have done.

One other area I would just like to touch on. I do not want to get into the business of being hostile, but I remember many years ago in this House when Jim Wright was Speaker, on a daily basis in this well Special Counsel was called for, and the now Speaker of the House, on a daily basis was in this well making accusations and saying this was the most corrupt Speaker in the history of this Congress, calling for a Special Counsel and special investigations.

We got to the bottom of all of these things, the book deals and what have you, and we voted. Even Democrats defected, we did not stonewall. We voted to support a full investigation. We voted when that investigation was finished to bring it before this body.

We have spent $500,000 for the Independent Counsel to go out and supposedly to interview people and get at the facts. I think the thing that bothers me is, I do not know what transpired before he went in and began to talk to these people in different institutions. What bothers me, I guess, and I do not know and I am not making an accusation, but if his instructions were, you go and interview these people, find out what the facts are, but you do not draw any conclusions, you do not make any suggestions, you just get the information and you put it in this document and you bring it back and give it to us and we will decide, if that is the case, if that be the case, in my view that is an absolute tame dog with no teeth, and it is it is an absolute travesty.

It seems to me that the American people need an explanation.

I would think that the Speaker of this House would like for his name, his good name and his reputation to be cleared. I would think that he would want us to bring this 100-page document to this House, let us read it, and if he has done nothing wrong, we will be done with it, and the 1st of November he can go back to his district and say, folks, I have been persecuted, they have investigated me, and they have found nothing wrong. I stand before you here in Georgia as a pure Speaker. I have done nothing wrong. I want you to vote for me because I have been doing the things you want me to do.

But there is going to be a cloud over this, because it is not going to go away. There is a 100-page document that languishes in the Ethics Committee. We have paid $500,000 of taxpayers' money, and it needs to be released and clear the air on this issue.

□ 1315

SCANDALS IN CLINTON ADMINISTRATION

The SPEAKER pro tempore (Mr. COOLEY). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, before I begin my special order, which is on the multiple and expanding scandals of this administration, I yield to the gentleman from Pennsylvania [Mr. WELDON], my wing man who sits in the senior position to my left on the Committee on National Security, for a few more thoughts upon the constitutional crisis we are working our way through this very day, where Mr. Clinton has frozen out 100 elected Senators and 434, with Bill Emerson in heaven, elected Representatives. I yield to the distinguished gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank my friend and colleague for yielding. I want to start off by just making one statement at the beginning here because, Mr. Speaker, while we cannot directly speak to those people who may be watching this at home, I can speak to you, Mr. Speaker. I can repeat what is, in fact, the case.

As you know, I objected from a parliamentary standpoint to our colleagues who for the past hour or so have been raising questions about the ethics case of Speaker GINGRICH. The reason I raise those, as you pointed out, Mr. Speaker, is we are not allowed to discuss an open ethics case in this body until it is concluded.

The problem is that they can keep speaking. I have to sit here and every minute raise the objection again, and you would warn them, and that would just go back and forth all night. So we just sit down and let them speak.

But I just want, Mr. Speaker, to remind everyone, including our colleagues, that we could have sat here and we could have discussed the ethics case against the gentleman from Michigan [Mr. BONIOR], which to my understanding is still pending before the Ethics Committee, or perhaps to my understanding there was an ethics case, maybe it has been resolved, against the gentleman from Missouri [Mr. GEPHARDT]. But we did not choose to do that because we play by the rules and we know that, in fact, as a Member of this institution, any matter currently pending before the Ethics Committee is not to be discussed because the Ethics Committee is totally bipartisan, equal numbers of Democrats and Republicans, and until it is ultimately resolved and brought to a recommendation of this body, we are not supposed to respond.

So we could have done the same thing. We could have got up here and laid out all the facts on the Bonior allegations and all the facts about the Gephardt allegations, but we did not choose to do that. We choose to just let them vent their frustrations, if you will, because of their concern of Speaker GINGRICH's impact on revolutionizing this country.

So if, Mr. Speaker, there are those who think that we were not prepared to respond, that is why, because we, in fact, are abiding by the rules of the House. Just to further respond and thank my good friend and colleague who has been a leader in this body, I want to commend him for today passing one of the most historic and most important bills that this institution will pass in this session, and that is how POW Accountability Act, which the gentleman from California [Mr. DORNAN] has worked on diligently for how many years?

Mr. DORNAN. Obviously, I thank the gentleman for bringing it up.

Mr. WELDON of Pennsylvania. How many years have you worked on this issue?

Mr. DORNAN. I started, believe it or not, when I was 19 years old, when I joined the Air Force. And while I was waiting to go to pilot training in July 1953, I had just turned 20 by then, I joined when I was 19 in October 1952. I served basic, waiting at Williams Air Force Base to go. And an Army psychiatrist who had interviewed all the men coming back from Korea, the first waves who had been brainwashed, tortured is the proper word, and broken, and given confessions, 21 were still sitting in China, young high school dropout enlisted kids. One committed suicide. All 20 saw the error of their ways, came home, our country forgave them.

But I started then. But legislatively I have spent 31 years, since my best friend David Hurdlica was shot down. His wife Carol testified yesterday, my wife's best friend. We were neighbors, bridge partners. I checked him out in the F-100 HUN, the Super Sabre. For 31 years my interest has been intense.

If I may say so, I won the Mendel Rivers award by testifying in that committee room today. I thought about it and thought, well, do not mention it. That was the summer of 1971. PETE PETERSON, who was sitting in the room, was still in prison, and I was testifying, do not end Vietnam the way we ended Korea. And we did. More controversy, more conspiracy theories, more men left behind, certainly in Laos for sure. And as I said today in our Committee on National Security room, with all those battle streamers on our 4 services' flags, including the Coast Guard, our 5 services' flags, we left hundreds behind in Korea, so I thank the gentleman. It was H.R. 4000.

Now comes the tricky part. That is, we have 2 weeks, maybe 3 if we do not get out on Friday the 27th, to find a vehicle, an appropriations continuing resolution, which was used as a vehicle to destroy my proper and fair HIV public law, signed the same day as all this POW-MIA protective laws. Clinton signed it February 10.

Why we are stripping it out of law, because of one friend of ours who wants to put all of Vietnam behind us, normalize relations, trade, most-favored-nation status, forget the wounds of war, everybody is full of baloney, there are no traces of people left behind, when this good friend knows absolutely zilch about Laos or Cambodia and did not have the full picture on Vietnam.

A hero, an 8-victory jet ace, severely tortured, Robbie Reisner, came home with the same opinions: We are all home. On the tap code we learned about everybody here. And he reversed himself and said, "I don't know anything about Laos and Cambodia," and now I have no proof that there was not a second prison system, small, hidden, underground, shipping people to the Soviet Union as they shipped people from Korea to the Soviet Union, for sure.

Mr. WELDON of Pennsylvania. Your bill today, if I am not mistaken, passed with a unanimous vote. As you very eloquently put it, you were the author and the prime mover of this, but you had strong support from your ranking member, OWEN PICKETT, and you also did your legislation in total consult with, as you said, one of our most respected former POW's, PETE PETERSON.

Mr. DORNAN. And with SAM JOHNSON.

Mr. WELDON of Pennsylvania. And with SAM JOHNSON from this body, another POW. And you are to be commended for that because you have righted a terrible wrong in letting those families know that we are going to continue to persevere to force a full accounting and to force a full assessment and to have a process in place to make sure that what happened in Korea and what happened in Vietnam never happens again in this country. I commend you for that action. I wanted to mention that today. I know that is not the subject of your special order but so that all of those troops and all of those families across the country know that it was Chairman BOB DORNAN who has been diligent and tireless in this effort to make sure that they are not forgotten.

Just before I let you complete you special order on what I think is an outrageous topic but one that needs to be aired, I just want to say that I hope you will join me in requesting answers from this administration on what our plans are the in Middle East, what our game plan is, what our strategy is. Are we, in fact, letting Saddam suck us into a tar pit where we are going to lose additional lives, where we are not going to have a clear way to get out? Why are we not getting the kind of support from our allies? Why is the President not consulting with the leadership of this body, both Republicans and Democrats, because it is not an urgent situation. He could have called them today. He could have come back from his campaigning. We are talking about kids' lives. Kids' lives are more important than campaigning out in California. If he is going to deploy them, he has a responsibility to let the intelligence leadership know, the leadership from both parties' standpoint, and the various committees, because we are the ones who have to answer when we go back home to our constituents, who have kids in the service, what is going on. I can tell you, I am frustrated. I go home, last weekend, I do not know what is happening, as a senior member of the security committee, I have no idea what is going on with this President and that is outrageous.

I thank my colleague and friend for yielding. I wish him well in his deliberations this evening as he does a service for this country with his report.

Mr. DORNAN. Stay in the well just one more second in this colloquy. Let us make a pact now as colleagues, because you are the leader on defending the American homeland from one or several or any number of missile attacks, nonpareil, as the French would say, without parallel, on both sides of the aisle, you are the leader. Let us make a pact that if, God willing and the wisdom of the voters sustaining us in our chairmanships on the election, which is 56 days away tomorrow, if we come back, whether it is President Dole—please, Lord—or President Clinton, that we will do a special order, if the first ceremonial day is too much family and friends or if Mr. NEWT, our still Speaker and wants a day of action, on the next day, we will do back-to-back special orders. One on the 105th Congress' responsibility to not only have theater missile defense for our men and women in the field and our allies but that we will get to the job of defending the homeland of this country, even the big cities on the coasts, like Los Angeles and New York City where I was born. I will help you with that.

Then you help me with a special order. We will crank in our professor, STEVE HORN, get a moderate Republican voice, and start to talk about Lou Fisher, the professor and scholar, senior scholar at the Library of Congress, about the constitutional authority, the responsibility of this House, to decide when American men and women go and die in the alleys of Mogadishu, Somalia; or Haiti or Bosnia or in the skies over Iraq. God forbid if they get their hands on some female fighter pilot in this conflict. We have got to resolve that, because even if it is President Dole, although Bob did not want troops to go into Bosnia, he said to me, backed up by our colleague Vin Webber, who I served 10 great years with here, that Clinton had the right to put them in there without the authority of Congress, a Desert Storm type debate which I am going to open with because all the people objecting to what you were saying today all voted against, some of them voted against the sanctions, at least my pal ELIOT ENGEL voted for the sanctions, all the rest voted against the sanctions, let alone taking hostile, aggressive, offensive combat action. We are going to have to discuss these authorities, because Senator Dole, then the leader, said, "Well, I don't want them there in Bosnia but he's got the right to send them there."

Thomas Jefferson, our third President, the one Kennedy said that when he had about 15 Nobel, Pulitzer Prize winners, "This is the most intellect in the White House except for when Thomas Jefferson dined alone." If Jefferson was that smart, we should listen to him when he said, I have no authority as President, talking about Barbary pirates, it is in the Marine Hymn, shores of Tripoli, I have no authority as President under the Constitution to do anything except respond to direct attack defensively, is what he meant, I cannot send offensive action anywhere unless Congress orders me to. And we ordered his predecessor Adams, we ordered him, we ordered his successor James Madison, Monroe, 10 times this House said, "go get them," referring to the pirates and brigands and cutthroats interrupting commerce in the Mediterranean.

Now we have had a 6th Fleet there since World War II and we have got a 7th Fleet in the Pacific and it is still this Congress and you and I as chairmen, you as chairman of Readiness and

Defense, DUNCAN HUNTER of Acquisition/Procurement, HERB BATEMAN of Virginia on Readiness, HEFLEY to my right on Installations and me on Military Personnel, how we pay them, how we clothe them, how we feed them, the quality of life, the recruitment problem, the retention, the hollowing out problem, all of FLOYD SPENCE, our great chairman, his five marshals—you can think of us as sphere marshals or western marshals—we are his gunsels in this House and likewise five marshals under STROM THURMOND in the Senate to decide when our men and women—our kids as you call them—go into combat. So we will do those 2-hour special orders and we will set the tone and resolve in the 105th Congress no matter which one of the Presidents prevail, Lord knows, it may be President Perot with his excellent Vice Presidential choice, we will make that vow to do that the first or second day we are sworn in.

Mr. WELDON of Pennsylvania. I accept the gentleman's challenge. I will be happy to do those special orders with him. As the gentleman has pointed out, I hope it is under a Dole administration but we will do it under any administration, God willing, we come back. One quick final statement, Mr. DORNAN, and I know you will agree with me. Why do we raise this issue as we are about to adjourn today for the weekend, and why would the Democrats characterize this as politics? It is not politics. In fact, what is our greatest concern, in the 4 years that I have served here under a Clinton administration, I think back to that outrageous moment when we were called down to the basement of this building for a briefing—and the gentleman was there—by Warren Christopher and Les Aspin, giving us a summary of what was occurring in Somalia. And there were a number of Senators, I think there were over 300 of us all total in this one room and they said to us, asking us a question. "What do we do next?" They had no clear policy. And we had just lost 19 brave young Americans. When we finally got to the answers of why we lost those 19 brave young Americans, we were told that the commanding officer in Somalia had requested additional backup about a month before for his troops. He said he could not handle the situation. He was denied that request. And when Les Aspin was asked why he was denied that request, his answer was that he though there was not the appropriate political climate in this city to support the backup support for those troops.

□ 1330

Mr. Speaker, that is the only time in the 10 years I have been here that I have ever heard that we imposed a political decision on how to support and deploy American troops. It may have happened before I got here, whether it was Vietnam or Lebanon or whatever, but it is the only time in the 10 years that I have been here that a political decision dealt with by this administration caused indirectly or directly the loss of 19 young American lives.

Mr. Speaker, we could not even go into Mogadishu and pull those bodies out when they were being massacred. The reason why we are raising this issue today is we are not going to let this President repeat what happened in Somalia. We are going to demand that this Congress play its rightful role under the Constitution, under the War Powers Act, in having consultations on what our plans are, to make sure we are giving adequate backup.

If this President thinks we should take some action, maybe it is to go in and get Saddam. Then he needs to sell that plan to the American people and the Congress, and not allow this to go day by day, step by step, into a bigger and bigger conflict, and then all of a sudden next week we are into a wholesale war and the Members of Congress all of a sudden stand up and say, hey, what happened here. How did we get in this mess.

We are saying up front now we are putting the administration on notice that we want to know the justification under the U.N. resolutions. We want to know we were in compliance with the War Powers Act. We want to know what the ultimate game plan here is. Is it just a short-sighted, 1-day plan? Or in fact is there a long-term scheme to go in and do something else besides enforce the U.N. resolutions that were passed when President Bush was in office?

I thank my colleague and friend for yielding and wish him well in his special order.

Mr. DORNAN. I thank the very, very distinguished gentleman from the great Commonwealth of Pennsylvania.

What Mr. WELDON brought up that happened in the national security room today, the reason we got a unanimous vote and six Democratic Members on the spot joined my bill, H.R. 4000, as cosponsors, was I opened by reading a letter, a speech, that I have been trying to get my hands on for years that Henry Cabot Lodge, then the permanent U.S. representative with ambassadorial title to the United Nations, delivered in New York on December 4, 1954. I had just had my last flight in a F-80 or T-33 jet in pilot training, then ahead of time had to wait a long, agonizing week's period to get my wings on February 7.

That was a Republican House then, Republican Senate. It was Eisenhower's second year. We had just lost the House in an election, just less than a month before. Henry Cabot Lodge got up and said these words. I think this is why it carried. DUNCAN HUNTER asked for a recorded vote anyway, and I think this is why it carried unanimously. To keep until public law everything I fought for for 20 years here, in generalities, and specifically for the last 3 years, dotting the law, signed by Clinton February 10 of this year, 1996. And it was stripped out at 11:52 at night without a phone call to me to join the conference and fight for it.

Here is what Ambassador Lodge said to the United Nations: Mr. President, referring to whoever was in the chair at the United Nations Building at the East River, it is an immemorial principle of human decency that a family looks after its own members. A nation must also look after its own if it is to continue to be a nation. And the United Nations must show an equal interest in these men who by their personal effort sought to repel an aggression which this United Nations itself was opposing.

We did 98 percent of the fighting. You know that because you were on active duty then, Mr. Speaker, pro tempore.

The thing that sustains the man in uniform, and now we would have to say woman in uniform, when he is so far from home, is the thought that he is being supported by those for whom he is fighting. We in the United Nations, of course by extension, America, cannot let these men down. They are United Nations men. They were sent to Korea in response to a request from the United Nations. Well, Harry Truman may have gotten ahead of the proposition there, but our troops were being overrun, the Tropic Lightning Division out of Hawaii and the 24th Division, rather, were being overrun, hundreds of men being taken prisoner in June and July of 1950.

I had just graduated from high school. I could not believe what I was reading and seeing on the news in that we had just won the Second World War 5 short years before against Tojo and Mussolini and Adolf Hitler and Stalin. We had found out they kept killing and held back United States prisoners, those with the misfortune to have a Ukrainian, Russian, or any type of Slavic or Polish last name.

Henry Cabot Lodge continues,

> For these reasons, the United States believes that the proposed item before the UN agenda, placed on the agenda, that the United Nations should act promptly and with determination to bring about the release of the 11 airmen and all other captured military personnel of the United Nations command who are still detained.

We got back in June 1955 an F-84 Thunderjet fighter and 3 F-86 Saber Jet pilots, and 11 of the 13 crew-members of Jack Arnold's B-29 shot down over North Korea, dropping leaflets, but the whole crew was taken around the Korean Gulf and taken to China, all the way to Beijing. They kept the two radio men and executed them, or they are rotting as men in their late sixties and seventies today in China, they kept back the two radar men who could pinpoint they were over North Korea, not invading China, which had invaded North Korea to support the Communist cause that they had instigated in that whole terrible war, that caused millions of Koreans to die. They held back 40,000 ROK forces, Republic of Korea forces, and 10,000 may be alive today still in North Korea.

Mr. Lodge says the Soviet representative, Jacob A. Mallek, by the way, talks about confessions which had been obtained from American personnel, and that, let me say, is no new story here. Last year we demonstrated the way in which false confessions were extracted from U.N. military personnel, what can only be described as torture.

I skip forward.

We produced last year films showing some of the young Americans making these confessions from the Communist film that they took, and then showing the same man getting off the boat in San Francisco saying he had been tortured into making these so-called confessions.

He uses the term "brainwashing," which was a fairly new term then.

Then he goes on with letters I have gotten hold of, to write on December 7 to the Secretary General, Dag Hammarskjold. Since it took me so long to get these records, and so that other people will not have that same problem, I will place Henry Cabot Lodge's remarks and letters, starting from these U.N. documents, in today's RECORD, on the 12th of September, 1996.

Now, Mr. Speaker, I am entering that period that 4 years ago started a series of discussions by me on the House floor, that then Governor and candidate Bill Clinton was not being candid with the American people on all the scandals that were swirling around him, scandals of a personal character nature, scandals which have come to be called Whitewater, that was broken way back in March 8, 1992, by no less a journal than America's wealthiest paper, the New York Times, and all of the other financial chicanery in a one-party city, putting a cloud over a whole great State that is as good as any other State. But Little Rock was a cesspool of intrigue because of one party rule ever since the tragic War Between the States, the Civil War.

I was joined on the second or third night by DUNCAN HUNTER, and then the next night by 7-year POW combat air combat veteran of both Korea and Vietnam, SAM JOHNSON, who spent as long in solitary confinement in his 7-year captivity in Hanoi, spent half of that, longer than World War II's total course for the United States of America, he spent in solitary confinement for being what they called "uneducable," a hard head, a resistor, what I call being a patriot, living up to the code of conduct.

Then we were joined by the only aerial ace from World War I, there were no aces before World War I, or World War II or Korea, the only ace to ever serve in this House or the other Chamber, DUKE CUNNINGHAM.

After awhile I referred to us as Tiger Flight, using SAM JOHNSON's call sign in Vietnam, which amazingly he also used in Korea, Tiger Flight. Tiger Flight went right down to the wire into October, trying to get at the truth about Mr. Clinton's political career.

Since then, the news media is always intrigued with this, Secret Service agents have told me that they have been in the Roosevelt Room when my name has come up. My pal that I served with here for years, Norm Panetta, has gotten a little rough in his language, and the President goes into one of his volcanic eruptions, Mr. Clinton does, when he hears my name.

I had a newspaper guy from the Orange County Register call and ask me to give him the names of the Secret Service agents. One stopped me at a church in Virginia and one stopped me at a church in the DC area, to ask for an autographed picture no less. No, I am not going to give the names. Then they called the Secret Service and said, "Which of your agents have been talking to Congressman BOB DORNAN saying unkind things about Mr. Clinton?"

Where do we get these reporters? I mean, is this child's play or what? I am ready to polygraph, but they will have to torture and brainwash me to have me end the careers of Secret Service people. I mean, it is all in this book, Unlimited Access.

The President is protected to some extent, Mr. Clinton, by rule 18. Just in the last year and 10 months I was against including my friend AL GORE or Mr. Clinton in on rule 18. But Hillary Clinton is not protected.

In here, it has her using the F word. This is Unlimited Access by Gary Aldrich. Since I last brought up this book on the floor, I spent some time with him in San Diego, and he is an honorable quarter century retired FBI agent.

She tells the Secret Service, "Stay the F away from me."

"Ma'am, we can't protect you from this distance."

"I don't give a blank what you do. Get your blank-ing self out of my sight and get the blank over her."

This is a man who passed all the security checks of the Nation, that Mr. Clinton could not pass, because of what Mr. Clinton did at Oxford, in a foreign country, his resisting the draft, avoiding the draft, and then dodging the draft with an induction date notice July 28, 1969, he never could get a security clearance unless he got elected to the House or the Senate or the presidency. That is the only way he could ever get a top secret clearance.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOLEY of Oregon). The Chair would remind all Members that it is not in order to refer to the President in personal offensive terms.

Mr. DORNAN. Would the Chair tell me if it is the words "draft dodger" that the Parliamentarian objects to? I thought we worked that out. "Dodging the draft" are simple English language words.

The SPEAKER pro tempore. The gentleman should refrain from using pejorative labels.

Mr. DORNAN. Right. "Draft dodger" is certainly a pejorative label. If I moved it around and used gerunds and verbs and said "dodging the draft," that is what he did.

I went to the Cambridge cemetery at Cambridge, England, and looked up the grave just a few days ago, to be exact, September 1, to look at the grave of Bob Holmes, the younger brother of Col. Eugene Holmes, the man who was used so shamefully to enlist Clinton in the ROTC as a student about to enter law school, 1 year of graduate school, ditching class at Oxford, 1 year out of Arkansas with a degree from Georgetown, he was put back into an ROTC class with undergraduate college students, a brand new program which he used to have the draft induction date of July 29, 1969, and this is history, Mr. Speaker, crushed, suppressed, reversed; the only time I have ever heard of that in the history of my life, unless it was a hard football injury, like a broken leg or neck injury, or a car crash that was traumatic, and even then if you can recover from your injuries and pass a minimal buck private physical to enter the army, your induction date is merely postponed for a while.

Never have I heard one politically suppressed by a Senator, Senator Fulbright, by a Governor, Winthrop Rockefeller, by the head of the draft board, being leaned on by Buick dealers related to Mr. Clinton. It is a scandal. And that, plus England, would have prevented him from ever getting a top secret clearance.

But henceforth in this special order I will refer to him as the "unmentioned one." No, that is too cute. I will just talk about the Clintons as a team and as an administration. I will use the euphemistic term, "the administration."

□ 1345

Now, here is a chart. Yes, it is a political chart, and it has on here someone who I will not talk about, with a wife at his side, but here are the names of people associated—how is that camera 5 doing up there? I will turn this way.

It says Whitewater's Most Wanted List. I will leave out two people and start up here. David Hale, key witness on his way to jail. Jim Guy Tucker, convicted. Jim McDougal, convicted, and both of them are talking, what unkind people would say, singing to the prosecution. Susan Thomases, the enforcer.

Vince Foster, deceased, still being discussed some of the mystery surrounding whether or not his body was moved, if not deeper fears. Webster Hubbell, convicted, in prison.

Susan McDougal, in ankle chains and handcuffs, waddling off to prison as though she is a victim. All she had to do was tell the truth, and the grand jury that is empowered in Little Rock is there for over a year, and that is how long she is going to sit in prison and stop pretending to be a victim because if she wanted to say I know nothing and everybody you are questioning me about is innocent that is my belief and they were not involved, all she has to do is say that. But if she is afraid of perjuring herself to say that, then she does have information that the good citizens of Arkansas through their grand jury are allowed to hear the truth.

Neil Eggleston, bagman. William Kennedy III, resigned in disgrace. Bruce Lindsey, they claim here he is another bagman. Maggie Williams, they claim she is a perjurer, but she sure had total amnesia without brainwashing of all her memory. Bernie Nussbaum, resigned in disgrace. David Watkins, fired and now I find out—I cannot get hold of everything—that in his memo that the gentleman from California, CHRISTOPHER COX and DANA ROHRABACHER, discussed last night, which I am going to get to, Mr. Speaker, that David Watkins was brought up on sexual harassment charges as the chief administrator of the campaign of Bill Clinton in the war room at the old newspaper headquarters near the Excelsior Hotel in downtown Little Rock and that the campaign paid $37,000 of taxpayer matching funds to suppress and seal confidentially this woman working for the campaign that charged him with sexual harassment, and they listed it as a consulting fee to this woman, actually used another woman as a go-between, beard, and the FEC audit caught it. Finally they justified their huge salaries over there, and they wanted him to repay all of that and to have the campaign actually pay back in 1994, 2 years after the campaign ended, $3 to $4 million. And of course, and Americans should know this, Mr. Speaker, since the FEC is designed for deadlock, six people, 3 to 3, and they vote along political lines, they deadlocked at 3 to 3, no repayment by the Clinton campaign of $4 million. But it was so outrageous, some of these changes, that the three Democrats on the Federal Election Commission settled at about a million that they did pay-back. Easy to raise money when you are an incumbent President with all that power.

That was David Watkins, he of golfing fame. He would not resign in disgrace; he was fired in disgrace. Chris Wade, a father-in-law of Web Hubbell, convicted. Mark Fabiani, they designate him as attack puppy. Harold Ickes, consiglieer, good name made famous by Hollywood. Lloyd Cutler, a good man deluded and left with the broken heart, saying that he really thinks the Government has broken down.

Jack Quinn, a fixer. Louis Freeh, whom I praised on this House floor, they are not so kind to him. Craig Livingstone, well they only have "heavy" here but it is getting a lot worse than that. Patsy Thomasson, drug dealer's aide, head of administration at the White House but was Miss Fix-It, while Dan Lasater was in prison for cocaine, the man who had gotten cocaine for the President's brother. He is the next one up. David Lasater, drug dealer pardoned by Clinton, sent to a halfway house, did not serve any of his serious Federal time.

Arthur Coia, it just says "wise guy." Seth Ward also named disgrace. Beverly Bassett Schaffer, a fixer. Then it mentions a Senator. I will respect House rules and skip over him. Just said "stonewall" anyway. Then it has a couple of wanted. Then it has Tony Marseca today another fixer. Jim Blair, he of the cattle futures fame. Borrowed $1,000, rising to $100,000 in days and then cut off once the payback had taken place.

Richard Ben-Veniste, boy, it hits him hard. David Kendall, another fixer. Harry Thomason, the player who is still the impresario arranging some of the—we did it too, the extended infomercials that both parties pulled off in the month of August.

L. Jean Lewis, vindicated. That is the one good person on here. Ron Brown, still seven investigations going on with the deceased Ron Brown. Cisneros, Espy, Betsey Wright, the bimbo fixer. That is her own title, bimbo fixer. She is sort of on the out.

Carolyn Huber, a decent woman who told the truth, how documents mysteriously appeared on coffee tables at the family level of the White House. Mack McLarty, demoted. They needed a slicker and younger guy in there. George Stephanopoulos, attack puppy who came to the Republican Convention. The press said are you going to the Democratic Convention. I said I do not rain on their parade because Dodd and Stephanopoulos, showed up at ours to try to spin things.

Roger Altman, resigned in disgrace. Josh Steiner, who denied his own diary and left in disgrace. Jean Hanson, resigned in disgrace. Don Tyson, well, he has changed sides now. He is for Bob Dole. The chicken czar of Arkansas.

And Bob Bennett, my pall bill's Brother Bob as he calls him, who is one of the tougher hired gun consiglieres in town here.

If you go back over the Clinton record, this came in the mail, in what we call my "white mail," people who just do not send me a small donation but want to talk to me out of frustration. Mr. Speaker, they listed this: Whitewater, the Ron Brown scandal, historic world tax increases, the Vince Foster so-called suicide, the Zoe Baird scandal, Nanny-gate, the cattle futures deal, Travel-gate, the FEC election fraud that I just mentioned, General Janet Reno and Waco, not to mention other things that happened on her watch.

In Great Britain she would have honorably resigned the day after Waco, with 3 pregnant women and over 20 children and several teenagers, some of them choked to death on gas, mercifully being spared being burned to death.

Joycelyn Elders' resignation. The woman who said, "If I could wear a condom on my head as a crown, I would do it." That is how she picked up the name, the condom queen. Then she said it was a proud moniker.

Shredded evidence, disappearing documents, disappearing memories.

The Paula Jones lawsuit, which we will have to suffer through in the spring of next year whether Mr. Clinton wins or not.

Savings and loans problems. Still, that is a bipartisan scandal there, but I know where most of the votes were when my good friends on the other side were in the majority.

The Hazel O'Leary fiascoes. The Michael Espy resignation. The Roger Altman resignation. The shadowy finances. The Henry Cisneros scandal. The national debt, at record high and still going up. And that is pretty much bipartisan.

And then, as my writer says, and the list goes on, and on, and on.

Here is a document, a political document. Looks like a Federal document, but it is not. I do not even know the group that sent it out, but it says "Murder in the First Degree: Interim Report on the Death of Commerce Secretary Ron Brown and 34 Other citizens". And in the first paragraph, and I am going to check this, as the chairman of an Armed Services subcommittee and Committee on National Security, it says all 35 people were dead at the crash except for a stewardess. That is not the right title. They are sergeant attendants. Shelly Kelly, who was riding in the tail, sustained only minor cuts and bruises; that she was well enough to get out as sole survivor of the 35 on the plane; that she climbed on the helicopter itself, it says here. This goes on for 37 pages. And that she died on the helicopter mysteriously.

I flew four times with Sergeant Shelly Kelly. Her husband is an Air Force sergeant. Two children. And in the PX, where we went to get some supplies, some toiletries for a trip into Bosnia with Shelly Kelly on this very same airplane, she was in the line ahead of me. Intelligent, strikingly professional, good looking lady sergeant. And I said why are you buying those wine bottles; is my crew partying tonight? Oh, no. I always bring home two wine bottles from everywhere I go as air mobility command member, Congressman. And she said my husband does the same. He is up at Ramstein. And when I get home, we have one bottle of wine at dinner, and then we save the other one. We have quite a collection to give to our children.

Well, Shelly Kelly is in heaven now, Mr. Speaker, and her husband is left with that wine bottle collection from all around the world. These two excellent servants of the people in the Air Mobility Command. And I am going to have to find out if there is any truth that she survived that crash, less than a month after CODEL members, the gentleman from Alabama, SONNY CALLAHAN, the gentleman from Arizona, BOB STUMP, myself, and four or five other Members flew four times on that aircraft, from Aviano to Zagreb to Tuzla and other flights in that area just March of this year.

Now, last night, on this floor, two Californians who had joined my district, CHRISTOPHER COX has the coastline, DANA ROHRABACHER has the coastline just north of Huntington Beach on the inland land-locked Democrat majority district by about 10 points. They had a special order because Mr. COX got hold of a memo, which I guess the dominant media culture, liberal to the core, at least in New York and Hollywood and D.C., has not really printed this full memo; that somehow or other was obtained by House committees through document searches and demands.

They have been stonewalling, most of the records that the gentleman from Pennsylvania [Mr. CLINGER], doing a great job in his last few months serving this House, serving the people of Pennsylvania, and it is a task list and it is dated December 13, 1994.

This is the culmination of the first 2 years of the Clinton administration. It is only 35 days after the historical election of November 8, 1994, which turned this House over from Democrats, from 40 years of rule, most of it liberal leadership. And I repeat, referring to that Henry Cabot Lodge speech on the Senate floor, that was my first election. The age was 21 then. I had gotten my wings just past 21 and a half years of age, and I watched the House go the other way in my first election. Everything else in California went the other way, too. I voted absentee.

And after 40 years, we take the House and here is a memo 35 days later called task list. It sounds like the pejorative politically inspired documents, but also seeking the truth, that I just read. This is a Clinton administration document. They use the alphabet instead of numbers. So here are 26 items, and then they follow with double letters, 13 more. So here is 39 steps to Pennsylvania Avenue.

A. Foster document handling, and it assigns it to somebody named Nemetz, N-E-M-E-T-Z.

Travel office, assigned.

White House, treasury contacts.

Obstruction of justice.

Criminal referrals, the Jay Stephens thing. RTC whistle-blower reprisals.

E. Use of White House resources for response efforts. Give that one to Nolan, wherever he is.

Foster suicide. Nemetz again.

Epsy, ethics, expanded Smaltz inquiry in relation to: Tyson's Hatch Act.

Cisneros, Brown, Hubbell. Those are all separate items.

Ickes, union representation.

Stephanopoulos and his NationsBank problem.

State Department. The passport files.

Archives. Abuse of the personnel system.

Legal defense fund.

Health care task force.

White House operations. Passes, drugs. Drugs, helicopters. That is a reference to David Watkins again.

Residence renovations. That goes to Neuwirth.

Presidential immunity goes to Sloan.

White House, Arkansans. That is Thomasson, Nash, Rasco.

PIC surplus. I do not even know what that is. I will find out.

Improper electioneering.

GSA. That is the Orange County guy that endorsed Clinton, Roger Johnson. His life has never been the same.

Value partners.

Presidential campaign. The FEC audit.

See, December 13, 1994. They are talking about this $37,000 payoff fund to cover up a sexual harassment case against the chief administrator of the Clinton campaign, David Watkins.

Commodities. That goes to Kendall, whoever he is.

Then they start the double A, double B numbering.

Gubernatorial campaigns. Lindsey Wright. Record keeping.

Gubernatorial something else.

Whitewater and MGSL. The Madison Guaranty Savings & Loan. That goes to Kendall.

□ 1400

Other Madison Guaranty, that cost the taxpayers $60 million, and McDougal. That went to Kendall, too. He ought to be subpoenaed before a House committee before we close here. Rose law firm, we have a statute of Mr. Rose who founded that law firm, one of Arkansas's two allowed statues in Statuary Hall here. He must be turning in his grave the last 3 years and 10 months.

Then under the same heading as the Rose law firm is HRC work for, that is the Rose firm work for Madison Guaranty Savings & Loan. The Frost case. FSLIC representation. Kendall got that. David Hale, Susan McDougal, small business, she is going to jail. David Hale is on his way. Well, he has given testimony. That went to Kendall. Tucker sits all by itself. He is going to jail. Lasater, he got a better break than Susan McDougal. He is under house arrest without an anklet. For 4 years he cannot leave his home because he does have serious health problems. What a lucky guy.

African-Americans all across the country said, let some African-American get a phony loan for $300,000, rip the taxpayer off, and they gave the case in Arkansas where a gentleman was sick and he was sent to jail anyway and he died a year later. He was in wheelchair. So they are not too happy about that. Lasater, bond deals. This is their memo, their memo. Task list, December 13, 1994. Under I, issues, it says, ah, that is item 35, Lasater, open parentheses, bond deals, cocaine; Roger Clinton, close parentheses. Next one, use of loans to achieve legislative initiatives. Talk about campaign reform. ADFA, aid to families, political favors, Larry Nichols. Larry Nichols was the original whistleblower in all of Clinton's last gubernatorial campaign. Mena Airport, CBS, ABC, NBC, and even CNN have assiduously disregarded anything to do with this infamous airport in West Arkansas near the Mississippi River, and yet they have it on a White House memo, Mena Airport. And this one is a small "t," troopers, trooper-gate.

Because one year before, on December 20, as this member sat in for the incomparable Rush Limbaugh, the Rush man, I introduced because Rush was in the Caribbean on his well-earned first vacation in years with Ed McLaughlin, his discoverer, I got to introduce the trooper-gate mess on the Rush Limbaugh show coast to coast to a rolling audience then of 15 to 20 million people.

So it says troopers. And then, item am, No. 39 numerically, it simply says, small "w," women. Women. The unmentioned one will not be mentioned. Open parentheses, Kendall/Bennett, that has to be Bob Bennett, assigned it to him. Then it starts and he switches from a Roman numeral to an Arabic numeral 2, new category titled Preliminaries. Identify the key Republican objectives and reasons for achieving them; that is, sustain the shadow on WJC character.

Mr. Speaker, could that be WILLIAM CLINGER? Hype the HRC threat to white men, traditional women. Identify guiding principles for responses.

These are all items. Nothing to hid, stick to the facts, get it right the first time. Keep it simple, stupid. That sounds like Carville writing this memo. It goes on and on and on and on through a whole page, surrogate roles, and then it comes over to an entire, you know how the CONGRESSIONAL RECORD has tiny print, send for this CONGRESSIONAL RECORD, folks, those leaving up in the gallery, then it comes down to item 18, they keep changing, they did not Jesuit outlining skills taught to them. I wonder if Clinton got that at Georgetown. Here is No. 18 of about the fifth category, it says FEC audit, determine congressional interest. Somebody should have written "intense" next to that. This is, again, the disgraced David Watkins. Assembled binders with summary and key documents. Media let them get off on that. They would have hammered war hero George Bush or the beloved Ronald Reagan if they had him on that. Then it comes down to 21 other preinaugural items, (a), Lindsey role, Betsey Wright, role of the Bank of Cherry Valley, that is one where one of the juries that let off people on blatant evidence, but that is our jury system. Starr is looking at 1984, 1986, 1990, these are guberatorial elections in Arkansas.

Then it comes down to 21, subcategory (b), negative associations, Jim Guy Tucker, year and a half later he is convicted, any number of felonies. David Hale, Small Business Association loan. He is talking to the prosecutors, to Kenneth Starr. Then he goes to jail. Jim McDougal, talking, Dan Lasater, dodged everything, got that house arrest and a pardon by Clinton. It says there, bond deals, cocaine, Roger Clinton. Then Mena Airport again, a line item. Then it goes on and on.

And then troopers, troopers. Identify the issue. Job for silence. And then this young guy, Buddy Young, the captain of the troopers, who literally whored out for Clinton, I deliberately use that tough word because his salary was more than doubled from $45,000 as captain of the troopers to way over $95,000 to go to Denton, Texas and take over a FEMA, a Federal Emergency Management key spot in this country with no experience whatsoever for threatening some of the troopers and actually silencing some, particularly one who had 5 children and triplets, unbelievable disgrace.

Then Mr. COX goes on, this memo is quite extraordinary. It is single spaced. Goes on for 12 pages. As I said, lists 39 scandals, most of which now, 2 years later, are at least known to American people. Yes, those that follow these important things.

My point is, as I said, last week on this, America has an IQ test that it is going to have to take on November 5. Today is the 12th. We are not in Friday, Saturday, Sunday, Monday. No votes Tuesday until late. That is 5 more days gone in this month. So that is 17 days. We have 13 days left in September when the next special order takes place. I hope I will be up for one. I will continue with Tiger Flight and recruit my combat tested friends, HUNTER, SAM JOHNSON.

I will be back next week with 5 more days gone, 12, that is 17, so that means 13 days in this 30-day month; 31 next, that is 44. When we come back in for legislative business, there will be 49 days left in the presidential election, 49 days before GIL GUTKNECHT rides to glory with a 60, 70 percent election up there in God's country in the northwest of our great country, middle northwest it should be called now.

Mr. Speaker, here is why this is so important to me, all these scandals. It is because we are faced with a constitutional crisis right now. Last Sunday, a few days ago I was in my district. I went to the back of the church, St. Columbans, great Irish saint that turned wild blue-faced Picts in Scotland into Christians, brought the word of Christ to Scotland with St. Kevin and St. Columba. But this is Columban.

In St. Columbans in Garden Grove, CA, at the back of the church is a plaque and it says on the plaque that these men, the following, died in the service of their country in the war in Vietnam. And it lists six names and then it says, may their souls repose in peace, or words to that effect.

I said to my wife, it is time for me to write down these names and go to the Vietnam Memorial at the kiosk, because I had done this at Cambridge, England to look at Colonel Eugene Holmes' kid brother, Bob, as I mentioned earlier who, and last week I mentioned him, who had died from his wounds at altitude, German fighter aircraft and flak tearing up the B–17, died of his wounds on the aircraft, but the aircraft made it safely back to his base and he was buried the next day on Veterans Day of 1943. The air war had been canceled over Germany because we were losing so many airplanes, 2 raids, we lost six four-engine ten- or 11-man crewed bombers over Schreinford and then Regensburg-Schreinford. So we ended the air war from October, so he must have been hit over France. We did not start up again until February. We started. We could still lose the air war. Germans had not even put their jets in the field yet. But since I have looked up and I had forgotten how easy is to get a man's date of death and birth and age, so forth, and I took down these 6 names and my Sally reminded me yesterday. So I could not get off the floor so I sent a staffer down to the Vietnamese Memorial. Within minutes he was back with their names, I mean the barest of statistics on their death.

Here they are. In my parish church, here is the names of six young Americans who died serving their country in Vietnam. I will make a point on this. J. Patrick Fitzsimmons, lance corporal Marine Corps, died a month past his 21st birthday, May 18, 1967, he was born in 1946, I guess that is the beginning of the baby boom. His dad was probably a veteran who came home from the war and count back 9 months from 1946 and that is certainly a child brought into the world at the end of our victorious allied effort of World War II. George Xavier Rocha, private first class, born February 3, 1946. He was conceived after the war in Europe ended, the very month, VE day. May of 1945. Birthday February 3, 1946. Died 21 years old, 10 and a half months, on December 18 of 1967. Bill Clinton is starting his 3 months into his senior year at Georgetown, getting ready to use graduate school to avoid his first draft notice which, by the way, was not right because graduate school deferments ended in 1967.

Then David Simmons, born in Grand Rapids but died as a citizen of Garden Grove, sergeant, Army, date of birth, August 16, 1944. Probably his dad home on leave. He died March 16, 1968, 23 years and one month to the day.

Patrick F. Scharosch, spec 4, U.S. Army, born December 18, 1945, war had been over just a few months when his mother went into labor and brought him into what looked like a very promising world, Christmas of 1945, the world at peace for the first time in six horrible bloodletting years, 55 million dead in all the extended families with broken hearts that their loved son or daughter, in the case of European Jewry, the whole extended families gone up literally in evil smoke from Hitler's crematoria. He died April 15, 1968. I know exactly where I was that day, on the way to Vietnam as a reporter.

He was 22 years, 4 months, J. Michael Foster, another marine, corporal, he was born on VE day itself, May 8, 1945. In between his mother's birth pangs, no TV in the hospital rooms then, but I am sure proud dad and brothers and sisters bringing her newspapers, the war is over in Europe. Well, it ended the day before, it ended on the sixth, Ike took the unconditional surrender, would not even show up, he so disrespected General Yodal and then declared May 8 the VE day. Some prisoners were still dying. Some people liberated in camps were still dying but at least they knew freedom, breathed free for a day or two before their emaciated bodies gave up their souls to God and in Russian camps that had been overrun, U.S. prisoners, I repeated from earlier, those with the Slavic names died in the Gulag camps over the next decade.

Let me please give this last name, Mr. Speaker, J. Michael Foster, died March 24, 1969, 23 years, 10 months and, thank you for the courtesy of the one officer, major, Marine Corps, Robert M. Fitzgerald, born in Yonkers, NY, date of birth, January 3, 1936, the year of my brother's birth. His death was June 1, 1970, 34 years, 5 months, the year Bill Clinton returned from his triumphal tour of Prague, Moscow, and Scandinavia.

Mr. Speaker, I include for the RECORD the following information:

[From POLI news, Sept. 10, 1996]

FROM WATERGATE TO WHITEWATER TO FILEGATE, THERE MAY NOT BE A SANTA CLAUS, BUT THERE'S DEFINITELY A LAW OF KARMA!

When Hillary Clinton and Bernie Nussbaum were manipulating the law to continue their vendetta against Nixon, which eventually brought the word 'impeachment' into everyday usage, who thought the law of Karma, AKA The Law of Return, would come into play some 25 years later? One may well wonder if HRC had been studying Eastern Philosophy instead of cranking out McGovern posters, would the White House be the Sing-Sing on-the-Potomac?

Let's take a brief stroll down felony lane and look at the Clintons' Legacy:

Trooper-Gate, our randy President-to-be uses state employees, State Police to be exact, to pimp for him, rating the women on a scale of one to ten, (with HRC un-listed) with basement 'soirees' as HRC slept upstairs and even an assignation at 4:45 am on the very morning he left for D.C. According to Trooper Roger Perry, Clinton offered him a federal job in return for his silence. Candy may be dandy, and liquor, quicker, but a Federal job has real appeal! Among those supposedly given jobs-for-sex: the infamous Gennifer Flowers, who replaced a black woman for a administrative post for which Ms. Flowers had no expertise. Now there's a new use for tax dollars.

Nanny-gate, with a full 27 nominees for high office disqualified for not paying Social Security taxes. Among these, Zoe Baird, who with her husband, both high-priced lawyers, failed to take a few bucks out of their annual $500,000 income to pay the green carded nanny's way.

Haircut-gate, where his royal highness Bill tied up the Los Angeles airport while he got a $250 haircut which cost the airport thousands of dollars, while delaying the busy lives of actual 'little tax-paying people.' Looking at our President's bushy hair, I think the cut was overpriced.

Travel-gate, where seven loyal White House workers were not only fired, which the Clintons had every right to do as these people served 'at the pleasure of the President' but against all laws of the land, the First Lady and the First Bill brought in the FBI and the IRS to trash the reputations of innocents to save their own, since the 'Haircut' had previously left a bad taste in the public's mouth. Clinton so-called 'cousin' (because no one can find her lineage actually connecting her, by blood or marriage, to the family) young, blonde and inexperienced, (at least in the travel business), Catherine Cornelius was hired to run the Travel Office. Unbeknownst to them, but latter knownst to us, their stalling on document-releases in this affair, gave Rep. William Clinger the power to threaten Contempt of Congress, thereby yielding a treasure trove of documents. Among the papers, it was learned that, yet another scandal, involving the FBI and secret documents, was to be revealed.

File-gate, where, in true Clinton style a "few;" then "about 300, from A to G," to the current 'over 1,000' classified personal FBI files, mostly of Republicans who had served in the Reagan and Bush administrations. Incredibly, we have learned that those in charge of this enemies list were never, themselves, able to pass a security clearance for such reasons as drug use, including, marijuana, cocaine, crack-cocaine and other 'hard drugs', theft, including thousands of dollars of lap-top computers stolen after the campaign, (with surveillance camera videos of the actual stealing!), and other past histories of the criminal kind.

Mena-gate, which is currently being worked on, Mena being an airport in Arkansas, under the direction of FOB (formerly, Friend-of-Bill, now Felon-of-Bill) Dan Lassiter, used to traffic an estimated $110 MILLION/month of cocaine into the U.S.A.

Foster-gate, in which for the first time in this century, a dead body smells up the White House. Vince Foster, one-time 'special' friend of Hillary and family lawyer, was suspiciously found dead, jurisdiction was given to 'park police' to, contrary to all the evidence (e.g., clean, polished shoes, after a long walk through a dusty brush-filled park, unexplained carpet fibers on the dead man's clothing, blonde hair and semen stains on the underclothes, non-functioning gun found in the wrong hand, absence of bullet, spent shell, skull-fragments and other forensic evidence, fingerprint-less 'suicide note' w/o any words of love for family, torn into 27 pieces (try this at home), gravity-defying bloodstain on face, impossibly small amount of blood for a 'head shot' etc., etc.) rule 'suicide' and then the body was quickly cremated before extensive examination would be done.

Lest we forget to note the, shall we say, interesting list of Presidential appointees:

Joycelyn (the Condom Queen) Elders, who suggested prostitutes be implanted with 'Norplant' to enable them to ply their trade, wanted "safer bullets" (!?!, Ed.) Most famous quote, ""'If I could wear a crown on my head with a condom on it. I would.'""

Henry Foster, who said he had performed "a few" abortions, then continued to lie to Congress as it was revealed that "a few" equaled over 700. Dr. Foster claimed those opposing his nomination were "racists."

Web Hubbel, former FOB and Hillary's Rose Law partner, actual un-appointed Attorney General, responsible for the Waco Massacre, now serving time in the penal Club Fed, who let the blame for the dead children fall on the broad shoulders of

Janet Reno, Attorney General, most famous quote "My highest priority is not to convict criminals, but to protect their rights." Ms. Reno was also given 'what-for' in a Senate vote of 100-0 when she tried to overturn George Bush's position on child pornography.

Ron Brown, deceased Commerce Secretary, formerly under investigation by: Department of Justice; Special Prosecutor; FDIC; Congressional Reform and Oversight Committee; FBI; DOE; Senate Judiciary Committee; Commerce Dept.; and Inspector General. At the time of the plane crash which reportedly killed Sec'y. Brown, there were 22 Congressmen demanding Brown's removal and prosecution. Among the major scandals in which Brown was involved: Whitewater; Mena Drug smuggling; the Denver Airport mess; The Keating Five; Haitian Madame Lillian Madsen's prostitution ring; $700,000 received from Russia and deposited in a Singapore Bank to drop trade embargo with Viet Nam (which was accomplished), thereby propping up the Viet Nam Communists; Special 'favors' (tax and regulatory) breaks given by Brown to Democrat Party and Clinton Victory Fund (to re-elect Clintons) Influence Peddling by Cabinet Official $12.5K/mo. from Haitian dictator-in-Exile Duvalier; $50M sent to Viet Nam Communist gov't.; $360,000 town house for the aforementioned Mme. Madsen; illegal ChemFix Waste Mgt. account with former NYC Mayor David Dinkins, worth millions; Capitol/Pebsco illegal pension fund account with DC Mayor Marion Barry; sale of gas-turbine engine to China for use in cruise missiles; illegal Iranian Muslims weapons deal into Bosnia against US/Ally Trade Embargo, money for which came from Depts. of Commerce and Agriculture slush funds, and supplied helicopter gunships, stinger missiles, land mines, anti-aircraft guns, anti-tanks weapons, grenade launchers and over 20,000 muslim troops, including their elite Mujahedeen; illegal $500,000 cash with gov't loans money deal with Yolanda Hill to fund Democratic National Committee; illegal $6 Billion Saudi deal for military aircraft and hardware coupled with illegal $4 Billion AT&T contract, of which DNC and Bill Clinton were beneficiaries. Now here lies a busy, busy capitalist!

Henry Cisneros, Sec'y of HUD, under investigation for lying to FBI in matter involving money and mistress.

Mike Espy, former Sec'y of Agriculture, resigned after Tyson (FOB) Food Giant 'bought influence,' with this case still active.

Ira Magaziner, Health Care Czar and Friend of Hillary, investigated for spending a bit over budget for the now infamous, socialist Health-Care Task-Force fiasco. A bit over budget, you ask? Well, for an original estimate of $300,000 to become an actual bill of over $15 Million from the taxpayers, I, for one, would like my money back. It would seem the 'Force' was 'tasked' to redistribute wealth from the tax payer to their private Swiss accounts, non? Ooh la la!

Hazel O'Leary, Energy Secretary, who has shown she can overspend with the best of 'em. Hazel took 68 of her closest friends on a Madonna-like tour, using the Hollywood and Rock stars' favorite transport jet, (complete with gold toilet fixtures and hot tubs) claiming billions of business garnered for the US, which was proven to be less than millions.

Donna Shalala HHS Sec'y and another 'special' friend of Hillary, famous for the television and radio, condom campaign, at taxpayer's expense, spending over $1 Million thus far.

9. H.J. RES. 77. USE OF FORCE AGAINST IRAQ/PASSAGE

Passage of the joint resolution to authorize the use of military force if Iraq has not withdrawn from Kuwait and complied with U.N. Security Council resolutions by Jan. 15. The resolution authorizes the use of force and the expenditure of funds under the War Powers act and requires the president to report to Congress every 60 days on the efforts to obtain Iraqi compliance. Passed 250–183: R 164–3; D 86–179 (ND 33–147, SD 53–32); I 0–1, Jan 12, 1991. A "yea" was a vote supporting the president's position.

Alabama:

Callahan–Y.
Dickinson–Y.
Browder–Y
Bevill–Y.
Cramer–Y.
Erdreich–Y.
Harris–Y.

Alaska:

Young–Y.

Arizona:

Rhodes–Y.
Udall–?.
Stump–Y.
Kyl–Y.
Kolbe–Y.

Arkansas:

Alexander–N.
Thornton–Y.
Hammerschmidt–Y.
Anthony–N.

California:
Riggs-N.
Herger-Y.
Matsui-N.
Fazio-N.
Pelosi-N.
Boxer-N.
Miller-N.
Dellums-N.
Stark-N.
Edwards-N.
Lantos-Y.
Campbell-Y.
Mineta-N.
Doolittle-Y.
Condit-Y.
Panetta-N.
Dooley-N.
Lehman-Y.
Lagomarsino-Y.
Thomas-Y.
Gallegly-Y.
Moorhead-Y.
Beilenson-N.
Waxman-N.
Roybal-N.
Berman-Y.
Levine-Y.
Dixon-N.
Waters-N.
Martinez-N.
Dymally-?.
Anderson-Y.
Dreier-Y.
Torres-N.
Lewis-Y.
Brown-N.
McCandless-Y.
Dornan-Y.
Dannemeyer-Y.
Cox-Y.
Lowery-Y.
Rohrabacher-Y.
Packard-Y.
Cunningham-Y.
Hunter-Y.

Colorado:
Schroeder-N.
Skaggs-N.
Campbell-Y.
Allard-Y.
Hefley-Y.
Schaefer-Y.

Connecticut:
Kennelly-N.
Gejdenson-N.
DeLauro-N.
Shays-Y.
Franks-Y.
Johnson-Y.

Delaware:
Carper-Y.

Florida:
Huffo-Y.
Peterson-N.
Bennett-N.
James-Y.
McCollum-Y.
Stearns-Y.
Gibbons-N.
Young-Y.
Bilirakis-Y.
Ireland-Y.
Bacchus-Y.
Lewis-Y.
Goss-Y.
Johnston-N.
Shaw-Y.
Smith-N.
Lehman-N.
Ros-Lehtinen-Y.
Fascell-Y.

Georgia:
Thomas-Y.
Hatcher-Y.
Ray-Y.
Jones-Y.
Lewis-N.
Gingrich-Y.
Darden-Y.
Rowland-Y.
Jenkins-N.
Barnard-Y.

Hawaii:
Abercrombie-N.
Mink-N.

Idaho:
LaRocco-N.
Stallings-N.

Illinois:
Hayes-N.
Savage-N.
Russo-N.
Sangmeister-N.
Lipinski-N.
Hyde-Y.
Collins-N.
Rostenkowski-Y.
Yates-N.
Porter-Y.
Annunzio-N.
Crane-Y.
Fawell-Y.
Hastert-Y.
Madigan-Y.
Cox-N.
Evans-N.
Michel-Y.
Bruce-N.
Durbin-N.
Costello-N.
Poshard-N.

Indiana:
Visclosky-N.
Sharp-N.
Roemer-N.
Long-N.
Jontz-N.
Burton-Y.
Myers-Y.
McCloskey-N.
Hamilton-N.
Jacobs-N.

Iowa:
Leach-Y.
Nussle-Y.
Nagle-N.
Smith-N.
Lightfoot-Y.
Grandy-Y.

Kansas:
Roberts-Y.
Slattery-Y.
Meyers-Y.
Glickman-Y.
Nichols-Y.

Kentucky:
Hubbard-Y.
Natcher-N.
Mazzoli-N.
Bunning-Y.
Rogers-Y.
Hopkins-Y.
Perkins-N.

Louisiana:
Livingston-Y.
Jefferson-N.
Tauzin-Y.
McCrery-Y.
Huckaby-Y.
Baker-Y.
Hayes-Y.
Holloway-Y.

Maine:
Andrews-N.
Snowe-Y.

Maryland:
Gilchrest-Y.
Bentley-Y.
Cardin-N.
McMillen-Y.
Hoyer-N.
Byron-Y.
Mfume-N.
Morella-N.

Massachusetts:
Conte-N.
Neal-N.
Early-N.
Frank-N.
Atkins-N.
Mavroules-N.
Markey-N.
Kennedy-N.
Moakley-N.
Studds-N.
Donnelly-N.

Michigan:
Conyers-N.
Pursell-Y.
Wolpe-N.
Upton-Y.
Henry-Y.
Carr-N.
Kildee-N.
Traxler-N.
Vander Jagt-Y.
Camp-Y.
Davis-Y.
Bonior-N.
Collins-N.
Hertel-N.
Ford-N.
Dingell-Y.
Levin-N.
Broomfield-Y.

Minnesota:
Penny-N.
Weber-Y.
Ramstad-Y.
Vento-N.
Sabo-N.
Sikorski-N.
Peterson-N.
Oberstar-N.

Mississippi:
Whitten-Y.
Espy-N.
Montgomery-Y.
Parker-Y.
Taylor-N.

Missouri:
Clay-N.
Horn-N.
Gephardt-N.
Skelton-Y.
Wheat-N.
Coleman-Y.
Hancock-Y.
Emerson-Y.
Volkmer-Y.

Montana:
Williams-N.
Marlenee-Y.

Nebraska:
Bereuter-Y.
Hoagland-Y.
Barrett-Y.

Nevada:
Bilbray-Y.
Vucanovich-Y.

New Hampshire:
Zeliff-Y.
Swett-Y.
New Jersey:
Andrews-N.
Hughes-Y.
Pallone-Y.
Smith-Y.
Roukema-Y.
Dwyer-N.
Rinaldo-Y.
Roe-N.
Torricelli-Y.
Payne-N.
Gallo-Y.
Zimmer-Y.
Saxton-Y.
Guarini-N.
New Mexico:
Schiff-Y.
Skeen-Y.
Richardson-N.
New York:
Hochbrueckner-N.
Downey-N.
Mrazek-N.
Lent-Y.
McGrath-Y.
Flake-N.
Ackerman-Y.
Scheuer-N.
Manton-N.
Schumer-N.
Towns-N.
Owens-N.
Solarz-Y.
Molinari-Y.
Green-Y.
Rangel-N.
Weiss-N.
Serrano-N.
Engel-Y.
Lowey-N.
Fish-Y.
Gilman-Y.
NcNulty-Y.
Solomon-Y.
Boehlert-Y.
Martin-Y.
Walsh-Y.
McHugh-N.
Horton-Y.
Slaughter-N.
Paxon-Y.
LaFalce-N.
Nowak-N.
Houghton-Y.
North Carolina:
Jones-Y.
Valentine-Y.
Lancaster-Y.
Price-N.
Neal-N.
Coble-Y.
Rose-N.
Hefner-N.
McMillan-Y.
Ballenger-Y.
Taylor-Y.
North Dakota:
Dorgan-N.
Ohio:
Luken-Y.
Gradison-Y.
Hall-N.
Oxley-Y.
Gillmor-Y.
McEwen-Y.
Hobson-Y.
Boehner-Y.
Kaptur-N.
Miller-Y.
Eckart-N.
Kasich-Y.
Pease-N.
Sawyer-N.
Wylie-Y.
Regula-Y.
Traficant-N.
Applegate-N.
Feighan-N.
Oakar-N.
Stokes-N.
Oklahoma:
Inhofe-Y.
Synar-N.
Brewster-Y.
McCurdy-Y.
Edwards-Y.
English-N.
Oregon:
AuCoin-N.
Smith-Y.
Wyden-N.
DeFazio-N.
Kopetski-N.
Pennsylvania:
Foglietta-N.
Gray-N.
Borski-Y.
Kolter-N.
Schulze-Y.
Yatron-N.
Weldon-Y.
Kostmayer-N.
Shuster-Y.
McDade-Y.
Kanjorski-N.
Murtha-Y.
Coughlin-Y.
Coyne-N.
Ritter-Y.
Walker-Y.
Gekas-Y.
Santorum-Y.
Goodling-Y.
Gaydos-N.
Ridge-Y.
Murphy-N.
Clinger-Y.
Rhode Island:
Machtley-Y.
Reed-N.
South Carolina:
Ravenel-Y.
Spence-Y.
Derrick-Y.
Patterson-Y.
Spratt-Y.
Tallon-Y.
South Dakota:
Johnson-N.
Tennessee:
Quillen-Y.
Duncan-Y.
Lloyd-Y.
Cooper-Y.
Clement-Y.
Gordon-Y.
Sundquist-Y.
Tanner-Y.
Ford-N.
Texas:
Chapman-Y.
Wilson-Y.
Bartlett-Y.
Hall-Y.
Bryant-N.
Barton-Y.
Archer-Y.
Fields-Y.
Brooks-Y.
Pickle-N.
Edwards-Y.
Geren-Y.
Sarpalius-Y.
Laughlin-Y.
de la Garza-Y.
Coleman-N.
Stenholm-Y.
Washington-N.
Combest-Y.
Gonzalez-N.
Smith-Y.
DeLay-Y.
Bustamante-N.
Frost-Y.
Andrews-Y.
Armey-Y.
Ortiz-Y.
Utah:
Hansen-Y.
Owens-N.
Orton-Y.
Vermont:
Sanders-N.
Virginia:
Bateman-Y.
Pickett-Y.
Bliley-Y.
Sisisky-Y.
Payne-Y.
Olin-N.
Slaughter-Y.
Moran-N.
Boucher-N.
Wolf-Y.
Washington:
Miller-Y.
Swift-N.
Unsoeld-N.
Morrison-Y.
Foley-N.
Dicks-N.
McDermott-N.
Chandler-Y.
West Virginia:
Mollohan-Y.
Staggers-N.
Wise-N.
Rahall-Y.
Wisconsin:
Aspin-Y.
Klug-Y.
Gunderson-Y.
Kleczka-N.
Moody-N.
Petri-Y.
Obey-N.
Roth-Y.
Sensenbrenner-Y.
Wyoming:
Thomas-Y.

ENERGY AND ENVIRONMENT SUBCOMMITTEE FIELD BRIEFING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, if the gentleman will yield for a second.

Mr. ROHRABACHER. Yes; I would.

Mr. DORNAN. I thank my colleague for yielding.

I made reference earlier to your hard-hitting, factual, truthful special order last night with CHRIS COX, and I would like to ask unanimous consent that this not interrupt the flow of this fascinating environmental presentation, but that my question of you and my short statement hear appear at the beginning of your special order so it has a flow from special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DORNAN. What I wanted to do was to point out at the end of my special order, because I got caught a little about there, that I have asked unanimous consent they duplicate it to put it in the RECORD at the end of my remarks for any Americans tracking us through the gallery of visits here, or through the electronic wizardry of C-SPAN I and II, that I am putting into the record the vote.

You were here for that great debate in January 1991, so was the Speaker pro tempore; 180 Democrats voted against doing anything about Saddam Hussein. Some of them even voted against the sanctions, like my pal, ELIOT ENGEL, although he voted for hostile action. But all the leadership: Tom Foley, who was the Speaker, Mr. BONIOR, who was in leadership then, Mr. HOYER, the entire leadership here and the entire leadership that is over there today in the Senate: Mr. DASCHLE, then the majority leader, Mr. Mitchell, they all voted against doing anything. And Admiral Crowe, who had risen to glory under Reagan and Bush, he wrote against any action, and his reward is to be the Ambassador to England in the Court of St. James.

Now we have these same people coming to the floor. The gentleman from Massachusetts [Mr. MARKEY] at least had the decency to say, well, he voted no because he thought we went into week 2 early and left a few days too late, and I might agree with the analysis, but that is not a reason to vote against going in at all, because he did not know when we were going in.

Mr. ROHRABACHER. If I could reclaim my time for a moment?

Mr. DORNAN. Sure.

Mr. ROHRABACHER. Actually, it is worse than what you are presenting. The fact is that we had hundreds of thousands of Americans in the desert in a very vulnerable situation. They were in a hostile environment, even if there were no enemy troops out to kill them; and what happened, what you are talking about, the vast majority of the members of the Democratic Party who were here in this body decided and voted that they should not be permitted to conduct offensive military operations.

What, in essence, that vote was all about was saying our troops, vulnerable in the middle of a hostile desert, facing a well-armed foe would not be able to conduct offensive operations but would have to sit there and fry in the desert and take hits, but were not permitted to take offensive action.

This is Vietnam times 10, if they would have succeeded. Luckily a number, Democrats crossed over to join almost every Republican.

Mr. DORNAN. 240 to 183.

Mr. ROHRABACHER. Right. Almost every Republican voted to side with our troops.

You do not put people out in that condition unless you are willing to back them up, and the last thing you want to do is put them out in the middle of the desert as it is going into summertime and make them sit there and make them take the hits for not letting offensive military operations take place.

They voted that way, and then when Schwarzkopf came here, when he came here to give a speech to this body after the great victory that he led us to, I remember the Schwarzkopf reception because all of those who voted, not all of them, but so many of those who voted to make him a sitting duck elbowed everybody else out of the way in order to get their picture with General Schwarzkopf.

At that time, if you remember, right after we voted to give them the right to conduct offensive military operations, and it became clear that our forces were going to win a magnificent victory, the Democrats who controlled this body at the time, if you remember, BOB, called us back, immediately called us back in order to have a vote which was nothing but a face-saving vote for them at massive expense to the taxpayers to get everybody back here for just a face-saving vote for——

Mr. DORNAN. To support the men and women.

Mr. ROHRABACHER. That is right.

Mr. DORNAN. Two quick final thoughts:

You are right. Boy, was I understating it. Those of us who were raised in California and in New York, a few other big cities, find words like arrogance, gall, the effrontery of it all. They are not strong enough.

We must turn to Yiddish, one of the world's most powerfully expressive and emotional languages. The word with great accent "chutzpah" comes to mind, that they would ask us, without even being consulted, let alone a fulsome debate, as President Bush and Dick Cheney gave us, that we should sign off on some feel-good thing from the other Chamber without being consulted about the air war that may be beginning any second over there of hostilities again affronting our Constitution.

□ 1430

A final thought. I leave you now to go to the West Front, Ronald Reagan the first President ever sworn in out there, where bishops, cardinals of the Catholic Church, bishops of the Mormon Church, prolife ministers and pastors, great evangelical leaders and prolife rabbis are gathering to ask the U.S. Senate, six hardened hearts, to turn around and support the overwhelming majority of theHouse and Senate to override Clinton's veto on partial birth infanticide of 80-percent-delivered babies held in the mother's birth canal under great distress to the mother, heck with the distress on the baby, because the abortionist is about to stab it in the back of its head and remove its brains by suction. I am going out there now to that.

Mr. ROHRABACHER. Reclaiming my time, Mr. Speaker, I have always believed that there is an honest disagreement on the issue of pro-life and pro-choice and the abortion issue. I personally, until I came to the conclusion that life begins at conception, I was ambivalent about this whole issue. But once you come to a conclusion, once you say to yourself, I honestly believe that we are talking about a baby, once you actually say to yourself this is the conclusion I have come to, and looking at all the facts, then that is it. There is no more decision. If you believe life begins at conception, you cannot permit the killings of babies.

Many of our colleagues have an honest disagreement. They have not come to that. Their eyes have not been opened to that. I did not believe that all the time, either. But as soon as I did, then my decisionmaking was past. No moral person could permit a baby to be killed.

But a partial birth abortion, even those people who do not believe that life begins at conception, as I now have come to believe, even those people who do not believe that know that a partial birth abortion is a baby that is well along the way.

Mr. DORNAN. You see the arms and legs moving.

Mr. ROHRABACHER. This really is tragic that the other side, who is so opposed to any restrictions on abortion, have been able to blind themselves about what this is. There should be no question about this.

Mr. DORNAN. Senator DANIEL PATRICK MOYNIHAN is changing his vote. At least one has let his conscience kick in. He wrote a speech titled "Too Close to Infanticide." Great cardinals and bishops and Protestant leaders have said it is infanticide, and that is what I say. Eighty percent of the infant is there, You are holding the mother in distress while you take its brains out and kill it right in front of your eyes. That is infanticide.

Mr. ROHRABACHER. Let us just hope, I happen to believe that we should try to explain in a very heartfelt, way, those of us whose eyes have been opened, that honestly, there is no other, once you conclude that life begins at conception you cannot have any other belief. Even the most strident person who is pro-choice that I know, if they believed that it was a baby that we were talking about, they would not believe that there should be an abortion.

Mr. DORNAN. Beautifully put. You have actually picked up the theme of the cardinals, to try and win by persuasion. But when you are a fighter pilot, that is hard. Your dad is a fighter pilot. Ask your dad how hard it is to be loving and kind and try to open people's eyes when they keep trying to funnel Federal dollars into what is obviously the infanticide of a living child, 80 percent born. I am going to take your advice and speak with love out there on the West Front today.

Mr. ROHRABACHER. I think we should.

Mr. Speaker, I asked for this time to report to the House on a field briefing and site visit that was held on August 8, a hearing and field briefing that was hosted by the Energy and Environmental Subcommittee which I chair. Joining me at that field briefing were four other members of the Committee on Science: Mr. SCHIFF, the distinguished chairman of the Basic Research Subcommittee, Mr. CALVERT, Mr. FOLEY, and Mr. STOCKMAN. The field briefing could well have been called: Free Enterprise Works. Each of the sites that we visited gave us a first-hand look and a better understanding of the private sector's response to environmental challenges. We found that in southern California new technologies are emerging to clean and purify the environment and to make a profit, to boot.

We began the day by attending a ground-breaking for C-launch. This is an innovative project of the Boeing Corporation which will launch commercial satellites from platforms based at sea. I am particularly pleased that Boeing has chosen the site of the now closed Long Beach Naval Station for its home port, bringing much-needed jobs to the area.

We next visited the Long Beach headquarters of Gridcore. Gridcore is a company that has commercialized technology originally developed at the Department of Agriculture research lab in Wisconsin. They are a proud example of a public-private partnership.

The result of this cooperation is a remarkable product. They are panels with the strength of plywood at half the weight made from 100 percent recycled material, primarily fiber from old corrugated cardboard containers. It is keeping our landfills from overflowing while at the same time producing a building substitute for trees.

Even more, this technology allows the production of Gridcore products without the use of toxic resins or binders. Not only is Gridcore made from recycled materials, but the product itself is also recyclable.

So what we have here, a product of a basically public-private partnership, is the development of an environmental technology that will keep our landfills from overflowing, but at the same time save trees, and at the same time, of course, make a profit for those who are engaged in the enterprise.

Mr. Speaker, I ask unanimous consent to enter Gridcore's specification sheet at this point in the RECORD.

The SPEAKER pro tempore (Mr. BARTON of Texas). Is there objection to the request of the gentleman from California?

There was no objection.

The specification sheet referred to is as follows:

GRIDCORE®

SPECIFICATION SHEET

Product description

Gridcore® is an engineered molded fiber stressed skin panel. Proprietary technology facilitates the pressure forming of recycled resources into three dimensional geometric ribs molded to smooth faces. When laminated together, they form a honeycomb panel with high strength-to-weight features and impressive design, fabrication and application flexiblity.

Size

4′ x 10′ x 23/32″ (Internally Tested)

Thickness Tolerance: ±1/64″

(Equivalent to A/C plywood specifications)

Weight

1.0–1.25 pounds per square foot (nominal 3/4″ basis) (Internally Tested)

Density

20 pounds per cubic foot (nominal 3/4″ basis) (Internally Tested)

Bending Strength

ASTM D 1037 @ 50% RH

Modulus of Rupture: 1,000–1,300 PSI (Timber Products Inspection Lab)

Modulus of Elasticity: 150,000–200,000 PSI

(Equivalent to low density particleboard specifications)

Flat Crush

ASTM C 365 @ 50% RH: 50–60 PSI (Internally Tested)

Screw Withdrawal

ANSI A208.1 @ 50% RH:

Hollow Core: 76 pounds (Timber Products Inspection Lab)

Epoxy Filled Core: 254 pounds

Linear Expansion

50%–90% RH: 0.15%–0.20% (Fiber Research International)

Flame Spread

ASTM E-84: Class C (United States Testing Company)

Flame Spread Index: 115 Test performed on Gridcore®

Smoke Density: <450 Gridboard assembly.

Environmental Features

Current Gridcore® products are made from 100% recycled resources, primarily kraft fiber from old corrugated containers. Gridcore® is free of formaldehyde's and urea reins. Non-toxic PVA (white) glue is used to laminate sub-panels. The manufacturing process generates no toxic off-gasses. The water utilized in the forming & pressing cycles is recycled back into the system. Widespread adoption of Gridcore® can slow deforestation and provide sustainable building solutions for the growing needs of Twenty-First Century development.

NOTE.—Changes in raw material content can affect the structural characteristics of the panels. If surfaced with coatings, veneers or laminates, Gridcore® should be balanced with similar treatments on both faces to prevent warping.

Mr. ROHRABACHER. Mr. Speaker, as part of its commercialization agreement with the Government, Gridcore is paying royalties on its profits. As a result, the taxpayers will get more back in terms of what Gridcore is giving them through royalties than it costs us in the original investment.

Well, I have been somewhat skeptical of developing a partnership-type relationship between government and private companies. In this case it has obviously worked, and certainly these royalty arrangements by which private companies commercialize government-developed technologies, certainly this should be encouraged, and in this case, Gridcore has developed a product which is a win for the taxpayers, a win for the consumers, and a win for the environment.

From Gridcore, our field briefing went on and we visit the headquarters of Simple Green in Huntington Beach. Simple Green began in the family workshop of Bruce Fabrizio and his father, Joseph. They successfully developed an alternative to toxic cleaners used to remove tannic acid that results from coffee roasting. Twenty years later they have developed an all-purpose cleaner that degreases products marketed around the world, and these products are nontoxic nonflammable, nonabrasive, and even biodegradable.

One of the greatest obstacles to this success, to the development of an environmentally friendly product, a cleaner that went well beyond anything that was on the market at that time, one of the greatest obstacles they had to overcome was the high taxes, high interest rates and double-digit inflation during the 1970's.

This was the time during the late 1970's when, as entrepreneurs, they struggled to establish their new company to offer this environmentally sound alternative to the cleaning products that were already on the market. But with high interest rates and a killer inflation they were almost kept off of the market simply by the general economic conditions.

So let us never forget that when we are talking about cleaning the environment or any other very laudable goal that we must insure that the fundamental economic factors that are at play in our society are conducive to entrepreneurs developing new products and creating jobs and basically bringing about the progress that will make this a better world.

Well, once they were successful, Simple Green did not stop at just making a good product and making a profit. In fact, the product itself, of course, is beneficial in that it is more environmentally safe than the other cleaners that are on the market, but they did not stop at just making a profit at doing that. They went on to establish the Egbar Foundation which stands for: everything is going to be all right, which is, of course, in stark contrast to some of the pessimism that we hear from other people who claim to be interested in the environment but basically are so pessimistic and are making such outlandish claims that the world is going to end and that we all are going to be consumed in our own waste that it actually decreases the amount of activity, of human activity, that is aimed at solving the problems because they are so pessimistic.

Well, the Simple Green people established this foundation, everything is going to be all right, in order to stimulate new ideas and to get people active and personally mobilized to try to make this a better planet environmentally. Using 1 percent of the company's annual sales, the foundation sponsors an environmental education program which involves over 200,000 California students.

While onsite we learned that Simple Green has recently begun research on using its technologies to improve bioremediation techniques. They now have developed a method to reclaim land despoiled by oil and other toxics in a more effective and more efficient way than the currently alternatives.

Again they are making money by building a better more effective product that will be better for the environment as the product is being used.

Mr. Speaker, I ask unanimous consent to place a statement from Simple Green, on its bioremediation research, into the RECORD.

The SPEAKER pro tempore (Mr. BARTON of Texas). Is there objection to the request of the gentleman from California?

There was no objection.

The statement referred to is as follows:

SIMPLE GREEN—THE KEY TO ENVIRONMENTAL TECHNOLOGY

For more than 20 years, Simple Green has been helping make our planet a much cleaner place. Unlike hazardous solvents and harsh detergents, Simple Green's unique formula is non-toxic, non-flammable and biodegradable.

Now marketed throughout the world as an environmentally sensitive cleaner and degreaser, Simple Green's reputation continues to grow.

Simple Green is versatile, safe and effective. We're still discovering brand-new applications for its use. At home, industry, and, now even in the land, as an integral part of promising new techniques for bioremediation.

Bioremediation is proving to be an attractive alternative for waste disposal. The United States Environmental Protection Agency defines bioremediation as "a process whereby naturally occurring microbes, typically bacteria or fungi, degrade harmful chemicals into less toxic or non-toxic compounds."

One of the most difficult problems in bioremediation is that the pollutant is often not readily available to the microbial community. Material that disperse organic pollutants prove to be a very important part of an effective bioremediation process. Even at relatively low levels compared to the pollutant concentration.

Simple Green has proven to be outstanding for this kind of intermediary function. Simple Green's chelating capacity decreases metal toxicity problems and its formulation significantly increases the bioavailability of many types of pollutants.

Bacterial viability is a critical consideration for any additive proposed for use in a bioremediation effort. Simple Green has properties that will increase the effectiveness of bioremediation, and could be used safely with no deleterious effect on the indigenous bacteria.

According to Celia Bonaventura, Co-Director, Marine Biomedical Center Duke University Marine Laboratory, "The part that Simple Green plays in this process is facilitating the hydrocarbon bacterial juxtaposition. Hydrocarbons tend to stay in oily pockets and bacteria likes to live in watery places and Simple Green works well to help these come together."

Simple Green's cutting edge formulation and superior results is something chemists call Micro-Particulate-Fractionalization, or MPF.

Simple Green uses special "surface active" agents to break down large globs of oil, grease and fat to create much smaller microscopic droplets called "micelles."

Unlike ordinary industrial cleaners and dispersants, Simple Green's special MPF properties continue breaking down these microscopic droplets even further.

These droplets are made increasingly smaller and more numerous by Simple Green's MPF process, which provide increasingly greater surface area for Simple Green and water to attack. The end result of the MPF process is the pollutant is much more available to the microbial community.

Simple Green has invested millions of dollars in independent testing and research to thoroughly evaluate the products, the efficacy and safety.

According to Dr. John Todhunter, President, Science Regulatory Services, International, and former head of toxicology for the U.S. Environmental Protection Agency, "Simple Green's unprecedented MPF process is a scientifically advanced method of achieving effective cleaning."

In the past, surfactants have been used in bioremediation with minimal success. What makes Simple Green different? Simple Green's combination of surfactants has been found to actually encourage bacterial activity. While surfactants alone such as Tergitol can actually inhibit bacteria growth due to toxicity.

H & H Eco Systems of North Bonneville, WA, founded by Terry Horn, has established itself on the leading edge of biological systems.

Terry Horn, President of H & H Eco Systems and with 20 years of experience in the field, realized that no one single bioremediation approach would work. Bioremediation needs to be individually assessed for every site.

Because of heterogeneity in the distribution of pollutants, indigenous micro-organisms and soil components, bioremediation methods in a given project vary from site to site.

The approach developed by H & H Eco Systems, Inc. is unlike any other. It's called "the bio-triangle" approach.

The "attack" on contaminants involves a combination of Simple Green, biological and mechanical components. Simple Green chemically acts to alter the physical composition of the contaminant whileH & H Nutrients provide a balanced biological diet, and the System 614 Turbo-rator serves as the mechanical component to enhance this process.

Simple Green is also an extremely effective vapor suppressant able to keep vapors below state and Federal levels. Its deodorizing properties, even at diluted levels, help overcome tough odor problems, particularly a concern when doing sites in residential areas.

Celia Bonaventura states "as a cleaner Simple Green makes a good dispersion between the hydrocarbon or oily material and water. As the material is held in that contact it's tendency to vaporize will be much less. Thus there is a very nice complimentary between the cleaning properties of Simple Green and it's ability to act as a vapor suppression."

Today, we are working on sites and showing that we have improved the efficiency of the biological systems and that our approach works.

"We've looked at the growth rates of these bacteria under different conditions in laboratory settings where we would control the temperature and everything in the environment of the bacteria and we're able to see how Simple Green is one of these facilitators which actually enhance the growth of the bacteria in ways that promoted degradation of the hydrocarbon."

The results produced by this collaboration between Simple Green and H & H Eco Systems are both encouraging and impressive.

BREMERTON, WASHINGTON—CONTAMINATE: HEATING OIL (B–2)

Date and levels: 12/03/93, 2,400 ppm; 02/08/93, 53 ppm; Outside Ambient Temperature, 20° F; Cell Temperature, 70° F.

CLEELUM, WASHINGTON—CONTAMINATE: PENTACHLOROPHENOL (PCP)

Date and levels; 06/18/93, 87 ppm; 06/25/93, 9.5 ppm.

CLEELUM, WASHINGTON—CONTAMINATE: CREOSOTE

Date and levels: 06/18/98, 1000 ppm; 06/25/93, 9 ppm.

CLEELUM, WASHINGTON—CONTAMINATE: DIESEL

Date and levels: 06/18/03, 530 ppm; 06/25/93, 20 ppm.

SAUVIN FORD, OREGON—CONTAMINATE: USED MOTOR OIL

Date and TPH level: 11/14/92, 35,000 ppm; 12/16/92, 13,000 ppm; 01/21/03, 850 ppm.

OLYMPIA, WASHINGTON—CONTAMINATE: GASOLINE AND KEROSENE

Date and levels: 06/14/93, 3000–6000 ppm; 06/23/93, 32 ppm.

Terry Hom states, "This was a really high clay soil and now it's a real mealy soil, very fine texture able to be used in agriculture, in lawns and gardens. Compared to what we started with, it was nothing but a slab of silt and clay. Silt and clay level on this was 87 percent fines which means you could squeeze it together and play baseball with the hunks. We've ended up with a soil that now will grow anything. Before it sat for 2½ years without any growth on it at all, now we have stuff coming out of it within two weeks."

At Simple Green, the research and development we fund, the products we make, and the soil bioremediation techniques we're helping to pioneer, all share a common goal:

To help make the world a cleaner and better place.

But perhaps Bruce FaBrizio, Founder and CEO of Simple Green, describes the company's philosophy best:

"The world is a finite piece of ground, the environment is finite and not infinite, and if we don't do something aggressive now it won't be there for our grandchildren and yet there is plenty of time to make it a better place for our grandchildren if we just start doing things that are in our ability today."

Our atmosphere, attitude and actions haven't been concocted to achieve a certain appearance. They stem from a natural dedication to excellence and improving the environment—something that's been with us from the very beginning.

It's a dedication all of us at Simple Green invite you to share.

While at Simple Green, we also visited with representatives of Microbics, which is a company based in Carlsbad, CA. They demonstrated a biological toxicity test the company has developed with private funds. They believe that this test is faster, less expensive, and more precise than test methods currently approved in the United States. So they showed us a test that would demonstrate biological toxicity in a way that we then, we have used that knowledge to try to clean the environment and know the threats around us.

Although approved in Canada and in eight European countries, our EPA has yet to see the value of this very effective, low-cost test for toxicity. Thus, it has been hampering its commercial use in the United States. This reconfirms the hesitation many of us have about increasing government's role in most endeavors. While in Gridcore there was an example, of course, where working together and getting the Government involved actually did help that company produce a similar, a new product that will help the environment; but in this particular case with this company down from Carlsbad, the Microbics, we found that the Government's power that it has through the EPA has been used to actually thwart innovation and progress.

So that is one of the drawbacks. Government can be helpful on one hand and you strengthen it, but you have to remember you are also strengthening the Government's hand to be an obstructionist in the game of human progress.

Our final stop at the field briefing was at a site of a former leaking underground storage tank behind the Fountain Valley City Hall. That is Fountain Valley, CA, city hall. There the Regenesis Co., and it is based in San Juan Capistrano, demonstrated a bioremediation technique known as oxygen release compound. By inserting the compound into a well, naturally occurring micro-organisms flourish and use the petroleum hydrocarbons as a food source. What has developed then is a product that protects our valuable water resources and cost-effectively reclaims that water that has already been contaminated.

Mr. Speaker, I include the Regenesis project results for the RECORD.

The information referred to is as follows.

ENVIRONMENTAL SCIENCE &
ENGINEERING, INC.,
Fountain Valley, CA, September 4, 1996.

MR. CRAIG SANDEFUR,
Regeoesis Bioremediation Products, San Juan Capistrano, CA.

DEAR MR. SANDEFUR: Environmental Science & Engineering, Inc. (ESE) is pleased to submit this report of current activities at the subject site. A figure, tables and appendices of current and historical data are attached.

On August 6, 1996, ESE installed oxygen release compound (ORC) in Well MW–9. ESE is evaluating the effects of the ORC at 2-week intervals by collecting a grab sample (non-purge) and monitoring the concentrations of petroleum hydrocarbons in the well. As the rate of biodegradation of petroleum hydrocarbons is controlled partly by the availability of dissolved oxygen (DO), ESE believes that by monitoring the amount of DO, you can better evaluate the effectiveness of the ORC. The historical monitoring data is presented on the next page.

The results of this groundwater monitoring event shows that petroleum hydrocarbons decreased several orders of magnitude in 2 weeks time. The concentrations in this well had remained high for approximately 5.5 years prior to the application of ORC. The levels of petroleum hydrocarbons increased at the 4 week sampling. ESE will conduct groundwater monitoring in the future to track the fluctuations in these levels.

ANALYTICAL RESULTS FOR GROUNDWATER SAMPLES COLLECTED OVER TIME

Well ID and Sample date	EPA Method (µg/L)					Dissolved oxygen (mg/L)
	8015M	8020				
	TPH	B	T	E	X	
MW–9:						
08/17/90	3,400	470	810	84	850	NA
04/03/92	26,000	700	1,000	500	2,000	NA
10/20/92	94,000	11,000	18,000	24,000	5,000	NA
10/10/93	39,000	2,900	5,600	1,400	8,400	NA
01/06/94	10,000	1,900	2,000	630	2,900	NA
04/27/94	9,600	810	700	720	2,100	NA
04/07/95	1,700	42	14	130	280	NA
10/31/95	8,100	1,000	440	330	990	*2.3
03/25/96	10,000	660	540	440	860	<1
08/06/96	NA	NA	NA	NA	NA	<1
08/20/96	ND<100	0.84	ND<0.3	0.55	4.0	1.6
09/03/96	15,000	ND<12.5	320	ND<12.5	3,800	2.6

Notes.—EPA—U.S. Environmental Protection Agency; TPH—total petroleum hydrocarbons as gasoline; M—modified for volatile hydrocarbons; BTEX—benzene, toluene, ethylbenzens and total xylenes; NA—not analyzed; µg/L—micrograms per liter; mg/L—milligrams per liter; ND—not detected; *—readings taken after purging.

If you have any questions regarding this report, please call me at (714) 964–8722.

Sincerely,

DAVID A. FERREIRA,
Senior Project Hydrogeologist.

Mr. Speaker, I believe my colleagues on the Committee on Science, as I did, found these site visits to be enlightening and informative. The environment is too important simply to be relegated to a Federal bureaucratic program, and it is too important to just simply rely on the dictates of government employees to meet the environmental challenges facing America.

Instead of Federal restrictions and mandates, new technology and the profit motive can and must be the primary forces at work in this effort. We can clean the environment and make a profit in doing so. That is what we learned at our field briefing. It is a lesson that we must keep in mind while making policy for this country.

Many of our environmental problems have been and will continue to be solved not by reducing our standard of living, not by increasing the cost of government and hiring government employees to look over our shoulder and control our lives, but, instead, through innovative technology and commercialization developed in the private sector, and motivated, motivated by the profit motive.

Unfortunately, far too many people in government think that the profit motive is a dirty phrase.

Instead, the profit motive can give people the incentive to do good things, rather than the alternative method, which is having government order people to do that which they think is a good thing.

What we have seen throughout this competition between the Soviet Union and the United States is that societies that are based on incentives, societies which give their people a profit motive to produce and to do good things and to increase the standard of living and produce more wealth and to clean the environment, that those societies are the progressive societies. Those societies that rely on hiring more government bureaucrats or hiring more government employees and empowering them to give orders to other people in order to accomplish those ends have not succeeded. That is why when the Berlin Wall went down, people started rushing from the East to the West, and not in the other direction.

Finally, Mr. Speaker, I would like to go back to Simple Green's motto: EGBAR, everything is going to be alright. This is not the blather of some unrealistic optimist. The EGBAR concept, everything is going to be all right, is in stark contrast to what is basically being presented to especially young people in this country in terms of the environment.

I know that young people who visit from California come to visit me in my office, and I in fact have a policy that says any people from my district who want to see me, I am their Congressman, and they come all the way to Washington, DC, I spend time with them, especially the young people, especially students who come here as a group.

It never ceases to amaze me, when I am talking to the young people and I ask them about air pollution. In southern California, we know all about air pollution. But what has happened is that the young people are being told that air pollution today is the worst it has ever been, and that their lives are being shortened, and they are frightened out of their wits.

But I always take this poll and say to the young people visiting from southern California, "Is the air cleaner today, or is it worse today than when I went to high school back in southern California 30 years ago?" And it happens every time. Almost every student raises their hands and says, the air is much dirtier now than it was when you were in high school back in southern California 30 years ago. It is terrible, because now it is going to destroy our health, we are going to live worse lives, and it is terrible how the big companies are trying to hurt us so much. You have these young people telling you that.

In fact, in southern California, the air is cleaner today than it has ever been in my lifetime. When I was in high school, and I tell these kids, when I was in high school, about every third day when you wanted to go out for a gym class they would say, there will be no exercise today because we are having a smog alert, a heath alert, and young people cannot go out and exercise and breathe in that air because it is unhealthy. Of course, there have only been about 20 such days like that in southern California per year for the last few years.

Mr. Speaker, what we have is a pessimism, talking about global warming, global cooling. We are talking about factors that are gong to destroy all of mankind that immobilize us, when, instead, we should be giving incentives for people to develop new technologies that will make it a better place and encourage people to be active, rather than to give up. Mr. Speaker, this is a Republican message of hope, but it is also an American theme.

EDUCATION CUTS

The SPEAKER pro tempore (Mr. BARTON of Texas). Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, earlier this week while out on the campaign trail Republican Presidential candidate Bob Dole claimed that if he were elected President, he would make education the cornerstone of his administration policy. I want to warn the American people to beware—the Republicans, led by the dormant Presidential campaign of Bob Dole, are once again trying to convince the American people that their agenda to reduce funding for Federal education programs and restrict access to higher education is the way to strengthen the country's educational system.

One need only to look at the Republican's record on education in the 104th Congress to come to the conclusion that there objective is exactly the opposite of what Bob Dole says it is. In short, it is abundantly clear that Republicans who run Congress are determined to destroy the quality of education in America.

During last year's budget negotiations, the Republicans tried to blackmail the Nation into accepting their extremist budgetary agenda by forcing repeated Government shutdowns. Two times they succeeded in shutting the Government down, and both times Democrats in the Congress and President Clinton stood firm, telling the Republicans we would not allow them to gut education.

The Republicans, however, have not given up. With just a few weeks left before Congress adjourns for the remainder of the year, the Republicans, with Bob Dole's blessing, are yet again pushing an education agenda that would restrict access to higher education in this country by gutting student assistance programs. It's the same old story: Republicans are protecting the ability of the wealthy to send their children to college at the same time they limit the ability average American parents to send their children to college.

The latest Republican plan resumes attack on the most important student assistance programs for middle- and low-income families. The House's bill allows for a mere 1.2-percent increase in the maximum Pell grant award as compared to the President's budget request. This lack of funding would serve 191,000 fewer students next year and 2.7 million fewer between 1997 and 2002.

The Republican plan also eliminates the Federal contribution to the fund for Perkins Loans thereby denying low-interest loans to 96,000 students in the coming school year. The House's education bill also effectively realizes a long-time Republican objective of decimating the Direct Loan Program by capping the number of direct loans through a reduction in funds to administer the program. In addition, Republicans are also proposing to eliminate the AmeriCorps Program, which allows individuals to earn rewards for higher education in exchange for community service.

On the other hand, Democrats in Congress and President Clinton have truly been promoting a plan to expand educational opportunity throughout the 104th Congress. The administration and White House have joined together to fashion the Families First agenda—a plan that will not only increase the minimum level of education obtained by the average citizen, but assist them in obtaining it. The Democrats want to provide American families with a $10,000 tax deduction for college and job training—under this plan families will be able to deduct up to $10,000 from their taxes for tuition at college graduate school or job training programs.

Democrats are also proposing to provide a $1,500 tax credit for the first 2 years of college for students who are prepared to work hard, keep a B average, and stay off drugs. This proposal will, moreover, help strengthen our education system by providing assistance to students to help them obtain at least 2 years of postsecondary education or through the assistance could also be used to get a good start on tuition at a 4-year college.

In short, Democrats have not only proposed expanding traditional student assistance programs as opposed to the Republicans, who have voted time and again to cut these programs; we have also developed new educational plans to ensure that the dream of a college education does not reside exclusively in the domain of America's wealthiest citizens. So when Bob Dole promises to make education the centerpiece of his administration, I would say watch out, because that means the budget ax is coming and access will be diminished.

Mr. Speaker, we can only hope that at some point the extremist Republican forces in Congress will realize that the American people will reject their radical plan to gut education, health, and the environment no matter how many forms it takes, and no matter how many times they try. If they do not realize it now, they certainly will in November.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for September 11, 1996, on account of personal illness.

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. CLINGER (at the request of Mr. ARMEY), for today, on account of personal reasons.

Mr. SCOTT (at the request of Mr. GEPHARDT), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. TALENT, for 5 minutes, today.

Mr. HEFNER, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. SAM JOHNSON of Texas, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MILLER of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ENGEL) and to include extraneous matter:)

Ms. VELÁZQUEZ.
Mr. FILNER.
Mr. STARK.
Mr. ANDREWS.
Mr. KANJORSKI.
Mrs. MINK of Hawaii.
Mr. BENTSEN.
Mrs. MALONEY.
Mr. LIPINSKI.
Mr. BORSKI.
Mr. SPRATT.
Ms. DELAURO.

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mrs. SMITH of Washington.
Mr. EWING.
Mr. FIELDS of Texas.
Mr. HORN.
Mrs. JOHNSON of Connecticut.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. SOLOMON.
Ms. KAPTUR.
Mr. RIGGS.
Mr. GORDON.
Mr. BEVILL.
Mr. ROTH.
Mr. POMEROY.
Mr. SANDERS.
Mr. SHAYS.
Mr. TOWNS.
Mr. BENTSEN.
Mr. BARCIA in three instances.
Mr. JOHNSON of South Dakota.
Mrs. COLLINS of Illinois.
Mr. MCINTOSH.
Mr. JACOBS.
Mr. MENENDEZ.
Mr. ENGEL.
Mr. HUNTER.
Mr. MILLER of California.

A BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On September 11, 1996:

H.R. 4018. An act to make technical corrections in the Federal Oil and Gas Royalty Management Act of 1982.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, September 16, 1996, at 12 noon.

NOTICE OF ISSUANCE OF FINAL REGULATIONS

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, September 10, 1996.

Hon. NEWT GINGRICH
Speaker of the House, U.S. House of Representatives, Washington, DC

DEAR MR. SPEAKER: Pursuant to Section 304(d) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(d)), I am transmitting on behalf of the Board of Directors the enclosed final regulations for issuance by publication in the Congressional Record. The Board determined that there is a good cause to make these regulations effective as of October 1, 1996.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(D) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF ISSUANCE OF FINAL REGULATIONS

On July 9, 1996, the Board of Directors of the Office of Compliance adopted and submitted for publication in the Congressional Record final regulations implementing section 220(d) of the Congressional Accountability Act of 1995 (CAA), which extends to the Congress certain rights, protections, and responsibilities under chapter 71 of title 5, United States Code, relating to Federal service labor-management relations. On August 2, 1996, the House agreed both to H. Res. 504, to provide for the approval of final regulations that are applicable to the employing offices and covered employees of the House, and to H. Con. Res. 207, to provide for approval of final regulations that are applicable to employing offices and employees other than those offices and employees of the House and the Senate. As of the date of this Notice, the Senate has yet to approve the 220(d) regulations for itself or to act on H. Con. Res. 207.

The Board understands passage of H. Res. 504 to constitute approval under section 304(c) of the CAA of the Board's section 220(d) regulations as applicable to employing offices and covered employees of the House (other than those House offices expressly listed in section 220(e)(2)). Accordingly, pursuant to section 304(d) of the CAA, the Board submits these regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for issuance by publication in the Congressional Record.

Pursuant to paragraph (3) of section 304(d) of the CAA, the Board finds good cause for advancing the effective date of the House regulations from 60 days after their issuance to October 1, 1996. That date corresponds with the effective date of application of CAA section 220 to the Congress. The Board finds that the effective implementation of the CAA is furthered by making these regulations effective for the House on that effective date rather than allowing the default provisions of the CAA contained in section 411 and the derivative regulations of the executive branch to control the administration of the statute during the sixty day period otherwise required by section 304(d)(3) of the CAA.

Signed at Washington, D.C. on this 10th day of September, 1996.

GLEN D. NAGER,
Chair of the Board, Office of Compliance.

Accordingly, the Board of Directors of the Office of Compliance hereby issues the following final regulations:

[Final Regulations]

Subchapter C

2420 Purpose and scope
2421 Meaning of terms as used in this subchapter
2422 Representation proceedings
2423 Unfair labor practice proceedings
2424 Expedited review of negotiability issues
2425 Review of arbitration awards
2426 National consultation rights and consultation rights on Government-wide rules or regulations
2427 General statements of policy or guidance
2428 Enforcement of Assistant Secretary standards of conduct decisions and orders

2429 Miscellaneous and general requirements

Subchapter D

2470 General
2471 Procedures of the Board in impasse proceedings

Subchapter C

PART 2420—PURPOSE AND SCOPE

§ 2420.1 Purpose and scope

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 of the United States Code, as applied by section 220 of the Congressional Accountability Act (CAA). They prescribe the procedures, basic principles or criteria under which the Board and the General Counsel, as applicable, will:

(a) Determine the appropriateness of units for labor organization representation under 5 U.S.C. 7112, as applied by the CAA;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7111, as applied by the CAA, relating to the according of exclusive recognition to labor organizations;

(c) Resolve issues relating to the granting of national consultation rights under 5 U.S.C. 7113, as applied by the CAA;

(d) Resolve issues relating to determining compelling need for employing office rules and regulations under 5 U.S.C. 7117(b), as applied by the CAA;

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c), as applied by the CAA;

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d), as applied by the CAA;

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118, as applied by the CAA;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122, as applied by the CAA; and

(i) Take such other actions as are necessary and appropriate effectively to administer the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§ 2420.2

Notwithstanding any other provisions of these regulations, the Board may, in deciding an issue, add to, delete from or modify otherwise applicable requirements as the Board deems necessary to avoid a conflict of interest or the appearance of a conflict of interest.

Part 2421—Meaning of Terms as Used in This Subchapter

Sec.
2421.1 Act; CAA.
2421.2 Chapter 71.
2421.3 General Definitions.
2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.
2421.5 Activity.
2421.6 Primary national subdivision.
2421.7 Executive Director.
2421.8 Hearing Officer.
2421.9 Party.
2421.10 Intervenor.
2421.11 Certification.
2421.12 Appropriate unit.
2421.13 Secret ballot.
2421.14 Showing of interest.
2421.15 Regular and substantially equivalent employment.
2421.16 Petitioner.
2421.17 Eligibility Period.
2421.18 Election Agreement.
2421.19 Affected by Issues raised.
2421.20 Determinative challenged ballots.

§ 2421.1 Act; CAA

The terms "Act" and "CAA" mean the Congressional Accountability Act of 1995 (P.L. 104-1, 109 Stat. 3, 2 U.S.C. §§ 1301-1438).

§ 2421.2 Chapter 71

The term "chapter 71" means chapter 71 of title 5 of the United States Code.

§ 2421.3 General definitions

(a) The term "person" means an individual, labor organization or employing office.

(b) Except as noted in subparagraph (3) of this subsection, the term "employee" means an individual—

(1) Who is a current employee, applicant for employment, or former employee of: the House of Representatives; the Senate; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; or the Office of Technology Assessment; or

(2) Whose employment in an employing office has ceased because of any unfair labor practice under section 7116 of title 5 of the United States Code, as applied by the CAA, and who has not obtained any other regular and substantially equivalent employment as determined under regulations prescribed by the Board, but does not include—

(i) An alien or noncitizen of the United States who occupies a position outside of the United States;

(ii) A member of the uniformed services;

(iii) A supervisor or a management official or;

(iv) Any person who participates in a strike in violation of section 7311 of title 5 of the United States Code, as applied the CAA.

(3) For the purpose of determining the adequacy of a showing of interest or eligibility for consultation rights, except as required by law, applicants for employment and former employees are not considered employees.

(c) The term "employing office" means—

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(d) The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an employing office concerning grievances and conditions of employment, but does not include—

(1) An organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(2) An organization which advocates the overthrow of the constitutional form of government of the United States;

(3) An organization sponsored by an employing office; or

(4) An organization which participates in the conduct or a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.

(e) The term "dues" means dues, fees, and assessments.

(f) The term "Board" means the Board of Directors of the Office of Compliance.

(g) The term "collective bargaining agreement" means an agreement entered into as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(h) The term "grievance" means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning—

(i) The effect or interpretation, or a claim of breach, of a collective bargaining agreement; or

(ii) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

(i) The term "supervisor" means an individual employed by an employing office having authority in the interest of the employing office to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(j) The term "management official" means an individual employed by an employing office in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the employing office.

(k) The term "collective bargaining" means the performance of the mutual obligation of the representative of an employing office and the exclusive representative of employees in an appropriate unit in the employing office to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession.

(l) The term "confidential employee" means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

(m) The term "conditions of employment" means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—

(1) Relating to political activities prohibited under subchapter III of chapter 73 of

title 5 of the United States Code, as applied by the CAA;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically provided for by Federal statute.

(n) The term "professional employee" means—

(1) An employee engaged in the performance of work—

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(ii) Requiring the consistent exercise of discretion and judgment in its performance;

(iii) Which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(iv) Which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the courses of specialized intellectual instruction and study described in subparagraph (1)(i) of this paragraph and is performing related work under appropriate direction and guidance to qualify the employee as a professional employee described in subparagraph (1) of this paragraph.

(o) The term "exclusive representative" means any labor organization which is certified as the exclusive representative of employees in an appropriate unit pursuant to section 7111 of title 5 of the United States Code, as applied by the CAA.

(p) The term "firefighter" means any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

(q) The term "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(r) The term "General Counsel" means the General Counsel of the Office of Compliance.

(s) The term "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

§ 2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices

(a)(1) The term "national consultation rights" means that a labor organization that is the exclusive representative of a substantial number of the employees of the employing office, as determined in accordance with criteria prescribed by the Board, shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(2) National consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to any labor organization's eligibility for, or continuation of, national consultation rights shall be subject to determination by the Board.

(b)(1) The term "consultation rights on Government-wide rules or regulations" means that a labor organization which is the exclusive representative of a substantial number of employees of an employing office determined in accordance with criteria prescribed by the Board, shall be granted consultation rights by the employing office with respect to any Government-wide rule or regulation issued by the employing office effecting any substantive change in any condition of employment. Such consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to a labor organization's eligibility for, or continuation of, such consultation rights shall be subject to determination by the Board.

(2) A labor organization having consultation rights under paragraph (1) of this subsection shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) shall be permitted reasonable time to present its views and recommendations regarding the changes.

(3) If any views or recommendations are presented under paragraph (2) of this subsection to an employing office by any labor organization—

(i) The employing office shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(ii) The employing office shall provide the labor organization a written statement of the reasons for taking the final action.

(c) The term "exclusive recognition" means that a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in an election.

(d) The term "unfair labor practices" means—

(1) Any of the following actions taken by an employing office—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under chapter 71, as applied by the CAA;

(ii) Encouraging or discouraging membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other condition of employment;

(iii) Sponsoring, controlling, or otherwise assisting any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(iv) Disciplining or otherwise discriminating against an employee because the employee has filed a complaint, affidavit, or petition, or has given any information or testimony under chapter 71, as applied by the CAA;

(v) Refusing to consult or negotiate in good faith with a labor organization as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii) Enforcing any rule or regulation (other than a rule or regulation implementing section 2302 of this title) which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(2) Any of the following actions taken by a labor organization—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter;

(ii) Causing or attempting to cause an employing office to discriminate against any employee in the exercise by the employee of any right under this chapter;

(iii) Coercing, disciplining, fining, or attempting to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;

(iv) Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(v) Refusing to consult or negotiate in good faith with an employing office as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii)(A) Calling, or participating in, a strike, work stoppage, or slowdown, or picketing of an employing office in a labor-management dispute if such picketing interferes with an employing office's operations; or

(B) Condoning any activity described in subparagraph (A) of this paragraph by failing to take action to prevent or stop such activity; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(3) Denial of membership by an exclusive representative to any employee in the appropriate unit represented by such exclusive representative except for failure—

(i) To meet reasonable occupational standards uniformly required for admission, or

(ii) To tender dues uniformly required as a condition of acquiring and retaining membership.

§ 2421.5 Activity

The term "activity" means any facility, organizational entity, or geographical subdivision or combination thereof, of any employing office.

§ 2421.6 Primary national subdivision

"Primary national subdivision" of an employing office means a first-level organizational segment which has functions national in scope that are implemented in field activities.

§ 2421.7 Executive Director

"Executive Director" means the Executive Director of the Office of Compliance.

§ 2421.8 Hearing officer

The term "Hearing Officer" means any individual designated by the Executive Director to preside over a hearing conducted pursuant to section 405 of the CAA on matters within the Office's jurisdiction, including a hearing arising in cases under 5 U.S.C. 7116, as applied by the CAA, and any other such matters as may be assigned.

§ 2421.9 Party

The term "party" means:

(a) Any labor organization, employing office or employing activity or individual filing a charge, petition, or request;

(b) Any labor organization or employing office or activity

(1) Named as

(i) A charged party in a charge,

(ii) A respondent in a complaint, or

(iii) An employing office or activity or an incumbent labor organization in a petition;

(2) Whose intervention in a proceeding has been permitted or directed by the Board; or

(3) Who participated as a party

(i) In a matter that was decided by an employing office head under 5 U.S.C. 7117, as applied by the CAA, or

(ii) In a matter where the award of an arbitrator was issued; and

(c) The General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 2421.10 Intervenor

The term "intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Board, its agents or representatives.

§ 2421.11 Certification

The term "certification" means the determination by the Board, its agents or representatives, of the results of an election, or the results of a petition to consolidate existing exclusively recognized units.

§ 2421.12 Appropriate unit

The term "appropriate unit" means that grouping of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, as applied by the CAA, and for purposes of allotments to representatives under 5 U.S.C. 7115(c), as applied by the CAA, and consistent with the provisions of 5 U.S.C. 7112, as applied by the CAA.

§ 2421.13 Secret ballot

The term "secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 2421.14 Showing of interest

The term "showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified labor organization; employees' signed and dated petitions or cards indicating a desire that an election be held on a proposed consolidation of units; or other evidence approved by the Board.

§ 2421.15 Regular and substantially equivalent employment

The term "regular and substantially equivalent employment" means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an employing office because of any unfair labor practice under 5 U.S.C. 7116, as applied by the CAA.

§ 2421.16 Petitioner

Petitioner means the party filing a petition under Part 2422 of this Subchapter.

§ 2421.17 Eligibility period

The term "eligibility period" means the payroll period during which an employee must be in an employment status with an employing office or activity in order to be eligible to vote in a representation election under Part 2422 of this Subchapter.

§ 2421.18 Election agreement

The term "election agreement" means an agreement under Part 2422 of this Subchapter signed by all the parties, and approved by the Board, the Executive Director, or any other individual designated by the Board, concerning the details and procedures of a representation election in an appropriate unit.

§ 2421.19 Affected by issues raised

The phrase "affected by issues raised", as used in Part 2422, should be construed broadly to include parties and other labor organizations, or employing offices or activities that have a connection to employees affected by, or questions presented in, a proceeding.

§ 2421.20 Determinative challenged ballots

"Determinative challenged ballots" are challenges that are unresolved prior to the tally and sufficient in number after the tally to affect the results of the election.

Part 2422—Representation Proceedings

Sec.

2422.1 Purposes of a petition.
2422.2 Standing to file a petition.
2422.3 Contents of a petition.
2422.4 Service requirements.
2422.5 Filing petitions.
2422.6 Notification of filing.
2422.7 Posting notice of filing of a petition.
2422.8 Intervention and cross-petitions.
2422.9 Adequacy of showing of interest.
2422.10 Validity of showing of interest.
2422.11 Challenge to the status of a labor organization.
2422.12 Timeliness of petitions seeking an election.
2422.13 Resolution of issues raised by a petition.
2422.14 Effect of withdrawal/dismissal.
2422.15 Duty to furnish information and cooperate.
2422.16 Election agreements or directed elections.
2422.17 Notice of pre-election investigatory hearing and prehearing conference.
2422.18 Pre-election investigatory hearing procedures.
2422.19 Motions.
2422.20 Rights of parties at a pre-election investigatory hearing.
2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing.
2422.22 Objections to the conduct of the pre-election investigatory hearing.
2422.23 Election procedures.
2422.24 Challenged ballots.
2422.25 Tally of ballots.
2422.26 Objections to the election.
2422.27 Determinative challenged ballots and objections.
2422.28 Runoff elections.
2422.29 Inconclusive elections.
2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.
2422.31 Application for review of an Executive Director action.
2422.32 Certifications and revocations.
2422.33 Relief obtainable under Part 2423.
2422.34 Rights and obligations during the pendency of representation proceedings.

§ 2422.1 Purposes of a petition

A petition may be filed for the following purposes:

(a) *Elections or Eligibility for dues allotment.* To request:

(1)(i) An election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative; and/or

(ii) A determination of eligibility for dues allotment in an appropriate unit without an exclusive representative; or

(2) An election to determine if employees in a unit no longer wish to be represented for the purpose of collective bargaining by an exclusive representative.

(3) Petitions under this subsection must be accompanied by an appropriate showing of interest.

(b) *Clarification or Amendment.* To clarify, and/or amend:

(1) A certification then in effect; and/or

(2) Any other matter relating to representation.

(c) *Consolidation.* To consolidate two or more units, with or without an election, in an employing office and for which a labor organization is the exclusive representative.

§ 2422.2 Standing to file a petition

A representation petition may be filed by: an individual; a labor organization; two or more labor organizations acting as a joint-petitioner; an individual acting on behalf of any employee(s); an employing office or activity; or a combination of the above: *provided, however*, that (a) only a labor organization has standing to file a petition pursuant to section 2422.1(a)(1); (b) only an individual has standing to file a petition pursuant to section 2422.1(a)(2); and (c) only an employing office or a labor organization may file a petition pursuant to section 2422.1(b) or (c).

§ 2422.3 Contents of a petition

(a) *What to file.* A petition must be filed on a form prescribed by the Board and contain the following information:

(1) The name and mailing address for each employing office or activity affected by issues raised in the petition, including street number, city, state and zip code.

(2) The name, mailing address and work telephone number of the contact person for each employing office or activity affected by issues raised in the petition.

(3) The name and mailing address for each labor organization affected by issues raised in the petition, including street number, city, state and zip code. If a labor organization is affiliated with a national organization, the local designation and the national affiliation should both be included. If a labor organization is an exclusive representative of any of the employees affected by issues raised in the petition, the date of the certification and the date any collective bargaining agreement covering the unit will expire or when the most recent agreement did expire should be included, if known.

(4) The name, mailing address and work telephone number of the contact person for each labor organization affected by issues raised in the petition.

(5) The name and mailing address for the petitioner, including street number, city, state and zip code. If a labor organization petitioner is affiliated with a national organization, the local designation and the national affiliation should both be included.

(6) A description of the unit(s) affected by issues raised in the petition. The description should generally indicate the geographic locations and the classifications of the employees included (or sought to be included) in, and excluded (or sought to be excluded) from, the unit.

(7) The approximate number of employees in the unit(s) affected by issues raised in the petition.

(8) A clear and concise statement of the issues raised by the petition and the results the petitioner seeks.

(9) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that the contents of the petition are true and correct to the best of the person's knowledge and belief.

(10) The signature, title, mailing address and telephone number of the person filing the petition.

(b) *Compliance with 5 U.S.C. 7111(e), as applied by the CAA.* A labor organization/petitioner complies with 5 U.S.C. 7111(e), as applied by the CAA, by submitting to the employing office or activity and to the Department of Labor a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives. By signing the petition form, the labor organization/petitioner certifies that it has submitted these documents to the employing activity or office and to the Department of Labor.

(c) *Showing of interest supporting a representation petition.* When filing a petition requiring a showing of interest, the petitioner must:

(1) So indicate on the petition form;

(2) Submit with the petition a showing of interest of not less than thirty percent (30%) of the employees in the unit involved in the petition; and

(3) Include an alphabetical list of the names constituting the showing of interest.

(d) *Petition seeking dues allotment.* When there is no exclusive representative, a petition seeking certification for dues allotment shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit claimed to be appropriate. An alphabetical list of names constituting the showing of membership must be submitted.

§2422.4 Service requirements

Every petition, motion, brief, request, challenge, written objection, or application for review shall be served on all parties affected by issues raised in the filing. The service shall include all documentation in support thereof, with the exception of a showing of interest, evidence supporting challenges to the validity of a showing of interest, and evidence supporting objections to an election. The filer must submit a written statement of service to the Executive Director.

§2422.5 Filing petitions

(a) *Where to file.* Petitions must be filed with the Executive Director.

(b) *Number of copies.* An original and two (2) copies of the petition and the accompanying material must be filed with the Executive Director.

(c) *Date of filing.* A petition is filed when it is received by the Executive Director.

§2422.6 Notification of filing

(a) *Notification to parties.* After a petition is filed, the Executive Director, on behalf of the Board, will notify any labor organization, employing office or employing activity that the parties have identified as being affected by issues raised by the petition, that a petition has been filed with the Office. The Executive Director, on behalf of the Board, will also make reasonable efforts to identify and notify any other party affected by the issues raised by the petition.

(b) *Contents of the notification.* The notification will inform the labor organization, employing office or employing activity of:

(1) The name of the petitioner;

(2) The description of the unit(s) or employees affected by issues raised in the petition; and,

(3) A statement that all affected parties should advise the Executive Director in writing of their interest in the issues raised in the petition.

§2422.7 Posting notice of filing of a petition

(a) *Posting notice of petition.* When appropriate, the Executive Director, on behalf of the Board, after the filing of a representation petition, will direct the employing office or activity to post copies of a notice to all employees in places where notices are normally posted for the employees affected by issues raised in the petition and/or distribute copies of a notice in a manner by which notices are normally distributed.

(b) *Contents of notice.* The notice shall advise affected employees about the petition.

(c) *Duration of notice.* The notice should be conspicuously posted for a period of ten (10) days and not be altered, defaced, or covered by other material.

§2422.8 Intervention and cross-petitions

(a) *Cross-petitions.* A cross-petition is a petition which involves any employees in a unit covered by a pending representation petition. Cross-petitions must be filed in accordance with this subpart.

(b) *Intervention requests and cross-petitions.* A request to intervene and a cross-petition, accompanied by any necessary showing of interest, must be submitted in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, a request to intervene and a cross-petition must be filed prior to action being taken pursuant to §2422.30.

(c) *Labor organization intervention requests.* Except for incumbent intervenors, a labor organization seeking to intervene shall submit a statement that it has complied with 5 U.S.C. 7111(e), as applied by the CAA, and one of the following:

(1) A showing of interest of ten percent (10%) or more of the employees in the unit covered by a petition seeking an election, with an alphabetical list of the names of the employees constituting the showing of interest; or

(2) A current or recently expired collective bargaining agreement covering any of the employees in the unit affected by issues raised in the petition; or

(3) Evidence that it is or was, prior to a reorganization, the certified exclusive representative of any of the employees affected by issues raised in the petition.

(d) *Incumbent.* An incumbent exclusive representative, without regard to the requirements of paragraph (c) of this section, will be considered a party in any representation proceeding raising issues that affect employees the incumbent represents, unless it serves the Board, through the Executive Director, with a written disclaimer of any representation interest in the claimed unit.

(e) *Employing office.* An employing office or activity will be considered a party if any of its employees are affected by issues raised in the petition.

(f) *Employing office or activity intervention.* An employing office or activity seeking to intervene in any representation proceeding must submit evidence that one or more employees of the employing office or activity may be affected by issues raised in the petition.

§2422.9 Adequacy of showing of interest

(a) *Adequacy.* Adequacy of a showing of interest refers to the percentage of employees in the unit involved as required by §§2422.3(c) and (d) and 2422.8(c)(1).

(b) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that the showing of interest is adequate is final and binding and not subject to collateral attack at a representation hearing or on appeal to the Board. If the Executive Director determines, on behalf of the Board, that a showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

§2422.10 Validity of showing of interest

(a) *Validity.* Validity questions are raised by challenges to a showing of interest on grounds other than adequacy.

(b) *Validity challenge.* The Executive Director or any party may challenge the validity of a showing of interest.

(c) *When and where validity challenges may be filed.* Party challenges to the validity of a showing of interest must be in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, challenges to the validity of a showing of interest must be filed prior to action being taken pursuant to §2422.30.

(d) *Contents of validity challenges.* Challenges to the validity of a showing of interest must be supported with evidence.

(e) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that a showing of interest is valid is final and binding and is not subject to collateral attack or appeal to the Board. If the Executive Director finds, on behalf of the Board, that the showing of interest is not valid, the Executive Director will dismiss the petition or deny the request to intervene.

§2422.11 Challenge to the status of a labor organization

(a) *Basis of challenge to labor organization status.* The only basis on which a challenge to the status of a labor organization may be made is compliance with 5 U.S.C. 7103(a)(4), as applied by the CAA.

(b) *Format and time for filing a challenge.* Any party filing a challenge to the status of a labor organization involved in the processing of a petition must do so in writing to the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no hearing is held, challenges must be filed prior to action being taken pursuant to §2422.30.

§2422.12 Timeliness of petitions seeking an election

(a) *Election bar.* Where there is no certified exclusive representative, a petition seeking an election will not be considered timely if filed within twelve (12) months of a valid election involving the same unit or a subdivision of the same unit.

(b) *Certification bar.* Where there is a certified exclusive representative of employees, a petition seeking an election will not be considered timely if filed within twelve (12) months after the certification of the exclusive representative of the employees in an appropriate unit. If a collective bargaining agreement covering the claimed unit is pending employing office head review under 5 U.S.C. 7114(c), as applied by the CAA, or is in effect, paragraphs (c), (d), or (e) of this section apply.

(c) *Bar during employing office head review.* A petition seeking an election will not be considered timely if filed during the period of employing office head review under 5 U.S.C. 7114(c), as applied by the CAA. This bar expires upon either the passage of thirty (30) days absent employing office head action, or upon the date of any timely employing office head action.

(d) *Contract bar where the contract is for three (3) years or less.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of three (3) years or less from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the agreement.

(e) *Contract bar where the contract is for more than three (3) years.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of more than three (3) years from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the initial three (3) year period, and any time after the expiration of the initial three (3) year period.

(f) *Unusual circumstances.* A petition seeking an election or a determination relating to representation matters may be filed at any time when unusual circumstances exist that substantially affect the unit or majority representation.

(g) *Premature extension.* Where a collective bargaining agreement with a term of three (3) years or less has been extended prior to sixty (60) days before its expiration date, the extension will not serve as a basis for dismissal of a petition seeking an election filed in accordance with this section.

(h) *Contract requirements.* Collective bargaining agreements, including agreements that go into effect under 5 U.S.C. 7114(c), as applied by the CAA, and those that automatically renew without further action by the parties, do not constitute a bar to a petition seeking an election under this section unless a clear and unambiguous effective date, renewal date where applicable, duration, and termination date are ascertainable from the agreement and relevant accompanying documentation.

§2422.13 Resolution of issues raised by a petition

(a) *Meetings prior to filing a representation petition.* All parties affected by the representation issues that may be raised in a petition are encouraged to meet prior to the filing of the petition to discuss their interests and narrow and resolve the issues. If requested by all parties a representative of the Office will participate in these meetings.

(b) *Meetings to narrow and resolve the issues after the petition is filed.* After a petition is filed, the Executive Director may require all affected parties to meet to narrow and resolve the issues raised in the petition.

§2422.14 Effect of withdrawal/dismissal

(a) *Withdrawal/dismissal less than sixty (60) days before contract expiration.* When a petition seeking an election that has been timely-filed is withdrawn by the petitioner or dismissed by the Executive Director or the Board less than sixty (60) days prior to the expiration of an existing agreement between the incumbent exclusive representative and the employing office or activity or any time after the expiration of the agreement, another petition seeking an election will not be considered timely if filed within a ninety (90) day period from either:

(1) The date the withdrawal is approved; or

(2) The date the petition is dismissed by the Executive Director when no application for review is filed with the Board; or

(3) The date the Board rules on an application for review; or

(4) The date the Board issues a Decision and Order dismissing the petition.

Other pending petitions that have been timely filed under this Part will continue to be processed.

(b) *Withdrawal by petitioner.* A petitioner who submits a withdrawal request for a petition seeking an election that is received by the Executive Director after the notice of pre-election investigatory hearing issues or after approval of an election agreement, whichever occurs first, will be barred from filing another petition seeking an election for the same unit or any subdivision of the unit for six (6) months from the date of the approval of the withdrawal by the Executive Director.

(c) *Withdrawal by incumbent.* When an election is not held because the incumbent disclaims any representation interest in a unit, a petition by the incumbent seeking an election involving the same unit or a subdivision of the same unit will not be considered timely if filed within six (6) months of cancellation of the election.

§2422.15 Duty to furnish information and cooperate

(a) *Relevant information.* After a petition is filed, all parties must, upon request of the Executive Director, furnish the Executive Director and serve all parties affected by issues raised in the petition with information concerning parties, issues, and agreements raised in or affected by the petition.

(b) *Inclusions and exclusions.* After a petition seeking an election is filed, the Executive Director, on behalf of the Board, may direct the employing office or activity to furnish the Executive Director and all parties affected by issues raised in the petition with a current alphabetized list of employees and job classifications included in and/or excluded from the existing or claimed unit affected by issues raised in the petition.

(c) *Cooperation.* All parties are required to cooperate in every aspect of the representation process. This obligation includes cooperating fully with the Executive Director, submitting all required and requested information, and participating in prehearing conferences and pre-election investigatory hearings. The failure to cooperate in the representation process may result in the Executive Director or the Board taking appropriate action, including dismissal of the petition or denial of intervention.

§2422.16 Election agreements or directed elections

(a) *Election agreements.* Parties are encouraged to enter into election agreements.

(b) *Executive Director directed election.* If the parties are unable to agree on procedural matters, specifically, the eligibility period, method of election, dates, hours, or locations of the election, the Executive Director, on behalf of the Board, will decide election procedures and issue a Direction of Election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.

(c) *Opportunity for an investigatory hearing.* Before directing an election, the Executive Director shall provide affected parties an opportunity for a pre-election investigatory hearing on other than procedural matters.

(d) *Challenges or objections to a directed election.* A Direction of Election issued under this section will be issued without prejudice to the right of a party to file a challenge to the eligibility of any person participating in the election and/or objections to the election.

§2422.17 Notice of pre-election investigatory hearing and prehearing conference

(a) *Purpose of notice of an investigatory hearing.* The Executive Director, on behalf of the Board, may issue a notice of pre-election investigatory hearing involving any issues raised in the petition.

(b) *Contents.* The notice of hearing will advise affected parties about the pre-election investigatory hearing. The Executive Director will also notify affected parties of the issues raised in the petition and establish a date for the prehearing conference.

(c) *Prehearing conference.* A prehearing conference will be conducted by the Executive Director or her designee, either by meeting or teleconference. All parties must participate in a prehearing conference and be prepared to fully discuss, narrow and resolve the issues set forth in the notification of the prehearing conference.

(d) *No interlocutory appeal of investigatory hearing determination.* The Executive Director's determination of whether to issue a notice of pre-election investigatory hearing is not appealable to the Board.

§2422.18 Pre-election investigatory hearing procedures

(a) *Purpose of a pre-election investigatory hearing.* Representation hearings are considered investigatory and not adversarial. The purpose of the hearing is to develop a full and complete record of relevant and material facts.

(b) *Conduct of hearing.* Pre-election investigatory hearings will be open to the public unless otherwise ordered by the Executive Director or her designee. There is no burden of proof, with the exception of proceedings on objections to elections as provided for in §2422.27(b). Formal rules of evidence do not apply.

(c) *Pre-election investigatory hearing.* Pre-election investigatory hearings will be conducted by the Executive Director or her designee.

(d) *Production of evidence.* Parties have the obligation to produce existing documents and witnesses for the investigatory hearing in accordance with the instructions of the Executive Director or her designee. If a party willfully fails to comply with such instructions, the Board may draw an inference adverse to that party on the issue related to the evidence sought.

(e) *Transcript.* An official reporter will make the official transcript of the pre-election investigatory hearing. Copies of the official transcript may be examined in the Office during normal working hours. Requests by parties to purchase copies of the official transcript should be made to the official hearing reporter.

§2422.19 Motions

(a) *Purpose of a motion.* Subsequent to the issuance of a notice of pre-election investigatory hearing in a representation proceeding, a party seeking a ruling, an order, or relief must do so by filing or raising a motion stating the order or relief sought and the grounds therefor. Challenges and other filings referenced in other sections of this subpart may, in the discretion of the Executive Director or her designee, be treated as a motion.

(b) *Prehearing motions.* Prehearing motions must be filed in writing with the Executive Director. Any response must be filed with the Executive Director within five (5) days after service of the motion. The Executive Director shall rule on the motion .

(c) *Motions made at the investigatory hearing.* During the pre-election investigatory hearing, motions will be made to the Executive Director or her designee, and may be oral on the record, unless otherwise required in this subpart to be in writing. Responses may be oral on the record or in writing, but, absent permission of the Executive Director or her designee, must be provided before the hearing closes. The Executive Director or her designee will rule on motions made at the hearing.

(d) *Posthearing motions.* Motions made after the hearing closes must be filed in writing with the Board. Any response to a posthearing motion must be filed with the Board within five (5) days after service of the motion.

§2422.20 Rights of parties at a pre-election investigatory hearing

(a) *Rights.* A party at a pre-election investigatory hearing will have the right:

(1) To appear in person or by a representative;

(2) To examine and cross-examine witnesses; and

(3) To introduce into the record relevant evidence.

(b) *Documentary evidence and stipulations.* Parties must submit two (2) copies of documentary evidence to the Executive Director or her designee and copies to all other parties. Stipulations of fact between/among the parties may be introduced into evidence.

(c) *Oral argument.* Parties will be entitled to a reasonable period prior to the close of the hearing for oral argument. Presentation of a closing oral argument does not preclude a party from filing a brief under paragraph (d) of this section.

(d) *Briefs.* A party will be afforded an opportunity to file a brief with the Board.

(1) An original and two (2) copies of a brief must be filed with the Board within thirty (30) days from the close of the hearing.

(2) A written request for an extension of time to file a brief must be filed with and received by the Board no later than five (5) days before the date the brief is due.

(3) No reply brief may be filed without permission of the Board.

§2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing

(a) *Duties.* The Executive Director or her designee, on behalf of the Board, will receive evidence and inquire fully into the relevant and material facts concerning the matters that are the subject of the investigatory hearing, and may make recommendations on the record to the Board.

(b) *Powers.* During the period a case is assigned to the Executive Director or her designee for pre-election investigatory hearing and prior to the close of the hearing, the Executive Director or her designee may take any action necessary to schedule, conduct, continue, control, and regulate the pre-election investigatory hearing, including ruling on motions when appropriate.

§2422.22 Objections to the conduct of the pre-election investigatory hearing

(a) *Objections.* Objections are oral or written complaints concerning the conduct of a pre-election investigatory hearing.

(b) *Exceptions to rulings.* There are automatic exceptions to all adverse rulings.

§2422.23 Election procedures

(a) *Executive Director conducts or supervises election.* The Executive Director, on behalf of the Board, will decide to conduct or supervise the election. In supervised elections, employing offices or activities will perform all acts as specified in the Election Agreement or Direction of Election.

(b) *Notice of election.* Prior to the election a notice of election, prepared by the Executive Director, will be posted by the employing office or activity in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed. The notice of election will contain the details and procedures of the election, including the appropriate unit, the eligibility period, the date(s), hour(s) and location(s) of the election, a sample ballot, and the effect of the vote.

(c) *Sample ballot.* The reproduction of any document purporting to be a copy of the official ballot that suggests either directly or indirectly to employees that the Board endorses a particular choice in the election may constitute grounds for setting aside an election if objections are filed under §2422.26.

(d) *Secret ballot.* All elections will be by secret ballot.

(e) *Intervenor withdrawal from ballot.* When two or more labor organizations are included as choices in an election, an intervening labor organization may, prior to the approval of an election agreement or before the direction of an election, file a written request with the Executive Director to remove its name from the ballot. If the request is not received prior to the approval of an election agreement or before the direction of an election, unless the parties and the Executive Director, on behalf of the Board, agree otherwise, the intervening labor organization will remain on the ballot. The Executive Director's decision on the request is final and not subject to the filing of an application for review with the Board.

(f) *Incumbent withdrawal from ballot in an election to decertify an incumbent representative.* When there is no intervening labor organization, an election to decertify an incumbent exclusive representative will not be held if the incumbent provides the Executive Director with a written disclaimer of any representation interest in the unit. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(g) *Petitioner withdraws from ballot in an election.* When there is no intervening labor organization, an election will not be held if the petitioner provides the Executive Director with a written request to withdraw the petition. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(h) *Observers.* All parties are entitled to representation at the polling location(s) by observers of their own selection subject to the Executive Director's approval.

(1) Parties desiring to name observers must file in writing with the Executive Director a request for specifically named observers at least fifteen (15) days prior to an election. The Executive Director may grant an extension of time for filing a request for specifically named observers for good cause where a party requests such an extension or on the Executive Director's own motion. The request must name and identify the observers requested.

(2) An employing office or activity may use as its observers any employees who are not eligible to vote in the election, except:

(i) Supervisors or management officials;

(ii) Employees who have any official connection with any of the labor organizations involved; or

(iii) Non-employees of the legislative branch.

(3) A labor organization may use as its observers any employees eligible to vote in the election, except:

(i) Employees on leave without pay status who are working for the labor organization involved; or

(ii) Employees who hold an elected office in the union.

(4) Objections to a request for specific observers must be filed with the Executive Director stating the reasons in support within five (5) days after service of the request.

(5) The Executive Director's ruling on requests for and objections to observers is final and binding and is not subject to the filing of an application for review with the Board.

§2422.24 Challenged ballots

(a) *Filing challenges.* A party or the Executive Director may, for good cause, challenge the eligibility of any person to participate in the election prior to the employee voting.

(b) *Challenged ballot procedure.* An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the Region are unable to resolve the challenged ballot(s) prior to the tally of ballots, the unresolved challenged ballot(s) will be impounded and preserved until a determination can be made, if necessary, by the Executive Director or the Board.

§2422.25 Tally of ballots

(a) *Tallying the ballots.* When the election is concluded, the Executive Director or her designee will tally the ballots.

(b) *Service of the tally.* When the tally is completed, the Executive Director will serve the tally of ballots on the parties in accordance with the election agreement or direction of election.

(c) *Valid ballots cast.* Representation will be determined by the majority of the valid ballots cast.

§2422.26 Objections to the election

(a) *Filing objections to the election.* Objections to the procedural conduct of the election or to conduct that may have improperly affected the results of the election may be filed by any party. Objections must be filed and received by the Executive Director within five (5) days after the tally of ballots has been served. Any objections must be timely regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must be supported by clear and concise reasons. An original and two (2) copies of the objections must be received by the Executive Director.

(b) *Supporting evidence.* The objecting party must file with the Executive Director evidence, including signed statements, documents and other materials supporting the objections within ten (10) days after the objections are filed.

§2422.27 Determinative challenged ballots and objections

(a) *Investigation.* The Executive Director, on behalf of the Board, will investigate objections and/or determinative challenged ballots that are sufficient in number to affect the results of the election.

(b) *Burden of proof.* A party filing objections to the election bears the burden of proof by a preponderance of the evidence concerning those objections. However, no party bears the burden of proof on challenged ballots.

(c) *Executive Director action*. After investigation, the Executive Director will take appropriate action consistent with §2422.30.

(d) *Consolidated hearing on objections and/or determinative challenged ballots and an unfair labor practice hearing*. When appropriate, and in accordance with §2422.33, objections and/or determinative challenged ballots may be consolidated with an unfair labor practice hearing. Such consolidated hearings will be conducted by a Hearing Officer. Exceptions and related submissions must be filed with the Board and the Board will issue a decision in accordance with Part 2423 of this chapter and section 406 of the CAA, except for the following:

(1) Section 2423.18 of this Subchapter concerning the burden of proof is not applicable;

(2) The Hearing Officer may not recommend remedial action to be taken or notices to be posted; and,

(3) References to "charge" and "complaint" in Part 2423 of this chapter will be omitted.

§2422.28 Runoff elections

(a) *When a runoff may be held*. A runoff election is required in an election involving at least three (3) choices, one of which is "no union" or "neither," when no choice receives a majority of the valid ballots cast. However, a runoff may not be held until the objections to the election and determinative challenged ballots have been resolved.

(b) *Eligibility*. Employees who were eligible to vote in the original election and who are also eligible on the date of the runoff election may vote in the runoff election.

(c) *Ballot*. The ballot in the runoff election will provide for a selection between the two choices receiving the largest and second largest number of votes in the election.

§2422.29 Inconclusive elections

(a) *Inconclusive elections*. An inconclusive election is one where challenged ballots are not sufficient to affect the outcome of the election and one of the following occurs:

(1) The ballot provides for at least three (3) choices, one of which is "no union" or "neither" and the votes are equally divided; or

(2) The ballot provides for at least three (3) choices, the choice receiving the highest number of votes does not receive a majority, and at least two other choices receive the next highest and same number of votes; or

(3) When a runoff ballot provides for a choice between two labor organizations and results in the votes being equally divided; or

(4) When the Board determines that there have been significant procedural irregularities.

(b) *Eligibility to vote in a rerun election*. A current payroll period will be used to determine eligibility to vote in a rerun election.

(c) *Ballot*. If a determination is made that the election is inconclusive, the election will be rerun with all the choices that appeared on the original ballot.

(d) *Number of reruns*. There will be only one rerun of an inconclusive election. If the rerun results in another inconclusive election, the tally of ballots will indicate a majority of valid ballots has not been cast for any choice and a certification of results will be issued. If necessary, a runoff may be held when an original election is rerun.

§2422.30 Executive director investigations, notices of pre-election investigatory hearings, and actions; board decisions and orders

(a) *Executive Director investigation*. The Executive Director, on behalf of the Board, will make such investigation of the petition and any other matter as the Executive Director deems necessary.

(b) *Executive Director notice of pre-election investigatory hearing*. On behalf of the Board, the Executive Director will issue a notice of pre-election investigatory hearing to inquire into any matter about which a material issue of fact exists, where there is an issue as to whether a question concerning representation exists, and any time there is reasonable cause to believe a question exists regarding unit appropriateness.

(c) *Executive Director action*. After investigation and/or hearing, when a pre-election investigatory hearing has been ordered, the Executive Director may, on behalf of the Board, approve an election agreement, dismiss a petition or deny intervention where there is an inadequate or invalid showing of interest, or dismiss a petition where there is an undisputed bar to further processing of the petition under law, rule or regulation.

(d) *Appeal of Executive Director action*. A party may file with the Board an application for review of an Executive Director action taken pursuant to section (c) above.

(e) *Contents of the Record*. When no pre-election investigatory hearing has been conducted all material submitted to and considered by the Executive Director during the investigation becomes a part of the record. When a pre-election investigatory hearing has been conducted, the transcript and all material entered into evidence, including any posthearing briefs, become a part of the record.

(f) *Transfer of record to Board; Board Decisions and Orders*. In cases that are submitted to the Board for decision in the first instance, the Board shall decide the issues presented based upon the record developed by the Executive Director, including the transcript of the pre-election investigatory hearing, if any, documents admitted into the record and briefs and other approved submissions from the parties. The Board may direct that a secret ballot election be held, issue an order dismissing the petition, or make such other disposition of the matter as it deems appropriate.

§2422.31 Application for review of an executive director action

(a) *Filing an application for review*. A party must file an application for review with the Board within sixty (60) days of the Executive Director's action. The sixty (60) day time limit provided for in 5 U.S.C. 7105(f), as applied by the CAA, may not be extended or waived.

(b) *Contents*. An application for review must be sufficient to enable the Board to rule on the application without recourse to the record; however, the Board may, in its discretion, examine the record in evaluating the application. An application must specify the matters and rulings to which exception(s) is taken, include a summary of evidence relating to any issue raised in the application, and make specific reference to page citations in the transcript if a hearing was held. An application may not raise any issue or rely on any facts not timely presented to the Executive Director.

(c) *Review*. The Board may, in its discretion, grant an application for review when the application demonstrates that review is warranted on one or more of the following grounds:

(1) The decision raises an issue for which there is an absence of precedent;

(2) Established law or policy warrants reconsideration; or,

(3) There is a genuine issue over whether the Executive Director has:

(i) Failed to apply established law;

(ii) Committed a prejudicial procedural error;

(iii) Committed a clear and prejudicial error concerning a substantial factual matter.

(d) *Opposition*. A party may file with the Board an opposition to an application for review within ten (10) days after the party is served with the application. A copy must be served on the Executive Director and all other parties and a statement of service must be filed with the Board.

(e) *Executive Director action becomes the Board's action*. An action of the Executive Director becomes the action of the Board when:

(1) No application for review is filed with the Board within sixty (60) days after the date of the Executive Director's action; or

(2) A timely application for review is filed with the Board and the Board does not undertake to grant review of the Executive Director's action within sixty (60) days of the filing of the application; or

(3) The Board denies an application for review of the Executive Director's action.

(f) *Board grant of review and stay*. The Board may rule on the issue(s) in an application for review in its order granting the application for review. Neither filing nor granting an application for review shall stay any action ordered by the Executive Director unless specifically ordered by the Board.

(g) *Briefs if review is granted*. If the Board does not rule on the issue(s) in the application for review in its order granting review, the Board may, in its discretion, afford the parties an opportunity to file briefs. The briefs will be limited to the issue(s) referenced in the Board's order granting review.

§2422.32 Certifications and revocations

(a) *Certifications*. The Executive Director, on behalf of the Board, will issue an appropriate certification when:

(1) After an election, runoff, or rerun,

(i) No objections are filed or challenged ballots are not determinative, or

(ii) Objections and determinative challenged ballots are decided and resolved; or

(2) The Executive Director takes an action requiring a certification and that action becomes the action of the Board under §2422.31(e) or the Board otherwise directs the issuance of a certification.

(b) Revocations. Without prejudice to any rights and obligations which may exist under the CAA, the Executive Director, on behalf of the Board, will revoke a recognition or certification, as appropriate, and provide a written statement of reasons when an incumbent exclusive representative files, during a representation proceeding, a disclaimer of any representational interest in the unit.

§2422.33 Relief obtainable under Part 2423

Remedial relief that was or could have been obtained as a result of a motion, objection, or challenge filed or raised under this subpart, may not be the basis for similar relief if filed or raised as an unfair labor practice under Part 2423 of this Chapter: *provided, however*, that related matters may be consolidated for hearing as noted in §2422.27(d) of this subpart.

§2422.34 Rights and obligations during the pendency of representation proceedings

(a) *Existing recognitions, agreements, and obligations under the CAA*. During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, adhere to the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the CAA.

(b) *Unit status of individual employees*. Notwithstanding paragraph (a) of this section and except as otherwise prohibited by law, a party may take action based on its position regarding the bargaining unit status of individual employees, pursuant to 5 U.S.C. 7103(a)(2), 7112(b) and (c), as applied by the CAA: *provided, however*, that its actions may be challenged, reviewed, and remedied where appropriate.

Part 2423—Unfair Labor Practice Proceedings

Sec.

2423.1 Applicability of this part.
2423.2 Informal proceedings.
2423.3 Who may file charges.
2423.4 Contents of the charge; supporting evidence and documents.
2423.5 Selection of the unfair labor practice procedure or the negotiability procedure.
2423.6 Filing and service of copies.
2423.7 Investigation of charges.
2423.8 Amendment of charges.
2423.9 Action by the General Counsel.
2423.10 Determination not to file complaint.
2423.11 Settlement or adjustment of issues.
2423.12 Filing and contents of the complaint.
2423.13 Answer to the complaint.
2423.14 Prehearing disclosure; conduct of hearing.
2423.15 Intervention.
2423.16 [Reserved]
2423.17 [Reserved]
2423.18 Burden of proof before the Hearing Officer.
2423.19 Duties and powers of the Hearing Officer.
2423.20 [Reserved]
2423.21 [Reserved]
2423.22 [Reserved]
2423.23 [Reserved]
2423.24 [Reserved]
2423.25 [Reserved]
2423.26 Hearing Officer decisions; entry in records of the Office.
2423.27 Appeal to the Board.
2423.28 [Reserved]
2423.29 Action by the Board.
2423.30 Compliance with decisions and orders of the Board.
2423.31 Backpay proceedings.

§ 2423.1 Applicability of this part

This part is applicable to any charge of alleged unfair labor practices occurring on or after October 1, 1996.

§ 2423.2 Informal proceedings

(a) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the 180 day period of limitation set forth in section 220(c)(2) of the CAA, it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the filing of a complaint by the General Counsel.

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the General Counsel will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

§ 2423.3 Who may file charges

An employing office, employing activity, or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 5 U.S.C. 7116, as applied by the CAA.

§ 2423.4 Contents of the charge; supporting evidence and documents

(a) A charge alleging a violation of 5 U.S.C. 7116, as applied by the CAA, shall be submitted on forms prescribed by the General Counsel and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the employing office or activity, or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 71 of title 5 of the United States Code made applicable by the CAA alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Board under Part 2471 of these regulations, or the Federal Mediation and Conciliation Service, or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 2424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the General Counsel any supporting evidence and documents.

§ 2423.5 Selection of the unfair labor practice procedure or the negotiability procedure

Where a labor organization files an unfair labor practice charge pursuant to this part which involves a negotiability issue, and the labor organization also files pursuant to part 2424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under part 2424 of this subchapter.

§ 2423.6 Filing and service of copies

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the General Counsel.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the General Counsel. The General Counsel will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

(c) A charge will be deemed to be filed when it is received by the General Counsel in accordance with the requirements in paragraph (a) of this section.

§ 2423.7 Investigation of charges

(a) The General Counsel shall conduct such investigation of the charge as the General Counsel deems necessary. Consistent with the policy set forth in § 2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the General Counsel.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the General Counsel.

(d) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§ 2423.8 Amendment of charges

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in § 2423.6.

§ 2423.9 Action by the general counsel

(a) The General Counsel shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to file a complaint;

(3) Approve a written settlement and recommend that the Executive Director approve a written settlement agreement in accordance with the provisions of section 414 of the CAA;

(4) File a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after filing of a complaint, a stipulation of facts in accordance with the provisions of § 2429.1(a) of this subchapter; or

(6) Withdraw a complaint.

§ 2423.10 Determination not to file complaint

(a) If the General Counsel determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the General Counsel may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to file a complaint.

(b) The charging party may not obtain a review of the General Counsel's decision not to file a complaint.

§ 2423.11 Settlement or adjustment of issues

(a) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Executive Director or General Counsel, as appropriate, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint settlements

(b)(1) Prior to the filing of any complaint or the taking of other formal action, the General Counsel will afford the charging party and the respondent a reasonable period of time in which to enter into a settlement agreement to be submitted to and approved by the General Counsel and the Executive Director. Upon approval by the General Counsel and Executive Director and compliance with the terms of the settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the settlement agreement, the General Counsel may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, if the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel and the latter shall decline to file a complaint.

Post complaint settlement policy

(c) Consistent with the policy reflected in paragraph (a) of this section, even after the filing of a complaint, the Board favors the settlement of issues. Such settlements may be accomplished as provided in paragraph (b) of this section. The parties may, as part of the settlement, agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily such a settlement agreement will also contain the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order.

Post complaint prehearing settlements

(d)(1) If, after the filing of a complaint, the charging party and the respondent enter into a settlement agreement, and such agreement is accepted by the General Counsel, the settlement agreement shall be submitted to the Executive Director for approval.

(2) If, after the filing of a complaint, the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel. The charging party will be so informed and provided a brief written statement by the General Counsel of the reasons therefor. The settlement agreement together with the charging party's objections, if any, and the General Counsel's written statements, shall be submitted to the Executive Director for approval. The Executive Director may approve or disapprove any settlement agreement.

(3) After the filing of a complaint, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may withdraw the complaint.

Settlements after the opening of the hearing

(e)(1) After filing of a complaint and after opening of the hearing, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may request the Hearing Officer for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve a settlement and recommend that the Executive Director approve the settlement pursuant to paragraph (b) of this section.

(2) If, after filing of a complaint and after opening of the hearing, the parties enter into a settlement agreement that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a settlement agreement, offered by the respondent, that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied to the CAA, the agreement shall be between the respondent and the General Counsel. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the settlement, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any such settlement agreement or return the case to the Hearing Officer for other appropriate action.

§ 2423.12 Filing and contents of the complaint

(a) After a charge is filed, if it appears to the General Counsel that formal proceedings in respect thereto should be instituted, the General Counsel shall file a formal complaint: *provided, however*, that a determination by the General Counsel to file a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Any information required pursuant to the Procedural Rules of the Office.

(c) Any such complaint may be withdrawn before the hearing by the General Counsel.

§ 2423.13 Answer to the complaint

A respondent shall file an answer to a complaint in accordance with the requirements of the Procedural Rules of the Office.

§ 2423.14 Prehearing disclosure; conduct of hearing

The procedures for prehearing discovery and the conduct of the hearing are set forth in the Procedural Rules of the Office.

§ 2423.15 Intervention

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in the Procedural Rules of the Office. The motion shall state the grounds upon which such person claims involvement.

§ 2423.16 [Reserved]

§ 2423.17 [Reserved]

§ 2423.18 Burden of proof before the hearing officer

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

2423.19 Duties and powers of the hearing officer

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before such Hearing Officer, subject to the rules and regulations of the Office and the Board.

§ 2423.20 [Reserved]

§ 2423.21 [Reserved]

§ 2423.22 [Reserved]

§ 2423.23 [Reserved]

§ 2423.24 [Reserved]

§ 2423.25 [Reserved]

§ 2423.26 Hearing officer decisions; entry in records of the office

In accordance with the Procedural Rules of the Office, the Hearing Officer shall issue a written decision and that decision will be entered into the records of the Office.

§ 2423.27 Appeal to the Board

An aggrieved party may seek review of a decision and order of the Hearing Officer in accordance with the Procedural Rules of the Office.

§ 2423.28 [Reserved]

§ 2423.29 Action by the board

(a) If an appeal is filed, the Board shall review the decision of the Hearing Officer in accordance with section 406 of the CAA, and the Procedural Rules of the Office.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the employing office or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in paragraphs (1) through (3) of this paragraph (b), or such other action as will carry out the purpose of the chapter 71, as applied by the CAA.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§ 2423.30 Compliance with decisions and orders of the board

When remedial action is ordered, the respondent shall report to the Office within a specified period that the required remedial action has been effected. When the General Counsel or the Executive Director finds that the required remedial action has not been effected, the General Counsel or the Executive Director shall take such action as may be appropriate, including referral to the Board for enforcement.

§ 2423.31 Backpay proceedings

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the General Counsel that a controversy exists which cannot be resolved without a formal proceeding, the General Counsel may issue and serve on all parties a backpay specification accompanied by a request for hearing or a request for hearing without a specification. Upon receipt of the request for hearing, the Executive Director will appoint an independent Hearing Officer. The respondent shall, within twenty (20) days after the service of a backpay specification, file an answer thereto in accordance with the Office's Procedural Rules. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the hearing procedures provided in the Procedural Rules of the Office shall be followed insofar as applicable.

Part 2424 Expedited Review of Negotiability Issues

Subpart A—Instituting an Appeal

Sec.
2424.1 Conditions governing review.
2424.2 Who may file a petition.
2424.3 Time limits for filing.
2424.4 Content of petition; service.
2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.
2424.6 Position of the employing office; time limits for filing; service.
2424.7 Response of the exclusive representative; time limits for filing; service.
2424.8 Additional submissions to the Board.
2424.9 Hearing.
2424.10 Board decision and order; compliance.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

2424.11 Illustrative criteria.

SUBPART A—INSTITUTING AN APPEAL

§ 2424.1 Conditions governing review

The Board will consider a negotiability issue under the conditions prescribed by 5 U.S.C. 7117 (b) and (c), as applied by the CAA, namely: If an employing office involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation, the exclusive representative may appeal the allegation to the Board when—

(a) It disagrees with the employing office's allegation that the matter as proposed to be bargained is inconsistent with any Federal law or any Government-wide rule or regulation; or

(b) It alleges, with regard to any employing office rule or regulation asserted by the employing office as a bar to negotiations on the matter, as proposed, that:

(1) The rule or regulation violates applicable law, or rule or regulation of appropriate authority outside the employing office;

(2) The rule or regulation was not issued by the employing office or by any primary national subdivision of the employing office, or otherwise is not applicable to bar negotiations with the exclusive representative, under 5 U.S.C. 7117(a)(3), as applied by the CAA; or

(3) No compelling need exists for the rule or regulation to bar negotiations on the matter, as proposed, because the rule or regulation does not meet the criteria established in subpart B of this part.

§ 2424.2 Who may file a petition

A petition for review of a negotiability issue may be filed by an exclusive representative which is a party to the negotiations.

§ 2424.3 Time limits for filing

The time limit for filing a petition for review is fifteen (15) days after the date the employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained is served on the exclusive representative. The exclusive representative shall request such allegation in writing and the employing office shall make the allegation in writing and serve a copy on the exclusive representative: *provided, however*, that review of a negotiability issue may be requested by an exclusive representative under this subpart without a prior written allegation by the employing office if the employing office has not served such allegation upon the exclusive representative within ten (10) days after the date of the receipt by any employing office bargaining representative at the negotiations of a written request for such allegation.

§ 2424.4 Content of petition; service

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the employing office;

(2) An explicit statement of the meaning attributed to the proposal by the exclusive representative including:

(i) Explanation of terms of art, acronyms, technical language, or any other aspect of the language of the proposal which is not in common usage; and

(ii) Where the proposal is concerned with a particular work situation, or other particular circumstances, a description of the situation or circumstances which will enable the Board to understand the context in which the proposal is intended to apply;

(3) A copy of all pertinent material, including the employing office's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under part 2423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the employing office head and on the principal employing office bargaining representative at the negotiations.

(c)(1) Filing an incomplete petition for review will result in the exclusive representative being asked to provide the missing or incomplete information. Noncompliance with a request to complete the record may result in dismissal of the petition.

(2) The processing priority accorded to an incomplete petition, relative to other pending negotiability appeals, will be based upon the date when the petition is completed—not the date it was originally filed.

§ 2424.5 Selection of the unfair labor practice procedure or the negotiability procedure

Where a labor organization files an unfair labor practice charge pursuant to part 2423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§ 2424.6 Position of the employing office; time limits for filing; service

(a) Within thirty (30) days after the date of the receipt by the head of an employing office of a copy of a petition for review of a negotiability issue the employing office shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be negotiated; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation and shall contain a copy of any internal employing office rule or regulation so relied upon. The statement shall include:

(i) Explanation of the meaning the employing office attributes to the proposal as a whole, including any terms of art, acronyms, technical language or any other aspect of the language of the proposal which is not in common usage; and

(ii) Description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is considered to apply by the employing office.

(b) A copy of the employing office's statement of position, including all attachments thereto shall be served on the exclusive representative.

§ 2424.7 Response of the exclusive representative; time limits for filing; service

(a) Within fifteen (15) days after the date of the receipt by an exclusive representative of a copy of an employing office's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for:

(1) Disagreeing with the employing office's allegation that the matter, as proposed to be negotiated, is inconsistent with any Federal law or Government-wide rule or regulation; or

(2) Alleging that the employing office's rules or regulations violate applicable law, or rule or regulation or appropriate authority outside the employing office; that the rules or regulations were not issued by the employing office or by any primary national subdivision of the employing office, or otherwise are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA; or that no compelling need exists for the rules or regulations to bar negotiations.

(b) The response shall cite the particular section of any law, rule or regulation alleged to be violated by the employing office's rules or regulations; or shall explain the grounds for contending the employing office rules or regulations are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA, or fail to meet the criteria established in subpart B of this part, or were not issued at the employing office headquarters level or at the level of a primary national subdivision.

(c) A copy of the response of the exclusive representative including all attachments thereto shall be served on the employing office head and on the employing office's representative of record in the proceeding before the Board.

§ 2424.8 Additional submissions to the board

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under § 2424.2 through 2424.7 unless such submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§ 2424.9 Hearing

A hearing may be held, in the discretion of the Board, before a determination is made under 5 U.S.C. 7117(b) or (c), as applied by the CAA. If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§ 2424.10 Board decision and order; compliance

(a) Subject to the requirements of this subpart the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the employing office a written decision on the allegation and specific reasons therefore at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the employing office, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the employing office or exclusive representative shall report to the Executive Director within a specified period failure to comply with an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter.

SUBPART B—CRITERIA FOR DETERMINING COMPELLING NEED FOR EMPLOYING OFFICE RULES AND REGULATIONS

§ 2424.11 Illustrative criteria

A compelling need exists for an employing office rule or regulation concerning any condition of employment when the employing office demonstrates that the rule or regulation meets one or more of the following illustrative criteria:

(a) The rule or regulation is essential, as distinguished from helpful or desirable, to the accomplishment of the mission or the execution of functions of the employing office or primary national subdivision in a manner which is consistent with the requirements of an effective and efficient government.

(b) The rule or regulation is necessary to insure the maintenance of basic merit principles.

(c) The rule or regulation implements a mandate to the employing office or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

Part 2425—Review of Arbitration Awards

Sec.
2425.1 Who may file an exception; time limits for filing; opposition; service.
2425.2 Content of exception.
2425.3 Grounds for review.
2425.4 Board decision.

§ 2425.1 Who may file an exception; time limits for filing; opposition; service

(a) Either party to arbitration under the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, may file an exception to an arbitrator's award rendered pursuant to the arbitration.

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on the date the award is served on the filing party.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§ 2425.2 Content of exception

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the award of the arbitrator and legible copies of other pertinent documents; and

(e) The name and address of the arbitrator.

§ 2425.3 Grounds for review

The Board will review an arbitrator's award to which an exception has been filed to determine if the award is deficient—

(a) Because it is contrary to any law, rule or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-management relations.

§ 2425.4 Board decision

The Board shall issue its decision and order taking such action and making such recommendations concerning the award as it considers necessary, consistent with applicable laws, rules, or regulations.

Part 2426—National Consultation Rights and Consultation Rights on Government-wide Rules or Regulations

Subpart A—National Consultation Rights

Sec.
2426.1 Requesting; granting; criteria.
2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.
2426.3 Obligation to consult.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

2426.11 Requesting; granting; criteria.
2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.
2426.13 Obligation to consult.

SUBPART A—NATIONAL CONSULTATION RIGHTS

§ 2426.1 Requesting; granting; criteria

(a) An employing office shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the employing office level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the employing office.

(b) An employing office's primary national subdivision which has authority to formulate conditions of employment shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the employing office level, employees represented by the labor organization under national exclusive recognition granted at the employing office level.

(2) At the primary national subdivision level, employees represented by the labor organization under national exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An employing office or a primary national subdivision of an employing office shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b) and (c) of this section.

§ 2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights

(a) Requests by labor organizations for national consultation rights shall be submitted in writing to the headquarters of the employing office or the employing office's primary national subdivision, as appropriate, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, national consultation rights shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria set forth in § 2426.1 may be filed by a labor organization.

(2) A petition for determination of eligibility for national consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office or the primary national subdivision and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by § 2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intent to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights made under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under §2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights made under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office or primary national subdivision wishes to terminate national consultation rights, notice of its intention to do so shall include a statement of its reasons and shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an employing office or primary national subdivision may terminate national consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office or primary national subdivision shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigations as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for national consultation rights which shall be final: *provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting an investigatory hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §§2422.17 through 2422.22 of this subchapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.3 Obligation to consult

(a) When a labor organization has been accorded national consultation rights, the employing office or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed substantive change in conditions of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in conditions of employment to an employing office or a primary national subdivision, that employing office or primary national subdivision shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(c) Nothing in this subpart shall be construed to limit the right of any employing office or exclusive representative to engage in collective bargaining.

SUBPART B—CONSULTATION RIGHTS ON GOVERNMENT-WIDE RULES OR REGULATIONS

§2426.11 Requesting; granting; criteria

(a) An employing office shall accord consultation rights on Government-wide rules or regulations to a labor organization that:

(1) Requests consultation rights on Government-wide rules or regulations from an employing office; and

(2) Holds exclusive recognition for 350 or more covered employees within the legislative branch.

(b) An employing office shall not grant consultation rights on Government-wide rules or regulations to any labor organization that does not meet the criteria prescribed in paragraph (a) of this section.

§2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations

(a) Requests by labor organizations for consultation rights on Government-wide rules or regulations shall be submitted in writing to the headquarters of the employing office, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, consultation rights on Government-wide rules or regulations shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for consultation rights under criteria set forth in §2426.11 may be filed by a labor organization.

(2) A petition for determination of eligibility for consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office in which the petitioner seeks to obtain or retain consultation rights on Government-wide rules or regulations, and the persons to contact and their titles, if known;

(vi) A showing that petitioner meets the criteria as required by §2426.11; and

(vii) A statement, as appropriate:

(A) That such showing has been made to and rejected by the employing office, together with a statement of the reasons for rejection, if any, offered by that employing office;

(B) That the employing office has served notice of its intent to terminate existing consultation rights on Government-wide rules or regulations, together with a statement of the reasons for termination; or

(C) That the employing office has failed to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for consultation rights on Government-wide rules or regulations shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on the employing office, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office of its refusal to accord consultation rights on Government-wide rules or regulations pursuant to a request under §2426.12(a) or its intention to terminate such existing consultation rights. If an employing office fails to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office wishes to terminate consultation rights on Government-wide rules or regulations, notice of its intention to do so shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office pending disposition of the petition. If no petition has been filed within the provided time period, an employing office may terminate such consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigation as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for consultation rights which shall be final: *Provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in § 2422.31 of this subchapter. A determination by the Executive Director to issue a notice of investigatory hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of investigatory hearing to be issued where substantial factual issues exist warranting a hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with § 2422.17 through 2422.22 of this chapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with § 2422.30 of this subchapter.

§ 2426.13 Obligation to consult

(a) When a labor organization has been accorded consultation rights on Government-wide rules or regulations, the employing office which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed Government-wide rule or regulation issued by the employing office affecting any substantive change in any condition of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in any condition of employment to an employing office, that employing office shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

Part 2427—General Statements of Policy or Guidance

Sec.
2427.1 Scope.
2427.2 Requests for general statements of policy or guidance.
2427.3 Content of request
2427.4 Submissions from interested parties.
2427.5 Standards governing issuance of general statements of policy or guidance.

§ 2427.1 Scope

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 5 U.S.C. 7105(a)(1), as applied by the CAA.

§ 2427.2 Requests for general statements of policy or guidance

(a) The head of an employing office (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, or other law.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board or General Counsel.

§ 2427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under § 2427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the CAA; and

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, where appropriate.

§ 2427.4 Submissions from interested parties

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§ 2427.5 Standards governing issuance of general statements of policy or guidance

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under chapter 71, as applied by the CAA;

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the legislative branch and would otherwise promote the purposes of chapter 71, as applied by the CAA.

Part 2428—Enforcement of Assistant Secretary Standards of Conduct Decisions and Orders

Sec.
2428.1 Scope.
2428.2 Petitions for enforcement.
2428.3 Board decision.

§ 2428.1 Scope

This part sets forth procedures under which the Board, pursuant to 5 U.S.C. 7105(a)(2)(I), as applied by the CAA, will enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120, as applied by the CAA.

§ 2428.2 Petitions for enforcement

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 5 U.S.C. 7120, as applied by the CAA. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such opposition. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§ 2428.3 Board decision

The Board shall issue its decision on the case enforcing, enforcing as modified, or refusing to enforce, the decision and order of the Assistant Secretary.

Part 2429—Miscellaneous and General Requirements

Subpart A—Miscellaneous

Sec.
2429.1 Transfer of cases to the Board.
2429.2 [Reserved]
2429.3 Transfer of record.
2429.4 Referral of policy questions to the Board.
2429.5 Matters not previously presented; official notice.
2429.6 Oral argument.
2429.7 [Reserved]
2429.8 [Reserved]
2429.9 [Reserved]
2429.10 Advisory opinions.
2429.11 [Reserved]
2429.12 [Reserved]
2429.13 Official time.
2429.14 Witness fees.
2429.15 Board requests for advisory opinions.
2429.16 General remedial authority.
2429.17 [Reserved]
2429.18 [Reserved]

Subpart B—General Requirements

2429.21 [Reserved]
2429.22 [Reserved]
2429.23 Extension; waiver.
2429.24 [Reserved]
2429.25 [Reserved]
2429.26 [Reserved]
2429.27 [Reserved]
2429.28 Petitions for amendment of regulations.

SUBPART A—MISCELLANEOUS

§ 2429.1 Transfer of cases to the board

In any unfair labor practice case under part 2423 of this subchapter in which, after the filing of a complaint, the parties stipulate that no material issue of fact exists, the Executive Director may, upon agreement of all parties, transfer the case to the Board; and the Board may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Board within thirty (30) days from the date of the Executive Director's order transferring the case to the Board. The Board may also remand any such case to the Executive Director for further processing. Orders of transfer and remand shall be served on all parties.

§2429.2 [Reserved]

§2429.3 Transfer of record

In any case under part 2425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the arbitrator, to the Board.

§2429.4 Referral of policy questions to the board

Notwithstanding the procedures set forth in this subchapter, the General Counsel, or the Assistant Secretary, may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate. The Board may decline a referral.

§2429.5 Matters not previously presented; official notice

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

§2429.6 Oral argument

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

§2429.7 [Reserved]

§2429.8 [Reserved]

§2429.9 [Reserved]

§2429.10 Advisory opinions

The Board and the General Counsel will not issue advisory opinions.

§2429.11 [Reserved]

§2429.12 [Reserved]

§2429.13 Official time

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status.

§2429.14 Witness fees

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the fee and mileage allowances which are paid subpenaed witnesses in the courts of the United States: *Provided*, that any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to §2429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to §2429.13.

§2429.15 Board requests for advisory opinions

(a) Whenever the Board, pursuant to 5 U.S.C. 7105(i), as applied by the CAA, requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifteen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§2429.16 General remedial authority

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§2429.17 [Reserved]

§2429.18 [Reserved]

Subpart B—General Requirements

§2429.21 [Reserved]

§2429.22 [Reserved]

§2429.23 Extension; waiver

(a) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be in writing and received by the appropriate official not later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) Time limits established in 5 U.S.C. 7105(f), 7117(c)(2) and 7122(b), as applied by the CAA, may not be extended or waived under this section.

§2429.24 [Reserved]

§2429.25 [Reserved]

§2429.26 [Reserved]

§2429.27 [Reserved]

§2429.28 Petitions for amendment of regulations

Any interested person may petition the Board in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

Subchapter D—Impasses

PART 2470—GENERAL

Subpart A—Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

2470.2 Definitions.

SUBPART A—PURPOSE

§2470.1 Purpose

The regulations contained in this subchapter are intended to implement the provisions of section 7119 of title 5 of the United States Code, as applied by the CAA. They prescribe procedures and methods which the Board may utilize in the resolution of negotiation impasses when voluntary arrangements, including the services of the Federal Mediation and Conciliation Service or any other third-party mediation, fail to resolve the disputes.

SUBPART B—DEFINITIONS

§2470.2 Definitions

(a) The terms *Executive Director, employing office, labor organization*, and *conditions of employment* as used herein shall have the meaning set forth in Part 2421 of these rules.

(b) The terms *designated representative* or *designee* of the Board means a Board member, a staff member, or other individual designated by the Board to act on its behalf.

(c) The term *hearing* means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 5 U.S.C. 7119, as applied by the CAA.

(d) The term *impasse* means that point in the negotiation of conditions of employment at which the parties are unable to reach agreement, notwithstanding their efforts to do so by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(e) The term *Board* means the Board of Directors of the Office of Compliance.

(f) The term *party* means the agency or the labor organization participating in the negotiation of conditions of employment.

(g) The term *voluntary arrangements* means any method adopted by the parties for the purpose of assisting them in their resolution of a negotiation dispute which is not inconsistent with the provisions of 5 U.S.C. 7119, as applied by the CAA.

Part 2471—Procedures of the Board in Impasse Proceedings

Sec.
2471.1 Request for Board consideration; request for Board approval of binding arbitration.
2471.2 Request form.
2471.3 Content of request.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.
2471.7 Preliminary hearing procedures.
2471.8 Conduct of hearing and prehearing conference.
2471.9 Report and recommendations.
2471.10 Duties of each party following receipt of recommendations.
2471.11 Final action by the Board.
2471.12 Inconsistent labor agreement provisions.

§2471.1 Request for board consideration; request for board approval of binding arbitration

If voluntary arrangements, including the services of the Federal Mediation and Conciliation Services or any other third-party mediation, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Board to consider the matter by filing a request as hereinafter provided; or the Board may, pursuant to 5 U.S.C. 7119(c)(1), as applied by the CAA, undertake consideration of the matter upon request of (i) the Federal Mediation and Conciliation Service, or (ii) the Executive Director; or

(b) The parties may jointly request the Board to approve any procedure, which they have agreed to adopt, for binding arbitration of the negotiation impasse by filing a request as hereinafter provided.

§2471.2 Request form

A form has been prepared for use by the parties in filing a request with the Board for consideration of an impasse or approval of a binding arbitration procedure. Copies are available from the Executive Director, Office of Compliance.

§2471.3 Content of request

(a) A request from a party or parties to the Board for consideration of an impasse must be in writing and include the following information:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Statement of issues at impasse and the summary positions of the initiating party or parties with respect to those issues; and

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

(b) A request for approval of a binding arbitration procedure must be in writing, jointly filed by the parties, and include the following information about the pending impasse:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Brief description of the impasse including the issues to be submitted to the arbitrator;

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized;

(4) Statement that the proposals to be submitted to the arbitrator contain no questions concerning the duty to bargain; and

(5) Statement of the arbitration procedures to be used, including the type of arbitration, the method of selecting the arbitrator, and the arrangement for paying for the proceedings or, in the alternative, those provisions of the parties' labor agreement which contain this information.

§2471.4 Where to file

Requests to the Board provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be addressed to the Executive Director, Office of Compliance.

§2471.5 Copies and service

(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Board acts on a request from the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, if any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8 1/2 x 11 inch size paper.

§2471.6 Investigation of request; board recommendation and assistance; approval of binding arbitration

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request; *provided, however*, that when the request is made pursuant to an agreed-upon procedure for arbitration contained in an applicable, previously negotiated agreement, the Board may use an expedited procedure and promptly approve or disapprove the request, normally within five (5) workdays.

§2471.7 Preliminary hearing procedures

When the Board determines that a hearing is necessary under §2471.6, it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representatives appointed by the Board; (5) the issues to be resolved; and (6) the method, if any, by which the hearing shall be recorded.

§2471.8 Conduct of hearing and prehearing conference

(a) A designated representative of the Board, when so appointed to conduct a hearing, shall have the authority on behalf of the Board to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpenas;

(2) Conduct the hearing in open, or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted;

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Board in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

§2471.9 Report and recommendations

(a) When a report is issued after a hearing conducted pursuant to §2471.7 and 2471.8, it normally shall be in writing and, when authorized by the Board, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Board with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Board shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§2471.10 Duties of each party following receipt of recommendations

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Board or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

§2471.11 Final action by the board

(a) If the parties do not arrive at a settlement as a result of or during actions taken under §2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with 5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the

Board considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hold hearings, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals pursuant to 5 U.S.C. 7119(c)(4), as applied by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in §2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§2471.12 Inconsistent labor agreement provisions

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either 5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5086. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 15 [Docket No. 960830238–6238–01; I.D. 082096B], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Natural Resources.

5087. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Corn Cyst Nematode [APHIS Docket No. 96–001–2] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5088. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Fruits and Vegetables [APHIS Docket No. 95–068–2] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5089. A letter from the Director, Test, Systems Engineering & Evaluation, Department of Defense, transmitting a letter notifying Congress of the intent to obligate funds for fiscal year 1997 Foreign Comparative Testing [FCT] Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

5090. A letter from the Secretary of the Air Force, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2433; to the Committee on National Security.

5091. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the semiannual report on tied aid credits, pursuant to Public Law 99–472, section 19 (100 Stat. 1207); to the Committee on Banking and Financial Services.

5092. A letter from the Director, Office of the Secretary of Defense, transmitting the Office's final rule—Provision of Early Intervention and Special Education Services to Eligible DoD Dependents in Overseas Areas [DoD Instruction 1342.12] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5093. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Washington; Revision to the State Implementation Plan Vehicle Inspection and Maintenance Program [FRL–5608–7] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5094. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—South Dakota; Final Determination of Adequacy of State's Municipal Solid Waste Permit Program over Non-Indian Lands for the Former Lands of the Yankton Sioux, Lake Traverse (Sisseton-Wahpeton) and Parts of the Rosebud Indian Reservation [FRL–5550–7] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5095. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Colombia for defense articles and services (Transmittal No. 96–71), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5096. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 96–76), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5097. A letter from the Commander, Air Force Services Agency, transmitting the annual report for the Air Force nonappropriated fund retirement plan for the plan year ending September 30, 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

5098. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 1998, pursuant to 45 U.S.C. 231f; to the Committee on Government Reform and Oversight.

5099. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closures from the Oregon-California Border to Humboldt South Jetty, CA, and from the U.S.-Canadian Border to Leadbetter Point, WA [Docket No. 960126016–6121–04; I.D. 090396B] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5100. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Using Nonpelagic Trawl Gear in the Bering Sea and Aleutian Island Area [Docket No. 960129019–6019–01; I.D. 090696F] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5101. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area H [Docket No. 960502124–6190–02; I.D. 082796E] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5102. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Alaska Regulatory Program [AK–004–FOR; Alaska Amendment IV] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5103. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a report recommending authorization of a deep-draft navigation project at Port Fourchon, Lafourche Parish, LA; to the Committee on Transportation and Infrastructure.

5104. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Removal of 28 CFR Part 25—Recommendations to the President on Civil Aeronautics Board Decisions [AG Order No. 2002–95] (RIN: 1105–AA41) received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5105. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96–22) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5106. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Combination of Combined Taxable Income Under the Profit Split Method When the Possession Product is a Component Product or an End-Product Form for Purposes of the Possessions Credit Under Section 936 (RIN: 1545–AR18) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5107. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Excise Taxes on Excess Benefit Transactions Engaged in by Certain Tax-Exempt Organizations (Notice 96–46) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5108. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Private Inurement Expressly Prohibited for Section 501(c)(4) Organizations (Notice 96–47) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5109. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax-Exempt Organization Information Returns—Requirement to Provide Copies to the Public and Increases in Certain Penalties (Notice 96–48) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5110. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to conform the statute of limitations with respect to the creditability of compensation under that act to the statute of limitations with respect to the payment of taxes under the Railroad Retirement Tax Act and for other purposes; to the Committee on Ways and Means.

5111. A letter from the Chair of the Board, Office of Compliance, transmitting notice of issuance of final regulations for publication in the Congressional Record, pursuant to Public Law 104-1, section 304(d)(1) (109 Stat. 30); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MYERS: Committee of conference. Conference report on H.R. 3816. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104-782). Ordered to be printed.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 3876. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000; and for other purposes; with an amendment (Rept. 104-783). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 3460. A bill to establish the Patent and Trademark Office as a Government corporation, and for other purposes; with an amendment (Rept. 104-784). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2740. Referral to the Committee on Commerce extended for a period ending not later than September 20, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILBRAY (for himself, Mr. Doolittle, Mr. Herger, Mr. Moorhead, Mr. Riggs, Mr. Bono, Mr. Packard, Mr. McKeon, Mrs. Seastrand, Mr. Hunter, Mr. Baker of California, Mr. Calvert, and Mr. Dreier):

H.R. 4062. A bill to authorize appropriations to reimburse States for costs of educating certain illegal alien students; to the Committee on Economic and Educational Opportunities.

By Mr. LAZIO of New York (for himself and Mr. Baker of Louisiana):

H.R. 4063. A bill to provide for adjustments to the conforming loan limits for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation and to the maximum mortgage limit for the single family mortgage insurance program of the Department of Housing and Urban Development that more accurately reflect the changes in housing costs, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. KLINK (for himself and Mr. Doyle):

H.R. 4064. A bill to amend the Department of Housing and Urban Development Act to provide for the Secretary of Housing and Urban Development to notify and consult with the unit of general local government within which an assisted multifamily housing project is to be located before providing any low-income housing assistance for the project; to the Committee on Banking and Financial Services.

By Mr. GEPHARDT (for himself, Ms. Pelosi, Mr. Bonior, Mr. Brown of Ohio, Mr. Pallone, Mr. Lipinski, Mr. Stark, Mr. Miller of California, Mr. DeFazio, Ms. Kaptur, Mr. Lantos, Mr. Spratt, Mr. Payne of New Jersey, Mr. Markey, and Mr. Lewis of Georgia):

H.R. 4065. A bill to require prior congressional approval before the President supports the admission of the People's Republic of China into the World Trade Organization, and to provide for the withdrawal of the United States from the World Trade Organization if China is accepted into the WTO without the support of the United States; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER of California:

H.R. 4066. A bill to direct the Secretary of the Navy to transfer the U.S.S. *Missouri* (BB-63) to the U.S.S. *Missouri* Allied Forces Memorial, San Francisco, CA; to the Committee on National Security.

By Mr. GALLEGLY (for himself, Mr. Young of Alaska, Mr. Underwood, Mr. Faleomavaega, and Mr. Kildee):

H.R. 4067. A bill to provide for representation of the Northern Mariana Islands by a nonvoting Delegate in the House of Representatives; to the Committee on Resources.

By Mr. STUMP (for himself, Mr. Montgomery, Mr. Spence, Mr. Evans, Mr. Everett, Mr. Edwards, Mr. Buyer, Mr. Tejeda, and Mr. Hefley):

H.R. 4068. A bill to establish a demonstration project to provide that the Department of Veterans Affairs may receive Medicare reimbursement for health care services provided to certain Medicare-eligible veterans; to the Committee on Veterans' Affairs, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENTSEN:

H.R. 4069. A bill to amend the Social Security Act to establish the teaching hospital and graduate medical education trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. Bryant of Tennessee, Mr. Clement, Mr. Duncan, Mr. Ford, Mr. Hilleary, Mr. Quillen, Mr. Tanner, and Mr. Wamp):

H.R. 4070. A bill to designate the Federal building located in Cookeville, TN, as the "L. Clure Morton United States Post Office and Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut:

H.R. 4071. A bill to amend the small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. NETHERCUTT (for himself, Mr. Roberts, and Mr. Hastings of Washington):

H.R. 4072. A bill to amend the Internal Revenue Code of 1986 to provide that the alternative minimum tax shall not apply to installment sales of farm property; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. Chabot, Mr. Stokes, Mr. Regula, Mr. Jefferson, Mr. Cremeans, Mr. Bunning of Kentucky, Mr. Torricelli, Mr. Hobson, Mr. LaTourette, Mr. Hoke, Mr. Kasich, Mr. Sawyer, Mr. Hall of Ohio, Mr. Watts of Oklahoma, Mr. Boehner, Ms. Pryce, Mr. Traficant, Mr. Ney, Mr. Oxley, Mr. Jacobs, Mr. Zimmer, Mr. Lipinski, Mr. Evans, and Mr. Towns):

H.R. 4073. A bill to authorize the National Park Service to coordinate programs with, provide technical assistance to, and enter into cooperative agreements with, the National Underground Railroad Freedom Center in Cincinnati, OH, and for other purposes; to the Committee on Resources.

By Mr. REED:

H.R. 4074. A bill to require that jewelry imported from another country be indelibly marked with the country of origin; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4075. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to establish a program of assistance for essential community providers of health care services, to establish a program to update and maintain the infrastructure requirements of safety net hospitals, and to require States to develop plans for the allocation and review of expenditures for the capital-related costs of health care services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILLIAMS:

H.R. 4076. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Representatives are elected; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. Brewster):

H.R. 4077. A bill to clarify hunting prohibitions and provide for wildlife habitat under the Migratory Bird Treaty Act; to the Committee on Resources.

By Mr. BEREUTER (for himself and Mr. Berman):

H. Con. Res. 213. Concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra river basin; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SMITH of Washington:

H. Con. Res. 214. Concurrent resolution expressing the sense of the Congress that a patient has certain rights regarding medical care that should be protected by law; to the Committee on Commerce.

By Mr. MILLER of California:

H. Res. 521. Resolution to express the sense of the House regarding the outstanding achievements of NetDay96; to the Committee on Economic and Educational Opportunities.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. TAUZIN introduced a bill (H.R. 4078) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Regent Rainbow;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. MANTON.

H.R. 218: Mr. MURTHA, Mr. BORSKI, and Mr. SHADEGG.

H.R. 878: Mr. DAVIS.

H.R. 972: Mr. MOAKLEY.

H.R. 1023: Mr. BILIRAKIS.

H.R. 1061: Mr. CAMPBELL.

H.R. 1711: Mr. BARR and Mr. HASTINGS of Washington.

H.R. 1805: Mr. DAVIS.

H.R. 2009: Ms. NORTON, Mr. EVANS, Ms. BROWN of Florida, Mrs. CLAYTON, Mr. CUMMINGS, and Mr. RANGEL.

H.R. 2011: Mr. HUTCHINSON and Mrs. MYRICK.

H.R. 2416: Mr. FATTAH, Mr. CUNNINGHAM, and Mr. CASTLE.

H.R. 2757: Mr. SAXTON, Mr. SOUDER, and Mr. MCHUGH.

H.R. 2930: Mr. WELDON Of Florida.

H.R. 3077: Mr. SMITH of New Jersey and Mr. RANGEL.

H.R. 3142: Ms. HARMAN.

H.R. 3187: Mr. NEAL of Massachusetts, Mr. BALDACCI, Mr. MENENDEZ, Mr. FRANK of Massachusetts, and Mr. BRYANT of Texas.

H.R. 3199: Mr. LEWIS of Kentucky.

H.R. 3217: Mr. BOEHLERT.

H.R. 3226: Mr. JACKSON of Illinois, Mr. NADLER, and Mr. BERMAN.

H.R. 3355: Mr. MASCARA.

H.R. 3374: Mr. MATSUI.

H.R. 3433: Mr. DICKEY and Mr. LIPINSKI.

H.R. 3514: Mr. BARRETT of Nebraska, Mr. BACHUS, and Mr. DICKEY.

H.R. 3565: Mr. ENGLISH of Pennsylvania.

H.R. 3609: Mr. EVANS and Mrs. LOWEY.

H.R. 3621: Mr. TORKILDSEN.

H.R. 3690: Mr. COBLE, Mr. COMBEST, Mr. HEFLEY, Mr. LIVINGSTON, Mr. MCINTOSH, and Mr. BONO.

H.R. 3691: Mr. YATES and Mr. STARK.

H.R. 3714: Mr. HAYWORTH, Mr. PETERSON of Minnesota, and Mr. KANJORSKI.

H.R. 3775: Mr. DICKEY and Mr. SHADEGG.

H.R. 3798: Mr. HEINEMAN.

H.R. 3839: Mr. MASCARA, Mr. SKAGGS, Mr. CLEMENT, and Mr. HALL of Ohio.

H.R. 3840: Mr. CAMP, Mr. WELDON of Florida, Mr. HOKE, Mr. SCARBOROUGH, and Mr. COBURN.

H.R. 3842: Mr. KENNEDY of Massachusetts and Mrs. MORELLA.

H.R. 3849: Mr. LARGENT.

H.R. 3856: Mr. TRAFICANT.

H.R. 3860: Mr. HILLIARD, Mr. DELLUMS, Mr. FRAZER, and Mr. CONYERS.

H.R. 3923: Mr. DINGELL, Mr. HALL of Ohio, Mr. MEEHAN, and Mr. PAYNE of Virginia.

H.R. 3937: Mr. HEINEMAN.

H.R. 3939: Mr. BACHUS.

H.R. 3959: Mr. ROEMER.

H.R. 4000: Mr. BALDACCI, Mr. FALEOMAVAEGA, Mr. MASCARA, Mr. KENNEDY of Rhode Island, Mr. WARD, Mr. MEEHAN, and Mr. TANNER.

H.R. 4027: Mr. BEREUTER and Mr. LIPINSKI.

H.R. 4028: Mr. EHLERS.

H.R. 4039: Mr. BENTSEN.

H.R. 4047: Mr. COBURN, Ms. PELOSI, Mr. BORSKI, and Mr. BENTSEN.

H.R. 4052: Mr. BARRETT of Wisconsin.

H.J. Res. 191: Mr. FOX.

H. Con. Res. 51: Mr. MCINTOSH.

H. Con. Res. 128: Mr. HILLIARD, Mr. LEACH, Mr. BROWDER, Mr. ENGLISH of Pennsylvania, Mr. GREEN of Texas, Mr. FILNER, Mr. FROST, Mr. TORRICELLI, Ms. WOOLSEY, Mr. CONYERS, Mr. BONIOR, and Mr. NEAL of Massachusetts.

H. Con. Res. 190: Mr. COX.

H. Con. Res. 199: Mr. REED.

H. Con. Res. 212: Mr. TORRICELLI.

SENATE—*Thursday, September 12, 1996*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, in the Scriptures You have called people to pray for their leaders that they may lead, "A quiet and peaceable life, in all godliness and reverence." We are thankful that throughout the land citizens began their day with this prayer. We are the recipients of this heartfelt intercession. Now our own prayer is that we may cooperate in receiving Your answer to the millions of prayers prayed for us. It is a source of awe and wonder that You have placed us in positions of authority and made us the focus of Your blessing and power. We especially think of the prayer that we may lead godly lives. As we reflect on this magnificent possibility we realize that it would mean that we make knowing You the primary priority of our lives. More than knowing about You or having a second-hand acquaintanceship with You, we renew our commitment to really know You in the intimacy of an honest, open, receptive relationship of faith and trust. With deliberate intentionality we seek Your answers to our problems. O God, make us examples to the Nation of what it truly means to live a godly life to Your glory and honor through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Alabama, the manager of the bill, is recognized.

SCHEDULE

Mr. SHELBY. Mr. President, on behalf of the leader, I have some information here. For the information of all Senators, this morning the Senate will immediately resume consideration of the Treasury-postal appropriations bill. There will be 15 minutes of debate time, followed by two consecutive rollcall votes starting at 9:45 a.m. The first vote will be on the Hatch amendment regarding the White House Travel Office, to be immediately followed by a vote on or in relation to the Reid amendment on the same subject.

Following these votes, the Senate will consider the remaining amendments in order to the Treasury-postal appropriations bill, according to a unanimous-consent agreement reached last evening. It is hoped that the Senate can complete action on that bill by early afternoon.

Following disposition of the Treasury-postal bill, the Senate is expected to turn to consideration of the Chemical Weapons Convention under the parameters of a previous consent agreement. It is possible that the Senate could complete action on that matter today, if debate time is yielded back. If the Senate cannot complete action on the Chemical Weapons Convention today, then votes on that matter can be expected to take place on Friday, before noon.

There will be no votes after noon on Friday, in order that the religious holiday can be observed.

I yield the floor.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senate will now proceed to the consideration of H.R. 3756, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Kassebaum amendment No. 5235 (to committee amendment on page 16, line 16, through page 17, line 2), to express the sense of the Senate regarding communications between physicians and their patients.

Reid-Levin-Biden modified amendment No. 5256, to refer the White House Travel Office matter to the Court of Federal Claims.

Hatch amendment No. 5257, as modified (to amendment No. 5256), to reimburse the victims of the White House Travel Office firing and investigation.

The PRESIDING OFFICER. There will now be 15 minutes debate, equally divided, on the pending amendments, No. 5257 and No. 5256, with a vote on amendment 5257 to follow immediately thereafter.

The Senator from Utah is recognized.

AMENDMENT NO. 5257, AS MODIFIED, WITHDRAWN

Mr. HATCH. Mr. President, as we have it set up, there will be two votes, one on the Hatch amendment and one on the Reid-Levin amendment. I do not see any reason for two votes. I ask unanimous consent to withdraw the Hatch amendment and the total vote be on the Levin amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 5257), as modified, was withdrawn.

Mr. HATCH. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 5256, AS MODIFIED

Mr. REID. Mr. President, would you advise the Senator from Nevada when I have consumed 3 minutes?

The PRESIDING OFFICER. How many minutes?

Mr. REID. Three. Our side has 7½ minutes.

Mr. President, Members of the U.S. Senate should understand the amendment before this body has nothing to do with the Travel Office. The issue is whether the U.S. Senate is going to create a new precedent by reimbursing a legally indicted official who admitted, in addition to having been indicted, admitted to having done wrong.

There is a great deal of dispute about the facts in the Billy Dale matter, but there are certain undisputed facts which have already been stipulated to, agreed to, and spread across this RECORD.

First of all, Billy Dale admitted to putting 55 checks for Travel Office funds totaling some $54,000 into his personal account; and

Second, that he stole $14,000 in petty cash, and there would have been more but the fact is the records were destroyed.

Dale admitted he told no one in the Travel Office about his unique practice of depositing U.S. Government moneys, checks, into his personal account. Dale admitted he did not even tell his coworkers of 30 years about this practice. No one in his office knew about it. Of course, they did not know about it, because he was stealing the money.

After thorough investigation by the FBI, it was determined there was probable cause to prosecute Dale. Dale, thereafter, was legally indicted. Dale agreed to plead guilty to a serious criminal offense, a felony. Dale was lawfully prosecuted but Dale, like O.J. Simpson, was acquitted. Dale now appears at many Republican fundraisers. Dale was offered employment by the Dole campaign.

This body has never, never in its 200-plus-year history, reimbursed someone for attorney's fees after they have been legally, lawfully indicted.

The Senate Parliamentarian has ruled not once but twice that Billy Dale's reimbursement to be a private relief claim. There is a procedure for private relief claims to be heard by the Court of Claims. That is what we are asking be done. These facts are uncontested.

There are many new facts that we are just now learning because we recently received the prosecution's memorandum prior to indictment. They explain the reasons why we have offered this amendment today.

The issue is a patent attempt to embarrass the President in an election year. Reimbursing an admitted, indicted wrongdoer with taxpayer dollars is not something this body should be especially proud of, especially those who cry out about the need to balance the budget. Half a million dollars, $500,000, is a lot of money to throw away.

If Mr. Dale's supporters are so confident of his innocence, they should have no fear whatsoever of having this matter referred to an independent Court of Claims review. That is why we have the Court of Claims. Is it not the least we can do, before we spend half a million dollars of taxpayers money?

Mr. President, this is a good bill. This provision in the bill should be eliminated. If this is a partisan vote and this passes, I hope the conference would have the ability and, in fact, the integrity to take this out of this legislation. I hope this will be done.

I believe what has been talked about here the last couple of days gives the President every reason to veto the bill. I hope that will not be necessary. I like this legislation. I think the chairman of the subcommittee and the ranking member worked very hard to come up with a bill. This provision should not be in the bill.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, few people had ever heard of the White House Travel Office before the Clinton administration took office. Now the White House Travel Office is a household name and its former employees have been falsely accused, they have been fired, they have been investigated by the IRS and the FBI, they have been defamed, and in one case indicted and finally, after a trial, they were fairly acquitted.

These employees served at the pleasure of the President. He could have replaced them any time he wanted. There is no argument about that. But it is the manner in which these employees were fired, the manner in which they were treated, and the web of improprieties uncovered as a result of the investigation into these firings that I find most troubling.

The White House, which promised what Newsweek magazine called, "the most stringent ethical requirements of any administration ever," has been the White House that has been entangled in one ethical misadventure after another.

Instead of informing the Travel Office employees that their services were no longer required, services which they could perfectly well do when they came into office, instead, they install one Katherine Cornelius, a cousin of the President. Her duty was to monitor activities in the office, and what did she come up with? She came up with a scheme to replace all those employees with TRM, a travel agency owned by Harry Thomasson, a Hollywood friend and close adviser of the Clintons. It was on so-called evidence of wrongdoing.

The PRESIDING OFFICER. The time yielded to the Senator from Rhode Island has expired.

Mr. CHAFEE. Mr. President, I do hope this individual will be reimbursed, and that is what this is all about here today.

I thank the Chair.

Mr. GRASSLEY. Mr. President, the Clinton administration has set new standards for protecting wrongdoers at the expense of victims.

We have seen the administration advance this culture in the criminal justice system. I've spoken to this point in the past on this floor.

But we have also seen the White House practice it in its own backyard. I am talking about the issue of Travelgate. An issue in which the victims of wrongdoing in the White House were charged by the wrongdoers with a crime.

Billy Dale and the other fired Travel Office workers were dedicated public servants. They had served in the Armed Forces prior to serving at the pleasure of numerous Presidents, dating back to John F. Kennedy. Their entire careers were dedicated to serving the American people, with honor and dignity.

One day, without the slightest heads-up, the seven were summarily fired. Without a reason. Certainly not a justifiable one. Those who were there were carted off in the back of an empty van. They were treated like vermin. Others heard they were fired by listening on the news.

It was certainly not the kindest and gentlest moment in the tradition of the White House.

At the time, these seven workers had no clue what was going on or why. It was only later that we discovered all the reasons.

The first was cronyism. A rich, Hollywood buddy of the President wanted the business. That would be Hollywood producer Harry Thomasson. To get the business, he had to give Billy Dale the business. And that he did. He spread unproven and false rumors about those running the Travel Office.

The second issue was White House paranoia. They must have thought there was a conspiracy of all the dedicated career public servants. They were all out to get the White House. The paranoids needed a pretext to get these workers out, and get their own teamplayers in.

That let to a marriage of convenience. The paranoids could get rid of the career workers. They could bring in their own teamplayers to replace them. And, the cronies would get the business. What a convenient confluence of interests.

And so, the Hollywood producer, Mr. Thomasson, held the gun; the First Lady, according to available documentation, said "ready, aim, fire!"; and the White House staff pulled the trigger.

Having thought this was the perfect crime, the perpetrators didn't expect to get caught. At first, they denied wrongdoing—just like the proverbial kid caught with his hand in the cookie jar.

Public and press criticism mounted. So the White House tried justifying its actions.

First, they said the Travel Office workers were replaced as part of a downsizing effort under the National Performance Review. But it became clear the NPR review came after the decision was made to fire them.

So the White House spinmeisters changed gears. They turned the victims into criminals. They did so by publicly charging the seven with the very same unfounded rumors that Harry Thomasson used to get them fired.

So not only did Billy Dale and his coworkers lose their jobs. They and their families were subjected to a public smear campaign by White House zealots trying to save face.

In trying to save face, these zealots co-opted the FBI, the IRS, and the Justice Department into pursuing Billy Dale. They pursued him with more vengeance than the Dallas Cowboys' doomsday defense.

But a jury would have none of it. Following his trial, a jury took only 2 hours to return an acquittal. It recognized the trumped-up charges brought by the Justice Department.

The net effect of all this harassment took a real toll—not only on the seven employees, but their families as well.

Their reputations, their dignity, and their psychological well-being—all have suffered at the hands of irresponsible zealots in the White House.

This is a White House that, to this day, refuses to accept responsibility for its wrongdoing.

No one takes responsibility for their firing.

There is only finger pointing.

Passing the buck.

And the harassment continues. Now, it is legislative harassment.

We have before us a provision in this bill to make Billy Dale economically whole, at least for his legal expenses.

But the White House has fanned out its lieutenants to sabotage this provision.

Their objective: Kill the provision to spare the President the embarrassment of signing it.

That is what this is all about. It's politics, getting in the way of a right-and-wrong issue.

Political barriers to correcting a wrong will not stand, Mr. President.

Ultimately, public opinion will weight in against the Democrats and the White House on this issue.

All the harassment strategies to save the President from embarrassment will only make the embarrassment worse.

It is inevitable.

There is a moral to this story, Mr. President.

Nothing is politically right which is morally wrong.

That's the issue here, Mr. President.

The Travelgate bill we're considering is all about Congress taking the initiative to right a wrong.

And those trying to block it are conspiring against the President taking responsibility for his mistakes.

I would urge my colleagues on the other side to save the President any more embarrassment.

Stop the legislative shenanigans.

Work with us to do what little we can to repair what was unjustly done to Billy Dale and the other dedicated servants of the people.

Mr. President, I urge my colleagues to reject the amendment to strike the reimbursement for Mr. Dale.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I ask for 3 minutes. How much time does the Senator from Nevada have?

The PRESIDING OFFICER. Four minutes 30 seconds.

Mr. LEVIN. Mr. President, will the Senator yield me 4 minutes?

Mr. REID. The Senator can have 4 minutes.

Mr. LEVIN. Mr. President, the issue here is not these individuals. The issue here is one individual who was properly indicted, properly prosecuted, properly tried. There is no evidence that the FBI investigation was improper. There is no evidence here that the prosecution by the Department of Justice was improper. There is no evidence here that the trial was defective. The judge at this trial, a distinguished Federal judge, ruled that the evidence was significant and substantial enough to convict this defendant.

As far as the other people who were fired, their legal fees have been paid and should be paid. That is not the issue. The issue is not errors by the White House in the firing of those employees. Those errors were made. They were conceded years ago. The legal fees relative to those employees have been paid, should be paid, and $50,000 of the amount of money in this appropriations bill completes that payment.

The issue here is whether or not Billy Dale should get $450,000 for his legal fees when it wasn't the White House who investigated him, it was the FBI. And that investigation has been ruled proper by four different entities. It wasn't the White House which prosecuted Billy Dale. It was the Department of Justice, and their prosecution was perfectly appropriate based on what Billy Dale did, not on what the White House did.

The prosecution of Billy Dale was based on the fact that he deposited $54,000 in checks meant for the Travel Office in his own personal account that he had with his wife back in Clinton, MD, that he intermingled those funds belonging to the Travel Office without notice to anybody. No one at the Travel Office knew that that is what he was doing.

The prosecution of Billy Dale wasn't based on White House actions, it was based on the fact that he cashed $14,000 that was supposed to go into the petty cash fund but which didn't and which is unaccounted. It was his actions for which he was being tried.

There is a hypothesis here that somehow or another the prosecution was improper. Test that hypothesis. Let the Court of Claims make the determination that there was something inequitable, in which case not only will they be paid those legal fees, but he should be paid.

But the proponents of this, what looks to be a complete gratuity, keep talking about some inequity perhaps in the prosecution. There has been none, no suggestion of any in the investigation or the prosecution of Billy Dale in a criminal proceeding.

We have never paid legal fees for somebody who was legally indicted. Never. This Senate would be setting a precedent which is unwise in the absence of any record, and in order to test what we are doing, what we are saying is, refer it to the Court of Claims. That has been done with regularity on claims against the Government.

The Court of Claims has been given that jurisdiction by us. Let the Court of Claims test this hypothesis that there was something inequitable in the prosecution of Billy Dale, not the firing of these seven people. We already know there was inappropriate behavior by White House staff in that area. We are talking about the prosecution by the Department of Justice of Billy Dale for depositing $54,000 of Travel Office checks in his own personal account and telling nobody about it.

Test that hypothesis to see if there was something wrong with that. Let the Court of Claims approve this before taxpayers' moneys are paid.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time does the Senator from Utah have?

The PRESIDING OFFICER. The Senator from Utah has 5 minutes remaining.

Mr. HATCH. And on the other side?

The PRESIDING OFFICER. Thirty-seven seconds.

Mr. HATCH. Mr. President, I am appalled by this debate. Relying on confidential documents, some of my colleagues have continued, in my opinion, the public smearing of Billy Dale. I am astonished that they would use such a tactic in the U.S. Senate, one that I think they have historically reserved for Presidential nominees and accused Communists.

I have little doubt that some of my colleagues would have been tempted to read Billy Dale's tax returns and medical files into the RECORD if they thought it would advance their objective to win at any cost.

I believe there is substantial evidence to suggest the decision of the Justice Department to indict Mr. Dale was tainted by a political context in which the case was referred to the Clinton Justice Department. I don't think anybody doubts that.

No. 1, when the case first came to the Justice Department, prosecutors ignored information that there was insufficient evidence to prove that Mr. Dale had committed the crimes for which they were seeking to charge him.

No. 2, my Democratic colleagues spoke of an FBI financial analysis that showed Mr. Dale was improperly moving Travel Office funds. This was directly refuted by an accountant that even the FBI used to train its agents. This important information was not reflected in the prosecution memo and was, therefore, not considered by the grand jury.

No. 3, the audit my colleagues have referred to conducted by Peat Marwick after the Travel Office firings found no evidence of wrongdoing. Despite a White House directive to find wrongdoing, Peat Marwick found no improper action. In fact, one of them commented the conclusion was reached before they even did their work.

No. 4, critical evidence was ignored, again, when prosecutors failed to interview Mr. Dale's children until after the prosecution memo was written and the indictment returned.

No. 5, also overlooked was the outstanding record that Billy Dale had established in his years working in the White House Travel Office. His colleagues and members of the media he served characterized him as a professional and an honest man.

Again, this evidence was left out of the prosecution memo and not presented to the grand jury.

I mentioned that Sam Donaldson testified in his behalf. The moneys that were involved were the media's moneys, and they had no complaints over the way he handled it.

In closing, I want to point out that at the same time my Democratic colleagues are on the floor besmirching Mr. Dale and accusing him of being guilty after he was acquitted by 12 jurors who were peers of his in a formal trial, the White House has maneuvered a way in which its own people, those loyal first and foremost to the Clinton administration, will be reimbursed for legal expenses: Bruce Lindsey, Mack McLarty, and George Stephanopolous.

I personally don't have any problem with that, but I think it hypocritical for them seeking reimbursement of their own but not seeking reimbursement for a person they pretty well admit they smeared and they took apart from a reputation standpoint.

I am not here today to comment on the propriety of that reimbursement to those 23, other than what I said. In fact, if the law allows it, fine with me. My point in raising the issue is to show the sheer hypocrisy of the Clinton administration. The Clinton White House victimized Billy Dale and the other members of the Travel Office leading to an unprecedented political prosecution costing Mr. Dale upward of $500,000 in legal fees. Even the White House admitted that it lacked proper judgment in the handling of the Travel Office employees.

I would like to quote again from a document produced to the Judiciary Committee by the White House. This is a document advocating a certain position. This was produced by the White House:

> You may all dimly remember the Travel Office affair in which a number of White House staff—many immature and self-promoting—took impulsive and foolhardy actions to root out problems at the beginning of the Clinton administration and to gallantly recommend that they take over its operation. The White House has the nerve to request the payment of legal fees to its own people but not to those that they victimized.

Mr. President, that is the height of hypocrisy. I urge all of my colleagues to defeat the Reid-Levin amendment and do justice here. I hope some on the other side feel the same way. No American deserves the treatment Billy Dale has gotten and received from the White House, nor did he deserve the treatment he received from some of my colleagues last night on this floor. We should right this wrong which has been lingering for the last 3 years and lift the cloud above Mr. Dale's head and allow him to get on with his life.

Mr. President, I ask unanimous consent that two letters, dated August 13, 1996, from Jack Quinn to Helene M. Goldberg, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, August 13, 1996.

HELENE M. GOLDBERG,
Director, Torts Branch, U.S. Department of Justice, Washington, DC.

Re: Investigations by Congress and the independent counsel into the Travel Office and related matters.

DEAR MS. GOLDBERG: This letter supplements my letter to you of July 5, 1996, concerning reimbursement of White House officials for legal fees and expenses incurred in connection with the Travel Office and related matters. A copy of the July 5, 1996 letter, together with attachments, is enclosed. I understand that you need some further information with respect to the duties of each individual requesting reimbursement. That information is provided here. We have developed this information essentially based upon the letters sent to the White House requesting reimbursement; White House records describing the responsibilities and job titles of the witnesses; and deposition transcripts that are now publicly available. We have enclosed those transcripts where we believe it might be helpful in understanding the role of the witness in the Travel Office matter.

1. Nelson Cunningham is the General Counsel in the Office of Administration. As such, he has been asked to testify about the chain of custody of the David Watkins memorandum concerning the Travel Office matter, which was located in the archives of the Office of Administration in December 1995.

2. Bruce Overton is the Deputy General Counsel of the Office of Administration. He also was asked to testify about the chain of custody of the David Watkins memorandum.

3. Douglass Matties is the Special Assistant to the Director of the Office of Administration. He was also asked to testify about the chain of custody of the David Watkins memorandum.

4. Nell Doering is a Supervisory Management Analyst in the Office of Administration. She is responsible for maintaining documents in the archives. She also was asked to testify about the chain of custody of the David Watkins memorandum.

5. Charles Easley is the Security Office for the Executive Office of the President. He was recently been given responsibility for personnel security for White House staff. He has been asked to testify about the matters relating to personnel security in connection with the Congressional inquiry into the obtaining of FBI background investigation files of former White House employees, an inquiry that grew out of the Travel Office matter. A copy of his disposition testimony is enclosed.

6. Carolyn Huber is a Special Assistant to the President and Director of Personal Correspondence. Her office is responsibility for personal correspondence of the First Lady. In response to the House Committee's subpoena for documents related to the Travel Office and other matters, Ms. Huber identified a letter from David Watkins to the First Lady that was located in her office and that was potentially responsive to the subpoena. She was asked to testify about the identification and chain of custody of this document. A copy of her deposition testimony is enclosed.

7. Ed Hughes was the Executive Assistant in the Office of Personnel Security. He served as the Executive Assistant to Craig Livingstone. As a result of this position, he has been asked to testify about the operation of the Office of Personnel Security in connection with the FBI files matter.

8. Jonathan Denbo was the Security Assistant in the Office of Personnel Security. He served as an assistant to Craig Livingstone. As a result of his position, he has been asked to testify about the operation of the Office of Personnel Security in connection with the FBI files matter.

9. Dee Dee Myers was the White House Press Secretary. As a result of her responsibility as press secretary, Ms. Myers participated in press briefings and responded to press inquiries about the Travel Office matter. She has been asked to produce documents to the House Committee, including her notes, and has been asked to testify about her knowledge of the Travel Office matter. A copy of her deposition testimony is enclosed.

10. Ashley Raines is the Customer Service Program Director of the Office of Administration. She was the custodian of certain documents and lists requested by Congress in connection with the FBI files matter and has been asked to testify about those documents and lists.

11. Ricki Seidman was the Assistant to the President for Scheduling and Advance. Prior to holding that position, she served as Deputy Communications Director and Counselor to the Chief of Staff. She has been asked to respond to the subpoena from the House Committee and, according to her counsel, has been asked to testify concerning her knowledge of the Travel Office matter as a result of her (1) editing the Management Review; (2) attendance at any meetings where the matter was discussed; and (3) in connection with any discussions she may have had with other White House officials at the time. A copy of her deposition testimony is enclosed.

12. Clifford Sloan was an Associate Counsel to the President. As such, he participated in various investigations of the Travel Office matter and has been asked to produce documents and testify about these investigations.

I have no reason to believe that the conduct of any of the above individuals, all of which was performed in the course of their official duties, was not performed in good faith. Accordingly, it is in the interest of the United States to reimburse these officials for their legal fees and expenses.

Sincerely,

JACK QUINN,
Counsel to the President.

THE WHITE HOUSE,
Washington, DC, August 13, 1996.

HELENE M. GOLDBERG,
Director, Torts Branch, U.S. Department of Justice, Washington, DC.

Re: Investigations by Congress and the independent counsel into the Travel Office and related matters.

DEAR MS. GOLDBERG: I am writing pursuant to Frank W. Hunger's letter to me of May 22, 1996, concerning the payment or reimbursement of fees and expenses incurred by current and former White House officials in conjunction with the House Committee on Government Reform and Oversight's investigation of the Travel Office matter.[1] In addition, I am forwarding for consideration a request for reimbursement for fees and expenses incurred by a current White House staff member in connection with the investigation by the Independent Counsel into the Travel Office matter. We understand that this request will be considered separately by the Department.

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[1] Since Mr. Hunger's letter of May 22, 1996, the "Travel Office Matter" has grown to include investigations by Congress into requests by the White House Office of Personnel Security for FBI files related to former White House employees.

The information provided below has been developed essentially based upon the letters sent to the White House requesting reimbursement; White House records describing the responsibilities and job titles of the witnesses; and deposition transcripts that are now publicly available. We have enclosed those transcripts where we believe it might be helpful in understanding the role of the witness in the Travel Office matter.

Enclosed are requests for reimbursement submitted on behalf of the following officials:

1. *Kelli McClure.* Ms. McClure is the White House Personnel Liaison in the Office of Management & Administration. She has been asked to testify before the grand jury empaneled by the Independent Counsel in connection with Travel Office related matters as a result of her official responsibilities with respect to personnel issues and maintenance of personnel records.

2. *Lisa Caputo.* Ms. Caputo was the Deputy Assistant to the President and Press Secretary to the First Lady. She has been asked to produce documents and to provide deposition testimony to the House Committee in connection with her responsibilities as the First Lady's Press Secretary. As such, she was involved in press briefings and discussions related to Travel Office matters. A copy of her deposition testimony is enclosed.

3. *Thomas F. McLarty, III.* Mr. McLarty was the Chief of Staff and now serves as Counsel to the President. As Chief of Staff, Mr. McLarty has been asked to produce documents and to provide deposition testimony to the House Committee concerning his knowledge and participation in the events leading up to the firing of the Travel Office employees and his role in the White House investigation of the matter. A copy of his deposition testimony is enclosed.

4. *Kathleen Whalen.* Ms. Whalen is an Associate Counsel to the President. As a member of the Counsel's Office, she has responsibilities for Presidential Appointments. She has been asked to provide deposition testimony to the House Committee in connection with her knowledge of procedures relating to the use of FBI background files for Presidential Appointments.

Each of these officials has described in the enclosed correspondence the requests that have been made and the responses required by the Congressional Committee or Independent Counsel. In each case, the Committee and/or the Independent Counsel has requested documents and testimony from these individuals about conduct performed in the course of their official duties. I have no reason to believe that the conduct of any of the above individuals was not performed in good faith.

I recommend that each of these requests be approved and that reimbursement be provided. I believe that reimbursement is in the interest of the United States since these individuals should be not be compelled to pay private counsel, out of their own resources, to represent them in connection with activities performed as part of their government service.

I have advised these individuals that you will communicate directly with them, or their counsel, in responding to their requests.

Sincerely,

JACK QUINN,
Counsel to the President.

Mr. HATCH. Mr. President, I reserve the balance of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Maybe there are those who wish that there were impropriety. There was not any. The people referred to by my friend from Utah were not indicted. There has never been any hint of any in this case, in the prosecution, of impropriety. He agreed to plead to a felony. This matter should be referred to the Court of Claims, an independent tribunal, if they believe their case is so just. We believe it is not. The Court of Claims would handle the case properly.

Mr. HATCH. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator from Utah has 3 seconds remaining. The Senator from Nevada has 12 seconds remaining.

Mr. HATCH. Mr. President, let us do justice here. Let us reimburse this man and give him his reputation back.

The PRESIDING OFFICER. All time has expired.

The question is on amendment No. 5256, as modified. The yeas and nays have not been ordered.

Mr. HATCH. Mr. President, I ask for the yeas about nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness in the family.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NAYS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—2

Pryor
Smith

The amendment (No. 5256), as modified, was rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the Kassebaum amendment.

The Senate will be in order.

Mr. LOTT. Mr. President, was the motion to reconsider laid on the table?

The PRESIDING OFFICER. It was.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, if I could have the Senators' attention, maybe I can outline where we are and begin to think about where we hope to go today and the balance of the week.

The Senate began consideration of this Treasury-Postal appropriations bill at 4 p.m. on Tuesday of this week and has spent approximately 15 hours considering the legislation. This is not a bill that really is that controversial. I was a little bit taken aback when Senators on both sides of the aisle came up with, I guess, about 97 amendments last night. Most of the 97 amendments are nongermane to this bill. And 15 hours has already been spent on it. We need to get serious now and narrow this list down to the ones we really do feel are important, hopefully germane, and deal with them in a quick, reasonable period of time.

Most of the time in this 15 hours has been spent considering nongermane issues. As it stands now, on the majority side of the aisle, we have not more than 12 amendments that have to be considered in some way or other before passage, and I think less than a half dozen of those actually would require any time and the possibility of a recorded vote. I think we can get it down below that. Frankly, where we ought to be is a couple of amendments on each side and then move to final passage of the bill.

I understand that on the Democratic side of the aisle they still have 35 amendments that remain to be offered. Again, many, or most of those, are nongermane. I know that the minority leader has been working with his leadership team, and they have had some amendments removed from the list. But right now we are still looking at somewhere, I guess, between 35 and 40 amendments. I really have to say that I think that is ridiculous.

I hope all Members will exercise restraint with regard to offering amendments in an effort to reach final passage early this afternoon. The Senate must also consider the chemical weapons today, which has a time limitation of up to 12 hours. And, needless to say, the Senate begins that this afternoon. The earlier the Senate concludes this business, the better.

All Senators should be aware that we must continue to make progress on appropriations bills. That is our job. We should do it in regular order, with cooperation. But I am getting very concerned about what we are going to be able to do on these final four appropriations bills.

I would like to see the Senate do something that has not been done more than once or twice in 25 years: complete all the appropriations bills before the beginning of the fiscal year. I can only do so much. There are a lot of other bills that Members on both sides would like to have considered. Some would only take a couple hours. We have to focus on the appropriations bills. Members who insist on offering nongermane amendments to the appropriations bills are delaying enactment of very important spending measures that will have an impact on us being able to complete our work by the first of the month.

So, with that in mind, and in order for the managers to assess what truly remains to be considered, I ask unanimous consent that all remaining amendments in order to H.R. 3756 must be filed at the desk by 12 noon today.

Mr. DASCHLE. Reserving the right to object, let me just say, for the Record, that in the last Congress all the appropriations bills were finished on time. We would like to see if we can do that 2 years in a row. I have indicated my desire to work with the majority leader to see if we can get that done.

We have gone through our list and find about 18 amendments that may require action. So we have our work cut out for us in order to get this bill done. I think this is a good suggestion. I would like to see if we can't work through the next couple of hours to have the amendments filed, so we can look with some serious understanding of what it is we have left to do. And if we require amendments to be filed, we will have a much better understanding of that. So I hope that both sides can agree.

Mr. LOTT. I think that is a fair thing to do. Everyone knew this bill was coming. If you have an amendment that you are serious about, surely, you have it developed. So file it, and we can see who is serious. At 12 o'clock we can assess what we can do with regard to this bill, how we can wrap it up, and when.

But it would be my intent, probably around noon, to go to the Chemical Weapons Convention. We all knew this has been coming. I made a commitment to bring it up by the 14th. The administration wants it. Of course, it is ready to go. So we are going to have to do that. I am going to do my very best to request a number of Senators to finish it today and have the vote tonight, so we won't have to go over to tomorrow. Again, it takes cooperation. So let's go forward now for the next hour and a half, or so, and assess where we are, and we will announce at that time exactly when we are going to go to the chemical weapons treaty. Was there objection to that request?

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. Reserving the right to object, I would like to ask the majority leader. One of the biggest problems that we have stuck in our throat on this bill right now is the Kassebaum sense-of-the-Senate resolution followed by a second Wyden amendment. If we could wrap those two up, if we could get unanimous consent to vote on those right away, we could move on.

There are a lot of these amendments that have been offered with Senator SHELBY and I working with Republican and Democratic Members trying to see if we can reach some accommodation so that we get this thing done. We have been on the bill 2 days. We have, as I said, the Kassebaum sense-of-the-Senate resolution and the Wyden amendment. If we could add those to the unanimous consent and vote on those right away, we think we have a pretty good chance of resolving most of this.

Mr. LOTT. If the Senator will yield, I would like to ask the managers to get with the Senators involved—Senators KASSEBAUM and WYDEN, and the assistant majority leader, Senator NICKLES, and those who are interested in this issue. We debated this yesterday. I would like to see if we can come to a conclusion on that. But I am not prepared to propound a unanimous consent on that right now because I do not know where everybody is. I believe, if we could go ahead and get started to move forward on the bill and any other amendments, we can work on that, and maybe we can come to an agreement to get a vote on that at 11:30. We will work on that with you.

Mr. KERREY. Unless we propound a unanimous consent to agree on those two amendments, I think it is going to be difficult to proceed. We just won't be realistic about it. If leadership will help us get that done—I don't know why—I personally don't understand. We are prepared to accept both amendments, by the way, to be cleared on this side. I would be prepared to accept both of the amendments. We are going to conference, for God's sake. Everybody knows what that means.

Mr. LOTT. Mr. President, again, if the Senator will yield, I know the managers of this legislation can come up with a good recommendation to the leadership.

Mr. KERREY. I am making a recommendation. I recommend that we modify the unanimous-consent request to include these two amendments for rollcall votes immediately. That is what we have to do to get these votes up and out and get our business done. We have been talking about it for a couple of days. I say let us start voting.

Mr. LOTT. I feel a need at least to have a chance to talk with the Senators involved in this issue. I do not see Senator KASSEBAUM on the floor.

Mr. KERREY. If we can go into a quorum call for about 5 minutes and get it resolved. We have work to do. We know what needs to be done. Let us get the votes. For gosh sakes, one is a sense-of-the-Senate resolution. It is hardly what I would call Earth shattering.

Mr. DASCHLE. Mr. President, I think the Senator from Nebraska makes a very good point. It might be in our interest just to check. I would be compelled to object at this point to the request, even though I have already expressed myself with regard to how I feel about the request, just to accommodate our ranking member in this regard. So I will not object if we go into a quorum call to clarify whether or not we can do what the Senator from Nebraska has suggested. That would be my hope so we can resolve at least that matter. Otherwise, I will be compelled to object, and we can just continue to work.

Mr. LOTT. Mr. President, that is why we should have asked for this request yesterday. We should have had all the amendments that are serious filed yesterday. We had the hotline even on the request to ask you to file your amendments.

So we are going to go into a quorum call, and we are going to have a time out, instead of doing business while their conversations are going back and forth. I do not think it is unreasonable to ask the people involved to get together and let us talk about how we can work it out. At the same time we are again extending the time, or I guess we would have to extend the time for Senators to file their amendments. The intent is that all amendments be filed by 12 o'clock. I hope that Senators will proceed on that assumption. I have no problem with our getting together to see if we can work out this problem, and I cannot make a commitment because I have not followed the issue enough to be able to say right now that we ought to do this or that. I have to consult with people who are familiar with the subject on both sides.

Mr. KERREY. Mr. President, with respect, I think the unanimous consent request is good. I would love to get it approved. I do not object to the unanimous consent. But the next pending business is the Kassebaum sense-of-the-Senate resolution.

Mr. LOTT. Mr. President, let me renew my unanimous consent request and get an agreement on that so the Senate is on notice. We can take the quorum call, and we will right now and try to come to a conclusion of the issue.

Mr. LAUTENBERG. Will the majority leader yield for a question?

Mr. DASCHLE. Let me respond, if I could, to the majority leader, and then I will be happy to yield to the distinguished Senator from New Jersey. I think that we have to resolve the matter the Senator from Nebraska has presented to us prior to the time we enter into a unanimous-consent agreement. If we can do that, I think that is a good-faith indication that we are able to resolve at least that part of it, and then we can go on to the next step. Let us do that.

Mr. LOTT. If we can go into a quorum call—but during that quorum call I will also consider putting this bill down right now and proceed to the Chemical Weapons Convention. This is the kind of thing that makes it impossible for us to do our work in a reasonable and cooperative way. I am saying that we should meet and discuss how we can solve this problem. But 15 hours on the Treasury-postal appropriations bill with all of the work we have pending, it is time that we get serious. To have 40 amendments pending on this bill now is not serious.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). WITHOUT OBJECTION, IT IS SO ORDERED.

Mr. SHELBY. Mr. President, I also ask unanimous consent that the pending committee amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that the UC agreement earlier propounded by Senator LOTT, the majority leader, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 5261, 5262, 5263, AND 5264 EN BLOC

Mr. SHELBY. Mr. President, I send a number of amendments to the desk which have been cleared on each side of aisle.

I ask unanimous consent that these amendments be considered and approved, en bloc, and that accompanying statements be placed at the appropriate place in the RECORD.

Mr. President, the amendments are as follows: for Senator GRAMS, to improve the IRS 1-800 help line service; for Senator FAIRCLOTH, regarding color printing of tax information; for Senator LEVIN, a sense-of-the-Senate resolution in support of the U.S. negotiators' position on autos and auto parts with Japan; for Senator THOMPSON, for the GSA to create a pilot program for States to participate in the FTS 2000 program.

The PRESIDING OFFICER. Is there objection to the request for the amendments to be considered en bloc?

Mr. KERREY. Mr. President, we have reviewed the amendments. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. SHELBY) proposes amendments numbered, en bloc, 5261 through 5264.

The amendments (Nos. 5261 through 5264), en bloc, are as follows:

AMENDMENT NO. 5261

(Purpose: To require the Internal Revenue Services to allocate sufficient funds and staff for providing improved IRS 1-800 help line service to taxpayers)

At appropriate place insert the following section:

"SEC. . IMPROVEMENT OF THE IRS 1-800 HELP LINE SERVICE

"(a) Funds made available by this or any other Act to the Internal Revenue Services shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 help line for taxpayers.

"(b) The Commissioner shall make the improvement of the IRS 1-800 help line service a priority and allocate resources necessary to ensure the increase in phone lines and staff to improve the IRS 1-800 help line service."

Mr. GRAMS. Mr. President, this is a simple and straightforward amendment. All it does is ask the Commissioner of the Internal Revenue Service to make improvement of the IRS 1-800 help line service a priority, and allocate the necessary resources to ensure the American taxpayers receive the assistance they need from the IRS.

Mr. President, although IRS spending increased from $2.5 billion in fiscal year 1979 to $7.5 billion in fiscal year 1996, the level of service provided to the taxpayers has not grown proportionally. In recent years, the IRS has invested billions of taxpayer dollars in its efforts to modernize its operations, including its information systems—but the results have been described by the GAO as "chaotic." As an ironic consequence, the Nation's tax collector remains perhaps the least taxpayer-friendly agency in the entire Federal Government.

Meanwhile, the Federal tax system has grown more complicated than ever before. In the mid-1950's, the Federal Income Tax Code was comprised of 103 sections and 400,000 words. Today, it has ballooned to 698 sections—a 578-percent increase—and nearly 1.4 million words. Adding to the aggravation of the Nation's taxpayers, tax regulations have multiplied just as rapidly. Between 1955 and 1994, the number of words in the regulations of the Internal Revenue Code increased more than 550 percent, from just over 1 million words to 5.7 million. Even if you are a trained speed reader who can read 1,000 words a minute, and you did not do anything else but devote every hour of every business day to reading these regulations, it would take you almost 3 years to complete them.

The rapid growth of the Federal Tax Code and its regulations has dramatically increased the complexity of our tax system, to the point where no one but a very few tax specialists can understand it. Even IRS agents are often confused by their own tax laws. The complexity of the Federal tax system means that tax assistance for ordinary American taxpayers is even more urgent now than ever before.

But this desperately needed assistance has not been adequately and effectively provided. For example, my State office receives complaints daily from constituents frustrated they cannot get through to a human being at the toll-free lines established by the IRS: the lines are constantly busy. In some cases, my constituents have tried for 3 or 4 days before they finally got through.

Mr. President, we enact laws and require the people to obey them. But in this case, the IRS has failed to provide sufficient assistance to enable average Americans to understand and comply with the laws. And when innocent noncompliance occurs due to the complexity of the tax system, we punish the taxpayers by imposing all sorts of penalties. This is simply not fair.

Mr. President, this amendment is a small but important step to improve our service to the American taxpayers. All it does is urge the IRS to use existing funds to provide more IRS 1-800 help line servive. I urge my colleagues to support it.

AMENDMENT NO. 5262

(Purpose: To prohibit the Internal Revenue Service from using color printing for purposes other than to call attention to changes in tax law or to make tax forms easier to use)

On page 26, after line 9, insert the following:

SEC. . No funds made available by this Act, or any other Act, to the Internal Revenue Service may be used to pay for the design and printing of more than two ink colors on the covers of income tax packages, and such ink colors must be the same colors as used to print the balance of the material in each package.

AMENDMENT NO. 5263

(Purpose: Sense-of-the-Senate resolution in support of U.S. negotiators' position in Framework Agreement on Autos and Auto Parts with Japan consultations)

At the appropriate place, insert the following:

That the Senate finds: on June 28, 1995, the United States and Japan finalized the text of the U.S.-Japan Framework Agreement on Autos and Auto Parts in Geneva.

That the 30 page text spells out a wide-ranging set of commitments by the Government of Japan to meet the Framework objective of "achieving significantly expanded sales opportunities to result in a significant expansion of purchases of foreign parts by Japanese firms in Japan and through their transplants, as well as removing problems which affect market access, and encouraging imports of foreign autos and auto parts in Japan."

That the commitments to action by the Government of Japan and statements by the Japanese private sector address the major barriers to access that have frustrated U.S. producers of competitive autos and auto parts in their efforts to sell in Japan and to the Japanese transplants, and

That the Framework Agreement represents an unprecedented, enforceable set of commitments to open the Japanese market to foreign competitive autos and auto parts and to increase the opportunities for competitive parts suppliers to sell to the Japanese transplant manufacturers.

Therefore, it is the Sense of the United States Senate to fully support the goals set out in the Framework Agreement and support the U.S. negotiators in their first annual consultations with Japan on September 18 and 19 in San Francisco in their efforts to obtain full compliance with the letter and spirit of the Framework Agreement.

FRAMEWORK AGREEMENT ON AUTOS AND AUTO PARTS

Mr. LEVIN. Mr. President, as cochairman of the Senate auto parts task force, I offer, with my colleague Senator SPECTER, the other cochairman of the Senate auto parts task force, a bipartisan resolution in support of obtaining full compliance with the letter and spirit of the Framework Agreement on Autos and Auto Parts.

Last summer, the United States and Japan signed an historic trade agreement that promises to open Japan's closed markets to United States autos and auto parts and deregulate Japan's convoluted and discriminatory auto parts safety inspection process.

However, the success of this agreement pivots on its strict monitoring and enforcement. An important part of that process is the annual consultations with Japan that are built into the terms of the agreement. The first annual review of the agreement between United States and Japanese negotiators takes place on September 18 and 19 in San Francisco.

With September 18 quickly approaching, Senator SPECTER and I, as cochairs of the Senate auto parts task force, offer this resolution today in strong support of the goals set out in the framework agreement and in support of our U.S. negotiators.

With this resolution, we want to make it clear that there continues to be strong bipartisan congressional support for achievement of the commitments made in the agreement. We want Japan to know that Congress will be watching the September 18 and 19 consultations and we expect to see compliance with the letter and spirit of the framework agreement.

The success of this United States-Japan agreement lies in the level to which it is complied with. We know all too well from past experience that Japan will not open its markets without strong pressure from the United States.

The September consultations offer United States negotiators the chance to review Japan's progress and insist that the agreement be lived up to. With this resolution we stand firmly behind our negotiators in insisting that we see true progress and concrete results.

AMENDMENT NO. 5264

(Purpose: To authorize the Administrator of General Services to conduct a pilot program involving States participation in the FTS2000 program)

At the appropriate place in the bill, insert the following:

SEC. . (a) The Administrator of the General Services Administration is authorized to conduct a pilot program involving up to 10 States to provide FTS 2000 service to a State government, if:

(1) the appropriate authority of such State government makes application to the Administrator to receive FTS 2000 service and, as part of the application, agrees to pay all costs associated with access; and

(2) the Administrator finds that it would be advantageous for the federal government to provide FTS 2000 service to such State government.

(b) Nothing in this section shall be construed to authorize the Administrator of the General Services Administration to implement cooperative purchasing under 40 U.S.C. 481(b)(2).

(c) The authority provided in this section shall expire on September 30, 1998.

The PRESIDING OFFICER. Under the previous order, the amendments are agreed to, en bloc.

The amendments (Nos. 5261 through 5264) en bloc were agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. LOTT. Mr. President, it is noon on Thursday. We have work to do. The managers of the bill are doing very constructive work here unofficially, but we need to get back to business.

We are discussing with the minority leader and, through him, with the administration on how to proceed, if at all, on the Chemical Weapons Convention. There is some indication perhaps agreement may be reached to not do that at this time, but I have to have that request from the administration. We have to have an understanding about what that means.

In the meantime, we ought to be working on the Treasury-Postal appropriations bill. I am not asking much here. I am just asking that the Senate move forward. I think the Members would like to move forward, if we could get the staff to agree.

So I feel that I must ask for these consents—and I believe Senator DASCHLE wants to cooperate with this—but as the time goes by today, we have to consider other options.

Mr. President, I ask unanimous consent, then, that there be 20 minutes remaining for debate on the Kassebaum amendment No. 5235, to be equally divided in the usual form, and following the debate, the amendment be laid aside and Senator WYDEN be recognized to offer an amendment on the same subject, the text of which Senator WYDEN will now send to the desk.

I further ask that there be 20 minutes for debate on the amendment, to be equally divided in the usual form and no further amendments be in order during the pendency of the Kassebaum and Wyden amendments.

I further ask that a vote then occur on the Kassebaum amendment, without further action or debate, to be followed immediately by a vote on the Wyden amendment.

I think this is a fair way to proceed. This is what the Senator from Oregon indicated he wanted to happen. I think this is a way to get a vote on both of these issues and other issues.

I further ask unanimous consent that this agreement be implemented at the call of the majority leader, after notification of the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. Mr. President, I object.

Mr. LOTT. I regret this objection. The agreement seemed to be the best course of action involving this impasse.

Mr. President, I ask unanimous consent that the Kassebaum amendment be laid aside for consideration of one amendment, and following the disposition of that amendment; the Kassebaum amendment become the pending business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. This allows us to proceed then, Mr. President, to the next amendment in order. The managers have some things they have been working on. They can do that. This makes good sense. I appreciate at least this cooperation. We will take them one teeny step at a time. I yield the floor.

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I renew my earlier request, with a change of time, that all amendments must be filed by Senators by 2 p.m. this afternoon on the Treasury-Postal appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, I should clarify that these have to be the amendments that were on the list that we agreed to. Of course, the whole world was on the list. But this would have to be amendments on the list. And they need now to be filed by 2 o'clock in order to be considered at all. I thank the Senator from Nebraska for his help in getting that agreement. I hope now that he and the chairman can make some progress on maybe some agreed-to amendments and take up some amendment that is pending.

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I, along with my colleague, Senator KERREY, encourage all Senators now who have amendments that we might be able to clear and agree on between us, that they come down here and discuss them with Senator KERREY and me, because we are working off of a list. We have already worked four or five off in the last 30 minutes. Perhaps we can, if they will come on over—it is just a few minutes after 12—in the next hour or two we can perhaps work 8 or 10 off this list. I think it would be helpful and constructive, and we would be moving forward on this bill.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I thank the Chair.

Mr. President, as the distinguished Senator from Alabama, the chairman of the subcommittee, said, we are trying to—and we are alerting both Senators and staff—we are trying right now to identify those amendments that we can agree to accept.

We also are trying to identify those amendments where we are going to agree together that we will both oppose or move to table. Senators need to be alerted to that, that there will be amendments offered on both sides of the aisle—Democrats will offer amendments that I may move to table; and, likewise, Republicans may offer amendments that Senator SHELBY agrees to table—and we are going to be aggressive in tabling amendments that we regard in some cases as nongermane or to be incorrectly offered, to just let people have a heads-up on that.

Third, we will look for opportunities, if we can, to talk to Members that have open—that is to say, they filed a place mark in here to identify whether or not their concerns have been taken care of in other areas, so that we can begin to winnow this list of amendments down.

There is a very good chance, as we now understand it, we will be on this bill all night long and until we get it passed.

Mr. SHELBY. That is right.

I thank the Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 5271 THROUGH 5278, EN BLOC

Mr. SHELBY. Mr. President, I send a number of amendments to the desk which have been cleared on each side.

Mr. President, the amendments are as follows: Senator GRAMM, a sense-of-the-Senate resolution regarding the border States in Laredo, TX; for Senators BINGAMAN and JEFFORDS regarding energy savings; for Senator DASCHLE regarding explosives and arson information; for Mr. D'AMATO regarding the commemorative coin programs; for Senator MCCAIN regarding the Udall Scholarship Foundation; for Senator DORGAN, Mr. CONRAD, Mr. DASCHLE, and Mr. PRESSLER regarding the transfer of excess properties to Indian tribes; for Senator BYRD regarding telecommuting; and for Senator HATFIELD to provide care funds for the Pioneer Courthouse in Portland, OR.

I ask unanimous consent that these amendments be considered and approved, en bloc, and that accompanying statements be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 5271 through 5278, en bloc.

The amendments (Nos. 5271 through 5278), en bloc, are as follows:

AMENDMENT NO. 5271

Insert at the appropriate place in the bill:

(a) REDUCTION IN FACILITIES ENERGY COSTS.

(1) IN GENERAL.—The head of each agency for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1998 a 5 percent reduction, from fiscal year 1996 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1998 at least a 5 percent reduction, from fiscal year 1996 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

AMENDMENT NO. 5272

At the appropriate place, insert the following:

ESTABLISHING A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION

SEC. . NATIONAL REPOSITORY FOR INFORMATION ON EXPLOSIVES INCIDENTS AND ARSON.

(a) Section 846 of Title 18. United States Code, is amended by—

(1) designating the existing section as subsection (a): and

(2) by adding the following new subsection (b) to read as follows:

"(b) The Secretary is authorized to establish a national repository of information on incidents involving arson and the suspected criminal misuse of explosives. All Federal agencies having information concerning such incidents shall report the information to the Secretary pursuant to such regulations as deemed necessary to carry out the provisions of this subsection. The repository shall also contain information on incidents voluntarily reported to the Secretary by State and local authorities."

(b) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

AMENDMENT NO. 5273

(Purpose: To reform the commemorative coin programs of the United States Mint in order to protect the integrity of such programs and prevent losses of Government funds, and for other purposes)

On page ____, strike lines ____ and ____, and insert the following:

"(l) MINT FACILITY FOR GOLD AND PLATINUM COINS.—Notwithstanding any other provision of law,".

At the end of title V of the bill, insert the following new sections:

SEC. 5____. COMMEMORATIVE COIN PROGRAM REFORM.

(a) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—Section 5112 of title 31, United States Code, as amended by sections 524 and 530 of this Act, is amended by adding at the end the following new subsection:

"(m) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—

"(1) MAXIMUM NUMBER.—Beginning January 1, 1999, the Secretary may mint and issue commemorative coins under this section during any calendar year with respect to not more than 2 commemorative coin programs.

"(2) MINTAGE LEVELS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in carrying out any commemorative coin program, the Secretary shall mint—

"(i) not more than 750,000 clad half-dollar coins;

"(ii) not more than 500,000 silver one-dollar coins; and

"(iii) not more than 100,000 gold five-dollar or ten-dollar coins.

"(B) EXCEPTION.—If the Secretary determines, based on independent, market-based research conducted by a designated recipient organization of a commemorative coin program, that the mintage levels described in subparagraph (A) are not adequate to meet public demand for that commemorative coin, the Secretary may waive one or more of the requirements of subparagraph (A) with respect to that commemorative coin program.

"(C) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this paragraph, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.".

(b) RECOVERY OF MINT EXPENSES REQUIRED BEFORE PAYMENT OF SURCHARGES TO ANY RECIPIENT ORGANIZATION.—

(1) CLARIFICATION OF LAW RELATING TO DEPOSIT OF SURCHARGES IN THE NUMISMATIC PUBLIC ENTERPRISE FUND.—Section 5134(c)(2) of title 31, United States Code, is amended by inserting ", including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item" before the period.

(2) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—

"(1) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall be paid from the fund to any designated recipient organization unless—

"(A) all numismatic operation and program costs allocable to the program under which such numismatic item is produced and sold have been recovered; and

"(B) the designated recipient organization submits an audited financial statement that demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the organization has raised funds from private sources for such projects and purposes in an amount that is equal to or greater than the maximum amount the organization may receive from the proceeds of such surcharge.

"(2) ANNUAL AUDITS.—

"(A) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such amount, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the organization, of all such payments to the organization beginning in the first fiscal year of the organization in which any such amount is received and continuing until all amounts received by such organization from the fund with respect to such surcharges are fully expended or placed in trust.

"(B) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of a designated recipient organization pursuant to subparagraph (A) shall report—

"(i) the amount of payments received by the designated recipient organization from the fund during the fiscal year of the organization for which the audit is conducted that are derived from the proceeds of any surcharge imposed on the sale of any numismatic item;

"(ii) the amount expended by the designated recipient organization from the proceeds of such surcharges during the fiscal year of the organization for which the audit is conducted; and

"(iii) whether all expenditures by the designated recipient organization during the fiscal year of the organization for which the audit is conducted from the proceeds of such surcharges were for authorized purposes.

"(C) RESPONSIBILITY OF ORGANIZATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall take appropriate steps, as a condition for receiving any such payment, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the organization in each fiscal year of the organization can be accounted for separately from all other revenues and expenditures of the organization.

"(D) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of a designated recipient organization for which an audit is required under subparagraph (A), the organization shall—

"(i) submit a copy of the report to the Secretary of the Treasury; and

"(ii) make a copy of the report available to the public.

"(E) USE OF SURCHARGES FOR AUDITS.—Any designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may use the amount received to pay the cost of an audit required under subparagraph (A).

"(F) WAIVER OF PARAGRAPH.—The Secretary of the Treasury may waive the application of any subparagraph of this paragraph to any designated recipient organization for any fiscal year after taking into account the amount of surcharges that such organization received or expended during such year.

"(G) NONAPPLICABILITY TO FEDERAL ENTITIES.—This paragraph shall not apply to any Federal agency or department or any independent establishment in the executive branch that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item.

"(H) AVAILABILITY OF BOOKS AND RECORDS.—An organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such payment, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and work papers belonging to or used by the organization, or by any independent public accountant who audited the organization in accordance with subparagraph (A), which may relate to the receipt or expenditure of any such amount by the organization.

"(3) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment from the fund to any designated recipient organization of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may be used, directly or indirectly, by the organization to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to such numismatic item.

"(4) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this subsection, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.".

(3) SCOPE OF APPLICATION.—The amendments made by this section shall apply with respect to the proceeds of any surcharge imposed on the sale of any numismatic item that are deposited in the Numismatic Public Enterprise Fund after the date of the enactment of this Act.

(4) REPEAL OF EXISTING RECIPIENT REPORT REQUIREMENT.—Section 302 of Public Law 103-186 (31 U.S.C. 5112 note) is repealed.

(c) QUARTERLY FINANCIAL REPORTS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(g) QUARTERLY FINANCIAL REPORTS.—

"(1) IN GENERAL.—Not later than the 30th day of each month following each calendar quarter through and including the final period of sales with respect to any commemorative coin program authorized on or after the date of enactment of the Treasury, Postal Service, and General Government Appropriations Act, 1997, the Mint shall submit to the Congress a quarterly financial report in accordance with this subsection.

"(2) REQUIREMENTS.—Each report submitted under paragraph (1) shall include, with respect to the calendar quarter at issue—

"(A) a detailed financial statement, prepared in accordance with generally accepted accounting principles, that includes financial information specific to that quarter, as well as cumulative financial information relating to the entire program;

"(B) a detailed accounting of—

"(i) all costs relating to marketing efforts;

"(ii) all funds projected for marketing use;

"(iii) all costs for employee travel relating to the promotion of commemorative coin programs;

"(iv) all numismatic items minted, sold, not sold, and rejected during the production process; and

"(v) the costs of melting down all rejected and unsold products;

"(C) adequate market-based research for all commemorative coin programs; and

"(D) a description of the efforts of the Mint in keeping the sale price of numismatic items as low as practicable.".

(d) CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.—

(1) FIXED TERMS FOR MEMBERS.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

"(4) TERMS.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.".

(2) CHAIRPERSON.—Section 5135(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(7) CHAIRPERSON.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson of the Advisory Committee shall be elected by the members of the Advisory Committee from among such members.

"(B) EXCEPTION.—The member appointed pursuant to paragraph (3)(A)(ii) (or the alternate to that member) may not serve as the Chairperson of the Advisory Committee, beginning on June 1, 1999.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 5___. MINT MANAGERIAL STAFFING REFORM.

Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

Mr. D'AMATO. Mr. President, this amendment will begin the necessary reform of the commemorative coin programs authorized by Congress and carried out by the U.S. Mint. The amendment, supported fully by the Mint, includes many programs of H.R. 2614 passed by the House as well as recommendations for reform from the GAO. The amendment is a comprehensive substitute that enjoys widespread support.

Commemorative coins are collectibles. The coins issued for each program satisfy a number of objectives.

First, they raise awareness. Coin themes are meant to recognize significant national, and sometimes international, events, heroes and heroines, and historic sites vital to our American experience. They are expressions of our tremendous pride in all that molded this great country.

Second, they allow the Treasury a means of decreasing the national deficit through profitable programs.

Third, the sale of these coins enables worthy causes to raise money. For example, the restoration of our Nation's Capitol, the construction of memorials to our fallen heroes, and equally important for upkeep and maintenance of great homes such as Mount Vernon and the White House, and even the notable open-air home to four of our most prestigious Presidents, Mount Rushmore have been funded through commemorative coin programs.

As wonderful as these programs seem, serious problems exists—as underscored by the recent General Accounting Office report I requested last year. The commemorative coin market has been flooded with far too many coins. Overzealous programs trying to generate as many products as possible only reduce the value of coins for collecting. When mintage levels go through the roof, the value of these commemorative coins drops considerably.

More importantly and much to my dismay, taxpayers end up carrying the burden of coin programs that are not received well by the collectors. And while the sponsoring organizations may satisfy its goal of raising funds, the U.S. Mint incurs a loss which is passed on to the taxpayers.

The amendment I am offering has been crafted to augment the valuable work on commemorative coin program reforms sponsored by Representative MICHAEL CASTLE, chairman of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services. Congressman CASTLE's bill, H.R. 2614, which was supported overwhelmingly in the House, serves as a clear foundation for the reforms embodied in this bill. I commend him on his guidance and perseverance as it relates to this issue.

Mr. President, the reforms contained in this amendment will accomplish three major goals: Protect the taxpayer from losses incurred by the Mint, keep the number of coins in the market at a collectible level for collectors, and keep the total number of yearly programs at a manageable level for the Mint. Fulfillment of these goals will not only protect the American taxpayer, but will ensure the preservation and success of future commemorative coin programs produced by the U.S. Mint.

Mr. President, I ask unanimous consent that a summary of the amendment be printed in the RECORD.

Mr. President, I thank my good friend and colleague, Senator SHELBY, for his work in this area. As a member of the Banking Committee he is keenly aware of the necessity for these reforms.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Contains a technical correction to a previous amendment to H.R. 3756 concerning exclusive use of the Mint facility at West Point to produce all gold and all platinum numismatic items and bullion products.

Section 2. Commemorative Coin Program Reform. Section (a) addresses commemorative coin program restrictions. Section "(m)" to be added to Section 5112 of title 31, USC, requires that the Secretary of the Treasury may mint and issue no more than two commemorative coin programs per calendar year beginning on January 1, 1999. It also sets guidelines of maximum mintage levels for each denomination of numismatic product as prescribed by the Citizens Commemorative Coin Advisory Committee. This section includes an exception for the Secretary to increase the mintage levels as he determines appropriate from results of adequate, market based research.

Subsection (c) defines designated recipient organization.

Section (b)(1) addresses the recovery of mint expenses required before payment of surcharges to any recipient organization. Section 5134(C)(2) of title 31, USC is amended by inserting ", including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item" before the period.

Section (b)(2) amends Section 5134(C) of title 31, USC by adding subsection (f), Conditions of payment of surcharges to recipient organizations. Subsection (f)(1) states no amount of any surcharge imposed shall be paid from the fund to the recipient organization unless the program costs have been recovered. Subsection (f)(1)(B) requires submission of an audited financial statement, which demonstrates to the satisfaction of the Secretary of the Treasury that the organization has raised funds from private sources in an amount equal to or greater than the maximum amount of surcharges that organization may receive from the sale of numismatic items.

Subsection (f)(2) requires annual audits beginning after the commencement of the surcharge payments. Subsection (f)(2)(A) requires these audits to begin with the first fiscal year in which the payments are received. The audit shall be in accordance with generally accepted government auditing standards and performed by an independent public accountant selected by the entity. The annual audits shall be conducted until the surcharges are fully expended. Each audit shall report the amount of surcharges received, the amount of surcharges expended, and whether the expenditures were for authorized purposes.

Subsection (f)(2)(B) sets minimum requirements for the annual audits. Required to be included in the audit shall be the amount of payments received, expenditures from the proceeds, and verification that expenditures were for authorized purposes.

Subsection (f)(2)(C) requires an accounting of surcharge monies separate from all other revenues and expenditures of the recipient organization. Subsection (f)(2)(D) calls for the submission of the annual audit no later than 90 days after the end of any fiscal year of the recipient organization. This report shall be submitted to the Secretary of the Treasury and made available to the public. Subsection (f)(2)(E) allows the recipient organization to pay the cost of the audit with surcharge funds. Subsection (f)(2)(F) allows the Secretary of the Treasury to waive the annual audit requirements, and Subsection (f)(2)(G) states that Federal entities are exempt from this paragraph.

Subsection (f)(2)(H) requires recipient organizations to provide, at the request of the Treasury Department's Inspector General or the Comptroller General of the United States, books, records and workpapers relating to receipts and/or expenditures of surcharge monies.

Subsection (f)(3) prohibits surcharge monies from being used, in any form or fashion, to attempt to influence or support Congressional numismatic legislative action. Subsection (f)(4) defines designated recipient organizations as "the recipient of any surcharge imposed on the sale of any numismatic item."

Section (b)(3) applies to the scope of the amendment which will involve all proceeds of any surcharge imposed on the sale of any numismatic item that are deposited in the Numismatic Public Enterprise Fund after the date of the enactment of this Act.

Section (b)(4) repeals the existing recipient report requirement as mandated by Section 302 of Public Law 103-186 (31 U.S.C. 5112 note).

Section (c) amends section 5134 of title 31, USC, by adding the new section "(g) Quarterly Financial Reports." Subsection (g)(1) requires that the U.S. Mint shall provide a quarterly financial report to Congress for all authorized commemorative coin programs to be due no later than the 15th day of the month following each calendar quarter.

Subsection (g)(2) outlines the minimal requirements of these quarterly reports. Subsection (g)(2)(A) calls for a financial statement prepared in accordance with generally accepted accounting principles with information specific to action for each quarter as well as cumulative financial information relating to the entire program.

Subsection (g)(2)(B) states further requirements for all quarterly reports such as all costs relating to marketing efforts, all funds projected for marketing use, all costs for employee travel relating to the promotion of the programs, all numismatic items minted, sold, not sold, and rejected during the production process, and the costs of melting down all rejected and unsold products.

Subsection (g)(2)(B) requires the Mint to include information showing adequate market-based research for all non-circulating commemorative coin programs. Subsection (g)(2)(D) requires a description of the efforts of the Mint doing what it can to keep the price of numismatic items as low as practicable.

Section (d), the Citizens Commemorative Coin Advisory Committee amends Section 5135(a)(4) of title 31, USC, to shorten the length of service for members appointed to the Citizens Commemorative Coin Advisory Committee (CCCAC) to a term of 4 years and Subsection (d)(2)(A) allows for the Chairperson of the CCCAC to be elected by and from the Committee members by amending Section 5135(a)(6). Subsection (d)(2)(B) further states that the representative of the Mint, or the alternate to that member, appointed to serve in the CCCAC may not serve as Chairperson effective June 1, 1999.

Section (e) defines the effective date of all sections in this amendment to take effect on the date of enactment of this Act.

Section 5, the Mint Managerial Staffing Reform provision, no longer requires a presidential appointment of the following positions at each Mint facility: superintendent, assayer and engraver at the Philadelphia Mint.

AMENDMENT NO. 5274

(Purpose: To provide for the continuation of the term of a member of the Morris K. Udall Scholarship Board after the member's term has expired until a successor is chosen)

At the appropriate place, insert the following new section:

SEC. . Section 5(c)(1) of Public Law 102–259 (20 U.S.C. 5603(c)(1)) is amended—

(1) in subparagraph (A)(iii), by striking "and" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding after subparagraph (B) the following:

"(C) a Trustee may serve after the expiration of the Trustee's term until a successor has been chosen.".

Mr. MCCAIN. Mr. President, this amendment is very simple. It ensures that trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation be able to serve after the expiration of their term until a successor is chosen.

Under the act which established the Morris K. Udall scholarships and foundation, trustees are nominated by the President and confirmed by the U.S. Senate. We all know that the nomination and confirmation process can be time consuming, and the work is not always completed in time for an efficient transition between new trustees and those whose term has expired. The resulting vacancies are disruptive to the organization and do not serve the purposes for which Congress created the foundation.

The Goldwater Foundation, also chartered by Congress, has an identical provision as this amendment, and the modification is worthy of the Senate's approval.

AMENDMENT NO. 5275

(Purpose: To allow the Department of Interior, through the Bureau of Indian Affairs, to transfer directly to Indian tribes in North and South Dakota portable housing units at the Grand Forks Air Force Base which have been declared excess by the Department of Defense and requested for transfer by the Department of Interior)

At the appropriate place in the bill, add the following:

Notwithstanding any other provision of law, the Secretary of the Interior, through the Bureau of Indian Affairs, may directly transfer to Indian tribes in North and South Dakota portable housing units at the Grand Forks Air Force base in North Dakota which have been declared excess by the Department of Defense and requested for transfer by the Department of the Interior.

Mr. DORGAN. Mr. President, I am offering this amendment to resolve a bureaucratic nightmare which has arisen in conjunction with the transfer of excess Department of Defense property from the Grand Forks Air Force Base in North Dakota to Indian reservations in North and South Dakota. I am pleased to be joined in this effort by Senators CONRAD, DASCHLE, and PRESSLER.

As a result of the realignment of the 321st Missile Group at the Grand Forks Air Force Base, housing needs were reduced and 486 existing homes were declared excess property by the Department of Defense. The Department of Interior requested these housing units with the intent of transferring them through its Bureau of Indian Affairs to certain reservations in North and South Dakota under Operation Walking Shield. When the first house was on a truck bed and ready to be transferred from the Grand Forks Air Force Base to the Oglala Sioux Reservation in Pine Ridge, SD, it hit a road block. At the last minute, we were informed that the Bureau of Indian Affairs had no authority to transfer title to these homes directly to the Indian tribes. My amendment is intended to resolve this problem.

As I am sure my colleagues are aware, the housing conditions faced by many native American communities are shocking. A recent Urban Institute study revealed that approximately 27 percent of all Indian households reside in substandard dwellings that are overcrowded and/or lack kitchen or plumbing facilities, electricity, and/or central heating.

In August, I had the opportunity to view the housing conditions on the Standing Rock Sioux and Fort Berthold reservations in North Dakota. What I saw was deplorable. Many homes fail to meet even basic safety and health standards. They lack roofs, windows, plumbing, and they smell of gas. And many Indian families have to wait for years for critical home repairs. It is truly a national disgrace.

The Senators from North and South Dakota were most hopeful that some of the critical housing shortages on the reservations in our respective States could be addressed with the transfer of this excess DOD housing to the tribes. In order to ensure that these desperately needed homes can be transferred, we must first pass this amendment.

The Department of Interior and the General Services Administration as well as the Governmental Affairs and Indian Affairs Committees have reviewed and cleared this narrowly targeted amendment, and I want to thank everyone involved for their efforts in helping to resolve this problem.

With adoption of the amendment, we have an opportunity to prevent Government waste and stretch Federal resources to meet the urgent and real housing needs of Indian families. In short, this amendment represents an example of how Government should work, and I urge its adoption.

AMENDMENT NO. 5276

(Purpose: To provide funding for the acquisition, lease, construction, and equipment of certain flexiplace work telecommuting centers)

On page 49, line 18, insert before the colon ": *Provided*, That of such amount provided for non-prospectus construction projects $250,000 may be available until expended for the acquisition, lease, construction, and equipping of flexiplace work telecommuting centers in the State of West Virginia".

Mr. BYRD. Mr. President, the amendment I am offering would make available an amount of $250,000 out of non-prospectus construction projects, for the establishment of a flexiplace work telecommuting center in West Virginia.

Mr. President, both Jefferson and Berkeley Counties of West Virginia are now considered to be part of the Washington Metropolitan Statistical Area. I am advised that officials of the Jefferson County Development Authority have been working with the staff of the General Services Administration to develop a telecommuting center in the Charles Town area. The purpose of the center is to establish a job site that could easily be linked through computer and telecommunication technologies to federal agencies in the central Washington, DC area, thus diminishing commuting time and helping to alleviate severe traffic congestion. The parties negotiated in good faith and were under the impression that funds were available for the establishment of the center. Unfortunately, the funds to establish such telecommuting centers are only available to establish such centers in Maryland and Virginia.

The purpose of this amendment is to make an amount of $250,000 available for the establishment of a telecommuting center in the Charles Town area. The amendment would not diminish the funds already available for centers in Maryland and Virginia. Rather, the funds would be derived from monies set aside in the bill for non-prospectus construction projects, that is, projects costing less than $1.5 million, including such minor projects as periodic painting and repair of mechanical, electrical, and other building components.

In summary, the amendment I am proposing would allow for the establishment of a flexiplace work telecommuting center in Jefferson County, West Virginia, which is now considered by the Department of Labor to be part of the Washington Metropolitan Statistical Area.

AMENDMENT NO. 5277

On page 55, line 11 after "Missouri" insert: ": *Provided further*, That $1,450,000 may be available for the renovation of the Pioneer Courthouse located at 520 SW Morrison in Portland, Oregon".

AMENDMENT NO. 5278

(Purpose: To express the sense of the Senate in support of new border station construction in Laredo, Texas)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE IN SUPPORT OF NEW BORDER STATION CONSTRUCTION IN LAREDO, TEXAS.

(a) The Senate finds that:

(1) In 1995, over one-third (35%) of all U.S. exports to Mexico were processed through the Port of Laredo;

(2) Nearly two-thirds of all U.S. exports to Mexico that went through a south Texas port of entry went through the Port of Laredo in 1995;

(3) The value of imports processed through the Port of Laredo in 1995 exceeded $15 billion, and the value of all exports was $14.7 billion for that year;

(4) The number of loaded, cross-border shipments, both northbound and southbound, through the Port of Laredo is projected to double from 1995 to the year 2000, from 851,745 shipments to 1,703,490;

(5) The City of Laredo received on October 3, 1994 a Presidential Permit from the U.S. State Department to construct a third bridge in the city, and in February 1996 the U.S. Coast Guard issued a permit for the bridge's construction;

(6) Financing of the new bridge has been secured from both sponsors, the cities of Laredo and Nuevo Laredo, and in February 1997 the City of Nuevo Laredo is scheduled to begin construction of an access road connecting the bridge with the loop around Nuevo Laredo;

(7) U.S. Customs revenue generated at the Port of Laredo totaled $216 million in 1995, an increase of $13 million from the previous year, while the U.S. Government's estimated cost for operating border station facilities in Laredo is $10 million, so that the Port generated over $200 million for the U.S. Treasury in 1995; and

(8) The new bridge will greatly enhance safety in the downtown area because it will allow the diversion of commercial traffic from the two existing downtown bridges to the new bridge, since the two downtown bridges will be strictly passenger bridges, with the new bridge and the Colombia Bridge (22 miles from Laredo) devoted to commercial traffic.

(b) It is the sense of the Senate that:

(1) The construction of a third bridge in Laredo is vitally needed to accommodate increased trade with Mexico and to relieve traffic congestion, road damage, and pollution in downtown Laredo caused by commercial traffic; and

(2) The Administrator of the General Services Administration should accelerate the timetable for design and construction of a border station for the new Laredo bridge to ensure that the bridge can be opened to international traffic as soon as possible.

Mr. KERREY. Mr. President, we have reviewed these amendments, and we concur. They are all worthy amendments and we support their adoption.

The PRESIDING OFFICER. Under the previous order, the amendments are agreed to.

The amendments (Nos. 5271 through 5278), en bloc, were agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I understand the pending business is the amendment of the Senator from the State of Oregon. Is that correct?

Mr. KERREY. Kansas.

Mr. SHELBY. Kansas.

The PRESIDING OFFICER. The pending business is the Kassebaum amendment.

Mr. KERRY. I move that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 5279

(Purpose: To make funds available for a study of tagging explosive materials, and for other purposes)

Mr. KERRY. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mrs. FEINSTEIN, and Mr. KENNEDY, proposes an amendment numbered 5279.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 6, strike "$395,597,000" and insert "$416,897,000, of which $21,300,000, to remain available until expended, shall be available to conduct the study under section 732(a) of Public Law 104-132 (relating to marking, rendering inert, and licensing of explosive materials) and to conduct a study of threats to law enforcement officers from the criminal use of firearms and ammunition; and".

On page 22, line 14, strike $4,085,355,000" and insert "$4,064,055,000".

On page 25, between lines 21 and 22, insert:

SEC. . (a) Section 732(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is hereby repealed.

(b) It is the sense of the Senate that the $21,300,000 reduction in funds available for tax law enforcement to fund the explosive materials and law enforcement officers safety study be achieved as follows:

(1) $9,700,000 from the delay required by this Act in implementing field restructuring of the Internal Revenue Service.

(2) $11,600,000 from administrative and other savings in tax law enforcement activities.

Mr. KERRY. Mr. President, this is an amendment which attempts to deal with a problem that has long been identified within the law enforcement community and which many within the law enforcement community feel is an essential ingredient in our ability to be able to improve our antiterrorist activities and our ability to be able to bring people to prosecution for terrorist acts.

Earlier this year, Congress took a very important and long overdue step toward making it easier to track the origin of explosives that are used by terrorists and other criminals when we passed the antiterrorism bill. That legislation, which was signed by the President in April, directed the Secretary of the Treasury to study the feasibility of tagging explosives for the purposes of detection and identification. We passed the provision asking for a study that would identify how we can possibly put taggants into explosives so that if there is——

Mr. SHELBY. Will the distinguished Senator from Massachusetts yield for an inquiry as to a possible time agreement?

Mr. KERRY. Mr. President, I am delighted to yield.

Mr. SHELBY. What about an hour equally divided?

Mr. KERRY. I want to inquire of my colleagues for a moment. I know the Senator from California wants to speak, and I want to see who else might like to speak. I know Senator KENNEDY may.

If the Senator will allow me, I will continue my opening comments.

Mr. SHELBY. Sure. We will come back to it.

Mr. KERRY. I will be happy to enter into an agreement if we can determine who wishes to speak.

Mr. SHELBY. I thank the Senator for yielding.

Mr. KERRY. We will touch base with a couple of offices and ascertain their intentions.

Mr. President, again, I want to emphasize that we passed and the President signed legislation that begins to deal with this question of taggants and the feasibility of using taggants as a means of tracking explosives in the aftermath of a bombing.

As I think most of our colleagues know, a taggant is a plastic tracing device—or metal—which can be placed in the explosive material and, after an explosion, these taggants can actually be scooped up either by magnetic or other means so that you can gain enough of them to be able to determine from the taggant code precisely where it was sold, when it was sold, and where it was manufactured, and begin to be able to track the person who committed the crime.

There are millions of different codes that are capable of being created, so you have this enormous ability to be able to determine when and where a particular explosive might have been made. If the study results that we have ordered already are positive, then the Secretary of the Treasury is authorized to begin to issue additional regulations that will enable us to use these taggants in explosives manufactured or imported into the United States.

Unfortunately, this provision in the anti-terrorism bill did not include all dangerous materials in the study. It explicitly excluded black and smokeless powder. One can ask why we chose to leave out these substances when they are used in 90 percent of the pipe bomb attacks in the United States. I regret we did not include these.

I think the public has been, all too often, denied, for various reasons, its ability to try to maximize law enforcement's ability to move forward. I am not suggesting that we ought to do anything that says we are going to absolutely mandate the use of taggants, but we would like to have the study to at least analyze whether or not adding taggants to black and smokeless powder will provide us the ability to fight terrorism and safely—and I emphasize "safely"—deal with the problem of black and smokeless powder in bombs.

All we are asking for is a study. Let us study whether or not that can be done in a safe way. Why anyone would want to object to law enforcement being able to study something that they say they definitely want and need, and that they know works, is beyond me. My hope is that we will not have objection to it, that we will be able to proceed forward with the Congress unanimously saying: In the United States of America, common sense will rule. It is appropriate to have a study, an analysis independently done, of whether or not it is safe to have taggants in black and smokeless powder.

I have heard opponents suggest that taggants might not be safe because they might destabilize the powder. I personally believe this is a red herring. Taggants have been used in black powder previously without a stability problem. But that is the purpose of the study. If, in fact, it is unsafe, let the study come back and tell us it is unsafe. The purpose of the study is to determine the safety, the feasibility, and the effectiveness of adding the taggants.

Why should we do this? I was a prosecutor, and I gained great respect for the forensic laboratory during that experience. Today, it is even more extraordinary what forensic experts are able to tell us about the things which just escape the naked eye or which escape all of us who are not experts. But the experts tell us they want this technology to enable them to determine the origin of explosives and to help them work their way back to the perpetrator of a bombing.

When Pam Am 103 crashed over Lockerbie, Scotland, in 1989, the authorities determined almost immediately that the cause was a bomb, but it took them a year to find the tiny clue that led to the Libyan suspects. If the explosives in that bomb had been marked with taggants, the source of the material would have been immediately known, and the investigators would have gained a tremendous advantage.

We have recently witnessed again the horrific spectacle of a massive explosion in the air of a still as yet undetermined source, as a 747 went down. We know there was some kind of explosion of undetermined origin. We have watched the painstaking process of an effort to try to rebuild the airplane itself, recouped from the floor of the ocean, and that makes it even more difficult. But if investigators do determine that a bomb triggered the crash of TWA 800, they will then have an even more difficult investigation to find the bomber. This time the problem is exponentially more difficult because the wreckage is under water. But it does not take a forensic scientist to understand that a mechanism to determine the origin of explosive material would be a tremendous value in this explosion, too.

This investigation has already indicated evidence of holes blown through the back of seats that show the direction of that explosion. But they do not have taggants. They do not have the ability to quickly draw a conclusion of its type or origin or, even yet, whether that came from a bomb.

Attacks of the magnitude of Pan Am 103 obviously cause devastating impact. They grab our attention. So did the TWA flight. But attacks using pipe bombs are actually a much more common experience in the United States, and these devices also cause death and destruction. This was demonstrated all too vividly in July when just such a bomb exploded at the Olympic Centennial Park, causing two deaths and spreading terror through an event that was supposed to celebrate the triumph of the peaceful human spirit.

Unfortunately, the Olympic bombing was not an isolated incident. From 1990 through 1994, there were 4,095 pipe bomb attacks in the United States. Let me repeat that. From 1990 through 1994, there were 4,095 pipe bomb attacks in our country. These bombs killed 44 people, injured 384, and they caused property damage of almost $10 million. In 1994 alone, there were 862 incidents. Of these, 86 percent used smokeless and black powder.

Taggants have already proved to be a useful tool for law enforcement. The Bureau of Alcohol, Tobacco, and Firearms conducted a pilot project in the late 1970's. They added taggants to dynamite and other blasting-cap-sensitive explosives. In 1979, Nathan Allen, of Baltimore, was killed by a bomb hooked to his car ignition. The subsequent investigation found that the explosive used in that bomb contained taggants. The investigators identified the specific batch from which the explosives came. The police then used the sales records to track down and convict Mr. Allen's killer.

That should have become a routine investigative practice, post-1979, but 17 years later, here we are still talking about it. Here we are, 17 years later, and law enforcement, which managed to convict a killer by the use of taggants, is still asking us: Let us have taggants.

All we are asking today is, let us analyze and study the benefit of adding taggants to explosives so we can make an informed decision. If the study finds them to be safe, then it seems the benefits are obvious. The ability to track the origin of explosive materials is an invaluable tool for criminal investigations, and I hope my colleagues will join me in adding black and smokeless powder to the study and providing the necessary funding.

It seems to me, despite any group's opposition for reasons that they understand but which, frankly, do not bear up to scrutiny when measured against where most people in this Senate or Congress are prepared to go, we ought not delay further this analysis.

So I hope that colleagues will join with Senator FEINSTEIN, Senator KENNEDY, myself, and others in an effort to provide law enforcement with the tools that they need to combat terrorism and to track down those cowardly individuals who see bombs as a way to achieve their misguided goals.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from California, Mrs. FEINSTEIN, is recognized.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, I commend the Senator from Massachusetts for what was a strong, accurate and, I think, eloquent statement, something that has become very controversial and really should not be controversial.

Mr. KERRY. Mr. President, can I ask my colleague to yield for a moment? The manager asked if we were able to enter into a time agreement. I know he wants to do that. How much time does my colleague expect to consume?

Mrs. FEINSTEIN. Give me 10 minutes, maybe a little more.

Mr. KERRY. Mr. President, can we suggest an hour equally divided?

Mr. SHELBY. Mr. President, I ask unanimous consent that there be 1 hour of debate, equally divided in the usual form, on the Kerry amendment pending a motion to table. I further ask that no second-degree amendment be in order prior to the motion to table, and no vote occur before the hour of 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object. I inquire, can we have an up-or-down vote?

Mr. SHELBY. It is going to be a motion to table.

Mr. KERRY. I heard that, which is why, Mr. President, I was wondering whether we could have an up-or-down vote.

Mr. SHELBY. We would, over here, rather have a motion to table. That is what we talked about.

Mrs. FEINSTEIN. Reserving the right to object. I think it is really time for us to go on record. Senator KERRY and I participated, as did the distinguished Senator from Idaho sitting in the back of the room, in a special effort where we tried to negotiate something and were not able to do so.

I think what we hope to do is lay out the case, and I am sure the case in opposition to studying black and smokeless powder will be laid out. We would really appreciate an up-or-down vote, I say to my colleague.

Mr. SHELBY. If I may respond, I have talked to Senator KERREY from Nebraska. He is not on the floor. We had agreed earlier to move to table this, along with other amendments that came up that we thought we could not fund at this point. With an hour of debate—if I can just proceed a second—if we can agree on this, there will be an hour of debate. Of course, everybody knows the rules. Once we get recognized, we can move to table and there will be no debate. Whereas, we get an hour on this equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object. Mr. President, do I understand, according to the unanimous-consent request, the motion to table then would be on the Kerry amendment as submitted?

Mr. SHELBY. That is right, but no second degrees.

Mr. KERRY. And no second degrees. I understand, prior to the motion to table, no second degrees.

Mr. SHELBY. Correct, and no vote before 2:15 p.m., which is an hour.

Mr. KERRY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN], is recognized for 10 minutes.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, this amendment, which I strongly support, would repeal the prohibition of requiring or even studying the use of taggants in black and smokeless powder. What we are saying is, let's take a look, in a comprehensive, well-done, study of using taggants in black and smokeless powder. It provides the funding, $21 million, for the examination of the safety and the effectiveness of taggants, which is required before they can be used.

Why do we want black and smokeless powder? Senator KERRY was eloquent. Ninety percent of all of the pipe bombs have black and smokeless powder. Therefore, not to be even able to study it renders us impotent in ever using taggants in a meaningful way to trace those who practice terrorist incidents.

Why is this important? It is important because today—today—the United States of America is in the top 20 nations with the highest level of terrorism in the world. We have more incidents than Lebanon.

The Senator has indicated the number of incidents: well over 4,000 now since 1990. We all know of the Unabomber. We all know a pipe bomb was used at the Atlanta Olympics. We all have seen what happened in the World Trade Center. We are all deeply concerned about TWA Flight 800.

What is a taggant? A taggant is a small sandwich-shape microchip. It is color coded in different codes. When it is broken down, it looks like the smallest little flecks of sand, different colors, so small you can barely see them at all. These are put in the powder. And then depending on the color coding of the taggant, you can trace where this was purchased.

So it becomes like a fingerprint that enables somebody to go back to the source and trace a perpetrator. It is not a solution, but it is an aid to law enforcement to be able to ferret out and arrest, I think, the biggest cowards of all time—the people who use bombs on innocent people. That is why it is important.

We have heard a lot about the fact that this information to make pipe bombs is so easily available. Youngsters are making these bombs from information available on the Internet—pipe bombs, 80 percent of all of the bombings according to one study have become all too common.

Let me go back to some of the concerns. Some of the concerns are safety: There was an explosion in 1979 at a firm called GOEX Manufacturing Co. in Arkansas. I have here an affidavit, which I would like to submit for the RECORD, from a gentleman by the name of James P. Palmquist, who was the senior attorney with the office of the general counsel of 3M, Minnesota Mining and Manufacturing Co. He handled for 3M a lawsuit against 3M involving this explosion at GOEX in Arkansas in 1979.

I want to read three parts of his affidavit, and I quote:

> 4. That in the course of discovery concerning the allegations made in this lawsuit, records were discovered which identified the exact location at the time of the accidental explosion of all MICROTAGGANT materials which were then being evaluated, which records proved that there was no MICROTAGGANT materials in the booster materials that were being reworked at the time of the accidental explosion;

The point is Taggants were not in the materials that were exploded in 1979, which is the incident that the National Rifle Association most uses to discredit taggants.

> 5. That further information was discovered indicating other reasons for the increased instability of the booster materials which were being reworked at the time of the accidental explosion;
>
> 6. That based upon such facts it became clear to all involved in the lawsuit that there was no evidence whatsoever that 3M's MICROTAGGANTs could have contributed in any way to subject explosion, said lawsuit was dismissed.

It is signed by James P. Palmquist. It is notarized.

Mr. President, I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AFFIDAVIT

State of Minnesota
County of Ramsey

Known all men by these presents:

That, before me, the undersigned authority, on this day personally appeared James P. Palmquist, who, after having been duly sworn by me, upon his oath deposed and said the following:

1. That he is a Senior Attorney with the Office of General Counsel, Minnesota Mining and Manufacturing Company ("3M") with offices located at Building 220-11E-03, 3M Center, St. Paul, MN 55144-1000;

2. That he has been employed by 3M since 1963 and has been an attorney within 3M's Office of General Counsel from 1973 to present;

3. That in such capacity he handled for 3M a lawsuit filed against 3M involving a July

> 25, 1979 explosion at GOEX, specifically the GOEX manufacturing plant in East Camden, Arkansas, which lawsuit alleged, among other things, that 3M's MICROTAGGANTs® which were then being evaluated as possible identification taggant materials for explosives, was a contaminet in certain booster materials that were being reworked and that the MICROTAGGANTs® contributed or caused the GOEX accidental explosion;
>
> 4. That in the course of discovery concerning the allegations made in this lawsuit, records were discovered which identified the exact location at the time of the accidental explosion of all MICROTAGGANT® materials which were then being evaluated, which records proved that there was no MICROTAGGANT® materials in the booster materials that were being reworked at the time of the accidental explosion;
>
> 5. That further information was discovered indicating other reasons for the increased instability of the booster materials which were being reworked at the time of the accidental explosion;
>
> 6. That based upon such facts it became clear to all involved in the lawsuit that there was no evidence whatsoever that 3M's MICROTAGGANTs® could have contributed in any way to subject explosion, said lawsuit was dismissed.
>
> Further affiant sayeth not.
>
> JAMES P. PALMQUIST.

Mrs. FEINSTEIN. Additionally, there was a study performed by the Aerospace Corp. and contracted out by ATF. This was done about 15 years ago. And I would like to read from a letter of Dr. Carl Boyars who is the manager of the Explosives and Materials Control Directorate of the Aerospace Corp. He was in charge of this study. And he says in a letter to me, dated July 31, 1996:

> The only firearms for which black powder is now used as a propellant explosive are antiques and antique replicas, both commonly referred to as "muzzle loaders". Black powder is sold in cans for use by hobbyists who reenact battles of prior centuries and carry out similar activities. It is also used, illegally, by some makers of pipe bombs because of its ready availability and ease of ignition. Addition of identification taggants in the final step of black powder manufacture was easily performed, involved no hazard, and performance of the tagged product in muzzle loading firearms was no different from the performance of untagged black powder in tests carried out by a muzzle loading firearms expert selected by the black powder manufacturer.

So the black powder manufacturer selected a specific expert, and that expert carried out these tests and found no difference between muzzles loaded with tagged black powder and muzzles loaded with untagged black powder.

He continues:

> Smokeless powder is also sold in cans for use by reloaders. These are individuals who prefer to load cartridge ammunition by hand rather than use factory manufactured ammunition in their own firearms. Advantages cited by reloaders are cost (e.g., in shotgun ammunition) or greater accuracy because of more precise control of the load in each cartridge. The smokeless powder intended for reloaders is also used, illegally, by some makers of pipe bombs because of its ready availability, ease of ignition, and much higher energy content than black powder.
>
> Unlike black powder, smokeless powder can come in a wide range of chemical compositions and physical shapes and sizes, depending on the manufacturer. The individual particles of smokeless powder may be cylindrical, flat, or spherical, although all particles within any can of smokeless powder for reloaders will have the same chemical composition and shape. This makes the development of an identification taggant for smokeless powders a more complex problem.
>
> A test program was set up to examine the feasibility of identification tagging of spherical smokeless powder. However the manufacturer of the spherical powder biased the test conditions so greatly that failure was guaranteed.

This is from the definitive person who did the study by the Aerospace Corp., as contracted by ATF back in 1980.

The Swiss also took this study, and the Government of Switzerland began requiring their use—taggants—in all commercial explosives. The success has been outstanding. In over 10 years, they have solved 565 crimes based on taggants.

The report compiled by the Swiss Scientific Research Council stated the following:

> After more than a 10 year experience in the field of marking explosives, safety fuses and detonating cords, we feel that our methods and procedures have proven highly practical and efficient. In summary, it is safe to say that Switzerland with its marking methods is on the right lines. Fears that adding marker substances might negatively influence the safety of explosives for civil use has proven unsubstantiated.

Here is my point. I have, I think, adequately debunked this incident where opponents say powder with taggants exploded. No taggants were in the powder that exploded in 1979 in that Arkansas plant.

Two, the head person of the Aerospace study found that taggants were safe for use with one exception that needs further study.

Three, Switzerland has used taggants for 10 years, made 565 arrests successfully.

Four, we are now No. 20 in terrorist incidents in the world. And 90 percent of pipe bombs use this kind of black and smokeless powder. Therefore, should not this body exercise its responsibility and do a study of black and smokeless powder? The Senator from Massachusetts and I both say, yes, let us do that study, let us spend the money. We can save lives, and we will arrest perpetrators. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who seeks recognition?

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I am concerned at the moment, as one of the managers of the bill, not about the study that the Senator from Massachusetts and the Senator from California discussed, because in a lot of ways that makes a lot of sense. I am concerned about the offsets—how are we going to pay for it? I understand the Senator is proposing to pay for this study.

Because of that, as I indicated, Senator KERREY and I at the appropriate time would move to table the amendment. Mr. President, this amendment proposes to appropriate $21.3 million for this study, and it is probably going to cost a lot of money to do a proper study of this kind. The offset, Mr. President, I remind my colleagues, would come from reductions in the IRS.

Now, the Secretary of the Treasury and the Commissioner of the IRS are already calling and imploring us to try to put some more money in the IRS. Senator KERREY and I believe we are properly funding the IRS, but to take an additional $21.3 million out, I think, would not be the proper time to do it, and it would not be the proper thing to do. I do not believe it is the appropriate thing to do on this bill.

I was wondering if the Senator from Massachusetts and California could find some other way to fund the study?

Mrs. FEINSTEIN. I am very happy to respond through the Chair to the distinguished Senator.

It is my understanding that the Treasury Department supports this appropriation. In other words, the Treasury Department has agreed to the offset.

Mr. SHELBY. I am not aware of that at all. I talked with the Secretary of the Treasury until 11 o'clock this morning and he certainly did not mention this to me. I do not know if he mentioned it to Senator KERREY.

Mr. KERREY. Mr. President, as I understand it, half the funding would come from savings that would occur only if the reorganization proposed by the IRS would not occur, but the reorganization is supported by Treasury. The IRS actually has objected to the reorganization delay that is contained in another amendment that is on this bill. It is not clear whether or not that reorganization amendment is going to be sustained. I had one conversation with Secretary of Treasury Rubin about that.

Mrs. FEINSTEIN. If the Senator will yield, we are verifying this at this moment. I was informed by my staff that the Treasury Department is in support of this offset. We will be happy to verify it.

Mr. KERREY. Mr. President, I have the amendment now in front of me. I did not earlier. The $9.7 million comes from the delay required by the act in implementing field restructuring of the Internal Revenue Service. We have not passed that delay yet. That delay was added as an amendment. It has not been enacted yet.

I did receive notification from Secretary Rubin that he is concerned about a delay in reorganization. I do not know, perhaps they are not going to support it. It was in the IRS recommendations that they wanted to do this reorganization.

To be clear on this, or attempt to be clear on this, the reorganization effort itself has not been fully justified to me. A reason we put the amendment on, asking for delay, was for the purpose of provoking a full justification from the standpoint of the mission of the IRS, as well as customer service of the IRS. We have some problems already with their 800 numbers and we want to make sure that this reorganization was both cost justified and was not going to produce a deterioration in service.

The second area is one that I must say, if the administration supports this, really flies in the face with things they have been talking to our committee about every single time they have come up. Mr. President, $11.6 million from administration and other savings in tax law enforcement activities—we cut back tax law enforcement activities from the levels that they requested. Tax law enforcement activities are a tool we use to try to get compliance from about, I believe, 83 or 84 percent today, and hopefully up to the 90 percent goal, which is the administration's objective.

The more, of course, we collect in taxes, the less pressure you have on people who are voluntarily complying and saying, "I will send my taxes in; I know I owe them." Tax enforcement is for the purpose of relieving the burden on law-abiding citizens willing to pay their taxes without having to be jostled by the IRS.

I am interested to see what the administration says, if they are willing to make a statement on both of those things. First, I do not know how they will be able to work out the objection they raised to reorganization. Even if they do, it is not clear that will be in the law.

Second, as I said, with great respect to the Senator from California and the Senator from Massachusetts, I think they have a good proposal on that. It does, as I said, fly in the face of the recommendations. I am prepared to make an argument anyway that we are dangerously close to underfunding what we need to be able to fund on tax enforcement so that we can say to our taxpayers that 83 percent to 84 percent of American taxpayers file voluntarily the correct amount. They do not make any mistake at all. Mr. President, 85 out of 100 or 83 out of 100 Americans—Coloradans, Idahoans, Nebraskans, Californians—are filing taxes and they are all right.

The enforcement division and the enforcement effort is to try to reduce the burden on them. Once we have decided how much money needs to be collected to pay the bills, the more compliance; the higher compliance rates we get, the lower the burden is going to be on everyone.

This is a very important effort. Again, I have great respect for the intent of the amendment but until and unless the administration or someone is able to persuade me that this would not be a good offset, I continue to oppose the amendment.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—CHEMICAL WEAPONS CONVENTION

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the agreement entered into on June 28, 1996, with respect to Executive Calendar No. 12 be vitiated.

I further ask unanimous consent that the majority leader, after consultation with the Democratic leader, may turn to the consideration of Calendar No. 12.

Before the Chair rules, I know that the Democratic leader would like to comment, but I would like to comment, too.

First of all, just a little history on this. We worked on both sides of the aisle to come to this unanimous-consent agreement back in June. It was related to the defense authorization bill. We came to an agreement, and I felt compelled to honor that agreement. I fully intended to go to the Chemical Weapons Convention Treaty this morning, to go to conclusion today or tomorrow, as provided under the unanimous-consent agreement.

After consultation with the Democratic leader, and having gotten indications from the administration, including just now from the Secretary of State, that their preference would be at this time that we not proceed with the previous agreement, I have prepared the pending unanimous-consent agreement. I understand their request, and I am prepared to comply with it.

I want to say to the leader that I think we ought to continue working on it. The parties involved who have interest on both sides of the aisle should communicate on amendments, and examine if potential amendments to the resolution of ratification can be worked out. Hopefully that can happen. It may not happen.

We have to recognize the period of time that we are in. There are lots of interests, and lots of time pressures. The important thing is to be careful what we do and to make sure that we do it the right way with as little partisan rancor as possible. We will keep working with you on that.

I want to emphasize that we are not setting a time certain for a vote on the convention this year. I am not going to be in a position to be intimidated or to have other matters held hostage in an effort to force a vote before we adjourn. To say in the future what we can or can't do in an effort to force a vote would be irresponsible and demonstrate a lack of good faith. It is at the request of the administration that we are not voting tonight on the convention. But I will say—and I think I now have a record to back it up—that I will work with the Democratic leader, and we will see what we can do, and we will keep working to see if agreement between both sides can be reached.

I renew my unanimous-consent request.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me say that the decision we have made represents our best effort to try to deal with the circumstances we currently have before us. The amendments that are contemplated during the debate on the chemical weapons treaty have not yet been shown to the administration or to Members of this side of the aisle, and for good reasons. They have been working on them, and I do not fault them necessarily for not showing them to us, but we are concerned that the amendments have the opportunity to be considered carefully, that we work with the authors of the legislation over the next few days to see whether we can't resolve the differences that the amendments represent.

The administration is desirous of attempting to find some resolution to those amendments so that we can send a clear message as a country about the importance of this treaty as is possible.

I appreciate very much again the cooperation of the majority leader in coming to this conclusion. I think it is the right one. He and I had anticipated bringing the treaty up this afternoon and having a good debate, but I think a 1-hour time limit under these circumstances may not be the definition of a good debate on issues of this import.

So we will continue to work to continue to try to find ways in which to resolve these differences and, subject to the agreement of both leaders, perhaps bring it up later. It would be my hope that we will bring it up later, but that will be subject, of course, to our success in these negotiations on the amendments themselves and the schedule. But we will address that and issues relating to the treaty at a later day.

So, again, let me thank the majority leader.

Mr. LOTT. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Two points I would like to make before the leader leaves. We are still requesting additional information with regard to the convention. I have been corresponding with the White House and communicating with the administration. I think that there is additional information that could be obtained and perhaps be declassified. I am going to continue to work on that. I may ask the minority leader to give me a hand with that as part of the ongoing process. I think there is some more information that could be made available and could be declassified which could be helpful on both sides, quite frankly.

The other thing is that we are going to proceed on the Treasury-Postal appropriations bill to try to make some progress on that. I am not going to try to get another unanimous-consent agreement at this point. But it is my intention to keep working on that and come back here after further consultation to see if we can't get some further narrowing of the amendments and some way to complete this bill tonight.

Is that your understanding, or your intention?

Mr. DASCHLE. Mr. President, I just came from a caucus meeting and encouraged our colleagues to come to the floor to offer the essential amendments, to wait for another day to offer those that may not be essential, to agree to time limits, recognizing there is a real possibility we could finish this bill tonight. I would like to work with that goal in mind with the majority leader and with an expectation that we can accommodate Senators' schedules on Friday and on Monday. But we will do our best to see if we cannot get additional cooperation and narrow that list more completely this afternoon.

Mr. LOTT. I thank the Senator very much.

Mr. President, I yield to the Senator from Massachusetts. He has a question.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I should like to ask the majority leader, if I may, Mr. President, is it my understanding that it is the majority leader's intention to try to work through the amendments with the specific notion of bringing the convention, the treaty, back within the timeframe that we are here in September?

Mr. LOTT. That is not the way I stated it. I gave my assurance that we will continue to work with interested parties on both sides of the issue and to see if amendments could be agreed to or not. It was obvious that to proceed at this time was not the right thing to do.

Mr. KERRY. I understood that.

Mr. LOTT. I am not making a commitment on a specific time or even this September. It will depend on what happens.

Mr. President, while other Senators are conferring, I do want to encourage the managers of this legislation to keep working to move amendments and to see if we can find a time to get votes. I reiterate, I am not making any commitments on times, and I am not going to be threatened in how we do this. But I am prepared to work in good faith with both sides of the issue and both sides of the aisle, and I think that is all that can be expected of me at this time.

With that, Mr. President, unless there are further questions, I will observe the absence of a quorum so the managers can return to the floor and proceed.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5279

Mr. KERRY. Madam President, is there any time remaining?

The PRESIDING OFFICER. There are 5 minutes left to the opposition.

Mr. KERRY. Who is considered the opposition here?

The PRESIDING OFFICER. The Senator from Alabama.

Mr. KERRY. That is the only time remaining?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. Madam President, I ask unanimous consent simply for 1 minute to explain.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Madam President, this is a very straightforward vote on whether or not we are prepared, finally, to include black and smokeless powder in a study by appropriate law enforcement authorities of the United States. A study to determine whether it can contain taggants so that we can investigate pipe bombs and other bombs in the United States. Law enforcement has sought this for 17 years. It is a very simple vote. There is an adequate offset in the IRS. They have cut the bills funding by $1 billion already. The most that this will cost is $21 million and of course we hope it will be less, but any argument to the contrary that suggests you cannot find the $21 million that have been offset here is simply unacceptable. So we ask colleagues to vote for this appropriate study.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Alabama has 3½ minutes.

Mr. SHELBY. Madam President, I will be brief on this. We have just been told the administration does not support the offset proposed by the Senator from Massachusetts on this.

I yield the remainder of my time.

I move to table the amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 57, nays 42, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—57

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Exon
Faircloth
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kyl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

Pryor

The motion to lay on the table the amendment (No. 5279) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I ask unanimous consent the pending business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT, BEGINNING ON PAGE 129, LINE 20 THROUGH PAGE 130, LINE 18

Mr. FEINGOLD. Madam President, I intend to move to table the committee amendment beginning on page 129, and ask that it be in order to consider that committee amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, as I indicated, I will move to table the committee amendment that strikes a House provision capping the number of political employees who are appointed by the President. The effect of tabling the committee amendment will be to retain the House language and therefore limit the number of executive branch political appointees.

I am pleased to be joined in this bipartisan effort by both Senators from Arizona, Mr. McCAIN and Mr. KYL, my neighbor from the neighboring State of Minnesota, Mr. GRAMS, and the Senator from Pennsylvania, Mr. SANTORUM.

Madam President, the House language we seek to retain caps the number of political appointees at 2,300. The CBO estimates that doing so will save $228 million over the next 6 years. This bipartisan proposal is broadly supported for both its deficit reduction and its policy implications.

Madam President, it has been endorsed by the Citizens Against Government Waste, and similar versions of this provision have been included in the CBO's deficit reduction proposals, as well as the budget assumptions of the other body. The other body passed this exact provision on a vote of 267–150, with strong bipartisan support.

I note that this is a more modest provision than the one the Senate passed last year as part of the fiscal year 1996 Treasury-Postal appropriations bill. At that time, we in this body capped the executive branch political appointees at 2,000, a level that in practice would have required a reduction that would have been 60 percent greater than the reduction we are proposing today, the reduction that has already been approved in the House version of this legislation.

The provision is also consistent with the recommendations of the Vice President's National Performance Review which called for reductions in the number of Federal managers and supervisors. That report argued that overcontrol and micromanagement not only stifled the creativity of line managers and workers, they "consumed billions per year in salary, benefits, and administrative costs."

Madam President, that assessment is especially appropriate when we think about and look at the issue of political appointees. Between 1980 and 1992, the number of political appointees in our executive branch grew by more than 17 percent, over three times as fast as the total number of executive branch employees. Since 1960, political appointees have grown in this country in the executive branch by a startling percentage of 430 percent. While we have made significant strides in the last few years in slowing and even reversing the growth in the total number of Federal employees, our progress with respect to political appointees has lagged behind.

Madam President, the exploding number of political appointees was a target of the 1989 National Commission on the Public Service which was chaired by former Federal Reserve Board chairman Paul Volcker. As the Commission noted, Presidents must have the flexibility to appoint staff that are ideologically compatible. Political appointees, of course, can be enthusiastic sources of fresh ideas, and they do bring many times meaningful experience from the private sector into an administration. Equally as important, political appointees help ensure Government response to the policy priorities that were actually mandated by the electorate at the ballot box.

You cannot say that no political appointees are needed. It is very important if our election of a President is to have real meaning. However, Madam President, as the Volcker Commission found, far from enhancing responsiveness, the mushrooming number of Presidential appointees actually undermined effective Presidential control of the executive branch. The Commission noted that the large number of Presidential appointees simply cannot be managed effectively by any President or by any White House. There are just too many.

Altogether, the Volcker Commission argued that the lack of control and focus may dilute the President's ability to develop a coherent and coordinated program, and to hold Cabinet Secretaries accountable. The Commission found that the excessive number of appointees are actually a barrier to critical expertise, distancing the President and his principal assistants both from the most experienced career officials and from the front-line workers. These are the people who are often the best positioned to make the critical assessments of Government policy.

The problem of distancing that was raised by the Volcker Commission has been chronicled in more detail by Paul Light in his book "Thickening Government." Light found that the increasing number of political appointees are arrayed in layer upon layer of management, layers that did not exist 30 years ago. He found in 1960 there were 17 layers of management at the very top level of Government; by 1992 there were 32 layers. Compounding the problem, Light notes that the 32 layers do not stack neatly on top of one another in a unified chain of command. Some layers come into play on some issues, but not on other issues. Mr. Light asserts that as this sediment has thickened over the decades, Presidents have grown increasingly distant from the lines of Government, and the front lines from them. He adds that Presidential leadership, therefore, may reside in stripping Government of the barriers to do its job effectively.

Madam President, many will recall the difficulties, for example, that the current administration has had in filling even some of the more visible political appointments. A story in the National Journal in November 1993 focusing upon the delays in the Clinton administration in filling political positions noted that in Great Britain the transition to a new government is finished a week after it begins. A speedy transition is possible because the British Government runs on a handful of political appointees. According to Paul Light, they have about one-tenth as many career executives, and only five layers of management between the Minister and the British equivalent of the Deputy Assistant Secretary, compared to more than 16 layers here in a comparable situation.

By contrast, the transition of U.S. administrations over the past 35 years has seen increasing delays and logjams and perfectly illustrates another reason why the number of these political appointee positions should be cut back. Madam President, the average length of time from inauguration to confirmation of top-level executive positions has steadily risen from 2.4 months under President Kennedy, to 5.3 months under President Reagan, to 8.1 months under President Bush, and now to a pretty staggering 8.5 months, on average, under President Clinton.

The consequences of having so many critical positions unfilled when an administration changes can be serious. In the first 2 years of the Clinton administration, there were a number of stories and problems created by delays in making these appointments.

From strained relationships with foreign allies over failures to make ambassadorial appointments, to the 2-year vacancy that we all read about at the top of the National Archives, the record is replete with examples of agencies left drifting while a political appointment was delayed. Obviously, there were many situations where the delays were caused by circumstances beyond the control of this administration. And, of course, the figures I just read indicated that this has been a problem in many administrations. It is just that, over time, with each administration, regardless of party, it has gotten somewhat worse.

Nonetheless, it is clear that with a reduced number of political appointments to fill, the process of selecting and appointing individuals to key positions in a new administration is very likely to go more smoothly and to be enhanced.

Madam President, let me also stress that the problem is not simply the initial filling of a political appointment, but also the problem of keeping somebody in that position for a reasonable period of time. Between 1970 and 1986, the tenure of a political appointee was, on average, 20 months, and even shorter for schedule C employees.

In a recent report, the General Accounting Office reviewed a portion of these positions for the period of 1981 to 1991, and found high levels of turnovers—seven appointees in 10 years for one position—as well as delays, usually of months but sometimes years, in filling vacancies.

As I have noted before on this floor, this proposal may not be popular with some within this administration and perhaps some in the other party who hope to win back the White House in the upcoming election.

I want to stress that I do not believe the effort to reduce the number of political appointees should be a partisan issue. It is because the only way we are ever going to have control over this is by a bipartisan commitment in the House and the Senate to do something about the exponential growth in the number of political appointees.

So I was pleased to introduce earlier in the 104th Congress legislation that would have implemented the recommendations of the Volcker Commission, and that would have capped the political appointees at 2,000. And I was proud to have as cosponsors of that measure my friends, the senior Senator from Arizona and also his colleague and my friend, the junior Senator from Arizona.

As I mentioned earlier, this body adopted that provision to last year's fiscal year 1996 Treasury-postal appropriations bill. It had bipartisan sponsorship. So this body has already gone on record in favor of the cap at 2,000. But what we are trying to do by tabling the committee amendment today is to at least get us down to the 2,300 that the other body has already supported in this legislation we are considering today.

(Mr. THOMAS assumed the chair.)

Mr. FEINGOLD. Mr. President, the sacrifice that the deficit reduction efforts require really have to be spread among all of us. That has already been felt by many people all over this country and many Government workers all over this country. This measure requires us to bite the bullet and impose limitations upon political appointments that both parties would probably want to retain.

The test of a commitment to deficit reduction, however, is not simply to propose measures that impact somebody else. As we move forward to implement the recommendations of the National Performance Review Board to reduce the number of Government employees and streamline agencies and make Government more responsive, we should also take this opportunity today to right-size the number of political appointees, to implement the policies of any administration, without, at the same time, unnecessarily burdening the Federal budget.

Mr. President, I urge my colleagues to support this bipartisan effort. I thank the Chair and yield the floor.

Mr. KERREY. Mr. President, I listened, I regret to say, only to about the last half of the Senator's statement. If he doesn't mind, I would like to ask a couple of questions. First of all, my memory, such as it is, says that there was not a rollcall vote on this last year, is that correct?

Mr. FEINGOLD. That is correct.

Mr. KERREY. You have cited a Volcker Commission report repeatedly here. Can you describe the details of that commission and how many people were on it? Do you have any other cites besides the Volcker Commission to base this on?

Mr. FEINGOLD. In addition to Mr. Volcker's commission, which was cited by a number of articles, I also cited the work of Mr. Light, who wrote a more extensive book about this subject called "Thickening Government," which I quoted at length. It was described that the growth of these political appointments has outstripped growth in other areas of Government. Therefore, while we have cut back on some of our Federal employees, this area continues to grow. I can certainly provide the Senator with the details of the Volcker Commission and Mr. Light's book.

Mr. KERREY. The one statement that the Senator from Wisconsin made that causes me to have some concern is the statement that I believe the Volcker Commission said that political appointees actually make it more difficult for the President to carry out whatever it was he or she campaigned upon. One of the facts here is that this would take it from 2,800 down to——

Mr. FEINGOLD. The current estimate, if I may say to the Senator from Nebraska, is about 2,900, but it varies and the Congressional Budget Office estimates that it averages around 2,700 or 2,800. The effect of this would be, as I understand it, to require, within the next year, a reduction of between 400 and 500 positions.

Mr. KERREY. So that the public can put this into perspective, there are 1.971 million Federal employees. Right now, there is an allowance for 3,400. I think we are at 2,800 now. This would take us down to 2,300.

My concern with the Senator's amendment is based upon having been elected for 4 years as Governor, where I came into office with very little opportunity for appointments below the top slot. It made it difficult, therefore, to come in, having promised to do something, for example, with agriculture, with taxes, or with some other area of government, and carry that out. The public expected me to be able to do it. But, in fact, I would come in with very little real power, because there was little opportunity to bring people in who agreed with the positions that I had taken during the campaign itself.

That is why I was concerned when I heard that. It runs against my own common experience, my own personal experience. It does not seem to me that running at the current level of 2,800, with 3,400 being the cap, that does not seem, on the surface, to be like a thickening of the Government. It is less than half of 1 percent—current political appointees. I know the administration raised concerns, not just for themselves but for whoever might follow, that this could impede their ability to carry out whatever he or she campaigned upon. It seems to me the people expect him to be able to come in and run the bureaucracies with the people that have similar views to theirs.

Mr. FEINGOLD. Mr. President, I appreciate the comments of the Senator from Nebraska, of course. I respect very much his distinguished tenure as Governor of Nebraska and his knowledge of the importance of having a political presence within any kind of executive administration, if you want to implement the policies you run on.

I indicated that, and it was also indicated from the Volcker Commission, and others' comments to that effect.

The question is what level? What I have indicated here and want to repeat is that that clearly has been a greater theme of government with respect to political appointees than other people in executive positions. It has grown 17 percent, while in the nonpolitical area it has only grown approximately 5 percent. That is the question.

Clearly, I say to the Senator from Nebraska, Mr. President, there must be some point at which there are too many political appointees—perhaps 10,000, or 8,000. At some point there are too many people. What these reports have suggested, almost ironically, is that, if you get too many political appointees, the chief executive of a State or the Federal Government cannot even keep track of them so that it actually can backfire on them. It could actually end up being worse than having the right mix between civil service career people and political appointees.

In response to the earlier question, as I understand it, there were six members of the task force within the Volcker Commission that examined the specific issue of political appointees. The chairman of that task force was Elliot Richardson. Among the members were Robert McFarlane, Walter Mondale, Benjamin Read, Anne Wexler, and Alan Wolff, and they came up with this conclusion that we ought to go to 2,000 again.

To reiterate, my amendment—actually the House amendment that I simply want to restore—would not take this to 2,000 as I originally hoped. It would simply take us to the 2,300 figure.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I still have some questions about this. I come at this with some background of longstanding. The Volcker Commission report is about 7 years old at this time. I had hearings on it when it first came out of the Governmental Affairs Committee. I am very familiar with the Volcker Commission report. It came out in 1989, I believe. I had hearings on it in the Governmental Affairs Committee at the time it came out because I, too, was concerned about the growth of Government. We had hearings and worked on some ways to peel back on some political appointees to hit the proper balance that needs to be hit.

I do not believe, however, that just mandating it, as we are doing with this particular proposal, is the way to go at this thing. I think it is in many ways unnecessary and unwarranted because the proposed legislation would enforce an arbitrary cap. And it is arbitrary. It is not done going department by department and agency by agency, and saying, "Here are some that are excess; here are some that are not." Doing a study that way just lops off about a third, or 30 percent the total number of political appointees, without saying who is going to do this job or whether their job can be done by somebody else or absorbed by people in the regular civil service ranks, or whatever.

Let me just say that President Clinton has taken the lead to reduce Federal employees while making Government work better. The President's plan has carefully analyzed the Federal Government, and it has recommended specific and pragmatic ways to reduce the number of Government employees. The plan makes 180 specific recommendations to streamline the Government and deliver more services for less money.

By contrast, the proposed legislation singles out political appointees while failing to account for how the arbitrary number of remaining appointees will manage the Government. As far as reducing Government and cutting costs, we began 3 years ago when President Clinton began the effort to reduce Government.

We are all familiar with the National Performance Review under the direction of the Vice President. His goal was to create a Federal Government that works better and costs less.

Under the NPR—let us see how we have done with the NPR. After 3 years in office, the President is well ahead of schedule to reduce the size by 272,900—that was the goal by the end of this year—or about a 12-percent reduction in the Federal workforce. In fiscal year 1995, 185,000 full-time equivalent positions were cut. By the end of fiscal year 1996, 214,000 will have been cut. So we are well on the way to cutting that 272,900. So we have reduced. We are about two-thirds of the way toward the goal in one-third of the time that we thought it was going to take.

In the Reagan and Bush administrations, from 1980 to 1992, we saw an increase of 67,000 in the Federal civilian workforce. That was an increase of 3.1 percent. This administration has cut the number of on-board Federal employees by 225,000 in 3 years. It is a decrease of 10 percent. A similar reduction has occurred in the percentage of political appointees.

So it has been across the board. It has not been only civil service. It has also been the political appointees. There are approximately 6 percent fewer political appointees in this administration than there were during the previous administration.

This is an important thing to note. The last time American taxpayers saw levels of Federal employment this low was during the administration of President Kennedy.

This administration established a plan to reduce not only the size of the Government but also the number of programs, the number of regulations, and the way Government works to develop new partnerships. Even though the current level of appointees in this administration is below that of the Bush administration in 1992, the proposed legislation would force a 30-percent reduction of political appointees in addition to the reductions that have already been accomplished.

The National Performance Review accomplishes the goals of this proposed amendment. I have been much involved with the NPR. President Clinton has sought to reduce the cost of Government to the American public while providing higher quality services. The National Performance Review has carefully analyzed the Federal Government and has recommended specific, pragmatic ways to reduce the number of Government employees, including political appointees, to manage with fewer layers of middle management, and to reduce Government regulations. For example, President Clinton has reduced the number of Department of Agriculture agencies from 43 to 29 and plans to close or consolidate 1,200 field offices.

I think the proposed amendment looks only at one frame of really the big picture. The proposed amendment singles out political appointees. By singling out political appointees, it examines only one-sixth of 1 percent of the total Federal employees. About half of the political appointees are schedule C employees who are junior and midlevel staff. These are not all senior-level managers even though they may be political appointees.

This administration has instead focused on all Federal employees by removing layers of management to offer lower level employees greater responsibility. It also decentralized decision-making and increased the scope of managers' control.

Political appointees execute the policy priorities voiced by the American public at the ballot box. Political appointees play a key role in carrying forward policy priorities. The Clinton administration has an obligation to ensure that the Government is a well-managed instrument of the public interest in carrying out programs important to the public. Political appointees are entrusted with managing the priorities of the American public.

So just arbitrary cuts in the number of political appointees endanger the administration's ability to respond to policy priorities created both by law and the American public at the ballot box.

Mr. President, there was a statement made about how the British functioned and how their Government operates and how they can turn around the Government in a much shorter time than we can. That is very true. Perhaps there are some areas where we can learn from the British and other parliamentary forms of government. But they operate on a parliamentary form of government quite different from ours. Indeed, they are a democracy, but their functions of government are completely different than ours where we split the powers out and have the powers of government balance each other between the executive and legislative branches. Then ours is monitored by the judicial branch, of course, when there are any challenges to this. But in a parliamentary system theirs is centered in that Prime Minister, and a Prime Minister is normally far more powerful than any American President. We may be a bigger country and a bigger economy, but as far as the authority to commit the affairs of government in a certain direction, a Prime Minister speaks with authority for his or her government with a shadow Cabinet out there in the offing. That is the reason they always can turn over faster than we can. In a parliamentary form of government, the Prime Minister can say, "Here is what is going to happen," and that is a commitment of government, or that person is turned out of office when there is a new election or the party turns him or her out of office.

And so a Prime Minister, as far as getting things done, and as far as the hierarchy, the bureaucracy of Government to back that person up, there is less turnover in that type system than there is normally in our type system with all of its remainder of powers back and forth.

The loyal opposition in a parliamentary situation has a cabinet, a shadow cabinet standing there waiting to come in. They know right then who their appointees are going to be, if there are going to be many at all, and the actual form of Government goes on. The full-time civil servants are lifetime, usually spend a lifetime career in those particular positions.

Now, let us look back at the NPR a minute, the National Performance Review. We worked very closely with the National Performance Review in the Governmental Affairs Committee. We provided some of the legislation, the legal authority for buyouts, for early outs, for early retirements, but done with fairness—done with fairness.

We have cut out a lot of those positions. And as I just read a moment ago here, we have, indeed, cut out a number of the political appointees with that, and that was done at the initiative of the administration, to cut some of those out, cut out some of these layers of management.

I know Paul Light, in reference to his work. I have his book and have read his book. He was on our committee staff at one time and went from the committee staff, I think, to the position he has now where he has authored a lot of articles, and so on, has done an excellent job in what he has done. So I am thoroughly familiar with Paul's work. I know him personally. He has done a good job in pointing out a lot of these things. We do, indeed, have to be working toward the end he points out in the book of this layering of Government, the many layers and levels that we have to fix if we truly are going to have efficiency in Government.

But as my distinguished colleague from the Nebraska, the floor manager of the bill, pointed out a few moments ago, political appointees in our system come in not just as political favors to give somebody a Government job. They are put in over the normal civilian bureaucracy, the civil service, so that the policies of the new President can be implemented; you have people in each one of these departments or agencies to do exactly that, to see that the President's policies are carried out. They are the implementers.

Now, do we have too many implementers? Well, I would not quarrel that maybe we do, but I think to just arbitrarily say we are going to lop off a third of these because we do not like that big number out there is a pretty shortsighted way to go at this thing.

How do we make that kind of change, just whacking away at the management levels that the President uses for control in these different agencies and departments? How do we just whack away at them without knowing what the impact is going to be? I guess I would feel much better about it if we had had some hearings on this and have some specificity about where we are going to see these cuts occur, how they are going to do this. Maybe it will work in some departments; in other departments, it might be catastrophic.

I do agree very much with the distinguished Senator's comments about the turnover in the political appointees once they are in office, and that disturbs me mightily because we did some studies on that and have GAO figures on it. I do not have the current figures with me to be up to speed on this.

Well, I guess I do. Staff just handed me a comment on this.

Turnover rates of political appointees: Appointees average 2 years of service. When NPAS vacancies occur, it often takes months, if not years, to fill the slots. Some positions go unfilled for months, if not years. By the time you get up to speed on major issues and budget procurement and financial management, you are on the way out, and that is no way to run the Government.

So when I have conducted hearings in the past, when we have had people come up for confirmation before the committee, I have always asked them for a commitment. I asked them for a personal commitment that they are in for this term of office of the President. Everyone I have run into so far, all those who have been through confirmation—we had, I think it is, 40 or 40-some who have come before our committee—everyone has given me that commitment. I do not think anyone has violated it.

So we are doing our little bit to get this constancy of Government in there also, which I think is very important. I think it is about half of the appointees are gone within 28 months, or something like that, I think, is the current figure. That is in the ballpark anyway. We would have to get more detailed figures on that.

In fact, we had a hearing on this back a few years ago; I was concerned enough. We had GAO do a study, and they came up and gave the results to us. We were trying to make sure whatever administration, Republican or Democratic, it got a commitment from their political appointees coming in not just to get a new entry in their dossier or in their record but came in to do their job to the end of that administration's 4-year term, whatever it might be.

So I would feel better about this proposal if we had had some hearings or we had details on exactly who was going to be affected—most, how the President is expected to do his job if he does not have his political appointments in there to carry out the policies that he has been elected to put into effect in Government, and I do not think we have that.

So I hate to oppose this, but I have to, in all good conscience, do that because I do not like this sort of, what I call, a meat-ax approach to Government, just say we do not like the number of employees; we will whack a third of them off.

That is basically what we are doing with this. It sounds great. Political appointees, everybody would probably agree they are the most expendable people in Government, but they are not really. Whether it is a Republican administration or Democratic administration, there are people out there in Government as political appointees, either Secretary, Under Secretary level or whatever, who are implementing the policies the administration had just been elected to put into practice.

So just to say that because they are political appointees we automatically can do away with approximately a third of them I do not think is realistic. So I have to oppose this. This will probably be popular enough—we are going to have a vote on it—to go through, but I urge my colleagues to think twice about this before they vote for something like this.

We are progressing in this direction. The administration has had well over 200,000 positions cut. We are at the lowest employment level since John F. Kennedy. We are bringing the employment of Government down not only in civil service but in these political appointments.

A number of those positions, as I said earlier, have already been eliminated by the National Performance Review and more are coming. That, to me, is the way to go at this thing—keep the course we are on of cutting down civil service. Right now, we are ahead of schedule on reaching that cut of 272,900 that the administration set as a goal after they did their assessment of all the civil service and of all the Government positions.

I hope we will vote this down so that we do not do more damage here than we are doing good. We are heading in the right direction right now, and to just automatically say we are going to arbitrarily pick a number off the top of our head and whack away is the wrong way to go, and I urge my colleagues to vote against the amendment.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Let me, first of all, say that there is no one who has shown more commitment to Government efficiency and making sure we have spent our tax dollars properly than the Senator from Ohio, so it is no fun disagreeing with him on an issue like this.

Let me, as I must, respond to a few of the points he made.

First of all, to hear some of the comments from the Senator from Ohio and some of the questions of the Senator from Nebraska, you would think what we are proposing to do is to essentially eliminate all political appointees.

That is not what we are doing. The figure that has been bantered about is we are cutting the number of political appointees by a third, but that is not the case. The estimate we have is that the number averages about 2,700 or 2,800 political appointees. The effect of this amendment would take it down to about 2,300.

That is far less than one-third. It is more like 17 percent or something close to it. I understand the comparison between the rounding off at 3,000 versus the original bill at 2,000 would have produced that result, but that is not the effect here. Neither I nor Mr. Volcker's commission or Mr. Light at any point suggested you do not need political appointees. In fact, I took great care in my original remarks to indicate that you absolutely do need some political appointees. You must have them in order to implement the political will that accompanied a Chief Executive's election to office. So there is no disagreement on that point. The only question is what is the proper level, and that goes to the second question.

Are we, as the Senator from Ohio suggested, singling out political employees for a cut? Or is it just the opposite, that they have been singled out for protection? Federal employment in general, in this area, only went up 5 percent between 1980 and 1992; political employment has gone up 17 percent. It is awfully hard to explain to the people back home, while various local jobs at the Federal level as well as so many other things are cut, this area continues to grow and grow quickly.

I think it is interesting the very period that figure comes from, the 17 percent growth, is the 12 years we are always talking about out here—what happened between 1980 and 1992 with our Federal deficit. That was the period of exponential growth in the deficit and that is what we have been trying to remedy. It seems to me this is admittedly small in the big picture but, again, one example of how things got out of control. In effect, blank checks were being written all over this Government, including in the area of constantly adding political appointees.

That leads me to the point I want to stress to my friend from Ohio. He is absolutely right, the progress that has been made by this administration is tremendous. I am very proud of it. I would like to think I have had a small part in it. The Vice President's national performance review has been key. The reductions have been very impressive. Every American should be proud that, overall, we have made great progress, as the Senator from Ohio has suggested. All I am trying to do by this amendment is to round it out; to make sure it does look, in the words of the Senator from Ohio, fair; that it just did not happen to civil service people but it also happens to political appointees.

I think it is most unfortunate to speak of the great reductions that have been made in one area and then find the area where reductions have not been made at all is the most sensitive area, of political appointees.

So, some of the language that has been used to describe this amendment—being unfair or arbitrary or taking a meat-ax approach—I think, is wrong. This is very consistent with the philosophy and spirit of the national performance review.

I want to respond to the Senator from Ohio by pointing out four ways in which this is not at all a meat-ax approach.

First, I reiterate, this does not eliminate all political appointees. It reduces them from a figure of about 2,800 now to about 2,300.

Second, it does not have to happen tomorrow. The President has an entire year to get down to this figure. That is the effective date of the amendment. It is not immediate.

Third, and this is a question the Senator from Ohio properly raised and it deserves an answer. We put no constraints in this provision on how the President is to do this. We do not micromanage it. We do not say that some specific number has to come from this department or this area of political appointees. We give the President full discretion to make this determination, as it generally should be. Sometimes I get concerned. We have experienced this, for example, in the area of foreign policy, where some folks in this body were trying to micromanage the State Department in every respect. That is wrong. But it is appropriate for us, in the appropriations process, to set an overall level, a maximum number of political appointees, and then say: Mr. President, we want you to reach that level within a year; we, of course, will understand you will make your own determinations how this is to happen.

Finally, though it may not be the most important, because I think the Government efficiency aspect and cutting spending are both critical, I think a last point needs to be emphasized from my earlier presentation. That is these experts, Mr. Volcker, Mr. Light and others, concluded not only that we did not need all these folks, necessarily, to have a Federal Government that can implement the policies of the President, but that it actually is harder for a President to be effective, or a Governor to be effective, when there are too many political appointees to manage; when there are so many they become a life and an entity of their own and the President no longer has the time nor the ability to manage all of that.

That is the title of Mr. Light's book, "Thickening Government, Federal Hierarchy and the Diffusion of Accountability." We are noting here, not only about limiting the number of employees, we are talking about making sure the political appointees who are put in their positions are actually accountable to the Chief Executive who was elected and whose policies we are concerned about continuing. This is not a hatchet job or meat-ax approach. It is a modest amendment. It gives the President a year to go forward with this change and I think it is perfectly consistent and would be a proud addition to the President's tremendous record and progress, not only on reducing the number of Federal employees, but his magnificent record on reducing the Federal deficit from what would have been $300 billion and is now estimated to be only about $117 billion, moving in the right direction for the coming fiscal year.

I yield the floor.

Mr. KERRY. I am pleased to join once again with my colleague from Wisconsin, Senator FEINGOLD, in reducing waste from the budget and streamlining government. Senator FEINGOLD and I have stood shoulder to shoulder on a number of occasions to cut corporate welfare and to reduce the Federal deficit.

Just a few months ago, we were joined by Senator MCCAIN and Senator THOMPSON in a bold attempt to reduce unnecessary and wasteful corporate welfare in the Federal budget by $60 billion over the next 6 years. It is sometimes difficult to stare down the special interests and take aim at the excess in our budget, but I am determined to continue the fight to ensure our children a debt-free future. Mr. President, I appreciate having the Senator from Wisconsin as a comrade in arms.

Last year, I introduced a bill which reduced spending by more than $90 billion by the year 2002. One provision of that bill calls for a reduction of political appointees in the Federal Government to 2,000. The proposal by the Senator from Wisconsin is not quite as ambitious, but it is a fine start to rein in the surge in political appointees.

Mr. President, let me be clear on this point: The great growth of political appointees has not occurred under the Clinton Administration. As a matter of fact, Vice President Gore has been a stalwart in reducing the size of government. Facing the legacy of 12 years of irresponsible growth in government under the Reagan-Bush Administrations, our current Vice President has worked with the Congress to reduce the federal payroll to the size it was when John Kennedy was in the White House.

This amendment supports the spirit of the Vice President's efforts and reflects my efforts to curtail the growth of political appointees in the Federal Government.

Mr. President, in my home state of Massachusetts, political appointees are known as walruses, and I am pleased to help retire a few walruses today. We need to reduce Government responsibly at the Federal level and I hope the states follow our leadership.

I urge my colleagues to support this amendment, and join us in reducing the size of government and the level of unnecessary Federal spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I would like to inquire of the Senator from Wisconsin how much time does he think he will debate this?

Mr. FEINGOLD. I am prepared to make the motion to table.

Mr. SHELBY. How about the Senator from Ohio?

Mr. GLENN. About 5 minutes.

Mr. SHELBY. Mr. President, I thank the Senators, both the Senator from Ohio and Wisconsin.

The language the Senator is attempting to restore here is a hot political topic, to say the least. The debate about it will, no doubt, be one of the main points the media reports in the bill. It will make, no doubt about it, the papers and the nightly news, if it is adopted.

This amendment is great political rhetoric. We all have talked about too many political appointees in the past, depending on who was the President of the United States. Right now, there are about 2 million civil employees in the executive branch of Government. Political appointees are responsible for final decisionmaking there, as we know. We might not always like what they do, but how many of us can say we have not questioned actions of the career bureaucracy? Do we want to have a system like Great Britain and Japan and others, in which their career bureaucracy runs the Government? I hope not. Political appointees, on the other hand, are accountable. They are accountable for the decisions they make. I believe, overall, the civil bureaucracy is not.

The American people, I think, deserve accountability from their Government officials. By reducing political appointees and increasing the size and the power of a faceless bureaucracy, we are reducing accountability. Do we want to do that? We may need to adjust where they are, but is one-tenth of 1 percent too much for political representation? I hope not. I hope my colleagues, at the proper time, will vote against the motion to table this amendment, as I agree with the Senator from Ohio, this is not the time and this is not the place.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I have just a few comments here and then we will be finished with this.

I ask unanimous consent to have printed in the RECORD an article out of the Washington Post from back in 1994, April 21, 1994, called "The Permanent Non-Government."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 21, 1994]

THE PERMANENT NON-GOVERNMENT

This is no way to run a government. Indeed, to judge from a General Accounting Office study release yesterday, it's a small miracle that the government runs at all. The study, conducted at the request of Sen. John Glenn, found that political appointees stay on the job for only 2.1 years. In other words, they usually leave about the time they might be expected to have figured out what they're doing.

For some big jobs in troubled agencies, the turnover rates are actually worse. The Federal Aviation Administration has had seven appointed and four acting administrators in the past 15 years; the Federal Housing Administration has had 13 commissioners within the past 14 years. And to point out just how bad it can get, Sen. Glenn, the chairman of the Senate Governmental Affairs Committee, noted that within an 18-month period in 1991 and 1992, three different people served in the Education Department as assistant secretary for post-secondary education.

President Clinton has been unusually dilatory in filling government jobs, but the problem of getting people to stick around is not new—the GAO study covered 10 years and three administrations. And once people leave, it takes a long time to get new people behind their desks—from six to 20 months depending on the agency. This all adds up to a big problem, since a president has just four years to make a mark on the government. As Sen. Glenn said in a letter to Mr. Clinton, "the fact remains that when senior positions are in a constant state of flux, it diminishes the ability of any president to carry out an agenda, to bring needed change in the way government works, or to ensure that the long-term interests, including the use of hard-earned taxpayer dollars, are properly managed." Among other things, Sen. Glenn urged Mr. Clinton to seek long-term commitments from his appointees and "fill vacant positions expeditiously."

This is sound advice, especially the part about the vacancies. But the study ought to force a broader inquiry by the reinventing government crew in Vice President Gore's office. Obviously not all of the jobs in question are equally important, nor are the turnovers equally damaging. For some appointees, 2.1 years in government may turn out to be two years too long. And there's nothing wrong with a successful deputy assistant secretary rising to become an assistant secretary. But taking hold of the government and giving it direction is a difficult task.

Sen. Glenn's study suggests that the entire appointment and confirmation process could use radical streamlining—people will serve in their posts longer if they get there faster. The relationship between civil servants and political appointees also needs fixing. With this kind of turnover, top civil servants have to spend an inordinate amount of time "educating" political appointees about their jobs. Yet the United States has tended to reject the British model of having a shallow layer of political appointees on top of a large mandarin blass. But if we don't like the British model, how can we make the one we have created work better? Sen. Glenn deserves some answers.

Mr. GLENN. It goes into some of these things about the high turnover rate that we have of these appointees that come in. I think that is almost scandalous in the turnover rate.

Since I mentioned this a moment ago, we have had a chance to look up the figures here. Back in May of 1994, I had hearings on this subject. We looked into what had happened over the past decade. In fact it covered an 11-year period, back through the Reagan and Bush years. I am not pointing it out just politically, because I think the same kinds of figures apply, maybe slightly reduced, in the Clinton years so far, also.

At that time, over that 11-year period, during the Reagan and Bush years, 30 percent of political appointees had left the Government within 18 months of their appointment. Almost one-third of the people did not even stay beyond 18 months after being politically appointed. And 50 percent—this was the average for that 11-year period—50 percent of the political appointees were out of Government 27 months after their appointment.

You know, a person comes in here and it takes them a little while to find out where the washroom is and who they write to and hiring their secretary and one thing or another, so the first 2 or 3 months they are here they are not as productive as they should be. And once they decide they are going to leave, they are out there and they are short-timers, as we used to say in the service. Because they are short-timers and you cannot expect anything out of them, so do not give them anything real to do. So, take that 6 months out of the service; 30 percent are gone after 18 months, you get 1 year out of these people and you cannot expect the President's appointees, whether it is Reagan, Bush or anybody else, to do a good job in implementing their policies if their political appointees are going to turn over in that fast a period of time.

I don't have complete, up-to-date, current figures that compare with those. I think it has improved a little bit, but I think it is still one of the major problems we face in administering Government, is getting these political appointees, not just reducing their overall numbers, but getting them to come in and stay long enough to do the job for which they were appointed to do. I just wanted to get those figures in the RECORD.

I gave all my reasons for opposing this before. I would feel much better if we had hearings and detailed the exact effect of this thing. I urge my colleagues to vote against the amendment.

I yield the floor and yield back whatever time I have remaining.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, very briefly, again I salute the Senator from Ohio for his knowledge in this area. It is extensive and a great contribution to Government efficiency.

I want to be clear. The great growth in this area did not occur under President Clinton. I am, of course, a Democrat supporting his reelection, and I am in no way pointing my finger at this administration. The facts don't show that at all. This has been a gradual process over the years which both parties participated in. I want to be clear about that.

I also want to point out, because I was very appreciative of the figures just placed in the RECORD, yes, there is a high turnover rate. This is something I mentioned in my remarks.

I will add, I gave a number of reasons why I didn't think we had a harsh provision. That turnover rate means it is going to be very easy, comparatively speaking, for the President to deal with this. If that is the turnover rate during the course of the next year, a lot of those folks who turn over won't have to be replaced. In other words, we're not talking here about mass firings; we are talking about not replacing, in many cases, those who have simply chosen to leave after a brief tenure.

Mr. President, if it is consistent with the managers' wishes, I now intend to move to table.

Mr. President, I now move to table that portion of the committee amendment beginning on page 129, line 20 through line 18 on page 130.

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the committee amendment beginning on page 129, line 20 through page 130, line 18. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay".

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—36

Baucus
Biden
Bingaman
Bradley
Brown
Bryan
Coats
Cohen
Coverdell
DeWine
Feingold
Frist
Grams
Grassley
Gregg
Harkin
Hutchison
Inhofe
Kassebaum
Kerry
Kohl
Kyl
Leahy
Lugar
McCain
Nickles
Pressler
Santorum
Smith
Snowe
Specter
Thomas
Thompson
Warner
Wellstone
Wyden

NAYS—62

Abraham
Akaka
Ashcroft
Bennett
Bond
Boxer
Breaux
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Conrad
Craig
D'Amato
Daschle
Dodd
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frahm
Glenn
Gorton
Graham
Gramm
Hatch
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Lautenberg
Levin
Lieberman
Lott
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Reid
Robb
Rockefeller
Roth
Sarbanes
Shelby
Simon
Simpson
Stevens
Thurmond

NOT VOTING—2

Hatfield
Pryor

The motion to lay on the table the excepted committee amendment beginning on page 129, line 20 through page 130, line 18 was rejected.

The PRESIDING OFFICER. The question is on agreeing to the excepted committee amendment.

The excepted committee amendment on page 129, line 20 through page 130, line 18 was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. What is the pending business?

The PRESIDING OFFICER. The committee amendment with the second-degree amendment from Senator KASSEBAUM.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the Kassebaum amendment temporarily be laid aside.

Mr. SHELBY. Reserving the right to object at this time, I object.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from New Jersey has the floor.

Mr. LAUTENBERG. Mr. President, is the question, then, the matter of finishing amendments or some other procedural thing that has to be attended to?

Otherwise, Mr. President, I have been waiting here for about 2 hours.

Mr. SHELBY. I respond to the Senator from New Jersey that I have a couple of things. I would like to adopt the committee amendment, the motion failed to table a few minutes ago, and I would like to move to reconsider the vote. I have a unanimous-consent to modify an amendment. It will take 2 minutes at the most.

Senator SPECTER also has been trying to speak.

Mr. LAUTENBERG. I have been waiting for recognition. I ask unanimous consent to permit the manager to dispose of the committee business with the right to regain the floor after the manager has disposed.

Mr. SPECTER. Reserving the right to object, I worked it out with the manager 5 minutes to speak after he finished the business matters. If I could be incorporated in that, I shall not be long. I would not raise an objection. I worked it out with the manager.

Mr. LAUTENBERG. Mr. President, it is my understanding that recognition is given based on the request from the floor. Now, I do not want to get stuck on this too much but I have been waiting a long time. I would indulge the Senator from Pennsylvania if I have an assurance that it would be no more than 5 minutes of time that he would occupy.

I would be happy to modify my unanimous-consent agreement if that is the understanding we can get.

Mr. SPECTER. Mr. President, that is what I understand.

Mr. LAUTENBERG. Therefore, Mr. President, I ask unanimous consent that the manager have the opportunity to clear up committee business, that the Senator from Pennsylvania be recognized for not more than 5 minutes, and that I then regain the right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent to set aside the Kassebaum amendment temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5273, AS MODIFIED

Mr. SHELBY. Mr. President, I ask that a modification be made to amendment No. 5273, which was previously adopted. This has been cleared by the ranking member, Senator KERREY. I send the modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 5273), as modified, is as follows:

At the end of title V of the bill, insert the following new sections:

SEC. 5___. COMMEMORATIVE COIN PROGRAM REFORM.

(a) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—Section 5112 of title 31, United States Code, as amended by sections 524 and 530 of this Act, is amended by adding at the end the following new subsection:

"(m) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—

"(1) MAXIMUM NUMBER.—Beginning January 1, 1999, the Secretary may mint and issue commemorative coins under this section during any calendar year with respect to not more than 2 commemorative coin programs.

"(2) MINTAGE LEVELS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in carrying out any commemorative coin program, the Secretary shall mint—

"(i) not more than 750,000 clad half-dollar coins;

"(ii) not more than 500,000 silver one-dollar coins; and

"(iii) not more than 100,000 gold five-dollar or ten-dollar coins.

"(B) EXCEPTION.—If the Secretary determines, based on independent, market-based research conducted by a designated recipient organization of a commemorative coin program, that the mintage levels described in subparagraph (A) are not adequate to meet public demand for that commemorative coin, the Secretary may waive one or more of the requirements of subparagraph (A) with respect to that commemorative coin program.

"(C) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this paragraph, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.".

(b) RECOVERY OF MINT EXPENSES REQUIRED BEFORE PAYMENT OF SURCHARGES TO ANY RECIPIENT ORGANIZATION.—

(1) CLARIFICATION OF LAW RELATING TO DEPOSIT OF SURCHARGES IN THE NUMISMATIC PUBLIC ENTERPRISE FUND.—Section 5134(c)(2) of title 31, United States Code, is amended by inserting ", including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item" before the period.

(2) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—

"(1) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall be paid from the fund to any designated recipient organization unless—

"(A) all numismatic operation and program costs allocable to the program under which such numismatic item is produced and sold have been recovered; and

"(B) the designated recipient organization submits an audited financial statement that demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the organization has raised funds from private sources for such projects and purposes in an amount that is equal to or greater than the maximum amount the organization may receive from the proceeds of such surcharge.

"(2) ANNUAL AUDITS.—

"(A) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such amount, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the organization, of all such payments to the organization beginning in the first fiscal year of the organization in which any such amount is received and continuing until all amounts received by such organization from the fund with respect to such surcharges are fully expended or placed in trust.

"(B) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of a designated recipient organization pursuant to subparagraph (A) shall report—

"(i) the amount of payments received by the designated recipient organization from the fund during the fiscal year of the organization for which the audit is conducted that are derived from the proceeds of any surcharge imposed on the sale of any numismatic item;

"(ii) the amount expended by the designated recipient organization from the proceeds of such surcharges during the fiscal year of the organization for which the audit is conducted; and

"(iii) whether all expenditures by the designated recipient organization during the fiscal year of the organization for which the audit is conducted from the proceeds of such surcharges were for authorized purposes.

"(C) RESPONSIBILITY OF ORGANIZATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall take appropriate steps, as a condition for receiving any such payment, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the organization in each fiscal year of the organization can be accounted for separately from all other revenues and expenditures of the organization.

"(D) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of a designated recipient organization for which an audit is required under subparagraph (A), the organization shall—

"(i) submit a copy of the report to the Secretary of the Treasury; and

"(ii) make a copy of the report available to the public.

"(E) USE OF SURCHARGES FOR AUDITS.—Any designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may use the amount received to pay the cost of an audit required under subparagraph (A).

"(F) WAIVER OF PARAGRAPH.—The Secretary of the Treasury may waive the application of any subparagraph of this paragraph to any designated recipient organization for any fiscal year after taking into account the amount of surcharges that such organization received or expended during such year.

"(G) NONAPPLICABILITY TO FEDERAL ENTITIES.—This paragraph shall not apply to any Federal agency or department or any independent establishment in the executive branch that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item.

"(H) AVAILABILITY OF BOOKS AND RECORDS.—An organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such payment, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and work papers belonging to or used by the organization, or by any independent public accountant who audited the organization in accordance with subparagraph (A), which may relate to the receipt or expenditure of any such amount by the organization.

"(3) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment from the fund to any designated recipient organization of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may be used, directly or indirectly, by the organization to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to such numismatic item.

"(4) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this subsection, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.".

(3) SCOPE OF APPLICATION.—The amendments made by this section shall apply with respect to the proceeds of any surcharge imposed on the sale of any numismatic item that are deposited in the Numismatic Public Enterprise Fund after the date of the enactment of this Act.

(4) REPEAL OF EXISTING RECIPIENT REPORT REQUIREMENT.—Section 302 of Public Law 103–186 (31 U.S.C. 5112 note) is repealed.

(c) QUARTERLY FINANCIAL REPORTS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(g) QUARTERLY FINANCIAL REPORTS.—

"(1) IN GENERAL.—Not later than the 30th day of each month following each calendar quarter through and including the final period of sales with respect to any commemorative coin program authorized on or after the date of enactment of the Treasury, Postal Service, and General Government Appropriations Act, 1997, the Mint shall submit to the Congress a quarterly financial report in accordance with this subsection.

"(2) REQUIREMENTS.—Each report submitted under paragraph (1) shall include, with respect to the calendar quarter at issue—

"(A) a detailed financial statement, prepared in accordance with generally accepted accounting principles, that includes financial information specific to that quarter, as well as cumulative financial information relating to the entire program;

"(B) a detailed accounting of—

"(i) all costs relating to marketing efforts;

"(ii) all funds projected for marketing use;

"(iii) all costs for employee travel relating to the promotion of commemorative coin programs;

"(iv) all numismatic items minted, sold, not sold, and rejected during the production process; and

"(v) the costs of melting down all rejected and unsold products;

"(C) adequate market-based research for all commemorative coin programs; and

"(D) a description of the efforts of the Mint in keeping the sale price of numismatic items as low as practicable.".

(d) CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.—

(1) FIXED TERMS FOR MEMBERS.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

"(4) TERMS.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.".

(2) CHAIRPERSON.—Section 5135(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(7) CHAIRPERSON.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson of the Advisory Committee shall be elected by the members of the Advisory Committee from among such members.

"(B) EXCEPTION.—The member appointed pursuant to paragraph (3)(A)(ii) (or the alternate to that member) may not serve as the Chairperson of the Advisory Committee, beginning on June 1, 1999.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 5___. MINT MANAGERIAL STAFFING REFORM.

Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

Mr. SHELBY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

NO INTELLIGENCE FAILURE IN SAUDI ARABIA

Mr. SPECTER. Mr. President, I thank the distinguished managers and my colleague from New Jersey for a brief opportunity to comment about a trip which I made to Saudi Arabia, to Dhahran on August 25 and Riyadh on August 26, and a report made by the staff of the Intelligence Committee.

Mr. President, the Khobar Towers at Dhahran, Saudi Arabia, was the scene of a tragic terrorist attack killing 19 Americans and wounding hundreds of other Americans. There has been a suggestion made that there was an intelligence failure leading to that attack. In my capacity as chairman of the Intelligence Committee, the committee has made an exhaustive study of this subject, and I made a personal visit to Saudi Arabia, to Dhahran on August 25 and Riyadh on August 26, and my personal conclusion, backed up by the staff report, was that there was no intelligence failure.

In fact, in the preceding year, there had been more than 100 intelligence reports on alerts of a general nature, and very specific reports on an alert to the danger of a car bomb at Khobar Towers. That was the essence of a report by the Office of Special Investigations of the U.S. Air Force in January 1996. There had been previous reports about terrorist attacks at Khobar Towers—the same report about a car bombing, which, in fact, did take place in Riyadh on November 13, 1995, claiming the lives of five Americans; the State Department alert on June 13, just 12 days before the terrorist attack; and a report by the Defense Intelligence Agency on June 17, just 8 days before the attack, which emphasized the vulnerability of the area and the necessity for increased security. Specifically, what the DIA report said about Khobar Towers, with a large picture, was, "A pattern appears to be developing that warrants improved security efforts."

Notwithstanding these warnings, improved security efforts were not undertaken by the Pentagon, by ranking military-civilian DOD authorities.

I visited the scene, Mr. President, and was amazed to see how close that fence was to those towers—less than 60 feet away, which was an open and notorious invitation to terrorism. For anybody to say, on the basis of this record, on the basis of what I have personally observed, and on the basis of a staff report by the Intelligence Committee, that there was intelligence failure is, simply stated, preposterous. It was obvious that that fence had to be moved back. That issue has been raised in hearings before the Senate oversight committees and has not yet been answered by top officials in the Pentagon.

Requests have been made for the oversight committees to be informed about what military personnel made what request of Saudi officials and what the responses of those Saudi officials were, and no information has been provided to the oversight committees. The Intelligence Committee asked ranking DOD officials what the obligation was to report up the chain of command any failure by Saudi officials to move the fence back, and that has not been done.

But on the face of this record, Mr. President, it is plain that there has not been a failure of intelligence on the terrorist attack at Khobar Towers on June 25, 1996.

The United States Code requires that the oversight Intelligence Committee be informed of significant intelligence failures. My conclusion is that there was no such intelligence failure, but, in fact, there was a failure of DOD officials to follow up on a well-known and obvious terrorist threat.

I ask unanimous consent that the full text of the report by the staff of the Intelligence Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

In the wake of the June 25, 1996, deadly bombing at the Khobar Towers housing complex Saudi Arabia, the Senate Select Committee on Intelligence staff undertook an inquiry to determine the adequacy of the intelligence concerning the terrorist threat situation in Saudi Arabia. The Committee staff reviewed the collection posture, the analytical products available and the dissemination of threat information.

CONCLUSION

The Khobar Towers tragedy was not the result of an intelligence failure.

Threat level

Intelligence regarding the terrorist threat in Saudi Arabia was sufficient to prompt the Defense Intelligence Agency (DIA), in July 1995, to raise the Terrorist Threat Level for Saudi Arabia From Low to Medium.

Reporting from enhanced intelligence efforts following the November 13, 1995 bombing of the Office of the Program Manager, Saudi Arabian National Guard (OPM-SANG), in which 5 Americans were killed by a car bomb, prompted DIA to raise the Threat Level to High, where it stayed until the Khobar Towers bombing.

The threat in Saudi Arabia is now considered Critical—the highest Threat Level on the Department of Defense scale.

Collection

The U.S. intelligence Community in Saudi Arabia gave its highest priority to the terrorist target and aggressively collected against a range of internal and external threats including Iran, Hizballah, and others.

Analysis

From April 1995 through the time of the Khobar Towers bombing in June 1996 the intelligence analytic community published more than 100 products on the topic of terrorism on the Arabian peninsula. Among these were several Counter Terrorism Center Threat Assessments and DIA Threat indicators.

Among the most significant analytical products were the June 13, 1996 Department of State, Bureau of Intelligence and Research report and the June 17, 1996 Military Intelligence Digest article outlining numerous suspicious incidents that had occurred at Khobar Towers, which noted that "a pattern appears to be developing that warrants improved security efforts."

The above warnings incorporated intelligence such as (1) ongoing Iranian and radical Islamic fundamentalist groups' attempts to target American servicemen in Saudi Arabia for terrorist acts; (2) the heightened threat that accompanied the execution, carried out on May 31, of the four suspects in the November OPM-SANG attack; and (3) well before the Khobar attack, there was reporting that Khobar might be the target of a bombing attempt.

Vulnerability assessments

The Air Force Office of Special Investigations (AFOSI) conducted a vulnerability assessment of the Khobar Towers facility and published its findings in January 1996.

This AFOSI assessment highlighted various weakness that could be exploited by terrorists, but emphasized the particular vulnerability of perimeter security given the proximity of the outside fence to many of the buildings as well as the lack of the protective coating Mylar on the windows of the Khobar Towers compound where Americans were housed.

In fact, this weakness had already come to the attention of the base security personnel, who approached the Saudis with a request to move the perimeter 10 feet back. The request to move the fence, made initially in November 1995, was still pending in June 1996, but successive base commanders did not push hard enough for a meaningful movement of the fence for fear of offending host country sensibilities.

The recommendation concerning Mylar was made part of a "five-year plan" for security enhancements on the compound and thus had been delayed indefinitely at the time of the June 25 attack.

Dissemination

Analytical products, threat and vulnerability assessments, and valuable raw intelligence were readily available to senior military commanders in Saudi Arabia and their civilian counterparts at the Pentagon.

Among the most significant were monthly briefings prepared and presented in Saudi Arabia beginning in April 1995 that informed senior military commanders of the three most vulnerable U.S. installations in Saudi Arabia; of the three, two have been attacked (OPM-SANG and Khobar Towers) and the third (the PX Commissary in Riyadh) has been closed.

SENATE SELECT COMMITTEE ON INTELLIGENCE STAFF REPORT ON THE KHOBAR TOWERS TERRORIST ATTACK

SCOPE, OBJECTIVES, AND METHODOLOGY

The Staff of the Senate Select Committee on Intelligence has conducted a preliminary inquiry into the United States Intelligence Community's collection, analysis and dissemination of intelligence concerning terrorist threats in Saudi Arabia prior to the June 25, 1996, bombing at the Khobar Towers housing complex in Dhahran, Saudi Arabia. The Committee staff reviewed raw and finished intelligence produced from late 1994 through June 1996. These products include reports from the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the State Department and others. The staff also interviewed individuals in the Intelligence Community, the Defense Department, and the State Department and accompanied the Chairman of the Committee, Senator Arlen Specter, on a trip to Dhahran, Riyadh, and Jeddah, Saudi Arabia and other Middle East countries from August 24–29, 1996.

During and immediately following the visit to Saudi Arabia and the Middle East, Committee staff interviewed field commanders and military personnel who played a critical force protection and security role just prior to and immediately after the blast. The staff also interviewed the FBI lead investigator on the scene in Dhahran, as well as top ranking Intelligence Community personnel. Finally, the staff accompanied Senator Specter to meetings with Saudi Crown Prince Abdullah and Defense Minister Sultan while in Jeddah, as well as other Middle East leaders with unique insight into terrorist activity in the region such as Prime Minister Netanyahu of Israel, President Assad of Syria, and President Arafat of the Palestinian Authority.

Since the Khobar blast, the Senate Select Committee on Intelligence has held seven hearings focusing on terrorism, Saudi, Arbia, and support to the military in the region. The Committee received testimony from Secretary of Defense William J. Perry, CIA Director John Deutch, FBI Director Louis Freeh, numerous other Administration officials, academicians and other experts.

BACKGROUND

On June 25, 1996, at approximately 10:00 p.m. local time, a massive explosion shook the Khobar Towers housing compound in Dhahran, Saudi Arabia. The blast killed 19 American military service personnel and at least one Saudi civilian, wounded more than 200 Americans and injured hundreds of other civilians. At the time, the Khobar Towers complex was home for the airmen of the U.S. Air Force's 4404th Fighter Wing (Provisional) under the operational command the U.S. Central Command (USCENTCOM). The complex also housed forces from the United Kingdom, France, and Saudi Arabia participating in the United Nations effort to enforce the "no-fly" zone in southern Iraq.

Before the explosion, American personnel at an observation post on the roof of Building 131 at the northeast corner of the Khobar complex reported seeing a fuel truck and a car approach the northwest end of the Khobar Towers compound from the north and turn east onto 31st Street just outside the perimeter fence separating the compound from a public parking lot. The truck and the car that it was following traveled along the perimeter fence toward the northeast corner of the compound and then stopped. A car already in place and facing the two approaching vehicles flashed its lights, presumably to signal to them that their approach was "all clear." The two companion vehicles then continued to travel along the perimeter fence. When the vehicles reached a point adjacent to Building 131, they turned left pointing away from the building, and stopped. The fuel truck backed into the hedges along the perimeter fence directly in front of Building 131 as the third car idled and then departed. Two men exited from the truck and hurried into the remaining car, which then sped away.

Noting this suspicious activity, the U.S. personnel at the Building 131 observation post began an evacuation, but within three to four minutes the bomb exploded, completely demolishing the front facade of this eight-story building. The explosion severely damaged five adjacent buildings and blew out windows throughout the compound. According to a recent report by the House National Security Committee, the size of the blast indicates that the truck carried between 3,000 and 5,000 pounds of explosives. In addition to the American causalities, hundreds of Saudi and third country nationals living in the complex and immediate vicinity were also wounded. U.S. intelligence experts and 4404th Wing leaders have concluded that Americans were the target of the terrorist attack.

The attack at Khobar Towers was the second major terrorist incident directed at U.S. interests, and U.S. military presence specifically, in Saudi Arabia in the past year. On November 13, 1995, a car bomb containing approximately 250 pounds of explosives detonated outside the headquarters of the Office of the Program Manager of the Saudi Arabian National Guard (OPM–SANG) in Riyadh. The building was used by American military forces as a training facility for Saudi military personnel. Five Americans died and 34 were wounded in this attack. Prior to this incident DIA categorized the threat to Americans in Saudi Arabia as medium. Six weeks after this incident, that threat level was raised to high.

ADEQUACY OF INTELLIGENCE

Collection

Pursuant to Presidential Decision Directive 35 (PDD–35), terrorism targets in the Middle East are Tier 1 targets and receive the highest priority for collection. Thus, current Director of Central Intelligence John Deutch has placed from the beginning of his tenure the utmost urgency on collection against these targets.

Even prior to the issuance of PDD–35, however, the U.S. intelligence collection posture in Saudi Arabia had shifted focus. In late 1994, the U.S. Intelligence Community in Saudi Arabia began reporting an increase in threatening activity directed against Americans in the region. Much of this heightened activity was carried out by agents of Iran, either alone or in cooperation with elements of regional radical Islamic fundamentalists. During a visit to Saudi Arabia in December 1994, DCI James Woolsey raised with senior Saudi officials the CIA concern over Iranian intentions and activities in the region.

Upon his confirmation in May 1995, Deutch concentrated immediately upon the issue of antiterrorism and force protection as a top priority. Deutch visited Saudi Arabia on October 22, 1995, and raised with senior Saudi officials his "serious concerns" over Iranian intentions in the region as he emphasized the commitment of the United States to fighting the terrorist threat. Deutch also dispatched other senior CIA officials to Saudi Arabia for detailed discussions of how to address this problem. Intelligence was focused during this period on Iranian operatives in the Eastern Province who were attempting to gather intelligence on the Dhahran Air Base.

After the OPM–SANG attack on November 13, 1995, collection against terrorist targets in general intensified. Intelligence Community personnel interviewed in Saudi Arabia said that almost all of their time was devoted to counterterrorism and force protection issues and much of this work was driven by the requirements of the military commanders in the theater.

Analysis

By March 1995, the Intelligence Community had determined that Iranian operations in Saudi Arabia were no longer simply intelligence gathering activities but contained the potential for the execution of terrorist acts. It had been previously learned that weapons and explosives had been moved in and stored in apparent support of these acts.

From the period beginning in April 1995 through the time of the Khobar Towers bombing in June 1996, the Intelligence Community issued finished analysis that clearly highlighted the ongoing and increasing terrorist threat in Saudi Arabia. The CIA and DCI's Counter Terrorism Center (CTC) issued at least 41 different reports on terrorism on the Arabian peninsula. Ten of these were specific threat assessments and six were CTC commentaries focused on the threat to U.S. personnel in Saudi Arabia.

During the same period, the Defense Intelligence Agency produced more than 60 intelligence products on the terrorist threat in Saudi Arabia. Many of these were factual in nature, reporting on terrorist incidents such as the OPM–SANG bombing, but many others reflected the Intelligence Community's analytical judgment of higher threat levels. In July 1995, DIA raised the terrorist threat level for Saudi Arabia from Low to Medium. After the OPM–SANG attack, the threat level was raised again to High where it stayed until the Khobar Towers bombing. The threat in Saudi Arabia is now considered Critical—the highest threat level on the DIA scale. Perhaps the most significant single DIA analytical product was a June 17, 1996 Military Intelligence Digest article outlining numerous suspicious incidents that had occurred at Khobar Towers and noting that "a pattern appears to be developing that warrants improved security efforts." This report followed only four days after the Department of State, Bureau of Intelligence and Research published "Saudi Arabia/Terrorism: US Targets?" focusing attention on the same series of incidents occurring at the Khobar facility.

Some officials prior to June 25 bombing believed that the earlier events and planning for terrorist acts were actually leading up to a larger bombing campaign against U.S. forces in the Eastern province. These officials postulated after the June 25 attack that Khobar Towers was the likely end-game of the earlier bombing scheme.

Dissemination

The emphasis that the DCIs placed on providing intelligence for force protection was reflected by the U.S. intelligence officers in the field as well. As early as January 1995 intelligence officers briefed the commander of Joint Task Force/SouthWest Asia (JTF/

SWA) and the commander of the Air Base in Dhahran of the serious threat posed to U.S. forces in the Eastern province.

These briefings continued throughout 1995. The incoming JTF/SWA commander, Major General Franklin, and his Deputy, Admiral Irwin, were briefed on March 16, 1995 along with General Keck, Commander of the 4404th Air Wing, on the most recent intelligence.[1] Follow up briefings were ordered for JTF/SWA command and security personnel to alert them to the threat. By April 5, 1995, all senior military commanders in the region had received detailed briefings on the threat posed by the increased Iranian presence and activity in the area.

On April 20, 1995 the senior U.S. intelligence official in Saudi Arabia briefed the top military commanders in the region on the Iranian plotting against U.S. military personnel in Saudi Arabia. Discussions were held on actions to be taken to beef up security awareness at various installations throughout Saudi Arabia where a U.S. military presence existed. The intelligence official provided his assessments on the "softest targets" in the kingdom (OPM–SANG, Khobar Towers, and the PX-Commissary in Riyadh).[2] A decision was then made to brief all military commanders in the region on a more regular basis on the serious terrorist threat to U.S. military personnel in the region. The military, based upon these threats, sent out a general threat advisory to remain in effect through June 15, 1996. The plan was apparently to supplement this general threat notice with the regular briefings.

On April 30, 1995, the briefings were expanded to include the "working level" commanders in the various units in Saudi Arabia. As part of these briefings, Major General Franklin put out an advisory to senior military commanders including the following: "Our facilities and access procedures should be reexamined to ensure we are doing the necessary things to minimize unauthorized individuals or vehicles from entering our compounds. Of special concern are unattended vehicles parked near entrances and exits or close to our work and living areas."

At the same time Major General Boice, Commander of the U.S. Military Training Mission increased the threat posture for the troops under his command from "no security threat" to "threat alpha." On June 25, 1995 Security officers from across the Kingdom held the first monthly (and later weekly, after OPM–SANG) counter-intelligence/force protection meeting.

In sum, prior to the OPM–SANG bombing there was extensive information available to U.S. personnel in Saudi Arabia concerning the nature of the threat posed by Iranian and other terrorist groups. After the OPM–SANG bombing, more specific intelligence threat information became available. Notable among these are:

Well before the Khobar attack, there was reporting that Khobar might be the target of a bombing attempt; there were a variety of reports in 1996 indicating that large quantities of explosive had been smuggled into the Eastern province of Saudi Arabia; threats from associates of those Saudi dissidents beheaded by the Saudi government on May 31, 1996 for their alleged role in the November 13, 1995 bombing of OPM–SANG;[3] a Department of State, Bureau of Intelligence and Research report on June 13, 1996 focusing attention on a series of incidents around the Khobar facility; and a June 17, 1996 Pentagon intelligence report highlighting the same incidents at Khobar Towers concluding that a suspicious "pattern [of surveillance of the Khobar compound's perimeter and other similar incidents] seems to be developing that warrants improved security efforts;"

In addition, military commanders in the region were very familiar with the terrorism vulnerability assessment of the Khobar Towers compound conducted by the Air Force Office of Special Investigations (OSI) in January 1996. Included within the OSI vulnerability assessment is a "threat scenario," based upon a State Department threat warning system, that included: "an assessment that a 'park and abandon' car bomb was a threat to the compound's security, and an additional assessment that moving back the perimeter fence would lessen the damage that would result from a 'park and abandon' car bomb;[4] a recommendation for the additional security measure of Mylar protective coating on the compound's windows to avoid shattering and fragmentation of glass; the Air Force made this recommendation part of a 5-year plan and thus delayed the addition of Mylar indefinitely."[5]

This intelligence and the vulnerability assessments were combined in three separate but related series of meetings. First, a monthly force protection meeting was convened, co-chaired by the Defense Attache and senior intelligence officer. These force protection meetings were made more frequent (once a week) following the OPM–SANG bombing. Second, regular political-military meetings were held at the U.S. Embassy, at which the threat intelligence and vulnerability assessments were discussed. Third, after the OPM–SANG bombing an Emergency Action Committee composed of the most senior military and intelligence officials in the region met regularly and discussed threat intelligence and vulnerability information as the major topic at each meeting.

As discussed above, senior military commanders in the region were fully briefed on the vulnerability and intelligence threat information. Further, General Shalikashvili, Chairman of the Joint Chiefs of Staff, was briefed at length on all intelligence and vulnerability assessments by the senior intelligence officer in Saudi Arabia in May 1996. This officer referred to his briefing of General Shalikashvili as "intense and to the point" concerning the threat and vulnerability information. Also, senior military commanders in the regions were quite familiar with the Long Commission Report of the Beirut bombing in 1983, which destroyed the U.S. Marine barracks, killing 241 Marines.[6]

THERE WAS NOT AN INTELLIGENCE FAILURE

Section 502 of the National Security Act of 1947 makes it incumbent upon the Director of Central Intelligence, as well as the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities to: "* * * keep the intelligence committees [House and Senate] fully and currently informed of all intelligence activities. . . . including any . . . *significant intelligence failure*"; 50 United States Code §413a*(1)(*italic added*).

The totality of the threat information available to the Department of Defense, as well as the posture of the Intelligence Community at the time of the Khobar Towers bombing makes clear that an intelligence failure, either in collection, dissemination or analysis, did not occur. Military commanders in the region and in Washington received highly relevant threat information for a year and a half prior to the Khobar Towers bombing. Intelligence personnel in the region briefed this information exhaustively throughout the region, and the DCI Counterterrorism Center ensured that senior policymakers in Washington were made aware of the threat and vulnerability information.

CONCLUSION

Regarding the question of the adequacy of the collection, analysis and dissemination of intelligence concerning terrorist threats in Saudi Arabia to Defense Department officials in Washington and military commanders in the field prior to the June 25, 1996, bombing at the Khobar Towers housing complex, the available information leads the Committee staff to conclude that the U.S. Intelligence Community provided sufficient information not only to suggest active terrorist targeting of U.S. personnel and facilities, but also to predict probable terrorist targets. Further, having concluded that the DCI was fully cognizant of and attentive to the force protection issues in the Eastern Province prior to the June 25 attack, and that consecutive DCIs ensured that this force protection information was disseminated to proper Defense Department recipients, the Committee staff concludes that an intelligence failure did not occur. Therefore, the Director of Central Intelligence is not obligated to report a significant intelligence failure to the intelligence oversight committees pursuant to Section 502(1) of the National Security Act of 1947.

Footnotes at end of article.

FOOTNOTES

[1] An April 3, 1995, a U.S. intelligence cable noted that "U.S. military commanders here are very/very concerned about the Iranian efforts in Saudi Arabia."

[2] After this briefing, the Commander of OPM–SANG, General Nash, approached the same intelligence official to express concern for physical security at the OPM–SANG facility and to specifically ask the official to pass along his concern to U.S. and Saudi intelligence and security officials, which he did.

[3] Between May 31 (the date of the execution of the alleged OPM–SANG co-conspirators) and the date of the Khobar bombing on June 25, a primary focus of intelligence was on the threat of associates of the executed individuals seeking revenge against U.S. persons.

[4] Senator Specter and staff found the distance to be slightly less than 60 feet from the perimeter fence to the front of Building 131. This is significant because (a) the Defense Department had previously placed the distance at 80 feet; (b) according to the House National Security Committee in a recent study, the AFOSI report makes clear that targets closest to perimeter most vulnerable; and (c) the AFOSI report concluded that "every effort should be made to maximize the distance between a given structure and a potential threat." It is also significant because the military commanders apparently never asked the Saudis to move the fence back 400 feet, as DoD had previously claimed. The request was instead to move the fence back 10 feet, which the Saudis quite correctly deemed a purely cosmetic and *de minimus* action and did not take seriously.

[5] Accordingly to tests conducted by military experts since the Khobar attack, even if a bomb the size of OPM–SANG had been used (250 pounds) rather than the 3000–5000 pound device that a House National Security Committee report said was used at Khobar Towers, there would still have been 12 fatalities because the glass on the windows of Building 131 were not treated with Mylar to prevent shattering (as had been recommended by the OSI report).

[6] The Secretary of Defense has recently testified that the military was not prepared for a bomb the size of the Khobar device because an explosive that large was unheard of in the region. This testimony is inconsistent with the fact that the U.S. Marine barracks in Beirut was destroyed by a 12,000 pound bomb in 1983, killing 241 U.S. Marines.

TREASURY, POSTAL SERVICE, AND GENERAL APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair. I ask unanimous consent that the pending Kassebaum amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 5241 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 16 LINE 16, THROUGH PAGE 17 LINE 2

(Purpose: To prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 5241 to excepted committee amendment on Page 16, line 16 through page 17, line 2.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Committee amendment insert the following:

SEC. ___. GUN BAN FOR INDIVIDUALS COMMITTING DOMESTIC VIOLENCE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(33) The term 'crime involving domestic violence' means a felony or misdemeanor crime of violence, regardless of length, term, or manner of punishment, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim under the domestic or family violence laws of the jurisdiction in which such felony or misdemeanor was committed.".

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "or" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.";

(2) in subsection (g)—

(A) by striking "or" at the end of paragraph (7);

(B) in paragraph (8), by striking the comma and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel,"; and

(3) in subsection (s)(3)(B)(i), by inserting before the semicolon the following: "and has not been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel".

(c) RULES AND REGULATIONS.—Section 926(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) regulations providing for the effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(9) or (g)(9) of section 922.".

Mr. LAUTENBERG. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LAUTENBERG. Mr. President, I will proceed as planned. We will wait for the manager to be represented here.

This amendment, very simply, would establish a policy of zero tolerance when it comes to guns and domestic violence. The amendment would prohibit any person convicted of domestic violence from possessing a firearm. In the simplest words, the amendment says that a spouse abuser, wife beater, or child abuser should not have a gun.

Mr. President, the amendment probably sounds familiar. In fact, the Senate adopted this exact proposal as an amendment to the antistalking bill in late July. Unfortunately, when it got to the House of Representatives they, despite a commitment of support, let it be known that they will not let this "no guns for domestic abuser" amendment survive. They will not act on the antistalking bill, and there is no indication that they intended to do so at any time soon. Since the stalking bill may not become law, we, therefore, need to pursue another vehicle that has a realistic chance of being enacted, and this is one of the few such vehicles remaining.

Mr. President, this amendment ought not to be controversial. As I said, it passed unanimously before as an amendment to the stalking bill. That happened only after Senators, like Senator LOTT, Senator DASCHLE, Senator CRAIG, Senator HUTCHISON, and I, got together and reached an agreement on changes to my original proposal. The compromise that we reached was acceptable to all involved, even if none of us was entirely happy. That is the way it usually has to be with any compromise.

So, again, this amendment is identical to that proposal and should not be controversial. I would also note that since the Senate approved this proposal in July, both President Clinton and former Senator Bob Dole have endorsed the concept of keeping guns from those convicted of domestic violence. As a matter of fact, the spokesman for Senator Dole said, "Bob Dole believes that all guns, not just handguns, should be kept out of the hands of domestic abusers."

Mr. President, I couldn't put it better myself. Our colleague, Senator HUTCHISON, has also praised this proposal. This is what she had to say when the agreement was reached, and the amendment was passed along with the stalking bill. She said: "Because of Senator LAUTENBERG's amendment, we are also going to be able to keep people who batter their wives or people with whom they live from having handguns. So I think this is going to be a great bill that will give women and children of this country some protection that they do not now have, and I am very pleased to be supportive of this compromise."

Clearly, Mr. President, this amendment has strong bipartisan support. So I am hopeful that it will again win easy approval. But I want to take a few minutes to explain why it is so important.

Under current Federal law, it is illegal for persons convicted of felonies to possess firearms. Yet, many people who engage in serious spousal or child abuse ultimately are not charged with or convicted of felonies. At the end of the day, due to outdated laws or thinking, perhaps after a plea bargain, they are, at most, convicted of a misdemeanor. In fact, most of those who commit family violence are never even prosecuted. But when they are, one-third of the cases that would be considered felonies, if committed by strangers, are instead filed as misdemeanors. The fact is that in many places domestic violence is not taken as seriously as other forms of brutal behavior. Often acts of serious spouse abuse are not even considered felonies.

In over 30 States, even today, beating your wife or your child is a misdemeanor. In just the past few years, some judges have demonstrated outrageous callousness and disregard for women's lives. Right up the road in Baltimore County, just 2 years ago a State circuit court judge was hearing a case involving a man who shot his wife in the head and killed her. As he handed down the light sentence, with time to be served weekends only, and not a very long time at that, the judge said that the worst part of his job is, and I quote, "Sentencing noncriminals as criminals," as if shooting your wife in the head was not criminal behavior.

Or take the case of a man who tracked down his wife, shot her five times in the face and killed her. The judge in that case gave the man a minimal sentence to be served on weekends. In explaining why he was being so lenient, the judge said the victim provoked her husband by not telling him that she was leaving their abusive marriage.

These are just two examples of the way that our criminal justice system often treats domestic violence—not as a serious crime. Yet, the scope of the problem is enormous. Every year there are 2 million cases of domestic violence reported. Many of those cases are never finally resolved because the plaintiff withdraws the complaint, or it is dismissed casually. When women are killed in domestic disputes, however, the murderers are holding a gun about 65 percent of the time.

Put another way: Two-thirds of domestic violence murders involve firearms. In 150,000 cases of abuse, spousal abuse, a gun is present. That means that perhaps it is put to a woman's head or put to her face in front of a child, or children, and even though the trigger is not pulled, the trauma is enormous. There is no reason for someone who beats their wives or abuses their children to own a gun. When you combine wife beaters and guns, the end result is more death.

This amendment would close this dangerous loophole and keep guns away from violent individuals who threaten their own families, people who have shown that they cannot control themselves and are prone to fits of violent rage directed, unbelievably enough, against their own loved ones.

The amendment says: Abuse your wife, lose your gun; beat your child, lose your gun; assault your ex-wife, lose your gun; no ifs, ands, or buts. It may sound like a tough policy, but when it comes to domestic violence it is time to get tough. There is no margin of error when it comes to domestic abuse and guns. A firearm in the hands of an abuser all too often means death. By their nature, acts of domestic violence are especially dangerous and require special attention.

These crimes involve people who have a history together, and perhaps share a home or a child. These are not violent acts between strangers, and they do not arise from a chance meeting. Even after a split, the individuals involved, often by necessity, have a continuing relationship of some sort. The people who commit these crimes often have a history of violence or threatening behavior, and, yet, frequently they are permitted to possess firearms with no legal restrictions.

The statistics and the data are clear. Domestic violence, no matter how it is labeled, leads to more domestic violence, and guns in the hands of convicted wife beaters leads to death.

Mr. President, this legislation has been endorsed by over 30 prominent national organizations, including, by way of example, the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, the Family Violence Prevention Fund, the American Academy of Pediatrics, and the YWCA of the United States.

The amendment would save the lives of many innocent Americans, but it would also send a message about our Nation's commitment to ending domestic violence and about our determination to protect the millions of women and children who suffer from this abuse.

Again, I do not expect this to be a controversial amendment since it has already passed this body unanimously.

Once again, I will ask for the yeas and nays, but it is essential that we have someone from the majority side in the Chamber. Otherwise, it is deemed unfair. But I think it is unfair not to have someone from the majority side in the Chamber unless this is a subject that does not matter, killing your wife, if you want to beat her up first.

This is an important piece of legislation. It was a very disappointing experience we had when it went over to the House after being unanimously passed in this body and then casually dropped. But we want to have everybody have a chance to vote on this, and once again, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. I thank the Chair and yield the floor.

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I come to the floor to speak on behalf of this amendment proposed by my colleague and good friend, Senator LAUTENBERG from New Jersey, and I want to start out in a very direct way and say that from my experiences and the experiences of my wife, Sheila, working in this area of domestic violence, I have learned that, all too often, the only difference between a battered woman and a dead woman is the presence of a gun.

That is what this amendment is all about. The facts, unfortunately, speak for themselves. If you work in the area of domestic abuse or if you just pick up the newspaper in your own State, you will read stories about violence, abuse, and murders within families and among intimates happening all the time, and, colleagues, you will realize that in all too many cases the only difference between a battered woman and a dead woman is the presence of a gun. That is what this amendment that my colleague has introduced speaks to.

In the historic Violence Against Women Act that was enacted into law as a part of the 1994 crime bill, thanks to the tireless efforts of Senator BIDEN and Senator HATCH, there was a provision which was accepted—eventually and after much negotiation—that I offered in the Senate and Representative TORRICELLI, and Representative SCHROEDER sponsored in the House. This provision prohibits anyone who has a restraining order issued against them from owning or possessing a gun, and it also prohibits anyone from selling or giving a gun to someone they know has a restraining order against them for having abused their spouse or their child.

This was a severely modified and much weaker version of what was originally known as the Domestic Violence Firearm Prevention Act, a bill that I introduced. Senator LAUTENBERG now takes the next logical step with this very important piece of legislation, which would prohibit the possession of a firearm by someone who has been convicted of an act of domestic violence.

I imagine my colleague, Senator LAUTENBERG, went through all the statistics. Let me just simply state, again, that: Four women a day are killed at the hands of their batterer; every 15 seconds a woman is battered in our country. The leading single cause of injury among women in America today is violence in the home. It is just unconscionable.

The good news—and it really is, I think, good news—is that no longer in our country, no longer in our States, and no longer in our communities are we saying that this violence in the home is not our business, no longer do we just turn our gaze away from it without doing anything about it. I think we have finally realized that this violence in homes, all too often directed at women and their children, is really everybody's business. If we do not stop the violence in the homes, it is going to continue to spill out into the streets and into our communities.

The problem which Senator LAUTENBERG speaks to with this amendment, of which I am so proud to be an original cosponsor, is as follows: In all too many cases, unfortunately, if you beat up or batter your neighbor's wife, it is a felony. If you beat up or batter, brutalize your own wife or your own child, it is a misdemeanor.

If the offense is a misdemeanor, then under the current law there is a huge loophole. We do not let people who have been convicted of a felony purchase that firearm. What the Senator from New Jersey is trying to do is plug this loophole and prohibit someone convicted of domestic abuse, whether felony or misdemeanor, of purchasing a firearm. For example, in my State of

Minnesota, an act of domestic violence is not characterized as a felony unless there is permanent physical impairment, the use of a weapon, or broken bones.

I just want to simply say one more time to colleagues, because I can rattle off all the statistics, this is no small issue in our country. We are talking about significant violence. For any Senator who says that we do not want to prohibit any law-abiding citizen from purchasing a gun, I respond that we are not talking about law-abiding citizens. We are talking about citizens who have been convicted of an act of violence against a spouse or child and we are saying in those cases, the law should prohibit that person from purchasing gun, from owning a gun. Once again, the reason we support this law is because we know that in all too many cases, the only difference between a battered woman and a dead woman is the presence of a gun.

Mr. President, for a period of time I was coming to the floor to announce the domestic violence hotline number which was set up under a provision of the Violence Against Women Act. Since its opening on February 21, 1996, the hotline has received over 30,000 calls for help from residents in 50 States and the District of Columbia, Puerto Rico, and the Virgin Islands. Let me announce that one more time. The hotline has received since February 21, 30,000 calls for help from 50 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. I want to announce the number one more time. The number is 1-800-799-SAFE.

We in the U.S. Senate, by adopting this amendment, will be saying three things. We will be saying we will not tolerate this violence; we will not ignore this violence; and we will no longer say that it is someone else's responsibility. All of us have a chance to make a difference.

My fellow Senators, someone's safety depends on your vote. My fellow Senators, someone's safety depends on your vote. That is usually the safety of a woman and a child. There is no more important vote than the one that is coming up on this amendment.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Minnesota for his eloquent reminder about what it is we are considering here. The statistics, the data do not have to be reiterated. It is very clear. The underlying problem is, in this country of ours, that domestic violence, no matter how severe the beating, is often dismissed as a squabble.

I have heard reports of judges saying, "Oh, he didn't really mean it. He didn't intend to hurt you. Can't you go home and settle it between you?" And very often, of the cases reported, there is so much trauma attached to the recipient of the abuse that she—typically it is a she—is afraid to pursue the case any further because, along with the continuing relationships, inevitably are the threats of further disassociation, which, in many cases, could mean the end of income, support, mean the end of some reassurance that there is a roof over their heads. So they sell their souls. They quit when, if they knew that the State cared more about it, they would continue to pursue it.

The other thing is, they are afraid that the guy, the fellow who first treated them to a fist in the face, may come home with a gun and take their lives.

One can only imagine what kind of rage exists within a man who would beat up a woman, and often in front of the children they have. It is an outrageous condition that exists. And this country has not yet taken it seriously enough.

We hope this amendment will send a loud and clear message that you are not going to get away with this kind of thing, because we are going to take away your gun. We are going to take away that extra chance that the woman might be killed.

You heard it from my friend and colleague, Senator WELLSTONE, the Senator from Minnesota: Four women a day will lose their lives. I can tell you this, from the research that we have done, that is a very conservative estimate. The data are not good in that situation.

With that, Mr. President, I yield the floor. We are ready to vote. I urge the adoption of the amendment.

GUNS AND DOMESTIC ABUSE

Mrs. MURRAY. Mr. President, I rise to speak in favor of the Lautenberg amendment to the Treasury-postal appropriations bill, taking guns away from individuals convicted of domestic violence. I am a cosponsor of his original bill, and want to congratulate Senator LAUTENBERG on offering this important legislation in the form of an amendment today.

Just getting the gun out of the home would make the difference in so many of these horrible stories we hear about domestic violence, in the news, or from people on the street. I don't know how many people on the floor of the Senate have heard the cries of a family in crisis; I don't know if you have ever had to dial 911 out of worry for a neighbor. But, I have.

If this amendment makes a difference for one victim of domestic violence, it will have done its job.

One woman I know told me the story of her abusive ex-husband. He was physically abusive, and had been convicted of misdemeanors. What is more, he knew he was prone to violence against his family, and did not trust himself. He purposely separated the gun and the bullets at two different ends of their house, so he would not be able to shoot her in the heat of the moment.

But the measures he took were not quite enough, when he came home one night, drunk, and yelling that the house wasn't clean enough for him. Because he was able to find the bullets, find the gun, load it, and point it at his wife. That she is alive today is a miracle.

This man was not the sort of law-abiding citizen we so frequently hear about from the NRA. He had a record. He did not even trust himself. This man should not have had a gun.

If he did not have a gun, the man in the story may have used some other weapon. But we know from the research that nearly 65 percent of all murder victims known to have been killed by intimates were shot to death. We have seen that firearms-associated family and intimate assaults are 12 times more likely to be fatal than those not associated with firearms. A California study showed when a domestic violence incident is fatal, 68 percent of the time the homicide was done with a firearm.

Again, the gun is the key ingredient most likely to turn a domestic violence incident into a homicide. But the people this amendment would take guns away from—these people have already broken the law, and in a very relevant way. In the face of the reality of domestic violence and the role guns play in homicides in such situations, the Senate cannot allow convicted abusers to have guns.

Unfortunately, this amendment will not make life better for many women who are abused, even when guns are present in the home. We know that most domestic violence is not even reported, and of the cases that are reported, many do not lead to a conviction. This is a problem associated with the horrible effects of victimization, and has a different set of solutions.

But, for thousands of women and men in this country, this amendment would mean immediate results. To get the gun out of the home will mean the difference between life and death. I urge the Senate to pass the Lautenberg amendment.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Lautenberg amendment, because I believe it offer women a vital protection against those who might do them harm.

Every year, an estimated 2 million women are victimized by domestic violence.

Of these 2 million, nearly 6,000 die.

And 70 percent of the time, the perpetrators of the deadly violence use a gun.

Mr. President, we already prohibit convicted felons from possessing a firearm. But is an unfortunate fact that many domestic violence offenders are never convicted of a felony. Outdated or ineffective laws often treat domestic violence as a lesser offense.

Sometimes, victims are reluctant to cooperate for fear of more violence.

And sometimes victims just don't want to pull themselves through the ordeal of a trial.

And finally, plea bargains often result in misdemeanor convictions for what are really felony crimes.

As a result, Mr. President, many perpetrators of severe and recurring domestic violence are still permitted to posses a gun. Mr. President, these people are like ticking time bombs. It is only a matter of time before the violence get out of hand, and the gun results in tragedy.

Something must be done to close this dangerous loophole.

This amendment looks to the type of crime, rather than the classification of the conviction. Anyone convicted of a domestic violence offense would be prohibited from possessing a firearm. Fewer abusers will have guns, and fewer of the abused will wake up each morning wondering whether they will live through the day. I thank the Senator from New Jersey for his efforts, and I yield the floor.

The PRESIDING OFFICER. The question occurs an amendment No. 5241. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—97

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—2

Bingaman
Heflin

NOT VOTING—1

Hatfield

The amendment (No. 5241) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Senator DASCHLE and I have continued to confer, and a number of Senators have started asking about the plans for the night. I am looking at the list of amendments here. We still have a good number, somewhere between 25 and 30 first-degree amendments, but only 2 or 3 of them are relevant to this underlying bill.

Our intent is to keep working. The managers have been working, trying to get things agreed to. We have a couple of pending amendments we are trying to get to an understanding on how to vote on them. We are acting in good faith.

As I look at this list, so many of these amendments, really, should not be offered. We should go ahead and get this work done. We are in agreement now, the leadership on both sides of the aisle, that we are going to get it done tonight. We are going to keep working and dealing with these amendments. We are going to keep voting until we get this bill completed. Then we will be able to advise Members when we get it done tonight, we will have debate tomorrow but no votes.

We are now coming close to getting an understanding on what we can do on Monday, with votes early Tuesday morning. Members can do what needs to be done, fulfill commitments and religious holidays, but to get that done we must finish this bill tonight.

So, please, we should not offer these amendments that are not serious. We should the job done. Our intent is to keep going tonight.

We are honoring my colleague, SONNY MONTGOMERY, after 30 years of service in Congress. I will be there for 3 minutes to introduce him. Other than that, I would love to be here the rest of the night.

I yield the floor.

Mr. KERREY. Mr. President, I echo what the majority leader said. There are many evenings where we arrive here at 2 or 3 o'clock in the morning, and then we start to do the sorts of things that we could have done at 5 o'clock in the evening.

We know what needs to be done. We have put out contacts to offices. There are many amendments that we are prepared to accept, but we need Members to come to the floor and offer the amendments up or notify us if they are willing to take the amendments down. Otherwise we will be here until 2, 3, or 4 o'clock in the morning. We could wrap this thing up quickly.

The substantive disagreements, at least on the bill itself, have all been taken care of. We have some disagreements on some amendments we are working on right now that we think we can work out, as well as getting a managers' amendment to wrap this up.

I hope those who would like to get out of here at a relatively nice hour tonight, or those who desire not to have votes tomorrow, will get down here as quickly as they can. Both Senator SHELBY and I are willing to work with Members to see whatever reasonable differences there are and we will work them out.

AMENDMENTS NOS. 5313 AND 5314, EN BLOC

Mr. SHELBY. Mr. President, I have several managers' amendments. I send two amendments to the desk which have been cleared on each side. I ask unanimous consent these amendments be considered and approved en bloc and that any statements be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments en bloc numbered 5313 and 5314.

The amendments are as follows:

AMENDMENT NO. 5313

(Purpose: To provide funding for the review of trade issues)

On page 19, line 2, before the period add the following new provision: ":*Provided further*, That of the funds appropriated $2,500,000 may be made available for the review of trade issues authorized by Public Law 103–182".

AMENDMENT NO. 5314

Insert at the appropriate place: "*Provided further*, That from funds made available for Basic Repairs and Alterations, $2,000,000 may be transferred to the Policy and Operations appropriation".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 5313 and 5314) were agreed to.

Mr. KERREY. I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. The clerk will call the roll.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent to lay aside the pending amendments so that I may call up an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5234

(Purpose: To remove inequities between congressional and contract employees regarding access to health insurance)

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. DORGAN, and Mr. SIMON, proposes an amendment numbered 5234.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

TITLE___—HEALTH INSURANCE EQUITY FOR CONGRESSIONAL AND CONTRACT EMPLOYEES

SEC. 01. SHORT TITLE OF TITLE.

This title may be cited as the "Congressional Contractor Health Insurance Equity Act".

SEC. 02. DEFINITIONS.

For purposes of this title:

(1) CONTRACT.—The term "contract" means any contract for items or services or any lease of Government property (including any subcontract of such contract or any sublease of such lease)—

(A) the consideration with respect to which is greater than $75,000 per year,

"(B) with respect to a contract for services, requires at least 1000 hours of services, and

(B) entered into between any entity or instrumentality of the legislative branch of the Federal Government and any individual or entity employing at least 15 full-time employees.

(2) EMPLOYEE.—The term "employee" has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)).

(3) ENTITY OF THE LEGISLATIVE BRANCH.—The term "entity of the legislative branch" includes the following:

(A) The House of Representatives.

(B) The Senate.

(C) The Capitol Guide Service.

(D) The Capitol Police.

(E) The Congressional Budget Office.

(F) The Office of the Architect of the Capitol.

(G) The Office of the Attending Physician.

(H) The Office of Compliance.

(4) GROUP HEALTH PLAN.—The term "group health plan" means any plan or arrangement which provides, or pays the cost of, health benefits that are actuarially equivalent to the benefits provided under the standard option service benefit plan offered under chapter 89 of title 5, United States Code.

(5) INSTRUMENTALITY OF THE LEGISLATIVE BRANCH.—The term "instrumentality of the legislative branch" means the following:

(A) The General Accounting Office.

(B) The Government Printing Office.

(C) The Library of Congress.

SEC. 03. GENERAL REQUIREMENTS CONCERNING CONTRACTS COVERED UNDER THIS ACT.

(a) IN GENERAL.—Any contract made or entered into by any entity or instrumentality of the legislative branch of the Federal Government shall contain provisions that require that—

(1) all persons employed by the contractor in the performance of the contract or at the location of the leasehold be offered health insurance coverage under a group health plan; and

(2) with respect to the premiums for such plan with respect to each employee—

(A) the contractor pay a percentage equal to the average Government contribution required under section 8906 of title 5, United States Code, for health insurance coverage provided under chapter 89 of such title; and

(B) the employee pay the remainder of such premiums.

(b) OPTION TO PURCHASE.—

(1) IN GENERAL.—Notwithstanding section 8914 of title 5, United States Code, a contractor to which subsection (a) applies that does not offer health insurance coverage under a group health plan to its employees on the date on which the contract is to take effect, may obtain any health benefits plan offered under chapter 89 of title 5, United States Code, for all persons employed by the contractor in the performance of the contract or at the location of the leasehold. Any contractor that exercises the option to purchase such coverage shall make any Government contributions required for such coverage under section 8906 of title 5, United States Code, with the employee paying the contribution required for such coverage for Federal employees.

(2) CALCULATION OF AMOUNT OF PREMIUMS.—Subject to paragraph (3)(B), the Director of the Office of Personnel Management shall calculate the amount of premiums for health benefits plans made available to contractor employees under paragraph (1) separately from Federal employees and annuitants enrolled in such plans.

(3) REVIEW BY OFFICE OF PERSONNEL MANAGEMENT.—

(A) ANNUAL REVIEW.—The Director of the Office of Personnel Management shall review at the end of each calendar year whether the nonapplication of paragraph (2) would result in higher adverse selection, risk segmentation in, or a substantial increase in premiums for such health benefits plans. Such review shall include a study by the Director of the health care utilization and risks of contractor employees. The Director shall submit a report to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate which shall contain the results of such review.

(B) NONAPPLICATION OF PARAGRAPH (2).—Beginning in the calendar year following a certification by the Director of the Office of Personnel Management under subparagraph (A) that the nonapplication of paragraph (2) will not result in higher adverse selection, risk segmentation in, or a substantial increase in premiums for such health benefits plans, paragraph (2) shall not apply.

(4) REQUIREMENT OF OPM.—The Director of the Office of Personnel Management shall take such actions as are appropriate to enable a contractor described in paragraph (1) to obtain the health insurance described in such paragraph.

(c) ADMINISTRATIVE FUNCTIONS.—

(1) IN GENERAL.—The office within the entity or instrumentality of the legislative branch of the Federal Government which administers the health benefits plans for Federal employees of such entity or instrumentality shall perform such tasks with respect to plan coverage purchased under subsection (b) by contractors with contracts with such entity or instrumentality.

(2) WAIVER AUTHORITY.—Waiver of the requirements of this title may be made by such office upon application.

SEC. 04. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply with respect to contracts executed, modified, or renewed on or after January 1, 1997.

(b) TERMINATION.—

(1) IN GENERAL.—This title shall not apply on and after October 1, 2001.

(2) TRANSITION RULE.—In the case of any contract under which, pursuant to this title, health insurance coverage is provided for calendar year 2001, the contractor and the employees shall, notwithstanding section 03(a)(2), pay 1⅓ of the otherwise required monthly premium for such coverage in monthly installments during the period beginning on January 1, 2001, and ending before October 1, 2001.

Mr. DASCHLE. Mr. President, every Member of Congress and every permanent Federal worker has access to comprehensive health insurance. This is true from the Senate cleaning crew, to the staff director of a committee, to Members of Congress and their families. We get insurance the way most working Americans do—through our employer, with a shared contribution between employer and employee. Our coverage is secure, comprehensive, and affordable.

This is not true, however, for employees of firms contracting with Congress. Many of these individuals, who work side by side with Federal workers, have no such guarantee. In fact, about 1,900 employees of companies that contract with the Congress have no insurance. Current efforts to privatize services previously performed by Federal Government workers exacerbate this situation. Who are these contractors? They include House restaurant and mailroom staff, electronics technicians, day care providers, accountants, data processors, and construction and maintenance workers.

They work hard, pay taxes, and play by the rules; yet, they don't have the same kind of health security that we take for granted. I know such people here in the Congress. One in particular is a person whom I go to every so often to have my hair cut. She has worked in the House Beauty Shop for 14 years. For 12 of those 14 years, she was a Federal Government employee and had health insurance. When the House privatized the House haircut facilities in 1995, this particular individual lost her insurance. She purchased a private health plan, but had to drop it 3 months ago because she could not afford the $187 per month premium. She asked the company who runs the shop—a large firm in San Francisco that operates hundreds of shops—if they would pay 50 percent of the premium. Her employer, so far, has refused, and she is now without coverage. She recently had a serious case of food poisoning but, because of her lack of coverage, could not afford to go to the doctor for treatment.

This kind of situation cannot and should not be tolerated. As we devise new ways to extend health coverage to the uninsured, it just doesn't seem fair to me that we in Congress could allow these contractors, working side-by-side with Federal Government employees who we call upon every day to do the work of the Congress, to go without any coverage at all.

How can we enjoy subsidized comprehensive insurance while people who fix our computers, maintain our buildings, or cut our hair have no coverage at all? It seems to me that, in fairness, we just can't do that.

That is why I have introduced this amendment, which would require firms that contract with Congress—and only Congress—to offer health insurance to their employees. This requirement would apply to firms that employ 15 or more workers and that have Federal contracts worth at least $75,000. These contractors could buy a private health plan or could select a plan from the Federal Employee Health Benefits Program that currently is available to all permanent Federal employees. In either case, they would be required to contribute to their employees' premiums, just as the Federal Government contributes to its workers' coverage. This would ensure that everyone working full time for Congress has access at least to the comprehensive coverage that is now available to congressional employees.

This kind of action is certainly not without precedent. Several years ago, concern over high turnover among Senate day care employees led the Senate to give these contract workers the Federal health benefits coverage that we now enjoy. And Congress has a long-established history of taking action to guarantee fair working conditions for its contract workers. For 65 years, Davis-Bacon and other similar measures have guaranteed competitive wages to Federal contract workers. This bill complements these efforts.

The introduction of this amendment is not just a humanitarian gesture. It is, frankly, a very practical one. Health costs for uninsured workers who become ill are simply shifted onto others; shifted onto public programs like Medicaid, or shifted onto doctors and hospitals in the form of charity care.

In addition, the uninsured forgo preventive care and later need expensive emergency room treatment. We should not tolerate this kind of inefficient cost shifting. We should be setting an example for the rest of the Government, and certainly the private sector.

Some may say this measure will reduce cost savings from privatization. I believe Congress should contract out services performed more efficiently by the private sector. But, certainly, Congress should not save money by denying workers a basic benefit that is guaranteed to all other Federal workers. We want services that are leaner, but not meaner.

Outsourcing may be the wave of the future and, frankly, I generally support this trend. But we need to make sure that those workers caught in the transition have basic benefits to which other Federal workers are entitled.

For many years now, Members of Congress have spoken on the floor about the need to extend coverage to the uninsured. We all recognize there can be no financial security without health security. Let us simply put our money where our mouth is. Let us show our country that what is good for Members of Congress and their employees is also good for the contractors who work with us.

My hope is that my colleagues will join me in support of this amendment.

I yield the floor.

Mr. KERREY. Mr. President, my view is that this is a reasonable amendment. I understand there is no budget cost.

Mr. DASCHLE. Mr. President, if the distinguished Senator from Nebraska will yield, there is no budget cost to this. It is completely paid for. There is a negligible cost that is completely offset. So there is no increase in the deficit that is the result of this amendment.

The Senator is correct.

Mr. KERREY. I certainly support the amendment.

We are waiting for Senator STEVENS' view on this amendment. Both he and the chairman are right now at a defense appropriations conference committee. They should be back momentarily. Once they are back, we should be able to wrap this up and get a vote.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I urge Senators who would like to get out of here tomorrow to get to the floor and offer their amendments. There are no more than seven or eight amendments on either side. We have worked this down to a relatively small amount, and now all we are doing is waiting.

There are a number of Senators who would like to have rollcall votes. It takes time to have rollcall votes. We have been working as diligently as we can. I want nobody to be surprised when it comes to 2 or 3 o'clock in the morning around here, if we wait until 7, 8, 9 o'clock before somebody comes down and offers amendments.

This is an age-old problem, and we are heading to a very predictable point here. We have done about all we can from the floor. Now we have to have Members come down and offer their amendments.

Mr. SHELBY. As the Senator from Nebraska said, we made a lot of progress. We are getting down to what we hope is the beginning of the end tonight. If people who have some amendments pending come over here and try to work with us, we might work some of them out. If we cannot work them out, maybe they can offer them and keep the process moving. It is 10 minutes to 6 now. We could be out of here in a couple of hours, maybe less, if people would cooperate. I know the Senator from Nebraska has been pushing it all day, and so have I. This is our third day on this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to proceed for not to exceed 10 minutes as in morning business. And if we need to, I will be glad to yield the floor back.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DOLE ECONOMIC PLAN

Mr. EXON. Mr. President, as the Democrat leader on the Senate Budget Committee with a long and established record as a fiscal conservative, as Governor of my State longer than any other in its history, and proud of continuing that record for 18 years in the Senate, I begin today a number of statements on sound budgeting.

These will be based on fact and proven or provable economic theory, or just common sense, in a hope that I might divert America from careening again down a path that will certainly lead our Nation to new irresponsible depths—new depths indeed—of national debt, if not depression.

Alarmingly, the latest "Follow The Yellow Brick Road" path of wizardry blends $550 billion in tax breaks, unspecified spending cuts, and rosy economic scenarios into one shameless political ploy. When the unsuspecting Dorothys of the world pull back in wonderment the curtain, they discover a huffing and puffing candidate Bob Dole as the wizard. This is the same wizard who for the first 72 years of his life foreswore such economic nonsense.

Bob Dole's transformation from a deficit hawk into a carrier pigeon for supply-side economics is a great loss and disappointment to fiscal conservatives of both parties.

In my 18 years in the Senate, I often stood shoulder to shoulder with then Senator Dole. Although we have had different priorities when it came to spending cuts, we were both strong advocates of a line-item veto, a constitutional amendment to balance the budget, and a no-nonsense approach to economic policy.

But as Senator Bob Dole became Presidential candidate Bob Dole, fiscal responsibility was turned on its ear. Irresponsible tax cuts became his fetish. Listening to the advice of the campaign consultants and pollsters instead of using common sense, Bob Dole, I am afraid, has lost his moorings. And to pay for his folly, he would have us fall into a deeper pit of deficits and debt.

Mr. President, we cannot allow that to happen to the American people a second time. We cannot allow the 1980's gibberish of supply-side economics to go unchallenged again. As a freshman Senator, I supported it, as did Senator Dole. In retrospect, I acknowledge it was the worst vote that I ever cast, in the Senate.

To understand the terrible gamble Bob Dole is taking with our future, the American people should understand the history behind it. I would like to spend a few moments today describing the fiscal carnage of the 1980's, or as George Bush once christened it, "Voodoo Economics." And there is no magic to it. It is just misery.

During the 1980's, the American people got their first taste of the supply-side mumbo-jumbo. It was the Reagan-Bush feel-good, no-fuss, no-muss way to reduce the deficit and grow the economy. There was only one catch: It simply did not work.

Enacting huge tax cuts and increasing spending without balancing the budget, was a ghastly experiment gone terribly awry. Fed by a quick shot of high-octane tax cuts, the economy revved up and then sputtered. The promised revenues evaporated and the deficit exploded with a big deficit bang. A small hill of debt became a mountain.

The supply-side economics of the 1980's was a classic example of the difference between promise and performance. Supply-side tax cuts were supposed to boost the private sector's economic performance. In fact, the economy put in a mediocre showing only, during the Reagan years.

For example, private-sector job growth was 3.3 percent per year in the Carter years, compared with 2.3 percent under Reagan and 0.4 percent in the Bush years. It finally rebounded to 2.9 percent during the Clinton administration—but without, and I repeat, without supply-side economics.

Private investment, which also was supposed to receive a boost from supply-side tax cuts, slumped during the Reagan years. Real business fixed investment, which had been growing at a 7.1-percent annual clip during the Carter years, slowed to a 2.6-percent pace under Reagan, and came to a screeching halt under Bush. During the Clinton administration, business investment has soared at a 8.4 percent rate, the strongest showing since World War II.

With both private-sector employment and business investment suffering under supply-side policies, it is not surprising that private-sector gross domestic product also posted an inferior performance, by any measure. The growth of the private-sector slowed from a 3.5-percent pace under Carter to a 3.0-percent rate during the Reagan years. Having registered a meager 1.3-percent showing under Bush, private-sector growth now currently has averaged 3.2 percent during the Clinton administration.

We are often told that the Reagan tax cut led to a doubling of tax revenue by the end of the 1980's. That is merely a manipulation of the facts. Total revenue doubled during the 1980's but income tax revenue fell far short of doing so. Revenue from Social Security taxes, however, more than doubled as a direct result of a major Social Security tax increase in 1983. That tax increase, incidentally, was passed when Republicans held a majority of the U.S. Senate and Senator Bob Dole was chairman of the Senate Finance Committee.

Having failed to deliver on its economic promises, it should not be surprising then that supply-side tax cuts also failed to deliver the declining deficits promised by the Republicans.

In March 1981, the Reagan White House predicted that the deficit would shrink from its $79 billion level and the budget would be balanced by 1985. Instead, the deficit widened dramatically, hitting $212 billion in 1985—when it was supposed to be zero—and topping out at $290 billion in 1992.

A year later, the Reagan administration could see the red ink rising. President Reagan told the Nation in 1982, and I quote,

> One area of justifiable concern is the deficit. And believe me, we take it as seriously as any problem facing us. But let's recognize why such a huge deficit is projected. It is not, as some would have you believe, a product of our tax cuts.

I am here to tell you and the American people that it was because of the tax cut. But do not just take it from me. More than 10 years after President Reagan made that famous speech, his OMB Director, David Stockman, said his boss was wrong. The deficit was caused by the huge tax cuts that were the hallmark of President Reagan's first year in office.

In an article on the deficit in the March 1993 issue of New Perspectives Quarterly, Mr. Stockman wrote, and I quote,

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cuts that shattered the Nation's fiscal responsibility . . . It ought to be obvious by now that we can't grow our way out [of the deficit].

Mr. President, the huge deficits of the Reagan years have left taxpayers with a gargantuan burden of debt and debt service. When President Reagan took his oath of office, the debt was under $1 trillion. When he left, our national debt was over $2.6 trillion, a debt expanded over fourfold since President Carter to over $4 trillion by the time President Bush left office. If it were not for the interest payments on the debt built up during the last two Republican administrations, the Federal budget would now be in surplus.

The Nation has paid a terrible price for the mistakes of the 1980s, and we are still paying for them. Supply-side economics left an economic radioactive fallout that pollutes the economy for years to come. We still do not know its halflife. I feel as though I have spent most of my Senate career trying to clean up the mess, and many of my colleagues have joined in that work, but the job is still unfinished.

We in the Senate spend a lot of time talking about the legacy we will leave our children and grandchildren. But if we are indeed concerned about mortgaging our children's future, we cannot and we must not resurrect supply-side economics. We clearly made a horrendous mistake economically in the 1980s. To duplicate it in the 1990s would be unforgivable. Neither Dorothy nor any self-respecting munchkin would or should forgive us.

The PRESIDING OFFICER (Mr. BENNETT). The time of the Senator has expired.

Mr. EXON. I thank the Chair and yield the floor.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1977

The Senate continued with consideration of the bill.

AMENDMENT NO. 5244

(Purpose: To amend title 18, United States Code, with respect to gun free schools, and for other purposes)

Mr. KOHL. I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 5244.

Mr. KOHL. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . PROHIBITION.

Section 922(q) of title 18, United States Code, is amended to read as follows:

"(q)(1) The Congress finds and declares that—

"(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

"(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

"(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate;

"(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

"(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

"(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

"(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

"(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

"(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

"(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"(B) Subparagraph (A) does not apply to the possession of a firearm—

"(i) on private property not part of school grounds;

"(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

"(iii) that is—

"(I) not loaded; and

"(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

"(iv) by an individual for use in a program approved by a school in the school zone;

"(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

"(vi) by a law enforcement officer acting in his or her official capacity; or

"(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

"(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

"(B) Subparagraph (A) does not apply to the discharge of a firearm—

"(i) on private property not part of school grounds;

"(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

"(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

"(iv) by a law enforcement officer acting in his or her official capacity.

"(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.".

Mr. KOHL. Mr. President, today's Washington Post tells the story of young children being shot in their own neighborhoods by feuding gangs who are targetting innocent bystanders. It tells us eloquently why we must do all that we can to keep guns out of the hands of children. And the most insidious form of juvenile violence is violence in our schoolyards. We must take this opportunity to do what we can to keep our school zones from becoming war zones. So I would like to offer the Gun Free School Zones Act as an amendment.

The Gun-Free School Zones Act of 1995 is a commonsense, bipartisan, constitutional approach to combating violence in our schools. It bars bringing a gun within 1,000 feet of a school, with a few commonsense exceptions. It modifies the Supreme Court's 1995 Lopez decision to ensure the law's constitutionality. So, let me make a few points.

First, we need a Federal law. The Federal Government has a crucial role to play in dealing with the gun traffic that leads right into our classrooms. After all, how can we turn our backs on a national problem that we can help solve?

The problem is national is scope. Anyone who thinks that this is a local problem isn't looking at the evidence. Interstate commerce is exactly what is causing the problem. Sometimes these guns get into children's hands through the efforts of nationwide gangs.

One 14-year-old Madison, WI, gang member told the Wisconsin State Journal that the older leaders of his gang brought car loads of guns from Chicago to the younger gang members. For example, the Boston police recently discovered that all of the handguns being bought by gang members in one neighborhood came from Mississippi. The young man who was running guns up to Boston was arrested and shootings in the neighborhood dropped more than 60 percent, from 91 to 20.

These guns have infiltrated our school system and created a national crisis. A Lou Harris survey this year found that one in eight youths—two in five in high crime neighborhoods—reported having carried a gun for protection. One in nine said they had stayed away from school because of fear of violence. That number jumped to one in three in high-crime neighborhoods.

Although State laws can help address this national problem, not every State has a law. And not every State law is adequately drafted to do the job. Moreover, in many of these States, people do not serve any time for violating the law. In Federal cases, they do. With a Federal law, we can fill in loopholes and put violators behind bars for up to 5 years. In short, the Gun Free School Zones Act gives prosecutors the flexibility to bring violators to justice under either State or Federal statutes, whichever is appropriate—or tougher.

No one claims that our legislation is a panacea. No one claims that the violence will go away if we pass it, just as the violence did not go away when the original law was passed. But a Federal law can help. The Federal Government can step in and assist State prosecutors when they do not have the resources they need. The Federal Government can take on particularly bad offenders who will receive stiffer penalties in a Federal prosecution. And this measure has bipartisan support: The underlying bill is cosponsored by Senators SPECTER, CHAFEE, SIMON, KENNEDY, KERRY, KERREY, and others.

Finally, the new act addresses the constitutional concerns of the Supreme Court which struck down the original Gun Free School Zones Act last year. What we have done to ensure this result is simple and sufficient: In every prosecution under the act, the Government will now have to prove that the gun traveled in or affected interstate commerce. This very provision was suggested by language in Chief Justice Rehnquist's majority opinion. And the vast majority of constitutional scholars agree that this new bill complies with the Supreme Court.

In conclusion, it does not make much sense to treat a modest and sensible proposal as a major threat to the Federal-State balance. Our founding fathers were concerned with commonsense, not with alarmist predictions about the fate of Federal-State relations.

Mr. President, I ask unanimous consent that my extended remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXTENDED REMARKS OF SENATOR HERB KOHL ON THE GUN FREE SCHOOL ZONES AMENDMENT

The problem of school violence is a national one that begs for national attention. Anyone who argues that the problem is an exclusively intrastate problem is not looking at the evidence. Interstate commerce is creating this problem.

The unchecked proliferation of guns and their delivery into the hands of school-aged children is national in scope. The raw materials for guns are mined in one state, are turned into guns in another state, and are put into a child's hands in another state. The gangs that arm these children and encourage them to bring guns to school operate across state lines.

The effects of guns in schools stretches across this nation. Schools and districts with particularly bad gun problems sink deeper and deeper into despair. They have difficulty procuring Federal aid or grants from national foundations. People will not move from out-of-state to that school area because they do not want their children in dangerous schools. Businesses will not relocate or establish themselves in areas with dangerous school zones.

Finally, and perhaps most tragically, the children in those schools are prevented from learning their ABC's. All they learn is to live in terror. Children from Maine to Wisconsin to Alabama to Oregon go to school in fear—fear that they may be shot, that their teacher may be terrorized by a gun-wielding student, that their school day will consist of nothing but dodging from one perilously dangerous situation to another. These children cannot learn and the educational system cannot teach. Our national economy is crippled.

The Federal Government has a role to play in combatting this national problem. We must put the full weight and investigative abilities of the Federal Government behind the drive to keep guns out of school. No state should be forced to stand alone in confronting this problem.

Although many states have their own laws, we need a Federal law for two reasons: first, many of these State laws are inadequate; and second, a Federal law will serve as a critical support and back-up system for state law enforcement officials.

But before dealing with these reasons, I want to point out that the amendment we have introduced today will not hamper, preempt or harm the enforcement of those laws in any way whatsoever.

However, about 5 to 10 states do not have laws which deal with guns in schoolyards.

In addition, of the forty plus states that have laws, almost half of them simply make it a misdemeanor to bring a gun into school. Unfortunately, that has almost no effect on a juvenile who knows that a juvenile misdemeanor record is virtually meaningless. A stiff Federal penalty means a lot more.

Some of the states also have weaker laws. Take, for example, Alabama. Alabama requires that the person charged have brought the gun to school with "intent to do bodily harm." So you can bring a gun to school, disrupt and frighten all of the students but still get off because you did not intend to actually shoot anyone. That is unacceptable. Alabama's statute also only applies to guns on public school grounds. Private schools are uncovered, so anyone can walk into a parochial or private school with a gun and without a fear of prosecution.

And there is still another reason why a federal law is needed. We need federal and state cooperation to deal with this problem. The states need our help. Sometimes they are overwhelmed and need backup. Other times, they want to use stiffer Federal penalties. This Gun-Free School Zones Act will not preempt a single state law. And after decades of dealing with complementary Federal-State laws, good State and Federal prosecutors know how to coordinate their efforts—and Federal prosecutors know to step aside when the state has a stiffer law. Just ask Bob Wortham, the former Texas U.S. Attorney nominated by Senator Gramm. Wortham prosecuted more people under the Gun-Free School Zones Act than anyone else. And he did it while getting rave reviews from state police, prosecutors, and teachers. This Act is a modest but useful measure that surely cannot threaten our State governments.

You will not hear state officials complaining about meddling federal officials. Instead, state officials welcome federal assistance in this area.

The Gun-Free School Zones Act of 1995 assures a Federal-State joint venture.

This amendment is clearly constitutional. Our original Gun Free School Zones Act was struck down as unconstitutional in *United States* versus *Lopez*. In drafting this amendment, we consulted with the Justice Department and a variety of legal experts who carefully scrutinized this bill and concluded it would easily pass the *Lopez* test.

In fact, the very provision that has been inserted into the bill to make it constitutional was suggested by a section in the Chief Justice's opinion in *Lopez*. In a portion of that opinion, the Chief Justice noted that if the law "contain[ed] . . . [a] jurisdictional element which would ensure, through case-by-case inquiry, that the firearm possession in question affects interstate commerce," then the law would probably be constitutional.

By requiring an "explicit connection with or effect on interstate commerce" Congress will be clearly regulating interstate commerce pursuant to its constitutional Commerce Clause power. And the fact is that guns in schools are an interstate commerce problem. There are many known instances of gangs travelling to other states to equip themselves with guns which they then bring into schools. That is what this bill seeks to regulate: the travel of guns through interstate commerce to our schoolhouse steps.

This measure does not, as some opponents have argued pave the way to federal regulation of state education. I firmly believe that education is first and last the business of the state governments. And this law does not get the Federal Government in the business of regulating schools. It simply gets the government in the business of controlling the interstate commerce in guns. Since this bill rests on the Federal Government's power to regulate interstate gun commerce, I do not believe it could be used to justify Federal regulation of state education.

Mr. LAUTENBERG. Mr. President, I rise today as an original cosponsor of the Gun Free School Zones amendment offered by Senator KOHL, which is critical to protecting the sanctity of our schools and the safety of our students.

Mr. President, each day, an estimated 135,000 students pack a gun with their books on their way to school. In 1990, the Centers for Disease Control found that 1 in 20 students carried a gun in a 30-day period. Three years later, that figure was 1 in 12.

At a time when guns are becoming increasingly prevalent on neighborhood streets, we cannot simply stand by and allow our playgrounds to become battlegrounds. We cannot expect our students to thrive in an atmosphere where they must fear for their lives and for their safety.

In 1990, Congress passed the original Gun Free School Zones Act with overwhelming bipartisan support. As many of my colleagues know, a sharply divided Supreme Court has invalidated that bill, saying that it exceeded congressional power.

I personally disagreed with the Supreme Court decision, and signed an amicus brief supporting the law's validity. But that is not the issue before us today. Today, the issue is the safety of our children.

This amendment ensures the constitutionality of the Gun Free School Zones Act by requiring the prosecutor to prove as part of each prosecution that the gun moved in, or affected, interstate commerce. That provision will place only a small burden on prosecutors and will ensure our power to keep America's schools safe.

Mr. President, this legislation has the support of the law enforcement and education communities. It has been endorsed by the National Education Association, the American Association of School Administrators, the National School Boards Association, the National Association of Elementary School Principals and the American Academy of Pediatrics.

Is this legislation a panacea, Mr. President? Of course, not. However, it is a worthwhile effort to keep our children away from the dangers of guns and violence.

Mr. President, the National Rifle Association likes to say that guns do not kill; people do. But the gun statistics I have seen belie their contentions. Firearms kill more teenagers than cancer, heart disease, AIDS, and natural diseases combined. Guns are now the leading cause of death for both white and black teenage boys.

We need to fight back the wave of gun violence that is overtaking our streets and neighborhoods once and for all. I urge my colleagues to support this important amendment and to help protect our children and our teachers from gun violence.

Mr. KERREY. Mr. President, this is a very good amendment, a change in the law that is needed as a consequence of the Supreme Court decision. I support the amendment fully.

If the Senator wants to request the yeas and nays we can move immediately to a rollcall vote.

Mr. KOHL. Mr. President, I add Senator BIDEN as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I would like a rollcall vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5295

(Purpose: To provide for the rescheduling of flunitrazepam into schedule I of the Controlled Substances Act, and for other purposes.)

Mr. BIDEN. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I call up amendment 5295 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 5295.

Mr. BIDEN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. RESCHEDULING OF FLUNITRAZEPAM INTO SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

Notwithstanding sections 201 and 202 (a) and (b) of the Controlled Substances Act (21 U.S.C. 811, 812 (a), (b)), respecting the scheduling of controlled substances, the Attorney General shall, by order—

(1) transfer flunitrazepam from schedule IV of such Act to schedule I of such Act; and

(2) add ketamine hydrochloride to schedule II of such Act.

SEC. ___. PENALTY FOR ADMINISTERING A CONTROLLED SUBSTANCE TO FACILITATE A FELONY.

(a) IN GENERAL.—The Controlled Substances Act (21 U.S.C. 100 et. seq.) is amended by adding at the end of part D the following new section:

"PENALTY FOR ADMINISTERING A CONTROLLED SUBSTANCE TO FACILITATE A FELONY

"SEC. 423. Whoever administers a controlled substance to a person without that person's knowledge for the purpose of facilitating the commission or attempted commission of a felony under Federal or State law shall, in addition to any other penalty imposed, be imprisoned for up to 10 years, fined as provided under title 18, United States Code, or both.".

(b) FEDERAL AND STATE COORDINATION.—The United States Attorney shall coordinate the prosecution of any defendant charged with an offense under section 423 of the Controlled Substances Act with State and local law enforcement agencies.

(c) CONFORMING AMENDMENT.—The table of sections for part D of the Controlled Substances Act is amended by inserting after the item relating to section 422 the following new item:

"Sec. 423. Penalty for administering a controlled substance to facilitate a felony."

Mr. BIDEN. Mr. President, let me get right to the point. What I am attempting to do here, so I do not confuse my colleagues who do not have the opportunity or requirement to deal with the drug issue as much as I do, I am attempting to change the schedule—that is the term of art—of these two particular drugs, Rohypnol, and another drug which is referred to as "Special K," and I will get into this in a minute.

They are now the lowest classified drug that you are not able to use. I want to move them up into the highest classification, which make them a schedule 1 drug, the most dangerous drugs that are out there. When you change the schedule, you change all the resources of the Government as to how much attention they pay to the illicit use of these drugs.

Now, the best time, Mr. President, to target a new drug which is coming on to the scene is at the front end. For example, I remember Senator MOYNIHAN in the early 1980's standing on the floor of the Senate and saying, "Hey, look, there is a new drug called crack cocaine." It had not been around before. "There is a new drug called crack cocaine that is being used heavily in the Bahamas. We are beginning to see it being imported in New York. We really should set a priority to deal with that drug."

Now, that is one of the whole purposes for drug strategy: You pick priorities and say, "Look, we will focus on this drug or that drug." I know the Presiding Officer knows what happened. He knew in Utah long before they found out in Iowa, and they have not found out yet in Delaware, but they knew before him in California about a thing called methamphetamines—"meth." What most people do not know, but the distinguished Presiding Officer knows, is that there are more drive-by shootings in Salt Lake City than any other major city in the country—one of finest cities, lowest crime rates in the country.

What happened? Along came this drug called "ice," or methamphetamine. It is a drug that is manufactured, that has properties that are similar in effect and that are more intense than cocaine. All of a sudden, the gangs that were manufacturing this synthetic drug, the Bloods and Crips in Southern California—things got too hot for them there, so they literally moved to Utah. Then things got too hot for them in Utah, and they moved up into Montana and Idaho. Now they have moved, literally, into Iowa, which is a major producing State now.

So what is happening then? It is like a wave. See, "ice" started in Hawaii, and we had notice of it. I have been hollering about it for 6 years now. But we did not focus on it. We always wait until the wave hits us before we focus on it. Then it hit California, and literally, you could see it working its way across America.

Now, the reason I bother to say that is that when we have moved before an abuse of a particular drug has overwhelmed our communities, we have been successful. The advantages of moving early are clear. There are fewer pushers trafficking in that drug, and, most important, there are fewer dependencies, fewer people dependent on the drug, so there are fewer people needing to go out and push the drug they are dependent on to make the money to consume the drug. Literally, we can get it before the networks are in place.

There are organized networks, and there are networks that come about as a consequence of the consumption, because the people consuming need to make money to continue to consume their drugs. So what do they do? They make a deal with their pusher and say, "I will get you two more customers." It is kind of like the old pyramid scheme. But the problem is, once the pyramid has been built, we play heck with trying to break it up at that point.

So today, we are tracking the arrival of two new drugs, Rohypnol, and a drug called "Special K"—I will get into that in a moment—as they begin their slow popularity across the country and begin to show extreme popularity in several States. So today—now—is the time to act on trying to snuff them out before they become too popular.

There is a heightened urgency because of one stark fact. These new drugs—the one with the slang name "Special K," which is an animal tranquilizer, I might add, and Rohypnol, which is a different drug—are being used primarily by our children. Now, all of a sudden, everyone from the administration to the Republican-controlled Congress, including Democrats in the Congress, has discovered that drug use among youth is up.

I came to the floor of the U.S. Senate a year and a half ago and laid out the facts, figures, numbers, and even wrote a report that you all got stuck on your desk. Understandably, like most reports, none of us read them. In the report, I start off saying, "Our Nation has already seen the first signs of a trend that chills every parent—a rising drug use among young children. This is the proper focus of our national crime debate in the months ahead."

That was a year and a half ago. I laid out all the reasons why it was there. To anybody involved in the drug problem, dealing with the drug issue, they are not surprised by the figures. But all of a sudden, in this election year, Democrats and Republicans alike have found that we have a problem with youth violence and a problem with drug abuse among our young.

Well, I am here to tell you all again that we have an additional problem. We have an additional problem. There are two particular drugs that are gaining vast popularity among young people, and they have an incredibly negative effect, which I will describe in a moment, and we are not targeting them. They are schedule 4 drugs, which means they are at the bottom of the heap. They are viewed as the least dangerous of all the things out there. As a consequence of that, Mr. President, what happens is, local police don't focus on them, Federal resources don't focus on them, parents don't pay attention to them, nobody looks at them because they are the thing that is the least problematic. Well, these two are incredibly pernicious.

So that is why I am calling on the Senate to pass legislation to make both of these drugs subject to much stricter regulation. This can be accomplished by moving these drugs to a different schedule under the Federal Controlled Substance Act. I realize that sounds bureaucratic. But it is a big deal, how you schedule the drug. This is not a step, I might add, to be taken lightly, because there is a regulatory procedure in place for scheduling controlled substances. Unfortunately, this regulatory procedure can take years to accomplish and change. It has to be done now. It has to be done now.

In the past decade—to underscore my point here—Congress has taken legislative action by going around or over the bureaucratic procedure to reschedule drugs. Guess what? It has worked. In 1984, Mr. President, I came to the floor of the Senate and I said, "Hey, look, what I am hearing from all the drug experts in the country is that Quaaludes are being abused in proportions that we should be very worried about. They are on the verge of becoming an epidemic that, in fact, will impact upon young people." And so, with the help of many of my colleagues, we passed a law to make Quaaludes, a previously medically approved sedative, a controlled substance, a schedule 3 controlled substance.

Now, Mr. President, in the decade since that legislation took effect, Quaalude abuse has dropped significantly. Emergency room Quaalude overdoses—the best way to measure abuse is by the overdoses in the hospital emergency rooms—are down 80 percent. It worked; they are down 80 percent from 1984 to 1994.

In legislation I sponsored, which was passed as part of the 1990 Crime Control Act, steroids were reclassified as a schedule 3 substance, scheduling them to more strict controls. I see my friend from Florida on the floor. He has been deeply involved in these drug abuse issues. He can tell you that we were hearing from every athletic director, we were hearing from every coach, we were hearing from schoolteachers, we were hearing about this incredible abuse of steroids. All you had to do was pick up any magazine, from Sports Illustrated to Time magazine, several years ago, in the late 1980's and early 1990's, and they are saying, "Wow, this is a big-deal problem." It was a big-deal problem. So we rescheduled the drug. Since we rescheduled the drug, subjecting it to stricter regulation, the annual use of steroids is down 42 percent in the first 2 years after enacting this legislation.

Mr. President, I just cite this to point out to the skeptics—like in California the referendum for the use of marijuana for medical uses—to the people who have given up—whether it is William Buckley, Mayor Schmoke, George Shultz, or whoever, who are talking about legalization—the reason they are giving up on that stuff is not because they think it is good to legalize it, but they don't think we can do anything about the problem. Well, we can. It is like any disease. It is like anything, from breast cancer to any other disease you can name, the earlier you detect it, the quicker you act on it before it spreads, the better your chances are of dealing with it.

It seems to me, Mr. President, it is time to legislate stricter controls for Rohypnol and "Special K." The record-high abuse rates of the 1970's were accompanied by a unique drug culture, signified by the presence of what used to be called "club drugs." By a club drug, I mean a drug popular with youth and young adults who frequent dance clubs and often mix drugs with alcohol and other substances.

Quaaludes are one of those club drugs. That is the manner in which they were consumed because it enhanced the high and you were very mellow.

Recently club drugs have made a resurgence in popularity, and they are now showing up in both bars and what they call "raves." For some of you who are not as old as I am, "raves" are all-night dance marathons popular with teenagers.

Club drugs are typified by the way they have suddenly gained popularity and have become a drug of choice. They have become trendy among youth, and often these drugs are legally manufactured, but are being used by youth in ways unintended by the manufacturer and unapproved by the Food and Drug Administration.

Rohypnol and "Special K" are two of the drugs which have recently hit the youth scene and quickly become popular. Both of these drugs are very dangerous drugs whose current legal status does not reflect the dangers inherent in their abuse.

Rohypnol abuse was first documented in the United States in 1993. Although abuse was first noted in southern Florida, in the past 2 years abuse has spread rapidly, and Rohypnol activity has been reported in more than 30 States.

Without rapid and strong Government action, I predict that this abuse will continue. It will spread. Teenagers find Rohypnol an attractive drug for a number of reasons. Frighteningly, one of the major reasons that youth do not see Rohypnol as a dangerous drug is because it has legitimate medical use in some areas of the world, and they mistakenly believe that if they are taking that drug in its original packaging form, the manufacturer indicates that it is both safe and unadulterated. They think, "Well, how can that hurt me? Why is that a problem?"

In addition, there are few existing means for testing and prosecuting youth for Rohypnol possession and intoxication. The combination of Rohypnol and alcohol makes it possible for a young person to feel very intoxicated while remaining under the legal blood-alcohol level for driving. That is one of the reasons for its popularity.

In addition to gaining attention for the increasing rate of abuse, Rohypnol has also been the focus of another social problem, a particularly ugly crime: that is what is referred to as date rape. In fact, in many areas and in a number of newspaper accounts, Rohypnol is referred to as the "date rape drug."

Let me explain why. This connection between Rohypnol and rape is due to the drug's disinhibitory effects and its likelihood of causing amnesia when it is taken with alcohol. Unfortunately, the amnesia effect is one of the reasons why many people who abuse Rohypnol are attracted to it. It is commonly reported that people taking Rohypnol in combination with alcohol typically have blackouts and memory losses that last 8 to 24 hours. The novelty of the blackouts attract youth, particularly youth who are combining drugs and alcohol.

In addition, this has led to it being referred to as the "forget me pill" or the "forget pill." Even more frightening, many of the people are finding the drug attractive as a way of creating blackouts in other people.

So we have increasing accounts of unscrupulous males in almost every instance literally—back in our day you would hear the phrase, or my grandfather used to talk about a Mickey Finn—spiking somebody's drink. There is a real reward when a young man spikes a drink of a young woman: (a) she becomes much more uninhibited; and, (b) when he takes advantage of her, rapes her, has sex with her, molests her, she is incapable of remembering with enough specificity to prosecute him that he is the one. Let me give you an example.

She will be able to remember that she has been violated. So the damage is done physically and psychologically. But when in a courtroom being asked by a cross-examining defense attorney, "Well, tell me where you were exactly. Tell me what he was wearing. Tell me what room you were in." All of the things that go to credibility, she is incapable of remembering.

So it has become increasingly popular to abuse young women. That is why they call it—not just young women, any woman. But because it is used in this club scene, that is the place that it is used most often.

So the combination of a lack of inhibition and memory loss caused by Rohypnol mixed with alcohol makes women especially vulnerable to being victims of date rape by people who convince women to take Rohypnol while drinking, or who put the drug in the woman's drink without her knowledge.

Mr. KERREY. Will the Senator yield for just a moment?

Mr. BIDEN. Yes.

Mr. KERREY. We have just been notified by the majority leader that it is his intention to file and say no more votes past 9 o'clock, which means we would have, unless we are able to finish this bill up tonight by 9, votes on Friday.

Mr. BIDEN. Mr. President, is there any likelihood that my colleagues will be willing to accept this amendment?

Mr. KERREY. Apparently there is some Republican on this side of the aisle that has a problem.

We are talking about the Rohypnol amendment?

Mr. BIDEN. Yes. Because the drug companies, the outfit that manufactures Rohypnol, does not like it being moved into schedule 1.

I will take 2 more minutes to talk about Ketamine, and then I will yield the floor, and I am ready for a vote.

Mr. KERREY. Are you going to need a second amendment?

Mr. BIDEN. No. This is all in one amendment.

So let me just briefly explain what Ketamine is. Ketamine is an animal tranquilizer. Ketamine is a hallucinogen that is very similar to PCP. It is called "Special K." It has become a new, popular "designer" drug.

Although the drug has been in existence for several years, its abuse has rapidly become more prevalent in recent years.

In fact, a club in New Jersey was recently closed by police after it discovered teens were attending these things called "raves" where club employees distribute bottled water for the purpose of being able to take this drug called "Special K."

In addition to seizures in New Jersey, recent newspaper articles have mentioned seizures in Maryland, New York, Pennsylvania, Arizona, California, and Florida. Drug trafficking experts have also cited the presence of "Special K" in Georgia and the District of Columbia and in my home State of Delaware.

It is considered the successor to PCP, or "angel dust," as it is known in the streets, due to the similarity of the two drugs' chemical compositions and mind-altering effects. There have also been reports of PCP being sold to people who think they are buying "Special K."

The bottom line is that this is becoming an incredibly popular drug.

The point I will conclude with is I say to my colleagues that by moving Rohypnol to schedule 1 of the Federal Controlled Substances Act and adding "Special K," Ketamine, to schedule 2 of the act, this legislation will subject both drugs to tough controls, increased penalties for unlawful activities involving the two drugs, and it will increase the attention of law enforcement and direct Federal efforts against this.

Mr. President, It also enhances the penalties for people who abuse both these drugs.

In an attempt to cooperate as much as I can, I will yield the floor unless there is somebody who will argue against it.

Mr. KERREY. Would the Senator like to have the yeas and nays?

Mr. BIDEN. I would like to have the yeas and nays.

I would be delighted if it could be accepted. If it can be accepted, I will not seek a vote.

Mr. SHELBY. At this point we cannot.

Mr. BIDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I would like to tell all the Members that have been conferring with the majority leader that he wants us to be out of here at 9 o'clock. There are a number of amendments. We have made a lot of progress. People have come over here. I know Senator McCAIN is ready to move. He has been detained somewhere else. In just a few minutes he will get moving. There are others who have been called to the floor. If we are not through at 9 o'clock—which is in 2 hours and 20 minutes—the majority leader has informed me and asked me to share with everybody that we will be in session tomorrow on this bill.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, to underscore again, we had an amendment earlier that Senator KOHL brought down. We were ready to vote on it. A Member somewhere—Lord knows where they are —said, no, we want to come down and speak against it. They still are not here.

We would have accepted this amendment that Senator BIDEN just offered. We have a rollcall vote. I have a couple Members who want to speak against. They are not here. It is quarter to 7. It is one thing to say I want a chance to offer an amendment but if, for gosh sakes, all you want to do is speak on the amendment, put a statement in. Let us go to a vote. Do not tie this thing up forever just because you want to come and make a statement. If you are not prepared to come down to the floor to talk, then put in a written statement. I will put a written statement in for you, speak passionately for you, whatever it takes, but let us get to these votes.

Mr. McCAIN. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5266

(Purpose: To increase funding for drug interdiction efforts by $32,769,000)

Mr. McCAIN. Mr. President, I have amendment No. 5266 at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN], for himself and Mr. HELMS, proposes an amendment numbered 5266.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 22, line 14, strike "$4,085,355,000" and insert in lieu thereof "$4,052,586,000";
>
> On page 42, line 26, strike "$103,000,000" and insert in lieu thereof "$135,769,000".

Mr. McCAIN. Mr. President, I am aware, as I propose this amendment, there are I believe a couple of other speakers who wanted to come over and speak in opposition to the amendment. I hope they will display the courtesy to the managers of the bill by coming over so that we can complete our work by 9 o'clock this evening.

Mr. President, this amendment would increase funding for the High-Intensity Drug Trafficking Areas Program by $32.7 million. That $32.7 million is derived by cutting the tax law enforcement appropriated level to the amount that was passed by the House.

Sunday's Washington Post stated:

> President Clinton signed Presidential decision Directive No. 14 shifting U.S. antidrug efforts away from intercepting cocaine as it passed through Mexico and the Caribbean and instead attacking the drug supply at its sources in Colombia, Bolivia, and Peru.
>
> The two policy changes marked 1993 as a watershed year in the hemispheric war on drugs and now the results are in. Mexico became the main gateway into the United States for illegal narcotics . . . and teenage drug use in the United States doubled.

Let me repeat that, Mr. President.

> Mexico became the main gateway way into the United States for illegal narcotics . . .

and teenage drug use in the United States doubled.

Mr. President, the problem of teenage drug use is growing rapidly. According to published reports, drug use by teens in general is up 105 percent, teenage marijuana use is up by 141 percent, and teenage cocaine use has risen a startling 166 percent. Clearly, something must be done.

The High-Intensity Drug Trafficking Areas Program was established by the Antidrug Abuse Act of 1988 and provides Federal assistance to State and local law enforcement agencies in the areas of our Nation most affected by drug trafficking. This program has been very successful.

It is clear that we must do more, much more. The fact that drug use among teenagers has doubled is a startling and disturbing statistic. It should cause us all to stop what we are doing and question our children's future. The facts are clear. Their future will be in jeopardy if the drug epidemic continues unabated.

Rhetoric is not going to solve the problem. The President has tried the political approach. He gutted the drug czar's office and changed our Nation's drug interdiction strategy. Now that an election is approaching and startling facts regarding the skyrocketing use of drugs are in the press, the President is paying this issue lip service. This is not enough.

We need action. We need to curb drug use. That is exactly what this amendment will do. It will fund more police on our border. It will fund more interdiction programs. It will fund a special project to curb the production and distribution of methamphetamines in the Midwest.

According to Monday's Washington Post, the President wrote:

> In the national drug control strategy, I asked Congress to be a bipartisan partner and provide the resources we need to get the job done. That is why I urge you to ensure that Congress fully funds my antidrug budget requests before you conclude your work and return home.

I think we should comply with the President's request. He said, "I urge you to ensure that Congress fully funds my antidrug budget requests before you conclude your work and return home."

This amendment represents a good start. I admit the $32 million this amendment would add to our drug interdiction program will not solve the problem. But it is a necessary first step.

We must fund these programs. As the data demonstrates, we are clearly not doing enough now.

The money to fund this increase in our drug interdiction program is derived by funding the IRS tax auditor section of the bill at the House-passed level rather than at the higher Senate amount. The House believes the IRS can fulfill its duties on the amount appropriated, especially in the auditor section. I am inclined to agree and believe the Senate add-on will be better spent on our drug control efforts. The effects of this cut have been incorporated into the bill and will not cause any budgetary problems.

Mr. President, we have to act on this matter. The future of our young people depends on stopping our country's drug epidemic, and this amendment I believe is a reasonable restraint and logical first step. I hope it will be adopted.

In deference to the fact we are working on a 9 o'clock time constraint, in deference to the fact that my colleague from Georgia, I believe, Senator COVERDELL, is waiting here to speak, and we have other amendments, I will abbreviate my remarks. But the abbreviation of my remarks should not be interpreted as a lack of concern or a lack of priority that I feel about this drug problem in America.

I happen to come from a State that cocaine is pouring through. Unfortunately, it is not all going through my State. A lot of it is stopping in Arizona. Tragically, in the poorer sections of Phoenix, AZ, and Tucson, AZ, and around my State the use of drugs is dramatically on the increase. I have met with individuals who have had personal experiences, residents of these areas, and they are deeply alarmed and deeply concerned. They blame the rise of gang activities on the economic aspects of the sale of drugs. They blame the deaths and wounding of young individuals on gang wars and gang-related activities. They blame a great deal of the problems that exist in their neighborhoods on this horrific drug problem that is going up and up and up.

I had hoped that this amendment would have been accepted. I understand that Senator SHELBY may have a motion to table this amendment.

Mr. KERREY. Mr. President, will the Senator yield?

Mr. McCAIN. Yes.

Mr. KERREY. Sometimes brevity is the best thing to do. I must say initially perhaps it is pride of authorship; when you put a bill together yourself, you think nobody can make an improvement upon it. I have had a lot of experience with it, and especially in the Midwest we have a very serious methamphetamine problem in Nebraska.

I just checked with the chairman's staff person on this, and I believe we would be prepared to accept this amendment.

Mr. McCAIN. I thank the Senator.

I do thank my friend from Nebraska. And I hope my friend from Nebraska will keep in mind its importance as they go to conference.

I thank my friend. I am grateful to my friend from Nebraska.

I ask unanimous consent to add Senator COVERDELL as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I thank my friend from Nebraska. I do want to point out that as on many issues the Senator from Nebraska has been a leader against this fight in the drug war and I thank him for it.

Mr. HELMS. Mr. President, I am pleased to cosponsor the amendment of the distinguished Senator from Arizona, [Mr. McCAIN] to provide an additional $32.7 million dollars to fight the deluge of illegal hard drugs into the United States. This additional funding will go to the High-Intensity Drug Trafficking Area Program, the purpose of which is to provide increased Federal assistance to the most critical drug trafficking areas in our country.

This amendment is fully offset by a reduction in the Senate recommended IRS enforcement funding level to the level passed by the House.

Mr. President, the pending amendment is another necessary step toward recommitting our government and the American people to the war on drugs. It supplements an amendment, builds on one I offered last week during consideration of the VA-HUD appropriations bill. The Senate unanimously passed that amendment to provide an additional $20 million to fight drug use in public housing projects. I hope we will see that same level of support for the pending amendment.

This amendment is consistent with the testimony of the experts who testified at the recent Foreign Relations Committee hearing on international drug trafficking. At that hearing, over which I presided, two North Carolina law enforcement officers, Charlotte-Mecklenburg Police Dept. Sgt. Terry Sult and Sheriff B.J. Barnes of Guilford County, NC, along with a member of the L.A. gang known as the "bloods," described in graphic detail, the devastating effects of the drug trade at the local level. They also confirmed what national experts, such as John Walters, the deputy drug czar in the Bush administration, who also testified at our hearing, told us about changes in the distribution of drugs at the national level.

Mr. President, these experts all spoke of the increasing influx of illegal narcotics, the vast majority of which are produced in South America, into their communities. They also addressed the violence associated with the drug trade and the despicable practice of employing ever younger children in the peddling of this poison. According to the DEA, much of our Nation's violent crime, particularly among juveniles, is linked to drug trafficking and drug use. Recent statistics have shown that over one-third of all violent acts and almost half of all homicides among juveniles are linked to drugs.

Recent drug abuse statistics have confirmed what many of us already knew. Namely, that our Nation has been losing ground in the war against drugs. The most recent annual survey of drug use among our Nation's youth revealed some shocking statistics. Just two examples from the survey will demonstrate the enormity of the problem we now face. For example, the survey found:

First, drug use by U.S. teenagers skyrocketed 105 percent between 1992 and 1995; and

Second cocaine use among teens increased 166 percent in the 1 year from 1994 to 1995.

These statistics reflect a continued breakdown in our social fabric. The damage this poison inflicts is measured not merely in terms of dollars and cents, but more importantly, in lost and squandered lives. Each year, illegal drugs claim the lives of 25,000 Americans and devastate countless thousands of family and friends who are left behind.

Mr. President, while there is no single solution to the problem of illegal drug use, it is abundantly clear that we must redouble our efforts if we are to stop the loss of yet another generation to the scourge of illegal drugs. The McCain amendment will focus resources on one of the areas that they are most urgently needed—in those cities and ports of entry that are most heavily impacted by drug-trafficking.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5266) was agreed to.

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERREY. Mr. President, I know the Senator from Florida is here to offer an amendment. I wonder if he can tell me how much time he has, because what I would like to do is propound a unanimous-consent request. We have two amendments up here that are waiting for votes. We are waiting for Members to come down and speak. In one case, it was an hour ago they were on the way down here. I would like to propound a unanimous-consent request that we proceed to a vote on the Kohl amendment, a 15-minute rollcall vote on the Kohl amendment, immediately followed thereafter by a 15-minute vote on the Biden amendment.

How long did the Senator want to speak?

Mr. GRAHAM. Mr. President, I believe 15 minutes.

Mr. KERREY. Mr. President, I ask unanimous consent the Kohl amendment vote begin at 7:20, immediately followed by the rollcall vote on the Biden amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. GRAHAM. Mr. President, I have two unanimous-consent requests. First, that Ms. Nani Coloretti, of our office, be allowed the privilege of the floor during the consideration of the Treasury-Postal appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. And, second, I ask unanimous consent to be listed as a cosponsor of the amendment offered by Senator McCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Will the Senator yield for a moment so I can inform colleagues, once again, the objection was offered for the purpose of allowing Senators to come over to offer a perfecting amendment on the Biden amendment. We have 2 hours and 5 minutes. Otherwise, we get votes tomorrow.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. GRAHAM. I ask the pending amendments be laid aside for purposes of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5245

(Purpose: To ensure medicare beneficiaries have emergency and urgent care provided and paid for by establishing a definition of an emergency medical condition that is based upon the prudent layperson standard)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 5245.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENTS FOR MEDICARE MANAGED CARE.

(a) ACCESS TO EMERGENCY SERVICES.—Subparagraph (B) of section 1876(c)(4) of the Social Security Act (42 U.S.C. 1395mm(c)(4)) is amended to read as follows:

"(B) meet the requirements of section 3 of the Access to Emergency Medical Care Act of 1995 with respect to members enrolled with an organization under this section.".

(b) TIMELY AUTHORIZATION FOR PROMPTLY NEEDED CARE IDENTIFIED AS A RESULT OF REQUIRED SCREENING EVALUATION.—Section 1876(c) of such Act (42 U.S.C. 1395mm(c)) is amended by adding at the end the following:

"(9)(A) The organization must provide access 24 hours a day, 7 days a week to individuals who are authorized to make any prior authorizations required by the organization for coverage of items and services (other than emergency services) that a treating physician or other emergency department personnel identify, pursuant to a screening evaluation required under section 1867(a), as being needed promptly by an individual enrolled with the organization under this part.

"(B) The organization is deemed to have approved a request for such promptly needed items and services if the physician or other emergency department personnel involved—

"(i) has made a reasonable effort to contact an individual described in subparagraph (A) for authorization to provide an appropriate referral for such items and services or to provide the items and services to the individual and access to the person has not been provided (as required in subparagraph (A)), or

"(ii) has requested such authorization from the person and the person has not denied the authorization within 30 minutes after the time the request is made.

"(C) Approval of a request for a prior authorization determination (including a deemed approval under subparagraph (B)) shall be treated as approval of a request for any items and services that are required to treat the medical condition identified pursuant to the required screening evaluation.

"(D) In this paragraph, the term 'emergency services' means—

"(i) health care items and services furnished in the emergency department of a hospital (including a trauma center), and

"(ii) ancillary services routinely available to such department,

to the extent they are required to evaluate and treat an emergency medical condition (as defined in subparagraph (E)) until the condition is stabilized.

"(E) In subparagraph (D), the term 'emergency medical condition' means a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(i) placing the person's health in serious jeopardy,

"(ii) serious impairment to bodily functions, or

"(iii) serious dysfunction of any bodily organ or part.".

"(F) In subparagraph (D), the term 'stabilizationn' means, with respect to a emergency medical condition, that no material deteriorationn of the condition is likely, within reasonable medical probability, to result or occur before an individual can be transferred in compliance with the requirements of section 1867 of the Social Security Act.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective for contract years beginning on or after the date of the enactment of this Act.

Mr. GRAHAM. Mr. President, Congress has created an anomaly, a catch-22 situation which occurs in one of the most traumatic areas of our society, the hospital emergency room. The anomaly is that under the Federal Emergency Medical Treatment Act, physicians in hospitals which participate in Medicare must provide "an appropriate medical screening examination to any patient who presents himself or herself in an emergency room without regard to insurance coverage or ability to pay. If the emergency condition exists, the patient must be stabilized before transfer or release."

So, the hospital which provides Medicare services is required to receive any persons presenting themselves to the emergency room and to provide initial stabilization and screening, without regard to the persons' ability to pay.

Second, health maintenance organizations, which, today, provide Medicare services for almost 1 out of 10 Medicare beneficiaries, are not required to reimburse the emergency room if it performs the services that we have statutorily required the emergency room and its professional staff to perform.

Who is affected by this anomaly? Who is caught in the catch-22 which we have created? Obviously, it is the Medicare beneficiaries, the Medicare beneficiaries who, as we have increasingly encouraged them to do, have signed a contract with a health maintenance organization and now have found that, after having gone to the emergency room, had services provided, finds that they are denied reimbursement and become financially obligated for what, in many cases, is a very substantial bill.

Mr. President, I have, and I would like to offer as one of several items to appear immediately after my remarks, a letter from a health care organization in Clinton Township, MI, St. John Emergency Physicians. They outline an example of this instance in which a 46-year-old female patient presented herself to their emergency room department. The patient was traveling in a car with her husband when she experienced a sudden onset of shortness of breath and collapsed. She was rushed to the emergency department in an ambulance.

Despite the best efforts of the emergency room personnel, the patient, unfortunately, did not respond to any of the emergency treatment. She was pronounced dead. The cause of death was cardio-pulmonary arrest. The patient belonged to a HMO organization. They refused coverage and have sent a bill of $1,200 to the widower of the deceased patient.

That is illustrative of situations which relate to emergency rooms in HMO's.

You might say this certainly is an anomaly; this is aberrant; this cannot be a recurring condition. In fact, presently 60 percent of all of the claims disputed between Medicare beneficiaries and managed care plans involve emergency services. Sixty percent of the disputes between Medicare beneficiaries and an HMO plan relate to circumstances that revolve around emergency room services.

The purpose of this amendment is to resolve that dispute. We are not doing this for the first time. In November 1995, this Senate, by unanimous vote, adopted this amendment as part of the Medicare component of the Balanced Budget Act.

We are not the only ones to be concerned about this. Increasingly, States are adopting provisions to resolve this dispute between HMO patients and emergency rooms. To date, Maryland, Virginia, and the State of Arkansas, have all adopted legislation that relates to this subject, and action is being taken by the leaders of the industry, of the health maintenance organizations. Washington Health Week of August 26, 1996, states that:

> HMO patients who make emergency room visits may benefit from the unlikely alliance of a leading HMO company and an emergency physicians group, jointly pushing for federal standards that would make it harder to deny coverage for such services.
>
> Kaiser Foundation Health Plan and the American College of Emergency Physicians are advocating standards for emergency care coverage that include the controversial "prudent layperson" standard.

It goes on to say:

> The jointly developed standards would require managed care plans to cover non-emergency services provided in an emergency department if a prudent lay person would reasonably think that his or her condition needed emergency treatment. HMOs would have to cover medically necessary ER [emergency room] services without preauthorization. Emergency MDs [physicians] would have to notify the plan within 30 minutes after the enrollee's condition is stabilized to obtain authorization for promptly needed services. HMO's would have 30 minutes to respond. If the HMO and the doctor couldn't agree on a post-stabilization treatment, the plan would have to arrange alternative treatment.

Mr. President, that is the essence of the amendment we have offered. It is an amendment which the Senate has already adopted. It is an amendment which is increasingly being adopted by States, not just for Medicare patients but for all patients who are members of a health maintenance organization. And it is the position that is now being advocated by one of the leading HMO's in the country and the College of Emergency Physicians.

I recently had an experience, as I do on a monthly basis, taking a different job. In this case, it was working with the fire and rescue department of Palm Beach County, FL, in an area of the county which has a large number of Medicare beneficiaries in their population. I was at one of the fire and rescue stations which said they got as many as 40 calls in a 24-hour period for emergencies.

I asked them, "What would you do, for instance, if you came to the home of an older person, a home of any person, who was suffering from chest pains?"

Their answer was: "Our instructions are to provide stabilization and immediately deliver that individual to an emergency room. We are not to make any independent attempts to assess what the cause of those chest pains may be. We rely on the reasonable judgment of this lay person that those chest pains would be symptomatic of a serious life-threatening condition. We deliver that individual into the hands of persons who are capable of making the judgment as to whether, in fact, that is the circumstance."

Mr. President, that is the essence of this amendment. It is to use the standard of a prudent lay person who felt that their condition was such that it required emergency medical evaluation, and if that standard of a prudent lay person is met, then that individual should be eligible, or the physicians or the emergency room which provided the services, should be eligible for the reimbursement for the services which they provide.

As I say, that is the standard the Senate has adopted. It is the standard increasingly States have adopted. It is the standard which the leaders in the health maintenance organization industry and the College of Emergency Physicians recommended be adopted.

I urge the adoption of this amendment which will give peace of mind to millions of Americans and will help resolve the largest single source of contention between Medicare beneficiaries, for whom we have a particular responsibility, and health maintenance organizations.

Mr. President, I ask unanimous consent that several articles and a letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ST. JOHN EMERGENCY PHYSICIANS, P.C.,
Clifton Township, MI, October 26, 1995.
Hon. SPENCER R. ABRAHAM,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: As you know, the Medicare portion of Budget Reconciliation is currently being debated upon the Senate Floor. I write to you with an urgent request to support an amendment to be offered by Senator Bob Graham of Florida regarding access to emergency medical services.

AN EXAMPLE OF MY OWN FROM MICHIGAN

I am the Vice Chief of Emergency Medicine at St. John Hospital & Medical Center in Detroit. On March 21st of this year a 46 year old female presented to our emergency department. The patient was traveling in a car with her husband when she experienced a sudden onset of shortness of breath and then collapsed. She was rushed to our emergency department by ambulance. To make a sad story short, despite the best efforts of my colleague and the personnel in our department, the patient unfortunately did not respond to any sort of emergency treatment. She was pronounced dead. Cause of death was cardiopulmonary arrest. (I've attached a copy of the notes from this event.)

The patient belonged to Blue Care Network, a health maintenance organization for Blue Cross and Blue Shield of Michigan. Blue Care Network has denied coverage for these services because the services were not preauthorized. What is even more disturbing is that the patient's husband has been left with a bill of over $1,200.00 during this time of personal loss.

Senator, this example speaks for itself. Even with the best emergency medical transport and treatment available to us, she died. There was no time to call the HMO "gatekeeper" to get permission. There was no time for anyone to do anything but to try and save this poor young woman's life. The denial associated with this case is simply unbelievable.

This is why Senator Bob Graham's amendment concerning the definition of an emergency is necessary. I urge your support of his effort when he offers his amendment later today or tomorrow. Thank you for your consideration.

Sincerely,

JAMES M. FOX, M.D.,
Vice Chief,
Department of Emergency Medicine.

HMO, Emergency Docs Join to Seek Federal Standards for ER Coverage

HMO patients who make emergency room (ER) visits may benefit from the unlikely alliance of a leading HMO company and an emergency physician group jointly pushing for federal standards that would make it harder to deny coverage for such services.

Kaiser Foundation Health Plan and the American College of Emergency Physicians are advocating standards for emergency care coverage that include the controversial "prudent layperson" standard.

ER coverage mandates, particularly the prudent layperson language, have been a source of conflict between physicians and the managed care industry.

Kaiser, the nation's second largest HMO chain, is trying to get other managed care companies to support the standards, but doesn't have any takers yet. The national HMO chain broke with the managed care industry on the issue because at least 12 states have enacted varying ER coverage mandates, and compliance with a national standard would be preferable.

The jointly developed standards would require managed care plans to cover non-emergency services provided in an emergency department if a prudent layperson would reasonably think that his or her condition needed emergency treatment. HMOs would have to cover medically necessary ER services without preauthorization. Emergency MDs would have to notify the plan within 30 minutes after the enrollee's condition is stabilized to obtain authorization for promptly needed services; HMOs would have 30 minutes to respond. If the HMO and doctor couldn't agree on a post-stabilization treatment, the plan would have to arrange alternate treatment.

Rep. Ben Cardin (D-Md) introduced legislation (HR 2011), with over 140 co-sponsors, that's similar to what Kaiser and the emergency docs are advocating. Although it is not expected to pass this year, the issue expected to reemerge in 1997.

[From the New York Times, July 9, 1995]

H.M.O's Refusing Emergency Claims, Hospitals, Assert—Two Missions in Conflict

'Managed Care' Groups Insist They Must Limit Costs—Doctors Are Frustrated

(By Robert Pear)

WASHINGTON, July 8.—As enrollment in health maintenance organizations soars, hospitals across the country report that H.M.O.'s are increasingly denying claims for care provided in hospital emergency rooms.

Such denials create obstacles to emergency care for H.M.O. patients and can leave them responsible for thousands of dollars in medical bills. The denials also frustrate emergency room doctors, who say the H.M.O. practices discourage patients from seeking urgently needed care. But for their part, H.M.O.'s say their costs would run out of control if they allowed patients unlimited access to hospital emergency rooms.

How H.M.O.'s handle medical emergencies is an issue of immense importance, given recent trends. Enrollment in H.M.O.'s doubled in the last eight years, to 51 million, partly because employers encouraged their use as a way to help control costs.

In addition, Republicans and many Democrats in Congress say they want to increase the use of H.M.O.'s because they believe that such prepaid health plans will slow the growth of Medicare and Medicaid, the programs for the elderly and the poor, which serve 73 million people at a Federal cost of $267 billion this year.

Under Federal law, a hospital must provide "an appropriate medical screening examination" to any patient who requests care in its emergency room. The hospital must also provide any treatment needed to stabilize the patient's condition.

Dr. Toni A. Mitchell, director of emergency care at Tampa General Hospital in Florida, said: "I am obligated to provide the care, but the H.M.O. is not obligated to pay for it. This is a new type of cost-shifting, a way for H.M.O.'s to shift costs to patients, physicians and hospitals."

Most H.M.O.'s promise to cover emergency medical services, but there is no standard definition of the term. H.M.O.'s can define it narrowly and typically reserve the right to deny payment if they conclude, in retrospect, that the conditions treated were not emergencies. Hospitals say H.M.O.'s often refuse to pay for their members in such cases, even if H.M.O. doctors sent the patients to the hospital emergency rooms. Hospitals then often seek payment from the patient.

Dr. Stephan G. Lynn, director of emergency medicine at St. Luke's-Roosevelt Hospital Center in Manhattan, said: "We are getting more and more refusals by H.M.O.'s to pay for care in the emergency room. The problem is increasing as managed care becomes a more important source of reimbursement. Managed care is relatively new in New York City, but it's growing rapidly."

H.M.O.'s emphasize regular preventive care, supervised by a doctor who coordinates all the medical services that a patient may need. The organizations try to reduce costs by redirecting patients from hospitals to less expensive sites like clinics and doctors' offices.

The disputes over specific cases reflect a larger clash of missions and cultures. An H.M.O. is the ultimate form of "managed care," but emergencies are, by their very nature, unexpected and therefore difficult to manage. Doctors in H.M.O.'s carefully weigh the need for expensive tests or treatments, but in an emergency room, doctors tend to do whatever they can to meet the patient's immediate needs.

Each H.M.O. seems to have its own way of handling emergencies. Large plans like Kaiser Permanente provide a full range of emergency services around the clock at their own clinics and hospitals. Some H.M.O.'s have nurses to advise patients over the telephone. Some H.M.O. doctors take phone calls from patients at night. Some leave messages on phone answering machines, telling patients to go to hospital emergency rooms if they cannot wait for the doctors' offices to reopen.

At the United Healthcare Corporation, which runs 21 H.M.O.'s serving 3.9 million people. "It's up to the physician to decide how to provide 24-hour coverage," said Dr. Lee N. Newcomer, chief medical officer of the Minneapolis-based company.

George C. Halvorson, chairman of the Group Health Association of America, a trade group for H.M.O.'s, said he was not aware of any problems with emergency care. "This is totally alien to me," said Mr. Halvorson, who is also president of HealthPartners, an H.M.O. in Minneapolis. Donald B. White, a spokesman for the association, said, "We just don't have data on emergency services and how they're handled by different H.M.O.'s".

About 3.4 million of the nation's 37 million Medicare beneficiaries are in H.M.O.'s. Dr. Rodney C. Armstead, director of managed care at the Department of Health and Human Services, said the Government had received many complaints about access to emergency services in such plans. He recently sent letters to the 164 H.M.O.'s with Medicare contracts, reminding them of their obligation to provide emergency care.

Alan G. Raymond, vice president of the Harvard Community Health Plan, based in Brookline, Mass., said, "Employers are putting pressure on H.M.O's to reduce inappropriate use of emergency services because such care is costly and episodic and does not fit well with the coordinated care that H.M.O.'s try to provide."

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, a teaching hospital in Boston, said: H.M.O.'s are excellent at preventive care, regular routine care. But they have not been able to cope with the very unpredictable, unscheduled nature of emergency care. They often insist that their members get approval before going to a hospital emergency department. Getting prior authorization may delay care.

"In some ways, it's less frustrating for us to take care of homeless people than H.M.O. members. At least, we can do what we think is right for them, as opposed to trying to convince an H.M.O. over the phone of what's the right thing to do."

Dr. Gary P. Young, chairman of the emergency department at Highland Hospital in Oakland, Calif., said H.M.O.'s often directed emergency room doctors to release patients or transfer them to other hospitals before it was safe to do so. "This is happening every day," he said.

The PruCare H.M.O. in the Dallas-Forth Worth area, run by the Prudential Insurance Company of America, promises "rock solid health coverage," but the fine print of its members' handbook says, "Failure to contact the primary care physician prior to emergency treatment may result in a denial of payment."

typically, in an H.M.O., a family doctor or an internist managing a patient's care serves as "gatekeeper," authorizing the use of specialists like cardiologists and orthopedic surgeons. The H.M.O.'s send large numbers of patients to selected doctors and hospitals; in return, they receive discounts on fees. But emergencies are not limited to times and places convenient to an H.M.O.'s list of doctors and hospitals.

H.M.O.'s say they charge lower premiums than traditional insurance companies because they are more efficient. But emergency room doctors say that many H.M.O.'s skimp on specialty care and rely on hospital emergency rooms to provide such services, especially at night and on weekends.

Dr. David S. Davis, who works in the emergency department at North Arundel Hospital in Glen Burnie, Md., said: "H.M.O.'s don't have to sign up enough doctors as long as they have the emergency room as a safety net. The emergency room is a backup for the

H.M.O. in all it operations." Under Maryland law, he noted, an H.M.O. must have a system to provide members with access to doctors at all hours, but it can meet this obligation by sending patients to hospital emergency rooms.

To illustrate the problem, doctors offer this example: A 57-year-old man wakes up in the middle of the night with chest pains. A hospital affiliated with his H.M.O. is 50 minutes away, so he goes instead to a hospital just 10 blocks from his home. An emergency room doctor orders several common but expensive tests to determine if a heart attack has occurred.

The essence of the emergency physician's art is the ability to identify the cause of such symptoms in a patient whom the doctor has never seen. The cause could be a heart attack. But it could also be indigestion, heartburn, stomach ulcers, anxiety, a panic attack, a pulled muscle or any of a number of other conditions.

If the diagnostic examination and tests had not been performed, the hospital and the emergency room doctors could have been cited for violating Federal law.

But in such situations, H.M.O.'s often refuse to pay the hospital, on the ground that the hospital had no contract with the H.M.O., the chest pain did not threaten the patient's life or the patient did not get authorization to use a hospital outside the H.M.O. network.

Representative Benjamin L. Cardin, Democrat of Maryland, said he would soon introduce a bill to help solve these problems. The bill would require H.M.O.'s to pay for emergency medical services and would establish a uniform definition of emergency based on the judgment of "a prudent lay person." The bill would prohibit H.M.O.'s from requiring prior authorization for emergency services. A health plan could be fined $10,000 for each violation and $1 million for a pattern of repeated violations.

The American College of Emergency Physicians, which represents more than 15,000 doctors, has been urging Congress to adopt such changes and supports the legislation.

When H.M.O.'s deny claims filed on behalf of Medicare beneficiaries, the patients have a right to appeal. The appeals are heard by a private consulting concern, the Network Design Group of Pittsford, N.Y., which acts as agent for the Government. The appeals total 300 to 400 a month, and David A. Richardson, president of the company, said that a surprisingly large proportion—about half of all Medicare appeals—involved disagreements over emergencies or other urgent medical problems.

[From the Miami Herald, July 30, 1995]

HMOS IN THE ER: A VIEW FROM THE TRENCHES

(By Paul R. Lindeman)

I arrived for my 12-hour shift in the Emergency Department at 7 p.m. As the departing physician and I went over the cases of the current patients, I was told the woman in Room 2 was being transferred to a psychiatric facility. The patient was pregnant, addicted to crack cocaine and had been assessed as suicidal by a psychiatrist.

An obstetrician was required to care for the patient during her stay at the mental health facility. The only two groups of practicing obstetricians who were on this woman's HMO "panel" and on staff at this facility both refused to accept this high-risk case. That left this unfortunate woman, and our staff, caught in the "never-never land" of managed care.

When I left the Emergency Department at 7:30 the following morning, she was still in Room 2. It took hospital administrators and attorneys all day to arrange disposition, and the patient was eventually transferred—at 6:30 that evening.

Managed-care health plans typically limit choice of doctors and hospitals and attempt to closely monitor services provided. Their goal is to curb unnecessary tests and hospitalizations to keep costs down. In the case of for-profit managed-care companies, the additional purpose is obvious. But what happens when managed care meets the emergency room?

Federal law requires a screening exam at emergency facilities, but HMOs are not required to pay. By exploiting this fact, managed care is able to shift costs onto hospitals, doctors and policyholders, thereby "saving" money.

Consider the case of a 50-year-old male who awakes at 4 a.m. with chest pain and goes to the hospital 10 blocks away—instead of his HMO hospital an extra 30 minutes away. After examination and testing, it's determined that the patient is not having a heart attack and that it's safe for him to go home.

His diagnosis is submitted on a claim form with a code for "gastritis."

His insurance company denies payment, stating that "gastritis" is not an emergency. As a result, the hospital and the company who employs the emergency department physician both bill the patient.

While this "retrospectoscope" is widely employed and an industry standard for denying payment, there are many other "savings" techniques. For instance, many HMOs require "pre-authorization" to treat a patient in the ER.

Consider now a 60-year-old female who arrives at the emergency room complaining also of chest pain. The triage nurse examines the patient, obtaining a brief history and vital signs. A call is placed to the insurance company and a recorded message is obtained without specific instruction regarding emergencies. The patient is treated but the payment is denied. Reason: Authorization was never obtained.

Here's an alternate scenario, same patient, again waiting for pre-authorization. (Noncritical patients often wait for more than an hour.) This time "the insurance company" answers the phone. Reading from a list, a series of questions is asked, limited almost exclusively to obtaining recorded numbers. Based on these numbers, the individual speaking for the company determines that it is safe for the patient to be transferred to its hospital. The emergency physician disagrees. The patient stays and is admitted to the hospital.

The HMO denies payment for the ER visit and the 24-hour hospitalization, stating that the patient should have been transferred. Again, the patient/policyholder, who pays a monthly premium for his or her insurance, is billed for all hospital and physician services.

The representative for the insurance company who decides on pre-authorization can range from someone with no medical background at all to another physician (albeit with a vested economic incentive). Generally the level of expertise is somewhere between this. Thus, the near-Orwellian scenario frequently plays out whereby a doctor who has seen and examined a patient is trying to convince a nurse, over the telephone, that a patient is sick.

Rudy Braccili Jr., business operations director for the North Broward Hospital District, was quoted in The Herald as saying. "It's just a game they play to avoid paying, and it's one of the ways they save money. They do not see the realities of people who in the middle of the night come into emergency rooms." He estimates that North District hospitals have lost millions of dollars a year because of HMOs' reluctance to pay bills.

Part of the problem is that what managed-care organizations are trying to do is often quite difficult: determine prospectively which patients are truly deserving of emergency-room care. Indeed, this may in fact be a Catch-22. I know of no way to accurately discern acute appendicitis from a "tummy ache" without a history and physical examination. Furthermore, medicine does not always lend itself to black and white. For instance, is a woman who screams and gyrates hysterically as a result of a squirming cockroach in her car an emergency?!

Unfortunately, problems with HMOs in the ER go beyond cost shifting and denial of payment. They often turn an otherwise brief encounter into a harrowing ordeal. Another example from "the trenches" is illustrative.

Our patient this time is an 85-year-old woman with a hip fracture. But instead of being admitted, her HMO mandates that she be transferred across town to the emergency department at another facility where they contract their surgical hip repairs. The patient waits three hours for the HMO ambulance service, which is "backed up."

Consumers note: Had the patient not sold her Medicare privileges to this HMO, she would have been admitted to our hospital uneventfully in a fraction of the time required to complete her managed-care sojourn.

No matter how well trained or talented the emergency physician, there are also times when she or he requires the urgent services of a consultant to provide definitive care for a patient (for instance, vascular and orthopedic surgeons to repair a severely traumatized limb). In these cases, delays in care due to managed-care bureaucracy can become a legitimate hazard to the patient.

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, has said. "In some ways, it's less frustrating for us to take care of homeless people than HMO members. At least we can do what we think is right for them, as opposed to trying to convince an HMO over the phone of what's the right thing to do."

In my experience that is not an exaggeration. In the emergency department, the homeless—while certainly deserving of medical care—often receive better and more prompt care than the HMO policyholder.

Conventional political wisdom holds that health-care reform is dead. In fact, nothing could be further from the truth. Reform has been taking place at breakneck speed entirely independent of Washington. In the last five to 10 years, managed-care companies and the private sector have changed profoundly the manner in which many Americans now receive their health care.

As for-profit managed care has usurped decision-making authority from physicians, so have they also diverted funds from hospitals, physicians and policyholders to their own CEOs and stockholders. Last year, HMO profits grew by more than 15 percent with the four largest HMOs each reporting more than $1 billion in profits. What Democrats and Republicans alike fail to appreciate is that the allegiance of managed care is to neither the patient nor the reduction of the federal deficit, but to its CEOs and stockholders.

Mr. GRAHAM. I urge the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. KERREY. Does the Senator wish to request the yeas and nays?

Mr. GRAHAM. Mr. President, I request the yeas and nays, unless the managers of the bill are prepared to accept this amendment. If they are so prepared, I will waive the yeas and nays. If not, I will ask for them.

Mr. SHELBY. If the Senator from Florida will yield, we have a Member who is on his way who wants to look at this amendment, perhaps talk on it. Whether we can accept it might be premature right now. If the Senator will just withhold that request.

Mr. GRAHAM. Mr. President, I would like to ask for the yeas and nays, and if this amendment is capable of being accepted, I will ask that request be vitiated and will accept a voice vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second

The yeas and nays were ordered.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Florida.

Mr. HATCH. It has not been adopted yet?

Mr. KERREY. Do you want to set it aside and go to the Biden amendment?

Mr. HATCH. I ask unanimous consent that the pending amendment be set aside so we can return to the Biden amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5315 TO AMENDMENT NO. 5295

(Purpose: To amend the Controlled Substances Act to provide a penalty for the use of a controlled substance with the intent to commit a crime of violence, including rape, and for other purposes)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. COVERDELL, proposes an amendment numbered 5315 to amendment No. 5295.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the 1st word and insert the following:

PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

"(7)(A) Whoever, with intent to commit a crime of violence as defined in section 16, United States Code (including rape) against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined as provided under title 18, United States Code.

"(B) As used in this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.".

(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting "or 1 gram of flunitrazepam" after "I or II"; and

(B) in subsection (b)(1)(D), by inserting "or 30 milligrams of flunitrazepam," after "schedule III,".

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting "or flunitrazepam" after "I or II,".

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting "(except a violation involving flunitrazepam)" after "III, IV, or V,".

(3) SENTENCING GUIDELINES.—The United States Sentencing Commission shall amend the Sentencing Guidelines so that one dosage unit of flunitrazepam shall be equivalent to one gram of marihuana for determining the offense level under the Drug Quantity Table.

(d) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after the sentence ending with "exceeds 1 gram." the following new sentence: "Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years and shall be fined as otherwise provided in this section."

Mr. HATCH. Mr. President, this is an amendment to the Biden amendment, both of which address a horrible problem of considerable concern to this body and, indeed, to everyone in this country who has become aware of it.

Several months ago, law enforcement officers began to find an unusual phenomenon: that unscrupulous men were abusing a prescription drug to take advantage of women, particularly young women, by sedating them and raping them.

That drug, Rohypnol—or, as it is called on the street, "roofies"—is a sedative marketed in literally dozens of countries.

Rohypnol is not sold legally in the United States, nor can it be, because the manufacturer made the business decision that the already-crowded market for sedatives did not warrant the considerable time and expense of subjecting the product to the lengthy Food and Drug Administration approval process.

Rohypnol is one of the widely used class of prescription medications known as benzodiazepine. These Valium-like drugs are commonly used to treat anxiety, sleep disorders, seizure disorders, and muscle spasms. Rohypnol is currently approved for human use in 64 countries.

Many of my colleagues have seen reports about the use of Rohypnol in date rape, during which men have apparently placed Rohypnol in their date's drink and then, after the drug has taken effect, proceeded with a sexual assault.

In response to the growing abuse of Rohypnol, the Drug Enforcement Administration instituted the formal rescheduling process for this drug by submitting a request on April 11, 1996, to the Food and Drug Administration to conduct an evaluation of the scientific and medical issues with regard to Rohypnol. That evaluation, an appropriate examination of the law enforcement and the health aspects of Rohypnol use, is continuing and ongoing.

In a letter from Health and Human Services Secretary Donna E. Shalala to me on July 24, 1996, Secretary Shalala said that the goal of the rescheduling process was to make Rohypnol subject to increased penalties for illicit use and trafficking.

Since this particular drug has become an agent of abuse and the focus of considerable debate, I agree with Secretary Shalala that it is appropriate to increase the penalties for illegal trafficking in Rohypnol.

The amendment that I have just filed accomplishes that purpose, without depriving 64 countries of a drug that they find to be safe and efficacious, a drug which we have every reason to believe would have been found to be safe and efficacious in this country if the company were willing to go through our arduous and lengthy Food and Drug Administration approval procedures.

The drug comes into our country is clandestinely, generally through Mexico, and certainly not legally. And the company that produces Rohypnol has nothing to do with that.

Mr. President, none of us are sure how many times these drug-induced rapes have occurred.

As far as I am concerned, one occurrence is one too many. I find that situation deplorable; it is a heinous crime for someone to use any sedative for the purpose of date-raping a partner.

Our amendment is a strike back at those who would use controlled substances to engage in the most reprehensible of crimes—that is, rape. That is why we need the toughened penalties for the illegal use of Rohypnol, which is what Senator COVERDELL and I are advocating with this amendment.

The approach advocated in the Biden amendment, to reschedule the drug to schedule I, is seriously flawed.

My major concern is that schedule I is the most restrictive category, which is reserved for the drugs which have a high potential for abuse, drugs which have no currently accepted medical use in treatment, and drugs for which there is a lack of accepted safety for use under medical supervision. That is what a schedule I drug is.

These standards clearly do not apply to Rohypnol, a member of the benzodiazepine class which generally falls within the less restrictive schedule IV.

If the United States were to single out this drug and place it in schedule I, it would send a strong, and inappropriate, signal to other countries that we find there is no medical use for Rohypnol. Such a signal would be false.

To reschedule Rohypnol this way simply is not right. It could unfairly result in the drug being rescheduled in some of the 64 other countries where it is not being abused as it is in the United States, where it is being used safely and efficaciously as a legitimate sedative.

Rohypnol is no different from any other drug in its class, and many health care professions are fearful that if this benzodiazepine were removed from clinical use, ultimately the others will be removed also, if and when they are implicated in similar crimes.

These pharmaceuticals are some of the most beneficial drugs in some of the most difficult areas of medical treatment, such as mental health.

Mr. President, the more appropriate—and expeditious—alternative that we offer today is to impose all the penalties that apply to schedule I drugs to Rohypnol without rescheduling the drug.

Specifically, our amendment would create an express violation under the Controlled Substances Act for unlawful distribution, with intent to commit a crime of violence, including rape, of a controlled substance to a person without that person's knowledge. The penalty will be up to 20 years without probation, and fines will be imposed of up to $2 million for an individual. The definition of "crime of violence" is provided in section 16 of title 18 of the United States Code.

We believe our amendment advocates the appropriate way to solve this problem. It does not interfere with the safe and efficacious use of a drug which is approved in 64 countries, but not our own.

I think my colleagues should agree it is not the manufacturer's fault that people are abusing this drug, bringing it across the border so it can be abused in this country in the way that Senator BIDEN has so ably explained. I deplore the situation as much as he; I just do not agree with his proposed solution to the problem.

The Hatch-Coverdell amendment also provides enhanced penalties for manufacturing, distributing, dispensing, or possessing with the intent to manufacture, dispense, or distribute large quantities of the drug flunitrazepam, marketed as Rohypnol. One gram or more of the drug will carry a penalty of not more than 20 years in prison and 30 milligrams a penalty of not more than 5 years in prison. In addition, the amendment extends the so-called long-arm provisions of 21 U.S.C. 959(a) to the unlawful manufacture and distribution of flunitrazepam outside the United States with the intent to import it unlawfully into this country. It also directs the U.S. Sentencing Commission to amend the sentencing guidelines so flunitrazepam will be subject to the same base offense level as schedule I or II depressants.

Finally, at the request of law enforcement officials, we have added a new penalty for unlawful simple possession of Rohypnol. Law enforcement officers have indicated to me their concern that they need additional tools to apprehend would-be rapists before the crime is committed. Accordingly, the final provision provides increased penalties for simple possession of flunitrazepam of not more than 3 years.

Mr. President, it has become obvious that we have a serious problem in this country with abuse of drugs by teenagers. While the overwhelming abuse of drugs by teenagers focuses on illicit drugs, the illegal diversion and misuse of medicines is also a growing problem in our country.

And I have to say that many manufacturers are concerned that if the United States takes the approach advocated by the Senator from Delaware, then we could end up harming many people who need benzodiazepines throughout the world. In other words, what my colleague is contemplating could end up affecting all drugs in this class of sedatives, drugs which are of value. And this would work to the detriment of patients all over this country, and indeed, all over the world.

I believe that the Federal Government must show it will not tolerate the use of this drug—or any drug—to facilitate rape. It is necessary and prudent that the Congress act, and approval of our amendment would be a good start.

Mr. President, in closing, I must point out that 64 other countries have found this drug to be safe and efficacious. The manufacturer has chosen not to market it in this country because of the cost of the lengthy approval process at the FDA and the number of other similar products on the market.

I cannot fault the manufacturer for that decision, because the drug approval process is too lengthy, in my estimation. Studies have shown approval times can extend from 10 to 15 years, at a cost of half a billion dollars. Approval of this drug probably would not have taken that long, but who knows? Of course, we will never know, because the manufacturer made the conscious choice not to introduce Rohypnol in the American market.

The fact remains that use of these controlled substances in violent crimes, such as rape, ought to result in a sure-fire penalty, a penalty which sends the signal to would-be perpetrators that the United States will not tolerate such crimes. That is what our amendment does.

If we want to do something about the misuse of this drug and other drugs of a similar nature, the benzodiazepines, then it seems to me this is the way to do it—impose tough penalties, let people know there are tough penalties, see a few people go to jail for years. Perhaps then we will find such drugs will not be abused anymore in this country. That is the signal we should be sending.

So, I hope my colleagues will support this amendment, because it is an important amendment.

I thank my colleague from Delaware for raising this issue. He has been one of the principal legislators raising the issue about date rape. I give him a lot of credit for that.

I give him credit for this amendment, as well, as I do my dear colleague from Georgia, Senator COVERDELL, who has worked very closely with me in formulating this amendment and bringing it to the floor today.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in support of the Hatch-Coverdell amendment. It has been an honor to work with Senator HATCH, with his longstanding efforts to engage the drug war.

I point out to my colleagues in the Senate that just last week we discovered the first death from Rohypnol, a young teenager who apparently was given Rohypnol in a drink of soda, who has now lost her life as a result of this awful drug, and some predator yet to be discovered.

The Hatch amendment embraces the legislation that I introduced shortly after our hearing where we heard from two young American females who were stricken and the victims of predators with this drug called Rohypnol. It is important to note that Rohypnol cannot be detected: You cannot smell it; you cannot see it; and you cannot taste it.

The effect of our amendment is to say that anybody who uses Rohypnol or any other drug as a weapon, becomes a predator against someone, who creates a victim, will be subject to increased penalties of up to 20 years. So this legislation, just as the Senator from Utah said, puts would-be abusers of this drug and would-be predators of this drug on notice. And, hopefully, as in the case of several other drugs in our history, we will be able to corral them through, in a sense, the warning system that this legislation creates. It creates a new Federal crime if you use a drug as a predator, as a weapon, against a victim.

So I rise in support of this amendment and urge our colleagues to pass it. I think that the quicker we make it clear how tough we are going to be on Rohypnol or the date rape drug—and it is a bipartisan effort; Senator BIDEN, from Delaware, has been working on this for some time—the more likely we are to make it clear that it is a danger.

The packaging and other features of this drug have made some teenagers almost view it as a safe drug. This stuff is a clear knockout. Ten minutes and you do not know what hit you. Worse yet, you cannot remember anywhere from 24 to 72 hours what happened. All you have to do is go to one hearing and hear one victim tell you what transpired with this awful drug in the hands of a predator, and you not only will be supporting this amendment, but you probably will be trying to think of how we can improve it and make it more effective than even this.

So, Mr. President, I do rise in support of the amendment, and I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 5244

Mr. THOMPSON. Mr. President, I now ask that the Senate return to the Kohl amendment No. 5244.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I rise to oppose this amendment. This amendment basically makes the possession of a firearm in a school a Federal offense. I share the concern of my colleague from Wisconsin about the growing problem we have about guns in schools, but I simply believe we cannot afford to start federalizing every offense that States have traditionally been called upon to handle.

This is not only traditionally a State matter with regard to the law enforcement matter, it is also involving another traditional State matter in terms of education. So you have law enforcement with regard to an educational institution, two matters traditionally handled by the State which we are now seeking to federalize.

One of the findings in the amendment is that States and localities in school systems find it almost impossible to handle gun-related crimes by themselves. Even States, localities, and school systems that have made strong efforts to prevent and punish gun-related crimes find their efforts unavailing, due in part to the failure or inability of other States or localities to take strong measures.

Mr. President, I do not believe that is a valid finding that this Congress ought to make. My understanding is that 48 States, I believe, have passed legislation dealing in this very area. States should be left to address this particular problem in ways that they see fit. They may be more effective on a State and local level in determining how to address this problem than we in Washington, DC, for example. There might be some States that have had inducements to inform on violators. Some States have gone in the direction of voluntary surrender of guns, with amnesty provided. Some States penalize parents for failure to supervise children, as my State in Tennessee has done.

I do not believe that we should be taking an area which has traditionally been under the auspice of State and local government, and tax people at that level, and then bring the money to Washington to put in the hands of Federal officials to enforce these laws.

Schools do have problems with guns. Part of it has to do with the breakdown in discipline. Part of it has to do with regulations that have been placed on schools and lawsuits that schools have been subjected to, making it more difficult for schools to effectively handle all kinds of disciplinary problems, including guns in schools. They have not been suffering from a lack of FBI agents going around schools investigating these matters. They are serious enough offenses of a traditional Federal nature for FBI agents to be investigating. We do not need this.

This bill is very similar to a bill that Congress passed by voice vote in 1990, the gun-free school zone law, which made it a Federal offense for any person to possess a gun in a school. The Supreme Court ruled it unconstitutional and said it was beyond the power of Congress to regulate in regulating interstate commerce and held that gun possession is not an economic activity that substantially affected interstate commerce.

At a time when the Supreme Court is telling us that you cannot just have some theoretical basis, some very attenuated basis for interstate commerce, we once again are making an attempt at the Federal level. Of course, it is a very popular issue, but is an attempt at the Federal level to federalize another State and local matter.

I think Justice Kennedy's concurring opinion in that case is just as instructive today as it was back then. He said were the Federal Government to take over the regulation of entire areas of traditional State concern, areas having nothing to do with the regulation of commercial activities, the boundaries between the spheres of Federal and State authority would blur and political responsibility would become illusionary. I think he is absolutely right. I think that States and local governments need to know it is their responsibility. People in these communities need to know it is their responsibility and they cannot pass off any problem that comes down the pike to the Federal Government.

This amendment would do nothing in terms of additional funding to rectify the problem. It would do nothing in terms of metal detectors or any other supervisory personnel or anything to assist any teachers, or anything of that nature. It would simply allow Federal agents to come into these schools and make a Federal crime out of this traditional State area and further load up our Federal dockets, which are now trying to stay afloat as it is.

Mr. President, as I say, I am very sympathetic with the problem. It is something that we are all dealing with in one way or another. As chairman of the Youth Violence Subcommittee, we certainly spent a lot of time in dealing with the problem that we have among our young people today. Part of that has to do with schools. Part of that has to do with guns. But keep the responsibility where it is. Do not get so caught up in trying to make a point, as popular as it might be, temporarily, that we one by one by one federalize shoplifting or federalize illegal parking or whatever happens to be the rage at the moment, and we wind up with one system at the Federal level, Federal agents handling everything, and as soon as we perceive a new problem, everybody in the State and local level thinks of the Federal Government first.

That is not the way we have traditionally handled these matters in this country. That is not the way we need to proceed in order to make sure we keep that separation between State and local and Federal Government. So at a time when so many of us are trying to move more and more responsibility back to the States and closer to the people who know how to handle it more effectively, I think it would be indeed ironic for us to be taking this matter, which for 200 years has been the responsibility of State and local government, and federalize it.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the Kohl amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

The result was announced—yeas 27, nays 72, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—27

Baucus
Bennett
Bond
Breaux
Campbell
Cochran
Faircloth
Feingold
Grams
Grassley
Gregg
Hatch
Heflin
Hollings
Inhofe
Jeffords
Johnston
Kyl
Leahy
McCain
Murkowski
Nickles
Santorum
Smith
Stevens
Thomas
Thompson

NAYS—72

Abraham
Akaka
Ashcroft
Biden
Bingaman
Boxer
Bradley
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Harkin
Helms
Hutchison
Inouye
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—1

Hatfield

The motion to table the amendment (No. 5244) was rejected.

Mr. KOHL. Mr. President, I ask that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 5244) was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5234

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I ask for the regular order with respect to the Daschle amendment numbered 5234.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 5234.

AMENDMENT NO. 5316 TO AMENDMENT NO. 5234

(Purpose: To provide for workforce flexibility for employees of certain Federal contractors)

Mr. ASHCROFT. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 5316 to amendment No. 5234.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . WORKPLACE FLEXIBILITY FOR EMPLOYEES OF FEDERAL CONTRACTORS.—Subchapter II of chapter 61 of title 5, United States Code, shall apply to contractors and employees specified in section 3(a)(1) and to contractors with an entity of the executive branch of the Federal Government, and employees of such contractors, in the same manner, and to the same extent, as such subchapter applies to agencies and employees, respectively, as defined in section 6121 of title 5, United States Code.

Mr. ASHCROFT. Mr. President, I thank you for this opportunity. The Daschle amendment No. 5234 seeks to address a disparity between the insurance coverage that would inure to the benefit of Federal workers as compared to the workers in companies that do contract business with the Federal Government. There are far many more disparities than the disparities that just relate to health insurance. As a matter of fact, conditions of employment are substantially different for individuals in the Federal Government from individuals in the private sector who do business with the Federal Government.

One of the most substantial areas in which there are significant differences between those who work for the Federal Government and those who are in the private sector who contract with or provide services to the Federal Government is in the area of the opportunity for employees and employers to cooperate for work schedules which are helpful to families or for employees to opt to take compensatory time instead of to take time and a half in terms of overtime pay.

One of the serious tensions that exists in the workplace today is the tension between the demands of the home environment and the demands of the work environment. The Federal Government addressed this a long time ago. We began in the late forties by having compensatory time available to Federal workers, and then in the 1980's, or in the late 1970's and into the 1980's, we began experimenting with allowing cooperation between Federal workers and their employers to provide for flexible time arrangements for work, so that in the Federal Government, at the option of the worker, you can work a little more than 40 hours in 1 week in order to take some time off the next week, or vice versa.

The idea is that if your daughter, for example, is getting an award at the high school sometime on a Friday afternoon, you can say to your employer, "If I can make up the time on Monday, will that be allowable?" And with that 80-hour work frame instead of the 40-hour work frame, that is something that can be done. It is achievable.

The Daschle amendment really seeks to provide an equity between those who work in the Federal Government and those who do Federal-type responsibilities but are working in the private area. It does so in the area of health care. My second-degree amendment is to take that philosophy and extend it to other benefits, benefits that help both the worker and the employer in a special way.

The GAO, for example, has studied the situation at the Federal level and found that the flex time opportunities and the compensatory time opportunities that are available to workers under the Federal system have resulted in substantial work satisfaction among Federal workers in this respect. The satisfaction was attendant by higher productivity, and the satisfaction resulted in a greater return on the resource that was devoted; on the tax dollars that were being spent, we received more for our money.

If that works for Federal workers in the setting of their Federal employment, I think it should work for the private workers who are working side by side frequently with the Federal employees on jobs, doing contracts frequently in the same work setting and the same work environment. Yet, we have a different set of work rules. And if the thrust and effect of the Daschle amendment would be to extend benefits that are consistent with the Federal job site to those who are working in conjunction with the Federal job site vis-a-vis health, it seems to me it is more than reasonable to say those things that would enhance the productivity, those things that would increase the capacity of the contractor to work effectively to fulfill his or her contract with the Federal Government is important, as well.

In my office recently I received a letter from a contractor who works with the Federal Government, and he complains that his employees work side by side with Federal Government employees and there is an ability on the part of the Federal employees to accumulate comp time and to use comp time instead of overtime because they want to spend time with their families rather than increase their earnings, for example, and that there are flex time opportunities for the Federal employees, but his employees who work right alongside them in the same work environment are subjected to a different set of work rules, a different set of benefits.

It simply does not make sense to have this duplicity in the workplace, especially when we have had the transition in the way people accommodate work and home life. If you will look, 35 years ago when the labor relations laws of this country were created, only 18.6 percent of married women with a spouse present and children under 6 years of age were in the labor force. By 1990, nearly 60 percent of such women were in the labor force.

A 1985 survey of the Federal employees participating with Federal work schedules found 72 percent said they had more flexibility to spend time with their families; 74 percent said the schedules improved their morale. It seems to me that if these are benefits to being involved in the workplace and the thrust of the amendment is to extend the benefits similar to those that would have been earned in the Federal workplace to those who are contracting with the Federal Government, we ought to extend these flexible work time benefits, these compensatory time benefits, the potential of compressed workweek benefits that have been a part of the Federal Government for years now.

It is not that these are just something new to the Federal Government. In the late 1970's an experiment was begun and that experiment, or pilot project, was renewed over and over again until the mid-1980's, when it was decided that the program was simply so successful that it should be extended to Federal employees generally. So that in the mid-1980's, the Federal Government employees were accorded, on a broad scale, this benefit. Some in the executive branch were not accorded the benefit. And just 2 or 3 years ago, President Clinton, in an Executive order, extended these benefits to other Federal employees, recognizing their value to the employees in terms of the ability of employees to work effectively on their jobs and accommodate the needs of their families and recognizing the value of these rules to the Government.

It occurs to me the extension of these rules to those who contract with the Government, both the executive and legislative branches, is the better part of wisdom. We have seen these rules work very effectively for the achievement of governmental objectives. And when we are talking about individuals who are licensed or contracting with the Federal Government, it seems to me, in the achievement of those objectives for the Federal Government, these work rules ought to apply. It is in that respect that I have submitted this amendment and I believe it ought to be acted upon favorably by the Senate.

Favorable action here says to the work force of America: We respect the kind of tension you feel between work and home. We will help you accommodate those tensions as well as you can. And that will result in greater productivity, in more being done because the workers have higher morale and better capacity under this kind of situation. It is with that in mind I offer this second-degree amendment to the Daschle amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Will my colleague yield? If my colleague will yield, I just got the amendment. I have been trying to get the amendment. Does this apply to Federal workers only or does this apply to the entire work force?

Mr. ASHCROFT. As I think my colleague from Illinois knows, I would like to apply this to the work force generally, but this applies to companies doing business with the U.S. Government, in a sense as a part of being consistent with the underlying amendment which sought to extend benefits, in the Daschle amendment, to those who are doing business with the Federal Government and had a relationship that provided a basis for a comparison of health care benefits.

Mr. SIMON. I do not know whether I am for or against his amendment now. If we can avoid voting for a little while, while we consult with some people on this, I would appreciate it.

Mr. ASHCROFT. I asked for the yeas and nays, but I have no objection to the vote not being taken immediately. I have no objection to a pause between the yeas and nays being ordered and the vote being taken.

Mr. SIMON. Mr. President, in line with what the distinguished Senator from Missouri just said, I ask unanimous consent this temporarily be set aside.

The PRESIDING OFFICER. Is there objection? The amendment to the amendment will be temporarily set aside.

Mr. GLENN. Mr. President, I support the Regulatory Accounting amendment offered by Senator STEVENS. Senator LEVIN and I have worked with our Governmental Affairs Committee chairman, Senator STEVENS, to refine the language since it was initially added to the Treasury, Postal appropriations bill. While I have reservations about legislating on appropriations, the result of our collaborative effort is a bipartisan amendment that should be supported. It will provide one significant step toward regulatory reform, a goal to which I continue to be committed.

Government regulation has proven an important element in our Nation's effort to protect public health and safety, restore our natural environment, and provide for the welfare of the American people. I believe, however, that our Government often relies too heavily on regulation, for example, without considering costs that can significantly burden businesses, State and local governments, or individuals.

Our task in regulatory reform is to address the excesses and weaknesses of our regulatory system without undermining the protections it has provided. As I said many times during the regulatory reform debate of this Congress, true regulatory reform must strike a balance between the public's concern over too much government and the public's strong support for regulations to protect the environment, public health and safety.

A necessary element of true regulatory reform is the development of objective information on which to base and question regulatory decisions. The amendment before us today should assist in this regard.

The proposal for an estimate of the costs and benefits of all Federal regulation was first made this Congress in our bipartisan Governmental Affairs Committee regulatory reform bill (S. 291). It was also in subsequent bills. A modified version was most recently added to the Treasury, Postal appropriations bill (H.R. 3756) during the Senate Appropriations Committee markup. Senator STEVENS' floor amendment—amendment No. 5226—refines that language, revising section 645 of H.R. 3756. The revised language reflects a collaborative effort by Senator STEVENS, Senator LEVIN, and me to craft a practical requirement for a useful report on Federal regulation.

Under the amendment, OMB will compile in a one-time report existing analyses and estimates of regulatory costs and benefits, both in terms of estimates of the total annual costs and benefits of all Federal regulation and in terms of specific major rules—these would be the significant rules that have gone through OMB regulatory review with a cost/benefit analysis. OMB will also provide a discussion of those costs and benefits as direct and indirect impacts on sectors of our Nation. This assessment should encompass not only various estimates of impacts, but also alternative approaches to making such estimates.

In each of these steps, OMB will not have to engage in extensive analyses of its own, but rather is expected to use existing information. The sponsors of this amendment are aware of OMB's resource constraints and intend that the report be based on a compilation of existing information, rather than new analysis. OMB should insure, of course, that all considerations of costs and benefits take into account relevant quantifiable and nonquantifiable impacts. For example, visibility over the Grand Canyon is important to our country, yet is difficult to value as an economic benefit. Thus, to be useful in regulatory decisionmaking, cost/benefit analyses must be able to address both quantifiable and nonquantifiable impacts.

Finally, the amendment requires OMB to provide recommendations for reforming existing regulatory programs along with a description of significant public comments made on its report before submission to Congress. The recommendations for reform should include programs that should be eliminated or altered because, for example, they are too burdensome or are obsolete, as well as programs that should be strengthened to more effectively implement public policy.

While the study of regulatory costs and benefits is far from an exact science, and definitely does not provide the detail or accuracy of financial accounting, it is an area of study in which we do need to develop more widely accepted measures and methodologies. The OMB report should highlight areas in which analysis is clear and productive and those areas in which more work is needed to refine analytic techniques. It should also suggest approaches for analyzing nonquantitative impacts and for integrating them with economic analyses. In these ways, the OMB report should provide an important service by informing agencies, Congress, and the public about evaluating the costs and benefits of Federal regulation.

REGULATORY ACCOUNTING

Mr. LEVIN. Mr. President, the managers of the bill have accepted an amendment by Senator STEVENS which would require the Office of Management and Budget to submit, no later than September 30, 1997, a report to Congress that provides estimates of the total costs of Federal regulatory programs currently in place. I have agreed to support this amendment because of a number of changes Senator STEVENS was willing to make to the amendment.

As many of us know, there are several figures that are routinely used to decry the cost of regulation. Some reference a study that say regulation costs each of us $6,000 a year. Others reference studies that say the total cost of regulation is some $600 billion. These numbers are bandied about in an effort to drive home the message that regulation is expensive and to push for legislation to limit regulation.

Senator GLENN recently had GAO look at one of these studies to determine whether it used appropriate and reasonable methods. The GAO analysis was critical of the private study and highlighted several points at which the assumptions used were inappropriate or highly questionable.

Robert Hahn, an economist at the American Enterprise Institute, issued a report earlier this year in which he attempted to ascertain whether Federal regulation results in net benefits. Mr. Hahn concluded that, taken in aggregate, the net benefits from Federal environmental, health and safety regulations from 1990–1995 are $280 billion. This figure is calculated as total benefits minus total costs.

However, when Mr. Hahn examined individual regulations, he found that less than 50 percent do not pass a cost-benefit test (total benefits less total costs). But since most of those regulations giving net costs were in the $0–10 billion dollar range, while most of those giving net benefits were in the $10–100 billion range, in the aggregate the regulations give a large net benefit.

This finding suggests that any aggregate number may not be as useful in understanding the quality of our Federal regulatory programs as analysis of each individual program. For example, Mr. Hahn found that safety regulations pass cost-benefit analyses more often than health regulations and that the Clean Air Act regulations give significantly larger benefits than any other program.

This amendment would ask the Office of Management and Budget to come up with its best estimate of not only the costs of our Federal regulatory programs, but also the benefits of such programs. It would put to use the best information the Federal agencies have about the impact of the various Federal regulatory programs.

The amendment does not, and this is why I am able to support it, does not require OMB to conduct new studies or analyses or develop new data or information. That would be a time-consuming, and expensive use of taxpayer money. Better that the OMB staff use its time and money to help make new regulations follow the dictates of common sense and be cost-effective regulations.

No, this amendment simply directs OMB to put together the already available information that it has on existing Federal regulatory programs and use that to estimate the total annual costs and benefits of each. If information is unavailable, or such estimates are not possible, then the OMB should tell us in the report what is not available and why and describe the extent to which the OMB estimates are or are not reliable.

In doing his analysis, Mr. Hahn found that if cost-benefit analysis is to play a greater role in agency rule making, the quality of the analysis should be improved dramatically. Changes that he thinks would improve the quality of analysis include: standardizing and summarizing key economic assumptions; using best estimates and appropriate ranges to reflect uncertainty; and introducing peer review of the analyses and putting more weight on peer-reviewed scholarship. He recommends that OMB develop a standard format for presenting results in a clear and succinct manner. The report required by this amendment could be helpful in achieving that goal.

Mr. President, in a way, this is an experiment to see what we already have available to us, if it were put together in a useable format. It is a one-time only report which we can then use to determine the utility of continuing the requirement.

The report by OMB is also to include the estimates of the costs and benefits of the major rules that are in effect, an assessment of the direct and indirect impacts of Federal rules on both the public and private sector, and any recommendations from OMB about revising a Federal regulatory program to make it more effective or efficient. Reporting on the costs and benefits of major rules is expected to require no more than reporting, in an organized and readable manner, the cost-benefit analyses of the major rules in effect that were already done prior to promulgation. To the extent there is updated information that would change the estimates in those analyses, such updates should be included in this part of the report if it is available.

The assessment of impacts is intended to be a narrative discussion of OMB's opinion on this subject. It does not require additional information gathering; rather, the intent, here, is that the Director use the information contained in the report on the costs and benefits of Federal regulatory programs and describe the expected impacts of such programs on State and local governments, business, and individuals. Flowing from this assessment would be any recommendations the Director may have to improve the existing regulatory programs.

Mr. President, cost-benefit analysis has been at the heart of the regulatory reform debate for the past decade. Those who are knowledgeable in the field will agree that it is more art than science.

Mr. Hahn, in the report I earlier mentioned stated, "Despite my enthusiasm for cost-benefit analysis, I am leery about proposals that require the agency head to implement regulations solely on the basis of whether benefits exceed costs. Given the uncertainties in the analysis, we should not ask too much of the tool."

Precision in these analyses and assessments is far from achievable. But that doesn't mean they aren't useful. We shouldn't be bound by them, but we also shouldn't ignore them. Use of cost-benefit analysis in developing regulatory programs goes back to President Nixon. Each administration has expanded on its use. Today, such analysis is commonplace with respect to regulatory proposals that have a significant impact.

We tried to place a requirement for cost-benefit analysis for all significant rules in law last year. We failed, in part, because some Members wanted to make the requirements for using cost-benefit analysis more exacting than experience has shown us they can be. I remain hopeful that next Congress we can reach agreement and develop a reasonable proposal that guarantees that solid cost-benefit analysis of important regulations will always be done, and that such analysis will be used appropriately.

HIGH INTENSITY DRUG TRAFFICKING AREA

Mr. GORTON. Mr. President, like many citizens across the country, the residents of Washington State have witnessed a dramatic increase in drug smuggling and drug abuse throughout Washington State in recent years. Unfortunately, these negative trends are continuing to rise, and for that reason, I believe that Washington State is an excellent candidate for designation as a high-intensity drug trafficking area [HIDTA].

For example, drug addiction and abuse is a major public health problem. Overall, according to the latest available statistics, drug-related emergency room visits in Washington State per 100,000 persons are running over 50 percent higher than the national average. Local authorities are also concerned by both the increased level of drug usage, trafficking, and gang violence associated with illicit drug trafficking.

Moreover, the Seattle-Tacoma metropolitan area, the Blaine border crossing at the international border between the United States and Canada, and the Yakima Valley in central Washington are gateways for the introduction of illegal drugs into the United States. The threats posed by heroin, marijuana, cocaine, hashish and methamphetamine merit special attention as the volume of these drugs passing through the area has a direct impact on other areas of the country.

Mr. President, because I believe that Washington State should be designated as a high-intensity drug trafficking area does not automatically qualify me as an expert on national drug control policy. In fact, I would submit that Gen. Barry McCaffery, the new Director of the Office of National Drug Control Policy, probably has a much better understanding of how different programs should be implemented to control drug trafficking and drug abuse in different regions throughout the country.

Accordingly, the Senate version of the fiscal year 1997 Treasury, Postal Service, and General Government appropriations bill provides $13 million in additional funds for the designation of new high-intensity drug trafficking areas. It also directs the Office of National Drug Control Policy to review all of the pending applications for high-intensity drug trafficking area designations including the gulf coast, the Northeast, the Northwest, the Great Plains, and the Rocky Mountain regions. I commend the chairman and the ranking member for their efforts in drafting this bill in such a manner. It allows the Office of National Drug Control Policy, not Congress, to designate new high-intensity drug trafficking Areas in the United States, which I believe is entirely appropriate.

In the House version of the fiscal year 1997 Treasury, Postal Service, and General Government Appropriations bill, the bill provides an additional $10 million for new high-intensity drug trafficking areas programs. Unfortunately, the accompanying Report designates three new high-intensity drug trafficking areas, which completely circumvents the current designation process formulated by the Office of National Drug Control Policy. I believe this is an inappropriate way to do business. The Office of National Drug Control Policy, not the Congress, should have the authority to designate new high-intensity drug trafficking Areas.

I appreciate Senator SHELBY's and Senator KERRY's attention to this matter, and I would encourage the Senate conferees to maintain the Senate's position when this issue comes before the conference.

POST-FTS2000

Mr. SHELBY. Mr. President, it should be noted that the report accompanying the Treasury appropriations bill contains language directing the release of the solicitation for the Post-FTS2000 Program by the Government no earlier than May of 1997. I want to make clear that we do not seek to delay the transition to the Post-FTS2000 Program in delaying the release of the solicitation.

As many of us know, the Telecommunications Act of 1996 was designed to open the entire telecommunications industry to competitive market forces. This landmark legislation will put local exchange carriers, cable companies and utilities in fierce competition in their respective markets. With proper implementation by the Federal Communications Commission [FCC] and State public service commission, the long-term impact of telecommunications reform undoubtedly will be new technology, better services, and new market entrants available to our citizens.

By calling for a release date for the Post-FTS2000 solicitation in the Spring of 1997, we are manifesting our view that the Federal Government customers and American taxpayers will be best served if the Post-FTS2000 Program were designed to take advantage of the benefits of increased competition which is intended to result from the 1996 Telecommunications Act and which we believe most certainly will take place. Currently, the FCC and State public service commissions are in the process of implementing the act's provisions, and thus, it seems wasteful and premature for the Government to initiate the Post-FTS2000 enterprise sooner than next May.

We owe it to our constituents to ensure the GSA pursues a Post-FTS2000 strategy that can guarantee the best quality service at a price that makes sense. However, as chairman of the subcommittee responsible for funding the GSA's activities, I have asked GSA a series of detailed questions that are intended to ensure that the Post-FTS2000 Program is the best possible strategy for meeting the Government's communications needs well into the next millennium. However, the GSA cannot address the issues I raised, and I do not believe GSA can begin its solutions with the original schedule of October, 1996.

For instance, I envision some of the largest savings in the Post-FTS2000 contract from integrating local services acquisition as that market faces competition. Yet, the current reported scope of the Post-FTS2000 contract does not provide for local services competition, or a comparison of end-to-end service cost versus a piecemeal acquisition of telecommunication services. Instead, GSA seeks competition in only a few cities under a separate acquisition. This strategy fails to address the disparity between urban and rural government locations with respect to end-to-end communications and fails to bring the benefit of competition for all telecommunications services to the Federal Government. We also want to see a business plan and requirements that reflect the Telecommunications Act, as well as the Government's plan for addressing security and interoperability.

I also point out, Mr. President, that I have consulted with my friend and colleague, Senator STEVENS, the chairman of the Governmental Affairs Committee, which has oversight jurisdiction over this program, and he agrees with our approach. In addition, my friend and colleague, the ranking minority member, Senator KERREY, is intimately aware and knowledgeable in this matter and also endorses the direction set forth today.

Mr. DOMENICI. Mr. President, I rise in strong support of H.R. 3756, the Treasury, Postal Service, and general Government appropriations bill for fiscal year 1997.

This bill provides new budget authority of $23.3 billion and new outlays of $20.5 billion to finance operations of the Department of the Treasury, including the Internal Revenue Service, U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, and the Financial Management Service; as well as the Executive Office of the President, the Office of Personnel Management, the General Services Administration, and other agencies that perform central Government functions.

I congratulate the chairman and ranking member for producing a bill that is within the subcommittee's 602(b) allocation. When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $23.7 billion in budget authority and $23.5 billion in outlays. The total bill is at the Senate subcommittee's 602(b) nondefense allocation for budget authority and under its allocation for outlays by $133 million. The subcommittee is also at its Violent Crime Reduction Trust Fund allocation for budget authority and under its allocation for outlays by $4 million.

Mr. President, I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of H.R. 3756, as reported by the Senate.

I urge Members to support the bill and to refrain from offering amendments that would cause the subcommittee to exceed its 602(b) allocation.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TREASURY-POSTAL SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1997, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	....	2,381
H.R. 3756, as reported to the Senate	11,081	8,498
Scorekeeping adjustment	....	....
Subtotal nondefense discretionary	11,081	10,879
Violent crime reduction trust fund:		
Outlays from prior-year BA and other actions completed	....	9
H.R. 3756, as reported to the Senate	120	93
Scorekeeping adjustment	....	....
Subtotal violent crime reduction trust fund	120	102
Mandatory:		
Outlays from prior-year BA and other actions completed	129	128
H.R. 3756, as reported to the Senate	12,081	11,936
Adjustment to conform mandatory programs with Budget Resolution assumptions	301	445
Subtotal mandatory	12,511	12,509
Adjusted bill total	23,712	23,490
Senate Subcommittee 602(b) allocation:		
Defense discretionary	....	....
Nondefense discretionary	11,081	11,012
Violent crime reduction trust fund	120	106
Mandatory	12,511	12,509
Total allocation	23,712	23,627
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	....	....
Nondefense discretionary	....	−133
Violent crime reduction trust fund	....	−4
Mandatory	....	....
Total allocation	....	−137

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. ASHCROFT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HUTCHISON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, at the request of the Senator from Utah, Senator HATCH, before we move to the next action, I ask for the yeas and nays on amendment numbered 5295.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDER OF PROCEDURE

Mr. LOTT. A lot of effort has gone into the Treasury-postal bill. We have dealt with a number of issues. We have been on this bill 25 hours and 38 minutes. I think perhaps we are tired and we need to see if we can go on to something else. I encourage the managers to continue working. If they can come back with a list of amendments we could get done in 4 hours, we would consult, try to get the Treasury-postal bill done. We have put a lot of effort into it. I think in view of everything that has gone on here and recognizing where we are now, with second-degree amendments and an amendment pending by the leader, I just do not see how we can get through extended debate tonight and a lot of votes.

What we would like to do now is to pull down the Treasury bill, and go to the Interior appropriations bill in the morning at 9:30. If we could get an agreement on taking that up, then there would not be any votes tomorrow as we try to be cooperative with our Members that have a holiday that is very important to them tomorrow.

We will be working on other issues. We would like to get the Magnuson fisheries bill through. There is an interest on both sides in getting that done. If we could get in touch with the interested players and get that done in the morning we would do that and not go to the Interior appropriations.

With regard to Monday, we would like to continue working on the Interior appropriations bill. The managers have indicated we can make progress on that. I understand, perhaps, even amendments dealing with grazing could be considered on Monday, or perhaps we could go to the aviation authorization, the FAA authorization bill. A lot of good work has been done on that by Senator MCCAIN, Senator FORD, Senator STEVENS, a number of Senators. So if we can get a time agreement on that we would take that up and then go to the Interior appropriations bill and we would have votes, then, on Tuesday morning.

We announced earlier that an amendment by the Senator from California would not be taken up before Tuesday. We have one other amendment that we would want to say would not be taken up before Tuesday on the Interior appropriations bill. I do not think there is a problem with that. I do not like setting a precedent of saying, "OK, this Senator's amendment will not be considered until a day certain." These are both in recognition of the Jewish holiday, and the fact that we will be on Interior a good bit next week, I do not see that any damage is done by doing it that way.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. In view of that, I ask unanimous consent, Madam President, that the Treasury bill be placed on the calendar and the Senate proceed to the Interior appropriations bill at 9:30 a.m. on Friday, September 13, and if we can get an agreement on the Magnuson fishery bill we may go to that instead.

Mr. DASCHLE. Reserving the right to object, and I will not object, let me just say we have worked on this side on the Treasury-postal bill to narrow the list of amendments. We began this morning with 45, tonight we are down to 6. So we have made good progress. I thank all of my colleagues on this side of the aisle for their cooperation. Hopefully, we can work out the remaining questions relating to the additional short list of amendments. I think the majority leader's recommendation is a good one. I hope we could begin the debate on the Interior bill tomorrow, perhaps taking up the Federal aviation bill on Monday, but we will work with the majority to see that we have a full schedule and protect Senators who have plans for religious purposes tomorrow.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank the Democratic leader for his cooperation. I ask unanimous consent that during the consideration of H.R. 3662, the Interior appropriations bill, that no amendments relative to Boundary Waters Canoe Area Wilderness or Voyageur's National Park be in order prior to Tuesday, September 17, 1996.

Madam President, let me withhold that request.

Madam President, we do want to make sure that is cleared by a Senator that has a direct interest in it, and we will make a call right now. It would be my intent to honor this, but I will try to get a unanimous-consent agreement locked in while we are making calls.

MORNING BUSINESS

Mr. LOTT. Madam President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, September 11, the Federal debt stood at $5,219,273,550,936.86.

One year ago, September 11, 1995, the Federal debt stood at $4,962,944,000,000.

Five years ago, September 11, 1991, the Federal debt stood at $3,619,285,000,000.

Ten years ago, September 11, 1986, the Federal debt stood at $2,105,838,000,000.

Fifteen years ago, September 11, 1981, the Federal debt stood at $980,009,000.000. This reflects an increase of more than $4 trillion—$4,239,264,550,936.86—during the 15 years from 1981 to 1996.

BIRTHDAY GREETINGS FOR MRS. ESTHER WERNER

Mr. ASHCROFT. Madam President, I rise today to recognize Mrs. Esther Werner of Creve Coeur, MI. Mrs. Werner celebrated her 90th birthday on August 2, 1996. I join her family and friends in celebration of this momentous occasion, and in wishing her continued health and happiness in the years to come.

OLYMPIC CHAMPION KENNY HARRISON

Mr. ASHCROFT. Madam President, I rise today to recognize the accomplishments of Kenny Harrison of Bridgeton, MO at the games of the XXVIth Olympiad. Mr. Harrison won America's fourth track and field gold medal by jumping 18.09 meters in the triple jump. This jump, in addition to winning Olympic gold, also established a new U.S. and Olympic record. The State of Missouri, and the entire Nation, takes great pride in Mr. Harrison's record setting performance.

HONORING THE HELBIGS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of till death us do part seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Mr. Charles and Mrs. Dorothy Helbig of St. Charles, MO, who on September 21, 1996 will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Charles and Dorothy's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

FARM CREDIT ADMINISTRATION BOARD

Mr. GRASSLEY. Will the distinguished Chairman of the Senate Agriculture Committee yield for a question?

Mr. LUGAR. Yes, I will yield for a question.

Mr. GRASSLEY. The Farm Credit System is the vital backbone of American agriculture providing needed financing for many components of agriculture. The FCS is regulated by the Farm Credit Administration. There has been a vacancy on the FCA Board since the resignation of Board member Gary Byrne on March 31, 1995. Under previous agreement with the President, the name of a highly qualified Iowan, Ann Jorgenson, was referred in August 1995 to the White House with the understanding that the President would send her name to the Senate for confirmation. To date, the White House has neglected to act on the nomination. This Senator feels that the lack of a full Board is very disruptive to the smooth operation of the Farm Credit System.

Can the Chairman share with the Senate any information which he may have on the nomination and whether or not the Senate will be able to act on it this Congress?

Mr. LUGAR. The Senator is correct that a vacancy has existed on the three-member Farm Credit Administration Board since March 31, 1995. The Senate majority leader, Bob Dole, sent the name of Ann Jorgenson to the President in June 1995 to fill a Republican vacancy at the Farm Credit Administration. The Committee has not received any notification from the White House regarding Ann Jorgenson's nomination. If the President does not formally nominate Ms. Jorgenson, the Committee and the Senate will be unable to act on the appointment this Congress and the Board will continue without its full complement of members.

Mr. GRASSLEY. I have personally known Ann Jorgenson for many years and I am very impressed with her accomplishments, her commitment to American agriculture, and her work and knowledge in the business world. She has developed business plans and goals, written software for farm accounting, spoken numerous times at agricultural seminars on various agriculture topics, and has authored a book on putting paperwork in its place. She also serves on board of the Farm Bureau Mutual Fund. She has an admirable record of public service to the State of Iowa, having served as a member of the board of regents, which oversees Iowa's three State universities. Currently, Ann is a board member of the Iowa Department of Economic Development. The list goes on extensively.

Once the administration formally nominates Ms. Jorgenson and the Agriculture Committee has an opportunity to review her record and qualifications, I am convinced that the Senator will conclude that she is a highly qualified person for the position.

Mr. LUGAR. I look forward to having the opportunity to examine her qualifications. Her reputation is an excellent one.

Mr. GRASSLEY. Would the Senator, chairman of the Senate Agriculture Committee, join with me in urging the President to fill the vacancy on the Board of the Farm Credit System so that we may complete the confirmation process this Congress?

Mr. LUGAR. I join the Sentor in urging the President to fill the vacancy on the FCS Board. The vacancy on the Board has existed for over a year now and the Board's daily oversight of the safety and soundness of the farm credit system would be greatly enhanced with a full Board.

Mr. GRASSLEY. I ask unanimous consent that letters in support of Ann Jorgenson be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, June 28, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Nearly one year ago, then Majority Leader Senator Bob Dole sent to you the name of Ann Jorgensen to fill a Republican vacancy at the Farm Credit Administration. Her name has yet to be sent to the Senate for confirmation. I strongly support her nomination and ask that you send her name to the Senate as soon as possible.

The Farm Credit Administration is facing significant issues with regard to the Farm Credit System. It can best address these issues with a full complement of members on its Board. Ann Jorgensen has the background and experience to deal with these issues knowledgeably and thoroughly. As a former member of the Iowa Board of Regents, business owner, current member of the Iowa Department of Economic Development Board, author, and farm wife, she would bring a wealth of much needed experience to the Farm Credit Administration.

I stand ready to assist you with this nomination.

Sincerely,
CHARLES E. GRASSLEY,
U.S. Senator.

OFFICE OF THE GOVERNOR,
Des Moines, Iowa, July 18, 1996.

Hon. WILLIAM J. CLINTON,
President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to highly recommend Ann Jorgensen of Vinton, Iowa, for a Republican position on the board of the Farm Credit Administration. It is my understanding that former Majority Leader Bob Dole sent you her name last year.

Ann Jorgensen is an individual I have called on many times to serve the State of Iowa. She is currently on one of our most important state boards, the Iowa Department of Economic Development board. She has also served on the Interstate Agricultural Grain Marketing Commission, the Iowa Alcoholic Beverages Commission, the State Board of Regents, and the Iowa Arts Council. Her service in all of these capacities has been exemplary.

I am confident that Ann Jorgensen would be a fine addition to the board of the Farm

Credit Administration as she has an extensive background in agriculture and agribusiness.

The Farm Credit Administration has a very important role in overseeing the Farm Credit System, which is a significant source of capital for rural America. As this board deals with some critical issues in the years ahead, it is important that the board have a full slate of members.

Ann Jorgensen has my highest recommendation.

Sincerely,

TERRY E. BRANSTAD,
Governor of Iowa.

NATIONAL CORN GROWERS ASSOCIATION,
Washington, DC, July 19, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the farmer members of the National Corn Growers Association, I urge you to send to the Senate the nomination of Ann Jorgensen of Iowa to serve on the Farm Credit Administration Board. The Board has been without a third member for more than a year. If the nomination does not proceed soon, it will not be possible to complete Senate confirmation before this Congress adjourns.

The Farm Credit Administration Board serves a critical role in regulating the Farm Credit System and ensuring an adequate and flexible flow of money into rural areas. This statutory responsibility will be ever more important as farmers and their lenders refine the skills necessary to manage both production and price risk.

Ann Jorgensen is especially qualified to make certain that the Farm Credit System achieves its statutory goal of making credit available to farmers and ranchers and their cooperatives and for rural residences. Her impressive resume includes a strong, personal background in production agriculture, business development, and trade, as well as, extensive experience in rural economic development. This unique combination is exactly the mix rural America needs to continue to share in the country's economic recovery.

We strongly urge you to nominate Ann Jorgensen as soon as possible, to restore the Farm Credit Administration Board to its full complement of three members.

Sincerely,

BILL NORTHEY,
President.

AMERICAN SOYBEAN ASSOCIATION,
St. Louis, MO, July 15, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The American Soybean Association respectfully urges you to nominate Ann Jorgensen of Iowa to fill the vacant position on the Farm Credit Administration Board. Unless this nomination is sent to the Senate soon, it will be impossible to complete the confirmation process before Congress adjourns.

The Farm Credit Administration Board plays a critical role in regulating the Farm Credit System and in ensuring adequate credit is available to production agriculture and other borrowers in rural America. These functions are particularly important during the current period of volatile commodity prices, as farmers, ranchers, and their lenders manage increased risk and finance future production costs.

We know Ann Jorgensen to be a highly qualified individual who would be a valuable member of the Farm Credit Administration Board. Her extensive background in production agriculture and rural economic development is ideally suited to the task of overseeing the Farm Credit System. Her experience and perspective would perfectly complement the qualifications of the other members of the Board.

The American Soybean Association strongly urges you to nominate Ann Jorgensen, and to bring the Farm Credit Administration Board up to its full complement of three members.

Sincerely yours,

JOHN LONG,
President.

IOWA SOYBEAN ASSOCIATION,
West Des Moines, IA, July 15, 1996.

Hon. WILLIAM J. CLINTON,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: I would like to take this opportunity to offer the support of the Iowa Soybean Association (ISA) for the appointment of Ann Jorgensen to fill the vacant position on the three member board of the Farm Credit Administration.

Ann Jorgensen understands agricultural economics and possesses the entrepreneurial spirit that has built a successful business. Her many credentials include membership on the Board of Regents for the State of Iowa and numerous Iowa economic development boards. She is a community leader and a recognized volunteer. Additionally, Senators Grassley and Harkin support her nomination and are confident that she would be a credible candidate for Senate confirmation hearings.

ISA reaffirms its support for Mrs. Jorgensen, but would also like to communicate the need to have all positions filled on the Farm Credit Administration's Board. These are extremely volatile times for farmers and it is important financial institutions that are a part of the Farm Credit System have the direction to keep agriculture a successful industry.

Again, thank you for the opportunity to offer ISA's support for the appointment of Ann Jorgensen.

Sincerely,

DOUGLAS P. LINDGREN,
President.

IOWA FARM BUREAU FEDERATION,
Des Moines, IA, July 29, 1996.

Hon. BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I would like to take this opportunity to offer support for the appointment of Ann Jorgensen of Garrison, Iowa, to fill the vacant position on the three-member board of the Farm Credit Administration.

This position has been vacant longer than it should be and is a concern of the agriculture community. Whatever the reason for this position not being filled it is more important than ever, because of the new farm bill and the environment that it will create, that a full board be in place.

Ann Jorgensen is an extremely talented and articulate person who has a broad experience base that would be helpful in this position. Number one, she is a successful farmer but also has served on many state boards that needed her excellent judgment abilities. Ann also has what I consider a critical skill needed in any form of business or government institution and that is common sense judgment.

I sincerely ask that you consider Ann for the board position. This position needs to be filled and the agriculture community will be well served to have Ann fill that position.

Sincerely,

ED WIEDERSTEIN,
President.

NORWEST BANK IOWA, N.A.,
Des Moines, IA, August 8, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: As you review the candidates to nominate for the Republican vacancy at the Farm Credit Administration, there is one name that should rise to the top of the nomination list. Ann Jorgensen, whose name was submitted to you a year ago by former Majority Leader Bob Dole, is one of Iowa's foremost agricultural leasers; she is a woman who has devoted her life to championing farm issues on the local, state and national levels.

Ann's credentials for this position speak for themselves. She is a farm owner, an agribusiness owner, an economic development leader, a renowned consultant and an author and columnist for agricultural publications. Ann is a true visionary who relies on her extensive experience in the ag industry to articulate, anticipate and analyze farm issues. Her established contacts, solid reputation and first-hand knowledge would make her an exceptional addition to the board of the Farm Credit Administration.

The Farm Credit Administration only stands to benefit from the addition of a member of Ann's caliber. Thank you for your consideration in this matter.

Warm regards,

H. LYNN HORAK.

CBO STATEMENT ON S. 1994

Mr. PRESSLER. Madam President, I rise to submit for the RECORD an intergovernmental mandates statement, as prepared by the Congressional Budget Office [CBO], for the Federal Aviation Administration Reauthorization Act of 1996 (S. 1994). The Committee on Commerce, Science, and Transportation ordered S. 1994 reported on June 13, 1996. The CBO already has provided a Federal cost estimate and a private sector mandates statement for this bill on July 16, 1996, and both are included in Senate Report 104–333 on S. 1994.

Madam President, I now ask unanimous consent that the CBO statement be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 1996.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed intergovernmental mandates statement for the Federal Aviation Reauthorization Act of 1996. CBO provided a federal cost estimate and a private-sector mandates statement for this bill on July 16, 1996.

The bill would impose mandates on state, local, and tribal governments as defined in Public Law 104-4.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE ESTIMATED COST OF INTERGOVERNMENTAL MANDATES

1. Bill number: Not yet assigned.

2. Bill title: Federal Aviation Reauthorization Act of 1996.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation on June 13, 1996.

4. Bill purpose: The bill would authorize 1997 appropriations or provide contract authority for a number of Federal Aviation Administration (FAA) programs, including the state block grant, research and development, and airport improvement programs. The bill would modify the funding for essential air service and the apportionment of airport improvement funds. In addition, it would make it more difficult for the FAA Administrator to issue regulations that result in substantial economic burdens to state, local, or tribal governments. The bill would also establish new requirements pertaining to pilot records and hiring.

5. Intergovernmental mandates contained in the bill: The bill contains one mandate on state, local, and tribal governments, and one provision that could be a mandate.

Pilot Records. The bill would increase the amount of background information an air carrier must obtain before hiring an individual as a pilot. In doing so, it would impose a mandate on employers, including state, local, and tribal governments, that have employed the prospective pilot within the previous five years. The bill would require that employers provide to air carriers, upon their request and within 30 days, information on the work record of these individuals. Employers would have to obtain written consent from such individuals prior to releasing the information as well as notify them of the request and of their right to receive a copy of the records.

State Taxing Authority. The bill contains a provision intended as a technical correction to the section of Title 49 of the U.S. Code establishing the authority of states to levy certain aviation-related taxes. When that section of the code was recodified in 1994, it appeared to broaden the power of states to tax airlines. The correction is intended to return state taxing authority to the status quo as it existed before the recodification.

The impact of this provision, however, is unclear. A simple correction would impose no new mandates. There is concern among some tax experts, however, that the proposed change goes beyond the intended fix and would impose new preemptions on states' taxing authority. A number of state tax officials assert that the proposed correction would increase the ambiguities in the statute and could lead to an interpretation of the law that would prohibit states from imposing certain aviation-related property, income, and other taxes. This issue is unlikely to be resolved without litigation. If the provision is interpreted as the states fear it will be, it would constitute a mandate on state governments as defined by Public Law 104-4 because it would prohibit states from raising certain revenues.

6. Estimated direct costs to State, local, and tribal governments: (a) *Is the $50 Million Annual Threshold Exceeded?* Because of the uncertainty surrounding the interpretation of section 402, dealing with state taxing authority, CBO is uncertain whether the threshold established in Public Law 104-4 would be exceeded.

(b) *Total Direct Costs of Mandates.* Depending upon the interpretation of section 402, the bill's mandate costs could exceed the $50 million annual threshold established in Public Law 104-4. The state tax provision alone, if interpreted broadly, would have a potentially significant revenue impact that could approach or exceed the $50 million threshold. CBO cannot estimate its exact magnitude at this time. CBO estimates that the costs to state, local, and tribal governments of the requirement to provide background records on prospective pilots would be negligible.

(c) *Estimate of Necessary Budget Authority:* Not applicable.

7. Basis of estimate: Pilot Records. Based on information from industry representatives and the Departments of Transportation and Labor, CBO estimates that state, local, and tribal governments, in aggregate, would have to respond to fewer than 5,000 requests for work records of prospective pilots every year. This assumes that many of the 10,000 pilots hired annually have held four or more jobs within the previous five years (because seasonal and part-time work is common) and that fewer than 10 percent of those positions were with state, local, or tribal governments.

CBO estimates that the costs of this mandate on state, local, and tribal employers would be insignificant. Such requests for work records would be spread across numerous state, local, and tribal government offices; thus, the additional administrative burden on any individual entity would be negligible. The bill would also allow employers to charge air carriers and prospective pilots a fee for the cost of processing the request and furnishing the records.

State Taxing Authority. Based on information from several states, CBO believes that, if amended by this bill, certain subsections of 49 U.S.C. 40116 could be read together to limit states to taxing only those aviation-related goods and services for which a direct nexus to flights taking off or landing in the state could be established. Current law does not require that states show such a flight connection when levying property, income, sales, use, and other taxes on air carriers or other providers of aviation services. Many states use apportionment formulas to calculate these taxes, and it is possible that the proposed change could preclude this practice.

Based on a survey of state tax officials and information from the Multistate Tax Commission, CBO estimates that the bill could result in tax preemptions in as many as half of the states. Depending upon the interpretation of the proposed change, some states could face annual revenue losses in the millions of dollars. Ambiguities in both the existing recodified statute and the proposed change, however, make it difficult to predict the extent of the possible preemption, if any, and to quantify the revenue losses that might result from it. CBO estimates that, if interpreted broadly, the provision would have a potentially significant revenue impact that could approach or exceed the $50 million threshold.

8. Appropriation or other Federal financial assistance provided in bill to cover mandate costs: None.

9. Other impacts on State, local, and tribal governments: Pilot Records and State Department of Motor Vehicles. The bill would require air carriers to obtain information on a prospective pilot's motor vehicle driving record. State departments of motor vehicles (DMVs) would have to provide information from the National Driver Register within 30 days of receiving such a request from an air carrier. The bill would require DMV officials to obtain written consent from individuals prior to releasing such information and to notify them of the request and of their right to receive a copy of records.

Because the National Driver Register program is a voluntary federal program, these requirements would not constitute mandates as defined by Public Law 104-4. They would, however, result in some costs to states. The bill would allow states to charge the air carriers and prospective pilots a fee for the cost of processing the request and furnishing the records. Based on information from the Department of Transportation, state DMVs, and airline industry representatives, CBO estimates that the administrative costs to states of complying with this requirement would be insignificant.

Essential Air Service. The bill would benefit approximately 100 rural communities across the United States that are served by the essential air service program. The bill would replace the provision in current law that requires reauthorization of funding for the program after 1998 with a new and increased source of funding. The bill would raise the authorization to $50 million annually for the program (almost twice the fiscal year 1996 authorization) to be paid out of new fees on foreign air service. Spending on the program would, however, continue to be subject to appropriation. The bill would also allow the Secretary, not earlier than two years and 30 days after enactment of the bill, to require that state and local governments provide matching funds of up to 10 percent for payments they receive under the program.

FAA Regulations. The bill would prohibit the FAA Administration from issuing regulations that would cost state, local, and tribal governments, in aggregate, more than $50 million a year without the approval of the Secretary of Transportation. In addition, the bill would require periodic reviews of all regulations issued after enactment of the bill that result in aggregate costs of state, local, and tribal governments of $25 million or more a year.

Alaskan Aviation. The bill would provide FAA a new, one-year authorization of $10 million to be spend on improving aviation safety in Alaska. The bill would also direct the Administrator to take Alaska's unique transportation needs into consideration when amending aviation regulations.

10. Previous CBO estimates: CBO provided a preliminary analysis of the bill's mandates on state, local, and tribal governments as part of the federal cost estimate dated July 16, 1996. The initial conclusions presented in that estimate have not changed.

On July 22, 1996, CBO transmitted an intergovernmental mandates statement on H.R. 3539, the Federal Aviation Authorization Act of 1996, as ordered reported by the House Committee on Transportation and Infrastructure on June 6, 1996. Both bills would reauthorize major FAA programs and amend the section of Title 49 of the U.S. Code dealing with state taxation, but they differ in several other respects. The two estimates reflect those differences.

On July 11, 1996, CBO transmitted a cost estimate and mandates statement on H.R. 3536, the Airline Pilot Hiring and Safety Act of 1996, as ordered reported by the House Committee on Transportation and Infrastructure on June 6, 1996. H.R. 3536 is similar to the title in this bill pertaining to background information on prospective pilots. H.R. 3536 would not, however, require state, local, and tribal government employers to provide information on the work records of prospective pilots.

11. Estimate prepared by: Karen McVey.

12. Estimate approved by: Robert A. Sunshine (for Paul N. Van de Water, Assistant Director for Budget Analysis).

THE ANNUAL CHINA MFN DEBATE

Mr. THOMAS. Madam President, the theater that is the annual China MFN debate has once again—predictably—fully run its course. The President recommended extension, United States business and our Asian trading partners held their collective breath, there was a lot of rhetoric on the floor of the House condemning China for a variety of serious misdeeds, and in the end a vast majority of the House voted to renew MFN yet again. In the wake of the debate, I believe that we should take a serious look at scrapping this annual drama and replacing it with a more pragmatic and workable solution.

That the yearly MFN debate should be scrapped seems evident from an examination of its relative pros and cons. What is gained by the annual debate? Aside from an opportunity for some in Congress to air their grievances with the PRC, not much. What is lost, on the other hand? Quite a bit.

First, the debate regularly disrupts our bilateral relationship by making the Chinese feel unfairly singled out, and not without reason. Most favored nation is a misnomer. Although the phrase implies some special treatment that the Uunited States passes out discriminately, it is actually the normal trading status with all our trade partners. Only seven countries, the majority of which we consider pariah states, are not accorded that status: Afghanistan, Azerbaijan, Cuba, Laos, North Korea, Vietnam, and Serbia. In addition, one of the main reasons given by proponents of revoking China's MFN status is that country's arguably abysmal human rights record. But while other countries have equally disturbing human rights records, no one has moved to revoke their MFN status. Turkey has long persecuted its Kurdish minority; Russia has killed hundreds of civilians in Chechnya; Indonesia invaded East Timor and continues to occupy the island illegally, jailing and killing Timorese dissidents; Nigeria jails and executes opponents of the Government—yet all four enjoy most favored nation trading status.

Second, the annual debate is damaging to the interests of U.S. companies doing business in the PRC. Companies find it very difficult to make long-term investment plans when they have to worry every year that the MFN rug might be yanked out from under them. From the Chinese side, the annual MFN renewal requirement raises the risk of doing business with U.S. firms; so instead, they have a strong incentive to do business with our European competitors who have no such constraints.

Third, the threat of revoking China's MFN—an empty threat in my view—is not an effective foreign policy tool. Revoking China's MFN status would hurt us more than the Chinese—the economic equivalent of cutting off your nose to spite your face. In 1995, United States exports to China directly supported around 200,000 American jobs. Revoking MFN, and the Chinese retaliation that would surely follow, would only serve to deprive us of a rapidly growing market. China is perfectly capable of shopping elsewhere for its needs, and our allies are more than happy to fill any void we leave. We recently saw a prime example of that willingness; last month Premier Li Peng traveled to France where he signed a $2 billion contract to buy 33 Airbuses—a contract that Boeing thought it was going to get.

Fourth, instead of using MFN as a carrot-and-stick with the PRC, I believe the best way to influence the growth of democratic ideals, human rights, and the rule of law in China is through continued and reliable economic contacts. I think anybody who has been to China, especially over the course of the last 15 years, has seen that for themselves—most dramatically in southern and eastern China. It is clear that economic development and contact with the West through trade has let a genie out of the bottle that the regime in Beijing will never be able to put back. We must continue to encourage that trend as we turn the corner to a new century.

The whole MFN renewal issue is an outdated relic of the cold war—a war that's over. The Jackson-Vanik amendment, the basis for the yearly MFN renewal requirement, was not designed with China in mind and was not created as a way to better a country's overall human rights record or its adherence to international or bilateral trade or nuclear proliferation agreements. Rather, it was originally designed to pressure the Soviet Union to allow the free emigration of Soviet Jews to Israel and other countries. Over the years, its application has moved from covering freedom of emigration from any country with a command or nonmarket economy to a tool for expressing United States displeasure with a variety of China's sins. It is somewhat ironic that of all the different issues raised by Members of Congress arguing to revoke the PRC's MFN status, I have never heard China's emigration policies mentioned even once.

With the demise of the cold war, and changing world realities, we would do better to repeal Jackson-Vanik and replace it with a more workable and pragmatic alternative. We should extend permanent MFN status to China, retaining of course the option of revoking that status should the need truly arise. That extension would remove a series of irritants from our relationship, but would not adversely affect our ability to address China's various transgressions.

We retain a whole series of options to deal with the many areas of friction in our bilateral relationship that are more narrowly tailored—and therefore more effective—than the overkill method of MFN revocation. For example, a wide variety of unfair trade practices can be addressed through provisions of the Trade Act of 1974—commonly called the Special 301 provision—as with the recent intellectual property rights dispute. Similar legislation is in place to deal with nuclear or other weapons proliferation.

I am not an apologist for the PRC—far from it. The Chinese are failing to honor many of their commitments to us, such as intellectual property rights and nuclear proliferation—note the recent well-founded allegations that the PRC has assisted Pakistan in building a missile production facility. They want to gain entry to the WTO on their own, not the WTO's terms. Their progress on the human rights front has been negligible at best, as evidenced by a rash of recent crackdowns in Tibet and Xinjiang. They are actively pursuing the purchase of Russian SS–18 ICBMs and MIRV technology. They have laid claim to the vast majority of the South China Sea, to the consternation of five other claimant countries. They have conducted a series of aggressive and inflammatory military exercises this year off the coast of Taiwan.

But despite all these issues, the revocation of China's MFN status is not a constructive remedy. It is high time that scrap this annual ritual, and replace it with a more thoughtful and pragmatic approach that builds on our efforts, rather than tears at this important relationship. I was glad to see during the latest debate that acceptance of this position seems to be growing among Members of Congress.

Madam President, while it is too late in this legislative year to take up the issue in the Congress, I hope that before we go through this dance again next year that Members from both sides of the aisle, from all the relevant committees, can sit down and formulate an alternative. The upcoming period after our sine die adjournment would be a perfect time to do so.

HURRICANE FRAN

Mr. FAIRCLOTH. Madam President, a week ago today, hurricane Fran devastated my home State of North Carolina.

Last Thursday, after the last Senate vote, I drove down to North Carolina and was there for the storm. I have viewed first hand much of the damage to my State.

The damage has been far worse and more widespread than anyone would have imagined.

Madam President, first, I want to congratulate the people of North Carolina for their handling of this storm.

I have found that in times of crisis, the American people, like no other people in the world, rise to the occasion to tackle their own problems.

The people deserved to be congratulated first and foremost.

Second, Madam President, I want to thank the thousands of volunteers, national guardsmans and those from other States who are helping with our clean-up effort. And, I want to thank the public employees who are on the scene helping our State cope with this disaster.

The storm has been devastating in the fact that it has left hundreds of thousands of people without electricity. Today, over 100,000 people are still without power. Electricity is a modern convenience that we often take for granted, but the power outages have been the most difficult of all the problems.

I have urged the Federal Emergency Management Agency to allow two key power plants to resume operations as soon as possible. I am told that they have granted this authority. I think this will help the situation immensely.

Madam President, the storm has also left, maybe a billion dollars in property and agriculture damage. North Carolinians are proud of the fact that they can solve their own problems.

But, the damage may be insurmountable without the Federal Government's help.

Madam President, in recent years, we have had a number of natural disasters in the United States. This has lead to a sharp increase in the amount of disaster costs to the Federal Government. Madam President, I think it is fair to say that the Government's money should be spent wisely, therefore, I would hope that the private sector, insurance companies, and our lending institutions, will do all that they can so that we can limit the cost of the clean-up burden that will be placed on the taxpayer.

Estimates are being drawn now of how much disaster assistance will be needed. I am hopeful that money we have already appropriated will cover the damage, however, the damages may be so great, particularly with respect to crop damage, that more could be needed.

I thank Majority Leader LOTT for his commitment to move any legislation that would provide for additional funding.

Also, I have spoken with James Lee Witt and with Secretary of Agriculture Dan Glickman, and both have assured me that they will be as helpful as possible.

Finally, Madam President, my office and I am sure all the North Carolina delegation offices stand ready to help our citizens. I have dispatched more staff to Raleigh to deal with the influx of citizens that will need our help. If they need help, my office stands ready to assist the clean-up effort.

Madam President, again, I want to praise the people of North Carolina for their determination in this crisis. And, I want to extend my personal sorrow, and I am sure the Senate's sorrow for the families of the 21 North Carolinians who died as a result of this storm.

NOTICE OF ISSUANCE OF FINAL REGULATIONS

Mr. THURMOND. Mr. President, pursuant to section 304(d) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(d)), a notice of issuance of final regulations was submitted by the Office of Compliance, U.S. Congress. The notice contains final regulations related to Federal service labor-management relations (Regulations under section 220(d) of the Congressional Accountability Act.)

The Congressional Accountability Act requires this notice be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(D) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF ISSUANCE OF FINAL REGULATIONS

On July 9, 1996, the Board of Directors of the Office of Compliance adopted and submitted for publication in the Congressional Record final regulations implementing section 220(d) of the Congressional Accountability Act of 1995 (CAA), which extends to the Congress certain rights, protections, and responsibilities under chapter 71 of title 5, United States Code, relating to Federal service labor-management relations. On August 2, 1996, the House agreed both to H. Res. 504, to provide for the approval of final regulations that are applicable to the employing offices and covered employees of the House, and to H. Con. Res. 207, to provide for approval of final regulations that are applicable to employing offices and employees other than those offices and employees of the House and the Senate. As of the date of this Notice, the Senate has yet to approve the 220(d) regulations for itself or to act on H. Con. Res. 207.

The Board understands passage of H. Res. 504 to constitute approval under section 304(c) of the CAA of the Board's section 220(d) regulations as applicable to employing offices and covered employees of the House (other than those House offices expressly listed in section 220(e)(2)). Accordingly, pursuant to section 304(d) of the CAA, the Board submits these regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for issuance by publication in the Congressional Record.

Pursuant to paragraph (3) of section 304(d) of the CAA, the Board finds good cause for advancing the effective date of the House regulations from 60 days after their issuance to October 1, 1996. That date corresponds with the effective date of application of CAA section 220 to the Congress. The Board finds that the effective implementation of the CAA is furthered by making these regulations effective for the House on that effective date rather than allowing the default provisions of the CAA contained in section 411 and the derivative regulations of the executive branch to control the administration of the statute during the sixty day period otherwise required by section 304(d)(3) of the CAA.

Signed at Washington, D.C. on this 10th day of September, 1996.

GLEN D. NAGER,
Chair of the Board, Office of Compliance.

Accordingly, the Board of Directors of the Office of Compliance hereby issues the following final regulations:

[Final Regulations]

Subchapter C

2420 Purpose and scope
2421 Meaning of terms as used in this subchapter
2422 Representation proceedings
2423 Unfair labor practice proceedings
2424 Expedited review of negotiability issues
2425 Review of arbitration awards
2426 National consultation rights and consultation rights on Government-wide rules or regulations
2427 General statements of policy or guidance
2428 Enforcement of Assistant Secretary standards of conduct decisions and orders
2429 Miscellaneous and general requirements

Subchapter D

2470 General
2471 Procedures of the Board in impasse proceedings

Subchapter C

PART 2420—PURPOSE AND SCOPE

§ 2420.1 Purpose and scope

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 of the United States Code, as applied by section 220 of the Congressional Accountability Act (CAA). They prescribe the procedures, basic principles or criteria under which the Board and the General Counsel, as applicable, will:

(a) Determine the appropriateness of units for labor organization representation under 5 U.S.C. 7112, as applied by the CAA;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7111, as applied by the CAA, relating to the according of exclusive recognition to labor organizations;

(c) Resolve issues relating to the granting of national consultation rights under 5 U.S.C. 7113, as applied by the CAA;

(d) Resolve issues relating to determining compelling need for employing office rules and regulations under 5 U.S.C. 7117(b), as applied by the CAA;

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c), as applied by the CAA;

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d), as applied by the CAA;

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118, as applied by the CAA;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122, as applied by the CAA; and

(i) Take such other actions as are necessary and appropriate effectively to administer the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§2420.2

Notwithstanding any other provisions of these regulations, the Board may, in deciding an issue, add to, delete from or modify otherwise applicable requirements as the Board deems necessary to avoid a conflict of interest or the appearance of a conflict of interest.

Part 2421—Meaning of Terms as Used in This Subchapter

Sec.
2421.1 Act; CAA.
2421.2 Chapter 71.
2421.3 General Definitions.
2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.
2421.5 Activity.
2421.6 Primary national subdivision.
2421.7 Executive Director.
2421.8 Hearing Officer.
2421.9 Party.
2421.10 Intervenor.
2421.11 Certification.
2421.12 Appropriate unit.
2421.13 Secret ballot.
2421.14 Showing of interest.
2421.15 Regular and substantially equivalent employment.
2421.16 Petitioner.
2421.17 Eligibility Period.
2421.18 Election Agreement.
2421.19 Affected by Issues raised.
2421.20 Determinative challenged ballots.

§2421.1 Act; CAA

The terms "Act" and "CAA" mean the Congressional Accountability Act of 1995 (P.L. 104-1, 109 Stat. 3, 2 U.S.C. §§1301-1438).

§2421.2 Chapter 71

The term "chapter 71" means chapter 71 of title 5 of the United States Code.

§2421.3 General definitions

(a) The term "person" means an individual, labor organization or employing office.

(b) Except as noted in subparagraph (3) of this subsection, the term "employee" means an individual—

(1) Who is a current employee, applicant for employment, or former employee of: the House of Representatives; the Senate; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; or the Office of Technology Assessment; or

(2) Whose employment in an employing office has ceased because of any unfair labor practice under section 7116 of title 5 of the United States Code, as applied by the CAA, and who has not obtained any other regular and substantially equivalent employment as determined under regulations prescribed by the Board, but does not include—

(i) An alien or noncitizen of the United States who occupies a position outside of the United States;

(ii) A member of the uniformed services;

(iii) A supervisor or a management official or;

(iv) Any person who participates in a strike in violation of section 7311 of title 5 of the United States Code, as applied the CAA.

(3) For the purpose of determining the adequacy of a showing of interest or eligibility for consultation rights, except as required by law, applicants for employment and former employees are not considered employees.

(c) The term "employing office" means—

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(d) The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an employing office concerning grievances and conditions of employment, but does not include—

(1) An organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(2) An organization which advocates the overthrow of the constitutional form of government of the United States;

(3) An organization sponsored by an employing office; or

(4) An organization which participates in the conduct or a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.

(e) The term "dues" means dues, fees, and assessments.

(f) The term "Board" means the Board of Directors of the Office of Compliance.

(g) The term "collective bargaining agreement" means an agreement entered into as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(h) The term "grievance" means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning—

(i) The effect or interpretation, or a claim of breach, of a collective bargaining agreement; or

(ii) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

(i) The term "supervisor" means an individual employed by an employing office having authority in the interest of the employing office to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(j) The term "management official" means an individual employed by an employing office in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the employing office.

(k) The term "collective bargaining" means the performance of the mutual obligation of the representative of an employing office and the exclusive representative of employees in an appropriate unit in the employing office to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession.

(l) The term "confidential employee" means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

(m) The term "conditions of employment" means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—

(1) Relating to political activities prohibited under subchapter III of chapter 73 of title 5 of the United States Code, as applied by the CAA;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically provided for by Federal statute.

(n) The term "professional employee" means—

(1) An employee engaged in the performance of work—

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(ii) Requiring the consistent exercise of discretion and judgment in its performance;

(iii) Which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(iv) Which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the courses of specialized intellectual instruction and study described in subparagraph (1)(i) of this paragraph and is performing related work under appropriate direction and guidance to qualify the employee as a professional employee described in subparagraph (1) of this paragraph.

(o) The term "exclusive representative" means any labor organization which is certified as the exclusive representative of employees in an appropriate unit pursuant to section 7111 of title 5 of the United States Code, as applied by the CAA.

(p) The term "firefighter" means any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

(q) The term "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(r) The term "General Counsel" means the General Counsel of the Office of Compliance.

(s) The term "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

§ 2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

(a)(1) The term "national consultation rights" means that a labor organization that is the exclusive representative of a substantial number of the employees of the employing office, as determined in accordance with criteria prescribed by the Board, shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(2) National consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to any labor organization's eligibility for, or continuation of, national consultation rights shall be subject to determination by the Board.

(b)(1) The term "consultation rights on Government-wide rules or regulations" means that a labor organization which is the exclusive representative of a substantial number of employees of an employing office determined in accordance with criteria prescribed by the Board, shall be granted consultation rights by the employing office with respect to any Government-wide rule or regulation issued by the employing office effecting any substantive change in any condition of employment. Such consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to a labor organization's eligibility for, or continuation of, such consultation rights shall be subject to determination by the Board.

(2) A labor organization having consultation rights under paragraph (1) of this subsection shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) shall be permitted reasonable time to present its views and recommendations regarding the changes.

(3) If any views or recommendations are presented under paragraph (2) of this subsection to an employing office by any labor organization—

(i) The employing office shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(ii) The employing office shall provide the labor organization a written statement of the reasons for taking the final action.

(c) The term "exclusive recognition" means that a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in an election.

(d) The term "unfair labor practices" means—

(1) Any of the following actions taken by an employing office—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under chapter 71, as applied by the CAA;

(ii) Encouraging or discouraging membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other condition of employment;

(iii) Sponsoring, controlling, or otherwise assisting any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(iv) Disciplining or otherwise discriminating against an employee because the employee has filed a complaint, affidavit, or petition, or has given any information or testimony under chapter 71, as applied by the CAA;

(v) Refusing to consult or negotiate in good faith with a labor organization as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii) Enforcing any rule or regulation (other than a rule or regulation implementing section 2302 of this title) which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(2) Any of the following actions taken by a labor organization—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter;

(ii) Causing or attempting to cause an employing office to discriminate against any employee in the exercise by the employee of any right under this chapter;

(iii) Coercing, disciplining, fining, or attempting to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;

(iv) Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(v) Refusing to consult or negotiate in good faith with an employing office as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii)(A) Calling, or participating in, a strike, work stoppage, or slowdown, or picketing of an employing office in a labor-management dispute if such picketing interferes with an employing office's operations; or

(B) Condoning any activity described in subparagraph (A) of this paragraph by failing to take action to prevent or stop such activity; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(3) Denial of membership by an exclusive representative to any employee in the appropriate unit represented by such exclusive representative except for failure—

(i) To meet reasonable occupational standards uniformly required for admission, or

(ii) To tender dues uniformly required as a condition of acquiring and retaining membership.

§ 2421.5 Activity

The term "activity" means any facility, organizational entity, or geographical subdivision or combination thereof, of any employing office.

§ 2421.6 Primary national subdivision

"Primary national subdivision" of an employing office means a first-level organizational segment which has functions national in scope that are implemented in field activities.

§ 2421.7 Executive Director.

"Executive Director" means the Executive Director of the Office of Compliance.

§ 2421.8 Hearing officer

The term "Hearing Officer" means any individual designated by the Executive Director to preside over a hearing conducted pursuant to section 405 of the CAA on matters within the Office's jurisdiction, including a hearing arising in cases under 5 U.S.C. 7116, as applied by the CAA, and any other such matters as may be assigned.

§ 2421.9 Party

The term "party" means:

(a) Any labor organization, employing office or employing activity or individual filing a charge, petition, or request;

(b) Any labor organization or employing office or activity

(1) Named as

(i) A charged party in a charge,

(ii) A respondent in a complaint, or

(iii) An employing office or activity or an incumbent labor organization in a petition;

(2) Whose intervention in a proceeding has been permitted or directed by the Board; or

(3) Who participated as a party

(i) In a matter that was decided by an employing office head under 5 U.S.C. 7117, as applied by the CAA, or

(ii) In a matter where the award of an arbitrator was issued; and

(c) The General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 2421.10 Intervenor

The term "intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Board, its agents or representatives.

§ 2421.11 Certification

The term "certification" means the determination by the Board, its agents or representatives, of the results of an election, or the results of a petition to consolidate existing exclusively recognized units.

§ 2421.12 Appropriate unit

The term "appropriate unit" means that grouping of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, as applied by the CAA, and for purposes of allotments to representatives under 5 U.S.C. 7115(c), as applied by the CAA, and consistent with the provisions of 5 U.S.C. 7112, as applied by the CAA.

§ 2421.13 Secret ballot

The term "secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 2421.14 Showing of interest

The term "showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified labor organization; employees' signed and dated petitions or cards indicating a desire that an election be held on a proposed consolidation of units; or other evidence approved by the Board.

§ 2421.15 Regular and substantially equivalent employment

The term "regular and substantially equivalent employment" means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an employing office because of any unfair labor practice under 5 U.S.C. 7116, as applied by the CAA.

§ 2421.16 Petitioner

Petitioner means the party filing a petition under Part 2422 of this Subchapter.

§ 2421.17 Eligibility period

The term "eligibility period" means the payroll period during which an employee must be in an employment status with an employing office or activity in order to be eligible to vote in a representation election under Part 2422 of this Subchapter.

§ 2421.18 Election agreement

The term "election agreement" means an agreement under Part 2422 of this Subchapter signed by all the parties, and approved by the Board, the Executive Director, or any other individual designated by the Board, concerning the details and procedures of a representation election in an appropriate unit.

§ 2421.19 Affected by issues raised

The phrase "affected by issues raised", as used in Part 2422, should be construed broadly to include parties and other labor organizations, or employing offices or activities that have a connection to employees affected by, or questions presented in, a proceeding.

§ 2421.20 Determinative challenged ballots

"Determinative challenged ballots" are challenges that are unresolved prior to the tally and sufficient in number after the tally to affect the results of the election.

Part 2422—Representation Proceedings

Sec.
2422.1 Purposes of a petition.
2422.2 Standing to file a petition.
2422.3 Contents of a petition.
2422.4 Service requirements.
2422.5 Filing petitions.
2422.6 Notification of filing.
2422.7 Posting notice of filing of a petition.
2422.8 Intervention and cross-petitions.
2422.9 Adequacy of showing of interest.
2422.10 Validity of showing of interest.
2422.11 Challenge to the status of a labor organization.
2422.12 Timeliness of petitions seeking an election.
2422.13 Resolution of issues raised by a petition.
2422.14 Effect of withdrawal/dismissal.
2422.15 Duty to furnish information and cooperate.
2422.16 Election agreements or directed elections.
2422.17 Notice of pre-election investigatory hearing and prehearing conference.
2422.18 Pre-election investigatory hearing procedures.
2422.19 Motions.
2422.20 Rights of parties at a pre-election investigatory hearing.
2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing.
2422.22 Objections to the conduct of the pre-election investigatory hearing.
2422.23 Election procedures.
2422.24 Challenged ballots.
2422.25 Tally of ballots.
2422.26 Objections to the election.
2422.27 Determinative challenged ballots and objections.
2422.28 Runoff elections.
2422.29 Inconclusive elections.
2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.
2422.31 Application for review of an Executive Director action.
2422.32 Certifications and revocations.
2422.33 Relief obtainable under Part 2423.
2422.34 Rights and obligations during the pendency of representation proceedings.

§ 2422.1 Purposes of a petition

A petition may be filed for the following purposes:

(a) *Elections or Eligibility for dues allotment.* To request:

(1) (i) An election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative; and/or

(ii) A determination of eligibility for dues allotment in an appropriate unit without an exclusive representative; or

(2) An election to determine if employees in a unit no longer wish to be represented for the purpose of collective bargaining by an exclusive representative.

(3) Petitions under this subsection must be accompanied by an appropriate showing of interest.

(b) *Clarification or Amendment.* To clarify, and/or amend:

(1) A certification then in effect; and/or

(2) Any other matter relating to representation.

(c) *Consolidation.* To consolidate two or more units, with or without an election, in an employing office and for which a labor organization is the exclusive representative.

§ 2422.2 Standing to file a petition

A representation petition may be filed by: an individual; a labor organization; two or more labor organizations acting as a joint-petitioner; an individual acting on behalf of any employee(s); an employing office or activity; or a combination of the above: *provided, however,* that (a) only a labor organization has standing to file a petition pursuant to section 2422.1(a)(1); (b) only an individual has standing to file a petition pursuant to section 2422.1(a)(2); and (c) only an employing office or a labor organization may file a petition pursuant to section 2422.1(b) or (c).

§ 2422.3 Contents of a petition

(a) *What to file.* A petition must be filed on a form prescribed by the Board and contain the following information:

(1) The name and mailing address for each employing office or activity affected by issues raised in the petition, including street number, city, state and zip code.

(2) The name, mailing address and work telephone number of the contact person for each employing office or activity affected by issues raised in the petition.

(3) The name and mailing address for each labor organization affected by issues raised in the petition, including street number, city, state and zip code. If a labor organization is affiliated with a national organization, the local designation and the national affiliation should both be included. If a labor organization is an exclusive representative of any of the employees affected by issues raised in the petition, the date of the certification and the date any collective bargaining agreement covering the unit will expire or when the most recent agreement did expire should be included, if known.

(4) The name, mailing address and work telephone number of the contact person for each labor organization affected by issues raised in the petition.

(5) The name and mailing address for the petitioner, including street number, city, state and zip code. If a labor organization petitioner is affiliated with a national organization, the local designation and the national affiliation should both be included.

(6) A description of the unit(s) affected by issues raised in the petition. The description should generally indicate the geographic locations and the classifications of the employees included (or sought to be included) in, and excluded (or sought to be excluded) from, the unit.

(7) The approximate number of employees in the unit(s) affected by issues raised in the petition.

(8) A clear and concise statement of the issues raised by the petition and the results the petitioner seeks.

(9) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that the contents of the petition are true and correct to the best of the person's knowledge and belief.

(10) The signature, title, mailing address and telephone number of the person filing the petition.

(b) *Compliance with 5 U.S.C. 7111(e), as applied by the CAA.* A labor organization/petitioner complies with 5 U.S.C. 7111(e), as applied by the CAA, by submitting to the employing office or activity and to the Department of Labor a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives. By signing the petition form, the labor organization/petitioner certifies that it has submitted these documents to the employing activity or office and to the Department of Labor.

(c) *Showing of interest supporting a representation petition.* When filing a petition requiring a showing of interest, the petitioner must:

(1) So indicate on the petition form;

(2) Submit with the petition a showing of interest of not less than thirty percent (30%) of the employees in the unit involved in the petition; and

(3) Include an alphabetical list of the names constituting the showing of interest.

(d) *Petition seeking dues allotment.* When there is no exclusive representative, a petition seeking certification for dues allotment shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit claimed to be appropriate. An alphabetical list of names constituting the showing of membership must be submitted.

§ 2422.4 Service requirements

Every petition, motion, brief, request, challenge, written objection, or application for review shall be served on all parties affected by issues raised in the filing. The service shall include all documentation in support thereof, with the exception of a showing of interest, evidence supporting challenges to the validity of a showing of interest, and evidence supporting objections to an election. The filer must submit a written statement of service to the Executive Director.

§ 2422.5 Filing petitions

(a) *Where to file.* Petitions must be filed with the Executive Director.

(b) *Number of copies.* An original and two (2) copies of the petition and the accompanying material must be filed with the Executive Director.

(c) *Date of filing.* A petition is filed when it is received by the Executive Director.

§ 2422.6 Notification of filing

(a) *Notification to parties.* After a petition is filed, the Executive Director, on behalf of the Board, will notify any labor organization, employing office or employing activity that the parties have identified as being affected by issues raised by the petition, that a petition has been filed with the Office. The Executive Director, on behalf of the Board, will also make reasonable efforts to identify and notify any other party affected by the issues raised by the petition.

(b) *Contents of the notification.* The notification will inform the labor organization, employing office or employing activity of:

(1) The name of the petitioner;

(2) The description of the unit(s) or employees affected by issues raised in the petition; and,

(3) A statement that all affected parties should advise the Executive Director in writing of their interest in the issues raised in the petition.

§ 2422.7 Posting notice of filing of a petition

(a) *Posting notice of petition.* When appropriate, the Executive Director, on behalf of the Board, after the filing of a representation petition, will direct the employing office or activity to post copies of a notice to all employees in places where notices are normally posted for the employees affected by issues raised in the petition and/or distribute copies of a notice in a manner by which notices are normally distributed.

(b) *Contents of notice.* The notice shall advise affected employees about the petition.

(c) *Duration of notice.* The notice should be conspicuously posted for a period of ten (10) days and not be altered, defaced, or covered by other material.

§ 2422.8 Intervention and cross-petitions

(a) *Cross-petitions.* A cross-petition is a petition which involves any employees in a unit covered by a pending representation petition. Cross-petitions must be filed in accordance with this subpart.

(b) *Intervention requests and cross-petitions.* A request to intervene and a cross-petition, accompanied by any necessary showing of interest, must be submitted in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, a request to intervene and a cross-petition must be filed prior to action being taken pursuant to § 2422.30.

(c) *Labor organization intervention requests.* Except for incumbent intervenors, a labor organization seeking to intervene shall submit a statement that it has complied with 5 U.S.C. 7111(e), as applied by the CAA, and one of the following:

(1) A showing of interest of ten percent (10%) or more of the employees in the unit covered by a petition seeking an election, with an alphabetical list of the names of the employees constituting the showing of interest; or

(2) A current or recently expired collective bargaining agreement covering any of the employees in the unit affected by issues raised in the petition; or

(3) Evidence that it is or was, prior to a reorganization, the certified exclusive representative of any of the employees affected by issues raised in the petition.

(d) *Incumbent.* An incumbent exclusive representative, without regard to the requirements of paragraph (c) of this section, will be considered a party in any representation proceeding raising issues that affect employees the incumbent represents, unless it serves the Board, through the Executive Director, with a written disclaimer of any representation interest in the claimed unit.

(e) *Employing office.* An employing office or activity will be considered a party if any of its employees are affected by issues raised in the petition.

(f) *Employing office or activity intervention.* An employing office or activity seeking to intervene in any representation proceeding must submit evidence that one or more employees of the employing office or activity may be affected by issues raised in the petition.

§ 2422.9 Adequacy of showing of interest

(a) *Adequacy.* Adequacy of a showing of interest refers to the percentage of employees in the unit involved as required by §§ 2422.3(c) and (d) and 2422.8(c)(1).

(b) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that the showing of interest is adequate is final and binding and not subject to collateral attack at a representation hearing or on appeal to the Board. If the Executive Director determines, on behalf of the Board, that a showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

§ 2422.10 Validity of showing of interest

(a) *Validity.* Validity questions are raised by challenges to a showing of interest on grounds other than adequacy.

(b) *Validity challenge.* The Executive Director or any party may challenge the validity of a showing of interest.

(c) *When and where validity challenges may be filed.* Party challenges to the validity of a showing of interest must be in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, challenges to the validity of a showing of interest must be filed prior to action being taken pursuant to § 2422.30.

(d) *Contents of validity challenges.* Challenges to the validity of a showing of interest must be supported with evidence.

(e) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that a showing of interest is valid is final and binding and is not subject to collateral attack or appeal to the Board. If the Executive Director finds, on behalf of the Board, that the showing of interest is not valid, the Executive Director will dismiss the petition or deny the request to intervene.

§ 2422.11 Challenge to the status of a labor organization

(a) *Basis of challenge to labor organization status.* The only basis on which a challenge to the status of a labor organization may be made is compliance with 5 U.S.C. 7103(a)(4), as applied by the CAA.

(b) *Format and time for filing a challenge.* Any party filing a challenge to the status of a labor organization involved in the processing of a petition must do so in writing to the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no hearing is held, challenges must be filed prior to action being taken pursuant to § 2422.30.

§ 2422.12 Timeliness of petitions seeking an election

(a) *Election bar.* Where there is no certified exclusive representative, a petition seeking an election will not be considered timely if filed within twelve (12) months of a valid election involving the same unit or a subdivision of the same unit.

(b) *Certification bar.* Where there is a certified exclusive representative of employees, a petition seeking an election will not be considered timely if filed within twelve (12) months after the certification of the exclusive representative of the employees in an appropriate unit. If a collective bargaining agreement covering the claimed unit is pending employing office head review under 5 U.S.C. 7114(c), as applied by the CAA, or is in effect, paragraphs (c), (d), or (e) of this section apply.

(c) *Bar during employing office head review.* A petition seeking an election will not be considered timely if filed during the period of employing office head review under 5 U.S.C. 7114(c), as applied by the CAA. This bar expires upon either the passage of thirty (30) days absent employing office head action, or upon the date of any timely employing office head action.

(d) *Contract bar where the contract is for three (3) years or less.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of three (3) years or less from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the agreement.

(e) *Contract bar where the contract is for more than three (3) years.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of more than three (3) years from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the initial three (3) year period, and any time after the expiration of the initial three (3) year period.

(f) *Unusual circumstances.* A petition seeking an election or a determination relating to representation matters may be filed at any time when unusual circumstances exist that substantially affect the unit or majority representation.

(g) *Premature extension.* Where a collective bargaining agreement with a term of three (3) years or less has been extended prior to sixty (60) days before its expiration date, the extension will not serve as a basis for dismissal of a petition seeking an election filed in accordance with this section.

(h) *Contract requirements.* Collective bargaining agreements, including agreements that go into effect under 5 U.S.C. 7114(c), as applied by the CAA, and those that automatically renew without further action by the parties, do not constitute a bar to a petition seeking an election under this section unless a clear and unambiguous effective date, renewal date where applicable, duration, and termination date are ascertainable from the agreement and relevant accompanying documentation.

§ 2422.13 Resolution of issues raised by a petition

(a) *Meetings prior to filing a representation petition.* All parties affected by the representation issues that may be raised in a petition are encouraged to meet prior to the filing of the petition to discuss their interests and narrow and resolve the issues. If requested by all parties a representative of the Office will participate in these meetings.

(b) *Meetings to narrow and resolve the issues after the petition is filed.* After a petition is filed, the Executive Director may require all affected parties to meet to narrow and resolve the issues raised in the petition.

§ 2422.14 Effect of withdrawal/dismissal

(a) *Withdrawal/dismissal less than sixty (60) days before contract expiration.* When a petition seeking an election that has been timely filed is withdrawn by the petitioner or dismissed by the Executive Director or the Board less than sixty (60) days prior to the expiration of an existing agreement between the incumbent exclusive representative and the employing office or activity or any time after the expiration of the agreement, another petition seeking an election will not be considered timely if filed within a ninety (90) day period from either:

(1) The date the withdrawal is approved; or

(2) The date the petition is dismissed by the Executive Director when no application for review is filed with the Board; or

(3) The date the Board rules on an application for review; or

(4) The date the Board issues a Decision and Order dismissing the petition.

Other pending petitions that have been timely filed under this Part will continue to be processed.

(b) *Withdrawal by petitioner.* A petitioner who submits a withdrawal request for a petition seeking an election that is received by the Executive Director after the notice of pre-election investigatory hearing issues or after approval of an election agreement, whichever occurs first, will be barred from filing another petition seeking an election for the same unit or any subdivision of the unit for six (6) months from the date of the approval of the withdrawal by the Executive Director.

(c) *Withdrawal by incumbent.* When an election is not held because the incumbent disclaims any representation interest in a unit, a petition by the incumbent seeking an election involving the same unit or a subdivision of the same unit will not be considered timely if filed within six (6) months of cancellation of the election.

§ 2422.15 Duty to furnish information and cooperate

(a) *Relevant information.* After a petition is filed, all parties must, upon request of the Executive Director, furnish the Executive Director and serve all parties affected by issues raised in the petition with information concerning parties, issues, and agreements raised in or affected by the petition.

(b) *Inclusions and exclusions.* After a petition seeking an election is filed, the Executive Director, on behalf of the Board, may direct the employing office or activity to furnish the Executive Director and all parties affected by issues raised in the petition with a current alphabetized list of employees and job classifications included in and/or excluded from the existing or claimed unit affected by issues raised in the petition.

(c) *Cooperation.* All parties are required to cooperate in every aspect of the representation process. This obligation includes cooperating fully with the Executive Director, submitting all required and requested information, and participating in prehearing conferences and pre-election investigatory hearings. The failure to cooperate in the representation process may result in the Executive Director or the Board taking appropriate action, including dismissal of the petition or denial of intervention.

§ 2422.16 Election agreements or directed elections

(a) *Election agreements.* Parties are encouraged to enter into election agreements.

(b) *Executive Director directed election.* If the parties are unable to agree on procedural matters, specifically, the eligibility period, method of election, dates, hours, or locations of the election, the Executive Director, on behalf of the Board, will decide election procedures and issue a Direction of Election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.

(c) *Opportunity for an investigatory hearing.* Before directing an election, the Executive Director shall provide affected parties an opportunity for a pre-election investigatory hearing on other than procedural matters.

(d) *Challenges or objections to a directed election.* A Direction of Election issued under this section will be issued without prejudice to the right of a party to file a challenge to the eligibility of any person participating in the election and/or objections to the election.

§ 2422.17 Notice of pre-election investigatory hearing and prehearing conference

(a) *Purpose of notice of an investigatory hearing.* The Executive Director, on behalf of the Board, may issue a notice of pre-election investigatory hearing involving any issues raised in the petition.

(b) *Contents.* The notice of hearing will advise affected parties about the pre-election investigatory hearing. The Executive Director will also notify affected parties of the issues raised in the petition and establish a date for the prehearing conference.

(c) *Prehearing conference.* A prehearing conference will be conducted by the Executive Director or her designee, either by meeting or teleconference. All parties must participate in a prehearing conference and be prepared to fully discuss, narrow and resolve the issues set forth in the notification of the prehearing conference.

(d) *No interlocutory appeal of investigatory hearing determination.* The Executive Director's determination of whether to issue a notice of pre-election investigatory hearing is not appealable to the Board.

§ 2422.18 Pre-election investigatory hearing procedures

(a) *Purpose of a pre-election investigatory hearing.* Representation hearings are considered investigatory and not adversarial. The purpose of the hearing is to develop a full and complete record of relevant and material facts.

(b) *Conduct of hearing.* Pre-election investigatory hearings will be open to the public unless otherwise ordered by the Executive Director or her designee. There is no burden of proof, with the exception of proceedings on objections to elections as provided for in § 2422.27(b). Formal rules of evidence do not apply.

(c) *Pre-election investigatory hearing.* Pre-election investigatory hearings will be conducted by the Executive Director or her designee.

(d) *Production of evidence.* Parties have the obligation to produce existing documents and witnesses for the investigatory hearing in accordance with the instructions of the Executive Director or her designee. If a party willfully fails to comply with such instructions, the Board may draw an inference adverse to that party on the issue related to the evidence sought.

(e) *Transcript.* An official reporter will make the official transcript of the pre-election investigatory hearing. Copies of the official transcript may be examined in the Office during normal working hours. Requests by parties to purchase copies of the official transcript should be made to the official hearing reporter.

§ 2422.19 Motions

(a) *Purpose of a motion.* Subsequent to the issuance of a notice of pre-election investigatory hearing in a representation proceeding, a party seeking a ruling, an order, or relief must do so by filing or raising a motion stating the order or relief sought and the grounds therefor. Challenges and other filings referenced in other sections of this subpart may, in the discretion of the Executive Director or her designee, be treated as a motion.

(b) *Prehearing motions.* Prehearing motions must be filed in writing with the Executive Director. Any response must be filed with the Executive Director within five (5) days after service of the motion. The Executive Director shall rule on the motion .

(c) *Motions made at the investigatory hearing.* During the pre-election investigatory hearing, motions will be made to the Executive Director or her designee, and may be oral on the record, unless otherwise required in this subpart to be in writing. Responses may be oral on the record or in writing, but, absent permission of the Executive Director or her designee, must be provided before the hearing closes. The Executive Director or her designee will rule on motions made at the hearing.

(d) *Posthearing motions.* Motions made after the hearing closes must be filed in writing with the Board. Any response to a posthearing motion must be filed with the Board within five (5) days after service of the motion.

§ 2422.20 Rights of parties at a pre-election investigatory hearing

(a) *Rights.* A party at a pre-election investigatory hearing will have the right:

(1) To appear in person or by a representative;

(2) To examine and cross-examine witnesses; and

(3) To introduce into the record relevant evidence.

(b) *Documentary evidence and stipulations.* Parties must submit two (2) copies of documentary evidence to the Executive Director or her designee and copies to all other parties. Stipulations of fact between/among the parties may be introduced into evidence.

(c) *Oral argument.* Parties will be entitled to a reasonable period prior to the close of the hearing for oral argument. Presentation of a closing oral argument does not preclude a party from filing a brief under paragraph (d) of this section.

(d) *Briefs.* A party will be afforded an opportunity to file a brief with the Board.

(1) An original and two (2) copies of a brief must be filed with the Board within thirty (30) days from the close of the hearing.

(2) A written request for an extension of time to file a brief must be filed with and received by the Board no later than five (5) days before the date the brief is due.

(3) No reply brief may be filed without permission of the Board.

§2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing

(a) *Duties.* The Executive Director or her designee, on behalf of the Board, will receive evidence and inquire fully into the relevant and material facts concerning the matters that are the subject of the investigatory hearing, and may make recommendations on the record to the Board.

(b) *Powers.* During the period a case is assigned to the Executive Director or her designee for pre-election investigatory hearing and prior to the close of the hearing, the Executive Director or her designee may take any action necessary to schedule, conduct, continue, control, and regulate the pre-election investigatory hearing, including ruling on motions when appropriate.

§2422.22 Objections to the conduct of the pre-election investigatory hearing

(a) *Objections.* Objections are oral or written complaints concerning the conduct of a pre-election investigatory hearing.

(b) *Exceptions to rulings.* There are automatic exceptions to all adverse rulings.

§2422.23 Election procedures

(a) *Executive Director conducts or supervises election.* The Executive Director, on behalf of the Board, will decide to conduct or supervise the election. In supervised elections, employing offices or activities will perform all acts as specified in the Election Agreement or Direction of Election.

(b) *Notice of election.* Prior to the election a notice of election, prepared by the Executive Director, will be posted by the employing office or activity in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed. The notice of election will contain the details and procedures of the election, including the appropriate unit, the eligibility period, the date(s), hour(s) and location(s) of the election, a sample ballot, and the effect of the vote.

(c) *Sample ballot.* The reproduction of any document purporting to be a copy of the official ballot that suggests either directly or indirectly to employees that the Board endorses a particular choice in the election may constitute grounds for setting aside an election if objections are filed under §2422.26.

(d) *Secret ballot.* All elections will be by secret ballot.

(e) *Intervenor withdrawal from ballot.* When two or more labor organizations are included as choices in an election, an intervening labor organization may, prior to the approval of an election agreement or before the direction of an election, file a written request with the Executive Director to remove its name from the ballot. If the request is not received prior to the approval of an election agreement or before the direction of an election, unless the parties and the Executive Director, on behalf of the Board, agree otherwise, the intervening labor organization will remain on the ballot. The Executive Director's decision on the request is final and not subject to the filing of an application for review with the Board.

(f) *Incumbent withdrawal from ballot in an election to decertify an incumbent representative.* When there is no intervening labor organization, an election to decertify an incumbent exclusive representative will not be held if the incumbent provides the Executive Director with a written disclaimer of any representation interest in the unit. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(g) *Petitioner withdraws from ballot in an election.* When there is no intervening labor organization, an election will not be held if the petitioner provides the Executive Director with a written request to withdraw the petition. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(h) *Observers.* All parties are entitled to representation at the polling location(s) by observers of their own selection subject to the Executive Director's approval.

(1) Parties desiring to name observers must file in writing with the Executive Director a request for specifically named observers at least fifteen (15) days prior to an election. The Executive Director may grant an extension of time for filing a request for specifically named observers for good cause where a party requests such an extension or on the Executive Director's own motion. The request must name and identify the observers requested.

(2) An employing office or activity may use as its observers any employees who are not eligible to vote in the election, except:

(i) Supervisors or management officials;

(ii) Employees who have any official connection with any of the labor organizations involved; or

(iii) Non-employees of the legislative branch.

(3) A labor organization may use as its observers any employees eligible to vote in the election, except:

(i) Employees on leave without pay status who are working for the labor organization involved; or

(ii) Employees who hold an elected office in the union.

(4) Objections to a request for specific observers must be filed with the Executive Director stating the reasons in support within five (5) days after service of the request.

(5) The Executive Director's ruling on requests for and objections to observers is final and binding and is not subject to the filing of an application for review with the Board.

§2422.24 Challenged ballots

(a) *Filing challenges.* A party or the Executive Director may, for good cause, challenge the eligibility of any person to participate in the election prior to the employee voting.

(b) *Challenged ballot procedure.* An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the Region are unable to resolve the challenged ballot(s) prior to the tally of ballots, the unresolved challenged ballot(s) will be impounded and preserved until a determination can be made, if necessary, by the Executive Director or the Board.

§2422.25 Tally of ballots

(a) *Tallying the ballots.* When the election is concluded, the Executive Director or her designee will tally the ballots.

(b) *Service of the tally.* When the tally is completed, the Executive Director will serve the tally of ballots on the parties in accordance with the election agreement or direction of election.

(c) *Valid ballots cast.* Representation will be determined by the majority of the valid ballots cast.

§2422.26 Objections to the election

(a) *Filing objections to the election.* Objections to the procedural conduct of the election or to conduct that may have improperly affected the results of the election may be filed by any party. Objections must be filed and received by the Executive Director within five (5) days after the tally of ballots has been served. Any objections must be timely regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must be supported by clear and concise reasons. An original and two (2) copies of the objections must be received by the Executive Director.

(b) *Supporting evidence.* The objecting party must file with the Executive Director evidence, including signed statements, documents and other materials supporting the objections within ten (10) days after the objections are filed.

§2422.27 Determinative challenged ballots and objections

(a) *Investigation.* The Executive Director, on behalf of the Board, will investigate objections and/or determinative challenged ballots that are sufficient in number to affect the results of the election.

(b) *Burden of proof.* A party filing objections to the election bears the burden of proof by a preponderance of the evidence concerning those objections. However, no party bears the burden of proof on challenged ballots.

(c) *Executive Director action.* After investigation, the Executive Director will take appropriate action consistent with §2422.30.

(d) *Consolidated hearing on objections and/or determinative challenged ballots and an unfair labor practice hearing.* When appropriate, and in accordance with §2422.33, objections and/or determinative challenged ballots may be consolidated with an unfair labor practice hearing. Such consolidated hearings will be conducted by a Hearing Officer. Exceptions and related submissions must be filed with the Board and the Board will issue a decision in accordance with Part 2423 of this chapter and section 406 of the CAA, except for the following:

(1) Section 2423.18 of this Subchapter concerning the burden of proof is not applicable;

(2) The Hearing Officer may not recommend remedial action to be taken or notices to be posted; and,

(3) References to "charge" and "complaint" in Part 2423 of this chapter will be omitted.

§2422.28 Runoff elections

(a) *When a runoff may be held.* A runoff election is required in an election involving at least three (3) choices, one of which is "no union" or "neither," when no choice receives a majority of the valid ballots cast. However, a runoff may not be held until the objections to the election and determinative challenged ballots have been resolved.

(b) *Eligibility.* Employees who were eligible to vote in the original election and who are also eligible on the date of the runoff election may vote in the runoff election.

(c) *Ballot.* The ballot in the runoff election will provide for a selection between the two choices receiving the largest and second largest number of votes in the election.

§2422.29 Inconclusive elections

(a) *Inconclusive elections.* An inconclusive election is one where challenged ballots are not sufficient to affect the outcome of the election and one of the following occurs:

(1) The ballot provides for at least three (3) choices, one of which is "no union" or "neither" and the votes are equally divided; or

(2) The ballot provides for at least three (3) choices, the choice receiving the highest number of votes does not receive a majority, and at least two other choices receive the next highest and same number of votes; or

(3) When a runoff ballot provides for a choice between two labor organizations and results in the votes being equally divided; or

(4) When the Board determines that there have been significant procedural irregularities.

(b) *Eligibility to vote in a rerun election.* A current payroll period will be used to determine eligibility to vote in a rerun election.

(c) *Ballot.* If a determination is made that the election is inconclusive, the election will be rerun with all the choices that appeared on the original ballot.

(d) *Number of reruns.* There will be only one rerun of an inconclusive election. If the rerun results in another inconclusive election, the tally of ballots will indicate a majority of valid ballots has not been cast for any choice and a certification of results will be issued. If necessary, a runoff may be held when an original election is rerun.

§2422.30 Executive director investigations, notices of pre-election investigatory hearings, and actions; board decisions and orders

(a) *Executive Director investigation.* The Executive Director, on behalf of the Board, will make such investigation of the petition and any other matter as the Executive Director deems necessary.

(b) *Executive Director notice of pre-election investigatory hearing.* On behalf of the Board, the Executive Director will issue a notice of pre-election investigatory hearing to inquire into any matter about which a material issue of fact exists, where there is an issue as to whether a question concerning representation exists, and any time there is reasonable cause to believe a question exists regarding unit appropriateness.

(c) *Executive Director action.* After investigation and/or hearing, when a pre-election investigatory hearing has been ordered, the Executive Director may, on behalf of the Board, approve an election agreement, dismiss a petition or deny intervention where there is an inadequate or invalid showing of interest, or dismiss a petition where there is an undisputed bar to further processing of the petition under law, rule or regulation.

(d) *Appeal of Executive Director action.* A party may file with the Board an application for review of an Executive Director action taken pursuant to section (c) above.

(e) *Contents of the Record.* When no pre-election investigatory hearing has been conducted all material submitted to and considered by the Executive Director during the investigation becomes a part of the record. When a pre-election investigatory hearing has been conducted, the transcript and all material entered into evidence, including any posthearing briefs, become a part of the record.

(f) *Transfer of record to Board; Board Decisions and Orders.* In cases that are submitted to the Board for decision in the first instance, the Board shall decide the issues presented based upon the record developed by the Executive Director, including the transcript of the pre-election investigatory hearing, if any, documents admitted into the record and briefs and other approved submissions from the parties. The Board may direct that a secret ballot election be held, issue an order dismissing the petition, or make such other disposition of the matter as it deems appropriate.

§2422.31 Application for review of an executive director action

(a) *Filing an application for review.* A party must file an application for review with the Board within sixty (60) days of the Executive Director's action. The sixty (60) day time limit provided for in 5 U.S.C. 7105(f), as applied by the CAA, may not be extended or waived.

(b) *Contents.* An application for review must be sufficient to enable the Board to rule on the application without recourse to the record; however, the Board may, in its discretion, examine the record in evaluating the application. An application must specify the matters and rulings to which exception(s) is taken, include a summary of evidence relating to any issue raised in the application, and make specific reference to page citations in the transcript if a hearing was held. An application may not raise any issue or rely on any facts not timely presented to the Executive Director.

(c) *Review.* The Board may, in its discretion, grant an application for review when the application demonstrates that review is warranted on one or more of the following grounds:

(1) The decision raises an issue for which there is an absence of precedent;

(2) Established law or policy warrants reconsideration; or,

(3) There is a genuine issue over whether the Executive Director has:

(i) Failed to apply established law;

(ii) Committed a prejudicial procedural error;

(iii) Committed a clear and prejudicial error concerning a substantial factual matter.

(d) *Opposition.* A party may file with the Board an opposition to an application for review within ten (10) days after the party is served with the application. A copy must be served on the Executive Director and all other parties and a statement of service must be filed with the Board.

(e) *Executive Director action becomes the Board's action.* An action of the Executive Director becomes the action of the Board when:

(1) No application for review is filed with the Board within sixty (60) days after the date of the Executive Director's action; or

(2) A timely application for review is filed with the Board and the Board does not undertake to grant review of the Executive Director's action within sixty (60) days of the filing of the application; or

(3) The Board denies an application for review of the Executive Director's action.

(f) *Board grant of review and stay.* The Board may rule on the issue(s) in an application for review in its order granting the application for review. Neither filing nor granting an application for review shall stay any action ordered by the Executive Director unless specifically ordered by the Board.

(g) *Briefs if review is granted.* If the Board does not rule on the issue(s) in the application for review in its order granting review, the Board may, in its discretion, afford the parties an opportunity to file briefs. The briefs will be limited to the issue(s) referenced in the Board's order granting review.

§2422.32 Certifications and revocations

(a) *Certifications.* The Executive Director, on behalf of the Board, will issue an appropriate certification when:

(1) After an election, runoff, or rerun,

(i) No objections are filed or challenged ballots are not determinative, or

(ii) Objections and determinative challenged ballots are decided and resolved; or

(2) The Executive Director takes an action requiring a certification and that action becomes the action of the Board under §2422.31(e) or the Board otherwise directs the issuance of a certification.

(b) Revocations. Without prejudice to any rights and obligations which may exist under the CAA, the Executive Director, on behalf of the Board, will revoke a recognition or certification, as appropriate, and provide a written statement of reasons when an incumbent exclusive representative files, during a representation proceeding, a disclaimer of any representational interest in the unit.

§2422.33 Relief obtainable under Part 2423

Remedial relief that was or could have been obtained as a result of a motion, objection, or challenge filed or raised under this subpart, may not be the basis for similar relief if filed or raised as an unfair labor practice under Part 2423 of this Chapter: *provided, however,* that related matters may be consolidated for hearing as noted in §2422.27(d) of this subpart.

§2422.34 Rights and obligations during the pendency of representation proceedings

(a) *Existing recognitions, agreements, and obligations under the CAA.* During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, adhere to the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the CAA.

(b) *Unit status of individual employees.* Notwithstanding paragraph (a) of this section and except as otherwise prohibited by law, a party may take action based on its position regarding the bargaining unit status of individual employees, pursuant to 5 U.S.C. 7103(a)(2), 7112(b) and (c), as applied by the CAA: *provided, however,* that its actions may be challenged, reviewed, and remedied where appropriate.

Part 2423—Unfair Labor Practice Proceedings

Sec.

2423.1 Applicability of this part.
2423.2 Informal proceedings.
2423.3 Who may file charges.
2423.4 Contents of the charge; supporting evidence and documents.
2423.5 Selection of the unfair labor practice procedure or the negotiability procedure.
2423.6 Filing and service of copies.
2423.7 Investigation of charges.
2423.8 Amendment of charges.
2423.9 Action by the General Counsel.
2423.10 Determination not to file complaint.
2423.11 Settlement or adjustment of issues.
2423.12 Filing and contents of the complaint.
2423.13 Answer to the complaint.
2423.14 Prehearing disclosure; conduct of hearing.
2423.15 Intervention.
2423.16 [Reserved]
2423.17 [Reserved]
2423.18 Burden of proof before the Hearing Officer.
2423.19 Duties and powers of the Hearing Officer.
2423.20 [Reserved]

2423.21 [Reserved]
2423.22 [Reserved]
2423.23 [Reserved]
2423.24 [Reserved]
2423.25 [Reserved]
2423.26 Hearing Officer decisions; entry in records of the Office.
2423.27 Appeal to the Board.
2423.28 [Reserved]
2423.29 Action by the Board.
2423.30 Compliance with decisions and orders of the Board.
2423.31 Backpay proceedings.

§2423.1 Applicability of this part

This part is applicable to any charge of alleged unfair labor practices occurring on or after October 1, 1996.

§2423.2 Informal proceedings

(a) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the 180 day period of limitation set forth in section 220(c)(2) of the CAA, it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the filing of a complaint by the General Counsel.

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the General Counsel will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

§2423.3 Who may file charges

An employing office, employing activity, or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 5 U.S.C. 7116, as applied by the CAA.

§2423.4 Contents of the charge; supporting evidence and documents

(a) A charge alleging a violation of 5 U.S.C. 7116, as applied by the CAA, shall be submitted on forms prescribed by the General Counsel and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the employing office or activity, or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 71 of title 5 of the United States Code made applicable by the CAA alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Board under Part 2471 of these regulations, or the Federal Mediation and Conciliation Service, or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 2424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the General Counsel any supporting evidence and documents.

§2423.5 Selection of the unfair labor practice procedure or the negotiability procedure

Where a labor organization files an unfair labor practice charge pursuant to this part which involves a negotiability issue, and the labor organization also files pursuant to part 2424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under part 2424 of this subchapter.

§2423.6 Filing and service of copies

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the General Counsel.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the General Counsel. The General Counsel will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

(c) A charge will be deemed to be filed when it is received by the General Counsel in accordance with the requirements in paragraph (a) of this section.

§2423.7 Investigation of charges

(a) The General Counsel shall conduct such investigation of the charge as the General Counsel deems necessary. Consistent with the policy set forth in §2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the General Counsel.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the General Counsel.

(d) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§2423.8 Amendment of charges

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in §2423.6.

§2423.9 Action by the general counsel

(a) The General Counsel shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to file a complaint;

(3) Approve a written settlement and recommend that the Executive Director approve a written settlement agreement in accordance with the provisions of section 414 of the CAA;

(4) File a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after filing of a complaint, a stipulation of facts in accordance with the provisions of §2429.1(a) of this subchapter; or

(6) Withdraw a complaint.

§2423.10 Determination not to file complaint

(a) If the General Counsel determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the General Counsel may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to file a complaint.

(b) The charging party may not obtain a review of the General Counsel's decision not to file a complaint.

§2423.11 Settlement or adjustment of issues

(a) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Executive Director or General Counsel, as appropriate, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint settlements

(b)(1) Prior to the filing of any complaint or the taking of other formal action, the General Counsel will afford the charging party and the respondent a reasonable period of time in which to enter into a settlement agreement to be submitted to and approved by the General Counsel and the Executive Director. Upon approval by the General Counsel and Executive Director and compliance with the terms of the settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the settlement agreement, the General Counsel may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, if the General Counsel concludes that the offered settlement will effectuate the policies

of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel and the latter shall decline to file a complaint.

Post complaint settlement policy

(c) Consistent with the policy reflected in paragraph (a) of this section, even after the filing of a complaint, the Board favors the settlement of issues. Such settlements may be accomplished as provided in paragraph (b) of this section. The parties may, as part of the settlement, agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily such a settlement agreement will also contain the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order.

Post complaint prehearing settlements

(d)(1) If, after the filing of a complaint, the charging party and the respondent enter into a settlement agreement, and such agreement is accepted by the General Counsel, the settlement agreement shall be submitted to the Executive Director for approval.

(2) If, after the filing of a complaint, the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel. The charging party will be so informed and provided a brief written statement by the General Counsel of the reasons therefor. The settlement agreement together with the charging party's objections, if any, and the General Counsel's written statements, shall be submitted to the Executive Director for approval. The Executive Director may approve or disapprove any settlement agreement.

(3) After the filing of a complaint, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may withdraw the complaint.

Settlements after the opening of the hearing

(e)(1) After filing of a complaint and after opening of the hearing, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may request the Hearing Officer for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve a settlement and recommend that the Executive Director approve the settlement pursuant to paragraph (b) of this section.

(2) If, after filing of a complaint and after opening of the hearing, the parties enter into a settlement agreement that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a settlement agreement, offered by the respondent, that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied to the CAA, the agreement shall be between the respondent and the General Counsel. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the settlement, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any such settlement agreement or return the case to the Hearing Officer for other appropriate action.

§ 2423.12 Filing and contents of the complaint

(a) After a charge is filed, if it appears to the General Counsel that formal proceedings in respect thereto should be instituted, the General Counsel shall file a formal complaint: *provided, however*, that a determination by the General Counsel to file a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Any information required pursuant to the Procedural Rules of the Office.

(c) Any such complaint may be withdrawn before the hearing by the General Counsel.

§ 2423.13 Answer to the complaint

A respondent shall file an answer to a complaint in accordance with the requirements of the Procedural Rules of the Office.

§ 2423.14 Prehearing disclosure; conduct of hearing

The procedures for prehearing discovery and the conduct of the hearing are set forth in the Procedural Rules of the Office.

§ 2423.15 Intervention

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in the Procedural Rules of the Office. The motion shall state the grounds upon which such person claims involvement.

§ 2423.16 [Reserved]

§ 2423.17 [Reserved]

§ 2423.18 Burden of proof before the hearing officer

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

2423.19 Duties and powers of the hearing officer

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before such Hearing Officer, subject to the rules and regulations of the Office and the Board.

§ 2423.20 [Reserved]

§ 2423.21 [Reserved]

§ 2423.22 [Reserved]

§ 2423.23 [Reserved]

§ 2423.24 [Reserved]

§ 2423.25 [Reserved]

§ 2423.26 Hearing officer decisions; entry in records of the office

In accordance with the Procedural Rules of the Office, the Hearing Officer shall issue a written decision and that decision will be entered into the records of the Office.

§ 2423.27 Appeal to the Board

An aggrieved party may seek review of a decision and order of the Hearing Officer in accordance with the Procedural Rules of the Office.

§ 2423.28 [Reserved]

§2423.29 Action by the Board

(a) If an appeal is filed, the Board shall review the decision of the Hearing Officer in accordance with section 406 of the CAA, and the Procedural Rules of the Office.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the employing office or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in paragraphs (1) through (3) of this paragraph (b), or such other action as will carry out the purpose of the chapter 71, as applied by the CAA.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§ 2423.30 Compliance with decisions and orders of the Board

When remedial action is ordered, the respondent shall report to the Office within a specified period that the required remedial action has been effected. When the General Counsel or the Executive Director finds that the required remedial action has not been effected, the General Counsel or the Executive Director shall take such action as may be appropriate, including referral to the Board for enforcement.

§ 2423.31 Backpay proceedings

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the General Counsel that a controversy exists which cannot be resolved without a formal proceeding, the General Counsel may issue and serve on all parties a backpay specification accompanied by a request for hearing or a request for hearing without a specification. Upon receipt of the request for hearing, the Executive Director will appoint an independent Hearing Officer. The respondent shall, within twenty (20) days after the service of a backpay specification, file an answer thereto in accordance with the Office's Procedural Rules. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the hearing procedures provided in the Procedural Rules of the Office shall be followed insofar as applicable.

Part 2424 Expedited Review of Negotiability Issues

Subpart A—Instituting an Appeal

Sec.

2424.1 Conditions governing review.

2424.2 Who may file a petition.

2424.3 Time limits for filing.

2424.4 Content of petition; service.

2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.

2424.6 Position of the employing office; time limits for filing; service.

2424.7 Response of the exclusive representative; time limits for filing; service.

2424.8 Additional submissions to the Board.

2424.9 Hearing.

2424.10 Board decision and order; compliance.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

2424.11 Illustrative criteria.

SUBPART A—INSTITUTING AN APPEAL

§ 2424.1 Conditions governing review

The Board will consider a negotiability issue under the conditions prescribed by 5

U.S.C. 7117 (b) and (c), as applied by the CAA, namely: If an employing office involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation, the exclusive representative may appeal the allegation to the Board when—

(a) It disagrees with the employing office's allegation that the matter as proposed to be bargained is inconsistent with any Federal law or any Government-wide rule or regulation; or

(b) It alleges, with regard to any employing office rule or regulation asserted by the employing office as a bar to negotiations on the matter, as proposed, that:

(1) The rule or regulation violates applicable law, or rule or regulation of appropriate authority outside the employing office;

(2) The rule or regulation was not issued by the employing office or by any primary national subdivision of the employing office, or otherwise is not applicable to bar negotiations with the exclusive representative, under 5 U.S.C. 7117(a)(3), as applied by the CAA; or

(3) No compelling need exists for the rule or regulation to bar negotiations on the matter, as proposed, because the rule or regulation does not meet the criteria established in subpart B of this part.

§ 2424.2 Who may file a petition

A petition for review of a negotiability issue may be filed by an exclusive representative which is a party to the negotiations.

§ 2424.3 Time limits for filing

The time limit for filing a petition for review is fifteen (15) days after the date the employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained is served on the exclusive representative. The exclusive representative shall request such allegation in writing and the employing office shall make the allegation in writing and serve a copy on the exclusive representative: *provided, however*, that review of a negotiability issue may be requested by an exclusive representative under this subpart without a prior written allegation by the employing office if the employing office has not served such allegation upon the exclusive representative within ten (10) days after the date of the receipt by any employing office bargaining representative at the negotiations of a written request for such allegation.

§ 2424.4 Content of petition; service

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the employing office;

(2) An explicit statement of the meaning attributed to the proposal by the exclusive representative including:

(i) Explanation of terms of art, acronyms, technical language, or any other aspect of the language of the proposal which is not in common usage; and

(ii) Where the proposal is concerned with a particular work situation, or other particular circumstances, a description of the situation or circumstances which will enable the Board to understand the context in which the proposal is intended to apply;

(3) A copy of all pertinent material, including the employing office's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under part 2423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the employing office head and on the principal employing office bargaining representative at the negotiations.

(c)(1) Filing an incomplete petition for review will result in the exclusive representative being asked to provide the missing or incomplete information. Noncompliance with a request to complete the record may result in dismissal of the petition.

(2) The processing priority accorded to an incomplete petition, relative to other pending negotiability appeals, will be based upon the date when the petition is completed—not the date it was originally filed.

§ 2424.5 Selection of the unfair labor practice procedure or the negotiability procedure

Where a labor organization files an unfair labor practice charge pursuant to part 2423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§ 2424.6 Position of the employing office; time limits for filing; service

(a) Within thirty (30) days after the date of the receipt by the head of an employing office of a copy of a petition for review of a negotiability issue the employing office shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be negotiated; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation and shall contain a copy of any internal employing office rule or regulation so relied upon. The statement shall include:

(i) Explanation of the meaning the employing office attributes to the proposal as a whole, including any terms of art, acronyms, technical language or any other aspect of the language of the proposal which is not in common usage; and

(ii) Description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is considered to apply by the employing office.

(b) A copy of the employing office's statement of position, including all attachments thereto shall be served on the exclusive representative.

§ 2424.7 Response of the exclusive representative; time limits for filing; service

(a) Within fifteen (15) days after the date of the receipt by an exclusive representative of a copy of an employing office's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for:

(1) Disagreeing with the employing office's allegation that the matter, as proposed to be negotiated, is inconsistent with any Federal law or Government-wide rule or regulation; or

(2) Alleging that the employing office's rules or regulations violate applicable law, or rule or regulation or appropriate authority outside the employing office; that the rules or regulations were not issued by the employing office or by any primary national subdivision of the employing office, or otherwise are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA; or that no compelling need exists for the rules or regulations to bar negotiations.

(b) The response shall cite the particular section of any law, rule or regulation alleged to be violated by the employing office's rules or regulations; or shall explain the grounds for contending the employing office rules or regulations are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA, or fail to meet the criteria established in subpart B of this part, or were not issued at the employing office headquarters level or at the level of a primary national subdivision.

(c) A copy of the response of the exclusive representative including all attachments thereto shall be served on the employing office head and on the employing office's representative of record in the proceeding before the Board.

§ 2424.8 Additional submissions to the Board

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under § 2424.2 through 2424.7 unless such submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§ 2424.9 Hearing

A hearing may be held, in the discretion of the Board, before a determination is made under 5 U.S.C. 7117(b) or (c), as applied by the CAA. If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§ 2424.10 Board decision and order; compliance

(a) Subject to the requirements of this subpart the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the employing office a written decision on the allegation and specific reasons therefore at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the employing office, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the employing office or exclusive representative shall report to the Executive Director within a specified period failure to comply with an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter.

SUBPART B—CRITERIA FOR DETERMINING COMPELLING NEED FOR EMPLOYING OFFICE RULES AND REGULATIONS

§ 2424.11 Illustrative criteria

A compelling need exists for an employing office rule or regulation concerning any condition of employment when the employing office demonstrates that the rule or regulation meets one or more of the following illustrative criteria:

(a) The rule or regulation is essential, as distinguished from helpful or desirable, to the accomplishment of the mission or the execution of functions of the employing office or primary national subdivision in a manner which is consistent with the requirements of an effective and efficient government.

(b) The rule or regulation is necessary to insure the maintenance of basic merit principles.

(c) The rule or regulation implements a mandate to the employing office or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

Part 2425—Review of Arbitration Awards

Sec.
2425.1 Who may file an exception; time limits for filing; opposition; service.
2425.2 Content of exception.
2425.3 Grounds for review.
2425.4 Board decision.

§ 2425.1 Who may file an exception; time limits for filing; opposition; service

(a) Either party to arbitration under the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, may file an exception to an arbitrator's award rendered pursuant to the arbitration.

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on the date the award is served on the filing party.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§ 2425.2 Content of exception

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the award of the arbitrator and legible copies of other pertinent documents; and

(e) The name and address of the arbitrator.

§ 2425.3 Grounds for review

The Board will review an arbitrator's award to which an exception has been filed to determine if the award is deficient—

(a) Because it is contrary to any law, rule or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-management relations.

§ 2425.4 Board decision

The Board shall issue its decision and order taking such action and making such recommendations concerning the award as it considers necessary, consistent with applicable laws, rules, or regulations.

Part 2426—National Consultation Rights and Consultation Rights on Government-wide Rules or Regulations

Subpart A—National Consultation Rights

Sec.
2426.1 Requesting; granting; criteria.
2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.
2426.3 Obligation to consult.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

2426.11 Requesting; granting; criteria.
2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.
2426.13 Obligation to consult.

SUBPART A—NATIONAL CONSULTATION RIGHTS

§ 2426.1 Requesting; granting; criteria

(a) An employing office shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the employing office level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the employing office.

(b) An employing office's primary national subdivision which has authority to formulate conditions of employment shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the employing office level, employees represented by the labor organization under national exclusive recognition granted at the employing office level.

(2) At the primary national subdivision level, employees represented by the labor organization under national exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An employing office or a primary national subdivision of an employing office shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b) and (c) of this section.

§ 2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights

(a) Requests by labor organizations for national consultation rights shall be submitted in writing to the headquarters of the employing office or the employing office's primary national subdivision, as appropriate, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, national consultation rights shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria set forth in § 2426.1 may be filed by a labor organization.

(2) A petition for determination of eligibility for national consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office or the primary national subdivision and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by § 2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intent to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights made under § 2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under § 2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights made under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office or primary national subdivision wishes to terminate national consultation rights, notice of its intention to do so shall include a statement of its reasons and shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an employing office or primary national subdivision may terminate national consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office or primary national subdivision shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigations as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for national consultation rights which shall be final: *provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting an investigatory hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §§2422.17 through 2422.22 of this subchapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.3 Obligation to consult

(a) When a labor organization has been accorded national consultation rights, the employing office or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed substantive change in conditions of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in conditions of employment to an employing office or a primary national subdivision, that employing office or primary national subdivision shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(c) Nothing in this subpart shall be construed to limit the right of any employing office or exclusive representative to engage in collective bargaining.

SUBPART B—CONSULTATION RIGHTS ON GOVERNMENT-WIDE RULES OR REGULATIONS

§2426.11 Requesting; granting; criteria

(a) An employing office shall accord consultation rights on Government-wide rules or regulations to a labor organization that:

(1) Requests consultation rights on Government-wide rules or regulations from an employing office; and

(2) Holds exclusive recognition for 350 or more covered employees within the legislative branch.

(b) An employing office shall not grant consultation rights on Government-wide rules or regulations to any labor organization that does not meet the criteria prescribed in paragraph (a) of this section.

§2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations

(a) Requests by labor organizations for consultation rights on Government-wide rules or regulations shall be submitted in writing to the headquarters of the employing office, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, consultation rights on Government-wide rules or regulations shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for consultation rights under criteria set forth in §2426.11 may be filed by a labor organization.

(2) A petition for determination of eligibility for consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office in which the petitioner seeks to obtain or retain consultation rights on Government-wide rules or regulations, and the persons to contact and their titles, if known;

(vi) A showing that petitioner meets the criteria as required by §2426.11; and

(vii) A statement, as appropriate:

(A) That such showing has been made to and rejected by the employing office, together with a statement of the reasons for rejection, if any, offered by that employing office;

(B) That the employing office has served notice of its intent to terminate existing consultation rights on Government-wide rules or regulations, together with a statement of the reasons for termination; or

(C) That the employing office has failed to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for consultation rights on Government-wide rules or regulations shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on the employing office, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office of its refusal to accord consultation rights on Government-wide rules or regulations pursuant to a request under §2426.12(a) or its intention to terminate such existing consultation rights. If an employing office fails to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office wishes to terminate consultation rights on Government-wide rules or regulations, notice of its intention to do so shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office pending disposition of the petition. If no petition has been filed within the provided time period, an employing office may terminate such consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigation as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for consultation rights which shall be final: *Provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of investigatory hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of investigatory hearing to be issued where substantial factual issues exist warranting a hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this chapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.13 Obligation to consult

(a) When a labor organization has been accorded consultation rights on Government-wide rules or regulations, the employing office which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed Government-wide rule or regulation issued by the employing office affecting any substantive change in any condition of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in any condition of employment to an employing office, that employing office shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

Part 2427—General Statements of Policy or Guidance

Sec.
2427.1 Scope.
2427.2 Requests for general statements of policy or guidance.
2427.3 Content of request.
2427.4 Submissions from interested parties.
2427.5 Standards governing issuance of general statements of policy or guidance.

§ 2427.1 Scope

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 5 U.S.C. 7105(a)(1), as applied by the CAA.

§ 2427.2 Requests for general statements of policy or guidance

(a) The head of an employing office (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, or other law.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board or General Counsel.

§ 2427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under § 2427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the CAA; and

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, where appropriate.

§ 2427.4 Submissions from interested parties

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§ 2427.5 Standards governing issuance of general statements of policy or guidance

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under chapter 71, as applied by the CAA;

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the legislative branch and would otherwise promote the purposes of chapter 71, as applied by the CAA.

Part 2428—Enforcement of Assistant Secretary Standards of Conduct Decisions and Orders

Sec.
2428.1 Scope.
2428.2 Petitions for enforcement.
2428.3 Board decision.

§ 2428.1 Scope

This part sets forth procedures under which the Board, pursuant to 5 U.S.C. 7105(a)(2)(I), as applied by the CAA, will enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120, as applied by the CAA.

§ 2428.2 Petitions for enforcement

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 5 U.S.C. 7120, as applied by the CAA. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such opposition. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§ 2428.3 Board decision

The Board shall issue its decision on the case enforcing, enforcing as modified, or refusing to enforce, the decision and order of the Assistant Secretary.

Part 2429—Miscellaneous and General Requirements

Subpart A—Miscellaneous

Sec.
2429.1 Transfer of cases to the Board.
2429.2 [Reserved]
2429.3 Transfer of record.
2429.4 Referral of policy questions to the Board.
2429.5 Matters not previously presented; official notice.
2429.6 Oral argument.
2429.7 [Reserved]
2429.8 [Reserved]
2429.9 [Reserved]
2429.10 Advisory opinions.
2429.11 [Reserved]
2429.12 [Reserved]
2429.13 Official time.
2429.14 Witness fees.
2429.15 Board requests for advisory opinions.
2429.16 General remedial authority.
2429.17 [Reserved]
2429.18 [Reserved]

Subpart B—General Requirements

2429.21 [Reserved]
2429.22 [Reserved]
2429.23 Extension; waiver.
2429.24 [Reserved]
2429.25 [Reserved]
2429.26 [Reserved]
2429.27 [Reserved]
2429.28 Petitions for amendment of regulations.

SUBPART A—MISCELLANEOUS

§ 2429.1 Transfer of cases to the board

In any unfair labor practice case under part 2423 of this subchapter in which, after the filing of a complaint, the parties stipulate that no material issue of fact exists, the Executive Director may, upon agreement of all parties, transfer the case to the Board; and the Board may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Board within thirty (30) days from the date of the Executive Director's order transferring the case to the Board. The Board may also remand any such case to the Executive Director for further processing. Orders of transfer and remand shall be served on all parties.

§ 2429.2 [Reserved]

§ 2429.3 Transfer of record

In any case under part 2425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the arbitrator, to the Board.

§ 2429.4 Referral of policy questions to the board

Notwithstanding the procedures set forth in this subchapter, the General Counsel, or the Assistant Secretary, may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate. The Board may decline a referral.

§ 2429.5 Matters not previously presented; official notice

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

§ 2429.6 Oral argument

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

§ 2429.7 [Reserved]
§ 2429.8 [Reserved]
§ 2429.9 [Reserved]
§ 2429.10 Advisory opinions

The Board and the General Counsel will not issue advisory opinions.

§ 2429.11 [Reserved]
§ 2429.12 [Reserved]
§ 2429.13 Official time

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status.

§ 2429.14 Witness fees

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the fee and mileage allowances which are paid subpenaed witnesses in the courts of the United States: *Provided*, that any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to § 2429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to § 2429.13.

§ 2429.15 Board requests for advisory opinions

(a) Whenever the Board, pursuant to 5 U.S.C. 7105(i), as applied by the CAA, requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifteen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§ 2429.16 General remedial authority

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§ 2429.17 [Reserved]
§ 2429.18 [Reserved]

Subpart B—General Requirements

§ 2429.21 [Reserved]
§ 2429.22 [Reserved]
§ 2429.23 Extension; waiver

(a) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be in writing and received by the appropriate official not later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) Time limits established in 5 U.S.C. 7105(f), 7117(c)(2) and 7122(b), as applied by the CAA, may not be extended or waived under this section.

§ 2429.24 [Reserved]
§ 2429.25 [Reserved]
§ 2429.26 [Reserved]
§ 2429.27 [Reserved]
§ 2429.28 Petitions for amendment of regulations

Any interested person may petition the Board in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

Subchapter D—Impasses

PART 2470—GENERAL

Subpart A—Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

2470.2 Definitions.

SUBPART A—PURPOSE

§ 2470.1 Purpose

The regulations contained in this subchapter are intended to implement the provisions of section 7119 of title 5 of the United States Code, as applied by the CAA. They prescribe procedures and methods which the Board may utilize in the resolution of negotiation impasses when voluntary arrangements, including the services of the Federal Mediation and Conciliation Service or any other third-party mediation, fail to resolve the disputes.

SUBPART B—DEFINITIONS

§ 2470.2 Definitions

(a) The terms *Executive Director, employing office, labor organization*, and *conditions of employment* as used herein shall have the meaning set forth in Part 2421 of these rules.

(b) The terms *designated representative* or *designee* of the Board means a Board member, a staff member, or other individual designated by the Board to act on its behalf.

(c) The term *hearing* means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 5 U.S.C. 7119, as applied by the CAA.

(d) The term *impasse* means that point in the negotiation of conditions of employment at which the parties are unable to reach agreement, notwithstanding their efforts to do so by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(e) The term *Board* means the Board of Directors of the Office of Compliance.

(f) The term *party* means the agency or the labor organization participating in the negotiation of conditions of employment.

(g) The term *voluntary arrangements* means any method adopted by the parties for the purpose of assisting them in their resolution of a negotiation dispute which is not inconsistent with the provisions of 5 U.S.C. 7119, as applied by the CAA.

Part 2471—Procedures of the Board in Impasse Proceedings

Sec.
2471.1 Request for Board consideration; request for Board approval of binding arbitration.
2471.2 Request form.
2471.3 Content of request.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.
2471.7 Preliminary hearing procedures.
2471.8 Conduct of hearing and prehearing conference.
2471.9 Report and recommendations.
2471.10 Duties of each party following receipt of recommendations.
2471.11 Final action by the Board.
2471.12 Inconsistent labor agreement provisions.

§ 2471.1 Request for board consideration; request for board approval of binding arbitration

If voluntary arrangements, including the services of the Federal Mediation and Conciliation Services or any other third-party mediation, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Board to consider the matter by filing a request as hereinafter provided; or the Board may, pursuant to 5 U.S.C. 7119(c)(1), as applied by the CAA, undertake consideration of the matter upon request of (i) the Federal Mediation and Conciliation Service, or (ii) the Executive Director; or

(b) The parties may jointly request the Board to approve any procedure, which they have agreed to adopt, for binding arbitration of the negotiation impasse by filing a request as hereinafter provided.

§ 2471.2 Request form

A form has been prepared for use by the parties in filing a request with the Board for consideration of an impasse or approval of a binding arbitration procedure. Copies are available from the Executive Director, Office of Compliance.

§ 2471.3 Content of request

(a) A request from a party or parties to the Board for consideration of an impasse must be in writing and include the following information:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Statement of issues at impasse and the summary positions of the initiating party or parties with respect to those issues; and

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

(b) A request for approval of a binding arbitration procedure must be in writing, jointly filed by the parties, and include the following information about the pending impasse:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Brief description of the impasse including the issues to be submitted to the arbitrator;

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized;

(4) Statement that the proposals to be submitted to the arbitrator contain no questions concerning the duty to bargain; and

(5) Statement of the arbitration procedures to be used, including the type of arbitration, the method of selecting the arbitrator, and the arrangement for paying for the proceedings or, in the alternative, those provisions of the parties' labor agreement which contain this information.

§ 2471.4 Where to file

Requests to the Board provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be addressed to the Executive Director, Office of Compliance.

§ 2471.5 Copies and service

(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Board acts on a request from the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, if any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8 1/2 x 11 inch size paper.

§ 2471.6 Investigation of request; board recommendation and assistance; approval of binding arbitration

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request; *provided, however*, that when the request is made pursuant to an agreed-upon procedure for arbitration contained in an applicable, previously negotiated agreement, the Board may use an expedited procedure and promptly approve or disapprove the request, normally within five (5) workdays.

§ 2471.7 Preliminary hearing procedures

When the Board determines that a hearing is necessary under § 2471.6, it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representatives appointed by the Board; (5) the issues to be resolved; and (6) the method, if any, by which the hearing shall be recorded.

§ 2471.8 Conduct of hearing and prehearing conference

(a) A designated representative of the Board, when so appointed to conduct a hearing, shall have the authority on behalf of the Board to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpenas;

(2) Conduct the hearing in open, or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted;

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Board in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

§ 2471.9 Report and recommendations

(a) When a report is issued after a hearing conducted pursuant to § 2471.7 and 2471.8, it normally shall be in writing and, when authorized by the Board, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Board with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Board shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§ 2471.10 Duties of each party following receipt of recommendations

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Board or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

§ 2471.11 Final action by the board

(a) If the parties do not arrive at a settlement as a result of or during actions taken under § 2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with 5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the Board considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hold hearings, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals pursuant to 5 U.S.C. 7119(c)(4), as applied by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in § 2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§ 2471.12 Inconsistent labor agreement provisions

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either 5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

A JUST AND LASTING SOLUTION TO THE CYPRUS PROBLEM

Mr. PELL. Madam President, the recent shooting of two young Greek Cypriots and a Turkish Cypriot soldier have raised tension on Cyprus to a higher level than has been experienced in many years. These events demonstrate that the status quo of foreign occupation and forcible division of the island is unacceptable and dangerous to peace and stability in the area.

Above all, the recent killings highlight the need to demilitarize Cyprus as a first step toward achieving a just and lasting solution to the Cyprus problem. Last fall, the U.S. House of Representatives adopted a resolution calling for demilitarization and it was subsequently approved by the Senate Foreign Relations Committee. The need for demilitarization is even greater now than it was last year.

Neither demilitarization nor a comprehensive settlement of the Cyprus problem will occur, however, unless Turkey demonstrates the political will and flexibility to arrive at a compromise solution to the division of Cyprus. In order for that to happen, the United States and its European allies must make a concerted effort to convince Turkey that an end to the division of Cyprus is in everyone's security interest.

The Ambassador of Cyprus in Washington, Andrew J. Jacovides, has very persuasively laid out the case for such an effort in a letter to the editor of the Washington Post that was published on September 9. I ask unanimous consent that the full text of his letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CYPRUS: THE PROBLEM IS SOLVABLE

The editorial "Cyprus: Try Everything" [Aug. 26], though well intended and timely, particularly in the wake of the recent brutal murders of two unarmed young Greek Cypriots who were peacefully demonstrating their justifiable feelings against Turkish occupation, miscasts some of the main relevant issues.

The recent events demonstrate that the status quo of occupation and forcible division is unacceptable and is indeed a source of tension and instability as well as the cause of grave injustice and much human suffering. In fact, there is much more in common that can unite Greek and Turkish Cypriots than the differences that at present divide them (though, of course, this does not hold true for the Anatolian settlers or the "Grey Wolves" imported from Turkey).

The Cyprus problem is solvable, and the basis for its solution lies within the parameters defined by U.N. resolutions, voted for also by the United States. In addition to the prospect of Cyprus's accession to the European Union highlighted in The Post's editorial, the demilitarization of Cyprus is a key element. In a resolution overwhelmingly adopted by the House of Representatives last September, Congress "considers that ultimate, total demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support."

There has been no lack of prominent diplomats engaged in the search for a Cyprus settlement, including Richard Holbrooke, Richard Beattie and, most recently, U.N. Ambassador Madeleine Albright. We certainly welcome such engagement. What is lacking, however, is the political will and the flexibility necessary to make a breakthrough toward a compromise solution on the part of Ankara, which has long held the key to such a solution through its military, economic and political dominance of the occupied northern part of Cyprus since 1974. Regrettably, the current regime in Turkey does not hold much promise that this will happen soon, unless there is a concerted international effort directed toward Ankara.

A just and lasting solution to the Cyprus problem is to the benefit of all parties concerned and is in fact crucial to improved relations between Greece and Turkey. For the United States, which has excellent relations with Cyprus as highlighted during the recent visit of President Glafcos Clerides to Washington, such a solution enjoys bipartisan support and is in the national interest. It can be achieved with active U.S. engagement and will be a foreign policy success for the United States and indeed for any administration.

The issue is not to just "try everything" but to take all appropriate and effective steps to end the division of the island and safeguard the security and human rights of all its people in a demilitarized, federal Cyprus within the European Union.

ANDREW J. JACOVIDES,
Ambassador.

DEFERRAL OF ACTION ON CHEMICAL WEAPONS CONVENTION

Mr. PELL. Madam President, earlier today the majority and minority cooperated in the vitiation of a unanimous-consent agreement under which a landmark international agreement, the Chemical Weapons Convention, was to have been considered. I hope very much that the Senate will be able to return to that treaty under more favorable circumstances.

It is important to understand that the treaty had been subjected to a barrage of criticism in recent weeks—some of it apparently motivated by a simple desire to kill the treaty. As a result the treaty's merits were somewhat obscured.

The Senate's former majority leader, former Senator Robert Dole, the Republican Party's current candidate for President, expressed certain reservations yesterday. Mr. Dole indicated that he would only support the treaty if we had high confidence that our intelligence community would detect violations and that the treaty will be truly global and include such parties as Iraq, Iran, Syria, Libya, and North Korea.

In the context of the Dole comments it became clear that the Senate would probably have to consider two amendments offered by the majority as provided for in the unanimous-consent agreement. The first amendment appeared likely to prohibit the President from depositing the U.S. instrument of ratification unless the Director of Central Intelligence certified to the Senate that the intelligence community could monitor the treaty with high confidence. The second amendment would have prevented the President from depositing the instrument of ratification until he certified that such so-called rogue states as Iran, Iraq, Libya, North Korea, and Syria had ratified the treaty.

The first amendment would have established an impossible standard, since no Director of Central Intelligence could ever make such a certification with regard to the Chemical Weapons Convention.

It is the very nature of chemical weapons that they can be made with very simple equipment and in small spaces. Nations or terrorist groups could certainly succeed in manufacturing quantities of lethal chemicals. Certainly no Director of Central Intelligence could ever express high confidence about abilities to detect all such activities.

Most of those familiar with the treaty understand that it represents a departure from the high confidence of detection that could be applied in earlier accords dealing with strategic offensive arms, for instance. Silos can be counted and so can submarines and their missiles. Bombers at airfields are clearly visible.

We must understand now that we are entering new fields of arms control and that there are going to be fewer absolute certainties.

The important standard to be met with regard to verification of arms control agreements is that we would be able to detect any militarily significant illegal activity under the treaty and be able to respond to that activity before any damage to our national security interests could occur.

Mr. Dole tied the impossible demand for high confidence in verification to insistence that the convention be effectively verifiable. Effective verification alone is a standard most experts believe this convention should meet and has met. The need for effective verification has been a commonly accepted standard for years. Insistence on high confidence of the detection of myriad violations moves the standard to the realm of impossibility, as Mr. Dole and treaty opponents know fully.

President George Bush concluded that the treaty was indeed effectively verifiable. In a July 18, 1994, letter to me, former President Bush wrote:

> The United States worked hard to ensure that the Convention could be effectively verified. At the same time, we sought the means to protect both United States security interests and commercial capabilities. I am convinced that the Convention we signed served both objectives, effectively banning

> chemical weapons without creating an unnecessary burden on legitimate activities.

Our highest current military authority, General John Shalikashvili, Chairman of the Joint Chiefs of Staff, said in testimony prepared for the Committee on Foreign Relations:

> While no treaty is 100 percent verifiable, the CWC is effectively verifiable. It provides for complementary and overlapping verification requirements that help deter CW violations. The CWC does this through the most intrusive verification provisions of any arms control regime to date. This verification regime consists of declarations, routine inspections of declared facilities, and short notice challenge inspection of any facility. Of note, some of the convention's imperfection was intentional in order to protect our military interests. The regime allows military commanders to protect classified information, equipment, and facilities unrelated to the Convention.

In response to concerns regarding clandestine programs, Secretary of Defense William J. Perry argued,

> While we recognize that detecting illicit production of small quantities of chemical weapons will be extremely difficult, we also recognize that that would be even more difficult without a Chemical Weapons Convention. In fact, the Chemical Weapons Convention verification regime, through its declaration, routine inspection, fact-finding, consultation and challenge inspections, should prove effective in providing a wealth of information on possible chemical weapons programs that simply would not be available without the convention.

Mr. John Holum, Director of the U.S. Arms Control and Disarmament Agency stated:

> While no treaty is 100 percent verifiable, the CWC will increase the risk of detection and therefore help deter illicit chemical weapons activities. Its declaration and inspection provisions will help build a web of deterrence, detection, and possible sanctions that reduces the incentives for states to build chemical weapons.

The then-Director of the Central Intelligence Agency, Mr. R. James Woolsey stated:

> The Chemical Weapons Convention provides the intelligence community with a new tool to add to our collection tool kit. It is an instrument with broad applicability, which can help resolve a wide variety of problems. Moreover, it is a universal tool which can be used by diplomats and politicians, as well as intelligence specialists, to further a common goal: elimination of the threat of chemical weapons.

Mr. Woolsey also added:

> The isolation and adverse attention that nonsignatories will draw upon themselves may spur greater multinational cooperation in attempting to halt offensive chemical weapons programs.

Secretary of State Christopher argued:

> No treaty is 100 percent verifiable, but the Convention is carefully structured so that Parties tempted to cheat will never be sure they can evade detection and sanctions. The sooner the Convention enters into force, the sooner those countries possessing or seeking chemical weapons will have to make a choice: abide by its provisions or suffer the weight of penalties and sanctions imposed by the international community.

Secretary of Defense Perry stated:

> The Chemical Weapons Convention contains the most extensive verification provisions of any arms control regime. It consists of detailed declarations, routine inspections of declared sites and short notice challenge inspections. With its complementary and overlapping verification requirements, the Chemical Weapons Convention's regime provides the means to help deter a state party from violating the provisions of the Convention. Therefore, we are confident that activities such as the destruction of declared chemical weapons stocks and production facilities can be verified. We are confident that we will be able to detect large-scale production, filling and stockpiling of chemical weapons.

With regard to the desire that the convention be truly global, I would point out that history demonstrates that well-conceived treaties, such as the Chemical Weapons Convention is, pick up parties over time and become worldwide in scope. That was certainly true of the Limited Test Ban Treaty and the nuclear Non-Proliferation Treaty. If we were to wait to join until all nations that caused us concern had joined, there is no question in my mind that the convention would be hobbled by our absence over a number of years.

It is no threat to Iraq, Iran, Syria, Libya, and North Korea to say that we will not join the treaty until they do. Rather than our applying pressure on them, it is more likely that such a stance would be used by the rogue states to apply pressure to us. It makes far more sense to start out, as envisaged by the treaty, with a minimum of 65 states parties and build from that point and be in a position to apply effective international pressure upon rogue states to behave themselves and get into the treaty.

Madam President, The Chemical Weapons Convention, if successful, will ban the production, acquisition, stockpiling, and use of chemical weapons.

In it each State Party undertakes never, under any circumstances, to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;

Use chemical weapons;

Engage in any military preparations to use chemical weapons; and

Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this convention.

In addition each State Party undertakes, all in accordance with the provisions of the convention to destroy the chemical weapons it owns or possesses or that are located in any place under its jurisdiction or control;

Destroy all chemical weapons it abandoned on the territory of another State Party; and

Destroy any chemical weapons production facilities it owns or possesses or that are located in any place under its jurisdiction or control.

Finally, each State Party undertakes not to use riot control agents as a method of warfare.

The Chemical Weapons Convention provides for both routine and challenge inspections to assist in the verification of compliance with the convention.

Madam President, as chairman of the Committee on Foreign Relations, I held six public hearings and three closed sessions of the committee in 1994. In those hearings, witnesses included Secretary of State Warren Christopher; the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili; the Director of the United States Arms Control Association, John D. Holum; the U.S. negotiator for the convention, Ambassador Stephen J. Ledogar; the Director of Central Intelligence, R. James Woolsey; and other senior officers of the national security and foreign policy agencies of the executive branch. In addition, the committee received extensive testimony from a number of nongovernmental witnesses. We were very careful to receive testimony from critics, as well as supporters, of the treaty so that the committee and the Senate would be assured the opportunity to receive a balanced and reasoned judgment on the merits of the convention.

Earlier this year, the committee held wrap-up hearings on the convention before marking up the treaty this spring. Both critics and supporters were heard. I and other supporters concluded following these final hearings that the United States would clearly benefit and could not suffer significant harm through joining the treaty and helping to ensure its success.

On April 25, the committee voted by a 2-to-1 margin, 12 to 6, to approve a substitute resolution of ratification I offered with the Senator from Indiana, [Mr. LUGAR] we were joined as co-sponsors in this venture by Senators KASSEBAUM, BIDEN, DODD, and KERRY.

In our resolution, which was fully supported by the executive branch, we made every effort to identify areas of legitimate concern and to deal effectively with them.

Madam President, I would hope that the resolution adopted by the committee with strong bipartisan support will help the Senate when it returns to consideration of this vitally important venture.

Madam President, a number of concerns have been expressed regarding the possible effects on business of the Chemical Weapons Convention. Some fear that the convention would pose a new and onerous burden on businesses throughout the country. It is important to understand that industry representatives were involved throughout the course of the negotiation and worked carefully to ensure that the chemical weapons ban would be effective and that it would be quite manageable from the standpoint of business.

Government officials also have been involved in efforts to ensure that implementation of the convention would constitute the smallest inconveniences possible.

In that connection, I received a very informative letter today from the Honorable Michael Kantor, Secretary of Commerce, and Mr. Philip Lauder, the Administrator of the Small Business administration dealing with a number of misconceptions regarding the impact of the convention on small business. Also today, I received additional information in a letter from Mr. Frederick L. Webber, president and chief executive officer of the Chemical Manufacturers Association. I ask that the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Earlier I drew to my fellow Senators, attention a letter signed by 53 senior executives of the chemical industry in support of the convention. I ask unanimous consent that that August 29 letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PELL. Lastly, I would like to make a matter of public record the widespread support the convention enjoys in the arms control community. I ask unanimous consent that a September 3 letter to me and my fellow Members urging approval of the Chemical Weapons Convention also be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. PELL. We cannot ignore now the fact that the Chemical Weapons Convention is an integral part of a continuum of arms control agreements that developed in the period since the Second World War. In that period we have embarked on undertakings that ban nuclear weapons in outer space, on the ocean floor, that limit nuclear weapons elsewhere in the world and have resulted in the removal, following deployment, of a whole class of nuclear missiles from Europe. The nations of the world have joined together in a truly global effort to prevent the proliferation of nuclear weapons and they took advantage of the opportunity last year to extend the non-proliferation treaty indefinitely, without condition. We and the former Soviet Union forged ahead with a series of agreements limiting strategic offensive and defensive missiles and those agreements have now been broadened to include other successor states of the former Soviet Union. More than 2 decades ago the nations of the world agreed to ban biological weapons. With this agreement we are attempting to ban chemical weapons.

The result of all this is certainly not a perfect world and all of our efforts are not completely successful. We know, for instance, that there are biological weapons in the world. We know that there will be chemical weapons in the world—even under this convention when ratified. We know that we cannot solve the world's woes immediately through such accords, but we can change the goals of the world and we can change the direction of the body of nations. With the Chemical Weapons Convention we will move away from a situation which those who wish to have chemical weapons are free to have them, if not to use them, to a new situation in which the responsible nations of the world will be doing their best to banish this class of weapons from the face of the Earth.

The failure to take this could prove most unfortunate. A U.S. decision not to join the Chemical Weapons Convention would not stop it from entering into force, but would surely undermine the effectiveness of the treaty and would be harmful to critically important U.S. interests in identifying and dealing with chemical weapons threats in various parts of the world. It is not in our interest to be on the outside looking in as the Chemical Weapons Convention is set up.

Madam President, this convention enjoys the support of a number of Republican Senators and has virtually unanimous Senate Democratic support. I hope that the Senate will wisely return to consideration of this convention at an opportune and early moment. There is no question in my mind that we will pay a price for today's regrettably necessary decision. We can hope that the opportunity will return to get the United States back on track with regard to a chemical weapons ban.

EXHIBIT 1

THE SECRETARY OF COMMERCE,
Washington, DC, September 12, 1996.

Hon. CLAIBORNE PELL,
Ranking Minority Member, Senate Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR SENATOR PELL: We are writing to clarify a number of misconceptions regarding the impact of the Chemical Weapons Convention (CWC) on small business. Contrary to a number of allegations, the CWC will not impose a burdensome reporting requirement on small businesses nor will it subject them to a frequent and intrusive regime of international inspections.

The Administration estimates that about 2000 firms will be required to submit a data declaration. The reporting burden on smaller chemical companies will focus mainly on producers of "Unscheduled Discrete Organic Chemicals" (carbon compounds). The vast majority of these—some 1800–1900—firms, many of which are smaller companies, will only be required to submit annual reports that identify aggregate production ranges (e.g., this plant site produced over 10,000 metric tons of Unscheduled Discrete Organic Chemicals last year.) They will not be required to identify the specific chemicals that were produced.

Previously, the Administration had estimated that more companies would be required to submit a data declaration. However, additional analysis indicated that many did not cross the CWC production threshold for reporting. Further, administrative exemptions at the Organization for the Prohibition of Chemical Weapons [OPCW] will be crafted to exclude entire industries from reporting—biomediated processes (such as certain beverages) and polymers (such as plastics used in football helmets). In addition, plant sites that exclusively produce hydrocarbons (e.g. propane and ethylene) are completely excluded from any reporting requirements.

This "Unscheduled Discrete Organic Chemicals" data declaration does not require any information regarding imports, exports, usage or processing. We estimate that it will take a few hours to complete this "Unscheduled Discrete Organic Chemical" form the first time. Subsequent annual reporting should be much more simple and take less time.

No manufacturer of "Unscheduled Discrete Organic Chemicals" will be subject to a routine inspection during the first three years. After three years, OPCW will address the issue of inspections for manufacturers of "Unscheduled Discrete Organic Chemicals". It is unlikely that many of these producers would ever be inspected.

We anticipate that there will be very few challenge inspections and the prospect for a challenge inspection of a small producer of "Unscheduled Discrete Organic Chemicals" is remote indeed. It is likely that whatever challenge inspection requests are issued will be directed at military facilities. These facilities are well prepared to protect classified and other sensitive information.

In this regard, we want to make it clear that the Synthetic Organic Chemical Manufacturers Association (SOCMA) and its 260 members support ratification of the CWC. SOCMA's member companies are typically small businesses with fewer than 50 employees and less than $50 million in annual sales. Further, in a joint statement issued on September 10, 1996, SOCMA, the Chemical Manufacturers Association [CMA] and the Pharmaceutical Research Manufacturers Association [PHARMA] noted that "We urge the Senate to support this historic arms control agreement, and the prompt passage of the accompanying implementing legislation."

In short, the industry that will be affected by the CWC has taken a strong position in support of Senate ratification. We urge you to listen to their advice and ratify this important treaty.

Sincerely,

MICHAEL KANTOR,
Secretary of Commerce.
PHILIP LADER,
Administrator, Small Business Administration.

EXHIBIT 2

CHEMICAL MANUFACTURERS ASSOCIATION,
Arlington, VA, September 9, 1996.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR PELL: As the Senate prepares to consider the Chemical Weapons Convention (CWC), questions have been raised about the impact of the treaty on the commercial chemical industry in the United States. I want to reassure you that the U.S. chemical industry unequivocally supports this Convention.

As I stated before the Senate Foreign Relations Committee on numerous occasions, the Chemical Manufacturers Association [CMA] has carefully reviewed the impact of the CWC on industry. We tested the CWC's reporting and inspections obligations. We balanced the costs and benefits of this treaty, and found that the benefits far outweigh the costs.

The CWC will require approximately 2,000 commercial facilities in the United States to report on their activities. More than 90 percent of those facilities will only need to file a simple two-page form, once a year with the government. A second, smaller group of 200 facilites will have more detailed reporting requirements, and may be subject to on-site inspections. CMA's members worked closely with the government in drafting the reporting forms, and in two separate "road tests" of the reporting system, reported that the system was indeed reasonable. CMA members also helped craft the inspection procedures under the Convention. Those procedures have been tested in commercial facilities in the United States, to favorable reviews.

The second category of affected facilities are those that produce commercial chemicals that can be diverted into weapons production. It is important to note that even these facilities have significant protections under the CWC, such as the ability to negotiate how inspections are conducted, and the ability to protect sensitive trade secrets. Companies affected by these provisions have tested the draft U.S. reporting forms, and even offered their facilities to test inspection procedures. They reported to CMA that the CWC's benefits far out-weighed the comparatively smaller cost of implementation.

We are confident that between CMA and the other national trade associations with whom we have worked (including the Synthetic Organic Chemical Manufacturers Association and the Pharmaceutical Research and Manufacturers of America, among others), the overwhelming majority of companies that have possible CWC-related obligations know and understand their responsibilities.

The Senate should not learn belatedly about the implications of the Convention for business, and business should not learn belatedly about its obligations under the Convention. That is why education and outreach has been one of our major goals on the CWC. That is why we have worked cosely with the U.S. and other governments to focus the Convention on those facilities that may pose a risk to the goal of a world free from chemical weapons.

For your further information, I have enclosed a copy of my May 9, 1996 letter that was sent to all senators, which details the commercial impact of the CWC.

The American chemical industry fully supports this treaty. Senator, I urge you to vote in favor of the Chemical Weapons Convention.

If you have any questions concerning the chemical industry's support for the CWC, please have your staff contact me or Claude Boudrias, Legislative Representative for Trade & Tax at 703/741-5915

Sincerely,

FREDERICK L. WEBBER,
President & CEO.

EXHIBIT 3

AUGUST 29, 1996.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR PELL: The undersigned senior executives of chemical companies urge your vote in support of the Chemical Weapons Convention [CWC], and quick Senate action on legislation to implement this important treaty.

The chemical industry has long supported the CWC. Our industry participated in negotiating the agreement, and in U.S. and international implementation efforts. The treaty contains substantial protections for confidential business information [CBI]. We know, because industry helped to draft the CBI provisions. Chemical companies also help test the draft CWC reporting system, and we tested the on-site inspection procedures that will help verify compliance with the treaty. In short, our industry has thoroughly examined and tested this Convention. We have concluded that the benefits of the CWC far outweigh the costs.

Indeed, the real price to pay would come from not ratifying the CWC. The treaty calls for strict restrictions on trade with nations which are not party to the Convention. The chemical industry is America's largest export industry, posting $60 billion in export sales last year. But our industry's status as the world's preferred supplier of chemical products may be jeopardized if the U.S. does not ratify the Convention. If the Senate does not vote in favor of the CWC, we stand to lose hundreds of millions of dollars in overseas sales, putting at risk thousands of good-paying American jobs.

The U.S. chemical industry has spent more than 15 years working on this agreement, and we long ago decided that ratifying the CWC is the right thing to do.

We urge you to vote in support of the Chemical Weapons Convention.

Sincerely,

J. Lawrence Wilson, Chairman & CEO, Rohm and Has Company, Chairman, Board of Directors, Chemical Manufacturers Association.

Alan R. Hirsig, President & CEO, ARCO Chemical Company, Chairman, Executive Committee, Chemical Manufacturers Association.

H.A. Wagner, Chairman, President & CEO, Air Products & Chemicals, Inc.

D.J. D'Antoni, President, Ashland Chemical Company.

Helge H. Wehmeier, President & CEO, Bayer Corporation.

John D. Ong, Chairman & CEO, The BFGoodrich Company.

Robert R. Mesel, President, BP Chemicals, Inc.

Charles M. Donohue, Vice President, Akzo Nobel Chemicals, Inc.

J. Dieter Stein, Chairman & CEO, BASF Corporation.

W.R. Cook, Chairman, President & CEO, Betz Dearborn, Inc.

Joseph M. Saggese, President & CEO, Borden Chemicals & Plastics, LP.

Dr. Aziz I. Asphahani, President & CEO, Carus Chemical Company.

Vincent A. Calarco, Chairman, President & CEO, Crompton & Knowles Corporation.

Richard A. Hazleton, Chairman & CEO, Dow Corning Corporation.

Howard J. Rudge, Senior Vice President & General Counsel, E.I. duPont de Nemours & Company.

Richard G. Fanelli, President & CEO, Enthone-OMI Inc.

J.E. Akitt, Executive Vice President, Exxon Chemical Company.

William S. Stavropoulos, President & CEO, The Dow Chemical Company.

Earnest W. Deavenport, Jr., Chairman of the Board & CEO, Eastman Chemical Company.

Bernard Azoulay, President & CEO, Elf Atochem North America.

Bruce C. Gottwald, CEO, Ethyl Corporation.

Ron W. Haddock, President & CEO, FINA, Inc.

Robert N. Burt, Chairman & CEO, FMC Corporation.

Otto Furuta, V.P. Global Logistics & Materials, Management, Great Lakes Chemical Corporation.

R. Keith Elliott, President & COO, Hercules, Inc.

Hans C. Noetzli, President & CEO, Lonza Inc.

Robert G. Potter, Executive Vice President, Monsanto Company.

Dr. William L. Orton, Senior Vice President, Chemical Operations, Givaudan-Roure Corporation.

Michael R. Boyce, President & COO, Harris Chemical Group.

Thomas F. Kennedy, President & CEO, Hoechst Celanese Corporation.

Mack G. Nichols, President & COO, Mallinckrodt Group, Inc.

S. Jay Stewart, Chairman & CEO, Morton International, Inc.

E.J. Mooney, Chairman & CEO, Nalco Chemical Company.

Jeffrey M. Lipton, President, NOVA Corporation.

Donald W. Griffin, Chairman, President & CEO, Olin Corporation.

Peter R. Heinze, Senior Vice President, Chemicals, PPG Industries, Inc.

Phillip D. Ashkettle, President & CEO, Reichhold Chemicals, Inc.

Ronald L. Spraetz, V.P., External Affairs & Quality, National Starch & Chemical Company.

J. Roger Hirl, President & CEO, Occidental Chemical Corporation.

David Wolf, President, Perstorp Polyols, Inc.

Ronald H. Yocum, Chairman, President & CEO, Quantum Chemical Company.

Thomas E. Reilly, Jr., Chairman, Reilly Industries, Inc.

Peter J. Neff, President & CEO, Rhone-Poulenc, Inc.

Nicholas P. Trainer, President, Sartomer Company.

J. Virgil Waggoner, President & CEO, Sterling Chemicals, Inc.

W.H. Joyce, Chairman, President & CEO, Union Carbide Corporation.

Arthur R. Sigel, President & CEO, Velsicol Chemical Corporation.

Roger K. Price, Senior V.P., Mining & Manufacturing, R.T. Vanderbilt Company, Inc.

F. Quinn Stepan, Chairman & President, Stepan Company.

William H. Barlow, Vice President, Business Development, Texas Brine Corporation.

Robert J. Mayaika, President, CEO & Chairman, Uniroyal Chemical Company, Inc.

John Wilkinson, Director of Government Affairs, Vulcan Chemicals.

Albert J. Costello, Chairman, President & CEO, W.R. Grace & Company.

EXHIBIT 4

APPROVE THE CHEMICAL
WEAPONS CONVENTION,
Washington, DC, September 3, 1996.

DEAR SENATOR: We urge the Senate to approve the Chemical Weapons Convention when it comes to a vote in September.

The Convention, negotiated and signed by former President George Bush, is one of the most significant treaties in the history of arms control. It will ban an entire class of weapons of mass destruction, including production, possession, transfer or use of chemical weapons. It will require all parties to destroy their chemical weapons stockpiles and production facilities and to open their chemical industries to international inspection.

The Chemical Weapons Convention is a valuable instrument for combating the spread of weapons of terror and mass destruction. The treaty's destruction and verification provision can build confidence among potential rivals that they can avoid a chemical arms race. It will also help keep these weapons out of the hands of terrorists.

The United States chemical industry strongly supports the Convention. The Pentagon strongly supports the agreement as well. It is most certainly in both the national and international interest to achieve the global elimination of a class of weapons that have proved more dangerous to innocent civilians than to military forces.

By its terms, the Convention enters into force 180 days after the 65th state has deposited its instruments of ratification with the U.N. Secretary General. Sixty-one countries have ratified the Convention at this point. Timely action by the Senate will send a clear signal of strong U.S. support, allowing the United States to exert its full leadership in persuading other countries to ratify.

We urge the Senate to approve as quickly as possible the Chemical Weapons Convention, to oppose crippling reservations or amendments, and at the same time move ahead with elimination of these heinous weapons from our arsenal.

Yours sincerely,

John B. Anderson, President, World Federalist Association.

Fr. Robert J. Brooks, Director of Government Relations, The Episcopal Church.

Mark B. Brown, Assistant Director for Advocacy, Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America.

J. Daryl Byler, Director, Washington Office, Mennonite Central Committee.

Robin Caiola, Co-Director, 20/20 Vision National Project.

Becky Cain, President, League of Women Voters.

Rev. Drew Christiansen, S.J., Director of the Office of International Peace and Justice, United States Catholic Conference.

Nancy Chupp, Legislative Director, Church Women United.

Gordon Clark, Executive Director, Peace Action.

Tom Clements, Senior Campaigner, International Nuclear Campaign, Greenpeace.

Thomas B. Cochran, Senior Scientist, Natural Resources Defense Council.

David Culp, Legislative Correspondent, Plutonium Challenge.

Johathan Dean, Adviser for International Security, Union of Concerned Scientists.

Ralph DeGennaro, Co-Director, Taxpayers for Common Sense.

Dr. Thom White Wolf Fassett, General Secretary, United Methodist Board of Church and Society.

Gerry Genesio, Executive Director, Veterans for Peace.

Stephen Goose, Program Director, Human Rights Watch, Arms Project.

Bruce Hall, Nuclear Disarmament Campaigner, Greenpeace, USA.

Howard W. Hallman, Chair, Methodists United for Peace With Justice.

John Isaacs, President, Council for a Livable World.

Amy Isaacs, National Director, Americans for Democratic Action.

Elenora Giddings Ivory, Director, Washington Office, Presbyterian Church (USA).

Wayne Jaquith, President, Public Education Center.

Spurgeon M. Keeny, Jr., President, Arms Control Association.

Michael Krepon, President, Stimson Center.

Ambassador James Leonard, Former U.S. Disarmament Negotiator.

Jay Lintner, Director, Washington Office, United Church of Christ, Office for Church in Society.

James Matlack, Director, Washington Office, American Friends Service Committee.

Lindsay Mattison, Executive Director, International Center.

Timothy A. McElwee, Director, Church of the Brethen, Washington Office.

Matthew Meselson, Professor of Molecular Biology, Harvard University.

Terence W. Miller, Director, Maryknoll Justice & Peace Office.

Bobby Muller, President, Vietnam Veterans of American Foundation.

Robert K. Musil, Executive Director, Physicians for Social Responsibility.

Maurice Paprin, President, Fund for New Priorities in America.

Albert M. Pennybacker, Director, Washington Office National Council of Churches.

Ann Rhee, Office of Public Policy, United Methodist Church, Women's Division.

Rev. Meg Riley, Director, Washington Office for Faith in Action, Unitarian Universalist Association.

Caleb Rossiter, Director, Demilitarization for Democracy.

Rabbi David Saperstein, Director, Religious Action Center for Reform Judaism.

Mark P. Schlefer, President, Lawyers Alliance for World Security, Committee for National Security.

Vice Admiral John Shanahan, U.S. Navy (Ret.), Director, Center for Defense Information.

Susan Shaer, Executive Director, Women's Action for New Directions.

Alice Slater, Executive Director, Economists Allied for Arms Reductions.

Amy E. Smithson, Senior Associate, CWC Implementation Project, The Henry L. Stimson Center.

Jeremy J. Stone, President, Federation of American Scientists.

Kathy Thorton, RSM, National Coordinator, Network: A National Catholic Social Justice Lobby.

Kay van der Horst, Director, CTA/Bellona Foundation USA.

Edith Villastrigo, Legislative Director, Women Strike for Peace.

Ross Vincent, Chair, Environmental Quality Strategy Team, Sierra Club.

Joe Volk, Executive Secretary, Friends Committee on National Legislation.

Frank Von Hippel, Princeton University.

MESSAGES FROM THE HOUSE

At 10:44 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment

S. 1669. An act to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans' Affairs Medical Center.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3539. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

H.R. 3863. An act to amend the Higher Education Act of 1965 to permit lenders under the unsubsidized Federal Family Education Loan program to pay origination fee on behalf of borrowers.

The Message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEWIS of California, Mr. DELAY, Mrs. VUCANOVICH, Mr. WALSH, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. LIVINGSTON, Mr. STOKES, Mr. MOLLOHAN, Mr. CHAPMAN, Ms. KAPTUR, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. HYDE, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. MCCOLLUM, Mr. GOODLATTE, Mr. BRYANT of Tennessee, Mr. BONO, Mr. GOODLING, Mr. CUNNINGHAM, Mr. MCKEON, Mr. SHAW, Mr. CONYERS Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. BRYANT of Texas, Mr. BECERRA, Mr. MARTINEZ, Mr. GREEN of Texas, and Mr. JACOBS as the managers of the conference on the part of the House.

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the House agrees to the amendment of the

Senate to the bill (H.R. 1642) to extend nondiscriminatory treatment—most-favored-nation treatment—to the products of Cambodia, and for other purposes.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1669. An act to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center."

H.R. 1642. An act to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes.

H.R. 3230. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated.

H.R. 3863. An act to amend the Higher Education Act of 1965 to permit lenders under the unsubsidized Federal Family Education Loan program to pay origination fee on behalf of borrowers; to the Committee on Labor and Human Resources.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar.

H.R. 3539. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4043. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–4044. A communication from the Deputy Assistant Secretary, Land and Minerals' management in the U.S. Department of the Interior, transmitting, pursuant to law, a rule regarding Alaska occupancy and use (RIN 1004–AC90) received on September 6, 1996; to the Committee on Energy and Natural Resources.

EC–4045. A communication from the acting Chair of the Federal Subsistence Board, transmitting, pursuant to law, a rule concerning Subsistence Management Regulations for Public Lands in Alaska (RIN 1018–AD2) received on September 9, 1996; to the Committee on Energy and Natural Resources.

EC–4046. A communication from the Director of the Office of Service Mining, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled "Alaska Regulatory Program; Final rule, approval of amendment," (received on September 10, 1996); to the Committee on Energy and Natural Resources.

EC–4047. A communication from the Congressional Review Coordinator, transmitting, pursuant to law, a rule entitled "Importation of Fruits & Vegetables," received on September 10, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC4048. A communication from the Congressional Review Coordinator, transmitting, pursuant to law, a rule entitled "Corn Cyst Nematode," received on September 10, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4049. A communication from the Director of the Office of Sustainable Fisheries in the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, transmitting, pursuant to law, a rule concerning fisheries of the exclusive economic zone off Alaska (received on September 11, 1996); to the Committee on Commerce, Science, and Transportation.

EC–4050. A communication from the Deputy Assistant Director for Fisheries in the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, transmitting, pursuant to law, a rule concerning fisheries of the Northeastern United States (RIN 0648–AJ07) received on September 11, 1996); to the Committee on Commerce, Science, and Transportation.

EC–4051. A communication from the Director of the Office of Sustainable Fisheries in the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, transmitting, pursuant to law, a rule concerning fisheries of the exclusive economic zone off Alaska (received on September 11, 1996); to the Committee on Commerce, Science, and Transportation.

EC–4052. A communication from the Director of the Office of Sustainable Fisheries in the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, transmitting, pursuant to law, a rule concerning fisheries off West Coast States and in the Western Pacific (received on September 11, 1996); to the Committee on Commerce, Science, and Transportation.

EC–4053. A communication from the Secretary of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, a report regarding a rule with respect to the standard for flamibility of children's sleepwear (received on September 11, 1996); to the Committee on Commerce, Science, and Transportation.

EC–4054. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report entitled "Table of Allotments, FM Broadcast Stations," (received on September 11, 1996); to the Committee on Commerce, Science, and Transportation.

EC–4055. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules including one entitled "Approval and Promulgation of Air Quality Implementation Plans; Washington; Revision to the State Implementation Plan Vehicle Inspection and Maintenance Programs," (FRL5608–7, 5550–7) received on September 10, 1996; to the Committee on Environment and Public Works.

EC–4056. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, draft legislation regarding flood damage reduction at Cape Girardeau; to the Committee on Environment and Public Works.

EC–4057. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report regarding the Bayou Lafourche Jump Waterway, Louisiana; to the Committee on Environment and Public Works.

EC–4058. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, draft legislation regarding deep-draft navigation at San Juan Harbor, Puerto Rico; to the Committee on Environment and Public Works.

EC–4059. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report regarding a rule entitled "Medicare and Medicaid Programs: Hospital Standards for Potentially Infectious Blood and Blood Products," (RIN 0910–AA05) received on September 11, 1996; to the Committee on Finance.

EC–4060. A communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, the report of a Presidential Determination regarding POW/MIA Military Drawdown for Vietnam; to the Committee on Foreign Relations.

EC–4061. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Annual Report for fiscal year 1996; Foreign Relations.

EC–4062. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–4063. A communication from the Assistant General Counsel of the U.S. Information Agency, transmitting, pursuant to law, a rule with respect to the Exchange Visitor Program (received on September 12, 1996); to the Committee on Foreign Relations.

EC–4064. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Education Tests: Minimum Standards for Administration, Interpretation, and Use," (RIN 1129–AA44) received on September 11, 1996; to the Committee on the Judiciary.

EC–4065. A communication from the Deputy Administrator of the Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, a rule regarding removal of exemption for certain pseudoephedrine products (received on September 5, 1996); to the Committee on the Judiciary.

EC–4066. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–4067. A communication from the Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a rule entitled "Introduction of New Employment Authorization Document," (RIN1115–AB73) received on September 5, 1996; to the Committee on the Judiciary.

EC–4068. A communication from the Director of the Central Intelligence Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for the Calendar Year 1995; to the Committee on the Judiciary.

EC–4069. A communication from the Executive Director of the Assassination Records Review Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–4070. A communication from the Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a rule entitled "Immigration and Nationality Forms," (RIN1115–AD58) received on September 10, 1996; to the Committee on the Judiciary.

EC–4071. A communication from the Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a rule entitled "Removal of Obsolete Sections of the Regulation Concerning Temporary Projected Status for Salvadorans," (RIN1115–AE43) received on September 10, 1996; to the Committee on the Judiciary.

EC–4072. A communication from the Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a rule entitled "Children Born Outside the United States; Application for Certificate of Citizenship," (RIN1115–AE07) received on September 10, 1996; to the Committee on the Judiciary.

EC–4073. A communication from the General Counsel for the Department of Energy, transmitting, pursuant to law, a rule regarding patent waiver regulation (received on August 8, 1996); to the Committee on the Judiciary.

EC–4074. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Medicare and Medicaid Programs; Hospital Standard for Potentially HIV Infectious Blood and Blood Products," (RIN 0938–AE40) received on September 11, 1996; to the Committee on Labor and Human Resources.

EC–4075. A communication from the Secretary of the U.S. Department of Education, transmitting, pursuant to law, a report entitled "Summary of Chapter 2 Annual Reports 1993–1994,"; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. GRAMS, Mr. WELLSTONE, Mr. SIMON, and Ms. MOSELEY-BRAUN):

S. 2067. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2068. A bill to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, and for other purposes; to the Committee on Indian Affairs.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2069. A bill to suspend temporarily the duty on specialized glass for use in glass-ceramic stovetops; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. WARNER):

S. 2070. A bill to ensure that homeowners receive adequate notice of and opportunity to comment on activities likely to adversely affect the value of their homes; and to create procedures for homeowners to receive financial compensation for development which producers pollution and other impacts adversely affecting the value of their homes; to the Committee on Governmental Affairs.

By Mr. KERRY:

S. 2071. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mrs. HUTCHISON, Mr. NUNN, Mr. DEWINE, Mr. COATS, Mr. FAIRCLOTH, Mr. BYRD, Mrs. KASSEBAUM, Mr. DORGAN, Mr. CONRAD, and Mr. HATCH):

S. Res. 290. A resolution expressing the sense of the Senate that the major broadcast television networks should revive their traditional "Family Hour" and voluntarily reserve the first hour of prime time broadcasting for family-oriented programming; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. GRAMS, Mr. WELLSTONE, Mr. SIMON, and Ms. MOSELEY-BRAUN):

S. 2067. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Finance.

COMMUNITY NURSING ORGANIZATIONS LEGISLATION

Mr. D'AMATO. Mr. President, I introduce legislation which will permit a three-year reauthorization of certain Medicare Community Nursing Organization [CNO] demonstration projects within the Health Care Financing Administration [HCFA].

In 1987, in response to the Omnibus Budget Reconciliation Act of 1987, Congress authorized the Community Nursing Organization demonstration projects to test capitated payment under the Medicare Program for community nursing and ambulatory care services furnished to beneficiaries. The demonstration projects are structured to answer two questions: First, is it feasible to have a capitated, case-managed, nurse service delivery model for home health and ambulatory care; and second, What is the impact on enrollees, providers, and the larger health care system?

These CNO programs are intended to reduce the breakup in the delivery of health care services, to reduce the use of costly emergency care services, and to improve the continuity of home health and ambulatory care for Medicare beneficiaries. CNO's are responsible with providing home health care, case management, outpatient physical and speech therapy, ambulance services, prosthetic devices, durable medical equipment, and any optional, HCFA-approved services appropriate to prevent the need to institutionalize Medicare enrollees.

HCFA awarded four CNO sites in September 1992 through the competitive procurement process: First, Visiting Nurse Service in New York, NY—a not-for-profit Medicare certified home health agency; second, Carle Clinic in Mahomet, IL—a multispecialty group practice; third, Carondelet Health Care in Tuscon, AZ—a hospital-based organization; and fourth, Living at Home/Block Nurse Program in St. Paul, MN—a not-for-profit nursing organization replicating the Block Nurse Program model. These CNO's operate under full financial risk to themselves and are financially responsible for the provision of all mandatory community nursing and ambulatory care services available to Medicare enrollees.

Mr. President, these CNO projects are consistent with congressional efforts to introduce a wider range of managed care options to Medicare beneficiaries. Their authorization needs to be extended in order to ensure a fair testing of the CNO managed care concept. We need the extention of this demonstration authority to continue to provide an important example of how coordinated care can provide additional benefits without increasing Medicare costs. In addition, further time is necessary to evaluate the impact of the CNO contribution to Medicare patients and to assess their capacity for operating under a fixed budget.

Most importantly, this demonstration extension will not increase Medicare expenditures. CNO's actually save Medicare dollars by providing better and more accessible health care in homes and in community settings, thereby allowing enrollees to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care-oriented nursing practice can accomplish with elderly or disabled patients, CNO's help illuminate methods for increasing benefits, saving funding dollars, and most importantly, improving the quality of life for patients.

Mr. President, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and patient-oriented CNO demonstrations for another 3 years.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CERTAIN MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECTS

Notwithstanding any other provision of law, demonstration projects conducted under section 4079 of the Omnibus Budget Reconciliation Act of 1987 my be conducted for an additional period of 3 years, and the deadline for any report required relating to the results of such projects shall be not later than 6 months after the end of such additional period.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2068. A bill to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, and for other purposes; to the Committee on Indian Affairs.

THE ALASKA NATIVE COMMISSION STUDY ACT OF 1996

• Mr. MURKOWSKI. Mr. President, today, I am introducing the Alaska Native Commission Study bill. I am pleased that my colleague Senator STEVENS of Alaska is joining me as a cosponsor. This legislation is the product of years of study and candid self-appraisal by Alaska Natives about their standard-of-living problems and the need to address these problems. It is also the product of a congressional act that called for the study of the problems.

Public Law 101–379 established the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, better known as the Alaska Natives Commission. Among its many recommendations, the Commission called for Federal funding to examine how best to implement the recommendations of the Commission. The purpose of this bill is to establish the funding for such a study.

The need for this study is well documented. In 1989, I and Representative DON YOUNG of Alaska introduced a bill creating the Alaska Natives Commission, a publish commission jointly funded by the State and Federal Governments. The creation of the commission followed the publication in 1989 of the "Report on the Status of Alaska Natives: A Call for Action" by the Alaska Federation of Natives and was also spurred by extensive congressional hearings which focussed on the need for the first comprehensive assessment of the social, cultural, and economic condition of Alaska's 90,000 Natives since the enactment of the Alaska Native Claims Settlement Act, Public Law 92–203.

Here are but some of the findings of the Alaska Natives Commission regarding the condition of Alaska Natives:

Alcohol problems are one of the key reasons why Alaska Natives comprise 36–40 percent of the statewide prison population, even though they total only 16 percent of the population of Alaska.

Alaska Native families need help: In 1988, one out of every eleven Alaska Native children received child protection services from the State of Alaska.

Alaska Natives need to have opportunities and training for jobs: In 1990, 20 percent of the Native work force was unemployed, and for Alaska Natives living in villages, the rate can be as high as 50–80 percent, depending on the season and location.

Alaska Natives need more opportunities for an education: 12–15 percent of Alaska Native high school students drop out from village/rural schools; 60 percent of Native students entering urban high schools do not graduate.

This bill calls for the authorization of $350,000 in Federal funds to be spent by the Alaska Federation of Natives to study how to implement the recommendations of the Alaska Native Commission. This investment is needed to create realistic solutions to serious problems. I would note that Congressman YOUNG has introduced a companion bill in the House.•

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2069. A bill to suspend temporarily the duty on specialized glass for use in glass-ceramic stovetops; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION LEGISLATION

• Mr. HOLLINGS. Mr. President, I introduce legislation that will preserve jobs in South Carolina. The bill temporarily suspends the duty on specialized glass for use in glass-ceramic stove tops. Corning Company has made an investment in Fountain Inn, SC to revive a factory that has been struggling. The temporary suspension of the duty on glass-ceramic stove tops will enable Corning to keep jobs in the United States.•

By Mr. WYDEN (for himself and Mr. WARNER):

S. 2070. A bill to ensure that homeowners receive adequate notice of and opportunity to comment on activities likely to adversely affect the value of their homes; and to create procedures for homeowners to receive financial compensation for development which produces pollution and other impacts adversely affecting the value of their homes; to the Committee on Governmental Affairs.

THE HOMEOWNERS PROTECTION AND EMPOWERMENT ACT

• Mr. WYDEN. Mr. President, in this Congress, there has been considerable debate on the issue of property rights. But the debate so far has essentially ignored the interests of the largest group of property owners in America—the 60 million homeowners.

Until today, property rights legislation has tended to protect only a limited group of property owners, those whose use or development of their property is regulated by the Federal Government. The typical homeowners who we all represent live in already constructed homes; they are not developing their property. When they use their property in a typical fashion, they are not regulated under the wetlands law, the endangered species law, or any other Federal status.

The typical homeowner is helped, not hurt, by many government policies that keep our air clean and our water health and pure. When these homeowners' property rights and property values are threatened, the threat is more likely to come from pollution from neighboring factories than from government actions to protect the environment.

Today, along with Senator WARNER, I am introducing the Homeowners Protection and Empowerment Act to make sure the interests of America's homeowners are protected. Our legislation provides homeowners with the right to sue for compensation whenever their property values are diminished by an action regulated by the Federal Government. It provides homeowners with a Federal right of action against anyone responsible for decreasing a private party homeowner's property value by $10,000 or more, whether it's a Federal agency or a private party acting under authority of Federal law.

For example, if a developer fills in federally regulated wetlands, the result may be increased flooding on downstream homeowners' properties, because undeveloped wetlands help to control flooding. This increased risk of flooding diminishes the value of downstream homeowners' properties. Under the Homeowners Protection and Empowerment Act, any affected homeowner whose property value declined by at least $10,000 because of the developer's wetland filling would have the right to sue the developer for compensation.

The legislation also requires anyone conducting an activity that both requires a permit or other authorization under Federal law and generates pollution or has other property damaging impacts to give written notice about the activity and its potential impact to each homeowner living within a quarter mile of the activity.

I want to thank Senator WARNER for working with me on this legislation and for helping to clarify that the intent of the legislation is to protect typical homeowners. I look forward to working with him to move the legislation forward.•

By Mr. KERRY:

S. 2071. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKPLACE RELIGIOUS FREEDOM ACT

• Mr. KERRY. Mr. President, I am proud today to introduce the Workplace Religious Freedom Act of 1996. This bill would protect workers from on-the-job discrimination. It represents a milestone in the protection of religious liberty, assuring that all workers have equal employment opportunities.

In 1972, Congress amended the Civil Rights Act of 1964 to require employers to reasonably accommodate an employee's religious practice or observance unless doing so would impose an undue hardship on the employer. This 1972 amendment, although completely appropriate, has been interpreted by the courts so narrowly as to place little restraint on an employer's refusal to provide religious accommodation. The Workplace Religious Freedom Act will restore to the religious accommodation provision the weight that Congress originally intended and help assure that employers have a meaningful obligation to reasonably accommodate their employees' religious practices.

The restoration of this protection is no small matter. For many religiously observant Americans the greatest peril to their ability to carry out their religious faiths on a day-to-day basis may come from employers. I have heard examples from around the country about a small minority of employers who will not make reasonable accommodation for observance of the Sabbath and other holy days; for employees who must wear religiously required garb, such as a yarmulke; or for clothing that meets modesty requirements.

The refusal of an employer, absent undue hardship, to provide reasonable accommodation of a religious practice should be seen as a form of religious discrimination, as originally intended by Congress in 1972. And religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment opportunities. Enactment of the Workplace Religious Freedom Act will constitute an important step toward ensuring that all members of society, whatever their religious beliefs and practices, will be protected from an invidious form of discrimination.

It is important to recognize that, in addition to protecting the religious freedom of employees, this legislation protects employers from an undue burden. Employees would be allowed to take time off only if their doing so does not pose a significant difficulty or expense for the employer. This commonsense definition of undue hardship is used in the Americans with Disabilities Act and has worked well in that context.

I believe this bill should receive bipartisan support. It has been endorsed by a wide range of organizations including the American Jewish Committee, the Baptist Joint Committee, the Christian Legal Society, and the Jewish Community Relations Council of Greater Boston.

As the Jewish high holidays and eventually Christmas approach, I feel strongly that workers should not have to worry that they will be prohibited from choosing to take time off from work to observe a religious holiday. I urge this body to pass this legislation so that all workers can have equal employment opportunities and practice their religion.•

ADDITIONAL COSPONSORS

S. 863

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 863, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 905

At the request of Mr. AKAKA, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 905, a bill to provide for the management of the airplane over units of the National Park System, and for other purposes.

S. 1129

At the request of Mr. ASHCROFT, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1129, a bill to amend the Fair Labor Standards Act of 1938 to permit employers to provide for flexible and compressed schedules, to permit employers to give priority treatment in hiring decisions to former employees after periods of family care responsibility, to maintain the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes.

S. 1963

At the request of Mr. ROCKEFELLER, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mrs. HUTCHISON], the Senator from Vermont [Mr. LEAHY], the Senator from Maryland [Ms. MIKULSKI], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1963, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 1967

At the request of Mr. BROWN, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1967, a bill to provide that members of the Armed Forces who performed services for the peacekeeping efforts in Somalia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

S. 1968

At the request of Mr. FAIRCLOTH, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1968, a bill to reorder United States budget priorities with respect to United States assistance to foreign countries and international organizations.

S. 1969

At the request of Mr. BRADLEY, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Virginia [Mr. ROBB], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1969, a bill to establish a Commission on Retirement Income Policy.

S. 2018

At the request of Mr. GORTON, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 2018, a bill to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District.

AMENDMENT NO. 5244

At the request of Mr. KOHL, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of amendment No. 5244 proposed to H.R. 3756, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 5244 proposed to H.R. 3756, supra.

SENATE RESOLUTION—290—RELATIVE TO MAJOR BROADCAST TELEVISION NETWORKS

Mr. LIEBERMAN (for himself, Mrs. HUTCHISON, Mr. NUNN, Mr. DEWINE, Mr. COATS, Mr. FAIRCLOTH, Mr. BYRD, Mrs. KASSEBAUM, Mr. DORGAN, Mr. CONRAD, and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 290

Expressing the sense of the Senate that the major broadcast television networks should revive their traditional "Family Hour" and voluntarily reserve the first hour of prime time broadcasting for family-oriented programming.

Whereas the major broadcast television networks once adhered to a voluntary, self-enforced practice of setting aside the first hour of prime time for programming suitable for audiences of all ages, especially young children;

Whereas the major networks have recently abandoned this practice and chosen to fill this hour with programs laden with sexually suggestive language and behavior and mature themes;

Whereas according to the most recent Nielsen ratings, approximately 9,000,000 children between the ages of 2 and 11 watch television during an average minute between 8:00 p.m. and 9:00 p.m. e.s.t;

Whereas the clear majority of American parents are concerned about the negative influence of television on younger viewers, who watch on average 21 hours of television a week;

Whereas that concern was recently demonstrated again in a poll conducted by U.S. News & World Report which found that 76 percent of Americans believe that television contributes to the problem of teenage pregnancy, 83 percent believe that television contributes to casual sex, 90 percent believe that television contributes to teenagers having sex too soon, and 92 percent believe that television contributes to violence on our streets;

Whereas the Senate is comprised of elected representatives who have a responsibility to give voice to the concerns of their constituents; and

Whereas the Senate expresses public sentiment in this resolution, and does not attempt to establish by law or otherwise mandate or dictate any requirements regarding the content of television programming: Now, therefore, be it

Resolved, That it is the sense of the Senate that the major broadcast television networks should renew their commitment to voluntarily reserving the first hour of prime time for programming suitable for members of American families of all ages.

Mr. LIEBERMAN. Mr. President, I rise today to continue a dialog on an issue that many Americans, especially millions of parents, care deeply about: the profound and often harmful influence that television is having on our children and our country.

As my colleagues know, the public's increasing anger about the pervasive presence of sex, violence, and vulgarity on the small screen has resulted in widespread criticism of the television industry. I believe that much of that criticism has been warranted. Just about a year ago this week I came to the floor to take the major networks to task for sponsoring what was widely reviled as the most lewd, crude, and rude prime-time lineup in television history, and for helping to drag our societal standards down yet another notch.

So today, with the debut of the 1996 fall season upon us, I think it is only fair and right to focus on what I see as some truly positive developments on this front, and to give praise to the television industry where praise is due.

Over the last 18 months, we have seen industry leaders embrace the V-chip, which I was proud to cosponsor along with my colleague from North Dakota, Senator CONRAD, and accept our challenge to create a self-enforced ratings system that will give parents more information about the programs coming into their homes. We have seen the nation's broadcasters acknowledge their obligation to promote more educational shows for children, and commit to airing every week at least 3 hours of programming that will enrich young minds and promote positive values.

And perhaps most encouraging of all, we have seen—quite literally seen—some modest yet significant changes in the quality of the product flowing over the airwaves. The deluge of perversity and degradation coming out of the trash talk TV shows has receded, and Rosie O'Donnell has shown with her quick wit and engaging personality that clean talk can clean up in the ratings. Also, in response to the deep concern the American people have expressed about the damage done by televised violence, the major broadcast networks have made a real effort to reduce the number of graphic killings, assaults and rapes depicted during prime time, and it has made a noticeable difference.

And, in terms of the new fall season, the reviews I've read indicate that many of the shows premiering in the next few days turn away from the smuttiness that characterized so many of the sitcoms that debuted last year and offended and disgusted so many viewers. Even more promising, the networks seem more willing to take a chance on family-oriented shows that seek to uplift as they entertain and to reinforce rather than tear down our common values. Programs such as "Second Noah," which ABC chose to bring back this fall, and "Touched By an Angel," which CBS stuck by when it struggled to gain an audience and is now one of the networks prized assets.

I think it's worth noting to my colleagues that the producer of "Touched by An Angel," Martha Williamson, will be honored at reception in the Capitol tonight for her commitment to creating entertainment that elevates us and appeals to our better rather than our baser natures. I am proud to be cohosting this reception, at which Ms. Williamson will premiere her new series, "Promised Land," also on CBS this fall, and I would encourage Members to attend.

Mr. President, by calling attention to these positive signs I do not mean to suggest that television's problems have disappeared practically overnight, or that the viewing public is suddenly satisfied. The reality is that there is still too much gratuitous and gruesome violence not only available to but targeted at our children; there are still too many shows that seek to shock and titillate, that add to the degradation of our culture and fuel the "anything-goes" mentality that I believe is at the root of the moral decline America is experiencing today.

A survey released by the American Medical Association this week left little doubt that the public remains highly concerned, showing that 75 percent of parents are "disgusted with media violence." In response, the AMA took the significant step of sending out guidelines to 60,000 doctors nationwide to help educate them and the parents they serve about the negative effects of media violence on children.

But I firmly believe that television is making progress. I also believe that many of the people who run the television industry want us to know that they're not walking away from the responsibility that goes along with their enormous power and influence. So as we continue to give voice to the public's discontent, it is also important to encourage the responsiveness industry leaders have already shown, albeit sometimes grudgingly, and to encourage them to keep moving forward.

That is why I am joining with 10 of my colleagues today to submit what we see as a very positive sense-of-the-Senate resolution, one that expresses our support for the direction the television industry seems to be moving in. Quite simply, this resolution asks the major broadcast networks to help parents do their jobs by bringing back what was once known as the "Family Hour". It urges the networks to once again set aside the first hour of prime-time for programs that I can watch together with my wife and our 8-year-old daughter without fearing that I will be embarrassed or my values will be assaulted.

In recent years, that is something that most parents have been legitimately fearful of. One of the most common complaints we hear about television concerns the proliferation of lewd jokes and gratuitous sex scenes in the early hours of prime-time, when many young children are watching. Many parents feel that this kind of content goes far beyond being inappropriate and offensive. They believe, as do we, that these messages are harmful to their children's development and undercut the fundamental values that parents are trying to instill in their families.

Our resolution asks the networks to recognize the difficulties parents face in shielding their children from this kind of content, and to help meet them halfway. In effect, it asks them to do no more than to return to a practice they once adhered to willingly. This is a case where the networks for long time acted quite responsibly and did a public service by creating a safe haven for parents with young children. That is one rerun that most American families want desperately to see again.

We do not want to pass any law or dictate what programs can or can't be shown during the 8 o'clock hour. We just want to reiterate to the people who run the networks that this an issue of grave concern to American families, and that the family hour is a reasonable, commonsense concept that has overwhelming support. A companion resolution in the House has attracted 97 cosponsors, and 20 Senators have already endorsed the family hour movement, having signed a petition we sent to the network presidents in April.

Mr. President, the resonance of this issue was confirmed to me by a conversation I had with a leading network executive last year. He confided in me that he regrets not being able to sit down with his children and watch television together as a family, much as he did with his parents years ago, much as I did with my parents when I was young. This is one of the great joys of the medium, and it is disappointing to many parents today that they cannot share in it with their children.

It doesn't have to be that way, as CBS Entertainment has made clear this fall, when its president pledged publicly that CBS would only air programs at 8 o'clock that the whole family could watch together. Congress can help by adopting this resolution and encouraging—encouraging, not forcing—the television industry to follow CBS's lead and help restore the peace of mind that so many families are seeking. Along with my original cosponsors, Senators HUTCHISON, NUNN, and DEWINE, I strongly urge my colleagues on both sides of the aisle to support it, to make a strong statement on behalf of America's families, and I look forward to its adoption.

AMENDMENTS SUBMITTED

THE TREASURY DEPARTMENT APPROPRIATIONS ACT, 1997

BYRD AMENDMENT NO. 5258

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 49, line 18, insert before the colon ": *Provided*, That of such amount provided for non-prospectus construction projects $250,000 shall be available until expended for the acquisition, lease, construction, and equipping of flexiplace work telecommuting centers in the State of West Virginia".

KENNEDY AMENDMENT NO. 5259

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, H.R. 3756, surpa; as follows:

At the appropriate place, add the following new section:

SEC. . (a) None of the funds appropriated under Federal law for fiscal year 1997 to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to, any of the provisions of section 504 of Public Law 104–134 (110 Stat. 1321–53), and all funds appropriated under Federal law for fiscal year 1997 to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except as provided in subsection (b) or as otherwise provided in Federal law.

(b) Notwithstanding subsection (a), subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(1) an alien who has been battered or subjected to extreme cruelty in the United States by—

(A)(i) a spouse or parent of the alien; or

(ii) a member of the spouse's or parent's family residing in the same household as the alien (in a case in which the spouse or parent, respectively, consented or acquiesced to such battery or cruelty); or

(B) any other person with whom the alien has a relationship covered by the domestic violence laws of the State in which the alien resides or in which an incident of the battery or cruelty took place; or

(2)(A) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (in a case in which the alien did not actively participate in the battery or cruelty); or

(B) a member of the spouse's or parent's family residing in the same household as the alien (in a case in which the spouse or parent, respectively, consented or acquiesced to such battery or cruelty and the alien did not actively participate in the battery or cruelty).

(c) Subsection (b) shall apply, notwithstanding the enactment of Federal law after the date of enactment of this Act, unless such law explicitly excludes such application by reference to this section.

(d) As used in this section:

(1) The term "battered or subjected to extreme cruelty" has the meaning given the term "was battered by or was the subject of extreme cruelty" under regulations issued pursuant to section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) (as amended by subtitle G of the Violence Against Women Act of 1994 (Pub. L. 103–322; 108 Stat. 1953)).

(2) The terms "legal assistance" and "recipient" have the meanings given the terms in section 1002 of the Legal Services Corporation Act (42 U.S.C. 2996a).

(3) The term "related legal assistance" means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in subsection (a).

WYDEN (AND KENNEDY) AMENDMENT NO. 5260

(Ordered to lie on the table.)

Mr. WYDEN (for himself, Mr. KENNEDY, and Mr. KYL) submitted an amendment intended to be proposed by them to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —PROTECTION OF PATIENT COMMUNICATIONS

SEC. 01. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Patient Communications Protection Act of 1996".

(b) FINDINGS.—Congress finds the following:

(1) Patients need access to all relevant information to make appropriate decisions, with their physicians, about their health care.

(2) Restrictions on the ability of physicians to provide full disclosure of all relevant information to patients making health care decisions violate the principles of informed consent and practitioner ethical standards.

(3) The offering and operation of health plans affect commerce among the States. Health care providers located in one State serve patients who reside in other States as well as that State. In order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in one State as well as those operating among the several States.

SEC. 02. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) IN GENERAL.—

(1) PROHIBITION OF CERTAIN PROVISIONS.—Subject to paragraph (2), an entity offering a health plan (as defined in subsection (d)(2)) may not include any provision that prohibits or restricts any medical communication (as defined in subsection (b)) as part of—

(A) a written contract or agreement with a health care provider,

(B) a written statement to such a provider, or

(C) an oral communication to such a provider.

"(2) CONSTRUCTION.—Nothing in this section shall be construed as preventing an entity from exercising mutually agreed upon terms and conditions not inconsistent with paragraph (1), including terms or conditions requiring a physician to participate in, and cooperate with, all programs, policies, and procedures developed or operated by the person, corporation, partnership, association, or other organization to ensure, review, or improve the quality of health care.

(3) NULLIFICATION.—Any provision described in paragraph (1) is null and void.

(b) MEDICAL COMMUNICATION DEFINED.—In this section, the term "medical communication" means a communication made by a health care provider with a patient of the provider (or the guardian or legal representative of such patient) with respect to the patient's physical or mental condition or treatment options.

(e) ENFORCEMENT THROUGH IMPOSITION OF CIVIL MONEY PENALTY—

(1) IN GENERAL.—Any entity that violates paragraph (1) of subsection (a) shall be subject to a civil money penalty of up to $25,000 for each violation. No such penalty shall be imposed solely on the basis of an oral communication unless the communication is part of a pattern or practice of such communications and the violation is demonstrated by a preponderance of the evidence.

(2) PROCEDURES.—The provisions of subsections (c) through (l) of section 112SA of the Social Security Act (42 U.S.C. 1320a–7a) shall apply to civil money penalties under paragraph (1) in the same manner as they apply to a penalty or proceeding under section 1128A(a) of such Act.

(d) DEFINITIONS.—For purposes of this section:

(1) HEALTH CARE PROVIDER.—The term "health care provider" means anyone licensed or certified under State law to provide health care services.

(2) HEALTH PLAN.—The term "health plan" means any public or private health plan or

arrangement (including an employee welfare benefit plan) which provides, or pays the cost of, health benefits and includes an organization of health care providers that furnishes health services under a contract or agreement with such a plan.

(3) COVERAGE OF THIRD PARTY ADMINISTRATORS.—In the case of a health plan that is an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974), any third party administrator or other person with responsibility for contracts with health care providers under the plan shall be considered, for purposes of this section, to be an entity offering such health plan.

(e) NON-PREEMPTION OF STATE LAW.—A State may establish or enforce requirements with respect to the subject matter of this section, but only if such requirements are consistent with this title and are more protective of medical communications than the requirements established under this section.

(g) EFFECTIVE DATE.—Subsection (a) shall take effect 180 days after the date of the enactment of this Act and shall apply to medical communications made on or after such date, and shall terminate on September 30, 2001.

(h) OFFSET.—Notwithstanding any other provision of this Act, no more than $1,530,465,000 shall be available for building operations in fiscal year 1997.

GRAMS AMENDMENT NO. 5261

Mr. SHELBY (for Mr. GRAMS) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At appropriate place, insert the following section:

"SEC. . IMPROVEMENT OF THE IRS 1-800 HELP LINE SERVICE.

"(a) Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 help line for taxpayers.

(b) The Commissioner shall make the improvement of the IRS 1-800 help line service a priority and allocate resources necessary to ensure the increase in phone lines and staff to improve the IRS 1-800 help line service.

FAIRCLOTH AMENDMENT NO. 5262

Mr. SHELBY (for Mr. FAIRCLOTH) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 26, after line 9, insert the following:

SEC. . No funds available by this Act, or any other Act, to the Internal Revenue Service may be used to pay for the design and printing of more than two ink colors on the covers of income tax packages, and such ink colors must be the same colors as used to print the balance of the material in each package.

LEVIN AMENDMENT NO. 5263

Mr. SHELBY (for Mr. LEVIN) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

The Senate finds:

That on June 28, 1995, the United States and Japan finalized the text of the U.S.-Japan Framework Agreement on Autos and Auto Parts in Geneva.

That the 30 page text spells out a wide-ranging set of commitments by the Government of Japan to meet the Framework objective of "achieving significantly expanded sales opportunities to result in a significant expansion of purchases of foreign parts by Japanese firms in Japan and through their transplants, as well as removing problems which affect market access, and encouraging imports of foreign autos and auto parts in Japan."

That the commitments to action by the Government of Japan and statements by the Japanese private sector address the major barriers to access that have frustrated U.S. producers of competitive autos and auto parts in their efforts to sell in Japan and to the Japanese transplants, and

That the Framework Agreement represents an unprecedented, enforceable set of commitments to open the Japanese market to foreign competitive autos and auto parts and to increase the opportunities for competitive parts suppliers to sell to the Japanese transplant manufacturers.

Therefore it is the Sense of the United States Senate to fully support the goals set out in the Framework Agreement and support the U.S. negotiators in their first annual consultations with Japan on September 18 and 19 in San Francisco in their efforts to obtain full compliance with the letter and spirit of the Framework Agreement.

THOMPSON AMENDMENT NO. 5264

Mr. SHELBY (for Mr. THOMPSON) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Administrator of the General Services Administration is authorized to conduct a pilot program involving up to 10 States to provide FTS 2000 service to a State government, if:

(1) the appropriate authority of such State government makes application to the Administrator to receive FTS 2000 service and, as part of the application, agrees to pay all costs associated with access; and

(2) the Administrator finds that it would be advantageous for the federal government to provide FTS 2000 service to such State government.

(b) Nothing in this section shall be construed to authorize the administrator of the General Services Administration to implement cooperative purchasing under 40 U.S.C. 481(b)(2).

(c) The authority provided in this section shall expire on September 30, 1998.

DORGAN (AND OTHERS) AMENDMENT NO. 5265

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mr. CONRAD, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, add the following:

Notwithstanding any other provision of law, the Secretary of the Interior, through the Bureau of Indian Affairs, may directly transfer to Indian tribes in North and South Dakota portable housing units at the Grand Forks Air Force base in North Dakota which have been declared excess by the Department of Defense and requested for transfer by the Department of the Interior.

McCAIN (AND HELMS) AMENDMENT NO. 5266

Mr. McCAIN (for himself, Mr. HELMS, Mr. COVERDELL, and Mr. GRAHAM) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 22, line 14, strike "$4,085,355,000" and insert in lieu thereof "$4,052,586,000";

On page 42, line 26, strike "$103,000,000", and insert in lieu thereof "$135,769,000".

McCAIN (AND OTHERS) AMENDMENT NO. 5267

(Ordered to lie on the table.)

Mr. McCAIN (for himself, Mr. COATS, Mr. STEVENS, Mr. LOTT, Mr. ABRAHAM, Mr. ASHCROFT, Mr. PRESSLER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by them to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§ 1311. Continuing appropriations

"(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

"(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year,

"(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

"(C) the rate of operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version,

"(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

"(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

"(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

"(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

"(B) the last day of such fiscal year.

"(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

"(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

"(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

"(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

"(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

"(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

"(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

"(1) Agriculture, rural development, and related agencies programs.

"(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

"(3) The Department of Defense.

"(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

"(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

"(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

"(7) Energy and water development.

"(8) Foreign assistance and related programs.

"(9) The Department of the Interior and related agencies.

"(10) Military construction.

"(11) The Department of Transportation and related agencies.

"(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

"(13) The legislative branch.".

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations.".

(c) PROTECTION OF OTHER OBLIGATIONS.—Nothing in the amendments made by this section shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, and Medicaid.

SEC. 3. EFFECTIVE DATE AND SUNSET.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to fiscal years beginning with fiscal year 1997.

(b) SUNSET.—the amendments made by this Act shall sunset and have no force or effect 6 years after the date of enactment of this Act.

DASCHLE AMENDMENT NO. 5268

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

ESTABLISHING A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION

SEC. . NATIONAL REPOSITORY FOR INFORMATION ON EXPLOSIVES INCIDENTS AND ARSON.

(a) Section 846 of Title 18, United States Code, is amended by—

(1) designating the existing section as subsection (a); and

(2) by adding the following new subsection (b) to read as follows:

"(b) The Secretary is authorized to establish a national repository of information on incidents involving arson and the suspected criminal misuse of explosives. All Federal agencies having information concerning such incidents shall report the information to the Secretary pursuant to such regulations as deemed necessary to carry out the provisions of this subsection. The repository shall also contain information on incidents voluntarily reported to the Secretary by State and local authorities."

(b) There is authorized to be appropriated such sums as are necessary to establish the repository provided for in subsection (a).

KASSEBAUM AMENDMENT NO. 5269

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the bill, H.R. 3756, supra; as follows:

Insert before the first section the following:

DIVISION A—GENERAL PROVISIONS

At the end of the bill, add the following:

SEC. ___. REFERENCES.

References in this division to this Act shall be deemed to be references to this division.

DIVISION B—WORKFORCE AND CAREER DEVELOPMENT

SEC. ___001. SHORT TITLE.

This division may be cited as the "Workforce and Career Development Act of 1996".

SEC. ___002. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. ___001. Short title.
Sec. ___002. Table of contents.
Sec. ___003. Purpose and policy.
Sec. ___004. Definitions.
Sec. ___005. General provision.

TITLE I—STATEWIDE WORKFORCE AND CAREER DEVELOPMENT SYSTEMS

Subtitle A—State and Local Provisions

Sec. ___101. Statewide workforce and career development systems established.
Sec. ___102. State allotments.
Sec. ___103. State apportionment by activity.
Sec. ___104. State plan.
Sec. ___105. Collaborative process.
Sec. ___106. Accountability.
Sec. ___107. Identification of eligible providers of training services.
Sec. ___108. Local workforce development boards.

Subtitle B—Allocation

Sec. ___111. Distribution for employment and training activities.
Sec. ___112. Distribution for at-risk youth activities.
Sec. ___113. Funding for State vocational education activities and distribution for secondary school vocational education.
Sec. ___114. Distribution for postsecondary and adult vocational education.
Sec. ___115. Special rules for vocational education.
Sec. ___116. Distribution for adult education and literacy.
Sec. ___117. Distribution for flexible activities.

Subtitle C—Use of Funds

Sec. ___121. Employment and training activities.
Sec. ___122. At-risk youth activities.
Sec. ___123. Vocational education activities.
Sec. ___124. Adult education and literacy activities.
Sec. ___125. Flexible activities.
Sec. ___126. Requirements and restrictions relating to use of funds.

Subtitle D—National Activities

Sec. ___131. Coordination provisions.
Sec. ___132. Incentive grants and sanctions.
Sec. ___133. National emergency grants.
Sec. ___134. Evaluation; research, demonstrations, dissemination, and technical assistance.
Sec. ___135. Migrant and seasonal farmworker program.
Sec. ___136. Native American Program.
Sec. ___137. Grants to outlying areas.
Sec. ___138. National Institute for Literacy.
Sec. ___139. Labor market information.

Subtitle E—Transition Provisions

Sec. ___141. Waivers.
Sec. ___142. Technical assistance.
Sec. ___143. Applications and plans under covered Acts.
Sec. ___144. Interim authorizations of appropriations.

Subtitle F—General Provisions

Sec. ___151. Authorization of appropriations.
Sec. ___152. Local expenditures contrary to title.
Sec. ___153. Effective dates.

TITLE II—WORKFORCE AND CAREER DEVELOPMENT-RELATED ACTIVITIES

Subtitle A—Amendments to the Wagner-Peyser Act

Sec. ___201. Definitions.
Sec. ___202. Functions.
Sec. ___203. Designation of State agencies.
Sec. ___204. Appropriations.
Sec. ___205. Disposition of allotted funds.
Sec. ___206. State plans.
Sec. ___207. Repeal of Federal Advisory Council.

Sec. ___208. Regulations.
Sec. ___209. Effective date.

Subtitle B—Amendments to the Rehabilitation Act of 1973

Sec. ___211. References.
Sec. ___212. Findings and purposes.
Sec. ___213. Definitions.
Sec. ___214. Administration.
Sec. ___215. Reports.
Sec. ___216. Evaluation.
Sec. ___217. Declaration of policy.
Sec. ___218. State plans.
Sec. ___219. Individualized employment plans.
Sec. ___220. State Rehabilitation Advisory Council.
Sec. ___221. Evaluation standards and performance indicators.
Sec. ___222. Effective date.

Subtitle C—Job Corps

Sec. ___231. Definitions.
Sec. ___232. Purposes.
Sec. ___233. Establishment.
Sec. ___234. Individuals eligible for the Job Corps.
Sec. ___235. Screening and selection of applicants.
Sec. ___236. Enrollment and assignment.
Sec. ___237. Job Corps centers.
Sec. ___238. Program activities.
Sec. ___239. Support.
Sec. ___240. Operating plan.
Sec. ___241. Standards of conduct.
Sec. ___242. Community participation.
Sec. ___243. Counseling and placement.
Sec. ___244. Advisory committees.
Sec. ___245. Application of provisions of Federal law.
Sec. ___246. Special provisions.
Sec. ___247. Review of Job Corps Centers.
Sec. ___248. Administration.
Sec. ___249. Authorization of appropriations.
Sec. ___250. Effective date.

Subtitle D—Amendments to the National Literacy Act of 1991

Sec. ___261. Extension of functional literacy and life skills program for State and local prisoners.

TITLE III—MUSEUMS AND LIBRARIES

Sec. ___301. Museum and library services.
Sec. ___302. National Commission on Libraries and Information Science.
Sec. ___303. Transfer of functions from Institute of Museum Services.
Sec. ___304. Service of individuals serving on date of enactment.
Sec. ___305. Consideration.
Sec. ___306. Transition and transfer of funds.

TITLE IV—HIGHER EDUCATION

Sec. ___401. Reorganization of the Student Loan Marketing Association through the formation of a holding company.
Sec. ___402. Connie Lee privatization.
Sec. ___403. Eligible institution.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. ___501. Repeals.
Sec. ___502. Conforming amendments.
Sec. ___503. Effective dates.

SEC. ___003. PURPOSE AND POLICY.

(a) PURPOSE.—The purpose of this division is to transform the vast array of Federal education, employment, and job training programs from a collection of fragmented and duplicative categorical programs into streamlined, coherent, and accountable statewide systems designed—

(1) to develop more fully the academic, occupational, and literacy skills of all segments of the population of the United States; and

(2) to meet the needs of employers in the United States to be competitive.

(b) POLICY.—It is the sense of the Congress that adult education and literacy activities are a key component of any successful statewide workforce and career development system.

SEC. ___004. DEFINITIONS.

Except as otherwise specified in this division, as used in this division:

(1) ADULT EDUCATION.—The term "adult education" means services or instruction below the postsecondary level for individuals—

(A) who have attained 16 years of age;

(B) who are not enrolled or required to be enrolled in secondary school;

(C)(i) who lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society; or

(ii) who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; and

(D) who lack a mastery of basic skills and are therefore unable to speak, read, or write the English language.

(2) ADULT EDUCATION AND LITERACY ACTIVITIES.—The term "adult education and literacy activities" means the activities authorized in section ___124.

(3) ALL ASPECTS OF THE INDUSTRY.—The term "all aspects of the industry" means strong experience in, and comprehensive understanding of, the industry that individuals are preparing to enter.

(4) AREA VOCATIONAL EDUCATION SCHOOL.—The term "area vocational education school" means—

(A) a specialized secondary school used exclusively or principally for the provision of vocational education to individuals who are available for study in preparation for entering the labor market;

(B) the department of a secondary school exclusively or principally used for providing vocational education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

(C) a technical institute or vocational school used exclusively or principally for the provision of vocational education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institute or school admits as regular students both individuals who have completed secondary school and individuals who have left secondary school; or

(D) the department or division of a junior college, or community college, that operates under the policies of the eligible agency and that provides vocational education in not fewer than 5 different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed secondary school and individuals who have left secondary school.

(5) AT-RISK YOUTH.—The term "at-risk youth" means an individual who—

(A) is not less than age 15 and not more than age 21;

(B) is low-income, defined as an individual who meets the requirements of subparagraph (A), (B), or (C) of paragraph (31); and

(C) is 1 or more of the following:

(i) A school dropout.

(ii) Homeless, a runaway, or a foster child.

(iii) Pregnant or a parent.

(iv) An offender.

(v) An individual who requires additional education, training, counseling, or related assistance in order to participate successfully in regular schoolwork, to complete an educational program, or to secure and hold employment.

(6) AT-RISK YOUTH ACTIVITIES.—The term "at-risk youth activities" means the activities authorized in section ___122, carried out for at-risk youth.

(7) CAREER GRANT.—The term "career grant" means a voucher or credit issued to a participant under subsection (e)(3) or (g) of section ___121 for the purchase of training services from eligible providers of such services.

(8) CAREER GUIDANCE AND COUNSELING.—The term "career guidance and counseling" means a program that—

(A) pertains to a body of subject matter and related techniques and methods organized for the development of career awareness, career planning, career decisionmaking, placement skills, and knowledge and understanding of local, State, and national occupational, educational, and labor market needs, trends, and opportunities, in individuals;

(B) assists such individuals in making and implementing informed educational and occupational choices;

(C) is comprehensive in nature; and

(D) with respect to minors, includes the involvement of parents, where practicable.

(9) CHIEF ELECTED OFFICIAL.—The term "chief elected official" means the chief elected executive officer of a unit of general local government in a local workforce development area.

(10) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private nonprofit organization of demonstrated effectiveness that is representative of a community or a significant segment of a community.

(11) COOPERATIVE EDUCATION.—The term "cooperative education" means a method of instruction of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required academic courses and related instruction, by alternation of study in school with a job in any occupational field, which alternation shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(12) COVERED ACTIVITY.—The term "covered activity" means an activity authorized to be carried out under a provision described in section ___501(f) (as such provision was in effect on the day before the date of enactment of this Act).

(13) DISLOCATED WORKER.—The term "dislocated worker" means an individual who—

(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

(ii) is eligible for or has exhausted entitlement to unemployment compensation; and

(iii) is unlikely to return to a previous industry or occupation;

(B) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

(C) has been unemployed long-term and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individual resides;

(D) was self-employed (including a farmer and a rancher) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(E) is a displaced homemaker; or

(F) has become unemployed as a result of a Federal action that limits the use of, or restricts access to, a marine natural resource.

(14) DISPLACED HOMEMAKER.—The term "displaced homemaker" means an individual who—

(A) has attained 16 years of age; and

(B)(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; or

(ii) is a parent whose youngest dependent child will become ineligible to receive assistance under the program for aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under this title.

(15) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" means a regional public multiservice agency authorized by State statute to develop and manage a service or program and provide the service or program to a local educational agency.

(16) ELIGIBLE AGENCY.—The term "eligible agency" means—

(A) in the case of vocational education activities or requirements described in title I—

(i) the individual, entity, or agency in a State responsible for administering or setting policies for vocational education in such State pursuant to State law; or

(ii) if no individual, entity, or agency is responsible for administering or setting such policies pursuant to State law, the individual, entity, or agency in a State responsible for administering or setting policies for vocational education in such State on the date of enactment of this Act; and

(B) in the case of adult education and literacy activities or requirements described in title I—

(i) the individual, entity, or agency in a State responsible for administering or setting policies for adult education and literacy services in such State pursuant to State law; or

(ii) if no individual, entity, or agency is responsible for administering or setting such policies pursuant to State law, the individual, entity, or agency in a State responsible for administering or setting policies for adult education and literacy services in such State on the date of enactment of this Act.

(17) ELIGIBLE INSTITUTION.—The term "eligible institution", used with respect to vocational education activities, means a local educational agency, an area vocational education school, an educational service agency, an institution of higher education (as such term is defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), a State corrections educational agency, and a consortium of such entities.

(18) ELIGIBLE PROVIDER.—The term "eligible provider", used with respect to—

(A) one-stop career centers, means a provider who is designated or certified in accordance with section ____108(d)(2)(A);

(B) training services (other than on-the-job training), means a provider who is identified in accordance with section ____107;

(C) at-risk youth activities, means a provider who is awarded a grant in accordance with subsection (c) or (d) of section ____112;

(D) vocational education activities described in section ____123(b), means a provider determined to be eligible for assistance in accordance with section ____113 or ____114;

(E) adult education activities described in section ____124(b), means a provider determined to be eligible for assistance in accordance with section ____116; or

(F) other workforce and career development activities, means a public or private entity selected to be responsible for such activities, in accordance with this title.

(19) EMPLOYMENT AND TRAINING ACTIVITIES.—The term "employment and training activities" means the activities authorized in section ____121.

(20) ENGLISH LITERACY PROGRAM.—The term "English literacy program" means a program of instruction designed to help individuals of limited English proficiency achieve full competence in the English language.

(21) FAMILY AND CONSUMER SCIENCES PROGRAMS.—The term "family and consumer sciences programs" means instructional programs, services, and activities that prepare students for personal, family, community, and career roles.

(22) FAMILY LITERACY SERVICES.—The term "family literacy services" means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

(A) Interactive literacy activities between parents and their children.

(B) Training for parents on how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training.

(D) An age-appropriate education program for children.

(23) FLEXIBLE ACTIVITIES.—The term "flexible activities" means the activities authorized in section ____125.

(24) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY.—The term "individual of limited English proficiency" means an individual—

(A) who has limited ability in speaking, reading, or writing the English language; and

(B)(i) whose native language is a language other than English; or

(ii) who lives in a family or community environment where a language other than English is the dominant language.

(25) INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—The term "individual with a disability" means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(B) INDIVIDUALS WITH DISABILITIES.—The term "individuals with disabilities" means more than 1 individual with a disability.

(26) LABOR MARKET AREA.—The term "labor market area" means an economically integrated geographic area within which individuals can—

(A) find employment within a reasonable distance from their place of residence; or

(B) readily change employment without changing their place of residence.

(27) LITERACY.—The term "literacy", used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

(A) to function on the job, in the family of the individual, and in society;

(B) to achieve the goals of the individual; and

(C) to develop the knowledge potential of the individual.

(28) LOCAL BOARD.—The term "local board" means a local workforce development board established under section ____108.

(29) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(30) LOCAL WORKFORCE DEVELOPMENT AREA.—The term "local workforce development area" means a local workforce development area identified in accordance with section ____104(b)(4).

(31) LOW-INCOME INDIVIDUAL.—The term "low-income individual" means an individual who—

(A) receives, or is a member of a family that receives, cash welfare payments under a Federal, State, or local welfare program;

(B) had received an income, or is a member of a family that had received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and payments described in subparagraph (A)) that, in relation to family size, does not exceed the higher of—

(i) the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for an equivalent period; or

(ii) 70 percent of the lower living standard income level, for an equivalent period;

(C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(D) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);

(E) is a foster child on behalf of whom State or local government payments are made; or

(F) in cases permitted by regulations of the Secretary, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.

(32) NONTRADITIONAL EMPLOYMENT.—The term "nontraditional employment", refers to occupations or fields of work for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(33) ON-THE-JOB TRAINING.—The term "on-the-job training" means training in the public or private sector that is provided to a paid participant while engaged in productive work in a job that—

(A) provides knowledge or skills essential to the full and adequate performance of the job;

(B) provides reimbursement to employers of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

(C) is limited in duration as appropriate to the occupation for which the participant is being trained.

(34) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(35) PARTICIPANT.—The term "participant", used with respect to an activity carried out under this division, means an individual participating in the activity.

(36) PELL GRANT RECIPIENT.—The term "Pell Grant recipient" means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.).

(37) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term "postsecondary educational institution" means an institution of higher education (as such term is defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that continues to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq.).

(38) RAPID RESPONSE ASSISTANCE.—The term "rapid response assistance" means assistance provided by a State, or by an entity designated by a State, with funds provided by the State under section ___111(a)(2)(B), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

(A) the establishment of onsite contact with employers and employee representatives—

(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or

(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

(B) the provision of information and access to available employment and training activities;

(C) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

(D) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

(39) SCHOOL DROPOUT.—The term "school dropout" means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(40) SECONDARY SCHOOL.—The term "secondary school" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(41) SECRETARIES.—The term "Secretaries" means the Secretary of Labor and the Secretary of Education, in accordance with the interagency agreement described in section ___131.

(42) SEQUENTIAL COURSE OF STUDY.—The term "sequential course of study" means an integrated series of courses that are directly related to the educational and occupational skill preparation of an individual for a job, or to preparation for postsecondary education.

(43) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(44) STATE BENCHMARKS.—The term "State benchmarks", used with respect to a State, means—

(A) the quantifiable benchmarks required under section ___106(b) and identified in the report submitted under section ___106(c); and

(B) such other quantifiable benchmarks of the statewide progress of the State toward meeting the State goals as the State may identify in the report submitted under section ___106(c).

(45) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(46) STATE GOALS.—The term "State goals", used with respect to a State, means—

(A) the goals specified in section ___106(a); and

(B) such other major goals of the statewide system of the State as the State may identify in the report submitted under section ___106(c).

(47) STATEWIDE SYSTEM.—The term "statewide system" means a statewide workforce and career development system, referred to in section ___101, that includes employment and training activities, activities carried out pursuant to the Wagner-Peyser Act (29 U.S.C. 49 et seq.), at-risk youth activities, vocational education activities, and adult education and literacy activities, in the State.

(48) SUPPORTIVE SERVICES.—The term "supportive services" means services such as transportation, child care, dependent care, and needs-based payments, that are necessary to enable an individual to participate in employment and training activities or at-risk youth activities.

(49) TECH-PREP PROGRAM.—The term "tech-prep program" means a program of study that—

(A) combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a nonduplicative sequential course of study;

(B) integrates academic and vocational instruction and utilizes worksite learning where appropriate;

(C) provides technical preparation in an area such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, a health occupation, business, or applied economics;

(D) builds student competence in mathematics, science, communications, economics, and workplace skills, through applied academics and integrated instruction in a coherent sequence of courses;

(E) leads to an associate degree or a certificate in a specific career field; and

(F) leads to placement in appropriate employment or further education.

(50) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

(51) VETERAN.—The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

(52) VOCATIONAL EDUCATION.—The term "vocational education" means organized educational programs that—

(A) offer a sequence of courses that provide individuals with the academic knowledge and skills the individuals need to prepare for further education and careers in current or emerging employment sectors; and

(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, and occupation-specific skills, of an individual.

(53) VOCATIONAL EDUCATION ACTIVITIES.—The term "vocational education activities" means the activities authorized in section ___123.

(54) VOCATIONAL REHABILITATION PROGRAM.—The term "vocational rehabilitation program" means a program assisted under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

(55) VOCATIONAL STUDENT ORGANIZATION.—The term "vocational student organization" means an organization, for individuals enrolled in programs of vocational education activities, that engages in activities as an integral part of the instructional component of such programs, which organization may have State and national units.

(56) WORKFORCE AND CAREER DEVELOPMENT ACTIVITIES.—The term "workforce and career development activities" means employment and training activities, at-risk youth activities, vocational education activities, and adult education and literacy activities.

SEC. ___005. GENERAL PROVISION.

None of the funds made available under this division shall be used—

(1) to require any participant to choose or pursue a specific career path or major;

(2) to require any participant to enter into a specific course of study that requires, as a condition of completion, attainment of a federally funded or endorsed industry-recognized skill or standard; or

(3) to require any participant to attain or obtain a federally funded or endorsed industry-recognized skill, certificate, or standard, unless the participant has selected and is participating in a program or course of study that requires, as a condition of completion, attainment of an industry-recognized skill or standard.

TITLE I—STATEWIDE WORKFORCE AND CAREER DEVELOPMENT SYSTEMS

Subtitle A—State and Local Provisions

SEC. ___101. STATEWIDE WORKFORCE AND CAREER DEVELOPMENT SYSTEMS ESTABLISHED.

For program year 1998 and each subsequent program year, the Secretaries shall make allotments under section ___102 to States to assist the States in paying for the cost of establishing statewide workforce and career development systems and carrying out workforce and career development activities through such statewide systems, in accordance with this title.

SEC. ___102. STATE ALLOTMENTS.

(a) IN GENERAL.—The Secretaries shall allot to each State that meets the requirements of subsection (e) an amount equal to the total of the amounts made available under subparagraphs (A), (B), (C), and (D) of subsection (b)(2), adjusted in accordance with subsections (c) and (d).

(b) ALLOTMENTS BASED ON POPULATIONS.—

(1) DEFINITIONS.—As used in this subsection:

(A) ADULT RECIPIENT OF ASSISTANCE.—The term "adult recipient of assistance" means a recipient of assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) who is not a dependent child (as defined in section 406(a) of such Act (42 U.S.C. 606(a))).

(B) INDIVIDUAL IN POVERTY.—The term "individual in poverty" means an individual who—

(i) is not less than age 16;

(ii) is not more than age 64; and

(iii) is a member of a family (of 1 or more members) with an income that does not exceed the poverty line.

(C) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved, using the most recent available data provided by the Bureau of the Census, prior to the program year for which the allotment is made, and applying the definition of poverty used by the Bureau of the Census in compiling the 1990 decennial census.

(2) CALCULATION.—Except as provided in subsections (c) and (d), from the amount reserved under section ___151(b)(1), the Secretaries—

(A) using funds equal to 60 percent of such reserved amount, shall make available to each State an amount that bears the same relationship to such funds as the total number of individuals who are not less than age 15 and not more than age 65 (as determined by the Secretaries using the most recent available data provided by the Bureau of the Census, prior to the program year for which the allotment is made) in the State bears to the total number of such individuals in all States;

(B) using funds equal to 20 percent of such reserved amount, shall make available to each State an amount that bears the same relationship to such funds as the total number of individuals in poverty in the State bears to the total number of individuals in poverty in all States;

(C) using funds equal to 10 percent of such reserved amount, shall make available to each State an amount that bears the same relationship to such funds as the average number of unemployed individuals (as determined by the Secretary of Labor for the most recent 24-month period for which data are available, prior to the program year for which the allotment is made) in the State bears to the average number of unemployed individuals (as so determined) in all States; and

(D) using funds equal to 10 percent of such reserved amount, shall make available to each State an amount that bears the same relationship to such funds as the average monthly number of adult recipients of assistance (as determined by the Secretary of Health and Human Services for the most recent 12-month period for which data are available, prior to the program year for which the allotment is made) in the State bears to the average monthly number of adult recipients of assistance (as so determined) in all States.

(c) MINIMUM STATE ALLOTMENT.—

(1) DEFINITION.—As used in this subsection, the term "national average per capita payment", used with respect to a program year, means the amount obtained by dividing—

(A) the amount reserved under section ___151(b)(1) for the program year; by

(B) the total number of individuals who are not less than age 15 and not more than age 65 (as determined by the Secretaries using the most recent available data provided by the Bureau of the Census, prior to the program year for which the allotment is made) in all States.

(2) MINIMUM ALLOTMENT.—Except as provided in paragraph (3) and subsection (d), no State shall receive an allotment under this section for a program year in an amount that is less than 0.5 percent of the amount reserved under section ___151(b)(1) for the program year.

(3) LIMITATION.—No State that receives an increase in an allotment under this section for a program year as a result of the application of paragraph (2) shall receive an allotment under this section for the program year in an amount that is more than the product obtained by multiplying—

(A) the total number of individuals who are not less than age 15 and not more than age 65 (as determined by the Secretaries using the most recent available data provided by the Bureau of the Census, prior to the program year for which the allotment is made) in the State; and

(B) the product obtained by multiplying—

(i) 1.5; and

(ii) the national average per capita payment for the program year.

(4) ADJUSTMENTS.—In order to increase the allotments of States as a result of the application of paragraph (2), the Secretaries shall reduce, on a pro rata basis, the allotments of the other States (except as provided in subsection (d)).

(d) OVERALL LIMITATIONS.—

(1) DEFINITION.—As used in this subsection, the term "State percentage" means—

(A) with respect to the program year preceding program year 1998, the percentage that a State receives of the financial assistance made available to States to carry out covered activities for the year ending on June 30, 1998; and

(B) with respect to program year 1998 and each subsequent program year, the percentage that a State receives of the amount reserved under section ___151(b)(1) for the program year.

(2) LIMITATIONS.—No State shall receive an allotment under this section for a program year in an amount that would make the State percentage for the program year—

(A) less than the product obtained by multiplying—

(i) 0.98; and

(ii) the State percentage of the State for the preceding program year; or

(B) greater than the product obtained by multiplying—

(i) 1.02; and

(ii) the State percentage of the State for the preceding program year.

(e) CONDITIONS.—The Secretaries shall allot funds under subsection (a) to States that—

(1) submit State plans that contain all of the information required under section ___104(b), including the identification of State goals and State benchmarks; and

(2) prepare the plans in accordance with the requirements of sections ___104 and ___105 relating to the development of the State plan.

SEC. ___103. STATE APPORTIONMENT BY ACTIVITY.

(a) ACTIVITIES.—From the funds made available to a State through an allotment received under section ___102 for a program year—

(1) a portion equal to 32 percent of such sum shall be made available for employment and training activities;

(2) a portion equal to 16 percent of such sum shall be made available for at-risk youth activities;

(3) a portion equal to 26 percent of such sum shall be made available for vocational education activities;

(4) a portion equal to 6 percent of such sum shall be made available for adult education and literacy activities; and

(5) a portion equal to 20 percent of such sum shall be made available for flexible activities (which portion may be referred to in this title as the "flex account");

carried out through the statewide system.

(b) RECIPIENTS.—Subject to subsection (c), funds allotted to a State under section ___102 shall be distributed—

(1) to the Governor of the State for the portions described in paragraphs (1) and (2) of subsection (a), and such part of the flex account as the Governor may be eligible to receive, as determined under the State plan submitted under section ___104; and

(2) to the eligible agencies in the State for the portions described in paragraphs (3) and (4) of subsection (a), and such part of the flex account as the eligible agencies may be eligible to receive, as determined under the State plan submitted under section ___104.

(c) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to negate or supersede any State law that is not inconsistent with the provisions of this title, including the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official;

(2) to interfere with the authority of such agency, entity, or official to enter into a contract under any provision of law; and

(3) to prohibit any individual, entity, or agency in a State that is administering activities described in section ___123 or ___124 prior to the date of enactment of this Act, or setting education policies consistent with authority under State law for such activities on the day preceding the date of enactment of this Act, from continuing to administer such activities or set such education policies consistent with authority under State law for such activities and in accordance with this title.

(d) SMITH-HUGHES VOCATIONAL EDUCATION ACT.—Notwithstanding any other provision of law, the Secretary of Education shall use funds appropriated under section 1 of the Act of February 23, 1917 (39 Stat. 929; 20 U.S.C. 11) (commonly known as the "Smith-Hughes Vocational Education Act") to make allotments to States. Such funds shall be allotted to each State in the same manner and at the same time as allotments are made under section ___102. Section ___103(a) shall not apply with respect to such funds. The requirements of this title (other than section ___103(a)) shall apply to such funds to the same extent that the requirements apply to funds made available under section ___103(a)(3).

SEC. ___104. STATE PLAN.

(a) IN GENERAL.—For a State to be eligible to receive an allotment under section ___102, the Governor of the State shall submit to the Secretaries a single comprehensive State plan that outlines a 3-year strategy for the statewide system of the State and that meets the requirements of section ___105 and this section.

(b) CONTENTS.—The State plan shall include—

(1)(A) a description of the collaborative process described in section ___105 used in developing the plan, including a description of the manner in which the individuals and entities involved in the process collaborated in the development of the plan; and

(B)(i)(I) information demonstrating the support of the individuals and entities participating in the collaborative process for the State plan; and

(II) the comments referred to in section ___105(c)(2)(C), if any; and

(ii) information demonstrating the agreement, if any, of the Governor and the eligible agencies on all elements of the State plan;

(2) a description of the State goals and State benchmarks for workforce and career development activities, that includes—

(A) information identifying the State goals and State benchmarks and how the goals and benchmarks will ensure continuous improvement of the statewide system and make the statewide system relevant and responsive to labor market and education needs at the local level;

(B) information identifying performance indicators that relate to measurement of the

State progress toward meeting the State goals and reaching the State benchmarks; and

(C) information describing how the State will coordinate workforce and career development activities to meet the State goals and reach the State benchmarks;

(3) information describing—

(A) the needs of the State with regard to current and projected demands for workers, by occupation;

(B) the skills and economic development needs of the State; and

(C) the type and availability of workforce and career development activities in the State;

(4)(A) an identification of local workforce development areas in the State, including a description of the process used for the designation of such areas, which shall take into consideration labor market areas, service areas in which related Federal programs are provided or historically have been provided, and service areas in which related State programs are provided or historically have been provided; or

(B) if the State receives an increase in an allotment under section ____102 for a program year as a result of the application of section ____102(c)(2), information stating that the State will be treated as a local workforce development area for purposes of the application of this title, at the election of the State;

(5) an identification of criteria for the appointment of members of local workforce development boards, based on the requirements of section ____108;

(6) a description of how the State will utilize the statewide labor market information system described in section ____139(d);

(7) a description of the measures that will be taken by the State to assure coordination and consistency and avoid duplication among activities receiving assistance under this title, programs receiving assistance under title II, and programs carried out under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), including a description of common data collection and reporting processes;

(8) a description of the process used by the State to provide an opportunity for public comment, and input into the development of the plan, prior to submission of the plan;

(9) information identifying how the State will obtain the active and continuous participation of business, industry, and (as appropriate) labor in the development and continuous improvement of the statewide system;

(10) assurances that the State will provide for fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotment made under section ____102;

(11) information describing the allocation within the State of the funds made available through the flex account for the State;

(12) information identifying how any funds that a State receives through the allotment made under section ____102 will be leveraged with other private and public resources (including funds made available to the State under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)) to maximize the effectiveness of such resources for all activities described in subtitle C, and expand the participation of business, industry, employees, and individuals in the statewide system;

(13) information identifying how the workforce and career development activities to be carried out with funds received through the allotment made under section ____102 will be coordinated with programs carried out by the Veterans' Employment and Training Service with funds received under title 38, United States Code, in order to meet the State goals and reach the State benchmarks related to veterans;

(14) an assurance that the funds made available to the State through the allotment made under section ____102 will supplement and not supplant other public funds expended to provide activities described in subtitle C;

(15) with respect to economic development activities described in section ____121(c)(1)(C), information describing—

(A) any economic development activities that will be carried out with the funds described in section ____111(a)(2)(B);

(B) how the activities will lead directly to increased earnings of nonmanagerial employees in the State; and

(C) whether the nonmanagerial employees (including labor, as appropriate) support the activities;

(16) with respect to employment and training activities, information—

(A) describing the employment and training activities that will be carried out with the funds received by the State through the allotment made under section ____102, including a description of how the State will provide rapid response assistance to dislocated workers;

(B) describing the strategy of the State (including the timeframe for such strategy) for development of a fully operational statewide one-stop career center system as described in section ____121(d), including—

(i) criteria for use by local boards, with respect to the designation or certification of one-stop career center eligible providers, in each local workforce development area in accordance with section ____108(d)(4)(B)(i)(I);

(ii) the steps that the State will take over the 3 years covered by the plan to ensure that all publicly funded labor exchange services described in section ____121(e)(2) or ____139, and all such services authorized in the Wagner-Peyser Act (29 U.S.C. 49 et seq.), are provided through the one-stop career center system of the State; and

(iii) the steps that the State will take over the 3 years covered by the plan to provide information to individuals through the one-stop career center system on the quality of workforce and career development activities, and vocational rehabilitation program activities, as appropriate;

(C) describing the procedures the State will use to identify eligible providers of training services described in section ____121(e)(3), as required under this title;

(D) describing how the State will serve the employment and training needs of dislocated workers, low-income individuals, and other individuals with multiple barriers to employment (as determined by the State); and

(E) describing how the State will establish and implement the required career grant pilot program for dislocated workers pursuant to section ____121(g), including a description of the size, scope, and quality of such program and a description of how the State, after 3 years, will evaluate such program and use the findings of the evaluation to improve the delivery of training services described in section ____121(e)(3) for dislocated workers and other participants under section ____121;

(17) with respect to at-risk youth activities, information—

(A) describing the at-risk youth activities that will be carried out with funds received by the State through the allotment made under section ____102;

(B) describing how the State will adequately address the needs of at-risk youth in alternative education programs that teach to the same challenging academic, occupational, and skill proficiencies as are provided for all other students; and

(C) identifying the types of criteria the Governor and local boards will use to identify effective and ineffective at-risk youth activities and eligible providers of such activities;

(18) with respect to vocational education activities, information—

(A) describing the vocational education activities that will be carried out with funds received by the State through the allotment made under section ____102;

(B) describing the plan of the State to develop the academic and occupational skills of students participating in such vocational education activities, including—

(i) the integration of academic and vocational education;

(ii) the integration of classroom and worksite learning; and

(iii) linkages between secondary and postsecondary education;

(C) describing how the State will improve career guidance and counseling;

(D) describing how the State will promote the active involvement of parents and business (including small- and medium-sized businesses) in the planning, development, and implementation of such vocational education activities;

(E) describing how funds received by the State through the allotment made under section ____102 will be allocated among secondary school vocational education, or postsecondary and adult vocational education, or both;

(F) describing how the State will adequately address the needs of students who participate in such vocational education activities to be taught to the same challenging academic proficiencies as are provided for all other students;

(G) describing how the State will annually evaluate the effectiveness of such vocational education activities;

(H) describing how the State will address the professional development needs of the State with respect to such vocational education activities; and

(I) describing how the State will provide local educational agencies in the State with technical assistance; and

(19) with respect to adult education and literacy activities, information—

(A) describing the adult education and literacy activities that will be carried out with funds received by the State through the allotment made under section ____102;

(B) describing how such adult education and literacy activities described in the State plan and the State allocation of funds received through the allotment made under section ____102 for such activities are an integral part of comprehensive efforts of the State to improve education and training for all individuals; and

(C) describing how the State will annually evaluate the effectiveness of such adult education and literacy activities.

(c) SPECIAL RULES.—

(1) GOVERNOR.—The Governor of a State shall have final authority to determine the content of the portion of the State plan described in paragraphs (1) through (17) of subsection (b).

(2) ELIGIBLE AGENCIES.—An eligible agency in a State shall have final authority to determine the content of the portion of the State plan described in paragraph (18) or (19) of subsection (b), as appropriate.

(d) MODIFICATIONS TO PLAN.—A State may submit modifications to the State plan in accordance with the requirements of this section and section ___105, as necessary, during the 3-year period of the plan.

SEC. ___105. COLLABORATIVE PROCESS.

(a) IN GENERAL.—A State shall use a collaborative process to develop the State plan described in section ___104, through which individuals and entities including, at a minimum—

(1) the Governor;

(2) representatives, appointed by the Governor, of—

(A) business and industry;

(B) local chief elected officials (representing both cities and counties, where appropriate);

(C) local educational agencies (including vocational educators);

(D) postsecondary institutions (including community and technical colleges);

(E) parents; and

(F) employees (which may include labor);

(3) the lead State agency official for—

(A) the State educational agency;

(B) the eligible agency for vocational education;

(C) the eligible agency for adult education and literacy;

(D) the State agency responsible for postsecondary education; and

(E) the State agency responsible for vocational rehabilitation, and where applicable, the State agency providing vocational rehabilitation program activities for the blind;

(4) such other State agency officials, including officials responsible for economic development and employment, as the Governor may designate;

(5) representatives of the State legislature; and

(6) the representative of the Veterans' Employment and Training Service assigned to the State under section 4103 of title 38, United States Code;

shall collaborate in the development of the plan.

(b) ALTERNATIVE PROCESSES.—

(1) IN GENERAL.—For purposes of complying with subsection (a), a State may use any State collaborative process (including any council, State workforce development board, or similar entity) in existence on the date of enactment of this Act that meets or is conformed to meet the requirements of such subsection.

(2) FUNCTIONS OF STATE HUMAN RESOURCES INVESTMENT COUNCILS.—If a State uses a State human resources investment council in existence on the date of enactment of this Act, as described in paragraph (1), the functions of such board shall include—

(A) advising the Governor on the development of the statewide system, the State plan described in section ___104, and the State goals and State benchmarks;

(B) assisting in the development of performance indicators that relate to the measurement of State progress toward meeting the State goals and reaching the State benchmarks and providing guidance on how such progress may be improved;

(C) assisting the Governor in preparing the annual report to the Secretaries described in section ___106(c);

(D) assisting the Governor in developing the statewide labor market information system described in section ___139(d); and

(E) assisting in the monitoring and continuous improvement of the performance of the statewide system, including evaluation of the effectiveness of workforce and career development activities.

(c) AUTHORITY OF GOVERNOR.—

(1) FINAL AUTHORITY.—If, after a reasonable effort, the Governor is unable to obtain the support of the individuals and entities participating in the collaborative process described in subsection (a) or (b) for the State plan, the Governor shall have final authority to submit the State plan as described in section ___104, except as provided in section ___104(c) and in paragraph (3).

(2) PROCESS.—The Governor shall—

(A) provide such individuals and entities with copies of the State plan;

(B) allow such individuals and entities to submit to the Governor, not later than the end of the 30-day period beginning on the date on which the Governor provides such individuals and entities with copies of such plan under subparagraph (A), comments on such plan; and

(C) include in the State plan any such comments that—

(i) are submitted by an eligible agency and represent disagreement with such plan, with respect to provisions of the State plan described in paragraph (18) or (19) of section ___104(b), as appropriate; or

(ii) are submitted by an individual or entity participating in the collaborative process.

(3) ELIGIBLE AGENCY COMMENTS.—An eligible agency, in submitting comments under paragraph (2)(C)(i), may submit provisions for the portion of the State plan described in paragraph (18) or (19) of section ___104(b), as appropriate. The Governor shall include such provisions in the State plan submitted under section ___104. Such provisions shall be considered to be such portion of the State plan.

SEC. ___106. ACCOUNTABILITY.

(a) GOALS.—Each statewide system supported by an allotment under section ___102 shall be designed to meet—

(1) the goal of assisting participants in obtaining meaningful unsubsidized employment opportunities in the State; and

(2) the goal of enhancing and developing more fully the academic, occupational, and literacy skills of all segments of the population of the State.

(b) BENCHMARKS.—

(1) MEANINGFUL EMPLOYMENT.—To be eligible to receive an allotment under section ___102, a State shall develop and identify in the State plan submitted under section ___104, proposed quantifiable benchmarks to measure the statewide progress of the State toward meeting the goal described in subsection (a)(1), which shall include, at a minimum, measures of—

(A) placement of participants in unsubsidized employment;

(B) retention of the participants in unsubsidized employment (12 months after completion of the participation);

(C) increases in earnings, or in earnings and employer-assisted benefits, for the participants; and

(D) attainment by the participants of industry-recognized occupational skills, as appropriate.

(2) EDUCATION.—To be eligible to receive an allotment under section ___102, a State shall develop and identify in the State plan submitted under section ___104, proposed quantifiable benchmarks to measure the statewide progress of the State toward meeting the goal described in subsection (a)(2), which shall include, at a minimum, measures, for participants, of—

(A) attainment of challenging State academic proficiencies;

(B) attainment of secondary school diplomas or general equivalency diplomas;

(C) attainment of industry-recognized occupational skills according to skill proficiencies for students in career preparation programs;

(D) placement in, retention in, and completion of postsecondary education or advanced training, or placement and retention in military service, employment, or qualified apprenticeships; and

(E) attainment of the literacy skills and knowledge individuals need to be productive and responsible citizens and to become more actively involved in the education of their children.

(3) POPULATIONS.—

(A) MINIMUM MEASURES.—In developing and identifying, under paragraphs (1) and (2), measures of the progress of the State toward meeting the goals described in subsection (a), a State shall develop and identify in the State plan, in addition to statewide benchmarks, proposed quantifiable benchmarks for populations that include, at a minimum—

(i) low-income individuals;

(ii) dislocated workers;

(iii) at-risk youth;

(iv) individuals with disabilities;

(v) veterans; and

(vi) individuals of limited literacy, as determined by the State.

(B) ADDITIONAL MEASURES.—In addition to the benchmarks described in subparagraph (A), a State may develop and identify in the State plan proposed quantifiable benchmarks to measure the progress of the State toward meeting the goals described in subsection (a) for populations with multiple barriers to employment, which may include older workers, as determined by the State.

(4) APPLICATION.—

(A) MEANINGFUL EMPLOYMENT BENCHMARKS.—Benchmarks described in paragraph (1) shall apply to employment and training activities and, as appropriate, to at-risk youth activities and adult education and literacy activities.

(B) EDUCATION BENCHMARKS.—Benchmarks described in paragraph (2) shall apply to vocational education activities, at-risk youth activities, and, as appropriate, adult education and literacy activities.

(5) SPECIAL RULE.—If a State adopts for all students in the State performance indicators, attainment levels, or assessments for skills according to challenging academic, occupational, or industry-recognized skill proficiencies, the State shall, at a minimum, use such performance indicators, attainment levels, or assessments in measuring the progress of all students who participate in workforce and career development activities.

(6) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretaries shall provide technical assistance to States requesting such assistance, which may include the development, in accordance with subparagraph (B), of model benchmarks for each of the benchmarks described in paragraphs (1) and (2) at achievable levels based on existing (as of the date of the development of the benchmarks) workforce and career development efforts in the States.

(B) COLLABORATION.—Any such model benchmarks shall be developed in collaboration with the States and other appropriate parties.

(7) INCENTIVE GRANTS.—A State that meets the requirements of section ___132(a) (including requirements relating to State benchmarks) shall be eligible to receive an incentive grant under section ___132(a).

(8) SANCTIONS.—A State that has failed to meet the State benchmarks described in

paragraphs (1) and (2) for the 3-year period covered by a State plan described in section ___104, as determined by the Secretaries, may be subject to sanctions under section ___132(b).

(c) REPORT.—

(1) IN GENERAL.—Each State that receives an allotment under section ___102 shall annually prepare and submit to the Secretaries a report that states how the State is performing on State benchmarks that relate to workforce and career development activities. The report shall include information on how the local workforce development areas in the State are performing on local benchmarks described in section ___108(d)(4)(A). The report shall also include information on the status and results of any State evaluations specified in subsection (d) that relate to employment and training activities carried out in the State. In preparing the report, the State may include information on such additional benchmarks as the State may establish to meet the State goals.

(2) INFORMATION DISSEMINATION.—The Secretaries shall make the information contained in such reports available to the general public through publication and other appropriate methods, and shall disseminate State-by-State comparisons of the information.

(3) EVALUATION.—In preparing the report for the third year of the 3-year period covered by the State plan, the State shall include the findings of the evaluation described in section ___104(b)(16)(E) of the career grant pilot program described in section ___121(g).

(d) EVALUATION OF STATE PROGRAMS.—

(1) EMPLOYMENT AND TRAINING ACTIVITIES.—Using funds reserved under section ___111(a)(2)(B), a State shall conduct ongoing evaluations of employment and training activities carried out in the State.

(2) METHODS.—The State shall—

(A) conduct such evaluations of employment and training activities through controlled experiments using experimental and control groups chosen by random assignment;

(B) in conducting such evaluations, determine, at a minimum, whether employment and training activities effectively raise the hourly wage rates of individuals receiving services through such activities; and

(C) conduct, or arrange under paragraph (3) for the conduct of, at least 1 such evaluation at any given time during any period in which the State is receiving funding under this title for such activities.

(3) MULTI-STATE AGREEMENTS.—A State may enter into an agreement with 1 or more States to arrange for the conduct of such evaluations in accordance with the requirements of paragraphs (1) and (2).

(e) FISCAL AND MANAGEMENT ACCOUNTABILITY INFORMATION SYSTEMS.—

(1) IN GENERAL.—Using funds reserved under sections ___111(a)(2)(B) and ___112(a)(2)(C), the State may operate a fiscal and management accountability information system, based on guidelines established by the Secretaries in consultation with the Governors and other appropriate parties. Such guidelines shall promote the efficient collection and use of fiscal and management information for reporting and monitoring the use of funds made available to the State for employment and training activities and at-risk youth activities and for use by the State in preparing the annual report described in subsection (c). In measuring State performance on State benchmarks, a State may, pursuant to State law, utilize quarterly wage records available through the unemployment insurance system.

(2) CONFIDENTIALITY.—In carrying out the requirements of this division, the State shall comply with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (as added by the Family Educational Rights and Privacy Act of 1974). In addition, the State shall protect the confidentiality of information obtained through the fiscal and management accountability information system through the use of recognized security procedures.

SEC. ___107. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

(a) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in subsection (d), to be eligible to receive funds made available under section ___111 to provide training services described in section ___121(e)(3) (referred to in this section as "training services") and be identified as an eligible provider of such services, a provider of such services shall meet the requirements of this section.

(2) POSTSECONDARY EDUCATIONAL INSTITUTIONS.—A postsecondary educational institution shall automatically be eligible to receive such funds for—

(A) a program that leads to an associate, baccalaureate, professional, or graduate degree;

(B) a program that—

(i) is at least 2 academic years in length; and

(ii) is acceptable for academic credit toward a baccalaureate degree; or

(C) a program that—

(i) is at least 1 academic year in length;

(ii) is a training program;

(iii) leads to a certificate, degree, or other recognized educational credential; and

(iv) prepares a student for gainful employment in a recognized occupation.

(3) OTHER ELIGIBLE PROVIDERS.—

(A) PROCEDURE.—The Governor shall establish a procedure for determining the eligibility of public and private providers not described in paragraph (2) (including eligibility of postsecondary educational institutions for programs not described in paragraph (2)) to receive such funds. In determining the eligibility, the Governor shall solicit and take into consideration recommendations of the local boards concerning the identification of eligible providers of training services in local workforce development areas.

(B) LEVELS OF PERFORMANCE.—At a minimum, the Governor shall establish a procedure that requires such a provider to meet minimum acceptable levels of performance based on—

(i) verifiable program-specific performance information described in subparagraph (C) and submitted to the State agency designated under subsection (b), as required under paragraphs (2) and (3) of subsection (b); and

(ii) performance criteria relating to the rates and percentages described in subparagraph (C)(i).

(C) PERFORMANCE INFORMATION.—

(i) REQUIRED INFORMATION.—To be eligible to receive such funds, a provider shall submit information on—

(I) program completion rates for participants in the applicable program conducted by the provider;

(II) the percentage of the participants obtaining employment in an occupation related to the program conducted;

(III) where appropriate, the rates of licensure or certification of graduates of the program; and

(IV) where appropriate, the percentage of the participants who demonstrate significant gains in literacy and basic skills.

(ii) ADDITIONAL INFORMATION.—In addition to the performance information described in clause (i), the Governor may require that a provider described in this paragraph submit such other performance information as the Governor determines to be appropriate, which may include information relating to—

(I) the adequacy of space, staff, equipment, instructional materials, and student support services offered by the provider through a program conducted by the provider;

(II) the earnings of participants completing the program; and

(III) the percentage of graduates of the program who attain industry-recognized occupational skills in the subject, occupation, or industry for which training is provided.

(b) ADMINISTRATION.—

(1) DESIGNATION.—The Governor shall designate a State agency to collect and disseminate the performance information described in subsection (a)(3)(C) and submitted pursuant to this subsection and carry out other duties described in this subsection.

(2) APPLICATION.—To be eligible to receive funds as described in subsection (a), a provider shall submit an application at such time, in such manner, and containing such information as the designated State agency may require.

(3) SUBMISSION.—To be eligible to receive funds as described in subsection (a), a provider described in subsection (a)(3) shall submit the performance information described in subsection (a)(3)(C) annually to the designated State agency at such time and in such manner as the designated State agency may require. The designated State agency may accept program-specific performance information consistent with the requirements for eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) from such a provider for purposes of enabling the provider to fulfill the applicable requirements of this paragraph.

(4) LIST OF ELIGIBLE PROVIDERS.—The designated State agency, after reviewing the performance information described in subsection (a)(3)(C) and using the procedure described in subsection (a)(3)(B), shall identify eligible providers of training services described in paragraph (2) or (3) of subsection (a), compile a list of such eligible providers, accompanied by the performance information described in subsection (a)(3)(C) for each such provider described in subsection (a)(3), and disseminate such list and information to one-stop career centers and to local boards. Such list and information shall be made widely available to participants in workforce and career development activities and others through the one-stop career center system described in section ___121(d).

(c) ENFORCEMENT.—

(1) ACCURACY OF INFORMATION.—If the designated State agency determines that a provider or individual supplying information on behalf of a provider intentionally supplies inaccurate information under this section, the agency shall terminate the eligibility of the eligible provider to receive funds described in subsection (a) for a period of time, but not less than 2 years, as prescribed in regulations issued by the Governor.

(2) COMPLIANCE WITH CRITERIA OR REQUIREMENTS.—If the designated State agency determines that an eligible provider or a program of training services carried out by an eligible provider fails to meet the required performance criteria described in subsection

(a)(3)(B)(ii) or materially violates any provision of this title or the regulations promulgated to implement this title, the agency may terminate the eligibility of the eligible provider to receive funds described in subsection (a) for such program or take such other action as the agency determines to be appropriate.

(3) ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965.—If the designated State agency determines that the eligibility of an eligible provider described in subsection (a)(2) under title IV of the Higher Education Act of 1965 has been terminated, the agency shall—

(A) terminate the automatic eligibility of the provider under subsection (a)(2); and

(B) require the provider to meet the requirements of subsection (a)(3) to be eligible to receive funds as described in subsection (a).

(4) REPAYMENT.—Any provider whose eligibility is terminated under paragraph (1) or (2) for a program shall be liable for repayment of all funds described in subsection (a) received for the program during any period of noncompliance described in such paragraph.

(5) APPEAL.—The Governor shall establish a procedure for an eligible provider to appeal a determination by the designated State agency that results in termination of eligibility under this subsection. Such procedure shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

(d) ON-THE-JOB TRAINING EXCEPTION.—

(1) IN GENERAL.—Providers of on-the-job training shall not be subject to the requirements of subsection (a), (b), or (c).

(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop career center eligible provider in a local workforce development area shall collect such performance information from on-the-job training providers as the Governor may require, and disseminate such information through the delivery of core services described in section ___121(e)(2), as appropriate.

SEC. ___108. LOCAL WORKFORCE DEVELOPMENT BOARDS.

(a) ESTABLISHMENT.—There shall be established in each local workforce development area of a State, and certified by the Governor of the State, a local workforce development board, reflecting business and community interests in workforce and career development activities.

(b) MEMBERSHIP.—

(1) STATE CRITERIA.—The Governor of the State shall establish criteria for the appointment of members of the local boards for local workforce development areas in the State in accordance with the requirements of paragraph (2). Information identifying such criteria shall be included in the State plan submitted under section ___104.

(2) COMPOSITION.—Such criteria shall require at a minimum, that the membership of each local board—

(A) shall include—

(i) a majority of members who are representatives of business and industry in the local workforce development area, appointed from among individuals nominated by local business organizations and trade associations;

(ii) representatives of local secondary schools, representatives of postsecondary educational institutions (including representatives of community colleges), representatives of vocational educators, and representatives of providers of adult education and literacy services, where such schools, institutions, educators, or providers, as appropriate, exist; and

(iii) representatives of employees, which may include labor; and

(B) may include—

(i) individuals with disabilities;

(ii) parents;

(iii) veterans; and

(iv) representatives of community-based organizations.

(3) CHAIRPERSON.—The local board shall elect a chairperson from among the members of the board.

(c) APPOINTMENT AND CERTIFICATION OF BOARD.—

(1) APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF RESPONSIBILITIES.—

(A) IN GENERAL.—The chief elected official in a local workforce development area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.—

(i) IN GENERAL.—In a case in which a local workforce development area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials—

(I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and

(II) in carrying out any other responsibilities assigned to such officials.

(ii) LACK OF AGREEMENT.—If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.

(2) CERTIFICATION.—

(A) IN GENERAL.—The Governor may annually certify 1 local board for each local workforce development area in the State.

(B) CRITERIA.—Such certification shall be based on factors including the criteria established under subsection (b) and, for a second or subsequent certification, the extent to which the local board has ensured that employment and training activities and at-risk youth activities carried out in the local workforce development area have met expected levels of performance with respect to the local benchmarks required under subsection (d)(4)(A).

(C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in reappointment and certification of another local board for the local workforce development area pursuant to the process described in paragraph (1) and this paragraph.

(3) DECERTIFICATION.—Notwithstanding paragraph (2), the Governor may decertify a local board at any time for fraud or abuse, or failure to carry out the functions specified for the local board in paragraphs (1) through (3) of subsection (d), after providing notice and an opportunity for comment. If the Governor decertifies a local board for a local workforce development area, the Governor may require that a local board be appointed and certified for the local workforce development area pursuant to a plan developed by the Governor in consultation with the chief elected official in the local workforce development area and in accordance with the criteria established under subsection (b).

(4) EXCEPTION.—Notwithstanding subsection (b) and paragraphs (1) and (2), if a State described in section ___104(b)(4)(B) indicates in the State plan that the State will be treated as a local workforce development area for purposes of the application of this title, the Governor may designate the individuals and entities involved in the collaborative process described in section ___105 to carry out any of the functions described in subsection (d).

(d) FUNCTIONS OF LOCAL BOARD.—The functions of the local board shall include the following:

(1) LOCAL PLAN.—

(A) IN GENERAL.—Each local board shall develop and submit to the Governor a comprehensive multiyear strategic local plan. The local plan shall be consistent with the State goals and State plan described in section ___104.

(B) CONTENTS.—The local plan shall include—

(i) an identification of the workforce development needs of local industries, jobseekers, and workers;

(ii) a description of employment and training activities and at-risk youth activities to be carried out in the local workforce development area as required under sections ___121 and ___122, that, with activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), will contribute to the coherent delivery of workforce and career development activities;

(iii) a description of the local benchmarks negotiated with the Governor pursuant to paragraph (4)(A), to be used by the local board for measuring the performance of eligible providers, and the performance of the one-stop career center system, in the local workforce development area;

(iv) a description of the process negotiated with the Governor pursuant to paragraph (4)(B) that the local board will use to designate or certify, and to conduct oversight with respect to, one-stop career center eligible providers in the local workforce development area, that will—

(I) ensure that the most effective and efficient providers will be chosen; and

(II) ensure the continuous improvement of such providers and ensure that such providers will continue to meet the labor market needs of local employers and participants;

(v) a description of how the local board will ensure the continued participation of the chief elected official in the local workforce development area in carrying out the duties of the local board, including the participation of such official in carrying out the oversight responsibilities of the board;

(vi) a description of how the local board will obtain the active and continuous participation of representatives of business and industry, employees (which may include labor), local educational agencies, postsecondary educational institutions, providers of adult education and literacy services, vocational educators, other providers of workforce and career development activities, community-based organizations, parents, and consumers (including individuals with disabilities, older workers, and veterans), where appropriate, in the development and continuous improvement of the employment and training activities to be carried out in the local workforce development area;

(vii) a description of the steps the local board will take to work with local educational agencies, postsecondary educational institutions, vocational educators, providers of adult education and literacy services, and other representatives of the educational community to address local employment, education, and training needs;

(viii) a description of the process that will be used to fully involve representatives of business, employees (which may include labor), the local education community (including vocational educators and teachers), parents, and community-based organizations in the development and implementation of at-risk youth activities in the local workforce development area, including a description of the process used to ensure that the most effective and efficient providers are chosen to carry out the activities; and

(ix) such other information as the Governor may require.

(C) CONSULTATION.—The local board shall—

(i) consult with the chief elected official in the appropriate local workforce development area in the development of the local plan; and

(ii) provide the chief elected official with a copy of the local plan.

(D) APPROVAL.—

(i) IN GENERAL.—The chief elected official shall—

(I) approve the local plan; or

(II) reject the local plan and make recommendations to the local board on how to improve the local plan.

(ii) SUBMISSION.—If, after a reasonable effort, the local board is unable to obtain the approval of the chief elected official for the local plan, the local board shall submit the plan to the Governor for approval under subparagraph (A), and shall submit the recommendations of the chief elected official to the Governor along with the plan.

(2) SELECTION AND OVERSIGHT RESPONSIBILITIES.—

(A) ONE-STOP CAREER CENTERS.—Consistent with section ____111(c)(1)(A) and the agreement negotiated with the Governor under paragraph (4)(B)(i), the local board is authorized to designate or certify one-stop career center eligible providers, and conduct oversight with respect to such providers, in the local workforce development area.

(B) AT-RISK YOUTH ACTIVITIES.—Consistent with section ____112(d), the local board is authorized to award grants on a competitive basis to eligible providers of at-risk youth activities, and conduct oversight with respect to such providers, in the local workforce development area.

(3) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section ____107, the local board is authorized to make recommendations to the Governor concerning the identification of eligible providers of training services described in section ____121(e)(3) in the local workforce development area.

(4) NEGOTIATIONS.—

(A) LOCAL BENCHMARKS.—The local board and the Governor shall negotiate and reach agreement on local benchmarks designed to meet the goals described in section ____106(a) for the local workforce development area. In determining such benchmarks, the Governor and the local board shall take into account the State benchmarks described in section ____106(b)(1) with respect to employment and training activities and as appropriate, at-risk youth activities, the State benchmarks described in section ____106(b)(2) with respect to at-risk youth activities, and specific economic, demographic, and other characteristics of the populations to be served in the local workforce development area.

(B) LOCAL ONE-STOP DELIVERY OF SERVICES.—

(i) IN GENERAL.—Consistent with criteria identified in the State plan information submitted under section ____104(b)(16)(B)(i), the local board and the Governor shall negotiate and reach agreement on a process to be used by the local board that meets the requirements of subclauses (I) and (II) of paragraph (1)(B)(iv) for—

(I) the designation or certification of one-stop career center eligible providers in the local workforce development area, including a determination of the role of providers of activities authorized under the Wagner-Peyser Act in the one-stop delivery of services in the local workforce development area; and

(II) the continued role of the local board in conducting oversight with respect to one-stop career center eligible providers, including the ability of the local board to terminate for cause the eligibility of a provider of such services.

(ii) ESTABLISHED ONE-STOP CAREER CENTERS.—Notwithstanding section ____111(c)(1)(B), if a one-stop career center has been established in a local workforce development area prior to the date of enactment of this Act, or if approval has been obtained for a plan for a one-stop career center under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) prior to the date of enactment of this Act, the local board and the Governor involved may agree to certify the one-stop career center provider for purposes of this subparagraph.

(e) SUNSHINE PROVISION.—The local board shall make available to the public, on a regular basis, information regarding the activities of the local board, including information regarding membership, the designation and certification of one-stop career center eligible providers, and the award of grants to eligible providers of at-risk youth activities.

(f) OTHER ACTIVITIES.—

(1) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no local board may directly carry out an employment and training activity.

(B) WAIVERS.—The Governor of the State in which the local board is located may grant to the local board a written waiver of the prohibition set forth in subparagraph (A).

(2) CONFLICT OF INTEREST.—No member of a local board may—

(A) vote on a matter under consideration by the local board—

(i) regarding the provision of services by such member (or by an organization that such member represents); or

(ii) that would provide direct financial benefit to such member or the immediate family of such member; or

(B) engage in any other activity determined by the Governor to constitute a conflict of interest.

(g) TECHNICAL ASSISTANCE.—If a local workforce development area fails to meet expected levels of performance on negotiated benchmarks described in subsection (d)(4)(A), the Governor may provide technical assistance to the local board to improve the level of performance of the local workforce development area.

Subtitle B—Allocation

SEC. ____111. DISTRIBUTION FOR EMPLOYMENT AND TRAINING ACTIVITIES.

(a) RESERVATIONS FOR STATE AND LOCAL ACTIVITIES.—

(1) IN GENERAL.—The sum of the funds made available to a State for any program year under paragraphs (1) and (5) of section ____103(a) for employment and training activities shall be made available in accordance with this section.

(2) DISTRIBUTION.—Of the sum described in paragraph (1) that is made available to a State for a program year—

(A) not less than 75 percent shall be made available to local workforce development areas under subsection (b) to carry out employment and training activities described in subsections (e) and (f) of section ____121;

(B) not less than 20 percent shall be made available to the Governor to carry out State employment and training activities described in subsections (b) and (c) of section ____121; and

(C) not more than 5 percent shall be made available for administrative expenses at the State level.

(b) WITHIN STATE FORMULA.—

(1) IN GENERAL.—The Governor shall develop a formula for the allocation of the funds described in subsection (a)(2)(A) to local workforce development areas, taking into account—

(A) the poverty rate, among individuals who are not less than age 18 and not more than age 64, as determined by the Bureau of the Census, within each local workforce development area;

(B) the unemployment rate within each local workforce development area;

(C) the proportion of the State population of individuals who are not less than age 18 and not more than age 64, residing within each local workforce development area; and

(D) such additional factors as the Governor (in consultation with local boards and local elected officials) determines to be necessary.

(2) EQUITABLE ALLOCATION.—In developing such formula, the Governor shall ensure that—

(A) the funds described in subsection (a)(2)(A) are allocated in a geographically equitable manner throughout the State; and

(B) the factors described in paragraph (1) do not receive disproportionate weight in the allocation.

(c) ELIGIBILITY.—

(1) ELIGIBILITY FOR DESIGNATION OR CERTIFICATION AS A ONE-STOP CAREER CENTER ELIGIBLE PROVIDER.—

(A) IN GENERAL.—To be eligible to receive funds made available under this section to provide employment and training activities through a one-stop career center system and be designated or certified as a one-stop career center eligible provider for a local workforce development area, an entity shall—

(i) be selected in accordance with section ____108(d)(2)(A); and

(ii) be a public or private entity, or consortium of entities, located in the local workforce development area, which entity or consortium may include an institution of higher education (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), a local employment service office established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), a local government agency, a private for-profit entity, a private nonprofit entity, or other interested entity, of demonstrated effectiveness, such as a local chamber of commerce or other business organization.

(B) EXCEPTION.—Elementary schools and secondary schools shall not be eligible for designation or certification as one-stop career center eligible providers.

(2) ELIGIBILITY FOR IDENTIFICATION AS AN ELIGIBLE PROVIDER OF TRAINING SERVICES.—Except as provided in section ____107(d), to be eligible to receive funds made available under this section to provide training services described in section ____121(e)(3) and be identified as an eligible provider of such services, an entity shall meet the requirements of section ____107.

SEC. ____112. DISTRIBUTION FOR AT-RISK YOUTH ACTIVITIES.

(a) RESERVATIONS FOR STATE AND LOCAL ACTIVITIES.—

(1) IN GENERAL.—The sum of the funds made available to a State for any program year under paragraphs (2) and (5) of section ____103(a) for at-risk youth activities shall be made available in accordance with this section.

(2) DISTRIBUTION.—Of the sum described in paragraph (1) that is made available to a State for a program year—

(A) not less than 75 percent shall be made available to local workforce development areas under subsection (b) to carry out at-risk youth activities;

(B) not more than 21 percent shall be made available to the Governor to carry out at-risk youth activities; and

(C) not more than 4 percent shall be made available for administrative expenses at the State level.

(b) WITHIN STATE FORMULA.—

(1) IN GENERAL.—The Governor, using the collaborative process described in subsection (a) or (b) of section ____105, shall develop a formula for the allocation of the funds described in subsection (a)(2)(A) to local workforce development areas, taking into account—

(A) the poverty rate, as determined by the Bureau of the Census, within each local workforce development area;

(B) the proportion of the State at-risk youth population residing within each local workforce development area; and

(C) such additional factors as are determined to be necessary.

(2) EQUITABLE ALLOCATION.—In developing such formula, the Governor shall ensure that—

(A) the funds described in subsection (a)(2)(A) are allocated in a geographically equitable manner throughout the State; and

(B) the factors described in paragraph (1) do not receive disproportionate weight in the allocation.

(c) STATE GRANTS.—

(1) IN GENERAL.—The Governor shall use the funds described in subsection (a)(2)(B) to award grants, on a competitive basis, to eligible providers to carry out at-risk youth activities under section ____122.

(2) ELIGIBLE PROVIDERS.—Providers eligible to receive grants under this subsection to carry out such activities include—

(A) local educational agencies, area vocational education schools, educational service agencies, institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), State corrections educational agencies, or consortia of such entities;

(B) units of general local government;

(C) private nonprofit organizations (including community-based organizations);

(D) private for-profit entities; and

(E) other organizations or entities of demonstrated effectiveness that are approved by the Governor.

(3) APPLICATION.—To be eligible to receive a grant under this subsection from the State to carry out such activities, a provider shall prepare and submit an application to the Governor of the State at such time, in such manner, and containing such information as the Governor may require.

(4) AWARD OF GRANTS.—

(A) PROCESS.—

(i) IN GENERAL.—The Governor shall develop a peer review process for reviewing the applications and awarding the grants on a competitive basis.

(ii) CRITERIA.—The Governor shall establish criteria described in section ____104(b)(17)(C) to be used in reviewing the applications.

(B) AWARDS.—

(i) IN GENERAL.—Using the process referred to in subparagraph (A), and taking into consideration the criteria referred to in subparagraph (A), the Governor shall award the grants to eligible providers.

(ii) PRIORITY.—In awarding the grants, the Governor shall give priority to providers submitting applications to serve communities, or combinations of communities, that contain a large number or a high concentration of at-risk youth.

(iii) EQUITABLE DISTRIBUTION.—In awarding the grants, the Governor shall ensure that—

(I) the funds made available through the grants are distributed in a geographically equitable manner throughout the State; and

(II) no factor receives disproportionate weight in the distribution.

(d) LOCAL GRANTS.—

(1) IN GENERAL.—From the funds made available under subsection (a)(2)(A) to a local workforce development area (other than funds described in section ____122(c)), the local board for such local workforce development area shall award grants, on a competitive basis, to eligible providers to carry out at-risk youth activities under section ____122.

(2) ELIGIBLE PROVIDERS.—Providers eligible to receive grants under this subsection to carry out such activities in a local workforce development area include the providers described in subparagraphs (A) through (D) of subsection (c)(2) and other organizations or entities of demonstrated effectiveness that are approved by the local board.

(3) APPLICATION.—To be eligible to receive a grant under this subsection from the local board to carry out such activities in a local workforce development area, a provider shall prepare and submit an application to the board at such time, in such manner, and containing such information as the board may require.

(4) AWARD OF GRANTS.—

(A) PROCESS.—

(i) IN GENERAL.—The local board shall develop a peer review process for reviewing the applications and awarding the grants on a competitive basis.

(ii) CRITERIA.—The local board shall establish criteria described in section ____104(b)(17)(C) to be used in reviewing the applications.

(B) AWARDS.—

(i) IN GENERAL.—Using the process referred to in subparagraph (A), and taking into consideration the criteria referred to in subparagraph (A), the local board shall award the grants to eligible providers.

(ii) PRIORITY.—In awarding the grants, the local board shall give priority to providers submitting applications to serve communities, or combinations of communities, that contain a large number or a high concentration of at-risk youth.

(iii) EQUITABLE DISTRIBUTION.—In awarding the grants, the local board shall ensure that—

(I) the funds made available through the grants are distributed in a geographically equitable manner throughout the local workforce development area; and

(II) no factor receives disproportionate weight in the distribution.

(5) LIMITATION.—No local board may directly carry out an at-risk youth activity.

(e) TECHNICAL ASSISTANCE.—The Governor, in consultation with the chief elected officials in a local workforce development area, shall provide technical assistance to the local board for the local workforce development area to improve the level of performance of the local workforce development area with respect to at-risk youth activities if—

(1) the local board requests such technical assistance; or

(2) the Governor, in carrying out the certification requirements of section ____108(c)(2), determines that the local board requires such technical assistance.

SEC. ____113. FUNDING FOR STATE VOCATIONAL EDUCATION ACTIVITIES AND DISTRIBUTION FOR SECONDARY SCHOOL VOCATIONAL EDUCATION.

(a) RESERVATIONS FOR STATE AND LOCAL ACTIVITIES.—

(1) IN GENERAL.—The sum of the funds made available to a State for any program year under paragraphs (3) and (5) of section ____103(a) for vocational education activities shall be made available in accordance with this section and sections ____114 and ____115.

(2) DISTRIBUTION.—Of the sum described in paragraph (1) that is made available to an eligible agency for vocational education for a program year—

(A) not less than 85 percent shall be made available to eligible providers to carry out vocational education activities under this section or section ____114;

(B) not more than 11 percent shall be made available to carry out State activities described in section ____123(a); and

(C) not more than 4 percent shall be made available for administrative expenses at the State level.

(3) STATE DETERMINATIONS.—From the amount available to an eligible agency in a State for distribution to eligible providers under paragraph (2)(A) for a program year, such agency shall determine the percentage of such amount that will be distributed in accordance with this section and section ____114 for such year for vocational education activities in such State in the area of secondary school vocational education, or postsecondary and adult vocational education, or both.

(b) ALLOCATION FOR SECONDARY SCHOOL VOCATIONAL EDUCATION.—

(1) IN GENERAL.—Except as otherwise provided in this section and section ____115, each eligible agency for vocational education in a State shall distribute the portion of the funds made available for any program year (from funds made available for the corresponding fiscal year, as determined under section ____151(c)) by such agency for secondary school vocational education under subsection (a)(3) to local educational agencies within the State as follows:

(A) SEVENTY PERCENT.—From 70 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the number of children who are described in paragraph (2) and reside in the school district served by such agency for the preceding fiscal year bears to the total number of such children who reside in the school districts served by all local educational agencies in the State for such preceding year.

(B) THIRTY PERCENT.—From 30 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 30 percent as the number of students enrolled in schools, and adults enrolled in training programs, under the jurisdiction of such local educational agency for the preceding fiscal year bears to the number of students enrolled in schools, and adults enrolled in training programs, under the jurisdiction of all local educational agencies in the State for such preceding year.

(2) NUMBER OF CHILDREN.—

(A) IN GENERAL.—The number of children referred to in paragraph (1)(A) is the number of children aged 5 through 17, inclusive, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made.

(B) POPULATION UPDATES.—In fiscal year 1999 and every 2 years thereafter, the Secretary of Education shall use updated data on the number of children aged 5 through 17, inclusive, from families with incomes below the poverty line for local educational agencies, published by the Department of Commerce, unless the Secretary of Education and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable, taking into consideration the recommendations of the study to be conducted by the National Academy of Sciences pursuant to section 1124(c)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(4)). If the Secretary of Education and the Secretary of Commerce determine that some or all of the data referred to in this subparagraph are inappropriate or unreliable, they shall jointly issue a report setting forth their reasons in detail. In determining the families with incomes below the poverty line, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

(3) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—Subject to subsection (c), the Secretary of Education may waive the application of paragraph (1) in the case of any eligible agency that submits to the Secretary an application for such waiver that—

(A) demonstrates that an alternative formula will result in a greater distribution of funds to local educational agencies within the State that serve the highest number or greatest percentage of children described in paragraph (2) than the formula described in paragraph (1); and

(B) includes a proposal for such an alternative formula.

(c) MINIMUM ALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no local educational agency shall receive an allocation under subsection (b) for a program year unless the amount allocated to such agency under subsection (b) is $15,000 or more. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

(2) WAIVER.—The eligible agency may waive the application of paragraph (1) in any case in which the local educational agency—

(A) is located in a rural, sparsely populated area; and

(B) demonstrates that such agency is unable to enter into a consortium for purposes of providing services under this section.

(3) REDISTRIBUTION.—Any amounts that are not allocated by reason of paragraph (1) for a program year shall be redistributed for such program year—

(A) to a local educational agency—

(i) that did not receive an allocation under subsection (b) or pursuant to paragraph (2) for such program year;

(ii) that is located in a rural, sparsely populated area; and

(iii) for which at least 15 percent of the children in the school district served by such agency are children described in subsection (b)(2); and

(B) for vocational education services and activities of sufficient, size, scope, and quality to be effective.

(d) LIMITED JURISDICTION AGENCIES.—

(1) IN GENERAL.—In applying the provisions of subsection (b), no eligible agency receiving assistance under this title shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

(2) SPECIAL RULE.—The amount to be distributed under paragraph (1) for a program year to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

(e) ALLOCATIONS TO AREA VOCATIONAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE AGENCIES.—

(1) IN GENERAL.—Each eligible agency shall distribute the portion of funds made available for any program year by such agency for secondary school vocational education under subsection (a)(3) to the appropriate area vocational education school or educational service agency in any case in which the area vocational education school or educational service agency, and the local educational agency concerned—

(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

(B) have entered into or will enter into a cooperative arrangement for such purpose.

(2) ALLOCATION BASIS.—If an area vocational education school or educational service agency meets the requirements of paragraph (1), then—

(A) the amount that would otherwise be distributed to the local educational agency for a program year under this section shall be allocated to the area vocational education school, the educational service agency, and the local educational agency, based on each school's or agency's relative share of students who are attending vocational education programs (based, if practicable, on the average enrollment for the prior 3 years); or

(B) such amount may be allocated on the basis of an agreement between the local educational agency and the area vocational education school or educational service agency.

(3) APPEALS PROCEDURE.—The eligible agency shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area vocational education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

(4) CONSORTIUM REQUIREMENTS.—

(A) IN GENERAL.—Notwithstanding the provisions of paragraphs (1), (2), and (3), any local educational agency receiving an allocation that is not sufficient to conduct a secondary school vocational education program of sufficient size, scope, and quality to be effective may—

(i) form a consortium or enter into a cooperative agreement with an area vocational education school or educational service agency offering secondary school vocational education programs of sufficient size, scope, and quality to be effective; and

(ii) transfer such allocation to the area vocational education school or educational service agency.

(B) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this paragraph shall be used only for purposes and activities that are mutually beneficial to all members of the consortium. Such funds may not be reallocated to individual members of the consortium for purposes or activities benefiting only one member of the consortium.

(f) DATA.—The Secretary of Education shall collect information from States regarding how funds made available by the eligible agency for vocational education under subsection (a)(3) are distributed to local educational agencies in accordance with this section.

SEC. ___114. DISTRIBUTION FOR POSTSECONDARY AND ADULT VOCATIONAL EDUCATION.

(a) ALLOCATION.—

(1) IN GENERAL.—Except as provided in subsection (b) and section ___115, each eligible agency for vocational education in a State, using the portion of the funds made available for any program year by such agency for postsecondary and adult vocational education under section ___113(a)(3), shall distribute such portion to eligible institutions or consortia of eligible institutions within the State.

(2) FORMULA.—Each eligible institution or consortium of eligible institutions shall receive an amount for the program year (from funds made available for the corresponding fiscal year, as determined under section ___151(c)) from such portion that bears the same relationship to such portion as the number of individuals who are Pell Grant recipients or recipients of assistance from the Bureau of Indian Affairs and are enrolled in programs offered by such eligible institution or consortium of eligible institutions, respectively, for the preceding fiscal year bears to the number of all such individuals who are enrolled in any such program within the State for such preceding year.

(3) CONSORTIUM REQUIREMENTS.—

(A) IN GENERAL.—In order for a consortium of eligible institutions described in paragraph (1) to receive assistance pursuant to such paragraph such consortium shall operate joint projects that—

(i) provide services to all postsecondary institutions participating in the consortium; and

(ii) are of sufficient size, scope, and quality to be effective.

(B) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and activities that are mutually beneficial to all members of the consortium. Such funds may not be reallocated to individual members of the consortium for purposes or activities benefiting only one member of the consortium.

(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary of Education may waive the application of subsection (a) in the case of any eligible agency that submits to the Secretary of Education an application for such a waiver that—

(1) demonstrates that an alternative formula will result in a greater distribution of funds to the eligible institutions or consortia

of eligible institutions within the State that serve the highest numbers of low-income individuals than the formula described in subsection (a)(2); and

(2) includes a proposal for such an alternative formula.

(c) MINIMUM AMOUNT.—

(1) IN GENERAL.—No distribution of funds provided to any eligible institution or consortium of eligible institutions for a program year under this section shall be for an amount that is less than $50,000.

(2) REDISTRIBUTION.—Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia of eligible institutions in accordance with the provisions of this section.

SEC. ___115. SPECIAL RULES FOR VOCATIONAL EDUCATION.

(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

(1) GENERAL AUTHORITY.—Notwithstanding the provisions of section ___113 or ___114 and in order to make a more equitable distribution of funds for programs serving the highest numbers or greatest percentages of low-income individuals, for any program year for which a minimal amount is made available by an eligible agency for distribution under section ___113 or ___114 such agency may distribute such minimal amount for such year—

(A) on a competitive basis; or

(B) through any alternative method determined by the eligible agency.

(2) MINIMAL AMOUNT.—For purposes of this section, the term "minimal amount" means not more than 15 percent of the total amount made available by the eligible agency under section ___113(a)(3) for sections ___113 and ___114 for a program year.

(b) REDISTRIBUTION.—

(1) IN GENERAL.—In any program year that an eligible provider receiving financial assistance under section ___113 or ___114 does not expend all of the amounts distributed to such provider for such year under section ___113 or ___114, respectively, such provider shall return any unexpended amounts to the eligible agency for distribution under section ___113 or ___114, respectively. The eligible agency may waive the requirements of the preceding sentence, on a case-by-case basis, for good cause as determined by such agency.

(2) REDISTRIBUTION OF AMOUNTS RETURNED LATE IN A PROGRAM YEAR.—In any program year in which amounts are returned to the eligible agency under paragraph (1) for programs described in section ___113 or ___114 and the eligible agency is unable to redistribute such amounts according to section ___113 or ___114, respectively, in time for such amounts to be expended in such program year, the eligible agency shall retain such amounts for distribution in combination with amounts made available under such section for the following program year.

(c) CONSTRUCTION.—Nothing in section ___113 or ___114 shall be construed—

(1) to prohibit a local educational agency (or a consortium thereof) that receives assistance under section ___113, from working with an eligible provider (or consortium thereof) that receives assistance under section ___114, to carry out secondary school vocational education activities in accordance with this title; or

(2) to prohibit an eligible provider (or consortium thereof) that receives assistance under section ___114, from working with a local educational agency (or consortium thereof) that receives assistance under section ___113, to carry out postsecondary and adult vocational education activities in accordance with this title.

(d) LOCAL APPLICATION FOR VOCATIONAL EDUCATION ACTIVITIES.—

(1) APPLICATION REQUIRED.—Each provider in a State desiring financial assistance under this subtitle for vocational education activities shall submit an application to the eligible agency for vocational education at such time, in such manner, and accompanied by such information as such agency (in consultation with other educational entities as the eligible agency determines appropriate) may require. Such application shall cover the same period of time as the period of time applicable to the State plan submitted under section ___104.

(2) CONTENTS.—Each application described in paragraph (1) shall, at a minimum—

(A) describe how the vocational education activities required under section ___123 will be carried out with funds received under this subtitle;

(B) describe how the activities to be carried out relate to meeting the State goals, and reaching the State benchmarks, concerning vocational education activities;

(C) describe how the provider will address the needs of students who participate in vocational education activities to be taught to the same challenging academic proficiencies as all students;

(D) describe the process that will be used to independently evaluate and continuously improve the performance of the provider;

(E) describe how the provider will coordinate the activities of the provider with the activities of the local board in the local workforce development area; and

(F) describe how parents, teachers, and the community are involved in the development and implementation of activities under this section.

SEC. ___116. DISTRIBUTION FOR ADULT EDUCATION AND LITERACY.

(a) RESERVATIONS FOR STATE AND LOCAL ACTIVITIES.—

(1) IN GENERAL.—The sum of the funds made available to a State for any program year under paragraphs (4) and (5) of section ___103(a) for adult education and literacy activities shall be made available in accordance with this section.

(2) DISTRIBUTION.—Of the sum described in paragraph (1) that is made available to an eligible agency for adult education and literacy for a program year—

(A) not less than 85 percent shall be made available to award grants in accordance with this section to carry out adult education and literacy activities;

(B) not more than 10 percent shall be made available to carry out State activities described in section ___124(a); and

(C) subject to subparagraph (A), not more than 5 percent, or $50,000, whichever is greater, shall be made available for administrative expenses at the State level.

(b) GRANTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), from the amount made available to an eligible agency for adult education and literacy under subsection (a)(2)(A) for a program year, such agency shall award grants, on a competitive basis, to local educational agencies, correctional education agencies, community-based organizations of demonstrated effectiveness, volunteer literacy organizations, libraries, public or private nonprofit agencies, postsecondary educational institutions, public housing authorities, and other nonprofit institutions, that have the ability to provide literacy services to adults and families, or consortia of agencies, organizations, or institutions described in this subsection, to enable such agencies, organizations, institutions, and consortia to carry out adult education and literacy activities.

(2) CONSORTIA.—An eligible agency may award a grant under this section to a consortium that includes a provider described in paragraph (1) and a for-profit agency, organization, or institution, if such agency, organization, or institution—

(A) can make a significant contribution to carrying out the objectives of this title; and

(B) enters into a contract with such provider to carry out adult education and literacy activities.

(c) GRANT REQUIREMENTS.—

(1) EQUITABLE ACCESS.—Each eligible agency awarding a grant under this section for adult education and literacy activities shall ensure that the providers described in subsection (b) will be provided direct and equitable access to all Federal funds provided under this section.

(2) SPECIAL RULE.—Each eligible agency awarding a grant under this section shall not use any funds made available under this title for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section ___004(1), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy services.

(3) CONSIDERATIONS.—In awarding grants under this section, the eligible agency shall consider—

(A) the past effectiveness of a provider described in subsection (b) in providing services (especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults);

(B) the degree to which the provider will coordinate services with other literacy and social services available in the community, including coordination with one-stop career center systems established in section ___121(d); and

(C) the commitment of the provider to serve individuals in the community who are most in need of literacy services.

(d) LOCAL ADMINISTRATIVE COST LIMITS.—

(1) IN GENERAL.—Except as provided in paragraph (2), of the funds provided under this section by an eligible agency to a provider described in subsection (b), not less than 95 percent shall be expended for provision of adult education and literacy activities. The remainder shall be used for planning, administration, personnel development, and interagency coordination.

(2) SPECIAL RULE.—In cases where the cost limits described in paragraph (1) will be too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination supported under this section, the eligible agency shall negotiate with the provider described in subsection (b) in order to determine an adequate level of funds to be used for noninstructional purposes.

SEC. ___117. DISTRIBUTION FOR FLEXIBLE ACTIVITIES.

(a) EMPLOYMENT AND TRAINING ACTIVITIES.—A State that uses funds made available to the State under this title through the flex account to carry out employment and training activities shall distribute such funds in accordance with section ___111.

(b) AT-RISK YOUTH ACTIVITIES.—A State that uses funds made available to the State under this title through the flex account to carry out at-risk youth activities shall distribute such funds in accordance with section ___112.

(c) VOCATIONAL EDUCATION ACTIVITIES.—A State that uses funds made available to the State under this title through the flex account to carry out vocational education activities shall distribute such funds in accordance with sections ___113, ___114, and ___115.

(d) ADULT EDUCATION AND LITERACY ACTIVITIES.—A State that uses funds made available to the State under this title through the flex account to carry out adult education and literacy activities shall distribute such funds in accordance with section ___116.

Subtitle C—Use of Funds

SEC. ___121. EMPLOYMENT AND TRAINING ACTIVITIES.

(a) IN GENERAL.—Funds made available to States and local workforce development areas under this title for employment and training activities—

(1) shall be used to carry out the activities described in subsections (b), (e), and (g); and

(2) may be used to carry out the activities described in subsections (c) and (f).

(b) REQUIRED STATE ACTIVITIES.—A State shall use funds made available for State employment and training activities under section ___111(a)(2)(B)—

(1) to provide rapid response assistance;

(2) to provide labor market information as described in section ___139; and

(3) to conduct evaluations, under section ___106(d), of activities authorized in this section.

(c) PERMISSIBLE STATE ACTIVITIES.—A State may use funds made available for State employment and training activities under section ___111(a)(2)(B)—

(1) to provide services that may include—

(A) providing professional development and technical assistance;

(B) making incentive grants to local workforce development areas for exemplary performance in reaching or exceeding benchmarks described in section ___108(d)(4)(A);

(C) providing economic development activities (to supplement other funds provided by the State, a local agency, or the private sector for such activities) that consist of—

(i) providing services to upgrade the skills of employed workers who are at risk of being permanently laid off;

(ii) retraining employed workers in new technologies and work processes that will facilitate the conversion and restructuring of business to assist in the avoidance of a permanent closure or substantial layoff at a plant, facility, or enterprise;

(iii) providing customized assessments of the skills of workers and an analysis of the skill needs of employers;

(iv) assisting consortia of small- and medium-size employers in upgrading the skills of their workforces;

(v) providing productivity and quality improvement training programs for the workforces of small- and medium-size employers; and

(vi) establishing and implementing an employer loan program to assist employees in skills upgrading;

(D) implementing efforts to increase the number of participants trained and placed in nontraditional employment; and

(E) carrying out other activities authorized in this section that the State determines to be necessary to assist local workforce development areas in carrying out activities described in subsection (e) or (f) through the statewide system;

(2) to operate a fiscal and management accountability information system under section ___106(e);

(3) to assist in the establishment of the one-stop career center system described in subsection (d); and

(4) to carry out the career grant pilot program described in subsection (g).

(d) ESTABLISHMENT OF ONE-STOP CAREER CENTER SYSTEM.—

(1) IN GENERAL.—There shall be established in a State that receives an allotment under section ___102 a one-stop career center system, which—

(A) shall provide the core services described in subsection (e)(2);

(B) shall provide access to the activities (if any) carried out under subsection (f);

(C) shall make labor market information described in section ___139 and subsection (e)(2)(D) available and shall provide all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.); and

(D)(i) shall provide access to training services as described in subsection (e)(3), which may include serving as the point of distribution of career grants for training services to participants in accordance with subsection (e)(3); and

(ii) may serve as the point of distribution of career grants for training services to participants in accordance with subsection (g).

(2) ONE-STOP DELIVERY.—At a minimum, the one-stop career center system shall make the services described in paragraph (1) available—

(A) through a network of eligible providers that assures participants that the core services described in subsection (e)(2) will be available regardless of where the participants initially enter the statewide system, including the availability of such services through multiple, connected access points, linked electronically or technologically;

(B) through a network of career centers that can provide the services described in paragraph (1) to participants;

(C) at not less than 1 physical, co-located career center in each local workforce development area of the State, that provides the services described in paragraph (1) to participants seeking such services; or

(D) through a combination of the options described in subparagraphs (A) through (C).

(e) REQUIRED LOCAL ACTIVITIES.—

(1) IN GENERAL.—Funds made available to local workforce development areas under section ___111(a)(2)(A) shall be used—

(A) to establish the one-stop career center described in subsection (d);

(B) to provide the core services described in paragraph (2) (referred to in this section as "core services") to participants through the one-stop career center system; and

(C) to provide training services described in paragraph (3) (referred to in this section as "training services") to participants described in such paragraph.

(2) CORE SERVICES.—Funds made available to local workforce development areas under section ___111(a)(2)(A) shall be used to provide core services, which shall be available to all individuals through a one-stop career center system and shall, at a minimum, include—

(A) outreach, intake, and orientation to the information and other services available through the one-stop career center system;

(B) initial assessment of skill levels, aptitudes, abilities, and supportive service needs;

(C) job search and placement assistance, and, where appropriate, career counseling;

(D) provision of accurate labor market information relating to—

(i) local, State, and, if appropriate, regional or national, occupations in demand; and

(ii) skill requirements for such occupations, where available;

(E)(i) provision of accurate information relating to the quality and availability of activities authorized in this section, at-risk youth activities, vocational education activities, adult education and literacy activities, and vocational rehabilitation program activities;

(ii) provision of information relating to adult education and literary activities, through cooperative efforts with eligible providers of adult education and literacy activities described in section ___116(b); and

(iii) referral to appropriate activities described in clauses (i) and (ii);

(F) provision of eligibility information relating to unemployment compensation, publicly funded education and training programs (including registered apprenticeships), and forms of public financial assistance, such as student aid programs, that may be available in order to enable individuals to participate in workforce and career development activities;

(G) dissemination of lists of providers and performance information in accordance with paragraph (3)(E)(ii); and

(H) provision of information regarding how the local workforce development area is performing on the local benchmarks described in section ___108(d)(4)(A), and any additional performance information provided by the local board.

(3) REQUIRED TRAINING SERVICES.—

(A) SERVICES.—Funds made available to local workforce development areas under section ___111(a)(2)(A) shall be used to provide training services to individuals who are unable to obtain employment through the core services, who after an interview, evaluation or assessment, and counseling by an eligible provider have been determined to be in need of training services, and who meet the requirements of subparagraph (B). Training services may include—

(i) occupational skills training;

(ii) on-the-job training;

(iii) skills upgrading and retraining for persons not in the workforce; and

(iv) basic skills training when provided in combination with services described in clause (i), (ii), or (iii).

(B) QUALIFICATION.—

(i) REQUIREMENT.—Except as provided in clause (ii), provision of such training services shall be limited to participants who—

(I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or

(II) who require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(ii) REIMBURSEMENTS.—Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local workforce development area from such Federal Pell Grant.

(C) PRIORITY.—In the event that funds are limited within a local workforce development area, priority shall be given to dislocated workers and other unemployed individuals for receipt of training services provided under this paragraph. The appropriate local board and the Governor shall provide policy guidance to one-stop career center eligible providers in the local workforce development area for making determinations related to such priority.

(D) DELIVERY OF SERVICES.—Training services provided under this paragraph shall be provided—

(i) except as provided in section ___107(d), through eligible providers of such services identified in accordance with section ___107; and

(ii) in accordance with subparagraph (E).

(E) CONSUMER CHOICE REQUIREMENTS.—

(i) IN GENERAL.—Training services provided under this paragraph may be provided through the use of career grants, contracts, or other methods (which may include performance-based contracting) and shall, to the extent practicable, maximize consumer choice in the selection of an eligible provider of such services.

(ii) ELIGIBLE PROVIDERS.—Each local workforce development area, through one-stop career centers, shall make available—

(I) the list of eligible providers of training services required under section ___107(b)(4), with a description of the training courses available from such providers and a list of the names of on-the-job training providers; and

(II) the performance information described in subsections (b)(4) and (d)(2) of section ___107 relating to such providers.

(iii) PURCHASE OF SERVICES.—An individual eligible for receipt of training services under this paragraph may select an eligible provider of training services from the lists of providers described in clause (ii)(I). Upon such selection, the operator of the one-stop career center shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services.

(F) USE OF CAREER GRANTS.—A State or a local workforce development area may deliver all training services authorized in this paragraph through the use of career grants.

(f) PERMISSIBLE LOCAL ACTIVITIES.—

(1) DISCRETIONARY ONE-STOP DELIVERY ACTIVITIES.—Funds made available to local workforce development areas under section ___111(a)(2)(A) may be used to provide, through one-stop delivery described in subsection (d)(2)—

(A) co-location of services related to workforce and career development activities, such as unemployment insurance, vocational rehabilitation program activities, veterans' employment services, or other public assistance;

(B) intensive employment-related services for participants who are unable to obtain employment through the core services, as determined by the State;

(C) dissemination to employers of information on activities carried out through the statewide system;

(D) customized screening and referral of qualified participants to employment; and

(E) customized employment-related services to employers on a fee-for-service basis.

(2) SUPPORTIVE SERVICES.—Funds made available to local workforce development areas under section ___111(a)(2)(A) may be used to provide supportive services to participants—

(A) who are receiving training services; and

(B) who are unable to obtain such supportive services through other programs providing such services.

(3) FOLLOWUP SERVICES.—Funds made available to local workforce development areas under section ___111(a)(2)(A) may be used to provide followup services for participants in activities authorized in this section who are placed in unsubsidized employment.

(4) NEEDS-RELATED PAYMENTS.—

(A) IN GENERAL.—Funds made available to local workforce development areas under section ___111(a)(2)(A) may be used to provide needs-related payments to dislocated workers who are unemployed and do not qualify for, or have ceased to qualify for, unemployment compensation, for the purpose of enabling such individuals to participate in training services.

(B) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—

(i) by the end of the 8th week of the worker's initial unemployment compensation benefits period; or

(ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will, in fact, exceed 6 months.

(C) LEVEL OF PAYMENTS.—The level of a needs-related payment made under this paragraph—

(i) shall not exceed the greater of—

(I) the applicable level of unemployment compensation; or

(II) an amount equal to the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved, for an equivalent period; and

(ii) shall be adjusted to reflect changes in total family income.

(5) CAREER GRANT PILOT PROGRAM.—Funds made available to local workforce development areas under section ___111(a)(2)(A) may be used to carry out the career grant pilot program described in subsection (g), which may be carried out in conjunction with the provision of training services under subsection (e)(3).

(g) CAREER GRANT PILOT PROGRAM FOR DISLOCATED WORKERS.—The State shall carry out (using funds made available under section ___111(a)(2)(B) or by making funds available to local workforce development areas under section ___111(a)(2)(A)) a career grant pilot program for dislocated workers that is of sufficient size, scope, and quality to measure the effectiveness of the use of career grants for the provision of training services under subsection (e)(3).

(h) LOCAL ADMINISTRATION.—Not more than 10 percent of the funds made available under section ___111(a)(2)(A) to a local workforce development area may be used for administrative expenses.

SEC. ___122. AT-RISK YOUTH ACTIVITIES.

(a) REQUIRED ACTIVITIES.—Funds made available to Governors and local workforce development areas under this title for at-risk youth activities shall be used to carry out, for at-risk youth, activities that—

(1) provide strong linkages between academic, occupational, and worksite learning;

(2) provide postsecondary educational opportunities, where appropriate;

(3) involve business and parents in the design and implementation of the activities;

(4) provide adult mentoring;

(5) provide career guidance and counseling; and

(6) are of sufficient size, scope, and quality to be effective.

(b) PERMISSIBLE ACTIVITIES.—Funds made available to Governors and local workforce development areas under this title for at-risk youth activities may be used to carry out, for at-risk youth, activities that provide—

(1) tutoring, study skills training, and instruction, leading to completion of secondary school, including dropout prevention strategies;

(2) alternative secondary school services;

(3) paid and unpaid work experience, including summer employment opportunities, that are directly linked to academic, occupational, and worksite learning; and

(4) training-related supportive services.

(c) LOCAL ADMINISTRATION.—Not more than 10 percent of the funds made available under section ___112(a)(2)(A) to a local workforce development area may be used for administrative expenses. The local board for the local workforce development area may use not more than 4 percent of the funds made available under section ___112(a)(2)(A) for the administrative expenses of the local board. The remainder of the 10 percent may be used for administrative expenses of eligible providers of at-risk youth activities in the local workforce development area.

SEC. ___123. VOCATIONAL EDUCATION ACTIVITIES.

(a) PERMISSIBLE STATE ACTIVITIES.—The eligible agency for vocational education shall use not more than 11 percent of the funds made available to the eligible agency under subtitle A for activities that may include—

(1) an assessment of the activities authorized in this section;

(2) support for tech-prep programs;

(3) support for activities authorized in this section for single parents, displaced homemakers, and single pregnant women;

(4) professional development activities, including—

(A) inservice and preservice training in state-of-the-art vocational education programs and techniques; and

(B) support of education programs for teachers of vocational education in public schools to ensure such teachers stay current with the needs, expectations, and methods of industry;

(5) support for programs that offer experience in, and understanding of, all aspects of the industry students are preparing to enter;

(6) leadership and instructional programs in technology education;

(7) support for cooperative education;

(8) support for family and consumer sciences programs;

(9) support for vocational student organizations;

(10) improvement of career guidance and counseling;

(11) technical assistance; and

(12) performance awards for 1 or more eligible providers that the eligible agency determines have achieved exceptional performance in providing activities described in this section.

(b) REQUIRED LOCAL ACTIVITIES.—The eligible agency for vocational education shall use not less than 85 percent of the funds made available to the eligible agency under subtitle A to provide financial assistance under sections ___113 and ___114 to eligible providers to enable such providers to carry out activities authorized in this section that include—

(1)(A) integrating academic and vocational education;

(B) integrating classroom and worksite learning; and

(C) linking secondary and postsecondary education, including implementing tech-prep programs;

(2) providing career guidance and counseling;

(3) providing vocational education programs of sufficient size, scope, and quality to be effective;

(4) improving and expanding access to quality, state-of-the-art activities authorized in this section;

(5) providing professional development; and

(6) involving business and parents in the design and implementation of activities authorized in this section.

SEC. ___124. ADULT EDUCATION AND LITERACY ACTIVITIES.

(a) PERMISSIBLE STATE ACTIVITIES.—The eligible agency for adult education and literacy may use not more than 10 percent of the funds made available to the eligible agency under subtitle A for activities that may include—

(1) the establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities authorized in this section, including instruction provided by volunteers;

(2) the provision of technical assistance to eligible providers of activities authorized in this section;

(3) the provision of technology assistance to eligible providers of activities authorized in this section to enable the providers to improve the quality of such activities;

(4) the support of State or regional networks of literacy resource centers; and

(5) the monitoring and evaluation of the quality of and the improvement in activities authorized in this section.

(b) REQUIRED LOCAL ACTIVITIES.—The eligible agency for adult education and literacy shall require that each eligible provider receiving a grant under section ___116 use the grant to establish or operate 1 or more programs that provide instruction or services in 1 or more of the following categories:

(1) Adult education and literacy services.

(2) Family literacy services.

(3) English literacy programs.

SEC. ___125. FLEXIBLE ACTIVITIES.

(a) IN GENERAL.—A State may use the funds made available to the State under this title through the flex account to carry out—

(1) employment and training activities;

(2) at-risk youth activities;

(3) vocational education activities; and

(4) adult education and literacy activities.

(b) USE OF FUNDS.—

(1) EMPLOYMENT AND TRAINING ACTIVITIES.—A State that uses funds made available to the State under this title through the flex account to carry out employment and training activities shall expend such funds in accordance with sections ___121 and ___126.

(2) AT-RISK YOUTH ACTIVITIES.—A State that uses funds made available to the State under this title through the flex account to carry out at-risk youth activities shall expend such funds in accordance with sections ___122 and ___126.

(3) VOCATIONAL EDUCATION ACTIVITIES.—A State that uses funds made available to the State under this title through the flex account to carry out vocational education activities shall expend such funds in accordance with sections ___123 and ___126.

(4) ADULT EDUCATION AND LITERACY ACTIVITIES.—A State that uses funds made available to the State under this title through the flex account to carry out adult education and literacy activities shall expend such funds in accordance with sections ___124 and ___126.

SEC. ___126. REQUIREMENTS AND RESTRICTIONS RELATING TO USE OF FUNDS.

(a) FISCAL REQUIREMENTS FOR VOCATIONAL EDUCATION ACTIVITIES AND ADULT EDUCATION AND LITERACY ACTIVITIES.—

(1) SUPPLEMENT NOT SUPPLANT.—Funds made available under this title for vocational education activities or adult education and literacy activities shall supplement, and may not supplant, other public funds expended to carry out activities described in section ___123 or ___124, respectively.

(2) MAINTENANCE OF EFFORT.—

(A) DETERMINATION.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), and subparagraph (B), no payments shall be made under this title for any program year to a State for vocational education activities or adult education and literacy activities unless the Secretary of Education determines that the fiscal effort per student or the aggregate expenditures of such State for activities described in section ___123 or ___124, respectively, for the program year preceding the program year for which the determination is made, equaled or exceeded such effort or expenditures for activities described in section ___123 or ___124, respectively, for the second program year preceding the fiscal year for which the determination is made.

(ii) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to clause (i), the Secretary of Education shall exclude capital expenditures, special one-time project costs, similar windfalls, and the cost of pilot programs.

(iii) DECREASE IN FEDERAL SUPPORT.—If the amount made available for vocational education activities or adult education and literacy activities under this title for a fiscal year is less than the amount made available for vocational education activities or adult education and literacy activities, respectively, under this title for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by clause (i) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(B) SPECIAL RULE.—Notwithstanding any provision of the Carl D. Perkins Vocational Education Act (as such Act was in effect on September 24, 1990), a State shall be deemed to have met the requirements of section 503 of such Act with respect to decisions appealed by applications filed on April 30, 1993 and October 29, 1993 under section 452(b) of the General Education Provisions Act.

(C) WAIVER.—The Secretary of Education may waive the requirements of subparagraph (A) (with respect to not more than 5 percent of expenditures required for the preceding fiscal year by any eligible agency) for 1 program year only, after making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this paragraph for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

(3) EXPENDITURES OF NON-FEDERAL FUNDS FOR ADULT EDUCATION AND LITERACY ACTIVITIES.—For any program year for which an allotment is made to the State under this title, the State shall expend, on programs and activities relating to adult education and literacy activities, an amount, derived from sources other than the Federal Government, equal to 25 percent of the amount made available to a State under paragraphs (4) and (5) of section ___103(a) for adult education and literacy activities.

(b) LIMITATIONS ON ACTIVITIES THAT IMPACT EMPLOYEES.—

(1) WAGES.—No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities described in section ___121(c)(1)(C) provided through the statewide system.

(2) RELOCATION.—

(A) IN GENERAL.—No funds provided under this title for an employment and training activity shall be used or proposed for use to encourage or induce the relocation, of a business or part of a business, that results in a loss of employment for any employee of such business at the original location, if such original location is within the United States.

(B) REPAYMENT.—If the Secretary of Labor determines that a violation of this paragraph or paragraph (3) has occurred, the Secretary of Labor shall require the State that has violated this paragraph or paragraph (3), respectively, to repay to the United States an amount equal to the amount expended in violation of this paragraph or paragraph (3), respectively.

(3) TRAINING AND ASSESSMENTS FOLLOWING RELOCATION.—No funds provided under this title for an employment and training activity shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any business or part of a business, that has relocated, until 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business, results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(4) DISPLACEMENT.—

(A) PROHIBITION ON DISPLACEMENT.—A participant in an activity authorized in section ___121 or ___122 (referred to in this section as a "specified activity") shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

(B) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(C) PROHIBITION ON REPLACEMENT.—A participant in a specified activity shall not be employed in a job—

(i) when any other individual is on temporary layoff, with the clear possibility of recall, from the same or any substantially equivalent job with the participating employer; or

(ii) when the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant.

(5) HEALTH AND SAFETY.—Health and safety standards established under Federal and

State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.

(6) EMPLOYMENT CONDITIONS.—Participants employed or assigned to work in positions subsidized for specified activities shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(7) EFFECT ON OTHER LAWS.—Nothing in this division shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

(8) NONDISCRIMINATION.—Except as otherwise permitted in law, no individual may be discriminated against with respect to participation in specified activities because of race, color, religion, sex, national origin, age, or disability.

(9) GRIEVANCE PROCEDURE.—A State that receives an allotment under section ____102 shall establish and maintain a grievance procedure for resolving complaints alleging violations of any of the prohibitions or requirements described in this subsection.

(10) EXCLUSIVE REMEDY.—Except as provided in paragraph (7), nothing in this division shall be construed to provide an individual with an entitlement to a service or to establish a right for an individual to bring any action for a violation of a prohibition or requirement of this title or to obtain services through an activity established under this title, except that a participant in specified activities under this title may pursue a complaint alleging a violation of any of the prohibitions or requirements described in this subsection through the grievance procedure described in paragraph (9).

(c) LIMITATIONS ON PARTICIPANTS IN TRAINING SERVICES.—

(1) DIPLOMA OR EQUIVALENT.—

(A) IN GENERAL.—No individual may participate in training services described in section ____121(e)(3) until the individual has obtained a secondary school diploma or its recognized equivalent, or is enrolled in a program or course of study to obtain a secondary school diploma or its recognized equivalent.

(B) EXCEPTION.—Nothing in subparagraph (A) shall prevent participation in such training services by an individual for whom the requirement described in subparagraph (A) has been determined to be inappropriate, pursuant to the interview, evaluation or assessment, and counseling described in section ____121(e)(3)(A).

(2) SERVICES.—

(A) REFERRAL.—If an individual who has not obtained a secondary school diploma or its recognized equivalent applies to participate in such training services, and a determination described in paragraph (1)(B) has not been made for such individual, such individual shall be referred to State-approved adult education and literacy activities that provide instruction designed to help such individual obtain a secondary school diploma or its recognized equivalent.

(B) PROVISION OF SERVICES.—Funds made available under section ____111(a)(2)(A) and allocated within the local workforce development area for the provision of such training services may be used to provide State-approved adult education and literacy activities that provide instruction designed to help individuals obtain a secondary school diploma or its recognized equivalent, to individuals who—

(i) are seeking to participate in such training services; and

(ii) are otherwise unable to obtain such services.

(d) DRUG TESTING LIMITATIONS ON PARTICIPANTS IN TRAINING SERVICES.—

(1) FINDING.—Congress finds that—

(A) the possession, distribution, and use of drugs by participants in training services should not be tolerated, and that such use prevents participants from making full use of the benefits extended through such training services at the expense of taxpayers; and

(B) applicants and participants should be tested for illegal drug use, in order to maximize the training services and assistance provided under this title.

(2) DRUG TESTS.—Each eligible provider of training services described in section ____121(e)(3) shall administer a drug test—

(A) on a random basis, to individuals who apply to participate in such training services; and

(B) to a participant in such training services, on reasonable suspicion of drug use by the participant.

(3) ELIGIBILITY OF APPLICANTS.—In order for such an applicant to be eligible to participate in such training services, the applicant shall agree to submit to a drug test administered as described in paragraph (2)(A) and, if the test is administered to the applicant, shall pass the test.

(4) ELIGIBILITY OF PARTICIPANTS.—In order for such a participant to remain eligible to participate in such training services, the participant shall agree to submit to a drug test administered as described in paragraph (2)(B) and, if the test is administered to the participant, shall pass the test. If a participant refuses to submit to the drug test, or fails the drug test, the eligible provider shall dismiss the participant from participation in such training services.

(5) REAPPLICATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an individual who is an applicant and is disqualified from eligibility under paragraph (3), or who is a participant and is dismissed under paragraph (4), may reapply, not earlier than 6 months after the date of the disqualification or dismissal, to participate in such training services. If the individual demonstrates that the individual has completed a drug treatment program and passed a drug test within the 30-day period prior to the date of the reapplication, the individual may participate in such training services, under the same terms and conditions as apply to other applicants and participants, including submission to drug tests administered as described in paragraph (2).

(B) SECOND DISQUALIFICATION OR DISMISSAL.—If the individual reapplies to participate in such training services and fails a drug test administered under paragraph (2) by the eligible provider, while the individual is an applicant or a participant, the eligible provider shall disqualify the individual from eligibility for, or dismiss the individual from participation in, such training services. The individual shall not be eligible to reapply for participation in the such training services for 2 years after such disqualification or dismissal.

(6) APPEAL.—A decision by an eligible provider to disqualify an individual from eligibility for participation in such training services under paragraph (3) or (5), or to dismiss a participant as described in paragraph (4) or (5), shall be subject to expeditious appeal in accordance with procedures established by the State in which the eligible provider is located.

(7) NATIONAL UNIFORM GUIDELINES.—

(A) IN GENERAL.—The Secretary of Labor shall develop voluntary guidelines to assist eligible providers concerning the drug testing required under this subsection.

(B) PRIVACY.—The guidelines shall promote, to the maximum extent practicable, individual privacy in the collection of specimen samples for such drug testing.

(C) LABORATORIES AND PROCEDURES.—With respect to standards concerning laboratories and procedures for such drug testing, the guidelines shall incorporate the Mandatory Guidelines for Federal Workplace Drug Testing Programs, 53 Fed. Reg. 11970 (1988) (or a successor to such guidelines), including the portion of the mandatory guidelines that—

(i) establishes comprehensive standards for all aspects of laboratory drug testing and laboratory procedures, including standards that require the use of the best available technology for ensuring the full reliability and accuracy of drug tests and strict procedures governing the chain of custody of specimen samples;

(ii) establishes the minimum list of drugs for which individuals may be tested; and

(iii) establishes appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform such drug testing.

(D) SCREENING AND CONFIRMATION.—The guidelines described in subparagraph (A) shall provide that, for drug testing conducted under this subsection—

(i) each laboratory involved in the drug testing of any individual shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(ii) all tests that indicate the use, in violation of law (including Federal regulation) of a drug by the individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding the drug;

(iii) each specimen sample shall be subdivided, secured, and labeled in the presence of the individual; and

(iv) a portion of each specimen sample shall be retained in a secure manner to prevent the possibility of tampering, so that if the confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory, if the individual requests the independent test not later than 3 days after being advised of the results of the first confirmation test.

(E) CONFIDENTIALITY.—The guidelines shall provide for the confidentiality of the test results and medical information (other than information relating to a drug) of the individuals tested under this subsection, except that the provisions of this subparagraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this subsection.

(F) SELECTION FOR RANDOM TESTS.—The guidelines shall ensure that individuals who apply to participate in the training services described in paragraph (2) are selected for drug testing on a random basis, using nondiscriminatory and impartial methods.

(8) NONLIABILITY OF LOCAL BOARDS.—A local board, and the individual members of a local board, shall be immune from civil liability with respect to any claim based in whole or

part on activities carried out to implement this subsection.

(9) REPORTING REQUIREMENTS.—An eligible provider shall make records of drug testing conducted under this subsection available for inspection by other eligible providers, including eligible providers in other local workforce development areas, for the sole purpose of enabling the providers to determine the eligibility status of an applicant pursuant to this subsection.

(10) USE OF DRUG TESTS.—No Federal, State, or local prosecutor may use drug test results obtained under this subsection in a criminal action.

(11) DEFINITIONS.—As used in this subsection:

(A) DRUG.—The term "drug" means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(B) DRUG TEST.—The term "drug test" means a biochemical drug test carried out by a facility that is approved by the eligible provider administering the test.

(C) RANDOM BASIS.—For purposes of the application of this subsection in a State, the term "random basis" has the meaning determined by the Governor of the State, in the sole discretion of the Governor.

(e) SUPPORTIVE SERVICES.—Supportive services may be provided with funds provided through the allotment described in section ___102 only to the extent that such services are not available through alternative funding sources specifically designated for such services.

(f) SPECIAL RULE FOR CRIMINAL OFFENDERS.—Notwithstanding subtitle B and this subtitle, a portion of the funds made available under subtitle A may be distributed to 1 or more State corrections agencies to enable the State corrections agencies to carry out any activity described in this subtitle for juvenile and adult criminal offenders in correctional institutions in the State, including correctional institutions operated by local authorities.

(g) SENSE OF THE CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this title should be made in the United States.

Subtitle D—National Activities

SEC. ___131. COORDINATION PROVISIONS.

(a) COLLABORATIVE ADMINISTRATION.—The Secretary of Labor and the Secretary of Education (referred to in this section as "the Secretaries") shall enter into an interagency agreement to administer the provisions of this title (other than sections ___103(d), ___113, ___114, ___126(a), ___126(b), ___138, and ___139 (referred to in this section as the "excluded provisions")).

(b) RESPONSIBILITIES OF SECRETARIES.—Such agreement shall specify the manner in which the Secretaries shall administer this title (other than the excluded provisions), including—

(1) making allotment determinations under section ___102;

(2) reviewing State plans submitted in accordance with section ___104;

(3) carrying out the duties assigned to the Secretaries under section ___106;

(4)(A) establishing uniform procedures, including grantmaking procedures; and

(B) issuing uniform guidelines and regulations, subject to subsection (e);

(5) carrying out the duties assigned to the Secretaries under this subtitle (other than sections ___138 and ___139);

(6) preparing and submitting to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate an annual report on the absolute and relative performance of States in reaching State benchmarks; and

(7) reviewing federally funded education, employment, and job training programs, other than activities authorized under this title, and submitting recommendations to the Committees described in paragraph (6) regarding the integration of such programs into the statewide systems.

(c) CONTENTS.—The interagency agreement shall include, at a minimum—

(1) a description of the methods the Secretaries will use to work together to carry out their duties and responsibilities under this title in a manner that will ensure that neither the Department of Labor nor the Department of Education duplicates the work of the other department; and

(2) a description of the manner in which the Secretaries will utilize personnel and other resources of the Department of Labor and the Department of Education to administer this title (other than the excluded provisions).

(d) ADMINISTRATION OF THE ACT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall prepare and submit to the President, the Committee on Economic and Educational Opportunities of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, the interagency agreement. Such agreement shall also be available to the public through publication in the Federal Register.

(2) APPROVAL.—Not later than 200 days after the date of enactment of this Act, the President shall—

(A) approve or disapprove the interagency agreement made by the Secretaries; and

(B) if the agreement is disapproved, make recommendations to the Secretaries with respect to an alternative plan and require the Secretaries to submit such a plan in accordance with this section not later than 30 days after the date of the disapproval.

(e) LIMITATION ON FEDERAL REGULATIONS.—The Secretary of Labor or the Secretary of Education may issue regulations under this title only to the extent necessary to administer and ensure compliance with the specific requirements of this title.

(f) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—The Secretaries shall take such actions as may be necessary, including reduction in force actions, consistent with sections 3502 and 3595 of title 5, United States Code, to ensure that the positions of personnel that relate to a covered activity and are not otherwise minimally necessary to carry out this division are terminated.

(2) SCOPE.—

(A) INITIAL REDUCTIONS.—Not later than July 1, 1998, the Secretaries shall take the actions described in paragraph (1), including reduction in force actions, with respect to not less than ⅓ of the number of positions of personnel that relate to a covered activity.

(B) SUBSEQUENT REDUCTIONS.—Not later than July 1, 2003, the Secretaries shall take the actions described in paragraph (1)—

(i) with respect to not less than 60 percent of the number of positions of personnel that relate to a covered activity, unless the Secretaries submit (prior to July 1, 2003) a report to Congress demonstrating why such actions have not occurred; or

(ii) with respect to not less than 40 percent of the number of positions of personnel that relate to a covered activity, if the Secretaries submit the report referred to in clause (i).

(C) CALCULATION.—For purposes of calculating, under this paragraph, the number of positions of personnel that relate to a covered activity, such number shall include the number of positions of personnel that are terminated under paragraph (1).

SEC. ___132. INCENTIVE GRANTS AND SANCTIONS.

(a) INCENTIVE GRANTS.—

(1) AWARD OF GRANTS.—From amounts reserved under section ___151(b)(5) for any fiscal year, the Secretaries may award incentive grants to States, each of which shall be awarded for not more than $15,000,000 per fiscal year to a State that—

(A)(i) reaches or exceeds, during the most recent 12-month period for which data are available, State benchmarks required under section ___106(b), including the benchmarks required under section ___106(b)(3); or

(ii) demonstrates continuing progress toward reaching or exceeding, during the 3-year period covered by the State plan submitted under section ___104, the benchmarks described in clause (i);

(B) obtains an eligibility determination described in paragraph (2)(A) for such benchmarks; and

(C) demonstrates, in the State plan information submitted under section ___104(b)(1)(B)(ii), that the Governor and eligible agencies have agreed on all elements of the State plan.

(2) ELIGIBILITY DETERMINATIONS.—

(A) INITIAL DETERMINATIONS.—

(i) DETERMINATION.—Not later than 30 days after receipt of the State plan submitted under section ___104, the Secretaries shall—

(I) compare the proposed State benchmarks identified in the State plan with State benchmarks proposed in other State plans; and

(II) determine if the proposed State benchmarks, taken as a whole, are sufficient to make the State eligible to qualify for an incentive grant under this subsection, if the State meets the requirements of subparagraphs (A) and (C) of paragraph (1).

(ii) NOTIFICATION, REVISION, AND TECHNICAL ASSISTANCE.—If the Secretaries determine that a State is not eligible to qualify for an incentive grant pursuant to clause (i)(II), the Secretaries shall provide, upon request, technical assistance to the State regarding the necessary action to be taken to make the State eligible to qualify for such grant under this subsection. Such State shall have 30 days after the date on which the State receives notification of ineligibility or the date on which the State receives technical assistance, whichever is later, to revise the State benchmarks in order to become eligible to qualify for an incentive grant under this subsection, if the State meets the requirements of subparagraphs (A) and (C) of paragraph (1).

(B) GRANT DETERMINATIONS.—Not later than 30 days after receipt of an annual report submitted under section ___106(c) that contains an application for such an incentive grant from a State that meets the requirements of paragraph (1), the Secretaries shall—

(i) compare the progress the State has made toward reaching or exceeding the State benchmarks, as described in such annual report, with the progress made by the other States towards reaching or exceeding their State benchmarks, as described in such annual reports of the other States; and

(ii) determine if the progress the State has made toward reaching or exceeding the State benchmarks, taken as a whole, is sufficient to enable the State to receive an incentive grant under this subsection.

(3) USE OF FUNDS.—A State that receives an incentive grant may use funds made available through the grant only to carry out workforce and career development activities. Determinations concerning the distribution of such funds shall be made by the individuals and entities participating in the collaborative process described in subsection (a) or (b) of section ____105.

(b) SANCTIONS.—

(1) FINDING.—If a State fails to meet the State benchmarks required under section ____106(b) for the 3 years covered by a State plan described in section ____104, the Secretaries shall determine whether the failure is attributable to—

(A) employment and training activities;

(B) at-risk youth activities;

(C) vocational education activities; or

(D) adult education and literacy activities.

(2) TECHNICAL ASSISTANCE OR REDUCTION OF ALLOTMENTS.—

(A) IN GENERAL.—The Secretaries may—

(i) provide technical assistance to the State to improve the level of performance of the State; or

(ii) on making a determination described in paragraph (1), reduce, by not more than 10 percent, the portion of the allotment made under section ____102 for the category of activities to which the failure is attributable.

(B) PORTION OF THE ALLOTMENT.—For purposes of subparagraph (A), in determining a portion of an allotment for a category of activities, the Secretaries shall include in such portion any funds allocated to such category from the flex account.

(3) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The Secretaries may use an amount retained as a result of a reduction in an allotment made under paragraph (2)(A)(ii) to award an incentive grant under subsection (a).

SEC. ____133. NATIONAL EMERGENCY GRANTS.

(a) IN GENERAL.—From the amounts reserved under section ____151(b)(5), the Secretary of Labor, in accordance with the interagency agreement developed pursuant to section ____131, is authorized to award national emergency grants, in a timely manner—

(1) to an entity described in subsection (b) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations; and

(2) to provide assistance to the Governor of any State within the boundaries of which is an area that has suffered an emergency or a major disaster as defined in paragraphs (1) and (2), respectively, of section 102 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1) and (2)) (referred to in this section as the "disaster area").

(b) EMPLOYMENT AND TRAINING ASSISTANCE REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a grant under subsection (a)(1), an entity shall submit an application to the Secretary of Labor at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

(2) ELIGIBLE ENTITY.—For purposes of this section, the term "entity" means a State, unit of general local government, or public or private local entity, including a for profit or nonprofit entity.

(c) DISASTER RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—Funds made available under subsection (a)(2)—

(1) shall be used exclusively to provide employment on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area; and

(2) may be expended through public and private agencies and organizations engaged in such projects.

SEC. ____134. EVALUATION; RESEARCH, DEMONSTRATIONS, DISSEMINATION, AND TECHNICAL ASSISTANCE.

(a) SINGLE PLAN.—

(1) IN GENERAL.—The Secretaries, as part of the interagency agreement required under section ____131, shall develop a single plan for evaluation and assessment, research, demonstrations, dissemination, and technical assistance activities with regard to the activities assisted under this title.

(2) PLAN.—Such plan shall—

(A) identify the activities the Secretaries will carry out under this section;

(B) describe how such activities will be carried out collaboratively;

(C) describe how the Secretaries will evaluate such activities in accordance with subsection (b); and

(D) include such other information as the Secretaries determine to be appropriate through the interagency agreement.

(b) EVALUATION AND ASSESSMENT.—

(1) IN GENERAL.—From amounts made available under paragraph (3), the Secretaries shall provide for the conduct of an independent evaluation and assessment of employment and training activities, at-risk youth activities, vocational education activities, and adult education and literacy activities, through studies and analyses conducted independently through grants and contracts awarded on a competitive basis.

(2) CONTENTS.—Such evaluation and assessment shall include descriptions of—

(A) the extent to which State, local, and tribal entities have developed, implemented, or improved the statewide system;

(B) the degree to which the expenditures at the Federal, State, local, and tribal levels address improvement in employment and training activities, at-risk youth activities, vocational education activities, and adult education and literacy activities, including the impact of funds provided under this title on the delivery of such activities;

(C) the extent to which vocational education activities and at-risk youth activities succeed in preparing individuals participating in such activities for entry into postsecondary education, further learning, or high-skill, high-wage careers;

(D) the effect of benchmarks, performance measures, and other measures of accountability on the delivery of employment and training activities, at-risk youth activities, vocational education activities, and adult education and literacy activities, including family literacy services;

(E) the extent to which employment and training activities enhance the employment and earnings of participants in such activities, reduce income support costs, improve the employment competencies of such participants, and increase the level of employment of program participants over the level of employment that would have existed in the absence of such activities, which may be evaluated using experimental and control groups chosen by scientific random assignment; and

(F) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults, and of children in the case of family literacy services, lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes such as reductions in recidivism in the case of prison-based adult education and literacy activities.

(3) AUTHORIZATION.—There are authorized to be appropriated $15,000,000 for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002 to carry out this subsection.

(c) RESEARCH.—

(1) IN GENERAL.—The Secretaries, pursuant to the interagency agreement, shall award grants, on a competitive basis, to an institution of higher education, a public or private organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center or centers—

(A) to carry out research for the purpose of developing, improving, and identifying the most successful methods and techniques for addressing the education, employment, and training needs of adults;

(B) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the education, employment, and training needs of at-risk youth;

(C) to carry out research to increase the effectiveness and improve the implementation of vocational education activities, including conducting research and development, and providing technical assistance, with respect to—

(i) combining academic, vocational education, and worksite learning;

(ii) identifying ways to establish effective linkages among employment and training activities, at-risk youth activities, and vocational education activities, at the State and local levels; and

(iii) conducting studies providing longitudinal information or formative evaluation with respect to vocational education activities;

(D) to carry out research to increase the effectiveness of and improve the quality of adult education and literacy activities, including family literacy services;

(E) to provide technical assistance to State and local recipients of assistance under this title in developing and using benchmarks and performance measures for improvement of workforce and career development activities; and

(F) to carry out such other activities as the Secretaries determine to be appropriate to achieve the purposes of this title.

(2) SUMMARY.—The Secretaries shall provide an annual report summarizing the evaluations and assessments described in subsection (b), and the research conducted pursuant to this subsection, and the findings of such evaluations and assessments, and research, to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(3) AUTHORIZATION.—There are authorized to be appropriated $15,000,000 for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002 to carry out this subsection.

(d) DEMONSTRATIONS, DISSEMINATION, AND TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—

(A) PROGRAMS AND ASSISTANCE AUTHORIZED.—The Secretaries, pursuant to the interagency agreement, are authorized to carry out demonstration programs, to replicate model programs, to disseminate best practices information, and to provide technical assistance, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing the activities assisted under this title.

(B) ACTIVITIES.—Such activities may be carried out directly or through grants, contracts, cooperative agreements, or through the national center or centers, and may include projects—

(i) conducted jointly with the Department of Defense to develop training programs utilizing computer-based and other innovative learning technologies;

(ii) which promote the use of distance learning—

(I) to enable students to take courses through the use of media technology, such as video, teleconferencing, computers, or the Internet; and

(II) to deliver continuing education, skills upgrading and retraining services, and postsecondary education, directly to the community or to individuals who would not otherwise have access to such education and services; and

(iii) conducted through partnerships with national organizations which have special expertise in developing, organizing, and administering employment and training services for individuals with disabilities at the national, State, and local levels.

(2) CLEARINGHOUSE.—The Secretaries shall maintain a clearinghouse, through the national center or centers, that will collect and disseminate to Federal, State, and local organizations, agencies, and service providers data and information, including information on best practices, about the condition of statewide systems and employment and training activities, at-risk youth activities, vocational education activities, and adult education and literacy activities.

(3) TECHNICAL ASSISTANCE.—The Secretaries shall provide technical assistance to States and local areas to enhance the capacity of such States and local areas to develop and deliver effective activities under this title.

(4) AUTHORIZATION.—There are authorized to be appropriated $30,000,000 for fiscal year 1998 and such sums as may be necessary for each of fiscal years 1999 through 2002 to carry out this subsection.

(e) TRANSITION PERIOD.—Notwithstanding any other provision of law, the Secretaries may use funds made available under section 404 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2404) to prepare, during the period beginning on January 1, 1998, and ending June 30, 1998, to award a grant under subsection (c) on July 1, 1998.

(f) DEFINITION.—As used in this section, the term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(g) CONFORMING AMENDMENTS.—Section 404(a)(2) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2404(a)(2)) is amended—

(1) in subparagraph (A), by striking "for a period of 5 years" and inserting "until June 30, 1998"; and

(2) in the first sentence of subparagraph (B), by striking "5".

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on July 1, 1998.

(2) TRANSITION PROVISIONS.—Subsection (e) shall take effect on January 1, 1998.

(3) AMENDMENTS.—The amendments made by subsection (g) shall take effect on the date of enactment of this Act.

SEC. ____135. MIGRANT AND SEASONAL FARMWORKER PROGRAM.

(a) IN GENERAL.—From amounts reserved under section ____151(b)(2), the Secretaries shall make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of migrant farmworkers or seasonal farmworkers, a familiarity with the area to be served, and the ability to demonstrate a capacity to administer effectively a diversified program of workforce and career development activities for migrant farmworkers or seasonal farmworkers, respectively.

(c) PROGRAM PLAN.—

(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretaries a plan that describes a 3-year strategy for meeting the needs of migrant farmworkers or seasonal farmworkers, and the dependents of such farmworkers, in the area to be served by such entity.

(2) CONTENTS.—Such plan shall—

(A) identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the individuals served to obtain or be retained in unsubsidized employment;

(B) describe the services to be provided and the manner in which such services are to be integrated with other appropriate services; and

(C) describe the goals and benchmarks to be used to assess the performance of such entity in carrying out the activities assisted under this section.

(d) AUTHORIZED ACTIVITIES.—Funds made available under this section shall be used to carry out comprehensive workforce and career development activities and related services for migrant farmworkers or seasonal farmworkers which may include employment, training, educational assistance, literacy assistance, an English literacy program, worker safety training, housing, supportive services, and the continuation of the case management database on participating migrant farmworkers or seasonal farmworkers.

(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.—In making grants and entering into contracts under this section, the Secretaries shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).

(f) REGULATIONS.—The Secretaries shall consult with migrant and seasonal farmworker groups and States in establishing regulations to carry out this section, including performance standards for eligible entities which take into account the economic circumstances of migrant farmworkers and seasonal farmworkers.

(g) DEFINITIONS.—As used in this section:

(1) MIGRANT FARMWORKER.—The term "migrant farmworker" means a seasonal farmworker whose farm work requires travel such that the worker is unable to return to a permanent place of residence within the same day.

(2) SEASONAL FARMWORKER.—The term "seasonal farmworker" means a person who during the eligibility determination period (12 consecutive months out of 24 months prior to application) has been primarily employed in farm work that is characterized by chronic unemployment or under employment.

SEC. ____136. NATIVE AMERICAN PROGRAM.

(a) PURPOSE AND POLICY.—

(1) PURPOSE.—The purpose of this section is to support workforce and career development activities for Indian and Native Hawaiian individuals in order—

(A) to develop more fully the academic, occupational, and literacy skills of such individuals;

(B) to make such individuals more competitive in the workforce; and

(C) to promote the economic and social development of Indian and Native Hawaiian communities in accordance with the goals and values of such communities.

(2) INDIAN POLICY.—All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

(b) DEFINITIONS.—As used in this section:

(1) ALASKA NATIVE.—The term "Alaska Native" means a Native as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms "Indian", "Indian tribe", and "tribal organization" have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms "Native Hawaiian" and "Native Hawaiian organization" have the meanings given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

(5) TRIBALLY CONTROLLED COMMUNITY COLLEGE.—The term "tribally controlled community college" has the meaning given such term in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

(6) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTION.—The term "tribally controlled postsecondary vocational institution" means an institution of higher education that—

(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;

(B) offers a technical degree or certificate granting program;

(C) is governed by a board of directors or trustees, a majority of whom are Indians;

(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations;

(E) has been in operation for at least 3 years;

(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational education; and

(G) enrolls the full-time equivalent of not fewer than 100 students, of whom a majority are Indians.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts reserved under section ___151(b)(3), the Secretaries shall make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, tribally controlled community colleges, tribally controlled postsecondary vocational institutions, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).

(2) TRANSFER OF AUTHORITY FOR VOCATIONAL EDUCATION ACTIVITIES.—In carrying out paragraph (1), the Secretaries may agree that the Secretary of Education may provide any portion of assistance under paragraph (1) devoted to vocational education activities, including assistance provided to entities described in paragraph (1) that are not eligible for funding pursuant to the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(3) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out vocational education activities.

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Funds made available under this section shall be used to carry out the activities described in paragraphs (2) and (3) that—

(A) are consistent with this section; and

(B) are necessary to meet the needs of Indians or Native Hawaiians preparing to enter, renter, or retain unsubsidized employment.

(2) WORKFORCE AND CAREER DEVELOPMENT ACTIVITIES AND SUPPLEMENTAL SERVICES.—

(A) IN GENERAL.—Funds made available under this section shall be used for—

(i) comprehensive workforce and career development activities for Indians or Native Hawaiians; or

(ii) supplemental services for Indian or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.

(B) SPECIAL RULE.—Notwithstanding any other provision of this section, individuals who were eligible to participate in programs under section 401 of the Job Training Partnership Act (29 U.S.C. 1671) (as such section was in effect on the day before the date of enactment of this Act) shall be eligible to participate in an activity assisted under subparagraph (A)(i).

(3) VOCATIONAL EDUCATION ACTIVITIES AND ADULT EDUCATION AND LITERACY ACTIVITIES.—Funds made available under this section shall be used for—

(A) vocational education activities and adult education and literacy activities conducted by entities described in subsection (c); or

(B) the support of tribally controlled postsecondary vocational institutions in order to ensure continuing and expanded educational opportunities for Indian students.

(e) PROGRAM PLAN.—In order to receive a grant or enter into a contract or cooperative agreement under this section an entity described in subsection (c) shall submit to the Secretaries a plan that describes a 3-year strategy for meeting the needs of Indian or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan—

(1) shall be consistent with the purposes of this section;

(2) shall identify the population to be served;

(3) shall identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment;

(4) shall describe the services to be provided and the manner in which such services are to be integrated with other appropriate services; and

(5) shall describe the goals and benchmarks to be used to assess the performance of entities in carrying out the activities assisted under this section.

(f) CONSOLIDATION OF FUNDS.—Each entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C 3401 et seq.).

(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this title; or

(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

(h) ADMINISTRATIVE PROVISIONS.—

(1) ORGANIZATIONAL UNIT ESTABLISHED.—The Secretaries shall designate a single organizational unit that shall have as the unit's primary responsibility the administration of the activities authorized in this section.

(2) REGULATIONS.—The Secretaries shall consult with the entities described in subsection (c)—

(A) in establishing regulations to carry out this section, including performance standards for entities receiving assistance under this section, that take into account the economic circumstances of such entities; and

(B) in developing a funding distribution plan that takes into consideration previous levels of funding, and sources of funds not provided pursuant to this title.

(3) TECHNICAL ASSISTANCE.—The Secretaries, through the unit established under paragraph (1), are authorized to provide technical assistance to entities described in subsection (c) that receive assistance under this section to enable such entities to improve the workforce and career development activities provided by such entities.

SEC. ___137. GRANTS TO OUTLYING AREAS.

(a) APPLICABILITY OF TITLE TO OUTLYING AREAS.—The provisions of this title (other than this section) shall apply to each outlying area to the extent practicable in the same manner and to the same extent as the provisions apply to a State.

(b) ALLOTMENT.—

(1) IN GENERAL.—For each program year the Secretaries shall allot funds in accordance with paragraph (2) for each outlying area that meets the applicable requirements of this title to enable the outlying area to carry out workforce and career development activities.

(2) POPULATION DATA.—Except as provided in subsection (c), from the amount reserved under section ___151(b)(4), the Secretaries shall allot for each outlying area an amount that bears the same relationship to such funds as the total number of individuals who are not less than age 15 but not more than age 65 (as determined by the Secretaries using the most recent census data prior to the program year for which the allotment is made) in the outlying area bears to the total number of such individuals in all outlying areas.

(c) GRANT AWARDS.—

(1) UNITED STATES TERRITORIES.—The Secretaries shall award grants from allotments under subsection (b) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(2) LIMITATION FOR FREELY ASSOCIATED STATES.—

(A) COMPETITIVE GRANTS.—Using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under subsection (b), the Secretaries shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out workforce and career development activities.

(B) AWARD BASIS.—The Secretaries shall award grants pursuant to subparagraph (A) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(C) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this paragraph for any program year that begins after September 30, 2001.

(D) ADMINISTRATIVE COSTS.—The Secretaries may provide not more than 5 percent of the amount made available for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this section.

SEC. ___138. NATIONAL INSTITUTE FOR LITERACY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Institute for Literacy (in this section referred to as the "Institute"). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the "Interagency Group"). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services whose purpose is determined by the Interagency Group to be related to the purpose of the Institute.

(2) OFFICES.—The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.

(3) BOARD RECOMMENDATIONS.—The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the "Board") established under subsection (d) in planning the goals of the Institute and in the implementation of any programs to achieve such goals.

(4) DAILY OPERATIONS.—The daily operations of the Institute shall be carried out by the Director of the Institute appointed under subsection (g).

(b) DUTIES.—

(1) IN GENERAL.—The Institute shall improve the quality and accountability of the adult basic skills and literacy delivery system by—

(A) providing national leadership for the improvement and expansion of the system for delivery of literacy services;

(B) coordinating the delivery of such services across Federal agencies;

(C) identifying effective models of basic skills and literacy education for adults and families that are essential to success in job training, work, the family, and the community;

(D) supporting the creation of new methods of offering improved literacy services;

(E) funding a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by—

(i) encouraging the coordination of literacy services;

(ii) carrying out evaluations of the effectiveness of adult education and literacy activities;

(iii) enhancing the capacity of State and local organizations to provide literacy services; and

(iv) serving as a reciprocal link between the Institute and providers of workforce and career development activities for the purpose of sharing information, data, research, expertise, and literacy resources;

(F) supporting the development of models at the State and local level of accountability systems that consist of goals, performance measures, benchmarks, and assessments that can be used to improve the quality of adult education and literacy activities;

(G) providing technical assistance, information, and other program improvement activities to national, State, and local organizations, such as—

(i) providing information and training to local boards and one-stop career centers concerning how literacy and basic skills services can be incorporated in a coordinated workforce development model;

(ii) improving the capacity of national, State, and local public and private organizations that provide literacy and basic skills services, professional development, and technical assistance, such as the State or regional adult literacy resource centers referred to in subparagraph (E); and

(iii) establishing a national literacy electronic database and communications network;

(H) working with the Interagency Group, Federal agencies, and the Congress to ensure that such Group, agencies, and the Congress have the best information available on literacy and basic skills programs in formulating Federal policy with respect to the issues of literacy, basic skills, and workforce and career development; and

(I) assisting with the development of policy with respect to literacy and basic skills.

(2) GRANTS, CONTRACTS, AND AGREEMENTS.—The Institute may make grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

(c) LITERACY LEADERSHIP.—

(1) FELLOWSHIPS.—The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

(2) USE OF FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

(3) INTERNS AND VOLUNTEERS.—The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

(d) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established a National Institute for Literacy Advisory Board. The Board shall consist of 10 individuals appointed by the President, with the advice and consent of the Senate, from individuals who—

(i) are not otherwise officers or employees of the Federal Government; and

(ii) are representative of entities or groups described in subparagraph (B).

(B) ENTITIES OR GROUPS DESCRIBED.—The entities or groups referred to in subparagraph (A) are—

(i) literacy organizations and providers of literacy services, including—

(I) nonprofit providers of literacy services;

(II) providers of programs and services involving English language instruction; and

(III) providers of services receiving assistance under this title;

(ii) businesses that have demonstrated interest in literacy programs;

(iii) literacy students;

(iv) experts in the area of literacy research;

(v) State and local governments; and

(vi) representatives of employees.

(2) DUTIES.—The Board—

(A) shall make recommendations concerning the appointment of the Director and staff of the Institute;

(B) shall provide independent advice on the operation of the Institute; and

(C) shall receive reports from the Interagency Group and the Director.

(3) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(4) TERMS.—

(A) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(B) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

(5) QUORUM.—A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

(6) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

(7) MEETINGS.—The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

(e) GIFTS, BEQUESTS, AND DEVISES.—The Institute may accept, administer, and use gifts or donations of services, money, or property, both real and personal.

(f) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) DIRECTOR.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

(h) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum rate payable under section 5376 of title 5, United States Code.

(i) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(j) REPORT.—The Institute shall submit a report biennially to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Each report submitted under this subsection shall include—

(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;

(2) a description of how plans for the operation of the Institute for the succeeding two fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

(3) any additional minority, or dissenting views submitted by members of the Board.

(k) FUNDING.—Any amounts appropriated to the Secretary of Education, the Secretary of Labor, or the Secretary of Health and Human Services for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this section.

SEC. ___139. LABOR MARKET INFORMATION.

(a) SYSTEM CONTENT.—

(1) IN GENERAL.—The Secretary of Labor, in accordance with the provisions of this section, shall oversee the maintenance and continuous improvement of the system of labor market information that includes—

(A) statistical programs of data collection, compilation, estimation, and publication conducted in cooperation with the Bureau of Labor Statistics;

(B) State and local employment information, including other appropriate statistical data related to labor market dynamics (compiled by and for States and localities with technical assistance provided by the Secretary) that will—

(i) assist individuals to make informed choices relating to employment and training; and

(ii) assist employers to locate and train individuals who are seeking employment and training;

(C) technical standards for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

(D) analysis of data and information described in subparagraphs (A) and (B) for uses such as State and local policymaking;

(E) wide dissemination of such data, information, and analysis, training for users of the data, information, and analysis, and voluntary technical standards for dissemination mechanisms; and

(F) programs of—

(i) research and demonstration; and

(ii) technical assistance for States and localities.

(2) INFORMATION TO BE CONFIDENTIAL.—

(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

(i) use the information furnished under the provisions of this section for any purpose other than the statistical purposes for which such information is furnished;

(ii) make any publication from which the data contained in the information so furnished under this section can be used to identify any individual; or

(iii) permit any individual other than the sworn officers, employees, or agents of any Federal department or agency to examine individual reports through which the information is furnished.

(B) IMMUNITY FROM LEGAL PROCESS.—

(i) IN GENERAL.—Any information that is collected and retained for purposes of this section shall be immune from the legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as providing immunity from the legal process for information that is independently collected or produced for purposes other than for purposes of this section.

(b) SYSTEM RESPONSIBILITIES.—

(1) IN GENERAL.—The labor market information system shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government, States, and local entities.

(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of labor market information for the system, shall carry out the following duties:

(A) Assign responsibilities within the Department of Labor for elements of the system content described in subsection (a) to ensure that all statistical and administrative data collected is consistent.

(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

(D) In collaboration with the States and the Bureau of Labor Statistics, develop and maintain the necessary elements of the system described in subsection (a), including the development of consistent definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1) and the development of the annual plan under subsection (c).

(c) ANNUAL PLAN.—

(1) IN GENERAL.—The Secretary, in collaboration with the States and the Bureau of Labor Statistics, and with the assistance of other appropriate Federal agencies, shall prepare an annual plan that shall describe the cooperative Federal-State governance structure for the labor market information system. The plan shall—

(A) describe the elements of the system, including consistent definitions, formats, collection methodologies, and other necessary system elements, for use in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1);

(B) describe how the system will ensure that—

(i) such data are timely;

(ii) administrative records are consistent in order to facilitate aggregation of such data;

(iii) paperwork and reporting are reduced to a minimum; and

(iv) States and localities are fully involved in the maintenance and continuous improvement of the system at the State and local levels;

(C) evaluate the performance of the system and recommend needed improvements; and

(D) describe current (as of the date of the submission of the plan) spending and spending needs to carry out activities under this section.

(2) COOPERATION WITH THE STATES.—The Secretary and the Bureau of Labor Statistics, in cooperation with the States, shall develop the plan by holding formal consultations, which shall be held on not less than a semiannual basis, with—

(A) State representatives who have expertise in labor market information, selected by the Governors of each State;

(B) representatives from each of the ten Federal regions of the Department of Labor, elected by and from among individuals who perform the duties described in subsection (d)(2) pursuant to a process agreed upon by the Secretary and the States; and

(C) employers or representatives of employers, elected pursuant to a process agreed upon by the Secretary and the States.

(d) STATE RESPONSIBILITIES.—

(1) DESIGNATION OF STATE AGENCY.—In order to receive Federal financial assistance under this section, the Governor of a State—

(A) shall designate a single State agency or entity within the State to be responsible for the management of the portions of the system described in subsection (a) that comprise a statewide labor market information system; and

(B) may establish a process for the oversight of such system.

(2) DUTIES.—In order to receive Federal financial assistance under this section, the State agency or entity designated under paragraph (1)(A) shall—

(A) consult with employers and local boards, where appropriate, about the labor market relevance of the data to be collected and disseminated through the statewide labor market information system;

(B) maintain and continuously improve the portions of the system described in subsection (a) that comprise a statewide labor market information system in accordance with this section;

(C) ensure the performance of contract and grant responsibilities for data collection, analysis, and dissemination for such system;

(D) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide labor market information system; and

(E) participate in the development of the annual plan described in subsection (c).

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of a State agency or entity to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $65,000,000 for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002.

Subtitle E—Transition Provisions

SEC. ___141. WAIVERS.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law, and except as provided in subsection (d), the Secretary may waive any requirement under any provision of law relating to a covered activity, or of any regulation issued under such a provision, for—

(A) a State that requests such a waiver and submits an application as described in subsection (b); or

(B) a local entity that requests such a waiver and complies with the requirements of subsection (c);

in order to assist the State or local entity in planning or developing a statewide system or workforce and career development activities to be carried out through the statewide system.

(2) TERM.—Each waiver approved pursuant to this section shall be for a period beginning on the date of the approval and ending on June 30, 1998.

(b) STATE REQUEST FOR WAIVER.—

(1) IN GENERAL.—A State may submit to the Secretary a request for a waiver of 1 or more requirements referred to in subsection (a). The request may include a request for different waivers with respect to different areas within the State.

(2) APPLICATION.—To be eligible to receive a waiver described in subsection (a), a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including information—

(A) identifying the requirement to be waived and the goal that the State (or the local entity applying to the State under subsection (c)) intends to achieve through the waiver;

(B) identifying, and describing the actions that the State will take to remove, similar State requirements;

(C) describing the activities to which the waiver will apply, including information on how the activities may be continued, or related to activities carried out, under the statewide system of the State;

(D) describing the number and type of persons to be affected by such waiver; and

(E) providing evidence of support for the waiver request by the State agencies or officials with jurisdiction over the requirement to be waived.

(c) LOCAL ENTITY REQUEST FOR WAIVER.—

(1) IN GENERAL.—A local entity that seeks a waiver of 1 or more requirements referred to in subsection (a) shall submit to the State a request for the waiver and an application containing sufficient information to enable the State to comply with the requirements of subsection (b)(2). The State shall determine whether to submit a request and an application for a waiver to the Secretary, as provided in subsection (b).

(2) TIME LIMIT.—

(A) IN GENERAL.—The State shall make a determination concerning whether to submit the request and application for a waiver as described in paragraph (1) not later than 30 days after the date on which the State receives the application from the local entity.

(B) DIRECT SUBMISSION.—

(i) IN GENERAL.—If the State does not make a determination to submit or does not submit the request and application within the 30-day time period specified in subparagraph (A), the local entity may submit the request and application to the Secretary.

(ii) REQUIREMENTS.—In submitting such a request, the local entity shall obtain the agreement of the State involved to comply with the requirements of this section that would otherwise apply to a State submitting a request for a waiver. In reviewing an application submitted under this section by a local entity, the Secretary shall comply with the requirements of this section that would otherwise apply to the Secretary with respect to review of such an application submitted by a State.

(d) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any requirement of any provision referred to in subsection (a), or of any regulation issued under such provision, relating to—

(1) the allocation of funds to States, local entities, or individuals;

(2) public health or safety, civil rights, occupational safety and health, environmental protection, displacement of employees, or fraud and abuse;

(3) the eligibility of an individual for participation in a covered activity, except in a case in which the State or local entity can demonstrate that the individuals who would have been eligible to participate in such activity without the waiver will participate in a similar covered activity; or

(4) a required supplementation of funds by the State or a prohibition against the State supplanting such funds.

(e) ACTIVITIES.—Subject to subsection (d), the Secretary may approve a request for a waiver described in subsection (a) that would enable a State or local entity to use the assistance that would otherwise have been used to carry out 2 or more covered activities (if the State or local entity were not using the assistance as described in this section)—

(1) to address the high priority needs of unemployed persons and at-risk youth in the appropriate State or community for workforce and career development activities;

(2) to improve efficiencies in the delivery of the covered activities; or

(3) in the case of overlapping or duplicative activities—

(A) by combining the covered activities and funding the combined activities; or

(B) by eliminating 1 of the covered activities and increasing the funding to the remaining covered activity.

(f) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove any request submitted pursuant to subsection (b) or (c), not later than 60 days after the date of the submission, and shall issue a decision that shall include the reasons for approving or disapproving the request.

(g) FAILURE TO ACT.—If the Secretary fails to approve or disapprove the request within the 60-day period described in subsection (f), the request shall be deemed to be approved on the day after such period ends. If the Secretary subsequently determines that the waiver relates to a matter described in subsection (d) and issues a decision that includes the reasons for the determination, the waiver shall be deemed to terminate on the date of issuance of the decision.

(h) DEFINITIONS.—As used in this section:

(1) LOCAL ENTITY.—The term "local entity" means—

(A) a local educational agency responsible for carrying out the covered activity at issue; or

(B) the local public or private agency or organization responsible for carrying out the covered activity at issue.

(2) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Labor, with respect to any act relating to a covered activity carried out by the Secretary of Labor;

(B) the Secretary of Education, with respect to any act relating to a covered activity carried out by the Secretary of Education; and

(C) the Secretary of Labor and the Secretary of Education, acting jointly, with respect to a covered activity under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(3) STATE.—The term "State" means—

(A) an eligible agency responsible for carrying out the covered activity at issue; or

(B) the Governor, with respect to any act by another State entity responsible for carrying out the covered activity at issue.

SEC. ___142. TECHNICAL ASSISTANCE.

Beginning on the date of the enactment of this Act, the Secretaries shall provide technical assistance to States that request such assistance in—

(1) preparing the State plan required under section ___104; or

(2) developing the State benchmarks required under section ___106(b).

SEC. ___143. APPLICATIONS AND PLANS UNDER COVERED ACTS.

Notwithstanding any other provision of law, no State or local entity shall be required to comply with any provision of law relating to a covered activity that would otherwise require the entity to submit an application or a plan to a Federal agency during fiscal year 1997 for funding of a covered activity. In determining whether to provide funding to the State or local entity for the covered activity, the Secretary of Labor or the Secretary of Education, as appropriate, shall consider the last application or plan, as appropriate, submitted by the entity for funding of the covered activity.

SEC. ___144. INTERIM AUTHORIZATIONS OF APPROPRIATIONS.

(a) CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—Section 3(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2302(a)) is amended by striking "for each of the fiscal years" and all that follows through "1995" and inserting "for each of fiscal years 1992 through 1998".

(b) ADULT EDUCATION ACT.—Section 313(a) of the Adult Education Act (20 U.S.C. 1201b(a)) is amended by striking "for each of the fiscal years" and all that follows through "1995" and inserting "for each of fiscal years 1993 through 1998".

Subtitle F—General Provisions

SEC. ___151. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title (except sections ___134, ___138, and ___139) such sums as may be necessary for each of fiscal years 1998 through 2002.

(b) RESERVATIONS.—Of the amount appropriated under subsection (a) for a fiscal year—

(1) 90 percent shall be reserved for making allotments under section ___102;

(2) $70,000,000 shall be reserved for carrying out section ___135;

(3) $90,000,000 shall be reserved for carrying out section ___136;

(4) $14,000,000 shall be reserved for carrying out section ___137; and

(5) the remainder shall be reserved for carrying out sections ___132 and ___133.

(c) PROGRAM YEAR.—

(1) IN GENERAL.—Appropriations for any fiscal year for programs and activities carried out under this title or subtitle C of title II shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(2) ADMINISTRATION.—Funds obligated for any program year for employment and training activities and at-risk youth activities may be expended by each recipient during the program year and the 2 succeeding program years.

SEC. ___152. LOCAL EXPENDITURES CONTRARY TO TITLE.

(a) REPAYMENT BY STATE.—Except as provided in sections ___107(c)(4) and ___126(b)(2)(B), if the Secretaries require a State to repay funds as a result of a determination that an eligible provider of employment and training activities or at-risk youth activities in a local workforce development area of the State has expended funds made available under this title in a manner contrary to the objectives of this title, and such expenditure does not constitute fraud, embezzlement, or other criminal activity, the Governor of the State may use an amount deducted under subsection (b) to repay the funds.

(b) DEDUCTION BY STATE.—The Governor may deduct an amount equal to the expenditure described in subsection (a) from a subsequent program year allocation to the local workforce development area from funds available for local administration for employment and training activities or at-risk youth activities, as appropriate.

SEC. ___153. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in section ___134 and subsection (b), this title shall take effect on July 1, 1998.

(b) ADMINISTRATION AND NATIONAL INSTITUTE FOR LITERACY.—Sections ___131 and ___138, subtitle E, section ___151, and this section shall take effect on the date of enactment of this Act.

TITLE II—WORKFORCE AND CAREER DEVELOPMENT-RELATED ACTIVITIES

Subtitle A—Amendments to the Wagner-Peyser Act

SEC. ___201. DEFINITIONS.

Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended—

(1) in paragraph (1), by striking "Job Training Partnership Act" and inserting "Workforce and Career Development Act of 1996";

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraphs (3) and (5) as paragraphs (6) and (7), respectively;

(4) by inserting after paragraph (1) the following:

"(2) the term 'local workforce development area' has the meaning given such term in section ___004 of the Workforce and Career Development Act of 1996;

"(3) the term 'local workforce development board' means a local workforce development board established under section ___108 of the Workforce and Career Development Act of 1996;

"(4) the term 'one-stop career center system' means a one-stop career center system established under section ___121(d) of the Workforce and Career Development Act of 1996;

"(5) the term 'public employment office' means an office that provides employment services to the general public and is part of a one-stop career center system;"; and

(5) in paragraph (6) (as redesignated in paragraph (3)), by striking the semicolon and inserting "; and".

SEC. ___202. FUNCTIONS.

(a) IN GENERAL.—Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended to read as follows:

"(a) The Secretary of Labor shall—

"(1) assist in the coordination and development of a nationwide system of labor exchange services for the general public, provided as part of the one-stop career center systems of the States;

"(2) assist in the development of continuous improvement models for such nationwide system that ensure private sector satisfaction with the system and meet the demands of jobseekers relating to the system; and

"(3) ensure, for individuals otherwise eligible to receive unemployment compensation, the continuation of any activities in which the individuals are required to participate to receive the compensation.".

(b) CONFORMING AMENDMENTS.—Section 508(b) of the Unemployment Compensation Amendments of 1976 (42 U.S.C. 603a(b)) is amended—

(1) by striking "the third sentence of section 3(a)" and inserting "section 3(b)"; and

(2) by striking "49b(a)" and inserting "49b(b))".

SEC. ___203. DESIGNATION OF STATE AGENCIES.

Section 4 of the Wagner-Peyser Act (29 U.S.C. 49c) is amended—

(1) by striking "a State shall, through its legislature," and inserting "a Governor, in consultation with the State legislature, shall"; and

(2) by striking "United States Employment Service" and inserting "Secretary".

SEC. ___204. APPROPRIATIONS.

Section 5(c) of the Wagner-Peyser Act (29 U.S.C. 49d(c)) is amended by striking paragraph (3).

SEC. ___205. DISPOSITION OF ALLOTTED FUNDS.

Section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) is amended—

(1) in subsection (b)(2), by striking "private industry council" and inserting "local workforce development board";

(2) in subsection (c)(2), by striking "any program under" and all that follows and inserting "any workforce and career development activity carried out under the Workforce and Career Development Act of 1996.";

(3) in subsection (d)—

(A) by striking "United States Employment Service" and inserting "Secretary"; and

(B) by striking "Job Training Partnership Act" and inserting "Workforce and Career Development Act of 1996"; and

(4) by adding at the end the following:

"(e) All job search, placement, recruitment, labor market information, and other labor exchange services authorized under subsection (a) shall be provided as part of the one-stop career center system established by the State.".

SEC. ___206. STATE PLANS.

Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended—

(1) in subsection (a) to read as follows:

"(a) Any State desiring to receive assistance under this Act shall submit to the Secretary, as part of the State plan submitted under section ___104 of the Workforce and Career Development Act of 1996, detailed plans for carrying out the provisions of this Act within such State.";

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsection (d) as subsection (b).

SEC. ___207. REPEAL OF FEDERAL ADVISORY COUNCIL.

Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j) is hereby repealed.

SEC. ___208. REGULATIONS.

Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k) is amended by striking "The Director, with the approval of the Secretary of Labor," and inserting "The Secretary".

SEC. ___209. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on July 1, 1998.

Subtitle B—Amendments to the Rehabilitation Act of 1973

SEC. ___211. REFERENCES.

Except as otherwise expressly provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

SEC. ___212. FINDINGS AND PURPOSES.

Section 2 (29 U.S.C. 701) is amended—

(1) in subsection (a)(4), by striking "the provision of individualized training, independent living services, educational and support services," and inserting "implementation of a statewide system that provides meaningful and effective participation for individuals with disabilities in workforce and career development activities and activities carried out through the vocational rehabilitation program established under title I, and through the provision of independent living services, support services,"; and

(2) in subsection (b)(1)(A)—

(A) by striking "and coordinated"; and

(B) by inserting "that are coordinated with statewide systems" after "vocational rehabilitation".

SEC. ___213. DEFINITIONS.

Section 7 (29 U.S.C. 706) is amended by adding at the end the following new paragraphs:

"(36) The term 'statewide system' means a statewide system, as defined in section ___004 of the Workforce and Career Development Act of 1996.

"(37) The term 'workforce and career development activities' has the meaning given such term in section ___004 of the Workforce and Career Development Act of 1996.".

SEC. ___214. ADMINISTRATION.

Section 12(a)(1) (29 U.S.C. 711(a)(1)) is amended by inserting ", including providing assistance to achieve the meaningful and effective participation by individuals with disabilities in the activities carried out through a statewide system" before the semicolon.

SEC. ___215. REPORTS.

Section 13 (29 U.S.C. 712) is amended in the fourth sentence by striking "The data elements" and all that follows through "age," and inserting the following: "The information shall include all information that is required to be submitted in the report described in section ___106(c) of the Workforce and Career Development Act of 1996 and that pertains to the employment of individuals with disabilities, including information on age,".

SEC. ___216. EVALUATION.

Section 14(a) (29 U.S.C. 713(a)) is amended in the third sentence by striking "to the extent feasible," and all that follows through the end of the sentence and inserting the following: "to the maximum extent appropriate, be consistent with the State benchmarks established under paragraphs (1) and (2) of section ___106(b) of the Workforce and Career Development Act of 1996. For purposes of this section, the Secretary may modify or supplement such benchmarks to the extent necessary to address unique considerations applicable to the participation of individuals with disabilities in the vocational rehabilitation program established under title I and activities carried out under other provisions of this Act.".

SEC. ___217. DECLARATION OF POLICY.

Section 100(a) (29 U.S.C. 720(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking "; and" and inserting a semicolon;

(B) in subparagraph (F)—

(i) by inserting "workforce and career development activities and" before "vocational rehabilitation services"; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following subparagraph:

"(G) linkages between the vocational rehabilitation program established under this title and other components of the statewide system are critical to ensure effective and meaningful participation by individuals with disabilities in workforce and career development activities."; and

(2) in paragraph (2)—

(A) by striking "a comprehensive" and inserting "statewide comprehensive"; and

(B) by striking "program of vocational rehabilitation that is designed" and inserting "programs of vocational rehabilitation, each of which is—

"(A) coordinated with a statewide system; and

"(B) designed".

SEC. ___218. STATE PLANS.

(a) IN GENERAL.—Section 101(a) (29 U.S.C. 721(a)) is amended—

(1) in the first sentence, by striking ", or shall submit" and all that follows through "et seq.)" and inserting ", and shall submit the State plan on the same dates as the State submits the State plan described in section ___104 of the Workforce and Career Development Act of 1996 to the Secretaries (as defined in section ___004 of such Act)";

(2) by inserting after the first sentence the following: "The State designated unit shall also submit the State plan for vocational rehabilitation services for review and comment to the individuals and entities participating in the collaborative process described in subsection (a) or (b) of section ____105 of the Workforce and Career Development Act of 1996 and such individuals and entities shall submit comments on the State plan to the State designated unit.";

(3) in paragraph (15)—

(A) by striking ", including—" and all that follows through "(C) review of" and inserting ", including review of";

(B) by striking "paragraph (9)(C)" and inserting "paragraph (9)(D)";

(C) by striking "most severe disabilities; and" and inserting "most severe disabilities;"; and

(D) by striking subparagraph (D);

(4) by striking paragraphs (10), (27), (28), and (30);

(5) in paragraph (19)—

(A) by striking "(19)" and inserting "(19)(A)"; and

(B) by inserting "and" after the semicolon;

(6) in paragraph (20), by striking "(20)" and inserting "(B)";

(7) by redesignating—

(A) paragraphs (11) through (18) as paragraphs (10) through (17), respectively;

(B) paragraph (19) (as amended by paragraphs (5) and (6)) as paragraph (18);

(C) paragraphs (21) through (26) as paragraphs (19) through (24), respectively;

(D) paragraph (29) as paragraph (25); and

(E) paragraphs (31) through (36) as paragraphs (26) through (31), respectively;

(8) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following:

"(A) contain the plans, policies, and methods to be followed in carrying out the State plan and in the administration and supervision of the plan, including—

"(i)(I) the results of a comprehensive, statewide assessment of the rehabilitation needs of individuals with disabilities (including individuals with severe disabilities, individuals with disabilities who are minorities, and individuals with disabilities who have been unserved, or underserved, by the vocational rehabilitation system) who are residing within the State; and

"(II) the response of the State to the assessment;

"(ii) a description of the method to be used to expand and improve services to individuals with the most severe disabilities, including individuals served under part C of title VI;

"(iii) with regard to community rehabilitation programs—

"(I) a description of the method to be used (such as a cooperative agreement) to utilize the programs to the maximum extent feasible; and

"(II) a description of the needs of and utilization of the programs, including the community rehabilitation programs funded under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) and such programs funded by State use contracting programs; and

"(iv) an explanation of the methods by which the State will provide vocational rehabilitation services to all individuals with disabilities within the State who are eligible for such services, and, in the event that vocational rehabilitation services cannot be provided to all such eligible individuals with disabilities who apply for such services, information showing and providing the justification for the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided (which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first the individuals with the most severe disabilities in accordance with criteria established by the State, and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving individuals with disabilities, established in regulations prescribed by the Commissioner);";

(B) in subparagraph (B), by striking "; and" and inserting a semicolon; and

(C) by striking subparagraph (C) and inserting the following subparagraphs:

"(C) with regard to the statewide assessment of rehabilitation needs described in subparagraph (A)(i)—

"(i) provide that the State agency will make reports at such time, in such manner, and containing such information, as the Commissioner may require to carry out the functions of the Commissioner under this title, and comply with such provisions as are necessary to assure the correctness and verification of such reports; and

"(ii) provide that reports made under clause (i) will include information regarding individuals with disabilities and, if an order of selection described in subparagraph (A)(iv) is in effect in the State, will separately include information regarding individuals with the most severe disabilities, on—

"(I) the number of such individuals who are evaluated and the number rehabilitated;

"(II) the costs of administration, counseling, provision of direct services, development of community rehabilitation programs, and other functions carried out under this Act; and

"(III) the utilization by such individuals of other programs pursuant to paragraph (10); and

"(D) describe—

"(i) how a broad range of rehabilitation technology services will be provided at each stage of the rehabilitation process;

"(ii) how a broad range of such rehabilitation technology services will be provided on a statewide basis; and

"(iii) the training that may be provided to vocational rehabilitation counselors, client assistance personnel, personnel of the eligible providers of core services described in subsection (e)(2) of section ____121 of the Workforce and Career Development Act of 1996 through one-stop career centers described in subsection (d) of such section, and other related services personnel;";

(9) in subparagraph (A)(i)(II) of paragraph (7), by striking ", based on projections" and all that follows through "relevant factors";

(10) in paragraph (9)—

(A) in subparagraph (B), by striking "written rehabilitation program" and inserting "employment plan"; and

(B) in subparagraph (C), by striking "plan in accordance with such program" and inserting "State plan in accordance with the employment plan";

(11) in paragraph (10) (as redesignated in paragraph (7))—

(A) in subparagraph (A), by striking "State's public" and all that follows and inserting "Federal, State, and local programs that are not part of the statewide system of the State;"; and

(B) in subparagraph (C)—

(i) by striking "if appropriate—" and all that follows through "entering into" and inserting "if appropriate, entering into";

(ii) by redesignating subclauses (I), (II), and (III) as clauses (i), (ii), and (iii), respectively; and

(iii) by indenting the clauses and aligning the margins of the clauses with the margins of clause (ii) of subparagraph (A) of paragraph (7);

(12) in paragraph (20) (as redesignated in paragraph (7)), by striking "referrals to other Federal and State programs" and inserting "referrals within the statewide system of the State to programs"; and

(13) in paragraph (22) (as redesignated in paragraph (7))—

(A) in subparagraph (B), by striking "written rehabilitation program" and inserting "employment plan"; and

(B) in subparagraph (C)—

(i) in clause (ii), by striking "; and" and inserting a semicolon;

(ii) in clause (iii), by striking the semicolon and inserting "; and"; and

(iii) by adding at the end the following clause:

"(iv) the manner in which students who are individuals with disabilities and who are not in special education programs can access and receive vocational rehabilitation services, where appropriate;".

(b) CONFORMING AMENDMENTS.—

(1) Section 7(22)(A)(i)(II) (29 U.S.C. 706(22)(A)(i)(II)) is amended by striking "101(a)(5)(A)" each place it appears and inserting "101(a)(5)(A)(iv)".

(2) Section 12(d) (29 U.S.C. 711(d)) is amended by striking "101(a)(5)(A)" and inserting "101(a)(5)(A)(iv)".

(3) Section 101(a) (29 U.S.C. 721(a)) is amended—

(A) in paragraph (18)(A) (as redesignated in subsection (a)(7)), by striking "paragraph (15)" and inserting "paragraph (14)";

(B) in paragraph (22) (as redesignated in subsection (a)(7)), by striking "paragraph (11)(C)(ii)" and inserting "paragraph (10)(C)";

(C) in paragraph (27) (as redesignated in subsection (a)(7)), by striking "paragraph (36)" and inserting "paragraph (31)"; and

(D) in subparagraph (C) of paragraph (31) (as redesignated in subsection (a)(7)), by striking "101(a)(1)(A)(i)" and inserting "paragraph (1)(A)(i)".

(4) Section 102 (29 U.S.C. 722) is amended—

(A) in subsection (a)(3), by striking "101(a)(24)" and inserting "101(a)(22)"; and

(B) in subsection (d)(2)(C)(ii)—

(i) in subclause (II), by striking "101(a)(36)" and inserting "101(a)(31)"; and

(ii) in subclause (III), by striking "101(a)(36)(C)(ii)" and inserting "101(a)(31)(C)(ii)".

(5) Section 103(a)(13) (29 U.S.C. 723(a)(13)) is amended by striking "101(a)(11)" and inserting "101(a)(10)".

(6) Section 105(a)(1) (29 U.S.C. 725(a)(1)) is amended by striking "101(a)(36)" and inserting "101(a)(31)".

(7) Section 107(a) (29 U.S.C. 727(a)) is amended—

(A) in paragraph (2)(F), by striking "101(a)(32)" and inserting "101(a)(27)"; and

(B) in paragraph (4)(C), by striking "101(a)(35)" and inserting "101(a)(30)".

(8) Section 111(a) (29 U.S.C. 731(a)) is amended—

(A) in paragraph (1)—

(i) by striking "101(a)(34)(A)" and inserting "101(a)(29)(A)"; and

(ii) by striking "101(a)(34)(B)" and inserting "101(a)(29)(B)"; and

(B) in paragraph (2)(A), by striking "101(a)(17)" and inserting "101(a)(16)".

(9) Section 124(a)(1)(A) (29 U.S.C. 744(a)(1)(A)) is amended by striking "101(a)(34)(B)" and inserting "101(a)(29)(B)".

(10) Section 315(b)(2) (29 U.S.C. 777e(b)(2)) is amended by striking "101(a)(22)" and inserting "101(a)(20)".

(11) Section 102(e)(23)(A) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2212(e)(23)(A)) is amended by striking "section 101(a)(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(36))" and inserting "section 101(a)(31) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(31))".

SEC. ___219. INDIVIDUALIZED EMPLOYMENT PLANS.

(a) IN GENERAL.—Section 102 (29 U.S.C. 722) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 102. INDIVIDUALIZED EMPLOYMENT PLANS.";

(2) in subsection (a)(6), by striking "written rehabilitation program" and inserting "employment plan";

(3) in subsection (b)—

(A) in paragraph (1)(A)—

(i) in clause (i), by striking "written rehabilitation program" and inserting "employment plan"; and

(ii) in clause (ii), by striking "program" and inserting "plan";

(B) in paragraph (1)(B)—

(i) in the matter preceding clause (i), by striking "written rehabilitation program" and inserting "employment plan";

(ii) in clause (iv)—

(I) by striking subclause (I) and inserting the following:

"(I) include a statement of the specific vocational rehabilitation services to be provided (including, if appropriate, rehabilitation technology services and training in how to use such services) that includes specification of the public or private entity that will provide each such vocational rehabilitation service and the projected dates for the initiation and the anticipated duration of each such service; and";

(II) by striking subclause (II); and

(III) by redesignating subclause (III) as subclause (II); and

(iii) in clause (xi)(I), by striking "program" and inserting "plan";

(C) in paragraph (1)(C), by striking "written rehabilitation program and amendments to the program" and inserting "employment plan and amendments to the plan"; and

(D) in paragraph (2)—

(i) by striking "program" each place the term appears and inserting "plan"; and

(ii) by striking "written rehabilitation" each place the term appears and inserting "employment";

(4) in subsection (c)—

(A) in paragraph (1), by striking "written rehabilitation program" and inserting "employment plan"; and

(B) by striking "written program" each place the term appears and inserting "plan"; and

(5) in subsection (d)—

(A) in paragraph (5), by striking "written rehabilitation program" and inserting "employment plan"; and

(B) in paragraph (6)(A), by striking the second sentence.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Act is amended by striking the item relating to section 102 and inserting the following:

"Sec. 102. Individualized employment plans.".

(2) Paragraphs (22)(B) and (27)(B), and subparagraphs (B) and (C) of paragraph (34) of section 7 (29 U.S.C. 706), section 12(e)(1) (29 U.S.C. 711(e)(1)), section 501(e) (29 U.S.C. 791(e)), subparagraphs (C), (D), and (E) of section 635(b)(6) (29 U.S.C. 795n(b)(6) (C), (D), and (E)), section 802(g)(8)(B) (29 U.S.C. 797a(g)(8)(B)), and section 803(c)(2)(D) (29 U.S.C. 797b(c)(2)(D)) are amended by striking "written rehabilitation program" each place the term appears and inserting "employment plan".

(3) Section 7(22)(B)(i) (29 U.S.C. 706(22)(B)(i)) is amended by striking "rehabilitation program" and inserting "employment plan".

(4) Section 107(a)(3)(D) (29 U.S.C. 727(a)(3)(D)) is amended by striking "written rehabilitation programs" and inserting "employment plans".

(5) Section 101(b)(7)(A)(ii)(II) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2211(b)(7)(A)(ii)(II)) is amended by striking "written rehabilitation program" and inserting "employment plan".

SEC. ___220. STATE REHABILITATION ADVISORY COUNCIL.

(a) IN GENERAL.—Section 105 (29 U.S.C. 725) is amended—

(1) in subsection (b)(1)(A)(vi), by inserting before the semicolon the following: "who, to the extent feasible, are individuals involved in the collaborative process described in section ___105 of the Workforce and Career Development Act of 1996"; and

(2) in subsection (c)—

(A) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(B) by inserting after paragraph (2) the following new paragraph:

"(3) advise the designated State agency and the designated State unit regarding strategies for ensuring that the vocational rehabilitation program established under this title is coordinated with the statewide system of the State;"; and

(C) in paragraph (6) (as redesignated in subparagraph (A))—

(i) by striking "6024), and" and inserting "6024),"; and

(ii) by striking the semicolon at the end and inserting the following: ", and the individuals and entities involved in the collaborative process described in section ___105 of the Workforce and Career Development Act of 1996;".

(b) CONFORMING AMENDMENT.—Subparagraph (B)(iv), and clauses (ii)(I) and (iii)(I) of subparagraph (C), of paragraph (31) (as redesignated in section ___218(a)(7)) of section 101(a) (29 U.S.C. 721(a)) are amended by striking "105(c)(3)" and inserting "105(c)(4)".

SEC. ___221. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106(a)(1) (29 U.S.C. 726(a)(1)) is amended—

(1) by striking "(1) IN GENERAL.—The Commissioner shall" and inserting the following:

"(1) EVALUATION STANDARDS AND PERFORMANCE INDICATORS.—

"(A) IN GENERAL.—The Commissioner shall"; and

(2) by adding at the end the following:

"(B) MODIFICATION OR SUPPLEMENTATION.—

"(i) IN GENERAL.—The Commissioner shall modify or supplement such standards and indicators to ensure that, to the maximum extent appropriate, such standards and indicators are consistent with the State benchmarks established under paragraphs (1) and (2) of section ___106(b) of the Workforce and Career Development Act of 1996.

"(ii) ADDITIONAL PROVISIONS.—The Commissioner—

"(I) shall, in modifying or supplementing such standards and indicators, comply with the requirements under the timetable for establishing such benchmarks under the Workforce and Career Development Act of 1996; and

"(II) may modify or supplement such standards and indicators, to the extent necessary, to address unique considerations applicable to individuals with disabilities in the vocational rehabilitation program.".

SEC. ___222. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect on the date of enactment of this Act.

(b) STATEWIDE SYSTEM REQUIREMENTS.—The changes made in the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) by the amendments made by this subtitle that relate to State benchmarks, or other components of a statewide system, shall take effect on July 1, 1998.

Subtitle C—Job Corps

SEC. ___231. DEFINITIONS.

As used in this subtitle:

(1) ENROLLEE.—The term "enrollee" means an individual enrolled in the Job Corps.

(2) GOVERNOR.—The term "Governor" means the chief executive officer of a State.

(3) JOB CORPS.—The term "Job Corps" means the Job Corps described in section ___233.

(4) JOB CORPS CENTER.—The term "Job Corps center" means a center described in section ___233.

(5) OPERATOR.—The term "operator" means an entity selected under this subtitle to operate a Job Corps center.

(6) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. ___232. PURPOSES.

The purposes of this subtitle are—

(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to assist at-risk youth who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens;

(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;

(3) to authorize the establishment of Job Corps centers in which enrollees will participate in intensive programs of workforce and career development activities; and

(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

SEC. ___233. ESTABLISHMENT.

There shall be established in the Department of Labor a Job Corps program, to carry out, in conjunction with the activities carried out under section ___247, activities described in this subtitle for individuals enrolled in the Job Corps and assigned to a center.

SEC. ___234. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

To be eligible to become an enrollee, an individual shall be—

(1) not less than age 15 and not more than age 24;

(2) an individual who—

(A) receives, or is a member of a family that receives, cash welfare payments under a Federal, State, or local welfare program;

(B) had received an income, or is a member of a family that had received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and payments described in subparagraph (A)) that, in relation to family size, does not exceed the higher of—

(i) the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for an equivalent period; or

(ii) 70 percent of the lower living standard income level, for an equivalent period;

(C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(D) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);

(E) is a foster child on behalf of whom State or local government payments are made; or

(F) in cases permitted by regulations of the Secretary, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements; and

(3) an individual who is 1 or more of the following:

(A) Basic skills deficient.

(B) A school dropout.

(C) Homeless or a runaway.

(D) Pregnant or a parent.

(E) An individual who requires additional education, training, or intensive counseling and related assistance, in order to secure and hold employment or participate successfully in regular schoolwork.

SEC. ___235. SCREENING AND SELECTION OF APPLICANTS.

(a) STANDARDS AND PROCEDURES.—

(1) IN GENERAL.—The Secretary shall prescribe specific standards and procedures for the screening and selection of applicants for the Job Corps, after considering recommendations from the Governors, local boards, and other interested parties.

(2) METHODS.—In prescribing standards and procedures under paragraph (1) for the screening and selection of Job Corps applicants, the Secretary shall—

(A) require enrollees to take drug tests within 30 days of enrollment in the Job Corps;

(B) allocate, where necessary, additional resources to increase the applicant pool;

(C) establish standards for outreach to and screening of Job Corps applicants;

(D) where appropriate, take measures to improve the professional capability of the individuals conducting such screening;

(E) require Job Corps applicants to pass background checks, conducted in accordance with procedures established by the Secretary; and

(F) assure that an appropriate number of enrollees are from rural areas.

(3) IMPLEMENTATION.—To the extent practicable, the standards and procedures shall be implemented through arrangements with—

(A) eligible providers of core services described in section ___121(e)(2) through one-stop career centers described in section ___121(d);

(B) agencies and organizations such as community action agencies, professional groups, and labor organizations; and

(C) agencies and individuals that have contact with youth over substantial periods of time and are able to offer reliable information about the needs and problems of the youth.

(4) CONSULTATION.—The standards and procedures shall provide for necessary consultation with individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers.

(b) SPECIAL LIMITATIONS.—No individual shall be selected as an enrollee unless the individual or organization implementing the standards and procedures determines that—

(1) there is a reasonable expectation that the individual considered for selection can participate successfully in group situations and activities, is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the Job Corps center to which the individual might be assigned and surrounding communities; and

(2) the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe the rules.

SEC. ___236. ENROLLMENT AND ASSIGNMENT.

(a) RELATIONSHIP BETWEEN ENROLLMENT AND MILITARY OBLIGATIONS.—Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

(b) ASSIGNMENT.—After the Secretary has determined that an enrollee is to be assigned to a Job Corps center, the enrollee shall be assigned to the center that is closest to the residence of the enrollee, except that the Secretary may waive this requirement for good cause, including to ensure an equitable opportunity for individuals described in section ___234 from various sections of the United States to participate in the Job Corps program, to prevent undue delays in assignment of an enrollee, to adequately meet the educational or other needs of an enrollee, and for efficiency and economy in the operation of the program.

(c) PERIOD OF ENROLLMENT.—No individual may be enrolled in the Job Corps for more than 2 years, except—

(1) in a case in which completion of an advanced career training program under section ___238(d) would require an individual to participate for more than 2 years; or

(2) as the Secretary may authorize in a special case.

SEC. ___237. JOB CORPS CENTERS.

(a) OPERATORS AND SERVICE PROVIDERS.—

(1) ELIGIBLE ENTITIES.—The Secretary shall enter into an agreement with a Federal, State, or local agency, which may be a State board or agency that operates or wishes to develop an area vocational education school facility or residential vocational school, or with a private organization, for the operation of each Job Corps center. The Secretary shall enter into an agreement with an appropriate entity to provide services for a Job Corps center.

(2) SELECTION PROCESS.—Except as provided in subsections (c) and (d), the Secretary shall select an entity to operate a Job Corps center on a competitive basis, after reviewing the operating plans described in section ___240. In selecting a private or public entity to serve as an operator for a Job Corps Center, the Secretary shall, at the request of the Governor of the State in which the center is located, convene and obtain the recommendation of a selection panel described in section ___242(b). In selecting an entity to serve as an operator or to provide services for a Job Corps center, the Secretary shall take into consideration the previous performance of the entity, if any, relating to operating or providing services for a Job Corps center.

(b) CHARACTER AND ACTIVITIES.—Job Corps centers may be residential or nonresidential in character, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with access to activities described in section ___238. In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.

(c) CIVILIAN CONSERVATION CENTERS.—

(1) IN GENERAL.—The Job Corps centers may include Civilian Conservation Centers operated under agreements with the Secretary of Agriculture or the Secretary of the Interior, located primarily in rural areas, which shall provide, in addition to other training and assistance, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

(2) SELECTION PROCESS.—The Secretary may select an entity to operate a Civilian Conservation Center on a competitive basis, as provided in subsection (a), if the center fails to meet such national performance standards as the Secretary shall establish.

(d) INDIAN TRIBES.—

(1) GENERAL AUTHORITY.—The Secretary may enter into agreements with Indian tribes to operate Job Corps centers for Indians.

(2) DEFINITIONS.—As used in this subsection, the terms "Indian" and "Indian tribe", have the meanings given such terms in subsections (d) and (e), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. ___238. PROGRAM ACTIVITIES.

(a) ACTIVITIES PROVIDED THROUGH JOB CORPS CENTERS.—Each Job Corps center shall provide enrollees assigned to the center with access to core services described in section ___121(e)(2), and such other employment and training activities and at-risk youth activities as may be appropriate to meet the needs of the enrollees. Each Job Corps center shall provide the enrollees with such activities described in sections ___121 and ___122 as may be appropriate to meet the needs of the enrollees. The activities provided under this subsection shall provide work-based learning throughout the enrollment of the enrollees and assist the enrollees in obtaining meaningful unsubsidized employment, participating successfully in secondary education or postsecondary education programs, enrolling in other suitable training programs, or satisfying Armed Forces requirements, on completion of their enrollment.

(b) ARRANGEMENTS.—The Secretary shall arrange for enrollees assigned to Job Corps centers to receive employment and training activities and at-risk youth activities through or in coordination with the statewide system, including employment and training activities and at-risk youth activities provided through local public or private educational agencies, vocational educational institutions, or technical institutes.

(c) FISCAL AND MANAGEMENT ACCOUNTABILITY INFORMATION SYSTEM.—The Secretary shall establish a fiscal and management accountability information system for Job Corps centers, and coordinate the activities carried out through the system with activities carried out through the fiscal and management accountability information systems for States described in section ___106(e), if such systems are established.

(d) ADVANCED CAREER TRAINING PROGRAMS.—

(1) IN GENERAL.—The Secretary may arrange for programs of advanced career training for selected enrollees in which the enrollees may continue to participate for a period

of not to exceed 1 year in addition to the period of participation to which the enrollees would otherwise be limited.

(2) POSTSECONDARY EDUCATIONAL INSTITUTIONS.—The advanced career training may be provided through a postsecondary educational institution for an enrollee who has obtained a secondary school diploma or its recognized equivalent, has demonstrated commitment and capacity in previous Job Corps participation, and has an identified occupational goal.

(3) COMPANY-SPONSORED TRAINING PROGRAMS.—The Secretary may enter into contracts with appropriate entities to provide the advanced career training through intensive training in company-sponsored training programs, combined with internships in work settings.

(4) BENEFITS.—

(A) IN GENERAL.—During the period of participation in an advanced career training program, an enrollee shall be eligible for full Job Corps benefits, or a monthly stipend equal to the average value of the residential support, food, allowances, and other benefits provided to enrollees assigned to residential Job Corps centers.

(B) CALCULATION.—The total amount for which an enrollee shall be eligible under subparagraph (A) shall be reduced by the amount of any scholarship or other educational grant assistance received by such enrollee for advanced career training.

(5) DEMONSTRATION.—Each year, any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate that participants in such program have achieved a reasonable rate of completion and placement in training-related jobs before the operator may carry out such additional enrollment.

SEC. ___239. SUPPORT.

The Secretary shall provide enrollees assigned to Job Corps centers with such personal allowances, including readjustment allowances, as the Secretary may determine to be necessary or appropriate to meet the needs of the enrollees.

SEC. ___240. OPERATING PLAN.

(a) IN GENERAL.—To be eligible to operate a Job Corps center, an entity shall prepare and submit an operating plan to the Secretary for approval. Prior to submitting the plan to the Secretary, the entity shall submit the plan to the Governor of the State in which the center is located for review and comment. The entity shall submit any comments prepared by the Governor on the plan to the Secretary with the plan. Such plan shall include, at a minimum, information indicating—

(1) in quantifiable terms, the extent to which the center will contribute to the achievement of the proposed State goals and State benchmarks identified in the State plan submitted under section ___104 for the State in which the center is located;

(2) the extent to which the activities described in section ___238 and delivered through the Job Corps center are directly linked to the workforce and career development needs of the region in which the center is located;

(3) an implementation strategy to ensure that all enrollees assigned to the Job Corps center will have access to services through the one-stop delivery of core services described in section ___121(e)(2); and

(4) an implementation strategy to ensure that the curricula of all such enrollees is integrated into activities described in section ___238(a), including work-based learning, work experience, and career-building activities, and that such enrollees have the opportunity to obtain secondary school diplomas or their recognized equivalent.

(b) APPROVAL.—The Secretary shall not approve an operating plan described in subsection (a) for a center if the Secretary determines that the activities proposed to be carried out through the center are not sufficiently integrated with the activities carried out through the statewide system of the State in which the center is located.

SEC. ___241. STANDARDS OF CONDUCT.

(a) PROVISION AND ENFORCEMENT.—The Secretary shall provide, and directors of Job Corps centers shall stringently enforce, standards of conduct within the centers. Such standards of conduct shall include provisions forbidding the actions described in subsection (b)(2)(A).

(b) DISCIPLINARY MEASURES.—

(1) IN GENERAL.—To promote the proper moral and disciplinary conditions in the Job Corps, the directors of Job Corps centers shall take appropriate disciplinary measures against enrollees. If such a director determines that an enrollee has committed a violation of the standards of conduct, the director shall dismiss the enrollee from the Job Corps if the director determines that the retention of the enrollee in the Job Corps will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees.

(2) ZERO TOLERANCE POLICY.—

(A) GUIDELINES.—The Secretary shall adopt guidelines establishing a zero tolerance policy for an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or disruptive activity.

(B) DEFINITIONS.—As used in this paragraph:

(i) CONTROLLED SUBSTANCE.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(ii) ZERO TOLERANCE POLICY.—The term "zero tolerance policy" means a policy under which an enrollee shall be automatically dismissed from the Job Corps after a determination by the director that the enrollee has carried out an action described in subparagraph (A).

(c) APPEAL.—A disciplinary measure taken by a director under this section shall be subject to expeditious appeal in accordance with procedures established by the Secretary.

SEC. ___242. COMMUNITY PARTICIPATION.

(a) ACTIVITIES.—The Secretary shall encourage and cooperate in activities to establish a mutually beneficial relationship between Job Corps centers in the State and nearby communities. The activities shall include the use of local boards established in the State to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest.

(b) SELECTION PANELS.—The Governor may recommend individuals to serve on a selection panel convened by the Secretary to provide recommendations to the Secretary regarding any competitive selection of an operator for a center in the State. The panel shall have not more than 7 members. In recommending individuals to serve on the panel, the Governor may recommend members of local boards established in the State, or other representatives selected by the Governor. The Secretary shall select at least 1 individual recommended by the Governor.

(c) ACTIVITIES.—Each Job Corps center director shall—

(1) give officials of nearby communities appropriate advance notice of changes in the rules, procedures, or activities of the Job Corps center that may affect or be of interest to the communities;

(2) afford the communities a meaningful voice in the affairs of the Job Corps center that are of direct concern to the communities, including policies governing the issuance and terms of passes to enrollees; and

(3) encourage the participation of enrollees in programs for improvement of the communities, with appropriate advance consultation with business, labor, professional, and other interested groups, in the communities.

SEC. ___243. COUNSELING AND PLACEMENT.

The Secretary shall ensure that enrollees assigned to Job Corps centers receive academic and vocational counseling and job placement services, which shall be provided, to the maximum extent practicable, through the delivery of core services described in section ___121(e)(2).

SEC. ___244. ADVISORY COMMITTEES.

The Secretary is authorized to make use of advisory committees in connection with the operation of the Job Corps program, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

SEC. ___245. APPLICATION OF PROVISIONS OF FEDERAL LAW.

(a) ENROLLEES NOT CONSIDERED TO BE FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection and in section 8143(a) of title 5, United States Code, enrollees shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including such provisions regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) PROVISIONS RELATING TO TAXES AND SOCIAL SECURITY BENEFITS.—For purposes of the Internal Revenue Code of 1986 and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed to be employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(3) PROVISIONS RELATING TO COMPENSATION TO FEDERAL EMPLOYEES FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed to be civil employees of the Government of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of such subchapter shall apply as specified in section 8143(a) of title 5, United States Code.

(4) FEDERAL TORT CLAIMS PROVISIONS.—For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered to be employees of the Government.

(b) ADJUSTMENTS AND SETTLEMENTS.—Whenever the Secretary finds a claim for damages to a person or property resulting from the operation of the Job Corps to be a proper charge against the United States, and the claim is not cognizable under section 2672 of title 28, United States Code, the Secretary may adjust and settle the claim in an amount not exceeding $1,500.

(c) PERSONNEL OF THE UNIFORMED SERVICES.—Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

SEC. ___246. SPECIAL PROVISIONS.

(a) ENROLLMENT OF WOMEN.—The Secretary shall immediately take steps to achieve an enrollment of 50 percent women in the Job Corps program, consistent with the need—

(1) to promote efficiency and economy in the operation of the program;

(2) to promote sound administrative practice; and

(3) to meet the socioeconomic, educational, and training needs of the population to be served by the program.

(b) STUDIES, EVALUATIONS, PROPOSALS, AND DATA.—The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of carrying out the Job Corps program shall become the property of the United States.

(c) GROSS RECEIPTS.—Transactions conducted by a private for-profit contractor or a nonprofit contractor in connection with the operation by the contractor of a Job Corps center or the provision of services by the contractor for a Job Corps center shall not be considered to be generating gross receipts. Such a contractor shall not be liable, directly or indirectly, to any State or subdivision of a State (nor to any person acting on behalf of such a State or subdivision) for any gross receipts taxes, business privilege taxes measured by gross receipts, or any similar taxes imposed on, or measured by, gross receipts in connection with any payments made to or by such contractor for operating or providing services for a Job Corps center. Such a contractor shall not be liable to any State or subdivision of a State to collect or pay any sales, excise, use, or similar tax imposed on the sale to or use by such contractor of any property, service, or other item in connection with the operation of or provision of services for a Job Corps center.

(d) MANAGEMENT FEE.—The Secretary shall provide each operator or entity providing services for a Job Corps center with an equitable and negotiated management fee of not less than 1 percent of the contract amount.

(e) DONATIONS.—The Secretary may accept on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including equipment and materials, if such donations are available for appropriate use for the purposes set forth in this subtitle.

SEC. ___247. REVIEW OF JOB CORPS CENTERS.

(a) NATIONAL JOB CORPS REVIEW PANEL.—

(1) ESTABLISHMENT.—The Secretary shall establish a National Job Corps Review Panel (hereafter referred to in this section as the "Panel").

(2) MEMBERSHIP.—The Panel shall be composed of nine individuals selected by the Secretary, of which—

(A) three individuals shall be members of the national office of the Job Corps;

(B) three individuals shall be representatives from the private sector who have expertise and a demonstrated record of success in understanding, analyzing, and motivating at-risk youth; and

(C) three individuals shall be members of the Office of the Inspector General of the Department of Labor.

(3) DUTIES.—The Panel shall conduct a review of the activities carried out under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), and, not later than July 31, 1997, the Panel shall submit to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing the results of the review, including—

(A) information on the amount of funds expended for fiscal year 1996 to carry out activities under such part, for each State and for the United States;

(B) for each Job Corps center funded under such part, information on the amount of funds expended for fiscal year 1996 under such part to carry out activities related to the direct operation of the center, including funds expended for student training, outreach or intake activities, meals and lodging, student allowances, medical care, placement or settlement activities, and administration;

(C) for each Job Corps center, information on the amount of funds expended for fiscal year 1996 under such part through contracts to carry out activities not related to the direct operation of the center, including funds expended for student travel, national outreach, screening, and placement services, national vocational training, and national and regional administrative costs;

(D) for each Job Corps center, information on the amount of funds expended for fiscal year 1996 under such part for facility construction, rehabilitation, and acquisition expenses;

(E) information on the amount of funds required to be expended under such part to complete each new or proposed Job Corps center, and to rehabilitate and repair each existing Job Corps center, as of the date of the submission of the report;

(F) a summary of the information described in subparagraphs (B) through (E) for all Job Corps centers;

(G) an assessment of the need to serve individuals described in section ___234 in the Job Corps program, including—

(i) a cost-benefit analysis of the residential component of the Job Corps program;

(ii) the need for residential education and training services for individuals described in section ___234, analyzed for each State and for the United States; and

(iii) the distribution of training positions in the Job Corps program, as compared to the need for the services described in clause (ii), analyzed for each State;

(H) an overview of the Job Corps program as a whole and an analysis of individual Job Corps centers, including a 5-year performance measurement summary that includes information, analyzed for the program and for each Job Corps center, on—

(i) the number of enrollees served;

(ii) the number of former enrollees who entered employment, including the number of former enrollees placed in a position related to the job training received through the program and the number placed in a position not related to the job training received;

(iii) the number of former enrollees placed in jobs for 32 hours per week or more;

(iv) the number of former enrollees who entered employment and were retained in the employment for more than 13 weeks;

(v) the number of former enrollees who entered the Armed Forces;

(vi) the number of former enrollees who completed vocational training, and the rate of such completion, analyzed by vocation;

(vii) the number of former enrollees who entered postsecondary education;

(viii) the number and percentage of early dropouts from the Job Corps program;

(ix) the average wage of former enrollees, including wages from positions described in clause (ii);

(x) the number of former enrollees who obtained a secondary school diploma or its recognized equivalent;

(xi) the average level of learning gains for former enrollees; and

(xii) the number of former enrollees that did not—

(I) enter employment or postsecondary education;

(II) complete a vocational education program; or

(III) make identifiable learning gains;

(I) information regarding the performance of all existing Job Corps centers over the 3 years preceding the date of submission of the report; and

(J) job placement rates for each Job Corps center and each entity providing services to a Job Corps center.

(b) RECOMMENDATIONS OF PANEL.—

(1) RECOMMENDATIONS.—The Panel shall, based on the results of the review described in subsection (a), make recommendations to the Secretary, regarding improvements in the operation of the Job Corps program, including—

(A) closing 5 Job Corps centers by September 30, 1997, and 5 additional Job Corps centers by September 30, 2000;

(B) relocating Job Corps centers described in paragraph (2)(A)(iii) in cases in which facility rehabilitation, renovation, or repair is not cost-effective; and

(C) taking any other action that would improve the operation of a Job Corps center or any other appropriate action.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—In determining whether to recommend that the Secretary close a Job Corps center, the Panel shall consider whether the center—

(i) has consistently received low performance measurement ratings under the Department of Labor or the Office of Inspector General Job Corps rating system;

(ii) is among the centers that have experienced the highest number of serious incidents of violence or criminal activity in the past 5 years;

(iii) is among the centers that require the largest funding for renovation or repair, as specified in the Department of Labor Job Corps Construction/Rehabilitation Funding Needs Survey, or for rehabilitation or repair, as reflected in the portion of the review described in subsection (a)(3)(E);

(iv) is among the centers for which the highest relative or absolute fiscal year 1996 expenditures were made, for any of the categories of expenditures described in subparagraph (B), (C), or (D) of subsection (a)(3), as reflected in the review described in subsection (a);

(v) is among the centers with the least State and local support; or

(vi) is among the centers with the lowest rating on such additional criteria as the Panel may determine to be appropriate.

(B) COVERAGE OF STATES AND REGIONS.—Notwithstanding subparagraph (A), the Panel shall not recommend that the Secretary close the only Job Corps center in a State or a region of the United States.

(C) ALLOWANCE FOR NEW JOB CORPS CENTERS.—Notwithstanding any other provision of this section, if the planning or construction of a Job Corps center that received Federal funding for fiscal year 1994 or 1995 has not been completed by the date of enactment of this Act—

(i) the appropriate entity may complete the planning or construction and begin operation of the center; and

(ii) the Panel shall not evaluate the center under this section sooner than 3 years after the first date of operation of the center.

(3) REPORT.—Not later than August 30, 1997, the Panel shall submit to the Secretary a report that contains—

(A) the results of the review conducted under subsection (a) (as contained in the report submitted under such subsection); and

(B) the recommendations described in paragraph (1).

(c) IMPLEMENTATION OF PERFORMANCE IMPROVEMENTS.—The Secretary shall, after reviewing the report submitted under subsection (b)(3), implement improvements in the operation of the Job Corps program, including closing 10 individual Job Corps centers pursuant to subsection (b). In implementing such improvements, the Secretary may close such additional Job Corps centers as the Secretary determines to be appropriate. Funds saved through the implementation of such improvements shall be used to maintain overall Job Corps program service levels, improve facilities at existing Job Corps centers, relocate Job Corps centers, initiate new Job Corps centers with a priority on placing Job Corps centers in States without existing Job Corps centers, and make other performance improvements in the Job Corps program.

(d) REPORT TO CONGRESS.—The Secretary shall annually report to Congress the information specified in subparagraphs (H), (I), and (J) of subsection (a)(3) and such additional information relating to the Job Corps program as the Secretary may determine to be appropriate.

SEC. ___248. ADMINISTRATION.

The Secretary shall carry out the responsibilities specified for the Secretary in this subtitle, notwithstanding any other provision of this division.

SEC. ___249. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subtitle.

SEC. ___250. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle shall take effect on July 1, 1998.

(b) REPORT.—Section ___247 shall take effect on the date of enactment of this Act.

Subtitle D—Amendments to the National Literacy Act of 1991

SEC. ___261. EXTENSION OF FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAM FOR STATE AND LOCAL PRISONERS.

Paragraph (3) of section 601(i) of the National Literacy Act of 1991 (20 U.S.C. 1211-2(i)) is amended—

(1) by striking "1994, and" and inserting "1994,"; and

(2) by inserting ", and such sums as may be necessary for each of the fiscal years 1997, 1998, 1999, 2000, 2001, and 2002" before the period.

TITLE III—MUSEUMS AND LIBRARIES

SEC. ___301. MUSEUM AND LIBRARY SERVICES.

The Museum Services Act (20 U.S.C. 961 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES

"Subtitle A—General Provisions

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Museum and Library Services Act'.

"SEC. 202. GENERAL DEFINITIONS.

"As used in this title:

"(1) COMMISSION.—The term 'Commission' means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).

"(2) DIRECTOR.—The term 'Director' means the Director of the Institute appointed under section 204.

"(3) INSTITUTE.—The term 'Institute' means the Institute of Museum and Library Services established under section 203.

"(4) MUSEUM BOARD.—The term 'Museum Board' means the National Museum Services Board established under section 275.

"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

"(a) ESTABLISHMENT.—There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

"(b) OFFICES.—The Institute shall consist of an Office of Museum Services and an Office of Library Services. There shall be a National Museum Services Board in the Office of Museum Services.

"SEC. 204. DIRECTOR OF THE INSTITUTE.

"(a) APPOINTMENT.—

"(1) IN GENERAL.—The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—The Director shall serve for a term of 4 years.

"(3) QUALIFICATIONS.—Beginning with the first individual appointed to the position of Director after the date of enactment of the Workforce and Career Development Act of 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after the date of enactment of the Workforce and Career Development Act of 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

"(b) COMPENSATION.—The Director shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) DUTIES AND POWERS.—The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this title.

"(d) NONDELEGATION.—The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

"(e) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

"SEC. 205. DEPUTY DIRECTORS.

"The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

"SEC. 206. PERSONNEL.

"(a) IN GENERAL.—The Director may, in accordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

"(b) VOLUNTARY SERVICES.—The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 207. CONTRIBUTIONS.

"The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special-interest bearing account to the credit of the Institute for the purposes specified in each case.

"Subtitle B—Library Services and Technology

"SEC. 211. SHORT TITLE.

"This subtitle may be cited as the 'Library Services and Technology Act'.

"SEC. 212. PURPOSE.

"It is the purpose of this subtitle—

"(1) to consolidate Federal library service programs;

"(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;

"(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;

"(4) to provide linkages among and between libraries and one-stop career center systems; and

"(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.

"SEC. 213. DEFINITIONS.

"As used in this subtitle:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) LIBRARY.—The term 'library' includes—

"(A) a public library;

"(B) a public elementary school or secondary school library;

"(C) an academic library;

"(D) a research library, which for the purposes of this subtitle means a library that—

"(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

"(ii) is not an integral part of an institution of higher education; and

"(E) a private library, but only if the State in which such private library is located determines that the library should be considered a library for purposes of this subtitle.

"(3) LIBRARY CONSORTIUM.—The term 'library consortium' means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

"(4) STATE.—The term 'State', unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

"(6) STATE PLAN.—The term 'State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submits copies for approval as required by regulations promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

"SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subtitle.

"(2) TRANSFER.—The Secretary of Education shall—

"(A) transfer any funds appropriated under the authority of paragraph (1) to the Director to enable the Director to carry out this subtitle; and

"(B) not exercise any authority concerning the administration of this title other than the transfer described in subparagraph (A).

"(b) FORWARD FUNDING.—

"(1) IN GENERAL.—To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing library activities and projects, appropriations for grants, contracts, or other payments under any program under this subtitle are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(2) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for a program under this subtitle (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

"(c) ADMINISTRATION.—Not more than 3 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

"CHAPTER 1—BASIC PROGRAM REQUIREMENTS

"SEC. 221. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—

"(1) IN GENERAL.—From the amount appropriated under the authority of section 214 for any fiscal year, the Director—

"(A) shall reserve 1½ percent to award grants in accordance with section 261; and

"(B) shall reserve 4 percent to award national leadership grants or contracts in accordance with section 262.

"(2) SPECIAL RULE.—If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) for the fiscal year succeeding the fiscal year for which the funds were so reserved.

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—From the sums appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph (2).

"(2) REMAINDER.—From the remainder of any sums appropriated under the authority of section 214 that are not reserved under subsection (a) and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

"(3) MINIMUM ALLOTMENT.—

"(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) RATABLE REDUCTIONS.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

"(C) SPECIAL RULE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

"(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"(iv) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.

"(4) DATA.—The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

"SEC. 222. ADMINISTRATION.

"(a) IN GENERAL.—Not more than 4 percent of the total amount of funds received under this subtitle for any fiscal year by a State may be used for administrative costs.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation costs under section 224(c) from sources other than this subtitle.

"SEC. 223. PAYMENTS; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS.

"(a) PAYMENTS.—The Director shall pay to each State library administrative agency having a State plan approved under section 224 the Federal share of the cost of the activities described in the State plan.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share shall be 66 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

"(c) MAINTENANCE OF EFFORT.—

"(1) STATE EXPENDITURES.—

"(A) REQUIREMENT.—

"(i) IN GENERAL.—The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this chapter shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

"(ii) CALCULATION.—Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

"(B) DECREASE IN FEDERAL SUPPORT.—If the amount made available under this subtitle for a fiscal year is less than the amount made available under this subtitle for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(2) LEVEL OF STATE EXPENDITURES.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

"(3) WAIVER.—The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"SEC. 224. STATE PLANS.

"(a) STATE PLAN REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director not later than April 1, 1997.

"(2) DURATION.—The State plan shall cover a period of 5 fiscal years.

"(3) REVISIONS.—If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

"(b) CONTENTS.—The State plan shall—

"(1) establish goals, and specify priorities, for the State consistent with the purposes of this subtitle;

"(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subtitle, and section 231, that the State library administrative agency will carry out during such year using such grant;

"(3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);

"(4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);

"(5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subtitle; and

"(6) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out the purposes of this subtitle.

"(c) EVALUATION AND REPORT.—Each State library administrative agency receiving a grant under this subtitle shall independently evaluate, and report to the Director regarding, the activities assisted under this subtitle, prior to the end of the 5-year plan.

"(d) INFORMATION.—Each library receiving assistance under this subtitle shall submit to the State library administrative agency such information as such agency may require to meet the requirements of subsection (c).

"(e) APPROVAL.—

"(1) IN GENERAL.—The Director shall approve any State plan under this subtitle that meets the requirements of this subtitle and provides satisfactory assurances that the provisions of such plan will be carried out.

"(2) PUBLIC AVAILABILITY.—Each State library administrative agency receiving a grant under this subtitle shall make the State plan available to the public.

"(3) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

"(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

"(B) offer the State library administrative agency the opportunity to revise its State plan;

"(C) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

"(D) provide the State library administrative agency the opportunity for a hearing.

"CHAPTER 2—LIBRARY PROGRAMS

"SEC. 231. GRANTS TO STATES.

"(a) IN GENERAL.—Of the funds provided to a State library administrative agency under section 214, such agency shall expend, either directly or through subgrants or cooperative agreements, at least 96 percent of such funds for—

"(1) establishing or enhancing electronic linkages among or between libraries, library consortia, one-stop career center systems established under section ___121(d) of the Workforce and Career Development Act of 1996, and eligible providers as such term is defined in section ___004 of such Act, or any combination thereof; and

"(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the purposes described in subsection (a) between the two purposes described in paragraphs (1) and (2) of such subsection, as appropriate, to meet the needs of the individual State.

"CHAPTER 3—ADMINISTRATIVE PROVISIONS

"Subchapter A—State Requirements

"SEC. 251. STATE ADVISORY COUNCILS.

"Each State desiring assistance under this subtitle may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities.

"Subchapter B—Federal Requirements

"SEC. 261. SERVICES FOR INDIAN TRIBES.

"From amounts reserved under section 221(a)(1)(A) for any fiscal year the Director shall award grants to organizations primarily serving and representing Indian tribes to enable such organizations to carry out the activities described in section 231.

"SEC. 262. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

"(a) IN GENERAL.—From the amounts reserved under section 221(a)(1)(B) for any fiscal year the Director shall establish and carry out a program awarding national leadership grants or contracts to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants or contracts shall be used for activities that may include—

"(1) education and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

"(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;

"(3) preservation or digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project; and

"(4) model programs demonstrating cooperative efforts between libraries and museums.

"(b) GRANTS OR CONTRACTS.—

"(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, libraries, agencies, institutions of higher education, or museums, where appropriate.

"(2) COMPETITIVE BASIS.—Grants and contracts under this section shall be awarded on a competitive basis.

"(c) SPECIAL RULE.—The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

"SEC. 263. STATE AND LOCAL INITIATIVES.

"Nothing in this subtitle shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subtitle, the determination of the best uses of the funds provided under this subtitle, shall be reserved for the States and their local subdivisions.

"Subtitle C—Museum Services

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

"(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups;

"(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

"(3) to ease the financial burden borne by museums as a result of their increasing use by the public.

"SEC. 272. DEFINITIONS.

"As used in this subtitle:

"(1) MUSEUM.—The term 'museum' means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis.

"(2) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) GRANTS.—The Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, through such activities as—

"(1) programs that enable museums to construct or install displays, interpretations, and exhibitions in order to improve museum services provided to the public;

"(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet the needs of the museums;

"(3) assisting museums in meeting the administrative costs of preserving and maintaining the collections of the museums, exhibiting the collections to the public, and providing educational programs to the public through the use of the collections;

"(4) assisting museums in cooperating with each other in developing traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

"(5) assisting museums in the conservation of their collections;

"(6) developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions; and

"(7) model programs demonstrating cooperative efforts between libraries and museums.

"(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—

"(1) PROJECTS TO STRENGTHEN MUSEUM SERVICES.—The Director, subject to the policy direction of the Museum Board, is authorized to enter into contracts and cooperative agreements with appropriate entities, as determined by the Director, to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations Acts.

"(2) LIMITATION ON AMOUNT.—The aggregate amount of financial assistance made available under this subsection for a fiscal year shall not exceed 15 percent of the amount appropriated under this subtitle for such fiscal year.

"(3) OPERATIONAL EXPENSES.—No financial assistance may be provided under this subsection to pay for operational expenses.

"(c) FEDERAL SHARE.—

"(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsections (a) and (b) shall be not more than 50 percent.

"(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be greater than 50 percent.

"(d) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this subtitle. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this subtitle shall not be subject to any review outside of the Institute.

"SEC. 274. AWARD.

"The Director, with the advice of the Museum Board, may annually award a National Award for Museum Service to outstanding museums that have made significant contributions in service to their communities.

"SEC. 275. NATIONAL MUSEUM SERVICES BOARD.

"(a) ESTABLISHMENT.—There is established in the Institute a National Museum Services Board.

"(b) COMPOSITION AND QUALIFICATIONS.—

"(1) COMPOSITION.—The Museum Board shall consist of the Director and 14 members appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The appointive members of the Museum Board shall be selected from among citizens of the United States—

"(A) who are members of the general public;

"(B) who are or have been affiliated with—

"(i) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

"(ii) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, and botanical gardens; and

"(C) who are recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

"(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum Board may not include, at any time, more than 3 members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums.

"(c) TERMS.—

"(1) IN GENERAL.—Each appointive member of the Museum Board shall serve for a term of 5 years, except that—

"(A) of the members first appointed, 3 shall serve for terms of 5 years, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 2 shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

"(B) any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(2) REAPPOINTMENT.—No member of the Museum Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

"(3) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, a member of the Museum Board shall serve after the expiration of the term of the member until the successor to the member takes office.

"(d) DUTIES AND POWERS.—The Museum Board shall have the responsibility to advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum services, including general policies with respect to—

"(1) financial assistance awarded under this subtitle for museum services; and

"(2) projects described in section 262(a)(4).

"(e) CHAIRPERSON.—The President shall designate 1 of the appointive members of the Museum Board as Chairperson of the Museum Board.

"(f) MEETINGS.—

"(1) IN GENERAL.—The Museum Board shall meet—

"(A) not less than 3 times each year, including—

"(i) not less than 2 times each year separately; and

"(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for projects described in section 262(a)(4); and

"(B) at the call of the Director.

"(2) VOTE.—All decisions by the Museum Board with respect to the exercise of the duties and powers of the Museum Board shall be made by a majority vote of the members of the Museum Board who are present. All decisions by the Commission and the Museum Board with respect to the policies described in paragraph (1)(A)(ii) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the Museum Board who are present.

"(g) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official meetings of the Museum Board, but a lesser number of members may hold hearings. A majority of the members of the Commission and a majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the Museum Board.

"(h) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Each member of the Museum Board who is not an officer or employee of the Federal Government shall be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum Board. All members of the Museum Board who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.

"(2) TRAVEL EXPENSES.—The members of the Museum Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(i) COORDINATION.—The Museum Board, with the advice of the Director, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.

"SEC. 276. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.

"(b) ADMINISTRATION.—Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subtitle.

"(c) SUMS REMAINING AVAILABLE.—Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation until expended.".

SEC. ___302. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

(a) FUNCTIONS.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (a) the following:

"(b) The Commission shall have the responsibility to advise the Director of the Institute of Museum and Library Services on general policies with respect to the duties, powers, and authority of the Institute of Museum and Library Services relating to library services, including—

"(1) general policies with respect to—

"(A) financial assistance awarded under the Museum and Library Services Act for library services; and

"(B) projects described in section 262(a)(4) of such Act; and

"(2) measures to ensure that the policies and activities of the Institute of Museum and Library Services are coordinated with other activities of the Federal Government.

"(c)(1) The Commission shall meet not less than 1 time each year in a joint meeting with the National Museum Services Board, convened for purposes of providing advice on general policy with respect to financial assistance for projects described in section 262(a)(4) of such Act.

"(2) All decisions by the Commission and the National Museum Services Board with respect to the advice on general policy described in paragraph (1) shall be made by a ⅔ majority vote of the total number of the members of the Commission and the National Museum Services Board who are present.

"(3) A majority of the members of the Commission and a majority of the members of the National Museum Services Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the National Museum Services Board.".

(b) MEMBERSHIP.—Section 6 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "Librarian of Congress" and inserting "Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member),";

(B) in the second sentence—

(i) by striking "special competence or interest in" and inserting "special competence in or knowledge of; and

(ii) by inserting before the period the following: "and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly";

(C) in the third sentence, by inserting "appointive" before "members"; and

(D) in the last sentence, by striking "term and at least" and all that follows and inserting "term."; and

(2) in subsection (b), by striking "the rate specified" and all that follows through "and while" and inserting "the daily equivalent of the maximum rate authorized for a position above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including traveltime) during which the members are engaged in the business of the Commission. While".

SEC. ___303. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) TRANSFER OF FUNCTIONS FROM THE INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OFFICE.—There are transferred to the Director of the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act—

(1) all functions that the Director of the Institute of Museum Services exercised before the date of enactment of this section (including all related functions of any officer or employee of the Institute of Museum Services); and

(2) all functions that the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education exercised before the date of enactment of this section and any related function of any officer or employee of the Department of Education.

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Institute of Museum and Library Services may delegate any of the functions transferred to the Director of the Institute of Museum and Library Services by this section and any function transferred or granted to such Director of the Institute of Museum and Library Services after the effective date of this section to such officers and employees of the Institute of Museum and Library Services as the Director of the Institute of Museum and Library Services may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate, except that any delegation of any such functions with respect to libraries shall be made to the Deputy Director of the Office of Library Services and with respect to museums shall be made to the Deputy Director of the Office of Museum Services. No delegation of functions by the Director of the Institute of Museum and Library Services under this section or under any other provision of this section shall relieve such Director of the Institute of Museum and Library Services of responsibility for the administration of such functions.

(e) REORGANIZATION.—The Director of the Institute of Museum and Library Services may allocate or reallocate any function transferred under subsection (b) among the officers of the Institute of Museum and Library Services, and may establish, consolidate, alter, or discontinue such organizational entities in the Institute of Museum and Library Services as may be necessary or appropriate.

(f) RULES.—The Director of the Institute of Museum and Library Services may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director of the Institute of Museum and Library Services determines to be necessary or appropriate to administer and manage the functions of the Institute of Museum and Library Services.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Institute of Museum and Library Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Institute of Museum and Library Services to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(j) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Institute of Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to

functions transferred by this section. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Institute of Museum Services, or by or against any individual in the official capacity of such individual as an officer of the Institute of Museum Services, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Institute of Museum Services relating to a function transferred under this section may be continued by the Institute of Museum and Library Services with the same effect as if this section had not been enacted.

(k) TRANSITION.—The Director of the Institute of Museum and Library Services may utilize—

(1) the services of such officers, employees, and other personnel of the Institute of Museum Services with respect to functions transferred to the Institute of Museum and Library Services by this section; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Director of the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Director of the Institute of Museum and Library Services; and

(2) the Institute of Museum Services with regard to functions transferred under subsection (b), shall be deemed to refer to the Institute of Museum and Library Services.

(m) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Director of the Institute of Museum and Library Services shall prepare and submit to the appropriate committees of Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this section, the Director of the Institute of Museum and Library Services shall submit to the appropriate committees of Congress the recommended legislation referred to under paragraph (1).

SEC. ___304. SERVICE OF INDIVIDUALS SERVING ON DATE OF ENACTMENT.

Notwithstanding section 204 of the Museum and Library Services Act, the individual who was appointed to the position of Director of the Institute of Museum Services under section 205 of the Museum Services Act (as such section was in effect on the day before the date of enactment of this Act) and who is serving in such position on the day before the date of enactment of this Act shall serve as the first Director of the Institute of Museum and Library Services under section 204 of the Museum and Library Services Act (as added by section ___301 of this title), and shall serve at the pleasure of the President.

SEC. ___305. CONSIDERATION.

Consistent with title 5, United States Code, in appointing employees of the Office of Library Services, the Director of the Institute of Museum and Library Services shall give strong consideration to individuals with experience in administering State-based and national library and information services programs.

SEC. ___306. TRANSITION AND TRANSFER OF FUNDS.

(a) TRANSITION.—The Director of the Office of Management and Budget shall take appropriate measures to ensure an orderly transition from the activities previously administered by the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services under this title. Such measures may include the transfer of appropriated funds.

(b) TRANSFER.—The Secretary of Education shall transfer to the Director the amount of funds necessary to ensure the orderly transition from activities previously administered by the Director of the Office of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services. In no event shall the amount of funds transferred pursuant to the preceding sentence be less than $200,000.

TITLE IV—HIGHER EDUCATION

SEC. ___401. REORGANIZATION OF THE STUDENT LOAN MARKETING ASSOCIATION THROUGH THE FORMATION OF A HOLDING COMPANY.

(a) AMENDMENT.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 439 (20 U.S.C. 1087-2) the following new section:

"SEC. 440. REORGANIZATION OF THE STUDENT LOAN MARKETING ASSOCIATION THROUGH THE FORMATION OF A HOLDING COMPANY.

"(a) ACTIONS BY THE ASSOCIATION'S BOARD OF DIRECTORS.—The Board of Directors of the Association shall take or cause to be taken all such action as the Board of Directors deems necessary or appropriate to effect, upon the shareholder approval described in subsection (b), a restructuring of the common stock ownership of the Association, as set forth in a plan of reorganization adopted by the Board of Directors (the terms of which shall be consistent with this section) so that all of the outstanding common shares of the Association shall be directly owned by a Holding Company. Such actions may include, in the Board of Director's discretion, a merger of a wholly owned subsidiary of the Holding Company with and into the Association, which would have the effect provided in the plan of reorganization and the law of the jurisdiction in which such subsidiary is incorporated. As part of the restructuring, the Board of Directors may cause—

"(1) the common shares of the Association to be converted, on the reorganization effective date, to common shares of the Holding Company on a one for one basis, consistent with applicable State or District of Columbia law; and

"(2) Holding Company common shares to be registered with the Securities and Exchange Commission.

"(b) SHAREHOLDER APPROVAL.—The plan of reorganization adopted by the Board of Directors pursuant to subsection (a) shall be submitted to common shareholders of the Association for their approval. The reorganization shall occur on the reorganization effective date, provided that the plan of reorganization has been approved by the affirmative votes, cast in person or by proxy, of the holders of a majority of the issued and outstanding shares of the Association common stock.

"(c) TRANSITION.—In the event the shareholders of the Association approve the plan of reorganization under subsection (b), the following provisions shall apply beginning on the reorganization effective date:

"(1) IN GENERAL.—Except as specifically provided in this section, until the dissolution date the Association shall continue to have all of the rights, privileges and obligations set forth in, and shall be subject to all of the limitations and restrictions of, section 439, and the Association shall continue to carry out the purposes of such section. The Holding Company and any subsidiary of the Holding Company (other than the Association) shall not be entitled to any of the rights, privileges, and obligations, and shall not be subject to the limitations and restrictions, applicable to the Association under section 439, except as specifically provided in this section. The Holding Company and any subsidiary of the Holding Company (other than the Association or a subsidiary of the Association) shall not purchase loans insured under this Act until such time as the Association ceases acquiring such loans, except that the Holding Company may purchase such loans if the Association is merely continuing to acquire loans as a lender of last resort pursuant to section 439(q) or under an agreement with the Secretary described in paragraph (6).

"(2) TRANSFER OF CERTAIN PROPERTY.—

"(A) IN GENERAL.—Except as provided in this section, on the reorganization effective date or as soon as practicable thereafter, the Association shall use the Association's best efforts to transfer to the Holding Company or any subsidiary of the Holding Company (or both), as directed by the Holding Company, all real and personal property of the Association (both tangible and intangible) other than the remaining property. Subject to the preceding sentence, such transferred property shall include all right, title, and interest in—

"(i) direct or indirect subsidiaries of the Association (excluding special purpose funding companies in existence on the date of enactment of this section and any interest in any government-sponsored enterprise);

"(ii) contracts, leases, and other agreements of the Association;

"(iii) licenses and other intellectual property of the Association; and

"(iv) any other property of the Association.

"(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit the Association from transferring remaining property from time to time to the Holding Company or any subsidiary of the Holding Company, subject to the provisions of paragraph (4).

"(3) TRANSFER OF PERSONNEL.—On the reorganization effective date, employees of the Association shall become employees of the Holding Company (or any subsidiary of the Holding Company), and the Holding Company (or any subsidiary of the Holding Company) shall provide all necessary and appropriate management and operational support (including loan servicing) to the Association, as requested by the Association. The Association, however, may obtain such management and operational support from persons or entities not associated with the Holding Company.

"(4) DIVIDENDS.—The Association may pay dividends in the form of cash or noncash distributions so long as at the time of the declaration of such dividends, after giving effect to the payment of such dividends as of the date of such declaration by the Board of Directors of the Association, the Association's capital would be in compliance with the capital standards and requirements set forth in section 439(r). If, at any time after the reorganization effective date, the Association fails to comply with such capital standards, the Holding Company shall transfer to the Association additional capital in such amounts as are necessary to ensure that the Association again complies with the capital standards.

"(5) CERTIFICATION PRIOR TO DIVIDEND.—Prior to any such distribution, the Association shall certify to the Secretary of the Treasury that the payment of the dividend will be made in compliance with this paragraph and shall provide copies of all calculations needed to make such certification.

"(6) RESTRICTIONS ON NEW BUSINESS ACTIVITY OR ACQUISITION OF ASSETS BY ASSOCIATION.—

"(A) IN GENERAL.—After the reorganization effective date, the Association shall not engage in any new business activities or acquire any additional program assets described in section 439(d) other than in connection with—

"(i) student loan purchases through September 30, 2007;

"(ii) contractual commitments for future warehousing advances, or pursuant to letters of credit or standby bond purchase agreements, which are outstanding as of the reorganization effective date;

"(iii) the Association serving as a lender-of-last-resort pursuant to section 439(q); and

"(iv) the Association's purchase of loans insured under this part, if the Secretary, with the approval of the Secretary of the Treasury, enters into an agreement with the Association for the continuation or resumption of the Association's secondary market purchase program because the Secretary determines there is inadequate liquidity for loans made under this part.

"(B) AGREEMENT.—The Secretary is authorized to enter into an agreement described in clause (iii) of subparagraph (A) with the Association covering such secondary market activities. Any agreement entered into under such clause shall cover a period of 12 months, but may be renewed if the Secretary determines that liquidity remains inadequate. The fee provided under section 439(h)(7) shall not apply to loans acquired under any such agreement with the Secretary.

"(7) ISSUANCE OF DEBT OBLIGATIONS DURING THE TRANSITION PERIOD; ATTRIBUTES OF DEBT OBLIGATIONS.—After the reorganization effective date, the Association shall not issue debt obligations which mature later than September 30, 2008, except in connection with serving as a lender-of-last-resort pursuant to section 439(q) or with purchasing loans under an agreement with the Secretary as described in paragraph (6). Nothing in this section shall modify the attributes accorded the debt obligations of the Association by section 439, regardless of whether such debt obligations are incurred prior to, or at any time following, the reorganization effective date or are transferred to a trust in accordance with subsection (d).

"(8) MONITORING OF SAFETY AND SOUNDNESS.—

"(A) OBLIGATION TO OBTAIN, MAINTAIN, AND REPORT INFORMATION.—The Association shall obtain such information and make and keep such records as the Secretary of the Treasury may from time to time prescribe concerning—

"(i) the financial risk to the Association resulting from the activities of any associated person, to the extent such activities are reasonably likely to have a material impact on the financial condition of the Association, including the Association's capital ratio, the Association's liquidity, or the Association's ability to conduct and finance the Association's operations; and

"(ii) the Association's policies, procedures, and systems for monitoring and controlling any such financial risk.

"(B) SUMMARY REPORTS.—The Secretary of the Treasury may require summary reports of the information described in subparagraph (A) to be filed no more frequently than quarterly. If, as a result of adverse market conditions or based on reports provided pursuant to this subparagraph or other available information, the Secretary of the Treasury has concerns regarding the financial or operational condition of the Association, the Secretary of the Treasury may, notwithstanding the preceding sentence and subparagraph (A), require the Association to make reports concerning the activities of any associated person whose business activities are reasonably likely to have a material impact on the financial or operational condition of the Association.

"(C) SEPARATE OPERATION OF CORPORATIONS.—

"(i) IN GENERAL.—The funds and assets of the Association shall at all times be maintained separately from the funds and assets of the Holding Company or any subsidiary of the Holding Company and may be used by the Association solely to carry out the Association's purposes and to fulfill the Association's obligations.

"(ii) BOOKS AND RECORDS.—The Association shall maintain books and records that clearly reflect the assets and liabilities of the Association, separate from the assets and liabilities of the Holding Company or any subsidiary of the Holding Company.

"(iii) CORPORATE OFFICE.—The Association shall maintain a corporate office that is physically separate from any office of the Holding Company or any subsidiary of the Holding Company.

"(iv) DIRECTOR.—No director of the Association who is appointed by the President pursuant to section 439(c)(1)(A) may serve as a director of the Holding Company.

"(v) ONE OFFICER REQUIREMENT.—At least one officer of the Association shall be an officer solely of the Association.

"(vi) TRANSACTIONS.—Transactions between the Association and the Holding Company or any subsidiary of the Holding Company, including any loan servicing arrangements, shall be on terms no less favorable to the Association than the Association could obtain from an unrelated third party offering comparable services.

"(vii) CREDIT PROHIBITION.—The Association shall not extend credit to the Holding Company or any subsidiary of the Holding Company nor guarantee or provide any credit enhancement to any debt obligations of the Holding Company or any subsidiary of the Holding Company.

"(viii) AMOUNTS COLLECTED.—Any amounts collected on behalf of the Association by the Holding Company or any subsidiary of the Holding Company with respect to the assets of the Association, pursuant to a servicing contract or other arrangement between the Association and the Holding Company or any subsidiary of the Holding Company, shall be collected solely for the benefit of the Association and shall be immediately deposited by the Holding Company or such subsidiary to an account under the sole control of the Association.

"(D) ENCUMBRANCE OF ASSETS.—Notwithstanding any Federal or State law, rule, or regulation, or legal or equitable principle, doctrine, or theory to the contrary, under no circumstances shall the assets of the Association be available or used to pay claims or debts of or incurred by the Holding Company. Nothing in this subparagraph shall be construed to limit the right of the Association to pay dividends not otherwise prohibited under this subparagraph or to limit any liability of the Holding Company explicitly provided for in this section.

"(E) HOLDING COMPANY ACTIVITIES.—After the reorganization effective date and prior to the dissolution date, all business activities of the Holding Company shall be conducted through subsidiaries of the Holding Company.

"(F) CONFIDENTIALITY.—Any information provided by the Association pursuant to this section shall be subject to the same confidentiality obligations contained in section 439(r)(12).

"(G) DEFINITION.—For purposes of this paragraph, the term 'associated person' means any person, other than a natural person, who is directly or indirectly controlling, controlled by, or under common control with, the Association.

"(9) ISSUANCE OF STOCK WARRANTS.—On the reorganization effective date, the Holding Company shall issue to the Secretary of the Treasury a number of stock warrants that is equal to one percent of the outstanding shares of the Association, determined as of the last day of the fiscal quarter preceding the date of enactment of this section, with each stock warrant entitling the holder of the stock warrant to purchase from the Holding Company one share of the registered common stock of the Holding Company or the Holding Company's successors or assigns, at any time on or before September 30, 2008. The exercise price for such warrants shall be an amount equal to the average closing price of the common stock of the Association for the 20 business days prior to the date of enactment of this section on the exchange or market which is then the primary exchange or market for the common stock of the Association. The number of shares of Holding Company common stock subject to each warrant and the exercise price of each warrant shall be adjusted as necessary to reflect—

"(A) the conversion of Association common stock into Holding Company common stock as part of the plan of reorganization approved by the Association's shareholders; and

"(B) any issuance or sale of stock (including issuance or sale of treasury stock), stock split, recapitalization, reorganization, or other corporate event, if agreed to by the Secretary of the Treasury and the Association.

"(10) RESTRICTIONS ON TRANSFER OF ASSOCIATION SHARES AND BANKRUPTCY OF ASSOCIATION.—After the reorganization effective date, the Holding Company shall not sell, pledge, or otherwise transfer the outstanding shares of the Association, or agree to or cause the liquidation of the Association or cause the Association to file a petition for bankruptcy under title 11, United States Code, without prior approval of the Secretary of the Treasury and the Secretary of Education.

"(d) TERMINATION OF THE ASSOCIATION.—In the event the shareholders of the Association approve a plan of reorganization under subsection (b), the Association shall dissolve, and the Association's separate existence shall terminate on September 30, 2008, after discharge of all outstanding debt obligations and liquidation pursuant to this subsection. The Association may dissolve pursuant to this subsection prior to such date by notifying the Secretary of Education and the Secretary of the Treasury of the Association's intention to dissolve, unless within 60 days after receipt of such notice the Secretary of Education notifies the Association that the Association continues to be needed to serve as a lender of last resort pursuant to section 439(q) or continues to be needed to purchase loans under an agreement with the Secretary described in paragraph (6). On the dissolution date, the Association shall take the following actions:

"(1) ESTABLISHMENT OF A TRUST.—The Association shall, under the terms of an irrevocable trust agreement that is in form and substance satisfactory to the Secretary of the Treasury, the Association and the appointed trustee, irrevocably transfer all remaining obligations of the Association to the trust and irrevocably deposit or cause to be deposited into such trust, to be held as trust funds solely for the benefit of holders of the remaining obligations, money or direct noncallable obligations of the United States or any agency thereof for which payment the full faith and credit of the United States is pledged, maturing as to principal and interest in such amounts and at such times as are determined by the Secretary of the Treasury to be sufficient, without consideration of any significant reinvestment of such interest, to pay the principal of, and interest on, the remaining obligations in accordance with their terms. To the extent the Association cannot provide money or qualifying obligations in the amount required, the Holding Company shall be required to transfer money or qualifying obligations to the trust in the amount necessary to prevent any deficiency.

"(2) USE OF TRUST ASSETS.—All money, obligations, or financial assets deposited into the trust pursuant to this subsection shall be applied by the trustee to the payment of the remaining obligations assumed by the trust.

"(3) OBLIGATIONS NOT TRANSFERRED TO THE TRUST.—The Association shall make proper provision for all other obligations of the Association not transferred to the trust, including the repurchase or redemption, or the making of proper provision for the repurchase or redemption, of any preferred stock of the Association outstanding. Any obligations of the Association which cannot be fully satisfied shall become liabilities of the Holding Company as of the date of dissolution.

"(4) TRANSFER OF REMAINING ASSETS.—After compliance with paragraphs (1) and (3), any remaining assets of the trust shall be transferred to the Holding Company or any subsidiary of the Holding Company, as directed by the Holding Company.

"(e) OPERATION OF THE HOLDING COMPANY.—In the event the shareholders of the Association approve the plan of reorganization under subsection (b), the following provisions shall apply beginning on the reorganization effective date:

"(1) HOLDING COMPANY BOARD OF DIRECTORS.—The number of members and composition of the Board of Directors of the Holding Company shall be determined as set forth in the Holding Company's charter or like instrument (as amended from time to time) or bylaws (as amended from time to time) and as permitted under the laws of the jurisdiction of the Holding Company's incorporation.

"(2) HOLDING COMPANY NAME.—The names of the Holding Company and any subsidiary of the Holding Company (other than the Association)—

"(A) may not contain the name 'Student Loan Marketing Association'; and

"(B) may contain, to the extent permitted by applicable State or District of Columbia law, 'Sallie Mae' or variations thereof, or such other names as the Board of Directors of the Association or the Holding Company deems appropriate.

"(3) USE OF SALLIE MAE NAME.—Subject to paragraph (2), the Association may assign to the Holding Company, or any subsidiary of the Holding Company, the 'Sallie Mae' name as a trademark and service mark, except that neither the Holding Company nor any subsidiary of the Holding Company (other than the Association or any subsidiary of the Association) may use the 'Sallie Mae' name on, or to identify the issuer of, any debt obligation or other security offered or sold by the Holding Company or any subsidiary of the Holding Company (other than a debt obligation or other security issued to the Holding Company or any subsidiary of the Holding Company). The Association shall remit to the Secretary of the Treasury $5,000,000 within 60 days of the reorganization effective date as compensation for the right to assign such trademark or service mark.

"(4) DISCLOSURE REQUIRED.—Until 3 years after the dissolution date, the Holding Company, and any subsidiary of the Holding Company (other than the Association), shall prominently display—

"(A) in any document offering the Holding Company's securities, a statement that the obligations of the Holding Company and any subsidiary of the Holding Company are not guaranteed by the full faith and credit of the United States; and

"(B) in any advertisement or promotional materials which use the 'Sallie Mae' name or mark, a statement that neither the Holding Company nor any subsidiary of the Holding Company is a government-sponsored enterprise or instrumentality of the United States.

"(f) STRICT CONSTRUCTION.—Except as specifically set forth in this section, nothing in this section shall be construed to limit the authority of the Association as a federally chartered corporation, or of the Holding Company as a State or District of Columbia chartered corporation.

"(g) RIGHT TO ENFORCE.—The Secretary of Education or the Secretary of the Treasury, as appropriate, may request that the Attorney General bring an action in the United States District Court for the District of Columbia for the enforcement of any provision of this section, or may, under the direction or control of the Attorney General, bring such an action. Such court shall have jurisdiction and power to order and require compliance with this section.

"(h) DEADLINE FOR REORGANIZATION EFFECTIVE DATE.—This section shall be of no further force and effect in the event that the reorganization effective date does not occur on or before 18 months after the date of enactment of this section.

"(i) DEFINITIONS.—For purposes of this section:

"(1) ASSOCIATION.—The term 'Association' means the Student Loan Marketing Association.

"(2) DISSOLUTION DATE.—The term 'dissolution date' means September 30, 2008, or such earlier date as the Secretary of Education permits the transfer of remaining obligations in accordance with subsection (d).

"(3) HOLDING COMPANY.—The term 'Holding Company' means the new business corporation established pursuant to this section by the Association under the laws of any State of the United States or the District of Columbia for the purposes of the reorganization and restructuring described in subsection (a).

"(4) REMAINING OBLIGATIONS.—The term 'remaining obligations' means the debt obligations of the Association outstanding as of the dissolution date.

"(5) REMAINING PROPERTY.—The term 'remaining property' means the following assets and liabilities of the Association which are outstanding as of the reorganization effective date:

"(A) Debt obligations issued by the Association.

"(B) Contracts relating to interest rate, currency, or commodity positions or protections.

"(C) Investment securities owned by the Association.

"(D) Any instruments, assets, or agreements described in section 439(d) (including, without limitation, all student loans and agreements relating to the purchase and sale of student loans, forward purchase and lending commitments, warehousing advances, academic facilities obligations, letters of credit, standby bond purchase agreements, liquidity agreements, and student loan revenue bonds or other loans).

"(E) Except as specifically prohibited by this section or section 439, any other nonmaterial assets or liabilities of the Association which the Association's Board of Directors determines to be necessary or appropriate to the Association's operations.

"(6) REORGANIZATION.—The term 'reorganization' means the restructuring event or events (including any merger event) giving effect to the Holding Company structure described in subsection (a).

"(7) REORGANIZATION EFFECTIVE DATE.—The term 'reorganization effective date' means the effective date of the reorganization as determined by the Board of Directors of the Association, which shall not be earlier than the date that shareholder approval is obtained pursuant to subsection (b) and shall not be later than the date that is 18 months after the date of enactment of this section.

"(8) SUBSIDIARY.—The term 'subsidiary' includes one or more direct or indirect subsidiaries.".

(b) TECHNICAL AMENDMENTS.—

(1) ELIGIBLE LENDER.—

(A) AMENDMENTS TO THE HIGHER EDUCATION ACT.—

(i) DEFINITION OF ELIGIBLE LENDER.—Section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F)) is amended by inserting after "Student Loan Marketing Association" the following: "or the Holding Company of the Student Loan Marketing Association, including any subsidiary of the Holding Company, created pursuant to section 440,".

(ii) DEFINITION OF ELIGIBLE LENDER AND FEDERAL CONSOLIDATION LOANS.—Sections 435(d)(1)(G) and 428C(a)(1)(A) of such Act (20 U.S.C. 1085(d)(1)(G) and 1078–3(a)(1)(A)) are each amended by inserting after "Student Loan Marketing Association" the following: "or the Holding Company of the Student Loan Marketing Association, including any subsidiary of the Holding Company, created pursuant to section 440".

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the reorganization effective date as defined in section 440(h) of the Higher Education Act of 1965 (as added by subsection (a)).

(2) ENFORCEMENT OF SAFETY AND SOUNDNESS REQUIREMENTS.—Section 439(r) of the Higher Education Act of 1965 (20 U.S.C. 1087–2(r)) is amended—

(A) in the first sentence of paragraph (12), by inserting "or the Association's associated persons" after "by the Association";

(B) by redesignating paragraph (13) as paragraph (15); and

(C) by inserting after paragraph (12) the following new paragraph:

"(13) ENFORCEMENT OF SAFETY AND SOUNDNESS REQUIREMENTS.—The Secretary of Education or the Secretary of the Treasury, as appropriate, may request that the Attorney General bring an action in the United States District Court for the District of Columbia for the enforcement of any provision of this section, or may, under the direction or control of the Attorney General, bring such an action. Such court shall have jurisdiction and power to order and require compliance with this section.".

(3) FINANCIAL SAFETY AND SOUNDNESS.—Section 439(r) of the Higher Education Act of 1965 (20 U.S.C. 1087–2(r)) is further amended—

(A) in paragraph (1)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(C)(i) financial statements of the Association within 45 days of the end of each fiscal quarter; and

"(ii) reports setting forth the calculation of the capital ratio of the Association within 45 days of the end of each fiscal quarter.";

(B) in paragraph (2)—

(i) by striking clauses (i) and (ii) of subparagraph (A) and inserting the following:

"(i) appoint auditors or examiners to conduct audits of the Association from time to time to determine the condition of the Association for the purpose of assessing the Association's financial safety and soundness and to determine whether the requirements of this section and section 440 are being met; and

"(ii) obtain the services of such experts as the Secretary of the Treasury determines necessary and appropriate, as authorized by section 3109 of title 5, United States Code, to assist in determining the condition of the Association for the purpose of assessing the Association's financial safety and soundness, and to determine whether the requirements of this section and section 440 are being met."; and

(ii) by adding at the end the following new subparagraph:

"(D) ANNUAL ASSESSMENT.—

"(i) IN GENERAL.—For each fiscal year beginning on or after October 1, 1996, the Secretary of the Treasury may establish and collect from the Association an assessment (or assessments) in amounts sufficient to provide for reasonable costs and expenses of carrying out the duties of the Secretary of the Treasury under this section and section 440 during such fiscal year. In no event may the total amount so assessed exceed, for any fiscal year, $800,000, adjusted for each fiscal year ending after September 30, 1997, by the ratio of the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) for the final month of the fiscal year preceding the fiscal year for which the assessment is made to the Consumer Price Index for All Urban Consumers for September 1997.

"(ii) DEPOSIT.—Amounts collected from assessments under this subparagraph shall be deposited in an account within the Treasury of the United States as designated by the Secretary of the Treasury and shall remain available subject to amounts specified in appropriations Acts to carry out the duties of the Secretary of the Treasury under this subsection and section 440.";

(C) in paragraph (11), by striking "paragraphs (4) and (6)(A)" and inserting "paragraphs (4), (6)(A), and (14)"; and

(D) by inserting after paragraph (13) (as added by paragraph (2)(C)) the following new paragraph:

"(14) ACTIONS BY SECRETARY.—

"(A) IN GENERAL.—For any fiscal quarter ending after January 1, 2000, the Association shall have a capital ratio of at least 2.25 percent. The Secretary of the Treasury may, whenever such capital ratio is not met, take any one or more of the actions described in paragraph (7), except that—

"(i) the capital ratio to be restored pursuant to paragraph (7)(D) shall be 2.25 percent; and

"(ii) if the relevant capital ratio is in excess of or equal to 2 percent for such quarter, the Secretary of the Treasury shall defer taking any of the actions set forth in paragraph (7) until the next succeeding quarter and may then proceed with any such action only if the capital ratio of the Association remains below 2.25 percent.

"(B) APPLICABILITY.—The provisions of paragraphs (4), (5), (6), (8), (9), (10), and (11) shall be of no further application to the Association for any period after January 1, 2000.".

(4) INFORMATION REQUIRED; DIVIDENDS.—Section 439(r) of the Higher Education Act of 1965 (20 U.S.C. 1087–2(r)) is further amended—

(A) by adding at the end of paragraph (2) (as amended in paragraph (3)(B)(ii)) the following new subparagraph:

"(E) OBLIGATION TO OBTAIN, MAINTAIN, AND REPORT INFORMATION.—

"(i) IN GENERAL.—The Association shall obtain such information and make and keep such records as the Secretary of the Treasury may from time to time prescribe concerning—

"(I) the financial risk to the Association resulting from the activities of any associated person, to the extent such activities are reasonably likely to have a material impact on the financial condition of the Association, including the Association's capital ratio, the Association's liquidity, or the Association's ability to conduct and finance the Association's operations; and

"(II) the Association's policies, procedures, and systems for monitoring and controlling any such financial risk.

"(ii) SUMMARY REPORTS.—The Secretary of the Treasury may require summary reports of such information to be filed no more frequently than quarterly. If, as a result of adverse market conditions or based on reports provided pursuant to this subparagraph or other available information, the Secretary of the Treasury has concerns regarding the financial or operational condition of the Association, the Secretary of the Treasury may, notwithstanding the preceding sentence and clause (i), require the Association to make reports concerning the activities of any associated person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of the Association.

"(iii) DEFINITION.—For purposes of this subparagraph, the term 'associated person' means any person, other than a natural person, directly or indirectly controlling, controlled by, or under common control with the Association."; and

(B) by adding at the end the following new paragraph:

"(16) DIVIDENDS.—The Association may pay dividends in the form of cash or noncash distributions so long as at the time of the declaration of such dividends, after giving effect to the payment of such dividends as of the date of such declaration by the Board of Directors of the Association, the Association's capital would be in compliance with the capital standards set forth in this section.".

(c) SUNSET OF THE ASSOCIATION'S CHARTER IF NO REORGANIZATION PLAN OCCURS.—Section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087–2) is amended by adding at the end the following new subsections:

"(s) CHARTER SUNSET.—

"(1) APPLICATION OF PROVISIONS.—This subsection applies beginning 18 months and one day after the date of enactment of this subsection if no reorganization of the Association occurs in accordance with the provisions of section 440.

"(2) SUNSET PLAN.—

"(A) PLAN SUBMISSION BY THE ASSOCIATION.—Not later than July 1, 2007, the Association shall submit to the Secretary of the Treasury and to the Chairman and Ranking Member of the Committee on Labor and Human Resources of the Senate and the Chairman and Ranking Member of the Committee on Economic and Educational Opportunities of the House of Representatives, a detailed plan for the orderly winding up, by July 1, 2013, of business activities conducted pursuant to the charter set forth in this section. Such plan shall—

"(i) ensure that the Association will have adequate assets to transfer to a trust, as provided in this subsection, to ensure full payment of remaining obligations of the Association in accordance with the terms of such obligations;

"(ii) provide that all assets not used to pay liabilities shall be distributed to shareholders as provided in this subsection; and

"(iii) provide that the operations of the Association shall remain separate and distinct from that of any entity to which the assets of the Association are transferred.

"(B) AMENDMENT OF THE PLAN BY THE ASSOCIATION.—The Association shall from time to time amend such plan to reflect changed circumstances, and submit such amendments to the Secretary of the Treasury and to the Chairman and Ranking Minority Member of the Committee on Labor and Human Resources of the Senate and Chairman and

Ranking Minority Member of the Committee on Economic and Educational Opportunities of the House of Representatives. In no case may any amendment extend the date for full implementation of the plan beyond the dissolution date provided in paragraph (3).

"(C) PLAN MONITORING.—The Secretary shall monitor the Association's compliance with the plan and shall continue to review the plan (including any amendments thereto).

"(D) AMENDMENT OF THE PLAN BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury may require the Association to amend the plan (including any amendments to the plan), if the Secretary of the Treasury deems such amendments necessary to ensure full payment of all obligations of the Association.

"(E) IMPLEMENTATION BY THE ASSOCIATION.—The Association shall promptly implement the plan (including any amendments to the plan, whether such amendments are made by the Association or are required to be made by the Secretary of the Treasury).

"(3) DISSOLUTION OF THE ASSOCIATION.—The Association shall dissolve and the Association's separate existence shall terminate on July 1, 2013, after discharge of all outstanding debt obligations and liquidation pursuant to this subsection. The Association may dissolve pursuant to this subsection prior to such date by notifying the Secretary of Education and the Secretary of the Treasury of the Association's intention to dissolve, unless within 60 days of receipt of such notice the Secretary of Education notifies the Association that the Association continues to be needed to serve as a lender of last resort pursuant to subsection (q) or continues to be needed to purchase loans under an agreement with the Secretary described in paragraph (4)(A). On the dissolution date, the Association shall take the following actions:

"(A) ESTABLISHMENT OF A TRUST.—The Association shall, under the terms of an irrevocable trust agreement in form and substance satisfactory to the Secretary of the Treasury, the Association, and the appointed trustee, irrevocably transfer all remaining obligations of the Association to a trust and irrevocably deposit or cause to be deposited into such trust, to be held as trust funds solely for the benefit of holders of the remaining obligations, money or direct noncallable obligations of the United States or any agency thereof for which payment the full faith and credit of the United States is pledged, maturing as to principal and interest in such amounts and at such times as are determined by the Secretary of the Treasury to be sufficient, without consideration of any significant reinvestment of such interest to pay the principal of, and interest on, the remaining obligations in accordance with their terms.

"(B) USE OF TRUST ASSETS.—All money, obligations, or financial assets deposited into the trust pursuant to this subsection shall be applied by the trustee to the payment of the remaining obligations assumed by the trust. Upon the fulfillment of the trustee's duties under the trust, any remaining assets of the trust shall be transferred to the persons who, at the time of the dissolution, were the shareholders of the Association, or to the legal successors or assigns of such persons.

"(C) OBLIGATIONS NOT TRANSFERRED TO THE TRUST.—The Association shall make proper provision for all other obligations of the Association, including the repurchase or redemption, or the making of proper provision for the repurchase or redemption, of any preferred stock of the Association outstanding.

"(D) TRANSFER OF REMAINING ASSETS.—After compliance with subparagraphs (A) and (C), the Association shall transfer to the shareholders of the Association any remaining assets of the Association.

"(4) RESTRICTIONS RELATING TO WINDING UP.—

"(A) RESTRICTIONS ON NEW BUSINESS ACTIVITY OR ACQUISITION OF ASSETS BY THE ASSOCIATION.—

"(i) IN GENERAL.—Beginning on July 1, 2009, the Association shall not engage in any new business activities or acquire any additional program assets (including acquiring assets pursuant to contractual commitments) described in subsection (d) other than in connection with the Association—

"(I) serving as a lender of last resort pursuant to subsection (q); and

"(II) purchasing loans insured under this part, if the Secretary, with the approval of the Secretary of the Treasury, enters into an agreement with the Association for the continuation or resumption of the Association's secondary market purchase program because the Secretary determines there is inadequate liquidity for loans made under this part.

"(ii) AGREEMENT.—The Secretary is authorized to enter into an agreement described in subclause (II) of clause (i) with the Association covering such secondary market activities. Any agreement entered into under such subclause shall cover a period of 12 months, but may be renewed if the Secretary determines that liquidity remains inadequate. The fee provided under subsection (h)(7) shall not apply to loans acquired under any such agreement with the Secretary.

"(B) ISSUANCE OF DEBT OBLIGATIONS DURING THE WIND UP PERIOD; ATTRIBUTES OF DEBT OBLIGATIONS.—The Association shall not issue debt obligations which mature later than July 1, 2013, except in connection with serving as a lender of last resort pursuant to subsection (q) or with purchasing loans under an agreement with the Secretary as described in subparagraph (A). Nothing in this subsection shall modify the attributes accorded the debt obligations of the Association by this section, regardless of whether such debt obligations are transferred to a trust in accordance with paragraph (3).

"(C) USE OF ASSOCIATION NAME.—The Association may not transfer or permit the use of the name 'Student Loan Marketing Association', 'Sallie Mae', or any variation thereof, to or by any entity other than a subsidiary of the Association.".

(d) REPEALS.—

(1) IN GENERAL.—Sections 439 of the Higher Education Act of 1965 (20 U.S.C. 1087–2) and 440 of such Act (as added by subsection (a) of this section) are repealed.

(2) EFFECTIVE DATE.—The repeals made by paragraph (1) shall be effective one year after—

(A) the dissolution date, as such term is defined in section 440(i)(2) of the Higher Education Act of 1965 (as added by subsection (a)), if a reorganization occurs in accordance with section 440 of such Act; or

(B) the date the Association is dissolved pursuant to section 439(s) of such Act (as added by subsection (c)), if a reorganization does not occur in accordance with section 440 of such Act.

(e) ASSOCIATION NAMES.—Upon dissolution in accordance with section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087–2), the names "Student Loan Marketing Association", "Sallie Mae", and any variations thereof may not be used by any entity engaged in any business similar to the business conducted pursuant to section 439 of such Act (as such section was in effect on the date of enactment of this Act) without the approval of the Secretary of the Treasury.

SEC. ___402. CONNIE LEE PRIVATIZATION.

(a) STATUS OF THE CORPORATION AND CORPORATE POWERS; OBLIGATIONS NOT FEDERALLY GUARANTEED.—

(1) STATUS OF THE CORPORATION.—The Corporation shall not be an agency, instrumentality, or establishment of the United States Government, nor a Government corporation, nor a Government controlled corporation, as such terms are defined in section 103 of title 5, United States Code. No action under section 1491 of title 28, United States Code (commonly known as the Tucker Act) shall be allowable against the United States based on the actions of the Corporation.

(2) CORPORATE POWERS.—The Corporation shall be subject to the provisions of this section, and, to the extent not inconsistent with this section, to the District of Columbia Business Corporation Act (or the comparable law of another State, if applicable). The Corporation shall have the powers conferred upon a corporation by the District of Columbia Business Corporation Act (or such other applicable State law) as from time to time in effect in order to conduct the Corporation's affairs as a private, for-profit corporation and to carry out the Corporation's purposes and activities incidental thereto. The Corporation shall have the power to enter into contracts, to execute instruments, to incur liabilities, to provide products and services, and to do all things as are necessary or incidental to the proper management of the Corporation's affairs and the efficient operation of a private, for-profit business.

(3) LIMITATION ON OWNERSHIP OF STOCK.—

(A) SECRETARY OF THE TREASURY.—The Secretary of the Treasury, in completing the sale of stock pursuant to subsection (c), may not sell or issue the stock held by the Secretary of Education to an agency, instrumentality, or establishment of the United States Government, or to a Government corporation or a Government controlled corporation, as such terms are defined in section 103 of title 5, United States Code, or to a government-sponsored enterprise as such term is defined in section 622 of title 2, United States Code.

(B) STUDENT LOAN MARKETING ASSOCIATION.—The Student Loan Marketing Association shall not increase its share of the ownership of the Corporation in excess of 42 percent of the shares of stock of the Corporation outstanding on the date of enactment of this Act. The Student Loan Marketing Association shall not control the operation of the Corporation, except that the Student Loan Marketing Association may participate in the election of directors as a shareholder, and may continue to exercise the Student Loan Marketing Association's right to appoint directors under section 754 of the Higher Education Act of 1965 (20 U.S.C. 1132f–3) as long as that section is in effect.

(C) PROHIBITION.—Until such time as the Secretary of the Treasury sells the stock of the Corporation owned by the Secretary of Education pursuant to subsection (c), the Student Loan Marketing Association shall not provide financial support or guarantees to the Corporation.

(D) FINANCIAL SUPPORT OR GUARANTEES.—After the Secretary of the Treasury sells the stock of the Corporation owned by the Secretary of Education pursuant to subsection (c), the Student Loan Marketing Association may provide financial support or guarantees to the Corporation, if such support or guarantees are subject to terms and conditions that are no more advantageous to the Corporation than the terms and conditions the Student Loan Marketing Association provides to other entities, including, where applicable, other monoline financial guaranty corporations in which the Student Loan Marketing Association has no ownership interest.

(4) NO FEDERAL GUARANTEE.—

(A) OBLIGATIONS INSURED BY THE CORPORATION.—

(i) FULL FAITH AND CREDIT OF THE UNITED STATES.—No obligation that is insured, guaranteed, or otherwise backed by the Corporation shall be deemed to be an obligation that is guaranteed by the full faith and credit of the United States.

(ii) STUDENT LOAN MARKETING ASSOCIATION.—No obligation that is insured, guaranteed, or otherwise backed by the Corporation shall be deemed to be an obligation that is guaranteed by the Student Loan Marketing Association.

(iii) SPECIAL RULE.—This paragraph shall not affect the determination of whether such obligation is guaranteed for purposes of Federal income taxes.

(B) SECURITIES OFFERED BY THE CORPORATION.—No debt or equity securities of the Corporation shall be deemed to be guaranteed by the full faith and credit of the United States.

(5) DEFINITION.—The term "Corporation" as used in this section means the College Construction Loan Insurance Association as in existence on the day before the date of enactment of this Act, and any successor corporation.

(b) RELATED PRIVATIZATION REQUIREMENTS.—

(1) NOTICE REQUIREMENTS.—

(A) IN GENERAL.—During the six-year period following the date of enactment of this Act, the Corporation shall include, in each of the Corporation's contracts for the insurance, guarantee, or reinsurance of obligations, and in each document offering debt or equity securities of the Corporation, a prominent statement providing notice that—

(i) such obligations or such securities, as the case may be, are not obligations of the United States, nor are such obligations or such securities, as the case may be, guaranteed in any way by the full faith and credit of the United States; and

(ii) the Corporation is not an instrumentality of the United States.

(B) ADDITIONAL NOTICE.—During the five-year period following the sale of stock pursuant to subsection (c)(1), in addition to the notice requirements in subparagraph (A), the Corporation shall include, in each of the contracts and documents referred to in such subparagraph, a prominent statement providing notice that the United States is not an investor in the Corporation.

(2) CORPORATE CHARTER.—The Corporation's charter shall be amended as necessary and without delay to conform to the requirements of this section.

(3) CORPORATE NAME.—The name of the Corporation, or of any direct or indirect subsidiary thereof, may not contain the term "College Construction Loan Insurance Association", or any substantially similar variation thereof.

(4) ARTICLES OF INCORPORATION.—The Corporation shall amend the Corporation's articles of incorporation without delay to reflect that one of the purposes of the Corporation shall be to guarantee, insure, and reinsure bonds, leases, and other evidences of debt of educational institutions, including Historically Black Colleges and Universities and other academic institutions which are ranked in the lower investment grade category using a nationally recognized credit rating system.

(5) REQUIREMENTS UNTIL STOCK SALE.—Notwithstanding subsection (d), the requirements of sections 754 and 760 of the Higher Education Act of 1965 (20 U.S.C. 1132f–3 and 1132f–9), as such sections were in effect on the day before the date of enactment of this Act, shall continue to be effective until the day immediately following the date of closing of the purchase of the Secretary of Education's stock (or the date of closing of the final purchase, in the case of multiple transactions) pursuant to subsection (c)(1) of this Act.

(c) SALE OF FEDERALLY OWNED STOCK.—

(1) SALE OF STOCK REQUIRED.—The Secretary of the Treasury shall sell, pursuant to section 324 of title 31, United States Code, the stock of the Corporation owned by the Secretary of Education as soon as possible after the date of enactment of this Act, but not later than six months after such date.

(2) PURCHASE BY THE CORPORATION.—In the event that the Secretary of the Treasury is unable to sell the stock, or any portion thereof, at a price acceptable to the Secretary of Education and the Secretary of the Treasury, the Corporation shall purchase, within six months after the date of enactment of this Act, such stock at a price determined by the Secretary of the Treasury and acceptable to the Corporation based on the independent appraisal of one or more nationally recognized financial firms, except that such price shall not exceed the value of the Secretary of Education's stock as determined by the Congressional Budget Office in House Report 104–153, dated June 22, 1995.

(3) REIMBURSEMENT OF COSTS OF SALE.—The Secretary of the Treasury shall be reimbursed from the proceeds of the sale of the stock under this subsection for all reasonable costs related to such sale, including all reasonable expenses relating to one or more independent appraisals under this subsection.

(4) ASSISTANCE BY THE CORPORATION.—The Corporation shall provide such assistance as the Secretary of the Treasury and the Secretary of Education may require to facilitate the sale of the stock under this subsection.

(d) REPEAL OF STATUTORY RESTRICTIONS AND RELATED PROVISIONS.—Part D of title VII of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is repealed.

SEC. ___403. ELIGIBLE INSTITUTION.

(a) AMENDMENTS.—Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended by inserting after the end of the first sentence the following new sentence: "For the purposes of determining whether an institution meets the requirements of clause (6), the Secretary shall not consider the financial information of any institution for a fiscal year that began on or before April 30, 1994.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any determination made on or after July 1, 1994, by the Secretary of Education pursuant to section 481(b)(6) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)(6)).

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. ___501. REPEALS.

(a) GENERAL IMMEDIATE REPEALS.—The following provisions are repealed:

(1) Section 204 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1255a note).

(2) Title II of Public Law 95–250 (92 Stat. 172).

(3) The Library Services and Construction Act (20 U.S.C. 351 et seq.).

(4) Part F of the Technology for Education Act of 1994 (contained in title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7001 et seq.)).

(5) The School Dropout Assistance Act (part C of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261 et seq.)).

(6) The Displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 et seq.).

(7) Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 211).

(8) Title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.), except subtitle B and section 738 of such title (42 U.S.C. 11431 et seq. and 11448).

(9) Section 201 of the National Literacy Act of 1991 (20 U.S.C. 1211–1).

(10) Section 304 of the National Literacy Act of 1991 (20 U.S.C. 1213c note).

(b) IMMEDIATE REPEAL OF HIGHER EDUCATION ACT OF 1965 PROVISIONS.—The following provisions of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) are repealed:

(1) Part B of title I (20 U.S.C. 1011 et seq.), relating to articulation agreements.

(2) Part C of title I (20 U.S.C. 1015 et seq.), relating to access and equity to education for all Americans through telecommunications.

(3) Title II (20 U.S.C. 1021 et seq.), relating to academic libraries and information services.

(4) Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.), relating to presidential access scholarships.

(5) Chapter 4 of subpart 2 of part A of title IV (20 U.S.C. 1070a–41 et seq.), relating to model program community partnerships and counseling grants.

(6) Section 409B (20 U.S.C. 1070a–52), relating to an early awareness information program.

(7) Chapter 8 of subpart 2 of part A of title IV (20 U.S.C. 1070a–81), relating to technical assistance for teachers and counselors.

(8) Subpart 8 of part A of title IV (20 U.S.C. 1070f), relating to special child care services for disadvantaged college students.

(9) Section 428J (20 U.S.C. 1078–10), relating to loan forgiveness for teachers, individuals performing national community service and nurses.

(10) Section 486 (20 U.S.C. 1093), relating to training in financial aid services.

(11) Subpart 1 of part H of title IV (20 U.S.C. 1099a et seq.) relating to State postsecondary review programs.

(12) Part A of title V (20 U.S.C. 1102 et seq.), relating to State and local programs for teacher excellence.

(13) Part B of title V (20 U.S.C. 1103 et seq.), relating to national teacher academies.

(14) Subpart 1 of part C of title V (20 U.S.C. 1104 et seq.), relating to Paul Douglas teacher scholarships.

(15) Subpart 3 of part C of title V (20 U.S.C. 1106 et seq.), relating to the teacher corps.

(16) Subpart 3 of part D of title V (20 U.S.C. 1109 et seq.), relating to class size demonstration grants.

(17) Subpart 4 of part D of title V (20 U.S.C. 1110 et seq.), relating to middle school teaching demonstration programs.

(18) Subpart 1 of part E of title V (20 U.S.C. 1111 et seq.), relating to new teaching careers.

(19) Subpart 1 of part F of title V (20 U.S.C. 1113), relating to the national mini corps programs.

(20) Section 586 (20 U.S.C. 1114), relating to demonstration grants for critical language and area studies.

(21) Section 587 (20 U.S.C. 1114a), relating to development of foreign languages and cultures instructional materials.

(22) Subpart 3 of part F of title V (20 U.S.C. 1115), relating to small State teaching initiatives.

(23) Subpart 4 of part F of title V (20 U.S.C. 1116), relating to faculty development grants.

(24) Section 597 and subsection (b) of section 599 (20 U.S.C. 1117a and 1117c), relating to early childhood staff training and professional enhancement.

(25) Section 605 (20 U.S.C. 1124a), relating to intensive summer language institutes.

(26) Section 607 (20 U.S.C. 1125a), relating to periodicals and other research material published outside the United States.

(27) Part A of title VII (20 U.S.C. 1132b et seq.), relating to improvement of academic and library facilities.

(28) Title VIII (20 U.S.C. 1133 et seq.), relating to cooperative education programs.

(29) Part A of title IX (20 U.S.C. 1134a et seq.), relating to grants to institutions and consortia to encourage women and minority participation in graduate education.

(30) Part B of title IX (20 U.S.C. 1134d et seq.), relating to the Patricia Roberts Harris fellowship program.

(31) Part E of title IX (20 U.S.C. 1134r et seq.), relating to the faculty development fellowship program.

(32) Part F of title IX (20 U.S.C. 1134s et seq.), relating to assistance for training in the legal profession.

(33) Subpart 2 of part B of title X (20 U.S.C. 1135c et seq.), relating to science and engineering access programs.

(34) Part C of title X (20 U.S.C. 1135e et seq.), relating to women and minorities science and engineering outreach demonstration programs.

(35) Part D of title X (20 U.S.C. 1135f), relating to the Dwight D. Eisenhower leadership program.

(c) IMMEDIATE REPEAL OF EDUCATION AMENDMENTS OF 1986 PROVISIONS.—The following provisions of the Higher Education Amendments of 1986 are repealed:

(1) Part D of title XIII (20 U.S.C. 1029 note), relating to library resources.

(2) Part E of title XIII (20 U.S.C. 1221-1 note), relating to a National Academy of Science study.

(3) Part B of title XV (20 U.S.C. 4441 et seq.), relating to Native Hawaiian and Alaska Native culture and art development.

(d) IMMEDIATE REPEAL OF EDUCATION AMENDMENTS OF 1974 PROVISION.—Section 519 of the Education Amendments of 1974 (20 U.S.C. 1221i) is repealed.

(e) IMMEDIATE REPEAL OF EDUCATION AMENDMENTS OF 1992 PROVISIONS.—The following provisions of the Higher Education Amendments of 1992 are repealed:

(1) Part F of title XIII (25 U.S.C. 3351 et seq.), relating to American Indian postsecondary economic development scholarships.

(2) Part G of title XIII (25 U.S.C. 3371), relating to American Indian teacher training.

(3) Section 1406 (20 U.S.C. 1221e-1 note), relating to a national survey of factors associated with participation.

(4) Section 1409 (20 U.S.C. 1132a note), relating to a study of environmental hazards in institutions of higher education.

(5) Section 1412 (20 U.S.C. 1101 note), relating to a national job bank for teacher recruitment.

(6) Part B of title XV (20 U.S.C. 1452 note), relating to a national clearinghouse for postsecondary education materials.

(7) Part C of title XV (20 U.S.C. 1101 note), relating to a school-based decisionmakers demonstration program.

(8) Part D of title XV (20 U.S.C. 1145h note), relating to grants for sexual offenses education.

(9) Part E of title XV (20 U.S.C. 1070 note), relating to Olympic scholarships.

(10) Part G of title XV (20 U.S.C. 1070a-11 note), relating to advanced placement fee payment programs.

(f) SUBSEQUENT REPEALS.—The following provisions are repealed:

(1) The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(2) The Adult Education Act (20 U.S.C. 1201 et seq.).

(3) The School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(4) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

SEC. ___502. CONFORMING AMENDMENTS.

(a) REFERENCES TO SECTION 204 OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.—The table of contents for the Immigration Reform and Control Act of 1986 is amended by striking the item relating to section 204 of such Act.

(b) REFERENCES TO TITLE II OF PUBLIC LAW 95-250.—Section 103 of Public Law 95-250 (16 U.S.C. 791) is amended—

(1) by striking the second sentence of subsection (a); and

(2) by striking the second sentence of subsection (b).

(c) REFERENCES TO LIBRARY SERVICES AND CONSTRUCTION ACT.—

(1) TECHNOLOGY FOR EDUCATION ACT OF 1994.—The Technology for Education Act of 1994 (20 U.S.C. 6801 et seq.) is amended in section 3113(10) by striking "section 3 of the Library Services and Construction Act;" and inserting "section ___004 of the Workforce and Career Development Act of 1996;".

(2) OMNIBUS EDUCATION RECONCILIATION ACT OF 1981.—Section 528 of the Omnibus Education Reconciliation Act of 1981 (20 U.S.C. 3489) is amended—

(A) by striking paragraph (12); and

(B) by redesignating paragraphs (13) through (15) as paragraphs (12) through (14), respectively.

(3) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 3113(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6813(10)) is amended by striking "section 3 of the Library Services and Construction Act" and inserting "section 213 of the Library Services and Technology Act".

(4) COMMUNITY IMPROVEMENT VOLUNTEER ACT OF 1994.—Section 7305 of the Community Improvement Volunteer Act of 1994 (40 U.S.C. 276d-3) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(5) APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(c)) is amended by striking "Library Services and Construction Act;".

(6) DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966.—Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking "title II of the Library Services and Construction Act;".

(7) PUBLIC LAW 87-688.—Subsection (c) of the first section of the Act entitled "An Act to extend the application of certain laws to American Samoa", approved September 25, 1962 (48 U.S.C. 1666(c)) is amended by striking "the Library Services Act (70 Stat. 293; 20 U.S.C. 351 et seq.),".

(8) COMMUNICATIONS ACT OF 1934.—Paragraph (4) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)(4)) is amended by striking "library not eligible for participation in State-based plans for funds under title III of the Library Services and Construction Act (20 U.S.C. 335c et seq.)" and inserting "library or library consortium not eligible for assistance from a State library administrative agency under the Library Services and Technology Act".

(d) REFERENCE TO SCHOOL DROPOUT ASSISTANCE ACT.—Section 441 of the General Education Provisions Act (42 U.S.C. 1232d), as amended by section 261(f) of the Improving America's Schools Act of 1994, is further amended by striking "(subject to the provisions of part C of title V of the Elementary and Secondary Education Act of 1965)".

(e) REFERENCES TO TITLE VII OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—

(1) TABLE OF CONTENTS.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 1142 et seq.) is amended by striking the items relating to title VII of such Act, except subtitle B and section 738 of such title.

(2) TITLE 31, UNITED STATES CODE.—Section 6703(a) of title 31, United States Code, is amended—

(A) by striking paragraph (15); and

(B) by redesignating paragraphs (16) through (19) as paragraphs (15) through (18), respectively.

(f) REFERENCES TO INSTITUTE OF MUSEUM SERVICES.—

(1) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Director of the Institute of Museum Services." and inserting the following:

"Director of the Institute of Museum and Library Services.".

(2) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 301 of the Department of Education Organization Act (20 U.S.C. 3441) is amended—

(A) in subsection (a)—

(i) by striking paragraph (5); and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(B) in subsection (b)—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively.

(3) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) Sections 2101(b), 2205(c)(1)(D), 2208(d)(1)(H)(v), and 2209(b)(1)(C)(vi), and subsections (d)(6) and (e)(2) of section 10401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621(b), 6645(c)(1)(D), 6648(d)(1)(H)(v), 6649(b)(1)(C)(vi), and 8091 (d)(6) and (e)(2)) are amended by striking "the Institute of Museum Services" and inserting "the Institute of Museum and Library Services".

(B) Section 10412(b) of such Act (20 U.S.C. 8102(b)) is amended—

(i) in paragraph (2), by striking "the Director of the Institute of Museum Services," and inserting "the Director of the Institute of Museum and Library Services,"; and

(ii) in paragraph (7), by striking "the Director of the Institute of Museum Services," and inserting "the Director of the Institute of Museum and Library Services,".

(C) Section 10414(a)(2)(B) of such Act (20 U.S.C. 8104(a)(2)(B)) is amended by striking clause (iii) and inserting the following new clause:

"(iii) the Institute of Museum and Library Services.".

(g) REFERENCES TO OFFICE OF LIBRARIES AND LEARNING RESOURCES.—Section 413(b)(1) of the Department of Education Organization Act (20 U.S.C. 3473(b)(1)) is amended—

(1) by striking subparagraph (H); and

(2) by redesignating subparagraphs (I) through (M) as subparagraphs (H) through (L), respectively.

(h) REFERENCES TO STATE POSTSECONDARY REVIEW ENTITY PROGRAMS.—The Higher Education Act of 1965 is amended—

(1) in section 356(b)(2) (20 U.S.C. 10696(b)), by striking "II,";

(2) in section 453(c)(2) (20 U.S.C. 1087c(c)(2))—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (H) as subparagraphs (E) through (G), respectively;

(3) in section 487(a)(3) (20 U.S.C. 1094(a)(3)), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(4) in section 487(a)(15) (20 U.S.C. 1094(a)(15)), by striking "the Secretary of Veterans Affairs, and State review entities under subpart 1 of part H" and inserting "and the Secretary of Veterans Affairs";

(5) in section 487(a)(21) (20 U.S.C. 1094(a)(21)), by striking ", State postsecondary review entities,";

(6) in section 487(c)(1)(A)(i) (20 U.S.C. 1094(c)(1)(A)(i)), by striking "State agencies, and the State review entities referred to in subpart 1 of part H" and inserting "and State agencies";

(7) in section 487(c)(4) (20 U.S.C. 1094(c)(4)), by striking ", after consultation with each State review entity designated under subpart 1 of part H,";

(8) in section 487(c)(5) (20 U.S.C. 1094(c)(5)), by striking "State review entities designated under subpart 1 of part H,";

(9) in section 496(a)(7) (20 U.S.C. 1099b(a)(7)), by striking "and the appropriate State postsecondary review entity";

(10) in section 496(a)(8) (20 U.S.C. 1099b(a)(8)), by striking "and the State postsecondary review entity of the State in which the institution of higher education is located";

(11) in section 498(g)(2) (20 U.S.C. 1099c(g)(2)), by striking everything after the first sentence;

(12) in section 498A(a)(2)(D) (20 U.S.C. 1099c–1(a)(2)(D)), by striking "by the appropriate State postsecondary review entity designated under subpart 1 of this part or";

(13) in section 498A(a)(2) (20 U.S.C. 1099c–1(a)(2))—

(A) by inserting "and" after the semicolon at the end of subparagraph (E);

(B) by striking subparagraph (F); and

(C) by redesignating subparagraph (G) as subparagraph (F); and

(14) in section 498A(a)(3) (20 U.S.C. 1099c–1(a)(3))—

(A) by inserting "and" after the semicolon at the end of subparagraph (C);

(B) by striking "; and" at the end of subparagraph (D) and inserting a period; and

(C) by striking subparagraph (E).

(i) REFERENCES TO CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—

(1) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(C)) is amended by striking "Vocational Education Act of 1963" and inserting "Workforce and Career Development Act of 1996".

(2) NATIONAL DEFENSE AUTHORIZATION ACT.—Section 4461 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(3) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626(g) of the Individuals with Disabilities Education Act (20 U.S.C. 1425(g)) is amended—

(A) by striking "1973," and inserting "1973 and"; and

(B) by striking ", and the Carl D. Perkins Vocational and Applied Technology Education Act".

(4) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(A) in section 1114(b)(2)(C)(v) (20 U.S.C. 6314(b)(2)(C)(v)), by striking "Carl D. Perkins Vocational and Applied Technology Education Act," and inserting "Workforce and Career Development Act of 1996";

(B) in section 9115(b)(5) (20 U.S.C. 7815(b)(5)), by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Workforce and Career Development Act of 1996";

(C) in section 14302(a)(2) (20 U.S.C. 8852(a)(2))—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively; and

(D) in the matter preceding subparagraph (A) of section 14307(a)(1) (20 U.S.C. 8857(a)(1)), by striking "Carl D. Perkins Vocational and Applied Technology Education Act" and inserting "Workforce and Career Development Act of 1996".

(5) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking "(20 U.S.C. 2397h(3)" and inserting ", as such section was in effect on the day preceding the date of enactment of the Workforce and Career Development Act of 1996".

(6) IMPROVING AMERICA'S SCHOOLS ACT OF 1994.—Section 563 of the Improving America's Schools Act of 1994 (20 U.S.C. 6301 note) is amended by striking "the date of enactment of an Act reauthorizing the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting "July 1, 1998".

(7) INTERNAL REVENUE CODE OF 1986.—Section 135(c)(3)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 135(c)(3)(B)) is amended—

(A) by striking "subparagraph (C) or (D) of section 521(3) of the Carl D. Perkins Vocational Education Act" and inserting "subparagraph (C) or (D) of section ____004(4) of the Workforce and Career Development Act of 1996"; and

(B) by striking "any State (as defined in section 521(27) of such Act)" and inserting "any State or outlying area (as the terms 'State' and 'outlying area' are defined in section ____004 of such Act)".

(8) APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(c)) (as amended by subsection (c)(5)) is further amended by striking "Carl D. Perkins Vocational Education Act" and inserting "Workforce and Career Development Act of 1996".

(9) VOCATIONAL EDUCATION AMENDMENTS OF 1968.—Section 104 of the Vocational Education Amendments of 1968 (82 Stat. 1091) is amended by striking "section 3 of the Carl D. Perkins Vocational Education Act" and inserting "the Workforce and Career Development Act of 1996".

(10) OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(A) in section 502(b)(1)(N)(i) (42 U.S.C. 3056(b)(1)(N)(i)), by striking "or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)"; and

(B) in section 505(d)(2) (42 U.S.C. 3056c(d)(2))—

(i) by striking "the Secretary of Education" and inserting "the Secretaries (as defined in section ____004 of the Workforce and Career Development Act of 1996)";

(ii) by striking "employment and training programs" and inserting "workforce and career development activities"; and

(iii) by striking "the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting "the Workforce and Career Development Act of 1996".

(j) REFERENCES TO ADULT EDUCATION ACT.—

(1) REFUGEE EDUCATION ASSISTANCE ACT.—Subsection (b) of section 402 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is repealed.

(2) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) SECTION 1202 OF ESEA.—Section 1202(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)(1)) is amended by striking "Adult Education Act" and inserting "Workforce and Career Development Act of 1996".

(B) SECTION 1205 OF ESEA.—Section 1205(8)(B) of such Act (20 U.S.C. 6365(8)(B)) is amended by striking "Adult Education Act" and inserting "Workforce and Career Development Act of 1996".

(C) SECTION 1206 OF ESEA.—Section 1206(a)(1)(A) of such Act (20 U.S.C. 6366(a)(1)(A)) is amended by striking "an adult basic education program under the Adult Education Act" and inserting "adult education and literacy activities under the Workforce and Career Development Act of 1996".

(D) SECTION 3113 OF ESEA.—Section 3113(1) of such Act (20 U.S.C. 6813(1)) is amended by striking "section 312 of the Adult Education Act" and inserting "section ____004 of the Workforce and Career Development Act of 1996".

(E) SECTION 9161 OF ESEA.—Section 9161(2) of such Act (20 U.S.C. 7881(2)) is amended by striking "section 312(2) of the Adult Education Act" and inserting "section ____004 of the Workforce and Career Development Act of 1996".

(3) OLDER AMERICANS ACT OF 1965.—Section 203(b)(8) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(8)) is amended by striking "Adult Education Act" and inserting "Workforce and Career Development Act of 1996".

(k) REFERENCES TO SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—

(1) SECTION 1114 OF ESEA.—Section 1114(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(b)(2)(C)(v)) (as amended in subsection (i)(4)(A)) is further amended by striking "the School-to-Work Opportunities Act of 1994,".

(2) SECTION 5204 OF ESEA.—Section 5204 of such Act (20 U.S.C. 7234) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively.

(3) SECTION 9115 OF ESEA.—Section 9115(b)(5) of such Act (20 U.S.C. 7815(b)(5)) (as amended in subsection (i)(4)(B)) is further amended by striking "the School-to-Work Opportunities Act of 1994 and".

(4) SECTION 14302 OF ESEA.—Section 14302(a)(2) of such Act (20 U.S.C. 8852(a)(2)) (as amended in subsection (i)(4)(C)) is further amended—

(A) in subparagraph (C) (as redesignated in such subsection), by striking the semicolon and inserting "; and";

(B) by striking subparagraph (D) (as redesignated in such subsection); and

(C) by redesignating subparagraph (E) (as redesignated in such subsection) as subparagraph (D).

(5) SECTION 14307 OF ESEA.—Section 14307(a)(1) of such Act (20 U.S.C. 8857(a)(1)) (as amended in subsection (i)(4)(D)) is further amended by striking ", the School-to-Work Opportunities Act of 1994,".

(6) SECTION 14701 OF ESEA.—Section 14701(b)(1) of such Act (20 U.S.C. 8941(b)(1)) is amended—

(A) in subparagraph (B)(ii), by striking ", and the School-to-Work Opportunities Act of 1994, and be coordinated with evaluations of such Acts" and inserting "and be coordinated with evaluations of such Act"; and

(B) in subparagraph (C)(ii), by striking ", the School-to-Work Opportunities Act of 1994,".

(l) REFERENCES TO JOB TRAINING PARTNERSHIP ACT.—

(1) TITLE 5, UNITED STATES CODE.—Section 3502(d) of title 5, United States Code, is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) the Governor of the appropriate State; and"; and

(ii) in subparagraph (B)(iii), by striking "other services under the Job Training Partnership Act" and inserting "other workforce and career development activities under the Workforce and Career Development Act of 1996"; and

(B) in paragraph (4), in the second sentence, by striking "Secretary of Labor on matters relating to the Job Training Partnership Act" and inserting "the Secretaries (as defined in section ___004 of the Workforce and Career Development Act of 1996) on matters relating to such Act".

(2) FOOD STAMP ACT OF 1977.—

(A) SECTION 5.—Section 5(l) of the Food Stamp Act of 1977 (7 U.S.C. 2014(l)) is amended by striking "Notwithstanding section 142(b) of the Job Training Partnership Act (29 U.S.C. 1552(b)), earnings to individuals participating in on-the-job training programs under section 204(b)(1)(C) or section 264(c)(1)(A) of the Job Training Partnership Act" and inserting "Earnings to individuals participating in on-the-job training under the Workforce and Career Development Act of 1996".

(B) SECTION 6.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended—

(i) in subsection (d)(4)(N), by striking "the State public employment offices and agencies operating programs under the Job Training Partnership Act" and inserting "the State public employment offices and other State agencies and providers providing employment and training activities under the Workforce and Career Development Act of 1996"; and

(ii) in subsection (e)(3), by striking subparagraph (A) and inserting the following:

"(A) a program relating to employment and training activities carried out under the Workforce and Career Development Act of 1996;".

(C) SECTION 17.—The second sentence of section 17(b)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(2)) is amended—

(i) by striking "to accept an offer of employment from a political subdivision or a prime sponsor pursuant to the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 812)," and inserting "to accept an offer of employment from a service provider carrying out employment and training activities through a program carried out under the Workforce and Career Development Act of 1996,"; and

(ii) by striking ": *Provided*, That all of the political subdivision's" and all that follows and inserting ", if all of the jobs supported under the program have been made available to participants in the program before the service provider providing the jobs extends an offer of employment under this paragraph, and if the service provider, in employing the person, complies with the requirements of Federal law that relate to the program.".

(3) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by striking "The Job Training Partnership Act." and inserting "The Workforce and Career Development Act of 1996.".

(4) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 402(a)(4) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Workforce and Career Development Act of 1996".

(5) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) SECTION 3161.—Section 3161(c)(6) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(6)) is amended by striking subparagraph (A) and inserting the following:

"(A) programs carried out by the Secretaries (as defined in section ___004 of the Workforce and Career Development Act of 1996) under such Act;".

(B) SECTION 4461.—Section 4461(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended by striking "The Job Training Partnership Act (29 U.S.C. 1501 et seq.)." and inserting "The Workforce and Career Development Act of 1996.".

(C) SECTION 4471.—Section 4471 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2501 note) is amended—

(i) in subsection (d)(2), by striking "the State dislocated" and all that follows through "and the chief" and inserting "the Governor of the appropriate State and the chief";

(ii) in subsection (e)—

(I) in the first sentence, by striking "for training, adjustment assistance, and employment services" and all that follows through "except where" and inserting "to participate in employment and training activities carried out under the Workforce and Career Development Act of 1996, except in a case in which"; and

(II) by striking the second sentence; and

(iii) in subsection (f)—

(I) in paragraph (3)—

(aa) in subparagraph (B), by striking "the State dislocated" and all that follows through "and the chief" and inserting "the Governor of the appropriate State and the chief"; and

(bb) in subparagraph (C), by striking "grantee under section 325(a) or 325A(a)" and all that follows through "employment services" and inserting "recipient of assistance under the Workforce and Career Development Act of 1996 providing employment and training activities"; and

(II) in paragraph (4), by striking "for training," and all that follows through "beginning" and inserting "to participate in employment and training activities under the Workforce and Career Development Act of 1996 beginning".

(D) SECTION 4492.—Section 4492(b) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended by striking "the Job Training Partnership Act" and inserting "the Workforce and Career Development Act of 1996".

(6) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Section 4003(5)(C) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2391 note) is amended by inserting before the period the following: ", as in effect on the day before the date of the enactment of the Workforce and Career Development Act of 1996".

(7) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1333(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2701 note) is amended by striking "Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512))." and inserting "Local workforce development boards established under section ___108 of the Workforce and Career Development Act of 1996.".

(8) SMALL BUSINESS ACT.—The fourth sentence of section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Workforce and Career Development Act of 1996".

(9) EMPLOYMENT ACT OF 1946.—Section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)) is amended by striking "and include these in the annual Employment and Training Report of the President required under section 705(a) of the Comprehensive Employment and Training Act of 1973 (hereinafter in this Act referred to as 'CETA')" and inserting "and prepare and submit to the President an annual report containing the recommendations".

(10) FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978.—

(A) SECTION 206.—Section 206 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3116) is amended—

(i) in subsection (b)—

(I) in the matter preceding paragraph (1), by striking "CETA" and inserting "the Workforce and Career Development Act of 1996"; and

(II) in paragraph (1), by striking "(including use of section 110 of CETA when necessary)"; and

(ii) in subsection (c)(1), by striking "CETA" and inserting "activities carried out under the Workforce and Career Development Act of 1996".

(B) SECTION 401.—Section 401(d) of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3151(d)) is amended by striking "include, in the annual Employment and Training Report of the President provided under section 705(a) of CETA," and inserting "include, in the annual report referred to in section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)),".

(11) TITLE 18, UNITED STATES CODE.—Subsections (a), (b), and (c) of section 665 of title 18, United States Code are amended by striking "the Comprehensive Employment and Training Act or the Job Training Partnership Act" and inserting "the Workforce and Career Development Act of 1996".

(12) TRADE ACT OF 1974.—Section 239(e) of the Trade Act of 1974 (19 U.S.C. 2311(e)) is

amended by striking “under title III of the Job Training Partnership Act” and inserting “made available under the Workforce and Career Development Act of 1996”.

(13) HIGHER EDUCATION ACT.—Section 480(b)(14) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)(14)) is amended by striking “Job Training Partnership Act noneducational benefits” and inserting “benefits received through participation in employment and training activities under the Workforce and Career Development Act of 1996”.

(14) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626 of the Individuals with Disabilities Education Act (20 U.S.C. 1425) is amended—

(A) in the first sentence of subsection (a), by striking “(including the State job training coordinating councils and service delivery area administrative entities established under the Job Training Partnership Act)” and inserting “(including the individuals and entities participating in the State collaborative process under subsection (a) or (b) of section ____105 of the Workforce and Career Development Act of 1996 and local workforce development boards established under section ____108 of such Act)”;

(B) in subsection (e)—

(i) in paragraphs (3)(C) and (4)(A)(iii), by striking “local Private Industry Councils (PICS) authorized by the Job Training Partnership Act (JTPA),” and inserting “local workforce development boards established under section ____108 of the Workforce and Career Development Act of 1996,”; and

(ii) in clauses (iii), (iv), (v), and (vii) of paragraph (4)(B), by striking “PICS authorized by the JTPA” and inserting “local workforce development boards established under section ____108 of the Workforce and Career Development Act of 1996”; and

(C) in subsection (g) (as amended by subsection (i)(3)), by striking “the Job Training Partnership Act (JTPA)” and inserting “the Workforce and Career Development Act of 1996”.

(15) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Subsection (a) of section 302 of the Department of Education Organization Act (20 U.S.C. 3443(a)) (as redesignated in section 271(a)(2) of the Improving America's Schools Act of 1994) is amended by striking “under section 303(c)(2) of the Comprehensive Employment and Training Act” and inserting “relating to such education”.

(16) NATIONAL SKILL STANDARDS ACT OF 1994.—

(A) SECTION 504.—Section 504(c)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5934(c)(3)) is amended by striking “the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)) and”.

(B) SECTION 508.—Section 508(1) of the National Skill Standards Act of 1994 (20 U.S.C. 5938(1)) is amended to read as follows:

“(1) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a private nonprofit organization of demonstrated effectiveness that is representative of a community or a significant segment of a community and that provides workforce and career development activities, as defined in section ____004 of the Workforce and Career Development Act of 1996.”.

(17) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) SECTION 1205.—Section 1205(8)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365(8)(B)) (as amended by subsection (j)(2)(B)) is further amended by striking “, the Individuals with Disabilities Education Act, and the Job Training Partnership Act” and inserting “and the Individuals with Disabilities Education Act”.

(B) SECTION 1414.—Section 1414(c)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6434(c)(8)) is amended by striking “programs under the Job Training Partnership Act,” and inserting “activities under the Workforce and Career Development Act of 1996,”.

(C) SECTION 1423.—Section 1423(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6453(9)) is amended by striking “programs under the Job Training and Partnership Act” and inserting “activities under the Workforce and Career Development Act of 1996”.

(D) SECTION 1425.—Section 1425(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6455(9)) is amended by striking “, such as funds under the Job Training Partnership Act,” and inserting “, such as funds made available under the Workforce and Career Development Act of 1996,”.

(18) FREEDOM SUPPORT ACT.—The last sentence of section 505 of the FREEDOM Support Act (22 U.S.C. 5855) is amended by striking “, through the Defense Conversion” and all that follows through “or through” and inserting “or through”.

(19) INTERNAL REVENUE CODE OF 1986.—

(A) SECTION 42.—Section 42(i)(3)(D)(i)(II) of the Internal Revenue Code of 1986 is amended by striking “assistance under” and all that follows through “or under” and inserting “assistance under the Workforce and Career Development Act of 1996 or under”.

(B) SECTION 51.—Section 51(d) of the Internal Revenue Code of 1986 is amended by striking paragraph (10).

(C) SECTION 6334.—Section 6334(d)(12) of the Internal Revenue Code of 1986 is amended to read as follows:

“(12) ASSISTANCE UNDER THE WORKFORCE AND CAREER DEVELOPMENT ACT OF 1996.—Any amount payable to a participant in workforce and career development activities carried out under the Workforce and Career Development Act of 1996 from funds appropriated under such Act.”.

(20) EMERGENCY JOBS AND UNEMPLOYMENT ASSISTANCE ACT OF 1974.—

(A) SECTION 204.—Section 204(b) of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended by striking “designate as an area” and all that follows and inserting “designate as an area under this section an area that is a local workforce development area under the Workforce and Career Development Act of 1996.”.

(B) SECTION 223.—Section 223 of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended—

(i) in paragraph (3), by striking “assistance provided” and all that follows and inserting “assistance provided under the Workforce and Career Development Act of 1996;”; and

(ii) in paragraph (4), by striking “funds provided” and all that follows and inserting “funds provided under the Workforce and Career Development Act of 1996;”.

(21) REHABILITATION ACT.—Section 612(b) of the Rehabilitation Act of 1973 (29 U.S.C. 795a(b)) is amended by striking “the Job Training Partnership Act” and inserting “the Workforce and Career Development Act of 1996”.

(22) JOB TRAINING REFORM AMENDMENTS OF 1992.—Section 701 of the Job Training Reform Amendments of 1992 (29 U.S.C. 1501 note) is repealed.

(23) PUBLIC LAW 98-524.—Section 7 of Public Law 98-524 (29 U.S.C. 1551 note) is repealed.

(24) VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT OF 1988.—Section 402 of the Veterans' Benefits and Programs Improvement Act of 1988 (29 U.S.C. 1721 note) is amended—

(A) in subsection (a), by striking “title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.)” and inserting “the Workforce and Career Development Act of 1996”;

(B) in subsection (c), by striking “Training, in consultation with the office designated or created under section 322(b) of the Job Training Partnership Act,” and inserting “Training”; and

(C) in subsection (d)—

(i) in paragraph (1), by striking “under—” and all that follows through “the Veterans’ ” and inserting “under the Veterans’ ”; and

(ii) in paragraph (2), by striking “Employment and training” and all that follows and inserting “Employment and training activities under the Workforce and Career Development Act of 1996.”.

(25) VETERANS' JOB TRAINING ACT.—

(A) SECTION 13.—Section 13(b) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking “assistance under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)” and inserting “assistance under the Workforce and Career Development Act of 1996”.

(B) SECTION 14.—Section 14(b)(3)(B)(i)(II) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking “under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)” and inserting “under the Workforce and Career Development Act of 1996”.

(C) SECTION 15.—Section 15(c)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended—

(i) in the second sentence, by striking “part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)” and inserting “the Workforce and Career Development Act of 1996”; and

(ii) in the third sentence, by striking “title III of”.

(26) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.—Section 3(a)(2) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102(a)(2)) is amended by striking “to the State” and all that follows through “and the chief” and inserting “to the Governor of the appropriate State and the chief”.

(27) TITLE 31, UNITED STATES CODE.—Section 6703(a) of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) Activities under the Workforce and Career Development Act of 1996.”.

(28) VETERANS' REHABILITATION AND EDUCATION AMENDMENTS OF 1980.—Section 512 of the Veterans' Rehabilitation and Education Amendments of 1980 (38 U.S.C. 4101 note) is amended by striking “the Comprehensive Employment and Training Act (29 U.S.C. et seq.),” and inserting “the Workforce and Career Development Act of 1996,”.

(29) TITLE 38, UNITED STATES CODE.—

(A) SECTION 4102A.—Section 4102A(d) of title 38, United States Code, is amended by striking “the Job Training Partnership Act” and inserting “the Workforce and Career Development Act of 1996”.

(B) SECTION 4103A.—Section 4103A(c)(4) of title 38, United States Code, is amended by striking “(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))”.

(C) SECTION 4213.—Section 4213 of title 38, United States Code, is amended by striking "any employment or training program assisted under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)," and inserting "any employment and training activity carried out under the Workforce and Career Development Act of 1996,".

(30) UNITED STATES HOUSING ACT.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(A) in subsection (b)(2)(A), by striking "the Job Training" and all that follows through "or the" and inserting "the Workforce and Career Development Act of 1996 or the";

(B) in the first sentence of subsection (f)(2), by striking "programs under the" and all that follows through "and the" and inserting "activities under the Workforce and Career Development Act of 1996 and the"; and

(C) in subsection (g)—

(i) in paragraph (2), by striking "programs under the" and all that follows through "and the" and inserting "activities under the Workforce and Career Development Act of 1996 and the"; and

(ii) in paragraph (3)(H), by striking "program under" and all that follows through "and any other" and inserting "activity under the Workforce and Career Development Act of 1996 and any other".

(31) HOUSING ACT OF 1949.—Section 504(c)(3) of the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by striking "pursuant to" and all that follows through "or the" and inserting "pursuant to the Workforce and Career Development Act of 1996 or the".

(32) OLDER AMERICANS ACT OF 1965.—

(A) SECTION 203.—Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(i) in subsection (a)(2), by striking the last sentence and inserting the following: "In particular, the Secretary of Labor and the Secretary of Education shall consult and cooperate with the Assistant Secretary in carrying out the Workforce and Career Development Act of 1996."; and

(ii) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) the Workforce and Career Development Act of 1996,".

(B) SECTION 502.—Section 502 of the Older Americans Act of 1965 (42 U.S.C. 3056) is amended—

(i) in subsection (b)(1)(N)(i) (as amended by subsection (i)(10)(A)), by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Workforce and Career Development Act of 1996"; and

(ii) in subsection (e)(2)(C), by striking "programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534)" and inserting "employment and training activities carried out under the Workforce and Career Development Act of 1996".

(C) SECTION 503.—Section 503(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056a(b)(1)) is amended by striking "the Job Training Partnership Act," each place it appears and inserting "the Workforce and Career Development Act of 1996,".

(D) SECTION 510.—Section 510 of the Older Americans Act of 1965 (42 U.S.C. 3056h) is amended by striking "the Job Training Partnership Act, eligible individuals shall be deemed to satisfy the requirements of sections 203 and 204(d)(5)(A) of such Act (29 U.S.C. 1603, 1604(d)(5)(A))" and inserting "the Workforce and Career Development Act of 1996, eligible individuals shall be deemed to satisfy the requirements of such Act".

(33) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 1801(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)(3)) is amended by striking "activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.)" and inserting "activities carried out under subtitle C of title II of the Workforce and Career Development Act of 1996".

(34) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984.—The second sentence of section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking "and title IV of the Job Training Partnership Act" and inserting "and the Workforce and Career Development Act of 1996".

(35) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) SECTION 103.—The second sentence of section 103(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953(d)) is amended to read as follows: "Whenever feasible, such efforts shall be coordinated with a local workforce development board established under section ____108 of the Workforce and Career Development Act of 1996.".

(B) SECTION 109.—Subsections (c)(2) and (d)(2) of section 109 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4959) is amended by striking "administrative entities designated to administer job training plans under the Job Training Partnership Act" and inserting "eligible providers of training services, as defined in section ____004 of the Workforce and Career Development Act of 1996".

(36) AGE DISCRIMINATION ACT OF 1975.—Section 304(c)(1) of the Age Discrimination Act of 1975 (42 U.S.C. 6103(c)(1)) is amended by striking "the Comprehensive Employment and Training Act of 1974 (29 U.S.C. 801, et seq.), as amended," and inserting "the Workforce and Career Development Act of 1996".

(37) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 414(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6864(b)(3)) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Workforce and Career Development Act of 1996".

(38) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 233 of the National Energy Conservation Policy Act (42 U.S.C. 6873) is amended, in the matter preceding paragraph (1), by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Workforce and Career Development Act of 1996".

(39) COMMUNITY ECONOMIC DEVELOPMENT ACT OF 1981.—Section 617(a)(3) of the Community Economic Development Act of 1981 (42 U.S.C. 9806(a)(3)) is amended by striking "activities such as those described in the Comprehensive Employment and Training Act" and inserting "employment and training activities described in the Workforce and Career Development Act of 1996".

(40) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 103(b)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(b)(2)) is amended by striking "the Job Training Partnership Act" and inserting "the Workforce and Career Development Act of 1996".

(41) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) SECTION 177.—Section 177(d) of the National and Community Service Act of 1990 (42 U.S.C. 12637(d)) is amended to read as follows:

"(d) TREATMENT OF BENEFITS.—Allowances, earnings, and payments to individuals participating in programs that receive assistance under this title shall not be considered to be income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).".

(B) SECTION 198C.—Section 198C of the National and Community Service Act of 1990 (42 U.S.C. 12653c) is amended—

(i) in subsection (b)(1), by striking "a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1))." and inserting "a military installation being closed or realigned under—

"(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); and

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note)."; and

(ii) in subsection (e)(1)(B), by striking clause (iii) and inserting the following:

"(iii) an at-risk youth (as defined in section ____004 of the Workforce and Career Development Act of 1996).".

(C) SECTION 199L.—Section 199L(a) of the National and Community Service Act of 1990 (42 U.S.C. 12655m(a)) is amended by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Workforce and Career Development Act of 1996".

(42) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—

(A) SECTION 454.—Subparagraphs (H) and (M) of subsection (c)(2), and subsection (d)(7), of section 454 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899c) are amended by striking "the Job Training Partnership Act" and inserting "the Workforce and Career Development Act of 1996".

(B) SECTION 456.—The first sentence of section 456(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899e(e)) is amended by inserting "(as in effect on the day before the date of the enactment of the Workforce and Career Development Act of 1996)" after "the Job Training Partnership Act" each place it appears.

(43) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 31113(a)(4)(C) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended by striking "authorized under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "or employment and training activities authorized under the Workforce and Career Development Act of 1996".

SEC. ____503. EFFECTIVE DATES.

(a) REPEALS.—

(1) IMMEDIATE REPEALS.—The repeals made by subsections (a) through (e) of section ____501 shall take effect on the date of the enactment of this Act.

(2) SUBSEQUENT REPEALS.—The repeals made by section ____501(f) shall take effect on July 1, 1998.

(b) CONFORMING AMENDMENTS.—

(1) IMMEDIATELY EFFECTIVE AMENDMENTS.—The amendments made by subsections (a) through (h) of section ____502 shall take effect on the date of the enactment of this Act.

(2) SUBSEQUENTLY EFFECTIVE AMENDMENTS.—The amendments made by subsections (i) through (l) of section ____502 shall take effect on July 1, 1998.

DASCHLE AMENDMENT NO. 5270

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place insert the following:

ESTABLISHING A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION

SEC. . NATIONAL REPOSITORY FOR INFORMATION ON EXPLOSIVE INCIDENTS AND ARSON.

(a) Section 846 of Title 18, United States Code, is amended by—

(1) designating the existing section as subsection (a); and

(2) by adding the following new subsection (b) to read as follows:

"(b) The Secretary is authorized to establish a national repository of information on incidents involving arson and the suspected criminal misuse of explosives. All Federal agencies having information concerning such incidents shall report the information to the Secretary pursuant to such regulations as deemed necessary to carry out the provisions of this subsection. The repository shall also contain information on incidents voluntarily reported to the Secretary by State and local authorities."

(b) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

BINGAMAN (AND JEFFORDS) AMENDMENT NO. 5271

Mr. SHELBY (for Mr. BINGAMAN, for himself and Mr. JEFFORDS) proposed an amendment to the bill, H.R. 3756, supra; as follows:

Insert at the appropriate place in the bill:

(a) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1998 a 5-percent reduction, from fiscal year 1996 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1998 at least a 5-percent reduction, from fiscal year 1996 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20-percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

DASCHLE AMENDMENT NO. 5272

Mr. SHELBY (for Mr. DASCHLE) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

ESTABLISHING A NATIONAL REPOSITORY FOR ARSON AND EXPLOSIVES INFORMATION

SEC. . NATIONAL REPOSITORY FOR INFORMATION ON EXPLOSIVES INCIDENTS AND ARSON.

(a) Section 846 of title 18, United States Code, is amended by—

(1) designated the existing section as subsection (a); and

(2) by adding the following new subsection (b) to read as follows:

"(b) The Secretary is authorized to establish a national repository of information on incidents involving arson and the suspected criminal misuse of explosives. All Federal agencies having information concerning such incidents shall report the information to the Secretary pursuant to such regulations as deemed necessary to carry out the provisions of this subsection. The repository shall also certain information on incidents voluntarily reported to the Secretary by State and local authorities."

(b) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

D'AMATO AMENDMENT NO. 5273

Mr. SHELBY (for Mr. D'AMATO) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page ____, strike lines ____ and ____, and insert the following:

"(l) MINT FACILITY FOR GOLD AND PLATINUM COINS.—Notwithstanding any other provision of law,".

At the end of title V of the bill, insert the following new sections:

SEC. 5____. COMMEMORATIVE COIN PROGRAM REFORM.

(a) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—Section 5112 of title 31, United States Code, as amended by sections 524 and 530 of this Act, is amended by adding at the end the following new subsection:

"(m) COMMEMORATIVE COIN PROGRAM RESTRICTIONS.—

"(1) MAXIMUM NUMBER.—Beginning January 1, 1999, the Secretary may mint and issue commemorative coins under this section during any calendar year with respect to not more than 2 commemorative coin programs.

"(2) MINTAGE LEVELS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in carrying out any commemorative coin program, the Secretary shall mint—

"(i) not more than 750,000 clad half-dollar coins;

"(ii) not more than 500,000 silver one-dollar coins; and

"(iii) not more than 100,000 gold five-dollar or ten-dollar coins.

"(B) EXCEPTION.—If the Secretary determines, based on independent, market-based research conducted by a designated recipient organization of a commemorative coin program, that the mintage levels described in subparagraph (A) are not adequate to meet public demand for that commemorative coin, the Secretary may waive one or more of the requirements of subparagraph (A) with respect to that commemorative coin program.

"(C) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this paragraph, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.".

(b) RECOVERY OF MINT EXPENSES REQUIRED BEFORE PAYMENT OF SURCHARGES TO ANY RECIPIENT ORGANIZATION.—

(1) CLARIFICATION OF LAW RELATING TO DEPOSIT OF SURCHARGES IN THE NUMISMATIC PUBLIC ENTERPRISE FUND.—Section 5134(c)(2) of title 31, United States Code, is amended by inserting ", including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item" before the period.

(2) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—

"(1) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall be paid from the fund to any designated recipient organization unless—

"(A) all numismatic operation and program costs allocable to the program under which such numismatic item is produced and sold have been recovered; and

"(B) the designated recipient organization submits an audited financial statement that demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the organization has raised funds from private sources for such projects and purposes in an amount that is equal to or greater than the maximum amount the organization may receive from the proceeds of such surcharge.

"(2) ANNUAL AUDITS.—

"(A) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such amount, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the organization, of all such payments to the organization beginning in the first fiscal year of the organization in which any such amount is received and continuing until all amounts received by such organization from the fund with respect to such surcharges are fully expended or placed in trust.

"(B) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of a designated recipient organization pursuant to subparagraph (A) shall report—

"(i) the amount of payments received by the designated recipient organization from the fund during the fiscal year of the organization for which the audit is conducted that are derived from the proceeds of any surcharge imposed on the sale of any numismatic item;

"(ii) the amount expended by the designated recipient organization from the proceeds of such surcharges during the fiscal year of the organization for which the audit is conducted; and

"(iii) whether all expenditures by the designated recipient organization during the fiscal year of the organization for which the audit is conducted from the proceeds of such surcharges were for authorized purposes.

"(C) RESPONSIBILITY OF ORGANIZATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—Each designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall take appropriate steps, as a condition for receiving any such payment, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the organization in each fiscal year of the organization can be accounted for separately from all other revenues and expenditures of the organization.

"(D) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of a designated recipient organization for which an audit is required under subparagraph (A), the organization shall—

"(i) submit a copy of the report to the Secretary of the Treasury; and

"(ii) make a copy of the report available to the public.

"(E) USE OF SURCHARGES FOR AUDITS.—Any designated recipient organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may use the amount received to pay the cost of an audit required under subparagraph (A).

"(F) WAIVER OF PARAGRAPH.—The Secretary of the Treasury may waive the application of any subparagraph of this paragraph to any designated recipient organization for any fiscal year after taking into account the amount of surcharges that such organization received or expended during such year.

"(G) NONAPPLICABILITY TO FEDERAL ENTITIES.—This paragraph shall not apply to any Federal agency or department or any independent establishment in the executive branch that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item.

"(H) AVAILABILITY OF BOOKS AND RECORDS.—An organization that receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such payment, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and work papers belonging to or used by the organization, or by any independent public accountant who audited the organization in accordance with subparagraph (A), which may relate to the receipt or expenditure of any such amount by the organization.

"(3) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment from the fund to any designated recipient organization of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may be used, directly or indirectly, by the organization to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to such numismatic item.

"(4) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this subsection, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.".

(3) SCOPE OF APPLICATION.—The amendments made by this section shall apply with respect to the proceeds of any surcharge imposed on the sale of any numismatic item that are deposited in the Numismatic Public Enterprise Fund after the date of the enactment of this Act.

(4) REPEAL OF EXISTING RECIPIENT REPORT REQUIREMENT.—Section 302 of Public Law 103-186 (31 U.S.C. 5112 note) is repealed.

(c) QUARTERLY FINANCIAL REPORTS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(g) QUARTERLY FINANCIAL REPORTS.—

"(1) IN GENERAL.—Not later than the 30th day of each month following each calendar quarter through and including the final period of sales with respect to any commemorative coin program authorized on or after the date of enactment of the Treasury, Postal Service, and General Government Appropriations Act, 1997, the Mint shall submit to the Congress a quarterly financial report in accordance with this subsection.

"(2) REQUIREMENTS.—Each report submitted under paragraph (1) shall include, with respect to the calendar quarter at issue—

"(A) a detailed financial statement, prepared in accordance with generally accepted accounting principles, that includes financial information specific to that quarter, as well as cumulative financial information relating to the entire program;

"(B) a detailed accounting of—

"(i) all costs relating to marketing efforts;

"(ii) all funds projected for marketing use;

"(iii) all costs for employee travel relating to the promotion of commemorative coin programs;

"(iv) all numismatic items minted, sold, not sold, and rejected during the production process; and

"(v) the costs of melting down all rejected and unsold products;

"(C) adequate market-based research for all commemorative coin programs; and

"(D) a description of the efforts of the Mint in keeping the sale price of numismatic items as low as practicable.".

(d) CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.—

(1) FIXED TERMS FOR MEMBERS.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

"(4) TERMS.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.".

(2) CHAIRPERSON.—Section 5135(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(7) CHAIRPERSON.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson of the Advisory Committee shall be elected by the members of the Advisory Committee from among such members.

"(B) EXCEPTION.—The member appointed pursuant to paragraph (3)(A)(ii) (or the alternate to that member) may not serve as the Chairperson of the Advisory Committee, beginning on June 1, 1999.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 5___. MINT MANAGERIAL STAFFING REFORM.

Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

MCCAIN AMENDMENT NO. 5274

Mr. SHELBY (for MCCAIN) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . Section 5(c)(1) of Public Law 102-259 (20 U.S.C. 5603(c)(1)) is amended—

(1) in subparagraph (A)(iii), by striking "and" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding after subparagraph (B) the following:

"(C) a Trustee may serve after the expiration of the Trustee's term until a successor has been chosen.".

DORGAN AMENDMENT NO. 5275

Mr. SHELBY (for Mr. DORGAN) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, add the following:

Notwithstanding any other provision of law, the Secretary of the Interior, through the Bureau of Indian Affairs, may directly transfer to Indian tribes in North and South Dakota portable housing units at the Grand Forks Air Force base in North Dakota which have been declared excess by the Department of Defense and requested for transfer by the Department of the Interior.

BYRD AMENDMENT NO. 5276

Mr. SHELBY (for Mr. BYRD) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 49, line 18, insert before the colon ": *Provided*, That of such amount provided for non-prospectus construction projects $250,000 may be available until expended for the acquisition, lease, construction, and equipping of flexiplace work telecommuting centers in the State of West Virginia".

HATFIELD AMENDMENT NO. 5277

Mr. SHELBY (for Mr. HATFIELD) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 55, line 11 after "Missouri" insert: ": *Provided further*, That $1,450,000 may be available for the renovation of the Pioneer Courthouse located at 520 SW Morrison in Portland, Oregon".

GRAMM AMENDMENT NO. 5278

Mr. SHELBY (for Mr. GRAMM) proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE IN SUPPORT OF NEW BORDER STATION CONSTRUCTION IN LAREDO, TEXAS.

(a) The Senate finds that:

(1) In 1995, over one-third (35%) of all U.S. exports to Mexico were processed through the Port of Laredo;

(2) Nearly two-thirds of all U.S. exports to Mexico that went through a south Texas port of entry went through the Port of Laredo in 1995;

(3) The value of imports processed through the Port of Laredo in 1995 exceeded $15 billion, and the value of all exports was $14.7 billion for that year;

(4) The number of loaded, cross-border shipments, both northbound and southbound, through the Port of Laredo is projected to double from 1995 to the year 2000, from 851,745 shipments to 1,703,490;

(5) The City of Laredo received on October 3, 1994 a Presidential Permit from the U.S. State Department to construct a third bridge in the city, and in February 1996 the U.S. Coast Guard issued a permit for the bridge's construction;

(6) Financing of the new bridge has been secured from both sponsors, the cities of Laredo and Nuevo Laredo, and in February 1997 the City of Nuevo Laredo is scheduled to begin construction of an access road connecting the bridge with the loop around Nuevo Laredo;

(7) U.S. Customs revenue generated at the Port of Laredo totaled $216 million in 1995,

an increase of $13 million from the previous year, while the U.S. Government's estimated cost for operating border station facilities in Laredo is $10 million, so that the Port generated over $200 million for the U.S. Treasury in 1995; and

(8) The new bridge will greatly enhance safety in the downtown area because it will allow the diversion of commercial traffic from the two existing downtown bridges to the new bridge, since the two downtown bridges will be strictly passenger bridges, with the new bridge and the Colombia Bridge (22 miles from Laredo) devoted to commercial traffic.

(b) It is the sense of the Senate that:

(1) The construction of a third bridge in Laredo is vitally needed to accommodate increased trade with Mexico and to relieve traffic congestion, road damage, and pollution in downtown Laredo caused by commercial traffic; and

(2) The Administrator of the General Services Administration should accelerate the timetable for design and construction of a border station for the new Laredo bridge to ensure that the bridge can be opened to international traffic as soon as possible.

KERRY (AND OTHERS) AMENDMENT NO. 5279

Mr. KERRY (for himself, Mrs. FEINSTEIN, Mr. KENNEDY, and Mr. HARKIN) proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 14, line 6, strike "$395,597,000" and insert "$416,897,000, of which $21,300,000, to remain available until expended, shall be available to conduct the study under section 732(a) of Public Law 104–132 (relating to marking, rendering inert, and licensing of explosive materials) and to conduct a study of threats to law enforcement officers from the criminal use of firearms and ammunition; and".

On page 22, line 14, strike "$4,085,355,000" and insert "$4,064,055,000".

On page 25, between lines 21 and 22, insert:

SEC.   . (a) Section 732(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) is hereby repealed.

(b) It is the sense of the Senate that the $21,300,000 reduction in funds available for tax law enforcement to fund the explosive materials and law enforcement officers safety study be achieved as follows:

(1) $9,700,000 from the delay required by this Act in implementing field restructuring of the Internal Revenue Service.

(2) $11,600,000 from administrative and other savings in tax law enforcement activities.

DOMENICI AMENDMENT NO. 5280

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place insert the following:

SEC.   . TRANSITION FROM AFDC ENTITLEMENT PROGRAM TO TANF BLOCK GRANT.

Section 116(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended—

(1) by striking "Effective" and inserting:

"(1) IN GENERAL.—Except as provided in paragraph (2), effective"; and

(2) by adding at the end the following:

"(2) TRANSITION RULE.—

"(A) IN GENERAL.—In the case of any State not opting to accelerate the effective date of this title under subsection (b)(1), paragraph (1) shall be applied to such State by substituting "July 1, 1997" for "October 1, 1996".

"(B) PAYMENTS TO STATES.—

"(i) IN GENERAL.—Notwithstanding subsection (b)(1)(B)(ii)(II), the total obligation of the Federal Government for fiscal year 1997 to any State described in subparagraph (A) shall be increased by ¼ of the State family assistance grant for such State for such fiscal year.

"(ii) TIMING OF PAYMENT.—Any State eligible for the ¼ increase in the Federal obligation to such State under clause (i), shall receive an outlay representing such increase at the beginning of the 4th quarter of fiscal year 1997.".

D'AMATO AMENDMENT NO. 5281

(Ordered to lie on the table.)

Mr. D'AMATO (for himself and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill insert the following new section:

Sec.   . For all reasonable costs associated with the recovery effort of TWA Flight 800, there shall be made available no more than $10 million to the Department of the Treasury, "Departmental Offices" account, which shall remain available until expended. The State of New York, counties, and local governments that provided assistance to this effort shall be eligible for reimbursement of expenses incurred during this effort. If the value of total claims exceeds the appropriated sum, the funds shall be allocated on a pro-rated basis. All claims by New York State, counties, and municipalities shall be forwarded to the appropriate department of the State of New York, who in turn will forward a claim to the Department of the Treasury.

On page 2, line 18 strike "$111,348,000 and insert "$121,348,000".

On page 53, line 14 strike "$360,000,000" and insert "$355,000,000".

On page 55, line 15 strike "$2,343,795,000" and insert "$2,343,790,000.

COVERDELL AMENDMENT NO. 5282

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following new section:

Sec.   . No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the Executive Office of the President who—

(1) in the course of employment has access to information, documents, or, records that are—

(A) subject to the exemption under section 552(b)(7) of title 5, United States Code; or

(B) determined to be national security information in accordance with Executive Order No. 12356; and

(2) is determined as a result of a pre-employment background check, or is determined after such employment begins, to have illegally used any controlled substance during—

(A) the 5-year period before the date of the beginning of such employment; or

(B) the period of any employment in the Executive Office of the President.

JOHNSTON AMENDMENT NO. 5283

(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

"SEC.   . AMENDMENT TO THE NUCLEAR WASTE POLICY ACT.

"The Nuclear Waste Policy Act of 1982 is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Nuclear Waste Policy Act of 1996'.

"(b) TABLE OF CONTENTS.—

"Sec. 1. Short title and table of contents.
"Sec. 2. Definitions.

"TITLE I—OBLIGATIONS

"Sec. 101. Obligations of the Secretary of Energy.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"Sec. 201 Intermodal Transfer.
"Sec. 202. Transportation planning.
"Sec. 203. Transportation requirements.
"Sec. 204. Interim storage.
"Sec. 205. Permanent repository.
"Sec. 206. Land withdrawal.

"TITLE III—LOCAL RELATIONS

"Sec. 301. Financial Assistance.
"Sec. 302. On-Site Representative.
"Sec. 303. Acceptance of Benefits.
"Sec. 304. Restrictions on Use of Funds.
"Sec. 305. Land Conveyances.

"TITLE IV—FUNDING AND ORGANIZATION

"Sec. 401. Program Funding.
"Sec. 402. Office of Civilian Radioactive Waste Management.
"Sec. 403. Federal contribution.

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"Sec. 501. Compliance with other laws.
"Sec. 502. Judicial review of agency actions.
"Sec. 503. Licensing of facility expansions and transshipments.
"Sec. 504. Siting a second repository.
"Sec. 505. Financial arrangements for low-level radioactive waste site closure.
"Sec. 506. Nuclear Regulatory Commission training authority.
"Sec. 507. Emplacement schedule.
"Sec. 508. Transfer of Title.
"Sec. 509. Decommissioning Pilot Program.
"Sec. 510. Water Rights.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"Sec. 601. Definitions.
"Sec. 602. Nuclear Waste Technical Review Board.
"Sec. 603. Functions.
"Sec. 604. Investigatory powers.
"Sec. 605. Compensation of members.
"Sec. 606. Staff.
"Sec. 607. Support services.
"Sec. 608. Report.
"Sec. 609. Authorization of appropriations.
"Sec. 610. Termination of the board.

"TITLE VII—MANAGEMENT REFORM

"Sec. 701. Management reform initiatives.
"Sec. 702. Reporting.
"Sec. 703. Effective date.

"SECTION 2. DEFINITIONS.

"For purposes of this Act:

"(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

"(2) AFFECTED INDIAN TRIBE.—The term "affected Indian tribe" means any Indian tribe—

"(A) whose reservation is surrounded by or borders an affected unit of local government, or

"(B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a repository if the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

"(3) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

"(4) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity means any activity' of the Secretary performed in whole or in part in carrying out any of the following functions:

"(A) Naval reactors development.

"(B) Weapons activities including defense inertial confinement fusion.

"(C) Verification and control technology.

"(D) Defense nuclear materials production.

"(E) Defense nuclear waste and materials byproducts management.

"(F) Defense nuclear materials security and safeguards and security investigations.

"(G) Defense research and development.

"(5) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

"(6) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

"(7) CONTRACTS.—The term 'contracts' means the contracts, executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, under section 302(a) of the Nuclear Waste Policy Act of 1982, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptance of such waste or fuel by the Secretary and the payment of fees to offset the Secretary's expenditures, and any subsequent contracts executed by the Secretary pursuant to section 401(a) of this Act."

"(8) CONTRACT HOLDERS.—The term 'contract holders' means parties (other than the Secretary) to contracts.

"(9) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(10) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

"(11) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

"(12) EMPLACEMENT SCHEDULE.—The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

"(13) ENGINEERED BARRIERS AND ENGINEERED SYSTEMS AND COMPONENTS.—The terms 'engineered barriers' and 'engineered systems and components,' mean man-made components of a disposal system. These terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

"(14) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

"(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

"(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

"(15) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

"(16) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

"(17) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

"(18) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

"(19) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

"(20) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

"(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or byproduct material as defined in section 11e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

"(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

"(21) METRIC TONS URANIUM.—The terms 'metric tons uranium' and 'MTU' means the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

"(22) NUCLEAR WASTE FUND.—The terms 'Nuclear Waste Fund' and 'waste fund' mean the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

"(23) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

"(24) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 6, 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

"(25) RESPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the geologic disposal of spend nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

"(26) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(27) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to asses whether site characterization should be undertaken.

"(28) SPENT NUCLEAR FUEL.—The term 'spend nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

"(29) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

"(30) WITHDRAWAL.—The term 'withdrawal' has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)).

"(31) YUCCA MOUNTAIN SITE.—The term "Yucca Mountain site" means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

"TITLE I—OBLIGATIONS

"SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

"(a) DISPOSAL.—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

"(b) INTERIM STORAGE.—The Secretary shall store spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders at an interim storage facility pursuant to section 204 in accordance with the emplacement schedule, beginning not later than November 30, 1999.

"(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary. The Secretary shall procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders to and among facilities comprising the Integrated Management System. Consistent with the Buy American Act (41 U.S.C. 10a–10c), unless the Secretary shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, all such systems and components procured by the Secretary shall be manufactured in the United States, with the exception of any transportable storage systems purchased by contract holders prior to the effective date of the Nuclear Waste Policy Act of 1996 and procured by the Secretary from such contract holders for use in the integrated management system.

"(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

"(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Management System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary's obligations and requirements under this Act.

"(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

"(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or

"(2) obligations imposed upon the federal government by the U.S. District Court of Idaho in an order entered on October 17, 1995 in *United States* v. *Batt* (No. 91-0054-S-EJL).

"(g) LIABILITY.—Subject to subsection (f), nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

SEC. 201. INTERMODAL TRANSFER.—

"(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

"(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than November 30, 1999. Intermodal transfer and related activities are incidental to the interstate transportation of spent nuclear fuel and high-level radioactive waste.

"(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

"(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln County, Nevada, as required to facilitate replacement of land and city wastewater disposal facilities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than November 30, 1999.

"(e) NOTICE AND MAP.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

"(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

"(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council.

Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

"(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

"(g) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

"(h) BENEFITS AGREEMENT.—

"(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with the City of Caliente and Lincoln County, Nevada concerning the integrated management system.

"(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of the City of Caliente and Lincoln County, Nevada.

"(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

"(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

"(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

"(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

"(i) CONTENT OF AGREEMENT.

"(1) SCHEDULE.—In addition to the benefits to which the City of Caliente and Lincoln County is entitled to under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

BENEFITS SCHEDULE

[Amounts in millions]

Event	*Payment*
(A) Annual Payments prior to first receipt of spent fuel	$2.5
(B) Annual payments beginning upon first spent fuel receipt	5.0
(C) Payment upon closure of the intermodal transfer facility	5.0

"(2) DEFINITIONS.—For purposes of this section, the term—

"(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

"(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

"(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) and shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

"(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1/12 of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

"(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

"(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

"(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

"(j) INITIAL LAND CONVEYANCES.

"(1) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Lincoln under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Lincoln County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(2) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Park Site

Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site

Map 13: Lincoln County, Parcel J, Mixed Use, Alamo Community Expansion Area

Map 14: Lincoln County, Parcel E, Mixed Use, Pioche Community Expansion Area

Map 15: Lincoln County, Parcel B, Landfill Expansion Site.

"(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(4) Evidence of Title Transfer.—Upon request of the County of Lincoln, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"SEC. 202. TRANSPORTATION PLANNING.

"(a) Transportation Readiness.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities, using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999, and, by that date, shall, in consultation with the Secretary of Transportation, develop and implement a comprehensive management plan that ensures that safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site beginning not later than November 30, 1999.

"(b) Transportation Planning.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with Section 203, and public education regarding transportation of spent nuclear fuel and high level radioactive waste; and transportation tracking programs.

"SEC. 203. TRANSPORTATION REQUIREMENTS.

"(a) Package Certification.—No spent nuclear fuel and high level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

"(b) State Notification.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

"(c) Technical Assistance.—The Secretary shall provide technical assistance and funds to States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. The Secretary shall also provide technical assistance and funds for training directly to national nonprofit employee organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations, and shall be consistent with any training standards established by the Secretary of Transportation in accordance with subsection (g). The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

"(d) Public Education.—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

"(e) Compliance With Transportation Regulations.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1986, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the federal, state and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

"(f) Employee Protection.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105.

"(g) Training Standard.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

"(3) The training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

"(A) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

"(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

"(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

"SEC. 204. INTERIM STORAGE.

"(a) Authorization.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Commission as necessary to implement the provisions of this Act. The interim storage facility shall commence operation in phases in accordance with subsection (b).

"(b) Schedule.—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility at the interim storage facility site by November 30, 1999, except that:

"(A) The Secretary shall not begin any construction activities at the interim storage facility site before December 31, 1998.

"(B) The Secretary shall cease all activities (except necessary termination activities) at the Yucca Mountain site if the President determines, in his discretion, on or before December 31, 1998, based on a preponderance of the information available at such time, that the Yucca Mountain site is unsuitable for development as a repository, including geologic and engineered barriers, because of a substantial likelihood that a repository of useful size cannot be designed, licensed, and constructed at the Yucca Mountain site.

"(C) No later than June 30, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include—

"(i) the preliminary design concept for the critical elements of the repository and waste package,

"(ii) a total system performance assessment, based upon the design concept and the scientific data and analysis available by June 30, 1998, describing the probable behavior of the repository in the Yucca Mountain geologic setting relative to the overall system performance standard set forth in section 205(d) of this Act,

"(iii) a plan and cost estimate for the remaining work required to complete a license application, and

"(iv) an estimate of the costs to construct and operate the repository in accordance with the design concept.

"(D) Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository under paragraph (B), the President shall designate a site for the construction of an interim storage facility. If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site is not approved by law within 24 months of the President's determination that the Yucca Mountain site is not suitable for development as a repository, the Secretary shall begin construction of an interim storage facility at the interim storage facility site as defined in section 2(19) of this Act. The interim storage facility site as defined in section 2(19) of this Act shall be deemed to be approved by law for purposes of this section.

"(2) Upon the designation of an interim storage facility site by the President under paragraph (1)(D), the Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

"(c) DESIGN.—

"(1) The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The design of the interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

"(2) The Secretary shall consent to an amendment to the contracts to provide for reimbursement to contract holders for transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems as part of the integrated management system, provided that the Secretary shall not be required to expend any funds to modify contract holders's storage or transport systems or to seek additional regulatory approvals in order to use such systems.

"(d) LICENSING.—

"(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than November 30, 1999.

"(2) FIRST PHASE.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The Environmental Report and Safety Analysis Report submitted in support of such license application shall be consistent with the scope of authority requested in the license application. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first phase shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

"(3) SECOND PHASE.—No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. If the Secretary does not submit the license application for construction of a respository by February 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 17, 2010, the license shall authorize a storage capacity of 60,000 MTU. The license application shall be submitted such that the license can be issued to permit the second phase facility to begin full spent nuclear fuel receipt operations no later than December 31, 2002. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

"(e) ADDITIONAL AUTHORITY.—

"(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1996 and shall commence construction of each phase of the interim storage facility subsequent to submittal of the license application for such phase except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

"(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1996 within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

"(3) EMPLACEMENT OF FUEL AND WASTE.—Subject to paragraph (i), once the Secretary has achieved the annual acceptance rate for spent nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, as set forth in the Secretary's annual capacity report dated March, 1995 (DOE/RW-0457), the Secretary shall accept, in an amount not less than 25% of the difference between the contractual acceptance rate and the annual emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

"(A) spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1996;

"(B) spent nuclear fuel from foreign research reactors, as necessary to promote non-proliferation objectives; and

"(C) spent nuclear fuel, including spent nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities.

"(f) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

"(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's and President's activities under this section, including, but not limited to, the selection of a site for the interim storage facility, assessments, determinations and designations made under section 204(b), the preparation and submittal of a license application and supporting documentation, the construction of a facility under paragraph (e)(1) of this section, and facility use pursuant to paragraph (e)(2) of this section shall be considered preliminary decisionmaking activities for purposes of judicial review. The Secretary shall not prepare an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of such Act before conducting these activities.

"(2) ENVIRONMENTAL IMPACT STATEMENT.—

"(A) FINAL DECISION.—A final decision by the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

"(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

"(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

"(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

"(i) the need for the interim storage facility, including any individual component thereof;

"(ii) the time of the initial availability of the interim storage facility;

"(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

"(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

"(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

"(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

"(g) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

"(h) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.).

"(i) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Commission shall, by rule, establish criteria for the storage in the interim storage facility of fuel and waste listed in paragraph (e)(3)(A) through (C), to the extent such criteria are not included in regulations issued by the Commission and existing on the date of enactment of the Nuclear Waste Policy Act of 1996. Following establishment of such criteria, the Secretary shall seek authority, as necessary, to store fuel and waste listed in paragraph (e)(3)(A) through (C) at the interim storage facility. None of the activities carried out pursuant to this paragraph shall delay, or otherwise affect, the development, construction, licensing, or operation of the interim storage facility.

"(j) SAVINGS CLAUSE.—The Commission shall, by rule, establish procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall affect any such procedures, or any licenses or approvals issued pursuant to such procedures in effect on the date of enactment.

"SEC. 205. PERMANENT REPOSITORY.

"(a) REPOSITORY CHARACTERIZATION.—

"(1) GUIDELINES.—The guidelines promulgated by the Secretary and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

"(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

"(3) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, as modified to be consistent with the Nuclear Waste Policy Act of 1996, no later than February 1, 2002, the Secretary shall apply to the Commission for authorization to construct a repository. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

"(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the most cost-effective manner, consistent with the need for disposal capacity.

"(b) REPOSITORY LICENSING.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

"(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the respository—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

"(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(4) POST-CLOSURE.—The Secretary shall take those action necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

"(A) breaching the repository's engineered or geologic barriers; or

"(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

"(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

"(d) REPOSITORY LICENSING STANDARDS.—The Administrator of the Environmental Protection Agency shall, pursuant to authority under other provisions of law, issue generally applicable standards for the protection of the public from releases of radioactive materials or radioactivity from the repository. Such standards shall be consistent with the overall system performance standard established by this subsection unless the Administrator determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1), applied in accordance with the provisions of paragraph (2), and the Administrator's radiation protection standards. The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards;

"(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirens unless the Commission determines by the rule that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

"(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if finds reasonable assurance that for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

"(3) FACTORS.—For purposes of making the finding in paragraph (2)—

"(A) the Commission shall not consider catastrophic events where the health consequences of individual events themselves can be reasonably assumed to exceed the health consequences due to the impact of the events on repository performance;

"(B) for the purpose of this section, an average member of the general population in the vicinity of the Yucca Mountain site means a person whose physiology, age, general health, agricultural practice, eating habits, and social behavior represent the average for persons living in the vicinity of the site, Extremes in social behavior, eating habits, or other relevant practices or characteristics shall not be considered; and

"(C) the Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site, in accordance with subsection (b)(4), shall be sufficient to—

"(i) prevent any human activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

"(ii) prevent any increase in the exposure of individual members of the public to radiation beyond the allowable limits specified in paragraph (1).

"(4) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository.

"(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

"(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate.

"(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

"(3) ADOPTION BY COMMISSION.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted to the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

"(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

"SEC. 206. LAND WITHDRAWAL.

"(a) WITHDRAWAL AND RESERVATION.—

"(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

"(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

"(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

"(b) LAND DESCRIPTION.—

"(1) BOUNDARIES.—The boundaries depicted on the map entitled "Interim Storage Facility Site Withdrawal Map," dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

"(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

"(3) NOTICE AND MAPS.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"TITLE III—LOCAL RELATIONS

"SEC 301. FINANCIAL ASSISTANCE.

"(a) GRANTS.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

"(1) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the integrated management system on the affected Indian tribe or the affected unit of local government and its residents;

"(2) to develop a request for impact assistance under subsection (c);

"(3) to engage in any monitoring, testing, or evaluation activities with regard to such site;

"(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

'(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

"(b) SALARY AND TRAVEL EXPENSES.—Any salary or travel expense that would ordinarily be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

"(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

"(1) ASSISTANCE REQUESTS.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

"(2) REPORT.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system.

"(d) OTHER ASSISTANCE.—

"(1) TAXABLE AMOUNTS.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grants to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amounts such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

"(2) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

"(3) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

"(A) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

"(B) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

SEC. 302. ON-SITE REPRESENTATIVE

"The Secretary shall offer to the unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on-site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

SEC. 303. ACCEPTANCE OF BENEFITS.

"(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express, or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State to oppose the siting in Nevada of an interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any official of any governmental unit of Nevada premised solely upon the acceptance or use of benefits under this title.

SEC. 304. RESTRICTIONS ON USE OF FUNDS.

"None of the funding provided under this title may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

"(2) for litigation purposes; and

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act.

SEC. 305. LAND CONVEYANCES.

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, and on file with the Secretary shall be conveyed under subsection (a) to the County of Nye, Nevada:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"TITLE IV—FUNDING AND ORGANIZATION

"SEC. 401. PROGRAM FUNDING.

"(a) CONTRACTS.—

"(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraphs (2) and (3). Except as provided in paragraph (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.

"(2) ANNUAL FEES.—

"(A) For electricity generated by civilian nuclear power reactors and sold between January 7, 1983, and September 30, 2002, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on those activities consistent with subsection (d) for that fiscal year, minus—

"(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

"(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403.

The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatt-hour generated and sold.

"(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 2002, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

"(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

"(ii) the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403,

the Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

"(C) RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(3) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1996 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996 pursuant to the contracts, including any interest due pursuant to such contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph on or before September 30, 2002, and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

"(4) ADJUSTMENTS TO FEE.—The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3), together with the existing balance of the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996, to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (c)(2). In the event the Secretary determines that the revenues being collected are either insufficient or excessive to recover the costs incurred by the Federal Government that are specified in subsection (c)(2), the Secretary shall propose an adjustment to the fee in subsection (c)(2) to ensure full costs recovery. The Secretary shall immediately transmit the proposal for such an adjustment to both houses of Congress.

"(b) ADVANCE CONTRACTING REQUIREMENT.—

"(1) IN GENERAL.—

"(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

"(i) such person has entered into a contract under subsection (a) with the Secretary; or

"(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

"(B) PRECONDITION.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

"(2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

"(3) ASSIGNMENT.—The rights and duties of contract holders are assignable.

"(c) NUCLEAR WASTE FUND.—

"(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

"(A) the existing balance in the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996; and

"(B) all receipts, proceeds, and recoveries realized under subsections (a), and (c)(3) subsequent to the date of enactment of the Nuclear Waste Policy of 1996, which shall be deposited in the Nuclear Waste Fund immediately upon their realization.

"(2) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to subsections (d) and (e), only for purposes of the integrated management system.

"(3) ADMINISTRATION OF NUCLEAR WASTE FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

"(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

"(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investment shall not exceed the average interest rate applicable to existing borrowings.

"(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"(d) BUDGET.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

"(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to appropriations, which shall remain available until expended.

"SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

"(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

"SEC. 403. FEDERAL CONTRIBUTION.

"(a) ALLOCATION.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1996, acting pursuant to section 553 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include,

"(1) an appropriate portion of the costs associated with research and development activities with respect to development of an interim storage facility and repository; and

"(2) as appropriate, interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

"(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

"(c) REPORT.—In conjunction with the annual report submitted to Congress under Section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.

"(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research rectors, as established under subsection (a).

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"SEC. 501. COMPLIANCE WITH OTHER LAWS.

"If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act (42 U.S.C. 2011 et seq.) or of this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act and this Act in implementing the integrated management system.

"SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

"(a) JURISDICTION OF THE UNITED STATES COURTS OF APPEALS.—

"(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

"(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

"(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

"(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

"(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

"(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

"(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge or such decision, action, or failure to act.

"(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

"SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

"(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

"(b) ADJUDICATORY HEARING.—

"(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

"(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

"(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

"(2) DETERMINATION.—In making a determination under this subsection, the Commission—

"(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

"(B) shall not consider—

"(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

"(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless

"(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

"(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

"(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

"(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

"(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

"(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

"(2) the count finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

"SEC. 504. SITING A SECOND REPOSITORY.

"(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

"(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

"SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

"(a) FINANCIAL ARRANGEMENTS.—

"(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

"(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

"(b) TITLE AND CUSTODY.—

"(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

"(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

"(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

"(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

"(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

"(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

"SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

"The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant licensee personnel training programs.

"SEC. 507. EMPLACEMENT SCHEDULE.

"(a) The emplacement schedule shall be implemented in accordance with the following:

"(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

"(2) The Secretary's spent fuel emplacement rate shall be no less than the following: 1,200 MTU in fiscal year 2000 and 1,200 MTU in fiscal year 2001; 2,000 MTU in fiscal year 2002 and 2000 MTU in fiscal year 2003; 2,700 MTU in fiscal year 2004; and 3,000 MTU annually thereafter.

"(b) If the Secretary is unable to begin emplacement by November 30, 1999 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a), the Secretary shall, as a mitigation measure, adjust the emplacement schedule upward such that within 5 years of the start of emplacement by the Secretary,

"(1) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had began emplacement in fiscal year 2000, and

"(2) thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2000.

"SEC. 508. TRANSFER OF TITLE.

"(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

"(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with evidence of the title transfer. Immediately upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.

"SEC. 509. DECOMMISSIONING PILOT PROGRAM.

"(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

"(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

"SEC. 510. WATER RIGHTS.

"(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

"(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

"(c) Exercise of Water Rights Generally Under Nevada Laws.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"SEC. 601. DEFINITIONS.

"For purposes of this title—

"(1) Chairman.—The term "Chairman" means the Chairman of the Nuclear Waste Technical Review Board

"(2) Board.—The term "Board" means the Nuclear Waste Technical Review Board continued under section 602.

"SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

"(a) Continuation of the Nuclear Waste Technical Review Board.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of the Nuclear Waste Policy Act of 1996, shall continue in effect subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996.

"(b) Members.—

"(1) Number.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

"(2) Chair.—The President shall designate a member of the Board to serve as Chairman.

"(3) National academy of sciences.—

"(A) Nominations.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate no less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

"(B) Vacancies.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

"(C) Nominees.—

"(i) Each person nominated for appointment to the Board shall be—

"(I) eminent in a field of science or engineering, including environmental sciences; and

"(II) selected solely on the basis of established records of distinguished service.

"(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

"(iii) No person shall be nominated for appointment to the Board who is an employee of—

"(I) the Department of Energy;

"(II) a national laboratory under contract with the Department of Energy; or

"(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

"(4) Vacancies.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

"(5) Terms.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

"SEC. 603. FUNCTIONS.

"The Board shall limit its evaluations to the technical and scientific validity solely of the following activities undertaken directly by the Secretary after December 22, 1987—

"(1) site characterization activities; and

"(2) activities of the Secretary relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

"SEC. 604. INVESTIGATORY POWERS

"(a) Hearings.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. The Secretary or the Secretary's designee or designees shall not be required to appear before the Board or any element of the Board for more than twelve working days per calendar year.

"(b) Production of Documents.—

"(1) Response to inquiries.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information that is generally available to the public as may be necessary to respond to any inquiry of the board under this title.

"(2) Extent.—Subject to existing law, information obtainable under paragraph (1) may include drafts of products and documentation of work in progress.

"SEC. 605. COMPENSATION OF MEMBERS.

"(a) In General.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

"(b) Travel Expenses.—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"SEC. 606. STAFF.

"(a) Clerical Staff.—

"(1) Authority of chairman.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

"(2) Provisions of title 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

"(b) Professional Staff.—

"(1) Authority of chairman.—Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

"(2) Number.—Not more than 10 professional staff members may be appointed under this subsection.

"(3) Title 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

"SEC. 607. SUPPORT SERVICES.

"(a) General Services.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

"(b) Accounting, Research, and Technology Assessment Services.—The Comptroller General and the Librarian of Congress shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services including staff, as may be necessary for the effective performance of the functions of the Board.

"(c) Additional Support.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

"(d) Mails.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) Experts and Consultants.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

"SEC. 608. REPORT.

"The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

"SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

"SEC. 610. TERMINATION OF THE BOARD.

"The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

"TITLE VII—MANAGEMENT REFORM

"SEC. 701. MANAGEMENT REFORM INITIATIVES.

"(a) In General.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

"(b) Audits.—

"(1) Standard.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

"(2) Time.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1996.

"(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office of the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

"(4) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

"(5) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

"(d) VALUE ENGINEERING.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

"(e) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

"SEC. 702. REPORTING.

"(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

"(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the acceptance schedule;

"(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

"(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

"(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.

"(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of:

"(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

"(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

"(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years."

"SEC. 703. EFFECTIVE DATE.

This Act shall become effective one day after enactment.".

STEVENS AMENDMENT NO. 5284

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the end of the bill, add the following new title:

TITLE VIII—FEDERAL EMPLOYEES THRIFT SAVINGS PLAN

Subtitle A—Additional Investment Funds for the Thrift Savings Plan

SEC. 801. SHORT TITLE.

This subtitle may be cited as the "Thrift Savings Investment Funds Act of 1996".

SEC. 802. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);";

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out "and" at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out "paragraph (7)(D)" in each place it appears and inserting in each such place "paragraph (8)(D)"; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end thereof the following new paragraph:

"(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D)."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out "and" at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

"(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

"(E) an International Stock Index Investment Fund as provided in paragraph (4)."; and

(B) by adding at the end thereof the following new paragraphs:

"(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

"(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

"(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

"(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

SEC. 803. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3)," and inserting in lieu thereof "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),".

SEC. 804. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act, and the Funds established under this subtitle shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

Subtitle B—Thrift Savings Accounts Liquidity

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Thrift Savings Plan Act of 1996".

SEC. 822. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS.

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out "An election, change of election, or modification (relating to the commencement date of a deferred annuity)" and inserting in lieu thereof "An election or change of election";

(ii) by inserting "or withdrawal" after "and a loan";

(iii) by inserting "and (h)" after "8433(g)";

(iv) by striking out "the election, change of election, or modification" and inserting in lieu thereof "the election or change of election"; and

(v) by inserting "or withdrawal" after "for such loan"; and

(B) in subparagraph (D)—

(i) by inserting "or withdrawals" after "of loans"; and

(ii) by inserting "or (h)" after "8433(g)"; and

(2) in paragraph (6)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

SEC. 823. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS.

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

"(1) an annuity;

"(2) a single payment;

"(3) 2 or more substantially equal payments to be made not less frequently than annually; or

"(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

"(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

"(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

"(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

"(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.";

(2) in subsection (d)—

(A) in paragraph (1) by striking out "Subject to paragraph (3)(A)" and inserting in lieu thereof "Subject to paragraph (3)";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out "(A)"; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or" and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out "February 1" and inserting in lieu thereof "April 1";

(B) in subparagraph (A)—

(i) by striking out "65" and inserting in lieu thereof "70½"; and

(ii) by inserting "or" after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)(1) by striking out "after December 31, 1987, and"; and

(6) by adding after subsection (g) the following new subsection:

"(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon the employee or Member having attained age 59½.

"(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

"(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

"(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

"(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.".

(b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this subtitle), with respect to an annuity which has not commenced before the implementation date of this subtitle as provided by regulation by the Executive Director in accordance with section 827 of this subtitle, shall be invalid.

SEC. 824. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS.

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out "may make an election under subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section" and inserting in lien thereof "may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election"; and

(B) by adding at the end thereof "A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out "An election, change of election, or modification of the commencement date of a deferred annuity" and inserting in lieu thereof "An election or change of election"; and

(ii) by striking out "modification, or transfer" and inserting in lien thereof "or transfer"; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out "modification,";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "or withdrawal" after "A loan";

(II) by inserting "and (h)" after "8433(g)"; and

(III) by inserting "or withdrawal" after "such loan";

(ii) in subparagraph (B) by inserting "or withdrawal" after "loan"; and

(iii) in subparagraph (C)—

(I) by inserting "or withdrawal" after "to a loan"; and

(II) by inserting "or withdrawal" after "for such loan"; and

(B) in paragraph (2)—

(i) by inserting "or withdrawal" after "loan"; and

(ii) by inserting "and (h)" after "8344(g)"; and

(4) in subsection (g)—

(A) by inserting "or withdrawals" after "loans"; and

(B) by inserting "and (h)" after "8344(g)".

SEC. 825. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY.

(a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(2) by striking out "unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

(b) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

(c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

SEC. 826. DEFINITION OF BASIC PAY.

(a) IN GENERAL.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out "except as provided in subchapter III of this chapter,".

(2) Section 8431 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out "8431,".

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out "section 8431 of title 5, United States Code,".

SEC. 827. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act and withdrawals and elections as provided under the amendments made by this subtitle shall be made at the earliest practicable date as determined by the Executive Director in regulations.

KERRY AMENDMENT NO. 5285

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place, add the following new section:

SEC. . WORKPLACE RELIGIOUS FREEDOM.—(a) SHORT TITLE.—This section may be cited as the "Workplace Religious Freedom Act of 1996".

(b) AMENDMENTS.—

(1) DEFINITIONS.—Section 701(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(j)) is amended—

(A) by inserting "(1)" after "(j)";

(B) by inserting ", after initiating and engaging in an affirmative and bona fide effort," after "unable"; and

(C) by adding at the end the following:

"(2) As used in this subsection, the term 'undue hardship' means an accommodation requiring significant difficulty or expense. For purposes of determining whether an accommodation requires significant difficulty or expenses, the factors to be considered shall include—

"(A) the identifiable cost of the accommodation in relation to the size and operating cost of the employer; and

"(B) the number of individuals who will need a particular accommodation to a religious observance or practice.".

(2) EMPLOYMENT PRACTICES.—Section 703 of such Act (42 U.S.C. 2000e-2) is amended by adding at the end the following:

"(o)(1) For purposes of determining whether an employer has committed an unlawful employment practice under this title by failing to provide a reasonable accommodation to the religious observance or practice of an employee or prospective employee, an accommodation by the employer shall not be deemed to be reasonable if—

"(A) such accommodation does not remove the conflict between employment requirements and the religious observance or practice of the employee or prospective employee; or

"(B)(i) the employee or prospective employee demonstrates to the employer the availability of an alternative accommodation less onerous to the employee or prospective employee that may be made by the employer without undue hardship on the conduct of the employer's business; and

"(ii) the employer refuses to make such accommodation.

"(2) It shall not be a defense to a claim of unlawful employment practices for failure to provide a reasonable accommodation that such accommodation would be in violation of a bona fide seniority system if, in order for the employer to reasonably accommodate to such observance or practice—

"(A) an adjustment would be made in the employee's work hours (including an adjustment that requires the employee to work overtime in order to avoid working at a time that abstention from work is necessary to satisfy religious requirements), shift, or job assignment, that would not be available to any employee but for such accommodation; or

"(B) the employee and any other employee would voluntarily exchange shifts or job assignments, or voluntarily make some other arrangement between the employees.

"(3)(A) An employer shall not be required to pay premium wages for work performed during hours to which such premium wages would ordinarily be applicable, if work is performed during such hours only to accommodate religious requirements of an employee.

"(B) As used in this paragraph, the term 'premium wages' includes premium overtime pay, pay for night, weekend, or holiday work, and pay for standby or irregular duty."

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) EFFECTIVE DATE.—Except as provided in subsection (b), this section and the amendments made by subsection (b) shall take effect on the date of enactment of this Act.

(2) APPLICATION OF AMENDMENTS.—The amendments made by subsection (b) shall not apply with respect to conduct occurring before the date of enactment of this Act.

HATFIELD AMENDMENT NO. 5286

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following new title:

TITLE —LOCAL EMPOWERMENT AND FLEXIBILITY PILOT ACT OF 1996

SECTION 01. SHORT TITLE.

This Act may be cited as the "Local Empowerment and Flexibility Pilot Act of 1996."

SEC. 02. FINDINGS.

The Congress finds that—

(1) historically, Federal programs have addressed the Nation's problems by providing categorical financial assistance with detailed requirements relating to the use of funds;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some program requirements may inadvertently impede the effective delivery of services;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery of many kinds of services;

(4) our nation's communities are diverse and many have innovative planning and community involvement strategies to comprehensively meet their particular service needs for providing services, but Federal, State, and local grant and other requirements often hamper effective implementation of such strategies.

(5) it is more important than ever to provide programs that—

(A) promote more effective and efficient delivery of services at all levels of government to meet the full range of needs of individuals, families, and society;

(B) respond flexibly to the diverse needs of the Nation's communities;

(C) reduce the barriers between programs that impede the State, local, and tribal government's ability to effectively delivery services; and

(D) empower State, local, and tribal governments and private, nonprofit organizations to be innovative in creating programs that meet the unique needs of their communities while continuing to address national policy goals; and

SEC. 03. PURPOSES.

The purposes of this Act are to—

(1) improve the delivery of services to the public;

(2) promote State, local, and tribal governments and private, non-profit organizations and consortiums to identify goals to improve their communities and the lives of their citizens;

(3) enable eligible applicants to adapt programs of Federal financial assistance to the particular needs of their communities by integrating programs and program funds across existing Federal financial assistance programs that have similar goals and purposes;

(4) more effectively meet the goals and purposes of Federal, State and local financial assistance programs;

(5) empower eligible applicants to work together to build stronger cooperative, intergovernmental and private partnerships to address critical service problems;

(6) place less emphasis in Federal financial assistance programs on complying with procedures and more emphasis on achieving Federal, State, local and tribal policy goals.

(7) facilitate State, local, and tribal government efforts to develop regional or metropolitan solutions to shared problems;

(8) improve intergovernmental efficiency;

SEC. 04. DEFINITIONS.

For purposes of this Act:

(1) AFFECTED FEDERAL AGENCY.—The term "affected Federal agency" means the Federal agency with principal authority for the administration of an eligible Federal financial assistance program included in a plan.

(2) AFFECTED STATE AGENCY.—The term "affected State agency" means—

(A) any State agency with authority for the administration of any State program or eligible Federal financial assistance program; and

(B) with respect to education programs, the term shall include the State Education Agency as defined by the Elementary and Secondary Education Act and the Higher Education Act.

(3) APPROVED FLEXIBILITY PLAN.—The term "approved flexibility plan" means a flexibility plan or that part of a flexibility plan, that is approved by the Community Empowerment Board under section 8.

(4) BOARD.—The term "Board" means the Community Empowerment Board established under section 5.

(5) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(6) ELIGIBLE APPLICANT.—The term "eligible applicant" means a State, local, or tribal government, qualified organization, or qualified consortium that is eligible to receive financial assistance under 1 or more eligible Federal financial assistance program.

(7) ELIGIBLE FEDERAL FINANCIAL ASSISTANCE PROGRAM.—The term "eligible Federal financial assistance program"—

(A) except as provided in subparagraph (B), means a domestic assistance program (as defined under section 6101(4) of title 31, United States Code) under which financial assistance is available, directly or indirectly, to a State, local, or tribal government or a qualified organization to carry out activities consistent with national policy goals; and

(B) does not include—

(i) a Federal program under which direct financial assistance is provided by the Federal Government directly to an individual beneficiary of that financial assistance, or to a State to provide direct financial assistance, or to a State to provide direct financial or food voucher assistance directly to an individual beneficiary;

(ii) a program carried out with direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)); or

(iii) a program of assistance referred to in section 6101(4)(A)(ix) of title 31, United States Code or Section 3(10) of the Congressional Budget Act of 1974.

(10) FLEXIBILITY PLAN.—The term "flexibility plan" means a comprehensive plan or part of such plan for the coordination or integration and the administration by an eligible applicant of financial assistance provided by the Federal Government under 2 or more eligible Federal financial assistance programs that includes funds from Federal, State, local, or tribal government or private sources to address the service needs of a community.

(11) GOALS AND PURPOSES.—The term "goals and purposes" means the "goals and purposes" embodied in an eligible Federal financial assistance program, including the targeted population embodied in that program.

(12) LOCAL GOVERNMENT.—The term "local government" means—

(A) a political subdivision of a State that is a unit of general local government (as defined under section 6501 of title 31, United States Code);

(B) any combination of political subdivisions described in subparagraph (A) that submits an application to the Board; or

(C) a local educational agency as defined under section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)).

(13) QUALIFIED CONSORTIUM.—The term "qualified consortium" means a group that is composed of 2 or more qualified organizations, State, local, or tribal agencies that receive federally appropriated funds.

(14) QUALIFIED ORGANIZATION.—The term "qualified organization" means a private, nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)).

(15) SMALL GOVERNMENT.—The term "small government" means any small governmental jurisdiction defined in section 601(5) of title 5, United States Code, and a tribal government.

(16) STATE.—The term "State" means each of the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

(17) STATE LEGISLATIVE OFFICIAL.—The term "State legislative official" means—

(A) the presiding officer of a chamber of a State legislature; and

(B) the minority leader of a chamber of a State legislature.

(18) TRIBAL GOVERNMENT.—The term "tribal government" means the governing entity of an Indian tribe, as that term is defined in the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 05. ESTABLISHMENT OF COMMUNITY EMPOWERMENT BOARD.

(a) IN GENERAL.—There is established a Community Empowerment Board, which shall consist of—

(1) the Secretary of Housing and Urban Development;

(2) the Secretary of Health and Human Services;

(3) the Secretary of Agriculture;

(4) the Secretary of Transportation;

(5) the Secretary of Education;

(6) the Secretary of Commerce;

(7) the Secretary of Labor;

(8) the Secretary of the Treasury;

(9) the Attorney General;

(10) the Secretary of the Interior;

(11) the Secretary of Energy;

(12) the Secretary of Veterans Affairs;

(13) the Secretary of Defense;

(14) the Director of the Federal Emergency Management Agency;

(15) the Administrator of the Environmental Protection Agency;

(16) the Director of the National Drug Control Policy;

(17) the Administrator of the Small Business Administration;

(18) the Director of the Office of Management and Budget;

(19) the Administrator of General Services; and

(20) other officials of the Executive Branch as directed by the President.

(b) CHAIR.—The President shall designate the Chair of the Board from among its members.

(c) FUNCTIONS.—

(1) IN GENERAL.—The Board shall—

(A) no later than 180 days after implementation of this Act, select 6 states to participate in this Act;

(B) receive, review, and approve or disapprove flexibility plans in according with section 7;

(C) consider all requests for technical assistance from eligible applicants and, when appropriate, provide or direct that an affected Federal argency provide the head of an agency that administers an eligible Federal financial assistance program under which substantial Federal financial assistance would be provided under the plan to provide technical assistance to the eligible applicant, and to the extent permitted by law, special assistance to interested small governments to support the development and implementation of a flexibility plan, which may include expedited processing;

(D) in consultation with the Director, monitor the progress of development and implementation of flexibility plans;

(E) in consultation with the Director, coordinate and assist Federal agencies in identifying regulations of eligible Federal financial assistance programs for revision, repeal and coordination;

(F) evaluate performance standards and evaluation criteria for eligible Federal financial assistance programs, and make specific recommendations to agencies regarding how to revise such standards and criteria in order to establish specific performance and outcome measures upon which the success of such programs and the success of the plan may be compared and evaluated; and

(G) designate a Federal agency to be primarily responsible for the oversight, monitoring, and evaluation of the implementation of a plan.

(2) QUALIFICATIONS FOR STATES.—Of the 6 States selected for participation under paragraph 1—

(A) 3 States shall each have a population of 3,500,000 or more as determined under the most recent decennial census; and

(B) 3 States shall each have a population of 3,500,000 or less as determined under the most recent decennial census.

(d) COORDINATION AND ASSISTANCE.—The Director, in consultation with the Board, shall coordinate and assist Federal agencies in creating—

(1) a uniform application to be used to apply for assistance from eligible Federal financial assistance programs;

(2) a release form to be used by grantees to facilitate, where appropriate and otherwise lawful, the sharing for information across eligible Federal financial assistance programs; and

(3) a system wherein an organization or consortium of organizations may use one proposal to apply for funding from multiple eligible Federal financial assistance programs.

(e) DETAILS AND ASSIGNMENTS TO BOARD.—At the request of the Board and with the approval of the appropriate Federal agency, staff of the agency may be detailed or assigned to the Board on a nonreimbursable basis.

(f) INTERAGENCY FINANCING.—Notwithstanding any other law, interagency financing is authorized to carry out the purposes of this Act.

(g) JUDICIAL REVIEW.—The actions of the Board shall not be subject to judicial review.

SEC. —06. APPLICATION FOR APPROVAL OF FLEXIBILITY PLAN.

(a) IN GENERAL.—An eligible applicant may submit to the Board in accordance with this section an application for approval of a flexibility plan.

(b) CONTENTS OF APPLICATION.—An application submitted under this section shall include—

(1) a proposed flexibility plan that complies with subsection (c);

(2) written certification by the chief executive of the applicant, and such additional assurances as may be required by the Board, that—

(A) the applicant has the ability, authority, and resources to implement the proposed plan, throughout the geographic area in which the proposed plan is intended to apply; and

(B) amounts are available from non-Federal sources to pay the non-Federal share of all eligible Federal financial assistance programs included in the proposed plan;

(C) the flexibility plan prohibits the integration or combination of program funds across existing Federal financial assistance programs which do not have similar goals and purposes.

(3) all comments on the proposed plan submitted under subsection (d) by a Governor, affected State agency, State legislative official, or a chief executive of a local or tribal government that would be directly affected by implementation of the proposed plan, and the applicant's responses to those comments;

(4) written documentation that the eligible applicant informed the affected community of the contents of the plan and gave the public and the affected population the opportunity to comment upon the plan, including at least one public hearing involving agencies, qualified organizations, eligible intended beneficiaries of the plan, and others directly affected by the plan;

(5) the public comments, which shall include the comments of the affected population, received on the plan and the applicant's responses to the significant comments;

(6) other relevant information the Board may require to review or approve the proposed plan.

(c) CONTENTS OF PLAN.—A flexibility plan submitted by an eligible applicant under this section shall include—

(1) the geographic area and timeframe to which the plan applies and the rationale for selecting the area and timeframe;

(2) the particular groups of individuals, by service needs, economic circumstances, or other defining factors, who currently receive services and benefits under the eligible Federal financial assistance programs included in the plan and the particular groups of individuals, by service needs, economic circumstances, or other defining factors who would receive services and benefits under the plan;

(3) the specific goals and measurable performance criteria that demonstrate how the plan is expected to improve the delivery and

effectiveness of services to the affected population, including—

(A) a description of how performance shall be measured under the plan when compared to the current performance of the eligible Federal financial assistance programs included in the plan; and

(B) a system for the comprehensive evaluation of the impact of the plan on individuals who receive services and benefits in the community affected by the plan, that shall include—

(i) a list of goals to improve the community and the lives of its citizens in the geographic area covered by the plan;

(ii) a list of goals identified by the State in which the plan is to be implemented, if such goals have been established by the State; and

(iii) a description of how the plan will—

(I) attain the goals listed in clauses (i) and (ii);

(II) measure performance; and

(III) collect and maintain data;

(4) the eligible Federal financial assistance programs included in the plan and the specific services and benefits to be provided under the plan under such programs, including—

(A) criteria for determining eligibility for services and benefits under the plan;

(B) the services and benefits available under the plan;

(C) the amounts and form (such as cash, in-kind contributions, or financial instruments) of non-service benefits; and

(D) any other descriptive information the Board considers necessary to approve the plan;

(5) a description of the goals and purposes of each Federal financial assistance program included in the plan and how the goals and purposes of such programs shall more effectively be met at the State, local, and tribal level;

(6) a general description of how the plan appropriately addresses any effect that administration of each eligible Federal financial assistance program included in the plan would have on the administration of programs not included in the plan;

(7) a description of how the flexibility plan will adequately achieve the purposes of this Act;

(8) except for the requirements described under section 7(f)(3), any Federal statutory or regulatory requirement of an eligible Federal financial assistance program included in the plan, the waiver of which is necessary to implement the plan, and the detailed justification for the waiver request;

(9) any State, local, or tribal statutory, regulatory, or other requirement, the waiver of which is necessary to implement the plan, and an indication of commitment of the appropriate State, local, or tribal governments to grant such waivers;

(9) a description of the Federal fiscal control and related accountability procedures to be followed under the flexibility plan and, as necessary, an explanation of how such procedures will not diminish existing Federal requirements;

(10) a description of the sources and amounts of all non-Federal funds that are required to carry out eligible Federal financial assistance programs included in the plan;

(11) verification that Federal funds made available under the plan will not supplant non-Federal funds for existing services and activities that promote the goals of the plan;

(12) verification that none of the Federal funds under the plan would be used to—

(A) meet maintenance of effort requirements of such an activity; or

(B) meet State, local, or tribal matching shares; and

(13) any other relevant information the Board may require to approve the plan;

(d) PROCEDURE FOR APPLYING.—

(1) SUBMISSION TO AFFECTED STATE AND LOCAL GOVERNMENTS.—An eligible applicant shall submit an application for approval of a proposed flexibility plan to each State government and each local government that the applicant deems to be directly affected by the plan, at least 60 days before submitting the application to the Board.

(2) REVIEW BY AFFECTED GOVERNMENT.—The Governor, affected State agency head, State legislative official, and the chief executive officer of a local government that receives an application submitted under paragraph (1) may each, by no later than 60 days after the date of that receipt—

(A) prepare comments on the proposed flexibility plan included in the application;

(B) describe and make commitments to waive any State or local laws or other requirements which are necessary for successful implementation of the proposed plan; and

(C) submit the comments and commitments to the eligible applicant.

(3) SUBMITTAL TO BOARD.—Applications for approval of a flexibility plan shall only be submitted to the Board between—

(A) October 1, 1997 and March 31, 1998; or

(B) October 1, 1998 and March 31, 1999.

(4) ACTION BY AFFECTED GOVERNMENT.—If the Governor, affected State agency head, State legislative official or the chief executive officer of a local government—

(A) fails to act on or otherwise endorse a plan application within 60 days after receiving an application under paragraph (1);

(B) does not make and submit to the eligible applicant the commitments described in paragraph (2)(A) and (B); or

(C) disagrees with all or part of the proposed flexibility plan;

the eligible applicant may submit the application to the Board if the application is amended as necessary for the successful implementation of the proposed plan without the commitment made under paragraph (2)(B), including by adding an updated description of the ability of the proposed flexibility plan to meet plan goals and satisfy performance criteria in the absence of statutory and regulatory waivers and financial and technical support from the State or local government.

(e) TRIBAL SOVEREIGNTY.—Nothing under this Act shall be construed to affect, or otherwise alter, the sovereign relationship between tribal governments and the Federal Government.

(f) ELIGIBILITY FOR OTHER ASSISTANCE.—Disapproval by the Board of a flexibility plan submitted by an eligible applicant under this Act shall not affect the eligibility of the applicant for assistance under any Federal program.

(g) STATE, LOCAL, OR TRIBAL AUTHORITY.—Nothing in this Act shall be construed to grant the Board, Federal agency, or any eligible applicant to waive or otherwise preempt—

(1) any State, local, or tribal law or regulation including the legal authority under State law of any affected State agency, State entity, or public official over programs that are under the jurisdiction of the agency, entity, or official; or

(2) the existing authority of a State, local, or tribal government or qualified organization or consortium with respect to an eligible Federal financial assistance program included in the plan unless such entity has consented to the terms of the plan.

SEC. 07. REVIEW AND APPROVAL OF FLEXIBILITY PLANS AND WAIVER REQUESTS.

(a) REVIEW OF APPLICATIONS.—Upon receipt of an application for approval of a proposed flexibility plan, the Board shall notify the eligible applicant as to whether or not the plan is complete. If the Board determines a plan is complete, the Board shall—

(1) establish procedures for consultation with the applicant during the review process;

(2) publish notice of the application for approval in the Federal Register and make available the contents to any interested party upon written request;

(3) if appropriate, coordinate public hearings on the plan by either the Board or the appropriate Federal agency;

(4) approve or disapprove plans submitted under—

(i) section 6(d)(3)(A) no later than July 31, 1998; or

(ii) section 6(d)(3)(B) no later than July 31, 1999;

(5) in the case of any disapproval of a plan, include written justification of the reasons for disapproval in the notice of disapproval sent to the applicant;

(6) publicly announce and forward to Congress on July 31, 1998 and July 31, 1999, the list of approved flexibility plans, including an identification of approved plans that request statutory or regulatory waivers and the identification of such requested waivers.

(b) APPROVAL.—

(1) IN GENERAL.—The Board may approve a flexibility plan for which an application is submitted by an eligible applicant under this Act, if the Board determines that—

(A) the contents of the application for approval of the plan comply with the requirements of this Act; and

(B) the contents of the flexibility plan indicate that the plan will effectively achieve the purposes of this Act described in section 3 by adhering to the conditions described in sections 6 and 7;

(2) RESTRICTION.—(A) The Board may approve no more than 30 plans; and

(B) only three approved plans may be submitted by state applicants.

(3) REQUIREMENT TO DISAPPROVE PLAN.—The Board must disapprove a flexibility plan if the Board determines that—

(A) implementation of the plan would result in any increase in the total amount of obligations or outlays of discretionary appropriations or direct spending under Federal financial assistance programs, over the amounts of such obligations and outlays that would occur under those programs without implementation of the plan; or

(B) the flexibility plan fails to comply with paragraph (1).

(4) SPECIFICATION OF PERIOD OF EFFECTIVENESS.—In approving any flexibility plan, the Board shall specify the period during which the plan is effective, which in no case shall be greater than 5 years from the date of approval.

(d) MEMORANDA OF UNDERSTANDING REQUIRED.—

(1) IN GENERAL.—An approved flexibility plan may not take effect until the Board receives a signed memorandum of understanding agreed to by the eligible applicant that would receive Federal financial assistance administered under the flexibility plan and by each affected Federal agency.

(2) CONTENTS.—A memorandum of understanding under this subsection shall specify all understandings that have been reached by the affected Federal agencies and the eligible applicant. The memorandum shall include understandings with respect to—

(A) the conditions described in sections 6 and 7;

(B) the effective dates of all State, local or tribal government waivers;

(C) technical or special assistance being provided to the eligible applicant; and

(D) the effective date and timeframe of the plan and each Federal waiver approved in the plan;

(E)(i) the total amount of Federal funds that will be provided as services and benefits under or used to administer eligible Federal financial assistance programs included in the plan; or

(ii) a mechanism for determining that amount, including specification of the total amount of Federal funds that will be provided or used under each eligible Federal financial assistance program included in the plan.

(e) Limitation on Confidentiality Requirements.—The Board may not, as a condition of approval of a flexibility plan or with respect to the implementation of an approved flexibility plan, establish any confidentiality requirement that would—

(1) impede the exchange of information needed for the design or provision of services and benefits under the plans; or

(2) conflict with law.

(f) Limitation on the Use of Funds.—The Board may not approve any plan that includes funds under an eligible federal financial assistance program to—

(1) support tuition vouchers for children attending private elementary or secondary schools, including before and after school programs; or

(2) otherwise pay their cost of attending such schools.

(g) Waivers of Federal Requirements.—

(1) In general.—Notwithstnding any other law and subject to the provisions of this Act, including paragraphs (2) and (3), affected Federal agencies may waive, for a period of time not to exceed 5 years from the date the Board receives a signed memorandum of understanding, any statutory or regulatory requirement of an eligible Federal assistance program included in an approved flexibility plan of an eligible applicant if that waiver is—

(A) necessary for implementation of the flexibility plan;

(B) not disapproved by the Board; and

(C) necessary to effectively achieve the purposes of this Act described in section 3 by adhering to the conditions described in section 6 and 7.

(2) Effective period of waiver.—A waiver granted under this section shall terminate on the earlier of—

(A) the expiration of a period specified by the affected Federal agency not to exceed five years from the date the Board receives the signed memorandum of understanding; or

(B) any date on which the flexibility plan for which the waiver is granted ceases to be effective.

(3) Restriction on waiver authority.—An affected Federal agency may not grant a waiver for a statutory or regulatory requirement of an eligible Federal financial assistance program requested under this section that—

(A) may be waived under another provision of law except in accordance with the requirements and limitations imposed by that other provision of law;

(B) enforces statutory or constitutional rights of individuals including the right to equal access and opportunity in housing and education, including any requirement under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq);

(C) enforces any civil rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(D) protects public health and safety, the environment, labor standards, worker rights, health and pension benefits and worker health safety;

(E) provides for a maintenance of effort, matching share or prohibition on supplanting; or

(F) grants any person a cause of action.

SEC. 08. IMPLEMENTATION, AMENDING AND TERMINATION OF APPROVED FLEXIBILITY PLANS.

(a) Implementation.—

(1) The Board, in consultation with the Director, shall issue guidance to implement this Act within 180 days after the date of enactment of this Act.

(2) Notwithstanding any other law, any service or benefit that is provided under an eligible Federal financial assistance program included in an approved flexibility plan shall be paid and administered in the manner specified in the approved flexibility plan.

(3) The authority provided under this Act to waive provisions of grant agreements may be exercised only as long as the funds provided for the grant program in question are available for obligation by the Federal Government.

(b) Amending of Flexibility Plan.—

(1) In the event that an eligible applicant—

(A) desires an amendment to an approved flexibility plan in order to better meet the purposes of this Act; or

(B) requires an amendment to ensure continued implementation of an approved flexibility plan, the applicant shall—

(i) submit the proposed amendment to the Board for review and approval; and

(ii) upon approval, enter into a revised memorandum of understanding with the affected Federal agency.

(2) Approval by the Board and, when appropriate, affected Federal agency, shall be based upon the same conditions required for approval of a flexibility plan.

(v) Termination of Plan by Board.—

(A) In general.—The Board shall terminate an approved flexibility plan, if, after consultation with the affected Federal agencies, the Board determines that—

(i) the applicant of the approved flexibility plan is unable to meet the commitments under this Act; or

(ii) audit or oversight activities determine there has been fraud or abuse involving Federal funds under the plan.

(B) Transition period.—In terminating an approved flexibility plan under this paragraph, the Board shall allow a reasonable period of time for appropriate Federal agencies and eligible applicants to resume administration of Federal programs that are eligible Federal financial assistance programs included in the plan.

(2) Revocation of waiver.—

(A) The Board may recommend that an effected Federal agency, and an affected Federal agency may, revoke a waiver under section 7(f) if the applicant of the approved flexibility plan fails to—

(i) comply with the requirements of the plan;

(ii) make acceptable progress towards achieving the goals and performance criteria set forth in the plan; or

(iii) use funds in accordance with the plan.

(B) Affected Federal agencies shall revoke all waiver issued under section 7(f) for a flexibility plan if the Board terminates the plan.

(C) Explanation required.—In the case of termination of a plan or revocation of a waiver, as appropriate, the Board or affected Federal agencies shall provide for the former eligible applicant a written justification of the reasons for termination or revocation.

SEC. 09 EVALUATIONS AND REPORTS.

(a) Approved Applicants.

(1) In general.—An applicant of an approved flexibility plan, in accordance with guidance issued by the Board, shall—

(A) submit any reports on and cooperate in any audits of the implementation of its approved flexibility plan; and

(B) monitor the effect implementation of the plan has had on—

(i) individuals who receive services and benefits under the plan;

(ii) communities in which those individuals live;

(iii) costs of administering and providing assistance under eligible Federal financial assistance programs included in the plan; and

(iv) performance of the eligible Federal financial assistance programs included in the plan compared to the performance of such programs prior to implementation of the plan.

(2) Initial 1-year report.—No later than 90 days after the end of the 1-year period beginning on the date the plan takes effect, and annually thereafter, the approved applicant, respectively, shall submit to the Board a report on the principal activities, achievements, and shortcomings under the plan during the period covered by the report, comparing those achievements and shortcomings to the goals and performance criteria included in the plan under section 6(c)(3).

(3) Final Report.—No later than 120 days after the end of the effective period of an approved flexibility plan, the approved applicant shall submit to the Board a final report on implementation of the plan, including a full evaluation of the successes and shortcomings of the plan and the effects of that implementation on individuals who receive benefits under the eligible Federal financial assistance programs under the plan.

(b) Board.—No later than two years after the date of the enactment of this Act, and annually thereafter, the Board shall submit a report to the President and the Congress on the Federal statutory and regulatory requirements of eligible Federal financial assistance programs that are most frequently waived under section 7(f) with respect to approved flexibility plans. The President shall review the report and identify those statutory and regulatory requirements that the President determines should be amended or repealed.

(c) Director.—Two years after this Act goes into effect, and no less than 60 days after repeal of this Act, the Director shall report on its progress in achieving the functions outlined in section 5(d).

(c) General Accounting Office.—

(1) Beginning on the date of enactment of this Act, the General Accounting Office shall—

(A) evaluate the effectiveness of eligible Federal financial assistance programs included in flexibility plans approved pursuant to this Act compared with such programs not included in a flexibility plan;

(B) establish and maintain, through the effective date of this statute, a program for the ongoing collection of data and analysis of each eligible Federal financial assistance program included in an approved flexibility plan.

(2) No later than January 1, 2005, the General Accounting Office shall submit a report

to Congress and the President that describes and evaluates the results of the evaluations conducted pursuant to paragraphs (1) and any recommendations on how to improve flexibility in the administration of eligible Federal financial assistance programs.

(d) ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.—No later than January 1, 2005, the Advisory Commission on Intergovernmental Relations shall submit a report to the Congress and President that—

(1) describes the extent to which this Act has improved the ability of State, local and tribal governments, particularly smaller units of government, to make more effective use of two or more Federal financial assistance programs included in a flexibility plan;

(2) evaluates if or how the flexibility provided by this Act has improved the system of Federal financial assistance to State, local and tribal governments, and enabled governments and community organizations to work together more effectively; and

(3) includes recommendations with respect to flexibility for State, local and tribal governments.

SEC. 010. REPEAL.

This Act is repealed on January 1, 2005.

SEC. 011. DELIVERY DATE OF FEDERAL CONTRACT, GRANT, AND ASSISTANCE APPLICATIONS.

(a) GENERAL RULE.—

(1) DATE OF DELIVERY.—The Director of the Office of Management and Budget shall direct all Federal agencies to develop a consistent policy relating to Federal contract, grant, and other assistance applications which stipulates that if any bid, grant application, or other document required to be filled within a prescribed period or on or before a prescribed date is, after such period or such date, delivered by United States mail to the agency, officer, or office with which such bid, grant application, or other document is required to be made, the date of the United States postmark stamped on the cover in which such bid, grant application, or other document is mailed shall be deemed to be the date of delivery, as the case may be.

(2) MAILING REQUIREMENTS.—This subsection applies only if—

(A) the postmark date falls within the prescribed period or on or before the prescribed date for the filing (including any extension granted for such filing) of the bid, grant application, or other document; and

(B) the bid, grant application, or other document was, within the time prescribed in subparagraph (A), deposited in the mail in the United States in an envelope or other appropriate wrapper, postage prepaid, properly addressed to the agency, officer, or office with which the bid, grant application, or other document is required to be made.

(b) POSTMARKS.—This section shall apply in the case of postmarks not made by the United States Postal Service only if and to the extent provided by the regulations prescribed by Federal agencies.

(c) REGISTERED AND CERTIFIED MAILING.—

(1) REGISTERED MAIL.—For purposes of this section, if any such bid, grant application, or other document is sent by United States registered mail—

(A) such registration shall be prima facie evidence that the bid, grant application, or other document was delivered to the agency, officer, or office to which addressed; and

(B) the date of registration shall be deemed the postmark date.

(2) CERTIFIED MAIL.—Federal agencies are authorized to provide by regulations the extent to which the provisions of paragraph (1) of this subsection with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall remain in effect notwithstanding section 10 of this Act.

HUTCHISON AMENDMENT NO. 5287

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, H.R. 3756, supra; as follows:

On page 64, strike lines 14 through 18 and add in lieu thereof:

SEC. . FUNDING TO MEET TREATY OBLIGATIONS.

(1) BUDGET AUTHORITY TO FUND BORDER STATIONS.—

(a) New budget authority for leasing agreements with State and local governments and private sponsors for construction by the General Services Administration of border facilities on the borders of the United States with Canada or Mexico, constructed pursuant to increased cross-border trade arising from treaties signed by the United States and ratified by the U.S. Senate, shall be treated as budget authority in the fiscal year in which the budget authority is obligated for construction, without regard to section 3328(a)(1)(B) of title 31, United States Code;

(c) an agreement entered into under such provisions shall provide for the title to the property and facilities to vest in the United States on or before the expiration of the contract term, on fulfillment of the terms and conditions of the agreement.

(2) GRANTS.—

(a) The General Services Administration shall make grants with respect to any State and local governments and private sponsors for initiation of construction by the General Services Administration of new border facilities on the borders of the United States with Canada or Mexico, pursuant to (1)(a), the total cost of which in fiscal year 1997 shall not exceed $2,150,000. The Administrator of G.S.A. shall submit to the Congress a prioritized list of border projects consistent with this section.

(b) LIMITATION ON PERCENT OF COST.—Federal funding provided under (2)(a) may not exceed 50% of the total cost of the activity with respect to which such a grant is provided.

(c) funds not granted by the GSA during fiscal year 1997 pursuant to (2) shall be transferred to the General Fund of the Treasury for deficit reduction.

BOXER AMENDMENT NO. 5288

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, H.R. 3756, supra; as follows:

On page 59, line 23, after "$5,600,000" insert ": *Provided*, That—

(1) the Congress finds that—

(A) the Gun Control Act of 1968 prohibited the importation of handguns that were easily concealable, poorly constructed, and lacking important safety features;

(B) the ban on the importation of such handguns (commonly termed "junk guns") did not prohibit the domestic manufacture of junk guns; and

(C) available data are insufficient to determine which handgun models currently manufactured in America are junk guns that fail to meet the safety and performance standards required of imported handguns;

(2) the Bureau of Alcohol, Tobacco and Firearms shall conduct a study listing the firearms legally manufactured in the United States that could not legally be imported under the restrictions of section 925(d)(3) of title 18, United States Code, and prepare a report on the study that shall be transmitted to the Congress no later than 1 year after the date of enactment of this Act;

(3) notwithstanding the provisions of section 102(3)(f) of title 3, United States Code, if funds are not required for Presidential transition, $2,000,000 of the amount appropriated under this heading shall be made available to the Bureau of Alcohol, Tobacco and Firearms to conduct the study and report described in paragraph (2); and

(4)(A) if funds are required for Presidential transition, the study described in paragraph (2) shall not be required unless the Congress provides funding for that purpose; and

(B) it is the sense of the Senate that if funds are required for Presidential transition, alternate means of funding the study described in paragraph (2) should be provided.

NICKLES AMENDMENT NO. 5289

(Ordered to lie on the table.)

Mr. NICKLES submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

SEC. . REQUIREMENT FOR THE DISTRICT OF COLUMBIA TO COMPLY WITH 5-YEAR TIME LIMIT FOR WELFARE ASSISTANCE.

(a) IN GENERAL.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall rescind approval of the waiver described in subsection (b). Upon such rescission, the Secretary shall immediately approve such waiver in accordance with subsection (c).

(b) WAIVER DESCRIBED.—The waiver described in this subsection is the approval by the Secretary on August 19, 1996, of the District of Columbia's Welfare Reform Demonstration Special Application for waivers, which was submitted under section 1115 of the Social Security Act, and entitled the District of Columbia's Project on Work, Employment, and Responsibility (POWER).

(c) CONDITION FOR WAIVER APPROVAL.—The Secretary shall not approve any part of the waiver described in subsection (b) that relates to a waiver of the requirement under section 408(a)(7) of the Social Security Act to not use any part of the grant made under section 403 of such Act to provide assistance to a family that includes an adult who has received assistance under any State program funded under part A of title IV of such Act attributable to funds provided by the Federal Government for 60 months (whether or not consecutive).

SEC. . NO WAIVER OF 5-YEAR TIME LIMIT FOR WELFARE ASSISTANCE.

Beginning on and after the date of the enactment of this Act, the Secretary of Health and Human Services shall not approve any application submitted under section 1115 of the Social Security Act, or under any other provision of law, for a waiver of the requirement under section 408(a)(7) of such Act to not use any part of the grant made under section 403 of such Act to provide assistance to a family that includes an adult who has received assistance under any State program funded under part A of title IV of such Act attributable to funds provided by the Federal Government for 60 months (whether or not consecutive).

KERRY AMENDMENT NO. 5290

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

Insert at the appropriate place: "*Provided further*, That from funds made available for Basic Repairs and Alterations, $2,000,000 shall be transferred to the Policy and Operations appropriation".

NICKLES AMENDMENT NO. 5291

(Ordered to lie on the table.)

Mr. NICKLES submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . SHORT TITLE.

This Act may be cited as the "Workers Political Freedom Act of 1996".

SEC. . WORKERS' POLITICAL RIGHTS.

(a) UNFAIR LABOR PRACTICES BY EMPLOYERS PROHIBITED.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by—

(1) striking the period at the end of paragraph (5) and inserting in lieu thereof "; or"; and

(2) adding after paragraph (5) the following new paragraph;

"(6) to receive from an employee dues, initiation fees, assessments, or other payments as a condition of employment for use for political activities in which the employer is engaged unless with the prior written voluntary authorization of the employee."

(b) UNFAIR LABOR PRACTICES BY LABOR ORGANIZATIONS PROHIBITED.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended by—

(1) striking "and" at the end of paragraph (6);

(2) striking the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) adding after paragraph (7) the following new paragraph;

"(8) to receive from a member or nonmember dues, initiation fees, assessments, or other payments as a condition of membership in the labor organization or as a condition of employment for use for political activities in which the labor organization is engaged unless with the prior written voluntary authorization of the member or nonmember: *Provided*, That nothing in this paragraph shall be construed to deprive the courts of their concurrent jurisdiction over claims that a labor organization's use of the monies specified in this paragraph, or over the procedures for objecting to such spending, breaches the duty of fair representation."

SEC. . EFFECTIVE DATE.

The amendments made by this Act shall apply the date of enactment of this Act.

ASHCROFT AMENDMENT NO. 5292

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place add the following new title:

TITLE ___—WORKING FAMILIES FLEXIBILITY

SEC. ___01. SHORT TITLE.

This title may be cited as the "Working Families Flexibility Act of 1996".

SEC. ___02. COMPENSATORY TIME.

Subsection (o) of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by striking paragraphs (1) through (5) and inserting the following:

"(1) An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section.

"(2) An employer may provide compensatory time under paragraph (1) only—

"(A) pursuant to—

"(i) applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other agreement between the employer and representatives of such employees; or

"(ii) in the case of employees who are not represented by a collective bargaining agent or other representative designated by the employee, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if such agreement or understanding was entered into knowingly and voluntarily by such employee;

"(B) in the case of an employee who is not an employee of a public agency, if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to receive compensatory time in lieu of monetary overtime compensation; and

"(C) if the employee has not accrued compensatory time in excess of the limit applicable to the employee prescribed by paragraph (4) or (5).

In the case of employees described in subparagraph (A)(ii) who are employees of a public agency and who were hired before April 15, 1986, the regular practice in effect on such date with respect to compensatory time off for such employees in lieu of the receipt of monetary overtime compensation, shall constitute an agreement or understanding described in such subparagraph. Except as provided in the preceding sentence, the provision of compensatory time off to employees of a public agency for hours worked after April 14, 1986, shall be in accordance with this subsection. An employer may provide compensatory time under paragraph (1) to an employee who is not an employee of a public agency only if an agreement or understanding described in subparagraph (A)(ii) was not a condition of employment.

"(3) An employer that is not a public agency and that provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of—

"(A) interfering with such employee's rights under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation;

"(B) requiring any employee to accept such compensatory time in lieu of monetary overtime compensation; or

"(C) requiring any employee to use such compensatory time on or by a date determined by such employer.

"(4)(A) An employee who is not an employee of a public agency may accrue not more than 240 hours of compensatory time.

"(B)(i) Not later than January 31 of each calendar year, the employer of an employee described in subparagraph (A) shall provide monetary compensation, for any compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding calendar year at the rate prescribed by paragraph (6). The employer of an employee described in subparagraph (A) may designate and communicate to the employee a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

"(ii) The employer of an employee described in subparagraph (A) may provide monetary compensation for the employee's unused compensatory time in excess of 80 hours at any time after giving the employee at least 30 days' notice. Such compensation shall be provided at the rate prescribed by paragraph (6).

"(iii) An employer that is not a public agency and that has adopted a policy offering compensatory time to employees of the employer may discontinue such policy upon giving employees 30 days' notice.

"(iv) An employee who is not an employee of a public agency may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at any time.

"(C) An employee who is not an employee of a public agency may request in writing that monetary compensation be provided, at any time, for all compensatory time accrued that has not yet been used. Within 30 days after receiving the written request, the employer of the employee shall provide the employee the monetary compensation due in accordance with paragraph (6).

"(5)(A) If the work of an employee of a public agency for which compensatory time may be provided included work in a public safety activity, an emergency response activity, or a seasonal activity, the employee engaged in such work may accrue not more than 480 hours of compensatory time for hours worked by such employee after April 15, 1986. If the work of an employee of a public agency for which compensatory time may be provided does not include a public safety activity, an emergency response activity, or a seasonal activity, the employee engaged in such work may accrue not more than 240 hours of compensatory time for hours worked after April 15, 1986. Any employee of a public agency who, after April 15, 1986, has accrued 480 or 240 hours, as the case may be, of compensatory time off shall, for additional overtime hours of work, be paid monetary overtime compensation.

"(B) If monetary compensation is paid to an employee described in subparagraph (A) for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

"(6)(A) An employee of an employer that is not a public agency who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time at a rate of compensation not less than—

"(i) the average regular rate received by such employee during the period during which the compensatory time was accrued; or

"(ii) the final regular rate received by such employee;

whichever is higher.

"(B) An employee of an employer that is a public agency who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time at a rate of compensation not less than—

"(i) the average regular rate received by such employee during the last 3 years of the employee's employment; or

"(ii) the final regular rate received by such employee;

whichever is higher.

"(C) Any payment owed to an employee under this subsection for unused compensatory time shall be considered unpaid overtime compensation.

"(7) An employee—

"(A) who has accrued compensatory time off authorized to be provided under paragraph (1); and

"(B) who has requested the use of such compensatory time;

shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer.".

SEC. ___03. REMEDIES.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking "(b) Any employer" and inserting "(b) Except as provided in subsection (f), any employer"; and

(2) by adding at the end the following:

"(f) An employer that is not a public agency and that violates section 7(o)(3) shall be liable to the employee affected in an amount equal to—

"(1) the product of the rate of compensation (determined in accordance with section 7(o)(6)(A)) and the number of hours of compensatory time involved in the violation that was initially accrued by the employee; and

"(2) as liquidated damages—

"(A) an additional amount equal to such product; minus

"(B) the product of such rate of compensation and the number of hours of compensatory time involved in the violation that was used by the employee.".

SEC. ___04. NOTICE TO EMPLOYEES.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations published at section 516.4 of title 29, Code of Federal Regulations (as in effect on August 1, 1996), to employers concerning a notice explaining the Fair Labor Standards Act of 1938 to employees so that such notice reflects the amendments made to such Act by this title.

DASCHLE (AND BREAUX) AMENDMENT NO. 5293

(Ordered to lie on the table.)

Mr. DASCHLE (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill, H.R. 3756, supra; as follows:

In the amendment, strike all after the first word and insert:

The Senate finds that over 40 states have received welfare waivers from the Department of Human Services to promote work and personal responsibility leading to self-sufficiency;

It is the sense of the Senate that either all of the waivers or none of the waivers should remain in place until their expiration date.

COVERDELL AMENDMENT NO. 5294

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROVISIONS RELATED TO THE USE OF A CONTROLLED SUBSTANCE IN FURTHERANCE OF THE COMMISSION OR ATTEMPTED COMMISSION OF A FELONY.

(a) IN GENERAL.—Section 401 (b) of the Controlled Substance Act is amended by adding at the end the following new section.

"SEC. . USE OF A CONTROLLED SUBSTANCE TO COMMIT A FELONY.

"Any person who, in furtherance of the commission or attempted commission of a felony under Federal or State law, administers or causes to be administered to any person, without the consent of that person, an imported controlled substance (including flunitrazepam) shall, in addition to any punishment provided for that felony, be imprisoned not more than 20 years, fined under title 18, United States Code, or both.".

(b) FEDERAL AND STATE COORDINATION.—The United States Attorney shall coordinate the prosecution of any defendant charged with an offense under this section with State and local law enforcement agencies in order to ensure swift and appropriate punishment.

BIDEN AMENDMENT NO. 5295

Mr. BIDEN proposed an amendment to the bill, H.R. 3756, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . RESCHEDULING OF FLUNITRAZEPAM INTO SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

Notwithstanding sections 201 and 202 (a) and (b) of the Controlled Substances Act (21 U.S.C. 811, 812 (a), (b)), respecting the scheduling of controlled substances, the Attorney General shall, by order—

(1) transfer flunitrazepam from schedule IV of such Act to schedule I of such Act; and

(2) add ketamine hydrochloride to schedule II of such Act.

SEC. . PENALTY FOR ADMINISTERING A CONTROLLED SUBSTANCE TO FACILITATE A FELONY.

(a) IN GENERAL.—The Controlled Substances Act (21 U.S.C. 100 et. seq.) is amended by adding at the end of part D the following new section:

"PENALTY FOR ADMINISTERING A CONTROLLED SUBSTANCE TO FACILITATE A FELONY

"SEC. 423. Whoever administers a controlled substance to a person without that person's knowledge for the purpose of facilitating the commission or attempted commission of a felony under Federal or State law shall, in addition to any other penalty imposed, be imprisoned for up to 10 years, fined as provided under title 18, United States Code, or both.".

(b) FEDERAL AND STATE COORDINATION.—The United States Attorney shall coordinate the prosecution of any defendant charged with an offense under section 423 of the Controlled Substances Act with State and local law enforcement agencies.

(c) CONFORMING AMENDMENT.—The table of sections for part D of the Controlled Substances Act is amended by inserting after the item relating to section 422 the following new item:

"Sec. 423. Penalty for administering a controlled substance to facilitate a felony."

KENNEDY AMENDMENTS NOS. 5296–5308

(Ordered to lie on the table.)

Mr. KENNEDY submitted 13 amendments intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

AMENDMENT No. 5296

Insert at the appropriate place in the Kassebaum amendment the following amendments:

"The Senate recedes with an amendment inserting

"(a) FUNCTIONS.—The functions of the local workforce development board shall include—

"(1) LOCAL WORKFORCE DEVELOPMENT PLAN.—Each local workforce development board shall develop a comprehensive multiyear strategic plan that is consistent with the goals the plan established by the State under section . Such plan shall include the following information—

"(A) an identification of the workforce development needs of local industries, job seekers, and workers;

"(B) a description of workforce development activities to be carried out in the local area as required under section (reference to employment and training section) and section (reference to at-risk youth section), that with programs established under Wagner-Peyser Act, contribute to a coherent workforce development system;

"(C) a description of the local benchmarks applicable to the local area as a whole negotiated with the State consistent with the State plan pursuant to section , and the benchmarks to be used by the local board for measuring the performance of local service providers and the performance of the one-stop career center system;

"(D) a description of the process negotiated with the Governor by the local board in coordination with local elected officials that the local board will use to establish or certify one-stop career centers and service providers in the local workforce development area;

"(E) a description of the process that the local board will use to—

"(i) ensure that the most effective and efficient service providers are chosen;

"(ii) ensure that local providers continue to meet the labor market needs of local employers and program participants; and

"(iii) fully utilize activities authorized under the Wagner-Peyser Act.

"(F) a description of how the local board will obtain the continued input of the chief elected official or officials in the local area in carrying out its duties;

"(G) a description of how the local workforce development board will obtain the active and continuous participation of business and industry, representatives of employees, local educational agencies, postsecondary education institutions, adult education and literacy providers, local service providers, community-based organizations, parents and consumers (including individuals with disabilities, older workers, and veterans) in the workforce development area;

"(H) a description of the steps the local board will take to work with local educational agencies, postsecondary educational institutions, adult education and literacy providers, and others to address the local employment, education, and training needs;

"(I) a description of the process used to fully involve business, labor organizations, the local education community (including teachers), parents and community-based organizations in the development and implementation of at-risk youth activities, including a description of the process used to ensure that the most effective and efficient providers of services are chosen; and

"(J) such other information as the Governor may require.

"(2) IDENTIFICAITON OF QUALIFIED TRAINING PROVIDERS.—Consistent with the requirements established under section , the local board is authorized to work with the State in the identification of qualified providers of training in the workforce development area, for participation in employment and training activities established under section ."

Note 192a (on local board developing budget, with approval by local elected officials):

Strike the staff recommendation (which proposes that the House recede from its provision) and insert in lieu thereof the following: "The Senate recedes with technical corrections to cross-references."

Note 192b (on local board oversight responsibilities, in partnership with local elected officials):

Strike the staff recommendation (which proposes that the House recede from its provision) and insert in lieu thereof the following: "The Senate recedes".

Note 193 (relating to the role of local elected officials):

Strike the staff recommendation (which proposes that the House recede with an amendment modifying the language) and insert in lieu thereof the following: "The House recedes with an amendment, as follows:

"COORDINATION WITH LOCAL ELECTED OFFICIALS.—The local board shall—

"(A) develop the local workforce development plan, in coordination with the appropriate chief elected officials of units of general local government in the workforce development area;

"(B) submit the local workforce development plan to such appropriate chief elected officials for approval or modifications, allowing not less than 30 days for such consideration; and

"(C) include acceptable modifications and transmit any additional recommendations by any such chief elected official, as part of the submission of the local workforce development plan to the Governor."

Note 194 (on local board receiving and disbursing training funds or designating fiscal agent):

Strike the staff recommendation (which proposes that the House recede from its provision) and insert in lieu thereof the following: "The Senate recedes".

Note 194a (relating to employment of staff for the local board):

Strike the staff recommendation (which proposes that the House recede from its provision) and insert in lieu thereof the following: "The Senate recedes."

Note 195 (relating to prohibition of the local board operating programs itself):

Strike the staff recommendation (which proposes that the Senate recede with an amendment containing new language) and insert in lieu thereof the following: "The Senate recedes with amendments to insert the word 'directly' before the word 'operate' in the first sentence of the House provision, and to strike the second sentence of the House provision."

AMENDMENT NO. 5297

Insert at the appropriate place in the Kassebaum amendment the following amendments:

"The Senate recedes with an amendment as follows."

"SPECIAL RULE.—With respect to adult education activities, the State shall ensure the expenditure for adult education and literacy of an amount at least equal to the amount the State received under section 313 of the Adult Education Act for adult education activities in FY 1995. For any fiscal year in which funding for adult and literacy activities under section is less than the amount received by the State in FY 1995, the state shall use sufficient funds under the flex account under section to satisfy the requirements of this provision.

AMENDMENT NO. 5298

Insert at the appropriate place in the Kassebaum amendment the following amendments:

Note 210 (relating to summer jobs program):

Strike the staff recommendation (which proposes that the Senate recede from its position) and insert in lieu thereof the following: "The House recedes with an amendment as follows:

"Subsection . SUMMER JOBS PROGRAM.—Each State shall use a portion of the funds provided for at-risk youth activities under this section to conduct a summer youth employment program. Such program shall provide worksite learning opportunities for at-risk youth and be linked to year-round education and training activities provided to such youth."

"(A) For purposes of paragraph (1)(A), the term "youth living in poverty" means an individual who—

"(i) is not less than age 15 or more than age 21; and

"(ii) is a member of a family (having one or more members) with an income below the poverty line (as annually determined by the Office of Management and Budget).

"(B) For purposes of paragraph (1)(B), the term "youth" means an individual who is not less than age 15 or more than age 21.

"(C) For purposes of paragraph (2) the term "allocation percentage" means—

"(i) with respect to the program year preceding program year 1998, the percentage that the workforce development area receives of financial assistance allotted to all local areas in the State under subtitle B and C of title II of the Job Training Partnership Act for program year 1997; and

"(ii) with respect to program year 1998 and each subsequent program year, the percentage that a workforce development area receives under this subsection for the program year."

AMENDMENT NO. 5299

Insert at the appropriate place in the Kassebaum amendment the following amendments:

"Subsection AT-RISK YOUTH SUBSTATE ALLOCATION.—

"(1) IN GENERAL.—Subject to the adjustments required by paragraph (2), of the amounts to be allocated within the State to local workforce development boards to carry out at-risk youth activities—

"(A) two-thirds shall be allocated on the basis of the relative number of youth living in poverty within each workforce development area as compared to the total number of youth living in poverty in the State; and

"(B) one-third shall be allocated on the basis of the relative number of youth within each workforce development area as compared to the total number of youth living in the State.

"(2) LIMITATION.—No workforce development area shall be allocated for any program year under paragraph (1) an amount which is less than 98 percent or more than 102 percent of the allocation percentage for such area for the preceding program year.

"(3) DEFINITIONS.—".

AMENDMENT NO. 5300

Insert at the appropriate place in the Kassebaum amendment the following amendments:

( ) LIMITATIONS ON PARTICIPANTS.—

(1) FINDING.—Congress finds that—

(A) the possession, distribution, and use of drugs by participants in workforce employment activities should not be tolerated, and that such use prevents participants from making full use of the benefits extended through such activities at the expense of taxpayers; and

(B) drug testing, when conducted in accordance with rigorous scientific standards and adequate safeguards, is a fair and effective means of deterring drug use.

(2) DETERMINATION.—Each Governor of a State receiving an allotment under section ___ shall determine whether to require local entities carrying out workforce employment activities described in section ___ in the State to administer drug tests. A Governor who elects to require such testing shall require that the testing be administered in accordance with this subsection and the Mandatory Guidelines for Federal Workplace Drug Testing Programs, 53 Fed. Reg. 11970 (1988) (or a successor to such guidelines).

(3) DRUG TESTS.—Each local entity carrying out such workforce employment activities in a State in which the Governor has elected to require such testing (referred to in this subsection as a "covered State") shall administer a drug test—

(A) on a random basis, to individuals who apply to participate in such activities; and

(B) to a participant in such activities, on reasonable suspicion of drug use by the participant.

(4) ELIGIBILITY OF APPLICANTS.—Each local entity carrying out such workforce employment activities in a covered State shall provide notice to each applicant, on application, that the applicant may be required to submit to a drug test administered as described in paragraph (3). In order for such an applicant to be eligible to participate in such workforce employment activities, the applicant shall agree to submit to the drug test and, if the test is administered to the applicant, shall pass the test.

(5) ELIGIBILITY OF PARTICIPANTS.—Each local entity carrying out such workforce employment activities in a covered State shall provide notice to each participant, on selection, that the participant may be required to submit to a drug test administered as described in paragraph (3). In order for such a participant to be eligible to participate in such workforce employment activities, the participant shall agree to submit to the drug test and, if the test is administered to the participant, shall pass the test. If a participant refuses to submit to the drug test, or fails the drug test, the local entity shall dismiss the participant from participation in the activities.

(6) REAPPLICATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an individual who is an applicant and is disqualified from eligibility under paragraph (4), or who is a participant and is dismissed under paragraph (5), may reapply, not earlier than 6 months after the date of the disqualification or dismissal, to participate in such workforce employment activities. If the individual demonstrates that the individual has completed a drug treatment program and passed a drug test within the past 30 days, the individual may participate in such activities, under the same terms and conditions as apply to other applicants and participants, including submission to drug tests administered as described in paragraph (3).

(B) SECOND DISQUALIFICATION OR DISMISSAL.—If the individual reapplies to participate in the activities and fails a drug test administered under paragraph (3) by the local entity, while the individual is an applicant or a participant, the local entity shall disqualify the individual from eligibility for, or dismiss the individual from participation in, the workforce employment activities. The individual shall not be eligible to reapply for participation in the activities for 2 years after such disqualification or dismissal.

(7) APPEAL.—A decision by a local entity to disqualify an individual from eligibility for participation in workforce employment activities under paragraph (4) or (6), or to dismiss a participant as described in paragraph (5) or (6), shall be subject to expeditious appeal in accordance with procedures established by the State in which the local entity is located.

(8) DEFINITIONS.—As used in this section:

(A) DRUG.—The term "drug" means a controlled substance, as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

(B) DRUG TEST.—The term "drug test" means a biochemical drug test carried out by a facility that is certified in accordance with the mandatory guidelines (or successor) described in paragraph (2).

AMENDMENT NO. 5301

Insert at the appropriate place in the Kassebaum amendment the following amendments:

(b) RECIPIENTS.—Subject to subsection (c) in making an allotment under section ____ *[the fed to State formula]* to a State, the Secretaries shall make a payment.—

(1) to the Governor of the state for the portion described in paragraphs (1) *[employment and training]* and (4) *[at-risk youth]* of subsection (a), and such part of the flex account as the Governor may be eligible to receive, as determined under the State plan of the State submitted under subsection ____; and

(2) to the eligible agencies in the State for the portion described in paragraphs (2) *[vocational education]* and (3) *[adult education]* of subsection (a), and such part of the flex account as the eligible agencies may be eligible to receive, as determined under the State plan of the State submitted under subsection ____.

2. Note.—Relating to eligible agency, will be inserted in the General Definitions:

( ) the term "eligible agency" means—

(A) the State educational agency and each of the State agencies responsible for higher education (including community colleges) that the State chooses. If no such agency is so designated for vocational education activities, the eligible agency for vocational education shall be the individual, entity or agency in a State responsible for administering or setting policies for vocational education on the date of enactment of this Act.

(B) in the case of adult education activities or requirements under this title, the individual, entity, or agency in a State responsible for administering or setting policies for adult education activities in such State pursuant to State law. If no such agency is so designated for adult education activities, the eligible agency for adult education shall be the individual, entity or agency in a State responsible for administering or setting the policies for adult education on the date of enactment of the Act.

3. Note.—Special Rules:

(1) Nothing in this Act shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official. Nothing in this Act shall be construed to interfere with the authority of such agency, entity, or official to enter into a contract under any provision of law.

(2) Nothing in the [subtitle] shall be construed to prohibit any individual, entity or agency in a State (other than the State educational agency) that is administering vocational education activities or adult education and literacy activities or setting education policies consistent with State law for vocational education activities or adult education and literacy activities, on the day preceding the date of enactment of this Act from continuing to administer or set education policies consistent with authority under State law for such activities under this [subtitle].

4. Note 221b.—(formula for within-state distribution of vocational education funds)

The House recedes with an amendment as follows:

(1) EIGHTY PERCENT.—From 80 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 80 percent as the number of children aged 5–17 living in poor families. For the purposes of this section, the Secretary shall determine the number of children aged 5–17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce."

(2) TWENTY PERCENT.—From 20 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency for the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State for such year.

(b) LIMITATIONS.—No entity shall receive an allotment under this section for a program year an amount that would make the entity's percentage for the program year—

(1) less than the product obtained by multiplying—

(a) 0.98 and

(b) the entity's percentage of the total State allotment for the preceding program year; or

(2) greater than the product obtained by multiplying—

(a) 1.02 and

(b) the entity's percentage of the total State allotment for the preceding program year."

(b) CONTENTS.—The State plan shall include—

(1)(A) a description of the collaborative process described in section 105 used in developing the plan, including a description of the manner in which the individuals and agencies involved in the process collaborated in the development of the plan: and

(B)(i)(I) information demonstrating the agreement of the individuals and agencies participating in the collaborative process on the State plan: or

(II) in as case in which the Governor is unable to obtain the agreement of such individuals and agencies as provided in subclause (J), the comments referred to in section 105(c)(2)(C): and

(2) a statement of the State goals and State benchmarks for the statewide system, that includes—

(A) information identifying the State goals and State benchmarks and how the goals and benchmarks will make the statewide system relevant and responsive to labor market and education needs at the local level: and

(B) information describing how the State will coordinate workforce and career development activities to meet the State goals and reach the State benchmarks:

(3) information describing—

(A) the needs of the State with regard to current and projected demands for workers by occupation:

(B) the skills and economic development needs of the State: and

(C) the type and availability of workforce and career development activities in the State;

SEC. 105. COLLABORATIVE PROCESS.

(a) IN GENERAL.—A State shall use a collaborative process to develop the State plan described in section 104 through which individuals and agencies including at a minimum—

(1) the Governor;

(2) representatives appointed by the Governor, of—

(A) business and industry;

(B) local chief elected officials (representing both cities and counties, where appropriate);

(C) local educational agencies (including vocational educators);

(D) postsecondary institutions (including community and technical colleges);

(E) parents; and

(F) employees and labor organizations:

(3) the lead State agency official for—

(A) the State educational agency;

(B) the eligible agency responsible for vocational education;

(C) the eligible agency responsible for adult education;

(D) the State agency responsible for postsecondary education; and

(E) the State agency responsible for vocational rehabilitation, and where applicable, the State agency providing vocational rehabilitation program activities for the blind;

(4) such other State agency officials, including officials responsible for economic development and employment, as the Governor may designate:

(5) representatives of the State legislature; and

(6) the representative of the Veterans' Employment and Training Service assigned to the State under section 4103 of title 38, United States Code shall collaborate in the development of the plan.

(b) ALTERNATIVE PROCESSES.—Subject to concurrence of the eligible agencies and the approval of the Secretaries for alternative collaborative processes to be used for the purposes of complying with subsection (a) and with the review and the approval of the Secretaries—

(1) a State may use any State collaborative process (including collaboration by any council or similar entity) in existence on the date of enactment of this Act that substantially meets the objectives of such subsection, as determined by the governor and the eligible agencies, or

(2) if, prior to the date of enactment of this Act, a State has developed a one-stop career

center system or a school-to-work system through a collaborative process that the Governor and the eligible agencies determine is substantially similar to the process described in subsection (a), the State may use such collaborative process.

(c) SPECIAL RULES.—

(1) GOVERNOR.—The Governor of a State shall have final authority for determining the content of the portion of the State plan described in paragraphs ____ through ____ of subsection ( ) regarding employment and training activities and related requirements and at-risk youth activities and related requirements;

(2) ELIGIBLE AGENCIES.—The eligible agencies in a State shall have final authority for determining the content of the portion of the State plan described in paragraphs ____ through ____ of subsection ( ) regarding vocational education activities and related requirements and adult education and literacy activities and related requirements.

(d) AUTHORITY OF GOVERNOR.—

(1) FINAL AUTHORITY.—If, after a reasonable effort, the Governor is unable to obtain the agreement of the individuals and agencies participating in the collaborative process described in subsection (a) or (b) on the State plan, the Governor shall have final authority to submit the State plan as described in section 104, except as provided in paragraph (3).

(2) DISAGREEMENT.—The Governor shall—

(A) provide such individuals and agencies with copies of the State plan:

(B) allow such individuals and agencies to submit to the Governor, not later than the end of the 30-day period beginning on the date on which the governor provides such individuals and agencies with copies of such plan under subparagraph (A), comments on such plan; and

(C) accept and include with the State plan any such comments that—

(i) are submitted by an eligible agency and represent disagreement with such plan, with respect to vocational education or adult education; or

(ii) are submitted by another individual or agency participation in the collaborative process.

(3) ELIGIBLE AGENCY COMMENTS.—An eligible agency, in submitting comments under paragraph (2)(C)(i), may submit provisions for any portion of the State plan described in paragraphs ( ) through ( ) of subsection (b) (regarding vocational education activities and related requirements), as appropriate. The Governor shall include the provisions in the plan submitted by the governor under section 104. *Such provisions shall be considered to be such portion of the State plan.*

SEC. 106. ACCOUNTABILITY.

To be supplied.

SEC. 107. IDENTIFICATION OF PROVIDERS.

What is the relationship between local entities as defined in section 4 and eligible providers under this section?

(a) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive funds made available to a State under this title for employment and training activities, a provider of training services shall meet the requirements of this section. Are these requirements only for providers seeking to conduct training, or any employment

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AMENDMENT NO. 5302

Insert at the appropriate place in the Kassebaum amendment the following amendments:

"The Senate recedes with an amendment as follows."

"SEC. . SUBMISSION AND APPROVAL OF STATE PLAN.

(a) IN GENERAL.—For a State to be eligible to receive an allotment under section ____, the Governor of a State shall submit to the Secretaries every third year a single, comprehensive State plan (referred to in this section as a "State plan") for the development and implementation of the Statewide system and obtain the approval of such plan by the Secretaries in accordance with subsection (b).

(b) STATE PLAN APPROVAL.—The Secretaries of Labor and Education shall jointly approve a State plan if—

(1) the Secretaries determine that the plan contains the information described in subsection ( );

(2) the Secretaries determine that the State has prepared the plan in accordance with the requirements of this Act;

(3) the Secretaries are satisfied that the steps described in the plan will achieve the purposes of the Act and are substantively adequate to achieve an integrated workforce development system within three years of approval of the plan; and

(4) the Secretaries have negotiated and agreed to State performance indicators with the State in accordance with section ( )."

AMENDMENT NO. 5303

Insert at the appropriate place in the Kassebaum amendment the following amendments:

SEC. . PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) IN GENERAL.—In order to promote high levels of performance and to ensure an appropriate return on the Nation's investment in the workforce development system, each State receiving funds under this Act shall implement a statewide performance accountability system that meets the requirements of this section.

(b) INDICATORS OF PERFORMANCE.—

(1) IN GENERAL.—Each State receiving funds under this Act shall identify indicators [Note: Senate uses "benchmarks" in lieu of "indicators" throughout section] of performance for each of the programs established under this Act that are consistent with State goals as described in the State plan in accordance with section ____. Such indicators shall, at a minimum, include the core indicators described in subsection (f), and be expressed in an objective, quantifiable, and measurable form. Such indicators may also include post-program surveys measuring the satisfaction of both employers and program participants.

(2) TECHNICAL DEFINITIONS OF CORE INDICATORS.—In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, in collaboration with the States and with representatives of business and industry, employees, educational agencies, service providers, and other interested parties, shall promulgate definitions of each of the core indicators described in subsection (f), to be used under this Act in measuring performance.

(c) LEVELS OF PERFORMANCE.—

(1) EXPECTED LEVELS.—

(A) NEGOTIATION.—Prior to approval of the State plan, the appropriate Secretary shall negotiate with each State the levels of performance expected to be achieved by such State with respect to the core indicators described in subsection (f), taking into account—

(i) whether the levels will enable each State to attain the State goals;

(ii) how the levels compare with the levels established by other States;

(iii) how the levels compare with the model levels identified pursuant to paragraph (2)(A); and

(iv) such other factors as may ensure an appropriate return on the investment of Federal funds.

(B) APPLICATION TO LOCAL AREAS AND ENTITIES.—Based on the expected levels of performance established pursuant to subparagraph (A), each State shall identify the level of performance that is expected for local workforce development areas and for other local administrative entities under this Act. In determining such levels, the Governor or eligible entity as defined in section ( ), in collaboration with local agencies, may adjust the expected levels of performance with respect to each local area or entity taking into account specific economic, demographic, and geographic factors, and the characteristics of the population to be served.

(2) CHALLENGING LEVELS OF PERFORMANCE.—

(A) MODEL LEVELS.—In order to encourage high levels of performance and advance the Nation's competitiveness in the global economy, the Secretary of Labor and the Secretary of Education, in collaboration with the States and with representatives of business and industry, employees, educational agencies, service providers, and other interested parties, shall identify model challenging levels of performance with respect to the core indicators described in subsection (f).

(B) NEGOTIATION.—Prior to approval of the State plan, the appropriate Secretary shall negotiate with each State challenging levels of performance which, if achieved, would qualify such States for incentive grants under section ____. Such levels shall take into account—

(i) how the levels compare with the model levels established pursuant to subparagraph (A);

(ii) the extent to which such levels would demonstrate continuous improvement in performance by such State and exceed the expected levels established in paragraph (1);

(iii) the extent to which such State successfully serves the special populations identified in subsection (f)(3); and

(iv) such other factors as may demonstrate exceptional performance by the State.

(d) REPORT ON PERFORMANCE.—

(1) IN GENERAL.—The State shall report, as required by the Secretaries, the levels of performance achieved by the State and by each local workforce development area and each other local administrative entity with respect to the indicators identified pursuant to subsection (b)(1) for each program year, beginning with the second program year. The Secretaries shall make such information available to the general public through publication and other appropriate methods, and shall disseminate State-by-State comparisons, and comparisons with other industrialized nations (where appropriate).

(2) JOB PLACEMENT VERIFICATION SYSTEM.—

(A) IN GENERAL.—In order to verify data relating to the employment indicators described in subsection (f), and the performance-based information submitted by providers of training pursuant to section ____, each State shall establish a job placement verification system. Such system shall match relevant participant information with quarterly wage records available through the unemployment insurance system to verify employment and earnings information.

(B) PROVISIONS OF INFORMATION.—Each local entity that carries out employment and training activities or education activities and that receives funds under this title shall provide such information as the State may require to carry out the verification described in subparagraph (A).

(C) CONFIDENTIALITY.—Information obtained through the job placement verification system shall be protected by the State from unlawful access and be made available for use solely by public officials or their agents in the administration of this Act. Personal identifiers produced pursuant to subparagraph (B) shall be used solely for the purpose of computer matching under this section and shall not be used for any other purpose or redisclosed for other purposes.

(e) CONSEQUENCES FOR POOR PERFORMANCE.—

(1) STATE CONSEQUENCES.—If a State fails to meet expected levels of performance for a program for any program year as established pursuant to subsection (c)(1)(A), the appropriate Secretary shall provide technical assistance, which may include assistance in the development of a performance improvement plan. If such failure continues for a second consecutive year, the appropriate Secretary may reduce, by not more than 5 percent, the amount of the grant that would (in the absence of the paragraph) be payable to the State under such program for the immediately succeeding program year. The Secretaries may use funds withheld under this paragraph to provide, through alternative arrangements, services and activities within the State that meet the purpose of the Act.

(2) LOCAL CONSEQUENCES.—(A) If a local workforce development area or other local administrative entity fails to meet expected levels of performance for a program for any program year established pursuant to subsection (c)(1)(B), the Governor or the eligible as defined by section ( ), shall provide technical assistance, which may include the development of a performance improvement plan.

(B) If such failure continues for a second consecutive year, the Governor or the eligible entity as defined by section ___ may take corrective actions, such as the withholding of funds, the redesignation of a local administrative entity, or such other actions as the Governor or such eligible entity determines are appropriate, consistent with State law, and the requirements of this Act.

(f) CORE INDICATORS OF PERFORMANCE.—

(1) CORE INDICATORS FOR EMPLOYMENT AND TRAINING.—The core indicators of performance for employment and training programs conducted under this Act shall include:

(A) placement in unsubsidized employment;

(B) retention in unsubsidized employment for not less than 6 months and for not less than 12 months, respectively;

(C) increases in earnings, or in earnings in combination with employer-assisted benefits;

(D) attainment of industry-recognized occupational skills, including basic workplace competencies and industry-recognized skill standards, which may include the acquisition of a skill certificate in the occupation for which the individual has been prepared;

(E) attainment of a high school diploma or general equivalency diploma; and

(F) such other measures of performance that the State may wish to collect.

(2) CORE INDICATORS FOR EDUCATION.—The core indicators of performance for education programs conducted under this Act shall include:

(A) Student mastery of academic knowledge;

(B) Student mastery of work readiness, occupational, and industry-recognized skills for students in career preparation programs;

(C) Placement in, retention in, and completion of secondary education (as determined under State law) and postsecondary education, and placement and retention in employment and in military service; and

(D) Mastery of the literacy, knowledge, and skills, including English acquisition, adults need to be productive and responsible citizens and for parents to become more actively involved in the education of their children.

(3) ADDITIONAL CORE INDICATORS FOR SPECIAL POPULATIONS.—In addition to the core indicators described in paragraphs (1) and (2), the core indicators of performance for programs conducted under this Act shall include measures of the success in achieving State goals for special populations, including dislocated workers, low income individuals, at-risk youth, individuals with disabilities, displaced homemakers, welfare recipients, and individuals who are basic skills deficient.

SEC. . MANAGEMENT INFORMATION SYSTEMS.

Each State shall use a portion of the funds in receives for administration under this Act to operate a management information system in accordance with guidelines established jointly by the Secretaries in consultation with the Governors and eligible entities as defined in section ( ). Such guidelines shall include elements that promote the efficient collection and use of management information for reporting and monitoring the use of funds and the performance of programs conducted under this Act, including information relating to demographic characteristics of participants, and ensure appropriate privacy protections.

In all Appropriate notes: Strike the phrase "representatives of employees" and "employees and representatives of labor organizations" wherever such phrases appear, and substitute in lieu thereof "representatives of labor organizations and employees".

Note 364.—(relating to definition of public employment offices): Modify the staff-recommended amendment by striking all of paragraph (6), and redesignating paragraph (7) as paragraph (6).

Note 365.—(relating to duties of Secretary of Labor): Modify the staff-recommended amendment by striking out, "pursuant to title II of this Act" in subsection (a).

AMENDMENT NO. 5304

Insert at the appropriate place in the Kassebaum amendment the following amendments:

Strike the repeal of the School-to-Work Opportunities Act;

Amend Section 802 of the School-to-Work Opportunities Act of 1993 (20 USC 6251) by striking "2001" and inserting "2000."

AMENDMENT NO. 5305

Insert at the appropriate place in the Kassebaum amendment the following amendments:

"The Senate recedes with an amendment as follows:"

"Subsection ____. DISLOCATED WORKER ASSISTANCE.—

(a) IN GENERAL.—From the amounts allocated to the States in any program year that are available to carry out adult employment and training and the flex account, the States, in accordance with requirements of paragraph (2), shall expend an amount to provide employment and training services to dislocated workers that, when combined with amounts allocated for such workers in the national reserve account, is not less than $1.3 billion.

(2) STATE SHARES.—In order to meet the requirements of paragraph (1), the Secretaries shall determine, based on the relative share of each State of the funds allocated under this Act pursuant to the formula provided in section ____, an amount equal to the relative share for each State of $1.3 billion minus the amount allocated to the national reserve for emergency grants for dislocated workers. Each State shall expend, from funds available to such State for adult employment and training, and if such funds are insufficient, from the flex account, not less than the amount determined for such State pursuant to the preceding sentence to provide employment and training services to dislocated workers."

AMENDMENT NO. 5306

Insert at the appropriate place in the Kassebaum amendment the following amendments:

"(a) ACTIVITIES.—(1)(A) Of the funds allotted to a State under section 102 for each fiscal year, a State shall use an amount that equals the total of the funds appropriated to it for fiscal year 1996 for the programs consolidated under this Act for workforce employment and training, adult education and literacy, vocational education, and at-risk youth program activities.

"(B) From such amount—

"(i) a portion equal to 45 percent of such amount shall be used for workforce employment and training activities;

"(ii) a portion equal to 7 percent of such amount shall be used for adult education and literacy activities;

"(iii) a portion equal to 28 percent of such amount shall be used for vocational education activities; and

"(iv) a portion equal to 20 percent of such amount shall be used for at-risk youth program activities.

"(2)(A) If, for any fiscal year, a State's allotment under section 102 is equal to or less than the total amount of the funds appropriated to it for fiscal year 1996 for Federal grants for the programs consolidated under this Act, the State shall use that lesser amount in accordance with paragraph (1)(B).

"(B) If, for any fiscal year, a State's allotment under section 102 exceeds the total amount of the funds appropriated to it for fiscal year 1996 Federal grants for the programs consolidated under this Act, the State shall, subject to subparagraph (C), use such excess for flexible workforce activities (referred to in section ___ as the 'flex account'.)

"(C) If, for any fiscal year, a State's allotment under section 102 exceeds 125 percent of its total amount of the funds appropriated to it for fiscal year 1996 for Federal grants for programs consolidated under this Act, the State shall use the amount in excess of 125% in the following manner:

"(i) a portion equal to 35 percent to such amount shall be used for workforce employment and training activities;

"(ii) a portion equal to 5 percent of such amount shall be used for adult education and literacy activities;

"(iii) a portion equal to 20 percent of such amount shall be used for vocational education activities;

"(iv) a portion equal to 15 percent of such amount shall be used for at-risk youth.

"(v) a portion equal to 25 percent of such amount shall be used for flexible workforce activities (referred to as the 'flex account').

AMENDMENT NO. 5307

Insert at the appropriate place in the Kassebaum amendment the following amendments:

"The Senate recedes with an amendment as follows."

"Paragraph . USE OF CAREER GRANTS

"(i) DISLOCATED WORKERS.—Except as provided in clause (ii), training under this Act shall be provided through the use of skill grants to dislocated workers who are 18 years or older, who are unable to obtain Pell Grants under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) and who are unable to obtain the training or employment they desire through the core services.

Note 337(a).—(relating to exceptions to use of skill grants): Senate recedes.

Note 337(b).—(relating to transition for skill grants): Senate recedes with amendment striking "three years" and inserting "five years."

Note 159.—(relating to incentives): Modify the proposed staff amendment by adding at the end the following new paragraph:

"(5) ACCELERATED IMPLEMENTATION OF CAREER GRANTS.—In order to encourage early implementation of the career grant system, the Secretaries may, from funds reserved under section ____, award incentive grants to States that implement the career grant system described in section ____, prior to the date required for such implementation under section ____."

AMENDMENT NO. 5308

Insert in the Kassebaum amendment the following:

Note 219.—(relating to the allocation of workforce education funds): "The House recedes with an amendment as follows:"

"(A) Secondary school vocational education, or postsecondary and adult vocational education, or both; and

"(B) 1 or more State corrections agencies to administer vocational education programs for juvenile and adult criminal offenders in correctional institutions in the State, including correctional institutions operated by local authorities."

Note 227.—(relating to distribution of adult vocational funds): "The House recedes with an amendment as follows:"

"Strike (A) on line 35."

Note 233.—(relating to reservation of funds for corrections agencies): "The Senate recedes."

HATCH AMENDMENT NO. 5309

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

On page 9, line 2, strike "or facilitate to manufacture" and insert "or to facilitate the manufacture of".

On page 10, line 8, strike "IMPORTATION REQUIREMENTS" and insert "IMPORTATION AND EXPORTATION REQUIREMENTS".

On page 11, line 9, strike the comma after "item".

On page 11, line 12, strike beginning with "For purposes" through line 21 and insert "For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.'.".

On page 14, line 24, strike "Iso safrole" and insert "Isosafrole".

On page 15, between lines 5 and 6, add the following:

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register of August 7, 1996 (61 FR 40981–40993) is null and void and of no force or effect.

On page 21, line 23, strike beginning with ", except that" through beginning with ", except that" through "transaction" on page 22, line 6, and insert ", except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamidistributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in a single transaction".

On page 22, line 8, strike "abuse" and insert "offense".

On page 23, strike lines 1 through 14 and insert the following:

"(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

On page 24, line 12, strike "The" and insert the following: "Pursuant to subsection (d)(1), the".

On page 25, line 17, strike "effective date of this section" and insert "date of enactment of this Act".

On page 26, line 1, after "being" insert "widely".

On page 26, line 4, strike "in bulk" and insert "for distribution or sale".

On page 27, line 15, strike "effective date of this section" and insert "date of enactment of this Act".

On page 28, between lines 19 and 20, insert the following and redesignate the following paragraphs accordingly:

(3) SIGNIFICANT NUMBER OF INSTANCES.—

(A) IN GENERAL.—For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine or phenylpropanolamine, as defined in section 102(45) of the Controlled Substances Act, as added by section 401(b) of this Act, and sold at the retail level for the illicit manufacture of methamphetamine or amphetamine may not be used by the Attorney General as the basis for establishing the conditions under paragraph (1)(A)(ii) of this subsection, with respect to pseudoephedrine, and paragraph (2)(A)(ii) of this subsection, with respect to phenylpropanolamine.

(B) CONSIDERATIONS AND REPORT.—The Attorney General shall—

(i) in establishing a finding under paragraph (1)(A)(ii) or (2)(A)(ii) of this subsection, consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits as provided in such paragraph; and

(ii) upon establishing a finding, transmit a report to the Committees on the Judiciary in both, respectively, the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits.

On page 29, between lines 14 and 15, insert the following:

(f) COMBINATION EPHEDRINE PRODUCTS.—

(1) IN GENERAL.—For the purposes of this section, combination ephedrine products shall be treated the same as pseudoephedrine products, except that—

(A) a single transaction limit of 24 grams shall be effective as of the date of enactment of this Act and shall apply to sales of all combination ephedrine products, notwithstanding the form in which those products are packaged, made by retail distributors or distributors required to submit a report under section 310(b)(3) of the Controlled Substances Act (as added by section 402 of this Act);

(B) for regulated transactions for combination ephedrine products other than sales described in subparagraph (A), the transaction limit shall be—

(i) 1 kilogram of ephedrine base, effective on the date of enactment of this Act; or

(ii) a threshold other than the threshold described in clause (i), if established by the Attorney General not earlier than 1 year after the date of enactment of this Act; and

(C) the penalties provided in subsection (d)(1)(B) of this section shall take effect on the date of enactment of this Act for any individual or business that violates the single transaction limit of 24 grams for combination ephedrine products.

(2) DEFINITION.—For the purposes of this section, the term "combination ephedrine product" means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.

On page 29, line 15, strike "(f)" and insert "(g)".

On page 29, line 17, strike all beginning with "over-the-counter" through line 20 and insert "pseudoephedrine or phenylpropanolamine product prior to 12 months after the date of enactment of this Act, except that, on application of a manufacturer of a particular pseudoephedrine or phenylpropanolamine drug product, the Attorney General may, in her sole discretion, extend such effective date up to an additional six months. Notwithstanding any other provision of law, the decision of the Attorney General on such an application shall not be subject to judicial review."

On page 35, line 5, after "funds" insert "or appropriations".

KENNEDY (AND SIMON) AMENDMENT NO. 5310

(Ordered to lie on the table.)

Mr. KENNEDY (for himself and Mr. SIMON) proposed an amendment to the bill, H.R. 3756, supra; as follows:

Strike sections 301 and 302 and insert the following:

SEC. 301. PENALTY INCREASES FOR TRAFFICKING IN METHAMPHETAMINE.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide for increased penalties for unlawful manufacturing, importing, exporting, and trafficking of methamphetamine, and other similar offenses, including unlawful possession with intent to commit any of those offenses, and attempt and conspiracy to commit any of those offenses. The Commission shall submit to Congress explanations therefor and any additional policy recommendations for combating methamphetamine offenses.

(b) IN GENERAL.—In carrying out this section, the Commission shall ensure that the sentencing guidelines and policy statements for offenders convicted of offenses described in subsection (a) and any recommendations submitted under such subsection reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine, including—

(1) the rapidly growing incidence of methamphetamine abuse and the threat to public safety such abuse poses;

(2) the high risk of methamphetamine addiction;

(3) the increased risk of violence associated with methamphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of methamphetamine and precursor chemicals.

SEC. 302. ENHANCED PENALTIES FOR OFFENSES INVOLVING CERTAIN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical,".

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical,".

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—The United States Sentencing Commission shall, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority of that section had not expired, amend the sentencing guidelines to increase by at least two levels the offense level for offenses involving list I chemicals under—

(A) section 401(d) (1) and (2) of the Controlled Substances Act (21 U.S.C 841(d) (1) and (2)); and

(B) section 1010(d) (1) and (3) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d) (1) and (3)).

(2) REQUIREMENT.—In carrying out this subsection, the Commission shall ensure that the offense levels for offenses referred to in paragraph (1) are calculated proportionally on the basis of the quantity of controlled substance that reasonably could have been manufactured in a clandestine setting using the quantity of the list I chemical possessed, distributed, imported, or exported.

On page 2, strike out the items relating to sections 301 and 302 and insert the following:

Sec. 301. Penalty increases for trafficking in methamphetamine.

Sec. 302. Enhanced penalties for offenses involving certain listed chemicals.

BIDEN AMENDMENT NO. 5311

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

Add at the appropriate place:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Methamphetamine Control Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

Sec. 101. Support for international efforts to control drugs.
Sec. 102. Penalties for manufacture of listed chemicals outside the United States with intent to import them into the United States.

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

Sec. 201. Seizure and forfeiture of regulated chemicals.
Sec. 202. Study and report on measures to prevent sales of agents used in methamphetamine production.
Sec. 203. Increased penalties for manufacture and possession of equipment used to make controlled substances.
Sec. 204. Addition of iodine and hydrochloric gas to list II.
Sec. 205. Civil penalties for firms that supply precursor chemicals.
Sec. 206. Injunctive relief.
Sec. 207. Restitution for cleanup of clandestine laboratory sites.
Sec. 208. Record retention.
Sec. 209. Technical amendments.

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

Sec. 301. Trafficking in methamphetamine penalty increases.
Sec. 302. Penalty increases for trafficking in listed chemicals.
Sec. 303. Enhanced penalty for dangerous handling of controlled substances: amendment of sentencing guidelines.

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

Sec. 401. Diversion of certain precursor chemicals.
Sec. 402. Mail order restrictions.

TITLE V—EDUCATION AND RESEARCH

Sec. 501. Interagency methamphetamine task force.
Sec. 502. Public health monitoring.
Sec. 503. Public-private education program.
Sec. 504. Suspicious orders task force.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Methamphetamine is a very dangerous and harmful drug. It is highly addictive and is associated with permanent brain damage in long-term users.

(2) The abuse of methamphetamine has increased dramatically since 1990. This increased use has led to devastating effects on individuals and the community, including—

(A) a dramatic increase in deaths associated with methamphetamine ingestion;

(B) an increase in the number of violent crimes associated with methamphetamine ingestion; and

(C) an increase in criminal activity associated with the illegal importation of methamphetamine and precursor compounds to support the growing appetite for this drug in the United States.

(3) Illegal methamphetamine manufacture and abuse presents an imminent public health threat that warrants aggressive law enforcement action, increased research on methamphetamine and other substance abuse, increased coordinated efforts to prevent methamphetamine abuse, and increased monitoring of the public health threat methamphetamine presents to the communities of the United States.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

SEC. 101. SUPPORT FOR INTERNATIONAL EFFORTS TO CONTROL DRUGS.

The Attorney General, in consultation with the Secretary of State, shall coordinate international drug enforcement efforts to decrease the movement of methamphetamine and methamphetamine precursors into the United States.

SEC. 102. PENALTIES FOR MANUFACTURE OF LISTED CHEMICALS OUTSIDE THE UNITED STATES WITH INTENT TO IMPORT THEM INTO THE UNITED STATES.

(a) UNLAWFUL IMPORTATION.—Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended—

(1) in the matter before paragraph (1), by inserting "or listed chemical" after "schedule I or II"; and

(2) in paragraphs (1) and (2), by inserting "or chemical" after "substance".

(b) UNLAWFUL MANUFACTURE OR DISTRIBUTION.—Paragraphs (1) and (2) of section 1009(b) of the Controlled Substances Import and Export Act (21 U.S.C. 959(b)) are amended by inserting "or listed chemical" after "controlled substance".

(c) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the comma at the end and inserting "; or"; and

(3) by adding at the end the following:

"(7) manufactures, possesses with intent to distribute, or distributes a listed chemical in violation of section 959 of this title.".

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

SEC. 201. SEIZURE AND FORFEITURE OF REGULATED CHEMICALS.

(a) PENALTIES FOR SIMPLE POSSESSION.—Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended—

(1) in subsection (a)—

(A) by adding after the first sentence the following: "It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 303 of this title or section 1008 of title III if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration."; and

(B) by striking "drug or narcotic" and inserting "drug, narcotic, or chemical" each place it appears; and

(2) in subsection (c), by striking "drug or narcotic" and inserting "drug, narcotic, or chemical".

(b) FORFEITURES.—Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraphs (2) and (6), by inserting "or listed chemical" after "controlled substance" each place it appears; and

(2) in paragraph (9), by—

(A) inserting "dispensed, acquired," after "distributed," both places it appears; and

(B) striking "a felony provision of".

(c) SEIZURE.—Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended—

(1) in subsection (a)(3), by inserting "or listed chemical" after "controlled substance"; and

(2) by amending subsection (b) to read as follows:

"(b) As used in this section, the terms 'controlled substance' and 'listed chemical' have the meaning given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).".

SEC. 202. STUDY AND REPORT ON MEASURES TO PREVENT SALES OF AGENTS USED IN METHAMPHETAMINE PRODUCTION.

(a) STUDY.—The Attorney General of the United States shall conduct a study on possible measures to effectively prevent the diversion of red phosphorous, iodine, hydrochloric gas, and other agents for use in the production of methamphetamine. Nothing in this section shall preclude the Attorney General from taking any action the Attorney General already is authorized to take with regard to the regulation of listed chemicals under current law.

(b) REPORT.—Not later than January 1, 1998, the Attorney General shall submit a report to the Congress of its findings pursuant to the study conducted under subsection (a) on the need for and advisability of preventive measures.

(c) CONSIDERATIONS.—In developing recommendations under subsection (b), the Attorney General shall consider—

(1) the use of red phosphorous, iodine, hydrochloric gas, and other agents in the illegal manufacture of methamphetamine;

(2) the use of red phosphorous, iodine, hydrochloric gas, and other agents for legitimate, legal purposes, and the impact any regulations may have on these legitimate purposes; and

(3) comments and recommendations from law enforcement, manufacturers of such chemicals, and the consumers of such chemicals for legitimate, legal purposes.

SEC. 203. INCREASED PENALTIES FOR MANUFACTURE AND POSSESSION OF EQUIPMENT USED TO MAKE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(1) by striking "(d) Any person" and inserting "(d)(1) Except as provided in paragraph (2), any person"; and

(2) by adding at the end the following:

"(2) Any person who, with the intent to manufacture or facilitate to manufacture methamphetamine, violates paragraph (6) or (7) of subsection (a), shall be sentenced to a term of imprisonment of not more than 10 years, a fine of not more than $30,000, or both; except that if any person commits such a violation after one or more prior convictions of that person—

"(A) for a violation of paragraph (6) or (7) of subsection (a);

"(B) for a felony under any other provision of this subchapter or subchapter II of this chapter; or

"(C) under any other law of the United States or any State relating to controlled substances or listed chemicals,

has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $60,000, or both.".

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the sentencing guidelines to ensure that the manufacture of methamphetamine in violation of section 403(d)(2) of the Controlled Substances Act, as added by subsection (a), is treated as a significant violation.

SEC. 204. ADDITION OF IODINE AND HYDROCHLORIC GAS TO LIST II.

(a) IN GENERAL.—Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended by adding at the end the following:

"(I) Iodine.

"(J) Hydrochloric gas.".

(b) IMPORTATION REQUIREMENTS.—(1) Iodine shall not be subject to the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

(2) EFFECT OF EXCEPTION.—The exception made by paragraph (1) shall not limit the authority of the Attorney General to impose the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

SEC. 205. CIVIL PENALTIES FOR FIRMS THAT SUPPLY PRECURSOR CHEMICALS.

(a) OFFENSES.—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (9), by striking "or" after the semicolon;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) to distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, in violation of this title or title III, with reckless disregard for the illegal uses to which such a laboratory supply will be put.

As used in paragraph (11), the term 'laboratory supply' means a listed chemical or any chemical, substance, or item, on a special surveillance list published by the Attorney General, which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals. For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if a firm distributes or continues to distribute a laboratory supply to a customer where the Attorney General has previously notified, at least two weeks before the transaction(s), the firm that a laboratory supply sold by the firm, or any other person or firm, has been used by that customer, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals."

(b) CIVIL PENALTY.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by adding at the end the following:

"(C) In addition to the penalties set forth elsewhere in this title or title III, any business that violates paragraph (11) of subsection (a) shall, with respect to the first such violation, be subject to a civil penalty of not more than $250,000, but shall not be subject to criminal penalties under this section, and shall, for any succeeding violation, be subject to a civil fine of not more than $250,000 or double the last previously imposed penalty, whichever is greater.".

SEC. 206. INJUNCTIVE RELIEF.

(a) TEN-YEAR INJUNCTION MAJOR OFFENSES.—Section 401(f) of the Controlled Substances Act (21 U.S.C. 841(f)) is amended by—

(1) inserting "manufacture, exportation," after "distribution,"; and

(2) striking "regulated".

(b) TEN-YEAR INJUNCTION OTHER OFFENSES.—Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) in subsection (e), by—

(A) inserting "manufacture, exportation," after "distribution,"; and

(B) striking "regulated"; and

(2) by adding at the end the following:

"(f) INJUNCTIONS.—(1) In addition to any penalty provided in this section, the Attorney General is authorized to commence a civil action for appropriate declaratory or injunctive relief relating to violations of this section or section 402.

"(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business.

"(3) Any order or judgment issued by the court pursuant to this subsection shall be tailored to restrain violations of this section or section 402.

"(4) The court shall proceed as soon as practicable to the hearing and determination of such an action. An action under this subsection is governed by the Federal Rules of Civil Procedure except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.".

SEC. 207. RESTITUTION FOR CLEANUP OF CLANDESTINE LABORATORY SITES.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following:

"(q) The court, when sentencing a defendant convicted of an offense under this title or title III involving the manufacture of methamphetamine, may—

"(1) order restitution as provided in sections 3612 and 3664 of title 18, United States Code;

"(2) order the defendant to reimburse the United States for the costs incurred by the United States for the cleanup associated with the manufacture of methamphetamine by the defendant; and

"(3) order restitution to any person injured as a result of the offense as provided in section 3663 of title 18, United States Code.".

SEC. 208. RECORD RETENTION.

Section 310(a)(1) of the Controlled Substances Act (21 U.S.C. 830(a)(1)) is amended by striking the dash after "transaction" and subparagraphs (A) and (B) and inserting "for two years after the date of the transaction.".

SEC. 209. TECHNICAL AMENDMENTS.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34), by amending subparagraphs (P), (S), and (U) to read as follows:

"(P) Iso safrole.

"(S) N-Methylephedrine.

"(U) Hydriodic acid."; and

(2) in paragraph (35), by amending subparagraph (G) to read as follows:

"(G) 2-Butanone (or Methyl Ethyl Ketone).".

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

SEC. 301. TRAFFICKING IN METHAMPHETAMINE PENALTY INCREASES.

(a) CONTROLLED SUBSTANCES ACT.—

(1) LARGE AMOUNTS.—Section 401(b)(1)(A)(viii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)(viii)) is amended by—

(A) striking "100 grams or more of methamphetamine," and inserting "50 grams or more of methamphetamine,"; and

(B) striking "1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "500 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

(2) SMALLER AMOUNTS.—Section 401(b)(1)(B)(viii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)(viii)) is amended by—

(A) striking "10 grams or more of methamphetamine," and inserting "5 grams or more of methamphetamine,"; and

(B) striking "100 grams or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "50 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

(b) IMPORT AND EXPORT ACT.—

(1) LARGE AMOUNTS.—Section 1010(b)(1)(H) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(H)) is amended by—

(A) striking "100 grams or more of methamphetamine," and inserting "50 grams or more of methamphetamine,"; and

(B) striking "1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "500 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

(2) SMALLER AMOUNTS.—Section 1010(b)(2)(H) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(2)(H)) is amended by—

(A) striking "10 grams or more of methamphetamine," and inserting "5 grams or more of methamphetamine,"; and

(B) striking "100 grams or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "50 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

SEC. 302. PENALTY INCREASES FOR TRAFFICKING IN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking the period and inserting the following: "or, with respect to a violation of paragraph (1) or (2) of this subsection involving a list I chemical, if the government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using the quantity of list I chemicals possessed or distributed, the penalty corresponding to the quantity of controlled substance that could have been produced under subsection (b).".

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking the period and inserting the following: ", or, with respect to an importation violation of paragraph (1) or (3) of this subsection involving a list I chemical, if the government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using the quantity of list I chemicals imported, the penalty corresponding to the quantity of controlled substance that could have been produced under title II".

(c) DETERMINATION OF QUANTITY.—

(1) IN GENERAL.—For the purposes of this section and the amendments made by this section, the quantity of controlled substance that could reasonably have been provided shall be determined by using a table of manufacturing conversion ratios for list I chemicals.

(2) TABLE.—The table shall be—

(A) established by the United States Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission deems appropriate; and

(B) dispositive of this issue.

SEC. 303. ENHANCED PENALTY FOR DANGEROUS HANDLING OF CONTROLLED SUBSTANCES: AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall determine whether the Sentencing Guidelines adequately punish the offenses described in subsection (b) and, if not, promulgate guidelines or amend existing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of such an offense.

(b) OFFENSE.—The offense referred to in subsection (a) is a violation of section 401(d), 401(g)(1), 403(a)(6), or 403(a)(7) of The Controlled Substances Act (21 U.S.C. 841(d), 841(g)(1), 843(a)(6), and 843(a)(7)), in cases in which in the commission of the offense the defendant violated—

(1) subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (relating to handling hazardous waste in a manner inconsistent with Federal or applicable State law);

(2) section 103(b) of the Comprehensive Environmental Response, Compensation and Liability Act (relating to failure to notify as to the release of a reportable quantity of a hazardous substance into the environment);

(3) section 301(a), 307(d), 309(c)(2), 309(c)(3), 311(b)(3), or 311(b)(5) of the Federal Water Pollution Control Act (relating to the unlawful discharge of pollutants or hazardous substances, the operation of a source in violation of a pretreatment standard, and the failure to notify as to the release of a reportable quantity of a hazardous substance into the water); or

(4) section 5124 of title 49, United States Code (relating to violations of laws and regulations enforced by the Department of Transportation with respect to the transportation of hazardous material).

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

SEC. 401. DIVERSION OF CERTAIN PRECURSOR CHEMICALS.

(a) IN GENERAL.—Section 102(39) of the Controlled Substances Act (21 U.S.C. 802(39)) is amended—

(1) in subparagraph (A)(iv)(I)(aa), by striking "as" through the semicolon and inserting

", pseudoephedrine or its salts, optical isomers, or salts of optical isomers, or phenylpropanolamine or its salts, optical isomers, or salts of optical isomers unless otherwise provided by regulation of the Attorney General issued pursuant to section 204(e) of this title;"; and

(2) in subparagraph (A)(iv)(II), by inserting ", pseudoephedrine, phenylpropanolamine," after "ephedrine".

(b) LEGITIMATE RETAILERS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (39)(A)(iv)(I)(aa), by adding before the semicolon the following: ", except that any sale of ordinary over-the-counter pseudoephedrine or phenylpropanolamine products by retail distributors shall not be a regulated transaction (except as provided in section 401(d) of the Comprehensive Methamphetamine Control Act of 1996)";

(2) in paragraph (39)(A)(iv)(II), by adding before the semicolon the following: ", except that any sale of products containing pseudoephedrine or phenylpropanolamine, other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine products, by retail distributors shall not be a regulated transaction if the distributor's sales are limited to less than the threshold quantity of 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in each single transaction";

(3) by redesignating paragraph (43) relating to felony drug abuse as paragraph (44); and

(4) by adding at the end the following:

"(45) The term 'ordinary over-the-counter pseudoephedrine or phenylpropanolamine product' means any product containing pseudoephedrine or phenylpropanolamine that is—

"(A) regulated pursuant to this title; and

"(B)(i) except for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base, and that is packaged in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches; and

"(ii) for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base.

"(46)(A) The term 'retail distributor' means—

"(i) with respect to an entity that is a grocery store, general merchandise store, or drug store, a distributor whose activities relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales, both in number of sales and volume of sales, directly to walk-in customers; and

"(ii) with respect to any other entity, a distributor whose activities relating to ordinary over-the-counter pseudoephedrine or phenylpropanolamine products are limited primarily to sales directly to walk-in customers for personal use.

"(B) For purposes of this paragraph, sale for personal use means the sale of below-threshold quantities in a single transaction to an individual for legitimate medical use.

"(C) For purposes of this paragraph, entities are defined by reference to the Standard Industrial Classification (SIC) code, as follows:

"(i) A grocery store is an entity within SIC code 5411.

"(ii) A general merchandise store is an entity within SIC codes 5300 through 5399 and 5499.

"(iii) A drug store is an entity within SIC code 5912.".

(c) REINSTATEMENT OF LEGAL DRUG EXEMPTION.—Section 204 of the Controlled Substances Act (21 U.S.C. 814) is amended by adding at the end the following new subsection:

"(e) REINSTATEMENT OF EXEMPTION WITH RESPECT TO EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE DRUG PRODUCTS.—The Attorney General shall by regulation reinstate the exemption with respect to a particular ephedrine, pseudoephedrine, or phenylpropanolamine drug product if the Attorney General determines that the drug product is manufactured and distributed in a manner that prevents diversion. In making this determination the Attorney General shall consider the factors listed in subsection (d)(2). Any regulation issued pursuant to this subsection may be amended or revoked based on the factors listed in subsection (d)(4).".

(d) REGULATION OF RETAIL SALES.—

(1) PSEUDOEPHEDRINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of pseudoephedrine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for pseudoephedrine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of pseudoephedrine base, the Attorney General shall establish, following notice, comment, and an informal hearing that since the effective date of this section there are a significant number of instances where ordinary over-the-counter pseudoephedrine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802 (45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being used as a significant source of precursor chemicals for illegal manufacture of a controlled substance in bulk.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(2) PHENYLPROPANOLAMINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of phenylpropanolamine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for phenylpropanolamine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of phenylpropanolamine base, the Attorney General shall establish, following notice, comment, and an informal hearing, that since the effective date of this section there are a significant number of instances where ordinary over-the-counter phenylpropanolamine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being used as a significant source of precursor chemicals for illegal manufacture of a controlled substance in bulk.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(3) DEFINITION OF BUSINESS.—For purposes of this subsection, the term "business" means the entity that makes the direct sale and does not include the parent company of a business not involved in a direct sale regulated by this subsection.

(4) JUDICIAL REVIEW.—Any regulation promulgated by the Attorney General under this section shall be subject to judicial review pursuant to section 507 of the Controlled Substances Act (21 U.S.C. 877).

(e) EFFECT ON THRESHOLDS.—Nothing in the amendments made by subsection (b) or the provisions of subsection (d) shall affect the authority of the Attorney General to modify thresholds (including cumulative thresholds) for retail distributors for products other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine products (as defined in section 102(45) of the Controlled Substances Act, as added by this section) or for non-retail distributors, importers, or exporters.

(f) EFFECTIVE DATE OF THIS SECTION.—Notwithstanding any other provision of this Act, this section shall not apply to the sale of any over-the-counter pseudoephedrine or phenylpropanolamine product initially introduced into interstate commerce prior to 9 months after the date of enactment of this Act.

SEC. 402. MAIL ORDER RESTRICTIONS.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended by adding at the end the following:

"(3) MAIL ORDER REPORTING.—(A) Each regulated person who engages in a transaction with a nonregulated person which—

"(i) involves ephedrine, pseudoephedrine, or phenylpropanolamine (including drug products containing these chemicals); and

"(ii) uses or attempts to use the Postal Service or any private or commercial carrier;

shall, on a monthly basis, submit a report of each such transaction conducted during the previous month to the Attorney General in such form, containing such data, and at such times as the Attorney General shall establish by regulation.

"(B) The data required for such reports shall include—

"(i) the name of the purchaser;

"(ii) the quantity and form of the ephedrine, pseudoephedrine, or phenylpropanolamine purchased; and

"(iii) the address to which such ephedrine, pseudoephedrine, or phenylpropanolamine was sent.".

TITLE V—EDUCATION AND RESEARCH

SEC. 501. INTERAGENCY METHAMPHETAMINE TASK FORCE.

(a) ESTABLISHMENT.—There is established a "Methamphetamine Interagency Task Force" (referred to as the "interagency task force") which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair.

(2) 2 representatives selected by the Attorney General.

(3) The Secretary of Education or a designee.

(4) The Secretary of Health and Human Services or a designee.

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General.

(6) 2 representatives selected by the Secretary of Health and Human Services.

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and strategies of the Federal Government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.

SEC. 502. PUBLIC HEALTH MONITORING.

The Secretary of Health and Human Services shall develop a public health monitoring program to monitor methamphetamine abuse in the United States. The program shall include the collection and dissemination of data related to methamphetamine abuse which can be used by public health officials in policy development.

SEC. 503. PUBLIC-PRIVATE EDUCATION PROGRAM.

(a) ADVISORY PANEL.—The Attorney General shall establish an advisory panel consisting of an appropriate number of representatives from Federal, State, and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals. The Attorney General shall convene the panel as often as necessary to develop and coordinate educational programs for wholesale and retail distributors of precursor chemicals and supplies.

(b) CONTINUATION OF CURRENT EFFORTS.—The Attorney General shall continue to—

(1) maintain an active program of seminars and training to educate wholesale and retail distributors of precursor chemicals and supplies regarding the identification of suspicious transactions and their responsibility to report such transactions; and

(2) provide assistance to State and local law enforcement and regulatory agencies to facilitate the establishment and maintenance of educational programs for distributors of precursor chemicals and supplies.

SEC. 504. SUSPICIOUS ORDERS TASK FORCE.

(a) IN GENERAL.—The Attorney General shall establish a "Suspicious Orders Task Force" (the "Task Force") which shall consist of—

(1) appropriate personnel from the Drug Enforcement Administration (the "DEA") and other Federal, State, and local law enforcement and regulatory agencies with the experience in investigating and prosecuting illegal transactions of listed chemicals and supplies; and

(2) representatives from the chemical and pharmaceutical industry.

(b) RESPONSIBILITIES.—The Task Force shall be responsible for developing proposals to define suspicious orders of listed chemicals, and particularly to develop quantifiable parameters which can be used by registrants in determining if an order is a suspicious order which must be reported to DEA. The quantifiable parameters to be addressed will include frequency of orders, deviations from prior orders, and size of orders. The Task Force shall also recommend provisions as to what types of payment practices or unusual business practices shall constitute prima facie suspicious orders. In evaluating the proposals, the Task Force shall consider effectiveness, cost and feasibility for industry and government, an other relevant factors.

(c) MEETINGS.—The Task Force shall meet at least two times per year and at such other times as may be determined necessary by the Task Force.

(d) REPORT.—The Task Force shall present a report to the Attorney General on its proposals with regard to suspicious orders and the electronic reporting of suspicious orders within one year of the date of enactment of this Act. Copies of the report shall be forwarded to the Committees of the Senate and House of Representatives having jurisdiction over the regulation of listed chemical and controlled substances.

(e) FUNDING.—The administrative expenses of the Task Force shall be paid out of existing Department of Justice funds.

(f) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the Task Force.

(g) TERMINATION.—The Task Force shall terminate upon presentation of its report to the Attorney General, or two years after the date of enactment of this Act, whichever is sooner.

LAUTENBERG AMENDMENT NO. 5312

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill, H.R. 3756, supra; as follows:

At the appropriate place, insert the following:

SEC. . GUN BAN FOR INDIVIDUALS COMMITTING DOMESTIC VIOLENCE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(33) The term 'crime involving domestic violence' means a felony or misdemeanor crime of violence, regardless of length, term, or manner of punishment, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim under the domestic or family violence laws of the jurisdiction in which such felony or misdemeanor was committed.".

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "or" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.";

(2) in subsection (g)—

(A) by striking "or" at the end of paragraph (7);

(B) in paragraph (8), by striking the comma and inserting "; or"; and

(C) by inserting after paragraph (8) the following new paragraph:

"(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel,"; and

(3) in subsection (s)(3)(B)(i), by inserting before the semicolon the following: "and has not been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel".

(c) RULES AND REGULATIONS.—Section 926(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) regulations providing for the effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(9) or (g)(9) of section 922.".

SHELBY AMENDMENT NO. 5313

Mr. SHELBY proposed an amendment to the bill, H.R. 3756, supra; as follows:

On page 19, line 2, before the period add the following new provision: ":*Provided further*, That of the funds appropriated $2,500,000 may be made available for the review of trade issues as authorized by Public Law 103–182".

KERREY AMENDMENT NO. 5314

Mr. SHELBY (for Mr. KERREY) proposed an amendment to the bill, H.R. 3756, supra; as follows:

Insert at the appropriate place: "*Provided further*, That from funds made available for Basic Repairs and Alterations, $2,000,000 may be transferred to the Policy and Operations appropriation".

HATCH (AND OTHERS) AMENDMENT NO. 5315

Mr. HATCH (for himself, Mr. COVERDELL, Mrs. HUTCHISON, and Mr. WARNER) proposed an amendment to amendment No. 5295 proposed by Mr. BIDEN to the bill, H.R. 3756, supra; as follows:

Strike all after the first word and insert the following:

PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(a) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

"(7)(A) Whoever, with intent to commit a crime of violence as defined in section 16, United States Code (including rape) against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined as provided under title 18, United States Code.

"(B) As used in this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.".

"(b) ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting "or 1 gram of flunitrazepam" after "I or II"; and

(B) in subsection (b)(1)D), by inserting "or 30 milligrams of flunitrazepam," after "schedule III,".

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting "or flunitrazepam" after "I or II,".

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting "(except a violation involving flunitrazepam)" after "III, IV, or V,".

(3) SENTENCING GUIDELINES.—The United States Sentencing Commission shall amend the Sentencing Guidelines so that one dosage unit of flunitrazepam shall be equivalent to one gram of marijuana for determining the offense level under the Drug Quantity Table.

(d) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after the sentence ending with "exceeds 1 gram." the following new sentence: "Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years and shall be fined as otherwise provided in this section."

ASHCROFT AMENDMENT NO. 5316

Mr. ASHCROFT proposed an amendment to amendment No. 5234 proposed by Mr. DASCHLE to the bill, H.R. 3756, supra; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . WORKFORCE FLEXIBILITY FOR EMPLOYEES OF FEDERAL CONTRACTORS.—Subchapter II of chapter 61 of title 5, United States Code, shall apply to contractors and employees specified in section 03(a)(1) and to contractors with an entity of the executive branch of the Federal Government, and employees of such contractors, in the same manner, and to the same extent, as such subchapter applies to agencies and employees, respectively, as defined in section 6121 of title 5, United States Code.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forest and Public Land Management.

The hearing will take place Wednesday, September 25, 1996, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 987, a bill to provide for the full settlement of all claims of Swain County, NC, against the United States under the agreement dated July 30, 1943, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to met at 10 a.m. on Thursday, September 12, 1996, in open session, to receive testimony on the situation in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, September 12, 1996, at 10 a.m., for a hearing on S. 1794, Congressional, Presidential, and Judiciary Pension Forfeiture Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON EAST ASIA/PACIFIC AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on East Asia/Pacific Affairs of the Committee on Foreign Relations to authorized to meet during the session of the Senate on Thursday, September 12, 1996, at 10 a.m. (agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 12, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1695, a bill to authorize the Secretary of the Interior to assess up to $2 per person visiting the Grand Canyon or other national parks to secure bonds for capital improvements to the park.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, September 12, 1996, in open session, to receive testimony regarding the practices and procedures of the investigative services of the Department of Defense and the military departments concerning investigations into the deaths of military personnel which may have resulted from self-inflicted causes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MARILYN S. PENNINGTON

• Mr. McCONNELL. Mr. President, I rise today to recognize Marilyn S. Pennington who is retiring from the Social Security Administration after 29 years of Federal service.

Ms. Pennington began her Social Security career as a service representative in Louisville, KY, in August 1965. She was promoted to claims representative and reassigned to Paducah, KY, in October 1966 and then to Silver Spring, MD, in August 1967. She returned to Louisville in May 1969. Her performance as a claims representative was always outstanding and she served as a model and mentor to other employees. During the early 1970's, Ms. Pennington was assigned as an operations analyst for the Louisville District. She provided outstanding staff assistance to the Louisville management team. Her work as an analyst was instrumental in improving the overall efficiency of the Louisville District Office. On May 8, 1977, she was promoted to the operations supervisor position which she holds today.

During her career, Ms. Pennington won many performance-related awards based on her outstanding work in serving the public. Her service to the public has been a model of the best that Government can bring to the people.

Ms. Pennington has also helped implement major additions to Social Security programs. These include Medicare in July 1966 and the Supplemental Security Income program in January 1974. There have also been many other changes to Social Security programs during her career, such as the extension of coverage to include Federal employees and employees of non-profit organizations, taxation of benefits, and more.

Mr. President, I ask you and my colleagues to join me in recognizing Marilyn S. Pennington for 29 years of dedicated service to the Federal Government.•

THE EXTRAORDINARY LIFE OF CARDINAL BERNARDIN

• Mr. HOLLINGS. Mr. President, I rise today to pay tribute to the extraordinary life of Cardinal Joseph Bernardin.

Cardinal Bernardin is one of America's most beloved and most respected Catholics. He is the son of Italian immigrants and grew up in my home State of South Carolina. I am proud to claim him as a product of the Palmetto State. He has had a tremendous impact on my life and the lives of thousands of others.

Cardinal Bernardin was made a bishop in 1966, at 38, the youngest U.S. bishop of that time, and since then has held a wide range of leadership positions. As head of the archdiocese of Chicago, the Nation's second-largest, for 14 years, he has built a reputation for reaching out to non-Catholics and for trying to bridge gaps within the church.

On September 9, Cardinal Bernardin was presented with the Presidential Medal of Freedom, the highest civilian honor. In his remarks, President Clinton said, "As the Archbishop of Chicago, Cardinal Bernardin is one of our Nation's most beloved men and one of Catholicism's great leaders. When others have pulled people apart, Cardinal Bernardin has sought common ground. In a time of transition in his Church, his community, his Nation and the world, he has held fast to his mission to bring out the best in humanity and to bring people together. Throughout his career, he has fought tirelessly against social injustice, poverty, and ignorance. Without question, he is both a remarkable man of God and a man of the people."

In a column called "Cardinal Virtues" earlier this week, Washington Post columnist Mary McGrory also talked about the extraordinary life of Cardinal Joseph Bernardin. She told of the grace with which confronting his diagnosis of terminal cancer. He spoke of his diagnosis as a "gift," she said.

McGrory writes, "Why? Before he knew he was going to die, he said he had many fears." After the news, the Cardinal said, "God has given me the gift of peace and tranquility."

McGrory went on to say that Cardinal Bernardin hopes to write a book to help other cancer victims who are terrified by the diagnosis and lose heart. "I have spent 30 years as a bishop trying to teach people how to live," he said during an interview. "Now I will teach them how to die."

Cardinal Bernardin is a remarkable man and I am honored to call him a friend.

Mr. President, I ask that Mary McGrory's September 10 column be printed in the RECORD.

The column follows:

[From the Washington Post, Sept. 10, 1996]

CARDINAL VIRTUES

(By Mary McGrory)

Under some pressure on the matter of the company he keeps, President Clinton surrounded himself with some classy people at the White House and gave the 11 of them the Medal of Freedom, the highest civilian award. The star of the occasion was a small, frail cardinal from Chicago, Joseph

Bernardin, who accepted the medal in the East Room and then went out on the lawn to explain, gently, his differences with the donor.

His Eminence is totally pro-life: He is against abortion, against capital punishment—both of which are favored by Clinton. Some Catholics held that, given his fundamental differences as well as on welfare reform, he should have turned down the medal. But Bernardin explained that it comes from the nation.

His updating of Saint Thomas More's famous self-description, during a time of trouble with Henry VIII—"The King's good servant, and God's first"—came on a day of blazing heat and draining humidity. The cardinal, who was recently told by doctors that he has inoperable liver cancer and a limited time to live, went patiently from camera to camera. "I will take care of all of you," he promised pastorally, and he did.

Some thought he might be asked to perform an exorcism at the White House. As the scandal of the president's chosen familiar, Dick Morris, widens and deepens, fumigation might not be enough. Morris's sex life may be his own business, but his arrogance is not. The most popular Catholic cleric was the best possible counterpoint to the pond scum. After so much of the profane, the sacred was welcome.

The cardinal startled many people when, recently in Chicago, he announced that he is bound for the Promised Land. He is in the midst of a project called "Common Ground," which he had hoped to be a forum where American Catholics can discuss their differences on church matters. A mediator all his life, he is concerned with the rise of incivility and mean-spiritedness among the faithful. He was severely criticized by three of his brother cardinals, who feared the airing of unorthodoxy and possibly even heresy. He replied imperturbably that the dissent of Cardinals Bernard Law of Boston, James A. Hickey of Washington and Anthony Bevilacqua of Philadelphia just pointed up the need for discourse.

As for being stricken at a time of such plans, he called it "a special gift from God."

Why? Before he knew he was going to die, he said he had many fears, among them being unjustly accused—he was by a deranged young man who later recanted his story of sexual harassment—and cancer. "God has given me the gift of peace and tranquility," he explained. He hopes to write a book to help other cancer victims who are terrified by the diagnosis and lose heart. "I have spent 30 years as a bishop trying to teach people how to live," he said during an interview. "Now I will try to teach them how to die."

Conversations such as this rarely occur on the White House lawn, where hustle and push are the rule. Doubtless talks with the others who sat on the East Room stage would also have been edifying.

The recipients had been carefully chosen not just for their virtues and accomplishments but for their direct appeal to various causes and ethnics. Rosa Parks, the woman who started the Montgomery bus boycott by sitting down for her principles, didn't make it in from Michigan in time for the ceremony, but she is a black heroine. James Brady, the White House press secretary who took a bullet for Ronald Reagan, personifies the gun control legislation opposed by Republicans; Millard Fuller is founder of Habitat for Humanity, the universally admired organization that builds homes for the poor and had Clinton hammering nails on his birthday; David Hambur is a psychiatrist for children; John H. Johnson is a black success story—he publishes Ebony and Jet; Eugene Lang sends East Harlem children to college—Jack Kemp, eat your heart out, Jan Nowak-Jezioranski, agent of the Polish underground, speaks to Poles; Antonia Patoja to Puerto Ricans; Ginetta Sagan, valiant young Italian resistance courier who survived Fascist torture and devoted her life to helping political prisoners; Morris K. Udall (D-Ariz.), former House environmentalist and wit, shows an appreciation for House members.

Clinton needed to patch things up with Catholics. They grew accustomed to choice—they took other social issues into consideration—but were outraged by the president's failure to sign the congressional ban on a late-term abortion procedure. Honoring Bernardin, the most affecting U.S. prelate, is a nice gesture. But Bernardin, in his mild way, will continue to disagree on certain subjects in the most public way possible. He intends to join a large protest against later-term abortions on Thursday at the Capitol.•

TRIBUTE TO DAVID NOVAK

• Mr. McCONNELL. Mr. President, I rise today to congratulate a Louisville, KY native who has been recognized for outstanding performance and leadership. David Novak, president and chief executive of KFC Corp. will receive a Golden Chain award at the annual conference of the Multi-Unit Food Service Operators in October.

Editors of Nation's Restaurant News, a weekly magazine for the food service industry, nominated Novak for the award. The magazine cited Novak, 43, for rejuvenating the 6,000-outlet KFC chain. He was also responsible for settling a long-standing contract dispute with franchises as well as introducing popular new items to the KFC menu.

David Novak assumed responsibility of KFC Corp. in 1994. In 1995, the chain generated over $3.7 billion in retail sales. The company now claims more than a 40 percent share of the U.S. fried chicken market and an 82 percent share of the Canadian market.

Before attaining his current position, novak was chief operating officer for Pepsi-Cola North America. He also held positions as executive vice president of Pepsi-Cola Marketing/Sales and senior vice president of Marketing for Pizza Hut. He and his wife, Wendy, have a daughter, Ashley.

Mr. President, I ask you and my colleagues to join me in congratulating David Novak on receiving this distinguished award.•

TRIBUTE TO LINDA A. (SUSIE) CARTER

• Mr. McCONNELL. Mr. President, I rise today to recognize Linda A. (Susie) Carter who is retiring from the Social Security Administration after 29 years of Federal service.

Ms. Carter began her Social Security career as a clerk typist on August 29, 1965 in the Louisville Social Security office. She did not remain in this position long. Her excellent work earned her advancement to the claims typist position in March 1966, to claims development clerk in March 1967 and then to data review technician in October 1971. In December 1975 Ms. Carter was promoted to claims representative and in December 1980 she was reassigned to the operations analyst position where she assisted the Louisville District management staff and improved the overall quality of the work in the Louisville Social Security District.

In April 1984, Ms. Carter became an operations supervisor in the Louisville District office. Her performance has consistently been outstanding and she has won many performance-related awards during her Social Security career. Her service to the public, the citizens of Louisville, and especially Jefferson County has been a model of the best that government can bring to the people.

During her career, Ms. Carter helped implement major additions to Social Security programs. These include Medicare in July 1966 and the Supplemental Security Income Program in January 1974. There have also been many other changes during her career, such as the extension of coverage to include Federal employees and employees of nonprofit organizations, taxation of benefits, and more.

Mr. President, I ask you and my colleagues to join me in recognizing Linda A. Carter for 29 years of dedicated service to the Federal Government.•

ORDERS FOR FRIDAY, SEPTEMBER 13, 1996

Mr. LOTT. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Friday, September 13, 1996; further, that following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Tomorrow morning, at 9:30, it will be my intention to begin consideration of the Interior appropriations bill, as we announced. We may consider other bills if we can get an agreement. I hope that Members will not feel compelled to offer nongermane amendments on the Interior appropriations bill, as we have just gone through. Again, we are aware that Senators have their rights. But it makes it awfully hard on the leaders to try to get the work done. We spent 25½ hours on this last bill. Hopefully, we can do the Interior appropriations bill without going through the same votes all over again.

Madam President, with regard to the earlier unanimous-consent request, we need to talk to the other Senator from Minnesota.

I want to make a commitment to the minority leader that we will not do this before Tuesday. I will work with the Senators that are involved. I would rather not do a unanimous consent until I talk directly to that Senator. I will keep good faith with the minority leader on that. I think it is a reasonable request.

Mr. DASCHLE. With that understanding, I will not have any objection. I hope we can work to resolve that relatively minor matter.

Mr. LOTT. I want to confirm that there will be no recorded votes tomorrow. We will take up Interior or the Magnuson fisheries, if we can get an agreement. On Monday, we will take up the FAA authorization if we can get an agreement on the time and amendments. Then we would go back to Interior. There will be no votes during the day on Monday. We will have stacked votes on Tuesday morning at 9:30.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:41 p.m., adjourned until Friday, September 13, 1996, at 9:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO RECIPIENTS OF GIRL SCOUT GOLD AWARD

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. EWING. Mr. Speaker, today I would like to salute several outstanding young women who have been honored with the Girl Scout Gold Award by Green Meadows Girl Scout Council in Urbana, IL. They are Kathy Wakeley, Valerie Karr, Amy Watson, Erin Winter of Girl Scout Troop 220, Heather Jacobson, Teri Heater, Rebecca Rich, Rachel Rich of Girl Scout Troop 203, Christine Owens, Alison Smith of Troop 74, and Rose Johnson, an individually registered Girl Scout. These young women were honored at the Green Meadows Girl Scout Council's 29th Annual Older Girl Recognition Banquet, held on May 13, 1996, for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in leadership, community service, career planning, and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12.

Girl Scouts of the USA, an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge. She must also design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and carried out through close cooperation between the girl and an adult Girl Scout volunteer.

Kathy Wakeley's project was titled "Welcome Bags for a Woman's Place." She collected travel-size personal items from dentists, hotels, and stores to place in bags for women and children who were forced to leave their home in a hurry. They receive the bags to help them gain a sense of ownership.

Valerie Karr's project was titled "Bear Hugs for Kids." She purchased 60 teddy bears with donations she received from local business and civic groups. The bears were given to the Mahomet and Seymour Fire Department to give to children for comfort during crisis situations, fires, and accidents.

Amy Watson's project was titled "Audio Books for a Grade School." She consulted the principal and librarian for ideas on books to record on cassette tapes. The tapes will provide additional resources for teachers to use in the classroom.

Erin Winter's project was titled "Books on Tape." She organized 24 volunteers from the drama club to read 17 books on tape for the special education department including 2 full-length text-books.

Heather Jacobson's project was titled "Quilts for the Homeless." She sewed 10 fullsize quilts for the homeless. They also received bags containing personal toiletries.

Teri Heater's project was titled "Lap Quilts for Low-Income Nursing Home." She made 25 lap quilts for the elderly nursing home residents.

Rebecca Rich's project was titled "Understanding Differences; Matters of Faith Forum." She brought together a group of people of different faiths for achieving tolerance in a nonjudgmental forum. They had the opportunity to ask questions and learn about each others religion.

Rachel Rich's project was titled "Wildlife-4 Kids." She introduced wildlife through books and live animals. Children of all ages learned about a variety of animals and received an educational experience.

Christine Owens' project was titled "Daisy and Brownie Girl Scout Water Safety and Survival Class." She used her life guarding skills to organize and conduct this workshop for younger Girl Scouts in the Danville area. Originally planned for 25 girls, the workshop was attended by 35 girls and 8 adults. Christine taught girls how to keep themselves and others safe in an aquatic environment.

Alison Smith's project was titled "Book Drive for the YMCA Women's Shelter." She collected over 350 books from middle and high schools to donate to the shelter for use by children who have been forced out of their homes due to unfortunate circumstances.

Rose Johnson's project was titled "Upgrade of Park Equipment in Sheldon." She organized an aluminum can recycling project with proceeds donated to the Sheldon Park and Sign fund. This is a continuing project and members of the community were asked to save cans to help raise money for additional park playground equipment.

I believe that all of these young women should receive public recognition for the significant service to their community.

TRIBUTE TO THE LYONS TOWNSHIP HIGH SCHOOL BASEBALL TEAM AND COACH TERRY SULLIVAN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding group of young men and their coach on their tremendous recent triumphs.

The varsity baseball team at Lyons Township High School in my district recently placed third in the State tournament and their coach, Terry Sullivan, was a consensus choice as Coach of the Year.

However, perhaps what was most impressive about the 1996 Lyons Township High School Baseball Team was that it was one of those rare squads who transcended what the experts and critics perceived as their potential.

As most LTHS baseball teams in previous years, the 1996 squad was expected to do well this season. But this group of 16-, 17-, and 18-year-old young men, some of whom had played together since Little League, turned a good year into one that they will remember for a lifetime. Led by their most valuable player, catcher Doug Nichols, and 16-game winner, pitcher Ryan Businaro, the Lions set a school record of 34 wins in a season. In addition they enjoyed a 14-game winning streak and defeated regular season conference champion and archrival Oak Park-River Forest in the sectional final to reach the State Tournament.

Even the tough 4–2 loss in the State semifinals did little to dampen the LTHS's great season. As Coach Sullivan said, "This team had an evenness to it. There were no peaks and valleys, no highs and lows. We stayed on a pretty lofty plateau the entire season."

Mr. Speaker, I congratulate Coach Sullivan and his entire squad on their achievements this season, and wish them continued success in the coming years.

CORA SERVICES, INC., 25TH ANNIVERSARY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. BORSKI. Mr. Speaker, I rise to commemorate CORA Services, Inc., which will celebrate its 25th anniversary in Philadelphia next month, and to recognize its founder, Sister M. Charity Kohl, a Sister of Good Shepherd, for her meritorious service in the community.

CORA Services was founded in 1971 by Sister M. Charity Kohl. It is a community-based, nonprofit organization, which was created by Sister Charity to reach out to children through prevention and early intervention, rather than waiting for a child or teen to get into trouble. The agency, which began as a small, neighborhood counseling center, has grown into a major provider of human services to the greater Philadelphia community. Each year, more than 30,000 children and families are served by CORA's programs.

Educational services provided in these schools include counseling, psychological evaluations, reading and math remediation, and student assessments. These services are offered to over 60 nonpublic schools in northeast Philadelphia. In addition, the agency has expanded to provide services to certain public

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

schools in the northwest and northeast parts of the city.

Community-based teen intervention programs, a teen dropout program, and drug and alcohol abuse prevention and education efforts highlight CORA's Community Service Division. CORA also offers a summer day camp and an Early Years Program for children and families needing day care through kindergarten services.

This year alone, CORA has provided monetary support to meet emergency needs for 197 families. The agency's guidance programs offered support to 21,930 school children. Educational services were provided for 3,906 students who received corrective instruction in reading and math. CORA's Community Services Division completed substance abuse assessments and referral services for 380 students through the Student Assistance Program in selected public schools. Also, teen intervention and family advocacy services, including parent training sessions, were provided to 452 children and families.

For the past 25 years, CORA has provided invaluable services to the Philadelphia community. The agency has helped families in times of crisis and guided children through educational difficulties. I congratulate CORA Services for the important work it has done and hope they will have many successes in the coming years.

In addition, I would like to personally thank Sister Charity for her work in the community. It is through the diligent and dedicated work of individuals like Sister Charity, that we can expect the young people of our community to grow up to be the educated and conscientious leaders of tomorrow.

TRIBUTE TO THE SAN FILI FRATERNITY CLUB

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. ENGEL. Mr. Speaker, I would like to congratulate the San Fili Fraternity Club of Westchester, Inc., on the occasion of its 36th anniversary.

The organization was founded in 1960 with the express purpose of uniting immigrants from the town of San Fili, located in Calabria, Italy. These hardworking and industrious people felt it was important to maintain the heritage and traditions of their ancestral home. The San Fili Club has served as a central meeting place to foster this pride.

In addition to promoting their culture, the San Fili Fraternity Club has contributed tremendously to the betterment of the entire community by supporting local charitable causes and awarding educational scholarships. The spirit of volunteerism and civic responsibility exhibited by its membership has served as a vibrant and positive force within Westchester County.

I have had the opportunity to witness first hand the incredible drive and commitment of their membership. The parents of my administrative assistant, John and Rose Calvelli, have served in several positions of responsibility within the organization. They are truly representative of the calibre of people who have contributed to San Fili's philanthropic activities.

On the evening of Sunday, September 15, members and friends of the San Fili Fraternity Club will be hosting a dinner dance to celebrate their many accomplishments and reaffirm its ongoing mission to promote and preserve the rich heritage of San Fili for present and future generations. I applaud them and look forward to supporting their many worthwhile initiatives in the coming years.

IN HONOR OF THE POLISH MARTYRS MEMORIALIZED AT THE KATYN MEMORIAL MONUMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Polish officers, citizens, and prisoners of war who were massacred in 1940 by the Stalinist Soviet Government. The Katyn Forest Massacre Memorial Committee will have a memorial service on September 15, 1996, to honor the Polish victims. A mass will be celebrated at noon at the Katyn Memorial Monument site in Jersey City.

Many times throughout history mankind has committed unspeakable crimes that have horrified the world. In April 1940 more than 25,000 people were rounded up by the Soviet Government. Their only crime was that they were born Polish and considered enemies of the State. Their hands were tied behind their backs and they were shot in the back of the head. Their bodies were burned and scattered throughout various locations such as Katyn Forest.

This year marks the 55th anniversary of the brutal Katyn Forest massacre. The order to execute the Polish citizens was issued on March 5, 1940. It is a reminder to us that we must remain ever vigilant against intolerance and inhumanity. Their massacre was a genocidal act and we must never forget the victims' suffering and sacrifice.

A memorial to honor them was erected at Exchange Place in Jersey City. The monument commemorates the sacrifice of these innocent victims. The Katyn Forest massacre was a crime against humanity. This elegant memorial serves as a reminder of man's cruelty to his fellow man.

I ask that my colleagues join me in honoring these Polish martyrs. They represent a lost generation of Polish citizens. Their memories live on at the Katyn Memorial Monument.

HAPPY 50TH ANNIVERSARY NORTHERN TUBE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. BARCIA. Mr. Speaker, the entrepreneurial spirit of America has made this country great. I rise today to pay tribute to that spirit and a company built by it, Northern Tube of Pinconning, MI.

On September 15, Northern Tube celebrates its 50th anniversary with an Open House for employees, family, and friends. Held at the Pinconning plant site, Tony Pawelski, the mayor of Pinconning, will dedicate the day while guests will be treated to plant tours, food, and entertainment. The vice president and general manager of the Pinconning Plant, Mike Brooks, will be hosting the event.

Founded in 1946 by George Demski, Northern Tube has grown from their modest beginnings to a company with over 300 employees at a site that covers 240,000 square feet. Still located at the original site, Northern Tube continues to use the facility that was there when it all began, the Founders Garage.

Employee numbers and acreage are not the only increases Northern Tube has seen over the years. They are now the largest supplier in North America of exhaust tubular fabrications for medium and heavy duty trucks. Not only do the exhaust fabrications Northern Tube produces benefit truck owners, they benefit us all. As concern over corporate pollution grows, Northern Tube provides an environmental example for us all. Proving that responsible business is good business, Northern Tube received an award for Environmental Excellence on May 20, 1996, from Governor Engler.

Mr. Speaker, American businesses have shown that they can compete with anyone in the world when it comes to product excellence. Northern Tube demonstrates the best of this excellence with market success and environmental responsibility. I urge you and the rest of our colleagues to join me in wishing Northern Tube a very happy 50th anniversary and best wishes for 50 more.

INTRODUCTION OF A CONCURRENT RESOLUTION REGARDING PATIENT RIGHTS

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mrs. SMITH of Washington. Mr. Speaker, today I will introduce a concurrent resolution regarding patient rights. As the nature of health care is rapidly changing, it is essential that we reaffirm the fundamental rights of all Americans when they are seeking quality medical care. Whether we are suffering from something as minor as a common cold or more serious like a terminal illness, we want to be sure that we are getting the best possible care available for ourselves and for our loved ones.

But the reality is, we are growing increasingly uncertain about what our doctors are able to tell us in today's world of managed health care where the goal is to provide medical treatment while turning a profit for the insurers and providers. Health maintenance organizations, or HMO's, came about as means to help control skyrocketing costs in health care, and for the most part, they have been effective.

However, the conflict between producing a profit and providing quality care is causing a strain between doctors and their patients and is threatening the fundamental element in their relationship: Trust. As patients, Americans want to feel like our doctors are giving us all the answers. Why should we consult with our insurance agent about treatment for a broken arm?

Our doctors are also being put in an awkward position of balancing their patients' needs with those of their medical corporation. As health care professionals, their vocation is making people healthy and, while they have a responsibility to be cost conscious, fiscal prudence should not replace a patient's best interest.

We need to clarify and emphasize patients' rights so that they feel secure when seeking medical attention. That is why I am introducing this concurrent resolution that is intended to lay the groundwork and principles for legislation in the 105th Congress. Specifically, the legislation calls for health care plans to be written in plain language and to allow patients to consult with the physician of their choice. The bill also limits access to medical records to only those immediately involved in the case, and requires the patient to be fully briefed on their condition as well as the risks and benefits of treatment.

Too much energy is spent on trying to wade through medical plans, finding ways around the bureaucracy and getting medical bills paid. Americans want to receive direct and honest answers from their doctors and then spend their energy on securing treatment and getting well.

SUPPORT WOMEN-OWNED BUSINESSES

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, small business owners are the backbone of the economic well-being of this country. The financial health of our Nation simply cannot survive without the ingenuity, imagination, and hard work of those who own and operate small businesses.

But did you know that it is the women small business owners who are leading the charge into the 21st century? There are over 7 million women-owned businesses in the United States which employ 15.5 million people nationwide. And these firms contribute over $1 trillion in sales to the economy in every industrial sector.

Women have been able to make such a remarkable contribution to society thanks in part to programs such as the Women's Business Training Centers within the Small Business Administration. This demonstration program has established 54 nonprofit business centers around the country since it first began in 1988. These business centers provide training, counseling, and technical assistance to women hoping to start their own businesses and 60,000 women have benefited from their services.

These business centers have a unique funding structure. Three years after a business center is established, it must become financially self-sufficient. Thirty-five of the business centers are now entirely independent, providing needed assistance without Federal funding.

Currently, the authorization for the Women's Business Training Centers ends in 1997, which is why I have introduced legislation to permanently authorize the program. This legislation will also increase the business centers' funding cycle from 3 to 5 years to ensure that they are well established, and authorizes a funding level of up to $8 million, so that the SBA can establish business centers in the 22 States that currently have no such sites.

I urge my colleagues to join me in support of the Women's Business Training Centers Act of 1996.

THE MEDICAL EDUCATION TRUST FUND ACT OF 1996

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. BENTSEN. Mr. Speaker, I rise to introduce legislation, the Medical Education Trust Fund Act of 1996, to ensure that our Nation continues to invest in the training of medical professionals even as our health care system makes its transition to the increased use of managed care.

This legislation establishes a new trust fund for medical education that would be financed primarily by Medicare managed care plans. This trust fund would provide a guaranteed source of funding for graduate medical education and help ensure that our Nation continues to train enough physicians and other health care providers during this transition to managed care. Without such a guarantee, I am deeply concerned that the availability and quality of medical care in our country would be at risk.

Teaching hospitals have a different mission and caseload than other hospitals. These hospitals are teaching centers where reimbursements for treating patients must pay for the cost not only of patient care, but also for medical education. In the past, teaching hospitals were able to subsidize the cost of medical education through higher reimbursements from private and public health insurance programs. With the introduction of managed care, these subsidies are being reduced and eliminated.

As the representative for the Texas Medical Center, home of two medical schools, Baylor College of Medicine and University of Texas Health Science Center at Houston, I have seen firsthand the invaluable role of medical education in our health care system and the stresses being placed on it today. Baylor College of Medicine offers medical training in 21 medical specialities and currently teaches 668 medical students, 341 graduate students, and 1,325 residents. Baylor College of Medicine also employs 1,470 full-time faculty and 3,007 full-time staff. The University of Texas Medical School at Houston has 833 medical students, 799 accredited residents and fellows, and 1,532 faculty.

Under current law, the Medicare program provides payments to teaching hospitals for medical education. These reimbursements are paid through the Direct Medical Education [DME] and Indirect Medical Education [IME] Programs. DME and IME payments are based upon a formula set by Congress.

Last year, the Republican budget resolution proposed cutting DME and IME payments by $8.6 billion over 7 years. I strongly opposed these efforts and will continue to fight any cuts to these payments. Such cuts would be detrimental enough in a stable health care market. But they are especially harmful given the impact of our changing health care market on medical education.

As more Medicare beneficiaries enroll in managed care plans, payments for medical education are reduced in two ways. First, many managed care patients no longer seek services from teaching hospitals because their plans do not allow it. Second, direct DME and IME payments are cut because the formula for these payments is based on the number of traditional, fee-for-service Medicare patients served at these hospitals.

My legislation would provide new funding for graduate medical education by recapturing a portion of the adjusted average per capita cost [AAPCC] payment given to Medicare managed care plans. These funds would be deposited into a trust fund. I believe managed care plans should contribute toward the cost of medical education and my legislation would ensure this. This is a matter of fairness. All health care consumers, including those in managed care, benefit from this training and should contribute equally toward this goal.

These funds would be deposited into a trust fund at the U.S. Department of the Treasury. All funds would be eligible to earn interest and grow. The Secretary of Health and Human Services would be authorized to transfer funds from the trust fund to teaching hospitals throughout the Nation. The formula for distribution of funds would be determined by a new National Advisory Council on Post-Graduate Medical Education that would be established by this legislation. This legislation would also allow Congress to supplement the trust fund with appropriated funds which the Secretary of Health and Human Services [HHS] would distribute. All of this funding would be in addition to the current Federal programs of direct and indirect medical education. This supplemental funding is necessary to enable medical schools to maintain sufficient enrollment and keep tuition payments reasonable for students.

My legislation would also take an additional portion of the AAPCC payment given to managed care plans and return it to the Secretary of Health and Human Services to spend on the disproportionate share program. Disproportionate share payments are given to those hospitals which serve a large number of uncompensated or charity care patients. Many of our Nation's teaching hospitals are also disproportionate share hospitals. Thus, my legislation would create two new and necessary funding sources for teaching hospitals.

This legislation would also create a National Advisory Council on Post-Graduate Medical Education. This advisory council would advise Congress and the Secretary of Health and Human Service about the future of post-graduate medical education. The council would consist of a variety of health care professionals, including consumer health groups, physicians working at medical schools, and representatives from other advanced medical education programs. The council would also advise Congress on how to allocate these new dedicated funds for medical education. This council will provide Congress with needed information about the current state of medical education and any changes which should be made to improve our medical education system.

Our Nation's medical education programs are the best in the world. Maintaining this excellence requires continued investment by the Federal Government. Our teaching hospitals need and deserve the resources to meet the challenge of our aging population and our changing health care marketplace. This legislation would ensure that our Nation continues to have the health care professionals we need to provide quality health care services to them in the future.

I urge my colleagues to support this effort to provide guaranteed funding for medical education.

TRIBUTE TO DR. ANTONIA PANTOJA

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Ms. VELÁZQUEZ. Mr. Speaker, it is with great honor and pride that I rise to congratulate and recognize a fellow Puerto Rican, Dr. Antonia Pantoja, for receiving the Presidential Medal of Freedom, the highest award a President can bestow on a citizen.

With this distinction, Dr. Pantoja joins other Americans of exceptional merit such as Joseph Cardinal Bernardin, Cardinal of Chicago, David Hamburg, and Rosa Parks. For many years, Dr. Pantoja has been a nationally recognized leader in education, civil rights, and community development. Most importantly she has been a tireless advocate for the right to culturally supportive, and equal educational opportunities for Puerto Rican and Latino children.

Unselfishly, Dr. Pantoja has dedicated her life not only to children but to everyone. She has enriched our neighborhoods. Her acthivements include the creation of many institutions that provide valuable services to Boricuas. As the founder of the Puerto Rican Forum, a membership organization dedicated to creating Puerto Rican community service institutions, she has left her mark with us forever. Seeing the need to improve the educational and professional situation of the Latino community, she succeeded in developing such landmark organizations as the ABC Project, a program for Puerto Rican business people, and BOLT, a project to teach basic occupational English to Puerto Rican workers in order to advance in their jobs.

Not stopping there, Dr. Pantoja's crown achievement and greatest contribution to our community was the creation of ASPIRA, an institution based on empowering the Latino community through the educational and leadership development of its youth. During the last 35 years, ASPIRA has become the leading national organization devoted to the education of Latino youth.

In a world in which people mainly care about their own needs, it is refreshing and gives me pure joy to see a person whose entire life has been dedicated to the needs of others.

I want to thank Dr. Antonia Pantoja for her life-long commitment to and hard work for the Puerto Rican community. I strongly believe that without her achievements, many in our community would not have the tools necessary to advance in life. We all owe her a great debt and much thanks.

TRIBUTE TO EUGENE H. KOLKMAN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a man of rare vision who has devoted his life to the labor movement and to improving the lives and working conditions of America's working men and women. Eugene H. Kolkman joined the Retail Clerks International Union in 1953 in Fort Wayne, IN. This month he retires as secretary-treasurer of the United Food and Commercial Workers Local 911 after 35 years of outstanding leadership as a union official. His intelligence and persevering spirit carried Gene to higher and higher responsibilities. In fact, Gene Kolkman has done virtually every job a union man can do—from field organizer, business agent, and local union president. In 1970, Gene rose to the position of executive assistant to then-UFCW Vice President Bill Wynn, having responsibility for the union's Central Division covering Ohio, Kentucky, Indiana, and Michigan.

Gene has also served the broader labor movement holding positions as recording secretary of the Toledo area AFL–CIO; executive secretary of the Toledo Port Council; and vice president of the Ohio State AFL–CIO. Gene's career representing his fellow workers is an inspiration to all concerned about the welfare of working families.

In 1956, Gene married Judy Fenstermacker, and they have raised two children, Jennifer and Christopher. On September 1, Judy and Gene will celebrate 39 years together, another source of inspiration.

Mr. Speaker, this Congress should celebrate the lives of labor leaders such as Gene Kolkman, who dedicate their careers to helping others help themselves. Let us wish Godspeed to Gene and Judy in their retirement and a resounding thank you from our entire community for a job done with excellence always.

HAZLETON KIWANIS 75TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Kiwanis Club of Hazleton, PA on the occasion of its 75th anniversary. I am pleased that they have asked me to participate in the recognition of this important milestone.

In 1921, a small group of men gathered at the local Hazleton YMCA and voted to donate $10 to the local Fourth of July observance. The following week the men formed a formal Kiwanis Club and elected their first president, Edward M. Prisk.

As the Nation enjoyed peacetime under President Warren G. Harding, the club began to prosper and grow with the town of Hazleton. Members of the club went on to serve the community and the country. One member, Victor C. Diehm Sr., was elected to the position of Governor of the Pennsylvania District of Kiwanis. This is the highest office held by a member of the Hazleton club.

The leadership of the Hazleton Kiwanis includes some of Hazleton's finest business and community leaders. In its long history the club has made an invaluable contribution to the Hazleton community. The club is a substantial supporter of the United Way and also sponsors the annual Hazleton soap box derby.

Kiwanis has worked in conjunction with the Rotary club of Hazleton to develop Camp Rotawanis. The club also supported Can Do of Greater Hazleton by providing seed money for the Hazleton Township Community Park.

The Hazleton Kiwanis is a major supporter of Penn State University, Hazleton Public Library, Hazleton YMCA–YWCA, the Greater Hazleton Philharmonic, Catholic Social Service and the Salvation Army. As an extension of its philanthropic support, the club also sponsors health screening programs, educational and entertainment activities for its members. The Kiwanis also run local Circle K clubs for student mergers.

Mr. Speaker, the list of the Hazleton Kiwanis's interests and achievements are a testament to its dedication and service to the community. I am extremely proud to bring the achievements of this group to the attention of my colleagues. I join with the people of Hazleton in thanking President Victor Baran, First Vice President Dr. Geraldine Shepperson, Second Vice President Catherine Seamon, Immediate Past President Vincent Bartkus, Treasurer Joseph Weber and Secretary Ray Saul for their leadership of this vital organization.

H.R. 3871 PROTECTS BROOKLYN AND QUEENS RESIDENTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. TOWNS. Mr. Speaker, H.R. 3871, which the House passed by voice vote last week, waives the 75–25 Medicaid requirements for two New York City plans. Together, these plans currently serve approximately 60,000 members. Without the waiver authority in this bill, these members would be endangered of losing their access to quality primary care services before the end of the year.

I want to thank the Commerce Committee chairman, the Health and Environment Subcommittee chairman and the ranking minority member and our subcommittee's ranking member for their cooperation in expeditiously moving this bill forward. I want to also thank the gentlemen from the other side of the aisle, Mr. GREENWOOD and Mr. FRANKS, for joining me as cosponsors of this legislation. Let us hope that our colleagues in the Senate will move quickly to approve this legislation before adjournment.

CONGRATULATIONS TO FELICIA BELL: ANSWERING AMERICA'S CALL

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mrs. COLLINS of Illinois. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy broadcast scriptwriting contest. This past year more than 116,000 secondary school students participated in the contest, competing for the 54 national scholarships. The contest theme for this year was "Answering America's Call." I am extremely proud to announce that Felicia Bell, this year's winner from the State of Illinois, is from my own Seventh Congressional District.

Ms. Felicia Bell, daughter of Mr. and Mrs. Alvin Bell, is a senior at St. Ignatius College Prep of Chicago, IL. She was sponsored in the contest by Chicago VFW Post 1612. She aspires to pursue a career in the Foreign Service. Her hobbies include tennis, bowling, reading, baking, dancing, roller skating, and enjoying music. She has been the vice president of her sophomore class and an executive board member of the Black Organization of Students and a student council representative.

It is with deep pride that I submit for publication in the CONGRESSIONAL RECORD, the winning essay written by Ms. Felicia Bell of Chicago, IL.

ANSWERING AMERICA'S CALL

Answering America's call. That's an interesting challenge. Very thought-provoking, very metaphorical, very complicated. What is America's call? Is it a call to exercise our civil obligations or a call to improve our educational system? Is it a call to volunteer our time for worthy causes or is it a call to go out and have fun?

After much thought (and a lot of snack and cartoon breaks), I have come to the conclusion that it is a mixture of all four. America is calling us to participate in the political arena, the academic world, the recreational field and the social service sector of society. America calls us to share the wealth of skills and talents we have as proud young Americans in order to perpetuate our strong points while improving upon our weaknesses. The most effective way to advance as a nation is by answering America's call.

America is a country built on the inalienable rights of man. We have the constitutional rights to vote, to free speech, to peacefully assemble, to petition our grievances. Not only are we encouraged to exercise these rights, as American citizens, we are expected to. We fulfill America's expectation by vociferously making known our opinions through letters and petitions written to officials, by boycotting and protesting against actions that run counter to our beliefs, by running for office (instead of passively complaining about the incompetent incumbents). Most importantly, America calls us to vote for the people who will best serve the nation. Citizens will play an integral part in the political process next November at the ballot box because voting is the loudest way we as citizens have to answer America's call.

Only with a sound education can people make the most informed choices. Education is the backbone of all societies. Right now America is experiencing a grave educational crisis in need of immediate repair. America is calling us to improve Head Start programs so that the young will be instilled with a love of learning early in life. America is calling us to pursue technical and vocational training so that we will have the skills necessary to excel in this increasingly technological world.

America is calling us to reform our lagging school system so that all children will have the opportunity to learn the two most fundamental lessons in life: how to think and how to recognize their fullest potential. We must all continue to educate ourselves because an educated citizenry is the mark of a truly great civilization. America is calling us to help attain that goal.

We must go out into the communities, tutor school children, become mentors, work in soup kitchens, help renovate abandoned buildings for the homeless, donate blood, plant trees, clean parks, and contribute to active charities. Social service should be a part of every person's daily routine. Not only does community service help restore our deteriorating society, it helps us as individuals improve our own lives. America implores us to help each other as we help ourselves.

Now anyone can spend their entire life writing letters to Congresspeople, doing homework and volunteering their time for a worthy cause, but that can get quite grim. If there is no fun in life, we will all go crazy. Hobbies and recreation sharpen our minds while sports and dance keep us physically fit, preventing us from cracking under the strain of answering America's other calls. America urges us to bake some chocolate chip cookies or read a novel, go fly a kite on a windy day or jump in puddles when it is raining. America encourages us to rest, relax and just "kick it".

Throughout history, America has had many calls. We have been called to bear arms during times of war, called to protest grave injustices, called to mourn during times of tragedy and sorrow. We have even been called to switch long distance phone companies. We are bombarded with calls. I believe that answering America's call enables us to live life to the fullest, to become the most fully engaged citizens possible. America challenges us to become involved politically, to improve our educational system, to volunteer our talents to worthy causes and to enjoy living the good American life. We must answer America's call so that we can lead our country into its glory and grandeur in the 21st century.

TRIBUTE TO THE SUMMIT PARK DISTRICT ON ITS 50TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to the Summit Park District on the 50 successful years of its providing recreation to the people of its community.

Like so many other organizations that are celebrating their golden anniversaries this year, the Summit Park District was born when a dedicated group of local residents came together to plan and provide services for veterans returning from World War II ready to start new families.

In the case of the park district, a local physician, Dr. Paul Rush, and 12 residents came together to provide open space and recreational activities for their fellow residents. After selecting four sites in the village for playgrounds, Dr. Rush and his associates turned to the Des Plaines Valley News newspaper for assistance. The paper printed ballots asking the children of Summit what they wanted in their new parks, and, five decades later, the park district is still listening to the residents in developing new facilities and programs.

In fact, the park district recently added hiking and biking trails, a jogging track, fitness stations, a mini golf course, and batting cages in response to the recreational needs of Summit residents.

Mr. Speaker, I salute the Summit Park District on its 50th anniversary and wish the district many more years of success.

ANGELO BROTHERS CO. 50TH ANNIVERSARY CELEBRATION

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. BORSKI. Mr. Speaker, I rise to recognize the Angelo Brothers Co. as it celebrates its 50th anniversary in Philadelphia this month and to commend the creation of Stan and Tim Angelo for its 50 years of distinguished service to the community.

The company began in 1946 as a small paint and lamp store in south Philadelphia. Stan and Romolo "Tim" Angelo soon realized that there was a better market for lamp parts than for portable lamps. In response, the brothers created a wholesale mail order business that catered to the lamp industry. They also expanded their company to include the sale of lamp parts as well as light bulbs and hardware. The family business was passed on through generations of Angelos, with Stan's son, Stanley, Jr., John, and Tim's son, Raymond, taking over as leaders of the company. As the company continued to thrive, other locations were opened in Santa Fe Springs, CA, Chicago, IL, and Jacksonville, FL.

In the past 50 years, the Angelo Brothers Co. has grown to become the largest privately owned seller of light bulbs in the country. The company has kept abreast of new technological developments by designing the Smart Bulb™ and Spectralite™ lamps to meet new energy standards. It has won awards for its advances in incandescent lighting technologies. Today the company has 600 employees and is one of the most recognized names in light bulbs.

Mr. Speaker, I am well aware of the leading role that the Angelo Brothers Co. has taken in the "Do-It-Yourself" market. In 1970, it entered the home center marketplace. Soon, the company began to sell lighting fixtures as well as electrical hardware and door chimes. The company has also expanded into the sale of decorative light bulbs.

The company has come a long way since its origins as a small, family owned business. It has become one of the leaders in the field of light bulb and fixture manufacturing, and it continues to grow today. Now, to commemorate the 50th anniversary of the Angelo Brothers Co., a scholarship foundation for the children of employees has been created in the name of Stan and Tim Angelo, the brothers who opened the small store in Philadelphia 50 years ago.

Therefore, Mr. Speaker, I would like to commend the Angelo Brothers Co., and its second generation of leaders, including John, Tim, Ray, and Stanley Angelo, Jr., for its successes and contributions to the community and wish it continued prosperity in the years to come.

TRIBUTE TO THE RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to the Resource Conservation and Development Program [RC&D] whose efforts have improved the economy, the environment, and the living standards of this Nation. I would like to designate September 15, 1996, as a day of recognition for the Resource Conservation and Development Program. The RC&D, initiated in 1962, serves 2,016 counties in more than half of the United States, the Caribbean, and the Pacific Basin. The 20,000 volunteers involved in the organization's projects contribute their time and resources to revitalize and sustain their communities.

The comprehensive efforts of the RC&D have focused on protecting the environment and fortifying the economy of this Nation. The program's resource protection initiative has improved 40,264 acres of wildlife habitat, and has increased the quality of water in 56,052 acres of lakes and 2,523 miles of streams. Furthermore, RC&D council and partners have added to the economy by creating 164 new businesses, resulting in 3,209 jobs. Their educational projects have helped 82,878 people develop new skills in areas of development, entrepreneurial training, and resource assessment. From saving the environment to creating jobs, the RC&D has touched the lives of all Americans.

Mr. Speaker, we all owe a tremendous debt of gratitude to the RC&D for their dedication and service to this country. Their accomplishments illustrate the power and strength of volunteer organizations in this Nation. I hope my colleagues will join me in honoring the Resource Conservation and Development Program on this day.

HAPPY 50TH VFW POST 8275

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. BARCIA. Mr. Speaker, on Sunday, September 15, 1946, a group of young men gathered in a community hall in Au Gres, MI. They had a common bond, all having served our country in the Army, Navy, Air Force, or Marines. To preserve the pride in and service to their country, they formed VFW Post 8275.

Fifty years later the illustrious post, under the capable leadership of Commander James A. Armour, boasts 209 members and the Women's Auxiliary, under the leadership of Marion Maytas boasts 60 members. I congratulate VFW Post 8275 on its 50th anniversary and commend their dedication to their country, community, and family.

In 1946, department commander Arthur Greig installed 21 officers and members. They named VFW 8275 Post in honor of three young heros who paid the supreme sacrifice: John Rudolph, age 32, Leonard George Frank, age 23, and Harry Leroy Beauch, age 19.

Because they did not have a post headquarters, they held meetings in various places including a school basement, a fire hall, and a council hall. The deficiency of a permanent base did not discourage or diminish the strength and tenacity of its members. By January 1948, under the leadership of Wilbur Lake, the Post purchased a building on South Mackinaw—near where the present Au Gres Fire Department building is today—for $300.

Proving the strength and dedication of its families, the Women's Auxiliary to 8275 was founded and installed on February 12, 1950.

Over the next 12 years, the post thrived and grew under the leadership of many capable leaders including, Commander Hubert Dewald. However, the years took its toll on the post home. Under the leadership of Commander Joseph Czapski the members considered moving to larger facilities to accommodate their growing membership. In January 1963, the city of Au Gres offered the VFW Post 8275 a 50 foot lot on Main Street with a 100-year lease. Robert Conell and Daisy Gess offered free property, which consisted of approximately 8 acres, 2 miles north of Au Gres on U.S. Highway 23. A deed to the property was presented and accepted at the March 8, 1963 meeting.

With Archie McCready in command, $812.50 in the bank, another $800 from the sale of the old building and $1,575 raised by post member Calvin Ennes, they had a small amount to begin construction and care for the property in April 1963. The post appointed Clem "Whitey" Bensen as building chairman and appointed Lincoln Emes as financial chairman. Donations of money, material, and labor began pouring in to support the post. The final meeting in the old post home was on May 5, 1963.

The first meeting in the new post home took place on September 13, 1963. Since the building was yet a long way from completion, members were content to have planks for seats and sand for the floor. They decided to borrow $10,000 to complete the building and by May 30, 1964 they held a dedication and ground breaking. They held a 3-day "Burning the Mortgage" celebration in April 1971 and an addition was added in September 1973.

Today the post continues its community involvement including hosting bingo tournaments, dinners, and teenage parties. The members of our VFW post prove that the strength of our country depends, thrives, and grows because of the individuals who served our country and continue to serve long after formal commitment.

Mr. Speaker, I commend these dedicated individuals. I urge you and all of our colleagues to join me in wishing the members of VFW Post 8275 a most memorable 50th anniversary, with our thanks for all that they have done.

THANK YOU, HARRY F. BURROUGHS III, FOR YOUR LOYAL SERVICE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. FIELDS. Mr. Speaker, it was with mixed emotions that I announced last December 11, my decision to retire from the House at the conclusion of my current term. As I explained at the time, the decision to retire was made more difficult because of the loyalty and dedication of my staff, both past and present, and because of the genuine friendship I feel for them. Each one of them has served the men and women of Texas' Eighth Congressional District in an extraordinary way.

Today, I want to thank a former member of my staff—Harry F. Burroughs III, who worked for me in a variety of capacities for 14 years—for all he's done for me and my constituents over the years.

Harry served as my legislative director from 1981 to 1985—the same position he held for our former colleague, Richard Schulze of Pennsylvania from 1977 to 1980. During my critical first two terms in the House, I relied on Harry's experience, advice, and expertise on a host of issues and legislative business.

Beginning in 1985, Harry served as my Counsel on the House Merchant Marine and Fisheries Committee—a committee critical to the economic well-being of my district. When local residents asked me to work with the Army Corps of Engineers to devise a flood control plan for the Upper White Oak Bayou and Buffalo Bayou; when funds were needed to widen and deepen the Houston Ship Channel; and when Federal assistance was needed to solve a serious water pollution problem in Lake Houston, I turned to Harry to make sure that these urgent proposals moved forward.

With the start of the 103rd Congress, i was privileged to serve as the ranking minority member of the House Merchant Marine and Fisheries Committee—and, naturally, I asked Harry to serve as the committee's minority staff director.

As my right arm on the Merchant Marine and Fisheries Committee, Harry played a crucial role in enacting into law the African Elephant conservation Act of 1988; the Oil Pollution Act of 1990; the Abandoned Barge Act of 1992; the Rhino and Tiger Conservation Act of 1994; and other legislation designed to protect our Nation's marine environment, strengthen our Nation's merchant fleet, and maintain our country's vital commercial waterways.

With the unfortunate abolition of the Merchant Marine and Fisheries Committee in the current 104th Congress, our colleague, DON YOUNG of Alaska, chairman of the Natural Resources Committee, asked Harry to serve as the staff director of the Subcommittee on Fisheries, Wildlife and Oceans.

When he is not working, Harry enjoys spending time with his lovely wife, Gayle, and their two sons, Rick and Chris. A resident of Warrenton, VA, Harry serves as a committee chairman of Boy Scout troop 175, in which his sons are members. For the past 7 years, Harry has volunteered as a Babe Ruth baseball coach, and he is a former member of the Fauquier County Youth Baseball Commission.

Harry Burroughs is one of those hardworking men and women who make all of us in this institution look better than we deserve. He certainly did that for me in the years he served on my personal and my committee staff, and I appreciate this opportunity to publicly thank him for the dedication, loyalty and professionalism he exhibited over the years I have had the opportunity to work with him.

Mr. Speaker, I know you join with me in saying "thank you" to Harry F. Burroughs III for his years of loyal service to me, to the men and women of Texas' 8th Congressional District, and to this great institution. And I know you join with me in wishing him and his family many years of happiness and good fortune in the years ahead.

DAVE MOORE: A GUARDIAN FOR WORKER FAIRNESS IN SAN DIEGO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize Dave Moore, the business manager and financial secretary of Local 465 of the International Brotherhood of Electrical Workers, who will be justly honored as the 1996 Labor Leader of the Year by the San Diego County Building & Construction Trades Council on September 14, 1996.

Dave Moore was born into a union family in Schenectady, NY, and went on to spend his life in the larger union family that is the labor movement. Arriving in San Diego in 1960, he was quickly hired by San Diego Gas & Electric Co. His leadership qualities were obvious within his union, which made him a steward in 1962, and he achieved the position of journeyman lineman by 1967.

As Dave Moore's skills and knowledge increased, so did his zeal to serve—and to lead—his coworkers and his union. All of these qualities were duly recognized when, after 8 years as a steward, Dave was elected to his union's executive board. So successful were his two terms that he was appointed assistant business manager.

Dave was elected president of Local 465 in 1980 for two terms, and then served for two successive terms as the Local's business manager. Never forgetting his roots or his union brothers and sisters, he resumed work at San Diego Gas & Electric Co. for 3 years before being reelected as the Local's business manager for the third time in 1995. Dave Moore is a back-to-basics labor leader, ever watchful and alert to threats to the dignity of workers and always working and fighting for fair pay and fair treatment. He has worked to gain benefits such as health care, pensions, and parental leave, not only for his own family, but for the whole union family.

Mr. Speaker, I join labor leaders and many others in San Diego in congratulating Dave Moore on receiving the Labor Leader of the Year Award from the San Diego Building & Construction Trades Council.

HONORING L. CLURE MORTON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. GORDON. Mr. Speaker, I rise to honor one of the great judicial minds in Tennessee's history, who has ruled from the bench without passion or prejudice, gaining the respect of not only his peers and colleague, but of the community in which he served. Earlier today it was my pleasure to introduce legislation, which has been cosponsored by all of my colleagues in the Tennessee delegation, that will designate the U.S. Post Office and Courthouse in Cookeville, TN, the "L. Clure Morton Post Office and Court House."

Since his appointment to the bench in 1970 by President Richard Nixon, L. Clure Morton's career as a Federal judge has been distinguished by fairness, insight, innovation, and an iron grip on his courtroom. During his tenure, Judge Morton has never avoided controversial issues, addressing school integration, welfare, mental health systems, and prison reform.

Following his graduation from our alma mater, the University of Tennessee School of Law, Judge Morton spent 33 years in private practice, during which he also began his years of public service as a special agent with the Federal Bureau of Investigation. His judicial career began in 1970 with his appointment as a U.S. District Court judge in Nashville. He was then elevated to chief judge in 1977, and took senior status in 1984 which he currently holds, presiding over the northeastern division.

Earlier this year, Judge Morton decided to hang up his gavel and retire from the bench after 26 years. My bill will serve as a tribute to his undying commitment to make middle Tennessee a safer, fairer place. Though he will no longer preside over a courtroom, his presence will always be felt, having his name etched in stone at the Cookeville, Federal building.

H.R. 4056, LEGISLATION FOR AUTOMATIC CITIZENSHIP

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mrs. MINK of Hawaii. Mr. Speaker, I have introduced legislation, H.R. 4056, to make it easier for legal residents to become citizens. Since Congress is passing laws that deny programs to noncitizens, it's appropriate to make it easier for them to become citizens.

The bill I have introduced, H.R. 4056, is legislation which authorizes automatic U.S. citizenship for three categories of legal permanent residents: Persons who have resided in the United States for at least 20 years; persons who have worked and paid Social Security taxes for at least 40 quarters; persons who are at least 70 years old and who have lived legally in the United States for at least 5 years; and persons who are U.S. veterans with an honorable discharge.

Current requirements for naturalization are retained including that of: Good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

There exist long backlogs in the naturalization workloads of the Immigration and Naturalization Service delaying citizenship for law-abiding individuals described in my legislation—those who have lived a significant amount of time in the United States, dedicated workers, the elderly, and our veterans. I strongly urge my colleagues to support my legislation, H.R. 4056, which enhances and hastens the acquisition of U.S. citizenship to truly worthy individuals.

GADSDEN JOB CORPS CENTER ENRICHES YOUNG LIVES

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to the Job Corps Center in Gadsden, AL, which enriches the lives of young people every day. Like their 60,000 fellow students at 100 Job Corps Centers nationwide, the young men and women enrolled at the Gadsden Job Corps Center are committed to improving their opportunities by obtaining marketable skills.

The Gadsden Job Corps Center represents an outstanding model of public-private partnerships in the Gadsden community. The U.S. Department of Labor's Office of Job Corps, Gadsden State Community College, and local citizens have joined forces to provide educational and vocational training for the students of Alabama through the Job Corps program.

While enrolled in the program, Job Corps students give back to their communities by donating their time and services. In fact, nationwide, Job Corps students have contributed more than $42 million worth of services in the past 5 years.

In Gadsden, the skills of the students were demonstrated by the landscaping class in projects at Donahoo Elementary School and the fire station. The culinary arts students prepared eggs for Head Start's annual easter egg hunt sponsored by the Gadsden Job Corps Center.

These projects illustrate the positive relationships developed between Job Corps and the community. These experiences enhance the students' work history and provide exposure to volunteerism.

Job Corps students return the Federal Government's investment in them through reduced welfare and unemployment costs as they become working, taxpaying citizens. Congress supports Job Corps because it is a proven national program for at-risk young people which gets results.

I recently spent time with the students at the Gadsden Job Corps Center and I was very impressed by their enthusiasm, energy, and commitment to improving their lives and contributing to their community. I remain committed to the investment that we make in these young people through the Job Corps program. Job Corps works for America.

AMERICA: A MELTING POT OR A TOWER OF BABEL

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. ROTH. Mr. Speaker, just before we recessed, this Congress finally began to show as much sense as the American people by overwhelmingly passing our bill to make English the official language of the United States. Make no mistake; this was an historic accomplishment. For the first time in over two decades, Congress has helped cement our national unity by reinforcing our most important common bond, the English language. After 25 years of Great Society social experimentation, we are finally starting to reverse the tide. That historic vote we cast on the first of August was the first step towards returning to a common sense policy of promoting American unity by promoting the teaching and learning of English.

But the battle has just begun. There is still so much more left to be done, starting with the Senate acting on the bill we passed here in the House and sending an official English bill to the President for his signature.

A friend of mine from California, Tom Hanson of the Southern California Republican Women organization, expressed very clearly why we need to make English our official language in an article he wrote for their newsletter. I would like the text of his article to appear in the CONGRESSIONAL RECORD at this point.

AMERICA: A MELTING POT OR A TOWER OF BABEL

(By Thomas E. Hanson)

The American people are confronted with a very simple but extremely important choice: should the United States once again become the Melting Pot it once was, or should it continue becoming the modern day tower of Babel?

Our nation became great because our people, while hailing from many cultures, joined together to live and work together for their individual and mutual benefit. They were in the United States to be Americans, not hyphenated Americans. The key to America's success was and has been the ability of its people to clearly and easily communicate with each other, anywhere in the nation, through a single common language.

During recent years, however, there are some in the United States who have embarked on a course that promotes personal and group interests at the expense of their country. The United States is rapidly becoming a country of tribes that do not, and cannot, fluidly speak to with each other in a common language. America is fast becoming a nation divided, a condition that has been and is being perpetuated by the misguided disguise of a bilingual society.

When the people of a nation cannot easily talk to each other in a common tongue, they will no longer be able to live and work together. Is the United States going to be a Melting Pot or a Tower of Babel?

IN HONOR OF MAGALI ROHADY AND MINI MUNDO: FOR 25 YEARS OF DISTINGUISHED AND DEDICATED SERVICE TO THE HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Magali Rohady, a committed individual and a professional. As the cofounder, editor, and director of Mini Mundo, she has contributed enormously to the Hispanic communities of Hudson, Paterson, Newark-Elizabeth, and Perth Amboy, NJ for 25 years. She, along with her husband and cofounder Jose Rohady, will be honored on Sept. 15, 1996, during a luncheon celebrating the 25th anniversary of Mini Mundo.

Mini Mundo was founded in 1970. The magazine, which focuses on various issues throughout the Hispanic community, has been in circulation for a quarter of a century. For more than 20 of those years, Magali Rohady has been responsible for the successful handling of Mini Mundo's publication. Her hard work and commitment to New Jersey's Hispanic community has earned her over 200 awards and certificates of recognition and appreciation from community leaders and organizations. She has been honored in past years as honorary female marshal for the Puerto Rican, Peruvian, Dominican, and Colombian Day parades and the only woman of Hispanic descent to be selected as grand marshal of the Hispanic/Italian Day parade.

Magali Rohady's accomplishments as editor and director of Mini Mundo have won her acclaim throughout the Hispanic community. Her efforts and dedication to the magazine and to different Hispanic communities throughout New Jersey reflect the kind of individual she truly is. She is an individual who has sacrificed years of her life so that she can bring a heightened awareness to the achievements, issues, and problems confronting Hispanics today. For her years of distinguished service to the community of Paterson, NJ, Ms. Rohady, along with cofounder of Mini Mundo and husband Jose Rohady, were given the key to the city of Paterson by Mayor Bill Pascrell.

Today Mini Mundo continues to serve as a reliable and valuable medium to Hispanics throughout New Jersey. By keeping the people in touch with news that affects them, Mini Mundo will continue to contribute to the unity of the Hispanic community for many more years to come. I commend Magali Rohady and encourage her to continue her vital service to the community as editor and director of Mini Mundo.

I ask my colleagues today to join me in honoring this hard working and committed individual. Her accomplishments have won her the fond admiration of Hispanic communities throughout the State of New Jersey.

"THANKS TO HOUSE DEMOCRATS"

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Ms. DELAURO. Mr. Speaker, I rise to submit for the RECORD an article by the respected nationally syndicated columnist Mark Shields, entitled, "Thanks to House Democrats." I hope all of my colleagues take a moment to read his keen analysis.

In his column, Mr. Shields notes that the Democrats' resurgence nationwide has resulted from the steadfast resolve with which House Democrats have fought the Gingrich-Dole plan to slash Medicare to pay for tax breaks for the rich. The column clearly illustrates the Republican leadership's motive for raiding Medicare to finance their lavish tax breaks for their political allies and contributors. As Mr. Shields notes, Speaker NEWT GINGRICH, Republican leader DICK ARMEY, Republican whip TOM DELAY and Ways and Means Committee chairman BILL ARCHER all hail from districts with virtually no seniors. In Mr. Shield's words, "These poor Republicans just don't know that many voters on Medicare."

Mr. Speaker, Mark Shields is absolutely right that the Republican assault on Medicare—and House Democrats' determination to fight back—has changed political history in this country. The American people have rejected the extreme agenda of the Republican revolution and are now looking to Democrats for commonsense answers to problems they confront in their daily lives. This remarkable turnabout is due, as the Shields column explains, "Thanks to House Democrats."

[From the Washington Post, Sept. 9, 1996]

THANKS TO HOUSE DEMOCRATS

(By Mark Shields)

Dick Morris, a self-admitted political genius, is obviously no fan of Blaise Pascal, the French philosopher-mathematician. It was Pascal who wrote more than three centuries ago: "The only shame is to have none." Dick Morris is clearly without shame.

Since resigning as President Clinton's most important campaign strategist after photographic evidence established his relationship with a $200-an-hour prostitute, Morris, in uninterrupted exclusive interviews, has been publicly taking bows for Clinton's political rehabilitation. Now comes the book to tell how Morris single-handedly rescued Clinton from the political dust bin. What's next? The miniseries? The movie?

Before this offensive myth goes any further, let the facts be known. Bill Clinton owes his political comeback far more to congressional Democrats—from whom the Democratic president, at Morris's importuning, did his best to distance himself—than he does to his now-departed evil genius.

Let's look at the record. On May 3, 1995, Rep. George Miller (D-Calif.) first presented the indictment on the House floor that was eventually to frame the case against the Republican House majority and Speaker Newt Gingrich. "The Republicans have come to face the fact that they cannot give tax cuts to the wealthy, balance the budget and preserve Medicare, so now they are devising a plan by which they can make the cuts in Medicare to provide for the tax cuts for the wealthy."

Reinforcing Miller in the Democrats' accusation that the GOP's $245 billion tax cuts could only be financed by the GOP-backed $270 billion cuts in future Medicare spending were Reps. Rosa DeLauro (D-Conn.), Dick Durbin (D-Ill.) and Frank Pallone (D-N.J.). Day after day, with no encouragement from their president and with the unconcealed contempt of the president's minions, congressional Democrats repeated the charge and, in the process, changed political history.

Consider these numbers. In June of 1995, barely six months into the Republican Revolution, according to a Wall Street Journal-NBC News poll, the most Republican-identified age group in the electorate were voters over the age of 65. Not surprisingly, these same older voters were the strongest generational supporters of the GOP agenda.

Just 13 months later, in July of 1996, there had occurred absolutely no change in party identification of all voters between the ages of 18 and 49. But among voters over the age of 65, there had taken place a 20 percent swing from the Republicans to the Democrats. Among these older voters, support for the GOP agenda had plummeted by 23 percent. At the same time, for all voters under the age of 65, the corresponding drop in support for the GOP agenda had been within the poll's margin of error. Every analysis attributed the huge shift among over-65 voters not to Clinton's endorsement of school uniforms or teenage curfews but to his opposition to the Republicans' using reductions in Medicare to finance Republican tax cuts.

All through 1995, Clinton, strongly urged by Dick Morris, tried to reach a budget compromise with the Republican majority on Capitol Hill. The president dearly wanted a deal that could win the backing of 100 House Democrats. But by then, because the Democratic leadership's case had been made so effectively, both in the country and in Congress, there was no way half the House Democrats could support a budget compromise blessed by Gingrich and Majority Leader Dick Armey (R-Tex.). The steel in Clinton's spine was put there by House Democrats.

Why were such successful politicians as Gingrich and Armey so tone deaf to the popular Democratic chorus on Medicare and tax cuts?

One explanation for the apparent GOP obtuseness could be found in the Census Bureau. According to the most recent figures, when all of the 435 congressional districts are ranked by percentage of their population aged 65 and over, all but one of the nine districts with the fewest voters over 65 are held by Republicans. Ninth from the bottom is the district of House GOP Whip Tom DeLay of Texas. Fifth lowest is House Ways and Means Chairman Bill Archer, also of Texas. Fourth lowest is Gingrich himself, and the House member representing the second lowest number of senior voters in the United States is Armey. These poor Republicans just don't know that many voters on Medicare.

So, if credit or blame is to be given for Clinton's "standing on principle" on Medicare and taxes, and consequently rising in the polls, then history requires that it be given to those liberal House Democrats.

INTRODUCTION OF THE MIGRATORY BIRD TREATY REFORM ACT OF 1996

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today the Migratory Bird Treaty Reform Act of 1996.

It has been nearly 80 years since the Congress enacted the Migratory Bird Treaty Act [MBTA]. Since that time, there have been numerous congressional hearings and the establishment of a distinguished Law Enforcement Advisory Commission.

What there has not been is any meaningful effort to revise or update this law. In my judgment, it is time to carefully review this statute and its accompanying regulations, and to change those provisions which are unfairly penalizing many law-abiding citizens. While this reform is long overdue, my bill will in no way undermine the fundamental goal of protecting migratory bird resources.

Before explaining this legislation, I would like to provide my colleagues with some background on this issue. In 1918, Congress enacted the Migratory Bird Treaty Act, which implemented the 1916 Convention for the Protection of Migratory Birds between Canada and the United States. This Convention has now been expanded to include Mexico and Russia. The Convention and the act are designed to protect and manage migratory birds as well as regulate the taking of that renewable resource.

As part of appropriate regulation and management, certain restrictions have been imposed over the years on the taking of migratory birds by hunters. Many of these prohibitions were recommended by sportsmen who felt that certain restrictions were necessary to protect and manage migratory bird populations. Those regulations have clearly had a positive impact and have helped to maintain viable migratory bird populations, despite the loss of natural habitat due to agricultural expansion and industrial development.

Since the passage of the act and the development of the regulatory scheme, various legal issues have been raised and most have been resolved. However, one restriction regarding the taking of migratory birds which have generated more controversy than any other is the restriction that prohibits hunting migratory birds "by the aid of baiting, or on or over any baited area". This controversy has not been satisfactorily resolved. This prohibition has been at issue for two reasons.

First, by case law in the Federal courts, a doctrine has developed where the actual guilt or innocence of an individual hunting migratory birds on a baited field is not an issue. If it is determined that bait is present, and the hunter is there, he is guilty under the doctrine of strict liability, regardless of whether there was knowledge or intent. Courts have ruled that it is not relevant that the hunter did not know or could not have reasonably known bait was present. Understandably, there has been much concern over the injustice of this doctrine.

A second point of controversy is the related issue of the zone of influence that such bait has in actually luring or attracting migratory birds to a hunting site. Currently, the courts have developed the zone of influence concept in which limitation is defined by whether such bait could act as an effective lure or attraction and without regard for any other factors that may have influenced the migratory bird. Again, a number of hunters have been unfairly prosecuted by the blanket application of this doctrine.

Under the current regulations, grains scattered as a result of agricultural pursuits are not considered bait as the term is used. The courts and the U.S. Fish and Wildlife Service, Fish and Wildlife Service, Division of Law Enforcement, however, disagree on what constitutes normal agricultural planting or harvesting or the result of bona fide agricultural operations or procedures.

Through hearings, the Congress has addressed various aspects of the baiting issue on many occasions during the last three decades. The baiting issue has also been addressed by a Fish and Wildlife Service appointed Law Advisory Commission. Sadly, absolutely nothing has resulted from these examinations and the problems still persist.

On May 15, 1996, a hearing was held before the House Resources Committee, which I chair, to review the problems associated with the MBTA regulations, their enforcement, and the case law that has resulted from judicial rulings. It was abundantly clear from this, and previous hearings, that the time has come for the Congress to substantively address the problem through comprehensive legislation. From a historical review, it is obvious that the problems have not, and will not, be corrected either administratively or by future judicial rulings.

Therefore, the Congress has an obligation to present rational and concise solutions to correct the injustices that now exist. It is also important that guidance be provided to law enforcement officials who are charged with the responsibility of enforcing the law and the accompanying regulations.

It must be underscored that sportsmen, law enforcement officials and, indeed, Members of Congress all share the fundamental intent of the Migratory Bird Treaty Act that our migratory bird resources must be protected from overexploitation. As mentioned above, many of the regulations restricting the methods and manner of taking migratory birds were suggested by sportsmen. Sportsmen have historically demonstrated that they are dedicated to the wise use of renewable wildlife resources through reasoned management and enforcement of appropriate regulations.

Over the years, various prohibitions on the manner and methods of taking migratory birds have been embodied in regulations. Many of these prohibitions are decades old and have the support of all persons concerned with protecting migratory birds. Consequently, it would be prudent to put these regulations in a statute where all restrictions are contained in a single document. The Secretary of the Interior annually makes certain findings regarding bag limits, duration of seasons, and other findings. The proposed legislation does not restrict or alter that duty nor does it prohibit additional regulation of migratory bird hunting, including hunting methods. However, this proposed legislation does embody all of the current regulations promulgated over the years and contained in the Code of Federal Regulations.

Second, the fundamental purpose of the Migratory Bird Treaty Reform Act of 1996 is to address the baiting issue. Under section 3 of the proposed legislation, no person may take migratory birds by the aid of bait, or on or over bait, where that person knew or should have known the bait was present. The provision removes the strict liability interpretation made first by a Federal court in Kentucky in 1939, and presently followed by a majority, but not all, of Federal courts. By this amendment, uniformity in the application of the prohibition is established.

As important, however, is the establishment of a standard that permits a determination of the actual guilt of the defendant. If the facts demonstrate that the hunter knew or should have known of the alleged bait, liability—which includes fines and potential incarceration—will be imposed. If by the evidence, however, the hunter could not have reasonably known that the alleged bait was present, liability would not be imposed and guilt will not be assessed. This would be a question of fact to be determined by the court based on the totality of the evidence presented.

Furthermore, under section 3 of the proposed legislation, the exceptions to baiting prohibitions contained in Federal regulations have been amended to permit exemption for grains found on a hunting site as a result of normal agricultural planting and harvesting as well as normal agricultural operations and procedures. The proposed amendment maintains the intent of the current exceptions contained in the regulations but removes ambiguity and establishes guidelines for both the hunter and the law enforcement official.

To determine what is a normal agricultural operation and procedure in a given region, the Fish and Wildlife Service will be required to annually publish in the Federal Register a notice for public comment defining what is a normal agricultural operation or procedure in given areas. This determination is to be made only after meaningful consultation with relevant State and Federal agencies and an opportunity for public comment. Again, the goal of this effort is to provide uniformity and clarity to landowners and hunters so that they know what is a normal agricultural operation for their respective region.

In addition, the proposed legislation permits the scattering of various substances, like grains and seeds, which would now be considered bait, if it is done to feed farm animals and is a normal agricultural operation or procedure in a given area, as recognized by the Fish and Wildlife Service and published in the Federal Register. This change will clarify case law where it was determined that such an agricultural procedure was not considered an exception since it did not constitute planting or harvesting.

Finally, the term bait is defined as the "intentional" placing of the offending grain, salt, or other feed. This concept removes from violation the accidental appearance of bait at or near the hunting venue. There have been cases where hunters have been charged under the baiting regulations for grain found on a public road obviously spilled from delivery to another site. It also removes as a violation the minimum evidence of foreign grain found in a field where it was proved to be present as the result of inadvertently being mixed in with other seed grain by the seller of the seed. Further, it removes from violation such cases where the minimal foreign grain came to be present as a result of being deposited by animals or running water. These examples are actual cases where citations were given for violations of the baiting regulations.

Under the proposed legislation, the hunter would also be permitted to introduce evidence at trial as to what degree the alleged bait acted as the lure or attraction to the migratory birds in a given area. In cases where 13 kernels of corn were found in a pond in the middle of a 300-acre field planted in corn or 34 kernels of corn found in a wheat field next to a fresh water river, the bait was clearly not the reason migratory birds were in the hunting area. First, it was not intentionally placed there and, second, it could not be considered an effective lure or attraction under the factual circumstances. Again, however, these are questions of fact to be determined in a court of law. Currently, evidence of these matters is entirely excluded as irrelevant under the strict liability doctrine.

In 1934, Congress enacted the Migratory Bird Conservation Act as a mechanism to provide badly needed funds to purchase suitable habitat for migratory birds. Today, that need still exists and section 4 of my legislation will require that all fines and penalties collected under the MBTA will be deposited into the Migratory Bird Conservation Fund. This is an essential reform and it is critical to the long-term survival of our migratory bird populations.

Finally, this measure proposes that seized personal property can be returned to the owner by way of a bond or other surety, prior to trial, at the discretion of the court.

Mr. Speaker, the purpose of the proposed Migratory Bird Treaty Reform Act is to provide clear guidance to landowners, hunters, law enforcement officials, and the courts on what the restrictions are on the taking of migratory birds. The conflict within the Federal judicial system and the inconsistent application of enforcement within the U.S. Fish and Wildlife Service must be resolved. The proposed legislation accomplishes that objective without, in any manner, weakening the intent of current restrictions on the method and manner of taking migratory birds; nor do the proposed provisions weaken protection of the resource. Finally, the proposed legislation does not alter or restrict the Secretary of the Interior's ability to promulgate annual regulations nor inhibit the issuance of further restrictions on the taking of migratory birds.

While there may be only a few legislative days left in this session, I am introducing this legislation to stimulate debate on this issue. I would welcome the input and recommendations of all interested parties. I intend to reintroduce this measure early in the new Congress. Let me be clear The intent of this proposal is to provide clarity for both the hunter and the law enforcement community without undermining the protection of our precious migratory bird resources. I urge my colleagues to carefully examine the Migratory Bird Treaty Reform Act of 1996.

READING LIST

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. ENGEL. Mr. Speaker, I recommend to my colleagues this column and reading list prepared by Neal Sher, former Director of the Department of Justice's Office of Special Investigations and, more recently, executive director of the American Israel Public Affairs Committee. While Mr. Sher suggested these books for summer reading, I propose to my colleagues and all Americans that they be read year round.

Mr. Speaker, I ask unanimous consent that the text of an article by Neal Sher entitled "A Congressional Jewish Summer Reading List" be printed at this point in the RECORD.

A CONGRESSIONAL JEWISH SUMMER READING LIST

(By Neal Sher)

By all accounts, Israeli Prime Minister Benjamin Netanyahu received a warm and enthusiastic reception on Capitol Hill earlier this month. His address to a joint meeting of the House and Senate was a smashing success as he was repeatedly interrupted by applause and standing ovations.

The image widely conveyed—the speech was broadcast worldwide—was that of a love affair between Israel's new leader and the American Congress. Nothing wrong with that.

Moreover, I am told that Netanyahu's private meetings with congressional leadership also went exceedingly well. The prime minister not only stayed on messages (he conceded nothing with respect to his views on the peace process, to the chagrin of some U.S. officials), but also, his experience with and understanding of our political scene enabled him to impress and charm his hosts. No doubt about it: Bibi's first foray to the Hill as prime minister could not have gone better.

For those of us who care deeply about Israel, this is nothing but good news. But let's not fool ourselves. The prime minister's reception was part of the obligatory honeymoon period. As Netanyahu undoubtedly knows, it will take much more than personal charm and gravitas to keep this, and any future, Congress staunchly pro-Israel. Although no one can predict with certainty what the next Middle East developments will be, there are enough hot-button issues (the future of settlements, Jerusalem, terrorism) to be concerned about the potential for tension in U.S.-Israel relations.

To be sure, the Clinton Administration has been the most pro-Israel administration in history. No contest there.

But the White House is only part of the equation. The key battles are fought in the halls of Congress, where we must not lose sight of an essential fact of political life: The pro-Israel agenda needs constant attention and nurturing. This becomes clear when one analyzes the makeup of Congress: well over 50 percent of members have been elected within the last six years, and that number is certain to grow after November.

More critically, the overwhelming majority were born after the Holocaust and the creation of the State of Israel. We know these to be turning points in the history of our people; our legislators may view them as simply historical events with which they cannot identify.

Although that is understandable, the fact remains that many of our lawmakers lack a crucial historical perspective. Dwindling is the number of veteran members who lived through World War II and/or the tough formative years of Israel's existence. Their support for Israel was much more from the "gut," as we say; they felt it in their kishkas.

This void of historical and emotional background among the younger members can be filled only through constant attention and education by the pro-Israel community. To that end, I would like to respectfully recommend to members of Congress—as they prepare to leave Washington from the summer recess—a few books for vacation reading. There is, of course, a great wealth of material on Israel and Jewish history and, no doubt, every reader has his or her own favorites. My suggestions are, I believe, excellent starting points because they are not only powerful resources, they are good reads as well.

The Abandonment of the Jews, by David Wyman. A riveting, impeccably researched book that documents the utter failure of the American government to undertake any serious or meaningful efforts to rescue the Jews of Europe until the World War II was nearly over. The duplicitous role of State Department officials—who simply did not want an influx of Eastern European Jews—is set forth in infuriating detail. Wyman also describes how the U.S. Jewish community, which lacked political sophistication and clout, failed to mount any effective effort in this life-and-death struggle.

Night, by Elie Wiesel. An overpowering personal account of the unthinkable by the man I believe to be the moral conscience of our times.

Survival of Auschwitz, by Primo Levi. Levi, an Italian chemist who took his own life several years ago, provides one of the most moving and powerful accounts of the Holocaust.

Jews, God and History, by Max I. Dimont. Dimont tells the story of our people throughout history and how Jews have made major contributions to every society in which they have lived.

The Siege, by Connor Cruise O'Brien. An enlightening and effective book about Israel and the myriad of conflicts and difficulties she has confronted (and still confronts).

Exodus, by Leon Uris. For my money, no reading list such as this one is complete without this classic.

Finally, for those interested in history, justice and intrigue, I must recommend The House on Garibaldi Street, which recounts the capture of Adolf Eichmann. The kidnapping put the Mossad on the map, and the Eichmann trial helped legitimize the Israeli legal system in the eyes of the world. Written by Isser Harel, the legendary Mossad Chief who directed this daring operation, it reads like a mystery novel. It is, however, the definitive account of what really happened.

By the way, although my list is offered for Congress, you also cannot go wrong with any of these selections. At a time when there is so much lamenting about the future of our people, we must remember the past.

A TRIBUTE TO THE COL. ELMER E. ELLSWORTH VFW POST NO. 6328

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. SOLOMON. Mr. Speaker, it is my pleasure to commemorate the golden anniversary of Veterans of Foreign Wars Post No. 6328. This post, I am proud to say, is based in Mechanicville, NY, in the heart of my congressional district, and is celebrating its 50th year of service. And this post personifies the outstanding efforts of the entire nationwide membership to promote a strong national defense and to help veterans and their families. And that is one reason I was so pleased to be awarded the VFW National Commander's Congressional Award several years ago.

The VFW, Mr. Speaker, has been an organization of exceptional merit and service to the needs of many veterans. It is only appropriate that those brave men and women who placed themselves in harms way overseas be represented by such an able organization. The members of Post No. 6328 have been receiving just such outstanding service for 50 years now. It is comforting to know that those who served the needs of our country and fought for the principles and ideals of America all over the globe can depend on the support of an organization like Post No. 6328 back home in upstate New York.

Mr. Speaker, the service of the Col. Elmer E. Ellsworth Post in Mechanicville is worthy of significant recognition. This post, and others like it, are the reason I fought so hard to attain Department level status for Veterans' Affairs. When Ronald Reagan signed that legislation into law, veterans were finally afforded the degree of national consideration they deserve. The efforts of VFW posts like this one, Mr. Speaker, having served the needs of veterans since 1946, assured veterans the assistance and recognition they deserved prior to approval of this Government department and continue to encourage fair consideration of veterans' issues. And it is because of their support that several short months ago, I was able to pass an amendment to increase the dollar for veterans' hospitals by $40 million. For all of this and much, much more, Mr. Speaker, we owe Post No. 6328 a tremendous debt of gratitude.

The famous historian George Santayana once said, "Those who do not remember history are bound to repeat it." VFW posts all across America have not forgotten the past or those men and women who made the ultimate sacrifice for our country. I ask all Members in the House to rise in tribute to VFW Post No. 6328 and join me in saluting all the members, past and present, on the occasion of their 50th anniversary.

CONGRATULATIONS TO COTEAU DES PRAIRIE HOSPITAL

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, today I would like to take this opportunity to publicly congratulate the Coteau des Prairies Hospital in Sisseton, SD on their new addition and remodeling project as they celebrate their 29th anniversary during the open house on Sunday, September 15, 1996.

I regret that I cannot personally attend this ceremony, but I want to share my hearty congratulations to all associated with the Coteau des Prairies Hospital, as well as the entire Sisseton community. All of the effort and hard work that went into making this new addition and remodeling project a reality should be commended, and everyone who has participated has reason to be proud.

I also would like to take this opportunity to commend the outstanding staff of the hospital and the Sisseton area citizens who have loyally committed themselves and their resources toward building the excellent reputation that the Coteau des Prairies Hospital so deservedly possesses today. This hospital addition and remodeling project is a clear sign of a thriving community which is continuing to provide important services for northeast South Dakota.

A strong, economically viable hospital in Sisseton is absolutely essential for providing a high quality of life for people of the area, and for promoting economic development in the community. The people of the Sisseton area have much to be proud of today, and I am pleased to extend my best wishes and congratulations to Coteau des Prairies Hospital and its friends for continued great success.

THE PRESIDENT'S ECONOMIC POLICIES ARE WORKING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mrs. MALONEY. Mr. Speaker, this past Saturday, former Senator Dole, now the Republican candidate for President, said in his radio address:

> The Congressional Joint Economic Committee reports that last year 66 countries had economic growth rates that surpassed ours. The president may think that when it comes to economic growth, 67th place is good enough, but I do not. I want America to lead the world again in terms of economic growth, rising incomes, and greater job opportunities.

As a member of the Joint Economic Committee, I want Mr. Dole to know what my side of the committee thinks. In building his bridge to America's past, Mr. Dole must have overlooked the present. Just look at the good news about the economy that came out in the 2 weeks before he spoke. One week before his speech, the Commerce Department's Bureau of Economic Analysis revised the second quarter growth rate of the Gross Domestic Product upward to 4.8 percent. Exports and business investment showed strong upward movement.

Tuesday, before he spoke, the Conference Board reported the index of leading economic indicators, which projects the economy's health for the next 6 to 9 months, reached a record high.

And last Friday, before the Joint Economic Committee, the Commissioner of the Bureau of Labor Statistics reported that 250,000 jobs were created last month. This builds, on the nearly 200,000 jobs we created in July, and on the 10.5 million in the President's first 3½ years in office.

A report in the June issue of the Monthly Labor Review, which the Bureau of Labor Statistics publishes, showed that between 1993 and 1995, jobs in relatively higher-earning occupations and industries grew at almost twice the rate as jobs in comparatively lower-earning occupations and industries.

In August, the share of women with jobs reached a record high of 57.2 percent—the highest employment record for women in our Nation's history. In part, this is a result of changes in the Earned Income Tax Credit that lowered the taxes for most single mothers, and therefore made work more desirable. A Democratic-controlled Congress passed that tax cut without a single Republican vote. And part of the good labor market outcome for women is a result of the Family and Medical Leave Act signed by President Clinton after President Bush stalled its passage. That act made sure a woman would not have to choose between having a job and taking care of a sick child.

Mr. Dole promises fiscal responsibility. However, look at the record we Democrats have delivered. Before leaving office in 1993, President Bush's Council of Economic Advisers left an economic report for the President. In it, they forecasted how well the economy would perform, and what size the size of the Federal budget deficit would be following President Bush's economic program.

Their most optimistic forecast was for the deficit to be $201 billion in 1996. Under President Clinton's leadership, the Congressional Budget Office projects the deficit to be $116 billion in 1996. That's $85 billion less than the rosiest projection President Bush promised. And remember there was not one single Republican vote for the President Clinton deficit reduction plan.

After 3½ years under President Clinton, we have the lowest combined rates of unemployment, inflation, and mortgage rates since the 1960's—which is the biggest tax cut of all for working Americans and retirees on fixed incomes.

And the listen to the words of Alan Greenspan, the Chairman of the Federal Reserve Board. Testifying before the Joint Economic Committee in January 1994, Dr. Greenspan clearly stated what he felt was the cause of the speedup in economic growth:

> The actions last year to reduce the federal budget deficit have been instrumental in creating the basis for declining inflation expectations and easing pressures on long-term interest rates. . . . What I argued at the time is that the purpose of getting a lower budget deficit was essentially to improve the long-term outlook, and that if the deficit reduction is credible, then the long-term outlook gets discounted up-front. Indeed, that is precisely what is happening . . . . I think a substantial part of the improvement in economic activity and the low rates of inflation can be directly related to a changing financial expectation that we might finally be coming to grips with this very severe problem.

That was in 1994. He is not crediting shutting down the Government, and holding needed Government services hostage to unfair budget deals, for making financial markets believe that new and better fiscal management was finally in place. Dr. Greenspan was crediting the President's 1993 budget plan with the substantial part of the improvement in economic activity and the low rates of inflation.

While the rest of America that is experiencing steady job growth, increased consumer confidence, and a Federal deficit that has been cut in half, Mr. Dole is contending that he has policies that would have made the economy perform even better. What are these new ideas? In fact, they are not new at all: they are the same policies that ballooned our deficits in the first place. Except for the interest on the debt created during the Reagan and Bush years, our current budget would be running a surplus. So as for retreading these failed policies of the 1980's, in the language of the new generation: "Been there, done that, don't want to go there again."

Still, Mr. Dole promises growth that could generate more jobs. Again, look at the record. President Bush's Council of Economic Advisers predicted that, following President Bush's economic policies, the unemployment rate would be 6.2 percent in 1994 and 5.7 percent in 1995. President Clinton's policies delivered actual unemployment rates of 6.1 percent in 1994 and 5.6 percent in 1995. And while the Bush administration was going to be satisfied with an average unemployment rate of 5.4 percent in 1996, we have already lowered unemployment this year to 5.1 percent.

Americans want to see wages and take-home pay rise. Since January 1993, we at least have seen the 12-year decline in real wages come to a halt. We Democrats fought to lower the tax burden of low-income, working families by increasing the Earned Income Tax Credit, and raising the wages of low-income workers from the 40-year low in terms of purchasing power that they were experiencing through passage of a minimum wage hike. It was only fair. It was a hard fight. But we Democrats never gave up, and the Republicans finally caved in.

I am proud of the economic record we Democrats have accomplished in the last 4 years. We still have a great deal more to do, but Americans now know we are on the right track. As President Clinton says, we must build a bridge to the future. It is not a toll bridge because it will be a bridge paid for by careful planning. We don't need a bridge to the past, built with IOU's and growing deficits that mortgage our future. We don't need to go back to slow job growth, and fewer opportunities. We need to look forward.

NATIONAL HISPANIC HERITAGE MONTH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. BARCIA. Mr. Speaker, the community and diversity of the United States have always been our greatest strengths. I rise today to pay tribute to a group whose sense of community is as strong as the country they represent, the Hispanic community of Flint.

A community is more than simply the individual people who belong to it. A community is people volunteering to help their neighbors in times of need, people taking charge and organizing to make that community a better place. The Hispanic community of Flint knows what it takes to be a strong, caring community. But simply knowing is not enough. That's why the Hispanic community has excelled in service and volunteerism to help their community, the United States, grow and succeed.

For this reason the month of September 15 through October 15 has been designated "National Hispanic Heritage Month." In celebration, the Flint Hispanic community holds its annual Hispanic Awards Ceremony on September 14. Members of the Hispanic community who have given selflessly of themselves in the areas of education, labor, leadership, and service will be honored. An additional award will be presented to a veteran, Mr. Aleucion Duran, who exemplifies the highest ideals of service to our country.

This year the Pete Mata Scholarship Award will be presented to Ms. Holly Saultsman, while the Pete Mata Jr. Leadership Award is being presented to Mr. Pete Mata. Dr. Eduardo Lorenzo will receive the Tano Resendez Service Award and Mr. Roel Martinez the Bruno Valdez Arts/Entertainment Award. The Award for Special Recognition will go to Mr. Domingo Berlanga, while the Labor Involvement Award will go to Ms. Estela Mata. For outstanding service in the field of education, the Joe Benavidez Award will be presented to Ms. Janie Rubio while Ms. Lorena Gonzalez will be honored with the Maria Deleary Scholarship Award.

Mr. Speaker, I invite you and all of our colleagues to join me in congratulating all of this year's honorees and the Flint Hispanic community as they celebrate the diversity that makes this country great.

TRIBUTE TO MARTHA FALK

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. SHAYS. Mr. Speaker, I rise today with great pleasure and distinct honor to wish Martha Falk of Darien, CT, a very happy 100th birthday.

Martha's leadership in founding 60 Plus, as well as her continued commitment to Children's Aid, participation in each Memorial Day Parade and devotion to numerous charitable organizations, are an inspiration to us all.

We salute Martha for being such an outstanding, vivacious role model for her peers and the community. Darien is a better place to live and work thanks to Martha's humorous outlook and dedication to improving and enhancing the lives of others.

Martha is a real treasure! She can look back on a long and fulfilling life with the satisfaction of having made a significant contribution and look ahead to the opportunity to add to these precious memories.

I am proud to have Martha Falk as a constituent and wish her continued happiness and success.

ST. PATRICK'S CHURCH 75TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to St. Patrick's Church in Wilkes-Barre, PA. St. Patrick's is celebrating its 75th anniversary on September 15, 1996. I am pleased to have been asked to participate in the recognition of this milestone.

Mr. Speaker, in 1921 a group of 400 families formed a new parish called St. Patrick's. The Reverend John Lynott celebrated mass for the group in the Sterling Theater. The theater held the parish for a year before they moved to their own home in a small basement.

In 1929, on the same site, the cornerstone was laid for a new structure which was to become the present St. Patrick's church. The stones of the building had great significance to the members. Reflecting the Irish heritage of many of the parishioners, one stone was brought from Ireland where it was taken from a spot near the grave of St. Patrick. Another stone came from the Vatican Mausoleum in Italy.

Mr. Speaker, in 1930 Bishop Thomas O'Reilly dedicated the new church building for the parish of St. Patrick's. Since then the parish has faithfully ministered to the Irish community in the Wilkes-Barre area for 75 years. Since its humble beginning in 1921, a succession of pastors have provided spiritual guidance to generations of parishioners. As the Wyoming Valley has changed, so has St. Patrick's. The church's current vibrancy and dedication reflects its commitment to the Wyoming Valley community.

Mr. Speaker, I am pleased to bring this milestone anniversary to the attention of my colleagues and to send my best wishes for the continued prosperity of St. Patrick's Church.

ESSENTIAL HEALTH FACILITIES INVESTMENT ACT OF 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. STARK. Mr. Speaker, today, I am introducing the Essential Health Facilities Investment Act of 1996. This legislation will provide a financial helping hand to those hospitals and health centers that are in the frontlines of dealing with our national health care crisis. This legislation allows for the expansion of community health services and the capital needs of safety-net health care facilities while at the same time attempting to limit the further duplication of unnecessary high-technology services.

This bill is similar to legislation that a number of us introduced in the 103d Congress and which was included in the national health reform legislation that was approved by the Ways and Means Committee. I am introducing this bill now so that groups may focus on it before the start of the 105th Congress to see what changes they would recommend and, if they agree with the goals of the legislation, begin to work for the passage of such legislation in the New Congress.

In this time of continually shrinking budgets and fiscal austerity, it is more important than ever to appropriate Federal moneys in the most cost-effective manner available while reaping the most benefit for all of our citizens. In terms of health care, this means establishing and expanding community health programs designed to provide low cost primary care to underserved populations to avoid subsequent high-cost emergency room visits. In addition, we must help to support those not-for-profit and public hospitals that deal with a disproportionate number of uninsured patients. Urban public hospitals averaged over 19,000 admissions, 242,000 outpatient visits, and nearly 4,000 live births per hospital in 1986. In comparison, urban private hospitals in the same areas registered just 7,000 admissions, 50,000 outpatients visits, and 760 live births. These safety-net facilities—the public and not-for-profit hospitals that serve a disproportionate share of uninsured and low-income patients—are in essence the family doctor for many in our country. Though it would be far better to incorporate the uninsured into our national insurance pools, giving them access to any health care facility they choose to visit, the stark reality is that they are dependent upon these safety-net hospitals for any and all of their health care.

Gun violence in our metropolitan areas adds to the burden that our safety-net hospitals must bear. Roughly half of all urban safety-net hospitals are equipped with a trauma center and thus are the first in line to treat the victims of America's growing obession with guns. By the year 2003, according to the Federal Centers for Disease Control and Prevention, gunfire will have surpassed auto accidents as the leading cause of injury and heath in the United States. Unlike victims of car crashes, who are almost always privately insured, 4 out of 5 gunshot victims are on public assistance. More than 60 urban trauma centers have already closed in the past 10 years, leaving less than one-quarter of the Nation's population residing anywhere near a trauma center. Gunshot wounds account for fewer than 1 percent of injuries in hospitals nationwide but account for roughly 9 percent of injury treatment costs. It is estimated that for every 1 of the 40,000 patients who die from a gunshot wound annually, 3 others are injured seriously enough to be hospitalized.

Yet another assault on urban hospitals comes from the influence of managed care organizations. Managed care's ability to bring tougher competition to the health care sector has decreased the urban safety-net hospital's ability to cost-shift to offset some of the heavy losses incurred providing uncompensated care. As a result, according to a June 1996, Prospective Payment Assessment Commission [ProPAC] report, hospitals in urban areas with high managed care penetration saw their payment-to-cost ratio decrease by 2 percent from 1992 to 1994. Declining margins have forced many urban hospitals to cut their level of charity care. ProPAC found that uncompensated care fell by 4.5 percent during the same time period, clear evidence that more and more of the burden is being shifted to the public safety-net hospitals.

OUTLINE OF THE ESSENTIAL HEALTH FACILITIES INVESTMENT ACT OF 1996

In title I of this legislation, Medicare's Essential Access Community Hospital Program [EACH] would be expanded to all States and a new urban Essential Community Provider Program [ECP] would be created. Funding would be provided for the creation of hospital and community health clinic networks that improve the organization, delivery, and access to preventive, primary, and acute care services for underserved populations.

In title II, financial assistance for capital needs would be provided by the Secretary of HHS to safety-net facilities which serve a disproportionate share of uninsured and low-income patients. Funds for this legislation would be provided by a one-half percent on hospital gross receipts tax.

In title III, financial and technical assistance would be provided to States engaged in review of capital expenditures for health care facilities and high-technology equipment. Consideration of alternative, less costly, and existing services would be considered before any funds would be distributed.

REBUILDING THE URBAN SAFETY NET

Even though these essential access facilities fulfill a pivotal role in our Nation's health care system, their infrastructure suffers from gross neglect and under-investment. The buildings and systems that comprise this safety net are often antiquated. Without future reinvestment, the holes in this system will continue to grow, causing even more of America's underprivileged population to be medically abandoned.

The average age of the physical plant of urban, public hospitals is nearly 26 years, compared to a national average for all hospitals of 7 years. The average capital expenditure for urban hospitals is $12,600 per bed compared to a national average expenditure for all hospitals of $23,500.

A national survey of the Nation's safety-net hospitals found that a lack of available hospital beds is resulting in severe overcrowding. Hospital corridors surrounding emergency rooms have begun to resemble triage units at the height of a military campaign. A recent study showed that 50 percent of the hospitals in the three most severely impacted areas, Los Angeles, Detroit, and New York were forced to restrict emergency department access over 25 percent of the time. This is occurring in spite of the fact that the occupancy rates of all hospitals have steadily decreased during the last decade and are now barely above 60 percent. The average occupancy rate for safety-net hospitals is roughly 82 percent with some reporting 100 percent, while private urban hospitals averaged just 67 percent. At any given time, approximately one-third of America's 924,000 staffed hospital beds are empty. Our national priorities have created an excess of beds in areas where the need doesn't exist and a severe shortage in areas where the demand is bulging at the seams. This bill attempts to relieve some of the pressure built up within the safety-net system.

It is wise to remember that while the economic viability of these urban safety-net hospitals is crucial for the medically underserved of America, these same hospital systems often provide specialty care services used by everyone in the community. Burn, neonatal units, trauma care centers, and other highly specialized tertiary care services are located within safety-net hospitals. All members of a community benefit from both a well-maintained safety-net hospital and a broad network of community health centers.

Health care institutions have historically found it difficult to secure financing for capital renovation and expansion products. The financing exists within the market, but the level of debt service required to often too burdensome for the public institution to manage. Even when revenue bonds may be supported by local means, oftentimes the bond ratings are too low and thus the interest rates are too high. Afterall, these safety-net hospitals treat a high proportion of low-income patients resulting in lower operating margins. These ratings often have little to do with the ability of hospital administrators to manage their facilities well. It is more often the case that market analysts consider the local appropriations that sustain these facilities to be too uncertain. Thus, the facility is simply prohibited from securing the needed capital.

For the facilities with the greatest demand placed upon them in our inner-city and rural areas, the traditional method of financing, Federal funding, is no longer available. Many of these facilities were originally built with grants or loans under the Hill-Burton Program. These funds have not been available for years. The lack of Federal moneys available to repair and rebuild these facilities combined with the strain on the resources of local governments, means the capital needs of safety-net facilities have gone unmet.

This legislation does not propose that the Federal Government take on a massive rebuilding program like the Hill-Burton Program. Nor does it propose that the Federal Government take sole responsibility to solve this problem. However, this legislation is designed to support State and local efforts to upgrade the capacity of these facilities. In drafting this bill, we recognized that the Federal Government has limited resources it can tap for this purpose. Therefore to fund this program, a 0.5 percent—one half of 1 percent—tax would be levied against the gross revenues of all hospitals. Hospital revenues received from Medicaid would not be subject to the tax.

Revenue from this relatively modest trust fund would be used by those inner-city and rural facilities across America with the greatest need for assistance. Eligible facilities would be those designated as essential access community hospitals, rural primary care hospitals, large urban hospitals qualified health clinics that are members of community health networks.

Assistance from the capital financing trust fund would be provided in the form of loan guarantees, interest rate subsidies, direct matching loans, and in cases of urgent life and safety needs, direct grants. The Federal assistance would be used to leverage State and local government and private sector financing. Repayment would be made back to the trust fund.

For fiscal years 1997 through 2002, $995 million will be made available each year through the capital financing trust fund for these safety-net facilities.

With relatively limited resources available to meet the tremendous health facility infrastructure needs across the Nation, decisions to finance the reconstruction, replacement or acquisition of facilities and equipment must be made only after first considering whether existing service capacities could be tapped to meet the needs of the underserved more efficiently. The next section of this bill is designed to ensure that the capital expenditure decisions supported by this legislation are considered within the context of the entire community's needs and capacities.

MAXIMIZING CAPITAL RESOURCES

Many communities, particularly those in rural and inner-city areas, lack the facilities and equipment to adequately meet the needs of their residents while other hospitals are experiencing a capital oversupply. This oversupply leads to inflationary price pressures. The Essential Health Facilities Investment Act of 1996 will expand medical services to those in need only if the planning authorities feel that the current local medical facilities are unable to meet the needs of the community. In addition, this bill specifically states that only projects that will lead to an increase in the quality of care rendered will be funded. In other words, requests for frivolous, redundant facilities will be denied funding.

One area of oversupply is hospital beds. According to the Dartmouth Atlas of Health Care, published by the Dartmouth Medical School in 1996, there were more than 827,000 acute care hospital beds in the United States in 1993. The average number of beds per thousand residents was 3.3. After adjusting for demographic differences, the numbers of hospital beds per thousand persons varied by a factor of 2.8 across the Nation. The numbers ranged from fewer than 2 beds per thousand residents to more than 5 beds per resident. Some of these hospitals with excess capacity can and need to be closed, or at the very least, denied additional public capital improvement funds. However, we must also make every effort to first ensure that every geographic and community area receives adequate hospital service. Safeguards and criteria for the allocation of Capital Financing Trust, EACH, and ECP funds must be satisfied in order to avoid exacerbating the oversupply of hospital beds.

With 4.7 percent of the world's population, we have one-half of the world's CT scanners and about two-thirds of the world's magnetic resonance imagers [MRI's]. In 1987, the United States had 7.4 times as many radiation therapy units and 8 times as many MRI's per million people as did Canada. The United States has twice as many open heart surgical units per million persons as does Canada. The startup costs for each of these open heart surgery programs are between $6 and $13 million. Annual operating costs average between $7 and $10 million at each location. For each open heart surgery center that is not needed and not created, millions of dollars can be saved each year.

Redundancies and inefficiencies of hospital facilities and services are well known. In 1991, a study in the Annals of Internal Medicine showed that although America had 10,000 mammography machines, we essentially only used 2,600 of them. This same study asserts that if every women in America had a mammogram every time the American Cancer Association suggested it was appropriate, we would use only 5,000 of the 10,000 functioning mammography machines.

In addition to wasting valuable resources, this excess capacity can be considered detrimental to the health of patients. Applying the guidelines endorsed by the American Hospital Association and the American College of Cardiologists, 35 percent of the open-heart surgery centers in California perform less than the minimum number of procedures required to achieve an acceptable level of competence and quality. We should not reward those hospitals that insist upon maintaining high cost, redundant, tertiary care services that fail to maintain a minimum level of quality. Admittedly, the availability of reliable outcome studies covering high-technology procedures is limited, but there exists reputable data concerning hip replacement surgery and coronary artery bypass surgery [CABS] success factors. The October 25, 1995, issue of the Journal of the American Medical Association cites a study titled "Regionalization of Cardiac Surgery in the United States and Canada" which shows that:

> in California, age and sex-adjusted mortality rates in hospitals performing 500 or more CABS operations per year were 49% lower than in hospitals performing fewer than 100 CABS operation . . .
>
> Hip replacement surgery data and this coronary artery bypass surgery study effectively demonstrate a direct correlation between the volume of procedures performed and the resulting success rates.

I propose that a coronary artery bypass surgery hospital must meet the minimum criteria for quality outlined by the Secretary in the Medicare Centers of Excellence for CABS operations to be considered for Medicare reimbursement. Expanding on this idea, I suggest that any hospital wishing to improve a tertiary care service using resources in excess of $1 million from the Capital Financing Trust Fund must not only demonstrate that they are indeed a safety-net health care provider but also meet standards of quality for that particular service outlined by the Secretary. As additional reliable outcome studies for other expensive, capital-intensive services become available, disbursement of Capital Financing Trust Fund for improvements will be dependent upon demonstration of adequate quality performance measured by the HCFA's chosen quality outcome measurement.

EXPANDING THE EACH PROGRAM

A third provision of this legislation is designed to facilitate the organization, delivery, and access to primary, preventive, an acute care services for medically underserved populations by fostering networks of essential community providers.

The Essential Access Community Hospital Program was enacted in 1989. This Medicare initiative provides a unique Federal-State partnership to assure the availability of primary care, emergency services, and limited acute inpatient services in rural areas. The EACH Program was created to maximize resources available to rural residents by establishing regional networks of full-service hospitals [EACH's] connected to limited-service rural primary care hospitals [RPCH's]. Since 1991, over $17 million has been awarded in the seven participating States.

In a recent assessment by the Alpha Center, the strengths of the EACH Program were clearly articulated. Their March 1993, report stated:

> The EACH Program has released an enormous amount of creative energy focused on the development of regional networks that link health care providers in remote areas with those in more densely populated communities.

A letter from the project directors of the seven EACH States contained the following comment:

> We believe the EACH concept will assist policymakers, regulators and changemakers in the long process of refocusing rural health care delivery.

I am confident that the EACH Program provides a framework for greatly improving the quality and efficiency of primary care, emergency services, and acute inpatient services in rural areas across the country. As a result, this legislation contains language that would extend the EACH Program to all States.

In addition, creating a new urban Essential Community Provider Program [ECP] would carry the network concept to our Nation's inner cities. While different from the rural EACH Program, the urban ECP Program would concentrate on networking hospitals with primary care service centers, particularly federally qualified health centers. In addition, ECP networks could combine with rural networks.

A February 1993, report by the General Accounting Office found that "more than 40 percent of emergency department patients had illnesses or injuries categorized as nonurgent conditions." The growth in the number of patients with nonurgent conditions visiting emergency departments is greatest among patients with little or no health insurance coverage—exactly those populations served by essential community providers. Networks of essential community provider hospitals and clinics will help steer clients to more appropriate clinical settings and, as a result, maximize the resources available in both emergency and nonemergency settings.

The concept of inner-city provider networks designed to ease access and improve continuity of care is not new. Initiatives are currently being pursued in urban areas across this country to do just that. This legislation would boost these efforts through critical financial and structured technical assistance.

Funding under the ECP Program would be available for the expansion of primary care sites, development of information, billing and reporting systems, planning and needs assessment, and health promotion outreach to undeserved populations in the service area. Facilities eligible to participate in the ECP networks—those designated as "essential community providers"—include Medicare disproportionate share hospitals, rural primary care hospitals, essential access community hospitals, and federally qualified health centers [FQHC] or those clinics which otherwise fulfill the requirements for FQHC status except for board membership requirements.

In order to facilitate the integration of hospitals and clinics into these community health networks, physicians at network clinic sites would be provided admitting privileges at network hospitals. In addition, the placement of residents at network-affiliated FQHC's would be counted in the total number of residency positions when determining the indirect medical education [IME] reimbursement to hospitals under Medicare. The authorized funding level for rural EACH and urban ECP would be increased tenfold, from the current level of $25 to $250 million annually.

I am introducing the Essential Health Facilities Investment Act of 1996 because I believe this legislation is an important and necessary component of the effort to reform our Nations' health care delivery system. The initiatives in this bill are essential to ensuring access to high-quality and efficient services for everyone in our communities.

COMMENDING THE WORK OF FORT GUIJARROS MUSEUM FOUNDATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. HUNTER. Mr. Speaker, I would like to take this opportunity to commend the work of the Fort Guijarros Museum Foundation and the U.S. Navy Submarine Base, San Diego. The foundation and the submarine base have brought history alive to the people of California.

This effort began in 1980 when the U.S. Navy Commander, submarine force, U.S. Pacific Fleet invited a civilian volunteer committee to work with the submarine support facility to research the history of a 1796 Spanish fort on Ballast Point. Since that time the committee has conducted scientific investigation, analysis, reports, and public exhibits on their findings.

The foundation has established public education programs for our elderly and retired citizens. Through traveling exhibits to high schools, banks, and government buildings the foundation has brought hands-on history to our citizens. One particular exhibit in Old Town San Diego reaches 11,000 children each year. Further walking tours of the historical buildings, slide lectures, and education programs maximize use of the ruins of Fort Guijarros.

In addition, the foundation has been analyzing the thousands of artifacts in former U.S. Army World War II buildings assigned by the U.S. Navy. Recently, congressional legacy grant funding enable adaptive reuse of the former Army morgue to a refrigerated repository to ensure preservation of the artifacts and field notes well beyond the year 2000.

Each year, the submarine force hosts the annual battle of San Diego Bay fiesta at Monument Circle near the Fort Guijarros site. This year the event will be held on September 21 and I would like to take this opportunity to commend the work of both the submarine force and the Fort Guijarros Museum Foundation. Many people have given their time and effort to this important project. In particular I would like to recognize Capt. Bruce Scott for his support in preserving this part of our history.

I know my colleagues join me in recognizing the Fort Guijarros Museum Foundation and wish them continued success in the future.

CLUSTER RULE

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. SPRATT. Mr. Speaker, I rise to address the EPA's proposed cluster rule for the American pulp and paper industry. This rule is intended to simplify and coordinate air and water quality standard setting.

EPA's stated goal is to develop a long-term approach to environmental improvement consistent with reasonable capital expenditures. Its most recent proposal has two options that are to be given equal weight as a potential basis for best available technology. Option A calls for the elimination of elemental chlorine in bleaching operations by complete substitution of chlorine dioxide. Option B would supplement complete substitution with oxygen delignification.

Technical complexity aside, EPA acknowledges that both approaches will reduce the level of dioxins and furans in wastewater of bleached papergrade kraft and soda mills below the current analytical minimum level. By EPA's own estimate, option B would cost industry a billion dollars more than option A.

One facility where the difference between these two options is made abundantly clear is operated by Bowater Inc. in Catawba, SC. The facility employs 1,150 people and produces 2,300 tons of market pulp, coated paper, and newsprint per day. On a tour of this plant last year, I was shown how EPA's option B would require a complete overhaul and rearrangement of the plant's paper production processes including the shifting or replacement of most of their equipment. The cost such a shift would impose is simply unjustifiable given the existence of an equally safe, and cheaper, option. This option, complete substitution, should be adopted in the final rule.

For 3 years, EPA and the pulp and paper industry have worked to identify a workable approach to the cluster rule. For the most part, this period of deliberation has been helpful in evaluating costs and benefits of various proposals. However, the uncertainty and the possibility of the huge costs associated with option B have made it difficult for plants like Bowater to plan for the future. It is time to for a resolution, and I call on EPA to finalize the water guidelines along with MACT I and III air standards by the end of the fiscal year with the selection of option A.

REPORT FROM INDIANA—THOMAS JACKSON

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. McINTOSH. Mr. Speaker, I rise today to give my report from Indiana.

Each weekend, my wife Ruthie and I travel across Indiana to meet with Hoosiers.

And every time, we travel the Second District of Indiana, we become more amazed with the hundreds and hundreds of individuals who are out-there working day and night to make a difference taking responsibility to make our communities better places to live.

I like to call these individuals Hoosier Heros. Hoosier Heros because they do good things for their friends and neighbors.

Today I recognize, Thomas Jackson of Anderson, IN as a Hoosier Hero.

Ruthie recently spent a day with Thomas. Afterwards she shared with me Tom's tireless efforts to help children in Madison County.

You see Tom owns and operates his own restaurant—the "Prime Time Deli and More."

And between spending time with his family and the responsibilities of running his own business, his free time is stretched thin.

But that doesn't stop Tom from helping others. He has taken on a crucial challenge.

Thomas has taken on himself, the mission, to spread the message "Just Say No!" to our young people.

Tom travels to schools in Madison County educating, warning and teaching children to say: "No to drugs and alcohol." Thomas' mission is special and close to his heart.

Nine years ago, his own son Thomas Jr., became involved with a drug cartel in the neighboring city of Muncie.

His son almost lost his own life. Thomas Jr. was in pretty bad shape but with the love of his father and family, he survived. He turned his life around.

Thomas Jr. was recently married and today lives a happy life. Thomas Jackson decided that the best way for others to avoid the same tragedy as his own son, was to take a leadership role in warning children.

He started an alcohol and drug awareness program: "Youth Needs Prime Time." that's reassuring.

Today he educates children about the very real danger and possible lethal consequences of drugs and alcohol use.

One of his volunteers is a 24-year-old, ex-gang member, Roosevelt Rees.

Roosevelt has turned his life around. And is now dedicated to making sure kids don't make the same mistake of using drugs like he did.

The effort—is crucial especially, when study after study tells us that drug use among America's children is at an alarming all time high.

Drug usage among 14 and 15-year-olds are up 200 percent since 1992. And that's frightening.

Every community in America needs a hero like Thomas Jackson on the front lines of the drug war defending and educating our children.

Madison County residents are privileged to have such a friend in their community.

And today I would like to say, "thank you" to Thomas Jackson and Youth Needs Prime Time for their hard work and dedication. He is a Hoosier Hero.

That concludes my report from Indiana.

GETTING CONNECTED TO THE 21ST CENTURY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. MILLER of California. Mr. Speaker, today, I am pleased to introduce a bill commending California's NetDay96 activities and the tens of thousands of NetDay participants, and affirming this House's commitment to providing the Nation's school classrooms with the necessary technology for the 21st century.

The State of California is know for its high technology economy and as the birthplace of the personal computer. Yet, we rank 33d nationwide in overall technology spending per student in our schools, at $3 per student per year. Most classrooms still lack telephone wires. Nationally, many schools are struggling with outdated textbooks and lack the resources to purchase the latest informational and instructional resources. Fieldtrips to museums, laboratories, and other off-campus sites are an expensive luxury that cannot be enjoyed frequently. And, only a handful of schools can afford to send their students to visit overseas locations

Providing Internet access to our classrooms has the potential to be an important educational asset. This is more than about learning how to use a computer. It's about access to information. Information about scientific discoveries, information about historical findings, information about the latest legislative activities in government. It is also about the excitement of direct interaction. The excitement of interacting with top museums all over the world; the excitement of interacting with laboratories on the cutting edge of scientific research; the excitement of interacting with field scientists working at remote locations; the excitement of interacting with other children halfway around the world.

Such learning enhancement provided by the Internet is not limited to science and technology. A survey of more than 130 recent academic studies showed that technology-based instruction improved student performance in language arts, math, and social studies, as well as in science.

On March 9, 1996, my State of California held its NetDay96 to wire 3,500 schools statewide to give our students access to the Internet. On this one Saturday, over 50,000 volunteers participated, ranging from students, teachers, and parents to local community groups. On this 1 day, over 1,000 sponsors contributed, ranging from high technology companies to donut shops. I was joined by President Clinton and Vice President GORE at Ygnacio Valley High School in my district, where we helped install wires.

I would like to extend my appreciation to President Clinton and Vice President GORE for their leadership and support in providing technology to our schools. I also thank the two cofounders of NetDay96, Mr. John Gage of Sun Microsystems and Michael Kaufman of KQED, the thousands of sponsoring companies, and the tens of thousands of volunteers, for bringing the Internet to California schools.

After hearing about California's successful NetDay96, some 40 States and 15 countries have asked the NetDay96 organizers to put together a similar event in their State or country. The organizers responded with a nationwide NetDay96 Month, to be held over four Saturdays this October. Members of Congress, and anyone else, can find out if their State has signed on for this event by going to the NetDay96 Web site at www.netday96.com.

Mr. Speaker, more and more companies are eager to contribute to this effort. Just recently, the cable TV industry announced that it would assist in providing Internet connection to schools all across the Nation. I urge my colleagues to take advantage of this opportunity and help their States' schools to gain access to this valuable tool called the Internet and join me in this resolution promoting NetDay96 throughout the entire Nation.

As wonderful as the Internet is in providing information, we must also keep in mind that it is an unregulated medium and that there is much unverified information. To guard against inappropriate or inaccurate information, proper technological barriers should be put in place, proper supervision provided, and proper information review exercised. In that regard, teachers must be trained not only on how to use the Internet, but also to be aware of and compensate for the pitfalls in the system.

We must remember that the Internet is only a tool; how this tool is used by teachers, students, and parents will determine its usefulness and effectiveness. Regardless of the availability of the Internet in schools, we must not forget that we still need dedicated teachers, effective administrators, concerned parents, and adequate funding to have the best educated children and work force in the world for the 21st century.

SUPPORT GROWS FOR SPORTS AND NON-VIOLENCE SUMMIT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. SANDERS. Mr. Speaker, I am pleased that this week the House is considering Monitoring of the Student Right to Know and Campus Security Act of 1990.

As you know, the Student Right to Know and Campus Security Act requires colleges in receipt of Federal funding to report to students, faculty and prospective students once a year on the number of crimes reported in a number of categories, including murder; sex offenses, forcible or nonforcible; robbery; aggravated assault; and burglary. This law helps assist students in taking appropriate steps to protect themselves from becoming victims, and it assists families and students in making the most appropriate decisions about the schools they may wish to attend.

On February 6, 1996, ABC news reported that at Clemson University 100 students met with the football coach to discuss their safety on the campus following the arrest of the 9th Clemson football player this year. Since January, more than 50 college athletes in 13 States have been charged with assault, theft, trespassing, burglary, sexual assault, and drunk driving.

I was pleased to hear the remarks of the chairman of the Economic and Educational Opportunities Committee, Mr. GOODLING, expressing his concern over violence among athletes at universities. In his remarks Chairman GOODLING appealed to all the presidents of colleges and universities to:

> Stand tall and be firm against those who would pressure them, be they coaches on the campus or alumni. There is no excuse for some outstanding athlete to go free after battering women or committing rape or breaking laws in relation to alcohol and other drugs. To use the excuse that you are trying to save that individual cannot be used when you are thinking about the other thousands who are there:

Mr. Speaker, several months ago, Representative CONNIE MORELLA and I wrote to the national sports associations with concern over a growing number of reported acts of violence against women by professional and college athletes. We have since met with representatives of the National Football League, Major League Baseball, the National Basketball Association, the National Hockey League, the National Athletic Association and other major sports associations to discuss our desire to have these organizations join with us in our national effort to eradicate violence against women.

This August, Representative MORELLA and I introduced a sense-of-congress resolution calling for a national summit on sports and nonviolence to help develop a national campaign to eradicate domestic violence. Our legislation addresses three realities of American society: first, that we have an epidemic of domestic violence in this country; second, that America has a fascination with sports, from the Olympics to the Super Bowl to the Final Four; and third, that professional and collegiate athletes are viewed as sports heroes by Americans.

Sports leaders, as role models, are often emulated both on and off the field, and we are asking that our national and collegiate sports leaders make it a top priority to help publicly condemn domestic violence and sexual assault and join us in a national awareness campaign. As role models, these sports leaders can send a strong message that the rough and tumble, hard-nosed competition stops when players leave the field and that there is no excuse for domestic violence and sexual assault.

I am pleased to report that since the introduction of that resolution we have received letters of support from numerous individuals and organizations, including: American College of Nurse Midwives; American Psychological Association; AYUDA; Larry Brown, Coach, Indiana Pacers; Catholics for a Free Choice; Jacquelyn Campbell, director of doctoral studies, Johns Hopkins School of Nursing; Center for the Study of Sports and Society; Center for Women Policy Studies; Community Anti-Drug Coalitions of America; DC Rape Crisis Center; Domestic Violence Advocacy Project; Joseph Glass, Team Sports; Britt King, head women's basketball coach, University of DC; Lee McElroy, director of athletics, American University; Older Women's League; National Association of Social Workers; National Coalition Against Sexual Assault; New Waves: Empowering Women and Confronting Abuse; NOW Legal Defense and Education Fund; Pennsylvania Coalition Against Rape; Thomas Penders, Head Basketball Coach, University of Texas; Rhode Island Coalition Against Domestic Violence; National Urban League; U.S. Department of Justice; Office of Justice Programs; Vermont Network Against Domestic Violence and Sexual Assault; Women's Research and Education Institute; YWCA of the USA; and the Violence Policy Center.

I also want to congratulate the College Football Association, who, in cooperation with the Liz Claiborne Foundation and the Center for the Study of Sport in Society, plans to launch an "Athletes Against Violence" program this October, where college football players will break the code of silence about relationship violence and, through a series of public service announcements, convey the message that relationship violence should not be tolerated. The College Football Association is also encouraging coaches to consider inviting their players to participate in the annual Take Back the Night candlelight march conducted on college campuses during the month of October (Domestic Violence Awareness Month).

The concept of a National Summit on Sports and Non-Violence initiative is generating a great deal of support and I would encourage my colleagues to join me and Representative MORELLA in our efforts by cosponsoring House Concurrent Resolution 199.

FINDINGS CLOUD POLLUTION THEORIES

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. OXLEY. Mr. Speaker, I would commend to my colleagues the following article of September 2, 1996, authored by Mr. Jim Nichols of the Cleveland Plain Dealer. The article summarizes new scientific findings that discredit the theory that the Midwest is responsible for the air pollution findings of the Northeast. This further confirms the findings of the Government-funded NAPA report, which was completed a number of years ago. This research should be considered in setting Federal policies in a number of areas.

[From the Plain Dealer, Sept. 2, 1996]

FINDINGS CLOUD POLLUTION THEORIES—MIDWEST SMOG MAY NOT DRIFT TO THE NORTHEAST

(By Jim Nichols)

As the summer cools down, the politics and economics of air pollution are heating up.

The early results from highly advanced computer modeling are casting a haze of doubt over a persistent claim from Atlantic Seaboard states that Ohio and the Midwest are the culprits in the Northeast's smog problems.

The modeling results, released at a multistate air-quality planning meeting in July, show that certain key air pollutants don't drift as far across state borders as previously believed, experts familiar with the models say.

The computer simulations, though incomplete, indicate key windborne pollutants that are components of smog are likely to blow no more than 200 miles, not many hundreds or even thousands of miles, as researchers previously believed.

The results weaken theories that are especially popular among Northeastern states—that coal- and oil-fired power plants in the Midwest and Southeast are to blame for smog in Boston, New York and Maine.

Though much more modeling remains to be done, many air-quality experts say the early implications are huge.

The results, some believe, could weaken the Atlantic Seaboard region's argument that Ohio and other upwind states should spend billions of dollars on new smog controls to help clean the Northeast's air. Regulators and scientists studying seaboard-state smog, for instance, are contemplating advanced pollution controls on Midwestern and Southern power plants that are as strict as those in place in the high-smog region.

Utility and coal interests have estimated the cost of such controls to Midwestern and Southeastern electrical customers at $18 billion to $27 billion annually. Centerior Energy Corp. pegs the cost between $200 million and $500 million annually here.

FEARFUL OF COSTS

The findings seem to reinforce the theory that local and regional air pollution programs in the Northeast are the only significant way to solve the region's perennial failure to meet federal clean-air standards.

Officials in the problem states have long feared that the higher cost of living and doing business resulting from stricter emission controls on power plants and factories has put the region at a competitive disadvantage.

Some Northeastern states have scrapped their versions of E-check auto-emissions testing amid public outcry, saying such political hot potatoes are meaningless if the air drifting in from afar is so foul.

"Clearly, this is not what the 13 states in the [Northeast] want to hear," said Ray Evans, environmental-affairs manager for Centerior Energy Corp. "The East Coast utilities have flat out said that we in the Midwest are the problem and our ratepayers are going to have to pay."

Ohio Environmental Protection Agency Director Donald Schregardus said, "It's kind of what we thought. * * * It says to those states, 'You fix your cars, and then we [in the Midwest] will talk about spending $5 billion to fix our power plants."

Schregardus and his air-quality division chief, Robert Hodanbosi, said the computer simulations show that even on days when Northeastern smog was at its worst, the drift from faraway states downwind made no more than a few percentage points' difference. Evans and other officials familiar with the modeling results confirmed that.

"I was surprised at the limited impacts," Hodanbosi said.

The early findings do not necessarily mean Ohioans and other Midwesterners will forever and completely avoid the costly new smog controls, said Schregardus and experts conducting the modeling.

The results, after all, show those proposed reduction strategies will help achieve cleaner air in the Midwest. If models show that the advanced pollution controls would be needed for certain Midwestern areas to meet federal clean-air targets, certain parts of the Midwest could still implement controls as stringent as those already imposed on power plants and factories in the Northeast.

Further, the federal EPA is expected to tighten air-pollution limits nationwide significantly later this year. The limits have not been determined yet, but Ohio EPA officials predict that no major metro area in the state—and few in the nation—will comply without significant emission reductions from cars and smokestacks.

But for now, at least, "It's conceivable that with the information on the table, the Midwest could make an argument that they don't have that much impact on the Northeast," said Danny Herrin, an executive with the Atlanta-based Southern Corp, an electric utility following the modeling closely.

THE OZONE MIX

The subject of the computer modeling is ozone, a gas that occurs both naturally and as a result of man-made pollution.

Where it forms by natural processes in the upper atmosphere, ozone reflects harmful ultraviolet radiation away from Earth. But when it builds up near the ground, it is a powerful respiratory irritant that apparently can trigger asthma attacks and debilitating breathing problems, especially among people with lung disease, the elderly, children and people who work outdoors. In high concentrations, ozone also has been linked to permanent lung damage and can harm trees and crops.

Ozone forms when fumes called hydrocarbons react in hot summer sunlight with other airborne pollutants called nitrogen oxides. Hydrocarbons come from auto emissions and other combustion processes, and from evaporating gasoline, solvents and paints. The principal source of nitrogen oxides are fossil-fuel power plants.

Atmospheric and environmental scientists began concluding in the late 1980s that nitrous oxides and hydrocarbons are capable of drifting on air currents until they encounter the right conditions to interreact and form ozone.

When Congress revised the Clean Air Act's ozone limits in 1990, it identified dozens of metropolitan areas in states from Maine to Virginia as chronic violators of the act's ozone limit of 125 parts of ozone per billion parts of air. The law recognized that the states' balance levels of ozone were so high that only a regional approach to cuts would allow individual cities to comply with the law.

States in the Atlantic Seaboard region agreed in writing three years ago to adopt their own strict new limits on nitrous oxide output from power plants, in addition to measures ordered by Congress and the federal EPA.

But they also enlisted the EPA to run computer simulations to determine whether the so-called ozone-transport phenomenon would rule out regional controls.

The early EPA modeling in 1993 proved controversial, showing the Northwest's baseline levels were high not just because of the heavily populated region's contributions but because of dirty air blowing in from the Midwest and South.

While critics in downwind states—especially utilities and coal interests—attacked the model as inaccurate, the Northeastern states began pressuring the EPA for a "super-regional" approach that would require similar control measures for upwind states. States in the South and Midwest resisted initially but agreed to study the issue.

A national organization of state environmental officials formed the Ozone Transport Assessment Group, comprising 37 states—all those east of the Mississippi and those along its western banks. The group now includes more than 500 environmental regulators, technical experts and representatives of environmental groups, industry and utilities—all studying ozone transport and its effects.

The assessment group was formed for two reasons. One was to develop a far more sophisticated computer simulation of ozone transport. The other was to develop pollution-control policies for all 37 states to impose, voluntarily, to reduce ozone in the Northeast.

As a first step, states conducted far-reaching "inventories" of all major and minor sources of ozone-forming pollutants, including estimates of emissions from cars, factories, evaporating paint, gasoline stations and other sources. An assessment group committee of atmospheric and environmental scientists and computer experts developed a computer program that applies that emissions data to know wind and weather patterns. It simulates drift and compares predicted ozone levels at hundreds of locations to those actually measured. Another committee compared particularly bad spells in the summers of 1988, 1991, 1993 and 1994.

When the assessment group began running the computer program this spring, results from the simulations proved remarkably similar to the real conditions, said Michael Koerber, who chairs the group's modeling committee.

"We're convinced that the model works and is giving us the right results for the right reasons," said Koerber, director of a consortium of air-quality officials from states around Lake Michigan.

Then the modeling experts began running what Koerber calls "what-ifs." They asked the computer what changes would result if lower emissions from certain control measures were applied across the 37-state "super-region"—if power plants were forced to change their operations, for instance, or cleaner-burning cars were mandated.

Many more simulations remain to be run—at a cost of more than $1 million each—to measure the effects of changing emissions variables in smaller and smaller parts of the super-region. However, the theory of long-range ozone drift has already begun to break down.

The simulations showed that drift existed. But while Chicago may suffer from St. Louis' emissions, or Cleveland from Columbus', there was little evidence that those cities were having major impacts on the Northeast.

"It's really something we're just starting to get some information on, and we really need to investigate further," Koerber said. But, he added: "The 1,000-mile distance seems to be a bit of a stretch from a transport standpoint."

COMPETITIVENESS IS ISSUE

Some participants in the assessment group are worried that the new data may strain the group's cooperative spirit and lead to a return of finger-pointing. If utilities in the Northeast face higher costs than those in the Midwest, for instance, they would be at a competitive, disadvantage in the coming environment of deregulation. The federal government is moving toward a system in which industrial customers will be able to choose their power company without regard to its geographic location.

"Clearly, this is a competitive issue between East Coast utilities and Midwest utilities," said Centerior's Evans.

Hodanbosi and other participants said pressure is mounting from some Northeastern participants not to run more detailed models that could further solidify the case that the Midwest's effects there are minimal.

"Anytime you have those kinds of conflicts, you can expect it to be contentious," said Illinois EPA Director Mary Gade, who chairs the committee that will ultimately recommend pollution-control policies that will apply across the membership of the assessment group. "I think we're going to be in for some heated policy decisions in the next several months.

"The nice thing is that the process to this point has been a very open and collaborative process. We'll see if we can hold onto that."

HONORING ANDREW J. BROWN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. JACOBS. Mr. Speaker, he was the only minister of the Gospel in history to deliver a second opening prayer at the House of Representatives in the same calendar day. But his claim to the profound respect and affection of all Americans is that he was one of Dr. Martin Luther King's top lieutenants in the peaceful revolution to make real the ideals of the bloody American Revolution.

It is no exaggeration to say that Andrew J. Brown was Mr. Civil Rights in Indiana. He led the movement to excise the poison and stupidity of racial discrimination from America's body politic. He had what Dag Hammarskjöld called that Christ-like urge. You could see it in his face, that countenance always about to brust into smile. You could see the personification of the Sermon on the Mount. He served his country well in our Armed Forces during World War II. And yet for decades after World War II, his country—or at least a great part of it served him ill. But this did not evoke bitterness and hatred in him. It evoked peaceful compassion and just plain hard work. He traveled through that biblical valley of the shadow of death and neither feared nor did evil. These words, written by Shelly, apply beautifully to the magnificent Rev. Andrew J. Brown:

The great secret of morals is love. A person, to be greatly good, must imagine deeply and comprehensively. He must put himself in the place of another, of many others. The pleasures and the pains of his species must become his own.

The following are only a few of the tributes paid to this great and good man on the sad but triumphant occasion of his passing.

[From the Indianapolis Star, Aug. 3, 1996]

RIGHTS LEADER REV. ANDREW J. BROWN DIES

(By Rob Schneider)

The Rev. Andrew J. Brown, who was a friend of the powerful and the powerless, died in his sleep, his family said Friday.

Brown, who came to symbolize civil rights in Indianapolis, was 75.

Indiana Black Expo? He helped found it.

Providing information to the African-American community? The longtime pastor at St. John's Missionary Baptist Church also started Operation Breadbasket, a Saturday morning radio program to discuss everything from economic to spiritual issues.

Rev. Brown was a lifelong advocate for civil rights, a man whose doorstep was a common sight to people like Dr. Martin Luther King Jr. and the Rev. Jesse Jackson.

In recent years, though, he had taken on another fight. Rev. Brown had been diagnosed with Alzheimer's disease two to three years ago, said his son, the Rev. Thomas L. Brown.

It was a fight that had left the community leader a "tired warrior," his son acknowledged.

Thursday night after dinner, Rev. Andrew Brown gave his wife a kiss and said, "I'll see you later." Early Friday, Rev. Brown's wife, RosaLee, called her son with the news that she could not wake her husband.

"He was about the business of peace making," Rev. Thomas Brown said of his father's life. "His peaceful passing is reflective of his mannerisms of dealing with people even though he was a very intense social activist."

The elder Rev. Brown's dedication to social justice originated on a Christmas Eve during World War II in a hospital at Camp Livingston, LA.

Laid up in a hospital bed with a leg that doctors said would have to be amputated, he listened to a happy, noisy celebration from which black soldiers had been excluded.

Rev. Brown promised God that if his leg was saved, he would spend the rest of his life fighting for justice for all people.

A few days later, he walked up to the doctor who was supposed to operate on him.

"That's the miracle in my life. That's the commitment I made," Rev. Brown explained in an interview in 1985. "I'll keep fighting until I fall, because that's what I told God I would do."

Moving to Indianapolis from Chicago in 1947, he used his position as pastor of St. John's Missionary Baptist Church as a pulpit not only for spiritual messages but social action as well.

In 1963, he organized Indianapolis blacks to show voting bloc strength. Two years later, he walked with King in the civil rights march in Selma, Ala. He was at the home of King's parents the night the civil rights leader was assassinated in April 1968. The next month he was in Washington, D.C., for the Poor People's March.

In 1990, Rev. Brown resigned as pastor of St. John's.

The church is on a street that was renamed Dr. Andrew J. Brown Avenue 10 years ago to honor him.

News of his death led city leaders to remember a man whose trademark was compassion.

"He was an extraordinary Baptist preacher, [who] had a marvelous voice and could move a congregation with song," said Sam Jones, president of the Indianapolis Urban League.

"He led numerous marches and demonstrations against acts of segregation and discrimination in this community," Jones noted.

"He was the kind of guy who could operate with the least of us in our community and with kings and queens and giants alike," Jones added.

The Rev. Stephen J. Clay, pastor of the Messiah Baptist Church and president of the Interdenominational Ministers Alliance, said it was Rev. Brown's compassion for people at large that became a driving force, that "like a rocket, propelled him to the national arena."

"The world is a little bit smaller and heaven a little brighter because of the contributions made by Dr. Brown," he said.

Mayor Steven Goldsmith simply called Rev. Brown a "remarkable leader," one who was committed to opportunity and equality.

He credited Rev. Brown's commitment, sincerity and faith in making him a national leader.

Rev. Jesse Jackson summed up Rev. Brown's contributions this way: "He fought and changed America for the better forever. He had courage and took risks," he said.

Services for Rev. Brown will be at 11 a.m. Thursday at St. John's. Calling is from 11 a.m. to 9 p.m. Wednesday at the church.

Stuart Mortuary is assisting with arrangements.

Rev. Brown is survived by his wife, RosaLee Brown: daughters, Dr. Monica Fields, Adrienne Brown; and son, Rev. Thomas L. Brown.

[From the Indianapolis Star, Aug. 6, 1996]

QUITE A LIFE

From the pulpit of St. John's Missionary Baptist Church, Rev. Andrew J. Brown changed thousands of lives for the better. From the streets of Indianapolis and other cities where he marched for civil rights and justice, Rev. Brown helped change the world.

Last week, after several years battling Alzheimer's disease, the 75-year-old leader, described as a "tired warrior" by his son, died at home in his sleep. Services will be at 11 a.m. Thursday at St. John's with calling from 11 a.m. to 9 p.m. Wednesday.

Rev. Brown's name is synonymous with civil rights in Indianapolis. After moving here from Chicago in 1947, he used his pastoral position to organize social programs, black voting strength and marches to the Statehouse and the governor's mansion. He was a co-founder of Indiana Black Expo and started Operation Breadbasket, a Saturday morning radio show dedicated to economic and social justice and spiritual life.

Yet Brown is perhaps best known for his close relationship with Rev. Martin Luther King Jr., who stayed at Brown's home in Indianapolis on numerous occasions and consulted with him frequently about the national civil rights movement.

In a 1992 interview, Brown referred to their efforts as "mental judo"—a battle waged not with violence but with persuasion and intellect. "It was not the judo where you get up and fight," he said. "It was judo with your mind, your disposition."

The tactic of mental judo, which included passive resistance, was what won so many people to the cause, Rev. Brown believed. That's why, before entering a white-only store or restaurant to request service, young black activists would be told, "Don't fuss, don't cuss, smile at the people," even as force was being used against them.

Rev. Jesse Jackson, a close friend who marched with Brown, said of him, "He fought and changed America for the better forever. He had courage and took risks."

The fact that a major Indianapolis street already bears his name is testament to the prominent role played by Rev. Brown in this community. But the highest compliment is what has been said many times already by his friends, historians and distant admirers: He practiced what he preached.

[From the Indianapolis News, Aug. 6, 1996]

THE REV. ANDREW J. BROWN

The Rev. Andrew J. Brown became a symbol of the civil rights movement in Indianapolis.

He died last week at the age of 75, after a lifetime of church and community service that will continue to have impact in this city and others for many more years.

He was a door-opener for African-Americans in the years before the civil rights movement was accepted as part of the social consensus, putting his life, family and church at risk as he led demonstrations against segregation.

Meanwhile, he continued his pastoral work at St. John's Missionary Baptist Church.

"He was an extraordinary Baptist preacher [who] had a marvelous voice and could move a congregation with song," said Sam Jones, president of the Indianapolis Urban League.

Jones also took note of Brown's friendships with prominent political and social leaders, both locally and nationally.

"He was the kind of guy who could operate with the least of us in our community and with kings and queens and giants alike," he said.

Brown marched with Martin Luther King Jr. at Selma, Ala., in 1965 and was active in social justice issues in Indianapolis for many years.

The source of his interest in justice went back to World War II, when he was told he would have to have a leg amputated.

He promised God he would fight for justice for all people if his leg could be saved. It was, and he kept his promise to God.

"That's the commitment I made," the Rev. Brown later explained. "I'll keep fighting until I fall because that's what I told God I would do."

His example of making and keeping a commitment to God remains for others to follow.

[From the Indianapolis Recorder, Aug. 10, 1996]

"NOW, HE BELONGS TO THE AGES"

(By Amos Brown)

Throughout its history, Indianapolis has been blessed with many key African-American servant/leaders: Brokenburr, Blackburn, Richardson, Stewart, Ramsey, Sanders, Johnson. But, over a nearly 50 year career, the Rev. Dr. Andrew J. Brown was the most significant—helping transform our African-American community and in large measure, our city as a whole.

Brown was one of a cadre of Black ministers in their 20s and 30s, who began pastoring in Indianapolis after World War II. Brown, along with Reverends R.T. Andrew, F. Benjamin Davis, Mozel Sanders, Arthur Johnson, Melvin Girton and others broadened their ministries into key staging arenas in the fight for respect and equality for African Americans in this city and state.

Andrew Brown set a standard for Black leadership and service that many of today's Black leaders have clearly forgotten or don't want to emulate.

This son of Duncan, Miss., war veteran, accomplished gospel singer, couldn't stayed inside the comfort of his church. Instead, he reached out, personally and with his ministry, his church and his congregation to our community.

A contemporary of Dr. Martin Luther King Andrew Brown asked Indianapolis to join in the movement. And Indianapolis did! His power base wasn't the Black bourgeoisie, it was the Black working class. Those laboring in the dead end jobs racism had consigned them. Brown appealed to a Black community living in tightly packed segregated neighborhoods, whose children attended an openly racist and segregated school system; in short Brown was the perfect Abraham to unite the tribes living in the plantation Indianapolis was in the 50s and 60s.

Without Andrew Brown prodding this city's white power structure to change its racist ways, Indianapolis would not have achieved its national and international stature!

Without Andrew Brown, there would not be a record number of African Americans employed in the professions and in key leadership positions in government and business!

Without Andrew Brown we would not have had African Americans elected to statewide office or be on the verge of having a Black in Congress!

Without Andrew Brown, there would not be Blacks living all over, from Geist, to Pike, to Carmel and Fishers, yes even on the Southside of Marion County!

Other than Frank P. Lloyd, Brown was the only Black universally respected by the city fathers and our own community!

He had the stature to develop operational unity among Indianapolis Black churches. When Brown called Black ministers together—everybody responded! Sadly, that does not exist today, because of the petty, meaningless jealousies existing among Black churches and ministers in our city.

With a loyalty and devotion inspired by his calm, firm demeanor and love and respect for the common man and woman, Brown inspired and motivated thousands. And more than any Black man in Indianapolis history, Andrew Brown did things that will never be equaled again in our community!

Brown could attract thousands to protest outside the Governor's Residence, the State House and other locations. No one can do that today!

Brown founded Indiana Black Expo, the one enduring monument of what our Black community can accomplish when united. A feat that no one can replicate today!

Brown used Black radio to inspire and communicate with the community. Until it was shunted to WTLC-AM, Brown's Operation Breadbasket broadcasts on WTLC-FM had huge ratings!

Brown was a pastor who still had time to be president of the NAACP, and lead the church into social action ministry. An accomplishment that today's timid, fearful Black church refuses to emulate!

Nearly every Black elected official in this city, from Carson, to Crawford to Howard and the rest owe their inspiration and election to Andrew Brown!

Those of you reading this who have good jobs in major corporations and businesses in this city, whether you're from Indianapolis or not, you and other African-Americans are there, in large measure, due to the protests, marches and cajoling of Andrew Brown!

Brown's passing last Friday morning, effectively ends the era of leadership in our community coming from the Black church. His death leaves a void big as the Grand Canyon; one that cannot be filled. The Baptist faith doesn't allow for saints, which is a shame because Andrew J. Brown truly was one.

This community, and I personally, shall miss his wisdom, his voice, his counsel.

I have many positive memories of Andrew Brown, especially when we worked together using WTLC Radio in the '70s, '80s and early '90s as a force for positive good in this community.

I last saw him in November, at Andy Jacobs retirement announcement. In recent years, Alzheimer's disease had taken its toll on Brown. I was walking through Jacobs living room, when I looked up and saw Brown.

His body was shaking, he was having trouble walking and was helped by his son Tommy. My heart sank, seeing how the disease had ravaged his body. Just then, he reached out his hand. As I grasped it to shake his hand, his eyes twinkled—that famous twinkle and smile he had for everyone. He clasped my hand, shook it and nodded. In that instant, we bonded, knowing while the flesh was weak, Andrew Brown's mind, spirit and love still remained strong! That memory, and all the memories of his good works, will stay with me for the rest of my days.

My sympathies and those of our community goes to wife Rosa Lee, son Thomas and daughters Monica and Adrienne. We thank you for sharing Andrew with us.

When Abraham Lincoln died, Secretary of War Edward Stanton uttered six words that serves as an epitaph for Brown: "Now, he belongs to the ages."

Bye Rev. Brown * * *

[From the Indianapolis Recorder, Aug. 10, 1996]

A.J. BROWN JR.: THE MAN AND THE LIBERATING THEOLOGY

(Editor's Note: This article is a reprint from the Tribute and Birthday Celebration booklet, which was held in the honor of Rev. Dr. Andrew J. Brown Jr. Nov. 20, 1995.)

During the late 1940's, a Black church rose up from among the local Indianapolis Negro churches protesting loudly against racism, discrimination, and poverty.

St. John Missionary Baptist Church began as a basement church comprised of 57 members, but later grew into one of the largest, most progressive Black churches in the United States. The uncharacteristic progressiveness of St. John can be attributed to its pastor, Rev. Andrew J. Brown, whose firm resolve was to raise the social conscience of the community.

"Dr. Brown made me believe that I was just as good as anyone else and he then taught me how to make others feel the same," said Larry Veal, a former Indianapolis resident who attended St. John as a youth and was appointed director of the St. John's Youth Awareness Program in 1989. "I am truly going to miss Dr. Brown, but his mission will live on through me and hundreds of others that he has touched."

Through Brown's resoluteness to bring about social reform, St. John became the focal point in the Indianapolis community, and many progressive Blacks gravitated toward it.

Brown believed the very nature of a minister's calling is to make people uncomfortable, and that the religion of Jesus Christ is revolutionary.

His formative years were spent with grandparents from the south who instilled a sense of self-worth, Christian hope, and pride in his Black heritage. Another major influence in Brown's life was the late Adam Clayton Powell Jr., a noted politician and minister of social gospel.

Brown embraced Powell's philosophy of a holistic concept of the church and was critical of any attempt to separate spirituality from social reality.

The civil right struggle of Martin Luther King Jr. in Montgomery strengthened Brown's resolve to evoke social change in Indiana. Brown was also fortunate to have his supportive, unfaltering, loyal wife, Rosa Lee Brown, at his side. Mrs. Brown, a nurse, is from Chicago where she was a labor organizer and an ardent community activist.

Rev. Brown's most vivid recollection of bigotry and racism was during his years overseas in World War II. There were very few chaplains for Blacks in the United States Army. Seeing the need for spiritual guidance for Black soldiers, Brown sought and received a field commission from General Dwight D. Eisenhower and became a chaplain in the U.S. Army.

Brown attended Bishop College in Marshall Texas, where he became acquainted with other young Blacks involved in the Civil Rights struggle such as Coleman W. Kerry who was later appointed by President Richard Nixon to the Education Task Force of North Carolina, and George Dudley who became president of the city council of Rocky Mountain, NC. Brown also attended the Butler University School of Religion.

During the 1950s and '60s, like his Black counterparts, Brown was involved in the Civil Right's Movement in other parts of the United States. Rev. Brown preached a social gospel, initiating the Civil Rights struggle in the state of Indiana. Ever conscious of bomb threats, night sticks, threats of dismissal from their jobs, and mutilation of their property, the congregation of St. John stood fast, and supported its minister.

Dying were the days of the docile, passive Negro church in Indianapolis, and in its place grew the Black church still denouncing evil, but demanding human rights, and no longer accepting second-class citizenship for its people.

Despite threats of bodily harm to himself and family in 1962, with the support and protection of his parishioners, Brown, then the president of the Indianapolis NAACP, urged the city of Indianapolis officials to hire more Black police Officers, pointing out that the Black population was 20 percent and the police force only represented 10 percent of the Black population.

As president of the Indiana Christian Leadership Conference, a Southern Christian Leadership Conference Affiliate in 1963, Brown brought about the first coming together of Blacks in Indianapolis to form a single voting block to demonstrate the power of the Black vote.

Members of St. John participated significantly in taking the civil rights struggle into their career areas in politics, business, government, education economics, and community development.

The members and its minister provided leadership and support to the Black community by protesting against police brutality and unfair hiring practices by staging freedom rallies, leading picketing marches, and holding inquisitions into Indiana politics.

Brown urged Indiana Blacks to join the March For Equal Rights in Selma, Ala., in

March 1965. It was during this participation in the march that he had to maneuver to keep his car from being run off the road by Ku Klux Klansmen in Alabama.

Realizing that he was up against the power structure, Brown did not keep quiet. In April of 1965, he said, "I have attacked the power structure here. I have been threatened 10 times today; I should be dead by midnight if any of those threats are carried out." He would not be deterred by these threats.

In keeping with his firm resolve to achieve social reform, as president of the newly organized Central Indiana Christian Leadership Conference, he continually criticized Blacks for being too complacent. He urged Blacks in the Indianapolis Community to join the national Civil Rights struggle by participating in the Poor People's March on Washington in May, 1968.

Rev. Brown and St. John were to stage many of his such rallies for social justice in the coming years.

Out of St. John Baptist Missionary Church, in 1971, was born the Indiana Black Expo, an exposition which yearly details the contributions of Blacks to the economic and social growth of Indiana, depicts their history and heritage, and celebrates their progress in the total equality struggle, both economically and socially. The establishment of Indiana Operation Breadbasket is one example of this effort.

Rev. Brown and the church he nurtured provided the Indianapolis community with a renewed sense of Black pride and Christian hope, his life has been a continued example of achievement through foresight perseverance, prayer and the Christian belief that it is man's duty to act out the eternal truths of God within society.

When asked about his visions for tomorrow.

"Don't think the storm is passing over yet," said Brown. "Things sometimes have to get worse before they get better. Today, we have more subtle injustices, you can't see immediately, but they affect us more than we know."

"The Black Church had a liberating theology, bringing about change and it should always seek to preserve its religious freedom not only for itself, but for the benefit and the posterity of this country."

Rev. Brown then leaned back in his chair, closed his eyes, placed his finger tips on the edge of his desk and spoke "If this country is to survive, it will be because the Blacks who were last, will become first in demonstrating the Christian love that truly can bring people together—a perfect love that casts out fear.

"If we, God's people, would become interested in loving and preferring one another, this country could survive," he said.

Rev. Andrew J. Brown, Jr., 75, died Aug. 2 in his sleep. Funeral services for Rev. Brown were held Thursday at St. John Missionary Baptist Church.

SENATE—*Friday, September 13, 1996*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Creator of the World, Ruler over all life, our Adonai, Sovereign Lord of our life, we join with our Jewish friends in celebrating Rosh Hashanah, "the head of the year," the beginning of the days of awe and repentance, a time of reconciliation with You and one another. We thank You that we are all united in our need to repent, to return to our real selves for an honest inventory, and then to return to You with a humble and contrite heart. Forgive our sins of omission: the words and deeds You called us to do and we neglected, our bland condoning of prejudice and hatred, and our toleration of injustice in our society. Forgive our sins of commission: the times we turned away from Your clear and specific guidance, and the times we knowingly rebelled against Your management of our lives and Your righteousness in our Nation. Sound the shofar in our souls, blow the trumpets, and wake our somnolent spirits. Arouse us and call us to spiritual regeneration. Awaken us to our accountability to You for our lives, and our leadership of this Nation. We thank You for Your atoning grace and for the opportunity for a new beginning.

Help the Jews and Christians called to serve in this Senate, the Senators' staffs, and the whole support team of the Senate to celebrate our unity under Your sovereignty and exemplify to our Nation the oneness of a shared commitment to You. In Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will begin consideration of H.R. 3662, the Interior appropriations bill.

As announced last night, there will be no rollcall votes today to accommodate Members who have a special holiday today. However, I hope that Members will have amendments to the Interior bill, that they will come over and offer them, and that they will be germane. These will only be debated during today's session. But if votes are required then we will stack those votes on Tuesday morning.

It is also possible that the Senate will consider S. 39, the Magnuson fisheries bill, as under a previous consent agreement. We reached the point last night where we could not go any further with the Treasury-Postal appropriations bill. We would like to get the Magnuson bill up. We did not have time at that time of the night to consult with all the various Senators who are interested in that. We will be doing that this morning if we can get an agreement this morning, or perhaps even for Monday morning. We will make every effort to move this legislation that has been cobbled together with a lot of difficulty. But I think it is ready for us to take up now.

Following legislative business today, there will be a period for morning business to accommodate a number of requests from both sides of the aisle, after which we will adjourn over until Monday.

During Monday's session the Senate will continue with the consideration of the Interior appropriations bill. Again, no rollcall votes will be held so that Members who are celebrating the Jewish holiday will be able to get back to town.

It is possible the Senate will consider the Federal Aviation Administration authorization measure. The Democratic leader and I talked about that last night. We believe we are about ready to go. We keep being told by the managers that they have it all agreed to. But when we look at the agreement, it still looks pretty long. So we have to look at that. We will try very hard to see if we can get that done.

Senators should be prepared for rollcalls to begin on Tuesday as early as 9:30. But it will depend on what we have pending, and a lot of other considerations. But we will have stacked votes early sometime on Tuesday morning.

I anticipate busy sessions of the Senate all of next week as we attempt to complete our business before sine die.

I am glad we are going to the Interior appropriations bill now. We have two managers who have worked together beautifully; certainly two of the most experienced legislators that we have, the Senator from West Virginia, Senator BYRD, and the Senator from Washington, Senator GORTON. They do great work. But they have a bill that has some issues that will be controversial and should be debated. And they should be. But I hope that Senators will cooperate better on this bill with the managers and with leadership on both sides of the aisle than what we saw this week on the Treasury-Postal appropriations bill. That was a big disappointment and a very poor exhibition by the Senate. We spent 25 hours 38 minutes on a bill, basically an appropriations bill that is relatively small and should not have been controversial. The problem was there were over 100 amendments offered, most of them nongermane. In a couple of instances the managers withheld going to a vote so that Senators could come over and speak on their amendment and the Senators never showed up. That is disrespectful of the process, the managers, and the institution. We should not do that.

I have tried to keep the focus on getting our work done. The best thing for us to do now, or any other time of the year, is just do what needs to be done under the rules of the Senate and for the American people. I have been playing it straight. I have been trying to discourage amendments that could be considered political or blow this place up. But I reached the conclusion last night that that might not be possible. We spent all day yesterday, we spent the last 10 hours on that bill basically with partisan political positioning amendments being offered for TV spots.

I refuse as majority leader to: first, accept amendments that should not be accepted on a continuous basis; second, to ask responsible Senators to walk the plank on obviously blatant political amendments one after another. I mean my attitude is, OK, a little bit of that. You do a little yourselves, and we do a little ourselves. You score your points, and we score our points. Let us move on, and do the business.

It was obvious to me by late last night that the Senate was not being serious and that this was politics. I have in my hand exhibit A, the proof of what was being done on the Treasury-Postal Service appropriations bill. Here is the political plan for the Democrats for this year. They have their parts, and in their components under these three main titles, there is an issue here, like health care. Then they have the amendments they have planned to offer in that area. I mean it is just pure politics. I am not going to play that game. We are not going to have it on Interior. If the Senators start playing blatant politics on the Interior bill, it will meet the same fate that Treasury-Postal Service did. I am not going to have that. I do not think Senator BYRD

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

or Senator GORTON will allow it. I urge them for every amendment of that type that is offered to move to table it right away.

I also want to serve notice that, if there are going to be blatant political amendments put out here, we will have a second degree to every one of them. It will ball this institution up. That is not right. These Senators have done good work, important work, on a bill that America wants and needs.

Let us do our business. Let us do it in a bipartisan and as nonpolitical way as possible realizing this is a political institution. If we do, it will reflect well on all of us. We will all benefit politically.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. THOMAS). Under the order, leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 3662, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), **[**$566,514,000**]** *$578,692,000*, to remain available until expended, of which **[**$2,000,000**]** *$2,010,000* shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which $3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and of which $1,000,000 shall be available in fiscal year 1997 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for challenge cost share projects supporting fish and wildlife conservation affecting Bureau lands; in addition, $27,300,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than **[**$566,514,000**]** *$578,692,000*; and in addition, not to exceed $5,000,000, to remain available until expended, from annual mining claim fees; which shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: *Provided further*, That in fiscal year 1997 and thereafter, all fees, excluding mining claim fees, in excess of the fiscal year 1996 collections established by the Secretary of the Interior under the authority of 43 U.S.C. 1734 for processing, recording, or documenting authorizations to use public lands or public land natural resources (including cultural, historical, and mineral) and for providing specific services to public land users, and which are not presently being covered into any Bureau of Land Management appropriation accounts, and not otherwise dedicated by law for a specific distribution, shall be made immediately available for program operations in this account and remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, suppression operations, and emergency rehabilitation by the Department of the Interior, **[**$247,924,000**]** *$264,609,000*, to remain available until expended, of which not to exceed $5,025,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without costs from funds available from this appropriation: *Provided further*, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred to this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $12,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[**$3,103,000**]** *$4,333,000*, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–07), **[**$113,500,000**]** *$115,000,000*, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, **[**$10,000,000**]** *$14,060,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[**$98,365,000**]** *$102,656,000*, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended, **[**$520,519,000**]** *$529,527,000*, to remain available until September 30, 1998, of which $11,557,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, *of which not more than $500,000 shall be used only to prepare and publish withdrawal notices under section 4(b)(6)(A)(i)(IV) and (B)(ii) of the Endangered Species Act and to prepare and publish proposed or final rules to remove species from either of the lists published under section 4(c) of the Endangered Species Act or to change the status of species from endangered to threatened in accordance with the provisions of subsections (a) and (b) of section 4 of the Endangered Species Act*, and of which **[**$1,000,000**]** *not to exceed $1,500,000* shall be provided to the National Fish and Wildlife Foundation for implementation of the Natural Communities Conservation Plan, and shall be available only to the extent matched by at least an equal amount from the Foundation and shall remain available until expended**[**: *Provided*, That pursuant to 31 U.S.C. 9701, the Secretary shall charge reasonable fees for the full costs of providing training by the National Education and Training Center, to be credited to this account, notwithstanding 31 U.S.C. 3302, of which not to exceed $2,000,000 shall be available for the direct costs of providing such training[: *Provided, That hereafter, pursuant to 31 U.S.C. 9701, the Secretary shall charge reasonable fees for the full costs of providing training by the National Education and Training Center, to be credited to this account, notwithstanding 31 U.S.C. 3302, for the direct costs of providing such training***[**: *Provided further*, That not to exceed $1,000,000 of the funds provided herein may be used for contaminant sample analysis**]**.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; **[**$38,298,000**]** *$45,306,000*, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337; $4,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, **[**$30,000,000**]** *$50,802,000, of which $3,000,000 is authorized to be appropriated and shall be used to establish the Clarks River National Wildlife Refuge in Kentucky*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, **[**$13,085,000 (increased by $1,000,000)**]** *$14,085,000*, for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), **[**$1,000,000**]** *$600,000*, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, **[**$7,750,000**]** *$10,750,000*, to remain available until expended.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, **[**$400,000**]** *$200,000*, to remain available until expended, to carry out the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103–391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended**[**, for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act**]**.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 83 passenger motor vehicles of which 73 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551*: Provided further, That section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is amended—*

(1) in subsection (a)(1)(B), by striking "distributed" and inserting "used"; and

(2) in subsection (c)—

(A) by redesignating clauses (i), (ii), and (iii) of subparagraph (A) as paragraphs (1), (2), and (3), respectively;

(B) by striking "shall be distributed as follows:" and all that follows through "such amount—" and inserting "shall be used by the Secretary—"; and

(C) by striking subparagraph (b).

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, **[**$1,135,139,000**]** *$1,156,784,000*, without regard to 16 U.S.C. 451, of which **[**$12,800,000**]** *$4,000,000* for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $72,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, **[**$36,476,000**]** *$39,476,000*.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), **[**$36,212,000**]** *$36,612,000*, to be derived from the Historic Preservation Fund, to remain available until September 30, 1998.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, **[**$119,745,000**]** *$165,418,000*, to remain available until expended**[**: *Provided*, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization**]***: Provided, That funds previously provided under this heading that had been made available to the City of Hot Springs, Arkansas, to be used for a flood protection feasibility study, are now made available to the City of Hot Springs for the rehabilitation of the Federally-constructed Hot Springs Creek Arch, including the portion within Hot Springs National Park.*

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1997 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, **[**$30,000,000**]** *$48,415,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $1,000,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress; *Provided further*, That of the funds provided herein, $2,500,000 is available for acquisition of the Sterling Forest, subject to authorization.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 404 passenger motor vehicles, of which 287 shall be for replacement only, including not to exceed 320 for police-type use, 13 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913**[**: *Provided further*, That of the funds provided to the National Park Service in this or any other Act not more than $1,700,000 is to be used for the Office of the Director, not more than $2,000,000 is to be used for the Office of Public Affairs, and not more than $951,000 is to be used for the Office of Congressional Affairs**]**: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332 and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; **[**$730,163,000**]** *$737,040,000*, of which **[**$62,130,000**]** *$65,809,000* shall be available only for cooperation with States or municipalities for water resources investigations; *and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries*; and of which **[**$137,000,000**]** *$137,750,000* shall be available until September 30, 1998 for the biological research activity and the operation of the Cooperative Research Units**[**; and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries**]**: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That beginning in fiscal year 1998 and once every five years thereafter, the National Academy of Sciences shall review and report on the biological research activity of the Survey: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [$182,555,000] *$159,555,000*, of which not less than [$74,063,000] *$70,063,000* shall be available for royalty management activities; and an amount not to exceed [$15,400,000] *$41,000,000* for the Technical Information Management System and [Related Activities] *activities* of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1998: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, including payments for workers compensation and unemployment compensation for former employees of the United States Bureau of Mines, $2,000,000, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; [$94,272,000] *$94,172,000*, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1997: *Provided*, That the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1997 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, [$175,887,000] *$179,085,000*, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which $4,000,000 shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 1997: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau, including such expenses in field offices; maintaining of Indian reservation roads as defined in 23 U.S.C. 101; and construction, repair, and improvement of Indian housing, [$1,381,623,000] *$1,413,606,000*, of which not to exceed [$90,829,000] *$91,379,000* shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau prior to fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau under such Act; and of which not to exceed [$339,709,000] *$344,711,000* for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1997, and shall remain available until September 30, 1998; and of which not to exceed [$55,838,000] *$53,805,000* for higher education scholarships, adult vocational training, and assistance to public schools under 25 U.S.C. 452 et seq., shall remain available until September 30, 1998; and of which not to exceed [$55,603,000] *$54,973,000* shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1997, may be transferred during fiscal year 1998 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1998: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1997: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1998 for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1995: *Provided further*, That no funds available to the Bureau shall be used to support expanded grades for any school *or dormitory* beyond the grade structure in place *or approved by the Secretary of the Interior* at each school in the Bureau school system as of October 1, 1995: *Provided further*, That in fiscal year 1997 and thereafter, notwithstanding the provisions of 25 U.S.C. 2012(h)(1) (A) and (B), upon the recommendation of either (i) a local school board and school supervisor for an education position in a Bureau of Indian Affairs operated school, or (ii) an Agency school board and education line officer for an Agency education position, the Secretary shall establish adjustments to the rates of basic compensation or annual salary rates established under 25 U.S.C. 2012(h)(1) (A) and (B) for education positions at the school or the Agency, at a level not less than that for comparable positions in the nearest public school district, and the adjustment shall be deemed to be a change to basic pay and shall not be subject to collective bargaining: *Provided further*, That any reduction to rates of basic compensation or annual salary rates below the rates established under 25 U.S.C. 2012(h)(1) (A) and (B) shall apply only to educators appointed after June 30, 1997, and shall not affect the right of an individual employed on June 30, 1997, in an education position, to receive the compensation attached to such position under 25 U.S.C. 2012(h)(1) (A) and (B) so long as the individual remains in the same position at the same school: *Provided further*, That notwithstanding 25 U.S.C. 2012(h)(1)(B), when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, **[**$85,831,000**]** *$93,933,000*, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That for fiscal year 1997, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, **[**$65,241,000**]** *$69,241,000*, to remain available until expended; of which **[**$56,400,000**]** *$68,400,000* shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 102–374, 102–575, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $841,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $34,615,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, **[**$65,088,000**]** *$65,388,000*, of which (1) **[**$61,239,000**]** *$61,539,000* shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,849,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding: *Provided further, That section 703(a) of Public Law 94–241, as amended, is hereby amended by striking "of the Government of the Northern Mariana Islands"*: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, **[**$23,638,000**]** *$23,438,000*, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, **[**$53,691,000**]** *$58,991,000*, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, **[**$35,208,000**]** *$35,443,000*.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $24,439,000, together with any funds or property transferred to the Office of Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Assets Forfeiture Fund, that represent an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, with such transferred funds to remain available until expended.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, [$19,126,000] *$36,338,000*, to remain available until expended for trust funds management: *Provided*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That unobligated balances previously made available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86; 31 U.S.C. 3334(b)), (2) to restore Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which where not Federally insured, including any interest on these amounts that may have been earned, but was not because of the default, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss has been reduced to a judgement or settlement agreement approved by the Department of Justice, under the heading "Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians", Bureau of Indian Affairs in fiscal years 1995 and 1996, are hereby transferred to and merged with this appropriation and may only be used for the operation of trust programs, in accordance with this appropriation.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

[SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.]

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1⁄12 of the fiscal year 1997 appropriation for operation of the Presidio: *Provided*, That prior to the transfer of any Presidio property to the Presidio Trust, the Secretary shall transfer such funds as the Trust deems necessary to initiate leasing and other authorized activities of the Trust: *Provided further*, That this section shall expire on [September 30, 1997] *December 31, 1996*.

[SEC. 109. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.]

SEC. 109. No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 114. There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103–356, to be available as provided in such section for costs of capitalizing and operating administrative services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made prior to the current year for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automatic data processing (ADP) software and systems (either acquired or donated) and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: *Provided further*, That no later than thirty days after the end of each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury: *Provided further*, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103–356.

[SEC. 115. None of the funds in this Act or any other Act may be used by the Secretary for the redesign of Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.]

SEC. 115. Public Law 102–495 is amended by adding the following new section:

"SEC. 10. WASHINGTON STATE REMOVAL OPTION.

"(a) Upon appropriation of $29,500,000 for the Federal Government to acquire the Elwha and Glines dams in Washington State pursuant to this Act, the State of Washington may, upon the submission to Congress of a binding agreement to remove the two dams within a reasonable period of time, purchase v the two dams from the Federal Government for $2.

"(b) Upon receipt of the payment pursuant to subsection (a), the Federal Government shall relinquish ownership and title of dams to the State of Washington.

"(c) Upon the purchase of the dams by the State of Washington, Public Law 102–495 is hereby repealed.".

SEC. 116. Section 7 of Public Law 99–647 (16 U.S.C. 461 note) is amended to read as follows:

"SEC. 7. TERMINATION OF COMMISSION.

"The Commission shall terminate on November 10, 1997.".

SEC. 117. The Congress of the United States hereby designates and ratifies the assignment to the University of Utah as successor to, and beneficiary of, all the existing assets, revenues, funds and rights granted to the State of Utah under the Miners Hospital Grant (February 20, 1929, 45 Stat. 1252) and the School of Mines Grant (July 26, 1894, 28 Stat. 110). Further, the Secretary of the Interior is authorized and directed to accept such relinquishment of all remaining and unconveyed entitlement for quantity grants owed the State of Utah for the Miners Hospital Grant (February 20, 1929, 45 Stat. 1252) and any unconveyed entitlement that may remain for the University of Utah School of Mines Grant (July 26, 1894, 28 Stat. 110).

SEC. 118. (a) No later than February 28, 1997, the Secretary of the Interior, upon negotiation with the committee established pursuant to subsection (c), and with the Office of Management and Budget, Special Trustee for American Indians, the Chief Financial Officer for the Department of the Interior, the Assistant Secretary—Indian Affairs, and the Solicitor of the Department of the Interior, shall transmit to the Committee on Appropriations and the Committee on Indian Affairs of the United States Senate and to the Committee on Appropriations and the Committee on Resources of the House of Representatives a report which (1) proposes a formula to distribute the funds appropriated for the "Operation of Indian Programs" account for direct payments to Indian tribes except those in Alaska and (2) identifies the amount of funds set aside to provide services to Indian tribes in Alaska.

(b) The formula and the allocation to Alaska shall be deemed approved if within 30 calendar days of receipt of the report from the Secretary, no one of the Committees have taken action to disapprove the formula or the allocation to Alaska. Notification to the Secretary of any such disapproval shall be accomplished by a letter signed by the chairman and ranking minority member of any one of the four committees identified in subsection (a) with copies provided to the chairmen and ranking minority members of the other committees identified in subsection (a).

(c) The negotiating committee referenced in subsection (a) shall be comprised of (1) Federal representatives as deemed necessary by the Secretary of the Interior and (2) tribal representatives, 12 of which shall be tribal representatives chosen by the tribes from each of the 12 existing BIA Areas (3) one representative from each of the four Committees identified in subsection (a). Agreement by a two-thirds majority of tribal representatives is necessary for any formula developed by the negotiating committee.

(d) The formula proposed under subsection (a) shall recognize the minimum funding requirements for small and needy tribes.

(e) In developing the fiscal year 1998 budget request, the Secretary shall propose separate appropriations accounts for the amounts proposed for direct payments to tribes; and for amounts proposed to be provided for services to Indian tribes in Alaska.

(f) For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as further defined in the Indian Self-Determination and Education Assistance Act of 1975, as amended.

(g) No funds shall be distributed under the formula proposed pursuant to subsection (a) until the formula is approved under the procedures set forth in subsection (b). Not to exceed one-half of the funding to be included in the tribal formula within the "Operation of Indian Programs" account shall be available prior to implementation of the formula.

(h) The determination of what funds from the Operation of Indian Programs account, excluding funds for education and reimbursable funds, are withheld from being made available for distribution under the formula shall include a determination negotiated with the negotiating committee described in subsection (c) of the amount, if any, of residual Federal funds to be retained by the Secretary that are minimally necessary to carry out trustee and other functions of the Federal Government that are not delegable by law to the Indian tribes.

(i) Upon approval of the formula, the Secretary shall provide for the immediate and direct transfer, to any Indian tribe choosing to receive all those funds in lieu of direct services, the share of funds identified for that Indian tribe under the formula. Upon allocation of those funds to an Indian tribe, those funds will not be subject the oversight authority of the Bureau of Indian Affairs.

(j) Should the Federal-tribal negotiations under this section reach an impasse at any time before December 31, 1996, or there are unresolved issues as of December 31, 1996, the Secretary and the negotiating committee described in subsection (c) shall jointly select an arbitrator from the roster of individuals maintained by the Administrative Conference of the United States pursuant to title 5, section 573(c) of the United States Code, which arbitrator shall resolve the issues upon which there is impasse, after receiving evidence and hearing arguments from both the Federal and tribal representatives on the negotiating committee, and report the recommended resolution of the arbitrator to the Secretary and the four committees of the Congress identified in subsection (a), on or before February 28, 1997.

(k) Section 402(b)(1) of The Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb) is amended to read as follows: "(1) In addition to those Indian tribes participating in self-governance under subsection (a) of this section, the Secretary, acting through the Director of the Office of Self-Governance, may select up to 50 new tribes per year from the applicant pool described in subsection (c) of this section to participate in self-governance.".

SEC. 119. In fiscal year 1997 and thereafter, the Indian Arts and Crafts Board may charge admission fees at its museums; charge rent and/or franchise fees for shops located in its museums; publish and sell publications; sell or rent or license use of photographs or other images in hard copy or other forms; license the use of designs, in whole or in part, by others; charge for consulting services provided to others; and may accept the services of volunteers to carry out its mission: Provided, That all revenue derived from such activities is covered into the special fund *established by section 4 of Public Law 74–355 (25 U.S.C. 305c).*

SEC. 120. TRANSFER OF CERTAIN BUREAU OF LAND MANAGEMENT FACILITIES.—

(a) BATTLE MOUNTAIN, NEVADA.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall transfer to Lander County, Nevada, without consideration, title to the former Bureau of Land Management administrative site and associated buildings in Battle Mountain, Nevada.

(b) WINNEMUCCA, NEVADA.—

(1) TRANSFER.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall transfer to the State of Nevada, without consideration, title to the surplus Bureau of Land Management District Office building in Winnemucca, Nevada.

(2) USE.—The transfer under paragraph (1) is made with the intent that the building shall be available to meet the needs of the Department of Conservation and Natural Resources of the State of Nevada.

SEC. 121. COOK INLET REGION, INC. RECOGNITION.—

(a) Cook Inlet Region, Inc., an Alaska Native regional corporation organized under Public Law 92–203, shall be deemed to be an Indian tribal entity for the purpose of federal programs for which Indians are eligible because of their status as Indians.

(b) The Bureau of Indian Affairs shall specifically include Cook Inlet Region, Inc. on any list that designates federally recognized Indian tribes or Indian tribal entities for use in administration of any Federal program.

(c)(1) The tribe of a Native village located within the Cook Inlet region shall serve as the tribal authority for the purpose of receiving funding and administering Federal assistance and social service programs within the settled area associated with the village, provided that Cook Inlet Region, Inc. shall serve as the tribal authority for such purposes for all other areas within the region and for the Municipality of Anchorage. These village tribes and Cook Inlet Region, Inc. may delegate their or its tribal authority to another tribe or tribal organization in the region. For purposes of this subsection, "settled area" shall mean that area containing the cluster of houses, buildings, roads, and trails of the improved village site.

(2) For those Alaska Natives residing within the Cook Inlet region who are not enrolled to or otherwise affiliated with a tribe, Cook Inlet Region, Inc. shall serve as the tribal authority.

SEC. 122. ALASKA AVIATION HERITAGE.—

(a) FINDINGS.—The Congress finds that—

(1) the Department of the Interior's Grumman Goose G21–A aircraft number N789 is to be retired from several decades of active service in the State of Alaska in 1996; and

(2) the aircraft is of significant historic value to the people of the State of Alaska.

(b) DONATION OF AIRCRAFT.—The Secretary of the Interior shall transfer the Grumman Goose G21–A aircraft number N789 to the Alaska Aviation Heritage Museum in Anchorage, Alaska, at no cost to the museum, for permanent display.

SEC. 123. The Mesquite Lands Act of 1988 is amended by adding the following at the end of section 3:

"(d) FOURTH AREA.—(1) No later than ten years after the date of enactment of this Act, the City of Mesquite shall notify the Secretary as to which if any of the public lands identified in paragraph (2) of this subsection the city wishes to purchase.

"(2) For a period of twelve years after the date of enactment of this Act, the city shall have exclusive right to purchase the following parcels of public lands:

"Parcel A—East ½ Sec. 6, T. 13 S., R. 71 E., Mount Diablo Meridian; Sec. 5, T. 13 S., R. 71 E., Mount Diablo Meridian; West ½ Sec. 4, T. 13 S., R. 71 E, Mount Diablo Meridian; East ½, West ½ Sec. 4, T. 13 S., R. 71 E., Mount Diablo Meridian.

"Parcel B—North ½ Sec. 7, T. 13 S., R. 71 E., Mount Diablo Meridian; South East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½, North East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½, West ½ North East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian.

"Parcel C—West ½ Sec. 6, T. 13 S., R. 71 E., Mount Diablo Meridian; Sec. 1, T. 13 S., R. 70 E., Mount Diablo Meridian; West ½, West ½, North East ¼ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; North West ¼ Sec. 13, S., R. 70 E., Mount Diablo Meridian; West ½ Sec. 12, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½, South East ¼, Sec. 11, T. 13 S., R. 70 E., Mount Diablo Meridian; East ½ North East ¼, Sec. 14, T. 13 S., R. 70 E., Mount Diablo Meridian.

"Parcel D—South ½ Sec. 14, T. 13 S., R. 70 E., Mount Diablo Meridian; South West ¼, Sec. 13, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 23, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 24, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian; Portion of section 26, North of Interstate 15, T. 13 S., R. 70 E., Mount Diablo Meridian."

SEC. 124. FATHER AULL SITE TRANSFER.

(a) This section may be cited as the "Father Aull Site Transfer Act of 1996".

(b) FINDINGS.—Congress finds that—

(1) the buildings and grounds developed by Father Roger Aull located on public domain land near Silver City, New Mexico, are historically significant to the citizens of the community;

(2) vandalism at the site has become increasingly destructive and frequent in recent years;

(3) because of the isolated location and the distance from other significant resources and agency facilities, the Bureau of Land Management has been unable to devote sufficient resources to restore and protect the site from further damage; and

(4) St. Vincent DePaul Parish in Silver City, New Mexico, has indicated an interest in, and developed a sound proposal for the restoration of, the site, such that the site could be permanently occupied and used by the community.

(c) CONVEYANCE OF PROPERTY.—Subject to valid existing rights, all right, title and interest of the United States in and to the land (including improvements on the land), consisting of approximately 43.06 acres, located approximately 10 miles east of Silver City, New Mexico, and described as follows: T. 17 S., R. 12 W., Section 30: Lot 13, and Section 31: Lot 27 (as generally depicted on the map dated July 1995) is hereby conveyed by operation of law to St. Vincent DePaul Parish in Silver City, New Mexico, without consideration.

(d) RELEASE.—Upon the conveyance of any land or interest in land identified in this section of St. Vincent DePaul Parish, St. Vincent DePaul Parish shall assume any liability for any claim relating to the land or interest in the land arising after the date of the conveyance.

(e) MAP.—The map referred to in this section shall be on file and available for public inspection in—

(1) the State of New Mexico Office of the Bureau of Land Management, Santa Fe, New Mexico; and

(2) the Las Cruces District Office of the Bureau of Land Management, Las Cruces, New Mexico.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, [$179,000,000] *$180,200,000*, to remain available until [September 30, 1998: *Provided*, That unobligated and unexpended balances remaining in this account at the end of fiscal year 1996 shall be merged with and made a part of the fiscal year 1997 Forest and Rangeland Research appropriation] *expended*.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, [$148,884,000] *$156,811,000* to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest and Rangeland Research," "State and Private Forestry," "National Forest System," "Wildland Fire Management," "Reconstruction and Construction," and "Land Acquisition," [$1,259,057,000 (reduced by $1,000,000)] *$1,285,881,000* to remain available [for obligation] until [September 30, 1998] *expended*, and including [50] *60* per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, [That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1996, shall be merged with and made a part of the fiscal year 1997 National Forest System appropriation, and shall remain available for obligation until September 30, 1998: *Provided further*,] That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, $411,485,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities are transferred to and merged with this appropriation and subject to the same terms and conditions: *Provided further*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $250,000,000, to remain available until expended: Provided, That such funds are available for repayment of advances from other accounts previously transferred for such purposes.

In addition, to cover necessary expenses for emergency rehabilitation, presuppression due to *emergencies, and wildfire suppression activities of the Forest Service, $109,531,000, to remain available until expended: Provided, That these funds, or any portion thereof, shall be available only to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 252(b)(2)(D)(I) of such Act: Provided further, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.*

RECONSTRUCTION AND CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, [$164,100,000] *$172,167,000*, to remain available until expended for construction, reconstruction and acquisition of buildings and other facilities, and for construction, reconstruction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers[: *Provided further*, That funds appropriated under this head for the construction of the Wayne National Forest Supervisor's Office may be granted to the Ohio State Highway Patrol, Ohio State Department of Transportation, as the Federal share of the cost of construction of a new facility to be jointly occupied by the Forest Service and the Ohio State Highway Patrol: *Provided further*, That an agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building].

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [$30,000,000] *$39,660,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended[: *Provided*, That funding for specific land acquisitions are subject to the approval of the House and Senate Committees on Appropriations].

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, *such sums*, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 159 passenger motor vehicles of which 14 will be used primarily for law enforcement purposes and of which 149 shall be for replacement; acquisition of 10 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office *for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture*, or to implement any reorganization, "reinvention" or other type of organizational restructuring of the Forest Service, *other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California*, without the consent of the House and Senate Committees on Appropriations.

Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be advanced to the Wildland Fire Management appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report 103–551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of the law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

[Pursuant to sections 405(b) and 410(b) of Public Law 101–593, funds up to $1,000,000 for matching funds shall be available for the National Forest Foundation.]

Pursuant to section 2(b)(2) of Public Law 98–244, up to $1,000,000 of the funds available to the Forest Service shall be available for matching funds, as authorized in 16 U.S.C. 3701–3709, on a one-for-one basis to match private contributions for projects on National Forest System lands or related to Forest Service programs.

Pursuant to section 402(b) of Public Law 101–593, up to $1,000,000 of the funds available to the Forest Service shall be available for matching funds, as authorized in 16 U.S.C. 583j–3, on a one-for-one basis to match private contributions for projects on National Forest System lands or related to Forest Service programs.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

None of the funds provided in this or any other Act may be spent to implement the Tongass Land Management Plan (TLMP) revision until the General Accounting Office certifies that the process used to develop the TLMP complies with the National Forest Management Act of 1976 (90 Stat. 2949; Public Law 94–588) and the Tongass Timber Reform Act of 1990 (104 Stat. 4426; Public Law 101–626), as amended.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $150,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, [$354,754,000] *$367,504,000*, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1996, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury. Funds are hereby rescinded in the amount of $2,500,000 from unobligated balances under this head.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, [$143,786,000 (reduced by $11,764,000)] *$133,000,000*, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1997.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [$507,680,000 (increased by $11,764,000) (increased by $4,000,000)] *$570,452,000*, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1997 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided*, That [$125,000,000 (increased by $11,764,000)] *$158,900,000* shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: [$100,000,000 (increased by $11,764,000)] *$131,500,000* for weatherization assistance grants and [$25,000,000] *$27,400,000* for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearing and Appeals, $2,725,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $220,000,000, to remain available until expended, [of which $220,000,000 shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve] *of which $220,000,000 shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve: Provided, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell in fiscal year 1997 $220,000,000 worth of oil from the Strategic Petroleum Reserve: Provided further, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Operating Fund", and shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations of the Strategic Petroleum Reserve.*

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1997 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, [$66,120,000] *$64,120,000* to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, **[**$1,779,561,000**]** *$1,800,836,000*, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That **[**$353,125,000**]** *$353,128,000* for contract medical care shall remain available for obligation until September 30, 1998: *Provided further*, That of the funds provided, not less than **[**$11,306,000**]** *$11,706,000* shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities)**[**: *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act**]**: *Provided further*, *That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the nonrecurring transitional costs of initial or expanded tribal contracts, compacts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act*: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1998: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, **[**$227,701,000**]** *$251,957,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: **[***Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy;**]** *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That funds received from any source, including tribal contractors and compactors for previously transferred functions which tribal contractors and compactors no longer wish to retain, for services, goods, or training and technical assistance, shall be retained by the Indian Health Service and shall remain available until expended by the Indian Health Service: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $52,500,000.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, **[**$20,345,000**]** *$19,345,000*, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56, part A), $5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$317,188,000] *$317,582,000*, of which not to exceed [$31,664,000] *$30,665,000* for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, [$3,250,000] *$4,000,000*, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, [$39,954,000] *$38,000,000*, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, [$7,000,000] *$12,000,000*, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $53,899,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $5,942,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,875,000.

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $9,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $82,734,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,760,000, to remain available until expended, to the National Endowment for the Arts: *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$92,994,000] *$87,994,000* shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $11,500,000, to remain available until expended, of which $7,500,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $21,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $867,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $2,500,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher position.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C 71-71i), including services as authorized by 5 U.S.C. 3109, $5,390,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), [$125,000] *$500,000 to remain available until expended.*

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388 (36 U.S.C. 1401), as amended, [$29,707,000] *$30,707,000*, of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibitions program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93-638, 103-413, or 100-297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103-413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93-638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA-HUD and Independent Agencies fiscal year 1997 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 314. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 315. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 316. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a [State, regional or local group,] *State or local arts agency, or regional group*, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(c) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 317. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100–696 (the Arizona-Idaho Conservation Act of 1988).

SEC. 318. None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to issue or implement final regulations, rules, or policies pursuant to title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

SEC. 319. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 subpart D, 36 CFR 223 subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1997, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1997.

[SEC. 320. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend section 315(f) by striking "September 30, 1998" and inserting in lieu thereof "September 30, 1999" and by striking "September 30, 2001" and inserting in lieu thereof "September 30, 2002".]

SEC. 320. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend section 315(b) by striking "50, areas," and inserting in lieu thereof "100, areas," and amend section 315(f) by striking "September 30, 1998" and inserting in lieu thereof "September 30, 1999" and by striking "September 30, 2001" and inserting in lieu thereof "September 30, 2002".

SEC. 321. None of the amounts made available by this Act may be used for design, planning, implementation, engineering, construction, or any other activity in connection with a scenic shoreline drive in Pictured Rocks National Lakeshore.

[SEC. 322. None of the funds made available in this Act may be used by the Bureau of Indian Affairs to transfer any land into trust under section 5 of the Indian Reorganization Act (25 U.S.C. 465), or any other Federal statute that does not explicitly denominate and identify a specific tribe or specific property, except when it is made known to the Federal official having authority to obligate or expend such funds that—

[(1) a binding agreement is in place between the tribe that will have jurisdiction over the land to be taken into trust and the appropriate State and local officials; and

[(2) such agreement provides, for as long as the land is held in trust, for the collection and payment, by any retail establishment located on the land to be taken into trust, of State and local sales and excise taxes, including any special tax on motor fuel, tobacco, or alcohol, on any retail item sold to any nonmember of the tribe for which the land is held in trust, or an agreed upon payment in lieu of such taxes.]

SEC. 322. LAND TRANSFER, BEND SILVICULTURE LAB, DESCHUTES NATIONAL FOREST, OREGON.—

(a) TRANSFER OF REAL PROPERTY AND ALL IMPROVEMENTS LOCATED THEREON.—Notwithstanding any other provisions of law, there is hereby transferred, without consideration and subject to existing valid rights, all right, title and interest of the United States in and to approximately 5.73 acres of land as described by plat dated July 7, 1977, (which is on file and available for public inspection in the Office of the Chief, USDA Forest Service, Washington, D.C.), as well as all improvements, including the Bend Silviculture Lab located thereon, to the Central Oregon Community College, Bend, Oregon; this being a portion of the same tract acquired by donation from the City of Bend on August 10, 1960, through a Bargain and Sale deed to the USDA Forest Service for use as a research lab, and recorded in volume 125, page 508 of the Deschutes County, Oregon, Deed Records.

(b) CONDITIONS OF TRANSFER.—The transfer effected by subsection (a) is made subject to no special terms or conditions.

SEC. 323. Upon the date of enactment of this Act, no part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Assistance, or any successor office.

SEC. 324. (a) The Secretary of the Interior is authorized to accept title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and bordered generally by the Potomac River, Interstate 295 and the Woodrow Wilson Bridge, or any interest therein, and in exchange therefor may convey to the Corrections Corporation of America approximately 50 acres of land located in Oxon Cove Park in the District of Columbia and bordered generally by Oxon Cove, Interstate 295 and the District of Columbia Impound Lot, or any interest therein.

(b) Before proceeding with an exchange, the Secretary shall determine if the federal property is suitable for exchange under the criteria normally used by the National Park Service. The exchange shall comply with applicable regulations and National Park Service policies for land exchanges.

(c)(1) The Secretary shall not acquire any lands under this section if the Secretary determines that the lands or any portion thereof have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this section after their transfer to the ownership of any party, but nothing in this section shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party: Provided, That the Corrections Corporation of America shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and the Resource Conservation Recovery Act (42 U.S.C. 6901, et seq.).

(d) The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: Provided, That the Secretary shall order appraisals made of the fair market value for improvements thereon: Provided further, That any such cash payment received by the Secretary shall be deposited to "Miscellaneous Trust Funds, National Park Service" and shall be available without further appropriation until expended for the acquisition of land within the National Park System.

(e) Costs of conducting necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(f) Following any exchange authorized by this provision, the boundaries of Oxon Cove Park shall be expanded to include the land acquired by the United States.

SEC. 325. None of the funds provided by this Act or any other Act available to the National Park Service, Fish and Wildlife Service, Bureau of Land Management, or Forest Service may be obligated for the costs of employee relocation or transfer of duty at a level that exceeds ninety percent of the average amounts spent for this purpose in fiscal year 1994 and 1995.

SEC. 326. SECTION 1. LAND EXCHANGE.—

(a) EXCHANGE.—Subject to subsection (c), the Secretary of Agriculture (referred to in this section as the "Secretary") shall convey all right, title, and interest of the United States in and to the National Forest System lands described in subsection (b)(1) to Public Utility District No. 1 of Chelan County, Washington (referred to in this section as the "Public Utility District"), in exchange for the conveyance to the Department of Agriculture by the Public Utility District of all right, title, and interest of the Public Utility District in and to the lands described in subsection (b)(2).

(b) DESCRIPTION OF LANDS.—

(1) NATIONAL FOREST SYSTEM LANDS.—The National Forest System lands referred to in subsection (a) are 122 acres, more or less, that are partially occupied by a wastewater treatment facility referred to in subsection (c)(4)(A) with the following legal description:

(A) The NE¼ of SW¼ of section 27 of township 27 north, range 17 east, Wilamette Meridian, Chelan County, Washington.

(B) The N½ of SE¼ of SW¼ of such section 27.

(C) The W½ of NW¼ of SE¼ of such section 27.

(D) The NW¼ of SW¼ of SE¼ of such section 27.

(E) The E½ of NW¼ of the SE¼ of such section 27.

(F) That portion of the S½ of SE¼ of SW¼ lying north of the northerly edge of Highway 209 right-of-way of such section 27.

(2) PUBLIC UTILITY DISTRICT LANDS.—The lands owned by the Public Utility District are 109.15 acres, more or less, with the following legal description:

(A) S½ of SW¼ of section 35 of township 26 north, range 17 east, Wilamette Meridian, Chelan County, Washington.

(B) The area specified by Public Utility District No. 1 as Government Lot 5 in such section 35.

(c) REQUIREMENTS FOR EXCHANGE.—

(1) TITLE ACCEPTANCE AND CONVEYANCE.—Upon offer by the Public Utility District of all right, title and interest in and to the lands described in subsection (b)(2), if the title is found acceptable by the Secretary, the Secretary shall accept title to such lands and interests therein and shall convey to the Public Utility District all right, title, and interest of the United States

in and to the lands described in subsection (b)(1).

(2) APPRAISALS REQUIRED.—Before making an exchange pursuant to subsection (a), the Secretary shall conduct appraisals of the lands that are subject to the exchange to determine the fair market value of the lands. Such appraisals shall not include the value of the wastewater treatment facility referred to in paragraph (4)(A).

(3) ADDITIONAL CONSIDERATION.—If, on the basis of the appraisals made under paragraph (1), the Secretary determines that the fair market value of the lands to be conveyed by one party under subsection (a) is less than the fair market value of the lands to be conveyed by the other party under subsection (a), then, as a condition of making the exchange under subsection (a), the party conveying the lands with the lesser value shall pay the other party the amount by which the fair market value of the lands of greater value exceeds the fair market value of the lands of lesser value.

(4) CONVEYANCE OF WASTEWATER TREATMENT FACILITY.—(A) As part of an exchange made under subsection (a), the Secretary shall convey to the Public Utility District of Chelan County, Washington, all right, title and interest of the United States in and to the wastewater treatment facility (including the wastewater treatment plant and associated lagoons) located on the lands described in subsection (b)(1) that is in existence on the date of the exchange.

(B) As a condition for the exchange under subsection (a), the Public Utility District shall provide for a credit equal to the fair market value of the wastewater treatment facility conveyed pursuant to subparagraph (A) (determined as of November 4, 1991), that shall be applied to the United States' share of any new wastewater treatment facility constructed by the Public Utility District after such date.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 327. "Snoqualmie National Forest Boundary Adjustment Act of 1996."

(a) IN GENERAL.—The Secretary of Agriculture is hereby directed to modify the boundary of the Snoqualmie National Forest to include and encompass 10,589.47 acres, more or less, as generally depicted on a map entitled "Snoqualmie National Forest Proposed 1996 Boundary Modification" dated July, 1996. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the Office of the Chief of the Forest Service in Washington, District of Columbia.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundary of the Snoqualmie National Forest, as modified pursuant to subsection (a), shall be considered to be the boundary of that National Forest as of January 1, 1965.

SEC. 328. Sugarbush Land Exchange Act of 1996.

(a) EXCHANGE OR SALE OF LAND.—

(1) If Sugarbush Resort Holdings, Inc. conveys to the United States land acceptable to the Secretary of Agriculture that is at least equal in value to the value of the land described in subsection (a)(2), makes a payment of cash at least equal to that value, or conveys land and makes a payment of cash that in combination are at least equal to that value, the Secretary, subject to valid existing rights, shall, under such terms and conditions as the Secretary may prescribe, convey all right, title, and interest of the United States in and to the land described in subsection (a)(2).

(2) FEDERAL LAND TO BE EXCHANGED.—The Federal land to be exchanged is approximately 57 acres of federally owned land in the Green Mountain National Forest depicted on the map entitled "Green Mountain National Forest, Sugarbush Exchange," dated December 1995.

(3) Lands acquired from Sugarbush Resort Holdings, Inc.—Any land conveyed to the United States in an exchange under subsection (a)(1) shall be subject to such valid existing rights of record as may be acceptable to the Secretary, and the title to the parcel shall conform with the title approval standards applicable to federal land acquisitions.

(b) ADMINISTRATION OF LAND.—

(1) ADDITION TO GREEN MOUNTAIN NATIONAL FOREST.—On approval and acceptance of title by the Secretary, the land acquired by the United States through an exchange or with proceeds from a sale under subsection (a) shall become part of the Green Mountain National Forest, and the boundaries of the National Forest shall be adjusted to include the land.

(2) ADMINISTRATION.—Land acquired under this Act shall be administered by the Secretary in accordance with the laws (including regulations) pertaining to the National Forest System.

(3) AUTHORITY OF THE SECRETARY.—This section does not limit the authority of the Secretary to adjust the boundaries of the Green Mountain National Forest pursuant to section 11 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 521) (commonly known as the "Weeks Law").

(4) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Green Mountain National Forest, as adjusted under this Act, shall be considered to be the boundaries of the Green Mountain National Forest as of January 1, 1965.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1997".

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I bring before the Senate today the fiscal year 1997 Department of the Interior and related agencies appropriations bill.

This bill, as reported by the Appropriations Committee, totals $12,617,764,000 in discretionary budget authority and $13,306 million in outlays and is within the 602(b) allocations. Any amendments offered to the Interior bill will require offsets. The President's budget request is $263 million above the committee's budget authority allocation and is $333 million above the committee's outlay allocation.

The bill before you represents difficult choices and challenges. The needs for various agencies funded through the Interior bill are great, from operations and facilities requirements of the national parks, forests, refuges, public lands, and museums to the basic health care, tribal government, and education services provided to native Americans. Funding for fighting fire on public lands, such as the fires that have been devastating the West this summer, is provided through the Interior bill. In putting this bill together, we have attempted to strike a balance among these competing interests.

I wish to thank the distinguished chairman of the Appropriations Committee, Senator HATFIELD, for his support of the Interior bill programs and his willingness to give the Interior Subcommittee an additional $500 million in budget authority and $400 million in outlay allocations above the House allocations. It is because of Senator HATFIELD that I am able to present this as a balanced and appropriate bill, with attention to and recognition of the difficult decisions that had to be made during formulation of this bill.

This year, the Interior Subcommittee received approximately 1,400 requests for amendments to the bill, that total to more than $2 billion. Many of these requests presumed enactment of the amounts proposed in the President's budget, and then proposed to add above that. With the budget constraints we faced, our starting point was the fiscal year 1996 budget with consideration of the administration's fiscal year 1997 budget proposals, of the priorities contained within the budget request, and of concerns important to Members.

As is the usual practice on the Interior Subcommittee, this bill was prepared in a bipartisan manner.

Senator BYRD and his staff were not only cooperative, but were major and significant players in drafting the bill that is before you today.

The recommendations represent the result of extensive review of the President's budget proposals through subcommittee hearings with the agencies, briefings, and written testimony from the public.

Now, we will turn to the recommendations before you today. Among the items of interest are of course, those within land management.

The committee has provided additional funds above the fiscal year 1996 amounts for the operational accounts of the land management agencies: Bureau of Land Management—2 percent, Fish and Wildlife Service—6 percent, National Park Service—7 percent, Forest Service—2 percent.

The land management agencies are involved presently with the suppression of devastating wildfires and are faced with a shortage of funds to fight the wildfires. This recommendation provides $321 million for presuppression fire activities, $340 million for fire suppression, and $110 million for an emergency appropriation, that is contingent upon the President's emergency declaration.

To assist with the growing recreation demands on the agencies in this bill, the pilot recreation fee proposal is extended for an additional year and the number of demonstration sites are increased from 50 to 100. Eighty percent of the fee collections are to be returned to the site from which they are collected.

I may add, Mr. President, at this time, I was recently briefed by the heads of each of those agencies. Each of them is enthusiastic about this proposition. It has improved morale in the various services because they can now see the tangible results they can obtain by these fee schedules, some new and some increased. So far, the public response has been very positive because the public can see that it is actually getting something in each of the parks or refuges to which admission fees are being charged.

I think this is a first-rate experiment. I am convinced that it will soon become permanent and that it will result in at least beginning to work on the background of deferred maintenance in all of our public lands that are used for recreational purposes.

The construction accounts for the land management agencies have increased $39.6 million in total—11 percent. The majority of the construction projects involve the completion of ongoing projects and the restoration or rehabilitation of existing facilities. No new starts for visitor centers are provided. While it may seem that this is a large increase for construction, I would remind my colleagues that the facility backlogs for these land management agencies are approximately $9 million.

Overall funding for land acquisition for the land management agencies totals $152.9 million, which is $14.7 million—11 percent—over the current level and $52.9 million above the level appropriated in the House of Representatives. The committee has identified specific projects, while the House bill did not. Priority is given to completing ongoing acquisitions and avoiding new starts that would increase future demands. Additional funds are provided to acquire sensitive endangered species habitat and to ensure protection of natural and cultural resources.

With respect to the science agencies, funding for the Office of Surface Mining and Minerals Management Service is increased slightly.

On cultural activities, the first priority was to provide adequate resources to those cultural institutions such as our Nation's museums, for which this subcommittee has primary funding responsibility.

Among the many competing needs of our cultural agencies, the subcommittee continues to place particular emphasis on repair and renovation work that is required to keep these institutions open to the public and collections preserved safely. Budget estimates from the Kennedy Center, the National Gallery of Art, and the Smithsonian Institution have been met in full to facilitate this work.

With respect to the Department of Energy, energy conservation programs are $33 million—6.2 percent over the fiscal year 1996 level and $47 million over the House level. This includes an increase of $19.7 million over fiscal year 1996 for weatherization.

Fossil research and development is down 3.8 percent from the comparable fiscal year 1996 level, but is $12.75 million above the House bill.

Mr. President, $150 million is rescinded from the Clean Coal Technology Program, substantially less than the $325 million rescission proposed in the budget.

Senator BYRD and I have studied this program carefully. I have deferred to him, as he is the overriding national expert on the subject. And I am assured by him that the bill includes the absolute maximum rescission that can be sustained at this time without prematurely terminating ongoing projects.

Funding for the naval petroleum and oil shale reserves is decreased by $16.5 million from the request of $149.5 million. While the Department of Energy has stated that this reduction will result in a revenue loss of $45 million over the next 2 years, I see no other alternative in light of the lack of support shown for the reserves by this committee last year.

Operations of the strategic petroleum reserve are funded by oil sales from the reserves of some $220 million.

With respect to Indian programs in the Bureau of Indian Affairs overall, funding increases by $10.3 million above the fiscal year 1996 funding, and $32 million above the amount in the House bill. Emphasis has been placed on providing additional funding to tribal priority allocations, which is $22.5 million—3 percent above fiscal year 1996 and $12.5 million above the House level. Within the tribal priority allocations, the committee has included an increase of $4 million for small and needy tribes and a general increase of $14.7 million. The committee has also placed emphasis on elementary and secondary school operations and has increased funding by $18.4 million—5 percent above fiscal year 1996 level and $8.9 million above the House level.

Funding has been provided for enacted Indian land and water settlements as requested by the administration.

The bill reported by the committee includes a provision that would allow tribes the option to receive direct payments from the Bureau of Indian Affairs for services or the option to receive services in the current manner. While this provision was initiated in cooperation with the Indian Affairs Committee, consensus on the final details of the plan could not be reached.

Mr. President, this is a result that I greatly regret. A bill has been reported by the Committee on Indian Affairs that would accomplish this goal in a much more permanent and extensive fashion.

There is great resistance to that bill from many quarters, some within the Indian community, some within the administration, some from outside. I share many of those reservations. I had hoped, and I continue to hope, that we could experiment with this field, could start down the road on an optional basis, and could do it in an appropriations bill for 1 year, perhaps 2 years, perhaps 3 years to see how it worked.

I am deeply sorry that, between the administration and the Bureau of Indian Affairs and at least some of the Indian communities, this experiment was not deemed to be acceptable. In fact, it is the subject of a letter from the White House threatening a possible veto of the bill.

I understand that Senator MCCAIN will make a motion to strike this provision in its entirety, and with great regret, I will agree to that motion, and it will be stricken. I hope by next year, we will be able to reach a resolution of this problem so that we can move forward with what I am convinced is an appropriate experiment in increasing the authority of the tribes over their own affairs.

Total funding for the Indian Health Service has increased in this bill by some $66 million. This increase is for staffing of recently completed facilities, a portion of pay costs to maintain existing service levels, and funding for replacement of a health care facility in Montana that recently burned to the ground.

Mr. President, I am continuing an experiment which I began, at least for the committee, last year. I have available for all Members of the Senate, and for the public, a picture of what we are doing. This is another case in which I think a picture is worth a thousand words. I have cast about a large number of statistics, even in these brief opening remarks. This chart shows where the roughly $13 billion in this bill will actually go.

The left column, in various shades of green, is the land management programs which are the responsibility of this subcommittee and, of course, of this Congress. The Forest Service is on the bottom, the National Park Service next, Bureau of Land Management above that, and the Fish and Wildlife Service on top, for a total of almost $6 billion, but $6 billion spent in the management of the public patrimony of the people of the United States, the lands that we as a people own, I think the most important responsibility of this committee.

Those ratios are not greatly different from last year. They are probably a little bit higher than they were last year because of the increased recreational use, an increase which goes on year after year after year in almost all of these areas.

The second, the blue column, has to do with our responsibilities for Native Americans. The lower part of it is the Indian Health Service, which you will notice is larger for that single unit than in the entire Bureau of Indian Affairs and, then there are tiny little appropriations on top of that. But that is a little bit under $4 billion. So we are close to $10 billion at this point in the land management programs and Indian programs.

Then we shift over to science programs, in shades of purple. The largest portion of that, slightly more than a billion dollars is the Geological Survey, the Office of Surface Mining and Minerals, mining service and others. There we consolidated money that goes to two different Departments.

Then there is energy programs, in orange, to the Department of Energy. Research and development is the largest portion of that, less than a billion dollars. The management of our oil reserves and grants for various programs, mostly directed at the more effective use of our energy or the development of new energy sources.

The dark blue is the cultural programs of the United States, and, basically, except for a tiny share for memorials, they go in large measure to the museums—the Smithsonian, the National Gallery of Art—the repositories of much of our culture. The smaller amount goes to the endowments—the National Endowment for the Arts and the National Endowment for the Humanities.

Finally, over on the right, the smallest portion, about $200 million, is the management of the Department of the Interior.

This shows people the relative size of the spending of the people of the United States on these matters, all of which are important and may help guide Members of this body as they deal with amendments.

Before I yield the floor, I want to repeat something that was in my written remarks.

Last year was my first as the chairman of this subcommittee, and I took on that position with some trepidation, because I succeeded in that position as subcommittee chairman my friend and colleague and mentor, the senior Senator from West Virginia, Senator BYRD, who has chaired the full committee and the subcommittee. He made that transition both easy and constructive, Mr. President, by his advice, by his knowledge of the programs with which we dealt and by his wonderful support.

As a consequence, when we debated this bill on this floor last year, we had a number of controversial and contested amendments. Not one of those amendments after debate and on a vote was decided by a party-line vote, because the management of these programs should not and is not a partisan matter. They were decided, I think, on their merits. Members had to consider carefully what was being said because they couldn't come down and vote a straight party line, and that is the way, in my view, that the Senate ought to work.

It worked that way because of the cooperation and thoughtfulness of Senator BYRD. I appreciated that. We ended up with a number of troubles and veto over a matter which neither of us had any control. This year, I believe that we have a bill, even if there are a few amendments on it, that has an outstanding chance of being approved by the President of the United States, particularly if we are able to retain the extra $500 million in allocations that was given to us in conference with the House. I believe we will be able to retain that. I think we are able to do a good job, and if we are a complete success this year, the credit will be largely due to my friend and colleague, Senator BYRD.

With that, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am pleased to speak in support of the fiscal year 1997 Interior appropriations bill. This bill was reported out by the Appropriations Committee on July 16, so there has been ample time for Senators to review its contents. I hope that the Senate will be able to move expeditiously in its consideration of this bill. The start of the new fiscal year will be upon us before long, and there are enough differences between this bill and the House version that the sooner we can get to conference, the better our chances of resolving these differences will be.

Again this year, it has been a privilege for me to work with Senator GORTON in the development of this appropriations bill. He is a very able chairman—I have said on more than one occasion that he is more knowledgeable about the details of this bill than was his predecessor. The Interior bill is a complex bill—it provides funding for 40 different Federal agencies, ranging from the national parks, to Indian hospitals, to the Smithsonian Institution, to energy research and development. The reach of this bill is vast—there are 368 national park units, 121 national forests, over 500 national wildlife refuges, 438 Indian hospitals and clinics, 16 Smithsonian museums, 185 Indian schools, and countless other facilities where the research and technology development supported by this bill occurs.

Because of the extent to which the programs under the subcommittee's jurisdiction touch so many Americans, this is a bill in which many Senators are very interested. Again this year, the subcommittee received numerous requests for attention to particular items of concern to Senators, despite limited, and increasingly limited, funding resources. I believe that the chairman has done an excellent job in putting the pieces of this bill together. He has been very fair in his approach. His task in developing this bill was made easier by the much better allocation provided by the full committee chairman, Senator HATFIELD. The Senate version of this bill has $500 million more in budget authority and $400 million more in outlays than its House counterpart. These resources still leave the subcommittee essentially at a freeze level, so adjustments have been made internally to address the highest priority programs in the bill.

I urge the administration to take a close look at the distribution of the resources provided by the Senate. Additional funds above the House are provided in important areas such as fire protection, national parks, land acquisition, Indian programs, energy efficiency, and Smithsonian activities. If the Interior bill were to be vetoed and the various individual accounts to be held to the fiscal year 1996 level, it would have far greater consequences than the language concerns or than not to providing additional funding for the areas identified by the administration. For example, under a freeze at the 1996 level, firefighting would receive $414 million below this bill's recommendations; park operations would be at a level $74 million below the Senate recommendation; endangered species programs would be $10 million below the committee recommendation; tribal priority allocations in the Bureau of Indian Affairs would be $22 million less; energy efficiency research and development would be $33 million less; and administrative functions, particularly the Interior Departmental management account, would be lower.

I will not delve further into the details of the appropriations bill. The chairman has summarized sufficiently the various programs and activities contained in this year's bill. The bill contains a good balance among the various programs—our national parks, basic human services for native Americans, minerals and science, energy research and development, the public lands and wildlife resources, our national forests, and the cultural institutions that draw so many visitors to our Nation's capital each year.

About $1 billion of the funding recommended in this bill falls within the jurisdiction of the Department of Energy. Because of the considerable importance of several Department of Energy programs to my State, particularly fossil energy and clean coal technology, I have met with Secretary O'Leary to discuss various issues. And I have found her always—I have met with her on several occasions over the years. I have always found her to be responsive and forthright in her stewardship of the Department of Energy. She faces an enormous task—not just on all matters related to energy policy, but also in managing the vast complex of the Department of Energy's weapons activities. Secretary O'Leary has been steadfast in her efforts to show real progress in downsizing and streamlining the Department of Energy. Consequently, she has achieved real reductions in the size of the DOE workforce as well as managed DOE's declining budget in a fair and effective manner. She deserves to be commended for these actions. And I commend her actions, for her steadfast support and dedication.

Lastly, Mr. President, I extend a word of appreciation to the staff that have assisted the chairman and me in our work on this bill. They work as a team, and they serve both of us, as well as all Senators, in a very effective and dedicated manner. And I receive many compliments from other Senators concerning our staff. On the majority side, the staff members are Cherie Cooper, Kathleen Wheeler, Bruce Evans, Ginny James, and Dave Gilbert. On my own staff, Sue Masica and Carole Geagley handle the Interior bill.

This is a good bill, upon which I hope the Senate will be able to complete action in a timely manner.

So, Mr. President, for now I shall yield the floor. Again, I congratulate and thank my chairman of the subcommittee, Senator GORTON, and all members of the subcommittee on both sides of the aisle. I thank you, Mr. President.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The chairman of the subcommittee is recognized, the Senator from Washington.

Mr. GORTON. I hope that very soon we will be able to treat, en bloc, as many as 25 technical and noncontroversial amendments. The Members and the staff are reviewing those amendments at this point, as are one or two other Members who are interested in them. I will suggest the absence of a quorum, but it is simply for that purpose. I will be back soon and get it started with a large number of noncontroversial amendments in this bill.

I also, for the purposes of Members and offices that are listening to this debate, solicit the presence on the floor of any Member who has an amendment that he or she would like to present. There are, in addition to these en bloc amendments, a number that I am sure we will be able to agree to, some that will be debated. But the sooner we start those debates, the sooner we will finish. And I trust that between now and noon, when we move on to another subject, that we will hear from some of our Members. With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent David Gilbert, a detailee from the Department of the Interior to the Interior Subcommittee, be granted floor privileges today, September 13, during consideration of this bill and on such successive days as we shall consider this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 5318 THROUGH 5342, EN BLOC

Mr. GORTON. Mr. President, I send a group of amendments to the desk and ask they be considered en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator?

Mr. BYRD. Let the clerk read first, and then we will determine if there is an objection.

Mr. GORTON. Mr. President, I will explain each of these amendments briefly, and, if further discussion is desired, we will separate it out.

This first amendment is proposed on behalf of Senator CHAFEE as the chairman of the Committee on Environment and Public Works. We have, as I pointed out during my opening remarks, added to and expanded the authority of our various land management agencies to charge entrance fees and to use those entrance fees in large measure for the improvement of the facilities at which they are collected.

Senator CHAFEE and his committee have a slight modification in that connection with respect to some of those facilities. We have viewed it. It is the opinion of his committee it is included for that reason.

The second amendment is proposed on behalf of the two Senators from Idaho. It will move $100,000 of an appropriation from the Running Creek Ranch land acquisition project to the National Forest Service appropriation for "jammer," an old logging road inventory in Idaho.

The third, proposed by the Senator from Ohio [Mr. DEWINE], would add one additional county to an existing moratorium on land acquisitions for the Wayne National Forest in the State of Ohio.

The next, on behalf of the Senator from North Carolina [Mr. FAIRCLOTH] removes approximately 100 acres from a 9,000-acre Snowbird Wilderness Study Area.

The fourth, for myself, moves $308,000 from Forest Service construction for the Mt. Baker-Snoqualmie flood project to Lake Chelan National Recreation Area for the repair of the Company Creek Road.

The fifth, on my behalf, advises the Elwha language in the bill to specify that any agreement with the State of Washington shall provide protection of the existing quality and availability of water.

The next, for myself and for Senator BYRD relating to the Bureau of Indian Affairs, adds language capping welfare assistance similar to that that is in the present 1996 bill.

Next, for myself and for Senator BYRD on the National Park Service, is a technical correction that specified $300 million is available for research, planning, and interagency coordination in support of land acquisition in the Everglades in Florida. This is an agreement that was made during the full committee consideration of the bill.

The next, for myself and Senator BYRD on the Forest Service, is literally a technical correction where we made a mistake and where language should read "50 percent."

The next, for myself on the National Park Service, allows a reimbursement of some $270,000 by the National Park Service to the State of Washington for fish restoration activities.

The next, for myself and Senator BYRD relating to Bureau of Mines, is to extend the facilities transfer authority provided in the 1996 appropriations bill.

The next, for myself and Senator BYRD for the Forest Service, is a surprise, Mr. President. It will rename the Columbia Wilderness Area in Oregon, the Mark O. Hatfield Wilderness. The Columbia Wilderness Area is some 39,000 acres and was established in the 1984 Wilderness Act that Senator HATFIELD sponsored. This small wilderness area overlooks and borders the Columbia River Gorge on the Oregon side, though it is not a part of the formal gorge area itself. The wilderness also overlooks the Bonneville Dam and the Oxbow salmon fish hatchery and is in the shadow of Mount Hood. Each addition to wilderness areas in the State of Washington has been sponsored by Senator HATFIELD. This one is near the northern edge of the Bull Run Reservoir near the wild and scenic Hood River.

Mr. President, this amendment is produced without the knowledge, at this point, of Senator HATFIELD, but it is a particularly appropriate time. He is absent today, holding what I suspect will be his final hearing as a Senator in the Columbia Gorge which he greatly loves and which his State, of course, shares with my own. And so we feel that a renaming of this wilderness area in his honor and in honor of his long, extraordinary and distinguished service in the U.S. Senate is a most appropriate amendment.

The next amendment, again, on behalf of myself and Senator BYRD, is language relating to the National Park Foundation, allowing money that it collects to be used to rehabilitate visitor centers.

The next is on my behalf, and it removes the Mt. Graham red squirrel provision from the bill. This provision was included in the 1996 appropriations bill and was highly controversial. At one time, it was the subject of a veto threat on the part of President Clinton. Mt. Graham is in Arizona. It is the location of a number of astronomical observatories. The creation of the last of those has been bitterly contested in Arizona over a number of years. The Arizona congressional delegation wanted to allow the completion of the last telescope. As much of the aid from other nations that was available to it was going to be lost if the project was not begun soon. Ultimately, we did include the provision in the bill that was signed by the President. Since then, there was a court decision won, after a long series of decisions, that has validated the construction. So the provision is no longer necessary and can be stricken from the bill.

The next is for myself and Senator BYRD for the Fish and Wildlife Services, which clarifies the California NCCP earmark funding will be provided to local governments.

The next two are both by Senator HATFIELD and, ironically, are naming provisions that he has asked for for other people. The first is renaming of Bend, OR, silviculture laboratory to be the Robert W. Chandler lab; and the second is renaming a BLM facility for Frank Smullin in Rand, OR.

The next amendment is for Senator HUTCHISON of Texas, Fish and Wildlife Service and Forest Service. It transfers $250,000 from the Rio Grande National Wildlife Reserve land acquisition to the Lake McClellan Recreation Area for dredging.

Next is for the Senator from Louisiana, [Mr. JOHNSTON] who is retiring. It is, to me, interesting that it is renaming of the Jean Lafitte Visitors Center to be named the Laura C. Hudson Visitor Center. Jean Lafitte, if my memory serves me, is long dead. I suspect the new person after whom it is named is more recent than any of that desired by the Louisiana Senators.

The next is for Senators MURKOWSKI, BURNS, and CRAIG, asking for a status report of timber sales under the salvage provision of the 1995 rescissions bill.

Next is for the two Alaska Senators modifying an Alaska subsistence moratorium, included in the 1996 legislation.

Next for the Senator from Oklahoma [Mr. NICKLES] for the Indian Health Services, which allows use of the Choctaw Nation funds for construction of a Talihina hospital.

Next is by the two Senators from Virginia, which transfers $1 million from the Back Bay National Wildlife Refuge land acquisition to the Rappahannock National Wildlife Refuge land acquisition.

Next is by the Senator from Maryland [Mr. SARBANES] with respect to the Office of Surface Mining, which allows the State of Maryland to spend more than 10 percent of its State grants for acid mine drainage projects.

The final one is for the Senator from Alaska [Mr. STEVENS], for the Bureau of Land Management. It transfers $250,000 from the Alaska cadastral survey to preparation of environmental impact statement for resumption of an oil leasing program in the National Petroleum Reserve.

That is an outline. I believe these amendments have all been cleared, but I will defer to the Senator from West Virginia.

Mr. BYRD. Mr. President, all of the amendments have been cleared on this side of the aisle. Having heard the amendments read and explained, I, therefore, have no objection to the request that they be considered and agreed to en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes amendments numbered 5318 through 5342, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 5318 through 5342), en bloc, are as follows:

AMENDMENT NO. 5318

(Purpose: To provide that a portion of the admission and user fees collected by the United States Fish and Wildlife Service under the recreational fee demonstration program shall be available to the Secretary of the Interior until expended to be used in accordance with certain priorities specified in the Emergency Wetlands Resources Act of 1986)

Beginning on page 15, strike line 23 and all that follows through page 16, line 11, and insert the following: "section 101(c) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 is amended in section 315(c)(1)(E) (110 Stat. 1321–201; 16 U.S.C. 460*l*–6a note) by striking 'distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act' and inserting 'available to the Secretary of the Interior until expended to be used in accordance with clauses (i), (ii), and (iii) of section 201(c)(A) of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911(c)(A)).'."

AMENDMENT NO. 5319

On page 62 of the Act, line 18, strike "$1,285,881,000", and insert "$1,285,981,000".

On page 65 of the Act, line 19, strike "39,660,000", and insert "$39,560,000".

AMENDMENT NO. 5320

(Purpose: Expands the moratorium on land acquisition for the Wayne National Forest in Ohio to include Gallia County. Currently, the moratorium includes the counties of Lawrence, Monroe, or Washington, Ohio)

On page 103, line 12:

After "counties of" insert "Gallia,".

AMENDMENT NO. 5321

(Purpose: To remove a parcel of land from the Snowbird Wilderness Study area in North Carolina so that a road can be repaired)

At the appropriate place in title III, insert the following:

SEC. 3 . SNOWBIRD WILDERNESS STUDY AREA.

(a) IN GENERAL.—Section 6(a)(4) of the North Carolina Wilderness Act of 1984 (Public Law 98–324) is amended—

(1) by striking "eight thousand four hundred and ninety acres" and inserting "8,390 acres"; and

(2) by striking "July 1983" and inserting "July 1996".

(b) MANAGEMENT.—The Secretary of Agriculture shall manage the area removed from wilderness study status by the amendments made by subsection (a) in accordance with the provisions of law applicable to adjacent areas outside the wilderness study area.

AMENDMENT NO. 5322

(Purpose: To move $308,000 in construction funds from a Mt. Baker Snoqualimie National Forest project to a Lake Chelan National Recreation Area (Company Creek road repair) project. Both projects are in the State of Washington)

On page 17, line 25, strike "$165,418,000" and insert "$165,726,000".

On page 64, line 21, strike "$172,167,000" and insert "$171,859,000".

AMENDMENT NO. 5323

On page 49, line 19, strike Sec. 115 and insert the following:

SEC. 115. Public Law 102–495 is amended by adding the following new section:

"SEC. 10. Washington State Removal Option.

"(a) Upon appropriation of $29,500,000 for the Federal Government to acquire the projects in Washington State pursuant to this Act, the State of Washington may, upon the submission to Congress of a binding agreement to remove the projects within a reasonable period of time, purchase the projects from the Federal Government for $2. Such a binding agreement shall provide protection of the existing quality and availability of water from the Elwha River for municipal and industrial uses from possible adverse impacts of dam removal.

"(b) Upon receipt of the payment pursuant to subsection (a), the Federal Government shall relinquish ownership and title of the projects to the State of Washington.

"(c) Upon the purchase of the projects by the State of Washington, section 3(a), (c) and (d), and Sections 4, 7, and 9 of Public Law 102–495 are hereby repealed, and the remaining sections renumbered accordingly.".

AMENDMENT NO. 5324

(Purpose: Specifies the amount of funds available for welfare assistance payments in bill language consistent with language contained in the FY 1996 Interior Appropriations bill)

On page 29, line 8, after the word "exceed" insert:

“$86,520,000 shall be for welfare assistance payments and not to exceed”.

AMENDMENT NO. 5325

(Purpose: Technical correction to specify $3 million is available for Everglades research, planning, and interagency coordination in support of land acquisition)

On page 16, line 25, strike “$4,000,000” and insert “$3,000,000”.

AMENDMENT NO. 5326

(Purpose: Technical correction to correct per centum error in the National Forest System appropriation)

On page 62, line 20, after the word “including” delete the linetype and delete “60”.

AMENDMENT NO. 5327

(Purpose: Allows the National Park Service to reimburse the State of Washington for fish restoration activities)

On page 17, line 25, after “expended” insert the following: “, of which $270,000 shall be used for appropriate fish restoration projects not related to dam removal including reimbursement of the State of Washington for emergency actions taken to protect the 196 run of fall chinook salmon on the Elwha River”.

AMENDMENT NO. 5328

(Purpose: To extend authority for the transfer of certain Bureau of Mines facilities)

After line 13 on page 61 of the bill, insert the following:

SEC. . The second proviso under the heading “Bureau of Mines, Administrative Provisions” of Public Law 104–134 is amended by inserting after the word “authorized” the word “hereafter”.

AMENDMENT NO. 5329

On page 118, after line 9, insert the following:

SEC. . The Columbia Wilderness, created by the Oregon Wilderness Act of 1984, Public Law 98–328, located in the Mt. Hood National Forest, Oregon, shall be known and designated as the “Mark O. Hatfield Wilderness”.

Any references in a law, map, regulation, document, paper, or other record of the United States to the Columbia Wilderness shall be deemed to be a reference to the “Mark O. Hatfield Wilderness.”

AMENDMENT NO. 5330

(Purpose: This bill language would allow the National Park Foundation to expend remaining balances and accrued interest from funds granted to it by the National Park Service in Fiscal Years 1984 and 1985 pursuant to the National Park System Visitor Facilities Fund Act of 1983 (P.L. 97–433, 96 Stat. 2277). That Act provided for the expenditure of funds by the Foundation to improve the quality of visitor facilities in the park system nation-wide)

On page 20, after line 22, insert the following new paragraph:

Notwithstanding any other provision of law, remaining balances, including interest, from funds granted to the National Park Foundation pursuant to the National Park System Visitor Facilities Fund Act of 1983 (P.L. 97–433, 96 Stat. 2277) shall be available to the National Park Foundation for expenditure in units of the National Park System for the purpose of improving visitor facilities.

AMENDMENT NO. 5331

(Purpose: Strikes the provision deeming approval of a telescope site on Mt. Graham consistent with the Arizona-Idaho Conservation Act)

On page 104, line 9, strike line 1 and all that follows through page 104, line 14.

AMENDMENT NO. 5332

(Purpose: To clarify the amount of funds provided to the U.S. Fish and Wildlife Service for the Natural Communities Conservation Plan)

On page 11, line 2, strike all after “Act,” through “until expended” on line 8 and insert the following: and of which $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program

AMENDMENT NO. 5333

(Purpose: Naming of PNW Station Silviculture Lab in Bend, Oregon for Robert W. Chandler)

On page 74, line 9, insert the following: “The Pacific Northwest Research Station Silviculture Lab in Bend, Oregon is hereby named the Robert W. Chandler Building. The dedication provides commemorative recognition to Robert W. Chandler, editor of the Bend Bulletin newspaper, longtime community servant and advocate for sound silvicultural practices in Central and Eastern Oregon.”

AMENDMENT NO. 5334

On page 9, line 22, insert the following:

“The Bureau of Land Management's Visitors Center in Rand, Oregon is hereby named the William B. Smullin Visitor Center. The dedication provides commemorative recognition to William B. Smullin, founder of California Oregon Broadcasting, Incorporated, who brought broadcasting to Northern California and Southern Oregon.”

AMENDMENT NO. 5335

(Purpose: To move $250,000 from the Fish and Wildlife Service's Lower Rio Grande National Wildlife Refuge land acquisition project to the Forest Service's Lake McClellan dredging project. Both projects are in the State of Texas)

On page 12, line 12, strike “$50,802,000” and insert “$50,552,000”.

On page 62, line 18, strike “$1,285,881,000” and insert “1,286,131,000.”

AMENDMENT NO. 5336

On page 61, after line 13, insert the following new section:

Sec. 1 . Visitor Center Designation at Jean Lafitte National Historical Park.

(a) The visitor center at Jean Lafitte National Historical Park, located at 418 Rue Decatur in New Orleans, Louisiana is hereby designated as the “Laura C. Hudson Visitor Center”.

(b) Any reference in law, regulation, paper, record, map, or any other document in the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the “Laura C. Hudson Visitor Center”.

AMENDMENT NO. 5337

On page 74, after line 8, insert the following new paragraph:

The Secretary of Agriculture shall by March 31, 1997 report to the Committees on Appropriations of the House of Representatives and the Senate on the status and disposition of all salvage timber sales started under the authority of Section 2001 of PL 104–121 and subsequently withdrawn or delayed and completed under different authorities as a consequence of the July 2, 1996 Directive on the implementation of Section 2001 issued by the Secretary.

AMENDMENT NO. 5338

(Purpose: To protect State's management of fish and game resources in Alaska)

On page 104, Strike all in lines 15 thru 23 and insert in lieu thereof;

Sec. 318 “None of the funds available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to prepare, promulgate, implement, or enforce any rule or regulation pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over any waters (other than non-navigable waters on federal lands), non-federal lands, or lands selected by, but not conveyed to, the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act, or an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act.”

AMENDMENT NO. 5339

(Purpose: To provide for the use of certain funds for the construction of a health care facility by the Choctaw Nation of Oklahoma)

: *Provided further*, That funds made available to the Choctaw Nation of Oklahoma in this Act, including Indian Self-Determination Act compact “tribal shares,” medicaid/medicare collections and carry-over funds may be used to support construction of a facility to replace the Talihina Indian Hospital so long as the current level of health care services is not diminished

Mr. NICKLES. Mr. President, the Talihina, OK hospital is sixth on the IHS health facility list for replacement of inpatient facilities. The Choctaw Nation proposes to replace the existing Talihina Indian Hospital with a community facility to serve both Indian and non-Indian people and has developed a financing plan for the design and construction of the replacement facility. Design and construction of this facility will be consistent with the approved IHS Program Justification Document [PJD]. The Choctaw Nation proposes to utilize various funding sources, including Tribal Funds, Medicaid and Medicare collections, carry-over funds and IHS Area and Headquarters tribal shares to support this project for a community based hospital. The managers have agreed that IHS funds may be used only for the Indian user portion of the projected patient workload. I understand the managers have no objection to the use of these Federal funds so long as it does not diminish the current level of health care services. IHS will work with the Choctaw Nation in the implementation of this project and identify and reach an agreement of future resources and responsibilities related to staffing, equipping and operating the newly constructed facility. These operational needs will be considered in the context of current budget constraints, project placement on the facility priority list and future funding of facilities on the facilities priority list. I understand the IHS and the Choctaw Nation will report back to Congress on the progress of this project.

AMENDMENT NO. 5340

(Purpose: To provide $1,000,000 for land acquisition at Rappahannock National Wildlife Refuge in Virginia)

On Page 12, line 23 after "Kentucky," add "and of which $1,500,000 shall be for acquisition at Back Bay National Wildlife Refuge and of which $1,000,000 shall be for acquisition at Rappahannock National Wildlife Refuge."

AMENDMENT NO. 5341

(Purpose: To authorize the State of Maryland to set aside a portion of amounts made available under the Surface Mining Control and Reclamation Act of 1977 for use in undertaking acid mine drainage abatement and treatment projects)

On page 27, line 21, before the period, insert the following: ": *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects".

AMENDMENT NO. 5342

On page 4, line 3, after "expended" insert the following: "; *Provided further*, That $250,000 of the funds available to the Bureau of Land Management for the Alaska conveyance shall be available for activities preparatory to resumption of leasing of oil and gas in the National Petroleum Reserve in Alaska pursuant to Public Law 96-514".

The PRESIDING OFFICER. Without objection, amendments 5318 through 5342 are agreed to en bloc.

The amendments (Nos. 5318 through 5342), en bloc, were agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, with the consent of Senator BYRD, I would like the RECORD to include the fact that there is a printing error in the bill that should be corrected, and I am told I can correct it simply by reading it here.

On page 19 of the bill, line 5, starting with the word "that" through line 7 ending with the word "authorization," the text should be in italic since this was text that was added by the Senate to the House-passed version of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO COMMITTEE REPORT

Mr. GORTON. Second, Mr. President, I send to the desk an agreed-on series of amendments not to the bill but to the committee report, and I ask unanimous consent the committee report be amended in the way I have submitted it and the amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 16 of the Committee report under U.S. Fish and Wildlife Service, Habitat Conservation, the increase of $500,000 provided for the Jobs in the Woods program was intended to be from the FY 1996 level, not from the level in the FY 1997 budget request.

On page 17 of the Committee report, funds earmarked for cooperative marine mammals programs are provided pursuant to section 119 of the Marine Mammal Protection Act, not section 199.

In the Construction table for the U.S. Fish and Wildlife Service on page 20 of the Committee report, the amounts provided for the Southwest Fisheries Technology Center are transposed. The Senate bill actually provides $961,000 for the Dexter hatchery and $2,705,000 for the Mora hatchery.

On page 41, the amount for the Committee recommendations for the Operation of Indian Programs should be $1,413,606,000, consistent with the amount shown in the table on page 43, instead of $1,418,606,000 as printed in the report. The corrected funding level represents a decrease of $165,817,000 below the budget estimate, an increase of $31,983,000 above the House allowance, and $29,172,000 above the fiscal year 1996 level instead of the amounts printed in the report.

On page 43, the amount listed for the Committee recommendation in the text should be $511,266,000, consistent with the amount in the table on page 42, instead of $521,966,000 as printed in the report. The corrected funding level represents an increase of $17,769,000 above the fiscal year 1996 funding level and $8,208,000 above the House allowance.

On page 56, the Senate bill referenced on the last line of the paragraph should be Senate bill 1425 instead of 1475 as listed in the report.

The Senate bill does not include the $3.5 million increase requested by the Indian Health Service to fund the cost of new and expanded tribes. However, it is not the intent of the Committee to deny such tribes access to contract health care within the funds provided. The Committee has not provided any funds for new or expanded tribes beyond those which are explicitly identified in the budget request. To the extent additional tribes are recognized or expanded during the fiscal year, funding for such tribal populations will be addressed in the context of the FY 1998 appropriations bill.

On page 66 of the Committee report, on the fourth line of the paragraph discussing the Small Business Administration timber sale set-aside program, after the words "appeals process" insert ", within 36 CFR Part 251, Subpart C,".

Mr. GORTON. Mr. President, on another subject, Washington State is not unlike many other Western States in that a significant portion of its land is in public ownership. In many cases, the ownership is Federal, State, and private in the form of a checkerboard pattern across wide areas of the State.

Because of this checkerboard land ownership in Washington State, land exchanges are quickly becoming an efficient way for landowners to do business with the Federal Government. There are several such exchanges to block up land in the works in the State of Washington. One such land exchange was announced on July 27 in Seattle by Agriculture Secretary Glickman. Secretary Glickman announced an agreement between the Forest Service and the Plum Creek Timber Co. to complete a major land exchange in the Wenatchee National Forest within 2 years.

Last year, the Senate included $350,000 in its fiscal year 1996 Interior appropriations bill to facilitate this exchange. I support the exchange strongly and am glad that the Secretary has made it a high priority. The committee did not include specific funding for the exchange in this year's appropriation bill in large part because the Forest Service has stated its preference that its management accounts not be earmarked. As chairman of the committee I have met the agency's request while understanding that the necessary funds will be made available in fiscal year 1997 to work on this important land exchange.

The Senate report accompanying the fiscal year 1997 Interior bill includes the following report language:

> The committee encourages the use of land exchanges as a way in which to protect important recreational and environmentally significant lands in lieu of direct acquisition by the Federal Government. The committee believes that land exchanges represent a more cost effective way in which to do business and encourages the Forest Service to give priority to those exchanges either nearing completion or where land management decisions are made particularly difficult due to a checkerboard pattern of ownership.

The Plum Creek land exchange should continue to be a priority for the agency along with other exchanges that are nearing completion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request, and that the following committee amendments be excepted from this en bloc request:

Page 46, line 24 through page 47, line 4; page 25, line 4 through line 10; page 63, line 22 through page 64, line 18; page 89, line 7; and those portions of the committee amendments on page 49, line 19 through page 50, line 8; page 51, line 3 through page 55, line 13; and page 56, line 14 through page 57, line 19.

This has been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were considered and agreed to en bloc with the above noted exceptions.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5343

Mr. GORTON. Mr. President, I send an amendment to the desk for myself, Mr. HATFIELD and Mrs. MURRAY, and ask for its immediate consideration.

The PRESIDING OFFICER. The committee amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

> The Senator from Washington [Mr. GORTON], for himself, Mr. HATFIELD, and Mrs. MURRAY, proposes an amendment numbered 5343.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate section in title III, insert the following new section:
>
> SEC. . Notwithstanding any other provision of law, for fiscal year 1997 the Secretaries of Agriculture and Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

Mr. GORTON. Mr. President, this amendment was requested by the Forest Service and is supported by Senator HATFIELD and Senator MURRAY in addition to myself.

The amendment would enable the Forest Service to limit the advertisement of contracts for watershed restoration projects in historically timber-dependent communities in the States of Washington, Oregon, and northern California. The funding for this restoration work comes from the "Jobs in the Woods" Program created by the President's Pacific Northwest forest plan.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5343) was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

GLACIER NATIONAL PARK

Mr. BAUCUS. Mr. President, at the appropriate time I will send an amendment to the desk. This amendment deals with the Park Services management of Glacier National Park in the State of Montana. As you might know, Mr. President, the Park Service is beginning a new general management plan for Glacier Park. It will be a blueprint for the next 20 years.

I must say, that we in Montana are quite concerned about this blueprint. I ask that everybody watching take note of what is going on here and to come and visit us in Montana, particularly at Glacier Park. Glacier has some of the most stunning real estate in the world. The Going to the Sun Highway, mountain goats scaling the rocks, Grinnell Glacier and Iceberg Lake, which is just a small sample of what we have in Glacier. It is truly a national heritage, one that we must preserve forever. So on its face, Mr. President, an updated management plan seems like a pretty good idea. After all, we want to protect Glacier in the long term. It does not make much sense not to protect a resource as precious as this.

Full campgrounds, crowded roads, aging infrastructure, and many other challenges face the Park Service today. Because Glacier has been discovered, people are coming to visit Glacier, as well they should. It is so magnificent. So we do need a management plan that does meet these challenges and preserves the quality of Glacier National Park.

But so far, the National Park Service, it seems, is doing a better job at scaring people, at frightening people, particularly those who use Glacier, than in making citizens full partners in the plan which protects the park for future generations.

The Daily Interlake, a Kalispell newspaper, editorialized:

> The Park Service has come up with a document that by accident or design manages to offend just about everyone one way or another.

I might say, that is an understatement. Most people I talk to are, if not outraged, quite upset. And given the conversations I have had with them, and others who have visited Glacier Park over the last couple weeks, I can tell you that something has to be done.

For decades visitors have had a truly first-class experience when they visit Glacier. Radical changes could make these experiences a thing of the past.

I want to believe that the Park Service has merely had a clumsy beginning, a clumsy start, which will soon lead to a very productive process that reflects public sentiment concerning proper Glacier management. But up to now, the Park Service has done very little to reassure Montanans about where they are heading.

I think we need an insurance plan, an insurance policy, something that guarantees that the new management plan will not go haywire. So my amendment provides that protection. It allows the Park Service to go ahead, but it requires them to submit the final Glacier general management plan to the Senate Energy Committee and the House Resources Committee. These committees will then have 90 days to review the plan before it goes into effect. That, I think, will guarantee public input and a final management plan that preserves the Glacier Park experience.

This amendment is a final line of defense against illogical or unresponsive decisionmaking by the National Park Service, not that I expect them to be unresponsive or illogical, but I think it is important to have an insurance plan. I think this amendment will help make that happen.

BEARTOOTH HIGHWAY

Mr. President, on another matter, I will also offer an amendment to ensure the proper management of one of the most spectacular highways in the United States, that is called the Beartooth Highway. Highway 212, better known as the Beartooth Highway, begins just outside Red Lodge, MT. It climbs a mountain to Line Creek Plateau looking out over the Absaroka-Beartooth wilderness area of Wyoming and Montana. It then proceeds on to Cooke City and the northeastern entrance of Yellowstone National Park. It is truly magnificent. Anyone who has ever taken a vacation in that part of our country, put it on your calendar, the possibility of driving the Beartooth Highway. I guarantee you will not regret it.

It is named for a spectacular rock spire, capping a mountain ridge, carved by ancient glaciers into the shape of a bear's canine tooth. That is why it is called Beartooth. When traveling up Beartooth Highway, travelers often see wildlife from moose to the bighorn sheep, black bear, and golden eagle. High meadows in the spring are covered with alpine wildflowers, while snowdrifts often last all summer long. It is magnificent.

Travelers driving the Beartooth Highway see some of the most unusual and spectacular scenery in our country. And maybe that is why Americans have treasured this region—according to archaeological evidence—for the past 12,000 years. That is about as long as human beings have lived on our continent.

Since the Beartooth Highway was built in the 1930's, the National Park Service has kept it plowed to make sure it is open for tourism by Memorial Day weekend. This has guaranteed access for Americans who want to appreciate this part of our heritage. And it has helped to ensure prosperity for towns along the road, in places like Red Lodge, Cooke City, Silver Gate.

But this year the Park Service did not open the highway on Memorial Day. It did not plow the road on time. And small businesses in the gateway communities—already reeling from the Congress' blundering decision to shutdown the Government at the height of the winter tourist season—felt the impact. To make matters worse, these towns can expect the same thing to happen in the future. Because soon after Memorial Day, the Superintendent of Yellowstone announced that after 1997, the Park Service will no longer make sure the Beartooth Highway is open at the start of the tourist season.

The Superintendent's reason for this policy change stems from the budget squeeze that Yellowstone is feeling. That is not a frivolous decision, and I am sympathetic to the challenges the Park Service faces in managing Yellowstone. But walking away from responsibility to Beartooth Highway and these gateway communities is not acceptable.

Rather, I believe we have to find a solution now. And I think it is clear. The responsibility for the Beartooth Highway rests jointly on the Park Service and on the Forest Service. Visitors use this road to get both to Yellowstone and the Absaroka-Beartooth Wilderness Area. The former, of course, is managed by the Park Service and the latter by the Forest Service. So both agencies should share equally in the cost of opening the Beartooth Highway.

My amendment requires the Park Service and the Forest Service to enter into a memorandum of understanding by April 1, 1997, to split the cost of opening the Beartooth Highway between the two agencies. It also requires these agencies to make sure that the Beartooth Highway is open to traffic by Memorial Day each year.

I think this is fair. It is a good, common sense solution. It will help ease the Park Service's concerns over funding. It will make sure Americans can drive this highway in the spring. And it will make sure small businesses in Red Lodge, Cooke City, and others, who depend on the Beartooth Highway opening at the beginning of the tourist season, can look to the future with confidence.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that at the hour of 11:30 a.m., there be a period for morning business with Senators permitted to speak for up to 5 minutes each, with the following times designated as follows: Senator THOMAS in control of the time from 11:30 until noon, Senator DASCHLE or his designee from noon to 1, Senator COVERDELL or his designee from 1 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM

Mr. GREGG. Mr. President, I want to raise the issue today of how we, as a nation, are continuing to address the question of terrorism.

Yesterday, the committee which I chair, the Subcommittee on State, Justice, Commerce, a subcommittee of the Appropriations Committee, had the chance to hear from the Attorney General, Janet Reno, who is, I think, doing a very admirable and effective job as Attorney General, on what the policies are of the administration relative to the issue of addressing in a strategic way the threats of terrorist acts directed at Americans, not only in the United States but overseas.

Clearly, I think we now understand, America understands that this is our primary international threat to American lives and American interests. We may have instances going on in Iraq today which are significant. We may have wars going on in Bosnia which are significant. But as it relates to the threat to America, nothing right now is more significant than the threat of terrorist actions.

Coming out of the cold war, I think we, as a nation, decided to become a little more complacent. We felt we had gotten past one of the great hurdles of history: a confrontation between the Soviet Union and the United States, a confrontation which was always overlaying with the issue of nuclear annihilation and confrontation on a variety of fronts, but, most important, the possibility that mankind might end up in a nuclear war.

With the end of the cold war, there was a great sigh of relief, obviously, and appropriately so. We, as a nation, went back to looking after problems which are American problems and our perspective became one of looking at our internal issues.

But in the process, we couldn't step out of the world arena, and the fact is that the United States remains the single most influential nation in the world. As would be expected, because we maintain that position of influence, we obtain enemies and people use us as their foil and they use us as their rallying point as they try to gin up, or generate, their concerns and their own issues in other parts of the world.

We have, therefore, become targeted by large groups, a large number of groups, disparate in nature, as the opposition. Many of these groups are motivated for religious reasons, fanatical religious reasons. Many of them are motivated for reasons that they see themselves as oppressed and they see the capitalist marketplace approach that we take to the world as being an oppressive approach, which, of course, is wrong, but it is their attitude.

We view ourselves as a generous people, and we are a generous people and a people that has a history of not seeking any territorial gain, not using our military forces for the purposes of exploiting other nations.

We have been through two major world wars where we have been left as the most powerful nation on Earth and have not used that for any purposes of aggrandizement of the American situation, but have rather, in a most generous way, rebuilt our enemies and allowed them to proceed on a course which has improved the lifestyle of our enemies we confronted in past wars.

So it comes as a surprise to the American people that there are people out there, that there are interest groups out there, that there are actually even nations out there that view us as their enemy and wish to exercise against the American people horrific acts, acts that involve the killing of innocent individuals—children, people who have no involvement in the military.

Yet, that is the way it is in today's world, and we must be realistic about it, and we must acknowledge the fact that as we move into the next century, and certainly in the beginning of the next century, that our most significant threat to Americans is going to be generated by terrorist action. It is not only terrorist action which may involve a bomb placed on an airplane, it is terrorist action which could well go beyond that. It is terrorist action which could involve, of course, a threat of chemical activity, biological activity and, of course, even of nuclear activity.

So the issue for us as a Government must be: How do we reorient ourselves as a nation, which for years structured its defensive mechanisms for the purposes of confronting the Soviet Union, a definable threat, a threat which, although huge, massive and awesome, was at least able to be brought into focus because the Soviet Union was a definable entity, how do we shift from that sort of a threat to a threat which is so amorphous, to a threat which comes at us from so many different directions, and a threat which is so much more difficult to tie to rational thought, and respond to it in a rational way? That becomes the main issue for us as a nation relative to how we structure our defensive policies over the next few years.

So the hearing which we held yesterday was for the purposes of trying to get an idea as to how the White House and the administration is approaching this issue. The way that they appear to be approaching it is that they are going to put more money into certain agencies which have responsibilities for addressing questions of terrorist threat. They have sent up a supplemental package of spending which represents about $1.1 billion. They sent it up about a week ago. Many have asked whether or not the package was structured for political purposes or whether it was structured for substantive purposes. And that is probably a very legitimate question in the middle of a Presidential campaign, because the fact is that over a year ago the President set, theoretically set in place, an Executive order which should have led to the definition of the policy which would have then led to the commitment of resources.

It is ironic that it has taken a year for that policy to evolve to the point where money comes forward—or a proposal to spend money comes forward just a few weeks before an election, whereas, clearly, one would have presumed that if there was a need for more dollars to be spent, and you had a 1-year lead time, that you would have requested those additional dollars at the beginning of the appropriating process, which occurred back in March and April of this year.

But independent of that question of whether or not it was a primarily political motivation for bringing this forward at this time, there is a question of whether or not the request comes in the terms of a strategy or whether it comes in the terms of a haphazard response to the issue, to the threat of a terrorist action against the United States.

For the part of these dollars which are under the jurisdiction of the committee on which I serve, which is the State, Commerce and Justice Committee, of the $1.1 billion that the President requested, about $300 million of that comes under my committee's jurisdiction. Our committee, about 5 months ago, took a look at the way we were approaching terrorism and responding to terrorism, and decided we were not doing enough.

Our committee has jurisdiction over the FBI, over the State Department, over the DEA, over the INS, over a number of agencies which clearly have front-line responsibility on the issue of terrorism. So we set up a proposal which essentially outlined a number of basic approaches to how we could better address the issue of terrorism.

First, we asked that the White House give us a strategic plan by November 15. We picked November 15 because we did not want it to end up being a political plan. We wanted it to end up being a substantive plan. Thus, we pushed it past the election so that it would not end up in the political whirlwind that occurs before every Presidential election.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. It is absolutely critical that we get such a proposal.

Second, we felt that if we were going to adequately address the terrorist issue, we should do it in an orderly manner, that first we should address what the threats are. And that means we have to beef up a number of functions in the Federal agencies that have responsibilities, specifically the FBI area. We need to put more agents onsite on this issue. We need to also be improving our ability to respond to a chemical and biological attack.

In the international arena, we need to make sure that our personnel who are serving overseas are protected from attack, and, therefore, we need to significantly increase the security, physical security of people who are serving overseas, not only the people who are serving, but the physical security for their families, which is very important. We should not be putting at risk either an individual who works for the Government or the family of that individual who has gone overseas to live with that individual.

Fourth, we addressed the interrelationship of the Federal agencies and the State agencies, because although this is a uniquely Federal role, the role of protecting this country against terrorist action, there are tremendous strengths which can be drawn by a coordinated policy of State agencies.

So we took all this together and had a package that I think was put together in a fairly thoughtful and concise way. We came up with a need for additional dollars, about $150 million. And we took money out of other accounts—other accounts—and moved them into the spending accounts which were necessary to pay for these additional resources to improve our efforts relative to terrorists.

Now the White House comes along, and they increase that number from $150 million to $300-plus million. There is some overlap here. We are not absolutely sure what the dollar difference is, but let us presume the dollar difference is over $100 million. Yet, in doing this, they have suggested no offsets; they have not suggested where we should take this money from. They said simply, let us put more money into this and that and more money into something else. That is not really a responsible way to do this.

To the extent more dollars are needed than the package which we put together, it should be paid for. We should recognize that the priority in protecting this country from terrorism is high enough so that those dollars that we are going to allocate to terrorism should represent a reallocation and should not just be used to aggravate the deficit. That is the first thing.

Second, if the White House's decision is to spend this additional money to expand those accounts, they have to do it in a coordinated way. This, I guess, is where I have my greatest concern.

I asked the Attorney General about this, and, of course, the Attorney General feels there is coordination. But as you look at what is going on, and how the different instances of terrorism that we have seen so far have occurred and how they have been reacted to, you sense maybe there is not as much coordination as there should be.

For example, has the President of the United States ever sat down with the Secretary of Defense, the Director of the CIA, the Attorney General, and the Secretary of State around the table, and said, "What is our strategy on approaching international terrorism? How do we get about anticipating a terrorist act against the United States?"

We are very good, I believe, once a terrorist act has occurred, in reacting and investigating. And the FBI, I am absolutely confident, will reach the bottom as to what happened, find out what happened in the TWA situation and in the Atlanta situation and in the Saudi situation. But we should be ahead of that as much as possible, ahead of that curve. To be ahead of that curve, you simply have to have cooperation at the top, with the senior officials within the Government, and it has to be made a priority with the President. The President actually has to physically sit in that room for at least a few meetings and drive the process so that we get a substantive strategy, the purpose of which is to anticipate where the terrorist threat is coming from and be ready to take action prior to the incident occurring.

My sense is that although strides have been made in this area, and although there is a sincere effort on the part of all the major players, certainly in the Defense Department, the intelligence agency, the CIA, in the State Department, and at Justice, my sense still is that there is not an attitudinal approach which says, we intend to anticipate, we intend to coordinate, and we intend to have an effort which tries to strategically position ourselves to be ahead of the curve in the area of addressing the terrorist threat.

We should be approaching this with the same thought process that we used relative to the Soviet Union when we considered it to be a threat. When we saw the Soviet Union as a threat, basically the Defense Department spent an inordinate amount of time—not inordinate, an appropriate amount of time, a huge amount of time, dollars, resources and people on developing scenarios anticipating various events.

We do not have that type of structure. We do not have that type of dollar commitment or personnel commitment yet in the area of strategic planning. We have it in the area of reactive planning. It is improving. Just yesterday, the FBI asked that they be able to move 200 senior agents into the Terrorism Activist Unit, which is a very appropriate action to take, not putting green new agents into this area. We are putting our best into this area. That is a good decision by the Attorney General and the Director of the FBI. We are going to increase the terrorism functions within the FBI by 5 percent, so basically 10 percent of the FBI effort would be directed toward counterterrorism.

The fact is that we still do not have a strategic structure overlaying this. That strategic structure and how it gets overlayed and how the process gets evolved really has to come from the White House with the President. We are going to see, unfortunately, that the failure to have this type of a structure probably was one of the problems in Saudi Arabia. There will be a report coming out sometime next week that will point out that there was not adequate anticipation of the threat, even though there was knowledge of the threat, there was not adequate participation and anticipation of the threat, and that the senior officials within the Government simply did not react properly.

Why did they not act properly? I think probably because there was not a protocol in place because there had been no strategic planning put in place for how to get ahead of the curb. We still are taking the view that we wait until the act occurs rather than taking the view that we go on the offensive.

I recognize that the White House is trying hard in this area and the administration is trying hard. I greatly admire the efforts of the Attorney General in this area. I think the effort is incomplete. We have recognized but have not yet absorbed the nature of this, its significance to us, and the fact that we as a nation are going to have to use all our resources, all our creativity and our imagination in order to address it.

I yield the floor.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed as in morning business until the hour of 11:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is at the hour of 11:30 there is, by previous consent, an opportunity for the Senator from Wyoming and others to make a presentation. I believe there is an opportunity following that for others of us to make presentations.

I wanted to introduce a piece of legislation and I will do that in just 5 minutes, but first I want to comment about the bill on the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. DORGAN. Mr. President, I have the greatest respect for Senator BYRD, who is going to go down as one of the real greats in the U.S. Senate. I have great respect for the Senator from Washington, who is managing the bill on the floor. This is a bill in which there is a difficult job of reconciling almost unlimited wants with limited resources.

I want to mention one area, however, that we must address. It is not addressed here. It has not been addressed by the BIA, but we will have to address it here. It deals with the school called the Ojibwe School. That may not mean much to anybody in this body, but it is very important to those on the Turtle Mountain Indian Reservation.

The Ojibwe School is an education home for 400 students. These 400 students go to school on this Indian reservation in North Dakota in facilities that are fundamentally unsafe. If you go tour that school, you will see electrical wiring exposed, as I have seen; you will see students who have to go out in the middle of the winter into kind of an old, dilapidated trailer facility, one after another, stacked up in order to house the children and provide for their schooling.

This Ojibwe School should have been provided with a new school years and years ago. It was once on a priority list and somehow it got dropped off that list. There is a current priority list for construction, but the BIA cannot tell us how the priority list was arrived at, who is on it, or how it was constructed. This is a mess. One way or another this has to be addressed, because we cannot put 400 children in unsafe circumstances in this Ojibwe School. The BIA and our Congress has a responsibility.

I almost feel that we must think about having 400 children look at the people who walk in the door of the BIA or through the front doors of Congress every morning until we look in the eyes of those children and say, "We owe you a decent school to attend."

I must move on to another topic, but we will talk more about this later. I say this with the greatest respect to the people who are managing this bill. I say to the BIA, you must begin addressing these issues that deal with Indian children.

CRIME

Mr. DORGAN. In the next 3 or 4 minutes I will introduce a piece of legislation. It is late in the session, but I intend to push on this legislation in the next session of Congress, as well. It deals with crime.

One-third of all violent crimes in this country are committed by people who are under supervision. Under supervision means people on probation, parole, or pretrial release. One-third of all violent crimes are committed by people we know because they are already in our system. They are in jail and let out. In most cases, they are let out early. It does not take Dick Tracy to figure out who will commit the next crime. In most cases it is someone who has committed a previous crime.

Now, in the Federal system, which we control, we allow automatic good time for Federal prisoners. It is not supposed to be automatic because this Congress passed a piece of legislation, that I authored, that revoked automatic good time and said Federal prisoners will get good time only if the present system decides to bestow it upon them for exemplary behavior. The prison system interprets that differently and automatically gives every prisoner automatic good time off for good behavior. That is not what the Congress meant.

Now, I have a different idea. I think in the Federal system and also in the State and local system in the criminal justice system, we ought to have a system that says to people who commit violent crimes: "If you commit a violent crime you are going to go to prison and you will spend your entire term or sentence in jail." No good time off for good behavior. No rewards for doing well in prison. If you commit a violent act you will go to jail and stay in jail until the end of your sentence.

We do not run the State and local criminal justice system, but we do run the Federal system. Let me give an example of one Federal prisoner named Martin Link. In 1982, Martin Link grabbed a 15-year-old girl in an alley in St. Louis, MO, sodomized her and tried to rape her. In 1983, he forced another young girl into his car, took her to East St. Louis and raped her. He was sentenced to 20 years in Federal prison, and was released in 6 years because of a combination of good time credits and parole. Soon afterward, he got a year's probation for soliciting sex from an undercover agent. The next year, in 1990, he stole a car, but he was still on the streets in 1991 when he murdered an 11-year-old girl named Elissa Self-Braun while she was walking to her schoolbus from her home.

This fellow is awaiting death in the Federal prison system. But he, like so many others convicted of violent crimes, was walking our streets early because we still have in the Federal system good time off for good behavior for those who commit violent crimes—for all Federal prisoners. For those who commit violent acts, it seems to me we ought to say in this country: "Understand this, if you are a criminal and prepared to commit a violent act, there will be no reward for you once you get to prison." When you get to prison, whatever the judge says your sentence is, your sentence will be—no good time off for good behavior for those who commit violent crimes.

Do you know that there are more than 4,000 people who have been murdered in this country—murdered by people who should not have been on the streets to murder anybody? They should have been in jail, in prison, but they were let out early. Now, the prison system authorities say, "Well, we need incentives to make people behave in prison, and we need opportunities to tell people that if you behave behind bars, we will give you good time off for good behavior."

My interest is in establishing order on American streets. We don't do that by letting violent criminals out of prison before the end of their sentence. If they have trouble managing violent offenders in prison, think of what happens when those violent offenders get back on our streets.

Let me end where I started. One-third of all violent crimes committed in this country are committed by people who are on probation, parole, or pretrial release. We know who they are, we know what they do, and we know what they are going to do. We ought to decide to get smart on these issues. In the Federal system we can decide that they will spend the entire time in prison, without good time off for good behavior. I am introducing my legislation which would do that. I invite my colleagues to cosponsor it. Recognizing we won't be able to advance it this year, I hope next year we will be able to have a vote on this piece of legislation.

I thank the Chair and yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. The hour of 11:30 a.m. having arrived, there will now be a period for morning business with Senators permitted to speak therein for up to 5 minutes each, with Senator THOMAS controlling the time between now and 12 noon.

APPOINTMENT BY THE SECRETARY OF THE SENATE

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101-509, the appointment of Sheilah Mann, of Maryland, to the Advisory Committee on the Records of Congress for the 104th Congress, vice Richard N. Smith.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMERICANS HAVE TO MAKE CHOICES

Mr. THOMAS. Mr. President, as you know, for some time now, we have attempted to have the freshmen of the Senate come on to the floor, from time to time, to talk about issues we think are important. We call this "Freshman Focus." We appreciate this time to do that. I will be joined by at least one of my associates, very soon. Many of the others have departed for home.

Mr. President, we wanted to talk a little today about choices—choices that we have in a Government like ours, the one that President Lincoln said was a Government "of the people, by the people, and for the people," which we all, of course, want to maintain. In order to do that, then each of us, as citizens, as the people who will run this Government, need to make choices, need to make decisions, and need, of course, to be as informed as we can be with respect to those choices.

In order to be informed voters, and in order to participate in those decisions that will guide the country, not only in the short term but in the long term, I think we have to decide what those fundamental choices are and then, of course, decide for ourselves how we approach them. And there are fundamental choices, choices that have impact over time, choices that affect this country and the way it is organized, in its purpose, and its goals—not just the short-term issues that sort of are instant gratification for each of us. Of course there are those, and we always like that. But the fact is that there are basic issues that really will affect the way we operate over the years, not only for those of us who are now voting, but for our kids and our grandchildren. Those are the ones that, it is my belief, we should really focus on and seek to bring out in our own minds, at least how important they are.

I am concerned, because it seems to me that we are increasingly moving away from basing our views on those fundamental decisions and we get engrossed in all the short-term kinds of things that we talk about. This administration, frankly, has done more to seek to blur issues than any administration that I have ever seen. It is fairly easy to do that. It is fairly easy to say, "Yes, I am for that, too." I think the best example that I have seen over the last number of years—and particularly in this session—is where we have spent a great deal of time talking about balancing the budget and a balanced budget amendment to ensure that that in fact happens. I don't think there has been a soul that has risen and said: "I am not for balancing the budget." They have said, "I am for balancing the budget, but. . ." So we establish that initially, at least in rhetoric, and don't do that. We haven't balanced the budget in 25 years.

So it is very easy to blur the issues, very easy to make it difficult to ascertain where people are on these issues. And issues is what elections are about. Those are the choices that you and I have to make as November comes. I think it is more and more difficult to really identify where people are, where parties are, where candidates are, for a number of reasons. It is almost an irony that—just imagine, 50 years ago, 100 years ago, how little information we all had about what went on in our Nation's Capital or around the world. Now, because of technology, we know instantly. If we fire a rocket at Iraq, we know about it right away, and we actually see it. Despite that technological opportunity to know more, it seems as if it is more difficult for us to clarify the choices that we have. One of the reasons, of course, is the media. We get much of our information—most of our information and, indeed, almost all of your information—through public media. I don't think it is any secret that the media most often tries to pick out those things that are controversial and emotional, and those things that create debate rather than the ones that clarify the issues. I understand that. That's the way it is. But it makes it difficult.

More and more of our decisions and our choices and our information come from advertising, political advertising, which is generally designed to skew issues in one way or another. It is not the exclusive province of either party, but it is something that is done, almost entirely, in almost all the ads we see. So that does not help to clarify issues.

We see right here in this Chamber all kinds of amendments. Yesterday was a great example of amendments designed simply for some kind of political statement, which really had nothing to do with the bill we talked about. Frankly, it had very little to do with the prospect of it passing. But it was something thrown out there to create an image. It makes it difficult to decide on choices. We even find, Mr. President—like yesterday—a delay tactic going on here. Instead of moving forward, because we have a couple more weeks to finish a lot of work, we spent 25 hours on one bill, with 100 amendments. Why? I think simply to delay. I think simply to increase the potential—frankly, the possibility of a shutdown of the Government and Congress would be blamed for that. So, when you're dealing with things like that, it is very difficult to really come down on the bona fide choices and directions that will guide this country into the future.

There are differences. There are choices. There are legitimate choices and, frankly, they are fairly clear. It is a legitimate choice, but there are those who want more Government, who think there ought to be more taxes, who think that money collected in taxes and spent by the Government is better spent. I don't happen to agree with that, but I agree that it is a legitimate choice.

Indeed, if we can make it a little more clear between those kinds of things, then people could choose. The other choice, of course, is less Government, moving Government closer to people through the State and local governments, and actually having tax relief so people spend more of their own money rather than collecting it and spending it out through the Federal Government. Those are choices. Those are quite different, and that is what elections are about—to decide which of those directions we want to take.

Imagine, for a minute, that you have a ballot. You go into the polling booth and the ballot has on it a number of issues. You check those issues that you agree with. What is your choice on the issue of a balanced budget amendment? Do you want that? You go down a series of questions of that kind, and then, rather than selecting a candidate, because of what you have selected with the issues, the candidate is automatic. The ones who represent what you most nearly represent is your choice. That would be an interesting exercise, wouldn't it?

I suppose you could talk about the size of Government—smaller, larger? Federal Government—smaller, larger?

Cost? Do you think the cost is too much? Do you think the Federal Government costs too much as it increases, or should it be less? It is possible to be less.

Tax relief? If we pay nearly 40 percent of our income on average in taxes, should we have tax relief, or have the system continue like it is? Yes or no?

Welfare reform? We have talked about that for the last 2 years. The President had it in his campaign in 1992. Finally, after the third time, it was passed and signed. Now, of course, the same people who said they were for welfare reform are now saying, "Well, as soon as we get back in Congress, we will change it. We will take out some of that stuff. We really do not want this welfare reform." So welfare reform ought to be one of the questions for voters.

Do you want welfare reform? Regulatory relief? We talked a lot about that. We tried to do that this year. Lots of people are not for regulatory relief. Many of us on this side of the aisle are. They are legitimate issues, and legitimate choices.

So, Mr. President, I simply want to say that I hope as we move on in this election that each of us has a responsibility to vote, each of us who has the responsibility in this kind of Government to participate in the decision as to where we go in the future, take a look at the issues and choose, because there will be fairly clear choices, but it may be hard to determine that.

I guess that is the essence of what I am talking about this morning—that we need to have choices. I believe that we have two pretty different philosophies—one for more Government, more taxes, more regulations; one to reduce the size of Government, have tax relief, reduce the regulations so that we have more jobs and more economic growth. Those are the clear choices.

Mr. President, I am pleased to be joined by the Senator from Minnesota, who also wants to comment on some of the choices that are available to us as part of today's Freshman Focus.

I yield to my friend.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you, Mr. President. I thank, very much, my colleague from Wyoming.

OUR AMERICAN AGENDA

Mr. GRAMS. Mr. President, my freshman colleagues and I have come to the floor this morning to share our thoughts about the future. It is a vision for tomorrow not bound in political partisanship, because ours is not a Republican agenda, but an American agenda: A message every citizen can embrace, whether they are just starting out on the job, a new parent, an executive working their way up the ladder, a longtime employee in a union shop, a student, a senior citizen. Anybody who is searching for something better, and the freedom to achieve it, is welcome.

And our message for the future can be spelled out in just six words: Lower taxes, less Government, more jobs.

The vision those six words embodies contrasts sharply with the reality that has been imposed on the American people by their own Government.

Instead of making real achievements on behalf of America's families, the last Congress, the 103d, was most noted for enacting the largest tax increase in American history. The $265 billion in new taxes it demanded from the middle class could not have been further from what the taxpayers wanted or deserved.

This Congress heard their calls and we have pointed Washington in a new direction by seeking dramatically lower taxes for working Americans.

We heard the people when they told us that they, not some tax collector or career bureaucrat in Washington, know what is best for their families and how to spend their money which they worked so hard for.

The Government has never raised a child—it does not pay the dental bills when the kids need braces, or buy the groceries for the dinner table, or write the checks for the college tuition.

Parents make those decisions, and with more of their own money in their wallets, parents will be empowered to raise their children as only parents can.

Unlike the preceding Congress, which built its reputation by attempting to expand the reach of Government into our lives, the 104th Congress has made middle-class tax relief the centerpiece of our American agenda of returning power to the people.

And we have pledged to continue our efforts—to strengthen our efforts—in the 105th.

We offered middle-class families the $500 per-child tax credit.

Under the blueprint for economic renewal proposed by our former colleague, Bob Dole, the child tax credit would return more than $1,800 to the average Minnesota family of four. With a Republican President in the Oval Office, we will enact the $500 per-child tax credit into law.

Congress cut the capital gains tax, too, to protect small investors, seniors, farmers, and families from having their savings and investments unfairly penalized.

With a Republican President, our reduction in the capital gains tax will become law as well, and so will tax credits for families caring for elderly relatives and an end to the marriage penalty in our IRS Tax Code.

Here is the bottom line, Mr. President: By enacting each of these ideas today, we have the power to inspire dramatic change for tomorrow's families. Cutting taxes puts money back into the community and directly into the hands of working Americans, where it belongs in the first place, and where it ought to stay.

It stands to reason that once we train the Federal Government to run itself more efficiently, it will need fewer tax dollars to accomplish the people's work.

The public's desire for less interference from Washington, therefore, translates into a smaller, more efficient government, reduced bureaucracy, and, ultimately, less waste of the Nation's precious financial resources.

When we achieve that, we can begin fulfilling what I consider to be our most solemn obligation: erasing our deficit and finally eliminating our cancerous national debt. The future we envision for our children and grandchildren is one free of debt imposed by this generation. No generation before in this country has left the next generation a debt. This generation will be the first to do that, and we should take every step possible to make sure we eradicate that responsibility.

With our eye on that promise, Congress has made great progress, cutting spending by more than $50 billion over these past two years, eliminating more than 270 wasteful programs, and privatizing four major governmental agencies.

Most importantly, our budgets balance—a sure sign of our commitment to ushering in a new era of fiscal responsibility.

Still, Americans say we can do better, and my colleagues and I agree. We must do better.

But I am not sure the people understand that if we are going to fully carry out their agenda, it will likely take a different President to lead us there.

Our third goal for the future—more and better jobs—will follow once we have energized the economy by freeing America's families and job providers from the burden of high taxes and once we have reduced the mountains of regulations and overhauled the Tax Code to forever end the IRS as we know it.

Without a Federal bureaucracy blocking the path to success, wage earners and investors will find the freedom to do what a free-market economy encourages them to do: spend their own dollars, stimulate growth, and create new, better-paying jobs.

When my colleagues and I think to the future, we envision a hopeful, vibrant place. It is an America where any citizen who wants to achieve prosperity for themselves and their families—whatever their background and however they define that prosperity—is given the opportunity to succeed.

It is an America where government enables their success, and does not stand in its way. Mr. President, I am proud of the progress we have made in this Congress toward opening those doors, toward fulfilling the American agenda of lower taxes, less government, and more jobs.

I can say with certainty that our work is not finished. But I say with equal certainty that we have not wavered in our commitment to seeing it through. We will make every attempt as we enter the 105th Congress to finish the job we have started in the 104th.

I thank the Chair. I see there is no other Senator in the Chamber so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RESOLUTION OF SUPPORT FOR MILITARY OPERATIONS IN IRAQ

Mr. GORTON. Mr. President, a week ago, I was the only Member of this body to vote against a mild resolution of support for our military operations in Iraq last week. I did so, Mr. President, because it seemed to me that our response fell between two more appropriate responses and, as a consequence, was totally ineffective and inappropriate.

Mr. President, I felt last week—and I continue to feel the same way today—that we could have determined that in a civil conflict between two groups of fighting Kurds, one backed by Iraq and the other by Iran, that we had no interest, simply that we had no dog in that fight.

On the other hand, by reason of the protection that we have provided for Kurds, however uncivil in their conduct to one another, we could also have responded militarily. Almost without exception, however, Mr. President, thoughtful academics, military scholars, and national security experts have felt that the United States should not use its Armed Forces in combat in response to a challenge from another nation without doing so disproportionately.

What does that mean, Mr. President? It means that we should make absolutely certain when we use our Armed Forces that the cost exacted of an aggressor, of an enemy, is considerably greater, measurably greater, than the gains sought by that aggressor. If we don't use it with that philosophy, we almost certainly will be disappointed in the results of the use of our armed services and, of course, with respect to our national prestige.

I was convinced, Mr. President, that what we did last week was 5 cents worth of damage in response to a dollar's worth of gain on the part of Saddam Hussein and his Iraqi forces.

We launched 44 cruise missiles against Iraq last week in response to military adventures on the part of Iraq in a northern protected zone in Kurdistan. The act, as I have said, came in the midst of a civil war between two Kurdish factions, one backed by Iran and one by Iraq. We responded not only inadequately, but we responded in the south part of Iraq, while the fighting and the brutality was occurring in the north. The result, according to the administration, was a U.S. victory. As one administration official described it, "We really whacked him." Now, a little more than a week later, the reality is considerably different.

Saddam Hussein has regained control over the northern part of his country. After many years of oppression of its people, whom he has bitterly oppressed, thousands of whom he has killed, he is continuing to fire at U.S. warplanes in the south. The administration is in the midst of a review of its policy. Under most circumstances, Mr. President, when you are victorious, when you really whack them, it is the other guy who changes what he is doing—not us.

But this is precisely the flaw in the administration's policy; rather than respond to Iraq's military adventure in a manner that ensures that any such adventure costs far more than it is worth, we offered Band Aid solutions. The result has been less than glowing. Almost certainly at this point a reaction which will cost Iraq more than it has gained will require a greater investment and a greater risk than the investment and the risk which we engaged in a week ago.

Let us reflect for just a moment on what last week's military response achieved. Is Saddam Hussein treating his people better? Has he been compelled to abide by a U.N. cease-fire? Has Iraq been contained? Is the United States better off now than it was before the military action? Do we have solid support from the allies and the anti-Iraq coalition? The answer to each one of these questions is clearly no.

The coalition, masterfully constructed during the gulf war by President Bush, is frayed, if not defunct. Saddam Hussein is brazenly flaunting both U.S. and U.N. warnings and is scurrying to rebuild the very sites we destroyed last week and told him not to rebuild. In the last 2 or 3 days he has fired missiles at the aircraft patrolling the no-fly zone.

My friend, the Senator from Arizona, Senator McCAIN, said night before last that "decisions about the dimensions of our response are, of course, the President's to make."

Yet, the confusion continues. The day before yesterday the Secretary of Defense said that our response would be "disproportionate." Yesterday the Department of Defense says that the response will be "measured." Perhaps today we will have action that is "disproportionately measured."

In any event, Mr. President, it seems to me that it is vitally important, first, that the President consult with our allies in the Mideast in the coalition—something that he did not do earlier—second, that he follow the War

Powers Act and consult with the Congress. Whether he believes the War Powers Act to be constitutional or not, he would be extremely wise to consult with the representatives of the people of the United States before such an action rather than simply to ask for ratification after that action.

We are worse off than we were a week ago, Mr. President. We face very serious dilemmas. We are almost without bases from which to mount any military attack. The President is simply going to have to pay much more attention to the issue than he has in the past and build a much broader coalition if we are not to lose everything that we gained at such high cost during the gulf war.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, with respect to the Interior appropriations bill, I ask unanimous consent that the committee amendment on page 49, line 19, through page 50, line 8, as amended, be regarded for the purposes of amendment as original text.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield myself as much time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

TRIBUTE TO BILL MONROE

Mr. BYRD. Mr. President, the music world lost one of its most devoted artists on Monday when the legendary Bill Monroe passed away at the age of 84. The Bible says:

> The days of our years are threescore years and ten; and if by reason of strength they be fourscore years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away.

Bill Monroe lived to be 84.

His bluegrass music—the hybrid of folk, country, blues, and gospel styles—originated in the United States more than 60 years ago and continues to be popular across the country. Nowhere is this more true than in the Appalachian States, where it embraces the spirit of that region. Bluegrass is brought to life by combining high tenor vocals with instruments like the mandolin, fiddle—or violin—guitar, banjo, and bass, and is most often associated with Monroe, the creator and master of the style.

I was fortunate to have been able to play my fiddle with Bill Monroe in Boone County, West Virginia, when he appeared there years ago. I remember how enlivening it was to make music with such a first-rate musician. Monroe's stage performance exuded the passion and dedication he had for music. He told me how he believed in a, "good, clean show." Bill Monroe was a true gentleman. He never drank, smoked, or used offensive language. I remember he referred to liquor as "slop," and would tell aspiring musicians to go onto the stage, "looking right and smelling right," meaning that they should have no traces of whiskey on their breath. Indeed, Monroe was a role model for the more than 200 performers who played with The Blue Grass Boys throughout all of their Saturday evening appearances at the Opry. Musicians would travel to Nashville just to be able to say they had had a chance to work with the legendary performer.

And I would imagine that the Senator who is presently presiding over this great body has been out to the Grand Ole Opry himself on a few occasions, being fortunate in that the Grand Ole Opry was in his native State of Tennessee.

Musicians would travel to Nashville just to be able to say they had had a chance to work with this legendary performer.

William Smith Monroe was born in Rosine, Kentucky, on September 13, 1911. His parents died when he was still young, and he went to live with his Uncle Pen, a fiddle player.

There is a tune called "Uncle Pen," and I am sure that it was the product of Bill Monroe's prolific musical mind and written in honor of his uncle, Uncle Pen.

As the youngest of eight children in a musical family, Monroe learned about music early on, influenced by secular and religious folk traditions, gospel, blues, and Scottish and Irish fiddle tunes. He would later tell people that his mastery of the mandolin stemmed from the fact that his older siblings took their first pick of other instruments. Later on, this proved to be a blessing, since much of Monroe's success is attributed to his mandolin's unique sound which became the signature instrument of his bluegrass music. Monroe and two of his brothers—Charlie, who played the guitar, and Birch, who played the fiddle—moved to Chicago in 1930. The music they played there for dances and house parties was a traditional country style, but even in those early years, it was characterized by a faster tempo and the high-pitched harmonies that later evolved into Monroe's bluegrass trademark.

In 1938, Monroe auditioned for the Grand Ole Opry. The audition with Opry chief George Hay—the solemn old judge—was such a success that when Hay signed Monroe and the Blue Grass Boys, he told them, "If you ever leave the Opry, it'll be because you fired yourself!" Monroe's debut at the Opry marked the first time in the hall's history that the audience demanded an encore.

By the 1940's, Monroe's style was moving further from traditional country music and toward its own distinct sound. The country music scene considered his music too old fashioned to be called country music and the folk music scene wanted to maintain its image as a more affluent style. Monroe finally found a place for his music where he always wanted it—in its own class. His style became known as Bluegrass, as identified with his band, the Blue Grass Boys. In the late 1940's, the classic Blue Grass Boys lineup featured Lester Flatt on the guitar, and Earl Scruggs, who mastered the three-finger-roll banjo technique which added to their distinct sound.

As a boy, I used to listen to people in West Virginia play the banjo. They played it claw-hammer style. But when Bill Monroe came along—Earl Scruggs developed a three-finger roll, which was very lively. That three-finger roll had a great deal to do with putting the stamp on the music as bluegrass music.

Monroe and the Blue Grass Boys continued to please crowds at the Opry through the 1950's, and, in the 1960's, they began to appear in auditoriums throughout the country. In 1970, Monroe was inducted into the Country Music Hall of Fame.

Bluegrass music is no longer confined to rural communities in the heart of the Appalachian States. Today, Bill Monroe's songs are not limited to public radio or the Nashville Network. The popularity of Bluegrass has expanded, and is now an internationally recognized and appreciated form of music. Monroe's legacy will endure through the sounds that he invented, and in the bands that play his songs. He was an innovative and very gentlemanly performer who was an inspiration to other musicians, especially to country musicians. And I am thankful to have had Bill Monroe as a friend. Although Bill Monroe will be missed dearly, his music and his legend will live on. His influence has forever changed the shape of the American music industry, and I know that his sounds will continue to reverberate throughout the Appalachian Mountains and through the hills and mountains and hollows of West Virginia and throughout the world for all years to come.

SENATOR NANCY LANDON KASSEBAUM

Mr. BYRD. Mr. President, the sunlit, wind-tossed, rolling plains of Kansas have produced many leaders whose long vision and open minds have helped to shape this Nation. Senator NANCY LANDON KASSEBAUM is one of those leaders. Her three terms in the Senate have left an enduring legacy, one with roots as deep as the prairie grasses in the rich black Kansas soil and covering issues as diverse as the many-colored wildflowers nestled among those blades. The Senate has been enriched by her civil, thoughtful, presence.

Senator KASSEBAUM's political inclinations are strongly rooted in the Kansas earth. Her father, Alf Landon, a former Governor of Kansas, was nominated for President in 1936 to run against President Franklin Roosevelt. When Governor Landon died at age 100 in 1987, he had witnessed in his daughter's election to the Senate and her rise to prominence in this body a part of the quiet revolution in American society that brought women into so many new fields. First elected in 1978, Senator KASSEBAUM in 1994 became the first woman to chair a major Senate committee, the Labor and Human Resources Committee, since Senator Margaret Chase Smith of Maine led a special Committee on Rates of Compensation from 1953 to 1955.

Now, I had the great honor and privilege to serve with Margaret Chase Smith here in the Senate for a number of years, a woman whose declaration of conscience will always reverberate in this Chamber and will always grace the pages of the great RECORD of this Chamber's deliberations.

In the 104th Congress, Chairman KASSEBAUM—some would say "chairwoman"—has addressed some of the most contentious issues debated in recent years, including health care reform, welfare reform, minimum wage increases, and striker replacement. Her fairness and her civility in dealing with these contentious matters has been matched by her tenacity and her resourcefulness in crafting legislation that can be passed by the Senate and signed by the President. I have not always agreed with her proposals—and she has not always agreed with mine—indeed, on many issues like the repeal of Davis-Bacon, on striker replacement, we have been on opposite sides of the issue. But I commend Senator KASSEBAUM for her willingness to tackle difficult issues and to propose sweeping overhauls of complex and overlapping programs, such as welfare, health insurance, Medicaid, and job training programs, and to do so with courtesy and affability and respect for the others' views. No one would ever underestimate the quiet strength of Senator KASSEBAUM's convictions on these issues, but everyone can always count upon her straightforward, mannerly, courteous approach to debate and compromise.

Senator KASSEBAUM has also chaired the African Affairs Subcommittee of the Committee on Foreign Relations. She was instrumental in both implementing a sanctions regime against the white apartheid government of South Africa and in lifting those sanctions, once a new government was installed. She has been a strong voice for tolerance and compassion in a part of the world all too often racked by violence and ethnic hatreds. It was for these noble reasons that she called in June, 1992, for the deployment of United Nations peacekeepers to Somalia, after visiting that strife-torn nation. She steadfastly spoke up for these humanitarian concerns, even as I led an effort to withdraw U.S. troops from Somalia as the situation there deteriorated, eventually resulting in the tragic loss of 18 U.S. military personnel. But in the final vote, acknowledging the reality that the United States public would not support committing still more military men and women to Somalia, a requirement if the humanitarian mission was to be carried out in relative safety, Senator KASSEBAUM voted for an orderly withdrawal from that sad nation.

One issue upon which Senator KASSEBAUM and I see eye-to-eye on is school prayer. Despite the differences in topography, Kansas and West Virginia share in their solid small towns and on the farms and among the country folk a closeness with the earth and a reverence for the deity, a reverence for the church and for the community. Senator KASSEBAUM offered an amendment in 1994 to withhold Federal funds from any local school district found guilty of willfully violating a court order to allow constitutionally-protected prayer. Her amendment passed overwhelmingly by a vote of 93 yeas to 7 nays.

Mr. President, Senator KASSEBAUM shares in the strength of her Kansas upbringing, the solid strength of her Kansas forbearers. She sets her eye on a distant legislative target and she plows a straight furrow toward it, undaunted by distance or by difficulty. She speaks plainly, softly, and honestly, preparing the seedbed of civil bipartisan compromise. She is willing to cross party lines to vote for programs that result in the greatest common good as she sees it. By her actions, she has shown herself to be concerned more about the future of the Nation than the future of partisan politics. Her twin strengths of perseverance and courtesy have earned for her the respect and the genuine admiration of her peers and of the Nation. It is these qualities that have been in short supply during the bellicose and often bitterly partisan past several years in the Senate, and which will be so sorely missed when she retires from office.

And so I thank NANCY KASSEBAUM for her service to the State of Kansas, to the Senate, and to the United States, and wish her well in her retirement. Senator KASSEBAUM has said that she wants to spend more time with her grandchildren. Robert Southey (1774–1843) wrote in the poem, the "Battle of Blenheim":

It was a summer evening,
Old Kaspar's work was done,
And he before his cottage door
Was sitting in the sun,
And by him sported on the green
His little grandchild Wilhelmine.

I hope that Senator KASSEBAUM, her battles in the Senate over, past, and done, may treasure the pleasures and joys of sporting in the Kansas sun with her children and their children.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair. I note the change from Senator FRIST to you, Madam President, and so I address you properly as Madam President.

DEFENSE BURDENSHARING

Mr. SPECTER. Madam President, I have sought recognition to report briefly on a trip which I made from August 16 through August 31 of this year. Madam President, the trip focused on a number of key items in my travels which took me to Korea, Japan, and China, then to the Gulf States of Oman, Saudi Arabia, then to Israel and Syria, with a brief stop in Paris, and back to the United States.

One of the themes of concern to me, Madam President, was the issue of the enormous U.S. military expenditure, and the need to have burdensharing from our allies where we are maintaining so much of the cost of defense.

The Japanese are paying 70 percent of the cost. But it seems to me realistic that with their enormous gross national product, and their ability to pay their own defenses, that even 70 percent is not sufficient in the context of spending so little of their own money on national defense. The 70-percent figure is much larger than the moneys paid by the Saudis, where we have recently seen plans to move our base from Dhahran to the desert with a 50-percent sharing by the Saudis. But even there, when we are there to protect their interests and they are a very affluent nation, it seems to me that more ought to be undertaken by the Saudis. In South Korea, we have 37,000 American troops, and there have long been suggestions that some of those troops ought to be withdrawn.

South Korea, again, is a very prosperous nation. Some of their defense planning is long range, not on the immediate potential threat from North

Korea. And there again, it would be reasonable to have more cost sharing by the South Koreans. I suggest that our defense policy ought to undertake a look globally beyond NATO as to burdensharing with the specific reference to Japan, South Korea, and Saudi Arabia.

During the course of travels, we also had a considerable focus on the nuclear threat, and, potentially, real problems in North Korea, where they have the wherewithal to have nuclear weapons, and where they have ballistic missiles which are reported to have sufficient thrust to reach Japan or Alaska, and far beyond.

The situation in North Korea is very unstable. I had hoped to visit North Korea personally, and had some preliminary indications, up to the start of the trip, that we could do so, but at the last minute we were told we could not visit North Korea.

The situation there is unstable because of the shortage of food, and I think that we have to engage the North Koreans. We have to do what we can to see that there is a stable government there. Assistance on food is elementary. Japan and South Korea are aiding. We are to some extent, but we have to keep a close watch on the volatility, and the potential instability in North Korea.

When we traveled to China, a key focus of attention was the trade issue, and we were told that trade is not calculated properly because of certain statistics coming from Hong Kong. But we made the point as emphatically as we could that there needed to be more reciprocity and more openness of the Chinese markets. We visited the city of Harbin in Manchuria and saw really great potential for American growth, the growth of American trade, meeting with United States businessmen in that community.

While in China, we also took up the issue of freedom of religion, noting the fact that Christians were not permitted to practice religion, and recent activities by the Chinese Government inhibited freedom of religion by Christians, and by Jews, and those with different religious views. We were assured, but I think vacuously, in their statements that there was freedom of religion, but the facts are very much to the contrary. And we asserted that point with some forcefulness.

We also took up the issue of the sale of M–11 missiles from China to Pakistan. We protested that very strongly. We were told by the Chinese that they had not violated international accords, and there again a stalemate in our discussions.

There is a real question as to how we deal with the Chinese, whether by sanctions or totally by diplomacy. My sense is we have to consider sanctions. With the Chinese destabilizing the subcontinent of Taiwan, firing their own ballistic missiles close to Taiwan, it seems to me that we have to be forceful and really consider the imposition of sanctions there.

Moving on to Saudi Arabia, we had an opportunity to view the Khobar Towers site at Dhahran, a subject I reported on briefly in a floor statement yesterday—an enormous tragedy, 19 Americans killed, hundreds wounded. Seeing the perimeter fence less than 60 feet from Khobar Towers, it was apparent, on a cursory inspection, that it was an open invitation to terrorism. As noted in my floor statement yesterday, it was my conclusion that there had been ample warnings about the potentiality of terrorists at the perimeter fence, and the possible use of a large bomb.

That is something that will be considered in greater detail by the Downing Task Force, but there is an urgent need for stepped-up force protection, certainly in places like Khobar Towers, and doubtless around the world considering the escalating threat of terrorism.

We had a chance to meet with Defense Minister Sultan, Crown Prince Abdullah, and urged cooperation with the Federal Bureau of Investigation on the inquiries to determine who the terrorists were at Khobar Towers, and reregistered our complaints that the FBI had not an opportunity to interview the four men who were executed for the November 13, 1995, car bombing in Riyadh, and raised the issue about the need for Saudi Arabia to undertake a greater share of the cost of the defense burdens.

Before arriving in Saudi Arabia, we made a brief stop in Mongolia, an independent nation, landlocked between China and Russia, quite a product of an emerging democracy, having thrown off the yoke of the Soviet Union even before its disintegration. There we saw an effort for democratic process succeeding in its embryo stage, and an effort for the free market.

Coming to the Mideast, we had an opportunity to confer with Prime Minister Netanyahu, Syrian President Assad, and Palestinian Chairman Arafat. There is obvious difficulty with the new government being beset by problems on all sides. We find disagreements within the Likud government, but it is my impression that Prime Minister Netanyahu is up to the challenge.

We had an extended discussion with Chairman Yasser Arafat, and I must say that every time I meet with Chairman Arafat, it is a wonder to me that we are doing business with a man who has had such a long record of terrorism. Going back to September 13, 1993, when then Prime Minister Rabin, and then Foreign Minister Peres shook the hand of Yasser Arafat, it seemed to me that if the Israeli leaders were prepared to do so, the United States should be supportive of their efforts toward the peace process. Certainly the Israelis have suffered the major burden of the terrorist attack by the PLO in the Mideast area.

In the conversations with Chairman Arafat, we discussed the resolution that Senator SHELBY and I had introduced, which was enacted, which conditioned U.S. aid on a change of the PLO charter. Chairman Arafat assured us it had been done. And when he produced the document, it was evident on its face that it was insufficient, the document saying merely that all provisions inconsistent with the September 13, 1993, agreement would be revoked. That is not sufficient, and we made that point as emphatically as we could.

We then talked about terrorism, and with Yasser Arafat, a man who has been on a first-name basis, and has dealt with the terrorists of the area, Abu Nidal, Abu Abbas and Hamas, and emphasized as strongly as we could the need for the Palestinian authority to be proactive in stopping terrorist attacks in that area.

Chairman Arafat assured us that he was doing what he could, emphasized the point that he himself was subject to terrorist assassination plots, and said that he would do what he could. But I think that is an area which requires increasing U.S. pressure. We need to be as emphatic as we can that if we are to continue United States military aid to the Palestinians, they are going to have to take effective action against terrorism.

Mr. President, in accordance with my practice to report on foreign travel, this floor statement summarizes a trip taken from August 16 through 31, 1996, to Asia and the Mideast, focusing on the North Korean threat, the question of sanctions against China for selling M–11 missiles to Pakistan and for firing a ballistic missile 100 miles from Taiwan, the June 25 Khobar Towers bombing in Saudi Arabia, the Mideast peace process and terrorism, with a stop in Paris for discussions on terrorism and trade en route back to the United States.

We had hoped to visit North Korea to personally inspect the North Korean nuclear facility and to meet with North Korean leaders. But, despite several months of efforts, the North Koreans ultimately refused to allow my visit.

We were able, however, to discuss the North Korean situation with local American authorities and with leaders of North Korea's immediate neighbors: Japan, South Korea, and China. Specifically, we met with American military leaders, including our commanders in Japan and South Korea; Japanese, Korean, and Chinese foreign affairs and trade ministers; and with our ambassadors and embassy teams. We wanted to investigate not only the North Korean threat, but whether we should ask South Korea to shoulder a larger share of the defense burden—no small matter when we face deficits and difficult domestic spending cuts.

Upon arrival in Japan on the evening of August 18, we met with Marine Brig. Gen. Terrance Murray, deputy commander of United States forces in Japan. I continued my discussion with General Murray and his top aides the next morning, focusing largely on the North Korean threat and the allocation of United States resources in Japan. It struck me that our arrangement with Japan, in which the Japanese Government pays 70 percent of the cost of United States forces in Japan, offered a model for renegotiating with South Korea, and our costs in defending Saudi Arabia. When dealing with such prosperous nations, there is no reason why they should not pay the full cost of their own defense.

Following our second meeting with General Murray, we met with Rust Deming, our Chargé d'Affaires, and the Embassy team in Tokyo. We agreed that Congress should focus on unfair trade practices in Japan that cost American companies millions of dollars and American workers tens of thousands of jobs. By demonstrating sustained interest in trade issues, and by more congressional visits to Japan, we can send Japan a message that the United States has staying power.

Mr. Deming and his team of issues experts discussed how American companies find themselves competing for a small portion of various Japanese markets, or find themselves shut out entirely, as networks of Japanese firms buy only from each other, while enjoying the profits as American firms buy from them. We do not even have the recourse of some developing nations, which are allowed under GATT to set formulas that require, for example, that the Japanese build one automobile in a host country for every given number of cars they sell there.

Industries in which American firms suffer from unfair Japanese market restrictions include semiconductors, automobiles and auto parts, insurance and civil aviation. Several major corporations in my own State of Pennsylvania are being handcuffed.

Following my meeting with the Tokyo Embassy team, I took up trade issues in an hour-long meeting with Masaki Orita, Director General of Japan's North American Affairs Bureau. I told Mr. Orita there was a lot of anger in America, which I see almost every time I hold an open-house town meeting in Pennsylvania, that American markets are open to Japan, but Japanese markets are closed to America. I told Mr. Orita I did not agree with him that the atmosphere has improved on United States-Japanese trade, when we face a $59.5 billion deficit even though it has been reduced from $65 billion.

After our meeting, I asked Mr. Orita to pose for a photograph with me. As I prepared to snap the photo, Mr. Orita remarked with pleasure that my Olympus pocket camera was made in Japan. I told Mr. Orita that we believed in free markets, and were pleased to buy Japanese products, if they were the best available at the best prices. I said Japan ought to allow Kodak to compete with Fuji in its film market.

When my flash failed to fire, Mr. Orita immediately said the problem was with the batteries, and not with the camera. I told Mr. Orita that my batteries were also made in Japan.

I brought up trade again at my next meeting, with Kenzo Oshima, Deputy Director General of Japan's Asian Affairs Bureau. During our hour-long talk, we also focused on the North Korean situation and the prospect for Four Power Talks among the United States, North Korea, South Korea, and Japan.

Mr. Oshima told me he was apprehensive about North Korean military aggression.

North Korea is already over the line, I said. By legal definition, an arm raised in a threat to strike—or missiles massed on the DMZ—constitutes assault. The actual act of striking constitutes battery.

We agreed that food should be given to North Korea for humanitarian reasons, even at the risk that some of our contributions would be diverted to uses that increase friction on the Korean Peninsula.

On costs, I pressed Mr. Oshima that Japan should contribute more to the North Korean process, especially in light of an additional $25 million in United States aid recently approved by the United States Senate. Mr. Oshima promised a meaningful contribution from Japan, but would not offer a figure.

On Tuesday, August 20, we met in Seoul, South Korea, for 2 hours with Ambassador James Laney, members of the Embassy team, and Marine Maj. Gen. Frank Libutti. Our experts stressed that we faced a threat of miscalculation or desperation from North Korea. Ambassador Laney and General Libutti, like the experts in Japan, thought the North Korean regime was weakening, and was near destabilization.

Mr. Laney noted that the room where we were sitting at the United States Embassy in Seoul was 23.4 miles from the North Korean border. General Libutti added that a North Korean rocket could reach Seoul in less than 1 minute.

We also discussed efforts to find remains of the 8,000 United States soldiers unaccounted for during the Korean war. Until recently, those efforts have been stymied by North Korea's refusal to admit United States search teams. But recently, joint United States-Korean teams have found some remains.

I told Mr. Laney that South Korea should pay more of the costs of the protection it enjoys from the 37,000 United States troops stationed there. Under a 1954 treaty, the United States pledged to defend South Korea, a rare and sweeping commitment. I noted that Japan pays 70 percent of the cost of the United States forces within its borders, while South Korea now pays only one third of its cost, and is scheduled to pay an additional 10 percent each year. I told Ambassador Laney that I did not find that arrangement adequate.

We met next at Yongsan Garrison, headquarters of the combined United States-Korean force, for an hour with Gen. John Tilelli, the United States commander in chief. We discussed the North Korean threat and military strategy in some detail. General Libutti also attended and participated in that meeting. We discussed, in greater detail than I had with General Murray in Japan, the massive, 3-week war game that United States and its allies had just begun involving various scenarios of military conflicts with North Korea. I told General Tilelli I thought it was essential, apart from the game's value as training, to show the North Koreans that we are ready.

Afterward, we met with Ambassador Yoo Chong Ha, South Korea's Senior Presidential Secretary for Foreign and National Security Affairs. We had a somewhat tense conversation about whether South Korea could not share more of its defense costs. I pointed out that Congress was very uneasy about the amount of money we are spending in South Korea, and about the number of United States troops stationed there. I pressed Mr. Ha that South Korea should contribute more toward its own defense. I asked him why South Korea should not bear the entire cost of its defense.

Mr. Ha replied that South Korea is already buying substantial amounts of United States armaments, and is increasing its share of defense costs. Stating my own personal disagreement, I said that South Korea was not paying enough.

Our final meeting in Seoul was with South Korean Foreign Minister Gong Ro Myung. We talked at length about North Korea's terrorist threat. I noted that North Korea remains on our terrorist nations list, which bars most United States contact.

While North Korea has not been charged with committing a terrorist act since 1987, Mr. Myung said he was investigating allegations that a North Korean agent had murdered a South Korean man in China just a week earlier, in mid-August.

On August 20, we traveled to Harbin, China, a sprawling city of 3 million in Heilongjiang Province. We were especially interested in visiting China's outlying provinces to get a feel for United States market potential. In

Harbin, we continued our talks on trade. We were accompanied throughout by United States Consul General Carl Wycoff.

We met with Gov. Tian Fengshan, leader of the Heilongjiang Province, and discussed opportunities for development and American industry within his borders. The Governor said he was encouraging Americans and other foreigners to invest in his province, and was working on a cooperative agreement with the State of Alaska.

I met next with a group of American businessmen working in the Harbin area. They reported frustration with China's redtape. A fiberglass pipe manufacturer, for example, complained about Chinese requirements that he secure a separate permit for every shipment of the same type of imported materials.

We were warned that the Chinese often welcome innovators, learn their techniques, and exploit them or force them out.

In the evening, we attended a dinner with the Deputy Governor and several of his aides. We covered a gamut of subjects, including free elections and the democratic process. The Deputy Governor, proposed by the State committee, had been elected without opposition. In response to my question, he said he found Boris Yeltsin's recent campaign for President of Russia, including campaign stops at a disco, effective in appealing to voters.

On August 21, I met with the Vice-President and several professors at the Harbin Institute of Technology, all of whom had been among the first wave of Chinese academics who studied in the United States in the early 1980's. One computer science professor had briefly been one of my constituents, when he studied for 2 years at Carnegie Mellon University in Pittsburgh.

I toured the city, including stops at an open market and a western-style department store, and was struck by the strong demand for western mechanized goods, and the opportunity for American firms. I chose to visit Harbin largely because it was not a westernized southern port, which draws most foreign traffic and interest.

On August 21, we traveled to Mongolia, largely to investigate what the United States could do to foster the fragile democracy and market economy that only recently freed itself from the Soviet yoke.

Upon arrival in the evening in the capital city of Ulaan Baatar, we met with Chargé d'Affaires Llewellyn Hedgbeth, members of the Embassy team, Peace Corps Director Mark Zober, and three Peace Corps volunteers assigned to Mongolia.

In the morning, we met with the economic adviser to the Prime Minister, an American policy expert named Jim Bikales; with the Chief of the Mongolian National Intelligence Agency, Dalhjavyn Sandag; and with the Secretary of the Mongolian National Security Agency, Jargalsaihany Enkhsaihan. We discussed the host of economic travails threatening Mongolia's fledgling market economy, including a banking crisis that spurred a credit shortage; a budget crisis; and shrinking GDP growth.

We met next with Radnaasumberel Gonchigdorj, Chairman of the Hural, the Mongolian Parliament. Mr. Gonchigdorj said U.S. assistance is vital, especially for a Mongolian economy so weak that social services are an unaffordable luxury. I told the chairman that his country was a shining example of the trend toward democracy, and that we wanted to help, and would help, but faced a deficit problem of our own.

Asked for my suggestions, I urged the chairman and his colleagues to privatize as soon as possible the two-thirds of the Mongolian economy that they have not yet privatized.

Later in the day, we returned to the Government complex to meet with Prime Minister Mendsaihny Enkhsaihan, an economist by training. For almost an hour, we discussed primarily economic and fiscal matters. The Prime Minister told me his goal was to privatize 60 percent of state assets by the year 2000. I urged him, as I had urged Hural Chairman Gonchigdorj, to privatize the rest of the economy as fast as he could.

We spent the evening with Sanjaasurenglin Zorig, a key government leader who holds the title Chairman of the Standing Committee on State Structure, and several other members of the Hural. During a wide-ranging, 2-hour conversation, I urged Mr. Zorig, as I had urged the Prime Minister and Hural Chairman earlier, to privatize the rest of the economy.

I was struck to learn that Mr. Zorig and several of his colleagues had followed the 1991 confirmation hearings of Supreme Court Justice Clarence Thomas, which they had watched on then-Soviet television. I was heartened that they grasped, through the often-heated proceedings and Soviet censorship, the theme of judicial independence that we Americans prize.

From Mongolia, we flew to Beijing, China, on August 23 for a series of meetings with Chinese national leaders and with United States Ambassador James Sasser, a former Senate colleague, and his Embassy team.

My concerns included China's sales to Pakistan of M–11 missiles, which could potentially deliver nuclear warheads to India; Chinese ballistic missile tests near Taiwan; China's relationship with North Korea; our trade deficit with China; and human rights violations, including alleged persecution of Christians.

After an hour-long discussion with Ambassador Sasser and his experts, we attended a luncheon with Chinese Friendship Association President Lui Shuqing, who serves as an ambassador to American Government leaders. After much prodding, he allowed that China fired ballistic missiles within 100 miles of Taiwan as a warning to the breakaway republic not to go too far down the road to independence.

We met next for an hour with Vice Premier Qian Qichen, who also serves as China's Foreign Minister. Mr. Qian was also guarded, from the outset. Mr. Qian flatly maintained that China had not sold missiles to Pakistan in violation of international agreements, despite evidence and acknowledgments. "We'll just have to disagree about that," I told the Vice Premier. I added that the Senate was considering taking action against China, including sanctions.

Mr. Qian said the Chinese opposed sanctions on principle, because they were unwarranted. He added that sanctions would not work against China, and were a two-edged sword that could hurt both China and the United States. On trade, the Vice Premier and I again reached an impasse. I maintained that a $35 billion trade imbalance was unacceptable. Mr. Qian dismissed the disparity as a matter of my statistics, which he said improperly included trade with Hong Kong. When I told the Vice Premier we were concerned about freedom of religion for Christians in China, he assured me that China allows freedom of worship for all sects.

We ended the day with a meeting, followed by a formal dinner, with Deputy Chief of Staff Lt. Gen. Cao Cangchuan, the equivalent to our vice-chairman of the joint chiefs of staff. Our substantive conversation focused on defense budgets and manpower allocation.

We traveled to Muscat, Oman, on August 24, to begin a series of Mideast stops, focusing on the Mideast peace process; the Khobar Towers bombing and terrorism; Iran's role in the region and its relationship with the United States; and Saudi Arabia's role in and reimbursement for its own defense.

After a briefing by Ambassador Frances Cook and members of her Embassy team, we met for an hour with Sayyid Badr, Chief of the Omani Office of the Foreign Minister. I complimented Mr. Badr for Oman's recognition of and rapport with Israel, including the two nations' exchange of trade representatives and Oman's lifting of its boycott against Israel several months earlier. Mr. Badr said Oman's relationship with Israel was complicated by Oman's need to maintain relations with its Arab neighbors who were hostile to the Jewish State.

We began the morning of August 25 by having breakfast with Pennsylvanians on the Embassy staff. Afterward, I fielded questions from Omani journalists at an airport news conference, mostly offering my assessments on the prospects for Mideast peace and for combating terrorism. We have to be tougher with Iran, which may be sponsoring terrorism and fundamentalism, I told the reporters. On the issue of the June 25 Khobar Towers bombing, which may have been state-sponsored, I said terrorism today is an act of war, and we did not intend to be victims of acts of war without reprisal.

We spent August 25 in Dhahran, Saudi Arabia, inspecting the Khobar Towers Air Force apartments that were hit by the June 25 truck bomb, and discussing the situation with base commander Maj. Gen. Kurt Anderson, Brig. Gen. Dan Dick, Consul Gen. Doug Green, Capt. Rick Reddecliff of the Air Force Office of Special Investigations, and FBI and CIA officials. My staff and I conducted interviews, then held a detailed discussion at the Consul General's headquarters and toured the apartment complex. Afterward, I met with 20 officers and airmen who had been in Khobar Towers when the bomb exploded, including many who were injured.

Khobar Towers Building 131 was a horrible sight, more ghastly up close than even television or news photographs can convey. The building's front wall had been sheared off by the blast, exposing twisted wreckage and blood-stained walls. The wire fence in front of the building, the subject of so much controversy, measured 60 feet as I paced it off—far less than the 80 feet as previously reported.

The officers and airmen who had been at Khobar Towers on the night of June 25 described, calmly and precisely, how the blast blew out their windows, lacerating them with glass shards, and propelled them across their living rooms. I told them that the United States now has extraterritorial jurisdiction, based on a 1984 law that I helped draft, to investigate terrorist attacks against Americans anywhere in the world. I told them terrorism is a war, and that we would do our utmost to bring those responsible to justice.

We traveled to Riyadh in the evening, and discussed the Mideast situation with Chargé D'Affaires Theodore Kattouf, the Embassy team, and senior Air Force, focusing on Saudi Arabia's contribution to regional defense.

I expressed the opinion that Saudi Arabia, with its oil wealth, should pay more of the costs of United States forces committed to defend the kingdom, citing as an example Japan's 70 percent contribution to the cost of United States forces there. We have vital national interests in the Mideast, but it is, first, a Saudi property right that we are protecting. I noted there was great concern in the Congress about Saudi Arabia's refusal to let us interrogate the four suspects in the November 13 car bombing in OPM-SANG in Riyadh that killed five Americans.

In mid-morning of August 26, we flew to Jeddah for meetings with Saudi Crown Prince Abdullah bin Abd al-Aziz Saud and Saudi Defense Minister Prince Sultan bin Abd al-Aziz Al Saud.

In each hour-long meeting, we focused on the Khobar Towers bombing and Mideast terrorism. In response to my questions, each Saudi leader said some suspects had already been arrested in the Khobar Towers bombing, some had been released, and the process was continuing. I asked whether the Saudis would allow the CIA and FBI to interrogate suspects in the Khobar Towers attack when they are found, noting our concern that United States officials were denied the chance to interrogate the OPM-SANG suspects before they were beheaded. The crown prince was noncommittal, but the defense minister indicated such interviews would be permitted.

At each meeting, I asked whether the United States would be justified in taking military action against any nation which might be responsible for the Khobar Towers bombing. By reference, I cited our bombing raid against Libya in 1986, in retaliation for the German discotheque blast that killed two American soldiers and our missile attack on the Iraqi Intelligence headquarters following discovery of the Iraqi plan to assassinate former President Bush.

Neither agreed with such retaliatory action. The crown prince volunteered a reference to Hizbollah and said if Hizbollah is found to be involved, retaliation should be directed against them.

Each Saudi leader rejected my suggestion that Saudi Arabia exchange ambassadors or trade representatives with Israel. Such an exchange would work against peace, the defense minister said.

We traveled to Israel on the afternoon of August 26, and proceeded directly to a gathering in Tel Aviv for Israel's new ambassador to the United States, Eliahu Ben Elissar.

We began the next morning with an hour-long briefing from United States Ambassador to Israel Martin Indyk, focusing on the dynamics of Israel's new Likud Government and the challenges it faces, at home and from its Mideast neighbors.

From there, we met for an hour with Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu said he wanted to begin peace negotiations with his Arab neighbors, and felt bound by the Oslo Accords that Israel's Rabin/Peres government had signed before Mr. Netanyahu took office, even though those agreements did not reflect Mr. Netanyahu's own position. The Prime Minister said, however, that he was not obligated to go beyond those contracts, which were vague. He said that friction with Syrian President Assad, among others, centered on differences over the extent of Israel's commitments.

Mr. Netanyahu said he was eager to get to the negotiating table with Syrian President Assad. I noted that years earlier, I had urged Mr. Assad, without success, to meet with Mr. Shamir when he was Israel's Prime Minister. Prime Minister Netanyahu asked me to carry a message to President Assad, whom I was scheduled to meet with the next day.

We next met for an hour with Natan Sharansky, the dissident and former Soviet prisoner turned Israeli Minister of Industry and Trade. Mr. Sharansky, whose immigrant party now holds seven seats in Knesset, said he wanted to accelerate immigration into Israel, but was contending with Israeli housing that, as he put it, took the worst from capitalism and socialism. I told him my father had immigrated from Ukraine to the United States as a boy in 1911, and that I understood the immigrant's position. We agreed that Russian Jews should have a choice where they emigrate, rather than being limited to Israel.

We met next with David Levy, the Israeli Foreign Minister. Mr. Levy said he was not satisfied that Palestinian Chairman Yasir Arafat was doing enough to combat terrorism. I told Mr. Levy that legislation I sponsored with Alabama Senator RICHARD SHELBY, which is now law, requires the Palestinians to crack down on terrorism and to delete references in their charter to the destruction of Israel, in order to receive $500 million in United States aid.

Mr. Levy replied that Mr. Arafat had told him the charter changes would have to go before a committee and would take 6 months. Mr. Levy said he told Mr. Arafat those efforts did not satisfy Israel. I told Mr. Levy I had pressed Mr. Arafat about the charter changes in the past, and that I would press him again when I met with the Palestinian leader later in the day.

I also asked Mr. Levy if he wanted me to convey any message to Syrian President Assad. Mr. Levy asked me to tell Mr. Assad to cease creating an atmosphere of terrorism, and that the Israelis were willing to enter direct negotiations with the Syrians without preconditions.

We met next with former Israeli Prime Minister Yitzhak Shamir. Mr. Shamir maintained unequivocally that Israel must be strong and hard in its negotiations with its Arab neighbors, or will get nothing. He inveighed against any Israeli concessions, including land for peace.

We met next with Infrastructure Minister Ariel Sharon, the former general. Mr. Sharon said Israel is struggling to accommodate an ongoing immigration in the face of increasing water shortages. One of Mr. Sharon's deputies said the water crisis is more difficult than the Arab-Israeli situation. But Mr. Sharon, touting the education and skills of Israeli immigrants, said the desert nation would find a way to provide enough water for all its newcomers, even if a million Jews emigrate from the United States.

In response to a question about the controversy over a possible Israeli withdrawal from Hebron, Minister Sharon produced a map of the city and detailed the thousands of years of Jewish presence there. The minister stated that Israel would give the 100,000 Palestinians who reside in Hebron control of the city only under an arrangement that protects the rights and interests of the Jewish population there.

We ended August 27 with an evening meeting with Palestinian Chairman Yasser Arafat at Mr. Arafat's Gaza headquarters. Chairman Arafat opened our 90-minute session with a litany of complaints about his treatment by the Israelis, including the demolition of a community center earlier in the day.

I pressed Chairman Arafat about his obligations, under the Specter-Shelby amendment, to crack down on terrorism and to delete from the Palestinian charter all calls for the destruction of Israel, in order to receive the United States aid.

Chairman Arafat claimed that he had deleted all references to destroying Israel from the Palestinian charter, at great personal and political cost. He said he had cut so much from the Palestinian charter that nothing remained of the document, and that the charter would have to be redrafted, probably in November or December. The Chairman showed me documents that he said proved he had made the required changes. After reviewing those documents, I said the changes were insufficient. All that was said was that all references to Israel were revoked where inconsistent with the September 13, 1993 agreement.

Chairman Arafat told me he had been warned that Iranians would assassinate him for changing the charter. I asked Mr. Arafat what we could do to stop terrorism. He replied that it was very difficult. He suggested we pressure Libya through the United Nations, rather than by taking unilateral action.

The next day, August 28, we traveled to Damascus to meet with Syrian President Assad. Our meeting lasted 3½ hours. We focused on the Mideast peace process and on terrorism. I conveyed Israeli Prime Minister Netanyahu's message that Israel had only peaceful intentions toward Syria, that both sides should move immediately to reduce military tensions, and that Mr. Netanyahu wanted to reopen direct negotiations between Israel and Syria.

President Assad replied that Syria would not go back to the table until Prime Minister Netanyahu reaffirms the land-for-peace basis of negotiations, and agrees to pick up where Israel's previous Labor Government left off. President Assad dismissed current Syrian troop movements in Southern Lebanon as merely technical and routine, and not threatening. He rejected a Lebanon-first approach, the Israeli offer to negotiate the Israeli withdrawal from South Lebanon as a first step before re-opening bilateral peace talks.

I urged President Assad to sit down with Prime Minister Netanyahu, even if they seemed to have no common ground.

President Assad said it was unlikely that Iran was involved in the bombing. I urged President Assad repeatedly to share with us any information that he may get about the Khobar Towers bombing.

President Assad suggested the United States adopt a law-enforcement response to terrorism, rather than a military response. As for the Hizbollah and other terrorist groups reputed to operate within Syria, President Assad asserted he had no control over what some individuals do, and that it was inappropriate for the United States to ask Syria to go to war against these groups, even though Syria had the power to destroy them. Hizbollah considers itself to have the political and religious duty to liberate its land, President Assad said, and has taken a leading role in the struggle with Israel.

After returning to Israel in the evening, I met again with Israeli Prime Minister Netanyahu, to brief him on my discussion with President Assad, and telephoned Foreign Minister Levy for the same purpose.

We made a final stop in Paris on the way back to the United States, to explore the French and European response to terrorism and France's relationship with Iran and the Middle East.

We met for an hour with French Interior Minister Jean Louis Debre, who is roughly equivalent to the United States Attorney General, and at length with United States Ambassador Pamela Harriman and her Embassy team.

Madam President, there is a great deal more to be said, but I know colleagues are awaiting floor time for morning business. So I will conclude this summary, noting that a much more extensive comment than my floor statement is contained in the Pittsburgh Post-Gazette. I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, an article which I wrote for the Pittsburgh Post-Gazette.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Post-Gazette]

HOST NATIONS MUST COVER MORE COSTS OF U.S. TROOPS ABROAD

(By Arlen Specter)

The truck bomb that killed 19 Americans at the Khobar Towers Air Force apartments June 25 has left Building 131 a faceless, four-story mass of twisted wreckage and blood-stained walls that bakes in the Saudi Arabian sun. The destruction is more grisly up close than in any news photograph, as I discovered last month while inspecting the complex during a Senate Intelligence Committee trip to Asia and the Mideast.

After a total of 24 Americans were killed in Saudi Arabia in the Khobar Towers bombing and in a 1995 terrorist blast at a U.S.-run training facility in Riyadh, our troops are moving from Dhahran to Kharj, in the middle of the desert. The relocation will cost an estimated $200 million, and Defense Secretary Perry has arranged with the Saudis for each nation to pay half the cost.

Saudi Arabia is not an isolated situation. Around the globe, American troops in harm's way defend our vital national interests, such as Saudi oil, while protecting our host nations and their interests in the process. We cannot, of course, put a price tag on the lives and limbs of our young soldiers cut down by terrorist bombs. But we can, and should, ask our allies to shoulder more of the cost and responsibility for defending them and their property.

While the number of U.S. troops deployed around the world has sharply declined since the height of the Cold War, the United States still spends huge sums and deploys thousands of troops on foreign soil, while facing massive deficits at home. Several nations I recently visited, including Saudi Arabia, South Korea and Japan, could pay the entire cost of our defense efforts on their soil, or at least more of it. If we toughen our bargaining position, we certainly can get a better deal.

In each country I visited on my recent trip, I asked if there was any reason the host nation could not pay its entire defense bill, including the cost of U.S. forces committed to that nation's defense. Generally, our embassy experts shook their heads and said there was not. The foreign leaders disagreed, offering statistics about the volume of U.S. arms they buy, their incidental expenses such as land values of U.S. bases, and their own budget deficits. I found their arguments unconvincing.

At an absolute minimum, we should bill host nations for 70 percent of our costs of defending them, following the formula we apply with Japan. And in Japan, which has a $4.5 trillion economy, and in many other countries, the share should be higher.

Saudi Arabia is an extreme case. Between World War II and 1975, the United States gave Saudi Arabia a total of $328.4 million in economic and military aid, according to the U.S. Agency for International Development. We trimmed and ended this largesse as oil revenues filled Saudi coffers. But we still post 5,000 U.S. troops on Saudi soil.

"The sovereign independence of Saudi Arabia is of vital interest to the United States," as President Bush said in 1990, after Iraq invaded Kuwait. If a hostile nation seized Saudi oil wells, the largest reserve in the world, the American economy and world markets could tumble.

That state of affairs should stimulate debate in the United States on the dangers and disadvantages of reliance on Mideast oil, on exploring alternative sources of energy, on conserving oil and gas, on lower speed limits, and perhaps even on higher taxes for oil and gas to stimulate conservation. It is not a reason for us to bear the bulk of the Saudi defense burden.

Why shouldn't the Saudis foot the whole bill? Why shouldn't they at least pay the entire $200 million cost of relocating our troops to safer ground, after terrorist bombs murdered two dozen Americans? As The Washington Post reported, "On the scale of Saudi Arabia, which has paid out about $50 billion to nations that fought in the 1991 Persian Gulf War, the extra $100 million amounted to a modest commitment, whatever reservations the Saudis may have."

We never went into the Persian Gulf War expecting to remain a permanent presence. At a recent meeting with Secretary Perry, Senator Sam Nunn of Georgia, one of the Senate's most respected voices on military matters, noted that we deployed troops to the Persian Gulf on an emergency basis, expecting the Saudis to take over. At that meeting, Senator Nunn said the Saudis could afford the military hardware and could recruit troops to provide for their defense.

To add insult to injury, several nations are skinning us on trade, while also skinning us on defense costs.

Saudi Arabia, for example, is our largest trading partner in the Middle East. In 1994, the last year for which figures are available, the Saudis exported an estimated $8 billion to the United States and imported an estimated $6.4 billion from us, for a trade deficit of $1.6 billion.

The United States has played a major role in fostering South Korea's massive economic growth, to the point that South Korea is now the world's 11th-largest economy. But South Korea retains obstacles to free trade and restrictions on market access, and poorly protects intellectual property rights, all of which costs U.S. firms and U.S. workers.

Meanwhile, South Korea pays only one third of the $900 million annual local-currency cost for the 37,000 U.S. troops stationed on its soil. South Korea spends millions on its own long-term military preparations, while we handle and finance the lion's share of day-to-day defense.

Our whopping $59.5 billion trade deficit with Japan fuels our budget deficit. In Japan, American companies find themselves competing for small portions of various markets, or find themselves shut out entirely, as networks of Japanese firms buy only from each other, while enjoying the profits as American firms buy from them. Several major corporations in Pennsylvania are being handcuffed.

Meanwhile, the United States stations 47,000 troops in Japan, at a cost of more than $8 billion per year. The Japanese government contributes almost $5 billion per year. But total Japanese defense spending represents less than 1 percent of Japan's GNP, compared to the 4 percent of our GNP the United States spends on defense.

I am not suggesting that we turn American troops into mercenaries, or that Saudi Arabia or most other host nations could defend themselves alone as well as we can jointly defend them. But there must be equity. There must be shared responsibility.

After inspecting Khobar Towers last month, I met with 20 officers and airmen who had been in and around the complex when the 5,000-pound truck bomb went off. For an hour, in turn, these men and women calmly recounted their own injuries and the efforts, by those who were able, to aid more seriously wounded comrades and to remove bodies. At the end of our talk, a young captain said that despite all we do in Saudi Arabia, our troops are not even allowed to fly the American flag above the U.S. compound. Something is wrong, he said.

I agree.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I ask unanimous consent that the hour to which I was assigned begin at 1:10, and conclude at 2:10.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM AND TAX RELIEF

Mr. COVERDELL. Madam President, it is our intention during the hour under our control to continue the discussion of the importance of tax reform and tax relief for the American people at this time in which they are bearing the highest tax burden in American history. We have been joined by my distinguished colleague from Wyoming. I yield up to 10 minutes to the Senator for the purpose of expounding on this subject.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Senator from Georgia for setting up some time to talk about the issue that most of us talk about all the time, and that is taxes. It is an issue we should talk about. It is an issue that cuts very deeply into our lives. We spend an average of nearly 40 percent of our income on taxes at various levels. So it is something we ought to talk about.

I think part of the focus today—I talked about this earlier, as a matter of fact—is on the philosophical idea of taxation, whether you have less or more, whether you have smaller government or larger government, and that is a choice. But, more specifically, I think this hour was to look a little bit at simplification, to look a little bit at the difficulty of collection, to look a little bit at some of the debates and discussions that go on with respect to the IRS. Many people are very disillusioned with the IRS, and I do not defend that agency particularly, but I do tell you basically you have to have a simplification of taxation if you are going to have simplification of collection. Probably there is nobody here who would disagree with that. But it never seems to happen.

Every year we talk about simplification. Every year we talk about making it easier. But we keep going on. The current tax system is a mess. It is extremely difficult. It is a result of probably 80 years of debate and discussion and, frankly, abuse, by lawmakers, by lobbyists, by special interests—perhaps unintentionally. But, in any event, I think no one would argue with the fact that we have, now, a tax system that is extremely difficult, extremely cumbersome, extremely ineffective and unfair. It is certainly too complex and much too costly. And of course the tax system itself punishes the idea of investment, punishes the idea of incentive, punishes the idea of saving. And all those things go together.

I have already mentioned the figures. We pay nearly 40 percent. That is an astounding figure, really, in terms of a working family who—most families are working families—has to work until late May to pay their taxes.

Mr. COVERDELL. Madam President, I wonder if the Senator will yield for a question?

Mr. THOMAS. Certainly.

Mr. COVERDELL. In this debate about the working family there are two figures that are constantly quoted. One is 40 percent. I typically use 50. I wonder if the Senator would agree, when you add on the regulatory costs and that family's share of higher interest rates because of the national debt, you end up with another $9,000 coming out of the checking account of the average family. It really takes it to over 50 percent, dealing with the cost of government.

Mr. THOMAS. I am sure that is correct. And it is an even more astounding figure than we have.

It is set up so we do not think about it a lot. I do not object to the idea of withholding. It is probably the only way to do it. But withholding sort of slips in there and you hear people talking all the time, "Well, gee, I got money back." It is my money. It is my money. Back from where?

Anyway, it is a very high figure. But it seems to me—and I wanted to focus on this, and I am going to speak for just a few minutes about this—it is too complicated, much too complicated, and too difficult to figure. Again, an estimate is 4.5 billion hours a year are spent in the preparation of tax returns. That is an astounding number as well.

Each of us knows how difficult it is to figure our taxes. They are too hard to enforce. The more complicated, the more difficult it is in the tax system, obviously it is more difficult to enforce. And enforcement is important. You have to ensure that, when you have a tax system, that everyone is treated fairly in that tax system, that everybody contributes what under the law they are supposed to contribute. So the tax system makes it most difficult.

Probably there are too many loopholes. They are often called loopholes. The fact is, over time, the Tax Code has been used to affect behavior. When we wanted someone to do something we changed the taxes and made it an incentive to do it. So we have all these series of things which have very little to do, frankly, with paying taxes. They actually have very little to do with the fairness of taxation, but have more to do, in fact, with seeking to modify behavior. Maybe that is a legitimate function of taxes. But I can tell you, it makes it much, much more difficult. It probably makes it much, much more unfair, in terms of the total collection.

I think we had, this year, as an example, a real demonstration of how frustrated people are when there was the kind of discussion and acceptance, frankly, of the so-called flat tax. Obviously the most attractive thing about a flat tax was the ease with which it could be collected. There is argument about the fairness of it. Those who have studied it feel it is even more fair. I do not argue with that.

Politically, it probably is not going to happen. There are some things like homeowners' interest and those kinds of things that are going to be very difficult, politically, to change. The argument is, of course, if I am an investor in your company and you pay me a dividend, that dividend has been paid after tax, so I should not have to pay it again on the dividend. But when you see someone with a large income from dividends, politically that is probably not going to happen.

Nevertheless, the point is, it was very attractive for Americans to talk about a simpler, easier, more fair tax system, whatever it is. I am no expert on that, but I think it must be possible to do that. It must be possible to find a way to come up with a system that makes it easier to enforce. So we get away from the idea of having an agency like the IRS, that has to do the things it has to do. I am not being an apologist for some of the behavior that IRS might use on people to do this. But, nevertheless, the fact remains that they have a terribly difficult job, to enforce this kind of a convoluted tax system.

So, Madam President, I think there are lots of things we could too. I have a hunch, if we eliminated a lot of the exemptions, the lower rate would offset some of the things that are now in there as exemptions. We would find it would work better. I think collections would be higher if it were simpler, and we would have fewer problems.

There are many reform and simplification ideas out there. Frankly, I would support a plan, obviously, that deals with fairness. You have to be fair as to whoever pays their fair share; simplicity ought to be an issue, we ought to be able to make it much more simple, particularly with some of the equipment that we have now. I think we ought to reduce the burden. We have to pay for the Government we have, but we can do with substantially less. We can do with shifting many of these activities closer to home, so voters would know, when they made a cost-benefit analysis. Expenditures at the Federal level are very difficult to measure.

At home, in the school district, when they say we are going to have a bond issue and we are going to build a science room and it is going to take $400,000, then you say OK, is it worth it? Am I going to do it? You have a cost-benefit ratio. How do you do that in the Federal Government, tell me, in a $1.5 trillion budget where even people here are not certain what is in the thing? So we can do that. And the result would be to rein in the role of the Internal Revenue Service and we can do that by simplifying, reducing, making easier a tax system.

Madam President, I hope that we do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I thank my colleague from Wyoming, once again, for the contributions he makes in general to this Nation, but I appreciate his being here this afternoon to talk about the issue of the Internal Revenue Service and its broader implications on taxes.

As you know, Madam President, one of the centerpieces of Senator Dole's economic plan is to focus on the IRS and how it interacts with the American people.

I am going to read an article that recently appeared on June 7, 1996. It refers to a General Accounting Office report on the Internal Revenue Service, which I am going to quote from in just a moment.

This article says:

> A congressional audit of the Internal Revenue Service asserted yesterday that the agency that scrutinizes taxpayers' finances cannot properly—

Cannot properly.

> keep track of the $1.4 trillion it collects each year.

Given the stories—and all of us are familiar with them, of the way taxpayers are treated from time to time by this agency —it is a bit ironic that the General Accounting Office would say that they cannot keep track of the money they collect.

It goes on to say:

> "The agency that is so strict on the way Americans keep their books cannot itself pass a financial audit," complained Senator Ted Stevens (R-AK) chairman of the Governmental Affairs Committee. Stevens, reviewing the fiscal 1995 audit by the General Accounting Office, raised the possibility of Congress appointing an outside control board to run the IRS.

That is an interesting idea, somebody that they would have to be accountable to, like the citizens have to be accountable to them.

He says:

> It would be a board similar to the one overseeing the District of Columbia Government.
>
> In the House of Representatives, Representative Jim Lightfoot (R-IA) chairman of the appropriations subcommittee controlling the IRS budget, said an outside board would be something worth considering.

And I certainly concur with that.

> "Management has been a problem there," he said. The GAO audit said fundamental persistent problems remain uncorrected —

Madam President, uncorrected for the fourth year in a row. For the fourth year in a row, these problems remain uncorrected. I am sure the Presiding Officer, from time to time, has had to fill out her tax returns and remembers that the agency did not allow the Senator 4 years to work things out. They had to be done on a deadline date certain.

> The IRS report said it cannot reconcile—

Let me just read from the report rather than this article. This is the General Accounting Office financial audit, dated July 1996, "Examination of IRS's Fiscal Year 1995 Financial Statements." It is voluminous, but it says:

> The following five financial management problems, which have undermined our ability to attest to the reliability of IRS financial statements for the past 4 fiscal years, provide the basis for these conclusions.
>
> 1. The amounts of total revenue—

That's taxes.

> $1.4 trillion and tax refunds, $122 billion, cannot be verified or reconciled to accounting records maintained for individual taxpayers in the aggregate.
>
> 2. The amounts reported for various types of taxes collected—Social Security, income, excise taxes, for example—cannot be substantiated.
>
> 3. The reliability of reported estimates of $113 billion for valid accounts receivable and $46 billion for collectible accounts receivable cannot be determined.
>
> 4. A significant portion of IRS's reported $3 billion in nonpayroll operating expenses cannot be verified.
>
> 5. The amounts IRS reported as appropriations available for expenditure for operations cannot be reconciled fully with Treasury's central accounting records showing these amounts, and hundreds of millions of dollars in differences have been identified.

Madam President, if this was the report that an individual taxpayer got—"cannot be reconciled," "cannot be verified," "cannot be determined," "cannot be identified"—that taxpayer would be in a world of hurt and trouble. It would be unthinkable that you could engage this agency and have them finding that you could not reconcile your records, you could not determine what your income was, you could not put anything together, you could not account for it. You would be in deep trouble.

This agency needs to reflect on that. There are over 100,000 employees, and we know they are very dedicated employees, but this is unconscionable that they would receive a report like this and demand the kind of adherence to specificity and to timing that they ask of the American citizens but do not subscribe to themselves.

This issue of the Internal Revenue Service has taken on new proportions of late, because Representative JENNIFER DUNN of Washington in a speech made a remark that basically said the agency ought to adhere to standards that it demands of people. And I just talked about that. The Government findings are that the agency can't manage its own affairs to the extent that they are demanding of the American people.

We have been in a discussion this afternoon about the Internal Revenue Service. I have alluded to the General Accounting Office this year has found grave fault with this agency and the manner in which it maintains its own financial records.

There are even suggestions in both Houses now for a control board to oversee the agency. I pointed out very recently this issue has been elevated because Congresswoman DUNN, JENNIFER DUNN, from Washington, had said, you know, the agency ought to be held to the same kind of standards that the American people are held to. And that irritated the agency. And the agency indicated, in a letter to Ms. DUNN, among other things, by Margaret Milner Richardson, who is the Commissioner of the Internal Revenue Service—she said she was dismayed and confused to hear this Congresswoman suggest that there was something less than perfect going on at the Internal Revenue Service. And she goes on to say, "Taxpayers now pay about 87 percent of what they owe. Noncompliance is a serious problem that deprives our Government of more than $90 billion in revenue annually."

I am sort of curious, how do they know? How does the Internal Revenue Service know what legitimate taxes are not being paid? The tone of this suggests, "These American citizens out here, we need to be watching over them, make darn sure they pay what they are supposed to pay!" It is kind of like all of our citizens are looking for a way to defraud the American Government, for Heaven's sake.

I will read this report and then I will turn to my colleague from Utah. This is a copyright 1994 News World Communications, Inc., the Washington Times, August 2, 1994. The headline of the article, "IRS Bullies." "Last week the House was debating discharge position 12 which would ensure that the taxpayer is innocent"—not guilty, as this might suggest—"is innocent until proven guilty."

We have two sets of laws in America: You are innocent in America until you are proven guilty, but that is not always the case if you are dealing with the IRS.

About the same time, "Inside the Beltway" disclosed for the first time Washington lawyer, Susan Allen's incredible encounter with John Richardson, the husband of Internal Revenue Service Commissioner Margaret Richardson, who wrote this letter to Congresswoman DUNN:

> Mr. Richardson, the lawyer told us, had parked his black Volvo across an alley driveway leading from her Northwest home, preventing her from driving out of her garage. When Mr. Richardson was summoned from a nearby restaurant, she said he huffed, "Margaret Richardson" [that is the commissioner of Internal Revenue Service] "is my wife, and she is the IRS commissioner, and I hope you paid your taxes." The surprised lawyer couldn't believe her ears, so Mr. Richardson gladly huffed again: "My wife is the commissioner of IRS and I hope you paid your taxes."

We have an attitude issue here, Madam President. It is not just this agency. About 85 percent of the people that come through my office are concerned, in one way or another, about the treatment they receive from their Government. I grew up thinking the Government was supposed to be a partner, not a bully or a boss. I think these things deserve some serious attention.

We have been joined by my colleague from the good State of Utah. I yield up to 10 minutes to the Senator from Utah.

Mr. BENNETT. Madam President, I have two points to make with respect to the IRS.

Let me preface this by saying that the IRS has a large facility in my State, in Utah, in Ogden, and by and large the overwhelming majority of the people who work in that facility are honest, hard-working, dedicated Americans who are as anxious to do a good job as anybody in any other agency.

I learned when I was in the business world that when something is wrong, seriously wrong with an organization, it is usually not with the people. It is usually with the system that they are operating and with the culture.

I wish to make two points about the IRS system and culture, with the understanding that I am not criticizing hard-working, dedicated individual civil servants who are doing the best they can in a difficult circumstance.

First, the system. Rather than discuss individual horror stories—I will get to that when I talk about culture—I want to go to formal examinations of the IRS that are before us as Members of Congress and call the attention of my fellow Senators and others to two reports. One is from the GAO, the General Accounting Office, that came out in August of this year. It says "Tax Systems Modernization." That is the standard headline, but look at the subheadline that is right there on the front of the report. It says, "Cyberfile Project Was Poorly Planned And Managed."

Then on the heels of that, in September 1996, hot off the presses, if you will, the General Accounting Office "Internal Revenue Service"; the subhead, "Business Operations Need Continued Improvement."

These were both submitted to the Governmental Affairs Committee, the chairman of which, Senator STEVENS of Alaska, has shared them with me. Let me give a summary of what is in these reports. Again, I look at this as a businessman, and I must say, Madam President, I am appalled. The IRS has not passed an audit during the 5 years they have been audited. Their major failures are they cannot account for revenues from tax returns and refunds. They cannot account for goods received against payments made, and there are computer security weaknesses that have allowed IRS workers to view and alter returns. Think of the movies we have seen of the hacker getting into the system. Well, IRS employees can get into the system and not alter grades the way they do in the movies or set off nuclear wars, but at least alter the returns of some of their friends, if they want to.

The recent GAO audit found that interim computer security procedures have been improved, but these weaknesses still remain. The amounts of total revenue, $1.4 trillion, and tax refunds, $122 billion, cannot be verified or reconciled to accounting records maintained for individual taxpayers in the aggregate. In other words, we have a business here that for 5 years has been unable to close its books because they cannot bring them into balance. They cannot reconcile the numbers on this side with the numbers on that side. I find that astounding—5 years and they still cannot reconcile the amounts of total revenue and tax refunds to their accounting records maintained for individual taxpayers. I wonder how forgiving the IRS would be in an audit of a business that said for 5 years we have been unable to reconcile these amounts.

Next, the amounts reported for various types of taxes collected—for example, Social Security and income taxes and excise taxes—cannot be substantiated.

Next, the reliability of reported estimates of $113 billion for valid accounts receivable and $46 billion for collectible accounts receivable cannot be determined.

Next, a significant portion of IRS's reported $3 billion in nonpayroll operating expenses cannot be verified. The amounts IRS reported as appropriations available for expenditure for operations cannot be reconciled with the Treasury's central accounting records showing these amounts. The differences are in the hundreds of millions of dollars. Again, how would the IRS react to a company that showed differences in accounts between one division and the other that were hundreds of millions of dollars in size, and was unable to reconcile them?

Now, the reason the IRS says it is so difficult for them to pass an audit on these issues is that they were never required to do so until the Chief Financial Officer Act was passed. Therefore, they say their financial management systems and procedures were never set up to be audited.

This is incredible. For 5 years, they have been unable to pass an audit. They cannot reconcile their accounts, either internally, or with the Treasury. Yet, they ask us to have a high degree of confidence in the way they handle our taxpayers' money. So that is my first point with respect to the structure.

Now, if I may, I will talk about the culture of the IRS. As my colleague from Georgia has done, I will use examples out of my own office as a Senator. Here is one.

A taxpayer pays the tax he figures he owes; he sends the tax in to the IRS. The payment sits there for a year and a half, and he hears nothing back. Then, for some reason, the entire amount he paid is sent back to him, with no explanation. The IRS simply sends it back after a year and a half—no explanation, no indication. Two days later, they send him a notice saying that he owes tax for that year at a lesser amount than the amount he had sent them and demands that it be paid immediately. And then, a few weeks later, a notice comes that interest and penalty are now due on the tax that he just paid. He pays the tax, they keep it for a year and a half, send it back to him, with no explanation, then send him a new tax bill. He pays that, and he is told he owes interest and penalty on the new tax bill because he hadn't paid his taxes on time a year and a half before. Well, he thinks, surely, when he explains this, somebody will straighten it out. He goes to the IRS and gets no assistance whatsoever. He was told he owed the interest and penalty, and if he did not pay it, the penalty would continue to accrue.

Finally, he came to my office. My constituent liaison person made inquiry with the local IRS people and was told there is no way, legally, to cancel the interest and penalty in this case. Well, fortunately, the members of my staff are as persistent as I would hope they would be. They did not accept that as an answer and, ultimately, the case was resolved. But what does it say about the Agency when it takes the muscle a U.S. Senator to get them to resolve something that is so absurd, as this was?

The second case, which is not an individual case but a series of cases that we see—and I would assume that my colleagues see—in our offices often as well. Homemakers, women in marriages that go along for a while, and then they don't work out. They always filed joint returns. The husband fills out the joint return, signs it, hands it to his wife, says, "Sign it here, I am sending off the tax return." They sign it without really understanding what is going on. And then the marriage breaks up, a divorce takes place. The woman has to find a job. She goes out and gets a job, only to discover that her wages are now being attached by the IRS for back taxes that her husband never paid. He did not tell her that he wasn't paying them. He, indeed, lied to her and told her they were being paid and they were all taken care of. She was being defrauded by her husband. But instead of coming after the husband, the IRS comes after her. Why? Because she is the one working. The husband disappeared. She is working and she has to put her life back together. Many times children are involved that she has to support. But instead of saying, yes, we recognize that in the situation you were in before, you, in fact, had no control over the family finances, they are now saying, no, because you signed that return, you are due for those taxes because we can't find your husband.

Even in those cases where the woman can prove she did not sign the return, the husband signed her name, forged it, the IRS says, no, your name was on there, there was a signature, and you are coming into the work force, trying to put your life back together, trying to take care of your kids, and you are now responsible for the taxes that your former husband refused to pay. The women in these circumstances feel intimidated, scared, frustrated and, above all, confused.

We had one who finally came to my office asking for assistance because the collection officer was abrasive, intimidating, and demanding. Once again, it was only after my congressional liaison person got involved that this woman got some degree of relief from this.

So those are the two points I leave you with, Madam President. First, the system, as indicated in these two reports, has very serious systematic problems—trillions of dollars, and they can't make their books balance, internally or with the Treasury books. Second, the culture, where IRS agents find themselves intimidating and demanding, and where ordinary citizens are seeking some kind of redress and protection and ultimately come to Members of the U.S. Senate for help.

One final comment. I don't know how true this is of other Senators. I am one who has gone through an IRS audit. I found it a relatively painless kind of experience. I was fully prepared. The individual on the other side recognized that, and we went through things in a civil, proper fashion, and I commented on that to another friend, saying I had been through an IRS audit, and it's not all that bad. He looked at me and he said, "Bob, it is entirely the luck of the draw. It depends on which agent you get that day. You were lucky enough to get the intelligent, properly motivated, properly directed, dedicated civil servant. I got the other kind. I can tell you, it depends on which one is on duty when your number comes up."

It should not be that way, Madam President. We should have equal justice under the law, and everybody should be treated the same.

I yield the floor.

Mr. COVERDELL. Madam President, I thank the Senator from Utah for his very revealing comments. He was on target. I appreciate very much him joining us this afternoon. I am now going to yield up to 10 minutes to my colleague from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Madam President, when 2,000 American job providers came to Washington last June to attend what was called the Third White House Conference on Small Business, they brought with them hundreds of ideas on how to make Government more responsive—to the taxpayers and to small business alike.

They condensed their suggestions into a list of 60 to send on to the White House. Even though their recommendations covered a tremendous range of concerns, one point generated near universal agreement from that conference, and that was that something must be done about the complex and costly Federal tax system.

Well, there's nothing simple about taxes anymore, as you have heard here today. As any taxpayer will tell you, the IRS today is five times bigger than the FBI, and it's twice as large as the CIA. To run such a massive operation takes the equivalent of more than 3 million full-time employees. We have more Americans collecting taxes than we have serving in the Armed Forces.

The IRS manages a library of 437 separate tax forms. The IRS mails out over 8 billion pages of tax instructions every year.

Now, our colleague in the House, the distinguished majority leader from Texas, points out that American workers and businesses spent 5.4 billion hours in 1990 just preparing their taxes. That is more time than it takes to build every car, truck, and van that is manufactured in the United States every year. Just to administer a tax system so unwieldy costs our taxpayers almost $14 billion a year.

Even though the IRS demands strict compliance from the American people, it has set far lower standards for itself, as our colleague from Utah points out. It has long permitted itself severe abuses within its own accounting practices—something they would not tolerate from businesses or individuals.

In a report issued last year, the General Accounting Office took the IRS to task for failing to keep its own books and records with the same accuracy that it demands of the taxpayers.

For the last 2 years, in fact, the GAO has not been able to express an opinion on the financial statements of the IRS, and that was due to serious accounting errors and internal control problems. More than 20 months later, the problems still remain.

In testimony before Congress in June, Gregory Holloway of the GAO reported:

> We have made 59 recommendations to improve the IRS's financial management systems and reporting. IRS agreed with these recommendations and has worked to implement them and correct its financial management systems and information problems. However, many of the more significant recommendations have not yet been fully implemented.

There are other ways in which the management problems within the IRS are manifesting themselves. And far too many of my constituents are forced to deal with the fallout on a daily basis.

Madam President, every American has experienced the frustration of filing their Federal tax returns. Even though Congress has tripled funding for the IRS over the last 7 years to the tune of $7.5 billion, the level of service provided to the taxpayers has not grown proportionally. In recent years, the IRS has invested billions of taxpayer dollars in its efforts to modernize its operations, including its information systems—but the GAO has dubbed the results "chaotic." As an ironic consequence, the IRS, the Nation's tax collector, is perhaps the least taxpayer-friendly agency in the entire Federal Government.

Meanwhile, the Federal tax system continues to grow more complicated and hard to understand. In the mid-1950's, the Federal Income Tax Code was comprised of 103 sections and 400,000 words.

Today, it has ballooned to 698 sections—a 578-percent increase—and nearly 1.4 million words.

Adding to the aggravation of the Nation's taxpayers, tax regulations have multiplied just as rapidly.

Between 1955 and 1994, the number of words in the regulations of the Internal Revenue Code increased more than 550 percent, from just over 1 million words to 5.7 million in the IRS Code.

Even if you are a trained speed reader who can read 1,000 words a minute, and you did not do anything else but devote every hour of every business day to reading these regulations, it would take you almost 3 years to wade through them.

The rapid growth of the Federal Tax Code and its regulations has dramatically increased the complexity of our tax system, to the point where no one but a very few tax specialists can understand it. Even IRS agents are often confused by their own tax laws. The complexity of the Federal tax system means that tax assistance for ordinary American taxpayers is even more urgent now than ever before.

But this desperately needed assistance has not been adequately provided. For example, my State office receives complaints daily from constituents frustrated they cannot get through to a human being at the toll-free lines established by the IRS: The lines are constantly busy. In some cases, my constituents have tried for 3 or 4 days before they finally reached a real, live person.

In July, I received this letter from a taxpayer in St. Paul who was being threatened with a lawsuit by the IRS:

> I am one of those middle-age, lower-middle-class citizens who have pulled myself from extreme tragedy to the point where I am trying to buy my house, I've never had the government or any agency help me.
>
> And now my entire life is threatened because I can't talk to a human being about my taxes. Please help me. I have sent a copy of this to the IRS, the White House, Senator Wellstone, and no one seems to be able to help. I can't believe that I cannot find a human being in the IRS to talk to.

Another constituent of mine who tried repeatedly to reach someone at the hotline shared their frustration with the IRS operator when their call was finally answered. "Blame it on Congress. They cut our budget," said the operator. The IRS employee ended the call by advising my constituent to telephone me and demand more tax dollars for the IRS.

Let us go back over that again. He finally got through after days and was finally able to talk to an operator at the IRS. And the answer he got was "Blame it on Congress" because "they cut our budget." And before he got off the phone the operator, the IRS person, told them to call me in Washington and demand more money for the IRS.

I suggest, Madam President, that throwing more dollars at an agency that already cannot account for $1.4 trillion tax dollars it takes in annually is hardly the solution.

The Federal Government enacts laws that we require the people to obey. But in the case of the IRS telephone hotline service, we have failed to provide sufficient assistance to enable average Americans to understand and comply with the laws.

And when innocent incompliance occurs due to the complexity of the tax system, we punish the taxpayers by imposing all sorts of penalties. This is simply not fair.

Let me give you two examples. A certain individual in Minnesota told me about a problem he had. He paid about $35,000 in taxes but didn't file his return until October. But he had filed all the necessary extensions that he needed to file to get the extension on his return. The IRS had already collected about $35,000. But he was still short about $4,000, which he paid plus interest. But even after paying all those taxes he still was find $700 for being late.

Another individual that is self-employed told me that he pays his taxes every year quarterly estimating his taxes, and at one time he received more money in payments from his clients than he expected, and when he paid taxes on that, IRS came back and fined him $500 because he had failed to report that correctly.

Madam President, I do not know if that is fair, or what is intended when we have taxpayers out there trying to meet the laws, obey the codes, and yet are fined by this agency.

Madam President, I am pleased the Senate took action this week to resolve this most frustrating situation by accepting my amendment to the Treasury-Postal appropriations legislation. The amendment will help correct the problem by making the IRS prioritize its toll-free telephone service and allocate the necessary resources to ensure that taxpayers receive adequate assistance and answers to their questions.

This will not solve most of the problems plaguing the IRS, of course, but it marks a start. I am happy to see additional solutions being proposed, and I am especially pleased that our former majority leader, Bob Dole, is speaking loudly about our need to forever end the IRS as we know it.

He has pledged to "free the American people from tax tyranny," and the ideas for IRS reform he has put forward in his economic blueprint have raised the level of this debate.

They deserve a close look by the taxpayers, as we seek to build an IRS that will be a tool for the taxpayers, not a weapon against them.

Thank you very much, Madam President.

Mr. COVERDELL. Madam President, when Senator Dole left the Senate, I looked down at this desk, and I said that I would "never forget or look at this desk without seeing him or thinking of him."

He is now engaged in a very long journey. As the Senator from Minnesota just alluded to, he put forward a very broad economic plan that deals with the IRS that we have just been discussing, along with other policies such as the 15-percent across-the-board tax break, and others.

Yesterday, my good colleague from Nebraska came to the floor—and, of course, he was the longest serving Governor of Nebraska, and he has been in the Senate 18 years—and I was taken aback by his comments about Senator Dole.

Just to quote here, he calls it:

> The latest "Follow the Yellow Brick Road" path of wizardry blends $550 billion in tax breaks, unspecified spending cuts, and rosy economic scenarios into one shameless political ploy. When the unsuspecting Dorothys of the world pull back in wonderment the curtain, they discover a huffing and puffing candidate, Bob Dole, as the wizard. This is the same wizard who for the first 72 years of his life forswore such economic nonsense. Bob Dole's transformation from a deficit hawk into a carrier pigeon for supply * * *

Well, anyway, I just do not think those kinds of remarks are fitting in public discourse, and certainly here in the Hall of the greatest legislative Chamber in the history of the world I do not think they are fitting remarks. We can debate our differences about our views on tax relief and economic policy without resorting to this kind of language. I do not think it is fitting for the Senate, and I wanted to say so here rather than off in some klatch someplace.

The Senator from Nebraska went on to ridicule the economics of the 1980's which, I might point out, was the longest peacetime economic recovery in the history of the United States. He apologized to America for having supported the Reagan tax cuts, and he said it was worst vote he had ever cast and a mistake.

I find it hard to characterize beginning the longest peacetime recovery as a mistake; or ending double-digit inflation, which had been 13 percent, he now characterizes trying to correct that and correcting that as a mistake; getting interest rates down—people do not remember but they were as high as 22 percent, and this economic recovery, of course, reduced it dramatically, but he characterizes that as a mistake; or was creating 20 million new jobs in that glorious decade a mistake, as he characterizes it and regretted having ever voted to support it; or rebuilding our national defense and economy, winning the war over communism, ending the cold war, and he characterizes that as a mistake.

Madam President, right now I talk a lot about the American family. I do not think we can talk enough about them. In my State, after they pay their Federal taxes, State taxes, local taxes, their share of the increased interest on the national debt, their share of the costs of the burden of regulation in America which is now $7,000 for an average family of four, they have less than half the money they earn in their checking account. They are left with only 47 percent of their wages—unbelievable. No wonder there is much anxiety and pressure and worry in middle-income families of America.

This administration which promised to lower that pressure—it was a very major political statement to the country—really did not get its bags unpacked before it imposed a $491 billion tax increase—the highest in American history.

Madam President, $491 billion, what does that mean to this family I was just talking about? It means that they lost in the last 3 years somewhere between $2,000 and $2,600 per year less in their checking account which was already under duress.

The result of this tax increase is that we now pay 30.4 percent of the gross domestic product in taxes. This is the highest that it has ever been in American history. The tax burden has never been higher, and under the current economic plan as proposed by President Clinton it will rise to its highest level ever, 19.3 percent of the gross domestic product.

The point I am making here is that for Senator Dole to come forward and say we ought to lower this burden, it means that this family that has lost $2,000-plus per year under the 15 percent across-the-board tax relief will get about $1,200 to $1,400 of that back. That makes a lot of sense. If a family cannot even keep half the wages they earn, I think it is sound policy to try to reverse that and get some of those resources back in that family's checking account so that they can see to the raising of the children, the education, the housing, the transportation, the food, all of that which we depend on the American family to do. We have made it almost impossible for the American family to do that which they are supposed to do.

In addition, that plan embraces a balanced budget amendment to the Constitution. I might point out that Senator EXON of Nebraska was one of the seven that changed his vote which caused the failure of passage of the balanced budget amendment to the Constitution.

Senator Dole has embraced that. We have talked about the IRS here, saying we are going to get into that agency and produce a cultural attitude that is consistent with being a partner to America and not a boss over America, saying that you are going to balance the budget by the year 2002 which will lower interest rates—it will lower what this American family has to pay on the mortgage for their home, car, refrigerator, their credit card.

All of these proposals make a lot of sense, and it is all right that we disagree and debate about the conditions of these, but we ought to do it in a very civil and appropriate way. There ought not to be any name calling on either side of the aisle. The American people expect that of this body.

In closing, Madam President, I cannot think of any policy that is more important for our working families than to try to get this burden down to a more rational level. If you ask all our families, it does not matter what walk of life they come from, what their income strata is, their education, they all say that the appropriate tax burden should be about 25 percent. It is double that. And so I think Senator Dole's suggestion that we ought to pass a little relief back to those family checking accounts makes every bit of sense.

Madam President, I ask unanimous consent that in the intervening time on the schedule, the Senator from Minnesota be added to the end of our time. I think it will take us until about 2:17, or something like that.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUENT'S BIRTHDAY

Mr. COVERDELL. Madam President, just as an aside, one of my constituents is in the gallery with his 80-year-old mother celebrating her birthday.

I want to share in her birthday celebration.

At this time, I yield back whatever time is remaining. I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

VOYAGEURS NATIONAL PARK

Mr. GRAMS. Madam President, I rise today to discuss an issue of great importance to the people of northern Minnesota and others who care about Voyageurs National Park.

In 1971, Voyageurs National Park was created in northern Minnesota after years of contentious debate in my home State and within the halls of the Federal Government. While there were some who were opposed to the park's creation, many others supported it under the promise that it would not only protect the area for future generations but would also be an economic benefit for northern Minnesota as well.

Federal officials estimated the park would attract 1.3 million visitors annually, yet 25 years later the National Park Service estimates that the actual number of visitors is 200,000 per year. That is less than one-sixth of its initial projection. Why is the visitor rate so low in Voyageurs? Ask the National Park Service. Ask them about the countless numbers of regulations that they have imposed that would limit the ability of recreationists to enjoy the park such as the restriction under the Endangered Species Act recently repealed by a district court judge and a de facto wilderness designation never approved by Congress.

Perhaps the most significant example of how the Federal Government has failed in its mission to promote visitor use is the Park Service's continued reluctance to conduct a visitor use and facilities study mandated by Congress 13 years ago.

This study, supported by the Park Service back in 1983, was to be a tool that would help the Park Service determine why its visitor-rate projection had not been met. Yet, to date, this study has still not been completed—at the expense of the people of northern Minnesota and those who seek reasonable access to their public lands.

Now, I am not suggesting that economic interests should be the determining factor in the management of this national treasure, but there is no question that the economic survival and security of the men, women, and children who live in the communities surrounding the park must be taken into consideration. More importantly, when the Federal Government gives its word to the people, it must live up to it.

For this reason, I intend to offer an amendment to Interior appropriations which will help restore one of the unfulfilled promises made to the people of northern Minnesota. My amendment, which I will not offer today, would require the Park Service to begin its comprehensive visitor-use and facilities study in consultation with appropriate private and public entities. It does not set a rigorous timetable on when the study must be completed and in no way micromanages the Park Service's activities; it simply requires the Park Service to work with the State of Minnesota, the park's surrounding counties, and individuals to develop a framework under which the study will be completed.

Madam President, the groundwork is set for a team effort to develop this study. I have spoken with county commissioners in northern Minnesota who have expressed strong support for this study and stand ready to help the Park Service develop it. The study was discussed during five hearings before the 104th Congress—both in Minnesota and Washington—and the strong, majority opinion during those hearings, including that of the Park Service, was in favor of the study. It is also my understanding that the Voyageurs Park Superintendent has mentioned that some funding may be available in the coming months to begin the study—for which I commend her. All of these developments make me optimistic that this study can be done. Again, after 13 years that it was directed to do so, the study finally may be done. The time has come for this study to be done.

My amendment will create the framework to accomplish this task and to begin restoring the commitments made long ago to the people of northern Minnesota. I certainly hope that my colleagues in the Senate—including my fellow Senator from Minnesota—will lend their support to this amendment and for doing what is right for the Voyageurs National Park and those who love it.

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 12, the Federal debt stood at $5,216,902,015,633.76.

One year ago, September 12, 1995, the Federal debt stood at $4,964,466,000,000.

Five years ago, September 12, 1991, the Federal debt stood at $3,624,056,000,000.

Ten years ago, September 12, 1986, the Federal debt stood at $2,106,281,000,000. This reflects an increase of more than $3 trillion ($3,110,621,015,633.76) during the 10 years from 1986 to 1996.

DEFENSE OF MARRIAGE ACT

Mr. DORGAN. Mr. President, I did not have an opportunity to speak during consideration of the Defense of Marriage Act, so I would like to take a moment now to explain my vote.

I voted for the Defense of Marriage Act for a very simple reason. For thousands of years, marriage has been an institution that represents a union between a man and a woman, and I do not support changing the definition of marriage or altering its meaning.

Those of the same sex who have a long-term relationship and who wish to provide a legal framework for that relationship should aspire to enact legislation in the States that creates such a legal framework. But that should not include changing the definition of marriage to allow same-sex marriages, and it should not require all States to recognize that legal relationship.

I simply do not believe that we should in any way dilute the meaning of this important institution. Marriage is what binds a husband, wife, and children into a single unit—a family—which is the cornerstone of our society. Those who would say that this important tradition should be altered are simply wrong.

For that reason, I voted for the Defense of Marriage Act.

THE SITUATION IN IRAQ

Mr. CRAIG. Mr. President, I have been glued to the television today in order to keep myself updated on the situation in Iraq. Needless to say, I am more than a little frustrated that no attempts have been made by the President to consult the Congress on this swiftly evolving situation. I do not say this lightly, Mr. President, but CNN reporting is not what I would consider fulfillment of the President's reporting obligation in the War Powers Act.

The War Powers Act states that the "President in every possible instance shall consult with Congress before" introducing troops into imminent hostilities and shall also consult with Congress regularly after the introduction of combat troops. Mr. President, that also applies when situations develop into hostilities. This obligation was easily overlooked for the incident on August 31. The Congress was adjourned on recess, making it difficult, if not impossible to brief Members prior to taking action. The Congress stood with the President in an effort to fully support our troops and his decision as Commander in Chief. However, the current situation is quite different. The Congress is here, and we are waiting. Let me be clear, Mr. President, support for our troops is steadfast. But the President cannot assume the continued support of Congress if he fails to keep us informed.

Mr. President, the President acted to counter Saddam Hussein's aggression against the Kurds, and quickly declared victory. The President's policy to-date is not a victory. In less than a week's time, the premature declaration has soured into a situation that has our pilots being shot at in the Northern No-Fly Zone, Hussein gaining a strong foothold in the former Kurdish safehaven, and a movement of American personnel and equipment into the Persian Gulf. If a strong and clear policy is not defined soon, the President's policy in the gulf will most assuredly become an abject failure. It's time to come to the Congress and the American people with a defined mission, goals and exit strategy. It is time for the President to fulfill his obligations under the War Powers Act.

In my speech on the situation in Iraq, just a week ago today, I expressed concerns about the President's failure to maintain the alliance with our gulf war partners. Without the coalition, we risk losing the necessary strategic advantage we how hold, and our defensive presence in the gulf will necessarily deteriorate. Saddam Hussein is testing our resolve in the Persian Gulf by his efforts to play divide and conquer with the United States and our coalition partners from the gulf war. Without a clearly defined missioned and policy, we will continue to be pulled into a situation that will isolate us in the region and leave few, if any, positive options to resolve the situation.

Saddam Hussein is not an individual to be toyed with. He understands little other than aggression, and we should be wary that for him, embarrassing the United States at any cost may be considered a victory. This is very important, Mr. President, because that cost could include American lives.

Mr. President, the reporting on CNN provides good and timely information, but it does not provide insight, direction, or a clear message about the policy you intend to pursue. Therefore, it is my hope and my purpose to encourage the President to fulfill his obligation to the Congress under the War Powers Act for the American people and for our troops.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 168

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995.

This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House of Representatives and the President of the Senate by letter dated March 15, 1995. Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits transactions such as brokering and other dealing by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, and certain trade transactions that a United States person is prohibited from performing; (6) continue the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by any United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House of Representatives and the President of the Senate by letters dated May 6, 1995.

2. On March 8, 1996, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for information and informational materials and certain other limited exceptions.

3. There were no amendments to the Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR") during the reporting period.

4. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 24 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran and the importation of Iranian-origin goods. The majority of the licenses issued authorized the completion of commodity "string transactions" entered into by United States parties with respect to foreign commodities and having no knowledge or control over the Iranian interest in the contracts; the export and reexport of goods, services, and technology essential to ensure the safety of civil aviation and safe operation of certain commercial passenger aircraft in Iran; licenses relating to Iranian participation in the 1996 Atlanta Olympic and Paralympic Games; the importation of Iranian-origin artwork for public exhibition; and certain humanitarian imports and exports. In light of statutory restrictions applicable to goods and technology involved in the air safety cases, the Department of the Treasury continues to consult and coordinate with the Departments of State and Commerce on these matters, consistent with section 4 of Executive Order 12959.

In consultation with the Board of Governors of the Federal Reserve System and bank regulators in New York and California, OFAC revoked the licenses of all Iranian banking agencies in the United States. State regulators then required them to convert to Representative Office status. There are now no Iranian banks authorized to conduct banking business in the United States. Activities have been restricted to "limited representation," allowing only research and coordination with U.S. holders of affiliate correspondent accounts.

Bank Saderat, Iran's New York Representative Office, was nominated by the Central Bank of Iran to act as its agent for procedures outlined in the "Airbus" settlement at The Hague. Accordingly, Bank Saderat was separately licensed by OFAC for the limited purpose of collecting information for the Central Bank of Iran about U.S. commercial claims against Iranian banks. The information will be forwarded to and cleared by Iranian and State Department officials and used in making independent determinations as to which claims can be paid from a special escrow account established at the Federal Reserve Bank of New York.

The U.S. financial community continues to interdict transactions associated with Iran and to consult with OFAC about their appropriate handling. During this reporting period, OFAC took decisive action to prevent the U.S. clearing of third country dollar travelers checks sold by Iranian banks.

5. The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since March 11, 1996, OFAC has collected two civil penalties totaling $6,000. The violations underlying these collections involve unlicensed exports to Iran. Civil penalty action is pending against 12 U.S. companies and financial institutions for violations of the Regulations.

6. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1996, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $850,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Political-Military Affairs, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsels Office).

7. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals and presents an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its effort to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I will exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 13, 1996*.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 13, 1996, he had presented to the President of the United States, the following enrolled bill:

S. 1669.—An act to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4076. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report regarding the NASA Industrial Plant (NIP) at Downey, California; to the Committee on Commerce, Science, and Transportation.

EC–4077. A communication from the Secretary of Defense, transmitting, a notice of retirement; to the Committee on Armed Services.

EC–4078. A communication from the Manager of the Federal Crop Insurance Corporation, Farm Sevice Agency in the Department of Agriculture, transmitting, pursuant to law, four rules including one entitled "Catastrophic Risk Protection Endorsement; Final Rule," (RIN0563–AB09, 0563–AB56, 0563–AB11) received on September 12, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4079. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule regarding advanced control room designs and advanced human interfaces (received on September 12, 1996); to the Committee on Environment and Public Works.

EC–4080. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules including one entitled "Approval and Promulgation of Implementation Plans; Washington," (FRL5603–7, 5609–3, 5601–5, 5606–4, 5607–2) received on September 12, 1996; to the Committee on Environment and Public Works.

EC–4081. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "United States Standards for Grades of Frozen Oakra (Final Rule)" (FV–95–328) received on September 12, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4082. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas (Final Rule)" (FV–95–329) received on September 12, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4083. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report regarding tied aid credits; to the committee on Banking, Housing, and Urban Affairs.

EC–4084. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a report regarding a rule entitled "Rail General Exemption Authority—Exemption of Ferrous Recyclables," (received on September 12, 1996); to the Committee on Commerce, Science, and Transportation.

EC–4085. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a report regarding eight rules including a rule entitled "Amendment to Class E Airspace; Lebanon, NH," (RIN2120–AA66, 2120–AA64, 2120–A64) received on September 12, 1996; to the Committee on Commerce, Science, and Transportation.

EC–4086. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 96–48 (received on September 12, 1996); to the Committee on Finance.

EC–4087. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 96–46 (received on September 12, 1996); to the Committee on Finance.

EC–4088. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report with respect to Notice 96–47 (received on September 12, 1996); to the Committee on Finance.

EC–4089. A communication from the Assistant Attorney General of the Antitrust Division, transmitting, pursuant to law, a rule entitled "Removal of 28 C.F.R. Part 25—Recommendations to the President on Civil Aeronautics Board Decisions," (RIN 1105–AA41) received on September 12, 1996; to the Committee on the Judiciary.

EC–4090. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law a report regarding a rule regarding distribution of shares by a registered Open-End Management Investment Company, (RIN 3235–AG59) received on September 12, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–4091. A communication from the Director of Regulations Policy in Management Staff, Office of Policy, Food and Drug Administration, Department of Health & Human Services, transmitting, pursunat to law, a rule with respect to current good manufacturing practices for blood and blood components (received on September 12, 1996); to the Committee on Labor and Human Resources.

EC–4092. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation "Department of Veterans Affairs Employment Reduction Assistance Act of 1996;" to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 655. A bill to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1786. A bill to regulate fishing in certain waters of Alaska.

H.R. 3198. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1010. A bill to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1719. A bill to require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1804. A bill to make technical and other changes to the laws dealing with the Territories and Freely Associated States of the United States.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1889. A bill to authorize the exchange of certain lands conveyed to the Kenai Native Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2033. A bill to repeal requirements for unnecessary or obsolete reports from the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS:

S. 2072. A bill to amend the Internal Revenue Code of 1986 to eliminate the requirement that States pay unemployment compensation on the basis of services performed by election workers; to the Committee on Finance.

By Mr. NICKLES:

S. 2073. A bill to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes; read the first time.

By Mr. THURMOND:

S. 2074. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 291. A resolution to designate November 18, 1996, as "American Free Enterprise Day"; to the Committee on the Judiciary.

By Mr. PRESSLER (for himself and Mr. GRAHAM):

S. Res. 292. A resolution designating the second Sunday in October of 1996 as "National Children's Day," and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 2072. A bill to amend the Internal Revenue Code of 1986 to eliminate the requirement that States pay unemployment compensation on the basis of services performed by election workers; to the Committee on Finance.

THE ELECTION WORKERS UNEMPLOYMENT REFORM ACT

• Mr. GRAMS. Mr. President, I offer legislation that would remove a costly and unnecessary burden imposed by Washington upon our State and local governments.

Current Federal law requires States and counties to pay unemployment tax and benefits for people who work as election officials—even if they work as few as two days a year.

This requirement has created a serious inequity for State and local governments. Under the law, polling place officials are considered as employees for unemployment insurance purposes, regardless of the number of days they work. Local governments are liable for payment of unemployment insurance for those election workers who apply for it after the elections, since they are being "laid off from the employment through no fault of his or her own." As a consequence, their unemployment benefits could far exceed the stipend they receive for services on election day, because unemployment benefits are based on income from the previous year.

During this time of belt-tightening at every level of government, many communities are having difficulty financing even the most fundamental activities, including election administration. Requiring local governments to spend their precious tax dollars paying unemployment benefits for such short-term employees would add a tremendous financial burden to budgets that in many cases are already strained to the breaking point.

Mr. President, this current requirement does more harm than good to those it intends to protect. It hurts those civic-minded Americans who play a vital role in our democratic system through their willingness to serve as election officials, because it diverts limited public funds that would otherwise be used to balance local budgets or increase the salaries of election workers. It also makes it more difficult to retain and recruit an adequate number of qualified people to serve as election officials in our communities.

My legislation seeks to free our communities and the taxpayers from this costly and unnecessary, federally imposed burden. It simply eliminates the requirement that state and local governments must pay unemployment compensation tax on the basis of services performed by election workers. Instead, it gives the States the freedom to design and run their own unemployment compensation programs for their election workers.

I might add that according to the Congressional Budget Office, this bill is budget neutral.

Mr. President, this is a reasonable and moderate attempt to correct an inequity for our States, cities, and counties, whose budgets are already tightly stretched providing the services upon which our communities depend. I therefore urge my colleagues to support this legislation.•

By Mr. THURMOND:

S. 2074. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

ESTATE TAXES LEGISLATION

Mr. THURMOND. Mr. President, I rise today to join my colleagues in discussing reform of our tax system. I commend the Senator from Georgia, for his leadership on this issue. I wish to address another aspect of our unfair tax system—the estate tax.

Today I am introducing a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers. This bill is very simple. It repeals, in its entirety, subtitle B of the Internal Revenue Code of 1986. This repeal is effective for estates of decedents dying and gifts and generation-skipping transfers made after the date of enactment.

Mr. President, the Federal estate and gift tax structure is perhaps the most unfair and inefficient revenue source used by our Government. First, these taxes represent multiple taxation on savings and investment. Income is initially taxed when it is earned. If any of that income is saved, the earnings on the savings are taxed. A third level of taxation occurs as capital gains taxes are paid. Finally, after a lifetime of savings and investment, estate and gift taxes are assessed. Estate and gift tax rates are much higher than income tax rates.

Second, these taxes inhibit economic growth and job creation. Family owned businesses, farms, and ranches are the source of most new jobs created in the United States. Yet it is these family owned businesses that are most affected by estate and gift taxes. In many cases, family businesses do not have sufficient liquid assets to pay estate taxes upon the death of the owner. Frequently the business is liquidated or they sell the farm. As a result, jobs are lost and economic activity ceases.

Estate and gift taxes further stifle economic growth because of the increased cost for capital accumulation. When lifetime savings are taxed at high rates, the incentive to save is reduced. Spending and consumption replaces savings and investment. As a result, wage rates and employment suffer.

Third, estate and gift taxes result in economic inefficiencies, as taxpayers attempt to avoid or minimize these taxes, or allocate resources for estate planning. A survey by the Center for the Study of Taxation found that 80 percent of owners of family businesses reported taking some steps to plan for estate taxes. Such mechanisms included life insurance, buy/sell agreements, restructuring family partnerships and trusts, and charitable bequests. According to a report on this survey, 62 percent of the family businesses stated they would not have spent the time or money on estate planning. They did so because they felt estate and gift taxes threatened the survival of their businesses.

Mr. President, with all the negative economic consequences resulting from estate and gift taxes, one must ask if these taxes are worth the cost. I, and many others, have concluded they are not.

There is a misconception that such taxes only affect the very wealthy and that these taxes generate large amounts of revenue. The fact is, these taxes impact everyone, directly or indirectly. Furthermore, these taxes are a minor revenue source for the Federal Government, accounting for only 1 percent of total Federal receipts. The amounts actually collected must be offset by the billions spent each year for enforcement and compliance activities.

Mr. President, it is time to abolish Federal estate and gift taxes. These taxes are unfair and inefficient. They hinder economic growth, destroying family businesses and jobs. They result in resources being diverted to estate planning activities, away from economic growth. These consequences, as well as the actual costs of collecting these taxes, do not justify such taxes or the minimal revenues they produce. I urge my colleagues to support repeal of the Federal estate and gift taxes. I ask unanimous consent that a copy of the bill be printed following my remarks.

S. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Estate and Gift Taxes Repeal Act of 1996".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Federal estate and gift tax structure is an unfair and inefficient revenue source. Such taxes represent a multiple tax on earnings. After paying income taxes, capital gains taxes, and property taxes, lifetime savings are finally subjected to estate taxes at rates that are generally higher than income tax rates.

(2) Owners of family-owned businesses and farms are among those who suffer the greatest impact of such taxes. Many businesses fail after the death of the founder because of estate taxes. Families faced with these taxes are often forced to liquidate farms or businesses to pay estate taxes. In the process, jobs and financial security for family members and employees are destroyed.

(3) The estate tax results in inefficiency in the economy because of "estate planning" and other tax avoidance mechanisms.

(4) Estate and gift taxes have a negative impact on economic growth. Such taxes foster spending and consumption, rather than savings and investment. Repeal of these taxes would result in increased capital formation, additional jobs, and a higher gross domestic product. Increased economic activity and investments would also result in additional personal and corporate income tax revenues.

(5) Estate and gift taxes are a minor revenue source for the Federal Government. In fiscal year 1995, estate and gift taxes accounted for only 1 percent of total Federal receipts. Furthermore, the Government spends billions of dollars each year for administrative and compliance costs for these taxes.

(6) The repeal of Federal estate and gift taxes is consistent with and will be a major step toward establishing a tax code based on fairness, simplicity, neutrality, visibility, and stability.

SEC. 3. REPEAL OF FEDERAL TRANSFER TAXES.

(a) GENERAL RULE.—Subtitle B of the Internal Revenue Code of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to the estates of decedents dying, and gifts and generation-skipping transfers made, after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 151

At the request of Mr. BUMPERS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 151, a bill to reduce Federal spending by restructuring the Air Force's F–22 program to achieve initial operating capability in 2010 and a total inventory of no more than 42 aircraft in 2015.

S. 152

At the request of Mr. BUMPERS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 152, a bill to reduce Federal spending and rapidly enhance strategic airlift by terminating the C–17 aircraft program after fiscal year 1996 and by providing for a program to meet the remaining strategic airlift requirements of the Department of Defense with nondevelopmental aircraft.

S. 153

At the request of Mr. BUMPERS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 153, a bill to reduce Federal spending and enhance military satellite communications by reducing funds for the MILSTAR II satellite program and accelerating plans for deployment of the Advanced EHF Satellite/MILSTAR III.

S. 154

At the request of Mr. BUMPERS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 154, a bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source.

S. 155

At the request of Mr. BUMPERS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 155, a bill to reduce Federal spending by prohibiting the backfit of Trident I ballistic missile submarines to carry D–5 Trident II submarine-launched ballistic missile.

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1963, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 1987

At the request of Mr. FAIRCLOTH, the names of the Senator from New Hampshire [Mr. SMITH], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1987, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of social security and medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

S. 2030

At the request of Mr. LOTT, the names of the Senator from Vermont [Mr. LEAHY], and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, and for other purposes.

AMENDMENT NO. 5264

At the request of Mr. FRIST, his name was added as a cosponsor of Amendment No. 5264 proposed to H.R. 3756, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes.

SENATE RESOLUTION 291—TO DESIGNATE NOVEMBER 18, 1996, AS "AMERICAN FREE ENTERPRISE DAY"

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 291

Whereas American prosperity is founded on the free enterprise system of individual opportunity and economic freedom;

Whereas the roots of American free enterprise can be found in the experiences of the people of Jamestown and Plymouth, the earliest American colonies;

Whereas the basis of free enterprise is the right to ownership of private property, which ensures to individuals the fruits of their own labor and encourages the virtues of self-reliance, thrift, and industriousness;

Whereas the settlers at Jamestown and Plymouth were initially deprived of the fruits of their own labor and therefore lacked the incentive for private initiative and hard work;

Whereas William Bradford, Governor of the Plymouth Plantation, wrote that in response to the misery and want experienced by the people of Plymouth he decided "that they should set corn every man for his own particular; and that regard trust to themselves . . . This had very good success, for it made all hands very industrious, so as much more corn was planted than otherwise would have been by any means the Governor or any other could use.";

Whereas on November 18, 1618, "The Great Charter" endowed the colonists of Virginia with the right to profit from property under their individual control for the first time; and

Whereas the result of the Great Charter was a blossoming of individual initiative and self-sufficiency that laid the foundations for the American tradition of economic freedom, propserity, and self-government: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of our first colonies who began the American tradition of hard work and individual initiative;

(2) honors all those who have defended the right of individuals to own property, pursue their own initiative, and to reap the fruits of their own labor; and

(3) designates November 18, 1996, as "American Free Enterprise Day".

The President is authorized and requested to issue a proclamation calling upon the people of the United States and Federal, State, and local administrators to observe the day with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 292—DESIGNATING "NATIONAL CHILDREN'S DAY"

Mr. PRESSLER (for himself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crisis of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas children are the responsibility of all Americans, thus everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved, That the Senate designates the second Sunday in October of 1996 as "National Children's Day" and requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. PRESSLER. Mr. President, as a parent myself, I understand the pride and joy we all have in our children. Along with many of my colleagues, I am submitting a resolution today declaring the second Sunday in October, "National Children's Day." I am proud to be a cosponsor of this resolution for the seventh consecutive year. As it has been for the past 6 years, National Children's Day is about hope—the hopes we have for children and the hope they must have for themselves. The significant contributions children make to our lives should not go unnoticed.

National Children's Day gives Americans the opportunity to reflect on what we as parents, community leaders, and policymakers can do for the children of today and tomorrow. The future of today's children looks bright for a number of reasons. Republicans in Congress are serious about balancing the budget. We would like to give America's children a unique gift of freedom—freedom from national debt. By balancing the budget and reducing the debt, children will have a chance to experience as adults a far better quality of life than we enjoy today. A balanced budget means lower interest rates, which would make a college education and a first home more affordable. Positive welfare reform, improved access to health care, and some of the toughest-ever child protection laws have helped to make the United States an even better environment for our children.

Technology, too, has opened up an exciting new world of possibilities for young people. Computers are becoming commonplace in classrooms. By utilizing advanced telecommunications, we can expand distance learning opportunities, especially for children in small cities and towns. When I was a kid growing up in Humboldt, SD, library books were my windows to the world. Today's children can sit at their computers, access the internet, and literally see, learn about, and talk to the world. These opportunities are truly remarkable.

While the outlook for our children is very positive, we must not lose sight of the challenges that lie ahead. National Children's Day also is about protecting our children from all evil forces, internal or external. Children were the tragic victims in Oklahoma City and, of course, on TWA Flight 800. These and other acts of terror cannot be tolerated. Our children deserve the continued assurance of a childhood full of hope and free from fear.

Each day, children from across South Dakota write letters to me asking for my help. Recently, I received a letter from Brandon Rausch, a young boy in South Dakota working toward a Boy Scout award. He wrote urging me to do something about gangs and school violence. South Dakota recently has experienced an increase in juvenile violence, drug and alcohol abuse, and other destructive behavior. Although South Dakota still has one of the lowest crime rates in our Nation, we no longer are immune from the social problems that used to impact only our Nation's largest cities. I would tell Brandon, his friends, his parents, and his teachers that I will do my best to help his community keep the streets safe. Ultimately, we all must work together to defeat crime. Parents, teachers, law enforcement officers, religious and community leaders, and yes, even our kids, must work together. Teamwork is the best work. That is more true today than ever because we live in a world where children are asked to grow up faster than ever.

Mr. President, children from across the Nation visit our Senate offices every day. Among those children from South Dakota who have visited my office recently are Karna Lillebo; Jennifer, Kayla, and Jeremy Nebelsick; Travis and Ryan Oorlog; Matt, Nick, and Katie Padron; Robb, TJ, and Tiffany Rolfing; and Michael and Timothy Wrenn. I am pleased they had the great opportunity to visit Washington to experience the splendor and beauty of our Nation's capital. These children and all others deserve the very best we can offer them.

My colleagues may be interested to learn that Father Robert Fox from my home State of South Dakota serves as the national chairman of National Children's Day. He has been the chair for some time now. He still keeps in contact with Mary McCusker, who, along with her husband, Dr. Patrick McCusker, began celebrating National Children's Day on the second Sunday in October 47 years ago. Father Fox has been instrumental in gaining worldwide recognition for National Children's Day. In fact, Immaculate Heart Messenger, a publication that Father Fox edits, recently promoted the celebration of children across our Nation and in countries around the globe.

Over the past 47 years, the meaning of National Children's Day has remained the same. National Children's Day promises children, as a Nation, that we will stand by them. As a Nation, we adults will strive to provide for them, to look out for them, and to be their friends and their partners. National Children's Day reminds us we live both for today and tomorrow. National Children's Day is a celebration of our Nation's pride and hope in our children now and for the future.

I want to thank my colleagues, Senators GRAHAM, DEWINE, CHAFEE, GORTON, KASSEBAUM, SPECTOR, STEVENS, THURMOND, FRIST, WARNER, and LOTT for their continued support of this effort. Our bipartisan efforts during this Congress ensure that every day will be National Children's Day, but on the second Sunday in October, we should all pause for a moment and remember those for whom we all work—our children.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

McCAIN (AND OTHERS) AMENDMENT NO. 5317

Mr. McCAIN (for himself, Mr. COATS, Mr. STEVENS, Mr. LOTT, Mr. ABRAHAM, Mr. ASHCROFT, and Mr. PRESSLER) proposed an amendment to the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place in the _____, insert the following:

SEC. _____. (a) Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§ 1311. Continuing appropriations

"(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

"(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year,

"(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

"(C) the rate of operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version,

"(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

"(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

"(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

"(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

"(B) the last day of such fiscal year.

"(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

"(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

"(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

"(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

"(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

"(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

"(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

"(1) Agriculture, rural development, and related agencies programs.

"(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

"(3) The Department of Defense.

"(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

"(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

"(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

"(7) Energy and water development.

"(8) Foreign assistance and related programs.

"(9) The Department of the Interior and related agencies.

"(10) Military construction.

"(11) The Department of Transportation and related agencies.

"(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

"(13) The legislative branch.".

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations.".

(c) PROTECTION OF OTHER OBLIGATIONS.—Nothing in the amendments made by this section shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, and Medicaid.

SEC. 3. EFFECTIVE DATE AND SUNSET.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to fiscal years beginning with fiscal year 1997.

(b) SUNSET.—The amendments made by this Act shall sunset and have no force or effect 6 years after the date of enactment of this Act.

CHAFEE AMENDMENT NO. 5318

Mr. GORTON (for Mr. CHAFEE) proposed an amendment to the bill, H.R. 3662, supra; as follows:

Beginning on page 15, strike line 23 and all that follows through page 16, line 11, and insert the following: "section 101(c) of the Omnibus Consolidation Rescissions and Appropriations Act of 1996 is amended in section 315(c)(1)(E) (110 Stat. 1321–201; 16 U.S.C. 460*l*–6a note) by striking 'distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act' and inserting 'available to the Secretary of the Interior until expended to be used in accordance with clauses (i), (ii), and (iii) of section 201(c)(A) of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911(c)(A)).'".

CRAIG (AND KEMPTHORNE) AMENDMENT NO. 5319

Mr. GORTON (for Mr. CRAIG, for himself and Mr. KEMPTHORNE) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 62 of the Act, line 18, strike "$1,285,881,000", and insert "$1,285,981,000".

DEWINE AMENDMENT NO. 5320

Mr. GORTON (for Mr. DEWINE) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 103, line 12: After "counties of" insert "Gallia,".

Expands the moratorium on land acquisition for the Wayne National Forest in Ohio to include Gallia County. Currently, the moratorium includes the counties of Lawrence, Monroe, or Washington, Ohio.

FAIRCLOTH AMENDMENT NO. 5321

Mr. GORTON (for Mr. FAIRCLOTH) proposed an amendment to the bill, H.R. 3662, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3. SNOWBIRD WILDERNESS STUDY AREA.

(a) IN GENERAL.—Section 6(a)(4) of the North Carolina Wilderness Act of 1984 (Public Law 98-324) is amended—

(1) by striking "eight thousand four hundred and ninety acres" and inserting "8,390 acres"; and

(2) by striking "July 1983" and inserting "July 1996".

(b) MANAGEMENT.—The Secretary of Agriculture shall manage the area removed from wilderness study status by the amendments made by subsection (a) in accordance with the provisions of law applicable to adjacent areas outside the wilderness study area.

GORTON AMENDMENTS NOS. 5322–5325

Mr. GORTON proposed four amendments to the bill, H.R. 3662, supra; as follows:

AMENDMENT NO. 5322

On page 17, line 25, strike "$165,418,000" and insert "$165,726,000".

On page 64, line 21, strike "$172,167,000" and insert "$171,859,000".

AMENDMENT NO. 5323

On page 49, line 19, strike section 115 and insert the following:

SEC. 115. Public Law 102-495 is amended by adding the following new section:

"SEC. 10. WASHINGTON STATE REMOVAL OPTION.

"(a) Upon appropriation of $29,500,000 for the Federal Government to acquire the projects in Washington State pursuant to this Act, the State of Washington may, upon the submission to Congress of a binding agreement to remove the projects within a reasonable period of time, purchase the projects from the Federal Government for $2. Such a binding agreement shall provide protection of the existing quality and availability of water from the Elwha River for municipal and industrial uses from possible adverse impacts of dam removal.

"(b) Upon receipt of the payment pursuant to subsection (a), the Federal Government shall relinquish ownership and title of the projects to the State of Washington.

"(c) Upon the purchase of the projects by the State of Washington, section 3 (a), (c), and (d), and sections 4, 7, and 9 of Public Law 102-495 are hereby repealed, and the remaining sections renumbered accordingly.".

AMENDMENT NO. 5324

On page 29, line 8 after the word "exceed" insert: "$86,520,000 shall be for welfare assistance payments and not to exceed".

Specifies the amount of funds available for welfare assistance payments in bill language consistent with language contained in the fiscal year 1996 Interior Appropriations bill.

AMENDMENT NO. 5325

On page 16, line 25, strike "$4,000,000" and insert "$3,000,000".

GORTON (AND BYRD) AMENDMENT NO. 5326

Mr. GORTON (for himself and Mr. BYRD) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 62, line 20, after the word "including" delete the linetype and delete "60".

GORTON AMENDMENT NO. 5327

Mr. GORTON proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 17, line 25, after "expended" insert the following: ", of which $270,000 shall be used for appropriate fish restoration projects not related to dam removal including reimbursement of the State of Washington for emergency actions taken to protect the 1996 run of fall chinook salmon on the Elwha River".

GORTON (AND BYRD) AMENDMENT NO. 5328

Mr. GORTON (for himself and Mr. BYRD) proposed an amendment to the bill, H.R. 3662, supra; as follows:

After line 13 on page 61 of the bill, insert the following:

SEC. . The second proviso under the heading "Bureau of Mines, Administrative Provisions" of Public Law 104-134 is amended by inserting after the word "authorized" the word "hereafter".

GORTON (AND BYRD) AMENDMENTS NOS. 5329–5330

Mr. GORTON (for himself and Mr. BYRD) proposed two amendments to the bill, H.R. 3662, supra; as follows:

AMENDMENT NO. 5329

On page 118, after line 9, insert the following:

SEC. . The Columbia Wilderness, created by the Oregon Wilderness Act of 1984, Public Law 98-328, located in the Mt. Hood National Forest, Oregon, shall be known and designated as the "Mark O. Hatfield Wilderness".

Any references in a law, map, regulation, document, paper, or other record of the United States to the Columbia Wilderness shall be deemed to be a reference to the "Mark O. Hatfield Wilderness".

AMENDMENT NO. 5330

On page 20, after line 22, insert the following new paragraph:

Notwithstanding any other provision of law, remaining balances, including interest, from funds granted to the National Park Foundation pursuant to the National Park System Visitor Facilities Fund Act of 1983 (P.L. 97-433, 96 Stat. 2277) shall be available to the National Park Foundation for expenditure in units of the National Park System for the purpose of improving visitor facilities.

(Purpose: This bill language would allow the National Park Foundation to expend remaining balances and accrued interest from funds granted to it by the National Park Service in Fiscal Years 1984 and 1985 pursuant to the National Park System Visitor Facilities Fund Act of 1983 (P.L. 97-433, 96 Stat. 2277). That Act provided for the expenditure of funds by the Foundation to improve the quality of visitor facilities in the park system nation-wide.)

GORTON AMENDMENT NO. 5331

Mr. GORTON proposed an amendment to the bill H.R. 3662, supra; as follows:

On page 104, line 9, strike line 1 and all that follows through page 104, line 14.

GORTON (AND BYRD) AMENDMENT NO. 5332

Mr. GORTON (for himself and Mr. BYRD) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 11, line 2, strike all after "Act," through "until expended" on line 8 and insert the following: "and of which $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program".

HATFIELD AMENDMENTS NOS. 5333–5334

Mr. GORTON (for Mr. HATFIELD) proposed two amendments to the bill, H.R. 3662, supra; as follows:

AMENDMENT NO. 5333

On page 74, line 9, insert the following: "The Pacific Northwest Research Station Silviculture Lab in Bend, Oregon is hereby named the Robert W. Chandler Building. The dedication provides commemorative recognition to Robert W. Chandler, editor of the Bend Bulletin newspaper, longtime community servant and advocate for sound silvicultural practices in Central and Eastern Oregon."

AMENDMENT NO. 5334

On page 9, line 22, insert the following:

"The Bureau of Land Management's Visitors Center in Rand, Oregon is hereby named the William B. Smullin Visitor Center. The dedication provides commemorative recognition to William B. Smullin, founder of California Oregon Broadcasting, Incorporated, who brought broadcasting to Northern California and Southern Oregon."

HUTCHISON AMENDMENT NO. 5335

Mr. GORTON (for Mrs. HUTCHISON) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 12, line 21, strike "$50,802,000" and insert "$50,552,000".

On page 62, line 18, strike '1,285,881,000" and insert "1,286,131,000".

JOHNSTON AMENDMENT NO. 5336

Mr. GORTON (for Mr. JOHNSTON) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 61, after line 13, insert the following new section:

SEC. 1 . Visitor Center Designation at Jean Lafitte National Historical Park.

(a) The visitor center at Jean Lafitte National Historical Park, located at 418 Rue Decatur in New Orleans, Louisiana is hereby designated as the "Laura C. Hudson Visitor Center".

(b) Any reference in law, regulation, paper, record, map, or any other document in the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the "Laura C. Hudson Visitor Center".

MURKOWSKI (AND OTHERS) AMENDMENT NO. 5337

Mr. GORTON (for Mr. MURKOWSKI, for himself, Mr. BURNS, and Mr. CRAIG) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 74, after line 8, insert the following new paragraph:

The Secretary of Agriculture shall by March 31, 1997 report to the Committees on Appropriations of the House of Representatives and the Senate on the status and disposition of all salvage timber sales started under the authority of Section 2001 of PL 104–121 and subsequently withdrawn or delayed and completed under different authorities as a consequence of the July 2, 1996 Directive on the implementation of Section 2001 issued by the Secretary.

MURKOWSKI (AND STEVENS) AMENDMENT NO. 5338

Mr. GORTON (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 104, strike all in lines 15 thru 23, and insert in lieu thereof:

SEC. 318. "None of the funds available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to prepare, promulgate, implement, or enforce any rule or regulation pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over any waters (other than non-navigable waters on federal lands), non-federal lands, or lands selected by, but not conveyed to, the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act, or an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act."

NICKLES AMENDMENT NO. 5339

Mr. GORTON (for Mr. NICKLES) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 83, line 21 of the bill, insert the following before the period: "*Provided further*, That funds made available to the Choctaw Nation of Oklahoma in this Act, including Indian Self-Determination Act compact 'tribal shares,' medicaid/medicare collections and carry-over funds may be used to support construction of a facility to replace the Talihina Indian Hospital so long as the current level of health care services is not diminished".

ROBB (AND WARNER) AMENDMENT NO. 5340

Mr. GORTON (for Mr. ROBB, for himself and Mr. WARNER) proposed amendment to the bill, H.R. 3662, supra; as follows:

On page 12, line 23, after "Kentucky," add: "and of which $1,500,000 shall be for acquisition at Back Bay National Wildlife Refuge and of which $1,000,000 shall be for acquisition at Rappahannock National Wildlife Refuge."

SARBANES AMENDMENT NO. 5341

Mr. GORTON (for Mr. SARBANES) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 27, line 21, before the period, insert the following: ": *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 on 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects".

STEVENS AMENDMENT NO. 5342

Mr. GORTON (for Mr. STEVENS) proposed an amendment to the bill, H.R. 3662, supra; as follows:

On page 4, line 3, after "expended" insert the following: ": *Provided further*, That $250,000 of the funds available to the Bureau of Land Management for the Alaska conveyance shall be available for activities preparatory to resumption of leasing of oil and gas in the National Petroleum Reserve in Alaska pursuant to Public Law 96–514".

GORTON (AND OTHERS) AMENDMENT NO. 5343

Mr. GORTON (for himself, Mr. HATFIELD, and Mrs. MURRAY) proposed an amendment to the bill, H.R. 3662, supra; as follows:

At the appropriate section in title III, insert the following new section:

SEC. . Notwithstanding any other provision of law, for fiscal year 1997 the Secretaries of Agriculture and Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

BROWN AMENDMENTS NOS. 5344–5346

(Ordered to lie on the table.)

Mr. BROWN submitted three amendments intended to be proposed by him to the bill, H.R. 3662, supra; as follows:

AMENDMENT NO. 5344

At the appropriate place in the bill insert the following new section:

"SEC. . FEE EQUITY STUDY.

"(1) It is the policy of the Congress that entrance, tourism, and recreational use fees for the use of Federal lands and facilities not discriminate against any State or any region of the country.

"(2) Not later than October 1, 1997, the Secretary of the Interior, in coöperation with the heads of other affected agencies shall prepare and submit to the Senate and House Appropriations Committees a report that—

"(A) identifies all Federal lands and facilities that provide tourism or recreational use; and

"(B) analyzes by State and region any fees charged for entrance to or for tourism or recreational use of Federal lands and facilities in a State or region, individually and collectively.

"(3) Not later than October 1, 1998, the Secretary of the Interior, in cooperation with the heads of other affected agencies, shall prepare and submit to the Senate and House Appropriations Committees any recommendations that the Secretary may have for implementing the policy stated in subsection (1)."

AMENDMENT NO. 5345

At the appropriate place in the bill insert the following new section:

SEC. 2. PURPOSE.

Section 2(b) of the National Trails System Act (16 U.S.C. 1241(b)) is amended by striking "recreation, scenic and historic" and inserting "recreation, scenic, historic, and discovery".

SEC. 3. AUTHORIZATION OF NATIONAL DISCOVERY TRAILS.

Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) National discovery trails, established by section 5(a), which shall—

"(A) be extended, continuous, interstate trails;

"(B) be located so as to—

"(i) provide for outstanding outdoor recreation and travel; and

"(ii) represent metropolitan, urban, rural, and back-country regions of the United States;

"(C) connect representative examples of United States trails and communities; and

"(D) provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail corridor.".

SEC. 4. DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.

(a) DESCRIPTION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(20) The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, traveling through Delaware, Maryland, the District of Columbia, West Virginia, Kentucky, and Ohio, near Cincinnati splitting into the Northern Midwest route through Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado and the Southern Midwest route through Indiana, Illinois, Missouri, Kansas, and Colorado, rejoining in Denver, and continuing through Colorado, Utah, Nevada, and California. The trail is generally described in volume 2 of the National Park Service feasibility study dated June 1995, which shall be on file and available for public inspection in the office of the Director of the National Park Service. The trail shall be administered by the Secretary of the Interior in cooperation with a nonprofit organization and other affected land managing agencies. The trail shall not be subject to section 5(d), 7(a)(2), 7(e), or 7(f).".

(b) PLAN FOR NEW NATIONAL DISCOVERY TRAILS.—Section 5(e) of the National Trails System Act (16 U.S.C. 1244(e)) is amended by striking "Continental Divide" and all that follows through "as part of the system" and inserting "Continental Divide National Scenic Trail or the North Country National Scenic Trail, or a national discovery trail, except for the American Discovery Trail, as part of the system".

(c) PLAN FOR THE AMERICAN DISCOVERY TRAIL.—Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

"(g) PLAN FOR THE AMERICAN DISCOVERY TRAIL.—Not later than 3 full fiscal years after the date of enactment of this subsection, the responsible nonprofit organization for the American Discovery Trail established by subsection (a)(20) shall, after consultation with the Secretary of the Interior, other affected land managing agencies, the Governors of affected States, county and local political jurisdictions, and local organizations maintaining component trails, submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the protection, management, development, and use of the trail, not to conflict with any agency direction, including—

"(1) specific objectives and practices to be observed in the administration and management of the trail, including—

"(A) the identification of all significant natural, historical, and cultural resources to be preserved;

"(B) model agreements necessary for joint trail administration among interested parties;

"(C) an identified carrying capacity of the trail; and

"(D) an implementation plan;

"(2) a 10-year trail corridor protection plan to preserve the values for which the trail was established and recognized by the United States;

"(3) general and site-specific development plans, including anticipated costs; and

"(4) the process to be followed by the nonprofit organization in partnership with the Secretary of the Interior to implement the trail markers described in section 7(c) to conform to approved trail logo or emblem requirements.".

SEC. 5. ADMINISTRATION.

Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following:

"(1) NATIONAL DISCOVERY TRAILS.—The Secretary charged with the overall administration of a trail under section 5(a) shall administer a national discovery trail in cooperation with a nonprofit organization.".

SEC. 6. CONFORMING AMENDMENTS.

(a) Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended—

(1) in the section heading, by striking "AND NATIONAL HISTORICAL" and inserting ", NATIONAL HISTORIC, AND NATIONAL DISCOVERY"; and

(2) in the second sentence of subsection (a), by striking "National Scenic and National Historic Trails" and inserting "national scenic, national historic, and national discovery trails".

(b) The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

(1) by striking "scenic and national historic" each place it appears and inserting "scenic, national historic, and national discovery";

(2) by striking "scenic or national historic" each place it appears and inserting "scenic, national historic, or national discovery"; and

(3) by striking "scenic, or national historic" each place it appears and inserting "scenic, national historic, or national discovery".

AMENDMENT NO. 5346

At the end of the amendment, add the following:

TITLE ___—CACHE LA POUDRE

SEC. ___01. PURPOSE.

The purpose of this title is to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

SEC. ___02. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Cache La Poudre Corridor Commission established by section ___04(a).

(2) CORRIDOR.—The term "Corridor" means the Cache La Poudre River National Corridor established by section ___03(a).

(3) GOVERNOR.—The term "Governor" means the Governor of the State of Colorado.

(4) PLAN.—The term "Plan" means the corridor interpretation plan prepared by the Commission pursuant to section ___08(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term "political subdivision of the State" means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Corridor, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. ___03. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre Corridor.

(b) BOUNDARIES.—The boundaries of the Corridor shall include the lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along said floodplain to a point one quarter of one mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Corridor.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer Country, the city of Greeley, and Weld County.

SEC. ___04. ESTABLISHMENT OF THE CACHE LA POUDRE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Cache La Poudre Corridor Commission.

(2) FUNCTION.—The Commission, in consultation with appropriate Federal, State, and local authorities, shall develop and implement an integrated plan to interpret elements of the history of water development within the Corridor.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(A) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(B) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(C) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the State;

(ii) 1 member shall represent Colorado State University in Fort Collins; and

(iii) 1 member shall represent the Northern Colorado Water Conservancy District;

(D) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the city of Fort Collins;

(ii) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(iii) 1 member shall represent the city of Greeley;

(iv) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(v) 1 member shall represent the city of Loveland; and

(E) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(i) represent the general public;

(ii) be citizens of the State; and

(iii) reside within the Corridor.

(2) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subparagraph (C), (D), or (E) of paragraph (1). The chairperson shall be elected for a 2-year term.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(c) TERMS OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(2) INITIAL MEMBERS.—The initial members of the Commission first appointed under subsection (b)(1) shall be appointed as follows:

(A) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(i) The representative of the Secretary of the Interior.

(ii) 1 representative of Weld County.

(iii) 1 representative of Larimer County.

(iv) 1 representative of the city of Loveland.

(v) 1 representative of the general public.

(B) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

(i) The representative of the Forest Service.

(ii) The representative of the State.

(iii) The representative of Colorado State University.

(iv) The representative of the Northern Colorado Water Conservancy District.

(C) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

(i) 1 representative of the city of Fort Collins.

(ii) 1 representative of Larimer County.

(iii) 1 representative of the city of Greeley.

(iv) 1 representative of Weld County.

(v) 1 representative of the general public.

(3) PARTIAL TERMS.—

(A) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of the member's term.

(B) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. ___05. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the city service laws (including regulations); and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. ___06. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this title.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—

(1) IN GENERAL.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

(2) CHARITABLE CONTRIBUTIONS.—For the purpose of section 170(c) of the Internal Revenue Code of 1986, a gift to the Commission shall be deemed to be a gift to the United States.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Corridor, and interests in real property in the Corridor—

(A) by gift or device;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) as soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Corridor is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this title.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Corridor; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. ___07. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section ___08.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly .

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. ___08. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Corridor Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Corridor; and

(B) conduct public hearings within the Corridor for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Corridor.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for the Governor's review.

(2) GOVERNOR.—The Governor may review the Plan and if he concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(2) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(3) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(d) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(1) CULTURAL RESOURCES.—

(A) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Corridor.

(B) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by such agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Corridor.

(2) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Corridor, and the archaeological, geological, and cultural resources and sites in the Corridor—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(3) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Corridor with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(4) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Corridor—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section ___10;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Corridor;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

(5) RECOGNITION.—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

(6) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

SEC. ___09. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section ___04 is amended by striking subsection (e).

SEC. ___10. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Corridor that have been specifically identified by the Commission for acquisition by the Federal Government and that have been approved for such acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if such lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section ___08.

(c) DETAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section ___07.

SEC. ___11. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section ___12, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Corridor, or the natural resources of the Corridor shall consult with the Commission with respect to such activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Corridor by exchange for other lands within such agency's jurisdiction within the State of Colorado, based on fair market value, if the lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Corridor is established.

(2) AUTHORIZATION TO CONVEY PROPERTY.—The first sentence of section 203(k)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(3)) is amended by striking "historic monument, for the benefit of the public" and inserting "historic monument or any such property within the State of Colorado for the Cache La Poudre Corridor, for the benefit of the public".

SEC. ___12. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this title, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this title shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Corridor not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this title shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Corridor not been established.

(4) WATER STANDARDS.—Nothing in this title shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Corridor, that is more restrictive than those that would be applicable had the Corridor not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Corridor shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Corridor.

(6) WATER FACILITIES.—Nothing in the establishment of the Corridor shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Corridor shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this title shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under the title;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

(A) land use regulation;

(B) environmental quality;

(C) licensing;

(D) permitting;

(E) easements;

(F) private land development; or

(G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

(A) land use regulation;

(B) environmental quality; or

(C) pipeline or utility crossings;

(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this title shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this title requires an owner of private property to allow access to the property by the public.

SEC. ___13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed $50,000 to the Commission to carry out this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

THE DEPARTMENT OF JUSTICE APPROPRIATIONS ACT, 1997 DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 5347

(Ordered to lie on the table.)

Mr. FAIRCLOTH (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill (H.R. 3814) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place, insert the following new section:

EXTENSION OF EXPIRED VISAS FOR CERTAIN NURSES

SEC. . (a) ALIENS WHO PREVIOUSLY ENTERED THE UNITED STATES PURSUANT TO AN H-1A VISA.—

(1) Notwithstanding any other provision of law, the visa of any nonimmigrant described in paragraph (2) is hereby extended through September 30, 1997.

(2) A nonimmigrant described in this paragraph is a nonimmigrant—

(A) who entered the United States as a nonimmigrant described in section 101(a)(15)(H)(i)(a);

(B) who was within the United States on or after September 1, 1995; and

(C) whose visa has expired or will expire before September 30, 1997.

(b) CHANGE OF EMPLOYMENT.—A nonimmigrant whose visa is extended by operation of this section shall be eligible to change employers in accordance with section 214.2(h)(2)(i)(D) of title 8, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act).

(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall issue regulations to carry out the provisions of this section.

(d) INTERIM TREATMENT.—A nonimmigrant whose visa is extended by operation of this section, and the spouse and child of such nonimmigrant, shall be considered as having continued to maintain lawful status as a nonimmigrant through September 30, 1997.

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

BAUCUS AMENDMENTS NOS. 5348–5349

(Ordered to lie on the table.)

Mr. BAUCUS submitted two amendments intended to be proposed by him to the bill, H.R. 3662, supra; as follows:

AMENDMENT NO. 5348

At the appropriate place in title I, insert the following:

SEC. 1___. GENERAL MANAGEMENT PLANS FOR GLACIER NATIONAL PARK.

A new general management plan for Glacier National Park shall not become effective in fiscal year 1997 or 1998 until—

(1) the Director of the National Park Service has submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives the proposed final general management plan; and

(2) each of the Senate and the House of Representatives has been in session for 90 days.

AMENDMENT NO. 5349

At the appropriate place in title I, insert the following:

SEC. 1___. YELLOWSTONE NATIONAL PARK.

Not later than April 1, 1997, the Secretary of the Interior, acting through the Director of the National Park Service, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(1) enter into a memorandum of understanding that, for fiscal year 1998 and each fiscal year thereafter—

(A) provides for the timely maintenance of the Beartooth Highway in Yellowstone National Park, with the costs of maintenance shared equally by the National Park Service and the Forest Service; and

(B) ensures that the Beartooth Highway will be cleared of snow and ice by not later than the Friday before Memorial Day of each year (absent weather conditions that would make clearing the highway hazardous); and

(2) submit a copy of the memorandum of understanding to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Tuesday, September 17, 1996, beginning at

9:30 a.m. to conduct a hearing on economic development on Indian reservations. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

ADDITIONAL STATEMENTS

NATIONAL CHILDREN'S DAY

• Mr. GRAHAM. Mr. President, I rise today to join my friend Senator PRESSLER in introducing legislation to celebrate the children of our Nation by establishing National Children's Day on Sunday, October 13, 1996.

National Children's Day will enable us to pay tribute to children and to focus on issues that are so important to their health, development, and education. Many children today face crises of grave proportions, especially as they enter adolescent years. It is of particular concern that over 5 million children go hungry at some point each month, and that there has been a 60-percent increase in the number of children needing foster care in the last 10 years. It is also appropriate that adults in the United States have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years.

There are times when Congress can enact simple measures that ensure that the needs of our Nation's children are being recognized. It is the least we can do to celebrate the contributions children make in each of our lives and to all America.

I urge our colleagues to join us in cosponsoring National Children's Day.•

H. JOSEPH GERBER

• Mr. LIEBERMAN. Mr. President, I would like to take this time to remember Joseph Gerber, the founder and chairman of Gerber Scientific, Inc. and a Connecticut resident, who died in early August when Congress was out of session. I will sorely miss this great Connecticut businessman and innovator and send his family my sincere sympathy for their loss.

Mr. Gerber was nicknamed "Thomas Edison" in the apparel industry for his countless inventions—he was awarded over 650 U.S. and foreign patents for his technological innovations. His contributions to advanced manufacturing transformed many sectors including signmaking, graphic arts, printed circuit boards, optics, and automotive and aerospace technologies. He generously donated some of his inventions to the Smithsonian Institution—they can be found in the Smithsonian's National Museum of American History as part of its permanent collection.

Mr. Gerber was a champion of invention from very early on. As a junior at Rensselaer Polytechnic Institute, he invented a revoluntionary graphical numerical computer. This product—the Gerber Variable Scale—was rolled out to launch the Gerber Scientific Instrument Co. In a matter of five decades, Gerber Scientific grew from an initial investment of $3,000 to a major supplier of automated manufacturing systems. Today, Gerber Scientific, headquartered in South Windsor, CT, boasts worldwide sales exceeding $350 million. Mr. Gerber's creativity, motivation and business savvy propelled this corporation into success.

H. Joseph Gerber received many honors, awards and honorary doctorates. In 1953, he was chosen as one of The Ten Outstanding Young Men of the United States for contributions to his community, State, and Nation by the U.S. Junior Chamber of Commerce. He accepted the Connecticut Medal of Technology awarded by the Governor in 1994, was a member of the National Academy of Engineers and the Connecticut Academy of Science and Engineering and served as a trustee of Rensselaer Polytechnic Institute. In 1994, President Clinton awarded Mr. Gerber the National Medal of Technology.

H. Joseph Gerber was equally inspirational in his personal achievements. He was born in Vienna, Austria in 1924, but his family's life was shattered by Nazi occupation. He was imprisoned in a Nazi labor camp when he was 15, but he and his mother were able to flee Austria to the United States in 1940. He quickly learned to speak English, and, while working to support his mother, graduated from Weaver High School in Hartford in 2 years and then from Rennselaer Polytechnic Institute in less than 3 years with an aeronautical engineering degree. I salute H. Joseph Gerber and pause for a moment of reflection in memory of this very accomplished and generous man.•

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

• Mr. FRIST. Mr. President, I rise today to recognize an important achievement by this body, as well as to congratulate my colleagues on the Health Insurance Portability and Accountability Act being signed into law. Last year, I joined Senators KASSEBAUM and KENNEDY in introducing this important piece of legislation. It has enjoyed broad bipartisan support in both the House of Representatives and the U.S. Senate.

Last summer, the Committee on Labor and Human Resources, of which I am a member, reported out this legislation unanimously. This spring, the bill passed with overwhelming support in the Senate. Mr. President, as you may recall, the vote was 100 to 0.

I regret that this very popular bill—that the General Accounting Office told us would help 25 million Americans—was filibustered for 94 days by our Democratic colleagues and therefore enactment was unnecessarily delayed.

First, we heard from our friends across the aisle that the bill contained poison pills—provisions that would jeopardize support for the overall bill. The most fiercely opposed was inclusion of a medical savings account provision.

To back up a bit, I would like to read the language of an amendment that I offered, and that passed, during consideration of the bill by the Committee on Labor and Human Resources. Specifically, the committee added a sense of the committee that the establishment of medical savings accounts should be encouraged as part of any health insurance reform legislation passed by the Senate through the use of tax incentives relating to contributions to, the income growth of, and the qualified use of, such accounts.

Although the Labor Committee does not have jurisdiction over the Internal Revenue Code, this amendment articulated our support that MSAs should be a part of the final package. Furthermore, the Kassebaum-Kennedy legislation addressed the issue of medical savings accounts within its area of jurisdiction, the Public Health Service Act. The bill allows health maintenance organizations [HMO's] to offer deductibles in conjunction with a medical savings account. This was a necessary change to current law because the current HMO Act prohibits managed care plans from offering significant copayments and deductibles which would typify a catastrophic plan design. By including this language, the committee hoped to level the playing field for all health delivery systems in offering a medical savings account product. My own MSA legislation, introduced last year, also accomplishes this goal.

The medical savings account provisions included in the Health Insurance Portability and Accountability Act are much more narrow than the bill I introduced last year to establish MSA's. However, I believe the provision has much to offer the population it is directed toward: small employers and the self-employed. This population could greatly benefit from expanding their choices of affordable health plan options. In addition, it is worth encouraging individuals to become better consumers of their health care dollars. The MSA provision included in the Health Insurance Portability and Accountability Act attempts to accomplish this goal.

Mr. President, the Journal of the American Medical Association recently published a study by the RAND Corp. regarding medical savings accounts.

RAND currently conducts the largest private program of health policy research in the United States. RAND has an exceptional program of health care research that has helped advance knowledge about how cost, quality, and access to care can be improved. Its research agenda has kept pace with the Nation's emerging health policy concerns and has helped shape the way policymakers, health professionals, and the public think about these issues.

We should note that the RAND study concludes that MSA's could prove attractive to some sick and lower income people as well as to the healthy and well-to-do. The report implies that this is an effort worth demonstrating—and certainly not poisonous—especially when we focus on extending the option to populations that now have difficulty finding affordable health care options.

Above all, the goal of the Health Insurance Portability and Accountability Act continues to be the implementation of the very basic reforms of portability and limits on pre-existing conditions. The Senate has debated both these issues for the past 6 years. The bills have even passed the Senate in previous years, but ultimately failed to become law. These reforms represent what we all support and are important to the many people who experience a sense of job-lock or pre-existing conditions. The General Accounting Office [GAO] estimates that 25 million people will benefit from this bill.

Yet, even once the MSA provision was resolved the group-to-individual portability provisions came under attack. We need to remember why health insurance reform legislation was pursued by this Congress. The goal of this bill has always been to insure that people who play by the rules will not be denied access to health insurance. That must be the litmus test for the ultimate success of this legislation. The conference agreement continues to insure that individuals who change or lose their jobs will have access to a choice of health insurance policies. The goal of portability remains strong in the bill.

Mr. President, this Congress has delivered on its promise to enact market-based insurance reforms that increase everyone's security that they will not lose their health insurance. I congratulate the majority leader, Senators KASSEBAUM and ROTH, and the other conferees for ultimately refusing to allow politics as usual to stand in the way of adopting these national rules.•

Mr. COVERDELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 2074 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND. Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

FEDERAL TRADE COMMISSION REAUTHORIZATION ACT OF 1996

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of calendar No. 575, H.R. 3553.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3553) to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PRESSLER. Mr. President, H.R. 3553, the Federal Trade Commission Reauthorization Act of 1996, would reauthorize the Federal Trade Commission [FTC] for the next 2 fiscal years. The bill would authorize appropriations of $107 million in fiscal year 1997 and $111 million in fiscal year 1998. The expenditures authorized by this bill would be sufficient to permit the FTC to maintain existing staffing levels of 979 full-time equivalent employees.

H.R. 3553 is identical to S. 1840 which I introduced along with Senators GORTON, HOLLINGS, BRYAN, and SNOWE. Before we introduced S. 1840 on June 5, 1996, the Committee on Commerce, Science, and Transportation held a hearing on May 7, 1996, to review the FTC's activities. The Commerce Committee ordered the bill favorably reported during executive session on June 6, 1996. Because the House and Senate bills are identical, I am asking the Senate to adopt the House passed version so that we may send the bill to the President without the need for a conference.

The FTC was created as an independent regulatory agency in 1914 by the Federal Trade Commission Act. The agency is charged with the dual mission of consumer protection and antitrust enforcement.

Congress last authorized appropriations for the FTC in 1994. That authorization expires at the end of fiscal year 1996. The 1994 authorization followed a 12-year period in which appropriations to the FTC were not authorized. In that authorization act, significant changes were made to the FTC's authorizing statutes.

Mr. President, H.R. 3553, like its identical companion bill S. 1840, makes no further changes in the authorizing statutes. It is a simple authorization of appropriations and S. 1840 was in no way controversial during its committee consideration. I urge the Senate to pass H.R. 3553 as received from the House.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3553) was deemed read the third time and passed.

MEASURE READ FOR THE FIRST TIME—S. 2073

Mr. COVERDELL. Mr. President, I understand that S. 2073, introduced today by Senator NICKLES, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2073) to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes.

Mr. COVERDELL. Mr. President, I now ask for its second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104-34

Mr. COVERDELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Constitution and Convention of the International Telecommunication Union [ITU], with annexes, signed at Geneva on December 22, 1992, Treaty Document No. 104-34, transmitted to the Senate by the President on September 13, 1996; that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Constitution and Convention of the International Telecommunication Union (ITU), with Annexes, signed at Geneva on December 22, 1992, and amendments to the Constitution and Convention, signed at Kyoto on October 14, 1994, together with declarations and reservations by the United States as contained in the Final Acts. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Constitution and Convention and the amendments thereto.

The 1992 Constitution and Convention replace the ITU Convention signed in Nairobi in 1982. Prior to the 1992 Constitution and Convention, the ITU Convention had been routinely replaced at successive Plenipotentiary Conferences every 5 to 10 years. The 1992 Constitution and Convention represent the first basic instruments of the ITU intended to be permanent. Basic provisions on the organization and structure of the ITU and fundamental substantive rules governing international telecommunications matters are embodied in the Constitution. The ITU Convention is comprised of provisions on the functioning of the ITU and its constituent parts.

The 1992 Constitution and Convention reflect the effort by ITU Member countries to restructure the ITU to make it more effective in responding to the changes taking place in telecommunications. The United States is pleased with the restructuring of the ITU. The changes adopted are expected to enable the ITU to meet challenges brought on by the dynamic telecommunications environment.

The 1994 ITU Plenipotentiary Conferences was convened less than 4 months after the entry into force of the Constitution and Convention to amend the 1992 Constitution and Convention. Recognizing that more time should be allowed to evaluate the extensive changes to the structure of the ITU, the Conference adopted only a few minor amendments, which were acceptable to the United States.

In signing the 1992 Constitution and Convention and the 1994 amendments, the United States made certain declarations and reservations. The specific declarations and reservations are discussed in the report of the Department of State.

The 1992 Constitution and Convention entered into force July 1, 1994, for states which, by that date, had notified the Secretary General of the ITU of their approval thereof and, in the same manner, the amendments to the Constitution and Convention entered into force on January 1, 1996.

Subject to the U.S. declarations and reservations mentioned above, I believe the United States should be a party to the ITU Constitution and Convention, as amended. They will improve the efficiency of management of the ITU and will allow it to be more responsive to the needs of the United States Government and private sector. It is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 13, 1996.*

AMENDING THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 570, S. 1983.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1983) to amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1983) was deemed read the third time and passed, as follows:

S. 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT.

(a) WRITTEN CONSENT REQUIRED IF NATIVE AMERICAN REMAINS ARE EXCAVATED OR REMOVED FOR PURPOSES OF STUDY.—Section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c) is amended—

(1) in paragraph (3), by striking "and" at the end of the paragraph;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end of the following new paragraph:

"(5) in the case of any intentional excavation or removal of Native American human remains for purposes of study, such remains are excavated or removed after written consent is obtained from—

"(A) lineal descendants, if known or readily ascertainable; or

"(B) each appropriate Indian tribe or Native Hawaiian organization.".

(b) REQUIREMENTS FOR INADVERTENT DISCOVERIES.—Section 3(d) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(d)) is amended—

(1) in paragraph (1), by striking "with respect to tribal lands, if known or readily ascertainable" and inserting ". With respect to tribal lands, such notification shall be provided to each appropriate Indian tribe or Native Hawaiian organization,"; and

(2) in paragraph (2), by adding at the end the following: "Any person or entity that disposes of or controls any such cultural item shall adhere to the applicable requirements of subsection (c).".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on the Executive Calendar: No. 719, the nomination of Vice Adm. Dennis C. Blair, to be vice admiral.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

NAVY

The following named officer for reappointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Vice Adm. Dennis C. Blair, 248-84-1618.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, SEPTEMBER 16, 1996

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, September 16; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the Calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin 2 hours of morning business, with the time between 12 noon and 1 p.m. under the control of Senator DASCHLE, or his designee, and the time between 1 p.m. and 2 p.m. under the control of Senator COVERDELL, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I further ask unanimous consent that at 2 p.m. on Monday, the Senate resume consideration of the Interior appropriations bill, and at the hour of 3 p.m., Senator **BUMPERS** be recognized to offer his amendment relative to grazing fees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, under the previous order, there will be 2 hours for morning business on Monday. At 2 p.m., the Senate will resume the Interior appropriations bill. No rollcall votes will occur on Monday, and any rollcall votes ordered during the session of the Senate on Monday will be stacked to occur on Tuesday at 9:30 a.m. on a case-by-case basis. The Senate could be asked to turn to any other legislation that may be cleared for action.

ADJOURNMENT UNTIL 12 NOON, MONDAY, SEPTEMBER 16, 1996

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:35 p.m., adjourned until Monday, September 16, 1996, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate September 13, 1996:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE UNITED STATES NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DENNIS C. BLAIR, [redacted]

HOUSE OF REPRESENTATIVES—*Monday, September 16, 1996*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 16, 1996.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our voices cry out with the Psalmist of old when we pray:

Out of the depths I cry to Thee, O Lord!
Lord hear my voice!
Let Thy ears be attentive to the voice of
my supplications!

In this our prayer, O God, we speak silently our supplications, our petitions, our requests, our aspirations, and our dreams. Regard our supplications with favor, our petitions and requests with support, and our aspirations and our dreams with grace. With gratefulness and praise, we implore Your blessing this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana [Mr. LIVINGSTON] come forward and lead the House in the Pledge of Allegiance.

Mr. LIVINGSTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3553. An act to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

The message also announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 1983. An act to amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes.

The message also announced that pursuant to Public Law 101–509, the Chair announces, on behalf of the Secretary of the Senate, the appointment of Sheilah Mann, of Maryland, to the Advisory Committee on the Records of Congress for the 104th Congress, vice Richard N. Smith.

CONFERENCE REPORT ON H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–785)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 14, 20, 22, 23, 24, 27, 36, 50, 52, 60, 62, 64, 71, 80, 82, 88, 91, 95, 96, 97, 104, 113, 118, 121, 122, 124, 125, 126, 127, 128, 129, 131, 134, 136, 139, 140, 142, 150, 156, 158, 160, 161, 162, and 164.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 15, 17, 25, 31, 32, 46, 47, 53, 56, 61, 63, 67, 69, 72, 93, 101, 102, 117, 119, 132, 137, 138, 141, 143, 144, 145, 146, 153, 154, 155, 159, 163, 165, 166, 168, 169, and 170, and agree to the same.

Amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$52,966,000*; and the Senate agree to the same.

Amendment numbered 8.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,319,725,000*; and the Senate agree to the same.

Amendment numbered 9.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$374,840,000*; and the Senate agree to the same.

Amendment numbered 10.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$216,500,000*; and the Senate agree to the same.

Amendment numbered 11.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$18,040,000*; and the Senate agree to the same.

Amendment numbered 12.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$41,700,000*; and the Senate agree to the same.

Amendment numbered 13.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$52,350,000*; and the Senate agree to the same.

Amendment numbered 16.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That none of the funds in this Act may be obligated or expended to continue the "Vessel Traffic Service (VTS) 2000" Program: Provided further, That of the funds provided under this heading, $1,000,000 is available only for a Coast Guard analysis of future VTS system requirements which minimizes complexity and is based upon an open systems architecture maximizing use of off-the-shelf technology, to be conducted in cooperation with the maritime community and local organizations affected by the implementation of such systems*; and the Senate agree to the same.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Amendment numbered 18.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $22,000,000; and the Senate agree to the same.

Amendment numbered 19.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

PORT SAFETY DEVELOPMENT

For necessary expenses for debt retirement of the Port of Portland, Oregon, without further findings and determinations, $5,000,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 21.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$19,200,000*; and the Senate agree to the same.

Amendment numbered 26.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,182,500,000*; and the Senate agree to the same.

Amendment numbered 28.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,790,000,000*; and the Senate agree to the same.

Amendment numbered 29.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,573,000,000*; and the Senate agree to the same.

Amendment numbered 30.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$187,412,000*; and the Senate agree to the same.

Amendment numbered 33.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$521,114,000*; and the Senate agree to the same.

Amendment numbered 34.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$221,958,000*; and the Senate agree to the same.

Amendment numbered 35.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$18,000,000,000*; and the Senate agree to the same.

Amendment numbered 37.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$78,225,000*; and the Senate agree to the same.

Amendment numbered 38.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

STATE INFRASTRUCTURE BANKS

To carry out the State Infrastructure Bank Pilot Program (Public Law 104-59, section 350), $150,000,000, to remain available until expended: Provided, That the Secretary may distribute these funds in a manner determined by the Secretary to any State for which a State Infrastructure Bank has been approved and the State has requested such funds: Provided further, That no distribution of funds made available under this heading shall be made prior to 180 days after the date of enactment of this Act: Provided further, That the Secretary may approve State Infrastructure Banks for more than 10 States: Provided further, That these funds shall be used to advance projects or programs under the terms and conditions of section 350: Provided further, That any State that receives such funds may deposit any portion of those funds into either the highway or transit account of the State Infrastructure Bank: Provided further, That the Secretary shall ensure that the Federal disbursements shall be at a rate consistent with historic rates for the Federal-aid highways program.

And the Senate agree to the same.

Amendment numbered 39.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$80,900,000;* and the Senate agree to the same.

Amendment numbered 40.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$51,712,000*; and the Senate agree to the same.

Amendment numbered 41.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$168,100,000;* and the Senate agree to the same.

Amendment numbered 42.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$168,100,000;* and the Senate agree to the same.

Amendment numbered 43.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$128,700,000;* and the Senate agree to the same.

Amendment numbered 44.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$11,500,000;* and the Senate agree to the same.

Amendment numbered 45.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$25,500,000*; and the Senate agree to the same.

Amendment numbered 48.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$20,100,000*; and the Senate agree to the same.

Amendment numbered 49.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$115,000,000*; and the Senate agree to the same.

Amendment numbered 51.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$24,757,000*; and the Senate agree to the same.

Amendment numbered 54.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$7,000,000*; and the Senate agree to the same.

Amendment numbered 55.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$13,000,000*; and the Senate agree to the same.

Amendment numbered 57.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$565,450,000*; and the Senate agree to the same.

Amendment numbered 58.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$223,450,000*; and the Senate agree to the same.

Amendment numbered 59.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$41,497,000*; and the Senate agree to the same.

Amendment numbered 65.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$760,000,000*; and the Senate agree to the same.

Amendment numbered 66.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$380,000,000*; and the Senate agree to the same.

Amendment numbered 68.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$760,000,000*; and the Senate agree to the same.

Amendment numbered 70.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$64,410,000*; and the Senate agree to the same.

Amendment numbered 73.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$1,000,000*; and the Senate agree to the same.

Amendment numbered 74.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$3,500,000 for the Canton-Akron-Cleveland commuter rail project*; ; and the Senate agree to the same.

Amendment numbered 75.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$22,500,000*; and the Senate agree to the same.

Amendment numbered 76.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$11,000,000*; and the Senate agree to the same.

Amendment numbered 77.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$15,250,000*; and the Senate agree to the same.

Amendment numbered 78.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$661,000 for the DeKalb County, Georgia light rail project;* and the Senate agree to the same.

Amendment numbered 79.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$1,500,000 for the Denver Southwest Corridor project;* and the Senate agree to the same.

Amendment numbered 81.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$1,000,000 for the Griffin light rail project;* and the Senate agree to the same.

Amendment numbered 83.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$5,500,000;* and the Senate agree to the same.

Amendment numbered 84.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$15,000,000 for the Jacksonville ASE extension project;* and the Senate agree to the same.

Amendment numbered 85.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,000,000;* and the Senate agree to the same.

Amendment numbered 86.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$2,000,000*; and the Senate agree to the same.

Amendment numbered 87.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$70,000,000*; and the Senate agree to the same.

Amendment numbered 89.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$33,191,000;* and the Senate agree to the same.

Amendment numbered 90.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$1,500,000;* and the Senate agree to the same.

Amendment numbered 92.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,039,000;* and the Senate agree to the same.

Amendment numbered 94.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$500,000 for the New Jersey West Trenton commuter rail project;* and the Senate agree to the same.

Amendment numbered 98.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$2,000,000*; and the Senate agree to the same.

Amendment numbered 99.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$3,000,000 for the Orange County transitway project*; and the Senate agree to the same.

Amendment numbered 100.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$10,000,000*; and the Senate agree to the same.

Amendment numbered 103.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$2,000,000*; and the Senate agree to the same.

Amendment numbered 105.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$35,000,000*; and the Senate agree to the same.

Amendment numbered 106.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *, of which $10,000,000 may be available for high-occupancy vehicle lane and corridor design costs*; and the Senate agree to the same.

Amendment numbered 107.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$13,500,000*; and the Senate agree to the same.

Amendment numbered 108.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$32,000,000*; and the Senate agree to the same.

Amendment numbered 109.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$27,500,000*; and the Senate agree to the same.

Amendment numbered 110.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$1,500,000 for the San Diego-Mid-Coast Corridor project;*; and the Senate agree to the same.

Amendment numbered 111.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *$4,750,000 for the San Juan Tren Urbano project;* ; and the Senate agree to the same.

Amendment numbered 112.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$3,000,000*; and the Senate agree to the same.

Amendment numbered 114.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

Delete the matter stricken by said amendment, and

On page 33 line 12 of the House engrossed bill, H.R. 3675, strike "to Lakeland commuter rail" and insert: *Bay Regional Rail:* ; and the Senate agree to the same.

Amendment numbered 115.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$3,000,000*; and the Senate agree to the same.

Amendment numbered 116.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,750,000*; and the Senate agree to the same.

Amendment numbered 120.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$26,886,000*; and the Senate agree to the same.

Amendment numbered 123.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$37,900,000*; and the Senate agree to the same.

Amendment numbered 130.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows:

In lieu of "4 3/4 per centum" named in said amendment, insert: *4 1/4 per centum*; and the Senate agree to the same.

Amendment numbered 133.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows:

Delete the matter stricken by said amendment and delete the matter inserted by said amendment, and

On page 48 line 22 of the House engrossed bill, H.R. 3675, strike ": *Provided further,*" and insert in lieu thereof a period; and the Senate agree to the same.

Amendment numbered 135.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,250,000*; and the Senate agree to the same.

Amendment numbered 147.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "Passenger Railroad Corporation" named in said amendment, insert: *Railroad Passenger Corporation (Amtrak);* and the Senate agree to the same.

Amendment numbered 148.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 349. Notwithstanding any other provision of law, of amounts made available under Federal Aviation Administration "Operations", the FAA shall provide personnel at Dutch Harbor, Alaska to provide real-time weather and runway observation and other such functions to help ensure the safety of aviation operations.

And the Senate agree to the same.

Amendment numbered 149.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 350. DEPARTMENT OF TRANSPORTATION VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means the following agencies of the Department of Transportation:

(A) the United States Coast Guard;

(B) the Research and Special Programs Administration;

(C) the St. Lawrence Seaway Development Corporation;

(D) the Office of the Secretary; and

(E) the Federal Railroad Administration;

(2) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization;

(G) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code; or

(H) any employee who, upon separation and application, would be eligible for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code (or another retirement system for employees of the agency), other than an annuity subject to a reduction under section 8339(h) or 8415(f) of such title (or corresponding provisions of another retirement system for employees of the agency).

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of an agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by an agency head not to exceed $25,000 in fiscal year 1997;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(3) LIMITATION.—No amount shall be payable under this section based on any separation occurring before the date of the enactment of this Act, or after September 30, 1997.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, an agency shall remit to the Office of Personnel Management for deposit to the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to

whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTIONS OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in an agency shall be reduced by one position for each vacancy credited by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor each agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

And the Senate agree to the same.

Amendment numbered 151.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 351. TREATMENT OF CERTAIN PENDING CHILD CUSTODY CASES IN SUPERIOR COURT OF DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subchapter II of chapter 9 of title 11, District of Columbia Code, is amended by adding at the end the following new section:

"§11–925. Rules regarding certain pending child custody cases

"(a) In any pending case involving custody over a minor child or the visitation rights of a parent of a minor child in the Superior Court which is described in subsection (b)—

"(1) at any time after the child attains 13 years of age, the party to the case who is described in subsection (b)(1) may not have custody over, or visitation rights with, the child without the child's consent; and

"(2) if any person had actual or legal custody over the child or offered safe refuge to the child while the case (or other actions relating to the case) was pending, the court may not deprive the person of custody or visitation rights over the child or otherwise impose sanctions on the person on the grounds that the person had such custody or offered such refuge.

"(b) A case described in this subsection is a case in which—

"(1) the child asserts that a party to the case has been sexually abusive with the child;

"(2) the child has resided outside of the United States for not less than 24 consecutive months;

"(3) any of the parties to the case has denied custody or visitation to another party in violation of an order of the court for not less than 24 consecutive months; and

"(4) any of the parties to the case has lived outside of the District of Columbia during such period of denial of custody or visitation.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 9 of title 11, D.C. Code, is amended by adding at the end the following new item:

"11–925. Rules regarding certain pending child custody cases.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to cases brought in the Superior Court of the District of Columbia before, on, or after the date of the enactment of this Act.

(2) CONTINUATION OF PROVISIONS UNTIL TERMINATION.—The provisions of section 11–925, District of Columbia Code (as added by subsection (a)), shall apply to any case described in paragraph (1) until the termination of the case.

And the Senate agree to the same.

Amendment numbered 152.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 352. Not later than December 31, 1997, the Administrator of the Federal Aviation Administration shall—

(a) take such action as may be necessary to provide for an independent assessment of the acquisition management system of the Federal Aviation Administration that includes a review of any efforts of the Administrator in promoting and encouraging the use of full and open competition as the preferred method of procurement with respect to any contract that involves an amount greater than $50,000,000; and

(b) submit to the Congress a report on the findings of that independent assessment: Provided, That for purposes of this section, the term "full and open competition" has the meaning provided that term in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6)).

And the Senate agree to the same.

Amendment numbered 157.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 356. Of the funds made available to the Federal Railroad Administration, up to $200,000 may be made available from the Office of the Administrator to establish and operate the Institute for Railroad Safety as authorized by the Swift Rail Development Act of 1994.

And the Senate agree to the same.

Amendment numbered 167.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 409. TRANSFER OF FUNDS AMONG MINNESOTA HIGHWAY PROJECTS.

(a) IN GENERAL.—Such portions of the amounts appropriated for the Minnesota highway projects described in subsection (b) that have not been obligated as of December 31, 1996, shall be made available to carry out the 34th Street Corridor Project in Moorhead, Minnesota, authorized by section 149(a)(5)(A)(iii) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17; 101 Stat. 181) (as amended by section 340(a) of the National Highway System Designation Act of 1995 (Public Law 104–59; 109 Stat. 607)).

(b) PROJECTS.—The Minnesota highway projects described in this subsection are—

(1) the project for Saint Louis County authorized by section 149(a)(76) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17; 101 Stat. 192); and

(2) the project for Nicollet County authorized by item 159 of section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2056).

SEC. 410. Item 52 in the table contained in Section 1106(a)(2) and items 19 and 20 in the table contained in Section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037–2059) are each amended by inserting "Mifflin, Fulton and Clearfield," after "Franklin,".

And the Senate agree to the same.

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
JIM LIGHTFOOT,
RON PACKARD,
SONNY CALLAHAN,
JAY DICKEY,
MARTIN OLAV SABO,
RICHARD J. DURBIN (except amendments 150 and 151 and amendment 158),
RONALD COLEMAN,
THOMAS M. FOGLIETTA,
DAVID R. OBEY,
Managers on the Part of the House.

MARK O. HATFIELD,
PETE V. DOMENICI (except amendment 150),
ARLEN SPECTER,
CHRISTOPHER S. BOND,
SLADE GORTON,
RICHARD C. SHELBY,
FRANK R. LAUTENBERG,
ROBERT C. BYRD (except amendment 150),
TOM HARKIN,
BARBARA MIKULSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions; that is, the official reports of the Congress. Report language included by the House that is not changed by the report of the Senate, and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT AND ACTIVITY

During fiscal year 1997, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms "program, project and activity" shall mean any item for which a dollar amount is contained in an appropriations Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for "Federal Aviation Administration, facilities and equipment" and for "Coast Guard, Acquisition, construction, and improvements" shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. The conferees recognize that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustment, if required, to be accomplished only through the normal reprogramming process.

STAFFING INCREASES PROVIDED BY CONGRESS

The conferees direct the Department of Transportation to fill expeditiously any positions added in this bill, without regard to agency-specific staffing targets which may have been previously established to meet the mandated government-wide staffing reductions. The conferees support the overall staffing reductions, and have made reductions in the bill which more than offset staffing increases provided for a small number of specific activities.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Amendment No. 1: appropriates $52,966,000 for salaries and expenses of the office of the secretary, instead of $53,816,000 as proposed by the House and $53,376,000 as proposed by the Senate.

The conference agreement includes the following changes to the budget request for this office:

Reductions in staff:	
−2 public affairs specialists	−$150,000
−2 attorney advisors	−200,000
−1 staff assistant, immediate office of the deputy secretary	−60,000
−5 procurement analysts, office of acquisition	−1,000,000
Information technology and support	−1,000,000

Child safety seats.—The conferees understand that no less than six entities within the department may be involved in child safety seat design and that there may be little, if any, departmental oversight of this activity. Therefore, within sixty days after the enactment of this Act, the Secretary shall designate one person within the office of the Secretary to the role of coordinating child safety seat design and report to both the House and Senate committees on Appropriations the individual assigned to this position and a timetable to resolve key design issues.

Amendment No. 2: Includes language as proposed by the Senate that provides such sums as necessary to investigate anti-competitive practices in air transportation. The House bill contained no similar provision.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

The conferees are concerned that throughout the United States rising costs and fragmentation of regional bus systems may have significant financial and service implications. Nowhere is this more evident than in the national capital region. Accordingly, within the $3,000,000 appropriated for transportation planning, research, and development activities, the conferees direct the Secretary of Transportation to make available sufficient resources to the Washington Metropolitan Area Transit Authority to commission an independent study to analyze how to meet current and future bus transportation needs for the greater Washington metropolitan region through the year 2020. The report is to be submitted to both the House and Senate Committees on Appropriations by September 30, 1997.

The conference agreement includes $100,000 to continue the department's ongoing analysis of impacts on the United States and Mexico related to motor carrier impacts of the North America Free Trade Agreement.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

Amendment No. 3: appropriates $25,900,000 to liquidate contract authority obligations for payments to air carriers as proposed by the Senate instead of $10,000,000 as proposed by the House.

Amendment No. 4: Limits obligations for payments to air carriers to $25,900,000 as proposed by the Senate instead of $10,000,000 as proposed by the House.

Amendment No. 5: Rescinds $12,700,000 in contract authority from the payments to air carriers program as proposed by the Senate instead of $28,600,000 as proposed by the House. The conference agreement rescinds contract authority that is not available for obligation due to annual limits on obligations.

RENTAL PAYMENTS

Amendment No. 6: Appropriates $127,447,000 for rental payments as proposed by the House instead of $129,500,000 as proposed by the Senate.

Amendment No. 7: Provides $17,294,000 in rental payments from "Federal-aid highways, Limitation on general operating expenses" as proposed by the House instead of $17,192,000 as proposed by the Senate.

COAST GUARD

OPERATING EXPENSES

Amendment No. 8: Appropriates $2,319,725,000 for Coast Guard operating expenses instead of $2,609,100,000 as proposed by the House and $2,331,350,000 as proposed by the Senate. The conference agreement assumes that an additional $300,000,000 will be provided in the Department of Defense Appropriations Act, 1997 for Coast Guard support of national security missions, as assumed in the Senate bill.

The following table summarizes the budget estimate, House and Senate recommendations, and the conference agreement by budget activity:

COAST GUARD
OPERATING EXPENSES

Program, Project and Activity	FY 1997 Estimate	House Bill	Senate Bill	Conference
Pay and Allowances	**1,597,856,000**	**1,597,856,000**	**1,597,853,000**	**1,597,853,000**
Military pay and benefits	1,225,850,000	1,225,850,000	1,225,850,000	1,225,850,000
Leased housing	15,976,000	15,976,000	15,976,000	15,976,000
Civilian pay and benefits	180,221,000	180,221,000	180,221,000	180,221,000
Permanent change of station	57,871,000	57,871,000	57,871,000	57,871,000
Medical care and equipment	117,938,000	117,938,000	117,938,000	117,938,000
Bonuses and awards	0	0	-3,000	-3,000
Depot Level Maintenance	**376,244,000**	**361,937,000**	**376,244,000**	**376,244,000**
Aircraft	144,890,000	144,890,000	144,890,000	144,890,000
Electronics	35,276,000	35,276,000	35,276,000	35,276,000
Shore Facilities	96,163,000	96,163,000	96,163,000	96,163,000
Vessels	99,915,000	99,915,000	99,915,000	99,915,000
Program re-estimate	0	-14,307,000	0	0
Operations and Support	**413,075,000**	**405,636,000**	**410,062,000**	**407,936,000**
Area Operations and Support:				
Area Offices	12,307,000	12,307,000	12,307,000	12,307,000
Maintenance and Logistics Commands	123,413,000	121,663,000	123,413,000	123,000,000
Cutters: Polar icebreakers (WAGB)	2,065,000	2,065,000	2,065,000	2,065,000
Cutters: High endurance (WHEC)	11,839,000	11,839,000	11,839,000	11,839,000
Cutters: Medium endurance (WMEC)	17,999,000	17,999,000	17,999,000	17,999,000
Communications Stations	3,586,000	3,586,000	3,586,000	3,586,000
District Operations and Support:				
District Offices	57,726,000	54,037,000	55,880,000	55,000,000
Groups and Bases	75,170,000	75,170,000	75,170,000	75,170,000
Combined Group/Air Stations	10,010,000	10,010,000	10,010,000	10,010,000
Air Stations	45,726,000	45,726,000	45,726,000	45,726,000
Marine Safety Offices	9,992,000	9,992,000	9,992,000	9,992,000
LORAN Stations	6,337,000	6,337,000	6,337,000	6,337,000
Cutters: WLBs and Smaller; Mackinaw	31,995,000	31,995,000	31,995,000	31,995,000
VTS Systems	243,000	243,000	243,000	243,000
Ammunition and Small Arms:	4,667,000	2,667,000	3,500,000	2,667,000
Recruiting and Training Support	**68,429,000**	**66,429,000**	**67,429,000**	**66,429,000**
Recruiting	5,717,000	5,717,000	5,717,000	5,717,000
Training Centers (Yorktown & Petaluma)	26,531,000	26,531,000	26,531,000	26,531,000
Coast Guard Academy	12,685,000	12,685,000	12,685,000	12,685,000
Professional Training & Education	23,496,000	21,496,000	22,496,000	21,496,000
Coast Guard Wide Centralized Services	**182,246,000**	**182,246,000**	**180,762,000**	**182,067,000**
Headquarters-Managed Units:				
Engineering Logistics Center	7,931,000	7,931,000	7,931,000	7,931,000
Finance Center	4,840,000	4,840,000	4,840,000	4,840,000
Military Pay and Personnel Center	1,221,000	1,221,000	1,221,000	1,221,000
Coast Guard Yard	1,929,000	1,929,000	1,929,000	1,929,000
Strike Teams	2,870,000	2,870,000	2,870,000	2,870,000
National Pollution Funds Center	1,209,000	1,209,000	1,209,000	1,209,000

COAST GUARD
OPERATING EXPENSES

	FY 1997	House	Senate	
Program, Project and Activity	Estimate	Bill	Bill	Conference
COMDAC Support Facility	2,407,000	2,407,000	2,407,000	2,407,000
Air Station Washington D.C.	932,000	932,000	932,000	932,000
Operations Systems Center	7,005,000	7,005,000	7,005,000	7,005,000
Telecommunications Systems Command	3,397,000	3,397,000	3,397,000	3,397,000
Navigation Systems Center	784,000	784,000	784,000	784,000
Intelligence Coordination Center	235,000	235,000	235,000	235,000
Electronics Engineering Center	6,630,000	6,630,000	5,325,000	6,630,000
Coast Guard Institute	769,000	769,000	769,000	769,000
Research and Development Center	440,000	440,000	440,000	440,000
Coast Guard Personnel Command	821,000	821,000	821,000	821,000
National Maritime Center	3,108,000	3,108,000	3,108,000	3,108,000
Headquarters/Centralized Bill Paying:				
Headquarters	106,268,000	106,268,000	106,268,000	106,268,000
Postal	6,181,000	6,181,000	6,181,000	6,181,000
FTS-2000	11,339,000	11,339,000	11,160,000	11,160,000
Federal Employment Compensation	6,652,000	6,652,000	6,652,000	6,652,000
Unemployment Compensation	5,278,000	5,278,000	5,278,000	5,278,000
Account-wide Adjustments:	**0**	**-5,004,000**	**-1,000,000**	**-10,804,000**
Accounting adjustment	0	0		
Miscellaneous supplies	0	-3,700,000	0	-2,500,000
Boat safety administration - offset	0	-304,000	0	-304,000
Non-operational travel	0	-1,000,000	-1,000,000	-1,000,000
General reduction	0	0	0	-7,000,000
Total appropriation	**2,637,850,000**	**2,609,100,000**	**2,631,350,000**	**2,619,725,000**
DoD Appropriations Bill, 1997	**0**	**0**	**300,000,000**	**300,000,000**
DoT Appropriations Bill, 1997	**2,637,850,000,000**	**2,609,100,000**	**2,331,350,000**	**2,319,725,000**

The conference agreement includes the following adjustments to the budget estimate:

Pay and Allowances:	
Bonuses and awards	−$3,000
Operations and Support:	
Maintenance and logistics commands	−413,000
District offices	−2,726,000
Ammunition and small arms	−2,000,000
Recruiting and Training Support:	
Professional training and education	−2,000,000
Coast Guard-Wide Centralized Services:	
FTS–2000	−179,000
Account-Wide Adjustments:	
Miscellaneous supplies	−2,5000,000
Boat safety administration-offset	−304,000
Non-operational travel	−1,000,000
General reduction	−7,000,000

Reprogramming violations.—In last year's action, the appropriations conferees expressed concern over the Coast Guard's misinterpretation and violation of the existing Congressional reprogramming guidelines, and requested the Office of the Secretary to redistribute the guidelines to each operating administration. Despite this action, however, the Coast Guard reprogrammed millions of dollars for streamlining activities without specific Congressional concurrence, and submitted a reprogramming request after the fact. The conferees are very concerned about these continued breaches in the Coast Guard's application of appropriated funds, and hope that by the time of next year's appropriations hearings, the Coast Guard can develop a system of internal controls which assure the Congress that this pattern of frequent violations will no longer occur.

Abandoned barges, Houston, TX—The conferees agree to provide $1,5000,000 for Coast Guard removal of abandoned barges in the Houston ship channel and the San Jacinto River, and the Coast Guard is directed to use such funds only for that purpose. The House bill included $2,000,000 for this purpose.

Marine fire and safety association—The conferees agree to provide $297,000 for the marine fire and safety association for fire fighting and oilspill response contingency plans on the Columbia River.

Drug interdiction activities—The conferees do not agree to the House's allocation of funding for specific drug interdiction activities based on Coast Guard statements that this allocation was based on incomplete and outdated information. However, the conferees urge the Coast Guard to allocate their drug interdiction resources, to the extent possible, in a manner consistent with directives of the Congress in the authorization process.

Air Station Chicago—The conferees understand that the Coast Guard has proposed to relocate Air Station Chicago—currently located in Glenview, Illinois—to Muskegon, Michigan and that budgetary considerations played a significant role in this decision. The conferees understand the need for the Coast Guard to relocate from Glenview in light of that facility's location at a military installation slated for closure and redevelopment pursuant to the Base Closure Act, and also understand the need for the Coast Guard to conserve budgetary resources. The conferees further note that the proposed relocation is in compliance with the directive accompanying the fiscal year 1996 appropriation, which directed the Coast Guard to maintain a presence in southern Lake Michigan. However, in light of concerns regarding the search and rescue response time from Muskegon to points in southern Lake Michigan, the conferees request that, prior to undertaking this proposed relocation, the Coast Guard provide to the House and Senate Transportation Appropriations Subcommittees data demonstrating that the relocation will not adversely affect boating safety in the southern Lake Michigan area.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Amendment No. 9: Appropriates $374,840,000 for Acquisition, construction, and improvements instead of $358,000,000 as proposed by the House and $393,100,000 as proposed by the Senate.

A table showing the distribution of this appropriation by project as included in the fiscal year 1997 budget estimate, House bill, Senate bill, and the conference agreement follows:

Acquisition, Construction, and Improvements
Fiscal Year 1997
Conference Agreement

Program Name	FY 1997 Estimate	FY 1997 House	FY 1997 Senate	Conference
Vessels:	**237,000,000**	**205,600,000**	**227,960,000**	**216,500,000**
Survey and design - cutters and boats	500,000	500,000	500,000	500,000
Seagoing buoy tender (WLB) replacement	59,500,000	50,000,000	59,000,000	54,000,000
Coastal buoy tender (WLM) replacement	80,000,000	74,000,000	76,860,000	75,000,000
47-foot motor lifeboat (MLB) replacement project	26,000,000	26,000,000	26,000,000	26,000,000
Buoy boat replacement project (BUSL)	8,500,000	0	7,800,000	7,800,000
Polar icebreaker replacement follow-on	4,000,000	4,000,000	4,000,000	4,000,000
82-foot WPB capability replacement	37,800,000	35,000,000	33,100,000	33,100,000
Configuration management	3,500,000	3,500,000	3,500,000	3,500,000
Surface search radar replacement project	8,600,000	4,000,000	8,600,000	4,000,000
Motor surfboat replacement	1,100,000	1,100,000	1,100,000	1,100,000
210-foot medium endurance cutter MMA	2,500,000	2,500,000	2,500,000	2,500,000
Polar class icebreaker reliability improvement program	5,000,000	5,000,000	5,000,000	5,000,000
Aircraft:	**21,400,000**	**18,300,000**	**19,040,000**	**18,040,000**
Traffic alert & collision avoidance system (TCAS)	5,700,000	5,700,000	5,700,000	5,700,000
Global positioning system installation	2,900,000	1,900,000	1,900,000	1,900,000
HC-130 engine conversion	8,800,000	6,800,000	7,800,000	6,800,000
HH-65A helicopter kapton rewiring	2,000,000	3,500,000	2,000,000	2,000,000
HH-65A helicopter mission computer replacement	2,000,000	2,000,000	2,000,000	2,000,000
VC-11A offset from sale	0	-600,000	0	0
HU-25 offset from sale	0	-1,000,000	0	0
HH-65 offset (FY 1995 reprogramming)	0	0	-360,000	-360,000
Other Equipment:	**46,700,000**	**39,900,000**	**46,200,000**	**41,700,000**
Fleet logistics system	9,300,000	9,300,000	9,300,000	9,300,000
Vessel traffic service (VTS) system 2000	6,000,000	0	5,500,000	0
Marine information for safety and law enforcement (MISLE)	5,000,000	5,000,000	5,000,000	5,000,000
Conversion of software applications	6,000,000	6,000,000	6,000,000	6,000,000
Finance center information system replacement	2,100,000	2,100,000	2,100,000	2,100,000
Aviation logistics management information system (ALMIS)	4,800,000	4,800,000	4,800,000	4,800,000
National distress system modernization	1,000,000	1,000,000	1,000,000	1,000,000
Communication systems 2000	4,000,000	4,000,000	4,000,000	4,000,000
WLB/WLM support facility	1,800,000	1,800,000	1,800,000	1,800,000
Global maritime distress and safety system	700,000	700,000	700,000	700,000
Personnel MIS/Jt uniform military pay system	1,600,000	800,000	1,600,000	1,600,000
VHF-FM high level site upgrade	4,400,000	4,400,000	4,400,000	4,400,000
VTS requirements evaluation	0	0	0	1,000,000
Shore Facilities and Aids to Navigation:	**59,500,000**	**47,950,000**	**52,900,000**	**52,350,000**
Survey and design - shore projects	6,000,000	6,000,000	6,000,000	6,000,000
Minor AC&I shore construction projects	4,000,000	4,000,000	4,000,000	2,400,000
Mid-atlantic air station consolidation	1,300,000	1,300,000	1,300,000	1,300,000
Coast Guard Yard ship handling facility (phase II)	4,950,000	3,950,000	4,950,000	4,950,000
Support center Portsmouth - upgrade sandblast facility	2,550,000	2,000,000	2,550,000	2,000,000
Support Ctr San Pedro, CA - construct medical facility	3,700,000	3,700,000	3,700,000	3,700,000
Public family quarters	12,000,000	12,000,000	12,000,000	12,000,000
Base San Juan, PR - reconstruction	12,000,000	10,000,000	7,000,000	7,000,000

Acquisition, Construction, and Improvements
Fiscal Year 1997
Conference Agreement

Program Name	FY 1997 Estimate	FY 1997 House	FY 1997 Senate	Conference
Waterways ATON projects	5,000,000	5,000,000	5,000,000	5,000,000
Station Juneau, AK - renovate/expand station	2,000,000	2,000,000	2,000,000	2,000,000
Station Sabine - reconstruct/expand waterfront facilities	4,000,000	4,000,000	4,000,000	4,000,000
Owensboro, KY - relocate cutter moorings	2,000,000	2,000,000	2,000,000	2,000,000
Upolu Point, HI - offset from sale of Loran station	0	-8,000,000	0	0
Support Ctr Seattle, WA - offset (FY 1995 reprogramming)	0	0	-1,600,000	0
Personnel and Related Support:	**47,000,000**	**46,250,000**	**47,000,000**	**46,250,000**
Direct personnel costs	46,150,000	45,400,000	46,150,000	45,400,000
Core acquisition costs	850,000	850,000	850,000	850,000
Total appropriation	*411,600,000*	*358,000,000*	*393,100,000*	*374,840,000*

Amendment No. 10: Provides $216,500,000 to acquire, repair, renovate, or improve vessels, small boats and related equipment instead of $205,600,000 as proposed by the House and $227,960,000 as proposed by the Senate.

Amendment No. 11: Provides $18,040,000 to acquire new aircraft and increase aviation capability instead of $18,300,000 as proposed by the House and $19,040,000 as proposed by the Senate.

Amendment No. 12: Provides $41,700,000 for the equipment instead of $39,900,000 as proposed by the House and $46,200,000 as proposed by the Senate.

Amendment No. 13: Provides $52,350,000 for shore facilities and aids to navigation facilities instead of $47,950,000 as proposed by the House and $52,900,000 as proposed by the Senate.

Amendment No. 14: Provides $46,250,000 for personnel compensation and benefits as proposed by the House instead of $47,000,000 as proposed by the Senate. This provides an increase of 3.5 percent above the fiscal year 1996 enacted level.

Amendment No. 15: Deletes language proposed by the House which would require the disposal of Coast Guard property located in Wildwood, New Jersey in a manner resulting in saving during fiscal year 1997 of $20,000,000. The conferees understand that other federal agencies are interested in this property, and GSA property disposal procedures in such cases make any savings unlikely.

Amendment No. 16: Includes House prohibition of funds for continuing the Vessel Traffic Services 2000 program, and allocates $1,000,000 for a study of available technical solutions which minimize complexity and cost in any follow-on VTS programs, as director in the Senate report.

The conferees are disappointed that, up to this point, the Coast Guard has been unable to develop a compromise position between the desires of the agency for the relatively high-tech, expensive VTS 2000 system and the needs of local port communities for affordable vessel traffic services. The Coast Guard is still unable to present the Congress with a firm cost estimate or siting plan for VTS 2000 systems, and has not resolved the issue of who will ultimately pay the operating costs of the system. Recent reviews of the program by the U.S. General Accounting Office and the National Academy of Sciences did not endorse this program as currently structured. Given the questions of support and concerns but which entities will pay to operate the system, the conferees agree that the presently configured VTS 2000 program should be ended.

However, the need for state-of-the-art vessel traffic services remains in some ports, especially New Orleans, which was the lead port for the VTS 2000 concept. Although these requirements have existed for may years, the safety benefits of such systems have been delayed while the Coast Guard conducted lengthy studies and the program experienced internal budget reduction. Under the current schedule, many ports would not receive VTS capability for another seven to ten years.

The conferees can no longer accept further Coast Guard delays in delivering the safety benefits of vessel traffic systems to critical ports around the country, particularly since, as the VTS 2000 schedule slipped and costs rose, systems have been developed and fielded by private industry which satisfy many of the ports' VTS requirements. The conferees firmly believe that, with greater user involvement and a dedication to truly off-the-shelf technology, the Coast Guard can and should implement VTS services at critical ports such as New Orleans more quickly than the ten year implementation schedule of VTS 2000. To move forward with this new effort, the conference agreement provides $1,000,000 for the Coast Guard to identify minimum user requirements for new VTS systems in consultation with local officials, waterway users, and port authorities. This study should also review user fee options and private/public partnerships.

The conferees hope that, at the end of fiscal year 1997, the Coast Guard will be able to propose a viable new production program, supported by local communities, which will provide near-term safety benefits. The conferees also agree to leave any unobligated VTS 2000 funds in place to support this follow-on effort. The House had proposed a rescission of those funds, as described under amendment numbered 17.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSIONS)

Amendment No. 17: Deletes rescissions totaling $3,7555,000 proposed by the House. The conference agreement allows any unobligated funds to be used for follow-on activities, as previously described, but not for VTS 2000. The Coast Guard should consider these funds as having been reprogrammed.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

Amendment No. 18: Appropriates $22,000,000 for Environmental compliance and restoration instead of $21,000,000 as proposed by the House and $23,000,000 as proposed by the Senate. The conference agreement includes the following breakdown of funds:

Site-specific cleanup and restoration projects	$15,000,000
Environmental compliance	2,800,000
Personnel	4,200,000
Total	22,000,000

The conferees recognize that funding for specific projects will have to be adjusted to reflect the reduced appropriation level. The Coast Guard is accorded the discretion to allocate such reductions without triggering the formal reprogramming process.

PORT SAFETY DEVELOPMENT

Amendment No. 19: Appropriates $5,000,000 for debt retirement of the Port of Portland, Oregon as proposed by the Senate, and makes a technical change to the language proposed. The House bill included no similar appropriation.

ALTERATION OF BRIDGES

Amendment No. 20: Appropriates $16,000,000 for Alteration of obstructive bridges as proposed by the House instead of $10,000,000 as proposed by the Senate. The conferees agree that these funds should be allocated as described in the House report.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Amendment No. 21: Appropriates $19,200,000 for Research, development, test and evaluation instead of $19,000,000 as proposed by the House and $19,550,000 as proposed by the Senate. The conferees agree to the following adjustments to the budget estimate:

Ship Structure Committee; Support for committee ...	−$214,000
Servicewide Safety and Environmental Compliance: Pollution prevention	−200,000
Command, Control, and Computers and Intelligence: Advanced communications systems	−86,000
Technology Base:	
Future technology assessment	−200,000
Select projects	−400,000
Net adjustment	−1,100,000

BOAT SAFETY

Amendment No. 22: Appropriates $35,000,000 as proposed by the House instead of $10,000,000 as proposed by the Senate. The conferees agree that this safety program should be fully funded at the authorized level. The Senate level assumed the enactment of new authorizing legislation which would make the boat safety program a mandatory appropriation, and which is strongly opposed by the House appropriations conferees.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

Amendment No. 23: Appropriates $4,900,000,000 for operations of the Federal Aviation Administration (FAA) as proposed by the House instead of $4,899,957,000 as proposed by the Senate. This appropriation represents an increase of $254,288,000 (five percent) above the fiscal year 1996 appropriation, and is sufficient to support the hiring of 500 new air traffic controllers, 367 new aviation safety inspectors and other regulatory oversight personnel, and an increase of 8.9 percent in funding for field maintenance of air traffic control equipment.

The following table summarizes the House and Senate recommendations and the conference agreement by budget activity:

FAA Operations
Fiscal Year 1997
Conference Agreement

	House	**Senate**	**Conference**
Air Traffic Services:			
Budget estimate:	3,827,137,000	3,827,137,000	3,827,137,000
Adjustments to budget estimate:			
Air traffic details	-3,500,000	-3,500,000	-3,500,000
DOL wage determinations	-500,000	0	0
Aviation safety reporting syst.	+1,000,000	0	+1,000,000
Herndon, VA facility lease	+3,300,000	0	0
AT maintenance training	-2,366,000	0	0
WAAS support	-8,600,000	-8,600,000	-8,600,000
Other leased telecomms	0	-8,242,000	-4,450,000
Maint program reductions	0	-4,376,000	0
ASOS/contract weather	0	0	+1,000,000
Amount recommended	**3,816,471,000**	**3,802,419,000**	**3,812,587,000**
Aviation Regulation/Certification:			
Budget estimate:	487,911,000	487,911,000	487,911,000
Adjustments to budget estimate:			
Office of rulemaking	-622,000	-306,000	-306,000
Amount recommended	**487,289,000**	**487,605,000**	**487,605,000**
Aviation Security:			
Budget estimate:	71,921,000	71,921,000	71,921,000
Adjustments to budget estimate:	0	0	+951,000
Amount recommended	**71,921,000**	**71,921,000**	**72,872,000**
Research and Acquisition:			
Budget estimate:	78,034,000	78,034,000	78,034,000
Adjustments to budget estimate:	0	0	0
Amount recommended	**78,034,000**	**78,034,000**	**78,034,000**

	House	**Senate**	**Conference**
Administration of Airports:			
Budget estimate:	45,367,000	45,367,000	45,367,000
Adjustments to budget estimate:			
Staffing adjustment	-2,000,000	-2,117,000	-2,117,000
Amount recommended	**43,367,000**	**43,250,000**	**43,250,000**
Comm. Space Transportation			
Budget estimate:	6,169,000	6,169,000	6,169,000
Adjustments to budget estimate:			
Staffing adjustment	-120,000	-120,000	-120,000
Amount recommended	**6,049,000**	**6,049,000**	**6,049,000**
Administration:			
Budget estimate:	332,499,000	332,499,000	332,499,000
Adjustments to budget estimate:			
AT maintenance training	+2,366,000	0	0
AT training, Oklahoma City	-1,700,000	0	0
MARC	+1,700,000	0	+1,700,000
Personnel system streamlining	-5,000,000	0	-2,000,000
Amount recommended	**329,865,000**	**332,499,000**	**332,199,000**
Staff Offices:			
Budget estimate:	69,230,000	69,230,000	69,230,000
Adjustments to budget estimate:			
Workers comp oversight	+200,000	0	0
Headquarters staffing	-2,000,000	0	0
FAAS increase	-1,000,000	-1,000,000	-1,000,000
Amount recommended	**66,430,000**	**68,230,000**	**68,230,000**
Account-Wide Adjustments:			
PCS moves	-2,700,000	0	0
Pay incentives	+15,300,000	0	0
OST reimbursables	-1,000,000	0	-1,000,000
NAS handoff	-8,826,000	0	-8,826,000
Other travel	-1,750,000	0	-1,500,000
Advisory committees	-463,200	0	0
Cargo security program	0	+9,950,000	10,500,000
Amount recommended	**+560,800**	**+9,950,000**	**-826,000**
Total appropriation	*4,900,000,000*	*4,899,957,000*	*4,900,000,000*

Sanford-Lee County, NC airport.—The conference agreement includes no site-specific earmarks, either direct or implied, for particular airport projects. However, the conferees urge the FAA administrator to give expeditious consideration to accelerated construction of the new Sanford-Lee County Airport in North Carolina, in the hope that the project can be completed as quickly as possible.

Lancaster, PA airport.—The conference agreement includes no site-specific earmarks, either direct or implied, for particular airport projects. However, the conferees urge the FAA administrator to give the environmental assessment for a proposed runway at Lancaster Airport in Pennsylvania expeditious consideration, in the hope that the project can be completed as quickly as possible.

Williamsport-Lycoming County, PA airport.—The conferees commend to the FAA's attention the growing need for a runway extension project at the Williamsport-Lycoming County, PA Airport. The conferees note that the primary runway is currently 6,449 feet long. If it is extended to 7,000 feet, there would be opportunities for improved safety, larger aircraft, and regional air freight service, which would contribute significantly to economic development. Accordingly, the conferees urge FAA to give expeditious consideration to the environmental assessment of the Williamsport-Lycoming Airport's proposed runway extension project.

ASOS/contract weather observers.—The conferees are aware of the significant concerns of air traffic controllers that funds in the President's budget are not adequate to meet the requirement for contract weather observations. In response, the FAA has developed a plan to supplement those observations with additional activities required of air traffic controllers. The conferees agree that controllers are not optimally trained to make precise weather observations, and such activities impinge on their other important safety duties. Therefore, the conference agreement provides an additional $1,000,000 for contract weather observers at the highest priority sites.

ASOS/EL Paso International Airport.—The conferees reiterate strong concern expressed in the House report over the reliability of weather reporting performed by the automated surface observing system (ASOS) in the absence of contract weather observers at the El Paso International Airport. The conferees urge the FAA to move expeditiously to reinstate contract weather observation activities at this facility.

Aviation security.—The conference agreement provides $72,872,000 for aviation security activities, an increase of $951,000 above the budget estimate. Given the heightened security posture at domestic airports and the need for greater attention in some areas, the conferees believe additional resources are warranted at this time.

Administration of airports.—The conferees agree to provide $43,250,000 for this activity, as proposed by the Senate. The FAA administrator is granted the flexibility to allocate the reduction in this program.

Cargo security program.—The conference agreement provides $10,500,000 for an expanded cargo security program, in light of a recent aviation accident investigation calling into question the effectiveness of current activities in this area. The Senate bill includes $9,950,000 for this effort, consistent with a budget amendment received in July 1996. The conferees have information indicating that the higher level of funding is needed for this program due to more recent budget estimates. Given the priority of this program and its impact on aviation safety, the conferees are providing these funds even though difficult reductions are required in other areas of the budget.

Mid-America Aviation Resource Consortium.—The conferees expect the FAA to continue the agency's commitment to the Mid-America Aviation Resource Consortium (MARC) in Minnesota, and have included $1,700,000 in the bill for this purpose. These funds are to be used in Minnesota to support the air traffic controller training program and to continue research for the FAA, curriculum development, follow-up on MARC graduates, and to develop other materials as needed for FAA-related projects. The conferees also direct the FAA to release these funds to MARC not less than thirty days after enactment of this Act.

The conferees further expect the FAA to develop a long-term plan for training en route controllers. The conferees also expect the FAA to develop long-term projections for air traffic controllers needed to safely maintain our air traffic control system. The conferees are very disappointed in the FAA's lack of long-term planning as it relates to both air traffic control training and controller needs. MARC has a successful track record at placing students directly in the field, and the conferees both support and encourage this cost-effective manner of training.

Amendment No. 24: Provides that, of the total amount provided, $1,642,500,000 shall be derived from the airport and airway trust fund as proposed by the House instead of $2,742,602,000 as proposed by the Senate. The conference agreement provides the maximum amount allowable under existing authorization guidelines. According to the FAA, this level of trust fund spending, combined with other amounts in the bill, should be sufficient to support FAA programs without interruption until approximately September 1997, assuming current aviation taxes on passenger tickets, jet fuel, cargo waybills, and other items are not extended beyond the date in current law (December 31, 1996). However, the conferees wish to point out that the current situation results once again in general fund taxpayers subsidizing the aviation system in this country far beyond the benefits they receive.

Amendment No. 25: Provides that $75,000,000 in new user fees may be established by the FAA, as proposed by the Senate, instead of $30,000,000 as proposed by the House. The President's budget requested $150,000,000 in new fees. As shown in amendment numbered 27, the conference agreement stipulates that the only new fee authorized is an "overflight" fee, for services provided to aircraft which traverse U.S.-controlled airspace without taking off from, or landing in, the United States. The FAA estimates that, were such collections to begin immediately in the fiscal year, approximately $109,000,000 could be collected. The conference agreement accepts the fee on a trial basis, and the lower level allows implementation to begin later in the fiscal year to allow a longer review and consultation process with affected parties.

The conferees accept that some additional user fees may be necessary to accommodate the rising operational costs of the agency. However, there is still great concern that any fee proposed be able to meet the test of a user fee, and not be a tax. The FAA is currently developing an improved cost accounting system which may improve the credibility of user fees proposed in future years. The conferees support the continued development of this system as a vital tool in evaluating future user fee requests. In addition, the conferees believe that aviation user fees, where they are successful around the world, involve significant advance consultation with those parties paying the fee, as well as detailed accounting for, and explanation of, costs being incurred by the agency. Given the relative ease with which user fees can be raised, the existence of a strong, two-way consultation process is essential for controlled agency costs and maintaining political consensus for such a system. Should expansion of the user fee concept be proposed in future years, the conferees will consider whether a well-formulated consultation process has been developed in concert with the specific fee schedules.

Amendment No. 26: Provides a final general fund share of the overall appropriation estimated at $3,182,500,000 instead of $2,127,398,000 as proposed by the House and $2,082,355,000 as proposed by the Senate. This figure is the total appropriation minus offsetting collections from additional user fees and minus the share of total expenses derived from the Airport and Airway Trust Fund.

Amendment No. 27: Provides that the only additional user fees authorized as offsetting collections are "overflight" fees, as proposed by the House. The Senate bill contained no similar provision.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 28: Appropriates $1,790,000,000 for Facilities and equipment instead of $1,800,000,000 as proposed by the House and $1,788,700,000 as proposed by the Senate.

The following table summarizes the fiscal year 1997 budget estimate, House and Senate recommended levels, and the conference agreement by budget activity:

FACILITIES AND EQUIPMENT
Fiscal Year 1997
Conference Agreement
(In thousands of dollars)

FY96	FY97		FY 1997	FY 1997	FY 1997	FY 1997
LINE	LINE	TITLE	Estimate	House	Senate	Conference
BA1		ENGINEERING DEVELOPMENT, TEST AND EVALUATION:				
1A01	1A01	AVIATION WEATHER SERVICES IMPROVEMENTS	27,997.0	27,997.0	19,942.0	19,942.0
1A02	1A02	EN ROUTE AUTOMATION	106,500.0	89,155.0	96,500.0	96,500.0
1A04	1A05	VOICE SWITCHING AND CONTROL SYSTEM (VSCS) - EDT&E	13,300.0	13,300.0	13,300.0	13,300.0
1A03	1A03	OCEANIC AUTOMATION SYSTEM	40,600.0	40,600.0	25,600.0	39,000.0
		AERONAUTICAL DATA LINK (ADL) APPLICATIONS	0.0	0.0	0.0	0.0
	1A04	NEXT GENERATION VHF A/G COMMUNICATION SYSTEM	2,090.0	2,090.0	2,090.0	2,090.0
2D10		WIDE AREA AUGMENTATION SYSTEM (WAAS) FOR GPS	0.0	117,100.0	0.0	95,000.0
		NATIONAL SATELLITE TEST BED	0.0	11,500.0	0.0	11,500.0
		SUBTOTAL - EN ROUTE PROGRAMS	**190,487.0**	**301,742.0**	**157,432.0**	**277,332.0**
1B01		AIRPORT SURVEILLANCE RADAR (ASR)	0.0	0.0	20,000.0	13,300.0
1B02	1B03	REMOTE MAINTENANCE MONITORING SYSTEM	11,600.0	0.0	6,000.0	6,000.0
1B03	1B02	TERMINAL AUTOMATION	50,600.0	43,500.0	50,600.0	48,000.0
1B04		TOWER AUTOMATION	0.0	0.0	0.0	0.0
		TERMINAL AREA SURVEILLANCE SENSOR (TASS)	0.0	0.0	0.0	0.0
		LOW-COST ASDE	0.0	0.0	0.0	0.0
		LOOP TECHNOLOGY FOR SURFACE DETECTION	0.0	0.0	0.0	0.0
	1B01	TERMINAL DIGITAL RADAR (ASR-11)	23,300.0	0.0	0.0	0.0
	1B04	WEATHER SYSTEMS PROCESSOR (WSP)	8,055.0	0.0	8,055.0	8,055.0
	1B05	AIRPORT SURFACE TARGET IDENTIFICATION SYSTEM	4,000.0	4,000.0	4,000.0	4,000.0
		SUBTOTAL - TERMINAL PROGRAMS	**97,555.0**	**47,500.0**	**88,655.0**	**79,355.0**
	1D01	LOCAL AREA AUGMENTATION SYSTEM FOR GPS (LAAS)	6,000.0	6,000.0	6,000.0	6,000.0
		WIDE AREA AUGMENTATION SYSTEM (WAAS)	0.0	0.0	83,100.0	0.0
		NATIONAL SATELLITE TEST BED	0.0	0.0	6,004.7	0.0
		SUBTOTAL - LANDING/NAVAIDS	**6,000.0**	**6,000.0**	**95,104.7**	**6,000.0**
1EO2		FAA TECHNICAL CENTER FACILITY - BUILDING LEASE	5,290.0	5,290.0	5,290.0	5,290.0
1EO3		UTILITY PLANT MODIFICATIONS	910.0	910.0	910.0	910.0
1EO5		NAS IMPROVEMENT OF SYSTEM SUPPORT LABORATORY	2,000.0	2,000.0	2,000.0	2,000.0
1EO6		TECHNICAL CENTER FACILITIES	9,000.0	9,000.0	9,000.0	9,000.0
1EO8		CAMI INFRASTRUCTURE - MODERNIZATION	0.0	0.0	0.0	0.0
1EO1		INDEPENDENT OPERATIONAL TEST SUPPORT	3,500.0	3,500.0	3,500.0	3,500.0
1EO4		GENERAL AIRPORT IMPROVEMENTS	0.0	0.0	0.0	0.0
1EO7		TECHNICAL CENTER FIBER DATA DISTRIBUTION INTERFACE	0.0	0.0	0.0	0.0
1EO9		CABIN RESEARCH FACILITY CONSTRUCTION	0.0	0.0	0.0	0.0
		SUBTOTAL, RDT&E EQUIPMENT AND FACILITIES	**20,700.0**	**20,700.0**	**20,700.0**	**20,700.0**
		TOTAL ACTIVITY 1	***314,742.0***	***375,942.0***	***361,891.7***	***383,387.0***
BA2		AIR TRAFFIC CONTROL FACILITIES AND EQUIPMENT:				
		DISPLAY COMPLEX CHANNEL REHOST	0.0	0.0	0.0	0.0
2AO1	2A01	LONG RANGE RADAR (LRR) PROGRAM - REPLACE/ESTABLISH	17,702.0	17,702.0	17,702.0	16,500.0
2A02		RML SYSTEM REPLACEMENT/EXPANSION	0.0	0.0	0.0	0.0
2AO3		NEXT GENERATION WEATHER RADAR (NEXRAD) - PROVIDE	0.0	0.0	0.0	0.0
2AO4		ATC EN ROUTE RADAR FACILITIES IMPROVEMENTS	0.0	0.0	0.0	0.0
2AO5	2A02	EN ROUTE AUTOMATION	106,100.0	106,100.0	106,100.0	106,100.0
2AO6	2A03	AIR TRAFFIC OPERATIONS MANAGEMENT	2,650.0	1,000.0	1,000.0	1,000.0
2AO7	2A04	WEATHER AND RADAR PROCESSOR (WARP)	24,650.0	24,650.0	24,650.0	24,650.0
2A08	2A05	AERONAUTICAL DATA LINK (ADL) APPLICATIONS	17,425.0	17,425.0	17,425.0	17,425.0
2A09	2A06	ARTCC BUILDING IMPROVEMENTS/PLANT IMPROVEMENTS	71,659.7	62,083.7	64,333.0	62,087.0
2A10	2A07	VOICE SWITCHING AND CONTROL SYSTEM (VSCS)	103,700.0	103,700.0	103,700.0	101,700.0
2A11	2A08	RCF - EXPAND/RELOCATE	2,825.0	2,825.0	2,825.0	2,825.0
2A12	2A09	TRAFFIC FLOW MANAGEMENT	40,360.0	30,960.0	40,300.0	38,000.0
2A13	2A10	DATA MULTIPLEXING NETWORK (DMN)	3,900.0	3,900.0	3,900.0	3,900.0
2A14		CRITICAL COMMUNICATIONS SUPPORT	0.0	0.0	0.0	0.0
2A15	2A11	EN ROUTE COMMS AND CONTROL FACILITIES IMPROVEMENT	3,265.8	3,265.8	3,265.8	3,265.0
2A16	2A12	SATELLITE COMMUNICATIONS CIRCUIT BACK-UP	2,000.0	2,000.0	2,000.0	2,000.0
2A17	2A13	DOD BASE CLOSURE - FACILITY TRANSFER	500.0	500.0	500.0	500.0
2A18	2A14	BACK-UP EMERGENCY COMMUNICATIONS (BUEC)	3,000.0	3,000.0	3,000.0	3,000.0
		VOLCANO MONITOR	0.0	0.0	2,000.0	2,000.0
	2A15	ATC BEACON INTERROGATOR (ATCBI) REPLACEMENT	1,000.0	1,000.0	1,000.0	1,000.0
		SPECTRUM AUCTION IMPACT	0.0	45,000.0	45,000.0	40,000.0

FACILITIES AND EQUIPMENT
Fiscal Year 1997
Conference Agreement
(In thousands of dollars)

FY96 LINE	FY97 LINE	TITLE	FY 1997 Estimate	FY 1997 House	FY 1997 Senate	FY 1997 Conference
		SUBTOTAL - EN ROUTE PROGRAMS	**400,737.5**	**425,111.5**	**438,700.8**	**425,952.0**
2B01	2B01	TERMINAL DOPPLER WEATHER RADAR (TDWR) - PROVIDE	4,655.0	4,655.0	4,655.0	4,655.0
2B02	2B02	MODE S - PROVIDE	3,980.0	3,980.0	3,980.0	3,980.0
2B03	2B03	TERMINAL AUTOMATION	27,700.0	27,700.0	16,300.0	16,300.0
2B05	2B05	REMOTE MAINTENANCE MONITORING SYSTEM (RMMS)	17,900.0	17,900.0	17,900.0	17,900.0
2B06	2B06	TERMINAL AIR TRAFFIC CONTROL FACILITIES - REPLACE	74,400.0	74,400.0	79,800.0	74,400.0
2B07	2B07	CONTROL TOWER/TRACON FACILITIES - IMPROVE	16,354.9	16,354.9	16,354.9	16,354.0
2B09		EMERGENCY TRANSCEIVERS - REPLACEMENT	0.0	0.0	0.0	0.0
2B10	2B08	TERMINAL VOICE SWITCH REPLACEMENT (TVSR)	17,900.0	17,900.0	12,300.0	12,300.0
2B11		RADIO CONTROL EQUIPMENT (RCE) - PROVIDE	0.0	0.0	0.0	0.0
2B13	2B10	AIRPORT SURFACE DETECTION EQUIPMENT (ASDE-3)	4,000.0	4,000.0	4,000.0	4,000.0
2B12	2B09	TERMINAL RADAR (ASR) - IMPROVE	4,445.4	4,445.4	4,445.4	4,445.0
2B08		METROPLEX CONTROL FACILITIES -ADVANCED PLANNING	0.0	0.0	0.0	0.0
2B18		DALLAS/FORT WORTH METROPLEX PROGRAM	0.0	0.0	0.0	0.0
2B14	2B14	POTOMAC METROPLEX	1,000.0	4,000.0	1,000.0	1,000.0
	2B17	NORTHERN CALIFORNIA METROPLEX	8,700.0	2,700.0	8,700.0	7,500.0
	2B18	ATLANTA METROPLEX	500.0	3,500.0	500.0	6,500.0
2B17	2B12	CHICAGO METROPLEX	2,900.0	2,900.0	2,900.0	2,900.0
2B21	2B15	SOUTHERN CALIFORNIA METROPLEX	5,700.0	5,700.0	5,700.0	5,700.0
	2B16	DENVER METROPLEX	4,000.0	4,000.0	4,000.0	4,000.0
		CENTRAL FLORIDA METROPLEX	0.0	0.0	0.0	0.0
2B15	2B11	EMPLOYEE SAFETY/OSHA AND ENVIRONMENTAL COMPLIANCE STDS	36,924.0	21,000.0	27,705.0	21,000.0
2B19		PRECISION RUNWAY MONITORS	0.0	0.0	0.0	0.0
2B20		NEW AUSTIN AIRPORT AT BERGSTROM	16,900.0	16,900.0	16,900.0	16,900.0
2B04	2B04	AIRPORT MOVEMENT AREA SAFETY SYSTEM (AMASS)	15,393.0	15,393.0	15,393.0	15,393.0
2B23	2B21	TERMINAL COMMUNICATIONS IMPROVEMENTS	3,406.2	3,406.2	3,406.2	3,406.0
2B16		ARTS IIIA DATA ENTRY DISPLAY	0.0	0.0	0.0	0.0
2B22		INTEGRATED NETWORK MANAGEMENT SYSTEM	0.0	0.0	0.0	0.0
	2B19	TOWER AUTOMATION PROGRAM	10,000.0	10,000.0	10,000.0	10,000.0
		DIGITAL VOICE RECORDER SYSTEM	4,000.0	4,000.0	4,000.0	4,000.0
		GRR/GRT RADIO REPLACEMENT	0.0	20,000.0	0.0	12,000.0
		SUBTOTAL - TERMINAL PROGRAMS	**280,758.5**	**284,834.5**	**259,939.5**	**264,633.0**
2C01		FLIGHT SERVICE STATION (FSS) AUTOMATION	0.0	0.0	0.0	0.0
2C02	2C01	AUTOMATED SURFACE OBSERVING SYSTEM (ASOS)	1,369.0	1,369.0	11,275.0	12,644.0
2C03	2C02	OASIS	500.0	500.0	500.0	500.0
2C04		FLIGHT SERVICE FACILITIES IMPROVEMENT	0.0	0.0	0.0	0.0
		AUTOMATED WEATHER OBSERVING SYSTEM (AWOS)	0.0	1,000.0	0.0	550.0
		AWOS/ASOS AUGMENTATION-STATE OF ALASKA	0.0	0.0	550.0	550.0
		SUBTOTAL - FLIGHT SERVICE PROGRAMS	**1,869.0**	**2,869.0**	**12,325.0**	**14,244.0**
2D01	2D01	VOR/DME/TACAN NETWORK PLAN	1,900.0	1,900.0	1,900.0	1,900.0
2D02		ILS - REPLACE MARK 1A, 1B, AND 1C	0.0	0.0	0.0	0.0
2D03	2D02	INSTRUMENT LANDING SYSTEM (ILS) - ESTABLISH/UPGRADE	1,500.0	1,500.0	2,900.0	2,900.0
2D04		VISUAL NAVAIDS - ESTABLISH/EXPAND	0.0	0.0	0.0	0.0
2D06	2D05	RUNWAY VISUAL RANGE (RVR)	3,000.0	3,000.0	3,000.0	3,000.0
2D07	2D06	INSTRUMENT APPROACH PROCEDURES AUTOMATION (IAPA)	2,400.0	2,400.0	2,400.0	2,400.0
2D08	2D07	GULF OF MEXICO OFFSHORE PROGRAM	5,950.0	5,950.0	5,950.0	5,950.0
2D11	2D10	NAVIGATIONAL AND LANDING AIDS - IMPROVE	3,744.0	3,744.0	3,744.0	3,744.0
2D05		LOW LEVEL WINDSHEAR ALERT SYSTEM (LLWAS)	17,399.0	17,399.0	17,399.0	17,399.0
2D09	2D08	ILS - REPLACE GRN-27	9,000.0	9,000.0	9,000.0	9,000.0
2D10	2D09	WIDE AREA AUGMENTATION SYSTEM FOR GPS (WAAS)	74,500.0	0.0	0.0	0.0
	2D03	APPROACH LIGHTING SYSTEM IMPROVEMENT (ALSIP)	2,000.0	2,000.0	2,000.0	2,000.0
		LORAN-C UPGRADES	0.0	5,650.0	3,650.0	4,650.0
		PRECISION APPROACH PATH INDICATORS (PAPI)	0.0	0.0	3,125.0	3,125.0
		ANEMOMETERS-JUNEAU, AK	0.0	0.0	375.0	375.0
		SUBTOTAL - LANDING AND NAVIGATIONAL AIDS	**121,393.0**	**52,543.0**	**55,443.0**	**56,443.0**
2EO1		ALASKAN NAS INTERFACILITY COMM SYSTEM (ANICS)	12,000.0	12,000.0	12,000.0	12,000.0
2EO2		FUEL STORAGE TANK REPLACEMENT AND MONITORING	43,700.0	43,700.0	43,700.0	40,000.0
2EO3		FAA BUILDINGS AND EQUIPMENT - IMPROVE/MODERNIZE	12,600.0	12,600.0	12,600.0	12,600.0
2EO4		ELECTRICAL POWER SYSTEMS - SUSTAIN/SUPPORT	15,000.0	15,000.0	15,000.0	15,000.0
2EO5		AIR NAVAIDS AND ATC FACILITIES (LOCAL PROJECTS)	2,000.0	2,000.0	2,000.0	2,000.0
2EO6		AIR NAVIGATION FACILITY/ATC SYSTEM SUPPORT	4,800.0	0.0	0.0	0.0
2EO7		PURCHASE LAND OR EASEMENT FOR EXISTING FACILITIES	0.0	0.0	0.0	0.0
2EO8		AIRCRAFT RELATED EQUIPMENT PROGRAM	4,900.0	4,900.0	4,900.0	4,900.0

FACILITIES AND EQUIPMENT
Fiscal Year 1997
Conference Agreement
(In thousands of dollars)

FY96	FY97		FY 1997	FY 1997	FY 1997	FY 1997
LINE	LINE	TITLE	Estimate	House	Senate	Conference
2EO9		AIRCRAFT FLEET MODERNIZATION	0.0	0.0	0.0	0.0
2EO11		AIRPORT CABLE LOOP SYSTEMS - SUSTAINED SUPPORT	0.0	0.0	0.0	0.0
2EO12		COMPUTER AIDED ENG GRAPHICS (CAEG) REPLACEMENT	1,500.0	1,500.0	1,500.0	1,500.0
		SUBTOTAL - OTHER ATC FACILITIES	96,500.0	91,700.0	91,700.0	88,000.0
		TOTAL ACTIVITY 2	*901,258.0*	*857,058.0*	*858,108.3*	*849,272.0*
BA3		NON-ATC FACILITIES AND EQUIPMENT:				
3AO1	3A01	NAS MANAGEMENT AUTOMATION PROGRAM (NASMAP)	1,300.0	0.0	1,300.0	0.0
3AO2	3A02	HAZARDOUS MATERIALS MANAGEMENT	18,000.0	15,000.0	18,000.0	15,000.0
3A04	3A04	AVIATION SAFETY ANALYSIS SYSTEM (ASAS)	19,400.0	19,400.0	19,400.0	19,400.0
3AO5	3A05	OPERATIONAL DATA MANAGEMENT SYSTEM (ODMS)	5,100.0	5,100.0	5,100.0	5,100.0
3AO6		CHILD CARE FACILITIES	0.0	0.0	0.0	0.0
3AO7	3A06	FAA EMPLOYEE HOUSING - PROVIDE	5,000.0	5,000.0	5,000.0	5,000.0
3A08	3A07	LOGISTICS SUPPORT SYSTEM AND FACILITIES	1,500.0	1,500.0	1,500.0	1,500.0
3AO9	3A08	TEST EQUIPMENT - MAINTENANCE SUPPORT	1,000.0	1,000.0	1,000.0	1,000.0
3A10	3A09	INTEGRATED FLIGHT QUALITY ASSURANCE	2,000.0	2,000.0	2,000.0	2,000.0
3A11	3A10	SAFETY PERFORMANCE ANALYSIS SUBSYSTEM (SPAS)	2,600.0	2,600.0	2,600.0	2,600.0
		PORTABLE PERFORMANCE SUPPORT SYS - PEN-BASED	0.0	0.0	0.0	0.0
3A13	3A12	NATIONAL AVIATION SAFETY DATA CENTER	3,700.0	3,700.0	3,700.0	3,700.0
3AO3	3A03	NAS RECOVERY COMMUNICATIONS (RCOM)	1,500.0	1,500.0	1,500.0	1,500.0
3A12	3A11	PERFORMANCE ENHANCEMENT SYSTEM	1,900.0	1,900.0	1,900.0	1,900.0
		AIRPORT/AIRCRAFT SECURITY EQUIPMENT	0.0	0.0	0.0	0.0
		SUBTOTAL - SUIPPORT EQUIPMENT	63,000.0	58,700.0	63,000.0	58,700.0
3B01	3B01	COMPUTER BASED INSTRUCTION (CBI) - EXPAND/IMPROVE	7,000.0	3,500.0	3,000.0	3,000.0
3BO2		AERONAUTICAL CENTER TRAINING AND SUPPORT FACILITIES	0.0	0.0	0.0	0.0
3B03	3B02	NATIONAL AIRSPACE SYSTEM (NAS) TRAINING FACILITIES	1,000.0	1,000.0	1,000.0	1,000.0
		SUBTOTAL - TRAINING EQUIPMENT & FACILITIES	8,000.0	4,500.0	4,000.0	4,000.0
		TOTAL ACTIVITY 3	*71,000.0*	*63,200.0*	*67,000.0*	*62,700.0*
BA4		MISSION SUPPORT:				
4AO1	4A01	SYSTEM ENGINEERING AND DEVELOPMENT SUPPORT	33,350.0	33,350.0	33,350.0	31,341.0
4AO3	4A03	LOGISTICS SUPPORT SERVICES	8,800.0	8,800.0	8,800.0	8,800.0
4AO4	4A04	MIKE MONRONEY AERONAUTICAL CENTER - LEASE	15,500.0	15,500.0	15,500.0	15,500.0
4AO5	4A05	IN-PLANT NAS CONTRACT SUPPORT SERVICES	4,800.0	4,800.0	4,800.0	4,800.0
4AO6	4A06	TRANSITION ENGINEERING SUPPORT	49,450.0	49,450.0	49,450.0	47,500.0
4AO7	4A07	FREQUENCY AND SPECTRUM ENGINEERING - PROVIDE	1,200	1,200.0	1,200.0	1,200.0
4AO8		ACQUISITION OVERSIGHT	0.0	0.0	0.0	0.0
4AO9	4A09	FAA SYSTEM ARCHITECTURE	9,600.0	9,600.0	9,600.0	6,500.0
4A1O	4A10	TECHNICAL SERVICES SUPPORT CONTRACT (TSSC)	65,900.0	71,000.0	65,900.0	65,900.0
4A02	4A02	PROGRAM SUPPORT LEASES	29,600.0	29,600.0	29,600.0	29,600.0
4A11	4A08	PERMANENT CHANGE OF STATION MOVES	8,500.0	5,500.0	8,500.0	8,500.0
	4A11	RESOURCE TRACKING PROGRAM	1,000.0	1,000.0	1,000.0	1,000.0
	4A12	CENTER FOR ADVANCED AVIATION SYSTEM DEV. (MITRE)	57,000.0	57,000.0	57,000.0	57,000.0
		TOTAL ACTIVITY 4	*284,700.0*	*286,800.0*	*284,700.0*	*277,641.0*
BA5		PERSONNEL AND RELATED EXPENSES:				
5AO1	*5A01*	PERSONNEL AND RELATED EXPENSES	217,000.0	217,000.0	217,000.0	217,000.0
		TOTAL ACTIVITY 5	*217,000.0*	*217,000.0*	*217,000.0*	*217,000.0*
		TOTAL	*1,788,700.0*	*1,800,000.0*	*1,788,700.0*	*1,790,000.0*

Automated surface observing system (ASOS).—The conference agreement includes $10,000,000 specifically for the FAA to acquire 55 new automated surface observing system (ASOS) units; $1,275,000 for ASOS units in Alaska that still await commissioning; and $1,369,000 for activities included in the President's budget request. Given the budgetary shortfalls in this program, the conferees direct the FAA not to reprogram these funds to other purposes.

Hazardous materials management.—The conferees direct the FAA to give high priority to hazardous materials issues at the FAA Technical Center in New Jersey out of the $15,000,000 provided.

Runway incursion technologies.—Last year, the Congress provided $2,000,000 for loop technology and surface detection to assist in runway incursion reduction. The conferees direct the department to report to the House and Senate Committees on Appropriations by November 30, 1996 regarding the status of this funding and development of a prototype system.

Amendment No. 29: Specifies that $1,573,000 of the total amount provided shall be available for three years, instead of $1,583,000,000 as proposed by the House and $1,571,700,000 as proposed by the Senate. This is the total appropriation for budget activities one through four.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 30: Appropriates $187,412,000 for Research, engineering, and development instead of $185,000,000 as proposed by the House and $188,490,000 as proposed by the Senate. The following table summarizes the fiscal year 1997 budget estimate, House and Senate recommended levels, and the conference agreement:

RESEARCH, ENGINEERING, AND DEVELOPMENT
Fiscal Year 1997
Conference Agreement

Program Name	FY 1997 Estimate	House Bill	Senate Bill	Conference
System Development and Infrastructure	**16,822,000**	**13,260,000**	**13,965,000**	**13,660,000**
System planning & resource management	4,857,000	1,860,000	2,000,000	1,860,000
Technical laboratory facility	6,765,000	6,200,000	6,765,000	6,600,000
Center for Advanced Aviation System Development	5,200,000	5,200,000	5,200,000	5,200,000
Capacity and Air Traffic Management Technology	**40,570,000**	**32,388,000**	**37,289,000**	**34,889,000**
Air traffic management technology	6,757,000	4,000,000	4,000,000	4,000,000
Oceanic automation program	6,539,000	6,539,000	6,539,000	6,539,000
Runway incursion reduction	2,766,000	2,766,000	7,400,000	6,000,000
System capacity, planning and improvements	8,950,000	8,950,000	8,950,000	8,950,000
Cockpit technology	5,584,000	3,000,000	3,000,000	3,000,000
General aviation/vertical flight technology	3,894,000	3,000,000	2,600,000	2,600,000
Modeling, analysis, and simulation	4,133,000	4,133,000	3,800,000	3,800,000
Automation system design	1,947,000	0	1,000,000	0
Communications, Navigation & Surveillance	**20,371,000**	**21,000,000**	**19,573,000**	**19,000,000**
Communications	10,798,000	6,000,000	6,000,000	6,000,000
Navigation	9,573,000	15,000,000	11,573,000	13,000,000
Surveillance	0	0	2,000,000	0
Weather	**6,411,000**	**13,000,000**	**10,000,000**	**13,000,000**
Airport Technology	**6,000,000**	**5,200,000**	**6,000,000**	**5,200,000**
Aircraft Safety Technology	**38,999,000**	**34,994,000**	**36,504,000**	**36,504,000**
Aircraft systems fire safety	6,993,000	6,993,000	6,993,000	6,993,000
Advanced materials/structural safety	3,065,000	3,065,000	3,065,000	3,065,000
Propulsion and fuel systems	3,779,000	3,779,000	3,400,000	3,400,000
Flight safety/atmospheric hazards research	2,063,000	2,063,000	2,063,000	2,063,000
Aging aircraft	13,889,000	13,889,000	13,889,000	13,889,000
Aircraft catastrophic failure prevention research	3,094,000	2,705,000	3,094,000	3,094,000
Fire research	0	0	0	0
Aviation safety risk analysis	6,116,000	2,500,000	4,000,000	4,000,000
System Security Technology	**36,055,000**	**33,558,000**	**36,055,000**	**36,055,000**
Explosives and weapons detection	27,397,000	27,397,000	27,397,000	27,397,000
Airport security technology integration	2,258,000	2,258,000	2,258,000	2,258,000
Aviation security human factors	5,039,000	2,542,000	5,039,000	5,039,000
Aircraft hardening	1,361,000	1,361,000	1,361,000	1,361,000
Human Factors & Aviation Medicine	**23,682,000**	**26,000,000**	**23,304,000**	**23,504,000**
Flight deck/maintenance/system integration human factor	10,898,000	11,500,000	10,898,000	10,898,000
Air traffic control/airway facilities human factors	8,606,000	10,500,000	8,606,000	8,606,000
Aeromedical research	4,178,000	4,000,000	3,800,000	4,000,000
Environment and Energy	**3,800,000**	**3,600,000**	**3,800,000**	**3,600,000**
Innovative/Cooperative Research	**3,000,000**	**2,000,000**	**2,000,000**	**2,000,000**
Total appropriation	*195,710,000*	*185,000,000*	*188,490,000*	*187,412,000*

Weather.—The conference agreement provides $13,000,000, as proposed by the House, for research to improve aviation safety under hazardous weather conditions. The amount provided shall include the following specific allocations for projects described in the House and Senate reports:

Windshear/downdraft research, Juneau, AK	$400,000
Project SOCRATES	1,589,000
National Center for Atmospheric Research (NCAR)	4,600,000

National Center for Atmospheric Research.—The conference agreement includes $4,600,000 specifically for aviation weather research and related activities coordinated by the National Center for Atmospheric Research (NCAR) and assisted by the NOAA's Forecast Systems Laboratory, the National Severe Storms Laboratory, and other organizations. The conferees consider this work to be of high priority, and direct the FAA not to use these funds for in-house staffing or to reprogram any of these funds to other purposes. The FAA is requested to report to the House and Senate Committees on Appropriations by December 31, 1996 detailing the specific activities to be financed with these funds and the expected obligation dates.

The conferees are disappointed that the FAA is not placing a higher priority on aviation weather safety research, and is not yet taking a leadership role in this area, as recommended recently by the National Academy of Sciences. The conferees urge the FAA to develop a more vigorous and effective program of weather research beginning with the fiscal year 1998 budget request.

System security technology.—The conference agreement fully funds the administration's request of $36,055,000 for aviation security technology, as proposed by the Senate. Within this amount, $27,397,000 is provided for research and development into new devices to detect explosives and weapons, and $1,361,000 is provided to harden aircraft against the effects of explosions.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No. 31: Limits obligations under the grants-in-aid for airports program to $1,460,000,000 as proposed by the Senate instead of $1,300,000,000 as proposed by the House. This is an increase of $10,000,000 above the fiscal year 1996 level and $110,000,000 above the administration's request.

Letters of intent.—The conferees echo the Senate's concern with FAA's ability to estimate airport development projects' impact on system-wide-capacity, and therefore direct that FAA be granted the authority to award new letters of intent (LOIs) only after scheduled LOI payments fall to less than 50 percent of total airport improvement program (AIP) discretionary funds. The conferees do not agree with the Senate's directions that FAA enter into any new LOIs at this time. However, the conferees recognize the priority and need for capacity enhancements at our nation's airports and do not intend to preclude meritorious projects from receiving funds. The conferees encourage the FAA to award discretionary grants to these projects consistent with existing evaluation criteria.

Seattle-Tacoma International Airport.—With respect to the Senate language regarding consideration of a possible letter of intent for the Seattle-Tacoma International Airport, the conferees agree the FAA shall consider the LOI application from the airport subject to the completion of the required FAA/federal environmental review process, including the issuance of a record of decision.

Airport property lease/transfers.—The conferees recognize the important contribution that aeronautical higher education programs can make to the U.S. air transportation system. In recognition of this contribution, the conferees direct that non-profit, accredited universities or colleges offering aeronautical higher education programs desiring to establish or expand campus operations on airport property may negotiate and execute lease or purchase transactions up to, but no greater than, the established aeronautical use rate at the host airport.

ADMINISTRATIVE SERVICES FRANCHISE FUND

Amendment No. 32: Provides for the establishment of a new administrative services franchise funds within the FAA, as proposed by the Senate. The House bill contained no similar provision. The conferees agree to the establishment of such a fund on trial basis, and will review the effectiveness and cost efficiency of the fund in next year's appropriations hearings.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Amendment No. 33: Limits general operating expenses of the Federal Highway Administration (FHWA) to $521,114,000, instead of $510,981,000 as proposed by the House and $534,846,000 as proposed by the Senate.

Amendment No. 34: Provides for the extended availability of $221,958,000 for contract programs of the Federal Highway Administration, instead of $214,698,000 as proposed by the House and $234,840,000 as proposed by the Senate.

The recommended funding distribution by program and activity of the administrative expenses and research and development programs of the FHWA is as follows:

Program/Activity	*Conference level*
Administrative expenses	$250,156,000
Motor carrier safety administrative expenses	49,000,000
Contract programs:	
Research and technology:	
Highway research and development	68,035,000
Intelligent transportation systems	122,000,000
Technology deployment	13,999,000
National advanced driving simulator	....
Local technical assistance	2,866,000
National Highway Institute	4,327,000
Disadvantaged business enterprises	9,506,000
International transportation	475,000
International scanning activities	....
South Africa program	....
Rehabilitation of TFHRC	500,000
Technical assistance to Russia	200,000
Transportation investment analysis	250,000
Federal-lands contamination site clean-up	2,500,000
Cost allocation study	300,000
Accountwide adjustments	−3,000,000
Total	521,114,000

The highway research and development and intelligent transportation systems programs by activity are as follows:

Highway research and development:	
Safety	$8,768,000
Pavements	20,000,000
Structures	14,558,000
Environment	5,517,000
Right-of-way	322,000
Policy	5,401,000
Planning	5,969,000
Motor carrier	7,500,000
Total	68,035,000

Intelligent transportation systems:	
Research and development	$29,000,000
Automated highway systems	22,000,000
Architecture and standards	5,000,000
Operational tests	56,000,000
Evaluations	2,000,000
Program support	8,000,000
Total	122,000,000

Office of motor carriers.—The conference agreement provides $49,000,000 for the office of motor carriers' administrative expenses within the FHWA's limitation on general operating expenses. The conference agreement includes the following adjustments to the budget request:

Outreach and education	−$400,000
NAFTA implementation	−200,000
Administrative expenses, including travel	−400,000
Exemption and waivering monitoring	+300,000
Commerical drivers licensing program	+200,000

Pilot safety rating program.—Before February 1, 1998, FHWA shall develop a pilot project that would encourage those carriers identified as having safety or compliance problems through the Commercial Vehicle Information System (CVIS) to procure the assistance of a third party safety service to work with the carrier in improving safety performance during the six month monitoring period following the receipt of a CVIS warning letter. Whenever appropriate, FHWA may defer imposing civil penalties, consistent with the provisions of the Motor Carrier Safety Act of 1984, but shall not do so in those cases in which evidence of serious safety violations (as defined in the Motor Carrier Safety Act of 1990) are found. In such cases, FHWA must follow its existing enforcement policies. FHWA shall consider the assistance provided by the third party service as a justification to reduce any penalties as provided under 49 U.S.C. section 521(b)(2)(C). Furthermore, the conferees recognize that the safety ratings assigned to motor carriers should be based primarily on actual performance on the highway (inspection and crash data), and should also take into account compliance with non-paperwork safety regulations, especially regulations identified as critical and acute.

Highway research and development.—The conference agreement deletes the Senate's direction that $100,000 of the funds provided for highway research and development be used by a major national organization dedicated to grade crossing safety. The conference agreement has included sufficient resources for grade crossing safety activities under the Federal Railroad Administration's research and development account.

Pavements.—The conference agreement includes sufficient resources to develop a systematic approach to expanded waste utilization using aging tests to ensure long-term physical and environmental performance of applications using a variety of recycled and waste materials.

Structures.—The conference agreement provides sufficient resources for the research and development of composite pilings and the use and testing of calcium magnesium acetate as a non-corrosive anti-icer on new concrete and metal surfaces on bridges in Chicago.

Environment.—The conference agreement provides $14,558,000 for environmental research and development and includes sufficient resources to identify at the National Center for Physical Acoustics scientific issues which impede accurate noise prediction.

Motor carrier research.—The conference agreement provides $7,500,000 for motor carrier research and includes $500,000 to develop better scientific and empirical basis for the out-of-service criteria and to ensure that the inspection process is more closely tied to crash reduction measures.

Intelligent transportation systems (ITS) research and development.—The conference agreement provides $29,000,000 for ITS research and development. Within these funds, the conferees have provided $7,000,000 for commercial vehicle operations (CVO) research and development, including $5,100,000 for SAFER/MCSAP sites, and $11,000,000 for crash avoidance research.

ITS operational tests.—The conference agreement provides $56,000,000 for operational tests. Within these funds, the conferees have provided $2,000,000 for mainstreaming training activities and $11,900,000 for completion of the CVISN and its prototype testing and substantial progress on the pilot projects. The conferees direct that none of the funds provided for the CVISN project be used for evaluation purposes. In addition, within the funds provided for commercial vehicle operations, the conference agreement includes $500,000 to advance the concept and technology of automated compliance review. The conference agreement deletes the Senate directive that $500,000 of the funds for traffic control be used to support the work of a public/private coalition to address the institutional issues of incident management.

ITS automated highway systems (AHS).—The conference agreement provides $22,000,000 for the AHS and includes funds to incorporate commercial vehicles into the AHS program.

ITS evaluations.—The conference agreement provides $2,000,000 for ITS evaluations. The conferees agree not to specify a minimum on the level of resources to be used to analyze the costs and benefits of the CVISN prototype/pilot program.

Technology assessment and deployment.—The conference agreement provides $13,999,000 for technology assessment and deployment and includes sufficient resources to conduct the office of highway safety's ongoing outreach activities.

Technical assistance to Russia.—The conference agreement includes $200,000 to further the FHWA's ongoing technical assistance program to Russia.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 35: Limits obligations for the federal-aid highways program to $18,000,000,000 instead of $17,550,000,000 as proposed by the House and $17,650,000,000 as proposed by the Senate.

The conference agreement deletes the Senate references of priority designations and set-asides within the Federal Highway Administration's discretionary grant programs.

The conferees direct that within the total provided for the intelligent transportation systems program, funding shall be available for the following projects in the amounts specified below:

Project	*Conference level*
Utah advanced traffic management system	$5,000,000
Hazardous materials intermodal monitoring system	2,000,000
Houston, Texas	2,000,000
Texas transportation institute	600,000
Inglewood, California	1,000,000
Minnesota Guidestar	3,600,000
I–10 Mobile, Alabama causeway	2,000,000
Mobile, Alabama advanced traffic management system	1,000,000
National transportation center, Oakdale, New York	2,500,000
Nashville, Tennessee traffic guidance system	1,000,000
Operation Respond, Maryland	1,000,000
Green light CVO project, Oregon	7,000,000
Pennsylvania Turnpike	3,000,000
National Capital region congestion mitigation	3,500,000
Advanced transportation weather information system, University of North Dakota	1,000,000
National advanced driving simulator	14,000,000
Kansas City, Missouri (region)	2,500,000
United States/Canada CVO	1,500,000
TRANSCOM, New York/New Jersey	2,250,000
Rochester, New York congestion management	1,500,000
Urban transportation safety systems center, Philadelphia	500,000
New York State Thruway	3,000,000
Advanced railroad/highway crossings	2,000,000
Rensselaer County, I–90 connector (reprogrammed funds [1])	(2,000,000)

[1] These funds are reprogrammed from the Southern State Parkway, New York Inform System.

National capital region congestion mitigation.—The conferees are aware of the specialized analysis and evaluations associated with the national capital ITS deployment and support the Virginia Department of Transportation's (VDOT) plan to allocate $500,000 of the funds made available for this initiative for modeling the regional impacts of a traveler information project. The conferees direct the FHWA, working with VDOT, to ensure that this analysis is conducted in a manner which fully identifies the impacts and benefits of the showcase program from a regional basis.

Los Alamos National Laboratory.—The conferees note that the level of mobile source emissions is increasing in the United States, raising concerns about the impact of transportation on air quality. The conferees urge the department to work with Los Alamos National Laboratory on an integrated evaluation tool at the laboratory that combines advanced measurement and modeling tools with innovative policy approaches.

The conferees direct that any funding provided for intelligent transportation systems be used only in support of, or for research on, intelligent transportation systems and not for construction of buildings in fiscal year 1997.

The director of the joint program office shall ensure that the operations of each of the ITS projects funded with either GOE or ISTEA funds is consistent with the national systems architecture and the purposes of section 6053(b) of ISTEA. These projects shall contribute to the implementation of the standards development work and shall promote interoperability of ITS systems among the states.

The conferees have also included sufficient funding for the ITS rural initiative, as proposed in the fiscal year 1997 budget.

The conferees support the widest possible distribution of all published reports resulting from the ITS program to anyone at reasonable costs. The director of the joint program office shall encourage the timely distribution of such publications in electronic forms through clearinghouses.

Orange County toll road.—Any agreement entered into by the Secretary of Transportation under the provisions of title IV of this Act must specify that all construction contingency reserves are to be exhausted before the line of credit provided in that section is drawn upon; however, any other contingency reserves, such as environmental reserves, need not be exhausted and may remain in place. This provision is intended to make more efficient use of prior appropriations to the underlying project by permitting substitution of a federal line of credit for a portion of the project's construction reserves, but it is not intended to affect or involve required environmental reserves in any way.

Highway Beautification Act.—The conferees are aware that the FHWA has announced that it is revising regulations governing outdoor advertising along certain federal-aid highways in order to reduce the complexity of these regulations and emphasizing the role of the states regarding effective control of such advertising. As part of FHWA's review of this issue, the FHWA shall prepare a report that discusses the feasibility, including necessary statutory revisions, of allowing a state to implement common sense exemptions to existing prohibitions on the posting of "for sale" signs along certain federal-aid highways if such exemptions respond to unique needs or issues relevant to the state. The conferees agree that this report shall be submitted to the House and Senate Committees on Appropriations no later than January 31, 1997.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

Amendment No. 36: Restores language proposed by the House and stricken by the Senate that prohibits new obligations for right-of-way acquisition during fiscal year 1997 and deletes language proposed by the Senate that would have provided $8,000,000 for new direct loans.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 37: Limits obligations for motor carrier safety grants to $78,225,000 instead of $77,425,000 as proposed by the House and $79,000,000 as proposed by the Senate.

The conferees agree to the following program allocations:

Basic grants to states	$60,000,000

Traffic enforcement	7,800,000
Hazardous materials training	1,500,000
Research and development	500,000
Public education	500,000
CDL enforcement	1,000,000
Truck and bus accidents	1,750,000
Uniformity grants	2,500,000
Uniformity working groups	350,000
Commercial vehicle information system	1,500,000
Administrative expenses	825,000

Out-of-service verification activities.—The conferees agree that, within the basic grant program, $1,000,000 shall be for out-of-service verification activities, of which at least $500,000 shall be for new and innovative covert operations strategies.

Assistance to border states.—The conferees direct that, within the basic grant program, $1,000,000 shall be for Mexican border enforcement activities instead of $750,000 as proposed by the House.

Travel.—In each of the respective reports, both the House and Senate directed the office of motor carriers (OMC) to hold its federal grants conference in conjunction with the Commercial Vehicle Safety Alliance (CVSA) conference because most inspectors and state motor vehicle personnel attend the CVSA conference. Combining these two conferences would be a wise use of scarce travel resources. However, the conferees understand that OMC is planning its own conference, disregarding House and Senate directives. The conferees again direct OMC to combine these two conferences as a means to control costs.

STATE INFRASTRUCTURE BANKS

Amendment No. 38: Appropriates $150,000,000 from the general fund for the state infrastructure bank pilot program instead of $250,000,000 from the highway trust fund as proposed by the Senate. The House bill contained no similar appropriation.

The conference agreement includes language that prohibits the distribution of funds provided under this Act until 180 days after enactment to ensure that all states have sufficient time to submit applications for consideration.

The conference agreement deletes the Senate's directive that funds be provided from the state infrastructure bank pilot program for the Alameda corridor project.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

Amendment No. 29; Appropriates $80,900,000 from the general fund for operations and research activities of the National Highway Traffic Safety Administration (NHTSA) instead of $81,895,000 as proposed by the House and $80,000,000 as proposed by the Senate.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

Amendment No. 40: Appropriates $51,712,000 from the highway trust fund for operations and research of the National Highway Traffic Safety Administration instead of $50,377,000 as proposed by the House and $53,195,000 as proposed by the Senate.

The conference agreement for operations and research (general fund and highway trust fund combined) includes the following adjustments to the budget request:

Safety performance:	
Vehicle safety standards	+$340,000
New car assessment program	−750,000
Fuel economy program	−1,500,000
Safety assurance:	
Vehicle safety compliance	−186,000
Auto safety hotline	−300,000
Odometer fraud	−40,000
Vehicle domestic content labeling	−500,000
Highway safety program:	
Safe communities	−900,000
Alcohol, drug, and state program	−200,000
Target population education	−137,000
State and communities program evaluation	−900,000
Speed enforcement	+100,000
State motor vehicle services	−423,000
Rail-highway demonstration program	−3,000,000
Older driver	+100,000
Fatigue	+1,000,000
Research and analysis:	
Crash avoidance efforts	−3,000,000
Fund NADS within ITS program	−10,500,000
Data analysis program	−465,000
State data program	−800,000
Partnership for next generation vehicles	−2,500,000
General administration:	
Strategic planning	−250,000
Economic analysis	−100,000
Office of the administrator:	
International harmonization	+60,000
Accountwide adjustments:	
Training	−50,000
Non-pay inflation	−300,000
Computer support	−500,000

Vehicle safety performance standards.—The conferees provide $929,000 for vehicle safety performance, an increase of $340,000 from the budget request. This additional funding should be used toward establishing a federal motor vehicle safety standard for frontal offset crash testing. The conferees direct NHTSA to work with interested parties, including the automotive industry, to develop such a standard under established rulemaking procedures. The conferees believe that such a standard will enhance automobile safety for all consumers. Further, these activities should reflect ongoing efforts to enhance international harmonization of safety standards. NHTSA should be prepared to provide a status report to the House and Senate Appropriations Committees on standards development and harmonization with current European and Australian offset crash tests during the fiscal year 1998 hearings.

New car assessment program.—The conference agreement provides $2,792,000 for the new car assessment program. Funding is allocated in the following manner: $1,695,000 for frontal impact testing; $850,000 for side impact testing; and $247,000 for promotional activities. The conferees note that there are substantial differences between the U.S. side impact standard and the new European standard. These differences are inconsistent with the need for the international harmonization of motor vehicle safety standards. Therefore, NHTSA is directed to submit a report to the House and Senate Committees on Appropriations by April 30, 1997, on the agency's plan for achieving harmonization of the side impact standard.

The conferees have not funded a new frontal offset test as part of the NCAP program and note that there is no motor vehicle safety standard for this test. However, the conferees have provided $340,000 under the vehicle safety standard program for NHTSA to begin work on establishing a frontal offset standard.

Vehicle domestic content labeling audit.—The conferees were unable to provide funding for the vehicle domestic content labeling audit; however, this does not prejudice the project from receiving consideration for funding in future appropriation bills.

State and communities program evaluation.—The conferees have provided $100,000 to conduct a field evaluation of breath alcohol ignition interlock devices. Many states have been experimenting with programs requiring the use of these devices as a condition of probation or for early relicensing of impaired driving repeat offenders. Since the effectiveness of these programs is not well documented, this evaluation should, among other things, determine if these devices are successful in preventing drunk drivers from becoming repeat offenders.

Speed enforcement.—The conference agreement provides $556,000 for speed and unsafe driving, including $100,000 to undertake a study on the effect of repealing the national speed limit, as required by the National Highway System Designation Act of 1995.

Older driver research.—The conferees have provided $544,000 for older driver research, an increase of $100,000 above the budget request. These additional funds are to be provided to continue activities to improve older driver performance, as directed by the Senate.

Driver fatigue.—The conference agreement includes $1,000,000 to analyze the role of driver fatigue, sleep disorders, and inattention. NHTSA should collaborate directly with the National Center on Sleep Disorders Research to conduct and assess public information activities in these three areas and submit a report to the House and Senate Appropriations Committees by May 1, 1997 that describes these collaborative efforts.

Child passenger safety.—The conferees direct that $137,000 be used for education and outreach activities to inform parents of potential dangers of automobile airbag deployment in connection with infant and child car seats. This effort can either be supported from appropriated funds or pledged contributions by a coalition of automobile manufacturers, air bag suppliers, insurance companies, and safety organizations.

Motor vehicle services.—The conference agreement directs that up to $200,000 from the section 402 administrative takedown account shall be used to provide evaluations and technical assistance to states on motor vehicle services.

Biomechanics.—The conference agreement provides $7,450,000 for biomechanics, of which $250,000 shall be for research on child safety seats and their interaction with airbags. This funding shall be used to conduct a comprehensive, interdisciplinary study involving pediatric trauma experts, engineers, and epidemiologists on means to prevent additional deaths and injuries. Research is already being conducted in this area by Children's Hospital in Philadelphia in conjunction with the University of Pennsylvania School of Engineering.

Bicycle safety.—The conferees note that children aged 5 to 14 are the most common victims of bicycle injuries, with bicycling the fourth leading cause of death for that age group. Of the 500,000 bicycle injuries occurring in the United States each year, the age group 5 to 14 accounts for more than 50 percent. To address this alarming development and the existing gap in research dedicated to prevention of bicycle accidents, the conferees urge NHSTA to provide necessary support to Children's Hospital of Pittsburgh and Carnegie—Mellon University for human factors research geared to utilizing advanced technology and medical science to investigate how bicycle accidents occur in the first place, and to design and implement a prevention program.

International harmonization.—The conferees have provided $246,000 for international harmonization, as proposed by the House. This funding should be used to harmonize international research efforts, help emerging markets adopt current vehicle safety standards, and reduce or eliminate incompatibilities among various safety regulations.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 41: Appropriates $168,100,000 to liquidate contract authority obligations for highway traffic safety grants instead of $167,100,000 as proposed by the House and $169,100,000 as proposed by the Senate.

Amendment No. 42. Limits obligations for highway traffic safety grants to $168,100,000 instead of $167,100,000 as proposed by the House and $169,100,000 as proposed by the Senate.

Amendment No. 43. Provides $128,700,000 for state and community highway safety grants instead of $127,700,000 as proposed by the House and 129,700,000 as proposed by the Senate.

Amendment No. 44. Provides $11,500,000 for Section 1003(a)(7) highway safety grants instead of $11,000,000 as proposed by the House and $12,000,000 as proposed by the Senate.

Amendment No. 45. Provides $25,500,000 for Section 410 alcohol-impaired driving countermeasures instead of $26,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

Amendment No. 46. Provides $5,468,000 for administering state and community highway safety programs as proposed by the Senate instead of $5,268,000 as proposed by the House.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Amendment No. 47. Appropriates $16,739,000 for the Office of the Administrator as proposed by the Senate instead of $16,469,000 as proposed by the House.

Ravenna, Ohio connection.—The conferees directed the Federal Railroad Administration (FRA) to study, in conjunction with Amtrak, the State of Ohio, and affected freight railroads, the feasibility of constructing a railway connection in Ravenna, Ohio that would restore Amtrak service to the cities of Youngstown and Ravenna and provide service to New Castle, Pennsylvania. Of the total funds appropriated, not less than $200,000 shall be available to conduct this study, which should address, among other items, closure and safety enhancements to a highway-rail grade crossing located at the site. it is the intention of the conferees that should the $200,000 for the study not be fully spent, excess funds be available for environmental assessment of the Ravenna connection, provided that state and/or local funds have been pledged.

Rail Safety Institute.—The conference agreement includes a general provision that permits FRA to establish a Rail Safety Institute and provides $200,000 from the office of the administrator to establish and operate this institute.

Train whistle ban.—In implementing section 20153 of title 49, United States Code, the conferees encourage the Secretary of Transportation to document the impact on communities of any new requirements for the sounding of train whistles or horns at highway-rail grade crossings, while keeping in mind the paramount importance of safety. In exercising the statutory authority to provide for exceptions to the horn sounding requirement, the Secretary should consider the safety records of individual highway-rail grade crossings and provide exceptions where there is no significant history of loss of life or serious personal injury. The Secretary is also strongly encouraged to consider comprehensive local rail safety enforcement and public education programs as supplementary safety measures. Where it is determined that new physical supplementary safety measures are necessary, particular characteristics of the crossing and the views of the affected community should be considered. Finally, the Secretary is strongly encouraged to work in close partnership with communities affected by this law and to provide such communities with technical assistance.

RAILROAD RESEARCH AND DEVELOPMENT

Amendment No. 48. Appropriates $20,100,000 for railroad research and development instead of $20341,000 as proposed by the House and $20,000,000 as proposed by the Senate. The conference agreement includes the following changes to the budget request:

Reductions in new program initiatives	$-2,725,000
Delete funding for maglev initiative	-1,000,000
Hold environmental program to 1996 level	-400,000
Offset for high unobligated balances	-640,000
Increase Operation Lifesaver	+300,000
Net reduction	$-4,465,000

Mitigation study.—The conference agreement includes $100,000 to conduct a study on the impacts of reopening the Stampede Pass rail line operated by Burlington Northern-Santa Fe Railroad. This study shall be conducted by the FRA in conjunction with officials from the city of Auburn, Washington, which will provide local matching funds to complete the study.

Amtrak privatization study.—The conferees encourage FRA to conduct a study on the privatization of intercity passenger rail service. Such a study may investigate the alternatives of: (a) a passenger system operating under the franchise of a public or private national coordinating authority with service provided by one of more private operators; (b) privatization of Amtrak with significant, sustainable, and stable sources of capital funding; and (c) federal withdrawal from all intercity passenger rail funding responsibility. The study should also quantify the costs of the Federal Government of any privatization options outlined above. The study should seek analysis and options from a variety of groups, as outlined in the Senate report, and should be submitted to the House and Senate Committees on Appropriations by August 1, 1997.

Positive train control.—The conferees commend the FRA for its consideration of a demonstration project proposal involving positive train contain technologies, which would develop on-board locomotive train control devices that could be applied by railroads using a variety of technologies, and would be tested on the rail line between Manassas, Virginia through Hagerstown, Maryland to Harrisburg, Pennsylvania.

Micro-superconducting magnetic energy storage.—The conferees have become aware of the effectiveness of micro-superconducting magnetic energy storage (SMES) technology in preventing power outages in certain manufacturing industries and its potential for generating energy savings and enhancing safety in the railroad industry. Accordingly, the conferees direct the Department to report to the House and Senate Committees on Appropriations by April 1, 1997 on the feasibility of utilizing micro-SMES technology to provide cost effective energy regeneration and energy savings capability along the northeast corridor for both Amtrak and commuter rail operations.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

Amendment No. 49: Appropriates $115,000,000 for the Northeast Corridor Improvement Program instead of $200,000,000 as proposed by the Senate. The House bill contained no similar appropriation for this program.

North Philadelphia station.—The conferees note continued delays in the completion of the rehabilitation of the North Philadelphia train station. The conferees direct Amtrak to spend previously appropriated funds by September 1, 1997.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

Amendment No. 50: Deletes loan guarantees of $75,000,000 and an associated appropriation of $4,158,000 for the railroad rehabilitation and improvement program proposed by the Senate. The House bill contained no similar loan guarantees or appropriation.

NEXT GENERATION HIGH-SPEED RAIL

Amendment No. 51: Appropriates $24,757,000 for next generation high-speed rail studies, corridor planning, development, demonstration, and implementation instead of $19,757,000 as proposed by the House and $26,525,000 as proposed by the Senate.

The conference agreement provides total funding (appropriation plus contract authority remaining in the trust fund) of $26,178,000, to be allocated as follows:

Advanced train control:	
State of Oregon	$3,000,000
Flexible blocks	1,000,000
Nonelectric locomotives:	
Transportation technology center	3,000,000
Advanced propulsion project	2,000,000
New York nonelectric locomotives	4,000,000
Grade crossing hazards and innovative technologies	5,000,000
Track and structures:	
State of Oregon	5,650,000
Other states	850,000
Planning technology	428,000

Northwest high-speed rail projects.—A total of $8,650,000 is provided for the State of Oregon, including $5,650,000 for tracks, signals, and grade crossing improvements within the Eugene, Oregon to Vancouver, Washington segment of the Pacific Northwest high-speed rail corridor; and $3,000,000 for extending the positive train separation system, modeling, and testing within the corridor. This will complement State and local investment being made in this FRA-designated high-speed rail corridor to achieve two hour service between Portland and Eugene, Oregon. No matching funds shall be required for this project.

Amendment No. 52: Provides that next generation high-speed rail funds may be made available for track and signal improvements as proposed by the House instead of track, signal, and station improvements as proposed by the Senate.

ALASKA RAILROAD REHABILITATION

Amendment No. 53: Appropriates $10,000,000 for Alaska railroad rehabilitation as proposed by the Senate. The House bill contained no similar provision.

RHODE ISLAND RAIL DEVELOPMENT

Amendment No. 54: Appropriates $7,000,000 for the Rhode Island rail development project instead of $4,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

Amendment No. 55: Directs the Providence and Worcester Railroad to reimburse Amtrak and/or the Federal Railroad Administration up to the first $13,000,000 in legal damages if damages occur resulting from provision of vertical clearances in excess of those required for present freight operations instead of $10,000,000 as proposed by the House and $16,000,000 as proposed by the Senate.

DIRECT LOAN FINANCING PROGRAM

Amendment No. 56: Deletes appropriation of $58,680,000 in direct loan financing for the Alameda Corridor and the limitation on direct loans of $400,000,000 proposed by the House. The Senate bill contained no similar appropriation.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Amendment No. 57: Appropriates $565,450,000 for the National Railroad Passenger Corporation (Amtrak) instead of $462,000,000 as proposed by the House and $592,000,000 as proposed by the Senate.

Route and service changes.—On August 8, 1996, Amtrak announced a major restructuring plan that, among other items, discontinued service on certain routes beginning November, 1996. Some of the affected states have expressed an interest in "buying back" their service; however, certain legislatures will not convene again until 1997. These states will not have the ability to consider additional funding sources for these services before the routes are terminated. The conferees are aware that the department has ruled, in the past, that using congestion mitigation and air quality (CMAQ) improvement program funding for operational support for intercity rail service is possible, if states are willing to approve this use of funding. The conferees urge Amtrak, in conjunction with the department and the affected states, to consider the use of CMAQ funding in the short term to support service along terminated routes until state legislatures meet to decide whether to "buy back" services, or take other action necessary to permit services to continue.

Amendment No. 58: Provides $223,450,000 for capital improvements of Amtrak instead of $120,000,000 as proposed by the House and $250,000,000 as proposed by the Senate.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

Amendment No. 59: Appropriates $41,497,000 for administrative expenses of the Federal Transit Administration instead of $41,367,000 as proposed by the House and $42,147,000 as proposed by the Senate.

The conference agreement includes the following reductions to the budget request:

Reduce amounts for organizational training	−$500,000
Eliminate director, office of communications and external affairs and executive assistant positions	−150,000

The conferees have agreed to provide sufficient resources to hire four additional community planners.

FORMULA GRANTS

Amendment No. 60: Appropriates $490,000,000 from the general fund for formula grants to the Federal Transit Administration as proposed by the House instead of $218,335,000 as proposed by the Senate.

Amendment No. 61: Provides for a total program level of $2,149,185,000 as proposed by the Senate, instead of $2,052,925,000 as proposed by the House.

Amendment No. 62: Deletes the words "notwithstanding any other provision of law" proposed by the Senate. The House bill contained no similar provision.

TRANSIT PLANNING AND RESEARCH

The conference report includes a total of $85,500,000 for transit planning and research, of which $22,000,000 shall be available for national planning and research activities. The conferees direct that within the funding level provided for transit planning and research, the Federal Transit Administration shall make available the following amounts for the programs and activities listed below:

Hennepin community works program, Hennepin County, Minnesota ...	$500,000
Project ACTION	2,000,000
Advanced technology transit bus	6,500,000
Advanced transportation and alternative fueled technologies consortia program	1,500,000
Southeast Iowa, commuter feasibility study	50,000
Santa Barbara Transportation Institute	500,000
Fuel cell bus technology ...	7,500,000
Computer integrated transit environment (CITME) at Greater Cleveland RTA	1,000,000

Fuel cell bus technology.—The conferees agree that funding provided for fuel cell bus technology shall be available only for research and development of fuel cell buses and directly related support facilities and equipment in accordance with FTA policy and regulation.

Advanced lead-acid battery consortium (ALABC).—The conferees have previously expressed support for the technology development and deployment program of the ALABC, and note that the FTA has been directed to provide a total of $1,500,000 to the ALABC in Public Laws 104–19 and 104–50. The conferees understand that FTA has awarded $750,000 of this total and direct the FTA to complete the award of the balance of $750,000 to the ALABC no later than December 31, 1996.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Amendment No. 63: Limits obligations for the discretionary grants program to $1,900,000,000 as proposed by the Senate instead of $1,665,000,000 proposed by the House.

Amendment No. 64: Deletes the words "notwithstanding any provision of law" proposed by the Senate. The House bill contained no similar provision.

Amendment No. 65: Limits obligations for fixed guideway modernization of $760,000,000 instead of $666,000,000 as proposed by the House and $725,000,000 as proposed by the Senate.

Amendment No. 66: Limits obligations for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities to $380,000,000 instead of $333,000,000 as proposed by the House and $375,000,000 as proposed by the Senate.

Bus and bus-related facilities.—The conference agreement provides $380,000,000 for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities. The conferees agree that the recommended funding is to be distributed as follows:

State of Arizona: Sun Tran maintenance facility	$1,000,000
State of Arkansas:	
Statewide buses and bus facilities	2,700,000
Little Rock, Central AR Transit buses and bus loading station	1,000,000
State of California:	
Eureka intermodal transportation center	1,000,000
Folsom buses	500,000
Foothills transit bus maintenance facility ...	4,750,000
Lake Tahoe, South Shore Transport., coordinated transit system	1,266,000
Long Beach buses and bus facilities	1,000,000
Los Angeles County MTA, ATTB prototype buses	3,173,000
Los Angeles neighborhood initiative (LANI)	1,500,000
Mendocino County buses	600,000
North Orange County buses	200,000
Norwalk buses and bus facilities	1,000,000
Riverside County buses and bus facilities	1,000,000
San Francisco buses	4,275,000
San Joaquin RTD downtown transit center (livable communities)	2,750,000
San Ysidro border intermodal center	1,000,000
Santa Barbara Metropolitan Transit District buses and bus facilities	2,000,000
Santa Cruz metropolitan transit district bus facility	2,000,000
City of Fairfield buses	1,400,000
Sonoma County park and ride facilities	1,000,000
Thousand Oaks multimodal center	600,000
Yolo County buses	2,000,000
State of Colorado: Fort Collins and Greeley buses	1,000,000
State of Connecticut: Bridgeport, buses and bus facilities	1,000,000
State of Delaware: Statewide buses and bus facilities	7,000,000
State of Florida:	
Miami Beach electric battery buses	1,000,000
Tampa (Hillsborough area RTD), HARTline buses	2,800,000
Palm Beach County, buses and bus facilities	1,000,000
LYNX buses	4,500,000
Metropolitan Dade County, buses and bus facilities	5,000,000

Volusia County buses (Votran)	1,500,000
Ybor buses and bus facilities	1,000,000
State of Georgia:	
Chatham bus facility	1,060,000
MARTA buses	2,000,000
State of Illinois: Statewide buses and bus facilities	11,000,000
State of Indiana:	
Statewide buses and bus facilities	3,750,000
Indianapolis metro, new buses	1,000,000
South Bend intermodal facility	5,500,000
State of Iowa:	
Statewide buses and bus facilities	3,721,580
Regions 6, 13, 14, 15, and 16	1,270,900
Cedar Rapids park and ride lots	1,192,000
Cedar Rapids hybrid electric bus consortium	893,000
Des Moines	1,192,000
Fort Dodge park and ride facility	693,360
Iowa City	855,760
Ottumwa	61,400
Sioux City (includes intermodal center)	2,160,000
Waterloo intermodal bus facility	665,000
State of Kansas:	
Statewide buses and bus facilities	1,000,000
Johnson City bus maintenance center	2,200,000
Commonwealth of Kentucky:	
Statewide buses and bus facilities	4,000,000
Owensboro vans	100,000
State of Louisiana: Statewide buses and bus facilities	16,500,000
State of Maryland: Statewide buses and bus facilities	5,000,000
Commonwealth of Massachusetts:	
Gallagher transportation terminal	1,000,000
Hyannis, Cape Cod intermodal transportation center	3,250,000
South Station intermodal center	1,000,000
Springfiel, Union Station intermodal facility	750,000
Worcester Union Station	3,000,000
State of Michigan: Statewide buses and bus facilities (includes ISTEA earmark)	14,500,000
State of Minnesota: Metropolitan Council Transit Operations buses and bus facilities	6,000,000
State of Mississippi:	
Jackson buses	1,000,000
Jackson downtown multimodal transit center	3,500,000
State of Missouri:	
Statewide buses and bus facilities	9,250,000
South St. Louis buses and bus facilities	1,750,000
Kansas City buses (KCATA)	2,650,000
Kansas City Trolley Corp, replacement trolleys	320,000
Kansas City Union Station intermodal	6,500,000
State of Nevada:	
Clark County bus facilities	3,300,000
Reno, Regional Transportation Commission buses	1,735,000
State of New Jersey: New Jersey transit, Clean Air Act bus fleet improvements	3,000,000
State of New Mexico: Albuquerque URICA bus project	2,000,000
State of New York:	
Alternative bus fuels fueling facilities: Brooklyn, Bronx, and Manhattan	6,000,000
Broome County buses	1,000,000
Chemung County intermodal center	1,500,000
Crossroads intermodal station	1,000,000
Elmira buses and bus facilities	1,000,000
Long Island bus alternative fuels fueling facilities	1,900,000
New Rochelle intermodal facility	1,250,000
New York City natural gas buses	10,000,000
Rochester-Genesse RTA buses	1,750,000
Syracuse buses	2,000,000
Utica buses support vehicles	1,200,000
Westchester County bus facilities	500,000
State of North Carolina: Statewide buses and bus facilities	4,000,000
State of North Dakota: Bismarck and Mandan (Bis-Man Transit) intermodal center	1,500,000
State of Ohio:	
Statewide buses and bus facilities	27,500,000
Triskett bus garage and facilities (including CITME)	1,500,000
State of Oregon:	
Central City streetcar	5,000,000
Eugene Lane Transit District buses and station	2,550,000
Hood River buses	175,000
Salem downtown transit center	1,850,000
Portland, buses and South bus mall extension	9,000,000
Wilsonville transit vehicles	250,000
Commonwealth of Pennsylvania:	
Statewide buses and bus facilities	1,440,000
Altoona (ISTEA earmark)	3,000,000
Armstrong Mid-County buses and bus facilities	262,000
Berks Area Reading Transit intermodal facility	400,000
Cambria County buses and bus facilities	1,029,000
Indiana County buses	680,000
Lehigh and North Hampton Transportation buses	400,000
Mid Mon Valley Transit buses	80,000
North Philadelphia Intermodal center	1,000,000
Scranton buses and bus facilities	1,000,000
SEPTA	8,000,000
Somerset County vans	120,000
Williamsport buses and bus facilities	2,000,000
Erie intermodal complex	2,000,000
Philadelphia: Alternative fueled vehicles	4,000,000
State of South Carolina: Spartanburg intermodal facility	1,500,000
State of Tennessee: Statewide buses and bus facilities	2,500,000
State of Texas:	
Statewide buses and bus facilities	2,200,000
Brazos Valley woodlands town center project	1,350,000
Corpus Christi buses and bus facilities	1,000,000
East Texas, Liberty, Montgomery, and Polk Counties service expansion	3,000,000
El Paso buses and bus facilities	2,500,000
Galveston trolley maintenance	500,000
State of Utah:	
City of Logan buses and bus facilities	2,400,000
Salt Lake City 2002 Winter Olympics buses and facilities	5,600,000
Salt Lake City 2002 Winter Olympic intermodal centers	5,500,000
State of Vermont:	
Statewide buses and bus facilities	1,250,000
Burlington multimodal center	1,500,000
Rutland intermodal station	700,000
Urban and rural buses and bus facilities	2,750,000
Commonwealth of Virginia:	
Reston internal bus system, buses	500,000
Richmond downtown intermodal station	10,000,000
Virginia Beach intermodal facility	1,000,000
State of Washington:	
Bremerton buses and bus facilities	2,000,000
Chelan-Douglas multimodal center—Amtrak platform	1,000,000
Everett intermodal center	3,000,000
Thurston County Intercity transit buses	1,000,000
Port Angeles buses and bus facilities	1,000,000
Seattle, Metro/King County multimodal	4,000,000
Tacoma Dome	4,500,000
State of West Virginia: Charleston, renovate maintenance facility	3,180,000
State of Wisconsin: Statewide buses and bus facilities	11,900,000
State of Wyoming: Fremont County, Shoshone and Arapahoe Nation's buses and facility	1,000,000

State of Illinois.—The conferees have provided $11,000,000 to the Illinois Department of

Transportation for replacement buses and transit equipment. This amount includes funds for replacement buses for the following transit agencies: $840,000 for Champaign-Urbana; $960,000 for Madison County; $960,000 for Rock Island; $960,000 for Springfield; $480,000 for rural paratransit, and $1,770,000 for Pace. In addition, $5,000,000 is provided for a new bus communications system for the Chicago Transit Authority.

State of Louisiana.—the conference agreement includes $16,500,000 for the State of Louisiana to be distributed as follows: $986,000 for buses in Alexandria; $1,323,000 for buses in Baton Rouge; $1,984,000 for buses in Jefferson Parish; $752,000 for an intermodal facility in Lafayette; $310,000 for buses in Lake Charles; $964,000 for vans for the Louisiana DOTD; $295,000 for buses in Monroe; $9,020,000 for buses and bus facilities in New Orleans; and $866,000 for a bus facility in Shreveport.

State of Michigan.—The conference agreement includes $14,500,000 of the State of Michigan, which includes funding provided by section 3035 (kk) of the Intermodal Surface Transportation Efficiency Act. Funds are to be distributed as follows: $1,230,000 for a bus facility in Lansing; $2,000,000 for buses and facilities for SMART; $2,000,000 for bus facilities for GRATA; $2,000,000 for bus facilities in Flint; $640,000 for bus facilities in Kalkaska; $1,000,000 for an intermodal facility in Dearborn; $1,000,000 for buses and bus facilities in Kalamazoo; $2,000,000 for an intermodal facility in Detroit; and $2,630,000 for statewide buses and facilities.

Amendment No. 67: Reprograms $8,890,000 of funds made available in previous appropriations Acts for new fix guideway systems as proposed by the Senate instead of $10,510,000 as proposed by the House.

The conferees recommend that a total of $56,956,000 of funds made available in previous appropriations Acts be reprogrammed. The following amounts have been reallocated from various projects to new starts funding in fiscal year 1997:

Fiscal year 1992:	
Detroit	$4,890,000
San Jose-Gilroy	4,000,000
Fiscal year 1995: New Bedford/Fall River	744,000
Chicago Central Area Circulator balances	47,322,000
Total	56,956,000

Should additional funds from previous appropriations remain unobligated and become available for reallocation, the conferees direct the Administrator to reprogram these funds no earlier than 15 days after notification to the House and Senate Committees on Appropriations and only to those projects that have existing full funding grant agreements on the date of enactment of this Act, to the extent that those projects are likely to be capable of obligating these funds in the course of fiscal year 1997.

Seattle-Tacoma commuter rail.—The conference agreement does not reallocate $1,620,000 from funds previously provided by the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102–143) for the Seattle-Tacoma commuter rail project, as proposed by the House. The conferees have been informed that the Federal Transit Administration is prepared to obligate these funds by the end of fiscal year 1996.

Amendment No. 68: Limits obligations for new fixed guideway systems to $760,000,000 instead of $666,000,000 as proposed by the House and $800,000,000 as proposed by the Senate.

The conference agreement provides for the following distribution of the recommended funding for new fixed guide guideways system as follows:

Alaska-Hollis to Ketchikan ferry project	$6,390,000
Atlanta-North Springs project	64,410,000
Baltimore LRT extension project	10,260,000
Boston Piers (MOS–2) project	30,000,000
Burlington-Charlotte, Vermont communter rail project	1,000,000
Canton-Akron-Cleveland communter rail project	3,500,000
Chicago transit improvements	22,500,000
Cincinnati Northeast/Northern Kentucky rail line project	3,000,000
DART North Central light rail extension project	11,000,000
Dallas-Fort Worth RAILTRAN project	15,250,000
DeKalb County, Georgia light rail project	661,000
Denver Southwest corridor project	1,500,000
Florida Tri-County Communter Rail (Tri-Rail) project	9,000,000
Griffin light rail project	1,000,000
Houston Regional Bus project	40,590,000
Jackson, Mississippi, intermodal corridor	5,500,000
Jacksonville ASE extension project	15,000,000
Kansas City Southtown corridor project	3,000,000
Little Rock, Arkansas, Junction Bridge project	2,000,000
Los Angeles MOS–3 project	70,000,000
Los Angeles-San Diego communter rail project	1,500,000
MARC Communter Rail improvements project	33,191,000
Metro-Dade Transit east-west corridor, Florida, project	1,500,000
Miami-North 27th Avenue project	1,000,000
Memphis, Tennessee Regional Rail Plan	3,039,000
Morgantown, West Virginia Personal Rapid Transit System	4,240,000
New Jersey Urban Core/Hudson-Bergen LRT project	10,000,000
New Jersey Urban Core/Secaucus project	105,530,000
New Jersey West Trenton communter rail project	500,000
New Orleans Canal Street corridor project	8,000,000
New Orleans Desire Streetcar project	2,000,000
New York Queens Connection project	35,020,000
Northern Indiana commuter rail project	500,000
Oklahoma City, MAPS corridor transit system	2,000,000
Orange County transitway project	3,000,000
Orlando Lynx light rail project	2,000,000
Pittsburgh Airport busway project	10,000,000
Portland South/North light rail transit project	6,000,000
Portland Westside/Hillsboro Extension project	138,000,000
Research Triangle Park, North Carolina, regional transit plan	2,000,000
Sacramento LRT Extension project	6,000,000
Salt Lake City-South LRT project	35,000,000
St. Louis Metrolink project	13,500,000
St. Louis-St Clair Extension project	32,000,000
San Francisco Bay Area—BART airport extension/San Jose Tasman West LRT	27,500,000
San Diego Mid-Coast Corridor project	1,500,000
San Juan Tren Urbano project	4,750,000
Seattle-Renton-Tacoma light rail project	3,000,000
Staten Island-Midtown Ferry service project	375,000
Tampa Bay regional rail project	2,000,000
Virginia Rail Express Richmond to Washington commuter rail project	3,000,000
Whitehall Ferry Terminal, New York, New York	3,750,000

Amendment No. 69: Provides $6,390,000 for the Alaska-Hollis to Ketchikan ferry project, as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 70: Provides $64,410,000 for the Atlanta-North Springs project instead of $66,820,000 as proposed by the House and $62,000,000 as proposed by the Senate.

Amendment No. 71: Provides $10,260,000 for the Baltimore-LRT Extension project as proposed by the House instead of $5,000,000 as proposed by the Senate.

Amendment No. 72: Provides $30,000,000 for the Boston Piers-MOS–2 project as proposed by the Senate instead of $40,181,000 as proposed by the House.

Amendment No. 73: Provides $1,000,000 for the Burlington-Charlotte, Vermont commuter rail project instead of $2,000,000 as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 74: Provides $3,500,000 for the Canton-Akron Cleveland commuter rail project instead of $5,500,000 as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 75: Provides $22,500,000 for transit improvements in the Chicago downtown area instead of $25,000,000 as proposed by the House and $20,000,000 as proposed by the Senate. Improvements include, but are not limited to: installing a cab signal system for the State Street subway; renovations of the State Street subway continuous station platform; renovation of the CTA subway station and mezzanine at the Jackson/Van Buren subway station; mezzanine and platform rehabilitation of the CTA Grand/State subway station; and design work for Ravenswood/Douglas Branch rehabilitation.

Amendment No. 76: Provides $11,000,000 for the DART North Central light rail extension project instead of $10,000,000 as proposed by the House and $12,000,000 as proposed by the Senate.

Amendment No. 77: Provides $15,250,000 for the Dallas-Fort Worth RAILTRAN project instead of $12,500,000 as proposed by the House and $18,000,000 as proposed by the Senate.

Amendment No. 78: Provides $661,000 for the DeKalb County, Georgia light rail project, instead of $1,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 79: Provides $1,500,000 for the Denver Southwest Corridor project, instead of $3,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 80: Provides $9,000,000 for the Florida Tri-County commuter rail project as proposed by the House instead of $20,000,000 as proposed by the Senate.

Amendment No. 81: Provides $1,000,000 for the Griffin light rail project instead of $2,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 82: Provides $40,590,000 for the Houston Regional Bus project as proposed by the House, instead of $24,000,000 as proposed by the Senate.

Amendment No. 83: Provides $5,500,000 for the Jackson, Mississippi Intermodal Corridor, instead of $7,400,000 as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 84: Provides $15,000,000 for the Jacksonville ASE extension project, instead of $15,300,000 as proposed by the House. The Senate bill contained no similar appropriation. The conferees agree that this appropriation shall complete the Federal Government's financial participation in the automated skyway extension project, as authorized in section 3035(ww) of the Intermodal Surface Transportation Efficiency Act.

Amendment No. 85: Provides $3,000,000 for the Kansas City Southtown corridor project instead of $1,500,000 as proposed by the House and $3,600,000 as proposed by the Senate.

Amendment No. 86: Provides $2,000,000 for the Little Rock, Arkansas Junction Bridge project instead of $6,000,000 as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 87: Provides $70,000,000 for the Los Angeles MOS–3 project instead of $90,000,000 as proposed by the House and $55,000,000 as proposed by the Senate.

Congress has stated clearly that airport funds should not be used for non-airport purposes. Moreover, the House Subcommittee on Transportation Appropriations as stated that it will consider any action to divert revenue illegally from airports in all its decisions regarding funding for transportation projects within its jurisdiction. The conferees are troubled by reports that the City of Los Angeles may be considering the illegal diversion of airport revenues to the city's general fund. Accordingly, the conferees direct that the FTA may only award up to fifty percent of the funding provided for the Los Angeles MOS–3 project in this Act to the Los Angeles Metropolitan Transportation Authority prior to April 1, 1997, provided the department's inspector general (IG) certifies in writing that no revenue has been diverted illegally from the Los Angeles airports to the City of Los Angeles since the enactment of this Act. Similarly, no additional funds may be apportioned after that date unless the IG certifies that no illegal airport revenues diversion has occurred during the fiscal year. It is the intent of the conferees that the IG conduct an expeditious review of this matter so as to not unduly delay the award of funds to the project.

Amendment No. 88: Provides $1,500,000 for the Los Angeles-San Diego commuter rail project as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 89: Provides $33,191,000 for the MARC Commuter Rail Improvement project instead of $27,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

Amendment No. 90: Provides $1,500,000 for the Metro-Dade Transit east-west corridor, Florida project instead of $5,00,000 as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 91: Provides $1,000,000 for the Miami-North 27th Avenue project as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 92: Provides $3,039,000 for the Memphis, Tennessee Regional Rail plan instead of $2,000,000 as proposed by the House and $6,400,000 as proposed by the Senate.

Amendment No. 93: Provides $4,240,000 for the Morgantown, West Virginia Personal Rapid Transit System as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 94: Provides $500,000 for the New Jersey West Trenton commuter rail project instead of $1,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 95: Provides $8,000,000 for the New Orleans Canal Street Corridor project as proposed by the House, instead of $10,000,000 as proposed by the Senate.

Amendment No. 96: Provides $2,000,000 for the New Orleans Desire Streetcar project as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 97: Provides $500,000 for the Northern Indiana commuter rail project as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 98: Provides $2,000,000 for the Oklahoma City, MAPS corridor transit system instead of $10,000,000 as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 99: Provides $3,000,000 for the Orange County transitway project instead of $5,000,000 as proposed by the House. The Senate bill contained no similar appropriation.

Amendment No. 100: Provides $10,000,000 for the Pittsburgh Airport busway project instead of $15,100,000 as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 101: Provides $6,000,000 for the Portland South/North light rail transit project as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 102: Provides $138,000,000 for the Portland-Westside/Hillsboro Extension project as proposed by the Senate, instead of $90,000,000 as proposed by the House.

Amendment No. 103: Provides $2,000,000 for the Research Triangle Park, North Carolina regional transit plan instead of $5,000,000 as proposed by the Senate. The House bill contained no similar appropriation.

Amendment No. 104: Provides $6,000,000 for the Sacramento LRT Extension project as proposed by the House instead of $7,000,000 as proposed by the Senate.

Amendment No. 105: Provides $35,000,000 for the Salt Lake City-South LRT project instead of $20,000,000 as proposed by the House and $58,000,000 as proposed by the Senate.

Amendment No. 106: Retains with modification House language stricken by the Senate relating to high-occupancy vehicle lane and corridor design costs. The conferees agree that $10,000,000 of the funds appropriated for this project may be available for high-occupancy vehicle (HOV) lane and corridor design costs. The conferees direct FTA to review the HOV and corridor design costs with respect to this project and report back to the House and Senate Committees on Appropriations on future funding estimates of these activities prior to the hearings on the fiscal year 1998 budget.

Amendment No. 107: Provides $13,500,000 for St. Louis Metrolink instead of $30,000,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 108: Provides $32,000,000 for the St. Louis-St. Clair Extension project instead of $20,000,000 as proposed by the House and $45,000,000 as proposed by the Senate.

Amendment No. 109: Provides $27,500,000 for the San Francisco Area-BART airport extension/San Jose Tasman West LRT projects instead of $35,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Although both the House and Senate's accompanying reports noted the significant progress having been made by BART, each identified significant outstanding concerns and conditions that must be met prior to the issuance of a full funding grant agreement, and, in the Senate report, of a letter of no prejudice. The conferees note that the California statutory amendments required by the House have been enacted. The conferees reiterate all other conditions contained in each report including the sixty day notice to the House and Senate Committees on Appropriations, but have agreed to remove the Senate condition that all litigation be resolved prior to the issuance of a full funding grant agreement or a letter of no prejudice. The conferees note that the FTA provided an updated status to the House and Senate Committees on August 19, 1996; however, the conferees agree that this letter does not satisfy the requirement—nor resolve all of the concerns identified in the conference report accompanying the Department of Transportation and Related Agencies Appropriations Act for fiscal year 1996 or the House and Senate reports accompanying this Act—that the FTA notify House and Senate Committees on Appropriations sixty days prior to the issuance of a full funding grant agreement or letter of no prejudice that each of the Committees' concerns have been resolved. Such notification shall include detailed financial analysis to demonstrate compliance with 49 U.S.C. 5309(e).

For example, the conferees understood that the FTA expected to approve BART's finance plan by the end of August and sign a full funding grant agreement by early October. The conferees note that BART's finance plan assumes a $200,000,000 contribution from the San Francisco International Airport, and understand that the airport has now identified revenue bonds as its source of funds. However, under the airport's agreement with the airlines, it could not formally approve the bonds until after September 2, 1996. On July 1, 1996, the airport submitted its proposed financial plan to the FAA for approval. Upon FAA's review and certification that the airport's proposed financial plan is consistent with federal transportation law and regulations, and the approval of the airport's commission, the airport plans to issue revenue bonds. BART and the airport then expect to execute a memorandum of understanding (MOU) on project budget, schedule, construction, insurance, maintenance, and operating responsibilities. The conferees direct that the FTA not execute a full funding grant agreement until (1) the FAA reviews and certifies that the airport's financial contribution is consistent with federal transportation policy and regulations; (2) the MOU is signed; and (3) the House and Senate Committees on Appropriations are provided a full sixty days to review the project's status and notify the FTA in writing that its concerns have been fully resolved. Only after receiving such congressional notification shall the FTA enter into a full funding grant agreement that limits federal costs of the project to not more than $750,000,000, including all unanticipated contingencies, interest, and other financing costs. If, after sixty days, neither Committee (1) has notified the FTA that any of its concerns remain unresolved or (2) has informed the FTA that additional information is required in order for the Committee to determine whether the concerns are resolved, the FTA may execute a full funding grant agreement in accordance with the directives contained in this report. The conferees agree that a full funding grant agreement shall specifically require that BART, the project sponsors and financiers accept full financial responsibility for all project cost increases and overruns.

Amendment No. 110: Provides $1,500,000 for the San Diego-Mid-Coast Corridor project instead of $3,000,000 as proposed by the House. The Senate bill contained no similar provision.

Amendment No. 111: Provides $4,750,000 for the San Juan Tren Urbano project instead of $9,500,000 as proposed by the House. The Senate bill contained no similar provision.

Amendment No. 112: Provides $3,000,000 for the Seattle-Renton-Tacoma light rail project instead of $5,000,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 113: Provides $375,000 for the Staten Island-Midtown Ferry service project as proposed by the House. The Senate bill contained no similar provision.

Amendment No. 114: Deletes "and" as proposed by the Senate and changes the name of the Tampa to Lakeland commuter rail project in the House engrossed bill to the Tampa Bay Regional Rail project.

Amendment No. 115: Provides $3,000,000 for the Virginia Rail Express Richmond to Washington commuter rail project instead of $8,000,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 116: Provides $3,750,000 for the Whitehall ferry terminal, New York, New York, instead of $2,500,000 as proposed by the House and $5,000,000 as proposed by the Senate.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 117: Appropriates $2,300,000,000 to liquidate contract authority obligations for mass transit capital programs as proposed by the Senate instead of $2,000,000,000 as proposed by the House.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Amendment No. 118: Appropriates $200,000,000 for construction of the Washington, D.C. metrorail system as proposed by the House instead of $198,510,000 as proposed by the Senate.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

Amendment No. 119: Appropriates $10,337,000 for operations and maintenance of the Saint Lawrence Seaway Development Corporation as proposed by the Senate instead of $10,037,000 as proposed by the House.

Performance-based organization report.—In July, 1996, the Department of Transportation proposed legislation to restructure the Seaway into a performance-based organization (PBO). Given the late date of the legislation and the dramatic impact of establishing the Seaway Corporation as a PBO, neither the House and Senate Committees on Appropriations nor the appropriate authorizing committees have had sufficient opportunity to review the proposal.

The conferees direct the General Accounting Office to submit a report to the House and Senate Committees on Appropriations, the House Transportation and Infrastructure Committee, and the Senate Commerce Committee evaluating the performance-based organization concept, with a specific emphasis on the Saint Lawrence Seaway Development Corporation. This report shall address financing mechanisms, accountability, Congressional oversight, management structure, regional impacts, and safety concerns, and shall be provided to the committees by May 15, 1997.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

Amendment No. 120: Appropriates $26,886,000 for research and special programs instead of $23,929,000 as proposed by the House and $27,675,000 as proposed by the Senate.

The conference agreement distributes the research and special programs appropriation and 197 full-time equivalent staff positions as follows:

	Amount	Positions
Hazardous materials safety	$15,472,000	131
Research and technology	3,580,000	13
Emergency transportation	993,000	7
Program support	6,841,000	46

The conference agreement includes the following adjustments to the budget request:

Hazardous materials safety:	
Personnel, compensation and benefits	+$1,111,000
Operating expenses	+569,000
Information systems	+125,000
Research and analysis	+315,000
Hazmat training	+225,000
Information dissemination	+315,000
Research and technology:	
Operating expenses	−17,000
Technology development	−3,908,000
Technology applications	−600,000

Hazardous materials safety positions.—The conferees provide the Administrator with the discretion to transfer up to two hazmat safety positions and $200,000 into program support.

Hazardous materials rulemaking.—The conferees understand that the Research and Special Programs Administration (RSPA) is currently evaluating comments received in relation to a proposal intended to achieve uniformity and streamline the application and enforcement of federal hazardous materials regulations. As currently drafted, the proposed regulations may add thousands of dollars annually in increased compliance costs to farmers and agribusinesses without improving safety. The conferees strongly encourage RSPA to give serious consideration to establishing an agriculture exemption consistent with similar exemptions already granted by the department.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

Amendment No. 121: Appropriates $30,988,000 for pipeline safety as proposed by the House instead of $31,278,000 as proposed by the Senate.

Amendment No. 122: Provides $28,460,000 from the pipeline safety fund as proposed by the House instead of $28,750,000 as proposed by the Senate. The conference agreement includes the following reductions from the budget request:

Operating expenses	−$383,000
Information systems	−290,000
Training and information dissemination	−67,000
Research and development	−500,000
Grants	−1,800,000
Total reduction	−3,040,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Amendment No. 123: Appropriates $37,900,000 for salaries and expenses of the office of inspector general instead of $39,450,000 as proposed by the House and $39,700,000 as proposed by the Senate. The conference agreement reflects the reduction of $1,900,000 for contract audits, as described in amendment numbered 124.

Amendment No. 124: Provides that none of the funds provided for the office of inspector general may be used for contract audits, as proposed by the House. The Senate bill included $1,900,000 for contract audits. The conferees agree with the House's position that such audits should be paid for by the operating administrations, and not by the Inspector General. This is consistent with recommendations made by OMB in its December 3, 1992 Interagency Task Force Report on the Federal Contract Audit Process, and would require those agencies receiving the direct benefit of the service to pay for it. Since the IG will no longer be providing funds for these audits, the results from the application of those funds should no longer be included in the IG's semi-annual reports to the Congress. In addition, the conferees agree that the office of inspector general should continue to serve in a coordinating role between the operating administrations and the Defense Contract Audit Agency, in order to streamline the administration of this process.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

Amendment No. 125: Deletes language proposed by the Senate which prohibits appropriated funds from being used to increase fees for services in connection with rail maximum rate complaints. The House bill contained no similar provision.

The conferees believe that following the final decision by the Surface Transportation Board on its user fee schedule for fiscal year 1997, which was issued on August 14, 1996, it would be imprudent to impose additional restrictions on what type and/or amount of user fees that the Board can collect. Following the termination of the Interstate Commerce Commission, both the Congress and the administration suggested that the Surface Transportation Board reduce its reliance on general fund appropriations. As such, earlier this year, the Board planned to increase existing fees and adopt new fees where none had been previously imposed, to better reflect the costs the Board incurs in providing services to the public. After announcing its original plans to raise fees, a significant number of concern were outlined by the affected parties. After considering these concerns, the Board decided to establish fees that will be significantly lower than those originally proposed and substantially below the costs to the agency of providing these services. Any party that experiences hardship from the fee increase may request relief under the Board's fee-waiver procedures. While the conferees are reluctant to restrict the Board's ability to set fees, the Board should be mindful of raising fees to unreasonable levels.

Title III—General Provisions

Amendment No. 126: Includes "program," as proposed by the House instead of "program;" as proposed by the Senate.

Amendment No. 127: Includes "program, and" as proposed by the House instead of "program;" as proposed by the Senate.

Amendment No. 128: Deletes language proposed by the Senate that would have set aside from the federal-aid highways obligation limitation $5,000,000 for construction skill training; $5,000,000 for congestion pricing pilot program; $15,000,000 for the Woodrow Wilson Bridge; $30,000,000 for Appalachian Regional Commission highway construction; and $15,000,000 for the Symms National Recreational Trails program. The House bill contained no similar provisions.

Amendment No. 129: Includes "Provided" as proposed by the House instead of "Provided further" as proposed by the Senate.

Amendment No. 130: Provides for a one-time increase in the administrative takedown of the federal-aid highways program in fiscal year 1997 to 4¼ percent instead of 4¾ percent as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 131: Restores House language stricken by the Senate that prohibits the use of funds to prepare, propose or promulgate any regulations that prescribe changes in the corporate average fuel economy standards for automobiles.

Amendment No. 132: Retains language proposed by the Senate that would permit the Administrator of the Federal Aviation Administration to expend funds for a sixth runway at the new Denver International Airport if safety conditions warrant the obligation instead of prohibiting funds as proposed by the House.

Amendment No. 133: Deletes both House and Senate language on the expenditure of funds for the collection of airline statistics by the Bureau of Transportation Statistics (BTS) and makes a technical change to the House engrossed bill. The conferees note that section 6006(b) of the Intermodal Surface Transportation Efficiency Act (ISTEA) specifies that BTS compile, analyze and publish "a comprehensive set of transportation statistics" and that the conference report accompanying ISTEA states, "data management by [BTS] shall not be limited to highway transportation, but is extended to include rail, highways, ships and air transport." Therefore, the conferees believe that funds provided by section 6006(b) of ISTEA can be used for the purpose of collecting airline statistics should the Department elect to do so.

Amendment No. 134: Restores House language stricken by the Senate that prohibits the use of funds for improvements to the Miller Highway in New York City, New York.

Amendment No. 135: Limits the necessary expenses of advisory committees to $1,250,000 instead of $850,000 as proposed by the House and $1,050,000 as proposed by the Senate.

Amendment No. 136: Restores House language stricken by the Senate that prohibits funds other than those appropriated to pay for activities of the Surface Transportation Board.

Amendment No. 137: Includes language proposed by the Senate that exempts the National Railroad Passenger Corporation (Amtrak) from certain state and local laws relative to the northeast corridor improvement project. The House bill contained no similar provision.

Amendment No. 138: Includes language proposed by the Senate that increases the authorization for funding the Westside light rail project from $515,000,000 to $555,000,000. The House bill contained no similar authorization.

Amendment No. 139: Restores House language stricken by the Senate that permits funds made available to the State of Michigan under section 3035(kk) of the Intermodal Surface Transportation Efficiency Act to be used for the purchase of buses and bus-related equipment and facilities.

Amendment No. 140: Restores House language stricken by the Senate that provides $2,400,000 for the National Civil Aviation Review Commission.

Amendment No. 141: Includes language proposed by the Senate that makes funds available to Kauai, Hawaii, in Public Laws 103–122 and 103–331 available for operating assistance. The House bill contained no similar provision.

Amendment No. 142: Restores House language stricken by the Senate that transfers a certain lighthouse in Montauk, New York.

Amendment No. 143: Includes language proposed by the Senate that would require that improvements identified by section 1069(t) of Public Law 102–240 and funded pursuant to section 118(c)(2) of title 23, United States Code shall not be treated as an allocation for interstate maintenance. The House bill contained no similar provision.

Amendment No. 144: Includes language proposed by the Senate that makes receipts collected from users of the Department of Transportation's fitness centers available to support the operation and maintenance of those facilities. The House bill contained no similar provision.

Amendment No. 145: Includes language proposed by the Senate that prohibits the National Transportation Safety Board to plan, conduct, or enter into any contract to study the feasibility of allowing individuals who are more than 60 years of age to pilot commercial aircraft. The House bill contained similar language under title V.

Amendment No. 146: Includes language proposed by the Senate that limits cash awards for certain employees of the Department of Transportation to $25,448,300. The House bill contained no similar provision.

Amendment No. 147: Makes technical change to language proposed by the Senate that exempts the National Railroad Passenger Corporation (Amtrak) from state or local laws relating to abandoned or unclaimed ticket refunds. The House bill contained no similar provision.

Amendment No. 148: Makes technical changes to language proposed by the senate that relates to aviation operations staffing at Dutch Harbor, Alaska. The House bill contained no similar provision.

Amendment No. 149: Modifies language proposed by the Senate that provides voluntary separation payments to certain employees of the Department of Transportation. Modifications include limiting the period during which voluntary separation payments can be made to fiscal year 1997 and denying voluntary separation payment benefits to those individuals eligible to receive full retirement benefits. The House bill contained no similar provision.

Amendment No. 150: Deletes language proposed by the Senate relating to the reporting of excise tax data and the impact on the allocation of federal-aid highway funds. The House bill contained no similar provision.

Amendment No. 151: Deletes sense of the Senate language to establish the Saint Lawrence Seaway Development Corporation as a performance-based organization and incorporates text of H.R. 1855, a bill restricting the authority of the Superior Court of the District of Columbia over certain cases involving child custody.

Amendment No. 152: Includes language proposed by the Senate which directs an independent assessment of the Federal Aviation Administration acquisition system, and deletes a Sense of the Congress provision regarding Federal Aviation Administration procurement proposed by the Senate. The House bill contained no similar provision.

Amendment No. 153: Includes language proposed by the Senate relating to the transportation of sugar beets on longer combination vehicles in the State of Nebraska. The House bill contained no similar provision.

Amendment No. 154: Includes language proposed by the Senate that relates to state incentive payments for rail-highway crossings. The House bill contained no similar provision.

Amendment No. 155: Includes language proposed by the Senate that prohibits the Coast Guard from enforcing regulations regarding animal fats and vegetable oils. The House bill contained no similar provision.

Amendment No. 156: Deletes language proposed by the Senate that would make eligible certain deteriorating conditions on roadways for federal-aid highways emergency relief funds. The House bill contained no similar provision.

Amendment No. 157: Includes language that provides that up to $200,000 may be made available for the Railroad Safety Institute from funds made available to the administrator of the Federal Railroad Administration instead of language proposed by the Senate that shall provide up to $500,000 from funds made available to the Federal Railroad Administration. The House bill contained no similar provision.

Amendment No. 158: Deletes language proposed by the Senate relating to train whistle requirements. The House bill contained no similar provision.

Amendment No. 159: Includes language proposed by the Senate prohibiting funds to levy penalties on the States of Maine or New Hampshire based on non-compliance with federal vehicle weight limitations. The House bill contained no similar provision.

Title IV—Miscellaneous Highway Provisions

Amendment No. 160: Restores House language stricken by the Senate relating to semitrailer units operating on U.S. Route 15 in the Commonwealth of Virginia.

Amendment No. 161: Restores House language stricken by the Senate relating to the reallocation of previously provided funds for the construction of a new bridge and approaches over the Mobile River in Alabama.

Amendment No. 162: Restores House language stricken by the Senate relating to the reallocation of previously provided funds for the construction of intermodal port facilities in the U.S. Virgin Islands.

Amendment No. 163: Includes language proposed by the Senate relating to authorizations for grade crossings in Nassau and Suffolk counties in New York. The House bill contained no similar provision.

Amendment No. 164: Restores House language stricken by the Senate relating to the authorization of a traffic improvement demonstration project in Michigan.

Amendment No. 165: Includes language proposed by the Senate relating to previously provided funds for road construction in Indiana. The House bill contained no similar provision.

Amendment No. 166: Includes language proposed by the Senate relating to previously appropriated funds for a highway safety improvement project in Michigan. The House bill contained no similar provision.

Amendment No. 167: Modifies language proposed by the Senate relating to the transfer of funds among highway projects in Minnesota and includes language relating to previously provided funds for road construction in Pennsylvania. The House bill contained no similar provision.

TITLE V—ADDITIONAL GENERAL PROVISIONS

Amendment No. 168: Strikes the heading for title V as proposed by the Senate.

Amendment No. 169: Deletes House language that places a limitation on new loan guarantees for certain railroad projects as proposed by the Senate.

Amendment No. 170: Deletes House language that prohibits the National Transportation Safety Board to plan, conduct, or enter into any contract to study the feasibility of allowing individuals who are more than 60 years of age to pilot commercial aircraft as proposed by the Senate. This provision is included under amendment number 145.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1997 recommended by the Committee of Conference, with comparisons to the fiscal year 1996 amount, the 1997 budget estimates, and the House and Senate bills for 1997 follow:

New budget (obligational) authority, fiscal year 1996	$11,918,532,831
Budget estimates of new (obligational) authority, fiscal year 1997	12,633,915,627
House bill, fiscal year 1997	12,551,311,000
Senate bill, fiscal year 1997	12,560,535,000
Conference agreement, fiscal year 1997	12,601,169,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1996	+682,636,169
Budget estimates of new (obligational) authority, fiscal year 1997	−32,746,627
House bill, fiscal year 1997	+49,858,000
Senate bill, fiscal year 1997	+40,634,000

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	56,189,000	55,376,000	53,816,000	53,376,000	52,966,000	-3,223,000
Office of civil rights	6,554,000	5,574,000	5,574,000	5,574,000	5,574,000	-980,000
Transportation planning, research, and development	8,220,000	7,919,000	3,000,000	3,000,000	3,000,000	-5,220,000
Transportation Administrative Service Center	(103,149,000)	....	(124,812,000)	(124,812,000)	(124,812,000)	(+21,663,000)
Payments to air carriers (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(22,600,000)	(21,922,000)	(10,000,000)	(25,900,000)	(25,900,000)	(+3,300,000)
(Limitation on obligations)	(22,600,000)	(21,922,000)	(10,000,000)	(25,900,000)	(25,900,000)	(+3,300,000)
Rescission of contract authority	(-16,000,000)	(-16,678,000)	(-28,600,000)	(-12,700,000)	(-12,700,000)	(+3,300,000)
Rescission	(-6,786,971)	(-1,133,373)	(-1,133,000)	(-1,133,000)	(-1,133,000)	(+5,653,971)
Rental payments	135,200,000	137,581,000	127,447,000	129,500,000	127,447,000	-7,753,000
Minority business resource center program	1,900,000	1,900,000	1,900,000	1,900,000	1,900,000	....
(Limitation on direct loans)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	....
Minority business outreach	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	....
Total, Office of the Secretary	210,963,000	211,250,000	194,637,000	196,250,000	193,787,000	-17,176,000
(Limitations on obligations)	(22,600,000)	(21,922,000)	(10,000,000)	(25,900,000)	(25,900,000)	(+3,300,000)
Total budgetary resources	(233,563,000)	(233,172,000)	(204,637,000)	(222,150,000)	(219,687,000)	(-13,876,000)
Coast Guard						
Operating expenses	2,278,991,000	2,519,350,000	2,609,100,000	2,331,350,000	2,319,725,000	+40,734,000
Defense function (050)	....	118,500,000	....	....	....	....
(Transfer from DOD)	(300,000,000)	....	....	(300,000,000)	(300,000,000)	....
Acquisition, construction, and improvements:						
Offsetting collections	....	-20,000,000	-20,000,000	....	....	....
Vessels	167,600,000	237,000,000	205,600,000	227,960,000	216,500,000	+48,900,000
Aircraft	12,000,000	21,400,000	18,300,000	19,040,000	18,040,000	+6,040,000
Other equipment	49,200,000	46,700,000	39,900,000	46,200,000	41,700,000	-7,500,000
Shore facilities and aids to navigation facilities	88,875,000	59,500,000	47,950,000	52,900,000	52,350,000	-36,525,000
Personnel and related support	44,700,000	47,000,000	46,250,000	47,000,000	46,250,000	+1,550,000
Rescission, FY 1995	....	....	-355,000	....	....	....
Rescission, FY 1996	....	....	-3,400,000	....	....	....
Subtotal, A C & I appropriations	362,375,000	411,600,000	358,000,000	393,100,000	374,840,000	+12,465,000

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Adjustments	....	-20,000,000	-23,755,000	....	....	....
Net total, A C & I	362,375,000	391,600,000	334,245,000	393,100,000	374,840,000	+12,465,000
Environmental compliance and restoration	21,000,000	25,000,000	21,000,000	23,000,000	22,000,000	+1,000,000
Port Safety Development	15,000,000	....	....	5,000,000	5,000,000	-10,000,000
Alteration of bridges	16,000,000	2,000,000	16,000,000	10,000,000	16,000,000	....
Retired pay	582,022,000	608,084,000	608,084,000	608,084,000	608,084,000	+26,062,000
Reserve training	62,000,000	65,890,000	65,890,000	65,890,000	65,890,000	+3,890,000
Research, development, test, and evaluation	18,000,000	20,300,000	19,000,000	19,550,000	19,200,000	+1,200,000
Boat safety (Aquatic Resources Trust Fund)	20,000,000	....	35,000,000	10,000,000	35,000,000	+15,000,000
Total, Coast Guard	3,375,388,000	3,750,724,000	3,708,319,000	3,465,974,000	3,465,739,000	+90,351,000
Federal Aviation Administration						
Operations	4,645,712,000	4,918,269,000	4,900,000,000	4,899,957,000	4,900,000,000	+254,288,000
Offsetting Collections	....	-150,000,000	-30,000,000	-75,000,000	-75,000,000	-75,000,000
Facilities & equipment (Airport & Airway Trust Fund)	1,934,883,000	1,788,700,000	1,800,000,000	1,788,700,000	1,790,000,000	-144,883,000
Rescission	(-60,000,000)	....	....	....	....	(+60,000,000)
Research, engineering, and development (Airport and Airway Trust Fund)	185,698,000	195,700,000	185,000,000	188,490,000	187,412,000	+1,714,000
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	....
(Limitation on obligations)	(1,450,000,000)	(1,350,000,000)	(1,300,000,000)	(1,460,000,000)	(1,460,000,000)	(+10,000,000)
Rescission of contract authority	(-664,000,000)	....	....	....	....	(+664,000,000)
Aircraft purchase loan guarantee program (indefinite borrowing authority)	50,000	....	....	....	....	-50,000
(Limitation on borrowing authority)	(1,600,000)	....	....	....	....	(-1,600,000)
Total, Federal Aviation Administration	6,766,343,000	6,752,669,000	6,855,000,000	6,802,147,000	6,802,412,000	+36,069,000
(Limitations on obligations)	(1,450,000,000)	(1,350,000,000)	(1,300,000,000)	(1,460,000,000)	(1,460,000,000)	(+10,000,000)
Total budgetary resources	(8,216,343,000)	(8,102,669,000)	(8,155,000,000)	(8,262,147,000)	(8,262,412,000)	(+46,069,000)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Highway Administration						
Limitation on general operating expenses	(509,660,000)	(652,905,000)	(510,981,000)	(534,846,000)	(521,114,000)	(+11,454,000)
Highway-related safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(11,000,000)	(2,049,000)	(2,049,000)	(2,049,000)	(2,049,000)	(-8,951,000)
(Limitation on obligations)	(11,000,000)	....	....	....	....	(-11,000,000)
Rescission of contract authority	(-9,000,000)	....	....	....	....	(+9,000,000)
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(17,550,000,000)	(17,714,000,000)	(17,550,000,000)	(17,650,000,000)	(18,000,000,000)	(+450,000,000)
(Exempt obligations) (sec. 310)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(2,055,000,000)	(2,055,000,000)	(-276,507,000)
(Liquidation of contract authorization)	(19,200,000,000)	(19,800,000,000)	(19,800,000,000)	(19,800,000,000)	(19,800,000,000)	(+600,000,000)
Emergency appropriations	(300,000,000)	....	....	....	....	(-300,000,000)
Right-of-way revolving funds (Highway Trust Fund)	....	....	....	8,000,000	....	....
Motor carrier safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(68,000,000)	(74,000,000)	(74,000,000)	(74,000,000)	(74,000,000)	(+6,000,000)
(Limitation on obligations)	(77,225,000)	(85,000,000)	(77,425,000)	(79,000,000)	(78,225,000)	(+1,000,000)
Rescission of contract authority	(-33,000,000)	....	....	....	....	(+33,000,000)
Alameda corridor project loan program	....	58,680,000	....	....	....	....
Alameda corridor project loan limitation	....	(400,000,000)	....	....	....	....
State infrastructure banks (Highway Trust Fund)	....	250,000,000	....	250,000,000	....	....
State infrastructure banks	....	....	....	....	150,000,000	+150,000,000
Total, Federal Highway Administration	....	308,680,000	....	258,000,000	150,000,000	+150,000,000
(Limitations on obligations)	(17,638,225,000)	(17,799,000,000)	(17,627,425,000)	(17,729,000,000)	(18,078,225,000)	(+440,000,000)
(Exempt obligations)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(2,055,000,000)	(2,055,000,000)	(-276,507,000)
Total budgetary resources	(19,969,732,000)	(19,422,482,000)	(19,682,425,000)	(20,042,000,000)	(20,283,225,000)	(+313,493,000)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
National Highway Traffic Safety Administration						
Operations and research	73,316,570	98,976,000	81,895,000	80,000,000	80,900,000	+7,583,430
Operations and research (Highway Trust Fund)	51,884,430	59,537,000	50,377,000	53,195,000	51,712,000	-172,430
Subtotal, Operations and research	125,201,000	158,513,000	132,272,000	133,195,000	132,612,000	+7,411,000
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(155,100,000)	(191,000,000)	(167,100,000)	(169,100,000)	(168,100,000)	(+13,000,000)
State and community highway safety grants (Sec. 402) (limitation on obligations)	(127,700,000)	(151,200,000)	(127,700,000)	(129,700,000)	(128,700,000)	(+1,000,000)
National Driver Register (Sec. 402) (limitation on obligations)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	....
Highway safety grants (Sec. 1003(a)(7)) (limitation on obligations)	....	(15,000,000)	(11,000,000)	(12,000,000)	(11,500,000)	(+11,500,000)
Alcohol-impaired driving countermeasures programs (Sec. 410) (limitation on obligations)	(25,000,000)	(25,000,000)	(26,000,000)	(25,000,000)	(25,500,000)	(+500,000)
Rescission of contract authority	(-56,000,000)	....	....	....	....	(+56,000,000)
Total, National Highway Traffic Safety Administration	125,201,000	158,513,000	132,272,000	133,195,000	132,612,000	+7,411,000
(Limitations on obligations)	(155,100,000)	(193,600,000)	(167,100,000)	(169,100,000)	(168,100,000)	(+13,000,000)
Total budgetary resources	(280,301,000)	(352,113,000)	(299,372,000)	(302,295,000)	(300,712,000)	(+20,411,000)
Federal Railroad Administration						
Office of the Administrator	14,018,000	16,883,000	16,469,000	16,739,000	16,739,000	+2,721,000
Railroad safety	49,919,000	51,864,000	51,407,000	51,407,000	51,407,000	+1,488,000
Railroad research and development	24,550,000	24,565,000	20,341,000	20,000,000	20,100,000	-4,450,000
Northeast corridor improvement program	115,000,000	200,000,000	....	200,000,000	115,000,000	....
Railroad rehabilitation and improvement program (Sec. 511 loan guarantees)	....	....	....	4,158,000	....	....
(Limitation on direct loans)	....	....	....	(75,000,000)	....	....
High-speed rail trainsets and facilities	....	80,000,000	80,000,000	80,000,000	80,000,000	+80,000,000
Next generation high speed rail	19,205,000	26,525,000	19,757,000	26,525,000	24,757,000	+5,552,000
Trust fund share of next generation high-speed rail (Highway Trust Fund):						
(Liquidation of contract authorization)	(7,118,000)	(2,855,000)	(2,855,000)	(2,855,000)	(2,855,000)	(-4,263,000)
(Limitation on obligations)	(5,000,000)	....	....	....	....	(-5,000,000)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Alaska Railroad rehabilitation	10,000,000			10,000,000	10,000,000	
Rhode Island Rail Development	1,000,000	10,000,000	4,000,000	10,000,000	7,000,000	+6,000,000
Direct loan financing program			58,680,000			
Direct loan financing program limitation			(400,000,000)			
Grants to the National Railroad Passenger Corporation:						
Operations	305,000,000	342,000,000	342,000,000	342,000,000	342,000,000	+37,000,000
Transition costs	100,000,000					-100,000,000
Capital	230,000,000	296,500,000	120,000,000	250,000,000	223,450,000	-6,550,000
Total	635,000,000	638,500,000	462,000,000	592,000,000	565,450,000	-69,550,000
Total, Federal Railroad Administration	868,692,000	1,048,337,000	712,654,000	1,010,829,000	890,453,000	+21,761,000
(Limitations on obligations)	(5,000,000)					(-5,000,000)
Total budgetary resources	(873,692,000)	(1,048,337,000)	(712,654,000)	(1,010,829,000)	(890,453,000)	(+16,761,000)
Federal Transit Administration						
Administrative expenses	42,000,000	43,652,000	41,367,000	42,147,000	41,497,000	-503,000
Formula grants	942,925,000	221,122,000	490,000,000	218,335,000	490,000,000	-452,925,000
Formula grants (Highway Trust Fund) (limitation on obligations)	(1,110,000,000)	(1,930,850,000)	(1,562,925,000)	(1,930,850,000)	(1,659,185,000)	(+549,185,000)
Operating assistance grants	(400,000,000)	(500,000,000)	(400,000,000)	(400,000,000)	(400,000,000)	
Subtotal, Formula grants	(2,052,925,000)	(2,151,972,000)	(2,052,925,000)	(2,149,185,000)	(2,149,185,000)	(+96,260,000)
University transportation centers	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	
Transit planning and research	85,500,000	85,500,000	85,500,000	85,500,000	85,500,000	
Metropolitan planning	(39,500,000)	(39,500,000)	(39,500,000)	(39,500,000)	(39,500,000)	
Rural transit assistance	(4,500,000)	(4,500,000)	(4,500,000)	(4,500,000)	(4,500,000)	
Transit cooperative research	(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	
National planning and research	(22,000,000)	(22,000,000)	(22,000,000)	(22,000,000)	(22,000,000)	
State planning and research	(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	(8,250,000)	
National transit institute	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	
Subtotal, Transit planning and research	(85,500,000)	(85,500,000)	(85,500,000)	(85,500,000)	(85,500,000)	

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(1,120,850,000)	(1,920,000,000)	(1,920,000,000)	(1,920,000,000)	(1,920,000,000)	(+799,150,000)
Discretionary grants (Highway Trust Fund) (limitation on obligations):						
Fixed guideway modernization	(666,000,000)	(725,000,000)	(666,000,000)	(725,000,000)	(760,000,000)	(+94,000,000)
Bus and bus-related facilities	(333,000,000)	(274,000,000)	(333,000,000)	(375,000,000)	(380,000,000)	(+47,000,000)
New starts	(666,000,000)	(800,000,000)	(666,000,000)	(800,000,000)	(760,000,000)	(+94,000,000)
Subtotal, Discretionary grants	(1,665,000,000)	(1,799,000,000)	(1,665,000,000)	(1,900,000,000)	(1,900,000,000)	(+235,000,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,375,000,000)	(2,000,000,000)	(2,000,000,000)	(2,300,000,000)	(2,300,000,000)	(-75,000,000)
Washington Metropolitan Area Transit Authority	200,000,000	200,000,000	200,000,000	196,510,000	200,000,000	....
Violent crime reduction programs (Violent Crime Reduction Trust Fund)	....	10,000,000	....	....	....	....
Total, Federal Transit Administration	1,276,425,000	566,274,000	822,867,000	550,492,000	822,997,000	-453,428,000
(Limitations on obligations)	(2,775,000,000)	(3,729,850,000)	(3,227,925,000)	(3,830,850,000)	(3,559,185,000)	(+784,185,000)
Total budgetary resources	(4,051,425,000)	(4,296,124,000)	(4,050,792,000)	(4,381,342,000)	(4,382,182,000)	(+330,757,000)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	10,150,000	10,065,000	10,037,000	10,337,000	10,337,000	+187,000
Research and Special Programs Administration						
Research and special programs	23,937,000	28,169,000	23,929,000	27,675,000	26,886,000	+2,949,000
Hazardous materials safety	(12,650,000)	(12,812,000)	(12,772,000)	(15,572,000)	(15,472,000)	(+2,822,000)
Emergency transportation	(1,022,000)	(993,000)	(993,000)	(993,000)	(993,000)	(-29,000)
Research and technology	(3,288,000)	(7,488,000)	(3,323,000)	(4,269,000)	(3,580,000)	(+292,000)
Program and administrative support	(7,388,000)	(6,876,000)	(6,841,000)	(6,841,000)	(6,841,000)	(-547,000)
Accountwide adjustment	(-411,000)	....	....	....	....	(+411,000)
Subtotal, research and special programs	(23,937,000)	(28,169,000)	(23,929,000)	(27,675,000)	(26,886,000)	(+2,949,000)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Pipeline safety (Pipeline Safety Fund)	28,750,000	31,500,000	28,460,000	28,750,000	28,460,000	-290,000
Pipeline safety (Oil Spill Liability Trust Fund)	2,698,000	2,528,000	2,528,000	2,528,000	2,528,000	-170,000
Subtotal, Pipeline safety	31,448,000	34,028,000	30,988,000	31,278,000	30,988,000	-460,000
Emergency preparedness grants:						
Emergency preparedness fund	400,000	200,000	200,000	200,000	200,000	-200,000
(Limitation on obligations)	(8,890,000)	....	....	....	....	(-8,890,000)
Total, Research and Special Programs Administration	55,785,000	62,397,000	55,117,000	59,153,000	58,074,000	+2,289,000
(Limitations on obligations)	(8,890,000)	....	....	....	....	(-8,890,000)
Total budgetary resources	(64,675,000)	(62,397,000)	(55,117,000)	(59,153,000)	(58,074,000)	(-6,601,000)
Office of Inspector General						
Salaries and expenses	40,238,000	39,771,000	39,450,000	39,700,000	37,900,000	-2,338,000
Bureau of Transportation Statistics						
Salaries and expenses	2,200,000	....	....	....	....	-2,200,000
Office of Airline Information (Airport & airway trust fund)	....	3,100,000	....	....	....	....
Surface Transportation Board						
Salaries and expenses	....	3,000,000	12,344,000	12,344,000	12,344,000	+12,344,000
Offsetting Collections	....	-3,000,000	....	....	....	....
General Provisions						
Bureau of Transportation Statistics (transfer from Federal-aid Highways)	(20,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(+5,000,000)
Transportation Administrative Service Center reduction	-7,500,000	....	-10,000,000	-10,000,000	-10,000,000	-2,500,000
DOT field office consolidation (sec. 335)	-25,000,000	....	....	....	....	+25,000,000
ICC transition (sec. 344)	8,421,000	....	....	....	....	-8,421,000

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Total, title I, Department of Transportation (net)	11,862,519,029	12,893,968,627	12,502,964,000	12,514,588,000	12,552,822,000	+690,302,971
Appropriations	(12,707,306,000)	(12,911,780,000)	(12,536,452,000)	(12,528,421,000)	(12,566,655,000)	(-140,651,000)
Rescissions	(-844,786,971)	(-17,811,373)	(-33,488,000)	(-13,833,000)	(-13,833,000)	(+830,953,971)
(Limitations on obligations)	(22,054,815,000)	(23,094,372,000)	(22,332,450,000)	(23,214,850,000)	(23,291,410,000)	(+1,236,595,000)
(Exempt obligations)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(2,055,000,000)	(2,055,000,000)	(-276,507,000)
Total budgetary resources including (limitations on obligations) and (exempt obligations)	(36,248,841,029)	(37,303,142,627)	(36,890,414,000)	(37,784,438,000)	(37,899,232,000)	(+1,650,390,971)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	3,500,000	3,540,000	3,540,000	3,540,000	3,540,000	+40,000
National Transportation Safety Board						
Salaries and expenses	38,774,000	42,407,000	42,407,000	42,407,000	42,407,000	+3,633,000
Emergency fund	360,802					-360,802
Total, National Transportation Safety Board	39,134,802	42,407,000	42,407,000	42,407,000	42,407,000	+3,272,198
Interstate Commerce Commission						
Salaries and expenses	13,379,000					-13,379,000
Payments for directed rail service (limitation on obligations)	(475,000)					(-475,000)
Total, Interstate Commerce Commission	(13,854,000)					(-13,854,000)
Panama Canal Commission						
Panama Canal Revolving Fund: (Limitation on administrative expenses)	(52,741,000)					(-52,741,000)
Total, title II, Related Agencies	56,013,802	45,947,000	45,947,000	45,947,000	45,947,000	-10,066,802
(Limitation on obligations)	(475,000)					(-475,000)
Total budgetary resources	(56,488,802)	(45,947,000)	(45,947,000)	(45,947,000)	(45,947,000)	(-10,541,802)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE III - GENERAL PROVISIONS						
General Provision 310	....	(-41,000,000)	....	....	....	....
General Provision 310(f)	....	-306,000,000	....	....	....	....
Sec. 338 - National Civil Aviation Review Commission	....	....	2,400,000	....	2,400,000	+2,400,000
Total appropriations (net)	11,918,532,831	12,633,915,627	12,551,311,000	12,560,535,000	12,601,169,000	+682,636,169
Scorekeeping adjustments	368,676,148	-6,000,000	-1,000,000	-2,513,604	-2,513,604	-371,189,752
Grand total (net)	12,287,208,979	12,627,915,627	12,550,311,000	12,558,021,396	12,598,655,396	+311,446,417
Appropriations	(13,131,995,950)	(12,645,727,000)	(12,583,799,000)	(12,571,854,396)	(12,612,488,396)	(-519,507,554)
Rescissions	(-844,786,971)	(-17,811,373)	(-33,488,000)	(-13,833,000)	(-13,833,000)	(+830,953,971)
(Limitations on obligations)	(22,055,290,000)	(23,053,372,000)	(22,332,450,000)	(23,214,850,000)	(23,291,410,000)	(+1,236,120,000)
(Exempt obligations)	(2,331,507,000)	(1,314,802,000)	(2,055,000,000)	(2,055,000,000)	(2,055,000,000)	(-276,507,000)
Grand total budgetary resources including (limitations on obligations) and (exempt obligations)	(36,674,005,979)	(36,996,089,627)	(36,937,761,000)	(37,827,871,396)	(37,945,065,396)	(+1,271,059,417)
CONGRESSIONAL BUDGET RECAP						
Total mandatory and discretionary	12,287,208,979	12,627,915,627	12,550,311,000	12,558,021,396	12,598,655,396	+311,446,417
Mandatory	582,072,000	608,084,000	608,084,000	608,084,000	608,084,000	+26,012,000
Discretionary:						
Crime trust fund	....	10,000,000	....	....	....	....
General purposes:						
Defense (050)	....	118,500,000	....	....	....	....
Nondefense	11,705,136,979	11,891,331,627	11,942,227,000	11,949,937,396	11,990,571,396	+285,434,417
Total, General purposes	11,705,136,979	12,009,831,627	11,942,227,000	11,949,937,396	11,990,571,396	+285,434,417
Total, Discretionary	11,705,136,979	12,019,831,627	11,942,227,000	11,949,937,396	11,990,571,396	+285,434,417

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
JIM LIGHTFOOT,
RON PACKARD,
SONNY CALLAHAN,
JAY DICKEY,
MARTIN OLAV SABO,
RICHARD J. DURBIN (except amendments 150 and 151 and amendment 158),
RONALD COLEMAN,
THOMAS M. FOGLIETTA,
DAVID R. OBEY,
Managers on the Part of the House.
MARK O. HATFIELD,
PETE V. DOMENICI (except amendment 150),
ARLEN SPECTER,
CHRISTOPHER S. BOND,
SLADE GORTON,
RICHARD C. SHELBY,
FRANK R. LAUTENBERG,
ROBERT C. BYRD (except amendment 150),
TOM HARKIN,
BARBARA MIKULSKI,
Managers on the Part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, September 16, 1996.
The Honorable NEWT GINGRICH,
The Speaker,
U.S. House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, September 13 at 11:20 a.m. and said to contain a message from the President wherein he transmits a 6-month periodic report on the national emergency with respect to Iran.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–261)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House of Representatives and the President of the Senate by letter dated March 15, 1995. Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits transactions such as brokering and other dealing by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, and certain trade transactions that a United States person is prohibited from performing; (6) continue the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by any United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakstan, Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House of Representatives and the President of the Senate by letters dated May 6, 1995.

2. On March 8, 1996, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for information and informational materials and certain other limited exceptions.

3. There were no amendments to the Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR") during the reporting period.

4. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 24 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran and the importation of Iranian-origin goods. The majority of the licenses issued authorized the completion of commodity "string transactions" entered into by U.S. parties with respect to foreign commodities and having no knowledge or control over the Iranian interest in the contracts; the export and reexport of goods, services, and

technology essential to ensure the safety of civil aviation and safe operation of certain commercial passenger aircraft in Iran; licenses relating to Iranian participation in the 1996 Atlanta Olympic and Paralympic Games; the importation of Iranian-origin artwork for public exhibition; and certain humanitarian imports and exports. In light of statutory restrictions applicable to goods and technology involved in the air safety cases, the Department of the Treasury continues to consult and coordinate with the Departments of State and Commerce on these matters, consistent with section 4 of Executive Order 12959.

In consultation with the Board of Governors of the Federal Reserve System and bank regulators in New York and California, OFAC revoked the licenses of all Iranian banking agencies in the United States. State regulators then required them to convert to Representative Office status. There are now no Iranian banks authorized to conduct banking business in the United States. Activities have been restricted to "limited representation," allowing only research and coordination with U.S. holders of affiliate correspondent accounts.

Bank Saderat, Iran's New York Representative Office, was nominated by the Central Bank of Iran to act as its agent for procedures outlined in the "Airbus" settlement at The Hague. Accordingly, Bank Saderat was separately licensed by OFAC for the limited purpose of collecting information for the Central Bank of Iran about U.S. commercial claims against Iranian banks. The information will be forwarded to and cleared by Iranian and State Department officials and used in making independent determinations as to which claims can be paid from a special escrow account established at the Federal Reserve Bank of New York.

The U.S. financial community continues to interdict transactions associated with Iran and to consult with OFAC about their appropriate handling. During this reporting period, OFAC took decisive action to prevent the U.S. clearing of third country dollar travelers checks sold by Iranian banks.

5. The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since March 11, 1996, OFAC has collected two civil penalties totaling $6,000. The violations underlying these collections involve unlicensed exports to Iran. Civil penalty action is pending against 12 U.S. companies and financial institutions for violations of the Regulations.

6. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1996, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $850,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Political-Military Affairs, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsels Office).

7. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals and presents an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its effort to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 13, 1996*.

CONTINUATION OF EMERGENCY WITH RESPECT TO NATIONAL UNION FOR TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-262)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1996, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 864 (1993) continues to oblige all Members States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA to reduce its ability to pursue its aggressive policies of territorial acquisition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1996*.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Thursday, September 12, 1996:

H.R. 1642, to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes;

H.R. 3230, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; and

S. 1669, to name the Department of Veterans Affairs medical center in Jackson, MS, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center."

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORTS ON H.R. 3723, ECONOMIC ESPIONAGE ACT OF 1996; S. 1507, PAROLE COMMISSION PHASE-OUT ACT OF 1995; AND H.R. 3676, CARJACKING CORRECTION ACT OF 1996

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 5 p.m. today to file reports on the following three bills:

H.R. 3723, S. 1507, and H.R. 3676.

It is my understanding that the minority has no objection to this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LIVINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes on September 17, 18, 19, and 20.

Mr. WOLF, for 5 minutes on September 19.

Mr. BURTON of Indiana, for 5 minutes on September 17, 18, and 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LIVINGSTON) and to include extraneous material:)

Ms. HARMAN.
Mr. LANTOS.
Mr. COSTELLO.
Mr. DEUTSCH.
Mr. CONDIT.
Mr. SKELTON.
Mr. VISCLOSKY.
Ms. PELOSI.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1983. An act to amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1642. An act to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes; and

H.R. 3230. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1669. An act to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center."

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On September 13, 1996:

H.R. 3230. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 1642. An act to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes.

ADJOURNMENT

Mr. LIVINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 17, 1996, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5112. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas [FV–95–329] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5113. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—United States Standards for Grades of Frozen Okra [FV–95–328] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5114. A letter from the Manager, Federal Crop Insurance Corporation, Farm Service Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Arizona-California Citrus Crop Insurance Provisions (7 CFR Part 457) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5115. A letter from the Manager, Federal Crop Insurance Corporation, Farm Service Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Texas Citrus Crop Insurance Provisions (RIN: 0563–AB56) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5116. A letter from the Manager, Federal Crop Insurance Corporation, Farm Service Agency, transmitting the Agency's final rule—General Administrative Regulations; Federal Crop Insurance Reform Act of 1994, Regulations for Implementation (RIN: 0563–AB11) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5117. A letter from the Manager, Federal Crop Insurance Corporation, Farm Service Agency, transmitting the Agency's final rule—Catastrophic Risk Protection Endorsement (RIN: 0563–AB09) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5118. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Docket No. R–0927] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5119. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting the Comptroller's final rule—Community Development Corporation and Project Investments and Other Public Welfare Investments [Docket No. 96–21] (RIN: 1557–AB46) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5120. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

5121. A letter from the Assistant Chief Counsel, Office of Thrift Supervision, transmitting the Office's final rule—Lending and Investment (RIN: 1550–AA94) received September 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5122. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for Student Assistance General Provisions (Technical Amendments) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

5123. A letter from the Secretary of Education, transmitting final regulations—Student Assistance General Provisions (Technical Amendments), pursuant to 20 U.S.C. 1232(f); to the Committee on Economic and Educational Opportunities.

5124. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Lead State Implementation Plan for the State of Florida [FRL–5609–3] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management Program: Incorporation by Reference of Approved State Hazardous Waste Program for New Mexico [FRL–5601–5] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5126. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for Colorado; Denver Nonattainment Area PM10 for Contingency

Measures [FRL–5606–4] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5127. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination That State Has Corrected a Deficiency Leading to Sanctions; State of New York [FRL–5607–2] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5128. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Washington [FRL–5603–7] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5129. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Farmington, Grass Valley, Jackson, Linden, Placerville and Fair Oaks, California, Carson City and Sun Valley, Nevada) [MM Docket No. 90–189, RM–6904, RM–7114, RM–7186, RM–7415, RM–7298] received September 13, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

5130. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton, Illinois and Canton, Missouri) [MM Docket No. 96–32, RM–8719] received September 13 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

5131. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chama, New Mexico) [MM Docket No. 95–166, RM–8717] received September 13, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

5132. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cross Hill, South Carolina) [MM Docket No. 96–126, RM–8815] received September 13, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

5133. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oxford, Mississippi) [MM Docket No. 96–93, RM–8788] received September 13, 1996, purusant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

5134. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lakeview, Arkansas) [MM Docket No. 95–96, RM–8645] received September 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5135. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hayden and Meeker, Colorado) [MM Docket No. 95–106, RM–8655, RM–8698] received September 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5136. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Leavenworth, Othello and East Wenatchee, Washington) [MM Docket No. 95–14, RM–8552] received September 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5137. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Current Good Manufacturing Practices for Blood and Blood Components; Notification of Consignees Receiving Blood and Blood Components at Increased Risk for Transmitting HIV Infection (Food and Drug Administration) [Docket No. 91N–0152] (RIN: 0910–AA05) received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5138. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–79), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5139. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of San Joaquin, California, Nonappropriated Fund Wage Area (RIN: 3206–AH59) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5140. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

5141. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Final Rule on the Establishment of a Youth Waterfowl Hunting Day for the 1996–97 Migratory Game Bird Hunting Season (RIN: 1018–AD69) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5142. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a draft of proposed legislation to modify the project for deepdraft navigation at Wilmington Harbor, Northeast Cape Fear River, NC, to authorize the Secretary of the Army to construct navigation improvements at a total cost of about $30,235,000; to the Committee on Transportation and Infrastructure.

5143. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–10–AD; Amendment 39–9744; AD 96–18–18] (RIN: 2120–AA64) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5144. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95–ANE–55; Amendment 39–9737; AD 96–18–13] (RIN: 2120–AA64) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5145. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison 250 Series Turbine Engines (Federal Aviation Administration) [Docket No. 95–ANE–72] (RIN: 2120–AA64) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5146. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lebanon, NH (Federal Aviation Administration) [Airspace Docket No. 96–ANE–28] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5147. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Dallas-Fort Worth Class B Airspace Area; TX (Federal Aviation Administration) [Airspace Docket No. 94–AWA–2] (RIN: 2120–AA66) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5148. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gainsville, TX (Federal Aviation Administration) [Airspace Docket No. 95–ANSW–15] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5149. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild SA226 and SA227 Series Airplanes (Federal Aviation Administration) [Docket No. 96–CE–10–AD; Amendment 39–9753; AD 96–19–05] (RIN: 2120–AA64) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5150. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Rail General Exemption Authority—Exemption of Ferrous Recyclables (Ex Parte No. 346 [Sub–No. 35]) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5151. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs: Hospital Standard for Potentially Infectious Blood and Blood Products (Health Care Financing Administration) [BPD–633–F] (RIN: 0938–AE40) received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOLF: Committee of conference. Conference report on H.R. 3675. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–785). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 4039. A bill to make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration (Rept. 104–786). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 3676. A bill to amend title 18, United States Code, clarify the intent of Congress with respect to the Federal carjacking prohibition; with an amendment (Rept. 104–787). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 3723. A bill to amend title 18, United States Code, to protect proprietary economic information, and for other purposes; with an amendment (Rept. 104–788). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes; with an amendment (Rept. 104–789). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 811. An act to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes; with amendments (Rept. 104–790 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committees on Science and Transportation and Infrastructure discharged from further consideration. S. 811 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

S. 811. Referral to the Committees on Science and Transportation and Infrastructure extended for a period ending not later than September 16, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEACH (by request):

H.R. 4079. A bill to reduce paperwork and additional regulatory burdens for depository institutions; to the Committee on Banking and Financial Services.

By Mr. ABERCROMBIE:

H.J. Res. 192. Joint resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1046: Mr. RICHARDSON.

H.R. 1796: Mr. SAM JOHNSON.

H.R. 2450: Mr. LIGHTFOOT.

H.R. 2911: Mr. MCINTOSH and Mr. HOSTETTLER.

H.R. 3173: Mr. SMITH of New Jersey, Mr. MCHALE, and Mr. CONYERS.

H.R. 3213: Mr. KING and Ms. NORTON.

H.R. 3226: Mr. SALMON.

H.R. 3455: Mr. FLAKE, Mr. JACOBS, Mrs. SCHROEDER, and Mr. BROWN of California.

H.R. 3508: Mr. BARRETT of Wisconsin.

H.R. 3565: Mr. NEY.

H.R. 3878: Mr. DOYLE and Mr. SHAYS.

H.R. 3905: Mr. GOODLATTE and Mr. MCINTOSH.

H.R. 4034: Mr. BILBRAY.

H.J. Res. 191: Mr. BLILEY, Mr. SERRANO, Mr. OBERSTAR, Mr. WOLF, Mr. DORNAN, Mr. SOUDER, Mr. UNDERWOOD, Mr. MCNULTY, Mr. MANTON, Mr. WATTS of Oklahoma, Mr. TORRICELLI, Mrs. KELLY, Mr. SALMON, and Mr. EHRLICH.

H. Con. Res. 63: Mr. COX.

H. Con. Res. 173: Mr. WOLF, Mr. KING, Mrs. LOWEY, and Mr. CRAMER.

H. Con. Res. 212: Mr. ROHRABACHER, Mr. COX, and Mr. BURTON of Indiana.

H. Res. 390: Mr. RAHALL.

SENATE—*Monday, September 16, 1996*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, Sovereign of this Nation and Lord of our Lives, You have blessed us to be a vital part of Your blessing to others. We commit this day to be sensitive to the needs of others around us. Show us the people who particularly need encouragement or affirmation. Give us exactly what we should say to give them a lift. Free us of preoccupation with ourselves and our own needs. Help us to remember that people will care about what we know when they know we care about them. May our countenance, words, and actions communicate our caring. Make us good listeners and enable us to hear what people are expressing beneath what they are saying. Most of all, remind us of the power of intercessory prayer. May we claim Your best for people as we pray for them. Especially we pray for those with whom we disagree on issues. Help us to see them not as enemies but as people who will help sharpen our edge. Lift us above petty attitudes or petulant gossip. Fill this Chamber with Your presence and our hearts with Your magnanimous attitude toward others.

Today, we remember William Ridgley, who joined the company of heaven this last Saturday. He started his Senate service on June 1, 1949, as a bookkeeper in the Senate Disbursing Office and rose through the ranks of the Disbursing Office, leaving as the Senate Financial Clerk after 28 years. We remember him with gratefulness and ask You to comfort his family. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Minnesota [Mr. GRAMS] is recognized.

Mr. GRAMS. Thank you very much, Mr. President.

SCHEDULE

Mr. GRAMS. Mr. President, today the Senate will conduct a period of morning business until the hour of 2 p.m. with Senator DASCHLE or his designee controlling the time from 12 until 1, and Senator COVERDELL or his designee controlling the time from 1 until 2 this afternoon. Following morning business, the Senate will then resume consideration of H.R. 3662, the Interior appropriations bill. There will be no rollcall votes during today's session, however, and the majority leader urges any Senator who intends to offer an amendment to this appropriations bill to offer and to debate the amendment today so that we may complete action on this legislation tomorrow. Any votes ordered on amendments today will occur beginning at 9:30 a.m. on Tuesday. Under a previous consent agreement, Senator BUMPERS will be recognized at 3 o'clock today in order to offer and debate his grazing fees amendment. It is the majority leader's hope that once Senator BUMPERS offers that amendment, we will be able to reach a reasonable time limitation for debate so that we may move on to other outstanding issues on the Interior appropriations bill.

Again, the majority leader asks for the cooperation of all colleagues as we continue to dispose of the remaining appropriations bills and hopes that Members will refrain from offering nongermane amendments that will only continue to delay passage of these spending measures as we approach the end of the fiscal year. We are also attempting to reach an agreement for consideration of the FAA reauthorization bill that would enable us to finish that legislation in a reasonable timeframe. There are also a number of other legislative matters we hope to consider prior to the Senate adjournment, including the Magnuson Act. And with the help of all Senators, we can reach time agreements to finish all these matters.

Finally, I would remind all Senators that the majority leader expects busy sessions for the remaining weeks, and Senators should plan their schedules accordingly. It will be difficult, if not impossible, to finish our Senate business on time if Members request no votes every evening because of other commitments. I thank all of my colleagues in advance for their cooperation.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 2 hours, with the time until 1 p.m. to be under the control of the Democratic leader, Mr. DASCHLE, and the time between 1 and 2 p.m. to be under the control of the Senator from Georgia, Mr. COVERDELL.

MEASURE PLACED ON THE CALENDAR—S. 2073

Mr. GRAMS. Mr. President, I understand that Senator NICKLES has a bill that is due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2073) to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes.

Mr. GRAMS. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. GRAMS. Thank you, Mr. President.

Mr. President, I see no Senator on the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I realize this is the time that is under the control of the Democrats, but since there is no one here, I ask unanimous consent that I may proceed as in morning business for 6 or 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PARK SYSTEM

Mr. THOMAS. Mr. President, we are going to move, later today and tomorrow, to the Department of Interior appropriations bill which is very important to me and to my State of Wyoming. I wanted to talk just a couple of moments about something that is very important to me and very close to my heart. That is the National Park System.

Wyoming, of course, has two of what I think are the crown jewels of the Park System, the Teton National Park and Yellowstone National Park, as well as several others in our State. Selfishly, they are very important. But more than that, national parks are, I think, a part of our heritage. They are part of our past, they are part of our future, they are part of our economy, and something that I feel very strongly about. Of course, they are funded in the appropriations bill for the Department of Interior.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I spent a considerable amount of time in August in the parks, both Yellowstone and Teton. Part of the problem we talked about while I was there is a financial one. It is big business. Yellowstone National Park has an operating budget of somewhere over $20 million, and with other income, more than a $40 million budget. It is a large activity.

We will be talking in this appropriations bill about priorities. Mr. President, over time, the idea of priorities, the idea of funding, will become even more difficult. We will have to set those priorities. We will have to set priorities among land management agencies, Yellowstone Park and the Park System, the forest and the wilderness, the Fish and Wildlife Service and the BLM. All of these competed, frankly, for funding. So we have to talk about priorities.

Certainly my highest priority in that process is the National Park System. Part of it is my own personal history. I grew up just outside of Yellowstone Park between Cody and Yellowstone. So it has been part of my life.

The question, of course, is how we manage these parks. Frankly, we have some problems.

We have some problems short term and we have some problems, in my judgment, long term. A part of the short-term problem, of course, we will be facing today and tomorrow. But part of the longer term issues, I think, will be discussed over a period of time, and properly so, because there needs to be some fairly significant changes. Specifically, there is funding for Park Service operations, and in the Senate bill is $1.1 billion. The House is somewhat less than that. This will be about a $75 million increase over last year for the operations of the park. I support that. I hope that we maintain, when the bill is finally passed, the additional funds that the Senate has put in. This is a good first step to deal with some of the problems that we have. But it is a short term solution.

What are some of the other solutions? One of them is what was done last year in this appropriations bill, and done again this year, in terms of extending a pilot fee program. One of the ways that, obviously, we can deal with funding for parks is to do something about the fees. Yellowstone Park, I believe, is $10 per car per week. Compared to other recreational activities in this country, that is a very low price, one that has not been changed for a very long time, and one that we ought to take a look at.

We have an opportunity to do that now in the pilot fee program that was passed by the Congress, which allows the parks to take a look at their fees, to temporarily extend and increase these fees, if they want to, on a pilot basis, and to keep in the park some 80 percent of the increase. This has been one of the problems for parks like Yellowstone. Much of the revenue that comes in there doesn't stay there. It goes into the pot and is redistributed among all of the parks. So this gives an opportunity, on a pilot basis, to raise the fees, if that seems appropriate, and then to maintain these fees where they are collected—80 percent of them—in that particular park.

I think it is an excellent opportunity to do this as a pilot program. The problem is, they have had an opportunity—the Park Service—to do this now since early last winter and haven't done it yet. They haven't moved on this program yet. I am disappointed in that. It is not a function of the local parks. First of all, originally, 50 of them were designated to participate in this pilot program. Now the Senate has increased it to a hundred. None has been designated by the Park Service. On the other hand, the Forest Service and, I think, BLM both have already moved on this program and are making some progress with it. When we go to Yellowstone and talk about their needs, the park superintendent there is for it. I called the Director of the Park Service. He is for it, too, but it hasn't happened; it hasn't happened because the Secretary of the Interior hasn't authorized it. That is too bad because that is part of a demonstration, a short-term solution to this issue.

Now, I don't think that it's the long-term solution. There needs to be some other things done, some fairly major things. We have talked about them for some time. One of the problems, as you can imagine, is the continuing authorization of more and more Federal parks. Without a definition of what a Federal park really is, I have to suggest that I think a number of the parks that have been authorized in recent times have been parks that, under most circumstances, could just as well be State parks or local parks or community parks, but Members of this body and others want them to be national parks so they are paid for by the Federal Government. So now we have a $4 billion backlog in the service of taking care of facilities that need to be brought up current, but we continue to authorize more and more parks, without being able to fund the parks we have.

So that is one of the things that needs to be done, it seems to me—at least to develop a criterion as to what really qualifies as a national park, what characteristics ought to be involved to qualify as a national park.

Another is concession reform. For a long time, we have been seeking to do something about concessions. Now, the concessions are not there to fund the parks, necessarily; they are there to provide services for visitors. But it is true, I think, that we need to revise that. First of all, the concession contracts cannot be removed because we haven't passed a bill that does it. They are operating on a short-term basis. Second, there are instances in which the park should be receiving more money than they are from the concessions. Third, those concession funds probably ought to stay in those parks. That is another thing that we need to talk about and need to change.

Many of these changes are acceptable to the people who manage the park, but the Department hasn't moved, and indeed the Congress hasn't moved. There also, of course, needs to be some management changes, as well. GAO has done a study. One of the notable things was that the money that has gone to parks has not gone to the resources that the parks themselves say are the highest priority. That is one of the management problems that needs to be changed. When you set priorities in planning, then it seems to me the funding ought to coincide with those priorities. So there needs to be a lot of things done.

I am here to support national parks. I think they are a very, very important thing. I think they have a great future. I think we, as citizens, are willing to pay some more, particularly if we are certain that the fees we pay in the particular park stay in that park to enhance the resources of the park that we like to see.

The other is that management, of course, is expected to be good. I think they should implement programs that give it the opportunity to do it, like the pilot program. We are going to need, over time, to continue to set priorities. I have argued from time to time that there is a difference in the public lands. Some of them, like parks and forests, have been withdrawn by the Federal Government for a purpose. There were unique characteristics, and they were withdrawn from the public domain because they are and were unique. Lands managed by the Bureau of Land Management were simply residual lands. Wyoming is 50 percent owned by the Federal Government. The State of the Senator from Idaho is more than that. Nevada is 87 percent owned by the Federal Government. Many of those lands were never withdrawn for a particular purpose. The parks were, the forests were, the wildernesses were. So we will have to set some priorities, over time, on that.

So, Mr. President, I appreciate the opportunity to talk just a little bit about something I think is very important, and to encourage that the funding for operations of parks, which is in this bill we will be considering, ought to be maintained, despite the fact that the House is somewhat lower. I think that is a move toward the short-term resolution, and then I hope that my associates and I can work toward resolving some of the longer-term solutions over the next 2, 3 years, so that we can make these national parks, cultural institutions, fiscally sound.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, what is the business of the Senate at this moment?

The PRESIDING OFFICER. We are currently in morning business, under the control of Senator DASCHLE until 1 o'clock, and under the control of the Republicans until 2 o'clock.

Mr. CRAIG. I ask unanimous consent to speak for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A MESSAGE FROM THE WEST

Mr. CRAIG. Mr. President, with my colleague from Wyoming just having spoken, one would think it is "Western day" on the floor of the U.S. Senate, especially when I choose to come to the floor this morning also to speak about Western public lands issues.

Certainly, the issue of national parks, in which the Senator from Wyoming is so knowledgeable, is not just a Western issue; it is clearly a national issue, with national parks spanning the length and breath of our country.

I come to visit about an issue that has been in the skies of the West all summer. It doesn't happen to be there at this moment. As I flew out of Idaho this weekend after a rainstorm, the sky was clear. But for well over 2 months this summer, up until this weekend, Western skies have not been clear. They have been filled with smoke.

If you had flown over Idaho or nearly any part of the West as I have many times this summer, you would have been convinced that the West truly was on fire. In many instances, that was true. Our Western forests and rangelands have burned again at an unprecedented rate this summer. Smoke from extensive wildfires invaded our cities. It damaged tourism, it caused health problems, and homes adjacent to the public lands were in jeopardy and many burned as a result of the high incident of wildfires.

I know that you and others have seen this on television, it was talked about oftentimes on national television and in the newspapers through the course of the summer. Wildfires were regular occurrences on nightly news shows in the West in States like Oregon or Idaho or California or Arizona or New Mexico or Montana or Wyoming or in places in Utah.

Tragically, what we heard this summer has become a regular occurrence which we in the West have had to endure. Nearly every 2 years, it seems, since 1988, the frequency and intensity of fire has gone well beyond the historic norm. Its genesis is the increasingly poor health of our public forests and the fuel buildup from millions of acres of dead and dying trees and unforaged, or in other words, nongrazed, grasslands of the West. It is a problem that we could do something about in this Congress and as Americans if we chose to do so.

These fires are destroying our resources, trying our patience and exhausting our financial ability to suppress them. This year another record will be set with more than 6 million acres burned, in excess of the record set only 2 years ago, and before that, in 1988. In fact, this is the largest amount of acres burned in a single year since 1967.

Firefighting forces started the year with over $400 million of debt, and the deficit continues to pile up as more and more Federal personnel and equipment are thrown into this battle against wildfire.

The Knutson-Vandenburg, known as the KV, fund has been the handy source from which we have borrowed hundreds of millions of dollars to pay for emergency firefighting costs, and it is now broke. There is no money in the fund. KV moneys are collected from timber sale revenues specifically to replant and regenerate public forests with new seedings. Because the borrowed money has not been replaced, the tree planting programs are now in jeopardy.

In other words, what we are doing is we are borrowing all of the money to fight fires, but we are not putting the money back, so there is no money to replant the forests.

Tragically enough, there are some folks out there who say, "Oh, well, this is Mother Nature; let it be." I am one of those who cannot agree with that, and I think most of our colleagues cannot, and certainly the citizens of the West cannot.

My question to my colleagues is simple: How long can we ignore what is happening in our western forests? If that smoke were blowing through the urban canyons of the eastern cities, how long would the public put up with it before demanding action from their Representatives in Congress?

I have offered a long-term, broad-based solution with my legislation to restore forest health. We have a chance to pass that legislation. It is S. 391, which was approved by the Energy and Natural Resources Committee in June; but it has been hung up in politics, politics, and environmental politics that have no basis in science and no understanding of the tragedy that our western national forests are experiencing today. It is simply the politics of politics that has stopped efforts to deal with forest health, and I ask that you help me to change that, because we should be addressing the crisis that exists, and will continue to exist, in the western forests.

I have stood in this Chamber to sustain the temporary emergency salvage law which is critical to our short-term needs from the 1994 fires. And, yes, I have heard some people claim that there is no emergency.

If that is true, they were not listening to the nightly news this summer, or they were not listening in Idaho or Oregon or Washington or Montana or Wyoming or Utah or Arizona or California or New Mexico. They are simply ignoring the fact, or they are being lulled to sleep by the symphony of environmental voices that would only argue that this is Mother Nature at her finest.

There is an emergency. A critical emergency. But in most people's minds it is not an emergency until the fire starts and is roaring up the mountainside and threatening their own town. Then it becomes an emergency overnight, and all of the resources of the State and Federal Government, including the Army and the Marines, are brought into the fight. Oregon's Governor, in fact, this year declared a state of emergency because of the fires roaring across the State of Oregon.

Would it not make more sense to take preventive actions before the crisis starts? Of course that makes sense, but then again it is not politically correct right now to make sense about the idea of managing our forests if man is involved in that management. It makes better sense for some to argue that you simply lock them up and let Mother Nature do her thing. Well, Mother Nature was doing her thing this summer, and she burned well over 6 million acres of land, land whose forests will now take decades and sometimes generations to restore or replace themselves.

First of all, we must permit active management of these forests. We must reduce forest fuels to restrict the size of the fires and cool their intensity. Some scratch their heads and say, "What are you talking about, Senator? Fires are hot."

That is right, but some fires are hotter than others. And when you have phenomenal fuel buildup of the kind we have seen because of the dead and dying trees on these forest floors, and ignored because of the absence of management, these fires are intensively hotter than the normal fires that oftentimes amble through a forest burning shrubbery but not destroying and killing the trees. Those normal fires are the fires of Mother Nature of decades ago, those are the fires that periodically cleansed our forests. But these cleansing fires were not the fires of the summer of 1996.

Would it not make more sense to take the preventive action that I am talking about? Of course, we could do that. First we must permit, as I have mentioned, the active management of our forests. We must reduce the fuels. One needed activity is salvage timber removal, and my guess is we will be back on this floor later this year, and probably the first of next year, asking for flexibility to do salvage on some of these 6 million burned acres. There will be Senators on this floor who will say, "But environmental groups do not want this; it would be destructive." And so we would let hundreds of millions of dollars in trees then rot and wash away, and we would not replenish our funds to replant and regenerate our forests. For the life of me, I cannot understand how that is good business, good environmental business, good economic business, for that matter, or just good management. It is, in fact, poor management, poor management at its very worst.

Let me close by asking the cooperation of the Senate, whether it is the passage of my forest health legislation or whether it is just the simple awakening to the situation that exists in the western forests of today, a situation that is largely our doing, largely our doing because we have been so good at putting out fires over the last 30 years that we have now created the circumstance which creates the extraordinary, the unusual, the dramatic fires that we saw in the West this summer.

So I hope that we recognize an emergency exists, and if we created it, we ought to be able to manage it. The science of forestry today argues that we can, but it is not a science of ignorance or a science of turning your back. It is a science that demands the kind of active management that the U.S. Forest Service and its professionals know how to use, if they would only be allowed to do so.

Frankly, it is not the science of this administration, which has passively ignored the problem because of the pressure placed upon them by certain environmental groups to do nothing and walk away. In Idaho and the rest of the Western States over the next decade, doing nothing and walking away will simply create another summer of 1996 over and over again. Millions of acres will be burned, houses and private property will be lost, and the debt will mount, a debt that the public owes for fighting these fires in an effort to save the resource and save private lands and private resources. We can avoid this. We can avoid this by wise and responsible management.

I yield back the remainder of my time.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, what is the time situation and the procedure situation?

The PRESIDING OFFICER. The pending business right now is we are in morning business until 2 o'clock; between 12 and 1 it is under the control of Senator DASCHLE, and then, from 1 until 2 o'clock, morning business will be under the control of Republicans.

Mr. SIMPSON. With that, Mr. President, and a thank you to my friend from Montana, Senator BURNS, because I will take a few minutes, and then perhaps 5 minutes of the time under our administration will go to him. I will not take 15; I may take 7—maybe.

Mr. BURNS. You can take as much as you want.

Mr. SIMPSON. Mr. President, that was a noble comment from my friend from Montana. Absolutely the generosity matches only his magnanimous smile, and I love it. I will just continue now for an hour and 40—no, excuse me. That just slipped. It slipped away for a moment. That is the trouble with me, Mr. President. I take my work seriously but not myself. That can get you in a lot of difficulty in life, but that is still the best way to fly.

Mr. BURNS. I thank my colleague.

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

Mr. SIMPSON. Mr. President, I want to speak on the issue of illegal immigration. Not legal immigration; that issue is not before this body. I know how to legislate. It was very clear this body did not wish to deal with legal immigration. That will be for others who come after me, Democrats and Republicans alike, to deal with that very tough issue. But, on Wednesday of last week, the House appointed conferees to the conference on the immigration bill, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. That is legislation that passed both Houses of the Congress by overwhelming margins. There were only three votes against this very popular bill in the Senate. I think the vote was 97 to 3. The House version passed by a vote of 333 to 87.

Our fine majority leader and the House majority leader have each stated that passing immigration reform legislation in this Congress is a priority. Senator Bob Dole, a man for whom I have the richest admiration and respect—I served as his assistant—was always a very strong supporter of responsible immigration reform issues, all such measures, and candidate Dole has always expressed his support for the present illegal immigration control bill.

The conference committee will meet this week, but already we are hearing about a plan now to filibuster the conference report here in the Senate. We all received a letter, of course, from the President, explicitly threatening a veto. That is common knowledge. His reason is clear to him and clear to many others, and that is the so-called Gallegly amendment.

But I would refresh and remind my colleagues why this legislation received such strong bipartisan support in both Houses.

This legislation is to strengthen the border enforcement by nearly doubling the size of the Border Patrol.

It will ensure that aliens who commit serious crimes are detained upon their release from prison until they can be deported, and then they will be deported under expedited procedures.

It will provide prompt decisions for those who apply for asylum and ensure that those who genuinely fear persecution at home can remain here.

It will create an expedited removal process, so that those who seek to enter the United States surreptitiously or with fraudulent documents can be promptly deported and not allowed to stay here for years while pursuing various frivolous appeals at all levels and in all forums, administrative and judicial.

It will ensure that the sponsor and not the U.S. taxpayer will be primarily responsible for providing financial support to new immigrants in need.

And it will provide for voluntary pilot programs on systems to enable employers and welfare providers more reliably to identify those who are eligible to work or to receive benefits in this country.

The most controversial portion of the bill, of course, the one that gave rise to the veto threat and the filibuster plan caper, is the so-called Gallegly amendment, which authorizes the States to decide whether or not to provide a free public education to illegal persons, illegal aliens—a proposal which in its present form is presented to the conferees as including some rather extensive changes to that provision. Some say it does not matter what you do to that provision, it is not appropriate. That may assuredly be so, and yet that is called legislating and it is about discussing and amending.

So it is now worded so that at least those who are opposed to any form of illegal immigration reform are not now able to say that we are "kicking schoolchildren out into the streets." No one I know is interested in "kicking children out into the streets." I certainly am not, and I have always had some serious problems with regard to aspects of the Gallegly amendment, but if that is what is to be in this conference report in this form, in its amended form, then it is certainly acceptable to me.

The proposal contains generous "grandfathering" provisions for those students now in school. They will be permitted to continue their education in the elementary or secondary school in which they are now enrolled at no charge. If they wish to change school districts in the same State or advance from elementary to secondary school, they may do so upon paying tuition, or a fee equal to the actual cost that others who are citizens pay within that district for their education.

Furthermore, the proposed change will ensure that unless the Congress is given an opportunity to vote on repealing this provision in 30 months, the provision will sunset—be gone. At the end of the 60 months, if a bill to repeal the measures is introduced there must be a vote within 90 days or the provision will sunset—be gone.

Those changes to moderate the provision were negotiated by Senators HATCH and SPECTER. They represent, obviously, substantial modifications to the elements that were there originally that were apparently the most objectionable. I believe they might be sufficient to make the bill acceptable to those who truly want illegal immigration control legislation.

But there are some very disappointing signals, I share with my colleagues, some very disappointing signals from the Dole campaign. I think that my fine leader, who I served as assistant for those 10 years—a most wonderfully decent man—is being ill-served on this issue. If what I read in the papers and hear through the media is true, and those who know me please believe that it is, indeed, always taken with a huge grain of salt by me as to what is in the media—indeed, that will always be so, hopefully—but I am informed he is being advised by those who advise these people who choose to submit themselves to seek the role of the Office of Presidency—that he is being advised simply to let the bill die. And the reason for that, apparently, is so, as I gather it, that the President will not have a Rose Garden ceremony with regard to illegal immigration; that apparently because the President had a Rose Garden ceremony with regard to welfare reform and with regard to health care and with regard to, I guess, anything else that he signs, that somehow this then cripples the effort of my friend, Bob Dole.

Thus it is rather extraordinary to me that those on my side of the aisle often accuse this administration of cynical politics and yet I can't imagine anything more cynical than not signing an illegal immigration bill or working for its passage—something that was passed by such overwhelming margins—on the basis that it is simply going to "help the incumbent" turning our backs on the singular issue that is reflected in polls across the country for years, and that is to "do something" about illegal immigration.

There is and always has been overwhelming public support for measures to reduce illegal immigration. Both candidate Dole and President Clinton have stated their support for illegal immigration control legislation. I say to my colleagues, it is in the national interest to achieve control over our borders, to achieve control over illegal immigration and the misuse of our most generous public support and welfare programs that so burden the taxpayers of this country.

When we have 60 percent of the live births in a certain hospital in California attributed to illegal undocumented mothers who then give birth to a U.S. citizen; when we have people who are minorities who go to seek public support because they need it and are then told that the cupboard is bare because it has all gone to illegal, undocumented persons, that stirs people up. They don't like it, and it really shouldn't be the guiding policy of anything we do here, but it is the way it is.

So I just say, apparently the scenario is this now. I gather in my wisdom: Pass the bill in the House with the Gallegly amendment, which will be adopted; send it over here, and then it will be filibustered by those who do not like the Gallegly amendment. I guess they think all of those people are Democrats. And then we will point our bony fingers at all the Democrats and say, "They brought down illegal immigration."

That is childish logic, because there are at least 10 to 12 Republicans in this body who do not like the Gallegly amendment in any form and who will assist in the filibuster. So if anybody thinks it is just going to be a wonderful roundelay over here of Democrats filibustering an illegal immigration bill and then we pointing the bony fickle finger of fate at those who destroyed the issue. No.

So, I guess that is where we are. We will pull the bill down and try to blame it on the Democrats and go home. Clever, not, because as I say, there are at least 10 to 12 Republicans who will join in that filibuster. Go home in October and tell voters a Republican Congress did nothing about illegal immigration in an election year.

Then we also heard, "Well, if we just send it to President Clinton and he vetoes it, we will win California." I never went for that scenario. I think that is about as boneheaded as you can get, too. But when they are telling us that my dear friend, Bob Dole, should do nothing and nothing should happen, and that is going to help Bob Dole, I must say I have purely missed out on most of the trickery and cynicism of the campaign, because there are many on our side who will have nothing to do with the Gallegly amendment. Not me, for I am ready to do the modified version.

So what the public will see is a distorted figure of my friend, Bob Dole. We have had enough of those. Ten years as his assistant, I know him well. He will win the Presidency of the United States if the people of the United States come to know him as well as I do and as well as we do here, as well as my friend from Montana knows him, and he surely does, as well as the occupant of the chair.

Each and every week for the past 2 years, Bob Dole has said to me, "When will we have an immigration bill, AL?" And now we have one. Now we have people pulling at Bob Dole, mewling, puling, mumbling issuing from staff and others. He is being ill-served if he is led to believe that it is not a priority issue. And if California is in the balance, as we say in politics, by doing nothing, someone will have cut the tightrope wire for one great and decent man, my friend Bob Dole.

So perhaps we can move on now with the national interest. There is no one who expresses it more in its most honest form than that most wonderfully decent and capable man, Bob Dole. We shall see how it plays out.

I thank the Chair.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, parliamentary inquiry. It is my understanding that the hour from 1 to 2 p.m. is under my control and/or my designee; is that correct?

The PRESIDING OFFICER. The Senator from Georgia is correct. We are in morning business until 2 o'clock, and from 1 to 2 o'clock is under the control of the Senator from Georgia.

Mr. COVERDELL. Thank you, Mr. President.

CRIME IN AMERICA

Mr. COVERDELL. Mr. President, as most people know now, over the weekend, our former Senate majority leader announced in very broad, very specific, very forceful terms his plan to come to grips with a surging, raging crime wave in the United States.

All the data that I have seen over the last several years have indicated that crime, drugs, and the related two, are at the top or near the top over and over of grave concern on the part of American citizens. And well they should be, because at least the first premise of Government is to protect the persons and property and citizens of the United States.

You cannot separate drugs from crime. Today, of the 80 percent of the 35,000 prisoners that are incarcerated in my State, they are there in prison from drug-related actions. As our attorney general, Attorney General Bowers, has said over and over again in Georgia, you can no longer separate the two. We are in the midst of a new drug epidemic; therefore, we will be in the midst of a surging crime epidemic.

There is no way to fully document the ill-effect that the drug epidemic, drug-related crimes have done to the citizens of our country, and in the cost of lives, personal property. It is stunning data any time you look at it. It just begs for leadership to come forward.

Over the weekend, Senator Dole said that if he were elected President, he would cut teen drug use in half. What does that mean? That means that two million youngsters would not be using drugs, when he is successful, that are today. I can not think of a more important commitment to make to America than to turn the drug war back on and to put the warning out to families and churches and business leadership across our country that we would have an administration that is going to be highly focused on drug use among teenagers.

As we all know now, drug use among teenagers has doubled in the last 36 months. It has gone up 33 percent in the last 12 months alone. And, in addition to the broad tragedies that we suffer by those individuals who have been ensnared in the drug epidemic, there will be hundreds and hundreds of families, in each case, that are caught up by the reaction to drug use and the crime that it festers.

We have the distinguished Senator from Montana who has joined us here this afternoon. I know he has had a long interest in the issue of crime and its impact on America. I yield up to 7 minutes to the Senator from Montana on this subject.

Mr. BURNS. I cannot have the rest of that?

Mr. COVERDELL. We will amend that as needed.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Montana.

Mr. BURNS. I thank the Chair, and I thank my good friend from Georgia.

We have just got in some interesting figures from Montana. I guess that is why some of us are very concerned about this, not only from a political standpoint—this is the season, and nobody can lift that out of this, out of the element of debate—but if you ask Americans today, "Do you feel safer than you did 4 years ago," we hear an overwhelming, "No." People are feeling threatened more and more in society. I think it comes from this old mindset of "only obey the laws you agree with." It is a mindset.

Just in my State of Montana, violent crime has gone up 8 percent last year, and overall crime has gone up 16 percent since 1994. That concerns me because we are a small State. We are known as a State with hardly any crime, but there was a murder every 10 days last year—that concerns me—a rape every 38 hours; a robbery every 34.5 hours; property crime occurred every 13 minutes; and burglaries happened at a rate of 1 every 2 hours. That sort of concerns me a little bit.

Before I had the opportunity to serve here in the U.S. Senate, I served on the board of county commissioners in Yellowstone County. We built a new jail facility and went through that process of detention centers, and we also received a very nice award for a youth detention center. I was convinced, as we went through that process, that somewhere in this crime prevention, or how we deal with crime, there has to be some common sense injected in here.

We know that we cannot outbuild the criminal element to just lock up everybody. So we have to find ways not only to deter—one of them is not getting on television and having a low disregard for the laws of the land. You know, as adults, we teach our youth every day, some days we even use words. But that concerns me more than anything else because I have a young son, I have a daughter who will graduate from medical school next year, and they are concerned about crime and crime among the young people.

When we take a look at what we did in Yellowstone County in a youth detention center, I think we have to work with States, because the real violent offenders in crime, I don't think we can do much but just hold down on them and keep them in confinement. I think we should work to abolish the very liberal parole rules that some States have. I do not think there is anything wrong—and why should it be wrong—to require drug testing for those under supervision in the criminal justice system.

I ask the American people why it is wrong to establish a registry for the release of violent sex offenders, the Megan's law. I see no reason why we should not move forward on that. And child pornography, we have to move on that. But juvenile crime worries me more than anything else, because I guess I got into politics because of youth. I have sort of a soft spot in my heart for them.

I have worked very much with 4-H groups and FFA groups, and those are kinds of groups—can you imagine any other kind of group than the Future Farmers of America where you can pour 31,000 of them, with those blue jackets, in downtown Kansas City, and you never have to put an extra cop on the beat? We need to be promoting those kinds of youth groups that espouse their way of thinking and the way they act. I know every Senator in this body gets calls from their local FFA chapters across this country.

So we have to do some things that deter crime. We have to promote those groups and organizations that do have their values in the right place. We have to ask some of the hard questions. But some of them are going to have to have common sense, too. The alarming increase of teen drug use, marijuana use, between 12- and 17-year-olds has increased some 200 percent in the last 2 years—200 percent. Why? We had it going down for a while. We had it going down by just one little statement from the First Lady in the White House, who said, "Just say no." We need to help them say no; and when they say no, stick by them. That is what we have to look at. It is concerning to me that we would look at it any other way.

Do we want to prosecute juveniles as adults for adult crime? Maybe sometimes. Maybe we should use some common sense there and provide past criminal records for juveniles in sentencing. There is nothing wrong with that.

We came a long way in attacking the root cause of crime and drugs in the inner city a few short weeks ago when we passed the welfare reform bill. It deals with dependency and illegitimacy in ways that have never been tried before. It is a big step in the right direction, and yet the job is not over.

When we take a look at what is ahead of us, we have to start appointing judges that interpret the law—do not make the law, interpret the law. The elected officials of this country make the laws. Judges interpret them. We need to start appointing Federal marshals and prosecutors that want to prosecute drug dealers and child pornographers rather than making excuses for them that they were just victims of society. If there has ever been a cop-out in America, it is some psychologist or some person who is saying, "Well, they're victims of society, and leniency should be shown." That is a one-way ticket down the drain for this country, when we start making excuses for people who knowingly break the law.

Let us take another end of it—victims' rights. I think we ought to have an amendment to the Constitution. Victims have to have some rights. All the rights are not with the felon. It is time to reform the court system, limit appeals, and punish criminals quickly. Keep violent criminals behind bars so they cannot commit more crime. It is time to stop these election-year games and take a stand for what is right. We should just do what is right.

I was in Illinois on Saturday for my friend Bob Dole. How many mothers did I talk to that are concerned—they have teenagers in high school in rural areas. Where they have never had problems before, they are coming up with these problems and saying there has to be a more liberal way of dealing with discipline and all those elements.

I imagine most of us who serve in this body, when we were in school, if you got a licking in school, you got one when you went home. They did not ask why you got a licking. They did not even ask. My dad did not even ask whether I was right or wrong. The fact is you got a licking, and if you warranted one there, you warranted one here. There was a time I was a victim of society. There was a time when the whole world was against me and I was that victim. I do not think it hurt very many of us.

I want to say one word. Not only can we do something here, but we adults, like I said a while ago, we teach every day. Some days we even use words. We are going to have to get on the ground with these young people and we are going to show them they have support to do the right thing, not the wrong thing. It has to be done here. It has to be done across our Nation, and, yes, the national leaders have to set the example. I am asking America, what kind of example are we setting?

I yield back my time.

Mr. COVERDELL. I thank the Senator from Montana. I think he would agree with me that this five-point plan where Senator Dole pledges to cut teenage drug use in half—by 50 percent—to end revolving door justice, to hold violent juveniles accountable for their actions, to make prisoners work, and to keep guns out of the hands of criminals is exactly the prescription to get at the tone and the issues that the Senator from Montana alluded to.

Mr. President, we have been joined by the senior Senator from Mississippi, a long and loyal colleague of our former Senate majority leader. I yield up to 10 minutes to the Senator from Mississippi on this matter.

Mr. COCHRAN. Mr. President, I thank my friend and colleague from Georgia for yielding me this time. I join him in commending the distinguished Senator from Montana for his remarks.

Our former colleague has proposed a very important new plan to deal with what has to be the most serious challenge that our governments—Federal, State, and local—face today, the epidemic of crime and violence in our society.

This plan has meat to it. It has substance to it. It is thoughtful. If we will embrace it and join Bob Dole in seeing that it is enacted and administered in the way it is proposed, I think we will get results. It is time we turned the country around, turned the country around from ever-increasing drug abuse and violent crime to an era when people assume responsibilities for their own actions and they are held accountable for their own actions, whatever their age, and that they are treated in a way that deters action in the future that is a menace to innocent society members.

In our society we have a number of efforts that are underway to try to deal with the core problems. There is a wonderful program called Character Counts. In Ocean Springs, MS, during the week of October 13–19, the schools will have special programs to observe the importance of good character in not only students, but faculty, administration officials, and the communities at large across America. We need to restore America to the place where we have been looked up to as an example for the rest of the world in terms of community spirit, recognition of what is right and wrong, a country that stands for democracy and principles of freedom that have been an inspiration to many countries all over the world.

What this program suggests is there are six essential elements or core pillars to good character: trustworthiness, respect, responsibility, caring, citizenship, and fairness. These are important and indispensable individual traits if we are to have a successful, free society. It is on that basis and on that premise that I think Bob Dole establishes this five-point plan of action. An essential part of this is holding juveniles accountable for drug abuse, for criminal acts, and for other violations that put the safety and security of others in jeopardy.

Something has to be done about it. Something is being done about it, but not enough. We need to do better. We need stronger leadership, a better example of leadership at the top. That is a part of this, too. An example is that we have seen the abuse of drugs go up by 105 percent for teenagers between the ages of 12–17 from 1992 to 1995. Before that time, drug use was going in the other direction. It was going down. Now it has turned and is going up again. We have to ask why.

What does this lead to? A third of all juvenile criminals are under the influence of drugs at the time of their criminal offense. That is what happens. There are consequences for everybody for the failure to exert good, commonsense, strong, committed leadership in this area.

I traveled one day with the sheriff of Hinds County, MS. He told me, as we looked firsthand at some of the problems in the largest populated county in my State, he said public enemy No. 1 in the State of Mississippi is crack cocaine. I am sure that is the case in many, many, other towns and communities and cities throughout this country. What do we do? We have a White House that cut the programs to deal with this. They cut the Office of Drug Control Policy by 83 percent. They cut the number of drug agents. The U.S. attorneys used to be challenged by the President and the Attorney General to do something about those who are committing offenses with guns. There was an Operation Triggerlock, you remember, an effort to go out on the streets and get those who are using guns to commit violent acts and crimes and lock them up, put an end to it. Take the guns away from them.

What is being done now? The arrests for that kind of behavior are down considerably in this administration. I think we need to turn it around. I think the five-point program Bob Dole has recommended is just what we need. We need to make the fight against drugs a top national priority again. We need to support his effort to create 1,000 new community-based antidrug coalitions.

There is another part of this plan that strikes me as being very important. We need to have the Federal Government assisting, supporting, helping States and local communities deal with this problem, not imposing arbitrary new, hard-to-follow regulations that are expensive, that make it more difficult to operate prisons, that do a variety of things that really undercut the efforts being made by law enforcement at the State and local level.

He suggests that we assist the States in keeping violent criminals behind bars completing their sentences.

There is another part—holding juveniles accountable for their actions. The distinguished Senator from Georgia mentioned that. Youth violence is on the rise. Mr. President, 35 percent of all violent crimes are committed by those who are younger than 20 years of age. What Bob Dole is recommending and what we are suggesting is a good idea is to revise the Federal juvenile justice system to hold juveniles accountable.

The Senator from Tennessee, FRED THOMPSON, is chairman of the Juvenile Justice Subcommittee here in the Senate. He recommended a new approach to try to find out what programs at the local level are working, support them with Federal assistance and initiatives that reward those for following these paths and these new procedures, and to do something about those who commit crimes as juveniles; consider treating them as adults in certain circumstances. No longer coddle the juvenile just because he is younger, because some are more dangerous than adults. That is what has been overlooked.

This administration has done absolutely nothing about that, absolutely nothing. The program that he is suggesting will authorize new funds to assist in the investigation and apprehension of juvenile offenders, collect and distribute juvenile records to help better deal with this problem, and authorize new funds to be spent on prevention programs that involve parents and community based groups.

That example I cited a while ago, the Character Counts Program, is a good example of something that could be done on the prevention side. We are not talking about punishing everybody in an arbitrary or cruel way. We are talking about a balanced approach to doing something more likely to be successful in this area. One thing that I am convinced Bob Dole will do, in accordance with the plan that he proposed, is that he will end the interference by Federal judges and Federal agencies into the proper administration of State prisons. It is about time.

There is also a part of the program that deals with keeping guns out of the hands of criminals. We have heard about the National Instant Check Program. We had that as part of the crime bill. He wants to make it a top priority in order to prevent criminals from purchasing any type of gun. There is a procedure for it. He will, as President, instruct the Attorney General to target violent crime by making maximum use of Federal law to get dangerous gun using criminals off the streets and into prison. That is reminiscent of Operation Triggerlock—I assume that is exactly what we will have reinstituted again—which has been abandoned and turned down and discontinued by this President. There was an emphasis on the U.S. attorneys going after those who commit crimes using guns. There has been a noticeable dropoff in prosecutions for those crimes by this administration.

In conclusion, what does this action plan do? It provides a sound, sensible, thoughtful blueprint for coordinated Federal and State efforts to combat violent crime and reverse the current trends in the use of drugs that have led to so much violence in our society.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank the senior Senator from Mississippi very much for coming forward and speaking to this critical issue of crime and the tragedy it is causing across our country, and for highlighting these very targeted suggestions that we now have from Senator Dole to get at this core problem. I appreciate very much the Senator's remarks here this afternoon.

Senator JOHNSTON from Louisiana has just come on the floor. He has a very distinguished guest.

I yield 2 minutes to Senator JOHNSTON for the purpose of this introduction.

VISIT TO THE SENATE BY HIS EXCELLENCY JASSUM MOH'D AL-OWN, KUWAIT MINISTER OF ENERGY

Mr. JOHNSTON. Mr. President, I have the high honor of introducing to my colleagues here in the United States Senate the distinguished minister of energy from the country of Kuwait, His Excellency Jassum Moh'd Al-Own, who happens also to be a Member of the Parliament of Kuwait.

This is a very important time between our two countries. We have sealed the friendship between our two countries in battle, and that friendship persists, and will persist as long as there is a Kuwait and as long as there is a United States, which will be for many centuries, we all hope.

So, Mr. President, with a great deal of pleasure, I introduce to my colleagues the distinguished Minister of energy from Kuwait. [Applause.]

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

CRIME IN AMERICA

Mr. COVERDELL. Mr. President, undoubtedly, Senator Dole's emphasis on taking crime head-on is an outgrowth of a circumstance over the last 3 years that has just turned sour on us. It has been alluded to, but I want to cite some of the facts that have developed in the last 36 months.

First of all, I want to make it clear that there can be no doubt about it that, in the last 36 months, the United States has found itself, once again, in a massive drug epidemic. It is fueling and will continue to fuel crime. Just to cite this, in the last 36 months, marijuana use is up 105 percent, LSD is up 130 percent, cocaine up 160 percent. Somebody in the administration suggested that, actually, drug use is down. I have no idea where that data is coming from, but it must be a single source, because every other source has documented that drugs were up in virtually every category. The sad thing, Mr. President, is that they are kids.

In the last epidemic, during the 1960's and 1970's, it was a target group from about 16 to 20. It has dropped, which is such a tragedy. Now the ensnarement is occurring at age 8 to 13. This country is going to feel the impact of that for a long, long time. One in every 10 kids is using drugs.

Drug prosecutions are down 12 percent. This administration cut 625 drug agents. Federal spending on drug interdiction has been cut by 25 percent. The drug czar's office was reduced by 83 percent. On the list of national security threats, compiled by the National Security Council, this administration moved illegal drugs from No. 3, as a threat, to No. 29 out of 29.

Now, Mr. President, can there be any wonder that our children are getting the wrong message, and that they no longer think drugs are a risk, and that, therefore, they are using them in record numbers, and that, therefore, we have an epidemic, and that, therefore, we are having the emergence of a new crime wave?

Mr. President, we have been joined by one of our colleagues that has been in the center of this controversy during his entire time, which is since 1994. The distinguished Senator from Michigan is already making an impact in this area of vital concern across our country.

I yield up to 15 minutes to the Senator from Michigan.

PRESIDENT CLINTON'S VETO BY LAWYERING

Mr. ABRAHAM. Mr. President, I thank the Senator from Georgia, again, for his efforts to bring us together here to focus on various vital matters before the Senate and before the American people.

Mr. President, I have taken the floor on several previous occasions to discuss the problem of abusive prison litigation and this Congress' efforts to attack that problem.

The last time I did so was April 19, 1996. At that time, I expressed my disappointment that President Clinton had just vetoed the Commerce-Justice-State appropriations bill.

Contained in that bill was the Prison Litigation Reform Act, a carefully crafted set of provisions designed to stem the tide of prison litigation.

In my view, this was a very important piece of legislation. Lawsuits by prisoners and lawsuits over prison conditions were completely out of hand.

One figure captures the situation very well. In fiscal year 1995, prisoners—inmates in prison—filed 63,550 civil lawsuits in our Federal court system. That is a little over one-quarter of all the civil lawsuits filed in Federal courts that year. It's also far more than the 45,788 Federal criminal prosecutions initiated that fiscal year.

In short, Mr. President, we saw, in fiscal year 1995, prison lawsuits outnumber prosecutions under our Federal system and account for one-quarter of all the lawsuits brought in this country in the Federal system.

One prisoner sued because he had been served melted ice cream. For this he claimed $1 million in damages. Fortunately, the judge ruled that the right to eat frozen ice cream was not one of those the Framers of the Constitution had in mind.

Another sued because when his dinner tray arrived, the piece of cake on it was "hacked up."

A third sued demanding LA Gear or Reebok "Pumps" instead of Converse tennis shoes. This kind of abusive litigation is not only frivolous, it costs money and cost the taxpayers a lot of money.

The National Association of Attorneys General estimated that the States were spending about $81 million to battle cases of the sort I just described—this even though the States win 95 percent of these cases early in the litigation for reasons that are obvious.

We were determined to do something about this problem in the Congress, so as part of the Commerce-State-Justice appropriations bill in 1996 we passed the Prison Litigation Reform Act. This legislation charged prisoners a fee for filing any lawsuit, while making it possible for the prisoners to pay that fee in installments. If a prisoner filed more than three frivolous cases, however, the prisoner would no longer be able to pay the filing fee in installments. He or she would have to pay the full fee up front, unless a court found this would create imminent risk of bodily harm.

In addition, prisoners who filed frivolous lawsuits would lose their good time credits, thus making their stay in prison longer. And judges were given authority to screen out frivolous cases on their own.

The legislation was designed to put an end to another aspect of the prison litigation problem: Seizure by Federal judges of the power to run prison systems. These seizures have consequences that range from the ridiculous to the disastrous.

In my own State of Michigan, judicial orders resulting from Justice Department lawsuits have resulted in Federal courts monitoring our State prisons to determine how warm the food is, how bright the lights are, whether there are electrical outlets in each cell, whether the prisoners' hair is cut by licensed barbers—this despite the fact that no court has ever found that any of these conditions regarding which it is giving orders violate the Constitution.

The orders issued by a judge in Philadelphia were even worse. There a Federal judge had been overseeing what had become a program of wholesale releases of up to 600 criminal defendants per week. Why? To keep the prison population down to what the judge considered an appropriate level. Thousands of the released defendants were then rearrested for new crimes including in one 18-month period 79 murders, 90 rapes, 959 robberies, 2,215 drug dealing charges, 701 burglaries, 2,748 thefts, and 1,113 assaults.

In the interest of justice and public safety, we wanted to stop this, and the means were simple and fully in keeping with everyone's rights. We simply required in that same Prison Litigation Reform Act that no judge could take over a prison without first holding that it had violated the Constitution and explaining how the order was necessary to correct the violation. We also directed that the judge give due regard to public safety in deciding what kinds of remedies to require. And we established stringent limits on the power of the courts to order prisoners released. Existing orders would have to meet these new standards. If they did not, they would have to be dissolved immediately on motion of the prison authorities, unless the court found that the orders were necessary to correct an on-going violation of a Federal right.

Unfortunately, President Clinton vetoed that legislation. At the time, the President said his veto had nothing to do with our prison litigation proposals. Instead, he said, he was vetoing the bill over other matters.

We took the President at his word and included our proposals in a second piece of legislation. This time, the President signed the legislation. Unfortunately, the President's top ranking officials in the Department of Justice seem intent on inventing a new kind of veto, veto by lawyering.

This effort started almost as soon as the ink from the President's signing pen was dry. A mere 11 weeks after signing the bill, his Department of Justice was filing briefs all around the country that would undermine the clear intent of our legislation. The briefs claimed that, far from requiring the courts to stop running the prisons for the comfort of prisoners, that law authorized them to continue to do so indefinitely.

Thus, according to President Clinton's Justice Department, Federal judges should continue to tell Michigan how warm the food should be, how bright the lights have to be, and who should cut the prisoners' hair. And by the logic of their position, judges should also continue to dictate prison population size and order excess prisoners released—this even if the Constitution contains no such requirement and even if the release orders jeopardize public safety. At least they should do this while they are investigating whether the prison ever violated any provision of the Constitution, an investigation that can take quite a bit of time.

The Department of Justice has come up with a host of legal theories to explain why the reform act should be read to require indefinite judicial supervision of prisons for the benefit of prisoners. It is difficult to say which is more ludicrous, the original or the current theory. The original theory, now abandoned in the face of questions from Members of this body and the National Association of Attorneys General, was that the phrase "violation of a Federal right" includes violations of the very decrees the reform act was adopted to end.

The current theory stands on its head the reform act's requirement that existing decrees be automatically stayed 30 days after a motion to end one has been filed unless there has been a final ruling on the motion.

According to the current Justice Department theory, this requirement in fact means the decrees are not automatically stayed, and, indeed, that nothing should happen to them at all until the court conducts its own exhaustive inquiry as to whether conditions at the prison have ever violated any constitutional provision.

These theories are unpersuasive, Mr. President. Even Judge Harold Baer, the subject of some attention for his theory that running away from the cops gave no grounds for reasonable suspicion, rejected these theories and ended judicial rule at Riker's Island. Judges there had been dictating such crucial matters as the brand and exact concentration of cleanser to be used in certain areas.

The theories are ludicrous but the end result is not. These interpretations make a mockery of this Congress, they make a mockery of the law, and they make a mockery of the American people's desire to have prisons run to promote the public order, not to promote the comfort of our prisoners.

Further, even if they desperately try to protect existing decrees, President Clinton's Department of Justice continues to threaten exactly the kinds of lawsuits the reform act was supposed to end.

For example, a mere 4 days after President Clinton signed the reform act, the Assistant Attorney General for Civil Rights threatened to sue Gov. Parris Glendening of Maryland over conditions in Maryland's supermaximum security prison. Supermaxes are reserved for the most dangerous prisoners, murderers and rapists who continue their violent behavior in prison.

What were the egregious unconstitutional conditions that led President Clinton's Assistant Attorney General for Civil Rights to threaten suit? The fact that supermax prisoners are not allowed to socialize enough and are not getting enough outdoor exercise. The Department calls these conditions unconstitutional because they are the "mental equivalent of putting an asthmatic in a place with little air to breathe."

Fortunately, this particular veto by lawyering will ultimately succeed only if President Clinton's Justice Department persuades the courts to go along with it. I do not expect that it will.

So far the results are not promising for the Justice Department. So far, the judges who have decided these issues, interestingly, all of them Democratic appointees who had either taken over the running of prisons themselves or had inherited them from a predecessor who retired, rejected half the arguments urging them to retain control.

Mr. President, other parts of the Reform Act, the ones designed to cut back on individual prisoner lawsuits, which President Clinton's Department of Justice has no role in enforcing, already are showing their effects. Prisoner filings since the bill's enactment have declined sharply. Nevertheless, the Department of Justice, through its attempted veto by lawyering, is delaying and undermining the effectiveness of critical portions of the Reform Act. The Judiciary Committee will be holding a hearing on this matter next week.

It is my intention to propose an amendment to whatever proves to be the most appropriate legislation, either this year's Commerce-State-Justice appropriations bill or perhaps another omnibus appropriations bill, that clarifies once and for all it is time for abusive prison litigation to end, whether it is brought by prisoners or by President Clinton's Department of Justice.

It is unfortunate we must clarify once again the clear intent of such recently enacted legislation. But public safety and the costs of our prison system are too important for us to allow this inappropriate veto by misinterpretation.

In short, I am here today to say that if we are truly serious about getting tough with crime, we ought to begin immediately to take the Prison Litigation Reform Act and administer it in the exact clear sense that Congress intended it to be administered.

That is not happening today. I am extraordinarily disappointed by it. I intend to be on the floor as often as necessary to bring about the correct interpretation of that legislation or to add new legislation that eliminates any possibility of misinterpretation in the future. Prisons should be tough time for prisoners and the rights of victims should take priority.

That is what I believe everybody in this Chamber is committed to doing, and if necessary we will have to enact more legislation to get the job done. But I am very disappointed in the actions of the Department of Justice to date because it is certainly inconsistent with what we demand and what the American people I believe want to see happen in the area of prison reform.

I thank the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I wonder if the Senator from Michigan would stay just a moment to see if I get the sequence of these events down. We had a condition of legal frivolity—if you froze an ice cream or not. I think any American who would hear this just would be dumbfounded. But your legislation put an end to that and put an end to judicial management of prisons. And the President vetoed that.

Mr. ABRAHAM. That is correct.

Mr. COVERDELL. Then you came back again, passed the essence of this legislation, and he signed it, but his Justice Department has subsequently been engaged in an overt attempt to undo it?

Mr. ABRAHAM. That is accurate. I would say to the Senator from Georgia, we were told when the first veto occurred, because this legislation was included in a broader bill, that the legislation, the Prison Litigation Reform Act, was not the basis for the veto; that, in fact, it was supported.

When the second bill was signed, we assumed the Justice Department would seek to make sure the provisions of that Litigation Reform Act would be enacted and followed by the courts. Instead, what we have seen is the Department of Justice intervening in lawsuits in a way that would, in fact, preclude, rather than allow, States to extricate themselves from these various judicial circumstances where judges were running the prison systems with no clear evidence of a constitutional violation ever having occurred. Instead, we find the Justice Department finding ways to allow the judges to stay in charge and to allow for various things such as we have seen around the country, where these prisoner lawsuits are growing in number, where judges are requiring prisons and State authorities to expend millions of taxpayer dollars simply to ensure and improve the comfort of prisoners. We think that is the wrong direction.

CRIME IN AMERICA

Mr. COVERDELL. I thank the Senator from Michigan. Again, as I said when he came to the floor, he has been very dutiful on this issue and I am comfortable will ultimately prevail.

Mr. President, a moment ago I was talking about this drug epidemic. There can be no doubt but that we had a change in policies that occurred when this administration took office. And we have had a resulting change in behavior. If you start shutting the drug war down, I think you can expect to see a reversal and we will find more and more young people caught up in this tragic problem and then society caught up in their problems.

This administration has, as we just heard, vulnerability and accountability that it has to accept with regard to the condition of crime in the country today. This administration has touted signing the assault weapon ban and Brady bill as evidence that they got tough on guns. This has been the effect: Federal gun prosecutions are down 20 percent. Federal gun convictions are down 13 percent. The U.S. attorneys' program to target gun crimes and to report on gun prosecutions, Operation Triggerlock, which the Senator from Mississippi talked about a moment ago, has been dismantled—gone. Congress authorized $200 million for States to help with background checks under the Brady bill. Clinton's budget request has cut that figure by 68 percent. "It is fine to pass the bill, but do not fund it."

This administration claims to have put 100,000-plus cops on the streets. Myself and Senator BIDEN, the Senator from Delaware, debated that number a couple of months ago. The data is actually this: The Justice Department says the number is actually more like 17,000. Now, 17,000 is a long way from 100,000. It is questionable whether 17,000 have ended up there as well. In Florida, 30 of this 17,000—not 100,000 but 17,000. In the ads we hear 100,000, but in reality it is more like 17,000. Here is where some of the 17,000 are: They were added to the State Department of Environmental Protection to keep watch over a coral sanctuary off the Florida Keys. The cost of that was $3.5 million.

Florida received $1.8 million to hire 25 cops for State parks. At the same time, Florida received $3.5 million to watch a coral reef. This Justice Department rejected a request from the St. Augustine police department, in northern Florida, to fund a 1-year antidomestic violence program. That would have cost $80,000, to hire this officer. In other words, we do not have 100,000, we have 17,000; and of the 17,000 we have, we have them watching a coral reef off the Florida Keys but denying the ability to set up an antidomestic violence program. This is almost as baffling as some of the statistics that we heard from the Senator from Michigan.

The Justice Department admits that, of that number, as many as 14,000 were already on the streets and are now just paid for with Federal tax dollars. Mr. President, 20 percent of the 100,000 may be officers who are redeployed. So the early money has gone to existing police officers. In reality, only about 3,000 new cops have been added. That is a long way from the 100,000 to 3,000.

Mr. President, we have been joined by the senior Senator from Oklahoma, the assistant majority leader. He is a strong proponent of crime measures that work. I yield up to 8 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I would like to compliment the Senator from Georgia for his leadership on calling to our attention both Senator Dole's initiative to combat crime, which I think has some outstanding points that need to be brought to the public attention and public debate, and also some of the shortcomings we have witnessed through action or inaction from the Clinton administration for the last 3½ years.

First and foremost in the effort to combat crime, I think we have to combat the rapid rise in drug use amongst teenagers. Teenagers are our country's future, and it is very, very sad indeed to see that drug use amongst teenagers in the last 3½ years has more than doubled. That is a frightening statistic. It may be one of the most frightening statistics we could think of. Some of us are parents. I happen to have four kids. To think that drug use has more than doubled in just 3½ years should cause everybody, Democrat, Republican, independent, real cause for concern.

You might say why? Some people point a finger at President Clinton. I think he shares some of the blame. I remember very well Nancy Reagan and her effort to say, "Just say no to drugs." Try to convince young people to, "Just say no. Do not mess with them, do not experiment with them, you are on thin ice, you are asking for trouble and you can start down the road beginning with marijuana and maybe ending up with more serious drugs, cocaine, crack and others, that can destroy your life."

Some people have ridiculed Nancy Reagan's statement. But as a result of her efforts and those continued by President and Mrs. Bush, drug use continued to decline throughout their administrations. We had a 10-year decline in drug use among young people; and basically among all age groups, drug use declined.

Unfortunately, in the last 3½ years drug use among teenagers more than doubled. And what kind of leadership did we have from the White House? We had President Clinton making light of the fact that he had broken our drug laws. He said he did not break the drug laws, he said he never inhaled, not in this country, that was in England and, "No, I never inhaled." Then last year, on a nationally televised show, I think it was MTV, when he was asked the question by a youngster, "Would you inhale if you had a chance to do that again?" he said yes. What kind of example is that? What kind of leadership is that? That is a frivolous attitude, as if it does not really make any difference. That kind of cavalier attitude, I think, tells a lot of people, maybe it is OK to use drugs or try drugs; President Clinton tried drugs.

Then you see in the President's own administration, several people could not get White House clearance through the FBI because they had recent drug use. Not 10 years ago, not 20 years ago when they were in their early twenties or something, but recent drug use. Mr. Aldrich's book indicated that there was drug use even possibly on Inaugural Day. Yet, some of those people are serving in the White House today. I believe it is acknowledged by the White House, 21 current employees, top-level officials in the White House are currently undergoing a drug program, a drug rehab program and surveillance.

What kind of example is that? What kind of leadership is that? And what about some of the appointments that President Clinton has made?

I remember we had a big battle over Dr. Joycelyn Elders to be Surgeon General. A lot of us, mostly Republicans, said, no, she would not be the proper person to be the Surgeon General, to be the No. 1 health officer appointed by the President, to be the person in the bully pulpit, because she had views that were more than liberal, they were off the radar screen to the left.

Many of us opposed her nomination, but she was confirmed. We opposed her nomination because she made a lot of statements that we felt should not be made by the Surgeon General.

After Dr. Elders was appointed, it wasn't too long before she said something about, "Well, maybe we should legalize drugs, maybe we should study legalizing drugs." Did President Clinton fire her for that statement? No. I think I heard somebody say, "Well, the President doesn't agree with her on that issue."

It wasn't a month later and she said the same thing, I think before the National Press Club. She thought maybe we should consider legalizing drugs. Was she fired for making it a second time? The answer is no. She was fired later for making some other comments that were, again, very irresponsible in what we should be teaching our kids in school, but the point being is he didn't fire her. She made several comments about legalizing drugs, and she was still the Surgeon General, she was still President Clinton's appointee to a very important prestigious position. Again, he was aware of her background, he was aware of her philosophy, and yet that was his recommendation to the country for that position.

My point being, the war on drugs needs to be fought. It was fought under Ronald Reagan, it was fought under George Bush, and, basically, it was abandoned under the Clinton administration. The net result is, we have a lot of young people today who are experimenting with drugs, thinking, "Well, maybe it's OK." So we see drug use way up, we see the number of young people who will be addicts, who will see their lives ruined, we will see those numbers go up as well.

So we need to fight the war on crime, we need to fight the war on drugs, but, unfortunately, this administration has been AWOL on both. Mr. President, I regret to say that, I hate to say that.

Mr. President, I am going to make a couple more comments. I looked at Senator Dole's announcement. He said he had a stated goal that he wants to reduce drug use by 50 percent during his first term. It can be done. It was done under Reagan and Bush. It can be done again. You see the current upsurge in drug use due to a very cavalier attitude by this administration, the current administration, on the war on drugs. It will be nice to have a change in the White House and have an individual and a team that is very committed, that is very dedicated, very sincere in saying, "We want to let everyone know that drugs are hazardous to your health."

I find it interesting to see that President Clinton is attacking tobacco and has been silent about other drugs, such as crack and cocaine, marijuana use. I almost think that he made the announcement on tobacco maybe to kind of get this release of information talking about drug use doubling under his term off the front pages. I don't know.

Mr. President, this war has to be fought. We need energetic leadership coming from the White House. I believe we will have that from Senator Dole and his team.

Also, I want to comment on the interdiction efforts. I remember shortly after President Clinton took office, he cut the office of the drug czar by 83 percent. He reduced it from, I believe, 140 employees to 15, and cut the funding way back. That tells you something about his priorities.

Senator Dole said, if elected, he would reestablish the drug czar office. He would redouble and rekindle our efforts on drug interdiction so we can stop drugs before they come into the United States. He said he would increase penalties on those people who have been involved in drug trafficking, particularly amongst people who have been involved in drug trafficking to our young people.

So, Mr. President, it is vitally important that we have a leader who will make change, and make change appropriately, to protect our kids for the future.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, our control of time is nearing an end, but I would like to just draw a contrast here.

The former majority leader has embraced a very focused attack on crime in our country, and he begins—and I think it is appropriate—with the first pledge to cut teen drug use in half. I can't think of a grander thing to achieve that would do more good, reduce pain and anxiety and trouble in millions of American families.

Sometimes these numbers get out of whack. We are talking about a sister, a brother, somebody in the neighborhood, and we are talking about 2 million of them who are now experimenting with drugs who did not 3 years ago. That is a city the size of my hometown, Atlanta, GA—every person in it. Every one of those is a family and is in a personal crisis. So by focusing that as No. 1 is right on target.

No. 2, an end to revolving-door-justice, which Americans have been so concerned about. One in every three persons arrested for a violent crime is on parole. Sometimes people say, "Well, it costs too much to keep them in prison, $25,000, $30,000 a year." It costs $450,000 for them to be out of prison, in property damage and personal damage.

No. 3, holding violent juveniles accountable for their actions. We all know we have a juvenile crime wave and it is tied to the drug wave.

No. 4, making prisoners work. Only one-third of the prisoners work full time. We heard the Senator from Michigan addressing that.

No. 5, keeping guns out of the hands of criminals.

On target, 1, 2, 3, 4, 5.

Conversely, this administration suffers from a lack of commitment in this arena. Shortly after arriving at her job, Attorney General Janet Reno repealed the Department of Justice policy requiring prosecutors to seek the most serious criminal charge they could prove in court. We all heard from the Senator from Oklahoma about the former Surgeon General suggesting that maybe we should legalize drugs and the effect that has had, with children no longer thinking that drugs are serious.

This administration's chief prosecutor in San Diego has released hundreds of captured drug smugglers and sent them back to Mexico without prosecuting. This administration's prosecutors across the country have cut back prosecutions of felons for possessing guns by 13 percent and have reduced prosecution for crimes involving guns 20 to 25 percent.

Many of this administration's judges have embraced the criminal as a victim-of-society philosophy. The Senator from Montana talked about that earlier this afternoon and how wrong that is. We heard the statistics of getting these people back out on the street and the price society pays when we do that.

His appointees to the Supreme Court have been among the most willing to use technicalities to overturn death sentences for brutal murders.

The list goes on, Mr. President. Here we have a focused, energetic, committed Senator Dole targeting crime as a No. 1 issue in America and going after it, and over here we have a record of conciliation and a drug war and a drug epidemic.

We need to do this not only for the stability of our country, but for the compassion of our children.

Mr. President, I yield the floor.

DEFENSE OF MARRIAGE ACT

Mr. PELL. Mr. President, last week the Senate passed the so-called Defense of Marriage Act. I voted against this bill for three reasons.

First, there is no need for this legislation. Not one State in this Nation has legalized marriages between gay men or lesbians. Until one does, there is absolutely no need for Congress to consider whether other States are, or should be, obligated to recognize such marriages.

Second, it is clear to me that this legislation is politically motivated. By making this unnecessary bill a priority of this Congress, while failing to act on numerous other measures of much more immediate importance, the Republican leadership has made clear its desire to try to embarrass those who have traditionally supported equal rights for all Americans, including gays and lesbians.

Third, I do not believe that most Rhode Islanders or most Americans think that this a matter of urgent national importance requiring congressional action. Prior to the introduction of this legislation, I had not received one letter or phone call expressing concern about gay or lesbian marriages. And since the introduction of this legislation, I have received only limited correspondence from Rhode Islanders expressing support for it. Whoever has this bill high on their agenda has not consulted with many of my constituents or with many of the people from across the Nation who write to me.

Mr. President, I know that people of good will and strong faith can differ on this sensitive subject. And I knew that the Senate's vote would be a lopsided one. But if we truly believe in family values, we should remember that the gay men and lesbians whom this legislation will affect are our sons and daughters, our sisters and brothers, our friends and colleagues. Before we enact legislation that further isolates them from the mainstream of society, we should consider carefully whether this legislation is needed, desired, or desirable. I do not believe that it is.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 13, the Federal debt stood at $5,217,304,758,895.91.

One year ago, September 13, 1995, the Federal debt stood at $4,967,411,000,000.

Five years ago, September 13, 1991, the Federal debt stood at $3,623,683,000,000.

Twenty-five years ago, September 13, 1971, the Federal debt stood at $416,135,000,000. This reflects an increase of more than $4 trillion during the 25 years from 1971 to 1996.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Mr. PRESSLER. Mr. President, if the managers would agree, I ask unanimous consent to set aside the committee amendment to offer an amendment at this point. And perhaps it could be dealt with later, if the managers of the bill would agree. It is an amendment that addresses concerns confronting cattle producers in the United States.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 5351

(Purpose: To promote the livestock industry)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 5351.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. PRESSLER. Mr. President this amendment attempts to address many of the concerns confronting cattle producers in the United States today. The issues of packer concentration, lack of price discovery, retail price spreads and low prices have been foremost on the minds of cattle producers and consumers throughout South Dakota and the Nation.

To say these are concerns of my fellow South Dakotans is a gross understatement. Thousands of South Dakotans have written, called, or visited with me on this issue. This is an issue that strikes at the heart of their ability to run their farms and businesses and provide for their families. The time has come for Congress to take action.

For the past 2 years, I have been pressing the Clinton administration to address meatpacker concentration and utilize existing antitrust laws to make sure that cattle are sold in an open and competitive market. Though the administration has taken some steps over the past several months, I believe these measures are marginal at best. Stronger action is needed.

What is of great concern to producers is the fact that while cattle prices have been at or near record lows, retail prices have not shown any significant drop. In fact, just the opposite is happening.

In 1995, at Eich's Meat Market, in Salem, SD, the price of a choice yield grade 2 hind quarter was $1.65 per pound—that is the highest price paid at this locker since it was opened. This past summer it was $1.60 per pound. The same hind quarter was selling for $1.57 per pound in 1993. In contrast, in 1993 live cattle prices were $80 or higher. Yet, in 1995, live prices have been as low as $51.50.

This represents a combination punch to South Dakota ranchers—as producers, they are getting fewer dollars for their livestock; yet, as consumers, ranchers—armed with fewer dollars—are forced to pay more both in terms of real dollars and as a portion of their budget to put their own product on the dinner table.

The influence of packer concentration on the market cannot be overlooked or dismissed. Fifteen years ago, the top four packers held about 40 percent of the market. Today market share is over 85 percent.

Economic studies have shown that this kind of market concentration provides these firms with the kind of power needed to control prices.

At a recent Senate Commerce Committee hearing that I chaired on this subject, it was made abundantly clear that all too often cattle producers do not have free, open, or competitive markets in which to sell their cattle. The Grain Inspection, Packers and Stockyards Administration, [GIPSA] is charged with insuring a free and open marketplace. GIPSA must be more vigilant in assuring this.

Only through enforcement of existing antitrust will we be able to ensure the long-term economic viability of the U.S. cattle industry. South Dakota ranchers agree.

I have held two Senate hearings on this subject over the past year. I also have introduced several bills to address concerns that cattle producers have told me must be addressed. Other Senators have offered their own proposals. Some are controversial. What I have done with this amendment is incorporate those measures that I believe we can pass this year. Our cattlemen need relief now, not a promise of future action at some point next year.

Mr. President, I ask unanimous consent that a summary of my amendment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. I do not believe this is a partisan issue. Nor should this amendment be treated as one. Both Republicans and Democrats from cattle-producing States I expect will embrace this amendment. Some may say tougher action is needed. They're right. The goal here is to do what we can now. This amendment I believe is a strong step in the right direct.

Again, while my amendment does not include everything I think is needed I believe it is a measure that can pass and provide real teeth to bring real results to the problems that our cattle producers face.

We need to keep in mind that old saying "If it ain't broke, don't fix it." Well the U.S. cattle industry is broke and it needs fixing, now.

I would like to commend the South Dakota secretary of agriculture, Dean Anderson, for being a national leader on this issue. Secretary Anderson was responsible for bringing this matter before the National Association of State Departments of Agriculture. South Dakota livestock producers are proud of Secretary Anderson's efforts, as I am. As all South Dakotans know Secretary Anderson recently announced his retirement. He will be missed. His efforts to raise this issue to the national level will be a legacy that South Dakota cattle producers will long remember and be proud of. Passing the amendment I have offered would demonstrate that Congress has listened to Secretary Anderson.

The Senate needs to carefully review this amendment and other possible amendments that address issues confronting the U.S. cattle industry. Packer concentration, price manipulation, possible price fixing, and captive supply all must be looked at and a definite course of action implemented. I will withhold a detailed discussion of this amendment at this time. I offered the amendment to give my colleagues a chance to review it. I expect others may want to seek amendments to this proposal. I welcome any suggestions from all my colleagues. The goal, again, is to do the right thing for our cattlemen, and to do it as soon as possible.

So, Mr. President, in conclusion, let me ask my colleagues to take a look at this amendment, to make their suggestions. Our agricultural industry in the United States is in pretty good shape at this moment except for our cattlemen. We need to take a number of steps. We need to work on packer concentration. We need to get more of our beef into Japan, and some of those countries, and China. We need to get some of the tariffs lowered in some of the Asian countries on beef. We also need to take some steps domestically to be sure that we do not overlook the plight of our cattlemen at this time.

Mr. President, I offer this amendment and I ask that my colleagues consider it and that we take what action we can to help our cattlemen in the closing days of this Congress. Mr. President, I yield the floor.

EXHIBIT 1

PRESSLER LIVESTOCK AMENDMENT

Section 1. Captive Supply:

This section (from S. 1939) addresses producers' concern of captive supplies. A better definition of captive supply and more information regarding captive supplies will bring greater price discovery to producers.

The Packers and Stockyards Act would be amended by defining "captive supply" as livestock acquired by packers delivered 7 or more days before slaughter under a standing purchase agreement, forward contract, or packer ownership, feeding or financing.

This section also requires and annual report from the U.S. Department of Agriculture on the number and volume of U.S. livestock marketed or slaughtered. This report must include information on transactions involving livestock in regional and local markets. The confidentiality of individual livestock transactions would be maintained.

Finally, this section would require the Secretary of Agriculture to make available within 24 hours information received concerning captive supply transactions.

Section 2. Livestock Dealer Trust:

This section (S. 1707, revised) would establish a Livestock Dealer Trust. This provision was part of the Senate-passed version of the new Farm Bill, but was dropped in conference.

The section amends the Packers and Stockyards Act and establishes a statutory trust for the benefit of livestock sellers who sell to livestock dealers and market agencies that buy on commission. To ensure prompt payment of livestock sellers, all livestock purchased in cash sales by a dealer or market agency buying livestock on commission shall have all related property (i.e. livestock, receivables or proceeds) held in a "floating " trust until the unpaid seller receives full payment.

Section 3. Cooperative Bargaining:

This section (from S. 1939) ensures that producer cooperatives are fairly treated by handlers of agricultural products. The Agricultural Fair Practices Act of 1967 would be amendment to make it unlawful for handlers of agricultural products to fail to engage in good-faith negotiations with producer cooperatives. It would also make it unlawful to unfairly discriminate among producer cooperatives with respect to the purchase, acquisition, or other handling of agricultural products.

Section 4. Labeling of Meat and Meat Food Products:

This section (from S. 1939) would require country of origin labels on graded meats. Producers and consumers alike have made it abundantly clear that meat needs to be labeled to show country of origin. Under this section, the Federal Meat Inspection Act would be amended to require graded meat that was either imported, or produced from an animal that was located outside the United States for at least 120 days, be labeled showing the country of origin.

Section 5. Interstate Shipment of Meat and Poultry Products:

This section (S. 1862) would permit the interstate shipment of state-inspected meat and poultry products. The section would amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow states to apply to the Secretary of Agriculture for the interstate shipment of meat and poultry products. The Secretary of Agriculture first must verify that the state's mandatory inspection requirements are equal to or greater than the Federal inspection, reinspection and sanitation requirements.

Upon verification by the Secretary, the prohibition on interstate shipment of meat and poultry products inspected soley by the state shall be waived. Once a waiver has been granted, the Secretary of Agriculture may perform random inspections of state-inspected plants to ensure that mandatory state inspection requirements are equal to or greater than Federal requirements. If a state does not maintain its inspection requirements to Federal levels, the Secretary shall reimpose the restriction against the interstate distribution of meat and poultry products.

This section was recommended by members of USDA's packer concentration commission and is strongly supported in the agricultural community. Lifting the market restrictions imposed on state-inspected meat and poultry processors would slow the concentration in meat packing by enabling small-and mid-size processors to expand their operations and create more jobs. 400 state-inspected plants have gone out of business since 1993 because of the prohibition. This section would provide the same opportunity for small business owners and operators that exists for large corporations and foreign competitors.

Section 6. Review of Federal Agriculture Credit Policies:

This section (from S. 1949) establishes an interagency working group to study the extent that Federal lending practices have contributed to concentration in the livestock and dairy markets. This interagency working group would be established by the Secretary of Agriculture after consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System and the Chairman of the Board of the Farm Credit Administration.

Section 7. International Barriers to Trade:

This section (from S. Res. 277) expresses the Sense of the Senate that certain actions be take to address international barriers to trade. Those actions are as follows:

(1) the Secretary of Agriculture should continue to identify and seek to eliminate

unfair trade barriers and subsidies that affect U.S. beef markets;

(2) the U.S. and Canada should expeditiously negotiate the elimination of animal health barriers that are not based on sound science. Many U.S. cattle producers are concerned that Canada requires more stringent veterinary and inspection requirements on U.S. cattle entering their market than what the U.S. requires on Canadian cattle entering our market;

(3) the import ban on beef from cattle treated with approved growth hormones imposed by the European Union should be terminated. The European Union's ban on U.S. cattle and beef is not scientifically based, represents an unreasonable barrier to U.S. trade, and has cost U.S. beef producers more than $1 billion in export sales since 1989; and

(4) the Secretary of Agriculture should use the Export Credit Guarantee Program (GSM-102) and the Intermediate Export Credit Guarantee Program (GSM-103) to promote the export of U.S. agricultural commodities to countries of Africa.

Section 8. Animal Drug Availability Act:

This section (S. 773, revised) contains the Animal Drug Availability Act of 1996. The Act contains recommended changes to new animal drug application approvals to provide the Food and Drug Administration with greater flexibility to determine when animal drugs are effective for their intended uses. The Act would establish streamlined approval requirements for new individual animal drugs or active ingredients sought to be used in combination. Currently separate tests are required for approval of these drugs.

This section also would require the Food and Drug Administration to consider legislative and regulatory options for facilitating approvals of animal drugs for minor species and minor uses, and to announce its proposals for legislative or regulatory changes within 18 months of the date of enactment. Currently, the Federal Food, Drug and Cosmetic Act does not address animal drug approvals for minor species or uses.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we, of course, will take a careful look at this amendment. It is on a subject of which this Senator is well aware, as a member of the Commerce Committee, of which the Senator from South Dakota is chairman. It does address a very real need. On the other hand, Mr. President, it obviously has nothing to do with an appropriations bill for the Department of Interior and related agencies.

The distinguished senior Senator from West Virginia and I have, as a policy, determined that we will not be friendly toward amendments which are entirely nongermane or entirely nonrelevant to issues before this bill. If we do, if amendments like this begin to pass, it is almost certain that the bill itself will be taken down. The sponsors of the amendments likely will not be successful in reaching their policy goals, and we will have frustrated the appropriations process.

So I express the hope, and subject to what I hear from the distinguished Senator from West Virginia, that the Senator from South Dakota will be able to make a very important point, as he has, and as he has done eloquently, without opening up this bill in a way that has frustrated and perhaps destroyed some other appropriations bills, including the one that preceded this as a matter of debate. With that, as we do not have any votes to take place today, I suggest that we set the amendment aside and move forward to another subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. The pending amendment has just been laid aside.

Mr. WYDEN. Mr. President, I ask unanimous consent to lay aside the pending committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you, Mr. President.

AMENDMENT NO. 5352

(Purpose: To authorize the Secretary of the Interior to enter into cooperative agreements for the restoration and enhancement of biotic resources on watershed land)

Mr. WYDEN. Mr. President, I have an amendment at the desk involving a voluntary watershed restoration effort on private lands. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 5352.

Mr. WYDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title I, insert the following:

SEC. 1. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

(a) IN GENERAL.—For fiscal year 1997 and each fiscal year thereafter, appropriations made for the Bureau of Land Management may be used by the Secretary of the Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both that benefit these resources on public lands within the watershed.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of the Interior may enter into a watershed restoration and enhancement agreement—

(1) direct with a willing private landowner; or

(2) indirectly through an agreement with a State, local, or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other biotic resources on public land in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner, and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

Mr. WYDEN. Mr. President, at the beginning, I want to thank my friend from Washington, the chairman of the subcommittee, Mr. GORTON. He has been very helpful, both the chairman and his staff, in our preparation of this effort. I want him to know that I very much appreciate all his help. Senator BYRD is not here, but he, as well, has been very helpful to me. I want to thank both Senator GORTON and Senator BYRD at this time for their assistance.

As Senator GORTON knows, in particular, the natural resources questions in the West are especially polarized. They are ones where so often there are very heated and controversial fights between groups, particularly industry groups and environmental groups.

I and others, and I know the Senator from Washington is interested in this, are continually making efforts to look at new models, in effect, new paradigms, for resolving some of these natural resources questions and trying to bring people together. It is for this reason that I offer this amendment, Mr. President.

My sense is some of the most exciting work being done in our country, particularly in our Pacific Northwest, involves voluntary, purely private efforts, where people look to try to get beyond some of the old controversies, some of the old battles, and come together to resolve natural resources questions in a balanced way.

What our history in the Northwest has always been about is protecting our treasures, protecting our natural resources, while at the same time being sensitive to economics. It is my sense that some of the voluntary watershed restoration projects on private lands give us the chance to accelerate the effort, to find these new models for resolving natural resources questions. It is for that reason that I offer this amendment today.

This amendment would make it possible, Mr. President and colleagues, for willing private landowners to work on cooperative efforts with the Bureau of Land Management to restore damaged watersheds so they can provide habitat to salmon and other species. It is going to make more effective the Bureau of Land Management's watershed restoration efforts in a fashion that involves no extra costs to our taxpayers while at the same time protecting the private property rights of citizens in our country.

I got particularly interested in this issue, Mr. President, when I met with a watershed restoration group in Coos Bay on our south coast. They had been working with a number of the natural resources agencies, getting some funding from the U.S. Fish and Wildlife Service to work on projects that involve private landowners. The group was also interested in working in a cooperative effort with the Bureau of Land Management but had been unable to do so.

This watershed restoration group, which involved environmental leaders, industry leaders, fishermen, a cross section of people, approached the Bureau of Land Management and were told by the Secretary that the Bureau of Land Management interprets its authority to work on projects involving private landowners as limited to what they describe as planning activities. The Bureau of Land Management said at that time to this group on the south coast in Oregon that they did not think they had the authority to actually go out and fund improvements on private lands.

It is my view that the Bureau of Land Management ought to have the clear authority to work with willing private landowners on cooperative watershed restoration efforts. In many cases, the only way to solve a watershed problem or restore species habitat is to target both public and private lands in the watershed. You cannot solve the problem if you focus just on the public lands.

This is the most biologically responsible approach to species management. It recognizes that many species frequently cross property lines, moving from public to private property and back the other way. As a result, restoring habitat on private lands may in certain cases be the most effective investment for survival of species also found on Bureau of Land Management and other public lands.

For a moment, let me take an example where 90 percent of the land in the watershed is owned by the Bureau of Land Management but the source of the watershed problem is the 10 percent that is privately owned. In this case, the problem is most likely not going to be solved if the Bureau of Land Management can only spend money for improvements on the BLM land. The result will be that the watershed problem is either not going to be solved, or else the Bureau of Land Management is going to end up wasting money funding improvements only on the Bureau of Land Management lands.

There is a simple and straightforward solution: Give the Bureau of Land Management clear authority to work with willing private landowners on cooperative watershed restoration projects in cases where this will do the most good for the whole watershed. This way, the public's and the watershed's concerns—taxpayers', industries', and environmental concerns—all get addressed.

To be eligible for funding under this legislation, the project site on private land must be in the same watershed as the Bureau of Land Management lands. But the private land does not have to border directly with the Bureau of Land Management lands. The key consideration ought to be the biological and ecological connections between the private lands and the Bureau of Land Management lands.

Taking for a second what happens if salmon use both forks of a river in a single watershed, but only one of the forks contains public land, this legislation would allow the Bureau of Land Management to spend money on private land in the other fork where this would benefit the survival or recovery of the species as a whole in the watershed. The Bureau of Land Management would also be authorized to spend money on private lands where this would provide for immediate protection to the threatened or endangered species found on the public land or where spending the money on private land is more beneficial to the overall recovery of the species.

Now, at the same time, we do not want the Bureau of Land Management spending taxpayer money on projects that benefit only the private landowners. To ensure that this does not happen, the amendment requires there be a benefit to fish, wildlife, or other resources on public lands. The Secretary must also determine that the project is in the public interest in order for the Bureau of Land Management to purchase them.

Finally, Mr. President, my amendment provides important protections for private property owners participating in cooperative watershed restoration efforts. From start to finish, the process is completely voluntary. Under the amendment, the Bureau of Land Management can only enter into watershed restoration agreements that are mutually agreed to by the Secretary, as well as by the private landowner. If there is any part of the agreement that the private landowner objects to, that landowner can simply say no to the agreement.

What we have, Mr. President, is an amendment that, in my view, will be good for watershed restoration efforts. It will be good in terms of maximizing taxpayer funds during these tough times, and it fully protects the rights of private landowners. I hope this will be adopted.

I thank the Senator from Washington. Both he and his staff have been very helpful, as well as the Senator from West Virginia, Senator BYRD.

I yield the floor.

Mr. GORTON. Mr. President, this amendment proposed by the Senator from Oregon is, indeed, relevant to the subject matter of this bill. It is one, as he has already eloquently pointed out, that attempts to bring people together, people who have differing views often, and not only individuals with differing views but Government agencies, especially the Bureau of Land Management, and private landowners, in a way that benefits fish and wildlife, in a way that benefits the environment, and in a way which is entirely voluntary.

He has worked with me and my office on all of the details of this proposal. I am delighted to say from the point of view of this Senator and the managers of the bill, the proposal is not only acceptable, but one for which I have an enthusiastic response and full support.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I am informed that this amendment has been cleared by the manager on the other side of the aisle. Under those circumstances, from my perspective, it is ripe for a vote and for acceptance.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 5352) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. WYDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, it is obvious that the Interior appropriations bill is open for amendment. We are open for business. We have now heard an amendment proposed by the Senator from South Dakota. We have accepted one by the Senator from Oregon.

For the information of Members, under the previous order, at 3 o'clock, the Chair is to recognize the Senator from Arkansas to introduce an amendment on grazing fees, which, obviously, will be a very controversial amendment. I hope there will be a full and complete debate on that amendment this afternoon so that it is ready for a vote tomorrow. It will not, under the unanimous-consent agreement, come to a vote today, but we can move this bill forward and make progress on this bill by having a thorough debate on that issue, one that, while it is controversial, is certainly relevant to this appropriations bill.

In the meantime, the floor is open for any other Member who wishes to introduce an amendment to begin discussion, and perhaps conclude it if the amendment is not a controversial one. I invite other Members of the Senate who are within the sound of this debate to bring those amendments to the floor and we will deal with them as expeditiously and fairly as we possibly can.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak for 4 or 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair and thank the floor manager, my good friend, the senior Senator from the State of Washington.

AMERICA'S DEPENDENCE ON MIDEAST OIL

Mr. MURKOWSKI. Mr. President, my purpose in rising is to simply draw some attention to what is certainly evident to this Senator from Alaska; and that is, our increasing dependence on Mideast oil sources. As we have seen within the last few weeks, there has been a crisis as a consequence of the efforts of Saddam Hussein to once again provide the world with a reflection on how we have become more and more dependent on imported oil from the Mideast. We had United States cruise missile attacks against Iraq again, highlighting the crucial dependence that the United States has become accustomed to in its dependence on imported oil.

I think it is fair to say the administration's policy is one that is really absent. It is difficult to identify just what our policy is, as far as energy is concerned. Back in 1973 when the United States was approximately one-third dependent on imported oil, we entered into a national security analysis because we were concerned that that increasing dependence would lessen U.S. leverage in dealing with our neighbors in the Mideast. As a consequence, Mr. President, we established the strategic petroleum reserve. That was in response to the Arab oil embargo of 1973.

Again, I remind my colleagues that in 1973 we were approximately one-third dependent on imported oil, so we authorized the creation of SPRO, the strategic petroleum reserve, in Louisiana in salt caverns, where there was the commitment by this Nation to have an emergency supply of oil on hand, approximately a 90-day supply. We filled SPRO with some 600,000 barrels, which cost us about $17 billion, because we were paying a relatively high price for oil at that time, about $27 per barrel.

Today, Mr. President, we are 50.4 percent dependent on foreign oil. The Department of Energy, Mr. President, predicts that by the year 2000 this country will be 66 percent dependent on foreign oil. I do not think there is any question about the stability in the Mideast. It remains one of the most unstable areas in the world. We had sent up to half a million troops over there in 1991 and 1992 during the gulf war to protect—protect what, Mr. President—protect the international oil supply stream because it was crucial to the Western World.

We have seen earlier this year our troops bombed in their barracks in Saudi Arabia. We have seen Iraqi missiles shoot our planes down. We have seen F–117 stealth fighter bombers en route to the area. They are there now.

What is the administration doing about it? Well, they are after Saddam Hussein, but they are not doing one single solitary thing to lessen our dependence on imported oil. As we attempt to negotiate with the Mideast, we see a certain reluctance by our neighbors in the Mideast to rally with the United States to take appropriate action against Saddam Hussein, whether it be Saudi Arabia or whether it be Kuwait. It is rather noticeable that as we attempt to address this renegade, we are doing it pretty much alone. Oh, surely the thoughts of the other countries are with us, and their good wishes are with us, but they do not stand with us with personnel or an open commitment. I find that rather ironic.

Earlier this year, Mr. President, we were looking at Saddam Hussein to relieve our dependence on imported oil. When we were in conflict with Saddam Hussein back in 1991 and 1992, I think we were looking at roughly $1 billion worth of oil coming from Iraq each quarter. So here we are at one time committed to try to put him in a cage, and a few years later we are looking at Iraq under the regime of Saddam Hussein to relieve our dependence on other Mideast countries.

The point that I want to make, Mr. President, is that on one hand we seem to have the inconsistency of creating the strategic petroleum reserve at great expense when we were 33 percent dependent on foreign oil, and now we are talking about selling a portion of it. We are talking about selling a portion of it. Perhaps that will come up in some of the debate on the Interior appropriations bill relative to generating revenues, but we have already seen our President in his budget proposal, in the outyears, in the year 2002, propose to sell $1.5 billion worth of SPRO in order to meet his budget projections.

So, Mr. President, one can say that SPRO is now being used, to some extent, as a piggy bank in order to meet budgetary requirements. While much of that oil was paid for when prices were prevailing at $27 a barrel, it is interesting to note we are selling it at somewhere in the area of $18 or $19.

So on one hand, Mr. President, we have a situation where we continually fail to recognize our increasing dependence on Mideast oil; on the other, we sell down the oil that we have put aside to take care of whatever energy supply disruption may occur, and we fail to recognize the prediction by the Department of Energy that by the year 2000 we will be two-thirds dependent on foreign oil.

We produce less crude oil now in the United States than we did in 1955. Imports of foreign oil significantly affect our economy. It has been estimated that we spend approximately $150 million per day on foreign oil. That is more than $50 billion per year. One looks at the trade deficit. Nearly half of it is the cost of imported oil. The other half is with our trading partners, to a large degree, Japan and others.

But three times we have seen international oil supply interruptions affect U.S. economic and national security interests. We saw it in 1973 in the Arab oil embargo, in the 1979 Iraq-Iran war, and, of course, in the 1991 Iraqi invasion of Kuwait. Is the Middle East, the Persian Gulf, any more stable today than it was in 1973? Of course it is not. And the response of the administration toward opening up domestic fields here in the United States, to spur employment, keep our dollars home and lessen our dependence, is sorely lacking.

In conclusion, Mr. President, to suggest that the most promising area in ANWR cannot be opened safely, with the advanced technology we have, is clearly selling American ingenuity and technology short. I recognize my time is limited. Other Senators are here to proceed with debate. But I remind my colleagues to consider the merits of just where we are going relative to our increased dependence on imported oil. One of these days we are going to have a crisis in the Mideast, and the public is going to blame this body. They are going to blame this Government. They are going to blame this administration for not having the foresight to decrease our dependence on foreign oil by taking the necessary measures at home to stimulate resource development protection, which we can do safely with ANWR.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 5353 TO COMMITTEE AMENDMENT ON PAGE 25, LINES 4-10

(Purpose: To increase the fee charged for grazing on federal land)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. GORTON. Would the Senator from Arkansas withhold?

Mr. BUMPERS. Happy to.

Mr. GORTON. Do we have a special order to proceed to a particular amendment?

The PRESIDING OFFICER. It is the amendment of the Senator from Arkansas.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendment found on page 25 be laid aside and the amendment from the Senator from Arkansas be considered.

Mr. BUMPERS. We object.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The regular order is for the clerk to report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. GREGG and Mr. KERRY, proposes an amendment numbered 5353 to the committee amendment on page 25 lines 4-10.

Mr. BUMPERS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending Committee amendment ending on line 4 on page 25, add the following:

SEC. . GRAZING FEES.

(a) GRAZING FEE.—Notwithstanding any other provision of law and subject to subsections (b) and (c), the Secretary of the Interior and the Secretary of Agriculture shall charge a fee for domestic livestock grazing on public rangelands as provided for in section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905(a)) and Executive Order 12548 (51 F.R. 5985).

(b) DETERMINATION OF FEE.—(1) Permittees or lessees, including related persons, who own or control livestock comprising less than 2,000 animal unit months on the public rangelands pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a).

(2) Permittees or lessees, including related persons, who own or control livestock comprising more than 2,000 animal unit months on the public rangelands pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a) for the first 2,000 animal unit months. For animal unit months in excess of 2,000, the fee shall be the higher of either—

(A) the average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in which the lands covered by the permit or lease are located; or

(B) the Federal grazing fee set forth in subsection (a), plus 25 percent.

(c) DEFINITIONS.—For the purposes of this section—

(1) State lands shall include school, education department, and State land board lands;

(2) individual members of a grazing association shall be considered as individual permittees or lessees in determining the appropriate grazing fee; and

(3) related persons includes—

(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the holder of the permit or lease; and

(ii) a person controlled by, or controlling, or under common control with the holder of the permit or lease.

Mr. BUMPERS. Mr. President, grazing fees have been the subject of many hot controversial debates in this body. The reason is that our grazing fee policies are highly controversial. When I think about the farm bill that we passed last year and the proponents of the farm bill said that it was going to take the farmers off of welfare—they have been receiving these commodity payments since the memory of man runneth not, so we are going to give them some money each year for 7 years and then that is the end of all farm subsidies. All farmers will be on their own after that. No more welfare state for the farmers of this country.

Mr. President, I have absolutely no objection to grazing on Federal lands. What I object to is the amount of money we receive from the people who graze livestock on public lands. Let me just start by saying that we have about 27,000 permitees in this country who graze cattle on public lands. That is on both Forest Service lands and Bureau of Land Management lands. How much land is involved? It is 270 million acres. What do we get? What does the United States Treasury get for the 270 million acres? We get $25.2 million—$25.2 million a year for 270 million acres of land.

I am not quarreling about how much land is grazed. I am not quarreling with the permitting system where we grant permits to ranchers so that they can graze cattle on it. I am not even quarreling all that much about how little money we get out of it. My amendment will only add $8 million a year to that $25 million. What I am quarreling about is the welfare system that exists in the way we handle our Federal grazing lands.

In short, we have 27,000 permits—I want my colleagues who are sitting in their offices or in the Chamber to listen to these figures—27,000 permits in this country. Some people have more than one permit, so we actually have 22,350 operators who hold permits. Here is what I object to and this is what my amendment is designed to correct: some of the biggest corporations in America, corporations from the Fortune 500, people who are billionaires—pay $1.35 per AUM [animal unit month] to graze cattle on public lands. Mr. President, I am talking about 9 percent, look at this figure on this chart, 9 percent of the 22,350 permittees, 9 percent of them hold 60 percent of the 270 million acres of land that we allow to be grazed.

What does that mean? Mr. President, 91 percent of the remaining permittees control 40 percent of all of the AUM's. You do not have to be a rocket scientist to look at this chart and know that we are being grossly unfair to ourselves and we are allowing a form of corporate welfare in this country that we should never permit. What would I do? My amendment focuses on this 9 percent, the permittees controlling 60 percent of all of the AUM's. Let me digress a moment to describe what that is. An animal unit month is the amount of forage needed to graze one cow and her calf for 1 month, or one horse, or five sheep or five goats. We will talk about cows because virtually all Federal lands are grazed by cattle.

Nine percent of these people, many of whom are billionaires and the largest corporations on the Fortune 500, control 60 percent of all of this land. My amendment would require these 9 percent to pay the rate that the State charges for grazing on State lands for any AUM's in excess of 2,000. My amendment allows all permittees to pay the current fee of $1.35 on the first 2,000 AUM's.

Today we charge, per AUM, $1.35 a month. You can graze one cow and her calf for 1 month for $1.35 on public rangelands. Look at this. In 1981, that figure was $2.31. In 1995, it was $1.61. In 1996, it is $1.35. My amendment would require that, if a permittee controls more than 2,000 AUM's, that permittee must pay the average that the State charges for State lands for all AUM's in excess of 2,000.

What's wrong with that? Somebody tell me, what's wrong with that? Why is it that Colorado leases their lands for $6.50 an AUM and poor old "Uncle Sucker" gets $1.35? Why is it that even Arizona gets $2.18 per AUM and poor old "Uncle Sucker" gets $1.35? Look at this—Nebraska. Nebraska gets $15.50 per AUM, and "Uncle Sucker" gets $1.35. South Dakota gets $7 per AUM on State lands in South Dakota, and the State of Oklahoma gets $10. Washington State gets $4.55. The average for all of these States where Federal lands exist—the average charged by all of those States is well over $5, or between $5 and $6. That is the average. "Uncle Sucker" gets $1.35.

I see my colleague, Senator GREGG, who just came on the floor. He is my chief cosponsor on this amendment. Our amendment allows every permittee to pay the current rate of $1.35 on their first 2,000 AUM's. We are not trying to change the basic rate. However, if you are Anheuser-Busch, or Newmont Mining, or Hewlett of Hewlett-Packard, and you have thousands of acres of land you are grazing, anything above 2,000 AUM's, you ought to be willing to pay what the State charges.

Mr. President, I was discussing this amendment with my staff in my office this morning, and I said, "You know, I used to be a trial lawyer, and I know something about juries. Sometimes I got fooled about what a jury would do. But I would not be fooled on this." If I were arguing this to 12 jurors, peers of mine—12 jurors, tried and true—they would not be out to deliberate this issue in minutes. Why do you think people are always saying, "What on God's green Earth is Congress thinking about? Why do they permit things like this?" I will tell you why they permit it. The same reason we permit a lot of other things: They have a lot of clout.

Do you see these States right here on this chart? I would hope to get a Senator or two from one of those States. However, right now I don't know who it would be. These people who control these grazing permits have a lot of political clout. I don't blame them. If I were out there running cattle on Federal lands for $1.35 a month, I can promise you I would have some strong feelings about changing the law, too.

Look what has happened, Mr. President, since 1981. I invite all of my colleagues to look carefully at this. In 1981, this green line represents the average fees in these States charged to private persons. If you rent land from me—incidentally, Mr. President, until 2 years ago, I had a 400-acre farm, and I leased it for cattle grazing. From the time I was elected Governor in 1970, I never farmed again. I leased my land every year. That is a private lease, and the average is $7.88 an AUM in 1981. But in 1995, look at the trend. Private lease rates now average $11.20, which is the amount a rancher pays if he or she leases these lands in the private sector.

If a rancher leased State lands in one of these States right here in 1981, he or she paid $3.22 per AUM. In 1995, he or she would have paid $5.58. That is the average of what all these States charge. But if a rancher happened to be one of those lucky people that held a permit from the Bureau of Land Management, in 1981, he or she paid $2.31. The Federal fee was decreasing. In 1991, a Federal permittee paid $1.97. In 1995, a Federal permittee paid $1.61. In 1996, it is $1.35.

Here are lands being leased in the private sector, going up dramatically in the last 16 years. The grazing fees charged on lands leased in the private sector, going up dramatically since 1981. And grazing fees on lands that poor old "Uncle Sucker" lets out have gone down. I don't have this carried out, but it would be down about here, $1.35 an AUM.

Even Senator DOMENICI's bill, which passed the Senate but which did not go anyplace—nor is it going anyplace—even that bill would have taken the price of AUM's up to $2.18. Now, of course, you understand that is 9 years from now, in the year 2005. No big deal. But at least Senator DOMENICI would recognize that $1.35 per AUM is outrageous.

Here is an average of the 1995 fees. I mentioned this a while ago, but I did not show you the chart. Today, this figure is not $1.61; it is $1.35. Senator DOMENICI's bill was $1.97. In the State lands, the average is $5.58.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. BUMPERS. Yes.

Mr. DOMENICI. I was in the cloakroom, and I saw something fall down; did it hit you?

Mr. BUMPERS. I am going to put it back up.

Mr. DOMENICI. But you are all right?

Mr. BUMPERS. That is about how important this debate has been considered around here for the last 20 years.

For private lands, $11.20 is the average of what people are paying private landowners to graze livestock on private lands. You are going to hear a lot of people state, "Senator, do you realize cattle prices are awfully low right now?" Yes, I know cattle prices are currently low. I used to be a cattle farmer myself. Cattle prices got so low one time in the late sixties, I heard a farmer say, "I have already lost $100 this morning." I asked, "How come?" He said, "One of my cows had a calf." I know that prices of cattle are not at an all-time low, but they are very cheap right now. But they are not as cheap as this bargain ranchers receive from the U.S. Government. Look at this. You are going to hear the argument that the States—because I am saying we should charge these wealthy corporate farmers who are getting this big ripoff from the Bureau of Land Management, they are going to say, "Well, prices are so low now. This is no longer a big bargain."

However, remember that the private land lease rates and the State land lease rates have continued to rise over the last 16 years. You cannot argue with the trend. In addition, how many landlords have you ever known who have said, "I will put 50 percent of all the rent you pay me back into your apartment. You pay me $500 a month, and I will put $250 a month back into renovating your apartment and keeping it up, buying new appliances, and so on."

But that is what we do. That is what the Federal Government does. If we received $1.35, that would be an outrage, but we turn around and put improvements, fences, everything under the shining sun back into the land. Fifty percent of $1.35 goes back onto the land. What a deal.

The Government only gets 37.5 percent and the States get 12.5 percent.

Mr. President, I am going to put a few charts up here to show you why I am offering this amendment. There are some people who ought not to be permitted to have huge, thousands and thousands of acres of grazing permits for $1.35 an acre per cow. As I said, my amendment would let them control 2,000 animal units at the $1.35 rate, and that is what it is under the Public Rangelands Improvement Act right now.

I ask you, is a small fee increase which amounts to $8 million for all of them—I am talking about 60 percent of the lands, 60 percent of the 270 million acres of land we lease—is it too much to ask those people to pay an additional $8 million a year? And it is not the money. It is corporate welfare. How many times do you hear that term used around here in the Tax Code. So I ask you, is this small fee increase I am talking about really important to these people?

Anheuser-Busch, I understand they make a good beer. I am not a beer drinker so I cannot attest to that. But in 1994, they were ranked the 80th biggest corporation in America—not just on the Fortune 500, the 80th biggest corporation in America. And what do they have? They have 8,000 AUM's, and under my amendment they would pay the State fee on the additional AUM's above 2,000, or 6,000. They would have to pay a small additional fee on the extra 6,000 above 2,000.

I do not believe that would bankrupt Anheuser-Busch. You are probably talking about somewhere between $6,000 and $60,000 a year, or the equivalent of a 15-second spot on Sunday afternoon at the football game.

William Hewlett, who in this body never heard of Hewlett-Packard? William Hewlett, 100,000 acres. My guess is that he is easily a billionaire. William Hewlett is probably embarrassed to pay $1.35 an animal unit month. He has permits for 100,000 acres. Why do I have this nagging suspicion that this bill would not bankrupt him?

Newmont Mining Co., probably the biggest gold mining company in America—British owned, if that matters to you. I do not believe Britain would lease lands to run 12,000 cows on any of its land. I am not making the case. I love England. They have been a steadfast, reliable ally for almost 200 years. They have 12,000 animal unit months, and I am saying that is 10,000 too many without paying something extra.

J.R. Simplot, the Idaho potato billionaire—billionaire—50,000 AUM's. Think about 50,000 AUM's. That could run as high as 4,000 head of cattle for 12 months at $1.35 a month.

And here is another corporation, Zenchiku, 6,000 AUM's and 40,000 acres.

Mr. President, I am not going to belabor this any further. I have just made the case that we are allowing the biggest corporations in America to run thousands of cattle on Bureau of Land Management and Forest Service lands.

You know something else. If a rancher leases lands for grazing on the Ouachita National Forest in the great State of Arkansas, from whence I come, you have to pay almost twice that much. If you lease grazing lands on any of the eastern forests of the United States, you have to pay $2.50 per animal unit month. They are not a big item in my State so I do not really have a dog in the fight. All I am saying is this is very little money, $8 million.

It is not right for 9 percent of the wealthiest people in America to control 60 percent of all the grazing lands the Bureau of Land Management and the Forest Service permit to be grazed. That means the other 91 percent, whom everybody here is going to stand up and defend—people from the Western States are going to get up and say, "Isn't this terrible. Think about it. All these poor little old people out there trying to graze." I do not touch them. This amendment has nothing to do with them. They will still run cattle for $1.35 an animal unit month. I am not talking about 91 percent of the permittees. I am talking about the 9 percent who control 60 percent of 270 million acres for a ravaged price of $1.35 an animal unit month.

Madam President, this amendment is favored by the Taxpayers for Common Sense, Friends of the Earth, U.S. Public Interest Research Group, Trout Unlimited, Southern Utah Wilderness Alliance, the Wilderness Society, the National Wildlife Federation, the Natural Resources Defense Council, and the Sierra Club—and almost 260 million people. I have not talked to all of them, but I can speak for them. They favor this amendment, too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I feel like we are coming back into a familiar discussion. I do not know how many times just in the last 2 years I have heard the same thing. Fortunately, the Senator can use the same charts, and that is good. That is a saving.

Let me tell you a little bit about the Sun family, ranchers in Wyoming. There are about 20 members of this family. They have several places they live on. They run more than 2,000 AUM's. However, when you divide it up by the number of family members, they run about 168 head of cattle per family. That is hardly the millionaires the Senator talks about; characterizes as the West being full of corporations. I want to tell you, come to Wyoming, come to Wyoming and show me all those corporations.

Let me tell you a little bit about the Red Desert Grazing Association. These are a number of ranches that go together in association and their lease is one lease; and they have more than 2,000 animal units. But when you divide it up by the families involved, what you are talking about are families, who make up the bulk of this industry, trying to make a living with public lands. This idea of trying to characterize it as being all these big corporations simply is not accurate. It is not accurate. We have been through this before.

Let me tell you, No. 1, this is an appropriations bill. We talked about this when we talked about the bill of substance, the grazing bill, which raised the price, which the Senator opposed. We talked about that in the authorizing committee. That is where it is supposed to be discussed. And the grazers—we were willing to raise the price when you change some of the conditions under which grazing takes place. No, now we are going to do it on the appropriations bill, where we do nothing to change the conditions, but we will raise the price; raise the price on family ranchers who make a living in this country.

Quite different than in the Senator's State, these lands were homesteaded. The homesteaders took up the river bottoms, they took up the water, they took up the shelter, they took up the winter feed. What we are talking about here are the residual lands that were left, the residual lands left out, away from the creek, the lands they can use in the summer only if they develop the water, which is not true on your land, Senator. So you cannot compare this with the private land in Arkansas.

Come out to 7,200 feet in Laramie, WY, and take a look at it. It is a little different, a little less valuable. Come out and see who takes care of the fences. Do you take care of the fences, Senator, on your farm? I think so. You do not take care of the fences on the public land.

Do you provide water on your farm, Senator? I think you probably do. You do not provide the water in the West. The guy who leases it provides the water. It is not the same. It is not the same.

The Senate already voted on a very similar amendment earlier this year; same thing. We are back on it again. Grazing on public land and private land cannot be compared. Productivity—there are places in my State where it takes more than 100 acres, for 12 AUM. It is very unproductive land. It takes transportation there; you have to take care of the livestock when it is there, you have to ride, you have to take care of predators. Those are differences. Those are differences, and they show up in the costs. Obviously, the price of cattle is very low. These rates that you refer to, which we wanted to raise, are tied to the price of cattle. That is why they are as low as they are. They were higher than that when the price was higher, and they will be higher again. They will be higher when our grazing bill passes.

You indicate the grazing bill is done. It is not necessarily so. The things go together. You cannot pick out the price and say let us leave the rest of this stuff, leave it the way it is, but we will raise the price. I do not agree with that. I think it is wrong. There is a major difference between private and public land. Private land pastures tend to be self-sufficient. They have water, grass, fences. They are close enough so everyone can watch them. There are no predators there.

Public lands are quite often dependent on privately-owned water. They are not year-round pastures. You have to have private land to take care of them in the winter; you have to have feed, you have to the water, you have to have all these things.

You cannot compare that with private lands. Private lands tend not to be intermingled; public lands quite often are. They are also multiple use, you have to provide for hunters—and you should. There is access for hunters, gates are left open. It is not the same.

There is a report that was put out by Pepperdine University, which is not exactly a bastion of western grazing, that said a number of things. They concluded at the university:

> Montana ranchers who rely on access to Federal grazing and forage do not have a competitive advantage over those who do not. Livestock operators with direct access to Federal forage do not enjoy significant economic and financial advantages by using that.

As a matter of fact, the Pitchfork Ranch in Meeteetse, WY, has some grazing. What do they get in return? They also run their pastures in the winter, their hay in the winter. That is something of a tradeoff. It is not unusual. They are not the same as private lands.

The study also showed that these Montana operators, compared to those who used all private lands, realized less gross revenue per animal unit month, incurred virtually the same operating costs, are subjected to the higher costs of borrowed capital.

There are a number of other differences between public lands and private lands. A lot of the public lands have very burdensome Federal requirements, NEPA requirements, land use planning processes. Basically, the States are quite different as well. They look to the lessee to manage the land. It simply is not accurate to say these lands should be the same. They are not the same. There is a good deal more flexibility in private lands or State lands in terms of the management than there is on Federal lands. On Federal lands they tell you how many you can graze, when you can graze, when you are off, when you are on, how many head of livestock we will run. There is an additional fee if you happen to run leased livestock. It is not the same.

So, even disregarding the price level, I tell you there are a couple of things that are not accurate. No. 1 is these are not corporate ranchers by and large. No. 2, it is not fair to compare private land leases with public land leases.

There are a number of things that ought to be changed. We worked very hard this year to make some changes in Bruce Babbitt's grazing requirements. I want to tell you something. Grazing is part of western agriculture. Livestock is the largest endeavor in Wyoming as it is in most of the Western States. Very many of the ranches there are not independent, without public lands; nor are the public lands able to produce without the private lands that go with it. It is not a matter of just saying we will lease this, we will lease this—these lands are interlocking. These lands do, in fact, go together. We have tried very hard and will continue to try, and we will succeed, in making some changes in grazing. But this is not the way to do it. This is the annual ritual, going through this idea of corporate welfare. I suppose the thing to do would be to start through everybody's corporate welfare. I think there are a few instances that could be talked about most everywhere. I do not think this is corporate welfare. I cannot imagine that term being used in this instance.

Madam President, there are an awful lot of things that need to be talked about, but we have talked about them many times. I am not sure it is productive to continue to go on and on about the same things. Let me just make a couple of points in closing.

No. 1 is that if we are to talk about grazing and grazing fees and grazing regulations, we ought to talk about the package so that we can make those changes that do need to be made. And almost everyone agrees that they should.

No. 2. If you are going to make price comparisons, price comparisons need to be made on the relative value of the product and not on a comparison to something that is not comparable, and that is what they are seeking to do here.

No. 3. We ought to deal with it in a committee of substance, a committee that has jurisdiction. The Senator is on that committee. He has been through this argument in the committee and is unable to get support. He has been through this argument on the floor and unable to get support, but we keep coming back. It is the fall ritual.

Finally, if we are going to try to deal with family farms and family farmers—that is what we are in Wyoming, that is what we are in the State of Texas, somewhat different in some places. Fifty percent of our State belongs to the Federal Government. Arizona is even more; Nevada, 87 percent. I don't think that is the case in Arkansas.

So you need to take into account the fact that our economy depends on the kinds of decisions that are made with respect to policy of public lands. Bruce Babbitt has more to do with the future economy of Wyoming than any person living in the State. That is a shame. I am sorry for that.

So when we talk about changes we want to make, I hope you will take into account these are family farmers, these are ranchers just like yours, just like New Hampshire, trying to make a living, not wealthy, not corporations, but trying to have multiple use of those resources so that they do yield not only for them but for the communities that they support.

I urge my colleagues to reject this amendment, as they have in the past, and continue to work for better ways of multiple use of resources, but keep in mind they should be multiple use.

Madam President, I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, first, I wish to recognize the fine statement given by the Senator from Wyoming who expresses well his thoughts and purposes on this issue. I am not in agreement, but I have the highest regard for him as a Senator and respect the fact his position is one sincerely and thoughtfully reached.

However, I join with my colleague from Arkansas in supporting his amendment and my amendment to address this issue of how we bring into balance the cost of grazing on public lands relative to the needs of the cattlemen and the needs of the taxpayer. First of all, it should be stressed that this is not a local issue solely. It is a national issue. It is not even a western issue. It is a national issue. The 270 million acres of land that are subject to grazing permits belong to all Americans. They are America's heritage, all Americans' heritage.

The current grazing fee formula produces a fee that covers only a small part of the costs of Federal grazing programs and is far below the rate charged by Western States and private lessors. The current Federal fee, as has been stated, is $1.35 animal unit month, AUM. This level mirrors the floor set by Executive order during the Reagan administration. The Department of Agriculture's Economic Research Service predicts the $1.35 fee will remain the fee charged by the Federal Government through the year 2005.

The current fee, $1.35, means it costs less to feed a 600-pound cow on public lands than it costs to feed your pet dog, your pet cat or even your parakeet, thanks to the subsidy paid for by the American taxpayers.

Two percent—2 percent—of the 22,000 permittees control 50 percent of the BLM acreage that is grazed. Two percent control 50 percent. So we are not talking here about the small farmer, which was referred to by the Senator from Wyoming. We are talking about the large cattlemen.

Additionally, it should be pointed out that the wealthiest 9 percent of the ranchers graze cattle on public lands controlling 60 percent of the grange land. So what this amendment does is try to address that disproportionate allocation of assets to a very small number of ranchers.

According to the Department of Agriculture, the Economic Research Service again, under S. 1459, the Public Rangelands Managements Act, which passed the Senate but unfortunately has stalled in the House, the fee paid by ranchers would have increased to $1.63. I heard it mentioned by the Senator from Arkansas that it actually might have been $2.18. Whatever, it would have increased, and that is, obviously, a significantly higher number than the $1.35 which is being paid this year.

This increase, however, is still less than the Federal fee paid between the years 1989 and 1994. We are actually working at a fee base which is less than what was paid to ranchers back in the period 1989 to 1994, and even if the increases were put in place, it would still be less than those fees that were charged just a few years ago.

The amendment which has been offered is a very simple amendment. It raises the fee charged by the Federal Government to the country's wealthiest ranchers—and I think this is important to stress—we are talking about 9 percent who own—control—60 percent of the range. They don't own it, it is owned by the taxpayers, those who graze more than 2,000 AUM's on Federal lands. It also maintains the current fee—and this is important—the current fee which, remember, as we just mentioned, is less than was charged a few years ago for a 5-year period. It maintains that current fee for ranchers who have less than 2,000 AUM. So, for the smaller and the moderate-size rancher, he stays the same, $1.35. For the larger rancher, it grows to a reasonable number.

Under this amendment, therefore, 9 percent of the ranchers, those operating 2,000 or more AUM's, would see an increase in the fee paid to graze cattle on public lands, while 91 percent of the family ranchers, the ones referred to by the Senator from Wyoming, their livestock fee on Federal lands would remain the same, $1.35 AUM's.

Those companies and corporations which would be impacted are significant, and the Senator from Arkansas went through a long list of some of them. There is the billionaire rancher who owns more than 50,000 AUM's in Iowa, Oregon, and Nevada. There is Newmont Mining Co., a wealthy gold mining company, which controls 12,000 AUM's, and there is Anheuser-Busch which controls 8,000 AUM's, the Japanese company, Zenchiku which is involved here. It is ironic, the American taxpayers end up subsidizing a Japanese company which owns Japanese farming rights in the United States to ship beef back to Japan when we are already running a significant trade surplus with Japan. That is the way it works.

Remember, this amendment does not impact the small or moderate-size family farmer, it impacts the big guys, that 9 percent that controls more than 2,000 AUM's.

This amendment cannot and should not be construed as being a threat, therefore, to the small rancher.

Under this amendment, small ranches, whose operating AUM's are less than 2,000, will continue to have this $1.35 fee. Under the amendment, these small ranchers will pay 43 percent less per AUM in 1997, and each year thereafter, than they paid if they were ranching back in 1980. Remember this, under this amendment, those small ranchers, medium-sized ranchers, in fact, will be paying 43 percent less to ranch on Federal lands than they paid in 1980. The point, however, is that the large ranchers should not also be paying 43 percent less.

Thus, this amendment assures that the wealthier ranchers, those with more than 2,000 AUM's, that billionaire rancher up in Idaho, Anheuser-Busch, that Japanese company, will pay a fair fee for the right to ranch on what is public land.

This chart I have here, "Public Land Grazing Fees, 1980–1996," highlights a point I have just been making, that those ranchers on Federal land in 1980 were paying $2.36. And with an inflation-adjusted rate, it would have been $4.60, but actually today they are paying $1.35. So, the difference between these two prices, if you have it adjusted for inflation, would be the real difference in what we are now spending to subsidize people on Federal lands as versus the 1980 rate.

What we are saying is that the small rancher can keep paying $1.35, which is almost $1 less than what they paid in 1980, and we are not suggesting that even the large ranchers should pay the inflation-adjusted rate, $4.60; we are just saying that the larger ranchers should have to pay a fairer rate. In many instances, that fair rate would be significantly less than the $4.60 that should be charged if there was an inflation adjustment from the 1980 rate.

The argument is often made by individuals who oppose this amendment, the Federal Government should be able to set such a low rate with regard to the use of Federal land for grazing due to the low quality of the Federal land, if the Federal land on which the sheep and cattle are grazing has little or no investment value and is of little value generally.

I have another chart which I think pretty much dispels that argument. This chart shows exactly the opposite. In 1996, the Federal Government collected receipts worth $14.5 million based upon $1.35 AUM paid by all ranchers. However, according to the Bureau of Land Management, the Federal Government spent—spent—$58 million on rangeland management and improvement. That is a net windfall of $43 million for all ranches using the public lands.

This funding for ranchland management improvement has a direct effect upon the land improvements. Improvements that are involved here include the seeding, weeding, fencing, water collection on public land used by wealthy ranchers. These are very conservative numbers taken straight from the BLM. Some estimates of the annual loss to the Treasury, using the current fee system, range up to $150 million. In fact, there was one estimate of $400 million done by the Cato Institute.

But the practical implications of this is, if the land were worth less, it has clearly got to be worth at least what you are investing. If you are investing $58 million in it and you are only getting $14 million for that investment, first, you are not doing very well on your return for investment, but, second, it is fairly obvious that the value of the land is approximately 4 times, 3½ times the value that is being charged for it.

So the argument that this is valueless land or land of less value than States' lands or private lands simply does not hold up to the numbers, to the very simple numbers which come from the BLM. Grazing fees are decreasing, even though the Federal Government collects only a fraction of the moneys spent for rangeland improvement.

This chart here, which was referred to, I believe, by the Senator from Arkansas, illustrates that only about 25 percent of grazing fees' receipts collected go to the General Treasury. In fact, 50 percent of these funds go back to rangeland improvement. That was mentioned extensively by the Senator from Arkansas.

So not only do farmers, cattle ranchers receive a subsidized rate, the fee does not even cover the cost of the Federal upkeep. These ranchers pay much too little, causing the rest of the American taxpayers to pick up the price, which is much too high.

The average private land fee charged per AUM since 1981 has increased 32 percent. I have another chart which shows this. The average private land fee charged per AUM since 1981 has increased 32 percent, from $7.88 in 1981 to $10.30, in 1995. The average State fee charged for people to put cattle on State land has increased 49 percent, from $2.53 to $3.76.

The payment for leasing Federal land during this same timeframe, 1981 to 1996, has, as I mentioned before, decreased—decreased—43 percent. That, simply, is not fair to the general taxpayer. Private grazing land lease rates continue to remain substantially higher than the price charged by the Federal Government, and, as I mentioned before, this is not necessarily a function of the land being more valuable. Or, if it is a function of the land being more valuable, it is not the fact that the Federal land has not had a significant amount of investment put into it—in fact, an investment which is about 3½ times the amount of the fees raised.

This chart here shows the difference between the private and the public grazing fee rate. The chart shows the amount of money the Federal Government receives in grazing fees receipts over the last 6 years, $178 million, versus the amount of money the Federal Government will receive in the grazing fees over the next 6 years. That is $178 versus $133 million. The Federal Government is estimating that it will receive $45 million less, therefore, in grazing fee receipts over the next 6 years than it received over the prior 6 years.

Is this for less grazing? I do not think so. It is because, for a period in there, we were charging a rate that was much closer to what is reasonable, and that rate has been cut.

Obviously, again, the taxpayers are taking the short end of the stick. This makes absolutely no sense. In a time of tightening budgets and higher deficits, we are on a pattern to collect less money from these huge ranchers, and, unfortunately, the giveaway to the wealthy ranchers is growing.

Why should the American taxpayers continue to subsidize only a select few? Three percent of the Nation's cattle operators and 5 percent of the sheep producers have Federal grazing permits. So 97 percent of America's cattle operators, 95 percent of America's sheep producers do not use Federal lands, so they are not getting the benefit of this subsidy. Every other rancher, except those grazing cattle on public lands, has had to keep up with the cost of inflation, paying higher prices for corn, for grain used to feed their cattle. But the cost of using the taxpayers' Federal rangeland is estimated to remain at an all-time low, $1.35 per AUM, through the year 2005.

This chart, which is another way of stating the chart table that the Senator from Arkansas displayed, shows the difference between what is paid on private land and State land fees versus the $1.35 AUM's. While the Federal Government allows ranchers to graze for $1.35, this chart shows the Western States breakdown of the fees charged, and in every case it far exceeds what we get at the Federal level.

Again, we heard the argument that is because this land is better land; maybe it is better land. But the fact is, this chart shows beyond any question of logic or debate, when you are putting $58 million back into the Federal land for the $14 million you are taking out, you clearly have an investment in the land which far exceeds the value that is being charged for the lands, and thus you should at least try to return a better investment of that for the taxpayer. The land may not be as good for grazing, but at least from a standpoint of investment, the dollar figure is 3½ times that rate.

This amendment seeks to increase the fee charged by the Federal Government, to bring it in line with what the fair market value of land should be. Under this amendment the largest ranchers—remember, we are dealing with just the largest ranchers, that 9 percent of the ranchers who control the large acreage, who control more than 2,000 AUM's—will be charged the higher of the average State fee in which the Federal Government is located or the Federal fee plus 25 percent. Small ranchers and moderate-sized ranchers will continue to get the $1.35 rate, which rate remains 43 percent less than what they were paying.

This amendment is done on a sliding scale, meaning either the large ranchers—the billionaire cattlemen, Anheuser-Busch, and the Japanese corporation—get the first 2,000 AUM's at a lower rate, $1.35, and they do not start to pay more until they exceed the 2,000, so if they have 2,050, only the last 50 will be charged the increased fee, which of course will be some additional money. In the instance of Anheuser-Busch where they have 8,000 AUM's, 6,000 of those additional AUM's exceed the 2,000, and will be subject to the higher fee.

Is that unfair to Anheuser-Busch? No, it is not, because the taxpayer, as has been pointed out on a number of occasions, is already dramatically subsidizing the cost of Anheuser-Busch running its cattle on public land or that Japanese company which has the 6,000 AUM's. Yes, on the additional 4,000 AUM's they will have to pay a higher fee. Is that unfair to the Japanese company? No, it is not, because the taxpayer is already substantially subsidizing that Japanese company's running of cattle on Federal lands.

What we are suggesting is that the taxpayer receive a percentage of a better return on the investment that it is making in that public land for the benefit of those cattle. It is not asking that a better return come from the smaller or moderate-sized company, but is only asking that the better return come from the larger—the millionaire cattlemen, actually the multimillionaire cattlemen in this instance—and the international companies. Some of the other companies that are involved in this are Texaco, Hewlett-Packard, Getty, Union Oil, Hunt Oil, and the Newmont Mining Corp.

The amendment is estimated to save the American people about $8 million in 1997 and $40 million over 6 years. By Federal standards in this Senate that is not a dramatic amount of money. It is a lot of money in New Hampshire. In fact, we could run a State government for a considerable amount of time on $48 million.

The fact is it is important that we make this statement. These are public lands. The taxpayer does have a right to expect a reasonable return on their investment in these public lands. The fact that we have targeted this amendment so it will just affect the wealthy, those who have the wherewithal to pay the higher fee, does, I think on its face, make it a fair amendment.

Thus, I join with the Senator from Arkansas and hope that the Senate will favorably consider this amendment. I yield the floor.

Mr. DOMENICI. Mr. President, I understand there is not a request for any time this afternoon beyond what I use unless the distinguished Senator from New Hampshire wants to speak again this evening. I want to state to the Senator from the standpoint of this Senator, and I have not talked with Senator GREGG, I do not need a lot of time tomorrow before the vote. I told the managing chairman 15 or 20 minutes on our side tomorrow, 30 minutes max, is all I need before the vote. I want to proceed with some dispatch.

First of all, fellow Senators, you all voted on this amendment last year and you voted it down. I do not believe anything has changed, at least not in the general intent of the amendment. It is obvious to everyone that in the West those who are engaged in cattle ranching have gone through the worst of all possible times. Not only have they suffered a great drought which is still affecting what they will graze and how they can graze for the next 2 or 3 years, but cattle prices for some reason have gone into the tank.

As a matter of fact, I was out in rural New Mexico and somebody looked out at a ranch and said if you were here 2 years ago and there were 500 head out there grazing, each one on average in gross receipts would be worth $1,000. Today, you have 500 out there and they are worth $500 each—the very same cow, the very same beef, the very same market but it is only half of the price. So that cow that would have been worth $1,000 in gross receipts is now worth half that amount, as you drive through rural New Mexico where many, many, hundreds of small ranches exist.

The second point, those who propose the amendment speak of 2,000 animal unit months and speak of those as if that is a very big rancher. Let me suggest in the State of New Mexico and a few other States—we are not alone—you graze cattle on the public domain and your own fee simple land and any State land you might have, and you do that for all 12 months in a year, not for 3, not for the summer months, or not for the fall months or not for the winter months, but all 12, so let us put this in perspective. For my State, this means 167 head of cattle for one year. That is what 2,000 animal unit months mean.

When they speak today of large ranchers, make sure everybody understands in a State like New Mexico, 12-months a year of grazing is a necessity because we have a great deal of public land that is available on a yearlong basis. We are a water-based State. That is, the water on the ranch oftentimes serves as the base property. You graze them there, and you keep them there—you do not graze them on your land for 9 months and take them to the high country for 3 months where you graze them on public domain or permits. Two thousand animal unit months is 167 head of cattle grazed year round on a ranch in New Mexico or a ranch in Arizona where you graze them 12 months a year. Is that a large ranch? I assure fellow Senators there is not a rancher who can even make a living on 167 head. These are small ranches, run by families who for decades have had a small amount of acreage for their permits, and they graze 100 to 167, 180, some of them only 50, to supplement their incomes and stay close to the land and keep a culture alive.

Make sure we understand that while big corporate names are thrown around, in a year-round grazing area we are talking about hundreds of small ranchers who happen to be included in the definition that are being discussed here on the floor as very large corporate ranches.

Second, my good friend from New Hampshire had a chart. I am sorry I do not have any charts today. I will just recollect one. There was one up there that says you only get about $14 million from grazing permits on the public domain and that we spend in excess of $48 million—if that is the number—and the Senator concluded, is that not a shame, is that not a shame. We ought to collect more money for grazing because we are spending $48 million on the public domain but that bridges one gap that should not be bridged. For that conclusion assumes the $48 million of taxpayers' money being spent on the millions of acres of public domain, that it is all being spent for grazing permits. Quite wrong.

There are many other activities that yield money. In fact, timbering yields money, recreation yields money for the

Bureau of Land Management, which has the weakest kind of land, since it was generally the leftover lands. I contend that in almost every Western State the total receipts from the public domain exceed what is paid out for the purpose of land and resource management, and one of the only exceptions is California where they have to spend a lot more money, and much of it is not spent on grazing, incidentally, but rather maintaining other kinds of activities on the public domain.

So while it sounds nice that we ought to raise the fees for grazing so we will get closer to $48 million, which is the expenditure for public domain, we must ask the question, how much does the public domain actually spend on grazing, which may benefit other resources, and how much does it collect from all sources? It comes much closer to a break-even situation on what we spend versus what we take in when you consider all receipts from the public domain.

Now, once again, the chart as it appeared, would imply that there is automatically and of necessity and in some rational way a relationship between private land and public land. Mr. President, there is nobody who will tell you in the Bureau of Land Management, that their millions of acres in all our sovereign States in the West are choice lands. In fact, they will tell you, by a process of selection they are among the least productive of lands.

The private lands, on the other side, are among the best of lands. As a matter of fact, to compare what you pay for a 1,000 acres of Bureau of Land Management land with what you pay for a thousand acres of private land, is not reasonable. The best analogy I have been able to come up with is something like this: What you pay for an apartment that has no utilities, no furniture, no telephone, just a stripped-down apartment, compared with the next guy over is renting a fully furnished apartment, that has all utilities, and a telephone in it. Is the price even because the size of the buildings are the same? Of course not. One is without any add-ons that come from the landlord or owner, and one has many, many positives added. Most private land is well-fenced, at the cost of the owner, has water on it, at the cost of the owner, is heavily vegetated by the very nature of it being private and part of a homestead.

Let me go through, for a couple of minutes—I believe I tried my best to account for what a 2,000 animal unit month ranch really is in my State. It is a very small ranch. There may be some that are 10,000 and 20,000, but I guarantee you the overwhelming number of ranches in my State are somewhere between 50 and 500, in terms of the number of head that are raised on the public domain. Yet, many of those would exceed the 2,000 animal unit months being referred to here because they must graze all year round.

Having said that, let me give a little history of what is going on. On May 25, 1995, I introduced S. 852, the Livestock Grazing Act. On June 22, 1995, the Committee on Energy and Natural Resources held a hearing on that bill. On July 19, they favorably reported the bill, with modifications, for consideration by the Senate. Following that markup, the cosponsors determined that there was not enough bipartisan support for the legislation and that there ought to be some additional changes. We initiated a number of discussions, exchanges and meetings among Democrat and Republican Senators and the staff, trying to find some common ground.

On November 30, 1995, the Energy Committee again took a look at the grazing reform legislation and reported out as an original bill, S. 1459. On March 20 and 21 of this year, the Senate debated the issue of grazing reform and ultimately passed a bill that would have increased the grazing fee by about 40 percent, as well as to set new parameters by which grazing would be administered on the BLM and Forest Service land. During that 2-day debate, the Senate considered a Bumpers amendment that was identical in concept with the one we are considering today. The Senate wisely, in my opinion, rejected this amendment when we were debating grazing legislation in its own right.

Mr. President, that grazing bill is still in the House. Negotiations are taking place. It has a grazing fee increase, and it does not attempt to set grazing fees based upon whether you are a little rancher or a big rancher. As a matter of fact, even the Department of the Interior, which has been heavily engaged in trying to get more regulation of the public domain, has regularly been against a two-tiered grazing fee for a number of reasons. Not the least of which is that they contend it will be difficult to manage from an administrative standpoint.

With this history, I see no reason for us to approve a rider on an appropriation bill which is similar to an amendment which has been turned down here in a debate on the floor of the Senate.

There is before us now an amendment which, once again, tries to draw comparisons between the public domain, which belongs to the United States, some of which is under lease, and State-leased land, and in some cases the Bumpers amendment would set a fee for some ranchers at the level of the fee charged for State lands in that State.

I want to call to the Senate's attention a Congressional Research Service report entitled "Survey of Grazing Programs in Western States." In this report, Senators can see for themselves the diversity of grazing programs and regulations that the States have employed on State land. For example, in some States, a holder of a grazing permit has the right to control public access to that tract of State land. So in some States, if you hold a State permit, you can deny access to everyone because your permit grants you exclusivity in all respects.

In others, all improvements constructed on State land are allowed to be owned by the permittee. Still in others, State land under grazing permits are dedicated solely to livestock production, and there are no allowances made for the benefit of wildlife on those lands.

All of these conditions add to the value of the leased land from the standpoint of a livestock producer, and these regulations are in stark contrast to those on Federal land. We cannot expect a rancher to pay the same for State and Federal grazing permits, if we are not willing to allow the same regulations to be enforced.

So I would say perhaps the proponents of this amendment ought to add—in the event we are going to charge the same fee—then we ought to give the ranchers the same benefits and the same set of regulations that the State land is governed by. I would think that is logical and fair.

I can tell you for sure—and my good friend, Senator GORTON, would agree with me—that you could not grant exclusivity to the public domain for a rancher. They would talk about hunting, fishing, and recreation. Yet in some States, the State property is leased for grazing, and that is all it can be used for. They would like us to pay that for the Federal land. I would merely say, let us add to it, that all the State regulations would apply, or in other words, inhibitions will apply to the Federal domain which couldn't pass muster here, the Department of Interior, or anywhere.

For instance, in the State of Nevada, they set their fee on State land by bidding it, meaning they are giving different values to different forage, a different value of the grazing land. We have never done that in the United States on the public domain. We have never gone out and said, you ought to pay this much in the State of Oregon because it is a little better grazing than you pay for in New Mexico, for we would have a devil of a job trying to figure that out. Yet, that is the way they figure it out on State land in the State of Nevada, which would certainly not be relevant, nor would it work on the Federal public domain.

I believe that this amendment was not a good idea when I alluded to the dates that it was debated in the Senate earlier this year, and it is no better today. When the Senate considered this amendment in March, the Senator from Arkansas indicated, as he has today, that the amendment was not intended to adversely affect small- and medium-sized ranches. He indicated in his amendment that it would only impose higher fees on "corporate ranchers."

Frankly, I do not see any difference between a corporate rancher that is big and a sole proprietorship that is big, nor between a corporate ranch that is small and a noncorporate subchapter S partnership that is small. He indicated in March corporate ranches only, and the big ones are the only ones that would get an increase. As we explained in March, he has missed his intended mark, and for that reason, and that reason alone, the amendment should be defeated. The Bumpers amendment would set an arbitrary number of 2,000 animal unit months as a definition of a corporate ranchers.

In New Mexico, for instance, an example comes to mind as to how it would work exactly opposite from what is intended.

Among the top five property owners in my State is Ted Turner, hardly someone who could be considered a family rancher. In New Mexico, Mr. Turner owns a large ranch made up primarily of deeded land. It surrounds an area of Federal land for which he holds grazing permits. Under current grazing regulations, he can easily arrange his allotment such that he would use only 1,999 AUM's on Federal land. This means that he would qualify for the family rancher's fee, because he would not meet the 2,000 animal unit month threshold. He could do this because his ranch is made up mostly of deeded land, and he has the flexibility to move animals from public to private without a major impact on his operation.

Let me tell the Senate about another situation that is far more common than Mr. Turner's. This side of the story involves smaller ranching operations that actually do provide the primary source of income for real families struggling to make ends meet. These ranchers are more reliant on forage that is grown on Federal land, and some for almost all of their forage. These ranches involve small amounts of fee land, small amounts of State land, and large amounts of Federal grazing land.

Additionally, a large number of these family ranchers graze their livestock on Federal land 12 months out of the year. In other words, they are not seasonal permits that are common in some other States. Under this amendment, however, if a family owned and operated a ranch that runs 167 cows on Federal land, it would be considered a corporate ranch and subject to the higher fee. Actually, we have hundreds of these kinds of ranches in the State of New Mexico. I do not know about other States. Certainly, I do not know about Arkansas. But in New Mexico, it is impossible to support a family on the income derived from 167 cows even if grazing fees are zero.

So I opposed this fee in March, and today my concern is still as strong as it was, principally for family ranches in the State of New Mexico. These concerns are compounded by the lasting impacts of severe drought, from which they are beginning to recover, continuing low cattle and wool prices, which do not seem to be moving, and continued high feed costs. Many of the ranchers I described that would be considered corporate ranchers under the Bumpers amendment would simply be forced off the land where they have struggled to make a living for generations.

Mr. President, I would also conclude by suggesting that it is very easy when you have such a broad expanse of Federal land, with millions and millions of acres, between the Departments Agriculture and Interior, which are leased for grazing, and that have been leased for years, it is easy to come to the floor and pick out some that are really owned by giant American companies. But I believe that it is very difficult to make the case that in this country we ought to treat them differently than we treat others with similar acreage under lease. Maybe we want to, but I believe we should not.

I believe you ought to treat a family corporation the same as you would treat Budweiser in terms of a ranch that involves Federal grazing permits. But, most importantly, I want to make sure that we do not use this kind of tactic to inadvertently attack small and medium sized family ranches in our States and which to some extent provide families with a living, but for the most part are part of a tradition. The family must stay with it. They get other jobs. They survive, and they keep a culture alive.

I, for one, believe we should not let ourselves get carried away with these "Uncle Sugar" checks that are shown on these diagrams. We ought to look at the big, broad picture, and treat everybody the same. If we want to change the law, change it for everybody.

We have about 5,000 permits in my State. I am far more concerned about the fact that many of them are borderline right now in terms of not being able to hold the permits because they cannot make a living and make ends meet. That is really the case, if they borrowed money on their home to stay on their ranch during these rather terrible times in terms of prices and costs. To add to that an increase in fees, at this point, seems to be an invitation to more and more bankruptcies among them.

Frankly, the bill which would increase the fees 40 percent is still pending in the House. It passed the Senate. It has been before the committees in the House, and we are still working on trying to get that out. If we get it out, we will have a chance to vote yes or no on the increased fees that the Senate passed, but combined with a reform of the grazing regulations. It should not this fee which the Senate has already rejected.

It seems to me that we ought to give that normal process a chance. If it does not work this year, it is obvious that a lot of work has to be done next year and the year after. But I hope we do not burden an appropriations bill with a change in the grazing fee this year under the circumstances I have outlined and discussed with the Senate here today.

I thank the Senate for yielding me time, and I thank the manager of the bill—for I am not sure I will get a chance in the future—for the excellent work he has done overall on this bill. I want to say that I hope, and will work with him and others, to see if we can't get this bill put into a final form and get it passed this year. I hope it is not part of a continuing resolution. But if it is, I hope we are able to get most of the work done so the continuing resolution will carry a number of changes, and we will not simply be adopting last year's appropriations.

I thank the Senate, and I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Washington.

Mr. GORTON. Mr. President, I assume the Senator from North Dakota is here on a different subject. Is that correct?

Mr. DORGAN. No.

Mr. GORTON. Then I will yield.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, it is an unaccustomed role for me to come to the floor and speak in opposition to an amendment offered by the Senator from Arkansas. I find so often I come to the floor to support a number of his amendments, but I oppose this amendment. I think it is not only bad timing but an inappropriate remedy to what the Senator describes as a problem.

I would like to give some context for my feeling about this. I grew up in southwestern North Dakota out near the Badlands in ranching country. My father raised some livestock. We had some cattle. We did not ever run cattle on public lands. We have never been a family that had access to public lands and therefore the grazing fees that exist on public lands.

I know something about the cattle business but not nearly as much as those who are ranching full time in parts of North Dakota today. I know a little about calving, about what ranchers go through. I understand what the ranch families go through in the spring; 4 o'clock in the morning, with it snowing and cold and running across muddy fields trying to deal with a difficult calving situation to save some calves and save some cows.

It is not an easy life. A lot of these ranchers have discovered, with the bottom falling out of cattle prices in recent months, it is pretty hard to make a living doing something they love to do.

The question today is not about whether ranching is a wonderful lifestyle for those many hundreds of ranchers. In North Dakota, these are really people who are the salt of the earth. These are wonderful people who do it on their own and battle the elements and battle the markets that they cannot control but try to control what they can on their family ranch and try to make a living out of it all. They would be, I suppose, perplexed about a lot of this public debate.

What has been offered is a discussion about what should the appropriate grazing fees be on public lands. We see proposed a schedule of what the private lands rent for, what the State would rent its lands for, what grazing fees would be on State lands compared to what grazing fees would be on Federal land.

I should start by saying we do not have much Bureau of Land Management [BLM] land in North Dakota. Most of the grazing in North Dakota is on the grasslands and that, of course, is managed by the U.S. Forest Service. We do not have giant ranches. We do not have big corporations that are ranching in my State. We do not have giant ranchers that control land as far as you can drive in a pickup truck with two tanks of gas. We do not have any of that. We have a bunch of families out there who are struggling trying to raise some cattle and make a living.

When these folks pay a grazing fee and have a permit to graze their cattle on public lands, you cannot, in my judgment, appropriately compare that to what private rent is on private lands or what the State is proposing for grazing fees or charging for grazing fees on State lands.

Now, why is that? Because if you are raising cattle, paying a grazing fee on the grasslands in North Dakota, it is not just you paying some rent on some land on which you are going to raise your cattle. That is not what the transaction is about. It is true, these ranchers have paid a fee then to put those cattle on that land to graze, but they have other responsibilities too.

Those are multiple-use lands by law so there are recreational responsibilities those lands have to bear. Somebody wants to come hiking on those lands. Do you think someone is prevented from hiking on the grasslands? Oh, no. The fact that someone else is grazing their cattle does not prevent the multiple-use responsibility for recreation on those lands.

What about mineral development? Is there an opportunity for mineral development even though some rancher is grazing cattle on that land? Of course, because that is part of multiple use.

What about the requirement for that land to be productive for the raising of deer, whitetail deer, upland game? Well, that is part of the responsibility under multiple use as well.

If that rancher wants to put a water tank on that land, the question of where that rancher locates that water tank, is that up to the rancher? It is on private lands, not on public land. That has an impact. And that land is multiple use. It might be that water tank has to be located near a woody draw where it is going to have a more favorable impact on the production of certain kinds of animals, provide a better habitat.

So these are lands with multiple-use responsibilities, and that is not just a concept. That is in law. Every one of the users—minerals, mining, oil, hikers, hunters, all of the users—impose their right to the multiple use on these lands.

So are these different lands than the other lands that are being compared? Of course they are. Do you think if you rent private pasture land, you have to say, well, now, I have paid to rent this land and now I have responsibilities with respect to where I put this water tank and its effect on the production of deer? Do you have to think about the fact that you have responsibilities to a mineral company, or I have responsibilities to hikers? Simply not the case with private land. I just make the point that I think these comparisons that we see are not fair or accurate.

Let me make a couple of points about the specific amendment. This amendment creates a threshold of 2,000 animal unit months. The formula for AUM's does not mean much to people, I suppose, unless they are involved in AUM's computations with the BLM or Forest Service and are running cattle on public lands. But we are not talking here about big operators or big ranchers when you talk about 2,000 AUM's. For someone who is grazing cattle 12 months a year, you are talking about running 160, 170 cows, at which point you have used the 2,000 AUM's.

That is not a large ranch. That is not going to make much of a living for someone out there struggling to make a decent living. So this threshold of 2,000 AUM's and the implication that above that we are talking about large ranchers, corporate ranchers, is simply not the case. I know a number of people, a good number of people in North Dakota who have more than 2,000 AUM's, and they are struggling, family-sized ranchers desperately trying to make a go of it.

Cattle prices have fallen through the floor on them. Many of them are hanging on by their financial fingertips. I think they would be most surprised to hear that someone judges them to be anything more than a small family rancher out there somewhere in western or central North Dakota trying to make a decent living.

I mentioned that, in my judgment, we have discussed, debated, and massaged this issue in several different ways over the last years, and I suspect we will continue to do that. The Senator from New Mexico in his recent discussion pointed out that the Senate has passed legislation which does in fact increase grazing fees, and that it is now awaiting action by the House.

It is not the case that those of us from areas where the Federal Government has lands for which a grazing fee is charged have said there shall be no increase in grazing fees. That is not the case. In fact, legislation that has increased the grazing fees has been supported by many of the people who have spoken today in opposition to this amendment.

That is not the issue. The issue is whether this kind of amendment offered today on this piece of legislation makes sense for the Senate. And the answer is no. There perhaps should be from time to time a review of exactly what should the grazing fee be, and when we have that debate or review, I would always encourage us to compare apples and apples, and it is not comparing like quantities by comparing private rent for private lands and grazing fees on public lands. It simply is not comparing like amounts.

So, we will go through this debate, and we will have a vote today. This is a proposal on an appropriations bill offered now during the last couple of weeks in the session. I think it is probably useful to have the discussion once again, but I hope my colleagues will, as they have on the previous occasion, decide to turn down this amendment.

There are other ways for us to productively debate, in a thoughtful way, what should be the specific grazing fee that is appropriate for all Federal lands in this country. We may even have some disagreement about whether one rate ought to be charged for the largest corporation in America and another rate for the smallest rancher in the country. That is not something we will, perhaps, have agreement on generally across all the political confluences in this Chamber.

But I think there will be a majority in this Chamber who believe that this amendment is an amendment that purports to do something that it would not accomplish. It purports to say it will increase the grazing fee only for the largest corporate ranchers in our country when, in fact, this will precipitously increase grazing fees for family ranchers who are raising, in many cases, under 200 cows a year, grazing them the full year, and who would not be expected, given the definition of this amendment, to be included in it.

For those reasons I hope the Senate will turn this amendment down and we will have, at another time on another occasion, further debate about grazing fees. When we do, I hope we will compare, as I have indicated, apples to apples, grazing fees on public lands to similar circumstances in other areas. I think you will find the allegation that is made that there is an enormous public subsidy on grazing fees is simply not true, based on fact.

I yield the floor. I thank the Senator from Washington for his courtesy.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in turn I wish to commend the Senator from North Dakota on a very thoughtful analysis of a problem which he understands from firsthand experience. I agree with him in feeling this proposal ought to be dealt with under different circumstances and trust that will be the decision of the Senate.

Now, Mr. President, I do not believe that any other Member is going to come to the floor this afternoon to propose an amendment to this bill. If I am in error, I hope contact will be made with the appropriate Cloakroom promptly. I also hope that, having thoroughly debated this grazing fee amendment, we will be able to bring it to a vote promptly tomorrow morning.

I understand the majority leader wants to call the Senate into session at 9:30 tomorrow morning, or at least to return to this bill at 9:30 tomorrow morning, and would like to vote at about 10 o'clock. That proposition is still being cleared. I expect the leader on the floor when the Senator from Arkansas has completed his remarks on this bill, and we will determine between now and then whether or not we can have a brief additional debate on this proposal tomorrow morning, vote on it, and move on to another subject relevant to this bill.

Seeing the Senator from Arkansas here and knowing he wishes to speak again on this subject, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, it would be my hope, as far as voting on this is concerned, that we could vote immediately after the caucus tomorrow. I do not know what other amendments Members may wish to offer on this bill. I assume, based on what I am hearing, there are several.

I just have about 5 minutes worth of remarks here and we can move on to something else, if there is something else to be taken up. I hope we will have some more amendments offered in the morning that we can dispose of and perhaps stack votes until after the caucus.

I think it would redound to the benefit of both sides if we could, for example, set the amendment aside, take it up for 20 or 30 minutes of debate at 2:15 tomorrow, immediately after the caucus, 20 minutes equally divided or some such thing as that, or maybe 30 minutes equally divided, and we could vote at 2:45. I think there are several Members who may miss this vote if we do not do that.

Mr. GORTON. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. GORTON. The request made by the Senator from Arkansas seems, at least to this Senator, to be a reasonable one. The only frustration we may suffer is whether or not we can get anyone to come tomorrow morning to use 3 hours that ought to be devoted to a substantive debate on this bill.

So, perhaps with the requests of both of us, we would be able to do exactly that and no time will be lost at all, if there is a serious debate on another contested amendment or, for that matter, if we deal with myriad amendments—I must have 30 or 40 of them here—that I know something about. If we can use tomorrow morning to deal with them, whether they are ones that can be agreed to or ones that will be debated, then we will not have lost any time at all in acceding to the suggestion of the Senator from Arkansas.

He can use such time as he wishes now, and we will see whether we cannot work that proposition out for tomorrow.

Mr. BUMPERS. I thank the Senator for his always generous and thoughtful accommodation of other Senators. As I said, I am willing to set this amendment aside until 2:15 tomorrow at the conclusion of the few remarks I have to make here. That will give the managers and perhaps the majority leader an opportunity to badger and cajole other Members to bring amendments to the floor if they have them. We can take that up in the morning, then, debate other amendments, and come back to this at 2:15 tomorrow and maybe have 20 minutes or 30 minutes, by agreement.

I just wanted to challenge some of the things I have heard from the opponents of this amendment.

No. 1, the Senator from Wyoming pointed out that there are grazing associations which several members belong to under one permit or one name. The association would control more than 2,000 AUM's, and therefore they would lose the advantage of their association. The truth of the matter is, our amendment specifically exempts those people. So the statement of the Senator from Wyoming was totally incorrect. If I may, I will just read the amendment:

> For the purposes of this section, individual members of a grazing association shall be considered as individual permittees or lessees in determining the appropriate grazing fee.

That takes care of that argument.

The Senator from New Mexico said this amendment was precisely the one we voted on in March. That is totally incorrect. The amendment I offered in March on this subject provided for a $2 fee for all permittees on the first 2,000 AUM's. In this amendment, we do not raise the fees for those people who have control of less than 2,000 AUM's one penny. They are not affected at all.

No. 3, the Senator from New Mexico said that people do not just graze cattle for a few months and send them to the high country, they graze them 12 months a year and therefore he concluded that 2,000 AUM's really only amounts to about 165 head. That is true if you graze 12 months. But the truth of the matter is, more permittees graze less than 12 months than graze 12 months. In the colder climates, ranchers take their cattle off of the lands so they do not have to pay even $1.35 a month for them in the winter months when there is no grass for them to eat. They put them in feed lots. They put them someplace so they do not have to pay $1.35 a month.

Finally, let me just say, the Senator from Wyoming said most ranchers are not corporations—and he is absolutely right. They are not corporations, and we do not bother them. My amendment has absolutely no effect on 91 percent of the 22,350 permittees in this country. We do not touch them. It is designed to protect all these little family farmers that I have heard discussed here this afternoon. As a matter of fact, that is all I have heard from the opponents of this amendment, about how tough these little cattle farmers are having it.

That is true, but that has absolutely nothing to do with this amendment. If you think Anheuser-Busch and Hewlett-Packard and Newmont Mining Co., are family farmers you ought not be in the U.S. Senate. If you cannot distinguish between family farmers and the kind of people that I am trying to reach here and take off corporate welfare, you have no business being here.

I daresay I have heard this grazing fee debated for 22 years. I will have been here, at the end of this year, 22 years, and I have heard this matter debated, I have heard every argument I heard this afternoon in spades, thousands of times. Every single argument is designed to obfuscate the issue.

The issue is not the little farmers who are not affected by this amendment. The issue is the 9 percent of the wealthy people in this country, the big corporations, such as Anheuser-Busch, who control 60 percent. If you think it is right for 9 percent of some of the biggest corporations in America to control 60 percent of the 270 million acres of Federal lands we let out for grazing, vote against the amendment. If that is your sense of equity, if that is your sense of fairness, vote against this amendment. But for God's sake, do not come over here and make these silly, facetious arguments about these little family farmers that we are trying to bankrupt.

Even Hewlett-Packard, even Anheuser-Busch, only have to pay $1.35

for the first 2,000 AUM's under my amendment. We do not even charge anybody an additional fee until you get to 2,000. And what do we charge them then? The same rate that the State charges where the land is located.

The Senator from New Mexico made an argument about how this is designed, about how much more they are going to pay. What would they pay under this amendment? They would pay exactly what they have to pay if they leased lands from the State of New Mexico. If the Senator from New Mexico leased lands from the State of New Mexico, he would pay $3.54 an acre, and you do not get nearly as good a deal you get from the Federal Government, because the State reserves all water rights. In addition, the State does not put 50 percent of the rent they get back into range improvements.

I know what is going on here, and you do, too. The merits of this argument have nothing to do with the way people are going to vote here. The politics of it are what is causing the debate here, and that is the reason politicians of this country have the approval of about 28 percent of the people. They know exactly how we vote and why we vote. You put this debate on national television and I promise you I will get 98 percent of the votes of the American people, but not in the U.S. Senate.

In Oklahoma, you have to pay $10 for an AUM if you rented State lands. I have already shown you what the private sector charges. The private sector charges a lot more than the States do. It is only "Uncle Sucker." And I am not trying to balance the budget. This does not amount to anything, so far as money is concerned. What it amounts to is fairness, and the American people have a right to expect at least minimal fairness on how their land is used.

Mr. President, if I were to change my amendment to 4,000 AUM's, and I may do that, if I changed it to 10,000 AUM's, I would not get one additional vote, and you would hear the same arguments about the poor little family ranchers out there. The poor little family ranchers represent 91 percent of all the permittees. They are not touched by this. Nobody wants to get up here and say, "I think the Government ought to be subsidizing Anheuser-Busch." Nobody is going to say, "I think the Government ought to be subsidizing Newmont Mining."

So what do we talk about? The 9 percent of the permittees who fall in that category? No. We talk about the 91 percent of the little family farmers who are not even affected by this. So the whole thing is designed to confuse, obfuscate and give people an excuse for violating their own conscience when they vote.

Do you know how many people are affected in the State of North Dakota? You heard my good friend, the Senator from North Dakota, a moment ago, one of the best friends I have and one of the finest Senators in the U.S. Senate. Do you know how many people in North Dakota are affected by this amendment? Thirty-four, 2 percent; 2 percent of all the ranchers in Montana, North Dakota and South Dakota are affected by this amendment—2 percent—and you would think the world was coming to an end.

Who are they? They are the wealthiest people who graze livestock on Federal lands. In South Dakota, you would have to pay $7 an acre to graze on State lands. I am talking about 2 percent of the farmers in Montana, South Dakota and North Dakota. What did you hear in the debate? Not about the 2 percent. You heard about the 98 percent who are totally unaffected by this amendment.

Oh, it's discouraging. I've got about as good a track record, I guess, at losing amendments as anybody in the Senate. I must say that doesn't bother me much. I get frustrated. Offering an amendment like this—the merits are absolutely undebatable. Oh, you can debate it, but the truth of the matter is the merits of the amendment are unsalable. Just look at the list.

In California, you are talking about 8 percent of the permittees, a total of 53. California, with 33 million people and 53 of them are affected by my amendment.

Colorado, 70 permittees, or 5 percent of all the people who graze on Federal lands, 5 percent of them, 70 of them, and you would think we were debating the welfare bill here.

Oregon and Washington, together, the two States together, Oregon and Washington, 136, 8 percent of all the permittees.

Nevada and New Mexico are the two States that have the most. Nevada has 262 ranchers that would be affected, and then they have about 420 who wouldn't be. But getting back to the merits of the case, we are not talking about enough money. You know what, take the money out. I wish there was some way you could take the money out of it because it doesn't amount to anything. It doesn't amount to an ant hill, $8 million a year. We get $25 million a year from 22,350 permittees, and this would raise an additional $8 million.

That ain't going to balance the Federal budget.

I wish we would take the money completely out of it and just simply say we are not going to give anybody grazing rights on Federal lands that exceed 2,000 AUM's. That will satisfy me. Forget the $8 million. Forget the increased costs. I may offer that amendment, incidentally, something close to it, because I would like to hear people come in here and moan and groan and make the same speeches they just got through making if you set it at 10,000 AUM's.

Mr. President, I have covered about everything I can think to cover. I listened to the debate a while ago of all the various Senators, the arguments made. As far as I am concerned, they are all friends of mine. They are all fine Senators. But the arguments are so specious, I cannot believe it. I will probably lose again. I think we lost by three votes last time. We will probably lose by three to five again.

But I am telling you something else, completely aside from the money, completely aside from the equity. I defy anybody to stand up and say, when they are up for reelection this fall—go back home and make the same argument to the constituents that you made here on the floor, but be truthful about it. Tell those people that you voted to allow big corporations like Anheuser-Busch and Hewlett-Packard and Newmont Mining, people like Mr. Simplot out of Idaho—he is probably a fine citizen; I have nothing against him; if I were in his position and getting a couple thousand acres for little or nothing, I would probably take it, too—but go home and tell the people that you voted to defend those people on this issue, and tell them what the issue was. Tell them that 91 percent of the ranchers in this country who graze livestock on Federal lands would have been unaffected. The only people who would have been affected would be the billionaires and the big corporations. Tell them you voted to defend those people and to give them lands for $1.35 even though the States they live in would charge exponentially more.

The Senator from Montana just came on the floor. The State of Montana would charge you $4.05 for an AUM in Montana. But "Uncle Sugar" will let you have it for $1.35. And if you charge a nickel more than that, for example, what they charge in the State of Montana, the weeping and wailing begins. I yield the floor, Mr. President.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, we are on rewind again. We have been down this little debate before. It never ceases to amaze me how we can compare apples and oranges and oranges and tangerines, and then we compare everything else with rocks.

It is easy for me to go home and explain this vote for the simple reason that the majority of people that live in Montana, that live in the West, where there is a large prevalence of Federal lands, they understand that.

When I first went to the State of Montana, I did not have a real good understanding of public lands and the policies on those public lands and how those policies were developed. I did not have a real keen interest in what is regarded in the West as water rights. Where I was raised in Missouri, we did not file for—if you put a well down, we did not worry about water. It seemed like it came down every river, and our wells were full all the time. We enjoyed anywhere from 35 to 45 inches of rain every year, so water was not a big issue where I came from as a young lad growing up on a small farm. But when you live there for a while, and these issues come up, then all at once your interest grows in it and on the development of that public lands policy.

I do not think we want to get into a class warfare type thing. I know if I was a rancher in the State of Montana, I would like to have the opportunity to grow bigger if I could and do it, and do it the way that most of them did. So whenever we start comparing State lands and private lands and BLM land, it is not even a close or a fair comparison.

I have been to the Senator's State of Arkansas. I would like to have some of the grazing land that they have in their great State. I would like to range some cattle there and graze some cattle there, because I know what it will do and the season it takes. I was raised in Missouri, so I know what the cost is and how much they will gain on the kind of forage that they have. It is a little bit different as you move West, where the soil thins, and so does the forage. In some places there is hardly any forage at all.

The BLM lands are the lands that were sort of left over, because when this country was settled, they did not have the technology or the way to develop water supplies and to deal with everything that you are going to have to have on that range to run livestock. I will tell you something else along with that. In the old days, there was not any wildlife out there either, because everything it takes to sustain wildlife on those ranges it takes to sustain livestock. That is why we have more whitetail and mule deer, more antelope and more elk now than we have had since the Great Depression.

The improvement in those ranges has been done in part by the individual permittee, the person who held the permits, because he was the one that had to lay out the money to build the pipelines, to build the reservoirs, and to create in some places where there has never been water but there is now, to where that resource, that resource called grass, the only way it can be harvested is through the cattle or sheep.

But as our technology grew and our ability to develop those water resources on semiarid to arid land, we made use of more of that country than had ever been used before. Then we all at once started developing another little organization after World War II looking at the ranges and the condition of the ranges and knowing that the future of agriculture, especially animal agriculture, west of the Mississippi is going to depend on how well we take care of our resources. There was an organization that was founded and had as much to do with the improvement of the range. It is called the Society for Range Management [SRM]. They started having neighborhood meetings and they started bringing new practices and they said not only do we have to do a better job in our grazing, but we have to do a better job in our water management and our soil management.

We have to watch out for wind erosion. We do not have to watch out for wind erosion in this part of the country. We have to watch out for water erosion. Sometimes it sounds like it is going to rain here, wash us all right down the Potomac River. That is the forecast anyway. We do not have to worry about that out there. We have to worry about it maybe sometimes in the spring of the year when the runoff goes off, but it does not last very long. But we have wind erosion. In order to prevent wind erosion, you have to keep pretty good forage on that land.

So we had to go to different grazing. We grazed some a long time; we grazed some a very short time. But through those practices and trial and error and with that organization, the range improvements in the West have been phenomenal over the last 50 years. One has to remember, you do not change the direction. You do not improve land, you do not improve anything in just 1 year, put a big Band-Aid on it and it is fixed, because it takes a long time. I will admit, the Homestead Act probably did as much damage in the West to the resources there as any law that we ever had, although it did move our public lands into private hands and started building the farms and the ranches across this country. But they also plowed up some country that should never have had a plow stuck in it. That all had to go back into rangeland. Some of those scars still exist today, but we are dealing with that. It takes time. Mother Earth heals, but sometimes it takes a long time.

Those lands never were held in private hands. They were always in the Government. They were the leftover lands. In the State lands, they lump everything together. In some places, you have great tracts of timber and some sections of State lands and farmland which produces a nice, great profit to the rancher who farms that land. It is either wheat, barley, or grain, and that returns a nice little check to the Treasury without any livestock ever being on it. That is part of that rent. That is part of that scheme of $4 over there.

What we are talking about here, we cannot compare private lands, public lands, and State lands. Take a county like Garfield County, MT. I heard the organizations that are sponsoring this amendment or endorsing this amendment, and they do not want cattle on these lands. This is the bill to move them off the land. To a county like Garfield County, whose tax base for personal property taxes has to be in livestock because there is very little out there to tax, it pays for schools, roads, public safety. All those things are paid for by animal agriculture in the vast amount of the counties east of the mountains in the State of Montana.

The Government does do very well when you take into account all of the multiple uses on that land, grazing included. And I saw the comparison of my friend from New Hampshire. If I am investing $50 some odd million, whatever the figure is, and only get a return on $14 million, I think I would look at how I am operating my business. Maybe the secret is not the grazing fee, maybe it is in the way that we are operating our land or our business. Maybe there is a better way. Also, if I was doing it that way—and some of the hoops that the Bureau of Land Management has to jump through were created by laws here in this body. When I went to Montana, only the BLM managed all the land in Montana, with around perhaps 30 or 35 people, and now there are 500 people there. I would take a look at that. Maybe we have an organization that is a little on the bloated side when it comes to managing our public lands.

Do not be fooled by the comparison of the lands because there is no comparison. We are trying to pass a rangeland reform bill. The cloud of a Presidential veto is over that bill as we work with it here in this body. Now you tell me that is trying to solve some of the problems that we have in developing public lands policy, because if it is not just exactly the way we want it, we are just going to veto it. That does not tell me that this administration or Mr. Babbitt is trying to get along with the folks who are dependent on the use of public lands, multiple use of those lands in the West.

Keep in mind any commercial development, along with the recreation and the access to those lands, is very important to all Americans, all Americans, as they are the benefactor of this, even as we speak today. Not very many of us have a hungry night, for we have a wonderful way of producing food and fiber in this country.

I know we will have more to say on this issue later, but take a look and see what we are doing. The comparisons just are not there. Regarding this, I suggest we reject this amendment. It has been rejected before, and it was rejected basically on common sense—common sense. Sure, we can make a case where maybe it ought to be $10—or, to be fair, go to $20. Take them all off the land. Who needs them? It is just a handful of people. Not very many. America, who needs them? I think we need them. They are very important to my State. They are very important to this country.

Mr. BUMPERS. I wonder if the Senator from Montana would be willing to engage in a short colloquy. I just ask this question: Is the Senator opposed to any limit? In other words, Hewlett-Packard or Anheuser-Busch maybe has 8,000 AUM's. Mr. Simplot has 50,000 AUM's. Do you have any objection to Mr. Simplot paying a grazing fee to run 50,000 animal unit months at $1.35?

Mr. BURNS. I have to say to the Senator that you just cannot single out a few people to say whether you would like that or dislike it. That is the way it is set up for all of us.

Mr. BUMPERS. Senator, we single out rich people with a little higher tax rate than we do poor people.

Mr. BURNS. I wonder some days, I wonder about the wisdom of that on occasion. Every time we try to single out somebody to pay higher fees or put them under a different set of laws, then somebody else who is running under the same conditions—everybody gets hurt. In other words, those people did not get big from being dumb, so there are other ways to get around it. I think it limits a little man growing.

What is wrong with the little guy starting out and wanting to grow? Is that not the American way?

Mr. BUMPERS. The Senator wants Anheuser-Busch to grow?

Mr. BURNS. I sure do not want to lose them as a viable corporation. They do a lot of business in my State. They buy my barley. They are not just a one-faceted company. They pay a lot of personal property taxes in my county, the county government.

I was a county commissioner before I came here. I know about those checks. They foot the bills on a lot of education. They buy a lot of pickups, and they buy a lot of services in counties. Once it leaves or once that has eroded, that business has a hard time coming back. Senator, we cannot live on just tourism or recreation alone on that land, because recreation will not pay for it. They will not pay you $1.36 an AUM.

Mr. BUMPERS. I take it the answer is no, there is not any limit that is too high for the Senator to oppose?

Mr. BURNS. I have to think about that, but I do not think you can single out people and put them in a class over here and have another class over here. I do not think I like that very much.

Mr. BUMPERS. You understand, of course, that some of the biggest corporations, and these billionaires who own hundreds of thousands of AUM's, if they had to pay more or if they gave it up, that would make a little room for some of the little ranchers that I watch all these tears shed for around here.

Would the Senator agree?

Mr. BURNS. I think if it becomes unprofitable for them, it would be unprofitable for a small man, too. I do not think that will open up the availability of more of those permits to a smaller rancher.

Mr. BUMPERS. So the Senator sees no inequity in the fact that the State of Montana leases its lands at $4.05 an AUM and the Federal Government receives $1.35? That doesn't bother the Senator?

Mr. BURNS. If you had some preference, you would rather lease private lands for even more than that, Senator, because we know the services that go with it. The cattle will be ridden and we will get gain on the cattle. That is not guaranteed. Nothing is guaranteed on the public lands. We will get control. The State lands are a little better lands. Like I said, you cannot compare these lands. You are comparing apples and oranges.

I yield the floor.

Mr. BUMPERS. Mr. President, I take it from the Senator's comments that the fact that Montana gets $4.05 an acre and the U.S. Government gets $1.35 an acre, the Senator sees nothing wrong with that. In the private sector in Montana, people who lease private lands to ranchers receive $11 per AUM. The Federal Government gets $1.35, and the Senator sees no inequity in that.

AMENDMENT NO. 5353, AS MODIFIED

Mr. BUMPERS. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment (No. 5353), as modified, is as follows:

At the end of the pending Committee amendment ending on line 4 of page 25, add the following:

SEC. . GRAZING FEES.

(a) GRAZING FEE.—Notwithstanding any other provisions of law and subject to subsections (b) and (c), the Secretary of the Interior and the Secretary of Agriculture shall charge a fee for domestic livestock grazing on public rangelands as provided for in section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905(a)) and Executive Order 12548 (51 F.R. 5985).

(b) DETERMINATION OF FEE.—(1) Permittees or lessees, including related persons, who own or control livestock comprising less than 5,000 animal unit months on the public rangelands pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a).

(2) Permittees or lessees, including related persons, who own or control livestock comprising more than 5,000 animal unit months on the public rangelands pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a) for the first 5,000 animal unit months. For animal unit months in excess of 5,000, the fee shall be the higher of either—

(A) the average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in which the lands covered by the permit or lease are located; or

(B) the Federal grazing fee set forth in subsection (a), plus 25 percent.

(c) DEFINITIONS.—For the purposes of this section—

(1) State lands shall include school, education department, and State land board lands;

(2) individual members of a grazing association shall be considered as individual permittees or lessees in determining the appropriate grazing fee; and

(3) related persons includes—

(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986) of the holder of the permit or lease; and

(ii) a person controlled by, or controlling, or under common control with the holder of the permit or lease.

Mr. BUMPERS. Mr. President, this amendment originally required that anybody who held more than 2,000 AUM's would have to pay whatever the State charged for lands in that State on any AUM's in excess of 2,000. I have the very distinct impression it would not make any difference, as the Senator from Montana just confirmed, how high the limit went. I think he would find it difficult, if not impossible—I detect impossible—to support the amendment. Nevertheless, I will give everybody a chance because they say 2,000 AUM's is only 166 head. So we will get it up to 400 with 5,000 AUM's. That is what my modification does.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Chair. I don't remember, but I believe Yogi Berra says, "This is like deja vu all over again." It really is. I am so saddened that my friend and colleague from Arkansas likes to engage in the typical class warfare game that his side of the aisle oftentimes likes to play over issues where they project that there is some big evil creature out there profiteering off of what is the public's interest or the public's resource and, therefore, we ought to stop them.

If that were true, I would be standing not only beside my colleague from Arkansas, but I would be supporting his legislation. That has never been the case. What is the case is that the environmental community of our country, for well over two decades now, have tried to find a reason to change the character of the western public grazing lands for a variety of reasons. And through that, they have searched for a variety of arguments that somehow would ring solid with our citizens, that would say that public policy that directs our public lands somehow is misdirected, that the Congress has failed in its responsibility to the American people and, therefore, we ought to change public grazing land policy.

I certainly don't hold the edge on the knowledge on this issue. But I am one of a few Senators on this floor that once leased public grazing lands from the BLM and from the Forest Service. My family ranching businesses did that for years. We are no longer in those businesses. There is no conflict of interest with this Senator. But I represent thousands of cattlemen in my

State who do graze. Of our agriculture industry in the State of Idaho, which is the number one total receipts industry in my State, cattle is the largest segment of agriculture. It isn't potatoes when it comes to dollars and cents in total sales; it is cattle. Eighty percent of those cattle have to graze on public land at least some time during the year. The reason is that 63 percent of my State is owned and managed by the taxpayers of this country, the Federal Government, the public domain, the people's estate, however one wants to describe it.

So, in other words, Washington, DC, has more to say about running Idaho than Idaho has. The largest segment of our agriculture industry, therefore, has to rely on Federal public policy to survive. Sometimes it's good, sometimes it's bad. There is one thing Idaho appreciates, though, and that is its large expanse of public lands. We don't want it to be private per se. We have found that there is a tremendous heritage there that speaks to the public lands, that enjoys them, not just for cattle grazing, but for access—hunting, fishing, and for the quality of the environment that my State of Idaho has.

My grandfather, a good number of years ago—a good number of years ago—homesteaded in Idaho—then just a State. At that time there was no BLM, there was no Taylor Grazing Act. He was a grazer, a rancher, a sheep rancher. He found out that the great big interests out of the Southwest, out of Colorado, large ranching combines, that owned thousands of acres and tens and thousands of head of cattle, would sweep across the western lands, including Idaho, grazing them at will. Large sheep operations did the same. He and other ranchers across the West joined together and appealed to the Congress to create the Taylor Grazing Act, to control and limit grazing.

In the late 1800's, a U.S. cavalry officer, stationed in Idaho, wrote in his diaries that the public rangelands and the western rangelands of Idaho were depleted by over 80 percent from overgrazing. That was before the turn of the century. That is when my grandfather and others of western heritage said, "This had gone too far in an uncontrolled fashion, and we ought to do something about it." Congress created the Taylor Grazing Act. Out of that, they directed their interests back to the States and back to the local rancher and not the large national interests or regional interests. They created committees. They created local control, and they began to turn the western grazing lands around.

Now, few remember that history or that heritage. Today's memory doesn't even want to realize that, before the turn of the century, western grazing lands were already in trouble because they had been overgrazed by largely no control whatsoever, until the Congress of the United States stepped into this vast domain of public lands and said we have to do something about it. And they did. And if you will remember a couple of years ago, Mr. President, when Secretary Babbitt was trying to find a reason to change public grazing policy, because the environmental community had wrestled him to the ground and said, "cattle-free by '93," and "you have to change this policy." In his effort to try to find a reason, he asked the staff of the Department of Interior to find worse-case scenarios. In a memo that I divulged on this floor—a secret memo—they said, in essence: Mr. Secretary, that is hard to do because the western grazing lands are in better condition than they have been in 100 years.

So why do you want to eliminate grazing? Why do you want to tighten it down? Well, in a few instances, there are problems. There are some riparian areas critical to wildlife habitat and water quality that need to be administered differently. That is true in my State, as it is true in other public land grazing States across the Nation. There isn't a Senator on this floor that wouldn't suggest that these lands be managed in a responsible fashion, not just for grazing, but for wildlife habitat, for archeological values, for outdoor recreation, for water quality, for all of the reasons that we have in the public domain.

But we in Idaho and the West say that, amongst all of those reasons, grazing should be equal, and it should have, by character of the Taylor Grazing Act that created these grazing relationships with private people, some level of priority.

Why? Because a big chunk of the economy of Idaho depends on access to that land. We have incorporated that for over 100 years into the economic base of our State, and if we had known that the Federal Government was going to sweep in and change the character of local economies, maybe we would have fought over a hundred years ago when we came into the Union to make all of those States private land instead of a large portion of them remaining federally owned public lands. But that didn't happen. It has not happened.

Idaho has a wonderful public land heritage, and we want to keep it that way. But we sure want to try to maintain a working, cooperating, sharing relationship with the Federal land management agencies that says there can be some grazing, mining, logging, water quality, and environmental integrity and all of those combinations of multiple balanced uses that are so critical to the character of the western public land States. That part is what the Bumpers amendment is not all about. It does not understand, nor does it share, that relationship that has existed for well over 100 years.

When we talk about the character of the West and wanting to preserve it, this is an amendment that would dramatically change the character of the West. For the people who come to Idaho today, because Idaho is what it is and has been for so long, part of that which they enjoy is the ranching heritage, along with the great outdoors and the beautiful landscapes and the pristine air. For over 100 years we have grazed Idaho actively, and it is still a beautiful State.

Several years ago, I, along with others who have primary responsibility in the Committee of Energy and Natural Resources for this issue, began to recognize there needed to be some adjustment in grazing fees; that somehow the formula currently being used by the Bureau of Land Management and the Forest Service was not working well. Mr. President, you know the struggle we went through. We offered a variety of amendments and a variety of bills. We passed a grazing reform bill through the Senate this year. Senator PETE DOMENICI, Senator CRAIG THOMAS, certainly Senator CONRAD BURNS, who has just spoken, myself, and others were involved in crafting that. We introduced one that was not liked at all by a variety of interest groups.

We went back to the drawing boards, and we invited all interests—sportsmen, wildlife enthusiasts to environmentalists—to make recommendations for change. Why? Because we didn't like the ranch form regulations that Secretary Babbitt was shoving through because we felt that in the long term it would badly damage the relationship of the grazer to the public land, and after taking information from all of those groups, we made between 27 and 30 changes in our legislation before it passed through the Senate with a bipartisan vote.

Why this amendment, then? I think the Senator from Montana said it well. It is somehow the big versus the small, and that does not seem to work very well. A blade of grass is a blade of public land grass and ought to be worth the same to anybody who wants to buy it. Certainly, when we sell trees off the national forests we do not say to the great big Weyerhaeuser's or Louisiana Pacific's, or any of the big timber companies, "You have to pay a premium because you are big," and to the small timber operator in my State of Idaho, "You are small and you are little and you pay less." We don't do that. We offer it to up to bid. But in the instance of grazing, because grazing is tied with the ranch, we have said you will pay a fee determined by the Congress. That is what we have tried to do in a fair and equitable way, and I think we have accomplished that, because not only are we trying to get a reasonable amount of money from the public resource for the public Treasury, but we are still trying to reflect the relationship that was crafted back in the teens with the creation of the BLM Act, or the Taylor Grazing Act, when we said that ranches ought to have a relationship to that public land to be able to graze it under reasonable conditions. That kept the local economy together. That kept the main streets of Grand View, or Twin Falls, or Oakley, or Buhl, or any of these small Western agricultural ranching communities, together because they didn't own the vast lands. Those were owned by the public. But there would still remain a relationship between the ranching community, the economy, and the land. For a long time that was the right relationship, but now we have wanted to make changes.

The Bumpers amendment makes the kind of change that dramatically alters big and small, because the one thing that has never been talked about in all of this was all of my small ranchers have been marvelous stewards of the land throughout this time. They are the ones who gave the time. They are the ones that put in the water systems. They are the ones that have largely made the public range what it is today by investing millions of hours of person time and millions of dollars of their own money on public lands to improve them not just for grazing, but for wildlife habitat. Yet, that seems to not be recognized today in this kind of amendment, the big versus the small, the rich versus the not-so-rich, which should never become a factor in the uniform management of and the selling of public resources. Yet, that is what the Senator from Arkansas attempts to do. And it is wrong, Mr. President, it is just plain wrong. We do not treat any other public resource—renewable or nonrenewable—that is up for sale that way.

Let us compare it. You go to a national park. You pay a fee to go into a park. Do they ask you at the time you drive through the park, "Are you a millionaire," or, "Are you poor?" If you are a millionaire, you pay $10,000 to enter the national park, and if you are not so rich, you pay the daily fee.

We do not do that when somebody enters the public resource buildings of the national treasures of the Nation's Capital. There is a fee charged, and that happens in some instances but not many. Yet, taxpayers pay millions of dollars annually to keep these beautiful buildings up. Do we say to the rich, "You pay more," and to the poor, "You pay less"? No, we do not do that. But that is what the Senator from Arkansas does on grazing.

When we provide coal resources, oil resources, they go to the highest bidder, and they go to the finder. Then we have a national fee that we charge per ton or per gallon. Do we say to the Standard Oil's of America, "You pay more," and to the small stripper well producers in Kansas, "You pay less"? No, we do not. We expect a reasonable and a balanced fee.

I don't know how, Mr. President, to make another comparison that the public would understand. How about two apartments, one side by side, and one is furnished and one is not furnished. That is what the Senator from Montana was talking about. Certainly, the one that is furnished you would pay more for.

So when the Senator from Arkansas talks about State lands, in many instances, the State lands are a better quality grazing land. The services on them are treated differently. Certainly, it is true of private grazing. I know; I used to lease out private grazing. We took care of the cattle. We fixed the fences. We sold to them. We made sure that the water facilities were operating, and the person who put the cattle on the land never came back to see them sometimes until 2 or 3 months later when they wanted to pick them up. So we were able to charge more because we offered a service. But when the rancher leases public grazing land, BLM or Forest Service land, none of those services are offered. You ride for the cattle, and you care for the cattle. You pick up all of those extra expenses.

That is a part of the reason that the formula over the year has reflected some of disparity of difference, and it is unfair to make those comparisons. But I am afraid that some of my colleagues, who have an entirely different mission in mind than just getting for agriculture a fair price for the public resource, want to change the story. And, in changing it, they know that the consequence of their action would be disastrous to the public grazing lands as we know it.

I hope, Mr. President, that Senators will once again join with us in rejecting this amendment. This Senate has done its duty. We have crafted a compromise, bipartisan grazing reform bill with a fee increase in it which is fair and equitable to all, and passed it through the Senate. Now, to have this kind of an end run on an amendment that divides—that says to the rich this, says to the less rich this, that says we create different levels and different fees for different blades of grass grazed by different cattle, it does not make sense.

It will not work. We do it nowhere else when we deal with public resources, and we certainly ought not do it with grazing.

So I hope that the Senate will reject this amendment at the appropriate time and continue to work with the Energy and Natural Resources Committee to accomplish the grazing reform that we need, because there is no Senator who would suggest we need none.

As a Senator who represents a western public lands State, I will tell you that I helped lead the reform this year. We did not stand back, because we wanted to make sure that the reform was reflective of not only national interests but that unique relationship that was crafted with the Taylor Grazing Act decades ago between the public lands State and the public domain and the public resource and the grazing industry and the citizens of the States involved.

That is the issue at hand here. I hope the Senate will honor its historic commitment in these areas to maintain balance and to maintain reasonable return for the public resource.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I believe that debate on this grazing fee amendment has been concluded for the day. I have one short correction from last week that I now ask unanimous consent be printed in the RECORD separately from the debate on the grazing fee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLARIFICATIONS OF COMMITTEE REPORT

Mr. GORTON. Last Friday, during debate on the Interior appropriations bill, I put a list of clarifying items into the CONGRESSIONAL RECORD. They were incorrectly identified as amendments to the committee report. So that there is no misunderstanding, these were clarifications of, not changes or amendments to, the committee report.

ACID MINE DRAINAGE

Mr. SARBANES. Mr. President, I was pleased to be able to offer this amendment on behalf of myself and Senator MIKULSKI to provide the State of Maryland with the flexibility and additional resources needed to clean up environmental problems associated with acid mine drainage from abandoned coal mines. Specifically, my amendment would allow the State of Maryland to set aside the greater of $1 million or 10 percent of the funds received under the Surface Mining Control and Reclamation Act of 1977 for use in undertaking acid mine drainage abatement and treatment projects.

There are over 450 miles of rivers and streams in Maryland which are contaminated by acid mine drainage. Much of the north branch of the Potomac River, from its headwaters near Kempton, MD, to the Jennings Randolph Lake is biologically dead. The Kempton mine alone contributes 3 million gallons of acid mine drainage to the Potomac each day and estimates to clean up this problem run as high as $80 million.

Section 402 (g)(6)(B) of SMCRA authorizes States to set aside up to 10 percent of their annual title IV abandoned mine land reclamation allocation into a special interest-bearing account for addressing adverse environmental effects caused by abandoned mine drainage. For a minimum program State like Maryland, which receives only $1.5 million in AML funds a year, 10 percent is clearly insufficient to address our State's acid mine drainage problems.

My amendment will not authorize or appropriate any new money to be expended for acid mine drainage. It will provide greater flexibility for Maryland to use its existing AML funds for acid mine drainage abatement as well as health and safety problems and help address the most serious environmental problem facing the western region of my State.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CONTINUATION OF THE EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT—PM 169

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1996, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 864 (1993) continues to oblige all Member States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA to reduce its ability to pursue its aggressive policies on territorial acquisition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1996.*

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 2073. A bill to require the District of Columbia to comply with the 5-year time limit for welfare recipients, to prohibit any future waiver of such limit, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4093. A communication from the Chief of the Programs and Legislation Division in the Office of Legislative Affairs, Department of the Air Force, transmitting, pursuant to law, a notice of a cost comparison study with respect to the grounds maintenance function at Keesler Air Force Base; to the Committee on Armed Services.

EC-4094. A communication from the Assistant Chief Counsel of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report concerning a rule entitled "Lending and Investment," (RIN 1550-AA94) received on September 16, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-4095. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding transactions involving exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-4096. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report with respect to the rule entitled "Truth in Lending; Docket Number R-0927" (received on September 16, 1996); to the Committee on Banking, Housing, and Urban Afffairs.

EC-4097. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, eight rules regarding the table of allotments for FM broadcast stations (RM6904, 7114, 7186, 7415, 7298, 8719, 8815, 8788, 8645, 8655, 8698, 8552) received on September 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC-4098. A communication from the Assistant Attorney General in the Office of Legislative Affairs, Department of Justice, transmitting draft legislation regarding economic espionage; to the Committee on the Judiciary.

EC-4099. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report with respect to a rule regarding Immigration Title II benefits (RIN-1115-AE51) received on September 13, 1996; to the Committee on the Judiciary.

EC-4100. A communication from the Assistant General Counsel for Regulations in the Office of the General Counsel, U.S. Department of Education, transmitting, pursuant to law, a rule regarding student assistance (received on September 16, 1996); to the Committee on Labor and Human Resources.

EC-4101. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the budget request for fiscal year 1998; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 531. A bill to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1091. A bill to improve the National Park System in the Commonwealth of Virginia.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2636. A bill to transfer jurisdiction over certain parcels of Federal real property located in the District of Columbia, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 608. A bill to establish the New Bedford Whaling National Historical Park in New Bedford, MA, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 695. A bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 902. A bill to amend Public Law 100-479 to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 951. A bill to commemorate the service of First Ladies Jacqueline Kennedy and Patricia Nixon to improving and maintaining the Executive Residence of the President and to authorize grants to the White House Endowment Fund in their memory to continue their work.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1127. A bill to establish the Vancouver National Historic Reserve, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1649. A bill to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1699. A bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 1706. A bill to increase the amount authorized to be appropriated for assistance for highway relocation with respect to the Chickamauga and Chattanooga National Military Park in Georgia, and for other purposes.

S. 1809. A bill entitled the "Aleutian World War II National Historic Areas Act of 1996".

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1844. A bill to amend the Land and Water Conservation Fund Act to direct a study of the opportunities for enhanced water-based recreation, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1921. A bill to authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District, and for other purposes.

S. 1986. A bill to provide for the completion of the Umatilla Basin project, and for other purposes.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2015. A bill to convey certain real property located within the Carlsbad project in New Mexico to the Carlsbad Irrigation District.

Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 1952) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes (Rept. 104-369).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself and Mr. ROCKEFELLER):

S. 2075. A bill to amend title XVIII of the Social Security Act to provide additional consumer protections for medicare supplemental insurance; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 2076. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself and Mr. LEAHY):

S. 2077. A bill to amend the Commodity Exchange Act to improve the act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. KEMPTHORNE, and Mr. CRAIG):

S. 2078. A bill to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire; to the Committee on Armed Services.

By Mr. MOYNIHAN:

S. 2079. A bill to repeal the prohibition against State restrictions on communications between government agencies and the INS; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself and Mr. ROCKEFELLER):

S. 2075. A bill to amend title XVIII of the Social Security Act to provide additional consumer protections for medicare supplemental insurance; to the Committee on Finance.

THE MEDIGAP PORTABILITY ACT OF 1996

• Mr. CHAFEE. Mr. President, last month, the President signed into law bipartisan legislation that provides greater portability of health insurance for working Americans. Today, I join with my colleague, Senator ROCKEFELLER, in the introduction of a bipartisan bill that will provide some of the same guarantees for seniors who buy Medicare supplemental insurance or Medigap policies.

Of the 37 million Medicare beneficiaries, 80 percent, or nearly 30 million, have some form of Medicare supplemental insurance, whether covered through a retiree health plan or a private Medigap policy. Under current law, Medigap insurers must issue these policies without pre-existing condition limitations during the 6-month period immediately after the beneficiary becomes eligible for Medicare. Our bill does three things for seniors who have purchased Medigap insurance.

First, it guarantees that if their plan goes out of business or the beneficiary moves out of a plan service area, he or she can buy another comparable policy. These rules also would apply to a senior who has had coverage under a retiree health plan if their plan goes out of business.

Second, it encourages seniors to enroll in Medicare managed care by guaranteeing that they can return to Medicare fee-for-service and, during the first year of enrollment, get back their same Medigap policy if they decide they do not like managed care. Under current law, if a senior wishes to enroll in a Medicare managed care plan, they have two options. They may drop their Medigap policy, and hope they can get another if they go back to fee-for-service, or they can continue paying their Medigap premiums in the event that they may need the policy again some day—a very costly option for those on fixed incomes.

Third, it provides a 6-month open enrollment period for those under 65 who become Medicare beneficiaries because they are disabled. Under current Federal law, Medicare beneficiaries are offered a 6-month open enrollment period only if they are 65. There are approximately 4 million Americans who are under 65 years of age and are enrolled in the Medicare Program. Currently, they do not currently have access to Medigap policies unless State laws require insurers to offer policies to them.

It is true that this bill does not go as far as some advocacy groups would like. Our bill leaves to the States more controversial issues, such as continuous open enrollment and community rating of Medigap premiums. I believe, however, that this legislation will provide seniors the same guarantees that we provided to working Americans under the Kassebaum-Kennedy legislation. Thank you, Mr. President.

I ask unanimous consent that the text of the bill be included in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medigap Portability Act of 1996".

SEC. 2. MEDIGAP AMENDMENTS.

(a) GUARANTEEING ISSUE WITHOUT PRE-EXISTING CONDITIONS FOR CONTINUOUSLY COVERED INDIVIDUALS.—Section 1882(s) of the Social Security Act (42 U.S.C. 1395ss(s)) is amended—

(1) in paragraph (3), by striking "paragraphs (1) and (2)" and inserting "this subsection",

(2) by redesignating paragraph (3) as paragraph (4), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3)(A) The issuer of a medicare supplemental policy—

"(i) may not deny or condition the issuance or effectiveness of a medicare supplemental policy described in subparagraph (C);

"(ii) may not discriminate in the pricing of the policy on the basis of the individual's health status, medical condition (including both physical and mental illnesses), claims experience, receipt of health care, medical history, genetic information, evidence of insurability (including conditions arising out of acts of domestic violence), or disability; and

"(iii) may not impose an exclusion of benefits based on a pre-existing condition,

in the case of an individual described in subparagraph (B) who seeks to enroll under the policy not later than 63 days after the date of the termination of enrollment described in such subparagraph.

"(B) An individual described in this subparagraph is an individual described in any of the following clauses:

"(i) The individual is enrolled with an eligible organization under a contract under section 1876 or with an organization under an agreement under section 1833(a)(1)(A) and such enrollment ceases either because the individual moves outside the service area of the organization under the contract or agreement or because of the termination or nonrenewal of the contract or agreement.

"(ii) The individual is enrolled with an organization under a policy described in subsection (t) and such enrollment ceases either because the individual moves outside the service area of the organization under the policy, because of the bankruptcy or insolvency of the insurer, or because the insurer closes the block of business to new enrollment.

"(iii) The individual is covered under a medicare supplemental policy and such coverage is terminated because of the bankruptcy or insolvency of the insurer issuing the policy, because the insurer closes the block of business to new enrollment, or because the individual changes residence so that the individual no longer resides in a State in which the issuer of the policy is licensed.

"(iv) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under this title and the plan terminates or ceases to provide (or significantly reduces) such supplemental health benefits to the individual.

"(v)(I) The individual is enrolled with an eligible organization under a contract under section 1876 or with an organization under an agreement under section 1833(a)(1)(A) and such enrollment is terminated by the enrollee during the first 12 months of such enrollment, but only if the individual never was previously enrolled with an eligible organization under a contract under section 1876 or with an organization under an agreement under section 1833(a)(1)(A).

"(II) The individual is enrolled under a policy described in subsection (t) and such enrollment is terminated during the first 12 months of such enrollment, but only if the individual never was previously enrolled under such a policy under such subsection.

"(C)(i) Subject to clause (ii), a medicare supplemental policy described in this subparagraph, with respect to an individual described in subparagraph (B), is a policy the benefits under which are comparable or lesser in relation to the benefits under the enrollment described in subparagraph (B) (or, in the case of an individual described in clause (ii), under the most recent medicare supplemental policy described in clause (ii)(II)).

"(ii) An individual described in this clause is an individual who—

"(I) is described in subparagraph (B)(v), and

"(II) was enrolled in a medicare supplemental policy within the 63 day period before the enrollment described in such subparagraph.

"(iii) As a condition for approval of a State regulatory program under subsection (b)(1) and for purposes of applying clause (i) to policies to be issued in the State, the regulatory program shall provide for the method of determining whether policy benefits are comparable or lesser in relation to other benefits. With respect to a State without such an approved program, the Secretary shall establish such method.

"(D) At the time of an event described in subparagraph (B) because of which an individual ceases enrollment or loses coverage or benefits under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, the insurer offering the policy, or the administrator of the plan, respectively, shall notify the individual of the rights of the individual, and obligations of issuers of medicare supplemental policies, under subparagraph (A).".

(b) LIMITATION ON IMPOSITION OF PREEXISTING CONDITION EXCLUSION DURING INITIAL OPEN ENROLLMENT PERIOD.—Section 1882(s)(2)(B) of such Act (42 U.S.C. 1395ss(s)(2)(B)) is amended to read as follows:

"(B) In the case of a policy issued during the 6-month period described in subparagraph (A), the policy may not exclude benefits based on a pre-existing condition.".

(c) CLARIFYING THE NONDISCRIMINATION REQUIREMENTS DURING THE 6-MONTH INITIAL ENROLLMENT PERIOD.—Section 1882(s)(2)(A) of such Act (42 U.S.C. 1395ss(s)(2)(A)) is amended to read as follows:

"(2)(A)(i) In the case of an individual described in clause (ii), the issuer of a medicare supplemental policy—

"(I) may not deny or condition the issuance or effectiveness of a medicare supplemental policy, and

"(II) may not discriminate in the pricing of the policy on the basis of the individual's health status, medical condition (including both physical and mental illnesses), claims experience, receipt of health care, medical history, genetic information, evidence of insurability (including conditions arising out of acts of domestic violence), or disability.

"(ii) An individual described in this clause is an individual for whom an application is submitted before the end of the 6-month period beginning with the first month as of the first day on which the individual is 65 years of age or older and is enrolled for benefits under part B.".

(d) EXTENDING 6-MONTH INITIAL ENROLLMENT PERIOD TO NON-ELDERLY MEDICARE BENEFICIARIES.—Section 1882(s)(2)(A)(ii) of such Act (42 U.S.C. 1395ss(s)(2)(A)), as amended by subsection (c), is amended by striking "is submitted" and all that follows and inserting the following: "is submitted—

"(I) before the end of the 6-month period beginning with the first month as of the first day on which the individual is 65 years of age or older and is enrolled for benefits under part B; and

"(II) for each time the individual becomes eligible for benefits under part A pursuant to section 226(b) or 226A and is enrolled for benefits under part B, before the end of the 6-month period beginning with the first month as of the first day on which the individual is so eligible and so enrolled.".

(e) EFFECTIVE DATES.—

(1) GUARANTEED ISSUE.—The amendment made by subsection (a) shall take effect on July 1, 1997.

(2) LIMIT ON PREEXISTING CONDITION EXCLUSIONS.—The amendment made by subsection (b) shall apply to policies issued on or after July 1, 1997.

(3) CLARIFICATION OF NONDISCRIMINATION REQUIREMENTS.—The amendment made by subsection (c) shall apply to policies issued on or after July 1, 1997.

(4) EXTENSION OF ENROLLMENT PERIOD TO DISABLED INDIVIDUALS.—

(A) IN GENERAL.—The amendment made by subsection (d) shall take effect on July 1, 1997.

(B) TRANSITION RULE.—In the case of an individual who first became eligible for benefits under part A of title XVIII of the Social Security Act pursuant to section 226(b) or 226A of such Act and enrolled for benefits under part B of such title before July 1, 1997, the 6-month period described in section 1882(s)(2)(A) of such Act shall begin on July 1, 1997. Before July 1, 1997, the Secretary of Health and Human Services shall notify any individual described in the previous sentence of their rights in connection with medicare supplemental policies under section 1882 of such Act, by reason of the amendment made by subsection (d).

(f) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, within 9 months after the date of the enactment of this Act, the National Association of Insurance Commissioners (in this subsection referred to as the "NAIC") modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as modified pursuant to section 171(m)(2) of the Social Security Act Amendments of 1994 (Public Law 103–432) and as modified pursuant to section 1882(d)(3)(A)(vi)(IV) of the Social Security Act, as added by section 271(a) of the Health Care Portability and Accountability Act of 1996 (Public Law 104–191) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate Regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) 1 year after the date the NAIC or the Secretary first makes the modifications under paragraph (2) or (3), respectively.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 1998 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 1998. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 3. INFORMATION FOR MEDICARE BENEFICIARIES.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") is authorized to provide grants to—

(A) private, independent, non-profit consumer organizations, and

(B) State agencies,

to conduct programs to prepare and make available to medicare beneficiaries comprehensive and understandable information on enrollment in health plans with a medicare managed care contract and in medicare supplemental policies in which they are eligible to enroll. Nothing in this section shall be construed as preventing the Secretary from making a grant to an organization under this section to carry out activities for which a grant may be made under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508).

(2) CONSUMER SATISFACTION SURVEYS.—Any eligible organization with a medicare managed care contract or any issuer of a medicare supplemental policy shall—

(A) conduct, in accordance with minimum standards approved by the Secretary, a consumer satisfaction survey of the enrollees under such contract or such policy; and

(B) make the results of such survey available to the Secretary and the State Insurance Commissioner of the State in which the enrollees are so enrolled.

The Secretary shall make the results of such surveys available to organizations which receive grants under paragraph (1).

(3) INFORMATION.—

(A) CONTENTS.—The information described in paragraph (1) shall include at least a comparison of such contracts and policies, including a comparison of the benefits provided, quality and performance, the costs to enrollees, the results of consumer satisfaction surveys on such contracts and policies, as described in subsection (a)(2), and such additional information as the Secretary may prescribe.

(B) INFORMATION STANDARDS.—The Secretary shall develop standards and criteria to ensure that the information provided to medicare beneficiaries under a grant under this section is complete, accurate, and uniform.

(C) REVIEW OF INFORMATION.—The Secretary may prescribe the procedures and conditions under which an organization that has obtained a grant under this section may furnish information obtained under the grant to medicare beneficiaries. Such information shall be submitted to the Secretary at least 45 days before the date the information is first furnished to such beneficiaries.

(4) CONSULTATION WITH OTHER ORGANIZATIONS AND PROVIDERS.—An organization which receives a grant under paragraph (1) shall consult with private insurers, managed care plan providers and other health care providers, and public and private purchasers of health care benefits in order to provide the information described in paragraph (1).

(5) TERMS AND CONDITIONS.—To be eligible for a grant under this section, an organization shall prepare and submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require. Grants made under this section shall be in accordance with terms and conditions specified by the Secretary.

(b) COST-SHARING.—

(1) IN GENERAL.—Each organization which provides a medicare managed care contract or issues a medicare supplemental policy (including a medicare select policy) shall pay to the Secretary its pro rata share (as determined by the Secretary) of the estimated costs to be incurred by the Secretary in providing the grants described in subsection (a).

(2) LIMITATION.—The total amount required to be paid under paragraph (1) shall not exceed $35,000,000 in any fiscal year.

(3) APPLICATION OF PROCEEDS.—Amounts received under paragraph (1) are hereby appropriated to the Secretary to defray the costs described in such paragraph and shall remain available until expended.

(c) DEFINITIONS.—In this section:

(1) MEDICARE MANAGED CARE CONTRACT.—The term "medicare managed care contract" means a contract under section 1876 or section 1833(a)(1)(A) of the Social Security Act.

(2) MEDICARE SUPPLEMENTAL POLICY.—The term "medicare supplemental policy" has the meaning given such term in section 1882(g) of the Social Security Act.•

Mr. ROCKEFELLER. Mr. President, I join my colleague from Rhode Island, Senator CHAFEE, in introducing a bill that aims at taking another significant step in extending the kind of health care security we want for all Americans. I believe the recent enactment of the Kassebaum-Kennedy health reform bill confirms that those of us who want to expand health care access, coverage, and quality for Americans have every reason to press on. And the Senator from Rhode Island and I have very deliberately adopted the same principles of bipartisanship and pragmatism in crafting this new bill to take the next steps forward in health reform.

Our bill responds to a clear need among Medicare's beneficiaries, especially the 4 million disabled Americans who rely on Medicare, to be able to count on supplemental insurance when they seek it. As important as Medicare is, it covers less than one-half of beneficiaries' total health care costs. As a result, almost 80 percent of all Medicare beneficiaries buy private, supplemental insurance that gives them extra coverage and financial relief. But it turns out that seniors and the disabled are having all kinds of difficulties in obtaining or holding onto this supplemental insurance. Our bill solves some of these problems, by making Medigap policies portable, more reliable, and more accessible in different situations.

Specifically, our bill requires insurers to issue a Medigap policy to a Medicare beneficiary who loses his or her Medigap coverage because he or she moves out of a plan's service area; because an HMO or managed care plan goes out of business or withdraws from the market; or because an employer drops, or substantially cuts back, retiree health benefits.

This legislation responds to changes we are seeing that are hurting older and disabled Americans, which includes 50,000 disabled West Virginians. For example, more and more employers are cutting costs by cutting back on their retirees' health benefits. Between 1993 and 1995, the number of large employers who provided retiree health benefits dropped by 5 percent. When retirees lose employer-sponsored health benefits, they are forced to go to the private market and purchase individual coverage.

If they have any type of preexisting medical condition, they will be lucky to find an insurance company who will sell them a Medigap policy without a lengthy pre-existing condition limitation. Others will not be so lucky. They won't find an insurer willing to sell them a policy at any price.

Mr. President, our bill gives Medicare beneficiaries an opportunity to try a managed care plan without worrying about losing their ability to return to fee-for-service medicine. Our legislation would give Medicare beneficiaries a 12-month trial period to try a Medicare managed care option. Understandably, many seniors are very nervous about enrolling in a managed care organization if it means losing access to their lifelong doctor.

Our bill lets Medicare beneficiaries see if a managed health care plan suits them and gives them a way back to fee-for-service medicine, if that is their personal preference.

Mr. President, my preference would be to allow continuously insured Medicare beneficiaries to freely switch types of policies—fee-for-service versus managed care—and insurers, on an annual basis. This would allow seniors the ability to switch insurers for customer service reasons or any other personal preference. But because the insurance companies are especially opposed to any type of continuous or annual open enrollment policy for Medigap insurance—even for individuals who are continuously insured—we have to have our bill aim for the more modest improvements in portability that we think we have a better chance of enacting.

Our legislation bans insurance companies from imposing any preexisting condition limitation during the 6-month open enrollment period for Medigap insurance when a person first qualifies for Medicare. This makes the rules for Medigap policies consistent with the recently enacted Kassebaum-Kennedy bill, and with Medicare coverage which begins immediately, regardless of preexisting conditions.

For the disabled, this bill is a big improvement over current law. In 1990, Congress mandated that insurers must sell a Medigap policy to any senior wishing to buy coverage when that individual first becomes eligible for Medicare. The disabled were left out at that time because of insurance company-generated concerns about potentially huge premium hikes for current Medigap policyholders.

Since then, at least 10 States went ahead and required insurers to issue policies to all Medicare beneficiaries in their States, including the disabled. My staff called those States, and not one State reported large hikes in premiums as a result of their new laws requiring access to Medigap for the disabled.

The Health Care Financing Administration [HCFA] has also estimated that Medicare's average per-person cost for the disabled is actually less than Medicare's average per-person cost for the aged. So, Mr. President, I believe we can put concerns about large premium hikes to rest, and move to guarantee the disabled access to private Medigap policies.

This bill will help people like a 44-year-old man from Capon Bridge, WV, who qualifies for Medicare because of a disability. He earns too much money to qualify for Medicaid and is unable to buy a private Medigap policy because of a chronic medical condition.

Medigap insurers in West Virginia refuse to sell him a policy because of his medical condition. A 47-year-old woman from Slanesville, WV, is in a similar situation. She was uninsured before qualifying for Medicare because of a chronic kidney disease that requires dialysis. Her husband and she have too many assets to qualify for Medicaid and they cannot afford the $300 a month, or $3,600 a year premium for health insurance provided through her husband's job. The average cost of a Medigap policy ranges from $700 to $1,000 a year. Access to a Medigap policy would be a more affordable option for this family.

Mr. President, our bill also includes a section to help seniors choose the right health plan for them by ensuring that they get good information on what plans are available in their area.

It allows them to compare different health plans based on results of consumer satisfaction surveys, and will include information on benefits and costs.

Our bill does not directly address affordability. Just as the Kassebaum-Kennedy bill was not able to take that step, we leave it to the States to consider ways to promote affordable Medigap premiums. But Congress has some history in the Medigap market, with legislation passed in 1980, and again in 1990, to guarantee at least a minimal level of value across all Medigap policies. Under the current law that I helped enact back in 1990, individual and group Medigap policies must spend at least 65 percent and 75 percent, respectively, of all premium dollars collected, on benefits. If a Medigap plan fails to meet these minimum loss ratios, they must issue refunds or credits to their customers.

Mr. President, while Federal loss ratio standards help assure a minimum level of value, they do not prevent insurance companies from annually upping premiums as a senior ages. This practice—known as attained age-rating—results in the frailest and the lowest income seniors facing large, annual premium hikes as they age. I would hope that more States would follow the lead of at least five other States who have banned attained age-rating. This would vastly improve the affordability of Medigap for the oldest and frailest of our seniors.

Mr. President, our bill is a targeted, modest bill. But if and when we enact it, it will provide very real, very significant help to the seniors who, year in and year out, pay out billions of dollars in premiums in order to have the extra protection of Medigap protection.

It is wrong and unfair when senior and disabled citizens in West Virginia and across the country are suddenly dropped by insurers or denied a Medigap policy just because they move to another State, or their employer cuts back on promised retiree health benefits, or because they're disabled.

In the bipartisan and practical spirit of the Kassebaum-Kennedy bill, we now propose the same kind of commonsense, consumer protections and reforms, to help over 33 million senior citizens and almost 5 million disabled Americans. It is a great honor to be presenting this bill with the Senator from Rhode Island, someone who is responsible for many of the country's most important achievements in health care. I urge my colleagues to cosponsor this bill, and to help us extend the health care peace of mind that older and disabled Americans ask for and deserve.

By Mr. MURKOWSKI:

S. 2076. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

CRUISE SHIP LEGISLATION

• Mr. MURKOWSKI. Mr. President, today, I am reintroducing a very important measure—one that will unlock and open a door that Congress has kept barred for over 100 years.

Opening that door will create a path to thousands of new jobs, to hundreds of millions of dollars in new economic activity and to millions in new Federal, State, and local government revenues. Furthermore, Mr. President, that door can be opened with no adverse impact on any existing U.S. industry, labor interest or on the environment, and it will cost the Government virtually nothing.

There is no magic to this; in fact, it's a very simple matter. My bill merely allows United States ports to compete for the growing cruise ship trade to Alaska, and encourages the development of an all-Alaska cruise business, as well.

The bill amends the Passenger Service Act to allow foreign cruise ships to operate to and from Alaska, and between Alaska ports. However, it also very carefully protects all existing U.S. passenger vessels by using a definition of "cruise ships" designed to exclude any foreign-flag vessels that could conceivably compete in the same market as U.S.-flag tour boats or ferries. Finally, it provides a mechamism to guarantee that if a U.S. vessel ever enters this trade in the future, steps will be taken to ensure an ample pool of potential passengers.

Mr. President, this is a straightforward approach to a vexing problem, and it deserves the support of this body.

Let us look at the facts. U.S. ports currently are precluded from competing for the Alaska cruise ship trade by the Passenger Service Act of 1886, which bars foreign vessels from carrying passengers on one-way voyages between U.S. ports. However, it isn't 1886 anymore. These days, no one is building any U.S. passenger ships of this type, and no one has built one in over 40 years.

Because there are no U.S. vessels in this important trade, the only real effect of the Passenger Service Act is to force all the vessels sailing to Alaska to base their operations in an foreign port instead of a U.S. city.

Mr. President, what we have here is an act of Congress prohibiting U.S. cities from competing for thousands of jobs and hundreds of millions in business dollars. That is worse than absurd—in light of our ever-popular election-year promises to help the economy, it belongs in Letterman's "Top Ten Reasons Why Congress Doesn't Know What It's Doing."

How, Mr. President, can anyone argue with a straight face for the continuation of a policy that fails utterly to benefit any identifiable American interst, while actively discouraging economic growth.

Mr. President, this is not the first time I have introduced this legislation. When I began, Alaska-bound cruise passengers totaled about 200,000 per year. By last year, almost three times that many people—most of them American citizens—were making that voyage. Almost 600,000 people joined an Alaska bound vessel in 1995, and almost all those sailings originated in Vancouver, BC—not because Vancouver is necessarily a better port, but because our own foolish policy demands it.

The cash flow generated by this trade is enormous. Most passengers fly in or out of Seattle-Tacoma International Airport in Washington State, but because of the law, they spend little time there. Instead, they spend their pre- and post-sailing time in a Vancouver hotel, at Vancouver restaurants, and in Vancouver gift shops. And when their vessel sails, it sails with food, fuel general supplies, repair and maintenance needs taken care of by Vancouver vendors.

According to some estimates the city of Vancouver receives benefits of well over $200 million per year, Others provide more modest estimates, such as a comprehensive study by the International Council of Cruise Lines, which indicated that in 1992 alone, the Alaska cruise trade generated over 2,400 jobs for the city of Vancouver, plus payments to Canadian vendors and employees of over $119 million. If that business had taken place inside the

United States, it would have been worth additional Federal, State, and local tax revenues of approximately $60 million.

In addition to the opportunities now being shunted to Vancouver, we are also missing an opportunity to create entirely new jobs and income through the potential to develop new cruising routes between Alaska ports. The city of Ketchikan, AK, was told a few years ago that two relatively small cruise ships were very interested in establishing short cruises within southeast Alaska. I'm told such a business could have contributed $2 million or more to that small community's economy, and created dozens of new jobs. But, because of the current policy, the opportunity simply evaporated.

Why, Mr. President, do we allow this to happen? This is a market almost entirely focused on U.S. citizens going to see one of the United State's most spectacular places, and yet we force them to go to another country to do it. We are throwing away both money and jobs—and getting nothing whatsoever in return.

Why is this allowed to happen? The answer is simple—but it is not rational. Although the current law is actually a job loser, there are those who argue that any change would weaken U.S. maritime interests. I submit, Mr. President, that is not the case.

For some inexplicable reason, paranoia runs deep among those who oppose this bill. They seem to feel that amending the Passenger Service Act so that it makes sense for the United States would create a threat to Jones Act vessels hauling freight between U.S. ports. Mr. President, there simply is no connection whatsoever between the two. I have repeatedly made clear that I have no intention of using this bill to create cracks in the Jones Act.

This bill would actually enhance—not impede—opportunities for U.S. workers. Both shipyard workers and longshoremen—not to mention hotel and restaurant workers and many others—would have a great deal to gain from this legislation, and the bill has been carefully written to prevent the loss of any existing jobs in other trades.

Finally, let me dispose of any suggestion that this bill might farm smaller U.S. tour or excursion boats. The industry featuring these smaller vessels is thriving, but it simply does not cater to the same client base as large cruise ships. For one thing, the tour boats operating in Alaska are all much smaller—under 1,000 tons compared to the 5,000 ton minimum for cruise ships in this bill. The larger vessels can offer unmatched luxury and personal service, on-board shopping, entertainment, and so forth. The smaller vessels offer more flexible routes, the ability to get closer to Alaska's natural attractions, and other benefits. There is no significant competition between the two types of vessel, because the passengers inclined to one are not likely to be inclined to the other.

Mr. President, I cannot claim that this legislation would immediately lead to increased earnings for U.S. ports. I can only say that it would allow them to compete fairly, instead of being anchored by a rule that is actively harmful to U.S. interests. It is, as I said at the beginning of this statement, only a way to open the door.

We have heard a lot of talk about growing the economy and creating jobs during the last few years, and we are bound to keep hearing those phrases even more often over the next few months. But we all know, Mr. President, that such changes are easier to talk about than they are to accomplish. Well, Mr. President, here is a bill that opens the door to thousands of jobs and hundreds of millions of new dollars, and does it without one red cent of taxpayer money.

It has been 110 years since the current law was enacted, and it's time for a change.•

By Mr. LUGAR (for himself and Mr. LEAHY):

S. 2077. A bill to amend the Commodity Exchange Act to improve the act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE COMMODITY EXCHANGE ACT AMENDMENTS OF 1996

• Mr. LUGAR. Mr. President, today Senator LEAHY and I are introducing legislation to amend the Commodity Exchange Act. This bill follows several months of hearings and informal consultations with industry, academics and regulators. The legislation streamlines U.S. futures trading law, conforming it to changing competitive realities.

In many ways, regulation has benefited the U.S. futures industry. Prudent regulation enhances customer protection, prevents and punishes fraud and other abuses, and makes futures markets better able to provide risk management, price discovery and investment opportunity.

Regulation, however, also has its costs. U.S. futures markets face competition that is, in some cases, less regulated or differently regulated. In the years ahead, our challenge is to balance the need for adequate regulation with the need to offer cost-competitive products.

This bill tries to strike such a balance. It requires the Commodity Futures Trading Commission to consider the costs for industry of the regulations it imposes. The bill streamlines the process of introducing new futures contracts, reducing the time that is required to begin trading these new products. It makes similar reforms to the process by which exchanges' rules are reviewed by the CFTC.

Where additional authority for the CFTC is needed, the bill provides it. The CFTC will have the authority to require delivery points for overseas futures markets to provide information that is also regularly demanded of American market participants. This is eminently reasonable, and may assist the CFTC and other regulators in the future if situations similar to the current copper market scandal recur.

The bill will also provide greater legal certainty for swaps, over-the-counter products that are of increasing importance to many businesses. It is important that these contracts' enforceability be made more certain, so that legal risk does not compound the other risks inherent in any financial transaction.

The bill contains a number of other provisions. I have provided a descriptive summary which may be helpful to our colleagues. Mr. President, I ask unanimous consent that this document and the text of the introduced bill be printed in the RECORD.

It is late in the session, and I do not expect the Commodity Exchange Act Amendments of 1996 to become law this year. Senator LEAHY and I wanted to introduce it to spur discussion and debate, so that early in the next Congress we can again introduce the bill, with any refinements that may be developed in the interim. We both intend that the bill will be a major focus of attention for the Committee on Agriculture, Nutrition, and Forestry next year.

As usual, I am indebted to Senator LEAHY for his bipartisan cooperation in this as in so many other endeavors. I am honored that he is an original cosponsor of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commodity Exchange Amendments Act of 1996".

SEC. 2. HEDGING.

The fourth sentence of section 3 of the Commodity Exchange Act (7 U.S.C. 5) is amended by striking "through fluctuations in price".

SEC. 3. DELIVERY POINTS FOR FOREIGN FUTURES CONTRACTS.

Section 4(b) of the Commodity Exchange Act (7 U.S.C. 6(b)) is amended—

(1) in the third sentence—

(A) by striking "(1)" and "(2)" and inserting "(A)" and "(B)", respectively; and

(B) by striking "No rule" and inserting "Except as provided in paragraph (2), no rule";

(2) by inserting "(1)" after "(b)"; and

(3) by adding at the end the following:

"(2)(A) The Commission shall consult with a foreign government, foreign futures authority, or department, agency, governmental body, or regulatory organization empowered by a foreign government to regulate a board of trade, exchange, or market located outside the United States, or a territory or possession of the United States, that has 1 or more established delivery points in the United States, or a territory or possession of the United States, for a contract of sale of a commodity for future delivery that is made or will be made on or subject to the rules of the board of trade, exchange, or market.

"(B) In the consultations, the Commission shall endeavor to secure adequate assurances, through memoranda of understanding or any other means the Commission considers appropriate, that the presence of the delivery points will not create the potential for manipulation of the price, or any other disruption in trading, of a contract of sale of a commodity for future delivery traded on or subject to the rules of a contract market, or a commodity, in interstate commerce.

"(C) Any warehouse or other facility housing an established delivery point in the United States, or a territory or possession of the United States, described in subparagraph (A) shall—

"(i) keep books, records, and other information specified by the Commission pertaining to all transactions and positions in all contracts made or carried on the foreign board of trade, exchange, or market in such form and manner and for such period as may be required by the Commission;

"(ii) file such reports regarding the transactions and positions with the Commission as the Commission may specify; and

"(iii) keep the books and records open to inspection by a representative of the Commission or the United States Department of Justice.".

SEC. 4. EXEMPTION AUTHORITY AND SWAP EXEMPTION.

(a) In General.—Section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)) is amended by adding at the end the following:

"(6)(A) An agreement, contract, or transaction (or class thereof) that is otherwise subject to this Act shall be exempt from all provisions of this Act and any person or class of persons offering, entering into, rendering advice, or rendering other services with respect to the agreement, contract, or transaction (or class thereof) shall be exempt for the activity from all provisions of this Act (except in each case the provisions of sections 2(a)(1)(B), 4b, and 4o, any antifraud provision adopted by the Commission pursuant to section 4c(b), and the provisions of section 6(c) and 9(a)(2) to the extent the provisions prohibit manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market): *Provided*, That prior to, on, or after the date of enactment of this paragraph, the agreement, contract, or transaction (or class thereof) satisfies the eligibility conditions for an exemption under the regulations of the Commission published in the Federal Register on January 22, 1993, and codified in sections 35.1(b)(2) and 35.2 of part 35 of title 17, Code of Federal Regulations.

"(B) This paragraph shall not restrict the authority of the Commission to grant exemptions under this subsection that are in addition to or independent of the exemption provided in this paragraph. No such exemption shall be applied in a manner that restricts an exemption provided under this paragraph.

"(7)(A) The Commission may exempt an agreement, contract, or transaction (or class thereof) under this subsection to the extent that the agreement, contract, or transaction (or class thereof) may be subject to this Act.

"(B) An exemption under this subsection shall not create a presumption that the exempted agreement, contract, or transaction (or class thereof) is subject to this Act.".

(b) Review.—Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission shall complete a reconsideration of the regulations contained in part 36 of title 17, Code of Federal Regulations, with the goal of establishing exemptive provisions that are consistent with subsection (c).

(c) Sense of Congress.—It is the sense of Congress that—

(1) the exemption provided under section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)), and codified in part 36 of title 17, Code of Federal Regulations, does not yet sufficiently promote fair competition by affording exchange-traded instruments fair and even-handed treatment with similar products traded over-the-counter among institutions and professionals; and

(2) the Commodity Futures Trading Commission should provide for such fair competition by granting instruments traded on or subject to the facilities of exchanges, exemptive flexibility that is equitable in comparison to the exemptive flexibility the Commission has granted to over-the-counter transactions, while ensuring the protection of market participants and financial and market integrity.

(d) Report.—On completion of the review required by subsection (b), the Commodity Futures Trading Commission shall report on the results of the review to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 5. CONTRACT DESIGNATION.

(a) In General.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

"SEC. 5. DESIGNATION OF A BOARD OF TRADE AS A CONTRACT MARKET.

"(a) In General.—The Commission shall designate a board of trade as a contract market if the board of trade complies with and carries out the following conditions and requirements:";

(2) by striking paragraph (7);

(3) by redesignating paragraph (8) as paragraph (7); and

(4) by adding at the end the following:

"(b) Existing and Future Designations.—

"(1) In general.—If a board of trade is designated as a contract market by the Commission under subsection (a) and section 6, the board of trade shall retain the designation for all existing or future contracts, unless the Commission suspends or revokes the designation or the board of trade relinquishes the designation.

"(2) Existing designations.—A board of trade that has been designated as a contract market as of the date of enactment of this subsection shall retain the designation unless the Commission finds that a violation of this Act or a rule, regulation, or order of the Commission by the contract market justifies suspension or revocation of the designation under section 6(b), or the board of trade relinquishes the designation.

"(c) New Contract Submissions.—Except as provided in subsection (e), a board of trade that has been designated as a contract market under subsection (a) shall submit to the Commission all rules that establish the terms and conditions of a new contract of sale in accordance with subsection (d) (referred to in this section as a 'new contract'), other than a rule relating to the setting of levels of margin and other rules that the Commission may specify by regulation.

"(d) Procedures for New Contracts.—

"(1) Required submission to commission.—Except as provided in subsection (e), a contract market shall submit new contracts to the Commission in accordance with subsection (c).

"(2) Effectiveness of new contracts.—A contract market may make effective a new contract and may implement trading in the new contract—

"(A) not earlier than 10 business days after the receipt of the new contract by the Commission; or

"(B) earlier if authorized by the Commission by rule, regulation, order, or written notice.

"(3) Notice to contract market.—The new contract shall become effective and may be traded on the contract market, unless, within the 10-business-day period beginning on the date of the receipt of the new contract by the Commission, the Commission notifies the contract market in writing—

"(A) of the determination of the Commission that the proposed new contract appears to—

"(i) violate a specific provision of this Act (including paragraphs (1) through (7) of section 5(a)) or a rule, regulation, or order of the Commission; or

"(ii) be contrary to the public interest; and

"(B) that the Commission intends to review the new contract.

"(4) Notice in the federal register.—Notwithstanding the determination of the Commission to review a new contract under paragraph (3) and except as provided in subsection (e), the contract market may make the new contract effective, and may implement trading in the new contract, on a date that is not earlier than 15 business days after the determination of the Commission to review the new contract unless within the period of 15 business days the Commission institutes proceedings to disapprove the new contract by providing notice in the Federal Register of the information required under paragraph (5)(A).

"(5) Disapproval proceedings.—

"(A) Notice of proposed violations.—If the Commission institutes proceedings to determine whether to disapprove a new contract under this subsection, the Commission shall provide the contract market with written notice, including an explanation and analysis of the substantive basis for the proposed grounds for disapproval, of what the Commission has reason to believe are the grounds for disapproval, including, as applicable—

"(i) the 1 or more specific provisions of this Act or a rule, regulation, or order of the Commission that the Commission has reason to believe the new contract violates or, if the new contract became effective, would violate; or

"(ii) the 1 or more specific public interests to which the Commission has reason to believe the new contract is contrary, or if the new contract became effective would be contrary.

"(B) Disapproval proceedings and determination.—

"(i) Opportunity to participate; hearing.—Before deciding to disapprove a new contract, the Commission shall give interested persons (including the board of trade) an opportunity to participate in the disapproval proceedings through the submission of written data, views, or arguments following appropriate notice and an opportunity for a hearing on the record before the Commission.

"(ii) Determination of disapproval.—At the conclusion of the disapproval proceeding, the Commission shall determine whether to disapprove the new contract.

"(iii) GROUNDS FOR DISAPPROVAL.—The Commission shall disapprove the new contract if the Commission determines that the new contract—

"(I) violates this Act or a rule, regulation, or order of the Commission; or

"(II) is contrary to public interest.

"(iv) SPECIFICATIONS FOR DISAPPROVAL.—Each disapproval determination shall specify, as applicable—

"(I) the 1 or more specific provisions of this Act or a rule, regulation, or order of the Commission, that the Commission determines the new contract violates or, if the new contract became effective, would violate; or

"(II) the 1 or more specific public interests to which the Commission determines the new contract is contrary, or if the new contract became effective would be contrary.

"(C) FAILURE TO TIMELY COMPLETE DISAPPROVAL DETERMINATION.—If the Commission does not conclude a disapproval proceeding as provided in subparagraph (B) for a new contract by the date that is 120 calendar days after the Commission institutes the proceeding, the new contract may be made effective, and trading in the new contract may be implemented, by the contract market until such time as the Commission disapproves the new contract in accordance with this paragraph.

"(D) APPEALS.—A board of trade that has been subject to disapproval of a new contract by the Commission under this subsection shall have the right to an appeal of the disapproval to the court of appeals as provided in section 6(b).

"(6) CONTRACT MARKET DEEMED DESIGNATED.—A board of trade shall be deemed to be designated a contract market for a new contract of sale for future delivery when the new contract becomes effective and trading in the new contract begins.

"(e) REQUIRED INTERAGENCY REVIEW.—Notwithstanding subsection (d), no board of trade may make effective a new contract (or option on the contract) that is subject to the requirements and procedures of clauses (ii) through (v) of paragraph (1)(B), and paragraph (8)(B)(ii), of section 2(a) until the requirements and procedures are satisfied and carried out.".

(b) CONFORMING AMENDMENT.—The first sentence of section 6(a) of the Commodity Exchange Act (7 U.S.C. 8(a)) is amended by striking "Any board of trade desiring" and inserting "A board of trade that has not obtained any designation as a contract market for a contract of sale for a commodity under section 5 that desires".

SEC. 6. DELIVERY BY FEDERALLY LICENSED WAREHOUSES.

Section 5a(a) of the Commodity Exchange Act (7 U.S.C. 7a(a)) is amended by striking paragraph (7) and inserting the following:

"(7) Repealed;".

SEC. 7. SUBMISSION OF RULES TO COMMISSION.

Section 5a(a) of the Commodity Exchange Act (7 U.S.C. 7a(a)(12)) is amended by striking paragraph (12) and inserting the following:

"(12)(A)(i) except as otherwise provided in this paragraph, submit to the Commission all bylaws, rules, regulations, and resolutions (collectively referred to in this subparagraph as 'rules') made or issued by the contract market, or by the governing board or committee of the contract market (except those relating to the setting of levels of margin, those submitted pursuant to section 5 or 6(a), and those the Commission may specify by regulation) and may make a rule effective not earlier than 10 business days after the receipt of the submission by the Commission or earlier, if approved by the Commission by rule, regulation, order, or written notice, unless, within the 10-business-day period, the Commission notifies the contract market in writing of its determination to review such rules for disapproval and of the specific sections of this Act or the regulations of the Commission that the Commission determines the rule would violate. The determination to review such rules for disapproval shall not be delegable to any employee of the Commission. Not later than 45 calendar days before disapproving a rule of major economic significance (as determined by the Commission), the Commission shall publish a notice of the rule in the Federal Register. The Commission shall give interested persons an opportunity to participate in the disapproval process through the submission of written data, views, or arguments. The determination by the Commission whether a rule is of major economic significance shall be final and not subject to judicial review. The Commission shall disapprove, after appropriate notice and opportunity for hearing (including an opportunity for the contract market to have a hearing on the record before the Commission), a rule only if the Commission determines the rule at any time to be in violation of this Act or a regulation of the Commission. If the Commission institutes proceedings to determine whether a rule should be disapproved pursuant to this paragraph, the Commission shall provide the contract market with written notice of the proposed grounds for disapproval, including the specific sections of this Act or the regulations of the Commission that would be violated. At the conclusion of the proceedings, the Commission shall determine whether to disapprove the rule. Any disapproval shall specify the sections of this Act or the regulations of the Commission that the Commission determines the rule has violated or, if effective, would violate. If the Commission does not institute disapproval proceedings with respect to a rule within 45 calendar days after receipt of the rule by the Commission, or if the Commission does not conclude a disapproval proceeding with respect to a rule within 120 calendar days after receipt of the rule by the Commission, the rule may be made effective by the contract market until such time as the Commission disapproves the rule in accordance with this paragraph.

"(B)(i) The Commission shall issue regulations to specify the terms and conditions under which, in an emergency as defined by the Commission, a contract market may, by a ⅔-vote of the governing board of the contract market, make a rule (referred to in this subparagraph as an 'emergency rule') immediately effective without compliance with the 10-day notice requirement under subparagraph (A), if the contract market makes every effort practicable to notify the Commission of the emergency rule, and provide a complete explanation of the emergency involved, prior to making the emergency rule effective.

"(ii) If the contract market does not provide the Commission with the requisite notification and explanation before making the emergency rule effective, the contract market shall provide the Commission with the notification and explanation at the earliest practicable date.

"(iii) The Commission may delegate the power to receive the notification and explanation to such individuals as the Commission determines necessary and appropriate.

"(iv) Not later than 10 days after the receipt from a contract market of notification of such an emergency rule and an explanation of the emergency involved, or as soon as practicable, the Commission shall determine whether to suspend the effect of the rule pending review by the Commission under the procedures of subparagraph (A).

"(v)(I) The Commission shall submit a report on the determination of the Commission on the emergency rule under clause (iv), and the basis for the determination, to the affected contract market, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(II) If the report is submitted more than 10 days after the Commission's receipt of notification of the emergency rule from a contract market, the report shall explain why submission within the 10-day period was not practicable.

"(III) A determination by the Commission to suspend the effect of a rule under this subparagraph shall be subject to judicial review on the same basis as an emergency determination under section 8a(9).

"(IV) Nothing in this paragraph limits the authority of the Commission under section 8a(9);".

SEC. 8. AUDIT TRAIL.

Section 5a(b) of the Commodity Exchange Act (7 U.S.C. 7a(b)) is amended—

(1) in paragraph (3), by inserting "selected by the contract market" after "means" each place it appears; and

(2) by adding at the end the following:

"(7) The requirements of this subsection establish performance standards and do not mandate the use of a specific technology to satisfy the requirements.".

SEC. 9. MISCELLANEOUS TECHNICAL AMENDMENTS.

Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by inserting "this paragraph or" after "the provisions of"; and

(B) in subparagraph (D), by inserting "pleaded guilty to or" after "such person has"; and

(2) in paragraph (3)(H), by striking "or has been convicted in a State court," and inserting "or has pleaded guilty to, or has been convicted, in a State court,".

SEC. 10. CONSIDERATION OF EFFICIENCY, COMPETITION, RISK MANAGEMENT, AND ANTITRUST LAWS.

Section 15 of the Commodity Exchange Act (7 U.S.C. 19) is amended—

(1) by striking "SEC. 15. The Commission" and inserting the following:

"SEC. 15. (a)(1) Prior to adopting a rule or regulation authorized by this Act or adopting an order (except as provided in subsection (b)), the Commission shall consider the costs and benefits of the action of the Commission.

"(2) The costs and benefits of the proposed Commission action shall be evaluated in light of considerations of protection of market participants, the efficiency, competitiveness, and financial integrity of futures markets, price discovery, sound risk management practices, and other appropriate factors, as determined by the Commission.

"(b) Subsection (a) shall not apply to the following actions of the Commission:

"(1) An order that initiates, is part of, or is the result of an adjudicatory or investigative process of the Commission.

"(2) An emergency action.

"(3) A finding of fact regarding compliance with a requirement of the Commission.

"(c) The Commission"; and

(2) by striking "requiring or approving" and inserting "requiring, reviewing, or disapproving".

SEC. 11. DISCIPLINARY AND ENFORCEMENT ACTIVITIES.

(a) IN GENERAL.—It is the sense of Congress that the Commodity Futures Trading Commission should—

(1) to the extent practicable, avoid unnecessary duplication of effort in pursuing disciplinary and enforcement actions if adequate self-regulatory actions have been taken by contract markets and registered futures associations; and

(2) retain an oversight and disciplinary role over the self-regulatory activities by contract markets and registered futures associations in a manner that is sufficient to safeguard financial and market integrity and the public interest.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that evaluates the effectiveness of the enforcement activities of the Commission, including an evaluation of the experience of the Commission in preventing, deterring, and disciplining violations of the Commodity Exchange Act (7 U.S.C. 1 et seq.) and Commission regulations involving fraud against the public through the bucketing of orders and similar abuses.

SEC. 12. DELEGATION OF FUNCTIONS BY THE COMMISSION.

(a) IN GENERAL.—It is the sense of Congress that the Commodity Futures Trading Commission should—

(1) review its rules and regulations that delegate any of its duties or authorities under the Commodity Exchange Act (7 U.S.C. 1 et seq.) to contract markets or registered futures associations;

(2) consistent with the public interest and law, determine which additional functions, if any, performed by the Commission should be delegated to contract markets or registered futures associations; and

(3) establish procedures (such as spot checks, random audits, reporting requirements, pilot projects, or other means) to ensure adequate performance of the additional functions that are delegated to contract markets or registered futures associations.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall report the results of its review and actions under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SUMMARY AND DISCUSSION—THE COMMODITY EXCHANGE ACT AMENDMENTS OF 1996

Section 1. Short title.

The bill is entitled "The Commodity Exchange Act Amendments of 1996."

Section 2. Hedging.

The CEA does not directly define the term "hedging." In Section 3 of the CEA, which contains various legislative findings that justify regulation of futures markets, the statute speaks of business operators "hedging themselves against possible loss through fluctuations in price." Questions have been raised whether hedging can occur against risks other than price risks—for instance, in new futures contracts that are based on yields of specified crops in particular states. The bill deletes the phrase "through fluctuations in price." It makes clear that risks to be hedged may be risks other than those directly resulting from price changes. This change will not affect the authority to establish speculative limits, require reporting of large trader positions and otherwise ensure market integrity.

Section 3. Delivery Points for Foreign Futures Contracts.

In recent years, some overseas futures exchanges have established delivery points in the U.S. The implications of making and taking delivery of a physical commodity that is priced on a foreign exchange may differ, depending on the comparability of price discovery on that exchange and on U.S. exchanges, as well as other factors. Serious questions have been raised, as the current scandal in the copper markets has unfolded, about what role, if any, delivery points for foreign futures contracts may have played in that affair. These questions are not yet answered. However, the legislation makes changes that will be appropriate regardless of the outcome of specific investigations.

The bill directs the CFTC to consult with overseas regulators and other appropriate parties in countries where futures exchanges have established U.S. delivery points. The aim of the consultations will be to secure adequate assurances against any adverse effect on U.S. markets because of these delivery points. Such assurances could take the form of changes to regulations or trading rules in the overseas market.

The bill also gives the CFTC authority to obtain information from warehouses that are delivery points for foreign exchanges. This information would be similar to that which the CFTC may already require of persons making trades on overseas futures markets, and will assist the CFTC in ensuring market integrity, preventing abuses and otherwise discharging its responsibilities.

Section 4. Exemption Authority and Swap Exemption.

The Act gives the CFTC authority to exempt transactions from its regulatory requirements, either completely or on stated terms. In 1993, the CFTC used this authority to exempt swap agreements from most, but not all, portions of the Act. This exemption generally seems to have worked well, facilitating a climate in which swaps, which offer numerous benefits to their users if properly and prudently employed, could trade with secure legal status. (It was the lack of such legal certainty which, in part, prompted Congress to enact the exemptive authority.)

The bill will provide additional legal certainty for swaps transactions in two ways. First, the bill codifies the present exemption from regulation for transactions that meet its requirements, either now or in future. For these qualifying instruments, a statutory change would be required in order for the exemption to become more restrictive than it now is. The codification does not affect the CFTC's power to grant additional exemptions that would be less restrictive than the current exemption. Nor does it limit the CFTC's ability to enforce anti-manipulation or anti-fraud provisions of the CEA as they may apply to these transactions or as the present exemptions may be conditioned on compliance with their provisions.

Second, the bill codifies two important elements of the present swaps exemptive authority, again to enhance legal certainty. The legislation clarifies that the CFTC may issue an exemption that is applicable to the extent the exempted transaction may have been subject to the Act—i.e., without requiring a prior decision on whether the transaction actually was, in fact, subject to the Act. Relatedly, the legislation states that the mere fact that a transaction was exempted from the Act does not, in itself, create a presumption that the transaction was one that would have fallen under the Act's regulatory requirements had it not been exempted. Both these clarifications are consistent with present regulations for exemptions.

This section of the bill also directs the CFTC to review rules that permit futures exchanges, under narrowly defined conditions, to operate less-regulated markets that are restricted to professional and institutional participants. These so-called "Part 36" rules have not, so far, resulted in the active operation of such markets. The issue is an especially important one because of the competitive challenges futures exchanges face, both from overseas markets and from over-the-counter products in the U.S. The legislation does not contemplate greater regulation of the latter markets, and indeed strives to achieve greater legal certainty for O-T-C products. But it does express the view of Congress that futures exchanges need to be able to compete in today's financial marketplace, in a way that reduces regulatory costs of doing business while assuring customer protection. To this end, the CFTC is directed to re-examine the Part 36 rules and report, within a year, to Congress on what if any changes may be appropriate. This broad mandate, as opposed to requirements for specific changes in the current regulations, reflects a view that the CFTC should be better able than Congress to assess necessary reforms. The report will afford an opportunity for Congress to judge the adequacy of any changes, and to contemplate any additional statutory changes that may be required.

Section 5. Contract Designation.

The Act now requires futures exchanges to be "designated" as a "contract market" for each futures contract they trade. This process has been streamlined by the CFTC in recent years, but the statute continues to reflect a rather elaborate process in which, in many ways, the burden of proof is placed on exchanges to demonstrate why they should be able to offer new products for trading. Even for a regulated financial sector like the futures industry, this implicit presumption against new product development is out of date. The bill streamlines the process of introducing new futures contracts, both by compressing the time available for agency review and by creating a presumption that products developed by exchanges should be permitted to trade unless the CFTC finds compellingly why they should not. The legislation treats new contract applications as rules, albeit under somewhat different procedures from other exchange rules. Under the new procedure, an exchange submits a new contract to the CFTC. The new contract may trade after 10 business days, unless the CFTC states an intention to review it for possible disapproval. After a further 15 business days, the new contract can be traded unless the CFTC institutes proceedings to disapprove it. These proceedings are to be completed within 120 days; if not, the new contract can trade until and unless it is finally disapproved. In contrast to the present burden on an exchange to show that a contract is in "the public interest," the CFTC could only disapprove a contract by showing that it was "contrary to the public interest" (or by showing that it violated law or regulations). The philosophy is a fairly simple one: Subject to prudent regulatory limits, private futures exchanges can more appropriately and efficiently decide which new products are ripe for trading than can the government. The exchanges may sometimes err in these judgments, but that is the way markets work.

Section 6. Delivery by Federally Licensed Warehouses.

An obscure provision of the Act now allows any federally licensed grain warehouse to make delivery against a futures contract, on giving reasonable notice. Though seldom used, this provision appears to conflict with the ability of exchanges to establish their own trading procedures, including delivery points. In an extremely tight market, the current provision could in some circumstances facilitate market manipulation. The bill repeals this provision.

Section 7. Submission of Rules to Commission.

The bill revises current requirements for submitting exchange rules to the CFTC. These rules affect the everyday procedures for doing business on the exchange, as well as the ground rules for trading. They run the gamut from major to minor. As with the procedures for approving new contracts, the legislation compresses the time available for federal review and generally streamlines procedures. Rules are to be submitted to the CFTC and can become effective in 10 business days unless the CFTC notifies the exchange that it will review them for possible disapproval. If the CFTC does not institute disapproval proceedings within 45 days of receiving the proposed rule, or conclude its proceedings within 120 days, the rule can become effective until and unless disapproved.

The authors of the bill intend that its legislative history will also discuss the implementation of statutory requirements for the composition of exchange boards of directors. The CFTC will be directed to report, on an ongoing basis, its evaluation of how fully these requirements are being met. The report language will provide further clarification of Congressional intent with regard to the qualification of individuals to satisfy particular requirements for board representation.

Section 8. Audit Trail.

Futures exchanges are subject to audit trail requirements that are intended to ensure market integrity, and to deter and detect abuse. The bill clarifies these requirements in one respect. It states—consistent with testimony by the CFTC before Congress in 1995—that the audit trail requirements establish a performance standard, not a mandate for any particular technological means of achieving the standard. In further support of this clarification, the bill speaks of the "means selected by the contract market" for meeting audit trail standards. The authors of the bill intend that its legislative history will also note further CFTC testimony that, in assessing the "practicability" of various components of the audit trail standards, the cost to exchanges of meeting the standards is one factor to be taken into account.

Section 9. Miscellaneous Technical Amendments.

The bill makes several technical changes to correct omissions in the current statute.

Section 10. Consideration of Efficiency, Competition, Risk Management, and Antitrust Laws.

The bill requires the CFTC, in issuing rules, regulations or some types of orders, to take into account the costs and benefits of the action it contemplates. The requirement is not for a quantitative cost-benefit analysis, but a mandate to consider both costs and benefits, as well as other enumerated factors. The authors of the bill believe that in establishing its policies and giving direction to market participants, the CFTC should weigh how its actions may effect the participants' costs of doing business, as well as what benefits may accrue from the action.

Some activities of the CFTC, of course, do not call for this kind of approach, and indeed applying a cost-benefit requirement to them would be inappropriate. Thus, the bill exempts the CFTC's adjudicatory and investigative processes, emergency actions and certain findings of fact that are objective, quantitative or otherwise unsuitable for a cost-benefit approach. The bill's eventual legislative history will further discuss Congressional intent in enacting this requirement.

Section 11. Disciplinary and enforcement activities.

Enforcement is a priority for the CFTC. Like other financial regulators, the CFTC is assisted in its enforcement activities by the complementary rules, surveillance and disciplinary actions of self-regulatory organizations (SROs). These include both the futures exchanges themselves and the National Futures Association. The bill provides guidance to the CFTC on the deployment of enforcement resources, and requires a report in 1 year on the overall enforcement program. The legislation expresses the sense of Congress that the CFTC should avoid unnecessary duplication of effort where SROs have taken adequate action to deter abuse and ensure customer protection. It further states that the CFTC's oversight and disciplinary role should be sufficient to safeguard market integrity and protect public confidence in markets.

Section 12. Delegation of functions by the commission.

The CFTC, under current law, has delegated some limited duties to the National Futures Association. Today's austere budget climate makes it prudent for the commission to assess whether other functions could appropriately be delegated. The bill calls on the CFTC to determine which, if any, additional functions should be delegated to SROs, suggesting the use of procedures like spot checks and random audits to ensure that any delegated functions are adequately performed, and requires a report in one year with the results of the review. The authors intend that the bill's legislative history will cite several current CFTC activities that could be considered for delegation.

OUTLINE OF THE COMMODITY EXCHANGE ACT AMENDMENTS OF 1996

The Commodity Exchange Act has benefited the American economy. It has helped encourage a dynamic, world-class futures trading industry that allows farmers, ranchers and other business operators to manage risk, provides investment opportunities and offers protection to consumers of its services. From time to time, Congress has re-examined the Act to bring it up to date with changing markets. Such an update is now opportune.

On June 5, the Committee on Agriculture, Nutrition, and Forestry heard testimony on the need to update the Commodity Exchange Act. Since then, committee staff have consulted extensively with federal agencies and private industry, seeking to explore the implications of legislative proposals by various groups.

As a result of this thorough process, we announced on August 2, 1996, our intention to introduce legislation to amend the Commodity Exchange Act. Today we are introducing that legislation. Because it is late in the legislative session, we do not intend that the bill become law this year. We intend it to spark discussion, so that the Congress can make comprehensive revisions to the Act in 1997.

There is a public interest in a strong, competitive U.S. futures industry because of its critical role in price discovery and business risk management. This public interest implies, and requires, a degree of regulation. In recent years, U.S. futures exchanges have also faced increasing competition from foreign exchanges and from over-the-counter derivative products.

U.S. exchanges face some regulatory costs that are not borne by their competitors. The Act, and the Commodity Futures Trading Commission's actions to implement its requirements, must strike an appropriate balance between prudent regulation and the need for a cost-competitive industry.

In our August 2 statement, we noted the importance of a provision of the Act called the "Treasury amendment." This amendment excludes interbank foreign exchange transactions and some other enumerated transactions from the CFTC's jurisdiction. It has been the subject of much more frequent litigation than other sections of the Act. It was written, in some haste, in 1974 at a time when many financial markets and instruments were different or less fully developed than today. The case for Congress to revisit, reassess and clarify the Treasury amendment is compelling.

We asked the CFTC and the Treasury Department to conclude discussions which they had begun some months before, and report their progress around Labor Day. Unfortunately, these discussions have so far produced some points of agreement but no overall consensus among the two agencies or among the other members of the President's working group on financial markets.

We are disappointed that an agreement on the Treasury amendment has not yet been forged. The issues raised by the amendment seem to us substantial but not insurmountable. In fairness to the Administration, there is not yet a consensus in the private sector either about the appropriate scope of the amendment's exclusions from the Act.

With some reluctance, we have been persuaded to defer addressing the Treasury amendment in this bill. The Administration asserts that given furhter time, it will be able to reach internal agreement. We are today informing the Administration that, in our view, an agreement by the end of this year is necessary so that the issue can be presented to our colleagues at the beginning of the 105th Congress. If the Administration is not able to present its ideas by the end of 1996, we will reluctantly conclude that no consensus in the executive branch is likely, and not await further agency deliberations.

Deferring a provision of the Treasury amendment does not diminish its importance. Since today's legislation will have to be reintroduced in January 1997, we believe this course of action is prudent, since not only the Administration but also various interested private groups will have the opportunity to confer between now and the end of the year. We urge them to do so. Independent of both efforts, we are considering a variety of specific reforms to the Treasury amendment, and will be interested to compare these ideas to those of the private sector and the Administration. We intend that the reintroduced version of today's bill will propose a solution to the Treasury amendment problem.

We invite public comment on the Commodity Exchange Act Amendments. We believe this bill represents sound policies. We want to take full account, however, of other views. As we said in August, the bill is neither an opening gambit nor a least common denominator. It represents our best judgment of how the Act should prudently be changed, but our minds remain open.

The Agriculture Committee's work on the Commodity Exchange Act has been bipartisan and collegial. Like the 1996 farm bill, the landmark new food safety law and other important laws originated by the committee, this legislative effort is one on which we have worked together. Our cooperation will continue.●

● Mr. LEAHY. Mr. President, today Senator LUGAR and I are introducing legislation to amend the Commodity Exchange Act. This legislation updates and streamlines U.S. futures trading law.

There is a strong interest in maintaining a viable futures market. Senator LUGAR's and my review of committee testimony combined with the informal meetings with the industry, regulators, and interested academics has convinced us that it is appropriate to make these revisions to the CEA.

I do not expect that this bill will become law during this session. But introducing it now will afford an opportunity to engage in an active public discussion and debate over the changes that we propose here today.

It is my experience that such a dialog helps develop solid bipartisan legislation. As with most issues, there are many interests that must be balanced. And, Senator LUGAR and I have strived to strike the right balance between these interests. But we will profit from the dicussions that this bill is sure to prompt.

I am pleased to join my colleague in offering this bill. Senator LUGAR and I have worked together on futures issues since we came to the Agriculture Committee. We did the same on this bill—working to ensure that these markets remain competitive while still maintaining effective provisions on customer protection and market integrity such as the 1992 audit trail provisions.

I look forward to continuing our discussions.●

By Mr. BINGAMAN (for himself, Mr. KEMPTHORNE, and Mr. CRAIG):

S. 2078. A bill to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire; to the Committee on Armed Services.

THE WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT

● Mr. BINGAMAN. Mr. President, this Nation has had a very severe fire season this year. So far almost 6 million acres have burned. The average amount burned over the last 6 years is a little over 2 million acres per year. Airplanes, known as airtankers, play a critical role in fighting wildfires. Airtankers are used in the initial attack of wildfires in support of firefighters on the ground and, on large wildfires, to aid in the protection of lives and structures from rapidly advancing fires.

Today, I and my colleagues, Senators KEMPTHORNE and CRAIG, are introducing legislation that will help ensure that Federal firefighters continue to have access to airtanker services. The Wildfire Suppression Aircraft Transfer Act of 1996 will help facilitate the sale of former military aircraft to contractors who provide firefighting services to the Forest Service and the Department of the Interior. The existing fleet of available airtankers is aging rapidly and fleet modernization is critical to the continued success of the firefighting program.

Currently, legislative authority does not exist for the transfer or sale of excess turbine-powered military aircraft, suitable for conversion to airtankers, to private operators. This greatly hampers efforts to modernize the airtanker fleet. This bill will require that the aircraft be used only for firefighting activities.

Time is very short, but it is critical that this bill become law in this Congress. If we fail to pass this law, airtanker operators will not have access to the planes they need to update the aging airtanker fleet.

I urge my colleagues to support our efforts to ensure that Federal firefighters have the resources they need to protect the public and their property from the threat of wildfires.●

By Mr. MOYNIHAN:

S. 2079. A bill to repeal the prohibition against State restrictions on communications between government agencies and the INS; to the Committee on the Judiciary.

ALIEN INFORMATION PROVISION REPEAL LEGISLATION

● Mr. MOYNIHAN. Mr. President, on Wednesday, September 11, Mayor Rudolph W. Giuliani of New York City delivered an address at Georgetown University Law School about an obscure provision in the recently passed welfare legislation. The provision, section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, states:

> Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service (INS) information regarding the immigration status, lawful or unlawful, of an alien in the United States.

Mayor Giuliani said it would "create chaos in New York City." I agree with him that this provision is ill-advised and threatens the public health and safety of residents of New York City. It conflicts with a 1985 executive order issued by then-Mayor Edward I. Koch prohibiting city employees from reporting suspected illegal aliens to the INS unless the alien was charged with a crime. That executive order, which is similar to local laws in other States and cities, was intended to ensure that fear of deportation does not deter illegal aliens from seeking emergency medical attention, reporting crimes, and so on.

An earlier version of this provision was first introduced in welfare legislation during the 103d Congress as a part of H.R. 3500, the Responsibility and Empowerment Support Program Providing Employment, Child Care, and Training Act, sponsored by Representatives Michel, GINGRICH, and SANTORUM. On September 8, 1995, during Senate consideration of H.R. 4, the Work Opportunity Act of 1995, Senator SANTORUM, along with Senator NICKLES, offered a similar amendment. The amendment was adopted by the Senate by a vote of 91 to 6, but H.R. 4 was later vetoed by President Clinton.

This year, the provision was included in S. 1795, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which was signed by President Clinton on August 22, 1996.

Because this provision poses a threat to health and safety in New York City and elsewhere, I am today introducing legislation to repeal section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF THE PROHIBITION AGAINST STATE RESTRICTIONS ON COMMUNICATIONS BETWEEN GOVERNMENT AGENCIES AND THE INS.

Section 434 of the Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104–193) is repealed.●

ADDITIONAL COSPONSORS

S. 157

At the request of Mr. BUMPERS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 157, a bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program.

S. 1095

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1095, a bill to amend the Internal Revenue Code of 1986 to extend permanently the exclusion for educational assistance provided by employers to employees.

S. 1379

At the request of Mr. SIMPSON, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Minnesota [Mr. GRAMS) were added as cosponsors of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1735

At the request of Mr. PRESSLER, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1870

At the request of Mr. MOYNIHAN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1870, a bill to establish a medical education trust fund, and for other purposes.

S. 1963

At the request of Mr. ROCKEFELLER, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 1963, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 1965

At the request of Mr. KERREY, his name was added as a cosponsor of S. 1965, a bill to prevent the illegal manufacturing and use of methamphetamine.

S. 2064

At the request of Ms. SNOWE, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2064, a bill to amend the Public Health Service Act to extend the program of research on breast cancer.

SENATE JOINT RESOLUTION 52

At the request of Mr. KYL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes.

SENATE RESOLUTION 292

At the request of Mr. PRESSLER, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Tennessee [Mr. FRIST], the Senator from Virginia [Mr. WARNER], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Resolution 292, a resolution designating the second Sunday in October of 1996 as "National Children's Day," and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

GRAMS AMENDMENT NO. 5350

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . VOYAGEURS NATIONAL PARK.

The Secretary of the Interior, acting through the Director of the National Park Service, shall, during fiscal year 1997, in cooperation with State, local, and tribal governments, other public entities, and private organizations, as appropriate, begin substantial implementation of section 401(b) of the Act entitled "An Act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes", approved January 8, 1971 (16 U.S.C. 160k(b)).

PRESSLER AMENDMENT NO. 5351

Mr. PRESSLER proposed an amendment to the bill, H.R. 3662, supra; as follows:

At the end of the bill, add the following:

TITLE ___—LIVESTOCK INDUSTRY

Subtitle A—Captive Supply

SEC. ___01. CAPTIVE SUPPLY.

(a) DEFINITION OF CAPTIVE SUPPLY.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amended by adding at the end the following:

"(12) CAPTIVE SUPPLY.—The term 'captive supply' means livestock acquired for slaughter by a packer (including livestock delivered 7 days or more before slaughter) under a standing purchase arrangement, forward contract, or packer ownership, feeding, or financing arrangement, as determined by the Secretary.".

(b) ANNUAL REPORT ON LIVESTOCK MARKETED OR SLAUGHTERED.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228), is amended by adding at the end the following:

"(f) ANNUAL REPORT ON LIVESTOCK MARKETED OR SLAUGHTERED.—

"(1) IN GENERAL.—The Secretary shall make available to the public an annual statistical report on the number and volume of livestock marketed or slaughtered in the United States, including—

"(A) information collected on the date of enactment of this Act; and

"(B) information on transactions involving livestock in regional and local markets.

"(2) ADMINISTRATION.—In carrying out paragraph (1), the Secretary shall ensure that—

"(A) a significant share of regional and local livestock transactions are reported; and

"(B) the confidentiality of individual livestock transactions is maintained.".

(c) INFORMATION ON CAPTIVE SUPPLY TRANSACTIONS.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228), as amended by subsection (b), is amended by adding at the end the following:

"(g) INFORMATION ON CAPTIVE SUPPLY TRANSACTIONS.—

"(1) IN GENERAL.—Not later than 24 hours after a transaction involving captive supply is recorded, the Secretary shall make information concerning the transaction (including the specific standing arrangement) available to the public using electronic and other means that will ensure wide availability of the information.

"(2) ONGOING LIVESTOCK TRANSACTIONS.—Any information collected on captive supply under paragraph (1) shall be reported in conjunction with ongoing livestock transactions.".

Subtitle B—Livestock Dealer Trust

SEC. ___11. LIVESTOCK DEALER TRUST.

Title III of the Packers and Stockyards Act, 1921 (7 U.S.C. 201 et seq.), is amended by adding at the end the following:

"SEC. 318. LIVESTOCK DEALER TRUST.

"(a) FINDINGS.—Congress finds that—

"(1) a burden on and obstruction to commerce in livestock is caused by financing arrangements under which dealers and market agencies purchasing livestock on commission encumber, give lenders security interests in, or have liens placed on livestock purchased by the dealers and market agencies in cash sales, or on receivables from or proceeds of the sales, when payment is not made for the livestock; and

"(2) the carrying out of the arrangements is contrary to the public interest.

"(b) PURPOSE.—The purpose of this section is to remedy the burden on and obstruction to commerce in livestock described in paragraph (1) and protect the public interest.

"(c) DEFINITIONS.—In this section:

"(1) CASH SALE.—The term 'cash sale' means a sale in which the seller does not expressly extend credit to the buyer.

"(2) TRUST.—The term 'trust' means 1 or more assets of a buyer that (subsequent to a cash sale of livestock) constitutes the corpus of a trust held for the benefit of an unpaid cash seller and consists of—

"(A) account receivables and proceeds earned from the cash sale of livestock by a dealer or market agency buying on a commission basis;

"(B) account receivables and proceeds of a marketing agency earned on commission from the cash sale of livestock;

"(C) the inventory of the dealer or marketing agency; or

"(D) livestock involved in the cash sale, if the seller has not received payment in full for the livestock and a bona fide third-party purchaser has not purchased the livestock from the dealer or marketing agency.

"(d) HOLDING IN TRUST.—

"(1) IN GENERAL.—The account receivables and proceeds generated in a cash sale made by a dealer or a market agency on commission and the inventory of the dealer or market agency shall be held by the dealer or market agency in trust for the benefit of an unpaid cash seller of the livestock until the seller receives payment in full for the livestock.

"(2) EXEMPTION.—Paragraph (1) does not apply in the case of a cash sale made by a dealer or market agency if the total amount of cash sales made by the dealer or market agency during the preceding 12 months does not exceed $250,000.

"(3) DISHONOR OF INSTRUMENT OF PAYMENT.—A payment in a sale described in paragraph (1) shall not be considered to be made if the instrument by which payment is made is dishonored.

“(4) LOSS OF BENEFIT OF TRUST.—If an instrument by which payment is made in a sale described in paragraph (1) is dishonored, the seller shall lose the benefit of the trust under paragraph (1) on the earlier of—

“(A) the date that is 15 business days after date on which the seller receives notice of the dishonor; or

“(B) the date that is 30 days after the final date for making payment under section 409, unless the seller gives written notice to the dealer or market agency of the seller's intention to preserve the trust and submits a copy of the notice to the Secretary.

“(5) RIGHTS OF THIRD-PARTY PURCHASER.—The trust established under paragraph (1) shall have no effect on the rights of a bona fide third-party purchaser of the livestock, without regard to whether the livestock are delivered to the bona fide purchaser.

“(e) JURISDICTION.—The district courts of the United States shall have jurisdiction in a civil action—

“(1) by the beneficiary of a trust described in subsection (c)(1), to enforce payment of the amount held in trust; and

“(2) by the Secretary, to prevent and restrain dissipation of a trust described in subsection (c)(1).”.

Subtitle C—Cooperative Bargaining

SEC. ___21. COOPERATIVE BARGAINING.

Section 4 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2303) is amended by adding at the end the following:

“(g) To fail to engage in good-faith negotiations with producer cooperatives (including new cooperatives), or to unfairly discriminate among producer cooperatives (including new cooperatives), with respect to the purchase, acquisition, or other handling of agricultural products.”.

Subtitle D—Meat Labeling

SEC. ___31. LABELING OF MEAT AND MEAT FOOD PRODUCTS.

Section 7(b) of the Federal Meat Inspection Act (21 U.S.C. 607(b)) is amended by striking “require,” and all that follows through the period at the end and inserting “require—

“(1) the information required under section 1(n); and

“(2) if it was imported (or was produced from an animal that was located in another country for at least 120 days) and is graded, a grading labeling that bears the words ‘imported’, ‘may have been imported’, ‘this product contains imported meat’, ‘this product may contain imported meat’, ‘this container contains imported meat’, or ‘this container may contain imported meat’, as the case may be, or words to indicate its country of origin.”.

Subtitle E—Interstate Shipment of Meat and Poultry Products

SEC. ___41. FEDERAL AND STATE COOPERATION WITH RESPECT TO MEAT INSPECTION.

(a) WAIVER OF INTRASTATE DISTRIBUTION LIMITATION UNDER THE FEDERAL MEAT INSPECTION ACT.—Section 301(a) of the Federal Meat Inspection Act (21 U.S.C. 661(a)) is amended by adding at the end the following:

“(5) WAIVER OF INTRASTATE DISTRIBUTION LIMITATION.—

“(A) IN GENERAL.—On application of an appropriate State agency with which the Secretary may cooperate under this Act, the Secretary shall reevaluate the applicant State's meat inspection program to verify that its mandatory requirements are at least equal to the Federal inspection, reinspection, and sanitation requirements under title I.

“(B) WAIVERS.—If the Secretary verifies that the mandatory inspection requirements of the applicant State are at least equal to Federal inspection requirements, the limitation in paragraph (1) that restricts meat inspected by the applicant State to intrastate distribution shall be waived by the Secretary.

“(C) INSPECTIONS.—Following any waiver under subparagraph (B), the Secretary may perform random inspections of State-inspected plants within the applicant State to ensure that the mandatory State inspection requirements employed in the State are at least equal to the substantive Federal inspection requirements under title I.

“(D) PERSONNEL.—The Secretary may use Federal personnel, or may cooperate with the appropriate State agency under this Act to train and use State personnel, to perform any random inspections authorized by this paragraph.

“(E) NONCOMPLIANCE.—If a random inspection performed under this paragraph discloses that a State-inspected plant is not employing mandatory inspection requirements that are at least equal to the substantive Federal inspection requirements under title I, the Secretary shall reimpose the restriction against the interstate distribution of meat and meat products produced at the plant until a subsequent inspection verifies that the plant has reestablished mandatory inspection requirements that are at least equal to the substantive Federal inspection requirements under title I.”.

(b) WAIVER OF INTRASTATE DISTRIBUTION LIMITATION UNDER THE POULTRY PRODUCTS INSPECTION ACT.—Section 5(a) of the Poultry Products Inspection Act (21 U.S.C. 454(a)) is amended by adding at the end the following:

“(5) WAIVER OF INTRASTATE DISTRIBUTION LIMITATION.—

“(A) IN GENERAL.—On application of an appropriate State agency with which the Secretary may cooperate under this Act, the Secretary shall reevaluate the applicant State's poultry inspection program to verify that its mandatory requirements are at least equal to the Federal inspection, reinspection, and sanitation requirements of this Act.

“(B) WAIVERS.—If the Secretary verifies that the mandatory inspection requirements of the applicant State are at least equal to Federal inspection requirements, the limitation in paragraph (1) that restricts poultry or poultry products inspected by the applicant State to intrastate distribution shall be waived by the Secretary.

“(C) INSPECTIONS.—Following any waiver under subparagraph (B), the Secretary may perform random inspections of State-inspected plants within the applicant State to ensure that the mandatory State inspection requirements employed in the State are at least equal to the substantive Federal inspection requirements under this Act.

“(D) PERSONNEL.—The Secretary may use Federal personnel, or may cooperate with the appropriate State agency under this Act to train and use State personnel, to perform any random inspections authorized by this paragraph.

“(E) NONCOMPLIANCE.—If a random inspection performed under this paragraph discloses that a State-inspected plant is not employing mandatory inspection requirements that are at least equal to the substantive Federal inspection requirements of this Act, the Secretary shall reimpose the restriction against the interstate distribution of poultry and poultry products produced at the plant until a subsequent inspection verifies that the plant has reestablished mandatory inspection requirements that are at least equal to the substantive inspection Federal requirements of this Act.”.

Subtitle F—Agricultural Credit

SEC. ___51. REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.

The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

Subtitle G—Agricultural Trade

SEC. ___61. INTERNATIONAL BARRIERS TO TRADE.

It is the sense of the Senate that—

(1) the Secretary of Agriculture should continue to identify and seek to eliminate unfair trade barriers and subsidies affecting United States beef markets;

(2) the United States and Canadian Governments should expeditiously negotiate the elimination of animal health barriers that are not based on sound science; and

(3) the import ban on beef from cattle treated with approved growth hormones imposed by the European Union should be terminated.

SEC. ___62. USE OF GSM PROGRAMS TO PROMOTE AGRICULTURAL EXPORTS TO AFRICA.

It is the sense of the Senate that the Secretary of Agriculture shall use the Export Credit Guarantee Program (GSM-102) and the Intermediate Export Credit Guarantee Program (GSM-103) established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) to promote the export of United States agricultural commodities to countries of Africa.

Subtitle H—Animal Drug Availability

SEC. 71. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the “Animal Drug Availability Act of 1996”.

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

SEC. 72. EVIDENCE OF EFFECTIVENESS.

(a) ORIGINAL APPLICATIONS.—Section 512(d) (21 U.S.C. 360b(d)) is amended by striking paragraph (3) and by adding at the end the following:

“(4) As used in this section, the term ‘substantial evidence’ means evidence consisting of one or more adequate and well controlled investigations, such as a study in a target species, a study in laboratory animals, any field investigation that may be required under this section and that meets the requirements of subsection (b)(3) if a presubmission conference is requested by the applicant, a bioequivalence study, or an in vitro study, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and reasonably be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof.”

(b) CONFORMING AMENDMENTS.—

(1) Section 512(c)(2)(F) (ii) and (iii) (21 U.S.C. 360b(c)(2)(F) (ii) and (iii)) is amended—

(i) by striking "reports of new clinical or field investigations (other than bioequivalence or residue studies) and," and inserting "substantial evidence of the effectiveness of the drug involved, any studies of animal safety, or,"; and

(ii) by striking "essential to" and inserting ", required for".

(2) Section 512(c)(2)(F)(v) (21 U.S.C. 360b(c)(2)(F)(v)) is amended—

(i) by striking "(B)(iv)" each place it appears and inserting "(F)(iv)" in lieu thereof;

(ii) by striking "reports of clinical or field investigations" and inserting "substantial evidence of the effectiveness of the drug involved, any studies of animal safety,"; and

(iii) by striking "essential to" and inserting "required for".

(c) COMBINATION DRUGS.—Section 512(d) (21 U.S.C. 360b(d)) is amended by inserting before paragraph (4) (as added by subsection (a)) the following new paragraph:

"(3) In a case in which an animal drug contains more than one active ingredient, or the labeling of the drug prescribes, recommends, or suggests use of the drug in combination with one or more other animal drugs, and the active ingredients or drugs intended for use in the combination have previously been separately approved for particular uses and conditions of use for which they are intended for use in the combination—

"(A) the Secretary shall not issue an order under paragraph (1) (A), (B), or (D) refusing to approve the application for such combination on human food safety grounds unless the Secretary finds that the application fails to establish that:

"(i) none of the active ingredients or drugs intended for use in the combination, respectively, at the longest withdrawal time of any of the active ingredients or drugs in the combination, respectively, exceeds its established tolerance; or

"(ii) none of the active ingredients or drugs in the combination interferes with the methods of analysis for another of the active ingredients or drugs in the combination, respectively;

"(B) the Secretary shall not issue an order under paragraphs (1) (A), (B), or (D) refusing to approve the application for such combination on target animal safety grounds unless the Secretary finds that—

"(i)(I) there is a substantiated scientific issue, specific to one or more of the active ingredients or animal drugs in the combination, that cannot adequately be evaluated based on information contained in the application for the combination (including any investigations, studies, or tests for which the applicant has a right of reference or use from the person by or for whom the investigations, studies, or tests were conducted); or

"(II) there is a scientific issue raised by target animal observations contained in studies submitted to the Secretary as part of the application; and

"(ii) based on the Secretary's evaluation of the information contained in the application with respect to the issues identified in clauses (i) (I) and (II), paragraphs (1) (A), (B), or (D) apply;

"(C) except in the case of a combination that contains a nontropical antibacterial ingredient or animal drug, the Secretary shall not issue an order under paragraph (1)(E) refusing to approve an application for a combination animal drug intended for use other than in animal feed or drinking water unless the Secretary finds that the application fails to demonstrate that:

"(i) there is substantial evidence that any active ingredient or animal drug intended only for the same use as another active ingredient or animal drug in the combination makes a contribution to labeled effectiveness; or

"(ii) each active ingredient or animal drug intended for at least one use that is different from all other active ingredients or animal drugs used in the combination provides appropriate concurrent use for the intended target population; or

"(iii) where based on scientific information the Secretary has reason to believe the active ingredients or animal drugs may be physically incompatible or have disparate dosing regimens, such active ingredients or animal drugs are physically compatible or do not have disparate dosing regimens; and

"(D) the Secretary shall not issue an order under paragraph (1)(E) refusing to approve an application for a combination animal drug intended for use in animal feed or drinking water unless the Secretary finds that the application fails to demonstrate that:

"(i) there is substantial evidence that any active ingredient or animal drug intended only for the same use as another active ingredient or animal drug in the combination makes a contribution to the labeled effectiveness; or

"(ii) each of the active ingredients or animal drugs intended for at least one use that is different from other active ingredients or animal drugs used in combination provides appropriate concurrent use for the intended target population; or

"(iii) where a combination contains more than one nontopical antibacterial ingredient or animal drug, there is substantial evidence that each of the nontopical antibacterial ingredients or animal drugs makes a contribution to the labeled effectiveness; or

"(iv) where based on scientific information the Secretary has reason to believe the active ingredients or animal drugs intended for use in drinking water may be physically incompatible, such active ingredients or animal drugs intended for use in drinking water are physically compatible."

(d) PRESUBMISSION CONFERENCE.—Section 512(b) (21 U.S.C. 360b(b)) is amended by adding at the end the following:

"(3) Any person intending to file an application under subparagraph (1) or a request for an investigational exemption under subsection (j) shall be entitled to one or more conferences prior to such submission to reach agreement acceptable to the Secretary establishing a submission or an investigational requirement, which may include a requirement for a field investigation. A decision establishing a submission or an investigational requirement shall bind the Secretary and the applicant or requester unless (a) the Secretary and the applicant or requestor mutually agree to modify the requirement, or (b) the Secretary by written order determines that a substantiated scientific requirement essential to the determination of safety or effectiveness of the animal drug involved has appeared after the conference. No later than 25 calendar days after each such conference, the Secretary shall provide a written order setting forth scientific justification specific to the animal drug and intended uses under consideration if such decision requires more than one field investigation as being essential to provide substantial evidence of effectiveness for the intended uses of the drug. Nothing in this subparagraph shall be construed as compelling the Secretary to require field investigation."

(e) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act the Secretary shall issue proposed regulations implementing the amendments made by this Act as described in paragraph (2)(A) of this subsection, and not later than 18 months after the date of enactment of this Act the Secretary shall issue final regulations implementing such amendments. Not later than 12 months after the date of enactment of this Act the Secretary shall issue proposed regulations implementing the other amendments made by this Act as described in paragraphs (2)(B) and (2)(C) of this subsection, and not later than 24 months after the date of enactment of this Act the Secretary shall issue final regulations implementing such amendments.

(2) CONTENTS.—In issuing regulations implementing the amendments made by this Act, and in taking an action to review an application for approval of a new animal drug under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b), or a request for an investigational exemption for a new animal drug under subsection (j) of such section, that is pending or has been submitted prior to the effective date of the regulations, the Secretary shall—

(A) further define the term "adequate and well controlled," as used in subsection (d)(4) of section 512, to require that field investigations be designed and conducted in a scientifically sound manner, taking into account practical conditions in the field and differences between field conditions and laboratory conditions; *Provided*, That until the regulations required by this subparagraph are issued, nothing in 21 C.F.R. 514.111(a)(5) (April 1, 1996) shall be construed to compel the Secretary to require field investigation under section 512(d)(1)(E), or to apply any of its provisions in a manner inconsistent with the considerations for scientifically sound field investigations set forth in this subparagraph;

(B) further define the term "substantial evidence", as defined in subsection (d)(4) of such section, in a manner that encourages the submission of applications and supplemental applications; and

(C) take into account the proposals contained in the citizen petition (FDA Docket No. 91P–0434–CP) jointly submitted by the American Veterinary Medical Association and the Animal Health Institute, dated October 21, 1991.

(f) MINOR SPECIES AND USES.—The Secretary shall consider legislative and regulatory options for facilitating the approval of animal drugs intended for minor species and for minor uses and, within 18 months after the date of enactment of this Act, announce proposals for legislative or regulatory change to the approval process for animal drugs intended for use in minor species for minor uses.

SEC. 73. LIMITATION ON RESIDUES.

Section 512(d)(1)(F) (21 U.S.C. 360b(d)(1)(F)) is amended to read as follows:

"(F) upon the basis of information submitted to the Secretary as part of the application or any other information before the Secretary with respect to such drug, any use prescribed, recommended, or suggested in labeling proposed for such drug will result in a residue of such drug in excess of a tolerance found by the Secretary to be safe for such drug;".

SEC. 74. IMPORT TOLERANCES.

Section 512(a) (21 U.S.C. 360b(a)) is amended by adding the following new paragraph at the end:

"(6) For purposes of section 402(a)(2)(D), a use or intended use of a new animal drug shall not be deemed unsafe under section 512 if the Secretary establishes a tolerance for such drug and any edible portion of any animal imported into the United States does not contain residues exceeding such tolerance. In establishing such tolerance, the Secretary shall rely on data sufficient to demonstrate that a proposed tolerance is safe based on similar food safety criteria used by the Secretary to establish tolerances for applications for new animal drugs filed under subsection (b)(1). The Secretary may consider and rely on data submitted by the drug manufacturer, including data submitted to appropriate regulatory authorities in any country where the new animal drug is lawfully used, or data available from a relevant international organization, to the extent such data are not inconsistent with the criteria used by the Secretary to establish a tolerance for applications for new animal drugs filed under subsection (b)(1). For purposes of this paragraph, relevant organization means the Codex Alimenterius Commission or other international organization deemed appropriate by the Secretary. The Secretary may, under procedures specified by regulation, revoke a tolerance established under this paragraph if information demonstrates that the use of the new drug under actual use conditions results in food being imported into the United States with residues exceeding the tolerance."

SEC. 75. VETERINARY FEED DIRECTIVES.

(a) Section 503(f)(1)(A) (21 U.S.C. 353(f)(1)(A)) is amended by inserting after "other than man" the following: ", other than a veterinary feed directive drug intended for use in animal feed or an animal feed bearing or containing a veterinary feed directive drug,".

(b) New Section 504 (21 U.S.C. 354) is added, to read as follows:

"SEC. 504. VETERINARY FEED DIRECTIVE DRUGS.

"(a)(1) A drug intended for use in or on animal feed which is limited by an approved application filed pursuant to Section 512(b) to use under the professional supervision of a licensed veterinarian is a veterinary feed directive drug. Any animal feed bearing or containing a veterinary feed directive drug shall be fed to animals only by or upon a lawful veterinary feed directive issued by a licensed veterinarian in the course of the veterinarian's professional practice. When labeled, distributed, held, and used in accordance with this section, a veterinary feed directive drug and any animal feed bearing or containing a veterinary feed directive drug shall be exempt from Section 502(f).

"(2) A veterinary feed directive is lawful if it:

"(A) Contains such information as the Secretary may by general regulation or by order require; and

"(B) Is in compliance with the conditions and indications for use of the drug set forth in the notice published pursuant to Section 512(i).

"(3)(A) Any persons involved in the distribution or use of animal feed bearing or containing a veterinary feed directive drug and the licensed veterinarian issuing the veterinary feed directive shall maintain a copy of the veterinary feed directive applicable to each such feed, except in the case of a person distributing such feed to another person for further distribution, such person distributing the feed shall maintain a written acknowledgment for the person to whom the feed is shipped stating that that person shall not ship or move such feed to an animal production facility without a veterinary feed directive or ship such feed to another person for further distribution unless that person has provided the same written acknowledgment to its immediate supplier.

"(B) Every person required under the previous subparagraph to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(C) Any person who distributes animal feed bearing or containing a veterinary feed directive drug shall upon first engaging such distribution notify the Secretary of that person's name and place of business. The failure to provide such notification shall be deemed to be an act which results in the drug being misbranded.

"(b) a veterinary feed directive drug and any feed bearing or containing a veterinary feed directive drug shall be deemed to be misbranded if their labeling fails to bear such cautionary statement and such other information as the Secretary may be general regulation or by order prescribe, or their advertising fails to conform to the conditions and indications for use published pursuant to Section 512(i) or fails to contain the general cautionary statement prescribed by the Secretary.

"(c) Neither a drug subject to this section, nor animal feed bearing or containing such a drug, shall be deemed to be a prescription article under any federal or state law."

(c) Section 512 (21 U.S.C. 360b) is amended as follows:

(1) In subsection (i) by inserting after the words "including special labeling requirements" the following: "and any requirement that an animal feed bearing or containing the new animal drug be limited to use under the professional supervision of a licensed veterinarian".

(2) In subparagraph (a)(2)(C) by inserting after "its labeling," the following: "its distribution, its holding,".

(3) In subparagraph (m)(4)(B)(i) by inserting after "paragraph (5)(A)" the following: "or under section 504(a)(3)(A)"; and by inserting after "subparagraph (B) of such paragraph" the following: "or section 504(a)(3)(B)".

(d) Section 301(e) (21 U.S.C. 331(e)) is amended by inserting after "by section 412" the following: ", 504,"; and by inserting after "under Section 412," the following: "504,".

SEC. 76. FEED MILL LICENSES.

(a) Section 512(a)(1) and (2) (21 U.S.C. 360b(a)(1) and (2)) is amended to read as follows:

"(a) (1) A new animal drug shall, with respect to any particular use or intended use of such drug, be deemed unsafe for the purposes of section 501(a)(5) and section 402(a)(2)(D) unless—

"(A) there is in effect an approval of an application filed pursuant to subsection (b) of this section with respect to such use or intended use of such drug, and

"(B) such drug, its labeling, and such use conform to such approved application.

A new animal drug shall also be deemed unsafe for such purposes in the event of removal from the establishment of a manufacturer, packer, or distributor of such drug for use in the manufacture of animal feed in any State unless at the time of such removal such manufacturer, packer, or distributor has an unrevoked written statement from the consignee of such drug, or notice from the Secretary, to the effect that, with respect to the use of such drug in animal feed, such consignee—

"(i) holds a license issued under subsection (m) of this section and has in its possession current approved labeling for such drug in animal feed; or

"(ii) will, if the consignee is not a user of the drug, ship such drug only to a holder of a license issued under subsection (m) of this section.

"(2) An animal feed bearing or containing a new animal drug shall, with respect to any particular use or intended use of such animal feed, be deemed unsafe for the purposes of section 501(a)(6) unless—

"(A) there is in effect an approval of an application filed pursuant to subsection (b) of this section with respect to such drug, as used in such animal feed,

"(B) such animal feed is manufactured at a site for which there is in effect a license issued pursuant to subsection (m)(1) of this section to manufacture such animal feed, and

"(C) such animal feed bears approved labeling, and such use conforms to the conditions and indications of use published pursuant to subsection (i) of this section."

(b) Section 512(m) (21 U.S.C. 360b(m)) is amended to read as follows:

"(m) (1) Any person may file with the Secretary an application for a license to manufacture animal feeds bearing or containing new animal drugs. Such person shall submit to the Secretary as part of the application (A) a full statement of the business name and address of the specific facility at which the manufacturing is to take place and the facility's registration number, (B) the name and signature of the responsible individual or individuals for that facility, (C) a certification that the animal feeds bearing or containing new animal drugs are manufactured and labeled in accordance with the applicable regulations published pursuant to subsection (i) of this section, and (D) a certification that the methods used in, and the facilities and controls used for, manufacturing, processing packaging, and holding such animal feeds are in conformity with current good manufacturing practice as described in section 501(a)(2)(B).

"(2) Within 90 days after the filing of an application pursuant to subsection (m)(1), or such additional period as may be agreed upon the Secretary and the applicant, the Secretary shall either (A) issue an order approving the application if the Secretary then finds that none of the grounds for denying approval specified in paragraph (3) applies, or (B) give the applicant notice of an opportunity for a hearing before the Secretary under paragraph (3) on the question whether such application is approvable. The procedure governing such a hearing shall be the procedure set forth in the last two sentences of subsection (c)(1).

"(3) If the Secretary, after due notice to the applicant in accordance with paragraph (2) and giving the applicant an opportunity for a hearing in accordance with such paragraph, finds, on the basis of information submitted to the Secretary as part of the application, on the basis of a preapproval inspection, or on the basis of any other information before the Secretary—

"(A) that the application is incomplete, false, or misleading in any particular;

"(B) that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such animal feed are inadequate to preserve the identity, strength, quality, and purity of the new animal drug therein; or

"(C) that the facility manufacturers animal feeds bearing or containing new animal drugs in a manner that does not accord with the specifications for manufacture, or labels animal feeds bearing or containing new animal drugs in a manner that does not accord with the conditions or indications of use that are published pursuant to subsection (i) of this section; the Secretary shall issue an order refusing to approve the application. If, after such notice and opportunity for hearing, the Secretary finds that subparagraphs (A) through (C) do not apply, the Secretary shall issue an order approving the application. An order under this subsection approving an application for a license to manufacture animal feeds bearing or containing new animal drugs shall permit a facility to manufacture only those animal feeds bearing or containing new animal drugs for which there are in effect regulations pursuant to subsection (i) of this section relating to the use of such drugs in or on such animal feed.

"(4)(A) The Secretary shall, after due notice and opportunity for hearing to the applicant, revoke a license to manufacture animal feeds bearing or containing new animal drugs under this subsection if the Secretary finds—

"(i) that the application contains any untrue statement of a material fact; or

"(ii) that the applicant has made changes that would cause the application to contain any untrue statements of material fact or that would affect the safety or effectiveness of the animal feeds manufactured at the facility unless the applicant has supplemented the application by filing with the Secretary adequate information respecting all such changes and unless there is in effect an approval of the supplemental application.

If the Secretary (or in his absence the officer acting as Secretary) finds that there is an imminent hazard to the health of humans or of the animals for which such animal feed is intended, the Secretary may suspend the license immediately, and give the applicant prompt notice of the action and afford the applicant the opportunity for an expedited hearing under this subsection; but the authority conferred by this sentence shall not be delegated.

"(B) The Secretary may also, after due notice and opportunity for hearing to the applicant, revoke a license to manufacture animal feed under this subsection if the Secretary finds—

"(i) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with a regulation or order under paragraph (5)(A) of this subsection or section 504(a)(3)(A), or the applicant has refused to permit access to, or copying or verification of, such records as required by subparagraph (B) of such paragraph or section 504(a)(3)(B);

"(ii) that on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such license was issued, the methods used in, or the facilities and controls used for, the manufacture, processing, packing, and holding of such animal feed are inadequate to assure and preserve the identity, strength, quality, and purity of the new animal drug therein, and were not made adequate within a reasonable time after receipt of written notice from the Secretary, specifying the matter complained of;

"(iii) that on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such license was issued, the labeling of any animal feeds, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of; or

"(iv) that on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such license was issued, the facility has manufactured, processed, packed, or held animal feed bearing or containing a new animal drug adulterated under section 501(a)(6) and the facility did not discontinue the manufacture, processing, packing, or holding of such animal feed within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of.

"(C) The Secretary may also revoke a license to manufacture animal feeds under this subsection if an applicant gives notice to the Secretary of intention to discontinue the manufacture of all animal feed covered under this subsection, and waives an opportunity for a hearing on the matter.

"(D) Any order under paragraph (4) of this subsection shall state the findings upon which it is based.

"(5) When a license to manufacture animal feeds bearing or containing new animal drugs has been issued:

"(A) the applicant shall establish and maintain such records, and make such reports to the Secretary, or (at the option of the Secretary) to the appropriate person or persons holding an approved application filed under subsection (b), as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (e) or paragraph (4) of this subsection;

"(B) every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(6) To the extent consistent with the public health, the Secretary may promulgate regulations for exempting from the operation of this subsection facilities that manufacture, process, pack, or hold animal feeds bearing or containing new animal drugs."

(c) TRANSITIONAL PROVISION.—A person engaged in the manufacture of animal feeds bearing or containing new animal drugs who holds at least one approved medicated feed application for an animal feed bearing or containing new animal drugs, the manufacture of which was not otherwise exempt from the requirement for an approved medicated feed application at the time of enactment of this Act, shall be deemed to hold a license for the manufacturing site identified in the approved medicated feed application. The revocation of license provisions of section 512(m)(4) of the Federal Food, Drug, and Cosmetic Act, as amended by this Act, shall apply to such licenses. Such license shall expire within 18 months from the date of enactment of this Act unless the person submits to the Secretary a completed license application for the manufacturing site accompanied by a copy of an approved medicated feed application for such site, which license application shall be deemed to be approved upon receipt by the Secretary.

WYDEN AMENDMENT NO. 5352

Mr. WYDEN proposed an amendment to the bill, H.R. 3662, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 10. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

(a) IN GENERAL.—For fiscal year 1997 and each fiscal year thereafter, appropriations made for the Bureau of Land Management may be used by the Secretary of the Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both that benefit these resources on public lands within the watershed.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of the Interior may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner: or

(2) indirectly through an agreement with a State, local, or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner:

(B) improve the viability of and otherwise benefit the fish, wildlife, and other biotic resources on public land in the watershed.

(C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner, and other entities, as mutually agreed on by the affected interests: and

(E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

BUMPERS (AND OTHERS) AMENDMENT NO. 5353

Mr. BUMPERS (for himself, Mr. GREGG, and Mr. KERRY) proposed an amendment to the bill, H.R. 3662, supra; as follows:

At the end of the pending committee amendment ending on line 4 on page 25, add the following:

SEC. . GRAZING FEES.

(a) GRAZING FEE.—Notwithstanding any other provision of law and subject to subsections (b) and (c), the Secretary of the Interior and the Secretary of Agriculture shall charge a fee for domestic livestock grazing on public rangelands as provided for in section 6(a) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905(a)) and Executive Order 12548 (51 F.R. 5985).

(b) DETERMINATION OF FEE.—(1) Permittees or lessees, including related persons, who own or control livestock comprising less than 2,000 animal unit months on the public rangelands pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a).

(2) Permittees or lessees, including related persons, who own or control livestock comprising more than 2,000 animal unit months or the public rangelands pursuant to one or more grazing permits or leases shall pay the fee as set forth in subsection (a) for the first 2,000 animal unit months. For animal unit months in excess of 2,000, the fee shall be the higher of either—

(A) the average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in which the lands covered by the permit or lease are located; or

(B) the Federal grazing fee set forth in subsection (a), plus 25 percent.

(c) DEFINITIONS.—For the purposes of this section—

(1) State lands shall include school, education department, and State lands board lands;

(2) individual members of a grazing association shall be considered as individual permittees or lessees in determining the appropriate grazing fee; and

(3) related persons includes—

(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the holder of the permit or lease; and

(ii) a person controlled by, or controlling, or under common control with the holder of the permit or lease.

THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT AMENDMENT ACT OF 1996

MURKOWSKI AMENDMENT NO. 5354

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 1920) to amend the Alaska National Interest Lands Conservation Act, and for other purposes; as follows:

(a) Section 1(a) is amended by adding "and an ANCSA" after the word "ANILCA" on page 1, line 10, and page 2, line 4.

(b) Section 1(b) is deleted.

(c) Section 1(d) is deleted.

(d) Section 1(e) is deleted.

Section 1(r) is amended by striking all after the word "follows" and inserting in lieu thereof: "Inability to provide the service, after enactment of this Act, for up to a two-year period shall not constitute a relinquishment of a right under this section.".

(e) Section 1(s) is deleted.

(f) At the end of the bill add a new section, section (2) as follows:

"SEC. 2. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to affect—

(1) the provisions for subsistence uses in Alaska set forth in the Alaska National Interest Lands Conservation Act (Public Law 96-487), including those in titles III and VIII of that Act;

(2) the provisions of section 102 of the Alaska National Interest Lands Conservation Act, the jurisdiction over subsistence uses in Alaska, or any assertion of subsistence used in the Federal courts; and

(3) the manner in which section 810 of the Alaska National Interest Lands Conservation Act is implemented in refuges in Alaska, and the determination of compatible use as it relates to subsistence uses in these refuges.".

Mr. MURKOWSKI. Mr. President, today I rise for the purpose of submitting an amendment to legislation within the jurisdiction of the Senate Committee on Energy and Natural Resources.

This amendment addresses some of the concerns raised by Alaskans on S. 1920 as introduced. I plan to discuss the bill and the amendment at a hearing to be held in the Senate and Energy and Natural Resources Committee on Wednesday, September 18, 1996.

ADDITIONAL STATEMENTS

CHANGES TO THE BUDGET RESOLUTION DISCRETIONARY SPENDING LIMITS, APPROPRIATE BUDGETARY AGGREGATES, AND APPROPRIATIONS COMMITTEE ALLOCATION

• Mr. DOMENICI. Mr. President, section 103(c) of Public Law 104-121, the Contract With America Advancement Act, requires the chairman of the Senate Budget Committee to adjust the discretionary spending limits, the appropriate budgetary aggregates, and the Appropriations Committee's allocation contained in the most recently adopted budget resolution—in this case, House Concurrent Resolution 178—to reflect additional new budget authority and outlays for continuing disability reviews, CDR's, as defined in section 201(g)(1)(A) of the Social Security Act. The maximum amount of such adjustments was modified by section 211 of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

I hereby submit revisions to the nondefense discretionary spending limits for fiscal year 1997 contained in section 301 of House Concurrent Resolution 178 in the following amounts:

Budget Authority:	
Current nondefense discretionary spending limit	$230,988,000,000
Adjustment	175,000,000
Revised nondefense discretionary spending limit	$231,163,000,000
Outlays:	
Current nondefense discretionary spending limit	273,644,000,000
Adjustment	310,000,000
Revised nondefense discretionary spending limit	273,954,000,000

I hereby submit revisions to the budget authority, outlays, and deficit aggregates for fiscal year 1997 contained in section 101 of House Concurrent Resolution 178 in the following amounts:

Budget Authority:	
Current aggregate	$1,314,760,000,000
Adjustment	175,000,000
Revised aggregate	1,314,935,000,000
Outlays:	
Current aggregate	1,311,011,000,000
Adjustment	310,000,000
Revised aggregate	1,311,321,000,000
Deficit:	
Current aggregate	227,283,000,000
Adjustment	310,000,000
Revised aggregate	227,593,000,000

I hereby submit revisions to the 1997 Senate Appropriations Committee budget authority and outlay allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

Budget Authority:	
Current Appropriations Committee allocation	$795,878,000,000
Adjustment	175,000,000
Revised Appropriations Committee allocation	796,053,000,000
Outlays:	
Current Appropriations Committee allocation	835,346,000,000
Adjustment	310,000,000
Revised Appropriations Committee allocation	835,656,000,000•

THE ELIOT LOUNGE

• Mr. KERRY. Mr. President, I rise today to offer a tribute to one of Boston's most celebrated local institutions—which is soon to be no more—and to the man who has done so much to make that place the very special corner of town that it is.

To running enthusiasts across the Nation, the Eliot Lounge is well known as the unofficial headquarters of the Boston Marathon—a congenial watering hole where the world's elite runners rub elbows, and perhaps down a beer or two, with weekend joggers and others even less athletically inclined. But anyone who has ever dropped by the corner of Massachusetts and Commonwealth Avenues knows that the Eliot is far more than just a runner's tavern.

The Eliot is a gathering place, and a welcoming haven, for men and women from all different backgrounds and walks of life: stockbrokers and steam fitters, journalists and office clerks, teachers and police officers and even the occasional politician have all found a warm welcome there. It is a place where old-fashioned hospitality and camaraderie still endure, a place where strangers become old friends with just a few easy words—a neighborhood bar, it's been said, for people who don't necessarily live in the neighborhood.

For the better part of two decades now, the camaraderie and good fellowship of the Eliot Lounge have been personified by one man: Tommy Leonard. From his post behind the bar, T.L. has dispensed wit and wisdom to all corners—always brimming with enthusiasm and good cheer, and always eager to help the first-time visitor to Boston learn all the extraordinary charms of our most extraordinary city.

As devoted distance runner and founder of the renowned Falmouth Road Race, it was Mr. Leonard who first introduced the running community to the charms of the Eliot Lounge. But even more important, it is Tommy Leonard who embodies the tremendous generosity of spirit that has long characterized the special place.

Just as he proudly served his country years ago in the U.S. Marine Corps, Mr. Leonard continues to serve the people of Boston in countless different ways. Over the years T.L. has organized charity drives for scores of worthy causes; whether money was needed to replace a beloved children's statue stolen from the Boston Public Garden, to set up a scholarship fund for the children of a slain police officer, or to meet the medical bills of a badly injured former marathon star, Mr. Leonard has always been at the forefront of those looking to help.

Tommy Leonard is the first to point out that he has not been alone in these endeavors. Indeed, the entire staff of the Eliot Lounge deserves tremendous credit for their years of charitable work—as does Eddie Doyle, another legendary Boston publican who is Mr. Leonard's frequent partner in good deeds.

But over the years it has been Tommy Leonard who has, time and again, provided the inspiration and the energy needed to get the job done: to turn well-intentioned wishes into concrete deeds. To prove that the volunteer spirit is still alive and well in America today. To harness the generosity and good will of an entire community and, together, to make a real difference in the lives of others.

Some who know him say that if Tommy Leonard had only devoted his boundless energy and his promotional genius to making money for himself, he would be a rich man today. But, Mr. President, others who know him—myself included—look at the joy that he has brought to so many others, and we know that Tommy Leonard is already wealthy in the ways that really matter.

But now, Mr. President, after all these years, there will soon be no more Eliot Lounge for Tommy Leonard to call home. The congenial little tavern that has seen so many famous faces and so much good cheer will be closing its doors by the end of this month.

Before that happens, Mr. President, I want to take this opportunity to salute Tommy Leonard, and his colleagues on the staff of the Eliot Lounge, for all the generosity they have shown and all the good works they have so cheerfully performed over the years. I applaud them, I wish them Godspeed, and I also remind them:

As T.L. so often observes, "It's a Wonderful Life." And it is even more so, T.L. and colleagues, because of all that you have done.•

TRIBUTE TO SARAH SCHOFIELD AND ERIN MITCHELL, NEW HAMPSHIRE STUDENTS WHO ARE RECIPIENTS OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

• Mr. SMITH. Mr. President, I rise before you today to congratulate two young New Hampshire students for their outstanding work on behalf of their community. Sarah Schofield of Gilbert H. Hood Middle School in Derry, NH, and Erin Mitchell of Londonderry High School in Londonderry, NH have both been honored with the Prudential Spirit of Community Awards. In recognition of their hard work and dedication to their communities, Sarah and Erin will both receive a silver medallion, $1,000, and a trip to Washington, DC.

The Prudential Spirit of Community Awards honors students who best exemplify community spirit by their self-initiated volunteer work. The awards are sponsored by the Prudential Insurance Co. of America in partnership with the National Association of Secondary School Principals. The program recognizes deserving students in local schools, identifies the best examples of community service, and culminates in naming America's top 10 youth volunteers of the year. For the 1996 awards, the program drew applications from more than 7,000 young people across the Nation. Both Sarah and Erin should be very proud of this distinguished recognition.

Sarah Schofield was recognized for her participation in a Christmas event at a local nursing home. Along with several of her peers from her church's Sunday school, Sarah went to a nursing home with gift baskets and sang Christmas carols for the residents. Due to the great success of the group's first effort at the nursing home, several other trips were planned after the Christmas event.

Erin Mitchell was recognized for creating a Girl's Group, to match girls from her scouting troop with girls who have disabilities. All the girls gather together regularly for theater trips, bowling, camping, and a variety of other activities. Erin's program allows the families of the disabled girls to know that their daughters are making new friends. Erin's inspiration for developing the group came from her experience of working with the Special Olympics.

I am extremely proud to congratulate both Sarah Schofield and Erin Mitchell for exemplifying the leadership and willingness to act on the behalf of others in their New Hampshire communities. Both students have made a tremendous difference in the lives of other people. Congratulations to them on their hard work and distinguished recognition. They are an inspiration to the youth of America.•

AMBASSADOR TO CROATIA PETER GALBRAITH

• Mr. SIMON. Mr. President, during much of my time in the Senate I was fortunate to serve on the Foreign Relations Committee. With our responsibility to approve the nominations of ambassadors and others, I had the opportunity to meet so many of the fine men and women who serve our Nation overseas. One of those outstanding public servants is Peter Galbraith.

I got to know Peter when I came to the Foreign Relations Committee in 1985 and he was a staff member. I was grateful for the diligent, thoughtful, and excellent staff work he provided. In 1993, I was pleased to vote to approve his nomination as the first-ever U.S. Ambassador to Croatia, a position he currently holds.

There has been a certain amount of controversy surrounding Ambassador Galbraith in the last year. This summer he was called to testify before Congress on his involvement relating to third-party transfers of arms to the Muslims in Bosnia. While Ambassador Galbraith has faced criticism from several corners, it seems to me that he was doing the job that ambassadors are supposed to do, and that is carry out the policies set forth by the President and his administration.

Peter has at times been disparaged as an activist. If this label is applied to someone who wants to change things for the better, then Peter should be proud of that characterization. As a staffer on the Foreign Relations Committee, he was known as a tireless campaigner for human rights. The story of his trip to Iraqi Kurdistan after the gulf war is well known. He helped bring attention to the plight of the Kurds and rescued key documents before they could fall into the hands of Saddam Hussein's regime. Benazir Bhutto, now Prime Minister of Pakistan, credited Peter with helping attain her release from prison. And in another famous incident, he achieved in helping Senator PAT MOYNIHAN—a strong advocate for the Bosnian Muslims—get into Sarajevo in 1992 to survey the besieged city. This event may have aggravated some United States military officials at the time, but it helped increase the Senate's understanding of what was going on in Bosnia.

Now, as the first envoy to Croatia, a nation only 5 years old, Ambassador Galbraith has had the responsibility to develop the new relationship between our two countries. His service has occurred during an extremely trying and tragic period in the Balkans. Such a job is not easy, and it is understandable to see how one could get stuck between a rock and a hard place. These circumstances call for strong and able, even aggressive, diplomats, and Ambassador Galbraith has been just that.●

ORDERS FOR TUESDAY, SEPTEMBER 17, 1996

Mr. GORTON. Mr. President, with the consent of both sides, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. Tuesday, September 17; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the conference report to accompany H.R. 3816, the energy and water appropriations bill, with the reading of the report waived; further, that debate from 9:30 to 11 be equally divided with 45 minutes under the control of Senator DOMENICI, 15 minutes under the control of Senator JOHNSTON, 15 minutes under the control of Senator LEVIN, and 15 minutes under the control of Senator SIMON on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that at the hour of 11 a.m., the Senate resume consideration of the Interior appropriations bill, with the time between 11 and 12:30 equally divided in the usual form prior to a motion to table. I also ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that at the hour of 2:15 on Tuesday there be 20 minutes remaining prior to a motion to table the Bumpers amendment to be equally divided, to be followed by a vote on or in relation to the Bumpers amendment to the Interior appropriations bill, to be followed immediately by a vote on the adoption of the energy and water appropriations conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. For the information of all Senators, under the previous order, tomorrow morning the Senate will be debating the energy and water appropriations conference report. Following that debate, at 11 a.m., the Senate will resume the Interior appropriations bill debate and the pending Bumpers amendment on grazing.

As a reminder to all Members, at approximately 2:35 tomorrow, there will be two consecutive rollcall votes on those issues. Senators should expect additional votes throughout the day on Tuesday and may also turn to any other items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, at 5:54 p.m., the Senate adjourned until Tuesday, September 17, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 1996:

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE SUSAN G. ESSERMAN.

DEPARTMENT OF STATE

RICHARD W. BOGOSIAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL COORDINATOR FOR RWANADA/BURUNDI.

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 3385, 3392 AND 12203(A):

To be brigadier general

COL. FRANK A. AVALLONE, [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE-DUTY LIST, FOR PROMOTION TO THE GRADE OF MAJOR IN THE U.S. MARINE CORPS IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

ROBERT T. BADER, [redacted]
WAYNE D. SZYMCZYK, [redacted]

Executive nominations received by the Senate September 16, 1996:

NATIONAL INSTITUTE OF BUILDING SCIENCES

CHARLES A. GUELI, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1999, VICE WALTER SCOTT BLACKBURN, TERM EXPIRED.

EXTENSIONS OF REMARKS

TRIBUTE TO CHIEF JESSE W. COOK, SGT. WILLIAM SCHULTZ, AND SGT. STEPHAN NEESE.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1996

Mr. VISCLOSKY. Mr. Speaker, at a time when crime concerns are on every citizen's mind, those who have dedicated their lives to law enforcement are to be commended. I would like to make a special commendation to three law enforcement officers from Indiana's First Congressional District: Chief Jesse W. Cook, Sgt. William Schultz, and Sgt. Stephan Neese. Chief Cook will retire in October of this year, Sergeant Schultz will retire this month, and Sergeant Neese retired back in May of this year. These three men celebrated their retirement at a testimonial dinner on Friday, September 13, 1996, at Teibel's Restaurant in Schererville, IN.

When Chief Cook began his career at the Schererville Police Department in 1972 as a juvenile detective, he was one of only seven officers. Currently, the Scherervill Police Department boasts 37 police officers. After working his way up the ranks, he became chief of police in 1972. During his distinguished career, Chief Cook completed studies at the FBI National Academy in 1984, and he earned a degree in criminal justice from Indiana University Northwest in 1994.

Sergeants Schultz and Neese each served 20 years with the Schererville Police Department. In 1976, they both began their careers as probationary patrolmen. Sergeant Schultz was next assigned as the Schererville Police Department's first K–9 officer, and Sergeant Neese became the department's first accident reconstructionist. Sergeant Neese was instrumental in developing this particular department. Both men worked diligently through the ranks to earn their final appointments as sergeant.

These brave men can be proud of their service to Indiana's First Congressional District. They worked hard to make the town of Schererville a safer place in which to live and work. Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Chief Jesse W. Cook, Sgt. Stephan Neese, and Sgt. William Schultz on their service and dedication to the citizens of Schererville.

TRIBUTE TO CHARLES BRAITHWAIT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1996

Mr. SKELTON. Mr. Speaker, today I pay tribute to a dedicated Missourian, Charles Braithwait, who will retire this year from his position as executive director of West Central Missouri Community Action Agency.

Mr. Braithwait is employed as the first and thus far the only executive director of the West Central Missouri Community Action Agency, having held the position since June 1966. Under Mr. Braithwait's direction, West Central Missouri Community Action Agency has grown from a limited purpose agency with an initial grant of $50,000 to a multifaceted community-based organization with an annual operating budget of more than $12 million. West Central Missouri Community Action Agency provides a full array of services for low-income clients in 15 Missouri counties.

Charles Braithwait has also served as the chairman of the Local Area Manpower Planning Board, chairman of the Local Council on Aging, chairman of the Local Central Board for Distance Learning, member of the Local Private Industry Council, president of the Missouri Community Action Agencies Executive Directors Association, member of the Missouri Governor's Commission on Energy Conservation, member of the Missouri State Housing Committee, member of the Missouri Association for Community Action Board of Directors, member of the Midwest Assistance Program Board of Directors, president of the National Community Action Agencies Executive Directors Association, president of the National Community Action Foundation, member of President Ford's National Advisory Council on Economic Development, member of the National Association for Community Development Board of Directors, member of the National Action Committee for Community Services Board of Directors, member of the Office of Community Services Task Force on Monitoring and Assessment.

Mr. Speaker, I know my colleagues in the House will want to join me in commending Charles Braithwait for the outstanding public service he has given to the people of Missouri, and our country.

ASSYRIAN-AMERICAN CIVIC CLUB OF TURLOCK CELEBRATES 50TH ANNIVERSARY

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1996

Mr. CONDIT. Mr. Speaker, 50 years ago, Joash Paul, Jessie Yohannan, and Joe K. Yonan, were among a group of local area Assyrians who founded the Assyrian-American Civic Club of Turlock.

As with most fledgling organizations, there were hurdles to be overcome, but Joash Paul, Jessie Yohannan, and Joe K. Yonan, along with their colleagues met and successfully dealt with every challenge.

Their dedication of purpose and their foresight has been proven beneficial to both the Assyrian and non-Assyrian communities of Stanislaus County.

The club, throughout the years, has been a focal point for the growing Assyrian community while helping to preserve Assyrian heritage for generations yet unborn.

The Assyrian-American Civic Club proudly points to a long history of service to the community. Service which includes:

Scholarships to hundreds of high school and university students;

Financial aid to community projects, churches, and charitable organizations;

The establishment of radio and television programming for the perpetuation of Assyrian culture; and

A facility to enable Assyrians to come together for social, recreational, and educational activities.

The Assyrian-American Civic Club proudly salutes Joash Paul, Jessie Yohannan, and Joe K. Yonan, and all those, that 50 years ago, unselfishly dedicated themselves to creating an organization which today stands out as one of the largest and finest of its kind in the world.

HAPPY 90TH BIRTHDAY, DR. EDGAR WAYBURN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1996

Ms. PELOSI. Mr. Speaker, Dr. Edgar Wayburn, legendary champion of the environment and human health, celebrates his 90th birthday on September 17. His 90 years represent a lifetime of commitment to the causes of protecting the environment and promoting human health throughout the world. Dr. Wayburn is an example to all of us.

For more than five decades, Dr. Wayburn was a dedicated physician who worked to improve the human condition, as well as the environmental condition of our planet. His interest in the environment stemmed from his work as a physician who recognized the effects of a degraded environment on human health. In addition to the many public lands issues that Dr. Wayburn has championed, he has also fought for clean air and a curb on cigarette smoking long before the general public became educated about the dangers. The world we live in today is better because of the efforts of Dr. Wayburn.

To Peggy Wayburn, our special thanks for her contribution to these many challenges and successes; we appreciate the long hours, hard work, and special role Peggy has played on the Wayburn family team.

Dr. Wayburn and his wife Peggy were captured by the unique beauty of the Alaska landscape on their first visit almost 30 years ago.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That first visit was followed by hundreds more and the successful campaign to create the Alaska Lands Act, the largest public lands bill in the history of the Congress. Today, 104 million acres remain wild largely because of that first visit made to Alaska by the Wayburns.

In California, Dr. Wayburn fought to preserve one of America's premier ancient forests, Redwood National Park. He fought alongside Congressman Phillip Burton to achieve this important goal which resulted in the addition of 58,000 acres to the park in 1978. Today, these redwood giants have a permanent home in their coastal preserve which has also become a world heritage site and biosphere reserve.

Closer to home, in San Francisco, Dr. Wayburn demonstrated the same outstanding leadership in the effort to preserve at the national level that we now call the Golden Gate National Recreation Area [GGNRA]. These early and insightful efforts led to the now-famous collaboration with Amy Meyer and Phillip Burton in establishing the almost-continuous greenbelt from Point Reyes National Seashore south along the Pacific coast to Sweeney Ridge.

The notion of an urban national park was an unfamiliar concept to the National Park Service and to the Congress in the late 1960's. Through Dr. Wayburn's endeavors and the lasting partnership with Amy, along with the commitment of the local community, environmentalists and Phillip Burton, the GGNRA found a protected home as a unit of the national park system in 1972.

Today, the GGNRA is the most visited park in the national system, with over 22 million visitors each year. The efforts of Dr. Wayburn, Amy Meyer, and many others in the San Francisco community, have also contributed to the success of the Presidio and the Presidio Trust legislation in Congress. The GGNRA stands as a monument, in the National Park System and in our community, to the important work and tenacity of citizen leaders who dream, who struggle and who see their dreams come true. It took only a small spark, but the flame will burn forever.

Throughout the world, Dr. Wayburn has initiated environmental missions on behalf of protecting forests, lands and waters in the name of preservation and in the name of Earth's future inhabitants. Our grandchildren will not know Dr. Wayburn, but his work will be known through the magnificent landscapes that abound because of his monumental efforts. Dr. Wayburn's selfless and tireless efforts, seen wherever he touched our Earth, will stand as a lasting monument to his vision and to his achievement.

Dr. Wayburn has been the recipient of several awards to honor his accomplishments in the fields of environment and health: the Albert Schweitzer Prize for Humanitarianism from Johns Hopkins University, election to Global 500 of the U.N. Environmental Program, the Starker Leopold Award by the Nature Conservancy, and the John Muir Award by the Sierra Club.

Thank you, Dr. Wayburn and Peggy, for giving your lives to the important causes that have made this a better world for so many people. You will always be remembered by your friends in San Francisco.

HUNGARY AND ROMANIA SIGN TREATY OF UNDERSTANDING, COOPERATION, AND GOOD NEIGHBORLINESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1996

Mr. LANTOS. Mr. Speaker, just a few hours ago earlier today, a Treaty of Understanding, Cooperation, and Good Neighborliness was signed by representatives of the Governments of Romania and Hungary. The signing took place in Romanian city of Timisoara/Temesvar with leaders of both Governments—Romanian President Ion Iliescu, Hungarian Prime Minister Gyula Horn, Romanian Prime Minister Nicolae Vacaroiu.

Mr. Speaker, this is a historic occasion and this is a historic document. The leaders of both Governments deserve our commendation and our congratulations for their foresight and their efforts in seeking to reconcile outstanding differences between the two countries. The following is a statement that I made on the occasion of the treaty signing:

STATEMENT OF CONGRESSMAN TOM LANTOS ON THE SIGNING OF THE TREATY OF UNDERSTANDING, COOPERATION, AND GOOD NEIGHBORLINESS BETWEEN ROMANIA AND THE REPUBLIC OF HUNGARY

I wholeheartedly welcome the signing of the "Treaty of Understanding, Cooperation, and Good Neighborliness between Romania and the Republic of Hungary," and I commend the farsighted leadership that has been shown by both the government of Hungary and the government of Romania in reaching agreement on this document. The negotiations have not been easy. The Romanian government faced a fractious internal division over the treaty, and the Hungarian parliament had a lengthy debate on the matter.

This treaty will be of benefit to both Hungary and Romania, and it will be an important element contributing to the stability of that region. It is my sincere hope that the good faith implementation of this document will be of benefit to ethnic Hungarians living in Romania. It is also my hope and expectation that this agreement will accelerate and facilitate the entry of each of these two countries into membership in the North Atlantic Treaty and into full economic integration with the European Union.

It is significant and it is symbolically important that the signing of the treaty will take place in Timisoara/Temesvar, just a few miles from the borders of the former Yugoslavia. Hungary and Romania have faced their differences, they have conducted a frank and open and reasoned political dialogue, and they have both compromised in reaching this agreement. Their reasoned dialogue and mutual respect stands in sharp and dramatic contrast to the tragic violence and bloodshed that has convulsed Bosnia and other areas of the former Yugoslavia.

I want to emphasize that the signing of this treaty constitutes another significant step in the process of reconciliation between Hungary and Romania. Both countries have been active in their efforts to improve economic cooperation, to foster the free movement of peoples between their countries, to expand military relationships, and to increase cultural and educational cooperation. The signing of this treaty will lead to greater cooperation in all of these important fields.

I congratulate the leaders of both governments for their efforts and for their statesmanship.

TRIBUTE TO THE JEWISH FEDERATION OF GREATER FORT LAUDERDALE AND THE JEWISH FEDERATION OF SOUTH BROWARD

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1996

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the merger of the Jewish Federation of Greater Fort Lauderdale and the Jewish Federation of South Broward. This merger creates the third largest federation in the United States. Because of the undying support of south Florida residents, each federation has independently established unique and extremely successful organizations which achieve similar goals. Through the encouragement of the Council of Jewish Federations, the Jewish Federation of Broward County will represent a combination of these notable differences and similarities. This unification is an extraordinary opportunity for the Broward Jewish and non-Jewish community because it will strengthen the federation in south Florida, pool together needed fundraising resources, and better serve the entire south Florida community.

There are over 200 associated Jewish federations in the United States that serve approximately 800 communities in the United States and Canada. The Jewish Federation of South Broward was first incorporated in 1943 during very turbulent times for Jews in the United States and abroad. Historically, the federation has raised money to create and maintain social services for Jews within the community, as well as support Jewish programs that aid Jews facing persecution throughout the world. The Jewish Federation of Greater Fort Lauderdale was created in 1967 as the Jewish community began to grow in south Florida. Now, almost five decades later, these two organizations will merge to become one of the most dynamic and visible Jewish federations in the United States.

I would also like to recognize Herbert D. Katz, the first president of the newly formed Jewish federation of south Broward and Stuart A. Epstein, vice president of the campaign. Both men have been actively involved in the Jewish community in south Florida and have held executive positions in both regional and national Jewish organizations. The new federation's board will also include vice president for administration/budget, Bernard Feldman; vice president for allocations, Selma Telles; vice president for communications, Jan Klein; vice president for human resources development, Dorothy Weinstein; vice president for planning, Gail Spatz; vice presidents at large, Robert Enslein and Lenny Schnurmacher; treasurer, Jeffrey Kassower; assistant treasurer, C. Scott Rassler; secretary, Gene Glasser; and nominating chair, Esther Gordon.

I wish the Jewish Federation of Broward County and the board the best in making this new federation an integral part of the Jewish community in south Florida and look forward to working with the federation in helping them achieve their goals.

TRIBUTE TO THE GEORGE KHOURY ASSOCIATION OF BASEBALL LEAGUES, INC.

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1996

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the George Khoury Association of Baseball Leagues, Inc., on the occasion of their 60th anniversary celebration.

The Khoury League, one of the oldest, most established youth organizations in the United States, paved the way for such organizations as Little League and Pony League. Khoury Leagues exist in many States and foreign countries.

The Belleville Khoury League is the oldest and largest Khoury League in the State of Illinois, celebrating over 45 years of contributions to the children of that community. On the occasion of the association's 60th anniversary, Belleville has been chosen as the host league and the city of Belleville has been chosen as the host site of this year's celebration.

Mr. Speaker, I would like to take this opportunity to commend the Khoury Leagues for the opportunities they continue to offer children, and I ask my colleagues to join me in wishing them a successful and happy celebration.

CONGRATULATIONS TO EL CAMINO COMMUNITY COLLEGE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1996

Ms. HARMAN. Mr. Speaker, I rise today to congratulate El Camino Community College on the event of its golden anniversary. For 50 years El Camino College has served the communities of El Segundo, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lennox, Manhattan Beach, Redondo Beach and Torrance.

Fully accredited by the Western Association of Schools and Colleges, El Camino offers a high quality of education in many diverse subjects, with an outstanding faculty of more than 800 full-time and part-time instructors. Currently 2,500 different classes are offered in 850 different programs to an enrollment of 23,000 students. Approximately 1.5 million students have been served since 1946.

El Camino College is one of the educational and cultural centers of the South Bay. The great facilities of the campus draw thousands of visitors every year.

I offer my congratulations to the college board of trustees, college President Thomas Fallo, and to the more than 1 million students who have attended El Camino during the last 50 years. And I know El Camino College will continue for the next 50 years to be an important educational institution in the South Bay.

TRIBUTE TO LT. GEN. THEODORE G. STROUP, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1996

Mr. SKELTON. Mr. Speaker, today I pay tribute to an outstanding American, an outstanding soldier, an outstanding general who has been a principal architect of our Army's transformation to meet the challenges of the changing post-cold war world. On September 27, 1996, Lt. Gen. Theodore G. Stroup, Jr. retires after over 34 years of dedicated service to America and our great Army. Throughout his career, Ted Stroup has provided forward-looking leadership characterized by a unique intellect and strategic vision, coupled with a full understanding that quality soldiers are the essence of our Army.

As we honor his retirement, we note that General Stroup's distinguished career has stretched over three and one-half decades, culminating in his service these past 2 years as the Army's Deputy Chief of Staff for Personnel. In this position, General Stroup has been responsible for the plans, policies, and programs for management of all the Army's military personnel, both Active and Reserves. He served as a key and trusted advisor to the Secretary of the Army and the chief of staff.

Ted was born in St. Petersburg, FL. Graduating from the U.S. Military Academy in 1962, he began his career as a lieutenant in the Corps of Engineers. His first assignment was as a combat engineer platoon leader with the 7th Infantry Division, in Korea. He saw his first fighting as the commander of a combat engineer company in Vietnam, and while leading his soliders in that capacity, Ted was severely wounded. His distinguished career includes assignments all over the world. A graduate of the Armed Forces Staff College and the Army War College, he served as the director of military science courses at the U.S. Military Academy. Before returning for his second assignment to Washington, he commanded the Corps of Engineers' Fort Worth District.

General Stroup then moved back to the Army's headquarters to serve as executive officer to the vice chief of staff and took a key leadership position in the Army's Headquarters Reorganization Study Group. In this capacity, he was a principal designer of the Army's organizational adjustments to incorporate the provisions of the 1986 Goldwater-Nichols Act. This tour would be the first in a decade-long series of postings in which General Stroup continually played a pivotal role in reshaping the Army. As deputy chief of staff for Resource Management in the Training and Doctrine Command, he worked to provide resources for the development of future Army doctrine and for the dissemination of the doctrine through publications and formal training at all levels of the Army. He then served as the director of military personnel management on the Army staff, working day by day to provide personnel support for the Desert Storm victory and at the same time laying the foundations for the imminent reshaping of the Army's forces.

General Stroup was next selected to serve as the Army's director of program analysis and evaluation. Drawing on his long experience and strategic vision, he worked to craft a sequence of Army programs that would transform the Army into the versatile post-cold war force we see evolving today. He then moved to his current assignment as the deputy chief of staff for personnel. In this role he has not only developed and executed plans for an orderly and compassionate reduction of the Army's forces, but also started the Army's future personnel and leader development programs on the path to full development and implementation.

Through it all, Ted Stroup has consistently delivered professional, selfless service to our Nation. A leader of extraordinary intellect, with vision and dedication to match, General Stroup has always remembered that our Army consists first and foremost of soldiers. Mindful of this, he has dedicated his career to caring for his soldiers. He has done this both directly and by developing programs to provide for their recruitment, development, and training. We offer our heartfelt appreciation and best wishes to Ted Stroup: a soldier who has served his country and its soldiers in a most admirable way.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 17, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 18

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1920, to amend the Alaska National Interest Lands Conservation Act, and S. 1998, to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilichik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corporation and Knikatnu, Inc. regarding the conveyances of certain lands in Alaska under the Alaska Native Claims Settlement Act.

SD-366

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on United States policy and recent developments with regard to Indonesia.
SD–419

10:00 a.m.
Judiciary
To hold hearings on S. 1961, to establish the United States Intellectual Property Organization, and to amend the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, reexamination reform.
SD–226

2:00 p.m.
Armed Services
To hold open and closed hearings on the Report of the Downing Assessment Task Force on the bomb attack on Khobar Towers in Saudi Arabia, and other issues related to United States policy in the Middle East.
SH–216

Judiciary
To hold hearings to examine the Bailey decision's effect on certain prosecutions with regard to violent and drug trafficking crimes.
SD–226

SEPTEMBER 19

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1539, to establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border, S. 1583, to establish the Lower Eastern Shore American Heritage Area, S. 1785, to establish in the Department of the Interior the Essex National Heritage Area Commission, and S. 1808, to establish a program for the preservation of additional historic property throughout the Nation.
SD–366

Environment and Public Works
Drinking Water, Fisheries, and Wildlife Subcommittee
To hold hearings on S. 1660, National Invasive Species Act, and to examine efforts to reduce the threat posed by nonindigenous aquatic nuisance species.
SD–406

Select on Intelligence
To hold hearings on Iraq and Middle East security.
SH–216

Special on Aging
To hold hearings to examine Social Security reform proposals.
SD–562

10:00 a.m.
Governmental Affairs
To hold hearings on S. 1724, to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies.
SD–342

Judiciary
Business meeting, to consider pending calendar business.
SD–226

Veterans' Affairs
To hold hearings on the implementation of Public Law 102–4, the medical and scientific bases for associations between herbicide exposure and disease.
SR–418

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on assessing the impact of judicial taxation on local communities.
SD–226

SEPTEMBER 20

10:00 a.m.
Governmental Affairs
Business meeting, to consider pending calendar business.
SD–342

SEPTEMBER 24

9:30 a.m.
Indian Affairs
To hold hearings to examine civil jurisdiction in Indian country.
SR–485

SEPTEMBER 25

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on issues relating to the study of Mars.
SR–253

Indian Affairs
To hold hearings to examine the phase out of the Navajo/Hopi relocation program.
SR–485

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 987, to provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943.
SD–366

SEPTEMBER 26

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine the status of air service to small communities.
SR–253

2:00 p.m.
Judiciary
Immigration Subcommittee
To hold hearings on the annual refugee consultation process.
SD–226

OCTOBER 2

9:30 a.m.
Indian Affairs
To hold oversight hearings on the regulatory activities of the National Indian Gaming Commission.
SH–216

10:00 a.m.
Judiciary
Immigration Subcommittee
To hold oversight hearings on the Immigration and Naturalization Service.
SD–226

CANCELLATIONS

SEPTEMBER 17

10:00 a.m.
Judiciary
Terrorism, Technology, and Government Information Subcommittee
To hold hearings to examine the threat of terrorism in the United States from weapons of mass destruction, and the Government response.
SD–226

SEPTEMBER 18

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine how fatigue affects the various transportation systems.
SR–253

POSTPONEMENTS

SEPTEMBER 17

9:00 a.m.
Small Business
To hold hearings to examine the impact of Union Salting Campaigns on small businesses.
SR–428A

SENATE—*Tuesday, September 17, 1996*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious, loving Father, who has taught us to give thanks for all things, to dread nothing but the loss of closeness with You, and to cast all our cares on You, who cares for us, set us free from timerous timidity when it comes to living the absolutes of Your Commandments and speaking with the authority of Your truth. We are living in a time of moral confusion. We talk a great deal about values, but have lost our grip on Your standards. Bring us back to the basics of honesty, integrity, and trustworthiness. We want to be authentic people rather than professional caricatures of character. May people know that they will get what they see. Free us from capricious dissimulations, from covered duality, from covert duplicity. Instead of manipulating with power games, help us motivate with patriotism, grant us the passion we knew when we first heard Your call to political leadership, the idealism we had when we were driven by a cause greater than ourselves, and the inspiration we knew when Your Spirit was our only source of strength. May this be a day to recapture our first love for You and our first priority of glorifying You by serving our Nation. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately begin consideration of the conference report to accompany the energy and water appropriations bill. Following the debate, at 11 o'clock the Senate will then resume consideration of the Interior appropriations bill, with the Bumpers amendment regarding grazing fees pending. The Senate will recess for the party conference lunches between the hour of 12:30 and 2:15 p.m. At 2:15, there will be an additional 20 minutes for debate on the Bumpers amendment and, following that debate, the Senate will proceed to two consecutive votes, first on or in relation to the Bumpers amendment to be followed immediately by a vote on adoption of the energy and water appropriations conference report.

Following those votes, the Senate will resume consideration of the Interior appropriations bill and additional votes can be expected on amendments to that bill this afternoon. It is hoped, with the cooperation of our colleagues, the Senate can complete action on the Interior appropriations bill this evening, hopefully.

Again, Senators can expect busy sessions this week and should plan accordingly. It will be almost impossible to complete our Senate business in the time we have allocated if Members expect no rollcall votes in the evenings because of prior commitments. Last week I had requests: That we not have votes during the day on Monday or on Monday night; please do not have one on Tuesday morning; could we not have one on Wednesday night; how about on Thursday? I was thinking maybe we could just stack all the votes at 10 o'clock on Wednesday.

I would like to accommodate all Senators, and many of these requests are very legitimate. Sometimes they are based on very important commitments or illness or all kinds of things. But I think, during the next few days, as we try to come to the conclusion of this session, Senators need to be very hesitant to request such delays in votes.

I remind all Senators that, if they insist on offering nongermane amendments to these appropriations measures, it will only delay disposition of the important spending bills as we approach the end of the fiscal year.

Also, we are going to work very hard this afternoon and tomorrow and Thursday to see if we cannot take up some other issues. Always we try to work on conference reports when they are available, particularly if they are appropriations conference reports. We are working to see if we can get some clear understanding on time and very tight limit on amendments, if any, on the Federal Aviation Administration authorization. We need to get that done before we leave. I would like to see if we cannot get that done tonight, with the debate occurring after we complete debate or action on the Interior appropriations. We might take up the FAA authorization, say at 6 or 7, and let all the debate time go on tonight with vote or votes on that occurring first thing in the morning.

Tomorrow I would like to see if maybe we can do the Magnuson fisheries bill. We have a lot of work done on that. We need to get it done before we leave. Again, maybe we could work on the debate during tomorrow night, with votes occurring on Thursday morning.

We are also going to see what sort of time would be desired if we took up the maritime bill.

So, my thinking is during the day, for the most part we will stay on the appropriations bills, either Interior appropriations or the energy and water conference report, as we are doing this morning, and then at night we will try to take up some of these authorizations that have been agreed to or we are trying to get agreement on. That way we can make good progress during the week.

I want to emphasize something I said about nongermane amendments. We have good managers of this bill. This is an important bill. Yes, it has some controversial features in many and various areas, but you have the chairman of the committee, Senator SLADE GORTON, who has been doing very good work, and the ranking member from West Virginia, Senator BYRD, who are certainly two of the best managers we have. I urge my colleagues do not come in with a lot of nongermane amendments. Last week we saw over 10 amendments offered, most of them nongermane.

I have been playing it straight. I am trying to see that we get our work done. But, if we wind up seeing this is just a political game, then we will not be able to get this legislation done. And we will not tolerate it. Then we will get into a total political mode. We should do the business of the people and then we can go out and campaign for reelection based on political issues that we think need to be debated. We should not do it here on the floor of the Senate with nongermane amendments. I hope that will not happen this week as it did last week, which caused us to have to take down the Treasury-Post Office appropriations bill. Apparently we will not be able to get it back up. So we will just have to put that bill in the continuing resolution, which I hope we can get an agreement on sometime by the end of the week and vote on in some form next week.

Mr. President, I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the report on H.R. 3816 will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

amendment of the Senate to the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 12, 1996.)

The PRESIDING OFFICER. The time until 11 a.m. will be divided: 15 minutes to the distinguished Senator from New Mexico [Mr. DOMENICI]; 15 minutes under the control of the Senator from Louisiana [Mr. JOHNSTON]; 15 minutes under the control of the Senator from Michigan [Mr. LEVIN]; the remaining 15 minutes under control of the Senator from Illinois [Mr. SIMON].

The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I am pleased to bring to the floor the conference report to accompany H.R. 3816, the Energy and Water Development Appropriations Act for fiscal year 1997.

This conference report passed the House last Thursday by a vote of 383 to 29. I thank again the former chairman of the subcommittee, and now ranking member, for his assistance in developing this bill.

I also thank the chairman of the full Appropriations Committee, former chairman and ranking member of the Energy and Water Development Subcommittee, Senator HATFIELD, for his help in bringing this bill before the Senate. His guidance and assistance with regard to allocations has been of tremendous importance, and the subcommittee is indebted to his leadership.

This conference report is consistent with the allocations set forth in the Senate Report 104–320. Specifically, the conference provides $11.352 billion in budget authority and $11.39 million in outlays for defense activities.

For nondefense activities, the conference report provides $8,620,000,837 in budget authority and $8.884 billion in outlays.

These levels are significantly above the levels of the House-passed bill but below the levels provided by the Senate and passed as its energy and water development bill.

Of the $700 million difference between the House and Senate on the proposed level of defense spending in this act, the conferees retain $500 million—a long way toward the Senate position but still $200 million less than the Senate-passed bill.

In other words, we funded $200 million more of defense programs in this bill when it passed the Senate than this bill has in it as it returns from conference.

For nondefense spending, the conferees were provided an allocation of $100 million above the original House allocation—better than a split of the $187 million difference between the two bills. Nonetheless, it is $87 million less for the nondefense portion than it was when it passed the Senate.

Why do I make these points on the $200 million and the $87 million? Because some projects and activities that were in the bill as it passed the Senate are not in the bill as it returns from the House. That is because there was less money allocated and arrived at as an agreement between the two bodies on what could be spent from the overall budget. But, clearly, we are within the caps established for defense. We have not used any more than the allocation. In fact, we returned some of the defense allocation to the full committee for them to use either in defense or otherwise. That will, obviously, be reallocated if it is not very soon so that we can get on with trying to solve some of the problems in other bills and other needs.

To the best of our abilities, the conferees have sought to protect science and technology programs from significant reductions while providing for the water projects of importance to so many Members.

In essence, this is a very interesting bill. Clearly, a majority of the funding goes to the Department of Defense activities within the DOE. Nonetheless, there is a large portion that is not defense activities, and that is domestic activities which essentially are made up predominantly of water projects, reclamation projects, and the like, of both the Corps of Engineers and the Bureau of Reclamation. Everyone knows with reference to both of those entities and the projects that as they run, operate, start, and complete, the funding is going down, not up.

Again, we were not able to give every State the projects in flood control and the like that Senators had requested, but we think we have done as good a job as the money would permit.

Mr. President, on page 37 of the report before us there is a typographical error. I would like to just read the paragraph at the bottom of page 37.

> The conferees have, however, included language in the bill which directs the Secretary of the Army to begin implementing a plan to reduce the number of division offices to no more than eight and no less than six on April 1, 1997, which provides authority for the Corps of Engineers to transfer up to $1.5 million into this account from other accounts in this title to—

"Mitigate" should be the word, and not "investigate."

> Mitigate impacts in the delay in the implementation of the division closure plan.

Mr. President, I would like to take a few minutes and talk about the ranking member, Senator J. BENNETT JOHNSTON, from the State of Louisiana, who has for many years been chairman of this subcommittee and has served in various capacities, including chairman of the Energy and Natural Resources Committee of the Senate. He has decided that he is not going to seek reelection, and thus will leave the Senate.

In 1972, when I came to the U.S. Senate, I was met by a lot of new faces, people I had never known, or people I had perhaps read a little bit about. One of those new Senators was J. BENNETT JOHNSTON.

I would like to state the relationship for the last 24 years. While we have to some extent gone our own ways in work around here, Senator JOHNSTON and the Senator from New Mexico have had a rare opportunity to work together in many, many areas that I believe have been very important to our country. He has become an expert in the area of nuclear energy. He is courageous in that area second to none. He understands it. He is not frightened by it. He gets good science and good engineering. He takes the initiative to try to get the facts where many would seek not to have facts, but rather to predicate their arguments on sentiments and on ideologies. He seeks to get the facts in the field of energy.

So I conclude that he is also one of the best experts on the research capabilities of our Nation in that he has worked diligently to understand the national laboratories, a number of which are under the jurisdiction of the Department of Energy. In fact, I believe there is no better friend of basic science research than J. BENNETT JOHNSTON in the U.S. Congress. He has not only spoken to it and has become expert at it, he has acted accordingly. He has become an ally of the United States maintaining the highest level of science in the Department of Energy through its nuclear defense laboratories.

Today, I want to thank him for his efforts, congratulate him for his wisdom, his vision and, most of all, his courage. And I believe I would be remiss if I did not say that J. BENNETT JOHNSTON is without peer in the U.S. Senate when it comes to legislators. When it comes to sitting around working with Senators, trying to get a bill passed, he is a master. He is going to be missed. This committee is going to miss him. The Energy and Water Committee is going to miss him. The U.S. Senate will miss him, and the Congress will miss him.

Mr. President, I see Senator COATS, from Indiana, on the floor. I inquire, would he like to speak on the bill now?

Mr. COATS. I have a hearing this morning at 10. If I could do that now, I will not take a lot of time. I will be happy to do that.

Mr. DOMENICI. I am going to yield the floor so he can use some of his time. The other Senator who desired to speak, for whom time is reserved, is Senator SIMON from Illinois. I would like to put him on notice, at this point we do not intend to use our 45 minutes, just a small portion of it. Senator JOHNSTON is not going to use any of his time. So, it would seem that the Senator from Illinois should be prepared to make his 15-minute remarks very soon. I hope he will be prepared to do that.

I do not mean to make things unaccommodating but, frankly, we do not need 45 minutes. I do not have any objections of any significant nature to this bill.

I yield at this point to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I thank the Senator from New Mexico for yielding this time. I asked for the time in order to explain the situation to our colleagues over the whole issue of out-of-State trash.

As my colleagues know, this has been an issue that I have been relentlessly pursuing now for 7 years or so, with great success in the U.S. Senate but lousy success in the House of Representatives, in terms of getting a bill to conference that we can then work out our differences on and put on the President's desk for signature.

Five times in the last 6 years the U.S. Senate has voted for legislation I have presented regarding this question of out-of-State trash, and voted so in a fairly overwhelming, bipartisan fashion. The bills that we have presented have been the work of some very diligent and painstaking work with our colleagues and their staffs to attempt to find a resolution to a very difficult problem that exists in almost every one of our States.

Many of our States, because of their population or their geographic location, environmental concerns or others, find themselves in a position where they are not able to adequately dispose of the volumes of trash that are generated on a day-to-day basis. Other States have less density and capacity to receive some of that trash.

We are not attempting to impede the negotiated transfer of that trash from exporting States to importing States. What we are attempting to do, and what I have attempted to do now over the last 6 or 7 years, is to fashion a way in which the importing States, of which I represent one, have a say in the process.

Right now, because the Supreme Court has decreed over a number of decisions that garbage, interstate trash, is considered interstate commerce, the States have virtually no authority to regulate or to monitor or to place any limitations on the amount of out-of-State trash that comes into their particular States.

My effort has been to put them at the table so that they can sit down with the exporting States and find a way to negotiate, if it is in their best interest—and it is in the interest of many States to receive this because it is commerce and it does generate revenue—but also to say that either we cannot do this now or our own needs have placed us in a situation where we are at capacity and we cannot receive your trash, and you will have to work something else out. In other words, we want to give the recipient communities and States the right to dictate their own environmental future as it relates to the generation of everyday trash, which is literally millions of tons across this country.

Recognizing the problems of the exporting States, recognizing the problems of the importing States, we have been able to work with Senators, Governors, legislators, experts, waste haulers and others to fashion a compromise piece of legislation which gives importing States the right to say no or to limit reasonably, but which also preserves the right of exporting States to enter into agreements with the recipient States and/or counties and/or municipalities if they so desire.

As I said, these measures have passed the Senate in an overwhelmingly bipartisan fashion, only to hit a roadblock, particularly in the last Congress, in the House of Representatives. The relevant subcommittee in the House passed out a measure, I believe, by unanimous vote but was never able to secure a full Commerce Committee hearing or full Commerce Committee disposition of that issue. And so, because that has been stalled in the other body now for more than a year, because our previous efforts have been frustrated, sometimes in the House, sometimes in the Senate, but frustrated in terms of completing the process, I took the opportunity, along with Senator LEVIN, to search out a vehicle which we thought was as close to relevant as we could get, and attach what the Senate had passed, on an overwhelming basis—94–6, a pretty solid vote—attach that to the energy and water appropriations bill.

That is not my preferred option. My preferred option is to make it a standalone bill, as we did in the Senate, and have the House take it up in a standalone bill, but we were thwarted in that effort on the House side. So we thought, is there a way we can jumpstart this process in the House? So we attached it to the energy and water appropriations bill, which then passed the Senate and went over to the House.

After some diligent efforts to encourage the conference committee to pass back to the House and the Senate their conference bill with the Senate trash amendment attached, we were disappointed to learn that the House, despite some diligent efforts on the part of some Indiana colleagues and others, friends in the House who supported this effort, Congressman SOUDER, Congressman BUYER, Congressman VISCLOSKY, Republicans and Democrats, we were not able to secure approval from the House conferees on this matter. So the energy and water bill conference report comes back to us without the interstate trash measure attached.

I am bitterly disappointed that once again we are unable to deal successfully with a problem that everybody knows needs to be dealt with. It is not just my State of Indiana, which has seen a fairly dramatic decrease in the amount of trash come into the State. Since I have taken such a vocal and active role, I think maybe the exporters and trash haulers are trying to tone down my rhetoric or dampen my enthusiasm for moving forward on this legislation. But what has happened is that trash has simply moved to another State—Pennsylvania, Ohio, Kentucky, Michigan, Virginia. A number of other States have now become unwanted recipients and virtually have no power to do anything about it.

By the same token, we have seen a fairly dramatic increase in the export of trash to Indiana. The first two quarters of 1996 now total almost the entire amount we received in 1995. So our line has gone back up, and the problem is becoming serious again in Indiana.

But I am really here speaking for a broad coalition of States, of members of both parties, of Governors who represent both the Democrat and Republican parties, of States that feel that they have no control over their environmental future, over their environmental destiny. And they are basically saying, "Look, we're taking care of our problem intrastate, and we are simply asking that we have an opportunity to address successfully our environmental goals in disposing of our own waste without being overwhelmed by someone else's environmental problems that are loaded onto trucks and loaded onto trains, on a daily basis, shipped overnight, and dumped in our landfills."

We have landfills in Indiana that, by referendum and painstaking efforts on the part of municipalities, have been created, with the promise to the taxpayers, the promise to the citizens of the community, that it will take care of disposal needs for that municipality or that county for 15, 20, 30 years in the future. And so bond referendums are passed, the taxpayers commit to it, only to find out those landfills are filled up in 2 years by a massive influx of out-of-State waste over which we have no ability to say no or to let us reason together here. "We can't take yours, but there's one down the road that might be able to accept it, or you can enter into an agreement, and maybe if we can work out some negotiated payments, and so forth, we can create a bigger capacity, and we will take it to generate revenue for our communities and our schools and our roads," et cetera.

So here we are now with the energy and water conference report back without the trash. Trash, once again, has been allowed to flow without any reasonable restraints. I regret that.

But I wanted to let my colleagues know the diligent efforts that we have been making in the Senate, the representation of our Senate conferees, Senator DOMENICI, Senator JOHNSTON, representing the Senate position, but we simply were not able to prevail over the House position and those in charge who wanted to keep the energy and water appropriations report free of this particular legislation. I realize it is not directly relevant, but I am frustrated that I do not have any opportunity to move the process forward except to offer these kinds of amendments.

I will conclude simply by putting the majority leader on notice that Senator LEVIN and I, Senator SPECTER and others, are seriously considering adding an amendment to a continuing resolution if, in fact, we have to have a continuing resolution—not because we want to make the majority leader's life any more difficult than it already is, not because we want to delay the Senate adjournment, not because we think it even necessarily belongs on a continuing resolution, but because we have literally run out of options.

It will do no good in the Senate to pass the bill a third time. The House has made every possible effort—maybe there are some other means they could use between now and the end of the session to try to force the key people in the House to accept some type of legislation that deals with this so we can at least get to conference and resolve our differences. Every effort that has been attempted over there has come up with an inability to finalize the process. So we will be looking at that.

I just want to put the majority leader and my colleagues on notice that this issue is not going to go away. It is not getting any better. It is getting much worse for many, many States. As long as I have breath and am privileged to represent the people of Indiana in the U.S. Senate, I am going to look for every way possible to pass this legislation to give our States and other States the right that I believe they should constitutionally have to make decisions that affect their own environmental destiny, their own futures, and deal with their problems.

It is reasonable legislation. We have every reason to believe it is constitutional legislation. The Court has clearly said that this Congress has the authority to regulate interstate commerce. We are not attempting to stop interstate commerce. We are simply attempting to put the receiver and the Senator at the table so they can reasonably negotiate this flow of trash from one State to another without imposing one State's burden on another State, when that State has no ability to negotiate terms.

I want to thank the Senator from New Mexico for his efforts in helping us to try to move the Senate position. I want to thank the Senator from Louisiana, Senator JOHNSTON, for his efforts. I know I have loaded their bill with something that they were not happy to see, but yet they attempted to advance the Senate position. They have been supporters of my efforts. I appreciate their efforts. I know they feel it is also unfortunate that we have not been able to move this. With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico has 31 minutes remaining.

Mr. DOMENICI. Mr. President, I am going to speak for 2 minutes because I see Senator SIMON is here and would like to speak.

Senator MCCAIN asked that we seek a rollcall vote. Therefore, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I say to Senator COATS, I think oftentimes in the Congress it takes a lot longer for good things to get done than anybody around would ever imagine. I believe the cause that the Senator is talking about here today is one of those.

The reason I helped on the floor is because it is inconceivable to me that we will not make the Coats legislation the law of the land, it has such overwhelming support in this body. If you really have a vote in the House of Representatives, it has overwhelming support there.

I am very sorry we are going to conference with a major piece of authorizing legislation that was not in the House bill—that I could not succeed in keeping it there. Obviously, the House has different factions in regard to this bill. We were caught by those factions and something procedural that is not part of the Senate's business. We did the right thing here in the Senate to give it a try.

I thank you for your kind remarks this morning. I think we did everything we could and still get a bill on appropriations. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague from New Mexico for yielding.

I rise to express concern as to what is not in this bill. Thanks to the cooperation of Senator DOMENICI—on a piece of legislation that is cosponsored by Senator BROWN, the Presiding Officer—we did pass legislation authorizing research in the area of converting salt water to fresh water.

Now, that may seem not very important, but long term, 20 years from now—if I am around 20 years from now; the Presiding Officer will be around—the headlines in the newspapers are not likely to be about oil. They are likely to be about water.

Let me give a capsule of where we are in the world and what we need to do to start moving ahead in the same way that Senator DOMENICI has been moving ahead on mental health. Sometimes you have to lose a few battles before you win the battles. We are in a situation where, depending on whose estimate you believe, in the next 45 to 60 years we will double the world's population. Our water supply, however, is constant. Now, you do not need to be an Einstein to understand we are headed for major problems. Yet 97 percent of the world's water we cannot use. It is salt water. We live on less than 3 percent of the water. I say less than 3 percent because a lot of the fresh water is tied up in snow and icebergs and other things. We are headed toward major problems.

The World Bank says in 20 years 35 nations will have severe water problems. You can find substitutes for oil. There is no substitute for water. That is why people like President Sadat, the late Prime Minister Rabin and others have said if there is another war in the Middle East, it will not be over land, it will be over water.

There have been people in the past who have recognized this need. It is interesting, Mr. President, that Dwight Eisenhower, President of the United States, did on several occasions mention that this is an area we have to move ahead on. In his final message to Congress, his final State of the Union Message, Dwight Eisenhower said one of the things we have to work on is finding less expensive ways of converting salt water to fresh water. The reality is the cost of fresh water is gradually going up, the cost of desalinating water is gradually coming down, but there is a great gap there. That great gap is going to hurt us unless we move in the area of research. What I was trying to do and what we had on the floor here is we put $5 million out of the $14 million that are authorized.

Dwight Eisenhower was not alone. In 1962, John F. Kennedy was asked at a press conference, What is the most important scientific breakthrough you would like to see during your term as President? He said, "You heard me talking about getting a man to the Moon, but let me tell you if you really want to do something for humanity, we should find a less expensive way of converting salt water to fresh water."

Almost 70 percent of the world's population lives within 50 miles of the ocean. If we could get a breakthrough on converting salt water to fresh water, California would not have the problems it is heading toward and California could share water with New Mexico and other States. I was looking through reports on rural water districts and was looking at New Mexico the other day, and in New Mexico, unlike Illinois and many other States, there is an inadequate water supply for a lot of rural communities. Desalination, in some cases converting brackish water to fresh water—primarily we have to be looking toward converting seawater to fresh water. And it is interesting—I was in Israel about 3 weeks ago. I met with the new Prime Minister and with former Prime Minister Shimon Peres. Let me tell you, every Israeli public official can speak very knowledgeably about water because it is so crucial to their future. We have not had a significant breakthrough since 1978 in this research. At one point, in current dollars, we were up to about $121 million a year that we were spending in research. It has gone down. Incidentally, sometimes you accidentally get breakthroughs. Through the breakthrough in reverse osmosis, we developed a breakthrough in renal dialysis for people who have kidney disease. It used to be, if you had kidney disease and you wanted to have renal assistance, you had to go to a hospital. It was a very complicated process. It is still not good, but there was a significant breakthrough. But we need to get additional breakthroughs at this time. It is just vital to the future of humanity.

In areas that do not grow any crops, like much of New Mexico, if you get enough water there, all of a sudden, it is going to be very productive land. There is nothing that could do as much to lift the standard of living of humanity, as a whole, than to find less expensive ways of converting salt water to fresh water. When you double the world's population—and I stress that every estimate is that we are going to double the world's population either in 45 years or 60 years. I have seen, in my lifetime—and I was born in 1928—a tripling of the world population. Fortunately, we have been able to produce enough food so that the quality of life for most people on the face of the Earth has gone up. That will not continue, unless we find another supply of water.

Converting salt water to fresh water is inexpensive enough for drinking purposes. But the difficulty is that almost 90 percent of the water we use is for industrial and agricultural purposes. That, today, is far too expensive.

One of our problems in Government—and I say this to the Presiding Officer, who is retiring along with me and, I think, maybe looks at these things from a little perspective—one of our problems in Government, as is the problem in American business today, is that we are much too short term in our outlooks. In politics, we are looking at the next election and what is going to happen. In business, it is the next quarterly report or the next stockholders meeting. One of the things, long term, that is vital to humanity, is seeing to it that we have water—water to grow crops, water for industry, water to drink. This water that we take for granted is not something that can be taken for granted in the future.

I mention this now not to raise opposition to this bill, but I will be trying to put this small—and it is small, relative to where we should be—my colleague, Senator HARRY REID said to me, "It is almost embarrassing that we are just asking for $5 million when you have such a pressing need." I am going to do my best to see that on the continuing resolution we have some money for this purpose. It really is vital to the future of our country. It is vital to the future of civilization. I hope we can move in a constructive direction.

I yield the floor, Mr. President.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. How much time remains now, and who has time?

The PRESIDING OFFICER. The Senator from New Mexico has 29 minutes 22 seconds. The Senator from Illinois has 4 minutes 54 seconds.

In addition, other time is reserved for Senator LEVIN from Michigan, who has 15 minutes, and Senator JOHNSTON from Louisiana, who has 15 minutes.

Mr. DOMENICI. Let me repeat, using my time, for Senator LEVIN, I understand that, according to the consent order, we could be here until 11, and, technically, he could come here 15 minutes before and use his time. I hope he tries to get here sooner than that because we are going to be finished soon, and I will yield back whatever time I have and leave the floor for Senator LEVIN. Let me take a couple of minutes to engage in dialog.

Mr. SIMON. Mr. President, I yield the balance of my time.

Mr. DOMENICI. On my time, let me compliment the Senator from Illinois. As on much legislation around here, he has, again, taken a farsighted view. I hope when you speak of living near oceans, you will add to your thoughts and comments that there are millions who live near brackish pools that look like seas, they are so big. We have a giant one around the community of Alamogordo, NM, a huge brackish underground reservoir. It varies in its degree of salinization. On one end, it is almost fresh. On the other end, it is contaminated mostly by salt.

It would transform many situations in our Nation, much less the world, to water-supply long instead of water-supply short. I am not sure that $5 million would do the job. I think it is appropriate—and the Senator alluded to it—other countries are spending significant money. I know that in the Middle East substantial money is being spent by Israel, and others, in attempting to make the scientific breakthroughs. Obviously, we have many ways that we have proven up scientifically to produce potable water for drinking. It is economic in that sense. People are going to have drinking water, because of a number of breakthroughs of the last decade, at rather reasonable rates. It is the larger context of need that desalinization looks like a very exciting and much-needed technology that we ought to work on.

The Senator alluded to the last time we funded desalinization projects. The last desalinization plant attempting to make breakthroughs was actually Roswell, NM. It existed for 3 or 4 years after everything else was shut down in the program. Frankly, the costs were extremely high at that point, in terms of whether we were anywhere close to a breakthrough. I assume much technology has gone through the pipeline since then, and we are probably getting closer.

I am sorry that the House would not accept your $5 million proposal. Obviously, we had a lot of requests and a shortage of money. On the domestic side, which this would be, it is not part of the defense programs in this bill. We actually had to remove many projects, or reduce them dramatically, that both Houses considered as being good. That is because we did not have enough money. This one fell to the House's action on the basis that they did not consider it and they did not have appropriate hearings in the House. I regret that is the case.

I thank the Senator for his efforts.

Mr. SIMON. If my colleague will yield, let me say that the conversion of brackish water is less expensive than the conversion of sea water. It is one of these areas where the two work together. If we can find the answer for one, we are going to find the answer for the other.

The Senator is correct that other nations are doing more. It is very interesting that the metropolitan water district of Los Angeles, which is the biggest water district in the United States—maybe in the world, I don't know—is doing some research on desalinization. They are getting $3 million in aid from Israel for their experiment, for their research. You know, we really should not have to depend on foreign aid to get this research done.

We ought to be working with other countries. I am not going to be here next year. I hope we can get a small start for the $5 million yet this year in the continuing resolution. And then I hope in the future, when Senator DOMENICI, Senator SPECTER, and others are here, that Senator DOMENICI can push this area that is so important.

Let me just add one final word. Shimon Peres wrote a book in which he says that the real key to stabilizing the Middle East is finding less expensive ways of converting saltwater to freshwater. That was one of the points that Dwight Eisenhower made a long time ago.

I thank my colleague for yielding.

BUDGET IMPACT OF H.R. 3816

Mr. DOMENICI. Mr. President, H.R. 3816, the Energy and Water Development Appropriations Act, 1997, is well within its budget allocation of budget authority and outlays.

The conference report provides $20 billion in budget authority and $13.1 billion in new outlays to fund the civil programs of the Army Corps of Engineers, the Bureau of Reclamation, certain dependent agencies, and most of the activities of the Department of Energy. When outlays from prior year budget authority and other actions are taken into account, this bill provides a total of $19.9 billion in outlays.

For defense discretionary programs, the conference report is below its allocation by $248 million in budget authority and $194 million in outlays. The conference report also is below its nondefense discretionary allocation by $87 million in budget authority and $85 million in outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this conference report be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY AND WATER SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1997, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed	....	2,863
H.R. 3816, conference report	11,352	8,176
Scorekeeping adjustment	....	....
Subtotal defense discretionary	11,352	11,039
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	....	3,970
H.R. 3816, conference report	8,621	4,914
Scorekeeping adjustment	....	....
Subtotal nondefense discretionary	8,621	8,884
Mandatory:		
Outlays from prior-year BA and other actions completed	....	....
H.R. 3816, conference report	....	....
Adjustment to conform mandatory programs with Budget Resolution assumptions	....	....
Subtotal mandatory	....	....
Adjusted bill total	19,973	19,923
Senate Subcommittee 602(b) allocation:		
Defense discretionary	11,600	11,233
Nondefense discretionary	8,708	8,969
Violent crime reduction trust fund	....	....
Mandatory	....	....
Total allocation	20,308	20,202
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	−248	−194
Nondefense discretionary	−87	−85
Violent crime reduction trust fund	....	....
Mandatory	....	....
Total allocation	−335	−279

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. D'AMATO. Mr. President, will the distinguished chairman of the subcommittee yield for a question?

Mr. DOMENICI. I am happy to yield to my friend from New York.

Mr. D'AMATO. I thank my friend. While there has been an overall reduction from the budget request for the environmental restoration and waste management nondefense account, I would like to get an understanding from the chairman as to the priority the committee places on meeting the vitrification and closure schedule at the West Valley demonstration project in western New York. The project has been able to maintain schedule and progress while accommodating budget reductions over the past 6 years.

The project began pouring glass this summer and is currently poised to complete this phase on or ahead of schedule. The project is also at a crucial juncture regarding the completion of the work necessary to ultimately close the site. Would the chairman agree that the Department of Energy should spend the funds from this account necessary to keep this project on schedule?

Mr. DOMENICI. In order to stay within the nondefense allocation provided to the conferees it was necessary to reduce funding for a number of programs including the nondefense Environmental Restoration and Waste Management Program. To the extent possible, the Department should apply those reductions in a manner that minimizes delay and impact on ongoing, high priority activities such as the West Valley demonstration project.

Mr. D'AMATO. I thank the chairman.

ANIMAS-LAPLATA PARTICIPATING PROJECT

Mr. CAMPBELL. Mr. President, I would like to make just a few brief comments on one important provision adopted into the conference report to accompany H.R. 3816, the fiscal year 1997 energy and water appropriation measure. However, I would first like to recognize and commend the work of the conference committee for their efforts to develop a conference agreement that is acceptable to many Members of this Chamber, recognizing and settling several controversial issues that had to be dealt with in conference.

Mr. President, one provision the conference committee had to address during its deliberations was the issue of continuing funding for the Animas-LaPlata participating project in southwestern Colorado. I appreciate the efforts of the conference committee for appropriating $9 million in fiscal year 1997 to permit the Bureau of Reclamation to continue their efforts with construction costs associated with the A-LP project.

As was discussed in great length and voted upon previously in both Chambers of the Congress, the completion of the A-LP participating project has both tremendous Federal Indian policy implications as well as an incalculable tangible impact for many water users in southwest Colorado and northern New Mexico. When the Congress passed, and President Reagan signed into law, the Colorado Ute Indian Water Rights Settlement Act of 1988, the Federal Government guaranteed to the two Colorado Ute Indian tribes a final settlement of their outstanding water rights claims in a solution that would also allow them to put to use their entitled share of settlement water.

In addition, the 1988 Settlement Act reconfirmed the commitment of the Federal Government to assist water users in the San Juan River basin in the development of an adequate water storage system. Cities such as Durango, CO, to Farmington, NM, stand to benefit from completion of the A-LP project, and equally important, traditional agricultural users will also benefit.

While I am glad the conference committee provided funding based on the practical merits of the A-LP project, I am dismayed that actions of the administration, particularly the Environmental Protection Agency [EPA], continue to cause undue and very costly delays to full implementation of the 1988 settlement. One very clear example of the egregious behavior on the part of the EPA is their inability to work actively and constructively with the Bureau of Reclamation and other Department of Interior agencies to resolve outstanding environmental compliance issues on the project.

As recently as a few weeks ago, the EPA again requested of the Commissioner of the Bureau of Reclamation an additional 90 days to review the Final Supplemental Environmental Impact Statement [FSEIS]. Mr. President, this action comes after the EPA had already requested one other 90-day extension for review.

Further, in testimony before the Senate Appropriations Subcommittee on VA, HUD, and independent agencies in May of this year, EPA Administrator Carol Browner testified that by August 26, 1996, the EPA would make a determination to, either, sign off on the project or refer the matter to the President's Council on Environmental Quality [CEQ]. Well, here we are, September 17, and no decisions have been made.

I make this point, because as a Member of this Chamber, each of us is responsible and accountable for every taxpayer dollar we spend. When the actions of an agency, such as the EPA, continue to stall the full implementation of a statute signed into law in 1988, merely for political purposes, who loses? The taxpayer loses due to added costs associated with further delay.

Mr. President, I appreciate the work of the energy and water conference committee for their continued support for the A-LP project, and I look forward to working with my colleagues on the respective committees of jurisdiction to ensure that adequate congressional oversight is put in place to permit the timely progression of the project.

CORECT PROGRAM

Mr. HATFIELD. Mr. President, in 1988, Congress passed and President Reagan signed in law the CORECT program. This program established a federal interagency board to coordinate renewable energy exports and has been a very successful example of how a very small program, funded at $2 million per year, can drive the tools of the U.S. Government to assist small businesses in gaining international market share. For example, the U.S. solar industry exports over 85 percent of its product and has now ribbon-cut four new automated manufacturing plants in the United States to meet the growing global markets.

I am concerned that the energy and water development appropriations conference report, now before the Senate, could be interpreted as closing down the CORECT program. Let me clarify with my friend from New Mexico, Mr. DOMENICI, that the pending legislation is not to be interpreted as terminating the CORECT program and that the Department of Energy may utilize other available funds to continue this program, even though Congress has provided no funding for the coming fiscal year.

Mr. DOMENICI. Mr. President, I am well aware of the CORECT program. I want to assure the Senator from Oregon that the Department of Energy is free to propose reprogramming up to $2 million from other programs to support the CORECT program. I assure my colleague from Oregon that the subcommittee will expeditiously review any such request.

Mr. HATFIELD. I want to thank my friend for his clarification of this important matter.

FUSION

Mr. JOHNSTON. As my good friend from New Mexico, the chairman of the Energy and Water Development Subcommittee and many other Members are aware, the subcommittee continues to support a strong Fusion Energy Sciences Program. As noted in the report language accompanying the Senate bill, the committee is pleased by the efforts of the fusion community over the past year to restructure the fusion program. However, despite our best attempts to keep the budget essentially level this year, we were forced to accept a cut in this important program because of the constraints imposed by the overall low level of funding for the nondefense programs in this bill.

Mr. President, I want to get some additional clarification from my good friend from New Mexico, the chairman of the Energy and Water Development Subcommittee, about the statement of managers language accompanying the Fusion Energy Sciences Program. The language calls for the operation and safe shutdown of the Tokamak Fusion Test Reactor in fiscal year 1997. Is it the chairman's understanding that this language can in any way be interpreted to imply a particular funding level or length or operation for the TFTR in fiscal year 1997?

Mr. DOMENICI. I thank my good friend from Louisiana for pointing out the importance of the Fusion Energy Sciences Program and for his question. The conferees did not specify the level of funding to be provided to the TFTR in fiscal year 1997. We recognized that, because the Congress has not provided the full amount of the request for the Fusion Program, reductions within the program will be necessary. Those reductions will include a reduction in the funds provided to the TFTR. It is the Department's responsibility to determine the proper allocation of funds from within the amount provided in the conference report.

Mr. JOHNSTON. I thank the chairman and note for the record that his understanding and expectation on this issue match mine.

Mr. GORTON. Mr. President, I strongly support the conference report to accompany the fiscal year 1997 energy and water appropriations bill. Included in the fiscal year 1997 energy and water conference report is an amendment that I authored to amend the Northwest Power Act. My amendment, which has received bipartisan support, would amend the Northwest Power Act to establish an independent scientific review panel and peer review groups, to review annual projects to be funded with BPA ratepayer moneys.

Each year, roughly $100 million in BPA ratepayer dollars are spent to fund fish and wildlife projects that support the Northwest Power Planning Council's fish and wildlife plan. The Northwest Power Planning Council is the regional body, created by the Northwest Power Act, that provides advice and input to BPA in spending the annual $100 million in fish and wildlife funds. The purpose of the council program is to protect, mitigate, and enhance fish and wildlife populations along the Columbia and Snake River system.

Currently, the single body that provides advice to the council on the expenditure of these funds, is the Columbia Basin Fish and Wildlife Authority [CBFWA]. CBFWA is made up of affected tribal officials, State fish and wildlife managers, and representatives from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Prior to my amendment, CBFWA members had recommended that roughly 75 percent of the $100 million annual expenditure go to fund projects that would be carried out by CBFWA members. This is a most serious conflict of interest, one that was brought to my attention several months ago by constituents in my State.

Let me be clear, CBFWA's advice is important. But, I believe that BPA ratepayers expect their hard earned dollars to be spent wisely—not to fund the projects of a select number of groups.

My amendment requires the independent scientific review of projects proposed for funding under BPA's annual program and would remove any suggestion of conflict of interest in prioritizing programs. I believe that advice of independent scientists with expertise on the enhancement of Columbia River fish and wildlife will result in successful implementation of the Northwest Power Planning Council's fish and wildlife program. The council recently recognized the need for independent science recently, and together with the National Marine Fisheries Service, has established an Independent Scientific Advisory Board [ISAB] in order to provide scientific advice to the council and NMFS on the council's plan for fish and wildlife for the river system.

My amendment directs the National Academy of Sciences to submit a list of individuals to the council to serve on an Independent Scientific Review Panel to review projects for funding under BPA's annual fish and wildlife program. I would like to make clear that nothing in the bill language precludes NAS from recommending the same scientists that serve on the ISAB to serve on the newly created Independent Scientific Review Panel, provided that members meet the conflict of interest standards spelled out in the bill language. If ISAB scientists are selected to serve on the newly created panel, such scientists should not be compensated twice for their services.

My amendment also requires that the council establish, from a list submitted by NAS, scientific peer review groups to assist the panel in making its recommendations to the council. Projects will be reviewed based upon the following criteria: Projects benefit fish and wildlife in the region; have a clearly defined objective and outcome; and are based on sound science principles.

After review of the projects by the panel and peer review groups, the panel will submit its recommendations on projects priorities to the council for consideration. The council will then make the panel's recommendations available to the public for review.

The council is required to review recommendations of the panel, the Columbia Basin Fish and Wildlife Authority, and others, in making its final recommendations to BPA of projects to be funded through BPA's annual fish and wildlife budget. If the council does not follow the advice of the panel, it is to explain in writing the basis for its decision.

Mr. President, an important part of my amendment requires the council to consider the impacts of ocean conditions in making its recommendations to BPA to fund projects. Ocean conditions include, but are not limited to, such considerations as El Nino and other conditions that impact fish and wildlife populations. My amendment also directs the council to determine whether project recommendations employ cost effective measures to achieve its objectives. I want to make an important point here, Mr. President, the bill language expressly states that the council, after review of panel and other recommendations, has the authority to make final recommendations to BPA on project(s) to be funded through BPA's annual fish and wildlife budget. This language was included to clear up any confusion as to the council's authority to make final recommendations to BPA on projects to be funded through its annual fish and wildlife budget.

The amendment goes into effect upon the date of enactment, and it is intended that the provision be used to start the planning process for the expenditure of BPA's fiscal year 1998 fish and wildlife budget. This provision will expire on September 30, 2000.

Mr. President, in closing, I would like to thank Senator HATFIELD and Senator MURRAY, and the Northwest Power Planning Council for their input in the development of the amendment. I believe that the final language, as it appears in the fiscal year 1997 energy and water conference report, reflects a bipartisan effort to make sure that BPA ratepayer dollars are spend wisely.

I believe that my amendment is the first step to restoring accountability in the decisionmaking process for the expenditure of BPA ratepayer dollars for fish and wildlife purposes. I look forward to working, on a bipartisan basis, with my Northwest colleagues to rewrite the Northwest Power Act during the next Congress to ensure that Northwest ratepayer dollars are spent effectively for fish and wildlife, and that the people of the Northwest are given a greater role in the decisionmaking process.

Mr. DOMENICI. Mr. President, I understand Senator LEVIN does not need his time. In his behalf, I yield back his time. Mr. President, I understand Senator JOHNSTON will yield back his time. In that he is in another hearing, I yield back his time in his behalf.

The PRESIDING OFFICER. All time except the time of the Senator from New Mexico has been yielded back. The Senator from New Mexico retains 14 minutes.

Mr. DOMENICI. Mr. President, I ask the distinguished Senator from Pennsylvania how much time does he desire?

Mr. SPECTER. Mr. President, I thank my colleague from New Mexico. I would appreciate 10 minutes.

Mr. DOMENICI. Mr. President, at the suggestion of the majority leader, I yield back all time on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for morning business until the hour of 11 a.m., with Senators to speak for up to 5 minutes each. If they need additional time, they can seek time from the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent I may speak in morning business for a period of up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Then, Mr. President, I further ask unanimous consent I may be recognized to comment on the intelligence authorization report.

The PRESIDING OFFICER. Without objection, it is so ordered.

USE OF FORCE AGAINST IRAQ

Mr. SPECTER. Mr. President, I have come to the floor immediately after attending a meeting with President Clinton, the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and Members of both Houses from both parties on the subject of Iraq. I would like to comment about an issue which I raised specifically with the President, and that is my urging him to submit to the Congress of the United States the issue as to whether there should be force used against Iraq in the gulf.

In time of crisis there is no question, under our Constitution, that the President as Commander in Chief has the authority to take emergency action. Similarly, it is plain that the Congress of the United States has the sole authority to declare a war, and that involves the use of force, as in the gulf operation in 1991, which was really a war, where the President came to the Congress of the United States in January 1991, and on this floor this body debated that issue and, by a relatively narrow vote of 52 to 47, authorized the use of force. It is my strong view that the issue of the use of force in Iraq today ought to be decided by the Congress of the United States and not unilaterally by the President where there is no pending emergency and when there is time for due deliberation in accordance with our constitutional procedures.

I note when the first missile attacks were launched 2 weeks ago today, on September 3, the President did not consult in advance with the Congress, which I believe was necessary under the War Powers Act. That is water over the dam. At the meeting this morning there were comments from Members of Congress about the need for more consultation. I believe the session this morning was the first time that there had been a group of Members of the House and Senate assembled to be briefed by the administration, by the President, and by the Secretary of State and Secretary of Defense.

We know from the bitter experience of the Vietnam war that the United States cannot engage in military action of a protracted nature without public support, and the first place to seek the public support is in the Congress of the United States in our representative capacity. It is more than something which is desirable; it is something which is mandated by the constitutional provision that grants exclusive authority to the Congress of the United States to declare war. We have seen a transition as to what constitutes a war—in Korea, where there was no declaration of war by the Congress, in Vietnam, where there was no declaration of war by the Congress. And we have seen the adoption of the War Powers Act as an effort to strike a balance between congressional authority to declare war and the President's authority as Commander in Chief; and, as provided under the War Powers Act, where there are imminent hostilities, the President is required to consult in advance with the Congress and to make prompt reports to the Congress, although the President does have the authority to act in case of emergency.

My legal judgment is that the President does have authority as Commander in Chief to act in an emergency, even in the absence of the War Powers Act. But when there is time for action by the Congress of the United States, then that action ought to be taken by the Congress on the use of force, which is tantamount to war, which we saw in the gulf in 1991 where the Congress did act. And we may see—we all hope we do not see it—but we may see that in Iraq at the present time.

The Congress is soon to go out of session in advance of the November elections. While we are here, this issue ought to be considered by the Congress of the United States as to whether we are going to have the use of force.

In the meeting this morning, attended by many Members of the House and Senate, both Democrats and Republicans, there was considerable question raised on both sides of the aisle as to what our policy is at the present time, whether we have a coherent policy as to what we are going to do there, not only how we get in but how we get out, and what our policy ought to be.

Those policy issues are really matters which ought to be debated by the

Congress of the United States and acted upon by the Congress of the United States.

We know there is a considerable problem that we face today on getting support from our allies, and that is an indispensable prerequisite, it seems to me, for action by the United States military forces. We have seen the deployment of air power all the way from Guam for missile strikes, and yet we wonder why we are not using air power from Saudi Arabia or from Turkey, and the question is raised as to whether the Saudis or the people in command of Turkey are willing to allow us to use their bases for these air strikes.

When it comes to the issue of containment, representations were made by key administration officials that there is a full and total support by the Saudis for our efforts to contain Saddam Hussein, but that when it comes to the issue of air strikes, the same cannot be said; there is less than a full measure of support from the Saudis. So that when we deal with the issue of how much force the United States of America ought to use in the gulf against Saddam Hussein, those are the issues which ought to be considered by Congress, and we ought to have a statement of particularity as to just how much support we are going to get from our allies.

We know the French, illustratively, will refuse to supply in the expanded zone to the 33d parallel. There have been reports from Kuwait that the Kuwait Government is not prepared, not really willing to have us expand our military forces there. There is some dispute about that, with representations being made by the administration that the media reports have been overblown and that there is really cooperation from Kuwait and from Bahrain and from others. But on the face of what is at least the public record, there is a serious question as to whether we do have real support among our allies. That is something which has to be considered in some detail.

In our meeting this morning, reservations were expressed by Members on both sides of the aisle, and there was a question as to what we ought to be doing with Saudi Arabia in terms of long-range policy and long-range planning. When we moved into the gulf war in 1991, it was an emergency situation, but the plan was supposed to enable the Saudis to have time to defend themselves and to take action in their own defense, and that has not happened. Every time Saddam Hussein moves, there is significant expenditure of U.S. resources and U.S. money.

In the middle of the discussion, we had the point raised about whether the defense budget is adequate and a very blunt reference to the Chief of Staff, Mr. Panetta, as to agreeing to the figures which have come from the appropriators, and that also was obviously a matter of fundamental importance by the Congress because we are the appropriators and we have had the administration take the position that the administration does not like what the Congress is doing by way of appropriations. But the administration is coming in with a very expensive operation, and it may be justified, it may be warranted, it may be necessary, but that is a matter for the Congress to decide as to what our policy should be and how much money we are prepared to spend.

In the meeting today, the question was raised rather bluntly about the credibility of the administration in expanding the no-fly zone to the south when the actions come against the Kurds in the north, and there seems to be a consensus that the action taken thus far by the administration has not weakened Saddam Hussein but has strengthened Saddam Hussein and that he did, in fact, receive cover when certain Kurdish leaders invited him in; and there is a distinction to be made about what the United States will do for a vital U.S. interest contrasted with what we might do for humanitarian purposes, and that while U.S. military personnel may be placed in harm's way where we have an issue of a vital national interest, there may be a difference of opinion if we are dealing with a humanitarian consideration.

Mr. President, all of this boils down to the judgment, my judgment, that the American people today are not informed about what the administration is seeking to do in the gulf and what the administration is seeking to do against Saddam Hussein, and the Congress has not been consulted in advance of the initial missile strikes and has been, in my view, inadequately informed as we have proceeded. When you deal with the use of force, which is tantamount to war, that is a matter to be decided by the Congress of the United States, leaving to the President his constitutional authority as Commander in Chief to act in cases of emergency. But at this time we do not have an emergency. We have time for deliberation in the Congress, for debate in this Chamber and the floor of the House of Representatives to decide what our policy should be, what we are prepared to spend, and how we ought to proceed. That is why in the meeting I asked the President to submit to the Congress his request for an authorization for the use of force so that matter could be decided by the Congress in accordance with constitutional provisions.

Mr. President, I noted that I made that request to the President, and I commented about a letter which I had sent to the President yesterday on that subject. I ask unanimous consent that the text of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, September 16, 1996.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to you to express my growing concerns over the escalation of U.S. military activity in and around the Persian Gulf and to urge you to promptly seek a resolution from Congress authorizing the use of force in the Gulf. There is no emergency which would require escalation of the use of force by you in your role as Commander-in-Chief. The constitutional role of Congress as the sole authority to declare war should be respected, as it was in 1991, with the Congress determining national policy on our objectives, the conditions of allied burden sharing, an exit strategy and an overall policy which is lacking at the present time. A further statement of my reasons follows.

First, let me repeat my publicly stated support for the policy of containment of Saddam Hussein's regime and for the practice of United States military involvement in the enforcement of the United Nations' ordered no-fly zone in southern Iraq. No less than in 1991, when I voted to support the use of force in the Gulf War, the United States has vital interests in this region which must be protected.

Second, I strongly support the bravery and professionalism of our military men and women who are carrying out your orders at substantial risk to their lives.

All this having been said, I believe your current course of gradual escalation against Iraq, starting with the missile attacks on September 4, (for which you sought no prior authorization from Congress) constitutes the involvement of our armed forces in the sorts of hostile and potentially hostile situations so as to trigger the limit of your authority as commander-in-chief established by the War Powers Act.

Moreover, this present course of escalation—especially the reported possible dispatch of 3–5,000 ground troops to Kuwait —could well lead to a renewal of full scale war between the United States and Iraq. For example, if, heaven forbid, our Army units were to sustain losses from any form of Iraqi attack, this country would be duty-bound to respond with massive force.

I know you understand, particularly in view of this country's bitter experiences with undeclared wars in Korea and Vietnam, the paramount importance of the constitutional principle that only Congress can declare war. It is an unavoidable concomitant of this principle that the President cannot have unilateral authority to set up a trip-wire which, if breached, would surely commit this nation to war. Your present posture toward Iraq, however, may be creating just such a trip-wire.

Beyond the always vital matter of honoring basic constitutional principle, I urge you to promptly seek Congressional authority for the use of force against Iraq because, just as in 1991, this democratic exercise is by far the best way to clarify both the legitimate means and the legitimate ends which underlie our national policy towards Saddam Hussein.

A congressional debate now will focus you and the Congress, and ultimately the American people, on what our policy should be at this time in the Persian Gulf. It will define national understanding and hopefully shape a national consensus on the key questions which must be answered as the potential for deeper conflict grows—questions such as the proper burden sharing we must demand from our allies in the region and around the world and, most importantly, about an exit strategy to ensure a way back home, in reasonable time and at reasonable cost, for the troops we so rapidly send today into harm's way.

Thank you for your consideration.

Sincerely,

Arlen Specter.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. SPECTER. Mr. President, at the outset of my comments, I asked unanimous consent that I might proceed on the 1997 intelligence authorization bill. I had not intended to comment on this subject when coming to the floor, but when I arrived here, I was advised that this issue is ripe for consideration, and I was asked by the staff if I would handle it in a leadership capacity, since I am the only Senator in the Chamber. I would like to proceed to do that at this point.

From the script prepared by the staff, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 543, S. 1718, which is entitled the Intelligence authorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1718) to authorize appropriations for fiscal year 1997 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Postponement of applicability of sanctions laws to intelligence activities.
Sec. 304. Post-employment restrictions.
Sec. 305. Executive branch oversight of budgets of elements of the intelligence community.

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

Sec. 401. Access to telephone records.

TITLE V—ECONOMIC ESPIONAGE

Sec. 501. Short title.
Sec. 502. Prevention of economic espionage and protection of proprietary economic information.

TITLE VI—COMBATTING PROLIFERATION

Sec. 601. Short title.

Subtitle A—Assessment of Organization and Structure of Government for Combatting Proliferation

Sec. 611. Establishment of commission.
Sec. 612. Duties of commission.
Sec. 613. Powers of commission.
Sec. 614. Commission personnel matters.
Sec. 615. Termination of commission.
Sec. 616. Definition.
Sec. 617. Authorization of appropriations.

Subtitle B—Other Matters

Sec. 621. Reports on acquisition of technology relating to weapons of mass destruction and advanced conventional munitions.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE ACTIVITIES

Sec. 701. Short title.
Sec. 702. Committee on Foreign Intelligence.
Sec. 703. Annual reports on intelligence.
Sec. 704. Transnational threats.
Sec. 705. Office of the Director of Central Intelligence.
Sec. 706. National Intelligence Council.
Sec. 707. Enhancement of authority of Director of Central Intelligence to manage budget, personnel, and activities of intelligence community.
[Sec. 708. Reallocation of responsibilities of Director of Central Intelligence and Secretary of Defense for intelligence activities under National Foreign Intelligence Program.]
Sec. 708. Responsibilities of Secretary of Defense pertaining to the National Foreign Intelligence Program.
Sec. 709. Improvement of intelligence collection.
Sec. 710. Improvement of analysis and production of intelligence.
Sec. 711. Improvement of administration of intelligence activities.
Sec. 712. Pay level of Assistant Directors of Central Intelligence.
Sec. 713. General Counsel of the Central Intelligence Agency.
Sec. 714. Office of Congressional Affairs of [the Intelligence Community.] *the Director of Central Intelligence.*
Sec. 715. Assistance for law enforcement agencies by intelligence community.
Sec. 716. Appointment and evaluation of officials responsible for intelligence-related activities.
[Sec. 717. Intelligence Community Senior Executive Service.]
Sec. [718.] *717.* Requirements for submittal of budget information on intelligence activities.
Sec. [719.] *718.* Terms of service for members of Select Committee on Intelligence of the Senate.
Sec. [720.] *719.* Report on intelligence community policy on protecting the national information infrastructure against strategic attacks.

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

[Sec. 801. Establishment.
[Sec. 802. Effective date.]
Sec. 801. National mission and collection tasking authority for the National Imagery and Mapping Agency.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1997, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ___ of the One Hundred Fourth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1997 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1997 the sum of $95,526,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1998.

(b) AUTHORIZED PERSONNEL LEVELS.—The staff of the Community Management Account of the Director of Central Intelligence is authorized 265 full-time personnel as of September 30, 1997. Such personnel of the Community Management Staff may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1997, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1997 the sum of $184,200,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. POSTPONEMENT OF APPLICABILITY OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking "the date which is one year after the date of the enactment of this title" and inserting "January 6, 1998".

SEC. 304. POST-EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of Central Intelligence shall prescribe regulations requiring each new and current employee of the Central Intelligence Agency to sign a written agreement restricting the activities of that employee upon ceasing employment with the Central Intelligence Agency.

(b) AGREEMENT ELEMENTS.—The regulations shall provide that an agreement contain provisions specifying that the employee concerned not represent or advise the government, or any political party, of a foreign country during the five-year period beginning on the termination of the employee's employment with the Central Intelligence Agency.

(c) DISCIPLINARY ACTIONS.—The regulations shall specify appropriate disciplinary actions (including loss of retirement benefits) to be taken against any employee determined by the Director of Central Intelligence to have violated the agreement of the employee under this section.

SEC. 305. EXECUTIVE BRANCH OVERSIGHT OF BUDGETS OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report setting forth the actions that have been taken to ensure adequate oversight by the executive branch of the budget of the National Reconnaissance Office and the budgets of other elements of the intelligence community within the Department of Defense.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall—

(1) describe the extent to which the elements of the intelligence community carrying out programs and activities in the National Foreign Intelligence Program are subject to requirements imposed on other elements and components of the Department of Defense under the Chief Financial Officers Act of 1990 (Public Law 101-576), and the amendments made by that Act, and the Federal Financial Management Act of 1994 (title IV of Public Law 103-356), and the amendments made by that Act;

(2) describe the extent to which such elements submit to the Office of Management and Budget budget justification materials and execution reports similar to the budget justification materials and execution reports submitted to the Office of Management and Budget by the non-intelligence components of the Department of Defense;

(3) describe the extent to which the National Reconnaissance Office submits to the Office of Management and Budget, the Community Management Staff, and the Office of the Secretary of Defense—

(A) complete information on the cost, schedule, performance, and requirements for any new major acquisition before initiating the acquisition;

(B) yearly reports (including baseline cost and schedule information) on major acquisitions;

(C) planned and actual expenditures in connection with major acquisitions; and

(D) variances from any cost baselines for major acquisitions (including explanations of such variances); and

(4) assess the extent to which the National Reconnaissance Office has submitted to Office of Management and Budget, the Community Management Staff, and the Office of the Secretary of Defense on a monthly basis a detailed budget execution report similar to the budget execution report prepared for Department of Defense programs.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "congressional intelligence committees" shall mean the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "National Foreign Intelligence Program" has the meaning given such term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

SEC. 401. ACCESS TO TELEPHONE RECORDS.

(a) ACCESS FOR COUNTERINTELLIGENCE PURPOSES.—Section 2709(b)(1) of title 18, United States Code, is amended by inserting "local and long distance" before "toll billing records".

(b) CONFORMING AMENDMENT.—Section 2703(c)(1)(C) of such title is amended by inserting "local and long distance" after "address,".

(c) CIVIL REMEDY.—Section 2707 of such title is amended—

(1) in subsection (a), by striking "customer" and inserting "other person";

(2) in subsection (c), by adding at the end the following: "If the violation is willful or intentional, the court may assess punitive damages. In the case of a successful action to enforce liability under this section, the court may assess the costs of the action, together with reasonable attorney fees determined by the court.";

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(4) by inserting after subsection (c) the following new subsection (d):

"(d) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter and the court finds that the circumstances surrounding the violation raise the question whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department concerned shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee.".

TITLE V—ECONOMIC ESPIONAGE

SEC. 501. SHORT TITLE.

This title may be cited as the "Economic Espionage Act of 1996".

SEC. 502. PREVENTION OF ECONOMIC ESPIONAGE AND PROTECTION OF PROPRIETARY ECONOMIC INFORMATION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 27 the following new chapter:

"CHAPTER 28—ECONOMIC ESPIONAGE

"Sec.
"571. Definitions.
"572. Economic espionage.
"573. Criminal forfeiture.
"574. Import and export sanctions.
"575. Scope of extraterritorial jurisdiction.
"576. Construction with other laws.
"577. Preservation of confidentiality.
"578. Law enforcement and intelligence activities.

"§ 571. Definitions

"For purposes of this chapter, the following definitions shall apply:

"(1) FOREIGN AGENT.—The term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign nation or government.

"(2) FOREIGN INSTRUMENTALITY.—The term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government or any political subdivision, instrumentality, or other authority thereof.

"(3) OWNER.—The term 'owner' means the person or persons in whom, or the United

States Government component, department, or agency in which, rightful legal, beneficial, or equitable title to, or license in, proprietary economic information is reposed.

"(4) PROPRIETARY ECONOMIC INFORMATION.—The term 'proprietary economic information' means all forms and types of financial, business, scientific, technical, economic, or engineering information (including data, plans, tools, mechanisms, compounds, formulas, designs, prototypes, processes, procedures, programs, codes, or commercial strategies, whether tangible or intangible, and whether stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing), if—

"(A) the owner thereof has taken reasonable measures to keep such information confidential; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public.

"(5) UNITED STATES PERSON.—The term 'United States person' means—

"(A) in the case of a natural person, a citizen of the United States or a permanent resident alien of the United States; and

"(B) in the case of an organization (as that term is defined in section 18 of this title), an entity substantially owned or controlled by citizens of the United States or permanent resident aliens of the United States, or incorporated in the United States.

"§ 572. Economic espionage

"(a) IN GENERAL.—Any person who, with knowledge or reason to believe that he or she is acting on behalf of, or with the intent to benefit, any foreign nation, government, instrumentality, or agent, knowingly—

"(1) steals, wrongfully appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains proprietary economic information;

"(2) wrongfully copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys proprietary economic information;

"(3) being entrusted with, or having lawful possession or control of, or access to, proprietary economic information, wrongfully copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys the same;

"(4) receives, buys, or possesses proprietary economic information, knowing the same to have been stolen or wrongfully appropriated, obtained, or converted;

"(5) attempts to commit any offense described in any of paragraphs (1) through (4);

"(6) wrongfully solicits another to commit any offense described in any of paragraphs (1) through (4); or

"(7) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (4), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than $500,000 or imprisoned not more than 25 years, or both.

"(b) ORGANIZATIONS.—Any organization that commits any offense described in subsection (a) shall be fined not more than $10,000,000.

"(c) EXCEPTION.—It shall not be a violation of this section to disclose proprietary economic information in the case of—

"(1) appropriate disclosures to Congress; or

"(2) disclosures to an authorized official of an executive agency that are deemed essential to reporting a violation of United States law.

"§ 573. Criminal forfeiture

"(a) IN GENERAL.—Notwithstanding any provision of State law to the contrary, any person convicted of a violation under this chapter shall forfeit to the United States—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(2) any of the property of that person used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation.

"(b) COURT ACTION.—The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this chapter, that the person forfeit to the United States all property described in this section.

"(c) APPLICABILITY OF OTHER LAW.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

"§ 574. Import and export sanctions

"(a) ACTION BY THE PRESIDENT.—The President may, to the extent consistent with international agreements to which the United States is a party, prohibit, for a period of not longer than 5 years, the importation into, or exportation from, the United States, whether by carriage of tangible items or by transmission, any merchandise produced, made, assembled, or manufactured by a person convicted of any offense described in section 572 of this title, or in the case of an organization convicted of any offense described in such section, its successor entity or entities.

"(b) ACTION BY THE SECRETARY OF THE TREASURY.—

"(1) CIVIL PENALTY.—The Secretary of the Treasury may impose on any person who knowingly violates any order of the President issued under the authority of this section, a civil penalty equal to not more than 5 times the value of the exports or imports involved, or $100,000, whichever is greater.

"(2) SEIZURE AND FORFEITURE.—Any merchandise imported or exported in violation of an order of the President issued under this section shall be subject to seizure and forfeiture in accordance with sections 602 through 619 of the Tariff Act of 1930.

"(3) APPLICABILITY OF OTHER PROVISIONS.—The provisions of law relating to seizure, summary and judicial forfeiture, and condemnation of property for violation of the United States customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeiture, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred under this section to the extent that they are applicable and not inconsistent with the provisions of this chapter.

"§ 575. Scope of extraterritorial jurisdiction

"This chapter applies—

"(1) to conduct occurring within the United States; and

"(2) to conduct occurring outside the United States if—

"(A) the offender is a United States person; or

"(B) the act in furtherance of the offense was committed in the United States.

"§ 576. Construction with other laws

"This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by Federal, State, commonwealth, possession, or territorial laws that are applicable to the misappropriation of proprietary economic information.

"§ 577. Preservation of confidentiality

"In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of proprietary economic information, consistent with the requirements of the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of proprietary economic information.

"§ 578. Law enforcement and intelligence activities

"This chapter does not prohibit, and shall not impair, any lawful activity conducted by a law enforcement or regulatory agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 27 the following new item:

"28. Economic espionage .... 571".

(c) CONFORMING AMENDMENT.—Section 2516(1)(a) of title 18, United States Code, is amended by inserting "chapter 28 (relating to economic espionage)," after "or under the following chapters of this title:".

TITLE VI—COMBATTING PROLIFERATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Combatting Proliferation of Weapons of Mass Destruction Act of 1996".

Subtitle A—Assessment of Organization and Structure of Government for Combatting Proliferation

SEC. 611. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction (in this subtitle referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of eight members of whom—

(1) four shall be appointed by the President;

(2) one shall be appointed by the Majority Leader of the Senate;

(3) one shall be appointed by the Minority Leader of the Senate;

(4) one shall be appointed by the Speaker of the House of Representatives; and

(5) one shall be appointed by the Minority Leader of the House of Representatives.

(c) QUALIFICATIONS OF MEMBERS.—(1) To the maximum extent practicable, the individuals appointed as members of the Commission shall be individuals who are nationally recognized for expertise regarding—

(A) the nonproliferation of weapons of mass destruction;

(B) the efficient and effective implementation of United States nonproliferation policy; or

(C) the implementation, funding, or oversight of the national security policies of the United States.

(2) An official who appoints members of the Commission may not appoint an individual as a member if, in the judgment of the official, the individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(h) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 612. DUTIES OF COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall carry out a thorough study of the organization of the Federal Government, including the elements of the intelligence community, with respect to combatting the proliferation of weapons of mass destruction.

(2) SPECIFIC REQUIREMENTS.—In carrying out the study, the Commission shall—

(A) assess the current structure and organization of the departments and agencies of the Federal Government having responsibilities for combatting the proliferation of weapons of mass destruction; and

(B) assess the effectiveness of United States cooperation with foreign governments with respect to nonproliferation activities, including cooperation—

(i) between elements of the intelligence community and elements of the intelligence-gathering services of foreign governments;

(ii) between other departments and agencies of the Federal Government and the counterparts to such departments and agencies in foreign governments; and

(iii) between the Federal Government and international organizations.

(3) ASSESSMENTS.—In making the assessments under paragraph (2), the Commission should address—

(A) the organization of the export control activities (including licensing and enforcement activities) of the Federal Government relating to the proliferation of weapons of mass destruction;

(B) arrangements for coordinating the funding of United States nonproliferation activities;

(C) existing arrangements governing the flow of information among departments and agencies of the Federal Government responsible for nonproliferation activities;

(D) the effectiveness of the organization and function of interagency groups in ensuring implementation of United States treaty obligations, laws, and policies with respect to nonproliferation;

(E) the administration of sanctions for purposes of nonproliferation, including the measures taken by departments and agencies of the Federal Government to implement, assess, and enhance the effectiveness of such sanctions;

(F) the organization, management, and oversight of United States counterproliferation activities;

(G) the recruitment, training, morale, expertise, retention, and advancement of Federal Government personnel responsible for the nonproliferation functions of the Federal Government, including any problems in such activities;

(H) the role in United States nonproliferation activities of the National Security Council, the Office of Management and Budget, the Office of Science and Technology Policy, and other offices in the Executive Office of the President having responsibilities for such activities;

(I) the organization of the activities of the Federal Government to verify government-to-government assurances and commitments with respect to nonproliferation, including assurances regarding the future use of commodities exported from the United States; and

(J) the costs and benefits to the United States of increased centralization and of decreased centralization in the administration of the nonproliferation activities of the Federal Government.

(b) RECOMMENDATIONS.—In conducting the study, the Commission shall develop recommendations on means of improving the effectiveness of the organization of the departments and agencies of the Federal Government in meeting the national security interests of the United States with respect to the proliferation of weapons of mass destruction. Such recommendations shall include specific recommendations to eliminate duplications of effort, and other inefficiencies, in and among such departments and agencies.

(c) REPORT.—(1) Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 613. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) CLASSIFIED INFORMATION.—A department or agency may furnish the Commission classified information under this subsection. The Commission shall take appropriate actions to safeguard classified information furnished to the Commission under this paragraph.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 614. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 615. TERMINATION OF COMMISSION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 612(c).

SEC. 616. DEFINITION.

For purposes of this subtitle, the term "intelligence community" shall have the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 617. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the Commission for fiscal year 1997 such sums as may be necessary for the Commission to carry out its duties under this subtitle.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available for expenditure until the termination of the Commission under section 615.

Subtitle B—Other Matters

SEC. 621. REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.

(a) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Director of Central Intelligence shall submit to Congress a report on—

(1) the acquisition by foreign countries during the preceding 6 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions; and

(2) trends in the acquisition of such technology by such countries.

(b) FORM OF REPORTS.—The reports submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE ACTIVITIES

SEC. 701. SHORT TITLE.

This title may be cited as the "Intelligence Activities Renewal and Reform Act of 1996".

SEC. 702. COMMITTEE ON FOREIGN INTELLIGENCE.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) by redesignating subsection (h) as subsection (j); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) There is established within the National Security Council a committee to be known as the 'Committee on Foreign Intelligence'.

"(2) The Committee shall be composed of the following:

"(A) The Director of Central Intelligence.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.

"(E) Such other members as the President may designate.

"(3) The function of the Committee shall be to assist the Council in its activities by—

"(A) identifying the intelligence required to address the national security interests of the United States as specified by the President;

"(B) establishing priorities (including funding priorities) among the programs, projects, and activities that address such interests and requirements; and

"(C) establishing policies relating to the conduct of intelligence activities of the United States, including appropriate roles and missions for the elements of the intelligence community and appropriate targets of intelligence collection activities.

"(4) In carrying out its function, the Committee shall—

"(A) conduct an annual review of the national security interests of the United States;

"(B) identify on an annual basis, and at such other times as the Council may require, the intelligence required to meet such interests and establish an order of priority for the collection and analysis of such intelligence; and

"(C) conduct an annual review of the elements of the intelligence community in order to determine the success of such elements in collecting, analyzing, and disseminating the intelligence identified under subparagraph (B).

"(5) The Committee shall submit each year to the Council and to the Director of Central Intelligence a comprehensive report on its activities during the preceding year, including its activities under paragraphs (3) and (4).".

SEC. 703. ANNUAL REPORTS ON INTELLIGENCE.

(a) IN GENERAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

"SEC. 109. (a) IN GENERAL.—(1) Not later than January 31 each year, the President shall submit to the appropriate congressional committees a report on the requirements of the United States for intelligence and the activities of the intelligence community.

"(2) The purpose of the report is to facilitate an assessment of the activities of the intelligence community during the preceding fiscal year and to assist in the development of a mission and a budget for the intelligence community for the fiscal year beginning in the year in which the report is submitted.

"(3) The report shall be submitted in unclassified form, but may include a classified annex.

"(b) MATTERS COVERED.—(1) Each report under subsection (a) shall—

"(A) specify the intelligence required to meet the national security interests of the United States, and set forth an order of priority for the collection and analysis of intelligence required to meet such interests, for the fiscal year beginning in the year in which the report is submitted; and

"(B) evaluate the performance of the intelligence community in collecting and analyzing intelligence required to meet such interests during the fiscal year ending in the year preceding the year in which the report is submitted, including a description of the significant successes and significant failures of the intelligence community in such collection and analysis during that fiscal year.

"(2) The report shall specify matters under paragraph (1)(A) in sufficient detail to assist Congress in making decisions with respect to the allocation of resources for the matters specified.

"(c) DEFINITION.—In this section, the term 'appropriate congressional committees' means the following:

"(1) The Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Armed Services of the Senate.

"(2) The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on National Security of the House of Representatives.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

"ANNUAL REPORT ON INTELLIGENCE".

(2) The table of contents in the first section of that Act is amended by striking the item relating to section 109 and inserting the following new item:

"Sec. 109. Annual report on intelligence.".

SEC. 704. TRANSNATIONAL THREATS.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by inserting after subsection (h), as amended by section 702 of this Act, the following new subsection:

"(i)(1) There is established within the National Security Council a committee to be known as the 'Committee on Transnational Threats'.

"(2) The Committee shall include the following members:

"(A) The Director of Central Intelligence.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Attorney General.

"(E) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.

"(F) Such other members as the President may designate.

"(3) The function of the Committee shall be to coordinate and direct the activities of the United States Government relating to combatting transnational threats.

"(4) In carrying out its function, the Committee shall—

"(A) identify transnational threats;

"(B) develop strategies to enable the United States Government to respond to transnational threats identified under subparagraph (A);

"(C) monitor implementation of such strategies;

"(D) make recommendations as to appropriate responses to specific transnational threats;

"(E) assist in the resolution of operational and policy differences among Federal departments and agencies in their responses to transnational threats;

"(F) develop policies and procedures to ensure the effective sharing of information about transnational threats among Federal departments and agencies, including law enforcement agencies and the elements of the intelligence community; and

"(G) develop guidelines to enhance and improve the coordination of activities of Federal law enforcement agencies and elements of the intelligence community outside the United States with respect to transnational threats.

"(5) For purposes of this subsection, the term 'transnational threat' means the following:

"(A) Any transnational activity (including international terrorism, narcotics trafficking, the proliferation of weapons of mass destruction and the delivery systems for such weapons, and organized crime) that threatens the national security of the United States.

"(B) Any individual or group that engages in an activity referred to in subparagraph (A).".

SEC. 705. OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) IN GENERAL.—Title I of The National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) in section 102 (50 U.S.C. 403)—

(A) by striking the section heading and all that follows through paragraph (1) of subsection (a) and inserting the following:

"OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE

"SEC. 102.";

(B) by redesignating paragraph (2) of subsection (a) as subsection (a) and in such subsection (a), as so redesignated, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(C) by striking subsection (d) and inserting the following:

"(d)(1) There is an Office of the Director of Central Intelligence. The function of the Office is to assist the Director of Central Intelligence in carrying out the duties and responsibilities of the Director under this Act and to carry out such other duties as may be prescribed by law.

"(2) The Office of the Director of Central Intelligence is composed of the following:

"(A) The Director of Central Intelligence.

"(B) The Deputy Director of Central Intelligence.

"(C) The National Intelligence Council.

"(D) The Assistant Director of Central Intelligence for Collection.

"(E) The Assistant Director of Central Intelligence for Analysis and Production.

"(F) The Assistant Director of Central Intelligence for Administration.

"(G) Such other offices and officials as may be established by law or the Director of Central Intelligence may establish or designate in the Office.

"(3) To assist the Director in fulfilling the responsibilities of the Director as head of the intelligence community, the Director shall employ and utilize in the Office of the Director of Central Intelligence a professional staff having an expertise in matters relating to such responsibilities and may establish permanent positions and appropriate rates of pay with respect to that staff."; and

(2) by inserting after section 102, as so amended, the following new section:

"CENTRAL INTELLIGENCE AGENCY

"SEC. 102A. There is a Central Intelligence Agency. The function of the Agency shall be to assist the Director of Central Intelligence in carrying out the responsibilities referred to in paragraphs (1) through (4) of section 103(d) of this Act.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 102 and inserting the following new items:

"Sec. 102. Office of the Director of Central Intelligence.
"Sec. 102A. Central Intelligence Agency.".

SEC. 706. NATIONAL INTELLIGENCE COUNCIL.

Section 103(b) of the National Security Act of 1947 (50 U.S.C. 403-3(b)) is amended—

(1) in paragraph (1)(B), by inserting ", or as contractors of the Council or employees of such contractors," after "on the Council";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) Subject to the direction and control of the Director of Central Intelligence, the Center may carry out its responsibilities under this subsection by contract, including contracts for substantive experts necessary to assist the Center with particular assessments under this subsection."; and

(4) in paragraph (5), as so redesignated, by adding at the end the following: "The Center shall also be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.".

SEC. 707. ENHANCEMENT OF AUTHORITY OF DIRECTOR OF CENTRAL INTELLIGENCE TO MANAGE BUDGET, PERSONNEL, AND ACTIVITIES OF INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403-3(c)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) facilitate the development of an annual budget for intelligence and intelligence-related activities of the United States by—

"(A) developing and presenting to the President an annual budget for the National Foreign Intelligence Program; *and*

["(B) concurring in the development by the Secretary of Defense of the annual budget for the Joint Military Intelligence Program; and

["(C) consulting with the Secretary of Defense in the development of the annual budget for the Tactical Intelligence and Related Activities program;";]

"(B) participating in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program;";

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

["(3) manage the national collection activities of the intelligence community in order to ensure that such activities, and the intelligence collected through such activities, meet the national security requirements of the United States;".]

"(3) approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national collection assets, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President;".

[(b) USE OF FUNDS.—

[(1) REPROGRAMMING.—Subsection (c) of such section is amended by inserting "or under the Joint Military Intelligence Program" after "the National Foreign Intelligence Program".

[(2) TRANSFERS.—Subsection (d)(2)(E) of such section is amended by striking "does not object to" and inserting "is consulted by the Director before".

[(3) DIRECTION OF EXPENDITURES.—Such section is further amended—

[(A) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

[(B) by inserting after subsection (d) the following new subsection (e):

["(e) USE OF FUNDS.—The Director of Central Intelligence shall, with the approval of the Director of the Office of Management and Budget and subject to applicable provisions of law (including provisions of authorization Acts and appropriations Acts), direct and oversee the allocation, allotment, obligation, and expenditure of funds appropriated or otherwise made available for the national intelligence programs, projects, and activities that are managed by the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the National Reconnaissance Office, and the Director of the National Imagery and Mapping Agency.".]

(b) USE OF FUNDS.—Section 104 of the National Security Act of 1947 (50 U.S.C. 403-4) is amended—

(1) by adding at the end of subsection (c) the following: "The Secretary of Defense shall consult with the Director of Central Intelligence before reprogramming funds made available under the Joint Military Intelligence Program.";

(2) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

"(e) DATABASE AND BUDGET EXECUTION INFORMATION.—The Director of Central Intelligence and the Secretary of Defense shall jointly issue guidance for the development and implementation by the year 2000 of a database to provide timely and accurate information on the amounts and status of resources, including periodic budget execution updates, for national, defense-wide, and tactical intelligence activities.".

[(c) PERSONNEL, TRAINING, AND ADMINISTRATIVE ACTIVITIES.—Subsection (g) of such section, as redesignating by subsection (b)(3)(A) of this section, is amended—

[(1) by striking "USE OF PERSONNEL.—" and inserting "PERSONNEL, TRAINING, AND ADMINISTRATIVE FUNCTIONS.—";

[(2) in the matter preceding paragraph (1)—

[(A) by striking "in coordination with" and inserting "after consultation with"; and

[(B) by inserting "national elements of" after "policies and programs within"; and

[(3) in paragraph (2), by striking "personnel," and all that follows through "programs" and inserting "personnel programs, administrative programs, training programs, and security programs and management activities".

[SEC. 708. REALLOCATION OF RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE AND SECRETARY OF DEFENSE FOR INTELLIGENCE ACTIVITIES UNDER NATIONAL FOREIGN INTELLIGENCE PROGRAM.

[(a) CONSULTATION OF SECRETARY OF DEFENSE WITH DCI REGARDING GENERAL RESPONSIBILITIES.—Subsection (a) of section 105 of the National Security Act of 1947 (50 U.S.C. 405-5) is amended—

[(1) in the matter preceding paragraph (1), by inserting ", in consultation with the Director of Central Intelligence," after "Secretary of Defense"; and

[(2) in paragraph (2), by striking "appropriate".

[(b) JOINT RESPONSIBILITY OF DCI AND SECRETARY OF DEFENSE FOR PERFORMANCE OF CERTAIN SPECIFIC FUNCTIONS.—Subsection (b) of that section is amended—

[(1) by striking "RESPONSIBILITY" and inserting "JOINT RESPONSIBILITY OF THE DCI AND THE SECRETARY OF DEFENSE";

[(2) in the matter preceding paragraph (1), by striking "Consistent with sections 103 and 104 of this Act," and inserting "The Director of Central Intelligence and";

[(3) in paragraph (2)—

[(A) by striking "within the Department of Defense"; and

[(B) by adding "and" after the semicolon at the end; and

[(4) by striking the semicolon at the end of paragraph (3) and inserting a period.

[(c) RESPONSIBILITY OF SECRETARY OF DEFENSE FOR PERFORMANCE OF OTHER SPECIFIC FUNCTIONS.—Such section is further amended—

[(1) by redesignating subsection (c) as subsection (d);

[(2) by inserting after paragraph (3) of subsection (b) the following:

["(c) RESPONSIBILITY OF SECRETARY OF DEFENSE FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.—Consistent with section 103 and 104 of this Act, the Secretary of Defense, in consultation with the Director of Central Intelligence, shall—";

[(3) by redesignating paragraphs (4), (5), and (6) as paragraphs (1), (2), and (3), respectively, of subsection (c), as added by paragraph (2) of this subsection; and

[(4) in paragraph (2), as redesignated by paragraph (3) of this subsection, by inserting "(other than clandestine collection)" before "human intelligence activities".

[(d) CONFORMING AMENDMENTS.—(1) The section heading of that section is amended to read as follows:

["RESPONSIBILITIES OF SECRETARY OF DEFENSE AND DIRECTOR OF CENTRAL INTELLIGENCE PERTAINING TO NATIONAL FOREIGN INTELLIGENCE PROGRAM".

[(2) The table of contents in the first section of that Act is amended by striking the item relating to section 105 and inserting the following new item:

["Sec. 105. Responsibilities of Secretary of Defense and Director of Central Intelligence pertaining to National Foreign Intelligence Program.".]

SEC. 708. RESPONSIBILITIES OF SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

Section 105 of the National Security Act of 1947 (50 U.S.C. 403-5) is amended—

(1) in subsection (a), by inserting ", in consultation with the Director of Central Intelligence," after "Secretary of Defense" in the matter preceding paragraph (1); and

(2) by adding at the end the following:

"(d) ANNUAL EVALUATION OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall submit each year to the Committee on Foreign Intelligence of the National Security Council and the appropriate congressional committees (as defined in section 109(c)) an evaluation of the performance and the responsiveness of the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency in meeting their national missions.".

SEC. 709. IMPROVEMENT OF INTELLIGENCE COLLECTION.

(a) ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR COLLECTION.—Section 102 of the National Security Act of 1947, as amended by section 705(a)(1) of this Act, is amended by adding at the end the following:

"(e)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Collection, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2)(A) If neither the Director of Central Intelligence nor the Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces at the time of the nomination of an individual to the position of Assistant Director of Central Intelligence for Collection, the President shall nominate an individual for that position from among the commissioned officers of the Armed Forces who have substantial experience in managing intelligence activities.

"(B) The provisions of subsection (c)(3) shall apply to any commissioned officer of the Armed Forces while serving in the position of Assistant Director for Collection.

"(3) The Assistant Director for Collection shall manage the collection of national intelligence by the intelligence community in order to ensure the efficient and effective collection of national intelligence that is identified for collection by the Assistant Director of Central Intelligence for Analysis and [Production.] *Production.*".

["(4) In carrying out the responsibility set forth in paragraph (3), the Assistant Director for Collection shall—

["(A) provide guidance and direction for, and concur in, the procurement and operation of systems necessary for the collection of national intelligence; and

["(B) assist the Director of Central Intelligence in the formulation of plans and budgets for national intelligence collection activities.".]

(b) CONSOLIDATION OF HUMAN INTELLIGENCE COLLECTION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence [shall enter into an agreement with the Secretary of Defense to transfer from the Secretary to the Director the responsibilities and authorities of the Secretary for the collection of clandestine intelligence from human sources currently conducted by the Defense Human Intelligence Service within the Department of Defense] *and the Deputy Secretary of Defense shall jointly submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the National Security Committee and Permanent Select Committee on Intelligence of the House of Representatives a report on the ongoing efforts of those officials to achieve commonality, interoperability, and, where practicable, consolidation of the collection of clandestine intelligence from human sources conducted by the Defense Human Intelligence Service of the Department of Defense and the Directorate of Operations of the Central Intelligence Agency.*

SEC. 710. IMPROVEMENT OF ANALYSIS AND PRODUCTION OF INTELLIGENCE.

Section 102 of the National Security Act of 1947, as amended by section 709(a) of this Act, is further amended by adding at the end the following:

"(f)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Analysis and Production, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Assistant Director for Analysis and Production shall—

"(A) oversee the analysis and production of intelligence by the elements of the intelligence community;

"(B) establish standards and priorities relating to such analysis and production;

"(C) monitor the allocation of resources for the analysis and production of intelligence in order to identify unnecessary duplication in the analysis and production of intelligence;

"(D) identify intelligence to be collected for purposes of the Assistant Director of Central Intelligence for Collection; and

"(E) provide such additional analysis and production of intelligence as the President and the National Security Council may require.".

SEC. 711. IMPROVEMENT OF ADMINISTRATION OF INTELLIGENCE ACTIVITIES.

Section 102 of the National Security Act of 1947, as amended by section 710 of this Act, is further amended by adding at the end the following:

"(g)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Administration, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Assistant Director for Administration shall manage such activities relating to the administration of the intelligence community as the Director of Central Intelligence shall require[, including management of civilian personnel (including recruitment, security investigations, processing, and training of such personnel), information systems, telecommunications systems, finance and accounting services, and security services, and procurement of supplies and support services.".]

SEC. 712. PAY LEVEL OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.

Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Directors of Central Intelligence (3).".

SEC. 713. GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following:

"GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY

"SEC. 20. (a) There is a General Counsel of the Central Intelligence Agency, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The General Counsel is the chief legal officer of the Central Intelligence Agency.

"(c) The General Counsel of the Central Intelligence Agency shall perform such functions as the Director of Central Intelligence may prescribe.".

(b) EXECUTIVE SCHEDULE IV PAY LEVEL.—Section 5315 of title 5, United States Code, as amended by section 712 of this Act, is further amended by adding at the end the following:

"General Counsel of the Central Intelligence Agency.".

SEC. 714. OFFICE OF CONGRESSIONAL AFFAIRS OF [THE INTELLIGENCE COMMUNITY.] *THE DIRECTOR OF CENTRAL INTELLIGENCE.*

Section 102 of the National Security Act of 1947, as amended by section 711 of this Act, is further amended by adding at the end the following:

"(h)(1) There is hereby established the Office of Congressional Affairs of [the Intelligence Community.] *the Director of Central Intelligence.*

"(2)(A) The Office shall be headed by the Director of the Office of Congressional Affairs of [the Intelligence Community.] *the Director of Central Intelligence.*

"(B) The Director of Central Intelligence may designate the Director of the Office of Congressional Affairs of the Central Intelligence Agency to serve as the Director of the Office of Congressional Affairs of [the Intelligence Community.] *the Director of Central Intelligence.*

"(3) The Director shall coordinate the congressional affairs activities of the elements of the intelligence community and have such additional responsibilities as the Director of Central Intelligence may prescribe.

"(4) Nothing in the subsection may be construed to preclude the elements of the intelligence community from responding directly to requests from Congress.".

SEC. 715. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES BY INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 105 the following new section:

"ASSISTANCE TO UNITED STATES LAW ENFORCEMENT AGENCIES

"SEC. 105A. (a) AUTHORITY TO PROVIDE ASSISTANCE.—[Notwithstanding any other provision of law] *Subject to subsection (b)*, elements of the intelligence community may, upon the request of a United States law enforcement agency, collect information outside the United States about individuals who are not United States persons. Such elements may collect such information notwithstanding that the law enforcement agency intends to use the information collected for purposes of a law enforcement investigation or counterintelligence investigation.

"(b) LIMITATION ON ASSISTANCE BY ELEMENTS OF DEPARTMENT OF DEFENSE.—(1) With respect to elements within the Department of Defense, the authority in subsection (a) applies only to the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency.

"(2) Assistance provided under this section by elements of the Department of Defense may not include the direct participation of a member of the Army, Navy, Air Force, or Marine Corps in an arrest or similar activity.

"(3) Assistance may not be provided under this section by an element of the Department of Defense if the provision of such assistance will adversely affect the military preparedness of the United States.

"(4) The Secretary of Defense shall prescribe regulations governing the exercise of authority under this section by elements of the Department of Defense, including regulations relating to the protection of sources and methods in the exercise of such authority.

"[(b)] *(c)* DEFINITIONS.—For purposes of subsection (a):

"(1) The term 'United States law enforcement agency' means any department or agency of the Federal Government that the Attorney General designates as law enforcement agency for purposes of this section.

"(2) The term 'United States person' means the following:

"(A) A United States citizen.

"(B) An alien known by the intelligence agency concerned to be a permanent resident alien.

"(C) An unincorporated association substantially composed of United States citizens or permanent resident aliens.

"(D) A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 105 the following new item:

"Sec. 105A. Assistance to United States law enforcement agencies.".

SEC. 716. APPOINTMENT AND EVALUATION OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

(a) IN GENERAL.—Section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is amended to read as follows:

"APPOINTMENT AND EVALUATION OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

"SEC. 106. (a) CONCURRENCE OF DCI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Secretary of Defense shall obtain the concurrence of the Director of Central Intelligence before [appointing an individual to fill the vacancy.] *recommending to the President an individual for appointment to the position. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.*

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the National Security Agency.

"(B) The Director of the National Reconnaissance Office.

"(b) CONSULTATION WITH DCI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of Central Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the Defense Intelligence Agency.

"(B) The Assistant Secretary of State for Intelligence and Research.

"(C) The Director of the Office of Nonproliferation and National Security of the Department of Energy.

"(D) The Assistant Director, National Security Division of the Federal Bureau of [Investigation.] *Investigation.*".

["(c) PERFORMANCE EVALUATIONS.—The Director of Central Intelligence shall provide annually to the Secretary of Defense an evaluation of the performance of the individuals holding the positions referred to in subparagraphs (A) and (B) of subsection (a)(2), and of the individual holding the position of Director of the National Imagery and Mapping Agency, in fulfilling their respective responsibilities with regard to the National Foreign Intelligence Program.".]

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 106 and inserting in lieu thereof the following new item:

"Sec. 106. Appointment and evaluation of officials responsible for intelligence-related activities.".

[SEC. 717. INTELLIGENCE COMMUNITY SENIOR EXECUTIVE SERVICE.

[(a) IN GENERAL.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

["INTELLIGENCE COMMUNITY SENIOR EXECUTIVE SERVICE

["SEC. 110. (a) ESTABLISHMENT.—(1) The Director of Central Intelligence shall by regulation establish a personnel system for senior civilian personnel within the intelligence community to be known as the Intelligence Community Senior Executive Service.

["(2) The Intelligence Community Senior Executive Service shall include personnel within the following agencies:

["(A) The Central Intelligence Agency.

["(B) The National Security Agency.

["(C) The Defense Intelligence Agency.

["(D) The National Imagery and Mapping Agency.

["(E) The National Reconnaissance Office.

["(F) Any other office of the Department of Defense the civilian employees of which are subject to section 1590 of title 10, United States Code, as of the effective date of the regulations prescribed under this section.

["(3) The Director of Central Intelligence shall prescribe the regulations required under this section in consultation with the Department of Defense.

["(b) REQUIREMENTS.—The regulations prescribed under this section shall, to the extent not inconsistent with the authorities of the Director of Central Intelligence—

["(1) meet the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service;

["(2) provide rates of pay for the Intelligence Community Senior Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

["(3) provide a performance appraisal system for the Intelligence Community Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of title 5, United States Code;

["(4) provide for—

["(A) removal or suspension from the Intelligence Community Senior Executive Service;

["(B) reduction-in-force procedures;

["(C) procedures in accordance with which any furlough affecting the Intelligence Community Senior Executive Service shall be carried out;

["(D) procedures setting forth due process rights to which members of the Intelligence Community Senior Executive Service are entitled in cases of removal or suspension; and

["(E) procedures for periodic recertification;

["(5) permit the payment of performance awards to members of the Intelligence Community Senior Executive Service; and

["(6) provide that members of the Intelligence Community Senior Executive Service may be granted sabbatical leaves.

["(c) LIMITATIONS.—(1) Except as provided in subsection (b), the Director of Central Intelligence—

["(A) may make applicable to the Intelligence Community Senior Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service; and

["(B) shall delegate to the heads of the agencies referred to in subparagraphs (B) through (E) of subsection (a)(2) the authority to appoint, promote, and assign individuals to Intelligence Community Senior Executive Service positions within their respective agencies without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service, provided that such actions shall be subject to the approval of the Director of Central Intelligence in accordance with the regulations prescribed under this section.

["(2) Members of the Intelligence Community Senior Executive Service shall be subject to the limitations of section 5307 of title 5, United States Code.

["(3) Notwithstanding any other provision of title 5, United States Code, any individual who is a member of the Senior Executive Service or an equivalent personnel system at the Central Intelligence Agency or at an agency referred to in subparagraphs (B) through (E) of subsection (a)(2) at the time of the effective date of the regulations prescribed under this section shall be a member of the Intelligence Community Senior Executive Service.

["(4) Upon the establishment of the Intelligence Community Senior Executive Service under this section, no individual may be selected for membership in the service unless such individual has served at least one assignment outside his or her employing agency. An assignment to the Office of the Director of Central Intelligence shall be treated as an assignment outside an individual's employing agency (including an individual employed by the Central Intelligence Agency) for purposes of this subparagraph.

["(d) AWARD OF RANKS TO MEMBERS OF SERVICE.—The President, based upon the recommendations of the Director of Central Intelligence, may award ranks to members of the Intelligence Community Senior Executive Service in a manner consistent with section 4507 of title 5, United States Code.

["(e) DETAIL AND ASSIGNMENT OF MEMBERS.—(1) Notwithstanding any other provision of law, the Director of Central Intelligence—

["(A) may, after consultation with the head of the agency affected, detail or assign any member of the Intelligence Community Senior Executive Service to serve in any position in the intelligence community; or

["(B) may, with the concurrence of the head of the agency affected, detail or assign any member of the service to serve in any position in another Government agency or outside the Federal Government.

["(2) A member of the Intelligence Community Senior Executive Service may be detailed or assigned under paragraph (1) only if such detail or assignment is for the benefit of the intelligence community.

["(3) A member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Intelligence Community Senior Executive Service.

["(f) ANNUAL REPORT.—The Director of Central Intelligence shall submit to Congress each year, at the time the budget is submitted by the President for the next fiscal year, a report on the Intelligence Community Senior Executive Service. The report shall include, in the aggregate and by agency—

[“(1) the number of Intelligence Community Senior Executive Service positions established as of the end of the preceding fiscal year;

[“(2) the number of individuals being paid at each rate of basic pay for the Intelligence Community Senior Executive Service as of the end of the preceding fiscal year;

[“(3) the number, distribution, and amount of awards paid to members of the Intelligence Community Senior Executive Service during the preceding fiscal year; and

[“(4) the number of individuals removed from the Intelligence Community Senior Executive Service during the preceding fiscal year—

[“(A) for less than fully successful performance;

[“(B) due to a reduction in force; or

[“(C) for any other reason.”.

[(2) The table of contents in the first section of that Act is amended by inserting after the item relating to section 109 the following new item:

[“Sec. 110. Intelligence Community Senior Executive Service.”.

[(b) EFFECTIVE DATE OF REGULATIONS.—The regulations prescribed under section 110(a) of the National Security Act of 1947, as added by subsection (a)(1), shall take effect one year after the date of the enactment of this Act.

[(c) CONFORMING AMENDMENTS.—(1) Section 12 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

[(A) by striking out subsections (a) and (c); and

[(B) by striking out “(b)”.

[(2)(A) Sections 1601 and 1603 of title 10, United States Code, are repealed.

[(B) The table of sections at the beginning of chapter 83 of such title is amended by striking out the items relating to sections 1601 and 1603.

[(3) Section 1590 of title 10, United States Code, is amended—

[(A) in subsection (a)(1)—

[(i) by striking out “, including positions in the Senior Executive Service,”; and

[(ii) by striking out “, except that” and all that follows through the semicolon and inserting in lieu thereof a semicolon;

[(B) in subsection (b)—

[(i) in the third sentence, by striking out “Except in the case” and all that follows through “no civilian” and inserting in lieu thereof “No civilian”; and

[(ii) by striking out the second sentence; and

[(C) by striking out subsections (f) and (g).

[(4) Section 1604(b) of title 10, United States Code, is amended in the second sentence by striking out “Except in the case” and all that follows through “no officer” and inserting in lieu thereof “No officer”.

[(5)(A) Section 2108 of title 5, United States Code, is amended in the flush matter following paragraph (3) by striking “the Defense Intelligence Senior Executive Service, the Senior Cryptologic Executive Service” and inserting “the Intelligence Community Senior Executive Service”.

[(B) Section 6304(f)(1) of such title is amended—

[(i) by striking subparagraphs (C) and (D) and inserting the following new subparagraph (C):

[“(C) the Intelligence Community Senior Executive Service; or”; and

[(ii) by redesignating subparagraph (E) as subparagraph (D).

[(C) Title 5, United States Code, is further amended by striking “the Defense Intelligence Senior Executive Service or the Senior Cryptologic Executive Service” and inserting “the Intelligence Community Senior Executive Service” in each of the following provisions:

[(i) Section 8336(h)(2).

[(ii) Section 8414(a)(2).

[(6) The amendments made by this subsection shall take effect one year after the date of the enactment of this Act.

SEC. [718.] *717.* REQUIREMENTS FOR SUBMITTAL OF BUDGET INFORMATION ON INTELLIGENCE ACTIVITIES.

(a) SUBMITTAL WITH ANNUAL BUDGET.—Notwithstanding any other provision of law, the President shall include in each budget for a fiscal year submitted under section 1105 of title 31, United States Code, the following information:

(1) The aggregate amount appropriated during the current fiscal year on all intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount requested in such budget for the fiscal year covered by the budget for all intelligence and intelligence-related activities of the United States Government.

(b) FORM OF SUBMITTAL.—The President shall submit the information required under subsection (a) in unclassified form.

SEC. [719.] *718.* TERMS OF SERVICE FOR MEMBERS OF SELECT COMMITTEE ON INTELLIGENCE OF THE SENATE.

(a) INDEFINITE TERMS OF SERVICE.—Section 2(b) of Senate Resolution 400 of the Ninety-fourth Congress (adopted May 19, 1976) is amended by striking the first sentence.

(b) LIMIT ON TERM OF CHAIRMAN AND VICE CHAIRMAN.—Section 2(c) of that resolution is amended by adding at the end the following new sentence: “No Member shall serve as chairman or vice chairman of the select committee for more than six years of continuous service.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect with the commencement of the One Hundred Fifth Congress.

(d) RULES OF THE SENATE.—The amendments made by subsections (a) and (b) are enacted as an exercise of the rulemaking power of the Senate with full recognition of the constitutional right of the Senate to change rules at any time, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

SEC. [720.] *719.* REPORT ON INTELLIGENCE COMMUNITY POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

(a) IN GENERAL.—(1) Not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report setting forth—

(A) the results of a review of the threats to the United States on protecting the national information infrastructure against information warfare and other non-traditional attacks; and

(B) the counterintelligence response of the Director.

(2) The report shall include a description of the plans of the intelligence community to provide intelligence support for the indications, warning, and assessment functions of the intelligence community with respect to information warfare and other non-traditional attacks by foreign nations, groups, or individuals against the national information infrastructure.

(b) DEFINITIONS.—For purposes of this section:

(1) The term “national information infrastructure” includes the information infrastructure of the public or private sector.

(2) The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

[SEC. 801. ESTABLISHMENT.

[(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 717 of this Act, is further amended by adding at the end the following:

[“NATIONAL IMAGERY AND MAPPING AGENCY

[“SEC. 120. (a) ESTABLISHMENT AND DUTIES.—

[“(1) ESTABLISHMENT AND MISSION.—There is hereby established a National Imagery and Mapping Agency which shall provide timely, relevant, and accurate imagery, imagery intelligence, and imagery-related products and geospatial information in support of the national security objectives of the United States. It shall also have a navigational mission as specified in section 2791 of title 10, United States Code.

[“(2) MISSION OF THE NATIONAL IMAGERY AND MAPPING AGENCY.—The National Imagery and Mapping Agency shall have a national mission to support the imagery requirements of the Department of State and other non-Department of Defense agencies, as well as a mission to support the combat and other operational requirements of the Department of Defense. The Director of Central Intelligence shall establish requirements and priorities to govern the collection of national intelligence of national importance by the National Imagery and Mapping Agency.

[“(3) DIRECTOR.—The President shall appoint the Director of the National Imagery and Mapping Agency. The Secretary of Defense shall, with the concurrence of the Director of Central Intelligence, recommend an individual to the President for such appointment. If the Secretary identifies a commissioned officer of the Armed Forces to serve as Director, he shall recommend that individual to the President for appointment to hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral, while serving in such position. A commissioned officer appointed by the President under this paragraph shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer for the Armed Force of which such officer is a member.

[“(4) DEPUTY DIRECTOR.—There shall be a Deputy Director to assist the Director. The Deputy may be appointed from among the commissioned officers of the Armed Forces, or from civilian life, but at no time shall both the Director and the Deputy Director positions be simultaneously occupied by commissioned officers of the Armed Forces, whether in active or retired status.

[“(b) CENTRAL INTELLIGENCE AGENCY SUPPORT FOR NATIONAL IMAGERY AND MAPPING AGENCY.—

[“(1) ADMINISTRATIVE AND CONTRACTING SERVICES.—Notwithstanding any other provision of law, the Central Intelligence Agency may, under terms and conditions agreed to by the Secretary of Defense and the Director of Central Intelligence, provide administrative and contracting services (including the services of security police notwithstanding any limitations on the jurisdiction of such personnel contained in section 15 of the Central Intelligence Agency Act of 1949), and detail personnel indefinitely to the National

Imagery and Mapping Agency, in furtherance of the national intelligence effort.

["(2) TRANSFER AND ACCEPTANCE.—The National Imagery and Mapping Agency will transfer funds to the Central Intelligence Agency for the purposes of producing imagery and imagery-related products of national importance, and the Central Intelligence Agency may accept a transfer of funds from the National Imagery and Mapping Agency, and the Central Intelligence Agency may expend such funds pursuant to the Central Intelligence Agency Act of 1949 to carry out the purposes of paragraph (1).

["(c) FUNDS FOR FOREIGN IMAGERY INTELLIGENCE AND GEOSPATIAL INFORMATION SUPPORT.—The Director of the National Imagery and Mapping Agency may use appropriated funds available to the National Imagery and Mapping Agency to provide foreign countries imagery intelligence and geospatial information support, except that such arrangements shall be coordinated with the Director of the Central Intelligence when they involve imagery intelligence or intelligence products, or any support to an intelligence or security service of a foreign country.

["(d) FUNDS FOR CIVIL APPLICATIONS.—The Director of the National Imagery and Mapping Agency may use appropriated funds available to the National Imagery and Mapping Agency to support and encourage civilian use of imagery intelligence and geospatial information support provided by the National Imagery and Mapping Agency.

["(e) DEFINITIONS.—In this section:

["(1) The term 'geospatial information' means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth, including statistical data, information derived from, among other things, remote sensing, mapping, and surveying technologies, and, for purposes of this section, the term includes mapping, charting and geodetic data, including geodetic products as that term is used in chapter 167 of title 10, United States Code.

["(2) The term 'imagery' means a likeness or presentation of any natural or man-made feature or related object or activities and the positional data acquired at the same time the likeness or representation was acquired (including products produced by space-based national intelligence reconnaissance systems), in accordance with Executive Order No. 12591, as well as likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means (except that handheld or clandestine photography taken by or on behalf of human intelligence collection organizations is excluded)).

["(3) The term 'imagery intelligence' means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.".

[(2) The table of contents in the first section of the National Security Act of 1947, as so amended, is further amended by inserting after the item relating to section 110 the following new item:

["Sec. 120. National Imagery and Mapping Agency.".

[SEC. 802. EFFECTIVE DATE.

[The amendments made by this title shall take effect on the later of—

[(1) the date of the enactment of an Act appropriating funds for the National Imagery and Mapping Agency for fiscal year 1997; or

[(2) October 1, 1996.]

SEC. 801. NATIONAL MISSION AND COLLECTION TASKING AUTHORITY FOR THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) IN GENERAL.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

"NATIONAL MISSION AND COLLECTION TASKING AUTHORITY FOR THE NATIONAL IMAGERY AND MAPPING AGENCY

"SEC. 110. (a) NATIONAL MISSION.—The National Imagery and Mapping Agency shall have a national mission to support the imagery requirements of the Department of State, the Department of Defense, and other departments and agencies of the Federal Government. The Director of Central Intelligence shall establish requirements and priorities to govern the collection of national intelligence by the National Imagery and Mapping Agency. The Secretary of Defense and the Director of Central Intelligence, in consultation with the Chairman of the Joint Chiefs of Staff, shall jointly identify deficiencies in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions and shall jointly develop policies and programs to review and correct such deficiencies.

"(b) COLLECTION AND TASKING AUTHORITY.—Except as otherwise agreed by the Director of Central Intelligence and the Secretary of Defense pursuant to direction provided by the President, the Director of Central Intelligence has the authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets.".

(2) The table of contents in the first section of that Act is amended by inserting after the item relating to section 109 the following new item:

"Sec. 110. National mission and collection tasking authority for the National Imagery and Mapping Agency.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997; or

(2) the date of the enactment of this Act.

Mr. SPECTER. Mr. President, today the Senate takes up S. 1718, the Intelligence Authorization Act for fiscal year 1997. In addition to containing the annual authorization for appropriations for elements of the U.S. intelligence community, this bill includes a number of important provisions intended to ensure that our intelligence agencies operate more effectively and more efficiently in the post-cold-war world.

The end of the cold war did not solve America's national security concerns. As evidenced by the bombing in June of the Khobar Towers facility in Dhahran, Saudi Arabia and the possible complicity of international terrorists in the downing of TWA flight 800 in July, the focus of those concerns can shift with the speed and force of an explosion. The need for a national security apparatus that is equally dynamic is clear. Title VII of S. 1718—the Intelligence Activities Renewal and Reform Act of 1996—contains measures designed to improve our Nation's intelligence capabilities in order to meet the rapidly changing threats to our national security.

Title VII takes significant steps toward this objective in two ways: First, it improves an institutional framework for ensuring that the decisionmakers who rely on intelligence can provide prompt, clear guidance to the intelligence community on what their needs are and what the priorities are. Second, it improves the Director of Central Intelligence's authority and improves the structure he needs to respond quickly in an effective, efficient, and responsible manner.

S. 1718, as originally reported out by the Senate Select Committee on Intelligence, reflected the conclusions this committee had reached after 6 years of focused examination of the missions, functions, and organizational arrangements for the intelligence community. Triggered by the end of the cold war, this examination had gained momentum in 1994 in the wake of the Ames espionage case and the revelation that the National Reconnaissance Office [NRO] had built an expensive new building without adequately informing Congress.

I do not need to remind my colleagues that just 2 years ago members of this body from both parties—angered by what appeared to be a lack of direction and accountability in the intelligence community, and particularly in the CIA—stood in this Chamber to call for a massive overhaul of our intelligence apparatus. In order to avoid precipitous action, the Senate adopted a proposal offered by Senators WARNER, GRAHAM, and others to create a bipartisan Commission on the Roles and Capabilities of the U.S. intelligence community to conduct a credible, independent, and objective review of U.S. intelligence. The Commission was given a deadline of March 1, 1996, with the expectation that its report would inform a legislative debate resulting in enactment of needed changes during the 104th Congress. The Commission was chaired by former Congressman and Secretary of Defense Les Aspin until his untimely death and later by former Secretary of Defense Harold Brown. The 17-member Commission included two of our distinguished colleagues, JOHN WARNER and JIM EXON, and two of our former colleagues, Warren Rudman, who served as vice chairman, and Wyche Fowler.

While the Aspin-Brown Commission was conducting its review, our committee and its staff also held a number of hearings, received briefings, and conducted interviews regarding the appropriate missions and organizational structure of the intelligence community. During the course of these efforts, two additional incidents—the failure of CIA officials to inform Congress of the possible involvement of CIA assets in human rights abuses in Guatemala and the failure of NRO officials to tell either the DCI or Congress that the NRO had accumulated over $1 billion in unused funds—further convinced our

Committee that the intelligence community needed greater central direction and accountability. Based on the Aspin-Brown Commission's recommendations and on the results of our own review, the committee reported out S. 1718 on April 24, 1996.

The bill was subsequently taken on sequential referral by the Armed Services Committee, which informed the Intelligence Committee that it did not want to consider any intelligence reform this year. The Intelligence Committee did not believe that intelligence reforms could be put off for another year. The rapidly changing world, the recent incidents that have undermined public confidence in our intelligence agencies, and the work already done by the Aspin-Brown Commission and other groups—all of these factors led us to believe that the time was ripe for intelligence reform. We marked up our bill in April in order to ensure that the Armed Services Committee would have plenty of time to consider it.

The Department of Defense, from the outset, opposed anything in the bill that enhanced the authority of the DCI at the expense of the Secretary of Defense. In an April 29 letter to the Armed Services Committee, Deputy Secretary of Defense John White stated that "clear and unambiguous lines of authority from the Secretary of Defense to the Defense intelligence agencies and the embedded Service intelligence elements are crucial" to ensuring "that those who depend on intelligence—especially our nation's military forces—receive the timely and responsive intelligence they require." Deputy Secretary White argued that enhancing the DCI's authorities over NSA, NRO, and CIO would "unnecessarily complicate those lines of command and control."

I agree completely that intelligence consumers, especially military consumers whose lives may be at risk, must have timely and responsive intelligence. I do not agree, however, that this objective can be accomplished through exclusive management by the Secretary of Defense of NSA, NRO, and CIO. The fact is that in the course of running an over $240 billion department the Secretary of Defense simply does not have time to exercise any degree of command and control over Defense intelligence agencies.

The consequences of continuing the fiction of Secretary of Defense management of these intelligence agencies at the expense of real management by the DCI is significant. The country needs to vest the authority in the DCI so that intelligence, such as that produced by the Defense Intelligence Agency in mid-June warning of threats to United States troops at Khobar Towers in Saudi Arabia, is certain to receive the kind of attention it is warranted. We need a DCI who can rattle the cages when necessary, so that consumers of intelligence cannot attribute policy failures to intelligence shortcomings. Both the Downing Commission and the staff report of the SSCI concluded that the tragedy at Khobar Towers was not attributable to an intelligence failure. It is deeply regrettable that, as a result of changes insisted upon by the Armed Services Committee, the country will have to wait for another Congress and perhaps additional bitter experiences before the needed changes can be made.

Testifying before our committee on April 24, 1996, Director Deutch provided some interesting insights on the ability of the Deputy Secretary of Defense to exercise the authorities DOD fought so desperately to retain. When asked whether we should hold the Deputy Secretary of Defense or the DCI accountable for problems at the NRO, a key national intelligence agency within the Department of Defense, he responded:

> The Deputy Secretary of Defense has got a tremendous set of issues covering a much larger range of resources—10 times—managing ten times the resources we're talking about for the whole intelligence community.
>
> So to say that you are going to go to the deputy—and I am not talking about personalities—and say to the Deputy Secretary of Defense, why didn't you catch this, he's going to say, well, I count on the DCI to keep track of this and to let the Secretary of Defense know.
>
> So in some sense, if we are going to say that the Director of Central Intelligence does not view himself or herself as being responsible for the NRO, fundamentally nobody will be.

In light of these realities, this committee sought to give the DCI greater authority and responsibility to manage the intelligence community. The Armed Services Committee, asserting their jurisdiction over the Defense Department, insisted on a number of changes to keep provisions that affected the intelligence agencies within DOD. The Armed Services Committee and the Defense Department were most concerned about those provisions that would have given the DCI greater authority to manage the intelligence community, including those elements of the community that are part of the Department of Defense such as the National Security Agency [NSA], the National Reconnaissance Office [NRO], and the Central Imagery Office. These provisions would have given the DCI, as head of the intelligence community, authority to execute the budgets for NSA, NRO, and CIO as well as shared responsibility, together with the Secretary of Defense and for ensuring that these agencies perform their national missions. The DCI would also have been given authority to reprogram funds from one program to another within the National Foreign Intelligence Program—which is the portion of the overall U.S. intelligence budget the DCI is responsible for developing each year—even if the affected department or agency head objected to that transfer. Finally, the Intelligence Committee had voted for a provision to require DCI concurrence on the decision as to who should head the major collection agencies: NSA, NRO, and the National Imagery and Mapping Agency. This was watered down by Armed Services to a qualified concurrence, allowing the recommendation of the Secretary of Defense to be forwarded to the President over the DCI's objection so long as that objection is noted.

Given the length of time the Armed Services Committee and, then, the Government Affairs Committee held this bill, and in light of the abbreviated legislative schedule, we were unable to bring these important issues to the floor of the Senate for debate and a vote. Nevertheless, despite the Defense Department's initial refusal to relinquish any significant authority to ensure more efficient and effective management of intelligence, we were able to get a bill out of the Armed Services Committee that contains important new statutory assurances of DCI authority and should enhance the prospects that future DCI's will not have to rely merely on the good will of the Secretary of Defense in order to effectively manage intelligence. The bill before you today contains much of what the Intelligence Committee initially proposed, but not as much as the country needs. That greater objective will require continued efforts.

In addition to the amendments made to our bill by the Armed Services Committee, the Government Affairs Committees took the bill for 53 days. At the end of that time, they reported it out with minor modifications to the provision providing for a Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

Finally, the Rules Committee also originally requested sequential referral of our bill in order to review a provision that would have amended Senate Resolution 400, the charter for our committee, to eliminate the 8-year term limit on committee membership. After consultations between our two committees and in response to concerns expressed by the majority leader, we agree to delete this provision and the Rules Committee withdrew its request for sequential referral of our bill. We remain convinced that extending the terms for membership of the oversight committee is an essential step in improving congressional oversight of intelligence, and I note that elimination of term limits was recommended by the Aspin-Brown Commission, on which Senator WARNER served. But in order to ensure consideration of S. 1718 in this shortened legislative year, we have agreed to put off this issue for now.

Now let me summarize the provisions in our bill. I will begin with the reform provisions in title VII. The key provisions enhance the ability of the DCI to manage the intelligence community by providing him with new statutory authority and an improved management structure. Specifically, section 707 of the bill gives the DCI new statutory authority to participate in the development of the budgets for the Joint Military Intelligence Program and for tactical intelligence and related activities; to approve all collection requirements and priorities and to resolve conflicts among priorities; and the right to be consulted by the Secretary of Defense before the Secretary reprograms funds within joint military intelligence programs.

Section 707 would also require the DCI and the Secretary of Defense to develop a database of all intelligence programs and activities, including resource and budget execution information. The Office of Science and Technology Policy within the White House has recently developed a database of all research and development activities within the Federal Government, and this database has been invaluable for identifying duplication among Federal R&D programs. The committee believes that the DCI has been hampered in his ability to manage the intelligence community by a lack of accurate and comprehensive information about all intelligence community activities. Development of a database for intelligence activities should give the DCI one of the key tools he needs to provide greater direction and control of U.S. intelligence programs.

In addition, section 716 of the bill would require the DCI to concur in recommendations by the Secretary of Defense to the President of individuals to be directors of NSA, NRO, or the newly created National Imagery and Mapping Agency, or to have his lack of concurrence noted. The DCI would also have to be consulted by the appropriate department head when appointing the heads of the major elements of the National Foreign Intelligence Program, including the Assistant Secretary of State for Intelligence and Research, the Assistant Director in charge of the FBI's National Security Division, the Director of DIA, and the Director of the Department of Energy's Office of Non-Proliferation and National Security. This new authority will help to remedy a situation in which DCI's—despite their statutory role as head of the intelligence community—have had little or no say in the appointments of the heads of major intelligence community elements. The Armed Services Committee also agreed to include in the DOD authorization bill a requirement that the DCI provide to the Secretary of Defense an annual performance evaluation of the heads of NSA, NRO, and NIMA.

The bill would also establish three new Senate-confirmed Assistant Directors of Central Intelligence to assist the DCI in managing the intelligence community. One would focus on managing the intelligence community's collection activities; the second would coordinate community-wide intelligence analysis and production; and the third would coordinate community administrative programs. The committee believes that one reason that successive DCI's have been unable to exercise stronger management over the intelligence community is that they have lacked an adequate management structure. We believe these new positions will help the DCI fulfill his community role.

In addition to strengthening the authorities of the DCI, the bill also creates two new committees of the National Security Council—a Committee on Foreign Intelligence and a Committee on Transnational Threats—to provide better policy guidance for the intelligence community and for departments and agencies involving in fighting international terrorism and crime. The creation of both committees were recommended by the Aspin-Brown Commission.

Section 715 clarifies that intelligence collection agencies may accept tasking from law enforcement agencies to collect intelligence about non-U.S. persons outside the United States. This provision is necessary because CIA and NSA read their legal authorities as preventing them accepting tasking from law enforcement agencies lest they be considered to be exercising law enforcement powers. The provision is narrowly tailored to apply only to collection outside the United States about non-U.S. persons.

Section 717 of the bill calls for disclosure of the intelligence budget top line—that is, the aggregate of NFIP, JMIP, and TIARA. This number has been in the public domain for some time, without carrying us down the so-called slippery slope of more detailed disclosures. The DCI supports disclosure, the Aspin-Brown Commission supports disclosure, and the administration supports disclosure. Disclosure of the top line provides no new information to our enemies. In fact, I believe this disclosure will actually strengthen our ability to protect vital national secrets by bolstering the credibility of our classification decisions—officially revealing the budget total tells the American public is that we are using classification to protect vital national secrets, not to conceal information that might be inconvenient to defend. And I think it would not be difficult to defend the size of the intelligence budget, given the complex world we live in today.

These are the principal reform provisions contained in the Intelligence Authorization Act. The bill contains a number of additional important provisions.

Title V of the bill criminalizes theft of economic proprietary information by a person acting on behalf of a foreign government or its agent. This provision is the result of nearly 4 years of hearing and study by our committee. We held hearings on this provision earlier this year, and we are convinced by both the classified and unclassified testimony that economic espionage is a problem that needs to be remedied immediately in the interests of our national economy and thus our national security.

Title VI would create a Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction. The eight members of the Commission are to be appointed by the President and the congressional leadership. The Commission is required to conduct a study of the organization of the Federal Government, including the intelligence community, for combating weapons proliferation.

Finally, title VIII of the bill, as amended by the Armed Services Committee, codifies the national mission and tasking authorities of the DCI for the new National Imagery and Mapping Agency [NIMA]. NIMA is a new agency within the Department of Defense formed from the current Central Imagery Office, the Defense Mapping Agency, CIA's National Photographic Interpretation Center, and certain other imagery related elements. As originally reported by our committee, title VIII included provisions that would have established NIMA. The DOD authorization bill, which was reported by the Armed Services Committee later than our bill, included a more comprehensive statutory framework governing NIMA, and we agreed to the removal of the provisions establishing NIMA in our bill and their replacement with provisions in the National Security Act defining the new agency's national mission and the DCI's tasking authorities. The DCI's tasking authorities are especially important. For the first time in statute, the DCI now has the specific authority to approve collection requirements, determine collection priorities, and resolve conflicts in priorities levied on our national imagery satellites and other imagery assets.

I also want to mention that the Armed Services Committee attempted to establish NIMA as a combat support agency of the Department of Defense. We strongly opposed this formulation because it slighted the critical imagery needs of the National Security Council, the Department of State, and other non-DOD consumers. Our committee was unwilling to have NIMA cater to the exclusive needs of the Defense Department. Accordingly, we modified the language in the DOD authorization bill, which we took on sequential referral, to provide that NIMA is not only a combat support agency but also has significant national missions. I also want to note that although NIMA has been added to the list of combat support agencies in 10 U.S.C. 193(f), subsection (d) of section 193, as amended by the DOD authorization bill, specifically provides that the Chairman of the Joint Chief's oversight over NIMA shall apply "only with respect to combat support functions [the Agency] performs for the Department of Defense." This language makes clear that NIMA has important noncombat support functions that are not subject to the control of the Chairman of the Joint Chiefs.

This concludes my summary of this year's intelligence authorization bill, including the reform provisions in title VII. Congress has been considering legislation to reform the intelligence community to meet the challenges of the post-cold-war world since at least 1990. Today, despite continuing bureaucratic resistance, the Senate is taking significant steps toward finally achieving that objective.

I want to thank the distinguished vice chairman, Senator KERREY, for his unflagging and nonpartisan commitment to the work of the committee. Senator KERREY brings to this committee a unique understanding of the business of intelligence and a willingness and ability to master even the most complex technical issues. His insights and efforts were absolutely essential to the passage of this bill and to the committee's work overall. In addition, I would like to take this opportunity to recognize the excellent work of the committee staff, particularly Charlie Battaglia, Chris Straub, Suzanne Spaulding, John Bellinger, and Ed Levine.

Mr. KERREY. Mr. President, this year's bill once again attempts to help the intelligence community make the transition to a post-cold-war world where the looming military threat of the Soviet Union has been replaced by a more subtle—but increasingly serious—array of threats. The committee has attempted to help intelligence make the transition with a series of provisions in the bill to reform the community's weaknesses and renew its confidence in itself and in the products it provides to policy makers.

Chairman SPECTER has been key in ensuring the committee has moved forward to recommend to the Senate important changes in the intelligence community. Under his leadership, we have examined in detail many shortcomings and failures which can only lead to the conclusion substantial change is in order. Without Chairman SPECTER's tireless efforts on the part of reform and renewal, the committee would not have been able to get to the point where we are today: recommending improvements that will have far reaching effects and make sure the intelligence community is positioned to understand the threats of tomorrow.

This year's bill also seeks to provide an adequate level of funding for the intelligence community, with the committee seeking a modest, 1 percent increase to the President's request. Congress has cut the DCI's request for national intelligence each year for the past 7 years, and I believe stress and strain in our national intelligence capabilities will follow unless we reverse this trend. However, since this bill was marked up in April, the defense authorization conference acted to cut national intelligence by some 3 percent and the ongoing defense authorization conference is likely to redirect funds requested by the administration for national intelligence to other defense programs. I am discouraged that there seems to be no constituency of support for national intelligence, even in a year in which the Congress is adding significant resources to the defense budget.

I opened my remarks by saying the committee is once again attempting to reform and renew intelligence because it engaged in a similar effort as part of the fiscal year 1993 National Foreign Intelligence Program authorization process. The committee ran into many roadblocks in the fall of 1992 which prevented it from moving ahead with substantial reforms. Unfortunately, the committee finds itself in somewhat of a similar position today. Nevertheless, we are offering reforms which hopefully will point us in the direction of improved intelligence support to policy makers while at the same time streamlining some of the Intelligence community's procedures so they are more responsive to the evolving international environment.

There are many reasons for intelligence reform and renewal. Several of the most significant have found their way into the media. We are all aware of the Aldrich Ames spy case where a CIA operations officer gave some of our most sensitive information to the Soviet Union reportedly resulting directly in the deaths of at least 10 people. We also know about the excess funds retained by the National Reconnaissance Office which prevented this funding from being available for more immediate projects. Incidents such as these help to underscore the need for reform.

The need for reform is widely recognized outside of the Congress. Last year Congress authorized a special commission to "conduct a comprehensive review of American intelligence." In March of this year, the Commission issued a 217-page report containing over 36 recommendations for significant change. Similarly, the Council on Foreign Relations this year issued its own report on the need for intelligence reform. Georgetown University's Institute for the Study of Diplomacy added its call for reform in a report entitled, "Checklist for the Future of Intelligence." And the executive branch recognizes the need for reform as well. Their recognition is perhaps captured best by a CIA task force with the foreboding name of the "Intelligence Community Revolution Task Force" which called for sweeping changes.

The need for reform must be balanced by at least two considerations. First, the intelligence community is full of dedicated men and women who, through a sense of patriotism and a desire to serve their country, will successfully take the intelligence community into the 21st century. They will be mentally ready to confront any challenge. Second, reform does not mean we should create a "Department of Intelligence." Intelligence supports policy. It informs leaders throughout the Government and does not have to be organized as a separate part of the Government in order to be effective. What must be done, however, is to create an organization capable of capitalizing upon the abilities of its dedicated men and women and organize it so the leaders of the intelligence community have the authorities commensurate with the responsibilities for which we hold them accountable. The Congress and many parts of the executive branch expect only the best intelligence, and the community must be prepared to serve all segments of the Government, including the Department of Defense.

In this regard, I would like to take this opportunity to thank our colleagues on the Armed Services Committee. We have worked together to make sure intelligence support will be improved in the future and to guarantee our unsurpassed defense capabilities remain intact. Without the support of the chairman and ranking member, we would not be able to present a comprehensive package of reform to the Senate in which we all have confidence we are doing the right thing.

This year, we voted a bill out of Committee: First, changing intelligence support to policymakers so the community could better capitalize on the rich resources of its people; second, enhancing some of the powers of the Director of Central Intelligence so he would be able to exercise all of the necessary authorities in the areas for which we recognize his responsibility; and third, reorganizing parts of the intelligence community so that it is better structured for the profusion of different threats endemic to the post cold war world.

In order to support policymakers better, the bill we introduce today contains several important innovations. First, it creates a Committee on Foreign Intelligence as part of the National Security Council. This committee would meet at least semiannually to provide broad guidance to the intelligence community on major issues. In addition to ensuring that intelligence would more closely support the needs of all policymakers in the Government, it would be required to document the priorities of the policymaking community so that intelligence would know how to allocate its relatively scarce resources.

Second, the bill creates a Committee on Transnational Threats as part of the National Security Council. In many ways, the threats to our national security have changed significantly since the bipolar world where the Free World confronted a Communist bloc. The role of the nation state is evolving into something different and several increasingly serious threats to the United States crossnational boundaries. Among these, terrorism and the proliferation of weapons of mass destruction—and their means of delivery—appear as the most significant. The policy community, however, still largely focuses on a world composed of nations which only theoretically control the destinies of all mankind. The intelligence community is struggling to bring the transnational threats to the forefront but, since intelligence supports policy and not vice versa, its warnings sometimes go unheeded. The Committee on Transnational Threats will help to change the focus to the new international disorder.

Mr. President, the committee harbors no illusions about the possible destinies of these committees. We all know quite well the usefulness of the Low Intensity Conflict Board, an NSC-level board established by the Congress to force the policy community to address the growing importance of low-intensity conflict. The Committee on Foreign Intelligence and the Committee on Transnational Threats both could become the moribund bodies the low intensity conflict board has become. Nonetheless, our committee feels so strongly that intelligence can support policy properly only if the policy makers change their approach to international threats, we believe it is best to allow the intelligence community to focus its efforts in new and different ways based on NSC-level committees. We recommend the Congress should take the risk and create these two committees so the necessary tools will be available to the President if he chooses to use them.

Our bill also requires the President to submit an annual report to Congress on intelligence needs and priorities for the next fiscal year and assess the performance of the intelligence community during the previous fiscal year. We envision this to be a companion document to the national security strategy of the United States which the President is required by law to submit annually to Congress. We believe this will help the Congress decide whether intelligence is supporting policy. As such, it will allow the Congress to make the tough decisions on which programs should be funded and reject those programs inconsistent with the President's national security strategy and congressional priorities.

In some respects, the bill has created controversy in the manner with which it addresses the office of the Director of Central Intelligence. Most Americans expect the DCI to be a director. After 49 years of experience, however, it is still painfully obvious he is the coordinator of central intelligence, not the director. Each year, after he negotiates with the Secretary of Defense, the Secretary of State, the Secretary of Energy and the FBI Director, the DCI assembles an intelligence budget. It often reflects what is bureaucratically possible instead of what is required. Therefore, he does not direct anything in the fundamental way any leader steers an organization. He does not direct the intelligence community because he does not create a budget based on his own tough decisions. To make matters worse, once he assembles the budget and Congress approves it, the DCI does not control how the money is spent. That control belongs to the people with whom he negotiated in the first place: the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the FBI Director. Since the bill's provisions dealing with budget control have created such controversy—sometimes misrepresented in the media as an attempt to create a "Department of Intelligence"—the committee is reporting a bill at this late date with fewer DCI budget authorities than originally believed to be important. Nonetheless, there are some innovations still in the bill which will help the DCI better execute his responsibilities.

Among these innovations is the creation of the positions of three Assistant Directors of Central Intelligence. Generally, intelligence is conducted in three steps. First, information is collected. Second, the information is analyzed and a report is written. Third, the report is disseminated to policymakers. Today, no one other than the DCI is personally responsible for the collection of the information and its analysis. I think we can all agree the DCI is far too busy to focus on each day's priorities and requirements for collecting information. Further, he cannot personally supervise the daily work of the thousands of intelligence analysts to ensure their reports are properly focused, comprehensive, and delivered on time. Thus, the DCI relies on a series of interagency committees to help him manage intelligence collection and analysis. We all know what it means when someone says a committee is in charge: no one is in charge. The bill attempts to correct this lack of accountability for intelligence collection and analysis by creating assistant directors who will be in charge of those areas important for the production of intelligence.

The bill also creates a third Assistant Director of Central Intelligence. Today, most people believe the Director of Central Intelligence is responsible for administering an intelligence community consisting of tens of thousands of people. But, like the areas of intelligence collection and analysis, there is no one other than the DCI who is personally responsible for the daily management of the rambling institution we call the intelligence community. In order to assist the DCI in the daily execution of this important responsibility, the bill creates the position of an Assistant Director of Central Intelligence for Administration.

The committee also has attempted in this bill to strengthen the DCI's abilities to discharge his responsibilities by statutorily requiring his participation in important executive branch deliberations. As many of my colleagues will remember, late last year the media carried stories stating the National Reconnaissance Office had amassed a large amount of funds excess to their immediate needs. Responding quickly in the media, senior Defense officials placed blame elsewhere. They accused the congressional oversight committees of being lax. They said a secret agreement between the DCI and Secretary of Defense prevented the Office of the Secretary of Defense from keeping tabs on NRO funding. They said excess funding levels found in the NRO would not be found in DOD programs because the NRO was not "subject to the annual [DOD] programming and budgeting 'scrub'." Based on these rapid Department of Defense off the record denials in the press, everyone turned to the DCI and asked, "Where were you?"

As it turns out Mr. President, there was no secret agreement between DOD and the DCI. In fact, there was no agreement, secret or otherwise. When asked to produce a copy of the supposed agreement, the Office of the Secretary of Defense provided the committee with a memo signed in the early 1980's. In it, the Secretary of Defense simply reminded his staff they could not add or take money away from the National Foreign Intelligence Program without officially coordinating it with the DCI.

Further, at the committee's request, the DOD Inspector General looked at eight of DOD's hundreds of procurement programs to see if there were funding levels in excess of annual requirements such as those Congress found in the NRO. The results are quite enlightening. Despite DOD s earlier denials in the media, five of the eight randomly selected programs had more money available than they needed in 1996. On the average, these five programs had almost 3 months extra funding. In fact, one program had 10 months more funding available to it than it could use in 1996. So after only a superficial IG evaluation of several DOD programs and despite DOD's protestations and claims of budget scrubs, we know DOD ends up each year with more funds than they can spend. I do not say this in criticism of Defense managers, but rather to point to a characteristic common to complex multi-year efforts involving new technology, regardless of the Government department responsible for them.

What may be a surprise is the answer to the question: where was the DCI when the National Reconnaissance Office was accumulating a backlog of spending authority? The answer is, the DCI has no authority over how the NRO spends its money after Congress authorizes and appropriates the funds. Having no direct authority to move money around or to determine if the money could be spent better elsewhere, it should not be a surprise the DCI was not monitoring NRO's execution of its budget. That authority rested with the Secretary of Defense.

The Director of Central Intelligence does not have the authority to execute the intelligence budget. This has many serious consequences both from an internal executive branch oversight perspective and from an operational perspective. Budget execution authority has occupied a lot of the committee's attention. In the original version of the bill, the committee attempted to give the DCI greater authority over his own budget. In order to get the bill to this stage in the annual authorization process, however, we have dropped several provisions which would have ensured greater internal oversight of spending on intelligence. Nonetheless, the bill still gives the Director some insight into the Joint Military Intelligence Program, and Tactical Intelligence and Related Activities—programs funded by the Department of Defense. While a modest improvement in aligning the DCI's authorities with his responsibilities, this new authority is important for ensuring better intelligence support of policy and for improving internal executive branch oversight of the Intelligence Community.

The bill also has one other significant improvement for ensuring better oversight of intelligence. The committee is recommending the position of General Counsel of the Central Intelligence Agency be appointed by the President and confirmed by the Senate. As stated in its report, the committee believes the confirmation process enhances accountability and strengthens the oversight process. Currently, all elements of the intelligence community, except the CIA, are part of departments having statutory general counsels who are Senate confirmed. Many legal issues are unique to the CIA. Unlike the other Senate-confirmed general counsels, there is little informed public debate to aid the CIA's general counsel in its deliberations because the issues often involve sensitive intelligence sources or methods. The confirmation process allows the Senate to ensure better accountability and oversight of this important position.

Finally, the bill enhances the Director of Central Intelligence's authorities by giving him a formal say in the naming of the directors of two of his most important agencies: the National Security Agency and the National Reconnaissance Office. Under current law and regulation, the Secretary of Defense could name the heads of these two intelligence community agencies without seeing if the DCI agrees with the nominations. I think it should be obvious to my colleagues what I meant when I called the DCI the Coordinator of Central Intelligence. Not only does the Director not have much direct control over his budget, he also does not even have a required formal role in the naming of the heads of the intelligence community's agencies. The bill takes a small step forward in giving him the opportunity to formally concur with an appointment made by the Secretary of Defense. Even under the bill's provisions, the Secretary of Defense has sufficient independence he could appoint the heads of the National Reconnaissance Office and the National Security Agency over the DCI's objection.

I must add one thing in closing. During the intense discussions over the appropriate authorities of the Director of Central Intelligence, it became clear to some of us there is a basic misunderstanding of intelligence and its relationship to the Department of Defense. Mr. President, as I have said time and time again, intelligence supports policy. It also supports the planning and the operations of our military forces. The Secretary of Defense directly controls the intelligence assets to ensure that this essential function of intelligence will be fulfilled, and our troops will be properly supported. In addition, as a principal customer of the DCI and the most knowledgeable and articulate customer, the Secretary of Defense will correctly ensure that national intelligence fulfills military requirements. This is appropriate and everyone agrees it must occur without exception. But the Department of Defense is only one of many agencies that executes the foreign policy of the United States. And, historically, DOD is the last part of the executive branch the President relies upon when he executes U.S. policy overseas. We are a nation that believes military power is the court of last resort in resolving international disputes, not the first. This makes intelligence support to the warfighter the last step of intelligence support to foreign policy—not the first. Thus, as some push for more and more intelligence support to the warfighter, they in fact risk diminishing the creativity and quality of our foreign policy by forcing the intelligence community to become "militarized." The intelligence community's scarce resources can only do so much and if they focus almost exclusively on the Department of Defense, the other elements of our Government will not have the benefit of their advice and support. This is dangerous for the effectiveness of our foreign policy and could eventually lead to an over-reliance on the Department of Defense to solve our foreign policy problems simply because the best information we have on a foreign policy problem is focused on how to solve it with military force. Intelligence support outside of the Department of Defense is important, and it is critical to the proper functioning of the Government. The Congress must remain vigilant to make sure we do not cripple intelligence by relying too heavily on uninformed criticisms of intelligence support to the warfighter.

Mr. COHEN. Mr. President, I rise today to urge my colleagues to support the fiscal year 1997 intelligence authorization bill. In addition to containing the annual schedule of authorizations for intelligence activities, a matter vital to U.S. national security, this legislation contains important provisions intended to reorganize the U.S. intelligence community in order to increase its efficiency and effectiveness. This bill also contains badly needed legislation to criminalize the theft of U.S. economic and proprietary data by foreign governments or their agents.

My colleagues should be aware that notwithstanding the fall of the Soviet Union and the rise of modern information systems, the organization of the United States intelligence community has remained essentially unchanged since 1947. The modest changes proposed in this legislation, intended to assist the Director of Central Intelligence manage this disparate and complex community in behalf of its many consumers, are in my view long overdue.

The U.S. intelligence community is without equal in terms of its sophistication and global access. Yet, I believe that we can acquire even more capability from our intelligence community if changes are made to its organization and management. During the course of the last few years, for example, we have learned that the National Reconnaissance Office carried billions of dollars in so-called forward-funding on its books. These funds, which might have been either returned to the Treasury or used for more pressing activities in the intelligence community or Defense Department, remained hidden from view in large part because the Director of Central Intelligence [DCI] and his staff were not even aware of their existence. I think this episode illustrates as well as any the fact that DCI has often been less of a director than a spokesman and ombudsman for the intelligence community. His degree of control and access to information has often been shockingly limited, yet he is the individual that the President, Congress, and the Secretary of Defense look to ensure that the intelligence community is operating both effectively and within the law.

Another startling example of the limits of the DCI's control and access occurred during the Intelligence Committee's investigation into the tragic Aldrich Ames case. One of the surprising facts to emerge from this investigation was the revelation that neither William Webster nor Bob Gates knew the extent of the losses caused by Aldrich Ames within the ranks of the CIA's Russian assets, nor the degree of penetration that had obviously occurred. Senior managers in the Directorate of Operations, like senior managers in the National Reconnaissance Office, felt free to withhold this critical information from the individual nominally responsible for the performance of the U.S. intelligence community.

The bill currently before the Senate would significantly strengthen the role of the DCI as the leader of the U.S. intelligence community and thereby help to ensure greater coherence and discipline within its ranks.

First, section 707 of this bill grants the DCI new statutory authority to participate with the Secretary of Defense in developing the Joint Military Intelligence Program [JMIP] and individual service department [TIARA] intelligence budgets. The intent of this section is to eliminate duplication among national and military intelligence programs.

Second, this measure stipulates that the DCI is responsible for approving all intelligence collection requirements and priorities.

Third, it requires the DCI to be consulted regarding proposed reprogrammings within the Joint Military Intelligence budget.

Finally, section 707 requires the DCI and Secretary of Defense to develop a joint data base for all intelligence programs' budget and activities. This provision will help to eliminate waste and duplication by ensuring that the DCI and his staff have access to all of the information necessary to evaluate programs within different intelligence organizations.

Section 716 of the bill will give DCI a voice in the selection of the individuals who serve as the heads of U.S. intelligence organizations. While these same officials must in some cases also report to the Secretary of Defense, there is no reason in my view not to involve the DCI in their selection. Imagine trying to run a business in the private sector, or manage your office here in the Senate, if you were not free to select or discipline your subordinates. Yet, that is the situation that the DCI finds himself in with regard to his nominal subordinates at DIAA, NSA, and NRO—the organizations which account for the great preponderance of personnel and resources within the intelligence community. This bill will ensure that the DCI concurs in the selection of intelligence agency heads by the Secretary of Defense, or that his nonconcurrence be brought to the attention of the President in the event of a disagreement. The DCI, pursuant to this provision, would also provide the Secretary of Defense an annual performance evaluation of the heads of NSA, NRO, and the new National Imagery and Mapping Agency.

Sections 709, 710, and 711 of the bill strengthen the DCI's staff by establishing new, senior intelligence community staff positions directly subordinate to the DCI. Specifically, the bill establishes DCI deputies for collection, analysis, and administration. This approach differs from that proposed by the administration, which seeks to have a single DCI deputy for community affairs and a second for the CIA. I am confident that these different approaches, which share a common objective, can be resolved in discussions with the House Intelligence Committee and the administration prior to approval of the Intelligence conference report later this month.

Mr. President, these organizational provisions are the product of numerous hearings held by the Intelligence Committee dating back to 1990. They are also to some degree the product of the Presidential Commission on Intelligence sponsored 2 years ago in the Senate by our distinguished colleague Senator JOHN WARNER of Virginia. Finally, these provisions reflect substantial contributions and refinements made by the members and staff of the Senate Armed Services Committee. These provisions have been the subject of substantial discussions, hearings, and debate, and I believe they deserve the support of every Senator.

In addition to these very substantial and important organizational provisions, I would like to draw the attention of my colleagues to title V of S. 1718, which criminalizes economic espionage conducted against the United States by foreign governments and their agents. Too often, when considering the issue of economic espionage, the question that has been asked is whether or not the United States should try to collect information that might be of value to U.S. industry. I believe the answer to that question is clearly "no." The issue that has not received as much attention as it deserves, in my opinion, concerns the threat posed to the U.S. economy by acts of industrial espionage perpetrated by foreign governments.

Over the last few years I have tried to move the discussion of these matters out of the closed-door settings of the Intelligence and Armed Services Committees and into the public domain. Nearly 3 years ago the Senate adopted an amendment I offered to S. 4, the National Competitiveness Act, requiring the President to submit an annual report on foreign industrial espionage modeled on the State Department's annual report on terrorism, which has done a great deal to increase media, and thus public, awareness of the terrorism threat. I offered my amendment to the competitiveness bill so that it would attract the attention of the business media, rather than the defense-oriented press, and so that the Commerce Committee would have jurisdiction over it and become a forum for congressional oversight of this problem.

While this reporting requirement had to be moved to the intelligence authorization bill after S. 4 stalled in conference, I am pleased that the first two annual reports have resulted in more and better media coverage of the threat that economic espionage poses to U.S. industry. At the same time, the President's report relegated too much information to the classified appendix, not because release of the information would have put at risk sources and methods, but because it would have diplomatic repercussions. Nevertheless, awareness of the problem has been increasing, as has the need to provide new tools to the FBI to deter the theft of critical U.S. trade and economic information.

To their credit, Director Freeh and other administration officials have been forward-leaning in addressing the problem, and we are now in the position of enjoying administration support for the legislation that Senator SPECTER and I introduced, which has been incorporated in this bill, to provide the FBI the tools necessary to defeat and when necessary successfully prosecute acts of economic espionage. I expect the FBI and the Justice Department to use the new authorities provided by this legislation to aggressively investigate and prosecute acts of economic espionage.

Mr. President, I would like to commend the chairman and vice chairman of the Intelligence Committee, as well as their staff, for their dedication and hard work. It has not been easy to forge a consensus on the many legislative provisions contained in this bill, but the very dedicated managers of the bill have found solutions to the concerns raised by the Armed Services Committee and the Department of Defense.

In closing, I would like to also express my admiration for the thousands of dedicated personnel who labor in obscurity within the U.S. intelligence community. Most of their accomplishments remain secret, but in my nearly 10 years of service on the Intelligence Committee, I have developed enormous respect and appreciation for their achievements. They deserve the support and appreciation of the American people, the best managerial structure we can provide, and the resources necessary to accomplish their many missions. I believe this bill is fully consistent with those objectives and I urge its adoption by the Senate.

Mr. SPECTER. Mr. President, I ask unanimous consent that the committee amendments be agreed to; further, that an amendment offered by the managers and an amendment offered by Senator THURMOND which are at the desk be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendments (Nos. 5355 and 5356) considered and agreed to en bloc are as follows:

AMENDMENT NO. 5355

(Purpose: To strike section 718, relating to terms of service of members of the Select Committee on Intelligence of the Senate)

On page 72, strike out line 14 and all that follows through page 73, line 9.

AMENDMENT NO. 5356

(Purpose: Relating to the functions of the Assistant Director of Central Intelligence for Collection)

On page 52, beginning on line 18, strike out "shall manage" and all that follows through page 52, line 23, and insert in lieu thereof "shall assist the Director of Central Intelligence in carrying out the Director's collection responsibilities in order to ensure the efficient and effective collection of national intelligence.'".

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill then be read a third time and the Senate then proceed to the consideration of Calendar No. 420, H.R. 3259, the House companion measure; further, that all after the enacting clause be stricken and the text of S. 1718, as amended, be inserted in lieu thereof, H.R. 3259 then be deemed read a third time and passed, with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3259), as amended, was deemed read for a third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3259) entitled "An Act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Postponement of applicability of sanctions laws to intelligence activities.
Sec. 304. Post-employment restrictions.
Sec. 305. Executive branch oversight of budgets of elements of the intelligence community.

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

Sec. 401. Access to telephone records.

TITLE V—ECONOMIC ESPIONAGE

Sec. 501. Short title.
Sec. 502. Prevention of economic espionage and protection of proprietary economic information.

TITLE VI—COMBATTING PROLIFERATION

Sec. 601. Short title.

Subtitle A—Assessment of Organization and Structure of Government for Combatting Proliferation

Sec. 611. Establishment of commission.
Sec. 612. Duties of commission.
Sec. 613. Powers of commission.
Sec. 614. Commission personnel matters.
Sec. 615. Termination of commission.
Sec. 616. Definition.
Sec. 617. Authorization of appropriations.

Subtitle B—Other Matters

Sec. 621. Reports on acquisition of technology relating to weapons of mass destruction and advanced conventional munitions.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE ACTIVITIES

Sec. 701. Short title.
Sec. 702. Committee on Foreign Intelligence.
Sec. 703. Annual reports on intelligence.
Sec. 704. Transnational threats.
Sec. 705. Office of the Director of Central Intelligence.
Sec. 706. National Intelligence Council.
Sec. 707. Enhancement of authority of Director of Central Intelligence to manage budget, personnel, and activities of intelligence community.
Sec. 708. Responsibilities of Secretary of Defense pertaining to the National Foreign Intelligence Program.
Sec. 709. Improvement of intelligence collection.
Sec. 710. Improvement of analysis and production of intelligence.
Sec. 711. Improvement of administration of intelligence activities.
Sec. 712. Pay level of Assistant Directors of Central Intelligence.
Sec. 713. General Counsel of the Central Intelligence Agency.
Sec. 714. Office of Congressional Affairs of the Director of Central Intelligence.
Sec. 715. Assistance for law enforcement agencies by intelligence community.
Sec. 716. Appointment and evaluation of officials responsible for intelligence-related activities.
Sec. 717. Requirements for submittal of budget information on intelligence activities.
Sec. 718. Report on intelligence community policy on protecting the national information infrastructure against strategic attacks.

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

Sec. 801. National mission and collection tasking authority for the National Imagery and Mapping Agency.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1997, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ____ of the One Hundred Fourth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1997 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1997 the sum of $95,526,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1998.

(b) AUTHORIZED PERSONNEL LEVELS.—The staff of the Community Management Account of

the Director of Central Intelligence is authorized 265 full-time personnel as of September 30, 1997. Such personnel of the Community Management Staff may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1997, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1997 the sum of $184,200,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. POSTPONEMENT OF APPLICABILITY OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking "the date which is one year after the date of the enactment of this title" and inserting "January 6, 1998".

SEC. 304. POST-EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of Central Intelligence shall prescribe regulations requiring each new and current employee of the Central Intelligence Agency to sign a written agreement restricting the activities of that employee upon ceasing employment with the Central Intelligence Agency.

(b) AGREEMENT ELEMENTS.—The regulations shall provide that an agreement contain provisions specifying that the employee concerned not represent or advise the government, or any political party, of a foreign country during the five-year period beginning on the termination of the employee's employment with the Central Intelligence Agency.

(c) DISCIPLINARY ACTIONS.—The regulations shall specify appropriate disciplinary actions (including loss of retirement benefits) to be taken against any employee determined by the Director of Central Intelligence to have violated the agreement of the employee under this section.

SEC. 305. EXECUTIVE BRANCH OVERSIGHT OF BUDGETS OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report setting forth the actions that have been taken to ensure adequate oversight by the executive branch of the budget of the National Reconnaissance Office and the budgets of other elements of the intelligence community within the Department of Defense.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall—

(1) describe the extent to which the elements of the intelligence community carrying out programs and activities in the National Foreign Intelligence Program are subject to requirements imposed on other elements and components of the Department of Defense under the Chief Financial Officers Act of 1990 (Public Law 101–576), and the amendments made by that Act, and the Federal Financial Management Act of 1994 (title IV of Public Law 103–356), and the amendments made by that Act;

(2) describe the extent to which such elements submit to the Office of Management and Budget budget justification materials and execution reports similar to the budget justification materials and execution reports submitted to the Office of Management and Budget by the non-intelligence components of the Department of Defense;

(3) describe the extent to which the National Reconnaissance Office submits to the Office of Management and Budget, the Community Management Staff, and the Office of the Secretary of Defense—

(A) complete information on the cost, schedule, performance, and requirements for any new major acquisition before initiating the acquisition;

(B) yearly reports (including baseline cost and schedule information) on major acquisitions;

(C) planned and actual expenditures in connection with major acquisitions; and

(D) variances from any cost baselines for major acquisitions (including explanations of such variances); and

(4) assess the extent to which the National Reconnaissance Office has submitted to Office of Management and Budget, the Community Management Staff, and the Office of the Secretary of Defense on a monthly basis a detailed budget execution report similar to the budget execution report prepared for Department of Defense programs.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "congressional intelligence committees" shall mean the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "National Foreign Intelligence Program" has the meaning given such term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

SEC. 401. ACCESS TO TELEPHONE RECORDS.

(a) ACCESS FOR COUNTERINTELLIGENCE PURPOSES.—Section 2709(b)(1) of title 18, United States Code, is amended by inserting "local and long distance" before "toll billing records".

(b) CONFORMING AMENDMENT.—Section 2703(c)(1)(C) of such title is amended by inserting "local and long distance" after "address,".

(c) CIVIL REMEDY.—Section 2707 of such title is amended—

(1) in subsection (a), by striking "customer" and inserting "other person";

(2) in subsection (c), by adding at the end the following: "If the violation is willful or intentional, the court may assess punitive damages. In the case of a successful action to enforce liability under this section, the court may assess the costs of the action, together with reasonable attorney fees determined by the court.";

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(4) by inserting after subsection (c) the following new subsection (d):

"(d) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter and the court finds that the circumstances surrounding the violation raise the question whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department concerned shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee.".

TITLE V—ECONOMIC ESPIONAGE

SEC. 501. SHORT TITLE.

This title may be cited as the "Economic Espionage Act of 1996".

SEC. 502. PREVENTION OF ECONOMIC ESPIONAGE AND PROTECTION OF PROPRIETARY ECONOMIC INFORMATION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 27 the following new chapter:

"CHAPTER 28—ECONOMIC ESPIONAGE

"Sec.

"571. Definitions.

"572. Economic espionage.

"573. Criminal forfeiture.

"574. Import and export sanctions.

"575. Scope of extraterritorial jurisdiction.

"576. Construction with other laws.

"577. Preservation of confidentiality.

"578. Law enforcement and intelligence activities.

"§571. Definitions

"For purposes of this chapter, the following definitions shall apply:

"(1) FOREIGN AGENT.—The term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign nation or government.

"(2) FOREIGN INSTRUMENTALITY.—The term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government or any political subdivision, instrumentality, or other authority thereof.

"(3) OWNER.—The term 'owner' means the person or persons in whom, or the United States Government component, department, or agency in which, rightful legal, beneficial, or equitable title to, or license in, proprietary economic information is reposed.

"(4) PROPRIETARY ECONOMIC INFORMATION.—The term 'proprietary economic information' means all forms and types of financial, business, scientific, technical, economic, or engineering information (including data, plans, tools, mechanisms, compounds, formulas, designs, prototypes, processes, procedures, programs, codes, or commercial strategies, whether tangible or intangible, and whether stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing), if—

"(A) the owner thereof has taken reasonable measures to keep such information confidential; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public.

"(5) UNITED STATES PERSON.—The term 'United States person' means—

"(A) in the case of a natural person, a citizen of the United States or a permanent resident alien of the United States; and

"(B) in the case of an organization (as that term is defined in section 18 of this title), an entity substantially owned or controlled by citizens of the United States or permanent resident aliens of the United States, or incorporated in the United States.

"§572. Economic espionage

"(a) IN GENERAL.—Any person who, with knowledge or reason to believe that he or she is acting on behalf of, or with the intent to benefit, any foreign nation, government, instrumentality, or agent, knowingly—

"(1) steals, wrongfully appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains proprietary economic information;

"(2) wrongfully copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys proprietary economic information;

"(3) being entrusted with, or having lawful possession or control of, or access to, proprietary economic information, wrongfully copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys the same;

"(4) receives, buys, or possesses proprietary economic information, knowing the same to have been stolen or wrongfully appropriated, obtained, or converted;

"(5) attempts to commit any offense described in any of paragraphs (1) through (4);

"(6) wrongfully solicits another to commit any offense described in any of paragraphs (1) through (4); or

"(7) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (4), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than $500,000 or imprisoned not more than 25 years, or both.

"(b) ORGANIZATIONS.—Any organization that commits any offense described in subsection (a) shall be fined not more than $10,000,000.

"(c) EXCEPTION.—It shall not be a violation of this section to disclose proprietary economic information in the case of—

"(1) appropriate disclosures to Congress; or

"(2) disclosures to an authorized official of an executive agency that are deemed essential to reporting a violation of United States law.

"§573. Criminal forfeiture

"(a) IN GENERAL.—Notwithstanding any provision of State law to the contrary, any person convicted of a violation under this chapter shall forfeit to the United States—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(2) any of the property of that person used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation.

"(b) COURT ACTION.—The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this chapter, that the person forfeit to the United States all property described in this section.

"(c) APPLICABILITY OF OTHER LAW.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

"§574. Import and export sanctions

"(a) ACTION BY THE PRESIDENT.—The President may, to the extent consistent with international agreements to which the United States is a party, prohibit, for a period of not longer than 5 years, the importation into, or exportation from, the United States, whether by carriage of tangible items or by transmission, any merchandise produced, made, assembled, or manufactured by a person convicted of any offense described in section 572 of this title, or in the case of an organization convicted of any offense described in such section, its successor entity or entities.

"(b) ACTION BY THE SECRETARY OF THE TREASURY.—

"(1) CIVIL PENALTY.—The Secretary of the Treasury may impose on any person who knowingly violates any order of the President issued under the authority of this section, a civil penalty equal to not more than 5 times the value of the exports or imports involved, or $100,000, whichever is greater.

"(2) SEIZURE AND FORFEITURE.—Any merchandise imported or exported in violation of an order of the President issued under this section shall be subject to seizure and forfeiture in accordance with sections 602 through 619 of the Tariff Act of 1930.

"(3) APPLICABILITY OF OTHER PROVISIONS.—The provisions of law relating to seizure, summary and judicial forfeiture, and condemnation of property for violation of the United States customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeiture, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred under this section to the extent that they are applicable and not inconsistent with the provisions of this chapter.

"§575. Scope of extraterritorial jurisdiction

"This chapter applies—

"(1) to conduct occurring within the United States; and

"(2) to conduct occurring outside the United States if—

"(A) the offender is a United States person; or

"(B) the act in furtherance of the offense was committed in the United States.

"§576. Construction with other laws

"This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by Federal, State, commonwealth, possession, or territorial laws that are applicable to the misappropriation of proprietary economic information.

"§577. Preservation of confidentiality

"In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of proprietary economic information, consistent with the requirements of the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of proprietary economic information.

"§578. Law enforcement and intelligence activities

"This chapter does not prohibit, and shall not impair, any lawful activity conducted by a law enforcement or regulatory agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 27 the following new item:

"28. Economic espionage .... 571".

(c) CONFORMING AMENDMENT.—Section 2516(1)(a) of title 18, United States Code, is amended by inserting "chapter 28 (relating to economic espionage)," after "or under the following chapters of this title:".

TITLE VI—COMBATTING PROLIFERATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Combatting Proliferation of Weapons of Mass Destruction Act of 1996".

Subtitle A—Assessment of Organization and Structure of Government for Combatting Proliferation

SEC. 611. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction (in this subtitle referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of eight members of whom—

(1) four shall be appointed by the President;

(2) one shall be appointed by the Majority Leader of the Senate;

(3) one shall be appointed by the Minority Leader of the Senate;

(4) one shall be appointed by the Speaker of the House of Representatives; and

(5) one shall be appointed by the Minority Leader of the House of Representatives.

(c) QUALIFICATIONS OF MEMBERS.—(1) To the maximum extent practicable, the individuals appointed as members of the Commission shall be individuals who are nationally recognized for expertise regarding—

(A) the nonproliferation of weapons of mass destruction;

(B) the efficient and effective implementation of United States nonproliferation policy; or

(C) the implementation, funding, or oversight of the national security policies of the United States.

(2) An official who appoints members of the Commission may not appoint an individual as a member if, in the judgment of the official, the individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(h) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 612. DUTIES OF COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall carry out a thorough study of the organization of the Federal Government, including the elements of the intelligence community, with respect to combatting the proliferation of weapons of mass destruction.

(2) SPECIFIC REQUIREMENTS.—In carrying out the study, the Commission shall—

(A) assess the current structure and organization of the departments and agencies of the Federal Government having responsibilities for combatting the proliferation of weapons of mass destruction; and

(B) assess the effectiveness of United States cooperation with foreign governments with respect to nonproliferation activities, including cooperation—

(i) between elements of the intelligence community and elements of the intelligence-gathering services of foreign governments;

(ii) between other departments and agencies of the Federal Government and the counterparts to such departments and agencies in foreign governments; and

(iii) between the Federal Government and international organizations.

(3) ASSESSMENTS.—In making the assessments under paragraph (2), the Commission should address—

(A) the organization of the export control activities (including licensing and enforcement activities) of the Federal Government relating to the proliferation of weapons of mass destruction;

(B) arrangements for coordinating the funding of United States nonproliferation activities;

(C) existing arrangements governing the flow of information among departments and agencies of the Federal Government responsible for nonproliferation activities;

(D) the effectiveness of the organization and function of interagency groups in ensuring implementation of United States treaty obligations, laws, and policies with respect to nonproliferation;

(E) the administration of sanctions for purposes of nonproliferation, including the measures taken by departments and agencies of the Federal Government to implement, assess, and enhance the effectiveness of such sanctions;

(F) the organization, management, and oversight of United States counterproliferation activities;

(G) the recruitment, training, morale, expertise, retention, and advancement of Federal Government personnel responsible for the nonproliferation functions of the Federal Government, including any problems in such activities;

(H) the role in United States nonproliferation activities of the National Security Council, the Office of Management and Budget, the Office of Science and Technology Policy, and other offices in the Executive Office of the President having responsibilities for such activities;

(I) the organization of the activities of the Federal Government to verify government-to-government assurances and commitments with respect to nonproliferation, including assurances regarding the future use of commodities exported from the United States; and

(J) the costs and benefits to the United States of increased centralization and of decreased centralization in the administration of the nonproliferation activities of the Federal Government.

(b) RECOMMENDATIONS.—In conducting the study, the Commission shall develop recommendations on means of improving the effectiveness of the organization of the departments and agencies of the Federal Government in meeting the national security interests of the United States with respect to the proliferation of weapons of mass destruction. Such recommendations shall include specific recommendations to eliminate duplications of effort, and other inefficiencies, in and among such departments and agencies.

(c) REPORT.—(1) Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 613. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) CLASSIFIED INFORMATION.—A department or agency may furnish the Commission classified information under this subsection. The Commission shall take appropriate actions to safeguard classified information furnished to the Commission under this paragraph.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 614. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 615. TERMINATION OF COMMISSION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 612(c).

SEC. 616. DEFINITION.

For purposes of this subtitle, the term "intelligence community" shall have the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 617. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the Commission for fiscal year 1997 such sums as may be necessary for the Commission to carry out its duties under this subtitle.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available for expenditure until the termination of the Commission under section 615.

Subtitle B—Other Matters

SEC. 621. REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.

(a) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Director of Central Intelligence shall submit to Congress a report on—

(1) the acquisition by foreign countries during the preceding 6 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions; and

(2) trends in the acquisition of such technology by such countries.

(b) FORM OF REPORTS.—The reports submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE ACTIVITIES

SEC. 701. SHORT TITLE.

This title may be cited as the "Intelligence Activities Renewal and Reform Act of 1996".

SEC. 702. COMMITTEE ON FOREIGN INTELLIGENCE.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) by redesignating subsection (h) as subsection (j); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) There is established within the National Security Council a committee to be known as the 'Committee on Foreign Intelligence'.

"(2) The Committee shall be composed of the following:

"(A) The Director of Central Intelligence.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.

"(E) Such other members as the President may designate.

"(3) The function of the Committee shall be to assist the Council in its activities by—

"(A) identifying the intelligence required to address the national security interests of the United States as specified by the President;

"(B) establishing priorities (including funding priorities) among the programs, projects, and activities that address such interests and requirements; and

"(C) establishing policies relating to the conduct of intelligence activities of the United States, including appropriate roles and missions for the elements of the intelligence community and appropriate targets of intelligence collection activities.

"(4) In carrying out its function, the Committee shall—

"(A) conduct an annual review of the national security interests of the United States;

"(B) identify on an annual basis, and at such other times as the Council may require, the intelligence required to meet such interests and establish an order of priority for the collection and analysis of such intelligence; and

"(C) conduct an annual review of the elements of the intelligence community in order to determine the success of such elements in collecting, analyzing, and disseminating the intelligence identified under subparagraph (B).

"(5) The Committee shall submit each year to the Council and to the Director of Central Intelligence a comprehensive report on its activities during the preceding year, including its activities under paragraphs (3) and (4).".

SEC. 703. ANNUAL REPORTS ON INTELLIGENCE.

(a) IN GENERAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

"SEC. 109. (a) IN GENERAL.—(1) Not later than January 31 each year, the President shall submit to the appropriate congressional committees a report on the requirements of the United States for intelligence and the activities of the intelligence community.

"(2) The purpose of the report is to facilitate an assessment of the activities of the intelligence community during the preceding fiscal year and to assist in the development of a mission and a budget for the intelligence community for the fiscal year beginning in the year in which the report is submitted.

"(3) The report shall be submitted in unclassified form, but may include a classified annex.

"(b) MATTERS COVERED.—(1) Each report under subsection (a) shall—

"(A) specify the intelligence required to meet the national security interests of the United States, and set forth an order of priority for the collection and analysis of intelligence required to meet such interests, for the fiscal year beginning in the year in which the report is submitted; and

"(B) evaluate the performance of the intelligence community in collecting and analyzing intelligence required to meet such interests during the fiscal year ending in the year preceding the year in which the report is submitted, including a description of the significant successes and significant failures of the intelligence community in such collection and analysis during that fiscal year.

"(2) The report shall specify matters under paragraph (1)(A) in sufficient detail to assist Congress in making decisions with respect to the allocation of resources for the matters specified.

"(c) DEFINITION.—In this section, the term 'appropriate congressional committees' means the following:

"(1) The Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Armed Services of the Senate.

"(2) The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on National Security of the House of Representatives.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

"ANNUAL REPORT ON INTELLIGENCE".

(2) The table of contents in the first section of that Act is amended by striking the item relating to section 109 and inserting the following new item:

"Sec. 109. Annual report on intelligence.".

SEC. 704. TRANSNATIONAL THREATS.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by inserting after subsection (h), as amended by section 702 of this Act, the following new subsection:

"(i)(1) There is established within the National Security Council a committee to be known as the 'Committee on Transnational Threats'.

"(2) The Committee shall include the following members:

"(A) The Director of Central Intelligence.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Attorney General.

"(E) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.

"(F) Such other members as the President may designate.

"(3) The function of the Committee shall be to coordinate and direct the activities of the United States Government relating to combatting transnational threats.

"(4) In carrying out its function, the Committee shall—

"(A) identify transnational threats;

"(B) develop strategies to enable the United States Government to respond to transnational threats identified under subparagraph (A);

"(C) monitor implementation of such strategies;

"(D) make recommendations as to appropriate responses to specific transnational threats;

"(E) assist in the resolution of operational and policy differences among Federal departments and agencies in their responses to transnational threats;

"(F) develop policies and procedures to ensure the effective sharing of information about transnational threats among Federal departments and agencies, including law enforcement agencies and the elements of the intelligence community; and

"(G) develop guidelines to enhance and improve the coordination of activities of Federal law enforcement agencies and elements of the intelligence community outside the United States with respect to transnational threats.

"(5) For purposes of this subsection, the term 'transnational threat' means the following:

"(A) Any transnational activity (including international terrorism, narcotics trafficking, the proliferation of weapons of mass destruction and the delivery systems for such weapons, and organized crime) that threatens the national security of the United States.

"(B) Any individual or group that engages in an activity referred to in subparagraph (A).".

SEC. 705. OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) IN GENERAL.—Title I of The National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) in section 102 (50 U.S.C. 403)—

(A) by striking the section heading and all that follows through paragraph (1) of subsection (a) and inserting the following:

"OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE

"SEC. 102.";

(B) by redesignating paragraph (2) of subsection (a) as subsection (a) and in such subsection (a), as so redesignated, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(C) by striking subsection (d) and inserting the following:

"(d)(1) There is an Office of the Director of Central Intelligence. The function of the Office is to assist the Director of Central Intelligence in carrying out the duties and responsibilities of the Director under this Act and to carry out such other duties as may be prescribed by law.

"(2) The Office of the Director of Central Intelligence is composed of the following:

"(A) The Director of Central Intelligence.

"(B) The Deputy Director of Central Intelligence.

"(C) The National Intelligence Council.

"(D) The Assistant Director of Central Intelligence for Collection.

"(E) The Assistant Director of Central Intelligence for Analysis and Production.

"(F) The Assistant Director of Central Intelligence for Administration.

"(G) Such other offices and officials as may be established by law or the Director of Central Intelligence may establish or designate in the Office.

"(3) To assist the Director in fulfilling the responsibilities of the Director as head of the intelligence community, the Director shall employ and utilize in the Office of the Director of Central Intelligence a professional staff having an expertise in matters relating to such responsibilities and may establish permanent positions and appropriate rates of pay with respect to that staff."; and

(2) by inserting after section 102, as so amended, the following new section:

"CENTRAL INTELLIGENCE AGENCY

"SEC. 102A. There is a Central Intelligence Agency. The function of the Agency shall be to assist the Director of Central Intelligence in carrying out the responsibilities referred to in paragraphs (1) through (4) of section 103(d) of this Act.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 102 and inserting the following new items:

"Sec. 102. Office of the Director of Central Intelligence.

"Sec. 102A. Central Intelligence Agency.".

SEC. 706. NATIONAL INTELLIGENCE COUNCIL.

Section 103(b) of the National Security Act of 1947 (50 U.S.C. 403–3(b)) is amended—

(1) in paragraph (1)(B), by inserting ", or as contractors of the Council or employees of such contractors," after "on the Council";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) Subject to the direction and control of the Director of Central Intelligence, the Center may carry out its responsibilities under this subsection by contract, including contracts for substantive experts necessary to assist the Center with particular assessments under this subsection."; and

(4) in paragraph (5), as so redesignated, by adding at the end the following: "The Center shall also be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.".

SEC. 707. ENHANCEMENT OF AUTHORITY OF DIRECTOR OF CENTRAL INTELLIGENCE TO MANAGE BUDGET, PERSONNEL, AND ACTIVITIES OF INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) facilitate the development of an annual budget for intelligence and intelligence-related activities of the United States by—

"(A) developing and presenting to the President an annual budget for the National Foreign Intelligence Program; and

"(B) participating in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program;";

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national collection assets, except as otherwise agreed with the

Secretary of Defense pursuant to the direction of the President;".

(b) USE OF FUNDS.—Section 104 of the National Security Act of 1947 (50 U.S.C. 403–4) is amended—

(1) by adding at the end of subsection (c) the following: "The Secretary of Defense shall consult with the Director of Central Intelligence before reprogramming funds made available under the Joint Military Intelligence Program.";

(2) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

"(e) DATABASE AND BUDGET EXECUTION INFORMATION.—The Director of Central Intelligence and the Secretary of Defense shall jointly issue guidance for the development and implementation by the year 2000 of a database to provide timely and accurate information on the amounts and status of resources, including periodic budget execution updates, for national, defense-wide, and tactical intelligence activities.".

SEC. 708. RESPONSIBILITIES OF SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

Section 105 of the National Security Act of 1947 (50 U.S.C. 403–5) is amended—

(1) in subsection (a), by inserting ", in consultation with the Director of Central Intelligence," after "Secretary of Defense" in the matter preceding paragraph (1); and

(2) by adding at the end the following:

"(d) ANNUAL EVALUATION OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall submit each year to the Committee on Foreign Intelligence of the National Security Council and the appropriate congressional committees (as defined in section 109(c)) an evaluation of the performance and the responsiveness of the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency in meeting their national missions.".

SEC. 709. IMPROVEMENT OF INTELLIGENCE COLLECTION.

(a) ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR COLLECTION.—Section 102 of the National Security Act of 1947, as amended by section 705(a)(1) of this Act, is amended by adding at the end the following:

"(e)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Collection, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2)(A) If neither the Director of Central Intelligence nor the Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces at the time of the nomination of an individual to the position of Assistant Director of Central Intelligence for Collection, the President shall nominate an individual for that position from among the commissioned officers of the Armed Forces who have substantial experience in managing intelligence activities.

"(B) The provisions of subsection (c)(3) shall apply to any commissioned officer of the Armed Forces while serving in the position of Assistant Director for Collection.

"(3) The Assistant Director for Collection shall assist the Director of Central Intelligence in carrying out the Director's collection responsibilities in order to ensure the efficient and effective collection of national intelligence.".

(b) CONSOLIDATION OF HUMAN INTELLIGENCE COLLECTION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence and the Deputy Secretary of Defense shall jointly submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the National Security Committee and Permanent Select Committee on Intelligence of the House of Representatives a report on the ongoing efforts of those officials to achieve commonality, interoperability, and, where practicable, consolidation of the collection of clandestine intelligence from human sources conducted by the Defense Human Intelligence Service of the Department of Defense and the Directorate of Operations of the Central Intelligence Agency.

SEC. 710. IMPROVEMENT OF ANALYSIS AND PRODUCTION OF INTELLIGENCE.

Section 102 of the National Security Act of 1947, as amended by section 709(a) of this Act, is further amended by adding at the end the following:

"(f)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Analysis and Production, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Assistant Director for Analysis and Production shall—

"(A) oversee the analysis and production of intelligence by the elements of the intelligence community;

"(B) establish standards and priorities relating to such analysis and production;

"(C) monitor the allocation of resources for the analysis and production of intelligence in order to identify unnecessary duplication in the analysis and production of intelligence;

"(D) identify intelligence to be collected for purposes of the Assistant Director of Central Intelligence for Collection; and

"(E) provide such additional analysis and production of intelligence as the President and the National Security Council may require.".

SEC. 711. IMPROVEMENT OF ADMINISTRATION OF INTELLIGENCE ACTIVITIES.

Section 102 of the National Security Act of 1947, as amended by section 710 of this Act, is further amended by adding at the end the following:

"(g)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Administration, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Assistant Director for Administration shall manage such activities relating to the administration of the intelligence community as the Director of Central Intelligence shall require.".

SEC. 712. PAY LEVEL OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.

Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Directors of Central Intelligence (3).".

SEC. 713. GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following:

"GENERAL COUNSEL OF THE CENTRAL
INTELLIGENCE AGENCY

"SEC. 20. (a) There is a General Counsel of the Central Intelligence Agency, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The General Counsel is the chief legal officer of the Central Intelligence Agency.

"(c) The General Counsel of the Central Intelligence Agency shall perform such functions as the Director of Central Intelligence may prescribe.".

(b) EXECUTIVE SCHEDULE IV PAY LEVEL.—Section 5315 of title 5, United States Code, as amended by section 712 of this Act, is further amended by adding at the end the following:

"General Counsel of the Central Intelligence Agency.".

SEC. 714. OFFICE OF CONGRESSIONAL AFFAIRS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102 of the National Security Act of 1947, as amended by section 711 of this Act, is further amended by adding at the end the following:

"(h)(1) There is hereby established the Office of Congressional Affairs of the Director of Central Intelligence.

"(2)(A) The Office shall be headed by the Director of the Office of Congressional Affairs of the Director of Central Intelligence.

"(B) The Director of Central Intelligence may designate the Director of the Office of Congressional Affairs of the Central Intelligence Agency to serve as the Director of the Office of Congressional Affairs of the Director of Central Intelligence.

"(3) The Director shall coordinate the congressional affairs activities of the elements of the intelligence community and have such additional responsibilities as the Director of Central Intelligence may prescribe.

"(4) Nothing in the subsection may be construed to preclude the elements of the intelligence community from responding directly to requests from Congress.".

SEC. 715. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES BY INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 105 the following new section:

"ASSISTANCE TO UNITED STATES LAW
ENFORCEMENT AGENCIES

"SEC. 105A. (a) AUTHORITY TO PROVIDE ASSISTANCE.—Subject to subsection (b), elements of the intelligence community may, upon the request of a United States law enforcement agency, collect information outside the United States about individuals who are not United States persons. Such elements may collect such information notwithstanding that the law enforcement agency intends to use the information collected for purposes of a law enforcement investigation or counterintelligence investigation.

"(b) LIMITATION ON ASSISTANCE BY ELEMENTS OF DEPARTMENT OF DEFENSE.—(1) With respect to elements within the Department of Defense, the authority in subsection (a) applies only to the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency.

"(2) Assistance provided under this section by elements of the Department of Defense may not include the direct participation of a member of the Army, Navy, Air Force, or Marine Corps in an arrest or similar activity.

"(3) Assistance may not be provided under this section by an element of the Department of Defense if the provision of such assistance will adversely affect the military preparedness of the United States.

"(4) The Secretary of Defense shall prescribe regulations governing the exercise of authority under this section by elements of the Department of Defense, including regulations relating to the protection of sources and methods in the exercise of such authority.

"(c) DEFINITIONS.—For purposes of subsection (a):

"(1) The term 'United States law enforcement agency' means any department or agency of the Federal Government that the Attorney General *designates as law enforcement agency for purposes of this section.*

"(2) The term 'United States person' means the following:

"(A) A United States citizen.

"(B) An alien known by the intelligence agency concerned to be a permanent resident alien.

"(C) An unincorporated association substantially composed of United States citizens or permanent resident aliens.

"(D) A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 105 the following new item:

"Sec. 105A. Assistance to United States law enforcement agencies.".

SEC. 716. APPOINTMENT AND EVALUATION OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

(a) IN GENERAL.—Section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is amended to read as follows:

"APPOINTMENT AND EVALUATION OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

"SEC. 106. (a) CONCURRENCE OF DCI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Secretary of Defense shall obtain the concurrence of the Director of Central Intelligence before recommending to the President an individual for appointment to the position. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the National Security Agency.

"(B) The Director of the National Reconnaissance Office.

"(b) CONSULTATION WITH DCI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of Central Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the Defense Intelligence Agency.

"(B) The Assistant Secretary of State for Intelligence and Research.

"(C) The Director of the Office of Nonproliferation and National Security of the Department of Energy.

"(D) The Assistant Director, National Security Division of the Federal Bureau of Investigation.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 106 and inserting in lieu thereof the following new item:

"Sec. 106. Appointment and evaluation of officials responsible for intelligence-related activities.".

SEC. 717. REQUIREMENTS FOR SUBMITTAL OF BUDGET INFORMATION ON INTELLIGENCE ACTIVITIES.

(a) SUBMITTAL WITH ANNUAL BUDGET.—Notwithstanding any other provision of law, the President shall include in each budget for a fiscal year submitted under section 1105 of title 31, United States Code, the following information:

(1) The aggregate amount appropriated during the current fiscal year on all intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount requested in such budget for the fiscal year covered by the budget for all intelligence and intelligence-related activities of the United States Government.

(b) FORM OF SUBMITTAL.—The President shall submit the information required under subsection (a) in unclassified form.

SEC. 718. REPORT ON INTELLIGENCE COMMUNITY POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

(a) IN GENERAL.—(1) Not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report setting forth—

(A) the results of a review of the threats to the United States on protecting the national information infrastructure against information warfare and other non-traditional attacks; and

(B) the counterintelligence response of the Director.

(2) The report shall include a description of the plans of the intelligence community to provide intelligence support for the indications, warning, and assessment functions of the intelligence community with respect to information warfare and other non-traditional attacks by foreign nations, groups, or individuals against the national information infrastructure.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "national information infrastructure" includes the information infrastructure of the public or private sector.

(2) The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

SEC. 801. NATIONAL MISSION AND COLLECTION TASKING AUTHORITY FOR THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) IN GENERAL.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

"NATIONAL MISSION AND COLLECTION TASKING AUTHORITY FOR THE NATIONAL IMAGERY AND MAPPING AGENCY

"SEC. 110. (a) NATIONAL MISSION.—The National Imagery and Mapping Agency shall have a national mission to support the imagery requirements of the Department of State, the Department of Defense, and other departments and agencies of the Federal Government. The Director of Central Intelligence shall establish requirements and priorities to govern the collection of national intelligence by the National Imagery and Mapping Agency. The Secretary of Defense and the Director of Central Intelligence, in consultation with the Chairman of the Joint Chiefs of Staff, shall jointly identify deficiencies in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions and shall jointly develop policies and programs to review and correct such deficiencies.

"(b) COLLECTION AND TASKING AUTHORITY.—Except as otherwise agreed by the Director of Central Intelligence and the Secretary of Defense pursuant to direction provided by the President, the Director of Central Intelligence has the authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets.".

(2) The table of contents in the first section of that Act is amended by inserting after the item relating to section 109 the following new item:

"Sec. 110. National mission and collection tasking authority for the National Imagery and Mapping Agency.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997; or

(2) the date of the enactment of this Act.

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate insist on its amendment to H.R. 3259 and request a conference with the House, the Chair be authorized to appoint conferees on the part of the Senate, and, finally, S. 1718 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. BROWN) appointed Mr. SPECTER, Mr. LUGAR, Mr. SHELBY, Mr. DEWINE, Mr. KYL, Mr. INHOFE, Mrs. HUTCHISON, Mr. COHEN, Mr. BROWN, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. JOHNSTON, and Mr. ROBB, and from the Committee on Armed Services, Mr. THURMOND and Mr. NUNN conferees on the part of the Senate.

Mr. SPECTER. Mr. President, I now ask unanimous consent that the RECORD remain open for the insertion of any additional statements as any member of the committee or other Senator may wish to add.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, as I understand the procedure, that now concludes the intelligence authorization bill, but since I am here and it has just been acted upon, I would like to make a few comments to supplement my more extended statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. SPECTER. Mr. President, I believe that this legislation is a very, very significant step forward in reform of the U.S. intelligence community—candidly, not as far as we should have gone, not as far as I would like to have gone, but a considerable distance, a significant distance in improving the intelligence community in the United States.

The intelligence community has been under considerable attack with disclosures of Aldrich Ames, with the problems in Guatemala, with many problems around the globe. And last year, at the initiative of our distinguished colleague, Senator JOHN WARNER, a commission was appointed to make recommendations on what should be done to reform the U.S. intelligence community. The commission—first headed by former Secretary of Defense Aspin, whose untimely death caused a vacancy and the need to appoint a subsequent chairman, another former Secretary of Defense, Harold Brown—came up with a comprehensive list of recommendations, and the Intelligence

Committee then held extensive hearings on a subject that goes back many years.

The Intelligence Committee then submitted a program which we thought would make very major changes in the U.S. intelligence community. There was very considerable objection then raised from a number of quarters, principally by the Senate Armed Services Committee.

Finally, after very extensive negotiations, not only with the Armed Services Committee but also with the Governmental Affairs Committee and, to a lesser extent, with the Rules Committee, we have hammered out the agreement which has been presented here and has been agreed to and will now go to conference.

It had been my desire that there should have been more authority in the Director of Central Intelligence on reprogramming, more authority on concurrence on the appointment of key officials because of the general responsibility of the Director of Central Intelligence, but that was not to be.

We filed our report at an early stage, but there was a reference under the rules of referral to the Armed Services Committee which took considerable time and considerable time by the Governmental Affairs Committee, and I thank Senator WARNER for not taking time in the Rules Committee.

We find ourselves, as we frequently do in the legislative process, very close to the end of the session, not with sufficient time to bring the matter to the floor and to debate the issues of reprogramming or concurrence or appointments or many other issues, so we have had to make an accommodation to have the bill handled by unanimous consent in the course of a few minutes as we have already done earlier today. Senator KERREY, my distinguished vice chairman, and I have agreed to this because, as I say, this is a significant step forward. We want to go to conference. We want to get these provisions accepted and placed into law even though a great deal more should have been done.

This bill contains very significant provisions on economic espionage, contains a very significant provision on a commission to be established to streamline the Federal Government on our handling of weapons of mass destruction. Some 96 different agencies now touch that issue. There is not centralized command. And those are very, very important matters.

An interest which I had pursued, to try to give greater authority to the Director of Central Intelligence, has come into the spotlight with the terrorist attack on Khobar Towers on June 25 of this year, and the allegation by the Secretary of Defense, in a July 9 hearing in the Senate Armed Services Committee, that there was intelligence failure, which I think was an incorrect assertion. The staff of the Intelligence Committee—and I emphasize "the staff" and not the full Intelligence Committee—but the staff prepared a report which was released last Thursday with my conclusions in my capacity as chairman of the Intelligence Committee, but again not the full committee, but my individual conclusions that there was not an intelligence failure.

Then yesterday we had the report of the Downing task force which took to task the Pentagon as well as the local field commanders. I personally visited Khobar Towers last month, and on viewing Khobar Towers and seeing a fence only 60 feet from these high-rise apartments, which house thousands of our airmen, 19 of whom were killed and hundreds of whom were injured, it was apparent to me, in the face of the many intelligence reports which had been received, that there was not an intelligence failure and that there was in fact a failure by the military, going to the Pentagon and the highest levels of the Pentagon, on failing to act to protect our airmen.

The conclusions yesterday of the Downing task force, as featured in the Associated Press reports, faulted the Pentagon, as well as the local commanders, for what had been done. I make comment of this at this time because I believe this ties into the reform of the intelligence community to have a Director of Central Intelligence who collects all of the information and could, in effect, rattle the cages, where necessary, to call attention to the top Pentagon officials, including the Secretary and the Chairman of the Joint Chiefs of Staff, about the need for greater protection of our forces. We have not gone that far, and we have not accomplished that. I make these comments in the context of what had occurred on June 25 and what happened just yesterday with the filing of the Downing committee report.

But I have talked to my colleagues about where we stand now, and the sentiments have been expressed that we will have a chance to further improve the intelligence community at a later date. But that remains, to some substantial extent, unfinished business, as we have unfinished business as to how we handle not only intelligence but force protection around the United States.

But this is a significant step forward. This is the very best we could do. Those who do not know the interworkings of the Senate might be interested to know that any one Senator can tie up this bill. A number of Senators interposed objections, which we had to work through laboriously to get this bill to the stage where it is now where it has been passed.

I thank my distinguished colleague, Senator KERREY from Nebraska, who has done an extraordinary job in many things over many years, but especially on the Senate Intelligence Committee. As we have worked together, we have had some tough times, especially as the election grows nearer. We have kept the Intelligence Committee working on a bipartisan, nonpartisan basis. I think it is indispensable on a committee of this sort that the chairman and the vice chairman and really members on both sides of the aisle work very closely to keep partisan politics out of it. Senator KERREY and I have worked laboriously at that and I think we have succeeded, notwithstanding the fact that we face some very, very difficult issues and continue to face difficult issues as we work to complete quite a number of projects which yet remain undone.

I would like to single out for special praise—this is always a delicate matter—some key staffers, Charles Battaglia, who is the staff director, and Chris Straub, who is the staff director for the Democrats, the minority staff director, for the extraordinary work which they have done on the nights, Saturdays, Sundays, you name it; and for general counsel, Suzanne Spaulding, and for Ed Levine, who has been a powerhouse in drafting very complex reports. I thank the Chair, and I note the presence of my colleague, Senator PELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank my colleague and friend for yielding at this time.

IT IS TIME TO DEBUNK THE DANGEROUS MYTHS ABOUT THE UNITED NATIONS

Mr. PELL. Mr. President, today the U.N. General Assembly will convene its 51st session. This occasion has particular meaning for me because 51 years ago I had the honor of serving on the International Secretariat of the San Francisco Conference that drew up the United Nations' charter. In 1970, I was privileged to serve as a Representative of the United States to the 25th session of the General Assembly of the United Nations. This year I have been honored again with my nomination by President Clinton and confirmation by my Senate colleagues to be a representative of the United States to the 51st session of the United Nations General Assembly.

Having been present at the United Nations' creation and observed its work over the last 50 years, I strongly believe in the need for such a body and in the principles upon which it was founded. While I have applauded and participated in efforts to amend and improve the organization, I would argue that these last 51 years have witnessed an impressive record of achievement. Though it has not always lived up to all the expectations of its founders, the United Nations has irrevocably changed the world in which we live. Despite the obstacles posed by the politics of the cold war, I can think of numerous examples where the United Nations succeeded in promoting international peace and security—in Namibia, El Salvador, Cambodia, and countless other countries. Whether brokering peaceful settlements to violent conflicts, halting the proliferation of nuclear weapons, protecting the international environment, or immunizing children from disease, the United Nations has made the world a safer place. Clearly, if the United Nations did not exist today, we would have to invent it.

I am therefore troubled by the increasingly violent attacks on this important institution—in Congress, the press, and other public fora. These attacks seem symptomatic of a broader and dangerous tendency to seek to retreat from our international commitments and obligations. Revolutionary changes in communications, transportation, capital flows, and the nature of warfare have irreversibly linked our fate with that of the rest of the world. Today, there is no ocean wide enough—nor border fence we could build that would be high enough—to keep out an often turbulent world.

Rather than abandoning our role as part of the international community, we should endeavor to expand and improve cooperation with those states that share our values in order to address our common problems. The United Nations offers a valuable forum for such cooperation.

With this in mind, I would like to use this opportunity to address three of the more dangerous myths that have been propagated recently regarding the United Nations:

The first of these myths is that the United Nations somehow threatens American sovereignty. Critics of the United Nations have often depicted the organization as a nascent world government eager to supplant the nation-state. In fact, the United Nations more accurately resembles an unruly debating club, where members control and vote on its activities. Moreover, the United Nations charter clearly states that resolutions of the General Assembly are non-binding on member states. In similar fashion, United Nations conventions only apply to nations that elect to ratify them. The one United Nations body in which decisions could be binding upon member-states is the Security Council, where the United States and other permanent members enjoy veto power. Because of these institutional checks, the United Nations usually must struggle to achieve enough of a consensus to make action possible. In no way could one mistake this organization for an out-of-control bureaucracy trampling upon the prerogatives of nation-states.

A second myth about the United Nations is that it does not serve American interests. In the most extreme version of this myth, critics imagine that the United States always fares worse when it acts multilaterally, than when it goes it alone. In fact, given that many of today's most pressing problems—be it crime, disease, environmental degradation, terrorism, or currency crises—transcend national boundaries, there is much to be gained from forging common solutions to common problems.

The end of the artificial divisions of the cold war has presented the United States with an extraordinary opportunity to use the United Nations to advance its foreign policy goals. In the last U.N. session, members of the General Assembly voted with the United States 88.2 percent of the time; 91 percent of Security Council resolutions were adopted unanimously. The United Nations has enabled the United States to avoid unilateral responsibility for costly and entangling activities in regions of critical importance, even as it yields to the United States a position of tremendous authority. To paraphrase former Secretary of State James Baker, U.N. peacekeeping is a pretty good bargain. For every dollar the United States spends on peacekeeping, it saves many more dollars by preventing conflicts in which it might otherwise have to become involved.

From a cost-benefit perspective, U.S. contributions to the United Nations and its agencies have been a very worthwhile investment. In addition to the American lives and dollars saved by U.N. peacekeeping missions, other U.N. agencies have worked to prevent disaster and death and to promote health and security both here in the United States and abroad. In 1977, the World Health Organization [WHO] averted an estimated 2 million deaths per year by eradicating smallpox. Today, WHO's children immunization program saves an estimated 3 million lives every year. In 1992, during a severe drought in Africa, the Food and Agriculture Organization and the World Food Programme saved an estimated 20 million people from starvation. And in this last week, the U.N. General Assembly overwhelmingly adopted the Comprehensive Test Ban Treaty, which will contribute to the security and well-being of generations of peoples to come.

Which brings me to the third myth: that U.S. participation in the United Nations is ruinously expensive. In fact, in fiscal year 1996, the United States' assessed and voluntary contributions to the U.N. system totaled $1.51 billion. That includes $304 million for the U.N. general budget, $359 million for peacekeeping operations, $7 million for war crimes tribunals, $337 million in assessments to the United Nations' specialized agencies, and $501 million in voluntary contributions to programs such as UNICEF and other programs that the United States has treaty obligations to support. This total American contribution represented less than half of 1 percent of the current defense budget; that allotted for peacekeeping less than the annual budget of the New York City police force.

On a per capita basis, the annual U.S. contribution to the U.N. regular budget breaks down to slightly more than $1 per American. This is considerably less than what most other people in the world pay. For example, the per capita contribution of the U.N.'s newest member state, Palau, is over $6 per person. Clearly, the American taxpayer is getting a good deal for his money.

Of course there is certainly room for further economies. Like many large organizations, the United Nations could be leaner, more efficient, and more responsive. But rather than eviscerating one of the key institutional underpinnings of the present international order by starving it of funds, we should work patiently but determinedly with like-minded states and with the U.N. Secretariat to reform and to improve it. I am heartened by the consensus among such strong advocates for U.N. reform as former Ambassador Jeane Kirkpatrick and former Assistant Secretary of State John Bolton that the U.S. benefits greatly from its membership in the United Nations. I also agree with them that a U.S. withdrawal from the United Nations would be contrary to our national interests.

How we go about the task of reforming the United Nations will say a lot about the prospects for American leadership in the twenty-first century. As after World War II, the United States faces a decisive challenge: whether to maintain the mantle of international leadership and stay engaged in the creation of a new international order, or to seek to retreat into isolationism. The latter course is an even more dangerous option today than it would have been 51 years ago. Only through international engagement and assertive leadership can America hope to prosper and safeguard its security in the next century. The United Nations can serve as an important vehicle for advancing these vital national interests.

THE RIGHT TO SAY NO

Mr. BAUCUS. Mr. President, I rise to make a short statement on my strong disappointment that the energy and water conference report does not include the Senate-passed amendment giving the States and the cities the right to say no to the importation of out-of-State garbage.

I must say, and I think you remember, Mr. President, this is not a new issue. This has been around since 1989. Essentially, it is a battle between those States who want to export their trash to another State and those

States on the receiving end who do not want it.

Not long ago in my State, the city of Miles City faced a prospect that was practically a Noah's flood of garbage imports. Fortunately, that plan fell through, but the really crazy and humiliating part of it all was that the 5,000 citizens of Miles City could only sit and wait. They had no say at all and no way to stop the waste from coming in. Why? Very simply, because the Supreme Court has struck down attempts by States to limit importation of garbage, saying it violates the commerce clause of the Constitution. So we in the Congress have to act and pass Federal legislation that enables States and enables local communities to say no.

It is obviously wrong, Mr. President. It is unfair for any city, whether Miles City or any other city in the United States, to not have the right to say no to garbage coming into their State. As you recall, we in the Senate have done our part. Way back in May of 1995, we passed a bill to let Montana and other States say no to the importation of out-of-State garbage. The House of Representatives, however, has a different story. They have stalled. They have stalled on any action in this measure for a couple of years.

I say that the people of Montana, the people of Pennsylvania, Indiana, Michigan, Ohio, and other States affected by the deluge of garbage coming into their States cannot afford to wait any longer. They are anxious. They are concerned. They feel the Government ought to be able to do something to address this situation. Some of these States are already importing millions of tons of garbage, and they do not want to import more.

Now it appears that New York City may add 10,000 tons or more of trash every day—10,000 tons of trash every day—when it closes its Fresh Kills landfill on the outskirts of New York City. That should drive home to everyone, and especially the House, how important it is to act and to act quickly.

We talk a lot around here about local control, about letting States decide their own destiny, letting local communities decide their own destiny. By saying no to the Senate amendment on this conference report, the House is preventing the people from controlling their own destiny. By saying no, States cannot stop out-of-State garbage from being dumped in their own backyard.

Obviously, the Senate bill we passed is not perfect. It is a compromise. It is a compromise between the importing States that take garbage and do not want the garbage and the exporting States that, frankly, want to export more. It is a compromise. It is a compromise we can live with.

Now, the House, apparently, does not want to act. It is not compromising. I say the House should pass something which at least they think makes sense for them. That way, we can work another compromise that is between the House and the Senate, and we can finally solve this problem—it is not the perfect way, but in a way that generally resolves the problems so that today more local communities can say no to the importation of garbage coming into their States. That is only fair. I ask the House to act quickly.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 3662, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Pressler Amendment No. 5351, to promote the livestock industry.

Bumpers modified amendment No. 5353 (to committee amendment on page 25, line 4 through line 10), to increase the fee charged for domestic livestock grazing on public rangelands.

AMENDMENT NO. 5353, AS MODIFIED

Mr. GORTON. Mr. President, it is my understanding that we have now resumed consideration of the Bumpers-Gregg amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. Between now and 12:30, while we are on the Bumpers-Gregg amendment relating to grazing fees, I believe that that amendment was debated thoroughly yesterday afternoon. In addition, there will be 20 minutes equally divided on the amendment after we reconvene following the party luncheons before our vote on that amendment.

As a consequence, Mr. President, I suspect that there is time between now and 12:30 to deal with any other amendments that Members of the Senate may wish to propound. There are some 25 or 30, at least, amendments that are relevant to this bill on which the managers have been notified. Probably half or more of them can be accepted in their present form or another form can be worked out.

So all Senators who are within hearing of these proceedings can be on notice that this may be a particularly convenient time in which to bring such amendments to the floor and to have them considered.

With that, and until we have some business to do, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

IMMIGRATION

Mr. KENNEDY. Mr. President, just a few moments ago the Democratic conferees that had intended to meet in conference between the House and the Senate to consider the immigration bill were notified that conference was indefinitely postponed. No time was established when there might be a follow-up conference.

The issues of illegal immigration are of enormous importance to this country. There are a number of States that are directly impacted by illegal immigration, but the problems of illegal immigration also affect just about every State in this country in one form or another. There has been considerable discussion and debate about what policies we ought to follow to address the issues of illegal immigration.

For a number of years, we have had special commissions that were set up by the Congress to look at various immigration issues. We had the Hesburgh Commission. The commission was bipartisan in nature and made a series of recommendations both with regard to legal and illegal immigration. The Congress acted on both of the recommendations.

Subsequently, because of the enormous flow of illegal immigrants coming to the United States, the Hesburgh Commission called for the United States to respond to the problem. After all, it is a function of our National Government to deal with protection of the borders, and also to guard the borders themselves. This area of public policy presented an extremely important responsibility for national policymakers.

Beginning just about 2 years ago my colleague and friend, the Senator from Wyoming became the Chair of the Immigration Subcommittee. I have enjoyed working with him on immigration—we have agreed on many, many different items; we differ on some issues, and some we have had the good opportunity to debate on the floor of the Senate on various occasions.

In fact, we agreed on many of the provisions in the Senate immigration bill. I welcomed the opportunity to support the legislation which passed overwhelmingly—97 to 3. Although the legislation was not perfect, it represented a bipartisan effort to try to deal with the problem of illegal immigration. I can remember how Chairman SIMPSON dealt with the issues over a year ago when the Jordan Commission was winding up their consideration of illegal immigration issues. There were many who felt we ought to rush to judgment. That we ought to provide amendments on different pieces of legislation. Senator SIMPSON said, "No; we are going to follow a process and a procedure." He spoke as a senior legislator and as someone who has provided important leadership on the issues of immigration.

So we consulted the Judiciary Subcommittee on Immigration and later the full Judiciary Committee, and we consulted with the Jordan Commission. We had extensive hearings. We moved through the process of markup. In the markup itself Senator SIMPSON took the time to visit the members of the committee, Republican and Democrat alike, to find their principal areas of concern—to see if we could find common ground. Then, in the best traditions of legislating, we had a series of days of markups. I daresay the participation of Republican and Democrat alike in those markups was enormously impressive. I do not think there is a member of that committee on any side of any issue who does not feel they were given a full opportunity to make the presentation of their concerns and to engage in a dialog, discussion and debate. We had a fair hearing of every issue—conducted under the chairmanship of Senator HATCH. I believe the entire process took 9 days. They were full days. We did it section by section of the legislation, with notification so members would have an idea which areas were going to be addressed each day. This was really in the best traditions of legislating.

We moved forward, passed the bill out of the Judiciary Committee, and had extensive debate here on the floor of the Senate. It took a number of days, I believe 7 or 8 days. Sometimes the debate was tied up on the issues of minimum wage. By and large, the discussion focused on the issues of illegal immigration. Then we had the rollcall vote. As I mentioned earlier, rarely do we have a matter of this importance pass by a margin of 97 to 3 in the U.S. Senate. Especially involving an issue on which Senators have many different opinions.

Then something happened, Mr. President. We had the appointment of conferees in the Senate, Republican and Democrat, but the Democratic conferees were never invited to participate in pre-conference negotiations with our Republican colleagues. There were only negotiations between the Republicans in the House of Representatives and the Republicans in the Senate. It has only been in the last few days that the House Democrats were actually appointed. It was only in the last few days that they were able to obtain the legislation itself. And before the Democrats could find out what was in the bill the Republicans drafted, the Democrats had to threaten parliamentary maneuvers in the House.

Nonetheless, we were notified we were going to have the conference meeting today at noon; that we were going to have a conference, break for the leadership meetings and then go back and resume the conference. There was a clear anticipation that action would occur on the conference report. I had hoped we would be able to revisit some of the items. We had tried to work together with members of the conference who were interested in some of these issues that were not necessarily partisan to see if we would at least have an opportunity for a brief debate on some of those. I think we were prepared to have that discussion and debate and to raise those issues. The most important of all of the issues, of course, is the Gallegly amendment, and whether we, as a public policy, are going to dismiss from the public schools of this country those children who may be the sons and daughters of illegal immigrants. The Gallegly provision is strongly opposed by the law enforcement officials and by teachers, who do not become teachers only to be turned into a truant officer who turns in names of suspected illegal immigrant children to INS. There were a number of other important issues in the Republican conference report, which I will mention in a few moments.

Then we were notified just a few moments ago that our Republican friends are in disarray about what their position is with regard to the Gallegly amendment, and that there is no consensus. Even right now, since we have been notified that this conference is postponed, there is no effort to try to include Democrats in the conference, or to talk about issues of concern to us. There is still no effort, even at this late date, to craft legislation that would deal with a central concern of the people of this country, and that is the growth of illegal immigration. The Republican conferees still have not allowed us to address in a bipartisan way what this conference report means in terms of job loss for American workers, what it means in terms of crowded schools, and what it means for the challenges that we are facing on the borders, with all of the complex social and economic criminal elements associated with it. These are complex issues that the Democratic Members want to address and come to some conclusion on.

Now we are notified that we still do not have an opportunity to resolve these issues in a bipartisan way. The conference is postponed again, but the Republicans say they somehow going to get together again. I now understand the power of the majority in being able to push legislation through. Certainly, they do in the House of Representatives. They are able to have the power to jam legislation through there. It is more difficult in the Senate. Although a conference report is a privileged item, nonetheless, what we find is, rather than just sitting down and discussing it in an open kind of forum, where the public would be invited to at least observe and to understand the public policy issues that are being debated, there are negotiations taking place not with the Members of the Congress and Senate that have to vote on the legislation, not with the Members of the House and Senate who have worked to try to be constructive and who have supported the legislation here in the U.S. Senate the last time that we came—oh, no, the negotiation is taking place with the Dole campaign officials—the Dole campaign officials. They are the ones that are negotiating with the Republican leadership on the shape of the immigration bill.

The stories have been out there of the meetings that took place last week and the positions of candidate Dole, who wants, evidently, the Gallegly amendment included in the final immigration bill, and others within the Republican Party do not want to have that. It is tied up, I dare suggest. It is always a concern to speculate on what the motivations of other people are. But, it is increasingly apparent to many of us that the Republicans want to make very difficult for the Members to deal in a bipartisan way with the issue of illegal immigration. It seems they either want the President to veto the legislation, or let it die in the Senate in the final hours of the Congress while Republicans and Democrats alike express their dislike of the Gallegly provisions.

So then there might be the opportunity for those to say, look what has happened on the important issue of illegal immigration; we were not able to get the bill to the President. The Republican side says that if they take the Gallegly amendment out, the bill may well go through the Senate of the United States and House of Representatives, and the President might sign it and get some credit for it. He might get some credit for the bill in California in an important election year.

Now, Mr. President, I don't think I am far off from the facts with that kind of a speculation, particularly when we find that about the inability of Republican leadership to try and bring forth a conference report that reflects agreement among Republicans. The American people can say, well, if we can get a good bill, why don't we do it? Do we always have to include the

Democrats in it? The fact of the matter is, we have supported illegal immigration proposals. We are interested in this issue of illegal immigration. It is an issue for the Nation to deal with, but it is also a matter which has a dramatic impact on the lives of workers in this country, because when they find out that unscrupulous employers are going to hire illegals and pay them less than their American counterparts, it has a dampening affect on wages for American workers. That has been debated and discussed, and we have various studies in the RECORD. But it is pretty self-evident that one of the principal factors of holding down wages in our country is the fact of illegal immigrants taking jobs here in the United States.

Was it so unworthy that we would try, in dealing with the problems of illegals. We must recognize that of the million and a half people that come into the United States illegally each year, about 350,000 remain in the United States. Get this: Of the workers that come here and remain here as illegal workers, half of them came to the United States legally, and overstayed their visas. No amount of border enforcement can deal with them. But they are still taking American jobs, and they are continuing to depress the wages of American workers. The only way you are going to get to these illegal workers is in the workplace. As the Jordan Commission pointed out, the most likely employers that hire illegals are also the ones that do not respect the fair standards for workers and the working conditions for American workers.

We find that in regions of the country where you have the exploitation of workers, you find, by and large, the greatest numbers of those employers that hire the illegals. Now, in the Senate bill we added 350 labor inspectors to find employers who violate our labor laws by hiring illegal immigrants. That is a 50-percent increase in the amount of inspectors the Department of Labor currently has. What happened to that provision? It has been eliminated by the Republicans. It has been cut out of the conference. It has been absolutely cut out of the conference report.

One of the important provisions that we debated in the Senate was the development of various pilot programs to verify the eligibility of people to work in the United States. We had Senate provisions crafted to test what pilot program would work most effectively, so we can help employers make sure they are able to hire without the fear of discriminating against American workers. Well, what happened with that language? We had good pilot programs. But they were dropped. And a different series of programs—and many of us question the effectiveness of their results—are authorized. Many would say that the Republican conferees eliminated the Senate pilot programs under the weight and pressure of the business community and unscrupulous employers, so they do not have to face the problems of dealing with hiring illegals.

And then, of course, there are the provisions in the law that undermine, in a very dramatic way, provisions placed in the Senate bill by Senator SIMPSON dealing with breeder documents—the birth certificates and drivers licenses. This was controversial issue on the Senate floor. But, we debated it in a bipartisan way. Now, they too have been changed.

One of the principal reasons breeder documents are so essential to the control of illegal immigration is that the breeder document is the fundamental document to establish eligibility to work in the United States. We need to cut back on the forgery taking place. What do we find out from that? That provision has been emasculated. It says tamper-resistant birth certificates will only be required for future births, which means that we are going to have this problem for 30 or 40 years, while the next generation begins to grow up and go into the job market. The conference report has made a sham out of true reform on this issue.

It effectively emasculated those very, very important provisions that had been included with the leadership of Senator SIMPSON. And I think those were tough, difficult provisions for him to adopt and accept. But, nonetheless, it was a very, very key element to controlling illegal immigration.

We also understand from the Republican conference report, that for the first time in the history of American immigration law, if you are a worker working 40 hours a week for 52 weeks of the year, you have a very good chance you will not make enough income to bring in your wife, or your husband, or your child. For first time in American immigration, they set a standard of what your income is going to have to be in order to bring in a spouse, or a small child. The standard is even higher for other members of the family.

So the conference report says, if you have the resources, if you are wealthy, you are going to have the open opportunity to bring in your wife, your kids, your brothers, or your sisters, or your grandparents, but not if you are a member of the working class.

This conference report is three strikes and you are out in terms of protecting American workers. They lose protection in the workplace because the Republicans struck the provisions to provide protection for American jobs. They lose the protections that would come out of the pilot programs to protect American workers—and we are talking about American workers—that may trace their ancestry to different parts of the world. But because of the color of their skin, or their accent, or their appearance, they are the subjects of discrimination. Discrimination which we know exists because GAO has documented it in the past. We are interested in trying to deal with illegal immigration; those who are going to be a burden on the American taxpayer. But we are also interested in trying to protect American workers. And these are the provisions that would have helped to protect American workers, and these are the provisions which have been changed or removed altogether.

Mr. President, we had an excellent meeting just a short while ago with a number of our Democratic colleagues from the House and the Senate. We reviewed some of the problems we have with this legislation. I will try and include as part of a general statement their comments. Congressman BECERRA talked about the additional kinds of burdens needy legal immigrants are going to face under this legislation. Senator LEAHY's excellent presentation on summary exclusion pointed out that summary exclusion was a good name for his amendment because so many of the Members of the House and Senate have been summarily excluded from any of the conference considerations. But he has reminded us of what would happen to those that have a very legitimate fear of persecution and death coming here under the procedures which have been accepted into this legislation despite the fact that the Justice Department in this administration has doubled the number of deportations. Congressman FRANK and Senator SIMON talked about the changes in the test for following proving discrimination in the workplace. Under the conference report, you must prove discrimination by an intent test rather than the effects test. They talked about how that will complicate enforcement and make it exceedingly more difficult to hold any employer liable even if they had a pattern or practice of discrimination; Congressman RICHARDSON, HOWARD BERMAN, ZOE LOFGREN of California; and others, including Congressman BRYANT—the ranking member of the House Immigration Subcommittee.

They talked about the different aspects of this conference. Most, if not all, supported the original legislation. We are deeply disappointed in the process and the conference report. It has been four months since we passed the immigration bill in both the House and the Senate. In the Senate we voted in early May, and now it is going into the backside of September. We voted on this issue. And we have the cancellation of the conference. The Senate conferees were appointed right away in May. Now 4 months later, nothing.

Now we hear they are cooking up yet another version of the Gallegly amendment.

Mr. President, this demonstrates that the Republicans really are not serious about dealing with illegal immigration. They want a campaign issue, not a bill. If they were serious, the conference would be meeting now with bipartisan input. And with the challenge to all of the Members of the House and the Senate—Republicans and Democrats—can we get a bill that is going to deal with the problems of illegal immigration?

Illegal immigration is a problem. We are committed, as the vote in the U.S. Senate showed, to trying to do something about it. It is not too late to do something about illegal immigration. But as long as our Republican friends are going to continue to meet behind the closed doors, refusing to let the sunshine in, I fear for what eventually will come out of it.

It is a real, great disservice to the American people and to this institution that we are in this situation. But we will be resolute. We still are strongly committed to trying to get legislation that is responsible and that will be effective. We still await any opportunity that might come up to try to offer whatever judgments that we might have that can move this process forward in a way which would deserve strong bipartisan support for this legislation.

It is a complex and a difficult issue. But there is no reason in the world that we can't do it, and do it before the end of this session. But to do so, we have to have the doors and windows opened up for the public's involvement.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. GORTON. Mr. President, obviously, we are not going to be able to do any more business between now and the scheduled recess for the two parties to meet. As a consequence, I ask unanimous consent that the recess scheduled to begin at 12:30 begin immediately.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5353, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes equally divided remaining prior to a motion to table the Bumpers amendment.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. BUMPERS. Mr. President, let me explain to my colleagues the difference between this amendment and my amendment that you voted on earlier this year. In March, I offered an amendment that increased the Federal grazing fee for all permittees and those who controlled more than 2,000 animal unit months paid a higher fee. This amendment is different. I have raised the ante to provide that, unless a permittee controls 5,000 animal unit months, he is totally unaffected by my amendment. In fact, any permittee who controls less than 5,000 animal unit months pays the present grazing fee.

Let me go back. What is an animal unit month? When you lease lands to graze cattle on Federal lands, you lease it by what is called an AUM, or animal unit month. That is the amount of grass it takes to feed one cow and her calf for 1 month. Some ranchers, for example those in southern Arizona and New Mexico, graze 12 months a year. However, most of the permittees only graze 4 or 5 months because there is not any grass in the winter months. So you can calculate, based on the current rate of $1.35 an AUM, how much a permittee is paying.

Why is this important? It is not the money. It is the principle. Mr. President, grazing occurs on 270 million acres of our Forest Service and Bureau of Land Management lands, all Federal lands belonging to the taxpayers of this country—270 million acres. 97 percent of the people who hold grazing permits on those 270 million acres, and there are 22,350 total operators, are unaffected by the Bumpers amendment. Even the other 3 percent, who are the really big boys, are unaffected on the first 5,000 AUM's.

In other words, if you have 6,000 AUM's on your permit, for the first 5,000 you would pay the same rate you are paying right now, but on the extra 1,000 you pay whatever rate you would have to pay if you leased State lands in that particular State where the lands lie.

What does that amount to? It means, for example, that the average on State lands is $5.58. In Colorado the rate is $4.04. So you pay the difference in Colorado lands for every AUM over 5,000, and you would pay $4.04.

Who are these people? Who are these 3 percent that have these AUM's? I will show you. I want you to bear in mind we passed a rather harsh welfare bill here just recently. The poorest of the poor in this country took it on the chin, and yet here is the biggest corporate welfare ripoff going on in America.

Who are these people that have more than 5,000 AUM's? And can they afford to pay more? If they lease State lands, they pay $5.58. If they lease private lands they have to pay $11.20. If they lease Federal lands it is $1.35. Can they afford it? Here is Zenchiku, a Japanese corporation, 40,000 acres, 6,000 AUM's. Newmont Mining Co., the biggest gold mining company in the world, 12,000 AUM's. William Hewlett of Hewlett-Packard, 100,000 acres and 9,000 AUM's. Anheuser-Busch, one of the 80 biggest corporations in America, 8,000 AUM's. So I ask you, can these people—J.R. Simplot, in Idaho, an Idaho billionaire, a multibillionaire that controls 50,000 AUM's. Can Mr. Simplot, who is worth billions, afford to pay maybe $2.50 more for all his cows above 5,000?

Mr. President, this national ripoff has been going on for almost 50 years. In March the offer I made to the Senate was anything above 2,000 AUM's, and I lost by three votes. So yesterday I amended my amendment to make it 5,000 hoping I could at least cause three people to change their minds about this. It is a terrible thing for us to continue to allow.

The PRESIDING OFFICER. The Senator's 6 minutes has expired.

Mr. BUMPERS. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I believe Senator CRAIG will be down here shortly. I ask that the Chair inform me when I have used 5 minutes, if you would, please, Mr. President.

Mr. President, first of all, there are very different ways in which the public domain is used from the standpoint of grazing permits. It happens in a State like mine we have 5,000 permittees. The overwhelming number are small ranchers. And they use, for the most part, the public domain for 12 months out of the year.

So the amendment that Senator BUMPERS is talking about uses this big number, 5,000 animal unit months, which is really about 400 head of cattle if you graze on the public domain for 12 months out of the year. So it sounds like a monster, but in States like mine it is a relatively modest cattle ranching operation.

Second, to say to those who ranch on the Federal land, "You may be asked to pay the same as the State fee for this land," not only invites a fee schedule that is different from State to State, but the State leases its land on completely different rules than the Federal Government.

Yesterday, in a few minutes on the floor, I suggested that if the distinguished Senator from Arkansas would like to make the public domain in a sovereign State subject to the same inhibitions and/or restrictions that the

State land has, then maybe some consideration might be given to charging a State fee.

Let me give you a major example. In one of the States, the State land cannot be used for anything other than grazing, if you lease it for grazing, everyone else is denied access to that land. You cannot get on it for recreation. You cannot get on it for hunting and fishing. But we have decided on the public domain that we lease our land under completely different conditions. We lease for grazing, and it is still open to hunting and fishing and to the building of habitat for wild game and for fish.

So the argument that there is some kind of advantage and some kind of reality and some kind of logic to saying, let us charge what the State's charge is, ignores the fact that the State leases its land under completely different rules, regulations, conditions, and inhibitions.

Additionally, we do not need two sets of fees. We do not need a fee for the rancher in northern New Mexico who has 200 head of cattle and up the road for somebody who has 600 head of cattle a different fee schedule. That is subject to manipulation. Even the Department of the Interior, when we suggested it before, said it will not work to have two separate sets of fees. I am not here defending large versus small, but clearly, we do not need that. I gave some examples yesterday of how that might work. It would come out with very large corporations being able to pay the lower fee and very small, independent operators with 450 head having to pay a higher fee.

Last, but not least, an amendment comparable to this was introduced last year. It failed. We took a comprehensive bill to the House. That bill changes some of the rules and regulations and increases the fee about 40 percent. We believe you need to change the rules and regulations before you increase the fees. That is pending between the House and the Senate. And to come along on an Interior appropriations bill and change the fee schedule, as recommended, does not seem to this Senator to be the thing to do at this time.

So when the time is up, I will move, on behalf of all of those who have supported the grazing reform and the defeat of a similar amendment, I will move to table it. I hope that the Senate will respond by letting this matter lie where it is, an argument now between the House and the Senate on a comprehensive reform bill which also will provide for very significant increases in grazing fees. I yield the floor.

Mr. HATCH. Mr. President, I rise today to express my opposition to the Bumpers amendment to raise grazing fees on public lands. The future of many livestock producers in Utah and elsewhere in the country is threatened by this amendment.

I am not aware of any cattle producers in Utah who will be making a profit this year. At the same time as Utah ranchers are facing dismally low prices for their cattle, they have been hit with a devastating drought. On top of this, economic conditions in Canada and Mexico have flooded our United States market with their cattle.

Ranchers who have grazed these lands for generations are being forced to pull up their stakes and close up shop. With the cattle industry in such bad shape, many agricultural lenders, aware of the possibility of increased grazing fees on public lands, have become increasingly unwilling to lend to livestock producers. An increase in grazing fees now could be devastating.

This amendment would exempt ranchers from higher fees who have permits for fewer than 5,000 AUM's, or animal unit months. Animals are numbered and accounted for by animal unit months. An AUM represents a unit of forage that is normally consumed by one cow and her calf or five sheep over a 1-month period. Unlike many States, Utah public lands are grazed in the summer and the winter. A rancher owning as few as 500 head of cattle and grazing them for 10 months would need 5,000 AUM's. Such a rancher would be subject to these higher fees. Especially hard hit by this amendment would be Utah's beleaguered sheep grazers, a large proportion of whom would be faced with these higher fees.

Grazing fee increases will accomplish little more than to drive many family ranchers out of business. Of course, some private land owners charge more than the Federal Government for grazing on their lands. Private owners provide services which public lands do not. The Federal Government does not stock water ponds, provide fences, or provide roads. Ranchers using the public lands must provide these things for themselves at their own expense.

Mr. President, this amendment will not result in increased revenue from public lands. It will more than likely decrease revenue as ranchers who can no longer afford to use public lands find other options or go out of business.

I might add, Mr. President, that there are few other options for grazing land in Utah. The BLM controls 22 million acres of land in our State. The Federal Government controls 70 percent of our State.

Mr. President, I urge my colleagues to vote to maintain what is not only an important part of our Western heritage, but an important sector of the economy of many Western States. The next time my colleagues sit down to a nice juicy steak or to a hamburger with their kids at the local fast food restaurant, I hope my colleagues will remember that some rancher worked hard to produce it and may have even lost money for this effort.

Mr. President, I urge my colleagues in the Senate to oppose the Bumpers amendment.

Mr. SIMPSON. Mr. President, I have certainly enjoyed over the years the spirited debates in which I have engaged with my good friend from the State of Arkansas. He is a most passionate and articulate representative of his constituents and he is certainly a credit to them. In the debate over raising grazing fees on ranchers who use the public lands, however, I find myself pining for a new subject. We have oft been down this road before. We have heard it all; about how those rotten billionaire ranchers are ripping off the American people; about how they are overgrazing and ruining the lands; about how we should have a progressive fee system that would hit some ranchers hard and leave others alone; about the inequity of rates charged for Federal versus State lands. It is all "old hat."

Mr. President, I commend Senators THOMAS, CRAIG, DOMENICI, BURNS and all the others who have spoken out against this poor idea. I would be hard pressed to express my objections more cogently than they have done. Let me just underline a few concerns that those of us from Western States share with regard to this issue.

And these concerns are many. Indeed, I dare say that I cannot see one virtue in this amendment. To begin with, let there be no doubt about it: This amendment is not an effort to inject fairness into public lands grazing. Rather, this is the effort of interests who want nothing more than to get private ranchers off of public lands. "Cattle free in 93" was the clarion call during the last Presidential election of those who hold this view. Fairness? What is fair about it? As my good friend and colleague from the State of Idaho has pointed out, if it is fairness this amendment is after, then all parties should be paying the same rate, rather than pitting one class against the other. Of course, those of us on this side of the aisle are not surprised by this pitch: It is just such attempts to engender class warfare that those on the other side of the aisle have excelled at for lo these many years. Fairness? What is fair about penalizing success? What is fair about discouraging small ranchers from becoming successful ranchers? The supporters of this amendment moan that the taxpayers aren't getting their money's worth out of our ranchers. How much money do they think will be returned to the Treasury when many of these ranchers go out of business because they have been barred from these lands—and again let me stress: This is most assuredly their ultimate goal.

Environmentalists are forever trying to sell the American people a quick

Persian rug about "enviro dollars," and all of the money just waiting to be generated by tourism. Good heavens. In Western States like mine the tourist season on these lands is only a few months long at best. And has it occurred to no one what tourist jobs pay? Unless you own the motel you are probably making five bucks an hour changing bed sheets. Colonial Williamsburg, just a couple hours drive south of here, is one of the healthiest tourist enterprises in the country, yet there are people with 15 years seniority there who topped out long ago at eight or nine dollars an hour. The chimera of Tourism as a substitute for natural resource use on our public lands is one of the great hoaxes perpetrated on the American people by environmentalists. I guarantee you that tourism will not return more money to the Treasury than grazing lease holders.

But perhaps most offensive about the effort to rid our public lands of private ranchers is the fact that Western States are owned to an enormous degree by the Federal Government: My State of Wyoming—52 percent; Idaho—63 percent; Nevada—a whopping 87 percent. What are the people of the West to do but use these lands? Eastern States are not owned by the Federal Government to near this degree. Nor is the State of Arkansas, as my friend from Idaho has pointed out.

Fairness? What is fair about charging the same to graze on BLM lands as that charged on State and private lands? BLM land users have to furnish their own improvements; fences, culverts, water tanks. They must contend with public access to their herds. They have tighter restrictions on what predators they can and cannot control and a host of other differences.

Mr. President, this amendment is neither fair nor prudent. We have defeated it before and I encourage my colleagues to defeat it again. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator?

Mr. DOMENICI. How much time remains on our side and on Senator BUMPERS' side?

The PRESIDING OFFICER. The Senator from New Mexico has 4 minutes, 53 seconds remaining; the Senator from Arkansas has 3 minutes, 42 seconds.

Mr. DOMENICI. Mr. President, I yield all of my time to Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me echo again what the Senator from New Mexico has just said. This is a fascinating precedent being established here in this amendment by the Senator from Arkansas, precedent in the way we would sell public resources.

Never before have we said to a large timber company, "You're going to pay a premium for the tree because you're larger," and to the smaller timber producer, "You'll pay less." We have never said to a rich person who walked into a national park, "You're rich, so you'll pay more." And we have never said, therefore, to the poor person, "You will pay less." We have always established what we believed was a fair market price for the value of the public resource. That is your job, Mr. President, and that is mine.

This past year we made every effort to accomplish that. We debated it long and loud in the committee that the Senator from Arkansas and I are members of. We agreed and disagreed; and we came back again and structured another provision to reform. It had a fee increase in it for all parties who would lease the public's grass.

But what the Senator from Arkansas is saying is, "If you're rich, this blade of grass for your cow will cost you more than if you are less rich." You and I both know that deciding who is rich and who is not rich is very arbitrary. Sometimes you can own 1,000 head of cattle, and owe the bank $5 million, and have a net worth of nearly zero. That happens in the cattle business on occasion. I doubt that the Senator from Arkansas would call that rich, because if that individual rancher liquidated, there may be nothing left, especially after estate taxes and all of those kinds of things.

But the important issue here is that the Senate heard the need from the public to raise the grazing fees and to reform grazing, and we did, and the Senate acted.

I do not know where the Senator from Arkansas is coming from at this moment other than for the political sound bite for the up and coming campaign, because it is precedent setting, very precedent setting, to argue that we will divvy up the blades of grass of the public domain by who is rich and who is poor, and we will use that as a determination. We have never done it in any other way of selling a public resource, and we all recognize the importance of marketing public resources to get a fair and effective return to the Treasury.

Mr. President, that is what this Senate did. I think we ought to be proud of that work. Now, to attempt an end run around that effort, an end run that is precedent setting and totally unbalanced, is, without question, in my opinion, the wrong way to go. It divides the grazing communities of the West. It should not be allowed to do that. It totally rearranges what has been a historic arrangement that has stabilized the West and brought good stewardship to the public lands.

The stewardship now recognized by the Department of the Interior has resulted in better conditions on Western grazing lands than in the last 100 years. We, as trustees of that public domain, ought to be proud of that because we have insisted that stewardship go forward.

Now, that stewardship is a product of the relationship of the permittee—that is, the rancher who has the permit that leases the grass that grazes the cattle—that stewardship resulted in the quality of the rangeland we now have. If you break it up into a rolling crap shoot of a kind that has been proposed by the Senator from Arkansas, that stewardship goes away. No longer do you have the kind of longevity in grazing that goes from generation to generation with the clear recognition that that has produced quality stewardship, quality rangeland, quality wildlife habitat, and by the Department of Interior managers' own admission, the best conditions in rangelands in 100 years.

Mr. President, I hope we could table this amendment. I think it is wrong. I think it is unfair to divide the rich and the poor and establish that kind of an argument. If we do that, I think you and I will want to come back here and say to the millionaires that walk into our national parks, "You are rich, you pay more; for those on food stamps, if you can get to the parks, you pay less."

That that should not be the way we do it, but that is what is being proposed here today.

The PRESIDING OFFICER. All time has expired. The Senator from Arkansas has 3 minutes and 42 seconds remaining.

Mr. BUMPERS. I yield 2 minutes to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in support of this amendment, which is not about rich and poor, but about marketplace economies and capitalism, which made this country great. Basically, what we have here is a program which essentially allows people to take advantage at an extraordinarily low rate, a subsidized interest, paid for by the taxpayers of America.

Mr. President, $58 million a year is spent on this land. The United States gets back $14 million. What we are suggesting is that for those people who use this land excessively, who have a large number of AUM's that exceed the 97 percent of the people who are not going to be impacted, just the top 3 percent of the people using this land, who use it to such an extensive rate, that those people should pay a rate that is a higher rate.

Today's rate is 43 percent less than what was paid in 1980. What we are suggesting is a rate which does not even account for what the inflation increase would be had that 1980 rate not been brought forward. It is a reduced rate, even by the simple terms of reflecting back to the 1980's and adding inflation.

We are suggesting a rate much closer to fairness, to equity, that gives to the taxpayers of this country, all of whom happen to own this land—it is not just owned by folks in the West—a reasonable return on the investment they are making.

I yield the floor.

The PRESIDING OFFICER (Mr. COATS). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from New Mexico and the Senator from Idaho alluded to what fair market prices are. If you live in Idaho—the Senator from Idaho mentioned he tried to establish a fair market price—the price is $1.35 AUM if you lease lands for grazing from the U.S. Government. But if you lease lands for grazing from his home State of Idaho, you have to pay $4.88 for the same thing, and in New Mexico, it is $3.54.

The average that States charge for the same thing we get $1.35 for is $5.58. Why are the States so much smarter than we are? If you rent in the private sector, the national average is $11.20.

The Senator from Idaho said we are trying to separate the rich from the poor. Nothing of the kind. These people I am talking about—Anheuser-Busch, Newmont—I do not think they argue they are poor, they cannot afford to pay more, for example, than what his State would charge. If they are poor, if people who have 5,000 AUM's, which is all this amendment covers, if they are poor, who are these 97 percent below them? We do not touch anybody except people like Anheuser-Busch, Newmont Mining, William Hewlett, J.R. Simplot, the biggest corporations, wealthiest people in America.

I do not blame them. I would get land for $1.35 before I would lease it from the State of Idaho for $4.88, or lease it from somebody who owned land for $11.20. All we are trying to do is say, if you want this land, fine, we will give you 5,000 AUM's at this ridiculously low price. If you go above that, you will have to pay a little more.

We all know what this is. I heard all of this debate yesterday about all these poor little ranchers. The poor little ranchers out there are not touched under this amendment. They can graze 418 head every month for 12 months. Most permittees do not graze livestock on the Federal lands for 12 months. Most of them only graze about 5 months a year, so you have to have 1,000 head on most of this land before you even get touched by this. If you have 1,000 head, you ain't poor.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. DOMENICI. I move to table the Bumpers amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Arkansas.

The yeas and nays have been ordered. The clerk will call the roll on the motion to table.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—50

Abraham
Ashcroft
Baucus
Bennett
Bingaman
Bond
Brown
Bryan
Burns
Campbell
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
Domenici
Dorgan
Faircloth
Feinstein
Frahm
Frist
Gorton
Gramm
Grams
Grassley
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Reid
Shelby
Simpson
Stevens
Thomas
Thompson
Thurmond

NAYS—50

Akaka
Biden
Boxer
Bradley
Breaux
Bumpers
Byrd
Chafee
Coats
Cohen
DeWine
Dodd
Exon
Feingold
Ford
Glenn
Graham
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Smith
Snowe
Specter
Warner
Wellstone
Wyden

The motion to lay on the table amendment No. 5353, as modified, was rejected.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, have the yeas and nays been ordered on the amendment itself?

The PRESIDING OFFICER. Yes. And the yeas and nays have been ordered on H.R. 3816, the energy and water appropriations bill.

Mr. GORTON. Mr. President, I ask unanimous consent that we vote now on the amendment.

Mr. President, this vote having been 50 to 50 on the motion to table, and the order having been that we vote on or in relation to the amendment, it seems at least to this Senator that the logical course of action would be to vote now on the amendment and then to vote on the energy and water bill thereafter. As a consequence, I ask unanimous consent that we proceed to vote on the Bumpers-Gregg amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I think it would be well to debate this amendment awhile longer. I am not prepared to vote on this amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Washington?

Mr. BUMPERS. I object.

The PRESIDING OFFICER. Objection is heard.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Under the regular order, the vote now occurs, as previously agreed, on the adoption of the conference report on H.R. 3816, the energy and water appropriations bill. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—92

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feinstein
Ford
Frahm
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—8

Brown
Bryan
Faircloth
Feingold
Kerry
Kyl
McCain
Roth

CHANGE OF VOTE

Mr. KERRY. Mr. President, I was recorded as an "aye" on the previous vote. I meant to be recorded as "nay." I ask unanimous consent that I be recorded as a "nay." This would not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. KERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Washington is recognized.

Mr. GORTON. Mr. President, obviously, under normal circumstances, we would now go back to the Bumpers-Gregg amendment on grazing fees. The Senator from Arkansas, and I think the Senator from New Mexico as well, wish a little time before we do that. I believe it totally appropriate to grant that time.

Second, the distinguished senior Senator from Alaska wants about 15 minutes to speak on the former Sergeant at Arms of the Senate. I will soon make a unanimous-consent request that about 15 minutes be devoted to that subject. After that point, I will ask we set this amendment aside and be ready to go to other amendments on the subject.

With that, I suggest the absence of a quorum. Excuse me, the Senator from Alaska is here, so I ask unanimous consent the Senate grant 15 minutes to the Senator from Alaska or his designee to speak on the recently retired Sergeant at Arms.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I ask, upon conclusion of the Senator's remarks, I be recognized for purposes of offering an amendment.

Mr. GORTON. I object to that, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

SALUTING THE SERVICE OF HOWARD O. GREENE, JR.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Resolutions 293 and 294, and I ask unanimous consent they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask that the clerk read the resolution which is the resolution pertaining to the former Sergeant at Arms.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 293) saluting the service of Howard O. Greene, Jr.:

S. RES. 293

Whereas, Howard O. Greene, Jr. has served the United States Senate since January 1968;

Whereas, Mr. Greene has during his Senate career served in the capacities of Doorkeeper, Republican Cloakroom Assistant, Assistant Secretary for the Minority, Secretary for the Minority, Secretary for the Majority, culminating in his election as Senate Sergeant-At-Arms during the 104th Congress;

Whereas, throughout his Senate career Mr. Greene has been a reliable source of advice and counsel to Senators and Senate staff alike;

Whereas, Mr. Greene's institutional knowledge and legislative skills are well known and respected;

Whereas, Mr. Greene's more than 28 years of service have been characterized by a deep and abiding respect for the institution and customs of the United States Senate;

Therefore be it resolved,

That the Senate salutes Howard O. Greene, Jr. for his career of public service to the United States Senate and its Members.

SECTION 2. The Secretary of the Senate shall transmit a copy of this resolution to Howard O. Greene, Jr.

PROVIDING FOR SEVERANCE PAY

The PRESIDING OFFICER. The clerk will report the second resolution.

The bill clerk read as follows:

A resolution (S. Res. 294) to provide for severance pay.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolutions?

There being no objection, the Senate proceeded to consider the resolutions.

Mr. FORD. I ask unanimous consent I be made a cosponsor of the resolution commending Howard Greene.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that all Senators have an opportunity through the remainder of the day to add their names as cosponsors, if they so desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, Howard Greene traveled across the Chesapeake Bay from Lewes, DE, to the Senate in 1968, and he has been present in the Halls of the Capitol ever since. He developed a deep knowledge and understanding of the Senate as he rose through the ranks from Doorkeeper to Cloakroom assistant to Secretary for the Minority and Majority to Sergeant at Arms. His loyal service spans from Republican leaders Everett Dirksen, Howard Baker, Bob Dole, and TRENT LOTT. He served almost three decades.

Members have come to rely on Howard's ability to help count noses. I know I did when I was whip in the Chamber here for 8 years.

While sometimes it seemed that Howard had a crystal ball, it was his careful analysis, knowledge of the issues, understanding of the Members, and his hard work that provided information that usually made his forecasts correct. Vice Presidents, in their role as Presidents of the Senate, have relied on Howard's assistance and experience particularly during times when debates were intense and votes could be close.

We have been able to count on Howard for almost 30 years, and he has been there when he was needed by the Senate. But better than that, he has been able to participate where he could be of help. He has not had to be asked. His colorful descriptions of everyday situations and sense of humor helped lighten the atmosphere during some of our longer and longest days and nights. He was here on some of the longest ones.

Those of us who traveled with Howard over the years know what a fine traveling companion he really is. One of his sad tasks was to arrange for Senators to travel to funerals or memorial services for departed Senators. When Howard made those arrangements, the appearance of Members of the Senate was one of dignity, organization, and meaningful caring for those who survived one of our former colleagues.

Mr. President, I believe Senators on both sides of the aisle know that Howard's allegiance to the Senate and his loyalty to its Members and his love of our country would be hard to match. Many Senators and staff members who have retired would echo my words of tribute to my friend.

Today, as his service in the Senate is about to end, I have asked for permission to request the Senate to pay this special tribute to Howard Greene. He will be missed by many of us.

I understand there will be time up to 15 minutes for Members of the Senate to add their comments, but let me first ask unanimous consent that the resolutions be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and statements made to these resolutions appear at this point in the RECORD.

The second resolution is comparable to that which was offered for several other Sergeants of Arms and recognizes their service by a provision for terminal leave compensation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 293 and S. Res. 294) were agreed to.

The preamble to Senate Resolution 293 was agreed to.

The resolution (S. Res. 294) is as follows:

S. RES. 294

Resolved, (a) That the individual who was the Sergeant at Arms and Doorkeeper of the Senate on September 1, 1996, and whose service as the Sergeant at Arms and Doorkeeper of the Senate terminated on or after September 1, 1996 but prior to September 6, 1996, shall be entitled to one lump sum payment consisting of severance pay in an amount equal to two months of the individual's basic pay at the rate such individual was paid on September 1, 1996.

(b) The Secretary of the Senate shall make payments under this resolution from funds appropriated for fiscal year 1996 from the appropriation account "Miscellaneous Items" within the contingent fund of the Senate.

(c) A payment under this resolution shall not be treated as compensation for purposes of any provision of title 5, United States Code, or of any other law relating to benefits accruing from employment by the United States, and the period of entitlement to such pay shall not be treated as a period of employment for purposes of any such provision of law.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join my distinguished colleague, Senator STEVENS, in praising Howard Greene. During the 16 years that I have had the privilege of serving in the Senate, I have come to know Howard Greene and have great admiration and respect for him.

Senator STEVENS talked about the Republican majority leaders Dirksen and Baker and Dole and what great service they received from Howard Greene. In a sense, Howard Greene was a leader's leader because he would always provide information and insights of enormous value to the leadership.

We are blessed, in the Senate, to have personnel who serve in the capacity of—you might call them clerks, or you might call them directors, or you might call them, in effect, assistant leaders. When Howard Greene was here, I would frequently go to him, as would most of my colleagues, and want a prediction about what was going to happen. People who may watch the Senate intermittently on C-SPAN do not know that our schedules are very unpredictable. Some times people ask, "When will the Senate adjourn?" I customarily say, "When the last Senator stops speaking." Howard Greene customarily had a good idea as to when the last Senator would stop speaking.

When he was promoted to the Sergeant at Arms, a very important and prestigious position in the Senate, I was, in a sense, sorry to see it happen, because no longer would Howard Greene patrol the floor. That familiar sight when he would come out of those double doors, straighten his tie and adjust his coat and walk down that step. Even Elizabeth Greene laughs at the recapture of Howard Greene entering the Senate Chamber. He was always busy. Howard Greene was really a great aid and comfort to all the Senators. When the going got rough, I would call him in the evening or call him on weekends, and he was always available to help over the rough administrative hurdles.

I know my colleague Senator ROTH has come to the floor, and he intends to talk about Howard Greene as well. But I think Howard Greene was a tremendous asset to the U.S. Senate. I, for one, am very sorry to see him terminate his service here. But I wish him the very best in the years ahead, and I know we will all continue to work with him and admire him and respect him for his contribution to this body.

I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Kentucky.

Mr. FORD. Mr. President, may I just take a moment to associate myself with the remarks of the distinguished Senators from Alaska and Pennsylvania, as they relate to our friend Howard Greene.

I think you have to understand the institution to understand the value of an individual like Howard Greene. I think you have to understand the fairness, you have to understand that your word is good, that when you tell a Senator something, that is the way it is. If something happens that it cannot occur that way, you have the good judgment to come back and say to that Senator it cannot happen now, and tell him why.

I have never talked to Howard Greene and asked for anything, but what I received the most courteous attention as if I was the only one seeking any kind of information or help from him.

So I will miss Howard Greene. I think the Senate will miss Howard Greene. I hope those who are taking Howard's place will understand that they are filling very, very large shoes.

To my friend Howard, I wish him well. I hope his days ahead are full of pleasure, and I hope that he can find something that will fulfill him as much as his operation here in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I join in the tribute to Howard Greene. I worked with him here in my 17½ years in the Senate. He has been very helpful to me. He has been a friend of mine. He has been an outstanding public servant, a man of conviction and honesty and hard work.

I do not know if the public realizes how hard some of these staff people work around here to keep this place going. I saw it firsthand, in many cases when we were in session at night.

Howard Greene certainly exemplifies hard work and honesty and goodness. I join my colleagues in paying tribute to him here today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I just want to pay my respects to Howard Greene for being such a good friend and a solid worker around here in the U.S. Senate. Wherever he has worked he has served with distinction, he served with a great deal of verve, and he has been a very good friend for all of us. I would feel very badly if I did not get out here and say a few nice things about him, because Howard has always had an open mind, he has always been willing to listen, he has always tried to help. He has helped me on a number of occasions, as I know he has every Senator, and he deserves our respect, and I certainly want to pay my respect to him today.

I am sorry he is retiring, but I wish him the very best in his retirement, and I hope, if there is ever any occasion for me to give any assistance or help to him, I would certainly like to be there for him. He is a great person who I think served this U.S. Senate with great distinction. I just wanted to say those few words here today.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, it is fitting for me to offer a few words concerning Howard Greene and his service to the U.S. Senate. Howard is from my home State of Delaware. He began his service to the Senate in 1968, as a doorman in the gallery. At the time, he was only 26, attending the University of Maryland. His objective was to become a history teacher. Howard was an ambitious young man—bright and extremely able. In this environment, he gained the attention of Senators and became more and more interested in the political process—especially the daily proceedings here on Capitol Hill.

When an opportunity presented itself in the early 1970's, Howard moved into the Republican Cloakroom. After this important promotion in Howard's young life, you can imagine his surprise when his mother said, "Congratulations, Dear. Does that mean you'll be hanging up the Senators' coats?" It was while in the Cloakroom that Howard distinguished himself as one who could get things done. His attention to detail, and service to others became defining qualities, as did his keen insight into complex legislative issues.

Those who knew Howard, trusted his insights, and his activities drew him into even greater involvement with the daily affairs of the Senate. They prepared him well for a new assignment as Assistant Secretary for the Minority, under Mark Trice.

With the election of Ronald Reagan and the Republican majority, Howard was appointed Secretary by Howard Baker. It was while he served in that capacity that many of us came to appreciate his organizational skills, his diplomacy, and leadership.

Howard has now served 2 years as Sergeant at Arms. His love for the Senate and the legislative process have continued. In his years of service, he had done Delaware proud.

From his upbringing in the small town of Lewes, to his work in the most powerful legislative body on Earth, Howard Greene is, indeed, a smalltown boy who made good.

Mr. President, I yield back the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, when I came to the Senate, I can say without any equivocation, Howard Greene was one of those individuals to whom I and my colleagues—we had one of the largest classes of Senators at that particular time; took our oaths in 1979—but he was the man to whom we looked for a lot of advice and guidance.

The distinguished Senator, Mr. Howard Baker, was then our leader on the Republican side. And it was clear that Mr. Baker placed in Howard Greene a great deal of confidence and respect, and indicated to Mr. Greene, to the extent he could be of assistance to the newcoming Senators, to do so. That early experience with him led to many, many times that we worked together.

I find him to be a person extremely knowledgeable about the rules of the Senate. While the rules of the Senate are the subject of great discussion many, many times, there is a lot that is not in the rules. But, nevertheless, Senators are expected to follow the traditions. And he was particularly astute about all the unwritten traditions of the Senate. And certainly in my class—and I hope it will always be a part of Senate life—we were very anxious to comply with the rules of the Senate, be they written or unwritten, as a part of tradition.

Howard Greene played a very valuable role to my class. I see my distinguished colleague here from Wyoming, Senator SIMPSON. He remembers well Howard Greene and how he worked with our class, and in the years thereafter. He was also pretty tightlipped. There were many times he sat in on meetings. I found that he was able to hold those exchanges that sometimes were heated between Senators, and do it very well.

So speaking for myself, and I hope others will join me, we wish him very well in his next challenge in life professionally. I wish to express my fond farewell and my gratitude in terms of what he did for me individually, what he did for my class of Senators, and what he did for almost three decades of service in the U.S. Senate. I hope that younger persons now coming along and seeking to have a role in the Senate will look upon Howard Greene as one that set standards that they should strive to accept. Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I join with my colleagues in paying tribute to Howard Greene for the service that he has provided this body. My personal association with Howard goes back to my election to the Senate and coming to this body in 1980. I had little association with Washington, DC, and little association with Senate procedure, and I found Howard extraordinarily talented in addressing the egos of some 100 individual Members of this body.

He always reminded me of a person who had the ability to keep all the balls up in the air, all at once if necessary, and in meeting the needs, the desires, not only of the Members during the normal course of business, but oftentimes it would be necessary to phone him after hours. I found him more than willing to go beyond just accommodating Members in the normal activities of our daily lives, but to make an effort to accommodate the needs of family and family members.

I think it is fair to say that as I look back on my career in the Senate, approaching some 16 years, I look back on it with fond memories of my association with Howard.

The occasional traveler. Howard was, in my opinion, a white-knuckle flier. He had some inhibitions about the ability of the particular craft to get him to where he was going and, more importantly, back. One night we were flying over the Atlantic, and I do not know whether we were in the Azores or where, but we had to refuel. And we were in an old Boeing 707 that the Air Force had, and occasionally the gear did not go down. One of the gears locked up on this particular night, would not go down. The normal procedure for eliminating that experience was to put the plane in a slide dive and pull up rather abruptly, and that theoretically would drop the gear. Of course, the Air Force aircraft are not known for their public address systems. Some of us had some idea of the procedure, and Howard was simply terrified through the entire process, which I think resulted in some libation of some nature, or at least a visit to a watering hole when we hit the ground, to which he was entitled and probably all of us as well.

I cite a more recent visit that I had with Howard when I had an opportunity to participate as chairman of the United States-Canadian Interparliamentary where we flew out of Prince Rupert, British Columbia, with many of our Canadian counterparts, Members from Parliament from both the lower house and the upper house, and then took an Alaskan ferry on up through Ketchikan and Juneau, and then went on past the Yukon Railroad out to Whitehorse where we were again joined by members of the Yukon territorial parliamentary body. And I found his insight, his long memory of the Senate, particularly some of the humorous sides of our relationships with one another, to be very interesting and rewarding.

So I just add, that Howard Greene's contribution to the Senate will be long remembered by those who served with him, who knew him, and who loved him. I join others in wishing him well as he proceeds with what is ahead of him in his life. And I thank him for his friendship and for his accommodation. I wish him well. I yield the floor, Mr. President.

Mr. SIMPSON. I thank my friend from Alaska, Mr. President.

Just let me pay my own personal tribute for a moment to Howard Greene. When I came here to the Senate with Senator WARNER, our first meeting, our first official conduct, our first official briefing, was with one Bill Hildenbrand and with Howard Greene, very special people, both of them. They worked so well together. These two smoothed my path in this place, and certainly Howard Greene was, in my role as assistant leader of the Senate, always there. He was there. He gave me full measure of himself, as so many have here who do the work of the Senate.

Those who are here today who knew Howard, worked with him closely, he was always there for me in my role as assistant leader. As I say, he gave me full measure—loyal, helpful, persistent, a source of good counsel—and a strong, yes, yes, strong, taskmaster. He was good at organizing things, the official visits, the trips, the Presidential funerals, the official trips we had to do, and he was always well organized.

He will be remembered for his love and loyalty to the Senate as an institution, for he loved this place from his youth and from his early beginnings. He was my strong right arm in my work, and I owe him my deepest thanks and respect. I shall miss his good humor, ribald as it was. I wish him well. There is much more for him to do in life. I wish him well. I wish him peace of mind. I wish him good health. He has many friends. He can certainly always know that this is one. Ann and I wish him the very best. God bless him in his new endeavors of life.

I thank the Chair.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I join my colleagues today in paying tribute to Howard Greene and in saying words about our good friend. He has been my good friend for the past 20 years.

I came to the Senate, and Bill Hildenbrand and Howard Greene were two people who took me under their wings. My own judgment at the time was that Bill Hildenbrand knew almost everything that needed to be known about Washington. He seemed to be a man of consummate experience, a person who had been involved in campaigns but, likewise, in the running of the Senate from time immemorial. Howard Greene seemed to be his deputy, his teammate, a person of great vigor, who would stride up and down the aisles of this Hall with determination and always with success in finding the person, the bill, the detail that was required.

It was exciting to watch them. It gave me confidence that some people had confidence in what was being done, and I thought if I watched carefully I might learn more, and I did from both of these gentlemen. During recent years, Howard's growing responsibilities have been a real pleasure—seeing his own growth as a person, as an administrator, as one who has served Government well, has served the people of the United States, really, with distinction, in large part because he helped all of us to be more effective and to have some idea of what we were doing and how we might do it better.

I am delighted to have this opportunity, and I appreciate the leader giving us the opportunity today, to say good words about people who have meant a lot to us, and especially about the person that we honor on this particular afternoon, Howard Greene.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I noticed that some of my colleagues commented about the service of Howard Greene, retiring as Sergeant at Arms of the Senate. They referred to their long years of experience with Howard and the great service that he has rendered to the Senate during those years.

I am a relatively new Senator and don't have that kind of experience to draw on, but I can offer the perspective of a relative newcomer to this body and to the service that Howard Greene provided when I was trying to find my way around. I found very quickly that if I wanted an answer to a question, I went to Howard Greene and I always got one—quickly, accurately, and sometimes very, very succinctly. Howard is not a man who wastes words.

I found when I needed assistance in working through possible committee assignments and understanding the program and how it all works, Howard Greene was there at my side to give me the assistance I needed and helped me find my way through that, which could be so confusing to a newcomer. Subsequently, as a member of the Legislative Branch Subcommittee of the Appropriations Committee, I had the opportunity to interact with Howard during appropriations hearings that he was called upon to attend as the Sergeant at Arms. I found that he was not only concerned about Senators and taking care of the needs of Senators, he was also very concerned about the people under his jurisdiction. The Capitol Police come to mind as one area where Howard focused primarily on the personal needs of the members of the Capitol Police.

When I made a suggestion in the subcommittee about something that could be done within the law that would make life better for the Capitol Police, Howard picked up on it immediately and said, "We will do that." A little while later, I checked back and said, "Has anybody followed through on this?" I needn't have done that checking back. It was Howard Greene who said, "We will do that," and the staffers looked at me and said, "Yes, Senator, that is in the bill."

So as he moves on to another circumstance and phase in his life, I want him to know that he goes with not only the good wishes of some of the old-timers around here, but a few of us newcomers as well recognize the service he has rendered, the friendship that he has offered, and the excellence with which he has performed his job.

I wish Howard the very best in whatever he now undertakes and tell him that the Senator from Utah will always look fondly upon Howard Greene as one of his friends.

With that, Mr. President, I yield the floor.

Mr. PRYOR. Mr. President, I, too, would like to join with my colleagues this afternoon in paying special respect here on the floor of the U.S. Senate to our friend Howard Greene. He has served this institution with great dignity, with great candor, and certainly with great understanding and respect for the Senate of the United States and for each and every Senator.

He has respected and served and answered to not only the Senators on that side of the aisle, but he has been most respectful and most helpful also to the Senators on the Democratic side of the aisle.

Howard Greene is the type of individual who makes the U.S. Senate not only unique, but I think that because of his service to the Senate and his years involved with the Senate, the U.S. Senate is better today because of his years of very, very distinguished service. He is a part of the heart and the nerve and the sinew that makes the U.S. Senate what it is today, Mr. President.

I take great pride in being able to add this humble voice as a vote of confidence for this fine man and as one who has worked with him and alongside him for a number of years. Mr. President, it gives me great pleasure to add my words of support and best wishes to this fine servant of the people of our country and the U.S. Senate, Howard Greene.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, each day the Senate is in session, at least one Member rises to pay tribute to a friend, a constituent, or a colleague who has distinguished himself, or has decided to leave Government service. Today, Most members of this body are taking to the floor to say "goodbye" to a gentleman who has not only been a fixture of the U.S. Senate for many years, but has grown to be a friend to most of us, Sergeant at Arms Howard Greene.

Howard is one of those unique individuals who has spent most of his adult life here on Capitol Hill. Beginning his career just outside this chamber as a doorkeeper, Howard worked hard and moved up the ladder of administrative jobs in the Senate, taking over the position of Secretary to the Majority at the beginning of the 104th Congress, later assuming the duties of the Sergeant at Arms. In every job he held, Howard distinguished himself as an individual of ability, dedication, and character, and he earned the respect of Members from both sides of the aisle for his thoroughness and commitment.

As the Republican Party had not held control of the Senate since the 1980's Howard had a challenging task before him at the beginning of the 104th Congress. No doubt, his encyclopedic knowledge of the history, traditions, and procedures of this great body aided him greatly as he administered to his tasks as Secretary to the Majority and Sergeant at Arms. I am certain that all would agree that the transfer of power from the Democrats to Republicans was smooth, and that the functions over which Howard had responsibility functioned efficiently and effectively during his tenure.

Mr. President, as you know, Howard Greene is about to end his service to the U.S. Senate. He can be proud of the work he has done as a part of this institution during his many years on the Hill, and I know that each of us wishes him good health, great success, and much happiness in the years to come.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOLE ECONOMIC PLAN: VOODOO II

Mr. EXON. Mr. President, last week, I delivered the first of a number of speeches on the fiscal follies of the Dole economic plan. I gave a brief history of voodoo economics in the Reagan-Bush years, its failure, and the economic carnage it left in its wake. I hope that I was able to shed a little light on an issue of great concern to all Americans.

Today, I ask the American people to look at the Dole economic plan—advanced voodoo economics, if you will. And if it wasn't for all of the harm it would cause, the Dole plan would be pretty amusing to this Senator who has worked on the budget for a long, long time.

I must say that Bob Dole's supply-side plan reminds me of a 17th century scientist by the name of van Helmont who actually had a formula for making mice out of old underwear. At its heart, that's the Dole plan: taking bits and pieces of discarded economics and turning them into something unrealistic.

Last week, I had the privilege to join with Democratic colleagues at an important forum on the Dole economic plan. Benjamin Friedman, professor of political economy at Harvard University, warned, "The Dole-Kemp proposal is a reprise of a gamble that failed."

Former Budget Director Charles Schultze concluded,

> A reasonable and prudent person would have to question severely the wisdom of repeating what the country did 15 years ago—enacting a large tax cut before budget balance is well in hand.

The Dole plan is mired in the same specious supply-side arguments and optimistic assumptions that made up the economic quicksand of 15 years ago. The original trickle-down economics delivered mediocre economic performance and a mountain of debt. Is there any reason to believe it will be different this time around? The answer is a resounding, "No."

Like the original voodoo, the Dole voodoo II relies on bogus assumptions to hide its disastrous deficit consequences. It's a Whitman's Sampler of candy-coated scenarios. The Dole plan includes a $254 billion fiscal dividend for cutting the deficit; a $147 billion growth dividend for expanding tax breaks; and an $80 billion revenue dividend from projecting out a short-term blip in revenues. It hides the cost of back-loaded tax breaks and massive, unspecified spending cuts that no one believes will happen. As Mr. Dole ups the ante on his economic plan, he raises questions about its credibility.

In spite of the truth nipping at his heels, candidate Dole assumes that he if he says nonsense enough times it will be believable. He's wrong. The latest New York Times: CBS poll shows that 64 percent of the electorate does not believe that Mr. Dole will be able to deliver the promised tax cuts.

True to form, the Dole plan postulates that tax cuts largely pay for themselves through economic dividends. The Dole dividends are doubly implausible because most of the tax cut consists of items that have nothing to do with the economy's longrun capacity to grow. Most will do little or nothing to stimulate savings, investment, or work effort.

The Dole tax cuts' effects on the economy are likely to be worse than the lackluster performance posted during the Reagan-Bush years. The first supply-side gamble was taken at the trough of the 1981–82 Reagan recession, the deepest since World War II. Not surprisingly, the 1981 across-the-board tax cut did boost the economy by stimulating spending, and not savings—boosting demand in the economy, not supply. As a consequence, much of the employment growth during the Reagan years resulted merely from people getting back jobs they lost during the recession.

Unlike the early 1980's, when the unemployment rate reached 10.8 percent, strong job growth over the last few years has brought our current jobless rate down to 5.1 percent. A shot of demand stimulus now would risk overheating the economy, push up inflation and interest rates, and do little to improve the already tight labor market.

Any benefit from a trickle-down tax cut now would have to come from improvements in the economy's long-run capacity to grow. The prior experience with Reaganomics is not reassuring, since growth slowed to its previous longrun pace once the economy's slack had been taken up.

The Dole plan also assumes that an unexpected jump in revenues this year will persist forever, even though CBO in its latest Economic and Budget Update argues that this blip may well be temporary.

In fact, it could be worse. I am deeply concerned about the effects of the Dole tax cuts beyond the year 2002. There is no cutoff point; they keep growing and growing. The farther out the tax cuts are projected, the less coherence the Dole plan has, and the wider the deficit projections become.

Like his supply-side predecessors, who stretched credibility like taffy, candidate Dole promises to balance the budget despite tax cuts totaling $550 billion. This would require spending cuts far more extreme than those that the Republicans failed to pass over the past 2 years. And remember too, the number of programs that Dole has put off-limits: Social Security, Medicare, defense, veterans, interest on the debt, the New Mexico labs, military retirees, and the list keeps growing every day. Even George Bush's Budget Director, Richard Darman, said that the Dole plan was not realistic politically.

In most cases, the Dole plan leaves these huge spending reductions unspecified. In those instances where they are specific, however, the Dole campaign's own figures imply that some programs, like the Energy Department, should be cut by more than 100 percent. At least we can all agree that that will be a difficult task indeed.

As I have said, the Dole plan will merely build the current mountain of debt to new heights. And history does not provide much comfort to those of us concerned about this horrible monument of fiscal irresponsibility. If past is prolog, we are in for more debt. Some have incorrectly claimed that President Reagan would have balanced the budget in 4 years as promised, save for the fact those Democrats were in control of the legislative branch. For three-fourths of the time that President Reagan was in office, he enjoyed the support of a Republican majority in the Senate. The record clearly shows that President Reagan failed to use the ultimate and readily available authority he had—the veto to cut spending. He clearly had more than sufficient votes to sustain a veto. Furthermore, neither Presidents Reagan nor Bush submitted a balanced budget certified by the Congressional Budget Office.

So what's the bottom line on the Dole economic plan? In the September 2, 1996, New Republic, Matthew Miller writes "It's a fraud, covered up through deception and double counting." That's pretty harsh but I have to agree. Bob Dole shouldn't gamble away the future of our Nation with a farfetched, losing proposition that in the end will only end up with more spending.

I simply say that the authority that the President has to cut spending should be used and the veto pen should always be their. It seems to me, Mr. President, that we should realize and recognize that we have had four straight reductions in the annual deficit of the United States.

It seems to me that we should not go hellbent for election with an economic plan that this Senator believes is doomed to failure.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Oklahoma.

SENATOR DOLE'S ECONOMIC PACKAGE

Mr. NICKLES. Mr. President, I wish to make a couple comments in response to my colleague from Nebraska.

He made a very strong statement against Senator Dole's economic package. Let me make a couple of statements in rebuttal to that.

The Senator quoted a poll which said that 64 percent of the American people do not believe there is really going to be a tax cut. A lot of people are very skeptical of politicians, in particular when they make statements as it pertains to taxes and you look back in history a little bit. George Bush said, "Read my lips. There will be no new taxes." And he passed a tax increase, and I believe it cost him his reelection.

Bill Clinton, when he was campaigning in 1992, campaigned on a tax cut, told people throughout the country there would be a tax cut, talked about a $500 tax credit per child, or at least a tax credit for families, but it did not happen. As a matter of fact, in 1993, there was not only not a tax cut but the largest tax increase in history.

So a lot of people are very cynical when politicians talk about taxes, maybe because for the last few years they have not seen people follow through with what they stated they were going to do. That quite possibly is understandable.

Candidate Bill Clinton in his book said there would not be an increase in the gasoline tax, but he actually did. He passed a gasoline tax increase, as we all know. He did not tell people there was going to be an increase on Social Security recipients, but there was.

So my point is, yes, there may be some people who are cynical, but that does not mean that just because Bill Clinton did not do what he said he was going to do Bob Dole will not. I have had the pleasure of serving with Bob Dole, and he is a man of his word, and he is very sincere. He is very sincere about cutting taxes and reducing the growth of spending. I will just mention that he doesn't even cut spending. He slows the growth of spending under his proposal. The facts are we are spending $1.55 trillion right now, and under Senator Dole's proposal we are going to end up spending about $1.8 trillion in the year 2001. But he does commit to balancing the budget. That is doable. We have done it. President Clinton, unfortunately, vetoed it.

Can you cut taxes and reduce the growth of spending and still end up with a balanced budget in a few years? Yes; you can. We have proved that you can.

I want to allude to one other thing that was mentioned. It is said, well, Senator Dole's tax cut is paid for by voodoo economics, or it is going to provide tax cuts to pay for itself. That is not the case. He took a very conservative assumption that the tax cuts proposed in his proposal would stimulate growth and that would pay for about 27 percent—not even half, 27 percent.

So I just make mention of the fact that some people assume this really does stimulate the economy and therefore pay for itself. Some people make that assumption. Senator Dole did not. He said it will stimulate the economy; the economy will grow a lot faster. It has grown a lot faster. The growth of the economy for the last 3 years has really been pretty anemic—about 2.2 percent compared to the last 10 or 12 years when it has been about 3.3 percent, about 50 percent higher. We can do better. We should do better. I hope we will do better.

I also heard a statement, well, very little is in Senator Dole's package that would stimulate the economy. I disagree. Allowing people to keep more of their own money, when you are talking about the child credit—Senator Dole's package has provision for a $500 tax credit per child. That is very family friendly. That says families, if you have four kids and you are making $60,000, maybe two people working, you are going to have $2,000 more of your own money to spend at the local restaurants or at schools or for your family. That is going to help those businesses. Those businesses are going to make more money. They are going to generate more jobs. It is going to help the economy and, I believe, actually spend it better than how the Government would spend it.

He also cuts the capital gains rate in half. Some people disagree with that. I believe we have at least a strong majority vote in the Congress to do it, because if you reduce the tax on financial transactions, you are going to have more. Some countries do not even tax financial transactions.

I think there are several things in Senator Dole's proposal that will stimulate the economy, that will balance the budget. He is also calling for a constitutional amendment to balance the budget. So he is sincere about doing it. I think he will do it. In spite of the fact that maybe one or two of his predecessors did not do what they said they were going to do, did not follow through, did not tell the truth to the American people, I believe Senator Dole is telling the truth. He is a man of his word. We will cut taxes. We will balance the budget. We will pass a constitutional amendment to balance the budget. I think that is significant, it is positive, and it will help the American economy and help American families as well.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I do not want to cut off anybody, but I am trying to call up a bill that is a major bill. I do not want to block the Senator.

Does the Senator have a brief statement he wants to make?

Mr. INHOFE. Yes. I will be very brief.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

EXPERIENCE IN INCREASING REVENUES

Mr. INHOFE. Mr. President, we have had three experiences in this century of increasing revenues: One was in the 1920's, one in the 1960's, and then in the 1980's. All three times it was a result, economists had to agree, of the fact that we reduced taxes and gave people more freedom. As a matter of fact, it was not a Republican but it was a Democrat, it was President Kennedy back in the 1960's, who observed that we have to increase revenues and the best way to do that is to reduce taxes. Of course, history showed that it did work. It worked again in the 1980's when we went from a total expenditure to run Government in 1980 of $517 billion to $1.03 trillion in 1990, a 10-year period in which we had the most dramatic decreases in taxes.

So I would certainly agree with the man who I believe will be the next President of the United States that the best way to get this country back on the right track is to reduce regulation, reduce taxes, and give people more individual freedoms.

I yield the floor.

FEDERAL AVIATION ADMINISTRATION PROGRAMS REAUTHORIZATION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 539, S. 1994, the FAA reauthorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1994) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PRESSLER. Mr. President, I rise in support of S. 1994, the Federal Aviation Authorization Act of 1996. Today, I am offering a manager's amendment to the bill as originally considered by the Commerce Committee which includes a variety of critically needed improvements to address important safety and security issues affecting airports, airlines, and the travelling public.

This legislation is a comprehensive effort to deal with virtually all aspects of our Nation's air transportation system including: funding issues, security, the replacement of aging air traffic control equipment, and infrastructure development.

Mr. President, first and foremost, we must act to reauthorize the programs of the FAA before we leave this year or the FAA will be prohibited from issuing grants to airports for needed security and safety projects. In light of recent air transportation tragedies, we must act now to ensure this vital revenue stream remains available.

As I have indicated, there are dozens of important provisions in this legislation, but Mr. President, I would like to focus my remarks on three main areas.

First, aviation safety. Air transportation in this country is safe and remains the safest form of travel, however, we can and we must do more. This legislation facilitates the replacement of outdated air traffic control equipment. Importantly, it also puts in place a mechanism to evaluate long-term funding needs at the FAA. Much work has been done by Senator MCCAIN, HOLLINGS, FORD, STEVENS, and others, as well as the administration, and I want to congratulate them and thank them for their efforts in this regard. This effort is critically important given the projected growth in air travel over the next several years. Ensuring adequate funding in a time of increasing passenger traffic and diminishing Federal resources is a difficult issue and this legislation takes important steps forward.

A second area I want to highlight is aviation security. This legislation contains numerous provisions designed to improve security at our Nation's airlines and airports. Here again, I would like to thank a bipartisan group of Senators for their efforts to develop comprehensive recommendations for the bill. Senators HUTCHINSON and LAUTENBERG deserve special thanks for their tireless work in this area over the past several months. The measure before us today incorporates many of the suggestions from the House-passed antiterrorism bill, as well as new recommendations from the Gore Commission of which I am a member. Passage of this bill will improve aviation security by: spending deployment of the latest explosive detection systems; enhancing passenger screening processes; requiring criminal history record checks on screeners; requiring regular joint threat assessments and testing baggage match procedures.

The third and final area I wish to highlight Mr. President, is how this legislation will help small community air service and small airports, such as those in my State of South Dakota. The legislation before us today reauthorizes the Essential Air Service Program at the level of $50 million. This program is vital to States such as South Dakota and others. The bill also directs the Secretary of Transportation to conduct a comprehensive study on rural air service and fares. For too long, small communities have been forced to endure higher fares as a result of inadequate competition and the Department of Transportation will now look into this issue as a result of this bill. This follows on the important work that I instructed the General Accounting Office to initiate last year. And finally, in this legislation, we have taken steps to protect smaller airports in the event of funding downturns in the appropriations process.

The legislation guarantees that if airport funding were to be significantly reduced, smaller airports would not be disadvantaged disappropriately. As my colleagues know, larger facilities have a number of funding options available to them, including access to the bond communities, PFC, rates, and charges and the like. Smaller airports do not have the same options. I am pleased that we have developed a safeguard for smaller airports without significant modifications to the existing allocation formulas, while protecting existing letters of intent for multiyear funding projects at larger airports.

In summary, Mr. President, this legislation represents the culmination of over a year's work by the Commerce Committee and other interested Senators. It addresses our most pressing aviation needs—safety, security, and funding.

I urge all of my colleagues to support passage of S. 1994. We cannot adjourn for the year without taking final action on this important legislation. If we fail to act, the FAA's hands will be tied and they will be unable to address needed security and safety issues in every State in the Nation.

I should pay special tribute to the chairman and ranking member of the Aviation Subcommittee, Senators MCCAIN and FORD, who have done so much fine work on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have a longer statement I will give in a minute, but I want to thank the distinguished chairman of the committee, Senator PRESSLER, who made possible this legislation through his leadership, through the efforts of his staff, whose names will be mentioned later.

I say to Senator PRESSLER, I do not believe this legislation would be before us today without your leadership. We look forward to your active participation and assistance as we move this legislation through to its completion, hopefully by tomorrow. I extend my deepest appreciation to Senator PRESSLER.

Although we have not completed this legislation yet, and I will save my remarks about my friend from Kentucky, with whom, for 10 years now, I have had the opportunity of working, the Senator from Kentucky has proven again that the only way you achieve legislative successes are through bipartisan efforts, not only working together on both sides of the aisle but with the administration. There are many people, including the Secretary of Transportation, Mr. Peña, and the FAA Administrator, and especially the Deputy Administrator, Linda Daschle, and their hard working staff.

I ask my friend from Kentucky if he would like to proceed with our opening statements, or would he like to go directly to the amendments that are pending?

Mr. FORD. I would say to my friend that I will have a very short opening statement. I think we can encourage our colleagues, if they have any amendments that have not been taken care of in the managers' amendment. I think many of those have already been taken care of. They will be in the managers' amendment. So, for all practical purposes, I would be more than pleased to see if any of my colleagues have any amendments they would like to put on, because, at some point tonight, I think the chairman of the subcommittee will want to get a finite list of any amendments that are not taken care of in the managers' amendment, or are agreed to or voted on tonight.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I would say to the Senator from Kentucky, I believe it is the wishes of the majority leader and the Democratic leader to get a finite list, unanimous-consent agreement on that, and have whatever votes are necessary sometime tomorrow morning. So I, like the Senator from Kentucky, urge my colleagues who have additional amendments to those that we already have to come over to propose those, propound those amendments, and let us act on them.

Mr. FORD. Mr. President, S. 1994 authorizes the programs of the FAA for 1 year. The bill must pass because it is an authorization bill. The FAA cannot issue any airport grants unless this bill is passed. Under S. 1994, the FAA would spend approximately $35 million more on small airports for fiscal year 1997 than was spent in fiscal year 1996. I believe the chairman of the committee, Senator PRESSLER, noted that was one of the things he felt was so important in S. 1994.

The House has passed its FAA reauthorization bill. That is H.R. 3539. They did that last week. So it is incumbent upon us to get our bill out so we can go to conference and have the bill back to be presented to both the House and the Senate as soon as possible.

S. 1994 also contains a title that addresses FAA reform, the long-term issues relating to how much money FAA needs, and how to raise the funds. A task force will review these issues and work with the Secretary of Transportation on developing legislation that will be submitted to Congress for review. We have no expedited procedures here, so what we are saying is that this task force will get it together with the advice and counsel of the Secretary of Transportation, and that package is to be submitted to Congress for our review or support or whatever it might be. So I think it is real important—very important that we get this out.

The structure of the FAA would change slightly—and I underscore "slightly"—making it more independent of oversight by the Secretary of Transportation in the safety regulatory arena.

Finally, the bill includes a title concerning aviation security and covers many of the issues that Senator PRESSLER said, as a member of the Gore Commission, that they recommended. These items are generally consistent with the Gore Commission's recommendation.

The bill also authorizes the collection of up to $100 million in overflight fees, fees charged to foreign air carriers flying through our air traffic control system. Some of this money could help pay for the essential air service programs that are so important to less populated areas.

Mr. President, I might say, one of the reasons this is put in here is that other countries charge us overflight fees. We have never done that. So I do not think there could be any retribution of any kind if we add those fees, because we will be doing the same thing they are doing. They are using our system, they are flying over this country in a safe manner, and therefore we charge them a fee for our services.

So I hope my colleagues are listening. I hope if my colleagues have any amendments that they want us to consider as they relate to S. 1994, that they come forward and we be able to put those on the list. Those Senators who might be concerned if their amendment has been included in the managers' amendments or not, we will be more than pleased to visit with them right away so we can assure our colleagues that their amendment has been taken care of.

So, Mr. President, I look forward to moving this legislation forward. I look forward to cooperating with my friend from Arizona, Senator McCAIN, and that we will pass a piece of legislation that will be acceptable and that we will be proud of in the final results.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this collaborative work has resulted in legislation that will benefit everyone who uses this country's air transportation system, including air travelers, airports of all sizes, pilots and other airline and airport employees, the Federal Aviation Administration, major, regional, and short-haul air carriers, general aviation pilots and manufacturers, and all others in the aviation industry. This bill will do the following:

Ensure that the FAA and our Nation's airports will be adequately funded by reauthorizing key FAA programs, including AIP, for fiscal year 1997;

Ensure that the FAA has the resources it needs to improve airport and airline security in the near term;

Direct the National Transportation Safety Board to establish a program to provide for adequate notification of and advocacy services for the families of victims of aircraft accidents;

Enhance airline and air travelers' safety by requiring airlines to share employment and performance records before hiring new pilots;

Strengthen existing laws prohibiting airport revenue diversion, and provide DOT and the FAA with the tools they need to enforce Federal laws prohibiting revenue diversion;

Make needed changes relating to MWAA, which is Metropolitan Washington Airport Authority; and, most important, provide for thorough reform, including long-term funding reform, of the FAA.

Each of the elements of S. 1994 is essential to fulfilling Congress' responsibility to improving our country's air transportation system. Clearly, Congress, the White House, DOT, the FAA, and others throughout the aviation industry have been under close scrutiny regarding the state of the U.S. air transportation system. The traveling public has told us they are worried about the safety and security of U.S. airports and airlines, and the ability of the Government to alleviate these concerns. Recent tragic events suggest that this apprehension is justified, and we have been strongly encouraged to correct the problems in one air transportation system. I believe that the legislation we are considering today will go a long way toward making the system safer and better in every way.

I would like to discuss briefly the importance of addressing and resolving the FAA's funding problems. I have long been a strong supporter of comprehensive FAA reform, which includes helping to create a more autonomous and accountable FAA, giving the FAA flexibility in personnel, procurement, and regulatory matters, and ensuring that the FAA has a long-term, user fee based funding system that considers the FAA's costs of providing services, increases the efficiency with which the FAA provides its services, and enhances the safety of the U.S. air transportation system.

Although S. 1994 includes an FAA reform package that I fully support and that encompasses several elements that the FAA needs to resolve its problems, the legislation does not mandate a user fee based on long-term funding system for the FAA. I still believe that a user fee system would be the most equitable and efficient funding system for the FAA. Yet, after working and consulting with many others in Congress, the administration, and the aviation industry, this legislation instead sets up a task force, which will study and recommend to Congress the best funding system for the agency. I am pleased that we are taking this critical step today toward achieving long-needed, comprehensive FAA reform.

I would also like to address the safety and security provisions in this bill. We all know that the traveling public is worried about their safety when they fly. Provisions in this legislation were developed to respond quickly and precisely to concerns we have heard in first-hand conversations with those who use our Nation's airports and airlines.

In specific, to assure air travelers and other users of our air transportation system that safety is paramount, this bill requires the FAA to study and report to Congress on whether certain air carrier security responsibilities should be transferred to or shared with airports or the Federal Government; requires the NTSB to develop a program to provide family advocacy services following commercial aircraft accidents; requires NTSB and the FAA to work together to develop a system to classify aircraft accident and safety data maintained by the NTSB, and report to Congress on the effects of publishing such data; ensures that the FAA gives high priority to implement a fully enhanced safety performance analysis system, including automated surveillance; requires the FAA to conduct a study on weapons and explosive detection technology. And by the way, Mr. President, I believe that technology is out there and, with the proper funding in research and development, we can develop it, I have no doubt about that. Improves standards for airport security passenger, baggage, and property screeners, including requiring criminal history records checks; requires the FAA to facilitate quick deployment of commercially available explosive detection equipment; contains a sense of the Senate on the development of effective passenger profiling programs; authorizes airports to use project grant money and PFC's for airport security programs; establishes aviation security liaisons at key Federal agencies; requires the FAA and FBI to carry out joint threat and vulnerability assessments every 3 years; directs the FAA to set up a pilot program to determine whether baggage match requirements would enhance safety and security; requires all air carriers and airports to conduct periodic vulnerability assessments of security systems; and facilitates the transfer of pilot employment records between employing airlines so that passenger safety is not compromised.

This legislation addresses two other critical aviation issues. First, it contains provisions intended to reverse the disturbing trend of illegal diversion of airport revenues. To ensure that airport revenues are used only for airport purposes, this legislation would expand the prohibition on revenue diversion to cover more instances of diversion. It also would establish clear penalties and stronger mechanisms to enforce Federal laws prohibiting revenue diversion. In addition, the bill would impose additional reporting requirements so that illegal revenue diversion is easily identified and verified.

Finally, Mr. President, this legislation makes certain changes to the Metropolitan Washington Airports Authority required following recent Federal court rulings. In specific, the bill abolishes the MWAA Board of Review, and increases the number of Presidentially-appointed members of the MWAA Board of Directors. It also conveys the sense of the Senate that the MWAA should not provide free, reserved parking areas at either Washington National Airport or Washington Dulles International Airport for Members of Congress and other Government officials, or diplomats.

Mr. President, the recent horrible aircraft accidents, and continuing reports of power outages and equipment failures in our air traffic control centers, have raised questions about the safety of our Nation's air transportation system and the effectiveness of the Federal Government in safeguarding the traveling public. We must do our part to reassure the traveling public that we have the world's safest air transportation system. This comprehensive legislation will go a long way in reassuring the public that the system is safe, and ensure the FAA will have a stable, predictable, and sufficient funding stream for the long term.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, at an appropriate time during the proceedings of this legislation, I will offer an amendment.

We live in a world that is increasingly unstable and more dangerous each day. Unfortunately, the origins of most of this danger are the nations around the world that export its violence and its terrorism.

This world is full of various cultures. Many diametrically differ from each other, but no clash of ideals and societies justifies state-sponsored terrorism and aggression.

The resolution unequivocally notifies the world that the United States will not tolerate state criminal activity against American citizens and their property. The amendment that I will offer will outline this in some detail.

Mr. President, those of us who serve in this body fly all the time, so perhaps because of that we recognize every time there is a TWA flight 800 or Pan-American, we cannot only see ourselves, but our families, in these aircraft that are so treacherously destroyed.

The resolution that I will offer warns the world that the United States will not accept in the slightest degree any assault on its citizens by another nation. The resolution that I will offer will convey a sense of the U.S. Senate that any state-sponsored condoned hostilities toward Americans will in fact be an act of war and that we should strongly consider that an act of war.

Mr. President, this principle applies to any act of hostility, including but not limited to airplanes that are hijacked or destroyed in the skies, to the hostage taking of American citizens living overseas and to the destruction of buildings in which Americans reside, either on American soil or otherwise.

The United States does not go to war against common criminals, but if a nation is going to plan and organize the aggression, assist in the execution of terrorism or condone the hostility by hiding the terrorists, then there will be a consideration of a state of war between America and that nation.

Mr. President, it is a responsible response to an aggressive act by a foreign state. The existence of these acts is itself, I believe, a declaration that they have no concern for human safety, of life, and that we should strongly consider this to be an act of war.

I hope that it will be a deterrent to continued terrorist activity, bringing down on a hostile government many numerous negative consequences, such as economic warfare, that is, affecting the ability of the country to obtain loans. No government in the world today can afford to have their credit cut off or their borrowing power removed.

Second, causing neutral nations to quit trading or doing business in a terrorist country is something we should consider would exist. If there is risk to trading with a country who exports violence and upon whom there has been or is considered a declaration of war, then neutral nations will cease trading with these venues of violence.

Increasing insurance rates for the terrorist-sponsored government. Any nation that sponsors terrorism itself is at risk of violent retaliation, and consequently will see their insurance rates, which countries depend on in this modern world, as a detriment to their doing these acts of violence.

What is a state of war? Among other things, the first response that comes to mind, of course, is a military response, such as the one that President Reagan initiated against Libya. The military power of the United States is well known and respected throughout the world, and is a principal option we would have.

Additionally, of course, naval blockades are an option, though less dramatic and violent than a full military response. Mr. President, naval blockades have been used in recent times, particularly in Cuba, and in other nations whose reliance on ports and waterways are fundamental to their economy and their way of life.

A third form of response could be an economic response, in effect, economic warfare that engages a variety of sanctions against that nation's economy. This could range from a total embargo, to dramatic tariffs, to a removal of the most favored nation status. This response could vary with the resistance of the nation concerned.

I discuss these options of retaliation to clarify that this sense-of-the-Senate resolution is not necessarily saying, as we did during the Vietnam conflict, that we will, in effect, try to bomb them back to the Stone Age—nothing to that effect. Rather, we will take the responsible, firm actions necessary in a state of war to respond to state-sponsored terrorism.

To declare a state of war under such circumstances is well within the norm of international war and even historical precedent. The War of 1812 started because American sailors were being taken and impressed into the British Navy. The British Government declared war against the Barbary pirates who terrorized the American coastline. Of course, there was the threat of war by Theodore Roosevelt against the Moroccan Government over the kidnapping of an American family.

But even if it were not preceded in history, by the examples I have given, we must recognize the changing world in which terrorists are government supported, and that fanatical leaders of nations are willing to terrorize the lives of innocent people.

So, Mr. President, this resolution that I will offer at some subsequent time in these proceedings would send a clear, unequivocal message, both abroad and to our own communities and States, by saying that the American Government will protect its citizens when other nations sanction the assault, killing, and terrorizing of our citizens, that we will retaliate.

At the appropriate time, Mr. President, I will urge my colleagues to support this sense-of-the-Senate resolution that would articulate clearly the gravity with which we consider the terrorism that has been exported and is being exported by foreign nations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLEGHENY COUNTY AIRPORT PRIVATIZATION

Mr. SPECTER. Mr. President, I met recently with County Commissioners Larry Dunn and Bob Cranmer, who are very interested in the economic development that could be generated from privatizing Allegheny County Airport, a general aviation airport which has not had commercial passenger service since 1956. During my visit to the airport on September 9, 1996, I again heard of the strong local interest in privatization, which the county has estimated could generate as much as $20 million in business growth in the Monongahela River Valley, an area hurt in recent years by severe unemployment.

I am advised that Federal law and regulations are the principal obstacles to privatization of airports. The House FAA reauthorization bill contains a provision allowing for the sale or long-term lease, with the approval of the FAA, of up to six airports, of which one must be a general aviation airport or similar airport not in commercial service, such as Allegheny County Airport. The Senate bill we are considering today does not contain language authorizing such a pilot program, but does provide for a report to the Secretary by an independent task force that will consider innovative financing mechanisms.

Upon this state of the record, and as a member of the Transportation Appropriations Subcommittee, I believe that for Allegheny County Airport to realize its fullest potential, private investment is crucial. I would ask my distinguished colleagues, the chairmen of the Aviation Subcommittee and the full Commerce Committee, whether the Allegheny County Airport is the type of airport in which privatization should be facilitated by Congress?

Mr. McCAIN. As my good friend, the senior Senator from Pennsylvania knows, I have been reluctant to support legislation in this bill directing the agency to establish a pilot program on airport privatization, particularly because of the revenue diversion issue. However, if there is a legislative effort to facilitate privatization, either as a result of an independent task force recommendation, as provided for in section 674, or as a result of subsequent conference negotiations on general aviation privatization with the House of Representatives, I could support privatization as long as no such legislation permits the egregious activity of revenue diversion and as long as it continues to meet the airport users' needs. Allegheny County Airport appears to meet the criteria of the Federal Aviation Administration for inclusion in a privatization test program.

Mr. PRESSLER. In response to the concerns raised by the senior Senator from Pennsylvania, I would note that I made my point in our recent correspondence that it is important to be openminded and innovative in thinking about airport funding at a time of declining Federal resources. Undoubtedly, the privatization issue will be taken up by the conference and I look forward to working with my colleagues to address the needs of general aviation airports, such as Allegheny County Airport. If the conferees determine that a privatization pilot program is appropriate for general aviation airports, I am sure that we will accord Allegheny County Airport all due consideration for inclusion in any such program and would hope that the agency would do likewise.

Mr. FORD. I want to add my voice to this discussion. I know that the House has included a privatization provision, which I cannot accept. I want to let my colleagues know of my grave concerns about this matter. I know others share my concerns. If Senator SPECTER's concern is over one general aviation report, I suspect we all can appropriately address that matter.

Mr. McCAIN. Mr. President, I want to thank the Senator from Pennsylvania, Senator SPECTER, for his agreement to a colloquy, and we will make sure that every consideration is given to his commitment to the Allegheny County Airport.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I will be offering an amendment later this evening that is designed to give transparency to some of the bidding process with regard to large construction contracts.

I was surprised, in reviewing the records of the Denver Airport, to find that it was difficult to ascertain why people had not been awarded the contract even though they were the lowest qualified bidder. I had just assumed that, when you put a project out to bid and you had narrowed the field of people who bid on that contract, you were obliged to take the lowest bid. Certainly, that would be in the best interest of the taxpayers if you could get the work done by someone who you yourself said was qualified. It came as a surprise to me that, at times, the lowest bidder did not get the work, even though deemed qualified.

What was of more concern was the fact that it was very difficult to identify when this had happened and how much it had cost the taxpayers. Literally, in working with the GAO audit at the Denver Airport, we were advised that it was going to be next to impossible for them to identify which contracts had not taken the lowest bid and how much was lost to the taxpayers or how much cost was increased because of that.

Mr. President, I am well aware of the problems of overregulating this area. I want to commend the committee for their efforts in the past to try to loosen up this area, to give more flexibility to the levels of government that work in this area. My understanding is that the advancements in that area have been made and that a general guideline indicating an effective contracting procedure should be set forth but that the Transportation Department has the ability to move away from the very restrictive legislation in this area which has existed in the past and still, for example, exists with the Pentagon.

So it is not my purpose to reregulate this area. But it is my purpose—and I think it would serve an advantage—if, when the lowest qualified bidder is not selected, that at least the information is available as to why the lowest qualified bidder wasn't selected and how much difference there was in the bids on the contract. I believe that, if there is something wrong—and I don't mean to suggest there is always something wrong if you don't take the lowest bidder. I suspect that there are circumstances where that is explainable and understandable. But I believe if you have to at least present the information and make it public and available, the free press in our free system will do a great deal to police the situation. Transparency, exposure of the facts, will help guarantee that the taxpayers get the best contract for their dollar and get the best performance.

Mr. President, I think it would be a mistake to continue a practice which allows people to literally hide from the public the fact that they haven't taken the best bid from qualified bidders in these circumstances. Mindful of the costs of imposing this burden, we have suggested a $1 million threshold, and maybe it should be even higher. The Defense Department has a $25,000 threshold for their requirement for the competitive bidding. So I don't suggest doing anything like what the Defense Department has done, but I think at least with the disclosure of the $1 million threshold—we will eliminate the small contracts—we will make it available. Literally, when you don't take the best bid, you at least ought to make an explanation and the facts available to the public.

Mr. FORD. If the Senator will yield for a question, without his losing the right to the floor. The Senator is asking for kind of a public notice of taking a bid when it is not the lowest bid, but we always put the lowest and best. So if you want us to say that we don't think the contractor is qualified and so, therefore, we put out openly that the reason we turned down the lowest bid is we didn't think the contractor was qualified, then you would open the airport board up—or whoever it is—to a lawsuit saying that this contractor is not qualified and, therefore, we are throwing out his bid. That gets to be a little bit tough, I imagine, when there is a bid of any significance.

I am trying to prevent lawsuits on my airport board.

Mr. BROWN. I appreciate the interest of the distinguished Senator from Kentucky. I know he is very knowledgeable in this area. You will be relieved to know that is not the way the amendment is drafted. My sense was that, in a circumstance where the airport authority, or others, have deemed the bidders qualified, among the bidders that they deemed qualified, if they don't take the best bid, they would be then obliged to give some indication of the reason they had not taken the best bid, but it would only be among those who were qualified. They would be the determinants of those qualified.

Mr. FORD. Sometimes, I say to my friend from Colorado, when you have to publicize the bid, it is in the local paper, and you can go by and pick up blueprints for $25 or $100, or whatever it is, and you take it and work up your estimate. When the bid date comes, you make your bid. When do they determine that contractor is qualified or not qualified?

Mr. BROWN. Obviously, the procedure followed will depend on the entity and, of course, we are dealing with a nationwide effort. The Department of Transportation, for the contracts that they let themselves, follows a different procedure than, perhaps, local airport boards would.

Mr. McCAIN. Will my colleague yield and allow me to make a statement on behalf of the leader?

Mr. BROWN. Yes.

Mr. McCAIN. Mr. President, I ask unanimous consent, with the Senator from Colorado not losing his right to the floor, to make a statement on behalf of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, the majority leader has asked me to announce that we are seeking a finite list of amendments, with the intention of propounding a unanimous-consent agreement at the appropriate time, and that it be a limited number of amendments, to be tentatively voted on—those that require votes—at 11 o'clock tomorrow morning.

The majority leader asked me to announce that there will be no further votes this evening. I urge my colleagues to come over with their amendments so we can compile a complete list of amendments, which we hope to follow with a unanimous-consent agreement limiting the bill to those amendments in further consideration of the bill.

I yield the floor back to the Senator from Colorado.

Mr. BROWN. I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I say to my friend, I haven't seen the amendment, so it is hypothetical. You made a statement that left an inference here on what we were supposed to do, and so I will wait and get a copy of your amendment. I think your intent is good, but I am not sure that the end result will get what you are looking for. I would like to see the amendment.

Mr. BROWN. Let me say that I appreciate my friend's interest and, particularly, his expertise in this area. We will get him a copy of the amendment and would, obviously, appreciate any suggestions the Senator has. It is not my purpose to restrict, in any way, airport authority, or anybody, from making determinations as to who is qualified to bid, nor would it be to require an investigation. It is my intention that when you come down to several parties being deemed qualified and the contract not going to the one who is qualified and the lowest, then I think the public is entitled to at least an explanation.

That is the intention of the amendment we will be offering. I will file it at the desk.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am disturbed by this amendment. This amendment is the total Department of Transportation. It has nothing to do directly with aviation. This is an aviation bill. This indicates to me that, if you do not like the winner, this gives you the ability to get rid of him. It is page after page of what a contractor has to do, what the Secretary of Transportation has to do, and all of these things. This is the total Department of Transportation. We are here today to talk about airports. I thought it was referring to airports, and about airport authority. This says the Secretary of Transportation or the Administrator to award a contract in an amount greater or equal to $1 million.

So the Senator from Colorado is going to have to do a lot of work on this one before this Senator agrees to it, and he will have to present it and have a vote in the Senate.

I yield the floor.

Mr. BROWN. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the Chair.

Let me say it is my understanding that the amendment does not give anyone a chance to open up bids. All it does is merely ask for disclosure. It suggests that there ought to be a bidding process. I want to assure my friend from Kentucky that I will be happy to work with him on his concerns. We will try to see if we can't develop what he wants.

Mr. FORD. Mr. President, one of the mistakes that has been made here tonight is, I guess, saying no more votes. When it is said "no more votes," they scatter like a covey of quail. So we will be looking for amendments as best we can.

We have a managers' package that will take care of many of the Senators who have offered amendments. We are, I think, fairly close—down to maybe six or eight amendments that will be the finite list. But we never know.

The thing I want my colleagues to understand is that the majority leader has told the Senator from Arizona that he wants to get a unanimous-consent agreement tonight on a finite list of amendments and start voting on it at 11 o'clock tomorrow. All I can do is try to protect my colleagues as best as I can to a point.

So I hope at least those on my side, if you have an amendment, will please come and let me have it so that it can be on the list. If not, I think you may get left out.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to echo the sentiments of my friend from Kentucky. I hope that the relevant amendments will be brought over. We are in the process of compiling that list. It is my understanding that the intention of the majority leader and the Democratic leader is to complete this bill tonight with the relevant votes held over until tomorrow at 11.

So I again urge my colleagues to come over.

Mr. STEVENS. I am pleased that this bill has made its way to the floor. Included in this important legislation is a provision I helped to craft which mandates an extensive review of the Federal Aviation Administration's financing needs. A private industry commission is established under this bill that will make recommendations on whether the FAA's financing system needs to be modified.

I know that we all agree that the aviation industry and the traveling public need to have a fully funded, efficient, Federal Aviation Administration.

What we disagree on, and what the industry disagrees on, is how to reach that goal.

There is a bill on the calendar which mandates the implementation of user fees to fund the Agency. That bill has drawn so much opposition that it is stalled.

The so-called big seven air carriers have visited many of our offices with a different user fee proposal—that concept also has not been adopted.

An alliance has been formed of air carriers, general aviation, manufacturers, and others to block all user fee proposals.

Rather than settling on a funding mechanism, the industry is battling amongst itself. Some players are urging a long-term reinstitution of the ticket tax. Others say they will fight to the death if the tax is extended beyond the end of this year.

And meanwhile, uncertainty mounts about how the FAA will meet the challenges of the 21st century.

Last year, when S. 1239 came before the Commerce Committee, I offered substitute legislation to remove the mandated user fee system contemplated by that legislation.

My concept was that Congress needed more facts to cut through the issues raised by both sides—and frankly, I was concerned that S. 1239 preordained user fees as the only way to meet the FAA's needs.

My belief then, and now, is that an independent authority must review the FAA's budgetary projections and determine whether they are sound. All of us must agree on the needs, before we mandate the solutions.

The compromise before us today does that. An independent assessment of the FAA's financial requirements is conducted, and then an independent panel takes the financial information and proposes to us, and the administration, specific recommendations on how to fund the agency, and how to get the most efficient system for the dollars spent.

I will be blunt. I believe the flat-tax concept of the excise taxes has worked. It is not perfect, but I fear there is no perfect funding mechanism in this area.

But we will let the independent task force work its will—and we will act on the proposals it promulgates.

I want to thank Senators McCAIN, FORD, HOLLINGS, and PRESSLER for their hard work and leadership on this bill. We all care about the FAA and want to see it work efficiently and effectively. Many good people work at the FAA, and the agency is absolutely essential in my State where more than three-quarters of our communities are accessible only by air.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona for the work that he has done on the aviation security issue and the aviation funding issue. He has worked on that for a long time. It is something that we share as an issue.

Having been a member of the National Transportation Safety Board, I have looked at aviation safety for a long time. I think that the United States and the FAA have done a very good job with the job at hand. The issue used to be hijacking. That is what we were worried about. That is when passenger screening came into being—when we worried about the possibility of someone with a firearm coming in and taking the plane away to hijack it and the passengers.

But now we have a different threat. Now we must meet a different test. And that threat, of course, is terrorism. We must do everything we can to protect the traveling public against the people in this country that would kill and maim innocent people in the name of a cause; people who would go in and blow up a building, or blow up an airplane, or any other kind of heinous crime not even knowing the victims, not even knowing their families. And, yet, because they believe in some cause that they want to get publicity for they would do these terrible acts.

It is hard to deal with something like that, but we must try. And we can do a lot just by having in place strong security measures that would protect the traveling public and let would-be terrorists know we are going to meet them at every point that they would try.

I think Senator McCAIN's bill is a good one because it does put in place studies where we are not sure what the ramifications would be, and regulations to be made by the FAA where we know that we can do certain things that will make it better.

I think baggage checks, which is something that is done on international flights, is something that we ought to look at on domestic flights. It is not easy. I know that the airlines are very concerned about not only passenger security but, of course, the ease of travel and the ability to keep time. It is an issue for them. I understand that. But I think we have to try. I think we have to see how we can make it work.

Technology is changing every day. It is getting better. I went to the airport yesterday morning, and they put my ticket through a screening device and brought out the boarding pass. Clearly, they are now being able to check whether a ticket is valid. That is good. I was pleased to have that little, tiny delay because I knew that it made me safer in the air.

So I think with the technology we have, that probably we can work out something with baggage checks that would not be onerous for the airlines. Certainly, background checks for baggage handlers and passenger screeners is going to be something we would like to have looked at.

We want to make sure that we are able to screen people who are going to have access to the tarmac. I think these are prudent measures and something that we need to know all the ramifications of. We need to know what the costs are. We need cost-benefit analyses. That is common sense. But I think, in the end, this can be done with a cost-benefit analysis that does make sense.

I am very pleased we are going to look at passenger facility charges and Airport Improvement Programs for the funding of these security measures. The Senator from Arizona is making it possible in this bill, in the managers' amendment, to have access to those funding mechanisms for more of the security screening systems that are a higher and better technology than those being used at most airports today.

We have a number of things that will improve our airport security in this bill. I do think it is important that we take every step we can, that we work with the FAA, that we bring the FBI in to an even greater extent. They are working now with the FAA, but I think they could do even more. I think it very important that we bring all of this together with the mandates and the studies to make sure we do everything possible to make the traveling public safe and to let them know we are taking these steps to make them safe and also to let the potential terrorists know we are taking these steps to counter the threats that they might make on our traveling public.

So I am very pleased to have worked with Senator McCAIN on this bill, to bring what I learned in my days at the National Transportation Safety Board to bear on this, although I must say, when I was on the National Transportation Safety Board terrorism was not the threat. That was in the old days when we were worried about other safety issues, and I think now we do have the safest aviation system in the world, and we are just going to take the next step to make it safer.

I thank the Senator from Arizona and the Senator from Kentucky for their work on this bill. We must pass it, and we will.

I thank the Chair.

Mr. McCAIN. Mr. President, I wish to take a moment to thank the Senator from Texas. She brings a degree of experience and expertise to the Commerce Committee on aviation issues that no other Member of the Senate has, due to her long involvement with aviation safety as a member of the National Transportation Safety Board. She worked on a special task force on antiterrorism after the TWA 800 tragedy. She has advised the Senator from Kentucky and me, but, more importantly, she has been responsible for specific recommendations that are part of this bill which I think will help us achieve the goal which we all seek, and that is a reduction in the threat to the safety of those American citizens and others who make use of airlines not only in the United States but throughout the world.

So I extend my deep appreciation to the Senator from Texas. The bill would not be, I believe, as encompassing as it otherwise is without her assistance, and I thank the Senator from Texas.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I wanted to come to the floor to speak about a couple of provisions in this legislation which includes a number of very important provisions that are very important to all parts of America, but especially to rural America. I wanted to make note of a couple of them.

Before I do, I wish to talk generally about what persuaded me to advance an amendment in this legislation dealing with essential air service. This bill contains an amendment I offered in the Commerce Committee dealing with the essential air service program.

I want to go back, as boring as it might be for some, to revisit the decision on deregulating the airlines. We have people here in Congress who still think deregulation was a wonderful thing to do. If they could get pompoms, they would do jumping jacks and wave pompoms, saying airline deregulation was a wonderful thing for our country. Well, it was for some Americans.

If you live in Chicago, I guarantee you grin from ear to ear about deregulation because if you happen to be traveling to Los Angeles, you can go to O'Hare Airport, find many carriers flying to Los Angeles, competing aggressively against each other, providing competitively lower prices. You will find a heck of a bargain if you want to travel from Chicago to Los Angeles. If you want to travel from Chicago to New York, the same deal—a lot of carriers competing aggressively, competing by lowering prices. You get a heck of a deal.

What about people who do not live in the largest cities? What about someone who lives, for example, in a State like North Dakota? Before deregulation, there several major airlines that flew jets in North Dakota: Western Airlines, Frontier Airlines, Republic, formerly North Central Airlines, Delta Airlines, Northwest Airlines, Continental Airlines. Do you know who flies jets in North Dakota today? Northwest Airlines—a good carrier. One jet service carrier servicing our State. It is a good carrier, good company, but our people deserve some competition.

The result of all of this is that in rural parts of the country when you have less service, fewer companies and less competition? Higher prices and less service.

I'll give you an example which I have used before in the Commerce Committee. Let us assume that a Senator from Colorado desired to fly from Washington, DC, to go to Disneyland and see Mickey Mouse and all of the merriment at Disneyland, traveling all the way across the country. And the Senator from Colorado called a travel agent and said, "I want to go see Disneyland in California. What is it going to cost me?" And they would give him a price for a ticket, maybe a 2-week advance, to fly all the way across the country. And then I convinced him you ought not go to Disneyland; you ought to go see the world's biggest cow on a hill overlooking New Salem, ND—Salem Sue, a giant plastic dairy cow that sits on a hill. So he decides he will fly from Washington, DC, to Bismarck; he would be going to see Salem Sue instead of Mickey Mouse. So he calls the same travel agent and says, "Well, you charge $300 for me to fly from Washington, DC, to Disneyland. How much will it cost me to go half as far to see the world's largest cow on a hill outside New Salem, ND?"

Answer, twice as much.

Fly half as far, pay twice as much. Or, said another way, fly twice as far, pay half as much.

What kind of a pricing system is that? Would that be a bureaucratic pricing system? Would that be a function of some bureaucrat in Government who decided let me see if I can mess up our pricing system so we can charge people higher prices to fly fewer miles? No, that is not what this is about. It is about airline deregulation and the lack of competition, which means that rural areas, people who live in smaller States with less population, end up paying higher prices for fewer choices. That is where deregulation has left us.

Some people think that does not mean very much. We still get all this robust competition in the major cities, and that is a good thing for the major cities. Yes, it sure is. It is a good thing for the major cities. But it has been devastating for rural areas of the country.

I could go on at some length but I shall not do that, except to say that, because of our experience, in which deregulation of the airlines has made the rural areas an impoverished area with respect to that part of transportation service we used to expect—some kind of competition with jet service going to some hubs—because of that we have to rely more and more on other kinds of devices. We have become very strong supporters of the Essential Airline Service Program, called EAS. That was a program—when deregulation was enacted—that was advertised as a means to continue to provide some support and help to the smaller areas. That program used to be funded at $80 million a year. Then it went to $40 million a year, then $30 million, then $25 million. Slowly but surely it has been diminishing and many have tried to kill it.

What I did in this bill was offer an amendment that is now part of this legislation that provides a permanence to the Essential Air Service Program by funding it with a fee which this country should attach to foreign carriers overflying America. Every other country assesses this fee. Our country never has. This bill will assess a fee for foreign overflights of our country, just as other countries do, and part of the proceeds of that fee will be used to provide for an Essential Air Service Program that is more robust than the current program is.

Under my amendment, the Essential Air Service will be administered by the FAA; no longer the DOT, as is currently the case. It will be authorized at $50 million a year. This bill passed the Commerce Committee with broad, wide, bipartisan support. I appreciate very much that it is on the floor and likely will pass through the Senate. We expect to keep this in conference and, once and for all, solve this problem. This is a good piece of legislation that addresses a problem that we are stuck with as a result of deregulation in rural areas of the country.

My friend from Arizona is a particularly articulate supporter of deregulation. I understand why, and I do not contest his view of why it has been beneficial to some areas of the country. Nor would I expect he would contest my view that some areas of the country have been hit very, very hard by a theory that says we will create, in our transportation system, networks in which, if you get a decent income stream that supports a service, fine; if not, service is unavailable and unimportant to you.

We have always, in transportation and communications and certain other areas, said let us try to provide broad networks of opportunity. That should be true in air travel. It is true in communications, telephone service, and other areas as well. But deregulation has changed that. We have had an opportunity, now, to sample the bitter fruit of what deregulation does for us in some areas, and do not like it very much. That is why the Essential Air Service Program is increasingly important to us.

I would like to move from that just for a moment to one other item. This piece of legislation is critically important. I commend the Senator from Arizona and the Senator from Kentucky and all others who had a role in bringing it to the floor of the Senate, because this legislation must be enacted by this Congress. We must reauthorize the FAA, provide for some continuity, and we must recognize its new and expanded role in dealing with all of the issues we deal with all throughout the year on air service issues in the Commerce Committee.

But something has happened here that causes me great concern. Let me explain to the Senator from Arizona. I know he is aware of this and he probably feels the same way I do about this, but it causes me great concern. We have funded most of the FAA through the aviation trust fund, financed, in part, with a 10-percent ticket tax on airline tickets in this country. What happened is that this 104th Congress we got into a wrestling match about a whole range of issues and the ticket tax expired. All those many months the ticket tax has expired the $500 million a month that should have been going into the trust fund to help fund the programs in the FAA, depleting the trust fund.

Then the 10-percent ticket tax was reinstated, but it was not reinstated for the purpose of funding the FAA. It was reinstated for the purpose of paying for a small business tax program that was attached to the minimum wage bill.

I know about double entry bookkeeping, and this truly stretches double entry. Either the 10-percent ticket tax is designed to help fund the functions of the FAA, or it is designed to help pay, as a revenue source, for a range of tax breaks—many of which I supported, many of which I thought were meritorious—tax breaks for small business. But it cannot do both. And the more egregious approach here is that, on December 31, the 10-percent ticket tax will expire again and, on January 1 and 2, there will be no 10-percent ticket tax. The Congress will not be in session. The Congress will come back into session the first week for a day, for swearing in. Then its committees will organize. And, as all of us know, there is not going to be a reattachment of a ticket tax in January; unlikely in February; and we are right back into the same problem that all of us should have learned about in recent months.

This is not being critical of one side or the other. It is saying this is an awful way to do business. I have supported the ticket tax because I think it is an appropriate way to raise the revenue to help pay for the functions of the FAA. We lost $500 million a month, have substantially depleted the trust fund, we reattached the 10-percent ticket tax, not for the purpose of refunding the FAA, but for the purpose of allowing another bill to pass that provides tax cuts for small businesses, some tax help for small businesses, and then attached it only until December 31 when it is certain to expire again and all of us know it.

There is something fundamentally wrong with that happening. The responsibility for us to address that is ours, all of ours, on both sides of this political aisle. We ought to run this place the right way, and the 10-percent ticket tax, if that is the choice to largely fund the FAA functions, let us put it in place and keep it in place and not play games with it. One of the reasons I believe it is extended only by the Finance Committee through December 31 is because I think there is a belief by some that they can use it for the small business tax breaks now, which they have done, and then they can come back on January 1 and use it again because it will be new money. It will not be a tax that exists. It will be a new tax and they can use it for other purposes in January. It is a budget game and everyone in this Chamber knows it.

More important, it is playing a game with the wrong entity. The FAA, for all of the controversy that it seems to receive every time there is a major problem, the FAA is an institution that has an enormous responsibility. I, like my colleagues, have flown in various parts of the world. I tell you, at least with respect to the FAA—and I know we are talking vacuum tubes and all kinds of other issues here—with respect to the FAA, I feel more safe flying in this country than I do anywhere else in the world. Is the FAA perfect? Have we had problems? No, it is not perfect. Yes, we have had problems. But is this the kind of organization that deserves to have this kind of plug-in and pull-out circumstance on the 10-percent ticket tax? I do not think so. It is not a good way to do business. I think my colleague from Arizona would agree with that.

I am not standing here lacing criticism at one person or one committee or one party. I am just saying this is not the way for the Senate to do business and we ought to change it. If we are going to be here a week or two more, the Finance Committee ought to report something out that does this in the right way, and that would be to permanently attach that ticket tax so it does not expire on January 1 and attach it as a permanent funding source to the FAA, as it has been previously. That is what I would expect of this Congress. That is what I think most of the American people would expect of this Congress.

So, that is therapy. I got that off my chest. I have been complaining about that for some while to no avail. You talk to some who say, "this committee has jurisdiction," "this happened," "there are circumstances we cannot always control," "I wish it were different"—the fact is, we can make it different. We run things, all of us together. We in Congress can make our own decisions about what is right or what is wrong and it is fundamentally wrong that we are going to leave here and on January 1 have no ticket tax that is funding the manner the FAA runs, the way you and I and everybody expects it to operate.

Mr. President, I know others may want to speak on this. Having complained now for a bit about this, I do want to come back to say that I appreciate a lot of work that the Senator from Arizona and the Senator from Kentucky have done to bring this to this point. I know there have been a number of fences to climb and a number of fences to get under, even, to get here. I do not expect they will all be recited on the floor of the Senate, but this is the right subject. We need to reauthorize this bill, and the work that these two have done, I think, may allow us to accomplish that in a way that will be helpful to this country. If we will add to it a piece that solves the ticket tax issue in the way that people would expect it to be solved, then I think we will have done something more for this country. I yield the floor.

Mr. McCAIN. First of all, I associate myself with the remarks of the Senator from North Dakota concerning the ticket tax. If, last year at this time, the Senator from North Dakota and I had been told that the ticket tax would have been jerked around in this fashion, I would have just said it is not possible. I mean, aviation in America is too important. We have to have these funds. We know what method of transportation more and more Americans take, and the importance of modernization. We all know the problems with the air traffic control system. We all know the issues that face us. Yet the ticket tax was allowed to lapse for what, 10 months, I ask my colleague from North Dakota? It staggers the imagination. For us to only, as the Senator from North Dakota says, extend that ticket tax to December 31 is really unfair. It is unfair to aviation safety, it is unfair to modernization, it is unfair to the towns and communities that the Senator from North Dakota talked about which have lost air service as a result of deregulation.

I just would like to say now, especially since my friend from Kentucky is here, maybe if the three of us and like-minded Senators got together and just said, "Look, we're not going out of session until we do resolve this ticket tax issue," remembering that in this bill, it does call for at some point a commission report to the Commerce Committee, to the Finance Committee, and then to the floor of the Senate, so we can fundamentally restructure the way the financing is done.

But until there is that kind of agreement, we are stuck with a ticket tax. I don't think it is the fairest kind of tax, I will tell my friend from North Dakota, and I don't think he does either. I think people who use the system are the ones who should be paying. Right now, for example, business jets pay about one-tenth into the system that they use. That is wrong. That is not fair. In all due respect to my friends in the corporate world, they can afford it.

There are significant inequities associated with the ticket tax, but for us to allow the aviation trust fund to become depleted to the point where we can't carry out our fundamental obligations, in my view, is—the kind of description I would use is inappropriate.

I wonder if the Senator from Kentucky wants to add a comment on that before I also respond on the issue of essential air service, which I think the Senator from North Dakota and I have been debating going on 7 years, and I have no illusion of changing his views tonight.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me thank my friend from North Dakota, Senator DORGAN. You never know when you get up on the floor and make a statement about the way you feel—the response from the Senator from Arizona, chairman of the Aviation Subcommittee, is that he agrees with you. I agree with you. So now we have three. So when you start out, maybe you thought you were by yourself, but you are not.

One item I would like to add to what we expect from FAA is that we put responsibility on those who are operating FAA to do all these great things, and then we don't give them the wherewithal to do it. Think about that. We demand the safest airline service in the world, but yet we say we're going to play Mickey Mouse with your money.

We went 10 months at $19 million a day lost, and now on January 1, we will start losing a similar amount until we wake up and try to fund it. Sure, we have in this bill a study on other ways to finance, but we don't have it yet. That study has to be sent to us for review by the Secretary of Transportation.

What do we do between now and then? We are going to hear some folks, "Where's my money for my airport?" Well, you didn't pay for it. "Where is my help on essential air service?" The Senator from North Dakota made his point.

In the managers' amendment that will be agreed to shortly, the amendment of the Senator from North Dakota, as it relates to small airports, essential air service, all those things will be in this bill. He has made a great contribution.

I say to my friend from Arizona, I know his toughness, I know his ability, and I will be glad to follow his lead in trying to work out something before we leave here to extend the ticket tax until such time as a report comes back under this bill. That would at least give us something to go on.

But I understand the turf around here. I understand we have jurisdictions in our committee. I understand the smoke and mirrors that are being played with the ticket tax. It ought to go to airlines. It ought to go to FAA. It ought to go to safety. It ought to go to small airports. But, no, we play Mickey Mouse, and we then turn around and say, "Where's all our help?" You just can't do it.

So I agree with my friend from Arizona, and, in particular, my friend from North Dakota. I thank him for his statement tonight. I believe if those Senators who didn't hear his statement—their staffs hopefully did—they will have an opportunity to read the RECORD in the morning to see what the Senator said, and he makes sense. There wasn't anything partisan about his statement. There is nothing partisan about the statement of the Senator from North Dakota. He was just spelling out the facts, and when you listen to the facts and you don't respond, as eloquently as he laid them out, then I think we have something more than trying to serve our constituency back home permeating this Chamber.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. McCAIN. Mr. President, I am about to send to the desk a managers' amendment to the bill. These modifications concern sections concerning maintenance program; maximum percentage of amount made available by grants to certain primary airports; discretionary fund; designating current and former military airports; State block grant program; access to airports by intercity buses; report including proposed legislation on funding for airport security; family advocacy; accident and safety data classification; report on effects of publication and automated surveillance targeting system; weapons and explosive detection study; requirement for criminal history records check; interim deployment of commercially available explosive detection equipment; audit of performance of background checks for certain personnel; sense of the Senate on passenger profiling; authority to use certain funds for airport security programs and activities; development of aviation security liaison agreement; regular joint threat assessments; baggage match report; enhanced security programs; report on air cargo; acquisition of housing units; protection of voluntarily submitted information; application of FAA regulations; sense of the Senate regarding funding the Federal Aviation Administration; authorization for State-specific safety measures; sense of the Senate regarding the air ambulance exemption from certain Federal excise taxes; FAA safety mission; carriage of candidates in State and local elections; train whistle requirements; limitation on authority of States to regulate gambling devices on vessels; commercial space launch and other germane amendments.

AMENDMENT NO. 5360

(Purpose: To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes)

Mr. McCAIN. Mr. President, I send the managers' amendment to the desk on behalf of Senator PRESSLER, myself, Senator HOLLINGS, Senator FORD, and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN], for Mr. PRESSLER, for himself, Mr. McCAIN, Mr. HOLLINGS, Mr. FORD, and Mr. STEVENS, proposes an amendment numbered 5360.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN. Mr. President, I ask unanimous consent that the amendment be considered as original text for purpose of further amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. McCAIN. Can we get this accepted first and then return to the Senator from North Dakota?

The PRESIDING OFFICER. The Senator's request with regard to original text is approved by the Senate. Without objection, it is so ordered.

Mr. McCAIN. We seek adoption of the managers' amendment.

The PRESIDING OFFICER. Is there objection to adoption of the managers' amendment under the conditions that have been stated? Without objection, the amendment is agreed to.

The amendment (No. 5360) was agreed to.

Mr. McCAIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me finish with a very brief statement. I do not want people to misunderstand what we are discussing here. This is not myself or others suggesting that we like a 10-percent ticket tax because it has the word "tax" in it. Let me explain exactly what this is.

For some many years we have had a 10-percent tax added to the price of airline tickets for the purpose of funding a wide range of activities in the Federal Aviation Administration, the construction of airports, the purchase of equipment dealing with airline safety, a whole range of things dealing with FAA control towers. We have always funded that with this 10-percent tax on tickets.

To decide that there shall not be a 10-percent tax on tickets means that there is no funding, or at least the major funding for the FAA is not going to be available. That is why I say it does not make much sense for us to worry about and talk about the FAA and its functions, the critical functions it performs for passengers in our country, and then to allow the disconnection of the major revenue source to fund the FAA.

Not too long ago I asked to tour the FAA control tower at the Minneapolis-Saint Paul Airport. I have been in towers before, but I have not been in very large towers. I have flown an airplane myself and called the tower on approach, so I know a little about the system. But I went up into the tower at Minneapolis-Saint Paul because I was curious how they work on approach control with airplanes coming in and going out, on the ground, in the air, dealing with thunderstorms, and it was really quite remarkable to watch.

The one thing that was interesting to me is they had a very large scope in the middle of this dark room, a very large round scope. When they pushed a button on that scope, which covered a map of the United States and part of Canada on that scope, it would light up with about 4,500 white dots, each of which represented an airplane at that moment aloft being tracked by our system in the FAA.

You could point to any one of these dots on that giant screen with a computer and you could find out instantly what airplane that was, what its call signal was, what kind of plane it was, what direction it was heading, how fast it was going, what altitude it was—every single plane on that screen.

Then they had men and women up and down the row—and many of you have seen this in a control tower—in the dark room with the flow of incoming traffic and the flow of outgoing traffic dealing with that. Then you had the folks up on top who were dealing with the visual aspects of landings and takeoffs and people on the ground. I will tell you, I watched these people for some while. I was enormously impressed. These are skilled, trained, tough professionals who know what they are doing. I came away from that not thinking that this is a system with a lot of worry about it; I came away enormously impressed by the men and women who were running that system at the Minneapolis-Saint Paul Airport. I do not know about all Senators, but I know what I saw that day enormously impressed me. These are very capable people.

Can the system be improved? Yeah, probably.

Mr. McCAIN. Would the Senator yield just for one additional comment I would like to make?

Mr. DORGAN. Certainly.

Mr. McCAIN. Now that the managers' amendment has been accepted, we continue to seek any additional amendments that our colleagues may have. The Senator from Rhode Island has, after the Senator from North Dakota is finished with his remarks, an amendment. We will be awaiting or anticipating any additional amendments, again, reminding my colleagues that we will be seeking a unanimous consent agreement tonight to close out further amendments so that we will be able to have votes on pending amendments and final passage at 11 o'clock tomorrow, which is the direction of the leaders on both sides.

Mr. President, I yield the floor back to the Senator from North Dakota.

Mr. DORGAN. I will finish in 1 minute.

Let me say this. The men and women in that tower in Minneapolis and Saint Paul who tonight are working that air traffic control system, and doing it with great skill, deserve a Congress that does right by them. That means reconnecting the revenue source that is going to fund the FAA functions in this country.

Senator McCAIN invited that maybe some of us ought to decide this Congress ought not adjourn until it resolves that issue. Well, sign me up, count me in. Count me in for maximum trouble and minimum time. I want to find any way possible to deny us from going home and not doing right by the people who are running that FAA system who are in those control towers tonight.

We have an obligation. We have a job to do. All of us understand what it is. We ought to do it. The American people ought to expect that we do it. I am pleased with the support by the Senator from Arizona and the support from the Senator from Kentucky on these issues. I hope in the coming couple of days the three of us, conspiring in a thoughtful and interesting way, can find a way to solve this problem. Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise in support of the managers' amendment, and to express my appreciation to the chairman of the Commerce Committee, Senator PRESSLER, for working with me to ensure that this bill addresses an important issue facing the Federal Aviation Administration [FAA]—the issue of safety.

My language in the managers' amendment responds to the request made by the Secretary of Transportation on June 18, when he called on Congress to: "* * * change the FAA charter to give it a single primary mission: safety and only safety."

In light of the many safety concerns that have become public as a result of the tragic crash of ValuJet flight 592 and TWA flight 800, it is important to restate the commitment of Congress and the FAA to ensuring the safety of air travel in this country. By addressing the issue of the dual and dueling missions of safety and air carrier promotion, as one reporter so accurately put it, there will be no room for doubt in the minds of the traveling public—or the FAA—that safety is its job—first, last and always.

The underlying bill includes the Wyden-Ford amendment, which I supported in committee, that took an important step in the direction requested by the Secretary. That amendment added the word "safety" to the statute outlining the FAA's mission on air commerce promotion, and I agree that it is important to reemphasize safety in this area. This still leaves us with a dual mandate, however.

The Snowe language requires the Management Advisory Council [MAC], created under the bill to provide oversight for management and policy matters to the FAA Administrator, and to review the overall condition of aviation safety and the extent to which the dual mission of the FAA undermines the safety mission. The MAC has 180 days to report back to Congress, in conjunction with the FAA, with its recommendations for necessary changes in the mission.

I would have preferred to simply eliminate the mandate, as I did in the Snowe-Pressler freestanding bill on this issue, S. 1960. But I understand the concern that development and safety issues are closely linked in some cases, and a review is necessary in order to determine the most appropriate distribution of functions between the FAA and other agencies within the Department of Transportation. I believe that this language provides for a process that will allow Congress to put to rest concerns that the FAA is not focused on safety.

We cannot expect the FAA to regain the trust of the traveling public while it maintains its dual mission of both ensuring their safety while at the same time continuing to promote the growth of the carriers. The current mission of the FAA places it in the untenable position of being both the chief enforcer and the best friend of the airlines—no one should be asked to perform both roles, and no one can be expected to do both well.

The dual mandate places the FAA in the position of conflict between the American consumer and the airlines. It has raised questions about the FAA's actions with regard to moving forward in a timely fashion on the safety recommendations made by the National Transportation Safety Board; and most importantly, it has raised questions about whose side the FAA is really on.

As James Burnett, Jr., former Chairman of the National Transportation Safety Board, said "It's as if the FAA acts to protect the airline rather than the consumer until they just can't maintain that position any longer."

I believe that a review of FAA functions by the MAC, as required under my language, and subsequent action by Congress on the MAC's specific recommendations for changes necessary to ensure that safety remains the focal point of the FAA's mission, will enable us to reassure the American public that the FAA is looking out for their safety at all times.

Mr. THURMOND. Mr. President, I am pleased that included in the amendment offered by the managers is a provision regarding discretionary Airport Improvement Program [AIP] grants to reliever airports. This language would clarify one of the factors that the Federal Aviation Administration [FAA] considers in determining grants from the discretionary fund.

The AIP provides grants to airports which help insure the safety of air travel in this Country. Seventy-five percent of the money distributed annually from the AIP is allocated to primary and reliever airports from the discretionary grant fund. In determining whether to make a grant to improve an airport, the Secretary of Transportation considers three criteria: First, the capacity of the national air transportation system; second, the costs and benefits of a project; and third, the financial commitment to be made from sources other than the Federal Government.

Mr. President, language included in the amendment offered by the managers clarifies the second criteria, the costs-benefit analysis. Currently, the FAA does not consider the cost savings to the primary airport in its analysis of improvements to the reliever airport even though they might be cheaper than expenditures to upgrade the primary airport. In other words, a small investment could be made to upgrade capacity at a reliever airport that would result in very large cost savings at the primary airport. However, this does not qualify as a positive cost-to-benefit comparison under the FAA interpretation.

Mr. President, the Rock Hill-York County Airport, a small facility that serves the north central part of South Carolina, is experiencing difficulties with their grant application due to this interpretation. The Rock Hill Airport is a designated reliever airport to the growing Charlotte/Douglas International Airport. In 1991, the FAA published a Capacity Enhancement Plan for the Charlotte Airport that recommended upgrading the capabilities at the reliever airports serving Charlotte. It was estimated that if the Rock Hill Airport were equipped to handle general and corporate aviation during bad weather, the Charlotte Airport would save $5.6 million per year.

Mr. President, I ask unanimous consent that a copy of a letter from Mr. T. J. Orr, Aviation Director of the Charlotte Airport, that outlines this situation be inserted in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Pursuant to this report, the Rock Hill-York County Airport applied to the FAA for a $350,000 airport improvement grant to install an instrument landing system [ILS]. However, the FAA will not consider the cost savings to Charlotte in the application submitted by Rock Hill. Further, they base their decision solely on the number of flight operations currently at Rock Hill.

Mr. President, this puts Rock Hill in dilemma. They cannot demonstrate the required number of operations to satisfy the FAA because they do not have an ILS and they cannot get the required number of operations without the ILS. While I believe the FAA is wrong, it appears that legislation is needed to correct this problem. I thank the managers for including language in their amendment that will force the FAA to examine this situation.

EXHIBIT 1

CHARLOTTE/DOUGLAS
INTERNATIONAL AIRPORT,
Charlotte, NC, October 10, 1995.

MS. CAROLYN BLUM,
Regional Administrator, Federal Aviation Administration, Southern Region, College Park, GA.

DEAR MS. BLUM: The Federal Aviation Administration, airport operators, and the users of the national air transportation system a few years ago initiated Airport Capacity Design Teams to identify, develop and evaluate means of reducing delays at high activity airports, such as Charlotte. Ancillary benefits based upon implementation of a number of these recommendations have resulted in increased air traffic control system safety and efficiency.

In April of 1991, the Charlotte/Douglas International Airport Capacity Enhancement Plan, completed by the Charlotte Capacity Design Team, was published by the Federal Aviation Administration. This plan was the result of a two year collaborative effort by a design team which included representatives from: the FAA System Capacity and Requirements Office; the FAA Technical Center, Aviation Capacity Branch; the FAA Southern Region Air Traffic Division, Airway Facilities Division, Airport District Office, and the Charlotte Tower; USAir, Air Transport Association; Aircraft Owners and Pilots Association; and the City of Charlotte's Aviation Department.

One of the key recommendations of this plan was the upgrade of capabilities and services offered by the reliever airports serving the Charlotte area. In fact, an estimated savings of $5.6 million per year in 1991 dollars was forecast as a result of reducing demand at the Charlotte/Douglas International Airport generated by general aviation, business and corporate aviation demand. Much of this demand at the Charlotte/Douglas International Airport occurs during critical periods of instrument meteorological conditions when reliever airports are simply not equipped to serve aircraft in these weather conditions. The resultant involuntary movement of general aviation, business and corporate aircraft from a reliever airport to a major commercial service airport hub could not come at a worse time or under worse conditions.

In recognition of these critical capacity, efficiency and safety issues, the Rock Hill-York County Airport, an FAA designated reliever airport to the Charlotte/Douglas International Airport, has applied to the FAA Southern Region for approval and funding of an AIP project to upgrade its Runway 02 Localizer to a full Runway 02 ILS by the addition of a glideslope and related improvements. The benefits of lowering the approach minima to Rock Hill Airport, as a result of these improvements, will accrue a substantial benefit to the Charlotte/Douglas International Airport as promised in the Charlotte/Douglas International Airport Capacity Enhancement Plan.

Because of Rock Hill's willingness to fund a major portion of this project's capital, design and maintenance costs from non-FAA funding sources, it appears this is a project of excellent value if the FAA considers its overall infrastructure benefits. I strongly endorse this initiative by Rock Hill and would appreciate your help in assisting Rock Hill in obtaining the necessary project approval and funding on a priority basis.

Thank you for your kind consideration of this matter.

Best personal regards,

T.J. ORR,
Aviation Director.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 5361

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. BAUCUS, proposes an amendment numbered 5361.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, line 12, strike "and aircraft engine emissions,".

On page 78, line 19 through 24, strike all of paragraph (C) and insert the following:

(C) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

Mr. CHAFEE. Mr. President, this amendment is offered on behalf of myself and Senator BAUCUS. Mr. President, what does this amendment do? This amendment would remove a provision in the bill which gives the Federal Aviation Administration, which sometimes is referred to as the FAA, removes the authority given to the FAA under this legislation to regulate air pollution emissions from aircraft engines.

This new authority—this is not authority that they currently have; this is brand new authority to the FAA. It would duplicate authority which is already assigned to the Environmental Protection Agency under the Clean Air

Act. The amendment that Senator BAUCUS has joined me on would encourage greater cooperation between EPA and FAA in this area, but it would preclude the confusion and waste that would result from two Federal agencies charged to do the same job. That is what this legislation does; it sets up one more agency to do exactly the same thing that the EPA does now.

Mr. President, we object to giving the FAA this authority for three reasons: First, there is no need to duplicate the authority that the EPA already has. There is no evidence, Mr. President—no evidence—that EPA has abused this authority or that it has overregulated aircraft engines. The last time EPA issued regulations for aircraft engines was in 1982. Mr. President, that was 14 years ago. So that is hardly a case of overregulation.

As a practical matter, Mr. President, the way this system works is that the world's three major aircraft engine manufacturers—there are three in the world, Pratt & Whitney, General Electric, and Rolls Royce—comply with emissions standards that are set by an international body, sometimes referred to as ICAO. That international body's regulations cover more pollutants and are more stringent than EPA regulations.

So, Mr. President, to instruct two separate Federal agencies to issue regulations on the same subject is to set the stage for confusion and conflict and wasted resources, both public and private.

Second, the FAA is in no position to regulate aircraft engine emissions as provided in this legislation. The FAA does not have the expertise to know which air pollutants adversely affect human health or the environment. The FAA does not know how emissions from aircraft engines fit into the bigger picture on air quality problems.

In fact, Mr. President, the Commerce Committee has received a letter, dated just 5 days ago, from Secretary Peña of the Department of Transportation asking that this provision, the provision I am referring to, giving the same powers that the EPA has, giving those to the FAA in this bill—Secretary Peña has written asking that this provision be removed from the bill because the FAA does not have that expertise.

Mr. President, I ask unanimous consent that the letter from Secretary Peña be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. Mr. President, I will read a portion of this letter addressed to the Honorable LARRY PRESSLER, chairman of the Committee on Commerce, dated September 12, 1996. Page 2 reads:

> In consideration of the very significant budget constraints faced by the FAA, I urge the deletion of the new responsibilities that section 631(a)(1) of S. 1994 entitled, "Aircraft Engine Standards" would impose on the agency. If adopted, this section would vest responsibility to set aircraft engine emission standards with the FAA. Such responsibility would not only duplicate the responsibility and authority already vested with the Environmental Protection Agency [EPA] under the Clean Air Act, but would also require the expenditure of substantial resources to develop a level of expertise requisite to environmental rulemaking that already exists at EPA.

What is the third reason that this provision should be stricken? If the provision in the bill has the effect of forestalling any EPA regulation of aircraft engines—which probably is the effort here, to get EPA out of this—the result will not be less regulation or less costly regulation. It will merely mean, and this is important, more regulation for other sources like small businesses and automobile owners and manufacturing facilities.

Airplanes emit hydrocarbons and oxides of nitrogen into the atmosphere where they combine with the air pollutants admitted by thousands of other sources to form what is known as smog. The way the Clean Air Act works, States must adopt regulations reducing pollution from targeted sources until a safety level for smog pollution is attained. In other words, the States have this responsibility. If aircraft engines, the airlines, and air transport companies are not required to reduce their pollution, then somebody else has to do it. It might be the dry cleaner, it might be a small manufacturing company, it might be a bakery. Somebody has to reduce its, his, or her, emissions, and will probably have to do more and do it at a higher cost than if an overall look could be taken and seen where it can be done most economically. That might in certain instances pertain to aircraft engines.

This provision does not reduce regulation. It just shifts the burden to somebody else, somebody else who is not represented by a high-powered lobbyist that can send letters saying, "Take EPA out of this."

Mr. President, for these reasons, Senator BAUCUS and I are offering this amendment to remove the provisions creating duplicative regulatory authority and encouraging more cooperation. What our amendment does is say, yes, there should be more cooperation between the FAA and EPA. The EPA should consult with FAA on these matters.

Now, Mr. President, let me just say the following: I am deeply disturbed by the trend that is taking place in connection with what I believe to be ill-advised efforts to cut back on environmental regulation. Here is one industry attempting to be exempted, then another, then another. We have a bill over in the House of Representatives dealing with immigration. What does it say? You can build a fence to keep out immigrants and you do not have to pay any attention to the Endangered Species Act. But that is not enough. They then go on to say pay no attention to the Endangered Species Act and, indeed, pay no attention to what is known as the National Environmental Policy Act. In other words, forgo all environmental regulations while you are building this fence. Build this fence in California between Mexico and the United States—oh, no, to build any fence anywhere in the United States, dealing with immigration, pay no attention to the National Environmental Policy Act.

Mr. President, this Nation was blessed in the early 1970's by a series of great Senators, and we know who they are. They are Ed Muskie, Jennings Randolph, Howard Baker, Bob Stafford, who in a bipartisan fashion brought forward in this Nation tremendous environmental protection laws, and whether you are talking the Clean Air Act or the Clean Water Act, the Endangered Species Act, the creation of the Environmental Protection Agency or the National Environmental Protection Act, whatever it is, those were the bills that were brought forward. They were brought forward because there was a need for them.

When the Cuyahoga River in Cleveland caught fire, it caught the attention of the people in the United States—something is wrong with the waters of this Nation. So we embarked on a $60 billion program over the course of the years to clean up discharges from municipalities, and the industries, likewise, complied, because we had regulations. Now we have clean waters. At that time, one-third of the waters of the United States' lakes, rivers and streams were fishable and swimmable. Now two-thirds of the lakes, rivers and streams in the United States of America are fishable and swimmable, and every year that percentage increases. So we have been blessed by these laws.

I, Mr. President, find it discouraging and disappointing that constantly there is an effort to nibble away at those statutes. Here in this one, to remove the aircraft engine and the Air Transport Association's aircraft from the restrictions that have been applied, wisely, by the EPA over many years, and give it to another agency where they think they will find a much more sympathetic home.

Therefore, Mr. President, I hope we do not turn our backs on those magnificent achievements that were made in the early 1970's and continued since then, whether it is the control of toxic waste and the manner in which we dispose of them, whether it is what we did in the Clean Air Act in 1991, all of these statutes have been for better health and a better America. I, Mr. President, just hope we will not nip, nip, nip away at cutting back on these statutes that have meant so much to our Nation and the health of our people.

EXHIBIT 1

THE SECRETARY OF TRANSPORTATION,
Washington, DC, September 12, 1996.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science and Technology, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I have appreciated your past support for the important work that the Federal Aviation Administration (FAA) does to provide the American traveling public with safe and efficient air travel. I know you agree that a strong, effective FAA is absolutely essential for aviation safety in this country. The safety and security of our air transportation system have always enjoyed bipartisan support in Congress.

It is because of this shared vision that I urge you to enact—before Congress adjourns—the comprehensive FAA reform and reauthorization legislation contained in S. 1994. Without the timely enactment of this legislation, it will be considerably more difficult for the FAA to meet the safety demands of the traveling public.

This legislation will reauthorize funding for critical FAA safety, security, air traffic modernization, and research programs. It will also reauthorize the airport development grant program. In the absence of an extension of the airport grant program, FAA's ability to fund many important airport projects involving capacity, safety, and security will end October 1.

S. 1994 also contains critical provisions to help ensure a better way to finance the FAA. These provisions will help to ensure FAA has adequate resources in the future, but are also designed to provide appropriate incentives to users of the air traffic control system and ensure that the air traffic control system is used in the most cost-effective manner. A bill that does not contain the foundation for meaningful financial reform for the agency will undermine the FAA's ability to meet the safety and security needs of the traveling public, and lessen public confidence in our air transportation system.

Congress has already taken critical steps in the past year to provide FAA with needed acquisitions and personnel reform. It is imperative that Congress stay the course on these reforms and not tie FAA up once again with unnecessary red tape that will impact the efficiency of the air traffic control system and delay air traffic modernization efforts. The most significant step is to pass meaningful financial reform since these reforms will be limited without sufficient resources and budget flexibility for the agency. The lapse of the Airport and Airway Trust Fund taxes this year underscores the need to find a long-term, new funding solution for the FAA.

In consideration of the very significant budget constraints faced by the FAA, I urge the deletion of the new responsibilities that section 631(a)(1) of S. 1994, entitled "Aircraft Engine Standards," would impose on the agency. If adopted, this section would vest responsibility to set aircraft engine emission standards with the FAA. Such responsibility would not only duplicate the responsibility and authority already vested with the Environmental Protection Agency (EPA) under the Clean Air Act, but would also require the expenditure of substantial resources to develop the level of expertise requisite to environmental rulemaking that already exists at EPA. It is our understanding that the Senate will exempt military aircraft from the overflight user fee proposed in section 673, and we do not object to that change.

I urge you to move the legislation to the floor and through conference expeditiously so that we can assure that FAA has the tools and resources necessary to meet its vital responsibilities to the American public. We look forward to working with you on this important effort, and thank you for your continued support of aviation safety and security programs.

Sincerely,

FEDERICO PEÑA.

Mr. CHAFEE. It is my understanding, Mr. President, that there will be set aside tomorrow before we vote, 15 minutes, of which Senator BAUCUS would have 10 minutes and I would have 5 minutes.

Mr. FORD. If it is all right with the Senator, I think I have it cleared with my colleague. I ask unanimous consent this amendment by the Senator from Rhode Island, Mr. CHAFEE, be set aside until tomorrow, and that before the amendment is voted upon, there be 15 minutes of debate, 5 minutes for the Senator from Rhode Island and 10 minutes for Senator BAUCUS of Montana.

Mr. CHAFEE. Mr. President, that is fine.

The PRESIDING OFFICER. Do I understand the Senator's request that all the time reserved would be for the proponents of the amendment?

Mr. CHAFEE. I am agreeable.

Mr. FORD. What I am trying to do is give them 15 minutes. That does not preclude me or anybody else from taking time because they get a minimum of 15 minutes tomorrow.

If I want to oppose the amendment I will oppose it and take 30.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Whatever time we get, perhaps it would be best if it were evenly divided.

Mr. FORD. Mr. President, I withdraw my request.

Mr. CHAFEE. I make the request, if I could. I think it is fair that the opponents get some time. I am not trying to cut anybody out of time.

Mr. FORD. Mr. President, we will just set this amendment aside and take our best hope tomorrow and go.

Mr. CHAFEE. And reach a time agreement tomorrow?

Mr. FORD. That would be fine. I do not know how much time in opposition because I have not had much information tonight relating to the opposition to your amendment.

I suspect, since you have offered the amendment to take it out of the bill, that there will be a lot of work going on tonight and there will be a few people who will want to speak against your amendment tomorrow.

Mr. CHAFEE. Could I ask this, Mr. President: Is there a time certain set to vote tomorrow on this measure?

Mr. FORD. No.

The PRESIDING OFFICER. There is not. There is no time certain set for a vote tomorrow on this measure.

Mr. CHAFEE. It is my understanding since we have not agreed on anything that there is no time agreement.

Mr. FORD. That is correct. The only thing I was attempting to do here—if there are other amendments that come up, we will set yours aside. Once that amendment is taken care of, yours will come back as the pending business. That is what I am trying to do, because there will not be a vote tonight.

Mr. CHAFEE. That is fair enough. We will work it out tomorrow.

Mr. FORD. Sure, we will.

Mr. CHAFEE. I am perfectly prepared, and I want to make sure that the opponents get whatever time they want. Thank you.

Mr. KYL. Mr. President, I rise to comment on the FAA authorization bill. Although I recognize the necessity to authorize certain FAA activities, such as the Airport Improvement Program [AIP], I am concerned with two provisions in the bill. I appreciate the hard work that the managers have put in on this legislation, and I thank them for the opportunity to speak on this bill.

I support the reauthorization of FAA activities, believing that the managers have succeeded in funding the AIP program at the appropriate level. It is important to many airports and travelers around the country that Congress finish its work in this area. For example, in my home State of Arizona, officials from the airports in Phoenix, Chandler, Glendale, Yuma, and Tucson have contacted me in support of the AIP program. The FAA has projected that the number of passengers in the domestic aviation system will reach 800 million annually. The American Association of Airport Executives and the Airports Council International-North America recently completed a comprehensive study on the capital needs of U.S. airports. The study concluded that the Nation's airports have capital needs around $10 billion annually. So I urge my colleagues to support the authorization of the AIP program.

While I support parts of the bill, I must comment on two provisions which I believe Congress must be careful in implementing. First, there is a provision that would set up an independent task force to study how FAA activities may be funded for many years. I am concerned that the task force may be used to implement a user-fee system. I ask that the chairman and the ranking member to work with the task force to ensure that all areas of aviation are heard. Many in my State have expressed concern about funding FAA activities with a user-fee system. I believe it could have a negative effect on such local airlines as America West and Southwest. Arizona is also a State with many citizens who pilot their own planes, and I am advised such a system could harm the general aviation industry. I support the current ticket-tax system and I am glad that Congress approved its temporary extension as part of the small business tax relief bill.

My second concern is that the parts of the bill that address aviation security will not adequately protect us. I know that it is easy to get caught up in the apprehensions created in the wake of the crash of TWA flight 800. We all want to make aviation a safer means of transportation, but we must have the proper priorities. I believe that any changes to aviation security should focus on greater intelligence gathering. If the explosion on TWA flight 800 was a bombing, it was a terrorist attack not on a particular airline but against our whole country. We must take strong and concerted steps as a nation to deal with such heinous attacks. A strong intelligence system is the key here. Recently, the Air Transport Association made several recommendations to the White House Commission on Aviation Safety, chaired by Vice President GORE. I would like to make note of two of ATA's recommendations. First, the association told the Gore Commission that there must be an increase in the amount of funding available to develop the software necessary for automated passenger profiling—that is, profiling of suspects who may be traveling the airways. ATA member airlines, according to the association, are committed to the full implementation of automated passenger profiling through their reservations systems. Second, ATA recommended that the commission should establish strong, new inter-agency coordination requirements to ensure the timely, accurate, and comprehensive communication of detailed intelligence assessment information necessary to permit the informed participation of the aviation industry in responding to identified threats. Mr. President, there will be many antiterrorist initiatives which I believe will help thwart terrorist attacks, such as more advanced detection devices and bomb-sniffing dogs. However, I believe that our priority must be to develop ways to enhance the tracking of those persons already identified as a threat to the general public.

I urge the chairman and ranking member to make note of my concerns, and I thank them for the opportunity to discuss the issues.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, we are nearing the witching hour of the unanimous-consent agreement on the amendments that will be considered tomorrow. I have proposed to my colleague that even those amendments that we have included in the managers' package be listed, in case there might be some wording change that might be needed. If they are not on the list, therefore, it would be difficult, parliamentary wise, for them to be accommodating. I don't want any of my colleagues not to have the ability to change a word or something like that tomorrow. I don't think we ought to get into a unanimous-consent agreement on changing. Then we get unanimous-consent agreements for additional amendments. Of course, I would like to get them cut off tonight if at all possible.

So we will have at least one more amendment that will be offered. Then we are looking at around 8:15, or somewhere in that neighborhood, for a unanimous-consent agreement on the finite list of amendments for S. 1994.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MCCAIN. Mr. President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to the pending FAA bill, that they be subject to relevant second-degree amendments, and following the disposition of the listed amendment, the bill be advanced to third reading, and the Senate immediately proceed to Calendar No. 588, the House companion bill, all after the enacting clause be stricken, and the text of the Senate bill, as amended, be inserted, and H.R. 3539 be immediately advanced to third reading.

The list is as follows:

Pressler, relevant; Lott, relevant; McCain, relevant; Inhofe, emergency revocation; Warner, PFC; Warner, rapidly growing airports; Santorum, relevant; Brown, bidding; Brown, relevant; Roth, aviation trust fund spending; Roth, task force; Roth, user fees; Roth, committee consultation; Thurmond, reliever airport criteria; D'Amato, relevant; Gorton, relevant; Burns, medical certificates; Domenici, three relevant amendments; Helms, airports; Simpson, airport safety; Jeffords, pension audits; Nickles/Lott, pensions; Baucus, FAA aircraft emissions standards, with Chafee; Breaux, relevant; Boxer, cruise ships; Bryan, two relevant amendments; Byrd, one relevant amendment; Conrad, two relevant amendments; Daschle, two relevant amendments; Dorgan, transportation; Exon, relevant; Ford, two relevant amendments; Graham, relevant; Harkin, slots; Heflin, Alabama Airport; Hollings, relevant; Inouye, relevant; Kerry, relevant; Moseley-Braun, train whistle, with Wyden; Reid, state-supported terrorism; Simon, pensions; Wyden, train whistle, with Moseley-Braun; Wyden, three relevant amendments.

That completes the list.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, and I will not object. I would like to make a point here. Many of these amendments are included in the managers' amendment to the bill. This is so that there will be no problem tomorrow with our colleagues coming in and saying we did not get the right language or the right words, they are covered under this situation. If the managers' amendments are all right, we will strike them off. I think you will find that about two-thirds of these will be gone; at least two-thirds of the relevants will be gone. So when you get right down to how many amendments we will have tomorrow, it will be very few.

I hope we can expedite the passage of this legislation. I wanted my colleagues to be sure that we are trying to protect them, so that they won't come in here tomorrow and say we have done something wrong and words were left out.

I wanted to be sure that everybody understood that. And that is one reason that the list is so long because we have basically taken care of most of them.

So I thank my friend for what he is attempting to do here. I think it is the right thing to do.

Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise because I want to support this legislation to reauthorize many of the FAA programs and to do what we can to improve our Nation's system of aviation security, a subject I have had a longtime interest in. I did serve on the Pan Am 103 Commission that reviewed what took place there and was one of the authors of the recommendations that were submitted in 1990.

First, I commend my colleague, my friend from Kentucky, Senator FORD, and my colleague, the Senator from Arizona, Mr. MCCAIN, for their work on this issue. It is not only a critical issue, but the timing certainly is critical in terms of some response that we have to have to what has been taking place. Terrorist threats to our aviation system as well as our general living in this country certainly call for a response from this body and from our colleagues across the Capitol to try to do something to improve a system that is fundamentally pretty good. As a matter of fact, it is very good.

I could not have faced, as I have in the State of New Jersey, people who lost loved ones on Pan Am 103 in 1988 nor those who lost family members, friends, loved ones on TWA 800—I was in Long Island shortly after that plane went down. I was out there a couple of weeks ago with the Secretary of Transportation, met with the FBI, people from the NTSB, people from the Bureau of Alcohol, Tobacco and Firearms. I could not have faced any of the surviving families and said to them, be assured; the system is safe. The fact that they lost a son, a daughter, a mother, a father, a brother, a sister, a child is enough to say the system is not safe enough, that regardless of how efficient the system is, it is not efficient or sufficient as we see it in our family's grief and our family's emptiness.

And so, Mr. President, it is not simply, although a critical part of the issue, aviation security, safety overall, a necessity to bring the system up to the capacity the public currently demands. The projected figures of growth in aviation travel are almost exponential in terms of the size of the base; over 500 million people a year enplane to go different places from within the States and from the United States to other airports—but to make sure that not only can they travel safely but efficiently, with airplanes leaving on time, with the investments in the system being made in a timely and businesslike fashion to make certain that the taxpayers' money, the travelers' taxes or fees are invested in a way that reflects serious interest in getting this system up to the capacity that is presently there and ultimately will be demanded.

Mr. President, this legislation is essential to our Nation's aviation system. Importantly, the bill would extend the authorization for the Airport Improvement Program, what we affectionately refer to as the AIP. We will make some reference to that. Without that authorization, critical infrastructure funding for airports will just not be available. At the same time, it is important to emphasize that this authorization is not sufficient, as I said earlier, to keep up with our Nation's airport needs.

In addition to enacting an authorization bill, the aviation trust fund needs to be adequately financed and the expenditures to be replenished, and that is going to require either an extension of the existing ticket tax, as we heard from our colleague from North Dakota some moments ago, and we heard from the two managers of the bill, or some other financing mechanism. Otherwise, even if the bill before us is enacted, the trust fund will run out of money next year.

To some who may be listening, that would sound like an abstraction—the trust fund runs out of money. But if it does run out of money, and if we are unable to make the improvements that are required, the public can look forward to further delays, to further inconvenience, and to increased costs substantially for the improvements we ultimately must make. We cannot let that happen. I strongly urge my colleagues, especially those who serve on the Finance Committee, to act before December 31, when the existing tax will expire, to address this problem.

I would like to turn for a moment to the provisions in this legislation that are of particular interest to me and on which I have worked fairly extensively, and that is aviation security.

This legislation does not represent a comprehensive aviation security plan. However, in conjunction with the ongoing efforts of the Gore Commission and the Aviation Security Advisory Committee, it will help to tighten aviation security at our airports and on our airways.

When I say it is not a comprehensive aviation security plan, I do not want any misinterpretation to occur. I do not want to suggest that my colleagues who brought this bill to the floor have been less than diligent. They have been. They have surmounted enormous obstacles to get the bill to this point on this night. The provisions in this bill are needed to enhance the aviation security system, but by themselves they are not sufficient. They are a significant beginning.

Two months ago today for us here, an eternity for those who lost family members on TWA flight 800, it hardly seems that enough has happened since that airliner was destroyed and fell into the waters just south of the Long Island seashore. Still, at this time, with the most diligent effort, painstaking work, having created a record number of dives into the sea of any Navy mission ever undertaken—over 2,000 dives were taken to try to pick up the remnants of TWA 800 off the sea floor—we still have no conclusive evidence.

But, regardless of what the cause was, we know that we have to do something to improve the safety of the traveling public, even though, as I said earlier, the system is fundamentally very safe. When my children or my grandchildren, the members of my family, fly, I send them off with full confidence that the system is working well. And, Lord grant us, I hope that always proves to be the case. But we can always make it a notch safer.

Unfortunately, the definitive proofs may lie yet on the ocean floor. It still appears that terrorism is the likely cause of the disaster, but we dare not draw conclusions until the evidence is clearly at hand.

The crash of TWA flight 800 reminded me of a similar tragedy almost 8 years ago. I have exceptionally vivid memories of the downing of Pan Am flight 103 over Lockerbie, Scotland. After that crash, I helped to create, with President Bush's encouragement and that of others here, the President's Commission on Aviation Security and Terrorism. I sponsored the Aviation Improvement Act of 1990, with others, which was enacted into law. There is no question that, as a result of the work done at that time, that security was improved. But the world has changed. This latest tragedy has focused renewed national attention on the terrorist threat to American aviation and to the American traveler. It is a threat that will continue to increase in scope and sophistication. No one here believes that we are doing all we can to fight the ongoing expanding threat of terrorism. It has become, for us, one of the most difficult situations that we as a free society and other free democratic countries face.

The growth of terrorism is an enormous threat because, not only is it the work of madmen who, at times, are willing to give their lives or to recommend that their sons give their lives to be martyred in some fashion, but the sophistication of the weapons, bombs in containers the size of a watch with the impact of TNT—it is an enormous threat and it is a threat that we have to work ever harder to contain. No aviation security system is foolproof, we know that. But we also know that we can do much more to deter the terrorist threat.

TWA 800, like Pan Am 103, was a wake-up call, and we need to respond as quickly as we can. Shortly after the TWA crash, I introduced the Aviation Security Act. My bill, S. 2037, would enhance security at domestic airports by instituting a truly comprehensive security system. The legislation calls for tightened security to check baggage, cargo and mail, and increase screening, training and job performance measures for security personnel at our airports. My bill also requires that passenger profiles be undertaken on a routine basis and that state-of-the-art explosive detection devices be installed in those airports that have the greatest security risk.

To address the needs of families of victims and survivors, the bill establishes an Office of Family Advocate, an office that would be responsible for developing standards for informing, supporting, and counseling the families of victims of airline disasters.

Finally, I suggested the increased security measures be funded by a fee of not more than $4 per round trip ticket, a figure that was recommended by those responsible for aviation security working in the Department of Transportation. It was believed that, with that investment and other sources of revenue, we could do a lot more to preserve the safety of our airplanes and to deter the threat of a terrorist attack. I am pleased that many of the ideas contained in my legislation have already been adopted by the administration and are included in recommended rules and regulations. Shortly after the TWA crash, President Clinton established the White House Commission on Aviation Safety and Security. That commission, now known as the Gore Commission, worked with the already-established Aviation Security Advisory Committee to develop a plan to meet the challenges posed by the proliferation of terrorist groups.

The Gore Commission issued its recommendations last week, and the President moved immediately to implement them. They are a good first step toward strengthening aviation security. The bill before us includes many of the commission's recommendations. I am pleased that the legislation was worked out in a cooperative, positive, bipartisan manner, and that is as it should be when it comes to something as important as keeping our airlines and our people safe.

This bill directs the FAA to begin deploying state-of-the-art explosive detection devices, ensuring that the flying public is protected by the most technologically advanced system. It also requires that personnel who operate security screeners be subjected to background checks, as are most other airport security employees. It requires that the NTSB and the FAA begin developing a "right to know" program which would let consumers know about the airlines' accident and safety records. The bill also directs the FAA to continue working with the airlines in developing programs identifying high-risk passengers and high-risk destinations.

In addition, this legislation recognizes that aviation security needs are constantly evolving. The best laid plans are worthless if they are not implemented in a timely fashion and monitored regularly. The bill requires that each airport and each air carrier conduct vulnerability assessments on their own, or comprehensive self-audits of their entire security systems. These assessments will enable both the airport and the air carriers to know their own systems and their weaknesses and will encourage them to make the needed changes over time.

Because terrorists look for cracks in the security systems, the bill would require the FAA to stay one step ahead by finding those breaches first. Under the bill, the FAA could conduct periodic, unannounced, and sometimes anonymous tests of airport and air carriers' security systems. This would keep the airports and air carriers on their toes and provide the oversight needed.

Both of these provisions were addressed in the bill I introduced in August. Other provisions of the bill require the administration to issue reports to Congress on their implementation of a number of the Gore Commission's recommendations. For example, the President ordered heightened security measures for air cargo, and the Gore Commission recommended a pilot program to ensure that checked baggage is matched with passengers who actually board the plane. We will need to know the results of these initiatives so Congress can evaluate the need to do more.

One thing we do know. The Nation's aviation system is in need of change, in need of improvement. We have waited too long to implement the reforms. This legislation makes an important contribution to that effort.

Mr. President, our work cannot stop there. We need to ensure that all promised reforms are appropriately implemented and in the spirit in which they were intended.

So I express my appreciation, once again, to Senator HOLLINGS, Senator FORD, Senator PRESSLER, Senator MCCAIN, and Senator HUTCHISON for their cooperation on this legislation.

I also thank the many aviation security advocates, the families of the victims of airline disasters, airports, air carriers and many others to implement sound and secure reforms.

It is obvious, Mr. President, this legislation will not solve all of our problems. However, as I earlier mentioned, this is an important step that will make our skies safer for the public, make a meaningful contribution in our battle against terrorism, and will indicate to the public that the U.S. Government is interested in what I will call their plight, their concerns, their anxiety. We have to put those to rest, and the best way to do it is to do something about it, as we are with the bill before us.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from New Jersey, Senator LAUTENBERG, for his work on this bill, along with Senator HUTCHISON. He is one who is very knowledgeable on aviation issues and has been involved for many years.

I express the appreciation of all of us who have been involved in this legislation for Senator LAUTENBERG and the efforts he made which dramatically improved this legislation.

Mr. President, I ask unanimous consent that all relevant amendments be filed by 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, just so I understand the procedure, does that mean we will not go through the amendments this evening necessarily?

Mr. MCCAIN. We will try to dispense of as many amendments as we can this evening. What I was going to say, after gaining a unanimous-consent agreement, is that the majority leader and the Democratic leader have said that they won't spend more than an hour or so additional time after 11 o'clock tomorrow. If we cannot get these amendments resolved and taken care of within an hour or so, the bill will be pulled. I think that would be a terrible thing to happen, given the absolute urgency of this legislation, not only funding the aviation system but many of the issues that the Senator from New Jersey propounded.

So we are trying to get the amendments disposed of as quickly as possible, and after 11 tomorrow, when all amendments are going to need to be filed, if the unanimous consent request is agreed to, we do not anticipate being on the bill more than an hour or so.

Mr. SIMON. I would like to accommodate the Senator from Arizona. So your preference would be that I go ahead with this amendment this evening?

Mr. MCCAIN. That would be my preference.

Mr. SIMON. I have no objection.

Mr. MCCAIN. If the Senator from Illinois would show his usual courtesy which he is known for throughout this body, I would very much appreciate it.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, would it be in order for the managers to receive the amendment of the Senator from Virginia?

Mr. MCCAIN. All amendments listed must be filed.

Mr. WARNER. That is correct. I am prepared briefly to handle two amendments, I say to my distinguished colleague.

Mr. MCCAIN. I say to the Senator from Virginia, I appreciate that, but that would not affect this unanimous-consent agreement.

Mr. WARNER. I did not mean to interrupt. I did not realize we had not achieved it.

Mr. FORD. Reserving the right to object, Mr. President, I regret I have to do this. We have a call in, in fact two of them. I will have to object to the unanimous-consent request at this time, and I will have to get on the phone to see if I can straighten this out.

Mr. MCCAIN. Very briefly, I ask my colleagues, especially the objections that just came in, I do not believe that it is unreasonable to ask the amendments be filed by 11 o'clock tomorrow.

I hope that we can resolve those objections. It is agreed to on both sides that we need to get this legislation passed. I hope that the Senator from Kentucky can use his usual powers of persuasion and get this resolved so that I can propound, again, this unanimous-consent request, and we can get it accomplished tonight. Until such time as that, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Arizona and the Senator from Kentucky. I will proceed with two amendments. I have discussed this with the managers, and we are prepared to handle both. Before doing so, I noted that our distinguished colleague from Arizona recognized the Senator from Illinois and made specific mention of his reputation in the Senate for courtesy. We shall dearly miss him when he departs because, indeed, he is an example of senatorial courtesy.

AMENDMENT NO. 5362

(Purpose: To provide for the use of passenger facility fees for a debt financing project)

Mr. WARNER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 5362.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, strike lines 14 through 17 and insert the following:

paragraph (D); and

"(B) by striking subparagraph (F) and inserting the following:

"'(F) for debt financing of a terminal development project that, on an annual basis, has a total number of enplanements that is less than or equal to 0.05 percent of the total enplanements in the United States if—

"'(i) construction for the project commenced during the period beginning on November 6, 1988, and ending on November 4, 1990; and

"'(ii) the eligible agency certifies that no other eligible airport project that affects airport safety, security, or capacity will be deferred as a result of the debt financing.'".

Mr. WARNER. Mr. President, I rise today in support of a provision contained in the House-passed Federal Aviation Administration Reauthorization Act which would make a very narrow change, referred to as a PFC; that is passenger facility charge. This is a measure put in the House legislation by my distinguished colleague and personal friend, Congressman BLILEY. Congressman BLILEY, as we know, is chairman of the House Committee on Commerce. I join him in this effort.

This provision would allow a nonhub airport in my State, Charlottesville—that is Albemarle—to be eligible to use its own PFC passenger facility charge authority for debt service associated with its passenger terminal project. They just completed a very fine modernization program.

The FAA's PFC regulations have always allowed eligible projects to be refinanced with PFC dollars after—after, Mr. President—they have been completed, provided only that the notice to proceed with construction was given after November 5, 1990. These are highly technical provisions.

The House bill has the Bliley provision which relates only to the date—and I urge my colleagues to take note of that—the date when construction of an otherwise eligible PFC project was begun and should not adversely affect any other airport in the United States.

I have discussed this with the managers, and I rely on the judgment of both managers that this matter will be addressed with fairness and objectivity in the conference. And at the specific request of the managers, and to accommodate this with the understanding this will be addressed in conference, Mr. President, I ask at this time that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5362) was withdrawn.

AMENDMENT NO. 5363

(Purpose: To provide for additional considerations for the selection of projects for grants from the discretionary fund)

Mr. WARNER. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 5363.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 23, strike "(4)" and insert "(5)".

On page 11, line 4, strike "and';".

On page 11, between lines 4 and 5, insert the following:

"(4) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which, during that period, the number of passenger boardings was 20 percent or greater than the number of such boardings during the 12-month period preceding that period; and;"

Mr. WARNER. Mr. President, I further thank my colleagues for the inclusion of this amendment for high-growth airports. These are the commercial airports which logically would be experiencing infrastructure and facilities problems as a result of their rapid growth, making the adoption of this amendment, I think, in the interest of all parties.

At this time, I urge the adoption.

Mr. McCAIN. Mr. President, the managers of the bill—and I have discussed this with Senator FORD—have no objection and we appreciate, by the way, Senator WARNER's agreement to withdraw his previous amendment, given the fact that it would have been somewhat controversial. I do assure him that proposal of his will be treated with utmost concern and scrutiny in the conference.

We have no objection to the amendment, Mr. President, and I yield the floor.

Mr. WARNER. Mr. President, if I might ask my colleague, I thank him very much for the first amendment. There is a second amendment pending. I urge its adoption. I presume it is acceptable to the managers.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 5363) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I would like to engage the Senate for just a few more minutes with regard to a second matter.

Mr. President, I have been involved for many years in seeking to devise a legislative solution to the constitutional issues that exist due to the decisions of the Congressional Board of Review, as that board has jurisdiction over Dulles and National airports.

Mr. President, the Senate may recall that many years ago I introduced a bill, together with my then-colleague from Virginia, Senator Trible, by which these airports became subject to this particular board of review. It enabled these airports then to begin to proceed to get the needed dollars and financing to modernize both Dulles International and Washington National Airports.

This amendment, S. 1994, the Federal Aviation Reauthorization Act of 1996, which is almost identical to S. 288, as reported out of the Senate Committee on Commerce, Science, and Transportation, provides a necessary cure to a constitutional deficiency, as defined by the Federal courts, in the structure of the Airports Authority. The Airports Authority is involved in the operations and improvements of our two airports that serve the Nation's Capital and the Washington region, again, Washington National and Washington Dulles International.

In April 1994, the Court of Appeals for the District of Columbia Circuit found that the Board of Review, made up of current and former Senators and Members of Congress, violated constitutional separation of powers principles. This was the second time the Federal courts struck down the Board of Review, which was designed to represent users of the airports and to preserve some Federal control over them.

The Court of Appeals stayed its decision until the Supreme Court had time to consider the issue. The Supreme Court decided not to hear the case in January, and the stay expired March 31, 1995.

At this juncture, all Congress is required to do to keep the airports in operation is to pass this legislation. Such continued uninterrupted operations are essential to the travel requirements of Members of Congress as well as all people in the greater metropolitan Washington area. It is essential to the economy of this area, Mr. President; and, therefore, I am pleased to submit this.

We are at a point in the current and projected operations of Washington National Airport and Washington Dulles International Airport whereby if we do not act promptly, the Airports Authority board of directors will lose its power to take basic critical actions, including, most importantly, Mr. President, the ability to award contracts, issue more bonds—that is the financing structure—amend its regulations, change its master plans or adopt an annual budget. In other words, it really is brought to an end in its operations. And this is not the intention of the Congress.

For this reason, I find it necessary to offer this amendment today, despite my own personal objections—I must say on behalf of myself and my distinguished Governor, George Allen—to the addition of two new Federal appointees to the Metropolitan Washington Airports Authority to keep our Washington National and Dulles International operational and functional.

Mr. President, I thank my colleagues for the inclusion, and acceptance by the managers, of this amendment in S. 1994, the pending measure. Mr. President, I thank again the managers, and yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would like to make a few comments on this piece of legislation, the Federal Aviation Administration Reauthorization Act of 1996, which I introduced. I believe it represents a solid legislative accomplishment for this Congress and for air service to small cities, such as those located in my home State of South Dakota.

This bill, which I commend the leadership on both sides of the aisle for who have worked on it, must pass the Congress before the end of this session. Otherwise, we will not be able to provide Airport Improvement Program [AIP] grants to our airports across the country.

The bill will more than double the size of the Essential Air Service [EAS] program to $50 million per year. That will directly help cities, such as Yankton, Mitchell, and Brookings in my State. The EAS program was the result of an agreement when we deregulated the airline industry and Congress wanted to ensure our smaller cities did not lose air service altogether.

It also will protect small airports and the way AIP funds are allocated. Let us remember that we depend heavily on our major airport hubs, but we also depend on a lot of smaller cities to feed passengers into those hubs to make our national air system work. And it is not just in South Dakota, it is also in California—Fresno or Sacramento—or upstate New York.

We must remember that small cities such as Aberdeen, South Dakota, which recently received a grant to repair its main runway, and others depend heavily on AIP funds. This bill has a fairer formula to protect small airports if AIP funds decline.

Mr. President, this bill also requires a study be prepared on air fares to rural and small communities. The price of flying to and from some of these small airports are just astronomically high. For example, if you travel from Rapid City to Denver, and then go on to your destination, your flight from Rapid City to Denver may be the most expensive part of your trip.

Throughout my State I hear complaints about the cost of airline travel. In some cases, it can cost as much to get to the hub airport as it does to fly from the hub to London. I believe this study will be very helpful in assisting Congress in its understanding of what is going on with the cost of air travel to and from small communities.

This bill will also improve aviation security in our small cities without unfairly imposing burdens and expensive requirements on small airports and small airlines.

Let me briefly address each of these benefits for small community air service.

In 1978, Congress recognized that all cities would not participate equally in the benefits of airline deregulation. In fact, Congress realized some of our smallest cities might lose air service altogether. To address this threat, Congress wisely put in place the EAS program to ensure our smallest cities would continue to have air service. Without such service, communities such as Brookings, Mitchell, and Yankton in my home State, would be virtually cut off from the national air service network.

It is very important to these smaller towns that they be a part of the national air service network. With air service as well as telecommunications capability, small communities can grow and be dynamic contributors to our national economy. In fact, with the advances in telecommunications, smaller cities are now on an equal footing with bigger cities in terms of attracting industry. Small hospitals can do as sophisticated procedures as big hospitals by using telecommunications; and smaller universities can share in research projects with larger universities. Telecommunications capability alone, however, is not enough. It is critical that small cities also have reliable and affordable air service. And that is what this is all about. Make no mistake about it, the EAS program—since it ensures air service to our smallest and most underserved cities—is absolutely critical to the economic vitality of many small communities.

Mr. President, I am delighted that this bill, S. 1994, will more than double the size of the EAS program. The $50 million EAS program this bill would create will safeguard air service in some small communities and permit an expansion of flights in others. It is a solid legislative accomplishment for economic development in numerous small communities.

S. 1994 also will help promote and maintain some of our smallest airports which are critical to adequate air service in small cities. The AIP program has been under significant budget pressure. The amount of AIP appropriations have fallen significantly since 1992, and our small airports have shouldered the unfair, disproportionate burden of these budget cuts. Since AIP funds are often the only source of funding for repairs and safety improvements at small airports, our small airports have suffered significantly as a result.

I am pleased that this bill will correct this problem. We worked long and hard on this formula. The bill ensures that if AIP funding declines, our small airports will be protected and will continue to receive their historic share of AIP funds. This is good policy. It is fair policy. And it is very important to small city air service.

In addition to expanding the EAS program, and protecting the AIP funding of our small airports, S. 1994 will require a study of air fares to small communities. This is very welcome news for South Dakotans and other small city passengers who unfairly pay exorbitant air fares. We need more air service competition in small city air markets. Hopefully, in addition to highlighting the extent of the high air fare problems in small communities, this study will offer new insights on how air service competition in small communities can be enhanced.

Finally, S. 1994 resisted the temptation to impose expensive security measures on our small airports and small communities. In contrast, the House recently passed a provision based on the erroneous premise that one size fits all in aviation security. The Senate, however, correctly recognized there are thoughtful ways to ensure travelers to and from small cities have the same level of safety and security without imposing the identical, expensive security measures required for international airlines and major hub airports.

A one size fits all approach to aviation security undoubtedly would lead to a further deterioration of small city air service. I am pleased S. 1994 will improve aviation security for small city travelers without having the unintended consequence of driving air service out of some of our smaller cities.

Mr. President, let me make some additional general observations about air service. Somehow all this gets tied together.

We have on the international front this past year had great struggles in helping our major airlines fly beyond Tokyo by ensuring the Government of Japan recognizes their beyond rights. Similarly, our major carriers continue to be blocked out of serving London's Heathrow Airport and points beyond the United Kingdom. We did, however, secure a truly historic open skies agreement with Germany which is great news for the United States economy and our carriers. The United States/German open skies agreement will put competitive pressure on the United Kingdom and France and ultimately should help to force both countries to agree to open skies accords in the future. We must continue to put competitive pressure on the British and the French by fully utilizing our liberalized aviation agreement with Germany.

Let me underscore my great concern with the current impasse in our aviation relations with Japan. The Japanese continue to wrongly block our carriers from serving the United States/Asia air service market via Japan. This continues to be a significant problem for Jerry Greenwald of United Airlines and Fred Smith of Federal Express. It also is a major problem for Northwest Airlines, the largest carrier in South Dakota. I have led efforts by the Commerce Committee to help correct this totally unacceptable situation. Along with my colleagues, we have sent letters to the President urging that the Administration stand firm in our aviation dispute with the Japanese and accept nothing less than fair treatment for our carriers in the area of aviation trade.

I intend to continue pressing for fair aviation trade with the Japanese. The United States/Asia air service market, as well as the intra-Asian air service market, is far too valuable to concede to Japanese carriers. It is vitally important to our balance of trade that our airlines can use Japanese airports to serve countries throughout Asia such as China, Indonesia and Malaysia. Make no mistake about it, international aviation is an important component of U.S. trade. Our negotiators must continue to treat it as nothing less. It is completely unacceptable that our carriers, both passenger and cargo, continue to be blocked out of lucrative air service markets beyond Japan and the United Kingdom by unfair trade practices.

Even when our large airlines are operating thousands of miles away from the United States, their ability to successfully compete abroad has an indirect impact on their financial ability to serve some domestic markets. In fact, large and small airlines work synergistically to provide air service through code-sharing agreements. For instance, I have had an excellent experience with Doug Voss of Great Lakes Aviation which is a key regional carrier in my home state of South Dakota. Great Lakes operates as United Express in South Dakota and the success of United abroad has a bearing on the service United Express can provide in small city air service markets such as the route between Sioux Falls and Rapid City in my state.

I have had discussions with airline executives where they say, "Senator PRESSLER, as chairman of the Commerce Committee, can you help us gain access to Heathrow or assist us with our beyond Tokyo problem?" And I say, "Yes, I will try to help but I have problems between Sioux Falls and Rapid City where I would like help, and I have problems between Huron and Denver and problems between Yankton and Minneapolis," and so forth. The more successful our carriers are in lucrative international markets, the better able they are to serve less profitable small city air service markets. The international picture is tied into the local picture in our country.

As far as the national air service picture in this country is concerned, we have only built one new airport since 1974—Denver International Airport. Even that airport is struggling to complete all of its planned runways. Capacity in many airports is nearly full. Regrettably, a lack of airport capacity is a barrier to entry for new airlines. There are only so many slots and so many gates at our airports. Chicago has tried to build a new airport but because of environmental concerns, neighborhood concerns, and noise concerns it has almost given up. Minneapolis-St. Paul thought about building a new airport but got so much local resistance that they have given up.

The point is our airports are crowded. They are pressing up against their capacity. It is true advanced air traffic control technology will help move commercial airliners more efficiently from point to point. However, airplanes need adequate runway capacity. Also, airplanes need adequate access to gates. Without either, the benefit of air traffic control improvements will be lessened. The point is we have to make some decisions in our country about building infrastructure or we will have our airlines in a stalemate and not being able to expand. Significantly, newer competitive entrants will be blocked out of markets and consumers will be deprived of the benefits vigorous air service competition brings.

Our airport capacity challenges are not going to go away. In fact, they clearly will escalate as more and more people fly. Currently, more than 1.5 million people board commercial airplanes in the United States each and every day. Within the next four years, the number of daily boardings is forecast to climb to almost 2 million. We cannot ignore our airport infrastructure challenges. We should meet our long-term transportation infrastructure challenges head-on.

Airport capacity is but one of many challenges. Aviation is another critically important challenge. Our people expect the finest aviation safety system in the world. I am committed to working to ensure our travelling public receives nothing less than that. Currently, I serve as a representative to the Gore Commission on Aviation Safety and Security. As Chairman of the Commerce Committee, I have held numerous safety oversight hearings this Congress. In fact, we held a closed hearing on aviation security just this morning which included FAA Administrator David Hinson. In the past, on numerous occasions we have heard testimony from the National Transportation Safety Board, and its Chairman Jim Hall, who is doing an outstanding job.

The point I am making is that all these problems of aviation —international, national, and local—tie together. We have a very challenging situation to meet the aviation needs of our country both locally, nationally and internationally. This bill before the Senate which reauthorizes the FAA is a step forward. It is a good bill. It has been worked out carefully and in a bipartisan manner. It is a key part of that big picture that I covered so briefly here. I am proud to have worked with Senators MCCAIN, FORD, STEVENS and many others. I am glad to enthusiastically support this bill and urge my colleagues to do so as well.

I yield the floor.

AMENDMENT NO. 5364

(Purpose: To amend the Employee Retirement Income Security Act of 1974 with respect to the auditing of employee benefit plans)

Mr. SIMON. Mr. President, I offer an amendment on behalf of Senator JEFFORDS and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself and Mr. JEFFORDS proposes an amendment numbered 5364.

Mr. SIMON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROVISIONS RELATING TO LIMITED SCOPE AUDIT.

(a) IN GENERAL.—Subparagraph (C) of section 103(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(C)) is amended by adding at the end the following new clause:

"(ii) If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic investigation by a State or Federal agency that holds assets or processes transactions of the employee pension benefit plan."

(b) CONFORMING AMENDMENTS.—

(1) Section 103(a)(3)(A) of such Act (29 U.S.C. 1023(a)(3)(A)) is amended by striking "subparagraph (C)" and inserting "subparagraph (C)(i)".

(2) Section 103(a)(3)(C) of such Act (29 U.S.C. 1023(a)(3)(C)) is amended by striking "(C) The" and inserting "(C)(i) In the case of an employee benefit plan other than an employee pension benefit plan, the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to opinions required under section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 for plan years beginning on or after January 1 of the calendar year following the date of the enactment of this Act.

Mr. SIMON. It will be a great disappointment but I will only speak about 5 minutes on this amendment. I offer this amendment on behalf of Senator JEFFORDS and myself, an amendment that does not have anything to do with aviation, but we need a vehicle on a bill that is eminently sound and is really needed.

Mr. President, we have right now $3 trillion worth of pension funds that are backed by ERISA. Of those $3 trillion, better than $2 billion, almost $2.1 billion, are adequately audited.

The GAO and the inspector general of the Department of Labor say that we should do away with what is called the limited scope audit. Now, what is a limited scope audit? A limited scope audit permits a bank or an insurance company simply to sign a statement to a pension fund, saying we have $300 million in assets, period. This bill does away with that because we have $950 billion worth of taxpayer funds at risk if we do not modify this. That is what GAO tells us and this bill is what GAO has recommended.

Let me just add, this does not require the pension fund to go in an audit. I assume a bank or an insurance company will have their own auditor. This simply says we need an audit report, not simply a one-line statement saying that they have so many million dollars in assets.

Let me just read one section here: "If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic"—and so forth.

So we permit those institutions to use their own audits.

I was stunned, frankly, when I heard that we do not have adequate auditing on $950 billion worth of employee pension funds. That is what this takes care of. The accounting profession is for it. People who have examined this are astounded that we have not done it before. I understand the reluctance on the part of the Senator from Arizona to take an amendment that has nothing to do with aviation. But if we are going to protect the taxpayers on this—and I know my friend from South Dakota, the Presiding Officer, wants to protect the taxpayers, the Senator from Kentucky does, and all of us do—this is a chance to do it.

I hope that this will be accepted when we vote tomorrow.

Mr. President, unless anyone has any questions or anyone seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, at this time, I ask unanimous consent that all amendments that are on the list submitted earlier under a unanimous-consent agreement be filed by 11 o'clock tomorrow.

Mr. President, before you rule on that, I want to point out that that does not preclude extended debate. There are no time limits involved in that. It simply requires that the amendments on the list be filed by the hour of 11 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, again, I remind my colleagues that there are still a number of these amendments on the list. I believe that a large number of them have been taken care of in the managers' amendment. But both the majority leader and the Democratic leader have stated that we won't stay on this bill more than an hour or so in order to dispense with it and get final passage.

I want to also thank, again, my dear friend from Kentucky for all of his help tonight, and, hopefully, he and I will be able to conclude this legislation tomorrow at a very early time.

Mr. FORD. Mr. President, I am glad to cooperate with my friend in getting any kind of objections to his unanimous-consent agreement worked out. I think we are at a position where, if we just sit down and be reasonable tomorrow, we can move very quickly. I hope that the majority leader will not entertain the notion to pull this bill down if we can't finish it in an hour or so tomorrow. I think there is too much in this bill, and we have worked too hard and come too far for that even to be considered.

I hope that we can go ahead and move this bill and move it expeditiously, and that we are not in a position where we have to do it in an hour or hour and a half or 2 hours. On the other hand, I think as amendments are offered we should attempt to try to limit each of those amendments by some time agreement as it relates to the amendment being considered at the time. Or we might work our list. We could work our list tomorrow and see how much time would be needed by each presenter, and maybe we could have a time agreement or a UC early tomorrow.

I will attempt to look at these amendments and see if there is a time agreement. I am going to call some of the Senators and say, "Your amendment is in the managers' amendment. There was nothing wrong with it, so your name gets scratched." So I am going to proceed on that basis and attempt to help my friend and see if we can't secure some time agreements prior to 11 o'clock tomorrow.

Mr. MCCAIN. I thank my friend. Mr. President, just to clarify, there is also permitted under this UC—because it is not precluded—second-degree amendments that are relevant. So my colleagues, I hope, will not make use of that.

MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE EKENS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of till death do us part seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Truman and Dorothy Eken of Sedalia, MO, who on August 25, 1996 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Truman and Dorothy's commitment to the principles and values of their marriage deserves to be saluted and recognized.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 16, the Federal debt stood at $5,217,327,143,659.08.

Five years ago, September 16, 1991, the Federal debt stood at $3,624,324,000,000.

Ten years ago, September 16, 1986, the Federal debt stood at $2,106,332,000,000.

Fifteen years ago, September 16, 1981, the Federal debt stood at $981,709,000,000.

Twenty-five years ago, September 16, 1971, the Federal debt stood at $415,132,000,000. This reflects an increase of more than $4 trillion ($4,802,195,143,659.08) during the 25 years from 1971 to 1996.

TRIBUTE TO SENATOR HANK BROWN

Mr. HEFLIN. Mr. President, our friend and colleague from Colorado, Senator HANK BROWN, will be leaving at the end of the 104th Congress after only one term in the Senate. But, he will nevertheless leave a lasting legacy of accomplishment that matches that of others who have served here for far longer periods. I have had the pleasure of serving with HANK on the Judiciary Committee during the last few years. His leadership on that committee and his contributions to our sometimes controversial debates were always thoughtful, analytical, fair, and respectful. He has been firm in his beliefs and opinions, but never failed to listen and consider those of the other members of the committee.

Senator BROWN has also been an outstanding leader on military, foreign policy, trade, budgetary, and a host of other issues. I was especially impressed with his efforts to resolve the dispute with Pakistan over certain weapons transfers. He was able to forge a compromise between the administration and Congress which serves our national interests as well as those of India and Pakistan. He has covered a great deal of public policy territory during his relatively short tenure in the Senate.

HANK BROWN was born in Denver, CO, on February 12, 1940. He received his bachelor's degree from the University of Colorado in 1961 and his law degree from there in 1969. He began his career as an accountant. He received a master of tax law degree from the George Washington University here in Washington in 1986, while serving in the House of Representatives.

The future Senator from Colorado served as a lieutenant in the U.S. Navy from 1962 to 1966, including service as a forward air controller in Vietnam. He was awarded the Air Medal with two gold stars, the Vietnam Service Medal, Naval Unit Citation, and National Defense Medal. He served in the Colorado State Senate from 1972 to 1976, where he was the assistant majority leader for 2 years. In 1973, he was named "Outstanding Young Man of Colorado."

In 1980, he was elected to the House of Representatives, serving there until his election to the Senate in 1990. While he was in the House, he sponsored the first wild and scenic river designation for the Cache La Poudre River, and worked to expand the Rocky Mountain National Park. He also sought tougher child support enforcement mechanisms and specialized in ethics issues as a member of the House Ethics Committee. Likewise, he has been an outspoken leader in urging Congress to be covered by the civil rights and labor laws it imposed on others. The Congressional Accountability Act, which passed the Congress and was signed into law in early 1995, was due in large measure to his efforts on this issue.

Senator HANK BROWN has been a true friend to the people of Colorado and an outstanding legislator who consistently strived to do what was best for the Nation. His presence will be sorely missed when the next Congress convenes early next year, but I join my colleagues in congratulating and commending him for his public service and in wishing him and his family well as he moves on to the next phase of his life.

TRIBUTE TO SENATOR WILLIAM S. COHEN

Mr. HEFLIN. Mr. President, our distinguished colleague from Maine, Senator WILLIAM COHEN, will be leaving the Senate at the end of the 104th Congress. His departure will leave a void for his State of Maine and for the Nation that will be extremely difficult to fill. We were both first elected to the Senate in 1978 and will now be leaving together. He has been a true friend and a wonderful colleague to serve with over these last 18 years.

In addition to being an outstanding Senator and leader on a wide range of issues, Senator COHEN is an accomplished poet and spy novelist in his own right. Among his books are: "Of Sons and Seasons," "Roll Call," "Getting the Most Out of Washington," "The Double Man," which he wrote with former Senator Gary Hart, "A Baker's Nickel," "Men of Zeal," which he wrote with former Maine Senator and Majority Leader George Mitchell, "One-Eyed Kings," and "Murder in the Senate."

Altogether, Senator COHEN will have served for 25 years in Congress when he retires. Born in 1940, his father was a baker in Bangor, ME. He received his bachelor of arts degree from Bowdoin College in 1962 and his law degree from Boston University 3 years later. He later became the assistant county attorney for Maine's Penobscot County and was elected vice president of the Maine Trial Lawyers Association in the early 1970's. He was the mayor of Bangor, ME and a fellow at the John F. Kennedy Institute of Politics. He was elected to the 93d Congress on November 7, 1972, and served in the House until his election to the Senate 6 years later.

As a Member of Congress, WILLIAM COHEN has not been afraid to break with his party when his conscience dictated it. Overall, he has been a leading advocate of a more assertive American defense posture. This was his view long before the defense build-up of the 1980's. As a Senate candidate in 1978, his platform was military preparedness and when he arrived here, he immediately got a seat on the Armed Services Committee. He opposed the SALT II Treaty, strongly supported President Reagan's defense build-up, and spoke out against the nuclear freeze. He condemned Saddam Hussein's regime in Iraq for using chemical weapons long before the invasion of Kuwait in August 1990 and in July of that year was instrumental in the debate over sanctions against Iraq. He served as vice chairman of the Senate Intelligence Committee during the late 1980's, working closely with its chairman, Senator David Boren. He also served on the Iran-contra committee, on which I served as well.

On trade issues, he has been for free but fair trade. He has worked to ban the import of underweight lobsters and opposed the American-Canadian Free Trade Agreement.

Senator COHEN is known as somewhat of a maverick, but there is no question that he put the concerns of his country and State at the top of his agenda. There is a great need for mavericks—really, I should call them independents. There is also no question that his sincere interest and leadership in public policy issues at the national level has led to many benefits for the American people in general. He will be sorely missed after he leaves the Senate early next year, but I join my colleagues in wishing him and his lovely wife, Janet Langhart-Cohen, well as he embarks on a new phase of his life. I also look forward to reading more of his novels in the years to come.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 7:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment.

S. 677. An act to repeal a redundant venue provision, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2679) to revise the boundary of the North Platte National Wildlife Refuge.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1997" (Rept. No. 104–370).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named officers for promotion in the line in the Navy of the United States to the grade indicated under title 10, U.S.C., section 624:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Daniel R. Bowler, [redacted] U.S. Navy.
Capt. John E. Boyington, Jr [redacted] U.S. Navy.
Capt. John T. Byrd [redacted] U.S. Navy.
Capt. John V. Chenevey [redacted] U.S. Navy.
Capt. Ronald L. Christenson [redacted] U.S. Navy.
Capt. Albert T. Church, III [redacted] U.S. Navy.
Capt. John P. Davis [redacted] U.S. Navy.
Capt. Thomas J. Elliott, Jr. [redacted] U.S. Navy.
Capt. John B. Foley, III, [redacted] U.S. Navy.
Capt. Kevin P. Green, [redacted] U.S. Navy.
Capt. Alfred G. Harms, Jr., [redacted] U.S. Navy.
Capt. John M. Johnson, [redacted] U.S. Navy.
Capt. Herbert C. Kaler [redacted] U.S. Navy.
Capt. Timothy J. Keating [redacted] U.S. Navy.
Capt. Gene R. Kendall [redacted]
Capt. Timothy W. LaFleur, [redacted]
Capt. Arthur N. Langston, III [redacted]
Capt. James W. Metzger, [redacted]
Capt. David P. Polatty, III [redacted]
Capt. Ronald A. Route [redacted]
Capt. Steven G. Smith, [redacted]
Capt. Thomas W. Steffens, [redacted]
Capt. Ralph E. Suggs, [redacted]
Capt. Paul F. Sullivan [redacted]

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Roland B. Knapp, [redacted] U.S. Navy.
Capt. Kathleen K. Paige [redacted] U.S. Navy.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

Capt. Perry M. Ratliff, [redacted] U.S. Navy.

The following named officer for reappointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a) and 3036:

To be chief of engineers

To be lieutenant general

Maj. Gen. Joe N. Ballard [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a):

To be lieutenant general

Maj. Gen. Edward G. Anderson, III [redacted] United States Army.

The following named officer for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of title 10, U.S.C., sections 8374, 12201, 12204, and 12212:

To be brigadier general

Brig. Gen. Dwight M. Kealoha, USAF (Retired), [redacted] Air National Guard.

The following named officer for appointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a);

To be lieutenant general

Maj. Gen. Normand G. Lezy [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C., section 601;

To be lieutenant general

Maj. Gen. William P. Hallin [redacted]

The following named officer for reappointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C., section 601;

To be lieutenant general

Lt. Gen. George T. Babbitt, Jr. [redacted]

The following named officer for promotion in the Navy of the United States to the grade indicated under title 10, U.S.C., section 624:

MEDICAL CORPS

To be rear admiral (lower half)

Capt. Bonnie B. Potter, [redacted] U.S. Navy

The following named Judge Advocate General's Corps Competitive Category officers for promotion in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, U.S.C., section 611(a) and 624(c):

To be brigadier general

Col. Joseph R. Barnes [redacted]
Col. Michael J. Marchand [redacted]

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. John A. Gordon, [redacted] United States Air Force.

The following named officer for promotion in the Naval Reserve of the United States to the grade indicated under title 10, U.S.C., section 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral

Read Adm. (1h) Thomas Joseph Gross, [redacted] U.S. Naval Reserve.

The following named officer for appointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a):

To be lieutenant general

Maj. Gen. William J. Donahue [redacted]

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 8374, 12201 and 12212:

To be brigadier general

Col. Gerald W. Wright [redacted] Air National Guard of the United States.

The following named officer for appointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C. section 8036:

SURGEON GENERAL OF THE AIR FORCE

To be lieutenant general

Maj. Gen. Charles H. Roadman, II [redacted]

The following United States Army National Guard officers for promotion in the Reserve of the Army to the grades indicated under title 10, U.S.C. sections 3385, 3392 and 12203(a):

To be major general

Brig. Gen. Carroll D. Childers [redacted]
Brig. Gen. Cecil L. Dorton [redacted]
Brig. Gen. Clyde A. Hennies [redacted]
Brig. Gen. Warren L. Freeman [redacted]

To be brigadier general

Col. John E. Barnette [redacted]
Col. Roberto Benavides, Jr. [redacted]
Col. Ernest D. Brockman, Jr. [redacted]
Col. Danny B. Callahan [redacted]
Col. Reginald A. Centracchio [redacted]
Col. Terry J. Dorenbush [redacted]
Col. Thomas W. Eres, [redacted]
Col. Edward A. Ferguson, Jr. [redacted]
Col. Gary L. Franch [redacted]
Col. Peter J. Gravett [redacted]
Col. Robert L. Halverson [redacted]
Col. Joseph G. Labrie [redacted]
Col. Bennett C. Landreneau [redacted]
Col. John W. Libby [redacted]
Col. Marianne Mathewson-Chapman [redacted]
Col. Edmond B. Nolley, Jr. [redacted]
Col. James F. Reed, III [redacted]
Col. Darwin H. Simpson [redacted]
Col. Allen E. Tackett [redacted]
Col. Michael R. Van Patten [redacted]

The following United States Army National Guard officers for promotion in the Reserve of the Army to the grades indicated under title 10, U.S.C. sections 3385, 3392 and 12203(e):

To be major general

Brig. Gen. Frank A. Catalano, Jr. [redacted]

To be brigadier general

Col. Clarence E. Bayless, Jr [redacted]
Col. John D. Bradberry [redacted]
Col. Roger B. Burrows [redacted]
Col. William G. Butts, Jr. [redacted]
Col. Dalton E. Diamond [redacted]
Col. George T. Garrett [redacted]
Col. Larry E. Gilman [redacted]
Col. John R. Groves, Jr. [redacted]
Col. Hugh J. Hall [redacted]
Col. Elmo C. Head, Jr.
Col. Willie R. Johnson [redacted]
Col. Stephen D. Korenek [redacted]
Col. Bruce N. Lawlor [redacted]
Col. Paul M. Majerick [redacted]
Col. Timothy E. Neel [redacted]
Col. Jeff L. Neff [redacted]
Col. Anthony L. Olen [redacted]
Col. Terry L. Reed [redacted]
Col. Michael H. Taylor [redacted]
Col. Edwin H. Wright [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a):

To be lieutenant general

Maj. Gen. Frederick E. Vollrath, [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 3036:

TO BE SURGEON GENERAL, UNITED STATES ARMY

To be lieutenant general

Maj. Gen. Ronald R. Blanck [redacted]

The following named officers for promotion in the line in the Navy of the United States to the grade indicated under title 10, U.S.C., section 624:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Harry M. Highfill, [redacted] U.S. Navy.
Capt. Richard J. Naughton, [redacted] U.S. Navy.
Capt. William G. Sutton, [redacted] U.S. Navy.

The following named officer for reappointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under the provisions of Section 601, Title 10, United States Code:

To be lieutenant general

Lt. Gen. Anthony C. Zinni, [redacted]

The following named officer for appointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Rear Adm. William J. Hancock, [redacted]

The following named officer for appointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Rear Adm. William J. Fallon, [redacted]

The following named officer for reappointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Vice Adm. Conrad C. Lautenbacher, Jr., [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a):

To be lieutenant general

Maj. Gen. George A. Crocker, [redacted]

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 29 nomination lists in the Air Force, Army, Marine Corps and Navy which were printed in full in the CONGRESSIONAL RECORDS of December 11, 1995, May 22, 1996, July 11, 17, 19, and 29, 1996, September 3, and 9, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of December 11, 1995, May 22, 1996, July 11, 17, 19, 29, September 3, and 9, 1996, at the end of the Senate proceedings.)

In the Air Force there is one promotion to the grade of lieutenant colonel (Edgar W. Hatcher) (Reference No. 1267).

In the Air Force and Air Force Reserve there are 11 appointments to the grade of colonel and below (list begins with Malcolm N. Joseph III) (Reference No. 1268).

In the Army there is one appointment as permanent professor at the United States Military Academy (Colonel George B. Forsythe) (Reference No. 1269).

In the Marine Corps there are four promotions to the grade of major (list begins with Gary J. Couch) (Reference No. 1270).

In the Marine Corps there are two promotions to the grade of major (list begins with Ralph P. Dorn) (Reference No. 1271).

In the Marine Corps there is one promotion to the grade of lieutenant colonel (George W. Simmons) (Reference No. 1111).

In the Army there are 1,576 promotions to the grade of major (list begins with Anthony J. Abati) (Reference No. 1198).

In the Air Force and Air Force Reserve there are 22 appointments to the grade of colonel and below (list begins with Jeffrey I. Roller) (Reference No. 1202).

In the Army Reserve there is one appointment to the grade of lieutenant colonel (Donald G. Higgins) (Reference No. 1203).

In the Army Reserve there are 13 promotions to the grade of colonel and below (list begins with Robert M. Carrothers) (Reference No. 1206).

In the Army Reserve there are 37 promotions to the grade of colonel and below (list begins with James R. Barr) (Reference No. 1207).

In the Air Force there are 12 appointments to the grade of second lieutenant (list begins with Michael P. Allison) (Reference No. 1220).

In the Marine Corps there are five promotions to the grade of lieutenant colonel and below (list begins with Robert E. Carney) (Reference No. 1221).

In the Marine Corps Reserve there are 34 promotions to the grade of colonel (list begins with Craig T. Boddington) (Reference No. 1222).

In the Air Force there are 66 promotions to the grade of major (list begins with John W. Baker) (Reference No. 1223).

In the Navy there are two promotions to the grade of lieutenant commander (list begins with Aaron C. Flannery) (Reference No. 768).

In the Marine Corps there is one promotion to the grade of lieutenant colonel (John C. Sumner) (Reference No. 1272).

In the Navy there is one promotion to the grade of captain (John L. Willson) (Reference No. 1273).

In the Navy there is one promotion to the grade of lieutenant commander (Eric L. Pagenkopf) (Reference No. 1274).

In the Marine Corps there are 58 appointments to the grade of captain (list begins with Michael G. Alexander) (Reference No. 1275).

In the Marine Corps Reserve there are 150 promotions to the grade of lieutenant colonel (list begins with James R. Adams) (Reference No. 1276).

In the Navy there are 427 promotions to the grade of commander (list begins with Daniel C. Alder) (Reference No. 1277).

In the Naval Reserve there are 768 promotions to the grade of commander (list begins with James C. Ackley) (Reference No. 1278).

In the Navy there are 774 promotions to the grade of lieutenant commander (list begins with Gregorio A. Abad) (Reference No. 1279).

In the Air Force Reserve there are 26 promotions to the grade of lieutenant colonel (list begins with John W. Amshoff, Jr.) (Reference No. 1282).

In the Marine Corps there are three appointments to the grade of lieutenant colonel and below (list begins with Timothy Foley) (Reference No. 1283).

In the Naval Reserve there are 153 promotions to the grade of captain (list begins with Robert E. Aquirre) (Reference No. 1284).

In the Naval Reserve there are 382 promotions to the grade of commander (list begins with David W. Anderson) (Reference No. 1285).

In the Air Force there are 1,609 promotions to the grade of colonel and below (list begins with Johnny R. Almond) (Reference No. 1296).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 2080. A bill to save taxpayer money by reducing the unnecessary increase in Pentagon spending in fiscal year 1997; to the Committee on Armed Services.

S. 2081. A bill to limit Department of Defense payments to contractors for restructuring costs associated with business combinations; to the Committee on Armed Services.

By Mr. DORGAN (for himself and Mr. ROBB):

S. 2082. A bill to amend title 18, United States Code, to eliminate good time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 2083. A bill to amend title 18, United States Code, to set forth the civil jurisdiction of the United States for crimes committed by persons accompanying the Armed

Forces outside of the United States, and for other purposes; to the Committee on Armed Services.

S. 2084. A bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. FORD):

S. 2085. A bill to authorize the Capitol Guide Service to accept voluntary services; considered and passed.

By Mr. PRESSLER (for himself, Mr. LOTT, Mr. BAUCUS, Mr. HATCH, Mr. D'AMATO, Mr. NICKLES, Mr. GORTON, Mr. HATFIELD, Mr. BURNS, and Mrs. MURRAY):

S. 2086. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 2087. A bill to direct the Secretary of the department in which the Coast Guard is operating to provide rescue diver training under the Coast Guard helicopter rescue swimming training program; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT:

S.J. Res. 60. A joint resolution to disapprove the rule submitted by the Health Care Financing Administration on August 30, 1996, relating to hospital reimbursement under the medicare program; read twice.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. STEVENS, Mr. BYRD, Mr. WARNER, Mr. SIMPSON, Mrs. KASSEBAUM, Mr. FORD, Mr. ROCKEFELLER, Mr. LEVIN, Mr. GRASSLEY, Mr. COVERDELL, and Mr. FRIST):

S. Res. 293. A resolution saluting the service of Howard O. Greene, Jr. to the United States Senate; considered and agreed to.

By Mr. STEVENS:

S. Res. 294. A resolution to provide for severance pay; considered and agreed to.

By Mr. NICKLES (for himself, Mr. NUNN, Mr. COATS, Mr. ASHCROFT, and Mr. HELMS):

S. Con. Res. 71. A concurrent resolution expressing the sense of the Senate with respect to the persecution of Christians worldwide; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 2080. A bill to save taxpayer money by reducing the unnecessary increase in Pentagon spending in fiscal year 1997; to the Committee on Armed Services.

PENTAGON BUDGET REQUEST LEGISLATION

• Mr. HARKIN. Mr. President, we must maintain a strong national defense. There can be no question about that. I believe part of that strength comes from wise use of taxpayer dollars. The $265.6 billion authorized by this Congress is $11.3 billion more than the Pentagon requested. I am offering this bill today to roll back this addon and restore the Pentagon's requested level. It directs the Secretary of Defense to achieve this goal by making adjustments that do not jeopardize our military readiness or the quality of life of our military personnel.

The Secretary of Defense should not have trouble finding areas to trim. This budget adds less than $1 billion for readiness and quality-of-life issues. Too much of the rest is for gold-plated hardware and questionable weapons development.

Some star wars items, like the space-based laser system at an additional $70 million, or the kinetic energy antisatellite program at an additional $75 million, are expensive, destabilizing, and probably won't work. Other items, like the Kiowa helicopter, at an additional $190 million have missions that can be filled by other weapons at less cost. In this era of tight budgets, when we are slashing other programs, I don't see how we can justify these unwise, unwanted, unnecessary and untimely expenditures.

Mr. President, this simply defies common sense. The cold war is over.

The proposed increase, by itself, is only slightly smaller than the combined defense budgets of North Korea, Iraq, Syria, Iran, and Cuba. I think the American taxpayers are owed an explanation of this excessive spending.

I would like to know how my colleagues plan to pay for such extravagance in this time of constrained spending. This bill will either steal from parts of government that are already doing their part to reduce the deficit, or it will add billions of dollars to the deficit. We simply can't avoid one of these consequences.

Mr. President, let me put the magnitude of this fiscal irresponsibility into perspective. The $11.3 billion bonus is almost equal to the budgets of the National Institutes of Health and the Transportation Department. It's about twice the budget of the Interior Department and the Environmental Protection Agency, and it's almost four times larger than the budget of the National Science Foundation. Furthermore, for this amount of money we could fund the Pell Grant Program for 2 years or we could fund the Head Start Program for over 2½ years.

To look at it in terms of my State of Iowa, this addon of $11.3 billion is almost three times the budget for the entire State of Iowa. Iowans could fund their K–12 education system, some 500,000 pupils in about 380 school districts, for 5 years. At the current spending and enrollment levels, the $11.3 billion could fund Iowa State University for 94 years, the University of Iowa for 99 years, the University of Northern Iowa for 166 years, or all three together for 38 years.

We simply can't justify this excessive spending, we shouldn't ask our constituents to fork over $11.3 billion for programs the Pentagon does not need or could safely delay.

It's time for some fairness. It's time for some common sense. And fairness tells us that the Pentagon shouldn't be exempt from our efforts to balance the budget. Common sense dictates that we can't afford $11.3 billion in addons over what the Pentagon and the Joint Chiefs of Staff say we need to maintain a strong national defense. I urge my colleagues to join me in support of this commonsense bill to cut the deficit and put our priorities back in order.•

By Mr. HARKIN:

S. 2081. A bill to limit Department of Defense payments to contractors for restructuring costs associated with business combinations; to the Committee on Armed Services.

CORPORATE MERGERS LEGISLATION

• Mr. HARKIN Mr. President, I introduce a bill that will put a moratorium on taxpayer subsidies for mergers between defense contractors, and give the Government the tools to monitor these deals and recoup any overpayments.

To quote Lawrence Korb, Assistant Secretary of Defense under President Reagan in a recent article in the Brookings Review, "Remember the $600 toilet seats and the $500 hammers that had taxpayers up in arms during the mid-1980s? Today's subsidized mergers are going to make them look like bargains."

Here is what some public interest groups say about the policy:

The CATO Institute—"The costs associated with mergers should not be absorbed by federal taxpayers. This is a egregious example of unwarranted corporate welfare in our budget."

Taxpayers for Common Sense—"It's time for the Pentagon to drop this ridiculous 'money for nothing' policy."

Project on Government Oversight—"The new policy is unneeded, establishes inappropriate government intervention in the economy, promotes layoffs of high-wage jobs, pays for excessive CEO salaries, and is likely to cost the government billions of dollars."

In 1993 then Undersecretary of Defense John Deutch made a major policy change with regard to Defense Department acquisition practices. His decision allowed the DOD to start subsidizing defense contractor mergers.

The taxpayers have already paid $300 million to wealthy defense contractors and the GAO estimates that they will pay another $2 billion or more in the next few years.

If Deutch's decision was a policy change, as I believe, then the proper procedures were not followed. The new policy was never printed in the Federal Register and there was no opportunity for public comment on it, so the contracts written under this policy may be invalid.

If it was a clarification of policy, as the proponents claim, then the taxpayers may be liable for paying restructuring costs on mergers all the way back to the 1950's. The cost to American taxpayers could be staggering.

In either case, the decision involves an interpretation of the Federal Acquisition Regulations [FAR] and may allow contractors for all Federal agencies and departments to collect such costs. Imagine Medicare paying restructuring costs for all Federal agencies and departments to collect such costs. Imagine Medicare paying restructuring costs for all major hospital mergers. This could add billions of taxpayers dollars to the total cost of this policy.

Proponents claim the subsidies save taxpayers money, but the record on these savings is spotty at best. According GAO studies of two business combinations the measured savings are far less than the amount promised. In one case the GAO found that "the net cost reduction certified by DOD represents less than 15 percent of the savings . . . projected to the DOD 2 years earlier when they sought support for the proposed partnership."

Moreover, the cost accounting is incomplete and there is no way for taxpayers to recoup the costs when the amount paid to contractors exceeds the actual benefit received. The current practice is to measure only costs to the Department of Defense when contractors merge and give thousands of hardworking Americans the boot. The costs associated with Government subsidized social services like worker retraining are not tallied. Neither are the costs associated with lost payroll tax revenue. My bill would fix these deficiencies.

Although I believe this practice must stop, I realize that is too new for most to make an informed decision about. That is why I am offering this very moderate bill. It will merely put a 1-year moratorium on these payments so that the Comptroller General can give us the tools we need to take a close look at the policy and ensure that the taxpayers recoup any payments in excess of realized benefits. It will also allow us to have hearings on this far-reaching policy change.

So, again Mr. President, this modest bill will give us the time and tools we need to thoroughly examine this policy. I urge my colleagues to support this common sense bill so that we can study this issue with all the care that it deserves.•

By Mr. DORGAN (for himself and Mr. ROBB):

S. 2082. A bill to amend title 18, United States Code, to eliminate good-time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the committee on the Judiciary.

THE 100 PERCENT TRUTH IN SENTENCING ACT

• Mr. DORGAN. Mr. President, last Friday I spoke on the Senate floor about legislation that I am proposing to make Americans safer in their homes and communities. Today I am formally introducing that legislation, and I wanted to take a few moments to describe in further detail what my bill would do and why it is needed.

All of us who are concerned about violent crime in this country know that the causes of crime are complex and difficult. I certainly do not pretend to have all the answers. But there are some basic, commonsense steps we can take to reduce the amount of violent crime in this country—the first of which is to keep those people that we know are violent criminals off the streets.

My bill, the 100 Percent Truth in Sentencing Act, will eliminate the award of good-time credits for violent offenders in the Federal prisons and require violent offenders to serve 100 percent of their sentences. This is not a punitive action against criminals; it is a preventive action against violent crime.

Let me tell you why my bill will save lives and prevent violent crime. It does not take a genius to know who will commit the next crime—likely, it will be someone who already committed a crime. One-third of all violent crime is committed by someone who is already know to the criminal justice system and is "under supervision"—that is, out on the streets because of parole, probation, or pretrial release.

This frightening statistic is not the result of actions by just a few hardened criminals. Rather, the majority of violent offenders will be rearrested for another crime within 3 years of their release. Fully one-third of all violent criminals released from prison will be rearrested for another violent crime within that timeframe.

These statistics are well known and undisputed, yet more than 90 percent of violent criminals are released early from prison. Back in 1984, we acknowledged that early release leads to more violent crime and, as a result, we abolished parole in the Federal system. But our system continues to award "good-time" credits—essentially, time off for good behavior—to the most violent felons in the system. The reason is that good time credits are awarded automatically to almost every inmate. In the Federal prison system, every prisoner—regardless of how brutal their crime—receives 54 days of good time per year unless they violate significant prison rules.

I could spend hours telling you about violent offenders who were released early from Federal prisons, but let me tell you about just one of them. Martin Link has a long history of brutal, violent crime. In 1982, he grabbed a 15-year-old girl in an alley in south St. Louis, sodomized her, and tried to rape her. In 1983, he forced another young girl into his car, took her to East St. Louis, and raped her. Although he was sentenced to 20 years in Federal prison, he was released in 6 years because of combined good time credits and parole. Soon afterward, he got a year's probation for soliciting sex from an undercover agent.

The next year, in 1990, he stole a car, but was still on the streets in 1991 when he murdered 11-year-old Elissa Self-Braun while she was walking home from her schoolbus. The same month that he murdered Elissa, according to the St. Louis Post-Dispatch, Link robbed, sodomized, and tried to rape a woman he grabbed at a self-service laundry, snatched another woman's purse, tried to rape another woman at knifepoint, almost abducted an 8-year-old girl, and held up an ice cream shop. If Link had served his full sentence for an earlier abduction and rape, none of these crimes would have been committed and Elissa would be alive today.

Link is now serving a sentence of life in prison without parole. But in my view, the death of little Elissa was completely preventable and inexcusable. We know that violent criminals often repeat their crimes. At a minimum, we must take steps to keep violent offenders behind bars for the full terms of their sentences.

This bill is not my first attempt to end good time for violent offenders. In 1994, I offered an amendment to the Violent Crime Control and Law Enforcement Act of 1994 designed to eliminate good time for all violent offenders unless they exhibited "exemplary" behavior while in prison. My intent was that only those violent offenders who demonstrated that they were rehabilitated would be released from Federal prison before the end of their sentences.

That amendment was accepted and is now law. Unfortunately, the Justice Department has interpreted that provision to mean that violent offenders will continue to receive automatic good time credits unless they break significant prison rules. This was not the intent of my amendment in 1994, and the bill I am now offering clarifies my position: violent offenders should remain in jail until they have completed their court-imposed sentences.

Prison officials tell me that they rely on good time credits as a disciplinary tool. On a recent visit to a Federal prison, officials told my staff that Federal inmates are increasingly young, undisciplined, violent, and unpredictable. "Without good time to use as an incentive to control inmates," one official confided, "we would fear for the lives of our prison guards!"

I am very sympathetic to the arguments they raise. It is the job of prison administrators to control inmate populations and ensure a safe, orderly prison atmosphere. I would not take unnecessary risks with that important goal. However, it is our job, as United States senators, to secure the safety of those who live outside the prison walls—law-abiding citizens taking an evening stroll, or stopping at the ATM machine, or, like Elissa Self-Braun, walking to a school bus from our home. To argue that inmates are too dangerous to keep in jail is outrageous and unacceptable.

I am also skeptical that good time is a necessary or effective disciplinary tool in most cases. Prison officials have a broad range of disciplinary tools at their disposal, including visitation and telephone privileges, recreation time, commissary privileges, and work opportunities. Most of these incentives provide an immediate reward, while the reward of good time credits is not realized for many months, and often years, after the desired behavior. I am not a psychologist, but it seems to me that young, impetuous criminals are more likely to appreciate an immediate, rather than a long delayed, reward.

In fact, statistics compiled by the Office of Justice Statistics seem to support this theory. Over the last few years, the incidence of violent misconduct in federal prisons has declined by more than 30 percent, even though prison officials no longer have parole as an incentive and the amount of allowable good time has decreased from as much as 120 days per year (prior to 1984) to 54 days.

The bottom line is this: early release for violent offenders costs lives. Today, there are more than 100,000 inmates in nearly 90 federal prisons and in contract facilities across the country. About 20,000 of these inmates are serving time for a violent offense. If they are released early from prison, 7,200 will be re-arrested for a violent crime within 3 years of their release.

My bill, the 100 Percent Truth In Sentencing Act, is the most straightforward, common sense approach that I have seen for putting violent criminals behind bars and keeping them there. Senator ROBB already has agreed to join me in co-sponsoring this legislation, and I hope all my colleagues will do the same.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "100 Percent Truth in Sentencing Act".

SEC. 2. ELIMINATION OF CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.

Section 3624(b) of title 18, United States Code, is amended—

(1) by striking "(1) A prisoner" and inserting "(1)(A) Subject to subparagraph (B), a prisoner";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(B) A prisoner who is serving a term of imprisonment of more than 1 year for a crime of violence shall not be eligible for credit toward the service of the prisoner's sentence under subparagraph (A).".•

By Mr. DEWINE:

S. 2083. A bill to amend title 18, United States Code, to set forth the civil jurisdiction of the United States for crimes committed by persons accompanying the Armed Forces outside of the United States, and for other purposes; to the Committee on Armed Services.

THE MILITARY AND CIVILIAN LAW COORDINATION ACT

• Mr. DEWINE. Mr. President, I believe certain elements of the U.S. military justice system need to be reformed. For example, current conditions contain loopholes that allow military criminals to receive pay—even after conviction. They allow nonmilitary personnel residing on military bases who commit crimes to escape criminal prosecution. And they allow military personnel who have committed crimes to be discharged without their criminal records being included in the FBI's National Crime Information Center system.

I believe we must close these loopholes.

Mr. President, under current law, a soldier sentenced to and awaiting dishonorable discharge, remains on the taxpayer's payroll, unless otherwise ordered by the military court. While in military custody, that lawbreaker continues to collect a paycheck from the rest of tax-paying America.

Mr. President, this simply should not be the case, in the streets of Cleveland, Seattle, or Denver, when a criminal breaks the law, he is removed from those streets. When he is allowed to return to those streets, his time in jail will have cost him a few things. Of course, chief among these things is his loss of freedom for the period of confinement. But he will also not collect a paycheck while incarcerated. We do not pay and should not pay our prisoners for serving their time in jail.

A Cincinnati man, convicted of rape, burglary, and assault by a military tribunal, later collected something on the order of $40,000, after taxes, for serving out his sentence. A Wright-Patterson Air Force Base airman, convicted of molesting a 4-year-old girl, has collected an average of $4,700 per month while serving out his sentence. Three years after his confession, he had received $148,616 from the U.S. taxpayers. He even received raises while behind bars.

There are many such stories, Mr. President.

This bill addresses that injustice to the taxpayer. This bill makes that lawbreaker serve out the sentence he has earned—at his own expense. It is already enough of a burden that the taxpayer has to pay for the room and board of that prisoner during the sentence, after he or she already paid more than enough to train and keep that soldier.

The loss of opportunity and earnings should be something the criminal pays for himself, the taxpayer should not pay for it. When that soldier breaks the law—and in doing so, breaks his agreement with the taxpayer—that should be the end of the taxpayer's responsibilities.

Once that soldier decides he no longer wants to be a law-abiding citizen, he is on his own, financially and otherwise. Mr. President, again, we should not pay our criminals for serving out their sentences.

My bill addresses another important gap in the law. Under current law, many illegal acts committed abroad by U.S. soldiers or accompanying civilians go unaddressed by the military courts. The prosecution of these crimes is left to the discretion of a military court, which often decides to do no more than hand down a dishonorable discharge, unleashing that criminal on civilian society. This should not be the case. Mr. President, there should be no geographical limits to the law.

This bill guarantees that a soldier or accompanying civilian abroad, committing an illegal act punishable under the United States Code by more than a year's imprisonment, will be handed over to civilian authorities for prosecution under the United States Code. The military should not be able to rid itself of its criminals at the expense of law abiding civilians. These criminals belong behind bars, not just out of the service and back in our streets. This bill will keep them out of our streets.

There is a final aspect of this bill intended to protect civilian Americans from the actions of enlisted criminals. This bill also mandates that when an enlisted criminal is discharged from the service, the military Secretary will turn over to the FBI all the criminal records of that soldier for inclusion in the FBI criminal records system. It also requires sex offenders who are discharged from the military to submit a DNA sample before discharge so that that sample can be included in the FBI's CODIS system.

Again, Mr. President, this is another way to protect the tax-paying, law-abiding American from dishonorably discharged criminals. Under current law, the criminal histories of these military personnel do not become part of the National Crime Information Center database and the FBI's CODIS system. This bill will ensure that they do.•

By Mr. PRESSLER (for himself, Mr. LOTT, Mr. BAUCUS, Mr. HATCH, Mr. D'AMATO, Mr. NICKLES, Mr. GORTON, Mr. HATFIELD, Mr. BURNS and Mrs. MURRAY):

S. 2086. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of U.S. business operating abroad, and for other purposes; to the Committee on Finance.

THE INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT

• Mr. PRESSLER. Mr. President, I am pleased to introduce a bill today that would provide much-needed relief to American-owned companies that are struggling to compete in the world marketplace. This bill is an attempt to simplify the overly complex international tax rules. I wish to thank my fellow cosponsors for their support—Senators LOTT, BAUCUS, BURNS, D'AMATO, HATCH, HATFIELD, GORTON, MURRAY, and NICKLES.

America's economy is more and more linked to the success of our businesses in the international economy. That's not a surprise to any of us. As the economies of previously less-developed countries around the world begin to expand, and the economic boundaries between our countries become more blurred, it is increasingly important for our businesses to be able to operate abroad from their most competitive position. Restraining our own companies through redundant and unnecessary complexities in our own Tax Code dampens their ability to compete for foreign business. In the end, it only hurts our own economy.

There are many factors that affect U.S. world competitiveness—factors over which we have little control. I know our international trade negotiators labor hard to change those factors we can control, such as barriers to foreign markets and existing agreements designed to keep trade free and fair. This is an issue of importance to me. I have sought to open markets for many South Dakota products—wheat in Africa, beef in Asia, and pork products in the former Soviet Union.

While we have had some successes in opening markets, barriers remain. And I intend to push for open and fair trade among all of our trading partners. However, we can do more than just open barriers. We can reform our tax code in a way that will ensure continued U.S. success in the world economy. If we miss this opportunity, we risk the erosion of U.S. international competitiveness as countries with simple, favorable tax treatment of businesses lure away American businesses.

This is a risk that is very real. A recent report by the Financial Executives Research Foundation found some rather shocking declines in U.S. competitiveness. This report found that over the last three decades, the global economy has grown more rapidly than our own economy. This is due, in part, to the recovery of Japan and Europe from the aftermath of World War II, and as a consequence, the United States presence in global markets has become less prominent. Their findings comparing the first half of the 1990's with the 1960's found the U.S. share of world GDP has declined to 26 percent—from 40 percent; the U.S. share of cross-border investment has fallen to 25 percent—from 50 percent; and the U.S. share of world exports has dropped to 12 percent—from 17 percent. In 1960, 18 of the world's 20 largest corporations were headquartered in the U.S. Today, that number is a mere eight.

There is a strong correlation between American corporate competitiveness overseas and the ability of those companies to continue to provide jobs at home. A 1991 Council of Economic Advisors Economic Report to the President explained:

> In most cases, if U.S. multinational corporations did not establish affiliates abroad to produce for the local market, they would be too distant to have an effective presence in that market. In addition, companies from other countries would either establish such facilities or increase exports to that market. In effect, it is not really possible to sustain exports to such markets in the long run. On a net basis, it is highly doubtful that U.S. direct investment abroad reduces U.S. exports or displaces U.S. jobs. Indeed, U.S. direct investment abroad stimulates U.S. companies to be more competitive internationally, which can generate U.S. exports and jobs. Equally important, U.S. direct investment abroad allows U.S. firms to allocate their resources more efficiently, thus creating healthier domestic operations, which, in turn tend to create jobs.

Overseas operations are frequently necessary to reduce costs of production and transportation, and locating facilities abroad increases brand familiarity. Within the United States, export related jobs pay on average a significantly higher wage than non-export related jobs. All of these factors combine to strengthen the U.S. parent company and bolster our economy here at home.

The compliance costs associated with filing a tax return for overseas business operations of a U.S.-based company are staggering. My state of South Dakota is home to the credit card headquarters of Citibank. In its printed form, the Federal income tax return form for Citibank stands over 9 feet high—taking tens of thousands of hours to complete. The compliance cost burden associated with the foreign source income taxation rules is disproportionate to the amount of tax raised by these sections. For example, a 1989 study by the University of Michigan Office of Tax Policy Research, quoted in recent Financial Executives Research Foundation report, states that 39.2 percent of Federal income tax costs are attributable to foreign source income, while foreign operations represent only 21 percent of assets, 24 percent of sales, and 18 percent of employment. And a 1993 survey of 17 large multinationals indicates an even higher percentage of Federal income tax compliance costs are attributable to foreign source income (51 percent)—indicating that compliance costs associated with foreign source income amount to 8.5 percent of the Federal income tax collected from this source. In comparison, a European Commission report found that among European multinational corporations, there is no evidence that compliance costs are higher for foreign than domestic source income.

The bill I am introducing today seeks to simplify and correct various areas in the Code that are unnecessarily restraining U.S. businesses. Some changes are areas in need of repair, and some changes are to take into consideration international business operations that exist today, but which were domestic-only or nonexistent businesses when the 1986 tax reform laws were implemented.

One of the most substantive and important changes included in the bill would repeal the so-called 10/50 foreign tax credit basket rules that force U.S. corporations to calculate separate foreign tax credit limitations for each of its foreign joint venture businesses—foreign business operations in which it holds at least 10 percent but no more than 50 percent of the stock. Along with creating administrative nightmares for U.S. companies that may have hundreds of such foreign joint venture operations, these rules impede the ability of U.S. companies to compete in foreign markets.

Today, United States businesses find it necessary to operate in joint ventures overseas, particularly in emerging markets such as the People's Republic of China and the former Soviet Union. Such joint ventures are necessary often times because U.S. investors face significant local country legal and political obstacles to taking a controlling interest in foreign companies. This is particularly the case for telecommunications companies and other regulated businesses. While such joint ventures are thus necessary for U.S. companies to enter and compete in foreign markets, our current tax law acts to discourage such operations.

Our bill would eliminate the needless administrative hassles of current law and put U.S.-backed joint ventures on equal footing with competitors from other countries by replacing the 10–50 separate foreign tax credit limitation. The proposal would provide for so-called look-through treatment. That is, income from such entities would be computed for purposes of the foreign tax credit limitation based on the underlying character of the income earned by such corporations, as is the case for income earned through controlled foreign corporations.

Another important correction to current rules relates to Foreign Sales Corporation [FSC] treatment for software.

Ten years ago we did not have the level of software exports that we do today, and because the tax laws have not kept up with the changes in the high-technology business world, software exports are currently discriminated against by our own Tax Code. This bill would provide a legislative modification to the FSC statute to provide the same tax benefits for licenses of computer software as are currently available for films, records, and tapes. The United States is currently the world leader in software development, employing approximately 400,000 people in high-paying software development and servicing jobs. Much of the growth experienced by this industry is due to increased exports. The denial of the benefits of the FSC rules to software sold overseas ultimately harms the U.S. economy by constructing an impediment to the competitiveness of U.S. manufactured software. If theses exports are not given FSC benefits, many of these jobs could eventually move to other countries. The potential loss of these jobs would hurt our economy. My bill corrects this inequity.

The goal of the international tax simplification for American competitiveness bill is to give fair tax treatment to American companies who operate abroad. This bill is truly a technical correction and simplification bill designed to correct inequities in our Code and to help place U.S. companies on a level playing field with their foreign competitors. Without these corrections, American companies will lose ground vis-a-vis their foreign counterparts, which will weaken their ability to operate successfully at home and harm our Nation's economic potential. Americans are the most creative and competitive workers in the world, and releasing them from unnecessary constraints at home will help us maintain our economic lead in the world marketplace—guaranteeing quality, high-paying jobs at home and a stronger national economy.●

● Mr. D'AMATO. Mr. President, today I am pleased to join my friend and colleague, Senator PRESSLER, as an original cosponsor of the International Tax Simplification for American Competitiveness Act. This important bill will begin the process of dismantling tax barriers that hinder American businesses who find themselves in an increasingly competitive global marketplace. Although American firms have succeeded to date in spite of the current complexity and unfairness of our international tax regime, the added costs imposed by our tax rules take their toll. We must move to identify and eliminate those harmful and unnecessary provisions that stand in the way of a continuing leadership role for American business in world markets.

New York is home to many industries that are driven by global competition. Industries like the securities and banking industries, computer and other high technology firms, and countless other businesses in my State must have fair treatment at home in order to compete effectively abroad. For example, during the last decade the securities industry has been transformed from a largely domestic-oriented industry to an industry in which U.S. and international financial institutions compete against each other in the principal capital markets around the world. U.S.-based securities firms are recognized leaders in their industry worldwide. Maintaining this position is important not only for these firms, but also for their U.S. employees and for their U.S. customers who benefit from the innovative products and services offered by U.S.-based securities firms.

Unfortunately, Mr. President, U.S. tax law has failed to keep pace with the rapid changes in the world economy. The international provisions of the Internal Revenue Code were last substantially debated and revised in 1986. And in many cases, our foreign competitors operate under simpler, fairer, and more logical tax regimes. This mismatch between commercial reality and the U.S. Tax Code creates a structural bias against the international activities of U.S. companies. This cannot and should not be allowed to continue.

The International Tax Simplification for American Competitiveness Act acknowledges and addresses a number of problems our tax laws create for American businesses facing increasing global competition. This bill represents an important step toward correcting complexities of the antideferral rules under subpart F, including their inappropriate application to active financing income of bona fide financial institutions and the current definition of investment in U.S. property, and excessive limitations on the use of foreign tax credits.

Mr. President, the U.S. business community has had significant input in the development of this bill. This proposed legislation now will be evaluated and studied, and I welcome suggestions for its further improvement. It is my intention, as our analysis progresses, that we include other important issues not currently addressed in the bill, such as the appropriate allocation of interest expenses for foreign tax credit purposes, particularly for highly leveraged entities such as securities firms.

I look forward to working with Senator PRESSLER on this important bill, and urge my colleagues on both sides to become cosponsors.●

● Mr. BAUCUS. Mr. President, I am pleased to be a co-sponsor of the bipartisan "International Tax Simplification for American Competitiveness Act."

In 1997, Congress will take up tax reform. Discussions will range from replacing the current system to fixing what we have. Many Montanans ask me: How should we make taxes fairer for parents who are raising and educating their children, encourage our entrepreneurs to create and expand their businesses, and encourage all citizens to save?

Our international tax provisions also need reform. The bill we introduce today is a placeholder to keep international tax reform on the legislative radar screen.

As you can tell from the list of cosponsors, Mr. President, a number of Members have made contributions to the bill before us. Am I comfortable with every provision in the bill as written? No, I'm not. But I am comfortable every provision in the bill merits our consideration.

The Finance Committee will take up tax reform next year. We will consider simplification of the international tax provisions in that context. I hope that the bill we introduce today will establish the parameters from which the Finance Committee addresses the need to simplify our international tax provisions. We will hear from a number of witnesses ranging from the business community to the Department of Treasury and, no doubt, the language before us will undergo change.

We live in a global economy, Mr. President. Many businesses in Montana sell products directly or indirectly into that global economy. The international tax provisions should be simplified to make American companies competitive in the global economy while fairly taxing their profits.

I look forward to working with the cosponsors of this bill and with the members of the Finance Committee and ultimately with all of my colleagues in restructuring and simplifying the Tax Code to benefit all of our citizens.●

By Mr. KERRY:

S. 2087. A bill to direct the Secretary of the department in which the Coast Guard is operating to provide rescue diver training under the Coast Guard helicopter rescue swimming training program; to the Committee on Commerce, Science, and Transportation.

THE RESCUE DIVER TRAINING ACT OF 1996

Mr. KERRY. Mr. President, today I am introducing the Rescue Diver Training Act of 1996. This bill would provide required Congressional authorization for the Coast Guard to expand its current use of Coast Guard divers to form a broader search and rescue mission application.

I want to acknowledge my distinguished colleague from Massachusetts, Congressman GERRY STUDDS, who is the author of the Coast Guard Rescue Swimmer Training Program which this legislation amends and with whom I have worked in developing this legislation which he will introduce in the House.

The Coast Guard has used its divers, trained at the Naval Diving School in Panama City, FL, only for salvage operations associated with Coast Guard aids to navigation and ice-breaking missions. This bill would authorize the Coast Guard to develop and implement a program to extend the use of these highly trained divers to search and rescue efforts.

Under current search and rescue procedures, the Coast Guard will dispatch a helicopter when a ship is reported to be in distress or a marine accident is reported. When it is anticipated that a diver may be needed to assist in a rescue, the Coast Guard uses contract personnel who usually are volunteer policemen, firemen, or local State marine policemen who have had specialized diver training. A call will be made to secure the services of a diver, and the helicopter will wait to depart until the diver reaches its station, or it will fly to another location to pick up the diver—all before it flies to the rescue scene. This often results in the helicopter being delayed—even if only a few minutes—in reaching the rescue scene. Sometimes no diver is available within a reasonable period of time, in which case the helicopter proceeds to the scene with no diver on board.

The program that this legislation will establish is designed both to speed this process in the realization that, in rescue situations, minutes and even seconds can mean life or death—especially in the waters off our northern coasts, and to provide a pool of divers within the Coast Guard. Where a qualified diver is available at a Coast Guard station, a rescue helicopter can load that diver and immediately depart for the rescue situation without any delay.

A recent episode in the North Atlantic off Massachusetts amply illustrates how the program this legislation would establish could make a vital contribution. In the early hours of September 5, the fishing vessel *Heather Lynne II* carrying a crew of three capsized. The rescue helicopter was unable to bring a diver with it because none was available when the emergency call was received. After reaching the site of the capsized vessel, and determining that a diver was needed, the helicopter had to return to the mainland to pick up a diver. A considerable amount of time was lost in this process.

The Coast Guard is charged with maintaining constant vigilance—to protect lives and property on our waterways and to enforce our maritime, immigration, antidrug, and other laws. In my judgment, it has performed capably and honorably throughout its history, and Americans should take both considerable pride and comfort in that knowledge.

It is the Congress' responsibility to provide the Coast Guard with the resources it needs to perform its missions. This legislation will enhance the service's resources for its search and rescue mission, and increase its ability to save lives and property. All who use our waterways and oceans will be safer as a result.

Mr. President, this legislation should be approved by the Congress as soon as possible—I hope it will be this year.

I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rescue Diver Training Act of 1996.".

SEC. 2. RESCUE DIVER TRAINING FOR SELECTED COAST GUARD PERSONNEL.

The Secretary of the department in which the Coast Guard is operating may provide rescue diver training to selected Coast Guard personnel, under the helicopter rescue swimming program conducted under section 9 of the Coast Guard Authorization Act of 1984 (14 U.S.C. 88 note).

ADDITIONAL COSPONSORS

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 953

At the request of Mr. CHAFEE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 1220

At the request of Mrs. BOXER, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1220, a bill to provide that Members of Congress shall not be paid during Federal Government shutdowns.

S. 1675

At the request of Mr. BIDEN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1963

At the request of Mr. ROCKEFELLER, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1963, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 1978

At the request of Mr. DORGAN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1978, a bill to establish an Emergency Commission To End the Trade Deficit.

S. 2034

At the request of Mr. BREAUX, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 2034, a bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare Program.

S. 2040

At the request of Mr. HATCH, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 2040, a bill to amend the Controlled Substances Act to provide a penalty for the use of a controlled substance with the intent to rape, and for other purposes.

S. 2053

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2053, a bill to strengthen narcotics reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances, and for other purposes.

SENATE RESOLUTION 274

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington [Mrs. MURRAY], the Senator from North Dakota [Mr. DORGAN], the Senator from Connecticut [Mr. DODD], the Senator from Kentucky [Mr. FORD], the Senator from Montana [Mr. BURNS], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Resolution 274, a resolution to express the sense of the Senate regarding the outstanding achievements of NetDay96.

SENATE CONCURRENT RESOLUTION 71—RELATIVE TO THE PERSECUTION OF CHRISTIANS WORLDWIDE

Mr. NICKLES (for himself, Mr. NUNN, Mr. COATS, Mr. ASHCROFT, and Mr. HELMS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 71

Whereas oppression and persecution of religious minorities around the world has emerged as one of the most compelling human rights issues of the day. In particular, the worldwide persecution and martyrdom of Christians persists at alarming levels. This is an affront to the international moral community and to all people of conscience.

Whereas in many places throughout the world, Christians are restricted in or forbidden from practicing their faith, victimized by a "religious apartheid" that subjects them to inhumane, humiliating treatment, and in certain cases are imprisoned, tortured, enslaved, or killed;

Whereas severe persecution of Christians is also occurring in such countries as Sudan, Cuba, Morocco, Saudi Arabia, China, Pakistan, North Korea, Egypt, Laos, Vietnam, and certain countries in the former Soviet Union, to name merely a few;

Whereas religious liberty is a universal right explicitly recognized in numerous international agreements, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas Pope John Paul II recently sounded a call against regimes that "practice discrimination against Jews, Christians, and other religious groups, going even so far as to refuse them the right to meet in private for prayer," declaring that "this is an intolerable and unjustifiable violation not only of all the norms of current international law, but of the most fundamental human freedom, that of practicing one's faith openly," stating that this is for human beings "their reason for living";

Whereas the National Association of Evangelicals in January 1996 issued a "Statement of Conscience and Call to Action," subsequently commended or endorsed by the Southern Baptist Convention, the Executive Council of the Episcopal Church, and the General Assembly of the Presbyterian Church, U.S.A. They pledged to end their "silence in the face of the suffering of all those persecuted for their religious faith" and "to do what is in our power to the end that the government of the United States will take appropriate action to combat the intolerable religious persecution now victimizing fellow believers and those of other faiths";

Whereas the World Evangelical Fellowship has declared September 29, 1996, and each annual last Sunday in September, as an international day of prayer on behalf of persecuted Christians. That day will be observed by numerous churches and human rights groups around the world;

Whereas the United States of America since its founding has been a harbor of refuge and freedom to worship for believers from John Winthrop to Roger Williams to William Penn, and a haven for the oppressed. To this day, the United States continues to guarantee freedom of worship in this country for people of all faiths;

Whereas as a part of its commitment to human rights around the world, in the past the United States has used its international leadership to vigorously take up the cause of other persecuted religious minorities. Unfortunately, the United States has in many instances failed to raise forcefully the issue of anti-Christian persecution at international conventions and in bilateral relations with offering countries; now, therefore, be it

Resolved, That the Senate, the House of Representatives concurring—

(1) unequivocally condemns the egregious human rights abuses and denials of religious liberty to Christians around the world, and calls upon the responsible regimes to cease such abuses; and

(2) strongly recommends that the President expand and invigorate the United States' international advocacy on behalf of persecuted Christians, and initiate a thorough examination of all United States' policies that affect persecuted Christians; and

(3) encourages the President to proceed forward as expeditiously as possible in appointing a White House Special Advisor on religious persecution; and

(4) recognizes and applauds a day of prayer on Sunday, September 29, 1996, recognizing the plight of persecuted Christians worldwide.

SENATE RESOLUTION 293—SALUTING THE SERVICE OF HOWARD O. GREENE, JR. TO THE U.S. SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. STEVENS, Mr. BYRD, Mr. WARNER, Mr. SIMPSON, Mrs. KASSEBAUM, Mr. FORD, Mr. ROCKEFELLER, Mr. LEVIN, Mr. GRASSLEY, Mr. COVERDELL, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 293

Whereas Howard O. Green, Jr. has served the United States Senate since January 1968.

Whereas Mr. Greene has during his Senate career served in the capacities of Doorkeeper, Republican Cloakroom Assistant, Assistant Secretary for the Minority, Secretary for the Minority, Secretary for the Majority, culminating in his election as Senate Sergeant-at-Arms during the 104th Congress.

Whereas throughout his Senate career Mr. Greene has been a reliable source of advice and counsel to Senators and Senate staff alike.

Whereas Mr. Greene's institutional knowledge and legislative skills are well known and respected.

Whereas Mr. Greene's more than 28 years of service have been characterized by a deep and abiding respect for the institution and customs of the United States Senate: Therefore, be it

Resolved, That the Senate salutes Howard O. Greene, Jr. for his career of public service to the United States Senate and its members.

Section 2. The Secretary of the Senate shall transmit a copy of this resolution to Howard O. Greene, Jr.

SENATE RESOLUTION 294—TO PROVIDE FOR SEVERANCE PAY

Mr. STEVENS submitted the following resolution; which was considered and agreed to:

S. RES. 294

Resolved, (a) That the individual who was the Sergeant at Arms and Doorkeeper of the Senate on September 1, 1996, and whose service as the Sergeant at Arms and Doorkeeper of the Senate terminated on or after September 1, 1996 but prior to September 6, 1996, shall be entitled to one lump sum payment consisting of severance pay in an amount equal to two months of the individual's basic pay at the rate such individual was paid on September 1, 1996.

(b) The Secretary of the Senate shall make payments under this resolution from funds appropriated for fiscal year 1996 from the appropriation account "Miscellaneous Items" within the contingent fund of the Senate.

(c) A payment under this resolution shall not be treated as compensation for purposes of any provision of title 5, United States Code, or of any other law relating to benefits accruing from employment by the United States, and the period of entitlement to such pay shall not be treated as a period of employment for purposes of any such provision of law.

AMENDMENTS SUBMITTED

THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

SPECTER (AND KERREY) AMENDMENT NO. 5355

Mr. SPECTER (for himself and Mr. KERREY) proposed an amendment to the bill (S. 1718) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 72 strike out line 14 and all that follows through page 73, line 9.

THURMOND (AND NUNN) AMENDMENT NO. 5356

Mr. SPECTER (for Mr. THURMOND, for himself and Mr. NUNN) proposed an amendment to the bill, S. 1718, supra; as follows:

On page 52, beginning on line 18, strike out "shall manage" and all that follows through page 52, line 23, and insert in lieu thereof "shall assist the Director of Central Intelligence in carrying out the Director's collection responsibilities in order to ensure the efficient and effective collection of national intelligence.'".

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

BAUCUS AMENDMENT NO. 5357

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place in title I, insert the following:

SEC. 1. KERR HYDROELECTRIC PROJECT.

For fiscal year 1997 and each fiscal year thereafter, the Secretary of the Interior shall not recommend that the Federal Energy Regulatory Commission impose, and the Commission shall not impose, as a condition to the modification of the Kerr Hydroelectric Project (FERC Project No. 5-021), a requirement to construct offshore revetment structures in Flathead Lake, Montana.

• Mr. BAUCUS. Mr. President; I submit an amendment to H.R. 3662, the fiscal year 1997 Interior appropriations bill.

From 1961 to his retirement from the Senate in 1977, Montana's Mike Mansfield served as Senate majority leader. It was the longest term as majority leader in American history.

During these years, the Senate passed the Voting Rights Act, created Medicare, passed the Clean Air and Clean Water Acts, debated the Cuban missile crisis and the war in Vietnam. On all these issues and more, Mike was a respected national leader.

Yet when Mike was asked to reflect back on his years in the Senate and identify his single proudest accomplishment, he responded, "saving Flathead Lake from the Army Corps of Engineers."

If you don't know Montana; and you don't know Flathead Lake; and you don't know Mike Mansfield, this answer may come as a surprise. But for those of us who know all three, this is perfectly easy to understand.

Located in western Montana, between Missoula and Kalispell, Flathead Lake is the largest fresh water lake in the United States, outside of the Great Lakes. Surrounded by the Mission Mountains and the Swan Range to the west, it is a place of spectacular beauty.

And it is also a place that is very much a part of so many Montanans—including this Senator. From boating, water skiing, fishing, or just sitting around a bonfire along the Lake's shore, Flathead Lake is a very special Montana place.

The corps had a plan to radically raise the level of this lake, transforming it forever and drowning many of the coves, shorelines, and fishing spots Montanans know so well. Montanans liked it just the way it was—and we still do today.

Yet some folks outside Montana just don't get it. They think they can improve Flathead Lake. And that brings me to the amendment now before us.

The U.S. Fish and Wildlife Service has asked the Federal Energy Regulatory Commission for approval to construct an 8,700-foot-long retaining wall, at the cost of $10 to $14 million, near the north shore of the lake.

In theory, this great wall would prevent shore erosion and restore waterfowl habitat. These are commendable goals. But the cost of this proposal outweighs any possible benefits.

The view of the lake from the town of Bigfork, for example, would be ruined. Boaters would see a neo-industrial monstrosity instead of a peaceful shore. It is a bad idea, and my amendment would nip this weed in the bud by prohibiting construction of this wall.

Frankly, the Fish and Wildlife Service doesn't need to mandate lowering the level of Flathead Lake. And it doesn't need to mandate a big concrete slab in the lake to stem shoreline erosion. If erosion is proven to be an ongoing and significant problem, the Fish and Wildlife Service needs to find unobtrusive remedial measures that respect Flathead Lake and the people who enjoy it.

I believe this is just simple common sense. One Great Wall of China is plenty. None of us will ever improve on what the Good Lord did when he created Flathead Lake. Let us admit that right now and pass this amendment. •

THE FEDERAL AVIATION REAUTHORIZATION ACT OF 1996

HEFLIN AMENDMENT NO. 5358

(Ordered to lie on the table.)

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (S. 1994) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 409. GADSDEN AIR DEPOT, ALABAMA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 4, 1949), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any of the terms contained in the deed of conveyances dated May 4, 1949, under which the United States conveyed certain property to the city of Gadsden, Alabama, for airport purposes.

(b) CONDITIONS.—Any waiver granted under subsection (a) shall be subject to the following conditions:

(1) The city of Gadsden, Alabama, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of (A) a public airport, or (B) lands (including any improvements thereto) which produce revenues that are used for airport development purposes.

Conform the table of contents of the bill accordingly.

REID AMENDMENT NO. 5359

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 1994, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) there has been an intensification in the oppression and disregard for human life among nations that are willing to export terrorism:

(2) there has been an increase in attempts by criminal terrorists to murder airline passengers through the destruction of civilian airliners and the deliberate fear and death inflicted through bombings of buildings and the kidnapping of tourists and Americans residing abroad; and

(3) information widely available demonstrates that a significant portion of international terrorist activity is state-sponsored, -organized, -condoned, or -directed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if evidence establishes beyond a clear and reasonable doubt that any act of hostility towards any United States citizen was an act of international terrorism sponsored, organized, condoned, or directed by any nation, a state of war should be considered to exist or to have existed between the United States of America and that nation, beginning as of the moment that the act of aggression occurs.

PRESSLER (AND OTHERS) AMENDMENT NO. 5360

Mr. MCCAIN (for Mr. PRESSLER, for himself, Mr. MCCAIN, Mr. HOLLINGS, Mr. FORD, and Mr. STEVENS) proposed an amendment to the bill, S. 1994, supra; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Aviation Reauthorization Act of 1996".

(b) TABLE OF CONTENTS.

Sec. 1. Short title; Table of contents.
Sec. 2. Amendments to title 49, United States Code.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities.
Sec. 103. Research and development.
Sec. 104. Airport improvement program.
Sec. 105. Interaccount flexibility.

TITLE II—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

Sec. 201. Pavement maintenance program.
Sec. 202. Maximum percentages of amount made available for grants to certain primary airports.
Sec. 203. Discretionary fund.
Sec. 204. Designating current and former military airports.
Sec. 205. State block grant program.
Sec. 206. Access to airports by intercity buses.

TITLE III—AIRPORT SAFETY AND SECURITY

Sec. 301. Report including proposed legislation on funding for airport security.
Sec. 302. Family advocacy.
Sec. 303. Accident and safety data classification; report on effects of publication and automated surveillance targeting systems.
Sec. 304. Weapons and explosive detection study.
Sec. 305. Requirement for criminal history records checks.
Sec. 306. Interim deployment of commercially available explosive detection equipment.

Sec. 307. Audit of performance of background checks for certain personnel.
Sec. 308. Sense of the Senate on passenger profiling.
Sec. 309. Authority to use certain funds for airport security programs and activities.
Sec. 310. Development of aviation security liaison agreement.
Sec. 311. Regular joint threat assessments.
Sec. 312. Baggage match report.
Sec. 313. Enhanced security programs.
Sec. 314. Report on air cargo.

TITLE IV—MISCELLANEOUS POVISIONS

Sec. 401. Acquisition of housing units.
Sec. 402. Protection of voluntarily submitted information.
Sec. 403. Application of FAA regulations.
Sec. 404. Sense of the Senate regarding the funding of the Federal Aviation Administration.
Sec. 405. Authorization for State-specific safety measures.
Sec. 406. Sense of the Senate regarding the air ambulance exemption from certain Federal excise taxes.
Sec. 407. FAA safety mission.
Sec. 408. Carriage of candidates in State and local elections.
Sec. 409. Train whistle requirements.
Sec. 410. Limitation on authority of States to regulate gambling devices on vessels.

TITLE V—COMMERCIAL SPACE LAUNCH ACT AMENDMENTS

Sec. 501. Commercial space launch amendments.

TITLE VI—AIR TRAFFIC MANAGEMENT SYSTEM PERFORMANCE IMPROVEMENT ACT

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Effective date.

Subtitle A—General Provisions

Sec. 621. Findings.
Sec. 622. Purposes.
Sec. 623. Regulation of civilian air transportation and related services by the Federal Aviation Administration and Department of Transportation.
Sec. 624. Regulations.
Sec. 625. Personnel and services.
Sec. 626. Contracts.
Sec. 627. Facilities.
Sec. 628. Property.
Sec. 629. Transfers of funds from other Federal agencies.
Sec. 630. Management Advisory Council.
Sec. 631. Aircraft engine standards.
Sec. 632. Rural air fare study.

Subtitle B—Federal Aviation Administration Streamlining Programs

Sec. 651. Review of acquisition management system.
Sec. 652. Air traffic control modernization reviews.
Sec. 653. Federal Aviation Administration personnel management system.
Sec. 654. Conforming amendment.

Subtitle C—System To Fund Certain Federal Aviation Administration Functions

Sec. 671. Findings.
Sec. 672. Purposes.
Sec. 673. User fees for various Federal Aviation Administration services.
Sec. 674. Independent assessment and task force to review existing and innovative funding mechanisms.
Sec. 675. Procedure for consideration of certain funding proposals.
Sec. 676. Administrative provisions.
Sec. 677. Advance appropriations for Airport and Airway Trust Fund activities.
Sec. 678. Rural Air Service Survival Act.

TITLE VII—PILOT RECORDS

Sec. 701. Short title.
Sec. 702. Employment investigations of pilot applicants.
Sec. 703. Study of minimum standards for pilot qualifications.

TITLE VIII—ABOLITION OF BOARD OF REVIEW

Sec. 801. Abolition of Board of Review and related authority.
Sec. 802. Sense of the Senate.
Sec. 803. Conforming amendments in other law.
Sec. 804. Definitions.
Sec. 805. Increase in number of Presidentially appointed members of Board.
Sec. 806. Reconstituted Board to function without interruption.
Sec. 807. Operational slots at National Airport.
Sec. 808. Airports authority support of Board.

TITLE IX—AIRPORT REVENUE PROTECTION

Sec. 901. Short title.
Sec. 902. Findings; purpose.
Sec. 903. Definitions.
Sec. 904. Restriction on use of airport revenues.
Sec. 905. Regulations; audits and accountability.
Sec. 906. Conforming amendments to the Internal Revenue Code of 1986.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) is amended—

(1) by striking "and" after "1995,"; and

(2) by inserting before the period at the end the following: ", and $5,000,000,000 for fiscal year 1997.".

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104(b) is amended—

(1) in the subsection heading by striking "FOR FISCAL YEARS 1993"; and

(2) by striking the phrase "for fiscal year 1993".

(c) CLERICAL AMENDMENT.—Section 48108 is amended by striking subsection (c).

SEC. 102. AIR NAVIGATION FACILITIES.

Section 48101(a) is amended by adding at the end the following:

"(5) For the fiscal years ending September 30, 1991–1997, $17,929,000,000.".

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102(a) is amended by striking "title:" and all that follows through the end of the subsection, and inserting the following: "title, $206,000,000 for fiscal year 1997.".

SEC. 104. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—

(1) by striking "and $21,958,500,000" and inserting "$19,200,500,000"; and

(2) by inserting before the period at the end the following: ", $21,480,500,000 for fiscal years ending before October 1, 1997."

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "1996" and inserting "1997".

SEC. 105. INTERACCOUNT FLEXIBILITY.

Section 106 is amended by adding at the end the following new subsection:

"(l) INTERACCOUNT FLEXIBILITY.—

"(1) Except as provided in paragraph (2), the Administrator may transfer budget authority derived from trust funds among appropriations authorized by subsection (k) and sections 48101 and 48102, if the aggregate estimated outlays in such accounts in the fiscal year in which the transfers are made will not be increased as a result of such transfer.

"(2) The transfer of budget authority under paragraph (1) may be made only to the extent that outlays do not exceed the aggregate estimated outlays.

"(3) A transfer of budget authority under paragraph (1) may not result in a net decrease of more than 5 percent, or a net increase of more than 10 percent, in the budget authority available under any appropriation involved in that transfer.

"(4) Any action taken pursuant to this section shall be treated as a reprogramming of funds that is subject to review by the appropriate committees of the Congress.

"(5) The Administrator may transfer budget authority pursuant to this section only after—

"(A) submitting a written explanation of the proposed transfer to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

"(B) 30 days have passed after the explanation is submitted and none of the committees notifies the Administrator in writing that it objects to the proposed transfer within the 30 day period.".

TITLE II—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

SEC. 201. PAVEMENT MAINTENANCE PROGRAM.

(a) PAVEMENT MAINTENANCE.—Chapter 471 is amended by adding the following section at the end of subchapter I:

"§ 47132. Pavement maintenance

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue guidelines to carry out a pavement maintenance pilot project to preserve and extend the useful life of runways, taxiways, and aprons at airports for which apportionments are made under section 47114(d). The regulations shall provide that the Administrator may designate not more than 10 projects. The regulations shall provide criteria for the Administrator to use in choosing the projects. At least 2 such projects must be in States without a primary airport that had 0.25 percent or more of the total boardings in the United States in the preceding calendar year. In designating a project, the Administrator shall take into consideration geographical, climatological, and soil diversity.

"(b) EFFECTIVE DATE.—This section shall be effective beginning on the date of enactment of the Federal Aviation Reauthorization Act of 1996 and ending on September 30, 1999.".

(b) COMPLIANCE WITH FEDERAL MANDATES.—

(1) USE OF AIP GRANTS.—Section 47102(3) is amended—

(A) in subparagraph (E) by inserting "or under section 40117" before the period at the end; and

(B) in subparagraph (F) by striking "paid for by a grant under this subchapter and".

(2) Use of Passenger Facility Charges.—Section 40117(a)(3) is amended—

(A) by inserting "and" at the end of subparagraph (D);

(B) by striking "; and" at the end of subparagraph (E) and inserting a period; and

(C) by striking subparagraph (F).

(c) Conforming Amendment.—The chapter analysis for subchapter I of chapter 471 is amended by inserting after the item relating to section 47131 the following new item:

"47132. Pavement maintenance.".

SEC. 202. MAXIMUM PERCENTAGES OF AMOUNT MADE AVAILABLE FOR GRANTS TO CERTAIN PRIMARY AIRPORTS.

Section 47114 is amended by adding at the end thereof the following:

"(g) Sliding Scale.—

"(1) Notwithstanding any other provision of this title, of the amount newly made available under section 48103 of this title for fiscal year 1997 to make grants, not more than the percentage of such amount newly made available that is specified in paragraph (2) shall be distributed in total in such fiscal year for grants described in paragraph (3).

"(2) If the amount newly made available is—

"(A) not more than $1,150,000,000, then the percentage is 47.0;

"(B) more than $1,150,000,000 but not more than $1,250,000,000, then the percentage is 46.0;

"(C) more than $1,250,000,000 but not more than $1,350,000,000, then the percentage is 45.4;

"(D) more than $1,350,000,000 but not more than $1,450,000,000, then the percentage is 44.8; or

"(E) more than $1,450,000,000 but not more than $1,550,000,000, then the percentage is 44.3.

"(3) This subsection applies to the aggregate amount of grants in a fiscal year for projects at those primary airports that each have not less than 0.25 per centum of the total passenger boardings in the United States in the preceding calendar year.".

SEC. 203. DISCRETIONARY FUND.

Section 47115 is amended—

(1) by striking "and" at the end of subsection (d)(2); and inserting a comma and the following: ", including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to that reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system; and".

(2) by redesignating paragraph (3) of subsection (d) as paragraph (4), and by inserting after paragraph (2) of that subsection the following:

"(3) the airport improvement priorities of the States, and regional offices of the Administration, to the extent such priorities are not in conflict with paragraphs (1) and (2) of this subsection; and";

(3) by redesignating the second subsection (f) as subsection (g); and

(4) by adding at the end the following:

"(h) Priority for Letters of Intent.—In making grants in a fiscal year with funds made available under this section, the Secretary shall fulfill intentions to obligate under section 47110(e)."

SEC. 204. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) General Requirements.—Section 47118(a) is amended to read as follows:

"(a) General Requirements.—The Secretary of Transportation shall designate current or former military airports for which grants may be made under section 47117(e)(1)(E) of this title. The maximum number of airports bearing such designation at any time is 12. The Secretary may only so designate an airport (other than an airport so designated before August 24, 1994) if—

"(1) the airport is a former military installation closed or realigned under—

"(A) section 2687 of title 10;

"(B) section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); or

"(C) section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); or

"(2) the Secretary finds that such grants would—

"(A) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

"(B) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.".

(b) Additional Designation Periods.—Section 47118(d) is amended by striking "designation." and inserting "designation, and for subsequent 5-fiscal-year periods if the Secretary determine that the airport satisfies the designation criteria under subsection (a) at the beginning of each such subsequent 5-fiscal-year period.".

(c) Parking Lots, Fuel Farms, and Utilities.—Subsection (f) of section 47118 is amended by striking "the fiscal years ending September 30, 1993–1996," and inserting "for fiscal years beginning after September 30, 1992,".

(d) One-Year Extension.—Section 47117(e)(1)(E) is amended by striking "and 1996," and inserting "1996, and 1997,".

SEC. 205. STATE BLOCK GRANT PROGRAM.

(a) Participating States.—Section 47128(b) is amended—

(1) by striking paragraph (2);

(2) by redesignating subparagraphs (A) through (E) of paragraph (1) as paragraphs (1) through (5), respectively; and

(3) by striking "(1) A State" and inserting "A State".

(b) Use of State Priority System.—Section 47128(c) is amended by adding at the end the following: "In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.".

(c) Change of Expiration Date.—Section 47128(d) is amended by striking "1996" and inserting "1997".

SEC. 206. ACCESS TO AIRPORTS BY INTERCITY BUSES.

Section 47107(a) is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and"; and

(3) by adding at the end the following:

"(20) the airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, but the sponsor does not have any obligation under this paragraph, or because of it, to fund special facilities for intercity bus service or for other modes of transportation.".

TITLE III—AIRPORT SAFETY AND SECURITY

SEC. 301. REPORT INCLUDING PROPOSED LEGISLATION ON FUNDING FOR AIRPORT SECURITY.

(a) In General.—Not later than 30 days after the date of enactment of this Act, the Administrator shall conduct a study and submit to the Congress a report on whether, and if so, how to transfer certain responsibilities of air carriers under Federal law for security activities conducted onsite at airports to airport operators who are subject to section 44903 of title 49, United States Code, or to the Federal Government or providing for shared responsibilities between air carriers and airport operators or the Federal Government.

(b) Contents of Report.—The report submitted under this section shall—

(1) examine potential sources of Federal and non-Federal revenue that may be used to fund security activities including but not limited to providing grants from funds received as fees collected under a fee system established under subpart C of this title and the amendments made by that subpart; and

(2) provide legislative proposals, if necessary, for accomplishing the transfer of responsibilities referred to in subsection (a).

(c) Certification of Screening Companies.—The Federal Aviation Administration is directed to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards for providing security screening services.

SEC. 302. FAMILY ADVOCACY.

(a) In General.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 1136. Family advocacy

"(a) In General.—The National Transportation Safety Board shall establish a program consistent with its existing authority to provide family advocacy services for aircraft accidents described in subsection (b)(1) and serve as the lead agency in coordinating the provision of the services described in subsection (b). The National Transportation Safety Board shall, as necessary, in carrying out the program, cooperate with the Secretary of Transportation, the Administrator of the Federal Aviation Administration, and such other public and private organizations as may be appropriate.

"(b) Family Advocacy Services.—

"(1) In general.—The National Transportation Safety Board shall work with an air carrier involved in an accident in air commerce and facilitate the procurement by that air carrier of the services of family advocates who are not otherwise employed by an air carrier and who are not employed by the Federal Aviation Administration to, in the event of an accident in air commerce—

"(A) apply standards of conduct specified by the National Transportation Safety Board;

"(B) to the extent practicable, direct and facilitate all communication among air carriers, surviving passengers, families of passengers, news reporters, the Federal Government, and the governments of States and political subdivisions thereof;

"(C) coordinate with a representative of the air carrier to jointly direct the notification of the next of kin of victims of the accident; and

"(D) carry out such other related duties as the National Transportation Safety Board determines to be appropriate.

"(2) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Air carrier.—The term 'air carrier' has the meaning provided that term in section 40102(a)(2).

"(B) Family advocate.—The term 'family advocate' shall have the meaning provided that term by the National Transportation Safety Board by regulation.".

(b) GUIDELINES.—Not later than 90 days after the date of enactment of this Act, the National Transportation Safety Board shall issue guidelines for the implementation of the program established by the Board under section 1136 of title 49, United States Code, as added by subsection (a).

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"1136. Family advocacy.".

SEC. 303. ACCIDENT AND SAFETY DATA CLASSIFICATION; REPORT ON EFFECTS OF PUBLICATION AND AUTOMATED SURVEILLANCE TARGETING SYSTEMS.

(a) ACCIDENT AND SAFETY DATA CLASSIFICATION.—

(1) IN GENERAL.—Subchapter II of chapter 11 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 1119. Accident and safety data classification and publication

"(a) IN GENERAL.—Not later then 90 days after the date of enactment of this section, the National Transportation Safety Board (hereafter in this section referred to as the 'Board') shall, in consultation and coordination with the Administrator of the Federal Aviation Administration (hereafter in this section referred to as the 'Administrator'), develop a system for classifying air carrier accident and pertinent safety data maintained by the Board.

"(b) REQUIREMENTS FOR CLASSIFICATION SYSTEM.—

"(1) IN GENERAL.—The system developed under this section shall provide for the classification of accident and safety data in a manner that, in comparison to the system in effect on the date of enactment of this section, provides for—

"(A) safety-related categories that provide clearer descriptions of the passenger safety effects associated with air transportation;

"(B) clearer descriptions of passenger safety concerns associated with air transportation accidents; and

"(C) a report to the Congress by the Board that describes methods for accurately informing the public of the concerns referred to in subparagraph (B) through regular reporting of accident and safety data obtained through the system developed under this section.

"(2) PUBLIC COMMENT.—Upon developing a system of classification under paragraph (1), the Board shall provide adequate opportunity for public review and comment.

"(3) FINAL CLASSIFICATION.—After providing for public review and comment, and after consulting with the Administrator, the Board shall issue final classifications. The Board shall ensure that air travel accident and safety data covered under this section is classified in accordance with the final classifications issued under this section for data for calendar year 1997, and for each subsequent calendar year.

"(4) REPORT ON THE EFFECTS ASSOCIATED WITH PUBLICATION OF AIR TRANSPORTATION ACCIDENT AND SAFETY INFORMATION.—

"(A) IN GENERAL.—Not later than the date specified in subsection (a), the Board shall prepare and submit to the Congress a report on the effects and potential of the publication of air transportation accident safety information.

"(B) CONTENT AND FORM OF REPORT.—The report prepared under this paragraph shall include recommendations concerning the adoption or revision of requirements for reporting accident and safety data.

"(5) RECOMMENDATIONS OF THE ADMINISTRATOR.—The Administrator may, from time to time, request the Board to consider revisions (including additions to the classification system developed under this section). The Board shall respond to any request made by the Administrator under this section not later than 90 days after receiving that request.

"(c) PRESENTATION OF FINAL CLASSIFICATIONS TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—Not later than 90 days after final classifications are issued under subsection (b)(3), the Administrator shall—

"(1) present to the International Civil Aviation Organization the final classification system developed under this section; and

"(2) seek the adoption of that system by the International Civil Aviation Organization.".

(2) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 11 of title 49, United States Code, is amended by adding at the end the following new item:

"1119. Accident and safety data classification and publication.".

(b) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—Section 44713 is amended by adding at the end the following new subsection:

"(e) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—

"(1) IN GENERAL.—The Administrator shall give high priority to developing and deploying a fully enhanced safety performance analysis system that includes automated surveillance to assist the Administrator in prioritizing and targeting surveillance and inspection activities of the Federal Aviation Administration.

"(2) DEADLINES FOR DEPLOYMENT.—

"(A) INITIAL PHASE.—The initial phase of the operational deployment of the system developed under this subsection shall begin not later than December 31, 1997.

"(B) FINAL PHASE.—The final phase of field deployment of the system developed under this subsection shall begin not later than December 31, 1999. By that date, all principal operations and maintenance inspectors of the Administration, and appropriate supervisors and analysts of the Administration shall have been provided access to the necessary information and resources to carry out the system.

"(3) INTEGRATION OF INFORMATION.—In developing the system under this section, the Administrator shall consider the near-term integration of accident and incident data into the safety performance analysis system under this subsection.".

SEC. 304. WEAPONS AND EXPLOSIVE DETECTION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration (hereafter in this section referred to as the "Administrator") shall enter into an arrangement with the Director of the National Academy of Sciences (or if the National Academy of Sciences is not available, the head of another equivalent entity) to conduct a study in accordance to this section.

(b) PANEL OF EXPERTS.—

(1) IN GENERAL.—In carrying out a study under this section, the Director of the National Academy of Sciences (or the head of another equivalent entity) shall establish a panel (hereinafter in this section as the "panel").

(2) EXPERTISE.—Each member of the panel established under this subsection shall have expertise in weapons and explosive detection technology, security, air carrier and airport operations, or another appropriate area. The Director of the National Academy of Sciences (or the head of another equivalent entity) shall ensure that the panel has an appropriate number of representatives of the areas specified in the preceding sentence.

(c) STUDY.—The panel established under subsection (b), in consultation with the National Science and Technology Council, representatives of appropriate Federal agencies, and appropriate members of the private sector, shall—

(1) assess the weapons and explosive detection technologies that are available at the time of the study that are capable of being effectively deployed in commercial aviation;

(2) determine how the technologies referred to in paragraph (1) may more effectively be used for promotion and improvement of security at airport and aviation facilities and other secured areas; and

(3) on the basis of the assessments and determinations made under paragraphs (1) and (2), identify the most promising technologies for the improvement of the efficiency and cost-effectiveness of weapons and explosive detection.

(d) COOPERATION.—The National Science and Technology Council shall take such action as may be necessary to facilitate, to the maximum extent practicable and upon request of the Director of the National Academy of Sciences (or the head of another equivalent entity), the cooperation of representatives of appropriate Federal agencies, as provided for in subsection (c), in providing the panel, for the study under this section—

(1) expertise; and

(2) to the extent allowable by law, resources and facilities.

(e) REPORTS.—The Director of the National Academy of Sciences (or the head of another equivalent entity) shall, pursuant to an arrangement entered into under subsection (a), submit to the Administrator such reports as the Administrator considers to be appropriate. Upon receipt of a report under this subsection, the Administrator shall submit a copy of the report to the appropriate committees of the Congress.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 1997 through 2001, such sums as may be necessary to carry out this section.

SEC. 305. REQUIREMENT FOR CRIMINAL HISTORY RECORDS CHECKS.

(a) IN GENERAL.—Section 44936(a)(1) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "(1)" and inserting "(1)(A)"; and

(3) by adding at the end the following:

"(B) The Administrator shall require by regulation that an employment investigation (including a criminal history record check in any case described in subparagraph (C) be conducted for—

"(i) individuals who will be responsible for screening passengers or property under section 44901 of this title;

"(ii) supervisors of the individuals described in clause (i); and

"(iii) such other individuals who exercise security functions associated with baggage or cargo, as the Administrator determines is necessary to ensure air transportation security.

"(C) Under the regulations issued under subparagraph (B), a criminal history record check shall, as a minimum, be conducted in any case in which—

"(i) an employment investigation reveals a gap in employment of 12 months or more that the individual who is the subject of the investigation does not satisfactorily account for;

"(ii) that individual is unable to support statements made on the application of that individual;

"(iii) there are significant inconsistencies in the information provided on the application of that individual; or

"(iv) information becomes available during the employment investigation indicating a possible conviction for one of the crimes listed in subsection (b)(1)(B).".

(b) APPLICABILITY.—The amendment made by subsection (a)(3) shall apply to individuals hired to perform functions described in section 44936(a)(1)(B) of title 49, United States Code, after the date of the enactment of this Act, except that the Administrator may, as the Administrator determines to be appropriate, require such employment investigations or criminal history records checks for individuals performing those functions on the date of enactment of this Act. Nothing in section 44936 of title 49, United States Code, as amended by subsection (a) precludes the Administration from permitting the employment of an individual on an interim basis while employment or criminal history record checks required by that section are being conducted.

SEC. 306. INTERIM DEPLOYMENT OF COMMERCIALLY AVAILABLE EXPLOSIVE DETECTION EQUIPMENT.

Section 44913(a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) Until such time as the Administrator determines that equipment certified under paragraph (1) is commercially available and has successfully completed operational testing as provided in paragraph (1), the Administrator shall facilitate the deployment of such approved commercially available explosive detection devices as the Administrator determines will enhance aviation security significantly. The Administrator shall require that equipment deployed under this paragraph be replaced by equipment certified under paragraph (1) when equipment certified under paragraph (1) becomes commercially available. The Administrator is authorized, based on operational considerations at individual airports, to waive the required installation of commercially available equipment under paragraph (1) in the interests of aviation security.".

SEC. 307. AUDIT OF PERFORMANCE OF BACKGROUND CHECKS FOR CERTAIN PERSONNEL.

Section 44936(a) is amended by adding at the end the following:

"(3) The Administrator shall provide for the periodic audit of the effectiveness of criminal history record checks conducted under paragraph (1) of this subsection.".

SEC. 308. SENSE OF THE SENATE ON PASSENGER PROFILING.

It is the sense of the Senate that the Administrator of the Federal Aviation Administration, in consultation with the intelligence and law enforcement communities, should continue to assist air carriers in developing computer-assisted and other appropriate passenger profiling programs which should be used in conjunction with other security measures and technologies.

SEC. 309. AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, funds referred to in subsection (b) may be used to expand and enhance air transportation security programs and other activities (including the improvement of facilities and the purchase and deployment of equipment) to ensure the safety and security of passengers and other persons involved in air travel.

(b) COVERED FUNDS.—The following funds may be used under subsection (a):

(1) Project grants made under subchapter 1 of chapter 471 of title 49, United States Code.

(2) Passenger facility fees collected under section 40117 of title 49, United States Code.

SEC. 310. DEVELOPMENT OF AVIATION SECURITY LIAISON AGREEMENT.

The Secretary of Transportation and the Attorney General, acting through the Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation, shall enter into an interagency agreement providing for the establishment of an aviation security liaison at existing appropriate Federal agencies' field offices in or near cities served by a designated high-risk airport.

SEC. 311. REGULAR JOINT THREAT ASSESSMENTS.

The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation shall carry out joint threat and vulnerability assessments on security every 3 years, or more frequently, as necessary, at airports determined to be high risk.

SEC. 312. BAGGAGE MATCH REPORT.

Within 30 days after the completion of the passenger bag match pilot program recommended by the Vice President's Commission on Aviation Security, the Administrator shall submit a report to Congress on the safety effectiveness and operational effectiveness of the pilot program. The report shall also assess the extent to which implementation of baggage match requirements, coupled with the best available technologies and methodologies, such as passenger profiling, enhance domestic aviation security.

SEC. 313. ENHANCED SECURITY PROGRAMS.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end of subchapter I the following:

"§ 44916. Assessments and evaluations

"(a) IN GENERAL.—

"(1) PERIODIC ASSESSMENTS.—The Administrator shall require each air carrier and airport (including the airport owner or operator in cooperation with the air carriers and vendors serving each airport) that provides for intrastate, interstate, or foreign air transportation to conduct periodic vulnerability assessments of the security systems of that air carrier or airport, respectively. The Administration shall perform periodic audits of the assessments referred to in paragraph (1).

"(2) INVESTIGATIONS.—The Administrator shall conduct periodic and unannounced inspections of security systems of airports and air carriers to determine the effectiveness and vulnerabilities of such systems. To the extent allowable by law, the Administrator may provide for anonymous tests of those security systems.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 44915 the following:

"44916. Assessments and evaluations.".

SEC. 314. REPORT ON AIR CARGO.

Within——days after the date of enactment of this Act, the Secretary of Transportation shall prepare a report for the Congress on any changes recommended and implemented as a result of the Vice President's Commission on Aviation Security to enhance and supplement screening and inspection of cargo, mail, and company-shipped materials transported in air commerce. The report shall include an assessment of the effectiveness of such changes, any additional recommendations, and, if necessary, any legislative proposals necessary to carry out additional changes.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ACQUISITION OF HOUSING UNITS.

Section 40110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) ACQUISITION OF HOUSING UNITS.—

"(1) AUTHORITY.—In carrying out this part, the Administrator may acquire interests in housing units outside the contiguous United States.

"(2) CONTINUING OBLIGATIONS.—Notwithstanding section 1341 of title 31, United States Code, the Administrator may acquire an interest in a housing unit under paragraph (1) even if there is an obligation thereafter to pay necessary and reasonable fees duly assessed upon such unit, including fees related to operation, maintenance, taxes, and insurance.

"(3) CERTIFICATION TO CONGRESS.—The Administrator may acquire an interest in a housing unit under paragraph (1) only if the Administrator transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before completing the acquisition a report containing—

"(A) a description of the housing unit and its price; and

"(B) a certification that acquiring the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.

"(4) PAYMENT OF FEES.—The Administrator may pay, when due, fees resulting from the acquisition of an interest in a housing unit under this subsection from any amounts made available to the Administrator.".

SEC. 402. PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.

(a) IN GENERAL.—Chapter 401 is amended by redesignating section 40120 as section 40121 and by inserting after section 40119 the following:

"§ 40120. Protection of voluntarily submitted information

"(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, shall disclose voluntarily-provided safety or security related information if the Administrator finds that—

"(1) the disclosure of the information would inhibit the voluntary provision of that type of information and that the receipt of that type of information aids in fulfilling the Administrator's safety and security responsibilities; and

"(2) withholding such information from disclosure would be consistent with the Administrator's safety and security responsibilities.

"(b) REGULATIONS.—The Administrator shall issue regulations to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 401 is amended by striking the item relating to section 40120 and inserting the following:

"40120. Protection of voluntarily submitted information.

"40121. Relationship of other laws.".

SEC. 403. APPLICATION OF FAA REGULATIONS.

In revising title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator deems appropriate.

SEC. 404. SENSE OF THE SENATE REGARDING THE FUNDING OF THE FEDERAL AVIATION ADMINISTRATION.

(a) FINDINGS.—The Senate finds that—

(1) the Congress is responsible for ensuring that the financial needs of the Federal Aviation Administration, the agency that performs the critical function of overseeing the Nation's air traffic control system and ensuring the safety of air travelers in the United States, are met;

(2) the number of air traffic control equipment and power failures is increasing, which could place at risk the reliability of our Nation's air traffic control system;

(3) aviation excise taxes that constitute the Airport and Airway Trust Fund, which provides most of the funding for the Federal Aviation Administration

(4) the surplus in the Airport and Airway Trust Fund will be spent by the Federal Aviation Administration by December 1996;

(5) the existing system of funding the Federal Aviation Administration will not provide the agency with sufficient short-term or long-term funding;

(6) this Act creates a sound process to review Federal Aviation Administration funding and develop a funding system to meet the Federal Aviation Administration's long-term funding needs; and

(7) without immediate action by the Congress to ensure that the Federal Aviation Administration's financial needs are met, air travelers' confidence in the system could be undermined.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that there should be an immediate enactment of an 18-month reinstatement of the aviation excise taxes to provide short-term funding for the Federal Aviation Administration.

SEC. 405. AUTHORIZATION FOR STATE-SPECIFIC SAFETY MEASURES.

There are authorized to be appropriated to the Federal Aviation Administration not more than $10,000,000 for fiscal year 1997 for the purpose of addressing State-specific aviation safety problems identified by the National Transportation Safety Board.

SEC. 406. SENSE OF THE SENATE REGARDING THE AIR AMBULANCE EXEMPTION FROM CERTAIN FEDERAL EXCISE TAXES.

It is the sense of the Senate that, if the excise taxes imposed by section 4261 or 4271 of the Internal Revenue Code of 1986 are reinstated, the exemption from those taxes provided by section 4261(f) of such Code for air transportation by helicopter for the purpose of providing emergency medical services should be broadened to include air transportation by fixed-wing aircraft for that purpose.

SEC. 407. FAA SAFETY MISSION.

(a) IN GENERAL.—Section 40104 is amended—

(1) by inserting "safety of" before "air commerce" in the section caption;

(2) by inserting "SAFETY OF" before "AIR COMMERCE" in the caption of subsection (a); and

(3) by inserting "safety of" before "air commerce" in subsection (a).

(b) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by striking the item relating to section 40104 and inserting:

"40104. Promotion of civil aeronautics and air commerce safety.".

SEC. 408. CARRIAGE OF CANDIDATES IN STATE AND LOCAL ELECTIONS.

The Administrator of the Federal Aviation Administration shall revise section 91.321 of the Administration's regulations (14 CFR 91.321), relating to the carriage of candidates in Federal elections, to make the same or similar rules applicable to the carriage of candidates for election to public office in State and local government elections.

SEC. 409. TRAIN WHISTLE REQUIREMENTS.

The Secretary of Transportation may not implement regulations issued under section 20153(b) of title 49, United States Code, requiring audible warnings to be sounded by a locomotive horn at highway-rail grade crossings, unless—

(1) in implementing the regulations or providing an exception to the regulations under section 20153(c) of such title, the Secretary of Transportation takes into account, among other criteria—

(A) the interest of the communities that, as of July 30, 1996—

(i) have in effect restrictions on sounding of a locomotive horn at highway-rail grade crossings; or

(ii) have not been subject to the routine (as the term is defined by the Secretary) sounding of a locomotive horn at highway-rail grade crossings; and

(B) the past safety record at each grade crossing involved; and

(2) whenever the Secretary determines that supplementary safety measures (as that term is defined in section 20153(a) of title 49, United States Code) are necessary to provide an exception referred to in paragraph (1), the Secretary—

(A) having considered the extent to which local communities have established public awareness initiatives and highway-rail crossing traffic law enforcement programs allows for a period of not to exceed 3 years, beginning on the date of that determination, for the installation of those measures; and

(B) works in partnership with affected communities to provide technical assistance and to develop a reasonable schedule for the installation of those measures.

SEC. 410. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Subsection (b)(2) of section 5 of the act of January 2, 1951 (commonly referred to as the "Johnson Act") (64 Stat. 1135, chapter 1194; 15 U.S.C. 1175), is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if such voyage or segment includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which such segment begins.".

TITLE V—COMMERCIAL SPACE LAUNCH ACT AMENDMENTS

SEC. 501. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

and

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries";

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting "reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4)

(3) in section 70102—

(A) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth" in paragraph (3);

(B) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(C) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(D) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space substantially intact."; and

(E) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (C) of this paragraph;

(4) in section 70103(b)—

(A) by inserting "AND REENTRIES" after "LAUNCHES" in the subsection heading;

(B) by inserting "and reentries" after "space launches" in paragraph (1); and

(C) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting "; reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(D) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(E) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(F) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(G) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(C) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(D) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(E) by striking ", Space, and Technology" in subsection (d)(1);

(F) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e); and

(G) by inserting "or reentry site or a reentry" after "launch site" in subsection (e);

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears; and

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) by amending subsection (f) to read as follows:

"(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports."; and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2).

(b) ADDITIONAL AMENDMENTS.—(1) Section 70105 of title 49, United States Code, is amended—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

(C) by adding at the end of subsection (a) the following new paragraph:

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of a launch vehicle, reentry vehicle, or safety system, procedure, service, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(D) by striking "and" at the end of subsection (b)(2)(B)";

(E) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof ";and";

(F) by adding at the end of subsection (b)(2) the following new subparagraph:

(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application.'; and

(G) by inserting ", or the requirement to obtain a license," after "waive a requirement" in subsection (b)(3).

(2) The amendment made by paragraph (1)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by paragraph (1)(F) of this subsection.

(3) Section 70102(5) of title 49, United States Code, is amended—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated by subparagraph (A) of this paragraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;".

(4) Section 70102(b) of title 49, United States Code, is amended—

(A) in the subsection heading, as amended by subsection (a)(4)(A) of this section, by inserting "AND STATE SPONSORED SPACEPORTS" after "AND REENTRIES"; and

(B) in paragraph (1), by inserting "and State sponsored spaceports" after "private sector".

(5) Section 70105(a)(1) of title 49, United States Code, as amended by subsection (b)(1) of this section, is amended by inserting at the end the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.".

(6) Section 70111 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting after subparagraph (B) the following:

"The Secretary shall establish criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(B) by striking "actual costs" in subsection (b)(1) and inserting in lieu thereof "additive costs only"; and

(C) by inserting after subsection (b)(2) the following new paragraph:

"(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.".

(7) Section 70112 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

(B) in subsection (b)(1), by inserting "launch, reentry, or site operator" after "(1)A"; and

(C) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a".

(c) REGULATIONS.—(1) Chapter 701 of title 49, United States Code, is amended by adding at the end the following new section:

§ 70120. Regulations

"The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

"(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

"(4) procedures for the application of government indemnification.".

(2) The table of sections for such chapter 701 is amended by adding after the item relating to section 70119 the following new item:

"70120. Regulations.".

TITLE VI—AIR TRAFFIC MANAGEMENT SYSTEM PERFORMANCE IMPROVEMENT ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Air Traffic Management System Performance Improvement Act of 1996".

SEC. 602. DEFINITIONS.

For the purposes of this title, the following definitions shall apply:

(1) ADMINISTRATION.—The term "Administration" means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 603. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

Subtitle A—General Provisions

SEC. 621. FINDINGS.

The Congress finds the following:

(1) In many respects the Administration is a unique agency, being one of the few non-defense government agencies that operates 24 hours a day, 365 days of the year, while continuing to rely on outdated technology to carry out its responsibilities for a state-of-the-art industry.

(2) Until January 1, 1996, users of the air transportation system paid 70 percent of the budget of the Administration, with the remaining 30 percent coming from the General Fund. The General Fund contribution of the years is one measure of the benefit received by the general public, military, and other users of Administration's services.

(3) The Administration must become a more efficient, effective, and different organization to meet future challenges.

(4) The need to balance the Federal budget means that it may become more and more difficult to obtain sufficient General Fund contributions to meet the Administration's future budget needs.

(5) Congress must keep its commitment to the users of the national air transportation system by seeking to spend all moneys collected from them each year and deposited into the Airport and Airway Trust Fund. Existing surpluses representing past receipts must also be spent for the purposes for which such funds were collected.

(6) The aviation community and the employees of the Administration must come together to improve the system. The Administration must continue to recognize who its customers are and what their needs are, and to design and redesign the system to make safety improvements and increase productivity.

(7) The Administration projects that commercial operations will increase by 18 percent and passenger traffic by 35 percent by the year 2002. Without effective airport expansion and system modernization, these needs cannot be met.

(8) Absent significant and meaningful reform, future challenges and needs cannot be met.

(9) The Administration must have a new way of doing business.

(10) There is widespread agreement within government and the aviation industry that reform of the Administration is essential to safely and efficiently accommodate the projected growth of aviation within the next decade.

(11) To the extent that the Congress determines that certain segments of the aviation community are not required to pay all of the costs of the government services which they require and benefits which they receive, the Congress should appropriate the difference between such costs and any receipts received from such segment.

(12) Prior to the imposition of any new charges or user fees on segments of the industry, an independent review must be performed to assess the funding needs and assumptions for operations, capital spending, and airport infrastructure.

(13) An independent, thorough, and complete study and assessment must be performed of the costs to the Administration and the costs driven by each segment of the aviation system for safety and operational services, including the use of the air traffic control system and the Nation's airports.

(14) Because the Administration is a unique Federal entity in that it is a participant in the daily operations of an industry, and because the national air transportation system faces significant problems without significant changes, the Administration has been authorized to change the Federal procurement and personnel systems to ensure that the Administration has the ability to keep pace with new technology and is able to match resources with the real personnel needs of the Administration.

(15) The existing budget system does not allow for long-term planning or timely acquisition of technology by the Administration.

(16) Without reforms in the areas of procurement, personnel, funding, and governance, the Administration will continue to experience delays and cost overruns in its major modernization programs and needed improvements in the performance of the air traffic management system will not occur.

(17) All reforms should be designed to help the Administration become more responsive to the needs of its customers and maintain the highest standards of safety.

SEC. 622. PURPOSES.

The purposes of this title are—

(1) to ensure that final action shall be taken on all notices of proposed rulemaking of the Administration within 18 months after the date of their publication;

(2) to permit the Administration, with Congressional review, to establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

(3) to establish a more autonomous and accountable Administration within the Department of Transportation; and

(4) to make the Administration a more efficient and effective organization, able to meet the needs of a dynamic, growing industry, and to ensure the safety of the traveling public.

SEC. 623. REGULATION OF CIVILIAN AIR TRANSPORTATION AND RELATED SERVICES BY THE FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF TRANSPORTATION.

(a) IN GENERAL.—Section 106 is amended—

(1) by striking "The Administrator" in the fifth sentence of subsection (b) and inserting "Except as provided in subsection (f) of this section or in other provisions of law, the Administrator"; and

(2) by striking subsection (f) and inserting the following:

"(f) AUTHORITY OF THE SECRETARY AND THE ADMINISTRATOR.—

"(1) AUTHORITY OF THE SECRETARY.—Except as provided in paragraph (2), the Secretary of Transportation shall carry out the duties and powers of the Administration.

"(2) AUTHORITY OF THE ADMINISTRATOR.—The Administrator—

"(A) is the final authority for carrying out all functions, powers, and duties of the Administration relating to—

"(i) except as otherwise provided in paragraph (3), the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the Administration; and

"(ii) any obligation imposed on the Administrator, or power conferred on the Administrator, by the Air Traffic Management System Performance Improvement Act of 1996 (or any amendment made by that Act);

"(b) shall offer advice and counsel to the President with respect to the appointment and qualifications of any officer or employee of the Administration to be appointed by the President or as a political appointee;

"(C) may delegate, and authorize successive redelegations of, to an officer or employee of the Administration any function, power, or duty conferred upon the Administrator, unless such delegation is prohibited by law; and

"(D) except as otherwise provided for in this title, and notwithstanding any other provision of law to the contrary, shall not be required to coordinate, submit for approval or concurrence, or seek the advice or views of the Secretary or any other officer or employee of the Department of Transportation on any matter with respect to which the Administrator is the final authority.

"(3) DEFINITION OF POLITICAL APPOINTEE.—For purposes of this subsection, the term 'political appointee' means any individual who—

"(A) is employed in a position on the Executive Schedule under sections 5312 through 5316 of title 5;

"(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service as defined under section 3132(a) (5), (6), and (7) of title 5, respectively; or

"(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.".

(b) PRESERVATION OF EXISTING AUTHORITY.—Nothing in this title or the amendments made by this title limits any authority granted to the Administrator by statute or by delegation that was in effect on the day before the date of enactment of this Act.

SEC. 624. REGULATIONS.

Section 106(f), as amended by section 623, is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) REGULATIONS.—

"(A) IN GENERAL.—In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to issue, rescind, and revise such regulations as are necessary to carry out those functions. The issuance of such regulations shall be governed by the provisions of chapter 5 of title 5. The Administrator shall act upon all petitions for rulemaking no later than 6 months after the date such petitions are filed by dismissing such petitions, by informing the petitioner of an intention to dismiss, or by issuing a notice of proposed rulemaking or advanced notice of proposed rulemaking. The Administrator shall issue a final regulation, or take other final action, not later than 18 months after the date of publication in the Federal Register of a notice of proposed rulemaking or, in the case of an advanced notice of proposed rulemaking, if issued, not later than 24 months after that date.

"(B) APPROVAL OF SECRETARY OF TRANSPORTATION.—

"(i) The Administrator may not issue a proposed regulation or final regulation that is likely to result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $50,000,000 or more (adjusted annually for inflation beginning with the year following the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996) in any 1 year, or any regulation which is significant, unless the Secretary of Transportation approves the issuance of the regulation in advance. For purposes of this paragraph, a regulation is significant if it is likely to—

"(I) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

"(II) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

"(III) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

"(IV) raise novel legal or policy issues arising out of legal mandates.

"(ii) In an emergency, the Administrator may issue a regulation described in clause (i) without prior approval by the Secretary, but any such emergency regulation is subject to ratification by the Secretary after it is issued and shall be rescinded by the Administrator within 5 days (excluding Saturdays, Sundays, and legal public holidays) after issuance if the Secretary fails to ratify its issuance.

"(iii) Any regulation that does not meet the criteria of clause (i), and any regulation or other action that is a routine or frequent action or a procedural action, may be issued by the Administrator without review or approval by the Secretary.

"(iv) The Administrator shall submit a copy of any regulation requiring approval by the Secretary under clause (i) to the Secretary, who shall either approve it or return it to the Administrator with comments within 45 days after receiving it.

"(C) PERIODIC REVIEW.—(i) Beginning on the date which is 3 years after the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall review any unusually burdensome regulation issued by the Administrator after the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996 beginning not later than 3 years after the effective date of the regulation to determine if the cost assumptions were accurate, the benefit of the regulations, and the need to continue such regulations in force in their present form.

"(ii) The Administrator may identify for review under the criteria set forth in clause (i) unusually burdensome regulations that were issued before the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996 and that have been in force for more than 3 years.

"(iii) For purposes of this subparagraph, the term 'unusually burdensome regulation' means any regulation that results in the annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $25,000,000 or more (adjusted annually for inflation beginning with the year following the date of enactment of the Air Traffic Management System Performance Act of 1996) in any year.

"(iv) The periodic review of regulations may be performed by advisory committees and the Management Advisory Council established under subsection (p).".

SEC. 625. PERSONNEL AND SERVICES.

Section 106 is amended by adding at the end the following new subsection:

"(l) PERSONNEL AND SERVICES.—

"(1) OFFICERS AND EMPLOYEES.—Except as provided in section 40121(a) of this title and section 347 of Public Law 104–50, the Administrator is authorized, in the performance of the functions of the Administrator, to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. In fixing compensation and benefits of officers and employees, the Administrator shall not engage in any type of bargaining, except to the extent provided for in section 40121(a), nor shall the Administrator be bound by any requirement to establish such compensation or benefits at particular levels.

"(2) EXPERTS AND CONSULTANTS.—The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5.

"(3) TRANSPORTATION AND PER DIEM EXPENSES.—The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5.

"(4) USE OF PERSONNEL FROM OTHER AGENCIES.—The Administrator is authorized to utilize the services of personnel of any other Federal agency (as such term is defined under section 551(1) of title 5).

"(5) VOLUNTARY SERVICES.—

"(A) IN GENERAL.—(i) In exercising the authority to accept gifts and voluntary services under section 326 of this title, and without regard to section 1342 of title 31, the Administrator may not accept voluntary and uncompensated services if such services are used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

"(ii) the Administrator is authorized to provide for incidental expenses, including transportation, lodging, and subsistence for volunteers who provide voluntary services under this subsection.

"(iii) An individual who provides voluntary services under this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims.".

SEC. 626. CONTRACTS.

Section 106(l), as added by section 625 of this title, is amended by adding at the end the following new paragraph:

"(6) CONTRACTS.—The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, cooperative agreements, and other transactions with any Federal agency (as such term is defined in section 551(1) of title 5) or any instrumentality of the United States, any State, territory, or possession, or political subdivision thereof, any other governmental entity, or any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate.".

SEC. 627. FACILITIES.

Section 106, as amended by section 625 of this title, is further amended by adding at the end the following new subsection:

"(m) COOPERATION BY ADMINISTRATOR.—With the consent of appropriate officials, the Administrator may, with or without reimbursement, use or accept the services, equipment, personnel, and facilities of any other Federal agency (as such term is defined in section 551(1) of title 5) and any other public or private entity. The administrator may also cooperate with appropriate officials of other public and private agencies and instrumentalities concerning the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.".

SEC. 628. PROPERTY.

Section 106, as amended by section 627 of this title, is further amended by adding at the end the following new subsection:

"(n) ACQUISITION.—

"(1) IN GENERAL.—The Administrator is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

"(i) air traffic control facilities and equipment;

"(ii) research and testing sites and facilities; and

"(iii) such other real and personal property (including office space and patents), or any interest therein, within and outside the continental United States as the Administrator considers necessary;

"(B) to lease to others such real and personal property; and

"(C) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at the installations of the Administration, and to acquire, operate, and maintain equipment for these facilities.

"(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.".

SEC. 629. TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES.

Section 106, as amended by section 628 of this title, is further amended by adding at the end the following new subsection:

"(o) TRANSFERS OF FUNDS.—The Administrator is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred by law to the Administrator or functions transferred pursuant to law to the Administrator on or after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996.".

SEC. 630. MANAGEMENT ADVISORY COUNCIL.

Section 106, as amended by section 629 of this title, is further amended by adding at the end the following new subsection:

"(p) MANAGEMENT ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—Within 3 months after the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall establish an advisory council which shall be known as the Federal Aviation Management Advisory Council (in this subsection referred to as the 'Council'). With respect to Administration management, policy, spending, funding, and regulatory matters affecting the aviation industry, the Council may submit comments, recommended modifications, and dissenting views to the Administrator. The Administrator shall include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting views received from the Council, together with the reasons for any differences between the views of the Council and the views or actions of the Administrator.

"(2) MEMBERSHIP.—The Council shall consist of 15 members, who shall consist of—

"(A) a designee of the Secretary of Transportation;

"(B) a designee of the Secretary of Defense; and

"(C) 13 members representing aviation interests, appointed by the President by and with the advice and consent of the Senate.

"(3) QUALIFICATIONS.—No member appointed under paragraph (2)(C) may serve as an officer or employee of the United States Government while serving as a member of the Council.

"(4) FUNCTIONS.—

"(A) IN GENERAL.—(i) The Council shall provide advice and counsel to the Administrator on issues which affect or are affected by the operations of the Administrator. The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration.

"(ii) The Council shall review the rulemaking cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.

"(iii) The Council shall review the process through which the Administration determines to use advisory circulars and service bulletins.

"(B) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the chairman or of the Administrator.

"(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Council appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the 'Freedom of Information Act'), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Council who receives comercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council or such aviation rulemaking committees as the Administrator shall designate.

"(6) ADMINISTRATIVE MATTERS.—

"(A) TERMS OF MEMBERS.—(i) Except as provided in subparagraph (B), members of the Council appointed by the President under paragraph (2)(C) shall be appointed for a term of 3 years.

"(ii) Of the members first appointed by the President—

"(I) 4 shall be appointed for terms of 1 year;

"(II) 5 shall be appointed for terms of 2 years; and

"(III) 4 shall be appointed for terms of 3 years.

"(iii) An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(iv) A member whose term expires shall continue to serve until the date on which the member's successor takes office.

"(B) CHAIRMAN; VICE CHAIRMAN.—The Council shall elect a chair and a vice chair from among the members appointed under paragraph (2)(C), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chairman in the absence of the chairman.

"(C) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(D) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this subsection.

"(7) REPORT TO CONGRESS.—The Council, in conjunction with the Administration, shall undertake a review of the overall condition of aviation safety in the United States and emerging trends in the safety of particular sections of the aviation industry. This shall include an examination of—

"(A) the extent to which the dual mission of the Administration to promote and regulate civil aviation may affect aviation safety and provide recommendations to Congress for any necessary changes the Council, in conjunction with Administration, deems appropriate; and

"(B) the adequacy of staffing and training resources for safety personnel of the Administration, including safety inspectors. The Council shall report to Congress within 180 days after the date of enactment of this Act on its findings and recommendations under this paragraph.

SEC. 631. AIRCRAFT ENGINE STANDARDS.

Subsection (a)(1) of section 44715 is amended to read as follows:

"(a) STANDARDS AND REGULATIONS.—(1) To relieve and protect the public health and welfare from aircraft noise, sonic boom, and aircraft engine emissions, the Administrator of the Federal Aviation Administration, as he deems necessary, shall prescribe—

"(A) standards to measure aircraft noise and sonic boom;

"(B) regulations to control and abate aircraft noise and sonic boom; and

"(C) emission standards applicable to the emission of any air pollutant from any class or classes of aircraft engines which, in the judgment of the Administrator, causes, or contributes to, air pollution which may reasonably be anticipated to endanger public health or welfare.".

SEC. 632. RURAL AIR FARE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study to—

(1) compare air fares paid (calculated as both actual and adjusted air fares) for air transportation on flights conducted by commercial air carriers—

(A) between—

(i) nonhub airports located in small communities; and

(ii) large hub airports; and

(B) between large hub airports;

(2) analyse—

(A) the extent to which passenger service that is provided from nonhub airports is provided on—

(i) regional commuter commercial air carriers; or

(ii) major air carriers;

(B) the type of aircraft employed in providing passenger service at nonhub airports; and

(C) whether there is competition among commercial air carriers with respect to the provision of air service to passengers from nonhub airports.

(b) FINDINGS.—The Secretary shall include in the report of the study conducted under subsection (a) findings concerning—

(1) whether passengers who use commercial air carriers to and from rural areas (as defined by the Secretary) pay a disproportionately greater price for that transportation than passengers who use commercial air carriers between urban areas (as defined by the Secretary);

(2) the nature of competition, if any, in rural markets (as defined by the Secretary) for commercial air carriers;

(3) whether a relationship exists between higher air fares and competition among commercial air carriers for passengers traveling on jet aircraft from small communities (as defined by the Secretary) and, if such a relation exists, the nature of that relationship;

(4) the number of small communities that have lost air service as a result of the deregulation of commercial air carriers with respect to air fares;

(5) the number of small communities served by airports with respect to which, after commercial air carrier fares were deregulated, jet aircraft service was replaced by turboprop aircraft service; and

(6) LARGE HUB AIRPORT.—The term "large hub airport" shall be defined by the Secretary but the definition may not include a small hub airport, as that term is defined in section 41731(a)(5) of such title.

(7) MAJOR AIR CARRIER.—The term "major air carrier" shall be defined by the Secretary.

(8) NONHUB AIRPORT.—The term "nonhub airport" is defined in section 41731(a)(4) of such title.

(9) REGIONAL COMMUTER AIR CARRIER.—The term "regional commuter air carrier" shall be defined by the Secretary.

Subtitle B—Federal Aviation Administration Streamlining Programs

SEC. 651. REVIEW OF ACQUISITION MANAGEMENT SYSTEM.

Not later than April 1, 1999, the Administration shall employ outside experts to provide an independent evaluation of the effectiveness of its acquisition management system within 3 months after such date. The Administrator shall transmit a copy of the evaluation to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 652. AIR TRAFFIC CONTROL MODERNIZATION REVIEWS.

Chapter 401, as amended by section 402 of this Act, is amended by redesignating section 40121 as 40123, and by inserting after section 40120 the following new section:

"§ 40121. Air traffic control modernization reviews

"(a) REQUIRED TERMINATIONS OF ACQUISITIONS.—The Administrator of the Federal Aviation Administration (hereinafter referred to in this section as the 'Administrator') shall terminate any program initiated after the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996 and funded under the Facilities and Equipment account that—

"(1) is more than 50 percent over the cost goal established for the program;

"(2) fails to achieve at least 50 percent of the performance goals established for the program; or

"(3) is more than 50 percent behind schedule as determined in accordance with the schedule goal established for the program.

"(b) AUTHORIZED TERMINATIONS OF ACQUISITIONS.—The Administrator shall consider terminating, under the authority of subsection (a), any substantial acquisition that—

"(1) is more than 10 percent over the cost goal established for the program;

"(2) fails to achieve at least 90 percent of the performance goals established for the program; or

"(3) is more than 10 percent behind schedule as determined in accordance with the schedule goal established for the program.

"(c) EXCEPTIONS AND REPORT.—

"(1) CONTINUANCE OF PROGRAM, ETC.—Notwithstanding subsection (a), the Administrator may continue an acquisitions program required to be terminated under subsection (a) if the Administrator determines that termination would be inconsistent with the development or operation of the national air transportation system in a safe and efficient manner.

"(2) DEPARTMENT OF DEFENSE.—The Department of Defense shall have the same exemptions from acquisition laws as are waived by the Administrator under section 348(b) of Public Law 104-50 when engaged in joint actions to improve or replenish the national air traffic control system. The Administration may require real property, goods, and services through the The Department of Defense, or other appropriate agencies, but is bound by the acquisition laws and regulations governing those cases.

"(3) REPORT.—If the Administrator makes a determination under paragraph (1), the Administrator shall transmit a copy of the determination, together with a statement of the basis for the determination, to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.".

SEC. 653. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

Chapter 401, as amended by section 652, is further amended by inserting after section 40121 the following new section:

"§40122. Federal Aviation Administration personnel management system

"(a) IN GENERAL.—

"(1) CONSULTATION AND NEGOTIATION.—In developing and making changes to the personnel management system initially implemented by the Administrator on April 1, 1996, the Administrator shall negotiate with the exclusive bargaining representatives of employees of the Administration certified under section 7111 of title 5 and consult with other employees of the Administration.

"(2) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement. If the services of the Federal Mediation and Conciliation Service do not lead to an agreement, the Administrator's proposed change to the personnel management system shall not take effect until 60 days have elapsed after the Administrator has transmitted the proposed change, along with the objections of the exclusive bargaining representatives to the change, and the reasons for such objections, to the Congress.

"(3) COST SAVINGS AND PRODUCTIVITY GOALS.—The Administration and the exclusive bargaining representatives of the employees shall use every reasonable effort to find cost savings and to increase productivity within each of the affected bargaining units.

"(4) ANNAL BUDGET DISCUSSIONS.—The Administration and the exclusive bargaining representatives of the employees shall meet annually for the purpose of finding additional cost savings within the Administration's annual budget as it applies to each of the affected bargaining units and throughout the agency.

"(b) EXPERT EVALUATION.—On the date that is 3 years after the personnel management system is implemented, the Administration shall employ outside experts to provide an independent evaluation of the effectiveness of the system within 3 months after such date. For this purpose, the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary.

"(c) PAY RESTRICTION.—No offer or employee of the Administration may receive an annual rate of basic pay in excess of the annual rate of basic pay payable to the Administrator.

"(d) ETHICS.—The Administration shall be subject to Executive Order No. 12674 and regulations and opinions promulgated by the Office of Government Ethics, including those set forth in section 3635 of title 5 of the Code of Federal Regulations.

"(e) EMPLOYEE PROTECTIONS.—Until July 1, 1999, basic wages (including locality pay) and operational differential pay provided employees of the Administration shall not be involuntarily adversely affected by reason of the enactment of this section, except for unacceptable performance or by reason of a reduction in force or reorganization or by agreement between the Administration and the affected employees' exclusive bargaining representative.

"(f) LABOR-MANAGEMENT AGREEMENTS.—Except as otherwise provided by this title, all labor-management agreements covering employees of the Administration that are in effect on the effective date of the Air Traffic Management System Performance Improvement Act of 1996 shall remain in effect until their normal expiration date, unless the Administrator and the exclusive bargaining representation agree to the contrary.".

SEC. 654. CONFORMING AMENDMENT.

The chapter analysis for chapter 401, as amended by section 403(b) of this Act, is amended by striking the item relating to section 40120 and inserting the following new items:

"40121. Air traffic control modernization reviews.
"40122. Federal Aviation Administration personnel management system.
"40123. Relationship to other laws.".

Subtitle C—System To Fund Certain Federal Aviation Administration Functions

SEC. 671. FINDINGS.

The Congress finds the following:

(1) The Administration is recognized throughout the world as a leader in aviation safety.

(2) The Administration certifies aircraft, engines, propellers, and other manufactured parts.

(3) The Administration certifies more than 650 training schools for pilots and nonpilots, more than 4,858 repair stations, and more than 193 maintenance schools.

(4) The Administration certifies pilot examiners, who are then qualified to determine if a person has the skills necessary to become a pilot.

(5) The Administration certifies more than 6,000 medical examiners, each of whom is then qualified to medically certify the qualifications of pilots and nonpilots.

(6) The Administration certifies more than 470 airports, and provides a limited certification for another 205 airports. Other airports in the United States are also reviewed by the Administration.

(7) The Administration each year performs more than 355,000 inspections.

(8) The Administration issues more than 655,000 pilot's licenses and more than 560,000 nonpilot's licenses (including mechanics).

(9) The Administration's certification means that the product meets worldwide recognized standards of safety and reliability.

(10) The Administration's certification means aviation-related equipment and services meet worldwide recognized standards.

(11) The Administration's certification is recognized by governments and businesses throughout the world and as such may be a valuable element for any company desiring to sell aviation-related products throughout the world.

(12) The Administration's certification may constitute a valuable license, franchise, privilege, or benefits for the holders.

(13) The Administration also is a major purchaser of computers, radars, and other systems needed to run the air traffic control system. The Administration's design, acceptance, commissioning, or certification of such equipment enables the private sector to market those products around the world, and as such confers a benefit on the manufacturer.

(14) The Administration provides extensive services to public use aircraft.

SEC. 672. PURPOSES.

The purposes of this title are—

(1) to provide a financial structure for the Administration so that it will be able to support the future growth in the national aviation and airport system;

(2) to review existing and alternative funding options, including incentive-based fees for services, and establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

(3) to ensure that any funding will be dedicated solely for the use of the Administration;

(4) to authorize the Administration to recover the costs of its services from those who benefit from, but do not contribute to, the national aviation system and the services provided by the Administration;

(5) to consider a fee system based on the cost or value of the services provided and other funding alternatives;

(6) to develop funding options for the Congress in order to provide for the long-term efficient and cost-effective support of the Administration and the aviation system; and

(7) to achieve a more efficient and effective Administration for the benefit of the aviation transportation industry.

SEC. 673. USER FEES FOR VARIOUS FEDERAL AVIATION ADMINISTRATION SERVICES.

(1) IN GENERAL.—Chapter 453 is amended by striking section 45301 and inserting the following new section:

"§ 45301. General provisions

"(a) SCHEDULE OF FEES.—The Administrator shall establish a schedule of new fees, and a collection process for such fees, for the following services provided by the Administration:

"(1) Air traffic control and related services provided to aircraft other than military and civilian aircraft of the United States Government or of a foreign government that neither take off from, nor land in, the United States.

"(2) Services (other than air traffic control services) provided to a foreign government.

"(b) LIMITATIONS.—

"(1) AUTHORIZATION AND IMPACT CONSIDERATIONS.—In establishing fees under subsection (a), the Administrator—

"(A) is authorized to recover in fiscal year 1997 $100,000,000; and

"(B) shall ensure that each of the fees required by subsection (a) is directly related to the Administration's costs of providing the service rendered.

"(2) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register an initial fee schedule and associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

"(c) USE OF EXPERTS AND CONSULTANTS.—In developing the system, the Administrator may consult with such nongovernmental experts as the Administrator may employ and the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary. Notwithstanding any other provision of law to the contrary, the Administrator may retain such experts under a contract awarded on a basis other than a competitive basis and without regard to any such provisions requiring competitive bidding or precluding sole source contract authority.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 453 is amended by striking the item relating to section 45301 and inserting the following new item:

"45301. General provisions.".

(c) REPEAL.—

(1) IN GENERAL.—Section 70118 is repealed.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 is amended by striking the item relating to section 70118.

SEC. 674. INDEPENDENT ASSESSMENT AND TASK FORCE TO REVIEW EXISTING AND INNOVATIVE FUNDING MECHANISMS.

(a) INDEPENDENT ASSESSMENT.—

(1) INITIATION.—As soon as all members of the task force are appointed under subsection (b) of this section, the Administrator shall contract with an entity independent of the Administration and the Department of Transportation to conduct a complete independent assessment of the financial requirements of the Administration through the year 2002.

(2) ASSESSMENT CRITERIA.—The Administrator shall provide to the independent entity estimates of the financial requirements of the Administration for the period described in paragraph (1), using as a base the fiscal year 1997 authorization levels established by the Congress. The independent assessment shall be based on an objective analysis of agency funding needs.

(3) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including—

(A) anticipated air traffic forecasts;

(B) other workload measures;

(C) estimated productivity gains, if any, which contribute to budgetary requirements;

(D) the need for programs; and

(E) the need to provide for continued improvements in all facets of aviation safety, along with operational improvements in air traffic control.

(4) COST ALLOCATION.—The independent assessment shall also assess the costs to the Administration occasioned by the provision of services to each segment of the aviation system.

(5) DEADLINE.—The independent assessment shall be completed no later than 90 days after the contract is awarded, and shall be submitted to the task force, the Secretary, the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

(b) TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall establish an 11-member task force, independent of the Administration and the Department of Transportation.

(2) MEMBERSHIP.—The members of the task force shall be selected from among individuals who have expertise in the aviation industry and who are able, collectively, to represent a balance view of the issues important to general aviation, major air carriers, air cargo carriers, regional air carriers, business aviation, airports, aircraft manufacturers, the financial community, aviation industry workers, and airline passengers. At least one member of the task force shall have detailed knowledge of the congressional budgetary process.

(3) HEARINGS AND CONSULTATION.—

(a) HEARINGS.—The task force shall take such testimony and solicit and receive such comments from the public and other interested parties as it considers appropriate, shall conduct 2 public hearings after affording adequate notice to the public thereof, and is authorized to conduct such additional hearings as may be necessary.

(B) CONSULTATION.—The task force shall consult on a regular and frequent basis with the Secretary of Transportation, the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

(C) FACA NOT TO APPLY.—The task force shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(4) DUTIES.—

(A) REPORT TO SECRETARY.—

(i) IN GENERAL.—The task force shall submit a report setting forth a comprehensive analysis of the Administration's budgetary requirements through fiscal year 2002, based upon the independent assessment under subsection (a), that analyzes alternative financing and funding means for meeting the needs of the aviation system through the year 2002. The task force shall submit a preliminary report of that analysis to the Secretary not later than 6 months after the independent assessment is completed under subsection (a). The Secretary shall provide comments on the preliminary report to the task force within 30 days after receiving it. The task force shall issue a final report of such comprehensive analysis within 30 days after receiving the Secretary's comments on its preliminary report.

(i) CONTENTS.—The report submitted by the task force under clause (i)—

(I) shall consider the independent assessment under subsection (a);

(II) shall consider estimated cost savings, if any, resulting from the procurement and personnel reforms included in this Act or in sections 347 and 348 of Public Law 104–50, and additional financial initiatives;

(III) shall include specific recommendations to the Congress on how the Administration can reduce costs, raise additional revenue for the support of agency operations, and accelerate modernization efforts; and

(IV) shall include a draft bill containing the changes in law necessary to implement its recommendations.

(B) RECOMMENDATIONS.—The task force shall make such recommendations under subparagraph (A)(III) as the task force deems appropriate. Those recommendations may include—

(i) alternative financing and funding proposals, including linked financing proposals;

(ii) modifications to existing levels of Airports and Airways Trust Fund receipts and taxes for each type of tax;

(iii) establishment of a cost-based user fee system based on, but not limited to, criteria under subparagraph (F) and methods to ensure that costs are borne by users on a fair and equitable basis;

(iv) methods to ensure that funds collected from the aviation community are able to meet the needs of the agency;

(v) methods to ensure that funds collected from the aviation community and passengers are used to support the aviation system;

(vi) means of meeting the airport infrastructure needs for large, medium, and small airports; and

(vii) any other matter the task force deems appropriate to address the funding and needs of the Administration and the aviation system.

(C) ADDITIONAL RECOMMENDATIONS.—The task force report may also make recommendations concerning—

(i) means of improving productivity by expanding and accelerating the use of automation and other technology;

(ii) means of contracting out services consistent with this Act, other applicable law, and safety and national defense needs;

(iii) methods to accelerate air traffic control modernization and improvements in aviation safety and safety services;

(iv) the elimination of unneeded programs; and

(v) a limited innovative program based on funding mechanisms such as loan guarantees, financial partnerships with for-profit private sector entities, government-sponsored enterprises, and revolving loan funds, as a means of funding specific facilities and equipment projects, and to provide limited additional funding alternatives for airport capacity development.

(D) IMPACT ASSESSMENT FOR RECOMMENDATIONS.—For each recommendation contained in the task force's report, the report shall include a full analysis and assessment of the impact implementation of the recommendation would have on—

(i) safety;

(ii) administrative costs;

(iii) the congressional budget process;

(iv) the economics of the industry (including the proportionate share of all users);

(v) the ability of the Administration to utilize the sums collected; and

(vi) the funding needs of the Administration.

(E) TRUST FUND TAX RECOMMENDATIONS.—If the task force's report includes a recommendation that the existing Airport and Airways Trust Fund tax structure be modified, the report shall—

(i) state the specific rates for each group affected by the proposed modifications;

(ii) consider the impact such modifications shall have on specific users and the public (including passengers); and

(iii) state the basis for the recommendations.

(F) FEE SYSTEM RECOMMENDATIONS.—If the task force's report includes a recommendation that a fee system be established, including an air traffic control performance-based user fee system, the report shall consider—

(i) the impact such a recommendation would have on passengers, air fares (including low-fare, high frequency service), service, and competition;

(ii) existing contributions provided by individual air carriers toward funding the Administration and the air traffic control system through contributions to the Airport and Airways Trust Fund;

(iii) continuing the promotion of fair and competitive practices;

(iv) the unique circumstances associated with interisland air carrier service in Hawaii and rural air service in Alaska;

(v) the impact such a recommendation would have on service to small communities;

(vi) the impact such a recommendation would have on services provided by regional air carriers;

(vii) alternative methodologies for calculating fees so as to achieve a fair and reasonable distribution of costs of service among users;

(viii) the usefulness of phased-in approaches to implementing such a financing system;

(ix) means of assuring the provision of general fund contributions, as appropriate, toward the support of the Administration; and

(x) the provision of incentives to encourage greater efficiency in the provision of air traffic services by the Administration and greater efficiency in the use of air traffic services by aircraft operators.

(G) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the task force appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act') cost data associated with the acquisition and operation of air traffic service systems. Any member of the task force who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, United States Code, pertaining to unauthorized disclosure of such information.

(H) TRAVEL AND PER DIEM.—Each member of the task force shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(I) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the task force such staff, information, and administrative services and assistance as may reasonably be required to enable the task force to carry out its responsibilities under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(c) REPORT BY SECRETARY TO CONGRESS.—

(1) CONSIDERATION OF TASK FORCE'S PRELIMINARY REPORT.—Within 30 days after receiving the preliminary report of the task force under subsection (b), the Secretary, in consultation with the Secretary of the Treasury, shall furnish comments on that report to the task force.

(2) SECRETARY'S REPORT TO CONGRESS.—Within 30 days after receiving the final report of the task force and in no event more than 1 year after the date of enactment of this Act, the Secretary, after consulting the Secretary of the Treasury, shall submit a report, based upon the final report of the task force, containing the Secretary's recommendations for funding the needs of the aviation system through the year 2002 to the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate and the Committee on Transportation and Infrastructure and the Committee on Ways amd Means of the House of Representatives.

(3) CONTENTS.—The Secretary shall include in his report to the Congress under paragraph (2)—

(A) a copy of the final report of the task force; and

(B) a draft bill containing the changes in law necessary to implement the Secretary's recommendations.

(4) PUBLICATION.—The Secretary shall cause a copy of the reports to be printed in the Federal Register upon their submission to Congress.

(d) GAO AUDIT OF COST ALLOCATION.—The Comptroller General shall conduct an assessment of the manner in which costs for air traffic control services are allocated between the Administration and the Department of Defense. The Comptroller General shall report the results of the assessment, together with any recommendations the Comptroller General may have for reallocation of costs and for opportunities to increase the efficiency of air traffic control services provided by the Administration and by the Department of Defense, to the task force, the Administrator, the Secretary of Defense, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate not later than 120 days after the date of enactment of this Act.

SEC. 675. PROCEDURE FOR CONSIDERATION OF CERTAIN FUNDING PROPOSALS.

(a) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

"§ 48111. Funding proposals

"(a) INTRODUCTION AND REFERRAL.—Within 15 days (not counting any day on which either House is not in session) after a funding proposal is submitted to the House of Representatives and the Senate by the Secretary of Transportation under section 674(c) of the Air Traffic Management System Performance Improvement Act of 1996, an implementing bill with respect to such funding proposed shall be introduced in the House by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House; and shall be introduced in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. The implementing bill shall be referred by the Presiding Officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of two or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

"(b) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(1) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an implementing bill is referred shall report it, with or without recommendation, not later than the 45th calendar day of session after the date of its introduction. If any committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by a Member favoring the bill (but only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the Member offering the motion announces to the House his intention to do so and the form of the motion). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

"(2) CONSIDERATION OF IMPLEMENTING BILL.—After an implementing bill is reported or a committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. If reported and the report has been available for at least one calendar day, all points of order against the bill and against consideration of the bill are waived. If discharged, all points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed, shall be confined to the bill, and shall not exceed one hour equally divided and controlled by a proponent and an opponent of the bill. The bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order except an amendment that is relevant to aviation funding and the Federal Aviation Administration. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

"(3) APPEALS OF RULINGS.—Appeals from decision of the Chair regarding application of the rules of the House of Representatives to the procedure relating to an implementing bill shall be decided without debate.

"(4) CONSIDERATION OF MORE THAN ONE IMPLEMENTING BILL.—It shall not be in order to consider under this subsection more than one implementing bill under this section, except for consideration of a similar Senate bill (unless the House has already rejected an implementing bill) or more than one motion to discharge described in paragraph (1) with respect to an implementing bill.

"(c) CONSIDERATION IN THE SENATE.—

"(1) REFERRAL AND REPORTING.—An implementing bill introduced in the Senate shall be referred to the appropriate committee or committees. A committee to which an implementing bill has been referred shall report the bill not later than the 45th day of session following the date of introduction of that bill. If any committee fails to report the bill within that period, then it shall be in order to move to discharge the committee from further consideration of the bill under rule 17.4 of the Standing Rules of the Senate, and the bill shall be placed on the Calendar. A motion to discharge the committee from further consideration of an implementing bill under this paragraph shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to discharge was adopted or rejected, although subsequent motions to discharge may be made under this paragraph.

"(2) IMPLEMENTING BILL FROM HOUSE.—When the Senate receives from the House of Representatives an implementing bill, the bill shall not be referred to committee and shall be placed on the Calendar.

"(3) CONSIDERATION OF SINGLE IMPLEMENTING BILL.—After the Senate has proceeded to the consideration of an implementing bill under this subsection, then no other implementing bill originating in that same House shall be subject to the procedures set forth in this subsection.

"(4) AMENDMENTS.—No amendment to the bill is in order except an amendment that is relevant to aviation funding and the Federal Aviation Administration. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except for perfecting amendments.

"(5) MOTION NONDEBATABLE.—A motion to proceed to consideration of an implementing bill under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

"(6) LIMIT ON CONSIDERATION.—

"(A) After no more than 20 hours of consideration of an implementing bill, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or table.

"(B) The time for debate on the implementing bill shall be equally divided between the Majority Leader and the Minority Leader or their designees.

"(7) DEBATE OF AMENDMENTS.—Debate on any amendment to an implementing bill shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

"(8) NO MOTION TO RECOMMIT.—A motion to recommit an implementing bill shall not be in order.

"(9) DISPOSITION OF SENATE BILL.—If the Senate has read for the third time an implementing bill that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of an implementing bill for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate implementing bill, agree to the Senate amendment, and vote on final disposition of the House implementing bill, all without any intervening action or debate.

"(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on an implementing bill shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

"(d) CONSIDERATION IN CONFERENCE.—

"(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to an implementing bill passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

"(2) HOUSE CONSIDERATION.—Notwithstanding any other rule of the House of Representatives, it shall be in order to consider the report of a committee of conference relating to an implementing bill if such report has been available for one calendar day (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such a day) and the accompanying statement shall have been filed in the House.

"(3) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on an implementing bill shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

"(e) DEFINITIONS.—For purposes of this section—

"(1) IMPLEMENTING BILL.—The term 'implementing bill' means only a bill of either House of Congress which is introduced as provided in subsection (a) with respect to one or more Federal Aviation Administration funding proposals which contain changes in existing laws or new statutory authority required to implement such funding proposal or proposals.

"(2) FUNDING PROPOSAL.—The term 'funding proposal' means a proposal to provide interim or permanent funding for operations of the Federal Aviation Administration.

"(f) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of implementing bills described in subsection (d); and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

"48111. Funding proposals.".

SEC. 676. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—Chapter 453, as amended by section 654 of this title, is further amended by—

(1) redesignating section 45303 as section 45304; and

(2) by inserting after section 45302 the following:

"§ 45303. Administrative provisions

"(a) IN GENERAL.—

"(1) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this chapter for services performed, or materials furnished, by the Federal Aviation Administration (hereafter in this section referred to as 'Administration') are payable to the Administrator.

"(2) REFUNDS.—The Administrator may refund any fee paid by mistake or any amount paid in excess of that required.

"(3) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31 all fees and amounts collected by the Administration, except insurance premiums and other fees charged for the provision of insurance and deposited in the Aviation Insurance Revolving Fund and interest earned on investments of such Fund, and except amounts which on the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996 are required to be credited to the general fund of the Treasury (whether imposed under this section or not)—

"(A) shall be credited to a separate account established in the Treasury and made available for Administration activities as offsetting collections;

"(B) shall be available immediately for expenditure but only for congressionally authorized and intended purposes; and

"(C) shall remain available until expended.

"(4) ANNUAL BUDGET REPORT BY ADMINISTRATOR.—The Administrator shall, on the same day each year as the President submits the annual budget to the Congress, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

"(A) a list of fee collections by the Administration during the preceding fiscal year;

"(B) a list of activities by the Administration during the preceding fiscal year that were supported by fee expenditures and appropriations;

"(C) budget plans for significant programs, projects, and activities of the Administration, including out-year funding estimates;

"(D) any proposed disposition of surplus fees by the Administration; and

"(E) such other information as those committees consider necessary.

"(5) DEVELOPMENT OF COST ACCOUNTING SYSTEM.—The Administration shall develop a cost accounting system that adequately and accurately reflects the investments, operating and overhead costs, revenues, and other financial measurement and reporting aspects of its operations.

"(6) COMPENSATION TO CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Administration shall prescribe regulations to ensure that any air carrier required, pursuant to the Air Traffic Management System Performance Improvement Act of 1996 or any amendments made by that Act, to collect a fee imposed on another party by the Administrator may collect from such other party an additional uniform amount that the Administrator determines reflects the necessary and reasonable expenses (net of interest accruing to the carrier after collection and before remittance) incurred in collecting and handling the fee.

"(7) COST REDUCTION AND EFFICIENCY REPORT.—Prior to the submission of any proposal for establishment, implementation, or expansion of any fees or taxes imposed on the aviation industry, the Administrator shall prepare a report for submission to the Congress which includes—

"(A) a justification of the need for the proposed fees or taxes;

"(B) a statement of steps taken by the Administrator to reduce costs and improve efficiency within the Administration;

"(C) an analysis of the impact of any fee or tax increase on each sector of the aviation transportation industry; and

"(D) a comparative analysis of any decrease in tax amounts equal to the receipts from which are credited to the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 453 is amended by striking the item relating to section 45303 and inserting the following:

"45303. Administrative provisions.
"45304. Maximum fees for private person services.".

SEC. 677. ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FUND ACTIVITIES.

(a) IN GENERAL.—Part C of subtitle VII is amended by adding at the end the following new chapter:

"CHAPTER 482—ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FACILITIES

"Sec.
"48201. Advance appropriations.

"§ 48201. Advance appropriations

"(a) MULTIYEAR AUTHORIZATIONS.—Beginning with fiscal year 1998, any authorization of appropriations for an activity for which amounts are to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 shall provide funds for a period of not less than 3 fiscal years unless the activity for which appropriations are authorized is to be concluded before the end of that period.

"(b) MULTIYEAR APPROPRIATIONS.—Beginning with fiscal year 1998, amounts appropriated from the Airport and Airway Trust Fund shall be appropriated for periods of 3 fiscal years rather than annually.".

(c) CONFORMING AMENDMENT.—The analysis for subtitle VIII is amended by adding at the end the following new item:

"482. Advance appropriations for airport and airway trust facilities .... 48201.".

SEC. 678. RURAL AIR SERVICE SURVIVAL ACT.

(a) SHORT TITLE.—This section may be cited as the "Rural Air Service Survival Act".

(b) FINDINGS.—The Congress finds that—

(1) air service in rural areas is essential to a national transportation network;

(2) the rural air service infrastructure supports the safe operation of all air travel;

(3) rural air service creates economic benefits for all air carriers by making the national aviation system available to passengers from rural areas;

(4) rural air service has suffered since deregulation;

(5) the essential air service program under the Department of Transportation—

(A) provides essential airline access to rural and isolated rural communities throughout the Nation;

(B) is necessary for the economic growth and development of rural communities;

(C) is a critical component of the national transportation system of the United States; and

(D) has endured serious funding cuts in recent years; and

(6) a reliable source of funding must be established to maintain air service in rural areas and the essential air service program.

(c) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742 is amended to read as follows:

"§ 41742. Essential air service authorization

"(a) IN GENERAL.—Out of the amounts received by the Administration credited to the account established under section 45303(a)(3) or otherwise provided to the Administration, the sum of $50,000,000 is authorized and shall be made available immediately for obligation and expenditure to carry out the essential air service program under this subchapter for each fiscal year.

"(b) FUNDING FOR SMALL COMMUNITY AIR SERVICE.—Notwithstanding any other provision of law, moneys credited to the account established under section 45303(a), including the funds derived from fees imposed under the authority contained in section 45301(a), shall be used to carry out the essential air service program under this subchapter. Notwithstanding section 47114(g) of this title, any amounts from those fees that are not obligated or expended at the end of the fiscal year for the purpose of funding the essential air service program under this subchapter shall be made available to the Administration for use in improving rural air safety under subchapter I of chapter 471 of this title and shall be used exclusively for projects at rural airports under this subchapter.".

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by striking the item relating to section 41742 and inserting the following:

"41742. Essential air service authorization.".

(e) SECRETARY MAY REQUIRE MATCHING LOCAL FUNDS.—Section 41737 is amended by adding at the end thereof the following:

"(e) MATCHING FUNDS.—No earlier than 2 years after the effective date of section 679 of the Air Traffic Management System Performance Improvement Act of 1996, the Secretary may require an eligible agency, as defined in section 40117(a)(2) of this title, to provide matching funds of up to 10 percent for any payments it receives under this subchapter.".

(f) TRANSFER OF ESSENTIAL AIR SERVICE PROGRAM TO FAA.—The responsibility for administration of subchapter II of chapter 417 is transferred from the Secretary of Transportation to the Administrator.

TITLE VII—PILOT RECORDS

SEC. 701. SHORT TITLE.

This title may be cited as the "Pilot Records Improvement Act of 1996".

SEC. 702. EMPLOYMENT INVESTIGATIONS OF PILOT APPLICANTS.

(a) IN GENERAL.—Section 44936 is amended by adding at the end the following new subsection:

"(f) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

"(1) IN GENERAL.—Before hiring an individual as a pilot, an air carrier shall request and receive the following information:

"(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration (hereafter in this subsection referred to as the 'Administrator'), records pertaining to the individual that are maintained by the Administrator concerning—

"(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings; and

"(ii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

"(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual, or from the trustee in bankruptcy for such air carrier or person—

"(i) records pertaining to the individual that are maintained by an air carrier under regulations set forth in—

"(I) section 121.683 of title 14, Code of Federal Regulations;

"(II) paragraph (A) of section VI, appendix I, part 121 of such title;

"(III) paragraph (A) of section IV, appendix J, part 121 of such title;

"(IV) section 125.401 of such title; and

"(V) section 135.63(a)(4) of such title; and

"(ii) other records pertaining to the individual that are maintained by the air carrier or person concerning—

"(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

"(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

"(III) any release from employment or resignation, termination, or disqualification with respect to employment.

"(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(7), from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

"(2) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier making a request for records under paragraph (1)—

"(A) shall be required to obtain written consent to the release of those records from the individual that is the subject of the records requested; and

"(B) may, notwithstanding any other provision of law or agreement to the contrary, require the individual who is the subject of the records to request to execute a release from liability for any claim arising from the furnishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

"(3) 5-YEAR REPORTING PERIOD.—A person shall not furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information concerns a revocation or suspension of an airman certificate or motor vehicle license that is in effect on the date of the request.

"(4) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator shall maintain pilot records described in paragraph (1)(A) for a period of at least 5 years.

"(5) RECEIPT OF CONSENT; PROVISION OF INFORMATION.—A person shall not furnish a record in response to a request made under paragraph (1) without first obtaining a copy of the written consent of the individual who is the subject of the records requested. A person who receives a request for records under this paragraph shall furnish a copy of all of such requested records maintained by the person not later than 30 days after receiving the request.

"(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual who is the subject of the records—

"(A) written notice of the request and of the right of that individual to receive a copy of such records; and

"(B) a copy of such records, if requested by the individual.

"(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request under paragraph (1) or (6) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

"(8) STANDARD FORMS.—The Administrator shall promulgate—

"(A) standard forms that may be used by an air carrier to request records under paragraph (1); and

"(B) standard forms that may be used by an air carrier to—

"(i) obtain the written consent of the individual who is the subject of a request under paragraph (1); and

"(ii) inform the individual of—

"(I) the request; and

"(II) the individual right of that individual to receive a copy of any records furnished in response to the request.

"(9) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

"(10) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of law or agreement, an air carrier shall, upon written request from a pilot employed by such carrier, make available, within a reasonable time of the request, to the pilot for review, any and all employment records referred to in paragraph (1)(B) (i) or (ii) pertaining to the employment of the pilot.

"(11) PRIVACY PROTECTIONS.—An air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

"(12) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of the Pilot Records Improvement Act of 1996, and at least once every 3 years thereafter, the Administrator shall transmit to the Congress a statement that contains, taking into account recent developments in the aviation industry—

"(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be furnished under subparagraphs (A) and (B) of paragraph (1); or

"(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

"(13) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary—

"(A) to protect—

"(i) the personal privacy of any individual whose records are requested under paragraph (1); and

"(ii) the confidentiality of those records;

"(B) to preclude the further dissemination of records received under paragraph (1) by the person who requested those records; and

"(C) to ensure prompt compliance with any request made under paragraph (1).

"(g) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—

"(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who has applied for or is seeking a position with an air carrier as a pilot and who has signed a release from liability, as provided for under paragraph (2), against—

"(A) the air carrier requesting the records of that individual under subsection (a)(1);

"(B) a person who has complied with such request; or

"(C) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal or State law with respect to the furnishing or use of such records in accordance with subsection (a).

"(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (a).

"(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraph (1) and (2) shall not apply with respect to a person who furnishes information in response to a request made under subsection (f)(1), that—

"(A) the person knows is false; and

"(B) was maintained in violation of a criminal statute of the United States.".

(b) CONFORMING AMENDMENT.—Section 30305(b) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

"(7) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under paragraph (2) to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.".

(c) APPLICABILITY.—The amendments made by this section shall apply to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day after the date of enactment of this Act.

SEC. 703. STUDY OF MINIMUM STANDARDS FOR PILOT QUALIFICATIONS.

The Administrator shall appoint a task force consisting of appropriate representatives of the aviation industry to conduct a study directed toward the development of—

(1) standards and criteria for preemployment screening tests measuring the psychomotor coordination, general intellectual capacity, instrument and mechanical comprehension, and physical and mental fitness of an applicant for employment as a pilot by an air carrier; and

(2) standards and criteria for pilot training facilities to be licensed by the Administrator and which will assure that pilots trained at such facilities meet the preemployment screening standards and criteria described in paragraph (1).

TITLE VIII-ABOLITION OF BOARD OF REVIEW

SEC. 801. ABOLITION OF BOARD OF REVIEW AND RELATED AUTHORITY.

(a) ABOLITION OF BOARD OF REVIEW.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (formerly 49 U.S.C. App. 2456) is amended—

(1) by striking subsections (f) and (h);

(2) by redesignating subsection (g) as subsection (f); and

(3) by redesignating subsection (i) as subsection (g).

(b) CONFORMING AMENDMENTS.—

(1) RELATIONSHIP TO AND EFFECT OF OTHER LAWS.—Section 6009(b) of the Metropolitan Washington Airports Act of 1986 (formerly 49 U.S.C. App. 2458(b)) is amended by striking "or by reason of the authority" and all that follows through the end of the subsection and inserting a period.

(2) SEPARABILITY.—Section 6011 of the Metropolitan Washington Airports Act of 1986 (formerly 49 U.S.C. App. 2460) is amended by striking "Except as provided in section 6007(h), if" and inserting "If".

(c) PROTECTION OF CERTAIN ACTIONS.—Any action taken by the Airports Authority and submitted to the Board of Review pursuant to section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 before April 1, 1995, shall remain in effect and shall not be set aside solely by reason of a judicial order invalidating certain functions of the Board.

SEC. 802. SENSE OF THE SENATE.

It is the sense of the Senate that the Airports Authority—

(1) should not provide any reserved parking areas free of charge to Members of Congress, other Government officials, or diplomats at Washington National Airport or Washington Dulles International Airport; and

(2) should establish a parking policy for such airports that provides equal access to the public, and does not provide preferential parking privileges to Members of Congress, other Government officials, or diplomats.

SEC. 803. CONFORMING AMENDMENTS IN OTHER LAW.

Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority to the Board of Review or the provisions of law repealed under this title is hereby repealed.

SEC. 804. DEFINITIONS.

For purposes of this title—

(1) the terms "Airports Authority", "Washington National Airport", and "Washington Dulles International Airport" have the same meanings as in section 6004 of the Metropolitan Washington Airports Act of 1986; and

(2) the term "Board of Review" means the Board of Review of the Airports Authority.

SEC. 805. INCREASE IN NUMBER OF PRESIDENTIALLY APPOINTED MEMBERS OF BOARD.

(a) IN GENERAL.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (formerly 49 U.S.C. 2456(e)) is amended—

(1) by striking "11 members," in paragraph (1) and inserting "13 members,";

(2) by striking "one member" in paragraph (1)(D) and inserting "3 members"; and

(3) by striking "Seven" in paragraph (5) and inserting "Eight".

(b) STAGGERING TERMS FOR PRESIDENTIAL APPOINTEES.—Of the members first appointed by the President after the date of enactment of this Act—

(1) one shall be appointed for a term that expires simultaneously with the term of the member of the Metropolitan Washington Airports Authority board of directors serving on that date (or, if there is a vacancy in that office, the member appointed to fill the existing vacancy and the member to whom this paragraph applies shall be appointed for 2 years);

(2) one shall be appointed for a term ending 2 years after the term of the member (or members) to whom paragraph (1) applies expires; and

(3) one shall be appointed for a term ending 4 years after the term of the member (or members) to whom paragraph (1) applies expires.

SEC. 806. RECONSTITUTED BOARD TO FUNCTION WITHOUT INTERRUPTION.

Notwithstanding any provision of State law, including those provisions establishing, providing for the establishment of, or recognizing the Metropolitan Washington Airports Authority, and based upon the Federal interest in the continued functions of the Metropolitan Washington Airports (as defined in section 6004(4) of the Metropolitan Washington Airports Authority Act of 1986 (formerly 49 U.S.C. 2451(4)), the board of directors of such Authority, including any members appointed under the amendments made by section 805, shall continue to meet and act after the date of enactment of this Act until such time as necessary conforming changes in State law are made in the same manner as if those conforming changes had been enacted on the date of enactment of this Act.

SEC. 807. OPERATIONAL SLOTS AT NATIONAL AIRPORT.

Nothing in this title shall affect the number or distribution of operational slots at National Airport.

SEC. 808. AIRPORTS AUTHORITY SUPPORT OF BOARD.

Section 6005 of the Metropolitan Washington Airports Authority Act of 1986 (formerly 49 U.S.C. 2454) is amended by adding at the end thereof the following:

"(f) FEDERAL AGENCY OVERSIGHT.—The Airports Authority shall not be required—

"(1) to pay any person;

"(2) to provide office space or administrative support; or

"(3) to reimburse the Secretary of Transportation for expenses incurred,

for carrying out any Federal agency oversight responsibilities under this Act. Nothing in this subsection precludes the Airport Authority from providing services or expenses to any member of the Board of Directors.".

TITLE IX—AIRPORT REVENUE PROTECTION

SEC. 901. SHORT TITLE.

This title may be cited as the "Airport Revenue Protection Act of 1996".

SEC. 902. FINDINGS; PURPOSE.

(a) IN GENERAL.—The Congress finds that—

(1) section 47107 of title 49, United States Code, prohibits the diversion of certain revenue generated by a public airport as a condition of receiving a project grant;

(2) a grant recipient that uses airport revenue for purposes that are not airport related in a manner inconsistent with chapter 471 of title 49, United States Code, illegally diverts airport revenues;

(3) any diversion of airport revenues in violation of the condition referred to in paragraph (1) undermines the interest of the United States in promoting a strong national air transportation system that is responsive to the needs of airport users;

(4) the Secretary and the Administrator have not enforced airport revenue diversion rules adequately and must have additional regulatory tools to increase enforcement efforts; and

(5) sponsors who have been found to have illegally diverted airport revenues—

(A) have not reimbursed or made restitution to airports in a timely manner; and

(B) must be encouraged to do so.

(b) PURPOSE.—The purpose of this title is to ensure that airport users are not burdened with hidden taxation for unrelated municipal services and activities by—

(1) eliminating the ability of any State or political subdivision thereof that is a recipient of a project grant to divert airport revenues for purposes that are not related to an airport, in violation of section 47107 of title 49, United States Code;

(2) imposing financial reporting requirements that are designed to identify instances of illegal diversions referred to in paragraph (1);

(3) establishing a statute of limitations for airport revenue diversion actions;

(4) clarifying limitations on revenue diversion that are permitted under chapter 471 of title 49, United States Code; and

(5) establishing clear penalties and enforcement mechanisms for identifying and prosecuting airport revenue diversion.

SEC. 903. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) AIRPORT.—The term "airport" has the meaning provided that term in section 47102(2) of title 49, United States Code.

(3) PROJECT GRANT.—The term "project grant" has the meaning provided that term in section 47102(14) of title 49, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) SPONSOR.—The term "sponsor" has the meaning provided that term in section 47102(19) of title 49, United States Code.

SEC. 904. RESTRICTION ON USE OF AIRPORT REVENUES.

(a) IN GENERAL.—Subchapter I of chapter 471, as amended by section 201(a) of this Act, is further amended by adding at the end of subchapter I the following new section:

"§ 47133. Restriction on use of revenues

"(a) PROHIBITION.—Local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by an airport that is the subject of Federal assistance may not be expended for any purpose other than the capital or operating costs of—

"(1) the airport;

"(2) the local airport system; or

"(3) any other local facility that is owned or operated by the person or entity that owns or operates the airport that is directly and substantially related to the air transportation of passengers or property.

"(b) EXCEPTIONS.—Subsection (a) shall not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.".

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 471 is amended by adding at the end the following new item:

"47133. Restriction on use of revenues.".

SEC. 905. REGULATIONS; AUDITS AND ACCOUNTABILITY.

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following new subsections:

"(m) AUDIT CERTIFICATION.—

"(1) IN GENERAL.—The Secretary of Transportation (hereafter in this section referred to as the 'Secretary'), acting through the Administrator of the Federal Aviation Administration (hereafter in this section referred to as the 'Administrator'), shall promulgate regulations that require a recipient of a project grant (or any other recipient of Federal financial assistance that is provided for an airport) to include as part of an annual audit conducted under sections 7501 through 7505 of title 31, a review and opinion of the review concerning the funding activities with respect to an airport that is the subject of the project grant (or other Federal financial assistance) and the sponsors, owners, or operators (or other recipients) involved.

"(2) CONTENT OF REVIEW.—A review conducted under paragraph (1) shall provide reasonable assurances that funds paid or transferred to sponsors are paid or transferred in a manner consistent with the applicable requirements of this chapter and any other applicable provision of law (including regulations promulgated by the Secretary or the Administrator).

"(3) REQUIREMENTS FOR AUDIT REPORT.—The report submitted to the Secretary under this subsection shall include a specific determination and opinion regarding the appropriateness of the disposition of airport funds paid or transferred to a sponsor.

"(n) RECOVERY OF ILLEGALLY DIVERTED FUNDS.—

"(1) IN GENERAL.—Not later than 180 days after the issuance of an audit or any other report that identifies an illegal diversion of airport revenues (as determined under subsections (b) and (l) and section 47133), the Secretary, acting through the Administrator, shall—

"(A) review the audit or report;

"(B) perform appropriate factfinding; and

"(C) conduct a hearing and render a final determination concerning whether the illegal diversion of airport revenues asserted in the audit or report occurred.

"(2) NOTIFICATION.—Upon making such a finding, the Secretary, acting through the Administrator, shall provide written notification to the sponsor and the airport of—

"(A) the finding; and

"(B) the obligations of the sponsor to reimburse the airport involved under this paragraph.

"(3) ADMINISTRATIVE ACTION.—The Secretary may withhold any amount from funds that would otherwise be made available to the sponsor, including funds that would otherwise be made available to a State, municipality, or political subdivision thereof (including any multimodal transportation agency or transit authority of which the sponsor is a member entity) as part of an appointment or grant made available pursuant to this title, if the sponsor—

"(A) receives notification that the sponsor is required to reimburse an airport; and

"(B) has had an opportunity to reimburse the airport, but has failed to do so.

"(4) CIVIL ACTION.—If a sponsor fails to pay an amount specified under paragraph (3) during the 180-day period beginning on the date of notification and the Secretary is unable to withhold a sufficient amount under paragraph (3), the Secretary, acting through the Administrator, may initiate a civil action under which the sponsor shall be liable for civil penalty in an amount equal to the illegal diversion in question plus interest (as determined under subsection (o)).

"(5) DISPOSITION OF PENALTIES.—

"(A) AMOUNTS WITHHELD.—The Secretary or the Administrator shall transfer any amounts withheld under paragraph (3) to the Airport and Airway Trust Fund.

"(B) CIVIL PENALTIES.—With respect to any amount collected by a court in a civil actien under paragraph (4), the court shall cause to be transferred to the Airport and Airway Trust Fund any amount collected as a civil penalty under paragraph (4).

"(6) REIMBURSEMENT.—The Secretary, acting through the Administrator, shall, as soon as practicable after any amount is collected from a sponsor under paragraph (4), cause to be transferred from the Airport and Airway Trust Fund to an airport affected by a diversion that is the subject of a civil action under paragraph (4), reimbursement in an amount equal to the amount that has been collected from the sponsors under paragraph (4) (including any amount of interest calculated under subsection (o)).

"(7) STATUTE OF LIMITATION.—No person may bring an action for the recovery of funds illegally diverted in violation of this section (as determined under subsections (b) and (*l*)) or section 47133 after the date that is 6 years after the date on which the diversion occurred.

"(o) INTEREST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Administrator, shall charge a minimum annual rate of interest on the amount of any illegal diversion of revenues referred to in subsection (n) in an amount equal to the average investment interest rate for tax and loan accounts of the Department of the Treasury (as determined by the Secretary of the Treasury) for the applicable calendar year, rounded to the nearest whole percentage point.

"(2) ADJUSTMENT OF INTEREST RATES.—If, with respect to a calendar quarter, the average investment interest rate for tax and loan accounts of the Department of the Treasury exceeds the average investment interest rate for the immediately preceding calendar quarter, rounded to the nearest whole percentage point, the Secretary of the Treasury may adjust the interest rate charged under this subsection in a manner that reflects that change.

"(3) ACCRUAL.—Interest assessed under subsection (n) shall accrue from the date of the actual illegal diversion of revenues referred to in subsection (n).

"(4) DETERMINATION OF APPLICABLE RATE.—The applicable rate of interest charged under paragraph (1) shall—

"(A) be the rate in effect on the date on which interest begins to accrue under paragraph (3); and

"(B) remain at a rate fixed under subparagraph (A) during the duration of the indebtedness.

"(p) PAYMENT BY AIRPORT TO SPONSOR.—If, in the course of an audit or other review conducted under this section, the Secretary or the Administrator determines that an airport owes a sponsor funds as a result of activities conducted by the sponsor or expenditures by the sponsor for the benefit of the airport, interest on that amount shall be determined in the same manner as provided in paragraphs (1) through (4) of subsection (o), except that the amount of any interest assessed under this subsection shall be determined from the date on which the Secretary or the Administrator makes that determination.".

(b) REVISION OF POLICIES AND PROCEDURES; DEADLINES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Administrator, shall revise the policies and procedures established under section 47107(*l*) of title 49, United States Code, to take into account the amendments made to that section by this title.

(2) STATUTE OF LIMITATIONS.—Section 47107(*l*) is amended by adding at the end the following new paragraph:

"(5) STATUTE OF LIMITATIONS.—In addition to the statute of limitations specified in subsection (n)(7), with respect to project grants made under this chapter—

"(A) any request by a sponsor to any airport for additional payments for services conducted off of the airport or for reimbursement for capital contributions or operating expenses shall be filed not later than 6 years after the date on which the expense is incurred; and

"(B) any amount of airport funds that are used to make a payment or reimbursement as described in subparagraph (A) after the date specified in that subparagraph shall be considered to be an illegal diversion of airport revenues that is subject to subsection (n).".

SEC. 906. CONFORMING AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Section 9502 of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of subsection (b)(3);

(2) by striking the period at the end of subsection (b)(4) and inserting ", and"; and

(3) by adding at the end of subsection (b) the following:

"(5) amounts determined by the Secretary of the Treasury to be equivalent to the amounts of civil penalties collected under section 47107(n) of title 49, United States Code."; and

(4) in subsection (d), by adding at the end of subsection (d) the following:

"(4) TRANSFERS FROM THE AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN AIRPORTS.—The Secretary of the Treasury may transfer from the Airport and Airway Trust Fund to the Secretary of Transportation or the Administrator of the Federal Aviation Administration an amount to make a payment to an airport affected by a diversion that is the subject of an administrative action under paragraph (3) or a civil action under paragraph (4) of section 47107(n) of title 49, United States Code.".

CHAFEE (AND BAUCUS) AMENDMENT NO. 5361

Mr. CHAFEE (for himself and Mr. BAUCUS) proposed an amendment to the bill, S. 1994, supra; as follows:

On page 78, line 12, strike "and aircraft engine emissions,".

On page 78, line 19 through 24, strike all of paragraph (C) and insert the following:

(C) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

WARNER AMENDMENTS NOS. 5362–5363

Mr. WARNER proposed two amendments to the bill, S. 1994, supra; as follows:

AMENDMENT NO. 5362

On page 8, strike lines 14 through 17 and insert the following:

paragraph (D); and

(B) by striking subparagraph (F) and inserting the following:

"(F) for debt financing of a terminal development project that, on an annual basis, has a total number of enplanements that is less than or equal to 0.05 percent of the total enplanements in the United States if—

"(i) construction for the project commenced during the period beginning on November 6, 1988, and ending on November 4, 1990; and

"(ii) the eligible agency certifies that no other eligible airport project that affects airport safety, security, or capacity will be deferred as a result of the debt financing.".

AMENDMENT NO. 5363

On page 10, line 23, strike "(4)" and insert "(5)".

On page 11, line 4, strike "and';"

On page 11, between lines 4 and 5, insert the following:

"(4) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which, during that period, the number of passenger boardings was 20 percent or greater than the number of such boardings during the 12-month period preceding that period; and;".

SIMON (AND JEFFORDS) AMENDMENT NO. 5364

Mr. SIMON (for himself and Mr. JEFFORDS) proposed an amendment to the bill, S. 1994, supra; as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . PROVISIONS RELATING TO LIMITED SCOPE AUDIT.

(a) IN GENERAL.—Subparagraph (C) of section 103(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(C)) is amended by adding at the end the following new clause:

"(ii) If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic investigation by a State or Federal agency that holds assets or processes transactions of the employee pension benefit plan."

(b) CONFORMING AMENDMENTS.—

(1) Section 103(a)(3)(A) of such Act (29 U.S.C. 1023(a)(3)(A)) is amended by striking "subparagraph (C)" and inserting "subparagraph (C)(i)".

(2) Section 103(a)(3)(C) of such Act (29 U.S.C. 1023(a)(3)(C)) is amended by striking "(C) The" and inserting "(C)(i) In the case of an employee benefit plan other than an employee pension benefit plan, the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to opinions required under section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 for plan years beginning on or after January 1 of the calendar year following the date of the enactment of this Act.

THE COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

HATCH (AND OTHERS) AMENDMENT NO. 5365

Mr. MCCAIN (for Mr. HATCH, for himself, Mr. BIDEN, Mrs. FEINSTEIN, Mr. GRASSLEY, and Mr. WYDEN) proposed an amendment to the bill (S. 1965) to prevent the illegal manufacturing and use of methamphetamine; as follows:

On page 9, line 2, strike "or facilitate to manufacture" and insert "or to facilitate the manufacture of".

On page 10, line 8, strike "IMPORTATION REQUIREMENTS" and insert "IMPORTATION AND EXPORTATION REQUIREMENTS".

On page 11, line 9, strike the comma after "item".

On page 11, line 12, strike beginning with "For purposes" through line 21 and insert "For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.'.".

On page 14, line 24, strike "Iso safrole" and insert "Isosafrole".

On page 15, between lines 5 and 6, add the following:

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register of August 7, 1996 (61 FR 40981–40993) is null and void and of no force or effect.

On page 21, line 23, strike beginning with ", except that" through "transaction" on page 22, line 6, and insert ", except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in a single transaction".

On page 22, line 8, strike "abuse" and insert "offense".

On page 23, strike lines 1 through 14 and insert the following:

"(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

On page 24, line 12, strike "The" and insert the following: "Pursuant to subsection (d)(1), the".

On page 25, line 17, strike "effective date of this section" and insert "date of enactment of this Act".

On page 26, line 1, after "being" insert "widely".

On page 26, line 4, strike "in bulk" and insert "for distribution or sale".

On page 27, line 15, strike "effective date of this section" and insert "date of enactment of this Act".

On page 28, between lines 19 and 20, insert the following and redesignate the following paragraphs accordingly:

(3) SIGNIFICANT NUMBER OF INSTANCES.—

(A) IN GENERAL.—For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine or phenylpropanolamine, as defined in section 102(45) of the Controlled Substances Act, as added by section 401(b) of this Act, and sold at the retail level for the illicit manufacture of methamphetamine or amphetamine may not be used by the Attorney General as the basis for establishing the conditions under paragraph (1)(A)(ii) of this subsection, with respect to pseudoephedrine, and paragraph (2)(A)(ii) of this subsection, with respect to phenylpropanolamine.

(B) CONSIDERATIONS AND REPORT.—The Attorney General shall—

(i) in establishing a finding under paragraph (1)(A)(ii) or (2)(A)(ii) of this subsection, consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits as provided in such paragraph; and

(ii) upon establishing a finding, transmit a report to the Committees on the Judiciary in both, respectively, the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits.

On page 29, between lines 14 and 15, insert the following:

(f) COMBINATION EPHEDRINE PRODUCTS.—

(1) IN GENERAL.—For the purposes of this section, combination ephedrine products shall be treated the same as pseudoephedrine products, except that—

(A) a single transaction limit of 24 grams shall be effective as of the date of enactment of this Act and shall apply to sales of all combination ephedrine products, notwithstanding the form in which those products are packaged, made by retail distributors or distributors required to submit a report under section 310(b)(3) of the Controlled Substances Act (as added by section 402 of this Act);

(B) for regulated transactions for combination ephedrine products other than sales described in subparagraph (A), the transaction limit shall be—

(i) 1 kilogram of ephedrine base, effective on the date of enactment of this Act; or

(ii) a threshold other than the threshold described in clause (i), if established by the Attorney General not earlier than 1 year after the date of enactment of this Act; and

(C) the penalties provided in subsection (d)(1)(B) of this section shall take effect on the date of enactment of this Act for any individual or business that violates the single transaction limit of 24 grams for combination ephedrine products.

(2) DEFINITION.—For the purposes of this section, the term "combination ephedrine product" means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.

On page 29, line 15, strike "(f)" and insert "(g)".

On page 29, line 17, strike all beginning with "over-the-counter" through line 20 and insert "pseudoephedrine or phenylpropanolamine product prior to 12 months after the date of enactment of this Act, except that, on application of a manufacturer of a particular pseudoephedrine or phenylpropanolamine drug product, the Attorney General may, in her sole discretion, extend such effective date up to an additional six months.Notwithstanding any other provision of law, the decision of the Attorney General on such an application shall not be subject to judicial review."

On page 35, line 5, after "funds" insert "or appropriations".

KENNEDY (AND SIMON) AMENDMENT NO. 5366

Mr. MCCAIN (for Mr. KENNEDY, for himself and Mr. SIMON) proposed an amendment to the bill, S. 1965, supra; as follows:

Strike sections 301 and 302 and insert the following:

SEC. 301. PENALTY INCREASES FOR TRAFFICKING IN METHAMPHETAMINE.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide for increased penalties for unlawful manufacturing, importing, exporting, and trafficking of methamphetamine, and other similar offenses, including unlawful possession with intent to commit any of those offenses, and attempt and conspiracy to commit any of those offenses. The Commission shall submit to Congress explanations therefor and any additional policy recommendations for combating methamphetamine offenses.

(b) IN GENERAL.—In carrying out this section, the Commission shall ensure that the sentencing guidelines and policy statements for offenders convicted of offenses described in subsection (a) and any recommendations submitted under such subsection reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine, including—

(1) the rapidly growing incidence of methamphetamine abuse and the threat to public safety such abuse poses;

(2) the high risk of methamphetamine addiction;

(3) the increased risk of violence associated with methamphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of methamphetamine and precursor chemicals.

SEC. 302. ENHANCED PENALTIES FOR OFFENSES INVOLVING CERTAIN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical,".

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical,".

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—The United States Sentencing Commission shall, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority of that section had not expired, amend the sentencing guidelines to increase by at least two levels the offense level for offenses involving list I chemicals under—

(A) section 401(d) (1) and (2) of the Controlled Substances Act (21 U.S.C. 841(d) (1) and (2)); and

(B) section 1010(d) (1) and (3) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d) (1) and (3)).

(2) REQUIREMENT.—In carrying out this subsection, the Commission shall ensure that the offense levels for offenses referred to in paragraph (1) are calculated proportionally on the basis of the quantity of controlled substance that reasonably could have been manufactured in a clandestine setting using the quantity of the list I chemical possessed, distributed, imported, or exported.

On page 2, strike out the items relating to sections 301 and 302 and insert the following:

Sec. 301. Penalty increases for trafficking in methamphetamine.

Sec. 302. Enhanced penalties for offenses involving certain listed chemicals.

THE THRIFT SAVINGS INVESTMENT FUNDS ACT OF 1996

KERREY (AND PRYOR) AMENDMENT NO. 5367

Mr. MCCAIN (for Mr. KERREY, for himself and Mr. PRYOR) proposed an amendment to the bill (S. 1080) to amend chapter 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan; as follows:

On page 15, line 2 of the bill, change the ";" to an "," and add the following: "and by adding at the end of the paragraph the following sentence: 'Before a loan is issued, the Executive Director shall provide in writing the employee or Member with appropriate information concerning the cost of the loan relative to other sources of financing, as well as the lifetime cost of the loan, including the difference in interest rates between the funds offered by the Thrift Savings Fund, and any other effect of such loan on the employee's or Members's final account balance'."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources to review S. 1539, a bill to establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border; S. 1583, a bill to establish the Lower Eastern Shore American Heritage Area; S. 1785, a bill to establish in the Department of the Interior the Essex National Heritage Commission; and S. 1808, a bill to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation on Thursday, September 19, 1996 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC has been canceled.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Oversight and Investigations, Energy and Natural Resources Committee, to examine the NEPA decision making process in the federal land management agencies, including the role of the Council on Environmental Quality.

The hearing will take place Thursday, September 26, 1996 at 2:00 p.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet twice during the Tuesday, September 17, 1996 session of the Senate for the purpose of conducting a hearing on airport security and a hearing on computational biology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, September 17, 1996, for purposes of conducting a Full Committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the issue of U.S. Climate Change Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, September 17, 1996, at 9:15 a.m., for a hearing on S. 1794, Congressional, Presidential, and Judiciary Pension Forfeiture Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, September 17, 1996 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on economic development on Indian reservations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on The National Labor Relations Board, during the session of the Senate on Tuesday, September 17, 1996, at 10:00.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GORTON. The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the American Legion.

The hearing will be held on September 17, 1996, at 9:30 a.m., in room 334 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO LOWELL MOHLER

• Mr. BOND. Mr. President, I rise today to pay tribute to Lowell Mohler of Missouri, who is retiring after many decades of service to the Missouri Farm Bureau.

Lord Chesterfield, an English statesman in the 18th century advised citizens to "Be wiser than other people if you can, but do not tell them so." This advice has been practiced regularly by 20th century Missourian Lowell Mohler, from the halls of the University of Missouri to the State and Nation's Capitol, where he has advised farmers, professors, Governors, and Senators. Though Lowell's tenure at Farm Bureau was slightly more brief than the 20th century, his service on behalf of rural Americans has been immense. His approach is always warm, his counsel wise, his strategy practical, and his word true.

Lowell Mohler is truly representative of the Missouri Farm Bureau, an organization of members who are characterized by common sense, work hard, value initiative and character, and who love agriculture, family, God, and country—not necessarily in that order. He, like they, live by a more stringent self-imposed code of right and wrong which is an example for all to observe.

Lowell also has the typical nonmodern and unrealistic view of retirement. He said he is going to retire to spend more time extolling the virtues of the University of Missouri and to farm. He reminds me of the Missouri farmer who came out of retirement to farm and was asked if he was going to work full time. "No, just 6 days a week," the elderly farmer replied.

I hope that Lowell will now have some well-deserved time to spend with his terrific family, of which I know he is very proud. He and his wife, JoAnn, can grow asparagus and hornets and maybe catch some fish at their farm. They can invite large crowds of friends to backyard barbecues and leave the cleanup duties to the coyotes which come up from the river near his house and clean perfectly the remains.

Only Lowell could make the availability of coyotes useful. It must relate to his affinity with members of the media and politicians that he can appreciate coyotes. If he is so inclined, he can come to Mexico, Missouri and help me keep the deer away from my tree orchards. Maybe we can plant some walnut trees.

Lowell Mohler's career climbed heights he surely never expected, but has never lost sight of where he came from, or the conventions and needs of the ordinary women and men who live the life that makes this country great. His work made rural America better; he left his mark and he did it his way, the Farm Bureau way. He is and will be remembered as a great American example.

JoAnn, thank you on behalf of everyone for sharing Lowell with us. We return him to you with immense gratitude, and wish you both well as you enter this new chapter of your lives.•

STUDENT-SPONSOR PARTNERSHIP

• Mr. MOYNIHAN. Mr. President, Adlai E. Stevenson remarked of Eleanor Roosevelt that "She would rather light candles than curse the darkness." The same can be said of my dear friend, Peter M. Flanigan. I rise to call to the Senate's attention the Student-Sponsor Partnership, a program for troubled students that Mr. Flanigan started in 1986. Private donors help pay the tuition for New York City high school students whose backgrounds include poverty, poor grades, and discipline problems so that they may attend Catholic schools.

In 1984 Mr. Flanigan promised a class of sixth-graders that if they finished high school he would pay for their college education. It soon became clear that even this was insufficient incentive for many of the participants to complete high school, and Mr. Flanigan realized that a different approach was needed. He learned that Catholic schools had higher graduation rates, and so concluded that he would help students attend such schools by subsidizing their tuition. Mr. Flanigan also realized the importance of providing each student with a mentor to provide encouragement and counsel.

This program works; 75 percent of the participants graduate in 4 years, and 90 percent eventually go on to college. These are remarkable statistics for a group made up of troubled students. I congratulate Peter Flanigan for all his concern and efforts, and I ask unanimous consent that an article in the September 12 New York Times on the Student-Sponsor Partnership Program be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 12, 1996]

PRIVATE PROGRAM FOR TROUBLED STUDENTS ECHOES CATHOLIC SCHOOL PLAN

(By Mirta Ojito)

Two years ago, Sean Kendell Winn was the kind of student who is at the heart of the plan advocated this week by Mayor Rudolph W. Giuliani to send some public school students to Roman Catholic schools.

A Bronx student who would get into fights and end up suspended, Sean was accepted by a Catholic school in his first year of high school. Almost all expenses were paid by private donors.

"My life," Sean said yesterday, "is much nicer now."

Sean, now a 16-year-old junior at All Hallows High School with an 85 average, is a beneficiary of a 10-year-old private program, Student-Sponsor Partnership, which was created by Peter M. Flanigan, an investment banker.

The partnership, which has helped 825 students enrolled in 18 Catholic schools to graduate since 1986, bears striking similarities to a proposal recently made by the Roman Catholic Archdiocese of New York and, since Sunday, backed by the Mayor.

Under the Archdiocese's plan, Catholic schools would educate 1,000 of the city school system's worst students, providing both secular and religious instruction. Their tuition would be paid by private businesses.

After some board members cited Constitutional concerns about having school employees acting as admissions counselors for Roman Catholic schools, Schools Chancellor Rudy Crew said yesterday that the Board of Education would not compile lists of eligible students for the program advocated by Mr. Giuliani.

But the Chancellor's spokeswoman said that guidance counselors would continue to advise students to seek scholarships to private schools, and would release school records for students applying for scholarships. The public schools have been giving that help to Student-Sponsor Partnership for 10 years.

"We hope that what we are doing could serve as a blueprint for what the Mayor is proposing," said Mayree Clark, the chairwoman of the partnership's board, who is the director of global research at Morgan Stanley.

Ms. Clark said 75 percent of the program's students graduate in four years and 90 percent go on to college. Omar Antigua, a 20-year-old junior at Carnegie Mellon University in Pittsburgh, is one of them.

"They opened up so many doors for me, I couldn't even begin to count them," said Mr. Antigua, the third child of an unemployed immigrant who reared three boys by herself in a tough Bronx neighborhood. "Where I come from, I'm a rarity."

Mary Grace Eapen, the partnership's executive director, said the program works to make students feel special. "They want discipline, they want order," she said. "They want to have someone in their lives who expects great things from them, and we do."

Applicants learn of the program through their eighth-grade guidance counselors or community leaders, Ms. Eapen said. Once a student decides to apply, school counselors or teachers supply test scores, a list of the student's weaknesses and strengths and an analysis of why the student would probably not succeed were he or she to continue in the public school system.

"Counselors are very vigilant at spotting the kids that could benefit the most from our help," Ms. Eapen said. "They want what's best for their kids and they know we provide it."

Of the thousands of students who apply every year, several hundred are accepted. This year, 345 new students entered the program.

Although the partnership program is similar to the one advocated by the Mayor, it differs in two ways.

First, its eligibility requirements are broader: It considers poverty, poor grades and disciplinary problems as qualifications for entry, not simply whether a student has been identified as one of the school system's worst. Second, it provides mentors to guide students in addition to paying their tuitions.

The partnership has 1,030 students and but is short 150 mentors.

Sponsors pay at least $850 in tuition a year for four years. The rest of a student's tuition, which could be as high as $3,800 is paid by parents, who contribute $30 a month, and money raised from foundations and private businesses.

The idea for the partnership came about when Mr. Flanigan realized that it took more than the promise of a bright future to make students finish their education, Ms. Eapen said. More than a decade ago, he promised a class of sixth graders that if they finished high school, he would pay for their college education. Despite the incentive, many students dropped out of school.

The schools, he concluded, were failing the students. About the same time, Mr. Flanigan learned that Roman Catholic schools were more successful in keeping students in the classroom, so he shifted his focus and decided to encourage public school students to attend those private schools. To further increase the students' chances of success, he paired students with mentors.

The partnership tries to match sponsors with students based on shared interests or experiences, sometimes a difficult goal because most of the students are black or Latino while 88 percent of the sponsors are non-Hispanic whites.

But most of the time, despite cultural and economic differences, a bond is forged. It happened to Sean and his sponsor, James Jurney, a 26-year-old who went to boarding school, lives at Central Park West and works at Morgan Stanley. Their bond is theater. Sean wants to be an actor; Mr. Jurney is interested in television and films.

"We go to the theater." Mr. Jurney said, "we talk. He tells me about his girlfriends. I'm his big brother. He's a good kid."•

CONGRATULATIONS TO KELLY SERVICES

• Mr. ABRAHAM. Mr. President, I rise to congratulate Kelly Services on the occasion of its 50th anniversary. Founded on October 7, 1946, in Detroit, MI, by William Russell Kelly, Kelly Services blazed a trail in the office staffing industry. Built on a strong reputation of caring for its customers and employees, Kelly has grown into a Fortune 500 company. Today, Kelly provides the services of more than 675,000 employees annually to 200,000 customers. With more than 1,300 offices around the world Kelly is a major player in the office staffing industry.

Recognizing the changing needs of our economy, Kelly has branched out into legal services, full as well as partial office staffing, assisted living, and the research and development of software for testing and training products. Kelly's innovative training and testing programs have kept it at the head of its industry. The experience of this Michigan company shows that hard work and dedication to quality service and integrity pave the road to success.

Mr. President, I am proud that Kelly Services, based in Troy, MI, is part of the vibrant and growing business community in my State of Michigan. The quality and innovation shown by this aggressive enterprise under the leadership of President and Chief Executive Officer Terence E. Adderley have been an inspiration to all business people in my State. Through its contributions to area businesses it has improved life in the 37 Michigan communities in which it has branches, as well as the communities all over the world in which it conducts business.

Kelly Services has been celebrating its anniversary throughout this year. The company will host a major event at its headquarters in Troy on October 7. I would like to extend my best wishes to Kelly Services for a festive celebration and for another 50 years of superior success through superior service.•

EMPLOYMENT NON-DISCRIMINATION ACT

• Mr. DORGAN. Mr. President, I would like to take this opportunity to explain why I supported the Employment Nondiscrimination Act.

In an earlier vote, I supported the Defense of Marriage Act because I do not believe that we should change the definition of marriage that has made the family—a husband, wife, and children—the cornerstone of our society.

But the Employment Nondiscrimination Act is about a different issue. It is about whether discrimination in the workplace against homosexuals is permissible. I supported this bill because I do not believe we should tolerate discrimination of any type in the workplace.

The people of this Nation already have decided that it is unacceptable to discriminate against someone in the workplace just because of that person's race, gender, or religious beliefs. I just don't believe that one's sexual orientation is relevant to whether or not they can do a job, and it ought not be a permissible basis for discrimination.

This bill includes substantial protections and safeguards for employers. It includes exemptions for the Armed Forces, small businesses, religious institutions, and private membership clubs. Most important, the bill states clearly that it does not protect inappropriate or public sexual conduct by any employee, whether or not that employee is homosexual.

Some people have said that this legislation isn't necessary, that there is no discrimination against homosexuals in the workplace. I would like to give you just one example of why I think this legislation is needed: Ernest Dillon was a postal employee in Detroit, MI. He worked hard and everyone agreed he was good at his job. But that wasn't enough. When Ernest's coworkers found out he was homosexual, they repeatedly taunted him until one day, while he was on the job, they beat him unconscious. Their harassment continued unabated until he was forced out of his job, fearing for his life. Although he went to the courts for relief, there was nothing there to protect him.

It is time for our country to decide that we will not tolerate that kind of discrimination. This legislation does that. Nine States have already enacted legislation similar to this bill.

I have heard from many of my own constituents and from mayors, Governors, religious leaders, corporate CEO's, and others that, regardless of their views about homosexuality, they support this bill because they oppose discrimination in all its forms. I agree, and that is why I voted for this bill.•

THANKS TO PRODIGY SERVICE CORP.

• Mr. GREGG. Mr. President, I rise today to express my thanks to Prodigy Service Corp. for responding promptly to the letter sent out by 19 Senators and myself on August 1, 1996. In the letter, my colleagues and I urged Prodigy and several other Internet service providers and search engines to adopt company policies to block access to bomb-making information through their services.

Prodigy is the first of these companies to respond and I am pleased to announce that letter provides some hope in our efforts to curb the availability of bomb construction information on the Internet. This outstanding company has already begun to offer its customers free installment of the CyberPatrol access control software program, which blocks access to bomb-making information. This generous contribution to our Nation's safety and well-being is commendable.

While Prodigy's efforts help solve the problem of the wide availability of dangerous bomb construction information, the CyberPatrol program also demonstrates that blocking bomb-making instructions on the Internet is possible.

At this time, I ask that the Senate join me in urging other Internet service providers to adopt similar policies. I ask that Prodigy's response be printed in the RECORD.

The letter follows:

PRODIGY,
New York, NY, August 27, 1996.

Hon. JUDD GREGG,
U.S. Senate, Washington, DC.

DEAR SENATOR GREGG: Thank you for your letter of August 1, regarding bomb-making information on the Internet. We, too, are outraged by the cowardly, senseless acts of terrorism that have victimized so many innocent individuals and families. We are repulsed by the twisted minds of people who disseminate bomb-making information for reasons known only to them.

As you know, bomb-making information is available widely and publicly today through a large number of channels, including bookstores and libraries, and governmental attempts to restrict the availability of otherwise lawful information raise serious First Amendment concerns. Nevertheless, Prodigy tries to strike a responsible balance, providing a safe environment for users to openly exchange valuable information, while enabling them to insure they won't come in contact with inappropriate material.

Unlike other media, the online environment does offer an effective way for consumers to exercise control. Earlier this year, Prodigy began offering our members the CyberPatrol access control software program, which they can install on their family's personal computer at no extra charge (Prodigy picks up the cost of the program). This easy-to-use program automatically filters and blocks access to bomb-making information and other inappropriate content on the Internet.

Please feel free to contact me if you have any further questions.

Sincerely,

MARC JACOBSON,
Vice President and General Counsel.•

REPEAL OF SECTION 434 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

• Mr. MOYNIHAN. Mr. President, yesterday I introduced legislation to repeal section 434 of the recently enacted Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 434 provides that:

> Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service INS information regarding the immigration status, lawful or unlawful, of an alien in the United States.

This provision is ill-advised and threatens the public health and safety of residents of New York City because it conflicts with an executive order, issued by the major of New York in 1985, prohibiting city employees from reporting suspected illegal aliens to the Immigration and Naturalization Service unless the alien has been charged with a crime. The executive order, which is similar to local laws in other States and cities, was intended to ensure that fear of deportation does not deter illegal aliens from seeking emergency medical attention, reporting crimes, and so forth.

On September 8, 1995, during Senate consideration of H.R. 4, the Work Opportunity Act of 1995, Senators SANTORUM and NICKLES offered this provision as an amendment. The amendment was adopted by a vote of 91 to 6. The Senators who voted "no" were: Senators AKAKA, CAMPBELL, INOUYE, MOSELEY-BRAUN, MOYNIHAN, and SIMON.

Four of these six—Senators AKAKA, MOSELEY-BRAUN, SIMON, and the Senator from New York—were also among the 11 Democrats who voted against H.R. 4 when it passed the Senate on September 19, 1995. H.R. 4, of course, was later vetoed by President Clinton.

Last week, Mayor Rudolph W. Giuliani of New York announced that he and his staff had recently become aware of section 434 of the new welfare law, and planned to challenge it in court.

An alien who witnesses a crime should feel free to report it to the police without fear of being deported. Just as an alien ought to be able to get emergency medical attention without fear of deportation. Mr. President, section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 poses a serious threat to health and safety in New York City and elsewhere. It should be repealed.•

TRIBUTE TO ELECTROPAC'S 20TH ANNIVERSARY

• Mr. SMITH. Mr. President, I rise today to pay tribute to Electropac, a New Hampshire company, in honor of their 20th anniversary. On September 19th and 20th, a number of employees, individuals, and organizations will gather together at Electropac's corporate headquarters in Manchester, NH, to celebrate their 20th year of business. I would like to congratulate everyone who helped this technology company grow to become the success it is today. The dedication and hard work, as evidenced by the growth that Electropac has experienced over the years, is truly unparalleled.

Electropac is an independently owned, small to mid-sized company that specializes in manufacturing high-tech printed circuit boards for the computer, telecommunication, medical instrumentation, and military industries. The circuit boards they produce are state of the art, double sided, multilayered boards.

The Manchester office of Electropac has served as Electropac's corporate headquarters and center of manufacturing operations since 1980. In addition to being located in Manchester, Electropac has expanded with a prototype facility in Londonderry, and with circuit board companies in Montreal, Canada, and St. Catharines, Ontario. At these locations, Electropac employs over 400 people and brings in over $33 million in business. This is an enormous increase considering the company's founder and president, Raymond Boissoneau, established Electropac with only one employee and $1,000 in cash.

Electropac has been included on a regular basis as one of the top 50 and the top 75 privately owned companies in the State of New Hampshire. Just this past year, Electropac designed a program with the Manchester School of Technology that brings students into the company and allows Electropac to become their classroom, thus providing students with hands-on experience and training in high-tech manufacturing. Electropac supports a number of organizations throughout the State of New Hampshire including the N.H. Job Training Council, the Manchester Chamber of Commerce, the Made in New Hampshire Expo, the Merrimack Youth Association, and the Merrimack Rotary and Lions Clubs. Among numerous other awards, Raymond Boissoneau has received the New Hampshire High Technology Council's Entrepreneur of the Year Award. It is through his leadership and inspiration that has caused Electropac to rise to be the success that it is today. Raymond Boissoneau places the responsibility of the company with the employees, which adds great measure to the company's prosperity.

Electropac's success over the years can be attributed to a number of factors. One factor is the emphasis placed on the level of service and quality, rather than on quantity and growth. By maintaining several medium sized operations, Electropac diversifies itself, providing its customers with efficient and cost-effective service specialities. Flexibility is the key to their success in such a competitive market because they are able to adapt their products quickly to the technological growth of today's industry. Also, Electropac is the first manufacturer in the United States and only the second in the world to provide a beta site. A beta site essentially is a test site for outside companies. Electropac opens their manufacturing operations and allows various companies to test new technical products, that are not on the market yet, using all of Electropac's facilities and machinery.

Mr. President, I commend Electropac and its employees for their support of New Hampshire, and for their contributions as a whole to the industry of America. Electropac is an excellent example of a truly successful and dynamic New Hampshire company. Congratulations to Raymond Boissoneau and his dedicated employees who have made Electropac so competitive in today's technology industry. May you experience continued growth and success.•

CONGRATULATIONS TO JOSEPH J. FRANK

• Mr. BOND. Mr. President, today I congratulate my fellow Missourian, Joseph J. Frank, on his election as national commander of the American Legion, at the 78th national convention, on September 5, 1996.

I am very proud that the Legion, the Nation's largest veterans' organization, comprised of over 3 million members, will be represented by an individual with the kind of dedication, integrity, and commitment that has been Mr. Frank's hallmark.

My State is proud of our military heritage, and we revere native military leaders such as John J. Pershing, the first six star general since George Washington. Joe Frank, born and raised in St. Louis County, MO, has achieved another first: he's the first Missourian and first Vietnam veteran to command the American Legion. I am sure both of these firsts will bring new insights and perspectives to the post.

Mr. Frank served in Vietnam in 1968. He was wounded severely and continues to cope each day with the paralysis which resulted, but these wounds have not dampened his patriotism or his commitment to serving his fellow Americans. Immediately after recovering from the wounds he sustained in Vietnam, Mr. Frank founded the Crestwood Memorial American Legion Post 777, now the Joseph L. Frank Memorial Post 777, renamed in memory of his father. Since founding the post, Mr. Frank has gone on to serve as post commander, district commander, and state commander. He has also held several previous leadership positions on the national level, including national vice commander, chairman of the national economic commission, and chairman of the foreign relations commission.

But Joe Frank's service radiates well beyond the American Legion. He has dedicated himself to helping individuals with disabilities through his positions on the Executive Board of the President's Committee on Employment of People With Disabilities, and the Missouri Governor's Council on Disability. Mr. Frank has also been recognized by the White House for his service to the Selective Service System.

I am confident, Mr. President, that Joe Frank, from my own great State of Missouri, will serve his fellow veterans with dignity, vigor, and direction. He already has set forth part of his agenda, by identifying three priorities: increasing membership, protecting the U.S. flag from desecration, and improving and expanding health care to our veterans. Because of my own involvement in the area of veterans health care through my chairmanship of the Senate appropriations subcommittee with jurisdiction over veterans programs, I am especially delighted to recognize Mr. Frank's leadership in this area.

It is my honor to join with Mr. Frank's wife, Barbara, his family, many friends, and especially his fellow American Legion members in saluting Joseph J. Frank for providing inspiration and a source of pride for veterans, Missourians, and for all Americans.●

ELECTRONIC FREEDOM OF INFORMATION IMPROVEMENT ACT OF 1996

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 406, S. 1090.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1090) to amend section 552 of title 5, U.S. Code (commonly known as the Freedom of Information Act), to provide for public access to information in an electronic format, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Freedom of Information Improvement Act of 1996".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of the Freedom of Information Act is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies (subject to statutory exemptions) for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. PUBLIC INFORMATION AVAILABILITY.

Section 552(a)(1) of title 5, United States Code, is amended—

(1) in the matter before subparagraph (A) by inserting "including by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "Federal Register";

(2) by striking out "and" at the end of subparagraph (D);

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) a complete list of all statutes that the agency head or general counsel relies upon to authorize the agency to withhold information under subsection (b)(3) of this section, together with a specific description of the scope of the information covered; and".

SEC. 4. MATERIALS MADE AVAILABLE IN ELECTRONIC FORMAT AND INDEX OF RECORDS MADE AVAILABLE TO THE PUBLIC.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the matter before subparagraph (A) by inserting ", including, within 1 year after the date of the enactment of the Electronic Freedom of Information Improvement Act of 1996, by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "copying";

(2) in subparagraph (B) by striking out "and" after the semicolon;

(3) by adding after subparagraph (C) the following new subparagraphs:

"(D) an index of all major information systems containing agency records regardless of form or format unless such an index is provided as otherwise required by law;

"(E) a description of any new major information system with a statement of how such system shall enhance agency operations under this section;

"(F) an index of all records which are made available to any person under paragraph (3) of this subsection; and

"(G) copies of all records, regardless of form or format, which because of the nature of their subject matter, have become or are likely to become the subject of subsequent requests for substantially the same records under paragraph (3) of this subsection;";

(4) in the second sentence by striking out "or staff manual or instruction" and inserting in lieu thereof "staff manual, instruction, or index or copies of records, which are made available under paragraph (3) of this subsection"; and

(5) in the third sentence by inserting "and the extent of such deletion shall be indicated on the portion of the record which is made available or published at the place in the record where such deletion was made" after "explained fully in writing".

SEC. 5. HONORING FORMAT REQUESTS.

Section 552(a)(3) of title 5, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) inserting "(A) through (F)" after "under paragraphs (1) and (2)";

(3) striking out "(A) reasonably" and inserting in lieu thereof "(i) reasonably";

(4) striking out "(B)" and inserting in lieu thereof "(ii)"; and

(5) adding at the end thereof the following new subparagraphs:

"(B) An agency shall, as requested by any person, provide records in any form or format in which such records are maintained by that agency.

"(C) An agency shall make reasonable efforts to search for records in electronic form or format and provide records in the form or format requested by any person, including in an electronic form or format, even where such records are not usually maintained but are available in such form or format.".

SEC. 6. DELAYS.

(a) FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(viii) If at an agency's request, the Comptroller General determines that the agency annually

has either provided responsive documents or denied requests in substantial compliance with the requirements of paragraph (6)(A), one-half of the fees collected under this section shall be credited to the collecting agency and expended to offset the costs of complying with this section through staff development and acquisition of additional request processing resources. The remaining fees collected under this section shall be remitted to the Treasury as general funds or miscellaneous receipts.".

(b) DEMONSTRATION OF CIRCUMSTANCES FOR DELAY.—Section 552(a)(4)(E) of title 5, United States Code, is amended—

(1) by inserting "(i)" after "(E)"; and

(2) by adding at the end thereof the following new clause:

"(ii) Any agency not in compliance with the time limits set forth in this subsection shall demonstrate to a court that the delay is warranted under the circumstances set forth under paragraph (6) (B) or (C) of this subsection.".

(c) PERIOD FOR AGENCY DECISION TO COMPLY WITH REQUEST.—Section 552(a)(6)(A)(i) is amended by striking out "ten days" and inserting in lieu thereof "twenty days".

(d) AGENCY BACKLOGS.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting after the second sentence the following: "As used in this subparagraph, for requests submitted pursuant to paragraph (3) after the date of the enactment of the Electronic Freedom of Information Improvement Act of 1996, the term 'exceptional circumstances' means circumstances that are unforeseen and shall not include delays that result from a predictable workload, including any ongoing agency backlog, in the ordinary course of processing requests for records.".

(e) NOTIFICATION OF DENIAL.—The last sentence of section 552(a)(6)(C) of title 5, United States Code, is amended to read: "Any notification of any full or partial denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request and the total number of denied records and pages considered by the agency to have been responsive to the request.".

(f) MULTITRACK FIFO PROCESSING AND EXPEDITED ACCESS.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end thereof the following new subparagraphs:

"(D)(i) Each agency shall adopt a first-in, first-out (hereafter in this subparagraph referred to as FIFO) processing policy in determining the order in which requests are processed. The agency may establish separate processing tracks for simple and complex requests using FIFO processing within each track.

"(ii) For purposes of such a multitrack system—

"(I) a simple request shall be a request requiring 10 days or less to make a determination on whether to comply with such a request; and

"(II) a complex request shall be a request requiring more than 10 days to make a determination on whether to comply with such a request.

"(iii) A multitrack system shall not negate a claim of due diligence under subparagraph (C), if FIFO processing within each track is maintained and the agency can show that it has reasonably allocated resources to handle the processing for each track.

"(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing that upon receipt of a request for expedited access to records and a showing by the person making such request of a compelling need for expedited access to records, the agency determine within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such a request, whether to comply with such request. A request for records to which the agency has granted expedited access shall be processed as soon as practicable. A request for records to which the agency has denied expedited access shall be processed within the time limits under paragraph (6) of this subsection.

"(ii) A person whose request for expedited access has not been decided within 10 days of its receipt by the agency or has been denied shall be required to exhaust administrative remedies. A request for expedited access which has not been decided may be appealed to the head of the agency within 15 days (excepting Saturdays, Sundays, and legal public holidays) after its receipt by the agency. A request for expedited access that has been denied by the agency may be appealed to the head of the agency within 5 days (excepting Saturdays, Sundays, and legal public holidays) after the person making such request receives notice of the agency's denial. If an agency head has denied, affirmed a denial, or failed to respond to a timely appeal of a request for expedited access, a court which would have jurisdiction of an action under paragraph (4)(B) of this subsection may, upon complaint, require the agency to show cause why the request for expedited access should not be granted, except that such review shall be limited to the record before the agency.

"(iii) The burden of demonstrating a compelling need by a person making a request for expedited access may be met by a showing, which such person certifies under penalty of perjury to be true and correct to the best of such person's knowledge and belief, that failure to obtain the requested records within the timeframe for expedited access under this paragraph would—

"(I) threaten an individual's life or safety;

"(II) result in the loss of substantial due process rights and the information sought is not otherwise available in a timely fashion; or

"(III) affect public assessment of the nature and propriety of actual or alleged governmental actions that are the subject of widespread, contemporaneous media coverage.".

SEC. 7. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended by inserting before the period in the sentence following paragraph (9) the following: ", and the extent of such deletion shall be indicated on the released portion of the record at the place in the record where such deletion was made".

SEC. 8. DEFINITIONS.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section—

"(1) the term 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency;

"(2) the term 'record' means all books, papers, maps, photographs, machine-readable materials, or other information or documentary materials, regardless of physical form or characteristics, but does not include—

"(A) library and museum material acquired or received and preserved solely for reference or exhibition purposes;

"(B) extra copies of documents preserved solely for convenience of reference;

"(C) stocks of publications and of processed documents; or

"(D) computer software which is obtained by an agency under a licensing agreement prohibiting its replication or distribution; and

"(3) the term 'search' means a manual or automated review of agency records that is conducted for the purpose of locating those records which are responsive to a request under subsection (a)(3)(A) of this section.".

Mr. McCAIN. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The committee amendment was agreed to.

The bill (S. 1090), as amended, was deemed read the third time, and passed.

Mr. LEAHY. Mr. President: I am delighted that the Senate has today passed important amendments to the Freedom of Information Act that will bring this statute into the electronic age. Passage of these amendments are a tremendous way to mark the 30th anniversary of the Freedom of Information Act.

The FOIA has served the country well in maintaining the right of Americans to know what their government is doing—or not doing. As President Johnson said in 1966, when he signed the Freedom of Information Act into law:

> This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the Nation permits.

Just over the past few months, records released under the FOIA have revealed FAA actions against Valuejet before the May 11 crash in the Everglades, the government's treatment of South Vietnamese commandos who fought in a CIA-sponsored army in the early 1960's. the high salaries paid to independent counsels, the unsafe lead content of D.C. tap water, and the types of tax cases that the IRS recommends for criminal prosecution.

In the 30 years since the Freedom of Information Act became law, technology has dramatically altered the way government handles and stores information. Gone are the days when agency records were solely on paper stuffed into file cabinets. Instead, agencies depend on personal computers, computer databases and electronic storage media, such as CD-ROM's, to carry out their mission.

The time is long overdue to update this law to address new issues related to the increased use of computers by federal agencies. Computers are just as ubiquitous in Federal agency offices as in the private sector. We need to make clear that the FOIA is not just a right to know what's on paper law, but that it applies equally to electronic records.

That is why Senator BROWN, Senator KERRY, and I, with the strong support of many library, press, civil liberties, consumer and research groups, have pushed for passage of the Electronic FOIA bill. The Senate recognized the need to update the FOIA in the last Congress by passing an earlier version of this bill.

This legislation takes steps so that agencies use technology to make government more accessible and accountable to its citizens. Storing government information on computers should actually make it easier to provide public access to information in more meaningful formats. For example, people with sight or hearing impairments can use special computer programs to translate electronic information into braille or large print or synthetic speech output.

Electronic records also make it possible to provide dial-up access to any citizen who can use computer networks, such as the Internet. Those Americans living in the remotest rural area in Vermont, or in a distant State far from Federal agencies' public reading rooms here in Washington, DC, should be able to use computer networks to get direct access to the warehouse of unclassified information stored in government computer banks. The explosion of the Internet adds enormously to the need for clarification of the status of electronic government records under the FOIA and the significance of this legislation for citizen access. These amendments to the FOIA will encourage federal agencies to use the Internet to increase access to government records for all Americans.

Ensuring public access to electronic government records is not just important for broader citizen access. Information is a valuable commodity and the Federal Government is probably the largest single producer and repository of accurate information. This government information is a national resource that commercial companies pay for under the FOIA, add value to, and then sell—creating jobs and generating revenue in the process. It is important for our economy and for American competitiveness that fast, easy access to that resource in electronic form be available. The electronic FOIA bill would contribute to our information economy.

I would like to highlight some of what this bill would accomplish. First, it would require agencies to provide records in a requested format whenever possible.

Second, the bill would encourage agencies to increase on-line access to government records that agencies currently put in their public reading rooms. These records would include copies of records that are the subject of repeated FOIA requests.

Finally, the bill would address the biggest single complaint of people making FOIA requests: delays in getting a response. I understand that at the FBI, the delays can stretch to over four years. Because of these delays, writers, students and teachers and others working under time deadlines, have been frustrated in using FOIA to meet their research needs. Long delays in access can mean no access at all.

The current time limits in the FOIA are a joke. Few agencies actually respond to FOIA requests within the 10-day limit required in the law. Such routine failure to comply with the statutory time limits is bad for morale in the agencies and breeds contempt by citizens who expect government officials to abide by, not routinely break, the law.

I appreciate the budget and resource constraints under which agencies are operating. We have made every effort in this bill to make sure it works for both agencies and requestors. Some agencies, particularly those with huge backlogs of FOIA requests resulting in delays of up to four years for an agency response, are concerned that the bill removes backlogs as an automatic excuse to ignore the time limits. We should not give agencies an incentive to create backlogs. Agencies will have to show that they are taking steps to reduce their backlogs before they qualify for additional time to respond to a FOIA request.

While increased computer access to government records may necessitate an initial outlay of money and effort, as more information is made available on-line, the labor intensive task of physically searching and producing documents should be reduced. The net result should be increased efficiency in satisfying agency FOIA obligations, reduced paperwork burdens, reduced errors and better service to the public.

The Electronic FOIA bill should help agencies comply with the law's time limits by doubling the ten-day time limit to give agencies a more realistic time period for responding to FOIA requests, making more information available on-line, requiring the use of better record management techniques, such as multi-track processing, and providing expedited access to requestors who demonstrate a compelling need for a speedy response.

All these steps, and others in the bill, may not provide a total cure but should help reduce the endemic delay problems.

This has generally been a very partisan Congress. I commend members of the House Government Reform and Oversight Subcommittee on Government Management, Information and Technology, and, in particular, Chairman STEPHEN HORN, ranking member CAROLYN MALONEY, and Representatives RANDY TATE and COLLIN PETERSON, for rising above the partisan fray and moving this legislation in the House. They saw this bill for what it is: a good government issue, not a partisan one. We have worked diligently to sort out any differences in the House and Senate bills, and we can all be proud of the final product reflected in both the Substitute amendment to S. 1090 and the final version of the bill passed by the House.

Even as we have worked on this legislation, new issues about the coverage of the FOIA have surfaced. I refer specifically to the D.C. Court of Appeals case, decided on August 2, 1996, that the National Security Council is not an "agency" subject to the FOIA, despite the fact that the NSC has complied with the FOIA for years under both Republican and Democratic Presidents. Litigation on this matter continues and the case may now go to the U.S. Supreme Court. Clarification of which offices within the White House are "agencies" subject to the FOIA may be a matter requiring congressional attention in the next Congress.

As the Federal Government increasingly maintains its records in electronic form, we need to make sure that this information is available to citizens on the same basis as information in paper files. Doing so will fulfill the promise first made thirty years ago in the FOIA that citizens have a right to know and a right to see the records the government collects with their tax dollars.

I ask unanimous consent that a section-by-section analysis of that amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF SUBSTITUTE TO LEAHY-BROWN-KERRY ELECTRONIC FOIA IMPROVEMENT ACT (S. 1090)

Section 1. Short Title. The Act may be cited as the "Electronic Freedom of Information Act Amendments of 1996."

Section 2. Findings and Purposes. The findings make clear that Congress enacted the FOIA to require Federal agencies to make records available to the public through public inspection and upon the request of any person for any public or private use. The findings also acknowledge the increase in the government's use of computers and exhorts agencies to use new technology to enhance public access to government information.

The purposes of the bill include improving public access to government information and records, and reducing the delays in agencies' responses to requests for records under the Freedom of Information Act.

Section 3. Application of Requirements to Electronic Format Information. The bill would add a definition of "record" to the FOIA to address electronically stored information. There is little disagreement that the FOIA covers all government records, regardless of the form in which they are stored by the agency. The Department of Justice agrees that computer database records are agency records subject to the FOIA. See "Department of Justice Report on 'Electronic Record' Issues Under the Freedom of Information Act," S. Hrg. 102–1098, 102d Cong., 2d Sess. 33 (1992). The bill would define "record" to "include any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format."

Section 4. Information Made Available in Electronic Format and Indexation of Records. The Office of Management and Budget has directed agencies to use electronic media and formats, including public networks, to make government information more easily accessible and useful to the public. This bill will help effectuate this goal.

This section of the bill would require that materials, such as agency opinions and policy statements, which an agency must "make available for public inspection and copying," pursuant to Section 552(a)(2), and which are created on or after November 1, 1996, be made available by computer telecommunications, as well as in hard copy, within 1 year after the date of enactment. If an agency does not have the means established to make these materials available online, then the information should be made available in some other electronic form, e.g., CD-ROM or disc. The bill would thus treat (a)(2) materials in the same manner as it treats (a)(1) materials, which under the Government Printing Office Electronic Information Access Enhancement Act of 1993 ("GPO Access Act"), Pub. Law 103-40, are required, via the Federal Register, to be made available on-line.

This section would also increase the information made available under Section 552(a)(2). Specifically, agencies would be required to make available for public inspection and copying, in the same manner as other materials required to be made available under Section 552(a)(2), copies of records released in response to FOIA requests that the agency determines have been or will likely be the subject of additional requests. In addition, they would be required to make available a general index of these prior-released records. By December 31, 1999, this index should be made available by computer telecommunications. Since not all individuals have access to computer networks or are near agency public reading rooms, however, requesters would still be able to access previously-released FOIA records through the normal FOIA process.

As a practical matter, this would mean that copies of prior-released records on a popular topic, such as the assassinations of public figures, would subsequently be treated as (a)(2) materials, which are made available for public inspection and copying. This would help to reduce the number of multiple FOIA requests for the same records requiring separate agency responses. Likewise, the general index would assist requesters in determining which records have been the subject of prior FOIA requests. Since requests for prior-released records are more readily identified by the agency without the need for new searches, this index would assist agencies in complying with the FOIA time limits.

This section would make clear that to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes the index and copies of prior-released records.

Finally, this section would require, consistent with the "Computer Redaction" requirement in Section 9 of the bill, an agency to indicate the extent of any deletion from the prior-released records and, where technically feasible, to indicate the deletion at the place on the record where the deletion was made. Such indication need not be included when doing so would harm an interest protected by the exemption in subsection (b) under which the deletion was made.

Section 5. Honoring Form or Format Requests. Section 5 would require agencies to assist requesters by providing information in the form requested, including requests for the electronic form of records, if the agency is able to reproduce it in that form. This section would overrule *Dismukes* v. *Department of the Interior*, 603 F. Supp. 760, 763 (D.D.C. 1984), which held that an agency "has no obligation under the FOIA to accommodate plaintiff's preference [but] need only provide responsive, nonexempt information in a reasonably accessible form."

This section would also require agencies to make reasonable efforts to search for records that are maintained in electronic form or format, unless such search efforts would significantly interfere with the operation of the agency's automated information systems.

The bill defines "search" as a "review, manually or by automated means," of "agency records for the purpose of locating those records responsive to a request." Under the FOIA, an agency is not required to create documents that do not exist. Computer records located in a database rather than in a file cabinet may require the application of codes or some form of programming to retrieve the information. Under the definition of "search" in the bill, the search of computerized records would not amount to the creation of records. Otherwise, it would be virtually impossible to get records that are maintained completely in an electronic form, like computer database information, because some manipulation of the information likely would be necessary to search the records.

Section 6. Standard for Judicial Review. Section 6 would require a court to accord substantial weight to an agency's determination as to both the technical feasibility of redacting nonreleasable material at the place on the record where the deletion was made, under paragraphs (2)(C) and subsection (b), as amended by this Act, and the reproducibility of the requested form or format of records, under paragraph (3)(B), as amended by this Act. Such deference is warranted since an agency is familiar with the availability of technical resources within the agency to process, redact and reproduce records.

Section 7. Ensuring Timely Response to Requests. The bill addresses the single most frequent complaint about the operation of the FOIA, namely, agency delays in responding to FOIA requests by encouraging agencies to employ better records management systems.

Multitrack Processing.—An agency commitment to process requests on a first-come, first-served basis has been held to satisfy the requirement that an agency exercise due diligence in dealing with backlogs of FOIA requests. Processing requests solely on a FIFO basis, however, may result in lengthy delays for simple requested due to the prior receipt and processing of complex requests, and in increased agency backlogs. The bill would permit agencies to promulgate regulations implementing multitrack processing systems, and make clear that agencies should exercise due diligence within each track. Agencies would also be permitted to provide requesters with the opportunity to limit the scope of their requests in order to qualify for processing under a faster track.

Unusual Circumstances.—The FOIA currently permits an agency in "unusual circumstances" to extend for a maximum of 10 working days the statutory time limit for responding to a FOIA request, upon written notice to the requester setting forth the reason for such extension. The FOIA enumerates various reasons for such an extension, including the need to search for and collect requested records from multiple offices, the volume of records requested, and the need for consultation among components of an agency.

For unusually burdensome FOIA requests, an extra ten days still provides insufficient time for an agency to respond. The bill would provide a mechanism to deal with such requests, which an agency would not be able to process even with an extra ten days. For such requests, the bill would require an agency to inform the requester that the request cannot be processed within statutory time limits and provide an opportunity for the requester to limit the scope of the request so that it may be processed within statutory time limits, or arrange with the agency an agreed upon time frame for processing the request. In the event that the requester refuses to reasonably limit the request's scope or agree upon a time frame and then seeks judicial review, that refusal shall be considered as a factor in determining whether "exceptional circumstances" exist under subparagraph (6)(C).

Requesters should not be able to make multiple requests merely to avoid the procedures otherwise applicable in unusual circumstances. To avoid the potential problem of multiple requests for purely circumvention purposes, the bill would permit agencies to promulgate regulations to aggregate requests made by the same requester, or group of requesters acting in concert, if the agency reasonably believes that such requests actually constitute a single request, which would otherwise satisfy the unusual circumstances specified in subparagraph (6)(B)(iii) of the bill. The aggregated requests must involve clearly related matters. Agencies are directed not to aggregate multiple requests involving unrelated matters.

Exceptional Circumstances.—The FOIA provides that in "exceptional circumstances," a court may extend the statutory time limits for an agency to respond to a FOIA request, but does not specify what those circumstances are. The bill would clarify that routine, predictable agency backlogs for FOIA requests do not constitute exceptional circumstances for purposes of the Act, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests. This is consistent with the holding in *Open America* v. *Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976), where the court held that an unforeseen 3,000 percent increase in FOIA requests in one year, which created a massive backlog in an agency with insufficient resources to process those requests in a timely manner, can constitute "exceptional circumstances." Routine backlogs of requests for records under the FOIA should not give agencies an automatic excuse to ignore the time limits, since this provides a disincentive for agencies to clear up those backlogs. The bill also makes clear that those agencies with backlogs must make efforts to reduce that backlog before exceptional circumstances will be found to exist.

Section 8. Time Period for Agency Consideration of Requests. The bill contains provisions designed to address the needs of both agencies and requesters for more workable time periods for the processing of FOIA requests.

Expedited Access.—The bill would require agencies to promulgate regulations authorizing expedited access to requesters who demonstrate a "compelling need" for a speedy response. The agency would be required to make a determination whether or not to grant the request for expedited access within ten days and then notify the requester of the decision. The requester would bear the burden of showing that expedition is appropriate by certifying in a statement that the demonstration of compelling need is true and correct to the best of the requester's knowledge and belief. The bill would permit only limited judicial review based on the same record before the agency of the determination whether to grant expedited access. Moreover, federal courts will not have jurisdiction to review an agency's denial of an expedited access request if the agency has already provided a complete response to the request for records.

A "compelling need" warranting expedited access would be demonstrated by showing that failure to obtain the records within an expedited time frame would: (I) pose an imminent threat to an individual's life or physical safety; or, (II) "with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity." Agencies are also permitted to provide for expedited processing in other cases as they may determine.

Expansion of Agency Response Time.—To assist federal agencies in reducing their backlog of FOIA requests, the bill would double the time limit for an agency to respond to FOIA requests from ten days to twenty days. Attorney General Janet Reno has acknowledged the inability of most federal agencies to comply with the ten-day rule "as a serious problem" stemming principally from "too few resources in the face of too heavy a workload."

Estimation of Matter Denied.—The bill would require agencies when denying a FOIA request to make reasonable efforts to estimate the volume of any denied material and provide that estimate to the requester, unless doing so would harm an interest protected by an exemption pursuant to which the denial is made.

Section 9. Computer Redaction. The ease with which information on the computer may be redacted makes the determination of whether a few words or 30 pages have been withheld by an agency at times impossible. The bill would require agencies to indicate deletions of the released portion of the record and, where technically feasible, to indicate the deletion at the place on the record where the deletion was made, unless including that indication would harm an interest protected by an exemption pursuant to which the deletion is made.

Section 10. Report to the Congress. This section would add to the information an agency is already required to publish as part of its annual report. Specifically, agencies would be required to publish in its annual reports information regarding denials of requested records, appeals, a complete list of statutes upon which the agency relies to withhold information under Section 552(b)(3), which exempts information that is specifically exempted from disclosure by other statutes, the number of backlogged FOIA requests, the number of days taken to process requests, the amount of fees collected, and staff devoted to processing FOIA requests. The annual reports would be required to be made available to the public, including by computer telecommunications means. If an agency does not have the means established to make the report available on-line, then the report should be made available in some other electronic form. The Attorney General is required to make each report available at a single electronic access point, and advise certain Members of Congress that such reports are available.

The Attorney General and the Director of the Office of Management and Budget are required to develop reporting guidelines for the annual reports by October 1, 1997.

Section 11. Reference Materials and Guides. The bill would require agencies to make publicly available, upon request, reference material or a grade for requesting records or information from an agency. This guide would include an index and description of all major information systems of an agency, and a handbook for obtaining various types and categories of public information from an agency.

Section 12. Effective Date. To provide agencies time to implement new requirements under the Act, Sections 7 and 8 of the bill concerning multitrack and expedited processing, unusual and exceptional circumstances, the doubling of the statutory time period for responding to FOIA requests, and estimating the amount of material to which access is denied, will take effect 180 days after the date of enactment, and the remainder of the Act will become effective one year after the date of enactment.

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 566, S. 1965, which was introduced earlier by Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

A bill (S. 1965) to prevent the illegal manufacturing and use of methamphetamine.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, a number of us have spent countless hours trying to devise a plan to turn back the dreadful tide of methamphetamine abuse which is now beginning to flow westward across the United States, threatening to engulf both cities and rural areas.

We have now crafted such a plan, a bipartisan plan which meets those goals, we have introduced as S. 1965, the Comprehensive Methamphetamine Control Act of 1996.

I rise to ask my colleagues' support for this legislation and for the amendments to that bill that have allowed it to win near unanimous support.

Mr. President, we have all seen the recent alarming reports indicating that drug abuse has increased during the tenure of the Clinton administration.

Today, the Congress can take an important step to curb our nation's recent backsliding on the drug issue.

I am proud to point out that this is a bipartisan measure—I think this is how drug policy should be made—and I wish to thank all of our cosponsors: Senators BIDEN; GRASSLEY; FEINSTEIN; WYDEN; DASCHLE; DEWINE; SPECTER; D'AMATO; HARKIN; ASHCROFT; REID; KYL; FEINGOLD; and MCCAIN.

I wish to thank especially the ranking member of the Judiciary Committee, Mr. BIDEN, for his help in developing this legislation.

I can report to my colleagues in the Senate that the House Judiciary Committee is also at hard work on this issue—they have a markup scheduled for tomorrow—so I think it is very possible, indeed highly probable, that we will send a bill to the President before adjournment. That time cannot come soon enough.

Two weeks ago, I testified before the House Judiciary's Subcommittee on Crime, which held a hearing on the meth epidemic. I was encouraged at that hearing by the efforts of Chairman MCCOLLUM and Representatives HEINEMAN, SCHUMER and FAZIO, who are working with us to get a bill we can all endorse.

We developed this bill in close consultation with the Department of Justice and the Drug Enforcement Administration. Indeed, General McCaffrey, Director of the Office of National Drug Control Policy, has testified before the Judiciary Committee that he supports our legislation, so I am certain that the President will sign the bill once the House completes it work on this measure.

Frankly, it is time for this administration to show that the war against drugs is a top national priority. A responsibility of those in leadership positions is to give first attention to the most important problems and this is certainly one.

Mr. President, meth is a killer. We know that meth-related deaths are up dramatically from 151 in 1991 to 433 in 1994.

We know that methamphetamine-related hospital admissions are up about 300 percent in the last 5 years.

Seizures or illegal meth labs are up all over the country and even in my home State of Utah. Illicit lab seizures in Utah increased from 13 in 1994 to 56 in 1995. In 1996, there have already have been 40 meth lab seizures in my State.

Given this pernicious trend, the time to act is now. We must act in a comprehensive fashion and that is what this bill does.

S. 1965 increases the penalties for illegal manufacture and distribution of methamphetamine and its precursors chemicals. It also increases penalties for illegal possession of and trafficking in illicit methamphetamine.

In a careful balance, S. 1965 also reduces single transaction reporting requirements for sales of over-the-counter pseudoephedrine and phenylpropanolamine products to 24 grams. At the same time, our proposal creates a safe harbor for legitimate cough and cold products sold in blister packs at the retail level at quantities of up to 3 grams.

The Comprehensive Methamphetamine Control Act establishes new reporting requirements for firms selling these products through the mail, since law enforcement officials have found that mail order sales are a significant source of diversion.

I believe that education and research are key to efforts to stop drug abuse, and our bill contains a separate title which makes them a top priority.

The bill creates an interagency task force on the methamphetamine epidemic which will coordinate efforts across the Government. It requires that the Secretary of Health and Human Services develop a public health monitoring program, which will collect and disseminate data which can be used in policy development.

The bill also established a public-private-education program, an advisory panel of Federal, State and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals.

As I have said, Mr. President, this bill is the product of long and hard negotiations among many parties.

None of us are completely comfortable with every provision, but taken as a whole we are confident the bill will meet our common goal.

An important component of the bill we introduced, as well as the Clinton administration's proposal, were mandatory minimum sentences for meth dealers. The bill we pass today does not contain those "mandatory minimums," due to adoption of the Kennedy-Simon amendment.

From my perspective, the Kennedy-Simon language on sentencing will not be as effective as the mandatory minimums that were contained in the original version of the bill. My colleagues should note that this bill would not have passed without our accepting the Kennedy-Simon amendment. The sponsors of this amendment were rather clear in expressing their desire to keep this bill from passing by unanimous consent without the change embodied in their amendment. In the 105th Congress, it is my intention to pursue enactment of these penalties. In the interest of passing a bill in an expeditious fashion, I have reluctantly agreed to accept the Kennedy-Simon amendment.

Another troublesome aspect of the compromise is the manner in which combination ephedrine products are treated. In the bill we are about to adopt, such products are treated differently than pseudoephedrine or phenylpropanolamine products. The chief difference is that the combination ephedrine products are not permitted to take advantage of the 3 gram, blister pack rule that is afforded to pseudoephedrine and phenylpropanolamine products.

I do not know of, and understand that the Drug Enforcement Agency does not know of, any public policy justification for this difference in treatment of products. One possible—perhaps likely—result will be to decrease the public's legitimate access to these products. I think this is unfortunate, and I hope this provision can be revisited.

I would also like to comment on a few of the changes we made in the bill after its introduction. These changes are embodied in the Hatch-Biden-Wyden-Grassley-Feinstein technical correction amendment.

One such change, which I believe is a significant improvement, is to provide guidance of what evidence the Department of Justice may use in examining whether the safe harbor provisions that affect certain products—those products sold in blister packs in quantities of 3 grams or less—are being diverted. We have clarified that isolated or infrequent use, or use of small quantities of these products, cannot be used to close the 3 gram, blister pack safe harbor for pseudoephedrine and phenylpropanolamine products.

As we crack down on those who make and sell illegal drugs we must also balance the interests of the millions of our citizens who benefit from legitimate over-the-counter drug products. Only if there is solid evidence of systemic abuse of 3 gram, blister pack retail sales should any further steps be taken that would impede the ability of ordinary, law-abiding Americans to have access to safe and effective cold remedies upon which they have come to rely.

We must give the safe harbor provisions a fair test, and that is why the revised bill requires consultation with the Secretary of Health and Human Services and departmental reporting to Congress if the Justice Department believes the safe harbor should be breached.

Make no mistake about it, without the 3 gram, blister pack provision, many legitimate distributors of over-the-counter products would likely choose not to offer pseudoephedrine and phenylpropanolamine products. This is so because without this safe harbor language legitimate distributors of these over-the-counter products risk triggering the reporting and record keeping provisions and criminal sanctions that are attendant to regulated sales.

At the request of the DEA, we included two important provisions. One makes the effective date of the so-called "safe harbor" provision effective for products on the shelf one year after enactment. The original bill had an effective date for products initially introduced into interstate commerce prior to 9 months after the date of enactment.

The other provision allows the DEA to begin immediately upon enactment to collect data used to determine if the safe harbor provision should not be retained.

I would also like to comment on another critical provision of the Hatch-Biden-Wyden-Grassley-Feinstein amendment, which is that it takes the unusual step of legislatively overriding a regulation. This provision was made necessary due to the fact that, on August 7, 1996, the DEA promulgated a final rule with respect to certain pseudoephedrine products.

The DEA had been involved, almost daily, in the negotiations over the development of the bill prior to promulgation of this final rule. I take the unilateral action on the part of the DEA to issue that rule—without any notice to the relevant committees—to be unfortunate bureaucratic judgment or a snafu.

I have accepted the assurances of DEA Administrator Tom Constantine that this was an inadvertent error and that such failure to communicate, particularly when it could jeopardize good faith work toward a common goal, will not occur in the future.

As chairman of the Judiciary Committee, I plan to continue to work closely with the DEA and Department of Justice as we plan, implement, and oversee our Nation's battle against drug abuse. It is important that we work together.

Finally, as a result of testimony at the House hearing, we have added two provisions to the bill. One allows the effective date to be extended up to 6 months at the sole discretion of the administration. The second allows manufacturers to petition for reinstatement from the legal drug exemption; the Attorney General may grant such an exemption if she finds that the product is manufactured and distributed in a manner which prevents diversion.

On balance, I think that these provisions represent a reasonable compromise.

We have all strived to keep in mind our topmost goal: curbing methamphetamine abuse. The bill we are considering today meets that goal. It is comprehensive, it is tough, and it is much needed.

I hope that we will approve the amended version of S. 1965 quickly, so that the House may consider the measure, and we can move it swiftly downtown to the President for his signature.

Mr. BIDEN. Mr. President, the story of our failure to foresee—and prevent—the crack cocaine epidemic is one of the most significant public policy mistakes in modern history. Although warning signs of an outbreak flared over several years, few took action until it was too late.

We now face similar warning signs with another drug—methamphetamine. Without swift action now, history may repeat itself.

In July, Senator HATCH and I, along with Senators FEINSTEIN, FEINGOLD, DASCHLE, GRASSLEY, SPECTER, HARKIN, WYDEN, D'AMATO, KYL, REID, ASHCROFT, MCCAIN, and DEWINE introduced legislation to address this new emerging drug epidemic before it is too late.

Within the past few years the production and use of methamphetamine have risen dramatically. Newspaper and media reports over the past few months have highlighted these increases. I have been tracking this development and pushing legislation to increase Federal penalties and strengthen Federal laws against methamphetamine production, trafficking, and use since 1990.

And what I and others have found is alarming:

From 1991 through 1994 methamphetamine related emergency room episodes increased 256 percent—the increase from 1993 to 1994 alone was 75 percent—with more than 17,000 people overdosing and being brought to the emergency room because of methamphetamine.

A survey of high school seniors, which only measures the use of "ice"—a fraction of the methamphetamine market—found that in 1995 86,000 12th graders had used ice in the past year, 39,000 had used it in the past month, and 3,600 reported using ice daily. This same survey found that only 54 percent of high school seniors perceived great risk in trying ice—down from 62 percent in 1990. And 27 percent of these children said it would be easy for them to get ice if they wanted it.

The cause for concern over a methamphetamine epidemic is further fueled by drug-related violence—again something we saw during the crack era—that we can expect to flourish with methamphetamine as well. Putting the problem in perspective, drug experts claim that "ice surpasses PCP in inducing violent behavior."

In addition to the violence—both random and irrational—associated with methamphetamine users, there is also the enormous problem of violence among methamphetamine traffickers and the environmental and life-threatening conditions endemic in the clandestine labs where methamphetamine is produced.

The bill the Senate is considering addresses all of the dangers of methamphetamine and takes bold actions to stop this potential epidemic in its tracks. Specifically, the Hatch-Biden methamphetamine enforcement bill will take six major steps toward cracking down on methamphetamine production, trafficking, and use, particularly use by the most vulnerable population threatened by this drug—our young people.

First and foremost, we increase penalties for possessing and trafficking in methamphetamine.

Second, we crack down on methamphetamine producers and traffickers by increasing the penalties for the illicit possession and trafficking of the precursor chemicals and equipment used to manufacture methamphetamine.

Third, we increase the reporting requirements and restrictions on the legitimate sales of products containing these precursor chemicals in order to prevent their diversion, and we impose even greater requirements on all firms which sell these product by mail. This includes the use of civil penalties and injunctions to stop "legitimate" firms from recklessly providing precursor chemicals to methamphetamine manufacturers.

Fourth, we address the international nature of methamphetamine manufacture and trafficking by coordinating international enforcement efforts and strengthening provisions against the illegal importation of methamphetamine and precursor chemicals.

Fifth, we ensure that methamphetamine manufacturers who endanger the life on any individual or endanger the environment while making methamphetamine will receive enhanced prison sentences.

Finally, we require Federal, State, and local law enforcement and public health officials to stay ahead of any potential growth in the methamphetamine epidemic by creating national working groups on protecting the public from the dangers of methamphetamine production, trafficking, and abuse.

The Hatch-Biden bill addresses all of these needs with a fair balance between the needs of manufacturers and consumers of legitimate products which contain methamphetamine precursor chemicals and the need to protect the public by instituting harsh penalties for any and all methamphetamine-related activities.

This legislation is the crucial, comprehensive tool we need to stay ahead of the methamphetamine epidemic and to avoid the mistakes made during the early stages of the crack-cocaine explosion.

I want to thank Senator HATCH and my other colleagues who share my desire to move now on the problem of methamphetamine. I also want to thank the Clinton administration, which also was determined to act now on this issue and worked with us in developing several of the provisions in this bill.

I urge all my colleagues to join us in protecting our children and our society from the devastations of methamphetamine by supporting this vital legislation.

Mr. WYDEN. Mr. President, I rise as an original cosponsor of the Comprehensive Methamphetamine Control Act of 1996, S. 1965, to urge its swift enactment.

Today, the Senate is telling drug dealers that we aren't going to let methamphetamine become the crack of the 1990s. By passing the Comprehensive Methamphetamine Control Act, the Senate is taking decisive action to stem the tide of the methamphetamine epidemic that has sunk its claw into communities in Oregon and across the Nation.

I do not believe we are acting a moment too soon. Last year in Oregon, 52 deaths were tied to methamphetamine. By comparison, Oregon's Office of Alcohol and Drug Abuse Programs reported that there was only one meth-related death in 1991. Meth-related arrests are rising across my State: Over the last 5 years in Jackson County, meth-related violations rose 1,100 percent, while in Malheur County, meth-related arrests jumped 110 percent from 1993 to 1994. In Portland, police seizures of meth increased 145 percent from 1994 to 1995.

Since this bill was introduced in June, I have met with Oregonians from across the State who have told me about the need for a tough Federal response to the meth crisis. In Medford, I attended a Methamphetamine Awareness Conference, where law enforcement officials joined with public health experts and other social service providers to discuss the need for a comprehensive approach to the meth problem. In Portland, I convened a round table so law enforcement officials from across the State could focus on how Federal, State, and local law enforcement can come together to take on the methamphetamine crisis. Everywhere I go, the refrain is the same—the problem is growing, as is its grip on our communities.

The Comprehensive Methamphetamine Control Act will aid in turning the tide against the methamphetamine menace by giving law enforcement much needed new tools to combat this deadly drug.

The legislation goes after the source of the methamphetamine problem—the precursor chemicals, often found in legal, over-the-counter drug products, which are used to manufacture methamphetamine and its ugly cousin, amphetamine. While still allowing consumers access to many helpful and commonly used products containing the precursor chemicals, the bill will place significant restrictions on the bulk sale of the chemicals, both through the mail and over the counter. The legislation will also increase the penalties for the illegal possession and trafficking of the precursor chemicals and the equipment used to manufacture the controlled substances and will allow law enforcement increased flexibility to obtain injunctions to stop the illegal production and sale of precursor chemicals.

This legislation addresses the international trafficking in precursor chemicals by imposing a maximum 10-year penalty on the manufacture outside the United States of precursor chemicals with the intent to import the chemical into this country.

Back at home, the bill will increase penalties for those convicted of possessing and trafficking in methamphetamine. Penalties for methamphetamine trafficking have been too low for too long, and I hope the enhanced penalties will make drug dealers think twice before they peddle their poison. The bill will also ensure that methamphetamine manufacturers who put the life of any person at risk or endanger the environment will receive longer prison sentences.

Finally, I think that all our efforts at enforcing penalties against traffickers and users are going to be for naught unless we work to get at the root of the problem, which is the addiction to this deadly substance. I am pleased that this legislation will expand education, treatment and research activities related to methamphetamine.

While the Comprehensive Methamphetamine Control Act will make a difference in the battle against this deadly drug, there should be no doubt that we will all need to remain engaged so we can counter the challenges posed by the methamphetamine crisis and by other illegal drugs, which are eating away at our Nation's youth.

I commend the fine bipartisan effort that went into crafting this bill. My colleagues, led by Chairman HATCH and Senators BIDEN and FEINSTEIN, deserve praise for their commitment and cooperation on this matter. As we all seek to stamp out drug abuse in this country, I hope the partisan spirit that permeated this bill can be a harbinger of good things to come.

Mr. DASCHLE. Mr. President, I rise in support of this important and much-needed bill. Law enforcement officers in my state of South Dakota know firsthand the serious impact the use of methamphetamines or "meth" has had on the State. Easily made from legally available chemicals—indeed, instructions for manufacturing the drug can be found on the Internet—meth is relatively cheap because local manufacturing eliminates the need for illegal smuggling. Highly addictive and capable of producing sharp personality alterations, violent episodes, and brain damage in users, the drug imposes a tremendous cost on our communities, families and law enforcement resources.

Methamphetamines have been linked with several violent crimes in South Dakota. In the last year, a contract-killing and a murder-suicide were both attributable to use of this drug. The DEA has registered an increase in the percentage of arrests due to meth in South Dakota from around 20 percent of the total arrest rate to 70 percent. And users often harm themselves as well. From 1991 through 1994, emergency room episodes caused by use of this drug increased 256 percent nationwide.

This bill addresses this emerging drug epidemic by increasing Federal penalties and strengthening Federal laws against production, trafficking and use of methamphetamines; increasing penalties for illicit possession and trafficking of precursor chemicals and equipment used to make the drug; increasing reporting requirements and restrictions on legitimate sales of products containing these precursor chemicals to prevent their diversion to illegal use; and strengthening provisions against illegal importation of methamphetamine and precursor chemicals.

I urge my colleagues to provide needed tools to our law enforcement officers by joining the fight against this dangerous drug. We should and we must pass this bill.

Mr. FEINGOLD. Mr. President, I rise today in support of S. 1965, the Comprehensive Methamphetamine Control Act of 1996. I am pleased to join many of my colleagues from the Judiciary Committee, including Chairman HATCH and the ranking member, Senator BIDEN, as a cosponsor of this legislation.

This bill is an important step in attempting to halt the spread of methamphetamine across this Nation. Methamphetamine is a dangerous synthetic drug which stimulates the central nervous system and can lead to such unfortunate consequences, as death, violent and uncontrollable behavior and severe depression. Methamphetamine is similar to another synthetic drug which appeared in my home State of Wisconsin in the recent past, methcathinone or cat as it is commonly known. Thankfully, through the hard work of law enforcement, both Federal and local, throughout the upper Midwest, it appears that methcathinone remains a relatively isolated problem. In contrast, however, the use of methamphetamine appears to be spreading.

While use of methamphetamine creates responses similar to that of crack cocaine, reactions to methamphetamine have been far more severe and longer in duration than those of crack or cocaine. Furthermore, in recent years the purity of this drug has increased, thus enhancing the potential for violent reactions among its users. The consequences of this are serious, not only for the user, but for society as well. Drug abuse can often lead to crime or violent behavior, possibilities which may be amplified when methamphetamine is involved. A recent national conference of Federal, State and local law enforcement indicated that law enforcement must become prepared to deal with more violent offenders who have abused methamphetamine.

The re-emergence of this drug can be traced to the early 1990's when Mexican drug traffickers began to increase their production and importation of methamphetamine in the United States. Although originally produced primarily in Mexico, the clandestine labs which generate methamphetamine have begun to appear in this nation. Initially, the devastating presence of this drug was largely restricted to the Western United States, predominately in California and Arizona. For the period of 1991 through 1994, methamphetamine related deaths increased by 176 percent for the cities of Los Angeles, Phoenix, San Diego, and San Francisco. In the city of Phoenix the number of methamphetamine related emergency room incidents increased by 370 percent for that same 4-year period. Nationwide, the number of emergency room incidents increased 350 percent from 1991 to 1994. While originally restricted to the western part of the United States, it appears that the drug has begun an eastward migration to parts of the Midwest. Mr. President, there can be no doubt that the consequences of using this drug are serious. We must take steps to address this growing problem and this legislation does just that.

S. 1965 includes provisions to strengthen and enhance penalties for the trafficking of methamphetamine. It increases penalties for the illegal possession and trafficking of precursor chemicals, those chemicals which are used to produce this deadly drug. The bill increases penalties for the illegal manufacture and possession of equipment used to construct the clandestine labs which generate methamphetamine and other controlled substances. Another troubling facet of this drug, which this bill addresses, is that the labs which produce this drug often pour volatile and lethal chemicals into the environment. This bill increases the penalties for those individuals who endanger the lives of innocent people and law enforcement as well as threaten the environment by operating these labs.

Because many of the components of methamphetamine are products which are otherwise legally available, the bill tightens restrictions on the sale and importation of the precursor chemicals used by methamphetamine traffickers. It enhances reporting requirements for pseudoephedrine or phenylpropanolamine, both important components in the production of methamphetamine. In short, Mr. President, in addition to punishing those individuals who market in this deadly drug, the bill addresses the important issue of regulating precursor chemicals which are essential to drug traffickers. Finally Mr. President, this legislation establishes an interagency task force to visit the growing problem of methamphetamine abuse and develop and implement a national strategy of education, prevention, and treatment. Further, the Secretary of Health and Human Services is charged with monitoring the level of methamphetamine abuse in the United States in order to assist public health officials in developing responses to this problem.

Clearly, Mr. President, the problems of drug which confront this Nation are complex and challenging. It will require a long-term commitment by all of us. We must coordinate law enforcement and tough sanctions with effective and adequately funded education, prevention and treatment initiatives. This legislation is clearly just one portion of what must be a larger approach to the issue of drug abuse, but it is, in my opinion, an important and necessary step in addressing the consequences of methamphetamine. I want to again thank the Senator from Delaware, Senator BIDEN, and Senator HATCH for their leadership on this bill. I am proud to join them in this effort and pleased that the Senate has chosen to adopt this important legislation.

Mr. HARKIN. Mr. President, as an original cosponsor of the Comprehensive Methamphetamine Control Act, I am pleased that the Senate is acting quickly to take this important step in our fight against drugs. Meth is destroying lives, families, and communities across Iowa and across the country. Just last week Des Moines police reported that marijuana use in the city is on the rise and that the increase is being driven by the popularity of methamphetamine. For Iowa, and many other States, this bill passage of this legislation can't come fast enough.

As Iowa's new drug of choice, meth has left no part of our State untouched. In a word, meth is poison. This dangerous and popular drug is cheap and easy to access. In Iowa, the street price for one gram of meth is $100, similar to that of cocaine. However, unlike cocaine whose effects last about 20 minutes, one quarter of a gram of meth will last about 12 to 14 hours. A leading Iowa doctor referred to meth as "the most malignant, addictive drug known to mankind."

There is no doubt that the time for this legislation is now. Federal methamphetamine investigations have doubled and meth arrests have more than tripled over the past 2 years. The Division of Iowa Narcotics Enforcement reported a nearly 400 percent increase in meth seizures in a one year period. And in our largest city, Des Moines, meth seizures increased more than 4,000 percent.

The legislation we are passing today takes bold actions to help States like Iowa fight back. The Comprehensive Methamphetamine Enforcement Act stiffens penalties for the possession and trafficking of this deadly poison and cracks down on producers and traffickers by increasing penalties for the illicit possession of the chemicals and equipment used to manufacture methamphetamine. The bill increases restrictions and reporting requirements on companies who supply the ingredients for its production and creates national working groups comprised of public health officials and local law enforcement to develop strategies to continue to fight this budding epidemic.

Iowans have worked hard to cultivate a good quality of life. They have worked hard to make their communities a place to raise a family, a safe place, a decent place. But meth producers and dealers are peddling poison and wreaking havoc on small towns and communities across our State.

I appreciate the efforts of Senators HATCH and BIDEN, the chair and ranking member of the Senate Judiciary Committee and look forward to working with them to ensure this legislation gets to the President this year.

AMENDMENTS NOS. 5365 AND 5366, EN BLOC

Mr. McCAIN. I understand that there are two amendments at the desk, one submitted by Senator HATCH and one submitted by Senator KENNEDY.

I ask for their consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), proposes amendments numbered 5365 and 5366, en bloc.

The amendments (Nos. 5365 and 5366), en bloc, are as follows:

AMENDMENT NO. 5365

(Purpose: To make certain technical and conforming amendments)

On page 9, line 2, strike "or facilitate to manufacture" and insert "or to facilitate the manufacture of".

On page 10, line 8, strike "IMPORTATION REQUIREMENTS" and insert "IMPORTATION AND EXPORTATION REQUIREMENTS".

On page 11, line 9, strike the comma after "item".

On page 11, line 12, strike beginning with "For purposes" through line 21 and insert "For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.'.".

On page 14, line 24, strike "Iso safrole" and insert "Isosafrole".

On page 15, between lines 5 and 6, add the following:

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register of August 7, 1996 (61 FR 40981–40993) is null and void and of no force or effect.

On page 21, line 23, strike beginning with ", except that" through "transaction" on page 22, line 6, and insert ", except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in a single transaction".

On page 22, line 8, strike "abuse" and insert "offense".

On page 23, strike lines 1 through 14 and insert the following:

"(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

On page 24, line 12, strike "The" and insert the following: "Pursuant to subsection (d)(1), the".

On page 25, line 17, strike "effective date of this section" and insert "date of enactment of this Act".

On page 26, line 1, after "being" insert "widely".

On page 26, line 4, strike "in bulk" and insert "for distribution or sale".

On page 27, line 15, strike "effective date of this section" and insert "date of enactment of this Act".

On page 28, between lines 19 and 20, insert the following and redesignate the following paragraphs accordingly:

(3) SIGNIFICANT NUMBER OF INSTANCES.—

(A) IN GENERAL.—For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine or phenylpropanolamine, as defined in section 102(45) of the Controlled Substances Act, as added by section 401(b) of this Act, and sold at the retail level for the illicit manufacture of methamphetamine or amphetamine may not be used by the Attorney General as the basis for establishing the conditions under paragraph (1)(A)(ii) of this subsection, with respect to pseudoephedrine, and paragraph (2)(A)(ii) of this subsection, with respect to phenylpropanolamine.

(B) CONSIDERATIONS AND REPORT.—The Attorney General shall—

(i) in establishing a finding under paragraph (1)(A)(ii) or (2)(A)(ii) of this subsection, consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits as provided in such paragraph; and

(ii) upon establishing a finding, transmit a report to the Committees on the Judiciary in both, respectively, the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits.

On page 29, between lines 14 and 15, insert the following:

(f) COMBINATION EPHEDRINE PRODUCTS.—

(1) IN GENERAL.—For the purposes of this section, combination ephedrine products shall be treated the same as pseudoephedrine products, except that—

(A) a single transaction limit of 24 grams shall be effective as of the date of enactment of this Act and shall apply to sales of all combination ephedrine products, notwithstanding the form in which those products are packaged, made by retail distributors or distributors required to submit a report under section 310(b)(3) of the Controlled Substances Act (as added by section 402 of this Act);

(B) for regulated transactions for combination ephedrine products other than sales described in subparagraph (A), the transaction limit shall be—

(i) 1 kilogram of ephedrine base, effective on the date of enactment of this Act; or

(ii) a threshold other than the threshold described in clause (i), if established by the Attorney General not earlier than 1 year after the date of enactment of this Act; and

(C) the penalties provided in subsection (d)(1)(B) of this section shall take effect on the date of enactment of this Act for any individual or business that violates the single transaction limit of 24 grams for combination ephedrine products.

(2) DEFINITION.—For the purposes of this section, the term "combination ephedrine product" means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.

On page 29, line 15, strike "(f)" and insert "(g)".

On page 29, line 17, strike all beginning with "over-the-counter" through line 20 and insert "pseudoephedrine or phenylpropanolamine product prior to 12 months after the date of enactment of this Act, except that, on application of a manufacturer of a particular pseudoephedrine or phenylpropanolamine drug product, the Attorney General may, in her sole discretion, extend such effective date up to an additional six months. Notwithstanding any other provision of law, the decision of the Attorney General on such an application shall not be subject to judicial review."

On page 35, line 5, after "funds" insert "or appropriations".

AMENDMENT NO. 5366

(Purpose: To provide enhanced penalties for offenses involving certain listed chemicals)

Strike sections 301 and 302 and insert the following:

SEC. 301. PENALTY INCREASES FOR TRAFFICKING IN METHAMPHETAMINE.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide for increased penalties for unlawful manufacturing, importing, exporting, and trafficking of methamphetamine, and other similar offenses, including unlawful possession with intent to commit any of those offenses, and attempt and conspiracy to commit any of those offenses. The Commission shall submit to Congress explanations therefor and any additional policy recommendations for combating methamphetamine offenses.

(b) IN GENERAL.—In carrying out this section, the Commission shall ensure that the sentencing guidelines and policy statements for offenders convicted of offenses described in subsection (a) and any recommendations submitted under such subsection reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine, including—

(1) the rapidly growing incidence of methamphetamine abuse and the threat to public safety such abuse poses;

(2) the high risk of methamphetamine addiction;

(3) the increased risk of violence associated with methamphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of methamphetamine and precursor chemicals.

SEC. 302. ENHANCED PENALTIES FOR OFFENSES INVOLVING CERTAIN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical,".

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical,".

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—The United States Sentencing Commission shall, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority of that section had not expired, amend the sentencing guidelines to increase by at least two levels the offense level for offenses involving list I chemicals under—

(A) section 401(d) (1) and (2) of the Controlled Substances Act (21 U.S.C. 841(d) (1) and (2)); and

(B) section 1010(d) (1) and (3) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d) (1) and (3)).

(2) REQUIREMENT.—In carrying out this subsection, the Commission shall ensure that the offense levels for offenses referred to in paragraph (1) are calculated proportionally on the basis of the quantity of controlled substance that reasonably could have been manufactured in a clandestine setting using the quantity of the list I chemical possessed, distributed, imported, or exported.

On page 2, strike out the items relating to sections 301 and 302 and insert the following:

Sec. 301. Penalty increases for trafficking in methamphetamine.

Sec. 302. Enhanced penalties for offenses involving certain listed chemicals.

Mr. McCAIN. I ask unanimous consent that the amendments be considered read, and agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 5365 and 5366) en bloc were agreed to.

The bill (S. 1965), as amended, was deemed read a third time and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. GRASSLEY. Mr. President, today I am pleased to say that S. 1965—what we call the meth bill—has finally passed. I want to thank all Members for letting this important piece of legislation get through the Senate.

S. 1965, a bipartisan bill, takes aim at a rapidly growing problem in America and in Iowa—the abuse of methamphetamine, known on the street as "meth" or "crank."

I am from Iowa—a rural state which most people do not associate with rampant crime or drug use. But in Iowa today, meth use has increased dramatically. According to a report prepared by the Governor's Alliance on Substance Abuse, seizures of meth in Des Moines increased an astounding 4,000 percent from 1993 to 1994. I repeat: meth seizures in Des Moines increased by 4,000 percent. The increase statewide was 400 percent.

These numbers are scary, Mr. President.

And according to the Iowa Department of Public Health, 7.3 percent of Iowans seeking help from substance abuse treatment centers in 1995 cited meth as their primary addiction. That's up over 5 percent from 1994, when only 2.2 percent cited meth as their primary addition.

Why has meth become such a problem? I don't think anyone knows definitively, but experts have been able to identify some of the reasons.

Meth is cheap. A meth high lasts for a very, very long time, so you get more for your money. And perhaps most disturbingly, meth does not have the stigma associated with cocaine and crack. Kids know that crack is dangerous. But they haven't yet learned that meth is.

In Waterloo, Iowa, though, people are beginning to learn this sad and painful lesson. According to the New York Times, a 17-year-old Iowan who had been a good boy, descended into meth addiction. His behavior changed for the worse. Last October, this young man checked himself into the hospital because he believed that he had the flu. He died only days later because meth had so destroyed his immune system that he developed a form of meningitis. I'll never forget the words of this boy's mother: "He made some wrong decisions and this drug sucked him away." I wonder how many more young Americans are going to be "sucked away" before we get a handle on the meth problem.

Mr. President, what America is facing today with the explosion in meth use is nothing short of an epidemic. Meth is cheap and easily manufactured from commonly available chemicals. Today, the Senate is striking at the root of the problem: Chemical suppliers who sell chemicals to illegal meth labs. The harder it is for criminal chemists to get the raw material to make meth, the more difficult it will be to produce. This in turn will make it more expensive. And this will reduce consumption. And that will help keep our kids alive a little longer.

Importantly, this bill preserves the flexibility of States to enact their own laws to deal with the manufacture of meth. Some very powerful chemical companies have tried to weaken this bill by preempting the States. I think that is just wrong-headed and I am pleased that the Senate has rejected this effort.

Some of the chemical companies also tried to create so-called safe harbors so large that enormous bulk purchases of meth ingredients would never have to be reported to the DEA. That means criminals could go to the corner drugstore, purchase legal products like pseudoephedrine in large quantities and make poison with no one the wiser. And then that poison is sold to our kids.

While the Senate has had to make some compromises I wouldn't have wanted to make in a perfect world—like the blister-pack exception for pseudoephedrine—I think that this bill represents a major step forward.

This is a good, strong bill and I'm proud that it has passed.

Finally, Mr. President, I especially want to take my hat off to Senator FEINSTEIN for her work on this bill. More than any other Senator, DIANNE FEINSTEIN worked tirelessly to make sure that we could get the strongest possible meth bill. I just want the American people to know what a tremendous job she's done.

Mr. President, in the 1980's, we almost lost a generation to crack and powder cocaine. Let's not get that close to the edge again. I'm proud that the Senate today has stood up to the chemical companies, stood up to the drug dealers and passed this crucial piece of legislation.

AUTHORIZING THE CAPITOL GUIDE SERVICE TO ACCEPT VOLUNTARY SERVICES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2085 introduced earlier by Senators WARNER and FORD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2085) to authorize the Capitol Guide Service to accept voluntary services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2085) was deemed read a third time and passed, as follows:

S. 2085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by striking subsection (j) and inserting the following:

"(j)(1) Notwithstanding section 1342 of title 31, United States Code, the Capitol Guide Service is authorized to accept voluntary personal services.

"(2) No person shall be permitted to donate personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5, United States Code.

"(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5, United States Code.

"(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Capitol Guide Service.".

PRINTING OF THE REPORT OF THE COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from S. Con. Res. 67 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 67) to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 67) was agreed to, as follows:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document the report of the Commission on Protecting and Reducing Government Secrecy.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such number of copies as does not exceed a total production and printing cost of $45,000.

DISAPPROVAL OF THE RULE SUBMITTED BY THE HEALTH CARE FINANCING ADMINISTRATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Joint Resolution 60 introduced earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 60) to disapprove the rule submitted by the Health Care Financing Administration on August 30 relating to hospital reimbursement under the Medicare program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the joint resolution be deemed not passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 60) was deemed not passed.

CONDEMNING HUMAN RIGHTS ABUSES AND DENIALS OF RELIGIOUS LIBERTY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 71, submitted earlier today by Senator NICKLES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 71) condemning human rights abuses and denials of religious liberty to Christians around the world.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCAIN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the preamble is agreed to.

The concurrent resolution (S. Con. Res. 71) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 71

Whereas oppression and persecution of religious minorities around the world has emerged as one of the most compelling human rights issues of the day. In particular, the worldwide persecution and martyrdom of Christians persists at alarming levels. This is an affront to the international moral community and to all people of conscience.

Whereas in many places throughout the world, Christians are restricted in or forbidden from practicing their faith, victimized by a "religious apartheid" that subjects them to inhumane, humiliating treatment, and in certain cases are imprisoned, tortured, enslaved, or killed;

Whereas severe persecution of Christians is also occurring in such countries as Sudan, Cuba, Morocco, Saudi Arabia, China, Pakistan, North Korea, Egypt, Laos, Vietnam, and certain countries in the former Soviet Union, to name merely a few;

Whereas religious liberty is a universal right explicitly recognized in numerous international agreements, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas Pope John Paul II recently sounded a call against regimes that "practice discrimination against Jews, Christians, and other religious groups, going even so far as to refuse them the right to meet in private for prayer," declaring that "this is an intolerable and unjustifiable violation not only of all the norms of current international law, but of the most fundamental human freedom, that of practicing one's faith openly," stating that this is for human beings "their reason for living";

Whereas the National Association of Evangelicals in January 1996 issued a "Statement of Conscience and Call to Action," subsequently commended or endorsed by the Southern Baptist Convention, the Executive Council of the Episcopal Church, and the General Assembly of the Presbyterian Church, U.S.A. They pledged to end their "silence in the face of the suffering of all those persecuted for their religious faith" and "to do what is in our power to the end that the government of the United States will take appropriate action to combat the intolerable religious persecution now victimizing fellow believers and those of other faiths";

Whereas the World Evangelical Fellowship has declared September 29, 1996, and each annual last Sunday in September, as an international day of prayer on behalf of persecuted Christians. That day will be observed by numerous churches and human rights groups around the world;

Whereas the United States of America since its founding has been a harbor of refuge and freedom to worship for believers from John Winthrop to Roger Williams to William Penn, and a haven for the oppressed. To this day, the United States continues to guarantee freedom of worship in this country for people of all faiths;

Whereas as a part of its commitment to human rights around the world, in the past the United States has used its international leadership to vigorously take up the case of other persecuted religious minorities. Unfortunately, the United States has in many instances failed to raise forcefully the issue of anti-Christian persecution at international conventions and in bilateral relations with offending countries; now, therefore, be it

Resolved, That the Senate, the House of Representatives concurring—

(1) unequivocally condemns the egregious human rights abuses and denials of religious liberty to Christians around the world, and calls upon the responsible regimes to cease such abuses; and

(2) strongly recommends that the President expand and invigorate the United States' international advocacy on behalf of persecuted Christians, and initiate a thorough examination of all United States' policies that affect persecuted Christians; and

(3) encourages the President to proceed forward as expeditiously as possible in appointing a White House Special Advisor on religious persecution; and

(4) recognizes and applauds a day of prayer on Sunday, September 29, 1996, recognizing the plight of persecuted Christians worldwide.

THRIFT SAVINGS INVESTMENT FUNDS ACT OF 1996

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 412, S. 1080.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1080) to amend Chapter 84 of Title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

TITLE I—ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

SEC. 101. SHORT TITLE.

This title may be cited as the "Thrift Savings Investment Funds Act of 1996".

SEC. 102. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);";

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out "and" at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out "paragraph (7)(D)" in each place it appears and inserting in each such place "paragraph (8)(D)"; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end thereof the following new paragraph:

"(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D)."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out "and" at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

"(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

"(E) an International Stock Index Investment Fund as provided in paragraph (4)."; and

(B) by adding at the end thereof the following new paragraphs:

"(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

"(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

"(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

"(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

SEC. 103. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3)," and inserting in lieu thereof "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),".

SEC. 104. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act, and the Funds established under this title shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

TITLE II—THRIFT SAVINGS ACCOUNTS LIQUIDITY

SEC. 201. SHORT TITLE.

This title may be cited as the "Thrift Savings Plan Act of 1996".

SEC. 202. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS.

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out "An election, change of election, or modification (relating to the commencement date of a deferred annuity)" and inserting in lieu thereof "An election or change of election";

(ii) by inserting "or withdrawal" after "and a loan";

(iii) by inserting "and (h)" after "8433(g)";

(iv) by striking out "the election, change of election, or modification" and inserting in lieu thereof "the election or change of election"; and

(v) by inserting "or withdrawal" after "for such loan"; and

(B) in subparagraph (D)—

(i) by inserting "or withdrawals" after "of loans"; and

(ii) by inserting "or (h)" after "8433(g)"; and

(2) in paragraph (6)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

SEC. 203. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS.

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

"(1) an annuity;

"(2) a single payment;

"(3) 2 or more substantially equal payments to be made not less frequently than annually; or

"(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

"(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

"(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

"(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

"(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.";

(2) in subsection (d)—

(A) in paragraph (1) by striking out "Subject to paragraph (3)(A)" and inserting in lieu thereof "Subject to paragraph (3)";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out "(A)"; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or" and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out "February 1" and inserting in lieu thereof "April 1";

(B) in subparagraph (A)—

(i) by striking out "65" and inserting in lieu thereof "70½"; and

(ii) by inserting "or" after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)—

(A) in paragraph (1) by striking out "after December 31, 1987, and"; and

(B) by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(6) by adding after subsection (g) the following new subsection:

"(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon—

"(A) the employee or Member having attained age 59½; or

"(B) financial hardship.

"(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

"(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

"(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

"(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.".

(b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this title), with respect to an annuity which has not commenced before the implementation date of this title as provided by regulation by the Executive Director in accordance with section 207 of this title, shall be invalid.

SEC. 204. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS.

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out "may make an election under subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section" and inserting in lieu thereof "may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election"; and

(B) by adding at the end thereof "A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out "An election, change of election, or modification of the commencement date of a deferred annuity" and inserting in lieu thereof "An election or change of election"; and

(ii) by striking out "modification, or transfer" and inserting in lieu thereof "or transfer"; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out "modification,";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "or withdrawal" after "A loan";

(II) by inserting "and (h)" after "8433(g)"; and

(III) by inserting "or withdrawal" after "such loan";

(ii) in subparagraph (B) by inserting "or withdrawal" after "loan"; and

(iii) in subparagraph (C)—

(I) by inserting "or withdrawal" after "to a loan"; and

(II) by inserting "or withdrawal" after "for such loan"; and

(B) in paragraph (2)—

(i) by inserting "or withdrawal" after "loan"; and

(ii) by inserting "and (h)" after "8344(g)"; and

(4) in subsection (g)—

(A) by inserting "or withdrawals" after "loans"; and

(B) by inserting "and (h)" after "8344(g)".

SEC. 205. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY.

(a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(2) by striking out "unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

(b) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

(c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

SEC. 206. DEFINITION OF BASIC PAY.

(a) IN GENERAL.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out "except as provided in subchapter III of this chapter,".

(2) Section 8431 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out "8431,".

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out "section 8431 of title 5, United States Code,".

SEC. 207. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act and withdrawals and elections as provided under the amendments made by this title shall be made at the earliest practicable date as determined by the Executive Director in regulations.

AMENDMENT NO. 5367

Mr. McCAIN. I understand that there is an amendment submitted by Senators KERREY and PRYOR, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. KERREY, for himself and Mr. PRYOR, proposes an amendment numbered 5367.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 2 of the bill, change the ";" to an "," and add the following: "and by adding at the end of the paragraph the following sentence:

"'Before a loan is issued, the Executive Director shall provide in writing the employee or Member with appropriate information concerning the cost of the loan relative to other sources of financing, as well as the lifetime cost of the loan, including the difference in interest rates between the funds offered by the Thrift Savings Fund, and any other effect of such loan on the employee's or Members's final account balance.'"

Mr. McCAIN. I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill then be deemed read a third time, passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5367) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was deemed read the third time, and passed, as follows:

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

SEC. 101. SHORT TITLE.

This title may be cited as the "Thrift Savings Investment Funds Act of 1996".

SEC. 102. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);";

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out "and" at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out "paragraph (7)(D)" in each place it appears and inserting in each such place "paragraph (8)(D)"; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end thereof the following new paragraph:

"(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D)."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out "and" at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

"(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

"(E) an International Stock Index Investment Fund as provided in paragraph (4)."; and

(B) by adding at the end thereof the following new paragraphs:

"(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

"(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

"(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

"(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

SEC. 103. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3)," and inserting in lieu thereof "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),".

SEC. 104. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act, and the Funds established under this title shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

TITLE II—THRIFT SAVINGS ACCOUNTS LIQUIDITY

SEC. 201. SHORT TITLE.

This title may be cited as the "Thrift Savings Plan Act of 1996".

SEC. 202. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS.

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out "An election, change of election, or modification (relating to the commencement date of a deferred annuity)" and inserting in lieu thereof "An election or change of election";

(ii) by inserting "or withdrawal" after "and a loan";

(iii) by inserting "and (h)" after "8433(g)";

(iv) by striking out "the election, change of election, or modification" and inserting in lieu thereof "the election or change of election"; and

(v) by inserting "or withdrawal" after "for such loan"; and

(B) in subparagraph (D)—

(i) by inserting "or withdrawals" after "of loans"; and

(ii) by inserting "or (h)" after "8433(g)"; and

(2) in paragraph (6)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

SEC. 203. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS.

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

"(1) an annuity;

"(2) a single payment;

"(3) 2 or more substantially equal payments to be made not less frequently than annually; or

"(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

"(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

"(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

"(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

"(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.";

(2) in subsection (d)—

(A) in paragraph (1) by striking out "Subject to paragraph (3)(A)" and inserting in lieu thereof "Subject to paragraph (3)";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out "(A)"; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or" and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out "February 1" and inserting in lieu thereof "April 1";

(B) in subparagraph (A)—

(i) by striking out "65" and inserting in lieu thereof "70½"; and

(ii) by inserting "or" after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)—

(A) in paragraph (1) by striking out "after December 31, 1987, and", and by adding at the end of the paragraph the following sentence: "Before a loan is issued, the Executive Director shall provide in writing the employee or Member with appropriate information concerning the cost of the loan relative to other sources of financing, as well as the lifetime cost of the loan, including the difference in interest rates between the funds offered by the Thrift Savings Fund, and any other effect of such loan on the employee's or Member's final account balance."; and

(B) by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(6) by adding after subsection (g) the following new subsection:

"(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon—

"(A) the employee or Member having attained age 59½; or

"(B) financial hardship.

"(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

"(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

"(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

"(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.".

(b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this title), with respect to an annuity which has not commenced before the implementation date of this title as provided by regulation by the Executive Director in accordance with section 207 of this title, shall be invalid.

SEC. 204. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS.

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out "may make an election under subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section" and inserting in lieu thereof "may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election"; and

(B) by adding at the end thereof "A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out "An election, change of election, or modification of the commencement date of a deferred annuity" and inserting in lieu thereof "An election or change of election"; and

(ii) by striking out "modification, or transfer" and inserting in lieu thereof "or transfer"; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out "modification,";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "or withdrawal" after "A loan";

(II) by inserting "and (h)" after "8433(g)"; and

(III) by inserting "or withdrawal" after "such loan";

(ii) in subparagraph (B) by inserting "or withdrawal" after "loan"; and

(iii) in subparagraph (C)—

(I) by inserting "or withdrawal" after "to a loan"; and

(II) by inserting "or withdrawal" after "for such loan"; and

(B) in paragraph (2)—

(i) by inserting "or withdrawal" after "loan"; and

(ii) by inserting "and (h)" after "8344(g)"; and

(4) in subsection (g)—

(A) by inserting "or withdrawals" after "loans"; and

(B) by inserting "and (h)" after "8344(g)".

SEC. 205. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY.

(a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(2) by striking out "unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

(b) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

(c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

SEC. 206. DEFINITION OF BASIC PAY.

(a) IN GENERAL.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out "except as provided in subchapter III of this chapter,".

(2) Section 8431 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out "8431,".

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out "section 8431 of title 5, United States Code,".

SEC. 207. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act and withdrawals and elections as provided under the amendments made by this title shall be made at the earliest practicable date as determined by the Executive Director in regulations.

The title was amended so as to read:

A bill to amend chapters 83 and 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan, to permit employees to gain additional liquidity in their Thrift Savings Accounts, and for other purposes.

TECHNICAL CORRECTION IN THE ENROLLMENT OF H.R. 3060

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 211 which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 211) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3060.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCAIN. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 211) was agreed to.

ORDERS FOR WEDNESDAY, SEPTEMBER 18, 1996

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, September 18; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 11 a.m., with the first 45 minutes under the control of Senator HUTCHISON and the last 45 minutes under the control of Senator DASCHLE or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCAIN. On Wednesday, following morning business, the Senate will resume the FAA bill and the pending Chafee amendment. A vote is expected after a brief period of debate in relation to the Chafee amendment. Following the passage of the FAA bill, it will be the intention of the majority leader to turn to the Transportation appropriations conference report. Also, the Senate can be expected to turn to the Magnuson Fisheries Act under a previous unanimous consent agreement. Therefore, votes can be expected to occur after the hour of 11 a.m. on Wednesday and throughout the day.

Mr. President, I would like to inform my colleague from Kentucky, I did get a time agreement from Senator CHAFEE on his amendment. I forgot to mention it to him. And Senator CHAFEE said he would need 15 minutes. I told him that we would probably only need 5.

Is that agreeable to the Senator from Kentucky or will we need more?

Mr. FORD. I do not need any personally. There will be opposition to the Senator, and I have not gotten a time agreement on that. I am sure we can work out something equally divided here, but I am not in a position to agree.

Mr. McCAIN. I understand. I thank my colleague from Kentucky.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand adjourned until 9:30 a.m., September 18, 1996.

Thereupon, the Senate, at 9:35 p.m., adjourned until Wednesday, September 18, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 1996:

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

KAREN SHEPHERD, OF UTAH, TO BE U.S. DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE LEE F. JACKSON.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

LORRAINE WEISS FRANK, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002, VICE MARGARET P. DUCKETT, TERM EXPIRED.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002. (REAPPOINTMENT)

RONALD KENT BURTON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002. (REAPPOINTMENT)

HOUSE OF REPRESENTATIVES—*Tuesday, September 17, 1996*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. HANCOCK].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 17, 1996.

I hereby designate the Honorable MEL HANCOCK to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DELAY] for 5 minutes.

THE CHOICE THIS NOVEMBER

Mr. DELAY. Mr. Speaker, as the November elections edge ever closer, the American people will be presented with a historic choice: They can choose to move forward with commonsense change or they can fall back to the old ways of doing business in the Congress.

The Republican Congress has worked very hard to enact commonsense change. It has passed the first balanced budget in a generation, while cutting taxes for working families. It has cut wasteful Washington spending, passed historic health care reform, brought commonsense changes to our legal system, and reformed the welfare state.

We still have a lot of work to do. The President vetoed our balanced budget. He vetoed tax cuts for working families. And he has consistently pushed for more wasteful, Washington spending.

Democrats in Congress are leading the reaction against common sense. I respect many Members of this body for standing up for their liberal philosophy. For instance, the gentleman from New York [Mr. RANGEL], who is poised to become the chairman of the committee that oversees taxes in the Congress should the Democrats regain control of the House, has become the chief defender of the Internal Revenue Service. He says, and I quote: "We have the best and fairest tax collection system in the world."

In other words, if Democrats regain control of the Congress, we can just forget about tax relief for working families.

Liberals are also thinking of ways to cut defense spending to pay for social welfare programs. The gentleman from California, Mr. GEORGE MILLER, has asked and I quote: "Do we really have to be prepared to fight two wars simultaneously," rather than pay for social welfare spending?

In other words, if Democrats regain control, we can count on them to slash defense spending to pay for wasteful Washington spending.

It is no secret that Democrats in the Congress will repeal our efforts at tort reform. They will work with their friends, the trial lawyers, as they have over the years, to try to repeal tort reform. And according to the Washington Post, if the gentleman from Michigan, Mr. JOHN DINGELL, becomes chairman of the Committee on Commerce, he will, "reexamine GOP legislation capping awards in civil damage suits and limiting investor suits."

In other words, if Democrats get control of Congress again, we can just forget about any commonsense legal reform.

The Democrats in Congress are also making plans to repeal the welfare reform bill signed by the President, and they have not given up on the idea of having the Government take over our health care system. The Democrat agenda remains, as always, to put the Government first. They want more Government spending, more Government control, more Government influence over the lives of the American people.

Mr. Speaker, if the Democrats regain control of the Congress, they will reverse the great progress we made over the last 2 years to make the Federal Government work better for working Americans.

I urge my colleagues and the American people to take notice. When they vote this November, they have a choice of moving forward with an agenda of commonsense change or moving backward to the old days of higher taxes, more wasteful Washington spending, and a bigger, more intrusive Federal Government.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, does the gentleman think the Democrats have a chance of taking over? I find this exciting.

Mr. DELAY. Not at all.

Mrs. SCHROEDER. I am sitting on this side of the aisle saying, wow, this is wonderful.

Mr. DELAY. Mr. Speaker, reclaiming my time, not at all. I am just reporting what has been reported by those that wish that they could take over. But, no, worse case scenario we will gain 8 to 10 seats.

Mr. Speaker, I yield back the balance of my time.

GUAM'S ROLE IN OPERATIONS IN THE MIDDLE EAST

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning business for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, yesterday on Guam, the first of some 2,500 Kurdish refugees arrived as part of Operation Pacific Haven. The movement of these Kurdish refugees who have been associated with United States Government activities is timely and necessary and makes good on an implicit American commitment to their safety.

As was the case 2 weeks ago with the B–52 strikes on Iraq, the role of Guam in the events unfolding in the Middle East is of enormous importance and consequence to our country's actions. Although any map will clearly show that the utilization of Guam might not make geographic sense for Operation Pacific Haven, any understanding of today's world shows that Guam is one of the few reliable places which this country can use in a moment's notice. Without Guam, a reliable United States base, American military flexibility is reduced. For the military planners managing the Mideast crisis, Guam is between Iraq and a hard place.

Given the cumbersome need for flyover rights as well as the need to seek prior approval of allies, our Nation's mobility and capacity for independent action must increasingly rely on mobile forces, friendly faces, and dependable bases. Guam fits this bill and is proud to play a key role in both the strikes against Iraq and the on-going humanitarian mission for providing safe haven in the Pacific for the Kurdish refugees.

I am grateful for the advance notice and consultation which the White House gave to my office for the latest operation and I hope this level of consultation will continue for any future and sudden change in military activity on Guam. I also urge the Department of Defense to take all necessary steps to ensure the safety of the refugees as well as the community of Guam during the time that it takes to process the refugees for resettlement in the continental United States.

But Mr. Speaker, while Guam remains a cornerstone of America's strategic reach in the world, we on Guam are at times concerned that we are ignored in calmer times, at those times when we craft policy for the territories and for Guam specifically.

Guam has had a long relationship with the United States military—in fact, Guam's relationship with the United States in issues of land, immigration, political status change is always evaluated with an eye to the consequences for America's power projection and strategic reach.

We are proud to play a part in the security of the world, but we should be rewarded for our role rather than penalized or ignored. Guam should be given additional consideration rather than less consideration and Guam should be treated according to its contribution rather than utilized on the basis of its value.

Mr. Speaker, we have some legislation on the return of land to the Government of Guam once the military no longer needs it and declares it excess. The lands in question have been identified as potentially releasable. The lands in question were condemned by military officials and adjudicated in military courts on Guam in the period from 1945 to 1949, before civil government was re-established.

The legislation which we seek simply puts Guam at the head of the line over other Federal agencies when the Department of Defense decides that they no longer need the land. We are not asking the DOD to release land they need to conduct these operations; we are asking them to release land which their own planners have indicated they no longer need. We are not asking to go beyond Federal laws in how the land is to be handled; we are only asking that given Guam's unique history and given Guam's unique contribution, that Guam be placed at the head of the line for releasable property.

This is a good deal for Guam, but it is more than that. It is a fair deal for all concerned. I urge the members of this institution to support this legislation and I hope that the administration will now support this legislation.

DRUG ABUSE AND MISUSE UNDER THE CLINTON ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. MICA] is recognized during morning business for 5 minutes.

Mr. MICA. Mr. Speaker, I come to the floor again today, I was here last week, I was here last year, I was here every year since I was elected in 1992, to talk about the problem of drug abuse and drug misuse in our country.

I am here, sadly, 3½ years later again talking about what has taken place with this administration. We see across our great land and in my district the results of what has taken place. Mr. Speaker, let me recap what has taken place with this administration on the question of drug use and drug abuse.

First, this President came in, and what did he do? He cut. He gutted, in fact, the White House drug czar's office from 140 to just a handful of people.

The next thing he did, he employed as the chief health officer of our Nation Joycelyn Elders. Joycelyn Elders began the campaign of just say maybe, kids. Just try it, kids. Maybe we should legalize it, kids. Sending out that message, there was such an uproar that she finally was dismissed.

Then the President took the step of dismantling the drug interdiction program. He dismantled it piece by piece, stopping drugs at their source. We know that cocaine, 100 percent of it is grown in Bolivia, Peru, and Colombia. We know its transit points, and we can stop it inexpensively at its source. Yet, he dismantled, he gutted this program.

Then finally the ultimate insult to the American people and to the Congress and to the high office of the Presidency, the White House, which is supposed to set the standard for Americans, to set the highest level of performance of acceptability in our society and our Government. What did they do? Things got so bad in the folks that they were employing, and I sat on the committee that heard this testimony and was appalled. The Secret Service was so alarmed that folks were being hired with recent and past drug use histories, and we are not talking about marijuana here folks, we are talking about hallucinogenic drugs. We are talking about crack, about cocaine. We are talking about hard drugs being acceptable, used in the past, recent past in some cases for employment in the White House.

Mr. Speaker, this is not acceptable. And this is what has been done by this administration, what has been done by this President, and this is the result. This is the result in my community. Look at this headline: Long Out of Sight, Heroin Is Back Killing Teens. In the past year central Florida has had more teenage heroin deaths than all the rest of the State.

It is epidemic among our children. This is the result. Look at this: With Reagan and Bush, drug use and abuse went down in this country among our teenagers. And in 1992 it starts to shoot off the charts. Look at how it has affected our children with heroin, with crack, with marijuana, with hallucinogenic drugs. It is epidemic.

We now have 1.6 million Americans in our prisons across this country, and 70 percent of the people that are in our prisons are there because of drug use and abuse. So we have set a bad example from this White House and this administration, and we can see the bad results here, crime and death.

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The wrong Americans, too, are behind bars. Our elderly and senior citizens across this Nation are afraid to go out at night because of the crime that this has created. And we know, again, that nearly 70 percent of those incarcerated and convicted of crime are drug-related incidents.

But there is hope. This Congress, under the leadership of the gentleman from Pennsylvania, Chairman CLINGER, under the leadership of the gentleman from New Hampshire, Chairman ZELIFF, we are restoring the funds for the drug czar's office and the positions that were cut by this administration. We are bringing back together interdiction. We are going to use the military. We are going to use the coast guard. We are going to stop drugs at their source.

Mr. Speaker, we are not going to just spend all the money on treatment. Spending all the money on treatment like Clinton wants us to do is, in fact, like treating only the wounded in a battle. We have to fight this with education, interdiction, enforcement, and treatment; all four. The leadership must start in this Congress, and it must start at 1600 Pennsylvania Avenue or we will see these results continue.

So, Mr. Speaker, it is not acceptable. It is not acceptable in my community. I ask for assistance to help us make a positive change.

DOLE TAX BREAKS FOR THE RICH NOT FULLY EXPLAINED

The SPEAKER pro tempore (Mr. HANCOCK). Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. BROWN] is recognized during morning business for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, former Senator Bob Dole has unveiled his new economic plan to the American people. He has outlined a $550 billion tax break, mostly for the wealthy, but he had not told us how he is going to pay for that $550 billion tax break.

One of Bob Dole's advisers said, "He has no plans to describe specifically what Federal programs he will cut until after the election."

Former Senator Dole, Citizen Dole, is going around the country speaking to organizations promising each of them:

I will not cut your programs. In fact, maybe I will increase your programs, one group after another.

Yesterday, talking to some people about crime, he said: You want more prisons? I will double the amount of appropriations for Federal prisons.

So at the same time Senator Dole has said he will increase military spending to the tune of perhaps $30 or $40 or $50 billion a year over the next 5 years, he wants to build star wars. He wants to give this major tax break, increase military spending, increase money for prisons, increase this, increase that, but he will not tell us how he is going to pay for these hundreds and hundreds of billions of dollars in tax breaks that he says he will give the American people.

I think it is important then, Mr. Speaker, to look at where in fact this money will come from. I think we only have to turn the calendar back about 1 year to figure out where Senator Dole will get the $550 billion to pay for the tax break, some couple hundred billion over 4 or 5 years, to pay for military spending increases; the tens of billions to pay for more prison construction; the other billions of dollars that Senator Dole has promised.

Mr. Speaker, I think we need to look back 1 year, turn the calendar back 1 year to figure out how he is going to pay for it. All of us remember about 14 months ago Speaker GINGRICH unveiled the Republican plan to give a $200-and-some billion tax break mostly for the rich, and to pay for it with $270 billion in Medicare cuts, a tax break mostly for the rich paid for by $270 billion in Medicare cuts.

At the same time in this legislation were major cuts in student loans for middle-class families, major cuts for environmental protection, to pay for inspectors, to pay for enforcement, to pay for environmental cleanup. All of that was in order to pay for the tax break to go mostly to the wealthiest Americans.

Mr. Speaker, it got so bad, as we recall, several months ago that Speaker GINGRICH and Senator Dole shut the Government down because President Clinton vetoed their tax break, mostly for the wealthy paid for with Medicare cuts. President Clinton said: I will not give that kind of a tax break mostly to the rich. I will not give the rich a tax break paid by Medicaid and Medicare and student loan cuts and cuts in environmental protection. It simply did not make sense.

Mr. Speaker, the President was right. Those of us who stuck by the President on this side of the aisle were right, and clearly that is what the American people reiterated over and over and over again. We do not give tax breaks for the rich and cut Medicare and cut Medicaid and cut student loans and cut environmental protection to pay for them.

The same folks who brought us the Government shutdown, the same folks who tried last year for a major cut in Medicare are back this year. Last year the tax break was about $250 billion for the wealthy. This year the Dole tax cut is twice that, and he is not telling us how he is going to pay for it. So it is clear the way that Senator Dole is going to pay for this major tax break is to go right at the heart of Medicare and right at the heart of Medicaid and right at the heart of student loans and also right at the heart of environmental protection. That is clearly not what the American people want.

Mr. Speaker, the American people last fall, early this winter, blamed Speaker GINGRICH and Senator Dole for the Government shutdown because they did not want to see these major cuts in Medicaid and Medicare and student loans and the environment. Here we go again. Senator Dole wants to give tax breaks of twice that size, but Senator Dole has learned something from his mistake because this year in this campaign, at least before the election, he will not tell us that that in fact is what is going to happen; that it is going to be cuts in Medicare, cuts in Medicaid, cuts in student loans, and cuts in environmental protection.

Mr. Speaker, it is important that we understand Senator Dole's and Speaker GINGRICH's attitude toward the Government program that has probably been the best program Government has ever put together, and that has been the Medicare Program. Thirty years ago in 1965, when Lyndon Johnson signed Medicare, only 46 percent of America's elderly had health care insurance; only 46 percent 30 years ago. Today, 99 percent of America's elderly have health care insurance.

Mr. Speaker, Medicare has worked, but we would not know it from listening to Speaker GINGRICH and Senator Dole. Senator Dole and Mr. GINGRICH have made it clear that they oppose these programs. They want to give tax breaks for the wealthy and pay for it with Medicare cuts.

AGAIN, CLINTON IS PROPOSING SOCIALIZED HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, those who ignore history are doomed to repeat it, so goes the saying, a careful reminder to all of us that history teaches us valuable lessons and that, if we learn from the past, we can avoid repeating the mistakes in the future.

Yet despite this very warning, President Clinton and congressional Democrats are plotting a course plagued by controversy and opposition.

The past few weeks have been strikingly reminiscent of President Clinton's first try at a nationalized Government-run health care system. The newspaper headlines of late are uncomfortably familiar. In fact, it is deja vu all over again. Recently in Florida, my home State, President Clinton announced the formation of a comprehensive commission charged with reviewing the health care system and making recommendations on how to improve the quality of care provided to patients and how to put in place more consumer protections. Does that sound familiar?

Then he endorsed the notion of mandating what types of benefits health plans should provide and cover. Perhaps that sounds familiar.

He then endorsed the notion that the Federal Government should get in the middle of the contract negotiations between private health care plans and private physicians. Of course that sounds familiar.

The President is clearly headed down a road we have all traveled together before. Under the guise of consumer protection, he is very boldly unveiling the many pieces of his plan that was very familiar and soundly rejected by Congress and the American people only 2 years ago.

Mr. Speaker, we remember President Clinton's Health Security Act. This was an aggressive plan developed by him behind closed doors by his experts. His experts, of course, knew what was best for the American people.

We remember after months of secret discussion the experts had developed the ultimate answer to the rising health care costs. And of course, we remember, despite polls indicating that what the American people wanted most from health care reform was portability of coverage and protection for preexisting conditions, which Republicans passed. The President instead proposed a complex federally controlled health care system complete with guarantees, comprehensive coverage, Federal price controls and other proscriptive rules regarding how employers and health care providers should all behave in the marketplace. This of course would mean waiting lines for all Americans, one-size-fits-all, dictated by bureaucrats.

Remarkably, the President again is talking about commissions, entitlements, and government mandates which of course can only lead to price controls.

First, entitlements. Mr. Speaker, Congress passed some very important legislation recently which gives the portability and preexisting conditions that we needed. And while the President proudly signed this piece of legislation, his campaign was eager to propose an additional initiative under which children and young adults would all be mandated with comprehensive health care by the government.

While all agree that children are a most valuable resource, the President's proposal is merely the first installment towards a nationalized socialized health care system under which the government pays for all and provides health care to all Americans.

A proposal has already been submitted to Congress to mandate that employers provide coverage to workers between the ages of 55 and 65, just prior to eligibility for Medicare. From here, it would only take a few steps to create an entitlement for the rest of the population. We should not be surprised that Senator KENNEDY argues that socialized national health care system is the ultimate goal.

Again, although the notion of federally mandated benefits was rejected during the Clinton health care reform debate, the President has already endorsed mandating a minimum length of stays in hospitals. Mandating the length of stay for illnesses such as flu. Mr. Speaker, what is next? Mandating the length of stay for cosmetic surgery?

Following the years of double-digit increases in health care spending, the cost of health care spending has finally begun to decline. Health plan premiums paid by large employers increased, on average, by a record-low 1.5 percent last year, while the premiums of certain types of managed care plans actually declined.

So here we are. We cannot guarantee that everybody gets all the benefits and all the coverages without putting in some kind of price controls. And that, of course, Mr. Speaker, is what President Clinton will propose next. Price controls, as we all know, just do not work. Quality of care will suffer as investment research and innovation declines. Jobs will be lost. Services will be rationed, and choices will decline. Eventually the government will have to take over the entire health care delivery system. Just think, government mandated, operated, and controlled health care with government doctors and nurses.

Mr. Speaker, President Clinton has deliberately begun to reconstruct our health care system. It is deja vu all over again.

VIOLENCE IN THE HOME

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am here today, first of all, to say that over the weekend I was very pleased to hear the Speaker say he had no problem with reporting to the floor the bill that I have been pushing for a very long time. That is a bill that takes the Brady bill and says, if you are also found guilty of domestic violence abuse, you should be denied the purchase of a gun. I think all of us understand how terribly critical that is.

This bill passed unanimously in the other body, the Senate. Unanimously. Not one vote against it. The President has promised he would sign this bill if we could get it to him. He restated that promise on the train as he was coming to the convention. So, I would hope that this body would at least get that bill up there, now that the speaker has said he had no problem with it. He is the last remaining roadblock in getting that forward.

So I hope everybody joins me in sending a letter or speaking to the Speaker and getting it here before we go home. If you know the history of violence in the home, there is a tremendous number of incidents every single year where a weapon brings this to a terrible conclusion.

Furthermore, the taxpayer funds most of the damage done by those weapons because people end up in the emergency wards in America. Very often 80 percent of those costs are funded by the taxpayer. This is one of the real drivers of high health care insurance or high health care costs in this country, the fact that we have not gotten weapons brought down under control.

Mr. Speaker, while the Brady bill was originally terribly controversial, people now, I think, are in total agreement it should not be rolled back. It is proven and has stopped all sorts of people with criminal records from getting a gun. I think every American feels that criminals should not be able to go buy a gun, so that makes sense.

Our biggest problem is many States have not lifted domestic violence convictions to the level of a felony. They consider them a misdemeanor. Other States have allowed people, even though it is considered a felony, to plead guilty to a lesser crime. Therefore, when they do the checks for whether or not you should be able to buy the gun, an awful lot of people who have been convicted of domestic violence problems are able to escape.

Again, when we look at the record, there is absolutely no reason that we should allow this to happen. So I really hope that everybody joins with me and we get that done before going home.

Mr. Speaker, we heard yesterday from both candidates a lot of discussion about crime and what they were going to do. I do not think we are ever going to solve totally the crime in the street and the violence in the society until we crack the culture of violence in the home.

☐ 1300

Imagine if you are afraid to be out on the street, if you are afraid to walk down the street; that is terrible, and we have to do everything we can so that Americans do not become prisoners in their home and afraid to go outdoors. But think how much worse it is, Mr. Speaker, if you are also afraid to go home because you get beat up at home, too.

I think that we have been too casual about this for much too long a time. And we have begun to make some real progress with the Violence Against Women Act, with the Brady bill, with the antiassault weapon ban, and now that we have Speaker GINGRICH saying this could go forward, I hope it does, because we need to keep making that kind of progress.

If a child sees every dispute in the home solved with violence, I cannot think of anyone who can put together a good enough conflict resolution course that they can teach in the school a couple hours a week that would change and overpower what the child learned in the home. Examples are so much more powerful.

So here is something we could do before we go home that could make a real difference. It would also save a tremendous amount of money on health care because of the costs that we see every year in our emergency rooms. I am not quite sure what we are doing here. I mean last week we hardly had any votes. September 30 is coming. That means the whole government gets shut down again.

I see us doing all sorts of namby-pamby things. Why do we not do some of these things that apparently we now have agreement?

The other thing I hope that we would be able to do after the Speaker's appearance on television this week is get the report out. He said he did not have problems with that. I would hope that we could get that done before we go home, to have issues that have been floating around this House for 2 years, that is settled, I think needs to be settled before we go home.

PREVENT GOVERNMENT SHUTDOWNS

The SPEAKER pro tempore (Mr. HANCOCK). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning business for 5 minutes.

Mr. GEKAS. Mr. Speaker, if you want to see a shutdown of Government occur again, then please ignore what I have to say for the next 5 minutes. I have been struggling for a long time now to convince the Congress that we ought to engage in a proposal which would end the prospect of Government shutdown forever. We can do it very easily.

Each of the proposals that I have offered to the Congress since 1989 has encompassed this concept, Mr. Speaker, that if at the end of the fiscal year, which is now looming upon us again as September 30, the appropriations bills have not been passed, then automatically the next day those appropriations bills that have not been passed shall automatically be passed, by virtue of instant replay, by adopting last year's numbers. That would mean that never again would we ever have a Government shutdown.

Now, what does this mean in practical terms? It means that the negotiators for the unfinished business of the Congress can continue to work on a full budget or to complete those appropriations bills, but in the meantime we would not have the chaos, unemployment, uncertainty, confusion, embarrassment and all the other negatives that accompany the shutdown of Government.

I believe that President Clinton should have signed the appropriations bills last time around, which would have prevented the Government shutdown, but it did not happen that way. But if you passed my legislation, neither the President nor the Congress would be at sword's end to force a Government shutdown.

Now, what happens if after the fiscal year is over and my bill comes into play and already there is a continuing appropriation, shall we say? That does not prevent even the establishment of a new temporary funding like a continuing resolution by the negotiators. So we have the best of all worlds. Nothing would be stopped by the proposal that I am setting forth here today. Only Government shutdown would be prevented.

I remember and many of us do that in the winter of 1990, in December 1990, as our young people, 500,000 strong, were amassing their strength in Saudi Arabia, poised to do battle to free Kuwait in Desert Shield, as it was then known, we had the embarrassment of the Government of the United States, the patrons of those valiant young people, the Government in back of those valiant youngsters, shut down here in Washington. They were in Saudi Arabia without a country. They technically had no Government back home because the Government had shut down.

That was solved, fortunately, in time for Desert Storm, so we were a country when we effected the assault on Kuwait later on. But is that not a historical note that should bring shame on American citizens and especially on Members of Congress, that Government should shut down in the middle of hostilities?

That is just one example. Add to that the chaos in which Federal employees were put, the impossibility of getting a passport, of having national parks shut down, 100 other ills that have been brought to the floor of the House in anecdote after anecdote by both Republicans and Democrats as they followed the effects of the Government shutdown.

We have now introduced, I am ready to introduce the newest version, the latest version of my bill which we called the Government Shutdown Prevention Act. This one has several cosponsors. It follows the track of all the legislation that I have heretofore introduced. All of them, this one included, would prevent Government shutdown forever. I cannot say it enough. That is so important.

This has the added feature of saying that when the appropriations cycle ends and there is no new appropriations, then it would revert to last year's lowest number or the House-passed version or the Senate-passed version, and then you take only 75 percent of that. So 75 percent of those levels would pass automatically into law, continuing the flow of Government and allowing the appropriators and the negotiators to deal with the continuing appropriations and the balance of the budget.

I urge consideration by every Member of this legislation and invite their cosponsorship. Prevent Government shutdown.

JUNETEENTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Michigan [Miss COLLINS] is recognized during morning business for 5 minutes.

Miss COLLINS of Michigan. Mr. Speaker, I rise today to introduce a bill that will recognize the significance of the oldest black celebration in American history, June 19—known affectionately as "Juneteenth." This bill would recognize Juneteenth as the day of celebrating the end of slavery in the United States and as the true day of independence for African-Americans in this country.

Juneteenth is the traditional celebration of the day on which the last slaves in America were freed. Although slavery was officially abolished in 1863, news of freedom did not spread to all slaves for another 2½ years—June 19, 1865. On that day, U.S. General Gordon Granger, along with a regiment of Union Army soldiers, rode into Galveston, TX, and announced that the State's 200,000 slaves were free. Vowing to never forget the date, the former slaves coined a nickname for their cause of celebration—a blend of the words "June" and "nineteenth."

June 19, 1865, has been traditionally associated with the end of slavery in the Southwest. However, because of the importance of the holiday, it did not take long for Juneteenth celebrations to spread beyond the States in the Southwest and into other parts of the country. Today, due in large part to the hard work and dedication of individuals, like Lula Briggs Galloway and Dr. Ronald Meyer of the National Association of Juneteenth lineage, who have fought hard to revive and preserve the Juneteenth celebration, the holiday is celebrated by several million blacks and whites in more than 130 cities across the United States and Canada. In Texas and Oklahoma, Juneteenth is an official State holiday.

As we prepare to revitalize the observance of Juneteenth as the true day of independence for African-Americans, it is important that we acknowledge the historical as well as political significance of the celebration. We must acknowledge, for example, that while the slaves of Texas had cause to celebrate the news of their freedom on June 19, 1865, the truth is that at the time of General Granger's historical pronouncement, the slaves were already legally free. This is because the Emancipation Proclamation had become effective nearly 2½ years earlier—on January 1, 1863.

From a political standpoint, therefore, Juneteenth is significant because it exemplifies how harsh and cruel the consequences can be when a breakdown in communication occurs between the Government and the American people. Yes, Mr. Speaker, the dehumanizing and degrading conditions of slavery were unnecessarily prolonged for hundreds of thousands of black men, women, and children, because our American Government failed to communicate the truth.

As Juneteenth celebrations continue to spread, so does a greater appreciation of African-American history. We must revive and preserve Juneteenth not only as the end of a painful chapter in American history—but also as a reminder of the importance of preserving the lines of communication between the powerful and powerless in our society.

Juneteenth allows us to look back on the past with an increased awareness and heightened respect for the strength of the African-American men, women, and children, who endured unspeakable cruelties in bondage. Out of respect to our ancestors, upon whose blood, sweat, and tears, this great Nation was built, the bill I introduce today acknowledges that African-Americans in this country are not truly free, until the last of us are free.

The bill I introduce today, Mr. Speaker, recognizes June 19, 1865, as a day of celebrating the end of slavery in America and as the true day of independence for African-Americans in this country.

I ask all of my colleagues to cosponsor this bill.

ARTHUR SHERWOOD FLEMMING—ONE OF OUR CENTURY'S GREATEST PUBLIC SERVANTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. HORN] is recognized during the morning business for 5 minutes.

Mr. HORN. Mr. Speaker, last week one of America's great citizens passed away at the age of 91, Arthur S. Flemming. He grew up in upstate New York where his father was a lawyer, an active Republican, and an active Methodist. But instead of pursuing the family tradition in the law after he graduated from Ohio Wesleyan, Arthur came to Washington during the Coolidge administration. He joined David Lawrence on what later became the weekly U.S. News and World Report. His assignment was to cover the Supreme Court of the United States.

During the 1930's he became more and more interested in the evolution of public administration as an academic discipline. He became the founding dean of the School of Public Affairs at the American University in Washington. President Franklin D. Roosevelt tapped him to fill the Republican slot on the U.S. Civil Service Commission. For almost a decade his Democratic colleagues yielded to him to run the Commission. So he was in charge of the policies to build a larger civilian work force as the Second World War came and went.

Following the war, President Truman utilized Flemming's skills as assistant director of defense mobilization. After President Eisenhower was elected in 1952, Flemming was made director. He sat with Eisenhower in the White House as the President listened to the Vice President, the Secretary of State, the Chief of Naval Operations, and others all try to urge him to go to the aid of the French troops who were surrounded at Dien Bien Phu in Vietnam. The President listened very carefully and after several hours of discussion said, we will not go to the aid of the French; and the President was right, America should not have been involved in the conflict in Vietnam and except for a few hundred advisers who could not be in the battles, our Nation never was during the Eisenhower administration.

In 1958, the President made Arthur Flemming the Secretary of Health, Education, and Welfare. During the Kennedy and Johnson administrations, Flemming served on the National Advisory Commission of the Peace Corps. Being a dedicated teacher, educator at heart, Flemming spent most of the 1960's as president of the University of Oregon and, later, Macalester College in St. Paul. In the late 1940's, he had been a university president during the Truman administration. He was mostly in Washington as assistant director of the Office of Defense Mobilization. But on weekends, he would take the train to his alma mater, Ohio Wesleyan, and provide leadership by holding faculty meetings on Saturdays. Arthur was probably the only college president in America who could get away with that.

His energy and determination were endless. His oratory could move an audience to action.

□ 1315

Whether he was the chairman of the National Council of Churches or heading Senator Jacob K. Javits' Task Force on Health Care, which worked on bills that were the precursor of Medicare in the middle sixties, Flemming always had the public interest at heart.

With the coming of the Nixon administration, in 1969, he became the head of the White House Conference on Aging and the Administrator of the Aging Program, in the Department of Health, Education, and Welfare where a decade before he had served as Secretary. Flemming was one of only two Cabinet officers who went back to the Department in which they had served as a Cabinet member. Public service was his calling. Flemming's commitment to public administration was all encompassing. He was one of the founding and most esteemed members of the National Academy of Public Administration. In the late 1940's and early 1950's, he had served on the two Hoover commissions on organization of the executive branch of the Government. President Truman had brought former President Hoover out of retirement.

In the mid-1970's, President Nixon asked Arthur Flemming to serve as Chairman of the U.S. Commission on Civil Rights.

Mr. Speaker, served as vice chairman with him for most of his tenure there. Arthur always saw the positive side and the good in people. He was constantly in motion. Whatever "hat" he was wearing at the time meant flying to make a speech to help bring people together. He would have written the speech himself and composed it on his faithful typewriter. His skills as a journalist never left him.

Mr. Speaker, Dr. Arthur S. Flemming was one of the great public servants of this century. He cared. He was dedicated. He was the epitome of distinguished public service and proof that one citizen who cares can, indeed, make a difference.

Mr. Speaker, I enclose the Flemming obituary which appeared in The Washington Post on September 9, 1996.

[From the Washington Post, Sept. 9, 1996]

ARTHUR FLEMMING DIES; KEY ADVISER TO PRESIDENTS FROM FDR TO REAGAN

(By Martin Weil)

Arthur S. Flemming, 91, a former Health, Education and Welfare secretary who championed the aged and ill during a decades-long and much-admired public service career under presidents from Roosevelt to Reagan, died Sept. 7, in Alexandria.

Described as a role model to generations of government officials and social activists, Mr. Flemming also was known for his commitment to education and to civil rights. He was president of three colleges and was chairman of the U.S. Civil Rights Commission from 1972 to 1981.

In government, he was a chairman of the old Civil Service Commission and one of the major figures in the mobilization of the government civilian work force during World War II. A man to whom religion was important, he was an active Methodist layman and had headed the National Council of Churches of Christ in America.

As depicted by those who knew and worked with him both in public life and in his many private roles, Mr. Flemming possessed a rare and perhaps unequaled combination of bureaucratic competence, compassion for the needy and ability to inspire that endured from the New Deal into the '90s.

He "was one of the great intellects of social policy, combining extraordinary knowledge with a rare gift for policy-making," said Donna E. Shalala, Secretary of Health and Human Services, a successor department of HEW. "He never stopped fighting for the elderly and the poor."

Mr. Flemming's tenure as HEW secretary ran from 1958 to 1961. He served under President Dwight D. Eisenhower, a Republican, and was himself a Republican. But Mr. Flemming "transcended party, generation and race in search of consensus on some of the great issues of our day," President Clinton said in a statement.

Mr. Flemming had lived for the last four years at Washington House, a retirement home in Alexandria, but his son Thomas said he traveled each day to work in the District, where he was active in such groups as Save Our Security, a Social Security advocacy group.

According to John Rother, legislative director of the American Association of Retired Persons, the speech Mr. Flemming gave just last year to the White House Conference on Aging was considered the "highlight of the conference."

Thomas Flemming said his father's health had deteriorated since a fall in his downtown office building about a month ago. Mr. Flemming's death in the clinic of Washington House was attributed to acute renal failure, his son said.

Mr. Flemming was born June 12, 1905, in Kingston, N.Y., the son of Harry Hardwicke Flemming, a lawyer who was an active Methodist layman. Mr. Flemming worked for a year after high school graduation as a newspaper reporter and then entered Ohio Wesleyan University, where he was a member of the Republican Club.

After graduation, he came to Washington. He received a master's degree in political science from American University, where he also taught government and served as debate coach. In the early 1930s, Mr. Flemming, known for his ability to juggle a vast array of activities, received a law degree from George Washington University; covered the Supreme Court as a reporter for the old United States Daily, which later became U.S. News & World Report; and directed American University's School of Public Affairs. He also edited a current affairs newspaper for high school students.

In 1939, President Franklin D. Roosevelt tapped him for what became a nine-year stint as a member of the Civil Service Commission. He held key government personnel posts during World War II and was a member of the Hoover commissions, which studied the organization of the federal executive branch, from 1947 to 1949 and again from 1953 to 1955.

From 1948 to 1953 and 1957 to 1958, he served as president of Ohio Wesleyan. For part of his tenure, he worked in Washington at federal posts during the week, returning to Ohio and his collegiate duties on weekends.

Throughout the Eisenhower administration, he was a member of the President's Advisory Committee on Government Organization, serving as its chairman from 1958 to

1961. During the Kennedy and Johnson administrations, he was a member of the Peace Corps National Advisory Commission.

He also was president of the University of Oregon from 1961 to 1968 and president of Macalester College in St. Paul, Minn., from 1968 to 1971. He was chairman of the White House Conference on Aging in 1971 and was appointed U.S. commissioner on aging during the Nixon administration.

In trying to characterize his career, Mr. Flemming, according to his son, often adopted words first used by Roosevelt. Mr. Flemming would frequently say that he was trying "to help people deal with the hazards and vicissitudes of life."

One of the ways in which he tried to do that, according to Robert J. Myers, former chief actuary of the Social Security system, was in trying to preserve and strengthen Social Security.

"He was always very much interested in doing this and doing it soundly," Myers said.

Mr. Flemming received the Presidential Medal of Freedom two years ago from President Clinton.

In addition to his son Thomas, of Alexandria, survivors include his wife, Bernice, of Washington; two other sons, Arthur H., of South Pasadena, Calif., and Harry, of Alexandria; a daughter, Elizabeth Speece of Delaware, Ohio; a sister, Elizabeth Sherbondy of Pittsburgh; 12 grandchildren; and 12 great-grandchildren. A daughter, Susan Parker died in 1993.

WHY WE HAVE COCAINE IN SOUTH CENTRAL LOS ANGELES

The SPEAKER pro tempore (Mr. HANCOCK). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. WATERS] is recognized during morning business for 5 minutes.

Ms. WATERS. Mr. Speaker, I come today to try and create a real discussion about drugs. In this election year, we have begun to hear a discussion, a discussion of blame. Obviously President Dole has decided he is going to make drugs an issue, and we kind of hear them talking about who funded what and who did not fund what.

While this discussion is going on, there is a startling revelation about something that took place in America that will outrage the average citizen. The San Jose Mercury News published a series of articles starting August 18, 19, and 20. These articles were done by an award-winning journalist named Gary Webb. After over a year of investigation, what did he find out? I think it is all reported, maybe in the first paragraph of the article that you see displayed here.

It says,

> For the better part of a decade a Bay Area drug ring sold tons of cocaine to the Cripps and Blood street gangs of Los Angeles and funneled millions of drug profits to a Latin American guerrilla army run by the U.S. Central Intelligence Agency, a Mercury News investigation has found.

Now Gary Webb is indeed an award-winning journalist who developed these articles, and they are extraordinary because it describes starting back as far as 1979 how CIA operatives came into south central Los Angeles, part of the district that I represent, connected with a young man named Ricky "Freeway" Ross. One of the operatives was Mr. Danilo Blandon, the other was a Mr. Meneses. They connected with this man in south central Los Angeles, supplied him with tons of cocaine which was cooked into rock cocaine, spread out among street gangs and others who began to sell this drug at a very cheap price.

Before they came into south central Los Angeles, cocaine was not known there. Cocaine was the drug of kind of the elite, the rich, and the famous. It could not be afforded in poor neighborhoods. But when they learned to cook it up and put it into rock cocaine, they could sell it for very small amounts of money.

But not only did they bring the drugs in, they brought the guns along with them.

I went a week ago to the San Diego Federal Detention Center, the metropolitan center in San Diego, and met with Mr. Ricky Ross to find out whether or not he could confirm what is displayed in the series of articles. Not only did he take me back to 1979, when he was 19 years old and started selling these drugs, he said:

"Ms. WATERS, they brought the guns in. I didn't know what an uzi was. They brought us so many weapons, we had a huge arsenal," and he went on to verify that they even brought in a grenade launcher.

But of course they were putting drugs out on the street on consignment, which simply means you can pass them around, people do not have to have money to become drug dealers, you pass them around, but they better bring the profits back, and the guns were there to ensure.

Back in the 1980's we saw this terrific activity. Something was happening in south central Los Angeles. We began to see the drug addiction, the crime, the gang warfares, the violence. None of us in our wildest imagination would have thought that our own Government may have been involved. To have this revealed to us helps us to understand the devastation, not only in Los Angeles, but all across America as the gangs spread out, as the drug dealers spread out to sell crack cocaine.

As a result of this we have crack addicted babies, we have women walking the streets of America cracked out, we have homelessness. Much of the homelessness, whether it is in New York, St. Louis, Philadelphia, Los Angeles, are crack addicts. The cost of health care in our emergency rooms has gone up.

Mr. Speaker, this is just a beginning. I am going to talk about it every day. We are going to get to the bottom of it. We are calling for investigations. We are going to find out who is behind all of this. We are going to do something about it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 23 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker (Mr. MILLER of Florida) at 2 p.m.

PRAYER

The Reverend Robert McConnell, Presbytery of Lake Michigan, Brighton, MI, offered the following prayer:

In this Nation of gifted and talented people, we are particularly thankful for the men and women who honor this House with the courage of their convictions, the spirit of their debate, the toughness of their minds, and the will to succeed in the name of their country.

As pressures mount in the next few weeks, we ask Thee, O Lord, to pay special attention to these our public servants. Give them that serenity of mind and spirit that seldom knows defeat. Inspire them to travel the high road of hope so that, by their example, we can sense, too, the higher calling of service to others. And grant them wisdom that will reflect on the greatness of our country—this land of unlimited horizons for all.

Now hear the calls, Lord, for an even better America, an America that knows no limits to the values of opportunity, justice, and liberty. Let our leadership help fashion us into an even stronger union of spirit and mind with respect for one another's differences. And may bridges be built to heal divisions among us as we do our best to follow the prophet's words "* * * to do justice, to love kindness, and to walk humbly with Thee."

And so, great God, continue to give the Members of this House the grace to stand up for what is noble and just and the hope to see fresh, new visions for this land of freedom.

This is our hope. This is our prayer. We ask this in Thy name. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. MILLER of Florida). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. DOOLITTLE] come forward and lead the House in the Pledge of Allegiance.

Mr. DOOLITTLE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 3259. An act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3259) "An Act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. LUGAR, Mr. SHELBY, Mr. DEWINE, Mr. KYL, Mr. INHOFE, Mrs. HUTCHISON, Mr. COHEN, Mr. BROWN, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. JOHNSTON, and Mr. ROBB; and from the Committee on Armed Services, Mr. THURMOND, and Mr. NUNN, to be the conferees on the part of the Senate.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is private calendar day. The Clerk will call the bill on the Private Calendar.

JOHN WESLEY DAVIS

The Clerk called the bill (H.R. 1886) for the relief of John Wesley Davis.

There being no objection, the Clerk read the bill as follows:

H.R. 1886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of Veterans Affairs in the amount of $6,296.00;

(2) Department of the Navy in the amount of $42,123.84;

(3) Department of the Treasury in the amount of $12,508.20; and

(4) District of Columbia in the amount of $174.97 for local tax refund.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

With the following committee amendment in the nature of a substitute:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States Code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of the Navy in the amount of $42,123.84; and

(2) Department of the Treasury in the amount of $12,508.20.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE.

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

WELCOME TO REV. CAM McCONNELL

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, it is with great pleasure today that I welcome the Reverend Cam McConnell, a fourth-generation Presbyterian minister, to the House of Representatives and to thank him for leading this great body in prayer this afternoon.

I have known Reverend McConnell for over a decade as my pastor and as my best friend, and it is with great pride that I join him here on the floor today.

Reverend McConnell has meant a great deal to myself, my family, and hundreds more in the mid-Michigan community, serving as senior pastor for the First Presbyterian Church of Brighton, MI.

His guidance and support throughout the years has been invaluable not only to me, but also to the community for which he and his family have served so faithfully and freely.

His optimism, dedication, and encouragement are matched only by his unwavering devotion to God and his people.

His humble words of faith and wisdom have warmed the hearts of so many in our community. And it is with great respect and admiration that I thank him for his words and presence here today.

DOLE CAMPAIGN'S ACT OF POLITICAL DESPERATION: THE SENATOR WHO WAS FOOLED IN BAGHDAD CRITICIZES THE PRESIDENT WHO BOMBED IT

(Mr. BERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, before a campaign led by Senator Bob Dole lashes out at President Clinton's policy on Iraq, humility should compel him to admit how deeply he misread Saddam Hussein before Desert Storm.

When we were trying to pass sanctions on Iraq that would have stopped Iraqi imports of Kansas wheat, Dole tried to derail those sanctions.

It was Dole who assured his colleagues that Saddam Hussein has chemical weapons but "does not intend to use them" although the entire world knew he had already used nerve gas against the Kurds

Dole who said on TV shortly after the Iraqi invasion "We're a foreign power. We don't belong in that part of the world * * * It ought to be settled by Arabs."

Dole who said in October 1990 "we are in the Midwest for three letters, oil, O-I-L."

President Bush responded that day, charging, "You know, some people never get the word. The fight isn't about oil. The fight is about naked aggression that will not stand."

In fact, conservative columnist William Safire called Dole's attitude cynical and labeled him "a prime appeaser of Saddam Hussein."

The Senator who was fooled in Baghdad is on weak ground criticizing the President who bombed it.

FLOATING HOLIDAYS

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, our Nation's holidays were established by the people of the United States to honor, to celebrate, to remember, and reflect on major events in American history and culture. The celebration of Veterans Day, Thanksgiving, Memorial Day, and Independence Day is critical to our heritage, and truly brings Americans together.

Recently, however, a constituent of mine who works for a large corporation, has informed me that his employer is trying to make Independence

Day a floating holiday through union negotiations. They have already eliminated Veterans Day as a designated holiday.

This trend is very disturbing. The Fourth of July celebrates the very founding of our Nation.

A proper respect for our heritage and our history demands that we firmly resist allowing our historic celebrations to degenerate into nothing more than 3-day weekends or an excuse for stores to have special sales.

RAIL VOLUTION

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, last week Washington, DC, was host to an annual conference, Rail Volution, where over 700 people from 8 countries, 41 States, and 118 cities gathered. As impressive as those numbers were, what was more impressive was the purpose of that gathering, working together, learning how to build livable communities using principles of sustainable development.

We are talking about light rail, intercity rail, managing the auto and transportation infrastructure, mixed use development. At a time when we are concerned about making our communities livable while dealing with the deficit, the Rail Volution message was a breath of fresh air: spending wiser, not raising taxes, making change, solving problems rather than creating them, and viewing citizen input as a valuable tool not citizens as an enemy.

This is an important message for us in Congress to hear and to act upon.

INCREASED DRUG USE IS INTOLERABLE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. BURTON of Indiana. Mr. Speaker, Bill Clinton said on June 16, 1992, when asked about inhaling marijuana: Sure, I would inhale marijuana if I could, I tried before.

After the took office, Bill Clinton effectively abandoned the war on drugs. He slashed the White House Office of Drug Control Policy by 80 percent. He cut the number of drug enforcement agents and cut training for them. His National Security Council dropped the war on drugs from third to dead last among their priorities. His Surgeon General even suggested legalizing drugs.

What has been the result of all this? Overall drug use among kids 12 to 17 years old has gone up 78 percent. Marijuana use among the same group has gone up 105 percent, and LSD use has gone up 183 percent.

Mr. Speaker, this is intolerable. The American people need to know these facts. I hope they remember them in November.

LUXURY SUITES IN HOSPITALS FOR THE RICH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while hospitals across America are cutting services for mom and dad, the same hospitals are building luxury suites for the fat cats that make the Ritz Carlton look like Motel 6. A VIP can now get monogrammed bathrobes, satin sheets, antique furniture, a wet bar. And if that is not enough to inflame our hemorrhoids, VIP's can enjoy a spot of tea served by a waiter in a tuxedo carrying around silver trays of strawberries and truffles. Unbelievable.

While VIP's get gourmet food, mom and dad get line itemed, line itemed for toilet paper and aspirin. Beam me up.

Mr. Speaker, the truth is the CEO's of these HMO's keep lining their pockets with cash. I say they should be handcuffed to a chain link fence and flogged. Then sent to jail. Think about it. I yield back the balance of those line itemed toilet paper bills.

DRUG USE AND LOST OPPORTUNITY

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, marijuana use for teenagers is up, but interdiction is down. Teenage cocaine use is up, but enforcement is down. LSD and heroin use for teenagers are way up, but prison time for drug dealers is down.

Mr. Speaker, obviously what should be down is up, and what should be up is down. The Clinton administration has its priorities backward. Instead of cutting back on interdiction efforts, we should be stopping the flow of drugs at our borders. Instead of slapping the hands of drug dealers, we should be putting them in prison.

The Clinton administration's cuts in America's antidrug efforts have had their effect: Teenage drug use has exploded, and most schools unfortunately are not drug-free.

Mr. Speaker, we are losing the war on drugs because we have an administration unwilling to provide the leadership needed to stop our children from turning to a life of drugs and lost opportunity.

THE NATION'S POLICE ARE FIRMLY IN THE PRESIDENT'S CORNER

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, yesterday President Clinton received the endorsement of the Fraternal Order of Police, an organization that represents the sizable majority of our country's policy officers.

President Clinton is the first Democrat running for President or being President endorsed by this organization. The endorsement came because of the President's strong anticrime, antidrug policies and initiatives for his tough sentencing policies, for community policing, 100,000 cops on the street.

Mr. Speaker, I am proud to say that the president of the FOP is Gil Gallegos of Albuquerque, NM. So, Mr. Speaker, despite all this lofty rhetoric that the President is soft on crime, I am proud to say that the Nation's police officers are firmly in the President's corner.

SALUTE TO MISS AMERICA

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, this past Saturday evening in Atlantic City a constituent of mine, Miss Kansas, Tara Dawn Holland, was crowned Miss America 1996. Miss America lives in Overland Park, KA.

While I realize we must share Tara Dawn Holland's triumph with the State of Florida where she received her bachelors degree, and with the State of Missouri where she is working toward a masters degree at the University of Missouri at Kansas City, Kansans are proud of her achievement just the same.

Tara Dawn hopes to teach music in a middle school, and as Miss America wants to lead a national campaign against illiteracy.

Because Miss America is such a positive role model for many young Americans, Tara Dawn's willingness to be involved in the fight against illiteracy represents an opportunity to take another step forward in educating children to read.

Congratulations to Tara Dawn Holland.

□ 1415

RELEASE THE GINGRICH ETHICS REPORT

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to once again add my voice to the growing chorus of Members of this House, editorial board writers, public interest groups, and American citizens calling for the release of the ethics report on Speaker GINGRICH.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Georgia [Mr. Lewis] will suspend.

The gentleman from Georgia [Mr. LINDER] will state his point of order.

Mr. LINDER. Mr. Speaker, is it within the rules of the House to refer to matters before the Committee on Standards of Official Conduct on the floor of the House?

The SPEAKER pro tempore. That is not in order and the gentleman must proceed in order.

Mr. LINDER. Mr. Speaker, further point of order. Is the gentleman in the well speaking out of order?

The SPEAKER pro tempore. The Chair rules the gentleman is out of order.

Mr. LINDER. Mr. Speaker, if the gentleman continues, will the Chair rule that he sit down?

The SPEAKER pro tempore. The Chair will take that under advisement.

The gentleman from Georgia [Mr. LEWIS] may proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, the American public has paid $500,000 for this report and deserves the right to know what is in it.

This weekend the Speaker himself said: "I am totally in favor of releasing the report. The Speaker of the House is second in line to be President, is a very powerful position and the country deserves to know."

Mr. Speaker, the country does deserve the right to know, and they deserve to know right now. Stop the stonewalling, stop the delay, stop the stalling. Release the outside counsel's report now and let the public draw their own conclusion. Anything less——

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, the gentleman is ignoring the rule of the Chair and he is referring to matters before the Committee on Standards of Official Conduct, and it strikes me that it is the appropriate time to have him sit down.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentleman's time has expired.

WHERE ARE THE FUNDS COMING FROM TO PAY FOR TAX CUTS?

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, we heard earlier last week and over the weekend that this year's campaign is about trust. I am concerned about what may happen to some of our programs, that if we go forward with what Senator Dole wants, proposed tax cuts of $548 billion, that could lead to higher deficits and also increased interest rates.

Mr. Speaker, I think we only need to look at recent history to show the concern that last year, in which there was only $245 billion in tax cuts, Medicare was on the chopping block. Senator Dole has promised the American people he will not cut Medicare, Social Security, or veterans benefits to pay for the cuts, but we just do not know where the money is coming from. Where is it? Are we going to cut Border Patrol or education funding even more? Senator Dole's cut, according to the article in this week's Time Magazine, the Border Patrol, FBI, and drug enforcement programs may be faced with cuts as deep as 40 percent.

Yesterday, Senator Dole said he will get tough on drug enforcement and crime. I do not know if this is any trust. We need to know where these tax cuts are coming from to be paid for. Are they really going to come out of drug enforcement?

WHERE IS "IT" OF WHICH WE CANNOT SPEAK?

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, apparently under the ruling of the Chair, there is not a lot we can say here except there is a committee that we cannot talk about that has an "it" that we cannot name. But that "it" cost a half a million dollars and we cannot see it.

This morning's Washington Post has a clarification of what the Speaker said about the "it" in it. And I hope that everybody reads it, because while the Speaker said one thing on NBC, this morning's Washington Post clarifies that and sets out the different complaints that have been filed and what has happened to them.

I think it is very sad we cannot talk about "it" on the floor. Especially since the taxpayers paid for "it." And if I were a taxpayer, I think I would be angry and wondering what in the world is going on when the House Floor has been gagged from talking about the most important thing we could have in front of us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule IV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2679) to revise the boundary of the North Platte National Wildlife Refuge.

The Clerk read as follows:

Senate amendments: Strike out all after the enacting clause and insert:

TITLE I—NORTH PLATTE NATIONAL WILDLIFE REFUGE

SEC. 101. REVISION OF BOUNDARY OF NORTH PLATTE NATIONAL WILDLIFE REFUGE.

(a) TERMINATION OF JURISDICTION.—The secondary jurisdiction of the United States Fish and Wildlife Service over approximately 2,470 acres of land at the North Platte National Wildlife Refuge in the State of Nebraska, as depicted on a map entitled "Relinquishment of North Platte National Wildlife Refuge Secondary Jurisdiction", dated August 1995, and available for inspection at appropriate offices of the United States Fish and Wildlife Service, is terminated.

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order Number 2446, dated August 21, 1916, is revoked with respect to the land described in subsection (a).

TITLE II—PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE

SEC. 201. EXPANSION OF PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE.

Section 204 of Public Law 100–610 (16 U.S.C. 668dd note) is amended by adding at the end the following:

"(e) EXPANSION OF REFUGE.—

"(1) ACQUISITION.—The Secretary may acquire for addition to the refuge the area in Rhode Island known as 'Foddering Farm Acres', consisting of approximately 100 acres, adjacent to Long Cove and bordering on Foddering Farm Road to the south and Point Judith Road to the east, as depicted on a map entitled 'Pettaquamscutt Cove NWR Expansion Area', dated May 13, 1996, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

"(2) BOUNDARY REVISION.—The boundaries of the refuge are revised to include the area described in paragraph (1).

"(f) FUTURE EXPANSION.—

"(1) IN GENERAL.—The Secretary may acquire for addition to the refuge such lands, waters, and interests in land and water as the Secretary considers appropriate and shall adjust the boundaries of the refuge accordingly.

"(2) APPLICABLE LAWS.—Any acquisition described in paragraph (1) shall be carried out in accordance with all applicable laws.".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 206(a) of Public Law 100–610 (16 U.S.C. 668dd note) is amended by striking "designated in section 4(a)(1)" and inserting "designated or identified under section 204".

SEC. 203. TECHNICAL AMENDMENTS.

Public Law 100–610 (16 U.S.C. 668dd note) is amended—

(1) in section 201(a)—

(A) by striking "and the associated" and inserting "including the associated"; and

(B) by striking "and dividing" and inserting "dividing";

(2) in section 203, by striking "of this Act" and inserting "of this title";

(3) in section 204—

(A) in subsection (a)(1), by striking "of this Act" and inserting "of this title"; and

(B) in subsection (b), by striking "purpose of this Act" and inserting "purposes of this title";

(4) in the second sentence of section 205, by striking "of this Act" and inserting "of this title"; and

(5) in section 207, by striking "Act" and inserting "title".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 23 of this year, the House overwhelmingly adopted H.R. 2679, a bill introduced by our colleague from Nebraska, BILL BARRETT, to remove certain lands from the North Platte National Wildlife Refuge.

The other body has now acted on this legislation and while they made no changes in the North Platte provision, they did add a new title to the bill dealing with the Pettaquamscutt Cove National Wildlife Refuge in Rhode Island.

This refuge was established in 1988 to protect valuable coastal wetlands that provide essential habitat to a diverse group of species of waterfowl, shore and wading birds, small mammals, reptiles, and amphibians. In fact, it is my understanding that this cove is the most important habitat in Rhode Island for the black duck population under the North American waterfowl management plan.

While the boundaries of the refuge now encompass about 460 acres of salt marsh and forest habitat, title II of H.R. 2679 will authorize the Secretary of the Interior to acquire a 100-acre parcel of land known as Foddering Farm Acres. This property is privately owned and there are certain commercial interests that desire to develop these lands.

Fortunately, the people who own this property, the Rotelle family, have indicated their willingness to donate a portion of the value of the property to the U.S. Fish and Wildlife Service.

Mr. Speaker, I have been advised by the author of this measure, the distinguished chairman of the Senate Environment and Public Works Committee, that there is some urgency in moving this legislation forward.

I am pleased to present this bill to the House and strongly believe that these modifications in two refuge units in Nebraska and Rhode Island will greatly enhance the fundamental goal of our National Wildlife Refuge System.

I urge an "aye" vote on H.R. 2679 and compliment BILL BARRETT and Senator JOHN CHAFEE for their outstanding leadership in this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this noncontroversial bill. We are concurring in the Senate amendment and sending this bill to the President for his signature. The bill transfers land from the Fish and Wildlife Service to the Bureau of Land Management in Nebraska so that it can continue to be used for public recreation. The Senate added a provision, which I support, to authorize the expansion of a wildlife refuge in Rhode Island. This bill is sound management of our public lands, promotes wildlife conservation, and is supported by the administration. I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nebraska [Mr. BARRETT], the author of this bill.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the distinguished gentleman from New Jersey [Mr. SAXTON] the subcommittee chairman, for yielding.

Mr. Speaker, I do rise in support of H.R. 2679. As all of my colleagues know, we are less than 2 months away from an election and, unfortunately, many people are not going to vote in November because they believe that their vote does not count; perhaps their voice cannot or will not be heard.

Those cynics who believe that one or two people cannot make a difference need to hear a little story and the many others that occur like it all the time in this country.

Let me share with you, Mr. Speaker, about a couple out in my district, Mr. and Mrs. Ehrhart, Barbara and Ed Ehrhart. They are residents of Lake Minatare, NE. That is the small lake outside of Scotts Bluff, which is a community in the panhandle of my district. Lake Minatare, which is part of the North Platte Wildlife Refuge, is a part of the particular bill in question and it is the residence of the Ehrharts.

Mr. Speaker, you may remember a few years ago when the U.S. Fish and Wildlife Service was sued for allowing wildlife refuges to be administered without being in compliance with existing environmental regulations. The Fish and Wildlife Service decided that the best way at that time to bring Lake Minatare into compliance was to turn the lake into a nonresidential and nonrecreational area. This would have forced about 60 families out of their homes and closed the only major recreational facility in the area. The next closest major recreational lake was 100 miles away.

The Ehrharts, Mr. and Mrs. Ehrhart, decided that this so-called solution was unacceptable. They had made their home on this lake for 13 years and they were avid recreationists. They believed that the lake did not benefit the bird migrations. They thought that the refuge was built for irrigation, and a later impact statement did confirm that belief.

Barb and Ed Ehrhart met with local residents in the area. I met with them in their lake home one afternoon. They got excited and went to the community business interests and so forth and took their case to a little higher level. Thus began a letter writing campaign that conjured up about 5,000 individual letter into my office.

At the urging of the Ehrharts and the whole Scotts Bluff community, the agencies charged with administering the lake undertook an environmental assessment to determine the wildlife value of Lake Minatare. It was determined that the lake was not an effective refuge and that the boundaries should be altered to reflect the needs of that community.

So, Mr. Speaker, I introduced H.R. 2679 to reflect those recommendations. I would like to thank Mr. and Mrs. Ehrhart and the community for the interest that they have shown in the future of this particular area. And I am very pleased to have been a part of the process. I would like to believe that Scotts Bluff County has learned a valuable lesson in how to work together and to manage the resources for the future.

Certainly, Mr. Speaker, I again thank Barb and Ed Ehrhart and the many, many people out across the country just like them; I thank my colleagues, of course, for their support of H.R. 2679; and again I thank the subcommittee chairman for yielding.

Mr. SAXTON. Mr. Speaker, before yielding back, let me yield myself such time as I may consume to thank the gentleman from New Mexico [Mr. RICHARDSON], my friend and the ranking member of the committee, for the great cooperation that he has shown on this bill, as well as many other bills that we have done together. I have a report here which I just looked at which indicates that already our subcommittee has had 13 bills signed into law in this session. Without the cooperation of the gentleman, and the other members of the minority, that would not have happened.

I would also like to point out, Mr. Speaker, the gentleman from Nebraska [Mr. BARRETT] has worked so hard and has been so diligent on this bill in overcoming hurdle after hurdle in the subcommittee and committee process. We were going to vote on this bill I think a week or two ago, and something came up and the gentleman was right back at it bringing to our attention the urgent nature of getting this done. So I commend the gentleman from Nebraska [Mr. BARRETT] for his very hard work.

Mr. REED. Mr. Speaker, I am pleased that the House of Representatives is considering H.R. 2679, as amended by the Senate. By clearing this measure for President Clinton's signature, Congress is taking an important step toward protecting the environmental treasures of Rhode Island.

H.R. 2679 expands the Pettaquamscutt Cove National Wildlife Refuge to include the vulnerable coastal wetlands that have been identified as vital habitat for a range of species. For example, our State's declining black duck population relies heavily on these areas.

H.R. 2679 also illustrates the great potential of cooperation between government and private citizens. Among the lands that this bill adds to the refuge are 100 acres known as Foddering Farms. The owners of this property are interested in donating a portion of its value to the U.S. Fish and Wildlife Service, helping Congress to advance critical environmental interests at a reasonable cost.

In addition, H.R. 2679 allows the Fish and Wildlife Service to expand the refuge as other important habitats become available. I urge my colleagues to support this important bill and send it to President Clinton, who is committed to preserving our environment.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2679.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NATIONAL PARK SERVICE ADMINISTRATIVE REFORM ACT OF 1996

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2941) to improve the quantity and quality of the quarters of land management agency field employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Park Service Administrative Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. National Park Service Housing Improvement Act.
Sec. 3. Minor boundary revision authority.
Sec. 4. Authorization for certain park facilities to be located outside of units of the National Park System.
Sec. 5. Elimination of unnecessary congressional reporting requirements.
Sec. 6. Senate confirmation of the Director of the National Park Service.
Sec. 7. National Park System Advisory Board authorization.
Sec. 8. Challenge cost-share agreement authority.
Sec. 9. Cost recovery for damage to national park resources.

SEC. 2. NATIONAL PARK SERVICE HOUSING IMPROVEMENT ACT.

(a) PURPOSES.—The purposes of this section are—

(1) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;

(2) to expand the alternatives available for construction and repair of essential government housing;

(3) to rely on the private sector to finance or supply housing in carrying out this section, to the maximum extent possible, in order to reduce the need for Federal appropriations;

(4) to provide increased opportunities for the ownership of housing by field employees, together with the equity and tax benefits associated with home ownership;

(5) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and

(6) to eliminate unnecessary government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

(b) GENERAL AUTHORITY.—To enhance the ability of the Secretary of the Interior (hereinafter in this section referred to as "the Secretary"), acting through the Director of the National Park Service, to effectively manage units of the National Park System, the Secretary is authorized where necessary and justified to make available employee housing, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

(c) REVIEW AND REVISION OF HOUSING CRITERIA.—Upon the enactment of this Act, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. The review and revision shall include consideration of the following criteria:

(1) Required occupancy (whether and under what circumstances the National Park Service requires, as a condition of employment, that an employee live at a particular site or in a specific geographic area). For each instance in which occupancy is required, full consideration shall be given to the concept of adequate response time.

(2) Availability and adequacy of non-Federal housing in the geographic area, including consideration of the degree of isolation (the time and distance that separate other potential housing from the workplace of a National Park Service employee).

(3) Category of employment (seasonal or permanent).

(d) SUBMISSION OF REPORT.—A report detailing the results of the revisions required by subsection (c) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

(e) REVIEW OF CONDITION OF AND COSTS RELATING TO HOUSING.—Using the revised criteria developed under subsection (c), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each such unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

(f) AUTHORIZATION FOR HOUSING AGREEMENTS.—For those units of the National Park System for which the review required by subsections (c) and (e) has been completed, the Secretary is authorized, pursuant to the authorities contained in this Act and subject to the appropriation of necessary funds in advance, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this Act.

(g) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAMS.—

(1) LEASE TO BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may—

(A) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(B) lease developed and undeveloped non-Federal land for providing field employee quarters.

(2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures, except that a lease to a field employee housing cooperative may be awarded noncompetitively if construction on the leased land is then competitively bid or competitively negotiated.

(3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(C) shall contain such additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(D) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

(4) CONTRIBUTIONS BY UNITED STATES.—The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this subsection.

(5) THIRD PARTY PARTICIPATION.—A lease under this subsection may include provision for participation by a third party, when third party presence is needed or required, and approved by the Secretary.

(h) RENTAL GUARANTEE PROGRAM.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease to build arrangement as set forth in subsection (g) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this subsection shall be in writing.

(2) LIMITATIONS.—The Secretary may not guarantee—

(A) the occupancy of more than 75 percent of the units constructed or rehabilitated under such lease; and

(B) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

In no event shall outstanding guarantees be in excess of $3,000,000.

(3) RENTAL TO GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.

(4) FAILURE TO MAINTAIN A SATISFACTORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

(i) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(j) CONTRACTS FOR THE MANAGEMENT OF FIELD EMPLOYEE QUARTERS.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

(2) TERMS AND CONDITIONS.—Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

(k) JOINT EMPLOYEE-AGENCY HOUSING PROGRAMS.—

(1) SALE OF QUARTERS.—

(A) GENERAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary may sell field employee quarters to field employees of the agency or a cooperative whose membership is made up exclusively of field employees of the agency.

(B) INTEREST IN LANDS.—The Secretary may only sell a leasehold interest in lands attendant to the sale of any quarters under subparagraph (A).

(2) LEASE OF QUARTERS.—The Secretary may lease Federal land to field employees of the National Park Service or a cooperative made up of field employees of the National Park Service for purposes of constructing employee housing.

(3) RIGHT OF FIRST REFUSAL.—The Secretary shall have right of first refusal when any property transferred under this subsection is for sale.

(4) COVENANTS.—The Secretary may establish and enforce such covenants as may be appropriate to the property, upon its sale by the Secretary under this subsection.

(5) FAIR MARKET VALUE.—The Secretary may sell or transfer employee quarters under this subsection for less than fair market value if the Secretary determines that such a sale or transfer will improve the quality of field employee quarters available and keep the quarters affordable at the salary ranges of field employees normally occupying them.

(6) RULE OF CONSTRUCTION.—Disposal of employee quarters under this subsection to field employees and cooperatives whose membership is made up exclusively of field employees shall not be considered disposal of excess Federal real property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(7) CONTINUING EMPLOYMENT REQUIREMENT.—An individual may occupy employee quarters under this subsection only if the individual or a member of the family of the individual is employed at the National Park System unit with respect to which the quarters are made available.

(8) NOTICE.—The Secretary may not take any action authorized pursuant to this section until 180 days after the Secretary submits a report to the appropriate congressional committees respecting the authority of this subsection.

(l) LEASING OF SEASONAL EMPLOYEE QUARTERS.—

(1) GENERAL AUTHORITY.—Subject to paragraph (2), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(2) LIMITATION.—The Secretary may only issue a lease under paragraph (1) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—

(A) the requirement for such seasonal field employee quarters is temporary; or

(B) leasing would be more cost effective than construction of new seasonal field employee quarters.

(3) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this subsection from annual appropriations for the year in which such lease is made.

(m) SURVEY OF EXISTING FACILITIES.—The Secretary shall—

(1) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for the effective prosecution of the agency mission, using existing information; and

(2) develop a agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

(n) USE OF HOUSING-RELATED FUNDS.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under subsection (m), in sequential order, to the maximum extent practicable.

(o) ANNUAL BUDGET SUBMITTAL.—The President's proposed budget to Congress for the first fiscal year beginning after enactment of this Act, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

(p) EMPLOYEE TRANSPORTATION.—The Secretary may use applicable appropriations of the National Park System for transportation to and from work, outside of regular working hours, of field employees, residing in or near a national park system unit, such transportation to be between the unit and the city, or intervening points, at reasonable rates to be determined by the Secretary taking into consideration, among other factors, comparable rates charged by transportation companies in the locality for similar services, the amounts collected for such transportation to be credited to the current appropriation account available for administration of the national park system unit concerned and shall be available to the Secretary for obligation or expenditure. Any surplus proceeds shall be retained by the agency for those purposes until expended. If adequate transportation facilities are available, or shall be available by any common carrier, at reasonable rates, then and in that event the services contemplated by this subsection shall not be offered.

(q) STUDY OF HOUSING ALLOWANCES.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to determine the feasibility of providing eligible employees of the National Park Service with housing allowances rather than government housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(r) GENERAL PROVISIONS.—

(1) CONSTRUCTION LIMITATIONS ON FEDERAL LANDS.—The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which could impact primary resource values of the area or adversely affect the mission of the agency. Any construction carried out under this section shall be fully consistent with approved land management agency plans.

(2) RENTAL RATES.—The Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(3) EXEMPTION FROM LEASING REQUIREMENTS.—The provisions of section 5 of the Act of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 4601-22), and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall not apply to leases issued by the Secretary under this section.

(s) PROCEEDS.—The proceeds from any lease under subsection (g)(1)(A)(i), any lease under subsection (k)(2), and any lease of seasonal quarters under subsection (l), shall be retained by the National Park Service. Such proceeds shall be deposited into the special fund established for maintenance and operation of quarters.

(t) DEFINITIONS.—For purposes of this section:

(1) The term “field employee” means—

(A) an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and

(B) other individuals who are authorized to occupy Government quarters under section 5911 of title 5, United States Code, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

(3) The term “land management agency” means the National Park Service, Department of the Interior.

(4) The term “primary resource values” means resources which are specifically mentioned in the enabling legislation or identified in the general management plan for that field unit or other resource value recognized under Federal statute.

(5) The term “quarters” means quarters owned or leased by the Government.

(6) The term “seasonal quarters” means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

SEC. 3. MINOR BOUNDARY REVISION AUTHORITY.

Section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)) is amended as follows:

(1) In the first sentence, by striking “Committee on Natural” and inserting “Committee on”.

(2) By striking “: *Provided, however,*” and all that follows through “1965” and inserting the following after the first sentence: “In all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under clause (i) shall apply only if each of the following conditions is met:

“(1) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

“(2) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

“(3) The sum of the total appraised value of the lands, water, and interest therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed $750,000.

“(4) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

“(5) The proposed boundary has been subject to a public review and comment period.

“(6) The Director of the National Park Service obtains written support for the boundary modification from all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein, will be added to or deleted from the area by the boundary modification.

Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.”.

SEC. 4. AUTHORIZATION FOR CERTAIN PARK FACILITIES TO BE LOCATED OUTSIDE OF UNITS OF THE NATIONAL PARK SYSTEM.

Section 4 of the Act entitled “An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes” approved August 18, 1970 (16 U.S.C. 1a–1 et seq.), is amended to read as follows:

“SEC. 4. AUTHORIZATION FOR PARK FACILITIES OUTSIDE BOUNDARIES OF SYSTEM UNITS.

“(a) AUTHORITY.—In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to establish essential facilities for park administration, visitor use, and park employee residential housing outside the boundaries, but within the vicinity, of units of the national park system for purposes of assuring conservation, visitor use, and proper management of such units. Such facilities, and the use thereof, shall be in conformity with approved plans for the unit concerned. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon finding that location of such facilities would—

“(1) avoid undue degradation of the primary natural or cultural resources within the unit;

“(2) enhance service to the public; or

“(3) provide a cost saving to the Federal Government.

“(b) AGREEMENTS, LEASES, GUIDELINES, AND CONSTRUCTION.—For the purpose of establishing facilities under subsection (a):

“(1) The Secretary may enter into agreements permitting the Secretary to use for such purposes those Federal lands that the head of a Federal agency having primary authority over the administration of such land and the Secretary determine to be suitable for such use.

“(2) The Secretary, under such terms and conditions as the Secretary determines are reasonable, may, subject to the appropriation of necessary funds in advance, lease or acquire (from willing sellers only) by purchase or donation, real property (other than Federal land), for the purposes specified in this section.

“(3) For real property acquired pursuant to paragraph (2), the Secretary shall establish written guidelines setting forth criteria to be used in determining whether the acquisition would—

“(A) reflect unfavorably upon the ability of the Department or an employee to carry out its responsibilities or official duties in a fair and objective manner; or

“(B) compromise the integrity, or the appearance of integrity, of the Department's programs or of any official involved in those programs.

“(4) The Secretary may, subject to the appropriation of necessary funds in advance, construct, operate, and maintain such permanent and temporary buildings and facilities as the Secretary deems appropriate on land which is in the vicinity of any unit of the national park system for which the Secretary has acquired authority under this section, except that the Secretary may not begin construction, operation, or maintenance of buildings or facilities on land not owned by the United States until the owner of such lands has entered into a binding agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities for a period of time commensurate with the level of Federal investment.

“(c) COOPERATIVE AGREEMENTS AND JOINT VENTURES FOR INFRASTRUCTURE FACILITIES.—The Secretary is authorized, subject to the appropriation of necessary funds in advance, to enter into cooperative agreements or joint ventures with local or State governmental agencies, other Federal agencies, Indian Tribes, and private entities either on or off the lands subject to the jurisdiction of the Secretary, to provide appropriate and necessary utility and other infrastructure facilities in support of park administration, visitor use, and park employee residential housing.”.

SEC. 5. ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS.

(a) REPEALS.—The following provisions are hereby repealed:

(1) Section 302(c) of the Act entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes (Public Law 95–344; 92 Stat. 478; 16 U.S.C. 2302(c)).

(2) Section 503 of the Act of December 19, 1980 (Public Law 96–550; 94 Stat. 3228; 16 U.S.C. 410ii–2).

(3) Subsections (b) and (c) of section 4 of the Act of October 15, 1982 (Public Law 97–335; 96 Stat. 1628; 16 U.S.C. 341 note).

(4) Section 7 of Public Law 89–671 (96 Stat. 1457; 16 U.S.C. 284f).

(5) Section 3(c) of the National Trails System Act (Public Law 90–543; 82 Stat. 919; 16 U.S.C. 1242(c)).

(6) Section 4(b) of the Act of October 24, 1984 (Public Law 98–540; 98 Stat. 2720; 16 U.S.C. 1a–8).

(7) Section 106(b) of the National Visitor Center Facilities Act of 1968 (Public Law 90–264; 82 Stat. 44; 40 U.S.C. 805(b)).

(8) Section 6(f)(7) of the Act of September 3, 1964 (Public Law 88–578; 78 Stat. 900; 16 U.S.C. 4601–8(f)(7)).

(9) Subsection (b) of section 8 of the Act of August 18, 1970 (Public Law 91–383; 90 Stat. 1940; 16 U.S.C. 1a–5(b)).

(10) The last sentence of section 10(a)(2) of the National Trails System Act (Public Law 90–543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

(11) Section 4 of the Act of October 31, 1988 (Public Law 100–573; 102 Stat. 2891; 16 U.S.C. 460o note).

(12) Section 104(b) of the Act of November 19, 1988 (Public Law 100–698; 102 Stat. 4621).

(13) Section 1015(b) of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95–625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

(14) Section 105 of the Act of August 13, 1970 (Public Law 91–378; 16 U.S.C. 1705).

(15) Section 307(b) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470w–6(b)).

(b) AMENDMENTS.—The following provisions are amended:

(1) Section 10 of the Archaeological Resources Protection Act of 1979, by striking the last sentence of subsection (c) (Public Law 96–95; 16 U.S.C. 470ii(c)).

(2) Section 5(c) of the Act of June 27, 1960 (Public Law 86–523; 16 U.S.C. 469a–3(c); 74 Stat. 220), by inserting a period after “Act” and striking “and shall submit” and all that follows.

(3) Section 7(a)(3) of the Act of September 3, 1964 (Public Law 88–578; 78 Stat. 903; 16 U.S.C. 4601–9(a)(3)), by striking the last sentence.

(4) Section 111 of the Petroglyph National Monument Establishment Act of 1990 (Public

Law 101-313; 104 Stat. 278), by striking out the second sentence.

(5) Section 307(a) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470w-6(a)) is amended by striking the first and second sentences.

(6) Section 101(a)(1)(B) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470a) by inserting a period after "Register" the last place such term appears and by striking "and submitted" and all that follows.

SEC. 6. SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL PARK SERVICE.

(a) IN GENERAL.—The first section of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1; commonly referred to as the "National Park Service Organic Act"), is amended in the first sentence by striking "who shall be appointed by the Secretary" and all that follows and inserting "who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.".

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.

SEC. 7. NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION.

(a) NATIONAL PARK SYSTEM ADVISORY BOARD.—Section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463) is amended as follows:

(1) In subsection (a) by striking the first 3 sentences and inserting in lieu thereof: "There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archaeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.".

(2) By redesignating subsections (b) and (c) as (f) and (g) and by striking from the first sentence of subsection (f), as so redesignated "1995" and inserting in lieu thereof "2006".

(3) By adding the following new subsections after subsection (a):

"(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

"(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

"(c)(1) Upon request of the Director, the Board is authorized to—

"(A) hold such hearings and sit and act at such times,

"(B) take such testimony,

"(C) have such printing and binding done,

"(D) enter into such contracts and other arrangements,

"(E) make such expenditures, and

"(F) take such other actions,

as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

"(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

"(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

"(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

"(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Park System Advisory Board $200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463).

(c) EFFECTIVE DATE.—This section shall take effect on December 7, 1997.

SEC. 8. CHALLENGE COST-SHARE AGREEMENT AUTHORITY.

(a) DEFINITIONS.—For purposes of this section—

(1) The term "challenge cost-share agreement" means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))), any affiliated area, or any designated National Scenic or Historic Trail.

(2) The term "cooperator" means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) CHALLENGE COST-SHARE AGREEMENTS.—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(c) USE OF FEDERAL FUNDS.—In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

SEC. 9. COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.

Public Law 101-337 is amended as follows:

(1) In section 1 (16 U.S.C. 19jj), by amending subsection (d) to read as follows:

"(d) 'Park system resource' means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.".

(2) In section 1 (16 U.S.C. 19jj) by adding at the end thereof the following:

"(g) 'Marine or aquatic park system resource' means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.".

(3) In section 2(b) (16 U.S.C. 19jj-1(b)), by inserting "any marine or aquatic park resource" after "any park system resource".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

☐ 1430

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY], the author of the bill.

Mr. HEFLEY. Mr. Speaker, the first title of this bill, H.R. 2941, is our attempt to deal with the backlog of housing needs in the National Park Service. The extent of the National Park Service's housing needs is vague but has been estimated to be as high as $500 million. I wish it was possible to write a check for that amount, but in these times of trying to balance the budget, that is simply not possible.

Instead, H.R. 2941 will provide the Park Service with the a number of creative authorities to encourage others besides the Federal Government to invest in employee housing.

Several years ago Rocky Mountain National Park, in cooperation with the National Park Foundation, attempted to address its own housing needs by purchasing a nearby church camp that was on the market. The deal fell through because, according to the National Park Foundation and the park superintendent, the authorities were not available for them to close the deal. Randy Jones, the Rocky Mountain superintendent, claims he could solve most of his housing needs tomorrow if he only had the flexibility this bill would give him.

We have worked with the Park Service, and they tell us the bill gives them what they need. Several of these authorities were borrowed from legislation crafted for the military where the authorities are proving useful in improving the quality of housing.

The bill also urges the Park Service to examine such options as paid transportation from home to work site and employee cooperatives, in which rangers can build up this equity while they are being moved around the country.

As I have stated, the Park Service estimates its housing needs to be more than $500 million. However, in several reports from the General Accounting Office we cannot account for quite that much, but we know that there is a significant need there. For that reason, we have adopted an amendment by my friend, the gentleman from Minnesota [Mr. VENTO], which withholds the use of these authorities from individual park units until those units justify their needs, which seems perfectly reasonable.

Further, in response to CBO's concerns about out year costs, the amendment before you makes the entire section subject to appropriations. I understand this amendment has been cleared with the Committee on the Budget.

In conclusion, I would ask my colleagues to recall the horror stories we have heard in recent years of park rangers living in tents or packing crates. We have a problem, one which we need to be flexible and creative in order to try to solve, a problem which is fixable in fairly short order if the Park Service had the authorities to do so.

Mr. Speaker, this bill attempts to give them those authorities, and I ask Members' support of the amendment and of this bill.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, although H.R. 2941, as introduced, dealt solely with employee housing, a comprehensive substitute was adopted by the Resources Committee that incorporated several diverse park proposals that were pending before the committee. I did not object to this procedure being used in this instance. In fact, Representative HANSEN and his staff worked with Democratic members of the committee and the administration to craft a package we can all support.

The centerpiece of this legislative package is the National Park Service employee housing initiative.We have all seen or heard of examples of deplorable employee housing. We know problems exist. If we are to properly address this issue, the Congress needs an accurate assessment of employee housing requirements, the costs associated with those requirements, and a viable working plan to address housing needs. Representative VENTO who worked on this issue for several years took the lead to develop language that was adopted by the committee to address this important aspect of the program. It is a better bill because of these provisions.

Several other elements of H.R. 2941, amended, are specific legislative initiatives of the National Park Service and their inclusion will provide the NPS with some useful management tools.

I would note that based on the committee hearing last fall, there was certainly potential for controversy regarding the provision on the appointment of the NPS Director. I am glad to see that cooler heads prevailed and that the language was amended to its current form.

All in all Mr. Speaker, H.R. 2941, as amended, is a good package. The bill is an example of how we can work together on park issues.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2941, legislation which provides for a number of needed administrative reforms in the National Park Service. This important bill contains eight different reform proposals ranging from relatively minor proposals, to important, long-debated measures, and reflects the work of several different authors.

Mr. Speaker, many of these proposals are just good common sense; proposals which will make National Park Service operations more efficient, and reduce unnecessary work here in Congress. These are precisely the types of proposals which could have been expected from an administration which claims to be reinventing Government. Unfortunately, Secretary Babbitt has ignored the National Park Service.

For example, several years ago Secretary Babbitt announced a major initiative to improve housing in our national parks. After building a single house for a publicity venture at Great Smokey Mountains National Park, Secretary Babbitt has essentially abandoned the program. In this legislation, Congress has provided a comprehensive solution to the housing problems of the National Park Service. This legislative proposal is not intended as a publicity stunt; I'm not even sure that Mr. HEFLEY, author of the provision, has issued a press release about it. Rather this legislation is being advanced because Members believe that National Park Service employees deserve a decent place to live.

Mr. Speaker, this entire legislative package is bipartisan in nature and reflects the strong input from Democrats as well as Republicans on the Resources Committee. I thank Mr. RICHARDSON and Mr. VENTO for their valuable assistance in developing this legislation.

As I mentioned, section 2 of the bill provides for a variety of authorities to address the unacceptable condition of housing which many NPS employees are required to live in. We heard in testimony about park employees living in uninsulated houses in severe climates, living in buildings which do not meet basic life-safety codes, living in 50-year old repossessed trailers, even in one case, living in a land-sea shipping container.

These conditions must be addressed, and the first step to addressing them is to make absolutely sure that every single housing unit in every park can be fully justified. Second, we must figure out how to fund the necessary housing improvements. Although the Appropriation Committee has provided substantial funds for housing in the past, it is unrealistic to expect they will fully fund the hundreds of millions needed for this program in the near future. Therefore, this legislation, authorizes a number of cooperative ventures with the private sector, designed to seek their assistance in solving this problem. The legislation even authorizes the Secretary to sell housing to employee cooperatives which would eliminate the need for Federal maintenance of housing while at the same time permitting employees to gain the benefits of home ownership. Third, we must make sure that every single dollar is spent wisely, and that the funds go to the highest priority needs.

Section 3 of the bill provides for generic authority for the National Park

Service to make minor park boundary adjustments. While this authority does exist for all parks established after 1965, and for selected other parks, many parks do not have such authority. Further, there is no definition of what constitutes a minor boundary adjustment. Therefore, we find that the NPS has administratively accepted donation of about 30 acres at the Presidio which has a Federal liability of $65 million for rehabilitation of currently unusable structures, while Congress is passing legislation to add several hundred square yards of land administered by another Federal agency to Independence National Historic Park. This legislation will save time and money for Congress and the administration.

Section 4 of the bill provides generic authority for the NPS to establish administrative and visitor facilities outside of park boundaries. This authority will permit the NPS to establish joint interagency visitor centers, or locate visitor centers or headquarter offices outside of park boundaries where it makes sense. There are currently several proposals now working through Congress to establish such centers, and each of them now requires a separate act.

Section 5 deletes 22 unnecessary congressional reporting requirements. Many of these requirements are simply outdated, such as requiring an annual report on the National Visitor Center at Union Station which was closed over 15 years ago; while others have never been complied with, such as the national trails system report. But mostly, this section will save the agency time and money preparing reports which are of little use in the congressional process.

Section 6 provides for Senate confirmation of the National Park Service Director, in the same manner as the other land management agency heads within the Interior Department—Director of the Fish and Wildlife Service and the Director of the Bureau of Land Management. While many persons have long believed that the head of this important agency should be subject to congressional scrutiny, the issue gained renewed support when Secretary Babbitt announced that his top two candidates for the Office of NPS Director were Tom Brokaw and Robert Redford. While these two gentlemen are well-respected in their chosen fields, they know nothing about running the best park system in the world. Public exposure of these selections was a clear signal of the purely political manner in which Secretary Babbitt intended to operate the NPS, and resulted in both Democratic and Republican-authored measures to require that the head of the NPS know something about parks other than having vacationed there.

Section 7 of the bill reauthorizes the National Park System advisory board. The statutory authorization for this board expired a couple years ago. While the board has been reauthorized administratively, the role of this board as an independent advisor to the Secretary could be enhanced if it were reestablished by law.

Section 8 establishes and expands the Challenge Cost Share Program for the NPS on a permanent basis. This program, which permits Federal dollars to be leveraged with non-Federal dollars, has proven very effective for the Forest Service; and it is expected to provide similar benefits for the National Park Service at a time when appropriations are limited.

Finally, section 9 of the bill permits the NPS to recover costs from damages to natural resources in the same manner as costs are recovered from damages to marine resources. When the Federal Government recovers costs from such damage, it makes far more sense to apply those funds to restore the resources than to deposit such funds into the Treasury, as is currently the policy.

Mr. Speaker, as Members can see, this bill contains a number of very important provisions which will help our parks, its employees, and make congressional oversight more effective. I commend all Members who have provided input into the bill, Democrats and Republicans alike, and urge all Members to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I had hoped that we could keep this discussion of this bill bipartisan. Obviously, I have to disagree with some of the chairman's comments. This is a good bill.

Employee housing, I had a chance to go to Yellowstone over the recess and had a chance to spend some time with our Park Service employees, not just in law enforcement but also park rangers, men and women. The quality of these men and women is really outstanding. They are hard workers. Of course Yellowstone is the crown jewel.

They talked to me about this housing issue. Basically what you have is some of our, especially bachelor, park rangers living in what is generously called some very substandard housing. We have to do better. We have to do better for our park employees.

Let me address some of the chairman's statements. I disagree. I think Secretary Babbitt has done a good job with the Park Service. I think Director Kennedy has done a good job, too. I differ with the chairman on whether Tom Brokaw or Robert Redford would have been good directors of the Park Service. I think what Secretary Babbitt is looking at is somebody with high visibility, to give the parks the visibility that they need.

I know the chairman agrees with me. We have got to find ways to ensure that these parks are funded. We need the private sector to help. I think that was one of the objectives viewed there. But I am not going to get into an argument with him, except to say that this administration has done a good job with the environment and with the Park Service, particularly Director Kennedy and Secretary Babbitt.

This is an occasion where, perhaps a few times that we have come together on a bill, we should recognize that that has happened. I commend the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Utah [Mr. HANSEN] for this bill. It is a good one. They work with us. They compromise. We compromise. We have a good product that I think will advance the national interest.

☐ 1445

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the words from the ranking member of the committee. Let me say that, as a Republican member, we have no desire to close any parks, contrary to what people have said, but to make them better.

I think this particular piece of legislation, as we waded through all the sections, points out and expedites the things that will make the parks better and make them work better; and we are very strong on the idea of taking care of our national parks. We have no argument with the administration on most things that they do, but in some of these areas we feel that what they do, but in some of these areas we feel that what should be done should be done not for what is politically expedient, but done fore the benefit of the parks, and that is the agreement we thought we had when we first got into the business of this committee.

I appreciate all those who have worked so diligently on this bill. I personally feel this is an excellent piece of legislation, and I urge all Members to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I rise today to support this important piece of legislation, which is the result of much effort and hard work. As the former chairman of the National Parks, Forests and Public Lands Subcommittee, I maintain a deep concern for this issue. In 1994, I released a General Accounting Office report, which was undertaken at my request, that called for reexamination of employee housing needs within the National Park Service [NPS]. During consideration of H.R. 2941 in the Resources Committee this year, I continued to offer my input to improve it, including an amendment I offered which is now part of the bill. I want to commend my colleagues, Mr. HEFLEY and Chairman HANSEN, along with Mr. RICHARDSON for their positive efforts regarding this proposed policy.

I support efforts to ensure that the housing needs of National Park Service employees are met. In this time of downsizing and fiscal constraints, we must scrutinize all programs including our natural resources programs, to make sure scarce Federal dollars are allocated fairly. This bill provides general authority for the Park Service to make housing available for its employees, both on and off Federal lands, at costs commensurate with comparable housing in the surrounding area. Authorization is given for leasing of Federal land to private contractors to permit them to build and maintain housing for parks employees.

When the bill was considered in the Resources Committee, my amendment added several important provisions. To ensure that the needs of parks employees and our responsibilities to the American taxpayer are both met, this bill grants additional housing authority to the Park Service only where that authority is necessary and justified. The NPS will have to review and revise the existing criteria under which housing is provided to employees of the Park Service. My additions also require that the NPS submit a plan on how to meet the housing needs of parks employees. When this review is completed for specific units of the NPS, and the need is established, authorization is given to enter into housing agreements to develop, construct, rehabilitate, or manage housing on, or off public lands for rent, or lease by NPS employees.

Clearly there are many NPS units today that do not require or justify public employee or private employee housing within or outside of the parks units. Times have changed and it is appropriate for the policy to recognize reality. Transportation and development have greatly improved and the necessity of NPS housing is much reduced. The problems associated with managing a National Park unit in the 1990's are tremendous, and park housing policy too often flows to business as usual, imposing more management headaches that are not justified by the circumstance. The National Forest Service and the Bureau of Land Management with vast land, nearly 600 million acres, have far less, not even 20 percent of the employee housing, that exists in the 90 million acres of NPS lands. This speaks for itself even as we recognize the different missions and responsibilities. It is time the NPS reevaluate and refocus its housing policy. This measure is one such opportunity—a tough but necessary task.

With these provisions, this bill has been improved and updated. The bill is consistent with good management practices and sound policymaking. I urge my colleagues to support the bill.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 2941, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2941, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3802) to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Freedom of Information Act Amendments of 1996".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies, subject to statutory exemptions, for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. APPLICATION OF REQUIREMENTS TO ELECTRONIC FORMAT INFORMATION.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section, the term—

"(1) 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

"(2) 'record' and any other term used in this section in reference to information includes any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format.".

SEC. 4. INFORMATION MADE AVAILABLE IN ELECTRONIC FORMAT AND INDEXATION OF RECORDS.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the second sentence, by striking "or staff manual or instruction" and inserting "staff manual, instruction, or copies of records referred to in subparagraph (D)";

(2) by inserting before the period at the end of the third sentence the following: ", and the extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (b) under which the deletion is made";

(3) by inserting after the third sentence the following: "If technically feasible, the extent of the deletion shall be indicated at the place in the record where the deletion was made.";

(4) in subparagraph (B), by striking "and" after the semicolon;

(5) by inserting after subparagraph (C) the following:

"(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

"(E) a general index of the records referred to under subparagraph (D);";

(6) by inserting after the fifth sentence the following: "Each agency shall make the index referred to in subparagraph (E) available by computer telecommunications by December 31, 1999."; and

(7) by inserting after the first sentence the following: "For records created on or after November 1, 1996, within one year after such date, each agency shall make such records available, including by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means.".

SEC. 5. HONORING FORM OR FORMAT REQUESTS.

Section 552(a)(3) of title 5, United States Code, is amended—

(1) by inserting "(A)" after "(3)";

(2) by striking "(A)" the second place it appears and inserting "(i)";

(3) by striking "(B)" and inserting "(ii)"; and

(4) by adding at the end the following new subparagraphs:

"(B) In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.

"(C) In responding under this paragraph to a request for records, an agency shall make reasonable efforts to search for the records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency's automated information system.

"(D) For purposes of this paragraph, the term 'search' means to review, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request.".

SEC. 6. STANDARD FOR JUDICIAL REVIEW.

Section 552(a)(4)(B) of title 5, United States Code, is amended by adding at the end the following new sentence: "In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b) and reproducibility under paragraph (3)(B).".

SEC. 7. ENSURING TIMELY RESPONSE TO REQUESTS.

(a) MULTITRACK PROCESSING.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end the following new subparagraph:

"(D)(i) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for multitrack processing of requests for records based on the amount of work or time (or both) involved in processing requests.

"(ii) Regulations under this subparagraph may provide a person making a request that does not qualify for the fastest multitrack processing an opportunity to limit the scope of the request in order to qualify for faster processing.

"(iii) This subparagraph shall not be considered to affect the requirement under subparagraph (C) to exercise due diligence.".

(b) UNUSUAL CIRCUMSTANCES.—Section 552(a)(6)(B) of title 5, United States Code, is amended to read as follows:

"(B)(i) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days, except as provided in clause (ii) of this subparagraph.

"(ii) With respect to a request for which a written notice under clause (i) extends the time limits prescribed under clause (i) of subparagraph (A), the agency shall notify the person making the request if the request cannot be processed within the time limit specified in that clause and shall provide the person an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request. Refusal by the person to reasonably modify the request or arrange such an alternative time frame shall be considered as a factor in determining whether exceptional circumstances exist for purposes of subparagraph (C).

"(iii) As used in this subparagraph, 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular requests—

"(I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

"(II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

"(III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

"(iv) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for the aggregation of certain requests by the same requestor, or by a group of requestors acting in concert, if the agency reasonably believes that such requests actually constitute a single request, which would otherwise satisfy the unusual circumstances specified in this subparagraph, and the requests involve clearly related matters. Multiple requests involving unrelated matters shall not be aggregated.".

(c) EXCEPTIONAL CIRCUMSTANCES.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting "(i)" after "(C)", and by adding at the end the following new clauses:

"(ii) For purposes of this subparagraph, the term 'exceptional circumstances' does not include a delay that results from a predictable agency workload of requests under this section, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests.

"(iii) Refusal by a person to reasonably modify the scope of a request or arrange an alternative time frame for processing a request (or a modified request) under clause (ii) after being given an opportunity to do so by the agency to whom the person made the request shall be considered as a factor in determining whether exceptional circumstances exist for purposes of this subparagraph.".

SEC. 8. TIME PERIOD FOR AGENCY CONSIDERATION OF REQUESTS.

(a) EXPEDITED PROCESSING.—Section 552(a)(6) of title 5, United States Code (as amended by section 7(a) of this Act), is further amended by adding at the end the following new subparagraph:

"(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing for expedited processing of requests for records—

"(I) in cases in which the person requesting the records demonstrates a compelling need; and

"(II) in other cases determined by the agency.

"(ii) Notwithstanding clause (i), regulations under this subparagraph must ensure—

"(I) that a determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request; and

"(II) expeditious consideration of administrative appeals of such determinations of whether to provide expedited processing.

"(iii) An agency shall process as soon as practicable any request for records to which the agency has granted expedited processing under this subparagraph. Agency action to deny or affirm denial of a request for expedited processing pursuant to this subparagraph, and failure by an agency to respond in a timely manner to such a request shall be subject to judicial review under paragraph (4), except that the judicial review shall be based on the record before the agency at the time of the determination.

"(iv) A district court of the United States shall not have jurisdiction to review an agency denial of expedited processing of a request for records after the agency has provided a complete response to the request.

"(v) For purposes of this subparagraph, the term 'compelling need' means—

"(I) that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

"(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

"(vi) A demonstration of a compelling need by a person making a request for expedited processing shall be made by a statement certified by such person to be true and correct to the best of such person's knowledge and belief.".

(b) EXTENSION OF GENERAL PERIOD FOR DETERMINING WHETHER TO COMPLY WITH A REQUEST.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking "ten days" and inserting "20 days".

(c) ESTIMATION OF MATTER DENIED.—Section 552(a)(6) of title 5, United States Code (as amended by section 7 of this Act and subsection (a) of this section), is further amended by adding at the end the following new subparagraph:

"(F) In denying a request for records, in whole or in part, an agency shall make a reasonable effort to estimate the volume of any requested matter the provision of which is denied, and shall provide any such estimate to the person making the request, unless providing such estimate would harm an interest protected by the exemption in subsection (b) pursuant to which the denial is made.".

SEC. 9. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended in the matter following paragraph (9) by inserting after the period the following: "The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion is made.".

SEC. 10. REPORT TO THE CONGRESS.

Section 552(e) of title 5, United States Code, is amended to read as follows:

"(e)(1) On or before February 1 of each year, each agency shall submit to the Attorney General of the United States a report which shall cover the preceding fiscal year and which shall include—

"(A) the number of determinations made by the agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

"(B)(i) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information; and

"(ii) a complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3), a description of whether a court has upheld the decision of the agency to withhold information under each such statute, and a concise description of the scope of any information withheld;

"(C) the number of requests for records pending before the agency as of September 30 of the preceding year, and the median number of days that such requests had been pending before the agency as of that date;

"(D) the number of requests for records received by the agency and the number of requests which the agency processed;

"(E) the median number of days taken by the agency to process different types of requests;

"(F) the total amount of fees collected by the agency for processing requests; and

"(G) the number of full-time staff of the agency devoted to processing requests for records under this section, and the total amount expended by the agency for processing such requests.

"(2) Each agency shall make each such report available to the public including by computer telecommunications, or if computer telecommunications means have not been established by the agency, by other electronic means.

"(3) The Attorney General of the United States shall make each report which has been made available by electronic means available at a single electronic access point. The Attorney General of the United States shall notify the Chairman and ranking minority member of the Committee on Government Reform and Oversight of the House of Representatives and the Chairman and ranking minority member of the Committees on Governmental Affairs and the Judiciary of the Senate, no later than April 1 of the year in which each such report is issued, that such reports are available by electronic means.

"(4) The Attorney General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop reporting and performance guidelines in connection with reports required by this subsection by October 1, 1997, and may establish additional requirements for such reports as the Attorney General determines may be useful.

"(5) The Attorney General of the United States shall submit an annual report on or before April 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subparagraphs (E), (F), and (G) of subsection (a)(4). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.".

SEC. 11. REFERENCE MATERIALS AND GUIDES.

Section 552 of title 5, United States Code, is amended by adding after subsection (f) the following new subsection:

"(g) The head of each agency shall prepare and make publicly available upon request, reference material or a guide for requesting records or information from the agency, subject to the exemptions in subsection (b), including—

"(1) an index of all major information systems of the agency;

"(2) a description of major information and record locator systems maintained by the agency; and

"(3) a handbook for obtaining various types and categories of public information from the agency pursuant to chapter 35 of title 44, and under this section.".

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect 180 days after the date of the enactment of this Act.

(b) PROVISIONS EFFECTIVE ON ENACTMENT.—Sections 7 and 8 shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentlewoman from New York [Mrs. MALONEY] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I will take 2 minutes, and then I am going to yield to the gentleman from Washington [Mr. TATE] for the explanation of the bill.

The hallmark of a free society is that those who are governed have access to the information within the control of those who govern.

James Madison put it very well when he wrote very elegantly over two centuries ago:

> A popular government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be the governors, must arm themselves with the power knowledge gives.

Madison, whom we honor with the Madison Library of the Library of Congress, was certainly one of the most thoughtful of our founders and considered by many to be the Father of The Constitution.

In this spirit, 30 years ago Congress passed the Freedom of Information Act, commonly referred to as the FOIA. The committee report that accompanied the original act summarized it as providing a "true Federal public records statute by requiring the availability, to any member of the public, of all executive branch records" described in that act. Since its enactment, the annual number of requests which departments and agencies received has grown to more than 600,000 requests a year.

The benefits that the Freedom of Information Act provides the public matter deeply to Congress. In 1995, the very first report issued by the House Committee on Government Reform and Oversight was A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records. This popular publication, available from the Government Printing Office helps average citizens understand their right to obtain government records.

H.R. 3802 clarifies that records kept electronically are subject to disclosure under the Freedom of Information Act. The bill also makes procedural changes in the administration of the law. It strengthens agency reporting requirements. It also requires that more information be available to the public via the Internet.

The Electronic Freedom of Information Amendments of 1996 was introduced by the gentleman from Washington [Mr. TATE], our subcommittee's ranking member, the gentlewoman from New York [Mrs. MALONEY], the gentleman from Minnesota [Mr. PETERSON], and myself. We were the original cosponsors.

I understand that Senator LEAHY intends to offer this identical bill on the floor of the other body as a substitute to S. 1090. The Senate Committee on the Judiciary had previously favorably reported that legislation. We have worked very closely with Senators LEAHY and SPECTER and the administration in producing a bill that now enjoys broad support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. TATE], my colleague, the prime author of this legislation.

Mr. TATE. Mr. Speaker, I want to thank Chairman CLINGER and Representative HORN for their hard work and leadership.

As chairman of the Government Reform and Oversight Committee—Chairman CLINGER has played a vital role in bringing H.R. 3802—the Electronic Freedom of Information Act Amendments of 1996—before us today.

And Chairman HORN of the Subcommittee on Government Management, Information and Technology—has served on the front lines in our efforts to improve the efficiency and responsiveness of Government operations.

I have been fortunate to work alongside Representative HORN in the area of Federal information policy and the Electronic Freedom of Information Act amendments.

I would also like to acknowledge the support of Representative CAROLYN MALONEY and Representative COLLIN PETERSON. Their contributions have ensured that H.R. 3802 is a truly bipartisan effort.

Opening the work of the Federal Government to the watchful and vigilant eyes of the American taxpayers and the public is an effort that both parties and the administration can and should embrace wholeheartedly.

Thirty years ago—Congress passed the Freedom of Information Act [FOIA] to advance one of the basic tenets of our Constitution—that our Federal Government is always open, accessible, and accountable to the American people.

Government works best under the watchful and vigilant eyes of its owners—the American people.

The more visible and accessible we make the work of the Federal Government—the easier it becomes for all of us to stem Government excess and curb Government abuse.

Before the enactment of the Freedom of Information Act—agencies and departments of the Federal Government regularly restricted the public's access to information.

FOIA was enacted in order to honor—preserve—and promote the public's right to know—ensuring that Government information is—with few very exceptions—public information.

Unfortunately—time after time—FOIA's promise to make Government information open and accessible has been broken.

On many occasions—simple requests for information have languished—unanswered—for years.

In addition—many agencies have not responded to the needs of a public that has already moved into the information age—continuing to focus on answering with volumes of paper rather than with CD-ROM's or computer disks.

In the 30 years since the implementation of the original Freedom of Information Act—our Nation has witnessed enormous technological advances.

My area of the country—the Puget Sound region in Washington State—is the home of Microsoft—the largest computer software company in the world.

My district has welcomed a manufacturing plant for Intel—the largest of the Pentium chip that goes into computer throughout the world.

And my hometown of Puyallup has been to a manufacturing plant owned by Matsushita—one of the largest computer chip producers in the world.

These technological marvels have made the laptop computer—cellular phone—fax—and internet possible—bringing the public into the information age.

It is only fitting that we now work to use modern-day technology to deliver common-sense efficiency and Government accountability to the American people.

H.R. 3802 puts FOIA information online on agency websites, ensuring that citizens in every home—in every town—and in every city—across the Nation will be able to access Government information from the comfort of their own homes.

My neighbors will be able to turn on their computers—click onto the internet—and download information made accessible by the Electronic Freedom of Information Act Amendments of 1996.

Our Government should be user-friendly by making an effort to deliver information to Americans in the format of their choosing.

H.R. 3802 requires Federal agencies to make a concerted effort to produce records in the preferred format—such as CD-ROM or computer disk—ensuring that Government information is not only readily available but also readily usable.

The use of the latest technology by Government agencies will harness the benefits of computer technology and deliver to everyone increased Government accessibility.

This legislation also addresses the problems many citizens face when requesting Federal records—unacceptable delays in getting an answer.

This bill encourages Federal agencies to develop multitrack processing based on the complexity of requests.

For example—simple requests should be answered as if they were going through the express lane at your local supermarket—quickly and efficiently.

Those who seek information which relates to life or safety or is of urgent public interest will receive the timely processing that they need.

In addition—agencies are given an incentive to actively work with the public to deliver the most useful information as fast as possible.

These changes send a clear message that the Federal Government—and its public servants—must always strive for increased Government openness—efficiency—and accountability.

Openness—efficiency—and accountability are the hallmarks of the Electronic Freedom of Information Act amendments. The American people expect their Government to deliver no less.

In a March 21 letter to Chairman HORN, I and Representatives SCARBOROUGH, DAVIS, FOX, BASS, and FLANAGAN urged House consideration of EFOIA and I am delighted to have H.R. 3802 before us today on the House floor.

I thank all my colleagues on the Government Reform and Oversight Committee for their hard work and support in ensuring that the advancement of free information to the American people is pursued on a bipartisan basis.

H.R. 3802 has received endorsements from a broad array of groups—including Americans for Tax Reform—the Newspaper Association of America—the National Association of Broadcasters—and the American Library Association.

The Freedom of Information Act turned 30 this year—it's time to bring the law into the modern information age and require the Federal Government to deliver cutting-edge service to the American people.

We in Congress—as their public servants—should aspire to nothing less. I urge all my colleagues to support the Electronic Freedom of Information Act of 1996.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like much of the work that the Committee on Government Reform and Oversight has done this year on legislation, this bill is a triumph of policy over partisanship. In the most partisan Congress in memory, this committee has passed several bills with broad bipartisan support that will collectively save the taxpayers billions of dollars and make Government work better for the average American taxpayer; the Paperwork Reduction Act, the debt collection bill which Treasury estimates will save taxpayers $10 billion over 5 years, the Federal Acquisition Reform Act, the Single Audit Act, and the General Accounting Office Act, to name a few. These achievements are a credit to the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from California [Mr. HORN], who chairs the Subcommittee on Government Management Information and Technology on which I serve as the ranking member. They are also a credit to a ranking member of the full committee, the gentlewoman from Illinois [Mrs. COLLINS], whose leadership will be greatly missed when she retires at the end of the year. On this particular bill I want to thank the gentleman from Washington [Mr. TATE], for his active leadership and Senator PATRICK LEAHY who has been the driving force behind the bill in the Senate.

I appreciate the majority's willingness to adopt my amendments, in particular one amendment that would track how agencies are responding or not responding to Freedom of Information requests. As Senator LEAHY testified at our committee hearing, long delays in access can mean no access at all.

Mr. Speaker, in short, the Electronic Freedom of Information Act will bring the Freedom of Information Act from the technological stone age into the information age. It has been 30 years since President Johnson set upon signing the original Freedom of Information Act, and I quote:

> This legislation springs from one of our most essential principles, a democracy works best when people have all the information that the security of the Nation permits.

That principle still holds true today, but as written, the Freedom of Information Act is woefully outdated, drafted for a time when personnel computers were unheard of and cyberspace was no more accessible than outer space.

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This bill will change all of that. It clarifies that there is no legal distinction between Government records stored on paper and Government records stored electronically, that records maintained in an electronic format can be subject to FOIA requests.

Government agencies are increasingly storing their information on personal computers, computer databases, and electronic storage media such as CD-ROM's. But some Government agencies have denied freedom of information requests for information stored electronically. They are seeking the green light from Congress to provide access to that information, and this bill gives it to them by placing substance over form instead of form over substance.

The rationale for this provision is obvious. Today our information warehouses are on computer and compact disks, not in huge buildings in industrial zones. By using technology, Government bureaucrats can avoid going through endless file cabinets hunting for information, often to provide identical or overlapping information from previous FOIA requests. And ordinary

American citizens can access that information without leaving their desks or driving to the post office, or in some cases having any contact with Government workers at all.

With Government downsizing, Government employees' workloads are mounting, so avoiding the need for contact with them at all can dramatically expedite fulfillment of freedom of information requests, as in the case of identical FOIA requests which have been filed before.

Mr. Speaker, the bill also forces agencies to exercise foresight when installing computer systems which must help expedite agency FOIA requests and operations, rather than impeding them. Furthermore, it would encourage agencies to offer online access to Government information, effectively transforming an individual's home computer into a Government agency's public reading room.

Most importantly, the bill would tackle the mother of all complaints lodged against the Freedom of Information Act: that is, the often ludicrous amount of time it take some agencies to respond, if they respond at all, to freedom of information requests.

By the time freedom of information requests are fulfilled, the information is often useless to the requester, if the requester has not died of old age. If you request a document from the FBI, you may be forced to wait for more than 4 years before you receive it, if not longer.

This bill will make several commonsense changes. It will establish that all freedom of information requests are not created equal. The bill creates a compelling need standard, warranting faster FOIA processing.

Two categories of compelling need would be created. In the first category, the failure to obtain the records within an expedited deadline poses an imminent threat to an individual's life or physical safety. The second category requires a request by someone, and I quote, "Primarily engaged in disseminating information," and "urgency to inform the public concerning actual or alleged government activity."

This would apply to our good friends from the media. Marlin Fitzwater once talked about the need to constantly feed the beast, meaning the media, with information. This provision will help keep the media informed in a quicker and faster way.

Mr. Speaker, the bill would further differentiate and prioritize FOIA requests based on size, giving requesters an incentive to frame narrower requests. Agencies would no longer be able to delay responding to FOIA requests on the grounds of "exceptional circumstances" if those circumstances are nothing more than the predictable agency overload.

This clause would strengthen the requirement that agencies respond to freedom of information requests on time. However, this bill does recognize the great demands placed on agencies to fulfill FOIA requests by extending the deadline for responding to requests to 20 workdays from the current 10-day workday requirement, which is simply unworkable for many agencies.

The bill also gives agencies an incentive to comply with statutory time limits by allowing them to retain half of the fees. The amendment that I introduced, which has been adopted, acknowledges that we need to make agencies more accountable to the public by requiring them to report to Congress and the public on their efforts to comply with FOIA or their failure in complying with FOIA. Information delayed is certainly information denied.

The bill requires each agency to report on its FOIA workload during the year, the number of requests received and completed, as well as the amount of backlog and the steps the agency is taking to reduce it. Each agency will also report on how long it normally takes to process the request. Finally, each agency will report on the resources, dollars, and persons devoted to responding. This will allow us to make a judgment about whether adequate resources are being devoted to these requests and whether agencies are making a sufficient effort to comply with the law of the land.

The bill also requires agencies to become more user-friendly to the public, informing average Americans in a readily understandable way how one makes a FOIA request, how long it takes for normal requests to be processed, how the Government responds to a request, and in what circumstances the Government is not required to fulfill the request.

One issue not addressed in this legislation is the recent D.C. Circuit Court decision in the case of Armstrong versus the Executive Office of the President. In that decision the court ruled that the National Security Council is not an agency. This is contrary to 20 years of freedom of information practice and contrary to the way Congress has treated the National Security Council in other legislation. I hope the courts will correct this error; but if they do not, I am sure that we will address it in the 105th Congress.

To summarize, Mr. Speaker, this is a comprehensive, bipartisan bill that facilitates the dissemination of public information. It makes the Freedom of Information Act for the 1990's instead of for the 1960's. It helps make Government truly for the people, not just for Government insiders. In passing it unanimously, the Committee on Government Reform and Oversight has proudly lived up to its name.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in closing on this I thank, again, the gentleman from Washington for his very constructive ideas, and the gentlewoman from New York for her most helpful suggestions. She has mentioned a few of them. The Subcommittee on Government Management, Information, and Technology held a very thorough hearing on H.R. 3802.

This has truly been, as have most of the bills from this subcommittee, based on bipartisan cooperation. Good ideas know no bounds, and what we need to do is get the good ideas into legislation. This is one aspect of that.

We mentioned earlier the 600,000 requests a year. The gentlewoman from New York mentioned the 4-year lag to get a file out of the Federal Bureau of Investigation. That is simply unacceptable in a free society. How are we going to solve that? As we suggested in the hearings, and this was, again, both sides of the aisle suggesting it to the executive branch, we need the Cabinet officers in charge of particular departments to take this seriously, to look at how their needs and how they might better staff and organize to serve the public and the media with this information. The agencies need to put a price tag on the service. Do not necessarily come to Congress to solve every fiscal problem that arises. The Secretary should be looking at reprogramming money within the department so the public and the media can be served.

So, Mr. Speaker, we expect agencies to look for reprogramming funds. We also expect the appropriations committees to take this up piece by piece as to how well the agencies are dealing with serving the public in the freedom of information area.

I would hope that all parties in the legislative and executive branches take this matter seriously. In the coming year we will be watching the degree to which the backlog is reduced through the oversight conducted by our Committee on Government Reform and Oversight.

Mrs. MALONEY. Mr. Speaker, I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 3802, as amended.

The question was taken.

Mr. HORN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3802, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERRING HONORARY U.S. CITIZENSHIP TO MOTHER TERESA

Mr. FLANAGAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 191) to confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa, as amended.

The Clerk read as follows:

H.J. RES. 191

Whereas the United States has conferred honorary citizenship on only three occasions in its more than two hundred years, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas Agnes Gonxha Bojaxhiu, better known through out the world as Mother Teresa, has worked tirelessly with orphaned and abandoned children, the poor, the sick, and the dying;

Whereas Mother Teresa founded the Missionaries of Charity in 1950, and has taken in those who have been rejected as "unacceptable" and cared for them when no one else would, regardless of race, color, creed, or condition;

Whereas Mother Teresa has deservedly received numerous honors, including the 1979 Nobel Peace Prize and the 1985 Presidential Medal of Freedom;

Whereas Mother Teresa has worked in areas all over the world, including the United States, to provide comfort to the world's neediest; and

Whereas Mother Teresa through her Missionaries of Charity has established within the United States numerous soup kitchens, emergency shelters for women, shelters for unwed mothers, shelters for men, after-school and summer camp programs for children, homes for the dying, prison ministry, nursing homes, and hospital and shut-in ministry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Agnes Gonxha Bojaxhiu, also known as Mother Teresa, is proclaimed to be an honorary citizen of the United States of America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FLANAGAN] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FLANAGAN].

GENERAL LEAVE

Mr. FLANAGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 191, the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 191, legislation which I introduced that confers honorary U.S. citizenship upon Mother Teresa.

Mr. Speaker, Mother Teresa is a living saint. Her work has affected people around the globe. She has worked tirelessly for the sick and the dying, giving them comfort and care. Mother Teresa has always, through her Missionaries of Charity, taken in those who are "unacceptable," and thus unwanted, and cared for them when no one else would. Her commitment to humanity is unwavering.

Born on August 27, 1910, Mother Teresa has worked for over 65 years for the betterment of mankind. She began her religious studies in Ireland in 1928. Later that same year, she went to Calcutta, India, where she has so nobly performed countless acts of faith and devotion.

Mother Teresa's caregiving has reached beyond creed, nationality, race, or place. She has extended her service to those who are poor and those who are unwanted around the world. Aside from her work in India, Mother Teresa has touched the lives of many in Ireland, Venezuela, Tanzania, Australia, Jordan, her own Albania, and of course, right here in the United States, to name but just a few of the more than 90 countries where Mother Teresa and her order have been active.

Bestowing such a prestigious tribute as honorary U.S. citizenship does not come easily. There have been only three other occasions on which this privilege has been awarded. Only four individuals have received honorary citizenship. They are, first, Sir Winston Churchill, Prime Minister of Great Britain during World War II, America's greatest ally, second, Raoul Wallenberg, a Swedish diplomat who, during World War II, saved the lives of thousands of Jews, and third, William Penn and his wife, Hannah Callowhill Penn, were honored for their role in the colonial days of our great country.

Honorary U.S. citizenship does not grant any legal rights or obligations. It does not give the recipient any voting privileges. This has been a concern in the past. It is crystal clear from the legislative history of the Churchill, Wallenberg, and Penn bills that conferral of honorary citizenship is purely a symbolic gesture. It is recognition of their outstanding commitment to their fellow man and to America.

There is no question that Mother Teresa is a worthy recipient of this prestigious honor. She has established numerous soup kitchens, women's shelters, shelters for unwed mothers, religious education programs, nursing homes, orphanages, after school and summer camp programs for children, homes for the dying, prison ministry, family counseling programs, and missionary work in the United States. She has also been awarded the 1979 Nobel Peace Prize for her work as well as the 1985 U.S. Presidential Medal of Freedom and countless other honors. It would surely take up the rest of the day to list them all.

The Missionaries of Charity, Mother Teresa's order, was founded in India in 1950. The order was established in the United States in 1971. There are approximately 4,500 sisters affiliated with the congregation. It is represented in the United States in the Archdioceses of Atlanta, Boston, Chicago, Denver, Detroit, Los Angeles, Miami, New York, Newark, Philadelphia, San Francisco, St. Louis, and Washington. Also in the Dioceses of Baton Rouge, Brooklyn, Dallas, Fall River, Gallup, Lafayette, Lexington, Little Rock, Peoria, Phoenix, and Memphis. It's very possible that more have been added since the last official report. God only knows where Mother Teresa's influence and good works may turn up next.

Mother Teresa is a woman of simple, yet eloquent, faith. This is best illustrated by an observation she once made. She said:

> We do not accept any government assistance or church subsidies, salaries or fixed income. The birds of the air and the flowers of the field do not have an income, but God takes care of them. Therefore, will not God also take care of us, who are more important than flowers and birds?

But, it is Mother Teresa and her Missionaries of Charity who, through their good works throughout the world have, in some way, shape, or form, taken care of us by touching our lives. We should all be honored that we have had the privilege to have lived in her lifetime.

To those who sometimes ask the question, "Why is there so much evil in the world?" I ask the converse question, "Why is there so much good?" The answer is that there are humble people like Mother Teresa and those who work with her. Malcolm Muggeridge entitled his biography of Mother Teresa, "Something Beautiful for God." I would simply add to that, that Mother Teresa is also something beautiful for the world.

Mr. Speaker, it is important that we recognize and reward the actions of this living saint. Mother Teresa is undeniably a worthy recipient of honorary citizenship and I ask my colleagues to join with me in bestowing this high honor and distinction upon Mother Teresa.

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Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. FLANAGAN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. FLANAGAN] for bringing this measure to the floor and to pay proper respects for this saintly servant of God who has done so much good for so many throughout the world. It is with a great deal of pride and pleasure that I join with the gentleman in honoring Mother Teresa in this manner.

Mr. FLANAGAN. I thank the distinguished chairman.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. As the gentleman from Illinois has mentioned, this bill would provide honorary citizenship to Mother Theresa and that is a symbolic gesture, it does not provide for voting, citizenship and the like, but it is an honor that I feel ought to be conferred upon Mother Theresa. I would note that this measure has come up late in this Congress, but the Committee on the Judiciary did consider it last week and on voice vote did unanimously approve the measure.

As the gentleman from Illinois [Mr. FLANAGAN] has indicated, there have only been three other occasions when honorary citizenship has been conferred by the United States, and they are all amazing people, Winston Churchill, Raoul Wallenberg, and William Penn. Certainly Mother Theresa belongs in this group of honored citizens of the world.

I note that Mother Theresa was actually born in Yugoslavia, of Albanian parents. She has received an honor from India, the Jewel of India, as well as the Nobel Peace Prize, and the Order of the British Empire. Adding honorary U.S. citizenship would add our country's honor to her which she so richly deserves.

I would note, as my colleague from Illinois has, that what she has done in her life deserves the admiration of all of us here in the United States and all around the world. Like many here in America when she fell ill a short while ago, I offered up a small prayer that she might be left here with us a little while longer to continue her good works. We do not know how long the Lord will see fit to leave her with us, but I hope that this bill bestowing honorary citizenship does pass in time for her to know that we call her our own as well. She embodies all the things that we believe is best for our country: hope, and reaching out to those in need.

I thank the gentleman from Illinois [Mr. FLANAGAN] for introducing the bill.

Mr. FLANAGAN. Mr. Speaker, will the gentlewoman yield?

Ms. LOFGREN . I yield to the gentleman from Illinois.

Mr. FLANAGAN. Mr. Speaker, I thank the gentlewoman from California [Ms. LOFGREN] for her excellent remarks and her endorsement of the bill. It is worthy of her endorsement and her endorsement certainly is most helpful.

Mr. Speaker, I just wanted to observe quickly that the gentlewoman remarked she was born in Yugoslavia, this is true, in Skopje, but at the time she was born, she has been with us so long, Skopje was in the Ottoman Empire at the time she was born. That is how long she has been with us, out doing her good works. That is an amazing fact in and of itself.

Ms. LOFGREN. It certainly is.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman from California for yielding me this time. Obviously no one, no one on this planet dare ever question Mother Teresa's good works and her qualification for this.

The only reason I rise is to say I certainly hope that we are not trying to cloak some of the things that we have done to the less fortunate in our society by conferring this on Mother Teresa. I am not too sure she would not have preferred a little different outcome in some of the things that this body did this year. In fact, I am almost sure she had almost rather have that done in her name rather than this.

I keep thinking if we look at the real character of Mother Teresa, she would have been horrified by probably many provisions of the regressive welfare bill. And, in fact, if she were here, because she is not a real citizen, she could not qualify, even though she has taken vows of poverty, for any of those benefits.

I think she would be saddened by many of the debates we have had about the poor children in this country and the poor people in this country. I cannot help but point out we have an immigration bill where she could still not come to this country to live even with this honorary citizenship unless she had a relative that was 200 percent over the poverty line willing to sponsor her. And if she got here and then she wanted to bring some of her relatives here to be with her in her last few days, she could not do that, either, because she has taken a vow of poverty and she would fit under our immigration bill.

So I have to say as we get close to election time and all of that, let us not try to take her tremendous good works and hope that that reflects on us when I think we have a record that she really would not particularly want her good works being used to cloak. I certainly do not come out against this bill. Obviously this woman deserves honors from every country, from every person anywhere. But I really wonder if she would not have preferred us spending this time to do something about the people who have fallen through the cracks in our society that are Americans and especially those who are least able to do anything, the young children, those who are terribly sick, those who are elderly and disabled. Those have been the people she has spoken for. And too many times in these last 2 years, we have had more of a motto of trying to keep hate alive, where we have politically preyed on the backs of the poor and the people who are defenseless.

So, yes, of course everybody is for this bill. But let me just say, I am not sure that the record of this body would qualify many of us for the kind of good works she has gotten. And I certainly hope none of us use this bill to try and cover up some of the votes that Mother Theresa would have never have made—never have made—had she been a Member of this body. I think to say, well, I cannot defend those votes but guess what I did, I tried to honor Mother Theresa, would make her very, very angry.

So as she has reentered the hospital, and we are all very saddened by that, I think it is also terribly important to be very serious about what her life message was to each and every one of us, and, that was, to do good things and to not ever attack those among us who are least able to fight back, whether I look at the welfare bill, nutrition bills, things that have been done in jobs bills, things that have been done in immigration bills, things that have been done in English only. Again she would be in trouble because she does not speak English well. I must say, I am sure she would kind of wonder why we did not try to correct some of those in her good name and follow her good works rather than just honor it. I am sure she would prefer we followed her good works first, and that would be the best way to honor her.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentlewoman from Colorado in her desire not to have Mother Theresa's name used for a crass political purpose. Certainly that is not the intention of this side. I hope it is not anywhere in the body.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just add that clearly there are few if any Members of this body as saintly as Mother Teresa. And we should not only honor her with honorary U.S. citizenship, but use her faith and the action that her faith has led her to us as a model for each of us.

Mr. Speaker, I yield back the balance of my time.

Mr. FLANAGAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Illinois [Mr. FLANAGAN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 191, as amended.

The question was taken.

Mr. FLANAGAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FEDERAL COURTS IMPROVEMENT ACT OF 1996

Mr. FLANAGAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3968) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.
Sec. 202. Registration of judgments for enforcement in other districts.
Sec. 203. Vacancy in clerk position; absence of clerk.
Sec. 204. Removal of cases against the United States and Federal officers or agencies.
Sec. 205. Appeal route in civil cases decided by magistrate judges with consent.
Sec. 206. Reports by judicial councils relating to misconduct and disability orders.
Sec. 207. Consent to trial in certain criminal actions.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
Sec. 302. Bankruptcy judges reappointment procedure.
Sec. 303. Technical correction related to commencement date of temporary judgeships.
Sec. 304. Full-time status of court reporters.
Sec. 305. Court interpreters.
Sec. 306. Technical amendment related to commencement date of temporary bankruptcy judgeships.
Sec. 307. Contribution rate for senior judges under the Judicial Survivors' Annuities System.
Sec. 308. Proceedings on complaints against judicial conduct.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
Sec. 402. Interpreter performance examination fees.
Sec. 403. Judicial panel on multidistrict litigation.
Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Qualification of Chief Judge of Court of International Trade.

TITLE VI—PLACES OF HOLDING COURT

Sec. 601. Place of holding court in the Southern District of New York.
Sec. 602. Place of holding court in the Eastern District of Texas.

TITLE VII—MISCELLANEOUS

Sec. 701. Participation in judicial governance activities by district, senior, and magistrate judges.
Sec. 702. The Director and Deputy Director of the Administrative Office as officers of the United States.
Sec. 703. Removal of action from State court.
Sec. 704. Federal Judicial Center employee retirement provisions.
Sec. 705. Abolition of the special court, Regional Rail Reorganization Act of 1973.
Sec. 706. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
Sec. 707. Civil justice expense and delay reduction plans.
Sec. 708. Venue for territorial courts.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the court, be authorized to carry firearms under such regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) If approved by the court, be authorized to carry firearms under such regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out "(a) or (b)" and inserting in lieu thereof "(a), (b), or (c)".

SEC. 202. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 1963. Registration of judgments for enforcement in other districts";

(2) in the first sentence—

(A) by striking out "district court" and inserting in lieu thereof "court of appeals, district court, or bankruptcy court"; and

(B) by striking out "such judgment" and all that follows through "Trade," and inserting in lieu thereof "the judgment"; and

(3) by adding at the end thereof the following new undesignated paragraph:

"The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

"1963. Registration of judgments for enforcement in other districts.".

SEC. 203. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.

(a) IN GENERAL.—Section 954 of title 28, United States Code, is amended to read as follows:

"§ 954. Vacancy in clerk position; absence of clerk

"When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

"954. Vacancy in clerk position; absence of clerk.".

SEC. 204. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.

(a) IN GENERAL.—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting "**or agencies**" after "**officers**"; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out "persons"; and

(B) in paragraph (1) by striking out "Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office" and inserting in lieu thereof "The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

"1442. Federal officers or agencies sued or prosecuted.".

SEC. 205. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out "In this circumstance, the" and inserting in lieu thereof "The";

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out ", and for the taking and hearing of appeals to the district courts,".

SEC. 206. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.

Section 332 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.".

SEC. 207. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting ", other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "misdemeanor";

(B) in the second sentence by inserting "judge" after "magistrate" each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: "The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record."; and

(D) by striking out "judge of the district court" each place it appears and inserting in lieu thereof "district judge".

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.".

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out ", and" at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

"(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

"(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.".

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(o)(1) of title 28, United States Code, is amended by striking out "or while receiving 'retirement salary'," and inserting in lieu thereof "while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section,".

SEC. 302. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.

Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353; 28 U.S.C. 152 note), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

"(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States."; and

(2) in subsection (b) by adding at the end thereof the following: "All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).".

SEC. 303. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: "For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.".

SEC. 304. FULL-TIME STATUS OF COURT REPORTERS.

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: "For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.".

SEC. 305. COURT INTERPRETERS.

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(l) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this subsection in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.".

SEC. 306. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102-361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out "date of the enactment of this Act" and inserting in lieu thereof "appointment date of the judge named to fill the temporary judgeship position".

SEC. 307. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

"(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

"(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

"(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

"(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.".

SEC. 308. PROCEEDINGS ON COMPLAINTS AGAINST JUDICIAL CONDUCT.

(a) IN GENERAL.—Section 372(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(c)(1)"; and

(B) by adding at the end the following: "In the case of a complaint so identified, the chief judge shall notify the clerk of the court of appeals of the complaint, together with a brief statement of the facts underlying the complaint.

"(B) Complaints filed under subparagraph (A) in one judicial circuit shall be referred to another judicial circuit for proceedings under this subsection, in accordance with a system established by rule by the Judicial Conference, which prescribes the circuits to which the complaints will be referred. The Judicial Conference shall establish and submit to the Congress the system described in the preceding sentence not later than 180 days after the date of the enactment of this subparagraph.";

(2) in paragraph (2)—

(A) by amending the first sentence to read as follows: "Upon receipt of a complaint filed or notice of a complaint identified under paragraph (1) of this subsection, the clerk shall promptly transmit such complaint or (in the case of a complaint identified under paragraph (1)) the statement of facts underlying the complaint to the chief judge of the circuit assigned to conduct proceedings on the complaint in accordance with the system established under paragraph (1)(B) (hereafter in this subsection referred to as the 'chief judge')."; and

(B) in the second sentence by inserting "or statement of facts underlying the complaint (as the case may be)" after "copy of the complaint";

(3) in paragraph (4)(A) by inserting "(to which the complaint or statement of facts underlying the complaint is referred)" after "the circuit";

(4) in paragraph (5)—

(A) in the first sentence by inserting "to which the complaint or statement of facts underlying the complaint is referred" after "the circuit"; and

(B) in the second sentence by striking "the circuit" and inserting "that circuit";

(5) in the first sentence of paragraph (15) by inserting before the period at the end the following: "in which the complaint was filed or identified under paragraph (1)"; and

(6) by amending paragraph (18) to read as follows:

"(18) The Judicial Conference shall prescribe rules, consistent with the preceding provisions of this subsection—

"(A) establishing procedures for the filing of complaints with respect to the conduct of any judge of the United States Court of Federal Claims, the Court of International Trade, or the Court of Appeals for the Federal Circuit, and for the investigation and resolution of such complaints; and

"(B) establishing a system for referring complaints filed with respect to the conduct of a judge of any such court to any of the first eleven judicial circuits or to another court for investigation and resolution.

The Judicial Conference shall establish and submit to the Congress the system described in subparagraph (B) not later than 180 days after the date of the enactment of the Federal Courts Improvement Act of 1996.".

(b) EFFECTIVE DATE.—The amendments made by this section apply to complaints filed on or after the 180th day after the date of the enactment of this Act.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.

(a) FILING FEE INCREASE.—Section 1914(a) of title 28, United States Code, is amended by striking out "$120" and inserting in lieu thereof "$150".

(b) DISPOSITION OF INCREASE.—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$60" and inserting in lieu thereof "$90"; and

(2) in subsection (b)—

(A) by striking out "$120" and inserting in lieu thereof "$150"; and

(B) by striking out "$60" and inserting in lieu thereof "$90".

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.

(a) IN GENERAL.—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

"(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification of interpreters, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.".

(b) PAYMENT FOR CONTRACTUAL SERVICES.—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.

(a) IN GENERAL.—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1932 the following new section:

"§ 1933. Judicial Panel on Multidistrict Litigation

"The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.".

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

"1933. Judicial Panel on Multidistrict Litigation.".

(b) RELATED FEES FOR ACCESS TO INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out "1926, and 1930" and inserting in lieu thereof "1926, 1930, and 1932".

SEC. 404. DISPOSITION OF FEES.

(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, $30 of that portion of the fee exceeding $20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding $5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding $120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.

(a) IN GENERAL.—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 258. Chief judges; precedence of judges

"(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

"(A) are 64 years of age or under;

"(B) have served for 1 year or more as a judge of the court; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

"(B) Except as provided under subparagraph (C), a judge of the court acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

"(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

"(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

"(d) If a chief judge is temporarily unable to perform the duties as chief judge, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

(A) by amending the section heading to read as follows:

"§ 253. Duties of chief judge";

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

"253. Duties of chief judge.";

and

(B) by adding at the end thereof the following:

"258. Chief judges; precedence of judges.".

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

TITLE VI—PLACES OF HOLDING COURT

SEC. 601. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

"Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.".

SEC. 602. PLACE OF HOLDING COURT IN THE EASTERN DISTRICT OF TEXAS.

(a) The second sentence of section 124(c)(3) of title 28, United States Code, is amended by inserting "and Plano" after "held at Sherman".

(b) Sections 83(b)(1) and 124(c)(6) of title 28, United States Code, are each amended in the last sentence by inserting before the period the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

TITLE VII—MISCELLANEOUS

SEC. 701. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.

(a) Judicial Conference of the United States.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

"The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.".

(b) Board of the Federal Judicial Center.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and"; and

(2) in subsection (b) by striking out "retirement," and inserting in lieu thereof "retirement pursuant to section 371(a) or section 372(a) of this title,".

SEC. 702. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: "The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.".

SEC. 703. REMOVAL OF ACTION FROM STATE COURT.

Section 1446(c)(1) of title 28, United States Code, is amended by striking out "petitioner" and inserting in lieu thereof "defendant or defendants".

SEC. 704. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting "Deputy Director," before "the professional staff"; and

(2) in the first sentence by inserting "chapter 84 (relating to the Federal Employees' Retirement System)," after "(relating to civil service retirement),".

SEC. 705. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.

(a) Abolition of the Special Court.—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting "(1)" before "Within 30 days after"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of the enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

"(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

"(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

"(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

"(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

"(E) Section 24907(b) of title 49, United States Code.

"(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as established under paragraph (1) of this subsection.".

(b) Appellate Review.—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking paragraph (3) and inserting in lieu thereof the following:

"(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) Appeal.—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Appeal.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(c) Technical and Conforming Amendments.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended—

(A) in subsection (g) by inserting "or the Court of Appeals for the District of Columbia Circuit" after "Supreme Court"; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out "a judge of the United States district court with respect to such proceedings and such powers shall include those of".

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

"(8) 'Special court' means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.".

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).

(d) Pending Cases.—Effective 90 days after the date of the enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) Effective Date.—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of the enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue on or after such effective date.

SEC. 706. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting "the Southern District of New York, and the Eastern District of New York," after "the District of Columbia,";

(2) by inserting "or she" after "he"; and

(3) by inserting at the end the following: "Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district for which he or she is appointed.".

SEC. 707. CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

(a) AUTHORIZATION OF ARBITRATION.—Section 473(a)(6)(B) of title 28, United States Code, is amended by inserting "arbitration," before "mediation".

(b) REPORT ON DEMONSTRATION PROGRAM.—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

(c) REPORT ON PILOT PROGRAM.—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

SEC. 708. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

"(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(b) CURE OR WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

"(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FLANAGAN] and the gentlewoman from Colorado [Mrs. Schroeder] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FLANAGAN].

GENERAL LEAVE

Mr. FLANAGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3968, the Federal Courts Improvement Act of 1996. This legislation embodies a series of proposals pertaining to the Federal courts system and the administration thereof, that have been endorsed by the Judicial Conference of the United States. The provisions of the bill address administrative, financial, personnel, organizational, and technical changes that are needed by the courts and their supporting agencies. H.R. 3968 represents a scaled-back version of earlier legislation, H.R. 1989, that my colleague from Colorado, Mrs. SCHROEDER and Chairman MOORHEAD introduced at the request of the judicial conference.

The provisions in H.R. 3968 are noncontroversial and affect a wide range of judicial branch programs and operations. The reappointment procedure of bankruptcy judges is simplified and the term definition of certain temporary bankruptcy judgeships is clarified. Provisions affecting court reporters, court interpreters, and employees of the administrative office of the U.S. Courts are included. The bill corrects inconsistencies in the operations of the Judicial Survivors' Annuities System and civil action filing fees and other user fees are increased for the first time in 10 years. Clarification of statutory removal and venue provisions are made, as well as other changes. I think it is clear that H.R. 3968 will have a positive impact on the operations of the Federal courts and enhance the delivery of justice in the Federal system and I urge my colleagues' support for the legislation.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. FLANAGAN. I yield to the gentleman from New York

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I want to thank him for bringing this measure to the floor. I thank the Committee on the Judiciary.

Mr. Speaker, I rise in strong support for H.R. 3968, the Federal Courts Improvement Act. I want to thank Chairman MOORHEAD for all of his hard work on this bill and for the inclusion of section 601, title VI, which establishes the Middletown-Wallkill Area of Orange County, NY, as a place for court proceedings in the southern district of New York.

The need for a Federal court facility in the Middletown-Wallkill Area is genuine and well founded. This issue has been considered and approved by all of the judges of the southern district of New York, all of the members of the judicial council of the second circuit, as well as the Judicial Conference of the United States.

As Chairman MOORHEAD knows, the judicial conference takes the issue of establishing a place for holding court very seriously and studies all requests fully before granting any approval. I am confident that the importance of this fact will be duly recognized by the Senate during consideration of this matter.

I look forward to working with Chairman MOORHEAD on the Middletown-Wallkill Court facility issue, and I again thank him for his efforts on behalf of the southern district of New York.

Accordingly, I urge my colleagues to fully support his bill.

Mr. FLANAGAN. I thank the distinguished chairman for his remarks.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I clearly rise in support of this bill, and I really want to thank the chairman of the subcommittee, CARLOS MOORHEAD, from California, who has done such a wonderful job to move this bill in the very short period of time we have left.

We worked very hard to take this bill, which came at the request of the judicial conference, to put in it every single thing we could, but we also tried to make sure that we minimized controversy so we could maximize the results and get it done. We full well knew that there was not going to be time to bring controversial things or have long hearings. In the end, I think we have done a very good job of getting as much as we possibly can at this time that will be noncontroversial.

I am particularly pleased this bill includes a provision that will produce considerable efficiency gains for the Federal courts by providing for trial before magistrate judges in most petty offense cases, while at the same time we can protect the right to trial before a district judge in all class B misdemeanors.

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That may sound like gobbledygook to most people, but it will help the efficiency of the courts.

In language that was approved by the Committee on the Judiciary, it differs a little bit from that proposed by the Judicial Conference, because the committee did recognize that class B misdemeanors do carry the potential for a level of punishment many people would consider to be significant.

We want to recognize the special needs of those districts that have this very high caseload of petty offenses that are Federal cases only because of the accident of geography; that is, the offense occurred on Federal property, therefore, it goes into a Federal court.

We realized that clutters the court, but, at the same time, we drew the line making sure that there were some core Federal law concerns, such as illegal entry charges under our immigration laws that would give people access to a title III judge and it was terribly important that we preserve that part.

So that is the real main difference from what the Judicial Conference asked us to do, but we did it and I think it is going to be fine.

I really join the gentleman from California and the gentleman from Illinois in urging my colleagues to support this bill so that we can do everything we can to help the Judicial Conference move forward efficiently.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman for her remarks and her support for the bill, one she has worked so hard to move forward.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MOORHEAD], the distinguished chairman of the subcommittee.

Mr. MOORHEAD. Mr. Speaker, I wish to at this time thank the gentlewoman from Colorado [Mrs. SCHROEDER] for the work that she has done for this subcommittee during this 2-year period. It has been outstanding with her assistance, and she has been a great, great help to the committee during that time.

Betty Wheeler, who is her counsel, has certainly done a marvelous job in all the work she has done, along with our staff on our side of the aisle. All of the staff have been outstanding this year. This is the culmination, one of the fine pieces of legislation that we have gotten out of the committee.

H.R. 1989 was the original bill that was introduced by the gentlewoman from Colorado [Mrs. SCHROEDER] and myself, and H.R. 3968 represents a scaled-back version of that bill. But it is a fine piece of legislation that has been requested by the Judicial Conference, and I know that it will improve the general laws of the United States relating to the courts.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I just wanted to say something briefly about the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from California [Mr. MOORHEAD].

As a new Member of this Congress and of the Committee on the Judiciary, I do not know that they have received sufficient praise for the really excellent bipartisan work that they have done in this Congress on issues that really matter in patent law and other areas that just are so sensible.

Clearly, there are things they do not agree on, and they are very open about that, but they work together in a bipartisan way. They have made the country a better place as a consequence, and I, for one, commend them and thank them, and I am going to miss them both in the next Congress, if the voters send me back.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the gentlewoman from California [Ms. LOFGREN].

As has been the case, I have remarked on three separate occasions so far in this Congress, this is yet another worthy chairman and a ranking member that are retiring together, and what a fine job they have done through decades of service to the Congress. I thank them both for not only their fine work on this bill but the good work they have done through the years.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 3968, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLARIFYING RULES GOVERNING REMOVAL OF CASES TO FEDERAL COURT

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 533) to clarify the rules governing removal of cases to Federal court, and for other purposes.

The Clerk read as follows:

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL.

The first sentence of section 1447(c) of title 28, United States Code, is amended by striking "any defect in removal procedure" and inserting "any defect other than lack of subject matter jurisdiction".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 533.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Today, I rise in support of S. 533. In the Judicial Improvements and Access to Justice Act of 1988, Congress required under section 1447(c) of title 28 of the United States Code that a "motion to remand the case on the basis of any defect in removal must be made within 30 days after the filing of the notice of removal under section 1446(a)."

The intent of the Congress is not entirely clear from the current wording of section 1447(c), and courts have interpreted it differently. S. 533 merely clarifies the intent of the Congress that a motion to remand a case on the basis of any defect other than subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a).

Mr. Speaker, I reserve the balance of my time.

Ms. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 533, to clarify the rule governing removal of cases.

As the gentleman from California has noted, this is a technical clarification made necessary by some language in section 1447(c) of title 28 that is not as clear as it should be.

Section 1447(c) requires motions to remand based on "any defect in removal procedure" to be filed within 30 days of the filing of the notice of removal. This language is unclear because no time limit applies to motions to remand based on lack of subject matter jurisdiction. S. 533 clarifies that "defect" encompasses any defect other than subject matter jurisdiction.

This correction is necessary to remove the ambiguity in the law. I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 533.

The question was taken.

Mr. MOORHEAD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REPEALING A REDUNDANT VENUE PROVISION

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 677) to repeal a redundant venue provision, and for other purposes.

The Clerk read as follows:

S. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

(a) REPEAL.—Subsection (a) of section 1392 of title 28, United States Code, is repealed.

(b) TECHNICAL AMENDMENT.—Subsection (b) of section 1392 of title 28, United States Code, is amended by striking "(b) Any" and inserting "Any".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 677.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, I rise in support of S. 677. S. 677 implements a proposal made by the Judicial Conference of the United States to eliminate a redundant provision governing venue, section 1392(a) of title 28 of the United States Code, which duplicates provisions of the Judicial Improvements Act of 1990. This is a housekeeping provision to eliminate any confusion regarding venue in title 28.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 677, a bill to repeal a redundant venue provision.

This bill implements a Judicial Conference proposal to eliminate a provision governing venue, 28 U.S.C. §1392(a), which duplicates provisions of the Judicial Improvements Act of 1990. This is a housekeeping measure to eliminate any confusion regarding venue caused by the redundant provision.

I urge my colleagues to support this technical correction.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 677.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ECONOMIC ESPIONAGE ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3723) to amend title 18, United States Code, to protect proprietary economic information, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Espionage Act of 1996".

SEC. 2. PROTECTION OF TRADE SECRETS.

(a) IN GENERAL.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following:

"§670. Protection of trade secrets

"(a) OFFENSE.—Whoever—

"(1) with the intent to, or with reason to believe that the offense will, benefit any foreign government, foreign instrumentality, or foreign agent; or

"(2) with the intent to divert a trade secret, that is related to or is included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and with the intent to, or with reason to believe that the offense will, disadvantage any owner of that trade secret;

wrongfully copies or otherwise controls a trade secret, or attempts or conspires to do so shall be punished as provided in subsection (b).

"(b) PUNISHMENT.—

"(1) GENERALLY.—The punishment for an offense under this section is—

"(A) in the case of an offense under subsection (a)(1), a fine under this title or imprisonment for not more than 25 years, or both; and

"(B) in the case of an offense under subsection (a)(2), a fine under this title or imprisonment for not more than 15 years.

"(2) INCREASED MAXIMUM FINE FOR ORGANIZATIONS.—If an organization commits an offense—

"(A) under subsection (a)(1), the maximum fine, if not otherwise larger, that may be imposed is $10,000,000; and

"(B) under subsection (a)(2), the maximum fine, if not otherwise larger, that may be imposed is $5,000,000.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government;

"(2) the term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign government;

"(3) the term 'trade secret' means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if—

"(A) the owner thereof has taken reasonable measures to keep such information secret; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public; and

"(4) the term 'owner', with respect to a trade secret, means the person or entity in whom or in which rightful legal or equitable title to, or license in, the trade secret is reposed.

"(d) CRIMINAL FORFEITURE.—

"(1) Notwithstanding any other provision of State law, any person convicted of a violation under this section shall forfeit to the United States—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense.

"(2) The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this section.

"(3) Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsections (d) and (j) of such section, which shall not apply to forfeitures under this section.

"(e) ORDERS TO PRESERVE CONFIDENTIALITY.—In any prosecution or other proceeding under this section, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets, consistent with the requirements of the Federal Rules of Criminal and Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of any trade secret.

"(f) CIVIL PROCEEDINGS TO ENJOIN VIOLATIONS.—

"(1) GENERALLY.—The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of this section.

"(2) EXCLUSIVE JURISDICTION.—The district courts of the United States shall have exclusive original jurisdiction of civil actions under this subsection.

"(g) TERRITORIAL APPLICATION.—

"(1) This section applies to conduct occurring within the United States.

"(2) This section also applies to conduct occurring outside the United States if—

"(A) the offender is—

"(i) a United States citizen or permanent resident alien; or

"(ii) an organization substantially owned or controlled by United States citizens or permanent resident aliens, or incorporated in the United States; or

"(B) an act in furtherance of the offense was committed in the United States.

"(h) NONPREEMPTION OF OTHER REMEDIES.—This section shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by United States Federal, State, commonwealth, possession, or territory law for the misappropriation of a trade secret.

"(i) EXCEPTIONS TO PROHIBITION.—

"(1) This section does not prohibit and shall not impair any otherwise lawful activity conducted by an agency or instrumentality of the United States, a State, or a political subdivision of a State.

"(2) This section does not prohibit the reporting of any suspected criminal activity to any law enforcement agency or instrumentality of the United States, a State, or a political subdivision of a State, to any intelligence agency of the United States, or to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31, United States Code, is amended by adding at the end the following new item:

"670. Protection of trade secrets.".

SEC. 3. WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 670 (relating to economic espionage)," after "(bribery in sporting contests),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentleman from New York [Mr. SCHUMER] each will control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak in favor of H.R. 3723, the Economic Espionage Act of 1996. This bill was introduced by Representative BILL MCCOLLUM, chairman of the Subcommittee on Crime, and cosponsored by Mr. SCHUMER, the ranking minority member of the subcommittee. The bill is based, in large part, on draft legislation forwarded to the Subcommittee on Crime from the Department of Justice and the Federal Bureau of Investigation.

Mr. Speaker, this bill is designed to help Federal law enforcement better combat the theft of proprietary economic information, more commonly known as trade secrets. According to the American Society for Industrial Security, thefts of this type of property cost American businesses approximately $24 billion a year in losses. Generally speaking, these types of crime fall into two broad categories: First, there are thefts by foreign companies, often with the cooperation of foreign governments. The FBI currently is investigating allegations of economic espionage conducted against the United States by individuals or organizations from 23 different countries. A number of these countries maintain friendly relations with the United States, yet in some cases these nations take advantage of their access to U.S. information and their ability to collect information more easily than our traditional adversaries. The second category of these crimes are committed by Americans or U.S. nationals who leave their employment and steal proprietary information which they deliver to new employers.

The Federal Government has been frustrated in its attempts to combat this type of crime because existing laws are insufficient. There is no Federal criminal statute which directly addresses economic espionage or the protection of proprietary economic information. The statutes which Federal law enforcement does use to combat this crime were drafted decades ago, long before anyone had conceived of the kind of property we now call "intellectual property." Another obstacle to enforcing these crimes under existing law is that there is no statutory procedure in place to protect the victim's stolen information during criminal proceedings. As a result, victims are often reluctant to prosecute for fear that the prosecution itself will further disseminate the economic information stolen from them.

H.R. 3723 will establish criminal penalties that prohibit the wrongful copying or other acts of wrongfully controlling proprietary economic information if done either to benefit a foreign government, instrumentality, or agent, or disadvantage the rightful owner and to benefit another person. The term proprietary economic information is defined in the bill and includes financial, business, scientific, or economic information as to which the owner has taken reasonable measure to keep confidential and which has value, in part, by virtue of the fact that the information is not widely known.

The bill provides for a significant enhanced penalty if the entity committing the crime is an organization. It also provides for criminal forfeiture of the proceeds of the crime and limited forfeiture of the property used to commit the crime. Additionally, it requires courts hearing cases brought under the statute to enter such orders as may be necessary to protect the confidentiality of the information involved in the case.

Mr. Speaker, this bill gives Federal law enforcement agencies the tools they need to combat economic espionage. It is the product of a bipartisan effort and was reported favorably by a unanimous voice vote of the full Judiciary Committee. I urge all of my colleagues to support its passage today.

☐ 1545

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, when the cold war ended, Americans rightly hoped that our national security would no longer be threatened. We soon learned, however, that new or previously overlooked threats would replace the Eastern bloc in the struggle for progress and freedom throughout the world. We learned that evil despots in remote regions of the world could shatter the peace and threaten world stability when it suited their selfish interests. We also learned that ruthless terrorists, willing and able to strike anywhere and at anytime, would pose a growing threat to our Nation's security. But largely overlooked as a threat to our national security is the attack being waged against our Nation's economic interests.

In my opinion, our economic interests should be seen as an integral part of its national security interests, because America's standing in the world depends on its economic strength and productivity.

That's why the measure we are considering today is of great importance. Testimony before the Judiciary Committee's Subcommittee on Crime indicated that economic espionage crimes cost American businesses approximately $24 billion a year in losses. But of even greater concern than those financial losses, and they are significant in themselves, is the fact that a large portion of these thefts are committed by agents of foreign governments or companies. FBI Director Freeh testified that the FBI currently is investigating allegations of economic espionage conducted against the United States by individuals or organization from 23 different countries. Most disturbing is the fact that a number of these countries maintain friendly relations with the United States, yet take advantage of their access to U.S. information and their ability to steal the innovations of American businesses.

Mr. Speaker, we simply cannot allow this type of crime to occur. The Justice Department has told us that the existing laws dealing with the theft of property are insufficient to combat these crimes. And no wonder, those statutes were written in the 1930's. With all of the technological innovation of the computer age, criminals are finding new ways to steal the property—even the intangible property—of others.

I support this bill because it will enact a comprehensive statute to combat this crime. It creates criminal penalties for the wrongful copying or control of trade secrets if done to benefit a foreign government or instrumentality. It also penalizes the wrongful diversion of a trade secret to the economic benefit of someone other than its owners.

Americans have long been known as the most innovative people in the world. It is entirely appropriate that the Federal Government be equipped with the legal tools for protecting U.S. innovations. After all, it is our creative spirit that has made America the leader of the business and financial world. Protecting this position requires protecting our creative developments from unscrupulous international competitors.

Mr. Speaker, simply put, it is in our national interest to prevent economic espionage. This bill will help the Federal Government to fulfill this critical mission. Enacting this measure now is of the utmost importance.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Economic Espionage Act.

Mr. Speaker, I introduced this legislation together with the chairman of the Crime Subcommittee, Mr. MCCOLLUM. The Justice Department came to both of us and identified a serious loophole in current Federal law that applies to the protection of intellectual property.

As America moves toward a high-tech economy, some of most valuable economic assets are intangible. They are plans, formula, inventions and databases. Unfortunately, the Stolen Property Act, written back in the 1930's, applies to physical property and not to these trade secrets that many companies value even more highly. No other statute has been a satisfactory substitute either.

The Economic Espionage Act simply adds a new offense to the law prohibiting the theft of trade secrets. The new provision will help Federal investigators and prosecutors stop economic competitors from pilfering this valuable information. It will also send a clear message to foreign governments, including many of our traditional allies, that are currently spying on America's private companies. Their agents will now be held accountable for their criminal activity.

Two different reports have estimated conservatively that our economy loses $2 billion a month from economic espionage. At our subcommittee hearing in May, we heard from several businesses that had been victimized by industrial spying. Raymond Damadian, CEO of the Fonar Corp., estimated that his 300-person workforce would be twice as large if not for economic espionage.

We cannot, Mr. Speaker, afford to let this loophole remain in our law. American inventiveness is the key to our economy. From Benjamin Franklin to Thomas Edison to Bill Gates, our national ingenuity has been one of our greatest assets, and preserving it is our goal.

Finally, Mr. Speaker, I want to mention two concerns that have been raised as this bill moved through the committee process and explain how each has been addressed in the legislation before us today. This explanation is for the benefit of other Members and also for prosecutors and judges who will interpret this act later on.

First, some Members thought that this legislation might inhibit common and acceptable business practices. For example, employees who leave one company to work for another naturally take their general knowledge and experience with them and no one, no one wishes to see them penalized as a result. Similarly, reverse engineering is an entirely legitimate practice.

Our bill was carefully drafted to avoid this problem. The very high intent requirements and the narrow definition of a trade secret make it clear that we are talking about extraordinary theft, not mere competition.

Second, several Members were concerned that people acting in the public interest as whistleblowers would be subject to the penalties in this bill.

Again, we have carefully fine-tuned the language to avoid this problem. There is a specific exemption for people who report information about suspected criminal activity to government authorities. In addition, the intent requirement for domestic economic espionage specifies that the offender intends to confer an economic benefit to someone other than the owner of a trade secret. If the motivation truly is the well-being of the public, the activity is not covered by this intent requirement. In other words, we are talking about thieves, not whistleblowers, and the legislation makes that clear.

I am pleased we were able to advance this better than legislation on a bipartisan basis. I urge my colleagues to support it.

Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN] who represents parts of Silicon Valley and has been an instrumental leader on this issue.

Ms. LOFGREN. Mr. Speaker, as we look ahead to the next century, I think all of us or many of us realize that our prosperity in America is going to be based on knowledge and information. In my county we have added over 50,000 jobs in 1 year's time. We have unemployment of 3.7 percent, and that is fueled by technology, it is fueled by high-skilled jobs and information. If we do not take steps to protect knowledge and information, as this bill does, we will face adverse economic consequences in Silicon Valley and ultimately throughout the United States.

So I commend the ranking member and the chairman for this bill and urge my colleagues to support it.

Mr. SCHUMER. Mr. Speaker, I thank the gentlewoman from California [Ms. LOFGREN] for her remarks and support.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Economic Espionage Act, which passed the House Judiciary Committee by voice vote. This bill would specifically make it a Federal crime to steal trade secrets from American companies. Currently, the theft of trade secrets has been prosecuted under laws such as wire fraud, mail fraud, and the interstate transportation of stolen property.

Under this bill, if the intent of stealing a trade secret is to benefit a foreign company or foreign government, the individual charged with economic espionage would be subject to a maximum fine of $10 million and 25 years in prison. If foreign espionage is not involved, the penalty would be punishable by up to $5 million and 15 years in prison. Additionally, any property derived from the crime would be subject to forfeiture.

This bill is long overdue. We must do everything that we can to enable American businesses to compete on a level playing field with the rest of the world and this bill will help us to achieve this goal.

Mr. BUYER. Mr. Speaker, I congratulate the gentleman from New York [Mr. SCHUMER] on the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3723, as amended.

The question was taken.

Mr. BUYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PAROLE COMMISSION PHASEOUT ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1507) to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes, as amended.

The Clerk read as follows:

S. 1507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parole Commission Phaseout Act of 1996".

SEC. 2. EXTENSION OF PAROLE COMMISSION.

(a) IN GENERAL.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as it related to chapter 311 of title 18, United States Code, and the Parole Commission, each reference in such section to "ten years" or "ten-year period" shall be deemed to be a reference to "fifteen years" or "fifteen-year period", respectively.

(b) POWERS AND DUTIES OF PAROLE COMMISSION.—Notwithstanding section 4203 of title 18, United States Code, the United States Parole Commission may perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.

(c) REDUCTION IN SIZE.—

(1) Effective December 31, 1999, the total number of Commissioners of the United States Parole Commission shall not be greater than 2. To the extent necessary to achieve this reduction, the Commissioner or Commissioners least senior in service shall cease to hold office.

(2) Effective December 31, 2001, the United States Parole Commission shall consist only of that Commissioner who is the Chairman of the Commission.

(3) Effective when the Commission consists of only one Commissioner—

(A) that Commissioner (or in the Commissioner's absence, the Attorney General) may delegate to one or more hearing examiners the powers set forth in paragraphs (1) through (4) of section 4203(b) of title 18, United States Code; and

(B) decisions made pursuant to such delegation shall take effect when made, but shall be subject to review and modification by the Commissioner.

SEC. 3. REPORTS BY THE ATTORNEY GENERAL.

(a) IN GENERAL.—Beginning in the year 1998, the Attorney General shall report to the Congress not later than May 1 of each year through the year 2002 on the status of the United States Parole Commission. Unless the Attorney General, in such report, certifies that the continuation of the Commission is the most effective and cost-efficient manner for carrying out the Commission's functions, the Attorney General shall include in such report an alternative plan for a transfer of the Commission's functions to another entity.

(b) TRANSFER WITHIN THE DEPARTMENT OF JUSTICE.—

(1) EFFECT OF PLAN.—If the Attorney General includes such a plan in the report, and that plan provides for the transfer of the Commission's functions and powers to another entity within the Department of Justice, such plan shall take effect according to its terms on November 1 of that year in which the report is made, unless Congress by law provides otherwise. In the event such plan takes effect, all laws pertaining to the authority and jurisdiction of the Commission with respect to individual offenders shall remain in effect notwithstanding the expiration of the period specified in section 2 of this Act.

(2) CONDITIONAL REPEAL.—Effective on the date such plan takes effect, paragraphs (3) and (4) of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) are repealed.

SEC. 4. REPEAL.

Section 235(b)(2) of the Sentencing Reform Act of 1984 (98 Stat. 2032) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentleman from New York [Mr. SCHUMER] each will control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the Sentencing Reform Act of 1984, Congress abolished parole in the Federal system, and decided to phase out the Parole Commission. In 1990, Congress extended the time line for this phaseout by an additional 5 years, because there were still several thousand parole-eligible offenders in the Federal system and the Sentencing Reform Act had not made any provisions for the necessary, ongoing functions of the Commission.

The Commission is currently set to expire November 1, 1997, and S. 1507, the Parole Commission Phaseout Act, would extend the Commission for an additional 5 years. If this bill is not enacted, the Commission must soon begin to take steps in preparation for shutting down the agency.

There are several considerations which justify support for S. 1507. At the end of fiscal year 1996, there will still be approximately 6,700 parole-eligible, old law defendants in the Federal system. Constitutional requirements, specifically the ex post facto clause, necessitate the extension of the Commission or the establishment of a similar entity. Otherwise, those remaining old law offenders will file habeas corpus petitions seeking release on the grounds that their right to be considered for parole had been unconstitutionally eliminated.

S. 1507 also includes provisions to guarantee the continued downsizing of the Parole Commission. It directs the Attorney General to report to Congress not later than May 1 of each year on the most cost-efficient and effective method for continuing the Parole Commission's functions.

It also allows the Attorney General to provide an alternative plan for another entity to carry out those functions. If the Attorney General decides there should be a transfer to another division within the Department of Justice, the transfer can take effect automatically on November 1 of that year, unless Congress acts otherwise.

This bill also mandates the reduction in size of the number of commissioners. By the end of 1999, the number of commissioners shall not be greater than two, and by the end of 2001, the only remaining commissioner shall be the chairman.

It is necessary for Congress to pass this legislation this year to end any confusion concerning the ongoing functions of the Commission. Under the current law, the Commission will soon be required to set final release dates for the old law prisoners.

This bill will extend the life of the Parole Commission, which at this point in time is necessary. But this bill will also force the Department of Justice to continue to monitor the number of old law offenders presently in the Federal system and to report to Congress on the progress of the phaseout.

As the number of old law offenders decreases, it will soon be possible for another entity to handle all the Parole Commission's functions. The Parole Commission is supportive of this bill.

Mr. Speaker, on behalf of the gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime, I would like to thank the gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime, for his cooperation in moving this legislation. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, and I agree with the gentleman from Indiana. This bill does deserve passage, both from the point of view of tough law enforcement as well as from the point of view of reinventing government.

As the gentleman mentioned, were we not to take this action, prisoners who have a constitutional right to have their parole status reviewed, would have the ability to file habeas petitions and seriously muck up the works in our Federal courts. That is not a desirable outcome for law enforcement in the United States, and this bill prevents that from happening.

But, Mr. Speaker, it also does allow and really mandates that the Commission downsize and then terminate itself as the need to deal with the old law prisoners decreases and eventually disappears.

□ 1600

I urge my colleagues to support this bill. I would urge, also, that the Parole Commission explore some of the opportunities that may be available to it to reduce costs even further. As we mentioned in one of the hearings, in California, there are jurisdictions that are using interactive video conferencing to decrease the costs of moving prisoners or moving hearing officers. These are all ideas that can be pursued administratively to further cut costs. I hope that the commission will explore them fully. I am aware of no legislative action to accomplish any of them. I would urge passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the Senate bill, S. 1507, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CARJACKING CORRECTION ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3676) to amend title 18, United States Code, clarify the intent of Congress with respect to the Federal carjacking prohibition, as amended.

The Clerk read as follows:

H.R. 3676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carjacking Correction Act of 1996".

SEC. 2. CLARIFICATION OF INTENT OF CONGRESS IN FEDERAL CARJACKING PROHIBITION.

Section 2119(2) of title 18, United States Code, is amended by inserting ", including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title" after (as defined in section 1365 of this title".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentlewoman from Colorado [Mrs. SCHROEDER] will each control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3676, the Carjacking Corrections Act, amends section 2119(2) of title 18, United States Code, to clarify that rape constitutes a serious bodily injury for the purposes of the penalty enhancement provided in the Federal carjacking statute.

Mr. Speaker, few crimes are as vicious as carjackings. It is a tragic reflection of our time that victims of carjackings are actually glad that they only lost their car. It is a sad day when people can say they are happy to have just been abandoned, often at night, far from home, having just had one of their most valuable pieces of property taken from them. But these victims know they could have been raped or killed. Could we ever forget the story of Pamela Basu, who died in a horrible carjacking right here in our Nation's Capital when she was dragged for a mile and a half while trying to rescue her 2-year old daughter who was still in the backseat of the car? Many Americans witnessed that account on our national news. Carjackers are some of society's most ruthless criminals—when we talk about carjackers, we are not just talking about car theft, we are talking about violent predators.

Mr. Speaker, the federal carjacking law, section 2119(2) of title 18, currently allows for an additional 10 years in prison if serious bodily injury results from a carjacking. Serious bodily injury is defined in title 18 as "a substantial risk of death," "extreme physical pain," "protracted and obvious disfigurement," or "protracted loss or impairment of a bodily member, organ or mental faculty." Under this bill serious bodily injury, for purposes of the penalty enhancement under the carjacking statute, will include sexual abuse and aggravated sexual abuse, as already defined in title 18.

This legislation is responsive to a First Circuit Court of Appeals decision, on May 21 of this year, overturning a district court opinion in which a carjacking received a penalty enhancement for raping his victim. The first circuit panel held that rape was not a serious bodily injury. One first circuit judge requested that the first circuit have a rehearing *en banc* to further review this issue, and this request was denied. H.R. 3676 clarifies any confusion Federal judges may have about whether a carjacker can get a penalty enhancement for rape. The answer is an unequivocal yes.

This legislation does not create any new Federal crime or expand Federal jurisdiction in any way. It does not even create a penalty enhancement scheme under the carjacking statute—that enhancement already exists in the law. All this bill does it make clear that anyone who commits rape during the course of a carjacking will get a longer, and certainly well-deserved, term in prison.

I urge my colleagues to support this bill. I also congratulate the gentleman from Michigan [Mr. CONYERS], for introducing it.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the bill, the Carjacking Corrections Act of 1996.

Mr. Speaker, I want to commend the gentleman from Michigan, Mr. JOHN CONYERS, ranking Democrat on the Committee on the Judiciary. He has been phenomenal in his leadership in getting this bill drafted and moving it.

Mr. Speaker, we really should not have to be here. This is an absolute outrage that the first circuit did. The Carjacking Correction Act responds to their decision. This decision that was recently issued by the first circuit said that for purposes of sentencing enhancement, rape was not serious bodily injury.

I wish they would tell the average American woman that. I think that they would be absolutely stunned to find out that there could be gentlemen sitting on the bench that would think that. And by the way, it was only gentlemen who voted that way.

This bill makes it very clear that the Congress thinks that rape by itself does constitute a serious bodily injury. Under the first circuit decision, it would be possible that a carjacker who broke someone's arm while carjacking would receive a stronger sentence and a longer sentence than somebody who raped their victim. Now, I really find it incredible that somebody could say that was a logical distinction.

The repercussions of this decision have become apparent already. There was a woman in Boston who was carjacked and driven to New Hampshire where she was raped. Then she was returned to Boston. Now we find because living in Massachusetts she is in the first circuit, the rape will go unpunished because of this group's decision that that would not justify sentencing enhancement.

The person who took her over the border to do that will only get a sentencing on the carjacking.

The first circuit includes the States of Massachusetts, Vermont, Maine, New Hampshire, Puerto Rico, and the Virgin Islands. I think that anyone who lives in those areas will be very pleased if the Congress could get this corrected as fast as possible. Mr. Speaker, I want to say here today that I do not think anyone in this body ever intended that. I cannot imagine how they could possibly think we intended that when we dealt with the carjacking issue and sentence enhancement.

There was only one woman sitting on the First Circuit Court of Appeals. Her name was Judge Sarah Lynch. she requested that the case that we are correcting today be reheard en banc. But the majority voted against that rehearing. In her dissent, Judge Lynch wrote very strongly that she believed this result was clearly contrary to the intent of the statute and to what the Congress had intended. Well, Judge Lynch, you are absolutely right. The Committee on the Judiciary, after Congressman CONYERS got the bill together, voted unanimously to report this bill to the floor. I would hope every one of my colleagues will vote yes on this bill so we can correct it as soon as possible, especially for the people who are living in that area.

I particularly want to thank committee counsel Melanie Sloan. She has worked so diligently on this matter and has really done a yeoman job, and everyone else on the committee for bringing it forward.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I also urge adoption of this bill. I would also like to concur in the comments made by the gentlewoman from Colorado [Mrs. SCHROEDER]. We should not have to enact this amendment to the act. I think it is absolutely clear that rape is serious bodily harm. I very much respect the independence of the judiciary and the three branches of Government, but that a court could actually rule that rape does not constitute serious bodily injury is ludicrous.

I was not a member of the Congress when the original bill was passed. But in talking to the authors and those who worked on the bill, it is very clear, not only from what their intent was but also just by reading the statute itself, that the decision of the first circuit turns reality on its head and will lead to a wrong result.

Mr. Speaker, I would just like to say one more thing. This decision is one more piece of evidence of why we need more women on the Federal bench. I love men. My father is one, my husband is one, and my son. But I think if we had as many women on the bench as there are women in society, we would not have had this absolutely outrageous result in the first circuit.

I hope that we pass this bill. I also hope that, as we move forward in the coming years, we will see many more qualified women on the Federal bench and prevent this kind of ridiculous result.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman from California. The gentlewoman is absolutely right. You show me an American woman who tells you that rape is not a serious bodily injury, I want to see that person come forward. I think it is shocking that we would have males sitting on the court of appeals that would say that.

Nevertheless, we are correcting it today. I urge everyone to vote a strong, strong, strong aye.

Mr. Speaker, I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I do not have to be shot by a bullet to understand pain. A man can be compassionate, can have sincerity, can love. I find it offensive that anyone can allege that judicial rulings based on one's gender are somehow what is wrong. I find it offensive, I have to say that. I believe that bad decisions are bad decisions regardless of chromosomes. I am going to stand here and say that, if there have been bad decisions that come from the court, if they are made from a woman, if they are made from a man, you are looking through it through the dimension of gender.

I support this bill because a bad judicial decision was made. Rape is serious bodily injury. The court should have taken it into account. As for the sidebar comments, I believe that they are out of place.

Ms. LOFGREN. Mr. Speaker, will the gentleman yield?

Mr. BUYER. Mr. Speaker, I will not yield, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Carjacking Correction Act of 1996, which was introduced by Congressman JOHN CONYERS. This legislation makes it clear that rape is included in the definition of serious bodily injury for purposes of the Federal carjacking statute. The current carjacking statute contains a provision that enhances the sentence for carjacking if serious bodily injury occurs during a carjacking. This legislation is necessary because a recent Federal circuit court of appeals decision involving carjacking held that rape was not a serious bodily injury. This court decision is very unfortunate.

There is no question that a rape is a serious bodily injury and we must make it very clear that all Federal courts understand that it should be considered in this manner. Current Federal law defines serious bodily injury as "a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of a bodily member, organ or mental faculty". This legislation would clarify the current law by clearly defining sexual assault as a serious bodily injury. We must ensure that the Federal courts do not commit the mistake again that occurred in a recent court case. I strongly support this bill and urge my colleagues to support this important principle.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3676, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3803) to authorize funds for the George Bush School of Government and Public Service, as amended.

The Clerk read as follows:

H.R. 3803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "George Bush School of Government and Public Service Act".

SEC. 2. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A&M University.

SEC. 3. GRANT CONDITIONS.

No payment may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 4. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this Act.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania, Mr. GOODLING, and the gentleman from Texas, Mr. GENE GREEN, will each control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. HOEKSTRA. Mr. Speaker, I am opposed to this bill, and I ask if the gentleman from Texas is in true opposition?

Mr. GENE GREEN of Texas. Mr. Speaker, I am not.

The SPEAKER pro tempore. Is the gentleman from Michigan [Mr. HOEKSTRA] in opposition to the bill?

Mr. HOEKSTRA. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. Pursuant to the rules of the House, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. HOEKSTRA] will each control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that 10 minutes of my 20 minutes be controlled by the gentleman from Texas, Mr. GENE GREEN.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, H.R. 3803 is legislation that pays tribute to a great President and a wonderful friend. The bill is entitled the George Bush School of Government and Public Service Act.

Some of my colleagues may be opposed to the bill. Some of them are Johnny-come-lately when it comes to trying to cut down the number of programs that are here since I led the fight to do that, as far as the Taft Institute is concerned, because they continued to fund it.

The beauty of this is it is a 1-year funding. The beauty of this is, instead of spending a whole lot of money building some monument someplace that the taxpayer has to buy or pay for or to spend a whole lot of money to set up some park in memory of a wonderful President, a great friend, this is done one time only because of an amendment that I offered to the legislation. It must be spent, if appropriated, in 1997.

H.R. 3803 is legislation that pays tribute to a great President and wonderful friend. The bill is titled the "George Bush School of Government and Public Service Act."

The purpose of the bill is to authorize the Secretary of Education to provide grant assistance to the Texas A&M University for the establishment of the George Bush Fellowship Program. This one-time authorization will ensure that the George Bush Fellowship Program gets off to a solid start.

The George Bush School will be offering advanced degrees in public administration and international affairs. Some very fortunate students will have the opportunity to learn from someone with first hand experience in both of those areas. President Bush has agreed to play an active role in teaching these lucky students drawing from his years of experience in the Congress and the Oval Office.

Some of my colleagues may be opposed to this bill since it authorizes a new program at a time when this Congress is trying to limit programs. That's why the manager's amendment I submitted limits the Federal Government's involvement to a one time appropriation that must take place in fiscal year 1997 if money is going to be appropriated by the Appropriations Committee. The Federal Government is not authorized to provide any additional funds for the program after fiscal year 1997. The university will be on its own when it comes to funding the program. In addition, any funds appropriated for this program may not be released to Texas A&M University until the Secretary of Education receives an application containing such information as the Secretary determines necessary.

The Federal Government is not going to dictate the details of the program. Instead we are going to provide seed money to start the program. We are going to allow the Secretary of Education and the University to determine the best way to use that seed money in starting the program. Then, we are going to get the Federal Government out of the way and let the private sector fund and operate the program.

Our colleagues in the other body have indicated their support for this tribute to President Bush by designating funds in the Labor/HHS/Education Appropriations bill for the George Bush Fellowship Program subject to passage of this authorizing legislation.

The George Bush Fellowship Program is an excellent tribute to an outstanding public servant that also gives students the opportunity to learn from a fine leader and a fine man.

I urge all of my colleagues to support this tribute to President Bush.

☐ 1615

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleagues to honor former President George Bush, but I choose to do so in a very different way, by limiting the Federal Government and working toward a balanced budget, not by creating a new fellowship program. Supporters of H.R. 3803 have good intentions, but the goal of honoring former President George Bush can better be accomplished by resisting the urge to create yet another program and spending more Federal dollars.

The new Bush School at Texas A&M is certainly a fitting tribute to former President Bush. President and Mrs. Bush are committed to teach and live in the area. I applaud his dedication to students and to working with this school and this Texas community to make a difference in the education of our young people.

The enthusiasm for launching this new fellowship has caused very generous Members of Congress, I believe, to live outside of their means. Let us have a check on the Federal Government. Do we believe government is too small? Do we believe we have too few Federal education programs? By our count and by the count of the executive branch we already have over 760. Do we need 761?

The most honorable thing that Congress can do for George Bush is to review our current programs, figure out what works, what does not work, and pursue creative ways to improve education. Creativity will not lead us to enacting yet another Federal education program and spending additional funds. Until we have gained an adequate understanding of the effectiveness of these 760 programs, we should not add another program to that list.

President Bush was an advocate of 1,000 Points of Light. That philosophy still lives in the hearts of all Americans, that we can do so much more privately than with Federal funds.

We do not need this legislation to accomplish its goal. This bill, though well-intentioned, perpetuates the myth that Washington can and should create effective education programs in the place of the private sector or State and local organizations. We are masters of buying constituencies with other people's money, a program here, a program there. It sounds good, it makes us feel important; it is what we do. We spend money. This is one time where we should resist that urge.

It is a myth that this money we are spending today will help America. It does not honor George Bush. It honors the Washington spending myth. Citizens Against Government Waste, the National Taxpayers Union, and Taxpayers for Common Sense all agree that this is unnecessary new Federal spending.

Mr. Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume, and I thank the chairman of our committee for sharing this time with me.

Mr. Speaker, I rise in support of H.R. 3803. This legislation is a good example about how a one-time small investment by the Federal Government can create a new and self-sufficient program that assists young people at a very fine institution in Texas, Texas A&M, and also recognizes the contributions of former President George Bush and the Bush School of Public Affairs at Texas A&M. Public service. The school is scheduled to be opened in the fall of 1997 in conjunction with George Bush Presidential Library and Museum, and Texas A&M will initiate a private fund drive that will raise much more than the $3 million that is authorized in an effort to endow the Bush Fellows and programs in future years.

I support this legislation because it makes a difference in the lives of these students, will help them learn how to work with our government, and again it honors former President Bush, who served this country not only as President, but in many other capacities.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I, too, have the greatest respect for President Bush and his commitment to our great country and the many efforts that he and his family have put in for the good of the future of America. President Bush paid a huge price to do what he believed was in the best interests of the future of our country, and paid that price in order to move this Nation closer to a balanced budget.

Now we stand here today talking about spending money on his behalf, and I could not agree with my colleague from Michigan more, that the appropriate way to honor President Bush and his family today is by defeating this particular bill and helping this Nation move closer to a balanced budget.

We are currently $5.2 trillion in debt, $5.2 trillion, $20,000 for every man, woman and child in the United States of America. This is a wonderful program; it is a wonderful idea. The problem that we have with it is we cannot afford it. There are many wonderful ideas out there; the bottom line is we have got to ask ourselves whether or not we can afford the ideas.

We currently have 760 educational programs federally funded. The U.S. Federal Government has 760 different educational programs. Why would we want to go today and add another program to that list?

The other thing is Citizens Against Government Waste, a well-respected organization here in Washington, as well as National Taxpayers Union, representing many citizens from across the United States of America, are opposed to this, and they are opposed to it for those very reasons, that we are in fact $5 trillion in debt and we need to start doing what is right for the future of this country.

The best thing we can do is defeat this so we can keep moving toward a balanced budget, to preserve this Nation for our children and grandchildren while preserving and protecting Social Security and Medicare for our senior citizens and working to reduce the tax burden on our working families so they can keep more of their hard-earned money.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I rise in very strong support of this very important legislation that has been endorsed and supported by a bipartisan coalition of the House of Representatives. We have the chairman, the subcommittee chairman, I believe, the ranking Democrat on the authorizing committee, on the subcommittee and full Committee of Appropriations; we have both the ranking members and the majority members in support of it. We have both leadership groups in the House in support of it. This is a living memorial to a former Member of the House of Representatives, to a former Vice President and, obviously, to a former President of the United States of America.

This money is very consistent with other memorials that have been authorized by the Congress for other Presidents. President Kennedy; we have a program that gives approximately $4 million a year to the Kennedy Center here in Washington, DC. We have the Woodrow Wilson School. We have the Eisenhower College, which received $5 million back in 1968. We have the Hoover Institution, which received $7 million in 1975. We have the Harry S. Truman Scholarship Fund that has received several million dollars from the Government.

President Bush is very supportive of this legislation. I have a letter dated June 10 that I will put into the RECORD. I will read part of it.

> Your proposal for creating a George Bush Fellowships is excellent. I am delighted to give you my enthusiastic support. The concept of facilitating promising students coming to our school is wholly consistent with the standards for excellence that we have set.

I want to reiterate to my colleagues President Bush, who is going to spend approximately 3 days a week at the school interacting with the students, Mrs. Bush, who is also going to spend 3 days a week at the school, did not want a post office named after the President, they did not want a plaque somewhere, they did not want a monument. They wanted money that would go to future generations of America, the best and the brightest.

I hope that we will unanimously support this legislation.

Mr. Speaker, I include the letter referred to for the RECORD:

JUNE 10, 1996.

CHARLES F. HERMANN,
Director, George Bush School of Government and Public Service, Texas A&M University, College Station, Texas.

DEAR CHUCK, your proposal for creating a George Bush Fellowships is excellent, and I am delighted to give you my enthusiastic support. The concept of facilitating promising students coming to our school is wholly consistent with the standards for excellence we have set. I would be pleased to have my name associated with future generations who intend to pursue careers in public service.

In response to your query about my willingness to interact with those who are awarded these fellowships, let me affirm what I have said in the past: I very much want to be involved on a continuing basis with the Bush School, its faculty, and its students. Barbara and I would particularly enjoy the chance to get acquainted with fellowship students in appropriate ways that would underscore their outstanding merit.

By all means, keep me posted on your progress.

Sincerely,

GEORGE BUSH.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to H.R. 3803. Once again we are on the floor of the House debating an expenditure by Government, this time the issue being whether to spend yet another $3 million we do not have.

Like my colleagues, I recognize the good intentions of the sponsors of this legislation, and I respect President Bush's service to our country. But that is not the issue before us today. I oppose this bill, like so many others, for one reason. We simply do not have the money.

Passing this legislation would provide further credibility to the phrase "some things never change," and that, it seems to me, is exactly what is worrying the American people today. They want Congress to begin acting responsibly and not to be spending money we do not have.

There has been a great deal of debate in this Congress about various levels of education funding, and in the next Congress we have the major task of reauthorizing the Higher Education Act.

Let us exercise some common sense today. In a time of fiscal restraint let us first review the efficiency and effectiveness of existing programs before we start funding new ones. Let us not lose our focus as we near the end of the session. The people of America are still waiting for a balanced budget. Let us get on with that task.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 2 minutes to my colleague and good friend the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this legislation to provide funds to the George Bush School of Government.

Mr. Speaker, we have helped other Presidents and we have helped former Members of Congress and former Members and Presidents from those who oppose this bill today. We have helped those individuals. I certainly rise in support of these endowments for schools, in appreciation for the service that these different individuals have given.

President Bush had a very productive 4 years. He helped bring about the end of the cold war with Russia and other Communist nations in Europe. His actions reduced the threat of nuclear war and started the movement to destroy and reduce the number of nuclear weapons. His handling of the Persian Gulf, Mr. Speaker, was outstanding and brought great pride to our Nation and to our military forces.

President Bush worked hard toward being the education President, and Barbara Bush continues to work in the field of literacy. I feel very strongly that these funds will help others to achieve goals that they have dreamed about and prayed about.

In almost 30 years of public service George Bush has never embarrassed this country, and he has tried in every way to help and not hurt President Clinton in his foreign policies, especially in Iraq and Bosnia.

I hope all Members will vote for this legislation. It makes sense, it is not a big cost, costs less than one missile we are shooting now to help out a great President.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to make it clear that this is not legislation which is in any way concerning President Bush's distinguished service to this country. The controversy, instead, is over whether or not we create yet another special fellowship program in addition to the 760 that we already have on the books. The question is whether or not we are going to consolidate and somehow streamline some of our activities or if we are going to continue to have this sort of unravel into a series of programs that are almost impossible for us to oversee in Congress.

I certainly would join and associate myself with the remarks of my colleagues from Pennsylvania and Mississippi about the distinguished career of President Bush, but I think that there is no more distinguishing tribute to his service in this body and as the President than to say that we are going to practice the type of austerity and fiscal responsibility that he so well preached himself. I am sure that both President Bush and Barbara Bush would still be happy to contribute their services to this great university and teaching students without having a special appropriation or program that is passed by this Congress that is in violation of the very principles that President Bush stood for.

☐ 1630

I would urge my colleagues to join with me and others in opposing this special authorization, and, instead, vote for the fiscal austerity and responsibility that we are all so deeply committed to.

Mr. GOODLING. Mr. Speaker, worrying that Hubert Humphrey may be uncomfortable in his grave, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I rise in strong support of this legislation. Each year on the Interior appropriations bill we spend millions and millions of dollars on memorials that are visited by people. How far better to spend the money on a living memorial where young leaders, potential leaders, will have an opportunity to learn and share insights with President Bush and First

Lady Barbara Bush who have both served this Nation so well.

George Bush stands for all that is good in America: A patriot, military service for his country with valor, a man of compassion and courage. As a matter of fact, as a young Congressman, he had the courage to vote for fair housing when it was not popular. I urge every one of my colleagues to vote for this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Texas [Mr. DE LA GARZA], dean of the Texas delegation.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of the legislation. Let me say at the outset that I cannot understand the praise and then the meat-ax approach.

I challenge anyone to deny my commitment to a balanced budget. I introduced a balanced budget amendment 30 years ago, so I do not want anyone that has been here one or two terms saying that we who try and do something constructive, that we have to go after a balanced budget with a meat-ax. I am offended that anyone in honesty would say that this is a bust-the-budget type situation.

There is no need for me to discuss what George Bush did in his lifetime, his contribution, that of his wife, his family. Members are fixing, under the guise of balancing the budget, to embarrass a former President of the United States, the father of the Governor of Texas, saying we are going to balance the budget no matter what; when I daresay many are asking for a canal here and a building there, just go to the Committee on Appropriations, just go to the committees that fund, and many of those that might vote against it are looking for something in their area.

Mr. Speaker, this is an investment in the future, that is what it is, working with the young people at a great institution Texas A&M so, that we might recognize what George Bush contributed to this country; let me repeat again, not because he is my friend, not because he was my colleague, not because he was the President, not because he was a Vice President, but because there are right things to do and this is one of them.

Sometimes we get misdirected. This balance the budget with a meat-ax approach just will not do it. I will support the legislation in honor of this great man, and ask all of my colleagues to do so.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I have talked with my colleagues who are sponsors of this bill, they have laid out a record of significant achievement by Texas A&M on this project. Texas A&M has already raised significant dollars, either at the State level or through private contributions, for the work that will go on at this school. They have demonstrated that they can move forward without our help.

Mr. Speaker, I think, as we move forward, the tribute here is not about the work that George Bush has done, or did, as President or did as a congressman in service to his country. It is about, at this point in time, whether we go forward and appropriate another $3 million for an institution that will celebrate the conservative principles and the balanced budget for which he fought so hard.

The important thing is that we show fiscal restraint, that we do not continue doing business as we have done business in the past. I have taken a look at the letter that George Bush wrote to Mr. Herman, who is the director of the George Bush School of Government and Public Service. The former President talked strongly in favor of the fellowship program. In his letter, he does not talk or address the issue about whether it should be federally funded.

I think that the best tribute to this program is to continue going along in the direction that Texas A&M has done so admirably, which is pushing for private funding and private donations to make sure that this program gets off on the right foot.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in very strong support of H.R. 3803. What a wonderful way to recognize a wonderful man and an outstanding President, and his wife, Barbara.

I think it is instructive to point out that this is the sort of thing that George Bush would like to have as recognition of his service. He did not want the equivalent, today's equivalent of an equestrian statue, some sort of plaque or grandiose recognition of his service. He wanted to have something that would really make a difference in young people's lives.

This fellowship program is going to do just that with the incredible leverage that this program is going to create with a $3 million investment, and I look at it as an investment in the future of this country, because it is investing in young people, versus the $25 million or more that the university is prepared to contribute. I think that is so very, very significant.

The other important thing is that this President and his wife are going to participate in this fellowship program. I urge strong support for this bill.

Mr. HOEKSTRA. Mr. Speaker, I would ask, do I have the right to close?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLINGER], as chairman, has the right to close.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman will yield, if he will change his position and agree to the bill, I am sure the chairman would give him the right to close.

Mr. HOEKSTRA. Mr. Speaker, that is an interesting idea, but I do not think I will take the gentleman up on that.

Mr. Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, of course, I rise in support of the bill. It is hard for me to understand how some people can complain about a $3 million expenditure. It is matched immediately by a $25 million expenditure by the State of Texas and Texas A&M University. It is not $3 million that invites other money in the future, it is a one-time deal. They wanted $5 million for Hubert Humphrey not too long ago.

It is hard to see how they can complain about something like this for education, that educates a lot of youngsters. Education is the answer to petitions to Federal courts and mobs in the streets. If there is any answer, it is education. I do not understand how they can stand here and vote to send $16 billion to $17 billion overseas in foreign aid and complain about $3 million to help some youngsters get educated.

Mr. Speaker, I think certainly for George Bush, a friend of mine, a longtime friend, I am pleased to speak on behalf of this. He was a leader in everything he did. He served as a carrier-based torpedo bomber pilot in the Navy during World War II, was in many major battles. Even, at one time, he was shot down, picked up by a PT boat. He also served as congressman, ambassador, CIA director, Vice President, and ultimately President.

Other than possibly Thomas Jefferson, he brought the greatest portfolio into the Presidency of any of his predecessors, and probably any since. He served his country for many years. I just think that today, if we pass H.R. 3803, we in Congress say to our President, to George Bush and his great family, we respect you, your leadership and dedication to public service will never be forgotten, because it will always be studied and taught at the George Bush School of Government and Public Service.

Mr. Speaker, I am pleased to speak today on behalf of H.R. 3803, the George Bush School of Government and Public Service Act. This bill will authorize one-time funding which will help establish the George Bush fellowship program at the former President's School of Government and Public Service.

Mr. Speaker, George Bush was a leader in everything he did. He served as a carrier-based Torpedo Bomber pilot in the Navy during World War II—was in many major battles and was even, at one time, shot down and picked up by a PT boat. He also served our country as a Congressman, Ambassador, CIA

Director, Vice President and, ultimately, President. Other than possible Thomas Jefferson, he brought the greatest portfolio into the Presidency of all of his predecessors. He served our country for many years, and in so doing, he served the world. He was a leader for a greater America and through his leadership, he shaped for us and for future generations a better world.

As we pass this bill, we will have the opportunity to honor President Bush like we have no other former President. As a man who dedicated his entire life to public service, I can think of no greater honor than to help establish an educational program geared toward public service in his name. Rather than constructing a building, a statue, or a park in his honor, we will be investing in the future of our country. We will be helping to produce leaders and public servants who will be proud graduates of the George Bush School of Government and Public Service, and who will go on to follow President Bush's noble example of selfless leadership and public service.

President Bush is aware of this new fellowship initiative and has committed to becoming personally involved with the educational program of his school and, in particular, with the George Bush fellows. The leadership opportunities for these fellows and the close, personal interaction they will have will be unmatched in the world. These students will be learning public policy and international affairs at the arm of the master himself, George Bush.

Today, we pass H.R. 3803 and we in Congress say to President George Bush and to his great family, we respect you. Your leadership and dedication to public service will never be forgotten, because it will always be studied and taught at the George Bush School of Government and Public Service.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is a pleasure to rise in support of the George Bush School of Government and Public Service Act. Time and again, former President Bush has served his country with distinction.

As a young man, he volunteered to fight for his country in World War II as our Nation's youngest naval aviator. He dedicated his life to national service, serving as a Congressman representing Texas, the Director of the CIA, the U.S. ambassador to the United Nations, our Ambassador to the Republic of China, and the chairman of the Republican National Committee.

In 1980, he was elected Vice President with President Ronald Reagan, and together they led America into the greatest peacetime expansion since World War II. Presidents Reagan and Bush led the world to the end of the cold war. As President, George Bush served with the unquestionable honor and great dignity that is owed to the highest office in our great Nation.

America, and indeed the world, was appreciative of his efforts during the Gulf war. The unity that was demonstrated during that conflict—the support of Congress, the support of the American public, and the support of our allies—was a triumph of and a tribute to the steadfast leadership of President Bush.

Just as important is George Bush's constant devotion to his family. He and his wife, Barbara, have raised a wonderful family that continue to pass on their shared values of faith, family, honor and service to new generations.

As a Texan, I am particularly appreciative of President Bush passing along these values to his children, because he has blessed our State with a great Governor, his son, George W. Bush.

I urge my colleagues to support this legislation as a tribute to a World War II aviator, a dedicated public servant, a great President and a truly honorable man—President George Bush.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me talk a little bit for the Members and colleagues who may have some confusion about this. Historically, there have been Presidential fellowships for former officials, and this is not breaking new ground. It was pointed out by the opposition that there are private donations and private fundraising. This is really a one-time appropriation of seed money of $3 million. There will be much more raised. Again, it is an educational program that I am proud to support, not only for President Bush, but also at a great university, Texas A&M.

One of the things I heard during some of the debate in opposition was we had 760 education programs that the Federal Government administers. Let me talk about some of those 760 that they list. Sixty of those are scientific and medical research programs, including 48 here at the National Institutes of Health. Sometimes some of these statistics are thrown around up here and people may think, oh, we have 760 Presidential fellow programs. That is not true.

Some of these other programs they have, they are mentioning in those 760, include job training programs, include educational programs for Lyme disease. Let us deal with apples and not compare them to oranges or pineapples or anything else, and really talk about the effort that we need to make in recognizing a great President.

Mr. Speaker, I have to admit, I did not vote for George Bush, but I also recognize that he was a President of our country, and just like now, we recognize the contributions of him, but during his tenure, there was controversy. There were Members on the floor of the House who disagreed with him, just like now with President Clinton.

I would hope that once someone serves their country like President Bush has, we can recognize him with this fellows program in conjunction with his presidential library at Texas A&M. Again, it is a great university, and it is a great program to enhance the ability of young students, students to learn about their Government through the George Bush School of Public Service.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Very briefly, I want to reinforce what the gentleman said, Mr. Speaker. This $3 million one-time grant will help start the permanently endowed scholarship fund. Texas A&M is going to raise privately $25 million to permanently endow this scholarship fund.

□ 1645

But this $3 million will be the first of the funds for the first class of fellows that are going to begin next year. Of the $3 million, less than $100,000 will be used over the life of the program for administrative expenses. Over $2.9 million will go to fund as many as 200 scholarships. So this is truly, as the gentleman from Pennsylvania [Mr. CLINGER] said, a living memorial to a former President.

Mr. GENE GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DE LA GARZA. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman will state it.

Mr. DE LA GARZA. Mr. Speaker, you have stated that Chairman GOODLING has the right to close on this matter. The gentleman from Michigan [Mr. HOEKSTRA] says that he wants to be last, I assume before the gentleman from Pennsylvania [Mr. GOODLING].

My parliamentary inquiry is, does he have a right to that spot? Or can the gentleman from Texas, Mr. GENE GREEN, be the one who speaks next before the gentleman from Pennsylvania, Mr. GOODLING?

The SPEAKER pro tempore. The gentleman from Pennsylvania has the right to close. Those who are recognized prior to that are within the discretion of the Chair.

Mr. DE LA GARZA. So, therefore, the gentleman from Michigan [Mr. HOEKSTRA] does not have the right, the Chair has the right to recognize?

The SPEAKER pro tempore. The Chair has the right to determine who will be recognized immediately prior to the right of the gentleman from Pennsylvania to close.

Mr. DE LA GARZA. I thank the Chair.

The SPEAKER pro tempore. The gentleman from Texas, Mr. GENE GREEN, has 1 minute remaining, the gentleman from Pennsylvania, Mr. GOODLING, has

4 minutes remaining, and the gentleman from Michigan, Mr. HOEKSTRA, has 9½ minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON], the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to reinforce all that has been said in favor of this legislation. Will Rogers, the great philosopher from Oklahoma, once said that he never met a man that he did not like. I think we could say about President Bush that there was never a man or woman that met the former President that did not like him. He is truly one of the most decent human beings that has ever been in public service for this country.

Texas A&M and its private benefactors have raised, or are attempting to raise, over $125 million to build, construct, or operate the Bush Library and the George Bush School of Public Service. The funds that we are offering today to help in that effort are maybe not something that we absolutely have to do, but sometimes I think this Congress should do things that we should do. We should do this to honor a great former Member of the House, a great former Vice President, and a great former President of the United States.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I think it should be pointed out that Barbara Bush and George Bush are participating in the Texas A&M school that honors President Bush, and that Barbara Bush is still working in literacy, trying to improve people who did not have the opportunity to get a total education.

I just think it would be right to give a strong vote today to George Bush for the things he has done, for Barbara Bush, and as somebody had mentioned, his outstanding family.

I would like to encourage my colleagues. We have done this before. We have done it to Democrats, we have done it to Republicans, and this is not whether you are a conservative, a liberal, or want to balance the budget. I want to challenge my Democratic friends on this side of the aisle who talked in opposition of saving this $3 million that I have a much more conservative voting record than they do on trying to balance the budget. So I certainly hope that we would support this legislation.

The SPEAKER pro tempore. The Chair would inquire of the gentleman from Michigan if he has any other speakers other than himself?

Mr. HOEKSTRA. Mr. Speaker, I will be the only speaker.

The SPEAKER pro tempore. It is the determination of the Chair that the gentleman from Michigan should have the opportunity to go next to last, before the gentleman from Pennsylvania, and, therefore, the Chair recognizes the gentleman from Texas, Mr. GENE GREEN, to yield the additional 1 minute he has remaining.

Mr. GENE GREEN of Texas. Mr. Speaker, I will use my last minute, I guess, and talk about the importance of this bill.

Again H.R. 3803, the George Bush School of Government and Public Service Act, is a one-time appropriation, in the tradition that we have done in many other examples, including I believe I was told, in 1978, Senator Hubert Humphrey that I would have supported in 1978 to my colleagues who are here from Minnesota who opposed it.

The documentation that has been used, again, the 760 educational programs, are just ludicrous, to talk about compare this with those. Some of those include the educational programs, American Printing House for the Blind. That is just ludicrous to have that used in opposition.

This is a great example of honoring a former President and also a great institution in Texas A&M, and I would hope we would have a resounding number of "aye" votes for H.R. 3803.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume. I have just a couple of points in closing.

We might have had a slightly different debate today if we had had the opportunity to take this bill through the committee process so we could have discussed it either at the subcommittee or at the full committee level. This bill has not gone through that process.

The second thing that I would just like to say, in listening to the debate I have heard the comment, It is only $3 million; $3 million is a lot of money.

We also have to take a look, and I think rethink some of the myths here in Washington. Is the granting of money, is the spending of more money, is spending money and creating another program, and spending money that we do not have, is that the highest tribute and the only tribute that we can pay to Members or people who have given in government service?

That is the myth in Washington. Any time we see a problem or we see the need to recognize somebody, it is time to spend more money. I think there are other ways to do that.

I think Texas A&M is setting a great example by how they have moved forward with this program without any help from Washington. I do not think at this point in time they need that additional help.

The greatest tribute perhaps to George Bush at this time is to demonstrate that the school can start in a different way and that his fellowships would be provided and funded through the private sector and not here from Washington.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have a feeling that in some cases there is a little preelection rhetoric going on on the floor of the House today. I say that because we have two choices. We have this choice, of providing a living monument, something that is going to benefit the living, and at a 1-year expense only. It did not go through the committee process, but it went through careful scrutiny by the chairman of the committee, and because of the manager's amendment, it is a 1-year authorization. As I indicated, it is a living monument.

The second choice that we have, of course, which will happen, there is no question, you can talk about it now but when the election is over, it will happen. We can have some expensive monument sitting out there somewhere that will cost the taxpayer a fortune from now until the end of time, or we can have some park development that will cost a great deal of money, or we can have this living monument to two wonderful people who are going to participate and give to the young people of this country a great deal for many years to come.

So if I have my choice, and anybody who really sits down and analyzes the choices, the choice certainly should be to have a living monument that will benefit people and that will be honoring someone who wants to be honored in that manner rather than some flowery tribute in relationship to a monument or something of that nature.

I would call on my colleagues to think strictly in terms of what is the best way to honor George and Barbara Bush, because they are going to be honored. There is no question about it. So let us do it with a living monument, with a one-time authorization only from the Treasury of the United States in an appropriation.

Mr. PORTMAN. Mr. Speaker, I rise today to express my strong support for H.R. 3803, The George Bush School of Government and Public Service Act. As former staff member in the Bush White House, I had the true honor of learning first-hand the values and principles of public service life that President Bush exemplified. He taught that honor, integrity and responsibility are the most important code of conduct for a public official, and he also taught the importance of public officials teaching those values to others. Now, through this legislation, Congress can help to instill these values in the new generation of leaders.

As a former President, Vice President, Ambassador, Party Chairman, CIA Director, and Member of Congress, George Bush saw many different sides of public service during his long and distinguished career. By creating the George H.W. Bush Fellowship Program today, we pass that experience on to future leaders—and provide young scholars with access to programs that develop the leadership skills they will need to guide this Nation in the next century. In addition to learning directly from President and Mrs. Bush, Fellows will have the chance to learn from distinguished world leaders such as Margaret Thatcher and Brian Mulroney—who have both agreed to participate in the program. Their experience, knowledge and wisdom will be a tremendous gift for our future generations.

I know there are some who are concerned about the $3 million authorization provided by this bill—and that is a legitimate concern that President Bush himself would have raised in his days as a Member. But we have to remember that this is "seed money" that will lead to many millions more being spent by the private sector and the State of Texas to promote this worthy project. This is an authorization for a one-time appropriation to ensure that this program gets up and running for the first year. I would also note that it is very much in line with what we have done to honor other former Presidents, and that private funds will be used to endow the program in future years. It is, as Mr. GOODLING noted, a living monument that will benefit future generations of American leaders.

I know that I would not be here in this Chamber today if it were not for the tremendous learning opportunity that George Bush gave me. Let's do a little to ensure that same opportunity for so many young people. I urge my colleagues on both sides of the aisle to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3803, as amended.

The question was taken.

Mr. HOEKSTRA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104–803) on the resolution (H. Res. 522) waiving points of order against the conference report to accompany the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPACE COMMERCIALIZATION PROMOTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 3936) to encourage the development of a commercial space industry in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Space Commercialization Promotion Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

Sec. 101. Commercialization of space station.
Sec. 102. Commercial space launch amendments.
Sec. 103. Exceptions to employment restrictions.
Sec. 104. Launch voucher demonstration program.
Sec. 105. Promotion of United States Global Positioning System standards.
Sec. 106. Acquisition of space science data.

TITLE II—REMOTE SENSING

Sec. 201. Land Remote Sensing Policy Act of 1992 amendments.
Sec. 202. Acquisition of earth remote sensing data.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

Sec. 301. Requirement to procure commercial space transportation services.
Sec. 302. Acquisition of space transportation services.
Sec. 303. Launch Services Purchase Act of 1990 amendments.
Sec. 304. Use of excess intercontinental ballistic missiles.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term "payload" means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload;

(4) the term "space-related activities" includes research and development, manufacturing, processing, service, and other associated and support activities;

(5) the term "space transportation services" means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term "space transportation vehicle" means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

SEC. 101. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that free market principles should be used in operating and adding capabilities to the Space Station whenever possible.

(b) REPORT.—The Administrator shall deliver to the Congress, within 60 days after the date of the enactment of this Act, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administrator is advancing to encourage these commercial opportunities, the cost savings to be realized by the international partnership from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States Government from commercial users of the Space Station.

SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

and

(D) by adding at the end the following new items:

"70120. Regulations.
"70121. Report to Congress.".

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting ", reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "conduct of commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth" in paragraph (3);

(B) in paragraph (5)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(ii) by inserting before subparagraph (B), as so redesignated by clause (i) of this subparagraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;";

(C) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(D) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(E) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space to Earth, substantially intact."; and

(F) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (D) of this paragraph;

(4) in section 70103—

(A) by striking "The Secretary" in subsection (a) and inserting in lieu thereof "Except as provided in section 70122, the Secretary"; and

(B) in subsection (b)—

(i) by inserting "AND REENTRIES AND STATE SPONSORED SPACEPORTS" after "LAUNCHES" in the subsection heading;

(ii) by striking "by the private sector" in paragraph (1) and inserting in lieu thereof "and reentries by the private sector and State sponsored spaceports" after "space launches"; and

(iii) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

(C) by inserting at the end of subsection (a) the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.";

(D) by adding at the end of subsection (a) the following new paragraph:

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of launch vehicles, reentry vehicles, safety systems, procedures, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(E) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1);

(F) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(G) by striking "and" at the end of subsection (b)(2)(B);

(H) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and";

(I) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

(J) by inserting ", including the requirement to obtain a license," after "waive a requirement" in subsection (b)(3);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) in subsection (a)(1), by inserting after subparagraph (B) the following:

"The Secretary shall coordinate the establishment of criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(D) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(E) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(F) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(G) by inserting after subsection (b)(2) the following new paragraph:

"(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.";

(H) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(I) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

(B) by inserting "or reentry" after "one launch" in subsection (a)(3);

(C) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(D) in subsection (b)(1), by inserting "launch, reentry, or site operator" after "(1) A";

(E) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(F) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(G) by striking ", Space, and Technology" in subsection (d)(1);

(H) by inserting "Or Reentries" after "Launches" in the heading for subsection (e);

(I) by inserting "or reentry site or a reentry" after "launch site" in subsection (e); and

(J) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a";

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears;

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) by amending subsection (f) to read as follows:

"(f) Launch Not an Export; Reentry Not an Import.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports."; and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2); and

(16) by adding at the end the following new sections:

"§70120. Regulations

"The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

"(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle or reentry vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch or reentry;

"(4) procedures for requesting and obtaining launch site or reentry site operator licenses; and

"(5) procedures for the application of government indemnification.

"§ 70121. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

(b) Effective Date.—The amendments made by subsection (a)(6)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(6)(I).

SEC. 103. EXCEPTIONS TO EMPLOYMENT RESTRICTIONS.

(a) Inapplicability of Certain Post-Employment Restrictions.—Subsections (a) and (c) of section 207 of title 18, United States Code, and section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) shall not apply to employees or former employees of the National Aeronautics and Space Administration seeking employment with an entity that is awarded the Space Flight Operations Contract for the Space Shuttle.

(b) Exception.—Subsection (a) shall not apply to an employee or former employee who, while employed with the National Aeronautics and Space Administration—

(1) served, at the time of selection of the contractor for the contract referred to in subsection (a) or the award of such contract, as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board, or the chief of a financial or technical evaluation team;

(2) served as the program manager, deputy program manager, or administrative contracting officer for the contract; or

(3) personally made for the National Aeronautics and Space Administration a decision to award the contract or a modification of the contract.

SEC. 104. LAUNCH VOUCHER DEMONSTRATION PROGRAM.

Section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803) is amended—

(1) in subsection (a)—

(A) by striking "the Office of Commercial Programs within"; and

(B) by striking "Such program shall not be effective after September 30, 1995.";

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 105. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.

(a) Finding.—The Congress finds that the Global Positioning System, including satellites, signal equipment, ground stations, data links, and associated command and control facilities, has become an essential element in civil, scientific, and military space development because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services.

(b) International Cooperation.—The Congress therefore encourages the President to—

(1) undertake a coordinated effort within the executive branch to promote cooperation with foreign governments and international organizations to advance United States interests with respect to the Global Positioning System standards and augmentations; and

(2) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees.

SEC. 106. ACQUISITION OF SPACE SCIENCE DATA.

(a) Acquisition From Private Sector.—The Administrator shall, to the maximum extent possible and while fully satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space science data from the private sector.

(b) Treatment of Space Science Data as Commercial Item Under Acquisition Laws.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) Definition.—For purposes of this section, the term "space science data" includes scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(d) Safety Standards.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) Limitation.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

TITLE II—REMOTE SENSING

SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992 AMENDMENTS.

The Land Remote Sensing Policy Act of 1992 is amended—

(1) in section 2 (15 U.S.C. 5601)—

(A) by amending paragraph (5) to read as follows:

"(5) Commercialization of land remote sensing is a near-term goal, and should remain a long-term goal, of United States policy.";

(B) by striking paragraph (6) and redesignating paragraphs (7) through (16) as paragraphs (6) through (15), respectively; and

(C) in paragraph (11), as so redesignated by subparagraph (B) of this paragraph, by striking "determining the design" and all that follows through "international consortium" and inserting in lieu thereof "ensuring the continuity of Landsat quality data";

(2) in section 101 (15 U.S.C. 5611)—

(A) by inserting the following after subsection (b)(4):

"The Director of the Office of Science and Technology Policy shall, no later than 60 days after the date of the enactment of the Space Commercialization Promotion Act of 1996, transmit the management plan to the

Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.";

(B) in subsection (c)—

(i) by inserting "and" at the end of paragraph (6);

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(C) in subsection (e)(1)—

(i) by inserting "and" at the end of subparagraph (A);

(ii) by striking ", and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(iii) by striking subparagraph (C);

(3) in section 201 (15 U.S.C. 5621)—

(A) by inserting "(1)" after "NATIONAL SECURITY.—" in subsection (b);

(B) in subsection (b)(1), as so designated by subparagraph (A) of this paragraph, by striking "No license" and inserting in lieu thereof "Except as provided in paragraph (3), no license";

(C) by adding at the end of subsection (b) the following new paragraphs:

"(2) The Secretary, within 6 months after the date of the enactment of the Space Commercialization Promotion Act of 1996, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this title. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.

"(3) The Secretary shall grant a license under this title to any United States commercial provider (as such term is defined in section 2 of the Space Commercialization Promotion Act of 1996) whose application is in full compliance with the requirements of this title.";

(D) in subsection (c), by amending the second sentence thereof to read as follows: "If the Secretary has not granted the license within such 120-day period, the Secretary shall inform the applicant, within such period, of any pending issues and actions required to be carried out by the applicant or the Secretary in order to result in the granting of a license."; and

(E) in subsection (e)(2)(B), by striking "and the importance of promoting widespread access to remote sensing data from United States and foreign systems";

(4) in section 202 (15 U.S.C. 5622)—

(A) by striking "section 506" in subsection (b)(1) and inserting in lieu thereof "section 507";

(B) in subsection (b)(2), by striking "as soon as such data are available and on reasonable terms and conditions" and inserting in lieu thereof "on reasonable terms and conditions, including the provision of such data in a timely manner";

(C) in subsection (b)(6), by striking "any agreement" and inserting in lieu thereof "any significant or substantial agreement relating to land remote sensing"; and

(D) by inserting after paragraph (6) of subsection (b) the following:

"The Secretary may not terminate, modify, or suspend a license issued pursuant to this title on the basis of an agreement the Secretary receives notification of under paragraph (6) unless the Secretary has, within 30 days after receipt of such notification, transmitted to the licensee a statement that such agreement is inconsistent with the national security or international obligations of the United States, including an explanation of such inconsistency.";

(5) in section 203 (15 U.S.C. 5623)—

(A) in subsection (a)(2), by striking "under this title and" and inserting in lieu thereof "under this title or";

(B) in subsection (a)(3), by striking "provide penalties" and inserting in lieu thereof "seek, in a United States District Court with personal jurisdiction over the licensee, penalties"; and

(C) in subsection (b), by striking "(a)(3),";

(6) in section 204 (15 U.S.C. 5624), by striking "may" and inserting in lieu thereof "shall";

(7) in section 205(c) (15 U.S.C. 5625(c)), by striking "if such remote sensing space system is licensed by the Secretary before commencing operation" and inserting in lieu thereof "if such private remote sensing space system will be licensed by the Secretary before commencing its commercial operation";

(8) by adding at the end of title II the following new section:

"SEC. 206. NOTIFICATION.

"(a) LIMITATIONS ON LICENSEE.—Not later than 30 days after a determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations imposed on the licensee, and the period during which such limitations apply.

"(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Not later than 30 days after an action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 203(a)(2), the Secretary shall provide written notification to Congress of such action and the reasons therefor.";

(9) in section 301 (15 U.S.C. 5631)—

(A) by inserting ", that are not being commercially developed" after "and its environment" in subsection (a)(2)(B); and

(B) by adding at the end the following new subsection:

"(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVITIES.—The Federal Government shall not undertake activities under this section which duplicate activities available from the commercial sector, unless such activities would result in significant cost savings to the Federal Government.";

(10) in section 302 (15 U.S.C. 5632)—

(A) by striking "(a) GENERAL RULE.—";

(B) by striking ", including unenhanced data gathered under the technology demonstration program carried out pursuant to section 303," and inserting in lieu thereof "that is not otherwise available from the commercial sector"; and

(C) by striking subsection (b);

(11) by repealing section 303 (15 U.S.C. 5633);

(12) in section 401(b)(3) (15 U.S.C. 5641(b)(3)), by striking ", including any such enhancements developed under the technology demonstration program under section 303,";

(13) in section 501(a) (15 U.S.C. 5651(a)), by striking "section 506" and inserting in lieu thereof "section 507";

(14) in section 502(c)(7) (15 U.S.C. 5652(c)(7)), by striking "section 506" and inserting in lieu thereof "section 507";

(15) in section 506 (15 U.S.C. 5656)—

(A) by inserting "(1)" after "COMMUNICATIONS COMMISSION.—" in subsection (a);

(B) by inserting at the end of subsection (a) the following new paragraph:

"(2) The Federal Communications Commission, within 6 months after the date of the enactment of the Space Commercialization Promotion Act of 1996, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application described in paragraph (1). An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Federal Communications Commission has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Federal Communications Commission may not deny the application on the basis of the absence of any such information."; and

(C) by adding at the end the following new subsection:

"(e) FEES.—The Federal Communications Commission shall ensure that any licensing or other fees that a private remote sensing space system operator subject to the licensing requirements of title II is required to pay such Commission shall be proportional to the cost to the Commission of the radio licensing process for such person relative to the cost to the Commission of licensing other entities subject to the fee."; and

(16) in section 507 (15 U.S.C. 5657)—

(A) by amending subsection (a) to read as follows:

"(a) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States, and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary, the Secretary of Defense shall recommend to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines are needed to protect the national security of the United States. If no such recommendation has been received by the Secretary within such 60-day period, the Secretary shall deem activities proposed in the license application to be consistent with the protection of the national security of the United States.";

(B) by striking subsection (b)(1) and (2) and inserting in lieu thereof the following:

"(b) RESPONSIBILITY OF THE SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations of the United States and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary, the Secretary of State shall recommend to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines are needed to meet international obligations of the United States. If no such recommendation has been received by the Secretary within such 60-day period, the Secretary shall deem activities proposed in the license application to be consistent with the international obligations and policies of the United States.

"(2) Appropriate United States Government agencies are authorized and encouraged to provide to developing nations, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from United States commercial providers."; and

(C) in subsection (d), by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require".

SEC. 202. ACQUISITION OF EARTH REMOTE SENSING DATA.

(a) ACQUISITION FROM PRIVATE SECTOR.—For purposes of meeting Government goals for Mission to Planet Earth, the Administrator shall, to the maximum extent possible and while fully satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from the private sector.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) STUDY.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by the private sector.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to the private sector to enable the private sector to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) make recommendations to promote the dissemination to the private sector of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) For purposes of carrying out this subsection, determination of the baseline scientific requirements of Mission to Planet Earth shall be carried out by the Goddard Space Flight Center. The Commercial Remote Sensing Program at the Stennis Space Center shall be responsible for identifying private sector data, services, distributions, and applications that can meet the scientific requirements of Mission to Planet Earth. The Administrator shall be responsible for determining the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and shall ensure that the Stennis Space Center plays a major coordinating role.

(4) The results of the study conducted under this subsection shall be transmitted to the Congress within 9 months after the date of the enactment of this Act.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from the private sector whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) EXCEPTIONS.—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload requires the unique capabilities of the space shuttle;

(2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers poses an unacceptable risk to foreign policy objectives;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a Space Shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(c) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before the date of the enactment of this Act, or with respect to which a contract for such acquisition or ownership has been entered into before such date.

(d) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

SEC. 302. ACQUISITION OF SPACE TRANSPORTATION SERVICES.

(a) TREATMENT OF SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space transportation services shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

SEC. 303. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

The Launch Services Purchase Act of 1990 (42 U.S.C. 2465b et seq.) is amended—

(1) by striking section 202;

(2) in section 203—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;

(3) by striking sections 204 and 205; and

(4) in section 206—

(A) by striking "(a) COMMERCIAL PAYLOADS ON THE SPACE SHUTTLE.—"; and

(B) by striking subsection (b).

SEC. 304. USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES.

(a) IN GENERAL.—The Federal Government shall not—

(1) convert any missile described in subsection (c) to a space transportation vehicle configuration or otherwise use any such missile to place a payload in space; or

(2) transfer ownership of any such missile to another person,

except as provided in subsection (b).

(b) AUTHORIZED FEDERAL USES.—(1) A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if—

(A) except as provided in paragraph (2), at least 120 days before such conversion the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on National Security and the Committee on Science of the House of Representatives, and to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, a report that contains—

(i) a certification that the use of such missile—

(I) would result in significant cost savings to the Federal Government when compared to the cost of acquiring space transportation services from United States commercial providers; and

(II) meets all mission requirements of the agency, including performance, schedule, and risk requirements; and

(ii) comments obtained from United States commercial providers in response to prior public notice published in the Commerce Business Daily;

(B) the use of such missile is consistent with international obligations of the United States; and

(C) the Secretary of Defense approves of such conversion.

(2) The requirement under paragraph (1)(A) that the report described in that subparagraph must be transmitted at least 120 days before conversion of the missile shall not apply if the Secretary of Defense determines that compliance with that requirement would be inconsistent with meeting immediate national security requirements.

(c) MISSILES REFERRED TO.—The missiles referred to in this section are missiles owned by the United States that were formerly used by the Department of Defense for national defense purposes as intercontinental ballistic missiles and that have been retired from service in compliance with international obligations of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pleasure that I bring before the House H.R. 3936, the Space Commercialization Promotion Act of 1996. Commercial space activities by U.S. companies generated over $6.2 billion of revenue in 1994 and $7.5 billion of revenue in 1995.

This legislation aims to improve the legal and regulatory conditions that currently handicap the commercial space industry. The present environment accommodates Federal, civil, and military space programs, not business opportunities. By providing investment incentives and risk reduction measures for investors, H.R. 3936 will encourage private sector participation in the space industry.

Through this bill we are striving to provide the stable business environment that businesses need to invest their money, build commercial space businesses, offer new and better services to the American people, and employ more Americans in high-skilled jobs.

Briefly this bill amends the Commercial Space Launch Act to take into account the legal and technical advances that have occurred since its enactment; gives the Department of Transportation the responsibility and authority to license reentry from orbit, in anticipation of the day when commercial experiments will be returned to Earth, and the reusable launch vehicle will be in operation; updates the Launch Services Purchase Act of 1990, so that government will act more like a commercial buyer when it places payloads in space; makes changes to the Land Remote Sensing Policy Act of 1992, updating it to take into account the experience we have gained over the last few years in licensing the operators of remote sensing satellites; eliminates, in a very narrow situation, some of the postemployment restrictions that could prevent NASA civil servants with critical skills in space shuttle operations from transferring to the new single prime contractor; and encourages NASA to purchase scientific data about the Earth and solar system from the private sector.

During my years of service on the Committee on Science, I have been an ardent advocate of space commercialization and the promise that it holds for a new economic frontier. For all of the wonderful accomplishments NASA has achieved in designing and building space transportation vehicles, sending humans to the Moon, and exploring our solar system and beyond, this Nation has only begun to realize the potential of doing business in space. It is not for lack of imagination; there are entrepreneurs who envision all kinds of space commerce, from on-orbit power stations to revolutionary pharmaceuticals.

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It is because it still costs too much to get to space and because our commercial laws, some of which have been on the books for years, were not written to take into account the possibility of space commerce.

Some of the most visionary and creative people I have ever met are in the space business. That is why when we began drafting this legislation we went right to the source. We held a Space Business Roundtable and several hearings, to which we invited industry experts and representatives from the executive branch, academia and space advocacy groups.

We found not a dearth of ideas, but a wealth of enthusiasm from individuals from all over the country who are making it their life's work to plumb the opportunities that space-based commerce presents. They are not looking to us for subsidies, but they are looking to us to modernize the fundamental underpinnings of present commercial law so that their new businesses can thrive.

This bill builds on the foundation we laid in earlier legislation. Much remains to be done beyond this bill, but that will be the challenge of future Congresses.

In closing, I want to acknowledge the cooperation of the Committees on Government Reform and Oversight, Commerce, and National Security on the issues over which we share jurisdiction. I am also grateful for the support of my committee colleagues, the gentleman from Wisconsin, JIM SENSENBRENNER, the gentleman from Texas, RALPH HALL, and the gentleman from California, GEORGE BROWN.

Mr. Speaker, I urge the passage of this bill.

Ms. GREENE of Utah. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Utah.

Ms. GREENE of Utah. Mr. Speaker, I appreciate the gentleman's yielding to me.

It is my understanding that NASA, as part of its research into a completely reusable launch vehicle, in developing the X-33, will be flight testing this over populated areas, or at least proposes to do that over populated areas, including my State of Utah, and that NASA is in the process of reviewing what sort of indemnification would be necessary for the private contractor that would be building the X-33.

We have not as yet had any public or congressional hearings regarding such indemnification issues or the safety of such overflights over populated areas. It is my understanding this legislation does not have any impact on those questions of indemnification for X-33 overflight testing, and this is an issue that can be raised in the next Congress after we have had these hearings.

Is that the gentleman's understanding?

Mr. WALKER. Mr. Speaker, reclaiming my time, the gentlewoman is correct with regard to the bill. It contains no such language with regard to that issue.

I would agree with the gentlewoman that the issue remains for the next Congress and should be pursued after appropriate hearings have been held.

Ms. GREENE of Utah. Mr. Speaker, I thank the gentleman.

Mr. WALKER. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of California. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for his work on this committee and thank him for this opportunity to rise to express concern about the bill pending before us.

I have not read, frankly, the final language of the bill, which I understand, however, is far better than the original proposal. Late this morning I understand a number of changes were approved that make the bill acceptable enough that the chairman and NASA are not opposing it.

However, Mr. Speaker, I cannot let this bill pass without expressing my concern about its potential impact on the Mission to Planet Earth Program, which is administered at Goddard Space Flight Center in Maryland. Over and over this program has been attacked by opponents who fail, I think, to realize the enormous asset that its data will be to the private sector. Long-term climate forecasting will prove tremendously useful to businesses ranging from agricultural to retailing and construction, and as we saw so vividly in North Carolina, earlier notice of major natural disasters can only help in response of the Government and the private sector to provide for relief and evacuation.

I am disappointed, therefore, that the House Committee on Science included more than a $300 million cut in authorization for Mission to Planet Earth. Today I am disappointed they are bringing to the floor a bill that requires a study of partial privatization of this important program.

NASA already recognizes that the private sector may well be able to play a significant role in Mission to Planet Earth. The agency's fiscal 1997 budget included $50 million for data acquisition. NASA requested information from companies that are interested in participating and 11 so far have replied. Their proposals will be carefully reviewed by the scientific experts at Goddard to ensure that they are helpful.

While I recognize that the Stennis Center has proven expertise in commercialization, we should not take control of the Mission to Planet Earth funding away from Goddard Space Flight Center, which has a top notch international reputation in the field.

I understand that the bill before us would team Goddard and Stennis for the study with the final authority resting with Administrator Goldin. I am pleased at that. Some might say why not study this? The fact is that Mission to Planet Earth has been studied over and over and over and over again. The program has been reduced 60 percent by a series of internal and external reviews. Surely if more commercialization makes sense, that fact would have been uncovered during those studies. The fact is that each of these studies costs money and staff time.

Finally, Mr. Speaker, I want to emphasize my longstanding view that Federal employees often do as good a job or better than their private sector counterparts. I have been to Goddard many times. I am sure many of my colleagues have as well. Each time I am impressed by the evident dedication and competence of its work force, both the more than 3,000 civil servants and the approximately 8,000 private sector contractors who work there.

I get frustrated therefore, sometimes, with those that believe everything is done better in the private sector. Time and time again that popular rhetoric has been proved wrong.

That is not in any way to diminish the private sector. Obviously, it is the private sector that has made this Nation the greatest economy that the world has ever known and provided the highest standard of living for the people of this Nation that the world has ever known. However, our public sector employees have also provided, frankly, the most efficient and effective civil service the world has ever known.

I hope that in the rush to pass this bill in the closing days of the Congress we will not forget the fine work done by the Federal workers who manage Mission to Planet Earth or the incredible promise of this important program.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume and say, in response to the distinguished gentleman from Maryland, I understand fully his concern about the role that Goddard would play in this whole subject of space commercialization.

I share his very strong support for the Mission to Planet Earth and the very important role that Goddard plays there. I assure him that we have worked diligently to make sure that the language would not preclude the full utilization of Goddard, and we believe that the corrections that have been made by the committee should resolve the matter to his satisfaction.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for those comments. I know that he has been and continues to be a very strong supporter of Mission to Planet Earth, and I want to tell him that I very much appreciative his focus on this issue and appreciate his comments.

Mr. BROWN of California. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, I rise today in support of H.R. 3936, the Space Commercialization Promotion Act of 1996, as amended.

This bill represents a bipartisan effort to continue Congress' support for the development of a robust and growing commercial space sector, support that stretches back to the earliest years of the Space Age. Members of the Committee on Science on both sides of the aisle believe that when it makes sense, we can begin to capitalize on our past Federal investments in the space program and look to the private sector to play an increasingly important role.

That is not to say that a vibrant commercial sector obviates the need for a continuing strong Federal commitment to space research and development. Rather, it is a simple recognition that commercial space activities offer the potential to make a significant contribution to the Nation's economic health and to its international competitiveness.

One need only look at the growth of the multibillion dollar satellite communication industry for confirmation of the view that private-public investments in R&D can deliver significant benefits down the road. From the first limited experiments in communicating by satellites that were carried out at the dawn of the Space Age almost 40 years ago, we have reached the point at which communication satellites are an integral part of the world's telecommunications infrastructure. Even more exciting developments are on the horizon, enabled by investments made in space R&D.

Yet it was not just technological advancements that led to the preeminent position that American companies have achieved in the rapidly evolving satellite communication market. It was also the result of wise policy decisions made by previous Congresses and previous administrations in the 1960's. Now, another space-related industry, commercial remote sensing, seems poised for a similar explosion of growth, in part due to policies enacted by Congress in the 1980's and the 1990's.

The legislation that is being considered today under suspension is relatively modest in scope, but I believe that it continues the bipartisan effort to help ensure the health and growth of the Nation's emerging commercial space sector.

It represents the fruits of various policy initiatives undertaken by the Committee on Science, including some initiated in the 103d Congress. Among its provisions are ones that update several provisions of the Land Remote Sensing Act of 1992 and of the Commercial Space Launch Act. It also codifies administration policies on the Global Positioning System and on the use of excess ballistic missile assets.

The bill before the House today is an amendment to the original text of H.R. 3936 that addresses many of the concerns that I had when the bill was introduced, including the concerns that were expressed by the gentleman from Maryland. It also incorporates provisions requested by the Committee on Government Reform and Oversight, which was given joint referral along with the Committee on Science.

I believe that the resulting legislation before us today represents a constructive step in Congress' continuing efforts to nurture this still evolving sector of our economy, and I urge my colleagues to suspend the rules and to pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], chairman of the Subcommittee on Space and Aeronautics.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support to this legislation. In addition to all the reasons given by my colleagues from Pennsylvania and California on why it should pass, let me add one, and that is that unless we update our commercial launch legislation, we are going to become, as a Nation, more and more uncompetitive with foreign countries for the commercial space launch business, particularly nonmarket countries such as Russia, China, and the Ukraine.

I do think it is important to rebut somewhat the allegations that have been made by the gentleman from Maryland [Mr. HOYER]. First of all, this Congress has not been parsimonious with Mission to Planet Earth. The appropriation legislation that was approved by the House provides about a billion dollars for fiscal year 1997 for this purpose. That is a little bit less than was requested, but it still is a significant amount of money, $1 billion.

The problem exists in providing a proper balance for the various types of programs that NASA is involved in. Both the OMB budget lines and the Republican balanced budget budget lines give NASA a declining amount of money between now and the year 2002.

The OMB line is about $2 billion less than that which the Congress approved, but the fact is that NASA's budget is going to be pinched as time goes on and we cannot provide for unchecked increases in any of NASA's accounts.

The fear that I have, looking at both the OMB and the Republican budget lines is that if we do have unchecked increases in Mission to Planet Earth, then NASA's science will be squeezed almost down to a zero amount, and that would be a shame if we ended up squeezing science in fiscal year 1998 and fiscal year 1999 because the scientific accomplishments with NASA's robotic programs have been literally amazing in the 35 years of NASA's existence.

So let us face it, we do not have enough money for everything. We would like to have more, but at the same time we have to have a proper balance between the various accounts. I think that the appropriation bill and the Committee on Science authorization bill does that. The reductions in the request for Mission to Planet Earth end up being reflected in more money being spent in NASA's science accounts.

We want to have both a healthy Mission to Planet Earth and a healthy Committee on Science budget for the next 2 or 3 fiscal years. I think that this bill will provide for the leveraging of the Government dollars in Mission to Planet Earth. And if we can attract private sector dollars to replace public sector dollars, so much the better.

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Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just comment briefly about the remarks of the gentleman from Wisconsin [Mr. SENSENBRENNER], my distinguished colleague and my friend.

I agree with the thrust of what he has said. There is no question but what the NASA budget over the next several years is going to be under considerable pressure from any budget that I have seen up to the present time, and it is necessary that we exercise extremely good judgment in how these reductions are going to be allocated.

There are not reductions in the rate of growth, these are actual dollar reductions of a substantial amount.

The fears which the gentleman from Maryland [Mr. HOYER] expressed are reasonable when understood in context. The Mission to Planet Earth budget line in the NASA Program is a very large item. It was subjected to approximately a 20 percent cut, which I think is more than the science budgets and others. And I will interpret Mr. HOYER's comments as merely asking that there be reasonably comparable treatment to all of these budget lines and not that the Mission to Planet Earth be given any special consideration.

I know that we will be looking closely at this particular situation in future years, and I look forward to working with Mr. SENSENBRENNER in trying to work out, that is assuming I return to Congress, working with him in making sure that whatever reductions NASA has to take are fairly and equitably distributed throughout all of the very important items in their budget.

I share the gentleman's view that there are many extremely exciting and productive science programs which need to be given full attention, and I hope that we will be able to do that as well as maintaining as strong a program as we possibly can involving the Mission to Planet Earth.

Mr. Speaker, I reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding and I rise in strong support of this legislation.

Mr. Speaker, I want to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], and as well in particular, the chairman of the full committee, the gentleman from Pennsylvania, [Mr. WALKER], who I know has been working on this issue for more than a year now. This is good legislation. It is going to be very, very helpful to our emerging commercial space industries to help them to be more competitive in future years.

In particular we have an emerging situation in my district where the Florida Spaceport Authority is now less than 1 year away from its first commercial space launch. It has been a very slow process in getting the appropriate regulatory authority from the Office of Commercial Space Transportation, allowing them to be able to proceed in this. Fortunately, it appears as though the appropriate regulations will be coming forward. And I know that this legislation will be helping our commercial space industry in Florida and Spaceport Florida to be competitive in the future.

I also want to commend the chairman for including in this legislation language that will enable the National Aeronautics and Space Administration to more easily shift critical NASA employees over to the emerging shuttle contractor positions to thus ensure the continued safe operation of our space shuttle. Our space shuttle, as most are aware, went off yesterday morning flawlessly. Indeed every time it launches it is on the news. It is the pride of our Nation.

In order to continue in the future as we change the management structure of the shuttle program, that the program continues to function in an efficient but as well in a perfectly safe way, we need to make sure that the critical personnel who are now in civil service positions shift over to the contractor positions and that there is no inappropriate obstacle in existing Federal law to stand in the way of the continued safe operation of the shuttle.

So, in closing, I just want to congratulate the chairman and take this moment to congratulate him on the legacy that he is leaving our Nation, for his hard work on behalf of science, space and technology, and say that I know he will be very much missed in the future by myself and many of us on the committee.

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would say thank you to the gentleman from Florida for his kind words. I also do not want to dwell on this, but I want to come back to the point made by the gentleman from California and the gentleman from Maryland as well as the discussion of the gentleman from Wisconsin, just to say thank you to the gentleman from California for him and his staff working with us on some language that I think did address the concerns raised by the gentleman from Maryland.

Under this bill the Goddard Space Center will continue to be the lead center on all of these matters, including the study of Mission to Planet Earth. But the fact is that what you have is an emerging set of technologies that may prove to be valuable to Mission to Planet Earth.

While it is true that it has been studied intensely by any number of people, the fact is that these new technologies do hold the promise of being able to give us a robust program at a perhaps savings, and that is what we are looking at here. And by having Goddard take the lead and having Stennis come in with some of the things they have found in terms of commercial applications, we think it would strengthen the Mission to Planet Earth mission over the year and do so within budget constraints that it is going to be operating under. Between us we have come up with the right language and approach here that satisfies the various needs, and I thank the gentleman from California and his staff for their cooperation in helping us develop that.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume just to make a concluding remark.

Let me thank the gentleman for his comments. He has been extremely cooperative in modifying the language here to provide certain reassurances that will be helpful in connection with this.

I also want to note that the remarks of the gentleman from Florida are very appropriate. We have a large and flourishing space launch there that is the preeminent spaceport at this time in the country. If there is nobody here from Alaska or Hawaii or some of the other States which also hope to have flourishing spaceports, may I make a comment that California also desires to get into this race and we have the beginnings of our own commercial launch facility in California which may be championed by the gentlewoman from California [Mrs. SEASTRAND]. We hope that at some point we will be able to offer both through the private sector and perhaps through some government business, a major launch facility in California.

The point here is that we see the emergence of a major new economic activity that pervades the entire United States, including Alaska and Hawaii, in competition for this business. And I think that the gentleman from Pennsylvania [Mr. WALKER] and I both give very strong allegiance to the importance of competition and ascertaining what is the best source of any particular program and what can benefit the taxpayers of this country most. I anticipate that this developing competition is going to be good for the whole country and I look forward to it.

This bill is intended to facilitate that and I again urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 3936, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOCIAL SECURITY MISCELLANEOUS AMENDMENTS ACT OF 1996

Mr. BUNNING of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4039) to make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration, as amended.

The Clerk read as follows:

H.R. 4039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Miscellaneous Amendments Act of 1996".

SEC. 2. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATIONS RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO DISABILITY BENEFITS UNDER TITLE II.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME DISABILITY BENEFITS UNDER TITLE XVI.—Section 105(b)(5) of such Act (Public Law 104–121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, an individual's claim, with respect to supplemental security income benefits under title XVI of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(b) CORRECTIONS TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFICIARIES.—Section 105(a)(5)(B) of such Act (Public Law 104–121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME RECIPIENTS.—Section 105(b)(5)(B) of such Act (Public Law 104–121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose eligibility for benefits is based upon an eligibility redetermination made pursuant to subparagraph (C).".

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of section 201 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497, 1504) are repealed.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b) shall be effective as though they had been included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

(2) The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 3. CLARIFICATION REGARDING REVIEW OF DETERMINATIONS BY STATE DISABILITY DETERMINATION SERVICES.

Section 221(d) of the Social Security Act (42 U.S.C. 421(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) No determination under this section shall be reviewed by any person, tribunal, or governmental agency, except as provided in paragraph (1).".

SEC. 4. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96–265; 94 Stat. 473), as amended by section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272; 100 Stat. 282), section 10103 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2472), section 5120(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–282), and section 315 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1531), is further amended—

(1) in paragraph (1) of subsection (a), by adding at the end the following new sentence: "The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under such program with impairments which may reasonably be presumed to be disabling for purposes of such experiment or demonstration project, and may limit any such experiment or demonstration project to any such group of applicants, subject to the terms of such experiment or demonstration project which shall define the extent of any such presumption.";

(2) in paragraph (3) of subsection (a), by striking "June 10, 1996" and inserting "June 10, 1997";

(3) in paragraph (4) of subsection (a), by inserting "and on or before October 1, 1996," after "1995,"; and

(4) in subsection (c), by striking "October 1, 1996" and inserting "October 1, 1997".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 5. PERFECTING AMENDMENTS RELATED TO WITHHOLDING FROM SOCIAL SECURITY BENEFITS.

(a) INAPPLICABILITY OF ASSIGNMENT PROHIBITION.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

"(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit.".

(b) PROPER ALLOCATION OF COSTS OF WITHHOLDING BETWEEN THE TRUST FUNDS AND THE

GENERAL FUND.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits";

(2) by inserting before the period at the end of paragraph (1)(A) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits";

(3) in paragraph (1)(B)(i)(I), by striking "subparagraph (A))," and inserting "subparagraph (A)) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits,";

(4) in paragraph (1)(C)(iii), by inserting before the period the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits";

(5) in paragraph (1)(D), by inserting after "section 232" the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)"; and

(6) in paragraph (4), by inserting after the first sentence the following: "The Boards of Trustees of such Trust Funds shall prescribe before January 1, 1997, the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits.".

SEC. 6. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B)(i) The Commissioner shall enter into an agreement, with any interested State or local institution comprising a jail, prison, penal institution, correctional facility, or other institution a purpose of which is to confine individuals as described in paragraph (1)(A), under which—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, social security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) except as provided in clause (ii), the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), to whom a benefit under this title is payable for the month preceding the first month of such confinement, and whose benefit under this title ceases to be payable as a result of the application of this subsection, $400 (subject to reduction under clause (iii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (iii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) No amount shall be payable to an institution with respect to information concerning an individual under an agreement entered into under clause (i) if, prior to the Commissioner's receipt of the information, the Commissioner has determined that benefits under this title are no longer payable to such individual as a result of the application of this subsection.

"(iii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iv) There shall be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II). Sums so transferred shall be treated as direct spending for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and excluded from budget totals in accordance with section 13301 of the Budget Enforcement Act of 1990.

"(v) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any Federal or federally-assisted cash, food, or medical assistance program for eligibility purposes.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of such Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during" and inserting "throughout";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall be effective with respect to benefits payable for months after February 1997.

(c) INCLUSION OF TITLE II ISSUES IN STUDY AND REPORT REQUIREMENTS RELATING TO PRISONERS.—

(1) Section 203(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended—

(A) in subparagraph (A), by striking "section 1611(e)(1)" and inserting "sections 202(x) and 1611(e)(1)"; and

(B) in subparagraph (B), by striking "section 1611(e)(1)(I)" and inserting "section 202(x)(3)(B) or 1611(e)(1)(I)".

(2) Section 203(c) of such Act is amended by striking "section 1611(e)(1)(I)" and all that follows and inserting the following: "sections 202(x)(3)(B) and 1611(e)(1)(I) of the Social Security Act.".

(3) The amendments made by paragraph (1) shall apply as if included in the enactment of section 203(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193). The amendment made by paragraph (2) shall apply as if included in the enactment of section 203(c) of such Act.

(d) CONFORMING TITLE XVI AMENDMENTS.—

(1) PRECLUSION OF TITLE XVI PAYMENT WHEN INFORMATION FURNISHED BY AN INSTITUTION IS ALREADY KNOWN BY THE COMMISSIONER.—Section 1611(e)(1)(I) of the Social Security Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193)) is amended—

(A) in clause (i)(II), by inserting "except as provided in clause (ii)," after "(II)";

(B) by redesignating clauses (ii) and (iii) as clauses (iv) and (v), respectively; and

(C) by inserting after clause (i) the following new clause:

"(ii) No amount shall be payable to an institution with respect to information concerning an inmate under an agreement entered into under clause (i) if, prior to the Commissioner's receipt of the information, the Commissioner has determined that the inmate is no longer an eligible individual or eligible spouse for purposes of this title as a result of the application of this paragraph.".

(2) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of such Act (as amended by paragraph (1)) is amended further—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (iii))" after "$400" and after "$200"; and

(B) by inserting after clause (ii) the following new clause:

"(iii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(3) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(4) LIMITATION ON CATEGORIES OF INMATES WITH RESPECT TO WHOM PAYMENT MAY BE MADE.—Section 1611(e)(1)(I)(i)(II) of such Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193)) is amended by striking "inmate of the institution" and all that follows through "in such institution and" and inserting "individual who is eligible for a benefit under this title for the month preceding the first month throughout which the individual is an inmate of the jail, prison, penal institution, or correctional facility, or is confined in the institution as described in section 202(x)(1)(A)(ii), and who".

(5) TECHNICAL CORRECTION.—Section 1611(e)(1)(I)(i)(II) of such Act (as amended by the preceding provisions of this subsection)

is amended further by striking "subparagraph" and inserting "paragraph".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193). The references to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of such Act as amended by paragraphs (3) and (4) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(e) EXEMPTION FROM COMPUTER MATCHING REQUIREMENTS.—

(1) IN GENERAL.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) by striking "or" at the end of clause (vi);

(B) by adding "or" at the end of clause (vii); and

(C) by inserting after clause (vii) the following new clause:

"(viii) matches performed pursuant to section 202(x) or 1611(e)(1) of the Social Security Act;".

(2) CONFORMING AMENDMENT.—Section 1611(e)(1)(I)(iv) of the Social Security Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) and redesignated by subsection (d)(1)(B)) is amended further by striking "(I) The provisions" and all that follows through "(II) The Commissioner" and inserting "The Commissioner".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. BUNNING] and the gentleman from Virginia [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

GENERAL LEAVE

Mr. BUNNING of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4039.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4039, the Social Security Miscellaneous Amendments Act of 1996.

A few months ago, the Social Security Administration came to us, and asked for legislation to make technical or perfecting changes they needed to implement current law. Andy Jacobs and I then introduced this legislation, which was favorably reported by the Ways and Means Committee on a bipartisan basis. Andy's constructive, bipartisan leadership on Social Security issues will be greatly missed.

Again, let me make it clear that the administration requested these technical provisions.

According to the Social Security Administration, these amendments are needed to clarify, first, the drug addicts and alchoholics provisions enacted under Public Law 104–121, thereby closing a loophole and preventing payment of benefits not intended by Congress; second, to clarify that the only judicial review available to disability applicants is the normal judicial review of the final decision of the Commissioner of Social Security, and that the State disability determination services and their employees, like Federal officials, cannot be sued for their official acts when making disability decisions under the Social Security Act; third, to grant SSA continued demonstration project authority; and fourth, to perfect provisions of the Uruguay Round Agreements Act, allowing for optional tax withholding from Social Security benefits.

In addition to the technical provisions requested by SSA, H.R. 4039 includes provisions that further restrict payment of Social Security benefits to prisoners. These provisions are virtually identical to ones included in the recently enacted welfare reform bill affecting prisoners who receive supplemental security income benefits.

They restrict payment of benefits to all criminals incarcerated throughout a month, and provide a financial incentive to correctional facilities to report their incarceration to SSA. The provisions save the Social Security trust funds $35 million over 7 years. I want to commend my colleague on the Ways and Means Committee, Mr. HERGER, for his leadership on this issue.

I also want to thank both the minority staff and SSA staff for providing their assistance in formulating this package.

The Social Security Subcommittee has worked diligently to assist SSA by providing the legislative corrections that SSA said that it needed to fulfill its responsibilities to Congress and the American public.

Neither the Congress nor the American public wants to see Social Security benefits paid to drug addicts, alcoholics, or criminals who should not receive them.

I hope that for the sake of the hardworking American public, the Senate will see fit to act quickly so that current programs may continue to run as they should, and the intent of Congress to stop Social Security payments to drug addicts, alcoholics, and prisoners will be fulfilled. I urge support of H.R. 4039.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4039. I have had the pleasure of serving on the Subcommittee on Social Security of the Committee on Ways and Means during this session of Congress, serving with Chairman JIM BUNNING who has worked tirelessly this session to bring about a Social Security Administration that deals fairly and effectively with Social Security. I have had the pleasure of serving with the gentleman from Indiana, ANDY JACOBS, who is retiring after 30 years, who has spent his entire career working on Social Security, protecting it and making it better. And I want to commend both of these gentlemen for the effective and bipartisan method in which they have constructed the business of the Social Security Subcommittee.

Mr. Speaker, I rise in support of H.R. 4039. This bill, as Chairman BUNNING has pointed out, makes a number of technical and miscellaneous changes in Social Security. It clarifies the effective date of the newly enacted law denying Social Security benefits to drug addicts and alcoholics.

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It extends for 1 year the disability demonstration project authority of the Social Security Administration. It prohibits lawsuits directly against State disability determinations services. And in addition, the bill authorizes incentive payments to prisons and local jails to encourage jailers to turn over to the Social Security Administration the names of prisoners who are receiving Social Security payments. A number of years ago, the Congress prohibited the payment of Social Security benefits to prisoners, yet the Social Security Administration is having a difficult time obtaining the names of Social Security recipients incarcerated in the hundreds of local jails around the country. So this provision will offer an incentive to all institutions, both large and small ones, to provide the names of prisoners receiving Social Security benefits.

The Social Security Administration can then make sure that no prisoner continues to receive benefits while institutionalized.

Mr. Speaker, these are technical changes coupled with some improvements in the administration of the Social Security Program, and I urge their adoption.

Mr. CHRISTENSEN. Mr. Speaker, today represents another step in our efforts to end wasteful Government spending and end the practice of supporting criminals at the taxpayers expense.

Too many individuals serving time in our Nation's prisons currently receive regular Social Security payments, despite the fact that it's against the law. Current law prohibits prisoners from receiving old age, survivors, and disability [OASDI] benefits while incarcerated if they are convicted of any crime punishable by imprisonment of more than 1 year. Also, State and local correctional institutions are required to make available, upon written request, the name and Social Security number of any individual convicted and confined in a penal institution or correctional facility. However, despite current law prisoners are still robbing the taxpayers of their hard-earned money.

The House-passed version of the Personal Responsibility and Work Opportunity Act of 1996, corrected this wrong by prohibiting prisoners from receiving supplemental security income [SSI] and OASDI benefits while incarcerated. It also provided new financial incentives for State and local correctional institutions to report information on inmates to the Social Security Administration so that taxpayer supported benefits could promptly end. Unfortunately, the OASDI provisions were not included in the final version of the bill before it was signed into law.

Section 6 of H.R. 4039, the Social Security clarifying amendments, would restore the same prohibitions against payments of SSI benefits to OASDI benefits—saving the U.S. taxpayers $35 million over 7 years. I strongly support these efforts to end the abuses in the Social Security benefits programs because it is time to stop frivolously spending the taxpayers money and get tough on criminals. This effort is one more necessary component to reforming our Federal prison system. For too long, liberal judges, slick lawyers, and misguided policies have turned prisons into playhouses. To fix that, I have put together legislation called the Criminal Correction and Victim Assistance Act that makes it clear once and for all that our prisons are not country clubs.

The bill would make Federal prisoners work 48 hours a week and study 12 hours more. It would place a 25-percent levy on prisoner wages to go toward victim restitution and the protection of our police officers. It would curb out-of-control frivolous lawsuits by Federal prisoners. The bill would also ban the use of televisions in Federal prisons. And it would prohibit weightlifting by Federal prisoners. Why should taxpayers be forced to pay for criminals to become stronger and more deadly so that they can then prey upon our families and children upon release? I was glad to see the ban on TV's and weights as well as the lawsuit curbs included in a measure which was signed into law this year.

All of these steps, including banning Social Security benefits for convicted criminals while incarcerated, send the signal that America will no longer tolerate those who prey on law-abiding families.

Mr. PAYNE of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 4039, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was, as amended, was passed.

A motion to reconsider was laid on the table.

DOLLEY MADISON COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1684) to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison, as amended.

The Clerk read as follows:

H.R. 1684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dolley Madison Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In commemoration of the 150th anniversary of the death of Dolley Madison, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 1 dollar coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 150th anniversary of the death of Dolley Madison and the life and achievements of the wife of the 4th President of the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1999"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the executive director of Montpelier, the National Trust for Historic Preservation, and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 1999.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 1999.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Trust for Historic Preservation in the United States (hereafter in this Act referred to as the "National Trust") to be used—

(1) to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison and a museum property of the National Trust; and

(2) to fund capital restoration projects at Montpelier.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the National Trust unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the National Trust submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the National Trust has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum

amount the National Trust may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The National Trust shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the National Trust, of all such payments to the National Trust beginning in the first fiscal year of the National Trust in which any such amount is received and continuing until all such amounts received by the National Trust with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the National Trust pursuant to paragraph (1) shall report—

(A) the amount of payments received by the National Trust during the fiscal year of the National Trust for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the National Trust from the proceeds of such surcharges during the fiscal year of the National Trust for which the audit is conducted; and

(C) whether all expenditures by the National Trust from the proceeds of such surcharges during the fiscal year of the National Trust for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF NATIONAL TRUST TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The National Trust shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the National Trust in each fiscal year of the National Trust can be accounted for separately from all other revenues and expenditures of the National Trust.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the National Trust for which an audit is required under paragraph (1), the National Trust shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The National Trust may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the National Trust for any fiscal year after taking into account the amount of surcharges which the National Trust received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The National Trust shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the National Trust, or by any independent public accountant who audited the National Trust in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the National Trust.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the National Trust from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the National Trust to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] will each control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. I yield myself such time as I may consume.

Mr. Speaker, we are here today to suspend the rules and pass three commemorative coin bills: H.R. 1684, H.R. 1776, and H.R. 2026. All three of these bills have played by the new rules of the commemorative coin process. Each has acquired the cosponsorship of over two-thirds of this House, and each has gained the endorsement of the Citizens Commemorative Coin Advisory Committee. Furthermore, the sponsors of these bills have agreed to abide by the terms of this subcommittee's bill, H.R. 2614, the Commemorative Coin Reform Act of 1995.

These accommodations by the various bill sponsors are in recognition that, as we heard at our July 1995 hearing, the Commemorative Coin Program is clearly in trouble. These problems persist, primarily because too many coins have been produced. These three have been obtained more than 290 cosponsors, demonstrating that the Banking Committee rules in the 104th Congress have not raised the standard to the point that all coin legislation is blocked, and that if a group follows the rules, they have a reasonable opportunity to get coin legislation to the floor.

Nonetheless these successes should not be taken as invitations for many more coin projects to advance. CCCAC guidelines call for no more than two programs per year and it will clearly take a while for the collecting public to digest the massive Olympic Program that appears to have again resulted in losses to the mint.

Passage of our commemorative coin reform legislation by the Senate will help control runaway coin programs and protect the Federal Government and the taxpayer from further losses. As necessary we will recommend even tighter regulations should it appear that more coins are being proposed than the market will absorb. In any event, the days of large issues are finished, and future mintages will be allocated based on the success or failure of programs that have already been approved.

H.R. 1684 is the first of these bills before the House today. It calls for the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the death of Dolley Madison. Dolley Madison was one of the earliest heroines in American history. She served as First Lady for Thomas Jefferson who was widowed by the time he served as President and later for her husband, James Madison. During the War of 1812, when invading British troops burned the White House, Dolley Madison, at some personal risk, saved an historic portrait of George Washington. The National Trust for Historic Preservation today owns Montpelier, the Virginia estate where Dolley Madison and James Madison lived. Proceeds from this coin will go to help endow preservation of the building and the estate.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Dolley Madison Commemorative Coin Act, and I will urge my colleagues to support this bill as well. I do so, with the appreciation that today we are honoring the originator of the role of First Lady, and the fact we are helping to preserve one of our Nation's historical treasures: the Montpelier, Virginia home of James Madison.

In authorizing this coin and the two to follow, the subcommittee again has taken cautious steps to protect the integrity of the commemorative coin process. We have received the recommendation of the Citizen's Commemorative Coin Advisory Committee, and we have waited until the legislation has garnered overwhelming support in the form of bipartisan cosponsorship. Most important, however, we have incorporated House passed legislation which requires tighter financial control of the mint's resources, and the auditing disclosures of recipient organizations.

The subcommittee has strived to maintain integrity in the commemorative process. It is our aim to limit the authorization of commemoratives, and during the past 2 years, I believe we met this goal by only authorizing four new coins over the next 4 years. Given these accomplishments, I would urge my colleagues to support this bill, support Dolley Madison, and help preserve Montpelier.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I want to thank the chairman of the subcommittee and also the ranking member for their cooperation.

Mr. Speaker, early in this Congress, I, along with the rest of the Virginia delegation introduced the James Madison Commemorative Coin Act. This legislation instructs the U.S. Treasury to mint $1 commemorative coins to honor the 250th anniversary of the birth of James Madison.

The proceeds from the sale of this coin, once the Treasury has recovered all production costs, will go to the National Trust for Historic Preservation to be used to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison. In addition, profits from this coin will help fund a capital restoration project at Montpelier, which is in dire need of repairs.

I am proud to report 313 of our colleagues share my desire to see Montpelier protected and have cosponsored H.R. 1684. As this coin required the approval of the Citizen's Commemorative Coin Advisory Committee, Representative CASTLE, the chairman of the Subcommittee on Domestic and International Monetary Policy, asked the Coin Committee to review H.R. 1684.

The Citizen's Commemorative Coin Advisory Committee found H.R. 1684 met all of its necessary criteria for approval except one—the rule against honoring the same person twice in a period of 10 years.

In 1993, James Madison was depicted on a coin observing the bicentennial of the Bill of Rights. Recognizing the need to protect Montpelier, the Citizen's Commemorative Coin Advisory Committee unanimously approved an alternate proposal—a coin honoring Dolley Madison in 1999, the 150th anniversary of her death. An amendment was adopted at the subcommittee level of H.R. 1684, which will instruct the Treasury to mint a Dolley Madison Commemorative Coin in 1999.

A commemorative coin honoring Dolley Madison would be the first coin to honor a First Lady. Furthermore, Dolley Madison would be only the third woman to be so honored. I can think of no First Lady who deserves this honor more.

Dolley Madison was the originator of the role of First Lady as it exists today. She rejected the somewhat aloof and monarchical role crafted by previous First Ladies and redefined the position to be as she was—democratic and accessible, yet always stylish and always elegant.

By nature, kind and gracious—and married to a very shy man—Dolley Madison took on the responsibility for crafting the social activities that are so essential to the affairs of state. This was more than just throwing successful parties—it was a bridge between the official work of Washington and the private social life of the first couple.

She was such a compelling and popular figure that she acted as hostess for the widowed Thomas Jefferson while her husband served as Jefferson's Secretary of State. Thus, Dolley Madison's term as First Lady extended from 1801 to 1817—over 16 years.

Charles Cotesworth Pickney, who ran against James Madison for the Presidency, saw first hand how the Nation loved Dolley Madison. After losing to Madison, Charles Pickney said, "I was beaten by Mr. and Mrs. Madison. I might have had a better chance had I faced (Mr.) Madison alone." With the elections approaching, I know many of us would be lucky to have Dolley Madison in our corner.

While Dolley Madison served in the White House as First Lady with unprecedented grace, I feel certain Mrs. Madison would be upset at the condition of her and her husband's home at Montpelier.

Dolley Madison was forced to sell the 2,700 acre estate at Montpelier in 1844. Thereafter, Montpelier changed hands six times before being purchased in 1900 by the industrialist William Henry duPont. Montpelier remained in private ownership until 1984 when, upon the death of Marion duPont Scott, the estate was bequeathed to the National Trust for Historic Preservation. In her will, Ms. Scott directed the National Trust to maintain Montpelier as, "an historic shrine * * * to James Madison and his times."

Unfortunately, during the years of private ownership, the physical structure of Madison's home fell into disrepair.

The house appears sound at first glance, however, there are many basic structural repairs which are needed. While the National Trust has invested over $5 million in repairs, the development and the operation of Montpelier as a museum and Presidential home, much work remains to be done. Because of the property's scale, many additional infrastructure and capital improvements still are needed for Montpelier to become fully adapted for public use.

It is these improvements which will be undertaken with the proceeds from the Dolley Madison Commemorative Coin. With the funds from the minting of this coin in 1999, Montpelier will be able to realize its full potential.

Visitors arriving at Montpelier will be able to walk the grounds James Madison did as he formed the ideas which would become the principles on which our Nation is based. It was at Montpelier where the ideas which became the basis for the Federalist Papers and the Bill of Rights were formed.

With the passage of H.R. 1684, future generations will be able to visit Montpelier and study the Madisons' legacy. I urge my colleagues to support H.R. 1684 to ensure the Madisons' home is protected for future generations.

In closing, Mr. Speaker, I would like to thank Representative CASTLE for his help on H.R. 1684 as well as bringing this legislation before his subcommittee for consideration. Also, I would like to thank Representative PETE GEREN. Without Congressman GEREN's hard work, we might not have gotten the 290 cosponsors needed in order to bring this legislation to the floor.

Mr. FLAKE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 1684, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the death of Dolley Madison"

A motion to reconsider was laid on the table.

GEORGE WASHINGTON COMMEMORATIVE COIN ACT OF 1996

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2026) to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington, as amended.

The Clerk read as follows:

H.R. 2026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "George Washington Commemorative Coin Act of 1996".

SEC. 2. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 100,000 5 dollar coins, which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of George Washington.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1999"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Mount Vernon Ladies' Association and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary shall issue coins minted under this Act beginning May 1, 1999.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after November 31, 1999.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $35 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Mount Vernon Ladies' Association (hereafter in this Act referred to as the "Association") and shall be used—

(1) to supplement the Association's endowment for the purpose of providing a permanent source of support for the preservation of George Washington's home; and

(2) to provide financial support for the continuation and expansion of the Association's efforts to educate the American public about George Washington.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the Association unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the Association submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the Association has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum amount the Association may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The Association shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the Association, of all such payments to the Association beginning in the first fiscal year of the Association in which any such amount is received and continuing until all such amounts received by the Association with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the Association pursuant to paragraph (1) shall report—

(A) the amount of payments received by the Association during the fiscal year of the Association for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the Association from the proceeds of such surcharges during the fiscal year of the Association for which the audit is conducted; and

(C) whether all expenditures by the Association from the proceeds of such surcharges during the fiscal year of the Association for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF ASSOCIATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The Association shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the Association in each fiscal year of the Association can be accounted for separately from all other revenues and expenditures of the Association.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the Association for which an audit is required under paragraph (1), the Association shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The Association may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the Association for any fiscal year after taking into account the amount of surcharges which the Association received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The Association shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the Association, or by any independent public accountant who audited the Association in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the Association.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the Association from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the Association to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the next bill of this series is H.R. 2026, a bill to require the Secretary of the Treasury to mint 100,000 $5 gold coins in commemoration of the 200th anniversary of the death of George Washington. The beneficiaries of this coin's surcharges will be the Ladies of Mount Vernon who look after the memory of our first President and work to preserve the physical plant of his home at Mount Vernon. This coin has been on the recommended list of the Citizens Commemorative Coin Advisory Committee since their annual report of 1994. This year it gained the cosponsorship of over 300 members and is presented to this House free of any controversy.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer my support for this bill, and will urge my colleagues to do the same. H.R. 2026, like H.R. 1684, has met all the criteria for favorable consideration. It commemorates a significant figure on a significant date; it will ensure that the mint recovers its costs; and it has been endorsed by the CCCAC. Moreover, by passing this legislation, we will ensure the continued success of George Washington's Mount Vernon residence, which as we all know, is one the Capital region's most popular historical tourist attractions.

I will close by congratulating our colleagues, Mr. MORAN and Mr. DAVIS of northern Virginia, for their assistance in garnering the bipartisan support needed for committee consideration; for not only is this a northern Virginian treasure, it is also an asset that our Nation must always support.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, since the beginning of the 104th Congress, I have been working with the entire Virginia delegation to move this important piece of legislation through Congress. With the assistance of my fellow Virginian, Congressman JIM MORAN, and other cosponsors, H.R. 2062, the George Washington Commemorative Coin Act of 1996, has gained broad bipartisan support in the House.

It is especially fitting that the House pass this legislation honoring George Washington on this date, for it was on September 17, 1796, 200 year ago today, that he authored his farewell address upon his retirement from government, warning our Nation of the dangers of factions or partisanship and national deficits.

H.R. 2062 authorizes the Secretary of the Treasury to issue 100,000 $5 gold coins in commemoration of the bicentennial of George Washington's death in 1799.

The theme of the coin, and it is going to be issued in 1999, the theme of the coin will commemorate an important national historical figure on an anniversary of great national significance.

The proceeds of the coin will benefit historic Mount Vernon which welcomes over 1 million visitors annually from every State in the Union. Although George Washington's image continues to be one of the most familiar in our Nation, Americans are gradually losing touch with the accomplishments, the character and the leadership of this singularly American hero.

Washington's service to the Nation goes far beyond his remarkable leadership during the Revolutionary War and his precedent-setting first term as the President of the United States. Washington was also considered the first farmer of America, a conservationist and environmentalist far ahead of his time.

He helped to found the Nation's Capital. He supported education with both political influence and personal donations, and he sent an important message to the entire world when he freed his slaves in his will.

□ 1745

Washington was not just a great man, he was a good man who always strived to do what was best for his Nation. The commemorative coin will renew in Washington's vast achievements while supporting broad-based educational programs designed to reach millions of Americans.

Historic Mount Vernon is ideally suited to organize and implement an ongoing educational program in 1999. To date, more than 65 million visitors have toured Washington's home. Millions more have been educated through classroom kits, television and radio programs, publications, and special field trips. In 1999 Mount Vernon is planning scholarly conferences, a major traveling exhibit, several new publications and a host of other programs which will touch the hearts and minds of all Americans.

As we approach the new millennium it is imperative that we, as Americans, not lose sight of the monumental contributions made by George Washington to our Nation.

In an eulogy delivered several days after his death, Henry Light-Horse Harry Lee said that George Washington was a citizen first in war, first in peace, and first in the hearts of his countrymen. By moving this commemorative coin forward, we will help to ensure that future generations of Americans truly understand this statement.

I would also like to extend my sincere appreciation to the Citizens Commemorative Coin Advisory Committee, and to the gentleman from Delaware [Mr. CASTLE] and his subcommittee, and the ranking member, the gentleman from New York [Mr. FLAKE] for their efforts with the commemorative coin program and for supporting the George Washington Commemorative Coin Act of 1996.

Mr. Speaker, I include for the RECORD Washington's Farewell Address.

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*—*Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions: that experience is the surest standard by which to test the real tendency of the existing constitution of a country: that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time debate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! Is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, or privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that is must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from northern Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank my distinguished colleagues and friends, the gentleman from New York [Mr. FLAKE] and the gentleman from Virginia [Mr. DAVIS], for working with me in a bipartisan way to get this authorization to mint 100,000 gold $5 coins. They will be minted in 1999, commemorating the 200th anniversary of the death of George Washington, our first President.

I think I can speak for Mr. DAVIS and probably all my colleagues, that getting 290 signatures is not like rolling off a log. This has taken us much of the year, and we would not have done this if it was not of some consequence. Even the fact that the Coin Commission recommended it, it still is difficult to get people's attention to focus on it.

But this is a uniquely important coin because once we reimburse the taxpayers fully for the cost of minting this coin, the Mount Vernon Ladies Association will use the proceeds for the preservation of Mount Vernon, which was George Washington's home in northern Virginia at the southern end of the parkway. We invite all our colleagues and people listening to visit that beautiful birthplace, the home of George Washington.

The funds will also enhance the ladies association's efforts to educate the American public about George Washington's life. Few people know that this, in fact, is the 200th anniversary of George Washington's farewell address this very day. It still has resonance, it has tremendous profundity, wisdom in that address, but too few people are aware of it. This will enable us to spread that kind of educational information.

Many of our textbooks include now only a small fraction of information about George Washington's life and times. Forty years ago there was a lot about it. But over the years our history textbooks have reduced, more and more, the life of George Washington, and it should not be diminished.

So this is an effort to see to it that it will not be diminished, and the Mount Vernon Ladies Association is going to host a series of programs in conjunction with the bicentennial of Washington's death in 1999. There will be seminars, programs for schoolchildren and adults, construction of two new buildings which will provide the opportunity for people of all ages to learn about George Washington in the context of the 18th century life where he was the most prominent figure.

Proceeds from the sale of these coins will help to finance all these events and ensure that the nearly 1 million visitors who pass through Mount Vernon every year are fully informed about how important George Washington was to the founding of this country.

This commemorative coin, as I say, has been endorsed by the Commemorative Coin Advisory Committee. There is no reason why we should not support this legislation. It is urgent given the particular timing of it. We need to do it now, and certainly we need to give these proceeds to the Mount Vernon Ladies Association to spread information about a man who had a pivotal role in the direction of this country.

Mr. CASTLE. Mr. Speaker, I have no further speakers, and I will yield myself a moment or two just to comment on the distinguished gentleman from Virginia's comments on the 290 names. Of course that is all intentional, to make sure that these are worthwhile doing, and I am glad that he and the gentleman from Virginia [Mr. DAVIS] had to go to a little bit of effort to do that. It makes us feel that it is at least working in some way or other, but we are very supportive of this legislation. We congratulate both of these gentlemen on the wonderful job they have done.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to thank the gentlemen from Virginia, Mr. MORAN and Mr. DAVIS, for their work with the committee and allowing us to bring this bill to the floor with the support that it has had.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2026, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots, as amended.

The Clerk read as follows:

H.R. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Revolutionary War Patriots Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In commemoration of Black Revolutionary War patriots and the 275th anniversary of the birth of the 1st Black Revolutionary War patriot, Crispus Attucks, who was the 1st American colonist killed by British troops during the Revolutionary period, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 1 dollar coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design—

(A) on the obverse side of the coins minted under this Act shall be emblematic of the 1st Black Revolutionary War patriot, Crispus Attucks; and

(B) on the reverse side of such coins shall be emblematic of the Black Revolutionary War Patriots Memorial.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1998"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Black Revolutionary War Patriots Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 1998 .

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 1998.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of raising an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the Black Revolutionary War Patriots Foundation unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the Black Revolutionary War Patriots Foundation submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the Foundation has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum amount the Foundation may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The Black Revolutionary War Patriots Foundation shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the Foundation, of all such payments to the Foundation beginning in the first fiscal year of the Foundation in which any such amount is received and continuing until all such amounts received by the Foundation with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the Black Revolutionary War Patriots Foundation pursuant to paragraph (1) shall report—

(A) the amount of payments received by the Foundation during the fiscal year of the Foundation for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the Foundation from the proceeds of such surcharges during the fiscal year of the Foundation for which the audit is conducted; and

(C) whether all expenditures by the Foundation from the proceeds of such surcharges during the fiscal year of the Foundation for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF FOUNDATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The Black Revolutionary War Patriots Foundation shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the Foundation in each fiscal year of the Foundation can be accounted for separately from all other revenues and expenditures of the Foundation.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the Black Revolutionary War Patriots Foundation for which an audit is required under paragraph (1), the Foundation shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The Black Revolutionary War Patriots Foundation may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the Black Revolutionary War Patriots Foundation for any fiscal year after taking into account the amount of surcharges which such Foundation received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The Black Revolutionary War Patriots Foundation shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the Foundation, or by any independent public accountant who audited the Foundation in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the Foundation.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the Black Revolutionary War Patriots Foundation from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the Foundation to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1776 is the last commemorative coin bill to be considered here today. It commemorates and serves to remind us all of the selfless sacrifice by thousands of individual black patriots during our revolutionary war. The proceeds of the 500,000 silver $1 coins authorized under this legislation will go toward helping to build a memorial to these patriots that will be situated on the Mall. The coin will feature a likeness of Crispus Attucks, a black man who was killed in the Boston Massacre, the first American victim of the Revolutionary War. This project came to fruition as a result of the sponsors working closely with the Citizens Commemorative Coin Advisory Committee and carefully observing Banking Committee rules to produce a coin that meets all the strict new relevant criteria, including the taxpayer protection language of the Commemorative Coin Reform Act of 1995.

I urge its immediate adoption, and I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Too often, Mr. Speaker, we witness the significant contributions of segments of our society being relegated to the footnotes of history. We hear instead a history myopic in its view of those who laid the foundation for this Nation, and the people whose sacrifices were of equal value are undervalued, mislabeled, and often forgotten. Today, by passing H.R. 1776, we expand the focus of history's view of African-

Americans contribution to the liberty and freedom we enjoy as Americans.

H.R. 1776 will celebrate the birth, 275 years ago, of Crispus Attucks who was the first casualty in the American Revolution. Attucks was a black man killed by British troops in Boston on March 5, 1770, during an event that would become known as the Boston Massacre. Moreover, some 5,000 other black patriots fought during the Revolutionary War and its major battles of Lexington, Bunker Hill, Valley Forge, Concord, and others. Today we will ensure that people understand the heroism of Attucks, and men like Peter Salem who was the hero of Bunker Hill when he slew the British commander.

Perhaps a more compelling reason to commemorate these men by this coin, and by commemorating them on the Mall, is that despite being relegated to second-class citizenship and servitude, they fought for the values of freedom upon which this country was founded. They recognized the genius of equality, freedom, justice, and liberty. They and others wished to share this American vision, and recognized that the cost of these freedoms was through the blood sweat and tears lost on the battlefield.

For the sacrifices of these black patriots, and the sacrifices of all the founders, we owe a great debt, and we must never forget that the steel-like strength of our Democracy was forged on the backs of many. H.R. 1776 accomplishes this goal, and I urge its unanimous passage.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am very pleased to speak in strong support of H.R. 1776.

This is an important small bill that I introduced with my distinguished colleagues, the gentleman from Oklahoma, Mr. J.C. WATTS, and the gentleman from New Jersey, Mr. PAYNE, with enormous backing from many, many Members on both sides of the aisle. It directs the Secretary of the Treasury in 1998 to mint 500,000 coins in recognition of the African-American patriots who fought for our Nation's independence and our individual freedom.

The bill specifically commemorates the 275th anniversary of the birth of Crispus Attucks as the first to fall during the American Revolution. He is a prominent black figure in American history and a person whose life every one of our children should understand. He is a powerful symbol of black patriots' courageous contributions during this defining moment that created our Nation.

H.R. 1776 has overwhelming bipartisan support with more than 300 cosponsors in the House of Representatives. Its companion legislation introduced by Senators JOHN CHAFEE and CAROL MOSELEY-BRAUN has the support of more than 60 Senate cosponsors.

H.R. 1776 will recognize the contribution of African-Americans during this historic period of our Nation's history when we came into being, and distribution of these unique coins will help augment the significant fundraising efforts of the black patriots memorial to succeed in funding the black Revolutionary War patriots memorial.

As my colleagues know, in 1986 Congress approved legislation I introduced with the support of many of my friends here on both sides of the aisle to authorize the construction of a memorial to the black soldiers who fought and died during our Nation's war for freedom and independence. The memorial's design has been approved, and it will be located in Constitution Gardens on the national Mall between the Washington Monument and the Lincoln Memorial. It will be the first monument on the Mall which specifically honors the achievements of African-Americans.

I would have to say, Mr. Speaker, that sometimes people in America think that as individual citizens they have no influence in this body. I would tell my colleagues that many years ago my friend Maurice Barbosa, a lawyer from Plainville, CT, the adjoining town to my hometown, came to me with this idea. This was his vision.

Mr. Speaker, through him and his hard work and through so many in this body, we were able to authorize that memorial to get it designed and approved, and it will finally sit on the Mall, the first monument to acknowledge and to honor the achievements of African-Americans, and so I thank Maurice Barbosa and Wayne Smith, the current head of the Black Patriots Foundation, for the wonderful work that he and his comrades are doing.

☐ 1800

For over two centuries, the compelling contribution of over 5,000 African-American slaves and freedmen who served in the militia or provided civilian assistance during the Revolutionary War has, for the most part, gone unnoticed. These soldiers fought shoulder to shoulder with white soldiers, heroically sacrificing so we could stand here today, a free people and a world leader.

After years of work on this commemorative coin effort, I am delighted that this House is now recognizing the courageous contributions of our black Revolutionary War patriots. Passage of this legislation will send an emphatic message that we are one nation because people of all races and ethnic origins were willing to fight for and then build a new nation of free and equal citizens. If we fail to understand our past, we cannot assume a future worthy of our visionary ancestors.

This memorial is about cherishing, affirming, and comprehending our past each day we build our future. I urge my colleagues to support this unique commemorative coin legislation, and help the Black Patriots Foundation realize the dream of a memorial to black Revolutionary War patriots here in Washington, DC.

Mr. FLAKE. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey, Mr. DONALD PAYNE, chairperson of the Congressional Black Caucus.

Mr. PAYNE of New Jersey. Mr. Speaker, as one who has been involved in this endeavor from the beginning, I am pleased that our efforts are coming to fruition today. I want to thank the chairman, the gentleman from Delaware, Mr. CASTLE, for moving this important measure through, and thank the gentleman from New York, FLOYD FLAKE, the ranking member, for all of his contributions.

Let me express special appreciation to the sponsor of this bill, the gentlewoman from Connecticut, Ms. NANCY JOHNSON, who you have just heard, for all of the hard work she has done on this bill for so many years. It has been a pleasure working with her through this process.

Our legislation directs the Secretary of the Treasury to mint 500,000 coins in 1998 recognizing the sacrifices of African American soldiers in the Revolutionary War. Proceeds from the sale of this coin will help the construction of the first monument on the National Mall here in Washington to specifically honor the contributions of the African-American war patriots.

It is fitting that we pay tribute to the pride and patriotism of heroes such as Crispus Attucks, as the gentleman from New York [Mr. FLAKE], mentioned, a runaway slave who became the first casualty of the American Revolution. As our country was struggling to become free of British tyranny, this young runaway slave gave his life during the Boston Massacre on March 5, 1770.

African-American patriots fought in most of the major battles of the Revolutionary War. They were at Lexington and Concord; they were at the Battle of Bunker Hill at Trenton, in New Jersey, the battles on Long Island, at Valley Forge and Yorktown.

It was a black minuteman, as we have heard, Peter Salem, who became the hero of the Battle of Bunker Hill, when they said, don't shoot until you see the whites of their eyes, because our armies were low on ammunition. He took down the British commander. African Americans went on to serve with distinction in every conflict since that time.

Let me just digress for a minute to say in the War of 1812 and in the Civil War, with the 54th Regiment that Frederick Douglass convinced President Lincoln to allow them to fight for their freedom, and it turned the tide of the Civil War that at that time was at a stalemate.

In the Spanish American War, there were black Americans on the Maine, and it was the Rough Riders that went into the Battle of San Juan Hill, where Teddy Roosevelt was at the point of annihilation, but the Rough Riders were pinned down and the Buffalo Soldiers came and relieved them.

So as we move on, World War I, Neham Roberts, a man from north New Jersey and his partner, after several weeks captured 20 Germans as they were wounded in the foxholes and in the lines, and they brought these persons in as prisoners of war.

In World War II, Archie Callahan from Norton, NJ, died on December 7 in Pearl Harbor in 1941.

Mr. Speaker, with the passage of today's measure, let us remember that after that, in Korea, and in Vietnam, in the Persian Gulf war, let us remember that our nation was born of shared sacrifices, with people of all backgrounds coming together for a common cause of freedom. The best way for us to honor the memory of these fallen Revolutionary War heroes is to promote the same spirit of unity on which this Nation was founded.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr.WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act. I commend our chairman, the gentleman from Delaware [Mr. CASTLE], and the ranking member, the gentleman from New York [Mr. FLAKE], for moving this commemorative coin.

This House has noticed an absence and therefore a very real need for commemoration in honor of people who helped to birth the Nation, people who actually gave the supreme sacrifice during this Nation's defining moment.

As Harriett Beecher Stowe wrote about the black men and women who served in the Revolutionary War,

> It was not for their own land they fought, nor even for the land which had adopted them, but for a land that had enslaved them and whose laws, even in freedom, more often oppressed than protected. Bravery under such circumstances has a peculiar beauty and merit.

The fact is, Mr. Speaker, men and women of all colors have been involved in every aspect of this country from its founding days. We are full partners in the history, bloodshed and tears that have made this Nation great.

Unfortunately, not all of us know our Nation's history, where we came from and what makes us who we are today. H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act, renders honor to those who are exceptionally deserving of lasting historical recognition, and teaches us vis-a-vis "history in our hands" that we all had a stake in this Nation's founding and that we all are equal partners.

H.R. 1776 authorizes the U.S. Mint to strike 500,000 silver dollars in 1998 commemorating the 275th anniversary of the birth of Crispus Attucks. Crispus Attucks, a black man, became the first American casualty of the Revolutionary War when he was killed by British troops in Boston on March 5, 1770, in an event that would come to be known as the Boston Massacre.

H.R. 1776, introduces by the gentlewoman from Connecticut [NANCY JOHNSON], the gentleman from New Jersey [DONALD PAYNE], and myself enjoys the support of an overwhelming, bipartisan majority of 318 House cosponsors. The Senate companion bill enjoys the backing of 63 Senate cosponsors.

The proceeds from the sale of these commemorative coins will go toward the construction of the Black Revolutionary War Patriots Memorial on the National Mall honoring Crispus Attucks and the other 5,000 black men and women who fought for and supported American independence during the Revolutionary War.

Not only will the commemorative coin teach us all an important aspect of our Nation's history, but the memorial will continue the legacy of reminding us that we are truly one Nation and full partners in the history, bloodshed and tears that have made this Nation great.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. FLAKE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from New York for yielding time to me, and I do appreciate very much his leadership, along with that of the gentleman from Delaware [Mr. CASTLE] for moving this very historic legislation to the floor of the House.

Let me also thank the distinguished gentlewoman from Connecticut, Mrs. JOHNSON, the gentleman from Oklahoma, Mr. J.C. WATTS, and also the chairman of the Black Caucus for their inspiration and leadership on something that really goes beyond these walls and this Chamber today.

For as we all have come to a point of recognizing that this is a nation created for all to be considered equal, even as the Declaration of Independence stated in those early years, we all are created equal, with certainly inalienable rights of life, liberty, and the pursuit of happiness, it was well known that those of us of African American descent were at that time enslaved in this country. How fitting it is to acknowledge that there were those willing to give the most and the most costly of sacrifices, their life, to fight for the freedom of this Nation, which included the freedom of all citizens.

So I am very much in support of the Black Revolutionary War Patriots Commemorative Coin Act, H.R. 1776, which, as rendered, will allow for the selling of a coin that would then allow for the constructing of an appropriate memorial to these great men who offered their lives for America.

It is interesting, as a young girl studying history in our public schools in this country, during the era that I was raised there was not much in giving credence to those African American slaves, who were in fact very much a part of the American history and the American structure and the American liberation.

So it is now fitting that I can say to my 11-year-old son, Jason, as he is entering into the fifth grade, that we now have an opportunity, along with many other monuments that have come over the last 10 years, to acknowledge those early patriots who happened to have been slaves, happened to have been former slaves but of African descent.

It is important to acknowledge all Americans who fought in the American Revolutionary War, and to recognize that they fought for democracy, not for party or for creed, not for color, but for freedom.

How gratified we can all be that Crispus Attucks, who was killed in the Boston Massacre, during one of the first of many confrontations at the beginning of this country's struggle for independence, finally will be honored by the passage of this legislation.

How befitting it will be to have schoolchildren traveling from as far as Los Angeles, CA, Seattle, WA, or the 18th Congressional District in Houston, TX, from Cleveland, OH, to Jamaica, New York, to Miami, FL, to be able to come to the Washington Mall, and to be able to see the acknowledgment of Revolutionary War heroes, black patriots, former slaves who gave their life for this country.

Let me acknowledge that this was a bipartisan effort, with over 300 cosponsors, of H.R. 1776, and that is why today, September 17, 1996, it is extremely fitting for us to join together to pay tribute to these patriots.

I do hope that we in the spirit of this legislation can carry forward the message that when it comes to freedom and equality and opportunity, Americans will stand together, Republican, Democratic, Independent alike, and stand for what is right, and that is to respect those who gave the most prized measure, and that is their life.

This is fitting as we watch African Americans serve throughout the Revolutionary War, the War of 1812, the Civil War of the 1800's, 1860's, and then moving into World War I and World War II, noting the Tuskegee Airmen, and, of course, the Korean war, Vietnam, in the Persian Gulf, and now. We must realize that was is no respecter of color, and freedom must be enjoyed by all of us.

I congratulate the sponsor and cosponsor of this legislation, and rise to support it.

Mr. Speaker, I rise in strong support of H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act, in order to construct a long overdue monument to the black Revolutionary War patriots on the Mall.

I would like to commend and thank Congresswoman NANCY JOHNSON and DONALD PAYNE for their leadership in proposing this legislation to honor some of our Nation's most outstanding revolutionary heroes. As an original cosponsor of H.R. 1776, I would like to thank the Members from both sides of the aisle who are cosponsors of this legislation.

Those who fought in the American Revolutionary War did so for the ideal of democracy—not for party or for creed, nor for color, but for freedom.

Crispus Attucks, who was killed in the Boston Massacre, during one of the first of many confrontations at the beginning of this country's struggle for independence will be honored by the passage of the legislation.

This bill directs the Secretary of the Treasury to mint $1 silver coins in commemoration of black Revolutionary War patriots. This legislation further directs that coin sale surcharges be paid to the Black Revolutionary War Patriots Foundation for raising an endowment to support construction of the Patriots Memorial here in Washington, DC.

With over 300 cosponsors of H.R. 1776, I would like to thank my fellow colleagues for this strong show of bipartisanship.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would make a closing comment or two.

Mr. Speaker, first of all, of all the bills, three bills we are handling today, this particular piece of legislation I think had the greatest struggle in that they were dealing with other sources of funding; they were dealing with an authorization issue as well as, obviously, obtaining signatures.

I think all those involved with the Black Revolutionary War Patriots Foundation, which is the correct full name, deserve to be congratulated on their perseverance for what I consider to be an extremely good cause. It was with some degree of pride that we were able to have a hearing, have them actually come before us and be able to approve this legislation. We wish them great success.

I hope that anyone who is listening to this will be ready to buy any or all of these coins. We want them to succeed down the road. But this one in particular I think is one that took a great deal of work, so I congratulate all those individuals.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to just say this is a great day when we can come to the floor and have coins that commemorate Dolley Madison, George Washington, and the black patriots. I think it speaks well for our country.

Mr. BARRETT of Wisconsin. I rise in strong support of H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act, and to honor the thousands of African-American patriots who fought in the Revolutionary War and risked their lives for our freedom.

I am a proud cosponsor of this critical legislation and its importance cannot be overstated. African-Americans participated in every phase of the struggle for American independence. Yet far too many of our children are learning the history of the Revolutionary War without knowing the names and heroics of these outstanding American patriots. Indeed, we must move forward on this legislation so that no young American will pass through school without learning that African-Americans were essential participants in our forefathers' fight for freedom.

There was Crispus Attucks, the first person to die in the Revolution, who gave his life in the Boston Massacre. There was James Robinson, who fought in the Revolutionary War as well as in the War of 1812, but was not granted his freedom until after the Civil War in 1865. There was James Forten, who was born free in Philadelphia and later became a very wealthy and powerful businessman, employing more than forty men both black and white in his sail business. Forten amassed more than $100,000 from his business which he used in his fight for the freedom and independence of hundreds of African-Americans, during and after the war.

African-Americans served with Gen. George Washington at Valley Forge during the winter of 1777–78, and African-Americans were present as the British were driven out of Yorktown in the waning days of the war. More than 5,000 African-American patriots in total, their story must be told.

H.R. 1776 will allow the minting of 500,000 silver one dollar coins to assist in the effort to build a National monument honoring African-American Revolutionary War patriots. Fittingly, the Treasury Department would be able to begin minting the coins in 1998—the 275th anniversary of the birth of Crispus Attucks under this legislation.

But this legislation is just a start—a building block which will allow us to finance a glorious monument on the National Mall, dedicated to the black soldiers of the Revolutionary War. And while this tribute is long overdue, it will ensure that all Americans will never forsake the courageous efforts of the African-American soldiers who selflessly fought for the independence of our Nation, even when their own freedom as a people was not wholly recognized.

Mr. FLAKE. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 1776, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: A bill to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots and the 275th anniversary of the first black Revolutionary War patriot, Crispus Attucks.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the three coin bills which were just passed, H.R. 1684, H.R. 2026, and H.R. 1776.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3802, by the yeas and nays; House Joint Resolution 191, de novo; S. 533, de novo; H.R. 3723, de novo; and H.R. 3803, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

☐ 1815

ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3802, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 3802, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 414]

YEAS—402

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner

Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—31

Bachus
Chapman
Conyers
Cubin
Dellums
Durbin
Edwards
Fazio
Fields (TX)
Furse
Ganske
Hayes
Heineman
Jefferson
Johnson, E.B.
Johnston
Largent
Laughlin
Lewis (CA)
Markey
McCrery
Mink
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Thompson
White
Whitfield
Wicker

□ 1833

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERRING HONORARY U.S. CITIZENSHIP TO MOTHER TERESA

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 191, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. FLANAGAN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 191, as amended.

The question was taken.

Mr. FLANAGAN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 415]

YEAS—405

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn

Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—28

Bachus
Cubin
Dellums
Durbin
Edwards
Fazio
Fields (TX)
Furse
Ganske
Hayes
Heineman
Jefferson
Johnson, E. B.
Johnston
Largent
Laughlin
McCrery
Meyers
Mink
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Thompson
White
Whitfield
Wicker

□ 1842

So (two-thirds having voted in favor thereof) the rules were suspended, the joint resolution was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Joint resolution to confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa".

A motion to reconsider was laid on the table.

CLARIFYING RULES GOVERNING REMOVAL OF CASES TO FEDERAL COURT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 533.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 533.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill was passed.

A motion to reconsider was laid on the table.

ECONOMIC ESPIONAGE ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3723, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3723, as amended.

The question was taken.

Mr. COOLEY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 3, not voting 31, as follows:

[Roll No. 416]

YEAS—399

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

Cooley
Stark
Wilson

NOT VOTING—31

Bachus
Cubin
Dellums
Durbin
Edwards
Fazio
Fields (TX)
Flanagan
Furse
Ganske
Hastings (FL)
Hayes
Heineman
Jefferson
Johnson, E. B.
Johnston
Largent
Laughlin
Markey
McCrery
Mink
Montgomery
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Thompson
Waters
White
Wicker

□

Messrs. ZIMMER, MINGE, and BURTON of Indiana changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE ACT

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3803, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3803, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 279, nays 116, not voting 38, as follows:

[Roll No. 417]

YEAS—279

Abercrombie
Ackerman
Archer
Armey
Baker (LA)
Baldacci
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Costello
Coyne
Cramer
Crapo
Cummings
de la Garza
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fields (LA)
Flake
Foglietta
Ford
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Longley
Lowey
Lucas
Manton
Markey
Martinez
Mascara
Matsui
McCollum
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Meyers
Mica
Millender-McDonald
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roybal-Allard
Rush
Sabo
Sawyer
Saxton
Schiff
Scott
Serrano
Shaw
Shays
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stenholm
Stockman
Stokes
Studds
Stump
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—116

Allard
Baesler
Baker (CA)
Barcia
Barr
Barrett (WI)
Bartlett
Bono
Brown (OH)
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins (GA)
Condit
Conyers
Cooley
Cox
Cremeans
Cunningham
Danner
Deal
DeFazio
Deutsch
Dickey
Duncan
Ehrlich
Ensign
Fawell
Filner
Flanagan
Foley
Forbes
Frank (MA)
Franks (NJ)
Funderburk
Goodlatte
Graham
Gutknecht
Hancock
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jones
Kanjorski
Kaptur
Kleczka
Klug
LaTourette
Lewis (GA)
LoBiondo
Lofgren
Luther
Maloney
Manzullo
Martini
McCarthy
McDermott
McKinney
Meehan
Metcalf
Miller (CA)
Miller (FL)
Minge
Myrick
Neumann
Ney
Owens
Parker
Payne (NJ)
Peterson (MN)
Radanovich
Ramstad
Rivers
Roemer
Rohrabacher
Roukema
Royce
Salmon
Sanders
Sanford
Scarborough
Schaefer
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Skaggs
Slaughter
Smith (MI)
Smith (WA)
Souder
Stearns
Stupak
Talent
Tate
Tiahrt
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Woolsey
Yates
Zimmer

NOT VOTING—38

Andrews
Bachus
Borski
Bryant (TX)
Crane
Cubin
Davis
Dellums
Dooley
Durbin
Edwards
Fazio
Fields (TX)
Furse
Ganske
Hastings (FL)
Hayes
Heineman
Hyde
Jefferson
Johnson, E. B.
Johnston
Largent
Laughlin
Levin
McCrery
Mink
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Rose
Shuster
Stark
Thompson
White
Wicker

☐ 1900

Mrs. ROUKEMA and Mr. CUNNINGHAM changed their vote from "yea" to "nay."

Mr. BROWNBACK changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, due to a mechanical problem on my flight to Washington, I was delayed in Chicago and was not present for rollcall votes Nos. 414–417. Had I been present, I would have voted "aye" on all four of these bills.

PERMISSION FOR SPEAKER TO ENTERTAIN CERTAIN MOTIONS TO SUSPEND RULES ON WEDNESDAY, SEPTEMBER 18, 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that, notwithstanding clause 1 of Rule XXVII, the Speaker may entertain motions to suspend the rules and pass the following bills on Wednesday, September 18, 1996: H.R. 2594, H.R. 2940, H.R. 3923, H.R. 3348, H.R. 4040, S. 1995, and S. 1636.

These are the suspension bills that we were unable to finish earlier.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON SMALL BUSINESS AND COMMITTEE ON VETERANS' AFFAIRS

Mrs. KENNELLY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 523) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 523

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Small Business: Mr. BECERRA of California, Mr. CLYBURN of South Carolina, Ms. NORTON of the District of Columbia, and Ms. WATERS of California;

To the Committee on Veterans' Affairs: Mr. PETERSON of Minnesota.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TEENAGE DRUG USE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I had the privilege in being home in the district to listen to the most important components of democracy and that is the people, the 18th Congressional District. We held a hearing in city council chambers in the 18th District on September 16 regarding the scourge of teenage drug use.

The enlightening fact that I think should be evidenced around the Nation is that no one with good common sense, no one running for office, seeking reelection, running for the first time, rises to any podium, takes any microphone, goes to any newspapers, stands before any audience and says, I am glad and I am enthusiastic about increased use of drugs by teenagers. So for us to make this a partisan issue during this election year makes us miss the point. The real issue is, how do we respond to our young people who have lost their way and begin to think that the frivolity of drug use is the way of the future?

I would offer to say to you that the hearing that we held in Houston, listening to the U.S. attorney for the southern district of Texas, the special agent in charge of the DEA, the FBI, the Harris County medical examiner, juvenile court judge and a myriad of community leaders and individuals who have hands-on experience with drug usage. First of all, they rebut and they clearly indicate that building more Federal prisons, giving political year gimmickry and loud talking will not be a solution. Housing juveniles with adults will not be a solution. Suggesting that you can single-handedly as a politician cut teenage drug use in half is not a solution.

What these individuals said, which was a directed comment on the fact that it does take a family, a community, a village, a State, a Nation to raise the future generation, was that parents must become more involved in the concept of moral leadership, indicating that it is not the right thing to do to experiment with drugs. I know there is a study that says that those parents who are of the baby boomer generation are a little bit intimidated. Well, a parent is a parent. I refuse to accept that.

As I listened to those who are on the battlefield on this issue, individuals who raise concerns about making sure that those who wanted to be treated for drug addiction could have treatment on demand, a reasoned response so that those drug addicts would not be lost, that would also provide parents with education to help them be able to teach their children against the evils of drugs but also the dangers of drugs, one thing that we have not done with the prevention programs dealing with drugs is to include the wide net of teachers and as well parents. That is an important issue.

We have not responded to those who have been rehabilitated to create jobs, but yet the Presidential candidate who is now running, who seeks the Presidency, believes that he can raise points and raise opportunity with political rhetoric of incarcerating those who might use drugs. This is not a political issue. It is an issue of family and children. It is an issue that needs a collective mind-set.

So I come to the floor of the House to say that I will be supporting legislation that encompasses parents in educational opportunities to encourage them and give them support and in giving their children the right instruction, teachers and schools. I will be supporting legislation and sponsoring legislation that says that the Federal Drug Forfeiture Asset Act should include more opportunity for its usage by taking some of those funds that are captured from those who sell drugs, the property of those who sell drugs, and provide those funds for AIDS research, for treatment and prevention of those using drugs.

We need to get down to the bottom line and the bottom line is that we do have a crisis in this Nation. I hope more of my colleagues will go home to their districts, listen to the people who are on the front line, listen to parents and teachers and, yes, listen to rehabilitated drug addicts who said to me last evening, I am prepared to work with you every step of the way. Provide us with jobs, give us treatment on demand. Give us the opportunity to turn the heads of children who would experiment with designer drugs, causing the loss of life of a very dear teen in our community, a bright athlete. We are prepared to work with you in the real solutions. We just want the political rhetoric to stop.

I am here on the floor of the House today on September 17 to say, I agree with you 100 percent. The political rhetoric will stop and those of us who want to get to work will get to work and stem the tide of drug use among teenagers in this Nation.

A TRIBUTE TO THE FIRST AMERICAN-BORN ARCHBISHOP OF THE GREEK ORTHODOX CHURCH OF AMERICA—ARCHBISHOP SPYRIDON

The SPEAKER pro tempore (Mrs. MYERS of Kansas). Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize a very special occasion, and that is the enthronement of the newly elected Archbishop of the Greek Orthodox Archdiocese of America, Archbishop Spyridon.

On September 21, 1996, the enthronement ceremony will take place in New York for Archbishop Spyridon—the first American-born leader of Greek orthodoxy in the United States since the Archdiocese was founded in 1922.

Born on September 24, 1944, in Warren, Ohio, George Papageorgiou is the son of Clara and the late Dr. Constantine P. George. Spyridon is actually the Archbishop's religious name which he took in honor of a fourth-century Cypriot saint who was revered for his skills as a shepherd. He choose this name when he was ordained a deacon in 1968.

For the past 5 years, Archbishop Spyridon has lived in Venice, Italy. I would like to be one of the first to welcome him back to his homeland here in America. In fact, it gives me great pleasure to note that he graduated from Tarpon Springs High School which is located in my Florida congressional district. I might add, proudly, that I was born in that city and that my wife's and my parents and grandparents emigrated there in the early part of this century.

After high school, he returned to Greece to prepare for priesthood. He studied at the famous Theological School of Halki in Turkey where he graduated with highest honors. Unfortunately, the renowned Orthodox school was closed by the Turkish Government in 1971, contrary to Turkey's obligations under international law.

It is my hope that our new Archbishop will work with me and others to see that this school is again open to train such talented people.

With a thirst for knowledge, Archbishop Spyridon pursued postgraduate studies at the University of Geneva in Switzerland. Having been awarded a scholarship by the Ecumenical Patriarchate, he then studied Byzantine literature at Bochum University in Germany.

Archbishop Spyridon has served as secretary at the Permanent Delegation of the Ecumenical Patriarchate to the World Council of Churches from 1966 to 1967, and later as secretary of the Orthodox Center of the Ecumenical Patriarchate at Chambesy, Geneva. He was also the director of its news bulletin from 1976 to 1985.

Also from 1976 to 1985, he was assigned duties as dean of the Greek Orthodox community of St. Andrew in Rome. Prior to his post as Metropolitan of Italy, he was assigned to the Greek Orthodox Archdiocese of Austria and Exarchate of Italy.

Certainly, his achievements are many and varied. Archbishop Spyridon is fluent in English, French, German, Greek, and Italian.

His Eminence brings with him the knowledge and insight that comes from having lived in America and Europe. I am confident that his energy, enthusiasm, and leadership will serve the

Church well, as he pursues church unity between the Greek Orthodox Church and the other Orthodox communities in the United States.

In addition, I am sure that his dynamic personality will help him in addressing the interests and needs of both, the American-born and immigrant members of our church.

I wish him all the best for a bright future as the new spiritual leader of the Greek Orthodox Church of America.

□ 1930

OPPOSE THE DEPARTMENT OF THE INTERIOR'S PROPOSAL TO TAX OUTDOOR-RELATED ITEMS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, I rise to inform my colleagues that this weekend I had the opportunity, as I suppose many have, of seeing a political advertisement on television; we are all being deluged with these ads that are coming on, and I saw, believe it or not, a Clinton-Gore campaign ad. In this ad they described what Bob Dole and Jack Kemp have put forward as a plan to allow the American people to keep more of their own hard-earned money. As Bob Dole says so well, it is not ours; it is theirs. They describe in that ad that action as a risky tax scheme. Those three words are used to describe the plan to bring about a 15-percent across-the-board tax cut for working families in this country.

Then, back from California and to Washington, to get this amazing report that has come forward. For starters we have seen the information that the Clinton proposed tax cut, actually over a 10-year period, is a tax increase of $64 billion, but, Madam Speaker, that is just the tip of the iceberg.

The latest development came forward from the Secretary of the Interior, Secretary Babbitt, who has informed us that he now wants to implement his Teeming with Wildlife Project. Now what does the Teeming with Wildlife Project consist of? It consists of a tax increase, a tax increase of from one-quarter of 1 percent to 5 percent on outdoor-related items.

Now, when one thinks of outdoor related items, this is a very far-reaching area. Some have mentioned bird seed as one of those items that would be taxed, and others have thought about the prospect of the taxation of backpacks, and I was thinking, as children have started school this month, of the increase in the tax for those children buying backpacks, and you think of the other things that relate to this: boots and parkas and all kinds of items, and this supposedly is going into a fund that is designed to fund education, recreation, and conservation projects.

Now, this administration is supposedly talking about a tax cut when the Secretary of Interior is proposing what obviously would be a tax increase, which he claims would raise approximately $350 million, that tax on our people who are hoping to enjoy some sort of outdoor activity. It is, I believe, preposterous to have this kind of proposal come forward. As a Representative who comes to this institution from the western part of the United States, I can think of little more that would be punitive than those that want to enjoy the great outdoors, and at the rate we are going on this there might be a surcharge that Secretary Babbitt may want to impose for just enjoying the fresh air that we have out West.

Madam Speaker, I believe that it is a very, very sad day when we have got these kinds of proposals coming forward, but tragically, Madam Speaker, they are indicative of the kinds of things that this administration has done with its massive increase on middle-class wage earners and that they propose to do in the future even though they called theirs a tax cut and they described a real tax cut, that proposed by the Dole-Kemp ticket as nothing more than a risky tax scheme.

Madam Speaker, I urge my colleagues to join in opposition to this ludicrous proposal which has come forward from the Department of the Interior.

THE PUBLIC ENTITLED TO EXPRESS VIEWS ON THE KAIPAROWITZ PLATEAU

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Utah [Ms. GREENE] is recognized for 5 minutes.

Ms. GREENE of Utah. Madam Speaker, it now appears more likely than not that tomorrow the President will announce that he has unilaterally decided to make sweeping changes to the management of nearly 2 million acres of Federal land. What process has brought us to this change?

There has been no environmental impact statement, there has been no compliance with FLPMA, there has been no compliance with NEPA, there have been no public hearings, there have been no congressional hearings, there has been no notice in the Federal Register and no public comment period to allow the people of this Nation the opportunity to comment on the President's proposal.

Instead, the President proposes to lock away nearly 2 million acres of land in Utah by Executive fiat by invoking the provision of the 1906 act known as the Antiquities Act to declare the largest national monument in the lower 48 States, and in doing so, the President will render worthless over 200,000 acres of Utah land belonging to the schoolchildren of Utah since 1896, set aside by this Congress to help finance the public education of the schoolchildren of Utah, not to mention what this decision will mean to other easements and rights-of-way existing in other lands in the area.

What is the President doing? It appears that the President is going to announce the creation of a new national monument on the Kaiparowitz Plateau of Utah. A national monument is a hard thing to argue against, and indeed the Utah delegation is not necessarily opposed to the idea of creation of a national monument in the State of Utah on the Kaiparowitz Plateau. The Kaiparowitz Plateau in places is beautiful, it is a unique environment, and it is for that reason that portions of the Kaiparowitz Plateau were included in the wilderness recommendation submitted by the Utah delegation in both the House and Senate this year.

Our disagreement with the President, however, is that it is not right, it is not democratic, with a small "d," it is not American to simply decide by one individual's decision to take 2 million acres of land and change the way it is used and managed for this generation and for generations of the future without an opportunity to allow the public to express their views. If the situation were reversed, if the President was announcing that 2 million acres of Federal land by his decision would be thrown open to development tomorrow, we would be outraged, and rightfully so.

My question to the President tonight is what is the President afraid of? What is he so afraid of in his proposal that he has not allowed the Governor or the two Senators and the elected Representatives of the people of Utah to even see this proposal less than 24 hours before he intends to make it? Why will not the President allow the people of this Nation, the people of Utah, the people of the Kaiparowits Plateau the opportunity to at least find out what it is the President proposes?

If the President can do it to Utah, he can do it to anyone, and, Madam Speaker, I would suggest to my colleagues in the House and in the Senate and the people across this country that the way to make decisions about our Federal resources, the way to make decisions about what kind of country we want to live in, the way to make decisions that impact the schoolchildren of this Nation is not to do it by stealth, is not to do it without involving the elected representatives of both parties in the decision.

Madam Speaker, regardless of what the terms of the President's announcement tomorrow may be, regardless of whether he has particular boundaries in mind or simply announces his intention to move forward, the point is that the President has done this more in the style of the old Soviet Union than in the tradition of democracy in America. It is the wrong way to make public policy and, Mr. President, I call on you to let the people have a chance to decide what to do with the lands we own.

FUTURE OPPORTUNITY FOR OUR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Madam Speaker, I come before the House tonight to and I spoke earlier today about the lack of a national drug policy or strategy and failure of this administration to protect our young people. We now see skyrocketing drug use and abuse, and tonight I am here to talk about another thing that affects our young people, and that is their opportunity for the future, their opportunity to have jobs, their opportunity to have employment, their opportunity to have income in our society which has always provided such great opportunity.

You know, we have heard from this administration about the 10 million new jobs that are created, and in fact we need to just take a minute and look at those 10 million new jobs because I have talked to people that have 2 and some of them 3 of those 10 million new jobs. They are part-time jobs, they are low paying jobs, they are service jobs, and what in fact has happened they are not telling us.

The fact is that during the years from 1993 to 1995 we lost 8.4 million good paying jobs in this Nation, people who had good paying jobs in technical areas that paid a good living wage, and those jobs were destroyed, and they have not been replaced. They have been replaced only by these part-time low paying jobs, and that is what I hear when I go back to my district; and that is not what I want for my children or for the children of America.

You know I heard the most startling news. First I hear the news on the drugs for our teens that are offered up by this administration. Now I see the trade deficit. This is the headline in the Washington Times: "The Trade Deficit Worse in a Year, Productivity Crawls Higher." Trade deficit, startling trade deficits; they are running $10 billion a year.

That means every single month we are sending more and more money overseas and we are losing a trade war, and at the end of this session it galls me to see this happen, because we had a proposal, a good proposal, to reorganize our trade activities, our international trade activities, in Washington at the Federal level. Right now we have 19 agencies dealing with Federal trade.

This is the flow chart. This is the most disorganized, disjointed, unorganized mess you have ever seen: 19 agencies, right hand not knowing what the left hand is doing, spending $3 billion taxpayer dollars, and we are getting our pants beat in the trade war. And this they reject, the President helped defeat it, the new Secretary of Commerce helped defeat it.

Instead you know what they have done for us? They negotiated lousy trade deals, and then I see in my district what those lousy trade deals have done.

You cannot see this very well, my colleagues, but this is an auction notice to sell equipment in my State near my district in Florida. It is because they have wiped out through negotiating a bad NAFTA agreement, giving up the opportunity for this Nation to produce agriculture to sell to its own people, and internationally we once led in agriculture. This is selling the equipment.

And do you know what the farmers told me that went to this sale? They did not buy the equipment; they were selling equipment. That there were people with cellular phones speaking in Spanish, and this equipment is being shipped to Mexico.

So here we see the fruits. They destroyed a good plan for organization to have some sense made out of our trade effort. Now we are selling through their bad efforts our equipment at nickels on a dollar overseas.

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Madam Speaker, this is a national tragedy. What hope does this hold for our children: Lower-paying jobs, service jobs, part-time jobs, jobs without benefits? Here they are talking about $5.15 an hour. That is what their goal is, to pay $5.15 an hour, when in my State you get $8.75 an hour for not working on welfare, and you get medical benefits in addition.

So these are the choices that have been before this Congress. This is what we see this administration has done.

You have seen what we proposed. I proposed an organization to have our trade financing, to have our trade assistance, to have our trade negotiation together so we could help our businesses, rather than hurt our businesses and send our opportunities overseas.

Instead of building a bridge for tomorrow, we are building bridges to Mexico and to other countries, with our assistance, so our goods and services cannot be shipped there, but their goods and services can come here. We are shipping those opportunities overseas, because they will not listen. Do Members know why they will not listen? They cannot stand a new idea. It drives them crazy.

If they have done it this way, if it is disorganized this way, you keep it disorganized this way. If you have 33,000 people in the Department of Commerce and 20,000 plus are in Washington, DC, my God, we need every one of them here in Washington, DC.

Madam Speaker, I have had it and I hope the American people have had it, too.

UPCOMING HEARING IN THE COMMITTEE ON NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Madam Speaker, I wanted to comment a little bit about the upcoming hearing that will be held tomorrow by the Committee on National Security, myself and the gentleman from Pennsylvania [Mr. WELDON], who is here, the chairman of the Committee on National Security, the gentleman from South Carolina, [Mr. SPENCE], and our other members.

We will have before us the Secretary of Defense and a number of other military leaders to explain some of the issues that have arisen from the bombing in Saudi Arabia that took place June 25 of this year, the bombing of the Khobar Barracks, in which 19 Americans were killed and several hundred, more than several hundred, were wounded.

Madam Speaker, I think this bombing and the way it took place is symbolic of the way the Clinton administration conducts national defense, at least the American preparation. And the situation we placed ourselves in, that our military leaders placed our uniformed people in, I think is symbolic of the weakness of the Clinton administration on defense, the naivete of the Clinton administration on defense, and the fact that they tend to be, time and again, taken by surprise in this very dangerous world.

Mr. Speaker, first, a number of Americans, since the Middle East is in the headlines again, a number of Americans are asking what we are requesting to do in Iraq. They are worried about what the administration has in terms of their plan, whether they have a goal, whether they have a military operation that really evaluates all the possible contingencies.

Many people we talked to throughout the country, our constituents, say to us, we think, if we have to, we will go in and do the same thing that George Bush did several years ago in Desert Storm.

I just want to report, Madam Speaker, to the House and to our constituents, that we cannot do today what we did in Desert Storm, because the Clinton administration has dangerously weakened our forces, your forces. They took your United States Army, that numbered 18 divisions, 8 of which we sent to Desert Storm, and they have cut that almost in half, to 10 divisions.

So we cannot send eight divisions to Desert Storm if we have to, because that only leaves two left for another contingency that could take place.

They have cut our fighter airwings, our air power, and reduced them from 23 fighter airwings, so we have roughly 50 percent of the United States air power that existed just a few years ago.

They have cut our U.S. Navy from 550 ships to about 350 ships. So Madam Speaker, the Clinton administration has dangerously weakened the United States.

With respect to the attack on the Khobar Barracks on June 25, the analysis that is coming forth from General Downing's report strongly criticizes the way the Department of Defense and the Clinton administration handled the security measures that existed immediately prior to this bombing.

Let me just go through some of the criticisms: They strongly criticized U.S. central command for failing to support the enhancement of force protection measures under an increased threat. Remember, when we say increased threat, that last November, 6 months before the bombing in Saudi Arabia at the Khobar Barracks, we had a bombing with a 250-pound bomb at Riyadh. That was November 13, 1995. We should have learned something from that.

But the Downing report criticizes the U.S. central command for failing to support the enhancement of force protection measures under an increased threat, and they criticize them for creating a confused set of command responsibilities. That means that the so-called czar, this force protection czar that was put in place, that was put in place with such an undermanning of responsibility and had so little authority, that in fact that was nobody in Saudi Arabia who really was in charge of force protection.

They are also criticized for passively accepting Air Force manning and rotation policies. What does that mean? That means that in this fighter airwing the tours are approximately 90 days. That means that the command turns over, 10 percent of the command turns over. Every week, 10 percent of your command is changed, so there is no continuity of leadership, such that a leader realizes he is going to be there for a while and has a chance to settle down, look at the security problems, and address those problems. So the rotation policy is an extremely bad policy and nobody addressed that.

Let me just say one other thing about the bombing, Madam Speaker, that took place in November, that should have warned us about the Khobar bombing. That was a 250-pound bomb. We should have known that there could be a similar bomb launched on our troops 6 months later at Khobar. That occurred. I hope people will watch the hearing tomorrow and follow this analysis in depth.

TWO MORE RIDICULOUS BIG GOVERNMENT TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Madam Speaker, two more ridiculous big government taxes have been put out by the Clinton administration this week. The first one is under the name of safety in the workplace as respects violence. This is an OSHA proposal, the Occupational Safety and Health Administration, megabureaucrats who love to come into small businesses and tell them what they are already doing.

This is what their proposal is. They have, through a study, detected that there is a lot of violence at night at convenience stores, restaurants, and hotels, and places that are open 24 hours a day.

So what do the Washington big government bureaucrats do? Instead of saying, maybe, that we need to address violence in society, maybe more police officers, maybe look into something that we can do, instead of going to businesses and saying, how can we help you with the problems of violence, they go to businesses and say, what are you going to do about it?

So the businesses now, through a new OSHA proposal, will be required, if this passes, to have bulletproof glass; cash registers only at street level, so if people are driving by they can see if they are being held up or not; video cameras, speed bumps, speed bumps in hotels and restaurants because that will cut down on the violence. I can just see some drug dealer saying, come on, do not rob that convenience store, they have speed bumps there; that will keep me from doing it.

There is a requirement also that you have no more than $25 in your cash register at one time, and have paperwork and training for your employees.

This is what the Clinton administration's view of private businesses are about: We are from the government, we are going to go into the convenience stores, the hotels and the restaurants all up and down the interstates, and anywhere else they might be open 24 hours a day, and say this is what you have to have. If you do not have it, guess who will be happy to sue you? Their friends in the legal community. This is just big, crazy, insane Washington bureaucracy out of control, and these are Clinton appointees who are pushing it.

What else is on the Clinton agenda? A new tax on backpacks and bird calls. This one comes from the Department of the Interior. This is one that the Clinton-appointed Secretary of the Interior says "This is a win-win situation."

What they want to do is put up to a 5-percent tax on the following items, Madam Speaker: Backpacks. That means all you little schoolkids going off, you are going to have to start paying 5 percent more for the Clinton administration tax on you; camping stoves, camping fuel, camping tarpaulins, camping utensils. That little fork is going to cost you 5 percent more if Secretary Babbitt has his way. Dry bags. I guess nobody would take wet bags on a trip. Hiking boots, hiking equipment, spray skirts for kayaks, tents, paddles, wild bird baths, film, camera, lenses. Boy, I am glad they came out with this after the Olympics. Also photo disks, binoculars; and just think, binoculars are not the only one they are picking on, monoculars, also, so you cannot get around this; tripods, window mounts, hand lenses, "how-to" guides.

When I was a kid I used to like to, and still do, liked to collect reptiles and amphibians. There is a great field guide by a man named Roger Konack. If I bought that when I was a 10-year-old or my 11-year-old son buys it, Mr. Babbitt wants my son John to pay 5 percent more on a field guide, so when he goes out and identifies fishes, reptiles, amphibians, or other insects and buys other "how-to" guides, he is going to have to pay extra, because the Department of the Interior needs money.

This is the kind of mega-big-government thinking we do not need. This is why we do not need 4 more years of Bill Clinton and the megabureaucrats. We need to put people who have common sense and have normal values and realize that the middle-class people in America are sick and tired of their taxes going up.

In the 1950's, the average middle-class family paid 5-percent Federal income tax. Today that same middle-income family pays 24-percent Federal income tax.

People are sick and tired of it. They are working harder. They are getting less to show for it. They are concerned that their children are not going to be better off than they are. They are concerned that big government and Washington bureaucrats are stealing the American dream. Madam Speaker, I think under Bill Clinton that is what is going on.

We need to have commonsense reform in government. We need to have a balanced budget. We need to have local control of government decisions, not being made by Washington bureaucracy. We need to have commonsense in government, not bureaucrats making all the decisions.

Madam Speaker, I include for the RECORD the Teaming With Wildlife Product List.

The information referred to follows:

TEAMING WITH WILDLIFE PRODUCT LIST

The following list is a draft of those products being considered for a user fee. Before this list is incorporated into the draft legislation, we are asking companies, customers (users) and coalition members to provide feedback on this list, as well as other details of the proposal. The products listed below would have a graduated user fee of ¼%–5% of the manufacturer's price. The user fee must not act as a barrier to a product's sale. Beside each category is a suggested level for the user fee. Feedback from companies and consumers will help determine the final list of products and the percent to apply to each.

OUTDOOR RECREATION EQUIPMENT (5%)

Backpacks
Camping stoves
Camping stove fuel
Camping tarps
Camping utensils (connected/folding)
Canoes
Canteens
Climbing equipment
Compasses
Cooking kits
Dry Bags
Flotation vests (selected classes—not standard life boat vests)
Hiking boots
Hiking staves
Kayaks/Spray skirts
Mountain bicycles
Outdoor sleeping mats
Skis/Poles/Boots (cross-country, downhill, telemark)
Sleeping bags
Snowshoes
Tents
Paddles
Portable water purifiers
Prepacked camp foods
Scuba diving masks/Snorkels/Goggles/Flippers
Snowboards
Stuff sacks
Wet suits/Air tanks/Regulators/Spearguns
Whitewater rafts

BACKYARD AND WILDLIFE PRODUCTS (5%)

Wild bird seed and other wild animal feed (except seed packaged for pet feed)
Wild animal and wild bird feeders such as hummingbird feeders, suet feeders and other types of feeders
Wild bird baths
Wild bird houses, bat houses, squirrel houses and houses constructed for use by other wildlife
Nest platforms for wild birds

BOOKS, VIDEOS, AUDIO (5%)

Field guides to bird identification, nest identification, animal tracks, mammals, fishes, butterflies, insects and other animal groups
"How-to" guides such as wildlife viewing guides, hiking and paddling guides, etc.
Audio tapes of wildlife calls
CD-Rom guides to wildlife and its enjoyment

BINOC, MONOC AND SPOT SCOPES (5%)

Binoculars
Hand lenses
Monoculars
Spotting scopes
Tripods
Window mounts

PHOTOGRAPHIC EQUIPMENT AND SUPPLIES (2–3%)

Cameras
Film
Lenses
Lens filters
Photo disc
Range finders (including those designed for use with photographic cameras and parts thereof)

RECREATIONAL VEHICLES (RV'S) (¼%–½%, NO MORE THAN $100)

Campers/Motor homes/Travel trailers

SPORT UTILITY VEHICLES (¼%, NO MORE THAN $100)

HOW THE ADMINISTRATION PLAYS THE BLAME GAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, the blame game with this administration continues. It is absolutely amazing. They take the credit for anything they can take the credit for, but when it comes to taking the blame for poor decisions or for problems or failures, they run the other way.

Remember, if you will, back to August, Madam Speaker, when this Congress, in three historic moves, passed welfare reform legislation, medical legislation dealing with health care reform in this country, and the minimum wage bill. The President could have had us pass health care reform 2 years ago. We were ready to pass what finally passed this body, but he held it up, because he was not sure he wanted to support that, especially in light of Hillary's plan in the first 2 years of the administration. But he took credit for it.

Then we passed welfare reform. The President vetoed it twice, but then when he read the polls in August, he realized he had better switch and come out and support the bill. He took credit for that. Then he had the Vice President go before a national group and say publicly, but next year, if I am reelected, we will use the line item veto and we will undo those portions of welfare reform that we do not like.

Then we see the President take credit for minimum wage, even through in his first 2 years, with a Democrat House and Democrat Senate, he could have passed minimum wage with no problem. He did not even raise the issue. In fact, he said it was not the time to raise the minimum wage. This President sure can take the credit, but he cannot take the blame.

Madam Speaker, I am outraged, because tomorrow in the Committee on National Security we will have a hearing on the recently released report put together by the Pentagon on the reasons why we lost 19 young military personnel in Saudi Arabia, and again, this administration will walk away from any blame. They are going to do what they do best. They are going to blame the enlisted personnel. They are going to say, it was that commander on scene who should have done more to protect our troops. They are going to say that he should have taken more steps.

Madam Speaker, what about Secretary Perry? Because if we look at this report, it says that it was not just the commander who had responsibility, it was the CINC commander. Yet Secretary Perry has defended the CINC commander, probably because he reports directly to Secretary Perry.

Madam Speaker, what amazes me the most is this administration, to anyone visiting Washington, this administration is going to extreme lengths to surround the White House so you cannot get near it. You cannot drive within blocks of the White House, because this President wants himself protected.

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Why did this President not take the same steps when we had the bombing in November of 1995 that killed our troops, when we lost the troops in Somalia because, as Les Aspin said, it was not politically correct in Washington to send additional backup support?

Any why did this President and this Secretary of Defense not provide more support for those men and women that could have prevented that bombing from occurring? We are going to ask those questions tomorrow, Madam Speaker. In my opinion, the buck does not stop with that onsite commander. The buck stops not just with Bill Perry. The buck also stops with the President of the United States. As we have seen time and again, this administration thumbs its nose at our military, uses it when it can for its political purposes, and then walks away from responsibility when incidents occur where we lose lives or we have situations that threaten our security.

Madam Speaker, irregardless of what happens in this election, and I know who is going to win, and it is not going to be the current President, we have got to send a signal that we are not going to tolerate the blame game any longer.

One thing this administration does well and it does it over and over again, from Whitewater to the scandals involving the FBI files, to the scandals in the White House that were elaborated upon in the CONGRESSIONAL RECORD last Wednesday, some 39 of them, in every case, what does our President say?

"It's not my fault. I didn't have anything to do with that. It was somebody else." And again tomorrow, we are going to hear from this administration that it was not their fault, it was some on-scene commander in Saudi Arabia doing his job who they are now going to court-martial because they want him to walk away with all of the blame. And meanwhile Secretary Perry and this administration will walk away again saying, "It wasn't our fault. We didn't have anything to do with it."

Madam Speaker, I hope that this country understands what is going on in Washington. We have a President who will take credit for everything. When it does not rain in Washington, he will say that it was his doing. When the economy grows, he will say it was all his doing. But when there is blame to be had, this President walks away and hides. It is outrageous.

TRIBUTE TO THE HONORABLE JAMES H. QUILLEN ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under the Speaker's announced policy of May 12, 1995, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DUNCAN. Madam Speaker, I have requested this time tonight and have taken this special order to pay tribute to a great Tennessean, a true statesman, we think one of the finest men who has ever served in this body, and that is our good friend Congressman JAMES H. "JIMMY" QUILLEN.

Congressman QUILLEN has served the First District of Tennessee with great distinction and honor for 34 years. Now he is ending his 34th year and he has announced his retirement. Certainly he will be missed here, and he certainly has achieved and has earned the great respect and love of all of his constituents in east Tennessee.

I will be saying more about Congressman QUILLEN as we move through this special order, and I will save most of my remarks for the end. But there are several of Congressman QUILLEN'S colleagues here with me tonight who also want to take a few moments to pay their respects and say more things about Congressman QUILLEN.

We want to start first with another distinguished veteran of this House. In this day in which term limits are so popular, many people do not realize that almost half of the House is new just since 1994, just in the last 2½ years. And so there is more turnover in elective office than at any time in history. But some of our finest Members have been some of the people who have served very long tenures in this House. I could name so many. Bill Broomfield of Michigan, John Paul Hammerschmidt of Arkansas, Chalmers Wylie of Ohio, many, many others. But one man who has served almost the entire time with Congressman QUILLEN and who, I think, without any question is his closest friend in the House is a great leader from Indiana, Congressman JOHN MYERS who has served in this House as a leader, as an outstanding member of the Committee on Appropriations since 1966.

I want to pay tribute in introducing Congressman MYERS because we are losing a great, great man in Congressman MYERS, also, from this body, because he has also announced his retirement. But I want to yield at this time to Congressman JOHN MYERS of Indiana to make some remarks about Congressman QUILLEN.

Mr. MYERS of Indiana. I thank very much Congressman DUNCAN, JIMMY. As you were reading off the names of people who served with JIMMY QUILLEN, you left one name off, the name of John Duncan, a colleague of ours from Tennessee, your father, that we had the honor of serving with, one of the true gentlemen also of the House of Representatives, certainly a gentleman from Tennessee. We miss, of course, your father John, but his shoes are filled most appropriately with his son JIMMY DUNCAN. Thank you for taking this time today.

Madam Speaker, those of us who have served here for a few years have had the opportunity, the privilege of serving with a great many true Americans. Some have gone on to become President of the United States, some have moved down the aisle here to serve in the other body. Some have become Vice Presidents. Some have gone on to be ambassadors, Governors. Some have even retired.

But tonight we honor truly one of the great Americans whom we have had the opportunity to serve with, a veteran of World War II, the Navy in World War II, a patriot, a statesman, certainly a gentleman at all times, JAMES H. QUILLEN, whom we affectionately call JIMMY QUILLEN.

JIMMY was born in Virginia 80 years ago. At a very early age his parents moved across the line, over into Kingsport, TN, where JIMMY graduated from high school. He went on to become publisher of the local newspaper, moving that newspaper into prominence, doing a great job as a newspaper publisher in Kingsport. TN.

He then went on to the State Legislature. I believe he started serving in 1954, serving for 8 years in the State Legislature. He was nominated for Speaker of the Tennessee House, served in various capacities there, in the minority most often, and served honorably there. He has served in every Republican convention since 1956, most often as parliamentarian. And so we realize the potential and capability of our colleague from east Tennessee. He has received the Golden Bulldog Award, the highest award any Member of Congress can receive for their service, the conservative service, is the only way you can win the bulldog. He has received 27 consecutive. Every year the House Members have been awarded the golden bulldog, JIMMY QUILLEN has received that bulldog. It tells you something about the reputation, about the dedication of our friend JIMMY QUILLEN. He has served so many organizations in Tennessee. So many have honored him through the years. I think about anything in east Tennessee is named after him. I visited there on several occasions. In fact, JIMMY QUILLEN invited me my freshman year, 30 years ago, to come to his district and speak on Lincoln Day, a great honor for me to go into this very senior gentleman from Tennessee, to be asked as a freshman Hoosier from Indiana to come and speak in east Tennessee. I was honored, never been invited back, but it was a great honor for me to be honored by JIMMY QUILLEN, and his district in east Tennessee.

He was elected to the 88th Congress back on November 6, 1962, and has been reelected to each consecutive session of Congress. He now has served Tennessee and the House of Representatives longer than anyone in the history of Tennessee.

Our colleagues here from Tennessee, I doubt if any of you will anywhere near come close. As you have mentioned term limits and everything else, I just doubt if you will ever get the opportunity to serve as long as JIMMY QUILLEN. In any event it is going to be very difficult to follow in his footsteps, whoever follows him here.

As I mentioned earlier, I visited his district this summer. So many things, the university, the medical school, so many things are named after JAMES H. QUILLEN because they respect this service and appreciate his service in the Congress of the United States.

His wife Cecile that he married in 1952 has not been in good health in recent years. Every afternoon as soon as we finish business on Thursday or Friday you are going to see JIMMY casting that last ballot here, inserting his card and rushing out to the airport so he can go home and have dinner with Cecile on Friday evening. A very dedicated husband. He is dedicated to the service of our country in the same way. The country is going to be at a loss when we lose a gentleman of the service, the dedication, the caliber and the experience of JIMMY QUILLEN.

It has been an honor for those of us who have had the privilege of serving with JIMMY to say he is truly a great American and most importantly he is a friend. So we thank JIMMY for his service and whoever is his successor, use him as a symbol of the dedication, of the challenge that you will have. If you can follow in JIMMY QUILLEN'S footsteps and do just any place close to the job that he has done, you will be a great American.

JIMMY, thank you for your service.

Mr. DUNCAN. Thank you, JOHN MYERS, for a very moving and eloquent and appropriate tribute to our good friend Congressman QUILLEN.

I do want to mention before Congressman MYERS leaves that all of us know that Congressman QUILLEN has for many years sat in the second seat on the second row right here, the main seat that has always been featured on C-SPAN, so when I first got here, I developed a habit of sitting next to Congressman QUILLEN, and Don Sundquist sat there in the same row of seats, Don Sundquist, who is now our Governor of Tennessee.

JOHN MYERS has always sat in the first seat on this second row. So one night we told him that this was a Tennessee row and that if he was going to sit there, we had to induct him in and swear him in as an honorary Tennessean. So we made him raise his right hand, and we paid JOHN MYERS the ultimate compliment and made this loyal Hoosier an honorary Tennessean.

So thank you very much for your remarks about Congressman QUILLEN and thank you for your service, your great service to this country.

Our next Speaker on behalf of Congressman QUILLEN is a man who has also served this Nation with great distinction and is doing so in an especially active and leading role in this Congress, "The historic 104th Congress," as David Broder has referred to it, and that is a man who has been so very kind and has worked so closely with Congressman QUILLEN over the years, Congressman JERRY SOLOMON, the chairman of the powerful House Rules Committee on which Congressman QUILLEN has served for the past 32 years. He did not serve his first term, but I think that is a record for a Republican in the history of the Rules Committee.

But perhaps you can straighten us out on that, Congressman JERRY SOLOMON of New York.

Mr. SOLOMON. I thank you, Congressman DUNCAN. Let me just say that Tennessee seems to have a habit of sending really good gentleman to this body. Your dad was just one of those. Sometimes some of us who have a tendency to get a little excited, we wish we had that kind of demeanor that your dad had, that JIMMY QUILLEN and even this guy JOHN MYERS, who is sitting down in front of me, have. I think it is an old trait that we all certainly could learn from.

I just want to say to you, JIM ever since you took your dad's place, one thing you have concentrated on since you came here was something that I cherish very much and that was the real line-item veto and, by golly, we finally got it through. On Ronald Reagan's birthday. That made him very happy, too.

I know there are some other speakers here from Tennessee, some good men and women. So I will be as brief as I can, but I just want in rising to express gratitude to this great American, the distinguished chairman emeritus of the House Rules Committee, JIM QUILLEN, I just want to pay tribute to him for all of the guidance and help that he has given me personally over the years.

When I first was elected to the House 18 years ago, I learned how the Rules Committee functioned by watching JIM, who was then the ranking member of that committee, JIM provided sage advice that just meant so much to me.

As chairman emeritus, JIM has been a source of wisdom and the institutional memory of that committee. Believe me, over 32 years of the 34 years that he served here, he has seen so much history, and it all goes through that Rules Committee.

I did a little research to find out just when it was that JIM joined the Rules Committee, as you said, and it turned out that he was elected 34 years ago and sworn in as a new member of, my gosh, what would that be, the 88th Congress. Then he joined the Rules Committee at the beginning of the second term in 1965, and just to put it into perspective, when that was, it was the same time that a new member came to this Congress and the man's name was Claude Pepper; he joined the Rules Committee at the same time, and I had the privilege of serving on that committee with both of them.

From a check of the official Rules Committee history, JIM's record of 32 years on the Rules Committee makes him the longest-serving Republican ever on that committee. As a matter of fact, he may be the longest serving on any committee. I have not researched it that far. But it is a record which is certainly not going to be challenged any time soon, especially not by this Member of Congress, and may never be matched.

It is a record that we can all be very, very proud of for JIM.

Madam Speaker, there are some remarkable stories about JIM QUILLEN that have been passed down as a part of the verbal heritage of the Rules Committee. We sit up there night and day, sometimes 18 hours a day, and the one that I like best about the time when JIM was trying to get a dam built in his district.

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And, JIM, I am sure you know about this. There was one small problem, and the place where the dam was supposed to be built turned out to be the home of a small fish called the snail darter. The snail darter was an endangered species which could not be disturbed, yet Tennessee needed that dam. And JIM persuaded that the fish could get along just as well whether the dam was there or not.

So to demonstrate the adaptability of the snail darter, JIM put what he alleged was a snail darter in one of the clear glass water pitchers on the Committee on Rules table upstairs. And then with the snail darter swimming around in the water pitcher, JIM proceeded to remind the Member who was appearing before the committee at the time who had jurisdiction over the law that protected the snail darter just what an adaptable fish this snail darter really was.

Madam Speaker, JIM figured the snail darters would be just as happy a little way upstream or a little way downstream as they were right at the dam site.

Now, I do not know all the details, but I am told these snail darters are still swimming happily in that east Tennessee stream up above and both below the dam.

Another story is that JIM QUILLEN does for the Committee on Rules that never got put in the same way. As chairman emeritus, JIM always makes the motion to report the rule or whatever other action that the committee is going to take. I yield to him for that purpose. JIM has a distinguished Tennessee accent. When he makes a motion, he does not rush through the reading. He takes his time and he reads it like a true Tennessean. The motions are never going to be made in the same way. We will miss JIM the way he used to do it.

Then, finally, there was the time when the committee was questioning witnesses under the 5-minute rule, and JIM suggested that his time should be extended beyond the 5 minutes because he did not talk as fast as some of his Yankee friends, like me, on the Committee on Rules. And it was only fair to have more time for this Southerner because he took a little longer to get these words out.

Madam Speaker, JIM QUILLEN has been a great Member of this body. He has set a record as a member of the Rules Committee. The committee is never going to be quite the same without the gentlemanly commentary of JIM QUILLEN. And yes, we will miss JIM. We will miss him because he is not only an outstanding Congressman, he is a great American.

As our good friend JOHN MYERS said, we are so proud to call him a friend of all of ours, and I thank my colleague for yielding me this time.

Mr. DUNCAN. Thank you very much, Congressman SOLOMON, for those very kind words.

Both of our first two speakers, Congressman MYERS and Congressman SOLOMON, have been kind enough to say some nice things about my father. I appreciate that very much because I was very, very close to my own father. And I might say that he and Congressman QUILLEN were extremely close and came from very, very similar backgrounds, families of 10 children, and very, very little money, no money. Both arrived here 2 years apart.

Of the 34 years that Congressman QUILLEN has served, for 32 of those years he has served alongside a Duncan. We have had such a wonderful relationship, our family has, over the years with Congressman QUILLEN .

Our next Speaker is another great Tennessean. Tennessee has a history and a tradition of our State delegation, both Democrats and Republicans, working so harmoniously together for State projects. Certainly one of the leaders of that is our friend Congressman BART GORDON, who has served on the Committee on Rules with Congressman QUILLEN and is here with us tonight to make some remarks about his friend and our friend JIMMY QUILLEN. Congressman GORDON.

Mr. GORDON. Thank you, Congressman DUNCAN. I think you represent us very well when you mentioned working together from Tennessee, you illustrate that.

Madam Speaker, let me also very quickly say that I had the good fortune also to serve with the gentleman's father. And no matter what humble background from where he might have started, he left a great inheritance. That inheritance was a good and honest reputation, and I know that you carry that with distinction.

Madam Speaker, I am very pleased to have the opportunity to rise today and add my salute to JIMMY QUILLEN. Mr. QUILLEN is a great American, a great Tennessean and a great friend and colleague to all of us. I think the First District knows how well he represented them and how he represented them with great distinction, but they probably do not know the service he performed for our entire State.

There is not a manual when you get to Congress that says this is what you are supposed to do or even how you get to this Chamber or how do you get to the bathroom. It really is a word-of-mouth, and Mr. QUILLEN took all of us, all of us Tennesseans under his wing. He really was the mentor that showed us the right way, the responsible way to do things, and we are all very grateful for that.

He was also the glue that really bound together the Tennessee delegation. He was our dean. He was the chairman of the Tennessee Valley Authority [TVA] caucus. And whether we had a need to work together to save TVA from being sold or whether it was a need to help one district or another district in some particular interest there for constituents, Mr. QUILLEN was the one that brought us together, that helped us work together. That is a great legacy not only for his district but also for the entire State of Tennessee.

Madam Speaker, let me just very quickly say, Mr. QUILLEN thank you. You leave this body and this Nation a better place because of your service.

Mr. DUNCAN. Thank you very much, Congressman GORDON. Another great friend of all of ours is Congressman HAL ROGERS, another one of the cardinals, one of the senior members of the House Committee on Appropriations who represents a district that touches on much of Tennessee and who has much in common with all of us from that part of the country, our good friend and outstanding leader, Congressman HAL ROGERS from Somerset, KY.

Mr. ROGERS. Thank you, Congressman DUNCAN, for the time, and thank you for taking this special order.

Madam Speaker, I rise as well as the others to pay tribute to this great man. In this age of candidates and officeholders blown dry and buttoned down, much of us looking alike, JIMMY QUILLEN stands out. He is of the old school, and I say that in a very complimentary way. He is of the old school. JIMMY QUILLEN is a character. JIMMY QUILLEN is himself. He does not try to be anybody else, and I am glad that he does not. He has lent advice and leadership and guidance for all of us as we came along.

I represent a district in Kentucky just across the line from Tennessee, my district boundaries being on Tennessee. In fact, my old district before the reapportionments of the 1990's, my district boundaried that of JIMMY DUNCAN's father, John Duncan. In fact, he was born and raised in Oneida, TN, in Scott County, which is just across the line from where I live. So JIMMY DUNCAN and his father, John, and JIMMY QUILLEN and that bunch were all of the same attitude and same ideas.

So when I came here in 1981, January of 1981, JIMMY QUILLEN, of course, had been here by that time a long, long time, as had John Duncan. And those were two people that I just sort of fell in with because we talked the same language, and we had the same ideas, and we came from the same roots and identified with people who did not speak with an accent.

So JIMMY QUILLEN became sort of a mentor for a lot of us. And in this seat right down here, I am sure it has been mentioned in the special orders tonight, this second seat from the end on the second row in front of the leader's table, the JIMMY QUILLEN seat, is the place where we sort of headquartered around. We all knew that when you tried to occupy that particular seat, when JIMMY QUILLEN came along, he simply stood there until you got up and left. This was his seat.

Now, people that are not Members of the House may not recognize that we do not have assigned seats in this body. We can sit wherever we want to, and you are entitled to sit where you want to, except that seat. That is JIMMY QUILLEN's seat. It does not have his name on it, but it has his imprint on it. We all knew this was where he sat. When he came, we all got up and left and let him have his seat. But we all hung around him, we still do, and for the reason that JIMMY QUILLEN embodies intelligence and custom and tradition and leadership and stability and the continuity of this great institution.

Madam Speaker, we are going to miss his stalwart—I mean, this is an institution in and of himself inside this institution, and those of us who over the years have gone to JIMMY QUILLEN for advice on how to vote on a given issue or what he thought about this position or that position, we are going to be bereft without his guidance. We wish him well in his retirement.

Fortunately, JIMMY QUILLEN has his good health and he has good intelligence, superior intelligence, and he is going to fare well whatever he may choose to do, if anything. But we hope that he will come back here and from time to time give us his advice on the issues that confront our country, as he has over these years.

The service this man has rendered to his Nation over these decades is going to be hard to judge. It is going to be hard to comprehend because he served so long and so well. His tenure has spanned that of many Presidents, of great eras in our country. He has, above all, represented his people so well.

Here we talk about great issues and we talk about great movements in the Nation, but all of us represent people back home. JIMMY QUILLEN did that better than anybody I know. His first interest was that of his people back home. What do they think about this? What should I do about this issue as it affects them? And so his example for the rest of us, I am going to say, is almost unexampled because JIMMY QUILLEN is one of a kind. His example for the rest of us is going to last a long, long time.

I thank the gentleman for taking this time to honor our friend and our leader and our mentor and colleague and our friend for life. We wish him well in his retirement, and we hope that he will come back here and give us his sage advice every moment that he can. I am just as sure of this, whenever he comes back, whoever is sitting in that chair is going to get up and leave so that JIMMY QUILLEN can sit there as long as he wants. I thank the gentleman.

Mr. DUNCAN. Thank you very much, Congressman ROGERS. You mentioned a couple times Congressman QUILLEN's seat, and we have already referred to it. I have to tell you one week Congressman QUILLEN had to leave to go home before our last vote of the week. I knew Congressman QUILLEN was on a plane flying home, so I sat down in his seat. And in a few minutes I got a note from the cloakroom. It said on there, message from Congressman QUILLEN: Get out of my seat. Congressman QUILLEN's staff had seen on C-SPAN I was sitting in his seat, and they sent me a special message.

Mr. ROGERS. Will the gentleman yield?

Mr. DUNCAN. I will yield to the gentleman.

Mr. ROGERS. Rumor has it, and only rumor has it, that during a 15-minute vote, when we are milling around here waiting for the next vote or event to take place, as Mr. QUILLEN is seated in his seat, usually you are seated beside him. And JOHN MYERS is there, and I may be there or ZACH WAMP or ED BRYANT or somebody, the Tennessee row here, Tennessee-Kentucky row. Rumor has it that during those votes the page would come running down the aisle with a message for Mr. QUILLEN to call so-and-so at his office. He would, of course, retire to the cloakroom to take the telephone call, in which case you, Mr. DUNCAN, would take his seat.

Now, the rumor has it that you were the one making those phone calls to page him off the floor. Is there any truth to that, Mr. DUNCAN? Come clean now.

Mr. DUNCAN. I will deny that on the record. But Congressman QUILLEN has always accused me of having that as my system of getting him out of his seat so that I could take it over. But I can assure you and the Nation watching on C-SPAN that I am not trying to take Congressman QUILLEN's seat.

But thank you very much for participating tonight. Since you mentioned Congressman QUILLEN's record, let me just read one brief statement from the Bristol Herald Courier.

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And it says the Bristol newspaper said this at one point about Congressman QUILLEN. This is from October 1994. It says:

> Quillen's unmatchable record of constituent service and aggressive representation for the region's interest have built him the reputation of someone who puts people first, leaving fancy Washington ways for others.
>
> His seniority has earned him the respect and deference of Presidents and Governors of both parties over the years, as well as the admiration of the legions of constituents at home. Once elected for a new term, Quillen always has approached his job as being everybody's Congressman, not just a representative of Republicans alone.

It is a model others can only hope to emulate.

Before I yield to some who are following in Congressman QUILLEN's footsteps, another man who has requested a couple of moments to speak on behalf of Congressman QUILLEN is the longtime chairman of the House Committee on Agriculture, Congressman KIKA DE LA GARZA.

Mr. DE LA GARZA. Thank you very much, my colleague. Let me preface my words about our dear friend, JIM QUILLEN, by saying that when I came to this Congress, the gentleman's father came with me, and Mr. QUILLEN was already here and was very kind and generous with his time, advice, and counsel to a very lonely freshman Member. We enjoyed sometimes traveling both with the gentleman's father and his mother. And my service has been enhanced by those two gentlemen, among a few others, Mr. QUILLEN I consider to be a friend. He has been a dedicated servant to the Nation, to his State, to his district, working always, as has been mentioned, in a quiet, gentlemanly manner.

The Myers and Quillen seats all of us respect, no matter what, the same as the Montgomery and the Gonzalez seats. I have been here 32 years and I do not have a seat yet, but I will be leaving this Congress, so there goes my seat, but I leave with very pleasant memories of individuals with whom I have served. Even though when they are your peers you really do not appreciate the greatness of the individuals, it is only when you see that they are leaving, or you leave and look back, then you see how many great Members we have had in this Congress. And certainly Congressman DUNCAN and Congressman QUILLEN were some of the great Members. Wise, dedicated, always generous with their time.

One of my most pleasant associations with Congressman QUILLEN is that he likes Texas onions. I have to bring some Texan onions whenever they come, to him. And I have always enjoyed doing that.

We do hope that all of us will one day be remembered as kindly as he will be for all he has done. And there was no, I will say it in a manner as best as I can, there was no partisanship to his service here, even though all of us knew that he belonged to the Republican Party. But he did not live in a partisan way. He did not act in a partisan way. He did not treat individuals in a partisan way. And that is how I came up in this House, with both right and left, Democrat and Republican, those Congressmen that legislated without the partisan intervention.

We are missing some of that now, but hopefully it will come back to that era when these great Members participated in debate, very eloquent debate and very in depth debate on the issues. And certainly both the gentleman's father and Mr. QUILLEN were that type of individuals.

I thank the gentleman for allowing me the time to pay tribute. This is Mr. QUILLEN's hour, but you cannot separate DUNCAN and QUILLEN because they worked together for all those years. And we revere their memory, DUNCAN's memory, and we hope that Mr. QUILLEN will continue serving in whatever capacity he chooses to serve.

Mr. DUNCAN. Well thank you very much, Congressman DE LA GARZA, for those very kind remarks. You came to Congress with my father after the 1964 elections, in January of 1965, and you have had a great record. And the country owes you a great debt of gratitude for your service to your State of Texas and to this Nation, and thank you very much for participating in honor of Congressman QUILLEN tonight.

Next, I talk about—I read the editorial in which the Bristol newspaper said that Congressman QUILLEN's model is one that others can only hope to emulate. We have three gray freshmen from Tennessee who are striving very hard to follow the great example set for them by Congressman QUILLEN, and all are doing outstanding jobs. And I would like to call on, first, Congressman ED BRYANT.

Mr. BRYANT of Tennessee. Thank you, Congressman DUNCAN. I see that we are going by alphabetical order in our freshmen from Tennessee and I think that is appropriate.

It is somewhat daunting to stand here in the well and follow such outstanding Congressmen and to try to match or emulate them and praise Mr. QUILLEN like they do. I think would be impossible. But I too have known Mr. QUILLEN's long time through Tennessee, even though I am on the opposite end of the State. He is known certainly there by reputation and for what all he has done for Tennessee over the years. But it seems to me as one of the freshmen that has come in and tried to do a lot of things here, we also are responsible to honor the tradition of this Congress and those that have preceded us, and it seems to me this year that we are losing an awful lot of people. I am not going to try to name them all, but I see Congressman DE LA GARZA there who has been the chairman of the Committee on Agriculture; our speaker tonight, Mrs. MEYERS from Kansas; people like SONNY MONTGOMERY from Mississippi, and TOM BEVILL from Arkansas and JOHN MYERS who has spoken tonight so eloquently about his friend, Mr. QUILLEN, and we are going to miss all of these people, but Mr. QUILLEN especially, being from Tennessee, is close to our heart and of course we are here to talk about him tonight.

He has a fantastic record and history that many have alluded to earlier. He was one of the youngest if not the youngest publisher of a newspaper in the United States at age 20. He was a decorated veteran in the war and served in both theaters in World War II. He has been married, by my calculations, some 44 years to Mrs. Quillen. And I think she continues to serve as an inspiration to him.

An interesting story that I heard about him. When he was first elected some 34 years ago, and I was probably back in junior high or high school in those days, I understood that the people who were with him that night took the door off the hinges of his office to indicate the open door policy that he would have. And throughout the years he served the First District of Tennessee, he has taken his staff with him to each county he represents to fully hear the concerns of his constituents.

Congressman QUILLEN truly, truly does love his constituents. He loves the medical school in Kingsport. It is named after him but he truly loves the First District. He has taken that power that they have entrusted to him by reelecting him year after year, and brought that power to Washington and brought that representation of the First District of Tennessee here and represented them so well. Such big shoes to follow.

I know that there is an election now going on in Tennessee for that seat, and I know Bill Jenkins is running in that seat and he well have the opportunity to come here and serve and I know will do a fine job. But it is going to be awfully difficult to follow someone like JIMMY QUILLEN. Mr. QUILLEN has served with dignity. He has served with quiet, effective power as has been mentioned.

He has been on the Committee on Rules some 32 years, the very powerful Committee on Rules, and has tremendous influence on the legislation that is passed in this House. You do not often see him on C-SPAN or on television, and that is not bad or good. He is behind the scenes working quietly and not asking for praise and not asking for the honors or asking for or seeking the publicity that does with this job.

I am just so proud to have been associated with him before I came up here, but especially these last 2 years that I have served with him in Congress. That has probably been one of my greatest joys, and I would like to direct this comment directly to Mr. QUILLEN. My being able to and having the honor of getting to know him even closer and finding out that reputation, and it is true that he is indeed a great gentleman, to just deal with him as a person has been a wonderful privilege and it has been exciting.

And when people back in Tennessee continue to ask me, what has been one of your great thrills of being in Congress, that certainly has been in terms of getting to know Mr. QUILLEN better and just seeing how effectively he works and how much he loves the First District and all of those people in the First District of Tennessee.

Again, it is my pleasure to come up here and add in a small way to this great tribute tonight. I know that we are going to run out of time. I will cut my remarks shorter. It has been a wonderful occasion my 2 years to serve with you, Mr. QUILLEN, and I look forward to continuing to work with you and seeking your advice and counsel.

Mr. DUNCAN. Thank you, Congressman BRYANT.

Our next speaker is the great Congressman from the Third District of Tennessee, from Chattanooga, Congressman ZACH WAMP.

Mr. WAMP. I thank the gentleman for yielding.

Madam Speaker, tonight I want to make reference to four retiring Members, and there are many great Members from both parties that are retiring, but four that have particularly meant a lot to me: SONNY MONTGOMERY of Mississippi, a Democrat, TOM BEVILL of Alabama, a Democrat; JOHN MYERS of Indiana, a Republican; and JIMMY QUILLEN from Tennessee, a Republican.

All four of these men have meant so much to this institution and this Nation, but so much to me personally, and it is two Democrats and two Republicans that I got to know extremely well that are all wonderful human beings and they will be sorely missed. And we do have an extraordinarily high amount of senior Members retiring that need proper tribute during these final days of the 104th Congress, the final legislative days of the 104th Congress.

Madam Speaker, as you know, there are 435 men and women in this institution, but there are very few of those human beings that are actually institutions themselves. JIMMY QUILLEN is an institution. Many, many years ago the love affair of east Tennesseans began with JIMMY QUILLEN. I believe that love affair developed because JIMMY QUILLEN was willing to do whatever it took to please those people in the First Congressional District of Tennessee where he is such an institution.

I think if they called and said their cat was in a tree, that usually is reserved for the fire department, but Congressman QUILLEN's staff, I am sure, would make sure that those people got their cat out of the tree. It does not matter how small the request or how large the challenge, JIMMY QUILLEN would get it done. He was a doer, a man of action his entire career here in this institution and we are going to sorely miss that.

You know, I was about as scared when I first met him as Dorothy was in the Wizard of Oz before she met the Wizard of Oz. It is that kind of awe and reverence in the State of Tennessee in which Congressman QUILLEN has held for many, many years, and I was scared of him but I got to know the man behind the institution and I have found him to be a very funny, warm, compassionate human being with an incredible memory. Even though he is 80 years old he does not forget a thing. Sometimes I wished he would. He remembers all those stupid things that I have said in my brief career, and some of those things that I wished I had not said he does not let me forget. We have a standing joke in east Tennessee that he treats Congressman DUNCAN like his son and he treats me like his stepson but I will take that.

Madam Speaker, JIMMY QUILLEN is a great human being, and he really is like a father to me, and I just cherish the moments that I have spent with him here. I know for a fact because the man gets up and walks and stays healthy; he walks at 5:45, 6 o'clock in the morning and his chief of staff, Frances Light, is also an institution here. She has been with him basically the whole time. And Frances deserves a lot of tribute here tonight as well. As we pay tribute to this brilliant career of this man, we better remember that staff, especially Frances, who has meant so much to that office.

You know, it is the constituent service that built that institution called JAMES H. QUILLEN in east Tennessee, and it was her effectiveness day in and day out that made that office second to none, world class congressional office in terms of efficiency and effectiveness and reaching the people's needs of east Tennessee.

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He gets up and walks and stays healthy so I know he is going to live a bunch more years and I will get to enjoy a lot more time with him.

I tell you, Madam Speaker, I love JIMMY QUILLEN and I really appreciate that my life has been blessed by knowing him personally over these last few years and hope that we have many together. I appreciate the gentleman yielding me this time.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Tennessee [Mr. WAMP] for those very appropriate remarks. Certainly ED BRYANT mentioned Mrs. Quillen, who Congressman QUILLEN gives the most credit to for him being here in the first place. It is very appropriate that Congressman WAMP mentioned Frances Light Currie, because she has been the real mainstay of Congressman QUILLEN's staff and maybe the person most responsible for him staying here for so many years. She deserves a lot of credit and tribute here tonight also.

Mr. Speaker, we have our third great freshman from Tennessee. We sometimes save the best for last. Congressman VAN HILLEARY represents a district that covers really the whole State of Tennessee. It goes from east Tennessee all the way over the west Tennessee, but much of it joins Congressman QUILLEN's district and I would like to yield to the gentleman from Tennessee, Mr. VAN HILLEARY.

Mr. HILLEARY. Madam Speaker, I thank the gentleman for yielding.

Everything almost has been said. I want to associate myself with everything that has been said about JIMMY QUILLEN, the great man that we are honoring.

In Washington it has been mentioned he was the dean of our delegation. What does that mean? It means you are a leader. Congressman GORDON mentioned that we all get along up here in Tennessee in the Tennessee delegation, Republican and Democrat. That is absolutely true. That is especially true when Tennessee's interests are at stake, and I think JIMMY QUILLEN deserves a lot of credit for that.

He exerts that leadership when the time comes, when there is something that comes along that has to do with Tennessee. And he has done a super job of it. I think he has presented quite a role model for the fellow that is going to follow him to look up to and he has done a super job at that.

He has also exerted leadership in other ways. He has been a mentor to so many of us up here. I think for those of us who are freshmen from Tennessee, that is especially the case. And he has been a good friend and a good mentor the whole time we have been up here. He has done so much to put us under his wing, show us the ropes. And I cannot count the number of times we have asked his advice on so many different things. He was always happy to give it. Frances Light Currie was mentioned a while ago.

I think he has also shown leadership inside the walls of that office, as she has as his chief of staff. You can tell a lot about a fellow, it seems to me, when you look at the staff that he or she has as a Member of Congress up here. How loyal is that staff. How long have they been there; is it a revolving door going in and out of that office. In the case of JIMMY QUILLEN, that staff has been there an awful long time. Many of those members have been there about the whole time with Mr. QUILLEN. That says a lot about the staff.

It also says a lot about the gentleman embodied in JIMMY QUILLEN with regard to their staff and their loyalty. They have been a super staff to him. He has been an institution in east Tennessee, and I think they have done an awful lot to make him that institution. I think he would tell you the same thing if he was sitting here.

A Member of Congress' job is split. You have a job up here and you have a job back home. Back home JIMMY QUILLEN truly is synonymous with east Tennessee, where he has been for so many years after being born in Virginia. Everything is just about named JIMMY QUILLEN or JAMES H. QUILLEN in upper east Tennessee. I have been up there many times.

I was in his district not too long ago at a Lincoln Day dinner. It was in Sevier County. JIMMY QUILLEN will tell you real quickly that that is the home of Dolly Parton and he is awfully proud of that. But I was there and really the whole Lincoln Day dinner was a tribute to JIMMY QUILLEN.

He got up finally to speak. He did not talk a very long time, but what he said was, he said, Folks, I hope that you will remember me as a people's Congressman. In fact, that is exactly what they are going to do. ZACH WAMP mentioned a while ago that there was no task too large or too small, no challenge too great or too small. That is exactly the case. He has been a people's Congressman, and I am quite sure that that is how he is going to be remembered for many, many years to come.

Finally, I would just like to say, we have a saying in east Tennessee that you can take the boy out of the hills but you cannot take the hills out of the boy. I think more than anybody I have ever known that applies to JIMMY QUILLEN. He has always remembered where he came from. He never did get Washingtonitis, and he is going back home where he loves those mountains of east Tennessee and his wife, Cecile. We are going to miss you, Mr. QUILLEN. We love you and appreciate everything you have meant to us. Look forward to working with you in the future.

Mr. DUNCAN. Madam Speaker, I thank Mr. HILLEARY for those very fine remarks. I yield to another long time friend of mine and Congressman QUILLEN's, Congressman DUNCAN HUNTER, the outstanding Congressman from San Diego, CA.

Mr. HUNTER. Madam Speaker, I thank the gentleman for yielding. I could not help but join this delegation of Tennesseans and talk a little bit about, I could not help myself from joining the other member of the Duncan caucus, Jim Duncan, who was such a good friend and was preceded by such a wonderful colleague also, John Duncan. To my other, my co-colleague in the Duncan caucus, thanks for letting me have a minute, and to watch my friend KIKA DE LA GARZA and JOHN MYERS talk about JIMMY QUILLEN and about the great tradition and all of the good things that he brought to the House that sometimes are tough to see.

I have often thought of politicians, some politicians, some members of the political establishment make a great 30-minute impression. If they have a 30-minute meeting with you, you think you are the hottest thing in the world. But other politicians and statesmen make a 30-year impression. And JIMMY QUILLEN is one of those guys who made a 30-year impression.

He is a guy whose word was as good as his bond. When he told you he was going to do something, he did it. He was a great ally of mine, a great friend of mine in the House and a friend to so many of us and had that great wisdom that he expressed in that quiet, calm Tennessee manner.

I think in JIMMY, when you watch JIMMY and you talk with him, you had a little bit of an idea of the tradition that has gone before us in this House of Representatives. I am going to miss that. I am going to miss him. But it is neat that he is leaving such a great delegation of Tennesseans to follow in his steps. I thank my friend, my cofounder of the Duncan caucus, for letting me speak just a little bit.

Mr. DUNCAN. Madam Speaker, I thank Congressman DUNCAN HUNTER, a wonderful man, DUNCAN HUNTER. I know Congressman QUILLEN will really appreciate those remarks.

Let me just conclude this special order by saying that in our book, tonight is JIMMY QUILLEN's night in the House of Representatives, a body in which he has served so proudly and with such distinction for 34 years.

As has been mentioned earlier, Congressman QUILLEN now has the all-time record, the record for longest continuous service in the United States House of Representatives for anybody from the State of Tennessee. Many great Tennesseans have served in this body, Davy Crockett. President Andrew Johnson was a Congressman from Congressman QUILLEN's district from 1843 to 1853. James K. Polk served here and, of course, our current Vice President, AL GORE, Cordell Hull served in this body; many other leading Tennesseans have served in the United States House of Representatives. But Congressman QUILLEN has a record that will never be broken and has served his constituents with kindness, compassion, with honor and dignity and has made his mark, certainly, coming up the hard way, coming up from I think what would be described as dire poverty today to reach this body and serve in the United States Congress.

As so many others have said tonight, Congressman QUILLEN, you deserve this night and this tribute and so much more for all you have done for the people of east Tennessee. All of us love you. We respect you. We admire you, and we appreciate the great service that you have performed for the United States of America. You are not only a great Tennessean but a great American. We thank you for your service to this Nation.

Mrs. MORELLA. Madam Speaker, it is my great pleasure today to honor one of the House's longest serving and most highly respected Members. Congressman JAMES HENRY QUILLEN, of the first district of Tennessee, came to the House of Representatives in 1962 already a veteran of the Tennessee Legislature. Congressman QUILLEN holds the record for the longest continuous service by any Tennessee Member of the U.S. House of Representatives since Statehood in 1796, and is Dean of the Tennessee delegation in Washington. He became a member of the House Rules Committee in 1965, and is currently serving as Chairman Emeritus, and as such, is the first member to be bestowed with such an honor.

The vast popularity and support Congressman QUILLEN enjoys in his district has resulted in numerous accolades and awards, a variety of honorary doctorates and establishment of the Quillen Historic Tree Museum. He was named Tennessee Statesman of the Year in 1986. In 1996 Tennessee Governor Don Sundquist declared January 11th "James H. Quillen Day" in Tennessee to celebrate the Congressman's 80th birthday, a fitting tribute to a man who has devoted over half his life to serving both the State of Tennessee and this Nation.

Congressman QUILLEN has dedicated substantial time, effort, and money to further the course of medicine in Tennessee, even donating $800,000 of his re-election fund to Tennessee hospitals and colleges. His most significant achievement in this area was the securing of a medical school for Upper East Tennessee, now named the James H. Quillen College of Medicine in recognition of his tireless efforts.

Congressman QUILLEN's dedication to his district is well illustrated by his "Open Door" sessions, which he has held every nonelection year since his election in 1962. These sessions were triggered when, on his election night, supporters took the door off the hinges at his campaign office in Kingsport to illustrate Quillen's election pledge to always be accessible to his constituents. This spontaneous symbolic demonstration of his campaign promise led the Congressman to initiate the practice of taking his entire district office to each of his congressional counties to endeavor to meet face to face with all those constituents who needed his assistance. This practice has proved a great success with constituents and has played a central role in developing the popularity and support that Congressman QUILLEN enjoys within his district.

In addition to his tireless efforts on behalf of his constituents Mr. QUILLEN is also well known for his anecdotes and unique sense of humor, with which he is known for enlivening house and committee sessions. A member of my staff who is a former teacher from the Congressman's district informed me of the time he brought his class group from Washington College Academy to meet with Mr. QUILLEN in the Capitol Buildings. When the children noticed his neon red tie emblazoned with ghost, cartoons, he replied that it was "to scare the girls away!".

When campaigning during his first race for the House in 1962, Congressman QUILLEN was fond of telling the "Redbird Story," a tale that soon became his classic trademark. He told of a very bright boy who took great pride in his ability to think intelligently. One day he found a small redbird and decided to test the wisdom of a local hermit who was the region's recognized Guru. The youngster completely enclosed the small bird in his hand and asked the hermit if the bird was alive or dead. If the hermit said the bird was alive, the boy would kill it. If the hermit said that the bird was dead, the boy would release it unhurt. When he asked the Great One the alive or dead question, the hermit simply replied: "Its life is in your hands". For Quillen the story had great significance, and after telling the story at campaign stops, he would add that "My political future is in your hands." This is an observation that has never been forgotten and is constantly reflected by Mr. QUILLEN's overwhelming commitment to his district.

Congressman QUILLEN has enjoyed the support of a highly committed and loyal staff—many of whom are constituents of mine. I would like to commend Dee Kefalas, Brenda Otterson, Ellen Phillips, Ben Rose, Sue Ellen Stickley, Richard Vaughan, and long time chief of staff Francis Light Currie for their years of support.

Mr. QUILLEN's professionalism, dedication, and humor will be greatly missed both by his constituents and this Congress. May I take this opportunity to wish Congressman QUILLEN and his wife Cecile the very best for a long and happy retirement.

Mr. TANNER. Madam Speaker, I rise today to pay tribute to the Honorable JIMMY QUILLEN, the distinguished dean of the Tennessee Congressional Delegation, who will be retiring at the end of this historic 104th Congress. Mr. QUILLEN's attributes and accomplishments are well known. We should all be proud of his outstanding length of service to the people of the First District, the State of Tennessee, and the Nation. He holds the record for having the longest continuous service by any Tennessee Member of the U.S. House of Representatives since Tennessee statehood in 1796. This is truly a record that will probably never be matched.

When you travel in Mr. QUILLEN's district, as I do when I drive back to west Tennessee, one cannot help but notice the beautiful mountainous region that he represents that was home to former U.S. President James K. Polk. In addition, one cannot help but notice the many wonderful tributes that have been bestowed upon Congressman QUILLEN and his family throughout east Tennessee. You literally cannot drive through east Tennessee without passing by a facility, or traveling on a road, that has been named in honor of Mr. QUILLEN and his family. He has served his constituency for 33 years and the institutions in Tennessee that bear his name are a testament that he serves with honor and dignity. Voters trust Mr. QUILLEN to be fair and to adequately represent their views in Congress. His famous "open door" policy that he began on election night in November of 1962 was not only one that he practiced with his constituents, but also was extended to every member of the Tennessee Delegation, regardless of party affiliation.

I have had the honor of serving with Mr. QUILLEN, and his wonderful staff, since 1989. Mr. Speaker, I know that you join with me, my staff, and the great people of Tennessee and the Nation in saying thank you to Congressman JIMMY QUILLEN for a job well done. I wish him and Mrs. Quillen Godspeed during his retirement. We all will certainly miss him.

EDUCATION CUTS IN THE 104TH CONGRESS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Madam Speaker, we are moving toward adjournment. There is a rumor that we may be adjourning the 27th or the 28th of September. And there are some very important unfinished business items that relate to education which I would like to discuss tonight. The session is coming to an end, and it is kind of hard to get information. We seem to be treading water, and I suppose behind the scenes there are some fruitful negotiations taking place.

This is the end of the 104th Congress, the Congress that came in like lightning in January 1995. We came in and we had sessions at one point every day of the week and for 6 months a nonstop agenda. Now as we draw to the end of the session, the close of the session, there is a great calm that has settled over us. I hope it is not the calm before the storm. But the last few months, things have been sort of slowing down.

I want to congratulate the American people for having made that happen. Things have slowed down. The rapidity of the movement, the extremism that characterized the first few months of this session, we can all do without. It is just as well that we do not have it anymore. It is the public; it is the people out there with the common sense that should take the credit.

Everybody in Congress, everybody who is in politics knows how to measure public opinion. They listen to public opinion, and what happened in this case is that the extreme agenda was not a subtle agenda. It was quite open and honest. I congratulate the leaders of the 104th Congress, the majority Republicans, they were honest with their agenda. They laid it out there and people knew just what was going on.

They knew that drastic cuts were going to be made in education, drastic cuts would be made in jobs programs, drastic cuts would be made in housing programs. They knew that Medicare, Medicaid would be cut. They knew the agenda and, with the help of some spokespersons from the Democratic side to get them to understand it, slowly public opinion began to manifest itself and the people who listened to it on both sides, including the Republican majority, have come to the conclusion, I think, that in certain areas they are not going to hold, they are not going to continue the kinds of contempt for public opinion that was manifested in the first half of the 104th Congress.

Public opinion had been out there all the time making certain things clear. It is not that this is some new development. The public has always made it clear that they prefer education to be a priority of the government at every level. The polls have shown that for the last 5 years. Education has always been one of the top five priorities. It moved to the top, last 2 years one of the top three priorities. So for the leadership of the 104th Congress to insist that drastic cuts were going to be made in education was to sort of hold the public opinion process in contempt and to turn their back on the common sense of the American people.

Finally they have heard. Finally, as we move toward the resolution of the first budget, the budget for fiscal year 1996, after the two shutdowns and a lot of drama, one of the things that happened was that the cuts in education were rescinded. They were given up they gave up on the cuts in education.

Yes, there were humongous cuts in other areas, extreme cuts in other areas. I think the most extreme cuts probably took place in housing. But there were cuts in job programs, job programs. There were a number of cuts, 22 billion dollars' worth of cuts still took place, despite the retreat on education, $4.5 billion for education and labor, and they retreated on most of those related to education. Head Start was not cut. The title I program was not cut.

So we had an acknowledgment by the Republican majority that the common sense of the American people, which said over and over again education should not be cut, education is priority, they bowed to that.

□ 2045

They bowed to that, and I hope they continue to bow to it. We do not know for certain, because in the appropriations bill that passed the House of Representatives before we went out for recess, there was an appropriations bill for the health and human services, education, health and human services, and in that bill there were still some drastic cuts for education programs.

No, they did not cut Head Start any more, and they did not cut title I any more. Those are too highly visible. They did cut Goals 2000. They did a number of other cuts, and you still had a kind of war with the common sense of the American people in respect to education being made a priority.

That situation still exists today. The appropriations bill passed by the House of Representatives is there waiting for action by the Senate, and we have heard that there is good news. Rumors are that the Senate may agree with the Democratic amendment that proposes to restore the cuts made by the House of Representatives in the House of Representatives budget, and not only to restore them, but to increase them. It means that the leadership of the Senate, the Republican leadership of the Senate, is listening, above the heads of the Democrats in the Senate, to the vast majority of the American people out there.

Madam Speaker, public opinion, common sense is registering. They have heard, and it looks at if we may come out of the 104th Congress with all the cuts restored and, perhaps, an increase. There is a rumor that the amount of money for education may be increased above what the House bill passed, substantially above that amount. It is very good news, and it is a victory for the common sense of the American people. The American people are to be congratulated for consistently insisting that education is a priority.

We came into this 104th Congress with the Republican majority proposing that the Department of Education be eradicated. It was that extreme; in 1995 we had a proposal on the table that the Department of Education be eradicated. The superpower of the world was going to do without a Department of Education at the Federal level. It will be the only government of any of the industrialized nations that has no central agency at all relating to education. It would have been a very barbaric and primitive kind of action to take, but it was proposed. It was proposed seriously.

I serve on the Committee on Economic and Educational Opportunities. That is the name that it has now, but for the other 12 years that I have been here it was called the Education and Labor Committee; and before our committee earlier in the session, in 1995, we had two men who should have known better come before the committee and testify that they wanted to abolish, eradicate, the Department of Education.

We had Lamar Alexander, the ex-Secretary of Education. He was the Secretary of Education under George Bush in his last 2 years. Mr. Alexander was proposing that we abolish, eradicate, the Department of Education. We had Mr. Bennett, who had been the Drug Czar, and he had once also been head of the Department of Education before also proposing that this civilized Nation, the leader of the industrialized free world, should not have a Department of Education.

So we are a long way from that kind of extremism; you know, the kind of extremism which followed that proposal with a proposal that we cut school lunches to the bone and that we take title I, one-seventh of the funding for title I, $1.1 billion; that we cut Head Start, which has never been cut in the history of its existence. That kind of extremism was rampant in the first half of the 104th Congress.

As we come to a halt, as we near the end, I am pleased to observe that we are going out not with a bang, but with a whimper. We appreciate the whimper. We have had enough extremism. Extremism is not good, and the Founding Fathers understood the need to have a check on any kind of rapid movement, any kind of blitzkrieg of ideas, a blitzkrieg of programs when they created the two Houses. They knew that one House would have sort of a calming effect on the other. Certainly the Senate, a more deliberative body with a longer term, was to be kind of a brake on extremism, and I think we should applaud the Founding Fathers again. It has worked; the other body has been a brake on the extremism in this House.

And now the other body has come to the rescue of the education appropriations. We are probably, according to rumors, going to get from the other body an increase in the education budget paid for by some very innovative program that I had mentioned 6 months ago, the possibility of using the income from the spectrum to help with our revenue problems, and I see that that is coming to pass. It is a concrete proposal in the Senate that the income from the spectrum should be used to fund this additional amount of money for education.

So we hope this key bill will really move forward in accordance with the rumors, that the positive kinds of things that are being talked about in the rumors will become reality and that the next few days, before we leave, we will see an appropriations bill emerge from the floor of the Senate, which will then go to conference, and we will have—we hope that the Members of the House will still be listening to the voice of the people, the common sense of the American people, and that they will be reasonable about returning education to a status of being nonpartisan activity.

Probably more important than foreign policy, education should be a bipartisan and nonpartisan activity.

You know, we used to have a sort of unwritten rule that was understood that foreign policy was bipartisan, you know, or even nonpartisan. That rule has been broken quite a bit by this present Congress, but maybe it applies, or should apply more so, to education. And we return to a situation that did exist when I first came to Congress where on the Committee on Economic and Educational Opportunities there would be intense arguments about how to do something, about which way we wanted to proceed to improve education, but there was no argument about the fact that we needed an education department.

We needed a Department of Education, and we needed to have an investment in education. How we would do it was a great bone of contention, but nobody ever proposed that we have drastic reductions in the role of the Federal Government in education.

Congress must keep its eye on this prize. Education ranks high in the minds of the people because they understand, they have a wisdom that endures, and they understand what is important and what is not important.

This has now been translated into the platforms of both parties. I think both parties have some strong statements about commitment to education. I do not think you still have in the Republican Party platform anything about eradicating the Department of Education. I think you have very strong statements in the Democratic platform, and you have very strong statements that are being made every day by the President about the commitment we need to make further to advance this Nation on its education agenda.

It is understood that national security, a great part of national security, is what we do in education. It is understood that the H.G. Wells statement that history is a race between education and catastrophe is truer than ever before, that we will have catastrophe if we do not rise to the occasion and make certain that this leader of the free world, this leader of the industrialized world, has the best possible education. An educated populace is our most valuable asset. An educated populace is our first line of security.

We should not have what has occurred in this 104th Congress; that is, a Congress proposing a $13 billion increase in the defense budget while it proposes a $4 billion cut in education programs. That is exactly the opposite of what we should be doing. Our defense, our security, is very much tied up with education.

And I want to note, you know, that there are many people who understand this. Because there are so many different groups in America who understand this and have become more and more vocal, they have heard the call for help, they have heard the call to protect. We needed to protect ourselves from the extremism, and more and more the widespread and diverse support for education has manifested itself, and that is good. You know, let all flowers bloom; you know, let everybody who is interested in education come forward and participate in the process of getting a clear sense of direction as to where we should go with education.

It is not enough just to support it, it is not enough just to applaud the restoration of the funding at the Federal level. We must have a clear sense of direction as to where it is going to go. We must have a clear sense of how we are going to behave in our localities, the municipal governments, and a clear sense of how we are going to behave with our State governments and just what kind of commitment we are going to make for education as we go toward the 21st century.

The President has a good vision, but the Federal Government is only a small player in the whole education drama. The Federal Government, at most, has spent about 8 percent of the total education budget. At the height of Federal spending for education it did not get beyond 8 percent. The rest of the money is provided by local governments and State governments.

What is most important for the Federal Government is that it be the role model, that it be the drum major, that it set the tone; and that has been a positive development over the years that came to a halt with the advent of the 104th Congress. The tone was just the opposite. That the tone here in Washington was that the Federal Government should back away from the commitment, and, as a result, you have had commitments, retreat from commitments, in a number of States and a number of localities.

Certainly in the locality that I represent in New York City there has been a great retreat, a movement away from the commitment to education of the kind needed. We have in New York right now a good example for all of America to take a hard look at as to what happens when you have a retreat from a commitment to an investment in education.

There were 91,000 young people who reported for school on the opening school day who had no place to sit in New York City. This is hard to describe to most people throughout the country because 91,000 people, 91,000 students, is greater than the number of most school districts. Most school districts, you know, are in the 10,000 to 20,000 range, and many are much smaller than that, school districts. But here we have the New York City school district which has more than a million pupils. You know, at the height of the New York City enrollment, it once reached 1.2 million.

So we are not at a point now where there are more children than the city has ever had. We once had 1.2 million in the enrollment of the New York City schools. But the city is not prepared right now to take care of 1.6 million pupils. It is not because they have never had the situation before; it is because we have leadership that has no vision, a leadership that chose to not listen to the voices of common sense, to not listen to the constituency of the city, to the parents.

We had a chancellor of the schools who laid out the problem very well 2 years ago. He laid out the problem, he proposed a solution; he proposed a program to make the kind of repairs that were necessary so schools could be repaired, he proposed to build schools where they were needed, and it was all there.

So it was not that the vision had not been laid out by someone, an educator who understood what was going to happen. His name was Ray Cortines. He spent some time in Washington. He was a superintendent on the west coast at one point. He was well respected as an educator.

Well, he was kicked out of the city hierarchy. He was hounded to the point where he had to resign because he insisted that you have to prepare for the problems that you are going to face with respect to schools that are too old and crumbling, not safe, and we need to replace those, and we have a situation where, in certain areas of the city, the population is growing at a rapid rate.

□ 2100

So we were not prepared. Came the opening of school, and 91,000 young people had no place to sit, because the vision was not there.

If, in a highly visible situation like this, if there are no places to sit, if space, if the capacity to seat the children is not there, then you know that many other elements of the educational system also are in disarray. You cannot see the quality of teaching, you cannot easily see the quality of equipment and supplies, but if the basic space capacity is not there, then everything else is suspect.

There is a collapse in the education system in New York because of bad leadership, because leadership was extreme in another direction. The mayor was intent upon making tax cuts. The mayor was intent on sending a message that we would not spend as much for education as we have been spending in the past. It was a new mayor, a Republican mayor. He had some extremist views on certain items, and he put blinders on. Now the reality is there, the children had nowhere to sit.

In the midst of the reality, what has happened? We have had a refusal to recognize the reality. There is a great debate that the mayor has started about placing 1,000 of the 91,000 youngsters in parochial schools. There is a great debate about the fact that the parochial schools, the Catholic schools, have specifically said, we will take 1,000 youngsters, not just for this year but we will take them and we will take your worst youngsters, your most difficult in learning, et cetera, and we will keep them through our whole 6 years or a whole 8 years of schooling. You have to pay for them, though. You pay us what you spend per child.

That is another form of choice. In this case a religious school is involved, and there are questions of the constitutionality of it arising. All of that was pushed to the side because private industry said, we will pay for them. We will raise the money. You do not have to use public funds.

The mayor is busy applauding himself and going on to take care of 1,000 youngsters, and I want to congratulate him publicly for getting the private sector to put up money to educate 1,000 young people. I hope the private sector is going to provide $2 million per year, not just for this year but to keep the kids in the Catholic schools.

We are interested in children being educated. I do not think anybody should stand on ceremony and say this is not the right solution, it sets a precedent.

One thousand of the 91,000, good luck. We congratulate the mayor for saving 1,000. But what about the other 90,000? What are we going to do about them?

So I come back to my original concern here; that is, that if the Federal Government is going to drift back on track, if the public common sense is going to penetrate the beltway, if the public common sense is going to penetrate the House of Representatives' leadership, if we are going to come back to the reality that the people want education to be made a priority, that the people want an investment in education by every level of government, starting with the Federal Government, that the Federal Government is going to begin to set an example and become a role model again, then my concern is that we understand that this is not enough.

We applaud the President and his long platform related to education. We applaud the proposal that something be done about construction. It is a proposal that comes kind of late, but let us hope we can get it off the ground next year, with a small amount of money the Federal Government proposes to stimulate investment and construction for schools.

Senator CAROL MOSELEY-BRAUN and I, 3 years ago, authored a provision in the Elementary and Secondary Education Act which called for $600 million to be spent for construction and repairs, especially in situations where you had asbestos and you have lead in the water and you have unsafe conditions in the schools.

The $600 million that was authorized was cut down immediately in the appropriation process to $100 million. That was in the 103rd Congress. When the 104th Congress came in, one of the things they zeroed out right away was the $100 million for emergency repairs and construction. So there is nothing existing in Federal law right now which will give any aid to localities that need help with buildings, with space, with asbestos problems, with lead poisoning problems, with fire violations.

The city of Washington, DC, had several schools closed down on the opening day of school because they had fire code violations.

The mayor of New York says that, really, we do not have a problem with 91,000 youngsters; that really there are places for them to sit on the floor. There are just not desks for all of them; or that maybe there are places for them in other schools. New York is a big city. It has 8 million people. If you bus kids around to places where they have a few empty classrooms or empty seats, if you get it all together, you can find seats for half of the students.

Madam Speaker, I applaud that. If you can get it together, Mr. Mayor, please do, because you have 1,000 that you have taken to parochial schools; there are 90,000 left. If you can take half, move them around in buses, however expensive that may be, or however disadvantageous that may be for young children, if you can do that, then you have 45,000 taken care of. But what about the other 45,000?

And when you get through placing them, you acknowledge, the mayor acknowledges, the school board acknowledges, that many of them are in gyms. And they consider that normal now, because they have been in gyms holding classes for several years now. Many of them are in closets. Many of them are part-time in the cafeteria. Many of them are in small auditoriums. There are various innovations that have been accepted as normal.

So what if you began to meet the fire code violations, the fire code, and end some of the violations which must exist if you have youngsters packed into some of these spaces? Or health code violations, ventilation problems, where you do not have youngsters in a room with the proper ventilation? If you ended all those, our 45,000 of student problems would increase back up to 60,000 easily.

We have a major problem. We have a major problem. No matter what happens here in Washington, no matter how positive the appropriations bill is when it comes finally to the floor, and we will be finished with the appropriations process for this year, it will not help that situation very much, because we do not have anything in the appropriations bill for construction, for repairs. So there is a need to call upon the Federal Government in the future, yes, but there is a need right now at the local level, at the State level, to deal with an emergency.

We have got a generation of children, we have 90,000 young people, who, if we do not solve the problem this year, we partially solve it and it impacts them next year and the next year, what kind of education are you providing for those 90,000 young people? They cannot wait.

The Mayor has said this situation is going to be with us for quite some time. Let us understand, we cannot solve it overnight.

Whose children are involved? If your child was involved, would you be as calm as the mayor is, and say you cannot solve the problem overnight? Or would you be angry? Because we had a chance with Abe Cortines who predicted 2 years ago that we have a problem, and he was driven out of town by the harassment of this same mayor.

One of the items that I have on my agenda tonight is a discussion of National Education Funding Support Day, and that has a lot to do with Washington, of course, but it has more to do with the local level.

What I am trying to do, and this is a project that was conceived of by the National Commission for African American Education, the project was designed to try to engage local communities in the fight for getting more funding for education, to wake up people to the fact that education is something that is very essential, but we cannot take it for granted.

You cannot take for granted that the local officials are going to do what they have to do to plan to avoid having 90,000 kids in New York City not have seats. You cannot take for granted. There must be an involvement at all times by citizens, not just the parents but all of the citizens.

So National Education Funding Day, Funding Support Day, is designed to try to allow an opportunity for the businesses, for the labor unions, for the churches, sororities, all of them to get involved. We encourage them to do something for education. It is kind of a plagiarism on the National Night Out Against Crime.

The National Night Out Against Crime started, and it leaves it up to the locality to be innovative. You decide what you want to do to show that you are not afraid of criminals. You decide what you want to do to protect the fact that maybe the government is not doing enough about crime.

So we saw that phenomenon take place across the country and it caught on. People came out and they are very much active in the National Night Out Against Crime. I think it is on a Tuesday night in August.

So we are calling for a National Morning Out for Education. The date is October 23 this year. It was earlier than last year, which was November 14. National Morning Out for Education is what we are calling for National Funding Support Day.

Let any organization take part. Hopefully they will relate to an education institution, not just schools, but day care enters, Head Start centers, colleges, from kindergarten to graduate school. Let us do some things as laymen which show that everybody is concerned about education, we understand the importance of education.

By doing that as laymen, we send a message to the decision-makers. The elected officials, the people who are supposed to make decisions, will maybe begin to understand that what we have read in the polls is real. They have ignored the polls. The polls say that people at every level set education as one of the high priorities for government investment. They keep saying that. But for some reason the decision-makers are blind, or refuse to recognize that fact.

I do recall with great joy that we had a problem with libraries in New York City for years, getting enough funding. Public libraries were not being funded properly. I am very close to the situation because I am a librarian. I worked for the Brooklyn Public Library for 8 years before I went into city government.

We organized and we showed the elected officials for the first time that the best bang for the buck that you get in public life is through public libraries. You get more out of what you spend for public libraries than you do for any other activity, certainly any other educational activity. More people participate, use the books, use the facilities. The ratio of the dollars you spend to the good you achieve to the kind of help you give people is fantastic.

We finally made a breakthrough, and in the last mayoral election both candidates were vying with each other to see who could do the most for the libraries. That is the kind of breakthrough that I am optimistic about for education in general.

I think we are facing a golden age, that we have seen the worst. The early days of the 104th Congress were the worst days for education. Nobody in the future will ever propose that we eradicate the Department of Education again. I do not believe that is going to happen again.

I think we are on the verge of a new education-industrial alliance, that business understands that it is not going to be able to just offer rhetoric about the need to have improvements in education. It is going to have to be consistently more involved, that business is going to have to be involved in terms of supporting the kind of government investment in education that is necessary, which if that means more taxes, maybe they will follow the example of the Senate and come up with more creative ways to get taxes, like using the sale of the spectrum.

Why not? The spectrum belongs to all of us. Why have we allowed it to be used for free all these years? The big broadcast industries have used the spectrum up there. It belongs to all of us. They have made billions of dollars. Why did it have to be given away to them for free?

Yes, we did, in the early days of the Nation, we had land grants. We had various ways that we gave land to people, so I guess giving the spectrum away was sort of following that.

The only problem with giving the spectrum away to the broadcasters is that there were only about four major broadcasters. Land grants went to thousands and thousands of people, and the grants of the spectrum, which were not seen as grants, they were given away to four major big broadcasting networks.

So we ought to come back to using that kind of revenue, capturing that revenue to put it into productive activities like education. People like Felix Rohatyn, I like to cite him because he is no wild-eyed liberal, he is a businessman, a multimillionaire, maybe a billionaire, and when he makes proposals people listen, because he has demonstrated in their milieu, the hard-nosed milieu of finance and business, that he knows what he is doing.

So the latest proposal of Felix Rohatyn, who was considered at one point for the Federal Reserve Board, but the name was dropped because of opposition it was felt it would meet from the Republican-controlled Senate, but Felix Rohatyn's ideas have been talked about for quite a while in a number of circles, conservative and liberal. He has come up with a simple proposal that ought to strike home here.

□ 2115

Viewing the chaos in New York in respect to schools and space and knowing that we have an extreme situation in New York, but it is not so different in Chicago, in Philadelphia, in Los Angeles, all of our big cities are in trouble in terms of aging infrastructures for schools. Big cities happen to be where most of Americans live. Most people want to dismiss cities as being lost causes. If you dismiss cities as being lost causes in America, what you are doing is dismissing the majority of the American population as being a lost cause, because the majority of the American population, overwhelmingly they live in cities.

Cities drive our cultures and cities have a lot to do across the world and throughout history with progress and advancement and the cities' role, you cannot substitute any other entity for the kind of role that cities play. If cities decline and cities decay and cities are no longer functional, then nations will no longer be functional. I hope that some day that gets through to our political decisionmakers.

Rohatyn understands this. Rohatyn has been involved when New York City was in fiscal trouble, he became the head of the Municipal Assistance Corporation, which is something like the Washington Financial Control Board that we have in this city now, and after his term there, he was still interested in the city and he proposed some concrete proposals that were not listened to. One of them related to schools.

I am going to read from an article that Rohatyn wrote for the Wednesday, September 11 issue of the New York Times, an op-ed piece by Felix Rohatyn. I will just read some sections of it. Rohatyn says that a decade ago, and, remember, he is responding now to the fact that 91,000 young people did not have a place to sit in New York city schools when they went to school.

> A decade ago, in response to the abysmal state of New York City's public school buildings, the Municipal Assistance Corporation, with the support of Mayor Edward I. Koch and Gov. Mario Cuomo, committed $400 million of its surplus funds to creating a new School Construction Authority. This became the cornerstone of a five-year, $4.5 billion construction program aimed at providing decent schools and allowing for increasing enrollments over the next few years.
>
> Yet today the system is more overcrowded than ever. The buildings are often decrepit and, in many cases, dangerous for the children and the teachers. In part, this is the result of poor management * * *.
>
> In 1994, Ramon Cortines, then the Schools Chancellor, and the city's Commission on School Facilities and Maintenance Reform, led by Harold O. Levy, submitted a $7.5 billion, 5-year capital request. Mayor Rudolph Giuliani, struggling with the city's budget gap, gradually reduced this request to $2.9 billion, and later to $1.4 billion, and even the $1.4 billion is now no longer guaranteed.
>
> Such problems are not limited to New York City or to schools. Practically, every large city and state face deteriorating schools, roads, bridges, mass transit systems, sewers, and pollution-control plants. Few have the money to make repairs or build anew, and many have legal restrictions on their debt capacity. They need Federal assistance—specifically a program that would return an existing source of Federal revenue over to state and local governments.
>
> During the Presidential campaign, the 4.3 cent-a-gallon increase in the gas tax that was included in President Clinton's 1993 budget package has come under attack. Repealing it would be bad energy policy and bad economic policy. But it is worth considering a better use for the gas tax than Federal deficit reduction: making it available to state and local governments for public investment.
>
> Localities could spend the money directly on construction and renovation, or leverage the funds with secured borrowing. State and city governments have been cutting back on public investment because of budgetary problems and legal limits on their abilities to issue bonds.
>
> The income from a 4.3 cent Federal gasoline tax has the benefit of being highly predictable. It would provide about $5 billion to States every year, making it ideal for very long-term bonds issued for public investment.
>
> Nationwide, this could comfortably support from $75 billion to $100 billion in new programs by state and local governments over 5 years, assuming that they would pay an additional 20 percent to 25 percent of the cost beyond their take on the gasoline tax.
>
> With its share, New York State could generate $5 billion to $7 billion over the period. Each state would decide how best to use the money, but a significant portion would be committed to new schools and education technology.
>
> Such a program could result in more than buildings. It could create at least 2 million new jobs, public and private. Most would likely be well-paying jobs related to construction. Others would be less specialized jobs that could be opportunities for young people who need a chance to break the cycle of welfare.
>
> Under the new Federal law, finding work for welfare dependents is a hidden time bomb for state governments.
>
> Yes, the money will be lost to the Federal treasury. But replacing $5 billion each year in a $1.5 trillion Federal budget is a small challenge compared with the benefits of $100 billion of additional investment in cities over 5 years. The program would undoubtedly receive strong support from mayors and governors, Republicans and Democrats, business and labor.
>
> A program that would give city and state governments $75 billion to $100 billion would provide only a fraction of the more than $2 trillion needed nationwide for public improvements. But, if successful, the program could be extended and increased over time.
>
> President Clinton has recognized the need for Federal assistance to state and local governments by signing the bill sponsored by Senator Carol Moseley-Braun, Democrat of Illinois, providing interest rate subsidies for local school construction. This was a good beginning, but it is not nearly enough.
>
> Mr. Clinton has long called for public investment, yet neither party has put forth a program to meet the challenges facing urban America.
>
> Turning the revenue from the gas tax into schools and other badly needed public buildings would be a large part of Bill Clinton's bridge to the 21st century.

End of the article by Felix Rohatyn in the September 11th New York Times.

I said before Mr. Rohatyn is a businessman. He is a millionaire, he has to pay lots of taxes. He understands very well what he is proposing. The gas tax exists already. We have had a lot of controversy about repealing it. He says leave it in place, distribute it to the States and local governments, and he thinks the State governors and the mayors of municipalities will be quite happy to have this kind of innovative action by the Federal Government which will stimulate them to match them it to a certain degree and move for some improvements, including improvements on much needed educational facilities.

I have not even talked about the deterioration of the infrastructure of our colleges. We have a municipal college system, city college, City University of New York has 200,000 students. They have a problem with buildings, too. I have not talked about that.

My point is that I hope that we can look forward to some good news in the appropriations bill that comes from the conference of the Senate and the House. I hope that that will be a signal that we are ending the era of the attacks on the Federal role in education. I hope it will be signal that we are back on track, that education will again be a bipartisan activity. If nothing else comes out of this election year except that one positive feature, it will have a lasting impact on where the country is going.

We are talking about a revolutionary time where education is really as important as the rhetoric says it is. We have had rhetoric about how important education is for decades, for centuries, but it has never been more important than it is now.

I was fortunate enough to visit Russia, the former Soviet Union, this past summer, a seminar in Leningrad. Among the many things that I noted, one is of course the entrepreneurial spirit that has blossomed so quickly among Russians. Human beings are natural entrepreneurs and decades and decades of communism does not wipe out that spirit. So you are very impressed with how quickly it comes alive.

The other thing that is most impressive is the tremendous degree to which the population is educated. It is a tremendously educated population. I do not just mean literacy. This is an industrial nation. This is a nation with a population that has an industrial education, a technological, scientific education.

Yes, they had the worst political scientists in the world, but do not take that to mean that they do not have good scientists otherwise. The problem was political scientists are never given much credit, they are not celebrated like the other scientists, but the Soviet Union existed and plodded along and finally collapsed the way it did because they had the worst political scientists in the world. But they had scientists who put the space station up there that we are now rendezvousing, our astronauts are now going to their space station, and we should not forget that, that the kind of education, higher order education, theoretical, physics, chemistry, metallurgy, whatever you want to name, in a modern, industrialized, scientific society, it exists in Russia.

They understand computers very well. They are far behind us because their political scientists did not want to have an Internet. They did not want to allow a mass production of computers. They did not want to have decent telephones because they did not want people to communicate with each other. The political scientists wrecked the economy and almost wrecked the society once and for all, but it did not wreck it to the point where the education, especially the scientific and technological education, is not there. So you have Russia, you have other eastern European countries, you have Germany, you have numerous stations where education is far superior for the masses, far superior to the education that we provide here.

We talk about global competition, we talk about a small world, we talk about being able to hold our own in very loose terms, but it is very real. An educated population is our only guarantee that our society will be able to hold its own in terms of maintaining its market share, maintaining its standard of living. It can be drastically undercut. If you can have mass production of computer scientists in some other country, not just the Soviet Union, Russia, or Germany and the industrialized nations but in a nation which is a developing nation like India.

India has computer scientists on a par with computer scientists anywhere in the English-speaking world. So you have many computer companies who need computer programmers hiring people from India to work for wages of one year which is equal to one month's salary for American computer programmers. In fact, they call Bangalore, India the capital—and I have mentioned this before—Bangalore, India, is called one of the capitals of computer programming because if they do not bring the Indians from there to our companies here, if they have a problem getting them past immigration and getting enough into the country to do the things they want to do, they take the work to Bangalore.

Large numbers of American corporations are taking their computer programming work to Bangalore, India. They speak English, they understand science, computer science and so forth, and they are major competitors to people in the computer programming world in America. There will be more of these kinds of developments.

So education in terms of market share, in terms of staying ahead of the curve scientifically, et cetera, it becomes of utmost importance. Of course last night at the Committee for Education Funding dinner where 5 retiring Members of Congress were honored, PAT WILLIAMS spoke about education to prevent civic decay. That is not a small thing. In our country, which is a democracy, if we do not educate the populace, the very democracy itself will become an enemy if we do not have people who understand how this democracy works. So nothing is more important. We have activities that are going forward to try to get this across at many levels. Within the beltway and among people who know what the education agenda is, there are certain kinds of activities at work.

The Committee for Education Funding has a National Education Call-In Day which is tomorrow, September 18, 1996. They are giving everybody the capital switchboard, 202/225-3121, asking them to call the Members of Congress—Members of the House and Members of the Senate—and talk about the fact that we need help from the Federal Government to meet the challenges of growing enrollments, more students with special needs, new educational technology and a changing economy. That will work for certain groups of people as it has in the past and we hope that folks will call in and alert their Congressman to the fact that the appropriations bill for this year has not been passed.

□ 2130

Fiscal year 1997 begins on October 1st, and the education programs are not funded. We hope that either through a continuing resolution or an agreement on the appropriations bill we are going to reach the point where this is resolved, but it will not come automatically. So call in. Call in and remember that the Committee for Education Funding has some very hard facts that you ought to bear in mind.

Madam Speaker, I am going to read a few of those facts that the Committee for Education Funding put forward. Committee for Education Funding has about 80 different organizations in the country, national organizations, which have united under one umbrella to fight for more investment in education. So, they speak with great authority. School boards are represented, teacher unions, all kinds of organizations concerned with education. At high education level, at the preschool level, they are all there.

The fact sheet of the Committee for Education Funding reads as follows: It wants to remind us that over the last 2 years, education suffered cuts of more than $1.1 billion. Despite the fact that we stopped many cuts, it still suffered cuts of more than $1.1 billion over the last 2 years.

The fiscal year 1997 budget resolution, which is the one I am talking about now, passed by Congress this year, cuts education and—I am sorry, the budget resolution; in the budget resolution, which guides the appropriations process, we cut education and training by 17 percent in real terms over the next 6 years according to the Senate Committee on the Budget.

While calling for some program consolidation reductions, President Clinton's fiscal year 1997 budget request does propose to increase the investment of education back to $2.8 billion in fiscal year 1997 and maintains that level of investment over the next 6 years.

Madam Speaker, I will not go on and on with these facts. I just wanted to say that the call-in sponsored by the Committee for Education Funding is a very good idea. It is one way to have people demonstrate that the public opinions are real, the public opinion polls are real; that there are real human beings out there behind those public opinion polls. Every politician is concerned about public opinion polls and focus groups and really being in sync with public opinion. So it is kind of a contradiction, a paradox, that they will not listen to the public when it comes to education.

We have to end that paradox. We have to hit the politicians, the decision-makers, and elected officials, the candidates, hit them with a sledgehammer and make them understand we mean business when we say education is a priority, ought to be a priority. One way you hit them with the sledgehammer is to keep banging away in every way possible.

Make the telephone calls on October 23rd when we have the National Education Funding Support Day. Organize some kind of group and demonstrate your concern by going to a school and linking up with a school. Some people have gone to schools and provided books, gifts. Other people have helped programs in schools. There is one group of parking agents who have said they will provide a week of safe conduct to certain schools in certain parts of the cities that have had trouble with kids not being able to get to school safely.

Whatever your particular organization can do, do it. We are urging that churches adopt a school and link up with what we call net day. There is a net day project that most of you have heard about. Net day means that that is a day when a locale or a State pledges to wire all of its schools, to provide the wiring necessary for the schools to have appropriate computers and for the schools to link up with the Internet.

A minimum net day effort is to wire the library of the school and five classrooms. So let us have some net days on October 23. If you cannot do it by October 23, then for the period between October 23 and the middle of November, in the middle of November we have National Education Week, from October 23 to the middle of November. Try to mobilize and get together the necessary ingredients and elements to wire your school, to wire the library and wire four classrooms. That is what net day is all about.

At the same time, you might consider the fact that there is a campaign on called the campaign to get the E rate. The E rate means a rate for the wired schools, for their being able to utilize the services, whether they are online services or whatever to come in the future at a reduced rate.

All schools and libraries, according to the law passed by the Congress, we passed the law which says the FCC must work out a way for all schools and libraries to get a reduced rate, to be accommodated. It does not spell out how the FCC should do that, so the Secretary of Labor has proposed that they do it for free to all schools and libraries. It will be easier to administer that way, and what the companies will be doing is developing future customers.

Madam Speaker, we have massive numbers of customers that, if they make it easy for them to get the necessary wiring and the cost of using the Internet and the various services is zero for the schools, then the kinds of people they will develop in the schools will be customers in the future forever. People spend 12 years in school, but they live two or three times that long. If they learn how to use these various facilities, they will be creating a market for themselves.

So we say the E rate should not just be a discount rate, but for schools and libraries why not have it completely free? And that is one proposal I would like to see us support. Secretary Riley has a proposal. If we do not get that, then there are various discounts that are being proposed that we will also fight for.

The FCC will make this decision sometime within the next 2 months, so it is important, as we participate in National Education Funding Support Day, to understand how important that is. That is a once in a generation time activity. Once you get that kind of benefit, it goes on and on, and it has implications for many years and many generations to come.

We talk a lot about how costly these new educational technology items are, computers, et cetera. And it is true they cost so much more than a desk and chair and book. In New York City we are struggling with the problem of just providing a desk and a chair. But we cannot get locked into a situation where we do not discuss educational technology, computers, online Internet, because we have not solved the problem of the desk and the chair. If every city in America had decided it would not build an airport until it fixed all the roads and all the sidewalks, then very few cities in America would have airports. They would be in very bad shape if they did not have airports.

So you have to look to the future and get involved in the new technology and what it can do for the imaginations of the youngsters who are in our schools and make certain that the schools in the inner city communities, like New York City, like my district in Brooklyn, one of the poorest districts, is not left behind because they do not have the computers and they do not have the access to the Internet.

Madam Speaker, all of it has to go together. We have to fight for the desk and fight for the chair, fight for the space in a building, fight for the safety in the building, the end of the violations related to asbestos or lead poisoning, ventilation. We have to fight for it all at one time.

It costs money. It will cost money, but it is not half as costly as some of the modern expenditures that we are accustomed to. We are ready to appropriate $13 billion more to the Department of Defense. In fact, that is what the majority, Republican majority has done. They have added $13 billion to the President's request for defense. A new attack submarine costs $775 million. A B–2 bomber, we can give 7 million more children an opportunity to become productive citizens for the cost of three B–2 bombers. We could double the safe and drug-free schools program for the cost of the *Seawolf* submarine program. America could hire an additional 267,000 elementary and secondary schoolteachers for a billion dollars. For a billion dollars we could spend an extra $23 on every elementary and secondary school child in the country. We could purchase 398,000 multimedia computers for a billion dollars.

You say a billion dollars is a lot of money. A billion dollars is what—the CIA had $2 billion in its slush fund that they could not account for. It had gotten lost. To let you know, $2 billion for the CIA was not very much, but $2 billion would go a long way in terms of spending for our school children.

Modern costs are high, but we should not get overwhelmed. We should understand that, if education is a number one national security item, if the people of the country, in their commonsense wisdom, have decided education ought to be the highest priority, then let us not hesitate to make the investment in education, to take us across that bridge to the 21st century. Our children deserve it, our great Nation needs it. I think we can do not less than what our capacity allows us to do.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 211. Concurrent Resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

The message also announced that the Senate agrees, to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3816) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes."

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 67. Concurrent resolution to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy.

ROCKFORD RESCUE MISSION: BRINGING THE COMMUNITY TOGETHER TO SOLVE COMMUNITY PROBLEMS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 60 minutes.

Mr. MANZULLO. Madam Speaker, I come to the floor of the House today to praise the efforts of the Rockford Rescue Mission in their winning fight against homelessness, addiction, and poverty. For more than 30 years, the Rockford Rescue Mission has provided food, shelter, job training, and drug and alcohol rehabilitation to the most needy in the Rockford community.

In 1964, Mr. Stewart, a recovering alcoholic, recognized that there were a number of men in downtown Rockford who were either alcoholic, unemployed, undereducated, lacking direction, or a combination of these. Mr. Stewart saw that these men congregated in relatively the same area and felt that there had to be some way to reach them and help them find direction back to being contributing members of the community.

With just $9.63, Stewart rented a small building on Kishwaukee Street, and the Rockford Rescue Mission was born. He took in the homeless. He fed them, gave them a place to rest, and helped in every way he could to see these men back to being part of the community instead of wayward outcasts.

Mr. Stewart asked his pastor and his wife, the Reverend Gerald and Nadine Pitney, to take over the directorship of the Mission. Reverend and Mrs. Pitney agreed and began a life-long, family commitment to serving and helping the poorest of the poor in the city. The Mission started small, serving only a few single men needing food and shelter.

Over the years, the needs of the Rockford community changed. More and more women and families needed help and direction. As these demands developed, the volunteers and limited staff worked tirelessly to expand the facilities and types of assistance they offered to meet Rockford's growing needs. Today, under the leadership of the Reverend Perry Pitney (the son of the Reverend Gerald and Nadine Pitney), the Rockford Rescue Mission is continuing its efforts to adjust to the changing needs of the community.

Reverend Perry Pitney, recognizing that the needs of Rockford's homeless have changed dramatically since the Mission first opened, stated, "The reality of who the homeless are has changed dramatically over the past few years. The idea of old, alcoholic male drifters passing through a community is now a proven myth. Homelessness is a local issue and must be dealt with locally."

The needs of the homeless in the Rockford community continue to grow. In 1995, the Rockford Rescue Mission served over 80,000 meals, housed over 18,000 people, and gave away over 87,000 food items, clothing, and household necessities. Now the Rockford Rescue Mission is looking to triple its size. In doing so, they will expand their programs for outreach into the community. The current facilities cannot keep up with the overwhelming number of people searching for a place to begin again. The Rockford Rescue Mission is dedicated to the future of Rockford and is committed to keeping its doors open to everyone seeking help.

The staff of the Mission wants Rockford to continue being a city of hope. The expansion of facilities and services will help supply the tools necessary to fight a winning battle against homelessness and poverty. This is a picture of what some of their new facilities will look like.

Homelessness, poverty, substance abuse, and unemployment are not problems unique to Rockford, Illinois. Nearly every community in this nation faces these problems. Clearly, our communities are all searching for workable solutions to help those of our neighbors looking to start over. The Rockford Rescue Mission has set itself apart as a model of compassion with real results.

Help: that is what the Rockford Rescue Mission is all about. Compassion: that is what drives the staff and volunteers to commit themselves to the betterment of the futures of men, women, and families in need. In turn, the entire Rockford community will have a better future.

I come to the floor of the House today to congratulate the Rockford Rescue Mission for more than three decades of service to people. In the best traditions of the United States, they have lived and taught compassion. They are expanding their efforts to reach more people. They have started work on renovating two buildings which will provide space for a thrift shop, the Helping Hand program, emergency services for men, women, and families, and a men's recovery program. The Mission realizes that programs to help children must be stepped up, curbing gang participation and violence. The Mission realizes that the cycle of poverty and homelessness is often perpetuated generation after generation. Reaching the children and breaking that cycle is of paramount importance.

Too many organizations today say, "All we need is more government money, more Federal grants, and we can accomplish the task." But Rockford Rescue Mission has accomplished all this without any government money. They did it on their own, meeting their obligations through donations from individuals, churches, and businesses. They have succeeded in helping the Rockville community by involving the Rockford community. The Rockford Rescue Mission has done more to fight poverty and homelessness than most government programs. Why? Remember what Reverend Pitney said, "Homelessness is a local issue and must be dealt with locally."

The Rockford Rescue Mission on South Madison Street in Rockford, IL has provided day to day survival assistance for three decades. Their philosophy is to help "All whom we can, in all ways we can, as long as ever we can." Day after day for 30 years, the Rockford Rescue Mission has helped the neediest of the needy with no questions asked. The Rockford Rescue Mission has helped find food, shelter, clothing, and guidance for the homeless, the battered, the addicted, and the hungry.

JUDICIAL TAXATION

Madam Speaker, we hear over and over how the Government must spend more money here and there. Who is the government? Is it us, here in Congress? Is it the bureaucrats inside the beltway? No. It is the average American person.

Who is the average American? The average American is the one who gets up at the crack of dawn fixes the childrens' breakfast, reads the morning paper, takes the dog out for a walk, kisses the spouse good-bye as one and in many cases both leave for work.

The average American goes to work to support the family, pay the bills, maybe sometime save enough to buy something new, or go on vacation. The average American wants a good life, and strives hard for it. The average American is competitive and wants to get ahead; no doubt wants America to get ahead.

So, I ask again, who is the government? My colleagues, the Government is the people—the average American person, who puts in a hard day's work.

But in today's society, as I alluded to a moment ago, it is becoming the norm—in a two parent household—that both parents must work to make ends meet.

Each person must work about a third of the day or more in order to cover the costs that each government (local, State and Federal) requires in order to operate.

Is it any wonder that Americans are upset when their government simply suggests that more money will take care of a problem; that more money is going to solve an inconsistency?

I want to take some time tonight to explain what is happening in a school district in Rockford, IL.

People living in Public School District 205 are dismayed over the sharp increase in their property taxes as a result of a Federal court remedy in a disegration lawsuit against the school district. The compliants I have received from people include the fact that taxpayers are funding millions of dollars for a school master, attorney's fees, consultants, etc., while seeing little money going to educate their children. They complain, and rightly so, that huge spikes in real estate taxes are making homes in Rockford very difficult to sell. Seniors have advised me they can barely pay the taxes on their homes. This situation with the Rockford schools is dividing and devastating the city.

Rockford is not the only community affected by judicial taxation. There are numerous school districts having the same problems we are. The Federal judge in Kansas City, MO ordered taxes increased and spent over $1 billion, and there has been little improvement in the school system or with regards to desegregation numbers. Lawyers, masters, and consultants have been the beneficiaries of these court orders while the children's education has seen little improvement.

The people of Rockford continue to be placed in a situation where the Federal court enters remedies to be paid for with a checkbook that has no limits.

I know many of the people in the city of Rockford. They are not segregationists. They are concerned Americans. They are concerned about their neighbors. They are concerned about the quality of their schools and their children's education. But they are also concerned about making it through life. They are concerned about their living expenses. They are concerned about making ends meet. They are concerned about putting food on the table. They are concerned average Americans.

But, a law suit is filed. A judge makes a finding that there is not racial equality. The first thing that is needed—money. Money will solve the problem, so we need to raise capital in order to bring about equity.

Isn't anyone asking or wondering—Is there another way? What happens when the people are tapped out?

What about all of the additional daily expenses: other taxes, bills, food on the table?

I want to discuss constitutional authority and the expense of taxes for a moment.

The Constitution is the document that grants the authority to Congress, the executive branch, and the judiciary. Nowhere within that document does it say that anyone at the Federal level of government other than Congress can institute a tax increase, period. That's what it says, that's what it should mean.

But, a Federal judge, practically anywhere across the Nation, still will continue such tax mandates from on high. The people who are affected still will have to pony up expenses, whether they be to pay for the judicially imposed taxes, or to fight the imposition in court—which again takes money.

Judicial taxation is not, however, limited to school districts. Federal judges have ordered tax increases to build public housing and expand jails. Any State or local government is subject to such rulings from the Federal courts.

Now, are we seeing a pattern here? Does it really take more money to resolve a problem?

The Federal Government needs more money; so, it raises taxes. We've seen it done, several times over the past 20 years. Yes, we've seen in both Democrat and Republican administrations. We have seen it twice in the 1990's. Most recently, we had the largest tax increase in the history of this Nation—the $268 billion Clinton tax increase—to pay down the deficit and bring down the debt. Guess what, spending has continued to rise. The debt has continued to increase to over $5.1 trillion. That is a lot of money.

Remember that State governments still must operate. That costs money. Local governments need money to operate.

Now, in addition to all of that, we have a situation in which a Federal judge orders a community to pay more for something that is not necessarily their fault. Whether it be for a new jail—because of overcrowding, or to build a new school—because the ones that were closed down were not good enough. Remedies are necessary, but we must always examine the costs.

American parents, Rockford citizens, have always been concerned about the economic well-being and competitiveness of their children. No one has a greater stake in good jobs at good wages than do the parents who nurture and support their children. This will not change.

Parents know that excellent schools exist all over America. These schools often excel in spite of, not because of, out-of-State administrators or Federal judges. Parents ordinarily seek out schools that are friendly, familiar, and near. In so doing, they help create a sense of the school as a community dedicated to learning.

Researchers have found this sense of community to be an indispensable factor in academic success. Yet it is precisely this community that will be lost if the impact of un-democratically raised taxes continues this upward fashion.

Well, in school district 205—this Federal judge's order is tearing the community apart. People are fleeing the community because they don't have the money to pay for the extra expenses. I say again—the situation in Rockford, IL, is dividing the devastating the city.

Even Bill Clinton stated in his acceptance speech at the 1992 Democratic National Convention, "governments do not raise children—parents do."

If we are to take this seriously, that government cannot buy love and equality for children any more than money can buy happiness for adults, we must remember the forgotten American.

We are currently entering into a debate on reforming the Federal Tax Code. We will be studying the impact of Federal tax policy on personal savings and spending, the impact on State and local governments, as well as the overall effect on the economy.

One additional area that Congress needs to address is the impact judicial mandates and taxes on State and local governments. Actions by Federal judges that directly or indirectly force a State or local government to raise taxes have had serious impacts on our Nation's economy. In many cases, remedy decisions have forced State and local governments to increase taxes, putting more pressure on take home pay or affecting property values.

Everywhere you look, someone is getting taxes for this or that reason. A nickel here, a nickel there, doesn't seem like much. Now, multiply that out, over the long term. Before long, it adds up to $50 here, $50 there. Not much, some say. Guess what? It is a lot of money.

The forgotten American pays every single day—the one who gets up at the crack of dawn. Members here in Congress have the task to check the spending.

I have introduced legislation which places very strict limitations on the power of a Federal court to increase taxes for purposes of carrying out a judicial order.

This legislation is not about desegregation or any other decision where a Federal law has been broken. It is about taxpayers paying for Federal court remedies involving the raising of taxes without the permission of the taxpayers—this is taxation without representation. The remedy should be tempered by the community's ability to pay for it, without raising taxes.

If the school board, municipality, or State government feels that taxes have to be raised, then it should go to the people and ask for an increase. Otherwise, the school board should work within its mans. There is no such thing as a school district dollar just as there is no such thing as a Federal tax dollar. The money belongs to the people. Judicial taxation is a back door method to take people's hard earned money without representation.

I am not criticizing Federal judges. Our judges are honorable people. But a judge works within the parameters of the laws available to him or her. The purpose of my legislation is to make it very difficult for a Federal judge, who is an unelected official, to raise taxes, and therefore press him or her to work within the budgetary constraints of the State or local government.

Any lasting result that could come out of a judge's remedy decision must come from the community and must have the people behind it. There has been no success in cases where judicial mandates alone act as the remedy. As I mentioned before, there are many people who are willing to make a positive contribution to solving these problems. By relieving the State and local governments of the burden of judicial taxation, the people of a State, city, or school district will be able to step forward and be part of a solution that is best for the community.

Let me be explicitly clear that I am not talking about whatever remedies are made by the court. I am talking about how to pay for whatever remedy results from any decision. That is where Congress can have input into this area. I take no position on what remedial actions may be enacted—that is a matter of the elected officials on the State and local level, but I am constrained to take a position on how those remedies are funded. This becomes a Federal function because this is a Federal judge applying Federal and constitutional law.

Congress must act on tax reform in all areas. The power of unchecked taxation is a very serious threat to our system of government, it is a threat to the average American who is trying to make ends meet.

Government—every single one of us—cannot continue to stand idly by and watch the tax dollars be raised and spent unchecked. We have an obligation, as the guardians of the Federal purse, to make sure that the money of the forgotten American is spent wisely.

Because we must remember how hard the average American, the forgotten American has to work in order to pay for the bed where he or she sleeps, pay for the food and coffee they eat and drink for breakfast, pay for the food that they pack for their kids' lunches, pay for the gas to power the car that they must buy, and go to work and come home to the house that must be paid for. This is the forgotten American who pays, not only for the bills in everyday life, but for the tax bills that run the American Government. It is for these people that we, ourselves, must work hard to make sure that each and every tax dollar is raised and spent correctly and wisely.

The time for reform is now.

THE DRUG ISSUE—IT'S EVERYONE'S RESPONSIBILITY

Madam Speaker, this evening I also want to discuss one of the biggest problems facing this nation: illegal drug use.

Statistics show that illicit use is rising at an alarming rate. Drug use among our nation's children has more than doubled in the past four years—a staggering rate of increase.

The scourge of illicit drugs is rampant in our society. How do we know this? Well, we read it in our local newspapers everyday; we hear about it on the daily radio and television talk shows; we see it on our nightly news programs.

Some may say that this saturation reporting is desensitizing the general public to the problems that drug abuse is causing in America's communities, homes and schools, and with our children—our future.

I've heard a lot of rhetoric from both political parties about drug abuse. However, this is not a partisan issue. Drug abuse knows no political ideology.

Let's take a look at some of those alarming statistics from some recent studies. On August 1, 1996 the U.S. Department of Health and Human Services reported:

Drug use among teenagers has skyrocketed—from 1992 to 1995, and overall drug use among those 12 years-old to 17 years-old has gone up 78 percent;

Marijuana use from the same period more than doubled at 105 percent;

Use of the hallucinogenic drug LSD also more than doubled at a 103 percent increase; and

Cocaine use increased a staggering 166 percent for that time frame.

Another study—this one from Luntz Research, shows that among teenagers up to the age of 17:

60 percent say they can buy marijuana within one day;

62 percent have friends who use marijuana;

58 percent have been solicited to buy marijuana; and

58 percent know someone who personally uses hard drugs such as LSD, heroin or cocaine.

This is staggering as much as it is tragic.

There is a study that is particularly disturbing. It is a survey, apparently the first of its kind, that asked parents and teens about attitudes toward drugs. Sponsored by Columbia University's Center on Addiction and Substance Abuse, it found that:

Two-thirds of baby-boomer parents who experimented with marijuana as teenagers expect their own children will do the same;

Overall, that 46 percent of the parents surveyed said they expect their children to try illegal drugs;

Forty-nine percent—almost half—of parents surveyed knew someone who uses illegal drugs today; and

One-third of parents have friends who currently use marijuana. These are friends of the parents.

These studies reveal a common theme: that drug use is on the increase and there seems to be a growing apathy about its misuse. The message that drug use is bad for society is somehow getting lost.

It is not just the numbers; it is the simple fact that people feel that there is a need to experiment and use drugs, and that it is somehow expected. In areas around the country, it seems to have become almost a right of passage for our adolescents into adulthood.

Is this the message we want to send? Of course not. Drug abuse reaps deadly consequences. Almost three-quarters of all crime is somehow drug related. Drug abuse sets the stage for death by overdose and suicide. There are scores of accidents caused by drug use. Make no mistake about it: drugs have an impact on each and every member of our society, and we must do something about it. And I don't mean we, as Congress. No the we I am talking about is everyone in our country.

The issue of drugs is not, and should not be, about election year politicking. It is and must be about attempting to deal with this scourge, this blight on our nation. Who's to blame? That is the political question. What to do? That is the real question. Let's not talk about blame; let's talk about what to do.

To answer that question we must begin by asking ourselves whether we have done what we can to work against this national disgrace. Drug abuse knows no race, no political persuasion, no economic class, no gender. It is everyone's problem because it affects everyone.

That is why everyone must do his or her part to work for a lasting solution. It starts at home. The effort begins with parents and guardians. The responsibility continues with our schools—it takes constant reminders from our teachers and administrators about the problems of drugs. The responsibility is with our media and entertainment industry, and it continues with our business leaders. Responsibility is with our elected officials—Republican, Democrat, and Independents.

Our children need guidance and role models so that when they come of age they can exercise individual responsibility and make the right choices concerning drugs.

But is the next generation being given the direction it desperately needs? When I look at the Columbia University study, it makes me wonder. Joseph Califano, president of the National Center on Addiction and Substance Abuse at Columbia University and a former secretary to the U.S. Department of Health, Education and Welfare states:

> That the baby boomers appear to be so ambivalent and so resigned to drug use by kids is very disturbing. They should be mad as hell. Instead, they're saying there's nothing we can do about it.

In the past, Mr. Califano astutely remarked:

> Drugs are not dangerous because they are illegal; they are illegal because they are dangerous. Not all children who use illegal drugs will become addicts, but all children, particularly the poorest, are vulnerable to abuse and addiction. Russian roulette is not a game anyone should play. Legalizing drugs is not only playing Russian roulette with our children. It's slipping a couple of extra bullets in the chamber.

He makes a good, solid point. People should care about drugs, drug abuse and society's attitudes about it. Congress, most of all, should never discuss legalization of drugs. We should be discussing how to keep people from using drugs at all.

I want to discuss how one member of this body thought he could make a difference. He is Representative ROB PORTMAN. Mr. PORTMAN saw a problem and decided he wanted to address it head on. When he found that it worked, he decided to share this information with other members of Congress. It is something that is based in commonsense, indeed. It is the Community Anti-Drug Coalition.

This coalition is an attempt by participating members of Congress to mobilize the local communities in conjunction with local law enforcement; schools; parent/teacher associations; community clubs—such as the Lions and Rotary Clubs; the media—television, newspaper and radio; churches; state and local politicians; local, state, and national anti-drug and rehabilitations services to jointly arrive at a solution to end illegal drug use and drug abuse. The effort is to get everyone involved in community-wide, and by extension, a nation-wide anti-drug awareness project. It is a very exciting opportunity for members of Congress to utilize their public offices as a soap box and encourage all members of their communities to get involved in the simple message that we all know to be true: Drugs are dangerous, drugs are bad, people should not use drugs.

I encourage everyone watching at home and members here in the chamber to get involved. This is a problem that needs a comprehensive solution. The solution involves participation and action by all segments of the local community and at all levels of government. Let's not wait any longer.

□ 2200

Lastly this evening I am going to be joined by my colleague, Congressman PETER HOEKSTRA of Michigan. I yield to the distinguished gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Madam Speaker, I thank my colleague for yielding. It was with some interest, as I was coming out to Washington earlier today, that I read in USA Today and went out and took a look at what the Associated Press [AP] had to say about the similar article that was in USA Today. It is described by Bruce Babbitt, one of the members of the President's administration. He describes it as "It is a great win/win situation for everyone." And you take a look at it and say, now, what would somebody in the President's administration be calling a win/win, a win/win for everybody. If it is a win/win for everyone, it is a win for those of us in Washington, it is a win for the American people and whatever projects.

And when you get beyond the win/win, what you find is that it is, quoted in one of the Washington papers, Babbitt proposes a new tax.

You were talking earlier in your special order about taxes. We know how much the American people are taxed. And it appears that for Mr. Babbitt and for the President, perhaps that number is not high enough yet, that when 38 cents of every dollar that the American family earns goes to pay taxes at the local, the State or the Federal level, maybe that is not quite enough; that when the average American family works until May 7 of every year to pay that 38 cents or to pay their share of State and local and Federal taxes, Mr. Babbitt and the President still do not believe that that is enough. When they figure out that the cost of government, when you not only take the cost of taxes that we directly pay, but you add in the indirect cost of government and the rules and regulations and that we work, that the average family works until July 3 to pay those additional costs, we find out now what Independence Day means. It has a whole new meaning.

It no longer means independence from the tyranny of taxation with no representation, but in today's world, it means that on July 4 is the first day that the average American keeps what they earn on that day and they do not send it to one form of government or another or are not paying for the cost of regulations.

Mr. MANZULLO. Madam Speaker, what happens during the month of July and August is that the average American decides to go on vacation.

Mr. HOEKSTRA. Madam Speaker, what in the world does vacation have to do with new taxes?

Mr. MANZULLO. Well, Secretary Babbitt has found a way to tax the accoutrements of vacation.

Mr. HOEKSTRA. What is that?

Mr. MANZULLO. Things that you use on vacation.

Mr. HOEKSTRA. Madam Speaker, I believe that we ought to be fair to Mr. Babbitt, and I have misspoken myself. We are not talking about a new tax. The fee or the—excuse me, the term that the Secretary uses is, U.S. Interior Secretary Bruce Babbitt would put a, not a tax—a surcharge on outdoor-related equipment, and so it is not a tax.

Later on now the AP goes on to take the liberty of describing a surcharge as a tax, but Mr. Babbitt has not called it a tax. He is working with, teaming with a wildlife group. And they also do not use the term "surcharge" or "tax." They call it a "user fee." This is what I think is interesting. We will talk a little bit about the amount. We will talk about the amount.

But listen what they say about a user fee, which Mr. Babbitt calls a surcharge, which the Associated Press calls a tax, and which you and I would probably call a tax because what it means is that an American citizen is taking some money and sending it to government, and that is typically a tax.

But they go on to say, make sure that the user fee must not act as a barrier to a product's sale. The user fee must not act as a barrier to a product's sale. So obviously, again, this is a case of companies and small businesses, because we will go through the list, these things are sold by small businesses. These small business people in America just must be making excess obscene products.

I know that the distinguished chairwoman in the Speaker's chair this evening is chairing the Small Business Administration and cannot participate in this dialog. But I am sure if she had the liberty to participate in this dialog, the meetings and the hearings that we have had with her, she would clearly indicate that small businesses are under tremendous pressure and that any attempt to go back to small businesses or the American people probably would be hindrance to the sale of a new product.

□ 2215

This is naive people in Washington saying we can charge people more, but of course it will not be a barrier to sale of more product. I gladly yield.

Mr. MANZULLO. You know, what is interesting is what is going to be taxed. I mean film.

Mr. HOEKSTRA. Gentleman give an example?

Mr. MANZULLO. Film. Secretary Babbitt wants to put a 2 to 3-percent national sales tax on cameras, film, lenses and, look at this, an outdoor sleeping mat.

Now there is no tax on a mattress inside the house, no national tax, but if you sleep outside, he wants to have a 5-percent outdoor recreation equipment.

We just bought my son a mountain bike. We do not live in the mountains, but we bought him a mountain bike, and he wants to put a 5-percent tax on mountain bikes.

Look at the list of things he wants to tax: backpacks, camping stoves.

I have Century Tool located in the district that I represent, and I am going to talk to them tomorrow and say: "Look at Secretary Babbitt, wants to put a 5-percent surcharge because people cook outside, that somehow they're to be penalized for that."

Camping utensils, canoes, canteens; 5-percent tax on canteens, climbing equipment, compasses.

Secretary Babbitt needs to perhaps have a compass to find his way out of this tax hysteria, but he wants to have a 5-percent tax put on compasses, cooking bags, floatation vests, hiking boots, kayaks. The whole ski industry would be subjected to now a new 5-percent tax: skis, poles, boots.

Sleeping bags. My kids have sleeping bags; they never slept outside. They sleep on the floor of the family room.

Snow shoes, Tents.

Every tent in America would be subjected to a new 5-percent Babbitt tax, Babbitt-Clinton tax. And canoe paddles, or prepacked camp foods.

That is interesting.

Mr. HOEKSTRA. If the gentleman would yield?

Mr. MANZULLO. Yes.

Mr. HOEKSTRA. I mean you are getting to the fun parts now. I mean we think about it, the list that you have just gone through. Backpacks? The majority of backpacks in this country—

Mr. MANZULLO. Is for school.

Mr. HOEKSTRA. Go to schools. It is the kids.

I have got three kids, 14, 11 and 8. They all go to school every morning with backpacks. Those now next year, when we go out and buy them with a Clinton, new Clinton-Babbitt tax, those backpacks will cost 5 percent more.

But you forgot a couple of interesting things in there because obviously it is clear that Mr. Babbitt believes that government is not taking enough money, and otherwise he would not be proposing it. But remember this is a big number. This is a 5-percent tax. In Michigan our sales tax is 6 percent. You now tack on a 5-percent on top of that so he obviously believes government is not big enough and is not spending too much and he wants a little bit more money. But he also believes that the IRS is not big enough because we are going to have to come up with rules and regulations to implement this. We are going to tax certain camping utensils, but only those that are connected or folding. So, if it does not connect or snap together or fold, you do not pay the tax.

Mr. MANZULLO. So if a Swiss army knife has a spoon on it or a fork, that would be taxed, but a smaller Swiss army knife would not be taxed.

Mr. HOEKSTRA. If it only had knives, and if it had just the blades with no forks——

Mr. MANZULLO. Screwdrivers and things like that.

Mr. HOEKSTRA. I do not know, but we would have a bureaucrat at the IRS who would make that call.

Mr. MANZULLO. And what about talking about——

Mr. HOEKSTRA. Do not go to the calls yet, but take a look at another one, the floatation vests.

Mr. MANZULLO. Floatation vests?

Mr. HOEKSTRA. Floatation vests. Select, and for those—you know, this is, I am glad that they have already got the bureaucrats involved because for most people, floatation vests are just kind of like life preservers. But are we going to tax all floatation vests, or are we going to go to the IRS and come up with a set of rules and regulations that say these vests are taxed, taxed as 5 percent, and these are not? We are only going to tax selected classes of life preservers, but of course we are not going to tax standard lifeboat vests.

You know, there is stuff on here. You outline the skis, polls, boots. That includes cross-country and downhill. Make sure we do not forget snowboards; they are now on the list. I do not know what a stuff sack is, but they are going to be taxed.

Now let us go on. So we have covered—if you are going to have any fun outside, you know you can figure you are going to pay 5 percent, and it is not on this list, but I bet it soon will be: rollerblades will be on there. I cannot imagine not having rollerblades.

Mr. MANZULLO. Well if you have skis, you have to have rollerblades as a matter of equity——

Mr. HOEKSTRA. Otherwise it would be discrimination.

Mr. MANZULLO. Right.

Mr. HOEKSTRA. But then going on to the category that you were talking about: cause. For those of you that have bird feeders in your backyard you will now know that we are going to have the Clinton-Babbitt backyard and wildlife products tax.

Mr. MANZULLO. At 5 percent.

Mr. HOEKSTRA. Five percent, the Backyard and Wildlife Products Act. Five percent. And what are we going to tax here? We are going to tax wild birdseed and other wild animal feed except seed that is packaged for pet feed.

All right. So we are going to have somebody in Washington again describing, you know, what is pet feed and what is wild animal feed.

Mr. MANZULLO. Reclaiming my time, would birdseed for robins and birds that are not considered to be wild, would that be taxed?

Perhaps the tax would be based upon the tax people would have to come to your backyard and determine which birds were eating the seed, then have a proportionate tax based upon that.

Mr. HOEKSTRA. Yes, and I would guess that if you took your seed that was packaged for pet feed and you ran out of wild bird feed but you took your seeds for pet feed and you used it outside for a wild bird, you know, you would be breaking the law.

Mr. MANZULLO. But what if your pets are wild birds?

Mr. HOEKSTRA. Well, if it is a pet and it is wild, then it cannot be your pet. But I bet we would have a regulation on defining when a pet is a pet and when it is wild it is not.

Mr. MANZULLO. And would the gentleman comment on whether or not the new Clinton tax would impact birds that decided to be hygienic and take a bath?

Mr. HOEKSTRA. Yes, we cover that, or excuse me, the Clinton-Babbitt tax covers that because we do have a tax here on wild birdbaths.

Mr. MANZULLO. Wild birdbaths.

Mr. HOEKSTRA. Wild birdbaths, and we also have a tax on wild bird houses, bat houses, squirrel houses and houses constructed for use by other wildlife, nest platforms for wild birds.

Mr. MANZULLO. And You know what is amazing about this is that Mr. Babbitt, claiming to be a conservationist, would want to try to do everything possible to encourage the wisest use possible of our natural resources and to encourage people to feed the wild birds in the backyard, and instead he wants to impose another tax.

Mr. HOEKSTRA. I beg to take exception because I take Mr. Babbitt at his word. He does believe that he is doing the best for wildlife because what he is doing is he is saying: "You as American citizens don't know what to do for wildlife or the birds in your backyard. Send me the tax because when I collect the money, States would then apply for the money to fund specific projects and would be required to match 25 percent of the Federal grants."

So this is not about protecting or preserving the environment; it is just about how we do it. You pay the tax, you send the money to Washington so that the bureaucrats here in Washington can figure out what projects are best to do, and you know you cannot do that at the State level. We have got to have people in the Interior Department who are going to get this money from the IRS, who will then review the grants, and this is, you know, goes back—you are aware of the myth project that we have been working on, the myth that says only Washington can do things right. This is going to create a new department on not Independence Avenue, on Dependence Avenue, because it is going to be once again bureaucrats making decisions.

In this case they are taking your money that you are going to buy birdbaths, birdhouses, bat houses, birdseed and this even goes on. You got a hummingbird feeder in your backyard.

Mr. MUNZULLO. So what?

Mr. HOEKSTRA. You got to pay taxes on the hummingbird feeder. If you go to the grocery store and you buy suet and you put it in this little mesh thing, I am sorry, that is now taxed. You have to pay.

Mr. MANZULLO. It is a tax on fat.

Mr. HOEKSTRA. A tax on fat.

Mr. MANZULLO. And if the gentleman will yield, then there is a special tax, a 5-percent tax on books, videos and audio. We have a CD-ROM that we play on the back porch of our farm.

We call R. Olsen. Occasionally an eagle will stop by on its way to the Mississippi River, or a great blue heron, and we have the Roger Torrey Peterson bird guides, the tremendous bird guides, the books that you buy so you can examine and identify the birds in your backyard, and those audio tapes of wildlife calls, you know, the owl tapes, you know what I mean. We play those at night, and the owls, you can see the owls fluttering around, and we take the flashlight, teach the kids about nature.

My wife is a biologist and loves to teach the kids about the environment. All that will be subject to another 5 percent tax, talk about an additional tax on educational materials.

Mr. HOEKSTRA. If the gentleman will yield, it goes on. We have talked about outdoor recreation equipment, backyard wildlife products, books and videos. You talked about the binoculars or may be we have not covered that yet; binoculars, hand lenses, spotting scopes, tripods, window mounts. Sorry. Those all now also have a 5-percent tax.

This now goes on, talks about recreational vehicles, RVs. Now the tax rate is much lower on this.

Mr. MANZULLO. Starting lower.

Mr. HOEKSTRA. What is that?

Mr. MANZULLO. Starting lower.

Mr. HOEKSTRA. But we all know once a tax is in place, we do not raise it. Well, maybe that is not right. Usually when we have a tax in place it provides a floor from which to raise it, but you go out and buy an RV, or you go out and buy a sport utility vehicle—you know, a camper, a motor home a travel trailer or any of this. We are now talking about a quarter to a half a percent tax on these items.

You know we have been joking about this, about what the Clinton-Babbitt tax looks like, because I mean it is, it is taking more money out of the system, it is moving decision-making to Washington. But this is a serious proposal, and this is indicative of what this administration believes. They believe Washington does not have enough money, that the American people are not even intelligent enough to make basic decisions about wildlife in these types of things, and they want more, they want more rules and regulations, and they want to grow the IRS, and they want more of our money, and they are blatantly going out and talking about increasing taxes and not talking about tax simplification. This is complicating the tax code, and it provides another avenue for Washington to suck a little bit more money out of our pockets and feed it to the bureaucrats here in Washington.

Mr. DE LA GARZA. Madam Speaker, if the gentleman will yield?

Mr. MANZULLO. Yes.

Mr. DE LA GARZA. I thank the gentleman, and I just wanted to take a brief moment here, that Sunday I heard a speaker, and he mentioned an item that I think would be very appropriate here, although it is very enlightening to hear the gentlemen discuss this issue. But he mentioned about a speaker who had a speech prepared, and everyone started leaving, and more people left, and more people left, and more people left. Finally there was only one left. So he went and finished his speech, then went to thank the gentleman for staying, and the gentleman says: "The only reason I stayed is because I'm the next speaker."

And I thought I would mention this at this time.

☐ 2230

Mr. HOEKSTRA. Madam Speaker, we thank the gentleman for staying.

Mr. MANZULLO. We thank the gentleman for staying. Does the gentleman from Michigan have anything else to add?

Mr. HOEKSTRA. We are going to hear a lot more about this issue and others like it. We on our side of the aisle, we have pushed for family tax relief. We believe that Washington already collects enough of our money and we do not want any more money in Washington. We want to return it back to families. We want to return it back to small businesses, because we believe the best engine for growth in this country are small businesses and Americans deciding the priorities for where they spend their money.

This I believe is just the beginning of a whole new series of taxes that a Clinton administration would love to put on the American people. You and I were both here in 1993 when we in this Congress, you and I both voted against it, but when we in this Congress came forward and it passed the Clinton tax increase, where again it became very clear, government is not big enough, we do not have enough money, we want more. This is just what I believe is the first scheme to get more money from the American people.

I think it goes after it exactly the wrong way. It taxes the very things that are important to families, that are important to children. It hides the tax, because it would be a tax at the manufacturer's level, not at the sales tax level, so once again people will be paying taxes and they will not know that it is actually going to the Federal Government. At the same time, it does it in such a way that much of the tax dollars that will be raised will be used to fund bureaucrats here in Washington.

The gentleman and I, we are talking about tax simplification, we are talking about going to a flat tax, we are talking about going to a consumption tax, or anything that takes the huge array of IRS tax booklets, so we could actually go fill our taxes out on a postcard or whatever. All this represents is a whole new series of taxes, complicated taxes describing what camping utensils will and will not be taxed, which flotation vest, which hiking boots. It is absolutely the wrong way to go at this time, or almost at any time.

I cannot see any time where this kind of a tax in this kind of a direction would be appropriate. But it is an important lesson I think for the American people to understand that this is what the Clinton administration is talking about. This is the direction they are going.

Mr. MANZULLO. Reclaiming my time, Madam Speaker, and we have at times tried to put a bit of levity into Secretary Babbitt's and President Clinton's proposal to increase taxes on things such as bicycles, mountain bicycles and outdoor sleeping mats. I think it is a dark day in America when the administration would come to the American people and say, because you use the outdoors, we are going to tax you.

We are talking about a hidden 2 percent to 3 percent tax on a camera, on films. We are talking about kids that buy binoculars to look at birds and other animals in the fields, we will have a 5 percent hidden tax. We are talking about a simple book that talks about nature.

Is that not interesting? You can have a book that describes how to rearrange the inside of a house, that would not be subject to a tax, but a book that talks about how to examine birds and wildlife and things outside—ostensibly even plants—would be subject to a tax.

This is the forgotten America of whom I have spoken so many times in this Congress, the person who gets up at the crack of dawn, packs the lunch. Perhaps both spouses go to work; one of them is working solely for taxes. They get the kids off to school, they write the checks, and they ask themselves in the morning, why is it that we are working harder than ever in our entire lives and taking home less money?

The answer is very simple, because government at all levels is too big. What is even more dangerous about this new proposed Babbitt-Clinton tax is the fact that Americans will be paying a tax and not even know it is a tax, because the tax will be buried into the cost of the manufacturer's product.

Mr. HOEKSTRA. If the gentleman will continue to yield, Madam Speaker, think of the arrogance that is used to describe this tax, the arrogance toward the American taxpayer, because they say the user fee must not act as a barrier to a product sale.

Do these people never get outside of the beltway? Who thinks that the average American family, the parents that pack their kids off to school in the morning, that they have an extra 5 percent to pay for backpacks, for compasses, for dry bags, sleeping bags, hiking boots? No big deal, it is only 5 percent. They have that.

They talk about the pressure on the family, and the financial pressure, but then it is kind of like where are they coming from? Five percent, of course they can; hey, they have 5 percent more to send to Washington. And they do it on a whole range of things.

It is an arrogant way of taking a look at the American family and saying, we in Washington need 5 percent more, and you, at the family level, you have it. You can afford to easily give us 5 percent, because if we ask you for 5 percent more, that will not be a barrier to you being able to buy this product.

Where have they been? And maybe it is time for the Clinton-Babbitt team to get outside of the beltway and talk to some real Americans, and find out how much 5 percent means to them.

Mr. MANZULLO. Madam Speaker, I include for the RECORD this teaming with wildlife product list which shows the proposed tax on the products.

The material referred to is as follows:

TEAMING WITH WILDLIFE PRODUCT LIST

The following list is a draft of those products being considered for a user fee. Before this list is incorporated into the draft legislation, we are asking companies, customers (users) and coalition members to provide feedback on this list, as well as other details of the proposal. The products listed below would have a graduated user fee of ¼%–5% of the manufacturer's price. The user fee must not act as a barrier to a product's sale. Beside each category is a suggested level for the user fee. Feedback from companies and consumers will help determine the final list of products and the percent to apply to each.

Outdoor Recreation Equipment (5%): Backpacks, Camping stoves, Camping stove fuel, Camping tarps, Camping utensils (connected/folding), Canoes, Canteens, Climbing equipment, Compasses, Cooking kits, Dry bags, Flotation vests (selected classes—not standard life boat vests), Hiking boots, Hiking staves, Kayaks/spray skirts, Mountain bicycles, Outdoor sleeping mats, Skis/poles/boots (cross-country, downhill, telemark), Sleeping bags, Snowshoes, Tents, Paddles, Portable water purifiers, Prepacked camp foods, Scuba diving masks/snorkels/goggles/flippers, Snowboards, Stuff sacks, Wet suits/Air tanks/Regulators/Spearguns, Whitewater rafts.

Backyard and Wildlife Products (5%): Wild bird seed and other wild animal feed (except seed packaged for pet feed); Wild animal and wild bird feeders such as hummingbird feeders, suet feeders and other types of feeders; Wild bird baths; Wild bird houses, bat houses, squirrel houses and houses constructed for use by other wildlife; Nest platforms for wild birds.

Books, videos, Audio (5%): Field guides to bird identification, nest identification, animal tracks, mammals, fishes butterflies, insects and other animal groups; "How-to" guides such as wildlife viewing guides, hiking and paddling guides, etc.; Audio tapes of wildlife calls; CD-Rom guides to wildlife and its enjoyment.

Binoc, Monoc and Spot Scopes (5%): Binoculars, Hand lenses, Monoculars, Spotting scopes, Tripods, Window mounts.

Photographic Equipment and Supplies (2–3%): Cameras, Film, Lenses, Lens filters, Photo disc, Range finders (including those designed for use with photographic cameras and parts thereof).

Recreational Vehicles (RV's (¼%–½%, no more than $100): Campers/motor homes/travel trailers.

Sport Utility Vehicles (¼% no more than $100):

MEXICAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 60 minutes.

Mr. DE LA GARZA. Madam Speaker, I take the time today to inform the House and my colleagues that yesterday, September 16, was Mexican Independence Day. I spent the day visiting schools on the border area where I live that were celebrating on our side of the Rio Grande River the Mexican independence. I would like to relate to why it impacts on our side, and a little bit of what we have in unison with the people of Mexico and the nation of Mexico.

First, let me say that the odyssey began some 500 years ago, when the first Spanish galleons traveled across the Atlantic under the sponsorship of a gracious queen of Spain, really searching for the Far East and the spices, and all of the other things that they wanted to bring back to Spain and to Europe, but a sailor named Christopher Columbus navigated his way and ended up in the islands of the Caribbean. From then came further and further immigration to the new lands, to the new world.

Some of the first galleons that traveled from Spain, and the Spanish and the Portuguese navigated the world over, all the seas of the world, and then Great Britain and all of the other navies of the European nations, those that had navies, but this was the beginning of colonizing, the beginning of bringing people.

Records show that the Spaniards came to Hudson Bay, to the northeast part of the United States, throughout the Atlantic, through the Gulf, but the eventual landings in which we are interested tonight came into what is now Mexico, basically Mexico and the Gulf parts of the United States. Although others went to what is now Peru, Chile, Argentina, they began settlement throughout all of the Americas.

The relation to us, and this is of interest, is that in 1776, the process for independence began in what is now our Nation, the United States of America, by mostly immigrants from Great Britain, some German and other Europeans, but basically from Britain who had taken dominion over the lands that we now know as the northeast part of the United States, and a few States of the South. All of us know the interest and it was mentioned in earlier debate about taxation without representation.

Eventually there was that yearning for independence which all individuals have inherently, so began the quest for independence, and the independence that was declared independent; or we, those who represented our country at that time, their desire for independence led to the Declaration of Independence on July 4, 1776.

Mexico came some 33 years later, in 1836. That was what began the process, on September 16, 1810. So what I wanted to bring out to the attention of our Members is that people of similar interests and similar desires that lived in Mexico and were the leaders of Mexico wanted their independence from Spain, so we had probably the most powerful nation in the world at that time, Spain, with dominion over what we now know as the Americas.

They were saying the same thing, and that is the interest that we insist that our children and hopefully all of our people understand, that unity in thought and in deed by people of similar character and similar interests, and by accident, there were many similarities. There was a cry for independence here; there was a cry for independence in Mexico.

A bell was rung in Philadelphia, the Liberty Bell that all of us know. Thirty-some years later a bell was rung at a village named Dolores Hidalgo, which could be almost the echo of what we heard in Philadelphia, almost the echo of the bell that rang at Dolores Hidalgo, shouting the same thing: Liberty, just, freedom, equality. It has been hard to achieve and it is not yet ultimately achieved, both in our country or in Mexico, but that was the beginning.

George Washington was, in Mexico, Father Miguel Hidalgo y Castilla. We had a Betsy Ross that is credited for weaving the first flag of our country. Mexico had a lady, Dona Josefa Ortiz de Dominguez, that was a part of the independence movement, and actually warned the Mexican insurgents or the Mexican freedom-loving leaders of that effort that the Spaniards were coming to catch them and imprison them.

Those are the things that we recollect at this time, because they almost copy our Constitution, and the Jefferson and the Franklins, Mexico had their counterparts. Morelos was a foremost Parliamentarian in Mexico, and they have had harsh times because of internal problems, military.

But this is something that we ought to realize and consider in our dealings with Mexico, that we were dominated by the British, and I say we, those that lived here at that time.

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My part of Texas was not a part of the endeavor of 1776 because we were a part of New Spain. Then when those great Mexicans, of which my family was one, although we lived far away from the area up where the events occurred, it was nonetheless part of New Spain, and later it became part of Mexico when Mexico secured its independence from Spain. And then when Texas secured its independence from Mexico in 1836, we became Texas. And then when Texas joined the Union, we became citizens of the United States of America for which we are proud and we have served. You can count the Purple Hearts, you can count the Medals of Honor, you can count those who served. I served twice, Navy and Army. My mother's youngest brother died in the service of our country. We have his Purple Heart. So those are the things that unify us. I wanted to say to some of our colleagues that might have some concern that we have a double culture. Well, double or triple culture does not diminish an individual, it enhances the individual. It brings more knowledge, it brings more activity related to their individual ethnic beginnings.

In Texas, the center part of Texas when Mexico wanted to colonize the northernmost part of their territory at the time, which stretched basically from Texas to California, to Oregon, all what we call now the Southwest, they sent impresarios which they offered land to go bring from Europe people to colonize, to come and live on the land. But one caveat was, don't bring Spanish, don't bring British, don't bring French. Those were the three nations that coveted that area. So they went to middle Europe and they brought German and Czech and Slovak and Polish, some Hungarians. Madam Speaker, those are the ethnic groups in my congressional district now in Texas that came when we were a part of Mexico. They settled in that area, and I have in my district all of those ethnic groups, speaking their language, their culture.

Next week there is going to be a Czech night near Corpus Christi. We have the German festivals, we have the Polish festivals. This is part of what the United States is. This is a mosaic of what we are and who we are. That is why the interest in the Mexican independence. Because if they had been no Mexican independence, we may not have at this time what we now know as the United States of America.

Also in an unfortunate incident of history, two-thirds of Mexico became part of the United States. Texas, New Mexico, Arizona, California, Oregon, Utah, Colorado, almost all of that area which was Mexico became part of the United States. And now we proudly proclaim and pledge allegiance to our flag. But yet we have respect for whom our ancestors were, what they did, and where they came from. And so we have this dual, that when we celebrate Mexican independence day, many of our families, my family, were part of that effort and became independent from Spain, as our brethren from the northeast became independent from Great Britain. And now we are what we are, incidents of history but nonetheless reality in the world we live in. And because of that, we are the most powerful Nation in the world, in the history of the world.

Also this morning, Madam Speaker, I was able to participate in a Hispanic month celebration at the Department of Agriculture. As unmerited as it may have been, they honored me with a plaque being chairman of the Committee on Agriculture. But this is something that most of our colleagues need to know, and the people need to know, that when the Spaniards came to the new world, they brought what was the beginning of American agriculture, the greatest agricultural nation in the world. But they brought the seeds for wheat, the vines for the grapes. They brought many of the European agricultural products. But here was corn and cocoa and some argument about tobacco but I insist that tobacco was here. Potatoes. Throughout the Americas, we wove together what the Europeans brought with what we already had here. And in many parts of this Western Hemisphere, the Indians, we call them that, the Aztecs in Mexico, they had irrigation systems, they had aqueducts. At the same time they had aqueducts in Spain and all the areas of Europe. The basic American water law comes from Spain. But the natives in this hemisphere, the Aztecs, performed surgery. They had zoological gardens grander than any that you see now throughout our country. They had pyramids grander than those on the River Nile. And in Guatemala and in the Yucatan and in Peru, the Incas, we had a civilization equal at least to that that came from Europe. This is part of our history, part of our culture.

That is what I wanted to tell my colleagues, that when we celebrate Mexican independence day, we are celebrating part of what has been an impact on what is now the United States of America, including territory. Because this was the way to the Pacific that belonged to Mexico at that time, in 1848, the Treaty of Dolores Hidalgo that was transferred to the then fledgling United States of America. So you cannot separate the issue. I as an individual cannot separate or bring myself to separate myself from the culture, from the ethnic derivatives. I serve this Nation, this country, that flag. But yet some of my ancestors served the other country and that flag, and forever I will have respect for both, but loyalty to this one. So that is something I wanted to make clear. For those who may have some confusion, for those that may ask, well, why would we celebrate Mexican independence?

Mexico has had a very harsh history, occupied by Spaniards first, occupied by the French. President Benito Juarez began the process of ridding Mexico of the French occupation. The Austrian emperor opposed an emperor of Mexico named Maximilian and they did not have the ability to resist but eventually a humble Indian named Benito Jurarez led an effort to rid Mexico of the imposition of foreign rule. And we celebrate the Fifth of May, which is the culminating battle, not the end, of getting the French out of Mexico. That is celebrated on the border and through many parts of the United States where there are Mexicans or of Mexican descent, because this was what rid all of the new world of foreign powers. The French were the last to occupy Mexico and after that, there has been basically no formal occupation of any of the lands of North and South America. We celebrate that with great joy, we do in Texas because the general that led the Mexican troops had been born in Texas, when Texas was a part of Mexico. So we take great pride in that. That general was born in what is now my congressional district, in Goliad, TX, when his father was head of the garrison for the Mexican army in Goliad, TX. Goliad later played a part in the Texas effort for independence against Mexico. But I wanted to congratulate, if for no one else but myself as a Member of this House, the people of Mexico and the Government of Mexico.

One word that I would like to leave, and it is quoted quite often, that President Benito Juarez said that "among men, as among nations, respect for the rights of others is peace." And that we honor on the Fifth of May.

And then another great President of Mexico and my good and dear friend, President Gustavo Diaz Ordaz, said right here from this rostrum when he delivered an address to a joint session of Congress that, and I quote, "Geography has made us neighbors, history has made use friends." He said that right from here, Madam Speaker. And that is what we celebrate when we celebrate. You cannot separate the United States of America, as we know it today, from the Mexican people, from the Mexican culture because, as President Diaz Ordaz said, "Geography has made us neighbors, history has made us friends." That is irrevocable, that is inseparable.

And so I join with all of those that celebrated yesterday throughout the United States Mexican independence with this explanation, if I might call it, of why we do that, why we are proud, and what we have done in order to foster and enhance the United States of America which for those of use that are citizens is indeed something that we feel that an accident of history made me a citizen of the United States of America but one that I am terribly proud, but I will always have a love, admiration and respect for the Mexican people because at one time we were part and a great part of our country was part of their country. That is irrevocable, but also you cannot separate it from your feelings and from the interests that you have when neighbors honor and respect neighbors.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GANSKE (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT), on Tuesday, September 17, on account of being unavoidably detained.

Mr. HEINEMAN (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Ms. GREENE of Utah) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes September 20.

Mr. BILIRAKIS, for 5 minutes each day on September 17, 18, 19, and 20.

Mr. DREIER, for 5 minutes, today.

Ms. GREENE of Utah, for 5 minutes, today.

Mr. MICA, for 5 minutes on September 17 and 18.

Mr. HUNTER, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous material:)

Mr. STOKES.

Mr. BENTSEN.

Mr. SKELTON.

Mr. DEUTSCH.

Ms. DELAURO.

Mr. LEVIN.

Ms. WOOLSEY.

Mr. BARRETT of Wisconsin.

Mr. DELLUMS.

Mr. REED.

Mr. UNDERWOOD.

Mr. STARK.

Mr. NADLER.

Mrs. MEEK of Florida.

Mr. POSHARD.

Mr. PALLONE.

Mr. JACOBS.

(The following Members (at the request of Ms. GREENE of Utah) and to include extraneous material:)

Mr. BARRETT of Nebraska.

Mr. FIELDS of Texas.

Mr. TALENT in three instances.

Mr. DIAZ-BALART.

Mr. FRANKS of New Jersey in two instances.

Mr. BASS.

Mr. RADANOVICH.

Mr. BEREUTER in two instances.

Mrs. MORELLA.

Mr. BILIRAKIS.

Mr. SCHIFF.

Mr. MARTINI in two instances.

Mr. HUTCHINSON.

Mr. DORNAN.

Mr. BURR.

(The following Members (at the request of Mr. DE LA GARZA and to include extraneous material:)

Mr. CLINGER.

Mr. DUNCAN.

Mr. CHRYSLER.

Mr. GOODLATTE.

Mr. ENGLISH of Pennsylvania.

Mr. EVERETT.

Ms. KAPTUR.

Mr. LEWIS of Georgia.

ADJOURNMENT

Mr. DE LA GARZA. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p.m.), the House adjourned until tomorrow, Wednesday, September 18, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5152. A communication from the President of the United States, transmitting his request to make available appropriations totaling $300,000,000 in budget authority to the Department of Agriculture, $100,000,000 in budget authority to the Department of the Interior, a $100,000,000 supplemental request for Veterans Compensation and Pensions, and making available appropriations totaling $50,000,000 in budget authority to the Department of Housing and Urban Development and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–264); to the Committee on Appropriations and ordered to be printed.

5153. A communication from the President of the United States, transmitting his requests for fiscal year 1996 supplemental appropriations and fiscal year 1997 budget amendments totaling $1,097 million for programs that are designed to strengthen our anti-terrorism, counter-terrorism, and security efforts in this country and abroad and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–264); to the Committee on Appropriations and ordered to be printed.

5154. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Amendment to Revenue Limit on Bank-Ineligible Activities of Subsidiaries of Bank Hold Companies Engaged in Underwriting and Dealing in Securities [Docket No. R–0932] received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5155. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Australia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

5156. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps; Reflective Devices and Associated Equipment (National Highway Traffic Safety Administration) (RIN: 2127–AF90) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5157. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State: Approval of Revisions to the State of North Carolina's State Implementation Plan (SIP) [FRL–5606–3] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5158. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities; Amendments (RIN: 2060–AF90) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5159. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridaben; Pesticide Tolerances for Emergency Exemptions (RIN: 2070–AB78) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5160. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Reform of Filing Requirements and Carrier Classifications and Anchorage Telephone Utility, Petition for Withdrawal of Cost Allocation Manual [CC Docket No. 96–193] (AAD 95–91) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5161. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Human-System Interface Design Review Guideline [NUREG—0700, Rev. 1] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5162. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Taiwan (Transmittal No. DTC–53–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5163. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Algeria (Transmittal No. DTC–47–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5164. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to France (Transmittal No. DTC–61–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5165. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of Norfolk, MA, Nonappropriated Fund Wage Area (RIN: 3206–AH58) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5166. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U:S.C. 552b(j); to the Committee on Government Reform and Oversight.

5167. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Red Snapper Management Measures (RIN: 0648–AG89) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5168. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend the criminal law, title 18 of the United States Code, to prevent economic espionage and to provide for the protection of trade secrets in interstate and foreign commerce; to the Committee on the Judiciary.

5169. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Lower Grand River, Louisiana (U.S. Coast Guard) [CGD08–96–003] (RIN: 2115–AE47) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5170. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking (National Highway Traffic Safety Administration) [Docket No. 92029; Notice 11] (RIN: 2127–AG06) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5171. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation By Reference (Federal Aviation Administration) [Docket No. 28674; Amendment No. 71–28] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5172. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28675 ; Amdt. No. 1751] (RIN: 2120–AA65) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5173. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishement of Class E Airspace; Miller, SD (Federal Aviation Administration) [Airspace Docket No. 96–AGL–11] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5174. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–216–AD; Amendment 39–9757; AD 96–19–10] (RIN: 2120–AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on transportation and Infrastructure.

5175. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthness Directives; Gates Learjet Model 35 and 36 Series Airplanes Modified by Raisbeck Supplemental Type Certificate (STC) SA766NW (Federal Aviation Administration) [Docket No. 96–NM–63–AD] (RIN: 2120–AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5176. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; American Champion Aircraft Corporation Models 8KCAB, 8GCBC, 7GCBC, 7ECA, 7GCAA, and 7KCAB Airplanes; Correction (Federal Aviation Administration) [Docket No. 96–CE–36–AD; Amendment 39–9726; AD 96–18–02] (RIN: 2120–AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5177. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D–7R4 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 94–ANE–51; Amendment 39–9721; AD 96–17–11] (RIN: 2120–AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5178. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche E Meccaniche Model Piagio P–180 Airplanes (Federal Aviation Administration) [Docket No. 95–CE–78–AD; Amendment 39–9750; AD 96–19–02] (RIN: 2120–AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5179. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; De Havilland Model DHC–8–100 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–266–AD; Amendment 39–9745; AD 88–09–05 R1] (RIN: 2120–AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5180. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–231–AD] (RIN: 2120–AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5181. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–225–AD] (RIN: 2120–AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5182. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes (Federal Aviation Administration) [Docket No. 95–NM–221–AD] (RIN: 2120–AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

5183. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Pension, Profit-Sharing, and Stock Bonus Plans (Revenue Ruling 96–48) received September 16, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Ways and Means.

5184. A letter from the Chief Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Vesting Standards (Revenue Ruling 46–47) received September 16, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3153. A bill to amend title 49, United States Code, to exempt from regulation the transportation of certain hazardous materials by vehicles with a gross vehicle weight rating of 10,000 pounds or less; with amendments (Rept. 104–791). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3348. A bill to direct the President to establish standards and criteria for the provision of major disaster and emergency assistance in response to snow-related events; with an amendment (Rept. 104–792). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3923. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents; with an amendment (Rept. 104–793). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4040. A bill to amend title 49, United States Code, relating to intermodal safe container transportation (Rept. 104–794). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 3802. A bill to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes; with an amendment (Rept. 104–795). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. House Joint Resolution 191. Resolution to confer honorary citizenship of the United States on Agnes Gonxha Bojahiu, also known as Mother Teresa (Rept. 104–796). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2505. A bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes; with an amendment (Rept. 104–797). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 3968. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; with an amendment (Rept. 104–798). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. S. 533. An act to clarify the rules governing removal of cases to Federal court, and for other purposes (Rept. 104–799). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. S. 677. An act to repeal a redundant venue provision, and for other purposes (Rept. 104–800). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 3936. A bill to encourage the development of a commercial space industry in the United States, and for other purposes; with an amendment (Rept. 104–801, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2941. A bill to improve the quantity and quality of the quarters of land management agency field employees, and for other purposes; with an amendment (Rept. 104–802, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. GREENE of Utah: Committee on Rules. House Resolution 522. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–803). Referred to the House Calendar.

Mr. SPENCE: Committee on National Security. House Concurrent Resolution 180. Resolution commending the Americans who served the United States during the period known as the cold war; with an amendment (Rept. 104–804 Pt. 1).

Mr. SPENCE: Committee on National Security. House concurrent Resolution 200. Resolution expressing the sense of the Congress regarding the bombing in Dhahran, Saudi Arabia; with an amendment (Rept. 104–805). Referred to the House Calendar.

Mr. SPENCE: Committee on National Security. H.R. 4000. A bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997; with an amendment (Rept. 104–806). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 2941 referred to the Committee of the Whole Hose on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Government Reform and Oversight discharged from further consideration. H.R. 3936 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committees on International Relations and Intelligence (Permanent Select) discharged from further consideration. H. Con. Res. 180 referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2941. Referral to the Committee on Agriculture extended for a period ending not later than September 17, 1996.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3936. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than September 17, 1996.

Pursuant to clause 5 rule X the following action was taken by the Speaker:

H. Con. Res. 180. Referral to the Committees on International Relations and Intelligence (Permanent Select) extended for a period ending not later than September 17, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FILNER:

H.R. 4080. A bill to amend the Small Business Act to establish programs and undertake efforts to assist and promote the creation, development, and growth of small business concerns owned and controlled by veterans of service in the Armed Forces, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. OBEY, Mr. KILDEE, Mr. DINGELL, Mr. VISCLOSKY, Mr. LATOURETTE, Mr. HOKE, Mr. LAFALCE, Mr. GUTIERREZ, Mr. STUPAK, Ms. KAPTUR, and Mr. BROWN of Ohio):

H.R. 4081. A bill to direct the Secretary of the department in which the Coast Guard is operating to submit to the Congress a plan and cost estimate for the engineering, design, and retrofitting of the icebreaker *Mackinaw;* to the Committee on Transportation and Infrastructure.

By Mr. HERGER:

H.R. 4082. A bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAEFER:

H.R. 4083. A bill to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997; to the Committee on Commerce.

By Mr. ABERCROMBIE (for himself and Mr. FALEOMAVAEGA):

H.R. 4084. A bill to amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes; to the Committee on Resources.

By Mr. BAKER of Louisiana (for himself, Mr. BACHUS, and Mr. LAZIO of New York):

H.R. 4085. A bill to terminate the property disposition program of the Department of Housing and Urban Development providing single family properties for use for the homeless; to the Committee on Banking and Financial Services.

By Mr. BEREUTER (for himself, Mr. CRANE, Mr. GIBBONS, and Mr. BERMAN):

H.R. 4086. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia; to the Committee on Ways and Means.

By Mr. BROWDER:

H.R. 4087. A bill to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONDIT:

H.R. 4088. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, CA; to the Committee on Science.

By Mr. ENGLISH of Pennsylvania:

H.R. 4089. A bill to amend title 31, United States Code, to provide that recently enacted provisions requiring payment of Federal benefits in the form of electronic funds transfers do not apply with respect to benefits payable under the old-age, survivors, and disability insurance program under title II of the Social Security Act; to the Committee on Government Reform and Oversight.

H.R. 4090. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the retail tax on heavy trucks and trailers; to the Committee on Ways and Means.

H.R. 4091. A bill to amend title II of the Social Security Act to establish, for purposes of disability determinations under such title, a uniform minimum level of earnings, for demonstrating ability to engage in substantial gainful activity, at the level currently applicable solely to blind individuals; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mrs. CLAYTON, Mr. CUMMINGS, Mr. FATTAH, Mrs. MEEK of Florida, Mr. DELLUMS, Mr. OBERSTAR, Mr. OWENS, Mr. TOWNS, Mr. HILLIARD, Mr. ACKERMAN, Mr. FROST, Mr. CLYBURN, Mr. BARRETT of Wisconsin, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. JOHNSTON of Florida, Mr. TORRES, Ms. WATERS, Ms. NORTON, Ms. MCKINNEY, Mr. FORD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT of North Carolina, Ms. BROWN of Florida, and Mr. JACKSON):

H.R. 4092. A bill to prevent law enforcement agencies from stopping people on highways because of their race or color; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Ms. MOLINARI, Mr. FRELINGHUYSEN, and Mr. MARTINI):

H.R. 4093. A bill to require the Federal Aviation Administration to address the aircraft noise problems of New Jersey and Staten Island, NY; to the Committee on Transportation and Infrastructure.

By Mr. GEKAS (for himself, Mr. COX, Mr. PORTER, Mr. WOLF, Mr. DAVIS, Mrs. MORELLA, Mr. GILCHREST, Mr. HAYWORTH, Mr. BEREUTER, Mr. CRAPO, Mr. SPENCE, Mr. SHADEGG, Mr. ROHRABACHER, Mr. HORN, Mr. HANSEN, and Mr. EHLERS):

H.R. 4094. A bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations; to the Committee on Appropriations.

By Mr. GOODLATTE:

H.R. 4095. A bill to protect the national information infrastructure, and for other purposes; to the Committee on the Judiciary.

By Mr. HOKE:

H.R. 4096. A bill to encourage and expedite the granting of membership in the North Atlantic Treaty Organization to Romania, Slovakia, and Slovenia; to the Committee on International Relations.

By Ms. LOFGREN:

H.R. 4097. A bill to amend title 18, United States Code, with respect to child exploitation offenses; to the Committee on the Judiciary.

By Mrs. MEYERS of Kansas:

H.R. 4098. A bill to enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself, Mr. CARDIN, Mr. ENSIGN, Mr. MATSUI, Mr. HOBSON, and Mr. POMEROY):

H.R. 4099. A bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4100. A bill to amend titles XVIII and XIX of the Social Security Act to require hospitals participating in the Medicare or Medicaid Program to provide notice of availability of Medicare and Medicaid providers as part of discharge planning and to maintain and disclose information on certain referrals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUDDS:

H.R. 4101. A bill to direct the Secretary of the department in which the Coast Guard is operating to provide rescue diver training under the Coast Guard helicopter rescue swimming training program; to the Committee on Transportation and Infrastructure.

By Mr. INGLIS of South Carolina (for himself and Mr. SCOTT):

H.J. Res. 193. Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact; to the Committee on the Judiciary.

By Mr. DAVIS (for himself, Mrs. MORELLA, Mr. WYNN, Mr. WOLF, Mr. MORAN, and Mr. HOYER):

H.J. Res. 194. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Miss COLLINS of Michigan (for herself, Mr. BARRETT of Wisconsin, Mrs. CLAYTON, Mr. FILNER, Mr. FRAZER, Mr. PETE GEREN of Texas, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Mrs. SCHROEDER, Ms. WATERS, Mr. PAYNE of New Jersey, Ms. BROWN of Florida, Mr. THOMPSON, Mr. JEFFERSON, Ms. NORTON, and Mrs. MEEK of Florida):

H.J. Res. 195. Joint resolution recognizing the end of slavery in the United States, and the true day of independence for African-Americans; to the Committee on Government Reform and Oversight.

By Mr. FRANKS of New Jersey:

H. Con. Res. 215. Concurrent resolution to encourage the Secretary of State, foreign nations, and others to work together to help reunite family members separated during the Holocaust; to the Committee on International Relations.

By Mrs. KENNELLY:

H. Res. 523. Resolution designating minority membership to certain standing committees of the House of Representatives; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 784: Mr. DEAL of Georgia.

H.R. 789: Mr. BEREUTER and Mr. POSHARD.

H.R. 1023: Mr. HEINEMAN, Mr. KOLBE, and Mr. CRANE.

H.R. 1073: Mr. SKAGGS and Mr. WAMP.

H.R. 1074: Mr. SKAGGS and Mr. WAMP.

H.R. 1325: Mr. PETRI and Mr. OBERSTAR.

H.R. 1662: Mr. FATTAH.

H.R. 2006: Mr. PETRI.

H.R. 2167: Mr. GILMAN, Ms. LOFGREN, and Mr. LATOURETTE.

H.R. 2185: Mr. CANADY and Mr. MATSUI.

H.R. 2246: Mr. MOAKLEY.

H.R. 2434: Mr. STENHOLM, Mr. NEAL of Massachusetts, and Mr. MATSUI.

H.R. 2748: Mr. FRANK of Massachusetts.

H.R. 2807: Mr. ENGEL and Mr. HINCHEY.

H.R. 2927: Mr. LIPINSKI.

H.R. 3030: Mr. LEWIS of Georgia.

H.R. 3142: Mr. SALMON, Ms. DUNN of Washington, Mr. BASS, and Ms. FURSE.

H.R. 3199: Mr. DORNAN and Mr. ROEMER.

H.R. 3226: Mr. BROWN of California and Mr. SHAW.

H.R. 3250: Mr. WELDON of Pennsylvania.

H.R. 3311: Mr. MORAN, Mr. BARCIA of Michigan, Mr. OLVER, Mr. HEFNER, and Mr. FROST.

H.R. 3391: Mr. PALLONE.

H.R. 3433: Mr. FRANKS of New Jersey.

H.R. 3498: Mr. FATTAH.

H.R. 3514: Mr. WELDON of Florida and Mr. SALMON.

H.R. 3518: Mr. DORNAN and Mrs. SEASTRAND.

H.R. 3591: Mr. CONDIT.

H.R. 3690: Mr. CRANE, Mr. HASTINGS of Washington, and Mr. NETHERCUTT.

H.R. 3691: Mrs. THURMAN.

H.R. 3704: Mr. EVANS, Mr. HILLIARD, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mr. MILLER of California, Mr. SANDERS, Mr. FALEOMAVAEGA, Ms. LOFGREN, Mr. LIPINSKI, Ms. WOOLSEY, Mr. FOGLIETTA, Mr. YATES, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. CLAY, Mr. ACKERMAN, Mr. GIBBONS, Mr. COLEMAN, Ms. NORTON, Mr. DELLUMS, Mrs. COLLINS of Illinois, Mr. DEUTSCH, Mr. HINCHEY, Mr. PETERSON of Minnesota, and Mr. OWENS.

H.R. 3752: Mrs. CUBIN, Mr. SKEEN, and Mr. COOLEY.

H.R. 3775: Mr. EDWARDS, Mr. SALMON, and Mr. TEJEDA.

H.R. 3835: Mr. BLUTE, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. HILLIARD, Mr. KENNEDY of Massachusetts, Mr. LAHOOD, Ms. MCKINNEY, Mr. OWENS, Ms. RIVERS, and Mr. STUPAK.

H.R. 3838: Mr. HOSTETTLER and Mr. BARTLETT of Maryland.

H.R. 3860: Ms. LOFGREN, Mr. EVANS, and Mr. DEUTSCH.

H.R. 3905: Mr. CASTLE.

H.R. 3923: Mr. GILLMOR and Mr. EVANS.

H.R. 3927: Mr. KENNEDY of Massachusetts, Mr. DURBIN, and Mr. MCHALE.

H.R. 3942: Mr. ROGERS.

H.R. 3950: Mr. BARTLETT of Maryland and Mr. DAVIS.

H.R. 3984: Mr. FIELDS of Texas and Mr. DORNAN.

H.R. 4019: Mr. CUNNINGHAM, Mr. WICKER, Mr. LEWIS of California, Mr. RADANOVICH, Mr. BAKER of Louisiana, Mr. HORN, Mr. CALVERT, Mr. HUNTER, Mr. ROHRABACHER, Mr. DREIER, Mr. HAYWORTH, Mr. WHITE, Mr. NEY, Mr. PACKARD, Mr. KING, Mr. MOORHEAD, Mr. CRANE, Mr. INGLIS of South Carolina, Mr. LIPINSKI, Mr. WELLER, and Mr. STOCKMAN.

H.R. 4036: Mr. HAMILTON, Mr. LANTOS, Mr. BERMAN, Mr. HYDE, Ms. ROS-LEHTINEN, and Mr. GOODLING.

H.R. 4037: Mr. DELLUMS.

H.R. 4062: Mr. HORN.

H.R. 4066: Mr. DORNAN, Mr. RIGGS, Mr. HERGER, and Mr. CUNNINGHAM.

H.R. 4068: Mr. BISHOP.

H.J. Res. 173: Ms. PRYCE.

H.J. Res. 174: Ms. PRYCE, Mr. HANCOCK, Mrs. MYRICK, and Ms. FURSE.

H. Con. Res. 21: Mr. KLUG and Mr. STUPAK.

H. Con. Res. 51: Mr. LANTOS and Mr. GILMAN.

H. Con. Res. 145: Mr. GILMAN.

H. Con. Res. 212: Mr. DEUTSCH.

H. Res. 30: Mr. CREMEANS, Mr. BROWDER, Mr. NEY, Mr. TRAFICANT, and Mr. CHRYSLER.

H. Res. 490: Mr. BURTON of Indiana, Mr. KINGSTON, Mr. ROHRABACHER, and Mr. TORKILDSEN.

H. Res. 501: Mr. HASTINGS of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4278

Omnibus Appropriations Act for Fiscal Year 1997

OFFERED BY: MS. HARMAN

AMENDMENT NO. 1: At the appropriate place, insert the following new title:

TITLE— . DEFICIT REDUCTION LOCK-BOX

DEFICIT REDUCTION LOCK-BOX

SEC. . (a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of

1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX LEDGER

"SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the "Director") shall maintain a ledger to be known as the "Deficit Reduction Lock-box Ledger". The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

"(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box ledger.".

TALLY DURING HOUSE CONSIDERATION

SEC. . There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

DOWNWARD ADJUSTMENT OF 602(A) ALLOCATIONS AND SECTION 602(B) SUBALLOCATIONS

SEC. . (a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

PERIODIC REPORTING OF LEDGER STATEMENTS

SEC. . Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).".

DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS

SEC. . The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 6 of the Deficit Reduction Lock-box Act of 1995, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear." Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EFFECTIVE DATE

SEC. . (a) IN GENERAL.—This title shall apply to all remaining appropriation bills making appropriations for fiscal year 1997 or any subsequent fiscal year.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

EXTENSIONS OF REMARKS

THANK YOU, BARBARA BOWES, FOR YOUR LOYAL SERVICE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. FIELDS of Texas. Mr. Speaker, it was with mixed emotions that I announced last December 11 my decision to retire from the House at the conclusion of my current term. As I explained at the time, the decision to retire was made more difficult because of the loyalty and dedication of my staff—and because of the genuine friendship I feel for them.

Today, I want to thank one member of my staff—Barbara Bowes, my district coordinator—for everything she's done for me and my constituents in the 16 years that she has worked in my office.

During the last 16 years, Barbara has handled difficult tasks with ease and efficiency—and handled impossible tasks with only slightly less ease and efficiency.

When the Houston Ship Channel was in my congressional district, Federal maritime and environmental officials often came to Houston for inspection trips or to hold public hearings. Invariably, one or more helicopters would magically appear to take me and the visiting dignitaries on an inspection tour over the Channel, or above some Superfund site. Only later did I realize that it was Barbara, not God, that somehow or other—and I still haven't figured out how exactly she did it—made those helicopters appear.

Barbara has worked closely with my Washington, DC, scheduler to arrange events in my district. She has scheduled all of my 569 town meetings, as well as several special seminars held over the years. And she has represented me at countless meetings that I was unable to attend. In short, Barbara's official job description is as dynamic and flexible as Barbara herself.

It's impossible to explain what Barbara's exact responsibilities are only because I've never asked her to do the same thing two days in a row. But to borrow a phrase, when something absolutely, positively needs to get done, more often than not, it's to Barbara that I turn. I trust her judgement, her maturity and her loyalty—and I always will.

In 1993, when I ran for the U.S. Senate in a special election, I asked Barbara to take a leave of absence from my official staff and join my campaign staff. As I told her at the time, her participation in my Senate campaign provided me with a comfort level that I would not have enjoyed had she not been with me. I lost that campaign, but Barbara's presence made the experience more enjoyable than it would have been without her.

More than most people, Barbara has her priorities straight. While she loves her job, her real joy in life is her family.

Her husband, Bill, deserves canonization for tolerating his wife's long hours and often erratic schedule. Despite that kind of schedule, Barbara's children and grandchildren always come first, and she is always there for them.

When Bill or Deb Bowes need advice—or a good babysitter for Kelsey or William III—Barbara's there to help. When Susie or "Bo" Wilburn need advice—or a good babysitter for Haley Sue—Barbara's there to help. And when Tom Bowes needs some motherly advice—oftentimes on how to avoid getting into a situation that might, eventually, require a good babysitter—Barbara's there for him as well. And she has also always been there for her parents, C.T. and Harriett Williamsen of Houston.

Barbara Bowes is one of those hardworking women who make all of us in this institution look better than we deserve. She has done that for me, and I appreciate this opportunity to publicly thank her for the dedication, loyalty and professionalism she has exhibited as a member of my staff.

Mr. Speaker, I know you join with me in saying "thank you" to Barbara Bowes for her years of loyal service to me, to the men and women of Texas' Eighth Congressional District, and to this great institution. And I know you join with me in wishing Barbara, and her husband Bill, all the best in the years ahead.

TRIBUTE TO NINE OUTSTANDING STUDENTS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. TALENT. Mr. Speaker, I rise today to recognize nine outstanding students from my district. These students set their sights high, and as a result, each student received a Congressional Award.

Congressional Awards are given to students who excel in the four program areas, including public service, personal development, physical fitness, and expedition and exploration. The awards are divided into three categories, based on age, accumulated hours, and duration of activities. It was my privilege to meet these outstanding youths and present them with their awards.

First, Dana Metzler of Kirkwood was awarded the Silver Congressional Award. Ms. Metzler was between the ages of 16 and 18 and had worked a minimum of 420 hours over at least 15 months to earn her award. Ms. Metzler attends Kirkwood High School.

Second, there were eight Bronze Congressional Awards, youths at least 14, who had worked 210 hours over the course of at least 7 months. These honorees included: Tanith Leigh Balaban of Chesterfield, who attends Parkway Central High School; Alyssa Barker of Fenton, who attends Rockwood Summit High School; Kevin Buckley of Bridgeton, who attends Christian Brothers College in Clayton; Kathleen Castello of St. Louis, who attends Rosati-Kain High School; Megan Connally O'Keefe of Bridgeton, who attends Pattonville High School; Kathleen Paige of St. John, who attends St. Thomas Aquinas-Mercy High School; Stephanie Schaller of Ballwin, who attends Cor Jesu Academy; and Christopher Slaten of St. Louis, who attends Parkway West of Middle School.

Mr. Speaker, I am pleased to be able to recognize these extraordinary young people for their achievements. Their success is a true reflection not only of their drive and determination, but also on the parents, family members and teachers who have supported their hard work and determination. These students are an excellent example of what young people will achieve when given the opportunity.

LEGISLATION TO CLARIFY THE APPLICATION OF THE RETAIL TAX ON HEAVY TRUCKS AND TRAILERS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today, I am introducing legislation to both correct existing law as well as practices in the administration of those laws that have proven to be quite burdensome and inefficient.

Currently, a 12-percent excise tax is imposed on heavy trucks, trailers, and tractors. The tax is on trucks weighing over 33,000 pounds, trailers weighing over 26,000 pounds, and all tractors used with a trailer or semitrailer for highway transportation. The IRS has crafted a registration, certification, and reporting regime that imposes a heavy paperwork burden and awkward procedures for proving compliance. Complex regulations and rulings issued over many years have added to the compliance burden.

I am introducing legislation today to remedy the most serious administrative difficulties brought to my attention with the following four proposed changes:

First, to clearly delineate taxable tractor sales and to eliminate uncertainty regarding when there is a tax on an incomplete chassis, my bill would make the tax apply only to tractors with a gross vehicle weight in excess of 33,000 pounds.

Second, similarly, to provide certainty regarding when an article is subject to tax, my bill codifies the clear and unequivocal test put in place by the IRS in Revenue Rule 91–27 which imposes the tax on the restoration of a worn or used truck, tractor, or trailer only where the cost of such restoration work exceeds 75 percent of the price of a comparable

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

new vehicle. My bill expands this sensible test to cover the restoration of wrecked vehicles as well as changes or modifications of a truck's function such as the conversion of a tractor to a straight truck, the lengthening or shortening of a frame, or the addition or subtraction of axles.

Third, to foster greater uniformity in the application of the tax and to provide a more precise measurement of the reduction in tax that should occur for tires that are part of a taxable sale and which have been previously taxed, my bill provides an offset to the truck excise tax equal to the tax already paid on such tires. Correspondingly, the bill eliminates the deduction now allowed for the fair market value of tires in determining the taxable amount of a retail truck sale.

Fourth, heavy truck dealers must register with the IRS and furnish exemption certificates for vehicles purchased for resale. A dealer who makes a sale for a resale must produce a valid exemption certificate obtained in connection with sales for resale. A dealer can be required to pay on an exempt sale where the IRS, long after the transaction has been completed, determines that verification of the claimed exemption is inadequate and there is no proof the tax was collected from the first retail user. Even though some sales have obviously been for resale, slavish application of the statute and regulations have nevertheless resulted in the collection of such taxes.

My bill would make it easier to more systematically obtain and retain the required certifications by permitting invoices used in transferring taxable vehicles to include a certification that the transfer is a sale for resale. Resellers would affirm under penalties of perjury, that there was no obligation to collect the Federal excise tax. The same penalties imposed under current law for fraudulent claims of exemption would remain in force. Because it has proven to be of minimal compliance value, my bill would also eliminate the cumbersome registration system now required for heavy truck dealers and other resellers.

THE ELIZA BRYANT CENTER: CELEBRATING 100 YEARS OF SUCCESS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. STOKES. Mr. Speaker. I rise today to salute the Eliza Bryant Center which is located in my congressional district. One hundred years ago, in 1896, the Cleveland Home for Aged Colored People was opened at 284 Giddings Avenue. A century later, Eliza Bryant Center is located only a half-mile away from its original site. The center is a comprehensive provider of geriatric services including adult day care, senior wellness, transportation, and nursing home care.

The Eliza Bryant Center is one of the oldest black institutions in the country. It is believed to be the first black charitable organization in the Cleveland area. Its founder, Eliza Simmons Bryant, was a free black woman who moved to Cleveland from North Carolina. She established the center in 1896 after learning that nursing homes in Cleveland did not admit people of color.

Mr. Speaker, as it marks 100 years of service, the Eliza Bryant Center is enjoying great success. The center provides skilled nursing home and adult day care programs which include nutrition, health care monitoring, socialization and supervision. Eliza Bryant Center also provides Cleveland's only inner-city Alzheimer Disease Support Group.

The center's wellness activities include field trips, cultural events, arts and crafts and other social activities for seniors. It also includes an intergenerational program involving Cleveland schoolchildren, and a special community garden for senior citizens.

Mr. Speaker, I am proud of my close association with the Eliza Bryant Center over the years. Under the direction of its executive director, Harvey Shankman, and his dedicated staff, the center is preparing to enter its second century of service. The center recently initiated a $2.5 million centennial campaign to further address the growing needs for community seniors who wish to remain in their own homes.

I am also pleased to note that the Eliza Bryant Center was the recipient of the 1995 Excellence in Community Services Award from the Association of Ohio Philanthropic Homes for the Aged. The center enjoys a close affiliation with Case Western Reserve University, Cleveland State University, Ursuline College, Job corps and the Cleveland Public Schools.

Mr. Speaker, as it marks a historic 100 years of service, I am pleased to salute the Eliza Bryant Center. It continues to be a beacon of light and a model of excellence.

TRIBUTE TO ADM. RONALD J. "ZAP" ZLATOPER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. SKELTON. Mr. Speaker, I rise today to recognize a truly outstanding naval officer, Adm. Ronald J. "Zap" Zlatoper, who will soon be completing his assignment as the 27th Commander in Chief of our U.S. Pacific Fleet and retiring from active naval service. It is a pleasure for me to recognize a few of his many outstanding achievements.

A native of Cleveland, OH, Admiral Zlatoper was commissioned in 1963 through the naval ROTC program at Rensselaer Polytechnic Institute in Troy, NY. He was assigned to Attack Squadron 65 from 1965 to 1968, where he flew the A–6 Intruder on combat missions over North Vietnam. In subsequent assignments, he served in Attack Squadron 42 and Attack Squadron 34. In 1978 he served as executive officer and then commanding officer of Attack Squadron 85.

In senior operational assignments during the 1980's, Admiral Zlatoper commanded Carrier Air Wing 1 aboard U.S.S. *America* (CV–66), served as senior Air Wing Commander of Carrier Air Wing 15 in U.S.S. *Carl Vinson* (CVN–70) and was chief of staff to commander Seventh Fleet aboard U.S.S. *Blue Ridge* (LCC–19).

After selection for rear admiral in 1988, he was assigned to the staff of the Chief of Naval Personnel. In July 1990 he took command of Carrier Group Seven, homeported in San Diego. Five months later, commanding the eight ships of the U.S.S. *Ranger* (CV–61) battle group, he deployed to the Arabian Gulf for operations Desert Shield and Desert Storm. Under his leadership, the battle group executed the first cruise missile and aircraft attacks on Iraqi forces. As the antisurface warfare commander, he was responsible for the destruction of the Iraqi Navy, receiving the Distinguished Service Medal for his accomplishments.

In 1991 Admiral Zlatoper was promoted to vice admiral. He became the Chief of Naval Personnel and Deputy Chief of Naval Operations for Manpower and Personnel. In 1994 he was promoted to admiral, and he was assigned as Commander in Chief, U.S. Pacific Fleet. Admiral Zlatoper brilliantly led naval forces in the Pacific. Admiral Zlatoper's genuine concern for the quality of life of sailors and their families was evident in notable improvements in their working and living conditions throughout the Pacific.

During his stellar naval career, Admiral Zlatoper has been awarded over 20 personal decorations including the Defense Distinguished Service Medal; Navy Distinguished Service Medal; Legion of Merit; Distinguished Flying Cross; Meritorious Service Medal; Air Medal; and Navy Commendation Medal (with Combat "V"); plus various campaign and unit awards.

Admiral Zlatoper, his wife Barry, and their two children Ashley and Michael, have made many sacrifices during his 33-year naval career. "Zap" Zlatoper is a tremendous credit to the U.S. Navy and the country he so proudly serves. As he now prepares to embark on a second successful career, I call upon my colleagues to wish him every success as well as fair winds and following seas.

WESTON BECOMES A MUNICIPALITY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the city of Weston on becoming Broward's 29th municipality. Through the valiant efforts of the city's new mayor, Mr. Harry Rosen, council members Eric Hersh, Mark Myers, John Flint, and Cindy Fishbein, State Representative Debbie Wasserman Schultz, State Senator Howard Forman and the entire Broward delegation, Arvida/JMB Partners, Broward County, and the Indian Trace Community Development District, residents of Weston now live in a thriving incorporated community. This is an exceptional opportunity for Broward County because it will increase community development, create economic growth, and provide essential municipal services to residents and businesses in Weston.

Emerging in the mid-1970's, the Weston area has come to represent a mix of residential, commercial, and industrial uses. Since that time there has been a considerable amount of long-range planning and development in this unincorporated area of Broward County. In 1994, the Board of the Indian Trace Community Development District recognized the need to incorporate the area so that future delivery of municipal services would effectively serve the expansion. Recently, the residents voted to enact the Charter for the City of Weston. This monumental decision will greatly impact the citizens and businesses that reside in Weston because it will improve the quality of life as well as protect the identity of the community.

Situated on more than 10,000 lush acres, Weston is the largest area adjacent to our priceless Florida Everglades. Because of it's unique landscape and distinct urban planning, Weston is an extremely attractive place for prolonged community development. As a municipality, residents will greatly benefit from a higher level of services including a democratically elected governing body, police and fire protection, and dramatic increase in funding levels which will help to maintain the parks and recreation facilities adjacent to the community. Furthermore, the residents overwhelming approval to incorporate the city shows the community's dedication to the city of Weston and their excitement for new ventures. I wish the residents of the city of Weston the best and look forward to the extraordinary opportunities that lie ahead.

HONORING UKRAINIAN INDEPENDENCE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mrs. MORELLA. Mr. Speaker, I take this opportunity to congratulate the people and the Government of Ukraine on the occasion of that nation's celebration earlier this month of 5 years of independence. Ukraine has made considerable progress in political reform during this time, and Ukrainians are to be congratulated for their conduct of free and fair elections for the presidency and parliament, and their adoption of a new, democratic constitution.

As a major European nation, Ukraine, with the continent's sixth largest population and second largest land mass, has an important role to play, both geopolitically and economically, in Central and Eastern Europe. This region is also important to the United States, so that a strong and stable Ukraine, by contributing to European peace and stability, enhances U.S. national security.

Ukraine has made a promising start in its effort to establish a just, democratic system with a free and open economy. It must build on these steps by implementing its constitution, assuring minority rights, guaranteeing private property, and constructing a reliable and fair system of justice in which all Ukrainians can have faith.

The United States should make every effort to support the people of Ukraine as they strive to live in peace and democracy. We should continue assistance with political and economic reform, nonproliferation, trade relations, and military training so that we may assist Ukrainians in achieving their aspirations as a people and as a nation.

HONORING TRUE VOLUNTARISM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BASS. Mr. Speaker, I rise today to pay tribute to an effort being undertaken by a remarkable young man whom I have the privilege of representing in Congress. I am talking about 16-year-old Steffan Legasse, of Walpole, NH, who has taken it upon himself to help raise money for churches in the South that have been burned and damaged due to the wave of recent arson attacks.

We all are shocked and dismayed by these terrible arson fires. Yet one young man from Western New Hampshire was so moved by what he heard and saw that he decided to do something to help those affected by the church burnings. Steffan undertook a 1,000 mile cycling project this summer in order to raise money for the churches and his own church, St. John's Episcopal Church, of Walpole. The name of his project is "BikeHikes '96." Steffan rode his bike from home to his summer job each day and has made excursions to Vermont and Georgia in conquest of his 1,000 mile goal.

Recently, while in Georgia, the Legasse family met with the Rev. Harry Baldwin, pastor of the Gay's Baptist Church, of Millen, GA, one of many churches recently burned. Some of the funds raised through BikeHikes '96 will help Rev. Baldwin's church. Steffan recently wrote about his meeting: "Rev. Baldwin is a very kind and compassionate person. He helped me better understand the pain felt by the members of his church, yet he also spoke of their faith, hope and determination to rebuild. I have learned that even terrible deeds can result in a positive outcome."

Steffan has biked more than 900 miles as of today. He is taking pledges and donations to raise $10,000 for these churches.

Mr. Speaker, I had the pleasure of meeting young Steffan the other week and I must say I was very impressed. He is a very polite and delightful young man who is deeply committed to this project. I know that his parents, Mr. and Mrs. David Legasse, are very proud of their son, as are Steffan's other family members and friends.

Steffan is still working on BikeHikes '96 and has set up a site on the World Wide Web where computer users can learn for themselves about this wonderful project. The website address is http://www.legasse.com/bikehikes/update.html. For more information on Steffan's effort, you may write to 14 Roxbury Street, Keene, NH 03431.

Mr. Speaker, I ask all of my colleagues to join me today in saluting Steffan Legasse for his effort to help other citizens in need. He represents the true spirit of voluntarism in America.

TRIBUTE TO LISA ELIZABETH GIVENS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. TALENT. Mr. Speaker, I rise today in honor of Lisa Elizabeth Givens, a distinguished student from Chesterfield, MO. Ms. Givens recently was awarded a scholarship by the AMVETS to pursue a career in international business.

Ms. Givens competed against hundreds of applicants nationwide to win the scholarship. This is just one of the many ongoing youth programs AMVETS has developed to recognize the importance of scholarship and rewarding bright and industrious young people like Ms. Givens.

Mr. Speaker, I hope you will join me in congratulating Ms. Givens and wish her all the best in her pursuit of her goals.

GLARING DEFICIENCIES IN U.S. FOREIGN POLICY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BEREUTER. Mr. Speaker, even as this administration points to successes in the area of foreign policy, we are watching those alleged successes unravel. The administration's policy toward Ireland has totally backfired and nearly precipitated a rupture of our relations with the United Kingdom. In Haiti, police who have been trained by this administration are now implicated in a series of political murders. The Middle East peace process has collapsed.

The administration's policy toward Bosnia is even more troubling. The Clinton administration repeatedly has assured this body that United States troops would not remain in Bosnia beyond the December 20, 1996 termination point. But our troops in Europe are now receiving orders to spend 1997 in Bosnia, and U.N. Ambassador Albright is backtracking as fast as she can on the administration's promises to the American people.

And the United States now finds itself standing up to Iraqi aggression by itself. The alliance put together by former President Bush is now in tatters, and the administration seems to lack the elementary competence to preserve our few remaining allies. One would assume the administration would first consult with Kuwait before announcing the deployment of thousands of troops to that country, but that seems beyond this administration's capability.

Mr. Speaker, this Member would ask to insert into the RECORD an editorial from the September 17, 1996 edition of the Omaha World Herald entitled "U.S. Involvement in Bosnia, Iraq Seems to Rely on Afterthoughts." As the editorial correctly notes, the current collapse of foreign policy is what happens when the voters elect a president who minimizes the importance of foreign policy expertise. This Member commends this insightful editorial to his colleagues.

U.S. INVOLVEMENT IN BOSNIA, IRAQ SEEMS TO RELY ON AFTERTHOUGHTS

The foremost reasons that the Founders created the presidency was to give the country a head of state to command the armed forces and deal with other nations. The Clinton administration had not handled those responsibilities well, particularly in Bosnia and Iraq.

President Clinton is reaping the harvest from his 1992 campaign slogan. "It's the economy, stupid," which implied that George Bush's attention to foreign policy was a sign of detached elitism. The flaws in Clinton's approach are now showing.

Certainly Bosnia had elections that were relatively free of violence. But U.S. troops were originally scheduled to leave Bosnia by Dec. 10. On Sunday, reporters asked Madeleine Albright the U.S. ambassador to the United Nations and Secretary of State Warren Christopher whether the schedule will be met. They said it was too early to say. The U.N. mission will end Dec. 20, they said, but an international police force will still be needed. Neither would respond to questions about whether the United States would be part of that police force.

Serbs, Muslims and Croats seem as polarized as ever. The peace that emerged from the Dayton negotiations is artificial. From all appearances, the combatants are biding their time until international troops get out of the way. Then the violence and ethnic cleansing will resume. The risk and expense of U.S. involvement will have been for nothing.

Flaws are also evident in American policy in Iraq. It has now come to light that Americans running a Central Intelligence Agency operation in the northern Kurdish zone disappeared in the middle of the night when Saddam Hussein moved his forces into the region. Surprised Kurdish and Iraqi associates of the Americans were left to fend for themselves.

By some reports. 100 of those U.S. cooperators were captured and executed. Apparently as an afterthought, the administration persuaded Turkey to accept some of the others.

Afterthought—that seems to be the way the White House developed policy in the Persian Gulf. Hey, someone in the administration seems to have said late last week, let's send 5,000 troops to Kuwait to show that President Clinton means business. The plan was flashed around the world. But apparently no one bothered to inform Kuwait. The result was the spectacle of a tiny nation—one that depends on its friendship with the United States to protect itself against Saddam—keeping the secretary of defense waiting until Monday, when clearance for the troop buildup was finally granted.

Other allies in the region have demonstrated reluctance to support U.S. moves against Saddam. Sen. John McCain and other critics of the administration said the administration failed to lay the necessary groundwork among friendly nations for such a mission.

The administration also failed to inform Congress. Speaker Newt Gingrich has said that the situation in the Middle East is almost too muddled to help Clinton find a way out. Gingrich said the White House should back up, consult with the bipartisan leadership of Congress and meet with the gulf war allies in the Middle East to develop a coherent philosophy for dealing with Iraq. He said the United States must know before it acts that other nations will come to its support.

Of course it must know. Gingrich's view is self-evident. The fact that the White House does things differently shows what can happen when the voters elect a president who minimizes the importance of foreign policy expertise.

TRIBUTE TO THE HISPANIC POLICE AND FIRE ASSOCIATION

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. MARTINI. Mr. Speaker, Aristotle once wrote:

> The good of man is the active exercise of his soul's faculties in conformity with excellence or virtue, or if there be several human excellences or virtues, in conformity with the best and most perfect among them.

Today, Mr. Speaker, I rise to pay tribute to several members of the Hispanic Police and Fire Association who have established excellence by displaying outstanding success in their field.

Each year, Mr. Speaker, the Police and Fire Association honors their members who rise far and above the call of duty. This year the Fireman of the Year Awards went to Chris Freeman and Chris Szczygiel. The Police of the Year Awards were accepted by Educardo DeHais and Angel Casabona. Furthermore, Dr. Wayne Petermann and Lorenzo Hernandez were honored with the Humanitarian of the Year Award and the Civic Leader of the Year Award, respectively, for their exemplary service to the community. Finally, Luis Sanchez and Luis Guzman were presented with President of the Year Awards.

The Hispanic Police and Fire Association exemplifies the work ethic and pride so very important in every career and in our daily lives. It is their hard work and dedication, Mr. Speaker, that protects the entire community from the violence and catastrophe all too present in today's society.

On behalf of my colleagues in the House of Representatives, I would like to acknowledge our appreciation for the hard work of these courageous individuals. They put their lives on the line every day, in order for all citizens in the community to feel secure in their own homes.

TRIBUTE TO DICK AND EILEEN MERCER

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BARRETT of Nebraska. Mr. Speaker, I'd like to recognize a family from the Third Congressional District of Nebraska before my colleagues in the House of Representatives.

Dick and Eileen Mercer of Kearney, NE, recently received the 1996 Nebraska Cattlemen-Pfizer Animal Health Stewardship Award. In addition, they received the National Cattlemen's Beef Association Region VII Award. Although I've never had the opportunity to personally visit the Mercer's Double M farm, it's reputation is known far and wide. I've heard it said that if anyone deserves this award, it's Dick and Eileen.

The Mercer's, along with their sons, operate a 3,000-head feedlot outside of Kearney. For more than 20 years, the Mercers have taken a hands-on approach to environmental stewardship. They have committed to water and soil testing. Organic matter in the soil has increased, which helps with water retention and erosion control, while nitrate levels have decreased. To control pests, parasitic wasps are employed, decreasing the need to use insecticides.

One of the most unique features of the Mercer's stewardship is their work with the city of Kearney to compost waste from the municipal sewage plant. Municipal waste is composted with manure from the feedlot and used as fertilizer on cropland. The feedlot was designed to utilize the natural characteristics of the land. Specifically, it's higher than adjacent fields allowing waste to flow downhill. From there, liquids are pumped onto the crops. To be sure, the soil is tested to ensure the proper amount is applied. In Dick's own words, as quoted by the Omaha World Herald, "The project is a perfect example of how urban and rural people can work together to improve and protect the environment."

In addition to local conservation work, the Mercers have been actively involved in the community and local, State, and national environmental organizations, demonstrating their dedication to economically and environmentally sound cattle production. I'm pleased to be able to honor Dick and Eileen today. And although I realize Dick and Eileen have not been stewards of their land in the hopes of receiving awards or recognition, it's sometimes nice to get a pat on the back and acknowledgment for one's lifelong work.

CONGRATULATE ANDY PETTITTE FOR BECOMING FIRST 20 GAME AMERICAN LEAGUE WINNER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BENTSEN. Mr. Speaker, I rise today to congratulate Deer Park, TX native and New York Yankee pitcher Andy Pettitte, who on September 4 became the first American League pitcher to win 20 games this year. Andy has accomplished this remarkable achievement after only three seasons in the big leagues and he is the first Yankee pitcher to do so in 11 years. In performing this feat, Andy pitched the Yankees to a 10–3 win over the Oakland Athletics.

Winning 20 games is an extremely impressive achievement for Andy Pettitte considering that the last 20-game winner in the American League was in 1993. In 1993, Andy was playing college baseball after completing a remarkable high school pitching career at Deer Park High School, in the 25th Congressional District of Texas. I know that his parents, who still live in Deer Park, are proud of their son's accomplishments, as is the entire Deer Park community.

I look forward to great things in this young man's future. In a time when major league pitching has been declining, Andy has been a stellar performer for the Yankees and is one reason they lead the American League Eastern Division. Given his abilities, Andy now leads the pack for baseball's prestigious Cy Young Award.

I believe that we will continue to see remarkable pitching from this hard-working player who began his career in Deer Park, TX. We can be proud of his accomplishments and wish him the best in the coming months.

TRIBUTE TO LT. DENNIS HUFFORD

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. TALENT. Mr. Speaker, I rise today to congratulate Lt. Dennis Hufford of the Chesterfield Police Department. Lieutenant Hufford has the honor of being the first officer from the Chesterfield Police Department to be sent to the Federal Bureau of Investigation National Academy in Quantico, VA. On September 13, 1996, Lieutenant Hufford, joined by his wife, three children, and Chesterfield Police Chief Johnson, graduated from the academy, the most venerated institution of its kind in the Nation.

Lieutenant Hufford has been an asset to the community and the Chesterfield Police Department since its inception in 1989. Serving as the commander of the Detective Bureau, he was the second officer hired by the department. Later, he was promoted to commander of field operations where he now supervises 70 officers. Lieutenant Hufford will use the skills he learned at the academy when he returns to this position this week.

Mr. Speaker, I hope you will join me in congratulating Lieutenant Hufford on this exciting milestone and tremendous accomplishment, as well as commend the Chesterfield Police Department and Chief Johnson on an excellent choice.

POLITICAL TARGETS EASIEST ONES TO SPOT IN IRAQ MISSILE BARRAGE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the editorial which appeared in the Omaha World-Herald on September 11, 1966:

[From the Omaha World-Herald, Sept. 11, 1996]

POLITICAL TARGETS EASIEST ONES TO SPOT IN IRAQ MISSILE BARRAGE

The Butcher of Baghdad, The Bully of Baghdad. "Saddamed if you do, Saddammed if you don't."

Guess who's back in the headlines? Saddam Hussein. Again. The news types have dusted off the old cliches and come up with a few new ones to catalog his latest military indiscretions.

Six years after he invaded Kuwait, six years after his forces were pummeled unmercifully in what he described as "The Mother of All Battles," the Iraqi president has again put his meager military strength at risk. This time he chose sides among rival Kurdish factions and sent 40,000 troops in to assure a victory for his favorite in northern Iraq.

This time, as last time, the president of the United States has cited our vital interest in peace and order in the oil-rich Middle East and ordered a military response. And its the sort of no-strings response that leaves voters looking ahead to Election Day with the maximum comfort level.

Missiles from afar. No ground troops. Virtually no risk of American casualties. Little notice taken and little need to comment on Iraqi casualties, military or civilian. Plenty of room for the Pentagon to claim bull's-eyes for the finest in American technology.

In the sort of analogy that Nebraskans always appreciate, the Tomahawk cruise missile is described as being so accurate that it can be fired from New York or Chicago and whiz right through a set of goal posts in Washington, D.C.

Goal posts, touchdowns and extra points are also inviting terms for describing a political victory for the Clinton camp. In danger of being pegged, again, as a foreign policy lightweight by Bob Dole, of being called soft on Iraq, the president has yielded to aggressive temptation.

When George Bush presided over victory in the 1990 Gulf War, his approval rating soared to 89 percent. Unfortunately for Bush, it was not time for an election.

President Clinton, who knows approval ratings like a sports bookie knows the box scores, scored 69 percent in an early Time Magazine/CNN poll after pulling the military trigger. Hey, it's early yet.

But what makes so much sense politically makes little sense strategically or in support of sound foreign policy. It's swatting a fly with a sledgehammer.

This time, putting the best face on it, it's an exclusively American message to a meddler to mind his own business.

But this time, unlike last time, the United States has no support among Iraq's neighbors, no support from the United Nations, and, with the exception of the British, no support from our traditional allies. There is no coalition of 32 countries joining in defense of an invaded country.

This time, unlike last time, Saddam is operating within his own borders and intervening in a dispute between Kurdish elements sympathetic to either Iran or Iraq.

This time, the United States has stepped beyond economic sanctions and pushed the launch buttons for nothing more serious than violating a no-fly zone in Saddam's own country—even though the Iraqi leader used ground troops and no airplanes.

This time, the likely effect is to polish his image as somebody who stands up to the American aggressors and to tarnish our image for intervening militarily in regional disputes in which we have only the most marginal stake.

This time, critics of presidential policy can speak their minds without having to worry about undermining "our troops." This time, there are no troops. There are only anonymous warheads from afar and a chance to practice our marksmanship.

Since their significance is almost completely symbolic, we could just as well have fired the missiles minus the warheads. We could have substituted leaflets and campaign signs that state matters plainly. "Clinton in '96."

INTRODUCTION OF A RESOLUTION TO REUNITE FAMILIES SEPARATED BY THE HOLOCAUST

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, I recently had the honor of being involved in a remarkable reunion between two siblings who were both Holocaust survivors, but who had been separated for over 60 years. Solomon and Rivka Bromberg were separated during the Holocaust, and neither had heard from the other since.

However, thanks to the resourceful work of younger relatives and Israel's Jewish Agency, these two Holocaust survivors were finally reunited in Israel last month after so many years. Solomon Bromberg's oldest son Michael had worked with the Jewish Agency to contact Sharon Feingold, the granddaughter of Rivka Bromberg Feingold. They then orchestrated a phone call between Solomon and Rivka and a formal reunion in person.

I became involved with this emotional saga only when the family began its search, which is still ongoing, for a third sibling, Abraham Bromberg, believed to be in the United States. Nevertheless, I had been very moved by the emotional reunion of Solomon and Rivka.

Today there are thousands of Holocaust survivors in Russia, Eastern Europe, the United States, Israel, and other nations who were separated from their families during the Holocaust and who may not know the fates of their relatives.

For this reason I am introducing a concurrent resolution today to urge the Secretary of State, foreign nations, especially Israel, Russia, Poland, and other Eastern European nations, and organizations such as the Red Cross and Israel's Jewish Agency, to coordinate efforts to help reunite family members separated as a result of the Holocaust. If my colleagues could have seen the emotional reunion of the Brombergs, they would agree with me that these thousands of families deserve help in finding their own long lost relatives. With some additional effort by the State Department and the cooperation of other agencies and foreign governments, there can be thousands more happy reunions. Therefore, I urge my colleagues to support this resolution.

TRIBUTE TO VICTOR MAGHAKIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. RADANOVICH. Mr. Speaker, today I would like to give special tribute to Victor Maghakian, a gentleman who resided in California's 19th Congressional District, and who served our great country, until his death in 1977.

William B. Secrest, a guest writer for the Fresno Bee, wrote a wonderful tribute to Mr. Maghakian, and at this time, I would like to share it with my colleagues:

"TRANSPORT" MAGHAKIAN SERVED HIS COUNTRY WELL AS A MARINE

To find the soul of Memorial Day, let us pause from gun salutes and distant trumpets to recall the life of a great adopted Freeman.

Victor Maghakian was born in Chicago, but he and his family gravitated to San Diego in 1930 and to Fresno nine years afterward. Between moves he served a hitch in the United States Marine Corps and was stationed throughout the Philippines and China. His familiarity with foreign bases and situations earned him the nickname "Transport," signifying "he knows his way around.

"SUICIDE UNIT"

When Pearl Harbor occurred, Transport was serving as a Fresno County deputy sheriff. Full of shock and fierce patriotism, he re-enlisted in the Corps immediately. He was elated to discover it needed volunteers for a so-called "suicide unit" of crack soldiers.

The unit, known as Carlson's Raiders after its founder and commander, Col. Evans F. Carlson, was reserved for the toughest Marines—15,000 applied, 900 were accepted. Its members endured weeks of training in martial arts, mountain climbing, beach landings and 35- to 50-mile daily hikes.

By mid-1942 Transport and the Raiders were itching to join the island-hopping, hand-to-hand combat in the Pacific. Their first mission was to fool the Japanese into thinking a large troop wave was hitting Makin Island. Only 222 Raiders were slated for the invasion—a tiny ripple that turned out to be as good as a tsunami.

During the night of Aug. 16, the Raiders snuck into Makin via submarines and rubber boats. After daylight the battle began. Transport, machine-gunning frantically and nursing a forearm wound, noticed that two planes with enemy officers had landed. They were assessing the situation for the brass at headquarters and therefore had to be stopped.

Bleeding, struggling to stay conscious and armed with just a rifle, Transport crept toward an anti-tank gun. Before he got there, he pulverized an enemy launch with a grenade, and surprised and bayonetted a Japanese infantryman. Luckily, enough ammunition was left to destroy both planes and muzzle the officers. Transport's boldness ensured that the small Raider force stayed a secret.

Transport's follow-up exploit was just as amazing. The following December, he and some other Raiders were bogged down by enemy sniper fire on Guadalcanal. Suddenly, a bullet hit and mortally wounded one of his buddies, Lt. Jack Miller of Dallas. Transport stood out and made himself a human target so the sniper would give up his hiding spot. The enemy was soon mowed down and Lt. Miller avenged.

This time, Transport's bravado came at a personal price. He was shot through the wrist, and the watch he was wearing became embedded in skin and bone. It took years for the fragments to work their way out or be removed; once, the mainspring was found wrapped around an artery. Some pieces never emerged.

WILLING TO TAKE A CHANCE

Asked why he took that high risk, Transport offered a homely, yet apt, answer: "It seems to get you mad. Good and mad. Furious. You make up your mind you are going to get that so-and-so if it costs you a slug in the belly."

Wounds and risks never daunted Transport. During the 1944 battle of Eniwetok, he elminated the last four Japanese soldiers on Mellu Island single-handedly, and rescued a platoon by looping around an enemy flank and destroying it with grenades. He also saved the life of a young marine who later ended up in Hollywood—Lee Marvin—and became the first officer to raise the American flag on Tinian Island.

Transport left active duty in 1946, full of honors: the Navy Cross, two Silver Stars, a Bronze Star and two Purple Hearts. When fully retired he was listed as 60 percent disabled, but it didn't affect his subsequent successful career as a Las Vegas hotel executive and security consultant. After living there for much of the postwar era, he returned to Fresno three years before his death in 1977. Capt. Maghakian now sleeps at Ararat Cemetery.

Without the Transports, we would not know freedom, strength or national greatness. It's sad to know that recently, when names were proposed for new local high schools, his came up and was rejected. For now we can honor his name through remembrance, and hope that soon Victor Maghakian will have a memorial which befits his undeniable stature.

TRIBUTE TO JAMES H. QUILLEN

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DUNCAN. Mr. Speaker, previously, my colleague and I engaged in a conversation regarding the accomplishments that Congressman QUILLEN has performed in the House of Representatives and the services he provided for hundreds of thousands of people in the First District of Tennessee and the entire State.

I request that a copy of the attached statement from Steven Blackwell, which is representative of the views and thanks of thousands of people, be placed in the RECORD at this point. I would like to call it to the attention of my colleagues and other readers of the RECORD.

TRIBUTE TO JAMES H. QUILLEN, U.S. CONGRESSMAN

On a day when his colleagues in the House of Representatives have risen to pay tribute to the distinguished career and the dedicated public service of James H. "Jimmy" Quillen of Tennessee, perhaps it is in order for a constituent of Jimmy Quillen's to have the opportunity to add an additional word of praise and of thanks for the long service of this unique public servant. I enormously appreciate this opportunity to do so.

For thirty-four years, since the summer of 1962, when I was fifteen years old, Jimmy Quillen has been the central political figure of Tennessee's First Congressional District. And for that same thirty-four years, since January 1963, a period of time unsurpassed by any serving Republican on Capitol Hill, Jimmy Quillen has been my Congressman.

On legislative issues, particularly on matters of national defense, on the role of the United States as an international guarantor and exponent of free markets, free ideas, and free people, and on issues of sound and prudent tax and fiscal policies, Congressman Quillen has fully and faithfully represented the views I have held.

In the areas of constituent services, no American of either party—or of any party or no party for that matter—could have wanted a better exponent and advocate in dealing with myriad bureaucrats at home and abroad. Those golden bulldogs awarded for watching the Treasury might equally as well have been given for tenacity in guarding constituent interests.

In Republican political activities, Congressman Jimmy Quillen has exemplied the pragmatic, conservative outlook that for generations has characterized the independent-minded mountain Republicans of East Tennessee.

His colleagues, the staffs of various committees, and the professionals who represent every conceivable interest before Congress know James H. Quillen as a long-term legislator and effective negotiator.

I, and countless others whom he had represented throughout his tenure, know him as a man who rose from the most meager of circumstances, as man who answered his country call in time of war and sailed in harm's way to the opposite side of troubled globe, and as a hard-working legislator. But I have had the honor and privilege to know him as more as well. I am proud to have known him as a friend; I have been honored to have him as my Congressman; and, I will miss him.

46TH ANNIVERSARY OF TEMAS MAGAZINE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DIAZ-BALART. Mr. Speaker, I rise once again to commemorate the 46th year of the first edition of TEMAS magazine, and I would like to extend my sincerest congratulations for the wonderful job that for these more than four decades TEMAS has performed for Spanish-speaking communities throughout the United States.

TEMAS' philosophy, under expert supervision and with the collaboration of a distinguished staff, has always contributed to social peace in our communities, progress and brotherhood within our diverse society. People of all ethnic backgrounds invariably find an effective and honest fighter for their rights in TEMAS.

For all this, and much more, I would like to publicly congratulate TEMAS and pledge my continued support for their efforts. I wish Lolita de la Vega, Ana Maria Perera, their staff and TEMAS continued success and good fortune.

THE INTRODUCTION OF THE NATIONAL INFORMATION INFRASTRUCTURE PROTECTION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. GOODLATTE. Mr. Speaker, today I am introducing crime legislation which will bring out criminal code into the computer age. The NII Protection Act, would strengthen the Computer Fraud and Abuse Act, 18 U.S.C. 1030, by closing gaps in the law to better safeguard the confidentiality, integrity and security of computer data and networks. The Senate companion to this legislation, S. 982, has already cleared the Senate and now the House must act to send this legislation to the President's desk.

With all the benefits created by the explosion of computer networks comes a very serious concern—networked computers also provide new opportunities for criminal activity. The Computer Emergency Response Team, known as CERT, based at the Carnegie Mellon University, in Pittsburgh reports that the number of reported intrusions into U.S. based computer systems rose from 773 in 1992 to more than 2,300 by 1994—a 197-percent increase in 2 years. Additionally, CERT reported the number of sites attacked rose more than 89 percent during the same period.

Once into a computer system, hackers have the ability to steal, modify, or destroy sensitive data—thus the potential costs to users, including businesses, are staggering.

That is why the Justice Department and the FBI support this important legislation. It will help stem the on-line crime epidemic and increase protection for both Government and private computers.

The NII Protection Act improves the current Computer Fraud and Abuse Act by providing additional protection for computerized information and systems, by designating new computer crimes, and by extending protection to computer systems used in foreign or interstate commerce or communications.

Current law falls short of protecting our Nation's infrastructure which increasingly relies on computer systems. Although financial institutions and consumer reporting agencies are currently protected under the Computer Fraud and Abuse Act, this bill closes a number of loopholes in the criminal code which allow other industries to fall victims to computer crimes.

Since hacker activities generally do not cross State lines they are not Federal offenses. The NII Protection Act would extend coverage under the Computer Fraud and Abuse Act to any computer used in interstate or foreign commerce or communications and thus, would strengthen Federal law enforcement's ability to fight this type of criminal activity.

The bill would allow Federal prosecution of all those who misuse computers to obtain Government information and, where appropriate, information held by the private sector. The harshest penalties would be reserved for those who obtain classified information that could be used to injure the United States or assist a foreign state. Those who break into a computer system, or insiders who intentionally abuse their computer access privileges, to steal information from a computer system for commercial advantage, private financial gain or to commit any criminal or tortious act would also be subject to felony prosecution. Individuals who intentionally break into, or abuse their authority to use, a computer and thereby obtain information of minimal value, would be subject to a misdemeanor penalty.

The bill would also penalize any person who uses a computer to cause the transmission of a computer virus or other harmful computer program to Government and financial institution computers not used in interstate communications, such as intrastate local area networks used by Government agencies that contain sensitive and confidential information. Computers used in foreign communications or commerce would also be covered.

Outside hackers who break into a computer could be punished for any intentional, reckless, or negligent damages they cause. The bill also punishes modern-day extortionists who threaten to harm or shut down computer networks unless their demands are satisfied.

The NII Protection Act would provide much needed protection for our Nation's important information infrastructure and help maintain the privacy of electronic information. I urge quick action on this important legislation.

20TH ANNIVERSARY OF CHRISTO AND JEANNE-CLAUDE'S "RUNNING FENCE"

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate the 20th anniversary of Christo and Jeanne-Claude's "Running Fence, Sonoma and Marin Counties, CA, 1972–76", which occurred in the district I am privileged to represent. I wish that I could be present at the Valley Ford Post Office as we celebrate and remember this remarkable achievement.

"Running Fence," was completed September 10, 1976 and displayed for 14 days. Marin and Sonoma Counties owe a great deal of gratitude for Christo and Jeanne-Claude's tireless efforts to construct this temporary, 24½-mile-long work of art. In order to realize this successful collaborative project ranchers and residents, engineers and elected officials, lawyers and members of the business community, as well as many dedicated workers, came together for the purpose of art.

Mr. Speaker, it is my great pleasure to pay tribute to Christo and Jeanne-Claude and to thank them for realizing the "Running Fence," vision in Marin and Sonoma Counties and for the wonderful lasting impression they have left us. In fact, it should be noted that a print of "Running Fence," is hanging in my congressional office in Washington, DC. I appreciate those who are working to remember "Running Fence," and I extend my hearty congratulations and best wishes for continued inspiration in the years to come.

HONORING THE LIFE AND WORK OF BERNARD JACOBS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. NADLER. Mr. Speaker, this country lost a great American on August 27, when the president of the Shubert Organization, Bernard Jacobs, died at the age of 80.

A native New Yorker, Bernie Jacobs was a graduate of New York University and Columbia Law School. For nearly 40 years, working with his partner and friend Gerald Schoenfeld, he helped make the Shubert Organization a leader in the theatrical life of the Nation, through his profound knowledge and understanding of Broadway as an art and a business.

The Shubert Organization owns theaters in Philadelphia, Washington, Boston, and Los Angeles, but on Broadway they are preeminent. I am proud to say that most of their theaters are in my congressional district.

With Bernie Jacobs' leadership, the Shubert Organization has been instrumental in bringing some of the most important American and British productions to Broadway, some of which have toured nationally and internationally. Bernie Jacobs' championship of the creative community was legendary. As producers, the Shubert Organization has directly developed and produced shows by many of the leading playwrights, directors, and composers of this era.

Bernie Jacobs' support for the crafts people who serve the industry was widely recognized, and his humanity led him to arrange for children and students to see Broadway shows for free.

He was on the faculty of the Columbia School of the Arts and a longtime trustee of the Actors' Fund of America, and he received many awards from theatrical and charitable institutions.

Mr. Speaker, it is fitting that this man, who contributed so much of lasting value to America, should be remembered and honored.

TRIBUTE TO DEMOS MEGALOUDIS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BILIRAKIS. Mr. Speaker, honor is always most gratifying when it comes from those who know us best. I rise today to honor a very close friend, Mr. Demos Megaloudis, who was taken from us this past Wednesday, September 11, 1996. He was a man whose life was an example for us all.

As a husband to his wife, Stella, and father to his son, Gary and daughter, Chris he was a loving, committed family man, who clearly put them first.

As a businessman he established a name associated with honor and service, not personal gain.

Within the community, although well known, he was not a sophisticated man, aloof with self importance. He was a man who showed deep care and concern for his fellow man. Seeing needs in the community he was willing to step forward—but not for recognition.

Many, many have benefited from Demo Megaloudis' personal investment in their lives—from the crippled and burned children helped by the Shriners' Hospital, to the children given love and care by the Elk's Harry Anna Crippled Children's Home, to those in need of the Lion's Club projects for the blind and those of poor eyesight, to the local Tarpon Springs residents of our African-American community—he was always there to roll up his sleeves to do whatever he could.

When his father died at the same age Our Lord decided to take Demos from us, he gave up his dreams of going to college to run the family cleaning and dry cleaning business. But that dream stayed with him and instilled in him the importance of education. Thus, Demos worked hard as vice chairman of the St. Petersburg Junior College Board of Trustees. He knew the importance of education as life's stepping stone for young people.

I personally have lost as fine and loyal a friend as any man could hope to have. Our area and the world are better places for his having lived. His legacy of love, kindness, and purity of heart will live on and hopefully guide all of us.

My Demos, we will miss you. May your memory be eternal.

TRIBUTE TO JOHN RENNA

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. MARTINI. Mr. Speaker, I would like to pay tribute to a very special individual from the Eighth Congressional District of New Jersey.

It is often said that those who put the most into life get the most out of life. No one exemplifies this axiom better than John Renna. Mr. Renna has dedicated his life to public service, and all those he has served are certainly better off for it. In a time when the truly good people of this world often go unnoticed, it is in fact people like John Renna who deserve recognition. For his years of dedicated service, it is my honor to pay tribute to a man who has been synonymous with assisting the communities of Essex County.

John Renna has been a true public servant since his days with the U.S. Army 50 years ago. Since that time, John has worked his way through our State's highest offices, becoming the New Jersey Commissioner of Community Affiars in 1982. In addition to serving under former Governor Tom Kean, John has had two stints as the Republican Chairman of Essex County, from 1977 to 1985 and from 1986 to 1996. I commend him for honorably and gracefully performing his jobs throughout his professional career.

The virtue and integrity with which John Renna went about his professional duties carried over into his active involvement within the community. As a member of the West Orange Chamber of Commerce, UNICO National, and Project Heartbeat, John Renna has continually given our community his best. The greatest good we can do is not just share our riches with others, but to reveal their riches to themselves. Throughout his life, John Renna has done exactly that.

The highest service we can provide is willingly assisting others, not out of compulsion, but always out of compassion. Throughout his distinguished personal and professional life, John Renna has always put others ahead of himself. For a career of dedicated service to our community, I am honored to pay tribute to John Renna.

TRIBUTE TO MARTHA MORGAN

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. SCHIFF. Mr. Speaker, I rise today to remember Martha Morgan, who passed away last week after a short illness.

Marty, as she was known to her family and friends, began her political work back in her native New Mexico as a staffer on the Women for Nixon campaign in 1968 and the Lujan for Congress campaign of 1970. She became then Congressman Lujan's district office director in 1981 and joined my staff as district director in 1989.

She moved to the Government Operations Committee in 1993 and was serving, as always, with devotion and skill as Government Reform and Oversight staff, when she was so tragically stricken last week.

Marty is survived by two children, four grandchildren, and a host of friends. She will be sorely missed by all of us.

KELLY SERVICES, INC., 50TH ANNIVERSARY CELEBRATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. LEVIN. Mr. Speaker, on Monday, October 7, Kelly Services, Inc., will celebrate the golden anniversary of their founding. Employees and customers throughout the world will attend events recognizing the 50 years of business which William Russell Kelly started on October 7, 1946. A major event will take place at the company headquarters in Troy, MI.

From first year sales of $847.72 in 1946 to current sales of several billion dollars, Kelly Services has grown globally with the changing climate of business. From Russell Kelly Office Service to their World Wide Web site, Kelly has been at the forefront of change, anticipating their customers' needs and adapting to serve them.

Always a staffing services industry leader, Kelly began expanding to other States in 1954 and was in all 50 States by 1979. The first international office was opened in Toronto in 1968, the first European office in Paris in 1972, and new offices continue to open in cities around the world. Today there are 1,300 locations in North America, Europe, Australia, and New Zealand. "Temps" are available to fill office, labor, technical, scientific, home health care, legal support, and temporary-to-full time vacancies. Kelly Services defined the standard of industry competition by pioneering programs for the training, testing, and classification of temporary employee skills, enabling them to better serve their clients, both managers and workers.

During more than 30 years of leadership, current president and CEO, Terrence E. Adderly has guided the development of a proud history. Along the way, Kelly Services has garnered a whole host of awards, including 1988 Detroit Press Michigan Company of the Year, 1990 Forbes Best Business Services and Supplies Company for the 1990's, Blue Cross/Blue Shield Savings and Service Excellence Award, National Displaced Homemakers Network Partners in Change Award, U.S. Defense Investigative Service James S. Cogswell Award for Outstanding Industrial Security Achievement, and Michigan Minority Business Development Council Consumer and Commercial Services Corporation of the Year.

From "Kelly Girls," an icon of the post-World War II era, to the current impressive and diverse array of staffing employees and services, Kelly Services, Inc. has truly earned the respect and confidence of people throughout the world. I salute their accomplishments and join their employees and customers everywhere in this celebration.

INTRODUCTION OF THE BI-STATE AIRCRAFT NOISE CORRECTION ACT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing legislation, along with Representatives MOLINARI, FRELINGHUYSEN, and MARTINI, entitled the "Bi-State Aircraft Noise Correction Act". Our bill is directed at ending the Federal Aviation Administration's reign of tyranny over New Jersey's and Staten Island's skies.

For 9 long years, the FAA has cynically pitted the citizens of New Jersey against the citizens of Staten Island. The agency deliberately sought to convince the residents of Staten Island that the people of New Jersey were the ones blocking meaningful relief from aircraft noise. In turn, the FAA fostered the perception that any reduction in airplane noise over Staten Island would make the problem worse over the skies of New Jersey.

This cynical ploy was aimed at provoking a war between the States, thereby diverting attention from the real culprit. Today, for the first time, our States stand united behind a common solution. Instead of fighting each other, we will be focusing all our energies to compel action by the Government agency that started it all: The FAA.

Our bill takes a new approach to this issue by mandating aircraft noise reduction goals for the FAA, not specific new air routes.

For New Jersey, our bill directs the FAA to reduce aircraft noise by 6 decibels for at least 80 percent of the people residing between roughly 2 and 18 miles from Newark Airport. Let me put into context what a 6-decibel decrease means to the average person. By way of example, many of my constituents impacted by aircraft noise have to cease their outdoor conversations when a plane is overhead. A 6-decibel decrease will reduce noise enough that most conversations will not be interrupted when a plane flies over.

As a result of the FAA's long history of resistance to every effort aimed at addressing the airplane noise problem over the metropolitan region, this legislation includes a contingency plan in the event the FAA refuses to carry out the requirements of this legislation. Our bill provides legal standing for citizen groups in New Jersey and Staten Island to sue the FAA to ensure compliance with this act in Federal district court.

No longer will the FAA be able to hide behind a bureaucratic veil, as they have so effectively done in the past, to deny our constituents relief from aircraft noise. If the FAA does not comply with our legislation, they will have to answer to a Federal judge.

Since the inception of the Expanded East Coast Plan in 1987, I and other Members from New Jersey and New York have tried everything we can think of to get the FAA to face up to its responsibility to address the real concerns of citizens who have had their homes and neighborhoods disrupted by a level of aircraft noise that has diminished their quality of life.

Just last week, the House passed an amendment that calls for the establishment of an aircraft noise ombudsman in the FAA to represent the concerns of those living with airplane noise.

Last November, I presided over a House Aviation Subcommittee hearing where the FAA administrator admitted he had no plan to solve our aircraft noise problem.

I also introduced legislation moving the FAA eastern regional office from Queens, NY, to Union County so FAA bureaucrats could hear the problem they have created.

After nearly a decade of the FAA's acts of duplicity and evasion on this issue, it's become apparent that they never intend to voluntary take steps to remedy this problem.

That is why our bill is so significant. No longer will our constituents be solely at the tender mercies of the FAA. Our bill mandates a solution.

After years of acrimony and bitterness between the FAA and members of the New Jersey and New York delegations, I understand that it is unrealistic to expect the FAA to rush out and embrace our bill. The FAA's first reaction to our legislation will probably be to kill it by working behind the scenes with their allies, late at night, leaving no fingerprints.

Instead of playing that cynical, political game, I instead challenge the FAA to sit down with the sponsors of our legislation and hash out a solution to this problem. I refuse to accept the FAA's posture that nothing more can be done to reduce noise in New Jersey and Staten Island. I suspect more savvy FAA representatives know this issue can be worked out amicably and quickly—if the will exists on their part to do it.

Mr. Speaker, I will be working tirelessly, from now until adjournment sine die, to enact our bill. In the interim, I urge the FAA to accept my offer to negotiate an end to our differences.

THE HOSPITAL SELF-REFERRAL ACT OF 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. STARK. Mr. Speaker, I am pleased to introduce the Hospital Self-Referral Act of 1996.

Previously, I have sponsored legislation that restricts physicians from self-referral because this practice leads to overutilization and increased health care expenses. This legislation is designed to rectify a similar problem.

Today, nonprofit hospitals, for-profit hospitals, and large health care conglomerates have acquired their own posthospital entities such as home health care agencies, durable medical equipment businesses and skilled nursing facilities so as to refer discharged patients exclusively to their own services. As a result, many nonhospital based entities have seen inflows of new patients completely halted once a hospital acquires an agency in their service area.

The effects of this self-referral trend are harmful. Hospitals that refer patients exclusively to their own entities eliminate competition in the market and thereby remove incentives to improve quality and decrease costs. Further, hospitals are able to selectively refer patients that require more profitable services to their own entity while sending the less profitable cases to the nonhospital based entities. The nonhospital entity is forced to either raise prices or leave the market. Worst of all, patients have no voice in deciding which entity provides the services.

This legislation remedies the problem by leveling the playing field. First, hospitals will be required to provide those patients being discharged for posthospital services with a list of all participating providers in the service area so that the patient may choose their provider.

Second, hospitals must disclose all financial interest in posthospital service entities to the Secretary of Health and Human Services. In addition, they must report to the Secretary the percentage of posthospital referrals that are made to their self-owned entities as well as to other eligible entities.

This legislation does not hinder a hospital's ability to offer its own services. It merely guarantees that all providers will have an opportunity to compete in the market. Most importantly, it guarantees that patients will have choice when selecting their provider.

Attached is a letter that typifies the current problem in the home health services market.

IDAHO HOME HEALTH INC,
Pocatello, ID, July 24, 1996.

Re Medicare and Medicaid patient steering.

D. MCCARTY THORTON, Esq.,
Chief Counsel, Office of the Inspector General, Washington, DC.

We understand you are interested in receiving information about Medicare and Medicaid patient steering. We own a Medicare and Medicaid state licensed home health agency that began twenty (20) years ago, and offer the following examples:

A. IDAHO FALLS, IDAHO

In 1993 we opened a branch office before the local hospital offered home health. We received Medicare and Medicaid hospital home health referrals on a regular basis. Once the hospital opened their home health agency in 1994 our Idaho Falls office has not received a single referral from the hospital in more than three (3) years. We also inquired of the other home health agencies in the area and they all indicated they too have not received a single home health referral from the hospital from the hospital for years.

In 1995 we were given minutes of a meeting wherein the DNS at the hospital instructed the nursing staff to refer only to the hospital's home health agency. We interviewed and have recorded conversations with post hospital home health patients who state they were never given a choice of providers. We ever had one of our own employee's family member request our agency upon hospital discharge and they were still admitted to the hospital's agency.

B. MONTPELIER, IDAHO

We opened our home health agency there in 1992. The only local hospital opened their home health agency in 1994. Between 1992 and 1994 we received hospital referrals on a regular basis. Since 1994 not another agency in Montpelier, including ours, has received a hospital home health referral.

C. AMERICAN FALLS, IDAHO

We opened our agency there in 1994. The hospital opened their home health agency in 1995. For nearly two (2) years we received hospital home health referrals on a regular basis. Since the hospital opened their agency not another home health agency in American Falls has received a hospital home health referral.

D. BLACKFOOT, IDAHO

We opened our agency there in 1992 and received regular referrals from the physician owned Blackfoot clinic. In 1995 the doctor owned clinic opened a home health agency. Since they opened their own agency, we have not received a single home health referral. Each doctor owns more than 5% and each doctor signs home health certifications. We advised HCFA and our intermediary of this fact years ago and to date neither has done anything to our knowledge.

E. SODA SPRINGS, IDAHO

We opened our office there in 1993. Between 1993 and 1995 we regularly received hospital referrals. Since Hospital X opened its own agency in 1995 we have not, nor has any other agency received a hospital home health referral.

Traditionally, hospitals account for about thirty to forty (30–40%) of home health referrals for free standing agencies. Our experience proves in service areas, where hospitals have opened their own agencies, that figure normally decreases to about 0 to 1%. We have repeatedly tried to correct this situation through meetings with hospital employees. We have written the Governor, the Attorney General, met with state and national congress people. We have written letters to HCFA, our intermediary, and the OIG. To date, no one has offered any assistance. Hospitals are reimbursed normally twice what we receive from Medicare for the identical service. Why the proper authorities fail or refuse to respond to these facts is unknown. Had our agency provided the care we would have saved millions of tax payor dollars.

Sincerely,

WILLIAM F. BACON,
Vice President and General Counsel.

TRIBUTE TO SISTER PATRICIA LYONS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated and caring individuals, Sister Patricia Lyons. Sister Patricia is being honored for a lifetime of exemplary service to her community. I wish that

I could have joined with her colleagues, friends, former students, and family last Friday to celebrate her remarkable accomplishments.

Over 50 years ago, Sister Patricia founded and served as the first director of the Garden School at Dominican College in San Rafael. At Garden School, Sister Patricia has introduced generations of youngsters to the joys of math and reading, the challenges of computers, and the freedom of expression through art. Through her work for the Garden School, which was the first school for early childhood education in Marin County, Sister Patricia has touched the lives of over 3,000 children.

Through her work Sister Patricia has instilled in her students a sense of social responsibility and concern for other cultures, while providing a strong academic base that ensures their future success. Today her classroom is filled with the children and grandchildren of former students, and this multigenerational tradition testifies to the love and high esteem in which Sister Patricia is held by her community. In addition to numerous awards and honors, Sister Patricia has been named Marin County's Private Schoolmaster of 1996.

Mr. Speaker, it is my great pleasure to pay tribute to Sister Patricia Lyons during this special evening at Dominican College. Marin County owes a great deal of gratitude for the tireless efforts of Sister Patricia. She has long championed the importance of early childhood education in our community. I extend my hearty congratulations and best wishes to Sister Patricia for continued success in the years to come.

TRIBUTE TO ANTONIO B. ECLAVEA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. UNDERWOOD. Mr. Speaker, the Department of the Army expects personal and professional ethics, integrity, confidence, and competence from its warrant officers. In addition, they are required to possess tactical knowledge, progressive levels of expertise, and leadership qualities to justify the existence of this tier in the Army rank structure.

Recent problems stemming from early separations resulted in the implementation of changes within the warrant officer tier. As part of the fiscal year 1992–93 National Defense Authorization Act, the Warrant Officer Management Act became law. As a result, the new grade CW5 was created in order to keep the most senior and most experienced warrant officers in service.

Although the first warrant officers promoted to the rank of CW5 were selected in 1992, it was not until 1992 that the first active duty CW5's were appointed by the Army. One of the selectees, Antonio B. Eclavea, a native son of Guam, holds the distinction of being the first Army warrant officer to be promoted to CW5 in the Adjutant General Corps.

Born in Agana, Guam on September 9, 1934, CW5 Eclavea first entered military service through the U.S. Air Force. After rising to the rank of master sergeant, he traded his Air Force stripes for warrant officer's bars when he joined the Army in 1969.

For over 34 years, CW5 Eclavea served on various posts including tours of duty in Vietnam, Taiwan, Germany, and the Republic of Korea. He was also stationed to a number of stateside locations prior to serving as special assistant to the Chief of Staff of the Army. In addition to completing the Army Adjutant General Course and the Master Warrant Officer Course, he also received a bachelor of science degree in economics and business administration from Marymount College in Salina, KS. Awards and decorations conferred to him include, among others, the Legion of Merit, the Meritorious Service Medal, the Joint Service Commendation Medal, the Army Commendation Medal, and the Army Achievement Medal.

On Guam, the personal accomplishments and success of native sons and daughters are always celebrated and adopted as triumphs for everyone in the community. By virtue of the great contributions his military career has made toward the strength and security of this Nation and by being one of the first to be promoted to the grade of CW5, Antonio B. Eclavea has brought great recognition to himself, the island of Guam, and its people. On behalf of the people of Guam, I congratulate CW5 Eclavea for his outstanding achievements. I also join his wife, Rose Marie, and his sons Johnny, Anthony, Michael, and Mark Henry in proudly celebrating his great accomplishments.

TRIBUTE TO HERBERT WEBB, M.D., OF EFFINGHAM, IL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. POSHARD. Mr. Speaker, it is my pleasure to congratulate a constituent of the 19th Congressional District, who for countless hours has demonstrated the real meaning of selflessness, Dr. Herbert Webb. On September 20, 1996, Dr. Herbert Webb will celebrate 50 years of service as a physician in the city of Effingham, IL. Not only is Dr. Webb an outstanding doctor, he has been an active member of the community since 1946. This commitment to the people of Effingham serves as an example to us all.

Dr. Webb began his medical career when he graduated from Sydney College in Virginia in 1938. Four years later he received his medical degree from the Medical College in Richmond. He entered the U.S. Army in 1942, serving his country during World War II, and was honorably discharged in 1946.

Dr. Webb's leadership has elevated him in his career to the point where he now serves as chief of the surgery department and president of the medical staff in St. Anthony's Memorial Hospital. For many years he has been a dedicated member of the Kiwanis Club, the American Legion, Elks Club, and the Masonic Lodge. To this day he proudly serves as an Elder at First Presbyterian Church in Effingham. On top of all these accomplishments, Dr. Webb has successfully raised seven children.

In Effingham, and in the thousands of American communities just like it across the Nation, being a doctor is a tremendous responsibility. I'm sure Dr. Webb knows most everyone in town on a first-name basis, and can remember the various ailments and maladies which were treated through a timely prescription or perhaps just a comforting word at the bedside.

He has watched children grow from infants who babble in church to adults who serve as deacons in their congregation. Sharing a friendly greeting with the local merchant or police officer and helping a little boy or girl conquer the fear of stitches or shots have been the rule for Dr. Webb, not the exception. As a doctor in Effingham, Dr. Webb is respected by his community, which appreciates the labor of love he has invested in them.

It is with great pride that I have the opportunity to honor Dr. Webb for his many years of dedicated service to the people of Effingham. It is not often we find a hard-working public servant such as Dr. Webb, who for countless hours has strived to make our community a better place. For all his service to our community, I ask that you join me, Mr. Speaker, in congratulating Dr. Herbert Webb.

TRIBUTE TO WALLACE KIDO

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. REED. Mr. Speaker, I rise today to take this opportunity to congratulate and recognize the distinguished career of Wallace Kido, the manager of the Providence district of the U.S. Postal Service. In that capacity, Mr. Kido is responsible for serving postal customers throughout the State of Rhode Island and southeastern Massachusetts, a region generating revenues in excess of $440 million. Sadly, after 32 years of exemplary public service, Mr. Kido has announced that he will be retiring early next year.

During his tenure with the Rhode Island office, Mr. Kido has been a good friend and an effective representative of the U.S. Postal Service. His career with the U.S. Postal Service began back in 1964, when he started as a clerk in San Francisco.

Since then, Mr. Kido has taken on a series of increasingly higher positions and assignments, including director of the Office of Human Resources at Postal Service headquarters. Mr. Kido joined the Providence Postal Service in 1986 as general manager-postmaster. Prior to his appointment, Mr. Kido earned a master's degree from the Massachusetts Institute of Technology, where he represented the Postal Service in the Alfred P. Sloan Fellows Program.

Mr. Kido's duties as Providence district postmaster include managing 195 post offices, 3 processing and distribution plants, and almost 9,000 employees. His remarkable energy and commitment to the task makes what he does seem effortless.

During his 10 years as manager in Providence, Mr. Kido has brought a degree of excellence, and more importantly, a sense of pride, to the challenging task of coordinating the processing of 1 billion pieces of mail each year. In fact, average overnight delivery service in Rhode Island has exceeded the national average over the last seven quarters.

Today, I ask my colleagues to join me in paying tribute to Mr. Kido's exemplary service. He will be greatly missed as the Providence district manager, and I wish him all the best as he embarks upon a new phase of endeavors.

TRIBUTE TO ALBERTA MARTIN, AMERICA'S LAST CONFEDERATE WIDOW

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. EVERETT. Mr. Speaker, I would like to pay homage to a very special lady who is a unique bridge to our Nation's past, Mrs. Alberta Martin. Mrs. Martin is America's only surviving Confederate widow.

A resident of the city of Elba in my home county of Coffee in Alabama, Mrs. Martin is the widow of the late William Jasper Martin, who served in the 4th Alabama Infantry from May 1864 to April 1865 defending the Confederate States of America.

Private Martin, then just 18, served in the 4th Alabama in the final days of the Civil War. He and his comrades marched to meet the forces of Gen. Ulysses S. Grant in Virginia, and he was 1 of only 202 members of his 1,400-man infantry to return home.

In 1927, Alberta Martin at the age of 20 married her Confederate veteran husband. They were married 5 years until he passed away in 1932.

In recognition of Alberta Martin's unique status as America's only remaining Civil War widow, the city of Elba is hosting a day in her honor on September 24. Mrs. Martin is a living tribute to the memory of America's and Alabama's history.

I salute Mrs. Alberta Martin and wish her many happy years of life at home in historic Coffee County, AL.

HONORING THE EL PORTAL WOMEN'S CLUB ON THEIR 50TH ANNIVERSARY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mrs. MEEK of Florida. Mr. Speaker, I rise today, September 17, 1996, to recognize the achievements of the El Portal Women's Club on the occasion of their 50th anniversary. For half a century, its members and their friends have worked to make the village of El Portal a better place in which to live.

In 1946, soon after the end of World War II, national optimism ran high. Men and women were uniting to forge a new homefront and community pride meant to them a great deal. It was at this time that the El Portal Women's Club set out on their great adventure. The 200 charter members of the organization came into being before El Portal had either its own police station or city hall. In fact, with no other funding available, the group raised much of the funding necessary to build such structures.

These efforts were to be only the beginning of their community activism. Over the years, they raised moneys to build the Little River Youth Center and to erect closing gates along the railroad tracks which run through their village.

In the 1960's, they began fundraising to support the fight against cancer and heart disease. They gave to the Girl Scouts and created student loans for area schoolchildren. They assisted handicapped children. They even began their own crimewatch.

In 1976, as America celebrated its bicentennial, the women's club celebrated, too, with its now legendary patriots in petticoats program. Emphasizing the history of the flag of the United States, patriots in petticoats performed over 80 shows for local citizens and dignitaries.

To this day, the women's club continue its noteworthy work, especially on behalf of area children and needy.

Today I applaud the members and past presidents of the women's club who are today joined with many former mayors, councilmembers, and police chiefs. Your work for these many years will not be forgotten. You have shown your pride for El Portal. Today, it is El Portal which is proud of you.

ARNOLD ALDERMAN HONORED FOR WORK WITH BOY SCOUTS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Ms. DELAURO. Mr. Speaker, on Thursday, September 19, 1996 the Quinnipiac Council Boy Scouts of America will hold their annual Good Scout Award Dinner in honor of Arnold J. Alderman. I am delighted to rise today to honor Arnold and the enormous contributions he has made to scouting and the New Haven community.

The Good Scout Award is given annually to an individual who embodies the spirit of scouting. In both his business and professional life, the recipient must display integrity and a commitment to serving and helping others. Further, the Good Scout Award recipient must always be an inspiration and example for our youth. Arnold Alderman is such a person.

For over 60 years, Arnold has been personally involved with scouting. He has served as scoutmaster of Troops 41, 62, 18, 52, 101 and has led Troop 41 of New Haven for more than 25 years. During this time, he has received the Scoutmaster's Key, Order of the Arrow, Shofar Award, Silver Beaver Award, Silver Antelope Award, Distinguished Eagle Award, and was selected as a Baden Powell Fellow. Arnold is frequently referred to as "Fearless Leader" by the more than 1,000 boys he has served as scoutmaster for. This nickname makes clear the respect and affection his troops feel for him.

Arnold carries his genuine concern for people into his personal life as well. He has generously given his time, talents, and so much of himself to the people of New Haven. He has been involved with the Jewish Home for the Aged, the Christ Episcopal Church Community Soup Kitchen, Inc., the Easter Seal Goodwill Industries, the New Haven Jewish Federation, the New Haven United Way, the New Haven Jewish Community Center, the New Haven Colony Historical Society, and the New Haven Citizens Action Committee. Arnold clearly embodies the ethic of service to individuals and the community that scouting seeks to instill in young people. Young people learn values by watching the adults around them. For this reason, the example Arnold provides to the scouts in his troops is invaluable.

I am pleased to join the Quinnipiac Council Boy Scouts of America in honoring Arnold Alderman. Congratulations on this well-deserved recognition.

TRIBUTE TO DR. FERNANDO CHIU HUNG CHEUNG, EXECUTIVE DIRECTOR, OCCC

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DELLUMS. Mr. Speaker, I rise to pay tribute to Dr. Fernando Chiu Hung Cheung, executive director of the Oakland Chinese Community Council [OCCC]. His commitment, hard work, and concern for the welfare of immigrants extends beyond the Chinese community. Though he appears rather quiet and mild mannered, Dr. Cheung is a fierce defender of those in need. He has personal knowledge of being an immigrant seeking a better life and willing to make great sacrifices.

Dr. Cheung was born in Macao and came to the United States in 1981. He finished his masters in social welfare at the California State University, Fresno in 1983. In 1988 he became the executive director of OCCC and pursued higher education, receiving his Ph.D. in social welfare in 1990.

Dr. Cheung's leadership was instrumental in the expansion of programs and services of OCCC. Indicative of his exceptional management ability and commitment to the goals and values of the social work profession, OCCC received the prestigious award of excellence in management from Chevron Corporation and the Management Center in 1989. Despite the adverse funding environment Dr. Cheung maintained a steady 12 percent growth rate in the agency budget. He initiated program evaluation and accountability systems to ensure improved service delivery and quality service.

Dr. Cheung's perspective on social work and social justice was not limited by the boundaries of the community his agency served. He provided leadership in advocacy for equal access to health and human services as the chair of the Multicultural Multilingual Oversight Committee for the County of Alameda. His belief in the politics of collaboration to influence and develop public policy resulted in a cross-cultural collaboration among Asian, Hispanic, African American, and Native American communities to work with local, State, and Federal governments and with private corporations to ensure an accurate census count of traditionally undercounted populations.

Dr. Cheung worked with the County of Alameda to develop and expand a major adult health care program for Asian seniors in the East Bay. Thus, the Hong Fook Adult Day Health Center was established and is now presently located at a state-of-the-art facility in a senior housing project in the heart of Chinatown.

Dr. Cheung has accepted a position to teach in a university in Hong Kong. Together with his wife, Natalie and their three children, Vincent, Vivian, and Valerie, they have taken a new challenge. Though Dr. Cheung and his family will be missed, his contribution toward improving the quality of life for the people of the East Bay will be a constant reminder of his dedication and commitment toward social equity and justice.

HONORING STEWART COCHRANE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to the life of Toledo area business and political leader Stewart Cochrane. Stu passed away in August, after a valiant struggle against illness.

A World War II veteran, Stu returned home to Toledo and established his own business. He gave his services to many civic and community groups, including Inverness and Belmont Country Clubs, Huntington Bank, the Toledo Club, the Reynolds Corners Rotary, and the Lincolnshire Association. He served as a village councilman for 20 years in Ottawa Hills, a suburb of Toledo, eventually serving as the village's police commissioner. He completed his public service as the village's mayor for 3 years. Throughout his long career of public service, he strove to put the needs of the community first, always doing so with an enthusiasm, gusto, and sense of humor that filled entire rooms with energy.

Committed to his community, Stu's presence will be missed by us all. We extend our sympathy to his wife, Sally; daughter, Paula; son, John; and sister, Bette; and his extended family and friends. Stu made a difference and made us better by believing in us. Godspeed.

TRIBUTE TO MORRIS ABBE BLOOM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to honor a constituent of the Sixth Congressional District of New Jersey. Morris Abbe Bloom, a man who has donated many years of service to charitable efforts, has unselfishly served the New Jersey shore community.

It is with great honor that I pay tribute on this day September 17, 1996, to Mr. Morris Bloom. Since the beginning of his career as the supervisor of education for the city of Long Branch in 1939 to his present position as chairman of the Board of the Drug Rehabilitation Institute, Mr. Bloom continues to touch the lives of all who know of and work with him.

His many community activities range from assisting children from broken homes to establishing funds and scholarships for students to establishing the Elder Citizens' Security Councils which offers senior citizens freedom from fear in their daily activities. Mr. Bloom has also received numerous civic and professional awards throughout his illustrious career which include the gold lifetime badge award from the Police Athletic League, the medal of honor award for distinguished performances in community activities, and man of the year in two different years for helping bring poor emigrants to the United States. Mr. Bloom is also a member of the Princeton University Club, Phi Delta Kappa, Who's Who in American Education, Who's Who in Finance and Industry, and the American Institute of Certified Public Accountants.

Mr. Speaker, it is truly heartwarming to see the fine work that Morris Bloom is responsible for and to know that there are people who still believe in helping others and giving back more to society than was given to them. Mr. Morris Abee Bloom should be applauded for his efforts and serve as a model for us all to emulate.

TRIBUTE TO THE U.S. MERCHANT MARINE IN WORLD WAR II

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DORNAN. Mr. Speaker, December 7, 1996, marks the 55th anniversary of the Japanese attack on Pearl Harbor. One group of Americans who sacrificed enormously in support of the war effort haven't enjoyed the same recognition accorded to members of the big five Services at the time, of course, there were fewer services than exist today. The merchant marine, those brave Americans who protected shipping during the war, earned the respect of their countrymen as a result of their participation in some of the most treacherous missions undertaken by U.S. forces.

During the War, some 6,795 merchant seamen, out of a total of 250,000, lost their lives at sea in defense of this Nation. In tribute to merchant marine seamen, I ask unanimous consent to enter into the RECORD the following remarks prepared by Sollie Hakam, a member of the U.S. merchant marine veterans World War II. The U.S. merchant marine has earned this Nation's gratitude:

> The Japanese attack on Pearl Harbor, December 7, 1941, found the U.S. Merchant Marine totally unprepared for the task it was called on to undertake. In order to supply our troops and allies around the world, ship yards on both the East and West Coasts went on a crash building program. They turned out Liberty and Victory ships, Oil Tankers, Troop Carriers and many other types of vessels necessary to carry supplies and arms to our fighting forces around the world. A total of approximately 6,000 ships were built and manned by 250,000 merchant seamen.
>
> At the height of World War II, 15,000,000 women and men were in the armed forces of the United States. They were located on all five continents, North America, South America, Europe, Asia and Australia.
>
> As our troops were landing on the shores and beaches around the world, they did not find accommodations to house them or restaurants to feed them. Right behind them, however, was an armada and Army Engineers to set up housing and eating facilities. In short, care of and for our troops. Also on these merchant ships were supplies and arms to complete the job of winning the war.
>
> It staggers the mind to think of 674 ships being sunk by enemy torpedoes and gun fire! 6,795 merchant seamen lost their lives, not to mention those lost by the Navy Armed Guard, who also sailed on those merchant ships. They all lie in watery graves.
>
> Our organization, the U.S. Merchant Marine Veterans of WWII, was formed to honor these men and insure the world does not forget them or the lessons of WWII. The *Lane Victory* ship is a living memorial to them.
>
> Many generals and admirals have given high praise to the Merchant Marine branch of the armed forces for a job well done.
>
> We Merchant Marine survivors of WWII can stand tall and proud for the contributions we made to bring WWII to a close!

HONORING DR. RICHARD JANEWAY AND THE BOWMAN GRAY SCHOOL OF MEDICINE

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BURR. Mr. Speaker, I rise today in support of a true example of technological innovation and disease prevention. I've just returned from the introduction of an interactive World Wide Web site that calculates nutritional value of an individual's diet. This technological innovation created by the Bowman Gray School of Medicine makes it possible for anyone with access to a computer to live a longer, healthier life. Diet is often the first step in effective health care and Dr. Richard Janeway from Winston-Salem, North Carolina has been a leader in the effort to learn more about the relationship between what we eat and how we feel.

Dr. Janeway was the Dean of Wake Forest University's Bowman Gray School of Medicine for 25 years before deciding to hand over the reigns to his successor. However, being a man of hard work and strong moral character, Dr. Janeway plans to continue his service by taking on the duties of the first distinguished professor of health care management.

Under his leadership, Bowman Gray Medical School has emerged as one of the most respected and prominent medical schools in the Nation, leading the country in research, academics, and treatment. Bowman Gray has also become the Nation's top resource for information regarding the link between nutrition and disease. Due to his diligence and persistence, Bowman Gray has also recently become one of the top employers in Forsyth County by providing 10,400 jobs for hard-working Americans.

But I know Dr. Janeway best as a good neighbor and a strong leader in North Carolina. He was one of the founders of Leadership Winston-Salem and served on two subcommittees for the Winston-Salem Foundation. He was elected to the Winston-Salem/Forsyth County board of education and served there as chairman of the policy committee and he has also been recognized by the United Way for his community services as the recipient of the Alexis de Tocqueville Volunteer Leadership Award.

Dr. Janeway has been a good friend to North Carolina and I would like to thank him for his innovation and commendable leadership.

TRIBUTE TO THE GREATEST GAMES EVER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. LEWIS of Georgia. Mr. Speaker, I take this time to pay tribute to the 1996 Olympic and Paralympic games, and to thank all the people who made these games a tremendous success.

The 1996 Olympic games were the largest athletic event ever. For the first time in history, athletes from every country in the world came to Atlanta to participate in the games. Two weeks after the close of the Olympic games, Atlanta hosted the 1996 Paralympic games, the second largest athletic event in history. Each was a great success.

Over 3 billion people, from throughout the globe, watched the Centennial Olympics in Atlanta. I would like to thank three individuals, three Atlantans, for bringing these Games to Atlanta and helping making the 1996 Olympics the greatest Olympics ever: Billy Payne, Andy Young, and A.D. Frazier. Through their dedication and hard work, they gave Atlanta the opportunity to host the Olympics and show the world what the Atlanta, capital of the New South, could accomplish.

These three individuals could not put on the Olympics by themselves. I would like to thank the staff of ACOG, the Atlanta Committee for the Olympic Games, and the hundreds and thousand of volunteers who gave their time to make sure the games were a success.

In addition, the Federal, State, and local governments all contributed to these Olympic games. President Clinton, and especially Vice President GORE, ensured that the Federal Government did all it could to help the Olympic games. I would like to thank two people in the Clinton administration in particular for their contributions to the Atlanta Games: Mack McLarty, Chairman of the White House task force on the Olympics and Paralympics; and Carol Roscoe, Special Assistant to the President on Domestic Policy. Georgia Governor Zell Miller and Atlanta Mayor Bill Campbell both dedicated much time and effort to help ACOG prepare for and stage the Olympics.

Federal Transit Administrator Gordon Linton, working with cities throughout the United States, helped provide the buses that were essential for transporting the athletes, the press, and other Olympic guests. MARTA, the Metropolitan Atlanta Regional Transportation Authority, not only provided 24-hour transportation service to spectators, but coordinated most of the Olympic's transportation system.

I also would like to thank all the law enforcement personnel that provided for the safety of the athletes and the spectators. Atlanta Police Chief Beverly Harvard and the entire Atlanta Police Department, the Georgia National Guard, the Georgia Bureau of Investigation, the State Patrol, the Secret Service, the FBI, emergency management personnel, and the Department of Defense all contributed in this effort.

Members of the business community also came together to promote the Atlanta Olympic games. In particular, I would like to recognize several local businesses which played a particularly important role in helping finance these Olympic Games. Delta Airlines, Coca-Cola, BellSouth, Home Depot, UPS, and NationsBank all stepped up to help the home town stage this great event.

However, the Olympic games were not the only great event to come to Atlanta this summer. The opening ceremonies of the 10th Paralympic games followed less than 2 weeks after the closing ceremonies of the Centennial Olympic games. Under the guidance of Andy Fleming, the Paralympic games were as much a success as the Olympic games and an inspiration to us all.

I would like to thank all the staff and volunteers of APOC, the Atlanta Paralympic Organizing Committee, for their work. In fact, APOC and Atlanta did such an excellent job of promoting athletics among the disabled that the Paralympic Organizing Committee is considering moving to Atlanta.

Several local businesses generously contributed to the Paralympics. NationsBank sponsored the torch relay, and Shepherd Spinal Cord Center and Delta were major corporate sponsors.

With the help of these people and organizations—and many others—Atlanta staged the greatest Olympic games ever, and the greatest Paralympic games ever. Congratulations to Atlanta on hosting the greatest athletic events in history. Congratulations and thanks to all those who helped make these games a tremendous success.

REMEMBER AMERICA'S PRISONERS OF WAR

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BILIRAKIS. Mr. Speaker, I commend to my colleagues the following speech which I will give on Friday, September 20:

Good afternoon everyone. I am pleased and privileged to be here to commemorate national POW/MIA Recognition Day. I would like to thank Jack Kinny for inviting me to speak to you today.

As we commemorate national POW/MIA Recognition Day, it is appropriate that we pay homage to those Americans who were taken prisoner and have since returned, and those who are listed as missing in action and presumed dead.

It isn't easy to wear the uniform of one's country. No one knows that better than a former prisoner of war. All those who have been POW's know the true meaning of freedom and have paid a tremendous price for the liberty we all cherish. Their service and sacrifice, and that of their fellow veterans, make possible our way of life.

Throughout the history of the United States, in six major wars spanning 219 years, more than 500,000 Americans have been taken prisoner. Each of these courageous men and women has experienced horrors unimaginable in the annals of civilized existence. Most endured long-term deprivation of freedom, the loss of human dignity, and many today continue to experience prolonged battles with various disabilities.

How can we possibly acknowledge their sacrifices or their memories in the context of how they survived or how they perished?

National POW/MIA Recognition Day provides us with a limited comprehension of the terror that these great Americans endured in service of their country. While we can never fully comprehend the suffering they experienced, we must respect their unwavering dedication to life.

Despite the suffering inflicted upon them, American POW's have demonstrated an unfailing devotion to duty, honor and country. Their service helped preserve our freedom through two World Wars, regional conflicts of the cold war era and since. They have given more than most Americans will be called upon to give for their country.

An inscription of a World War II cemetery reads:

When You Go Home
Tell Them of Us and Say
For Your Tomorrow
We Gave Our Today.

In the Revolutionary War, more than 20,000 Americans were taken prisoner and 8,500 of them died in captivity.

During the Civil War, an estimated 194,000 Union soldiers and 214,000 Confederates became prisoners of war. Between the North and the South, 56,194 Americans died in captivity, mostly from disease.

In World War I, 4,120 Americans were taken prisoner—147 of them died in captivity forcing a third Geneva Convention covering the humane treatment for prisoners of war.

No one could ever perceive or comprehend the absolute barbaric treatment American prisoners experienced in World War II, especially at the hands of the Japanese. In the Pacific, 11,107 Americans, or 40 percent of those taken prisoners died in captivity. In contrast, of the 93,941 taken prisoner in Europe, all but 1,121, or 1 percent, were released.

Once again, outrage prompted the world community to pass four new Geneva Conventions. In August 1949, the new treaty strengthened the former ones by codifying the general principles of international law governing the treatment of civilians in wartime. Included in that treaty was a pledge "to treat prisoners humanely, feed them adequately, and deliver relief supplies to them." Additionally, prisoners of war would not be forced to disclose more than minimal information to their captors.

These new provisions were soon tested during the Korean war where 8,177 Americans were classified as missing in action, and another 7,140 were identified as prisoners of war. Between April and September 1953, a total of 4,418 POW's were released by the Communist Chinese, leaving 2,722 Americans unaccounted for. Five months later, in February 1954, the United States declared the remaining 8,177 Americans missing and presumed dead.

Perhaps more than any war, Vietnam continues to illustrate the complexity of the POW/MIA issue. In 1973, the Pentagon listed almost 3,100 Americans as POW/MIA's. In April 1973, 591 Americans were released by the North Vietnamese. Currently, 2,146 Americans are still missing and unaccounted for from the Vietnam war.

For more than 20 years, the families of those men classified as missing in action have suffered the anguish of now knowing whether their sons, their fathers or husbands are alive or dead.

Throughout my congressional career, I have cosponsored numerous pieces of legislation designed to resolve this issue once and for all. The 1996 National Defense Authorization Act codified and made more rigorous the policies and procedures for the accounting of military personnel who are missing.

As a cosponsor of the Missing Service Personnel Act, I was pleased that the provisions of this bill were finally enacted into law with passage of the Defense Authorization Act. Unfortunately, the gains that were made just a few months ago, have been mitigated in the 1997 Defense Authorization Act, H.R. 3230, which was recently approved by Congress. This bill includes provisions that make the statutes enacted earlier this year substantially less rigorous and restrictive.

As a long-time activist on the POW/MIA issue, I am extremely disappointed by this latest turn of events. Therefore, I became an original cosponsor of H.R. 4000, legislation which was introduced by Representative Dornan on August 2, 1996. This bill restores the provisions of the Missing Service Personnel Act which will be repealed upon the enactment of H.R. 3230.

H.R. 4000 is supported by all major veterans organizations and POW/MIA family organizations including, the American Legion, the Disabled American Veterans, the National Vietnam Veterans Coalition, the Marine Corps League, Vietnam Veterans of America, the Korean and Cold War Families Association and the National Alliance of POW/MIA Families.

The bill has 255 cosponsors and was recently approved by the National Security Committee by a vote of forty-five to zero. You can be certain that I will work with my colleagues to secure the passage of this important legislation.

Recently, the board of commissioners for Pasco County passed a proclamation recognizing and expressing its gratitude to those who have sacrificed their freedom in service of our country. The commission pledged to do all it could to ascertain information regarding the well-being of any Pasco County resident who has been declared missing in action or taken prisoner and to act to ensure their safe return. I understand there is an effort under way to have similar proclamations approved by other counties across Florida and the Nation.

We have a responsibility to determine to the fullest extent possible the fate of our missing personnel and to share that information with next of kin. A service member deserves to know that we will do everything in our power to account for their whereabouts if he or she is reported missing. Therefore, I want to commend the members of Florida VETPAC who initiated the proclamation and the Pasco County board of commissioners for their actions.

Recently, we lost a great American and a patriot, Jimmy Young, who was committed to resolving the fate of our missing service members. He played an important role in the passage of this POW/MIA proclamation. With his wife Maria, his family and fellow veterans, I mourn the passing of a fine military veteran, and I salute his memory.

I also want to commend those of you here who have also made the fate of our missing service members a matter of personal concern. Gaining the fullest possible accounting for our MIA's must be a high national priority, not just in word, but also in deed. Your efforts have brought America's missing to the forefront of the Nation's conscience—which is just where they should be.

National POW/MIA Recognition Day allows us to keep the memories of our missing service members alive and it serves as a poignant reminder of the sacrifice and commitment of all the American men and women whose patriotism has been tested by the chains of enemy captivity.

Their experiences underscore our debt to those who place their lives in harm's way and stand willing to trade their liberty for ours. As a nation, we must always remember the sacrifices made by Americans who were captured and returned home as well as those still listed as missing in action.

HONORING MARY JANE HAASE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. JACOBS. Mr. Speaker, from the Dubuque Telegraph Herald, I place in the RECORD the obituary of the distinguished Mary Jane Haase whose son, David Haase, in turn, is among the most distinguished of American Journalists:

MARY JANE HAASE

Services for Mrs. C.L. "Larry" (Mary Jane) Haase, 73, 1495 University Ave., formerly of 1275 Atlantic St., will be at 10 a.m. Wednesday at Nativity Catholic Church.

Burial will be in Mount Calvary Cemetery. Friends may call from 2 to 9 p.m. Tuesday at Behr Funeral Home, 1491 Main St., where the Catholic Daughters of the Americas, Court 1287, will recite the rosary at 4 p.m. and there will be a parish wake service at 8 p.m.

Mary Jane was born on May 1, 1923, in Louisburg, Wis., daughter of Phillip and Gertrude (Brandt) Larkin. She died of leukemia at 4:25 p.m. Saturday, July 13, 1996, at home.

She married C.L. "Larry Haase on Dec. 27, 1945, at St. Joseph's Catholic Church, Sininawa, Wis.

She was a graduate of St. Clara Academy, Sinsinawa. She was an active member of Nativity Parish and its rosary society. She was a daily attendee at Mass, a sacristan, money counter and funeral dinner provider as well as a worker at many parish functions. She was an active volunteer at Nativity School and was a Mercy Health Center volunteer. She was a member of the Catholic Daughters of the Americas, Court Dubuque 1287, the St. Francis of Rome Mothers' Club; American Legion Auxiliary; and the Linn County Cabane Unit of the 40 & 8 Society. Mary Jane knew the true meaning of hospitality—her heart and her home were open to everyone.

Surviving are her husband, C.L. "Larry" Haase; three daughters, Yvone H. "Bonnie" (Edward) Ciszczon, of Phoenix; Kathy A. Scremin, of Dubuque, and Michelle M. (Gary) Becker, of Asbury Iowa; two sons, David L. (Elizabeth) Haase, of Springfield, Va., and Mark P. (Barbara) Haase, of Ridgecrest, Calif. 12 grandchildren, Brian, Heather and Anne Ciszczon, Richard and Alexandra Haase, Gretchen, Marc and Sara Scremin, Adam and Jacob Haase and Abby and Andrew Becker; a sister, Shirley A. (Donald) Feldman, of Dubuque; and five brothers, Kenneth P. (Mary) Larkin, of Las Vegas, Norman P. (Eunice) Larkin of Cuba City, Wis., Eugene L. (Delma) Larkin, of Kankakee, Ill., Ronald V. (Jackie) Larkin, of East Durbuque, Ill., and Patrick H. (Treasure) Larkin, of Freeport, Ill.

She was preceded in death by three sisters, Kathleen and Bernice Larkin and Mrs. Vincent (Geraldine) Vosberg; and a brother, Leonard Larkin.

A Mary Jane Haase Memorial Fund has been established.

FEDERAL AVIATION AUTHORIZATION ACT OF 1996

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DELAY. Madam Speaker, I rise today in support of the Airport Privatization Pilot Program, which was included as part of H.R. 3539, the FAA Authorization Act of 1996.

I would first like to thank our Chairman, Mr. SHUSTER, and the Aviation Subcommittee Chairman, JIMMY DUNCAN, for their foresight and strong leadership on the issue of airport privatization. Because of Chairman DUNCAN's hard work, the legislation which we are considering today includes an airport privatization pilot program which provides for a limited test of airport privatization.

I believe that local and State governments should have the discretion to consider airport privatization. I also understand, however, that some airport users are skeptical about the private ownership of airports. This airport privatization pilot program has been carefully crafted to address these concerns by permitting the privatization—by sale or long-term lease—of up to six airports, while explicitly protecting the interests of the airport users and the Federal Government at each privatized facility. The pilot program protects the airlines and general aviation from undue price increases at a privatized airport by capping rates and charges at the rate of inflation. It explicitly prohibits discriminatory access policies, safeguarding general aviation users. And, I must emphasize, it does not create any new opportunities for airport revenue diversion.

Cities and counties should have the discretion to consider airport privatization as a means to fund needed capital improvements and promote economic development. It is clear that federal airport development resources will be limited. And, many cities need to create new capacity at their existing airports to meet surging demand for air services, creating pressure on cities and counties to consider alternative sources of capital.

At the same time, there are well-capitalized, experienced American companies looking for opportunities to invest in domestic airport facilities. But, as is the case far too often, the Federal Government is standing in the way. Cities and counties do not have the discretion, because of outdated Federal policies, to even consider private sector solutions to fund otherwise unaffordable airport capital improvements and bring market-driven management efficiencies to their facilities.

State and local governments should have the discretion to consider airport privatization as a means for promoting economic development. First, airport privatization can help attract new businesses to a community. The quality of an area's airport is a key factor for companies looking to relocate or build new facilities. Airport privatization can be a tool for State and local governments to make capital and operating improvements at an airport without further burdening the taxpayers.

Second, airport privatization can increase property, sales, and income tax revenues. The sale of an airport facility adds a valuable piece of realty to the local property tax base. And, the new jobs and retail sales created at a privately-operated airport will increase income and sales tax receipts.

Third, cities and counties may recover their capital and operating investments in an airport facility from the proceeds of an airport sale or long-term lease transaction.

For all of these reasons, I believe that the airport privatization pilot program will provide for a meaningful test of airport privatization, permitting a limited number of State and local governments the discretion to employ innovative management solutions to help meet their infrastructure needs. Again, I commend Chairmen SHUSTER and DUNCAN for their hard work on this measure.

CONGRATULATIONS ON 85TH ANNIVERSARY OF REPUBLIC OF CHINA NATIONAL DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BURTON of Indiana. Mr. Speaker, on the occasion of the 85th National Day of the Republic of China, I would like to convey my greetings and congratulations to President Lee Teng-hui and the people in Taiwan.

The Republic of China on Taiwan is the 7th largest trading partner with the United States and the 17th largest trading country in the world. The Republic of China on Taiwan is an excellent example to the third world of how a free market system can achieve economic success in tandem with democracy. The Republic of China on Taiwan has achieved one of the highest standards of living in all of Asia, coupled with respect for human rights, freedom of speech, and full-fledged pluralism.

Such a country deserves to be a participant in the international community, namely, all international organizations. But the Republic of China has always been isolated by the People's Republic of China. I want to reiterate here an unfair situation of Republic of China's accession to the World Trade Organization.

The Republic of China applied to the GATT Secretariat for membership on January 1, 1990. Because the WTO was established in January 1995 to replace GATT after 1996, the Republic of China reapplied to the WTO Secretariat for membership on December 1, 1995. Under the pressure of the People's Republic of China, a political understanding among members—including the United States—of WTO was reached which promised that the People's Republic of China should be admitted to the WTO earlier than the Republic of China. But the People's Republic of China is still reluctant to remove obstacles to comply with WTO criteria, therefore the Republic of China has to wait even though they are ready to fulfill all obligations as a WTO member.

I believe that the Republic of China on Taiwan's accession to WTO should be considered separately with the People's Republic of China's. Whoever reaches the criterion first, should join the WTO first. It is unfair and unjust to ask Taiwan to wait for the People's Republic of China joining the WTO first.

I would like to enter into the CONGRESSIONAL RECORD that I praise the Republic of China's endeavors in its bid to join the WTO, and I maintain that political pressure from the People's Republic of China should not hinder the Republic of China's accession to the WTO.